

EXECUTIVE BRANCH ETHICS COMMISSION

**ADVISORY OPINION 96-21**

July 2, 1996

RE: May agency receive corporate donations to help promote the sale of environmental license plates?

DECISION: No.

This opinion is in response to your March 7, 1996, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the May 14, and July 2, 1996, meetings of the Commission, and the following opinion is issued.

You state the relevant facts as follows. The Kentucky Heritage Land Conservation Fund (the "Fund") was established for the purpose of acquiring and managing lands which are natural areas for rare or endangered species, are important areas for migratory birds, perform important natural functions, or are areas to be preserved for public recreation and education. The Fund is administered by a twelve member Board, including one representative each from the Department of Parks, the Kentucky Nature Preserves Commission, the Department for Natural Resources, the Department of Fish and Wildlife Resources, and the Environmental Council. Other members represent various environmental, nature and sportsman organizations. The Board receives staff support from the Natural Resources and Environmental Protection Cabinet and the Department of Fish and Wildlife Resources, and the Fund is attached to the Natural Resources and Environmental Protection Cabinet for administrative, budgeting and capital planning and reporting purposes. The Fund receives financial support for funding, in part, through environmental license plate sales, administered by the Transportation Cabinet and local county clerks.

Fifty percent (50%) of the moneys in the Fund is allocated on an equal basis to the following state agencies:

- Department of Parks
- Department of Fish and Wildlife Resources
- Natural Resources and Environmental Protection Cabinet,  
Division of Forestry
- Natural Resources and Environmental Protection Cabinet,  
Division of Water, Wild Rivers Program
- Kentucky Nature Preserves Commission.

The remaining fifty percent (50%) is allocated by the Board to state agencies, local governments, and state colleges and universities.

You are working with representatives from the five recipient agencies to promote the sale of environmental license plates. Each agency represented has used resources from within its own budget to help market the program. You ask whether any of the agencies listed above, who are not involved in the regulation of business or industry, may accept donations from corporate sponsors to help market this program. Specifically, you ask if a large corporation which is regulated by the Natural Resources and Environmental Protection Cabinet may provide funding to develop and print a promotional brochure describing the program, if the contribution is received by the Department of Fish and Wildlife Resources or the Department of Parks.

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.

Any contributions made to member agencies of the Fund for advertising would specifically be made with the intent to benefit the Fund. Therefore, the Commission views such contributions as a donation to the Fund. Because a representative of the Natural Resources and Environmental Protection Cabinet serves on the board and the Cabinet receives ten percent (10%) of the moneys of the Fund, the Natural Resources and Environmental Protection Cabinet has an interest in the Fund's success. The Natural Resources and Environmental Protection Cabinet has a direct interest in the promotion of the program and the sale of environmental license plates. The Commission believes acceptance of such donations to benefit the Fund would create a conflict of interest for those representatives of the Natural Resources and Environmental Protection Cabinet who serve on the Fund's board. Even if those non-regulatory agencies comprising the Fund were to solicit the funds, a benefit would accrue to the Natural Resources and Environmental Protection Cabinet. Therefore, these agencies comprising or benefiting from the Fund should not solicit any entities which may do business with or may be regulated by another member agency.

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BY: Ruth H. Baxter, Chair