

SETTLEMENT AGREEMENT

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

WHEREAS, this agreement involves the matter styled *Executive Branch Ethics Commission v. Steve Mobley*, Case No. 13-006;

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 18, 2013, the Commission alleged facts in an Initiating Order that Steve Mobley violated the Executive Branch Code of Ethics codified at KRS 11A.020(1)(b), (c), and (d), and KRS 11A.050;

WHEREAS, Steve Mobley 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, Steve Mobley 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 Steve Mobley agree, pursuant to KRS 11A.100, as follows:

1. Steve Mobley admits that he committed violations of the Executive Branch Code of Ethics at codified at KRS 11A.050 as stated in Appendix A to the Commission's Initiating Order of March 18, 2013, attached hereto and incorporated by reference herein, as relate to the allegations presented in Count III.

2. The Commission agrees to amend the allegations as stated in Appendix A to the Commission's Initiating Order of March 18, 2013, attached hereto, as relates to the allegations presented in Count I as follows:

a. The Commission redacts and removes the following sentence from the second paragraph of Count I: "By falsely reporting time on William E. Mobley's timesheets, the Respondent enabled his brother to collect pay for time he did not work and to receive compensation while failing to fulfill his assigned job duties."

b. The Commission replaces the above-referenced sentence in the second paragraph of Count I with the following sentence: "By reporting time on William E. Mobley's timesheets, the Respondent enabled his brother to collect pay for time he did not work and to receive compensation while failing to fulfill his assigned job duties."

3. The Commission agrees to amend the allegations as stated in Appendix A to the Commission's Initiating Order of March 18, 2013, attached hereto, as relates to the allegations presented in Count II as follows:

a. The Commission redacts and removes the following sentence from the second paragraph of Count II: "The Respondent falsely reported that his brother used his personal vehicle to travel to these stockyards allowing his brother to collect reimbursement for mileage for travel to these stockyards that his brother did not incur in the performance of duties for the Department."

b. The Commission replaces the above-referenced sentence in the second paragraph of Count II with the following sentence: "The Respondent reported that his brother used his personal vehicle to travel to these stockyards allowing his brother to collect reimbursement for mileage for travel to these stockyards that his brother did not incur in the performance of duties for the Department."

4. While not admitting that he committed violations of the Executive Branch Code of Ethics codified at KRS 11A.020(1)(b), (c) and (d), as stated Counts I and II as amended above, but recognizing that the evidence against him indicates he has, Steve Mobley agrees that he will not contest these charges for the purposes of settling this matter.

5. Steve Mobley agrees to pay the Commission a civil penalty of two thousand five hundred dollars (\$2,500.00) concurrently with the execution of this Settlement Agreement.

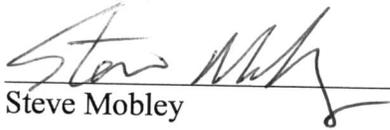
6. Steve Mobley agrees to cooperate fully with the Commission in any further investigations and will submit complete, accurate, and truthful interviews and provide complete, accurate, and truthful testimony in any Commission proceedings in which he may be called as a witness.

7. Steve Mobley 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.

8. 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. Steve Mobley*, Agency Case No. 13-007.

9. This Settlement Agreement constitutes a public reprimand to Steve Mobley, 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:



Steve Mobley

7/11/14

Date

EXECUTIVE BRANCH ETHICS COMMISSION:



Chair, William David Denton

7-14-14

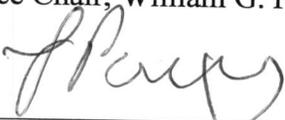
Date



Vice Chair, William G. Francis

7-14-14

Date



Member, Lewis G. Paisley

7-14-14

Date

Absent

Member, Richard L. Masters

Date



Member, Martin E. Johnstone

7-14-14

Date

**APPENDIX A
CASE NO. 13-06
INITIATING ORDER**

ALLEGATION OF VIOLATIONS

The Respondent, Steven C. Mobley, was at all relevant times an employee of the Commonwealth of Kentucky, serving in the Department of Agriculture. 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 Steven C. Mobley committed the following violations:

COUNT I

Steven C. Mobley, during his course of employment as Director, Agriculture Marketing and Agribusiness Recruitment, Department of Agriculture, used or attempted to use any means to influence a public agency in derogation of the state at large, used his official position to obtain financial gain for his family member, and to secure or create privileges, exemptions, advantages, or treatment for others in derogation of the public interest at large.

Specifically, during the course of his employment with the Department, the Respondent completed timesheets on behalf of his brother, William E. Mobley. William E. Mobley was assigned the duties of a Stockyard Market Reporter, which required him to appear at designated stockyards and create market reports of the stockyard's activities for the Department's market news, but consistently failed to appear at these stockyards and failed to make market reports of the activities of the stockyards. By falsely reporting time on William E. Mobley's timesheets, the Respondent enabled his brother to collect pay for time he did not work and to receive compensation while failing to fulfill his assigned job duties.

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

KRS 11A.020(1)(b)(c) 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;
- (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.

COUNT II

Steven C. Mobley, during his course of employment as Director, Agriculture Marketing and Agribusiness Recruitment, Department of Agriculture, used or attempted to use any means to influence a public agency in derogation of the state at large, used his official position to obtain financial gain for his family member, and to secure or create privileges, exemptions, advantages, or treatment for others in derogation of the public interest at large.

Specifically, during the course of his employment with the Department, the Respondent completed travel vouchers for his brother, William E. Mobley, while assigned the duties of a Stockyard Market Reporter, even though his brother consistently failed to appear at his designated stockyards. The Respondent falsely reported that his brother used his personal vehicle to travel to these stockyards allowing his brother to collect reimbursement for mileage for travel to these stockyards that his brother did not incur in the performance of duties for the Department.

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

KRS 11A.020(1)(b)(c) 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;

- (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.

COUNT III

Steven C. Mobley, during his course of employment as Director, Agriculture Marketing and Agribusiness Recruitment, Department of Agriculture, failed to report on his Statement of Financial Disclosure gifts valued at over \$200 that he had received during a calendar year.

Specifically, during 2008, the Respondent received a gift in the form of a wooden hat valued at approximately \$600 from a Kentucky Proud vendor. The Respondent failed to report receiving any gifts in excess of \$200 dollars on his 2008 Statement of Financial Disclosure filed with the Executive Branch Ethics Commission.

These facts constitute violations of KRS 11A.050.

KRS 11A.050 provides:

- (1) Each officer, each public servant listed in KRS 11A.010(9)(a) to (g), and each candidate shall file a statement of financial disclosure with the commission, as follows:
 - (a) Each officer and each public servant listed in KRS 11A.010(9)(a) to (g) who occupies his position during any portion of a calendar year shall file the statement for that portion of the calendar year he occupied the position on or before April 15 of the following year, whether or not he remains an officer or public servant as listed in KRS 11A.010(9)(a) to (g).
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- (3) The statement shall include the following information for the preceding calendar year:
 - (k) Sources, including each source's name and address, of gifts of money or property with a retail value of more than two hundred dollars (\$200) from any one (1) source to the filer, his spouse, or dependent children, except those from a member of the filer's family.

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