

**COMMONWEALTH OF KENTUCKY
EXECUTIVE BRANCH ETHICS COMMISSION
CASE 16-006**

**IN RE: GELENIA JOY BAILEY
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 Galena Joy Bailey (the “Respondent” or “Bailey”), pursuant to KRS 11A.080(1), on July 18, 2016.

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 there was probable cause to believe the Respondent violated provisions of KRS Chapter 11A (also referred to herein as the “Ethics Code”).

The Commission focused upon the Respondent’s possible violation of the Ethics Code by using her official position with the Justice and Public Safety Cabinet to use or attempt to use her influence in any matter which involved a substantial conflict between her personal or private interest and her duties in the public interest; to use or attempt to use any means to influence her agency in derogation of the state at large; to use her official position or office to obtain financial gain for herself or any members of the public servant’s family; to give herself or others advantages and privileges for herself or others in derogation of the state at large; and failed to avoid all conduct which might in any way lead members of the general public to conclude that she was using her official position to further her professional or private interest.

The Commission notified the Respondent of the preliminary investigation by letter dated January 19, 2016. During the course of the investigation, the Commission found probable cause to believe that violations of KRS Chapter 11A had occurred and voted on July 18, 2016, 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 THISEFORE 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 her 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 she 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 her retained counsel of the designation of a Hearing Officer as soon as possible after the

appointment.

6. The Commission is represented by Misty Dugger Judy, General Counsel, and Kathryn H. Gabhart, 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 her own behalf. If the Respondent subpoenas witnesses, she 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, she 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 18th day of July 2016.

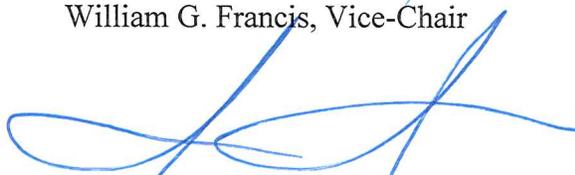
EXECUTIVE BRANCH ETHICS COMMISSION:



W. David Denton, Chair



William G. Francis, Vice-Chair



Sheila R. Isaac, Member



Christopher L. Thacker, Member



Theresa Fritz Camoriano, Member

**APPENDIX A
CASE NO. 16-006
INITIATING ORDER**

ALLEGATION OF VIOLATIONS

The Respondent, Galenia Joy Bailey, was at all relevant times an employee of the Commonwealth of Kentucky, serving in the Department of Juvenile Justice, Justice and Public Safety Cabinet (also referred to herein as “the Department”). 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 Galenia Joy Bailey committed the following violation:

COUNT I

That Galenia Joy Bailey (referred to herein as “Bailey”), during her course of employment as a Juvenile Services Clinician, Department of Juvenile Justice, Justice and Public Safety Cabinet, attempted to or used her influence in a matter which involved a substantial conflict between her personal or private interest and her duties in the public interest; attempted to or used any means to influence her agency in derogation of the state at large; gave advantages and privileges for herself or others in derogation of the state at large. to give herself or others advantages and privileges for herself or others in derogation of the state at large; and failed to avoid all conduct which might in any way lead members of the general public to conclude that she was using her official position to further her professional or private interest.

Specifically, on or about November 4, 2015, Bailey used her position with the Justice and Public Protection Cabinet to help a personal friend, by misrepresenting her authority and threatening the boyfriend of her friend’s daughter with retribution in the court system if he did not return the daughter’s dog to her family. Bailey attempted and used her position within her

Department for personal use to secure or create privileges, exemptions, advantages, or treatment for herself or others in derogation of the public interest at large. By Bailey engaging in such conduct, she failed to avoid conduct that would lead the general public to conclude that she was using her official position to further her or her friend's own private interest. These facts constitute a violation of KRS 11A.020(1)(a) and (d), and KRS11A.020(2).

KRS 11A.020(1)(a), (b), and (d), and KRS11A.020(2) provides:

- (1) No public servant, by himself or through others, shall knowingly:
 - (a) Use or attempt to use her influence in any matter which involves a substantial conflict between her personal or private interest and her duties in the public interest;

- (d) Use or attempt to use her official position to secure or create privileges, exemptions, advantages, or treatment for himself or other in derogation of the public interest at large.

- (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 her official position to further her professional or private interest.

COUNT II

That Galenia Joy Bailey (referred to herein as "Bailey"), during her course of employment as a Juvenile Services Clinician, Department of Juvenile Justice, Justice and Public Safety Cabinet, attempted to or used her influence in a matter which involved a substantial conflict between her personal or private interest and her duties in the public interest; attempted to or used any means to influence her agency in derogation of the state at large; gave advantages and privileges for herself or others in derogation of the state at large. to give herself or others advantages and privileges for herself or others in derogation of the state at large; and failed to

avoid all conduct which might in any way lead members of the general public to conclude that she was using her official position to further her professional or private interest.

Specifically, on or about November 4, 2015, Bailey used her position as an executive branch employee to access the CourtsNet system to do a criminal background check and obtain knowledge of court proceedings related to a man dating the daughter of Bailey's friend. Bailey had no work-related reason to access this information. This information was then used by Bailey to threaten the man with retribution in the court system if he did not return the daughter's dog to her family. As such, Bailey used her position to access information within her Department via the CourtsNet system for personal use to secure or create privileges, exemptions, advantages, or treatment for herself or others in derogation of the public interest at large. By Bailey engaging in such conduct, she also failed to avoid conduct that would lead the general public to conclude that she was using her official position to further her or her friend's own private interest. These facts constitute a violation of KRS 11A.020(1)(a) and (d), and KRS 11A.020(2).

KRS 11A.020(1)(a) and (d), and KRS 11A.020(2) provide:

- (1) No public servant, by himself or through others, shall knowingly:
 - (a) Use or attempt to use her influence in any matter which involves a substantial conflict between her personal or private interest and her duties in the public interest;
 - ***
 - (d) Use or attempt to use her official position to secure or create privileges, exemptions, advantages, or treatment for himself or other in derogation of the public interest at large.
- (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 her official position to further her professional or private interest.

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