

SETTLEMENT AGREEMENT

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

WHEREAS, this agreement involves the matter styled *Executive Branch Ethics Commission v. John Akers*, Case No. 14-005;

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 John Akers violated the Executive Branch Code of Ethics codified at KRS 11A.020(1)(a), (b), (c) and (d), and KRS 11A.020(2);

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

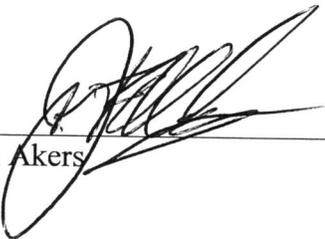
NOW, THEREFORE, in settlement of the above allegations, the Commission and John Akers agree, pursuant to KRS 11A.100, as follows:

1. John Akers 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.
2. John Akers agrees to pay the Commission a civil penalty of three thousand five hundred dollars (\$3,500.00) by May 16, 2014.
3. John Akers agrees to cooperate fully with the Commission in any further investigations and will submit complete, accurate, and truthful interviews and provide complete, accurate, and truthful testimony in any Commission proceedings in which he may be called as a witness.
4. John Akers 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. John Akers*, Agency Case No. 14-005.

6. This Settlement Agreement constitutes a public reprimand to John Akers, 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:



John Akers

2-6-2014
Date

EXECUTIVE BRANCH ETHICS COMMISSION:



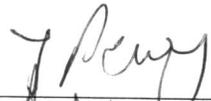
Chair, William David Denton

3/21/14
Date



Vice Chair, William G. Francis

3-21-14
Date



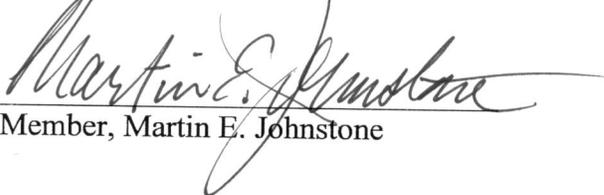
Member, Lewis G. Paisley

3/21/14
Date



Member, Richard L. Masters

3/21/14
Date



Member, Martin E. Johnstone

3/21/14
Date

**APPENDIX A
CASE NO. 14-005
INITIATING ORDER**

ALLEGATION OF VIOLATIONS

The Respondent, John F. Akers, was at all relevant times an employee of the Commonwealth of Kentucky, serving in the Department of Fish and Wildlife Resources (“Department”), Tourism, Arts and Heritage 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 John F. Akers committed the following violations:

COUNT I

John F. Akers, during his course of employment as the Maintenance Branch Manager, Engineering Division 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; 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, from 2007-2011, Akers used his position to use the Department’s woodshop facilities to store his personal property, including, but not limited to, tools, duck decoys, boats, building materials, personal hunting equipment, and a motorcycle.

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

KRS 11A.020(1)(a), (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;
 - (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

John F. Akers, during his course of employment as the Maintenance Branch Manager, Engineering Division 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; 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, from 2007-2011, Akers used his position to use the Department's woodshop facilities and equipment to build and repair his personal items. Akers also used the shop equipment and spare materials to build a flat bottom boat that he later took from the woodshop for his personal use. Akers used Department equipment and materials to build a wine cabinet for his spouse. Akers used Department equipment and materials to repair his personal deer stand,

his personal lawn mowing equipment, and his former spouse's china cabinet.

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

KRS 11A.020(1)(a), (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;
 - (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

John F. Akers, during his course of employment as the Maintenance Branch Manager, Engineering Division 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; 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, from 2008-2011, Akers used his position to possess seized antlers that were

sent to the Department's woodshop to be destroyed. Akers used these antlers that were meant for destruction to build turkey calls, coat racks, furniture, and various items using the Department's facilities and equipment. Some of these items Akers kept for his personal use.

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

KRS 11A.020(1)(a), (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;
 - (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

John F. Akers, during his course of employment as the Maintenance Branch Manager, Engineering Division of the Department of Fish and Wildlife Resources, Tourism, Arts and Heritage Cabinet, influenced a public agency in derogation of the state at large; used his official position to secure or create privileges, exemptions, advantages, or treatment for others in derogation of the public interest.

Specifically, in 2008, Akers used his position to use the Department's facilities, employees, and equipment to perform personal work for other Department employees. Akers instructed a Department employee, working on state time and using a Department vehicle, to

pick up building materials from a business in Lexington, Kentucky, on behalf of then Commissioner Jonathan Gassett. Gassett provided Akers with a personal check to pay for the building materials. Akers then instructed the employee to deliver 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 Gassett's personal residence for his personal use.

On one occasion, Akers had synthetic marble delivered to the woodshop where he used Department equipment to shape and cut the synthetic marble before delivering the materials to the home of another Department employee to complete a project in the employee's personal residence. On another occasion, Akers used the Department facilities and equipment to assemble a duck cover on another Department employee's personal boat.

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

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

- (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; 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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