

LOUISVILLE/JEFFERSON COUNTY
METRO GOVERNMENT ETHICS COMMISSION
Opinion: 08-C-003

Authority Granted By Ordinance

The Ethics Ordinance vests in this body the sole authority to determine whether a Metro Officer has violated its provisions. The Ordinance defines Metro Officers to include:

individuals who are agency directors or department director for the Louisville/Jefferson County Metro government, or any such other similar managerial type position, as shall be determined by each elected or appointed Metro Officer....

See, Ethics Ordinance, Section 21.01 (2003).

Background Information

Kenya McGruder, Metro Council Majority Director, asks in a request for advisory opinion dated March 31, 2008, whether Council woman, Vicki A. Welch may attend a University of Louisville sponsored "Labor-Management Award" ceremony on April 17, 2008, where similar invitations were forwarded to all Council members.

As the Metro Council Majority Director, Kenya McGruder is subject to the Ethics Ordinance.

Applicable Rules

No Metro Officer, members of his/her immediate family, or business organization, nonprofit entity, or labor organization in which such officer has an interest, shall solicit or accept any gift, favor, loan, political contribution, service, economic opportunity, promise of future employment, or other thing of value based upon an understanding, or under circumstances from which it could reasonably be inferred, that the gift, favor, loan, contribution, service, promise, or other thing of value was given or offered:

- (1) For the purpose of influencing such officer, directly or indirectly, in the discharge of his/her official duties; or
- (2) For the purpose of gaining access to the Metro Officer.

See, Ethics Ordinance, Section 21.02(E) (2003).

Discussion

We have had numerous occasions to determine whether a Metro Officer violates the Ethics Ordinance by accepting an invitation to attend an event presented or sponsored by an entity which receives a measure of benefit from Metro Government. Because of the factors involved in those individual cases, we have often concluded that accepting such an invitation and attending the underlying event did not constitute a violation of the Ethics Ordinance. We stated this point in our Brown Forman Opinion 07-C-006. That case is controlling. In the instant case, it has not been stated – and it does not appear – that the University of Louisville has as its aim the impermissible influencing of Metro Officers or that the University would gain impermissible access to Metro Officers. Moreover, it does not appear that Metro Officers would derive undue benefits, confer undue benefits to the University, or even that Metro residents would be harmed by Metro Officers arising from any underlying expectations on the part of the University. It is within the norms of political discourse that business entities would take steps to make themselves visible to political leaders consistent with their business goals and objectives; provided, however, that such political leaders do not cross ethical boundaries. We believe that no such boundaries would be crossed here.

Based upon the foregoing, we conclude that Council member Vicki A. Welch will not violate the Ethics Ordinance by accepting an invitation to - and attending - the University of Louisville's "Labor-Management Award" ceremony on April 17, 2008.

Kathryn Quesenberry, Chairperson
Metro Louisville/Jefferson County Ethics Commission.
April 17, 2008