

ADVISORY OPINION: 08-M-008

William Summers IV
Deputy Mayor
Metro Hall / 4th Floor
527 W. Jefferson St.
Louisville, KY 40202

RE: Request for opinion from Deputy Mayor William E. Summers, IV, about HOME Investment Partnerships (HOME) Programs.

Dear Deputy Mayor Summers:

This is in response to your September 26, 2008 request for advisory opinion.

ISSUES

You asked whether there was a conflict of interest concerning the acquisition of a HOME-assisted rental property by a partnership in which you are a member.

ANSWER

The Metro Ethics Commission considered your request for advisory opinion at its regular meeting on October 16, 2008 and concluded that your membership in the partnership that purchased the property in 2001 was based upon your status as a private citizen prior to your appointment of Deputy Mayor on January 6, 2003. Since the loan was paid in full and the partnership is no longer receiving funding from CDBG/HOME program, the Commission voted that your ownership of the property does not constitute a violation of the Metro Ethics Ordinance.

The Commission suggests that you exercise care to ensure that your participation in the business partnership complies with the Ethics Ordinance.

DISCUSSION

Sections 21.02(A) makes it unethical for a Metro Officer to have an interest in a business organization or engage in any transaction which is in conflict with the proper discharge of such officer's duties in the public interest. The ordinance also prohibits a Metro Officer from using or attempting to use his/her official position to secure unwarranted privileges or advantages for him/her, members of his/her immediate family or other persons. The facts described by your request suggested involvement with a loan acquisition prior to you becoming a Metro Officer and there is no evidence that a conflict of interest exists or that your position as Metro Officer was used to secure unwarranted privileges.

This opinion is limited to the facts and circumstances presented to us by your inquiry.

We appreciate you bringing this matter to our attention.

Sincerely,

Kathryn A. Quesenberry
Chair, Metro Ethics Commission