



**COMMONWEALTH OF KENTUCKY  
PERSONNEL BOARD  
APPEAL NO. 2017-031**

**BETHANY FOLEY**

**APPELLANT**

**V. FINDINGS OF FACT, CONCLUSIONS OF LAW  
AND RECOMMENDED ORDER ON REMAND**

**JUSTICE AND PUBLIC SAFETY CABINET,  
DEPARTMENT OF CORRECTIONS**

**APPELLEE**

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This matter came on for evidentiary hearing for the taking of additional evidence on May 31, 2018, at 9:30 a.m., at 1025 Capital Center Drive, Suite 105, Frankfort, Kentucky, before the Hon. R. Hanson Williams, Hearing Officer, pursuant to an Order of Remand from the full Personnel Board. The proceedings were recorded by audio/video equipment and were authorized by virtue of KRS Chapter 18A.

The Appellant, Bethany Foley, was present at the evidentiary hearing and was represented by the Hon. Richard Guarnieri. The Appellee, Justice and Public Safety Cabinet, Department of Corrections, was present and represented by the Hon. Angela Cordery. Appearing as Agency representative was Jonathan Hall, Director of the Probation and Parole Division.

The purpose of the hearing on remand was to take additional evidence, including the two reprimands issued to the Appellant, for the purposes of determining the appropriateness of the penalty in this case. The Hearing Officer had previously issued Findings of Fact, Conclusions of Law and Recommended Order dated October 5, 2017, which Order concluded that the Appellee had failed to carry its burden of proof by a preponderance of the evidence and, therefore, recommending the three-day suspension of the Appellant be set aside.

**BACKGROUND**

1. The Appellee called **Jason Hardwick** as its first witness. He has been the District 20 Supervisor over Probation and Parole since 2012. He introduced Appellee's Exhibits 3, 4, and 5.

2. Appellee's Exhibit 3 was a November 10, 2015 Written Reprimand given to the Appellant. This reprimand was for failing, on September 23, 2015, to place parolee Charlton Wooldridge in handcuffs/restraints, when transporting him to the Russell County Detention

Center. Another part of the reprimand was for the Appellant carrying a non-approved firearm while on duty. Specifically, she was charged with carrying a "Sig" while conducting District Firearms Training, rather than the standard Cabinet-approved firearm, a Glock Model 23.

3. The reprimand ended by stating that "Your failure to improve in your work performance may lead to further disciplinary action taken against you, up to and including dismissal."

4. Appellee's Exhibit 4 was a December 18, 2015 Letter/Memo of Concern issued to the Appellant concerning the same failure to carry the Cabinet-approved firearm while on duty, as referenced in the November 10, 2015 Written Reprimand.

5. Appellee's Exhibit 5 was an October 26, 2016 Written Reprimand for failure to assist in restraining an offender and for failing to furnish her handcuffs to fellow officers who requested them because of their lack of the necessary number of handcuffs needed to arrest four offenders.

6. On cross-examination, the witness admitted that fellow Officer Brown was also present when Offender Wooldridge was arrested. He stated that both Brown and the Appellant were responsible for the safety of those around them, which included handcuffing the offender. He stated that Brown did not handcuff the offender either, yet no reprimand was issued to him.

7. Regarding the portion of the November 10, 2015 Written Reprimand which referenced the Appellant carrying an unauthorized firearm, the witness stated that he was present on the day in question at training, but did not notice that the Appellant was carrying a "Sig." He testified he was told by someone else later.

8. Regarding Appellee's Exhibit 4, the witness confirmed the Letter of Concern was not a disciplinary action. He was questioned as to whether this Letter of Concern somewhat conflicted with the previous Written Reprimand, which implied it was a disciplinary action.

9. Regarding Appellee's Exhibit 5, the October 26, 2016 Written Reprimand, the witness confirmed Corrections Policy and Procedure 27-12-01 (sic) requires the officer in charge to place restraints upon an offender. It also requires the arresting officers, in that case Brown and Martin, to have the proper equipment when making the arrests. The witness confirmed that neither of those officers were reprimanded for not having the proper number of handcuff sets.

10. Lastly, Hardwick was directed to Appellant's Exhibit 7. This exhibit disclosed that, for the period of 2012 through 2017 in District 20, three reprimands were issued to officers, with two of those being addressed to Foley, and at issue here.

11. The Appellee's next witness was **Rebecca Carter**. She is the Central Region Administrative Branch Manager for Human Resources over five regions, including District 20. She testified that she examined Appellee's Exhibits 3, 4, and 5 in making her decision to

recommend a three-day suspension. She stated she was attempting to follow progressive discipline.

12. On cross-examination, the witness was questioned as to the length of time (delay) for the Written Reprimand being issued on November 10, 2015, for an incident which had occurred on September 23, 2015. She stated that before issuing same, approval had to be gained from both the personnel office and the Division Director.

13. The Appellee's next witness was **Jonathan Hall**. He has been the Director of the Probation and Parole Division since November 1, 2016. He oversees all operations. He stated that he approved the recommended three-day suspension as reported by Rebecca Carter. His decision to approve it was based primarily on the two previous written reprimands.

14. The Appellee closed.

15. The Appellant, **Bethany Foley**, called herself as her only witness. She addressed Appellee's Exhibits 3, the first written reprimand. She stated she did not file a response to this reprimand because there was no excuse for her not to place the offender in restraints, neither was there any excuse for her not carrying the proper Cabinet-approved firearm.

16. Asked to address the second written reprimand of October 26, 2016, she added that she called Court Security to come with the necessary extra pair of handcuffs to give to Officers Brown and Martin.

17. The Appellant then introduced Appellee's Exhibit 8, a lengthy written response to the October 26, 2016 Written Reprimand, which she filed on November 1, 2016. Among various explanations, the Appellant explained her actions of October 26.

#### **FINDING OF FACT**

The Hearing Officer finds that none of the evidence presented as to the written reprimands changed his Conclusions of Law and Recommended Order previously issued in this matter. If the previous Recommended Order had upheld any form of suspension, the reprimands may have had a bearing on that decision.

#### **CONCLUSION OF LAW**

The Hearing Officer concludes as a matter of law that the Appellee, Justice and Public Safety Cabinet, Department of Corrections, failed to carry its burden of proof by a preponderance of the evidence.

#### **RECOMMENDED ORDER**

The Hearing Officer recommends to the Personnel Board that the previous Recommended Order concerning the appeal of **BETHANY FOLEY V. JUSTICE AND**

**PUBLIC SAFETY CABINET, DEPARTMENT OF CORRECTIONS, (APPEAL NO. 2017-031) be UPHeld, attached and incorporated by reference herein, as follows:**

The Hearing Officer recommends to the Personnel Board that the appeal of **BE THANY FOLEY V. JUSTICE AND PUBLIC SAFETY CABINET, DEPARTMENT OF CORRECTIONS, (APPEAL NO. 2017-031) be SUSTAINED** and further **DIRECTS** the Appellee to rescind the three-day suspension without pay that it imposed on Appellant, to reimburse Appellant for the amount of pay that was withheld from her because of the three-day suspension, to reimburse Appellant for any leave time she used attending the hearing and any pre-hearing conferences at the Board, and to otherwise make Appellant whole. KRS 18A.105, 18A.095(25), and 200 KAR 12:030.

**NOTICE OF EXCEPTION AND APPEAL RIGHTS**

Pursuant to KRS 13B.110(4), each party shall have fifteen (15) days from the date this Recommended Order is mailed within which to file exceptions to the Recommended Order with the Personnel Board. In addition, the Kentucky Personnel Board allows each party to file a response to any exceptions that are filed by the other party within five (5) days of the date on which the exceptions are filed with the Kentucky Personnel Board. 101 KAR 1:365, Section 8(1). Failure to file exceptions will result in preclusion of judicial review of those issues not specifically excepted to. On appeal a circuit court will consider only the issues a party raised in written exceptions. See *Rapier v. Philpot*, 130 S.W.3d 560 (Ky. 2004).

**Any document filed with the Personnel Board shall be served on the opposing party.**

The Personnel Board also provides that each party shall have fifteen (15) days from the date this Recommended Order is mailed within which to file a Request for Oral Argument with the Personnel Board. 101 KAR 1:365, Section 8(2).

Each party has thirty (30) days after the date the Personnel Board issues a Final Order in which to appeal to the Franklin Circuit Court pursuant to KRS 13B.140 and KRS 18A.100.

**ISSUED** at the direction of Hearing Officer R. Hanson Williams this 21<sup>st</sup> day of June, 2018.

**KENTUCKY PERSONNEL BOARD**



**MARK A. SIPEK  
EXECUTIVE DIRECTOR**

A copy hereof this day mailed to:  
Hon. Angela Cordery  
Hon. Richard Guarnieri

COMMONWEALTH OF KENTUCKY  
PERSONNEL BOARD  
APPEAL NO. 2017-031

BETHANY FOLEY

APPELLANT

V. FINDINGS OF FACT, CONCLUSIONS OF LAW  
AND RECOMMENDED ORDER

JUSTICE AND PUBLIC SAFETY CABINET,  
DEPARTMENT OF CORRECTIONS

APPELLEE

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This matter came on for an evidentiary hearing on August 24, 2017, at 9:30 a.m., at 28 Fountain Place, Frankfort, Kentucky, before the Hon. R. Hanson Williams, Hearing Officer. The proceedings were recorded by audio/video equipment and were authorized by virtue of KRS Chapter 18A.

The Appellant, Bethany Foley, was present at the evidentiary hearing and was represented by the Hon. Richard Guarnieri. The Appellee, Justice and Public Safety Cabinet, Department of Corrections, was present and represented by the Hon. Angela Cordery. Appearing as Agency representative was Johnathan Hall.

This matter involves a three-day suspension issued to the Appellant by letter dated January 24, 2017 (a copy attached hereto and incorporated herein as **Recommended Order Attachment A**). In essence, the Appellant was suspended for allegedly violating Corrections Policies and Procedures (CPP) 27-21-01, Apprehension of Probation and Parole Violations, and District 20 Office Safety, Security, Arrest and Home Visit Procedures Memorandum. The Appellant supposedly violated these policies by failing to request the assistance of another officer and/or not having another officer present during the arrest.

The burden of proof was placed upon the Appellee by a preponderance of the evidence to show that the suspension was justified under all surrounding circumstances and was neither excessive nor erroneous.

Prior to commencement of the hearing, the Appellant filed a Motion in Limine to eliminate and prohibit consideration of two written reprimands which the Appellant had previously received. The theory argued was that written reprimands have been held not to be a penalization under KRS 18A.005(24), pursuant to the holding in *Stevie Spears v. Cabinet for Health and Family Services*, 2013 WL 874377 (Ky. PB) (citing *Perkins v. Cabinet for Health and Family Services*, 2005-CA-002287-MR (Ky.App. June 29, 2007)(not to be published). Following arguments, the Hearing Officer ruled that consideration of the reprimands would be

prohibited in any consideration of whether the reprimands could be used in any explanation of progressive discipline used to justify the three-day suspension.

### BACKGROUND

1. The Appellee's first witness was **Andrea Collins**. She is employed with the Agency as a Probation and Parole (P&P) Officer and functions as the Assistant Superintendent in District 20. Her office is in Monticello. Her duties include reviewing violation reports and presentence investigation incident reports. She stated the Appellant worked in the office with her.

2. The witness testified that on December 13, 2016, in the Monticello office, the Appellant was meeting with her parolee Chris Bartran (a/k/a Chris Bartram). This was a "report" day for her parolee to meet with his supervising officer to discuss the status of his parole. As a result of notification to Collins by fellow Officer Carson Payne, she authored a December 14, 2016 memo (Appellee's Exhibit 1) to District 20 Supervisor Jason Hardwick. The memo advised Hardwick that the Appellant had affected an arrest upon Bartran without notifying other officers nor did she have another officer in her presence during the arrest.

3. These actions supposedly violated CPP 27-21-01 and District 20 Office Safety, Security, Arrest and Home Visit Procedures Memorandum.

4. In this memo, Collins reported that after talking with the Appellant, the Appellant had advised her that Bartran had arrived in her office knowing that he would be going to jail. He was aware that he was the subject of an action unrelated to either a probation or parole violation. In fact, Bartran was aware that an arrest warrant had been issued from the Lawrence Circuit Court for flagrant non-support.

5. Foley then advised this witness that she was aware that Probation and Parole could not serve such a warrant, rather only a probation or parole arrest warrant. Foley then advised this witness that she had placed mechanical restraints upon Bartran in order to avoid the possibility of him taking excessive amounts of prescription medication which he had with him. Foley also advised this witness that she had placed the restraints on Bartran for his own safety and hers. She advised Bartran that she was placing him in restraints until a local law enforcement officer arrived to serve the Lawrence County warrant. Foley further informed this witness that she was not placing him under arrest and had advised him of such.

6. The witness then insisted that the Appellant, regardless of the circumstances, should have discussed this with the witness prior to restraining Bartran and should have called for other officers as backup.

7. On cross-examination, the witness confirmed that the Appellant's duties involved supervising people either on probation or parole. She also stated that if there were probation violations, the Department, through the officer, could have issued arrest warrants. Instead, she

stated that the warrant for non-support had been issued by the Lawrence County Circuit Court Judge.

8. The witness further explained that when one is on parole, they remain under the jurisdiction of the Parole Board. If a parole violation occurs, that agency can issue an arrest warrant.

9. She then confirmed that the third type of warrant, such as happened here from Lawrence County, was an arrest warrant issued by the Circuit Judge. This type of warrant is not served by Probation and Parole Officers, but rather local law enforcement where the parolee is located.

10. The witness also admitted that she did not observe the interaction between the Appellant and Bartran, nor did she look at the warrant for Bartran. This was ultimately served by the local law enforcement who transported him to jail.

11. The witness also confirmed that she later learned that the Lawrence County warrant had been served by Sergeant Morris of the Monticello Police Department and was not served by the Appellant. The witness then explained that by placing Bartran in restraints, she considered the Appellant to have detained or arrested him. She stated that, in such a case, the P&P Officer must then tell the person they are "under arrest" or they must serve an arrest warrant on them.

12. The witness then introduced Appellant's Exhibit 3, CPP 27-21-01. The subject of this policy is APPREHENSION OF PROBATION AND PAROLE VIOLATORS. This is a statewide policy, which applies only to making arrests for probation or parole violations.

13. In pertinent part, this policy reads:

## II. Policy and Procedure

...

### (C) Making an Arrest for Probation or Parole Violations

(1) The officer shall request assistance from another officer or law enforcement official, if possible, in making an arrest. The officer shall be equipped with proper restraints and equipment. (3G-03)

14. The Appellee's next witness was **Jason Hardwick**. He has been with the Department for 16 years and has been serving as the District 20 supervisor, which encompasses Monticello. He stated that he oversees the operations in the District, which employs approximately 37 employees. Upon receiving information from his subordinates, he follows these up the chain of command.



15. He stated that he became aware of the Bartran incident through the memo from Collins. In turn, he consulted with Central Region Branch Manager Rebecca Carter to decide upon further steps.

16. The witness explained that he recommended a suspension, based upon his knowledge of two prior written reprimands to the Appellant. He explained this was a part of the progressive discipline theory.

17. Hardwick then introduced Appellee's Exhibit 2, the District 20 policy governing procedures and arrests of a violator. This policy appears to differ from the statewide policy only in that it calls for two officers to be notified of the intent to arrest and to assist the arresting officer.

18. The witness then confirmed that Appellant's Exhibit 3 (CPP 27-21-01, Apprehension of Probation and Parole Violators) is to be followed when there are violations of the terms and conditions of parole or probation under an officer's supervision. He confirmed that the P&P Officers do not serve arrest warrants from other jurisdictions for unrelated probation or parole matters. Instead, local law enforcement is used to serve those warrants.

19. The witness did confirm that in a case such as here, where the offender is in the office of their officer, the officer can let them sit in their offices while awaiting transport by local law enforcement. He also said that, if necessary, the officer can use restraints such as in an emergency situation involving a danger to themselves or others. However, this witness insists that the CPP policy involving notification and assistance should be followed.

20. On cross-examination, the witness insisted that his knowledge of the incident came from the report from Andrea Collins. He felt this was sufficient and investigated no further. He also confirmed that, after discussing this situation with Branch Manager Carter, he made recommendation for a three-day suspension, in part based upon the two prior written reprimands. He did not meet at any time with the Appellant.

21. Hardwick then agreed that CPP 27-21-01, II.(C)(1), applies only to arrests for probation and parole violations. However, the witness then argued that that provision applies because restraints were used and no assistance was asked for. He feels this applies because the phrase "making an arrest" is the most important wording to him in that policy.

22. He follows this by saying that because restraints were used, it must be considered an arrest.

23. The witness then introduced Appellant's Exhibit 5, a February 2, 2017 written reprimand to fellow Officer Amy Morgan. This reprimand was given to her for failure to ask for assistance while affecting an arrest. The witness was then questioned involving the Anna Crowe situation. Apparently, this incident, sometime in July 2017, involved Hardwick making an arrest of Crowe outside the probation offices while she was high on meth. The witness stated that when he first went outside to approach Crowe in the parking lot, he only intended to talk with

her and not to make an arrest. However, upon seeing the condition she was in, he did place restraints on her and lead her back into the building. He acknowledged that he did not ask for assistance or backup; that he did not inform other officers of his intent, nor did he ask for backup in that situation.

24. The Appellee's next witness was **Rebecca Carter**. She has been employed for 17 years with the Department of Corrections and was formerly a Probation and Parole Officer. She is now the Administrative Branch Manager in the Central Region, which oversees five districts.

25. She related that she and Director Hall interviewed the Appellant before the issuance of the suspension letter. She agreed with the three-day suspension based upon the progressive discipline theory.

26. She also feels that CPP 27-21-01 was violated because an arrest was made and other officers were present who could have been called upon for assistance. She then confirmed that she knew that offender Bartran was aware that he would be placed in custody based upon the Lawrence County warrant. She feels that once the Appellant placed restraints upon Bartran, that Section II.(C)(1) of the policy did apply.

27. On cross-examination, the witness admitted her knowledge was based upon the fact that Hardwick had told her that the Appellant had arrested an offender and had not notified other officers. Carter stated that she is the one who recommended the decision for a three-day suspension to Director Hall, and he made the final decision.

28. This witness feels that CPP 27-21-01, Section II.(C)(1), has a broad meaning which encompasses more than just probation and parole violations. She feels that it is meant to address any arrest.

29. The Appellee's next witness was **Johnathan Hall**. He has been employed for 17 years with the Department and has served as the Division Director of Probation and Parole since January 2016. He has signature authority over discipline and made the final decision here. He feels that CPP 27-21-01 applied in this instance.

30. He confirmed that he felt that the Appellant knew that Bartran understood he was going to jail. However, he felt that once she placed restraints upon Bartran, he was arrested and she was subject to following the applicable policy.

31. On cross-examination, the witness admitted he has never been a Probation and Parole Officer or a supervisor prior to his current position.

32. The Appellee closed.

33. **Appellant, Bethany Foley**, called herself as her first witness. She testified that she has been a Probation and Parole Officer for the past four and a half years in District 20. Her

duties include monitoring parolees and parole violations only. She is also involved with the home placement of parolees.

34. She related that on December 13, 2016, prior to meeting with Bartran, he had to pass through security in order to reach her. They met in what is considered a secure area.

35. Foley confirmed that Bartran had missed the previous report date and was reporting in to her after having been notified. She also stated he was aware he had an arrest warrant issued for him for non-support.

36. Appellant related that she did not plan to arrest Bartran on the outside warrant, and stated she had been told by supervisors previously that she could only arrest on a probation or parole violation. She stated that upon placing the restraints upon Bartran, she told her secretary to call dispatch to have local law enforcement come and serve the arrest warrant and transport Bartran.

37. The witness testified that she told Bartran clearly that she was "not going to arrest him or take him to jail." She stated that she did advise him that for the safety of both of them she was going to put cuffs on him while awaiting transport. She added that she stayed in the conference room with him and, shortly thereafter, took him to wait in Officer Payne's office until transport arrived.

38. She also advised that she had told Andrea Collins and Director Hall that she felt that CPP 27-21-01 was not applicable, both because this was not a probation or parole violation and because she had made no arrest of Bartran, but merely detained him.

39. Appellant also added that one reason she did cuff Bartran was because she did not know what he might do with the prescription meds he had with him.

40. On cross-examination, the witness added that she knew that Bartran was "in effect, turning himself in" because he knew of the outstanding arrest warrant. She also stated that an officer needs supervisor approval for an arrest on a probation and/or parole violation. She insists that such violation was not the case here.

41. Appellant's next witness was **Michael Grigsby**. He has been a Probation and Parole Officer for four years in District 20 in Somerset. He confirmed he was present during the Anna Crowe incident with Jason Hardwick. He confirmed that Hardwick brought her into the office lobby in cuffs because Crowe was belligerent. He confirmed that Hardwick did not ask for assistance of other officers.

42. Appellant's next witness was **Wendy Floyd**. She works in office support in the Somerset office of the Agency. She confirmed the Anna Crowe incident by saying that Crowe's daughter had called about her mother. She then came to the office while her mother remained outside and asked for Hardwick to be called to assist. The witness confirmed that Hardwick

went outside, where he cuffed Crowe and brought her into the office. Other Probation and Parole officers were present, but were not called to assist.

### FINDINGS OF FACT

1. On December 13, 2016, the Appellant was the supervising officer of parolee Chris Bartran. When he reported to her, he was aware an outstanding arrest warrant for flagrant non-support had been issued by the Lawrence Circuit Court. He further realized he would be going to jail for this violation.

2. The Appellant advised Bartran she was not going to arrest him or send him to jail for this. Instead, she told him he would remain in her office until local law enforcement arrived to serve the Lawrence County warrant. The Appellant plausibly explained she placed mechanical restraints on Bartran to ensure his safety and hers.

3. All witnesses agree that Probation and Parole Officers can serve only warrants for probation and parole violations. However, supervisors Collins, Hardwick and Carter felt the Appellant had affected an arrest of Bartran by placing handcuffs on him, thereby triggering the provisions of CPP 27-21-01, relating to procedures in making an arrest.

4. The Hearing Officer finds that the Appellant's actions toward Bartran were meant to detain him safely and did not constitute an arrest for the purposes of CPP 27-21-01. Even if her actions were considered an arrest, it was not for a probation or parole violation, to which the policy CPP 27-21-01 clearly applies (pertinent part shown here).

### **II. Policy and Procedure**

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#### **(C) Making an Arrest for Probation or Parole Violations**

(1) The officer shall request assistance from another officer or law enforcement official, if possible, in making an arrest. The officer shall be equipped with proper restraints and equipment. (3G-03)

5. The Hearing Officer also finds that supervisor Hardwick employed essentially the same procedures when dealing with the Anna Crowe situation.

### CONCLUSION OF LAW

The Hearing Officer concludes as a matter of law that the Appellee, Justice and Public Safety Cabinet, Department of Corrections, failed to carry its burden of proof by a preponderance of the evidence.

**RECOMMENDED ORDER**

The Hearing Officer recommends to the Personnel Board that the appeal of **BETHANY FOLEY V. JUSTICE AND PUBLIC SAFETY CABINET, DEPARTMENT OF CORRECTIONS, (APPEAL NO. 2017-031)** be **SUSTAINED** and further **DIRECTS** the Appellee to rescind the three-day suspension without pay that it imposed on Appellant, to reimburse Appellant for the amount of pay that was withheld from her because of the three-day suspension, to reimburse Appellant for any leave time she used attending the hearing and any pre-hearing conferences at the Board, and to otherwise make Appellant whole. KRS 18A.105, 18A.095(25), and 200 KAR 12:030.

**NOTICE OF EXCEPTION AND APPEAL RIGHTS**

Pursuant to KRS 13B.110(4), each party shall have fifteen (15) days from the date this Recommended Order is mailed within which to file exceptions to the Recommended Order with the Personnel Board. In addition, the Kentucky Personnel Board allows each party to file a response to any exceptions that are filed by the other party within five (5) days of the date on which the exceptions are filed with the Kentucky Personnel Board. 101 KAR 1:365, Section 8(1). Failure to file exceptions will result in preclusion of judicial review of those issues not specifically excepted to. On appeal a circuit court will consider only the issues a party raised in written exceptions. See *Rapier v. Philpot*, 130 S.W.3d 560 (Ky. 2004).

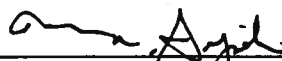
**Any document filed with the Personnel Board shall be served on the opposing party.**

The Personnel Board also provides that each party shall have fifteen (15) days from the date this Recommended Order is mailed within which to file a Request for Oral Argument with the Personnel Board. 101 KAR 1:365, Section 8(2).

Each party has thirty (30) days after the date the Personnel Board issues a Final Order in which to appeal to the Franklin Circuit Court pursuant to KRS 13B.140 and KRS 18A.100.

**ISSUED** at the direction of Hearing Officer R. Hanson Williams this 5<sup>th</sup> day of October, 2017.

**KENTUCKY PERSONNEL BOARD**



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**MARK A. SIPEK**  
**EXECUTIVE DIRECTOR**

A copy hereof this day mailed to:  
Hon. Angela Cordery  
Hon. Richard Guarnieri



## JUSTICE AND PUBLIC SAFETY CABINET

Matthew G. Bevin  
Governor

John C. Tilley  
Secretary

### Department of Corrections

P.O. Box 2400  
Frankfort, Kentucky 40602  
Phone (502) 564-4726  
Fax (502) 564-5037  
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Rodney Ballard  
Commissioner

KIMBERLY POTTER-BLAIR  
DEPUTY COMMISSIONER

January 24, 2017

Bethany Foley

PERNR #:

Dear Ms. Foley:

On January 13, 2017 you were provided notice of my intention to suspend you. You elected to have an interview and submit a written statement to the intended disciplinary action. An interview was scheduled for Tuesday January 17, 2017 at 3:00pm. Thus, after careful consideration of the facts, your statements, verbal and written submitted during the interview, I have determined that the clear weight of evidence establishes that you did commit the charges contained in the notice.

Therefore, based on the authority of 101 KAR 1:345, and in accordance with KRS 18A.095, you are hereby notified that you are suspended from duty and pay for a period of three (3) working days, beginning of business Wednesday January 25, 2017 and continuing through close of business Friday January 27, 2017. You are to report to work on Monday January 30, 2017 at your normally scheduled time.

You are suspended from your position as Probation and Parole Officer with the Department of Corrections, Division of Probation and Parole for the following specific reasons:

**Poor Work Performance** i.e., as reported by Jason Hardwick, Probation and Parole District Supervisor, on December 13, 2016, while affecting an arrest on Chris Bartran, you violated Corrections Policies and Procedure 27-21-01 Apprehension of Probation and Parole Violators as well as the District 20 Safety, Security, Arrest & Home Visit Procedures Memorandum by failing to request the assistance of another Officer and/or not having another Officer present during the arrest. At least three (3) other Officers were in close proximity to you at that time and available to provide assistance.

A review of your personnel file revealed on November 10, 2015, you received a Written Reprimand for Poor Work Performance, i.e., failure to place restraints on an offender whom you had placed under arrest. Your actions were in violation of Corrections Policy and Procedure 27-21-01 Apprehension of Probation and Parole Violators.

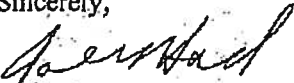
On December 18, 2015, you received a Memo of Concern from Probation and Parole Director Roberto Rodriguez for carrying an unauthorized firearm while conducting District Firearms Training. Your actions were in violation of Corrections Policy and Procedure 9.7 Storage, Issue, and Use of Weapons Including Chemical Agents. You were suspended from Firearms Instructor duties for a period of three (3) months.

On October 26, 2016, you received a Written Reprimand for Poor Work Performance, i.e., failure to assist in restraining an offender who was being arrested for Probation Violation. Your actions were in violation of Corrections Policy and Procedure 27-21-01 Apprehension of Probation and Parole Violators.

For your information the Kentucky Employee Assistance Program (KEAP) is an assessment and referral service for state employees. They can help you with any personal problems that may be affecting your job performance or time and attendance. Participation in KEAP is voluntary and confidential. KEAP can be reached at 1-800-445-5327 or (502) 564-5788.


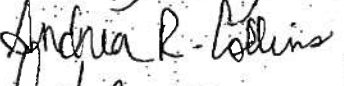
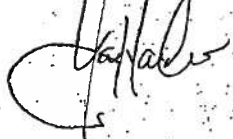
In accordance with KRS 18A.095, you may appeal this action to the Personnel Board within sixty (60) days after receipt of this notice, excluding the date notification is received. Such appeal must be filed in writing using the attached appeal form and in the manner prescribed on the form.

Sincerely,

  
Johnathan Hall, Division Director  
Division of Probation & Parole

Attachments: Appeal Form

CC: Thomas B. Stephens, Secretary - Personnel Cabinet  
Rodney Ballard, Commissioner - Department of Corrections  
Kimberly Potter-Blair, Deputy Commissioner - Department of Corrections  
Rebecca Carter, Central Region Branch Manager - Probation and Parole

 1-24-17  
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COMMONWEALTH OF KENTUCKY  
PERSONNEL BOARD  
APPEAL NO. 2017-031

BETHANY FOLEY

APPELLANT

VS.

BOARD ORDER REMANDING TO HEARING OFFICER

JUSTICE AND PUBLIC SAFETY CABINET  
DEPARTMENT OF CORRECTIONS

APPELLEE

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The Board, at its regular November 2017 meeting, having considered the Findings of Fact, Conclusions of Law, and Recommended Order of the Hearing Officer dated October 5, 2017, having noted Appellee's exceptions, Appellant's Response to Exceptions and being duly advised,

**IT IS HEREBY ORDERED** that this appeal is **REMANDED** to the Hearing Officer for the taking of additional evidence to include two written reprimands issued to Appellant for the purposes of determining progressive discipline.

SO ORDERED this 7<sup>th</sup> day of November, 2017.

KENTUCKY PERSONNEL BOARD

  
\_\_\_\_\_  
MARK A. SIPEK, EXECUTIVE DIRECTOR

A copy hereof this day sent

Hon. Angela Cordery  
Hon. Richard Guarnieri  
Board Members



COMMONWEALTH OF KENTUCKY  
PERSONNEL BOARD  
APPEAL NO. 2017-031

BETHANY FOLEY

APPELLANT

V. FINDINGS OF FACT, CONCLUSIONS OF LAW  
AND RECOMMENDED ORDER

JUSTICE AND PUBLIC SAFETY CABINET,  
DEPARTMENT OF CORRECTIONS

APPELLEE

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This matter came on for an evidentiary hearing on August 24, 2017, at 9:30 a.m., at 28 Fountain Place, Frankfort, Kentucky, before the Hon. R. Hanson Williams, Hearing Officer. The proceedings were recorded by audio/video equipment and were authorized by virtue of KRS Chapter 18A.

The Appellant, Bethany Foley, was present at the evidentiary hearing and was represented by the Hon. Richard Guarnieri. The Appellee, Justice and Public Safety Cabinet, Department of Corrections, was present and represented by the Hon. Angela Cordery. Appearing as Agency representative was Johnathan Hall.

This matter involves a three-day suspension issued to the Appellant by letter dated January 24, 2017 (a copy attached hereto and incorporated herein as **Recommended Order Attachment A**). In essence, the Appellant was suspended for allegedly violating Corrections Policies and Procedures (CPP) 27-21-01, Apprehension of Probation and Parole Violations, and District 20 Office Safety, Security, Arrest and Home Visit Procedures Memorandum. The Appellant supposedly violated these policies by failing to request the assistance of another officer and/or not having another officer present during the arrest.

The burden of proof was placed upon the Appellee by a preponderance of the evidence to show that the suspension was justified under all surrounding circumstances and was neither excessive nor erroneous.

Prior to commencement of the hearing, the Appellant filed a Motion in Limine to eliminate and prohibit consideration of two written reprimands which the Appellant had previously received. The theory argued was that written reprimands have been held not to be a penalization under KRS 18A.005(24), pursuant to the holding in *Stevie Spears v. Cabinet for Health and Family Services*, 2013 WL 874377 (Ky. PB) (citing *Perkins v. Cabinet for Health and Family Services*, 2005-CA-002287-MR (Ky.App. June 29, 2007)(not to be published). Following arguments, the Hearing Officer ruled that consideration of the reprimands would be

prohibited in any consideration of whether the reprimands could be used in any explanation of progressive discipline used to justify the three-day suspension.

### BACKGROUND

1. The Appellee's first witness was **Andrea Collins**. She is employed with the Agency as a Probation and Parole (P&P) Officer and functions as the Assistant Superintendent in District 20. Her office is in Monticello. Her duties include reviewing violation reports and pre-sentence investigation incident reports. She stated the Appellant worked in the office with her.
2. The witness testified that on December 13, 2016, in the Monticello office, the Appellant was meeting with her parolee Chris Bartran (a/k/a Chris Bartram). This was a "report" day for her parolee to meet with his supervising officer to discuss the status of his parole. As a result of notification to Collins by fellow Officer Carson Payne, she authored a December 14, 2016 memo (Appellee's Exhibit 1) to District 20 Supervisor Jason Hardwick. The memo advised Hardwick that the Appellant had affected an arrest upon Bartran without notifying other officers nor did she have another officer in her presence during the arrest.
3. These actions supposedly violated CPP 27-21-01 and District 20 Office Safety, Security, Arrest and Home Visit Procedures Memorandum.
4. In this memo, Collins reported that after talking with the Appellant, the Appellant had advised her that Bartran had arrived in her office knowing that he would be going to jail. He was aware that he was the subject of an action unrelated to either a probation or parole violation. In fact, Bartran was aware that an arrest warrant had been issued from the Lawrence Circuit Court for flagrant non-support.
5. Foley then advised this witness that she was aware that Probation and Parole could not serve such a warrant, rather only a probation or parole arrest warrant. Foley then advised this witness that she had placed mechanical restraints upon Bartran in order to avoid the possibility of him taking excessive amounts of prescription medication which he had with him. Foley also advised this witness that she had placed the restraints on Bartran for his own safety and hers. She advised Bartran that she was placing him in restraints until a local law enforcement officer arrived to serve the Lawrence County warrant. Foley further informed this witness that she was not placing him under arrest and had advised him of such.
6. The witness then insisted that the Appellant, regardless of the circumstances, should have discussed this with the witness prior to restraining Bartran and should have called for other officers as backup.
7. On cross-examination, the witness confirmed that the Appellant's duties involved supervising people either on probation or parole. She also stated that if there were probation violations, the Department, through the officer, could have issued arrest warrants. Instead, she

stated that the warrant for non-support had been issued by the Lawrence County Circuit Court Judge.

8. The witness further explained that when one is on parole, they remain under the jurisdiction of the Parole Board. If a parole violation occurs, that agency can issue an arrest warrant.

9. She then confirmed that the third type of warrant, such as happened here from Lawrence County, was an arrest warrant issued by the Circuit Judge. This type of warrant is not served by Probation and Parole Officers, but rather local law enforcement where the parolee is located.

10. The witness also admitted that she did not observe the interaction between the Appellant and Bartran, nor did she look at the warrant for Bartran. This was ultimately served by the local law enforcement who transported him to jail.

11. The witness also confirmed that she later learned that the Lawrence County warrant had been served by Sergeant Morris of the Monticello Police Department and was not served by the Appellant. The witness then explained that by placing Bartran in restraints, she considered the Appellant to have detained or arrested him. She stated that, in such a case, the P&P Officer must then tell the person they are "under arrest" or they must serve an arrest warrant on them.

12. The witness then introduced Appellant's Exhibit 3, CPP 27-21-01. The subject of this policy is APPREHENSION OF PROBATION AND PAROLE VIOLATORS. This is a statewide policy, which applies only to making arrests for probation or parole violations.

13. In pertinent part, this policy reads:

**II. Policy and Procedure**

...

(C) Making an Arrest for Probation or Parole Violations

(1) The officer shall request assistance from another officer or law enforcement official, if possible, in making an arrest. The officer shall be equipped with proper restraints and equipment. (3G-03)

14. The Appellee's next witness was **Jason Hardwick**. He has been with the Department for 16 years and has been serving as the District 20 supervisor, which encompasses Monticello. He stated that he oversees the operations in the District, which employs approximately 37 employees. Upon receiving information from his subordinates, he follows these up the chain of command.

15. He stated that he became aware of the Bartran incident through the memo from Collins. In turn, he consulted with Central Region Branch Manager Rebecca Carter to decide upon further steps.

16. The witness explained that he recommended a suspension, based upon his knowledge of two prior written reprimands to the Appellant. He explained this was a part of the progressive discipline theory.

17. Hardwick then introduced Appellee's Exhibit 2, the District 20 policy governing procedures and arrests of a violator. This policy appears to differ from the statewide policy only in that it calls for two officers to be notified of the intent to arrest and to assist the arresting officer.

18. The witness then confirmed that Appellant's Exhibit 3 (CPP 27-21-01, Apprehension of Probation and Parole Violators) is to be followed when there are violations of the terms and conditions of parole or probation under an officer's supervision. He confirmed that the P&P Officers do not serve arrest warrants from other jurisdictions for unrelated probation or parole matters. Instead, local law enforcement is used to serve those warrants.

19. The witness did confirm that in a case such as here, where the offender is in the office of their officer, the officer can let them sit in their offices while awaiting transport by local law enforcement. He also said that, if necessary, the officer can use restraints such as in an emergency situation involving a danger to themselves or others. However, this witness insists that the CPP policy involving notification and assistance should be followed.

20. On cross-examination, the witness insisted that his knowledge of the incident came from the report from Andrea Collins. He felt this was sufficient and investigated no further. He also confirmed that, after discussing this situation with Branch Manager Carter, he made recommendation for a three-day suspension, in part based upon the two prior written reprimands. He did not meet at any time with the Appellant.

21. Hardwick then agreed that CPP 27-21-01, II.(C)(1), applies only to arrests for probation and parole violations. However, the witness then argued that that provision applies because restraints were used and no assistance was asked for. He feels this applies because the phrase "making an arrest" is the most important wording to him in that policy.

22. He follows this by saying that because restraints were used, it must be considered an arrest.

23. The witness then introduced Appellant's Exhibit 5, a February 2, 2017 written reprimand to fellow Officer Amy Morgan. This reprimand was given to her for failure to ask for assistance while affecting an arrest. The witness was then questioned involving the Anna Crowe situation. Apparently, this incident, sometime in July 2017, involved Hardwick making an arrest of Crowe outside the probation offices while she was high on meth. The witness stated that when he first went outside to approach Crowe in the parking lot, he only intended to talk with

her and not to make an arrest. However, upon seeing the condition she was in, he did place restraints on her and lead her back into the building. He acknowledged that he did not ask for assistance or backup; that he did not inform other officers of his intent, nor did he ask for backup in that situation.

24. The Appellee's next witness was **Rebecca Carter**. She has been employed for 17 years with the Department of Corrections and was formerly a Probation and Parole Officer. She is now the Administrative Branch Manager in the Central Region, which oversees five districts.

25. She related that she and Director Hall interviewed the Appellant before the issuance of the suspension letter. She agreed with the three-day suspension based upon the progressive discipline theory.

26. She also feels that CPP 27-21-01 was violated because an arrest was made and other officers were present who could have been called upon for assistance. She then confirmed that she knew that offender Bartran was aware that he would be placed in custody based upon the Lawrence County warrant. She feels that once the Appellant placed restraints upon Bartran, that Section II.(C)(1) of the policy did apply.

27. On cross-examination, the witness admitted her knowledge was based upon the fact that Hardwick had told her that the Appellant had arrested an offender and had not notified other officers. Carter stated that she is the one who recommended the decision for a three-day suspension to Director Hall, and he made the final decision.

28. This witness feels that CPP 27-21-01, Section II.(C)(1), has a broad meaning which encompasses more than just probation and parole violations. She feels that it is meant to address any arrest.

29. The Appellee's next witness was **Johnathan Hall**. He has been employed for 17 years with the Department and has served as the Division Director of Probation and Parole since January 2016. He has signature authority over discipline and made the final decision here. He feels that CPP 27-21-01 applied in this instance.

30. He confirmed that he felt that the Appellant knew that Bartran understood he was going to jail. However, he felt that once she placed restraints upon Bartran, he was arrested and she was subject to following the applicable policy.

31. On cross-examination, the witness admitted he has never been a Probation and Parole Officer or a supervisor prior to his current position.

32. The Appellee closed.

33. **Appellant, Bethany Foley**, called herself as her first witness. She testified that she has been a Probation and Parole Officer for the past four and a half years in District 20. Her

duties include monitoring parolees and parole violations only. She is also involved with the home placement of parolees.

34. She related that on December 13, 2016, prior to meeting with Bartran, he had to pass through security in order to reach her. They met in what is considered a secure area.

35. Foley confirmed that Bartran had missed the previous report date and was reporting in to her after having been notified. She also stated he was aware he had an arrest warrant issued for him for non-support.

36. Appellant related that she did not plan to arrest Bartran on the outside warrant, and stated she had been told by supervisors previously that she could only arrest on a probation or parole violation. She stated that upon placing the restraints upon Bartran, she told her secretary to call dispatch to have local law enforcement come and serve the arrest warrant and transport Bartran.

37. The witness testified that she told Bartran clearly that she was "not going to arrest him or take him to jail." She stated that she did advise him that for the safety of both of them she was going to put cuffs on him while awaiting transport. She added that she stayed in the conference room with him and, shortly thereafter, took him to wait in Officer Payne's office until transport arrived.

38. She also advised that she had told Andrea Collins and Director Hall that she felt that CPP 27-21-01 was not applicable, both because this was not a probation or parole violation and because she had made no arrest of Bartran, but merely detained him.

39. Appellant also added that one reason she did cuff Bartran was because she did not know what he might do with the prescription meds he had with him.

40. On cross-examination, the witness added that she knew that Bartran was "in effect, turning himself in" because he knew of the outstanding arrest warrant. She also stated that an officer needs supervisor approval for an arrest on a probation and/or parole violation. She insists that such violation was not the case here.

41. Appellant's next witness was **Michael Grigsby**. He has been a Probation and Parole Officer for four years in District 20 in Somerset. He confirmed he was present during the Anna Crowe incident with Jason Hardwick. He confirmed that Hardwick brought her into the office lobby in cuffs because Crowe was belligerent. He confirmed that Hardwick did not ask for assistance of other officers.

42. Appellant's next witness was **Wendy Floyd**. She works in office support in the Somerset office of the Agency. She confirmed the Anna Crowe incident by saying that Crowe's daughter had called about her mother. She then came to the office while her mother remained outside and asked for Hardwick to be called to assist. The witness confirmed that Hardwick

went outside, where he cuffed Crowe and brought her into the office. Other Probation and Parole officers were present, but were not called to assist.

### FINDINGS OF FACT

1. On December 13, 2016, the Appellant was the supervising officer of parolee Chris Bartran. When he reported to her, he was aware an outstanding arrest warrant for flagrant non-support had been issued by the Lawrence Circuit Court. He further realized he would be going to jail for this violation.

2. The Appellant advised Bartran she was not going to arrest him or send him to jail for this. Instead, she told him he would remain in her office until local law enforcement arrived to serve the Lawrence County warrant. The Appellant plausibly explained she placed mechanical restraints on Bartran to ensure his safety and hers.

3. All witnesses agree that Probation and Parole Officers can serve only warrants for probation and parole violations. However, supervisors Collins, Hardwick and Carter felt the Appellant had affected an arrest of Bartran by placing handcuffs on him, thereby triggering the provisions of CPP 27-21-01, relating to procedures in making an arrest.

4. The Hearing Officer finds that the Appellant's actions toward Bartran were meant to detain him safely and did not constitute an arrest for the purposes of CPP 27-21-01. Even if her actions were considered an arrest, it was not for a probation or parole violation, to which the policy CPP 27-21-01 clearly applies (pertinent part shown here).

### **II. Policy and Procedure**

...

#### **(C) Making an Arrest for Probation or Parole Violations**

(1) The officer shall request assistance from another officer or law enforcement official, if possible, in making an arrest. The officer shall be equipped with proper restraints and equipment. (3G-03)

5. The Hearing Officer also finds that supervisor Hardwick employed essentially the same procedures when dealing with the Anna Crowe situation.

### CONCLUSION OF LAW

The Hearing Officer concludes as a matter of law that the Appellee, Justice and Public Safety Cabinet, Department of Corrections, failed to carry its burden of proof by a preponderance of the evidence.

**RECOMMENDED ORDER**

The Hearing Officer recommends to the Personnel Board that the appeal of **BE THANY FOLEY V. JUSTICE AND PUBLIC SAFETY CABINET, DEPARTMENT OF CORRECTIONS, (APPEAL NO. 2017-031)** be **SUSTAINED** and further **DIRECTS** the Appellee to rescind the three-day suspension without pay that it imposed on Appellant, to reimburse Appellant for the amount of pay that was withheld from her because of the three-day suspension, to reimburse Appellant for any leave time she used attending the hearing and any pre-hearing conferences at the Board, and to otherwise make Appellant whole. KRS 18A.105, 18A.095(25), and 200 KAR 12:030.

**NOTICE OF EXCEPTION AND APPEAL RIGHTS**

Pursuant to KRS 13B.110(4), each party shall have fifteen (15) days from the date this Recommended Order is mailed within which to file exceptions to the Recommended Order with the Personnel Board. In addition, the Kentucky Personnel Board allows each party to file a response to any exceptions that are filed by the other party within five (5) days of the date on which the exceptions are filed with the Kentucky Personnel Board. 101 KAR 1:365, Section 8(1). Failure to file exceptions will result in preclusion of judicial review of those issues not specifically excepted to. On appeal a circuit court will consider only the issues a party raised in written exceptions. See *Rapier v. Philpot*, 130 S.W.3d 560 (Ky. 2004).


**Any document filed with the Personnel Board shall be served on the opposing party.**

The Personnel Board also provides that each party shall have fifteen (15) days from the date this Recommended Order is mailed within which to file a Request for Oral Argument with the Personnel Board. 101 KAR 1:365, Section 8(2).

Each party has thirty (30) days after the date the Personnel Board issues a Final Order in which to appeal to the Franklin Circuit Court pursuant to KRS 13B.140 and KRS 18A.100.

**ISSUED** at the direction of **Hearing Officer R. Hanson Williams** this 5<sup>th</sup> day of October, 2017.

**KENTUCKY PERSONNEL BOARD**



**MARK A. SIPEK**  
**EXECUTIVE DIRECTOR**

A copy hereof this day mailed to:  
Hon. Angela Cordery  
Hon. Richard Guarnieri





JUSTICE AND PUBLIC SAFETY CABINET

Matthew G. Bevin  
Governor

John C. Tilley  
Secretary

Department of Corrections

P.O. Box 2400  
Frankfort, Kentucky 40602  
Phone (502) 564-4726  
Fax (502) 564-5037  
www.kentucky.gov

Rodney Ballard  
Commissioner

KIMBERLY POTTER-BLAIR  
DEPUTY COMMISSIONER

January 24, 2017

Bethany Foley

PERNR #:

Dear Ms. Foley:

On January 13, 2017 you were provided notice of my intention to suspend you. You elected to have an interview and submit a written statement to the intended disciplinary action. An interview was scheduled for Tuesday January 17, 2017 at 3:00pm. Thus, after careful consideration of the facts, your statements, verbal and written submitted during the interview, I have determined that the clear weight of evidence establishes that you did commit the charges contained in the notice.

Therefore, based on the authority of 101 KAR 1:345, and in accordance with KRS 18A.095, you are hereby notified that you are suspended from duty and pay for a period of three (3) working days, beginning of business Wednesday January 25, 2017 and continuing through close of business Friday January 27, 2017. You are to report to work on Monday January 30, 2017 at your normally scheduled time.

You are suspended from your position as Probation and Parole Officer with the Department of Corrections, Division of Probation and Parole for the following specific reasons:

**Poor Work Performance** i.e., as reported by Jason Hardwick, Probation and Parole District Supervisor, on December 13, 2016, while affecting an arrest on Chris Bartran, you violated Corrections Policies and Procedure 27-21-01 Apprehension of Probation and Parole Violators as well as the District 20 Safety, Security, Arrest & Home Visit Procedures Memorandum by failing to request the assistance of another Officer and/or not having another Officer present during the arrest. At least three (3) other Officers were in close proximity to you at that time and available to provide assistance.

A review of your personnel file revealed on November 10, 2015, you received a Written Reprimand for Poor Work Performance, i.e., failure to place restraints on an offender whom you had placed under arrest. Your actions were in violation of Corrections Policy and Procedure 27-21-01 Apprehension of Probation and Parole Violators.

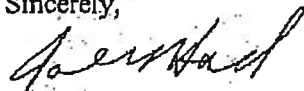
On December 18, 2015, you received a Memo of Concern from Probation and Parole Director Roberto Rodriguez for carrying an unauthorized firearm while conducting District Firearms Training. Your actions were in violation of Corrections Policy and Procedure 9.7 Storage, Issue, and Use of Weapons Including Chemical Agents. You were suspended from Firearms Instructor duties for a period of three (3) months.

On October 26, 2016, you received a Written Reprimand for Poor Work Performance, i.e., failure to assist in restraining an offender who was being arrested for Probation Violation. Your actions were in violation of Corrections Policy and Procedure 27-21-01 Apprehension of Probation and Parole Violators.

For your information the Kentucky Employee Assistance Program (KEAP) is an assessment and referral service for state employees. They can help you with any personal problems that may be affecting your job performance or time and attendance. Participation in KEAP is voluntary and confidential. KEAP can be reached at 1-800-445-5327 or (502) 564-5788.

In accordance with KRS 18A.095, you may appeal this action to the Personnel Board within sixty (60) days after receipt of this notice, excluding the date notification is received. Such appeal must be filed in writing using the attached appeal form and in the manner prescribed on the form.

Sincerely,



Johnathan Hall, Division Director  
Division of Probation & Parole

Attachments: Appeal Form

CC: Thomas B. Stephens, Secretary – Personnel Cabinet  
Rodney Ballard, Commissioner - Department of Corrections  
Kimberly Potter-Blair, Deputy Commissioner – Department of Corrections  
Rebecca Carter, Central Region Branch Manager – Probation and Parole

Bohany Kelly 1-24-17  
Andrea R. Collins 1-24-17  
Haffner 1-24-17