

SETTLEMENT AGREEMENT

This agreement made and entered into between the Executive Branch Ethics Commission (hereinafter the "Commission") and Bruce Harper.

WHEREAS, this agreement involves the matter styled *Executive Branch Ethics Commission v. Bruce Harper*, Case No. 13-002;

WHEREAS, the Commission is designated by statute as the agency responsible for enforcing the Executive Branch Code of Ethics, KRS Chapter 11A;

WHEREAS, on March 18, 2013, the Commission alleged facts in an Initiating Order that Bruce Harper violated the Executive Branch Code of Ethics at KRS 11A.020(1)(a), (b), and (d), and KRS 11A.055;

WHEREAS, Bruce Harper was at all relevant times mentioned in the Initiating Order a "public servant" as defined in KRS 11A.010(9) and thus subject to the Executive Branch Code of Ethics; and

WHEREAS, Bruce Harper indicates his desire to resolve all issues in this action by the execution of a Settlement Agreement.

NOW, THEREFORE, in settlement of the above allegations, the Commission and Bruce Harper agree, pursuant to KRS 11A.100, as follows:

1. Bruce Harper admits that he committed violations of the Executive Branch Code of Ethics at 11A.020(1)(a), (b), and (d) and KRS 11A.055, as stated in Appendix A to the Commission's Initiating Order of March 18, 2013, attached hereto and incorporated by reference herein.

2. Bruce Harper agrees to pay the Commission a civil penalty of four thousand five hundred dollars (\$4,500.00) concurrently with the execution of this Settlement Agreement.

3. Bruce Harper agrees to cooperate fully with the Commission in any further investigations and will submit complete, accurate, and truthful interviews and provide complete, accurate, and truthful testimony in any Commission proceedings in which he may be called as a witness.

4. Bruce Harper agrees that upon a Final Order being issued by the Commission that he waives all rights to any further administrative process or appeal pursuant to KRS 13B.140 thereon.

5. The parties further agree that the acceptance of this Settlement Agreement by both parties, and the fulfillment of its express terms, is in full accord and satisfaction

of the herein referenced *Executive Branch Ethics Commission v. Bruce Harper*, Agency Case No. 13-002.

6. This Settlement Agreement constitutes a public reprimand to Bruce Harper, a copy of which will be provided to his current appointing authority pursuant to KRS 11A.100(3)(c).

IN WITNESS THEREOF, the parties have caused this agreement to be executed:



Bruce Harper

3/20/13

Date

EXECUTIVE BRANCH ETHICS COMMISSION:



Chair, William David Denton

5-20-13

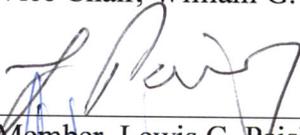
Date



Vice Chair, William G. Francis

5-20-13

Date



Member, Lewis G. Paisley

5/20/13

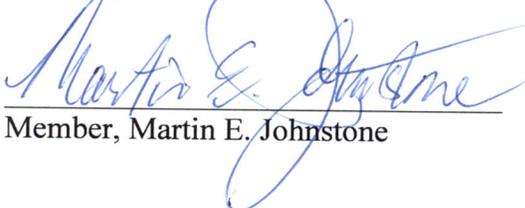
Date



Member, Richard L. Masters

5-20-13

Date



Member, Martin E. Johnstone

5/20/13

Date

**APPENDIX A
CASE NO. 13-02
INITIATING ORDER**

ALLEGATION OF VIOLATIONS

The Respondent, Bruce D. Harper, was at all relevant times an employee of the Commonwealth of Kentucky, serving in the Department of Agriculture. As such, the Respondent was subject to the jurisdiction of the Commission. KRS 11A.010(9)(h).

During the course of its preliminary investigation, the Commission found probable cause to believe that Bruce D. Harper committed the following violations:

COUNT I

Bruce D. Harper, during his course of employment as Director of Outreach and Development, Department of Agriculture, used or attempted to use any means to influence a public agency in derogation of the state at large; used his official position to secure or create privileges, exemptions, advantages, or treatment for others in derogation of the public interest; and solicited donations from private entities for a private conference for activities other than those listed under KRS 11A.055.

Specifically, from 2007 through 2008, Harper solicited donations for the Southern Association of State Departments of Agriculture (“SASDA”) conference to be held in Kentucky in 2008 from entities that the Department regulated, from entities with which the Department had a business relationship, and from entities that represented groups that the Department regulated. SASDA was not an IRS Section 501(c)(3) recognized entity, and the SASDA conference was not conducted for crime prevention, for drug and alcohol abuse prevention, or for a traffic safety program.

These facts constitute violations of KRS 11A.020(1)(b) and (d), and KRS 11A.055.

KRS 11A.020(1)(b) and (d) provide:

(1) No public servant, by himself or through others, shall knowingly:

(b) Use or attempt to use any means to influence a public agency in derogation of the state at large;

(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.

KRS 11A.055 provides:

(1) Any provision of KRS Chapter 11A to the contrary notwithstanding, a state agency or a public servant may raise funds, either individually or as a department or agency, for a charitable nonprofit organization granted a tax exemption by the Internal Revenue Service under Section 501c of the Internal Revenue Code without violating the provisions of this chapter. Raising of funds shall include but not be limited to holding events for the benefit of the charitable organization, contacting potential donors, providing prizes, and engaging in other forms of fundraising and providing the funds thus raised to the charitable organization.

(2) Any provision of KRS Chapter 11A to the contrary notwithstanding, a state agency or a public servant may raise funds, either individually or as a department or agency, for crime prevention, drug and alcohol abuse prevention, and traffic safety programs without violating the provisions of this chapter. Raising of funds shall include but not be limited to holding events for the benefit of a program specified in this section, contacting potential donors, providing prizes, and engaging in other forms of fundraising and providing the funds thus raised to the program.

COUNT II

Bruce D. Harper, during his course of employment as Director of Outreach and Development, Department of Agriculture, used or attempted to use any means to influence a public agency in derogation of the state at large; and used his official position to secure or create privileges, exemptions, advantages, or treatment for others in derogation of the public interest.

Specifically, some time between April 30, 2010, and May 15, 2010, Harper interfered with the enforcement and penalty procedures of the Office of the State Veterinarian by

instructing Department employees to probate a \$200 fine to zero for a farmer who had violated the dead animal disposal laws. Harper did so because the farmer had contacted his state representative who, in turn, contacted Harper to pressure the Department to remove the fine. Harper instructed Department employees to take no further action against the farmer even though the farmer had been given two opportunities to submit to the requirements of the law and had failed to cooperate with the Department.

These facts constitute violations of KRS 11A.020(1)(a), (b), and (d).

KRS 11A.020(1)(a), (b), and (d) provide:

- (1) No public servant, by himself or through others, shall knowingly:
 - (a) Use or attempt to use his influence in any matter 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;

 - (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.

COUNT III

Bruce D. Harper, during his course of employment as Director of Outreach and Development, Department of Agriculture, used or attempted to use any means to influence a public agency in derogation of the state at large; and used his official position to secure or create privileges, exemptions, advantages, or treatment for others in derogation of the public interest.

Specifically, between February and June 2011, Harper attempted to interfere with the enforcement and penalty procedures of the Division of Regulation and Inspection, Grain Regulation Branch, on behalf of a grain dealer that was a political contributor. Harper instructed a Department employee to hold a \$3,000 penalty check submitted by a grain dealer, even though the grain dealer had already entered into an Agreed Order of Settlement to pay a fine of \$3000,

reduced from the \$30,000 fine that the Grain Regulation Branch had originally issued against the grain dealer, for violating Kentucky's grain law. Harper instructed Department employees to not deposit the check, as would have been the normal course of business for the Grain Regulation Branch upon receiving a penalty check, but to hold the check until he could come to the Branch offices and take possession of the check, with the intention of circumventing the check's deposit.

These facts constitute violations of KRS 11A.020(1)(a), (b), and (d).

KRS 11A.020(1)(a), (b), and (d) provide:

- (1) No public servant, by himself or through others, shall knowingly:
 - (a) Use or attempt to use his influence in any matter 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;

 - (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.

(End of document)

BRUCE HARPER
SPECIAL ACCOUNT
303 JACKSON PIKE
HARRODSBURG, KY 40330-8676

73-269/421

3966

DATE MARCH 20 2013

PAY TO THE ORDER OF

KY. STATE TREASURE

\$ 4500.00

Four thousand five hundred

00/100

DOLLARS



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CTB 55+ CLUB

Bruce Harper

MEMO

MP

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SPECIALTY BLUE