



LOUISVILLE, KENTUCKY
ETHICS COMMISSION

JERRY E. ABRAMSON
MAYOR

LOUISVILLE/JEFFERSON COUNTY
METRO GOVERNMENT ETHICS COMMISSION
Opinion: 09-O-001

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

Bobbie Holsclaw, Jefferson County Clerk, states in a request for advisory opinion dated June 17, 2009, that a local firm has expressed "an interest in purchasing one panel of our Motor Vehicle Document Holder for the entire cost of the printing for an advertisement. The annual cost is approximately \$45,000.00. This type of request has never been made before." We surmise the Motor Vehicle Document Holder to be the envelope provided to patrons for retaining motor vehicle documents following their transactions with that office.

As Jefferson County Clerk, Bobbie Holsclaw is subject to the Ethics Ordinance.

Applicable Rules

No Metro Officer or member of his/her immediate family shall have an interest in a business organization or engage in any business, transaction, or professional activity, which is in conflict with the proper discharge of such officer's duties in the public interest.

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

Discussion

The County Clerk does not state whether the law firm was selected from an equitable and fair process such as a competitive bid process, or whether the opportunity was made available to others. The County Clerk further does not state, among other things, the relationship between her office and the firm, and why this opportunity is being entertained at this time.

Based on the information provided, the Commission determined that allowing the firm to advertise on the Clerk's Motor Vehicle Document Holder without a competitive bid or other open selection process constitutes a violation of the ordinance.

Kathryn Quesenberry, Chair
Metro Louisville/Jefferson County Ethics Commission.
August 20, 2009