COMMONWEALTH OF KENTUCKY
EXECUTIVE BRANCH ETHICS COMMISSION
CASE 08-011

IN RE: TODD ALFREY
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 Todd Alfrey (the "Respondent"), pursuant to KRS 11A.080(1), on May 9, 2008.

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 use of his official position to give himself a financial gain and an advantage

The Commission notified the Respondent of the preliminary investigation by letter dated May 12, 2008. During the course of the investigation, the Commission found probable cause to believe that violations of KRS Chapter 11A had occurred and voted on September 26, 2008, 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 C. Nickles, 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 26th day of September, 2008.

EXECUTIVE BRANCH ETHICS COMMISSION:

Gwen R. Pinson

Gwen R. Pinson, Chair

Ronald Green, Vice-Chair

J. Quentin Wesley

Jeanie Owen Miller

Angela Edwards

APPENDIX A
CASE NO. 08-
INITIATING ORDER

ALLEGATION OF VIOLATIONS

The Respondent, Todd Alfrey, was at all times relevant an employee of the Commonwealth of Kentucky, serving in the Environmental and Public Protection Cabinet, Department for Natural Resources, Division of Mine Reclamation and Enforcement. 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 Alfrey committed the following violations:

COUNT I

Alfrey violated KRS 11A.020(1)(c), and (d) by using or attempting to use his official position to give himself a financial gain and an advantage by having a hotel charge the agency by which he was employed for his hotel stay while he was on approved leave.

KRS 11A.020(1)(a), (b), and (d) 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.

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