

EXECUTIVE BRANCH ETHICS COMMISSION

ADVISORY OPINION 99-15

April 13, 1999

RE: May messenger mail system be used for delivery of state employee organization newsletters?

DECISION: Yes, if management determines that such use of the messenger mail system is a proper use of state resources.

This opinion is in response to your March 23, 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. A certain state employee organization circulates newsletters to its members using the state's internal mail system. Some time ago, the president of another state employee association inquired of officials within his agency if it was possible for his state association to use the same internal mail system. His request was denied.

Recently, the first state employee organization again delivered newsletters using the state's mail system to office heads who were expected to distribute the newsletter. The president of the state association believes it is a violation of KRS 11A.020 to use the state mail system for the distribution of these letters and for employees to distribute these newsletters on state time and on state property. You ask whether the first organization must stop their internal mailings or whether the president's association also may use the state's mailing system for distribution of its newsletter.

In Advisory Opinion 98-6 (a copy of which is enclosed), the Commission stated that the proper use of electronic mail is an agency decision and should be addressed through an in-house policy. Similarly, the Commission believes that the proper use of the state's messenger mail system, and of state time and property, is an agency management decision.

EXECUTIVE BRANCH ETHICS COMMISSION

ADVISORY OPINION 99-15

April 13, 1999

Page Two

Although the Commission believes that the proper use of state time and property is an agency management decision not under the jurisdiction of the Commission, the Commission cautions management and employees not to misuse state time and property. Excessive misuse of state time and property may result in a violation of KRS 11A.020(1)(d) below:

(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.

Sincerely,

EXECUTIVE BRANCH ETHICS COMMISSION

BY CHAIR: Don A. Wimberly

Enclosures Advisory Opinion 98-6

April 10, 2008

Hon. C. David Emerson
Emerson & Associates
501 Darby Creek Road, Unit 41
Lexington, Kentucky 40509

Reference: 0413.99.12

Your file: 99-104

Dear Mr. Emerson:

At its April 13, 1999, meeting, the Executive Branch Ethics Commission took up your request, dated March 23, 1999, in which you ask whether the messenger mail system may be used for delivery of state employee organization newsletters.

The enclosed Advisory Opinion 99-15 is issued in response to your inquiry.

Sincerely,

Jill LeMaster, Executive Director

Enclosure: AO 99-15