

EXECUTIVE BRANCH ETHICS COMMISSION
ADVISORY OPINION 99-14

April 13, 1999

RE: May employees accept prize from Derby Festival organization?

DECISION: Yes.

This opinion is in response to your March 24, 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 Derby Festival organization is hosting an event called the Parade of Beds on April 26, 1999. This event is a bed race held at the Louisville Motor Speedway after normal working hours. The winner of the race receives a free trip, including airfare, to Busch Gardens in Tampa, Florida.

The Derby Festival organization has requested the Department of Parks (the "Department") to enter the park lark (a mascot) in the race. The Department must pay a \$100 entry fee to enter a team of four employees that will carry the park lark in the race. A drawing will be held giving all employees an opportunity to be randomly selected to be in the race. The park lark will receive compensatory time and travel expense reimbursement for her participation. The employees will participate on their own time and pay their own travel expenses. The Department views this expense as an advertising and promotion expense.

You ask whether the park lark and the employees who participate may accept the free trip from the Derby Festival organization if their team wins the event.

KRS 11A.045 provides:

11A.045 Acceptance of gifts by public servants permitted under certain circumstances:

(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

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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:

...

(j) Prizes awarded based solely on skill, such as those received in golf or tennis tournaments, if those tournaments are open to participants other than public servants and members of the donor's industry;

The Commission believes that the Department is doing business with the Derby Festival organization if it pays \$100 to the organization for advertising and promotion fees, and employees, generally, would be prohibited from accepting gifts from the Derby Festival organization. However, because the gratuity appears to be a prize that is to be awarded based solely on skill, employees of the Department are not prohibited from accepting the prize, if won, based on the provisions above.

Sincerely,

EXECUTIVE BRANCH ETHICS COMMISSION

BY CHAIR: Don A. Wimberly

April 10, 2008

Lee Sheeting
Personnel Branch Manager
Department of Parks
Capital Plaza Tower
Frankfort, KY 40601

Reference: 041399.10

Dear Mr. Sheeting:

At its April 13, 1999, meeting, the Executive Branch Ethics Commission took up your request, dated March 24, 1999, in which you ask whether employees may accept a prize from the Derby Festival Organization.

The enclosed Advisory Opinion 99-14 is issued in response to your inquiry.

Sincerely,

Jill LeMaster, Executive Director

Enclosure: AO 99-14