COMMONWEALTH OF KENTUCKY
EXECUTIVE BRANCH ETHICS COMMISSION
CASE NO. 14-006

IN RE: KENNETH "SCOTT" KING
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 Kenneth "Scott" King (the "Respondent"), pursuant to KRS 11A.080(1), on May 20, 2013, and expanded 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 by using his influence in a matter 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 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 himself 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.

The Commission notified the Respondent of the preliminary investigation by letter dated May 29, 2013, and the expanded investigation on July 31, 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 January 27, 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 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.

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 27th day of January 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. 14-006
INITIATING ORDER

ALLEGATION OF VIOLATIONS

The Respondent, Kenneth "Scott" King, was at all relevant times an employee of the Commonwealth of Kentucky, serving in the Department of Fish and Wildlife Resources, Tourism, Arts and Heritage Cabinet ("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 Kenneth "Scott" King committed the following violations:

COUNT I

Kenneth "Scott" King, during his course of employment as the Fish and Wildlife Program Manager of the Administrative Services Division of the Department of Fish and Wildlife Resources, Tourism, Arts and Heritage Cabinet, used his influence in a matter that involved a substantial conflict between his personal or private interest and his duties in the public interest; influenced a public agency in derogation of the state at large; used his official position to give himself a financial gain and an advantage in derogation of the public interest at large; 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, from 2010-2012, King used his position on multiple occasions to obtain use of the Department's John Deere tractor, which was purchased with federal funds for a program that was discontinued in June of 2010. King used the tractor for his personal use and enjoyment to improve the land of a commercial property, which he did not own, but used for his own

personal hunting purposes. King then damaged the Department's equipment while in his possession and had the Department pay for the cost of the repairs. The repairs were paid out of Federal grant money.

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

Kenneth "Scott" King, during his course of employment as the Fish and Wildlife Program Manager of the Administrative Services Division of the Department of Fish and Wildlife Resources, Tourism, Arts and Heritage Cabinet, used his influence in a matter that involved a substantial conflict between his personal or private interest and his duties in the public interest; influenced 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 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, from 2009-2013, King used his position to create an oppressive and hostile atmosphere in his division to suit his own prurient, personal interests. King would use his position as supervisor to tell subordinate employees to wear certain articles of clothing he favored, to wear short skirts and high heels to meetings to receive a favorable result, and on one occasion told an employee to allow him to see her breasts for favorable treatment. Further, during staff meetings, King would use his position as supervisor to point out to his female subordinates which of their body parts he and other male superiors preferred.

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

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