

**COMMONWEALTH OF KENTUCKY  
EXECUTIVE BRANCH ETHICS COMMISSION  
CASE NO. 12-002**

**IN RE: BOYD SIGLER  
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 Boyd Sigler (the “Respondent”), pursuant to KRS 11A.080(1), on July 11, 2011.

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 (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 official position to give members of his family 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 others in derogation of the public interest; and accepting a gift totaling a value greater than twenty-five dollars (\$25) in a single calendar year from a person or business that does business with, is regulated by, is seeking grants from, or is attempting to influence the actions of the agency in which the Respondent is employed or which he supervises.

The Commission notified the Respondent of the preliminary investigation by letter dated July 12, 2011. During the course of the investigation, the Commission found

probable cause to believe that violations of KRS Chapter 11A had occurred and voted on March 19, 2012, 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.

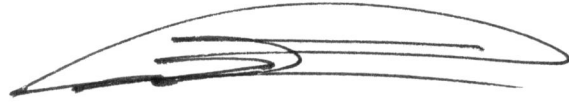
9. If the Respondent fails to attend or participate as required at any stage of the administrative hearing process without good cause shown, he may be held in default pursuant to KRS 13B.050(3)(h).

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.

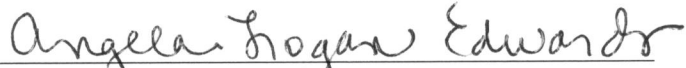
So ordered this 19th day of March 2012.

**EXECUTIVE BRANCH ETHICS COMMISSION:**



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Ronald L. Green, Chair



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Angela Edwards, Vice-Chair



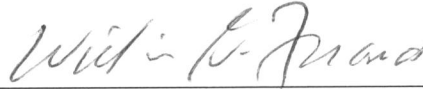
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W. David Denton, Member



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William L. Knopf, Member



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William G. Francis, Member

**APPENDIX A  
CASE NO. 12-002  
INITIATING ORDER**

**ALLEGATION OF VIOLATIONS**

The Respondent, Boyd Sigler, was at all relevant times an employee of the Commonwealth of Kentucky, serving in the Division of Highway Safety Programs, Department of Transportation. 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 Boyd Sigler committed the following violations:

**COUNT I**

Boyd Sigler, during his course of employment as Division Director of the Division of Highway Safety Programs, Department of Transportation, used his official position to obtain financial gain for himself and his family member, to secure or create privileges, exemptions, advantages, or treatment for himself and others in derogation of the public interest at large, and to accept gifts totaling a value greater than twenty-five dollars (\$25) in a single calendar year from a person or business that does business with or is attempting to influence the actions of the agency in which the Respondent is employed or which he supervises.

Specifically, on June 13, 2009, Sigler gained access for himself and his daughter to sections of the Kentucky Motor Speedway that were not accessible by the public so that he and his daughter could meet with Hillary Duff, a singer and actress. Sigler received information from officials of the time and date of the Hillary Duff appearance; when he arrived at the designated time, he was given a ride on a golf cart to non-public areas of the Speedway; he was allowed access to a suite overlooking the race in which to await Ms. Duff; and he was given private access to Hillary Duff to gain her signature for his daughter.

Sigler's relationship with the officials at the Kentucky Motor Speedway arose through the Department of Transportation's contract entered into between the Division of Highway Safety Programs and the Kentucky Motor Speedway in 2007. The Speedway officials gave Sigler and his daughter access to areas of the Kentucky Motor Speedway to which the general public could not gain access. The actual cost of a general admission ticket to the race was \$20 per ticket, but the access given to Sigler and his daughter has no face value because the general public does not have access to or the opportunity to buy the access to these areas, therefore the value is indeterminate. Neither Sigler nor his daughter paid any amount for access to the Speedway on June 13, 2009.

These facts constitute violations of KRS 11A.020(1)(c) and (d) and KRS 11A.045(1).

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

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

KRS 11A.045 provides:

- (1) No public servant, his spouse, or dependent child knowingly shall accept any gifts or gratuities, including travel expenses, meals, alcoholic beverages, and honoraria, totaling a value greater than twenty-five dollars (\$25) in a single calendar year from any person or business that does business with, is regulated by, is seeking grants from, is involved in litigation against, or is lobbying or attempting to influence the actions of the agency in which the public servant is employed or which he supervises, or from any group or association which has as its primary purpose the representation of those persons or businesses. Nothing contained in this subsection shall prohibit the commission from authorizing exceptions to this subsection where such exemption would not create an appearance of impropriety.

**(End of document)**