

**COMMONWEALTH OF KENTUCKY  
EXECUTIVE BRANCH ETHICS COMMISSION  
CASE NO. 18-021**

**IN RE: TROY KOON  
ALLEGED VIOLATION OF KRS CHAPTER 11A**

**INITIATING ORDER  
Initiation of Administrative Proceeding  
And Formal Complaint**

The Executive Branch Ethics Commission (the “Commission”), upon its own motion, initiated a preliminary investigation of Troy Koon (the “Respondent” or “Koon”), pursuant to KRS 11A.080(1), on November 13, 2017.

At all relevant times the Respondent was a “public servant” as defined in KRS 11A.010(9), and thus subject to the jurisdiction of the Commission.

The Commission initiated the preliminary investigation to determine whether it has sufficient probable cause to believe the Respondent violated provisions of KRS Chapter 11A, the Executive Branch Code of Ethics (also referred to herein as the “Ethics Code”).

The Commission focused its investigation upon the Respondent’s possible violation of the Ethics Code by using or attempting to use his influence in a matter which involves a substantial conflict between his personal or private interest and his duties in the public interest, using or attempting to use any means to influence a public agency in derogation of the state at large, using his official position to secure or create privileges, exemptions, advantages, or treatment for himself in derogation of the public interest, and failing to 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.

The Commission notified the Respondent of the preliminary investigation by letter dated November 27, 2017.

During the course of the investigation, the Commission found probable cause to believe that violations of KRS Chapter 11A had occurred and voted July 10, 2018, to initiate an administrative proceeding, pursuant to KRS 11A.080(4)(b) and KRS Chapter 13B, to determine whether the Respondent violated the Ethics Code as set forth in the Allegations of Violations, attached hereto and incorporated fully herein as Appendix A to this Initiating Order.

**IT IS THEREFORE ORDERED** that:

1. This Initiating Order and Appendix shall be served on the Respondent pursuant to KRS 13B.050(2) by certified mail, return receipt requested, to the last known address of the Respondent.

2. The Respondent shall file his answer to this Initiating Order within twenty (20) days from the date of service, verifying the truth and accuracy of any answer submitted.

3. If the Respondent does not submit an answer to the Initiating Order within twenty (20) days from the date of service, the Commission may accept the failure to answer as an admission of the allegations in the Initiating Order; find by clear and convincing evidence pursuant to KRS 11A.100(3) that the Respondent has engaged in the alleged conduct; and enter a final order against the Respondent for the full possible penalty allowed under KRS 11A.100(3).

4. The Respondent shall appear at a hearing to be scheduled by subsequent order and be prepared to defend against the Commission's allegations that he committed the Ethics Code violations set forth in the Allegation of Violations, attached hereto and incorporated fully herein as Appendix A to this Initiating Order.

5. The Commission will designate a hearing officer, pursuant to KRS

13B.030(2)(a), by contract with a private attorney through a personal services contract. The Commission will notify the Respondent or his retained counsel of the designation of a Hearing Officer as soon as possible after the appointment.

6. The Commission is represented by Michael W. Board, General Counsel, and Kathryn H. Gabhart, Executive Director as supporting counsel and agency representative. They may be contacted through the Commission's office at (502) 564-7954.

7. All original material shall be submitted to the Executive Branch Ethics Commission, 1025 Capital Center Drive, Suite 104, Frankfort, Kentucky 40601. A copy of all materials shall be served on the designated Hearing Officer.

8. The Respondent has the right to retain his own legal counsel during this proceeding. If the Respondent retains legal counsel, that person shall file an appearance with the Commission, and thereafter all correspondence from the Commission to the Respondent shall be mailed or delivered to the Respondent's attorney.

9. The Respondent has the right to examine upon request, at least five (5) days prior to the hearing, a list of witnesses the Commission expects to call at the hearing, any evidence that will be used at the hearing and any exculpatory information in the Commission's possession.

10. The Respondent has the right to subpoena witnesses on his own behalf. If the Respondent subpoenas witnesses, he shall pay for all costs associated with the subpoenas' issuance, including any applicable witness fees.

11. If the Respondent fails to attend or participate as required at any stage of the administrative hearing process without good cause shown, he may be held in default

pursuant to KRS 11A.100(1)(b)KRS 13B.050(3)(h).

12. The Respondent has a right to appeal any final Commission order to the Franklin Circuit Court within thirty (30) days of service.

13. This proceeding is subject to KRS Chapter 11A, the Commission's regulations, the provisions of KRS Chapter 13B, and any Order issued by the Commission or its hearing officer issued during this administrative proceeding.

So ordered this 19th day of March 2018.

**EXECUTIVE BRANCH ETHICS COMMISSION:**

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, Chair

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, Vice-Chair

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, Member

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, Member

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, Member

**APPENDIX A  
CASE NO. 18-021  
INITIATING ORDER**

**ALLEGATION OF VIOLATIONS**

The Respondent, Troy Koon, was at all relevant times an employee of the Commonwealth of Kentucky, serving in the Department of Parks, 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, the Commission found probable cause to believe that Troy Koon committed the following violations:

**COUNT I**

Troy Koon (“Koon”), during his course of employment as a Park Manager, Department of Parks, Tourism, Arts, and Heritage Cabinet, used or attempted to use 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 or attempted 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; and failed to 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.

Specifically, Koon purchased firewood on behalf of the Commonwealth from an individual operating a “cash only” business and who would not supply Koon with a receipt. Koon attempted to get reimbursement from the Department of Parks but could not receive reimbursement without a receipt. Koon, unable to obtain a receipt from the seller, created false receipts and forged the name of the seller on the invoices. Koon then submitted the forged receipts to the Department of Parks.

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

KRS 11A.020(1)(a), (b), 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; or  
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  - (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.

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