

SETTLEMENT AGREEMENT

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

WHEREAS, this agreement involves the matter styled *Executive Branch Ethics Commission v. Robert Habig*, Case No. 11-010;

WHEREAS, the Commission is designated by statute as the agency responsible for enforcing the Executive Branch Code of Ethics, KRS Chapter 11A;

WHEREAS, on December 2, 2011, the Commission alleged facts in an Initiating Order that Robert Habig violated the Executive Branch Code of Ethics at KRS 11A.020(1)(c) and (d) and KRS 11A.045(1);

WHEREAS, Robert Habig 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, Robert Habig 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 Robert Habig agree, pursuant to KRS 11A.100, as follows:

1. Robert Habig admits that he committed a violation of the Executive Branch Code of Ethics at KRS 11A.020(1)(c) and (d) and KRS 11A.045(1) as stated in Appendix A to the Commission's Initiating Order of December 2, 2011, attached hereto and incorporated by reference herein.

2. Robert Habig agrees to pay the Commission a civil penalty of five hundred dollars (\$500.00) concurrently with the execution of this Settlement Agreement.

3. Robert Habig 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. Robert Habig*, Agency Case No. 11-010.

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

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




Robert Habig

1/10/2012

Date

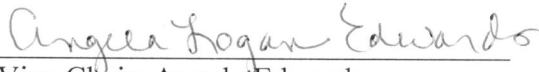
EXECUTIVE BRANCH ETHICS COMMISSION:



Chair, Ron Green

1/30/12


Date



Vice Chair, Angela Edwards

1/30/12

Date



Member, W. David Denton

1/30/12


Date



Member, William L. Knopf

1-30-12

Date



Member, William G. Francis

1-30-12

Date

**APPENDIX A
CASE NO. 11-010
INITIATING ORDER**

ALLEGATION OF VIOLATIONS

The Respondent, Robert Habig, was at all relevant times an employee of the Commonwealth of Kentucky, serving in the Tourism, Arts and Heritage Cabinet for the Department of Parks. 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 Robert Habig committed the following violations:

COUNT I

Robert Habig, during his course of employment as a Business Manager with the Tourism, Arts and Heritage Cabinet for the Department of Parks, used his official position to obtain financial gain for others, to secure or create privileges, exemptions, advantages, or treatment for others in derogation of the public interest at large, and to accept gifts totaling a value greater than twenty-five dollars (\$25) in a single calendar year from a person or business that does business with or is attempting to influence the actions of the agency in which the Respondent is employed or which he supervises.

Specifically, during the spring of 2011, Habig, along with his family, used a pontoon boat owned by State Dock Marina Ventures, LLC ("State Dock"), which has a lease agreement with the Department of Parks to lease the Lake Cumberland marina, without paying a rental fee. The actual rental rate for this type of pontoon boat from State Dock is approximately \$119 to \$299, depending on the season, the size of the pontoon boat, and the length of the rental time. On August 4, 2011, Habig, along with his family, used a ski boat owned by State Dock without

paying a rental fee for approximately one hour. The full-day rental fee for a ski boat from State Dock is approximately \$329 to \$529 depending on the size of the boat and the season.

These facts constitute violations of KRS 11A.020(1)(c) and (d) and KRS 11A.045(1).

KRS 11A.020(1)(c) and (d) provide:

(1) No public servant, by himself or through others, shall knowingly:

(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.045 provides:

(1) No public servant, his spouse, or dependent child knowingly shall accept any gifts or gratuities, including travel expenses, meals, alcoholic beverages, and honoraria, totaling a value greater than twenty-five dollars (\$25) in a single calendar year from any person or business that does business with, is regulated by, is seeking grants from, is involved in litigation against, or is lobbying or attempting to influence the actions of the agency in which the public servant is employed or which he supervises, or from any group or association which has as its primary purpose the representation of those persons or businesses. Nothing contained in this subsection shall prohibit the commission from authorizing exceptions to this subsection where such exemption would not create an appearance of impropriety.

(End of document)