

**COMMONWEALTH OF KENTUCKY
EXECUTIVE BRANCH ETHICS COMMISSION
CASE NO. 17-007**

**IN RE: STACY SKINNER
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 Stacy Skinner (the “Respondent” or “Skinner”), pursuant to KRS 11A.080(1), on March 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, 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 his official position to obtain a financial gain for himself or any members of his family and using his official position to secure or create privileges, exemptions, advantages, or treatment for himself or others in derogation of the public interest.

The Commission notified the Respondent of the preliminary investigation by letters dated March 20, 2017. During the course of the investigation, the Commission found probable cause to believe that violations of KRS Chapter 11A had occurred. The Commission voted on May 15, 2017, 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. 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.
4. Pursuant to KRS 13B.030(2)(b), the Commission will request the designation of a Hearing Officer by the Administrative Hearings Branch of the Office of the Attorney General, 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601-8204.
5. If the Attorney General's Office cannot provide the requested hearing officer, the Commission will, pursuant to KRS 13B.030(2)(a), employ a hearing officer, contract with another agency for a hearing officer in conjunction with KRS 11A.070, or 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 Misty Dugger Judy, General Counsel, and Kathryn H. Gabhart, Executive Director and co-Counsel. 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, #3 Fountain Place, Frankfort, Kentucky 40601, Attention: Debbie Briscoe. Copies of all materials shall be served on the designated Hearing Officer and the Commission's counsels listed in paragraph 6.

8. 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.

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 15th day of May 2017.

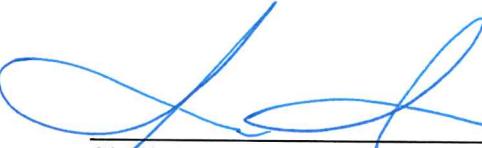
EXECUTIVE BRANCH ETHICS COMMISSION:



W. David Denton, Chair



William G. Francis, Vice-Chair



Sheila R. Isaac, Member



Christopher L. Thacker, Member



Theresa Fritz Camoriano, Member

APPENDIX A
CASE NO. 17-007
INITIATING ORDER

ALLEGATION OF VIOLATIONS

The Respondent, Stacy Skinner, was at all relevant times an employee of the Commonwealth of Kentucky, serving in the Department of Highways, 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 Stacy Skinner committed the following violations:

COUNT I

Stacy Skinner, during his course of employment as a Highway Superintendent II, Department of Highways, Kentucky Transportation Cabinet (“Cabinet”), used his official position to secure or create privileges, exemptions, advantages, or treatment for himself or others in derogation of the public interest.

Specifically, on or about October 27, 2016, during the evening hours, Skinner used a state-owned vehicle to take and haul approximately fifteen (15) pieces of guardrail, valued at approximately \$451.95, owned by the Cabinet that was located at a state facility in Scott County, Kentucky, to his own property in Bourbon County and then moved it to a property owned by his friend in Harrison County. Skinner intended to use the guardrail for the personal use of his friend.

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

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

(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

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