

SETTLEMENT AGREEMENT

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

WHEREAS, this agreement involves the matter styled *Executive Branch Ethics Commission v. George Smithers*, Case No. 15-015 and Administrative Action No. 15-EBEC-0236;

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

WHEREAS, on July 24, 2015, the Commission alleged facts in an Initiating Order that George Smithers violated the Executive Branch Code of Ethics codified at KRS 11A.020(1)(a), (b), (c), and (d), and KRS 11A.020(2);

WHEREAS, George Smithers 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, George Smithers 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 George Smithers agree, pursuant to KRS 11A.100, as follows:

1. While not admitting that he committed violations of the Executive Branch Code of Ethics codified at KRS 11A.020(1)(a), (b), (c), and (d), and KRS 11A.020(2), as stated in the Appendix A to the Commission's Initiating Order of July 24, 2015, attached hereto and incorporated by reference herein, but recognizing that the evidence against him indicates he has, George Smithers agrees that he will not contest these charges for the purposes of settling this matter.

2. George Smithers agrees to pay the Commission a civil penalty of three thousand five hundred dollars (\$3,500.00) on or before March 1, 2016, in accordance with an Agreed Final Order.

3. George Smithers agrees to forfeit any tax refund that he may be entitled to receive to the Executive Branch Ethics Commission to be applied towards the civil penalty remaining referenced in paragraph 2 each year until the full civil penalty is paid.

4. George Smithers agrees to abstain from seeking employment with the executive branch of state government for a period of five (5) years from the date of this agreement.

5. George Smithers agrees that upon the Agreed 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.

6. The parties further agree that the acceptance of this Settlement Agreement and Agreed Final Order 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. George Smithers*, Agency Case No. 15-015 and Administrative Action No. 15-EBEC-0236.

7. This Settlement Agreement constitutes a public reprimand to George Smithers, 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:



George Smithers

12-20-15

Date

EXECUTIVE BRANCH ETHICS COMMISSION:

Absent

Chair, William David Denton

1-11-16

Date



Vice Chair, William G. Francis

1-11-16

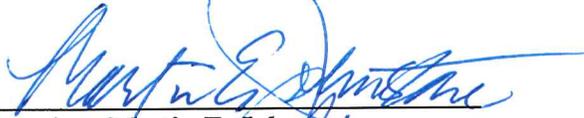
Date



Member, Richard L. Masters

1-11-16

Date



Member, Martin E. Johnstone

1/11/16

Date



Member, Sheila R. Isaac

1/11/16

Date