

LOUISVILLE/JEFFERSON COUNTY
METRO GOVERNMENT ETHICS COMMISSION
Opinion 08-D-004

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

On behalf of Dr. Troutman, Jackie Richardson, Assistant Director, Louisville Metro Department of Public Health and Wellness, asks in a request for advisory opinion dated March 26, 2008, whether it is a violation for Dr. Adewale Troutman, Director, Louisville Metro Department of Public Health and Wellness, to serve on Senator Barack Obama's Health and Policy Committee as some of his activities may occur during traditional working hours. Senator Obama is one of two remaining Democratic candidates for the 2008 U.S. presidential election. Ms. Richardson further states that Dr. Troutman is not a Metro employee and that Dr. Troutman is under contract with the University of Louisville, which pays his salary, with Metro reimbursing a portion of that salary to the University. We note that Ms. Richardson did not provide any section of the Ethics Ordinance against which to review her request, thus we review it against Section 21.02(D).

As Dr. Troutman is the Director of the Health Department, he is a Metro Officer and is thus, subject to the Ethics Ordinance.

Applicable Rules

No Metro Officer shall undertake any employment or service, compensated or not, which might reasonably be expected to prejudice such officer's independence of judgement in the exercise of his/her official duties.

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

Discussion

The Ethics Ordinance contemplates the engagement by Metro Officer in civic activities and services outside of their official role as Metro employees. In fact, the Ethics Ordinance implicitly endorses it; provided, however, that the Metro Officer's conduct does not violate its provisions. In the instant case, we do not have any reason to believe that Dr. Troutman's service to Senator Obama's committee will be political in nature. We do not find that such service will prejudice Dr. Troutman's judgment in the exercise of his official duties. In addition, we conclude that Dr. Troutman's service will be able to project the Health Department's message forward, while providing specific health and wellness related information and expertise for the benefit of the community, and perhaps the Commonwealth. Furthermore, the fact that Dr. Troutman is salaried means that he may required to work beyond traditional hours at no additional compensation. Dr. Troutman's involvement in the committee is consistent with the Ethics Ordinance's implicit endorsement of civic activities and services. Any telephone calls Dr. Troutman makes during working hours and using Metro telephone is incidental and nominal.

Based upon the foregoing, we conclude that as a Metro Officer, Dr. Adewale Troutman will not violate the Metro Ethics Ordinance by serving on Senator Barack Obama's Health and Policy Committee, even where he may make calls during the traditional working hours and using Metro telephone.

Kathryn Quesenberry, Chairperson
Metro Louisville/Jefferson County Ethics Commission.
May 9, 2008