COMMONWEALTH OF KENTUCKY
EXECUTIVE BRANCH ETHICS COMMISSION
AGENCY NO. 08-014
ADMINISTRATIVE ACTION NO. 08-EBEC-0335

EXECUTIVE BRANCH ETHICS COMMISSION COMPLAINANT

vs.

PHILIP R. MOBLEY RESPONDENT

FINAL ORDER

The Executive Branch Ethics Commission hereby adopts the Findings of Fact, Conclusions of Law, and Recommended Order of the Hearing Officer, as issued on January 19, 2012, as its Final Order. The Commission hereby orders the Respondent to cease and desist any further violation of KRS 11A.020(1)(c) such as granting his wife any discretionary promotions or pay increases; to post a copy of KRS 11A.020 prominently in a public place in his office as a reminder of the law; and to pay a civil penalty in the amount of $2000.

NOTICE OF APPEAL RIGHTS

You have a right to appeal the Final Order of the agency pursuant to KRS 13B.140, which reads in part:

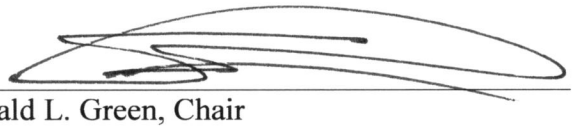
(1) All final orders of an agency shall be subject to a judicial review in accordance with the provisions of this chapter. A party shall institute an appeal by filing a petition in the Circuit Court of venue, as provided in the agency's enabling statutes, within thirty (30) days after the final order of the agency is mailed or delivered by personal service. If venue for appeal is not stated in the enabling statutes, a party may appeal to Franklin Circuit Court or the Circuit Court of the county in which the appealing party resides or operates a place of business. Copies of the

Petition shall be served by the Petitioner upon the agency and all parties of record. The Petition shall include the names and addresses of all parties to the proceeding and the agency involved, and a statement of the grounds on which the review is requested. The Petition shall be accompanied by a copy of the Final Order.

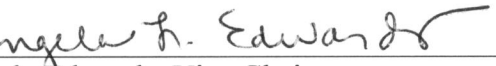
Pursuant to KRS 23A.010(4), "Such review [by the Circuit Court] shall not constitute an appeal but an original action." Some courts have interpreted this language to mean that summons must be served upon filing an appeal in Circuit Court.

SO ORDERED, this 19th day of March 2012.

EXECUTIVE BRANCH ETHICS COMMISSION



Ronald L. Green, Chair



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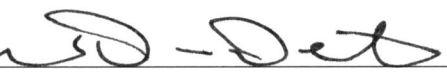

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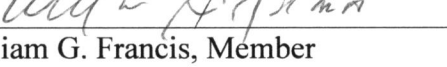

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