

## SETTLEMENT AGREEMENT

This agreement made and entered into between the Executive Branch Ethics Commission (hereinafter the "Commission") and Charles Geveden, Sr.

WHEREAS, this agreement involves the matter styled *Executive Branch Ethics Commission v. Charles Geveden, Sr.*, Case No. 12-009;

WHEREAS, the Commission is designated by statute as the agency responsible for enforcing the Executive Branch Code of Ethics, KRS Chapter 11A;

WHEREAS, on December 3, 2012, the Commission alleged facts in an Initiating Order that Charles Geveden, Sr., violated the Executive Branch Code of Ethics codified at KRS 11A.020(1)(a), (b), and (d), and KRS 11A.040(1);

WHEREAS, Charles Geveden, Sr., was at all relevant times mentioned in the Initiating Order a "public servant" as defined in KRS 11A.010(9) and thus subject to the Executive Branch Code of Ethics; and

WHEREAS, Charles Geveden, Sr., indicates his desire to resolve all issues in this action by the execution of a Settlement Agreement.

NOW, THEREFORE, in settlement of the above allegations, the Commission and Charles Geveden, Sr. agree, pursuant to KRS 11A.100, as follows:

1. Charles Geveden, Sr., while stating that he was not aware at the time that his actions were in violation of the provisions of KRS Chapter 11A, admits that he committed violations of the Executive Branch Code of Ethics codified at KRS 11A.020(1)(a), (b), and (d), as stated in Appendix A to the Commission's Initiating Order of December 3, 2012, attached hereto and incorporated by reference herein.

2. The Commission withdraws the allegation from Count II of the Commission's Initiating Order of December 3, 2012, that Charles Geveden, Sr., violated KRS 11A.040(1). The remainder of Count II remains unchanged.

3. Charles Geveden, Sr., agrees to pay the Commission a civil penalty of five thousand dollars (\$5,000.00) concurrently with the execution of this Settlement Agreement.

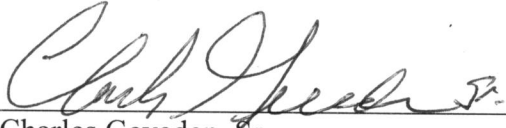
4. Charles Geveden, Sr., agrees that upon a Final Order being issued by the Commission that he waives all rights to any further administrative process or appeal pursuant to KRS 13B.140 thereon.

5. The parties further agree that the acceptance of this Settlement Agreement by both parties, and the fulfillment of its express terms, is in full accord and satisfaction

of the herein referenced *Executive Branch Ethics Commission v. Charles Geveden, Sr.*, Agency Case No. 12-009.


6. This Settlement Agreement constitutes a public reprimand to Charles Geveden, Sr., a copy of which will be provided to his former appointing authority, pursuant to KRS 11A.100(3)(c).

IN WITNESS THEREOF, the parties have caused this agreement to be executed:

  
Charles Geveden, Sr.

January 28, 2014  
Date

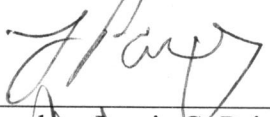
**EXECUTIVE BRANCH ETHICS COMMISSION:**

  
Chair, William David Denton

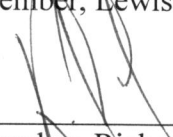
3/21/14  
Date

  
Vice Chair, William G. Francis

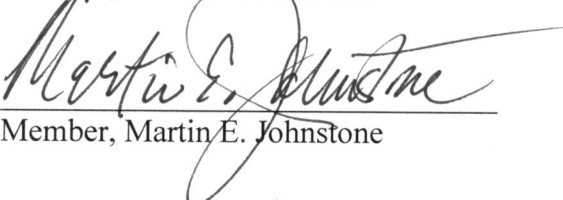
3-21-14  
Date

  
Member, Lewis G. Paisley

3/21/14  
Date

  
Member, Richard L. Masters

3/21/14  
Date

  
Member, Martin E. Johnstone

3/21/14  
Date

**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

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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.

## 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

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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.

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