COMMONWEALTH OF KENTUCKY
EXECUTIVE BRANCH ETHICS COMMISSION
CASE 19-018

IN RE: JOSEPH FRYMAN
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 Joseph Fryman (the "Respondent" or "Fryman"), pursuant to KRS 11A.080(1), on May 16, 2019.

At all relevant times, the Respondent was an "officer" as defined in KRS 11A.010(7), and thus subject to the jurisdiction of the Commission.

The Commission initiated the preliminary investigation to determine whether there was probable cause to believe the Respondent violated provisions of KRS Chapter 11A (also referred to herein as the "Ethics Code").

The Commission focused upon the Respondent's possible violation of the Ethics Code by failing to file a completed Statement of Financial Disclosure with the Commission as required by KRS 11A050(1)(c).

The Commission notified the Respondent of the preliminary investigation by letter dated May 22, 2019. During the course of the investigation, the Commission found probable cause to believe that violations of KRS Chapter 11A had occurred and voted on July 16, 2019, 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, or by personal service.

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 and documents shall be submitted to the Executive Branch Ethics Commission, 1025 Capital Center Drive, Suite 104, Frankfort, Kentucky 40601, Attention:

Debbie Briscoe, Commission Secretary. Copies of all materials shall be served on the designated Hearing Officer and the Commission's counsel listed in paragraph 6.

8. The Respondent has the right to obtain his own legal counsel during this proceeding. If the Respondent retains legal counsel, that legal counsel 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 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 16th day of July 2019.

EXECUTIVE BRANCH ETHICS COMMISSION:

Christopher Thacker, Chair

Christopher Brooker, Vice-Chair

April Wimberg, Member

Holly Iaccarino, Member

Kyle Winslow, Member

APPENDIX A
CASE NO. 19-018
INITIATING ORDER

ALLEGATION OF VIOLATIONS

The Respondent, Joseph Fryman, was at all relevant times an employee of the Commonwealth service as an Executive Assistant, Kentucky Communications Network Authority. In the role of Executive Assistant, the Respondent was at all relevant time an officer as defined by KRS 11A.010(7). As such, the Respondent was subject to the jurisdiction of the Commission. KRS 11A.050(1)(c).

During the course of its preliminary investigation, the Commission found probable cause to believe that Joseph Fryman committed the following violation:

COUNT I

That Joseph Fryman failed to timely file a Statement of Financial Disclosure with the Executive Branch Ethics Commission.

Specifically, Fryman left his position as an officer within the executive branch and filed to file the required Statement of Financial Disclosure within thirty (30) days after the date he no longer served as an officer. As of the date of entry of this Initiating Order, Fryman has yet to file a Statement of Financial Disclosure with the Commission.

These facts constitute a violation of KRS 11A.050 (1), (2), and (3).

KRS 11A.050 (1), (2), and (3) provide:

(1) Each officer, each public servant listed in KRS 11A.010(9)(a) to (g), and each candidate shall file a statement of financial disclosure with the commission, as follows:
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(c) Each officer and public servant listed in KRS 11A.010(9)(a) to (g) who does not remain an officer or public servant listed in KRS 11A.010(9)(a) to (g) for the entire calendar year shall file the statement for the portion of the calendar year that the person served as an officer or public servant listed in KRS 11A.010(9)(a) to (g). The statement shall be filed with the commission within thirty (30) days after the date the

person no longer serves as an officer or public servant listed in KRS 11A.010(9)(a) to (g).
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(2) The statement of financial disclosure shall be filed on a form prescribed by the commission. The commission shall provide copies of the form upon request without charge.

(3) The statement shall include the following information for the preceding calendar year:

(a) Name and entire residential and business address of filer;

(b) Title of position or office whereby filing is required;

(c) Any other occupations of filer and spouse;

(d) Positions held by the filer or his spouse in any business, and the name and address of the business;

(e) Names and addresses of all businesses in which the filer, his spouse, or dependent children has or had an interest of ten thousand dollars ($10,000) at fair market value or five percent (5%) ownership interest or more;

(f) The name and address of any source of gross income exceeding one thousand dollars ($1,000) from any one (1) source to the filer, his spouse, or dependent child, as well as information concerning the nature of the business, and the form of the income;

(g) Sources of retainers received by the filer or his spouse relating to matters of the state agency for which the filer works or supervises or of any other entity of state government for which the filer would serve in a decision-making capacity, including each source's name and address;

(h) Any representation or intervention for compensation by the filer or his spouse for any person or business before a state agency for which the filer works or supervises or before any entity of state government for which the filer would serve in a decision-making capacity, including the name and address of the person or business;

(i) All positions of a fiduciary nature held by the filer or his spouse in a business, including the name and address of the business;

(j) Information, including a street address or location, regarding any real property in which there is an interest of ten thousand dollars ($10,000) or more held by the filer, his spouse, or dependent children;

(k) Sources, including each source's name and address, of gifts of money or property with a retail value of more than two hundred dollars ($200) from any one (1) source to the filer, his spouse, or dependent children, except those from a member of the filer's family; and

(l) Identity, including an address, of creditors owed more than ten thousand dollars ($10,000), except debts arising from the purchase of consumer goods.

(m) Names and addresses of family members of the filer or persons with whom the filer was engaged in a business who are registered as legislative agents under KRS 6.807 or executive agency lobbyists under KRS 11A.211.

Paragraphs (a) to (m) of this subsection shall not require disclosure of specific dollar amounts or of privileged information.

(End of document)