

## SETTLEMENT AGREEMENT

This agreement made and entered into between the Executive Branch Ethics Commission (hereinafter the "Commission") and Dwayne Mills;

WHEREAS, this agreement involves the matter styled *Executive Branch Ethics Commission v. Dwayne Mills*, Case No. 13-010;

WHEREAS, the Commission is designated by statute as the agency responsible for enforcing the Executive Branch Code of Ethics, KRS Chapter 11A;

WHEREAS, on May 20, 2013, the Commission alleged facts in an Initiating Order that Dwayne Mills violated the Executive Branch Code of Ethics codified at KRS 11A.020(1) (c) and (d);

WHEREAS, Dwayne Mills was at all relevant times mentioned in the Initiating Order a "public servant" as defined in KRS 11A.010(9) and thus subject to the Executive Branch Code of Ethics; and

WHEREAS, Dwayne Mills indicates his desire to resolve all issues in this action by the execution of a Settlement Agreement.

NOW, THEREFORE, in settlement of the above allegations, the Commission and Dwayne Mills agree, pursuant to KRS 11A.100, as follows:

1. Dwayne Mills admits that he committed violations of the Executive Branch Code of Ethics codified at KRS 11A.020(1) (c) and (d), as stated in Appendix A to the Commission's Initiating Order of May 20, 2013, attached hereto and incorporated by reference herein, subject to the following provisions of this Settlement Agreement.

2. The Commission agrees to combine Counts I and II of the Initiating Order of May 20, 2013, with the amended Count I to read as follows:

Dwayne Mills, during his course of employment as a Superintendent of the Adair Youth Development Center, Department of Juvenile Justice, Justice and Public Safety Cabinet, used his official position to obtain financial gain for himself, and to secure or create privileges, exemptions, advantages, or treatment for himself in derogation of the public interest at large.

Specifically, during 2010 through 2012, while Mills was the Superintendent of a youth detention facility, Mills used a subordinate employee to place bets on college and professional sporting events on his behalf through a bookie. Mills would text or call this employee, often while the employee was on state time while working shift at the facility,

and require this employee to deviate from his required duties managing staff and juveniles at the facility to place bets for Mills ranging between \$25 and \$100 on upwards of hundreds of sporting events over a two year period. Mills also used this subordinate employee to carry money to and from the bookie on his behalf, giving the employee money to pay for bets that he lost and having the employee carry money to him for bets that he won over a two year period.

These facts constitute violations 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:

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(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.

3. Count III of the Initiating Order of May 20, 2013, is hereby renumbered as Count II.

4. Count IV of the Initiating Order of May 20, 2013, is hereby renumbered as Count III, and the Commission agrees to amend Count III to read as follows:

Dwayne Mills, during his course of employment as a Superintendent of the Adair Youth Development Center, Department of Juvenile Justice, Justice and Public Safety Cabinet used his official position to obtain financial gain for himself, and to secure or create privileges, exemptions, advantages, or treatment for himself in derogation of the public interest at large.

Specifically, 2010 through 2011, while Mills was the Superintendent of a youth detention facility, at times when Mills was not at the facility, Mills would contact an employee at the facility and instruct the employee to use state time and resources to research point spreads and betting statistics for him.

These facts constitute violations 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.

5. Dwayne Mills agrees to pay the Commission a civil penalty of four thousand five hundred dollars (\$4,500.00) on or before May 16, 2014.

6. Dwayne Mills agrees that upon a Final Order being issued by the Commission that he waives all rights to any further administrative process or appeal pursuant to KRS 13B.140 thereon.

7. The parties further agree that the acceptance of this Settlement Agreement by both parties, and the fulfillment of its express terms, is in full accord and satisfaction of the herein referenced *Executive Branch Ethics Commission v. Dwayne Mills*, Agency Case No. 13-010.

8. This Settlement Agreement constitutes a public reprimand to Dwayne Mills, a copy of which will be provided to his appointing authority, pursuant to KRS 11A.100(3)(c).

IN WITNESS THEREOF, the parties have caused this agreement to be executed:

Wayne Mills  
Dwayne Mills

3/14/14  
Date

**EXECUTIVE BRANCH ETHICS COMMISSION:**

William D. Denton  
Chair, William David Denton

3/21/14  
Date

William G. Francis  
Vice Chair, William G. Francis

3-21-14  
Date

Lewis G. Paisley  
Member, Lewis G. Paisley

3/21/14  
Date

Richard L. Masters  
Member, Richard L. Masters

3/21/14  
Date

Martin E. Johnstone  
Member, Martin E. Johnstone

3/21/14  
Date

**APPENDIX A  
CASE NO. 13-010  
INITIATING ORDER**

**ALLEGATION OF VIOLATIONS**

The Respondent, Dwayne Mills, was at all relevant times an employee of the Commonwealth of Kentucky, serving in the Department of Juvenile Justice, Justice and Public Safety 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 Dwayne Mills committed the following violations:

**COUNT I**

Dwayne Mills, during his course of employment as a Superintendent of the Adair Youth Development Center, Department of Juvenile Justice, Justice and Public Safety Cabinet, used his official position to obtain financial gain for himself, and to secure or create privileges, exemptions, advantages, or treatment for himself in derogation of the public interest at large.

Specifically, during 2010 through 2011, while Mills was the Superintendent of a youth detention facility, Mills used a subordinate employee to place illegal bets on college and professional sporting events on his behalf through a bookie. Mills would text or call this employee, whom he knew would be on state time while working shift at the facility, and required this employee to deviate from his required duties managing staff and juveniles at the facility to place bets for Mills ranging between \$25 and \$100 on upwards of hundreds of sporting events over a two year period.

These facts constitute violations 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:

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- (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

Dwayne Mills, during his course of employment as a Superintendent of the Adair Youth Development Center, Department of Juvenile Justice, Justice and Public Safety Cabinet, used his official position to obtain financial gain for himself, and to secure or create privileges, exemptions, advantages, or treatment for himself in derogation of the public interest at large.

Specifically, during 2010 through 2012, while Mills was the Superintendent of a youth detention facility, Mills used a subordinate employee to carry money to and from a bookie through which Mills had the employee place bets on sporting events on his behalf. Mills would give this employee money to pay for bets that Mills lost and would have the employee carry money to Mills on bets that he won over a two year period.

These facts constitute violations 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

Dwayne Mills, during his course of employment as a Superintendent of the Adair Youth

Development Center, Department of Juvenile Justice, Justice and Public Safety Cabinet, used his official position to obtain financial gain for himself, and to secure or create privileges, exemptions, advantages, or treatment for himself in derogation of the public interest at large.

Specifically, during 2010 through 2011, while Mills was the Superintendent of a youth detention facility, Mills used state time and resources to view websites devoted to betting sporting events and to research point spreads before instructing an employee to place bets for him through a bookie.

These facts constitute violations 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:  
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  - (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

Dwayne Mills, during his course of employment as a Superintendent of the Adair Youth Development Center, Department of Juvenile Justice, Justice and Public Safety Cabinet used his official position to obtain financial gain for himself, and to secure or create privileges, exemptions, advantages, or treatment for himself in derogation of the public interest at large.

Specifically, 2010 through 2011, while Mills was the Superintendent of a youth detention facility, at times when Mills was not at the facility, Mills would contact an employee at the facility and instruct the employee to used state time and resources to research point spreads and betting statistics for him. On one such occasion, Mills instructed the employee to leave a

meeting, lie to his onsite supervisor about why the employee was leaving the meeting, and use another employee's office to research on a betting website for him.

These facts constitute violations 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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