

SETTLEMENT AGREEMENT

This agreement made and entered into between the Executive Branch Ethics Commission (hereinafter the "Commission") and Joseph Benjamin Phillips.

WHEREAS, this agreement involves the matter styled *Executive Branch Ethics Commission v. Joseph Benjamin Phillips*, Case No. 15-017;

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

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

WHEREAS, Joseph Benjamin Phillips 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, Joseph Benjamin Phillips 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 Joseph Benjamin Phillips agree, pursuant to KRS 11A.100, as follows:

1. Joseph Benjamin Phillips admits that he 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 September 30, 2015, attached hereto and incorporated by reference herein.

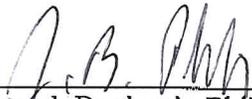
2. Joseph Benjamin Phillips agrees to pay the Commission a civil penalty of two thousand five hundred dollars (\$2,500.00) concurrently with the execution of this Settlement Agreement.

3. Joseph Benjamin Phillips 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. Joseph Benjamin Phillips*, Agency Case No. 15-017.

5. This Settlement Agreement constitutes a public reprimand to Joseph Benjamin Phillips, 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:



Joseph Benjamin Phillips

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

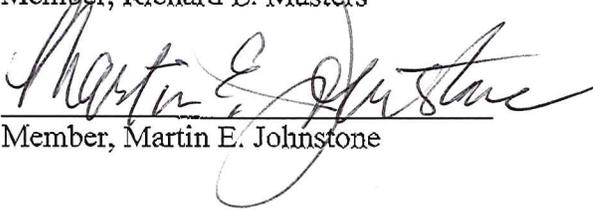
Date



Member, Richard L. Masters

9-30-15

Date



Member, Martin E. Johnstone

9-30-15

Date

**APPENDIX A
CASE NO. 15-017
INITIATING ORDER**

ALLEGATION OF VIOLATIONS

The Respondent, Joseph Benjamin Phillips, was at all relevant times an employee of the Commonwealth of Kentucky, serving in the Kentucky Transportation 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 Joseph Benjamin Phillips committed the following violations:

COUNT I

Joseph Benjamin Phillips, during his course of employment as a Staff Attorney III, Office of Legal Services, Highway District Legal Branch, District 3, Kentucky Transportation Cabinet (“Cabinet”), used or attempted to use any means to influence a public agency in derogation of the state at large; used his official position to give himself a financial gain; used his official position to secure or create privileges, exemptions, advantages, or treatment for himself 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 he was using his official position to further his professional or private interest.

Specifically, between August 2014 through October 2014, Phillips abused state time by not appearing at work or otherwise performing work for the state when he claimed regular working hours on his timesheets. On approximately 54 work days, Phillips failed to arrive at the time he was scheduled to arrive at work according to his work schedule, arriving at his work station anywhere from nineteen (19) minutes to five (5) hours late. In one nine-day period, Phillips claimed on his timesheets a total of twenty-one (21) hours of time that he was not at work or performing work related activities on behalf of the Cabinet. Phillips’ false reporting of his actual work hours on

his timesheets resulted in Phillips receiving compensation for time he did not actually work. Phillips used his position to influence his Cabinet to compensate him for time that he did not work resulting in his receipt of financial gain and benefits in derogation of the state and the public interest. By Phillips falsely reporting his work time on his timesheets, Phillips failed to avoid conduct that would lead the general public to conclude that he was using his official position to further his 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) provide:

- (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.

(End of document)