

ADVISORY OPINION 97-17

July 1, 1997

RE: May employee teach parenting classes for circuit court?

DECISION: Yes, as long as employee abstains from any official involvement concerning participants of her classes.

This opinion is in response to your April 21, 1997, request for approval of your outside employment by the Executive Branch Ethics Commission (the "Commission"). Please be advised, because you have stated that the outside business for which you wish to work does not do business with, and is not regulated by, the state agency for which you work, you are not required to seek approval from the Commission for your outside employment.

However, because such outside employment could present a conflict between your official duty and your private interests, the Commission issues this advisory opinion. This matter was reviewed at the July 1, 1997, meeting of the Commission and the following opinion is issued.

You state the relevant facts as follows. You are employed as a family services worker with the Division of Social Services, Cabinet for Families and Children. As part of your job responsibilities, you complete home evaluations and conduct investigations in Lee and Owsley counties. You also conduct training for foster and adoptive parents.

In addition to your state employment, you wish to provide parenting classes in Estill county for the 23rd judicial district of the circuit court. Lee and Owsley counties also are part of the 23rd judicial circuit. Although you will not be teaching classes in Lee or Owsley counties, your spouse currently provides such classes in Lee and Owsley counties, as well as Estill County, and will continue to teach classes in the first two counties.

You do not make recommendations as a part of your official duty concerning individuals who must attend the parenting classes provided by the court system. However, the parenting class which you will provide is required to be completed before the Judge will finalize a divorce for a couple. You plan to provide a class once every three months and will be paid a percentage of the \$7.00 per participant fee that the court charges each attendee. It is possible that a client of Social Services from Lee or Owsley county could be a participant in a class that you offer in Estill county, or in a class provided by your spouse. Additionally, you may be involved in court-ordered custody evaluations involving participants of either your or your spouse's classes.

KRS 11A.020(1) provides:

- (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;

- (b) Use or attempt to use any means to influence a public agency in derogation of the state at large;
- (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.

The Commission believes that as long as the participants in your classes are not clients of the Department of Social Services with whom you work or individuals whom you are investigating in custody matters, you may teach parenting classes for the circuit court. Although the Code of Ethics does not specifically prohibit, as a part of your official duty, your investigating or serving individuals who may be in a class you are conducting, the appearance of a conflict between your official duty and your private interests may exist if you do. Thus, the Commission advises you to refrain, as a part of your official duty, from investigating individuals or serving clients who are currently attending a class you are presenting.