

COMMONWEALTH OF KENTUCKY
PERSONNEL BOARD
APPEAL NO. 2024-060

MARK YOUNG

APPELLANT

V. **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 December 2025 meeting, having considered the record, including the Findings of Fact, Conclusions of Law, and Recommended Order of the Hearing Officer dated October 29, 2025, 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 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 19th day of December, 2025.

KENTUCKY PERSONNEL BOARD



GORDON A. ROWE, JR., SECRETARY

Copies hereof this day emailed and mailed to:

Mark Young, Appellant
Hon. Angela T. Dunham, counsel for Appellee
Hon. Rosemary Holbrook (Personnel Cabinet)
Rodney Moore

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This matter came on for evidentiary hearing on July 29, 2025 at 9:30 a.m. ET, 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, Mark Young, was present at the evidentiary hearing and was not represented by counsel. The Appellee, Justice and Public Safety Cabinet, Department of Corrections, was present and was represented by the Hon. Peter Dooley. Also present as agency representative was Warden Timothy Lane.

The issues before the Hearing Officer were a) whether the Appellee complied with KRS 18A.095 and 101 KAR 1:345 when demoting 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, Mark Young, timely filed the appeal of his demotion with the Personnel Board on May 6, 2024.

2. On the day of the evidentiary hearing, each party waived making opening statements and the Appellee called its first witness, **Vickie M. Allen**, Human Resource Specialist Institutional/ EEO Counselor at Green River Correctional Complex. After being sworn, Allen testified that she has served in this capacity for 18 years and her role is to investigate any matter reported to the warden that could be considered an Equal Employment Opportunity (EEO) violation, including allegations of discrimination or harassment, whether the alleged conduct is verbal, sexual or based upon race or nationality. Allen stated that she interviews any person with knowledge, records those interviews, reviews any relevant records, then completes the report and sends the document to the warden and to Rodney Moore, Director of Human Resources. She

testified that she makes no recommendations after the investigation, just completes the investigation and forwards the report on.

3. Allen testified that she recalls an incident in February 2024 involving the Appellant. She identified **Appellee's Exhibit 1**, her investigative report. She confirmed that Officer April Kraniak submitted an EEO complaint against Mark Young for inappropriate sexually related comments about her to another officer and harassment.

4. The allegations against the Appellant were that, on February 18, 2024, he directed another officer to send Officer Kraniak into the office to see him in order to train her on policies and reports. According to Officer Kraniak, when she walked in, she found that Officer Young had logged into Facebook on the supervisor's computer, and had pulled up an old Facebook page belonging to her. Seeing a photo of her at Indianapolis Colts Stadium, the Appellant remarked to Officer Kraniak, "This is why we will be friends." Officer Kraniak said the Appellant spent twenty (20) minutes searching for her current account and was getting frustrated. He then began to question Officer Kraniak about the name and spelling of her current Facebook account. When she finally gave him the spelling, (or, as the Appellant stated, she typed it in the computer for him) he found her account, sent her a friend request, and spent time looking at her account and pictures of her family. After five (5) to ten (10) minutes on her Facebook page, Officer Kraniak asked the Appellant to exit her Facebook profile and show her the policies upon which he was supposed to be training her. She stated that he pulled up videos of institution fights and told her that she could scoot closer to the desk to watch them. She responded she was fine where she was. She stated that the Appellant was trying to be flirtatious, which made her feel uncomfortable and was unprofessional.

5. A second allegation is that on February 25, 2024 while the Appellant was supposed to be watching an inmate, Officer Damian Pace observed the Appellant watching Officer Kraniak for approximately five (5) minutes while she was in the SMHU Control Center doing pushups. While the control center is not an appropriate place for doing pushups, Officer Kraniak later told the investigator that she would occasionally do them when she was having difficulty staying awake. According to Officer Pace's investigative interview, he asked the Appellant why he was watching Officer Kraniak instead of his constant watch inmate. The Appellant said, "Look, she's working out." Officer Pace asked the Appellant why he was so preoccupied with Officer Kraniak, and the Appellant allegedly said, "She's got a fat ass" then said, "What do you suppose the pussy looks like?" Officer Pace responded, "I don't know, but that's fucked up!" and he exited the room.

6. During the course of the investigation, those involved were required to complete a written report of the incidents, which they provided to Allen, who conducted their interviews. Pertaining to the Appellant logging into Facebook from the work computer, this constituted only a policy violation, so this issue was investigated by Major Byron Masden, who had the Appellant

write a statement relative to the incident. In his first report, the Appellant admitted logging into Facebook from the work computer on February 23. Major Masden asked him to prepare a complete and accurate report.

7. In his second report, the Appellant admitted to logging into Facebook from the work computer on February 18, 2024, showing pictures of his family to coworkers and watching some WWE wrestling videos. Major Masden again directed the Appellant to complete an accurate report.

8. The Appellant was asked to complete a third report. In this report, the Appellant admitted to logging into Facebook, questioning Officer Kraniak about the spelling of her name, sending her a friend request, and looking at her page for several minutes with her present.

9. As it pertains to the remaining allegations, in his investigative interview, the Appellant admitted to watching Officer Kraniak while she was doing pushups and also admitted to Officer Pace that he was watching her when Officer Pace came into the control room. However, the Appellant denied making any comments regarding Officer Kraniak's physique or genitalia. During his investigative interview, the Appellant stated that he may have made the comment about "a fat ass" when referring to the wrestling divas on WWE but denied any other sexually related comment about the wrestling divas or regarding Officer Kraniak.

10. The next witness to testify was the Appellant, **Mark Young**. He testified he started working at the Green River Correctional Complex (GRCC) in February of 2021 and was promoted to the position of Sergeant in May of 2023. He was demoted to Correctional Officer in March of 2024. He identified **Appellee's Exhibit 2**, an amended letter of demotion dated March 29, 2024.

11. The Appellant testified that he violated GRCC Policy by logging into Facebook from a work computer. During the interview and during the evidentiary hearing, the Appellant admitted that he had to be directed by Major Masden three (3) separate times to complete an accurate report regarding his Facebook activities on a work computer, before he admitted to searching for Officer Kraniak on Facebook, questioning her about the spelling of her name and sending her a friend request. He indicated he had not remembered the details initially, and that he was under a lot of stress.

12. As it pertains to the allegations regarding the sexually related comments he was accused of making to Officer Pace about Officer Kraniak, the Appellant admitted that Officer Pace came into the control room when he was watching Officer Kraniak do pushups and that Officer Pace had questioned him about why he was watching her. However, he denied making any sexually related comments to Officer Pace about Officer Kraniak, but admitted he may have been

referring to the wrestling divas when he made the remark about a fat ass. He testified that he has been happily married for thirteen (13) years and had no personal interest in Officer Kraniak.

13. The Appellant also testified that, on the day he sent and she accepted his Facebook friend request, Officer Kraniak sent him her telephone number through Facebook, asking him about someone who could help her with a vehicle repair. The Appellant stated that the fact that she reached out to him and provided her phone number was inconsistent with her allegations that his conduct made her uncomfortable. When asked by the Hearing Officer to provide copies of the messages between them, the Appellant stated that he no longer had them. The Appellant testified that he considered Officer Pace a really good friend and that he never spoke to Officer Pace about Officer Kraniak at all. He stated he did not know why Officer Pace and Officer Kraniak were making these allegations against him.

14. The next witness to testify was **Warden Tim Lane**. After being sworn, he testified that he is the Warden of Green River Correctional Complex and worked there for approximately thirty (30) years before he retired and then came back to be warden. He testified that he is the top administrator of the prison, which has approximately three hundred (300) employees. He oversees the day-to-day operations, security, employee matters and makes decisions on employee discipline.

15. Warden Lane testified that, if a sexual harassment complaint is made, he is notified immediately. He testified that he meets with Vickie Allen and consults with Rodney Moore to see whether he should investigate or if Allen will. He said that all people with relevant information are asked to complete written reports and he reviews their written reports as well as the investigative report. The Warden identified **Appellee's Exhibit 3**, the individual written reports submitted by those involved, and it was entered into the record. Warden Lane stated that he reads the individual reports and the investigative report two or three times before making a recommendation. He further stated that, if the statements complained of are corroborated and the timeline adds up, he will administer discipline. The Warden said there is a zero-tolerance policy regarding sexual harassment and, depending upon the severity of the conduct, it could result in dismissal.

16. Warden Lane testified that, in this case, the Appellant violated the social media policy and made inappropriate comments of a sexual nature to an employee about another employee. Warden Lane said that he felt demotion was the appropriate outcome for this conduct.

17. The Appellee rested its case-in-chief. Each party made a closing statement. The Hearing Officer considered the entire administrative record.

FINDINGS OF FACT

1. The Appellant, Mark Young, was a Correctional Sergeant employed by the Green River Correctional Complex. (Testimony of Appellant.)

2. On February 18, 2024, the Appellant directed another officer to send Officer Kraniak, a female officer, to the Special Management Housing Unit Supervisor's Office to see him to train on paperwork, policies and watch some videos. (Appellee's Exhibit 1, Statement of April Kraniak.)

3. In the supervisor's office, the Appellant logged onto the internet from a work computer and pulled up his Facebook profile and spent time searching for Officer Kraniak's profile. (Testimony of Appellant, Appellee's Exhibit 1.)

4. Once she arrived, Officer Kraniak noticed the Appellant was on Facebook on the work computer. The Appellant then began questioning Officer Kraniak about her Facebook Profile name. (Appellee's Exhibit 1, Appellee's Exhibit 3, Statement of April Kraniak.)

5. When the Appellant saw a photo of Officer Kraniak at Colts Stadium, he remarked to her, "This is why we will be friends." (Testimony of Appellant, Appellee's Exhibit 1, Statement of April Kraniak.)

6. Ultimately, with assistance from Officer Kraniak, the Appellant located her current profile and sent her a friend request. They spent additional time looking at photos of her ex-husband and son. (Testimony of Appellant.)

7. Officer Kraniak ultimately asked the Appellant to exit her page and provide the training he was supposed to be providing her. (Appellee's Exhibit 1.)

8. On February 23, 2024, while the Appellant was assigned inmate watch from the control room, Officer Pace observed him watching Officer Kraniak, who was visible in another room, doing pushups. Officer Pace asked the Appellant why he was watching her (instead of the assigned inmate) and he responded, "She's doing push-ups." (Testimony of Appellant, Appellee's Exhibit 1, Appellee's Exhibit 3, Statement of Office Pace.)

9. Officer Pace then asked the Appellant why he was so preoccupied with Officer Kraniak and the Appellant responded, "She's got a fat ass. What do you suppose the pussy looks like?" Officer Pace responded, "I don't know, but that's fucked up!" (Appellee's Exhibit 1, Appellee's Exhibit 3, Statement of Officer Pace.)

10. On February 29, 2024, Officer Pace and Officer Kraniak, each of whom is married to someone else, moved in together. According to the investigative report, during an investigative interview on March 6, 2024, the investigator, Vickie Allen, provided:

I asked Pace if it was true that he and Kraniak had started a relationship and asked if that had any effect upon his report. Pace answered, "I'm not going to bullshit you. We have been friends but over the last couple of days, something more. We don't drag our personal life into work. Kraniak saved me. If he were to say something now, my reaction would probably be that of a very devout man." (Appellee's Exhibit 1.)

11. The Appellant denies making the sexually related comments to Officer Pace about Officer Kraniak but indicated he may have used the term "fat ass" when referring to wrestling divas, the female wrestlers on the WWE. The Hearing Officer does not find the Appellant, who testified he has been married for thirteen (13) years, credible on this issue. According to the Appellant, he considered Officer Pace a good friend and admitted to Officer Pace that he was watching Officer Kraniak doing pushups and they had a conversation about it. Thus, the Hearing Officer finds it more likely than not that the Appellant made the statements in response to Officer Pace's follow up question about why he was so preoccupied with Officer Kraniak. If, indeed, the Appellant had only made the singular statement about the wrestling divas, then Officer Kraniak's name would never have been tied to the sexual comments. Moreover, if the Appellant had never spoken to Officer Pace about Officer Kraniak as he testified, there would have been no comments about her for Officer Pace to report to back to Officer Kraniak, and no apparent motive to concoct an untrue story and pull the Appellant and the EEO investigator into their budding romantic relationship. It is far more likely that Officer Pace, who was establishing a romantic relationship with Officer Kraniak at that time, was offended by the Appellant's sexual comments about her and responded to the Appellant, by saying, "That is fucked up!!" and that Officer Pace then told Officer Kraniak, which led to her filing the official complaint.

12. In terms of whether the Appellant's comment was made about Officer Kraniak or the wrestling divas on WWE, the comment remains offensive regardless of the woman to which he was referring. The fact that the comment was made about a subordinate officer is important to the Hearing Officer only in terms of whether the demotion was excessive or erroneous.

13. Finally, the Hearing Officer must review the allegations in the context and with the timeline that was revealed from the evidence. Only days before allegedly making these comments to Officer Pace about Officer Kraniak, the Appellant directed Officer Cobb to tell Officer Kraniak to report to his office for training. Immediately upon her arrival and for several minutes thereafter, the Appellant worked only to search for, ask for Officer Krainak's assistance

with, and obtain Officer Kraniak's Facebook profile name, send her a friend request and explore her page. From the investigation, it appears that this only stopped when Officer Kraniak, after approximately twenty (20) minutes, asked him to exit her page and provide the training he was to provide her.

14. According to Appellee's Exhibit 2, the letter of Demotion, the following are the violations of policy at issue, warranting the demotion of the Appellant.

A. CPP 3.1 Code of Ethics/Social Media Use, II-A3 states,

"Use of the time, facilities, equipment or supplies of the Commonwealth by an employee for his private purpose shall constitute a violation of the standards of ethical conduct set forth in his policy and may result in appropriate disciplinary action as prescribed by the appointing authority for an employee or other appropriate action including reimbursement of costs or restriction from Department of Corrections institutions or offices."

The Hearing Officer finds that the Appellant violated this policy by utilizing his work computer to access social media and send a friend request to Officer Kraniak.

15. The demotion letter provides,

CPP 3.1 Code of Ethics/Social Media Use II, Policy and Procedures, Section F9 states, "A Kentucky Department of Corrections employee may be subject to personnel action if content on personal social media networking sites, post/comments on other social media networking sites, or public websites: The employee, during duty hours is engaging in social media activities that are not the official business of the department. Duty hours does not include breaks (i.e lunch, designated breaks.)

The Appellee did not introduce into the evidentiary record any copies of the policies but rather relied solely on the policy as contained within Appellee's Exhibit 2, the letter of demotion. The Hearing Officer finds that this policy, as written, appears to be lacking certain wording that makes it relevant to the Appellant's conduct. Accordingly, the Hearing Officer cannot find that this policy was violated as it is contained in the demotion letter.

16. CPP 3.5, Sexual Harassment and Anti-harassment II Policy and Procedures, Section F9 states:

“Any form of harassment on the basis of sex, religion, age, disability, gender, color, race, national origin, sexual orientation, gender identity, ancestry, or veteran status should not be tolerated. Corrections shall prohibit offensive or inappropriate conduct at work before the conduct rises to the level of set by 29 C.F.R. 1604.11 Corrections employees shall avoid offensive or inappropriate conduct or sexually harassing behavior at work. Complaints of harassment shall be investigated in a prompt, effective and uniform manner. Appropriate action shall be taken to ensure that any harassment does not recur.”

The Hearing Officer finds that the Appellant violated this policy when he directed Officer Kraniak, a female officer, to come to his office for training and, when she arrived, he accessed his social media account, utilizing the office computer and internet, questioned her about her Facebook profile name, sent her a friend request and spent several minutes exploring her social media page, rather than train her and allow her to return to her duties. Moreover, the Appellant violated this provision when he told Officer Pace that he was watching Officer Kraniak because, “She had a fat ass.” and told Officer Pace, that he wondered “what her pussy looks like.”

17. CPP 6.5, Email and Internet Use, Section II-A, Permissible and Impermissible Uses, Section 5a states:

“Email and Internet access should not be used to transmit a message of a personal nature.”

CPP 6.5, Section II-99 states:

“Violation of this policy may result in the revocation of Internet access or progressive display action up to and including dismissal.”

IPP 03-01-01, General Guidelines for GRCC Employees, Section B2 states:

“Each employee shall be responsible for developing and maintaining good work habits.”

IPP 03-01-01 General Guidelines for GRCC Employees, Section L, Prohibited Activities and Conduct, Section I, states:

“Engaging in any other activity which shall be deemed detrimental to the proper performance of your duties as an employee of the Department of Corrections in the GRCC or which comes into conflict with attainment of goals and the mission of the department and GRCC.”

GRCC Post Order #PO-01, General Post Order #6 states:

“The successful operation and good order of the institution is dependent upon its correctional assigned personnel and their professional demeanor.”

GRCC Post Order #PO-01, General Post Order #41 states:

“Assigned personnel should be responsible for the proper use of computers and computer technology within the institution, especially when accessing and using email and Internet as outline and CPP 6.5”

GRCC Post Order #PO-01, General Post Order #41A, states:

“The unauthorized use of computers, such as playing computer games may result in disciplinary action.”

GRCC Post Order #PO-01 General Post Orders #42 states:

“Assigned personnel shall be familiar with and follow the Department of Correction Code of Ethics and the Equal Employment Opportunity guidelines”

18. The Hearing Officer finds that the Appellant’s conduct constitutes a violation of all of the above policies outlined in the letter of demotion.

19. However, the letter of demotion also alleges a violation of the following:

CPP 6.5 Email and Internet Use, Section II-A, Permissible and Impermissible Uses, Section 3 states:

“Email and internet access shall be treated with the same degree of care and thought as any other written public record. Normal or business correspondence language shall be used. Slang, offensive or inappropriate language shall not be used.”

The Hearing Officer finds that the Appellee failed to put forth any evidence that the Appellant violated this policy as written in the letter of demotion. Accordingly, the Hearing Officer finds no violation of this policy.

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.
- (8) A classified employee with status who is demoted, suspended without pay, or involuntarily transferred shall be notified in writing of:
 - (a) The demotion, suspension, or involuntary transfer;
 - (b) The effective date of the demotion, suspension, or involuntary transfer;
 - (c) The specific reason for the demotion, suspension, or involuntary transfer, including:
 1. The statutory, regulatory, or policy violation;
 2. The specific action or activity on which the demotion, suspension, or involuntary transfer is based;
 3. The date and place of the action or activity; and
 4. The names of the parties involved; and
 - (d) That he or she has the right to appeal to the board within thirty (30) calendar days, excluding the day that he or she received notification of the personnel action.

2. Consistent with the above statute, on March 29, 2024, the Appellant was given a letter by the Appellee advising him of his demotion from the position of Correctional Sergeant effective beginning of business March 31, 2024. It also outlined the new salary for the position to which he was being demoted. In accordance with KRS 18A.095, the letter outlined that he had violated 101 KAR 1:345, Section 1 (unsatisfactory performance), CPP 3.1 (Code of Ethics/Social Media Use), and CPP 3.5 (Sexual Harassment and Anti-Harassment.) The letter provided the detail of the allegations against him, including the dates and times of the activity, the names of the parties involved and that he could appeal this action to the Personnel Board within 30 days of receipt.

3. The Appellant admitted to violation of the computer and social media policy. He also admitted that he likely made one (1) of the sexual comments attributed to him but believed he was referring to female wrestlers from WWE. For the reasons outlined in detail above, the Hearing Officer does not find the Appellant credible and finds violations of the policies outlined in the letter, with the exception of those denoted. Thus, the Hearing Officer must determine whether the demotion of the Appellant was excessive or erroneous.

4. In this case, as a Correctional Sergeant, the Appellant was in a position of authority over Officer Kraniak, which comes with the responsibility to ensure that his conduct was consistent with the Zero Tolerance Policy on sexual harassment and discrimination and above reproach relative to advancing the mission, abiding by the policies, and creating an environment free from inappropriate comments and harassing activities. The Appellant failed in this regard and did not immediately or fully take responsibility for his conduct. To the contrary, he had to be told on three (3) separate occasions to complete an accurate report regarding his use of an office computer to access his social media accounts before he finally admitted to the steps he undertook to spend time with Officer Kraniak in his office, question her about her Facebook profile name and connect with her via social media. The Appellant never took responsibility for the inappropriate comments he made about Officer Kraniak to Officer Pace and other evidence and surrounding circumstances call his credibility into question. In light of his denials, his position of authority, and the egregious conduct itself, the Hearing Officer is not convinced that a suspension without pay would have adequately addressed his violations, remedied his conduct moving forward, or protected the Appellee's or Officer Kraniak's interests.

5. The Hearing Officer concludes that the Department of Corrections has met its burden of proof that the demotion of the Appellant, Mark Young, 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 **MARK YOUNG V. JUSTICE AND PUBLIC SAFETY CABINET, DEPARTMENT OF CORRECTIONS (APPEAL NO. 2024-060)** be **DISMISSED**.

NOTICE OF EXCEPTION AND APPEAL RIGHTS

Pursuant to KRS 13B.110(4), each party shall have fifteen days (15) 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 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.

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 29th day of October, 2025.

KENTUCKY PERSONNEL BOARD



HON. GORDON ROWE
EXECUTIVE DIRECTOR

A copy this day emailed and mailed to:

Hon. Angela T. Dunham, counsel for Appellee
Mark Young, Appellant
Hon. Rosemary Holbrook, Personnel Cabinet