



COMMONWEALTH OF KENTUCKY
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JUDICIAL ETHICS OPINION JE-37

Informal

Question: May a person serve as a domestic relations commissioner in circuit court while also serving as a member of the Alcohol Beverage Control Board under KRS 241.030?

Answer: Yes.

References: SCR 4.300, Code of Judicial Conduct, Canon 5G and Compliance Provisions.

Opinion: (April 1982):

Judges are prohibited by Canon 5G of the Code of Judicial Conduct from accepting appointment "to a governmental committee, commission, or other position that is concerned with issues of fact or policy...." A judge, therefore, could not serve on the Alcohol Beverage Control Board, since that board conducts hearings and makes findings of fact.

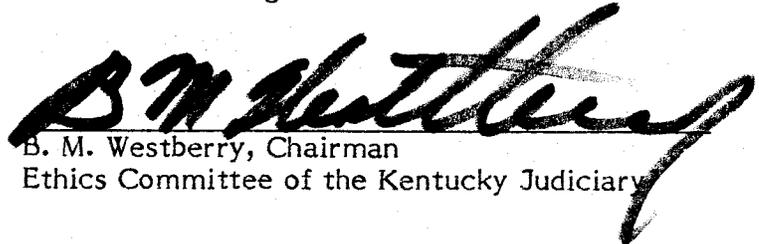
Court commissioners are generally subject to the Code of Judicial Conduct by virtue of its compliance provisions, which state that a court commissioner "is a judge for the purpose of this code." But Subsection A of the compliance provisions creates certain exceptions to this general rule. This subsection reads as follows:

A part-time judge is a judge who serves on a continuing or periodic basis, but is permitted by law to devote time to some other profession or occupation and whose compensation for that reason is less than that of a full-time judge. A part-time judge:

(1) is not required to comply with Canon 5C(2), D, F, and G; ...

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A domestic relations commissioner clearly falls within the above-quoted definition of a part-time judge, and as such he is specifically exempted from compliance with Canon 5G. Therefore we hold that a domestic relations commissioner may also serve on the Alcohol Beverage Control Board.



B. M. Westberry, Chairman
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