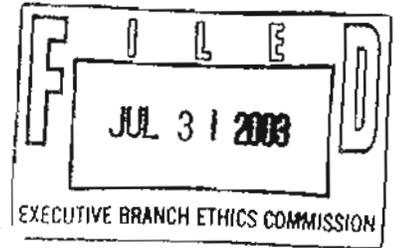


COMMONWEALTH OF KENTUCKY
EXECUTIVE BRANCH ETHICS COMMISSION
CASE NO. 03-103

IN RE: WILLIAM L. HUFFMAN
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 William L. Huffman (the "Respondent"), pursuant to KRS 11A.080(1) on February 13, 2003.

At all relevant times the Respondent was a "public servant" as defined in KRS 11A.010(9), and thus was and is 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 following possible violations of the Ethics Code in the course of its investigation:

1. The Respondent's possible use or attempted use of his official position to obtain financial gain for himself; and
2. The Respondent's possible use or attempted use of his official position to secure advantages for himself or others in derogation of the public interest at large.

The Commission notified the Respondent of the preliminary investigation by letter dated February 21, 2003. During the course of the investigation, the Commission found probable cause to believe that violations of KRS Chapter 11A had occurred and voted on July 31, 2003, 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, Room 258, Capitol Annex, 702 Capitol Avenue, Frankfort, Kentucky 40601. The Commission is represented by Boyce A. Crocker, 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.

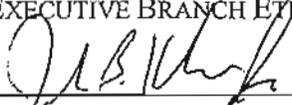
7. If the Respondent fails to attend or participate as required at any stage of the administrative hearing process without good cause shown, he may be held in default pursuant to KRS 13B.050(3)(h).

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

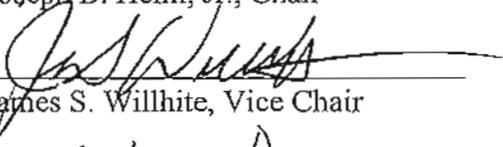
9. This proceeding is subject to KRS Chapter 11A, the Commission's regulations at 9 KAR, the provisions of KRS Chapter 13B, and any Order issued by the Commission or its hearing officer issued during this administrative proceeding.

So ordered this 31 day of July, 2003.

EXECUTIVE BRANCH ETHICS COMMISSION:



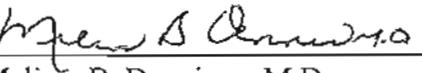
Joseph B. Helm, Jr., Chair



James S. Willhite, Vice Chair

(absent)

Jack H. Segell



Melissa B. Dennison, M.D.



Hon. Delores Pregliasco

**APPENDIX A
CASE NO. 03-103
INITIATING ORDER**

ALLEGATION OF VIOLATIONS

The Respondent, William L. Huffinan, was at all times relevant an employee of the Commonwealth of Kentucky, serving as a Staff Attorney in the Kentucky Labor Cabinet, Division of Worker's Compensation Funds, and had worked at the Kentucky Labor Cabinet from approximately 1991 until 2003. The Respondent was subject to the jurisdiction of the Commission at all relevant times. KRS 11A.010(9).

During the course of its preliminary investigation, the Commission found probable cause to believe that William L. Huffinan committed the following violations:

COUNT I

That on or about November 1, 2001; Huffinan used or attempted to use his official position to obtain financial gain for himself, and to give himself an advantage in derogation of the public interest by claiming sick leave from his employer for purposes other than those legitimate uses set forth in 101 KAR 2:102, Section 2(2)(a) when in fact Huffinan was working on cases in his private legal practice during those times sick leave was claimed.

These facts constitute a violation of KRS 11A.020(1) (c) and (d).

KRS 11A.020(1)(c) 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.

COUNT II

That on or about November 8, 2001; Huffman used or attempted to use his official position to obtain financial gain for himself, and to give himself an advantage in derogation of the public interest by claiming sick leave from his employer for purposes other than those legitimate uses set forth in 101 KAR 2:102, Section 2(2)(a) when in fact Huffman was working on cases in his private legal practice during those times sick leave was claimed.

These facts constitute a violation of KRS 11A.020(1) (c) and (d).

KRS 11A.020(1)(c) 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.

COUNT III

That on or about January 2, 2002, Huffman used or attempted to use his official position to obtain financial gain for himself, and to give himself an advantage in derogation of the public interest by claiming sick leave from his employer for purposes other than those legitimate uses

set forth in 101 KAR 2:102, Section 2(2)(a) when in fact Huffman was working on cases in his private legal practice during those times sick leave was claimed.

These facts constitute a violation of KRS 11A.020(1) (c) and (d).

KRS 11A.020(1)(c) 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.

COUNT IV

That on or about January 18, 2002; Huffman used or attempted to use his official position to obtain financial gain for himself, and to give himself an advantage in derogation of the public interest by claiming sick leave from his employer for purposes other than those legitimate uses set forth in 101 KAR 2:102, Section 2(2)(a) when in fact Huffman was working on cases in his private legal practice during those times sick leave was claimed.

These facts constitute a violation of KRS 11A.020(1) (c) and (d).

KRS 11A.020(1)(c) 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.

COUNT V

That on or about January 23, 2002; Huffman used or attempted to use his official position to obtain financial gain for himself, and to give himself an advantage in derogation of the public interest by claiming sick leave from his employer for purposes other than those legitimate uses set forth in 101 KAR 2:102, Section 2(2)(a) when in fact Huffman was working on cases in his private legal practice during those times sick leave was claimed.

These facts constitute a violation of KRS 11A.020(1) (c) and (d).

KRS 11A.020(1)(c) 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.

COUNT VI

That on or about March 8, 2002; Huffman used or attempted to use his official position to obtain financial gain for himself, and to give himself an advantage in derogation of the public interest by claiming sick leave from his employer for purposes other than those legitimate uses

set forth in 101 KAR 2:102, Section 2(2)(a) when in fact Huffman was working on cases in his private legal practice during those times sick leave was claimed.

These facts constitute a violation of KRS 11A.020(1) (c) and (d).

KRS 11A.020(1)(c) 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.

COUNT VII

That on or about March 15, 2002; Huffman used or attempted to use his official position to obtain financial gain for himself, and to give himself an advantage in derogation of the public interest by claiming sick leave from his employer for purposes other than those legitimate uses set forth in 101 KAR 2:102, Section 2(2)(a) when in fact Huffman was working on cases in his private legal practice during those times sick leave was claimed.

These facts constitute a violation of KRS 11A.020(1) (c) and (d).

KRS 11A.020(1)(c) 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.

COUNT VIII

That on or about March 18, 2002; Huffman used or attempted to use his official position to obtain financial gain for himself, and to give himself an advantage in derogation of the public interest by claiming sick leave from his employer for purposes other than those legitimate uses set forth in 101 KAR 2:102, Section 2(2)(a) when in fact Huffman was working on cases in his private legal practice during those times sick leave was claimed.

These facts constitute a violation of KRS 11A.020(1) (c) and (d).

KRS 11A.020(1)(c) 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.

COUNT IX

That on or about March 28, 2002; Huffman used or attempted to use his official position to obtain financial gain for himself, and to give himself an advantage in derogation of the public interest by claiming sick leave from his employer for purposes other than those legitimate uses

set forth in 101 KAR 2:102, Section 2(2)(a) when in fact Huffman was working on cases in his private legal practice during those times sick leave was claimed.

These facts constitute a violation of KRS 11A.020(1) (c) and (d).

KRS 11A.020(1)(c) 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.

COUNT X

That on or about March 29, 2002; Huffman used or attempted to use his official position to obtain financial gain for himself, and to give himself an advantage in derogation of the public interest by claiming sick leave from his employer for purposes other than those legitimate uses set forth in 101 KAR 2:102, Section 2(2)(a) when in fact Huffman was working on cases in his private legal practice during those times sick leave was claimed.

These facts constitute a violation of KRS 11A.020(1) (c) and (d).

KRS 11A.020(1)(c) 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.

COUNT XI

That on or about June 3, 2002; Huffman used or attempted to use his official position to obtain financial gain for himself, and to give himself an advantage in derogation of the public interest by claiming sick leave from his employer for purposes other than those legitimate uses set forth in 101 KAR 2:102, Section 2(2)(a) when in fact Huffman was working on cases in his private legal practice during those times sick leave was claimed.

These facts constitute a violation of KRS 11A.020(1) (c) and (d).

KRS 11A.020(1)(c) 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.

COUNT XII

That on or about June 28, 2002; Huffman used or attempted to use his official position to obtain financial gain for himself, and to give himself an advantage in derogation of the public interest by claiming sick leave from his employer for purposes other than those legitimate uses

set forth in 101 KAR 2:102, Section 2(2)(a) when in fact Huffman was working on cases in his private legal practice during those times sick leave was claimed.

These facts constitute a violation of KRS 11A.020(1) (c) and (d).

KRS 11A.020(1)(c) 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.

COUNT XIII

That on or about July 12, 2002, Huffman used or attempted to use his official position to obtain financial gain for himself, and to give himself an advantage in derogation of the public interest by claiming sick leave from his employer for purposes other than those legitimate uses set forth in 101 KAR 2:102, Section 2(2)(a) when in fact Huffman was working on cases in his private legal practice during those times sick leave was claimed.

These facts constitute a violation of KRS 11A.020(1) (c) and (d).

KRS 11A.020(1)(c) 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.

COUNT XIV

That on or about January 22, 2002, Huffman used or attempted to use his official position to obtain financial gain for himself and to give himself an advantage in derogation of the public interest by claiming compensation from his employer while performing work on cases in his private legal practice.

These facts constitute a violation of KRS 11A.020(1) (c) and (d).

KRS 11A.020(1)(c) 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.

COUNT XV

That on or about March 6, 2002, Huffman used or attempted to use his official position to obtain financial gain for himself and to give himself an advantage in derogation of the public interest by claiming compensation from his employer while performing work on cases in his private legal practice.

These facts constitute a violation of KRS 11A.020(1) (c) and (d).

KRS 11A.020(1)(c) 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.

COUNT XVI

That from approximately 2001 until approximately February 14, 2003, Huffman used or attempted to use his official position to obtain financial gain for himself and to give himself an advantage in derogation of the public interest by misuse of state owned equipment while working on cases in his private legal practice. Such misuse during this time period includes but is not limited to Huffman's misuse of state long-distance for over 24 hours of phone calls dealing with private cases, such calls not having been reimbursed by Huffman, and misuse of other state equipment such as fax machines and state computers to create, transmit or otherwise process documents for use in his private legal practice.

These facts constitute a violation of KRS 11A.020(1) (c) and (d).

KRS 11A.020(1)(c) 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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