

**COMMONWEALTH OF KENTUCKY
EXECUTIVE BRANCH ETHICS COMMISSION
CASE NO. 15-003**

**IN RE: JASON DRISKELL
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 Jason Driskell (the “Respondent” or “Driskell”), pursuant to KRS 11A.080(1), on July 14, 2014.

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, 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 matters 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 or a family member a financial gain; using his official position to secure or create privileges, exemptions, advantages, or treatment for himself or others 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 July 17, 2014. During the course of the investigation, the Commission found probable cause to

believe that violations of KRS Chapter 11A had occurred and voted on January 30, 2015, 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. This Initiating Order and Appendix shall be served on the Respondent pursuant to KRS 13B.050(2) by certified mail, return receipt requested, to the last known address of the Respondent.
2. 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.
3. 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.
4. Pursuant to KRS 13B.030(2)(b), the Commission will request the designation of a Hearing Officer by the Administrative Hearings Branch of the Office of the Attorney General, 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601-8204.
5. If the Attorney General's Office cannot provide the requested hearing officer, the Commission will, pursuant to KRS 13B.030(2)(a), employ a hearing officer, contract with another agency for a hearing officer in conjunction with KRS 11A.070, or contract with a private attorney through a personal services contract. The Commission will notify the Respondent or his retained counsel of the designation of a Hearing Officer as soon as possible after the appointment.
6. The Commission is represented by Kathryn H. Gabhart, General Counsel, and

John R. Steffen, Executive Director and co-Counsel. They may be contacted through the Commission's office at (502) 564-7954.

7. All original material shall be submitted to the Executive Branch Ethics Commission, #3 Fountain Place, Frankfort, Kentucky 40601, Attention: Debbie Briscoe. A copy of all materials shall be served on the designated Hearing Officer and the Commission's counsels.

8. 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.

9. 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.

10. 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.

11. 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).

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

13. 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 30th day of January 2015.

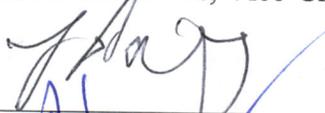
EXECUTIVE BRANCH ETHICS COMMISSION:



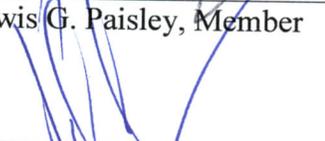
W. David Denton, Chair



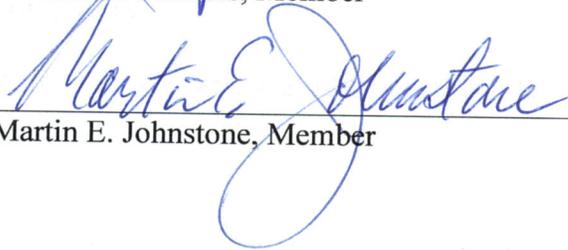
William G. Francis, Vice-Chair



Lewis G. Paisley, Member



Richard L. Masters, Member



Martin E. Johnstone, Member

**APPENDIX A
CASE NO. 15-003
INITIATING ORDER**

ALLEGATION OF VIOLATIONS

The Respondent, Jason Driskell, was at all relevant times an employee of the Commonwealth of Kentucky, serving in the Department of Income Support, Cabinet for Health and Family Services. 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 Jason Driskell committed the following violations:

COUNT I

Jason Driskell, during his course of employment as a Disability Adjudicator III, Department of Disability Services (“Department”), Cabinet for Health and Family Services, used or attempted to use any means to influence a public agency in derogation of the state at large; used his official position to give himself a financial gain; used his official position to secure or create privileges, exemptions, advantages, or treatment for himself in derogation of the public interest; and failed 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.

Specifically, between January 2013 through March 2014, Driskell was assigned to perform job duties in either the Department’s Frankfort or Louisville offices. On at least 116 work days, Driskell failed to arrive at either office at the time he indicated on the sign-in rosters, arriving at his work station anywhere from sixteen (16) minutes to four (4) hours late, for a total of 211 hours of time he claimed to be working that he was not at work. Driskell’s false reporting of his actual work hours on his timesheets resulted in Driskell receiving compensation in the

approximate amount of \$4385.00. Driskell used his position to influence his Cabinet to compensate him for time that he did not work resulting in his receipt of financial gain and benefits in derogation of the state and the public interest. By Driskell falsely reporting his work time on his timesheets, Driskell failed to avoid conduct that would lead the general public to conclude that he was using his official position to further his private interest.

These facts constitute violations of KRS 11A.020(1)(b), (c), and (d), and KRS 11A.020(2).

KRS 11A.020(1)(b), (c), 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;
 - (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.020(2) provides:

- (2) If a public servant appears before a state agency, he shall avoid all conduct which might in any way lead members of the general public to conclude that he is using his official position to further his professional or private interest.

COUNT II

Jason Driskell, during his course of employment as a Disability Adjudicator III, Department of Disability Services ("Department"), Cabinet for Health and Family Services, used or attempted to use any means to influence a public agency in derogation of the state at large; used his official position to give himself a financial gain; used his official position to secure or create privileges, exemptions, advantages, or treatment for himself in derogation of the public

interest; and failed 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.

Specifically, between March 2013 through January 2014, Driskell claimed time on his timesheets for a full day of regular working hours on approximately ten (10) occasions that he did not actual perform work for the Department. On January 17, 2014, Driskell informed Department personnel that he would not be coming to work because of inclement weather; however, he claimed eight (8) regular work hours on his timesheet. On July 1, July 19, and November 6, 2013, Driskell informed Department personnel that he would be taking sick leave, but claimed a full day of regular hours on his time sheets for these days. On August 1, 2013, Driskell informed Department personnel that he would be “out,” yet claimed a full day of regular hours for this date on his time sheet. On March 1 and 19, May 3, June 25, and July 18, Driskell never arrived for work and did not perform any work for the Department, but claimed a full day’s time on his timesheets for these dates. Driskell’s false reporting of these days as regular work hours on his timesheets resulted in Driskell receiving compensation for a total of 80 regular hours, resulting in compensation to him of the approximate amount of \$1661.00.

Driskell used his position to influence his Cabinet to compensate him for time that he did not work resulting in his receipt of financial gain and benefits in derogation of the state and the public interest. By Driskell falsely reporting his work time on his timesheets, Driskell failed to avoid conduct that would lead the general public to conclude that he was using his official position to further his private interest.

These facts constitute violations of KRS 11A.020(1)(b), (c), and (d), and KRS 11A.020(2).

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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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- (2) If a public servant appears before a state agency, he shall avoid all conduct which might in any way lead members of the general public to conclude that he is using his official position to further his professional or private interest.

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