

**ADVISORY OPINION 94 - 59      AMENDED November 10, 1994**

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RE:                    May the Governor's mansion be used for political fund-raising events?

DECISION:          Yes, with limitations.

Advisory Opinion 94-59 was issued October 13, 1994, in response to a September 30, 1994, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). Advisory Opinion 94-59 was reconsidered at the November 10, 1994, meeting, and the following amended opinion is issued.

You provide the relevant facts as follows. You requested an Attorney General's opinion regarding several issues related to the use of the Governor's mansion for political purposes. The Attorney General referred you to the Commission concerning certain issues related to KRS Chapter 11A.

You ask whether the use of the Governor's mansion for partisan political fund-raising events is an appropriate use of state property considering the provisions of KRS 11A.020(1)(d). If so, you ask if other political candidates and parties may have equal opportunity to use the mansion? Your final question, over which the Commission has jurisdiction, is whether the use of state personnel in providing refreshment preparation or service, janitorial service, parking service, security, or planning for the event is a violation of statute.

KRS 11A.020(1)(d) provides:

**11A.020 Public servant prohibited from certain conduct -- Disclosure of personal or private interest.**

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

...

(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.

In light of an opinion issued September 29, 1994 by Thomas R. Emerson, Assistant Attorney General, of the Attorney General's Office, which states that the mansion is a residence facility provided by statute for the use of the Governor and not statutorily required to be open to the public, the Commission believes the Governor's mansion may be used for lawful private purposes including political fund-raising events.

However, if the mansion is used for a political fund-raising event, the state treasury shall be promptly reimbursed for any costs to the state for such events.