

SETTLEMENT AGREEMENT

This agreement is made and entered into between the Executive Branch Ethics Commission (hereinafter the "Commission") and Dennis Sharon.

WHEREAS, this agreement involves the matter styled *Executive Branch Ethics Commission v. Dennis Sharon*, Agency Case No. 12-003, Administrative Action No. 12-EBEC-0095;

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

WHEREAS, on May 14, 2012, the Commission alleged facts in an Amended Initiating Order that Dennis Sharon violated the Executive Branch Code of Ethics at KRS 11A.020(1)(a), (b), (c) and (d), KRS 11A.020(2), KRS 11A.020(3), and KRS 11A.040(1);

WHEREAS, Dennis Sharon was at all relevant times mentioned in the Amended Initiating Order a "public servant" as defined in KRS 11A.010(9), and thus subject to the Executive Branch Code of Ethics;

WHEREAS, Dennis Sharon is currently under indictment for criminal charges in Switzerland County, Indiana;

WHEREAS, Dennis Sharon is currently awaiting the resolution of his appeal before the Personnel Board of his dismissal from the Department of Fish and Wildlife Resources with the Tourism, Arts and Heritage Cabinet;

WHEREAS, Dennis Sharon indicates his desire to resolve all issues in this action by the execution of a Settlement Agreement; and

NOW, THEREFORE, in settlement of the above allegations, the Commission and Dennis Sharon agree, pursuant to KRS 11A.100, as follows:

1. Dennis Sharon admits that he committed violations of the Executive Branch Code of Ethics at KRS 11A.020(1)(a), (b), (c) and (d), KRS 11A.020(2), and KRS 11A.020(3) as stated in Counts I, III, V, IX, and X of Appendix A of the Commission's Amended Initiating Order of May 14, 2012, attached hereto and incorporated by reference herein.

2. In light of the pending or potential criminal charges, Dennis Sharon does not admit that he committed violations of the Executive Branch Code of Ethics at KRS 11A.020(1)(a), (b), (c) and (d), KRS 11A.020(2), and KRS 11A.040(1) as stated in Counts II, IV and VI of Appendix A of the Commission's Amended Initiating Order of

May 14, 2012, attached hereto and incorporated by reference herein, but agrees that he will not contest these charges for the purposes of settling this matter.

3. In light of the pending Personnel Board Appeal, Dennis Sharon does not admit that he committed a violation of the Executive Branch Code of Ethics at KRS 11A.020(1)(a), (b), (c) and (d) and KRS 11A.020(2) as stated in Counts VII and VIII of Appendix A of the Commission's Amended Initiating Order of May 14, 2012, attached hereto and incorporated by reference herein, but agrees that he will not contest these charges for the purposes of settling this matter.

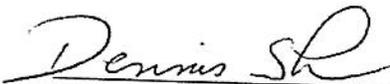
4. Dennis Sharon agrees to pay the Commission a civil penalty of ten thousand dollars (\$10,000.00) on or before November 30, 2012.

5. Dennis Sharon agrees that upon the Commission accepting the Settlement Agreement and entering the Final Order that he waives all rights to any further administrative process or appeal pursuant to KRS 13B.140 thereon.

6. 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. Dennis Sharon*, Agency Case No. 12-003, Administrative Action No. 12-EBEC-0095.

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

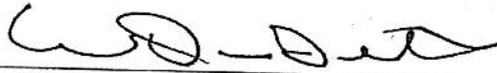
IN WITNESS THEREOF, the respondent has caused this agreement to be executed:


Dennis Sharon

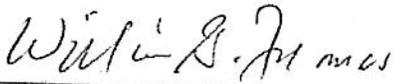
11-9-12
Date

WHEREFOR, the EXECUTIVE BRANCH ETHICS COMMISSION has approved and executed this settlement agreement.

ENTERED: December 3, 2012



Vice-Chair, W. David Denton



Member, William Francis



Member, Lewis G. Paisley

Absent

Member, Martin E. Johnstone



Member, Richard L. Masters

**APPENDIX A
CASE NO. 12-003
AMENDED INITIATING ORDER**

ALLEGATION OF VIOLATIONS

The Respondent, Dennis Sharon, was at all relevant times an employee of the Commonwealth of Kentucky, serving in the Department of Fish and Wildlife Resources, under the Tourism, Arts and Heritage 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 and expanded preliminary investigation, the Commission found probable cause to believe that Dennis Sharon committed the following violations:

COUNT I

Dennis Sharon, during his course of employment as a Conservation Officer with the Department of Fish and Wildlife Resources, 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, in April of 2007, Sharon participated in the multi-state law enforcement operation called "Skid Roe" concerning the commercial fishing of paddlefish in restricted waters, during which Sharon was assigned the task of serving a warrant. On or about April 23, 2007, Sharon served a warrant on the Albert Collins residence and seized cash and property related to Mr. Collins' commercial paddlefish fishing operation.

On or about October 15, 2008, Sharon received a Resident Roe Bearing Harvester's Permit and Resident Commercial Fishing License from the Kentucky Department of Fish and Wildlife Resources. As documented on his Daily Roe Bearing Fish Harvester's Transaction Report, from approximately November 10, 2008, through February 22, 2010, Sharon reported

participating in commercial fishing activities in which he sold approximately 464 pounds of paddlefish roe to Albert Collins.

By participating in commercial fishing activities with a person he had arrested as part of his official duties, Sharon failed to avoid conduct which may lead the general public to believe that he was using his position as a conservation officer to further his own interests.

These facts constitute a violation of KRS 11A.020(2).

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.

COUNT II

Dennis Sharon, during his course of employment as a Conservation Officer with the Department of Fish and Wildlife Resources, in order to further his own economic interests, knowingly used confidential information acquired in the course of his official duties.

Specifically, in January of 2008, Sharon met with Steve Kinder, a commercial fisherman, at the boat ramp in Carrolton, Kentucky, at the confluence of the Kentucky River and the Ohio River. Kinder and Sharon discussed Kinder's desire to fish the area during the following fishing season. Kinder asked Sharon to provide him with the exact measurements of the restricted area, pursuant to 301 KAR 1:155, Section 3(2)(b). On or about April 25, 2008, at the confluence of the Kentucky and Ohio rivers, Kinder observed two commercial fishermen already in the spot. The fishermen told Kinder that Dennis Sharon directed them to fish in the area in question. In November of 2008, at the start of the commercial fishing season, Kinder discovered Sharon conducting commercial fishing activities in the same location in which Kinder told Sharon he was planning to begin fishing.

Sharon used information gained during his official duties while speaking with Steve Kinder in confidence about the benefits of commercial fishing in waters at the confluence of the Kentucky and Ohio Rivers to benefit other fishermen and himself to further his own economic interests.

These facts constitute a violation of KRS 11A.040(1).

KRS 11A.040(1) provides:

- (1) A public servant, in order to further his own economic interests, or those of any other person, shall not knowingly disclose or use confidential information acquired in the course of his official duties.

COUNT III

Dennis Sharon, during his course of employment as a Conservation Officer with the Department of Fish and Wildlife Resources, used his influence in a matter that involved a substantial conflict between his personal or private interest and his duties in the public interest; influenced a public agency in derogation of the state at large; used his official position to give himself a financial gain and an advantage in derogation of the public interest at large; 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, on or about April 13 and November 18 of 2009 and January 14, March 5, April 1, 2, 5, 6 and 7 of 2010, Dennis Sharon and his designated helper Kenneth Burns were observed conducting commercial fishing activities on the Ohio River within 50 yards of the mouth of the Kentucky River, in violation of 301 KAR 1:155, Section 3(2)(b), despite attesting on his Resident Roe Bearing Harvester's Permit applications that the requirements of 301 KAR

1:155 are binding upon him and anyone he designated as a helper.

By attesting on his application before the Department that he would follow 301 KAR 1:155 and failing to follow or enforce the requirements of that regulation, Sharon failed to avoid 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. Such activities provided Sharon with the financial gain and benefit of fishing a restricted area that was not otherwise accessible by other commercial fishermen. Further, Sharon used his influence as a conservation officer to protect the activities of his designated helper, Kenneth Burns, allowing Burns the benefit and financial gain of fishing in waters that were otherwise restricted from other commercial fishermen.

Sharon conducted these illegal activities despite his requirement as a law enforcement officer to uphold the law and his requirement as a conservation officer to enforce fish and wildlife laws and regulations. Sharon was able to conduct these illegal activities in a prolonged and open manner because he was known in the community as a law enforcement officer and used his influence as a conservation officer over the community and his Department to protect his activities as a commercial fisherman in restricted waters, which was a matter that involved a substantial conflict between his personal or private interest and his duties in the public interest.

These facts constitute violations of KRS 11A.020(1)(a), (b), (c) and (d) and KRS 11A.020(2).

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

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

COUNT IV

Dennis Sharon, during his course of employment as a Conservation Officer with the Department of Fish and Wildlife Resources, used his influence in a matter that involved a substantial conflict between his personal or private interest and his duties in the public interest; influenced a public agency in derogation of the state at large; used his official position to give himself a financial gain and an advantage in derogation of the public interest at large; 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, on or about March 5, 2010, conservation officers from the Indiana Department of Natural Resources ("DNR") seized gill nets found in restricted waters at the confluence of the Kentucky and Ohio rivers in Carrollton, Kentucky, equipped with expired 2009 commercial fishing tags belonging to Dennis Sharon. That same day, at a meeting in Boone County, Kentucky, Indiana DNR Conservation Officers Lt. Tony Stoll and Maj. Felix Hensley confronted Dennis Sharon in front of his commanding officers, Sgt. Greg Davis and Capt. Bobby Newman. Sharon proceeded to inform the officers that he had obtained a valid

2010 Commercial Fishing License, but refused to show it to the officers. Sharon did not apply for a 2010 Commercial Fishing license until March 8, 2010. Further, when asked by the officers whether he had any other nets set in the waters of the Ohio River in addition to the nets the officers seized at the mouth of the Kentucky River, Sharon answered in the negative. However, Indiana DNR officers later seized a net with expired 2009 commercial fishing tags that belonged to Dennis Sharon within fifty (50) yards of the mouth of the Little Kentucky River. Sharon was charged criminally for these offenses in Switzerland County, Indiana on March 2, 2012.

Furthermore, Sharon reported on his Monthly Report of Commercial Fish Harvest in Kentucky for the month of March 2010 that he did not have commercial gill nets in any waters in Kentucky from March 1st through the 27th. However, the Indiana Officers seized gill nets belonging to Sharon placed in the Kentucky and Little Kentucky Rivers on March 5, 2010.

Sharon failed to avoid 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 when he lied to the Indiana and Kentucky officers about having a valid commercial license and more nets in the water. Such activities were also an attempt by Sharon to use his influence on the Kentucky and Indiana officers to protect his financial gain and benefit from fishing a restricted area that was not otherwise accessible by other commercial fishermen, which was a matter that involved a substantial conflict between his personal or private interest and his duties in the public interest.

These facts constitute violations of KRS 11A.020(1)(a), (b), (c) and (d) and KRS 11A.020(2).

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

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

- (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.

COUNT V

Dennis Sharon, during his course of employment as a Conservation Officer with the Department of Fish and Wildlife Resources, used his influence in a matter that involved a substantial conflict between his personal or private interest and his duties in the public interest; influenced a public agency in derogation of the state at large; used his official position to give himself a financial gain and an advantage in derogation of the public interest at large; 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, on or about April 6, 2010, Dennis Sharon was informed by his commanding officer, Sgt. Greg Davis, of the measurement of the restricted areas around the confluence of the Kentucky and Ohio Rivers and was provided a map including the coordinates of the restricted fishing areas. Later that day, Sharon was observed measuring and moving his commercial fishing nets, leaving his nets within the restricted zone and was overheard by undercover Indiana law enforcement officers stating to Kenneth Burns that he did not "give a damn what they think."

Again on or about April 7, 2010, Sharon was observed measuring and moving his commercial fishing nets, leaving his nets in restricted waters and was overheard by undercover Indiana law enforcement officers stating to Kenneth Burns, "I'll tell Greg [Davis] that I moved the net and fuck what the rest of them think."

This conduct shows how Sharon failed to avoid 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. Such activities were also an attempt by Sharon to use his influence as a Kentucky conservation officer to protect his financial gain and benefit from fishing a restricted area that was not otherwise accessible by other commercial fishermen, which was a matter that involved a substantial conflict between his personal or private interest and his duties in the public interest.

These facts constitute violations of KRS 11A.020(1)(a), (b), (c) and (d) and KRS 11A.020(2).

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

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

COUNT VI

Dennis Sharon, during his course of employment as a Conservation Officer with the Department of Fish and Wildlife Resources, used his influence in a matter that involved a substantial conflict between his personal or private interest and his duties in the public interest; influenced a public agency in derogation of the state at large; used his official position to give himself a financial gain and an advantage in derogation of the public interest at large; 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, on or about April 7, 2010, conservation officers from the Indiana Department of Natural Resources ("DNR") stopped Dennis Sharon for commercially fishing in restricted waters and seized gill nets as well as over 12 lbs of paddlefish roe found in restricted waters at the confluence of the Kentucky and Ohio Rivers in Carrollton, Kentucky. During this encounter, Indiana DNR Conservation Officers Sgt. John Cannarella, Corp. Steve Kinne, and Corey Norrod confronted Dennis Sharon about his commercial fishing in restricted waters. Sharon proceeded to inform the officers that he had been given permission by his commanding officers to fish in the restricted area and that he would have his agency defend him in court. Sharon was charged criminally for this conduct in Switzerland County, Indiana on March 2, 2012.

Sharon failed to avoid 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. Such

activities were also an attempt by Sharon to use his influence on Indiana officers to protect his financial gain and benefit from fishing a restricted area that was not otherwise accessible by other commercial fishermen, which was a matter that involved a substantial conflict between his personal or private interest and his duties in the public interest.

These facts constitute violations of KRS 11A.020(1)(a), (b), (c) and (d) and KRS 11A.020(2).

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

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

COUNT VII

Dennis Sharon, during his course of employment as a Conservation Officer with the Department of Fish and Wildlife Resources, used his influence in a matter that involved a substantial conflict between his personal or private interest and his duties in the public interest; influenced a public agency in derogation of the state at large; used his official position to give himself a financial gain and an advantage in derogation of the public interest at large; 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, on or about March 22, 2011, Dennis Sharon, without permission or the knowledge of his supervisors, while in uniform and driving his commissioned vehicle, left his assigned county of Gallatin in District 5 and travelled to Oldham County in District 3, to meet with Oldham County Attorney, John Carter, to influence the prosecution of David Cottrell, a commercial fisherman. On March 22, 2011, Sharon was working on state time and claimed 7.5 of regular hours on his official timesheet. Based on a citation brought by Indiana DNR Officers Steve Kinne and Corey Norrod, David Cottrell was charged with failure to maintain the required number of commercial fishing tags on his gill nets placed in the Ohio River. David Cottrell and Sharon both sell fish roe to Jessica Schigur, the Fish Roe Buyer whom Dennis Sharon has sold fish roe to from approximately November 20, 2010, to the present. Sharon told Mr. Carter that the offenses for which Mr. Cottrell had been charged were not offenses that the Kentucky Department of Fish and Wildlife Resources was interested in prosecuting.

By attempting to influence the prosecution of David Cottrell, Sharon failed to avoid 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 in commercial fishing by helping out another commercial fisherman related to his fish roe buyer. Such activities were also an attempt by Sharon to represent the interests of the Kentucky Department of Fish and Wildlife Resources in a way that would also protect his and other commercial fishermen's financial gain and benefit him by influencing the enforcement of commercial fishing laws and regulations to suit his private interests. Finally, Sharon was attempting to influence a matter that involved the same Indiana

DNR officers who charged him with commercial fishing law violations, which is a substantial conflict between his personal or private interest and his duties in the public interest.

These facts constitute violations of KRS 11A.020(1)(a), (b), (c) and (d) and KRS 11A.020(2).

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

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

COUNT VIII

Dennis Sharon, during his course of employment as a Conservation Officer with the Department of Fish and Wildlife Resources, used his influence in a matter that involved a substantial conflict between his personal or private interest and his duties in the public interest; influenced a public agency in derogation of the state at large; used his official position to give himself a financial gain and an advantage in derogation of the public interest at large; 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, on or about April 17, 2011, Dennis Sharon told Barrett Brewer, the conservation officer assigned to Oldham County, to not get involved with the prosecution of David Cottrell in Oldham County for the commercial fishing violation from March 2011. Sharon told Officer Brewer that that he, Dennis Sharon, was handling the matter and that Officer Brewer need not get involved. Sharon told Brewer that the case against David Cottrell should not be prosecuted.

By attempting to influence Officer Brewer to not get involved with the prosecution of David Cottrell, Sharon failed to avoid 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 in commercial fishing by helping out another commercial fisherman related to his fish roe buyer. Such activities were also an attempt by Sharon to influence Officer Brewer and the Kentucky Department of Fish and Wildlife Resources in a way that would also protect his and another commercial fisherman's financial gain and benefit him by influencing the enforcement of commercial fishing laws and regulations to suit his private interests. Finally, Sharon was attempting to influence a matter that involved the same Indiana DNR officers who charged him with commercial fishing law violations, which is a substantial conflict between his personal or private interest and his duties in the public interest.

These facts constitute violations of KRS 11A.020(1)(a), (b), (c) and (d) and KRS 11A.020(2).

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

- (1) No public servant, by himself or through others, shall knowingly:

- (a) Use or attempt to use his influence in any matter which involves a substantial conflict between his personal or private interest and his duties in the public interest;
- (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.

COUNT IX

Dennis Sharon, during his course of employment as a Conservation Officer with the Department of Fish and Wildlife Resources, 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 failed to abstain from an official decision in which he had or may have had a personal or private interest.

Specifically, on or about October 21, 2008, Sharon applied for a commercial fishing license and Roe Bearing Harvesters Permit with the Department. Sharon's supervisors instructed him that he was not to participate in official duties or enforcement activities in the counties in which he conducted commercial fishing and to avoid commercial fishing activities in his assigned county of Gallatin County, which was consistent with the Department's policy. From November 2008 through April 2010, Sharon was observed on multiple occasions by the public and law enforcement officers participating in commercial fishing activities in Carroll County,

Kentucky. From October 2008 through present, Sharon has issued approximately 24 citations in Carroll County, Kentucky, approximately 7 of which involve fishing related violations.

By participating in commercial fishing activities in Carroll County and issuing citations in Carroll County, Sharon failed to avoid 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 failed to abstain from an official decision in which he had or may have had a personal or private interest.

These facts constitute violations of KRS 11A.020(1)(a) and (3).

KRS 11A.020(1)(a) provides:

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

KRS 11A.020(3) provides:

- (3) When a public servant abstains from action on an official decision in which he has or may have a personal or private interest, he shall disclose that fact in writing to his superior, who shall cause the decision on these matters to be made by an impartial third party.

COUNT X

Dennis Sharon, during his course of employment as a Conservation Officer with the Department of Fish and Wildlife Resources, used his influence in a matter that involved a substantial conflict between his personal or private interest and his duties in the public interest; influenced a public agency in derogation of the state at large; used his official position to give himself a financial gain and an advantage in derogation of the public interest at large; and used his official position to secure or create privileges, exemptions, advantages, or treatment for

himself in derogation of the public interest.

Specifically, on or about April 2, 2011, while in uniform and in his commissioned vehicle, Sharon confronted two commercial fishermen at Point Park in Carrolton, Kentucky, for placing nets too closely to his commercial fishing nets located at the confluence of the Kentucky and Ohio Rivers and threatened to write them citations for the conduct and confiscate their nets so that they could not fish in the location any longer.

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

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

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

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