

**COMMONWEALTH OF KENTUCKY
EXECUTIVE BRANCH ETHICS COMMISSION
CASE NO. 13-010**

**IN RE: DWAYNE MILLS
ALLEGED VIOLATION OF KRS CHAPTER 11A**

**INITIATING ORDER
Initiation of Administrative Proceeding
And Formal Complaint**

The Executive Branch Ethics Commission (the “Commission”), upon its own motion, initiated a preliminary investigation of Dewayne Mills (the “Respondent”), pursuant to KRS 11A.080(1), on September 24, 2012.

At all relevant times the Respondent was a “public servant” as defined in KRS 11A.010(9), and thus subject to the jurisdiction of the Commission.

The Commission initiated the preliminary investigation to determine whether it has sufficient probable cause to believe the Respondent violated provisions of KRS Chapter 11A, the Executive Branch Code of Ethics (also referred to herein as the “Ethics Code”).

The Commission focused its investigation upon the Respondent’s possible violation of the Ethics Code by using his influence in a matter that involved a substantial conflict between his personal or private interest and his duties in the public interest; influencing a public agency in derogation of the state at large; using his official position to give himself a financial gain and an advantage in derogation of the public interest at large; using his official position to secure or create privileges, exemptions, advantages, or treatment for himself in derogation of the public interest; and failing to avoid all conduct which might in any way lead members of the general public to conclude that he was using his official position to further his professional or private interest.

The Commission notified the Respondent of the preliminary investigation by letter dated September 25, 2012. During the course of the investigation, the Commission found probable cause to believe that violations of KRS Chapter 11A had occurred and voted on May 20, 2013, to initiate an administrative proceeding, pursuant to KRS 11A.080(4)(b) and KRS Chapter 13B, to determine whether the Respondent violated the Ethics Code as set forth in the Allegations of Violations, attached hereto and incorporated fully herein as Appendix A to this Initiating Order.

IT IS THEREFORE ORDERED that:

1. The Respondent shall file his answer to this Initiating Order within twenty (20) days from the date of service, verifying the truth and accuracy of any answer submitted.
2. The Respondent shall appear at a hearing to be scheduled by subsequent order and be prepared to defend against the Commission's allegations that he committed the Ethics Code violations set forth in the Allegation of Violations, attached hereto and incorporated fully herein as Appendix A to this Initiating Order.
3. A Hearing Officer will be designated by the Administrative Hearings Branch of the Office of the Attorney General, 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601-8204.
4. The Commission is represented by Kathryn H. Gabhart, General Counsel, and John R. Steffen, Executive Director. They may be contacted through the Commission's office at (502) 564-7954.
5. All original material shall be submitted to the Executive Branch Ethics Commission, #3 Fountain Place, Frankfort, Kentucky 40601. A copy of all materials

shall be served on the designated Hearing Officer at the Office of the Attorney General, 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601-8204.

6. The Respondent has the right to legal counsel during this proceeding. If the Respondent retains legal counsel, that person shall file an appearance with the Commission, and thereafter all correspondence from the Commission to the Respondent shall be mailed or delivered to the Respondent's attorney.

7. The Respondent has the right to examine upon request, at least five (5) days prior to the hearing, a list of witnesses the Commission expects to call at the hearing, any evidence that will be used at the hearing and any exculpatory information in the Commission's possession.

8. The Respondent has the right to subpoena witnesses on his own behalf. If the Respondent subpoenas witnesses, he shall pay for all costs associated with the subpoenas' issuance, including any applicable witness fees.

9. If the Respondent fails to attend or participate as required at any stage of the administrative hearing process without good cause shown, he may be held in default pursuant to KRS 13B.050(3)(h).

10. The Respondent has a right to appeal any final Commission order to the Franklin Circuit Court within thirty (30) days of service.

11. This proceeding is subject to KRS Chapter 11A, the Commission's regulations, the provisions of KRS Chapter 13B, and any Order issued by the Commission or its hearing officer issued during this administrative proceeding.

So ordered this 20th day of May 2013.

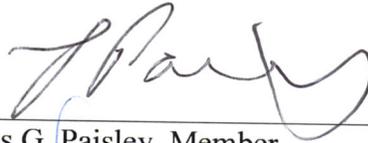
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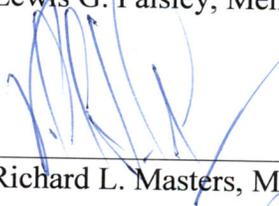
W. David Denton, Chair



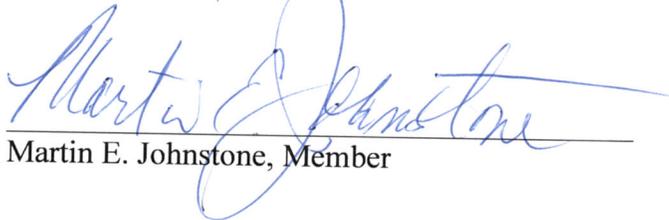
William G. Francis, Vice-Chair



Lewis G. Paisley, Member



Richard L. Masters, Member



Martin E. Johnstone, Member

**APPENDIX A
CASE NO. 13-010
INITIATING ORDER**

ALLEGATION OF VIOLATIONS

The Respondent, Dwayne Mills, was at all relevant times an employee of the Commonwealth of Kentucky, serving in the Department of Juvenile Justice, Justice and Public Safety Cabinet. 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 Dwayne Mills committed the following violations:

COUNT I

Dwayne Mills, during his course of employment as a Superintendent of the Adair Youth Development Center, Department of Juvenile Justice, Justice and Public Safety Cabinet used his official position to obtain financial gain for himself, and to secure or create privileges, exemptions, advantages, or treatment for himself in derogation of the public interest at large.

Specifically, during 2010 through 2011, while Mills was the Superintendent of a youth detention facility, Mills used an employee, who was his subordinate, through which to place illegal bets on college and professional sporting events through a bookie. Mills would text or call this employee, whom he knew would be on state time while working shift at the facility, and required this employee to deviate from his required duties managing staff and juveniles at the facility to place ranging between \$25 to \$100 on upwards of hundreds of sporting events over a two year period.

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

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

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

- (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.

COUNT II

Dwayne Mills, during his course of employment as a Superintendent of the Adair Youth Development Center, Department of Juvenile Justice, Justice and Public Safety Cabinet used his official position to obtain financial gain for himself, and to secure or create privileges, exemptions, advantages, or treatment for himself in derogation of the public interest at large.

Specifically, during 2010 through 2012, while Mills was the Superintendent of a youth detention facility, Mills used an employee, who was his subordinate, to carry money to and from a bookie through which Mills had the employee place bets on sporting events. Mills would give this employee money to pay for bets that Mills lost and would have the employee carry money to Mills on bets that he won over a two year period.

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

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

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

- (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.

COUNT III

Dwayne Mills, during his course of employment as a Superintendent of the Adair Youth

Development Center, Department of Juvenile Justice, Justice and Public Safety Cabinet used his official position to obtain financial gain for himself, and to secure or create privileges, exemptions, advantages, or treatment for himself in derogation of the public interest at large.

Specifically, 2010 through 2011, while Mills was the Superintendent of a youth detention facility, Mills used state time and resources to view websites devoted to betting sporting events and to research point spreads before instructing an employee to place bets for him through a bookie.

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

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

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

 - (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.

COUNT IV

Dwayne Mills, during his course of employment as a Superintendent of the Adair Youth Development Center, Department of Juvenile Justice, Justice and Public Safety Cabinet used his official position to obtain financial gain for himself, and to secure or create privileges, exemptions, advantages, or treatment for himself in derogation of the public interest at large.

Specifically, 2010 through 2011, while Mills was the Superintendent of a youth detention facility, at times when Mills was not at the facility, Mills would contact an employee at the facility and instruct the employee to used state time and resources to research point spreads and betting statistics for him. On one such occasion, Mills instructed the employee to leave a

meeting, lie to his onsite supervisor about why the employee was leaving the meeting, and use another employee's office to research on a betting website for him.

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

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

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

 - (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.

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