**COMMONWEALTH OF KENTUCKY**
**EXECUTIVE BRANCH ETHICS COMMISSION**
**CASE 10-005**

**IN RE: SHARON HARRIS**
**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 Sharon Harris (the "Respondent"), pursuant to KRS 11A.080(1), on October 19, 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 focused its investigation upon the Respondent's possible violation of the Ethics Code by accepting the value of rent from a corporation that owns facilities which are regulated by the Cabinet for Health and Family Services.

The Commission notified the Respondent of the preliminary investigation by letter dated October 23, 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 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 her 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 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.

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. They 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 her own behalf. If the Respondent subpoenas witnesses, she 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, she 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

Gwen R. Pinson, Chair

Ronald Green, Vice-Chair

Angela Edwards

Angela Edwards, Member

W. David Denton, Member

Vacant, Member

**APPENDIX A**
**CASE NO. 10-005**
**INITIATING ORDER**

## ALLEGATION OF VIOLATIONS

The Respondent, Sharon Harris, was at all relevant times an employee of the Commonwealth of Kentucky, serving in the Department for Public Health in the Cabinet for Health and Family Services. 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 Sharon Harris committed the following violation:

### COUNT I

Sharon Harris, during her course of employment as a Nurse Administrator in the Department for Public Health, Cabinet for Health and Family Services, lived rent free in a residence owned by a corporation regulated by the Office of Inspector General, Cabinet for Health and Family Services. These facts constitute a violation of KRS 11A.045(1).

KRS 11A.045(1) provides:

> (1) No public servant, his spouse, or dependent child knowingly shall accept any gifts or gratuities, including travel expenses, meals, alcoholic beverages, and honoraria, totaling a value greater than twenty-five dollars ($25) in a single calendar year from any person or business that does business with, is regulated by, is seeking grants from, is involved in litigation against, or is lobbying or attempting to influence the actions of the agency in which the public servant is employed or which he supervises, or from any group or association which has as its primary purpose the representation of those persons or businesses. Nothing contained in this subsection shall prohibit the commission from authorizing exceptions to this subsection where such exemption would not create an appearance of impropriety.

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