



LOUISVILLE, KENTUCKY

ETHICS COMMISSION
LOUISVILLE/JEFFERSON COUNTY
METRO GOVERNMENT ETHICS COMMISSION
Opinion: 09-C-003

JERRY E. ABRAMSON
MAYOR

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

Thomas L. Owen, Metro Council Member, 8th District., states in a request for advisory opinion dated July 21, 2009, that he and his wife are part owners of Belknap Crossing LLC, which desires to apply for a \$600,000.00 low interest loan from the Brownfields Loan Fund, an EPA loan administered by Louisville Metro Department of Economic Development through the Metropolitan Business Development Corporation (also known as "METCO"). The proceeds of the "loan would be used to remove asbestos and underground storage tanks and otherwise clean up groundwater contamination. The EPA has certified that the site qualifies for the loan program." Council Member Owen asks whether he consequently "would receive a financial benefit that would be denied a citizen who is not a Metro Officer" in violation of Section 21.02 of the Ethics Ordinance.

As a Metro Council Member, Thomas Owen is subject to the Ethics Ordinance.

Applicable Rules

No Metro Officer shall use or attempt to use his/her official position to secure unwarranted privileges or advantages for himself/herself, members of his/her immediate family or other persons.

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

Discussion

The Ethics Ordinance is intended to protect the residents of Metro Louisville from impermissible conduct by Metro Officers that leads to self enrichment as a result of his/her official position.

Based on his application, it appears that the property has been certified by the EPA as eligible for the loan. The loan must also be approved by the Metropolitan Business Development Corporation. The Belknap Crossing, LLC., does not appear to have received special consideration as a result of Council Member Owen's involvement, nor does it appear that Mr. Owen has used or attempted to use his position as a Metro Officer to obtain "unwarranted privileges or advantages" for Belknap.

Based upon the foregoing, we conclude that by applying for and accepting the loan proceeds through METCO, Metro Council Member Thomas Owen, as an individual or a business owner does not constitute a violation of the Ethics Ordinance.

Kathryn Quesenberry, Chairperson
Metro Louisville/Jefferson County Ethics Commission