EXECUTIVE ORDERS 2008-454 AND 2016-377

On May 27, 2008, Governor Beshear issued Executive Order 2008-454 establishing certain ethical standards for members of policy-making and regulatory boards and commissions. On June 24, 2016, Governor Bevin incorporated this language in Executive Order 2016-377. These standards were issued to insure that board and commission members who serve in the public sector are accountable to the people of the Commonwealth. The ethical guidelines in the executive order **do not subject board and commission members to all provisions of the Executive Branch Code of Ethics** contained in KRS Chapter 11A. The ethical standards that do apply to board and commission members specifically relate to the prohibition against self dealing, the obligation to disclose in writing or in the minutes of a meeting a direct or indirect interest, and gift acceptance provisions.

PROHIBITION AGAINST SELF DEALING

- No member of a state policy-making or regulatory board or commission, personally or through a business of which the member owns or controls an interest of more than five percent (5%), or by any other person for the member's use or benefit (spouse), may hold or enjoy, in whole or in part, any contract, agreement, lease, sale, or purchase made, entered into, awarded, or granted by the board, commission, authority, council or committee on which he or she serves.
- This prohibition does not apply to purchases that are available on the same terms to the general public or which are made at public auction.

OBLIGATION TO DISCLOSE AND ABSTAIN

- A state policy-making or regulatory board or commission member must disclose to other members of the board, commission, authority, council or committee of which he or she is a member, any direct or indirect interest in any undertaking that puts the member's personal interest in conflict with that of the board or commission on which he or she serves.
- This disclosure must be made in writing or must be recorded in the minutes of a formal meeting or the board or commission.
- A member who is required to publicly disclose a direct or indirect interest is required to abstain from all decisions concerning his or her interest if the decision will affect him or her as a member of a business, profession, occupation, or group differently from other members of the business, profession, occupation or group.

EXAMPLES

- A company owned by a member of the Horse Park Commission is prohibited from selling items to the Horse Park gift shop.
- If the brother of a member of the Executive Branch Ethics Commission wanted to provide legal services for the Commission, the member would be required to disclose his potential conflict of interest and abstain from voting on whether the Commission should contract with his brother.

ACCEPTANCE OF GIFTS

- Members of policy-making or regulatory boards and commissions are subject to the gift rules applicable to executive branch public servants found in KRS 11A.045(1).
- A board or commission member, and his or her spouse and dependent children, are prohibited from accepting gifts, including but not limited to travel expenses, meals, alcoholic beverages, and honoraria, totaling a value of more than $25 per source, in a single calendar year, from any person or business that is:
  - Doing business with
  - Regulated by
  - Seeking grants from
  - Involved in litigation against
  - Lobbying, or
  - Attempting to influence the actions of the board, commission, authority, or council on which the member serves.
- Exceptions to the gifts law:
  - A campaign contribution to a member's own campaign if in compliance with campaign finance laws
  - A gift from a family member
  - Door prizes, available to the public
  - A gift or gratuity received by a member working directly on an economic incentive package or seeking to bring tourism to the state that was accepted in the performance of the member's official duty, and
  - A ticket for admission to a sporting event if the member pays face value for the ticket or admission.

REGULATORY AND POLICY-MAKING BOARDS AND COMMISSIONS

1. Accountancy
2. Agriculture Development Board
3. Athletic Commission
4. Alcohol and Drug Counselors
5. Alcoholic Beverage Control Board
6. Architects

(Continued on next page)

7. Arts Council
8. Art Therapists
9. Auctioneers Board
10. Barbering
11. Bluegrass State Skills Corporation
12. Boxing and Wrestling Authority
13. Center for the Arts Board of Directors
14. Chiropractic Examiners
15. Commission for Children with Special Health Care Needs
16. Counselors
17. Deaf and Hard of Hearing Commission
18. Dentistry
19. Dieticians and Nutritionists
20. Education Professional Standards Board
21. Elections, Board of
22. Embalmers and Funeral Directors
23. Emergency Medical Services
24. Engineers and Land Surveyors
25. Executive Branch Ethics Commission
26. Fee-Based Pastoral Counselors
27. Fish and Wildlife Resources Commission
28. Geologists
29. Hairdressers and Cosmetologists
30. Hearing Instruments
31. Heating, Ventilation and Air Conditioning Contractors
32. Heritage Council
33. Higher Education Assistance Authority
34. Higher Education Student Loan Corporation
35. Horse Park Commission
36. Horse Racing Authority
37. Human Rights Commission
38. Infrastructure Authority
39. Interpreters for the Deaf and Hard of Hearing
40. Kentucky Educational Television Authority
41. Kentucky Housing Corporation Board of Directors
42. Kentucky River Authority
43. Landscape Architects
44. Marriage and Family Therapists
45. Massage Therapy
46. Medical Licensure
47. Military Affairs, Commission on
48. Mine Safety Review Commission
49. Nursing

(Continued on next page)

50. Nursing Home Administrators
51. Occupational Therapy
52. Ophthalmic Dispensers
53. Optometric Examiners
54. Personnel Board
55. Pharmacy
56. Physical Therapy
57. Podiatry
58. Private Investigators
59. Psychology
60. Real Estate Appraisers
61. Real Estate Commission
62. Registry of Election Finance
63. Respiratory Care
64. School Facilities Construction Commission
65. Social Work
66. Speech-Language Pathology and Audiology
67. State Fair Board
68. State Investment Commission
69. State Property and Buildings Commission
70. Teachers Retirement Systems Board of Trustees
71. Turnpike Authority
72. Unemployment Insurance Commission
73. Veterinary Examiners
74. Commission on Women
75. Board of Housing, Building and Construction
76. Kentucky Board of Home Inspectors
77. Board of Boiler and Pressure Vessel Rules
78. Manufactured Home Certification & Licensure Board
79. State Plumbers Examining Committee

PREPARED BY
EXECUTIVE BRANCH ETHICS COMMISSION

OCTOBER 2016

COMMONWEALTH OF KENTUCKY

ETHICAL GUIDELINES FOR MEMBERS OF EXECUTIVE BRANCH BOARDS AND COMMISSIONS

EXECUTIVE ORDER 2008-454
EXECUTIVE ORDER 2009-882
EXECUTIVE ORDER 2016-377

Executive Branch Ethics Commission
1025 Capital Center Drive, Suite 104
Frankfort, Kentucky 40601
(502) 564-7954
FAX (502) 695-5939
http://ethics.ky.gov/