

SETTLEMENT AGREEMENT

This agreement made and entered into between the Executive Branch Ethics Commission (hereinafter the “Commission”) and Michelle M. Jones.

WHEREAS, this agreement involves the matter styled *Executive Branch Ethics Commission v. Michelle M. Jones*, Case No. 14-019;

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

WHEREAS, on July 14, 2014, the Commission alleged facts in an Initiating Order that Michelle M. Jones violated the Executive Branch Code of Ethics codified at KRS 11A.020(1)(a), (b), (c), and (d); KRS 11A.020(2); KRS 11A.040(2), (3), and (4); and KRS 11A.040(10);

WHEREAS, Michelle M. Jones 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, Michelle M. Jones indicates her 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 Michelle M. Jones agree, pursuant to KRS 11A.100, as follows:

1. Michelle M. Jones admits that she committed violations of the Executive Branch Code of Ethics codified at KRS 11A.020(1)(a), (b), (c), and (d); KRS 11A.020(2); KRS 11A.040(2), (3), and (4); and KRS 11A.040(10), as stated in Appendix A to the Commission’s Initiating Order of July 14, 2014, attached hereto and incorporated by reference herein.

2. Michelle M. Jones agrees to pay the Commission a civil penalty of three thousand two hundred and fifty dollars (\$3,250.00) on or before September 8, 2014.

3. Michelle M. Jones agrees that upon an Agreed Final Order being issued by the Commission that she waives all rights to any further administrative process or appeal pursuant to KRS 13B.140 thereon.

4. 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. Michelle M. Jones*, Agency Case No. 14-019.

5. This Settlement Agreement constitutes a public reprimand to Michelle M. Jones, a copy of which will be provided to her appointing authority, pursuant to KRS 11A.100(3)(c).

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


Michelle M. Jones

6/5/14
Date

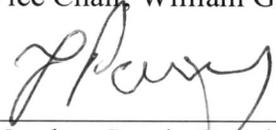
EXECUTIVE BRANCH ETHICS COMMISSION:


Chair, William David Denton

7-14-14
Date


Vice Chair, William G. Francis

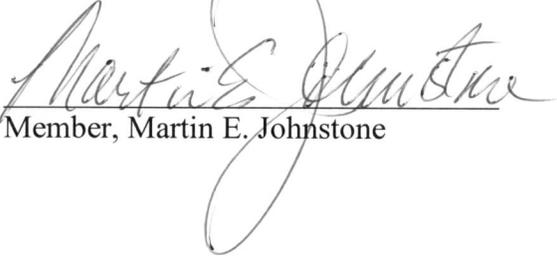
7-14-14
Date


Member, Lewis G. Paisley

7-14-14
Date

Absent
Member, Richard L. Masters

Date


Member, Martin E. Johnstone

7-14-14
Date

**APPENDIX A
CASE NO. 14-015
INITIATING ORDER**

ALLEGATION OF VIOLATIONS

The Respondent, Michelle M. Jones, was at all relevant times an employee of the Commonwealth of Kentucky, serving in the Cabinet for Health and Family Services. 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 Michelle M. Jones committed the following violations:

COUNT I

Michelle M. Jones, during her course of employment as the Family Services Office Supervisor, Department for Community Based Services for the Two Rivers Service Region, Cabinet for Health and Family Services, used her influence in matters that involved a substantial conflict between her personal or private interest and her duties in the public interest; influenced a public agency in derogation of the state at large; used her official position to give her family member financial gain; used her official position to secure or create privileges, exemptions, advantages, or treatment for others in derogation of the public interest; failed to avoid all conduct which might in any way lead members of the general public to conclude that she was using her official position to further her professional or private interest; and knowingly acted as a representative or agent for the Department for Income Support in the transaction of business or regulatory action with a business in which a member of her family had an interest greater than five percent (5%) of the total value thereof.

Specifically, during fiscal years 2012 and 2013, Jones used her position to represent her agency in negotiating transactions to have her agency do business with a business owned and

operated by her husband to provide promotional products for events held by her Department for a program that she coordinated as part of her regular job duties.

These facts constitute violations of KRS 11A.020(1)(a), (b), (c), and (d), KRS 11A.020(2), and KRS 11A.040(3).

.KRS 11A.020(1)(a), (b), (c), and (d), and (2) 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.
- (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.

KRS 11A.040(3) provides:

- (3) A public servant shall not knowingly act as a representative or agent for the Commonwealth or any agency in the transaction of any business or regulatory action with himself, or with any business in which he or a member of his family has any interest greater than five percent (5%) of the total value thereof.

COUNT II

Michelle M. Jones, during her course of employment as the Family Services Office Supervisor, Department for Community Based Services for the Two Rivers Service Region, Cabinet for Health and Family Services, used her influence in matters that involved a substantial conflict between her personal or private interest and her duties in the public interest; influenced a

public agency in derogation of the state at large; used her official position to give her family member financial gain; used her official position to secure or create privileges, exemptions, advantages, or treatment for others in derogation of the public interest; failed to avoid all conduct which might in any way lead members of the general public to conclude that she was using her official position to further her professional or private interest; knowingly received, directly or indirectly, an interest or profit arising from the use or loan of public funds in her hands to be raised through any state agency; and knowingly herself or through any business in which she owns or controls an interest of more than five percent (5%), or by any other person for her use or benefit or on her account, undertook, executed, held, and negotiated, in whole or in part, a contract and agreement entered into, awarded, or granted by an agency by which she is employed or which she supervises.

Specifically, during fiscal years 2012 and 2013, Jones used her position to ensure that her agency did business with a business owned and operated by her husband and for which she was listed as a manager on the business' Articles of Incorporation filed with the Secretary of State's office. Jones ensured that funds from a grant, which she coordinated as part of her regular job duties, were used to fund the agency's purchases from her husband's business. Jones directly benefitted from the financial gain to her household income these transactions provided.

These facts constitute violations of KRS 11A.020(1)(a), (b), (c), and (d), KRS 11A.020(2), and KRS 11A.040(2) and (4).

KRS 11A.020(1)(a), (b), (c), and (d), and (2) 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.

(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.

KRS 11A.040 (2) and (4) provide:

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

(4) A public servant shall not knowingly himself or through any business in which he owns or controls an interest of more than five percent (5%), or by any other person for his use or benefit or on his account, undertake, execute, hold, bid on, negotiate, or enjoy, in whole or in part, any contract, agreement, lease, sale, or purchase made, entered into, awarded, or granted by the agency by which he is employed or which he supervises, subject to the provisions of KRS 45A.340.

COUNT III

Michelle M. Jones, during her course of employment as the Family Services Office Supervisor, Department for Community Based Services for the Two Rivers Service Region, Cabinet for Health and Family Services, failed to notify her appointing authority of her outside employment.

On or about January 19, 2011, Jones agreed to be listed on the Articles of Incorporation filed with the Secretary of State's Office for her husband's business as the "manager" for the business while she was a full-time employee of the Cabinet for Health and Family Services and without the approval of her appointing authority. Jones was listed on the business filings for her husband's business until April of 2014.

These facts constitute a violation of KRS 11A.040(10).

KRS 11A.040(10) provides:

- (10) Without the approval of his appointing authority, a public servant shall not accept outside employment from any person or business that does business with or is regulated by the state agency for which the public servant works or which he supervises, unless the outside employer's relationship with the state agency is limited to the receipt of entitlement funds.
 - (a) The appointing authority shall review administrative regulations established under KRS Chapter 11A when deciding whether to approve outside employment for a public servant.
 - (b) The appointing authority shall not approve outside employment for a public servant if the public servant is involved in decision-making or recommendations concerning the person or business from which the public servant seeks outside employment or compensation.
 - (c) The appointing authority, if applicable, shall file quarterly with the Executive Branch Ethics Commission a list of all employees who have been approved for outside employment along with the name of the outside employer of each.

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