

**COMMONWEALTH OF KENTUCKY
EXECUTIVE BRANCH ETHICS COMMISSION
CASE NO. 12-009**

**IN RE: CHARLES GEVEDEN, SR.
ALLEGED VIOLATION OF KRS CHAPTER 11A**

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

The Executive Branch Ethics Commission (the “Commission”), upon a sworn complaint, initiated a preliminary investigation of Charles Geveden, Sr., (the “Respondent”), pursuant to KRS 11A.080(1), on September 19, 2011.

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 (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 his influence in a matter that involved a substantial conflict between his personal or private interest and his duties in the public interest; influencing a public agency in derogation of the state at large; and using his official position to secure or create privileges, exemptions, advantages, or treatment for others in derogation of the public interest.

The Commission notified the Respondent of the preliminary investigation by letter dated September 26, 2011. During the course of the investigation, the Commission found probable cause to believe that violations of KRS Chapter 11A had occurred and voted on December 3, 2012, 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. 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.
2. 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.
3. A Hearing Officer will be designated by the Administrative Hearings Branch of the Office of the Attorney General, 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601-8204.
4. The Commission is represented by Kathryn H. Gabhart, General Counsel, and John R. Steffen, Executive Director. They may be contacted through the Commission's office at (502) 564-7954.
5. All original material shall be submitted to the Executive Branch Ethics Commission, #3 Fountain Place, Frankfort, Kentucky 40601. A copy of all materials shall be served on the designated Hearing Officer at the Office of the Attorney General, 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601-8204.
6. The Respondent has the right to 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.

7. 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.

8. 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.

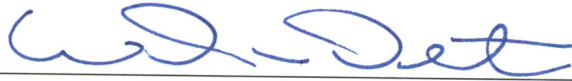
9. If the Respondent fails to attend or participate as required at any stage of the administrative hearing process without good cause shown, he may be held in default pursuant to KRS 13B.050(3)(h).

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

11. 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 3rd day of December 2012.

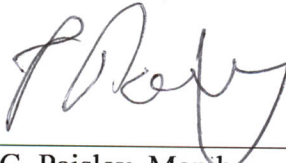
EXECUTIVE BRANCH ETHICS COMMISSION:



W. David Denton, Vice-Chair



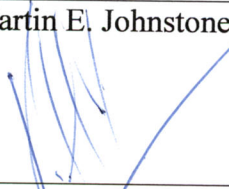
William G. Francis, Member



Lewis G. Paisley, Member



Martin E. Johnstone, Member



Richard L. Masters, Member

**APPENDIX A
CASE NO. 12-009
INITIATING ORDER**

ALLEGATION OF VIOLATIONS

The Respondent, Charles Geveden, Sr., was at all relevant times an employee of the Commonwealth of Kentucky, serving in the Justice and Public Safety 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 Charles Geveden, Sr., committed the following violations:

COUNT I

Charles Geveden, Sr., during the course of his employment as the Deputy Secretary of the Justice and Public Safety Cabinet, used his influence in a matter that involved a substantial conflict between his personal or private interest and his duties in the public interest; and used his official position to secure or create privileges, exemptions, advantages, or treatment for others in derogation of the public interest.

Specifically, during the final months of 2010, Geveden contacted multiple employees of departments within the Justice and Public Safety Cabinet to influence these individuals to make donations in support of Governor Steve Beshear's re-election campaign. During these conversations, Geveden referred to the individual's position and provided a specific dollar amount for the individual to donate in support of the campaign. Geveden stated to these individuals that this dollar amount was based upon their employment position or the salary that they received as employees within the Justice and Public Safety Cabinet.

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

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

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

- (a) Use his influence in a matter that involves a substantial conflict between his personal or private interest and his duties in the public interest; 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.

COUNT II

Charles Geveden, Sr., during the course of his employment as the Deputy Secretary of the Justice and Public Safety Cabinet, used his official position to secure or create privileges, exemptions, advantages, or treatment for others in derogation of the public interest and used confidential information acquired in the course of his official duties to further the economic interest of another person.

Specifically, during the final months of 2010, Geveden contacted multiple employees of departments within the Justice and Public Safety Cabinet on their privately-listed home phone numbers and personal cell phone numbers to influence these individuals to make donations in support of Governor Steve Beshear's re-election campaign. Geveden gained access to these individuals' private phone numbers and cell phone numbers through the personnel files and internal agency documents maintained at the Justice and Public Safety Cabinet, over which he was Deputy Secretary.

These facts constitute violations of KRS 11A.020(1)(d) and KRS 11A.040(1).

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

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

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

COUNT III

Charles Geveden, Sr., during the course of his employment as the Deputy Secretary of the Justice and Public Safety Cabinet, used his influence in a matter that involved a substantial conflict between his personal or private interest and his duties in the public interest; used his position to influence an agency in derogation of the state at large; and used his official position to secure or create privileges, exemptions, advantages, or treatment for others in derogation of the public interest.

Specifically, during the final months of 2010, Geveden, while on state time, entered the office of a subordinate employee and asked the subordinate to solicit campaign contributions from certain individual employees who were under the subordinate's supervision. During this encounter, Geveden attempted to provide the subordinate with a list of the employees Geveden wanted him to solicit. This list included the individual employees' salaries and the amounts of their expected campaign donations.

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

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

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

(b) Use or attempt to use an means to influence a public agency in derogation of the state at large; 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.

(End of document)