

9 KAR 1:025. Guidance on prohibited conduct and conflicts of interest.

RELATES TO: KRS 11A.010, 11A.020(1), 11A.030, 11A.080(1)

STATUTORY AUTHORITY: KRS 11A.110(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 11A.020 provides prohibited conduct for public servants. KRS 11A.030 establishes how to determine whether a conflict of interest exists and provides procedures a public servant must follow to abstain when a conflict of interest does exist. KRS 11A.110(3) requires the Executive Branch Ethics Commission to promulgate administrative regulations to implement KRS Chapter 11A. This administrative regulation provides guidance to public servants concerning prohibited conduct and avoiding conflicts of interest.

Section 1. Definitions.

- (1) "Appointing authority" is defined by KRS 11A.010(16).
- (2) "Commission" means the Executive Branch Ethics Commission.
- (3) "Family" is defined by KRS 11A.010(4).
- (4) "Matter" means any measurable case, litigation, decision, grant, proceeding, application, determination, contract, claim, investigation, charge, or legislative bill.
- (5) "Public servant" is defined by KRS 11A.010(9).

Section 2. If a public servant engages in any of the following conduct, the commission may conduct an investigation in accordance with KRS 11A.080 of the conduct as a possible violation of KRS 11A.020 or KRS 11A.030:

- (1) A public servant seeks employment or contracting services for himself or herself by the use or attempted use of the public servant's office or position other than merely stating the fact that he or she holds a particular position or office in an application for employment, a resume, or curriculum vitae other than as is provided for by KRS Chapter 11A;
- (2) A public servant participates directly or uses his or her position to influence or attempt to influence a decision within the state agency for which the public servant works concerning any matter involving the public servant's family member or a person with which the public servant has a personal relationship;
- (3) A public servant uses state time, equipment, personnel, facilities, or other state resources for private business purposes;
- (4) A public servant uses state time, equipment, personnel, facilities, or other state resources for political campaign purposes;
- (5) A public servant uses state time, equipment, personnel, facilities, or other state resources for personal, prurient interests;
- (6) A public servant solicits, sells to, or otherwise engages in a financial transaction with an immediate subordinate or a person the employee directly supervises, or with a person or business that is doing business with or is regulated by the state agency by which the employee is employed, if the economic benefit to the public servant is greater than \$100 in a single calendar year; or
- (7) A public servant negotiates for future employment with a person or business that does business with or is regulated by the agency for which he or she works if the public servant is directly involved in matters regarding the prospective employer, unless the public servant abstains from direct involvement in matters regarding the prospective employer and the public servant discloses the abstention in writing to his or her appointing authority before entering into any form of negotiations for future employment subject to the provisions of KRS Chapter 11A.

(42 Ky.R. 2292; eff. 4-1-2016; Cert. eff. 2-23-2023.)