



ETHICS COMMISSION  
LOUISVILLE, KENTUCKY

GREG FISCHER  
MAYOR

May 17, 2018

████████████████████  
601 W. Jefferson Street  
Louisville, Kentucky 40202

Dear ████████████████████

On May 7, 2018, you requested an advisory opinion regarding whether chairing the Metro Council committee considering an ordinance, and also voting on that ordinance, would constitute a potential conflict of interest given your family's ownership of a company that operates in another part of the same industry that would be governed by the ordinance. You state that the ordinance will have no financial impact on the company, but may have an impact on the industry.

The portions of the Ethics Ordinance relevant to this question, provided below, are Section 21.02 B and H, and Section 21.01, Definitions.

**Section 21.02 (B)** No Metro Officer shall act in his or her official capacity in any matter where such officer, a member of his or her family, or a business organization in which such officer has a financial interest or private interest that might reasonably be expected to impair his or her objectivity or independence of judgment.

**Section 21.02 (H)** No Metro Officer shall be deemed in conflict with these provisions if, by reason of such officer's participation in the enactment of any ordinance, resolution or other matter required to be voted upon, no financial gain accrues to such officer as a member of any business, profession, occupation or group, to any greater extent than any gain could reasonably be expected to accrue to any other member of such business, profession, occupation or group.

**Section 21.01 -**

**BUSINESS ORGANIZATION.** Any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint stock company, receivership, trust, professional service corporation, or any other legal entity through which business is conducted for profit.

**FAMILY MEMBER.** An individual with any of the following relationships to the Metro Officer:

1. Spouse or domestic partner;

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2. The parents of the Metro Officer or a spouse or domestic partner;
3. Sons and daughters, and their spouses or domestic partners;
4. Immediate relatives and their spouses or domestic partners; and
5. Any individual related by kinship, or whose close association with the Metro Officer is the equivalent of a familial relationship, including but not limited to individuals: living in the Metro Officer's household, or is a person claimed by a Metro Officer or a Metro Officer's spouse or domestic partner as a dependent for tax purposes.

*FINANCIAL GAIN.* An ascertainable increase in the net worth or income of a Metro Officer, family member or a related entity, which does not arise from a primary or proximate action by a Metro Officer or a family member of a Metro Officer or where either no or only a *de minimis* benefit accrues to a Metro Officer or a family member of a Metro Officer.


*FINANCIAL INTEREST.* A right, title, legal or equitable share in an asset or transaction which will result in an increase or decrease in the income or net worth of a Metro Officer or family member of a Metro Officer, which does not arise from a primary or proximate action by a Metro Officer or a family member of a Metro Officer or where either no or only a *de minimis* benefit accrues to a Metro Officer or a family member of a Metro Officer.

*PRIVATE INTEREST.* Employment, board membership, or participant in the management and/or operations of an entity by a Metro Officer or family member of a Metro Officer.

Based on the information provided, specifically that you, your family members, and your family's company will not receive an increase in net worth or income if the ordinance is passed, there is no financial interest or private interest that might reasonably be expected to impair your objectivity or independence of judgment. Further, participating in the enactment of this ordinance as committee chair and by voting on the ordinance does not present a conflict of interest because no financial gain accrues to you and/or the family business to any greater extent than any gain could reasonably be expected to accrue to any other member of the restaurant business. Accordingly, based on the information provided, you may chair the committee meeting and vote on the ordinance without violating the Ethics Ordinance.

Pursuant to 21.05(A)(1), this Advisory Opinion will be made public without disclosing the identity of the Metro Officer who requested this opinion. This Advisory Opinion is specific to the facts and circumstances as represented and the Ethics Commission is not giving an advisory opinion on any rules or regulations other than the Ethics Ordinance.

Sincerely,

  
David S. Waskey  
Chairman of the Ethics Commission