

COMMONWEALTH OF KENTUCKY  
EXECUTIVE BRANCH ETHICS COMMISSION  
AGENCY NO. 13-013  
ADMINISTRATIVE ACTION NO. 13-EBEC-0325

EXECUTIVE BRANCH ETHICS COMMISSION

COMPLAINANT

v.

THOMAS BURLING

RESPONDENT

FINAL ORDER

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The Executive Branch Ethics Commission hereby adopts the Hearing Officer's Report and Recommended Order of the Hearing Officer, as issued on April 16, 2014, as its Final Order, and incorporates it by reference as if fully stated herein. The Executive Branch Ethics Commission finds the Respondent, Thomas Burling, in default and with all the allegations in the Commission's Initiating Order and Appendix to be true by reason of the Respondents default pursuant to KRS 13B.060(6). Further, the Commission hereby orders the Respondent receive a public reprimand and pay a civil penalty in the amount of \$5000 per count for the seven (7) counts listed in the Initiating Order, for an aggregate civil penalty of \$35,000.

NOTICE OF APPEAL RIGHTS

You have a right to appeal the Final Order of the agency pursuant to KRS 13B.140, which reads in part:

(1) All final orders of an agency shall be subject to a judicial review in accordance with the provisions of this chapter. A party shall institute an appeal by filing a petition in the Circuit Court of venue, as provided in the agency's enabling statutes, within thirty (30) days after the final order of the agency is mailed or delivered by personal service. If venue for appeal is not stated in the enabling statutes, a party may appeal to Franklin Circuit Court or the Circuit Court of the county in which the appealing party resides or operates a place of business. Copies of the

Petition shall be served by the Petitioner upon the agency and all parties of record. The Petition shall include the names and addresses of all parties to the proceeding and the agency involved, and a statement of the grounds on which the review is requested. The Petition shall be accompanied by a copy of the Final Order.

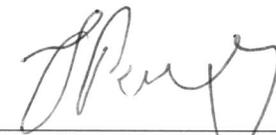
Pursuant to KRS 23A.010(4), "Such review [by the Circuit Court] shall not constitute an appeal but an original action." Some courts have interpreted this language to mean that summons must be served upon filing an appeal in Circuit Court.

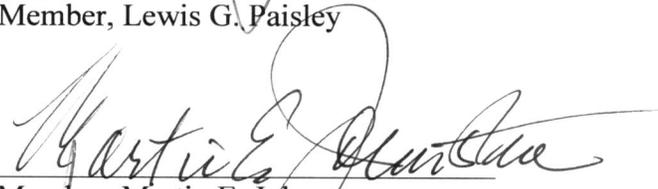
SO ORDERED, this 19<sup>th</sup> day of May 2014.

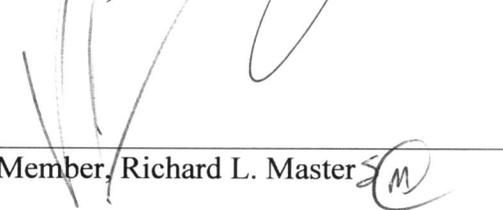
**EXECUTIVE BRANCH ETHICS COMMISSION**

  
Chair, W. David Denton

  
Vice-Chair, William Francis

  
Member, Lewis G. Paisley

  
Member, Martin E. Johnstone

  
Member, Richard L. Master 

DISTRIBUTION

By hand delivery, for filing on May 19, 2014:

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Debbie Briscoe