

SETTLEMENT AGREEMENT

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

WHEREAS, this agreement involves the matter styled *Executive Branch Ethics Commission v. Zane Alexander*, Case No. 14-001;

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 27, 2014, the Commission alleged facts in an Initiating Order that Zane Alexander violated the Executive Branch Code of Ethics codified at KRS 11A.020(2) and KRS 11A.040(4);

WHEREAS, Zane Alexander 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, Zane Alexander 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 Zane Alexander agree, pursuant to KRS 11A.100, as follows:

1. Zane Alexander admits that he committed violations of the Executive Branch Code of Ethics codified at 11A.020(2) and KRS 11A.040(4), as stated in Appendix A to the Commission's Initiating Order of January 27, 2014, attached hereto and incorporated by reference herein.

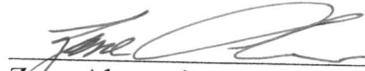
2. Zane Alexander agrees to pay the Commission a civil penalty of two thousand five hundred dollars (\$2,500.00) concurrently with the execution of this settlement agreement.

3. Zane Alexander 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. Zane Alexander*, Agency Case No. 14-001.

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

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



Zane Alexander

10 APRIL 2014

Date

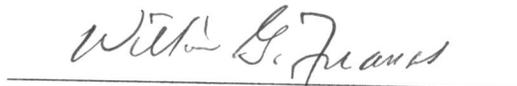
EXECUTIVE BRANCH ETHICS COMMISSION:



Chair, William David Denton

5-19-14

Date



Vice Chair, William G. Francis

5-19-14

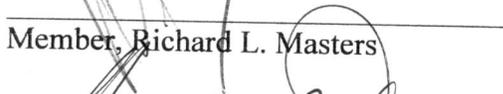
Date



Member, Lewis G. Paisley

5-19-14

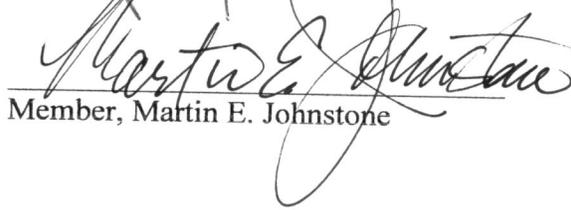
Date



Member, Richard L. Masters

5-19-14

Date



Member, Martin E. Johnstone

5-19-14

Date

**APPENDIX A
CASE NO. 14-001
INITIATING ORDER**

ALLEGATION OF VIOLATIONS

The Respondent, Zane Alexander, was at all relevant times an employee of the Commonwealth of Kentucky, serving in District Nine, Kentucky Transportation Cabinet (“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 Zane Alexander committed the following violations:

COUNT I

Zane Alexander, during his course of employment as a Transportation Engineer Supervisor, District Nine, Kentucky Transportation Cabinet, 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 knowingly himself or through any business in which he owns or controls an interest of more than five percent (5%), or by any other person for his use or benefit or on his account, undertook, executed, held, bid on, negotiated, or enjoyed, in whole or in part, any contract, agreement, lease, sale, or purchase made, entered into, awarded, or granted by the agency by which he is employed or which he supervises, subject to the provisions of KRS 45A.340.

Specifically, in 2007, Alexander conducted surveying activities for Phoenix Engineering, a company owned and operated by his spouse and daughter, which undertook a subcontract with the D.L. Braughler Company (“Braughler”), which was under contract and performed work for the Cabinet for a project in Harrison County. The surveys that Alexander performed for Phoenix were conducted at the behest of Braughler in completion of the Harrison County project for the

Cabinet. The Cabinet paid Braughler for the surveying activities. Braughler in turn paid Phoenix Engineering through the subcontract for the surveying activities that were performed by Alexander. Alexander, through his spouse, benefited from Phoenix Engineering's subcontract with Braughler by way of Braughler's contract with the Cabinet by which Alexander was employed.

These facts constitute violations of KRS 11A.020(2) and KRS 11A.040(4).

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.

KRS 11A.040(4) provides:

- (4) A public servant shall not knowingly himself or through any business in which he owns or controls an interest of more than five percent (5%), or by any other person for his use or benefit or on his account, undertake, execute, hold, bid on, negotiate, or enjoy, in whole or in part, any contract, agreement, lease, sale, or purchase made, entered into, awarded, or granted by the agency by which he is employed or which he supervises, subject to the provisions of KRS 45A.340.

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