

LOUISVILLE/JEFFERSON COUNTY
METRO GOVERNMENT ETHICS COMMISSION
REQUEST FOR OPINION: 09-0-002

Authority granted by Ordinance

The Ethics Ordinance vests in this body the sole authority to determine whether a Metro Officer has violated any of its provisions.
Note: Ethics Ordinance, Section 21.01 (2003)

Background information of the request

Richard Carlson, Chief of the Okolona Fire Department submitted a request for an opinion, dated November 16, 2009, concerning his recent appointment as a member of the Planning Commission. He specifically states that his department has previously leased space to a cellular telephone provider for a tower at one of its four fire station locations. The leasing was handled by one of his Assistant Chiefs and prior to his appointment to the Planning Commission. Chief Carlson requests an opinion as to whether his appointment to the Planning Commission would constitute a violation of the Ethics Ordinance should other cellular telephone providers want approval to lease space on other fire department properties.

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.”

Ethic Commission Discussion

The Ethics Commission requested and received additional information from Chief Carlson concerning this matter. Chief Carlson stated that he does not, nor would not, have any involvement with the leasing of cellular telephone provider tower space on fire department property. He advised that one of his Assistant Chiefs handles any/all requests that would then be presented, by the Assistant Chief, to the (7) member Board of Trustees of the department for approval or disapproval. Chief Carlson emphasized he is not involved in the decision-making process in any degree.

Based on the information provided by Chief Carlson, the Commission opined that no violation of the ethics ordinance existed at this point. However, should a request from a cellular telephone provider comes before the Planning Commission in the future, Chief Carlson should **recuse** himself from the decision-making process of the Planning Commission to prevent any appearance of a ethical violation.

By: Larry Grant, Acting Chair
Metro Louisville/Jefferson County Ethics Commission