

Executive Branch Ethics Commission  
**ADVISORY OPINION 07-27**  
June 29, 2007

**RE:** May an agency solicit sponsorship for a Kentucky Employees Charitable Campaign event and print co-sponsors names on t-shirts to be distributed?

**DECISION:** Yes, within limitations.

This opinion is issued in response to your August 9, 2007, request for an Advisory Opinion from the Executive Branch Ethics Commission (“Commission”). This matter was reviewed at the August 24, 2007, meeting of the Commission and the following opinion is issued.

You state that your agency is currently involved in raising funds for the 2007 Kentucky Employees Charitable Campaign. You indicate that one of the events planned by KECC organizers at your agency is a five kilometer run and fun walk. This event would be open to all persons who wished to participate. One of your organizers has asked whether they may approach local businesses and solicit their assistance as a “co-sponsor” of the event. As an incentive for a “co-sponsor,” you would like to print the names of the businesses on the back of t-shirts that would be given to all participants of the event. You emphasize that these solicitations would be very carefully directed only toward persons or businesses in the community that are not regulated by your agency, and with whom your agency has not engaged in business in the past, is not currently engaged in business, and would not be engaged in business in the foreseeable future.

KRS 11A.055(1) provides:

1) Any provision of KRS Chapter 11A to the contrary notwithstanding, a state agency or a public servant may raise funds, either individually or as a department or agency, for a charitable nonprofit organization granted a tax exemption by the Internal Revenue Service under Section 501c of the Internal Revenue Code without violating the provisions of this chapter. Raising of funds shall include but not be limited to holding events for the benefit of the charitable organization, contacting potential donors, providing prizes, and engaging in other forms of fundraising and providing the funds thus raised to the charitable organization.

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On the basis of KRS 11A.055(1), employees of your agency are permitted to solicit sponsorship from local businesses as long as such solicitation is for the benefit of KECC, a charitable nonprofit organization granted a tax exemption by the Internal Revenue Service under Section 501c of the Internal Revenue Code. Nevertheless, the Commission does caution that great care still should be exercised in soliciting donations from corporations or individuals when a possible conflict may exist due to a regulatory or a business relationship, so your intention to avoid soliciting sponsorship from such entities, while not specifically required because of KRS 11A.055(1), is commendable.

In regard to your proposal to recognize such sponsorship by printing the names of “co-sponsors” on t-shirts to be given to participants, the Commission has consistently stated that a state agency should not publicly recognize a private product or company, or acknowledge a corporate donor, in the newspaper or television plugs. See Advisory Opinion 02-21. While this opinion was issued prior to the enactment of KRS 11A.055, the Commission still believes that state agencies must take care not to publicly and actively endorse or promote one private company over another, even if such endorsement is for fundraising as allowed in KRS 11A.055(1). See Advisory Opinion 03-27.

However, in Advisory Opinion 02-33, the Commission stated that although active endorsement of a private company by a state agency is impermissible, the placement of a plaque or marker to identify a public/private partnership does not rise to the level of active endorsement by a state agency. Similarly, the Commission believes that as long as neither your agency, nor any employees on behalf of your agency, actively endorses or acknowledges the co-sponsors of the event through a public statement, your agency would not be prohibited from allowing the names of co-sponsors of the event to be printed on the back of t-shirts that will be given to participants of the event. The Commission does not believe that such acknowledgement of the co-sponsors rises to the level of being a “public endorsement” by your agency of such co-sponsors.

Sincerely,

**EXECUTIVE BRANCH ETHICS COMMISSION**

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By Chair: John A. Webb

Attachment: Advisory Opinion 02-21  
Advisory Opinion 02-33  
Advisory Opinion 03-27