



ETHICS COMMISSION  
LOUISVILLE, KENTUCKY

GREG FISCHER  
MAYOR

April 9, 2019

[REDACTED]  
Louisville Metro Council  
601 W. Jefferson Street  
Louisville, Kentucky 40202

RE: Advisory Opinion 19-O-002

Dear [REDACTED]

The Ethics Commission has considered your request for an advisory opinion regarding whether you may participate in discussions and vote on matters pertaining to an active Metro Government redevelopment project. You are asking for guidance because a company in which a family member has an ownership interest submitted an unsuccessful bid to participate in the redevelopment project. Subsequently, your family member and the company submitted a letter disclaiming any interest in the redevelopment project. You are a member of Metro Council, and you anticipate that matters pertaining to the redevelopment project may come before Metro Council, including but not limited to economic development/incentive policy questions, financing issues, and property surplus matters. In your opinion, this redevelopment project is important to your constituents and they should be represented in decisions by Metro Council impacting the project.

Section 21.01(B) of the Ethics Ordinance provides, "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 judgement." Pursuant to Section 21.01 of the Ethics Ordinance, "private interest" includes 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.

Section 21.02(H) of the Ethics Ordinance provides, “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.”

Ethics Ordinance Sections 21.01 defines relevant terms as follows:

***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.

***CONFLICT OF INTEREST.*** Any action, decision or recommendation by a Metro Officer acting in his or her capacity, which would benefit the financial or private interest of a Metro Officer or any family member, unless the benefit arises out of circumstances described in § 21.02(C) of this chapter. The term does not include an action having a remote impact or which affects to the same degree a group consisting of the general public or a subgroup consisting of an industry, occupation or other group which includes financial or private interests of a Metro Officer or a family member.

Based on the information provided, voting on matters pertaining to the redevelopment project will not violate the Ethics Ordinance. Your family member’s business will not benefit from any of the potential actions by Metro Council described above and there is no conflict of interest.

This advisory opinion has been disseminated to the Commission members pursuant to Section 5.5 of the Rules and Regulations of the Ethics Commission, and will be ratified at the next regularly held meeting and become precedent thereafter.

Please contact the Ethics Commission if you have further questions.

Sincerely,

David S. Waskey by  
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David S. Waskey

Chairman of the Ethics Commission