

SETTLEMENT AGREEMENT

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

WHEREAS, this agreement involves the matter styled *Executive Branch Ethics Commission v. Michael Mullins*, Case No. 15-001;

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 Michael Mullins violated the Executive Branch Code of Ethics codified at KRS 11A.020(1)(a) and (b), KRS 11A.020(2), and KRS 11A.030;

WHEREAS, Michael Mullins 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, Michael Mullins 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 Michael Mullins agree, pursuant to KRS 11A.100, as follows:

1. Michael Mullins admits that he committed violations of the Executive Branch Code of Ethics codified at KRS 11A.020(1)(a) and (b), KRS 11A.020(2), and KRS 11A.030, as stated in the Appendix A to the Commission’s Initiating Order of January 30, 2015, attached hereto and incorporated by reference herein.

2. Michael Mullins 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. Michael Mullins 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. Michael Mullins*, Agency Case No. 15-001.

5. This Settlement Agreement constitutes a public reprimand to Michael Mullins, 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:



Michael Mullins



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

**APPENDIX A
CASE NO. 15-001
INITIATING ORDER**

ALLEGATION OF VIOLATIONS

The Respondent, Michael Mullins, was at all relevant times an employee of the Commonwealth of Kentucky, serving in the Department of Juvenile Justice, Justice and Public Safety Cabinet. 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 Michael Mullins committed the following violations:

COUNT I

Michael Mullins, during his course of employment as a Youth Services Program Supervisor and Juvenile Facilities Superintendent I, Boyd County Juvenile Detention Center, Department of Juvenile Justice, Justice and Public Safety Cabinet, used or attempted to use his influence in matters that involved a substantial conflict between his personal or private interest and his duties in the public interest; used or attempted to use any means to influence a public agency in derogation of the state at large; 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 abstain from action on an official decision because of a conflict of interest.

Specifically, sometime between 2007 through 2011, Mullins participated in a clandestine, sexual relationship with a female co-worker who eventually became Mullins' subordinate employee. Mullins did not inform anyone in his chain of command that he participated in a sexual relationship with his subordinate employee. Beginning in 2009, Mullins supervised this same employee and conducted evaluations on this employee as her evaluator and immediate

supervisor. In 2010, Mullins participated in this employee's evaluations as an evaluator and a "next line" supervisor. In 2010, Mullins also contributed to and signed as "next line" supervisor a Performance Improvement Plan for this employee concerning her ongoing time and attendance issues.

After the female employee ended the sexual relationship with Mullins, Mullins participated as the "next line" supervisor in the employee's evaluations and again participated in issuing a Performance Improvement Plan against the employee. In 2012, despite there being other possible supervisors who could have performed these tasks, Mullins again participated in this employee's evaluations as an evaluator and immediate supervisor as well as her "next line" supervisor, giving the employee the lowest score possible in four categories. In 2013, Mullins participated in this employee's evaluations as a "next line" supervisor.

Despite Mullins ongoing sexual relationship with this employee, Mullins failed to abstain from participation in this employee's evaluations and disciplinary proceedings, and used or attempted to use his position as supervisor to influence his agency's evaluations of this employee. After the employee ended the relationship, Mullins continued to influence his agency's evaluations of this employee, giving her increasingly lower scores on her evaluations.

These facts constitute violations of KRS 11A.020(1)(a) and (b), KRS 11A.020(2), and KRS 11A.030.

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

- (1) No public servant, by himself or through others, shall knowingly:
 - (a) Use or attempt to use his influence in any matter which involves a substantial conflict between his personal or private interest and his duties in the public interest; or
 - (b) Use or attempt to use any means to influence a public agency in derogation of the state 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.

KRS 11A.030 provides:

In determining whether to abstain from action on an official decision because of a possible conflict of interest, a public servant should consider the following guidelines:

- (1) Whether a substantial threat to his independence of judgment has been created by his personal or private interest;
- (2) The effect of his participation on public confidence in the integrity of the executive branch;
- (3) Whether his participation is likely to have any significant effect on the disposition of the matter;
- (4) The need for his particular contribution, such as special knowledge of the subject matter, to the effective functioning of the executive branch; or
- (5) Whether the official decision will affect him in a manner differently from the public or will affect him as a member of a business, profession, occupation, or group to no greater extent generally than other members of such business, profession, occupation, or group. A public servant may request an advisory opinion from the Executive Branch Ethics Commission in accordance with the commission's rules of procedure.

(End of document)