

## SETTLEMENT AGREEMENT

This agreement made and entered into between the Executive Branch Ethics Commission (hereinafter the "Commission") and Jonathan Gassett.

WHEREAS, this agreement involves the matter styled *Executive Branch Ethics Commission v. Jonathan Gassett*, Case No. 14-003;

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

WHEREAS, on January 27, 2014, the Commission alleged facts in an Initiating Order that Jonathan Gassett violated the Executive Branch Code of Ethics codified at KRS 11A.020(1)(a), (b), (c) and (d), and KRS 11A.020(2);

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

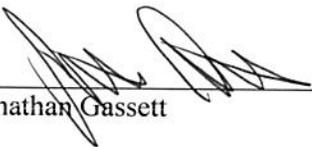
NOW, THEREFORE, in settlement of the above allegations, the Commission and Jonathan Gassett agree, pursuant to KRS 11A.100, as follows:

1. The Commission agrees to amend the allegations as stated in Appendix A to the Commission's Initiating Order of January 27, 2014, attached hereto, as relates to the allegations presented in Count VI, to remove the reference to a violation of KRS 11A.020(1)(c).
2. Jonathan Gassett admits that he committed violations of the Executive Branch Code of Ethics codified at KRS 11A.020(1)(a), (b), (c) and (d), and KRS 11A.020(2), as stated in Appendix A to the Commission's Initiating Order of January 27, 2014, attached hereto and incorporated by reference herein, and as amended by the Commission in this Settlement Agreement as stated in paragraph 1.
3. Jonathan Gassett agrees to pay the Commission a civil penalty of seven thousand five hundred dollars (\$7,500.00) concurrently with the execution of this Settlement Agreement.
4. Jonathan Gassett 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.

5. 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. Jonathan Gassett*, Agency Case No. 14-003.

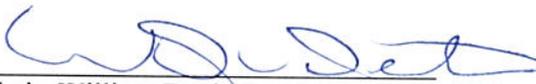
6. This Settlement Agreement constitutes a public reprimand to Jonathan Gassett a copy of which will be provided to his former appointing authority, pursuant to KRS 11A.100(3)(c).

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

  
\_\_\_\_\_  
Jonathan Gassett

3/19/14  
Date

**EXECUTIVE BRANCH ETHICS COMMISSION:**

  
\_\_\_\_\_  
Chair, William David Denton

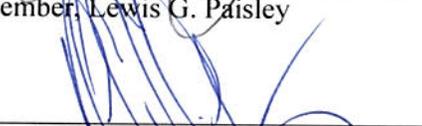
3/21/14  
Date

  
\_\_\_\_\_  
Vice Chair, William G. Francis

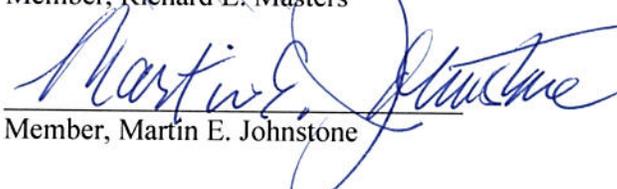
3-21-14  
Date

  
\_\_\_\_\_  
Member, Lewis G. Paisley

3/21/14  
Date

  
\_\_\_\_\_  
Member, Richard L. Masters

3/21/14  
Date

  
\_\_\_\_\_  
Member, Martin E. Johnstone

3/21/14  
Date

**APPENDIX A  
CASE NO. 14-003  
INITIATING ORDER**

**ALLEGATION OF VIOLATIONS**

The Respondent, Jonathan Gasset, was at all relevant times an employee of the Commonwealth of Kentucky, serving in the Department of Fish and Wildlife Resources, Tourism, Arts and Heritage Cabinet ("Department"). 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 Jonathan Gasset committed the following violations:

**COUNT I**

Jonathan Gasset, during his course of employment as the Commissioner of the Department of Fish and Wildlife Resources, Tourism, Arts and Heritage Cabinet, used his influence in a matter that involved a substantial conflict between his personal or private interest and his duties in the public interest; influenced a public agency in derogation of the state at large; used his official position to give himself a financial gain and an advantage in derogation of the public interest at large; used his official position to secure or create privileges, exemptions, advantages, or treatment for himself in derogation of the public interest; and failed to avoid all conduct which might in any way lead members of the general public to conclude that he was using his official position to further his professional or private interest.

Specifically, in the winter of 2009-2010, Gasset used his position to have Department employees, working on state time and using Department equipment and vehicles, pump out the flooded basement or crawl space of his personal residence.

These facts constitute violations of KRS 11A.020(1)(a), (b), (c), and (d), and KRS 11A.020(2).

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

- (1) No public servant, by himself or through others, shall knowingly:
  - (a) Use or attempt to use his influence in any matter which involves a substantial conflict between his personal or private interest and his duties in the public interest;
  - (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.020(2) provides:

- (2) If a public servant appears before a state agency, he shall avoid all conduct which might in any way lead members of the general public to conclude that he is using his official position to further his professional or private interest.

## COUNT II

Jonathan Gassett, during his course of employment as the Commissioner of the Department of Fish and Wildlife Resources, Tourism, Arts and Heritage Cabinet, used his influence in a matter that involved a substantial conflict between his personal or private interest and his duties in the public interest; influenced a public agency in derogation of the state at large; used his official position to give himself a financial gain and an advantage in derogation of the public interest at large; used his official position to secure or create privileges, exemptions, advantages, or treatment for himself in derogation of the public interest; and failed to avoid all conduct which might in any way lead members of the general public to conclude that he was using his official position to further his professional or private interest.

Specifically, between 2008 and 2011, Gassett used his position to have Department employees, working on state time and using a Department vehicle, pick up building materials

from a business in Lexington, Kentucky. Gasset provided the employees with a personal check to pay for the building materials. The employees then delivered the building materials to the Department's woodshop, where the materials were stored for a period of weeks to months. The building materials were eventually delivered to Gasset's personal residence for his personal use.

These facts constitute violations of KRS 11A.020(1)(a), (b), (c), and (d), and KRS 11A.020(2).

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

- (1) No public servant, by himself or through others, shall knowingly:
  - (a) Use or attempt to use his influence in any matter which involves a substantial conflict between his personal or private interest and his duties in the public interest;
  - (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.020(2) provides:

- (2) If a public servant appears before a state agency, he shall avoid all conduct which might in any way lead members of the general public to conclude that he is using his official position to further his professional or private interest.

### COUNT III

Jonathan Gasset, during his course of employment as the Commissioner of the Department of Fish and Wildlife Resources, Tourism, Arts and Heritage Cabinet, used his influence in a matter that involved a substantial conflict between his personal or private interest and his duties in the public interest; influenced a public agency in derogation of the state at large; used his official position to give himself a financial gain and an advantage in derogation of the public

interest at large; used his official position to secure or create privileges, exemptions, advantages, or treatment for himself in derogation of the public interest; and failed to avoid all conduct which might in any way lead members of the general public to conclude that he was using his official position to further his professional or private interest.

Specifically, between 2006 and 2011, Gassett used his position to have a Department employee, often working on state time and using state resources located in the Department woodshop, perform personal work for him, including having the employee help Gassett repair a dent in Gassett's personal canoe and cutting pieces of countertop with Department equipment to be installed in Gassett's personal residence.

These facts constitute violations of KRS 11A.020(1)(a), (b), (c), and (d), and KRS 11A.020(2).

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

- (1) No public servant, by himself or through others, shall knowingly:
  - (a) Use or attempt to use his influence in any matter which involves a substantial conflict between his personal or private interest and his duties in the public interest;
  - (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.020(2) provides:

- (2) If a public servant appears before a state agency, he shall avoid all conduct which might in any way lead members of the general public to conclude that he is using his official position to further his professional or private interest.

## COUNT IV

Jonathan Gasset, during his course of employment as the Commissioner of the Department of Fish and Wildlife Resources, Tourism, Arts and Heritage Cabinet, used his influence in a matter that involved a substantial conflict between his personal or private interest and his duties in the public interest; influenced a public agency in derogation of the state at large; used his official position to give himself a financial gain and an advantage in derogation of the public interest at large; used his official position to secure or create privileges, exemptions, advantages, or treatment for himself in derogation of the public interest; and failed to avoid all conduct which might in any way lead members of the general public to conclude that he was using his official position to further his professional or private interest.

Specifically, in the Spring of 2013, Gasset used his position to have Department employees acquire a gallon of the controlled chemical rotenone, that was originally purchased by the Department through a Department contract, from the Department's stores for Gasset's personal use. The rotenone Gasset used could only be purchased by a certified individual. Gasset did not maintain the appropriate certification to purchase or use rotenone at the time.

These facts constitute violations of KRS 11A.020(1)(a), (b), (c), and (d), and KRS 11A.020(2).

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

- (1) No public servant, by himself or through others, shall knowingly:
  - (a) Use or attempt to use his influence in any matter which involves a substantial conflict between his personal or private interest and his duties in the public interest;
  - (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.020(2) provides:

- (2) If a public servant appears before a state agency, he shall avoid all conduct which might in any way lead members of the general public to conclude that he is using his official position to further his professional or private interest.

#### COUNT V

Jonathan Gasset, during his course of employment as the Commissioner of the Department of Fish and Wildlife Resources, Tourism, Arts and Heritage Cabinet, used his influence in a matter that involved a substantial conflict between his personal or private interest and his duties in the public interest; influenced a public agency in derogation of the state at large; used his official position to give himself a financial gain and an advantage in derogation of the public interest at large; used his official position to secure or create privileges, exemptions, advantages, or treatment for himself in derogation of the public interest; and failed to avoid all conduct which might in any way lead members of the general public to conclude that he was using his official position to further his professional or private interest.

Specifically, in 2009, Gasset used his position to have a Department employee reserve fifteen (15) prints of artwork, valued at \$35 a print, which had been created by a Department employee to be sold for fundraising purposes by the Department. Of the 500 prints created for the fundraiser, Gasset acquired for himself prints numbered 1 through 15 for his own personal use and enjoyment. Gasset did not pay the Department for these prints.

These facts constitute violations of KRS 11A.020(1)(a), (b), (c), and (d), and KRS 11A.020(2).

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

- (1) No public servant, by himself or through others, shall knowingly:

- (a) Use or attempt to use his influence in any matter which involves a substantial conflict between his personal or private interest and his duties in the public interest;
- (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.020(2) provides:

- (2) If a public servant appears before a state agency, he shall avoid all conduct which might in any way lead members of the general public to conclude that he is using his official position to further his professional or private interest.

#### COUNT VI

Jonathan Gasset, during his course of employment as the Commissioner of the Department of Fish and Wildlife Resources, Tourism, Arts and Heritage Cabinet, used his influence in a matter that involved a substantial conflict between his personal or private interest and his duties in the public interest; influenced a public agency in derogation of the state at large; used his official position to give himself a financial gain and an advantage in derogation of the public interest at large; used his official position to secure or create privileges, exemptions, advantages, or treatment for himself in derogation of the public interest; and failed to avoid all conduct which might in any way lead members of the general public to conclude that he was using his official position to further his professional or private interest.

Specifically, during 2012 and 2013, Gasset used his position to use the Department's account with FedEx to have personal items shipped for his personal interests, including using the Department's FedEx account number to have the skin of an alligator he had killed in Florida delivered to a taxidermist in Georgia.

These facts constitute violations of KRS 11A.020(1)(a), (b), (c), and (d), and KRS 11A.020(2).

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

- (2) No public servant, by himself or through others, shall knowingly:
  - (a) Use or attempt to use his influence in any matter which involves a substantial conflict between his personal or private interest and his duties in the public interest;
  - (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.020(2) provides:

- (2) If a public servant appears before a state agency, he shall avoid all conduct which might in any way lead members of the general public to conclude that he is using his official position to further his professional or private interest.

## COUNT VII

Jonathan Gassett, during his course of employment as the Commissioner of the Department of Fish and Wildlife Resources, Tourism, Arts and Heritage Cabinet, used his influence in a matter that involved a substantial conflict between his personal or private interest and his duties in the public interest; influenced a public agency in derogation of the state at large; used his official position to give himself a financial gain and an advantage in derogation of the public interest at large; used his official position to secure or create privileges, exemptions, advantages, or treatment for himself in derogation of the public interest; and failed to avoid all conduct which might in any way lead members of the general public to conclude that he was using his official position to further his professional or private interest.

Specifically, in 2012, Gasset used his position to direct a Department employee to leave his work station during regular working hours and to miss a scheduled meeting so that the employee could perform an inspection of a home that Gasset planned to purchase. The employee ended up using his own, personal leave time to perform this personal work for Gasset. The employee was not compensated by Gasset for his services.

These facts constitute violations of KRS 11A.020(1)(a), (b), (c), and (d), and KRS 11A.020(2).

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

- (1) No public servant, by himself or through others, shall knowingly:
  - (a) Use or attempt to use his influence in any matter which involves a substantial conflict between his personal or private interest and his duties in the public interest;
  - (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.020(2) provides:

- (2) If a public servant appears before a state agency, he shall avoid all conduct which might in any way lead members of the general public to conclude that he is using his official position to further his professional or private interest.

### COUNT VIII

Jonathan Gasset, during his course of employment as the Commissioner of the Department of Fish and Wildlife Resources, Tourism, Arts and Heritage Cabinet, used his influence in a matter that involved a substantial conflict between his personal or private interest and his duties in the public interest; influenced a public agency in derogation of the state at large; used

his official position to give himself a financial gain and an advantage in derogation of the public interest at large; used his official position to secure or create privileges, exemptions, advantages, or treatment for himself in derogation of the public interest; and failed to avoid all conduct which might in any way lead members of the general public to conclude that he was using his official position to further his professional or private interest.

Specifically, in 2013, Gassett used his position to give the owner of Frankfort Communications, Jimmy Miller, an advantage by allowing Miller to attend a meeting with the executive staff of the Kentucky State Police ("KSP") and the Department, at which it was discussed the Department's options in using the KSP communications systems and updating the Department's radio equipment. Gassett frequently socialized and hunted with Jimmy Miller at Miller's personal property. No other representatives of prospective vendors or authorized Kenwood dealers were invited to attend the meeting.

These facts constitute violations of KRS 11A.020(1)(a), (b), and (d), and KRS 11A.020(2).

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

- (1) No public servant, by himself or through others, shall knowingly:
  - (a) Use or attempt to use his influence in any matter which involves a substantial conflict between his personal or private interest and his duties in the public interest;
  - (b) Use or attempt to use any means to influence a public agency in derogation of the state at large; 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.020(2) provides:

- (2) If a public servant appears before a state agency, he shall avoid all conduct which might in any way lead members of the general public to conclude that he is using his official position to further his professional or private interest.

## COUNT IX

Jonathan Gassett, during his course of employment as the Commissioner of the Department of Fish and Wildlife Resources, Tourism, Arts and Heritage Cabinet, used his influence in a matter that involved a substantial conflict between his personal or private interest and his duties in the public interest; influenced a public agency in derogation of the state at large; used his official position to give himself a financial gain and an advantage in derogation of the public interest at large; used his official position to secure or create privileges, exemptions, advantages, or treatment for himself in derogation of the public interest; and failed to avoid all conduct which might in any way lead members of the general public to conclude that he was using his official position to further his professional or private interest.

Specifically, during 2011 and 2012, Gassett used his position and the relationship that he developed through his position to influence the Kentucky State Police to provide him with KSP guest passes to the Kentucky Derby at Churchill Downs at no charge. The KSP guest passes gave Gassett access to multiple levels of Churchill Downs on Derby Day. Gassett used these passes for his personal pleasure and not during the course of his regular duties as Commissioner. These passes are not made available by KSP to the general public.

These facts constitute violations of KRS 11A.020(1)(a), (b), (c), and (d), and KRS 11A.020(2).

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

- (1) No public servant, by himself or through others, shall knowingly:
  - (a) Use or attempt to use his influence in any matter which involves a substantial conflict between his personal or private interest and his duties in the public interest;
  - (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.020(2) provides:

- (2) If a public servant appears before a state agency, he shall avoid all conduct which might in any way lead members of the general public to conclude that he is using his official position to further his professional or private interest.

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