

**COMMONWEALTH OF KENTUCKY
EXECUTIVE BRANCH ETHICS COMMISSION
CASE 15-008**

**IN RE: CHAD HAYES
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 Chad Hayes (the “Respondent” or “Hayes”), pursuant to KRS 11A.080(1), on September 15, 2014.

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 using his official position with the Justice and Public Protection Cabinet to use or attempt to use his influence in any matter which involved a substantial conflict between his personal or private interest and his duties in the public interest; to use or attempt to use any means to influence his agency in derogation of the state at large; to use his official position or office to obtain financial gain for himself or any members of the public servant’s family; to give himself advantages and privileges for himself or others in derogation of the state at large; and knowingly receiving, directly or indirectly, interest or profit arising from the use or loan of public funds in his hands or to be raised through any state agency.

The Commission notified the Respondent of the preliminary investigation by letter dated

September 17, 2014. During the course of the investigation, the Commission found probable cause to believe that violations of KRS Chapter 11A had occurred and voted on March 23, 2015, 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. This Initiating Order and Appendix shall be served on the Respondent pursuant to KRS 13B.050(2) by certified mail, return receipt requested, to the last known address of the Respondent.

2. 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.

3. 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.

4. Pursuant to KRS 13B.030(2)(b), the Commission will request the designation of a Hearing Officer by the Administrative Hearings Branch of the Office of the Attorney General, 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601-8204.

5. If the Attorney General's Office cannot provide the requested hearing officer, the Commission will, pursuant to KRS 13B.030(2)(a), employ a hearing officer, contract with another agency for a hearing officer in conjunction with KRS 11A.070, or contract with a private attorney through a personal services contract. The Commission will notify the Respondent or his retained counsel of the designation of a Hearing Officer as soon as possible after the appointment.

6. The Commission is represented by Kathryn H. Gabhart, General Counsel, and John R. Steffen, Executive Director and co-Counsel. They may be contacted through the Commission's office at (502) 564-7954.

7. All original material shall be submitted to the Executive Branch Ethics Commission, #3 Fountain Place, Frankfort, Kentucky 40601, Attention: Debbie Briscoe. A copy of all materials shall be served on the designated Hearing Officer and the Commission's counsels.

8. 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.

9. 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 that will be used at the hearing and any exculpatory information in the Commission's possession.

10. 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.

11. 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).

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

13. 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 23rd day of March 2015.

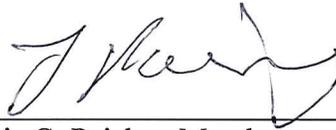
EXECUTIVE BRANCH ETHICS COMMISSION:



W. David Denton, Chair



William G. Francis, Vice-Chair



Lewis G. Paisley, Member



Richard L. Masters, Member



Martin E. Johnstone, Member

**APPENDIX A
CASE NO. 15-008
INITIATING ORDER**

ALLEGATION OF VIOLATIONS

The Respondent, Chad Hayes, was at all relevant times an employee of the Commonwealth of Kentucky, serving in the Justice and Public Safety Cabinet (also referred to herein as “the Cabinet”). As such, the Respondent was subject to the jurisdiction of the Commission. KRS 11A.010(9)(h).

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

COUNT I

That Chad Hayes, during his course of employment as a Correctional Officer with the Department of Corrections (“Department”), Justice and Public Safety Cabinet, used his official position to use or attempt to use any means to influence his agency in derogation of the state at large; to give himself financial gain and advantages and privileges for himself in derogation of the state at large; and knowingly received, directly or indirectly, interest or profit arising from the use or loan of public funds in his hands or to be raised through any state agency.

Specifically, between September and October of 2013, Hayes used his position to take scrap metal owned by the Department that he hauled to various scrap yards and sold this property for his own personal financial benefit or gain. Hayes had the proceeds of the sale of the scrap metal split into checks and cash. The checks he would return to the Department. The cash he would keep for himself. Hayes collected approximately \$700 in cash that he kept for himself from the sale of the Department’s scrap metal. Hayes used some of the monies he collected to buy gas for his personal vehicle, food, and other personal property. Hayes also purchased food

and other items for the inmates in violation of the Department's policies.

These facts constitute a violation of KRS 11A.020(1) and KRS 11A.040(2).

KRS 11A.020(1)(b), (c), and (d) provides:

- (1) No public servant, by himself or through others, shall knowingly:
 - (b) Use or attempt to use any means to influence a public agency in derogation of the state at large.
 - (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.

KRS 11A.040(2) provides:

- (2) A public servant shall not knowingly receive, directly or indirectly, an interest or profit arising from the use or loan of public funds in his hands or to be raised through any state agency.

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