

**ADVISORY OPINION AO-1990-001
RECONSTITUTED AS ETHICS INTERPRETATION EI-1990-001
ISSUED MARCH 14, 1990**

The Oklahoma Council on Campaign Compliance and Ethical Standards ["the Council"] has received your request for an advisory opinion asking, in effect:

Can an unclassified employee responsible for the state's accounting and disbursing systems and for preparation of state revenue forecasts and analyses form or participate in a private business during off-duty hours from the state in the business of marketing public information to private citizens when the information is not obtained from the petitioner's employing agency and is marketed to private citizens only without violating Title 74 O.S. Supp. 1989, § 4241?

Title 74 O.S. Supp. 1989, § 4241 reads:

No state employee shall:

1. Directly or indirectly solicit or accept any compensation, gift, loan, entertainment, favor or service given for the purpose of influencing such employee in the discharge of his official duties. Provided, however, that this section shall not apply to bona fide campaign contributions;
2. Use his official position to solicit or secure special privileges or exemptions for himself or others, except as may be provided by law;
3. Disclose or offer to disclose confidential information acquired by reason of his official position to any person, group or others not entitled to receive such confidential information, nor shall he use such information for his personal gain or benefit;
4. Sell, offer to sell or cause to be sold, either as an individual or through any business enterprise in which he holds a substantial financial interest, goods or services to any state agency or to any business entity licensed by or regulated by the state agency, except as provided in paragraph 3 of Section 26 of this act;
5. Receive or solicit any compensation that would impair his independence of judgment for his services as an officer or employee of any state agency, from any source other than the state, unless otherwise provided by law; or
6. Accept or solicit other employment which would impair his independence of judgment in the performance of his public duties.

In reviewing the paragraphs of § 4241, the petitioner would not be accepting or soliciting anything for the purpose of influencing him in his official duties. Nor would the Petitioner be using his position to secure special privileges for himself or others or to disclose confidential information [the information to be published would be public information only]. The information would not be sold to public agencies. And, compensation from or employment by the business would not impair petitioner's independence of judgment in the performance of his state duties.

It is, therefore, the advisory opinion of the Council, as voted on at its regular meeting on March 14, 1990, that an unclassified employee responsible for the state's accounting and disbursing systems and for preparation of state revenue forecasts and analyses could form or participate in a private business during off-duty hours from the state in the business of marketing public information to private citizens when the information is not obtained from the petitioner's employing agency and is marketed to private citizens only without violating Title 74 O.S. Supp. 1989, § 4241.