

EXECUTIVE BRANCH ETHICS COMMISSION
ADVISORY OPINION 99-10
April 13, 1999

RE: May the name of the Lieutenant Governor be included in solicitation letters sent for annual conference?

DECISION: Yes, within limitations.

This opinion is in response to your March 9, 1999, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the April 13, 1999, meeting of the Commission and the following opinion is issued.

You state the relevant facts as follows. The National Council of Lieutenant Governors ("NCLG") is considering Kentucky as the site for its annual conference in the summer of 2000. The approximate cost to conduct the annual meeting is between \$150,000 and \$200,000. The host state typically secures support from the governor and other senior state officials to ensure that the conference will receive the financial support and facilities, as well as other services, necessary for a large conference.

You ask whether the Executive Branch Code of Ethics contains any prohibitions or limitations that would affect the Lieutenant Governor's ability to lend his name and official position to fund raising efforts to support this meeting in Kentucky. Specifically, you ask whether the name of the Lieutenant Governor may be included in solicitation letters sent by the director of NCLG to prospective contributors to the conference.

KRS11A.020(1)(d) provides:

(1) No public servant, by himself or through others, shall knowingly:

...

(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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In previous advisory opinions issued, the Commission has opined that a state official should not allow a nonprofit organization to send a letter of endorsement by the state official to entities doing business with or seeking to do business with, or regulated by, agencies of state government under the ultimate jurisdiction of the state official. However, the Commission believes that a state official may allow an organization that promotes the interests of the state agency for which he works to use his name as an endorsement in a letter of solicitation for an annual conference.

Thus, the Lieutenant Governor is not prohibited from allowing the NCLG, an entity that promotes the interests of the Office of the Lieutenant Governor, to use his name as an endorsement in solicitation letters sent from the director to prospective contributors even if those contributors do business with or are regulated by an agency under the ultimate authority of the state official. The Commission advises, however, that the Lieutenant Governor should not directly solicit entities that do business with or are regulated by any state agency under his ultimate jurisdiction, nor should he draft a letter of endorsement to be sent with a solicitation letter from the director of the NCLG. The Commission believes that the Lieutenant Governor has ultimate authority over any state agency for which he has the authority to make decisions or of which he supervises officials.