

EXECUTIVE BRANCH ETHICS COMMISSION

ADVISORY OPINION 99-27

August 31, 1999

RE: Does conflict exist for employee if outside employment involves interviewing persons charged with criminal offenses who were investigated or prosecuted by the state agency for which the employee works?

DECISION: No, if employee abstains from involvement.

This opinion is in response to your June 2, 1999, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the August 31, 1999, meeting of the Commission and the following opinion is issued.

You state the relevant facts as follows. An administrative branch manager of the Office of the Attorney General has requested approval for outside employment with the Administrative Office of the Courts, Franklin County Correctional Complex. The employee's outside employment duties would involve interviewing persons charged with criminal offenses who cannot make bond and reviewing with judges to determine bond status. Currently, there is no regulatory or business relationship between the Office of the Attorney General and the Administrative Office of the Courts. Thus, the employee has no involvement with the Administrative Office of the Courts as a part of her official duty. You ask whether a conflict would arise if a person charged with a criminal offense was investigated or prosecuted by the Office of the Attorney General.

KRS 11A.020(1)(a) 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;

EXECUTIVE BRANCH ETHICS COMMISSION

ADVISORY OPINION 99-27

August 31, 1999

Page Two

If the employee is aware that the person charged with the criminal offense was investigated or prosecuted by the Office of the Attorney General, then, in order to avoid any appearance of a conflict, the employee should abstain from involvement with the person as a part of her outside employment. Additionally, the employee should refrain from any involvement as a part of her official duty for the Office of the Attorney General in matters pertaining to the Franklin County Correctional Complex or in matters regarding inmates housed there.

Sincerely,

EXECUTIVE BRANCH ETHICS COMMISSION

BY CHAIR: CYNTHIA C. STONE
VICE CHAIR