

SETTLEMENT AGREEMENT

This agreement made and entered into between the Executive Branch Ethics Commission (hereinafter the "Commission") and Debra L. Vahle.

WHEREAS, this agreement involves the matter styled *Executive Branch Ethics Commission v. Debra L. Vahle*, Case No. 15-004;

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

WHEREAS, on January 30, 2015, the Commission alleged facts in an Initiating Order that Debra L. Vahle violated the Executive Branch Code of Ethics codified at KRS 11A.020(1)(b), (c) and (d), and KRS 11A.020(2);

WHEREAS, Debra L. Vahle 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, Debra L. Vahle indicates her 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 Debra L. Vahle agree, pursuant to KRS 11A.100, as follows:

1. While not admitting that she committed violations of the Executive Branch Code of Ethics codified at KRS 11A.020(1)(b), (c) and (d), and KRS 11A.020(2), as stated in the Appendix A to the Commission's Initiating Order of January 30, 2015, attached hereto and incorporated by reference herein, but recognizing that the evidence against her indicates she has, Debra L. Vahle agrees that she will not contest these charges for the purposes of settling this matter.

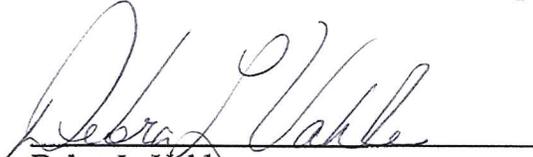
2. Debra L. Vahle agrees to pay the Commission a civil penalty of two thousand dollars (\$2,000.00) concurrently with the execution of this Settlement Agreement.

3. Debra L. Vahle agrees that upon a Final Order being issued by the Commission that she 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. Debra L. Vahle*, Agency Case No. 15-004.

5. This Settlement Agreement constitutes a public reprimand to Debra L. Vahle, a copy of which will be provided to her appointing authority pursuant to KRS 11A.100(3)(c).

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


Debra L. Vahle

9-23-15
Date

EXECUTIVE BRANCH ETHICS COMMISSION:


Chair, William David Denton

9-30-15
Date


Vice Chair, William G. Francis

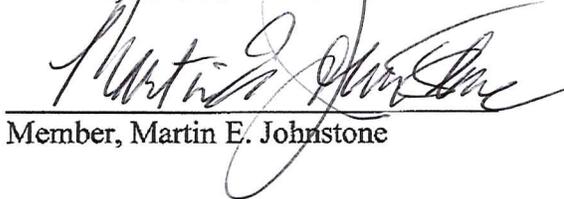
9-30-15
Date


Member, Lewis G. Paisley

9-30-15
Date


Member, Richard L. Masters

9-30-15
Date


Member, Martin E. Johnstone

9-30-15
Date

**APPENDIX A
CASE NO. 15-004
INITIATING ORDER**

ALLEGATION OF VIOLATIONS

The Respondent, Debra L. Vahle, was at all relevant times an employee of the Commonwealth of Kentucky, serving in the Division of Program Performance, Department for Community-Based Services, Cabinet for Health and Family Services. 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 Debra L. Vahle committed the following violations:

COUNT I

Debra L. Vahle, during her course of employment as a Public Assistance Program Specialist, Division of Program Performance (“Division”), Department for Community-Based Services (“Department”), Cabinet for Health and Family Services, used or attempted to use any means to influence a public agency in derogation of the state at large; used her official position to give herself a financial gain; used or attempted to use her official position to secure or create privileges, exemptions, advantages, or treatment for herself or others in derogation of the public interest; and failed to avoid all conduct which might in any way lead members of the general public to conclude that she was using her official position to further her professional or private interest.

Specifically, from 2011 through 2012, Vahle was assigned the responsibility of conducting reviews or audits of the Division’s files of the ongoing eligibility of Medicaid recipients. Part of the review process required Vahle to contact and interview a Medicaid recipient or his or her authorized representative to determine ongoing eligibility for her agency to determine whether the recipient should continue to receive Medicaid benefits. On approximately

eleven (11) occasions, Vahle falsified information that she reported on Division documentation and in the records of Medicaid recipients. Concerning some of the recipients, Vahle falsely reported that she had conducted interviews or conversations with the personal representatives of the recipients that she had not performed. Concerning other recipients, Vahle falsely reported that the recipients or personal representatives had refused to participate when she had not actually contacted the individuals indicated. Finally, concerning other recipients, Vahle reported to have spoken with individuals who were no longer serving in the capacity as the personal representatives of the recipients or were no longer working at the facilities listed for the recipients.

Vahle's conduct in falsifying records to reflect she had performed work that she had not performed influenced or attempted to influence her public agency in derogation of the state. Vahle otherwise failed to fulfill her job duties while receiving wages and benefits that gave her a financial gain and benefits that she was not due. Furthermore, by falsifying her agencies records, Vahle failed to avoid all conduct which might in any way lead members of the general public to conclude that she was using her official position to further her private interest.

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

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