
ADVISORY OPINION 94 - 50

September 13, 1994

RE: Is it a violation of KRS Chapter 11A for state employees to accept donations and sponsorships for charitable events from businesses with which the employee's agency does business?

DECISION: Yes

This opinion is in response to your August 26, 1994, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the September 13, 1994, meeting of the Commission, and the following opinion is issued.

You state the relevant facts as follows. You are the President of the United Way of Kentucky, the administrator of the Kentucky Employees Charitable Campaign ("KECC"). The KECC is the charitable payroll deduction campaign for state employees. In addition to state employee payroll deductions, KECC organizes special events and fund-raising activities to further its goals.

You state that you understand that the Commission has issued an advisory opinion ruling that state employees may not request charitable contributions from businesses with whom their agency has a contract. [Advisory Opinion 94-21, issued April 19, 1994]. In that opinion, the Commission relied on KRS 11A.005(1)(a) and (d) which states

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

The Commission found that accepting "donations from outside consultants, contractors, and suppliers who do business with your agency creates a conflict of interest for those employees who are organizing the fund raiser. Thus [state employees] should not solicit sponsors or accept donations from entities who do business with [the state employee's agency]." (Emphasis added.)

You ask whether state employees may accept donations from businesses with which their agency has no contract but may conduct some business. You give two examples: (1) May employees accept a donation of ground meat for a chili supper from a local supermarket if occasionally someone makes purchases on behalf of the cabinet or agency at that supermarket? (2) May a donation of soft drinks to be served or sold at a special event be accepted from a department store if the cabinet or agency sometimes buys office supplies there?

Despite the worthy cause involved here, the Commission stands by its position as stated in previous opinions (93-45, 93-56, and 94-21): an executive-branch employee should not solicit or accept donations from those who do business with or are regulated by the employee's agency.

Additionally, you ask if state employees may approach businesses for sponsorship of events such as walk-a-thons for charity. We believe state employees may not, as stated in the paragraphs above.

When executive-branch employees undertake fund drives in the name of an employee group or state agency, we believe their primary goal should be to raise money for charity from among state employees, not from the business community.

As has been done in the past, the Commission commends state employees who take part in charitable activities on their own time, and it encourages employees to seek methods of fund raising other than soliciting or accepting donations from those who do business with or are regulated by their agencies.