

EXECUTIVE BRANCH ETHICS COMMISSION  
ADVISORY OPINION 94 - 34

---

May 17, 1994

RE: Do Habitat for Humanity volunteer activities of an inspector employed by the Department of Housing, Buildings and Construction, in the Public Protection Cabinet create appearance of impropriety?

DECISION: No, as long as inspector does not solicit goods or services from those regulated by or doing business with inspector's agency.

This opinion is in response to your May 3, 1994, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the May 17, 1994, meeting of the Commission, and the following opinion is issued.

You state the relevant facts as follows. You are a building codes inspector within the Department of Housing, Building and Construction of the Public Protection and Regulation Cabinet. You perform inspections to determine whether building construction is in compliance with building plans which have been approved by the plan review staff of your department.

You have questions concerning several volunteer activities in which you are involved. These activities consist of construction-related services. You serve on the construction committee for the local chapter of Habitat for Humanity, an organization which builds low cost homes for people who cannot afford a down payment and conventional home loan. In this capacity, you act as construction coordinator for other volunteers. In addition, you solicit goods and services for this organization. A local electrical contractor has agreed to provide labor and materials for a house currently under construction.

Secondly, you have agreed to head a committee to design and construct a "creative playground" for a new county park. Architectural services for this project have been donated by a local architect.

In your state position you are not usually involved in the inspection of building construction designed from plans of the local architect or involving the electrical contractor. However, your agency sometimes does inspect the local architect or electrical contractor if they are involved in building construction requiring approval by the Department.

KRS 11A.005(1)(a) and (d) state:

(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 Commission believes your volunteer activities are not prohibited under the Executive Branch Code of Ethics, except that as an inspector for the Department, you should not solicit goods or services from any person or business which your agency regulates. Your solicitation of goods or services from someone regulated by your department creates a conflict of interest in appearance, if not in fact.

