

**COMMONWEALTH OF KENTUCKY
EXECUTIVE BRANCH ETHICS COMMISSION
CASE 15-012**

**IN RE: DANA TERHUNE
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 Dana Terhune (the “Respondent” or “Terhune”), pursuant to KRS 11A.080(1), on January 30, 2015.

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 Protection 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 himself or any members of the public servant’s family; and to give himself advantages and privileges for himself or others in derogation of the state at large; and, in order to further her own economic interests, or those of any other person, knowingly disclose or use confidential information acquired in the course of her official duties.

The Commission notified the Respondent of the preliminary investigation by letter dated

So ordered this 24th day of July 2015.

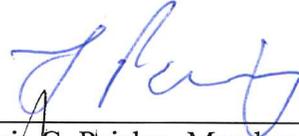
EXECUTIVE BRANCH ETHICS COMMISSION:



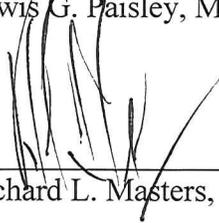
W. David Denton, Chair



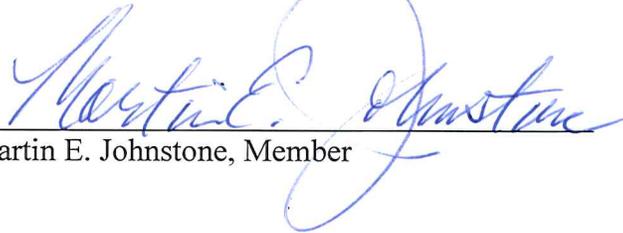
William G. Francis, Vice-Chair



Lewis G. Paisley, Member



Richard L. Masters, Member



Martin E. Johnstone, Member

**APPENDIX A
CASE NO. 15-012
INITIATING ORDER**

ALLEGATION OF VIOLATIONS

The Respondent, Dana Terhune, was at all relevant times an employee of the Commonwealth of Kentucky, serving in the Justice and Public Safety Cabinet (also referred to herein as “the Cabinet”). 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 Dana Terhune committed the following violations:

COUNT I

That Dana Terhune, during her course of employment as a Correctional Officer, Department of Corrections (“Department”), Justice and Public Safety Cabinet, used or attempted 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 and used or attempted to use her official position to secure or create privileges, exemptions, advantages, or treatment for himself or others in derogation of the public interest at large.

Specifically, on or about September 13, 2013, Terhune used her position as an employee of the Luther Lockett Correctional Complex to gain access to an inmate in order to engage in intimate, physical contact with that inmate. Terhune did so to fulfill her own prurient interest, which conflicted with her duties in the public interest. Terhune used her position and access to the inmate to violate the Department’s policies.

These facts constitute a violation of KRS 11A.020(1)(a) and (d).

KRS 11A.020(1)(a) and (d), provides as follows:

(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;

(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

That Dana Terhune, during her course of employment as a Correctional Officer, Department of Corrections (“Department”), Justice and Public Safety Cabinet, 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 and used or attempted to use her official position to secure or create privileges, exemptions, advantages, or treatment for himself or others in derogation of the public interest at large.

Specifically, from approximately September 2013 through March 2014, Terhune used her position as an employee of the Department of Corrections to access the inmate information of a particular inmate in which she maintained a personal and prurient interest over nine hundred times. Terhune’s personal interests conflicted with her duties in the public interest. Terhune used her position to access the inmate’s information in violation of the Department’s policies.

These facts constitute a violation of KRS 11A.020(1)(a) and (d).

KRS 11A.020(1)(a) and (d), provides as follows:

(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;

(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.

(End of document)