



COMMONWEALTH OF KENTUCKY
EXECUTIVE BRANCH ETHICS COMMISSION

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DAVID S. SAMFORD

CAPITAL COMPLEX EAST
1025 CAPITAL CENTER DRIVE, SUITE #104
FRANKFORT, KY 40601
(502) 564-7954
FAX: (502)-695-5939
[HTTPS://ETHICS.KY.GOV/](https://ethics.ky.gov/)

SUSAN STOKLEY CLARY
EXECUTIVE DIRECTOR

STEVEN T. PULLIAM
GENERAL COUNSEL

SUCHETA MEENA MOHANTY
DEPUTY GENERAL COUNSEL

Executive Branch Ethics Commission
ADVISORY OPINION 22-06
September 21, 2022

RE: An employee of the Kentucky Housing Corporation (KHC) running for partisan office seeks an opinion as to whether, if elected, she may serve in both that elected political office and as an employee of KHC.

DECISION: Such decision lies with her employer.

This opinion is issued in response to a request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the September 21, 2022 meeting of the Commission and the following opinion is issued.

An advisory opinion is requested from an employee of the Kentucky Housing Corporation (KHC) as to whether she may simultaneously serve in a partisan political office on the Hopkinsville City Council and in a position with KHC. She states the relevant facts as follows:

The employee serves as a Management Occupancy Review Asset Specialist with the Kentucky Housing Corporation. She states that in that capacity she visits project-based Section 8 properties within the state of Kentucky to review their files and practices to ensure they are following HUD guidelines, policies, and procedures. She then files a report with her findings and the corrections needed for the property to be in compliance with the HUD Handbook, Section 4350.3. She states that a Management Review Asset Specialist is not involved in funding decisions between KHC and the Hopkinsville City Council and that to her knowledge, the City of Hopkinsville does little to no business with KHC.

The employee filed to run for a seat on the Hopkinsville City Council. She states that she notified her employer of the filing and was told that her candidacy did not present a conflict of interest as long as she followed specified guidelines. The employee advised of and provided

a copy of an official determination by her employer of a conflict between her service on a partisan City Council and her continued employment by the KHC.

It is not disputed that on August 18, 2022, the employee received an official notice from her employer, Kentucky Housing Corporation, determining that “if you run a successful campaign that culminates in being elected to public office, you would be required to resign from your employment with the Kentucky Housing Corporation prior to the first day of your term.” The employer determined there would be a conflict of interest or potential conflict of interest in being employed with the corporation while maintaining a publicly elected position such as a city council seat.

From the limited facts presented here, while it appears the provisions of the Kentucky Executive Branch Ethics Code serve as a baseline for KHC’s enforcement of sanctions, KHC has separately determined that serving as a partisan, political officer on the Hopkinsville City Council is in direct conflict or will give the appearance of being in conflict with employment with KHC. That is an employer’s decision to make from a review of the total situation and determining what is in the best interests of the employer. Disagreement with that determination would be pursued by proper process with the employer and not with the Executive Branch Ethics Commission.

EXECUTIVE BRANCH ETHICS COMMISSION



By Chair: Judge Roger L. Crittenden (Ret.)