

EXECUTIVE BRANCH ETHICS COMMISSION
ADVISORY OPINION 99-2

February 18, 1999

RE: May Cabinet co-sponsor Vision 2000 meetings with community partners?

DECISION: Yes, within limitations.

This opinion is in response to your January 19, 1999 request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the February 18, 1999 meeting of the Commission and the following opinion is issued.

You state the relevant facts as follows. The Cabinet for Families and Children (the "Cabinet") has developed an innovative initiative called Vision 2000. This initiative focuses on blending services and reducing duplication across agencies of the Cabinet for Families and Children. As a part of this initiative, the Cabinet will be working with other community partners (local businesses, faith community and nonprofit organizations) in a collaborative effort by sponsoring or co-sponsoring meetings across the state to promote the blending of human services to make them more accessible to families and children. The community partners may contribute a speaker for a meeting, as well as the facility, a band for entertainment, refreshments or lapel pins to promote Vision 2000. You state that the speakers for the meetings are not regulated by or doing business with the Cabinet; however, some of the community partners may be regulated by or doing business with the Cabinet. You ask if it is a conflict of interest for the community partners to pay for a speaker or band, or donate the facility, refreshments or lapel pins.

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

(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:

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(a) A public servant be independent and impartial;

...

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

Additionally KRS 11A.045 provides:

(1) No public servant, his spouse, or dependent child knowingly shall accept tangible gifts or gratuities totaling a value greater than twenty-five dollars (\$25) in a single calendar year, or travel expenses, meals, alcoholic beverages, lodging or honoraria of any value, from any person or business that does business with, is regulated by, is seeking grants from, is involved in litigation against, or is lobbying or attempting to influence the actions of the agency in which the public servant is employed or which he supervises, or from any group or association which has as its primary purpose the representation of those persons or businesses. The following items are exempt: ...

The Commission commends the Cabinet for its efforts to involve the community in the Vision 2000 initiative. Because the initiative Vision 2000 is co-sponsored by both the Cabinet and community sponsors, the Commission believes that community sponsors may assist in funding the meetings that will be held to promote this initiative. However, the Cabinet should not be involved in soliciting any entities to co-sponsor meetings or to donate items if those entities are doing business with or are regulated by the Cabinet. The Cabinet may solicit other community partners that are not regulated by and are not doing business with the Cabinet.

Businesses and nonprofit organizations that do business with or are regulated by the Cabinet may make donations for the meetings provided the donations are given to a community partner that is co-sponsoring the event and not to the Cabinet. The Cabinet should not be aware of any donations made by community partners that have a business or regulatory relationship with the Cabinet. The use of such knowledge could present a conflict of interest for the Cabinet.

February 19, 1999

Hon. Pat Lawrence
Office of the General Counsel
Cabinet for Families and Children
275 East Main Street
Frankfort, KY 40601

Reference: 021899.08

Dear Mr. Lawrence:

At its February 18, 1999, meeting, the Executive Branch Ethics Commission took up your request, dated January 19, 1999, in which you ask whether a Cabinet may co-sponsor Vision 2000 meetings with community partners.

The enclosed Advisory Opinion 99-2 is issued in response to your inquiry.

Sincerely,

Jill LeMaster, Executive Director

Enclosure: Advisory Opinion 99-2