

EXECUTIVE BRANCH ETHICS COMMISSION
ADVISORY OPINION 93 – 50

September 20, 1993

RE: Trade organization wishes to invite state employees to annual banquet.

This opinion is in response to your August 31, 1993, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the September 20 1993, meeting of the Commission, and the following opinion is issued.

You state the relevant facts as follows. You serve as president of a trade association which represents the collective interests of 29 electric cooperatives in the state. Annually your association sponsors a two-day meeting including a banquet. You normally invite the state constitutional officers and other state employees with whom you associate (including some employees of the Public Service Commission) to this banquet. A meal and beverages are provided at the banquet, but no lodging or travel expense is paid. You wish to know if executive branch employees may attend the banquet.

The Commission takes note that the electric cooperatives represented by this association are regulated by the Public Service Commission. Accordingly, the Commission views this in light of KRS 11A.005(1) which states in part:

(1) It is the public policy of this Commonwealth that a public servant shall work for the benefit of the people of the Commonwealth. The principles of ethical behavior contained in this chapter recognize that public office is a public trust and that the proper operation of democratic government requires that:

(a) A public servant be independent and impartial;

...

(d) The public has confidence in the integrity of its government and public servants.

The acceptance of these meals and beverages may appear to be a conflict of interest for state employees who are involved in the regulating of these electric cooperatives. The Commission believes that state employees involved in the regulating of electric cooperatives should not accept food and refreshments from the association that represents the cooperatives. If these employees wish to attend the banquet, they should pay for their own meals and beverages in order to support public confidence in the impartiality of the regulatory process.

State constitutional officers and other state employees may attend the banquet and accept a meal and beverages if they have no regulatory control over these cooperatives. If the

trade association is required by KRS Chapter 11A to register as a lobbyist with the Commission, then a statement of expenditures under KRS 11A.216 must be filed to report these expenditures.