

CERTIFICATION OF PERSONNEL BOARD RECORDS

I certify that attached hereto is a true and correct copy of the Findings of Fact, Conclusions of Law, and Recommended Order and Final Order in the case of **RONALD GODSEY V. JUSTICE AND PUBLIC SAFETY CABINET, DEPARTMENT OF CRIMINAL JUSTICE TRAINING (APPEAL NO. 2019-089)** as the same appears of record in the office of the Kentucky Personnel Board.

Witness my hand this 19th day of April, 2023.



**MARK A. SIPEK, SECRETARY
KENTUCKY PERSONNEL BOARD**

Copy to Secretary, Personnel Cabinet

COMMONWEALTH OF KENTUCKY
PERSONNEL BOARD
APPEAL NO. 2019-089

RONALD GODSEY

APPELLANT

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

JUSTICE AND PUBLIC SAFETY CABINET,
DEPARTMENT OF CRIMINAL JUSTICE TRAINING

APPELLEE

** ** ** ** **

This matter last came on for a pre-hearing conference on February 22, 2023, at 1:00 p.m., ET, at 1025 Capital Center Drive, Frankfort, Kentucky, before the Hon. Mark Sipek, Hearing Officer. The proceedings were recorded by audio/video equipment and were authorized by virtue of KRS Chapter 18A.

The Appellant, Ronald Godsey, was present by telephone and was represented by the Hon. Paul Fauri. The Appellee, Justice and Public Safety Cabinet, Department of Criminal Justice Training, was present and represented by the Hon. Erritt Griggs and the Hon. Robin Cornette.

This matter is before the Hearing Officer for a ruling on the Appellee's "Motion to Withdraw Notice of Suspension," filed with the Personnel Board on February 20, 2023, requesting leave of the Board to withdraw the Appellee's notice of penalty without prejudice and reserving its right to re-issue a penalty at a later date. In its Motion to Withdraw Notice of Suspension, the Appellee stipulates that its March 18, 2019 letter suspending the Appellant from work and pay for thirty (30) days is procedurally defective under KRS 18A.095. The procedural defects include failure to properly cite the statutes and policies violated by the Appellant. The Appellant has had an opportunity to file a response and has done so. The Appellee did not submit a reply. The Appellant filed a "Response to the Motion of Appellee to Withdraw the Notice of Suspension Letter Subject to This Appeal," affirming that he had no objection to the Motion to Withdraw Notice of Suspension and further set forth that the withdrawal would resolve the appeal by rescinding the thirty (30) - day suspension as the notice was *void ab initio*. Both parties have submitted proposed Findings of Fact, Conclusions of Law, and Recommended Orders.

This matter now stands submitted to the Hearing Officer for a ruling on the Appellee's Motion to Withdraw Notice of Suspension and Response to the Motion of Appellee to Withdraw the Notice of Suspension Letter Subject to This Appeal. Upon review, the Appellee's Motion to Withdraw the thirty (30) - day notice of suspension is **GRANTED** without objection from the Appellant. The Hearing Officer does not address the Appellee's ability to re-issue the penalty or any argument that may be raised by the Appellant to any future action.

RECOMMENDED ORDER

The Hearing Officer hereby recommends to the Personnel Board that the appeal of **RONALD GODSEY VS. JUSTICE AND PUBLIC SAFETY CABINET, DEPARTMENT OF CRIMINAL JUSTICE TRAINING, (APPEAL NO. 2019-089)** be **SUSTAINED** and the Appellee is directed to rescind the thirty (30) - day suspension without pay, to restore to the Appellant all back pay for the period of the suspension and any lost benefits as a result of the suspension, to reimburse the Appellant for any leave time he used to attend the pre-hearings in this matter before the Personnel Board, and to otherwise make the Appellant whole. KRS 18A.105, 200 KAR 12:030, and KRS 18A.095(25).

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 fifteen (15) 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 Mark A. Sipek this 21 day of March, 2023.

KENTUCKY PERSONNEL BOARD



MARK A. SIPEK,
EXECUTIVE DIRECTOR

A copy hereof this day emailed and mailed to:

Hon. Paul Fauri
Hon. Erritt Griggs
Hon. Robin Cornette
Hon. Rosemary Holbrook (Personnel Cabinet)