

**COMMONWEALTH OF KENTUCKY
EXECUTIVE BRANCH ETHICS COMMISSION
CASE NO. 15-002**

**IN RE: SHANION THURMAN
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 Shanion Thurman (the "Respondent" or "Thurman"), pursuant to KRS 11A.080(1), on May 19, 2014.

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 her influence in matters that involved a substantial conflict between her personal or private interest and her duties in the public interest; influencing a public agency in derogation of the state at large; using her official position to give herself or a family member a financial gain; using her official position to secure or create privileges, exemptions, advantages, or treatment for herself or others in derogation of the public interest; and, in order to further her own economic interests, or those of any other person, shall not 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 May 23, 2014. 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 30, 2015, 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 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 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.

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 30th day of January 2015.

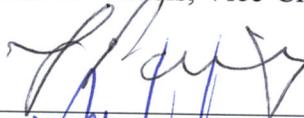
EXECUTIVE BRANCH ETHICS COMMISSION:



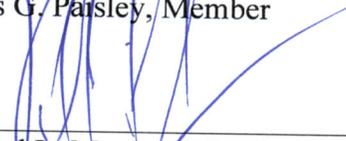
W. David Denton, Chair



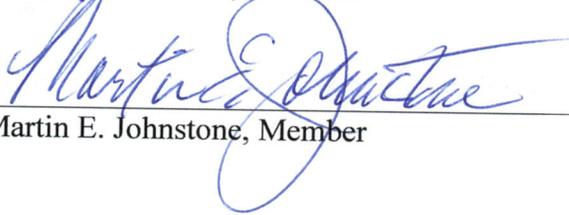
William G. Francis, Vice-Chair



Lewis G. Paisley, Member



Richard L. Masters, Member



Martin E. Johnstone, Member

**APPENDIX A
CASE NO. 15-002
INITIATING ORDER**

ALLEGATION OF VIOLATIONS

The Respondent, Shanion Thurman, was at all relevant times an employee of the Commonwealth of Kentucky, serving in the Department of Public Advocacy, Justice and Public Safety 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 Shanion Thurman committed the following violations:

COUNT I

Shanion Thurman, during her course of employment as an Administrative Assistant, Department of Public Advocacy (“Department”), Justice and Public Safety Cabinet, used or attempted to use her official position to secure or create privileges, exemptions, advantages, or treatment for others in derogation of the public interest; and, in order to further the economic interests of other persons, knowingly disclosed or used confidential information acquired in the course of her official duties.

Specifically, at some time between March 2010 and July of 2010, Thurman took a copy of a confidential agreement between state and federal prosecutors and a confidential informant (“informant”) outside of her agency. The confidential agreement detailed a deal between the prosecutors and the informant for a reduced prison sentence in return for his testimony in three criminal matters involving one defendant (“defendant”). The copy of the confidential agreement was stored at the Department in the filing cabinet of the office of the Assistant Public Advocate for the informant, for whom Thurman worked as an Administrative Assistant. Thurman then shared the confidential agreement with her boyfriend at the time. Thurman knew that her

boyfriend was friendly with the defendant. Thurman's boyfriend then shared details of the confidential agreement with the defendant in order for the defendant to share the information with the defendant's lawyer. The informant was eventually murdered. A copy of the confidential agreement was found by law enforcement in Thurman's personal vehicle.

These facts constitute violations of KRS 11A.020(1)(d) and KRS 11A.040(1).

KRS 11A.020(1)(d) provides:

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

(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.040(1) provides:

(1) A public servant, in order to further his own economic interests, or those of any other person, shall not knowingly disclose or use confidential information acquired in the course of his official duties.

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