

SETTLEMENT AGREEMENT

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

WHEREAS, this agreement involves the matter styled *Executive Branch Ethics Commission v. James Bland*, Case No. 15-014;

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 24, 2015, the Commission alleged facts in an Initiating Order that James Bland 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(4), and KRS 11A.040(10);

WHEREAS, James Bland 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, James Bland 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 James Bland 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 July 24, 2015, attached hereto, as follows:

- a. As relates to the allegations presented in Count I, amend the language to remove "at least twenty-five (25)" in two locations and to add the language "at least fifteen (15)" in both locations;
- b. As relates to the allegations presented in Count III, to remove the reference to a violation of KRS 11A.040(4) and to remove the language that states that "[w]hile working for this business, Bland received compensation from the business resulting from a contract with the Cabinet."

2. James Bland admits that he committed violations of the Executive Branch Code of Ethics codified at KRS 11A.020(1)(a), (b), (c), and (d), KRS 11A.020(2), and KRS 11A.040(10), as stated in the amended allegations as referenced in paragraph 1 of this Settlement Agreement and the Appendix A to the Commission's Initiating Order of July 24, 2015, attached hereto and incorporated by reference herein.

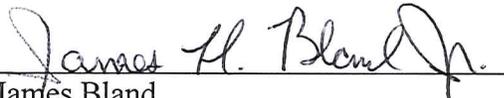
3. James Bland agrees to pay the Commission a civil penalty of four thousand dollars (\$4,000.00) on or before September 25, 2015, in accordance with an Agreed Final Order.

4. James Bland agrees that upon a Agreed 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 and the Agreed Final Order 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. James Bland*, Agency Case No. 15-014.

6. This Settlement Agreement constitutes a public reprimand to James Bland, 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:


James Bland

8-26-15
Date

EXECUTIVE BRANCH ETHICS COMMISSION:


Chair, William David Denton

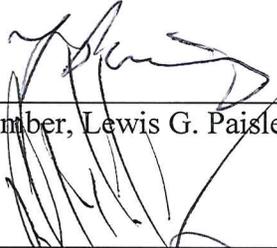
9-30-15
Date


Vice Chair, William G. Francis

9-30-15
Date


Member, Lewis G. Paisley

9-30-15
Date


Member, Richard L. Masters

9-30-15
Date


Member, Martin E. Johnstone

9-30-15
Date

**APPENDIX A
CASE NO. 15-014
INITIATING ORDER**

ALLEGATION OF VIOLATIONS

The Respondent, James Bland, was at all relevant times an employee of the Commonwealth of Kentucky, serving in District 5, Kentucky Transportation Cabinet (the “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 James Bland committed the following violations:

COUNT I

James Bland, during his course of employment as a Transportation Engineering Technologist III, District 5, Kentucky Transportation Cabinet, used or attempted 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; used or attempted to use any means to influence a public agency in derogation of the state at large; used his official position to give himself a financial gain; 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 November 2013 through February 2014, Bland presented to his supervisor with the Cabinet at least twenty-five (25) false and altered Certificate of Service forms indicating that he had participated in jury duty when he did not actually participate in jury duty. Bland also presented at least twenty-five (25) fraudulent attendance reports and timesheets indicating that he participated in jury duty when he actually spent such time on his

personal interests. Bland's false reporting of his jury duty as valid hours on his timesheets resulted in Bland receiving compensation for time that he did not actually attend jury duty or perform any service for the Commonwealth.

Bland used his position to influence the Cabinet to compensate him for time that he did not work or attend jury duty resulting in his receipt of financial gain and benefits in derogation of the state and the public interest. By Bland presenting fraudulent Certificates of Service and timesheets, Bland failed to avoid conduct that would lead the general public to conclude that he was using his official position to further his private interest.

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

James Bland, during his course of employment as a Transportation Engineering Technologist III, District 5, Kentucky Transportation Cabinet, used or attempted 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; used or attempted to use any means to influence a public agency in derogation of the state at large; used his official position to give himself a financial gain; 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 June through August 2014, on at least nine (9) occasions, ranging from thirty (30) minutes to two (2) hours, Bland used the state vehicle for his own personal interests during state time at locations in Louisville and Jefferson County, which was not part of his assigned work area during that time frame and in which he had no valid purpose of remaining for those lengths of time.

Bland used his position to influence the Cabinet to allow him to use the state vehicle for her personal interests and to compensate him for time that he did not work resulting in his receipt of financial gain and benefits in derogation of the state and the public interest. By Bland presenting fraudulent timesheets, Bland failed to avoid conduct that would lead the general public to conclude that he was using his official position to further his private interest.

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

James Bland, during his course of employment as a Transportation Engineering Technologist III, District 5, Kentucky Transportation Cabinet, 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; and without the approval of his appointing authority, 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.

Specifically, during 2014, Bland performed outside employment with a business that does business with the Cabinet without informing his supervisor or appointing authority and without receiving permission from the Cabinet to do so. While working for this business, Bland received compensation from the business resulting from a contract with the Cabinet.

These facts constitute violations of KRS 11A.040(4) and (10).

KRS 11A.040(4) provides:

- (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. . .

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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