

COMMONWEALTH OF KENTUCKY

**EXECUTIVE BRANCH  
ETHICS COMMISSION**



**BIENNIAL REPORT**

**JULY 1, 2013 - JUNE 30, 2015**

*Printed with State Funds*  
2018

EXECUTIVE BRANCH ETHICS COMMISSION

**BIENNIAL REPORT**

FISCAL YEARS ENDING JUNE 30, 2014 AND 2015

**COMMISSION MEMBERS**

W. David Denton

Chair, January 28, 2013  
(member through July 14, 2017)

Richard L. Masters

(member through July 14, 2016)

William G. Francis

Vice-Chair, January 28, 2013  
(member through July 14, 2018)

Justice Martin E. Johnstone (Ret.)

(member through July 14, 2016)

Judge Lewis G. Paisley (Ret.)

(member through July 24, 2015)

**STAFF**

John R. Steffen, Executive Director  
Kathryn H. Gabhart, General Counsel  
Debbie Briscoe, Executive Assistant  
Bill Trigg, Staff Assistant  
Jenny May, Administrative Assistant  
Jeffrey M. Jett, Investigator

\*Capital Complex East  
1025 Capital Center Drive, Suite 104  
Frankfort, Kentucky 40601  
(502) 564-7954  
FAX (502) 695-5939  
<http://ethics.ky.gov/>

\*Offices previously located at 3 Fountain Place, Frankfort, Kentucky 40601 during the period of this Biennial Report.

*The Executive Branch Ethics Commission's goal is to promote the ethical conduct of state officials and employees and to ensure proper regulation of executive agency lobbyists and their employers. This report covers the activities of the Ethics Commission during the fiscal years ended June 30, 2014, and June 30, 2015 as required by KRS 11A.110(13). It is intended to serve as a guide to the responsibilities of the Commission and as a record of its major activities and decisions during the biennium.*



COMMONWEALTH OF KENTUCKY  
**EXECUTIVE BRANCH ETHICS COMMISSION**  
<https://ethics.ky.gov/>

CHRISTOPHER L. THACKER  
CHAIR

K. TIMOTHY KLINE  
VICE CHAIR

CHRISTOPHER W. BROOKER  
APRIL A. WIMBURG  
HOLLY R. LACCARINO

KATHERYN H. GADHART  
EXECUTIVE DIRECTOR

MICHAEL W. BOARD  
GENERAL COUNSEL

CAPITAL COMPLEX EAST  
1025 CAPITAL CENTER DRIVE, SUITE #104  
FRANKFORT, KY 40601  
(502) 564-7954  
FAX: (502)-695-5939

September 17, 2018

To the Legislative Research Commission  
Governor Matthew Bevin  
Citizens of the Commonwealth of Kentucky

On behalf of the Kentucky Executive Branch Ethics Commission and its staff, I am pleased to submit the Commission's Biennial Report for the fiscal years ending June 30, 2014, and June 30, 2015. The purpose of the Biennial Report is to summarize the work of the Commission during this two-year period.

The Legislature has charged the Commission, an independent body of five citizen members from various regions throughout the Commonwealth, with promoting ethical conduct within the Executive Branch of Kentucky's government. During the 2013-2015 Biennium, an experienced and dedicated staff consisting of an Executive Director, General Counsel, Investigator (part-time), Executive Assistant, Administrative Assistant, and Staff Assistant (part-time) supported the Commission. In fulfilling its mission, the Commission promotes and enforces the Executive Branch Ethics Code, KRS Chapter 11A. It does so in various ways including the provision of ethics training to Executive Branch officials, departments and divisions; issuance of ethics opinions for guidance to Executive Branch employees and citizens who deal with Executive Branch agencies; review of financial disclosure statements filed pursuant to the requirements of the Code; and administrative proceedings. In addition, in each legislative session since 1993, the Commission has teamed with legislators to propose amendments, which would strengthen and clarify the existing Ethics Code.

As you can see from the report that follows, the Commission has a proven record of successfully carrying out its charge. The Commission is committed to continuing to promote the highest ethical standards among members of the Executive Branch as it has every year since its creation. We respectfully request the continued support of the Commonwealth of Kentucky, its elected officials, and its citizens, for it is only with this support that the Commission can continue its important work.

Respectfully submitted,

Christopher Thacker  
Chair

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# **INTRODUCTION TO THE COMMISSION**

## **AUTHORITY**

The Executive Branch Code of Ethics (code of ethics) created by Kentucky Revised Statutes (KRS) Chapter 11A, effective July 14, 1992, established the ethical standards that govern the conduct of all executive branch employees. The code of ethics was enacted to restore and promote public trust in the administration of the government of the Commonwealth and its employees. It has been amended numerous times in an attempt to improve its application. The Executive Branch Ethics Commission, authorized by KRS 11A.060, is an independent agency of the Commonwealth that is responsible for administering and enforcing the provisions of the code of ethics.

## **VISION**

Our vision for the future is one in which the leaders of the Commonwealth have integrity and honesty, and serve the people of the Commonwealth in an independent and impartial manner while upholding the public trust in all areas of their public service and private lives.

## **MISSION STATEMENT**

The mission of the Executive Branch Ethics Commission is to promote the ethical conduct of elected officials, officers and other employees in the executive branch of state government, thereby increasing the public trust in the administration of state government.

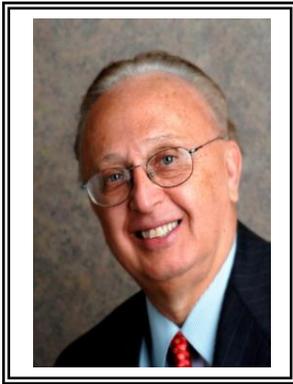
### **The Commission seeks to fulfill its mission through:**

- ◆ Education of state employees and lobbyists;
- ◆ Guidance to state employees concerning their ethical conduct, including the issuance of advisory opinions;
- ◆ Investigation of possible violations and enforcement of the provisions of the code of ethics;
- ◆ Financial disclosure by state officers and elected constitutional officials;
- ◆ Regulation of executive agency lobbyists; and
- ◆ Improvements to the code of ethics.

## COMMISSION MEMBERS

The Commission is composed of five members appointed by the Governor to serve four-year terms. Beginning in May 2008, pursuant to Executive Order 2008-454, the Governor, on a rotating basis, appointed one commissioner directly, then appointed one from a list of three names submitted to him by the Attorney General, then appointed one from a list of three names submitted to him by the Auditor of Public Accounts, after which the process repeated itself. The following individuals served on the Commission during the 2013-2015 biennium.

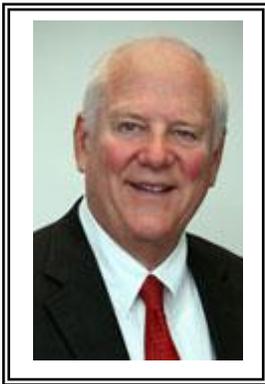
### **WILLIAM DAVID DENTON**



Governor Steven L. Beshear appointed Mr. Denton on October 29, 2009, to replace Nick Cambron, who resigned on September 10, 2009. Mr. Denton served the remainder of the unexpired term ending July 14, 2011 at which time he was re-appointed. He was elected Vice Chair of the Commission on May 14, 2013, and Chairperson January 28, 2015.

Mr. Denton is the former managing partner of the Paducah, Kentucky law firm, Denton & Keuler, LLP, and is currently the managing partner of The Denton Law Firm, also located in Paducah, Kentucky. He is a graduate of Murray State University and University of Kentucky, College of Law.

### **WILLIAM G. FRANCIS**



Governor Steven L. Beshear appointed Mr. Francis to replace Gwen Pinson, whose term expired July 14, 2010. Mr. Francis was re-appointed on July 15, 2014 to serve a term ending on July 14, 2018. He was elected Vice Chair of the Commission on January 28, 2015.

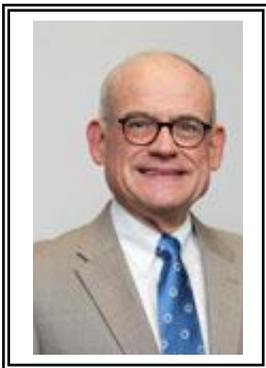
Mr. Francis was a partner in the Prestonsburg law firm of Francis, Kendrick, & Francis before joining Fowler Bell in Lexington, Kentucky. He earned a bachelor's degree in political science at the University of Kentucky, a master's degree in public administration at Eastern Kentucky University, and his law degree at the University of Kentucky College of Law.



### **LEWIS G. PAISLEY**

Governor Steven L. Beshear appointed Judge Paisley on March 29, 2012, to replace Ron Green, whose term expired July 14, 2011 but continued to serve until March 30, 2012. Judge Paisley's term expired July 14, 2015. He was appointed to the Commission under the provisions of Executive Order 2008-454 from a list of three nominees submitted to the Governor by the Attorney General.

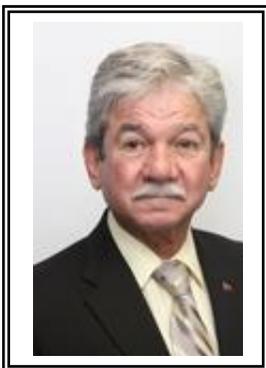
Judge Paisley is Of Counsel to the Lexington law firm of Stoll Keenon Ogden PLLC. He served for 25 years as Fayette District Judge, Fayette Circuit Judge, Judge of the Kentucky Court of Appeals, and as a Senior Judge. Judge Paisley is a graduate of Georgetown College and the University of Kentucky College of Law.



### **RICHARD L. MASTERS**

Governor Steven L. Beshear appointed Mr. Masters on November 1, 2013, to replace William L. Knopf, whose term expired July 14, 2013. Mr. Master's term will expire July 14, 2016.

Mr. Masters is a partner in the Louisville law firm of Masters, Mullins, & Arrington. He earned a bachelor's degree in history and biology from Asbury University and a law degree from the Brandeis School of Law at the University of Louisville.



### **MARTIN E. JOHNSTONE**

Governor Steven L. Beshear appointed Justice Johnstone on November 1, 2013, to replace Angela L. Edwards, whose term expired July 14, 2013. Justice Johnstone's term will expire July 14, 2016. He was appointed to the Commission under the provisions of Executive Order 2008-454 from a list of three nominees submitted to the Governor by the Auditor of Public Accounts.

Justice Johnstone served on the bench for 30 years, first in the capacity of Magistrate Judge, then as District Court Judge, Circuit Court Judge, Kentucky Court of Appeals Judge, and Kentucky Supreme Court Justice. He was the first jurist in Kentucky to serve at all four levels of the Kentucky Court of Justice. Prior to the bench, he served in private practice. Justice Johnstone earned a bachelor's degree in history and government from Western Kentucky University and a law degree from the Brandeis School of Law at the University of Louisville.

## **STAFF**

The Commission employs a full-time staff who may be contacted by anyone seeking information or advice relating to the code of ethics, or wishing to provide information regarding an alleged violation of the Executive Branch Code of Ethics. The staff provides state employees, executive agency lobbyists and the public with information, guidance and training aimed at promoting ethical conduct of executive branch employees. The following individuals served as staff to the Commission during the 2013-2015 biennium.

### **EXECUTIVE DIRECTOR**

The Executive Director is responsible for all administrative, investigative, and legal activity of the Commission, education and training of public servants, audits of disclosure statements, development of all publications, as well as the supervision of the staff.

**JOHN R. STEFFEN**



### **GENERAL COUNSEL**

The General Counsel advises the Executive Director on legal issues, assists in training and in the administration of the agency, coordinates investigations, handles administrative proceedings and civil litigation, and, in the absence of the Executive Director, assumes the Executive Director's responsibilities.

**KATHRYN H. GABHART**



### **INVESTIGATOR**

The Investigator is a part-time position and is responsible for conducting all preliminary investigations initiated by the Commission and reporting to the Commission the results of those investigations.

**JEFF JETT**



## **SUPPORT STAFF**

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The support staff manages daily operations of the office and safeguards documents on file with the Commission. They facilitate coordination of the many requests for information and advice that are presented to the staff.

The **Executive Assistant** manages advisory opinion requests as well as processes all personnel matters for the Commission staff and its members. This position acts as Clerk of the Administrative Proceedings process and maintains all legal records related to the Commission. The Executive Assistant serves as Secretary for Commission meetings, which includes preparation of the agenda, the minutes following the meetings, and any correspondence relative to the actions of the Commission. The Executive Assistant coordinates the training component of the Commission by registering participants, preparing training materials, and maintaining the training participant database.

**DEBBIE BRISCOE**



**JENNY MAY**

The **Administrative Assistant** manages the process for registration and reporting for executive agency lobbying which includes maintaining the database for executive agency lobbyists and their employers. This position prepares statistical information and oversees the publication of the Commission's Biennial Report. Other duties include handling purchases and billings for the agency, serving as records retention liaison, updating the agency's website and publications, and responding to open records requests, orders for printed materials and general inquiries regarding the Commission and its work.



**WILLIAM TRIGG**

The **Staff Assistant** is a part-time position and administers the statement of financial disclosure filing process and related database for constitutional officers and other government officials. He also assists the Executive Assistant and Administrative Assistant as needed.



## **LIVINGSTON TAYLOR ETHICS AWARD**

Livingston Taylor, a former investigative reporter for the Courier-Journal, served as the Commission's first chairman from 1992-1995. Mr. Taylor was responsible for the early direction of the Commission and donated a considerable amount of time and effort in leading the Commission. Mr. Taylor declined any compensation for his efforts. He set the tone for the Commission with his concern that the Commission be politically independent and show no favoritism. His substantial contribution to promoting the ethical conduct of executive branch employees will long be remembered. The Executive Branch Ethics Commission and the Commonwealth of Kentucky are better off because of his volunteer service.

The Commission established this biennial award program to recognize individuals, programs, or agencies within the executive branch of state government for their outstanding achievement and contributions in promoting the ethical conduct of executive branch employees.

State employees are often only recognized for inappropriate behavior. Thus, the Commission wishes to offer some positive reinforcement through this award by recognizing those who work hard and ethically for the taxpayers of Kentucky.

\*\*\*\*\*

2013-2015  
**LIVINGSTON TAYLOR ETHICS AWARD**

Is Presented To

**REPRESENTATIVE  
TANYA PULLIN,  
Kentucky House of  
Representatives**

In Recognition Of Her

Outstanding Achievement and Contributions  
In  
Promoting the Ethical Conduct of Executive Branch Employees

\* \* \* \* \*



Representative Pullin represented part of Boyd County and all of Greenup County as Representative for the 98<sup>th</sup> District.

Representative Pullin was awarded the Livingston Taylor Ethics Award for the 2013-2015 biennium for her ceaseless efforts to ensure passage of the Commission’s legislation during her time as a Representative for the 98<sup>th</sup> District. She has been an advocate for the mission of the Commission, working long hours with Commission staff and the Governor’s office to ensure the legislation was designed to not only survive scrutiny, but to make the legislation impactful in promoting ethical government and supporting the undertaking of the Commission. Representative Pullin worked behind the scenes during her time as Representative to increase awareness of the Commission’s mission and to rally support for the Commission’s requested reforms. It is therefore only fitting she receive the award.

Representative Pullin has a bachelor’s degree and JD from the University of Kentucky, a Masters from Duke University, and certifications from Uppsala University. She is a UK Fellow, a Governor’s Cup Quick Recall Moderator, an Honorary Guardsmen in the KY National Guard, and a member of the Kiwanis Club. She has received the following awards: St. Paul Award for Community Service, the Kentucky Court of Justice Law Day Award, the Eastern Kentucky Women in Leadership Award, the Fraternal Order of Police Appreciation Award, the George Washing University Elliot Fellowship, the UK College of Agriculture Outstanding Achievement Alumni Award, the Patrick Henry Award for Support of National Guard, the UK College of Human Environmental Sciences Hall of Fame, the American Legion Legislative Award for Support of Veterans, the Guardian of Small Business Award, the US Department of Defense Award for Leadership on Public Policy Affection Service Members and their Families, the Marin Corps League of Distinguished Citizen Award, and the Goodwill Industries of KY Extra Mile Award.

# BUDGET

## TWO-YEAR BUDGET ANALYSIS

The Commission's budget and expenditures for fiscal years 2013-14 and 2014-15 in detail below.

	<u>FISCAL YEAR</u>		<u>TOTAL FOR</u>
	<u>2013-14</u>	<u>2014-15</u>	<u>BIENNIUM</u>
<b>ALLOTMENTS</b>			
General Fund	\$448,300.00	\$455,000.00	\$903,300.00
Agency Fund	74,518.14	74,130.61	148,648.75
Balance Forward	54,957.88	33,309.08	88,266.96
<b>TOTAL</b>	<u>\$577,776.02</u>	<u>\$560,439.69</u>	<u>\$1,140,215.71</u>
<b>EXPENDITURES</b>			
Personnel Costs	\$479,065.74	\$502,979.94	\$981,045.68
Operating Expenses	66,401.20	59,277.10	125,628.30
Grants, Loans & Benefits	0	0	0
Capital Outlay	<u>0</u>	<u>0</u>	<u>0</u>
<b>TOTAL</b>	<u>\$544,466.94</u>	<u>\$562,257.04</u>	<u>\$1,106,723.98</u>
<b>ALLOTMENT OVER EXPENDITURES</b>			
Reverted to general fund	\$ 0	\$ 0	\$ 0
Retained in agency fund	<u>33,309.08</u>	<u>182.65</u>	<u>33,491.73</u>
<b>TOTAL</b>	<u>\$33,309.08</u>	<u>\$ 185.65</u>	<u>\$33,491.73</u>

\*\*\*\*\*

REVENUE FROM EMPLOYERS OF EXECUTIVE AGENCY LOBBYISTS			TOTALS
	2013-2014	2014-2015	All Years
EMPLOYER REGISTRATION FEES (AGENCY FUND REVENUE)	\$75,875	\$73,000	\$148,875
LOBBYISTS FINES (GENERAL FUND REVENUE)	\$0	\$0	\$0
<b>TOTAL COLLECTED</b>	<b>\$75,875</b>	<b>\$73,000</b>	<b>\$148,875</b>
REVENUE FROM CIVIL PENALTIES ISSUED			TOTALS
	2013-2014	2014-2015	All Years
FINES FROM CURRENT AND FORMER EMPLOYEES (GENERAL FUND)	\$144,799	\$44,000	\$188,799
<b>TOTAL COLLECTED</b>	<b>\$46,799*</b>	<b>\$43,000**</b>	<b>\$89,799</b>

\*2013-2014 Fiscal Year offset by Richard D. Farmer, federal case settlement, in the amount of \$63,000.00 and Thomas Burling, currently unable to collect, in the amount of \$35,000.00.

\*\*2014-2015 Fiscal Year offset by Mary Callahan, currently unable to locate, in the amount of \$1,000.00.

## EDUCATION

The Commission continues to believe that its primary goal is to educate employees in an effort to improve honesty and integrity in state government. Through education, the Commission seeks to prevent, rather than punish, ethics violations. Employee education is a multi-faceted effort consisting of responses to inquiries, live and on-line training classes, a website, agency designated ethics officers, publications, and newsletter articles.

### INQUIRIES

The Commission considers and responds to all inquiries from persons requesting information or advice on any aspect of the code of ethics. Such inquiries are made in person, by mail, through e-mail, or by telephone. Commission staff resolves the majority of these requests after reviewing the statutes and advisory opinions. In some instances, the staff recommends that advice be sought from the Commission through its advisory opinion process (see page 12).

The staff of the Commission meets individually with state officials, employees, and lobbyists to provide information or explanation concerning the code of ethics. The staff also provides guidance by telephone and e-mail on a daily basis in response to state official, employee, and citizen inquiries.

During fiscal year 2013-2014, the staff provided advice to approximately 636 individuals and to approximately 598 persons during fiscal year 2014-2015. The following table shows, by subject matter, the approximate number of recorded inquiries received during the biennium.

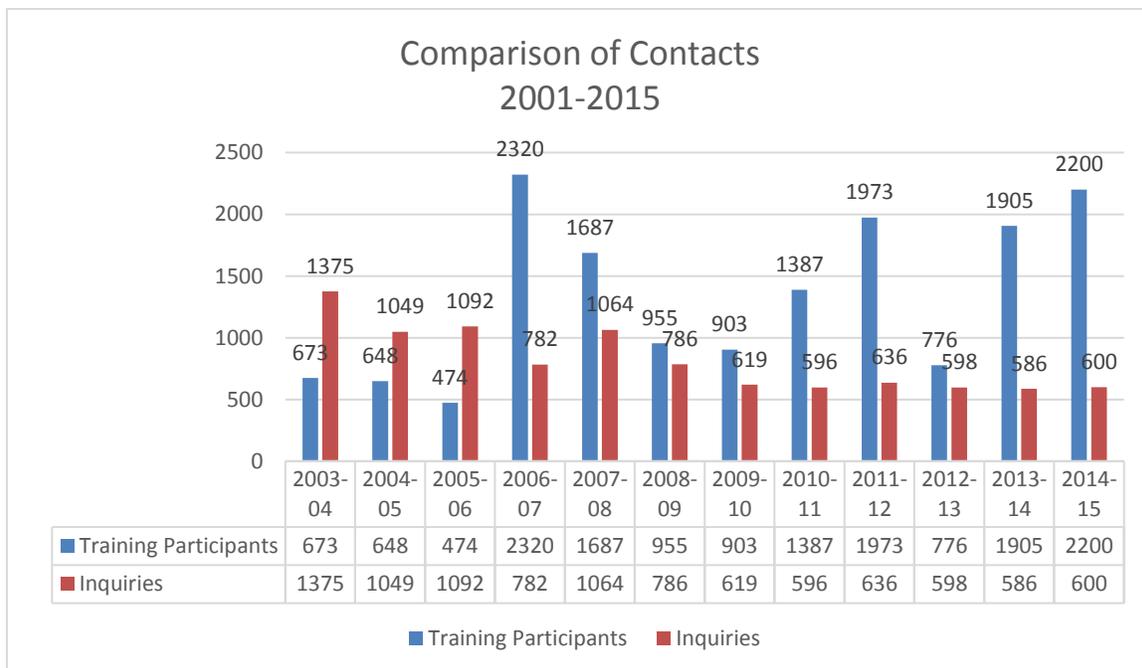
SUBJECT MATTER	NUMBER OF INQUIRIES	
	2013-14	2014-15
Advisory Opinions	3	3
Boards and Commissions	14	13
Campaign Activity	10	3
Complaints	10	13
Conflict of Interest	67	42
Executive Agency Lobbying	216	257
Financial Disclosure	98	107
General Information	61	52
Gifts	20	30
Investigations	11	5
Jurisdiction	7	5
Legislation	1	0
Litigation	0	0
Open Records	4	12
Outside Employment	16	15
Post-employment	25	12
Request for Material	17	27
Training	<u>6</u>	<u>4</u>
<b>TOTAL</b>	<b>586</b>	<b>600</b>

## TRAINING CLASSES

The Executive Branch Ethics Commission offers ethics classes on a quarterly basis to executive branch employees, and also provides ethics classes to individual state agencies, executive agency lobbyists, and members of executive branch regulatory and policy-making boards and commissions upon request. Online training classes are also offered through the Governmental Services Center.

NUMBER OF:	2013-14	2014-15	TOTAL
Training Classes Provided for State Agencies	26	31	57
Training Classes Provided to Boards and Commissions	1	1	2
Training Classes Provided as ongoing on-line course	1	1	2
Training Classes Provided to Ethics Officers	0	0	0
Training Classes Provided for Lobbyist/Other Organizations	3	1	4
<b>TOTAL TRAINING CLASSES</b>	<b>31</b>	<b>34</b>	<b>65</b>

<u>Total Number of Participants Trained</u>	
2013-2014	1,905
2014-2015	2,200
<b>Total</b>	<b>4,105</b>



## WEBSITE

The Commission's home page can be found at <http://ethics.ky.gov/>. The website provides information on Commission members and staff, advisory opinions, lobbying, training, post-employment laws, ethics officers, financial disclosure, and administrative actions. Many of the publications produced by the Commission are available to the general public from the website including the employee *Guide to the Executive Branch Code of Ethics*, as well as the text of the Executive Branch Code of Ethics, KRS Chapter 11A, Title 9 of the Administrative Regulations, and Executive Orders 2008-454 and 2009-882.

During the biennium, the Commission worked with Ky.Gov to develop a payment application for the \$125 registration fee required from all employers and real parties in interest who have engaged executive agency lobbyists. Beginning with the July 1, 2013 reporting period, employers and real parties in interest are now able to pay their fees online using a credit card or electronic check payment by accessing the app from the Commission's website. Ky.Gov also developed an administration application allowing Commission staff to access and record all payments made thru the Commission's website helping to streamline the payment, recording, and collection of registration fees.

The screenshot shows the home page of the Executive Branch Ethics Commission website. The header includes the Ky.gov logo and the text "EXECUTIVE BRANCH ETHICS COMMISSION COMMONWEALTH OF KENTUCKY". A navigation menu on the left lists various sections such as "Commission Members and Staff", "Advisory Opinions", and "Publications". The main content area features a "Home" section with a notice about the office's new location at Capital Complex East, 1025 Capital Center Drive, Sta 104, Frankfort, Kentucky. It also includes an "Authority" section explaining the commission's legal basis in Kentucky Revised Statutes Chapter 11A. Other sections include "Contact Information" for Executive Director Kathryn H. Gabhart, "External Links", and "Function and Mission". A sidebar on the right contains a "Click HERE to File Your SFD" button, a "Next Meeting" announcement for Monday, September 17, 2018, and a "Request for Proposals - Hearing Officers" section.

## ETHICS OFFICERS

Ethics officers act as liaisons between their agency and the Commission. The Commission furnishes ethics officers with copies of all advisory opinions and publications of the Commission. The ethics officers are responsible for disseminating such information to their staffs. Additionally, the ethics officers coordinate approvals of outside employment for employees. Ethics officers further assist the staff of the Executive Branch Ethics Commission with ensuring officers and elected officials file the financial disclosure statements as required by law. During the biennium, 104 ethics officers received training in their role as ethics officers on behalf of their agencies. The Commission requests that all agencies designate an Ethics Officer to represent their agency before the Commission.

## PUBLICATIONS

As part of the Commission's educational emphasis, several publications explaining the various components of the code of ethics have been produced and are regularly updated. These items have been distributed to each state agency and are available for distribution to each employee upon request and are provided during trainings or new employee orientation.

<b>PUBLICATION</b>	<b>LATEST DATE OF PUBLICATION/REVISION</b>
<i>Acceptance of Gifts</i> (brochure)	July 2000
<i>Executive Agency Lobbying Handbook</i>	January 2007
<i>Leaving State Government?</i> (brochure)	February 2005
<i>Guide to the Executive Branch Code of Ethics</i> (booklet)	September 2012
<i>Advisory Opinions (1992 – 2010)</i> (bound by year)	May 2015
<i>Executive Branch Ethics Commission</i> (General Information brochure)	November 2012
<i>Ethical Guidelines for Members of Boards &amp; Commissions</i> (brochure)	September 2009
<i>Ethics Officer Training Guide</i> (booklet)	September 2013

## ADVISORY OPINIONS

The Commission is directed by statute to issue written advisory opinions. If an employee, agency head, or member of the general public is unclear about a provision in the code of ethics, or if a situation is not specifically addressed in the code, an advisory opinion may be requested, in writing, from the Commission.

If the Commission determines that the matter has been addressed in a previous advisory opinion, it will issue advice in a staff opinion or informal reply. Informal replies are responses (advisory letter, e-mail, or telephone call) rendered by the Ethics Commission's Executive Director or General Counsel. Frequently, employees may have questions or situations that require a swift reply. An advisory letter is limited to issues previously addressed by the Commission by issuance of a formal advisory opinion or easily answered by a review of the statutes and Administrative Regulations.

If the Commission determines that the matter has not been addressed in a previous advisory opinion, it will issue a new opinion to the requestor. In addition, the Commission may issue advisory opinions upon its own motion. Advisory opinions issued by the Commission are based on the code of ethics, agency regulations, and past Commission decisions. Because the Executive Branch Ethics Commission is the regulatory body authorized to interpret the code of ethics, the advisory opinions issued by the Commission are enforceable. Such opinions are public record and provide guidance to other employees with similar questions. Copies of written advisory opinions are distributed electronically and by paper copy to state agencies via ethics officers, employees and members of the general public who request them. Advisory opinions are also available on the Commission's website <http://ethics.ky.gov/>. The Commission provides a searchable database of its opinions on its website.

### ADVISORY OPINIONS ISSUED JULY 1, 2013- JUNE 30, 2015

The Commission issued **4** advisory opinions during the **2013-2014** fiscal year, and **2** during the **2014-2015** fiscal year. Additionally, the Commission issued **2** advisory letters during fiscal year **2013-2014** and **10** during fiscal year **2014- 2015**. See below the advisory opinions and letters issued by primary topic. Following are the summaries of the advisory opinions issued.

### ADVISORY OPINIONS AND LETTERS, BY PRIMARY TOPIC

<u>Topic</u>	<u>Number Issued</u>
General Conflicts of Interest.....	8
Gifts/Travel Expenses.....	2
Outside Employment/Post Employment.....	7
Lobbying.....	1
Endorsement.....	2
<b>TOTAL</b>	<b><u>20</u></b>

## **SUMMARY OF OPINIONS**

**July 1, 2013 - June 30, 2015**

### **July 1, 2013- June 30, 2014**

**Advisory Opinion 13-03:** When a 501(c)(3) charitable nonprofit organization exists solely for the purpose of supporting an executive branch agency, the staff of that agency may, with certain limitations, participate in temporary fundraising activities on behalf of the nonprofit organization and provide administrative support to the organization, subject to the approval and oversight of agency management. Further, the agency and the nonprofit organization may enter into a written agreement to establish the parameters of such support of the nonprofit organization by the agency.

**Advisory Opinion 13-04:** According to the Executive Branch Code of Ethics, “executive agency lobbying” occurs when, after initial contact with a private firm to express interest in a new business relationship is initiated by the staff of an executive branch agency rather than by the staff of the private firm, the private firm chooses to respond to the executive branch agency’s expressed interest in the new business relationship.

**Advisory Opinion 14-01:** The Personnel Cabinet may expand the scope of its “State Employee Discounts” website to include discounts from additional private entities within certain parameters.

**Advisory Opinion 14-02:** Based on both the characteristics of the job and the examples of duties or responsibilities of the job classification, a former Assistant State Highway Engineer in the Kentucky Transportation Cabinet is considered an “officer” as that term is defined in KRS 11A.010(7) and must comply with the post employment restrictions applicable to "officers" within the Executive Branch Code of Ethics.

### **July 1, 2014 - June 30, 2015**

**Advisory Opinion 14-03:** Within limitations, an employee of the Office of Attorney General may provide security to the Attorney General on state time when the Attorney General is attending a private or political event.

**Advisory Opinion 15-01:** The Kentucky Department of Fish and Wildlife Resources may be granted an exemption from KRS 11A.040(5) in order to provide awards as part of an employee recognition program to employees who have "achieved excellence" or had accomplishments that have "helped to advance the Wildlife Division" pursuant to the proposed criteria outlined in the opinion.

**SUMMARY OF EXCEPTIONS TO KRS 11A.045**  
**July 1, 2013-June 30, 2015**

**July 1, 2013-June 30, 2014**

None

**July 1, 2014-June 30, 2015**

None

These summaries are designed to provide examples of decisions of actual inquiries of the Commission. Key points may have been deleted in the interest of brevity. Each opinion is available in its entirety upon request from the Executive Branch Ethics Commission, Capital Complex East, 1025 Capital Center Drive, Suite 104, Frankfort, Kentucky, 40601, (502) 564-7954, or on the Commission's website at <http://ethics.ky.gov/>.

## FINANCIAL DISCLOSURE

One of the Commission's principal responsibilities is to administer the financial disclosure provisions of the statute. State elected officials and appointed officers, as defined by KRS 11A.010(7), in the executive branch of state government are required by statute to file a statement of financial disclosure with the Commission no later than April 15 for the previous calendar year or within 30 days of termination of employment. Candidates for executive branch state offices are required to file a disclosure statement no later than February 15 of an election year. Statements of Financial Disclosure are open to the public for inspection.

Failure to file a disclosure statement in a timely manner is punishable by withholding of the employee's salary until the statement is filed. The following information is required to be disclosed on the statement:

- ◆ Name and address, both residential and business;
- ◆ Title of position or office in state government;
- ◆ Other occupations of filer or spouse;
- ◆ Positions held by filer or spouse in any business, partnership, or corporation for profit;
- ◆ Names and addresses of all businesses in which the filer, spouse, or dependent children had an interest of \$10,000 or 5% ownership interest or more;
- ◆ Sources of gross income exceeding \$1,000 of the filer or spouse including the nature of the business;
- ◆ Sources of retainers received by the filer or spouse relating to matters of the state agency for which the filer works or serves in a decision-making capacity;
- ◆ Any representation or intervention for compensation by the filer or spouse before a state agency for which the filer works or serves in a decision making capacity;
- ◆ All positions of a fiduciary nature in a business;
- ◆ Real property in which the filer, spouse or dependent children has an interest of \$10,000 or more;
- ◆ Sources of gifts or gratuities with a retail value of more than \$200 to the filer, spouse or dependent children; and
- ◆ Creditors owed more than \$10,000.

## **ELECTRONIC FORMS**

Employees may download a blank Statement of Financial Disclosure form from the Commission's website at <http://ethics.ky.gov/> and complete the blank Statement of Financial Disclosure form electronically, print a paper copy and forward it with an original signature to the Commission. Paper forms are provided upon request.

The following statistics compare the disclosure statement filings for calendar years 2013 and 2014.

### FINANCIAL DISCLOSURE STATEMENTS

	CALENDAR YEAR 2013		CALENDAR YEAR 2014	
	#	<u>% of Total</u>	#	<u>% of Total</u>
Statements Filed Timely	1191	84.1%	1229	87.1%
Active Officers Filed Late/ Salary Withheld*	105 no salary withheld	7.4%	94 no salary withheld	6.7%
Former Officers Filed Late**	121	8.5%	87	6.2%
Former Officers Investigated for Failure to File Timely	4		2	
Former Officers Investigated for Failure to File Complete	1		0	
<b>TOTAL REQUIRED FILINGS</b>	1422		1412	

\*Officers who file late ARE subject to salary withholding; however, because of the two-week delay in processing payrolls, the officers were able to file prior to any actual withholding taking place.

\*\*These were filed before Commission action was recommended.

### AUDITS

Upon receipt of the Statements of Financial Disclosure, each is reviewed to determine whether it is complete and the instructions have been followed. The Commission is required by statute to audit the Statements to detect information that might suggest a conflict of interest or other impropriety. If such is detected, staff may refer Statements to the Commission and investigations may be initiated. This is accomplished by staff review of the forms.

### MONTHLY NOTICES

The Commission has worked with the Personnel Cabinet to initiate a process whereby the Personnel Cabinet notifies the Commission on a monthly basis of officers who have left their positions during the previous month. This enables the Commission staff to remind the former officers of the 30-day filing requirement for those leaving during the calendar year. This process has proven very helpful in reducing the number of former officers who file late, thereby reducing the need for further action by the Commission. The process was instrumental in producing 121 filings during or shortly after CY 2013 and 87 filings during or shortly after CY 2014.

# **INVESTIGATIONS, ADMINISTRATIVE PROCEEDINGS AND LITIGATION**

## **COMPLAINTS**

A citizen of the Commonwealth may submit a complaint signed under penalty of perjury alleging a violation of KRS Chapter 11A. The provisions of KRS 11A.080 require the Commission to investigate such a complaint. In addition, the Commission may initiate a preliminary investigation of an alleged violation upon its own motion based on information obtained from various sources such as information received by Commission staff from a private citizen or whistleblower under the protection of KRS 61.102, a referral from another state agency, or a media story.

## **INVESTIGATIONS**

Pursuant to KRS 11A.080, the Commission conducts confidential investigations of possible violations of the Ethics Code. Oftentimes, the Commission receives referrals from appointing authorities or Ethics Officers concerning possible violations of the Ethics Code by their employees or former employees. If so, pursuant to KRS 11A.080(2)(c), the Commission staff is at liberty to keep your agency updated as to the status of these investigations.

During the course of the Commission's investigations of matters that you have referred to us, you may be asked to assist us in gathering documents or tracking down witnesses to be interviewed. In such instances, please ensure that the confidential nature of our investigation is preserved.

Due to recent legislation, pursuant to KRS 11A.080(2)(a), the Commission is now at liberty to refer evidence to other agencies "with jurisdiction to review, audit, or investigate the alleged offense, evidence which may be used by those agencies for investigative purposes."

During the course of your tenure as an Ethics Officer, we encourage you to contact us any time you are concerned a public servant may be violating the Ethics Code or may be entering into a course of conduct that could potentially violate the Ethics Code. We will be happy to provide that employee with guidance or to investigate the matter further. Any time that we can work together to prevent a violation before it happens is in the best interest of the Commonwealth.

### **The Complaint or Information:**

The Executive Branch Ethics Commission must investigate an alleged violation of KRS Chapter 11A upon receiving a complaint signed under penalty of perjury. The Ethics Commission may also investigate an alleged violation upon its own motion. The Ethics Commission considers information received by the Ethics Commission staff in person, by telephone, by letter, or through the media. Commission staff will take complaints from anonymous complainants, if the alleged conduct is specifically defined. If the information Commission staff receives indicates that a

public servant may have violated the Ethics Code, the Ethics Commission will determine whether to initiate a preliminary investigation upon its own motion at its next regularly scheduled meeting.

The complaint, whether under penalty of perjury, informal, or anonymous, remains confidential. All records relating to the Ethics Commission's investigations, unless used as part of an administrative hearing, remain confidential. See 97-ORD-70, 02-ORD-44, 07-ORD-201, 07-ORD-202.

*Source:* KRS 11A.080(1) and 9 KAR 1:015

### **The Preliminary Investigation:**

Within ten days of the initiation of the preliminary investigation, the Ethics Commission must forward to the alleged violator a copy of the complaint (if applicable) and a general statement of the law violated. Thus, the Ethics Commission will notify a public servant by certified letter if he or she is under investigation.

Unless an alleged violator publicly discloses the existence of the preliminary investigation, the Ethics Commission is required to keep confidential the fact of the preliminary investigation. This confidentiality remains until the Ethics Commission determines probable cause of a violation and initiates an administrative proceeding to determine whether there has been a violation. However, the Ethics Commission may inform a referring state agency of the status of, or any action taken on, an investigative matter referred to the Ethics Commission by the agency. It may also, for investigative purposes, share evidence, at its discretion, with the Auditor of Public Accounts and the Personnel Board. These entities are covered by the confidentiality requirement of KRS 11A.080 when working with the Commission on a preliminary investigation. 94-ORD-81.

The Ethics Commission has the power to subpoena witnesses and evidence, as well as use the facilities of other agencies in carrying out its investigations. The Ethics Commission views its investigations as fact-finding missions. The Ethics Commission does not desire to bring charges without sufficient evidence. If the Ethics Commission determines that evidence is not sufficient to show probable cause of a violation during the preliminary investigation, the public servant is confidentially informed that the investigation is terminated and such notification remains confidential. This confidentiality is designed to protect the reputation of an employee who is falsely accused of a violation or against whom there is insufficient evidence to warrant further action.

*Source:* KRS 11A.080(2) and (3), 11A.070, and 11A.090

### **The Confidential Reprimand:**

The Ethics Commission may find probable cause of a violation during a preliminary investigation, but find mitigating circumstances, such as lack of financial gain to the employee, lack of loss to the state, and lack of impact on public confidence. In such situations, the Ethics Commission may confidentially reprimand the alleged violator rather than initiate an administrative proceeding. A confidential reprimand is merely a letter from the Ethics

Commission sent to the public servant by certified mail. A copy is also sent to the appointing authority with instructions that the letter remain confidential.

*Source:* KRS 11A.080(4)(a)

### **Charges of the Commission:**

If the Ethics Commission finds probable cause that a public servant may have violated the Ethics Code, and no mitigating factors exist that would justify a confidential reprimand, the Ethics Commission will vote to issue charges against the violator. These charges come in the form of a document called the Initiating Order. This is the first public document in the Ethics Commission's record. This document begins the administrative proceedings process. The Ethics Commission's charges are civil in nature, but can lead to criminal prosecution.

After charging an alleged violator with a violation of the Ethics Code, the Ethics Commission must prove by clear and convincing evidence during an administrative hearing that the public servant has actually violated the Ethics Code. This is a high standard and requires the Ethics Commission to ensure that it has good, solid evidence to bring charges against a violator.

The Ethics Commission's administrative hearings follow the KRS Chapter 13B process. During the administrative hearing, the alleged violator has due process rights to be represented by counsel, call witnesses, introduce exhibits, and cross-examine witnesses. The Ethics Commission's General Counsel serves as the "prosecutor" of these actions. The Hearing Officer will hear all evidence and issue a recommended order to the Ethics Commission. A final determination whether a violation occurred is ultimately made by the Ethics Commission. A public servant may appeal a final order to the Franklin Circuit Court for judicial review and appeal these decisions all the way to the Supreme Court.

The Ethics Commission will settle matters with an individual if the individual will admit to the conduct and pay a reduced penalty.

*Source:* KRS 11A.080(4)(b), KRS 11A.100(1), (2), and (3).

### **Penalties**

The Ethics Commission, upon clear and convincing proof of a violation of the Ethics Code, may:

- Issue a cease and desist order;
- Require a public servant to file a report, statement, or other information;
- Issue a written, public reprimand which will be forwarded to the public servant's appointing authority;
- Recommend to the appointing authority that the public servant be removed from office or his or her position; and
- Order the public servant to pay a civil penalty of not more than **\$5,000** for **each** violation.

In addition:

- If the violation has substantially influenced the action taken by any state agency in any particular matter, such shall be grounds for voiding, rescinding, or canceling the action on such terms as the interest of the state and innocent third persons require.
- The Ethics Commission **shall** refer to the Attorney General all evidence of violations of KRS 11A.040 for prosecution – violations are Class D felonies punishable by one to five years in jail and additional fines.
- An employee who fails to file with the Ethics Commission his statement of financial disclosure by the due date will have his salary withheld until the statement is filed.

*Source:* KRS 11A.100(3), (4), and (5), and KRS 11A.990

### **Statute Of Limitations**

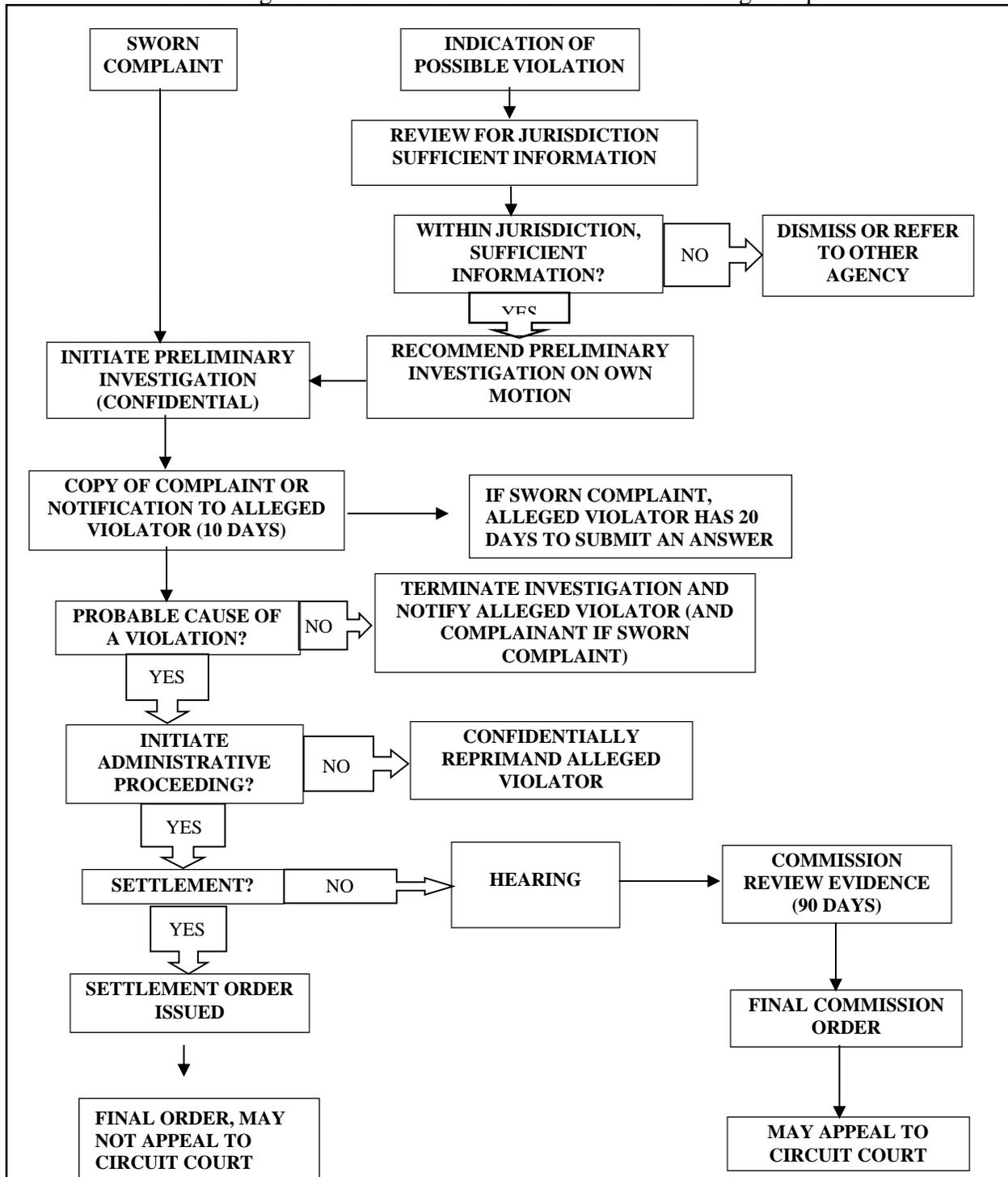
For civil penalties, the Commission does NOT have a statute of limitations, and can review conduct, no matter when it occurred; however, the older the evidence, the shorter the memories, the harder a matter is to prove. KRS 11A.990 follows 4-year statute of limitations for felony convictions.

### **Appeals**

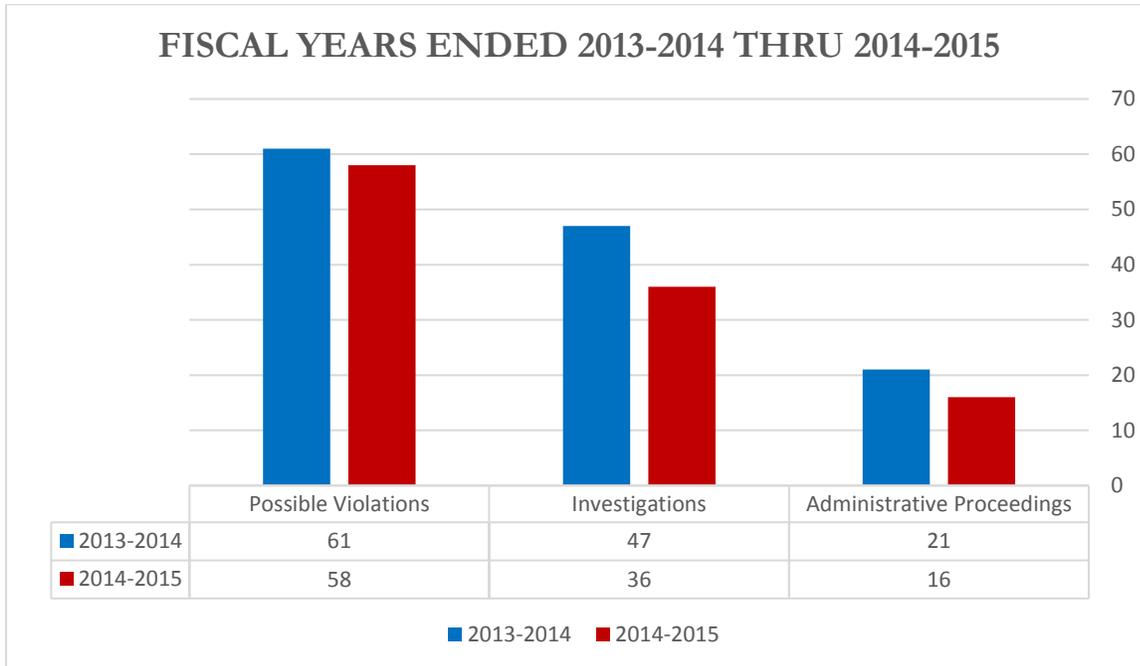
The Commission's final orders may be appealed to the Franklin Circuit Court pursuant KRS 13B.140.

## INVESTIGATIVE FLOW CHART

The following flow chart illustrates the Commission's investigative process.



If the Commission finds, during a preliminary investigation, that probable cause of a violation has occurred, the Commission may pursuant to KRS 11A.080(4): 1) due to mitigating circumstances such as no significant loss to the state, lack of significant economic gain to the alleged violator, or lack of significant impact on public confidence in government, issue to the alleged violator a confidential reprimand and provide a copy of the reprimand to the alleged violator's appointing authority; or, 2) initiate an administrative proceeding to determine whether there has been a violation.



### **ADMINISTRATIVE PROCEEDINGS**

The provisions of KRS Chapter 13B apply to all Commission administrative hearings. If, during an administrative hearing, the Commission finds clear and convincing proof of a violation of the code of ethics, it may require the violator to cease and desist the violation, require the violator to file any required report or statement, publicly reprimand the violator, recommend the appointing authority suspend or remove the violator from office or employment, and/or impose a civil penalty of not more than \$5,000 per each violation. (Collected civil penalties are deposited into the General Fund.) In addition, any violation that has substantially influenced action taken by any state agency in a matter shall be grounds for voiding, rescinding or canceling the action based on the interests of the state and innocent third persons. The Commission must refer to the Attorney General for prosecution any violations of KRS 11A.040. Final action by the Commission may be appealed to the Circuit Court upon petition of any party in interest.

## STATISTICS

	<u>2013--2014</u>	<u>2014—2015</u>	<u>Total</u>
Possible Violations Reviewed	61	58	119
Investigations Initiated	47	36	83
Investigations Terminated	14	28	42
Confidential Reprimands	6	14	20
Administrative Proceedings Initiated	21	16	37
Cases Referred To Other Agencies	3	21	24
Employees Penalized	20	17	37
Investigations Active at Fiscal Year End	15	11	26

## DISPOSITION OF INVESTIGATIONS

Informal complaints received by the staff were researched and either brought to the Commission, referred to another agency, or dismissed for lack of jurisdiction. Of the preliminary investigations initiated, either during this biennium or the previous one, 42 did not have sufficient facts to constitute a violation of the code of ethics; however, many alleged violators were sent information to ensure future compliance with the code of ethics. Twenty investigations showed probable cause of a violation; however, due to mitigating circumstances, the alleged violators were confidentially reprimanded during the biennium. Fifteen investigations remained active as of June 30, 2014, and eleven investigations remained active as of June 30, 2015. In 37 other investigations, the Commission found probable cause of violations and issued initiating orders for administrative proceedings during the biennium. These proceedings, along with proceedings that were still active at the beginning of the biennium, are detailed as follows:

**ADMINISTRATIVE ACTIONS**  
**JULY 1, 2013 THROUGH JUNE 30, 2015**

**Executive Branch Ethics Commission v. Robert Habig**, Case Number: 11-010

**Allegation:** That an employee with the Department of Parks, Tourism, Arts and Heritage Cabinet violated KRS 11A.020(1)(c) and (d), as well as KRS 11A.045(1) by using his official position to obtain financial gain for others, to secure or create privileges, exemptions, advantages, or treatment for others in derogation of the public interest at large, and by accepting gifts totaling a value greater than \$25 in a single calendar year from a person or business that does business with or attempting to influence the actions of the agency in which he is employed or which he supervises. Specifically Habig, the business manager at Lake Cumberland State Resort Park, along with his family, used a pontoon boat and a ski boat owned by State Dock Marina Ventures, LLC (“State Dock”) without paying a rental fee. State Dock has a lease agreement with the Department of Parks to lease the Lake Cumberland marina. The actual rental rate for the pontoon boat from State Dock is approximately \$119 to \$299, depending on the season, the size of the pontoon boat, and the length of the rental time; the rental fee for a ski boat from State Dock is approximately \$329 to \$529 depending on the size of the boat and the season.

**Conclusion:** In a Settlement Agreement the employee admitted violating KRS 11A.020(1)(c) and (d), as well as KRS 11A.045(1) as alleged, agreed to pay a \$500 civil penalty, received a public reprimand and waived any right to appeal.

**Executive Branch Ethics Commission v. Danita Fentress-Laird**, Case Number: 11-011

**Allegation:** That an employee in the Department of Agriculture, Office of Strategic Planning and Administration violated KRS 11A.020(1)(c) and (d), (2), and (3) by using her official position to give herself a financial gain and an advantage in derogation of the public interest at large; using her official position to secure or create privileges, exemptions, advantages, or treatment for herself in derogation of the public interest; failing 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; and failing to abstain from action on an official decision in which she had a personal or private interest and failing to notify her superior in writing of her reasons for abstaining so that her superior could have an impartial third party make the decision. Specifically, Fentress-Laird used her position to influence her superiors to allow her to create an assistant director classified, merit position within her own division, then took the following actions to ensure she was placed in the position herself: contacted the Department of Personnel to establish the new position and drafted the position description and job duties; applied as a candidate for the position after assigning her subordinate with the job of conducting the interviews; and created the interview questions and possible acceptable answers for her subordinate to use during the interview process. When her subordinate reported to Fentress-Laird her recommendation for the best candidate for the position, which was in fact Fentress-Laird, Fentress-Laird reported that recommendation to the Commissioner of Agriculture and directed her subordinate to establish through the Personnel Cabinet the pay grade for her new position as assistant director.

**Conclusion:** In a Settlement Agreement the employee admitted violating KRS 11A.020(1)(c) and (d), (2), and (3) as alleged, agreed to pay a \$1,500 civil penalty, received a public

reprimand, and waived any right to appeal.

**Executive Branch Ethics Commission v. Bradley Lowe, Case Number: 11-012**

**Allegation:** That an employee with the Department of Fish and Wildlife Resources violated KRS 11A.020(1)(a) and (d) by using or attempting to use his influence in matters that involved a substantial conflict between his personal or private interest and his duties in the public interest and by using his official position to secure or create privileges, exemptions, advantages, or treatment for others in derogation of the public interest at large. Specifically, Lowe used his official position as a conservation officer by brandishing his conservation officer badge and using his status as a law enforcement officer to falsely claim that he was involved in an official undercover investigation to secure entry for his fifteen year old daughter into an Alcoholic Beverage Control regulated establishment for patrons 21 years of age and older. He continued to brandish his badge to order drinks for his daughter while in the Lexington establishment.

**Conclusion:** In a Settlement Agreement the employee admitted violating KRS 11A.020(1)(a) and (d) as alleged, agreed to pay a \$2,500 civil penalty, received a public reprimand, and waived any right to appeal.

**Executive Branch Ethics Commission v. Billie Johnson, Case Number: 12-001**

**Allegation:** That the Assistant Director with the Division of Highway Safety Programs, Department of Transportation, violated KRS 11A.020(1)(c) and (d) and KRS 11A.045 by using her official position to obtain financial gain for others; to secure or create privileges, exemptions, advantages, or treatment for others in derogation of the public interest at large; and by knowingly accepting gifts totaling a value greater than twenty-five dollars (\$25) in a single calendar year from an entity that does business with the agency in which the public servant is employed. Specifically, during June of 2009, Johnson acquired and gave credentials to six friends, acquaintances, and family members to a race that the Division of Highway Safety Programs was sponsoring at the Kentucky Motor Speedway held on July 18, 2009. The credentials were received during the course of her employment and gave her friends and family members access to areas of the Kentucky Motor Speedway to which the general public could not gain access. Neither Johnson nor her friends and family members paid any amount for the credentials. The actual cost of a general admission ticket to the race was \$20 per ticket but the credentials have no face value because the general public does not have access to or the opportunity to buy the credentials, therefore the value is indeterminate.

**Conclusion:** This matter was pending at the end of biennium.

**Executive Branch Ethics Commission v. Boyd Sigler, Case Number: 12-002**

**Allegation:** That the Director of the Division of Highway Safety Programs, Kentucky Transportation Cabinet, violated KRS 11A.020(1)(c) and (d) and KRS 11A.045 by using his official position to obtain financial gain for himself and members of his family; to secure or create privileges, exemptions, advantages, or treatment for himself or others in derogation of the public interest at large; and by knowingly accepting gifts totaling a value greater than twenty-five dollars (\$25) in a single calendar year from an entity that does business with the agency in which the public servant is employed. Specifically, Sigler violated the Executive

Branch Code of Ethics by using his official position to gain access for himself and a family member to sections of the Kentucky Motor Speedway that were not accessible by the public so that he and his family member could meet with a well-known singer and actress. Sigler received information from officials of the time and date of the celebrity's appearance; when he arrived at the designated time, he was given a ride on a golf cart to non-public areas of the Speedway; he was allowed access to a suite overlooking the race in which to await the celebrity; and he was given private access to the celebrity to gain her signature for his family member.

**Conclusion:** In a Settlement Agreement approved by the Commission, the employee admitted to violating KRS 11A.020(1)(c) and (d) and KRS 11A.045 as alleged, agreed to pay a \$400 civil penalty, received a public reprimand, and waived any right to appeal. The Commission concluded the matter by issuing a Final Order. Sigler is no longer employed by the Commonwealth of Kentucky.

**Executive Branch Ethics Commission v. Dennis Sharon, Case Number: 12-003**

**Allegation:** That a Conservation Officer with the Department of Fish and Wildlife Resources violated KRS 11A.020(1)(a), (b), (c) and (d), KRS 11A.020(2), KRS 11A.020(3), and KRS 11A.040(1) 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; using his official position to give himself a financial gain and an advantage in derogation of the public interest at large; using his official position to secure or create privileges, exemptions, advantages, or treatment for himself in derogation of the public interest; failing to avoid all conduct which might in any way lead members of the general public to conclude that he was using his official position to further his professional or private interest, failing to abstain from an official decision in which he had or may have had a personal or private interest, and knowingly using confidential information acquired in the course of his official duties in order to further his own economic interests. Specifically, in April of 2007, Sharon participated in the multi-state law enforcement operation called "Skid Roe" concerning the commercial fishing of paddlefish in restricted waters, during which Sharon was assigned the task of serving a warrant. On or about April 23, 2007, Sharon served a warrant on the Albert Collins residence and seized cash and property related to Mr. Collins' commercial paddlefish fishing operation. On or about October 15, 2008, Sharon received a Resident Roe Bearing Harvester's Permit and Resident Commercial Fishing License from the Kentucky Department of Fish and Wildlife Resources. As documented on his Daily Roe Bearing Fish Harvester's Transaction Report, from approximately November 10, 2008, through February 22, 2010, Sharon reported participating in commercial fishing activities in which he sold approximately 464 pounds of paddlefish roe to Albert Collins. In January of 2008, Sharon met with Steve Kinder, a commercial fisherman, at the boat ramp in Carrollton, Kentucky, at the confluence of the Kentucky River and the Ohio River. Kinder and Sharon discussed Kinder's desire to fish the area during the following fishing season. Kinder asked Sharon to provide him with the exact measurements of the restricted area, pursuant to 301 KAR 1:155, Section 3(2)(b). On or about April 25, 2008, at the confluence of the Kentucky and Ohio rivers, Kinder observed two commercial fishermen already in the spot. The fishermen told Kinder that Dennis Sharon directed them to fish in the area in question. In November of 2008, at the start of the commercial fishing season, Kinder discovered Sharon conducting commercial fishing activities in the same

location in which Kinder told Sharon he was planning to begin fishing. Sharon used information gained during his official duties while speaking with Steve Kinder in confidence about the benefits of commercial fishing in waters at the confluence of the Kentucky and Ohio Rivers to benefit other fishermen and himself to further his own economic interests. On or about April 13 and November 18 of 2009 and January 14, March 5, April 1, 2, 5, 6 and 7 of 2010, Dennis Sharon and his designated helper Kenneth Burns were observed conducting commercial fishing activities on the Ohio River within 50 yards of the mouth of the Kentucky River, in violation of 301 KAR 1:155, Section 3(2)(b), despite attesting on his Resident Roe Bearing Harvester's Permit applications that the requirements of 301 KAR 1:155 are binding upon him and anyone he designated as a helper. By attesting on his application before the Department that he would follow 301 KAR 1:155 and failing to follow or enforce the requirements of that regulation, Sharon failed to avoid conduct which might in any way lead members of the general public to conclude that he was using his official position to further his professional or private interest. Such activities provided Sharon with the financial gain and benefit of fishing a restricted area that was not otherwise accessible by other commercial fishermen. Further, Sharon used his influence as a conservation officer to protect the activities of his designated helper, Kenneth Burns, allowing Burns the benefit and financial gain of fishing in waters that were otherwise restricted from other commercial fishermen. Sharon conducted these illegal activities despite his requirement as a law enforcement officer to uphold the law and his requirement as a conservation officer to enforce fish and wildlife laws and regulations. Sharon was able to conduct these illegal activities in a prolonged and open manner because he was known in the community as a law enforcement officer and used his influence as a conservation officer over the community and his Department to protect his activities as a commercial fisherman in restricted waters, which was a matter that involved a substantial conflict between his personal or private interest and his duties in the public interest. On or about March 5, 2010, conservation officers from the Indiana Department of Natural Resources ("DNR") seized gill nets found in restricted waters at the confluence of the Kentucky and Ohio rivers in Carrollton, Kentucky, equipped with expired 2009 commercial fishing tags belonging to Dennis Sharon. That same day, at a meeting in Boone County, Kentucky, Indiana DNR Conservation Officers Lt. Tony Stoll and Maj. Felix Hensley confronted Dennis Sharon in front of his commanding officers, Sgt. Greg Davis and Capt. Bobby Newman. Sharon proceeded to inform the officers that he had obtained a valid 2010 Commercial Fishing License, but refused to show it to the officers. Sharon did not apply for a 2010 Commercial Fishing license until March 8, 2010. Further, when asked by the officers whether he had any other nets set in the waters of the Ohio River in addition to the nets the officers seized at the mouth of the Kentucky River, Sharon answered in the negative. However, Indiana DNR officers later seized a net with expired 2009 commercial fishing tags that belonged to Dennis Sharon within fifty (50) yards of the mouth of the Little Kentucky River. Sharon was charged criminally for these offenses in Switzerland County, Indiana on March 2, 2012. Furthermore, Sharon reported on his Monthly Report of Commercial Fish Harvest in Kentucky for the month of March 2010 that he did not have commercial gill nets in any waters in Kentucky from March 1st through the 27th. However, the Indiana Officers seized gill nets belonging to Sharon placed in the Kentucky and Little Kentucky Rivers on March 5, 2010. Sharon failed to avoid conduct which might in any way lead members of the general public to conclude that he was using his official position to further his professional or private interest when he lied to the Indiana and Kentucky officers about having a valid commercial license and more nets in the water. Such activities were also an attempt by Sharon

to use his influence on the Kentucky and Indiana officers to protect his financial gain and benefit from fishing a restricted area that was not otherwise accessible by other commercial fishermen, which was a matter that involved a substantial conflict between his personal or private interest and his duties in the public interest. On or about April 6, 2010, Dennis Sharon was informed by his commanding officer, Sgt. Greg Davis, of the measurement of the restricted areas around the confluence of the Kentucky and Ohio Rivers and was provided a map including the coordinates of the restricted fishing areas. Later that day, Sharon was observed measuring and moving his commercial fishing nets, leaving his nets within the restricted zone. Again on or about April 7, 2010, Sharon was observed measuring and moving his commercial fishing nets, leaving his nets in restricted waters. This conduct shows how Sharon failed to avoid conduct which might in any way lead members of the general public to conclude that he was using his official position to further his professional or private interest. Such activities were also an attempt by Sharon to use his influence as a Kentucky conservation officer to protect his financial gain and benefit from fishing a restricted area that was not otherwise accessible by other commercial fishermen, which was a matter that involved a substantial conflict between his personal or private interest and his duties in the public interest. On or about April 7, 2010, conservation officers from the Indiana Department of Natural Resources (“DNR”) stopped Dennis Sharon for commercially fishing in restricted waters and seized gill nets as well as over 12 lbs of paddlefish roe found in restricted waters at the confluence of the Kentucky and Ohio Rivers in Carrollton, Kentucky. During this encounter, Indiana DNR Conservation Officers Sgt. John Cannarella, Corp. Steve Kinne, and Corey Norrod confronted Dennis Sharon about his commercial fishing in restricted waters. Sharon proceeded to inform the officers that he had been given permission by his commanding officers to fish in the restricted area and that he would have his agency defend him in court. Sharon was charged criminally for this conduct in Switzerland County, Indiana on March 2, 2012. Sharon failed to avoid conduct which might in any way lead members of the general public to conclude that he was using his official position to further his professional or private interest. Such activities were also an attempt by Sharon to use his influence on Indiana officers to protect his financial gain and benefit from fishing a restricted area that was not otherwise accessible by other commercial fishermen, which was a matter that involved a substantial conflict between his personal or private interest and his duties in the public interest. On or about March 22, 2011, Dennis Sharon, without permission or the knowledge of his supervisors, while in uniform and driving his commissioned vehicle, left his assigned county of Gallatin in District 5 and travelled to Oldham County in District 3, to meet with Oldham County Attorney, John Carter, to influence the prosecution of David Cottrell, a commercial fisherman. On March 22, 2011, Sharon was working on state time and claimed 7.5 of regular hours on his official timesheet. Based on a citation brought by Indiana DNR Officers Steve Kinne and Corey Norrod, David Cottrell was charged with failure to maintain the required number of commercial fishing tags on his gill nets placed in the Ohio River. David Cottrell and Sharon both sell fish roe to Jessica Schigur, the Fish Roe Buyer whom Dennis Sharon has sold fish roe to from approximately November 20, 2010, to the present. Sharon told Mr. Carter that the offenses for which Mr. Cottrell had been charged were not offenses that the Kentucky Department of Fish and Wildlife Resources was interested in prosecuting. By attempting to influence the prosecution of David Cottrell, Sharon failed to avoid conduct which might in any way lead members of the general public to conclude that he was using his official position to further his professional or private interest in commercial fishing by helping out another commercial fisherman related to his fish roe buyer. Such activities were also an attempt

by Sharon to represent the interests of the Kentucky Department of Fish and Wildlife Resources in a way that would also protect his and other commercial fishermen's financial gain and benefit him by influencing the enforcement of commercial fishing laws and regulations to suit his private interests. Finally, Sharon was attempting to influence a matter that involved the same Indiana DNR officers who charged him with commercial fishing law violations, which is a substantial conflict between his personal or private interest and his duties in the public interest. On or about April 17, 2011, Dennis Sharon told Barrett Brewer, the conservation officer assigned to Oldham County, to not get involved with the prosecution of David Cottrell in Oldham County for the commercial fishing violation from March 2011. Sharon told Officer Brewer that that he, Dennis Sharon, was handling the matter and that Officer Brewer need not get involved. Sharon told Brewer that the case against David Cottrell should not be prosecuted. By attempting to influence Officer Brewer to not get involved with the prosecution of David Cottrell, Sharon failed to avoid conduct which might in any way lead members of the general public to conclude that he was using his official position to further his professional or private interest in commercial fishing by helping out another commercial fisherman related to his fish roe buyer. Such activities were also an attempt by Sharon to influence Officer Brewer and the Kentucky Department of Fish and Wildlife Resources in a way that would also protect his and another commercial fisherman's financial gain and benefit him by influencing the enforcement of commercial fishing laws and regulations to suit his private interests. Finally, Sharon was attempting to influence a matter that involved the same Indiana DNR officers who charged him with commercial fishing law violations, which is a substantial conflict between his personal or private interest and his duties in the public interest. On or about October 21, 2008, Sharon applied for a commercial fishing license and Roe Bearing Harvesters Permit with the Department. Sharon's supervisors instructed him that he was not to participate in official duties or enforcement activities in the counties in which he conducted commercial fishing and to avoid commercial fishing activities in his assigned county of Gallatin County, which was consistent with the Department's policy. From November 2008 through April 2010, Sharon was observed on multiple occasions by the public and law enforcement officers participating in commercial fishing activities in Carroll County, Kentucky. From October 2008 through present, Sharon has issued approximately 24 citations in Carroll County, Kentucky, approximately 7 of which involve fishing related violations. By participating in commercial fishing activities in Carroll County and issuing citations in Carroll County, Sharon failed to avoid conduct which might in any way lead members of the general public to conclude that he was using his official position to further his professional or private interest and failed to abstain from an official decision in which he had or may have had a personal or private interest. On or about April 2, 2011, while in uniform and in his commissioned vehicle, Sharon confronted two commercial fishermen at Point Park in Carrolton, Kentucky, for placing nets too closely to his commercial fishing nets located at the confluence of the Kentucky and Ohio Rivers and threatened to write them citations for the conduct and confiscate their nets so that they could not fish in the location any longer.

**Conclusion:** In a Settlement Agreement approved by the Commission, Sharon agreed to pay a \$10,000 civil penalty, received a public reprimand, and waived any right to appeal. The Commission concluded the matter by issuing a Final Order. Sharon is no longer employed by the Commonwealth of Kentucky. Matter referred to Attorney General's office.

**Executive Branch Ethics Commission v. Dallas E. Kelly, Case Number: 12-004**

**Allegation:** That while employed as an Environmental Inspector III, Division of Mine Reclamation and Enforcement, Department of Natural Resources Kelly violated KRS 11A.020(1)(b), (c), and (d) by using or attempting to use any means to influence a public agency in derogation of the state at large, using his official position to obtain financial gain for himself or any members of his family, and using or attempting to use his position to secure or create privileges, exemptions, advantages, or treatment for himself or others in derogation of the public interest at large. Specifically Kelly falsified timesheets, vehicle logs, and mine reports, claiming to have performed inspections that he had not performed; completed a mine report with inaccuracies that influenced his public agency in derogation of the state; and failed to fulfill his job duties while receiving compensation.

**Conclusion:** In a Settlement Agreement, Kelly admitted that his conduct violated the Executive Branch Code of Ethics, agreed to pay a \$500 civil penalty, received a public reprimand, and waived any right to appeal. The Commission concluded the matter by means of an Agreed Final Order. Kelly is no longer employed by the Commonwealth of Kentucky.

**Executive Branch Ethics Commission v. Michael Cooper, Case Number: 12-005**

**Allegation:** That while employed as the Commissioner of the Department of Tourism, in the Tourism, Arts, and Heritage Cabinet, Cooper violated KRS 11A.020(1)(c) and (d) by using his official position or office to obtain financial gain for himself or members of his family and to secure or create privileges, exemptions, advantages, or treatment for himself or others in derogation of the public interest at large. Specifically Cooper travelled to London, England, without notice to or prior approval of his agency, and participated in events organized by GOSH PR, an entity with which his Cabinet maintained an ongoing contract. During his London visit, GOSH PR paid for meals, taxi cabs and other activities for Cooper. After he returned from the trip, Cooper informed his agency that the trip to London was for personal reasons; however, he later approved an invoice submitted by GOSH PR for reimbursement by his agency of the expenses incurred by GOSH PR on Cooper's behalf. In addition, during Cooper's tenure as Commissioner, he generally failed to follow personnel rules for reporting travel expenses, charged personal items to a state-issued credit card without informing his agency, conducted personal business while on approved state travel, booked more expensive flights in order to combine business and pleasure travel, and showed an overall failure to keep the documentation necessary for reimbursement for business travel.

**Conclusion:** In the Settlement Agreement, Cooper admitted that his conduct violated the Executive Branch Code of Ethics, agreed to pay a \$2000 civil penalty, received a public reprimand, and waived any right to appeal. The Commission concluded the matter by issuing a Final Order. Cooper is no longer employed by the Commonwealth of Kentucky.

**Executive Branch Ethics Commission v. Margaret "Geri" Murphy, Case Number: 12-006**

**Allegation:** That a Social Service Clerk I in the Department for Community Based Services violated KRS 11A.020(1)(b) and (d) by using or attempting to use any means to influence a public agency in derogation of the state at large and using her official position to secure or create privileges, exemptions, advantages, or treatment for herself in derogation of the public

interest at large. Specifically, from April 2006 - October 2010, Murphy falsified reports claiming to have performed investigations into the abuse and neglect of children that she had not performed, completed reports with inaccuracies that influenced her public agency and other law enforcement agencies in derogation of the state, and failed to fulfill her job duties while receiving wages and benefits.

**Conclusion:** In a Settlement Agreement approved by the Commission, Murphy admitted to violating KRS 11A.020(1)(b) and (d), agreed to pay a \$1750 civil penalty after she is released from prison, agreed to never again seek employment in any position within any branch of the government of the Commonwealth of Kentucky, received a public reprimand, and waived any right to appeal. The Commission concluded the matter by issuing an Agreed Final Order. Additionally, for this same conduct, Murphy was charged in Anderson Criminal Court with nine counts of Tampering with Public Records, pled guilty to all counts and was sentenced to five years in prison. She remains incarcerated. Matter was also referred to the Attorney General's office.

**Executive Branch Ethics Commission v. Michael Fitzgerald, Case Number: 12-006\***

**Allegation:** That an Agriculture Marketing Supervisor over the Organic Program with the Department of Agriculture violated KRS 11A.020(1)(a), (b), (c) and (d) and KRS 11A.020(2) 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; using his official position to give himself a financial gain and an advantage in derogation of the public interest at large; using his official position to secure or create privileges, exemptions, advantages, or treatment for himself in derogation of the public interest, and failing to avoid all conduct which might in any way lead members of the general public to conclude that he was using his official position to further his professional or private interest. Specifically, during January, February and March 2012, Fitzgerald used his state-issued email account and Department letterhead to endorse a private company to provide organic certification inspections and services to out-of-state organic product producers for which the Department chose to no longer provide such services on January 17, 2012. Fitzgerald used this private company to certify his private organic farm located in Henry County, Kentucky. Fitzgerald also used his endorsement of this private company to support his solicitation of said producers for his business of conducting private inspections and to generate business for the private company for which he sought to serve as an independent contractor. During 2010, 2011, and 2012, Fitzgerald, during time he was working for the Department, used his state-issued email account and state-issued cell phone to solicit and to arrange dates and times that he would perform inspections for out-of-state organic product producers. During 2010 through 2011, Fitzgerald, performed inspections at the locations of out-of-state organic product producers, which was outside of his regular job duties, while collecting a private fee, while often times on state time and driving a state vehicle. During 2010 through 2011, Fitzgerald used a state vehicle for no apparent work-related reason. Fitzgerald cited on the vehicle sign out logs that he was taking a state vehicle to perform "inspections," but performed no corresponding inspections either for out-of-state or in-state organic product producers and did not create any corresponding inspection records indicating that he had conducted such inspections during that year. Fitzgerald also cited using the state vehicle to perform specific in-state inspections that

were never actually performed and no record was generated to indicate an inspection was ever conducted. During 2010 and 2011, Fitzgerald performed private inspections for out-of-state organic product producers who had also requested to be certified by the Organic Program for which he was responsible, but Fitzgerald failed to ensure that these same producers' applications received the appropriate first review, final review or certificate, which was part of his job duties with the Department. During 2010 and 2011, Fitzgerald conducted the first review, final review, and signed the certificate for organic product producers despite having the responsibility as supervisor of the Organic Program to ensure that at least two individuals performed such functions as required by the federal rules applicable to the organic certification. Fitzgerald also performed the private inspections for these producers and accepted fees for performing the inspections. During 2010 and 2011, Fitzgerald submitted inspection reports to the Organic Program for private inspections that he claimed to have performed and had garnered a fee for performing for out-of-state organic product producers that he had not actually performed, could not have physically completed in the time allotted, or for which he performed insufficient and incomplete inspection reports. Fitzgerald's deficient inspection reports for the out-of-state producers influenced his Department to issue certificates to producers that might not have otherwise received certification had proper inspections been completed in derogation of the public interest. During 2010 and 2011, Fitzgerald either forged or ensured the forgery of the signature of his supervisor on certificates that were issued to out-of-state organic product producers certified by the Organic Program, for which he maintained responsibility, in matters in which he had also performed the private inspections for a fee. In 2011, Fitzgerald sold hay from his personal organic farm to an organic product producer certified under the Department's Organic Program, for which he maintained responsibility, and to which he had issued a Notice of Noncompliance a few months prior.

**Conclusion:** In a Settlement Agreement approved by the Commission Fitzgerald admitted violating KRS 11A.020(1)(a), (b), (c) and (d) and KRS 11A.020(2), agreed to pay a \$10,000 civil penalty, received a public reprimand, and waived any right to appeal. The Commission concluded the matter by issuing a Final Order. Fitzgerald is no longer employed by the Commonwealth of Kentucky.

**Executive Branch Ethics Commission v. Schyler Olt, Case Number: 12-007**

**Allegation:** That the former General Counsel with the Kentucky Retirement Systems violated KRS 11A.050(1), (2), and (3) by failing to properly file the Statement of Financial Disclosure with the Executive Branch Ethics Commission. Specifically, Olt, as an "officer" as defined in KRS 11A.010(7), failed to file a completed 2011 Statement of Financial Disclosure within the time period required by statute for the portion of calendar year 2011 during which he was employed by the Kentucky Retirement Systems as a General Counsel.

**Conclusion:** In a Settlement Agreement approved by the Commission, Olt admitted to violating 11A.050(1), (2), and (3), agreed to pay a \$100 civil penalty, received a public reprimand, and waived any right to appeal. The Commission concluded the matter by issuing a Final Order. Olt also filed the required Statement of Financial Disclosure.

**Executive Branch Ethics Commission v. Mark A. Jackson, Case Number: 12-008**

**Allegation:** That a former Special Assistant with the Department of Agriculture violated the Executive Branch Code of Ethics by failing to file a completed 2011 Statement of Financial Disclosure within the time period required by statute for the portion of calendar year 2011 during which he was employed by the Department of Agriculture.

**Conclusion:** In a Settlement Agreement, Jackson agreed to pay a \$100 civil penalty, received a public reprimand, and waived any right to appeal. The Commission concluded the matter by issuing an Agreed Final Order.

**Executive Branch Ethics Commission v. Charles Geveden, Sr., Case Number: 12-009**

**Allegation:** That during the course of his employment as the Deputy Secretary of the Justice and Public Safety Cabinet, he violated the Code of Ethics 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; used his official position to secure or create privileges, exemptions, advantages, or treatment for others in derogation of the public interest; and used his position to influence an agency in derogation of the state at large. Specifically Geveden admitted that he contacted multiple subordinate employees of departments within the Justice and Public Safety Cabinet to influence these individuals to make donations in support of Governor Steve Beshear's 2011 re-election campaign. During these conversations, Geveden referred to the individual employee's position and provided a specific dollar amount for the employee 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. He contacted these subordinate employees on their privately-listed home phone numbers and personal cell phone numbers to which he gained access through the personnel files and internal agency documents maintained at the Justice and Public Safety Cabinet. Geveden also admitted that, while on state time, he 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.

**Conclusion:** In a Settlement Agreement, approved by the Commission, Geveden paid a \$5000 civil penalty, received a public reprimand, and waived any right to appeal. The Commission concluded the matter by issuing a Final Order. Geveden is no longer employed by the Commonwealth of Kentucky. Matter was referred to the Kentucky Registry of Election Finance.

**Executive Branch Ethics Commission v. Richie Farmer, Case Number: 13-001**

**Allegation:** That Farmer, the former Commissioner of Agriculture, violated the Executive Branch Ethics Code by means of the following misconduct: 1) Influencing the creation of non-merit positions with no specific job duties and placing his friends in these positions, then making use of some of these state employees to perform personal errands for him during work hours; as well as influencing the placement of individuals into higher paying non-merit

positions while commandeering the duties and responsibilities of lesser paying merit positions for these non-merits, then oftentimes letting the individuals in the non-merit positions fail to perform their assigned duties. 2) Using his influence to interfere with the hiring of merit employees, often in contravention to the recommendations of the appropriate staff and the interview panels, frequently influencing the Kentucky Department of Agriculture (“KDA”) to hire individuals with political or personal connections to himself without regard to the individual’s merit. 3) Enabling individual employees to claim work time without the employees actually performing work-related activities for the KDA. 4) Using KDA employees, often on state time and using state resources, to chauffeur him and his family to doctors’ appointments, personal shopping trips, and hunting trips, even once directing KDA employees to chauffeur the family dog from the Kentucky State Fair to Farmer’s home in Frankfort; and also using KDA employees, often on state time and using state resources, to perform personal work for him at his personal residence, including building a basketball court and retaining wall in his back yard, moving furniture to and from his personal residence, doing landscaping and yard work, cleaning his garage, and laying tile and building shelves. 5) Using state time and resources to have the KDA provide his extended family with hotel rooms while attending the Kentucky State Fair, and using his position to influence KDA employees to fraudulently reserve those hotel rooms in the names of KDA employees he knew would not be utilizing the rooms in order for his extended family to occupy those rooms. 6) Using his position to abuse a state contract by giving tickets to the Kentucky High School Athletic Association’s Sweet Sixteen Basketball Tournament (“Sweet Sixteen”), which were provided to the KDA pursuant to the contract, to his extended family members. 7) Using state time and resources to have the KDA provide his extended family with hotel rooms to attend the Sweet Sixteen tournament. 8) Soliciting donations, or directing KDA staff to do so, for the Southern Association of State Departments of Agriculture (“SASDA”) conference to be held in Kentucky in 2008 from entities that the KDA regulated or with which it had a business relationship, as well as from entities that represented groups that the KDA regulated. 9) Using his position to influence employees within the KDA to spend state funds comingled with solicited funds from outside entities for the 2008 SASDA conference to purchase excessive and lavish gifts for visiting Agriculture Commissioners and himself in derogation of the public interest and the state at large; and using his position to influence employees within the KDA to also spend those funds to take the visiting Agriculture Commissioners’ wives on shopping trips to Fayette Mall, giving them \$50 gift cards as spending money, on a children’s program for only Farmer’s children in which KDA employees took Farmer’s children to a water park and other activities for the entire conference, on a trip totaling in excess of \$30,000 to Millionaire’s Row at Churchill Downs for gambling on races named for the visiting Agriculture Commissioners, and on opulent meals and entertainment all in derogation of the state interest. 10) Using his position to influence employees within KDA to spend exorbitant amounts of state funds comingled with solicited funds from outside entities on gifts for the 2008 SASDA conference, forcing these employees to take desperate measures to find supplemental funds to pay for the SASDA conference in derogation of the state interest. The measures taken by these employees included charging the KDA for employee registrations to the conference for employees who did not actually attend the conference, granting money to a commodity group with the requirement that the commodity group use the majority of the grant money to pay for SASDA expenses incurred by KDA, and to continue soliciting funds for SASDA from outside groups months after the SASDA conference occurred. 11) Using his position to take personal possession of four firearms and

carry cases, which were purchased with state funds and funds donated for the 2008 SASDA conference, that were meant as gifts for visiting Agriculture Commissioners either who did not ultimately attend the SASDA conference or who declined to accept the gift. 12) Directing KDA staff to use state resources and funds donated for the 2008 SASDA conference to order eight extra firearms and carry cases, in excess of the 17 firearms and cases ordered as gifts for visiting Agriculture Commissioners, then taking possession of these extra firearms for his own personal benefit. 13) Directing KDA staff to use state resources and funds donated for the 2008 SASDA conference to order approximately 35 extra Case knives, in excess of the 17 knives ordered as gifts for visiting Agriculture Commissioners, then taking possession of these extra knives for his own personal benefit. 14) Directing KDA staff to use state resources and funds donated for the 2008 SASDA conference to order approximately 33 extra cigar boxes, in excess of the 17 cigar boxes ordered as gifts for visiting Agriculture Commissioners, then taking possession of these extra cigar boxes for his own personal benefit. 15) Directing KDA staff to use state resources and funds donated for the 2008 SASDA conference to purchase excessive amounts of food, candy, alcohol, and other items over and above the amount of items necessary for the registered attendants at the SASDA conference, and, after the conference ended, directing the staff to relinquish these extra items to his spouse who took possession of these items for Farmer's personal benefit; and doing the same for items, including alcohol, solicited from and donated directly by outside entities for the 2008 SASDA conference. 16) Using state time and resources to provide his extended family members with hotel rooms at the hotel where SASDA was held and waiving registration fees for his family members to participate in the conference. 17) Using his position to acquire, for his personal use, the hotel rewards points for a conference held by KDA that were accrued by the KDA from the rooms occupied by employees and out-of-state travelers to the conference. 18) Directing KDA staff, after the SASDA conference, to use state resources and donated funds devoted for the SASDA conference to purchase approximately 111 extra watches, in excess of the approximately 64 watches ordered as gifts for KDA employees who worked on the conference, then taking possession of these extra watches for his own personal benefit. 19) Using his position to influence a Kentucky Proud vendor, who was making wooden hats as gifts for the visiting Agriculture Commissioners attending the SASDA Conference, to make additional hats, valued at \$600 each, for free for his family members and himself, as well as wooden bowls for his family members, promising the hat maker that Farmer would give the hat maker special treatment within the Gubernatorial administration in return. 20) Using his position, on two different occasions, to direct a KDA employee to use donated and purchased Kentucky Proud items to make over a dozen total gift baskets for Farmer's personal benefit. Farmer directed the employee to relinquish these gift baskets to his former spouse. The employee was required to use state time and resources, as well as her personal funds, to make these gift baskets for Farmer. On the second occasion, the KDA submitted to Farmer an invoice for the cost of the gift baskets, which Farmer never paid to the KDA. 21) Using his position to direct a KDA employee to use a state Procurement Card ("ProCard") to purchase a refrigerator that he gave to his former spouse to use at her workplace outside of state government. 22) Using his position on multiple occasions to direct KDA employees to use state funds to purchase in excess of 50 shirts for his own personal benefit from a KDA vendor. 23) Using his position to direct KDA employees to deliver to his home three laptop computers that had been purchased by the KDA for the use of three KDA employees. Farmer gave these computers to his family for their personal use and benefit. 24) Using his position to direct KDA employees to purchase filing cabinets in excess of \$600 with

locks, which were delivered to his home. These filing cabinets were never returned to the KDA after Farmer's term in office was complete. 25) Receiving gifts such as a wooden cowboy hat with the Kentucky Proud Logo, valued at \$1200-\$1500, and a firearm, priced at \$449, from attending the 2008 SASDA conference in Kentucky, as well as a wooden "UK" baseball cap, valued at \$1200-\$1500, and wooden hat stand with "32" engraving, valued at \$250, from a Kentucky Proud vendor, which Farmer failed to report on Statements of Financial Disclosure filed with the Executive Branch Ethics Commission. 26) Receiving complimentary tickets for various functions through his position as Commissioner, including, but not limited to, tickets to the Kentucky Oaks and Derby, the Sweet Sixteen tournament, and events held at the Kentucky Exposition Center. Farmer oftentimes sold these tickets for an amount greatly exceeding the face value of the ticket, and in the case of the Derby tickets, received in excess of \$1000 for these tickets. Farmer failed to report receiving these sources of income beyond his salary as Commissioner on his Statements of Financial Disclosure filed with the Executive Branch Ethics Commission during each of his eight years in office. 27) Failing to file a timely and complete his 2011 Statement of Financial Disclosure within the time period required by statute for calendar year 2011 during which he served as the Commissioner of Agriculture. 28) Interfering with the KDA's grant-giving process by instructing KDA employees to award the remainder of outstanding grant money to a grantee, which was a business managed by a former University of Kentucky basketball player, that was not performing according to the terms of the grant agreement. 29) Using his position to influence a private business to give him two all-terrain vehicles for his personal use and one all-terrain vehicle for his father's personal use in exchange for the promise of grant money from the KDA. 30) Using his position to attempt to influence KDA employees to grant a for-profit business state funds in the form of grant money as compensation for three all-terrain vehicles that the business had given Farmer for his and his father's personal use. 31) Using his position to influence his agency to use \$20,000 in Kentucky Proud funds to sponsor a racing team owned by a member of his family. 32) Using his position to influence KDA management personnel to give an employee, who was a KDA inspector and an extended family member of Farmer, a vehicle without a GPS unit despite the employee's supervisor showing Farmer evidence that this employee had tampered with his GPS unit on multiple occasions and was using the vehicle for his personal business and otherwise failing to perform his job duties. 33) Submitting to the Kentucky Registry of Election Finance ("the Registry"), in response to an audit being conducted by the Registry of Farmer's campaign account for his second bid for Commissioner, copies of receipts that were not his own, but were incurred by his sister who was a current employee of the Registry, which had been used by Farmer to gain reimbursement for himself from his campaign account in derogation of the state at large. The receipts were for gas and food expenses incurred by Farmer's sister on her personal time and not by Farmer for any campaign-related expenses. 34) Submitting to the Registry, in response to an audit being conducted by the Registry of Farmer's campaign account for his second bid for Commissioner, a letter, that he knew had been drafted by his sister who was a current employee of the Registry, which was misleading concerning the legitimacy of his campaign reimbursements and in derogation of the state at large. 35) Influencing the KDA to hire an individual with whom he had an ongoing intimate relationship and place her under his direct supervision. This individual was placed into a position with a significantly higher salary than the previous holder of the position. Farmer allowed this individual to claim work time without the individual actually performing work-related activities for the KDA. Farmer allowed this individual to continue to falsely claim work time over a six-week interval over the objection

of management within the KDA. Farmer directed management to sign timesheets for this individual even though Farmer and management had knowledge that she was not performing state work during the time claimed on her timesheets and was not present at her assigned work station for long intervals during which she claimed state time on her timesheets.

**Conclusion:** In a Settlement Agreement approved by the Commission Farmer admitted to all of the allegations contained in the Commission's March 18, 2013, Initiating Order. The only concession in regard to these ethics charges was an agreement by the Commission to combine some of the 42 counts contained in the Initiating Order that were closely related. The end result was an admission by Farmer to 35 counts of violating the Executive Branch Code of Ethics. In addition, as part of the settlement agreement, Farmer agreed to pay a \$63,000 civil penalty, agreed to cooperate with the Commission in any further investigations and proceedings, received a public reprimand, and waived any right to appeal. The settlement remained contingent upon the plea agreement Farmer entered in his federal criminal proceeding being accepted by the Federal Court. That plea was accepted by the Federal Court on January 14, 2014, with Farmer being sentenced to 27 months in federal prison, with a term of supervised release of one year, and ordered to pay \$120,500 in restitution to the Commonwealth of Kentucky. The Commission's Final Order concluded this matter. Matter was referred to Attorney General's office and the Kentucky Registry of Election Finance.

**Executive Branch Ethics Commission v. Bruce Harper, Case Number: 13-002**

**Allegation:** While employed as the Director of Outreach and Development, Kentucky Department of Agriculture, Harper used his official position to solicit donations for the Southern Association of State Departments of Agriculture ("SASDA") conference to be held in Kentucky in 2008 from entities that Agriculture regulated, did business with, or represented groups that Agriculture regulated, that he interfered with the enforcement and penalty procedures of the Office of the State Veterinarian by instructing Agriculture employees to probate a \$200 fine to zero for a farmer who had violated the dead animal disposal laws; and that he attempted to interfere with the enforcement and penalty procedures of the Division of Regulation and Inspection, Grain Regulation Branch, on behalf of a grain dealer that was a political contributor. Specifically Harper instructed an Agriculture employee to hold a \$3,000 penalty check submitted by a grain dealer, even though the grain dealer had already entered into an Agreed Order of Settlement to pay a fine of \$3,000 for violating Kentucky's grain law. Harper instructed the employee not to deposit the check, the normal course of business upon receiving a penalty check, but to hold the check until he could come to the Grain Regulation Branch offices and take possession of the check, with the intention of circumventing the check's deposit.

**Conclusion:** In a Settlement Agreement approved by the Commission, Harper agreed to pay a \$4,500 Civil Penalty, received a public reprimand, and waived any right to appeal. The Commission concluded the matter by issuing a Final Order. Matter was referred to Attorney General's office.

**Executive Branch Ethics Commission v. Chris Parsons, Case Number: 13-003**

**Allegation:** While employed as an Agricultural Inspector I, Office of State Veterinarian,

Kentucky Department of Agriculture, Parsons violated the Executive Branch Code of Ethics by claiming work time on his timesheets for time spent allegedly observing stockyard sales and performing inspections while consistently failing to appear at these stockyards, thereby collecting pay for time that he falsely reported on his timesheets; and when management reassigned his work station to Frankfort so as to closely monitor his work activities, Parsons failed to appear in Frankfort but claimed work time on his timesheets and did not otherwise perform any work-related activities for the Department, yet used his state-issued fuel card to purchase fuel on six occasions during that time period for personal use. Parsons also admitted that while employed as an Agricultural Inspector I, Weights and Measures Branch, Division of Regulation and Inspection, Kentucky Department of Agriculture, he violated the Executive Branch Code of Ethics by consistently claiming work time on his timesheets for time that he did not work while assigned the duties of testing scales at various gas stations and grocery stores, thereby collecting wages and benefits for time that he falsely reported on his timesheets and, further, failing to fulfill his assigned job duties while receiving compensation; and by using his state vehicle for non-work related reasons, driving the vehicle for extended periods of time through areas not included in his assigned region, while failing to perform any work related activities during this time, thereby using state resources for his own personal benefit.

**Conclusion:** In the Settlement Agreement, Parsons agreed to pay a \$5,000 civil penalty, received a public reprimand, and waived any right to appeal. The Commission concluded the matter by issuing an Agreed Final Order. Matter was referred to Attorney General's office.

**Executive Branch Ethics Commission v. George "Doug" Begley, Case Number: 13-004**

**Allegation:** While employed as an Agricultural Inspector I, Office of Consumer and Environmental Protection, Kentucky Department of Agriculture, Begley violated the Executive Branch Code of Ethics by claiming work time on his timesheets for time spent allegedly performing amusement ride inspections while consistently failing to perform these inspections, thereby collecting pay for time he falsely reported on his timesheets; by using his assigned state vehicle on days that he did not claim work time and did not perform any work-related activities for Agriculture, thereby abusing a state resource that was assigned to him for his own personal benefit; by using his assigned state vehicle while on state time to perform activities relating to his private logging business, thereby abusing state time and resources that were assigned to him; and by attempting to use his official position as a means to avoid a citation from the Department of Forestry for logging activities being conducted by his private business over which he was fraudulently acting as the onsite Master Logger, while on state time and using his assigned state vehicle.

**Conclusion:** In a Settlement Agreement approved by the Commission, Begley agreed to pay a \$6,500 civil penalty, received a public reprimand, and waived any right to appeal. The Commission concluded the matter by issuing an Agreed Final Order. Matter was referred to Attorney General's office.

**Executive Branch Ethics Commission v. William E. Mobley, Case Number: 13-005**

**Allegation:** That during the course of his employment as a Staff Assistant with the Department of Agriculture during the Richie Farmer administration he violated the Code of Ethics by

collecting pay for time claimed on his time sheets for which he failed to fulfill his assigned job duties but received compensation. Mobley was assigned the duties of a Stockyard Market Reporter which required him to appear at designated stockyards and create market reports of the stockyard's activities for the Department's market news. Mobley consistently failed to appear at these stockyards and failed to make market reports of the activities of the stockyards. Mobley also admitted that he violated the Code of Ethics by consistently failing to appear at his designated stockyards, but nevertheless collecting reimbursement for mileage for travel to these stockyards that he did not incur in the performance of his duties.

**Conclusion:** In a Settlement Agreement, approved by the Commission, Mobley paid a \$3000 civil penalty, received a public reprimand, and waived any right to appeal. The Commission concluded the matter by issuing a Final Order. Mobley is no longer employed by the Commonwealth. Matter was referred to Attorney General's office and U.S. Attorney's office.

**Executive Branch Ethics Commission v. Steven Mobley, Case Number: 13-006**

**Allegation:** That during the course of his employment as the Director of Agriculture Marketing and Agribusiness Recruitment in the Department of Agriculture during the Richie Farmer administration, Mobley violated the Code of Ethics by failing to report receiving any gifts in excess of \$200 dollars on his 2008 Statement of Financial Disclosure filed with the Ethics Commission when he had in fact received a gift in the form of a wooden hat valued at approximately \$600 from a Kentucky Proud vendor. Additionally, while not admitting that his conduct violated the Code of Ethics but recognizing that the evidence against him indicated he had, for the purposes of settlement Mobley agreed not to contest charges that he violated the Code of Ethics by reporting time on his brother William E. Mobley's time sheets which enabled his brother to collect pay for time he did not work and to receive compensation while failing to fulfill his assigned job duties; and that he violated the Code of Ethics by reporting that his brother used his personal vehicle to travel for the Department, which allowed his brother to collect reimbursement for mileage for travel that he did not actually incur in the performance of duties for the Department.

**Conclusion:** In a Settlement Agreement, approved by the Commission, Mobley paid a \$2500 civil penalty, received a public reprimand, and waived any right to appeal. The Commission concluded the matter by issuing a Final Order. Mobley is no longer employed by the Executive Branch of the Commonwealth. Matter was referred to Attorney General's office.

**Executive Branch Ethics Commission v. Stephanie Sandmann, Case Number: 13-007**

**Allegation:** While serving as a Staff Assistant, Office of the Commissioner, Department of Agriculture, Sandmann was found to have violated the Executive Branch Code of Ethics by falsifying her timesheets by claiming to have worked at the Department during times that she did not appear at any of the Department's offices. In doing so, Sandmann collected pay for time she falsely reported on her timesheets and, further, failed to fulfill her assigned job duties and created little to no discernible work product while receiving compensation.

**Conclusion:** The Final Order followed a full evidentiary hearing and the issuance of a Recommended Order by an impartial hearing officer assigned to the case. In the Final Order,

the Commission adopted the hearing officer's Recommended Order, publicly reprimanded Sandmann for her conduct in violation of KRS 11A.020(1)(b), (c), and (d); and ordered her to pay a civil penalty of \$5,000, the maximum amount allowed by statute. Sandmann has the right to appeal the Final Order in Circuit Court. Matter was referred to Attorney General's office and U.S. Attorney's office.

**Executive Branch Ethics Commission v. Rhonda Monroe, Case Number: 13-008**

**Allegation:** While employed as the Assistant Executive Director of the Kentucky Registry of Election Finance, Monroe violated the Executive Branch Code of Ethics by using or attempting to use her knowledge of election finance laws, practices and procedures to assist her brother, who was running for a second term as the Commissioner of Agriculture, to fraudulently claim campaign-related expenses in order for him to obtain reimbursement from his campaign fund account for his personal financial gain. Monroe did so by advising her brother and his then current spouse to claim mileage and expenses for reimbursement from his campaign account for trips that he did not actually make and for trips that were actually made by his then current spouse for her private direct sales business. Monroe also provided her brother with receipts that she had incurred for her own personal expenses that she then guided him to submit for reimbursement from his campaign account for his own financial gain and in derogation of the state interest. Furthermore, Monroe used or attempted to use her knowledge of election finance laws, practices, and procedures to assist her brother, who was re-elected to his second term as the Commissioner of Agriculture, to respond to an audit being performed by her own agency. Monroe drafted for her brother a letter, upon which her brother relied under her guidance, to respond to the Registry's audit. This letter drafted by Monroe was misleading in its contents and was intended to deceive the Registry about the expenses submitted for reimbursement from the campaign account, some of which included the receipts Monroe had provided to her brother for reimbursement from the campaign account that she had incurred.

**Conclusion:** In a Settlement Agreement approved by the Commission, Monroe admitted violating the Executive Branch Code of Ethics, agreed to pay a \$6,000 civil penalty, agreed to cooperate with the Commission in any further investigations and proceedings, received a public reprimand, and waived any right to appeal. The Commission concluded the matter by issuing an Agreed Final Order. Monroe is no longer employed by the Kentucky Registry of Election Finance. Matter was referred to Attorney General's office, U.S. Attorney's office, and the Kentucky Registry of Election Finance.

**Executive Branch Ethics Commission v. Donald Nolan, Case Number: 13-009**

**Allegation:** That while employed as a Transportation Engineering Technologist III in District 11, Kentucky Transportation Cabinet, Nolan violated the Executive Branch Code of Ethics by consistently leaving assigned job sites early and failing to perform or complete surveys while nevertheless claiming work time on his timesheets for time spent allegedly performing those surveys, thereby collecting pay for time he falsely reported on his timesheets and failing to fulfill his assigned job duties while receiving compensation; by claiming overtime on every timesheet submitted during the period reviewed even though he consistently left early from his assigned job sites, thereby collecting compensatory hours for time he falsely reported on his timesheets and failing to fulfill his assigned job duties; and by conducting surveying activities

through his private enterprise at locations of construction sites that were not Transportation Cabinet work sites while using a state vehicle.

**Conclusion:** In a Settlement Agreement approved by the Commission, Nolan agreed to pay a \$3,000 civil penalty, received a public reprimand, and waived any right to appeal. The Commission concluded the matter by issuing an Agreed Final Order.

**Executive Branch Ethics Commission v. Dwayne Mills, Case Number: 13-010**

**Allegation:** Mills admitted that during the course of his employment as Superintendent of the Adair Youth Development Center, Department of Juvenile Justice, Justice and Public Safety Cabinet, he used a subordinate employee to place bets on college and professional sporting events on his behalf through a bookie. He would text or call this employee, often while the employee was on state time while working shift at the facility, and require this employee to deviate from his required duties managing staff and juveniles at the facility to place bets for Mills ranging between \$25 and \$100 on upwards of hundreds of sporting events over a two year period. Mills also used this subordinate employee to carry money to and from the bookie on his behalf, giving the employee money to pay for bets that he lost and having the employee carry money to him for bets that he won over a two year period. Mills also used state time and resources to view websites devoted to betting sporting events and to research point spreads before instructing the subordinate employee to place the bets for him; and when Mills was not at the facility, he would contact the employee at the facility and instruct the employee to use state time and resources to research point spreads and betting statistics for him.

**Conclusion:** In a Settlement Agreement approved by the Commission, Mills agreed to pay a \$4500 civil penalty, received a public reprimand, and waived any right to appeal. The Commission concluded the matter by issuing an Agreed Final Order. Matter was referred to Attorney General's office.

**Executive Branch Ethics Commission v. Mary C. Callahan, Case Number: 13-011**

**Allegation:** Callahan was found to have violated the Code of Ethics following her employment as an officer in the Tourism, Arts, and Heritage Cabinet, Department of Parks, by failing to file a completed Statement of Financial Disclosure for the portion of calendar year 2012 during which she was employed by the Tourism, Arts, and Heritage Cabinet.

**Conclusion:** The Final Order followed the issuance of a Recommended Order of Default by an impartial hearing officer assigned to the case, subsequent to Callahan's failure to participate in the administrative proceeding process. In the Final Order, the Commission adopted the hearing officer's Recommended Order finding Callahan to be in default, publicly reprimanded Callahan for her conduct, and ordered her to pay a civil penalty in the amount of \$1,000. Callahan has the right to appeal the Final Order in Circuit Court. She is no longer employed by the Commonwealth.

**Executive Branch Ethics Commission v. Fran Pinkston, Case Number: 13-012**

**Allegation:** That following her employment as an officer in the Tourism, Arts, and Heritage

Cabinet, Department of Parks, Ms. Pinkston violated the Executive Branch Code of Ethics by failing to file a completed 2012 Statement of Financial Disclosure within the time period required by statute for the portion of calendar year 2012 during which she was employed.

**Conclusion:** In a Settlement Agreement approved by the Commission, Pinkston admitted violating the Executive Branch Code of Ethics by failing to file the completed 2012 Statement of Financial Disclosure within the time period required by statute, agreed to pay a \$100 civil penalty, received a public reprimand, and waived any right to appeal. The Commission concluded the matter by issuing a Final Order. Pinkston had previously filed the required Statement of Financial Disclosure.

**Executive Branch Ethics Commission v. Thomas Burling, Case Number: 13-013**

**Allegation:** That while serving as a Highway Superintendent II with the Kentucky Transportation Cabinet, Burling was found to have violated the Executive Branch Code of Ethics by using his position to gain access to property owned by the Cabinet and property owned by a Cabinet contractor for the purposes of hauling that property to a scrap yard and selling this property for his own personal financial benefit or gain. The property included corrugated metal pipe, rebar, metal pipes, aluminum cans, tires, double-mesh wire, scrap metal, road sign poles, SuperNails, steel sheets, chain-link fence, and a metal hose reel. Burling was also violated the Code of Ethics by using his position to misuse his Cabinet-issued ProCard to purchase items for his own personal use or that he otherwise kept for himself for personal gain or benefit. These items included floor mats and an orbital sander and accessories. Burling entered false information into the Cabinet's ProCard system to cover up his activities. He further violated the Code of Ethics by using an open Cabinet charge account to purchase items for his own personal use, and took cleaning supplies and toilet paper from the facility for his personal use and enjoyment as well. Burling was further found to have violated the Code of Ethics by misusing inmates, whom he was charged with supervising, by having these inmates perform unauthorized work on private property for activities not related to work for the Cabinet, but for his own private enterprise. Burling gave these inmates the proceeds from the sale of Cabinet scrap metal that they had collected and he sold. He also falsified his timesheets and failed to carry out assignments as directed by his supervisors, and directed a subordinate to falsify his timesheets. Burling also used state time, state-owned vehicles, and Department equipment for his personal use both during and after working hours. Additionally, Burling violated the Code of Ethics by falsifying his application for employment for a promotion to Highway Superintendent II by stating that he had not been previously convicted of a felony offense, when in fact he had.

**Conclusion:** The Final Order followed the issuance of a Recommended Order of Default by an impartial hearing officer assigned to the case, subsequent to Burling's failure to participate in the administrative proceeding process. In the Final Order, the Commission adopted the hearing officer's Recommended Order finding Burling to be in default, publicly reprimanded Burling for his conduct, and ordered him to pay a civil penalty in the amount of \$35,000. Burling has the right to appeal the Final Order in Circuit Court. He is no longer employed by the Commonwealth. Matter was referred to Attorney General's office.

**Executive Branch Ethics Commission v. Zane Alexander, Case Number: 14-001**

**Allegation:** That during the course of his employment as a Transportation Engineer Supervisor, District Nine, Kentucky Transportation Cabinet, Alexander violated the Code of Ethics by conducted surveying activities for Phoenix Engineering, a company owned and operated by his spouse and daughter, which undertook a subcontract with another contractor which was under contract and performed work for the Transportation Cabinet for a project in Harrison County. The surveys that Alexander performed for Phoenix were conducted at the behest of the other contractor in completion of the Harrison County project for the Transportation Cabinet, which paid that contractor for the surveying activities. That contractor in turn paid Phoenix Engineering through the subcontract for the surveying activities that were performed by Alexander. Alexander thus benefited from Phoenix Engineering's subcontract with the contractor that had the contract with his own agency, the Transportation Cabinet.

**Conclusion:** In a Settlement Agreement, approved by the Commission, Alexander agreed to pay a \$2,500 civil penalty, received a public reprimand, and waived any right to appeal. The Commission concluded the matter by issuing a Final Order

**Executive Branch Ethics Commission v. Gary Gardner, Case Number: 14-002**

**Allegation:** That during the course of his employment as Fiscal Officer, Lincoln Village Detention Center, Department of Juvenile Justice, Justice and Public Safety Cabinet, Gardner violated the Executive Branch Code of Ethics by using his position to use a credit card belonging to the facility for personal use without the consent of the facility. Gardner spent approximately \$2650 on items for his personal use with the facility credit card. Gardner also took approximately \$650 from the sale of meal tickets at the facility for his own personal use.

**Conclusion:** In a Settlement Agreement approved by the Commission Gardner admitted violating the Executive Branch Code of Ethics, agreed to pay a \$1000 civil penalty, received a public reprimand, and waived any right to appeal. The Commission concluded the matter by issuing a Final Order. Gardner previously entered a plea of guilty for criminal charges in state court in relation to this conduct, which included agreeing to serve a minimum of one year concurrent on two Counts, which was diverted for a period of two years, and paying a total of \$3,381 in restitution. Gardner is no longer employed by the Commonwealth.

**Executive Branch Ethics Commission v. Jonathan Gassett, Case Number: 14-003**

**Allegation:** That during his course of employment as the Commissioner of the Department of Fish and Wildlife Resources, within the Tourism, Arts and Heritage Cabinet, Gassett admitted he violated the Code of Ethics by using his influence in matters that involved substantial conflict between his personal or private interest and his duties in the public interest; influenced a public agency in derogation of the state at large; used his official position to give himself financial gain and advantage in derogation of the public interest at large; used his official position to secure or create privileges, exemptions, advantages, or treatment for himself in derogation of the public interest; and failed to avoid all conduct which might in any way lead members of the general public to conclude that he was using his official position to further his professional or private interest. Specifically, Gassett used his position to have Department

employees, working on state time and using Department equipment and vehicles, pump out the flooded basement or crawl space of his personal residence; pick up building materials from a business in Lexington which were delivered to the Department's woodshop in Frankfort and stored there until delivered to Gassett's personal residence for his personal use; and perform other personal work for him, including helping Gassett repair a dent in his personal canoe and cutting pieces of countertop with Department equipment to be installed in Gassett's personal residence. In the settlement agreement, Gassett also admitted that he used his position to direct a Department employee to leave his work station during regular working hours and to miss a scheduled meeting so that the employee could perform an inspection of a home that Gassett planned to purchase. The employee used his personal leave time to perform this personal work for Gassett, and was not compensated by Gassett for his services. Gassett further admitted that he used his position to have Department employees acquire a gallon of the controlled chemical rotenone, that was originally purchased by the Department through a Department contract, from the Department's stores for his personal use. The rotenone Gassett used could only be purchased by a certified individual, and Gassett did not maintain the appropriate certification to purchase or use rotenone at the time. Gassett also admitted that he used his position to acquire 15 prints of artwork, valued at \$35 a print, which had been created by a Department employee to be sold for fundraising purposes by the Department. Gassett did not pay the Department for these prints. Gassett also admitted that he used his position to use the Department's account with FedEx to have personal items shipped for his personal interests, including using the Department's FedEx account number to have the skin of an alligator he had killed in Florida delivered to a taxidermist in Georgia. Furthermore, Gassett admitted that he used his position to give the owner of Frankfort Communications, Jimmy Miller, an advantage by allowing Miller to attend a meeting with the executive staff of the Kentucky State Police and the Department, at which it was discussed the Department's options in using the KSP communications systems and updating the Department's radio equipment. Gassett frequently socialized and hunted with Jimmy Miller at Miller's personal property. No other representatives of prospective vendors or authorized Kenwood dealers were invited to attend the meeting. Gassett also admitted in the settlement agreement that he used his position and the relationship that he developed through his position to influence the Kentucky State Police to provide him with KSP guest passes to the Kentucky Derby at Churchill Downs at no charge. The KSP guest passes gave Gassett access to multiple levels of Churchill Downs on Derby Day. Gassett used these passes for his personal pleasure and not during the course of his regular duties as Commissioner. These passes are not made available by KSP to the general public.

**Conclusion:** In a Settlement Agreement approved by the Commission, Gassett paid a \$7500 civil penalty, received a public reprimand, and waived any right to appeal. The Commission concluded the matter by issuing a Final Order. Gassett is no longer employed by the Commonwealth of Kentucky. Matter was referred to Attorney General's office.

**Executive Branch Ethics Commission v. Benjamin Kinman, Case Number: 14-004**

**Allegation:** That during the course of his employment as the Deputy Commissioner of the Department of Fish and Wildlife Resources, Tourism, Arts and Heritage Cabinet, Kinman violated the Code of Ethics by using his position to instruct Department employees, who were working on state time and using Department equipment and vehicles, to pump out the flooded

basement or crawl space of then Commissioner Jonathan Gasset's personal residence. Kinman also admitted that he violated the Code of Ethics by using his position to have a Department employee, working on state time and using a Department vehicle, deliver fish from the Department's fish hatchery to a private pond located on the personal property of a member of the Kentucky Fish and Wildlife Commission, outside of the provisions of any statute or regulation and were unavailable to members of the general public; and by using his position, at the request of a member of the Kentucky Fish and Wildlife Commission, to deliver fish from the Department's fish hatchery to a private pond on the personal property of a friend of the Commission member. Kinman delivered the fish himself in the fall of 2012 and instructed Department employees, working on state time and using a Department vehicle, to make the fish delivery in the spring of 2013. The fish were provided to the friend of the Commission member outside of the provisions of any statute or regulation and were unavailable to members of the general public.

**Conclusion:** In a Settlement Agreement, approved by the Commission, Kinman agreed to pay a \$2,999 civil penalty, received a public reprimand, and waived any right to appeal. The Commission concluded the matter by issuing a Final Order. Matter was referred to Attorney General's office.

**Executive Branch Ethics Commission v. John Akers, Case Number: 14-005**

**Allegation:** That during the course of his employment as the supervisor of the Facilities Maintenance Branch woodshop, Kentucky Department of Fish and Wildlife Resources, Akers admitted he violated the Executive Branch Code of Ethics by using his position to use the Department's woodshop facilities to store his personal property, including, but not limited to, tools, duck decoys, boats, building materials, personal hunting equipment, and a motorcycle; using his position to use the Department's woodshop facilities and equipment to build and repair his personal items, including but not limited to building a flat bottom boat and a wine cabinet and repairing his personal deer stand and lawn mowing equipment; using his position to possess seized antlers that were sent to the Department's woodshop to be destroyed, and using these antlers to build turkey calls, coat racks, furniture, and various items using the Department's facilities and equipment, some of which he kept for his personal use; and using his position to use the Department's facilities, employees, and equipment to perform personal work for other Department employees, including the Department's commissioner.

**Conclusion:** In a Settlement Agreement approved by the Commission, Akers agreed to pay a \$3500 civil penalty, received a public reprimand, and waived any right to appeal. The Commission concluded the matter by issuing an Agreed Final Order.

**Executive Branch Ethics Commission v. Scott King, Case Number: 14-006**

**Allegation:** King admitted that during the course of his employment as the Assistant Director of the Division of Administrative Services, Kentucky Department of Fish and Wildlife Resources, Tourism, Arts, and Heritage Cabinet, he violated the Code of Ethics by using his position on multiple occasions to obtain use of the Department's John Deere tractor, which was purchased with federal funds for a program that had been discontinued. King used the tractor for his personal use and enjoyment to improve the land of a commercial property, which he did

not own, but used for his own personal hunting purposes. King then damaged the Department's equipment while in his possession and had the Department pay for the cost of the repairs. The repairs were paid out of Federal grant money. Also in the Settlement Agreement King agreed not to contest charges that he violated the Code of Ethics by using his position to create an oppressive and hostile atmosphere in his division to suit his own prurient, personal interests. King used his position as supervisor to tell subordinate employees to wear certain articles of clothing he favored, to wear short skirts and high heels to meetings to receive a favorable result, and on one occasion told an employee to allow him to see her breasts for favorable treatment. Further, during staff meetings, King would use his position as supervisor to point out to his female subordinates which of their body parts he and other male superiors preferred.

**Conclusion:** In the Settlement Agreement, approved by the Commission, King agreed to pay a \$2750 civil penalty, received a public reprimand, and waived any right to appeal. The Commission concluded the matter by issuing a Final Order. King is no longer employed by the Commonwealth.

**Executive Branch Ethics Commission v. Clifton E. Brown, Case Number: 14-007**

**Allegation:** That during the course of his employment as a Licensing Administrator in the Division of Licensing, Kentucky Horse Racing Commission, Brown violated the Code of Ethics by maintaining possession of cash that he collected through his regular duties as a License Administrator for weeks at a time for his own use and enjoyment before finally depositing the cash. The Racing Commission's policy included a requirement that License Administrators deposit all cash and checks collected through the administration of licenses at the various racetracks on a daily basis. Brown also admitted that he violated the Code of Ethics by performing activities related to gambling while on state time and frequently using state resources. Brown would use the complimentary racing forms, which were provided to the Racing Commission by the racetracks for the purposes of determining potential licensees, for his own interests of researching and "handicapping" potential bets. Brown would frequently place bets while working at the racetracks as a License Administrator.

**Conclusion:** In a Settlement Agreement, approved by the Commission, Brown agreed to pay a \$1500 civil penalty, received a public reprimand, and waived any right to appeal. The Commission concluded the matter by issuing an Agreed Final Order. Brown is no longer employed by the Commonwealth. Matter was referred to Attorney General's office.

**Executive Branch Ethics Commission v. Rachel Auxier, Case Number: 14-008**

**Allegation:** That during the course of her employment as Director, Department for Income Support, Cabinet for Health and Family Services she violated the Executive Branch Code of Ethics by using her position to have her agency do business with a business owned and operated by her husband, to provide catering for an event being held by her Department. Auxier had her subordinate staff gather estimates from entities of her choosing, including her husband's business, and create documentation to show that her husband's business was the lowest estimate gathered. She also used her position to have her upper management involved in the approval process believe that her husband's business was the lowest estimate and the only option to provide the catering for the event. Further, Auxier signed the documentation approving her

husband's business to provide catering for the event

**Conclusion:** In a Settlement Agreement approved by the Commission, Auxier admitted violating the Executive Branch Code of Ethics, agreed to pay a \$3000 civil penalty, received a public reprimand, and waived any right to appeal. The Commission concluded the matter by issuing a Final Order.

**Executive Branch Ethics Commission v. Kendall Williams, Case Number: 14-009**

**Allegation:** That during the course of his employment as a Superintendent at the Bowling Green Group Home, Department of Juvenile Justice, Justice and Public Safety Cabinet, he used his position to wrongfully acquire a \$100 bill from a youth. Williams did so by transporting the youth, upon the youth's release from the group home, to a bank in order for the youth to cash a paycheck, from which Williams took a \$100 bill. Williams indicated to the youth that the \$100 would be considered a "donation" to the group home, but he never created the proper paper work to designate the cash as a donation, but instead placed the \$100 bill in his desk for his own use. The youth contacted Williams to request the \$100 bill be returned to him; however, Williams refused and proceeded to thwart the youth's communications with the facility. The \$100 bill was never used as a donation for the facility, but rather stayed in Williams' possession.

**Conclusion:** In a Settlement Agreement approved by the Commission, Williams paid a \$1000 civil penalty, received a public reprimand, and waived any right to appeal. The Commission concluded the matter by issuing a Final Order.

**Executive Branch Ethics Commission v. Mark Roberts, Case Number: 14-010**

**Allegation:** That during the course of his employment as the Game Management Foreman of the Department of Fish and Wildlife Resources, Tourism, Arts and Heritage Cabinet, Roberts violated the Code of Ethics by using his position to direct employees under his supervision, which he knew were working on state time, to use Department equipment and vehicles to travel to the personal residence of then Commissioner Jonathan Gassett and pump out water from Commissioner Gassett's flooded basement or crawl space; and directed these employees to code their timesheets to indicate that they were performing regular maintenance activities to conceal the time in which the employees were actually working at Commissioner Gassett's home. Roberts also admitted that he violated the Code of Ethics by directing Department employees that he knew to be working on state time to use Department vehicles and equipment to deliver fish from the Department's fish hatchery to private ponds located on the personal property of a member of the Kentucky Fish and Wildlife Commission and the friend of a member of the Kentucky Fish and Wildlife Commission. The fish were provided to the Commission member and the friend of the Commission member outside of the provisions of any statute or regulation and would not have been made available to members of the general public. Roberts also used his position to direct these employees to fail to make fish delivery cards when delivering fish to the private ponds, which deviated from the normal practices of the Department, to interfere with the proper documentation for the fish deliveries

**Conclusion:** In a Settlement Agreement, approved by the Commission, Roberts agreed to pay a \$2000 civil penalty, received a public reprimand, and waived any right to appeal. The

Commission concluded the matter by issuing a Final Order.

**Executive Branch Ethics Commission v. Ronald Brooks, Case Number: 14-011**

**Allegation:** That during the course of his employment as the Director, Fisheries Division, Department of Fish and Wildlife Resources, Tourism, Arts and Heritage Cabinet, Brooks violated the Code of Ethics by using his position, at the request of then Commissioner Jonathan Gassett, to instruct a Department employee to acquire a gallon of the controlled chemical Rotenone, that was originally purchased by the Department through a Department contract, from the Department's stores for Gassett's personal use. The Rotenone Gassett used could only be purchased by a certified individual. The Department did not have a law or regulation that allowed the Department to sell or provide Rotenone to the public. Gassett did not maintain the appropriate certification to purchase or use Rotenone at the time; nevertheless, Brooks ensured that Gassett received the Rotenone from the Department's supplies.

**Conclusion:** In a Settlement Agreement, approved by the Commission, Brooks agreed to pay a \$900 civil penalty, received a public reprimand, and waived any right to appeal. The Commission concluded the matter by issuing a Final Order.

**Executive Branch Ethics Commission v. Steve Marple, Case Number: 14-012**

**Allegation:** That during the course of his employment as the Manager of the Pfeiffer Fish Hatchery, Department of Fish and Wildlife Resources, Tourism, Arts and Heritage Cabinet, Marple violated the Code of Ethics by using his position to reserve fish from the Pfeiffer Fish Hatchery that were intended for use in Department programs, for delivery to private ponds located on the personal property of a member of the Kentucky Fish and Wildlife Commission, the friend of a member of the Kentucky Fish and Wildlife Commission, and a former Department employee. The fish were provided to the Commission member, the friend of the Commission member, and the former employee outside of the provisions of any statute or regulation and would not have been made available to members of the general public.

**Conclusion:** In a Settlement Agreement, approved by the Commission, Marple agreed to pay a \$900 civil penalty, received a public reprimand, and waived any right to appeal. The Commission concluded the matter by issuing a Final Order.

**Executive Branch Ethics Commission v. Gerald Buynack, Case Number: 14-013**

**Allegation:** That during the course of his employment as the Assistant Director, Fisheries Division, Department of Fish and Wildlife Resources, Tourism, Arts and Heritage Cabinet, Buynack violated the Code of Ethics by using his position, at the request of a former Department employee, to influence Department employees, working on state time and using a Department vehicle, to deliver fish from the Department's fish hatchery to a private pond located on the personal property of the former Department employee. The fish were provided to the former Department employee without having to complete an application, at no charge for the fish or the cost of delivery, outside of the provisions of any statute or regulation, and would not have been made available to members of the general public.

**Conclusion:** In a Settlement Agreement, approved by the Commission, Buynak agreed to pay a \$900 civil penalty, received a public reprimand, and waived any right to appeal. The Commission concluded the matter by issuing a Final Order.

**Executive Branch Ethics Commission v. Rick Gortney, Case Number: 14-014**

**Allegation:** That during the course of his employment as a Transportation Engineering Technologist III with the Kentucky Transportation Cabinet, Gortney violated the Code of Ethics by used his position to sell property owned by the Cabinet to his brother-in-law for his own personal financial benefit or gain. The property included a trailer that had been purchased for use by the Cabinet as office space, which was slated to be sold at auction. Instead of selling the trailer at auction, Gortney sold the trailer directly to his brother-in-law, who wrote a \$2000 personal check to Gortney, who cashed the check and kept the proceeds of the sale for himself.

**Conclusion:** In a Settlement Agreement, approved by the Commission, Gortney agreed to pay a \$2,000 civil penalty, received a public reprimand, and waived any right to appeal. The Commission concluded the matter by issuing a Final Order. Gortney is no longer employed by the Commonwealth. Matter was referred to Attorney General's office.

**Executive Branch Ethics Commission v. Larry Graves, Case Number: 14-015**

**Allegation:** That during the course of his employment as a Case Management Specialist I for the Department for Community Based Services ("DCBS") in the Cabinet for Health and Family Services ("CHFS"), Graves accepted, either directly or on behalf of the Church of the First-Born Saints, a church of which he is the pastor, treasurer, sole officer, sole board member, and self-purported owner, over \$4,109.40 in donations, the use of a van, and a new roof valued at between \$2,500 and \$3,000, from the owner of a business that did business with CHFS through the DCBS's Work Experience Training Program ("WEP"). Graves also used his position to cause WEP participants to perform work at the Church of the First-Born Saints. This work, primarily painting and cleaning, was performed free of charge for Graves and his church. Graves also had a client of his agency sign a "WEP Training Site Agreement" concerning his church and another DCBS client, a WEP participant, on behalf of the church as the "training site representative," when in fact the client was not a representative of the church but rather merely a friend of Graves. Graves himself was identified on the "WEP Training Site Agreement" as the WEP participant's immediate supervisor. Graves also accepted and processed an application for a client of DCBS when the client applied for Supplemental Nutrition Assistance Program ("SNAP") benefits even though Graves did not handle SNAP benefits. The client was a personal friend of Graves. Further, in April 2012 it was discovered that this client was in fact not entitled to receive these benefits due to income he was already receiving from the Social Security Administration, which Graves failed to consider when processing his friend's case.

**Conclusion:** Pursuant to the Settlement Agreement, Graves paid a \$3,000 civil penalty, received a public reprimand, and waived any right to appeal. The Commission concluded the matter by issuing a Final Order. Graves is no longer employed by the Commonwealth. Matter was referred to Attorney General's office.

**Executive Branch Ethics Commission v. Kevin Booker, Case Number: 14-016**

**Allegation:** That during the course of his employment as a Workers' Compensation Coverage and Compliance Investigator II, in the Division of Security and Compliance, Department of Workers Claims, Labor Cabinet, Booker worked another job for a private employer in Louisville, Kentucky, while on state time. During a 16 month period, Booker worked approximately 70 hours for this private employer during hours that he presented that he was performing duties on behalf of the Labor Cabinet in locations throughout the state. Thus, in order to perform this outside employment for the private employer, Booker failed to fulfill his assigned job duties for the Labor Cabinet. Booker also falsified his timesheets he submitted to his Cabinet to show that he was performing work for the Cabinet when he was actually performing work for the private employer, resulting in Booker collecting pay for time he falsely reported on his timesheets. Booker also failed to request approval to work for this private employer. While the Labor Cabinet's management reminded Booker of his obligation to seek approval from his appointing authority for outside employment, not only did Booker continue to fail to seek approval for the work for this private employer, he actually requested approval to perform work for a different outside private employer.

**Conclusion:** Pursuant to the Settlement Agreement, Booker agreed to pay a \$3,000 civil penalty, received a public reprimand, and waived any right to appeal. The Commission concluded the matter by issuing an Agreed Final Order. Booker is no longer employed by the Commonwealth.

**Executive Branch Ethics Commission v. Jason Abney, Case Number: 14-017**

**Allegation:** That during the course of his employment as a Transportation Auto/Truck Technician III, assigned to the Jefferson East Maintenance Facility, District Five, Kentucky Transportation Cabinet, Abney used a Cabinet ProCard to purchase tools and auto parts on numerous occasions from a Middletown, Kentucky, auto parts store, at times asking the store's employee to alter the invoices and submitting the altered invoices to KYTC for payment, while being unable to satisfactorily account for the tools or the parts, some of which could not possibly have been placed on KYTC equipment as they were not for any equipment on District Five's inventory. Some of the tools were found in his personal possession and some of the parts he purchased would only fit his personal vehicle. He also used his position to purchase items from the auto parts store for his own personal use using the Cabinet's discounted pricing, which is not available to the ordinary citizen. Furthermore, the invoices show that Abney did not pay sales tax on these purchases.

**Conclusion:** Pursuant to the Settlement Agreement, Abney paid a \$3,000 civil penalty, received a public reprimand, and waived any right to appeal. The Commission concluded the matter by issuing a Final Order. Abney is no longer employed by the Commonwealth. Matter was referred to Attorney General's office.

**Executive Branch Ethics Commission v. John Rittenhouse, Case Number: 14-018**

**Allegation:** Rittenhouse admitted that after he left his employment as Park Manager at Kenlake State Resort Park, Department of Parks, Tourism, Arts, and Heritage Cabinet, the evidence shows he violated the Code of Ethics by immediately taking the position of manager at the

restaurant, Jolly's Dairy Bar and Grill, located at the Lake Barkley Marina. Further, Rittenhouse entered into a contract to purchase Jolly's Dairy Bar and Grill by the end of a three (3) year term and had paid the owner of the restaurant \$15,000 towards the purchase of the restaurant. On or about August 1, 2005, Jolly's Dairy Bar and Grill entered into a fifteen year lease agreement with BMAR & Associates ("BMAR"; successor ABM Government Services). BMAR subleased the marina facility, at which Jolly's Dairy Bar and Grill is located, from the Department of Parks on or about June 20, 2005. As such, Rittenhouse, by serving as manager and part owner of Jolly's Dairy Bar and Grill, benefitted and enjoyed, in whole or in part, a contract, agreement, and lease entered into, awarded, or granted by the Department for which he had been employed, within six months of his termination of employment with the Department, in violation of the Code of Ethics.

**Conclusion:** Pursuant to the Settlement Agreement, Rittenhouse paid a \$1,500 civil penalty, received a public reprimand, and waived any right to appeal. The Commission concluded the matter by issuing a Final Order. Matter was referred to Attorney General's office.

**Executive Branch Ethics Commission v. Michelle Jones, Case Number: 14-019**

**Allegation:** That during the course of her employment as the Family Services Office Supervisor, Department for Community Based Services for the Two Rivers Service Region, Cabinet for Health and Family Services, she violated the Code of Ethics by using her position to represent her agency in negotiating transactions to have her agency do business with a business owned and operated by her husband to provide promotional products for events held by her Department for a program that she coordinated as part of her regular job duties. Jones also admitted that she violated the Code of Ethics by using her position to ensure that her agency did business with a a business owned and operated by her husband and for which she was listed as a manager on the business's Articles of Incorporation filed with the Secretary of State's office. Jones Also violated the outside employment provision of the Code of Ethics by being the "manager" for her husband's business without the approval of her appointing authority while she was a full-time employee of the Cabinet for Health and Family Services

**Conclusion:** In a Settlement Agreement approved by the Commission, Jones agreed to pay a \$3,250 civil penalty, received a public reprimand, and waived any right to appeal. The Commission concluded the matter by issuing an Agreed Final Order.

**Executive Branch Ethics Commission v. Jeffrey Dean, Case Number: 14-020**

**Allegation:** That during the course of his employment as a Certified Psychological Associate II in the Mental Health Branch of the Department of Juvenile Justice, Justice and Public Safety Cabinet, Dean violated the Code of Ethics by failing to perform visits on at least 19 occasions with five juveniles he was assigned to counsel while indicating to his supervisor and on documentation he submitted to the Department that he had in fact performed the visits. Dean also admitted that he used his official position to falsify official documentation in order to make it appear that he was performing his job duties when in fact he was not. This included submitting monthly activity reports to his supervisor that were inaccurate in order to make it appear that he was performing bi-monthly visits with juveniles that were assigned to him who were supposed to be receiving sex offender counseling; and submitting falsified travel vouchers

consistent with the falsified documentation and inaccurate activity reports for which he received reimbursement. Further, Dean submitted falsified timesheets to reflect that he had performed his job duties for the times that he did not actually perform the visits with the juveniles for which he was compensated.

**Conclusion:** In a Settlement Agreement, approved by the Commission, Dean agreed to pay a \$2000 civil penalty, received a public reprimand, and waived any right to appeal. The Commission concluded the matter by issuing a Final Order. Dean is no longer employed by the Commonwealth.

**Executive Branch Ethics Commission v. Brian Wright, Case Number: 14-021**

**Allegation:** That during the course of his employment as a Maintenance Superintendent at Green River Youth Development Center, Department of Juvenile Justice, Justice and Public Safety Cabinet, Wright admitted violating the Code of Ethics by using a facility credit card to purchase various items that he then took to his home for his personal use. The total value of the items Wright took to his home for his personal use was over \$350. On at least one of the receipts for the credit card purchases, Wright placed his subordinate's signature without the subordinate's permission. Wright then submitted the deceptive receipt to the facility.

**Conclusion:** In a Settlement Agreement, approved by the Commission, Wright agreed to pay a \$2500 civil penalty, received a public reprimand, and waived any right to appeal. The Commission concluded the matter by issuing a Final Order. Wright is no longer employed by the Commonwealth.

**Executive Branch Ethics Commission v. Liberty Campbell, Case Number: 14-022**

**Allegation:** Campbell admitted that during the course of her employment as a Probation and Parole Officer with the Department of Corrections, Justice and Public Safety Cabinet, she violated the Code of Ethics by using her influence to pressure an employee of the Letcher County Commonwealth Attorney's office to fraudulently issue a Grand Jury Subpoena Duces Tecum to obtain the cell phone records from Appalachian Wireless for a cell phone used by Campbell's husband to gather information she intended to use for her own personal purposes unrelated to her duties as a public servant. Furthermore, Campbell waited approximately eleven months in which to inform her supervisor of her conduct in order to conceal the improper conduct to garner the use of a Grand Jury subpoena for her personal interests, only telling her supervisor of her transgression once she believed the conduct would be revealed.

**Conclusion:** In a Settlement Agreement, approved by the Commission, Campbell agreed to pay a \$1500 civil penalty, received a public reprimand, and waived any right to appeal. The Commission concluded the matter by issuing an Agreed Final Order. Campbell is no longer employed by the Commonwealth. Matter was referred to Attorney General's office.

**Executive Branch Ethics Commission V. Marla Hadley, Case Number: 14-023**

**Allegation:** That during the course of her employment as a Social Service Clinician II, Department for Aging and Independent Living, Salt River Guardianship Section, Cabinet for

Health and Family Resources, Hadley used her position to gain access to funds belonging to four individuals who were adults under her supervision as part of her duties for the Department. Hadley misappropriated those funds for her own personal use and enjoyment and the use and enjoyment of others without the knowledge or approval of her Department, the victims, or their families.

**Conclusion:** Pursuant to the Settlement Agreement, Hadley paid the equivalent of a \$5,000 civil penalty, received a public reprimand, and waived any right to appeal. The Commission concluded the matter by issuing a Final Order. Hadley is no longer employed by the Commonwealth. Matter was referred to Attorney General's office.

**Executive Branch Ethics Commission v. Lonnie Culver**, Case Number: 14-024

**Allegation:** Culver admitted that the evidence shows that during the course of his employment as the Deputy Adjutant General, Kentucky National Guard, Department of Military Affairs, while also serving as the Commander of the 38th Infantry Division of the Indiana National Guard, he violated the Code of Ethics by using a Kentucky National Guard helicopter, to which he had access and use of for his duties as the Kentucky Deputy Adjutant General, to fly from Louisville, Kentucky, to inactive duty training in Indianapolis, Indiana, with a return flight to Louisville on the same day. National Guard policy requires soldiers to travel to inactive duty training at their own expense. Furthermore, on several occasions Culver also violated the Code of Ethics by using a Kentucky National Guard vehicle, to which he had access and use of for his duties as the Kentucky Deputy Adjutant General, to drive from Louisville, Kentucky, to inactive duty training with the 38th Infantry Division of the Indiana National Guard in Indianapolis, Indiana, despite National Guard policy that soldiers must travel to inactive duty training at their own expense.

**Conclusion:** In a Settlement Agreement, approved by the Commission, Culver agreed to pay a \$2000 civil penalty, received a public reprimand, and waived any right to appeal. The Commission concluded the matter by issuing a Final Order.

**Executive Branch Ethics Commission v. Michael Mullins**, Case Number: 15-001

**Allegation:** That during the course of his employment as a Youth Services Program Supervisor and Juvenile Facilities Superintendent I, Boyd County Juvenile Detention Center, Department of Juvenile Justice, Justice and Public Safety Cabinet, Mullins participated in a clandestine, sexual relationship with a female co-worker who eventually became Mullins' subordinate employee. Despite Mullins ongoing sexual relationship with this employee, Mullins failed to abstain from participation in this employee's evaluations and disciplinary proceedings, and used or attempted to use his position as supervisor to influence his agency's evaluations of this employee. After the employee ended the relationship, Mullins continued to influence his agency's evaluations of this employee, giving her increasingly lower scores on her evaluations.

**Conclusion:** Pursuant to the Settlement Agreement, Mullins paid a \$1,500 civil penalty, received a public reprimand, and waived any right to appeal. The Commission concluded the

matter by issuing a Final Order.

**Executive Branch Ethics Commission v. Shanion Thurman, Case Number: 15-002**

**Allegation:** In a Final Order of Default approved by the Commission, Thurman was found to have violated the Code of Ethics during her employment as an Administrative Assistant, Department of Public Advocacy, Justice and Public Safety Cabinet. In the spring of 2010, Thurman took a copy of a confidential agreement between state and federal prosecutors and a confidential informant outside of her agency. The confidential agreement detailed a deal between the prosecutors and the confidential informant for a reduced prison sentence in return for his testimony in three criminal matters involving one defendant. The copy of the confidential agreement was stored at the Department in the filing cabinet of the office of the Assistant Public Advocate for whom Thurman worked as an Administrative Assistant. Thurman then shared the confidential agreement with her boyfriend at the time. Thurman knew that her boyfriend was friendly with the defendant. Thurman's boyfriend then shared details of the confidential agreement with the defendant in order for the defendant to share the information with the defendant's lawyer. The confidential informant was eventually murdered. A copy of the confidential agreement was found by law enforcement in Thurman's personal vehicle.

**Conclusion:** This matter was pending at the end of the biennium. Matter was referred to Attorney General's office.

**Executive Branch Ethics Commission v. Jason Driskell, Case Number: 15-003**

**Allegation:** Driskell admitted that during the course of his employment as a Disability Adjudicator III, Department of Disability Services, Cabinet for Health and Family Services, between January 2013 and March 2014, Driskell was assigned to perform job duties in either the Department's Frankfort or Louisville offices. On at least 116 work days, Driskell failed to arrive at either office at the time he indicated on the sign-in rosters, arriving at his work station anywhere from sixteen (16) minutes to four (4) hours late, for a total of 211 hours of time he claimed to be working that he was not at work. Driskell's false reporting of his actual work hours on his timesheets resulted in Driskell receiving compensation in the approximate amount of \$4,385. Driskell used his position to influence his Cabinet to compensate him for time that he did not work resulting in his receipt of financial gain and benefits in derogation of the state and the public interest. By Driskell falsely reporting his work time on his timesheets, Driskell failed to avoid conduct that would lead the general public to conclude that he was using his official position to further his private interest.

**Conclusion:** This matter was pending at the end of the biennium.

**Executive Branch Ethics Commission v. Deborah Vahle, Case Number: 15-004**

**Allegation:** Vahle, while not admitting that she committed violations of the Executive Branch Code of Ethics, recognized that the evidence against her indicates that during the course of her employment as the Public Assistance Program Specialist, Division of Program Performance, Department for Community-Based Services, Cabinet for Health and Family Services, from 2011 through 2012, Vahle was assigned the responsibility of conducting

reviews or audits of the Division's files of the ongoing eligibility of Medicaid recipients. Part of the review process required Vahle to contact and interview a Medicaid recipient or his or her authorized representative to determine ongoing eligibility for her agency to determine whether the recipient should continue to receive Medicaid benefits. On approximately eleven (11) occasions, Vahle falsified information that she reported on Division documentation and in the records of Medicaid recipients. Concerning some of the recipients, Vahle falsely reported that she had conducted interviews or conversations with the personal representatives of the recipients that she had not performed. Concerning other recipients, Vahle falsely reported that the recipients or personal representatives had refused to participate when she had not actually contacted the individuals indicated. Finally, concerning other recipients, Vahle reported to have spoken with individuals who were no longer serving in the capacity as the personal representatives of the recipients or were no longer working at the facilities listed for the recipients. Vahle agreed that she would not contest the charges for the purposes of settling this matter.

**Conclusion:** This matter was pending at the end of the biennium.

**Executive Branch Ethics Commission v. William Harris, Case Number: 15-005**

**Allegation:** Harris admitted that during the course of his employment as a Youth Worker III, Louisville Day Treatment Center, Department of Juvenile Justice, Justice and Public Safety Cabinet, between March 2014 and July 2014, Harris used state time for his own personal use. Harris had requested and was given approval by the Department to work part-time for a private, outside employer. However, Harris worked full-time for this outside employer, as well as working overtime for this employer. On multiple occasions, Harris, while claiming to be working for the Department, was actually working for his outside employer. Harris would leave work from the Department early or would arrive to the Department late and claimed time that he was traveling to and from his outside employer as state time on his timesheets. Harris claimed sick leave on his timesheets for time that he was actually working at his outside employer. Finally, Harris claimed voting leave for time that he did not use to vote. Harris, by falsely completing his timesheets as stated above, used any means to influence his agency in derogation of the state at large. Harris used his official position in using state time, sick leave, and voting leave inappropriately giving him a financial gain of wages and benefits to which he was not entitled. Finally, by presenting falsified timesheets to his agency for time he did not work, did not vote, and was not sick, Harris was failing to avoid all conduct which might in any way lead members of the general public to conclude that he was using his official position to further his private interest.

**Conclusion:** This matter was pending at the end of the biennium.

**Executive Branch Ethics Commission v. Courtney Smith, Case Number: 15-006**

**Allegation:** That during the course of her employment as a Social Service Worker II, Department for Aging and Independent Living, Cabinet for Health and Family Resources, on approximately two occasions, Smith falsely reported that she conducted visits with clients of the Department when she had not actually performed those visits. On over forty occasions, Smith submitted falsified timesheets documenting regular working hours for time she did not

actually work resulting in her receiving compensation and work time credit for approximately twenty-five hours that she did not work.

**Conclusion:** This matter was pending at the end of the biennium.

**Executive Branch Ethics Commission v. Chad Hayes, Case Number: 15-008**

**Allegation:** That during the course of his employment as a Correctional Officer, Department of Corrections, Justice and Public Safety Cabinet, between September and October of 2013, Hayes used his position to take scrap metal owned by the Department that he hauled to various scrap yards and sold this property for his own personal financial benefit or gain. Hayes had the proceeds of the sale of the scrap metal split into checks and cash. The checks he would return to the Department. The cash he would keep for himself. Hayes collected approximately \$700 in cash that he kept for himself from the sale of the Department's scrap metal. Hayes used some of the monies he collected to buy gas for his personal vehicle, food, and other personal property. Hayes also purchased food and other items for the inmates in violation of the Department's policies.

**Conclusion:** This matter was pending at the end of the biennium. Matter was referred to Attorney General's office.

**Executive Branch Ethics Commission vs. Joseph Casey Hackworth, Case Number: 15-011**

**Allegation:** That during the course of his employment as a Racing License Administrator, Licensing Branch, Horse Racing Commission, Public Protection Cabinet, between July and October 2014, he used his position to take, for his own personal use and enjoyment, cash that he collected through his regular duties and to manipulate the records of his agency to conceal the amount of cash he kept for himself. Hackworth accumulated approximately \$5,715 in cash directly from licensing fees he collected during his employment.

**Conclusion:** This matter was pending at the end of the biennium. Matter was referred to Attorney General's office.

# LITIGATION

## INTRODUCTION

All final orders of the Commission issued pursuant to an administrative hearing are appealable to circuit court. The Commission also may initiate court actions to collect unpaid fines and may initiate court actions where judicial intervention is necessary to enforce the orders of the Commission.

### COURT REVIEW OF ETHICS VIOLATIONS

**Terry Farmer v. Executive Branch Ethics Commission**, Franklin Circuit Court, Division II, Case No. 13-CI-01015:

Terry Farmer challenged Commission's Final Order entered July 30, 2013. Farmer, by counsel, filed a Petition on August 23, 2013. Opinion and Order in favor of the Commission was entered on February 13, 2015. Mr. Farmer has since appealed the circuit court decision. The litigation is ongoing.

**Felicia Wooten v. Executive Branch Ethics Commission**, Franklin Circuit Court, Division II, Case No. 12-CI-00512:

Felicia Wooten challenged the Commission's Final Order entered March 19, 2012. Wooten, by counsel, filed a Petition on April 17, 2012. The Court later combined the Wooten, Wooten and Winters matters. Judge Shepherd issued his Opinion and Order on March 5, 2013, reversing the Commission's Final Orders against the Petitioners. Judge Shepherd found that the Commission's actions against the Petitioners were arbitrary and outside of the scope of its authority. Judge Shepherd found that the language of KRS 11A.020(1)(c) as it is currently worded, and as it was originally interpreted by the Commission, does not support the Commission's Final Orders entered against the Petitioners in these actions. The Commission filed a Notice of Appeal to the Court of Appeals on March 19, 2013. Court of Appeals ruled in favor of the Appellees and affirmed the decision of the circuit court, issuing their opinion on October 3, 2014. Case has been closed.

**James D. Wooton v. Executive Branch Ethics Commission**, Franklin Circuit Court, Division I, Case No. 12-CI-00760:

James D. Wooton is challenged the Commission's Final Order entered March 19, 2012. Wooton, by counsel, filed a Petition on June 12, 2012. The Court later combined the Wooton, Wooten and Winters matters. Judge Shepherd issued his Opinion and Order on March 5, 2013, reversing the Commission's Final Orders against the Petitioners. Judge Shepherd found that the Commission's actions against the Petitioners were arbitrary and outside of the scope of its authority. Judge Shepherd found that the language of KRS 11A.020(1)(c) as it is currently worded, and as it was originally interpreted by the Commission, does not support the Commission's Final Orders entered against the Petitioners in these actions. The Commission filed a Notice of Appeal to the Court of Appeals on March 19, 2013. Court of Appeals ruled in favor of the Appellees and affirmed the decision of the circuit court, issuing their opinion on October 3, 2014. Case has been closed.

**Julie Shields v. Executive Branch Ethics Commission**, Franklin Circuit Court, Division II, Case No. 12-CI-00759:

In this ongoing matter, Julie Shields challenged the Commission's Final Order entered May 14, 2013. Shields, by counsel, filed a Petition on June 12, 2013. The Court combined the Parker and Shields matters. The Commission filed a Notice of Appeal to the Court of Appeals on March 19, 2013. Judge Wingate issued his Opinion and Order on March 5, 2013, reversing the Commission's Final Orders against the Petitioners. Judge Shepherd found that the Commission's actions against the Petitioners were arbitrary and outside of the scope of its authority. Judge Shepherd found that the language of KRS 11A.020(1)(c) as it is currently worded, and as it was originally interpreted by the Commission, does not support the Commission's Final Orders entered against the Petitioners in these actions. The Commission filed a Notice of Appeal to the Court of Appeals on September 10, 2013. Court of Appeals ruled in favor of the Appellees and affirmed the decision of the circuit court, issuing their opinion on October 3, 2014. Case has been closed.

**Joyce Parker v. Executive Branch Ethics Commission**, Franklin Circuit Court, Division II, Case No. 12-CI-00758:

In this ongoing matter, Joyce Parker is challenging the Commission's Final Order entered May 14, 2013. Parker, by counsel, filed a Petition on June 12, 2013. The Court combined the Parker and Shields matters. Judge Shepherd issued his Opinion and Order on March 5, 2013, reversing the Commission's Final Orders against the Petitioners. Judge Wingate found that the Commission's actions against the Petitioners were arbitrary and outside of the scope of its authority. Judge Shepherd found that the language of KRS 11A.020(1)(c) as it is currently worded, and as it was originally interpreted by the Commission, does not support the Commission's Final Orders entered against the Petitioners in these actions. The Commission filed a Notice of Appeal to the Court of Appeals on September 10, 2013. Court of Appeals ruled in favor of the Appellees and affirmed the decision of the circuit court, issuing their opinion on October 3, 2014. Case has been closed.

## COMMISSION-INITIATED ACTION

**Executive Branch Ethics Commission v. Patrick Yates**, Franklin Circuit Court, Division II, Case No. 12-CI-00090:

This matter was filed as a result of Patrick Yates failure to pay the penalty amount required by the Commission through its Final Order of Default entered on September 19, 2013. Commission Staff secured a Default Judgment against Mr. Yates in Franklin Circuit Court on April 4, 2015. Mr. Yates has failed to pay his fine despite attempts to garnish his wages.

**Executive Branch Ethics Commission v. Rhonda Farmer Monroe**, Franklin Circuit Court, Division II, Case No. 14-CI-01266:

This matter was filed as a result of Rhonda Farmer Monroe's failure to pay the \$6,000 penalty amount required by the Commission through its Final Order of Default. Ms. Monroe paid \$5,000 of the amount owed prior to a default judgment being entered in circuit court, which the Commission agreed to accept and the matter has closed.

**Executive Branch Ethics Commission v. Mark Anthony Jackson**, Franklin Circuit Court, Division II, Case No. 14-CI-01267:

This matter was filed as a result of Mark Anthony Jackson's failure to pay the penalty amount required by the Commission through its Final Order of Default. Mr. Jackson paid the fine and Order of Agreed Dismissal was filed with the circuit court and the matter has closed.

# EXECUTIVE AGENCY LOBBYING

## REGISTRATION

Any person engaged for compensation to influence, on a substantial basis, a decision to be made by an executive branch official or staff member concerning a state expenditure, grant, or budgetary allocation of state funds must register with the Commission, along with his employer, and real party in interest, if applicable, as an Executive Agency Lobbyist (“EAL”) within ten days of the engagement. Thus, if a person attempts to secure business with the state by communicating and attempting to influence a state employee's decision, the person must register as an executive agency lobbyist if attempts are made involving state funds of over \$5000. Upon registration, an executive agency lobbyist is issued a registration card.

Registration as an executive agency lobbyist is not required if:

- ✓ Decisions involve no state funds or state funds of less than \$5000;
- ✓ Merely responding to a request for proposal or submitting a bid;
- ✓ Contacts with state officials are for information gathering only;
- ✓ Lobbying is conducted only during appearances before public meetings of executive branch agencies;
- ✓ Lobbyist is an employee of a federal, state, or local government, of a state college or university, or of a political subdivision, and is acting within his official duty; or
- ✓ Exercising the constitutional right to assemble with others for the common good and petition executive branch agencies for the redress of grievances.

EALs, employers, and real parties in interest registered with the Commission must update their registration and report to the Commission annually any expenditures made to or on behalf of an executive branch employee between July 1-31 of each year for activities during the previous fiscal year. In addition, executive agency lobbyists, employers and real parties in interest are required to report any financial transactions with or for the benefit of an executive branch employee. A copy of the required expenditure or financial transaction statement must be sent to the official or employee who is named by the executive agency lobbyist at least ten days prior to the date it is filed with the Commission.

Information explaining the requirements for executive agency lobbyists has been published in an *Executive Agency Lobbying Handbook* that is available free of charge to lobbyists, their employers, or other interested persons. Included in the *Handbook* are the registration forms required to be filed. The *Handbook* is also available on the Commission’s website at <http://ethics.ky.gov/>.

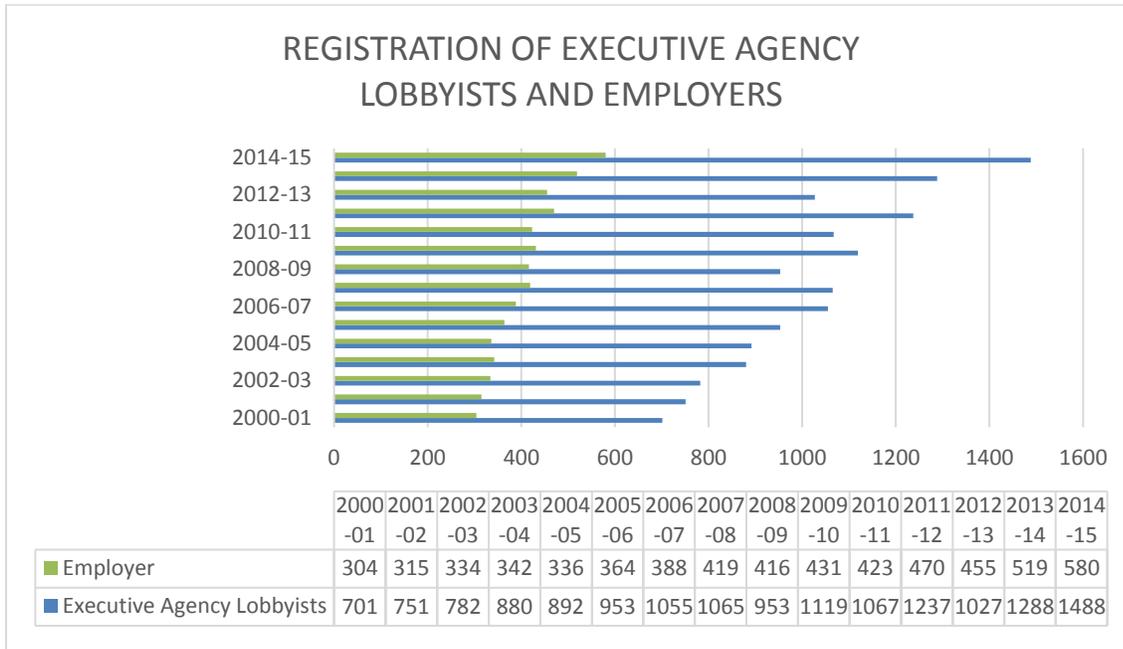
The Commission conducts one-on-one training with new EALs upon request. The Commission appears on the Agenda for the Kentucky Bar Association Annual Conference as well as the Louisville Bar Association periodically providing training called “The Lobbying Lawyer”.

EALs are required to identify on their registration statements the type of industry that they represent. The table below shows the type of industries represented as of June 30, 2013 and June 30, 2015.

<b>TYPE OF INDUSTRY</b>	<b>2013-2014</b>		<b>2014-2015</b>	
	<b>NUMBER OF LOBBYISTS</b>	<b>NUMBER OF EMPLOYERS</b>	<b>NUMBER OF LOBBYISTS</b>	<b>NUMBER OF EMPLOYERS</b>
Advocacy/ Non-Profit/Social Services	81	31	95	38
Agriculture/Equine/Tobacco	28	12	27	12
Architects/Construction/Engineers	169	54	166	50
Arts/Tourism	36	5	37	6
Computer Hardware/Data/Technology	107	44	98	39
Communications/Telecom	50	13	43	10
Criminal Justice/Corrections/Public Safety	28	15	20	11
Education/Workforce Training	72	25	74	23
Entertainment/Gaming /Hospitality/Alcohol	45	23	61	24
Environmental Services/Energy Efficiency	30	13	21	11
Financial Services/Investments/Insurance	353	161	352	165
Health Care/Hospital/Pharmaceuticals/ Bio Tech	265	114	289	110
Legal/Law Firm/Consulting	24	13	27	10
Local Government/Economic Development	75	27	62	24
Manufacturing/Retail	21	12	34	15
Media/Public Relations	11	6	12	7
Minerals/Petroleum/Utilities/Energy	53	18	61	17
Transportation/Shipping	58	21	54	8
<b>TOTAL</b>	<b>1506</b>	<b>607</b>	<b>1533</b>	<b>580</b>

The Commission maintains all registration statements filed by EALs, employers, and real parties in interest. The statements are open records subject to inspection by the public. In addition, all statement information is maintained on a database so that such information may be cross-referenced between EALs, employer, and real party in interest and is readily accessible to the general public. As of June 30, 2014, 1506 EALs representing 607 employers were registered with the Commission; on June 30, 2015, 1533 EALs representing 580 employers were registered.

A comparison of registered lobbyists and employers for the past 15 years is shown below.



### ENFORCEMENT ACTION

Any EALs, employer or real party in interest who fails to file an initial or updated registration statement or, in the case of an employer or real party in interest, fails to pay the \$125 as required by the lobbying laws may be fined by the Commission an amount not to exceed \$100 per day, up to a maximum fine of \$1,000. During fiscal year 2013-14 and 2014-15, the Commission levied no fines for the failure to file timely statements or pay the \$125 registration fee.

## **LEGISLATIVE HISTORY**

On December 10, 1991, shortly after taking office, Governor Brereton C. Jones issued Executive Order 91-2, pertaining to standards of ethical conduct for executive branch employees. The executive order detailed prohibitions of employees, required financial disclosure by certain employees, and directed the Governor's general counsel to prepare ethics legislation for the 1992 General Assembly. This was the beginning of the code of ethics. On April 12, 1992, Senate Bill 63 was passed by the General Assembly, creating the "Executive Branch Code of Ethics," codified as KRS Chapter 11A. The code became effective in July 1992. During the 1993 Special Session of the General Assembly, held to enact a legislative code of ethics, the Executive Branch Code of Ethics was amended to include a new section pertaining to executive agency lobbying, effective September 1993. Numerous amendments have been made to the code of ethics during subsequent sessions of the General Assembly.

The Commission has recommended certain necessary amendments and housekeeping measures for KRS Chapter 11A through the introduction of legislation at the 2013 and 2015 sessions of the General Assembly, which included increasing the amount of the allowable gift from \$25 to \$50 in a calendar year and codifying certain provisions of the Governor's Executive Order 2008-454 into statute. The Commission will continue to strive to improve the code by means of pursuing positive legislative action.

# PUBLIC INFORMATION

## MEETINGS

The Commission holds bi-monthly meetings to consider advisory opinion requests, conduct business, and issue orders related to administrative proceedings. Investigations and litigation reviews are conducted in closed, executive session. Notice of open meetings is sent to the press pursuant to Kentucky's Open Records Law, KRS 61.810. The public is welcome to attend open meetings.

## PUBLIC RECORDS

The Commission keeps on file many documents that are public record and are available for public inspection during normal business hours (8:00 a.m. to 4:30 p.m.) on regular state workdays.

-  Financial Disclosure Statements  
Filed by elected officials, officers, and candidates for office within the executive branch
-  Administrative Proceedings Case Files  
Maintained on all administrative actions taken by the Commission
-  Commission Meeting Minutes (open session only)
-  Executive Agency Lobbyist, Employer, and Real Party in Interest Registrations
-  Executive Agency Lobbyist Listings
-  Economic Development Incentive Disclosure Statements
-  Gift Disclosure Statements
-  Outside Employment Reports

## EDUCATIONAL MATERIALS

-  *Biennial Reports*
-  *Guide to the Executive Branch Code of Ethics*
-  *Advisory Opinions*
-  *Executive Agency Lobbying Handbook*
-  Brochures:
  - *Acceptance of Gifts*
  - *Leaving State Government?*
  - *Ethical Guidelines for Boards and Commission Members*
  - *Executive Branch Ethics Commission (general information)*

## CODE OF ETHICS

KRS Chapter 11A requires that public servants work for the benefit of the people of the Commonwealth. The code of ethics recognizes that public office is a public trust where government is based upon the consent of its citizens. Citizens are entitled to have complete confidence in the integrity of their government.

- Employees must be independent and impartial;
  
- Decisions and policies must not be made outside the established processes of government;
  
- Employees should not use public office to obtain private benefits;
  
- Employees' actions should promote public confidence in the integrity of government;
  
- Employees should not engage or be involved in any activity that has the potential to become a conflict of interest with their state employment.

**COMMONWEALTH OF KENTUCKY**

**EXECUTIVE BRANCH ETHICS COMMISSION**

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