

SETTLEMENT AGREEMENT

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

WHEREAS, this agreement involves the matter styled *Executive Branch Ethics Commission v. Mark Roberts*, Case No. 14-010;

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 21, 2014, the Commission alleged facts in an Initiating Order that Mark Roberts violated the Executive Branch Code of Ethics codified at KRS 11A.020(1)(b) and (d);

WHEREAS, Mark Roberts 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, Mark Roberts 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 Mark Roberts agree, pursuant to KRS 11A.100, as follows:

1. Mark Roberts 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 March 21, 2014, attached hereto and incorporated by reference herein.
2. Mark Roberts agrees to pay the Commission a civil penalty of two thousand dollars (\$2,000.00) by May 16, 2014.
3. Mark Roberts 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. Mark Roberts 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. Mark Roberts*, Agency Case No. 14-010.

6. This Settlement Agreement constitutes a public reprimand to Mark Roberts, 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:



Mark Roberts



Date

EXECUTIVE BRANCH ETHICS COMMISSION:



Chair, William David Denton

Date 5-19-14



Vice Chair, William G. Francis

Date 5-19-14



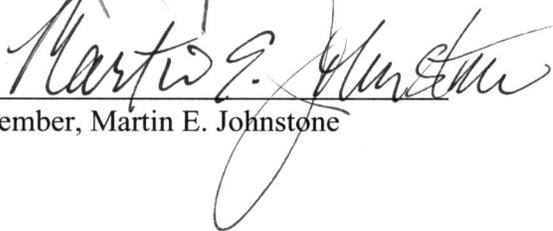
Member, Lewis G. Paisley

Date 5-19-14



Member, Richard L. Masters

Date 5-19-14



Member, Martin E. Johnstone

Date 5-19-14

**APPENDIX A
CASE NO. 14-010
INITIATING ORDER**

ALLEGATION OF VIOLATIONS

The Respondent, Mark Roberts, 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 Mark Roberts committed the following violations:

COUNT I

Mark Roberts, during his course of employment as the Game Management Foreman 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 winter of 2009 through 2010, Roberts directed employees under his supervision, which he knew were working on state time, to use Department equipment and vehicles, to travel to the personal residence of then Commissioner Jonathan Gassett and pump out water from Commissioner Gassett’s flooded basement or crawl space.

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.

COUNT II

Mark Roberts, during his course of employment as the Game Management Foreman 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, Roberts directed Department employees that he knew to be working on state time to use Department vehicles and equipment to deliver fish from the Department's fish hatchery to private ponds located on the personal property of a member of the Kentucky Fish and Wildlife Commission in Somerset, Kentucky, and the friend of a member of the Kentucky Fish and Wildlife Commission in Lawrenceburg, Kentucky. The fish were provided to the Commission member and the friend of the Commission member 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.

COUNT III

Mark Roberts, during his course of employment as the Game Management Foreman 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 carrying out the conduct listed in Count I, Roberts used his position to direct Department employees to code their timesheets to indicate that they were performing regular maintenance activities to conceal the time in which the employees were actually working at Commissioner Gassett's home pumping water from his basement. Further, in carrying out the conduct listed in Count II, Roberts used his position to direct Department employees to fail to make fish delivery cards when delivering fish to the private ponds in Somerset and Lawrenceburg, Kentucky, which deviated from the normal practices of the Department to interfere with the proper documentation for fish deliveries.

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

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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