

SETTLEMENT AGREEMENT

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

WHEREAS, this agreement involves the matter styled *Executive Branch Ethics Commission v. Cathy Miller*, Case No. 09-003;

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

WHEREAS, Cathy Miller pled guilty in Franklin Circuit Court to one count of Criminal Facilitation to Unauthorized Reproduction and Distribution of Recorded Article or Device for Sale or Rent, a Class A misdemeanor, and received a probated sentence of twelve (12) months incarceration;

WHEREAS, Cathy Miller was initially terminated by her agency for her actions, but based on the settlement of a Personnel Board appeal and litigation in Franklin Circuit Court she has been reinstated in a position two grades lower than her original position at a reduced salary;

WHEREAS, on November 13, 2009, the Commission alleged facts in an Initiating Order that Cathy Miller violated the Executive Branch Code of Ethics at KRS 11A.020(1)(c) and (d);

WHEREAS, Cathy Miller 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, Cathy Miller 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 Cathy Miller agree, pursuant to KRS 11A.100, as follows:

1. Cathy Miller admits that she committed a violation of the Executive Branch Code of Ethics at KRS 11A.020(1)(d) as stated in the Commission's Initiating Order of November 13, 2009. The parties agree that there is insufficient evidence that Cathy Miller committed a violation of KRS 11A.020(1)(c).

2. Cathy Miller agrees to pay the Commission a civil penalty of one hundred dollars (\$100.00) concurrently with the execution of this Settlement Agreement.

