

EXECUTIVE BRANCH ETHICS COMMISSION
ADVISORY OPINION 93-68 *AMENDED BY AO 95 – 4*

November 22, 1993

RE: Which entities are executive agencies and who is an executive agency official?

This opinion is in response to your October 15, 1993, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the November 22, 1993, meeting of the Commission, and the following opinion is issued.

You state the relevant facts as follows. Advisory Opinion 93-41 concludes that the office of the Property Valuation Administrator of a county is an "executive agency" under KRS 11A.201(6). The "Office of PVAs" is listed as an executive agency in the Initial Registration Statement. You ask whether other local officials, whose offices are not listed in the Initial Registration Statement as executive agencies, are executive agency officials. Additionally, you ask for a list to be published by the Commission including all executive agencies and executive agency officials within the meaning of KRS 11A.201.

KRS 11A.201(8) and (10) provide:

(6) "Executive agency" means the office of an elected executive official, a cabinet listed in KRS 12.250, or any other state agency, department, board, or commission controlled or directed by an elected executive official or otherwise subject to his authority. "Executive agency" does not include any court or the General Assembly.

(10) "Executive agency official" means an officer or employee of an executive agency whose principal duties are to formulate policy or to participate directly or indirectly in the preparation, review, or award of contracts, grants, leases, or other financial arrangements with an executive agency;

The Commission believes that local officials other than PVAs are not considered "executive agency officials" of state government. Conversely, property valuation administrators are officials of the Revenue Cabinet which is an executive agency of state government.

The Commission has determined that all agencies (excluding universities, judicial and legislative entities) which are a part of the financial reporting entity of the Commonwealth of Kentucky are considered executive branch agencies under KRS Chapter 11A. The listing of these agencies (a copy of which is attached) is a part of the Initial Registration Statement for executive agency lobbyists.

The Commission is not able to provide a listing of every "executive agency official" because this will vary between agencies.