

**COMMONWEALTH OF KENTUCKY  
PERSONNEL BOARD  
APPEAL NO. 2024-159**

**CHRISTOPHER ROGERS**

**APPELLANT**

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

**CABINET FOR HEALTH AND FAMILY SERVICES**

**APPELLEE**

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The Board, at its regular October 2025 meeting, having considered the record, including the Findings of Fact, Conclusions of Law, and Recommended Order of the Hearing Officer dated August 27, 2025; Appellant's Motion to Compel, Motion for Oral Argument, and Motion for Relief; Appellee's Response to Motion to Compel, Motion for Oral Argument and Motion for Relief; Appellant's Exception to Recommended Order and Appeal, and being duly advised,

**IT IS HEREBY ORDERED** that the Personnel Board will not hold oral argument in this appeal.

**IT IS HEREBY ORDERED** that the Appellant's Motion to Compel is **DENIED**.

**IT IS HEREBY ORDERED** that the Appellant's Motion for Relief is **DENIED**.

**IT IS FURTHER 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 appeal is 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 24<sup>th</sup> day of October, 2025.

**KENTUCKY PERSONNEL BOARD**

  
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**GORDON A. ROWE, JR., SECRETARY**

Copies hereof this day emailed and mailed to:  
Christopher Rogers, Appellant  
Hon. Mitchell Zegafuse, counsel for Appellee  
Hon. Rosemary Holbrook (Personnel Cabinet)  
Jay Klein

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This matter came on for evidentiary hearing on May 21, 2025, at 9:30 a.m. EDT at 1025 Capital Center Drive, Suite 105, Frankfort, Kentucky, before the Hon. Brenda D. Perry, Hearing Officer. The proceedings were recorded by audio/video equipment and were authorized by virtue of KRS Chapter 18A.

The Appellant, Christopher Rogers (“Appellant”), was present at the evidentiary hearing and was not represented by counsel. The Appellee, Cabinet for Health and Family Services (“CHFS”), was present and was represented by the Hon. Mitchell Zegafuse.

The issues before the Hearing Officer were whether the Appellee complied with KRS 18A.095 and 101 KAR 1:345 when dismissing the Appellant for cause; and b) whether the penalty imposed upon the Appellant was excessive or erroneous. The Appellee had the burden of proof, which was by a preponderance of the evidence.

**BACKGROUND**

1. The Appellant, Christopher Rogers, timely filed his appeal with the Personnel Board on November 12, 2024. On the appeal form, he provided that he was terminated by his employer who utilized “known lies” to fire him. Further, he alleged that leadership worked together to skip steps in the grievance process and that he was retaliated against.

2. On the day of the hearing, the Hearing Officer outlined that she was overruling both parties’ Motions for Summary Judgment filed just days before the hearing because there was no evidence in the record and genuine issues of material fact existed, making summary judgment inappropriate. The Hearing Officer outlined that, while the parties had filed a number of stipulations, none of the stipulations pertained to how and why the Appellee fired the Appellant, whether the Appellee had abided by the requirements of law and whether that penalty of

termination was excessive or erroneous. With that being the case, genuine issues of material fact existed and both motions were overruled.

3. Each party made an opening statement. The Appellee called its first witness, **Lieutenant Myron Hill** ("Lt. Hill") of the Bourbon County Sheriff's Department. Lt. Hill stated he had been employed with the Sheriff's Department for nearly twelve (12) years. He testified that, on September 4, 2024, he was working at the Bourbon County Judicial Center at approximately 10:30 a.m. He stated that several people were sitting in the waiting area, including some children. He stated he was approximately 20 to 25 feet away when he overheard an individual, who he later identified as the Appellant, Christopher Rogers, say something that included the word, "shit." Lt. Hill testified that he told the Appellant, "Sir, we are not going to have profanity in the courthouse". He stated that Mr. Rogers said he had a First Amendment right to curse and then told Lt. Hill, "Fuck You," at which point Lt. Hill approached the Appellant, again admonished him not to curse, and told him that he would charge the Appellant with disorderly conduct if he did not stop cursing in the judicial center. According to the witness, the Appellant then stood up and said, "Fuck You!! I beat KSP and I will beat you too!" as he thrust his wrists together toward Lt. Hill to be handcuffed. Lt. Hill confirmed that he took the Appellant into custody and charged him with disorderly conduct in the second degree.

4. The Appellee then had Lt. Hill identify **Joint Exhibit 13**, which was a video (without audio) of the encounter between himself and the Appellant. The video was played, and it was entered into the record without objection. Lt. Hill then identified and entered into the record several witness statements of those present who had seen and heard the encounter between the Appellant and himself. **Joint Exhibits 15, 16, 17, 18 and 19** were entered into the record without objection. Lt. Hill testified that he charged the Appellant with Disorderly Conduct in the Second Degree, a violation of KRS 525.060, because there is a certain decorum of conduct required in the judicial center and it is his responsibility to ensure that it is maintained. He testified that the Appellant's conduct of cursing in the presence of others, including children, was both alarming and an annoyance. A copy of KRS 525.060, marked as **Appellant's Exhibit 1**, was identified, then entered into the record upon verification of the Hearing Officer. Lt. Hill testified that the Appellant created a security issue because, as the officer in charge, he had to leave his post and engage with the Appellant. He testified that the charge remains pending.

5. The next witness to testify on behalf of the Cabinet was the **Appellant, Christopher Rogers**. After being sworn, the Appellant identified the **Agreed Stipulations of Fact** in the record and read paragraphs 1, 2, 3, 4, 5, 6 and 7, which pertained to his employment history. He was asked if those statements were accurate and testified that they were accurate.

6. The Appellant briefly outlined the work he had performed for the Cabinet, specifically, that he was responsible for transporting youth for various reasons, which could include going to a foster home, hospital, court, to or from the jail or to an emergency shelter. He testified that he also was responsible for supervising visitations with youth in instances where there was court-ordered supervised visitation.

7. The Appellant was questioned about the Agreed Stipulations and was asked to read Paragraphs 52 through 62 pertaining to the incident he had at the judicial center in Bourbon County. He was asked if the stipulations were true and he testified in the affirmative. The Appellant was then asked to read Section B of the Stipulations, Paragraphs 8 through 51, which contained statements relative to an incident the Appellant had with the state police at a traffic safety checkpoint in June 2024. Upon questioning, he admitted they were true.

8. The Appellant then identified **Joint Exhibit 1**, which was video of the incident he had with the Kentucky State Police (the “Troopers” or “Officers”) that occurred in the presence of his nine (9) year-old daughter. The video depicted the Appellant’s interaction with the police during a safety check stop. Upon being asked by a Kentucky State Trooper to produce his license, the Appellant asked what crime he was being suspected of committing and refused to provide his license. As the Appellant’s daughter began to cry and the troopers sought to calm and reassure the girl that things would be OK, the Appellant stated his daughter was upset because she knows that “cops kill innocent citizens, she has seen it on TV.”

9. During the encounter, the Appellant refused multiple requests by the officer to provide his license and then his insurance card. The Appellant claimed it was illegal for it to be requested unless he was suspected of having committed a crime. The Trooper advised the Appellant, on more than one (1) occasion, that he had the right to request his license and that the Appellant could provide his license or go to jail.

10. On the video, the Appellant requested a supervisor and the Trooper’s business card and was denied both, but he was provided the Trooper’s name and badge number. Ultimately, the Troopers gave him their names and badge numbers with the Appellant stating that he would “file a fucking complaint on both you because you have no business doing this shit.” The Appellant then asked his daughter to provide his wallet from inside the car and said, “You stupid motherfuckers.” During the encounter, the Appellant made the following statements: “Shut the fuck up and do your job. You can’t stop freedom of speech. Fuck You. You can’t mess with freedom of speech. You can’t tell me not to talk. You told me to shut up and not say a word and you can’t fucking do that. You lying piece of shit. And that’s why you don’t have security cameras, so I can’t bring this up. Shut the fuck up, do your job and write the goddamn ticket.”

11. As the Troopers placed the Appellant under arrest and put him in the back of the police car, they asked the Appellant if there was someone who could come to pick up his daughter so that she would not have to go to Child Protective Services. The Appellant responded, "I work for Child Protective Services," then stated his wife could come and pick up their daughter and car and the Officers facilitated a call to the Appellant's wife. As the Troopers led the Appellant's daughter back to the Appellant's vehicle to await her mother, the Appellant told his daughter, "If they touch you, tell Mommy because they are rapists and murderers." During his testimony, the Appellant admitted he did not know that these Troopers were rapists and murderers, but that he was speaking about police officers, generally.

12. During the hearing, the Appellant was questioned about the legal basis for his insistence that he did not have to provide his driver's license to law enforcement officers when requested. He testified that the Kentucky Supreme Court had not ruled that such requests were legal. When asked which case specifically had such a holding, the Appellant was unable to provide any case in support. The Appellant was then shown **Appellee's Exhibit 11**, a copy of KRS 186.510 entitled "License to be in Possession and Shown on Demand." The Appellant read the statute into the record. He also identified **Appellee's Exhibit 12**, KRS 186.990 entitled "Penalties." Both were entered into the record.

13. The Appellant identified **Appellee's Exhibit 1**, entitled "Official Statement" that he testified he wrote and provided to his employer, advising them of his arrest by the State Troopers in June. It was entered into the record without objection. The Appellant identified **Appellee's Exhibit 2**, entitled Statement Regarding September 4, 2024 Arrest, which was marked and entered into the record without objection. The Appellant testified that he was placed on Administrative Leave and given notice of the Appellee's Intent to Dismiss. The Appellant then identified and testified regarding **Appellee's Exhibit 4, Appellee's Exhibit 5, Appellee's Exhibit 6, Appellee's Exhibit 9, Appellee's Exhibit 10 and Joint Exhibit 20**, all of which were entered into the record without objection. The Appellant testified that he had a pre-termination hearing and then was discharged by letter of October 28, 2024.

14. The Appellant stated that, during both his encounters with law enforcement, he utilized lots of profanity but stated he did so to defend himself. He testified that all charges from the first arrest in June resulting from the traffic stop were dismissed and the charges from his arrest at the Bourbon County Judicial center were pending.

15. The next witness to testify was **Jay Klein**, who serves as the Appointing Authority for the Appellee. He says that he became aware of the Appellant's actions when he received a request for Major Disciplinary Action from Kelly Cameron. He identified **Appellee's Exhibit 3** the request for major disciplinary action and it was entered into the record. He also identified

**Appellee's Exhibit 7**, the Cabinet's Policy on Ethical Practice of social service professionals and **Appellee's Exhibit 8**, the policy on Employee Conduct. The witness testified that these policies govern the conduct of employees, even while off duty. Specifically, they are required to avoid participating in activity that they know to be illegal or improper and to not engage in any activity that conflicts with the interests of the citizens of Kentucky. The witness stated that the manner in which the Appellant engaged with law enforcement officers is inconsistent with being a public servant. He stated that the issue is not only what the Appellant said, but how he said it and who was present to witness it. With regard to the requirement that the employee not engage in conduct that they know to be illegal or improper, Mr. Klein stated that they utilize a reasonable person standard. Would a reasonable person find the conduct illegal or improper? He stated that the answer was yes to that question and the Appellant's conduct was terminable.

16. During his direct examination, Mr. Klein was asked whether the Appellant's assigned duties to transport youth, in conjunction with the Appellant's conduct with law enforcement officers in June and September, played a significant role in the decision to terminate the Appellant. Mr. Klein stated that it did not. He explained that, according to policy, the Appellant was required to behave in a professional manner while engaging with others, even in his off-duty endeavors. He further explained that the Appellant's refusal to follow the reasonable requests of law enforcement multiple times and the Appellant's response to those requests was so egregious that it reached the level of termination. Mr. Klein testified that the Appellant admitted to saying the things he was accused of saying and that the Cabinet did not need to provide him yet another opportunity to violate the policy and display such egregious behavior to the detriment of his obligation as a public servant.

### **FINDINGS OF FACT**

1. The Appellant, Christopher Rogers, began his career with Social Services in June 2017 and, in 2021, became a Social Service Aide II at the Northern Bluegrass Service Region. (Appellee's Joint Exhibit and Agreed Stipulations Paragraphs 2 and 4.)

2. In that role, the Appellant was required to transport youth by car to various locations for appointments, court appearances or other reasons. (Testimony of Appellant.)

3. As a condition of employment, the Appellant was required to adhere to certain minimum standards of conduct. Policy 2.1, entitled Employee Conduct, provides as its purpose the following:

CHFS expects its employees to maintain a high standard of conduct and professional behavior, including outside of work, to maintain the public's

confidence in the integrity of its government and public services. Actions in violation of this duty as a public servant may lead to corrective or disciplinary action, up to and including dismissal.

(Appellee's Exhibit 8.)

4. As it pertains to the ethical requirements for serving in CHFS, Procedure G1.1, Ethical Practice, provides that employees:

Avoid participating in any activity they know to be illegal or improper.

Do not enter into any activity which may conflict with the interests of the citizens of Kentucky.

(Appellee's Exhibit 8.)

5. On June 3, 2024, while on a preapproved day off from work, the Appellant encountered a safety checkpoint while driving with his nine (9) year-old daughter. (Testimony of Appellant.)

6. When asked by the police officer to produce his license, the Appellant refused and was then asked to pull over. Once he did, he was asked to produce his license two (2) more times before he complied and then was asked to provide proof of insurance. The Appellant refused. (See Appellee's Exhibit 10.)

7. During his encounter with the state troopers, the Appellant yelled and cursed at the officers and was told that he could produce his insurance or go to jail. (See Joint Exhibit 1.)

8. During the encounter, the Appellant yelled the following statements:

When asking for the Troopers' names and badge numbers, he stated he would "file a fucking complaint on both of you because you have no business doing this shit." (Joint Stipulation 26.)

"You stupid motherfuckers." (Joint Stipulation 27.)

"This is bullshit and you have no fucking right doing this." (Joint Stipulation 37.)

"No, it's not fucking funny. You guys are over here fucking around and doing nothing." (Joint Stipulation 39.)

“Shut the fuck up and do your job!” (Joint Stipulation 40.)

“Write the goddamn ticket and let me go. Just write the fucking ticket.”  
(Joint Stipulation 41.)

“You can’t stop freedom of speech.” (Joint Stipulation 44.)

“Fuck you.” (Joint Stipulation 45.)

“You can’t mess with freedom of speech. You can’t tell me not to talk.  
You can’t tell me not to cuss.” (Joint Stipulation 46.)

“No, you told me to shut the fuck up. You can’t tell me to shut the fuck up.”  
(Joint Stipulation 47.)

“You told me to shut up and not say a word. You can’t fucking do that.  
You lying piece of shit. And that’s why you don’t have security cameras  
so I can’t bring this up.” (Joint Stipulation 48.)

Near the end of the encounter, after he was placed in handcuffs and placed in the back of the police cruiser, the Appellant told the Troopers he worked for Child Protective Services.

While the Officers worked to facilitate a call to the Appellant’s wife to pick up their daughter so she did not go to Child Protective Services, the Appellant told his daughter to tell her mother if the Officers touched her because the Officers were rapists and murderers.

9. On September 4, 2024, while in the Bourbon County Judicial Center sitting in the lobby with other people, including children, the Appellant loudly used the word “shit.” (Testimony of Lieutenant Myron Hill.)

10. When admonished by Lt. Hill not to use profanity in the judicial center, the Appellant became louder and told the Lieutenant, “Fuck you!” (Testimony of Appellant.)

11. As the Appellant continued to aggressively engage with Lt. Hill, who told him to stop cursing or risk being charged with disorderly conduct, the Appellant told Lt. Hill on more than one (1) occasion, “Fuck You!” then thrust his wrists toward Lt. Hill before being cuffed and taken into custody. (Appellee’s Exhibit 1.)

12. Throughout the Hearing, the Appellant continued to maintain that he had a First Amendment Right to yell and curse at the law enforcement officers during his encounters with them in June and September.



13. While Mr. Klein agreed during his testimony that the Appellant may have a general constitutional right to make profane statements, that does not mean profane statements, especially within a certain context, are without consequence. In this case, the profane statements he made to law enforcement officers supported criminal charges, but of even greater importance to the Appointing Authority and to the Hearing Officer, his statements constituted a violation of the policies and standards of his employer, the Cabinet for Health and Family Services. (Testimony of Jay Klein.)

14. As it pertains to the Appellant's conduct in the Bourbon County Judicial Center, Lt. Hill testified that, in attempting to get the Appellant to stop cursing and ultimately arresting him, the officer had to leave his assigned post and duties in the judicial center. Under these circumstances, the Appellant engaged in an activity that was in conflict with the interests of the citizens of Kentucky who were in the judicial center.

15. The Appellant had an affirmative duty to engage in no behavior he knew to be illegal or improper. The Appellant may have mistakenly believed his conduct was legal but, given the high standard of conduct that the Cabinet for Health and Family Services expects from its employees outside of work, he most certainly knew his belligerent behavior was improper when he refused the lawful demands of state troopers and later created a security issue inside the Bourbon County Judicial Center.

### **CONCLUSIONS OF LAW**

1. KRS 18A.095 provides:

(1) A classified employee with status shall not be dismissed, demoted, suspended without pay, or involuntarily transferred except for cause.

(2) Prior to dismissal, a classified employee with status shall be notified in writing of the intent to dismiss him or her. The notice shall also state:

(a) The specific reasons for dismissal including:

1. The statutory, regulatory, or policy violation;
2. The specific action or activity on which the intent to dismiss is based;
3. The date and place of such action or activity; and
4. The names of the parties involved.

(b) That the employee has the right to appear personally, or with counsel if he or she has retained counsel, to reply to the appointing authority or his or her designee; and

- (c) Whether the employee is placed on administrative leave by the appointing authority with pay upon receiving the intent to dismiss letter prior to the agency's final action.

2. Consistent with the above statute, the Appellee issued the Appellant a Letter of Administrative Leave with Pay on October 9, 2024 (Appellee's Exhibit 5) and a Notice of Intent to Dismiss (Appellee's Exhibit 6) on the same date.

3. The Notice of Intent to Dismiss outlined in detail the Appellant's conduct on June 4, 2024, resulting in his arrest, and his conduct on September 4, 2024, resulting in a second arrest. The Notice of Intent to Dismiss also included the policies, procedures and statutes the Appellant violated on those two (2) days.

4. The Hearing Officer concludes that Appellant Christopher Rogers' conduct with law enforcement officials on June 4, 2025 and September 4, 2024, constituted "a lack of good behavior" in violation of 101 KAR 1:345, Section 1.

5. The CHFS Policy on Employee Conduct requires "a high standard of conduct and professional behavior, including outside of work." Under no set of circumstances can the Appellant's conduct with law enforcement officials on June 4, 2024 or September 4, 2024, be deemed a high standard of conduct.

6. The CHFS Procedure on Ethics, G1.1, requires that employees not engage in activity that the employee knows to be illegal or improper. Even if the Appellant erroneously believed he had a legal right to refuse to provide his license and insurance when asked, a reasonable social service worker should have known that yelling, cursing, insulting and refusal to comply with the reasonable requests of law enforcement officers, was improper and an egregious violation of CHFS Procedure on Ethics and the CHFS Policy on Employee Conduct.

7. The Hearing Officer concludes that the Cabinet for Health and Family Services met its burden of proof that the termination of Appellant Christopher Rogers complied with the requirements of 101 KAR 1:345 and KRS 18A.095, was for just cause and was neither excessive nor erroneous.

### **RECOMMENDED ORDER**

The Hearing Officer recommends to the Personnel Board that the case of **CHRISTOPHER ROGERS V. CABINET FOR HEALTH AND FAMILY SERVICES (APPEAL NO. 2024-159) 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 exception 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 the 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).

**The parties are strongly encouraged to send any exceptions and/or requests for oral argument by email to: [PersonnelBoard@ky.gov](mailto:PersonnelBoard@ky.gov).**

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 Brenda D. Perry** this 27<sup>th</sup> day of August, 2025.

**KENTUCKY PERSONNEL BOARD**

  
**HON. GORDON A. ROWE, JR.**  
**EXECUTIVE DIRECTOR**

A copy this day emailed and mailed to:

Hon. Mitchell Zegafuse, Counsel for Appellee  
Christopher Rogers, Appellant  
Hon. Rosemary Holbrook, Personnel Cabinet