

**COMMONWEALTH OF KENTUCKY
EXECUTIVE BRANCH ETHICS COMMISSION
CASE NO. 17-004**

**IN RE: WALTER GAFFIELD
ALLEGED VIOLATION OF KRS CHAPTER 11A**

**INITIATING ORDER
Initiation of Administrative Proceeding
And Formal Complaint**

The Executive Branch Ethics Commission (the “Commission”), upon its own motion, initiated a preliminary investigation of Walter Gaffield (the “Respondent”), pursuant to KRS 11A.080(1), on July 18, 2016.

At all relevant times, the Respondent was a “public servant” as defined in KRS 11A.010(9), and thus subject to the jurisdiction of the Commission.

The Commission initiated the preliminary investigation to determine whether there was probable cause to believe the Respondent violated provisions of KRS Chapter 11A (also referred to herein as the “Ethics Code”).

The Commission focused its investigation upon whether the Respondent violated the Ethic’s Code by using or attempting to use his influence in any matter which involved a substantial conflict between his personal or private interest and his duties in the public interest; by using or attempting to use any means to influence a public agency in derogation of the state at large; by using his official position to secure or create privileges, exemptions, advantages, or treatment for himself or others in derogation of the public interest at large; and by failing to avoid all conduct which might in any way lead members of the general public to conclude that he is using his official position to further his professional or private interest.

The Commission notified the Respondent of the preliminary investigation by letter dated July 27, 2016. During the course of the investigation, the Commission found probable cause to

believe that violations of KRS Chapter 11A had occurred and voted on May 15, 2017, to initiate an administrative proceeding, pursuant to KRS 11A.080(4)(b) and KRS Chapter 13B, to determine whether the Respondent violated the Ethics Code as set forth in the Allegations of Violations, attached hereto and incorporated fully herein as Appendix A to this Initiating Order.

IT IS THEREFORE ORDERED that:

1. This Initiating Order and Appendix shall be served on the Respondent pursuant to KRS 13B.050(2) by certified mail, return receipt requested, to the last known address of the Respondent.

2. The Respondent shall file his answer to this Initiating Order within twenty (20) days from the date of service, verifying the truth and accuracy of any answer submitted.

3. The Respondent shall appear at a hearing to be scheduled by subsequent order and be prepared to defend against the Commission's allegations that he committed the Ethics Code violations set forth in the Allegation of Violations, attached hereto and incorporated fully herein as Appendix A to this Initiating Order.

4. Pursuant to KRS 13B.030(2)(b), the Commission will request the designation of a Hearing Officer by the Administrative Hearings Branch of the Office of the Attorney General, 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601-8204.

5. If the Attorney General's Office cannot provide the requested hearing officer, the Commission will, pursuant to KRS 13B.030(2)(a), employ a hearing officer, contract with another agency for a hearing officer in conjunction with KRS 11A.070, or contract with a private attorney through a personal services contract. The Commission will notify the Respondent or his retained counsel of the designation of a Hearing Officer as soon as possible after the appointment.

6. The Commission is represented by Misty Dugger Judy, General Counsel, and

Kathryn H. Gabhart, Executive Director and co-Counsel. They may be contacted through the Commission's office at (502) 564-7954.

7. All original material and documents shall be submitted to the Executive Branch Ethics Commission, #3 Fountain Place, Frankfort, Kentucky 40601, Attention: Debbie Briscoe, Commission Secretary. Copies of all materials shall be served on the designated Hearing Officer and the Commission's counsel listed in paragraph 6.

8. The Respondent has the right to legal counsel during this proceeding. If the Respondent retains legal counsel, that person shall file an appearance with the Commission, and thereafter all correspondence from the Commission to the Respondent shall be mailed or delivered to the Respondent's attorney.

9. The Respondent has the right to examine upon request, at least five (5) days prior to the hearing, a list of witnesses the Commission expects to call at the hearing, any evidence that will be used at the hearing and any exculpatory information in the Commission's possession.

10. The Respondent has the right to subpoena witnesses on his own behalf. If the Respondent subpoenas witnesses, he shall pay for all costs associated with the subpoenas' issuance, including any applicable witness fees.

11. If the Respondent fails to attend or participate as required at any stage of the administrative hearing process without good cause shown, he may be held in default pursuant to KRS 13B.050(3)(h).

12. The Respondent has a right to appeal any final Commission order to the Franklin Circuit Court within thirty (30) days of service.

13. This proceeding is subject to KRS Chapter 11A, the Commission's regulations, the provisions of KRS Chapter 13B, and any Order issued by the Commission or its hearing officer issued during this administrative proceeding.

So ordered this 15th day of May, 2017.

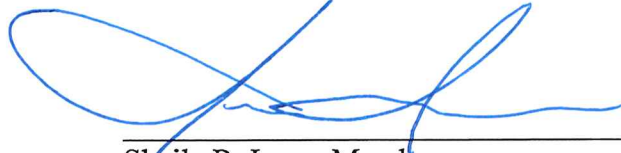
EXECUTIVE BRANCH ETHICS COMMISSION:



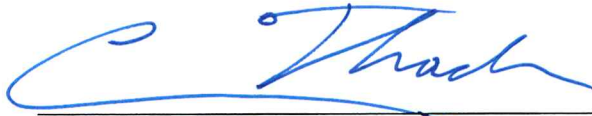
W. David Denton, Chair



William G. Francis, Vice-Chair



Sheila R. Isaac, Member



Christopher L. Thacker, Member



Theresa Fritz Camoriano, Member

**APPENDIX A
CASE NO. 17-004
INITIATING ORDER**

ALLEGATION OF VIOLATIONS

The Respondent, Walter Gaffield, was at all relevant times an employee of the Commonwealth of Kentucky, serving at the Office of Administrative Services, Personnel Cabinet, (also referred to herein as “Office”). As such, the Respondent was subject to the jurisdiction of the Commission. KRS 11A.010(9)(h).

During the course of its preliminary investigation, the Commission found probable cause to believe that Walter Gaffield (referred to herein as “Gaffield”), committed the following violation:

COUNT I

Gaffield, during the course of his employment as Executive Director of the Office of Administrative Services, Personnel Cabinet, used or attempted to use his influence in a matter which involved a substantial conflict between his personal or private interest and his duties in the public interest; used or attempted to use his official position to secure or create privileges for himself or others in derogation of the state at large; and failed to avoid all conduct which might in any way lead members of the general public to conclude that he was using his official position to further his professional or private interest.

Specifically, during the course of his employment as an Executive Director, Gaffield used his position with the Personnel Cabinet to solicit campaign contributions from Cabinet employees. Specifically, between 2012 and 2014, Gaffield solicited financial contributions for a Jefferson County judicial campaign from other non-merit Personnel Cabinet employees. These requests for contributions were made in the workplace, made reference to the employee’s supervisor or

Appointing Authority, made during working hours, and a portion of the contributions made were collected in the workplace.

These facts constitute a violation of KRS 11A.020(1)(a) and (d), and KRS11A.020(2).

KRS 11A.020(1)(a), and (d), and KRS 11A.020(2) provides:

(1) No public servant, by himself or through others, shall knowingly:

(a) Use or attempt to use his influence in any matter which involves a substantial conflict between his personal or private interest and his duties in the public interest;

(d) Use or attempt to use his official position to secure or create privileges, exemptions, advantages, or treatment for himself or others in derogation of the public interest at large.

(2) If a public servant appears before a state agency, he shall avoid all conduct which might in any way lead members of the general public to conclude that he is using his official position to further his professional or private interest.

COUNT II

Gaffield, during the course of his employment as Executive Director of the Office of Administrative Services, Personnel Cabinet, used or attempted to use his influence in a matter which involved a substantial conflict between his personal or private interest and his duties in the public interest; used or attempted to use his official position to secure or create privileges for himself or others in derogation of the state at large; and failed to avoid all conduct which might in any way lead members of the general public to conclude that he was using his official position to further his professional or private interest.

Specifically, during the course of his employment as an Executive Director, Gaffield used his position with the Personnel Cabinet to solicit campaign contributions from Cabinet employees. Between approximately 2010 and 2012, Gaffield solicited financial contributions for the gubernatorial re-election campaign and for a political party from non-merit Personnel Cabinet

employees. These solicitations for contributions were made in the workplace, made during working hours, made reference to the employee's supervisor or Appointing Authority, and a portion of the contributions was collected in the workplace.

These facts constitute a violation of KRS 11A.020(1)(a) and (d), and KRS11A.020(2).

KRS 11A.020(1)(a), and (d), and KRS 11A.020(2) provides:

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(2) If a public servant appears before a state agency, he shall avoid all conduct which might in any way lead members of the general public to conclude that he is using his official position to further his professional or private interest.

COUNT III

Gaffield, during the course of his employment as Executive Director of the Office of Administrative Services, Personnel Cabinet, used or attempted to use his influence in a matter which involved a substantial conflict between his personal or private interest and his duties in the public interest; used or attempted to use his official position to secure or create privileges for himself or others in derogation of the state at large; and failed to avoid all conduct which might in any way lead members of the general public to conclude that he was using his official position to further his professional or private interest.

Specifically, during the course of his employment as an Executive Director, Gaffield used his position with the Personnel Cabinet to solicit campaign contributions from Cabinet employees. Between approximately 2014 and 2016, Gaffield solicited financial contributions for the

gubernatorial campaign and political parties from Personnel Cabinet non-merit employees. These requests for contributions were made in the workplace, during working hours, made reference to the employee's supervisor or Appointing Authority, and a portion of the contributions made were collected in the workplace.

These facts constitute a violation of KRS 11A.020(1)(a) and (d), and KRS11A.020(2).

KRS 11A.020(1)(a) and (d), and KRS 11A.020(2) provides:

(1) No public servant, by himself or through others, shall knowingly:

(a) Use or attempt to use his influence in any matter which involves a substantial conflict between his personal or private interest and his duties in the public interest;

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(2) If a public servant appears before a state agency, he shall avoid all conduct which might in any way lead members of the general public to conclude that he is using his official position to further his professional or private interest.

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