

## SETTLEMENT AGREEMENT

This agreement made and entered into between the Executive Branch Ethics Commission (hereinafter the “Commission”) and Courtney Smith.

WHEREAS, this agreement involves the matter styled *Executive Branch Ethics Commission v. Courtney Smith*, Case No. 15-006;

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

WHEREAS, on March 23, 2015, the Commission alleged facts in an Initiating Order that Courtney Smith violated the Executive Branch Code of Ethics codified at KRS 11A.020(1)(b), (c), and (d), and KRS 11A.020(2);

WHEREAS, Courtney Smith 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, Courtney Smith 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 Courtney Smith agree, pursuant to KRS 11A.100, as follows:

1. Courtney Smith admits that she 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 March 23, 2015, attached hereto and incorporated by reference herein.

2. Courtney Smith agrees to pay the Commission a civil penalty of one thousand five hundred dollars (\$1,500.00) concurrently with the execution of this Settlement Agreement.

3. Courtney Smith agrees that upon a 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. Courtney Smith*, Agency Case No. 15-006.

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

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

  
\_\_\_\_\_  
Courtney Smith

  
\_\_\_\_\_  
Date

**EXECUTIVE BRANCH ETHICS COMMISSION:**

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

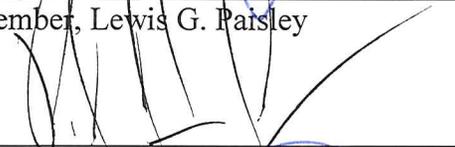
  
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Date

  
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Vice Chair, William G. Francis

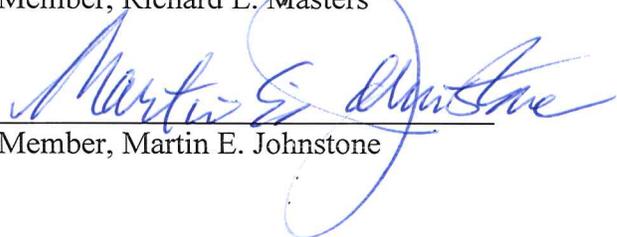
  
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Member, Lewis G. Paisley

  
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Date

  
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Member, Richard L. Masters

  
\_\_\_\_\_  
Date

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

  
\_\_\_\_\_  
Date

**APPENDIX A  
CASE NO. 15-006  
INITIATING ORDER**

**ALLEGATION OF VIOLATIONS**

The Respondent, Courtney E. Smith, was at all relevant times an employee of the Commonwealth of Kentucky, serving in the Department for Aging and Independent Living, 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 Courtney E. Smith committed the following violations:

**COUNT I**

Courtney E. Smith, during her course of employment as a Social Service Worker II, Department for Aging and Independent Living (“Department”), Cabinet for Health and Family Services, used or attempted to use any means to influence a public agency in derogation of the state at large; used her official position to give herself a financial gain; used or attempted to use her official position to secure or create privileges, exemptions, advantages, or treatment for herself 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 she was using her official position to further her professional or private interest.

Specifically, from 2013 through 2014, on approximately two (2) occasions, Smith falsely reported that she conducted visits with clients of the Department when she had not actually performed those visits. On over forty (40) occasions, Smith submitted falsified timesheets documenting regular working hours for time she did not actually work resulting in her receiving compensation and work time credit for approximately twenty-five hours that she did not work.

Smith's conduct in falsifying records to reflect she had performed work that she had not performed influenced or attempted to influence her public agency in derogation of the state. Smith otherwise failed to fulfill her job duties while receiving wages and benefits that gave her a financial gain and benefits that she was not due. Furthermore, by falsifying her agencies records and timesheets, Smith 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 private interest.

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) provides:

- (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.

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.

**(End of document)**