

EXECUTIVE BRANCH ETHICS COMMISSION

ADVISORY OPINION 96-11

March 19, 1996

RE: May employee accept meals and travel expenses from non-profit organizations?

DECISION: Yes, as long as organizations are not regulated by or seeking funds from the agency for which the employee works.

This opinion is in response to your January 26, 1995, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the March 19, 1995, meeting of the Commission, and the following opinion is issued.

You state the relevant facts as follows. You are employed by the Department of Local Government in the Division of Development Finance and have been assigned staff responsibilities for the Kentucky Flood Control Advisory Commission, an entity attached to the Department for administrative purposes. The Flood Control Advisory Commission's primary purpose is to advise the Governor and the General Assembly on questions relating to Kentucky's water resources, including flood-prevention and flood-relief programs. In addition, you administer the fund which assists local communities with Corps of Engineers flood control projects.

You are also involved in various community organizations and ask if your service for any of the organizations creates a conflict of interest between your private interest and your duties in the public interest. These organizations include a site based council and other committees of a local school system; Resource, Conservation and Development Councils (agencies of the United States Department of Agriculture); *Appalbanc*, a community development financial institution; and the Mountain Association for Community Economic Development ("MACED"). Specifically, you ask whether you may accept travel expenses and meals from these entities in your capacity as a board member.

KRS 11A.020(1)(a), (c) and (d) provide:

- (1) No public servant, by himself or through others, shall knowingly:
 - (a) Use or attempt to use his influence in any matter which involves a substantial conflict between his personal or private interest and his duties in the public interest;
 - ...
 - (c) Use his official position or office to obtain financial gain for himself or any members of the public servant's family; or
 - (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.

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The Commission opined in Advisory Opinions 93-81 and 94-63 (copies of which are enclosed) that a state employee should not accept meals or travel expenses from any person or entity that is regulated by or seeking funds from the agency for which the employee works, or from any group or association which represents such persons or businesses. If any of the organizations of which you are a member seeks funds from or have a business or regulatory relationship with the Department for Local Government, you should not accept meals or travel expenses from that organization.

The Commission does not believe the opinions referred to above prohibit you from accepting meals from a school system in the performance of your service for the local school. Local school systems are not regulated by or seeking funds from the Department for Local Government. From the information provided, the Commission cannot determine whether any relationships exist between the Department and the other organizations.

You are not prohibited from serving as a board member for private organizations as long as such service does not conflict with your responsibilities in your position with the Department. In order to avoid any conflicts of interest, the Commission recommends that you refrain, in your official capacity, from any decisions or discussion concerning the nonprofit organizations which you serve as board member.

EXECUTIVE BRANCH ETHICS COMMISSION

BY: Lynda M. Thomas, Vice Chair

Enclosure: AO 93-81
AO 94-63