

**COMMONWEALTH OF KENTUCKY
EXECUTIVE BRANCH ETHICS COMMISSION
CASE 10-004**

**IN RE: CHARLES WILBURN
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 Charles Wilburn (the "Respondent"), pursuant to KRS 11A.080(1), on January 29, 2010.

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 its investigation upon the Respondent's possible violation of the Ethics Code by use of his official position to give himself or others a financial gain and an advantage in derogation of the public at large.

The Commission notified the Respondent of the preliminary investigation by letter dated January 29, 2010. During the course of the investigation, the Commission found probable cause to believe that violations of KRS Chapter 11A had occurred and voted on May 14, 2010 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. All material submitted to the Commission shall be addressed to the Executive Branch Ethics Commission, #3 Fountain Place, Frankfort, Kentucky 40601. The Commission is represented by Dana Cox Nickles, General Counsel, and John Steffen, Executive Director, who may be contacted through the Commission's office at (502) 564-7954.
4. 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.
5. 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 which will be used at the hearing and any exculpatory information in the Commission's possession.
6. 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.
7. 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

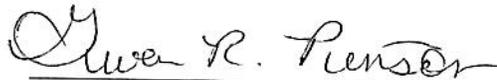
KRS 13B.050(3)(h).

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

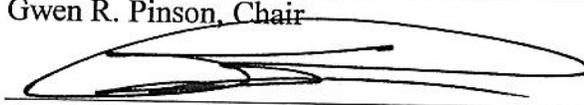
9. This proceeding is subject to KRS Chapter 11A, the Commission's regulations, the provisions of KRS Chapter 13B, and any Order issued by the Commission or its hearing officer issued during this administrative proceeding.

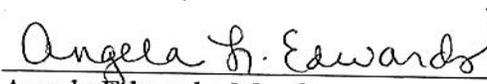
So ordered this 14th day of May, 2010.

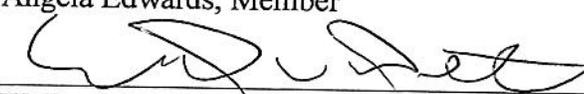
EXECUTIVE BRANCH ETHICS COMMISSION:



Gwen R. Pinson, Chair


Ronald Green, Vice-Chair


Angela Edwards, Member


W. David Denton, Member

Vacant, Member

**APPENDIX A
CASE NO. 10-04
INITIATING ORDER**

ALLEGATION OF VIOLATIONS

The Respondent, Charles Wilburn, was at all times relevant an employee of the Commonwealth of Kentucky, serving in the Energy and Environment Cabinet, Division of Forestry. Respondent was subject to the jurisdiction of the Commission at all relevant times. KRS 11A.010(9)(h).

During the course of its preliminary investigation, the Commission found probable cause to believe that Charles Wilburn committed the following violation:

COUNT I

Charles Wilburn violated KRS 11A.020(1)(a)(c), and (d) by using his official position, state resources, and state time to give himself or others a financial gain; and to secure or create privileges, exemptions, advantages, or treatment for himself or others in derogation of the public interest at large by using state time and resources in attempting to bid on a tree removal project at Morehead State University during work hours while utilizing state equipment for financial gain.

KRS 11A.020(1)(a)(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;

(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.

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