

## SETTLEMENT AGREEMENT

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

WHEREAS, this agreement involves the matter styled *Executive Branch Ethics Commission v. Jason Driskell*, Case No. 15-003, Administrative Action No. 15-EBEC-0046;

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 30, 2015, the Commission alleged facts in an Initiating Order that Jason Driskell violated the Executive Branch Code of Ethics codified at KRS 11A.020(1)(b), (c), and (d), and KRS 11A.020(2);

WHEREAS, Jason Driskell 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;

WHEREAS, Jason Driskell has filed an appeal of his dismissal from the Cabinet for Health and Family Services (the "Cabinet") with the Personnel Board;

WHEREAS, the Cabinet contends that Jason Driskell owes the Cabinet the value of \$12,017.86 in lost compensation for time and attendance misrepresentations on his timesheets;

WHEREAS, the Cabinet has agreed to accept Jason Driskell's resignation with prejudice and Jason Driskell has agreed to pay the Cabinet restitution in the amount of six thousand dollars (\$6,000), paid through two hundred dollar (\$200) monthly installments until paid, unless he misses more than two (2) monthly installments, after which he will owe \$12,017.86 and

WHEREAS, Jason Driskell 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 Jason Driskell agree, pursuant to KRS 11A.100, as follows:

1. Jason Driskell 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 January 30, 2015, attached hereto and incorporated by reference herein.

2. Jason Driskell agrees to pay the Commission a civil penalty of three thousand dollars (\$3,000.00) offset on a dollar-for-dollar basis by the amount of restitution he submits to the Cabinet, unless he misses more than two (2) installments of his \$200 payments to the Cabinet, then he will owe the Commission the full amount of the civil penalty, plus twelve percent (12%) per annum, along with court costs, attorneys fees, and administrative costs associated with collecting the judgment in Franklin Circuit Court until paid in full.

3. Jason Driskell agrees to abstain from seeking employment with the executive branch of state government for a period of eight (8) years from the date of this agreement.

4. Jason Driskell agrees that upon the Settlement Agreement and 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 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. Jason Driskell*, Agency Case No. 15-003; Administrative Action No. 15-EBEC-0046.

5. This Settlement Agreement constitutes a public reprimand to Jason Driskell, 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:

  
\_\_\_\_\_  
Jason Driskell

9-19-2015  
\_\_\_\_\_  
Date

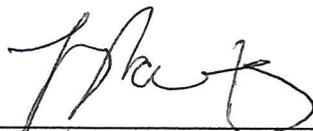
**EXECUTIVE BRANCH ETHICS COMMISSION:**

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

9-30-15  
\_\_\_\_\_  
Date

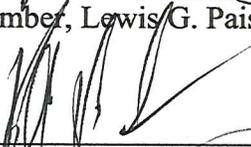
  
\_\_\_\_\_  
Vice Chair, William G. Francis

9-30-15  
\_\_\_\_\_  
Date



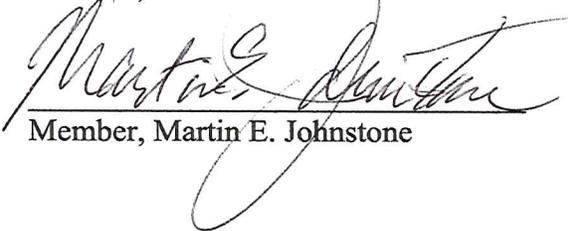
Member, Lewis G. Paisley

9-30-15  
Date



Member, Richard L. Masters

9-30-15  
Date



Member, Martin E. Johnstone

9-30-15  
Date

**APPENDIX A  
CASE NO. 15-003  
INITIATING ORDER**

**ALLEGATION OF VIOLATIONS**

The Respondent, Jason Driskell, was at all relevant times an employee of the Commonwealth of Kentucky, serving in the Department of Income Support, 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 Jason Driskell committed the following violations:

**COUNT I**

Jason Driskell, during his course of employment as a Disability Adjudicator III, Department of Disability Services (“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 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 January 2013 through March 2014, Driskell was assigned to perform job duties in either the Department’s Frankfort or Louisville offices. On at least 116 work days, Driskell failed to arrive at either office at the time he indicated on the sign-in rosters, arriving at his work station anywhere from sixteen (16) minutes to four (4) hours late, for a total of 211 hours of time he claimed to be working that he was not at work. Driskell’s false reporting of his actual work hours on his timesheets resulted in Driskell receiving compensation in the

approximate amount of \$4385.00. Driskell used his position to influence his Cabinet 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 Driskell falsely reporting his work time on his timesheets, Driskell 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)(b), (c), and (d), and KRS 11A.020(2).

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

- (1) No public servant, by himself or through others, shall knowingly:  
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  - (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

Jason Driskell, during his course of employment as a Disability Adjudicator III, Department of Disability Services ("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 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 March 2013 through January 2014, Driskell claimed time on his timesheets for a full day of regular working hours on approximately ten (10) occasions that he did not actual perform work for the Department. On January 17, 2014, Driskell informed Department personnel that he would not be coming to work because of inclement weather; however, he claimed eight (8) regular work hours on his timesheet. On July 1, July 19, and November 6, 2013, Driskell informed Department personnel that he would be taking sick leave, but claimed a full day of regular hours on his time sheets for these days. On August 1, 2013, Driskell informed Department personnel that he would be “out,” yet claimed a full day of regular hours for this date on his time sheet. On March 1 and 19, May 3, June 25, and July 18, Driskell never arrived for work and did not perform any work for the Department, but claimed a full day’s time on his timesheets for these dates. Driskell’s false reporting of these days as regular work hours on his timesheets resulted in Driskell receiving compensation for a total of 80 regular hours, resulting in compensation to him of the approximate amount of \$1661.00.

Driskell used his position to influence his Cabinet 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 Driskell falsely reporting his work time on his timesheets, Driskell 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)(b), (c), and (d), and KRS 11A.020(2).

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

(1) No public servant, by himself or through others, shall knowingly:

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- (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.

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