

SETTLEMENT AGREEMENT

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

WHEREAS, this agreement involves the matter styled *Executive Branch Ethics Commission v. Kevin Booker*, Administrative Action No. 14-EBEC-0288/Agency No. 14-016, and no other matter;

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 19, 2014, the Commission alleged facts in an Initiating Order that Kevin Booker violated the Executive Branch Code of Ethics codified at KRS 11A.020(1)(b), (c) and (d), KRS 11A.020(2), and KRS 11A.040(10);

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

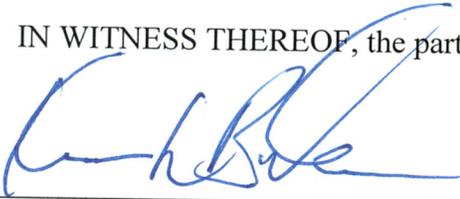
NOW, THEREFORE, in settlement of the above allegations, the Commission and Kevin Booker agree, pursuant to KRS 11A.100, as follows:

1. The Commission agrees to withdraw the allegation contained in Count II of the Commission's Initiating Order of May 19, 2014, that states that Kevin Booker violated KRS 11A.040(10). The remainder of Count II remains unchanged.
2. Kevin Booker admits that he committed violations of the Executive Branch Code of Ethics codified at KRS 11A.020(1)(b), (c) and (d) and KRS 11A.020(2), as stated in the Appendix A to the Commission's Initiating Order of May 19, 2014, attached hereto and incorporated by reference herein.
3. Kevin Booker agrees to pay the Commission a civil penalty of three thousand dollars (\$3,000.00) to be paid in full on or before March 16, 2015, in accordance with the Agreed Final Order in this matter.
4. Kevin Booker agrees that upon the 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 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. Kevin Booker*, Administrative Action No. 14-EBEC-0288/Agency No. 14-016, and no other matter, and that the effect of the Agreed Final Order herein shall be limited to this administrative case only and shall not be used as issue preclusive, or *res judicata*, or collateral estoppel, or *stare decisis* in any other action.

6. This Settlement Agreement constitutes a public reprimand to Kevin Booker, 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:



Kevin Booker

11-25-14

Date

EXECUTIVE BRANCH ETHICS COMMISSION:



Chair, William David Denton

1-30-15

Date



Vice Chair, William G. Francis

1-30-15

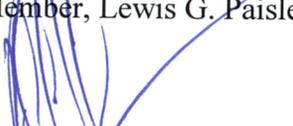
Date



Member, Lewis G. Paisley

1-30-15

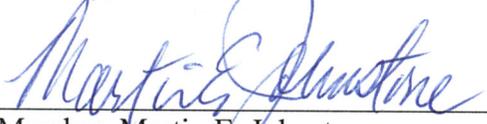
Date



Member, Richard L. Masters

1-30-15

Date



Member, Martin E. Johnstone

1-30-15

Date

**APPENDIX A
CASE NO. 14-016
INITIATING ORDER**

ALLEGATION OF VIOLATIONS

The Respondent, Kevin Booker, was at all relevant times an employee of the Commonwealth of Kentucky, serving in the Labor Cabinet, Department of Workers Claims, Division of Security and Compliance. 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 Kevin Booker committed the following violations:

COUNT I

Kevin Booker, during his course of employment as a Workers' Compensation Coverage and Compliance Investigator II, in the Enforcement Section, Compliance Branch, Division of Security and Compliance, Department of Workers Claims, Labor Cabinet, influenced a public agency in derogation of the state at large; used his official position to obtain financial gain for himself; 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, Booker, while on state time, worked another job for a private employer in Louisville, Kentucky. During the stated period of time, Booker worked approximately 70 hours for this private employer during hours that he presented that he was performing duties on behalf of the Labor Cabinet in locations throughout the state. Booker, whose job duties included investigation of workers claims, would inform his supervisor that he

was performing his job duties in various cities and counties throughout the state, but at the same time would be working for the private employer in Louisville, Kentucky. Booker, in order to perform this outside employment for the private employer, failed to fulfill his assigned job duties for the Labor Cabinet.

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

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

COUNT II

Kevin Booker, during his course of employment as a Workers' Compensation Coverage and Compliance Investigator II, in the Enforcement Section, Compliance Branch, Division of Security and Compliance, Department of Workers Claims, Labor 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 himself 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 he

was using his official position to further his professional or private interest; and failed to notify his appointing authority of his outside employment.

Specifically, during 2012 and 2013, Booker failed to request approval to work for a private employer in Louisville, Kentucky, for work that was outside of his state employment for the Labor Cabinet. Booker worked for this private employer for approximately sixteen (16) months, spanning from January 2012 through at least May 2013, while also a public servant working for the Labor Cabinet. During this time, on or about March 19, 2013, the Labor Cabinet's management reminded Booker of his obligation to seek approval from his appointing authority for outside employment. Not only did Booker continue to fail to seek approval for the work for the private employer after being reminded of his obligation to do so by his agency, but, on or about April 8, 2013, requested approval to perform work for yet another outside private employer.

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

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

(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(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.

COUNT III

Kevin Booker, during his course of employment as a Workers' Compensation Coverage and Compliance Investigator II, in the Enforcement Section, Compliance Branch, Division of Security and Compliance, Department of Workers Claims, Labor Cabinet, influenced a public agency in derogation of the state at large; used his official position to obtain financial gain for himself; used his official position to secure or create privileges, exemptions, advantages, or treatment for himself or others 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, Booker falsified his timesheets he submitted to his Cabinet to show that he was performing work for the Cabinet when he was actually performing work for a private employer. In doing so, Booker collected pay for time he falsely reported on his timesheets.

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

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

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