

**COMMONWEALTH OF KENTUCKY
EXECUTIVE BRANCH ETHICS COMMISSION
CASE NO. 07-113**

**IN RE: DENNIS R. MILLS
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 Dennis R. Mills (the "Respondent"), pursuant to KRS 11A.080(1), on August 24, 2007.

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 notified the Respondent of the preliminary investigation by letter dated August 31, 2007. During the course of the investigation, the Commission found probable cause to believe that violations of KRS Chapter 11A had occurred and voted on December 14, 2007, 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 Violation, 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 violation set forth in the Allegations of Violation, 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, The Vest-Lindsey House, 401 Wapping Street, Frankfort, Kentucky 40601. The Commission is represented by John R. Steffen, General Counsel, 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.

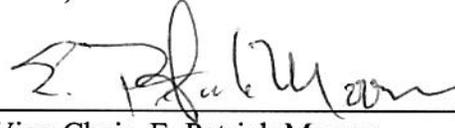
9. This proceeding is subject to KRS Chapter 11A, the Commission's regulations, the provisions of KRS Chapter 13B, and any Order issued by the Commission or its hearing officer issued during this administrative proceeding.

So ordered this 14th day of December, 2007.

EXECUTIVE BRANCH ETHICS COMMISSION:

Absent

Chair, John A. Webb



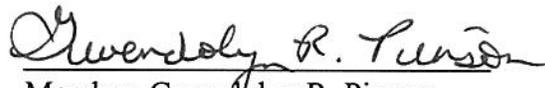
Vice-Chair, E. Patrick Moores,



Member, J. Quentin Wesley



Member, Ronald L. Green



Member, Gwendolyn R. Pinson

**APPENDIX A
CASE NO. 07-113
INITIATING ORDER**

ALLEGATION OF VIOLATION

The Respondent, Dennis R. Mills (“Mills”), was an employee of the Commonwealth of Kentucky, serving as a Permits Engineer in the Transportation Cabinet. The 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 Mills committed the following violations:

COUNT I

On or about April 14, 2007, Mills, while a full-time employee of the Transportation Cabinet and without the approval of his appointing authority, executed an employment agreement with an engineering firm that did business with his own agency. His employment with this outside employer began on May 1, 2007, and continued until he was terminated by that employer by letter dated July 5, 2007, with an effective date of June 15, 2007. He retained simultaneous employment with the Transportation Cabinet until he was terminated by that agency by letter dated July 16, 2007, with an effective date of May 29, 2007. Accepting outside employment from a business that does business with the state agency for which you work, without the approval of your appointing authority, is a violation of KRS 11A.040(10).

KRS 11A.040(10) provides:

Without the approval of his appointing authority, a public servant shall not accept outside employment from any person or business that does business with or is regulated by the state agency for which the public servant works or which he supervises, unless the outside employer's relationship with the state agency is limited to the receipt of entitlement funds.

(a) The appointing authority shall review administrative regulations established under KRS Chapter 11A when deciding whether to approve outside employment for a public servant.

(b) The appointing authority shall not approve outside employment for a public servant if the public servant is involved in decision-making or recommendations concerning the person or business from which the public servant seeks outside employment or compensation.

(c) The appointing authority, if applicable, shall file quarterly with the Executive Branch Ethics Commission a list of all employees who have been approved for outside employment along with the name of the outside employer of each.

COUNT II

Between May 1, 2007, and July 5, 2007, Mills, while employed by both the Transportation Cabinet and an engineering firm that did business with his own agency, acted as a representative of that outside employer or its clients before his own state agency, both in meetings which he attended with Transportation Cabinet employees and in telephone conversations with Transportation Cabinet employees. In doing so, Mills made no effort to avoid the appearance that he was using his official position to further his professional or private interest. Such actions are in violation of KRS 11A.020(2), which provides:

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

Between May 2, 2007, and his termination by the Transportation Cabinet, Mills used his official position to obtain financial gain for himself and to secure or create privileges, exemptions, advantages, or treatment for himself in derogation of the public interest at large by receiving payment from his agency for 7.5 hours worked per day by means of claiming 7.5 hours of sick leave per day on his official timesheets, when in fact he was maintaining full-time outside employment during that time. Flagrant abuse of sick leave in this manner and for this purpose constitutes a violation of KRS 11A.020(1)(c) and (d), which provide:

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

...

(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.

(End of document)