

LOUISVILLE/JEFFERSON COUNTY  
METRO GOVERNMENT ETHICS COMMISSION  
Opinion: 08-~~D~~-006

**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 Ethics Ordinance defines Metro Officers to include:

individuals who are agency directors or department directors 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**

John T. Walczak, Director, Louisville Zoological Gardens, asks in a request for advisory opinion dated October 24, 2008, whether it is a violation of the Ethics Ordinance for him to accept a flat screen television which he won in a business-card drawing contest when he attended a conference of zoo and aquarium professionals. Mr. Walczak states the drawing was open to any conference attendee who deposits his or her business card into the drawing; and that his business card was deposited into the drawing by a salesperson with whom he had spoken and to whom he gave his card. Mr. Walczak further states that, as an employee of the Louisville Zoological Gardens or otherwise, he has “never authorized, participated in or [is] aware of any business with Murphy-Catton Group.” Mr. Walczak also states that any business dealings with the conference organizer “would be conducted through Metro purchasing procurement protocols and bids.” Mr. Walczak adds that the television is in his home and remains unopened.

As Director of Louisville Zoological Gardens, Mr. Walczak 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**

The Ethics Ordinance does not penalize or prohibit a Metro Officer from winning a prize or benefit: 1) where such prize or benefit was derived from an objectively random mechanism that was open to a group of individuals including such events as a drawing; and 2) where such prize or benefit was not awarded for the purpose of influencing or gaining access to such Metro Officer of under circumstances from which that purpose could be inferred. In view of the fact that Mr. Walczak's business card was deposited into the drawing receptacle at the conference just as the business cards of other conference attendees were so deposited with an expectation of winning the same flat screen television, we conclude that the drawing was not skewed in favor of Mr. Walczak, and that the prize he won was not for the purpose of influencing or gaining access to him.

Based upon the foregoing, we conclude that Mr. John T. Walczak, as a Metro Officer, did not violate the Ethics Ordinance when his business card was deposited into the drawing for the flat screen television and also when he won it, and may thus retain that television for his personal enjoyment.

Kathryn Quesenberry, Chairperson  
Metro Louisville/Jefferson County Ethics Commission.  
December 18, 2008.