

EXECUTIVE BRANCH ETHICS COMMISSION
ADVISORY OPINION 93 – 24

June 7, 1993

RE: State agency inquires of Property Valuation Administrators' responsibilities under the Executive Branch Code of Ethics and of conflict between Cabinet's policy and Executive Branch Code of Ethics.

This letter is in response to your request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the June 7, 1993, meeting of the Commission and the following opinion is issued:

In response to an advisory opinion (92-10) issued by the Commission which concluded Property Valuation Administrators ("PVAs") are covered by the Executive Branch Code of Ethics, you are educating PVAs and deputies of their responsibilities. In your effort to do so, you are inquiring if PVAs are required to file the annual Statement of Financial Disclosure and if the Executive Branch Code of Ethics disallows PVAs to employ relatives.

Regarding your first inquiry, the relevant facts you have provided from the Kentucky Revised Statutes and Attorney General's Opinion are as follows: The PVA office is funded from four sources: county appropriation, city appropriation, state appropriation and miscellaneous income. Once appropriated, these monies are state funds.

After receiving an approved budget from the Revenue Cabinet, PVAs may purchase materials, supplies and equipment necessary for the performance of their job.

In considering this request, the Commission took note of the following provisions:

KRS 11A.010(7) provides:

"Officer" means all major management personnel in the executive branch of state government, including the secretary of the cabinet, the Governor's chief executive officers, cabinet secretaries, deputy cabinet secretaries, general counsels, commissioners, deputy commissioners, principal assistants, division directors, members and full-

time chief administrative officers of the Parole Board, Board of Tax Appeals, Board of Claims, Public Service Commission, Worker's Compensation Board and its administrative law judges, the Occupational Safety and Health Review Commission, the State Board for Elementary and Secondary Education, the State Board for Adult and Technical Education, and any other management personnel with procurement authority.

KRS 11A.050(1) provides:

Each officer and each public servant listed in KRS 11A.010(9)(a) to (i) shall file a statement of financial disclosure with the commission, as follows:

The Commission considers PVAs major management personnel with procurement authority, and thus, "officers". All officers are required to file an annual statement of financial disclosure. The Commission concludes PVAs are required to file the statement of financial disclosure in accordance with KRS 11A.050.

Regarding your second inquiry, the Executive Branch Code of Ethics does not specifically prohibit the employment of relatives in PVA offices. However, KRS 11A.020(1)(a) and (c) do provide:

KRS 11A.020:

(1) No public servant, by himself or through others, shall knowingly:

(a) Use or attempt to use his influence in any matter which involves a substantial conflict between his personal or private interest and his duties in the public interest;

...

(c) Use his official position or office to obtain financial gain for himself or any members of the public servant's family;

The Commission envisions certain circumstances where conflicts of interest could arise under such employment. The Commission encourages your agency to follow policies to avoid any real or perceived conflict of interest in this area.

You also have asked whether any conflicts exist between your agency's policy regarding gifts and gratuities and the Executive Branch Code of Ethics. The Commission finds no conflicts between the two and commends your agency for developing in-house policy on ethics matters.