

Summary Comparison of Model Code of Ethics and KeHN Board Bylaws

Model Code of Ethics	KeHN Board Bylaws
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Detailed Comparison of Model Code of Ethics and KeHN Board Bylaws

Model Code of Ethics	KeHN Board Bylaws
<p>11A.005 Statement of public policy</p> <p>(1) It is the public policy of this Commonwealth that a public servant shall work for the benefit of the people of the Commonwealth. The principles of ethical behavior contained in this chapter recognize that public office is a public trust and that the proper operation of democratic government requires that: (a) A public servant be independent and impartial; (b) Government policy and decisions be made through the established processes of government; (c) A public servant not use public office to obtain private benefits; and (d) The public has confidence in the integrity of its government and public servants.</p> <p>(2) The principles of ethical behavior for public servants shall recognize that: (a) Those who hold positions of public trust, and members of their families, also have certain business and financial interests; (b) Those in government service are often involved in policy decisions that pose a potential conflict with some personal financial interest; and (c) Standards of ethical conduct for the executive branch of state government are needed to determine those conflicts of interest which are substantial and material or which, by the nature of the conflict of interest, tend to bring public servants into disrepute.</p>	<p>Section 1. Ethical Principles</p> <p>The principles of ethical behavior for public servants of the Commonwealth are provided in KRS 11A.005 (1). Although not “public servants” as defined in KRS Chapter 11A, as members of the Kentucky e-Health Network Board, we believe that our public service is for the benefit of the people of the Commonwealth. We also recognize that such public service is a public trust and that we have a duty to: (a) Be independent and impartial; (b) make policy and decisions through established processes of government; (c) Not use our positions to obtain private benefits; and (d) Uphold the public trust in the integrity of the Kentucky e-Health Network Board.</p>
<p>11A.010 (4) Definition of Family</p> <p>“Family” means spouse and children, as well as a person who is related to a public servant as any of the following, whether by blood or adoption: parent, brother, sister, grandparent, grandchild, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter –in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister</p>	<p>Family is not defined</p>
<p>11A.010 (5) Definition of Gift</p> <p>“Gift” means a payment, loan, subscription, advance, deposit of money, services, or anything of value, unless consideration of equal or greater value is received; “gift” does not include gifts from family members, campaign contributions, or door prizes available to the public.</p>	<p>Gift is not defined</p>
<p>11A.020 – Public servant prohibited from certain conduct – Exception – Disclosure of personal or private interest.</p> <p>(1) No public servant, by himself or through others, shall knowingly: (a) Use or attempt to use his influence in any manner which involves a substantial conflict between his personal or private interest and his duties in the public interest; (b) Use or attempt to use any means to influence a public agency in derogation of the state at large; (c) Use his official position or office to obtain financial gain for himself or any members of the public servant’s family; or (d) Use or attempt to use his official position to secure or create privileges, exemptions, advantages, or treatment for himself or others in derogation of the public interest at large.</p> <p>(2) If a public servant appears before a state agency, he shall avoid all conduct which might in any way lead members of the general public to conclude that he is using his official position to further his professional or private interest.</p> <p>(3) When a public servant abstains from action on an official decision in which</p>	<p>Section 3. Disclosure of Conflicts of Interest</p> <p>A member of the Kentucky e-Health Network Board shall disclose to the other members of the Kentucky e-Health Network Board any direct or indirect interest in any undertaking that puts his personal interests in conflict with that of the Kentucky e-Health Network Board. This disclosure shall be made in writing or shall be recorded in the minutes of a formal meeting.</p>

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<p>he has or may have a personal or private interest, he shall disclose that fact in writing to his superior, who shall cause the decision on these matters to be made by an impartial third party.</p>	
<p>11A.030 – Considerations in determination to abstain from action on official decision – Advisory opinion. In determining whether to abstain from action on an official decision because of a possible conflict of interest, a public servant should consider the following guidelines: (1) Whether a substantial threat to his independence of judgment has been created by his personal or private interest; (2) The effect of his participation on public confidence in the integrity of the executive branch; (3) Whether his participation is likely to have any significant effect on the disposition of the matter; (4) The need for his particular contribution, such as special knowledge of the subject matter, to the effective functioning of the executive branch; or (5) Whether the official decision will affect him in a manner differently from the public or will affect him as a member of a business, profession, occupation, or group to no greater extent generally than other members of such business, profession, occupation, or group. A public servant may request an advisory opinion from the Executive Branch Ethics Commission in accordance with the commission’s rules of procedure.</p>	<p>Section 3. Disclosure of Conflicts of Interest A member who is required to publicly disclose a direct or indirect interest shall abstain from all decisions concerning his interest, if the decision would affect him as a member of a business, profession, occupation, or group in a manner different from other members of the business, profession, occupation, or group.</p>
<p>11A.040 – Acts prohibited for public servant or officer – Exception (1) A public servant, in order to further his own economic interests, or those of any other person, shall not knowingly disclose or use confidential information acquired in the course of his official duties. (2) A public servant shall not knowingly receive, directly or indirectly, any interest or profit arising from the use or loan of public funds in his hands or to be raised through any state agency. (3) A public servant shall not knowingly act as a representative or agent for the Commonwealth or any agency in the transaction of any business or regulatory action with himself, or with any business in which he or a member of his family has any interest greater than five percent (5%) of the total value thereof. (4) A public servant shall not knowingly himself or through any business in which he owns or controls an interest of more than five percent (5%), or by any other person for his use or benefit or on his account, undertake, execute, hold, bid on, negotiate, or enjoy, in whole or in part, any contract, agreement, lease, sale, or purchase made, entered into, awarded, or granted by the agency by which he is employed or which he supervises, subject to the provisions of KRS 45A.340. This provision shall not apply to: (a) A contract, purchase, or good faith negotiation made pursuant to KRS Chapter 416 relating to eminent domain; or (b) Agreements which may directly or indirectly involve public funds disbursed through entitlement programs; or (c) A public servant’s spouse or child doing business with any state agency other than the agency by which the public servant is employed or which he supervises; or (d) Purchases from a state agency that are available on the same terms to the general public or that are made at public auction; or (e) Sales of craft items to a state park by interim</p>	<p>Section 4. Contracts/Agreements No member of the Kentucky e-Health Network Board shall himself or through a business in which he owns or controls an interest of more than five percent (5%), or by any other person for his use or benefit or on his account, undertake, execute, hold or enjoy, in whole or in part, any contract, agreement, lease sale, or purchase made, entered into, awarded, or granted by the board, commission, authority, council, or committee of which he is a member. This prohibition shall not apply to purchases that are available on the same terms to the general public or which are made at public auction.</p>

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state employees designated as craftspersons under KRS 148.257.

(5) A public servant shall not knowingly accept compensation, other than that provided by law for public servants, for performance of his official duties without the prior approval of the commission.

(6) A former officer or public servant listed in KRS 11A.010(9)(a) to (g) shall not, within six (6) months of termination of his employment, knowingly by himself or through any business in which he owns or controls an interest of at least five percent (5%), or by any other person for his use or benefit or on his account, undertake, execute, hold, bid on, negotiate, or enjoy, in whole or in part, any contract, agreement, lease, sale, or purchase made, entered into, awarded, or granted by the agency by which he was employed. This provision shall not apply to a contract, purchase, or good faith negotiation made under KRS Chapter 416 relating to eminent domain or to agreements that may directly or indirectly involve public funds disbursed through entitlement programs. This provision shall not apply to purchases from a state agency that are available on the same terms to the general public or that are made at public auction. This provision shall not apply to former officers of the Department of Public Advocacy whose continued representation of clients is necessary in order to prevent an adverse effect on the client.

(7) A present or former officer or public servant listed in KRS 11A.010 (9) (a) to (g) shall not, within six (6) months following termination of his office or employment accept employment, compensation, or other economic benefit from any person or business that contracts or does business with, or is regulated by, the state in matters in which he was directly involved during the last thirty-six (36) months of his tenure. This provision shall not prohibit an individual from returning to the same business, firm, occupation, or profession in which he was involved prior to taking office or beginning his term of employment, or for which he was involved prior to taking office or beginning his term of employment, or for which he received, prior to his state employment, a professional degree or license, provided that, for a period of six (6) months, he personally refrains from working on any matter in which he was directly involved during the last thirty-six (36) months of his tenure in state government. This subsection shall not prohibit the performance of ministerial functions, including but not limited to filing tax returns, filing applications for permits or licenses, or filing incorporation papers, nor shall it prohibit the former officer or public servant from receiving public funds disbursed through entitlement programs.

(8) A former public servant shall not act as a lobbyist or lobbyist's principal in matters in which he was directly involved during the last thirty-six (36) months of his tenure for a period of one (1) year after the latter of: (a) The date of leaving office or termination of employment; or (b) The date the term of office expires to which the public servant was elected.

(9) A former public servant shall not represent a person or business before a state agency in a matter in which the former public servant was directly involved during the last thirty-six (36) months of his tenure, for a period of one (1) year

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<p>after the latter of: (a) The date of leaving office or termination of employment; or (b) The date the term of office expires to which the public servant was elected.</p> <p>(10) Without the approval of his appointing authority, a public servant shall not accept outside employment from any person or business that does business with or is regulated by the state agency for which the public servant works or which he supervises, unless the outside employer's relationship with the state agency is limited to the receipt of entitlement funds. (a) The appointment authority shall review administrative regulations established under KRS Chapter 11A when deciding whether to approve outside employment for a public servant. (b) The appointment authority shall not approve outside employment for a public servant if the public servant is involved in decision-making or recommendations concerning the person or business from which the public servant seeks outside employment or compensation.</p>	
<p>11A.045 – Acceptance of gifts by public servants permitted under certain circumstances.</p> <p>(1) No public servant, his spouse, or dependent child knowingly shall accept any gifts or gratuities, including travel expenses, meals, alcoholic beverages, and honoraria, totaling a value greater than twenty-five dollars (\$25) in a single calendar year from any person or business that does business with, is regulated by, is seeking grants from, is involved in litigation against, or is lobbying or attempting to influence the actions of the agency in which the public servant is employed or which he supervises, or from any group or association which has as its primary purpose the representation of those persons or businesses. Nothing contained in this subsection shall prohibit the commission from authorizing exceptions to this subsection where such exemption would not create an appearance of impropriety.</p> <p>(2) Nothing in KRS Chapter 11A shall prohibit or restrict the allocation of or acceptance by a public servant of a ticket for admission to a sporting event if the ticket or admission is paid for by the public servant at face value or is paid for at face value by the individual to who the ticket is allocated.</p> <p>(3) Nothing in KRS 11A.001 to 11A.110 shall prohibit or restrict the acceptance by a public servant of the Cabinet for Economic Development or by any other public servant working directly with the cabinet on an economic incentive package of anything of economic value as a gift or gratuity, if the gift or gratuity:</p> <p>(a) Was not solicited by the public servant; (b) Was accepted by the public servant in the performance of his or her official duties and in compliance with guidelines to be established by the Kentucky Economic Development Partnership which shall include requirements for all gifts or gratuities of a reportable value under KRS 11A.050(3)(k) be registered with the Kentucky Economic Development Partnership and with the Executive Branch Ethics Commission and that all tangible property with a value in excess of twenty-five (\$25), other than food and beverages consumed on the premises, shall be turned over to the Cabinet for Economic Development within thirty (30) days of</p>	<p>Section 2. Acceptance of Gifts</p> <p>A member of the Kentucky e-Health Network Board, his spouse, or dependent child knowingly shall not accept any gifts or gratuities, including travel expenses, meals, alcoholic beverages, and honoraria, totaling a value greater than twenty-five dollars (\$25) in a single calendar year from any person or business that does business with, is regulated by, is seeking grants from, is involved in litigation against, or is lobbying or attempting to influence the actions of the Kentucky e-Health Network board, or from any group or association which has as its primary purpose the representation of those persons or businesses. Nothing contained in this paragraph shall prohibit the Kentucky e-Health Network Board from authorizing exceptions to this paragraph where such exception would not create an appearance of impropriety.</p>

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<p>receipt. In filing reports of gifts or gratuities with the Executive Branch Ethics Commission, the Cabinet for Economic Development may delete information identifying the donors if the cabinet believes identification of the donors would damage economic development; and (c) Was not accepted under circumstances which would create a violation of KRS Chapter 521.</p>	
<p>11A.050 – Financial disclosure by officers, candidates, and public servants</p> <p>(1) Each officer, each public servant listed in KRS 11A.010(9)(a) to (g), and each candidate shall file a statement of financial disclosure with the commission, as follows: (a) Each officer and each public servant listed in KRS 11A.010(9)(a) to (g) who occupies his position during any portion of a calendar year shall file the statement for that portion of the calendar year he occupied the position on or before April 15 of the following year, whether or not he remains an officer or public servant as listed in KRS 11A.010(9)(a) to (g). (b) Each officer and public servant listed in KRS 11A.010 (9) (a) to (g) who does not remain an officer or public servant listed in KRS 11A.010 (9) (a) to (g) for the entire calendar year shall file the statement for the portion of the calendar year that the person served as an officer or public servant listed in KRS 11A.010 (9) (a) to (g). The statement shall be filed with the commission within thirty (30) days after the date the person no longer serves as an officer or public servant listed in KRS 11A.010(9)(a) to (g). (c) A candidate shall file the statement reflecting the previous calendar year with the commission no later than February 15.</p> <p>(2) The statement of financial disclosure shall be filed on a form prescribed by the commission. The commission shall provide copies of the form upon request without charge.</p> <p>(3) The statement shall include the following information for the proceeding calendar year: (a) Name and entire residential and business address of filer; (b) Title of position or office whereby filing is required; (c) Any other occupations of filer and spouse; (d) Positions held by the filer or his spouse in any business, and the name and address of the business; (e) Names and address of all businesses in which the filer, his spouse, or dependent children has or had an interest of ten thousand dollars (\$10,000) at fair market value or five percent (5%) ownership interest or more; (f) The name and address of any source of gross income exceeding one thousand dollars (\$1,000) from any one (1) source to the filer, his spouse, or dependent child, as well as information concerning the nature of the business, and the form of the income; (g) Sources of retainers received by the filer or his spouse relating to matters of the state agency for which the filer works or supervises or of any other entity of state government for which the filer would serve in a decision-making capacity, including each source's name and address; (h) Any representation or intervention for compensation by the filer or his spouse for any person or business before a state agency for which the filer works or supervises or before any entity of state government for which the filer would serve in a decision-making capacity, including the name and address of the person or business; (i) All positions of a</p>	<p>Financial Disclosure Not Included</p>

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<p>fiduciary nature held by the filer or his spouse in a business, including the name and address of the business; (j) Information, including a street address or location, regarding any real property in which there is an interest of ten thousand dollars (\$10,000) or more held by the filer, his spouse, or dependent children; (k) Sources, including each source's name and address, or gifts of money or property with a retail value of more than two hundred dollars (\$200) from any one (1) source to the filer, his spouse, or dependent children, except those from a member of the filer's family; and (l) Identity, including an address, of creditors owed more than ten thousand dollars (\$10,000), except debts arising from the purchase of consumer goods.</p>	
<p>11A.100 – Procedures for administrative hearings – Action by commission.</p> <p>(1) The provisions of KRS Chapter 13B shall apply to all commission administrative hearings.</p> <p>(2) All administrative hearings of the commission carried out pursuant to the provisions of this section shall be public, unless the members vote to go into executive session in accordance with KRS 61.180.</p> <p>(3) The commission, upon a finding pursuant to an administrative hearing that there has been clear and convincing proof of a violation of this chapter, may: (a) Issue an order requiring the violator to cease and desist the violation; and (b) Issue an order requiring the violator to file any report, statement, or other information as required by this chapter; and (c) In writing, publicly reprimand the violator for potential violations of the law and provide a copy of the reprimand to the alleged violator's appointment authority, if any; and (d) In writing, recommend to the violator's appointment authority that the violator be removed or suspended from office or employment, and include a recommendation for length of suspension, to be approved by the appointment authority, if any; and (e) Issue an order requiring the violator to pay a civil penalty of not more than five thousand dollars (\$5,000) for each violation of this chapter.</p> <p>(4) In addition to any other remedies provided to pay a civil penalty of this chapter which has substantially influenced the action taken by any state agency in any particular matter shall be grounds for voiding, rescinding, or canceling the action on such terms as the interests of the state and innocent third persons require.</p> <p>(5) The commission shall refer to the Attorney General evidence of violations of KRS 11A.040 for prosecution. The Attorney General shall have responsibility for all prosecutions under the law any may request from the commission all evidence collected in its investigation. The commission may represent itself through the general counsel in all subsequent proceedings.</p>	<p>No Civil Penalty for Violation</p>