

EXECUTIVE BRANCH ETHICS COMMISSION
ADVISORY OPINION 92 - 2

September 28, 1992

RE: Fish and Wildlife Officer/Barren River Lake Marina

In response to your August 12, 1992, request, the Executive Branch Ethics Commission (the "Commission") hereby issues the following advisory opinion in regards to the transaction of business between a marina on Barren River Lake owned by your client, a Fish and Wildlife Officer, and other state officers operating on the lake. Specifically, you request whether it is permissible for such state officers to do business (e.g., purchase gasoline) from your client's marina. We understand that your client owns 100% of the marina.

This situation presents the likely violation of two prohibitions contained in Senate Bill 63. First, Section 6(2) of the law prohibits a public servant from "knowingly receiv[ing], directly or indirectly, any interest or profit

Second, Section 6(4) of Senate Bill 63 prohibits a public servant from knowingly "enjoy[ing], in whole or in part, any . . . sale, or purchase made . . . by any state agency." Again, to the extent state officers expend state monies to purchase gasoline from your client's marina, your client, impermissibly enjoys a profit from the use of state funds.

Your client should immediately desist from the transaction of any business with state officers on Barren River Lake. A copy of this advisory opinion is being sent to the Department of Fish and Wildlife to further ensure compliance with Senate Bill 63. Thank you.