

SETTLEMENT AGREEMENT

This agreement made and entered into between the Executive Branch Ethics Commission (hereinafter the "Commission") and Gelenia Joy Bailey.

WHEREAS, this agreement involves the matter styled *Executive Branch Ethics Commission v. Gelenia Joy Bailey*, Case No. 16-006;

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 18, 2016, the Commission alleged facts in an Initiating Order that Gelenia Joy Bailey violated the Executive Branch Code of Ethics codified at KRS 11A.020(1)(a), and (d) and KR 11A.020(2);

WHEREAS, Gelenia Joy Bailey 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;

WHEREAS, Gelenia Joy Bailey has voluntarily resigned and vacated her position of employment with the Commonwealth; and

WHEREAS, Gelenia Joy Bailey 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 Gelenia Joy Bailey agree, pursuant to KRS 11A.100, as follows:

1. Gelenia Joy Bailey admits that she committed violations of the Executive Branch Code of Ethics codified at KRS 11A.020(1)(a) and (d) and KRS 11A.020(2), as stated in the Appendix A to the Commission's Initiating Order of July 18, 2016, attached hereto and incorporated by reference herein.

2. The Commission agrees to combine Counts I and II in the Initiating Order of July 18, 2016.

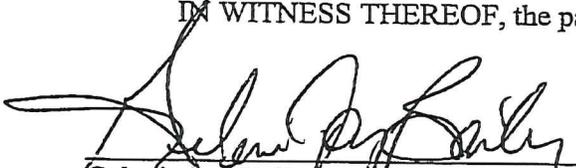
3. Gelenia Joy Bailey agrees to pay the Commission a civil penalty of one thousand five hundred dollars (\$1,500.00) on or before December 18, 2016, according to an Agreed Final Order.

3. Galena Joy Bailey agrees that upon an Agreed 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. Gelenia Joy Bailey*, Case No. 16-006.

5. This Settlement Agreement constitutes a public reprimand to Gelenia Joy Bailey, 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:


Gelenia Joy Bailey

9/15/16
Date

EXECUTIVE BRANCH ETHICS COMMISSION:


W. David Denton, Chair

9-19-16
Date


William G. Francis, Vice-Chair

9-19-16
Date


Sheila R. Isaac, Member

9/19/16
Date


Christopher L. Thacker, Member

9/19/16
Date


Theresa Fritz Camoriano, Member

9/19/16
Date

**APPENDIX A
CASE NO. 16-006
INITIATING ORDER**

ALLEGATION OF VIOLATIONS

The Respondent, Galenia Joy Bailey, was at all relevant times an employee of the Commonwealth of Kentucky, serving in the Department of Juvenile Justice, Justice and Public Safety Cabinet (also referred to herein as “the Department”). 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 Galenia Joy Bailey committed the following violation:

COUNT I

That Galenia Joy Bailey (referred to herein as “Bailey”), during her course of employment as a Juvenile Services Clinician, Department of Juvenile Justice, Justice and Public Safety Cabinet, attempted to or used her influence in a matter which involved a substantial conflict between her personal or private interest and her duties in the public interest; attempted to or used any means to influence her agency in derogation of the state at large; gave advantages and privileges for herself or others in derogation of the state at large. to give herself or others advantages and privileges for herself or others in derogation of the state at large; 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, on or about November 4, 2015, Bailey used her position with the Justice and Public Protection Cabinet to help a personal friend, by misrepresenting her authority and threatening the boyfriend of her friend’s daughter with retribution in the court system if he did not return the daughter’s dog to her family. Bailey attempted and used her position within her

Department for personal use to secure or create privileges, exemptions, advantages, or treatment for herself or others in derogation of the public interest at large. By Bailey engaging in such conduct, she failed to avoid conduct that would lead the general public to conclude that she was using her official position to further her or her friend's own private interest. These facts constitute a violation of KRS 11A.020(1)(a) and (d), and KRS11A.020(2).

KRS 11A.020(1)(a), (b), and (d), and KRS11A.020(2) provides:

- (1) No public servant, by himself or through others, shall knowingly:
 - (a) Use or attempt to use her influence in any matter which involves a substantial conflict between her personal or private interest and her duties in the public interest;

- (d) Use or attempt to use her official position to secure or create privileges, exemptions, advantages, or treatment for himself or other 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 her official position to further her professional or private interest.

COUNT II

That Galenia Joy Bailey (referred to herein as "Bailey"), during her course of employment as a Juvenile Services Clinician, Department of Juvenile Justice, Justice and Public Safety Cabinet, attempted to or used her influence in a matter which involved a substantial conflict between her personal or private interest and her duties in the public interest; attempted to or used any means to influence her agency in derogation of the state at large; gave advantages and privileges for herself or others in derogation of the state at large. to give herself or others advantages and privileges for herself or others in derogation of the state at large; 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, on or about November 4, 2015, Bailey used her position as an executive branch employee to access the CourtsNet system to do a criminal background check and obtain knowledge of court proceedings related to a man dating the daughter of Bailey's friend. Bailey had no work-related reason to access this information. This information was then used by Bailey to threaten the man with retribution in the court system if he did not return the daughter's dog to her family. As such, Bailey used her position to access information within her Department via the CourtsNet system for personal use to secure or create privileges, exemptions, advantages, or treatment for herself or others in derogation of the public interest at large. By Bailey engaging in such conduct, she also failed to avoid conduct that would lead the general public to conclude that she was using her official position to further her or her friend's own private interest. These facts constitute a violation of KRS 11A.020(1)(a) and (d), and KRS 11A.020(2).

KRS 11A.020(1)(a) and (d), and KRS 11A.020(2) provide:

- (1) No public servant, by himself or through others, shall knowingly:
 - (a) Use or attempt to use her influence in any matter which involves a substantial conflict between her personal or private interest and her duties in the public interest;
 - ***
 - (d) Use or attempt to use her official position to secure or create privileges, exemptions, advantages, or treatment for himself or other 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 her official position to further her professional or private interest.

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