

EXECUTIVE BRANCH ETHICS COMMISSION
ADVISORY OPINION 95-8
March 23, 1995

RE: May employee purchase sporting event tickets from vendor?

DECISION: Yes, as long as tickets are available to the public and amount paid for tickets is substantially the same as the market value of the ticket.

This opinion is in response to your March 3, 1995, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the March 23, 1995, meeting of the Commission, and the following opinion is issued.

You ask whether an executive branch employee may purchase from a vendor of the employee's agency tickets to a sporting event, if the purchase price paid by the employee is the full face value of the tickets.

KRS 11A.005(1)(c) and (d) provide:

11A.005 Statement of public policy.

(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:

....

(c) A public servant not use public office to obtain private benefits; and

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

The Commission issued Advisory Opinions 93-81 and 94-63 (copies of which are enclosed) which in most cases prohibit employees from accepting gifts from vendors. While these opinions do not prohibit purchase of items from vendors at face value, the fact that you are considering buying tickets from a vendor, instead of directly from the event's box office, suggests that these tickets may not be available to the general public, or, due to their restricted number, may have a market value greater than the face value. If either is true, you should not buy such tickets from the vendor, even at face value. By making such tickets available to you, the vendor could be seen as doing you a favor. Such a purchase would give at least the appearance of impropriety.

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An executive branch employee may purchase tickets at face value from vendors as long as the purchase price of the tickets is not less than the market value of the tickets, and such tickets are available to the general public. However, public servants need to take great care not to give the appearance of a "cozy" relationship with their agency's vendors or with entities over which their agencies have regulatory control.

EXECUTIVE BRANCH ETHICS COMMISSION

By: Livingston Taylor, Chairman