

## **AUTHORIZATION FOR EXCEPTION TO KRS 11A.045(1)**

### **EXCEPTION NO. 2003-1**

March 25, 2003

RE: May Commissioner of the Department of Agriculture accept a plaque in recognition of his outstanding service to agriculture from a university that submits grant requests to the Department of Agriculture?

Decision: Yes.

This authorization is in response to your March 19, 2003, request for an exception to KRS 11A.045(1) from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the March 25, 2003, meeting of the Commission and the following authorization is issued:

The Commissioner of the Department of Agriculture (the "Department") is being honored by the University of Kentucky College of Agriculture (the "University") for his outstanding service in the field of agriculture. In recognition of his service, the University wishes to present him with a plaque, the value of which you suspect will exceed \$25.00. You ask the Commission to grant an exception, under KRS 11A.045(1), for the Commissioner to accept the plaque.

KRS 11A.045(1) provides:

No public servant, his spouse, or dependent child knowingly shall accept any gifts or gratuities, including travel expenses, meals, alcoholic beverages, and honoraria, totaling a value greater than twenty-five dollars (\$25) in a single calendar year from any 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. Nothing contained in this subsection shall prohibit the commission from authorizing exceptions to this subsection where such exemption would not create an appearance of impropriety.

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The University does seek grants from the Department from time to time, thus, the Commissioner is prohibited, per KRS 11A.045(1), from accepting a gift with a value of greater than \$25.00 from the University, unless the Commission grants an exception.

Because of the nature of the award, and because you are nearing the end of your tenure as Commissioner of the Department, the Commission believes your acceptance of a plaque from the University would not create an appearance of impropriety. Thus, the Commission grants you an exception to accept the plaque from the University.

**AUTHORIZED BY:**

EXECUTIVE BRANCH ETHICS COMMISSION

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BY CHAIR: Joseph B. Helm, Jr.

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