

SETTLEMENT AGREEMENT

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

WHEREAS, this agreement involves the matter styled *Executive Branch Ethics Commission v. Gerard Buynak*, Case No. 14-013;

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 Gerard Buynak violated the Executive Branch Code of Ethics codified at KRS 11A.020(1)(b) and (d);

WHEREAS, Gerard Buynak 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, Gerard Buynak 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 Gerard Buynak agree, pursuant to KRS 11A.100, as follows:

1. Gerard Buynak admits that he committed violations of the Executive Branch Code of Ethics codified at KRS 11A.020(1)(b) and (d), as stated in Appendix A to the Commission’s Initiating Order of May 19, 2014, attached hereto and incorporated by reference herein.

2. Gerard Buynak agrees to pay the Commission a civil penalty of nine hundred dollars (\$900.00) concurrently with the execution of this settlement.

3. Gerard Buynak agrees to cooperate fully with the Commission in any further investigations and will submit complete, accurate, and truthful interviews and provide complete, accurate, and truthful testimony in any Commission proceedings in which he may be called as a witness.

4. Gerard Buynak agrees that upon a 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. Gerard Buynak*, Agency Case No. 14-013.

6. This Settlement Agreement constitutes a public reprimand to Gerard Buynak, a copy of which will be provided to his appointing authority pursuant to KRS 11A.100(3)(c).

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

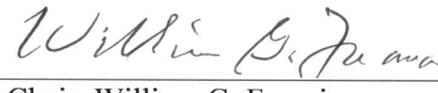

Gerard Buynak

1 May 2014
Date

EXECUTIVE BRANCH ETHICS COMMISSION:


Chair, William David Denton

5-19-14
Date


Vice Chair, William G. Francis

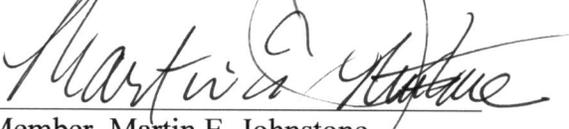
5-19-14
Date


Member, Lewis G. Paisley

5-19-14
Date


Member, Richard L. Masters

5-19-14
Date


Member, Martin E. Johnstone

5-19-14
Date

**APPENDIX A
CASE NO. 14-004
INITIATING ORDER**

ALLEGATION OF VIOLATIONS

The Respondent, Gerard Buynak, was at all relevant times an employee of the Commonwealth of Kentucky, serving in the Department of Fish and Wildlife Resources (“Department”), Tourism, Arts and Heritage Cabinet. As such, the Respondent is 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 Gerard Buynak committed the following violations:

COUNT I

Gerard Buynak, during his course of employment as the Assistant Director, Fisheries Division of the Department of Fish and Wildlife Resources, Tourism, Arts and Heritage Cabinet, influenced a public agency in derogation of the state at large; and used his official position to secure or create privileges, exemptions, advantages, or treatment for others in derogation of the public interest.

Specifically, in the Spring of 2013, at the request of a former employee with the Department, Buynak used his position to influence Department employees, working on state time and using a Department vehicle, to deliver fish from the Department’s fish hatchery to a private pond located on the personal property of the former Department employee in Shelby County, Kentucky. The fish were provided to the former Department employee without having to complete an application, at no charge for the fish or the cost of delivery outside of the provisions of any statute or regulation and would not have been made available to members of the general public.

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

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

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