

COMMONWEALTH OF KENTUCKY
PERSONNEL BOARD
APPEAL NOs. 2018-038 and 2018-053

ANGELA ROGERS

APPELLANT

VS.

FINAL ORDER
SUSTAINING HEARING OFFICER'S
FINDINGS OF FACT, CONCLUSIONS OF LAW
AND RECOMMENDED ORDER

JUSTICE AND PUBLIC SAFETY CABINET,
DEPARTMENT OF CORRECTIONS

APPELLEE

*** **

The Board, at its regular January 2019 meeting, having considered the record, including the Findings of Fact, Conclusions of Law and Recommended Order of the Hearing Officer dated December 20, 2018, and being duly advised,

IT IS HEREBY ORDERED that the Findings of Fact, Conclusions of Law and Recommended Order of the Hearing Officer are approved, adopted and incorporated herein by reference as a part of this Order, and the Appellant's appeals are therefore **DISMISSED**.

The parties shall take notice that this Order may be appealed to the Franklin Circuit Court in accordance with KRS 13B.140 and KRS 18A.100.

SO ORDERED this 14th day of January, 2019.

KENTUCKY PERSONNEL BOARD


MARK A. SIPEK, SECRETARY

A copy hereof this day sent to:

Hon. Oran S. McFarlan
Ms. Angela Rogers
Mr. Rodney Moore

COMMONWEALTH OF KENTUCKY
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APPELLEE

These matters came on for evidentiary hearing on October 9, 2018, at 9:30 a.m., EST, at 1025 Capital Center Drive, Suite 105, Frankfort, Kentucky, before the Hon. John C. Ryan, Hearing Officer. The proceedings were recorded by audio/video equipment and were authorized by KRS Chapter 18A.

Appellant, Angela Rogers, was present and was not represented by legal counsel. Appellee, Justice and Public Safety Cabinet, Department of Corrections, was also present and represented by the Hon. Oran S. McFarlan.

These appeals were the subject of at least two pre-hearing conferences, convened for the purposes of determining the specific relief sought by Appellant, further defining the issues, and to address any other matters requiring attention. The subject of mediation was also broached and the two appeals consolidated for all purposes.

BACKGROUND

1. Following issuance of a Notice of Intent to Dismiss and conduct of a properly requested meeting, by letter of February 27, 2018, over the signature of Ravonne Sims, Warden of the facility, Angela Rogers was terminated from her position of Offender Information Specialist I at the Roederer Correctional Complex (RCC). A true copy thereof is attached hereto as **Recommended Order Attachment A**.

2. Ms. Rogers ultimately took issue with the action by appeal filed on March 23, 2018, wherein she urged:

I was discharged for using systems related to my job and functions. Information that I have is public record. I share (sic) this information with the public as part of my job. I feel this is a (sic) act of Retaliation due to complaints by myself and co-workers of Hostile Work Environment.

Others who actual (sic) abuse work time/equipment are not disciplined. My prior disciplinary action are 8 years old and was not true then. (sic)

3. Upon convening the evidentiary hearing, the Agency was assigned the burden of proof as to the dismissal and the Appellant was assigned the burden as to her claim of retaliation for alleging a hostile work environment. Under its burden, the Agency offered the testimony of **Durell St. Clair**, Internal Affairs Captain at RCC, whose duties include investigation of illegal, unethical, or other unauthorized activity within the facility. Captain St. Clair related that, on or about February 14, 2018, he received a telephone call from a parole officer, whom he identified for the record, advising him that Appellant's son, under the Officer's supervision, failed to appear for a court-ordered rehab session. The caller advised that he had concern that Appellant, as the mother of the individual, might somehow have been involved with the absence. He raised the possibility that Appellant may have improperly accessed the Kentucky Offender Management System (KOMS), as well as the internal CourtNet and eWarrants systems. The parole officer's basis for this suspicion was that he previously served as an Internal Affairs Investigator and was personally aware of prior disciplines assessed Appellant for having improperly utilized these systems. The witness explained that KOMS is a central program which maintains all records pertaining to inmates, including their time served, the calculations attendant thereto, and any other information relating to their status. CourtNet logs inmates' court appearances and related requirements connected therewith.

4. The witness continued that he reported the contact to the Warden, who instructed him to proceed with a full investigation, whereupon he reviewed the referenced systems and also interviewed Appellant. At the conclusion of his investigation, he prepared a written report consisting of three pages and an additional 169 pages of documentation appended thereto. His conclusion in the workup captures the core of his testimony:

Based on all information provided during this investigation the Internal Affairs Office at the Roederer Correctional Complex finds in the case of Unauthorized Access to a Computer and Official Misconduct to be substantiated. Based on the KOMS records that revealed 3,092 different times that Ms. Rogers accessed her son's file. Based on the Court Net (sic) records that revealed 7 different occasions where Ms. Rogers accessed her son's criminal charges. Based on the Department of Corrections not giving Ms. Rogers any permission to access the records or files relating to her son.

5. The witness submitted the entirety of his report and its attachments as part of his testimony. Included in the materials is a handwritten summary from Appellant addressing the matter, wherein she wrote:

Over a period of time I have used Court Net and KOMS to view confidential photos of my son Charles Mullins – I understand this was not using good judgment on my part.

During lunch breaks – I felt compelled to look due to mental anguish that I feel due to the issues I have with him. I don't have a relationship with him due to his drug use.

I don't really know how to explain the reason other than to say seeing that he is still alive give (sic) me some kind of comfort.

I do not and have not on any occasion used any information that I have accessed to benefit him or to act on anything I have seen. It has been solely (sic) an emotional problem due to the fact that I have a son who has a dangerous Heroin addiction that I try to live with.

The witness pointed out that at no time in the conference with Appellant did she make any claim or report to him of a hostile work environment.

6. Under relatively brief cross-examination, Appellant raised one or more specific aspects with the witness concerning her son. He agreed that many of the "visits" to the previously-referenced systems were quite brief and acknowledged that, as an example, the month of June 2012, expressly alluded to by Appellant in a question to him, included 35 separate contacts but totaled only 6 minutes. (**Hearing Officer's Note:** In his direct testimony, the witness explained that any contact whatsoever would be reflected in the records as a "visit," regardless if any record was produced or data researched.)

7. **Amy Ganschow** is the Human Resource Administrator Institutional at RCC. Her office covers a myriad of duties including, but not limited to, payroll, new employee orientation, background and investigation work of new employees, coordination between the facility and the Department of Corrections, oversight of grievances, and serving as the general custodian of personnel files.

8. The witness is familiar with Appellant and produced and filed a Computer Internet Usage Agreement executed by her in July 2008 and a CourtNet Individual User Agreement signed in October 2014. These documents explicitly define proper use of those systems and denote that any unauthorized or improper use thereof "...may result in administrative disciplinary action." The witness ratified that KOMS stands for Kentucky Offender Management System and, as the name implies, is the electronic filing system for all inmate information. Further, CourtNet is the digest of sentencing and all other court activities for each inmate of the facility.

9. The witness produced and discussed a written reprimand issued to Appellant on January 28, 2011, and a three-day suspension meted her on March 31, 2011. The written reprimand pertained to a personal email sent by Appellant from her work computer during business hours dealing with her son. The suspension was for poor conduct in the form of uncompleted work and utilizing worktime for one or more telephone conversations aiding her son while reviewing MapQuest.com to supply him directions for a delivery service he was performing.

10. The witness continued that also included among the duties of her office is receipt of any complaints pertaining to work environment such as hostility, harassment, or similar behavior. No such complaints were ever received from Appellant or from anyone on her behalf. She insisted that Appellant's dismissal did not arise from any retaliation for any complaints which Appellant may have made to anyone.

11. Under very brief cross-examination, the Administrator reiterated that all disciplinary records are maintained in the employee's personnel file, together with any supporting documentation, for inspection at any time by the employee. Appellant discussed with her certain emails which were exchanged, asserted by Appellant to address unfavorable working conditions, and employee reviews which she and others, by and through herself as spokesperson, felt were unfair. (**Hearing Officer's Note:** Appellant was apparently referring to personnel evaluations.) The emails were offered *sua sponte*, and allowed, over the Agency's objection, posed due to Appellant's failure to supply a list of exhibits as required by the scheduling order.

12. **Ravonne Sims** has been Warden of the Roederer Correctional Complex for five years and is its appointing authority. She briefly expanded upon both the KOMS and the CourtNet systems; the former is the electronic version of all records of facility inmates ranging from final sentencing through probation and parole, and the latter is a monitor or record of any actions considered to impact sentencing, appearances outside the facility, custody maintenance level, and additional or outstanding charges which could influence the treatment of the offenders in-house.

13. The Warden confirmed that personal use of these systems is prohibited, and a particular concern is the very circumstance generated by Appellant – Agency employees who have family members in the system tend to seek information concerning the member by unauthorized and inappropriate use of the system, despite express policies, of which they are well aware, prohibiting such.

14. Addressing the handling of the tip received concerning Appellant, the witness ratified the sequence outlined by Captain St. Clair; he came to her after receiving a telephone call from a probation and parole officer overseeing Appellant's son, whereupon she completed the requisite form directing the Captain to review her computer activity and either confirm or deny inappropriate usage thereof. Captain St. Clair fulfilled his fact-finding duties and validated the allegations.

15. The Warden briefly outlined the options presented when her office is confronted with violations as those reported. She explained that corrective action might be implemented or, in more egregious cases, sanctions imposed. In this case, she conferred with the Director of the Division of Personnel Services concerning precedents in order enable her to maintain consistent treatment. She observed that Appellant was previously disciplined upon two prior occasions in 2011 for similar behavior and somewhat promptly thereafter, in 2012, commenced the prohibited activities again, ranging through 2018. As a corollary, the matter of progressive discipline came to bear as well, whereupon she implemented steps for dismissal.

16. The Warden introduced and discussed three letters issued to Appellant, specifically that placing her upon administrative leave, that outlining the intent to dismiss her containing the grounds, and that formally terminating her. She addressed portions of the documents outlining the grounds, and confirmed that a pre-termination meeting was conducted, at which Appellant, with counsel at the time, appeared and wherein she alleged certain incorrect information to be contained in her personnel file. She viewed that she was being "singled-out" for punishment and claimed that the action was implemented to be rid of her due to a prior claim or claims of a hostile work environment. Other than the work environment assertion, the Warden recalled that no new or mitigating information was supplied and the termination went forward. She noted that no hostile work environment allegations on the part of Appellant had ever reached her office previously, this issue being brought forth for the first time at the meeting.

17. The Warden produced and discussed the three policies referenced in the termination letter and cited therefrom the specific portions prohibiting that in which Appellant had engaged. She reiterated that no information has come to her attention which would alter her decision, noting that any complaints that may have been made by Appellant concerning working conditions had no bearing upon the actions taken.

18. Under relatively brief cross-examination, Appellant posed that, had the Warden been made aware of incorrect or incomplete information in her personnel file surrounding the prior discipline, whether her actions in the immediate instance would have differed. The witness explained that it would have been the obligation of the employee, who would be in the best position to be aware, to correct any inaccuracies when the discipline was imposed.

19. Turning to matters of consistency, Appellant posed whether, if a coworker accessed the system improperly, a similar discipline would have been imposed. The witness explained that each case must be adjudicated upon its own facts, and that any matter of that nature must be brought to her attention to enable her to react.

20. The Agency having concluded its proof-in-chief, Appellant, **Angela Rogers**, testified in her own behalf. She confirmed her prior employment with the Department of Corrections, having commenced there as a Corrections Officer in July 2008. She recalled receiving sterling evaluations during the first few years as she progressed through positions and grade levels. However, more recently, she became disenchanted with one or more supervisors due mostly, in her view, to unfair criticism of her work, and in 2011 was meted a written reprimand and soon thereafter a three-day suspension. She insisted that these were issued improperly and she verbally protested, but did not appeal or otherwise challenge the actions for the reason that she was fearful of further punishment or even loss of her job.

21. Appellant suffered no further discipline after 2012 due to, she suggested, supervisory changes with whom she was more compatible through 2016. There then commenced what she felt to be renewed hostility in the work environment, occasioning the series of previously submitted emails which, she asserted, constitute evidence in behalf of herself and one or more coworkers of their complaints to management about their circumstances. She recalled that the supervisory harassment took the form of incorrect accusations of excessive error rates in their work and denial of raises for arbitrary reasons. Therefore, Appellant urged, utilization of the progressive discipline policy as part of the foundation for her dismissal should be disregarded.

22. In addition to the claims which Appellant alleged to be documented in the emails, she recited one or more examples, contacts, and actions which she perceived supported her hostile work environment allegation that, regardless of the grounds or reasons stated in the dismissal letter, the actual basis for her termination was and is retaliation for the complaints which she had put forth. She conceded that, other than the email correspondence, she has no documentation that would evidence retaliation, since the majority of the dialogue was verbal. She did not address the matter of the Warden having indicated no such complaints involving her ever reached her office.

23. Appellant insisted that casual and/or self-serving contacts into the KOMS and CourtNet systems was common among her coworkers and accomplished ordinarily with impunity, notwithstanding the policies prohibiting such. For that matter, she noted, the large number attributed to her amounted to quite modest total time consumed through use of the systems, since each keystroke registers as a contact. She discussed at some length the issues pertaining to her son's legal troubles and her efforts to aid him, and the results of the incarcerations arising from his behavior. She asserted that the "culture" among employees at the facility in researching family matters through the networks was quite prevalent.

24. Appellant explained that she does not seek reinstatement of her position with the Department of Corrections. Rather, she seeks purging of the dismissal (and, ideally, the prior disciplines) from her personnel file to enable her to hire into another position already arranged for her with another agency, but which was rescinded upon notification of her termination by Corrections.

25. Under examination by the Agency, Appellant ratified that she made no formal challenge or appeals of either the written reprimand or the suspension assessed her in 2011, other than a verbal protest. She conceded that she did access both KOMS and CourtNet in behalf of her son and his needs, and recognized that these invocations violated the policies cited in the dismissal letter. She further acknowledged the pendency of an Initiating Order with a resultant Agreed Settlement in September 2018 with the Executive Branch Ethics Commission, wherein she admitted having improperly accessed the two systems to obtain protected or otherwise confidential information to benefit either herself or her son, and was fined, together with receiving a public reprimand therefor.

26. Appellant presented brief testimony from Tammy Kidwell Grove, who retired from her position of Offender Information Specialist at RCC in May 2018, where she was employed for 18 years. This witness recalled being present upon various occasions when personnel within the Department utilized KOMS "rather freely" and no sanctions were, to her knowledge, invoked over the practice. She also perceived that, given the work environment prior to Appellant's departure in February 2018, Appellant's job was at risk due to her complaints about working conditions. Under brief cross-examination, the witness was unaware of any specific actions or events that indicated Appellant was singled-out for punishment, either verbal or written. The sworn testimony was thereupon concluded and the matter stood submitted for a recommended order.

27. KRS 18A.095(1) requires that "a classified employee with status shall not be dismissed, demoted, suspended, or otherwise penalized except for cause." The statute further outlines the notice requirements for any intended implementation of penalization. Appellant does not challenge receipt of notice nor allege any lack of appropriateness thereof.

28. 101 KAR 1:345 is the regulation pertaining to disciplinary actions. Section 1 provides that "Appointing authorities may discipline employees for lack of good behavior or the unsatisfactory performance of duties." Section 2 relates to the handling of any notice of intent to dismiss and notice of dismissal. As noted, this aspect is not under challenge.

29. KRS 11A.020(1)(c) and (d) provide:

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

...

(c) Use his official position or office to obtain financial gain for himself or any members of the public servant's family; or

(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.

30. The Agency, has in place a number of policies to which its personnel are required to attest as read and understood, specifically:

(a) CPP 3.1, Code of Ethics;

(b) RCC 03-01-01;

(c) CPP 6.5, Email and Internet Use.

Appellant, an eight-year employee, acknowledges under oath her awareness of, and having signed for, each of these policies, all of which prohibit personnel's use of state property for personal business or gain.

FINDINGS OF FACT

1. Until February 27, 2018, Angela Rogers was a classified employee with status of the Justice and Public Safety Cabinet, in its Department of Corrections, holding the position of Offender Information Specialist I, assigned to the Roederer Correctional Complex. She possessed eight (8) years' experience with the Agency and was inherently familiar with its records maintenance systems, including the Kentucky Offender Management System (KOMIS) and CourtNet, both of which were available to her in the performance of her duties. Recognizing the natural tendency of staff to be tempted to improperly utilize these systems, the Agency has, in addition to one or more statutory provisions equating their use, implemented at least three (3) specific policies explicitly defining appropriate and/or inappropriate access thereto. Appellant routinely reviewed and signed for copies of each of the policies.

2. Appellant's son is apparently a serial violator and, as a convicted felon, is reflected in the systems. Appellant repeatedly accessed the records, either in his behalf or for her own comfort, to determine his status and sometimes his whereabouts. These contacts, although in most instances brief, were frequent and of no benefit to the Agency, nor were they in connection with the performance of her duties. Appellant was previously disciplined upon at least two occasions for inappropriate use of work time. She accepted the sanctions imposed before without formal complaint but relatively soon thereafter resumed the inappropriate, personal use of the Agency's electronic records systems.

3. Appellant, to her credit, recognizes and acknowledges the impropriety of her actions both in the in-house investigative interview and, in due course, before the Executive Branch Ethics Commission, where she has entered into an agreement acknowledging the violations and accepting a fine. Simultaneously, however, she undertakes to justify the actions as a widespread practice within her division and, to some degree, due to the on-going circumstances of her son.

4. Appellant presents, in the course of appeal of her dismissal, a suggested scenario of a hostile work environment, which she asserts she raised with one or more managers in past years. Those protests, she now reasons, have led to retaliation toward her in the form of her dismissal. However, the proof is that management received no notice of this at any time prior to the appeal, nor does Appellant present any credible proof thereof other than her own perception.

5. The Agency has in place an established progressive discipline policy, which policy is particularly relevant in circumstances wherein violations of a similar and ongoing nature continue to occur despite reprimand and/or suspension.

6. The Appellant does not seek reinstatement of her position with the Agency but, rather, a purging of the negative information which supports her dismissal from her personnel file. The Hearing Officer finds the testimony of all witnesses to be credible, although a portion of that of Appellant is deemed to be in the nature of opinion without independent, substantive proof.

CONCLUSIONS OF LAW

1. The policies in place within the Agency are quite clear in prohibiting unauthorized utilization of Commonwealth facilities for personal use, gain, or benefit. Similarly, although Appellant was not dismissed for such violation, the Hearing Officer would note that KRS 11A.020(1) would also prohibit the use of state resources for personal gain. Appellant has admittedly and, somewhat extensively, violated the terms thereof, of which provisions she was fully aware, over an extended period of time.

2. 101 KAR 1:345 expressly bestows upon an agency discretion to impose reasonable discipline for violation of its directives and/or policies. Progressive discipline is an accepted and well-recognized tool, and is especially relevant where the discipline imposed arises from similar, repeated violations.

3. The Agency's election to dismiss Appellant was within the discretion afforded it under the regulation and the statute and was neither erroneous nor excessive in light of the overall circumstances.

RECOMMENDED ORDER

The Hearing Officer recommends to the Personnel Board that the appeals of **ANGELA ROGERS V. JUSTICE AND PUBLIC SAFETY CABINET, DEPARTMENT OF CORRECTIONS, (APPEAL NOS. 2018-038 and 2018-053)** be **DISMISSED**.

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 John C. Ryan** this 20th day of December, 2018.

KENTUCKY PERSONNEL BOARD



MARK A. SIPEK
EXECUTIVE DIRECTOR

A copy hereof this day mailed to:

Hon. Oran S. McFarlan
Ms. Angela Rogers



Attachment

Intent to Dismiss

DEPARTMENT OF CORRECTIONS

James Erwin
Commissioner

Roederer Correctional Complex
P.O. Box 69
LaGrange, Kentucky 40031
Telephone: (502) 222-0173
Fax: (502) 225-0084

Ravonne Sims
Warden

February 27, 2018

Angela Rogers

PERNER:

Dear Ms. Rogers:

On February 16, 2018, you were issued an Intent to dismiss letter. You signed the Pre termination form on February 16, 2018 stating that you wanted to request a meeting and wished to have counsel present. A pre-term hearing was held on February 27, 2018 at your request due to having to find counsel. On February 27, 2018 I met with you and your attorney, Mr. Mauricus Loften, also present was Deputy Warden Amy Robey.

After careful consideration of the statements made on your behalf at your pre-termination hearing held in my office on February 27, 2018, I have determined that the clear weight of evidence establishes that you did commit the charges as outlined in the letter of Intent to Dismiss dated February 16, 2018. Therefore, based on the authority of KRS 18A.095, you are hereby notified of my decision to dismiss you from your position of Offender Information Specialist I with the Department of Corrections, Roederer Correctional Complex. This action is effective close of business on February 28, 2018.

You are dismissed pursuant to the authority of 101 KAR 1:345, Section 1 and 2, and KRS 18A.095, for the following specific reason(s):

Pursuant to 101 KAR 1:345, Section 1 (unsatisfactory performance) and based upon review of your employment record and the recommendation of the Department of Corrections, I find probable cause to believe that your dismissal is justified based upon the following specific reason(s):

Misconduct, as reported by Internal Affairs Captain Durell St Clair, upon review of your KOMS and Courtnet usage.

On February 14, 2018 at approximately 8:00 am, the Internal Affairs Office at the Roederer Correctional Complex at the Roederer Correctional Complex Captain Durell St. Clair received a phone



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call from Probation and Parole Lindsey Smith. P and P Smith informed Captain St. Clair that Angela Rogers an individual that worked at the Roederer Correctional Complex records department picked her son Charles Mullins #238548 from Carroll County Detention Center on February 13, 2018. P and P Smith had informed Ms. Rogers when she picked up her son he was to go to a court ordered Rehab Center. P and P Smith told investigators that he never arrived to rehab. P and P Smith was not sure at the time if Ms. Rogers had some involvement of Offender Mullins not fulfilling the court order. P and P Smith was concerned to put notes into KOMS about this incident due to Ms. Rogers having access and being able to view his notes.

While reviewing your KOMS access it was discovered that you had accessed information regarding your son, Offender Charles Mullins #238548 on 3,098 separate occasions from May 3, 2012 to February 14, 2018. While reviewing your Courtnet it was discovered you had accessed cases regarding Offender Mullins on seven different occasions between the dates of November 4, 2016 to August 30, 2017. On November 4, 2016 at 3:43pm, you accessed case number 16-T-01431. On November 14, 2016 at 3:06pm, you accessed case number 16-T-01330. On November 17, 2016 at 12:31pm, you accessed case number 13-CR-00072. On December 19, 2016 at 9:04am, you accessed case number 15-CR-00027. On December 19, 2016 at 9:05am, you accessed case number 15-CR-00026. On August 25, 2017 at 8:37am, you accessed case number 17-F-010254. On August 30, 2017 at 1:52pm, you accessed case number 13-CR-00072.

On February 15, 2018 at 12:18pm, Deputy Warden Amy Robey, Captain Durrell St.Clair and Lieutenant John Geisler questioned you about this matter. During the interview, you admitted to utilizing KOMS and Courtnet to view Offender Mullins records. On your written statement, you wrote that "over a period of time, I have used Courtnet and KOMS to view information and pictures of my son Charles Muller".

Your actions are in violation of CPP 3.1 Code of Ethics II A (3) – Use of the time, facilities, equipment or supplies of the commonwealth by an employee for his private purposes shall constitute a violation of the standards of ethical conduct set forth in this policy and may result in appropriate disciplinary action as prescribed by the appointing authority for an employee, or other appropriate action including reimbursement of cost or restriction from Department of Corrections Institutions or Offices.

Your actions are in violation of RCC 03-01-01, Section N-4-g, which states, "The following acts, or omissions to act, are strictly prohibited by employees: Using state property (including state owned vehicles) for personal use.

Your actions are in violation of CPP 6.5 Email and Internet Use, Section A, 2. "Internet access shall be: Used for business purposes only;

Your actions are in violation of the Computer Internet Usage Agreement that you signed July 11, 2008 that states:

Agency computers are the property of the Commonwealth of Kentucky. Computers are for authorized use only regardless of time of day, location or method of access, Users have no explicit or implicit



DEPARTMENT OF CORRECTIONS

James Erwin .
Commissioner

Roederer Correctional Complex
P.O. Box 69
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Ravonne Sims
Warden

expectations of privacy. Any or all uses of the system may be intercepted, monitored, and inspected. By using the computer/ internet system, the user consents to such at the discretion of the Commonwealth of Kentucky.

Use of the Internet and email is for facilitation of state business. The use of the Internet for pornography or gambling or any other unauthorized purpose is prohibited. Employees are also forbidden to use e-mail for the purpose of racial or sexual harassment or any other unauthorized purpose. Use of the Internet or e-mail for personal business such as buying or selling of commodities, for sending chain letters, or for soliciting money for religious or political causes are examples of unacceptable use of the system.

Unauthorized or improper use of the computer\Internet system may result in administrative disciplinary action. Any employee who violates these rules is subject to disciplinary or legal action by the Commonwealth of Kentucky under the Kentucky Crime Law, KRS Chapter 434.840-855.

A review of your personnel file reveals that you have received the following previous disciplinary action:

On January 28, 2011, you received a written reprimand for misconduct, i.e. emailed Probation and Parole Officer in regards to your son Charles Mullins.

On March 31, 2011, you received a three (3) day suspension for misconduct, i.e. misuse of computer for utilizing a state computer to assist your son with driving directions.

Your violation of policy does not meet the standards established by the Roederer Correctional Complex and the Kentucky Department of Corrections and cannot be tolerated.

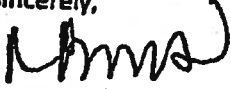
As a Department of Corrections employee, you are expected to be a role model and you must display behavior acceptable to the public and within the laws of our Commonwealth. Your behavior demonstrates a clear disregard for the laws, and, violates the trust the Department of Corrections has placed in you by employing you as an Offender Information Specialist I.

Pursuant to KRS 18A. 032 you will not be certified on future registers for employment within the Department of Corrections unless the Agency so requests.

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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,



Ravonne Sims, Warden

Attachment: Appeal Form