

COMMONWEALTH OF KENTUCKY

**EXECUTIVE BRANCH
ETHICS COMMISSION**



BIENNIAL REPORT

JULY 1, 2019 - JUNE 30, 2021

**29 YEARS OF STATISTICS
JULY 1, 1992 – JUNE 30, 2021**

Printed with State Funds
2021

EXECUTIVE BRANCH ETHICS COMMISSION

BIENNIAL REPORT

FISCAL YEARS ENDING JUNE 30, 2020, AND JUNE 30, 2021
29 YEARS OF STATISTICS
JULY 1, 1992 – JUNE 30, 2021

COMMISSION CHAIRS & VICE CHAIRS

Judge Roger L. Crittenden (Ret.)

Chair, July 14, 2020 – Present
(Member, May 27, 2020 – Present)

Sen. David Karem (Ret.)

Vice-Chair, July 14, 2020 – Present
(Member, May 27, 2020 – Present)

Christopher L. Thacker

Chair, September 17, 2018 – May 27, 2020
Vice Chair, July 17, 2017 – September 17, 2018
(Member, July 15, 2016 – May 27, 2020)

Christopher W. Brooker

Vice Chair, November 8, 2018 – May 27, 2020
(Member, April 5, 2018 – May 27, 2020)

COMMISSION MEMBERS

Crit Luallen

(Member, May 27, 2020 - Present)

Justice Daniel J. Venters (Ret.)

(Member, June 15, 2020 - Present)

David Samford

(Member, June 23, 2020 – Present)

Holly R. Iaccarino

(Member, July 31, 2018 – May 27, 2020)

April A. Wimberg

(Member, April 2, 2018 – May 27, 2020)

Kyle M. Winslow

(Member October 18, 2018 – May 11, 2020)

CURRENT STAFF

Kathryn H. Gabhart, Executive Director
(November 1, 2015 to present)
(General Counsel April 1, 2011 – October 31, 2015)

Steven T. Pulliam, General Counsel
(September 27, 2021, to present)

S. Meena Mohanty, Deputy General Counsel
(January 16, 2019, to present)

Alison Chavies, Executive Assistant/Paralegal
(June 16, 2019, to Present)

Jenny May, Lobbyist Coordinator
(October 16, 1994, to present)

Bella Wells, Investigator
(June 1, 2018, to present)

Nellie Ramsey, SFD Coordinator
(May 16, 2021, to present)

Abigail Noser, Law Clerk
(May 16, 2021, to present)

FORMER STAFF

Michael W. Board, General Counsel (October 1, 2017 – July 15, 2021)

Debbie Briscoe, Executive Assistant (August 8, 2008 – April 30, 2021)

Alex Lamb, SFD Coordinator (January 16, 2021 – May 15, 2021)

Hannah Stettner, Law Clerk (May 15, 2020 – February 1, 2021)

Bill Trigg, Staff Assistant (September 16, 2007 – August 15, 2019)

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FAX (502) 695-5939
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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, 2020, and June 30, 2021, as required by KRS 11A.110(13). It is intended to serve as a guide to the responsibilities of the Ethics Commission and as a record of its major activities and decisions during the biennium.



COMMONWEALTH OF KENTUCKY
EXECUTIVE BRANCH ETHICS COMMISSION

JUDGE ROGER L. CRITTENDEN (RET.)
CHAIR

SEN. DAVID K. KAREM (RET.)
VICE CHAIR

CRIT LUALLEN
JUSTICE DANIEL J. VENTERS (RET.)
DAVID S. SAMFORD

CAPITAL COMPLEX EAST
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KATHRYN H. GABHART
EXECUTIVE DIRECTOR

STEVEN T. PULLIAM
GENERAL COUNSEL

SUCHETA MEENA MOHANTY
DEPUTY GENERAL COUNSEL

November 18, 2021

Governor Andrew Beshear
Legislative Research Commission
Citizens of the Commonwealth of Kentucky

On behalf of the Kentucky Executive Branch Ethics Commission and its staff, I am pleased to submit the Ethics Commission's Biennial Report for the fiscal years ending June 30, 2020, and June 30, 2021. The purpose of the Biennial Report is to document and summarize the work of the Ethics Commission during this two-year period for future generations. In addition to the biennial data, the Ethics Commission has also compiled data for the first 29 years since the establishment of the Ethics Commission.

The Legislature has charged the Ethics Commission, an independent body of five citizen members from various regions throughout the state, with promoting ethical conduct within the Executive Branch of the Commonwealth. During the 2019-2021 Biennium, an experienced and dedicated staff supported the Ethics Commission. In fulfilling its mission, the Ethics Commission promotes and enforces the Executive Branch Code of Ethics enacted in KRS Chapter 11A and Title 9 of the KAR. It does so in various ways including the following: 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; the regulation of lobbyists, their employers, and real parties in interest; and enforcement proceedings against those who have violated the Code. In addition, in each legislative session since 1993, the Commission has worked with legislators to propose amendments, to strengthen and clarify the existing Ethics Code.

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

Respectfully submitted,

Judge Roger L. Crittenden (Ret.)
Chairman

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INTRODUCTION TO THE ETHICS COMMISSION

AUTHORITY

The Executive Branch Code of Ethics (the Ethics Code) created by Kentucky Revised Statutes (KRS) Chapter 11A, effective July 14, 1992, provides the ethical standards that govern the conduct of executive branch public servants, elected officials, and professional executive branch lobbyists and their employers and real parties in interest. The mission of the Executive Branch Ethics Commission (the Ethics Commission) is to provide for open government through the disclosures of lobbyists and public servants and to promote the ethical conduct of elected officials, officers, and other employees in the Executive Branch of state government, thereby increasing public trust in the administration of state government through the Executive Branch. The Ethics Code 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 to improve its application. The 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. The Ethics Commission is part of the General Government Cabinet, but is attached to the Finance and Administration Cabinet for administrative purposes only.

VISION

The Ethics Commission's 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. The importance of having state officials and public servants who hold high ethical standards, and who promote confidence in government, cannot be overstated. Public servants who follow the Ethics Code are less likely to abuse state time and resources, mismanage government funds and resources, or engage in conduct that could damage the public trust. Without a robust and active Ethics Commission with sufficient resources allocated to it to support the full enforcement of the Ethics Code, public servants would not be deterred from the conduct that resulted in the creation of the Ethics Code and the Ethics Commission in 1992.

KRS Chapter 11A was enacted in response to the revelations from the BOPTROT¹ corruption scandal in 1991. Thirty years after BOPTROT, the Ethics Commission serves as a beacon to fight public corruption and make an example of officials who abuse state resources for their personal ends.

MISSION STATEMENT

The mission of the Ethics Commission is to promote the ethical conduct of elected officials, officers, public servants, and executive agency lobbyists, as well as their employers and real parties in interest, in the executive branch of state government, thereby increasing the public trust in the administration of state government.

¹ BOPTROT refers to the FBI investigation of the Business Organizations and Professions Committees in both the House and Senate of the Kentucky General Assembly involving legislators accepting bribes to influence votes on horse racing and trot tracing bills.

The Ethics Commission seeks to fulfill its mission through:

- ◆ Education and training of executive branch agencies, elected officials, public servants, and lobbyists.
- ◆ Guidance to public servants and lobbyists concerning their ethical conduct, including the issuance of advisory opinions, manuals, pamphlets, staff opinions, letters, emails, phone calls, and in-person guidance.
- ◆ Investigation of possible violations and enforcement of the provisions of the Ethics Code.
- ◆ Administrative Proceedings, conducted pursuant to KRS 13B, providing due process for all those charged with violations of the Ethics Code.
- ◆ Litigation in defense of the Ethics Commission's final actions and the Ethics Code.
- ◆ Reviewing and auditing financial disclosure statements filed by state officers, candidates for constitutional office, and elected constitutional officers.
- ◆ Receipt and review of executive agency lobbyists' registration statements and creation and maintenance of a database of lobbyist filings.
- ◆ Improvements to the Ethics Code through recommendations for legislation and the issuance of administrative regulations.

CODE OF ETHICS

KRS Chapter 11A requires that public servants work for the benefit of the people of the Commonwealth. The Ethics Code 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. As such, the Ethics Code provides these overarching principals for public servants to follow:

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

WHO IS COVERED BY THE ETHICS CODE:

All state officers and public servants in the executive branch of state government are subject to the Ethics Code unless otherwise provided by law. The full Ethics Code also covers members of certain boards and commissions. The Ethics Code refers to these employees as "Public Servants."

WHO IS A PUBLIC SERVANT?

Every employee of every executive branch agency is a public servant covered by the ethics code unless covered under a separate statutory code of ethics. Public servants include every employee of the Executive Branch, regardless of whether they are merit or non-merit, part-time or interim, seasonal or permanent. Any person who is hired through a contract to perform a function of a position that is full-time, non-seasonal is also considered to be a public servant. Each public servant is responsible for knowing and complying with these laws.

However, the following are **excluded** by KRS 11A.015 or other legislation:

- KRS Chapter 16 sworn officers of the Kentucky State Police;
- Employees of the KY Lottery Corporation;
- Employees of secondary education;
- Employees of public universities;
- Employees of the Legislative Research Commission;
- Employees of the Administrative Office of the Courts;
- County and city elected officials included in KRS 65.003; and
- Employees of county and city elected officials.

WHO IS AN OFFICER?

Some of the provisions of the Ethics Code *only* apply to officers, including the requirement to file an annual, leaver, and new hire Statement of Financial Disclosure and follow certain post-employment rules. Officers include the following:

- Constitutional Officers
- “Major Management” Personnel: This term is not defined by statute, but guidance was provided in Advisory Opinion 17-05. Any employee who can step into the role of a named position in the absence of that officer or any employee with the authority to set policy, determine the award of contracts or business relationships, hire and fire employees, or establish the budget for an agency may be consider to be an officer.
- Property Valuation Administrators: *EBEC v. Atkinson*, Ky. App., 339 S.W.3d 472 (2010).
- Specifically Named Positions:
 - Cabinet Secretaries and Deputy Secretaries
 - General Counsels
 - Commissioners and Deputy Commissioners
 - Executive Directors
 - Executive Assistants
 - Policy Advisors
 - Special Assistants
 - Administrative Coordinators
 - Executive Advisors
 - Staff Assistants
 - Division Directors
- CONTRACT EMPLOYEES: Anyone holding a position by contract that would otherwise be considered a full-time position for any of the above positions is also considered an “officer.” This does not include seasonal or “interim” employees.
- Members of the following Boards and Commissions:
 - Chief Administrative Officers of the Parole Board
 - Kentucky Claims Commission
 - Kentucky Retirement Systems Board of Trustees
 - Kentucky Teachers' Retirement System Board of Trustees
 - Public Service Commission
 - Worker's Compensation Board and its administrative law judges
 - Kentucky Occupational Safety and Health Review Commission
 - Kentucky Board of Education
 - Council on Postsecondary Education
 - Kentucky Horse Racing Commission [exempted from KRS 11A.040(6)-(10)]
- Members of salaried boards and commissions, as defined by KRS 11A.010(21)

- Advisory Opinion 19-05 (Unemployment Insurance Commission Members)
- Advisory Opinion 19-06 (State Board of Elections Members)

ETHICS OFFICERS

The Ethics Commission requests all agencies designate an employee within the agency to serve as the Ethics Officer. There are no requirements for who can serve as an Ethics Officer. However, this person should be accessible to employees in the agency, be willing to answer questions that can oftentimes be cumbersome, be willing to seek the counsel of the Ethics Commission staff, and be willing to report conduct that could possibly violate the Ethics Code.

Ethics Officers assist the Ethics Commission with the following areas to ensure proper enforcement of the Ethics Code:

1. Disseminate information from the Ethics Commission to employees in each agency;
2. Be a resource for employees seeking ethics advice;
3. Ensure that newly hired employees receive ethics training;
4. Assist agency appointing authority with requests for outside employment and ensure that the appointing authority reports quarterly to the Ethics Commission;
5. Assist public servants with determining how to handle gifts;
6. Monitor the filing of Statements of Financial Disclosure by officers; and
7. Assist the Ethics Commission staff with possible investigations.

COMMISSION MEMBERS

The Ethics 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, Governor Steve Beshear, on a rotating basis, appointed one member directly, then appointed two members from lists of names submitted by the Attorney General and the Auditor of Public Accounts, after which the process repeated itself. In 2016, through Executive Order 2016-377, Governor Matthew Bevin returned the appointment process as enacted in KRS 11A.060. On May 27, 2020, through Executive Order 2020-423, Governor Andy Beshear abolished the terms of the existing members and reorganized the Ethics Commission to require that two nominees be selected from lists submitted by the Attorney General and the Auditor of Public Accounts and appointed three new members of the Ethics Commission. The following individuals served on the Ethics Commission during the 2019-2021 biennium.

2019-2020 MEMBERS OF THE ETHICS COMMISSION:



PICTURED (from left to right): Kyle Winslow, Holly Iaccarino, Chairman Christopher Thacker, Vice Chairman Christopher Brooker, and April Wimberg.

2020-2021 MEMBERS OF THE ETHICS COMMISSION:



PICTURED (from left to right): Justice Daniel Venters (Ret.), Vice Chairman Sen. David Karem (Ret.), Chairman Judge Roger Crittenden (Ret.), Crit Luallen, and David Samford.

COMMISSION CHAIRS & VICE CHAIRS DURING THE BIENNIUM

2019-2020

CHRISTOPHER L. THACKER



Governor Matthew G. Bevin appointed Mr. Thacker on July 15, 2016. Mr. Thacker's term was slated to expire July 14, 2020. Mr. Thacker was elected Vice Chair of The Ethics Commission on July 17, 2017, and elected Chairman on September 17, 2019. Mr. Thacker served The Ethics Commission through May 27, 2020.

Mr. Thacker is an attorney from Winchester, Kentucky. He currently serves as an Assistant Deputy Attorney General. Previously, he practiced with the Billings Law Firm in Lexington, Kentucky. He earned his bachelor's degree in Religious studies from Yale University and his law degree from the University of Kentucky College of Law.

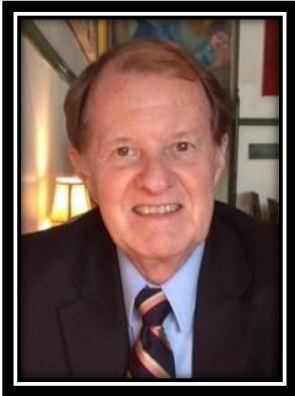


CHRISTOPHER W. BROOKER

Governor Matthew G. Bevin appointed Mr. Brooker on April 5, 2018. Mr. Brooker was appointed to replace Judge Sheila Isaac who resigned her position. Mr. Brooker served the remainder of Judge Isaac's unexpired term ending July 14, 2019, and was reappointed by Governor Bevin to serve a term ending on July 14, 2023. Mr. Brooker was elected Vice Chair on November 8, 2018. Mr. Brooker served The Ethics Commission through May 27, 2020.

Mr. Brooker is a partner in the Louisville office of Wyatt, Tarrant & Combs, LLP. He earned his bachelor's degree in 1998 from the University of North Carolina at Asheville, and earned his law degree, with honors, in 2001 from the University of North Carolina at Chapel Hill.

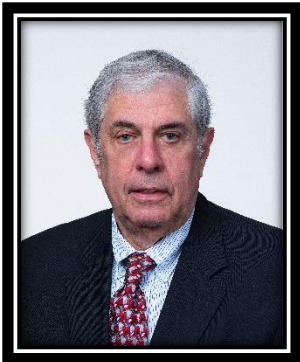
2020-2021



JUDGE ROGER L. CRITTENDEN (RET.)

After three years of service in the U.S. Army including a tour in Vietnam, Judge Crittenden graduated with the Class of 1975 from the University of Kentucky, College of Law, and launched his career in public service at the Kentucky Cabinet for Human Resources and the Kentucky Council on Higher Education. In 1980, he was elected as Franklin County District Court Judge where he served for 12 years before being elected as Franklin County Circuit Court Judge in 1992. He retired in 2006 and is Senior Judge of the Franklin Circuit Court. Committed to education, Judge Crittenden has served as chair of the Circuit Judges Association Education Committee and is a former board chair of PUSH Infant Pre-School.

Judge Crittenden was appointed to The Ethics Commission by Governor Andy Beshear on May 27, 2020, to serve a three-year term. His term expires May 27, 2023. He was elected as Chairman of The Ethics Commission on July 14, 2020.



SEN. DAVID KAREM (RET.)

Sen. David Karem of Louisville has been a champion of public education for more than 40 years while serving in the Kentucky General Assembly and the Kentucky Board of Education. Karem served two terms on the Kentucky Board of Education from 2009 to 2016 and as chairman from 2010 to 2013. The David Karem Award, later renamed the Karem Award for Excellence in Education Policy, was established in 2017 by the Kentucky Board of Education in his honor to recognize state policymakers, education leaders or citizens who have made notable, state-level contributions to the improvement of Kentucky's public education system. The award was first presented in 2017.

Karem served in the Kentucky House of Representatives from 1972 to 1976 and represented the 35th District in the Kentucky Senate from 1976 to 2004. He was the Senate's majority floor leader from 1993 to 1999, and he was on the education committees in the House and Senate for 32 and a half of his 33 years in public office. During his time in the legislature, Karem was a driving force behind the passage of the Kentucky Education Reform Act in 1990 and the Postsecondary Education Reform Act in 1997 and led the effort for a 4% school tax levy by districts.

Karem served for 33 years as president of Louisville's Waterfront Development Corporation, which has worked to develop and maintain the city's Waterfront Park. He began a one-year term as director emeritus upon his retirement in July 2019. He also was a member of the Louisville Downtown Development Corporation's board of directors from 2006 to 2018.

Karem holds a bachelor's degree in Design from the University of Cincinnati College of Design, Architecture, and Art and a doctorate in law from the University of Louisville. He is a graduate of St. Xavier High School in Louisville.

Governor Andy Beshear appointed Karem to The Ethics Commission on May 27, 2020, to a four-year term, which expires May 27, 2024. Karem was elected Vice Chair of The Ethics Commission July 14, 2020.

COMMISSION MEMBERS DURING THE BIENNIUM

2019-2020

APRIL A. WIMBERG



Governor Matthew G. Bevin appointed Mrs. Wimberg on May 2, 2018 to replace Theresa Camoriano who resigned her position. Mrs. Wimberg was slated to serve the remainder of the unexpired term ending July 14, 2020. However, Ms. Wimberg served The Ethics Commission through May 27, 2020.

Mrs. Wimberg is an attorney from Louisville, Kentucky, and practices with the law firm of Bingham Greenbaum Doll, LLP. She earned her bachelor's degree from the University of Kentucky and her law degree from the University of Louisville.

HOLLY R. IACCARINO



Governor Matthew G. Bevin appointed Ms. Iaccarino on July 31, 2018, to replace William Francis whose term expired July 14, 2018. Ms. Iaccarino's term was slated to expire July 14, 2022. However, Ms. Iaccarino served The Ethics Commission through May 27, 2020.

Ms. Iaccarino is an attorney and practices with the law firm of Barnett, Benvenuti & Butler, PLLC, in Lexington, Kentucky. She earned her bachelor's degree in 2005 from Asbury University; her law degree in 2010 from The Catholic University of America, Columbus School of Law in Washington, D.C.; and, her master's degree in 2011 from George Mason University.



KYLE M. WINSLOW

Governor Matthew G. Bevin appointed Mr. Winslow on October 18, 2018 to replace K. Timothy Kline who resigned his position. Mr. Winslow was to serve the remainder of the unexpired term ending July 14, 2021. However, Mr. Winslow resigned his term with the Ethics Commission on May 11, 2020.

Mr. Winslow is an attorney and practices with the law firm of Hemmer DeFrank Wessels, PLLC in Ft. Mitchell, Kentucky. He earned his bachelor's degree in 2009 from the University of Louisville and his law degree in 2012 from the University of Cincinnati College of Law.

2020-2021



CRIT LUALLEN

Former Lieutenant Governor Crit Luallen is known as one of Kentucky's most experienced and respected public leaders, after serving with seven Governors and being elected twice to statewide office. In 2019, the University of Kentucky Martin School of Public Policy and Administration acknowledged her as a Trailblazer in Public Policy. Governor Steve Beshear appointed Luallen as Kentucky's 56th Lieutenant Governor in 2014. As Lt. Governor, she chaired KyHealthNow, an initiative to develop strategies and track progress toward a healthier Kentucky.

Luallen was elected the state's Auditor of Public Accounts in 2003 and re-elected in 2007. Prior to that, she served nearly seven years as Secretary of the Governor's Executive Cabinet, the highest appointed position in Kentucky state government. Previous appointments include State Budget Director, Secretary of the Finance Cabinet, Secretary of the Tourism, Arts & Heritage Cabinet, and Commissioner of the Department of the Arts. As Commissioner of the Arts, Luallen helped found the Kentucky Governor's School for the Arts. She also served as Senior Vice President and then President of the Greater Louisville Economic Development Partnership, a regional economic development agency. In 2009, she was named Public Official of the Year by the Washington, D.C.-based magazine *Governing* for her positive impact on government in Kentucky.

Luallen is a native of Frankfort, a graduate of Centre College, where she serves on the Board of Trustees, and is married to Lynn Luallen.

Governor Andy Beshear appointed Luallen to The Ethics Commission on May 27, 2020 to a four-year term, which expires May 27, 2024.



DAVID SAMFORD

David S. Samford is an attorney with the law firm Goss Samford, PLLC in Lexington, Kentucky. He previously served as a Special Advisor to Governor Ernie Fletcher; Executive Director of the Office of Legal Services within the Kentucky Transportation Cabinet; General Counsel, Senior Policy Advisor and Deputy Executive Director of the Kentucky Public Service Commission; and as a Special Justice of the Kentucky Supreme Court. David has previously been appointed to the Kentucky Registry of Election Finance on two prior occasions and served as a Director of the Bluegrass Community and Technical College. David also served as a law clerk to the Chief Judge of the United States District Court for the Eastern District of Kentucky and on the Leadership Staff of the Kentucky State Senate.

Governor Andy Beshear appointed Mr. Samford to the Ethics Commission on June 23, 2020 to a one-year term. He was appointed under the requirements of Executive Order 2020-423 from a list of nominees submitted by the Auditor of Public Accounts. His term expired on May 27, 2021, but continues to serve until reappointed or replaced.



JUSTICE DANIEL J. VENTERS (RET.)

Justice Daniel J. Venters retired from the Supreme Court of Kentucky in January 2019, having served ten and a half years on the Court and authoring nearly 200 published opinions and hundreds of unpublished opinions. His judicial career spanned more than 35 years on the trial and appellate court benches of Kentucky.

Justice Venters entered the practice of law in 1975 in Somerset, Kentucky, where he served as a part-time Assistant Commonwealth's Attorney under then-Commonwealth's Attorney, now Congressman Hal Rogers. He practiced with the Somerset law firm of Rogers & Venters until January of 1979, when he became a District Court Judge for Pulaski and Rockcastle Counties. Elected to the circuit court bench in 1983, Justice Venters served as Chief Circuit Court Judge for 28th Judicial Circuit (Pulaski, Rockcastle, and Lincoln Counties) from January 1984 until June 2003, when he returned to the practice of law in Somerset.

Justice Venters is a 1975 graduate of the University of Kentucky College of Law and a 1972 graduate of The Ohio State University, where he majored in economics. He is admitted to practice before the United States Supreme Court and the U.S. District Courts for Eastern and Western Kentucky. He has served as a member of Kentucky Board of Bar Examiners, a member of the Kentucky Bar Association Board of Governors, a trustee of the Judicial Form Retirement System, and a member of the AppalReD Legal Aid Board of Directors.

Justice Venters was born in 1950 in Charleston, West Virginia. He is married to Circuit Court/Family Judge, Jane Adams Venters. The Venters' have five children and thirteen grandchildren.

Governor Andy Beshear appointed Justice Venters to the Ethics Commission on June 15, 2020 to a two-year term. He was appointed under the requirements of Executive Order 2020-423 from a list of nominees submitted by the Attorney General. Justice Venter's term will expire May 27, 2022.

COMMISSION STAFF

The Ethics 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 Ethics Commission during the 2019-2021 biennium.

EXECUTIVE DIRECTOR

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

The Executive Director oversees the daily operation of the Ethics Commission through:

- Directing, planning, and overseeing all administrative, legal, investigative, lobbyist registration, and financial disclosure functions and statutory requirements of the Ethics Commission.
- Sets up, prepares, and conducts ethics training classes for state agencies and/or lobbyist organizations to educate executive branch employees and/or lobbyists on their responsibilities under the Executive Branch Code of Ethics.
- Provides daily advice in response to questions by state employees, executive agency lobbyists, and the public via the telephone, e-mail, and face-to-face communications.
- Drafts staff notes and supervises production and assembly of meeting agenda and meeting packet for bi-monthly commission meetings.
- Drafts advisory opinions, letters, biennial reports, educational materials, articles for professional and state newsletters, proposed legislation, proposed administrative regulations, indexes, and other required materials.
- Prepares and monitors the Ethics Commission's biennial budget, records retention requirements, inventory process, website information, and various other administrative functions.
- Works to enact legislation to improve the Executive Branch Code of Ethics.

KATHRYN H. GABHART (NOVEMBER 1, 2015 - PRESENT)



INVESTIGATION STAFF

The legal and investigation staff conducts the investigations and enforcement actions on behalf of the Ethics Commission.

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.

The General Counsel of the Ethics Commission serves as legal counsel to the agency. Some of the duties required of the General Counsel are:

- Oversees the conduct of investigations, adjudication, and resolution of alleged violations of the Ethics Code, including serving in a prosecutorial role during administrative hearings;
- Makes court appearances and drafts appellate briefs related to the appeal of administrative proceedings and otherwise defends the final orders of the Ethics Commission;
- Responds to various types of inquires (telephone, mail, e-mail, personal) concerning the application of the Ethics Code;
- Assists with drafting administrative regulations and legislative proposals and may represent the Ethics Commission at legislative meetings;
- Assists with drafting and reviewing advisory opinions for presentation to the Ethics Commission; and
- Provides guidance to the Executive Director and the Ethics Commission.

STEVEN T. PULLIAM
(SEPTEMBER 27, 2021 – PRESENT)



MICHAEL W. BOARD
(OCTOBER 1, 2017 – JULY 15, 2021)



DEPUTY GENERAL COUNSEL

The Deputy General Counsel was newly created in June of 2019. The Deputy General Counsel serves a dual role in acting as support legal advisor to the Executive Director and General Counsel and works partly as an investigator.

Some of the duties required of the Deputy General Counsel include:

- Investigates alleged violations of the Ethics Code, including serving in a prosecutorial role during administrative hearings that are not handled by the General Counsel;
- Makes court appearances and drafts appellate briefs related to the appeal of administrative proceedings and otherwise defends the final orders of the Ethics Commission;
- Responds to various types of inquires (telephone, mail, e-mail, personal) concerning the application of the Ethics Code; and
- Provides guidance to the Executive Director and the Ethics Commission.

SUCHETA MEENA MOHANTY
(JANUARY 16, 2019 – PRESENT)



INVESTIGATOR

The Investigator positions are part-time and are typically comprised of individuals with law enforcement experience.

The Investigators are responsible for conducting preliminary confidential investigations initiated by the Ethics Commission. The Investigators arrange and conduct interviews of the subjects of the investigations and all potential witnesses related to the investigation. The Investigators ensure that the Ethics Commission's preliminary investigations remain confidential pursuant to KRS 11A.080(2). The Investigators are responsible for serving or arranging the service of subpoenas issued by the Ethics Commission. The Investigators collect and review all evidence and data related to the investigation. Finally, the Investigators provide reports to the Ethics Commission recounting the results of those investigations.

Furthermore, the Investigators assist in the collection of delinquent Statements of Financial Disclosure and Executive Agency Lobbyist filing forms.

The **Paralegal** is assists the investigative staff with various duties relating to the function of the Ethics Commission, including researching, analyzing, and drafting legal documents, case investigation, file maintenance and reports, litigation preparation, memoranda on various research topics, data compilation and auditing of filings and general office support

BELLA WELLS
(JUNE 1, 2018 – PRESENT)



ALISON CHAVIES
(JUNE 15, 2019 - PRESENT)



SUPPORT STAFF

The support staff manages daily operations of the office and safeguards documents on file with the Ethics 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 Ethics Commission staff and its members. This position acts as Clerk of the Administrative Proceedings process and maintains all legal records related to the Ethics 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 Ethics Commission. The Executive Assistant coordinates the training component of the Ethics Commission by registering participants, preparing training materials, and maintaining the training participant database.

ALISON CHAVIES
(JUNE 1, 2021 - PRESENT)



DEBBIE BRISCOE
(AUGUST 8, 2008 – APRIL 30, 2021)



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 for the publication of the Ethics Commission’s Biennial Report. Other duties include purchases and billings for the agency, serving as records retention liaison, updating the agency’s website, and responding to both open records requests and general inquiries regarding the Ethics Commission and its work.

JENNY MAY
(OCTOBER 16, 1994 - PRESENT)



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. This position also assists the Executive Assistant and Administrative Assistant as needed.

NELLIE RAMSEY
(MAY 16, 2021 - PRESENT)

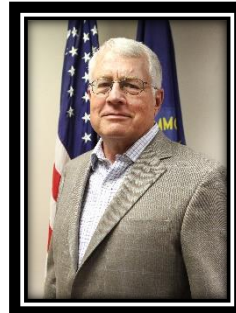


ALEX LAMB
(JANUARY 16, 2021 - MAY 15, 2021)



ALISON CHAVIES
(AUGUST 16, 2019 – JANUARY 15, 2021)

WILLIAM TRIGG
(SEPTEMBER 16, 2007 - AUGUST 15, 2019)



The **Law Clerk** is an interim position and assists the Executive Director and legal staff with various duties relating to the functions of the Ethics Commission, including assisting with trial preparation for administrative hearings, compiling filing data, participating in investigative matters, and drafting memoranda regarding various research topics.

ABIGAIL NOSER
(MAY 15, 2021 – PRESENT)



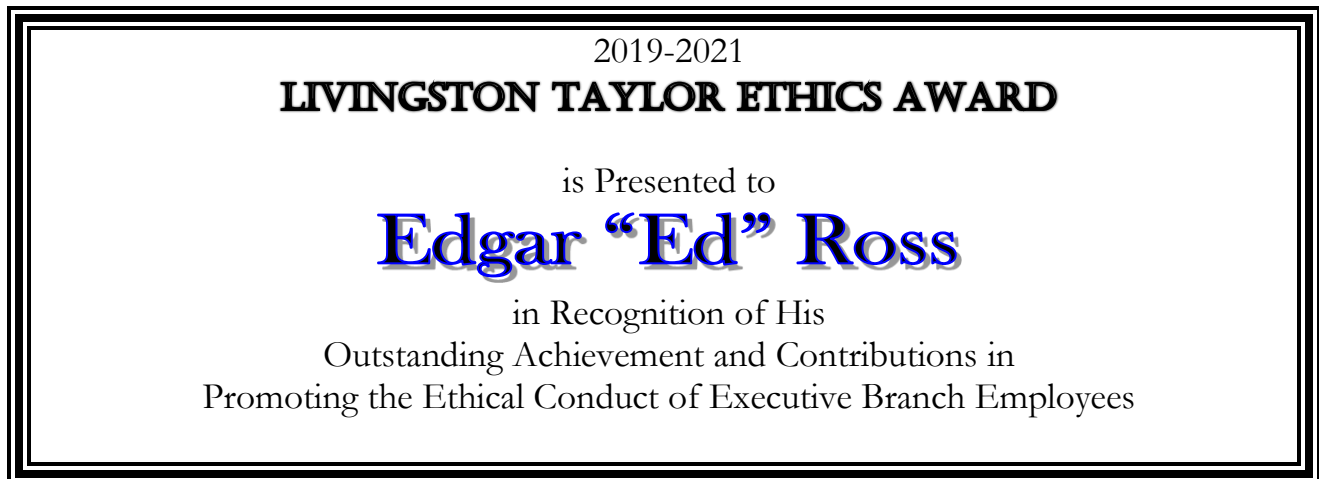
HANNAH STETTNER
(MAY 15, 2020 – FEBRUARY 1, 2021)



LIVINGSTON TAYLOR ETHICS AWARD

Livingston Taylor, a former investigative reporter for the Courier-Journal, served as the Ethics Commission's first chairman from 1992-1995. Mr. Taylor was responsible for the early direction of the Ethics Commission and donated a considerable amount of time and effort in leading the Ethics Commission. Mr. Taylor declined any compensation for his efforts. He set the tone for the Ethics Commission with his concern that the Ethics 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 Ethics 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 Ethics Commission wishes to offer some positive reinforcement through this award by recognizing those who work hard and ethically for the taxpayers of Kentucky.



Mr. Ross was nominated for the award by Cassidy Connell with support from the Finance and Administration Cabinet including testimony by Libby Carlin, current Executive Director of the Office of Policy and Audit.

Mr. Ross is a financial ethical compass that has provided direction to the employees across the Commonwealth. Mr. Ross has been instrumental in paving the ethical high road for financial integrity in the Executive Branch. Mr. Ross has made significant and positive contributions in the field of ethics demonstrated by his high level of financial integrity in his role overseeing the financial management of the Commonwealth. He has held the position of Controller since its inception in 1994. During his tenure, he has championed and established practices that allow the Commonwealth to be a leader in state financial management practices. Mr. Ross and his efforts has been nationally recognized by the National Association of State Comptrollers as the recipient of the Goldstein Leadership Award in 2018; by the National Association of State Auditors, Comptrollers, and Treasurers as its Distinguished Service Award recipient in 2019 and its President's Award in 2010; and by the Government Finance Officers Association that awarded the Annual Commonwealth Financial Report 33 Certificates of Financial Achievement.



PICTURED (from left to right): Finance & Administration Cabinet Secretary Holly McCoy Johnson, Ed Ross, and Judge Roger Crittenden (Ret.)

Mr. Ross has spearheaded promoting honesty and integrity in the Executive Branch by overseeing the creation and evolution of statewide practices to lead all state agencies toward providing accurate and reliable financial accounting and reporting, complying with procurement requirements, and establishing responsible financing and investing practices. His actions and personal reputation as a person of honesty and integrity have created public confidence in the financial data used as the source for management and policy decisions by the establishment of regulations to implement internal controls “to both prevent and detect abuse, unintentional errors, and the fraudulent disbursement of funds or use of state assets.” 200 KAR 38:070, Section 2. He has also developed policies that guide executive branch agencies on the appropriate use of state funds to ensure “expenditures shall be reasonable in amount, beneficial to the public and not personal in nature.” See FAP 120-23-00.

During the biennium, Mr. Ross was integral in easing the Commonwealth through the pandemic. Mr. Ross’s advice and guidance was critical to ensuring the Commonwealth’s compliance with federal and state law while handling the expenses of pandemic spending exceeding \$67 billion.

Previous recipients of the award include: the Kentucky Department of Parks (2019); John Steffen, Executive Director of the Kentucky Registry of Election Finance (2017); Rep. Tanya Pullin, former sponsor of legislation related to ethics (2015); Robert D. Vance, former Secretary of the Public Protection Cabinet (2013); Crit Luallen, former Auditor of Public Accounts (2011); Jill LeMaster, retired Executive Director of the Executive Branch Ethics Commission, (2009); and the Transportation Cabinet’s Office of Inspector General (2007).

BUDGET

TWO-YEAR BUDGET ANALYSIS

The Ethics Commission's budget and expenditures for fiscal years 2019-20 and 2020-21 in detail below.

	<u>FISCAL YEAR</u>		<u>TOTAL FOR</u>
	<u>2019-2020</u>	<u>2020-2021</u>	<u>BIENNIUM</u>
ENACTED BUDGET			
General Fund	\$555,700	\$561,600	\$1,117,300
Agency Fund	\$420,000	\$420,000	\$880,000
TOTAL	\$975,700	\$981,600	\$1,997,300
EXPENDITURES			
Personnel Costs	\$863,935	\$816,563	\$1,653,498
Operating Expenses	\$100,550	\$118,894	\$219,444
Grants, Loans & Benefits	0	0	0
Capital Outlay	0	0	0
TOTAL	\$964,485	\$935,457	\$1,899,942
REVENUES			
Balance Forward from Previous FY	\$194,355	\$136,642	\$330,997
Revenues from Fees & Penalties	\$361,594	\$370,450	\$732,044
TOTAL	\$555,949	\$507,092	\$1,063,041

ADMINISTRATIVE HEARING EXPENSES*	2019-20	2020-21	TOTAL
PENALTIES COLLECTED**	\$67,294	\$22,450	\$89,744
BALANCE FORWARD	\$107,592	\$84,850	\$192,442
ADMINISTRATIVE HEARINGS COSTS	\$26,220	\$45,191	\$71,411
REMAINDER	\$148,666	\$62,109	\$210,775

*Administrative Hearing Expenses added to report starting with the 2016-2017 Fiscal Year.

** Beginning in 2016-2017 Fiscal Year, the Budget Bill allowed the Ethics Commission to deposit the fines collected in the Ethics Commission's Restricted Fund account to fund administrative hearings.

REVENUE FROM LOBBYING ACTIVITIES			TOTALS
	2019-2020	2020-2021	All Years
*REGISTRATION FEES (AGENCY FUND REVENUE)	\$294,300	\$348,000	\$642,300
LOBBYISTS FINES	\$0	\$0	\$0
TOTAL COLLECTED	\$294,300	\$348,000	\$642,300

EDUCATION

The Ethics Commission continues to believe that its primary goal is to educate employees to improve honesty and integrity in the Executive Branch. Through education, the Ethics 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, online resources, agency designated ethics officers, publications, and newsletter articles.

INQUIRIES

The Ethics 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 most of these requests after reviewing the statutes and advisory opinions. In some instances, the staff recommends that advice be sought from the Ethics Commission through its advisory opinion process (see page 32).

The staff of the Ethics 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 daily in response to state official, employee, and citizen inquiries.

During fiscal year 2019-2020, the staff provided guidance concerning approximately 1442 inquiries and approximately 1244 inquiries during fiscal year 2020-2021. The following table shows, by subject matter, the approximate number of recorded inquiries received during the biennium.

SUBJECT MATTER	NUMBER OF INQUIRIES	
	2019-20	2020-21
Advisory Opinions	9	9
Boards and Commissions	8	15
Campaign Activity	12	10
Complaints	97	73
Conflict of Interest	54	72
Executive Agency Lobbying	425	428
Financial Disclosure	302	166
General Information	184	129
Gifts	42	54
Investigations	68	72
Jurisdiction	7	12
Legislation	20	25
Litigation	4	3
Open Records	47	34
Outside Employment	27	32
Post-employment	75	62
Requests for Material	25	22
Training	36	26
TOTAL	1442	1244

TRAINING CLASSES

The Executive Branch Ethics Commission offers ethics classes monthly to executive branch employees, and provides ethics classes to individual state agencies, executive agency lobbyists, ethics officers, and members of executive branch regulatory and policy-making boards and commissions upon request. In May of 2016, the Ethics Commission began offering government attorney training. Online training classes are also offered through the Governmental Services Center.

In 2016, the Personnel Cabinet required all public servants (approximately 32,000 employees) to complete a 30-minute online tutorial entitled “overview of the Executive Branch Code of Ethics” that was created by the staff of the Ethics Commission. This tutorial is now required to be taken by all new hires.

NUMBER OF:	2019-20	2020-21	TOTAL
Training Classes Provided for State Agencies	36	26	62
Training Classes Provided to Boards and Commissions	8	12	20
Training Classes Provided as ongoing on-line course	2	2	4
Training Classes Provided to Ethics Officers	4	4	8
Training Classes Provided for Lobbyist/Other Organizations	2	2	4
TOTAL TRAINING CLASSES	52	46	98

Total Number of Participants Trained

Fiscal Year	In Person	Online	TOTAL
2019-2020	1695	5244	6939
2020-2021	991	5725	6716

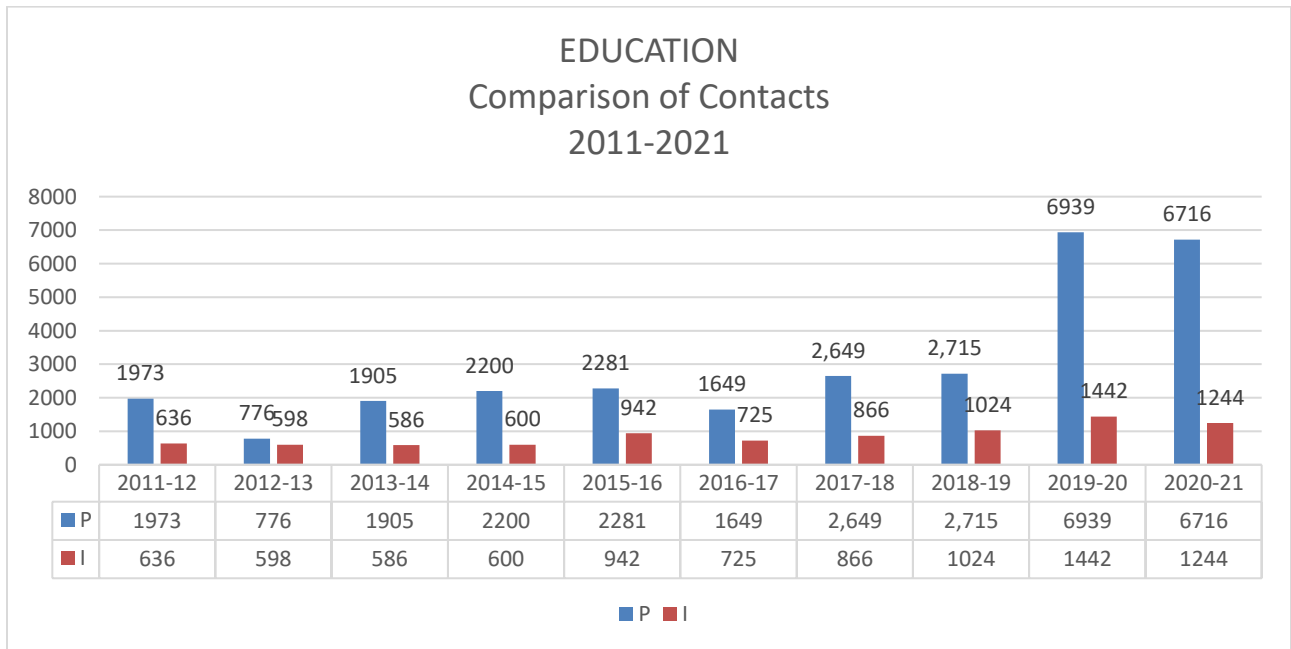
CONTINUING LEGAL EDUCATION

The Ethics Commission staff offers several continuing legal education (CLE) courses approved for CLE credit by the Kentucky Bar Association (KBA) CLE Commission. They include:

- **Ethics Officer Training: (2-hour CLE)** The Ethics Commission began offering this course in 2008, and it is offered three or four times per year. This training is an in-depth ethics training for individuals designated to serve as Ethics Officer for Executive Branch agencies, agency heads, appointing authorities and upper management.
- **Government Attorney Training: (2-hour Ethics CLE)** This training compares the Executive Branch Code of Ethics with the Kentucky Rules of Professional Conduct. The Ethics Commission began offering this training in 2016 and currently provides it at least four times per year.
- **The Lobbying Lawyer: (1-hour CLE)** This session has been presented at the KBA convention on three occasions and for the Louisville Bar Association. The Ethics

Commission has offered this session twice as a standalone event for executive agency lobbyists, employers of lobbyists, and real parties in interest.

- Annual Legislative Research Commission-CLE Presentations: (1-hour Ethics CLE) Commission staff has presented this session on comparing the Executive Branch Ethics Code with the Rules of Professional Conduct since 2011.
- Annual Equal Employment Opportunity Conference: (1-hour CLE) Commission staff has presented on one occasion during the biennium concerning the Ethics Code and Whistleblower laws.
- State Government Bar Association (SGBA) Monthly Luncheon: (1-hour CLE) Commission staff presented three times during the biennium for the SGBA concerning the Executive Branch Code of Ethics and sessions entitled *Public Service v. Private Practice* and *Ethical Implications & Professional Responsibility*.
- Kentucky Association of Administrative Adjudicators presentations: Commission staff presented a comparison of the ethics rules and recommendations for hearing officers.



WEBSITE

THE ETHICS 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 Ethics 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.

The screenshot shows the homepage of the Executive Branch Ethics Commission. At the top, there is a banner for COVID-19 vaccines with the URL vaccine.ky.gov. Below this is the Ky.gov logo and a search bar. The main header features the Executive Branch Ethics Commission logo and the text "EXECUTIVE BRANCH ETHICS COMMISSION" and "COMMONWEALTH OF KENTUCKY". A navigation menu on the left lists various sections: Home, Ethics Commission, Commission Members and Staff, Advisory Opinions, Executive Agency Lobbying, State Employee Resources, Upcoming Trainings, Publications, Ethical Guidelines for Boards and Commissions, Administrative Actions, Legal Resources, Press Releases, and Open Records Requests. The main content area includes a "Home" section with contact information for the Executive Branch Ethics Commission: Capital Complex East, 1025 Capital Center Drive, Suite 104, Frankfort, Kentucky. Contact details include phone number 502-564-7954, fax number 502-695-6939, SFD or Lobbyist Fax Number 502-696-5091, and SFD or Lobbyist Filings at EthicsFiler@ky.gov. There is also an "Authority" section explaining the commission's enabling statute and the Executive Branch Code of Ethics. A "Contact Information" section lists Kathryn H. Gabhart as the Executive Director, with her address and phone number. A "Press Releases" section is also visible. On the right side, there is a red button that says "Click HERE to File Your SFD" and a "Next Meeting" section for Thursday, November 18, 2021, at 10:00 a.m. Other sections include "Deadline for Advisor Opinion Requests" for November 4, 2021, and "VIA VIDEO TELECONFERENCE" information.

On September 19, 2016, the Ethics Commission voted to enter into an agreement with Kentucky Interactive (KI) at a cost of \$24,000 to improve the Ethics Commission's website to allow for online submission of the executive agency lobbying registration documents as well as the Statements of Financial Disclosure submitted by public servants in "major management". The Ethics Commission launched the SFD online filing portal in March of 2018. Ethics Commission staff and KI continue to work on developing the online filing portal for lobbyist filing forms.



Ethics - Statement of Financial Disclosure

STATEMENT OF FINANCIAL DISCLOSURE

KRS 11A.050 and 9 KAR 1:010

"Constitutional Officer" defined by KRS 11A.010(9)(a)-(g)

"Officer" defined by KRS 11A.010(7)

"Candidate" defined by KRS 11A.010(13)

See [Statement of Financial Disclosure page](#) for more information
Statements of Financial Disclosure are available for public view

CHOOSE FROM THE FOLLOWING:

ANNUAL

You served in an officer position during the previous calendar year. You must file this form between January 1 and April 15 for each year for the previous calendar year including each officer position you held during that year. (i.e. 2020 form is due by April 15, 2021)

NEW HIRE

You are a newly appointed, promoted, or made acting officer and DID NOT serve as an officer immediately prior to this position. You must file this form within 30 days of your start date. Answer the questions with information that applies only since your start date.

Note: "Start Date" means the first date of employment with a state agency in the executive branch of the Commonwealth. 9 KAR 1:025, Section 1(13).

LEAVER

You have left state service or you are no longer in an officer position. You must file this form within 30 days of leaving an officer position for the current calendar year. (Example: You leave state service April 1, 2021; you must file your 2021 LEAVER form by May 1, 2021. You will ALSO be responsible for filing a 2020 ANNUAL form by April 15, 2021)

CANDIDATE

You are NOT currently an officer in the Executive Branch. You have filed as a candidate to run for a Constitutional Officer position. You must file this form by February 15 during the year in which you are running as a candidate for the previous calendar year. (For example, you have filed to run in 2023 to run as a candidate, you will complete the form by answering question for Calendar Year 2022).

If you are currently serving as an officer and are running as a candidate, you must file the **ANNUAL** form by February 15 for the year in which you are running as a candidate.

Note: "Candidate" means those persons who have officially filed candidacy papers or who have been nominated by their political party pursuant to KRS 118.105, 118.115, 118.325, or 118.760 for any of the offices in KRS 11A.010(9)(a) to (g). See

PUBLICATIONS

As part of the Ethics 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 and new employee orientation.

PUBLICATION	LATEST DATE OF PUBLICATION/REVISION	
<i>Guide to the Executive Branch Code of Ethics (booklet)</i>	June	2019
<i>Acceptance of Gifts (brochure)</i>	June	2019
<i>Post-Employment (brochure)</i>	June	2019
<i>Political Activities (Brochure)</i>	June	2019
<i>Advisory Opinions (1992 – 2017) (bound by year)</i>	May	2017
<i>Executive Branch Ethics Commission (brochure)</i>	June	2019
<i>Ethical Guidelines for Members of Boards & Commissions (brochure)</i>	June	2019
<i>Ethics Officer Training Guide (bound volume)</i>	June	2019
<i>Executive Agency Lobbying Handbook (bound volume)</i>	June	2019
<i>Training for Government Attorneys (Handout)</i>	Updated periodically	
<i>Biennial Reports (bound volume)</i>	Updated every 2 years	

ETHICS OFFICERS

Ethics officers act as liaisons between their agency and the Ethics Commission. The Ethics Commission furnishes ethics officers with copies of all advisory opinions and publications of the Ethics 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, 118 ethics officers received training in their role as ethics officers on behalf of their agencies. The Ethics Commission requests that all agencies designate an Ethics Officer to represent their agency before the Ethics Commission.

OUTSTANDING ETHICS OFFICER AWARD

The Ethics Commission established this annual award program in 2015 to recognize an individual serving as a designated Ethics Officer for an executive branch agency for his or her outstanding achievement and contributions in promoting the ethical conduct of executive branch employees.



2020
OUTSTANDING ETHICS OFFICER

Presented To

Timothy Feld

**ETHICS OFFICER
KENTUCKY EMPLOYER'S MUTUAL INSURANCE**

In Recognition Of

**Outstanding Achievement and Contributions
In Promoting the Ethical Conduct of
Executive Branch Employees While Serving as a
Designated Ethics Officer**

“Don’t worry when you are not recognized, but strive to be worthy of recognition.”
-Abraham Lincoln



Mr. Feld was awarded for his efforts to enforce the Executive Branch Code of Ethics while serving as an Ethics Officer for KEMI and implementing policies and procedures for the effective enforcement of the Ethics Code. Mr. Feld serves as Vice President and General Counsel for KEMI. Mr. Feld has served as an Ethics Officer since January 2019. KEMI is a quasi-state agency; however, its members must follow the Executive Branch Code of Ethics pursuant to KRS 342.837. Since Mr. Feld became an Ethics Officer, he has demonstrated a remarkable concern for ensuring that his agency, its board members, and its employees not only follow the Ethics Code, but also operate beyond the dictates of the Code. He has demonstrated a personal concern for the integrity of his agency that exceeds his contemporaries. He is a vigorous seeker of advice from the Ethics Commission staff, often on a weekly to monthly basis. He has diligently assisted the Ethics Commission staff with gathering information and researching issues necessary to the enforcement of the Ethics Code.

Mr. Feld became Vice-President/General Counsel of Kentucky Employers' Mutual Insurance (KEMI) in July 2018 after serving as Legal Director since 2016. He oversees several departments including compliance, procurement, data reporting, and serves as the company's ethics officer. He works closely with KEMI's board of directors, the Department of Workers' Claims, and was appointed to the board for the Kentucky Workers' Compensation Funding Commission.

Prior to joining KEMI, Mr. Feld was a founding partner of the law firm, Feld and Hassman, where he focused on civil and workers' compensation defense. He is a member of Leadership Kentucky's Class of 2017 and is on the board of directors for Shepherd's House.

Mr. Feld is a graduate of the University of Kentucky College of Law, Loyola University Chicago, and the University of Iowa. Mr. Feld lives with his wife and two children in Lexington, Kentucky.

2021
OUTSTANDING ETHICS OFFICER

Presented To

Benjamin Long

ETHICS OFFICER
PUBLIC PROTECTION CABINET

In Recognition Of

Outstanding Achievement and Contributions
In Promoting the Ethical Conduct of
Executive Branch Employees While Serving as a
Designated Ethics Officer

“Don’t worry when you are not recognized, but strive to be worthy of recognition.”
-Abraham Lincoln



PICTURED (from left to right): Ray Perry, Public Protection Cabinet Secretary, Benjamin Long, Judge Roger Crittenden (Ret.), Commission Chair

Mr. Long was awarded for his efforts to enforce the Executive Branch Code of Ethics while serving as an Ethics Officer and implementing policies and procedures for the effective enforcement of the Ethics Code.

Mr. Long currently serves as General Counsel for the Public Protection Cabinet (PPC) and previously served as the Ethics Officer for the Labor Cabinet. In addition to serving for the greater PPC, Mr. Long also serves as the designated Ethics Officer for the following entities: Office of Alcoholic Beverage Control, Boxing and Wrestling Commission, Office of Charitable Gaming, Office of Claims and Appeals, Department of Financial Institutions, Department for Housing, Buildings, and Construction, Department of Insurance, Department for Professional Licensing, Kentucky Real Estate Authority, and State Fire Marshall's Office.

Since Mr. Long became an Ethics Officer in 2020, he has demonstrated a remarkable concern for ensuring that his agencies, boards, and commissions, not only follow the Ethics Code, but also operate beyond the dictates of the Code. Mr. Long has been integral in referring investigations to the Ethics Commission and assisting with the gathering of evidence and witnesses for the Ethics Commission's investigations. Mr. Long has been very accommodating to the Ethics Commission staff in the collection of Statements of Financial Disclosure from officers. He has demonstrated a personal concern for the integrity of his agencies that exceeds his contemporaries. Mr. Long is friendly, diligent, and helpful without complaint.

Before serving the Public Protection Cabinet, Mr. Long previously worked at the Kentucky Office of the Attorney General, most recently serving as Executive Director of Consumer Protection and prior to that as Executive Director of Civil & Environmental Law. Before joining the Attorney General's Office, he spent two years as an Equal Justice Works AmeriCorps Legal Fellow stationed at the Appalachian Research & Defense Fund.

Mr. Long obtained his undergraduate degree from Transylvania University, where he was a William T. Young Scholar, and his law degree from the University of Kentucky College of Law, where he was a Bert Combs Scholar. After completing his legal studies, he served as a law clerk to Hon. David L. Bunning in the United States District Court, Eastern District of Kentucky, at Covington.

When he's not lawyering, he enjoys spending time with his wife and three children, gardening, coaching youth sports, and trying (and failing) to learn German.

ADVISORY OPINIONS

The Executive Branch Ethics Commission is authorized to interpret the provisions in KRS Chapter 11A and issue advisory opinions. If an employee, agency head, or member of the public is unclear about a provision in the code of ethics, or if a situation is not specifically addressed in the code, a staff opinion or formal advisory opinion may be requested, in writing, from the Ethics Commission.

STAFF OPINIONS: Many questions can be answered informally through a verbal or written staff opinion from the Ethics Commission Staff. Staff opinions are advice given by the staff of the Ethics Commission based on a review of past advisory opinions. If the issue is unique, a formal advisory opinion may be required.

If the Ethics 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 and 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 Ethics Commission by issuance of a formal advisory opinion or easily answered by a review of the statutes and Administrative Regulations. The Ethics Commission reviews the advice of its staff at its regular meetings during open meetings unless the advice is related to an investigation pursuant to KRS 11A.080.

ADVISORY OPINIONS: Formal advisory opinions are issued by the Ethics Commission at its regularly scheduled meetings every other month. Opinions can be issued under the following authority:

- Conflict of Interest Opinions, pursuant to KRS 11A.030(5);
- Gift Exception Opinions, pursuant to KRS 11A.045(1). Agencies and public servants may request an exception from the application of the gifts prohibition under circumstances in which it would not create an "appearance of impropriety";
- Additional Compensation Exemption Opinions, pursuant to KRS 11A.040(5). The Ethics Commission has granted exemptions to the additional compensation rule in instances when agencies would like to offer a form of economic incentive for employees who go above and beyond their job duties;
 - (a) Department of Fish & Wildlife Resources – Advisory Opinion 15-01
 - (b) Department of Veterans Affairs – Advisory Opinion 17-08
 - (c) Tourism, Arts & Heritage Cabinet – Advisory Opinion 19-03
 - (d) Department for Criminal Justice Training – Advisory Opinion 19-04
 - (e) Department of Corrections – Advisory Opinion 20-01
 - (f) Commonwealth Office of Technology – Advisory Opinion 21-01
- General Advisory Opinions, KRS 11A.110(1).

To request a formal Advisory Opinion, the Ethics Commission must receive a written request for an advisory opinion at least two weeks prior to a scheduled meeting for the request to appear on the agenda for the following meeting. Advisory opinions are the highest level of guidance available from the Ethics Commission regarding the requirements of the Executive Branch Code of Ethics.

If the Ethics 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 Ethics Commission may issue advisory opinions upon its own motion. Advisory opinions issued by the Ethics 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 Ethics 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 public who request them. Advisory opinions are also available on the Ethics Commission’s website <http://ethics.ky.gov/>. The Ethics Commission provides a searchable database of its opinions on its website.

ADVISORY OPINIONS ISSUED JULY 1, 2019- JUNE 30, 2021

The Ethics Commission issued nine (9) advisory opinions during the **2019-2020** fiscal year, and ten (10) during the **2020-2021** fiscal year. Additionally, the Ethics Commission issued fifty-nine (59) advisory letters during fiscal year **2019-2020** and fifty-three (53) during fiscal year **2020-2021**. See below the advisory opinions and letters issued by primary topic. Following are the summaries of the advisory opinions issued. Any inquiries handled through the phone calls or in-person requests are included in the data under “Inquiries.”

ADVISORY OPINIONS AND LETTERS, BY PRIMARY TOPIC

<u>Topic</u>	<u>Number Issued</u>
Contracts.....	4
Endorsement/Partnership	3
General Conflicts of Interest	22
Gifts/Travel Expenses	21
Outside Employment.....	12
Lobbying	3
Post-Employment.....	39
Jurisdiction.....	8
Statements of Financial Disclosure.....	11
Solicitation/Fundraising	8

TOTAL TOPICS	131
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SUMMARY OF OPINIONS

July 1, 2019 - June 30, 2021

July 1, 2019- June 30, 2020

Advisory Opinion 19-05 (July 16, 2019):

Members of the Unemployment Insurance Commission are covered by the definition of “salaried” members of a board or commission as defined by KRS 11A.010(21) and, as such, they are covered by the expanded definition of “officer” in KRS 11A.010(7) as enacted by House Bill 81.

Advisory Opinion 19-06 (July 16, 2019):

Members of the State Board of Elections are covered by the definition of “salaried” members of a board or commission as defined by KRS 11A.010(21) and, as such, they are covered by the expanded definition of “officer” in KRS 11A.010(7) as enacted by House Bill 81, in light of the recent changes in their compensation.

Advisory Opinion 19-07 (September 23, 2019):

Pursuant to KRS 11A.055, the Department of Agriculture (KDA) is prohibited from directly raising funds for a 26 USC Section 501(c)(6) tax-exempt organization to fund a conference being held in Kentucky for the organization over which the Commissioner of Agriculture is serving as president. Pursuant to KRS 11A.045(1) the Commissioner of Agriculture and the staff of the KDA are prohibited from raising funds for the 501(c)(6) organization by soliciting persons or businesses that may otherwise be prohibited from giving gifts to the KDA and its employees. The Commissioner of Agriculture and other members of the KDA’s senior leadership may seek donations to the 501(c)(6) organization in advance of the conference from individuals and/or corporate entities who do not meet any of the circumstances as set forth in KRS 11A.045(1) as long as they use their own time and resources and avoid using state time and state resources. The 501(c)(6) organization may use the Commissioner’s name and identity on solicitations sent to entities that are regulated by or doing business with the KDA or otherwise listed in KRS 11A.045(1). If allowable under KRS 45A.097; the Commissioner of Agriculture and the staff of the KDA may raise funds to be donated directly to the Department to fund a conference sponsored jointly by the KDA with the 501(c)(6) organization.

Advisory Opinion 19-08 (September 23, 2019):

A Utility Inspector with the Public Service Commission may work for a city-owned water treatment plant without violating the outside employment provisions of the Executive Branch Code of Ethics as long as the appointing authority approves of the outside employment and conflicts of interest are mitigated. An employee of the Public Service Commission may serve on the board of an Association of members regulated by the Public Service Commission as long as conflicts of interest are mitigated.

Advisory Opinion 19-09 (September 23, 2019):

A Utility Inspector with the Public Service Commission may work for privately owned water treatment facilities that are not subject to the jurisdiction of the Public Service Commission without violating the outside employment provisions of the Executive Branch Code of Ethics as long as the appointing authority approves of the outside employment and conflicts of interest are mitigated.

Advisory Opinion 19-10 (September 23, 2019):

As long as the meetings are initiated by the executive branch agency and are open to any interested stakeholders in the resultant executive agency decision, the participation of members or representatives of interest groups and their legal counsel in regulation development stakeholder meetings initiated by Kentucky executive branch agencies would not qualify as “executive agency lobbying activity” as defined in KRS 11A.201, as amended by the Kentucky General Assembly on June 27, 2019. As long as the contact is limited to attending the open meetings of the executive branch agency, entities that send representatives to attend meetings initiated by executive branch agencies are not required to register as employers of executive agency lobbyists and their representatives are not required to register as executive agency lobbyists pursuant to KRS 11A.211.

Advisory Opinion 19-11 (September 23, 2019):

An officer and public servant serving in various roles of major management in the prior three years of state service seeks post-employment advice pursuant to KRS 11A.040(6) - (9).

July 1, 2020- June 30, 2021

Advisory Opinion 20-02 (July 14, 2020):

As defined in 9 KAR 1:025, Section 1(4), a contract for a 2020 construction project (Contract) in Henderson, Kentucky, to complete a section of the I-69 Ohio River Crossing is considered to be a separate “matter” from a 2016 agreement between Kentucky and Indiana (Agreement) to complete the environmental studies and preliminary development of the I-69 Ohio River Crossing for the application of the post-employment rules in KRS 11A.040(6) through (9). A former officer may be listed as a point of contact on the Contract during his first year post-employment without violating KRS 11A.040(6) through (9) as long as he abides by KRS 11A.040(9) in limiting any contacts he has with KYTC concerning the Agreement. The former officer may also work on the Contract during his first year post-employment without violating KRS 11A.040(6) through (9) as long as he abides by KRS 11A.040(7) and abstains from working on the Agreement and abides by KRS 11A.040(9) and avoids contacts with KYTC concerning the Agreement.

Advisory Opinion 20-03 (November 16, 2020):

Property Valuation Administrators may sell advertising space on their websites without violating the Executive Branch Code of Ethics as long as they use the mechanism provided in KRS 45A.097 to solicit sponsorships, which may include selling advertising space on state-sponsored websites, as long as the state agency follows the requirements of KRS 45A.097 and the procedures established by the Finance and Administration Cabinet for its implementation. Furthermore, the Executive Branch Ethics Commission recommends that the website include a disclaimer that any such advertisements are not to be considered an endorsement of the services or products of the advertisers pursuant to KRS 45A.097(4)(h) and (i).

Advisory Opinion 21-02 (January 27, 2021):

The Board of Cosmetology may, within its discretion pursuant to KRS 11A.040(10), choose to deny permission for a field inspector to engage in outside employment by opening a salon in their own home. However, in the alternative, the Board may also, in its discretion, choose to allow the field inspector for the Board to engage in the proposed outside employment if the Board sets up parameters to ensure that the inspector does not perform inspections in a geographical region of the state as determined by the board to ensure that the field inspector is not inspecting the competitors of their

own salon.

Advisory Opinion 21-03 (January 27, 2021):

A Constitutional Officer may use state resources, including attorneys – whether employed by the Commonwealth or retained under a personal service contract with the Commonwealth – to defend the allegations filed in a petition for impeachment against that Constitutional Officer.

Advisory Opinion 21-04 (March 17, 2021):

The Ethics Commission provides a review of the conflict of interest provisions in the Executive Branch Code of Ethics and approves the Department for Behavioral Health, Developmental and Intellectual Disabilities for the Cabinet for Health and Family Services intended course of action to limit and mitigate conflicts of interest in two scenarios concerning one of its employees related to outside entities for which the spouse of the employee works that have contracts with or receive grants from the Department.

Advisory Opinion 21-05 (May 19, 2021):

Within limits, a public servant in a non-officer position may accept employment with a company that has a contract with his former agency without violating the post-employment provisions contained in KRS 11A.040(6)-(9). Within limits, a public servant in a non-officer position may serve as an expert witness for his former agency through a contract with his new employer who has other current contracts with the public servant's former agency.

Advisory Opinion 21-06 (May 19, 2021):

A Property Valuation Administrator (PVA) may use their real estate license to market and sell their own personal property and purchase a personal residence in the county where they serve as the PVA. However, the PVA should not use the real estate license in the marketing and selling of real estate beyond the sale and purchase of their personal residence and furthermore, the Ethics Commission recommends the PVA create their own brokerage rather than affiliating with another existing brokerage to limit a potential conflict of interest.

Advisory Opinion 21-07 (May 19, 2021):

A former public servant in an officer position may work for a company that has a current contract with the public servant's former agency if the contract does not result in the contractor receiving state funds. Because the contractor is not “doing business with” the former public servant's agency, the post-employment provisions in KRS 11A.040(7) would not prohibit the former public servant from accepting the employment during the first year after state service. However, the public servant must limit his contacts with his former agency in compliance with the provisions of KRS 11A.040(9).

Advisory Opinion 21-08 (May 19, 2021):

In light of a compelling argument made by the Kentucky Board of Education (KBE) that Advisory Opinion 01-27 sets a much more restrictive standard for members of the KBE than it does for public servants and members of other boards and commissions covered by the complete provisions of the Executive Branch Code of Ethics in similar circumstances, the Executive Branch Ethics Commission reconsiders Advisory Opinion 02-37 as it applies to members of the Kentucky Board of Education and VOIDS Advisory Opinion 02-37.

SUMMARY OF EXCEPTIONS TO KRS 11A.040
July 1, 2019-June 30, 2021

July 1, 2019-June 30, 2020

Advisory Opinion 19-04, Exception 2019-2 (July 16, 2019):

Within limitations, the Executive Branch Ethics Commission grants an exception to KRS 11A.040(5) to all employees of the Department of Criminal Justice Training (“DOCJT”) as part of the DOCJT program to reward its employees who go beyond their official duties to provide exceptional performance.

Advisory Opinion 20-01, Exception 2020-01 (March 30, 2020):

Within limits, the Executive Branch Ethics Commission grants an exception to KRS 11A.040(5) to all employees of the Department of Corrections (“Department”) as part of the Department’s proposed awards program for employees who go beyond their official duties to provide exceptional service to the Department.

July 1, 2020-June 30, 2021

Advisory Opinion 21-01, Exception 2021-1 (January 27, 2021):

The Executive Branch Ethics Commission grants an exemption to The Commonwealth Office of Technology pursuant to KRS 11A.040(5) so that it may offer a program in which public servants are enrolled into a drawing to win a prize of monetary value greater than \$25 when they enroll into the Self Service for Password reset.

FINANCIAL DISCLOSURE OF ELECTED OFFICIALS AND OFFICERS

One of the Ethics 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. The statements must be filed with the Ethics Commission no later than April 15 for the previous calendar year, within 30 days of termination of employment, and, as of June 27, 2019, newly hired or appointed officers must file an initial statement within thirty (30) days of their start date. 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

The Ethics Commission's website at <http://ethics.ky.gov/> has an online portal through which "officers" may complete their annual Statement of Financial Disclosure, with an electronic submission of the form. Officers may also download a blank Statement of Financial Disclosure form from the Ethics Commission's website and complete the blank Statement of Financial Disclosure form electronically, print a paper copy and forward it with an original signature to the Ethics Commission. Paper forms are provided upon request.

STATEMENTS OF FINANCIAL DISCLOSURE

Statements of Financial Disclosure (SFD) are filed by “officers” as defined by KRS 11A.010(7) in accordance with requirements of KRS 11A.050 and 9 KAR 1:010.

NEW FORMS: The Statement of Financial Disclosure can now be submitted on one (1) of four (4) forms depending on the reason for filing.

NEW HIRES: Beginning in 2019, Newly hired, appointed, or detailed public servants serving in an officer position shall file an SFD within 30 days of their start date. This does not apply to a current officer who merely transfers into another officer position with no break in service. The form is to be completed by someone who has not served in an officer position in the previous month.

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NEW HIRE FORM: EBEC-SFD-103 (Rev. 5/2020)

COMMONWEALTH OF KENTUCKY
EXECUTIVE BRANCH ETHICS COMMISSION
1025 Capital Centre Drive, Suite 104
Frankfort, KY 40601
PHONE: 502-564-7954, FACSIMILE: (502) 696-5091, or EMAIL: ethicsfiler@ky.gov

STATEMENT OF FINANCIAL DISCLOSURE
NEW HIRE FORM

NEWLY HIRED OFFICERS:
NEWLY APPOINTED OR ACTING EXECUTIVE BRANCH OFFICERS* AS DEFINED BY KRS 11A.010(7) SHALL SUBMIT THIS FORM WITHIN 30 DAYS OF THEIR START DATE IN AN OFFICER POSITION. (KRS 11A.050(1)(A)). "Start date" means the first date of employment with a state agency in the executive branch. 9 KAR 1:010, Section 1(13).

*CONSTITUTIONAL OFFICERS DO NOT COMPLETE THIS FORM.

"REPORTING PERIOD" means the time from your start date until the date you sign the form. Do not provide information from prior to your start date unless the question specifically instructs you to do so. ANSWER EVERY QUESTION OR YOUR FORM WILL NOT BE ACCEPTED.

CANDIDATES FOR OFFICE FOR POSITIONS LISTED IN KRS 11A.010(9)(a)-(g): Candidates for Constitutional Office who are not incumbents or currently serving public servants are required to file this form by February 15 in the year in which they are to be on the ballot.

NEWLY ELECTED CONSTITUTIONAL OFFICERS: Within 10 days of taking the oath of office, newly elected constitutional officers (not returning incumbents) must file the ANNUAL SFD for the previous calendar year in which the election was held.

CURRENT OFFICERS FILING ANNUALLY: Officers file annually on or before April 15. The form can be submitted any time between January 1 and April 15. Officers complete the questions with information that applies for the entire previous calendar year during which he or she served in an officer position.

COMMONWEALTH OF KENTUCKY
 EXECUTIVE BRANCH ETHICS COMMISSION
 1025 Capital Centre Drive, Suite 104, Frankfort, KY 40601
 PHONE: 502-564-7954, FACSIMILE: (502) 696-5091, or EMAIL: ethicsfiler@ky.gov

STATEMENT OF FINANCIAL DISCLOSURE
ANNUAL FORM
Calendar Year _____

CONSTITUTIONAL OFFICERS AS DEFINED BY KRS 11A.010(9)(A)-(G) AND OFFICERS AS DEFINED BY KRS 11A.010(7) MUST FILE THIS FORM BETWEEN JANUARY 1 AND APRIL 15 FOR EACH CALENDAR YEAR YOU SERVE IN SUCH POSITION. (KRS 11A.050(1)(A)).
OFFICERS AND CONSTITUTIONAL OFFICERS WHO ARE CANDIDATES FOR CONSTITUTIONAL OFFICE MUST FILE THIS FORM BY THE FEBRUARY 15 THAT FALLS AFTER FILING FOR OFFICE.

"REPORTING YEAR" MEANS THE CALENDAR YEAR PRIOR TO THE CURRENT APRIL 15. ANSWER EVERY QUESTION OR YOUR FORM WILL NOT BE ACCEPTED.

LEAVING OFFICERS FILING WHEN THEY SEPERATE: Officers who leave state service, regardless of the reason for departure, must file within thirty (30) days of leaving state service. Former officers will complete the questions with information that applies for the entire current calendar year during which he or she served in an officer position.

COMMONWEALTH OF KENTUCKY
 EXECUTIVE BRANCH ETHICS COMMISSION
 1025 Capital Centre Drive, Suite 104, Frankfort, KY 40601
 PHONE: 502-564-7954, FACSIMILE: (502) 696-5091, or EMAIL: ethicsfiler@ky.gov

STATEMENT OF FINANCIAL DISCLOSURE
LEAVER FORM
Calendar Year _____

CONSTITUTIONAL OFFICERS AS DEFINED BY KRS 11A.010(9)(A)-(G) AND OFFICERS AS DEFINED BY KRS 11A.010(7) MUST FILE THIS FORM WITHIN 30 DAYS OF LEAVING STATE SERVICE AS AN OFFICER. (KRS 11A.050(1)(a)).

"REPORTING YEAR" MEANS THE PORTION OF THE CURRENT CALENDAR YEAR IN WHICH YOU SERVED AS AN OFFICER PRIOR TO LEAVING THE OFFICER POSITION. ANSWER EVERY QUESTION OR YOUR FORM WILL NOT BE ACCEPTED.

DELINQUENTS: Delinquents filers may have their salary withheld until the proper form is submitted and may face further penalties under KRS 11A.100(3).

HOW TO DETERMINE "MAJOR MANAGEMENT": The Ethics Commission can review the job responsibilities and make a determination that the individual public servant is "Major Management" pursuant to KRS 11A.010(7).

ADVISORY OPINION 17-05: When the Ethics Commission reviews the job duties of potential officers, it looks for factors such as the employee has responsibility for managing a division,

department or Cabinet, supervises a geographical region, oversees a state facility, coordinates a state program, makes decisions concerning how state funds are spent or dispersed, or makes decisions on setting state policy. The Ethics Commission may also determine that any public servant who is in a position that could require him or her to step into the role of the decision-makers in the event such individual cannot fulfill his or her role, such as an assistant executive director, then that public servant may also be an officer.

DISCLOSURE FILING STATISTICS

	2019 SFD Filers	2020 SFD Filers	*2021 SFD Filers
Total SFD's filed	1,538	1,514	115*
Annuals	1,085	1,173	N/A**
Leavers	294	155	35
New Hires	159	186	80
Filed via E-file	1288 (84%)	1132 (75%)	73 (100%)
Filed via paper, email or fax	250 (16%)	382 (25%)	

Statements filed timely	1,225 (79%)	1348 (89%)	N/A
Statements filed delinquent	230 (15%)	166 (11%)	N/A
Officers/Candidates investigated	9	16	0
Officers/Candidates charged	1	0	0

*Indicates Officers who filed their 2021 SFD form between 01/01/2021 – 06/30/2021

**Annual forms for 2021 are due April 15, 2022

AUDITS

Upon receipt of the Statements of Financial Disclosure, each are reviewed to determine whether it is complete and the instructions have been followed. The Ethics 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 Ethics Commission and investigations may be initiated. This is accomplished by staff review of the forms.

MONTHLY NOTICES

The Ethics Commission has worked with the Personnel Cabinet to initiate a process whereby the Personnel Cabinet notifies the Ethics Commission monthly of officers who have left their positions during the previous month. This enables the Ethics 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. Each month, the Personnel Cabinet provides the Ethics Commission with a list of monthly new hires. This process allows the Ethics Commission to contact the newly hired officers and remind them of the 30-day hire filing requirement.

INVESTIGATIONS, ADMINISTRATIVE PROCEEDINGS, AND LITIGATION

COMPLAINTS OR INFORMATION (KRS 11A.080(1) AND 9 KAR 1:015)

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.

PRELIMINARY INVESTIGATIONS (KRS 11A.080(2) AND (3), KRS 11A.070, AND KRS 11A.990)

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, the Personnel Board, and other agencies with the authority to review, audit, or investigate the conduct. These entities are covered by the confidentiality requirement of KRS 11A.080 when working with the Ethics 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.

**THE CONFIDENTIAL REPRIMAND
(KRS 11A.080(4)(A))**

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.

**CHARGES OF THE ETHICS COMMISSION
(KRS 11A.080(4)(B), KRS 11A.100(1), (2), AND (3))**

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 for violations of KRS 11A.040.

The person charged in the Initiating Order has twenty (20) days in which to file an answer to the charges. If they fail to do so, the Ethics Commission may enter a default judgement pursuant to KRS 11A.080(4)(b), KRS 11A.100, and 13B.050(5).

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 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, except the Ethics Commission is not required to use the Attorney General's Administrative Hearings Branch for hearing officer services. KRS 13B.020(7). The Ethics Commission maintains a roster of qualified hearing officers pursuant to 9 KAR 1:030, Section 6. 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. The Ethics Commission ultimately makes a final determination whether a violation occurred.

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

**PENALTIES
(KRS 11A.100(3), (4), AND (5), AND KRS 11A.990)**

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.
- If the Ethics Commission determines that a violation of this chapter has occurred in a case involving a contract with state government, the secretary of the Finance and Administration Cabinet may void any contract related to that case.
- If the Ethics Commission determines that a violation of the provisions of KRS 11A.001 to 11A.130 has occurred, an employer of a former officer or public servant may be subject to a fine of up to \$1,000 for each offense.
- 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.
- Any person who maliciously files with the Ethics Commission a false charge of misconduct on the part of any public servant or other person shall be fined not to exceed \$5000, or imprisoned in a county jail for a term not to exceed one year or both.

STATUTE OF LIMITATIONS (KRS 11A.990)

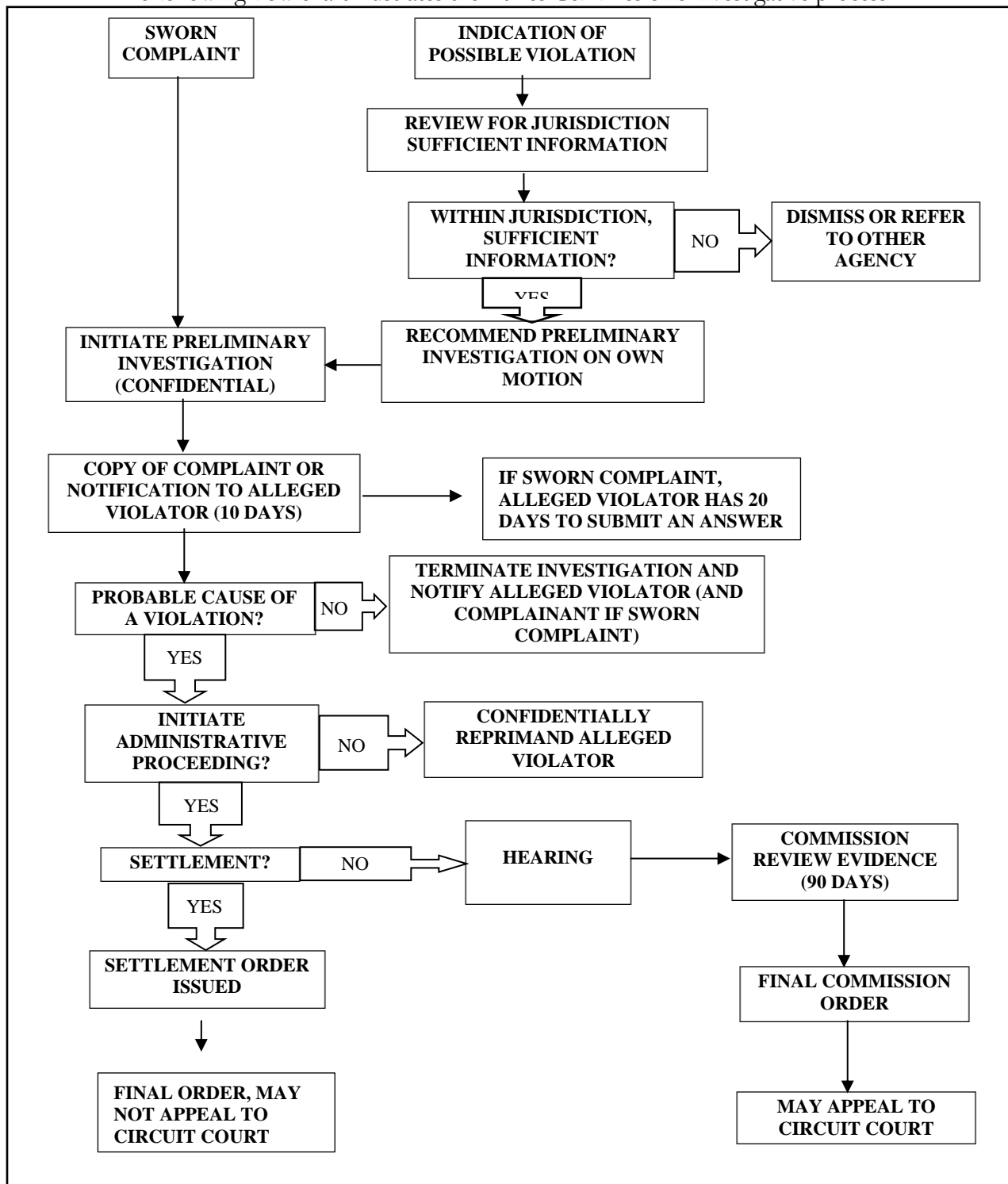
For civil penalties, the Ethics Commission does NOT have a statute of limitations, and can review conduct, no matter when it occurred; however, the older the evidence, the shorter the memories, the harder a matter is to prove. KRS 11A.990 follows 4-year statute of limitations for felony convictions.

APPEALS (KRS 13B.140)

The Ethics Commission's final orders may be appealed to the circuit court pursuant to KRS 13B.140.

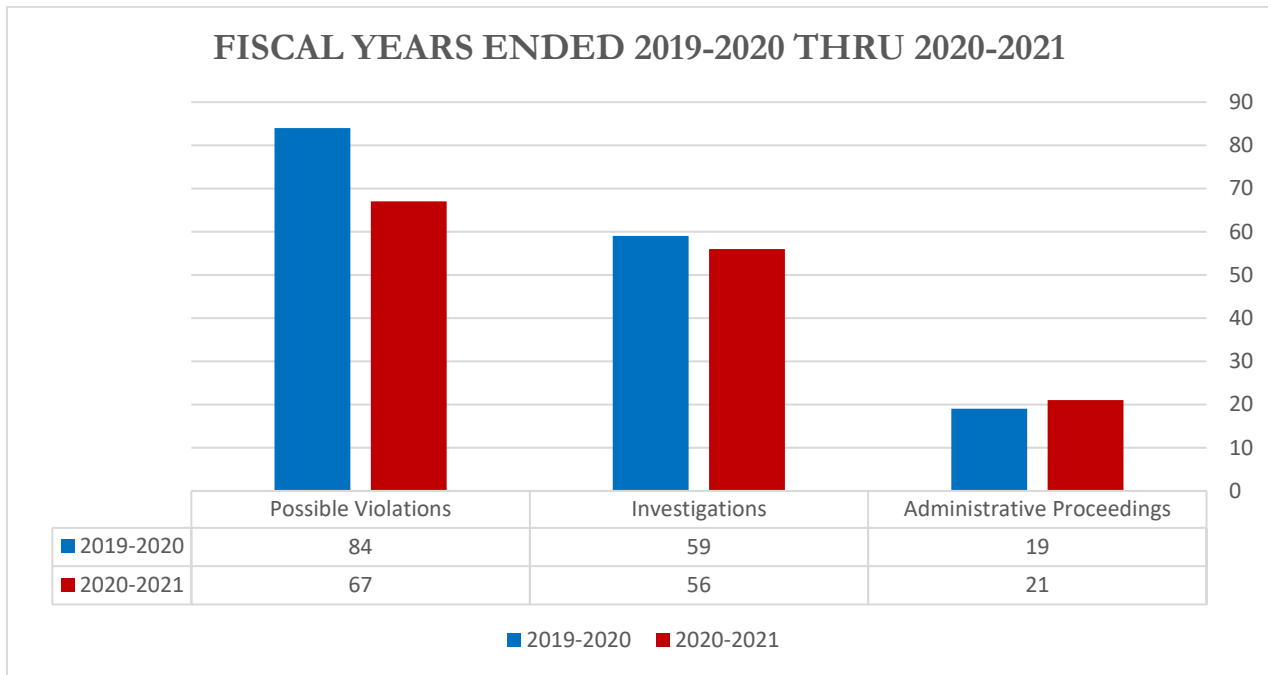
INVESTIGATIVE FLOW CHART

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



If the Ethics Commission finds, during a preliminary investigation, that probable cause of a violation has occurred, the Ethics 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, except the Ethics Commission may designate its own administrative hearing officers through contract. If, during an administrative hearing, the Ethics 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.

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 Ethics Commission must refer to the Attorney General for prosecution any violations of KRS 11A.040 for possible criminal prosecution. Final action by the Ethics Commission may be appealed to the Circuit Court upon petition of any party in interest.

STATISTICS

	<u>2019--2020</u>	<u>2020—2021</u>	<u>Total</u>
Possible Violations Reviewed	84	67	151
Investigations Initiated	59	56	115
Investigations Ongoing from Previous FY	47	40	48
Terminated Without Charges	34	31	65
Confidential Reprimands	10	6	16
Administrative Proceedings Initiated	19	21	40
Employees Penalized	27	21	48
Administrative Hearings	3	1	4
Investigations Active at Fiscal Year End	40	49	89
Penalty Fines Collected	\$67,295.51	\$22,450	\$89,745.51

DISPOSITION OF INVESTIGATIONS

Informal complaints received by the staff were researched and either brought to the Ethics Commission, referred to another agency, or dismissed for lack of jurisdiction. Of the preliminary investigations initiated, either during this biennium or the previous one, sixty-five (65) 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. Sixteen (16) investigations showed probable cause of a violation; however, due to mitigating circumstances, the alleged violators were confidentially reprimanded during the biennium. Forty (40) investigations remained active as of June 30, 2020, and forty-nine (49) investigations remained active as of June 30, 2021. In forty (40) other investigations, the Ethics Commission found probable cause of violations and issued initiating orders for administrative proceedings during the biennium. The following details proceedings that were final either through a full administrative hearing or a settlement agreement during the biennium. Matters appear in the order in which they were finalized:

2019 ADMINISTRATIVE PROCEEDINGS

Executive Branch Ethics Commission v. Nancy Bock

Case Number: 19-025

Allegation: Ms. Bock admitted to five counts of violating the Code of Ethics. During the course of her employment as the McCracken County Property Value Administrator, Bock submitted fraudulent travel vouchers resulting in reimbursement by the state for her personal out-of-state travel. Bock also used state credit cards to make personal purchases on several occasions.

Conclusion: In a Settlement Agreement approved by the Ethics Commission, Ms. Bock agreed to

pay a \$12,500.00 civil penalty that was offset by the \$5,174.49 Bock paid in criminal restitution. Bock will receive a public reprimand and waives any right to appeal. The Ethics Commission concluded the matter by issuing a Final Order.

Executive Branch Ethics Commission v. Amanda Flynn

Case Number: 19-024

Allegation: In a Settlement Agreement approved by the Ethics Commission, Ms. Flynn admitted to two counts of violating the Code of Ethics. Specifically, during the course of her employment in the Department of Employee Insurance, Personnel Cabinet, Flynn falsified her timesheets regarding her arrival time resulting in her falsely claiming hours that she did not work, and also used her state computer for her own personal use and enjoyment by spending approximately one (1) hour per day visiting prohibited websites for non-work related reasons.

Conclusion: Pursuant to the Settlement Agreement, Ms. Flynn agreed to pay a \$2,000.00 civil penalty, receive a public reprimand, and waives any right to appeal. The Ethics Commission concluded the matter by issuing an Agreed Final Order.

Executive Branch Ethics Commission v. James Kuhn

Case Number: 19-019

Allegation: In a Settlement Agreement approved by the Ethics Commission, Mr. Kuhn admitted to four counts of violating the Code of Ethics. Specifically, during his employment in the Department of Income Support, Cabinet for Health and Family Services, Kuhn falsified his timesheets regarding his lunch resulting in him falsely claiming hours that he did not work.

Conclusion: Pursuant to the Settlement Agreement, Mr. Kuhn agreed to pay a \$4,000.00 civil penalty, receive a public reprimand, and waives any right to appeal. The Ethics Commission concluded the matter by issuing a Final Order.

Executive Branch Ethics Commission v. Henry Mack

Case Number: 19-023

Allegation: In a Settlement Agreement approved by the Ethics Commission, Mr. Mack admitted to two count of violating the Code of Ethics. Specifically, as an employee in the Department of Parks, TAH Cabinet, Mack used his position to schedule himself to tend bar on approximately ten (10) occasions and events at Blue Licks Battlefield State Resort Park and failed to report the tips as income. Further, Mack scheduled himself to tend bar at these events to the exclusion of other Star Certified employees

Conclusion: Pursuant to the Settlement Agreement, Mr. Mack agreed to pay a \$3,000.00 civil penalty, receive a public reprimand, and waives any right to appeal. The Ethics Commission concluded the matter by issuing a Final Order.

Executive Branch Ethics Commission v. Tanya Risinger

Case Number: 19-020

Allegation: In a Settlement Agreement approved by the Ethics Commission, Ms. Risinger admitted to one count of violating the Code of Ethics. Specifically, as an employee with the Kentucky Psychiatric Complex, CHFS, Risinger used her position as a Correctional Officer to gain access to inmates and engage in an intimate relationship with an inmate she was charged with supervising while on duty.

Conclusion: Pursuant to the Settlement Agreement, Ms. Risinger agreed to pay a \$2,000.00 civil penalty, receive a public reprimand, and waives any right to appeal. The Ethics Commission concluded the matter by issuing an Agreed Final Order.

Executive Branch Ethics Commission v. Craig Price

Case Number: 17-011

Allegation: Price, a Transportation Engineer II with the Department of Highways, Transportation Cabinet agreed not to contest one count of violating the Code of Ethics by using his position to give himself an advantage. Specifically, during January, February, and March 2016, Price used his state position and access to a state-owned vehicle for his own personal use and benefit and claimed work time to which he was not entitled.

Conclusion: In a Settlement Agreement approved by the Ethics Commission, Mr. Price agreed to pay a \$2,000.00 civil penalty, receive a public reprimand, and waives any right to appeal. The Ethics Commission concluded the matter by issuing an Agreed Final Order.

Executive Branch Ethics Commission v. Jason Whitaker

Case Number: 19-022

Allegation: While serving as a Transportation Engineer Technologist II, Transportation Cabinet, Mr. Whitaker admitted to three counts of violating the Code of Ethics. Specifically, Mr. Whitaker directed a state contractor to order unnecessary pipe for a state highway project. This directive resulted in the unnecessary pipe being delivered to the state and paid for by the state. Further, Whitaker removed the pipe, which was paid for with state funds, from a state highway project site to his home for his personal use. Lastly, Whitaker failed to note in his daily report that he directed the contractor to order the pipe to cover up his own actions. Mr. Whitaker told the contractor that his supervisor wanted the pipe ordered; however, that statement was not true. Mr. Whitaker's supervisor never directed him to order this pipe.

Conclusion: In a Settlement Agreement approved by the Ethics Commission, Mr. Whitaker agreed to pay a \$6,000.00 civil penalty, receive a public reprimand, and waives any right to appeal. The Ethics Commission concluded the matter by issuing an Agreed Final Order.

Executive Branch Ethics Commission v. Richard Skaggs [Reversed by the Franklin Circuit Court]

Case Number: 18-007

Allegation: In a Final Order issued by the Ethics Commission, Mr. Skaggs was found by clear and convincing evidence to have committed one count in violation of the Code of Ethics that occurred during the course of his employment as a Captain with the law enforcement division, Kentucky Department of Fish and Wildlife Resources (“KDFWR”), Tourism, Arts, and Heritage Cabinet. Specifically, Skaggs engaged in a pattern of conduct interfering with a conservation officer’s investigation of a KDFWR District Commission Member in an attempt to influence the agency’s decision to refer the matter to the appropriate prosecutorial entity.

Conclusion: Pursuant to the Final Order, Mr. Skaggs is ordered to pay a \$1,000 civil penalty and receive a public reprimand. Mr. Skaggs has a right to appeal to the Franklin Circuit Court. [This matter was later reversed by the Franklin Circuit Court, see page 60].

Executive Branch Ethics Commission v. Troy Belt

Case Number: 19-027

Allegation: In a Settlement Agreement approved by the Ethics Commission, Mr. Belt admitted to four counts of violating the Code of Ethics. Specifically, during March, April, and May 2018, Belt used his state issued cell phone to engage in a personal relationship with a co-worker. Belt did so to satisfy his own prurient interests. Further, Belt signed the 2017 year end evaluation of a subordinate employee as the second line supervisor while engaging in a romantic relationship with that subordinate employee.

Conclusion: Pursuant to the Settlement Agreement, Mr. Belt agreed to pay a \$4,000.00 civil penalty, receive a public reprimand, and waives any right to appeal. The Ethics Commission concluded the matter by issuing an Agreed Final Order.

Executive Branch Ethics Commission v. James Gilbreath

Case Number: 19-026

Allegation: While serving as an Internal Policy Analyst III, Division of Air Quality, Mr. Gilreath admitted to three counts of violating the Code of Ethics. Specifically, Mr. Gilreath used state time to work on his privately owned, for profit, business, Capital City Trophy; used state equipment to work on his privately owned, for profit, business. Mr. Gilreath stored approximately 4,400 images on his computer as well as a software program used in his business. Mr. Gilreath also used his state computer to perform some design work and email the proofs to co-workers for their approval. In a three (3) month timeframe, Mr. Gilreath sent approximately 168 emails from his state email account regarding his personal business; and, on at least four (4) occasions, sold products through his privately owned business, Capital City Trophy, to the agency by which he is employed.

Conclusion: In a Settlement Agreement approved by the Ethics Commission, Mr. Gilreath agreed to pay a \$7,500.00 civil penalty, receive a public reprimand, and waives any right to appeal. The Ethics Commission concluded the matter by issuing a Final Order.

Executive Branch Ethics Commission v. Stuart Johnson

Case Number: 19-028

Allegation: Mr. Johnston admitted to one count of violating the Code of Ethics. Specifically, as an Executive Director, Office of Technology Services, Education and Workforce Development Cabinet, during September 2015, Johnston directed work to Coastal Cloud under an existing Master Agreement between the Commonwealth and another business without requiring Coastal Cloud to follow the established processes of government for contracts. Johnston's conduct allowed Coastal Cloud to receive inappropriate pass-through benefits from the other business. In return, the other business received payment for allowing their existing contract to be used as a pass-through to benefit Coastal Cloud, while not performing any work under the contract.

Conclusion: In a Settlement Agreement approved by the Ethics Commission, Mr. Johnston agreed to pay a \$1,000.00 civil penalty, receive a public reprimand, and waives any right to appeal. The Ethics Commission concluded the matter by issuing a Final Order.

Executive Branch Ethics Commission v. Joseph Fryman

Case Number: 19-018

Allegation: In a Settlement Agreement approved by the Ethics Commission, Fryman admitted to one count of violating the Code of Ethics. Specifically, Fryman left his position as an officer within the executive branch and failed to file the required Statement of Financial Disclosure within thirty (30) days after the date he no longer served as an officer.

Conclusion: Pursuant to the Settlement Agreement, Mr. Fryman agreed to pay a \$250.00 civil penalty, receive a public reprimand, and waives any right to appeal. The Ethics Commission concluded the matter by issuing a Final Order.

Executive Branch Ethics Commission v. Michael C. Harris

Case Number: 19-009

Allegation: During the course of his employment as a Transmission and Studio Coordinator, Kentucky Educational Television, Mr. Harris admitted to one count of violating the Code of Ethics. Specifically, Harris intentionally kept for his personal use and enjoyment state-issued property including transmitter equipment marked for surplus.

Conclusion: In a Settlement Agreement agreed to by the Ethics Commission, Mr. Harris agreed to pay a \$1,000.00 civil penalty, receive a public reprimand, and waives any right to appeal. The Ethics Commission concluded the matter by issuing an Agreed Final Order.

2020 ADMINISTRATIVE PROCEEDINGS

Executive Branch Ethics Commission v. Jeremy A. Shoffner

Case Number: 20-001

Allegation: In a Settlement Agreement approved by the Ethics Commission, Shoffner admitted to six counts of violating the Code of Ethics. Specifically, during 2013, 2014, 2015, and 2016, Shoffner manipulated the timestamp on his timecard thereby falsifying his timesheets regarding his work hours relating to his departure times resulting in him falsely claiming hours he did not work. Additionally, during October 2018, Shoffner allowed a client of Pine Mountain State Resort Park to bring outside alcohol into the park in violation of the Park's policy and putting the Park's ABC license at risk. This saved the client money because they did not have to buy alcohol from the park. Finally, during October 2018, Shoffner ordered 2000 logo golf balls for a client of Pine Mountain State Resort Park using the Park's discount with the golf ball vendor. This saved the client money because they did not have to pay the retail price for the golf balls.

Conclusion: Pursuant to the Settlement Agreement, Mr. Shoffner agreed to pay a \$6,000.00 civil penalty, receive a public reprimand, and waives any right to appeal. The Ethics Commission concluded the matter by issuing a Final Order.

Executive Branch Ethics Commission v. Cortez Bowling

Case Number: 19-021

Allegation: In a Settlement Agreement approved by the Ethics Commission, Bowling admitted to two counts of violating the Code of Ethics. Specifically, during January 2019, Bowling used his state position and access to a state-owned vehicle for his own personal use and benefit and claimed work time to which he was not entitled.

Conclusion: Pursuant to the Settlement Agreement, Mr. Bowling agreed to pay a \$2,000.00 civil penalty, receive a public reprimand, and waives any right to appeal. The Ethics Commission concluded the matter by issuing an Agreed Final Order.

Executive Branch Ethics Commission v. Rodney Coffey

Case Number: 18-005

Allegation: Executive Branch Ethics Commission determined that RODNEY COFFEY of Frenchburg, Kentucky, did not violate KRS Chapter 11A, the Executive Branch Code of Ethics. On January 16, 2018, the Executive Branch Ethics Commission issued an Initiating Order charging Mr. Coffey with three counts in violation of KRS 11A.020(1)(a), (b), (d).

Conclusion: After a full administrative hearing, the Ethics Commission issued a Final Order determining that Mr. Coffey did not violate the Ethics Code.

Executive Branch Ethics Commission v. Amber McDowell

Case Number: 18-022

Allegation: Specifically, during May, June, and July of 2017, McDowell used her position as the

Administrative Secretary to the Board of Hairdressers and Cosmetologists, Public Protection Cabinet, to improperly issue up to thirty-eight (38) out-of-state transfer licenses for hairdressers, cosmetologists, nail technicians, and estheticians. Ms. McDowell issued the licenses without verifying that the applicants were actually licensed in another state and without receiving all necessary documentation.

Conclusion: Pursuant to the Settlement Agreement, Ms. McDowell agreed to pay a \$6,000.00 civil penalty, receive a public reprimand, and waives any right to appeal. The Ethics Commission concluded the matter by issuing an Agreed Final Order.

Executive Branch Ethics Commission v. Tony Lindauer

Case Number: 20-005

Allegation: Specifically, during his tenure in office as the Property Value Administrator for Jefferson County, Department of Revenue, Finance and Administration Cabinet, Lindauer used his position to satisfy his own prurient interest.

Conclusion: Pursuant to the Settlement Agreement, Mr. Lindauer agreed to pay a \$7,500.00 civil penalty, receive a public reprimand, and waives any right to appeal. The Ethics Commission concluded the matter by issuing a Final Order.

Executive Branch Ethics Commission v. Johnathan Faith

Case Number: 20-004

Allegation: Faith admitted to one count of violating the Code of Ethics. Specifically, while employed as a Sergeant with the Department of Corrections, Justice and Public Safety Cabinet, Faith falsified agency records by forging an inmate's signature on an inmate detention order.

Conclusion: Pursuant to the Settlement Agreement, Mr. Faith agreed to pay a \$1,500.00 civil penalty, receive a public reprimand, and waives any right to appeal. The Ethics Commission concluded the matter by issuing an Agreed Final Order.

Executive Branch Ethics Commission v. Delbert Collett

Case Number: 20-003

Allegation: Collett admitted to one count of violating the Code of Ethics. Specifically, as a Lieutenant with the Department of Corrections, Justice and Public Safety Cabinet, Collett falsified agency records by forging a witness name on an inmate detention order.

Conclusion: Pursuant to the Settlement Agreement, Mr. Collett agreed to pay a \$750.00 civil penalty, receive a public reprimand, and waives any right to appeal. The Ethics Commission concluded the matter by issuing an Agreed Final Order.

Executive Branch Ethics Commission v. Tellia Warf

Case Number: 19-013

Allegation: Ms. Warf admitted to one count of violating the Code of Ethics. Specifically, during the

course of her employment while serving as an Office Support Assistant I for the Department of Parks, Tourism, Arts and Heritage Cabinet, Ms. Warf used state time to sew quilts, which she sold for personal profit.

Conclusion: In a Settlement Agreement, approved by the Ethics Commission, Ms. Warf agreed to pay a \$1,000.00 civil penalty, receive a public reprimand, and waives any right to appeal. The Ethics Commission concluded the matter by issuing an Agreed Final Order.

Executive Branch Ethics Commission v. Michael Chadwell

Case Number: 20-007

Allegation: Mr. Chadwell admitted to seven (7) counts of violating the Code of Ethics. Specifically, as a Landscape Gardner for the Department of Parks, Tourism, Arts and Heritage Cabinet, Mr. Chadwell, before and after work hours, used a state-owned vehicle for his own personal use and enjoyment. The violations occurred during March, April, May, June, July, August, and September of 2019.

Conclusion: In a Settlement Agreement, approved by the Ethics Commission, Mr. Chadwell agreed to pay a \$7,000.00 civil penalty, receive a public reprimand, and waives any right to appeal. The Ethics Commission concluded the matter by issuing an Agreed Final Order.

Executive Branch Ethics Commission v. Matt Bullock

Case Number: 20-014

Allegation: While employed as Chief District Engineer, Kentucky Transportation Cabinet, Mr. Bullock admitted to four counts of violating the Code of Ethics. Specifically, Mr. Bullock accepted gifts, in the form of basketball tickets, totaling in value of more than \$25 in a calendar year from a contractor or consultant of his agency.

Conclusion: In a Settlement Agreement approved by the Ethics Commission, Mr. Bullock agreed to pay a \$1,000.00 civil penalty, receive a public reprimand, and waives any right to appeal. The Ethics Commission concluded the matter by issuing an Agreed Final Order.

Executive Branch Ethics Commission v. William Coy-Geeslin

Case Number: 20-008

Allegation: During his employment as an Internal Policy Analyst III, Kentucky State Police, Justice and Public Safety Cabinet, Mr. Coy-Geeslin admitted to two (2) counts of violating the Code of Ethics. Specifically, during December 2018 and January 2019, Mr. Coy-Geeslin, falsified his timesheets to receive credit for more hours than he actually worked.

Conclusion: In a Settlement Agreement approved by the Ethics Commission, Mr. Coy-Geeslin agreed to pay a \$2,000.00 civil penalty, receive a public reprimand, and waives any right to appeal. The Ethics Commission concluded the matter by issuing a Final Order.

Executive Branch Ethics Commission v. Kevin Rust

Case Number: 20-009

Allegation: During the course of his employment as a Transportation Engineer Specialist, Kentucky Transportation Cabinet, Mr. Rust admitted to two (2) counts of violating the Code of Ethics. Specifically, Mr. Rust accepted gifts, in the form of basketball tickets, totaling in value of more than \$25 in a calendar year from a contractor or consultant of his agency.

Conclusion: In Settlement Agreement approved by the Ethics Commission, Mr. Rust agreed to pay a \$500.00 civil penalty, receive a public reprimand, and waives any right to appeal. The Ethics Commission concluded the matter by issuing a Final Order.

Executive Branch Ethics Commission v. Chris Slone

Case Number: 20-012

Allegation: During the course of his employment as a Transportation Engineering Branch Manager, Kentucky Transportation Cabinet, Mr. Slone admitted to two (2) counts of violating the Code of Ethics. Specifically, Mr. Slone accepted gifts, in the form of basketball tickets, totaling in value of more than \$25 in a calendar year from a contractor or consultant of his agency.

Conclusion: In a Settlement Agreement approved by the Ethics Commission, Mr. Slone agreed to pay a \$500.00 civil penalty, receive a public reprimand, and waives any right to appeal. The Ethics Commission concluded the matter by issuing a Final Order.

Executive Branch Ethics Commission v. Travis Thompson

Case Number: 20-013

Allegation: During the course of his employment as a Transportation Engineering Branch Manager, Kentucky Transportation Cabinet, Mr. Thompson admitted to four (4) counts of violating the Code of Ethics. Specifically, Mr. Thompson accepted gifts, in the form of basketball tickets, totaling in value of more than \$25 in a calendar year from a contractor or consultant of his agency.

Conclusion: In a Settlement Agreement approved by the Ethics Commission, Mr. Thompson agreed to pay a \$1,000.00 civil penalty, receive a public reprimand, and waives any right to appeal. The Ethics Commission concluded the matter by issuing a Final Order.

Executive Branch Ethics Commission v. Michael Tipton

Case Number: 20-011

Allegation: During the course of his employment as a Transportation Engineer Supervisor, Kentucky Transportation Cabinet Mr. Tipton admitted to two (2) counts of violating the Code of Ethics. Specifically, Mr. Tipton accepted gifts, in the form of basketball tickets, totaling in value of more than \$25 in a calendar year from a contractor or consultant of his agency.

Conclusion: In a Settlement Agreement approved by the Ethics Commission, Mr. Tipton agreed to pay a \$500.00 civil penalty, receive a public reprimand, and waives any right to appeal. The Ethics Commission concluded the matter by issuing a Final Order.

Executive Branch Ethics Commission v. Patrick Tucker

Case Number: 20-010

Allegation: During the course of his employment as a Transportation Engineer Technologist III Mr. Tucker admitted to one (1) count of violating the Code of Ethics. Specifically, Mr. Tucker accepted gifts, in the form of basketball tickets, totaling in value of more than \$25 in a calendar year from a contractor or consultant of his agency.

Conclusion: In a Settlement Agreement approved by the Ethics Commission, Mr. Tucker agreed to pay a \$250.00 civil penalty, receive a public reprimand, and waives any right to appeal. The Ethics Commission concluded the matter by issuing a Final Order.

Executive Branch Ethics Commission v. Robert Poe

Case Number: 20-006

Allegation: In a Settlement Agreement approved by the Ethics Commission, Mr. Poe admitted to one count of violating the Code of Ethics. Specifically, during the course of his employment as a Transportation Engineering Tech I, Department of Highways, Transportation Cabinet, Mr. Poe used his assigned state vehicle for personal reasons during January of 2019.

Conclusion: Pursuant to the Settlement Agreement, Mr. Poe agreed to pay a \$1,000.00 civil penalty, receive a public reprimand, and waives any right to appeal. The Ethics Commission concluded the matter by issuing an Agreed Final Order.

Executive Branch Ethics Commission v. Charles Long

Case Number: 20-015

Allegation: In a Settlement Agreement approved by the Ethics Commission, Mr. Long admitted to three (3) counts of violating the Code of Ethics. Specifically, during the course of his employment as a Maintenance Section Supervisor, KY School for the Deaf, Department of Education, Mr. Long used his state assigned vehicle for personal reasons during August, September, and October of 2019.

Conclusion: Pursuant to the Settlement Agreement, Mr. Long agreed to pay a \$3,000.00 civil penalty, receive a public reprimand, and waive any right to appeal. The Ethics Commission concluded the matter by issuing a Final Order.

Executive Branch Ethics Commission v. David Thacker

Case Number: 20-019

Allegation: In a Final Order of Default, the Ethics Commission found Mr. Thacker to have violated two (2) counts of the Code of Ethics. Specifically, during 2019 as an employee of the Department of Parks, Tourism, Arts, and Heritage Cabinet, Mr. Thacker engaged in an inappropriate relationship on state time and on state property. Thacker did so to fulfill his own prurient interest. Furthermore, Thacker used his official position to engage in the inappropriate relationship with a subordinate employee.

Conclusion: Pursuant to the Final Order of Default, Mr. Thacker must pay a \$2,500.00 civil penalty

per count for a total fine of \$5,000 and receive a public reprimand.

Executive Branch Ethics Commission v. Cheryl "Rena" Richardson

Case Number: 20-022

Allegation: During the course of her employment as an Alternative Sentencing Worker III, Department of Public Advocacy, Justice and Public Safety Cabinet, Ms. Richardson admitted to three (3) counts of violating the Code of Ethics. Specifically, Ms. Richardson used her official position to have an inappropriate relationship with an inmate using the facility's inmate communication systems.

Conclusion: Pursuant to the Settlement Agreement, Ms. Richardson agreed to pay a \$3,000.00 civil penalty, receive a public reprimand, and waive any right to appeal. The Ethics Commission concluded the matter by issuing an Agreed Final Order.

Executive Branch Ethics Commission v. Chester Griffith

Case Number: 20-016

Allegation: In a Settlement Agreement approved by the Ethics Commission, Mr. Griffith admitted to two (2) counts of violating the Code of Ethics. Specifically, during his employment as a Maintenance Section Supervisor at the Carl D. Perkins Vocational Training Center, Mr. Griffith used state time, property, and personnel for use in his for-profit business and for personal use.

Conclusion: Pursuant to the Settlement Agreement, Mr. Griffith agreed to pay a \$2,000.00 civil penalty, receive a public reprimand, and waive any right to appeal. The Ethics Commission concluded the matter by issuing a Final Order.

Executive Branch Ethics Commission v. Laura Dolan

Case Number: 20-002

Allegation: In a Final Order of Default, the Ethics Commission found Ms. Dolan to have violated one (1) count of the Code of Ethics. Specifically, Ms. Dolan failed to file the Statement of Financial Disclosure required to be filed within thirty days of leaving state government as required by KRS 11A.050.

Conclusion: Pursuant to the Final Order of Default, Ms. Dolan must pay a \$1,000.00 civil penalty and receive a public reprimand.

Executive Branch Ethics Commission v. Rebecca Black

Case Number: 20-017

Allegation: In a Final Order of Default, the Ethics Commission found Ms. Black to have violated two (2) counts of the Code of Ethics while employed as a Mental Health Social Service Clinician at the Kentucky State Reformatory, Justice and Public Safety Cabinet. Specifically, during August and September of 2019, Ms. Black used her position to engage in an inappropriate relationship with an inmate, including using the Department of Corrections' JPay system to engage in inappropriate communications with the inmate. Black did so to fulfill her own prurient interest.

Conclusion: Pursuant to the Final Order of Default, Ms. Black must pay a \$6,000.00 civil penalty and receive a public reprimand.

2021 ADMINISTRATIVE PROCEEDINGS

Executive Branch Ethics Commission v. Mary Vogel

Case Number: 20-020

Allegation: In a Final Order of Default, the Ethics Commission found Ms. Vogel to have violated one (1) counts of the Code of Ethics. Specifically, during July of 2019, while serving as a Correctional Officer at Roederer Complex, Department of Corrections, Justice and Public Safety Cabinet, Ms. Vogel used her position to engage in an inappropriate relationship with an inmate, including using the Department of Corrections' JPay system to engage in inappropriate communications with the inmate. Vogel did so to fulfill her own prurient interest.

Conclusion: Pursuant to the Final Order of Default, Ms. Vogel must pay a \$1,000 civil penalty and receive a public reprimand.

Executive Branch Ethics Commission v. Brittany Cook

Case Number: 21-002

Allegation: In a Settlement Agreement approved by the Ethics Commission, Ms. Cook admitted to three (3) counts of violating the Code of Ethics. Specifically, during April, May, and June of 2019 while employed as an Administrative Specialist for the Division of Motor Vehicle Licensing, Kentucky Transportation Cabinet, Ms. Cook used her position to engage in conduct to improperly process rebuilt title applications for applicants at the Kentucky Transportation Cabinet One Stop Shop, thereby providing those applicants with an advantage.

Conclusion: Pursuant to the Settlement Agreement, Ms. Cook must pay a \$1,500.00 civil penalty and receive a public reprimand. The Ethics Commission concluded the matter by issuing an Agreed Final Order.

Executive Branch Ethics Commission v. Sammy Carroll

Case Number: 20-018

Allegation: In a Final Order of Default, the Ethics Commission found Mr. Carroll to have violated three (3) counts of the Code of Ethics. Specifically, during April, May, and June of 2019 while employed as a Highway Technician I, Department of Highways, Kentucky Transportation Cabinet, Mr. Carroll used his state-issued fuel card to purchase fuel for his personal vehicle.

Conclusion: Pursuant to the Final Order of Default, Mr. Carroll must pay a \$3,000.00 civil penalty and receive a public reprimand.

Executive Branch Ethics Commission v. Eric McKee

Case Number: 21-001

Allegation: In a Final Order of Default, the Ethics Commission charged Eric McKee, an Administrative Specialist, Department of Vehicle Regulation, Transportation Cabinet, with three (3) counts of violating the Executive Branch Code of Ethics. Specifically, during May, June, and July of 2019, Mr. McKee improperly processed 403 rebuilt title applications for applicants. The applications

were not properly logged into the One Stop Shop, which allowed the applications to bypass the One Stop Shop policy of having only one application processed per person, per day.

Conclusion: Pursuant to the Final Order of Default, Mr. McKee must pay a \$3,000.00 civil penalty and receive a public reprimand.

Executive Branch Ethics Commission v. Shannon Anson

Case Number: 21-005

Allegation: In a Settlement Agreement approved by the Ethics Commission, Ms. Anson admitted to twenty-three (23) counts of violating the Code of Ethics. Specifically, in her position as a Social Service Specialist with the Department of Juvenile Justice, JPS Cabinet, from August 2013 through July 2015, on twenty-three (23) separate occasions Ms. Anson used her official position to corruptly accept payments totally approximately \$50,500 from various individuals at a non-profit corporation organized under Section 501(c)(3) of the Internal Revenue Code. Anson accepted the payments in return for placing youth under the supervision of the Department of Juvenile Justice with the non-profit corporation pursuant to a contract between the non-profit corporation and the Department of Juvenile Justice.

Conclusion: Pursuant to the Settlement Agreement, Ms. Anson agreed to pay a civil penalty of forty-six thousand dollars (\$46,000). However, this amount will be completely offset by the criminal restitution to be paid by Ms. Anson. Further, Ms. Anson agreed to abstain from ever again seeking employment with the Executive Branch of the Commonwealth of Kentucky. The Ethics Commission concluded the matter by issuing an Agreed Final Order.

Executive Branch Ethics Commission v. Lindsay Blevins

Case Number: 21-003

Allegation: In a Settlement Agreement approved by the Ethics Commission, Ms. Blevins admitted to three (3) counts of violating the Code of Ethics. Specifically, from June through August of 2020, while employed as a Unit Supervisor for Luther Luckett Facility, Department of Corrections, JPS Cabinet, Blevins engaged in an inappropriate relationship with an inmate through the Department of Corrections' JPay system.

Conclusion: Pursuant to the Settlement Agreement, Ms. Blevins paid a \$3,000 civil penalty. The Ethics Commission concluded the matter by issuing a Final Order.

Executive Branch Ethics Commission v. Leroy Buckner

Case Number: 21-004

Allegation: In a Settlement Agreement approved by the Ethics Commission, Mr. Buckner admitted to two (2) counts of violating the Code of Ethics and accepted a no-contest settlement to one (1) count. Specifically, in his position as a State Park Ranger Captain for the Department of Parks, TAH Cabinet, Buckner failed to accurately report his work time and received credit for more hours than he actually worked, and used his state assigned vehicle for personal reasons.

Conclusion: Pursuant to the Settlement Agreement, Mr. Buckner paid a \$3,000 civil penalty. The Ethics Commission concluded the matter by issuing a Final Order.

LITIGATION

INTRODUCTION

All final orders of the Ethics Commission issued pursuant to an administrative hearing are appealable to circuit court. The Ethics 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 Ethics Commission.

COURT REVIEW OF ETHICS VIOLATIONS

COMMISSION-INITIATED ACTION

Mike Martindale v. Executive Branch Ethics Commission, Woodford Circuit Court, Division II, Case No. 18-CI-101

Mr. Martindale filed an appeal of the Ethics Commission's final Order entered on March 19, 2018. The Ethics Commission filed its answer on May 8, 2018. Woodford Circuit Court set a briefing schedule at the Ethics Commission's request. Mr. Martindale filed a motion to have the briefing schedule set aside and asked for a hearing to re-argue the facts of the case in Circuit Court. He claimed he did not receive the motion scheduling the hearing that set the briefing schedule. The Circuit Court would not allow him to re-argue the case, but did give him an additional 30 days to file his brief.

The Ethics Commission filed its brief on January 9, 2019. Commission staff filed a motion for oral arguments set for July 24, 2019. Mr. Martindale filed a motion asking the Court to reschedule the oral arguments for September 11, 2019 due to his unavailability. Oral arguments took place on September 11, 2019. Woodford Circuit Court entered its order on April 2, 2020, affirming the Executive Branch Ethics Commission's Final Order. Mr. Martindale filed his notice of appeal on April 24, 2020.

Mike Martindale v. Executive Branch Ethics Commission, Case No. 20-CA-000581

Mr. Martindale filed an appeal of the Woodford Circuit Court's Order affirming the Ethics Commission. Mr. Martindale missed the deadline to file his brief by one day. The Court returned it to him as late. Mr. Martindale filed a motion for an extension of time. The Ethics Commission filed an objection to Mr. Martindale's motion. The Court of Appeals granted Mr. Martindale's motion for an extension of time and accepted his brief. The Ethics Commission's brief was filed timely on January 29, 2021. Mr. Martindale did not file a reply. This matter was assigned to a merits panel and the parties have been informed that no oral arguments will be held. The merits panel is Judge Lambert, Judge Combs, and Judge McNeill.

Richard Skaggs v. Executive Branch Ethics Commission, Case No. 19-CI-1276, Franklin Circuit Court, Division I

Mr. Skaggs has appealed the Ethics Commission's Final Order entered on November 19, 2019. Mr. Skaggs filed this petition in Franklin Circuit Court on December 17, 2019, but the Ethics Commission was not served until December 26, 2019. The Ethics Commission filed an answer on January 15, 2020. Mr. Skaggs filed his brief on October 21, 2020. The Ethics Commission filed its brief on November 19, 2020. In March of 2021, the Franklin Circuit Court reversed the Final Order of the Ethics Commission. The Ethics Commission decided to not appeal the matter.

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 Ethics 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 \$5,000. Upon registration, an executive agency lobbyist is issued a registration card.

During the 2019 legislative session, Senate Bill 6 made sweeping changes to the definition of who is required to register as a lobbyist. In September of 2019, the Ethics Commission staff was successful in changing administrative regulation 9 KAR 1:040 to update the lobbyist filing forms and filing process in compliance with the legislation.

Provisions relating to Lobbying:

- KRS 11A.201 through KRS 11A.246
- 9 KAR 1:040
- Penalties: KRS 11A.990

What is Professional Lobbying?

Any person who receives compensation for his or her efforts to influence legislators, elected officials, or executive agency decision-makers on behalf of a client or employer is a professional lobbyist. A lobbyist of executive branch agencies is called an Executive Agency Lobbyist or EAL.

What is Executive Agency Lobbying?

Anyone attempting to promote, advocate, or oppose the passage, modification, defeat, or executive approval or veto of any legislation or otherwise influence the outcome of an executive agency decision if the decision will result in the expenditure of state funds of \$5000 or more or would financially impact the person's client. The person does this by engaging in direct communication with:

1. An elected executive official;
2. The secretary of any cabinet listed in KRS 12.250;
3. Any executive agency official whether in the classified service or not; or
4. A member of the staff of any one of the officials listed in this paragraph.

What is an Executive Agency Decision?

An *executive agency decision* means a decision of an executive agency regarding the expenditure of state funds or funds of an executive agency with respect to the award of a contract, grant, lease, or other financial arrangement under which such funds are distributed or allocated. This shall also include decisions made concerning:

- (a) The parameters of requests for information and requests for proposal;
- (b) Drafting, adopting, or implementing a budget provision;
- (c) Administrative regulations or rules;
- (d) An executive order; or
- (e) Legislation or amendments thereto.

However, Executive Agency Decisions must result in the expenditure of state funds of \$5,000 or more or would financially impact the person's client.

What does financial impact mean?

The term "financial impact" is not defined by statute or regulation. As such, we must use the ordinary definitions of those terms. Therefore, an executive agency decision that financially impacts the EAL's client would be a decision that would have an effect on the financial position of the client.

Who should register as an EAL?

An EAL is any individual who is engaged by an employer *on a substantial issue*, as one of his or her main purposes, to influence executive agency decisions or to conduct executive agency activity by direct communication. This includes representing public interest entities formed for the purpose of promoting or otherwise influencing executive agency decisions.

Definition of "on a substantial issue": Any lobbying activity which includes direct contacts with an executive agency during a calendar year for the purpose of influencing an executive agency decision involving state funds of at least \$5,000 per year or any budget provision, administrative regulation or rule, legislative matter or other public policy matter that financially impacts the executive agency lobbyist or his or her employer.

Definition of "engaged" or "engagement": *Engage* means to make any arrangement, and *engagement* means any arrangement made, whereby an individual is employed or retained for *compensation* to act for or on behalf of an employer to influence executive agency decisions or to conduct any executive agency lobbying activity.

Contingency Arrangements

Pursuant to KRS 11A.236, no person shall engage any person to influence executive agency decisions or conduct executive agency lobbying activity for compensation that is contingent in any way on the outcome of an executive agency decision, including payment based on the awarding of a contract or payment of a percentage of a government contract awarded. No person shall accept any engagement to influence executive agency decisions or conduct executive agency lobbying activity for compensation that is contingent in any way on the outcome of an executive agency decision, except for certain sales commissions, including payment based on the awarding of a contract or payment of a percentage of a government contract awarded. An employer who pays an executive agency lobbyist based on the awarding of a contract or payment of a percentage of a government contract awarded shall be barred from doing business with the Commonwealth for a period of five (5) years from the date on which such a payment is revealed to the Executive Branch Ethics Commission. Violation is a Class D felony.

Who is an Employer of an EAL?

An *employer* means any *person* who employs or engages an executive agency lobbyist.

- A "person" is defined as an individual, proprietorship, firm, partnership, joint venture, joint stock company, syndicate, business, trust, estate, company, corporation, association, club, committee, organization, or group of persons acting in concert.

What is a Real Party in Interest?

A ***Real Party in Interest*** is the person or organization on whose behalf the EAL is acting, if that person is not the employer.

- For example, if the ABC Corporation engages XYZ Consulting Company which, in turn, hires John Smith to influence decisions or conduct executive agency lobbying on behalf of ABC Corporation: (a) John Smith is the EAL; (b) XYZ Consulting Company is the “employer;” and (c) ABC Corporation is the “real party in interest.”

Who is exempt from filing?

- 1) Unpaid lobbyists.
- 2) A person who is attempting to influence a decision of an executive agency **that does not involve** the expenditure of state funds or the award of a contract, grant, lease, or other financial arrangement under which such funds are distributed or allocated.
- 3) A person whose job does not include lobbying as a “main purpose.” Example: An engineer for a public utility who sometimes is in contact with state highway officials about moving utility lines, but whose main duties do not include lobbying.
- 4) A person whose state contacts do not involve “substantial” state spending. Decisions involving state spending of less than \$5,000 per year are not considered “substantial.”
- 5) A firm or individual merely submitting a bid or responding to a Request for Proposal for a contract.
- 6) A person whose contacts with state officials are for the sole purpose of gathering information contained in a public record. Example: A businessman who seeks a fuller explanation of bidding specifications, but makes no effort to change or otherwise influence a state decision on the bids.
- 7) News, editorial, and advertising statements published in newspapers, journals, or magazines, or broadcast over radio or television;
- 8) The gathering and furnishing of information and news by bona fide reporters, correspondents, or news bureaus to news media;
- 9) Publications primarily designed for, and distributed to, members of bona fide associations or charitable or fraternal nonprofit corporations;
- 10) Professional services in preparing executive agency decisions, preparing arguments regarding executive agency decisions, or in advising clients and rendering opinions regarding proposed or pending executive agency decisions, if the services are not otherwise connected to lobbying; or
- 11) Public comments submitted to an executive agency during the public comment period on administrative regulations or rules;
- 12) A person whose lobbying is done only during appearances before public meetings of executive agencies.
- 13) A person whose contacts are limited to those employees whose official duties do not include policy formulation, administrative or supervisory authority, or expenditure authorization. To be considered lobbying, contacts must be with: an elected official; a cabinet secretary; officials whose principal duties are to make policy or participate in the preparation or award of state contracts or other financial arrangements, or the staff of any of the above officials. (See KRS 11A.201(9), (10) and (14) for complete details.)
- 14) Officers or employees of federal, state or local governments or of state colleges and universities when acting within their official duties.
- 15) Persons exercising their constitutional right to assemble with others for their common good and petition state executive branch agencies for redress of grievances.

- 16) Persons acting to promote, oppose or otherwise influence the outcome of a decision of the Cabinet for Economic Development or any board or authority within or attached to the Cabinet relating to the issuance or award of a bond, grant, lease, loan, assessment, incentive inducement, or tax credit pursuant to KRS 42.4588, 103.210, Chapter 154 or Chapter 224A, or otherwise relating to another component of an economic incentive package.

Registration Fee

Each Employer of one or more lobbyists, and each Real Party in Interest, must pay a registration fee of **\$500** upon the filing of an **Updated Registration Statement** due by **July 31** each year.

When should the EAL register?

Each EAL, employer, and, if applicable, real party in interest, is required to file, jointly, an Initial Registration Statement **within ten (10) days** of the engagement of the EAL.

How to register?

File an Initial Registration Statement with the Ethics Commission. The Initial Registration Statement can be filed electronically or can be downloaded from the Ethics Commission's website and completed and **delivered by email, fax, mail or hand-delivery** to the Ethics Commission's office. Do not send fee payment at this time.

How long is a registration valid?

After the Statement is processed, the EAL will be issued a registration card by the Ethics Commission effective from the date of its issuance until the proceeding July 31. Until an EAL files a Termination Notification with the Ethics Commission, the lobbyist and his/her employer and real party interest are considered "active" and are required to file Updated Registration Statements between July 1 through July 31 of each year.

A reporting year runs from July 1 through June 30. Updated Registration Statements are due between July 1 and July 31 for the previous reporting period. Updated Registration Statements filed before July 1 will be rejected.

Are the Forms Audited?

The lobbyist filing forms are audited and compared with the Statements of Financial Disclosures filed by Executive Branch Officers. If there are discrepancies between the filings, for instance the officer indicated a gift valuing over \$200 from a lobbyist and the lobbyist did not disclose the expenditure on his or her update filed with the Ethics Commission, the Ethics Commission may open an investigation pursuant to KRS 11A.080 and any penalties may apply under KRS 11A.100 and KRS 11A.990.

What are the Penalties?

- Any executive agency lobbyist, employer, or real party in interest who violates any provision in KRS 11A.206 shall for the first violation be subject to a civil penalty not to exceed \$5,000. For the second and each subsequent violation, he shall be guilty of a Class D felony.
- Any executive agency lobbyist, employer, or real party in interest who fails to file the initial registration statement or updated registration statement required by KRS 11A.211 or 11A.216,

or who fails to remedy a deficiency in any filing in a timely manner, may be fined by the Ethics Commission an amount not to exceed \$100 per day, up to a maximum total fine of \$1,000.

- Any executive agency lobbyist, employer, or real party in interest who intentionally fails to register, or who intentionally files an initial registration statement or updated registration statement required by KRS 11A.211 or 11A.216 which he knows to contain false information or to omit required information shall be guilty of a Class D felony.
- An executive agency lobbyist, employer, or real party in interest who files a false statement of expenditures or details of a financial transaction under KRS 11A.221 or 11A.226 is liable in a civil action to any official or employee who sustains damage as a result of the filing or publication of the statement.

EALs, Employers, and real parties in interest registered with the Ethics Commission must update their registration between July 1-31 of each year and report to the Ethics Commission annually any expenditures made to or on behalf of an executive branch employee 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 Ethics 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 Ethics Commission's website at <http://ethics.ky.gov/>.

The Ethics Commission conducts one-on-one training with new EALs upon request. The Ethics 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, 2019, and June 30, 2021.

TYPE OF INDUSTRY	2019-2020		2020-2021	
	NUMBER OF LOBBYISTS	NUMBER OF EMPLOYERS	NUMBER OF LOBBYISTS	NUMBER OF EMPLOYERS
Advertising/Media/Public Relations	10	3	18	7
Advocacy/ Non-Profit/Social Services	137	34	144	39
Advocacy/Political Action Groups	17	6	7	5
Agriculture/Equine/Tobacco	41	14	52	18
Architects/Construction/Engineers	160	39	158	38
Arts/Tourism	35	7	35	8
Communications/Telecom	71	14	31	6
Criminal Justice/Corrections/Public Safety	29	16	34	16
Economic Development/Manufacturing/Retail	147	42	149	52
Education/Workforce Training	109	29	101	33
Entertainment/Gaming /Hospitality/Alcohol Industry	118	32	96	30
Environmental Protection & Services/Energy Efficiency	33	19	26	16
Financial Services/Insurance/ Investments	427	70	370	147
Health Care/Pharmaceuticals/Bio Tech	406	140	410	151
Legal/Law Firm/Consulting	21	4	18	4
Local Government	41	10	34	13
Minerals/Petroleum/Utilities/Energy	103	26	90	33
Technology/Computer Hardware/Data	149	39	194	58
Transportation/Shipping	65	20	63	20
TOTAL²	2119	564	2030	694

The Ethics Commission maintains all registration statements filed by EALs, employers, and real parties

² These numbers represent the total number of industries that the EALs, Employers, and Real Parties in Interest represent or for which they are actively engaged in lobbying. For example, one lobbyist may be involved in representing multiple types of industries.

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 available to the public. As of June 30, 2019, 1350 EALs representing 564 employers/real parties were registered with the Ethics Commission; on June 30, 2020, 1504 EALs representing 694 employers were registered.

A comparison of registered lobbyists and employers for the past 19 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 \$500 registration fee as required by the lobbying laws may be fined by the Ethics Commission an amount not to exceed \$100 per day, up to a maximum fine of \$1,000. During fiscal year 2019-20 and 2020-21, the Ethics Commission levied no fines for the failure to file timely statements or pay the \$500 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.

2020 LEGISLATIVE SESSION

SB 157:

KRS 11A.010(11)

KRS 11A.201 added new paragraph (5) and amended (8)(a)

KRS 11A.211(1)(f), (2), added new paragraph (3), and amended (4)

KRS 11A.223(2)(b)

During the 2020 General Assembly, through SB 157, sponsored by Sen. Wil Shroder, the Ethics Commission was able to successfully amend KRS 11A.201 to define "financial impact" and refine the definitions of "executive agency decision" and "substantial issue"; amend KRS 11A.211 to include real parties in interest as part of the engagement of the executive agency lobbyist in the requirement to report compensation paid or received; and amend KRS 11A.010 and 11A.233 to conform.

2021 LEGISLATIVE SESSION

SB 6:

New Section of KRS Chapter 11A (KRS 11A.047) created concerning Transition Teams. Requires members of Transition Teams to follow certain ethical guidelines during their service on a Transition Team and to file disclosure statements to be adopted through regulation.

KRS 11A.050(1) added a new paragraph (e).

HB 226:

Includes members of the Kentucky Horse Racing Commission in the definition of "officer" in KRS 11A.010(7)(b), but exempts them from KRS 11A.040(6)-(10).

During the 2021 General Assembly, Senate Bill 6, sponsored by Sen. Max Wise, created a new section of KRS Chapter 11A (enacted as KRS 11A.047) to define "agency," "nonpublic information," and "transition team member"; authorize the Executive Branch Ethics Commission to establish by administrative regulation standards of ethical conduct for transition team members; to address the role of transition team members who are or were registered lobbyists, sources of income for transition team members, and access to nonpublic information; to require the Executive Branch Ethics Commission to develop standards of ethical conduct agreement for transition team members that

includes seeking authorization for access to nonpublic information, a requirement to keep nonpublic information confidential and prohibit use of nonpublic information for personal or private gain, a description of enforcement provisions; require transition team members to disclose positions held outside state government for the 12 months prior to transition team service and sources of compensation for 12 months prior to service on the transition team; require team members to disclose whether they have sought or will seek a contract with state government and any gifts received from interested parties, a description of the role of each transition team member and a list of issues on which they are working, and an affirmation there is no financial conflict of interest that precludes working on certain issues; prohibit heads of public agencies from giving access to his or her agency for any transition team member that has not made required disclosures; require the Executive Branch Ethics Commission to make the standards of ethical conduct for transition team members available to the public on its Web site.

RECOMMENDATIONS FOR THE 2022 LEGISLATIVE SESSION

The Ethics Commission does not presently have any suggestions for legislation for the 2022 Legislative Session of the Kentucky General Assembly. The Ethics Commission will be available to the General Assembly to assist with review of any proposed legislation or to provide data and statistics as necessary to assist with the assessment of any legislative proposals.









PUBLIC INFORMATION

MEETINGS







The Ethics 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 Ethics 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 Ethics 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

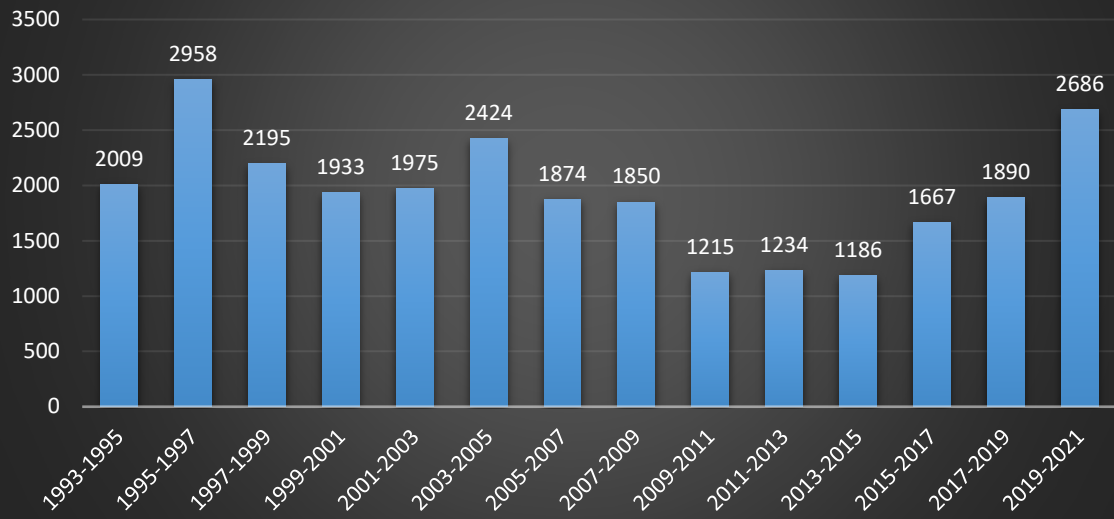
EDUCATIONAL MATERIALS

-  *Biennial Reports*
-  *Guide to the Executive Branch Code of Ethics*
-  *Advisory Opinions*
-  *Executive Agency Lobbying Handbook*
-  *Ethics Officer Guide*
-  Brochures:
 - *Acceptance of Gifts*
 - *Post-Employment*
 - *Political Activities*
 - *Ethical Guidelines for Boards and Commission Members*
 - *Executive Branch Ethics Commission (general information)*

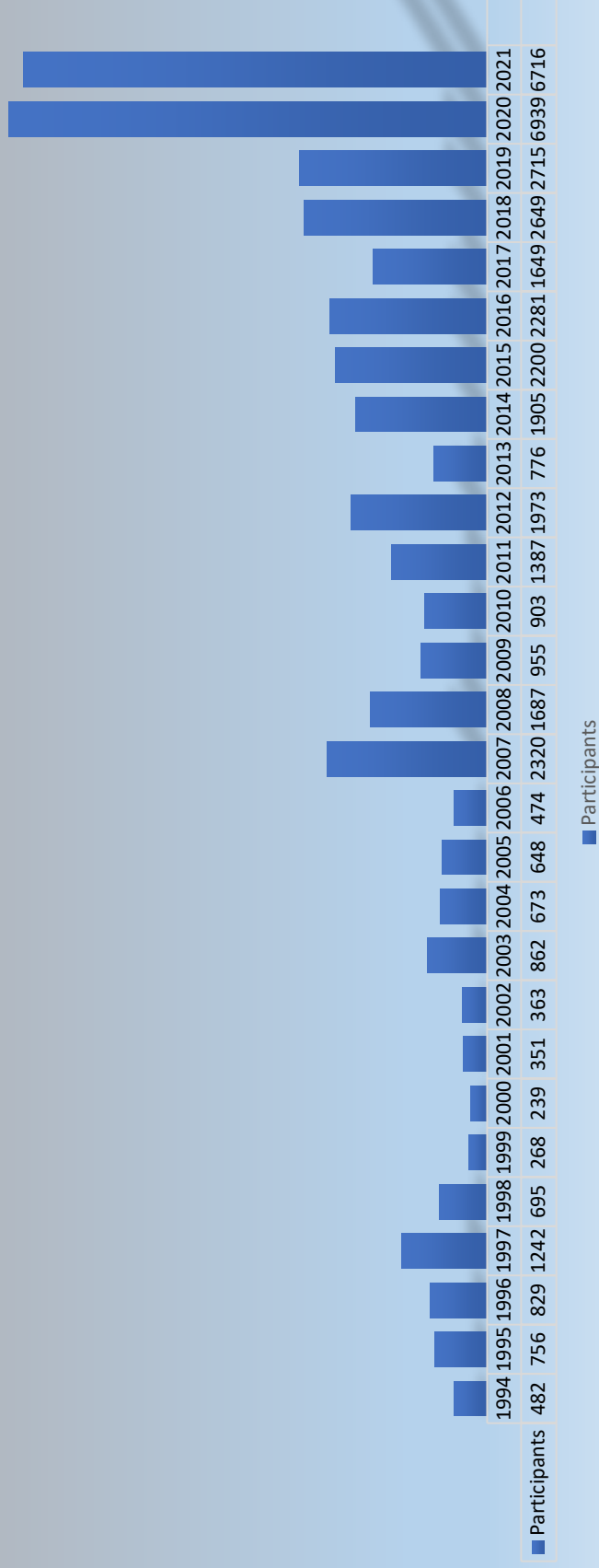
29 YEARS OF STATISTICS APPENDIX

- i. EDUCATION AND TRAINING INQUIRIES 1993-2021
- ii. TRAINING PARTICIPANTS 1994-2021
- iii. 29 YEARS OF STATEMENT OF FINANCIAL DISCLOSURE FILINGS
- iv. 29 YEARS OF TIMELY FILED STATEMENTS AND TOTAL REQUIRED FILINGS
- v. 29 YEARS AT A GLANCE
- vi. 29 YEARS OF REGISTRATION OF EXECUTIVE AGENCY LOBBYISTS AND EMPLOYERS

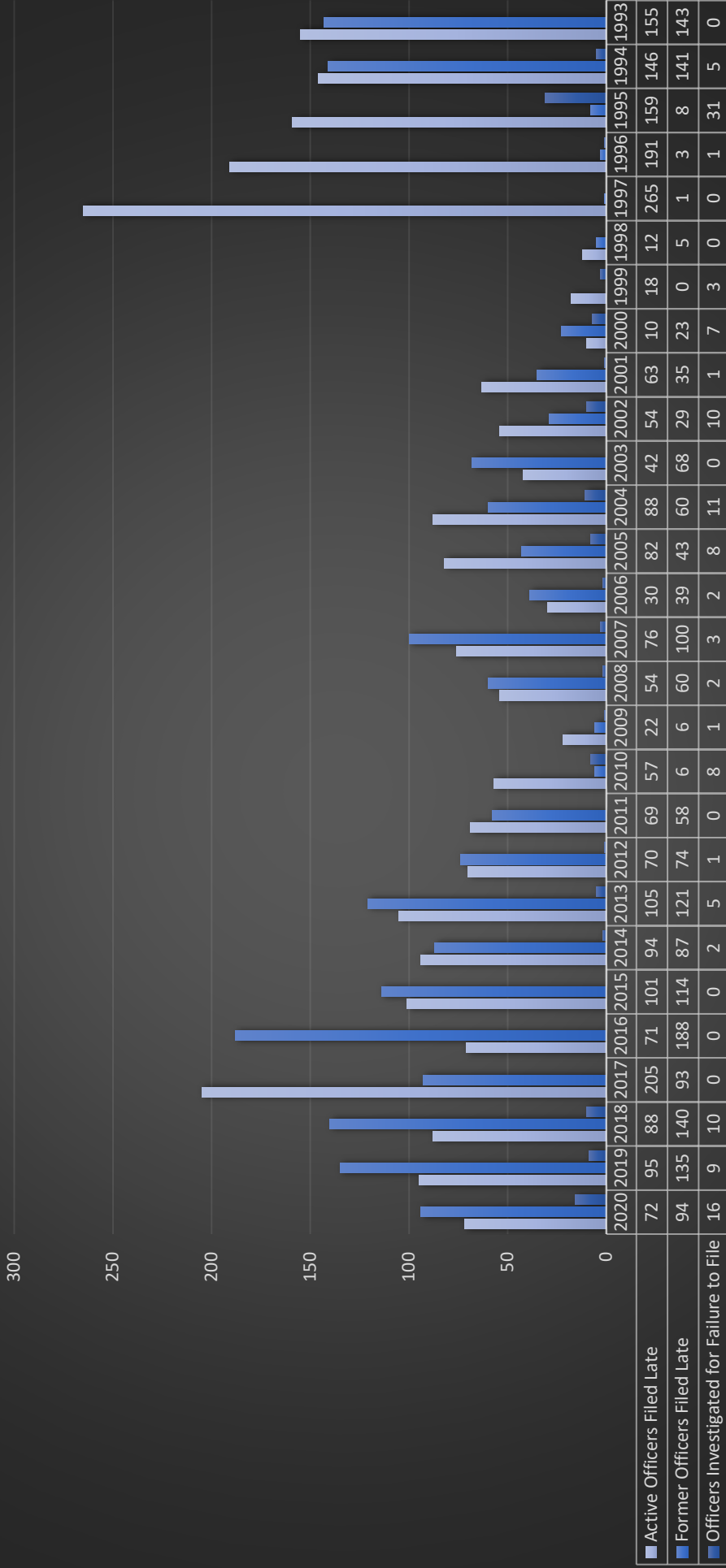
Education and Training Inquiries 1993-2021



TRAINING PARTICIPANTS 1994-2021

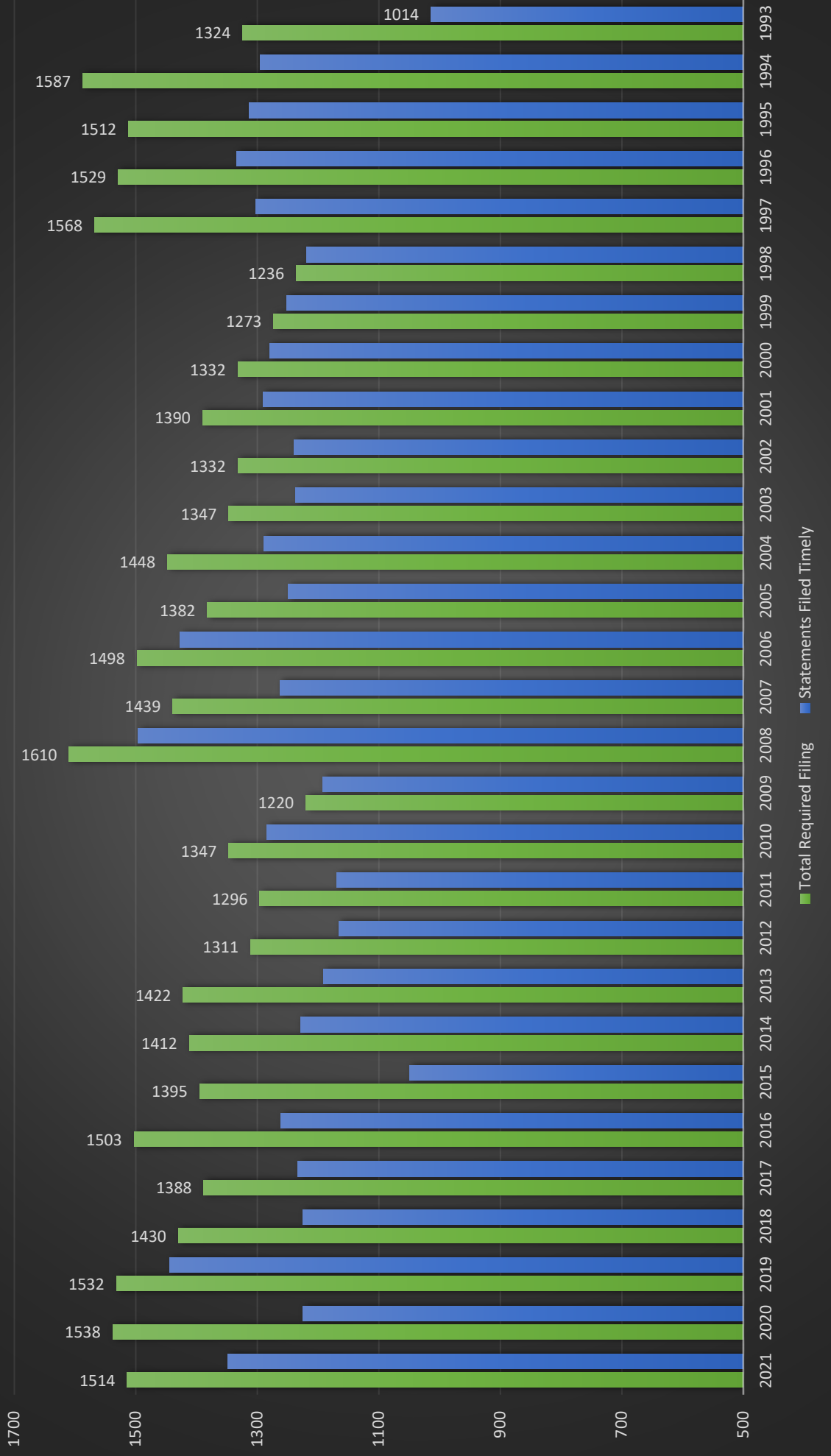


29 YEARS STATEMENT OF FINANCIAL DISCLOSURE FILINGS

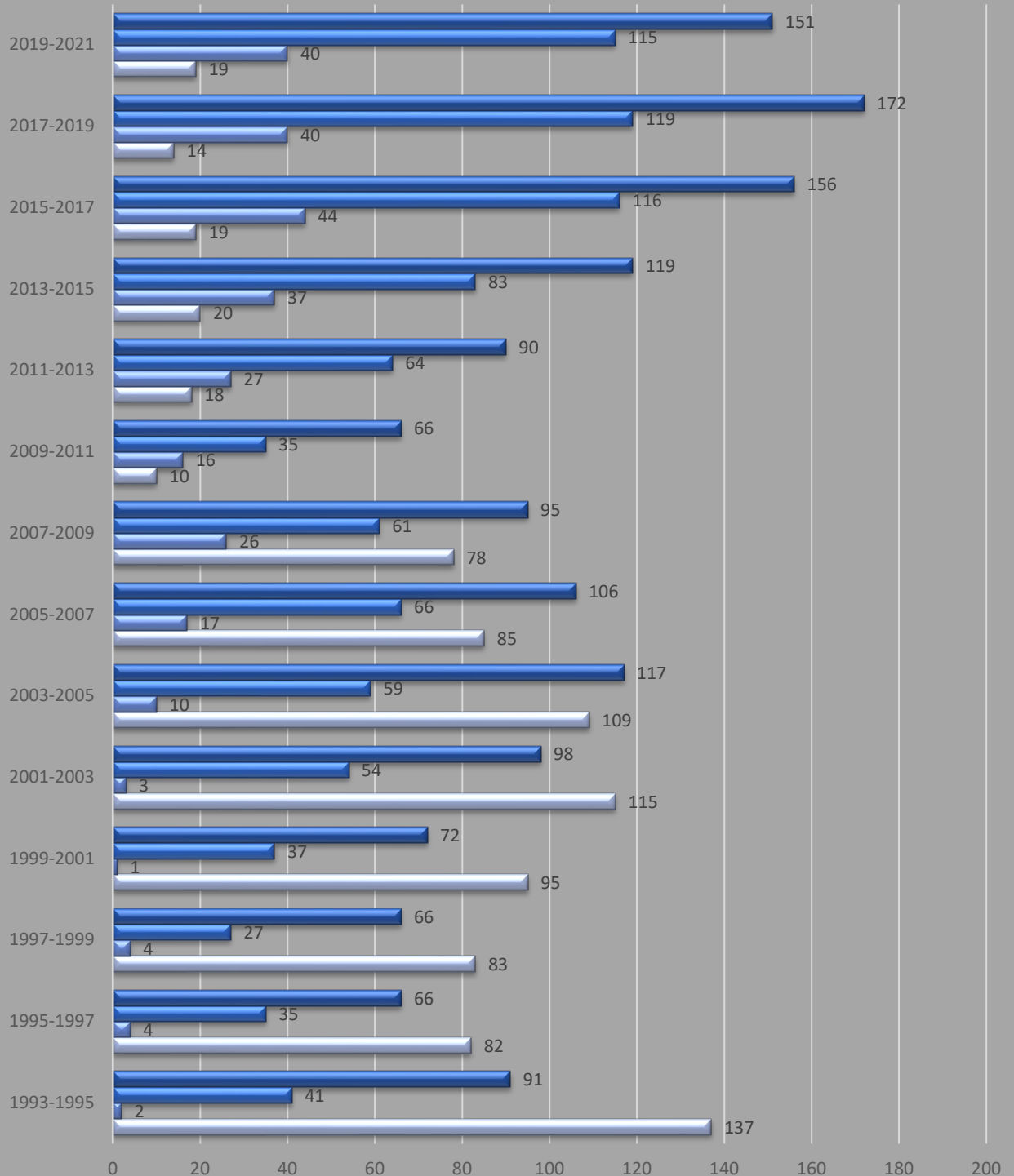


■ Active Officers Filed Late
 ■ Former Officers Filed Late
 ■ Officers Investigated for Failure to File

29 YEARS OF TIMELY FILED STATEMENTS AND TOTAL REQUIRED FILINGS



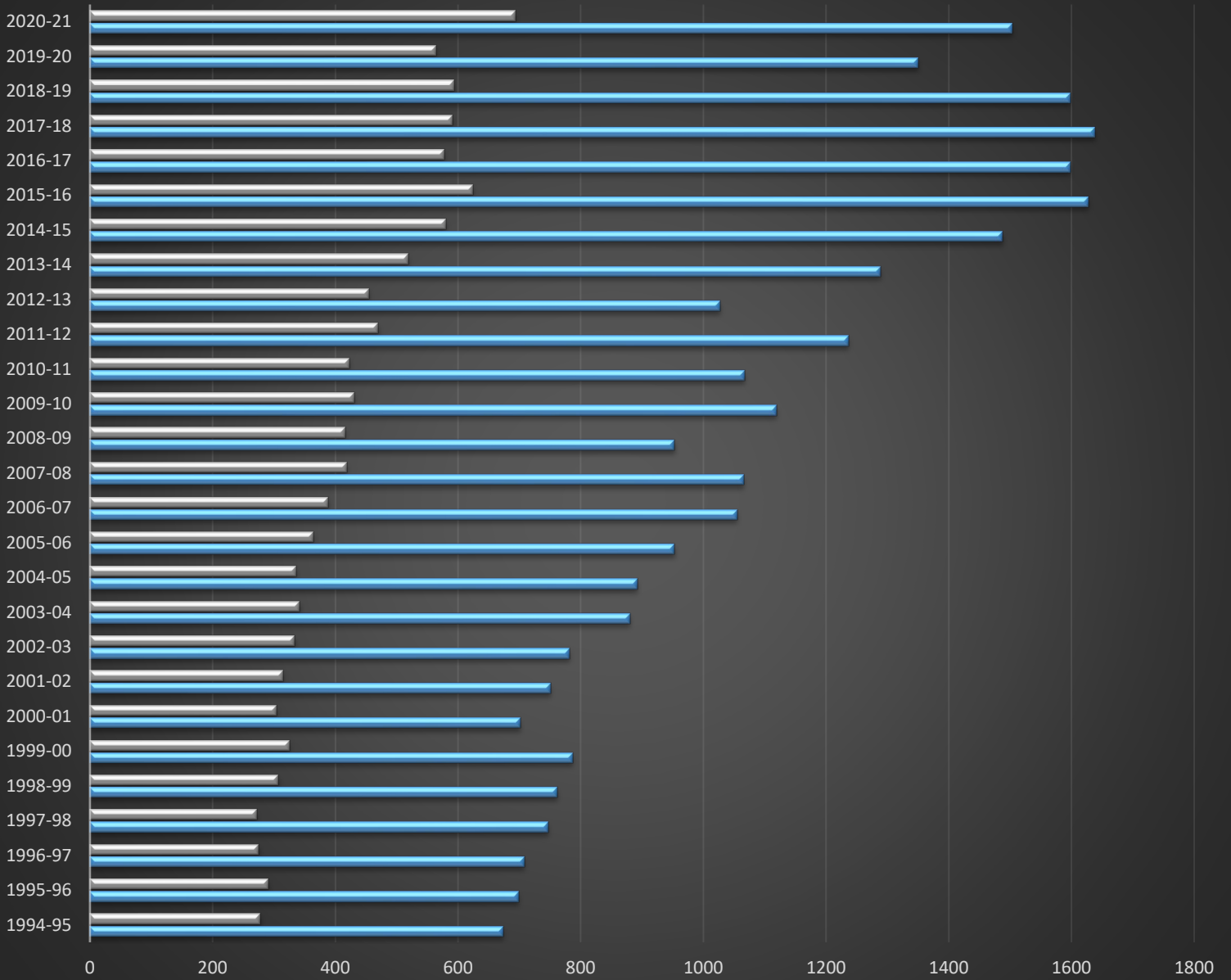
ENFORCEMENTS - 29 YEARS AT A GLANCE



	1993-1995	1995-1997	1997-1999	1999-2001	2001-2003	2003-2005	2005-2007	2007-2009	2009-2011	2011-2013	2013-2015	2015-2017	2017-2019	2019-2021
■ Possible Violations	91	66	66	72	98	117	106	95	66	90	119	156	172	151
■ Investigations	41	35	27	37	54	59	66	61	35	64	83	116	119	115
■ Administrative Proceedings	2	4	4	1	3	10	17	26	16	27	37	44	40	40
■ Advisory Opinions Issued	137	82	83	95	115	109	85	78	10	18	20	19	14	19

■ Possible Violations
 ■ Investigations
 ■ Administrative Proceedings
 ■ Advisory Opinions Issued

29 YEARS OF REGISTRATION OF EXECUTIVE AGENCY LOBBYISTS AND EMPLOYERS



	1994-95	1995-96	1996-97	1997-98	1998-99	1999-00	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
EMP	278	291	275	272	307	325	304	315	334	342	336	364	388	419	416	431	423	470	455	519	580	624	577	591	593	564	694
EAL	674	699	708	747	762	787	701	751	782	880	892	953	1055	1065	953	1119	1067	1237	1027	1288	1488	1627	1598	1638	1598	1350	1504

COMMONWEALTH OF KENTUCKY

EXECUTIVE BRANCH ETHICS COMMISSION

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