

1. Former State Officer Or Elected Official Seeking To Contract With A State Agency

KRS 11A.040(6) provides:

No former officer or public servant listed in KRS 11A.010(9)(a) to (g) shall, within six (6) months of termination of his employment, knowingly by himself or through any business in which he owns or controls an interest of at least five percent (5%), or by any other person for his use or benefit or on his account, undertake, execute, hold, bid on, negotiate, or enjoy, in whole or in part, any contract, agreement, lease, sale, or purchase made, entered into, awarded, or granted by the agency by which he was employed. This provision shall not apply to a contract, purchase, or good faith negotiation made under KRS Chapter 416 relating to eminent domain or to agreements that may directly or indirectly involve public funds disbursed through entitlement programs. This provision shall not apply to purchases from a state agency that are available on the same terms to the general public or that are made at public auction. This provision shall not apply to former officers of the Department of Public Advocacy whose continued representation of clients is necessary in order to prevent an adverse effect on the client.

2. Former State Officer Or Elected Official Seeking Employment From An Entity Which Does Business With Or Is Regulated By The State

KRS 11A.040(7) provides:

No present or former officer or public servant listed in KRS 11A.010(9)(a) to (g) shall, within six (6) months following termination of his office or employment, accept employment, compensation, or other economic benefit from any person or business that contracts or does business with, or is regulated by, the state in matters in which he was directly involved during the last 36 months of his tenure. This provision shall not prohibit an individual from returning to the same business, firm occupation, or profession in which he was involved prior to taking office or beginning his term of employment, or for which he received prior to his state employment a professional degree or license, provided that, for a period of six (6) months, he personally refrains from working on any matter in which he was directly involved during the last 36 months of his tenure in state government. This subsection shall not prohibit the performance of ministerial functions including, but not limited to, filing tax returns, filing applications for permits or licenses, or filing incorporation papers, nor shall it prohibit the former officer or public servant from receiving public funds disbursed through entitlement programs.

3. Former State Employee Who Seeks To Register As A Lobbyist

KRS 11A.040(8) provides:

A former public servant shall not act as a lobbyist or lobbyist's principal in matters in which he was directly involved during the last thirty-six (36) months of his tenure for a period of one (1) year after the latter of:

- (a) The date of leaving office or termination of employment; or
- (b) The date the term of office expires to which the public servant was elected.

4. Former State Employee Contemplating Representation of Another Before a State Agency

KRS 11A.040(9) provides:

A former public servant shall not represent a person or business before a state agency in a matter in which the former public servant was directly involved during the last thirty-six (36) months of his tenure, for a period of one (1) year after the latter of:

- (a) The date of leaving office or termination of employment; or
- (b) The date the term of office expires to which the public servant was elected.

5. Statement Of Financial Disclosure Filed Within 30 Days

KRS 11A.050(1)(b) provides:

(1) Each officer, each public servant listed in KRS 11A.010(9)(a) to (g), and each candidate shall file a statement of financial disclosure with the commission, as follows:

...

(b) Each officer and public servant listed in KRS 11A.010(9)(a) to (g) who does not remain an officer or public servant listed in KRS 11A.010(9)(a) to (g) for the entire calendar year shall file the statement for the portion of the calendar year that the person served as an officer or public servant listed in KRS 11A.010(9)(a) to (g). The statement shall be filed with the commission within thirty (30) days after the date the person no longer serves as an officer or public servant listed in KRS 11A.010(9)(a) to (g). (Emphasis ours.)

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These laws are intended to promote public confidence in the integrity of state government and to declare as public policy the idea that state employees should view their work as a public trust and not a way to obtain certain private benefits.

In case of questions, the law permits you to request an advisory opinion from the Executive Branch Ethics Commission.

"Business" means any legal entity through which business is conducted for profit.

"Directly involved" means to work on personally or to supervise someone who works on personally.

"Does business with" means contracting, entering into an agreement, leasing or otherwise exchanging services or goods with a state agency in return for payment by the state, including accepting a grant, but not including accepting a state entitlement fund disbursement.

"Lobbyist" means any person employed as a legislative agent or an executive agency lobbyist.

"Officer" means all major management personnel in the executive branch of state government.

"Represent" means to attend an agency proceeding, write a letter, or communicate with an employee of an agency on behalf of someone else.

This guide was prepared by Kentucky's
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LEAVING STATE GOVERNMENT?

You should know about these laws!



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