

## SETTLEMENT AGREEMENT

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

WHEREAS, this agreement involves the matter styled *Executive Branch Ethics Commission v. Gary Gardner*, Case No. 14-002;

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 27, 2014, the Commission alleged facts in an Initiating Order that Gary Gardner violated the Executive Branch Code of Ethics codified KRS 11A.020(1)(c) and (d), KRS 11A.020(2), and KRS 11A.040(2);

WHEREAS, Gary Gardner 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, Gary Gardner has entered a plea of guilty for criminal charges in state court in relation to the conduct stated in Appendix A to the Initiating Order, which includes agreeing to serve a minimum of one (1) year concurrent on two Counts, which has been diverted for a period of two (2) years, and has paid a total of \$3,381.00 in restitution, pursuant to KRS 533.030(3).

WHEREAS, Gary Gardner 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 Gary Gardner agree, pursuant to KRS 11A.100, as follows:

1. Gary Gardner admits that he committed violations of the Executive Branch Code of Ethics codified at KRS 11A.020(1)(c) and (d), KRS 11A.020(2), and KRS 11A.040(2), as stated in Appendix A to the Commission's Initiating Order of January 27, 2014, attached hereto and incorporated by reference herein.

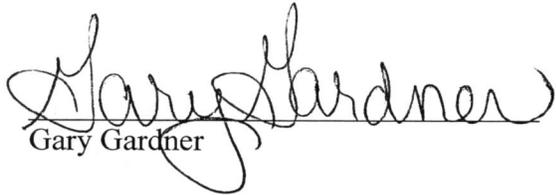
2. Gary Gardner agrees to pay the Commission a civil penalty of one thousand dollars (\$1,000.00) concurrently with the execution of this Settlement Agreement.

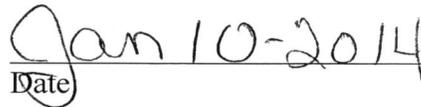
3. Gary Gardner agrees that upon a Final Order being issued by the Commission that he waives all rights to any further administrative process or appeal pursuant to KRS 13B.140 thereon.

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. Gary Gardner*, Agency Case No. 14-002.

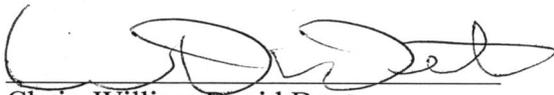
5. This Settlement Agreement constitutes a public reprimand to Gary Gardner, a copy of which will be provided to his former appointing authority, pursuant to KRS 11A.100(3)(c).

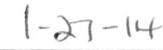
IN WITNESS THEREOF, the parties have caused this agreement to be executed:

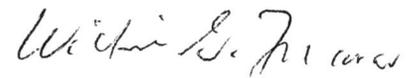
  
\_\_\_\_\_  
Gary Gardner

  
\_\_\_\_\_  
Date

**EXECUTIVE BRANCH ETHICS COMMISSION:**

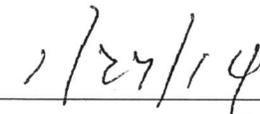
  
\_\_\_\_\_  
Chair, William David Denton

  
\_\_\_\_\_  
Date

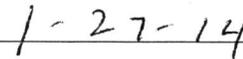
  
\_\_\_\_\_  
Vice Chair, William G. Francis

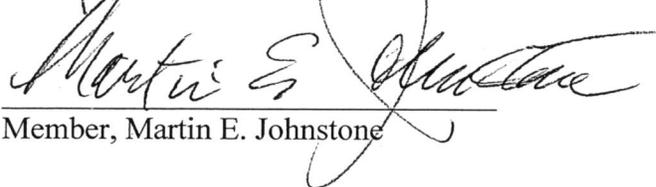
  
\_\_\_\_\_  
Date

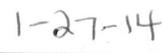
  
\_\_\_\_\_  
Member, Lewis G. Paisley

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Member, Richard L. Masters

  
\_\_\_\_\_  
Date

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

  
\_\_\_\_\_  
Date