

**COMMONWEALTH OF KENTUCKY  
EXECUTIVE BRANCH ETHICS COMMISSION  
CASE NO. 14-018**

**IN RE: JOHN RITTENHOUSE  
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 John Rittenhouse (the “Respondent”), pursuant to KRS 11A.080(1), on July 30, 2013.

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 when he allegedly, within six (6) months of terminating his employment with the Executive Branch, knowingly by himself or through any business in which he owns or controls an interest of at least five percent (5%), or by any other person for his use or benefit or on his account, undertook, executed, held, bid on, negotiated, or enjoyed, in whole or in part, any contract, agreement, lease, sale, or purchase made, entered into, awarded, or granted by the agency by which he was employed.

The Commission notified the Respondent of the preliminary investigation by letter dated August 1, 2013, and by follow-up letter dated April 24, 2014. During the

course of the investigation, the Commission found probable cause to believe that a violation of KRS Chapter 11A had occurred and voted on May 19, 2014, 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. 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. The Commission is represented by John R. Steffen, Executive Director and Counsel. He may be contacted through the Commission's office at (502) 564-7954.

6. 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.

7. 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.

8. 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.

9. 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.

10. 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).

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

12. 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 May 2014.

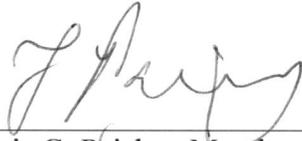
**EXECUTIVE BRANCH ETHICS COMMISSION:**



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. 14-018  
INITIATING ORDER**

**ALLEGATION OF VIOLATIONS**

The Respondent, John Rittenhouse, was at all relevant times an employee of the Commonwealth of Kentucky, serving in the Department of Parks (“Department”), Tourism, Arts and Heritage Cabinet. As such, the Respondent is 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 John Rittenhouse committed the following violation:

**COUNT I**

John Rittenhouse, within six (6) months of his termination of his employment as an “officer,” as defined by KRS 11A.010(7), serving as the Park Manager of Kenlake State Resort Park, Department of Parks, Tourism, Arts and Heritage Cabinet, knowingly by himself, or through any business in which he owns or controls an interest of at least five percent (5%), or by any other person for his use or benefit or on his account, undertook, executed, held, bid on, negotiated, or enjoyed, in whole or in part, any contract, agreement, lease, sale, or purchase made, entered into, awarded, or granted by the agency by which he was employed.

Specifically, in April of 2013, Rittenhouse resigned from his position as Park Manager for Kenlake State Resort Park with the Department. Immediately after resigning and at least by April 15, 2013, Rittenhouse took the position of manager at the restaurant, Jolly’s Dairy Bar and Grill. By July of 2013, Rittenhouse had entered into a contract to purchase Jolly’s Dairy Bar and Grill by the end of a three (3) year term and had paid Scott Jolly, the owner of the restaurant, \$15,000 towards the purchase of the restaurant. On or about August 1, 2005, Jolly’s Dairy Bar and Grill entered into a fifteen (15) year lease agreement with BMAR & Associates (“BMAR”;

successor ABM Government Services). BMAR subleased the marina facility, at which Jolly's Dairy Bar and Grill is located, from the Department on or about June 20, 2005. As such, Rittenhouse, by serving as manager and part owner of Jolly's Dairy Bar and Grill, is benefiting and enjoying, in whole or in part, a contract, agreement, and lease entered into, awarded, or granted by the Department, for which he was employed, within six months of his termination of employment with the Department.

These facts constitute violations of KRS 11A.040(6).

KRS 11A.040(6) provides:

- (6) A former officer or public servant listed in KRS 11A.010(9)(a) to (g) shall not, within six (6) months of termination of his employment, knowingly by himself or through any business in which he owns or controls an interest of at least five percent (5%), or by any other person for his use or benefit or on his account, undertake, execute, hold, bid on, negotiate, or enjoy, in whole or in part, any contract, agreement, lease, sale, or purchase made, entered into, awarded, or granted by the agency by which he was employed. . . .

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