

EXECUTIVE BRANCH ETHICS COMMISSION
ADVISORY OPINION 93 – 27

June 7, 1993

RE: Secretary of a Cabinet asks whether participation in charitable golf tournament is allowed.

This letter is in response to your May 13, 1993, 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:

You state the relevant facts as follows. You have been invited by a city organization to participate in a charitable golf tournament within the state. The invitation is extended to you because of your position in state government. As a result of attending the tournament, you hope to create goodwill for the Cabinet and make contacts with people involved in activities relative to your cabinet. The entrance fee for participation in the tournament is waived, and you plan to take the day off in order to attend.

In considering the request, the Commission takes note of provisions in KRS 11A.020(1)(c) and (d):

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

...

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

(d) Use or attempt to use his official position to secure or create privileges, exemptions, advantages, or treatment for himself or others in derogation of the public interest at large.

The Commission sees no violation of the above statute. Although your official position affords you the opportunity to participate in such a tournament, the Commission concludes you have obtained no financial gain. We take particular note that all proceeds from the event go to charities in our state. In addition, we see no attempt to create an advantage for yourself or the sponsoring organization in derogation of the public interest at large.

We emphasize your responsibility to uphold the public confidence in the integrity of its government.