**COMMONWEALTH OF KENTUCKY**
**EXECUTIVE BRANCH ETHICS COMMISSION**
**CASE NO. 19-013**

**IN RE: TELLIA WARF**
**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 Tellia Warf (the "Respondent" or "Warf"), pursuant to KRS 11A.080(1), on November 8, 2018.

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 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 using her official position with the Kentucky Department of Parks to use or attempt to use her influence in any matter which involved a substantial conflict between her personal or private interest and her duties in the public interest; to use or attempt to use any means to influence her agency in derogation of the state at large; to use her official position to obtain financial gain for herself or a family member; to give herself or others advantages and privileges for herself or others in derogation of the state at large; and failed to avoid all conduct which might in any way lead members of the general public to conclude that she was using her official position to further her professional or private interest.

The Commission notified the Respondent of the preliminary investigation by letter dated

November 14, 2018. During the course of the investigation, the Commission found probable cause to believe that violations of KRS Chapter 11A had occurred and voted on May 14, 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 her 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 she 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 her 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 and co-Counsel. 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, 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 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 her own behalf. If the Respondent subpoenas witnesses, she 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, she 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 14th day of May 2019.

**EXECUTIVE BRANCH ETHICS COMMISSION:**

Christopher Thacker, Chair

Christopher Brooker, Vice-Chair

ABSENT
April Wimberg, Member

Holly Iaccarino, Member

Kyle Winslow, Member

**APPENDIX A**
**CASE NO. 19-013**
**INITIATING ORDER**

## ALLEGATION OF VIOLATIONS

The Respondent, Tellia Warf, was at all relevant times an employee of the Commonwealth of Kentucky, serving in the Department of Parks, (also referred to herein as "the Department"), 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 Tellia Warf committed the following violation:

### COUNT I

That Tellia Warf, during her course of employment and while serving as an Office Support Assistant I, with the Department of Parks, Tourism, Arts, and Heritage Cabinet, used her official position to use or attempt to use any means to influence her agency in derogation of the state at large; used or attempted to use her influence in any matter which involved a substantial conflict between her personal or private interest and her duties in the public interest; used her official position to obtain a financial gain for herself or a family member; used or attempted to use her official position to secure or create privileges, exemptions, advantages, or treatment for herself or others in derogation of the public interest at large; and failed avoid all conduct which might in any way lead members of the general public to conclude that she is using her official position to further her professional or private interest.

Specifically, Ms. Warf used state time to sew quilts which she sold for personal profit.

These facts constitute a violation of KRS 11A.020(1)(a), (b), (c) and (d) , and KRS 11A.020 (2) which state as follows:

KRS 11A.020:

(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.

(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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