

SETTLEMENT AGREEMENT

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

WHEREAS, this agreement involves the matter styled *Executive Branch Ethics Commission v. Rick Gortney*, Case No. 14-014;

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 Rick Gortney violated the Executive Branch Code of Ethics codified at KRS 11A.020(1)(b), (c), and (d), KRS 11A.020(2), and KRS 11A.040(2);

WHEREAS, Rick Gortney 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, Rick Gortney 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 Rick Gortney agree, pursuant to KRS 11A.100, as follows:

1. Rick Gortney admits that he committed violations of the Executive Branch Code of Ethics codified at KRS 11A.020(1)(b), (c), and (d), KRS 11A.020(2), and KRS 11A.040(2), as stated in Appendix A to the Commission’s Initiating Order of May 19, 2014, attached hereto and incorporated by reference herein.

2. Rick Gortney agrees to pay the Commission a civil penalty of two thousand dollars (\$2,000.00) concurrently with the execution of this Settlement Agreement.

3. Rick Gortney 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. Rick Gortney*, Agency Case No. 14-014.

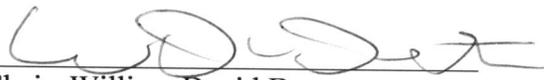
5. This Settlement Agreement constitutes a public reprimand to Rick Gortney, a copy of which will be provided to his former appointing authority pursuant to KRS 11A.100(3)(c).

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


Rick Gortney

4-9-14
Date

EXECUTIVE BRANCH ETHICS COMMISSION:


Chair, William David Denton

5-19-14
Date


Vice Chair, William G. Francis

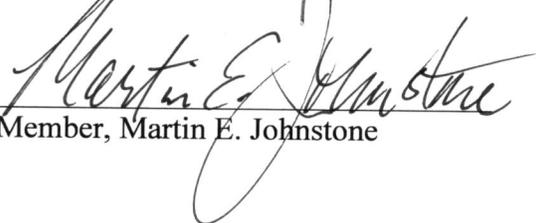
5-19-14
Date


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. 14-014
INITIATING ORDER**

ALLEGATION OF VIOLATIONS

The Respondent, Rick Gortney, was at all relevant times an employee of the Commonwealth of Kentucky, serving in the Kentucky Transportation Cabinet (also referred to herein as “the 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 Rick Gortney committed the following violation:

COUNT I

That Rick Gortney, former Transportation Engineering Technologist III with the Kentucky Transportation Cabinet, used his official position to use or attempt to use any means to influence his agency in derogation of the state at large; to give himself financial gain and advantages and privileges for himself in derogation of the state at large; failed to avoid 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 knowingly received, directly or indirectly, interest or profit arising from the use or loan of public funds in his hands or to be raised through any state agency.

Specifically, Gortney, used his position to sell property owned by the Cabinet to his brother-in-law for his own personal financial benefit or gain. The property included a trailer that had been purchased for use by the Cabinet as office space, which was slated to be sold at auction. Instead of selling the trailer at auction, Gortney sold the trailer directly to his brother-in-law, who wrote a \$2000 personal check to Gortney. Gortney cashed the check and kept the proceeds of the sale.

These facts constitute a violation of KRS 11A.020(1), KRS 11A.020(2), and KRS 11A.040(2).

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

- (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.
 - (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.

KRS 11A.040(2) provides:

- (2) A public servant shall not knowingly receive, directly or indirectly, an interest or profit arising from the use or loan of public funds in his hands or to be raised through any state agency.

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