

**COMMONWEALTH OF KENTUCKY
EXECUTIVE BRANCH ETHICS COMMISSION
CASE NO. 13-01**

**IN RE: RICHARD D. FARMER, II
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 Richard D. Farmer, II (the “Respondent” or “Farmer”), pursuant to KRS 11A.080(1), on January 30, 2012, which was expanded on May 14, 2012, July 2, 2012, and March 18, 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, 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 his family members 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; 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; receiving, directly or indirectly, an interest or profit arising from the use of public funds in his hands or to be raised through any state agency; accepting compensation, other than that provided by law for public servants, for performance of his official duties without the prior approval of the commission; accepting gifts totaling a value greater than twenty-five dollars (\$25) in a single calendar year from persons or businesses that do business with, are regulated by, are seeking grants from, are involved in litigation against, or are lobbying or attempting to influence the actions of the Department of Agriculture; failing to indicate gifts valued at over \$200 and sources of income over \$1000 that he had received during a calendar year on his Statement of Financial Disclosure; and soliciting donations from private entities for activities other than those listed under KRS 11A.055.

The Commission notified the Respondent of the preliminary investigation by letter dated February 2, 2012, and the expanded investigation by letters dated May 17, 2012, July 3, 2012, and March 18, 2013. 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 18, 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 appointed.

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 plus one copy shall be submitted to the Executive Branch Ethics Commission, #3 Fountain Place, Frankfort, Kentucky 40601.

6. Once a Hearing Officer is appointed, a copy of all materials shall be served on the designated Hearing Officer as well.

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.

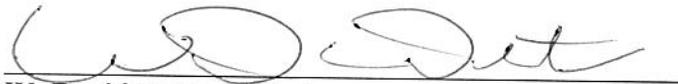
10. If the Respondent fails to attend or participate as required at any stage of the administrative hearing process without good cause shown, he may be held in default pursuant to KRS 13B.050(3)(h).

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.

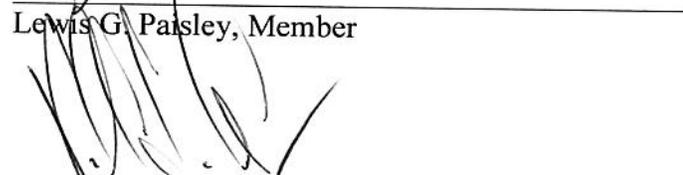
So ordered this 18th day of March 2013.

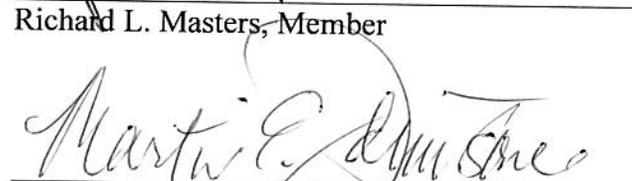
EXECUTIVE BRANCH ETHICS COMMISSION:


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. 13-01
INITIATING ORDER**

ALLEGATION OF VIOLATIONS

The Respondent, Richard D. Farmer, II, was at all relevant times an employee of the Commonwealth of Kentucky, serving in the Department of Agriculture (hereinafter "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 Richard D. Farmer, II, committed the following violations:

COUNT I

Richard D. Farmer, II, during his course of employment as the Commissioner of Agriculture, Department of Agriculture, used his influence in a matter that involved a substantial conflict between his personal or private interest and his duties in the public interest; used or attempted to use any means to influence a public agency in derogation of the state at large; and used his official position to secure or create privileges, exemptions, advantages, or treatment for himself and others in derogation of the public interest.

Specifically, during his tenure as the Commissioner of Agriculture, Farmer influenced the creation of four special assistant positions, with no specific job duties, and placed his friends in these positions. Farmer used some of these special assistants to perform personal errands for him during work hours.

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

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

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

- (a) Use his influence in a matter that involved a substantial conflict between his personal or private interest and his duties in the public interest;
- (b) Use or attempt to use any means to influence a public agency in derogation of the state at large; 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

Richard D. Farmer, II, during his course of employment as the Commissioner of Agriculture, Department of Agriculture, used his influence in a matter that involved a substantial conflict between his personal or private interest and his duties in the public interest; used or attempted to use any means to influence a public agency in derogation of the state at large; used his official position to secure or create privileges, exemptions, advantages, or treatment for himself and others 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, during his tenure as the Commissioner of Agriculture, Farmer used his influence to interfere with the hiring of merit employees, often in contravention to the recommendations of the appropriate staff and the interview panels, frequently influencing the Department to hire individuals with political or personal connections to himself, without regard to the individual's merit.

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

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

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

- (a) Use his influence in a matter that involved a substantial conflict between his personal or private interest and his duties in the public interest;
- (b) Use or attempt to use any means to influence a public agency in derogation of the state at large;

- (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 III

Richard D. Farmer, II, during his course of employment as the Commissioner of Agriculture, Department of Agriculture, used his influence in a matter that involved a substantial conflict between his personal or private interest and his duties in the public interest; used or attempted to use any means to influence a public agency in derogation of the state at large; and used his official position to secure or create privileges, exemptions, advantages, or treatment for himself and others in derogation of the public interest.

Specifically, during his tenure as the Commissioner of Agriculture, Farmer influenced the placement of individuals into higher paying non-merit positions while commandeering the duties and responsibilities of lesser paying merit positions for these non-merits. Oftentimes, Farmer let the individuals in the non-merit positions fail to perform at their assigned duties.

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

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

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

- (a) Use his influence in a matter that involved a substantial conflict between his personal or private interest and his duties in the public interest;
- (b) Use or attempt to use any means to influence a public agency in derogation of the state at large; 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

Richard D. Farmer, II, during his course of employment as the Commissioner of Agriculture, Department of Agriculture, used his influence in a matter that involved a substantial conflict between his personal or private interest and his duties in the public interest; used or attempted to use any means to influence a public agency in derogation of the state at large; and used his official position to secure or create privileges, exemptions, advantages, or treatment for himself and others in derogation of the public interest.

Specifically, during his tenure as the Commissioner of Agriculture, Farmer allowed individual employees to claim work time without the employees actually performing work-related activities for the Department. Farmer allowed these employees to continue to falsely claim work time over long intervals over the objection of management within the Department. Against the protests of management personnel, Farmer directed management to sign timesheets for these individuals even though Farmer and management had knowledge that these employees were not performing state work during the time claimed on the timesheets or had no proof of work-product to support the time claimed by these individuals on their time sheets.

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

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

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

- (a) Use his influence in a matter that involved a substantial conflict between his personal or private interest and his duties in the public interest;
- (b) Use or attempt to use any means to influence a public agency in derogation of the state at large; 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 V

Richard D. Farmer, II, during his course of employment as the Commissioner of Agriculture, Department of Agriculture, used his influence in a matter that involved a substantial conflict between his personal or private interest and his duties in the public interest; 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; and used his official position to secure or create privileges, exemptions, advantages, or treatment for himself in derogation of the public interest.

Specifically, during his tenure as the Commissioner of Agriculture, Farmer used the Department employees to chauffeur him and his family to doctors' appointments, personal shopping trips, and hunting trips. Farmer also directed Department employees to chauffeur the family dog from the Kentucky State Fair to Farmer's home in Frankfort. Oftentimes, these employees performed these personal services for Farmer during state time and using state resources.

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

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

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

- (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.

COUNT VI

Richard D. Farmer, II, during his course of employment as the Commissioner of Agriculture, Department of Agriculture, used his influence in a matter that involved a substantial conflict between his personal or private interest and his duties in the public interest; 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; and used his official position to secure or create privileges, exemptions, advantages, or treatment for himself in derogation of the public interest.

Specifically, during his tenure as the Commissioner of Agriculture, Farmer used Department employees to perform personal work for him at his personal residence, including building a basketball court and retaining wall in his back yard, moving furniture to and from his personal residence, doing landscaping and yard work, cleaning his garage, and laying tile and building shelves. Oftentimes, these employees performed these personal services for Farmer during state time and using state resources.

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

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

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

- (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.

COUNT VII

Richard D. Farmer, II, during his course of employment as the Commissioner of Agriculture, Department of Agriculture, used his influence in a matter that involved a substantial conflict between his personal or private interest and his duties in the public interest; 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 and his family members a financial gain; used his official position to secure or create privileges, exemptions, advantages, or treatment for himself and others 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, during his tenure as the Commissioner of Agriculture, Farmer used state time and resources to have the Department provide his extended family with hotel rooms while attending the Kentucky State Fair.

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

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

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

- (a) Use or attempt to use his influence in any matter which involves a substantial conflict between his personal or private interest and his duties in the public interest;
- (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 VIII

Richard D. Farmer, II, during his course of employment as the Commissioner of Agriculture, Department of Agriculture, used his influence in a matter that involved a substantial conflict between his personal or private interest and his duties in the public interest; 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 and his family a financial gain; used his official position to secure or create privileges, exemptions, advantages, or treatment for himself and others 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, during his tenure as the Commissioner of Agriculture, Farmer used his position to influence Department employees to fraudulently reserve hotel rooms in Louisville during the time of the Kentucky State Fair in the names of Department employees he knew would not be utilizing the rooms in order for his extended family to occupy those rooms.

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

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

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

Richard D. Farmer, II, during his course of employment as the Commissioner of Agriculture, Department of Agriculture, used his influence in a matter that involved a substantial conflict between his personal or private interest and his duties in the public interest; 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 and his family members a financial gain; used his official position to secure or create privileges, exemptions, advantages, or treatment for himself and others 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, during his tenure as the Commissioner of Agriculture, Farmer used his position to abuse a state contract when he gave tickets to the Kentucky High School Athletic Association's Sweet Sixteen Basketball Tournament ("Sweet Sixteen"), which were provided to the Department pursuant to the terms of the agreement, to his extended family members.

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

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

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

Richard D. Farmer, II, during his course of employment as the Commissioner of Agriculture, Department of Agriculture, used his influence in a matter that involved a substantial conflict between his personal or private interest and his duties in the public interest; 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 or his family members a financial gain; used his official

position to secure or create privileges, exemptions, advantages, or treatment for himself or others 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, during his tenure as the Commissioner of Agriculture, Farmer used state time and resources to have the Department provide his extended family with hotel rooms to attend the Sweet Sixteen tournament.

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

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

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

Richard D. Farmer, II, during his course of employment as the Commissioner of Agriculture, Department of Agriculture, used his influence in a matter that involved a substantial

conflict between his personal or private interest and his duties in the public interest; 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 and others in derogation of the public interest; accepted gifts totaling a value greater than twenty-five dollars (\$25) in a single calendar year from persons or businesses that do business with, are regulated by, are seeking grants from, are involved in litigation against, or are lobbying or attempting to influence the actions of the Department; and solicited donations from private entities for activities other than those listed under KRS 11A.055.

Specifically, during his tenure as the Commissioner of Agriculture, Farmer solicited donations for the Southern Association of State Departments of Agriculture (“SASDA”) conference to be held in Kentucky in 2008 from entities that the Department regulated, from entities with which the Department had a business relationship, and from entities that represented groups that the Department regulated. Farmer and his Department accepted these donations that equaled to amounts greater than \$25 in a calendar year. SASDA was not an IRS Section 501(c)(3) recognized entity, and the SASDA conference was not conducted for crime prevention, for drug and alcohol abuse prevention, or for a traffic safety program.

These facts constitute violations of KRS 11A.020(1)(a), (b), (c) and (d), KRS 11A.045(1), and KRS 11A.055.

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.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.

KRS 11A.055 provides:

- (1) Any provision of KRS Chapter 11A to the contrary notwithstanding, a state agency or a public servant may raise funds, either individually or as a department or agency, for a charitable nonprofit organization granted a tax exemption by the Internal Revenue Service under Section 501c of the Internal Revenue Code without violating the provisions of this chapter. Raising of funds shall include but not be limited to holding events for the benefit of the charitable organization, contacting potential donors, providing prizes, and engaging in other forms of fundraising and providing the funds thus raised to the charitable organization.
- (2) Any provision of KRS Chapter 11A to the contrary notwithstanding, a state agency or a public servant may raise funds, either individually or as a department or agency, for crime prevention, drug and alcohol abuse prevention, and traffic safety programs without violating the provisions of this chapter. Raising of funds shall include but not be limited to holding events for the benefit of a program specified in this section, contacting potential donors, providing prizes, and engaging in other forms of fundraising and providing the funds thus raised to the program.

COUNT XII

Richard D. Farmer, II, during his course of employment as the Commissioner of Agriculture, Department of Agriculture, used his influence in a matter that involved a substantial conflict between his personal or private interest and his duties in the public interest; 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 and others in derogation of the public interest; accepted gifts totaling a value greater than twenty-five dollars (\$25) in a single calendar year from persons or businesses that do business with, are regulated by, are seeking grants from, are involved in litigation against, or are lobbying or attempting to influence the actions of the Department; and solicited donations from private entities for activities other than those listed under KRS 11A.055.

Specifically, during his tenure as the Commissioner of Agriculture, Farmer directed Department employees, often during state time and using state resources, to solicit donations for the 2008 SASDA conference to be held in Kentucky from entities that the Department regulated, from entities with which the Department had a business relationship, and from entities that represented groups that the Department regulated. SASDA was not an IRS Section 501(c)(3) recognized entity, and the SASDA conference was not conducted for crime prevention, for drug and alcohol abuse prevention, or for a traffic safety program.

These facts constitute violations of KRS 11A.020(1)(a), (b), (c) and (d), and KRS 11A.055.

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.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.

KRS 11A.055 provides:

- (1) Any provision of KRS Chapter 11A to the contrary notwithstanding, a state agency or a public servant may raise funds, either individually or as a department or agency, for a charitable nonprofit organization granted a tax exemption by the Internal Revenue Service under Section 501c of the Internal Revenue Code without violating the provisions of this chapter. Raising of funds shall include but not be limited to holding events for the benefit of the charitable organization, contacting potential donors, providing prizes, and engaging in other forms of fundraising and providing the funds thus raised to the charitable organization.
- (2) Any provision of KRS Chapter 11A to the contrary notwithstanding, a state agency or a public servant may raise funds, either individually or as a department or agency, for crime prevention, drug and alcohol abuse prevention, and traffic safety programs without violating the provisions of this chapter. Raising of funds shall include but not be limited to holding events for the benefit of a program specified in this section, contacting potential donors, providing prizes, and engaging in other forms of fundraising and providing the funds thus raised to the program.

COUNT XIII

Richard D. Farmer, II, during his course of employment as the Commissioner of Agriculture, Department of Agriculture, used his influence in a matter that involved a substantial conflict between his personal or private interest and his duties in the public interest; 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 and others in derogation of the public interest; 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; received, directly or indirectly, an interest or profit arising from the use of public funds in his hands or to be raised through any state agency; accepted compensation, other than that provided by law for public servants, for performance of his official duties without the prior approval of the commission; and accepted gifts totaling a value greater than twenty-five dollars (\$25) in a single calendar year from persons or businesses that do business with, are regulated by, are seeking grants from, are involved in litigation against, or are lobbying or attempting to influence the actions of the Department.

Specifically, during his tenure as the Commissioner of Agriculture, Farmer used his position to influence employees within the Department to spend state funds comingled with solicited funds from outside entities for the 2008 SASDA conference to purchase excessive and lavish gifts for the visiting Agriculture Commissioners and himself in excess of \$25 and in derogation of the public interest and the state at large.

These facts constitute violations of KRS 11A.020(1)(a), (b), (c) and (d), KRS 11A.020(2), KRS 11A.040(2) and (5), and KRS 11A.045(1).

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

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

KRS 11A.040(2) and (5) provide:

- (2) A public servant shall not knowingly receive, directly or indirectly, any interest or profit arising from the use or loan of public funds in his hands or to be raised through any state agency.

- (5) A public servant shall not knowingly accept compensation, other than that provided by law for public servants, for performance of his official duties without the prior approval of the commission.

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.

COUNT XIV

Richard D. Farmer, II, during his course of employment as the Commissioner of Agriculture, Department of Agriculture, used his influence in a matter that involved a substantial conflict between his personal or private interest and his duties in the public interest; 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; and used his official position to secure or create privileges, exemptions, advantages, or treatment for himself in derogation of the public interest; 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; received, directly or indirectly, an interest or profit arising from the use of public funds in his hands or to be raised through any state agency; accepted compensation, other than that provided by law for public servants, for performance of his official duties without the prior approval of the commission; and accepted gifts totaling a value greater than twenty-five dollars (\$25) in a single calendar year from persons or businesses that do business with, are regulated by, are seeking grants from, are involved in litigation against, or are lobbying or attempting to influence the actions of the Department.

Specifically, during his tenure as the Commissioner of Agriculture, Farmer used his position to influence employees within the Department to spend state funds comingled with solicited funds from outside entities for the 2008 SASDA conference to take the visiting Agriculture Commissioners wives on shopping trips to Fayette Mall, giving them \$50 gift cards as spending money, on a children's program for only Farmer's children in which Department employees took Farmer's children to a water park and other activities for the entire conference, on a trip totaling in excess of \$30,000 to Millionaire's Row at Churchill Downs for gambling on

rices named for the visiting Agriculture Commissioners, and on opulent meals and entertainment all in derogation of the state interest.

These facts constitute violations of KRS 11A.020(1)(a), (b), (c) and (d), KRS 11A.020(2), KRS 11A.040(2) and (5), and KRS 11A.045(1).

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

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

KRS 11A.040(2) and (5) provide:

- (2) A public servant shall not knowingly receive, directly or indirectly, any interest or profit arising from the use or loan of public funds in his hands or to be raised through any state agency.

- (5) A public servant shall not knowingly accept compensation, other than that provided by law for public servants, for performance of his official duties without the prior approval of the commission.

KRS 11A.045(1) 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.

COUNT XV

Richard D. Farmer, II, during his course of employment as the Commissioner of Agriculture, Department of Agriculture, used his influence in a matter that involved a substantial conflict between his personal or private interest and his duties in the public interest; 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, during his tenure as the Commissioner of Agriculture, Farmer used his position to influence employees within the Department to spend exorbitant amounts of state funds comingled with solicited funds from outside entities on the gifts for the SASDA conference, forcing these employees to take desperate measures to find supplemental funds to pay for the SASDA conference in derogation of the state interest. The measures taken by these employees included charging the Department for employee registrations to the conference for employees who did not actually attend the conference, granting money to a commodity group with the requirement that the commodity group use the majority of the grant money to pay for SASDA expenses incurred by the Department, and to continue soliciting funds for SASDA from outside groups months after the SASDA conference occurred.

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

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

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

Richard D. Farmer, II, during his course of employment as the Commissioner of Agriculture, Department of Agriculture, used his influence in a matter that involved a substantial conflict between his personal or private interest and his duties in the public interest; 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; 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; received, directly or indirectly, an interest or profit arising from the use of public funds in his

hands or to be raised through any state agency; and accepted compensation, other than that provided by law for public servants, for performance of his official duties without the prior approval of the commission.

Specifically, during his tenure as the Commissioner of Agriculture, Farmer directed Department staff and a vendor arranging the sale of the firearms to give him four firearms and carry cases, which were purchased with state funds and funds donated for the SASDA conference, that were meant as gifts for visiting Agriculture Commissioners either who did not ultimately attend the SASDA conference or who declined to accept the gift. Farmer took possession of these firearms for his own personal benefit.

These facts constitute violations of KRS 11A.020(1)(a), (b), (c) and (d), KRS 11A.020(2), and KRS 11A.040(2) and (5).

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

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

KRS 11A.040(2) and (5) provide:

(2) A public servant shall not knowingly receive, directly or indirectly, any interest or profit arising from the use or loan of public funds in his hands or to be raised through any state agency.

(5) A public servant shall not knowingly accept compensation, other than that provided by law for public servants, for performance of his official duties without the prior approval of the commission.

COUNT XVII

Richard D. Farmer, II, during his course of employment as the Commissioner of Agriculture, Department of Agriculture, used his influence in a matter that involved a substantial conflict between his personal or private interest and his duties in the public interest; 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; and used his official position to secure or create privileges, exemptions, advantages, or treatment for himself in derogation of the public interest; 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; received, directly or indirectly, an interest or profit arising from the use of public funds in his hands or to be raised through any state agency; and accepted compensation, other than that provided by law for public servants, for performance of his official duties without the prior approval of the commission.

Specifically, during his tenure as the Commissioner of Agriculture, Farmer directed Department staff to use state resources and funds donated for the SASDA conference to order eight extra firearms and carry cases, in excess of the seventeen (17) firearms and cases ordered as gifts for visiting Agriculture Commissioners. Farmer took possession of these extra firearms from the firearms vendor for his own personal benefit.

These facts constitute violations of KRS 11A.020(1)(a), (b), (c) and (d), KRS 11A.020(2), and KRS 11A.040(2) and (5).

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

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

KRS 11A.040(2) and (5) provide:

- (2) A public servant shall not knowingly receive, directly or indirectly, any interest or profit arising from the use or loan of public funds in his hands or to be raised through any state agency.

- (5) A public servant shall not knowingly accept compensation, other than that provided by law for public servants, for performance of his official duties without the prior approval of the commission.

COUNT XVIII

Richard D. Farmer, II, during his course of employment as the Commissioner of Agriculture, Department of Agriculture, used his influence in a matter that involved a substantial conflict between his personal or private interest and his duties in the public interest; 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;

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; received, directly or indirectly, an interest or profit arising from the use of public funds in his hands or to be raised through any state agency; and accepted compensation, other than that provided by law for public servants, for performance of his official duties without the prior approval of the commission.

Specifically, during his tenure as the Commissioner of Agriculture, Farmer directed Department staff to use state resources and funds donated for the SASDA conference to order approximately thirty-five (35) extra Case knives, in excess of the seventeen (17) knives ordered as gifts for visiting Agriculture Commissioners. Farmer took possession of these extra knives for his own personal benefit.

These facts constitute violations of KRS 11A.020(1)(a), (b), (c) and (d), KRS 11A.020(2), and KRS 11A.040(2) and (5).

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

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

KRS 11A.040(2) and (5) provide:

(2) A public servant shall not knowingly receive, directly or indirectly, any interest or profit arising from the use or loan of public funds in his hands or to be raised through any state agency.

(5) A public servant shall not knowingly accept compensation, other than that provided by law for public servants, for performance of his official duties without the prior approval of the commission.

COUNT XIX

Richard D. Farmer, II, during his course of employment as the Commissioner of Agriculture, Department of Agriculture, used his influence in a matter that involved a substantial conflict between his personal or private interest and his duties in the public interest; 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; 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; received, directly or indirectly, an interest or profit arising from the use of public funds in his hands or to be raised through any state agency; and accepted compensation, other than that provided by law for public servants, for performance of his official duties without the prior approval of the commission.

Specifically, during his tenure as the Commissioner of Agriculture, Farmer directed Department staff to use state resources and funds donated for the SASDA conference to order approximately thirty-three (33) extra cigar boxes, in excess of the seventeen (17) cigar boxes ordered as gifts for visiting Agriculture Commissioners. Farmer took possession of these extra cigar boxes for his own personal benefit.