

SETTLEMENT AGREEMENT

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

WHEREAS, this agreement involves the matter styled *Executive Branch Ethics Commission v. John Sumner*, Case No. 15-016;

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 John Sumner violated the Executive Branch Code of Ethics codified at KRS 11A.020(1)(a), (b), and (d), and KRS 11A.020(2) and (3);

WHEREAS, John Sumner 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, John Sumner 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 John Sumner agree, pursuant to KRS 11A.100, as follows:

1. John Sumner admits that he committed violations of the Executive Branch Code of Ethics codified at KRS 11A.020(1)(a), (b), and (d), and KRS 11A.020(2) and (3), as stated in the Appendix A to the Commission's Initiating Order of July 24, 2015, attached hereto and incorporated by reference herein.

2. John Sumner agrees to pay the Commission a civil penalty of one thousand dollars (\$1,000.00) concurrently with the execution of this Settlement Agreement.

3. John Sumner 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. John Sumner*, Agency Case No. 15-016.

**APPENDIX A
CASE NO. 15-016
INITIATING ORDER**

ALLEGATION OF VIOLATIONS

The Respondent, John Sumner, was at all relevant times an employee of the Commonwealth of Kentucky, serving in the Cabinet for Health and Family Services (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 John Sumner committed the following violations:

COUNT I

That John Sumner, during his course of employment as a Administrator, Western State Nursing Facility, Cabinet for Health and Family Services, used or attempted to use his influence in any matter which involved a substantial conflict between his personal or private interest and his duties in the public interest; used or attempted to use any means to influence his agency in derogation of the state at large; gave another advantages and privileges in derogation of the state at large; failed to avoid all 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 failed to abstain from action on an official decision in which he had or may have had a personal or private interest.

Specifically, between 2011 and 2014, Sumner used his position as Administrator to influence his agency to hire an individual as a contract employee to fulfill the position of a social worker or social services clinician, a position for which she did not maintain the qualifications to hold, circumventing the established processes of government for filling the position provided in

the merit system. The individual was the paramour of Sumner's friend and golfing partner. Sumner further used his position to influence his agency to continue to employ the individual for two (2) more years after she demonstrated that she did not maintain the skills necessary to perform the duties assigned to her nor to fulfill the task for which she was originally hired.

These facts constitute a violation of KRS 11A.020(1)(a), (b), and (d), KRS 11A.020(2) and (3), which provide as follows:

- (1) No public servant, by himself or through others, shall knowingly:
 - (a) Use or attempt to use his influence in any matter which involves a substantial conflict between his personal or private interest and his duties in the public interest;
 - (b) Use or attempt to use any means to influence a public agency in derogation of the state at large;

 - (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.
- (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.
- (3) When a public servant abstains from action on an official decision in which he has or may have a personal or private interest, he shall disclose that fact in writing to his superior, who shall cause the decision on these matters to be made by an impartial third party.

(End of document)