

**COMMONWEALTH OF KENTUCKY
PERSONNEL BOARD
INVESTIGATION NO. 12-03**

**INVESTIGATION REGARDING DEPARTMENT OF AGRICULTURE
PETITION FILED BY ANONYMOUS AND ADAM EDELEN, AUDITOR**

REPORT AND RECOMMENDATION

** ** * * *

BACKGROUND

This matter was initiated when the Personnel Board received a request for investigation on July 1, 2011. This request came in the form of an e-mail from a Kentucky Department of Agriculture (KDA) employee who asked to remain anonymous. The allegation was that KDA had hired Jennifer Ledford into a non-merit position. After a few months working in the Commissioner's office she was sent to the Office of Consumer and Environmental Protection where it was alleged she started training with Dan Flaherty, an Internal Policy Analyst (IPA), who was getting ready to retire. It was alleged that Ms. Ledford was trained for this position and was chosen for the position of IPA II. It was alleged that qualified long-term employees did not interview because they knew it would be a waste of time. It was alleged that people from Clay County, and buddies of Commissioner Richie Farmer, were given favorable treatment with respect to merit jobs with KDA. The anonymous complaint also contained allegations of political activity on work time and purchase of a refrigerator for the Commissioner. A copy of the e-mail is attached to this Report and Recommendation as **Attachment A**.

A notice was sent to KDA and to the e-mail address from which the anonymous complaint was sent that this matter would be considered by the Personnel Board at its August 2011 meeting.

This matter was considered by the Personnel Board at its August 2011 meeting. Appearing for the KDA were Danita Fentress-Laird, the Personnel Director, and the Hon. Clint Quarles, Staff Attorney. There was a discussion regarding the posting of this position as competitive and the fact that there were three people on the interview panel. It was also discussed that there was an appeal from an KDA employee concerning this issue. The Board moved to take no action on issues outside the Board's jurisdiction, including the purchase of the refrigerator and political activities. The Board moved to defer the request to investigate the selection process for the IPA position pending the completion of the appeal process. [Minutes of the August 12, 2011 Personnel Board meeting, pp. 4-5.]

The appeal concerning this appointment was *Rebecca L. Wheat vs. Department of Agriculture*, Appeal No. 2011-152. Wheat filed her appeal on July 14, 2011, stating that she was a merit employee with KDA for over five years. She applied for the IPA position in question. When asked about the status of the position, she was told they forgot to interview her due to the number of applications. She was also told by Danita Fentress-Laird that there was a strong internal candidate for the position. She learned these matters while interviewing for another position, AG Coordinator, which she also did not receive. Following a pre-hearing conference conducted on September 12, 2011, the parties agreed to proceed to mediation. The parties reached a settlement agreement through mediation on September 22, 2011, agreeing to settle Ms. Wheat's appeal in exchange for KDA submitting a written request to the Personnel Cabinet to conduct a desk audit of Ms. Wheat's AG Inspector I position. KDA agreed to abide by the desk audit findings and recommendation of the Personnel Cabinet. This settlement agreement was approved by the Personnel Board on October 11, 2011.

The investigation request was returned to the Personnel Board agenda for its November 2011 meeting. Appearing for KDA were Danita Fentress-Laird and the Hon. Nicole Liberto, Assistant General Counsel. After hearing additional details about the selection process, the Board deferred the matter to the December meeting. [Minutes of the November 14, 2011 Personnel Board meeting, pp. 4-5.]

The matter was discussed briefly at the December 2011 meeting, however, most of the discussion at that meeting concerned Investigation No. 11-02, the investigation of KDAs hiring of two Assistant Directors. Both investigations were deferred to the next meeting of the Personnel Board. [Minutes of the December 9, 2011 Personnel Board meeting, p. 6.]

At the January 2012 Personnel Board meeting, the Board considered and approved the Report and Recommendation regarding Investigation No. 11-02. During that discussion, the Board heard from the Hon. Holly VonLuehrte, General Counsel with KDA. She read a letter into the record from newly elected Commissioner James Comer. She also discussed the fact that Commissioner Comer was working with Auditor Adam Edelen to have KDA operations and expenditures audited to resolve any issues, including personnel issues. Following a discussion of the anonymous request this matter was deferred to the next meeting of the Personnel Board with letters sent to Commissioner Comer and Auditor Edelen informing them of the anonymous request for investigation to determine if either of them wished to pursue this matter further. [Minutes of the January 13, 2012 Personnel Board meeting, pp. 3-6.]

There was a brief discussion of this matter at the February 2012 Personnel Board meeting. The Board had received communication from the Auditor's office that if the hiring of Jennifer Ledford were included in their examination, the Board would be notified. No other action was taken by the Personnel Board with respect to the investigation request at the February meeting. [Minutes of the February 17, 2012 Personnel Board meeting, p. 5.]

The Auditor issued his report on the examination on April 30, 2012. The appointment of Jennifer Ledford to the IPA position was not directly addressed in the Auditor's Report. The Auditor's Report did contain a referral of seven findings to the Personnel Board. The Board reviewed and discussed the report at its May 2012 meeting and moved to defer the matter to the following meeting in order to conduct further review. [Minutes of the May 14, 2012 Personnel Board meeting, pp. 5-6.]

At the June 2012 Personnel Board meeting this matter was tabled until July waiting for a response from KDA. The Board requested the name and employment status of the employee referred to in the audit. [Minutes of the June 18, 2012 Personnel Board meeting, p. 7.]

At the July 2012 Board meeting, after receiving a response from KDA, the Board consolidated the Anonymous Request for Investigation with the referral of personnel matters in the Auditor's Report on KDA and moved to investigate both matters together. [Minutes of the July 13, 2012 Personnel Board meeting, p. 6.]

The investigation was also discussed at the February 2013 meeting. The Board stated they would like a summary of any additional issues of retaliation or political discrimination in the report. [Minutes of the February 15, 2013 Personnel Board meeting, p. 4.]

The Auditor referred seven findings to the Personnel Board:

Finding 20: "KDA appears to have pre-selected candidates for merit employment."

The selections in question are as follows:

- A. Assistant Director, Division of Food Distribution – Roger Estill
- B. Agricultural Inspector I, Division of Regulation and Inspection – Chris Parsons
- C. Stores Worker II, Division of Food Distribution – Patricia Apperson
- D. Agricultural Inspector I, Amusement Safety Inspector Supervisor – Doug Begley
- E. Agricultural Inspector I – Knox and Rockcastle Counties
– Randy Craft and Dave Lear
- F. Assistant Directors – Danita Fentress-Laird and Kathy Harp Willis [Already investigated in Investigation No. 11-02, no further findings and recommendations will be made regarding these actions.]

Finding 21: “The former KDA administration issued monetary awards, and at least one reclassification, without a recommendation from employees’ supervisors.”

A. Eleven (11) ACE awards:

1. Lonnie Dale Anderson
2. De’Anna Clark
3. Tammy Cobb
4. Brian Todd Garland
5. Tina Garland
6. Larry Garriott
7. Ricky Jacobs
8. Nicole Liberto
9. Alisha Morris
10. Kevin Peach
11. Clint Quarles

B. Reclassification from AG Inspector I to AG Inspector II – Webster Fannin

Finding 22: “A merit employee’s job responsibilities were eliminated, but the action is not documented in his personnel file.”

Lanny Arnold, Assistant Director, Division of Regulation and Inspection.

Finding 23: “KDA interview file documentation for hiring employees was incomplete.”

Finding 24: “The timesheets of four KDA non-merit employees were signed by the former Personnel Director and not by a supervisor with direct oversight of the employees’ work.”

- A. Mark Jackson
- B. Derek Collins
- C. Bill Ed Mobley
- D. Chad Miller

Finding 25: “No entry level class exists for KDA amusement park inspectors.”

Finding 26: “A former Director was the sole employee in the ‘Division of Outreach and Development,’ which was not a legally recognized unit of KDA.”

Bruce Harper

The investigation in this matter consisted of thirty-four interviews and review of additional interviews conducted by the Auditor of Public Accounts. In addition, the investigator reviewed personnel files, interview documentation, registers, applications for employment, e-mails, personal notes, and calendars. Many documents were requested directly from KDA and some documents were requested from the Personnel Cabinet. In addition, a number of witnesses brought documents with them to their interviews or followed up with documentation after their interviews. Information received from the Executive Branch Ethics Commission was also reviewed.

INTERVIEWS

- 1. Danita Fentress-Laird**
Interview Date: 2/5/13
Subjects: Jennifer Ledford, ACE Awards

Ms. Fentress-Laird is currently employed for a facilities management company, in Louisville, Kentucky. She was employed with the Kentucky Department of Agriculture (KDA) from February 16, 2005, through January 3, 2012. She served as the Director of the Division of Personnel and Budget for approximately six months. For a brief period of time she served as an Assistant Director, however, her duties were the same. [See Investigation No. 11-02.]

Ms. Fentress-Laird was hired by Commissioner Farmer. She stated there was not a Director for personnel before she was hired. These duties were performed by either Craig Maffett or Mark Farrow. Her employment ended on the first day of Commissioner Comer's administration.

Ms. Fentress-Laird had not previously worked in state government. She had worked in the human resources department for a union employer. She stated that she learned the state merit system by studying the statutes and regulations and getting assistance from the Personnel Cabinet including attorneys. She stated she asked a lot of questions and also had assistance internally from Mark Farrow and Alisa Edwards.

Ms. Fentress-Laird was interviewed twice by the auditor and stated that she provided information as accurate as she could.

During the period she worked at KDA, the general hiring process was to post positions and obtain a register. She stated there was a register team which consisted of Alisa Edwards and herself. Later she stated Amanda Cloyd was added. She stated that generally one of those three would review applications and determine who should be sent to the Personnel Cabinet for

minimum qualification's review. Based on the results, they would decide who to interview. On occasion she stated she received input from others, such as Bruce Harper or John Roberts, as to whom to interview. However, they were usually given a list of names and not applications.

She could remember one occasion where they decided who to interview and send over for MQR without looking at applications and that was when they filled the Assistant Director for Food Distribution with Roger Estill. She stated that they selected almost all internal people to be interviewed.

While she was at KDA she had appointing authority. In addition, Commissioner Farmer and Mark Farrow had appointing authority. She stated that Kevin Newnam had appointing authority, although she is not aware of him ever exercising that authority.

Ms. Fentress-Laird testified that Commissioner Farmer made the decisions with respect to hiring and firing. She stated it was made clear to her early on that the Commissioner would make these determinations. He also made the decision on all personnel actions including promotions, reclassifications, suspensions, and ACE awards. She stated that written reprimand decisions could be made without going to the Commissioner. She stated that the Commissioner also decided which jobs would be posted, which county and in what division. On most personnel matters, Ms. Fentress-Laird worked directly with Commissioner Farmer.

While Mark Farrow was serving as Chief of Staff, she generally talked to him first and then she would talk to Commissioner Farmer. She stated that she prepared for meetings with Commissioner Farmer by getting all of her documents ready and had bullet points prepared. She stated that they met sporadically and it was often very difficult to meet with him. She stated that sometimes they might meet only once every three months. Many times she could not get to meet with him until a register was down to the wire and she would beg him to make a decision before the register would lapse.

Ms. Fentress-Laird stated that most of their initial meetings involved just verbal information. She stated as time went on he wanted more information. She stated she would bring a folder including applications, registers, notes, etc. in order to be prepared for their meetings. She stated Commissioner Farmer was often interested in information regarding job candidates, such as where they were from, who their references were, etc. She stated their meetings could be alone or with others, she specifically mentioned Bruce Harper and Craig Maffett.

Ms. Fentress-Laird stated that the Commissioner did not discuss important personnel decisions over the phone. She stated that she was instructed to not communicate in any way with Commissioner Farmer by e-mail. He was concerned that communication by e-mail would be available as an open record.

Ms. Fentress-Laird stated that most of their meetings took place at the office, although they also met at Commissioner Farmer's home. She stated that this was extremely difficult because of distractions when they met at the home. She stated that for awhile during the period of 2009 through 2010, most of the meetings were at his home.

She described the difficulty in meeting with Commissioner Farmer was both ridiculous and unacceptable. She stated it made doing her job extremely difficult. She estimated that the last six months of 2011 she had no contact with Commissioner Farmer.

Ms. Fentress-Laird next talked about **Jennifer Ledford**. She stated that Ms. Ledford was hired into a non-merit position as a personal assistant or special assistant to the Commissioner. Ms. Ledford was recommended by Jimmie Morgan who owned a building that Agriculture worked out of. Morgan also owned the car dealership where Ms. Ledford previously worked. She stated that two others were interviewed who were also highly recommended. She stated that she and Amanda Cloyd did the interviews. They both liked another applicant. She stated that

Commissioner Farmer did a second set of interviews and he wanted Jennifer Ledford for the position. Ms. Ledford was hired on August 9, 2010.

Ms. Ledford started right before the State Fair and she went to the State Fair. Ms. Fentress-Laird stated Ledford's job duties were to schedule appointments and meetings for the Commissioner. She also was responsible for board meetings, including taking minutes, some of these involved Animal Health and Dr. Robert Stout.

Ms. Fentress-Laird stated that during the State Fair, Commissioner Farmer wanted rewards points from the Courtyard by Marriott to be added to his personal rewards account. It was her understanding that Jennifer Ledford stated this was wrong and would not do this when she prepared his travel voucher. As a result, Commissioner Farmer told Ms. Fentress-Laird they needed to find something else for Ledford to do. She stated he did not want to upset Jimmie Morgan by taking her out of the job completely. Commissioner Farmer was willing to leave Jennifer Ledford non-merit for awhile.

Ms. Fentress-Laird described a meeting in November 2010 between the Commissioner, herself, and Ledford. The Commissioner stated that Ledford would be happier in another office and he stated she would have more protection (referring to the merit system). Ms. Fentress-Laird stated there was an Internal Policy Analyst, Dan Flaherty, who was planning to retire. She stated he was involved with U.S.D.A. audits. The idea was that Ms. Ledford would tell people that she was there on a special project for Commissioner Farmer. Ms. Fentress-Laird stated there was also an Administrative Branch Manager position which was open and probably would be filled.

In April 2011 both positions were posted. Ms. Fentress-Laird thought that John Roberts knew why Jennifer Ledford was there. She thought Ann Smith might have known. She stated that Ledford was told to look at the accounts and to understand the federal audit process. She stated that the programs would distribute food to various schools. She stated with respect to the

money, this was a flow through process. Dan Flaherty knew this process and no one else in the Department did. This was a 24 million dollar program which was very important to the KDA.

Ms. Fentress-Laird described Dan Flaherty as different and smart. She stated he was a CPA and had previously worked for the Auditor's office. She stated he could be difficult to talk to and at times was abrasive. She believes that Flaherty withheld a lot of information from Ledford.

She stated they were able to post a position when they received notice of Dan Flaherty's retirement. They were allowed to have an overlap. She stated that the Commissioner wanted to post both the IPA and the ABM positions and told Fentress-Laird to contact Jennifer Ledford and encourage her to apply for both. She did not remember any more specifics on what the Commissioner said.

As far as the process to fill the position, the interview panel was Ann Smith, Autumn Brewer and Danita Fentress-Laird. They interviewed for the IPA II position and the Administrative Branch Manager position at the same time. There were two solid days of interviews and they had good candidates. (Flaherty had been an IPA III, however, the position was posted as an IPA II.)

Ms. Fentress-Laird stated that she reviewed the register and decided who to interview. She stated that she overlooked Rebecca Wheat, a candidate who worked for the KDA. She stated that she was reviewing printouts at home because she was undergoing medical treatment at that time. She stated that had she noticed Rebecca Wheat, she would have talked to her more about the position because the information on-line was very generic. She was not sure if Ms. Wheat would have been interested if she had known more about the position. [See Appeal 2011-182.]

With respect to the anonymous complaint, Ms. Fentress-Laird was not aware of anyone who did not apply for the position because they felt Jennifer Ledford would get it. She could not think of any obvious candidates who would have applied for the position.

At this point in the interview, a break was taken while Ms. Fentress-Laird reviewed the interview packets for the IPA II and Administrative Branch Manager positions.

After reviewing the file, Ms. Fentress-Laird testified there was sort of an unwritten practice in Agriculture to interview existing employees when they applied for a position. She stated that in this instance, Jessica Hinkle and William Day interviewed for the Administrative Branch Manager position. She stated that Kevin Peach also interviewed for both positions.

With respect to the Administrative Branch Manager position, she stated the two best candidates were from outside agencies. One worked for Unemployment and was a fantastic candidate for this job. She eventually decided to stay where she was. This position lapsed and was not filled.

Ms. Fentress-Laird testified that John Roberts wanted Jennifer Ledford for the Administrative Branch Manager position. She believed that Roberts favored her because they had similar management styles. For the same reason, Ms. Fentress-Laird did not think she would be a good fit for the Administrative Branch Manager position. This person would be a supervisor over eight people and might work one day per week in Louisville.

Ms. Fentress-Laird testified there was a second round of interviews for the Administrative Branch Manager which involved John Roberts and Steve Kelly. They interviewed three candidates not including Jennifer Ledford. They recommended two candidates and the job was offered to those two. However, after the Commissioner's approval they declined and the position was never filled and the register lapsed.

With respect to the Internal Policy Analyst position, Bruce Owens of Revenue was considered to be an excellent candidate. Ms. Fentress-Laird stated he was a good fit because of his personality and his financial background coming from Revenue. She saw Jennifer Ledford as pushy, someone who went to multiple people to get the answer that she wanted. Nonetheless, Jennifer Ledford was recommended to the Commissioner to fill this position. It was seen as a foregone conclusion that Ms. Ledford would get one of the positions. Placing Ms. Ledford in the IPA job was viewed as the “lesser of two evils.” According to Fentress-Laird, Ann Smith also preferred Jennifer Ledford to have the IPA job rather than the Administrative Branch Manager position. Ms. Fentress-Laird noted that the practices used at a car dealership are different from those in state government.

She stated that Bruce Owens was a Revenue Collections Officer, grade 12, and this position would have been a promotion for him. (IPA II is a grade 14.) She noted that he had six years of seniority in state government. They did not use internal mobility forms. She stated that Owens was also a Veteran. He was seen as having a good skill set for the position.

Ms. Fentress-Laird knew that Jennifer Ledford would be favored for the position and she believed Ann Smith knew as well. She did not think Autumn Brewer knew and they told her during the process.

Ms. Fentress-Laird stated that she knew Commissioner Farmer wanted one of the two jobs for Jennifer Ledford. She stated that the Commissioner never stated this directly; however, he did say find a position for her. When they discussed posting the jobs, she stated that the Commissioner said to tell her to apply for both. According to Ms. Fentress-Laird, the panel was in agreement that Owens was the best candidate; however, they recommended Jennifer Ledford.

With respect to her salary, she stated that Commissioner Farmer wanted to keep Ledford as close as possible to her current salary. She was given \$45,000 which was less than her salary of \$47,250. As a result of Ms. Ledford starting in the position at that amount, they had to increase the salary of Anne Druin, another IPA II. This is pursuant to the regulation that requires they raise the salary of people in the same classification and in the same county, with similar education and experience. [101 KAR 2:034, Section 1(2).] Ms. Fentress-Laird stated that she did not go back to Commissioner Farmer regarding raising Anne Druin's salary. She stated this is one of the reasons that Commissioner Farmer would not talk to her for the last six months she worked there. Ms. Fentress-Laird described Anne Druin as an IPA II in Environmental Services working under EPA Grants.

With respect to 2010 **ACE awards**, Fentress-Laird testified that she met with the Commissioner and he asked her to bring separate lists of merit and non-merit employees. He asked that the list include their monthly and annual salary, position, and grade. She stated that she gave him the list which he looked at while she was there. She stated that he looked at the names on the merit list and decided who should get ACE awards. She thought there were ten of them and stated she agreed with 80 percent. She stated the individuals selected met the requirements according to regulation by being in state government two years and in their current position for one year. She stated that only one or two of them did she feel were not deserved.

While they had this discussion, Commissioner Farmer had the list. She stated he made some type of notation, either checking or highlighting the names that he thought were deserving. She recalled that he made a comment regarding Tammy Cobb, along the lines of, "Tammy does a really good job for us, and goes above and beyond." She did not recall other specific comments regarding the other candidates.

She stated this occasion was different from other years. She stated that there were no recommendations from Executive Directors or other supervisors. She stated that in the past, John Roberts and Dr. Stout had wanted to give ACE awards to some of their employees. She stated that they have sent recommendations to the Commissioner which were not granted. On the occasion of the 2010 ACE awards, Ms. Fentress-Laird stated that she created the justification after the meeting with Commissioner Farmer. She stated that the audit report accurately stated the process involved. She looked for the list used by the Commissioner in this process, but could not find it.

In her opinion, Ms. Fentress-Laird stated that these people should not lose their ACE awards. She stated that these people have had their ACE awards now for over three years. She stated they were not asking for these awards, they were unaware of the process that was going on.

Following is a summary of the testimony regarding the ACE award recipients:

A. Lonnie Dale Anderson.

Anderson was a Pesticide Inspector Supervisor. The witness stated that she agreed with the statements that he was a role model and example of leadership. She believed he deserved the 10 percent ACE award. He reported to Pat Gilbert. His next supervisor may have been John Roberts. Anderson has since retired.

B. De'Anna Clark.

She stated that Clark was a by-the-book employee. She stated that she worked on a number of projects, including animal health and also volunteered with the Commissioner's office. She stated she was active in KECC and was known throughout the Department for volunteering. She was not the type of employee to

say something was not her job. She later went to work for the Kentucky State Police. She was an Internal Policy Analyst II. Her supervisors were Ron Parritt and Steve Kelly. She stated that Clark was good at finding ways to save money.

C. Tammy Cobb

Cobb is an Agriculture Inspector Supervisor. The witness stated she had a great deal of respect for Cobb who was a hard worker. She stated that Bobby Bell was her supervisor. Cobb was the supervisor of Chris Parsons. Ms. Fentress-Laird agreed with the 10 percent award.

D. Todd Garland

Garland was an Administrative Specialist I. The witness stated that she was not whole-heartedly in favor of this 10 percent ACE award. She stated that he was passionate about the environment. The witness stated she expressed her disagreement with this ACE award to the Commissioner; however, the Commissioner went forward with it. She stated she had nothing against his work, she just felt there were others more deserving. The witness stated she wrote all the memos in support of these awards. Garland's supervisors were Pat Gilbert and John Roberts.

E. Tina Garland

Ms. Garland was an Agriculture Program Coordinator which was a grade 12. She received a 10 percent ACE award. The witness stated she was on the fence about this one, but felt the award was too much. She stated that Ms. Garland was passionate about working with Kentucky Proud and the Farm to School program. She stated her supervisor was Kristen Branscum. She stated that she worked with

the program while it was expanded from 2 to 40 counties. Her position eventually moved from Markets to Food Distribution.

F. Larry Garriott

Garriott is an Agriculture Inspector II. The witness described him as absolutely fantastic. She stated that she did not know him that well, but the information in the memo in support of his 10 percent award was accurate. She stated that he worked in Food Distribution and that Ann Smith was his second-line supervisor and was very much in favor of this ACE award, although she did not specifically recommend it.

G. Ricky Jacobs

She described Jacobs, who was an AG Inspector III, as quiet and an individual who works hard. She stated he was not a “shining star” and there were others more deserving. She stated Bob Ginter was his supervisor.

H. Nicole Liberto

The witness stated that she is biased in favor of Nicole Liberto. She thinks that Liberto is fantastic. She stated that she is always available to answer calls or respond to e-mails. Although Liberto did not come from an agriculture background, she stated that she asked questions to find out information that she needs. She was in favor of the 10 percent ACE award for Ms. Liberto. She believed the statements in the memo were accurate and that Commissioner Farmer was aware of her fine work.

I. Alisha Morris

Morris is an Administrative Specialist III. She works with the Kentucky Proud program and has worked on a number of events. She stated that she is not afraid to say no to the Commissioner or others. She follows guidelines and has a good relationship with vendors. She had a pro-card previously and Commissioner Farmer would ask her for a number of purchases. Eventually they had her give the pro-card up so that the Commissioner would stop this practice. She acknowledged that Morris' family held a fundraiser for Commissioner Farmer and that she is a close friend to the witness. She stated that the information in the memo was accurate.

J. Kevin Peach

Peach is a Training Development Specialist II within the Food Distribution Division. His job is to train Food Services Directors at the school. Fentress-Laird was not in favor of this ACE award and told the Commissioner. She felt that Peach has an overinflated opinion of himself. She described him as lazy. She stated she believes the reason the Commissioner recommended this award because Peach would take a trustee who worked in KDA offices back to the jail if Barry Skipper was not available. She has found Peach to be sarcastic and rude with people. She also felt that he has withheld information and been rude to his Division Director who was Ann Smith. Peach's award was for 5 percent.

K. Clint Quarles

Quarles is an Attorney I, who received a 10 percent ACE award. She stated the Commissioner appreciated what he did. She described him as passionate about Agriculture issues and she stated he loved to debate and argue. She stated Nicole

Liberto was his supervisor and that she (Fentress-Laird) was the second-line supervisor. She stated she was fine with this award, although Liberto did not like the timing. She stated that Liberto was trying to work through an issue with him which made it difficult.

In summary about the process, Ms. Fentress-Laird stated this was the only time that ACE awards were done like this. After she received the names she went to Steve Kelly to make sure they had the funds available. These ACE awards did not have a significant financial impact as many of these individuals were not being paid a high salary. She stated that justification memos were done on June 30, 2010, and the ACE awards were effective July 16, 2010.

Danita Fentress-Laird

Interview Date: 2/27/13 (second interview)

Subjects: Jennifer Ledford, ACE Awards, Lanny Arnold, Webster Fannin, Doug Begley, Finding 25, Chris Parsons and Roger Estill

Ms. Fentress-Laird stated that when **Jennifer Ledford** was assigned to work with Dan Flaherty and learn his work with federal programs, there was no concern over Flaherty's work. She stated that they did not ask Ledford to check-up on his work. She also stated there were no concerns caused by any audits of the federal programs. She stated that if there was any directive to watch over Dan Flaherty's work, it did not come from her or Commissioner Farmer in the November 2010 meeting with all three.

Ms. Fentress-Laird stated that she could not find the list that Commissioner Farmer used to select ACE award recipients.

Ms. Fentress-Laird briefly discussed **ACE awards** from 2007, 2008 and 2011. After reviewing these awards and supporting documentation, it was determined that unlike in 2010 in these other years ACE awards were based upon recommendations and requests from supervisors, branch managers, directors, executive directors, etc. The year 2010 stands out as the only year

where Commissioner Farmer made these decisions on his own without recommendations from other supervisory personnel.

Ms. Fentress-Laird had no recollection of hearing of an allegation from **Lanny Arnold** that he overheard John Roberts use the “N” word. She also had no recollection of Lanny Arnold being verbally reprimanded for discussing this issue with Danielle Smith as opposed to reporting it through more formal channels. (At the time of the interview, the paperwork was not available.)

With respect to the issues involving Lanny Arnold, Ms. Fentress-Laird felt that he was subjected to guilt by association for being close to Steve Alvey. Alvey was a former employee fired by KDA. She stated that she felt Arnold was “tainted” by that relationship. She felt like Commissioner Farmer thought he could not trust Lanny Arnold and eventually almost all of Lanny’s duties were removed after John Roberts became Director. It was described that Arnold was pushed into a corner. She stated he eventually was allowed to do some things, such as inventory, but most duties were removed from him. She stated she learned this primarily from talking to John Roberts who eventually wanted to restore some duties to Lanny Arnold to relieve some pressure from him as Director; however, Commissioner Farmer would not allow it. Ms. Fentress-Laird also felt that Tom Bloemer was probably piling on some of these issues and took advantage of Arnold losing his duties to his own advantage. She stated that she heard both John Roberts and Tom Bloemer say that Arnold had a tendency to stir things up.

She had not heard that Tom Bloemer had ever threatened to get back at Lanny Arnold for his involvement in sexual harassment allegations against Bloemer. Ms. Fentress-Laird did not recall clearing Tom Bloemer publicly of sexual harassment charges. She stated they could not make a determination and in the end it was a “he said, she said” case. She stated they did document that he was put on notice that further complaints might result in disciplinary action. She did not find any evidence that Lanny Arnold had acted inappropriately as a supervisor in the handling of this matter. She did not see it as any justification for removing his duties. Likewise,

she did not see any justification for removing duties from Lanny Arnold for any of the events involving Steve Alvey.

Ms. Fentress-Laird acknowledged that Lanny Arnold was Acting Director before John Roberts arrived. She stated that when he was given inventory duties, she did not dispute that it was something he could complete in two weeks. Ms. Fentress-Laird was not aware of any computer rights being taken away from Lanny Arnold. She had not heard that people were told not to contact him. She stated that it would not surprise her if that were true, since she is aware that employees were told not to contact Human Resources. She was not aware that they would designate someone other than Arnold to be in charge of the Division or to be the contact person in the absence of John Roberts or Tom Bloemer. Ms. Fentress-Laird apologized to Arnold for all he had to deal with and stated she thought it was grossly unfair. She stated that if Commissioner Farmer, John Roberts or Tom Bloemer had problems with Lanny Arnold, they could have been dealt with in some other way rather than taking his duties away. She stated no one came to her regarding these issues. One thing she might have recommended would have been mediation.

No one discussed how to adjust Lanny Arnold's evaluations when his duties were taken away. Ms. Fentress-Laird was asked about a comment she made in her interview with the Auditor when she stated there might have been some politics involved. She stated she recalled being told that Lanny Arnold and Steve Alvey had tried to give a cash contribution to Commissioner Farmer's father when he ran in 2003. They could not accept a cash contribution. Supposedly it was stated that they had also given a contribution to Farmer's opponent in the 2003 election.

Ms. Fentress-Laird next spoke about **Webster Fannin**. She stated that Commissioner Farmer was interested in seeing if they could find a job for Webster Fannin. Commissioner Farmer knew Fannin's father, Ira Fannin, who allowed the Commissioner to hunt on his property. Ms. Fentress-Laird stated that Kevin Newnam of the Commissioner's office was put in charge of this matter. He insisted that they interview Webster Fannin. She stated she did not

recall who was on the interview team, but that even though Webster Fannin was not their recommendation he was selected for a position with the Department. She also stated that Webster Fannin had also served as an intern with the Department and the reports were not positive regarding this experience. Ms. Fentress-Laird stated that she learned directly from the Commissioner that he hunted on Ira Fannin's property. He stated he wanted to do something to help Webster out.

In reviewing documentation regarding Mr. Fannin's hiring, Ms. Fentress-Laird saw that the interview team consisted of herself and Amanda Cloyd. She stated that this position was in animal health. Normally, Dr. Stout or someone from his office would be involved in the interview process. She stated that if the Commissioner made known who he wanted in a position, Dr. Stout did not bother to include anyone from his office. She stated that she would not be surprised to hear Dr. Stout say something like, "If they are not going to listen to our recommendation, I don't want to take part in the interviews." After reviewing the documentation, Ms. Fentress-Laird stated that they interviewed Webster Fannin plus three veterans. She stated that normally she would have spent more time reviewing applicants with an agriculture background, however, she did not do that in this case knowing that the Commissioner wanted Webster Fannin. Fentress-Laird stated that Fannin had a good background having grown up on a farm and that he interviewed well.

In reviewing his application, Ms. Fentress-Laird saw that Webster Fannin had served as an intern with the KDA from January 1, 2002, through May 1, 2002. She stated that she had heard reports that he would arrive to work late.

When the Comer administration was in office, Webster Fannin received an intent to dismiss letter. Included in the letter were allegations that Fannin had bragged to another employee that he was illegally pre-selected for his position. This information was listed as being verified in the intent to dismiss letter based on a discussion between Dr. Stout and Ms. Fentress-Laird. Ms. Fentress-Laird stated that the conversation probably took place. It was summarized

in the letter as Ms. Fentress-Laird asking Dr. Stout if he wished to serve on the interview panel. Dr. Stout apparently asked, "Would it even matter?" and when he was told probably not he indicated he did not wish to participate.

At the time of Webster Fannin's hire, there was definitely a need for an AG Inspector. She is not sure whether the need included that part of the state. Fannin was appointed to a position in Scott County.

On July 1, 2010, Fannin was reclassified from an AG Inspector I to an AG Inspector II. Ms. Fentress-Laird stated that this was at the request of Commissioner Farmer. He did not give any explanation for the reclassification other than he wanted to do this for Webster Fannin. Ms. Fentress-Laird doubted that Dr. Stout or anyone in the chain of command would have been in favor of the reclass.

Ms. Fentress-Laird agreed that Dr. Stout would know if anyone in the chain of command had recommended the reclass. She also agreed with Dr. Stout that at the time of the reclass, Mr. Fannin was having difficulty getting along with his supervisors and all agreed it was very unlikely that anyone would have recommended him for such an action.

Ms. Fentress-Laird acknowledged that during this timeframe both reclasses and ACE awards were highly sought after. Specifically with respect to reclasses, she stated that there were a lot of Agriculture Inspector I's who wanted to be reclassified to II or III. Commissioner Farmer approved very few of these. Ms. Fentress-Laird stated she thought this reclass was unfair. She stated there were AG Inspector Is who went years without being reclassified. Webster Fannin was employed for a year and four months at the time of his reclass. She also stated that when he was evaluated, he received "Good," but nothing higher than that for the first few years.

With respect to the reclass, Ms. Fentress-Laird stated normally there would be a form or memo in the file justifying the action or making the request. In this case the only thing she could find was the personnel action itself.

There were notes from a meeting Ms. Fentress-Laird had with Commissioner Farmer on June 15, 2010. She talked about a number of personnel actions including reclassifications. One of those was Webster Fannin's reclassification from AG Inspector I to AG Inspector II, which included a 5 percent increase.

Ms. Fentress-Laird stated that Fannin resigned after receiving the intent to dismiss.

With respect to **Doug Begley**, she stated that he no longer worked for the Department either. With respect to his employment, she stated that he was the cousin of Becky Farmer, Commissioner Farmer's then-wife. Begley's family were big contributors to Commissioner Farmer's campaign and they wanted the Commissioner to do something for Doug Begley. Ms. Fentress-Laird stated she heard this directly from Commissioner Farmer.

In reviewing documentation from Doug Begley's hire in 2007, there were interview question notes from Ms. Fentress-Laird, but not anyone else. She is not sure if anyone else served with her on the interview panel. Ms. Fentress-Laird stated there were probably more interviewers involved, she just did not get paperwork back from them. She thinks they were hiring for more than one position at the same time. She described Doug Begley as a good interview. She stated that had he not been the preferred choice of Commissioner Farmer, he probably would not have been recommended for the position as there were other more qualified candidates. Ms. Fentress-Laird stated that she would have recommended another candidate.

Doug Begley was hired in 2007. Ms. Fentress-Laird stated that their normal practice was to bring people in at the mid-point. She stated that they had discretion for minimum to mid-point. Because there were very few reasons to receive raises, their general practice was to start people at mid-point. Begley started as an AG Inspector I on March 16, 2007, at mid-point. There is a letter in the file where Doug Begley resigned his position as an AG Inspector I effective June 30, 2007, to be appointed as an Amusement Safety Inspector Supervisor effective July 1, 2007. Without coming off probation, Mr. Begley went from a grade 9 to a grade 12. His salary went from \$2,275 per month to \$2,583.34. Ms. Fentress-Laird stated that he did not start the Amusement Safety Inspector Supervisor at mid-point. She stated the difficult thing about Doug Begley receiving that position was there were more experienced inspectors who missed out on that promotional opportunity. Ms. Fentress-Laird stated that the Amusement Safety Inspector Supervisor position was established for Doug Begley. This was done at Commissioner Farmer's direction. Apparently Doug Begley had complained to the Commissioner that he was not making enough money.

Ms. Fentress-Laird stated that the three individuals this would have been a promotion for were Allen Hinkle, Justin Bruner, and either Bruce Gross or Neel Young. The only documentation that existed for the filling of this position was a folder marked Amusement Ride Inspector Breathitt County with two pieces of paper in it. The first page was notes made by Ms. Fentress-Laird. This appeared to involve a number of positions including the creation of the Amusement Safety Inspector Supervisor position in Breathitt County. The other documentation was a personnel action or a P-1 showing a work county change from Grant County to Breathitt County for this position. Ms. Fentress-Laird does not remember being on the interview panel for this position and does not know why there was no other documentation for the position. Ms. Fentress-Laird stated this process was unusual with an employee being promoted to a supervisory position while serving initial probation. She stated that usually probationary employees were still seen as proving themselves. Ms. Fentress-Laird stated that any of the four named inspectors would have been better candidates for this position than Doug Begley. She stated that a selection like this was terrible for morale.

Ms. Fentress-Laird felt that John Roberts was probably concerned regarding the safety issues here. She stated that selecting someone this inexperienced for such an important job was a real concern. Ms. Fentress-Laird stated that no one wanted to question this action because they were afraid they would get fired if they questioned the Commissioner's decision.

Ms. Fentress-Laird also discussed an incident that occurred in 2010 when Doug Begley was reported by officials from the Kentucky Division of Forestry. Apparently, Doug Begley had a logging business on the side which was cited by inspectors from the Division of Forestry. They found Mr. Begley at the work site using his state vehicle. He tried to use his position as a state employee to get them to give him some type of a break. This information was reported to Craig Maffett in the Commissioner's office. When Ms. Fentress-Laird reviewed this documentation, she stated this was an incident which was swept under the rug and nothing was done about it within the KDA. Fentress-Laird stated had this been some other employee there would have been some type of action taken, at least a reprimand.

Ms. Fentress-Laird stated that Begley also had a Workers Compensation claim and there were concerns that he was working at a store while he claimed he could not work due to his injury. In addition, she stated that he was one of the supervisors who failed his National Association of Amusement Ride Safety Officials (NAARSO) training.

Ms. Fentress-Laird stated that they did not question whether Doug Begley met the minimum qualifications for the Amusement Safety Inspector Supervisor position because he was approved by the Personnel Cabinet.

With respect to the issue of whether or not there should be an entry level position for Amusement Safety Inspector Supervisor, Ms. Fentress-Laird stated that was discussed while she was in the Department and she felt there was a need for it. She felt that there should be some type of apprenticeship to do this type of work rather than having Agriculture Inspectors move into this type of work.

Ms. Fentress-Laird next spoke about **Chris Parsons**. Parsons was hired in 2006. Ms. Fentress-Laird served on the interview panel with Buddy Pence. She does not recall being told they had to hire him. She knows that Pence knew Chris Parsons' father at the time of the interview.

He started as an AG Inspector I in animal health. She stated these were field employees who check animals at livestock shows and stockyards, as well as other duties. They work out of their home with cell phone, computer and a state vehicle. They also respond to complaints, such as dead animals. They receive an itinerary from their supervisor and also prepare an activity log documenting what they did.

Ms. Fentress-Laird stated that Parsons started out as a good employee. She stated there were no particular problems with him for the first few years, then he started having time and attendance problems, such as showing up late. She stated he always had some type of excuse.

Ms. Fentress-Laird stated that in addition to coming in late, there were days when he would not show up at all. They also had concerns he was falsifying his activity log with respect to hours and mileage. Fentress-Laird met him at stockyards in London and encouraged him to come to work and not mess this job up. She also stated there was an issue where he had a child's car seat in his state vehicle and had to be told that was not appropriate. These problems eventually resulted in a meeting in the Commissioner's office which involved both Dr. Stout and Dr. Billings. Parsons stated he would do better. He was given more consideration than other employees according to Fentress-Laird.

Tammy Cobb was his supervisor and she tried everything to solve these problems. She documented the issues and reported them up the chain of command. Eventually, Ms. Fentress-Laird had Parsons assigned to her office so that they could get him to keep a regular schedule. Parsons showed up a few times and then stopped coming to work. He would not answer his phone or e-mail and Ms. Fentress-Laird went to his home and he would not answer the door. She put him on leave without pay. Eventually he had about 20 days of no call, no show. She spoke to the Commissioner about this. Because of the fact that he was not getting paid, Parsons eventually contacted the Commissioner himself. This resulted in a meeting in the Commissioner's office with Parsons, the Commissioner, Steve Kelly, Bruce Harper and Fentress-Laird.

Parsons came to the meeting and admitted that he had problems and he was trying to get help. He noted that Fentress-Laird referred him to the KEAP program and he had discussed his problems with his father. He stated that he would try and do better in the future. When Parsons left the room the rest of them discussed the situation and told the Commissioner that they had to let him go. The Commissioner talked about calling Parsons' father, but eventually agreed that they would give Parsons the option of resigning or else dismissing him. Ms. Fentress-Laird stated that she spoke with Parsons and told him that he could resign otherwise he would be dismissed. She stated he became very angry, however, he turned in his resignation. This occurred in March of 2011. At the time of the resignation, Ms. Fentress-Laird had an intent to dismiss letter prepared for the Commissioner's signature.

In September or October, Steve Kelly told Ms. Fentress-Laird that they needed to post a position in Rockcastle or Garrard County. He stated that he believed that the Commissioner was going to try and bring Chris Parsons back and Ms. Fentress-Laird might want to stay away from this. She stated she agreed and had nothing to do with the process.

Ms. Fentress-Laird stated that her office posted the position. When the register came in she sent it to either John Roberts or Steve Kelly. She stated she believed the interview team was Tom Bloemer and Jason Glass.

She stated that Chris Parsons was hired back on November 16, 2011, and he served an initial probation. She stated he was allowed to stay on when the new administration came in, even though a lot of other employees were let go while on probation.

Ms. Fentress-Laird also stated there were problems with Parsons' application when he came back to work. He used his wife's e-mail to set up his account with COS and the Personnel Cabinet had to straighten this out. In addition, when the interview team tried to schedule him for an interview, they had to call him a number of times before they could get him to agree to come in for an interview. Lastly, when they reviewed his application, they saw that he had left out his previous service with the KDA. She did not know if Steve Kelly spoke to Tom Bloemer or Jason Glass about Chris Parsons' previous history with the Department.

Ms. Fentress-Laird next spoke about **Roger Estill**. She stated that he was hired as an Internal Policy Analyst II in May 2008. This was a grade 14 position. His position was in food distribution where he served as an Accountant. Ms. Fentress-Laird stated she was not on the interview panel, but she remembers hearing that he was not their first choice. When he started, Estill was supervised by Bill Wilson who was the Assistant Director. The Director at that time was Theresa Ullery. Both Wilson and Ullery retired at the end of 2008. Ann Smith was appointed as Director of Food Services and at that point she was Roger Estill's supervisor.

Before the process started, Commissioner Farmer told Ms. Fentress-Laird that Roger Estill would be applying for a job. The interview panel headed up by Theresa Ullery recommended another candidate, however, Commissioner Farmer selected Roger Estill for the position. Ms. Fentress-Laird stated that in 2010, Commissioner Farmer came to her and told her he wanted to do something for Roger Estill. They discussed the Assistant Director position

which had been vacant since Bill Wilson's retirement. Ms. Fentress-Laird told the Commissioner that several people from within the Division would apply for the Assistant Director position. The Commissioner stated that was fine, but he wanted Estill in the position.

Ms. Fentress-Laird testified that Commissioner Farmer asked her to meet with Roger Estill before the interview process. She met with Estill at her office and told him that he needed to dress appropriately for his interview. She stated that she also discussed questions with Mr. Estill. She stated specifically she discussed strengths and weaknesses and how work experience from the past would help him in his new position. She stated that the Commissioner wanted this meeting because he knew there would be a lot of people applying from the Division. It was anticipated that there could be some complaints about this selection.

The interview panel consisted of Ms. Fentress-Laird and Ms. Ann Smith. She stated that based on the interview and what they knew about the people they would have selected John Cook for the position. She described Cook as very smart, organized, thorough, and a strong employee. She stated he had years of management experience from owning his own business. She felt he would have been a good fit for the position and a real asset to the Division. Ms. Fentress-Laird stated that they thought John Cook was the best for this position and they did not think that Estill was the second best. She could not say who they would have picked second and felt that the other candidates had some weaknesses or problems. She thought that they had officially recommended Cook to Commissioner Farmer, but that he selected Estill.

She stated that Roger Estill was close to the Commissioner. She stated they hunted together, went to ballgames and dinner. She stated Estill was friendlier around the Commissioner and was one of the few who would call him "Richie." Farmer had apparently addressed this at some point.

Estill was appointed Assistant Director and worked with Ann Smith. Fentress-Laird stated those two got along well. She is not sure how good a job Estill did as Assistant Director.

She knows that Mr. Estill had a good relationship with John Roberts to start with. She believes they were friends away from work. At some point their relationship became strained. She was called to a meeting at the Commissioner's office where Estill was telling the Commissioner that he needed to be moved out away from John Roberts or he was going to punch him. Ms. Fentress-Laird's role was to find a position for Roger Estill. They put him in a Branch Managers position in animal health. She thought this would be a good fit for him, although she heard from Dr. Stout that "he was not going to set the world on fire."

Ms. Fentress-Laird stated she was not surprised to hear that Roger Estill told Dr. Billings that he may be away from time-to-time to do something with the Commissioner. Ms. Fentress-Laird stated she told employees, in general, that if they were doing something personal with the Commissioner they were on their own time. If it was work related, they should turn it in as work time.

2. Maureen Travers
Interview Date: 3/7/13
Subject: Doug Begley

Ms. Travers works for the Personnel Cabinet and has been there five and a half years. She is currently employed as a Personnel Program Consultant in the Human Resource Certification Branch. Five and a half years ago she was employed as an Interim HR Specialist I. Her responsibilities were to handle backlog mail and rush mail. This means individuals who filled out applications and sent them in by mail in order to apply for positions under the old personnel system before COS.

Ms. Travers reviewed an application from **Doug Begley** on June 25, 2007. She stated that Begley had applied for a position as Amusement Safety Inspector Supervisor. She stated that this position included a requirement of “three years experience in electrical or mechanical inspection, construction, installation, repair, adjustment or inspection of elevators, manlifts or apparatus designed for the vertical and horizontal transportation of passengers.”

Ms. Travers testified that she reviewed an application dated June 19, 2007, from Begley. When she reviewed this application it was significantly different from the application which had been submitted on February 2, 2007. As a result, according to Personnel Cabinet rules, she relied on the earlier application to determine if Begley met the minimum qualifications. She specifically stated there were duties and even entire jobs that were not listed on the earlier application.

She testified that based on her review of the June application, Begley met the minimum qualifications based on his experience working as an AG Inspector, his experience with CWD, and his experience with Begley Lumber. As an AG Inspector he listed that he did inspections of amusement rides. With CWD, he stated he did safety and final inspections of all moving parts. He stated this was a lumber area and she took it to mean construction purposes. He also stated he did inspections for Begley Lumber so she included all three jobs as meeting the minimum qualifications and he had more than the required three years.

Ms. Travers stated that when she reviewed the February 2, 2007 application, she found that Mr. Begley met the minimum qualifications for the position based on four years construction from 1993 to 1997 for Begley Lumber Company.

Ms. Travers stated that based on this review she approved Begley for the minimum qualifications and he was sent on to T&E, which is training and experience. She stated there was another review that is done of T&E which results in a score. She stated that the Personnel Cabinet no longer performs this type of review.

Approximately a year ago, Ms. Travers stated she was contacted by her supervisor, Scotty Barker, and they discussed this review. She learned that she had approved Mr. Begley in error. Ms. Travers stated that she had only been working with the Cabinet since May 7, 2007, at the time she conducted this review. At that time she read the class specifications to simply be three years of construction. She now understands that what was required was three years construction of elevators or lifts and that Begley did not meet the minimum qualifications and should not have been approved.

Ms. Travers testified that she did not know that Begley was related to Commissioner Farmer's wife. Travers had just moved from Florida and did not know who Commissioner Farmer was.

3. Earlene Scotty Barker
Interview Date: 3/7/13
Subject: Doug Begley

Ms. Barker is the Human Resource Certification Branch Manager with the Personnel Cabinet. She has been employed with the Cabinet for twelve years. In 2012, she was contacted by Karen Mixson and asked to review the approval for **Doug Begley** to meet the minimum qualifications for Amusement Safety Inspector Supervisor which was performed in 2007. She stated this review was done under the old system. Upon her review, she determined that Mr. Begley had been approved in error and that he did not have three years of experience in the construction of elevators or lifts, but was approved merely because he had three years construction. She stated he should not have been approved.

In 2012, at the time of this review, she learned that Mr. Begley had already voluntarily demoted to a position as an Agriculture Inspector I.

4. Autumn Brewer
Interview Date: 2/11/13
Subjects: Jennifer Ledford, ACE Awards

Ms. Brewer is the Administrative Branch Manager, Fiscal Branch of the KDA. Her position is located within the Office of Strategic Planning and Administration. The Executive Director was and is Steve Kelly. Ms. Brewer has been the Branch Manager since August 2012 and she supervises three. Prior to that time she was an IPA III in the same Division and her supervisor was Ron Parritt who used to be the Branch Manager.

In 2011, Ms. Brewer was asked to serve on an interview panel because of her budget background. The panel conducted one set of interviews to fill positions for Administrative Branch Manager and IPA II in Food Distribution. This person was to serve as the accountant for the Division of Food Distribution. Brewer served on the interview panel with Danita Fentress-Laird and Ann Smith, the Director of Food Distribution.

Ms. Brewer testified she is not sure if they reviewed applications before they met and interviewed the applicants. She stated that they knew what they were looking for. She stated for Administrative Branch Manager they were trying to find someone with a strong management background. For the IPA II they were looking for someone with a financial background, particularly eMars would be helpful. However, she stated that sometimes it can be better to teach someone from scratch rather than have them bring a different system to the position.

Ms. Brewer reviewed a list of the individuals who were interviewed for these positions. She put a star next to five individuals and made notes by their names. For **Jennifer Ledford**, who interviewed for both the IPA and ABM, she circled IPA and stated, “eMars experience, good for IPA – not manager.” Brewer stated that Ledford had a good financial background and had been training in the position in question. She did not have experience as a manager. She also had a star next to Bruce Owens for IPA, stating he was a very nice guy and willing to learn. She recalled that he worked for Revenue. She had a star next to another candidate for ABM and

stated that she was very knowledgeable and seems like a great fit. For ABM she also had a star next to one stating that she was a nice lady and caring about disadvantaged. She had a star next to a candidate from Unemployment for ABM and had simply written in “No. 1.” Brewer stated that she thought this was the best candidate for the ABM position.

Before the interview process, Ms. Brewer stated that she knew Jennifer Ledford as a secretary who worked in the building and had trained with Dan Flaherty who was in the process of leaving the position. She stated that she was aware that Ms. Ledford was training with Flaherty and she would give feedback to Flaherty on things Ledford needed more work on. Although she was aware of Ledford, Brewer stated she had not worked with her enough to form an opinion before the interview process.

Ms. Ledford was the second interview in this process. Following the interview, Brewer stated they all agreed that she was a better candidate for the IPA position than the ABM position. She stated that she felt Ledford would be a strong candidate for the IPA position based on her application, interview and what they had learned from working with her. During the interview process, Jennifer Ledford showed she had a strong financial background from previous experience at a car dealership as well as her experience working in KDA, including the time that she trained with Dan Flaherty. Brewer recalled that they looked at applications and she believed it was during the interview of each applicant.

Ms. Brewer testified that Flaherty did the accounting for important federal grant programs run through the KDA. She stated these were the CSFP and the TEFAP. She stated it was important to have someone knowledgeable about the programs so that the accounting could be done correctly. It was also important that the accountant know what these funds could be used for and what they could not be used for. As far as Brewer knew, Flaherty did a good job in his position.

Ms. Brewer testified they interviewed Bruce Owens who was a Revenue Collections Officer with the Department of Revenue. He had approximately six or seven years of state experience. Brewer stated that he was a good candidate for the position. She felt like he was very nice during his interview and seemed down-to-earth.

Ms. Brewer testified that the IPA position came down to Jennifer Ledford and Bruce Owens as the two top candidates. Brewer felt that Jennifer Ledford was the better candidate based on her financial background. She did not know the thoughts of the other two interview panel members other than they all agreed to recommend Jennifer Ledford for the position. She did not remember any specific discussion regarding the reason Jennifer Ledford was recommended.

With respect to the ABM position, they identified the top three candidates and there was a second round of interviews which Ms. Brewer was not involved in.

Ms. Brewer stated that during the review process, Ms. Fentress-Laird told them that they had to select Jennifer Ledford for one of the two jobs. Brewer stated she believes this was stated after the interviews were over. Nonetheless, Brewer believed that Jennifer Ledford was the best for this position. Brewer stated she felt that this was not right and that in a fair process a statement like this would not have been made. She felt that Jennifer Ledford was doing fine without this statement and she believes would have been recommended for the position. Brewer stated that neither she nor Ann Smith had any direct response when Danita Fentress-Laird made this comment. She stated that she was not terribly surprised having worked with Commissioner Farmer, John Roberts, etc., since 2006.

Ms. Brewer testified that all three panel members agreed that Ledford would be a better fit for the IPA II position rather than the ABM position. Brewer stated that she knew this is where things were heading all along and was not that surprised. She stated she felt this way because of the fact that Jennifer Ledford was already working with Dan Flaherty and learning his

position. Brewer stated that already being trained for the position was a leg up on the other candidates. She felt this was similar to having a strong internal candidate although Ledford was a non-merit employee.

Brewer testified there was no discussion of the fact that this position would have been a promotion for Bruce Owens. She stated that there was no discussion of the five factors or that the five factors applied in this case.

Brewer stated that she was aware there was some type of complaint, but was not specifically familiar with the anonymous complaint. She did state that there was at least one complaint regarding the fact that Jennifer Ledford was allowed to train with Dan Flaherty from one of the individuals that worked there. She is not sure who it was from. She did not hear that anyone would have applied for the position, but did not because Jennifer Ledford had received training on how to do Flaherty's job. She knew that Jennifer Ledford would serve a twelve-month probationary period if appointed to this position.

Ms. Brewer stated that she was not involved in any discussions regarding Ms. Ledford's pay. She was aware that when Ledford got the job and started, they had to raise Anne Druin's pay as well. At the time Brewer was an IPA III, and both Ledford and Druin as IPA IIs were making more than her. Brewer stated this was a difficult situation and that she would have to approve their documents in the normal course of her business, especially when Brewer's supervisor was not available.

Ms. Brewer was aware of complaints that in order to get a job or promotion you had to be from Clay County or a buddy of Commissioner Farmer. She stated this feeling was widespread throughout the Department; however, she did not share this feeling.

Ms. Brewer was aware of Rebecca Wheat as an employee in Animal Health in the KDA. She was not aware that she applied for the IPA II position and was not interviewed.

With respect to 2010 **ACE awards**, Ms. Brewer stated that she found out about them from the newspaper. She was aware that a coworker of hers, De'Anna Clark, an IPA II, received one. She was surprised because she thought Clark was well compensated for her job duties already. Brewer stated she was surprised that there were 10 percent ACE awards; she received an ACE award of 5 percent. She was not aware that 10 percent could be awarded through an ACE award.

Ms. Brewer testified that during her time with the Department she was reclassified and then promoted. She stated that her reclassification was recommended by her supervisor.

5. Jennifer Ledford
Interview Date: 2/12/13
Subject: Jennifer Ledford

Jennifer Ledford is an Internal Policy Analyst II (IPA) in the Division of Food Distribution with the KDA. Her supervisor is Bill Wickliffe who has held that position since January 2012 when the new administration came in. Prior to that, her Director was Ann Smith who was in that position when Ms. Ledford started with the Division of Food Distribution.

Ms. Ledford testified that she was unemployed for approximately six months when she heard that the Commissioner of Agriculture might be hiring in the Commissioner's office. She heard this from her former employer Jimmie Morgan. She initially sent a résumé to the Commissioner and heard no response. She followed this up with a résumé to Bruce Harper and eventually heard from the Department and interviewed for a position as an assistant to the Commissioner. She was told this was a non-merit position and there would be no job security, however, she was without a job so she did not have a problem with that. She interviewed with Danita Fentress-Laird and Amanda Cloyd. Thereafter, she had a second interview with Fentress-Laird and the Commissioner. She was initially told that someone else was given the job. That

individual did not work out and she was told she had the job as a Special Assistant to the Commissioner and she started on August 9, 2010.

She started in the Commissioner's office and was under the assumption that Sheila Pennington, the Commissioner's Executive Secretary, would be leaving. After a short time, Ms. Pennington went to the State Fair with the KDA. Her job there was to shadow Sheila Pennington, the idea was this might be the last State Fair that Sheila Pennington worked and that Jennifer was to learn the duties that the Commissioner needed. Ledford testified that they set up an office at the State Fair and did a variety of duties for the Commissioner and staff during the State Fair. These included writing speeches and making sure the tickets were available for people to attend particular events. As an observation, Ledford stated that she thought KDA was overstaffed at the State Fair. She stated there were a number of people who waited around for something to do.

After the State Fair was over, Ledford was given the task of preparing the Commissioner's travel voucher. Ms. Ledford stated that she properly prepared Commissioner Farmer's travel voucher after the State Fair. She stated that she attended a number of events with the Commissioner and was aware that meals were provided as a part of some events. For these occasions, she did not fill out the travel voucher for Commissioner Farmer to get any meal reimbursement. When she completed the travel voucher, she turned it in to Sheila Pennington. Ms. Ledford later learned that the Commissioner was not happy with the way the travel voucher was prepared. She is not sure if this is the travel voucher the Commissioner signed or if he was reimbursed according to this travel voucher. She did not change the travel voucher nor was she asked to change the travel voucher.

She stated that after this incident her job duties changed. Ms. Ledford was previously told she was supposed to have access to the Commissioner's schedule and e-mail. She understood this would be a large part of her job responsibilities. Following this incident with the travel voucher, she was told she would not have access to these matters. At the time the

explanation that Ms. Ledford was given was that Sheila Pennington had changed her mind and would stay with the Commissioner's office. Ledford testified that she had very generic job duties and sometimes wondered why they needed her there.

Ms. Ledford stated that she stayed around the Commissioner's office because Ms. Pennington missed a lot of work. On one occasion she commented to Bruce Harper and John Roberts that she was bored and did not have enough to do. Bruce Harper suggested she could work on cleaning up their board minutes, which he described as a mess. There were a number of boards that the Commissioner sat on. She also did work for the Livestock Care Standards Commission and the Equine Council and worked closely with Dr. Stout, the State Veterinarian.

Ms. Ledford testified that shortly after Commissioner Farmer announced that he was running for Lieutenant Governor, there was a meeting in the office with Bruce Harper, Sheila Pennington, Misty Pursiful, Ledford and possibly Craig Maffett. The topic of the meeting was to discuss how they would handle telephone calls and other communication, asking questions about campaign or political activities. She stated that the advice from the meeting was that they would give the phone number for campaign headquarters to callers or forward e-mails. Ms. Ledford talked to a friend of hers who was an attorney who advised that they should not do these activities. She stated she was instructed by her friend that the best practice would be not to give out the campaign phone, not to forward e-mails, and simply to tell people that the campaign had its own website. Ledford also stated the advice from the Department was that non-merit employees could engage in these activities. The advice from her friend was that it did not matter, no one was supposed to perform any campaign related activities on state time. Ms. Ledford stated she came back to the office and repeated what her friend had told her to Bruce Harper, Sheila Pennington and Misty Pursiful. Shortly thereafter, Ms. Ledford was instructed not to answer the phones.

Thereafter, Ms. Ledford stated that she was called into a meeting in the Commissioner's office with the Commissioner and Danita Fentress-Laird. They told her that there was a gentleman who worked in the Division of Food Distribution who would be retiring soon, who did accounting for programs and no one understood exactly what he did. He was described as not being a very good teacher and they asked Ms. Ledford if she would like to learn what she could regarding these programs so that she would be in a position to train his replacement when he retired. The employee was Dan Flaherty who worked with federal commodity programs. These programs were the CSFP Program, the TEFAP Program, the National School Lunch Program and the Senior Farmer's Market Nutrition Program.

Ms. Ledford stated that she went on this assignment and in order to do it moved to the 107 building. She stated that she also worked in other areas as well. She believes the employees there thought she was a spy for the Commissioner's office.

Ms. Ledford testified that it was difficult to learn the programs from Dan Flaherty. She stated he was not a good teacher and that she had to learn a lot of it on her own. She stated he would give her part of the information, but not tell her how to do anything. She stated she asked John Roberts for access to the State Accounting System and was granted this access.

Ms. Ledford stated that when she reviewed the work that Dan Flaherty was doing, she did not think that the numbers added up. She described herself as a good auditor and she did not agree with the practices Flaherty was using and the numbers he was submitting to the federal government. Ledford stated she reported to John Roberts that she was not comfortable with some of the things that Dan Flaherty was submitting on federal reports. She stated that John Roberts relayed this information to Steve Kelly who met with Dan Flaherty. She stated that Dan Flaherty justified the way he did things and they were satisfied with what Flaherty was doing. Ms. Ledford stated this was the type of thing that she had been asked to look at because Flaherty had problems in the past with federal audits. She stated she got this from her original conversation with Fentress-Laird and the Commissioner. Ms. Ledford stated that she also talked

to Flaherty and did not understand his explanation. She stated he was “force balancing” the federal reports. Ledford testified that they had to submit quarterly federal reports on the TEFAP program. She stated that they could only draw down what they had expended. She said Dan Flaherty would create an extra month and say that October expenses occurred in September in order to fit the federal fiscal year. Ms. Ledford stated this came to light when the State Auditor’s office audited the TEFAP program. She stated that last year the audit took two and a half months and there were eleven material findings. Ms. Ledford testified that this year’s audit went much smoother and there was only one minor finding. She stated that the minor finding occurred and included part of the year that overlapped when Dan Flaherty was still there. As a result of the year with the eleven material findings, Ms. Ledford stated that the KDA had to return approximately \$30,000 to the U.S.D.A. Ms. Ledford identified Sandra Rudic as the auditor from the State Auditor’s office who she worked with.

Ms. Ledford stated that she did not envision that she would be the one replacing Dan Flaherty and thought she was learning how to train his replacement. Before Dan Flaherty’s job was posted, Ms. Ledford stated she applied for two other jobs in state government and other jobs in the private sector. She was not sure how secure her non-merit position was so she was looking around for other opportunities. One of the state jobs she applied for was in the Title Branch in the Transportation Cabinet. Ms. Ledford stated there was a lot of animosity in the office between John Roberts and Ann Smith. She stated that because she did not work for either one of them, they both tried to get as much information as they could from her. Ms. Ledford reported this to Fentress-Laird stating that it made the work situation very uncomfortable.

Ms. Ledford stated that she learned that Dan Flaherty’s position had been posted by checking the website. She stated that it was well known that he was going to retire and it was a matter of time. She stated no one specifically encouraged her to apply for the IPA II position or the ABM position which was announced at the same time. Ms. Ledford specifically denied that John Roberts, Commissioner Farmer, Danita Fentress-Laird or Ann Smith encouraged her to apply for the job. She stated that she had several conversations with John Roberts about job

opportunities, but not these kinds of specifics. She stated that Ann Smith told others she wanted to see her in that job, even before it was posted. However, she made clear that she was just there learning from Dan Flaherty in order to train his replacement. Prior to the interview process, Ms. Ledford had done some eMars tutorials on-line, but had not actually attended any formal eMars training course.

Ms. Ledford interviewed with Danita Fentress-Laird, Ann Smith and Autumn Brewer. Ms. Ledford stated she was aware of Autumn Brewer, but did not know her well.

Going into the interview process she was not sure what the ABM position entailed. She stated that position was vacant while she worked with the Department and no one could explain to her exactly what the job called for.

Ms. Ledford stated that she did not know who else applied for the job. After the interview process was over, she stated Fentress-Laird told her that she had the IPA job. Fentress-Laird also met with her and discussed a salary telling her that she would have to take a pay cut in order to accept this position. Ms. Ledford stated she took the position because it was a merit position, which she felt would be safer than her current position. Ms. Ledford also learned that at the end of the process that her probationary period would be twelve months.

Ms. Ledford testified that things are going well in her position. She stated that the most recent audit went well and she has corrected the matter she needed to correct. She stated she gets along well with everyone she works within the Department. She also praised Sandra Rudic, the Auditor, who has reviewed their programs.

Ms. Ledford was asked to respond to matters in the anonymous complaint. In response to the allegation that she was allowed to go to eMars training, approved by John Roberts, she stated this was inaccurate. She stated that she needed access to eMars in order to review the audit results and check on the work Dan Flaherty had done.

Ms. Ledford stated no one expressed to her they would have applied for this position, but they assumed she already had the position. She agreed that the anonymous complaint was incorrect when the statement was made that she was appointed to the position in order to come off probation before the end of the Farmer administration. (The person who wrote the anonymous complaint assumed there would be a six-month probationary period.)

Ms. Ledford agreed that they had to raise the pay of another employee because of her starting salary. She disagreed with the statement in the anonymous complaint that in order to get anywhere in the KDA, you had to be from Clay County or a buddy of Commissioner Farmer.

Ms. Ledford stated that she wanted to add that she had done nothing wrong and she was concerned she could lose her position because of mistakes that the previous administration had made. She stated she was very qualified for her position.

6. Ann Smith
Interview Date: 3/4/13
Subjects: Jennifer Ledford, Roger Estill, Patricia Apperson, ACE Awards, and Lanny Arnold

Ms. Smith currently resides in Bardstown, Kentucky. She was the Director of Food Distribution with the KDA when she was last employed. She was hired as an IPA II on April 1, 2007. In January of 2009 she took over as the Director of Food Distribution and held that position until the new administration came in.

When Smith was hired as an IPA II, she was working with commodity processing for the National School Lunch Program involving U.S.D.A. commodities. She stated it was her job put together truck loads from manufacturers to deliver to the schools under this federal program. At the time she was hired, the Director of Food Distribution Division was Theresa Ullery and Smith's direct supervisor was the Assistant Director, Bill Wilson. Ms. Smith came from private

industry where she worked with many of the same commodities from the other side. She felt like her work with the Division of Food Distribution was a good fit.

When she was hired to work for KDA, Ms. Smith interviewed with Theresa Ullery, Bill Wilson and Rick Betsworth whose job she was filling when he was promoted to Branch Manager. She stated that Ullery and Wilson retired in 2008. The Executive Director, Dr. Frye, also left in 2008. She stated that there was no one acting as the Director or Assistant Director. Smith stated that she took over some of these duties just to make sure that the work was done.

Ms. Smith was asked by the Commissioner if she would interview for the Director's position. He stated that he had heard good things about her from Dr. Frye and others. She stated she interviewed with Danita Fentress-Laird, Steve Kelly, and Commissioner Farmer. There may have been a second interview. Eventually she was told she had the job. She explored the option of an Assistant Director's position, but the Commissioner said that the federal officials wanted the Department to have a Director in place. Ms. Smith started as Director on January 1, 2009. John Roberts was the Executive Director after Dr. Frye left. She stated when she started there was no Assistant Director. Ms. Smith stated she had two Administrative Branch Managers, Steve Castanis who was over the National School Lunch Program and Rick Betsworth who was over CSFP and TEFAP.

Ms. Smith testified that when she started, Dan Flaherty was an IPA II like she was. She stated that Bill Day left to work at the fuel lab and Dan Flaherty was promoted to IPA III and became the Division Accountant. Smith stated that Flaherty was a CPA and was excellent at his job.

Ms. Smith testified she first met Jennifer Ledford at the State Fair in 2010. Ms. Ledford had been hired to work as an Assistant in Commissioner Farmer's office.

Ms. Smith said that Jennifer Ledford was assigned to Foods to help out wherever they needed. She was told this by John Roberts. She stated they were a number of positions down, they had lost three people to the fuel lab and others to retirement and none of these positions had been refilled. She stated that Ms. Ledford was also assigned to work with Dan Flaherty so that someone could learn his programs before he retired. She stated that Ms. Ledford also continued to work with Boards and Commissions. She did not know if she had other job duties. Although she was assigned to Foods, she stated that Jennifer Ledford answered to John Roberts.

Ms. Smith stated that she had a difficult relationship with John Roberts. She stated that at some point they were discussing vehicles or some other issue and he told her, “Young lady shut your mouth and do as you’re told.” She stated that he often dealt directly with her employees without keeping her in the loop. He also moved all of Foods away from his office. Ms. Smith saw part of her job as Director was to take up for her employees and to make sure the Department was complying with federal regulations. She often spoke up around John Roberts. She stated she got the impression that he did not like that and wanted her just to do whatever he told her. Ms. Smith stated that she knew Roberts from high school. The relationship became difficult enough that she had requested mediation more than once. However, it did not happen. Ms. Smith sought help and advice from Danita Fentress-Laird and also Dan Egbers.

Ms. Smith stated that some of the problems she had included she could not get positions posted or filled when she needed them. In addition, she discussed ACE awards which she did not recommend and did not even know about. She stated she heard about them from other employees who were unhappy about them. She also stated that John Roberts was mad when he was not included in the interview process for filling the IPA II and Administrative Branch Manager positions. John Roberts insisted on a second round of interviews for the ABM position. She stated that two candidates eventually turned the job offer down.

Ms. Smith described Dan Flaherty as the only one in the Division who understood the accounting to complete the paperwork necessary for federal funds in the CSFP and TEFAP programs. She stated that it made sense that somebody learns these duties because they were not sure if they could fill his position after he left. She stated that they were being audited by the State Auditor, but she is not aware of any problems with Dan Flaherty's work. As far as Ms. Smith was concerned, it was not part of Ledford's duties to keep an eye on Dan Flaherty to see if there are problems. She had heard from others that this is what Ms. Ledford understood her duties to be. Ms. Smith testified that she had a problem believing Ms. Ledford that there were problems with Dan Flaherty's work after Jennifer had taken over.

Ms. Smith stated that she wanted somebody to work about six months with Dan Flaherty before he retired. She was told when the position would be announced and interviews would happen. She was also told that an ABM position vacated by Rick Betsworth would be filled at the same time. Ms. Smith did not see the register and did not select who would be interviewed. She was also told that the interview panel would be her, Danita Fentress-Laird and Autumn Brewer.

She stated that the panel's choices were two candidates from other state agencies for the ABM position and Bruce Owens for the IPA II position. She stated that they had to select Ledford for one of the two positions and felt that the IPA II would be the lesser of two evils. She did not think this was right, but she thought that if she spoke up over something like this she might be fired or she would have to quit.

With respect to candidates for the IPA II position, Smith stated that her preference was Bruce Owens. She stated he had a great attitude during the interview, had a good background currently working in Revenue and she thought he would be a good fit for the position. Ms. Smith felt that Jennifer Ledford was qualified for the position, but was not a good fit for the position. Based on her experience with Jennifer Ledford she felt like she was the type of employee that would ask you a question and if she did not get the answer she wanted, she would

go to your supervisor or someone else until she got the answer she wanted. Ms. Smith felt that the entire building was in so much turmoil that she felt that Jennifer Ledford would not be a good fit and would add to problems in that area.

With respect to the ABM position, she did not believe Jennifer Ledford was qualified. Ms. Smith described that on one of the days of the interview process, Ms. Fentress-Laird told them that they would have to place Jennifer Ledford in one of the two positions. At that point, although they preferred Bruce Owens, they agreed that putting Ledford in the IPA II position would be better than placing her in the ABM position. Smith stated that Ms. Fentress-Laird's wording was, "I've been told Jennifer has to get one of these two positions."

When Ms. Smith was asked if they ever thought about ignoring instructions and just recommending who they thought were the best candidates, she stated they tried that with the ABM position and the position was not filled.

Ms. Smith stated there was no discussion of the five factors for promotion for the two positions. She does not recall any discussion about whether or not either position would be a promotion for any of the candidates.

Jennifer Ledford was appointed to the position on June 16, 2011. Ms. Smith was not aware of her pay; although she was aware they had to raise Anne Druin's salary because of what Ms. Ledford made. She did not review Jennifer Ledford's work after she was appointed to the position and was aware of very little of what she did. She stated that as far as she knows, Ms. Ledford continued to report to John Roberts.

With respect to the specific allegations in the anonymous complaint, Ms. Smith was not aware of any individual who did not apply for the IPA position because they felt Jennifer Ledford would get the job. She did think there was a general feeling around the office that Jennifer Ledford would probably get the job. She cannot think of any obvious candidates who did not apply.

Ms. Smith was next asked questions about **Roger Estill**. She stated that Mr. Estill started after she did in Foods as an IPA. She stated he took Dan Flaherty's place with the brown box lunches. She stated Theresa Ullery and Bill Wilson were still in the Division when Roger Estill was hired. Ms. Smith stated that they worked together and that Estill had a great attitude. She stated that he did not think the IPA job was the best job suited for him. She stated that he was not good at crunching numbers and compiling trucks which is what the job entailed. She stated she helped him with these duties sometimes.

Ms. Smith was not involved in Mr. Estill's hiring, but she heard from Theresa Ullery that they were not happy with having to take him. Ms. Smith described it as "a Jennifer Ledford type situation."

After Ms. Smith became Director, she recalled that Roger Estill did some field work where he performed school reviews. They were short field employees and Estill helped out in this area. She stated that Estill would sometimes mention Commissioner Farmer's name. She stated they were friends outside work including hunting. She stated that Estill's best friend was Paul Harnice and that was his connection to Commissioner Farmer. She recalled a few occasions when Estill would leave the office to do something with Commissioner Farmer.

Ms. Smith stated that she had been asking for an Assistant Director for some time and eventually she heard from Fentress-Laird that they would be interviewing, it would be announced and he would be interviewed. Ms. Smith was not involved in reviewing the register or picking the candidates to be interviewed. She and Fentress-Laird conducted the interviews.

Among the candidates who interviewed for the job, Ms. Smith stated that John Cook was awesome. She thought he would be a great Assistant Director, however, she knew that John Roberts would never let him leave the grain program where he was very valuable. At the time Cook was only an AG Inspector, however, he was running the grain program and performing other duties.

Ms. Smith stated that one of the reasons John Cook performed other duties was that John Roberts had Lanny Arnold “sitting in a corner with a dunce cap” the whole time he was there. She stated that John Cook had to perform some of the duties that Lanny Arnold would have performed.

Ms. Smith stated that Roger Estill was recommended for the position because, in her words, they “just knew.” She said no one told her she needed to pick Roger Estill, but she knew he was the preferred choice. She stated he did have many good qualities. He was dependable, had a good attitude, would do whatever he was asked to do and had good people skills. She felt like these were important things to have in an Assistant Director.

In reviewing the other candidates, she stated that Steve Castanis was probably the next viable candidate. She thought he could do a fine job. His problem was she did not believe the people in the Division would accept him because of the manner he got the job he is already in. When asked about the five factors for promotion. Ms. Smith stated they discussed most of those things, but they did not have a formal discussion regarding those factors. Ms. Smith stated that Roger Estill was probably pre-selected for the position. She stated he was also selected in the process, however, based on the information they had. She included that John Cook was not really available. She stated Steve Castanis was a hard worker, but did not have the respect from his coworkers and would not have fit in. She did not believe Chad Halsey or David Fint were serious candidates for this position. She stated that Dan Flaherty applied for the position, but he

was talking retirement. She stated Rick Betsworth worked in the Division and was not doing a good job where he was.

In reviewing the documentation, from this interview process there was only one set of interview sheets and those were Fentress-Laird's. Ms. Smith stated that she had notes on a question list for each candidate as well, but it was not in the packet. She stated that other documents that people brought, such as evaluations or other forms, they brought on their own.

Ms. Smith was not familiar with the Auditor's report regarding this promotional process. She was not aware that Fentress-Laird and Estill had met before the interview.

As Assistant Director, Ms. Smith did not put Estill in charge of any particular programs. She had him take over the management of Jessica Hinkle and take over evaluations of some other employees. She felt that his strength was with dealing with people in the Division. Other than that she talked to Estill about all the issues the Division faced with respect to dealing with the federal government. Roger Estill was appointed to the Assistant Director's position on April 1, 2010. He came off probation on October 1, 2010. Ms. Smith stated she had no problems with him during his promotional probationary period. She was aware that Estill took a demotion the next month because he could not get along with John Roberts. She had heard that Estill told the Commissioner that if he did not get out of there, he would "knock John Roberts' head off." She stated that Estill's dream was always to work with Fish and Wildlife and she felt like he was a good fit for the programs he was handling in animal health.

Ms. Smith gave Roger Estill an "outstanding" on his 2010 evaluation. The evaluation and all interims were signed in January of 2011. Ms. Smith stated she believes she did the evaluations during the year; however, this document must have all been signed on one day.

Ms. Smith described the Storeworker II position which was in Louisville at the food warehouse. At one point she sat on an interview panel that selected Jennifer Judd for this position. Ms. Judd did not make it off probation. Rick Morton, who ran the program there, was not happy with her. One problem they had with Ms. Judd was that she was busy taking pictures on her cell phone of the conditions in the building, moldy cheese and other problems. This was not a problem because they wanted to hush her up, but it was a problem because she was not doing her job. Ms. Smith did not make the decision to get rid of Judd, however, she did not make it off probation. She thought it might be John Roberts or Steve Kelly who decided that she needed to go. Ms. Judd was viewed as a troublemaker.

After Ms. Judd was let go, the position remained vacant for a long period of time. Ms. Smith stated that one day at 9:00 or 10:00 in the morning she got a call from Steve Kelly that they were going to do interviews that afternoon to fill the position. Ms. Smith had never seen the position posted. She testified that she did not know whether they listed the position as needing a CDL, but they did need someone who either had a CDL or could get one. They had a truck that had to be driven by the program and the individual who drove the truck was diabetic and not always available.

As far as the interviews themselves, Ms. Smith stated they had one or two phone interviews and **Patricia Apperson** was the only person who physically showed up for her interview. The interviews were conducted on November 9, 2011.

After reviewing paperwork, Ms. Smith stated that there were two telephone interviews and neither applicant was very good for the position. She stated that one of the two people spent more time asking questions about money and benefits than answering questions they had about the position. Patricia Apperson showed up for her interview and gave a good interview. Ms. Smith stated that she was the best person she interviewed for this job. She is not sure who made the decision of whom to interview and why these were the only candidates.

Ms. Smith stated that Patricia Apperson gave a good interview. First of all she was the only person who cared enough to show up for the interview. Smith found her personable. Ms. Smith asked her about the job requirement to lift 50 lbs. and Ms. Apperson said she lifts children who weigh more than that in her current position. Ms. Smith and Steve Kelly had a brief discussion about the fact that the CDL was not made a requirement for the position and she stated Steve Kelly just “rolled his eyes.”

Ms. Smith stated that Apperson did a good job and she did not think she deserved to lose her job when the new administration came in. When asked if she thought Apperson was pre-selected, she said, “yes.” The reason she thought this was the lack of a CDL requirement and the fact that she got a phone call and the interviews were later that same day. Ms. Smith later learned that Apperson was the roommate of Stephanie Sandman who was Commissioner Farmer’s girlfriend.

With respect to **ACE awards**, Ms. Smith stated that she did not know about them and nobody asked her opinion regarding ACE awards. Of the people in her area, Tina Garland got an ACE award. She stated that Garland did a good job; however, there were others she thought were more deserving of this award. She stated that Garland interacted quite a bit with Roberts and not with her. She would have recommended Larry Garriott for an ACE award and felt that he did a good job. She stated that Garriott had taken on a lot of duties and resolved an issue with a distributor that normally would have been done by the Assistant Director. She also asked for an ACE award for Beverly Daugherty. She stated she discussed an ACE award for Larry Garriott with Fentress-Laird and Roberts, but she is not sure if this had anything to do with the award he was given. She was not aware that it was coming at the time or that it had been received. She learned about the ACE awards from other employees who were complaining about them.

Ms. Smith stated that she would not have recommended Kevin Peach for an ACE award. She stated that there was an inaccuracy in his memo and that if you are a WIC recipient, you cannot receive CSFP funds. She stated that he was upset that his ACE award was only 5 percent. She thought that there were other more deserving candidates. She thought Peach was already over compensated. She also mentioned that she felt he was not very mature.

Ms. Smith testified that they sought reclassifications for their field staff. They were classified as AG Inspectors I, II, and III. She thought they had this when Dr. Frye was there; however, it fell through and did not take place.

When asked to elaborate on **Lanny Arnold**, she stated that Arnold wanted to do more work, but was not allowed to. She stated that she would often see him sitting in his office doing nothing but playing solitaire and she felt this problem had resolved itself now that John Roberts is not there.

7. Jason Glass

Interview Date: 2/26/13

Subjects: Chris Parsons, Dave Lear, ACE Awards, Randy Craft and Lanny Arnold

Jason Glass is an Administrative Branch Manager in KDA's Division of Regulation and Inspection. Specifically, he is the manager over weights and measures and has held that position since September 2010. Originally, his supervisor was Tom Bloemer who was the Director. His current supervisor is Benson Bell. Prior to that time, Glass worked as an Agricultural Program Coordinator in the Metrology Lab for two years. He also worked four years before that as an AG Inspector II in the Metrology Lab. In that capacity, he was supervised by Tom Bloemer and Lanny Arnold. He started as an AG Inspector I in 2002 in the Hay Lab. He also entered inspections from central office.

Mr. Glass has served on interview panels at least eight times as Administrative Branch Manager and at least three times as an Agriculture Program Coordinator. He served on the interview panel with Tom Bloemer that selected **Chris Parsons**. Glass was not involved with selecting the candidates and they used standard questions. At the end of the process they turned their notes in. The interviews were for an AG Inspector I. In this Division, they are involved in checking gas pumps, small scales, packages, price verification and the teen and tobacco program. The work includes paperwork and following the schedule in the field to check various locations. This position covered Garrard, Lincoln, Rockcastle and Boyle counties. A Field Inspector would work out of his home and be responsible for those areas. The supervisor in this area was Bob Ginter.

The witness reviewed the packet regarding Chris Parsons. On his application, he stated he had no previous state experience and also in his work history did not include any history with the KDA. During the interview, in response to a question regarding skills and qualifications, he stated he had previously worked for the state in the Veterinarian's office. Mr. Glass and Tom Bloemer noted this inconsistency. Glass stated it raised questions in his mind why he would not list that previous experience. Another question in the interview asked was if he had any hazardous materials training and he also referenced his time with the State Veterinarian's Office in response to that question.

Mr. Glass stated that Parson's name sounded familiar although he did not know him. When he saw him during the interview, he thought the name might have been familiar from previous employment.

In response to another question, about what would your current supervisor say, Parsons responded that he would say, "A good worker." His application did not list a current job. Mr. Glass' overall assessment of Parsons was that he was disappointed he did not list his previous KDA experience and that omission really set him back in his eyes.

Mr. Glass recalled JG as being a good candidate. He stated that he was respectful and emphasized being on time.

In reviewing materials regarding JS, he noted that he has been employed with the Kentucky Department of Transportation as a Highway Equipment Operator III. He had been in this position since 2001. During his interview he stated he was big about being on time and he was also a motivated worker. He stated he wanted to be with the KDA. The position would have been a demotion for him from his position with Transportation. He stated that his reason for being interested in the job was better hours and a better chance for advancement. Mr. Glass considered him a pretty good candidate.

SE also interviewed. On his application he had a farming background and had farmed most of his life. He emphasized customer service and indicated he had hazardous material training. He was viewed as a pretty good candidate.

Without any additional materials, Mr. Glass could not recall who the top candidates were, but he stated they typically sent out a list with the top two or three candidates. He stated he was sure that Chris Parsons was not on their list of top candidates. Both he and Tom Bloemer felt it was significant that he had omitted his previous Agriculture experience.

Mr. Glass reviewed a list of the top candidates. He stated that he had not see that list before although it looked like it could be Tom Bloemer's writing. The list appeared to include SE, JS, and JG. Someone else, in what appeared to be different handwriting, had written-in Chris Parsons with an asterisk next to his name. At the conclusions of the interviews, this matter was in Tom Bloemer's hands. Typically he would take their list of names to Ms. Fentress-Laird in the personnel office.

The next thing that Mr. Glass heard was that Chris Parsons had gotten the job. He heard this from Tom Bloemer. Glass was surprised because Parsons was not one of their top three candidates.

When Parsons came on board, Glass was his second-line supervisor. He issued him equipment and introduced him to his supervisor. He did not get into Parsons' previous employment with KDA. He did not know he was starting on initial probation or whether he returned as a reinstatement with status.

Chris Parsons started on November 16, 2011, and Bob Ginter was his supervisor. Eventually when they re-drew the lines, Tod Legg took over as his supervisor. Parsons made it off probation. In November 2012, issues arose with his work including irregular timekeeping and work output. Parsons subsequently resigned.

Mr. Glass was also on an interview panel that selected and interviewed candidates for an AG Inspector I positions in Knox and Rockcastle Counties. These interviews were done with Tom Bloemer and John Cook. Cook is an Administrative Section Supervisor in Regulation and Inspection. Mr. Glass does not know who selected the candidates, however, he and John Cook scheduled the interviews.

After conducting these interviews, the panel recommended three candidates from Knox County. In order, they were HV, **Randy Craft**, and **Dave Lear**. For Rockcastle County they recommended BS, JC and MT. Mr. Glass did not remember a lot about the candidates other than this was the order in which they were recommended. His notes backed up these recommendations except that he did not recommend Lear for Knox County. He listed two for that position and three for the other. He had listed the same names in the same order. Mr. Glass spoke about this process in his interview with the Auditor's office. He stated that it was not too unusual that Randy Craft was selected from Knox County, since he was their #2 selection. He

did think it was unusual that Dave Lear was selected for Rockcastle when he was not one of their top three choices.

Despite reviewing interview questions and applications, he could not remember a whole lot about these candidates other than the order in which they were ranked. After the interview panel completed its work, Tom Bloemer informed personnel of their recommendations. In Knox County, Randy Craft was supervised by Bob Ginter. In Rockcastle County, Dave Lear was supervised by Tod Legg. Randy Craft did not make it off probation and was let go from his position in February 15, 2012. Mr. Glass did not hear any reason he did not make it off probation.

He stated that Dave Lear is still there and is considered a good employee. Lear had previous experience with the Transportation Cabinet serving in an Equipment Operator position. Mr. Glass never heard any explanation as to why Lear was selected for the position. He did not have any input or knowledge regarding the starting salary for these employees.

Mr. Glass stated he also discussed **Lanny Arnold's** situation with the Auditor's office. He described this situation as Lanny Arnold being taken out of the chain of command. He felt that Arnold was not utilized and that no reason was ever stated to the employees.

During this period of time, Tom Bloemer was Mr. Glass' supervisor. Mr. Bloemer is the one who informed him that they were not to go through Lanny Arnold. He stated that he used to discuss things with Arnold. He discussed some things with him after being told not to; however, it slowed down. He is not sure what happened with field employees as far as contacting Arnold. He never heard anything from John Roberts regarding this issue.

In his over ten years with state government, Mr. Glass has never seen anything like this. When John Roberts and Tom Bloemer were away, they did not leave Lanny Arnold in charge. In Mr. Glass' opinion Arnold was under-utilized. He felt there were a number of things he could have done. He stated this continued until the end of the Farmer administration.

In January after the new administration started, Arnold started to get back some duties in January. When Benson Bell started as Director, Arnold was placed back in the chain of command. He currently serves as Mr. Glass' first-line supervisor. After the change in administration, Tom Bloemer remained as Director for a short while. The Executive Director was Mary Ann Baron for awhile and now is Larry Cox.

With respect to ACE awards in 2010, Mr. Glass did not recommend the ACE awards and was not aware of them until he read about them in the newspaper. Reviewing the list of individuals who received awards, he stated that Ricky Jacobs works in his area. In his opinion, Jacobs was a pretty good employee. Mr. Glass served as his second-line supervisor. Mr. Glass never recommended anyone for an ACE award or a reclassification.

As far as personnel practices in the new administration, Mr. Glass stated that the hiring process is now that the folks in Division identify positions that need to be filled, personnel then posts the position and is in charge of the interviewing. Mr. Glass felt like they now have a good plan in place for identifying needs where they have positions to be filled.

8. Roger Estill
Interview Date: 3/1/13
Subject: Roger Estill

Mr. Roger Estill is currently the Branch Manager of Producer Services in the Division of Animal Health for the KDA. This is his second tour of duty with state government. Estill previously worked twenty-two years with state government before he retired. He worked three years with what was then called Cabinet for Human Resources and nineteen years with Treasury.

For the last five to six years he was an Administrative Specialist Supervisor in Data Processing. He was responsible for the state checks. He supervised one individual in this job. He took advantage of the retirement window and sat out of state government for awhile.

After he retired, Estill interviewed for a job with Fish and Wildlife and did not get the position. He stated he also interviewed for a position with the KDA in the IT Department. The job involved programming and he interviewed with Kathy Harp Willis. He did not get the job.

Mr. Estill interviewed for an Internal Policy Analyst II position with KDA. His position was in the Division of Food. He interviewed with Theresa Ullery, the Director of Food Distribution, and Rick Betsworth, a Branch Manager. The interview went well and Mr. Estill got the job.

Estill started on May 22, 2008. His first-line supervisor was Bill Wilson, the Assistant Director. Wilson and Ullery only stayed until sometime in 2008 when they retired. Estill described his duties as working for the National School Lunch Program. He would be responsible for setting up truckloads on the computer of various commodities from various producers. The truckloads would then go to various schools. The food was free for the schools; however, there were dollar amounts associated with the program and Estill had to follow guidelines in setting up these truckloads.

Mr. Estill stated that Dan Flaherty had the job before he did and was promoted. Dan Flaherty showed Estill how to do this job, however, the two did not get along. Estill stated that Flaherty would show him how to do something twice and then would get aggravated and would not show him anymore. Estill also heard from others that Flaherty was hoping that a friend of his would get the job, and held it against Estill that he was hired instead. Estill stated that he received some help from Kevin Peach on how to do this job. Estill started this job on initial probation and successfully completed that probation. He stated Ann Smith also helped him learn this job.

After Theresa Ullery retired, they were without a Director for some period of time. He stated that the federal officials met with Commissioner Farmer and stated they wanted a Director for this program. Eventually Ann Smith was hired for the position. When Ann Smith was hired as Director there was not an Assistant Director for some period of time.

Mr. Estill's 2009 evaluation shows Ann Smith as his first-line supervisor. The evaluation was not completed until 2010 and a note is included stating they were without a Director for some period of time. The 2009 evaluation was not signed until April of 2010; however, Mr. Estill had no recollection of why it took that long.

Estill testified that he did fine when Ann Smith was his supervisor while he was an IPA II. He also stated that he volunteered to do school reviews in the field. He described these as being somewhat similar to an audit to make sure that the schools were in compliance with how they use the food from the program. He stated that the Division had people whose responsibility was to perform these duties, however, they were short-staffed.

Estill stated that he learned that there was an opening for Assistant Director in the Division of Foods when he saw the position posted on-line he submitted his application. He received a letter scheduling an interview. Later he received a phone call from Ms. Fentress-Laird asking him to meet her at McDonald's. He stated that when he met with her, she was "prepping" him for his interview. First she started off by telling him what to wear for the interview. He eventually learned that it was felt he dressed too casually for his first interview and he was being instructed to wear a suit and tie to his Assistant Director interview. She started going over what the questions might be for his interview. He felt these were the same as his interview with Fish and Wildlife. He stated during his meeting with Ms. Fentress-Laird he was presented with possible interview questions. He stated it was a day or two before his interview. Estill stated that he thought the entire meeting was weird.

His actual interview was with Danita Fentress-Laird and Ann Smith. He stated that the questions were similar to what he and Ms. Fentress-Laird talked about. Some questions were the ones she had gone over with him. After the interview process, Estill learned that he was chosen for the Assistant Director's position. He started in this position on April 1, 2010. As an Assistant Director he was not given any official duties. He stated that the Director, Ann Smith, missed a lot of time at work, so he did the best he could for the Division when she was gone.

Estill was aware that John Cook had also applied for the position. Mr. Estill was not surprised when he heard that he had received the promotion to Assistant Director.

On October 1, 2010, he came off promotional probation. On November 1, 2010, he took a voluntary demotion. Estill stated that he went to ask Ms. Fentress-Laird to remove him from the supervision of John Roberts, the Executive Director. He stated that he and John Roberts had been friends for years, but that he was different at work. He stated that John Roberts was degrading in the way he treated people at work. On occasion, Roberts told him to hush. He thought this was very degrading and heard him treat other people the same way. He stated that he went to Ms. Fentress-Laird, asked to be transferred before the end of his promotional probation and stated that he did not want the 5 percent increment. They told him he had to wait until he completed probation. He described Roberts as strong arming people and said he liked to micromanage.

Later, in a meeting with Commissioner Farmer and Ms. Fentress-Laird, it was determined that he would be demoted to an ABM in animal health. He stated because he was so low on the scale for an Assistant Director, he was allowed to keep his money after taking this demotion. He stated that Dr. Sue Billings was his supervisor in this new position. She had him learn the six programs he was over. These included stockyards and producer licenses. He stated things have gone well in Animal Health. He had a few problems with Dr. Billings, however, she has retired now. Overall he likes where he is. He stated he believed part of the problem was how he came

there as a demotion, as opposed to someone they had interviewed and selected. He stated that he thought Dr. Billings was a micromanager.

He discussed his 2011 evaluation which was done by Dr. Billings. He stated that as the year went on and she knew that Commissioner Farmer was leaving, she rated him lower. His interim evaluations showed that he was referenced as doing an excellent job with his branch manager duties on his first interim and was stated to do an adequate job on his second review. On the year-end evaluation, he received 258 in the "Good" category. He disagreed with the evaluation, but accepted it. He stated that his evaluations were lower in 2012 and he had to have Dr. Stout review the evaluation done by Dr. Billings and it was raised. He thought it was unfair because he had a "Good" evaluation in 2011 and he felt like he had learned more in 2012.

Mr. Estill stated that he felt like Dr. Billings was afraid while Commissioner Farmer was in office and became bolder when she did the year-end 2011 evaluation. When questioned, he stated that he found out that a lot of people were afraid that if they crossed him he would go tell the Commissioner. Mr. Estill stated that he was not like that. He did not do that when he had problems with Dan Flaherty and did not do that with any differences he had with Dr. Billings. He stated that later he and Dr. Stout had that conversation. He stated that, according to Dr. Stout, folks in Animal Health felt that he could be some type of spy or snitch for the Commissioner's office. Mr. Estill stated that he told Dr. Stout that he would never discuss anything with the Commissioner that he had not first discussed with Dr. Stout.

Estill heard that Jennifer Ledford was working in the Division of Foods, however, he stated this was after he had left. He had a brief conversation with her where she discussed the difficulty of trying to learn something from Dan Flaherty. Although Mr. Estill did not know, he suspected that Flaherty helped her more than he did him.

Estill had a very specific recollection of his meeting with Ms. Fentress-Laird before he interviewed for Assistant Director. He specifically recalled that she called him around 7:30 and that he was on his way to work. He recalled the meeting taking place at McDonald's.

9. Lanny Arnold
Interview Date: 2/13/13
Subjects: Lanny Arnold and Non-Merit Special Assistants

Mr. Lanny Arnold is an Assistant Director in the Division of Regulation and Inspection in KDA. He started in state government in 1985. After a few months with the Department of Revenue, he has worked with KDA ever since. He started as an Inspector in 1985 and moved up to supervisor in 1989 or 1990 when he moved into Weights and Measures. He became a Branch Manager around 1994 and was promoted to Assistant Director in 2004.

He stated that he was offered the Director's position, however he did not want to move out of the merit system and so he was appointed Assistant Director and served as the Acting Director of the Division of Regulation and Inspection. He described this as the largest division in KDA including Weights and Measures, Amusement Rides Safety, Grain Regulation Branch, Motor Fuel Quality and Egg Quality.

In his position as Assistant Director, he had some contact with **non-merit Special Assistants** Mark Jackson and Derek Collins. He stated they often worked as a team and they worked in the field. When Mr. Arnold was promoted to Assistant Director in June of 2004, they were already in his Division having been appointed in January of 2004. He stated that Commissioner Farmer would tell him to keep them busy and make sure that they had work to do. Arnold stated, however, that on other occasions the Commissioner would say that they answered solely to him.

Mr. Arnold testified that he signed Derek Collins' timesheet for a short period of time. He had concerns about the accuracy of the timesheet; however, after a short while Collins took his timesheet to the Commissioner's office. He stated that Mark Jackson did this all along.

Arnold stated he had concerns about signing their timesheets because they did not produce a great deal of work product or reports. He stated that if they were in the field doing an inspection, they generally worked with another employee and that employee would submit all the paperwork. As far as he could tell they were just tagging along and were not performing their own work. Arnold relayed his concerns to his Executive Director, Dr. Wilbur Frye. He stated that Dr. Frye was over the Office of Consumer and Environmental Protection which included the Divisions of Regulation and Inspection, Pesticides and Food Distribution. In Mr. Arnold's experience, Mark Jackson and Derek Collins did not answer to anyone and were pretty much on their own. He stated that they did not have to listen to anyone else.

In 2005 when Arnold was Acting Director, Dr. Frye performed his evaluation. In October of 2006, John Roberts arrived as the Director. At that point, Arnold slowly lost his job duties. He no longer served as Acting Director. He stopped supervising Branch Manager Tom Bloemer and Jason Glass, the Metrologist. He also stopped supervising Steve Minter. Arnold used to take complaint calls from the field. Those complaints stopped coming to him and were going to Tom Bloemer and Leslie Hageman. He did not know a lot of what was happening in the Division because he was taken out of the issues from that point forward. He used to get a great deal of questions from field employees. They were instructed not to direct questions to him, but to take them to Tom Bloemer.

Eventually, John Roberts had Lanny Arnold work on inventory. He stated this was a duty that took a couple of weeks out of the year. The loss of duties was something that went on for five to six years from 2006 through 2011.

When asked why this happened, Arnold stated that it might be related to a sexual harassment complaint he forwarded to Danita Fentress-Laird regarding Tom Bloemer. He recalled Tom Bloemer as saying he would “get Arnold for that.” As far as Mr. Arnold knows, he handled that correctly and that he was supposed to forward a significant complaint like sexual harassment. He stated that the complainant transferred to another state agency and that was the end of the allegations.

He also felt there might have been some jealousy and some duties were taken away from him because both Tom Bloemer and John Roberts knew he had more knowledge of issues involving the Division.

He also described an incident involving John Roberts which might have led to his loss of duties. He stated that shortly after Roberts arrived, Arnold was waiting outside his office to deliver a report. He overheard Roberts on the telephone talking about his previous work experience at Transportation. At one point, he stated that, “they treated me like a _____” and used the “N” word. Arnold was offended by this stating he had a biracial grandchild. He stated that he spoke with Danielle Smith a receptionist in the office who was married to an African-American. He knew that her stepfather was Bruce Harper who worked in the Commissioner’s office. He told Smith about what Roberts had said and asked her if she would talk to Bruce Harper about this. Arnold stated that he also brought this up to Jo Carole Phillips.

Arnold stated that Danielle Smith wrote up this conversation as a complaint and took it to John Roberts. Arnold wound up in a meeting with John Roberts and Danita Fentress-Laird where he was issued a verbal reprimand for talking about an issue such as this as opposed to reporting it up the chain of command. Arnold stated that during the meeting Roberts denied that he made this statement. Without seeing any documentation, he was not sure when this took place. He stated that he did not get a copy of any documentation, either Smith’s written statement or any written documentation regarding the verbal reprimand.

Arnold reviewed his 2006 evaluation and saw that by the end of the year Roberts was doing his evaluation. He saw that when he was marked down to a “1” in conduct. He stated this all related to an incident where they had sent a sample to an out-of-state lab regarding a gas station. They received a call from the chemist that there might be a problem with the sample. According to Arnold, when Tom Bloemer learned of this he told John Roberts, who was with the Commissioner at the time, that Lanny Arnold would not do his job by shutting down the gas station. Arnold stated that John Roberts confronted him and said, “Why won’t you do your job.” Arnold explained that they needed to wait for the written report. Roberts insisted that they act on the phone call. Arnold stated, “If you want to shut them down, we’ll shut them down.” Arnold typed up the shut-down notice and had an inspector deliver it. When the final report came from the chemist, there was no violation. Arnold believes that Roberts thought he was trying to make him look bad. He specifically objected to the statement about shutting the gas station down. He stated that Roberts’ position was that he was the Director and you need to do what he said. Arnold stated that during the discussion regarding this incident, Roberts said something like, “You need to shut up and listen to me.” He stated this was typical of Roberts’ style. Arnold stated that it was incidents like this that led to his duties being removed.

Arnold stated there was very little communication from Roberts regarding taking away his duties. He was just left with nothing to do. He said he was informed that Tom Bloemer and other supervisors would take over duties and they would follow the chain of command. Arnold stated that he was left where he had nothing to do but “twiddle my thumbs.” He stated he had two weeks out of the year to do inventory and about fifteen minutes a day to do some minor work duties. The rest of the time he had absolutely nothing to do. For a year or two, Arnold also continued to escort Miss Kentucky to a couple of events at the State Fair. He stated that one year he was no longer doing this and he learned from an official with the Miss Kentucky Pageant, not from anyone in the Department. Arnold stated he was not even allowed to assist with manual labor, such as helping people move contents of their office. He stated that when they moved offices the only thing he could do was move his own stuff.

Arnold stated that he also had his administrative rights taken away in Oracle which was their computer program where they entered information regarding businesses. He stated he had “read only” rights. He stated no one told him they were taking his rights away and the IT people told him they were following orders. Arnold was restored one program which allowed him to enter the package report data in the program. This was the duty that took up about fifteen minutes per day for part of the year.

Mr. Arnold stated that John Roberts was in the Commissioner’s office for the first 30 or 60 days after he started in October of 2006. Nonetheless, he did the 2006 evaluation.

Lanny Arnold
Interview Date: 2/19/13 (second interview)

At that time, **Lanny Arnold** carefully reviewed his 2006 evaluation. Mr. Arnold noted that Dr. Frye did the first two interims. He encouraged Arnold to utilize his communication skills to encourage his employees as opposed to vilifying them. He also wanted Lanny Arnold to develop his management skills and style in order to run the Division to its potential. Clearly Dr. Frye relied heavily on Arnold. Mr. Arnold acknowledged that and stated that Dr. Frye did an excellent job, but needed Arnold’s expertise to understand a lot of the programs in the Department. In addition, he welcomed Dr. Frye’s evaluation of the job he did both the good points and the points where he felt Arnold could improve.

When John Roberts took over as Director in October of 2006, Arnold felt like there was a wall between them from the beginning. He noted that Roberts would not look him in the eye when they first met in the Commissioner’s office. He stated that the loss of duties was something that was a gradual process and not something that happened all at once. Arnold testified there was an initial struggle where Roberts wanted to make sure that he exerted his control over the Division. Arnold recalled an occasion when Roberts called a business letting them know that they had received a complaint and would be sending out an inspector to check out the validity of the complaint. After the call was finished, Arnold went to Roberts and told

him that they were not allowed to give an employer notice of a complaint like that. He felt that Roberts took this kind of information the wrong way and felt like Arnold wanted to run the Division as opposed to Arnold just informing Roberts of a rule that he was not aware of. From Arnold's perspective, Roberts saw corrections like this as a challenge by his employee.

With respect to the evaluations, Arnold never recalls sitting down and having Roberts go over an evaluation with him including the first one from 2006. Even though there were "1s" and "2s" on this evaluation, Roberts did not explain it to him and Arnold recalls going to Roberts and having to question him regarding some of these ratings. He stated that the response he got from Roberts was an attitude that he interpreted as "how dare you question me, this is the way I see it and this is how it is."

Arnold stated that he thought about requesting reconsideration on the evaluation. He was concerned that challenging Roberts would only result in efforts to try and fire him. In the end, Arnold stated that the evaluation rating was "good" which he deemed equivalent of a passing grade so he accepted it and moved forward.

The work plan for the 2007 evaluation was prepared and signed by John Roberts and Lanny Arnold on March 28, 2007. The first duty listed on the evaluation was to assist the Director in implementing programs within the Division. Arnold said this never took place during 2007. He never recalls Roberts coming to him and asking him for his opinion on anything.

Arnold stated that early on when John Roberts was there, Arnold continued to take complaints and assign them to investigators to look at. He stated common complaints were gas pumps, which were inaccurate, scales or scanners at stores. Arnold noticed he stopped getting calls and later found out that someone else in the office was assigning those complaint calls. Arnold stated that he was losing duties and doing very little work at a time when the office was

short-staffed and had plenty of work. Arnold stated that he took these calls for about three to six months and they were taken away again.

The next highest duty listed on the 2007 evaluation was to conduct training for employees of the Division. Arnold stated he did not do any training in 2007. He did one or two training sessions. He specifically remembered one from 2010, which involved package training for a couple of employees.

The next duty listed on his 2007 evaluation was to attend meetings of national or regional organizations. Arnold stated that Kentucky is in the Southern Weights and Measures Conference. He stated he was an official in this organization and had networked with a number of individuals from other states. When John Roberts became Director Arnold stopped attending these meetings even though he was an officer. Tom Bloemer and Jason Glass were sent instead of Arnold. Arnold stated that he is still on the Board of Directors. There is also a national conference which he used to go to, but was not able to when John Roberts took over as Director.

Next, Arnold had assigned other duties by the Director on his evaluation. He stated he was not assigned any other duties in 2007.

In 2006, Arnold stated that he still supervised staff including Tom Bloemer and Jason Glass. He stated he might have also evaluated some office staff. Starting in 2007 he did not do any evaluations of any other employees.

Arnold stated that on his 2007 evaluation he received a "4" in the category that called upon him to be able to multitask. He stated that he did not do any multitasking in 2007.

In general, Arnold felt that the 2007 work plan was an example of what his duties should have been as an Assistant Director. He stated they were not even close to what his actual duties were during that year.

Arnold next reviewed interim reviews from 2007. The first one included a statement that career development was not pursued due to workload and time constraints. Arnold stated that his workload did not in any way prevent him from obtaining any training. The second interim review under “dependability,” Roberts had written that Arnold was cautioned about rendering advice and instruction. Arnold recalled several times having discussions with Roberts. Arnold said that field employees would call in asking for help or advice when they ran into trouble. Arnold said that Roberts did not want him talking to anybody and that this note verified this fact. Arnold understood his instruction as being not to give any advice or any assistance. Employees were encouraged to follow their chain of command. Arnold stated that employees have always been encouraged to follow their chain of command, however, employees’ supervisors are often not available. Arnold stated that he tried to give people the best advice he could despite being cautioned not to. At some point, Arnold stated he could not take the heat anymore and he just stopped offering any advice. He said most field employees understood why he was doing that. Arnold stated that Inspectors have been told they were not to contact Arnold also. Arnold stated that field staff would often come into the office for supplies and other reasons. While they were there they would stop and ask Arnold various questions. The second interim also included the notation that “career development was not pursued due to workload.”

Arnold stated that he received a “highly effective” on his 2007 evaluation and he agreed with it.

Arnold’s evaluation for 2008 revealed the same job duties. He stated that he did not have any additional duties restored and still performed the same work. He noted that he had a “2” in punctuality for 2008. He stated that he always arrived on time and stayed until the end of his shift. He stated that he had a total of two or three hours of comp time the entire time John Roberts was over his Division. He also received a “2” in communication. While reviewing the 2008 evaluation, Arnold commented that the interim reviews indicate “discussed various items.” He said Roberts did not have any discussions with him about these matters. He also noted that

the second interim review was not done until March of 2009. There was a note saying that, “Arnold was on vacation and they forgot to do it when he returned.” He received a “good” for 2008. He received his evaluation on March 10, 2009.

On his 2009 evaluation, Arnold noted that he received a “2” in dependability. The category required that he complete assignments by deadlines. Arnold said that he had no assignments that had any type of deadline. He received a “highly effective” for 2009.

One of the things mentioned in the Audit was having Arnold in the office drawing a high salary and not doing any work was bad for morale. Arnold said he thought most staff understood his predicament and knew it was not his fault that he was not allowed to do any work. To this day he knows there are some field staff who are reluctant to come ask him questions, even though all of his duties have been restored. Arnold stated it made him feel bad to draw a high salary and not be asked to do anything. He stated he felt like he should be a servant of the public while earning a salary made up of taxpayer dollars.

By his 2010 evaluation, Arnold’s first-line supervisor was Tom Bloemer and John Roberts was his second-line supervisor. Arnold stated there were very few changes when Tom Bloemer took over as his supervisor. The job duties listed on the evaluation are the same. He stated he had very few work related discussions with Tom Bloemer although Bloemer would speak to him. The interim review for 2010 lists a number of things that they discussed, however, Arnold said these discussions never took place. He stated Bloemer just handed him the evaluation and said to “sign this,” which Arnold did. Arnold received a “highly effective” for his year-end 2010 evaluation. Arnold stated there were no changes on his 2011 evaluation.

For his 2012 evaluation, Benson Bell is his supervisor and Larry Cox is the second-line supervisor. Arnold stated that his duties were restored to him including supervisory duties and being able to offer advice to field staff. Arnold stated he has been restored to full duties. He also stated that he has open lines of communication with Benson Bell who actually sat down and met

with him during the interim reviews. He also stated that Bell has met with him at other times just to talk over work issues. The second interim review was very similar. Arnold stated that for the year he received a “highly effective.”

Arnold stated that he never had any discussions with John Roberts about his involvement in the sexual harassment complaint against Tom Bloemer. He also never had any discussion with Roberts about his involvement with Steve Alvey. Before John Roberts arrived, Arnold was never in trouble over computer usage. He stated that while Roberts was there he lost his rights to Oracle because he was deleting summaries of inspections based on the retention schedule. For the summaries he deleted, the actual inspection was still in the system, as well as a hardcopy. Nonetheless, Arnold’s computer rights were limited.

Arnold produced e-mails from John Roberts and Tom Bloemer when they were Directors. In some e-mails they reported to office staff they would be out of the office and they appointed branch managers or section supervisors to be in charge of the Division and not Lanny Arnold. Other e-mails Arnold obtained from John Cook were matters pertaining to the Division where he was left out. The e-mails concerned budget matters and were sent to other Assistant Directors, such as Roger Estill, Assistant Director of Food Distribution, but not to Arnold.

Arnold stated that at the end of the Farmer administration, Danita Fentress-Laird came to him and apologized for the way he was treated. She stated that it was not right and that she should have spoken up.

Mr. Arnold stated that his father is a former State Representative, Adrian Arnold who served for thirty-three years and retired in 2005. Arnold stated that things started to go bad after that, especially with the arrival of John Roberts.

10. Bruce Harper
Interview Date: 3/22/13
Subjects: Bruce Harper, Chris Parsons, and Jennifer Ledford

Bruce Harper was the Director of Outreach and Development during the Farmer administration from March 2007 through December 2011. He was appointed Deputy Commissioner when Commissioner Comer took office on January 2, 2012. (Mr. Harper has since resigned.)

During the Farmer administration, when he served as Director of Outreach and Development, he stated his duties were to assist the Commissioner to work with commodity groups across the state and to fill in for the Commissioner at board meetings. He stated that the Commissioner served on approximately thirty boards. Mr. Harper stated he was not sure if there was a Division of Outreach and Development. He was not aware of anyone holding that position before him.

When asked if he was aware that the personnel records show that he was a Division Director in the Office of Agriculture Marketing and Product Promotion where Mac Stone was the Executive Director, he stated that he was aware of that. He could not tell from the position number what division the position was in. For budget purposes he did not know where the money came from for his salary. He was not aware of a separate budget for Outreach and Development. He does not recall seeing an organizational chart for KDA with the Division of Outreach and Development.

He was aware that they referred to him as a “division of one.” He stated that he had no one to supervise, did not sign the timesheets of any other employees and did not prepare evaluations. Mr. Harper stated he usually had direct contact with Commissioner Farmer. He stated that when Mark Farrow was there he used to go to him as a sounding board with a number of issues. He stated that he believes Farrow retired at the end of 2008.

Mr. Harper rarely recalls having conversations with Commissioner Farmer about employees or personnel issues. He states he recalls the Commissioner asking him to be involved with the **Chris Parsons'** issue. Both the Commissioner and Harper know Chris Parsons' father, Lynn Parsons, who works for Kentucky Farm Bureau. Harper recalled being at a meeting with Commissioner Farmer, Danita Fentress-Laird, Steve Kelly, Dr. Stout and Chris Parsons which resulted in Parsons' resignation. He stated that prior to the meeting they had discussed the fact that Parsons' work performance had suffered and there had been meetings held where he was told he had to improve and he did not. At the resignation meeting, Harper stated that Parsons got emotional and said he had personal problems. Chris Parsons decided to resign and tried to get help for his problems.

At some point later, the Commissioner asked him about bringing Chris Parsons back and giving him a second chance. Harper told the Commissioner that would have to be his call. Harper stated that he also heard from Lynn Parsons about getting his son back to work. He told Parsons that would have to be between him and the Commissioner. He does not recall when the calls took place or in what order.

He did recall being at a function with John Roberts which he believes was a fund raiser for James Comer in Clark County. John Roberts told him that Lynn Parsons said he would like for the Commissioner to give Chris Parsons a second chance. Harper was aware that Parsons did come back to work and that he worked in Regulation and Inspection. He recalls having a conversation with John Roberts about it either right before Parsons came back or right after.

In Harper's experience, Commissioner Farmer made employment decisions regarding who to hire and who to promote. He does not know if anyone was fired while he was there. He stated that there were times when he spoke in general about matters with the Commissioner, however, Commissioner Farmer always made the decision. He stated that the Commissioner was usually with Danita Fentress-Laird when employment decisions were made. He does not know of Commissioner Farmer reviewing personnel files, employment applications or any

documents like that. He recalls being in a few meetings when personnel matters were discussed, but only general issues. He stated it could be difficult to get a meeting with Commissioner Farmer.

Mr. Harper stated that he knew Jennifer Ledford as Jennifer Cummins. He stated that she was from Harrodsburg and that he knew her parents. He got a letter from Jennifer Ledford stating she was applying for a job with the Department of Agriculture. About a week before the letter came he heard from Jimmie Morgan, a car dealer that Ledford used to work for, that she would be applying for a job.

Harper recalls that Jennifer Ledford was not the first choice for the non-merit position. He stated that it took so long to make a decision that their first choice had taken another job. The job at that point was given to Ms. Ledford. She was hired as a personal assistant for the Commissioner to help relieve some of the workload from Sheila Pennington. Harper stated that things did not go well when Ledford went to work in the Commissioner's office. He said for whatever reason they did not get along. He stated that the duties that were assigned to her became assigned to someone else.

Harper stated that Ledford was a "go-getter" and she would not sit there and do nothing. She started doing other duties, including working on the minutes for the various boards that the Commissioner or Bruce Harper worked on. Mr. Harper worked with her regarding the boards and thought that she did a fine job.

Harper stated that Ledford started doing some work in Food Distribution. Not knowing the details, but he was aware that there was somebody in John Roberts' area that was going to retire and they needed someone to learn his job which handled federal grants. When asked, Harper stated that he believed Dan Flaherty was the employee's name. He had never heard that Ledford was sent there to check up on Flaherty's work. He never heard anyone tell Jennifer Ledford they were going to find a merit position for her. Harper stated that he never heard what

the problem was between the Commissioner and Ledford. Harper is aware that Ledford applied for a couple of jobs in Food Distribution. He did not encourage her to apply for those jobs and is not aware that anyone else did.

Harper stated he does not recall any issues coming up where there were problems in the Commissioner's office regarding how to handle political calls when Commissioner Farmer was running for Lt. Governor. He stated that the issues were pretty cut and dry. Phone calls relating to the campaign were forwarded to campaign headquarters and the same with correspondence. Harper stated that as far as he can remember, Ledford was already gone from the Commissioner's office when this took place, however, she would still come back at lunchtime. He did not recall Ledford stating that they should apply a stricter standard and not even refer the calls to the campaign headquarters. Harper stated that while he did not specifically remember this, he could state that Jennifer Ledford was a very by-the-book person and that she did not see gray areas, but would view things as black and white. The only other thing Harper added regarding Jennifer Ledford was he wished they had about twenty more like her.

Harper stated he heard rumors that there were questions about what the four non-merits, Mark Jackson, Derek Collins, Bill Mobley and Chad Miller, did. He stated that he also heard discussions where there were timesheets towards the end of the Farmer administration that no one wanted to sign.

After the interview, later in the day, Bruce Harper called and corrected a statement he made regarding what he heard from Jimmie Morgan regarding Ledford. During this call, I asked Harper if he had ever heard his stepdaughter, Danielle Smith, talk about any issue involving Lanny Arnold and John Roberts. Harper said that she never spoke to him about that.

11. Steve Kelly

Interview Date: 3/22/13

Subjects: Bruce Harper, Non-Merit Special Assistants, ACE Awards, Jennifer Ledford, Chris Parsons, Dave Lear, Randy Craft, Patricia Apperson, Finding 25

Mr. Kelly is the Executive Director of the Office of Strategic Planning and Administration (SPA) in KDA. He also held this position in the Farmer administration and his main duties involved budget.

When the Comer administration took over, Mr. Kelly assumed a new position as Deputy Executive Director over the Office of Consumer and Environmental Affairs. During that period of time he was running that office until an Executive Director was appointed. He stated that there were some morale problems and he was assigned there to see if the new administration could get off on a better foot with the staff in that office. Mr. Kelly stayed there a few months. He believes the work ethic and attitude of the new Commissioner helped out a great deal and employee morale improved before he was reassigned.

Mr. Kelly has returned to work as Executive Director over SPA. He continues to work with the budget. Although he is not an appointing authority, he has more duties with respect to personnel issues than he did in the previous administration. In the new administration, he is involved in decisions as to which positions to fill and where their critical needs are and whether they have the money for the positions. He stated this last point was one that was never discussed in the last administration. He also stated he has served on more interview panels with the new administration.

Mr. Kelly confirmed that **Bruce Harper** served as the Director of Outreach and Development in the previous administration and that he was the only individual in this Division. Kelly did not know if this actually constituted a Division or not. He stated that the money to pay Mr. Harper's salary came from the Commissioner's office which is where he worked out of. He stated that the position number assigned to Mr. Harper was out of the Office of Markets. He

acknowledged that Mr. Harper did not supervise anyone, sign any timesheets, evaluations, etc. He stated there was also another Director of Agritourism in the previous administration who did not have any other staff. This position was held by Ben Shaffar for the last year or so of the Farmer administration. Under the new administration there is not a Director of Outreach and Development. There is someone who serves as a Director of Agritourism; however, this position has been filled with a non-merit special assistant. Kelly did not think it was unusual for personnel system and the budget system to be different for a particular position. Kelly stated that Harper was in his position when Kelly started working for the Department.

With respect to the four **non-merit Special Assistants**, Mr. Kelly stated he was not sure if Danita Fentress-Laird signed all their timesheets. He stated he was aware of the situation regarding Bill Ed Mobley who was assigned to work under Warren Beeler. He stated that the duty of signing Mobley's timesheet fell on Ms. Fentress-Laird because everyone else refused to sign it. Warren Beeler was not getting the reports from Mobley that he was from other market reporters. They could not identify that Mobley was doing any work and so no one wanted to sign his timesheets. The Commissioner wanted to make sure that Bill Ed Mobley got paid and so that responsibility fell upon Ms. Fentress-Laird.

In general, Kelly thought that the work assignments for these four primarily came from the Commissioner. He did not believe they received much direction from other managers in the Department. From his personal observation, he felt that Chad Miller was always where he was supposed to be, performing the work that he was supposed to. He stated that he performed accounting functions for the Office of Consumer and Environmental Affairs and also used his skills as a certified electrician with amusement ride inspections.

Mr. Kelly stated that Derek Collins seemed to do good work for the KDA based on his observation. He stated that whenever he was asked to do anything he saw Collins respond. Collins was in charge of the Country of Origin Labeling (COOL) program which is run through the U.S.D.A. Mr. Collins was the contact person for the Department with the U.S.D.A. and did well in those duties.

Mr. Kelly stated that Mark Jackson was also involved with the program although he could not vouch for the work Jackson did the same way he could Collins. He was aware that Mark Jackson would spray for mosquitoes.

Mr. Kelly stated that on one occasion he checked up on Bill Ed Mobley by having Danita Fentress-Laird and Amanda Cloyd go to the stockyards where Mobley was supposed to be. Mr. Mobley showed up that day. Mr. Kelly stated he did see Mobley perform work activities at the State Fair and at livestock shows. He stated that he was under the direction of his brother at that time, Steve Mobley, who was the Director of Shows and Fairs.

Kelly stated that through the personnel system each of the four Special Assistants was assigned to one of the offices. Kelly stated that he did not think he had any assigned to SPA. He thought that Chad Miller was assigned to Animal Health although he always worked in Consumer and Environmental Protection. He stated that Bill Ed Mobley was assigned to Markets. He believed that Mark Jackson was assigned to Consumer and Environmental Protection. He was not sure about Derek Collins.

The last couple of years of the Farmer administration, Mr. Kelly testified they had a system in place where everything had to be pre-approved in order for a bill to be paid. He stated that he recalled one time there was a problem with Mobley's travel voucher. According to the travel voucher, Mobley worked at a stockyard during the holidays. Kelly checked and found out that the stockyard was not open and so the travel voucher was rejected. He is not sure if this was just submitted in error because they were in a routine of submitting travel vouchers for certain

days of the week. He stated that Steve Mobley actually submitted the travel vouchers. Bill Ed Mobley did not have a computer.

Mr. Kelly stated that he had sporadic contact with Commissioner Farmer. He stated that he could see him twice in a week and then go three months without seeing him at all. He did state that the last six months or so he had more contact with Commissioner Farmer. At that point Commissioner Farmer was not dealing directly with Danita Fentress-Laird. If there were personnel issues the last six months, the Commissioner would talk to Steve Kelly who would then relay the information to Ms. Fentress-Laird.

Prior to that time, Mr. Kelly only recalls speaking with the Commissioner about one personnel issue. He recommended an ACE award for Autumn Brewer. Autumn Brewer received the ACE award in 2011 about six months after Kelly had brought up the subject with the Commissioner. Brewer had previously gotten a reclassification from IPA II to IPA III. Kelly felt this was appropriate as she was taking on additional duties. He did not talk to the Commissioner about the reclassification, but dealt with Danita Fentress-Laird who discussed it with the Commissioner. He thought that both the reclassification and ACE award for Ms. Brewer were well deserved and that she is an invaluable part of his staff.

Mr. Kelly acknowledged the paperwork associated with Autumn Brewer's ACE award. He stated that he wrote some of that information and that all of it was accurate and her award was well deserved.

With respect to the **2010 ACE awards**, Mr. Kelly stated that three of them were given to people who worked in his office. He was not at all aware of them before they were selected. He was asked to look at the list of eleven to ensure that funds were available. He stated there were funds available for these ACE awards. He stated that the reason was they had a number of vacancies because of budget cuts; KDA was not filling positions when people left unless there was an absolute need for the position.

De'Anna Clark was an IPA who was the pro-card administrator. He stated that she paid travel and other bills and he would not have recommended her for an ACE award.

Nicole Liberto, an attorney, was also under his area. He stated that Danita Fentress-Laird was her first-line supervisor. He would not have recommended her ACE award. He was not impressed with her legal work or work ethic.

The other ACE award in his area was for attorney Clint Quarles. Mr. Quarles was supervised by Nicole Liberto. Mr. Kelly would not have recommended an ACE award for Mr. Quarles because of work ethic. He felt that Mr. Quarles was more interested in outside interests, such as his own farm, rather than the KDA.

He did not speak to the Commissioner about any of these three employees. He does not recall being asked by the Commissioner about any of the employees. He does not know if the Commissioner had independent knowledge of their work.

Mr. Kelly stated that he thought the 2010 ACE awards were bad for morale. He stated from a management standpoint managers were confused and angry because they had no input into the list of whom received ACE awards. He heard from many managers who felt they had more deserving individuals for ACE awards than those who received them. He also stated the employees who worked alongside the award recipients had similar reactions.

Mr. Kelly testified that he had some contact with **Jennifer Ledford** when she was first hired in the Commissioner's office. He heard from the Commissioner eventually that he wanted Ms. Ledford to work somewhere else in the Department. He has only heard rumors about what led to their problems. He stated that Sheila Pennington, the Commissioner's assistant, had on several occasions stated that she had too much work to do. They tried three different people in that position and none of them worked out.

Mr. Kelly stated that Ms. Ledford wound up performing some work in the Food Distribution Division with food programs involving federal grants. He stated that the person in the job, Dan Flaherty, was getting ready to retire and they wanted someone to learn the job. As far as Mr. Kelly was concerned the main reason Ms. Ledford was moved was to find someplace outside of the Commissioner's office. He stated the second reason was so that she could learn the program. He did not think the purpose was to give her any advantage in applying for the merit position.

Mr. Kelly stated that after Ledford was working alongside Dan Flaherty, he recalled that there were audits from the U.S.D.A. that had "Findings." He stated that he thought the findings showed that Dan Flaherty had fudged some of the numbers and that Ledford wound up working on correcting those issues. He stated this was the type of audit that points out deficiencies and then the agency responds with a letter stating what they are going to do to correct those problems.

When Flaherty was in the position it was an IPA III, but it was posted as an IPA II when he retired. An ABM's position which had been vacated by Richard Betsworth was announced at the same time. Mr. Kelly did not serve on the interview panel. He was aware that the interview panel selected Jennifer Ledford for the IPA II, but did not recommend her for the ABM position. The ABM recommendations led to a second round of interviews conducted by John Roberts and Mr. Kelly. He stated that they came back with essentially the same recommendations as the first group. Kelly stated that by the time the Commissioner made a decision, one candidate had taken another job and the other one had decided to stay where she was.

Mr. Kelly stated that any issues he heard about problems with Dan Flaherty's work occurred after Ledford was working in the Foods area. Mr. Kelly did comment that from his perspective he felt that Jennifer Ledford was one of the top IPAs they had that worked and

reported to his office. He felt that she had done a lot of work to learn the federal programs and had done good work for the Department.

Some months later the Commissioner was dealing directly with Mr. Kelly on personnel issues. There was an AG Inspector I position posted. Mr. Kelly stated he does not know how the Commissioner knew, but he was aware that **Chris Parsons** had applied for this job. He instructed Mr. Kelly that they needed to interview Parsons for the job. He stated that he relayed this information to Danita Fentress-Laird and, in Kelly's words, she "became unglued." He stated he was contacted by someone associated with the interview panel who stated that they were being placed in a difficult position and they did not know what to do. Kelly told them that his advice was that they go through the interview process, write down the top three names and submit it. He verified that the interview panel was Tom Bloemer and Jason Glass.

When shown a document, Kelly stated that he recognized the document as being a list of three names and that Chris Parsons' name was listed with a star next to it. Kelly stated that writing was Kelly's and that he wrote that after the Commissioner said he did not want any of the top three names, he wanted Chris Parsons for the position. Mr. Kelly stated that all he took to the meeting with Commissioner Farmer was a list of the three names from the interview panel. He believes Commissioner Farmer might have had a list of all those who interviewed. The Commissioner did not review applications or notes from the interview. The Commissioner did not give a reason why he wanted Chris Parsons and not the other candidate. Mr. Kelly took the recommendation back to Danita Fentress-Laird who became upset again.

Mr. Kelly stated that during the meeting with Commissioner Farmer there was no discussion of the qualifications of the candidates or of any of the problems with Chris Parsons' previous employment with KDA. The only thing that Mr. Kelly had to add to this issue was that Chris Parsons is no longer employed with KDA.

Mr. Kelly testified that there were two Agriculture Inspector I positions that were filled similarly to the position filled with Chris Parsons. There were positions in Knox and Rockcastle counties. Commissioner Farmer instructed Mr. Kelly that he wanted to see **Dave Lear** and **Randy Craft** interviewed for these positions. The interview panel of Tom Bloemer, John Cook and Jason Glass provided their recommendations to Mr. Kelly. Mr. Kelly took these names to Commissioner Farmer. Randy Craft was the interview panel's second choice for Knox County. The Commissioner indicated that he wished to appoint Randy Craft to that position. For Rockcastle County, Dave Lear was not recommended; however, he was the third choice for Knox County. Lear had applied for both positions. The Commissioner indicated that he wanted to appoint Dave Lear to Rockcastle County. Mr. Kelly stated that he met with the Commissioner and had the list with him. He did not have applications or interview questions and, as far as he knows, the Commissioner did not review anything. Steve Kelly wrote in Dave Lear's name and put a check next to Randy Craft. He took this information to Danita Fentress-Laird who contacted the employees to process their hires and get them started with KDA.

Mr. Kelly stated that Randy Craft was let go during his initial probation. Dave Lear still works for the Department and, by all accounts, has been doing okay.

Mr. Kelly stated there was also the hiring of a Stores Worker II for the Warehouse in Louisville. He stated that Commissioner Farmer told him to interview **Patricia Apperson** for that position. He said they interviewed somewhere between three and five people for this position and he recalled that one or two of them were on the phone. He stated that it was hard to find people for this job. It is a grade 7 position in Louisville. They had a number of people who had not made it off probation. He conducted the interviews with Ann Smith. He did not tell Ms. Smith that the Commissioner wanted them to interview Patricia Apperson. Nonetheless, he stated they both totally agreed Ms. Apperson was the best candidate for the position.

After they had made the recommendation, he went to the Commissioner who said to hire Patricia Apperson. He took this to personnel, Ms. Fentress-Laird, who told him that Ms. Apperson had the same address as Stephanie Sandman, Commissioner Farmer's girlfriend who had recently been hired. By all accounts, Ms. Apperson was a good employee and a good fit for the job. She was let go while she was on probation. He stated there have been either four or five in a row who have not made it off probation for this position.

Mr. Kelly did not recall that there was a rush to fill this position, however, there are e-mails showing that he and Ms. Fentress-Laird were discussing the position on November 8, 2011, which was Election day. The interviews were set up to take place on November 9, 2011, and Ms. Apperson started on the November 16, 2011. He stated that it clearly was a quick process. He stated it was the end of the administration and there was just a desire to get things like this over with.

He was not aware that the minimum qualifications review was not back from the Personnel Cabinet when the interviews were scheduled. Ms. Apperson remained in the position until she was dismissed by the new administration while still on initial probation.

Prior to Ms. Apperson being in the position, Jennifer Judd was in the position. Mr. Kelly believed that she was let go because she did not get along with her coworkers and she complained about the conditions at the warehouse. They were in an old warehouse at that time and he stated that any complaints were probably justified. The U.S.D.A. had said they had to find a better location or they were going to not let KDA participate in the program. By the time Ms. Apperson was hired they were in a better warehouse.

Mr. Kelly stated that the Commissioner stopped dealing with Ms. Fentress-Laird directly after the Assistant Director issue. Commissioner Farmer did not think that Ms. Fentress-Laird had handled this matter properly that it was embarrassing to the Department. Mr. Kelly was also aware that the Commissioner was upset when Jennifer Ledford was placed in her IPA II position;

Ms. Fentress-Laird had raised the pay of another IPA II, Anne Druin. This had to be done pursuant to the in-range regulation. The Commissioner was upset because Ms. Fentress-Laird did this automatically without telling him. The Commissioner was upset knowing that Ms. Fentress-Laird was friends with Ms. Druin and this situation aggravated him. Mr. Kelly could not say whether this had anything to do with the Commissioner's decision to no longer deal with Ms. Fentress-Laird.

In his interview with the audit, Mr. Kelly stated that the Commissioner was interested in trying to help non-merits in addition to the Assistant Director issue. He stated that he believed Ms. Fentress-Laird had a list of non-merit names that Commissioner Farmer wanted to do something for. He wanted to see them continue to work in merit positions. Mr. Kelly stated that he discussed with the Commissioner applying for an ABM position in Shows and Fairs. He talked about applying for this position with the Commissioner and all indications were he would have had an opportunity for the position. Mr. Kelly declined to apply because there were some very good internal candidates who had been with that Division for a number of years. This would have been a promotion for them and a demotion for Mr. Kelly. He felt the right thing to do was not to stand in their way.

Mr. Kelly stated that he is not aware of there being any discussion in the Farmer Administration or the Comer Administration about establishing an entry level position leading to an Amusement Safety Inspector Supervisor. In his experience, working with the Personnel Cabinet to establish a new classification is difficult. He recalled that Ms. Fentress-Laird worked with them for years to try and establish a two-step series in Metrology.

11. Dan Flaherty
Interview Date: 5/3/13
Subjects: Jennifer Ledford and Roger Estill

Mr. Dan Flaherty was employed with the KDA from 2003 until he retired on August 1, 2011. In 2003 he started as an IPA II working in Food Distribution for the National School Lunch Program. He worked with 15 to 20 million dollars, U.S.D.A. commodities. He worked with nine regions, six warehouses and 255 school systems. In 2008, he took over as an IPA III for Food Distribution. He was the accountant who paid the bills, including those associated with federal grants.

Before he came to KDA, he had worked for the Cabinet for Health and Family Services in Medicaid for approximately six years. He also worked three years with the Auditor of Public Accounts office and three years with the Kentucky Transportation Cabinet. He is a CPA, going to school after a fourteen-year career with International Harvester and other companies.

Mr. Flaherty stated that he first saw **Jennifer Ledford** working in an office across from John Roberts. On January 1, 2011, Flaherty put up a countdown on the door to his office towards his retirement. He knew at that time that he would be retiring August 1, 2011. At some point he began training Jennifer Ledford to learn the duties associated with his position. His understanding was that Ms. Ledford had been hired to work in the Commissioner's office; however, she did not have a lot to do. He understood that she was hoping to replace him and that she previously worked at a car dealership.

Mr. Flaherty stated he had previously trained an employee named Thaddeus Price to try and learn his duties. This training continued up until the time Price was fired by the KDA. He said that training someone to learn the job obviously slowed him down somewhat. He was sure that he was instructed by Ann Smith to train Jennifer Ledford.

Mr. Flaherty stated that he got Ms. Ledford set up with all his authorities including giving her authority to draw down money from the federal programs and e-Mars. He set her up with training classes and went through the process step-by-step showing her how to draw down money and make payments. He stated that he would give her assignments, such as sometime in the next day pay a particular bill. Flaherty stated it is easy to watch, but he thinks that the best way to learn something is to do it hands-on. Flaherty described Ms. Ledford as good with Excel and certainly intelligent. He gave her copies of documents and access to e-mails. According to Mr. Flaherty he made sure she would be able to carry on in his absence.

As she advanced, he would have to approve her work. In addition, during this period of time every transaction had to be approved by Steve Kelly. He would send an e-mail to Ann Smith, John Roberts and Steve Kelly and wait for approvals. He recalled even something as simple as a 42-cent postage stamp required approvals. Mr. Flaherty stated that Jennifer Ledford's training went well. He stated that he thought she was OCD and he is more relaxed. He also stated that as he got closer to retirement, he got lazy. He described it as doing what he had to do, but not going above like he had for the previous seven years. Ms. Ledford found a couple of mistakes that Flaherty had made. He was audited and the audit cited him for not making a timely payment. He stated that there were occasions where you had to wait for the federal government although he stated this was his fault. He stated that he intended to put it in the correct quarter, but he did not do it timely enough. He stated he had some slight disagreements with Ms. Ledford; however, at some point he recognized when he was gone she would do it her way.

Ms. Ledford was actually appointed to the IPA II position on June 16, 2011, and Flaherty retired August 1, 2011. He believes he did work with her after she was placed in the merit position. He was unclear about how much time he took off before his retirement.

When the positions were posted, he was aware that Jennifer Ledford was going to interview. He stated that Ann Smith asked him from time-to-time how she was doing with her duties. Flaherty recalled that before he left he knew that Jennifer Ledford was going to take over his office and recalls that she did not like the furniture in his office.

In response to allegations in the anonymous complaint, Mr. Flaherty stated that it was common knowledge that Jennifer Ledford would get the job. He is not aware of anyone who did not apply thinking they did not have a chance. With respect to the interview panel, he stated that he respected Autumn Brewer. He felt like Danita Fentress-Laird would have overruled the others based on what he had heard.

Prior to Ann Smith becoming Division Director, Theresa Ullery was the Director of Food Distribution. He stated that he heard from her that she was forced to hire **Roger Estill** to replace Flaherty in his IPA II position when he took over as Division accountant. He stated that Estill needed to take Excel 101. He stated that when Flaherty had been in the position, he was doing pivot tables and vertical lookups. He described it as one person trying to manage 15 million in U.S.D.A. commodities with 255 school systems. He stated that in order to do the job properly you had to massage the data, keeping in mind that 40,000 was the limit per truck, no more than three stops and a quarter load. He also stated he had to keep in mind the budget of each of 255 school systems. You also have to avoid having too much at one time at the warehouse. As she was retiring when Estill started, he recalled that Theresa Ullery was afraid that the program would suffer.

Flaherty stated that Estill went to one class in Excel and did not go back. Estill was hired in March 2008. After about three months, Flaherty was frustrated trying to show him the job duties and commented that there was no way Estill was one of the top five candidates for the position. He stated that Estill replied that, "That may be, but you can't get rid of me." Flaherty responded that maybe he could not get rid of him, but he did not have to help him and he stopped showing him how to do the work. From that point on, he waited for Estill to ask a question and

he would respond by e-mail with pictures and a detailed description and he would copy the Director. He stated this happened anywhere from three to five times. After a few months, it was apparent that Estill could not do the job. According to Flaherty, Estill was allowed to work on school reviews which was the work that the field staff did. He was given a car to perform these duties even though he lived in Frankfort. According to Flaherty, Ann Smith buttered up to Mr. Estill and Commissioner Farmer worked out a deal to make Ann Smith the Director. Again, according to Flaherty, Mr. Estill did not do much work.

When Roger Estill was appointed Assistant Director, Dan Flaherty applied for the position. Flaherty brought a digital recording of his interview. He also had e-mails where he had detailed instructions to Roger Estill when he was learning the IPA II job.

Rick Betsworth also applied for the job. When it was over, Betsworth and Flaherty consulted a lawyer. He claimed that the first lawyer they met with seemed to know Estill. The second lawyer they met with was more interested in another issue involving Commissioner Farmer. Flaherty stated that the process of applying for the position was basically going through the motions. He did not feel that he had a chance and did not feel that it was an unbiased selection. At the time he applied for the position, he does not think it was known that he was contemplating retirement. (Actually during the recording of his interview he told the panel he was retiring August 1, 2011.) At first he thought that Mr. Estill might not have met the minimum qualifications for the position, but later he learned that Mr. Estill was an ABM with Treasury before he retired. According to Flaherty, Mr. Estill used to watch the checks get printed. He stated that Estill was an avid hunter and fisherman, but that accounting and Excel were not his forté. Mr. Flaherty also supplied a copy of the job description for Assistant Director for Foods that showed there was a great deal of emphasis on federal regulations. Mr. Flaherty noted that Ann Smith had done Mr. Estill's evaluations and he felt that Mr. Estill had gotten Ann Smith her position.

Along with his application, Flaherty submitted his evaluations and an internal mobility application. With respect to the other candidates for the position, he stated that David Fint applied. He stated his experience was with paying bills with pro-cards, but he felt he was pretty sharp and certainly ahead of Roger Estill. He felt that Rick Betsworth was a great candidate with extensive knowledge of federal regulations who had worked with Bill Wilson. John Cook worked at the other end of the hall and was described by Flaherty as being part of the “clique.” He stated that Steve Castanis was an excellent employee who is strictly “by the book.” He felt he was good at overseeing the field staff. He thought that Betsworth was slightly better than Castanis, but he felt that both were light years ahead of Roger Estill. He noted that Chad Halsey was kind of a country type, not very sophisticated, but Bill Wilson had been the same way. He felt that Halsey was very likeable.

When Estill first applied for the IPA II position, Flaherty had recommended two employees he used to work with in Medicaid.

Flaherty also testified about a number of miscellaneous matters. He stated that John Roberts instructed them that Commissioner Farmer did not like e-mail and that Roberts did not like e-mail. As a result, Flaherty began carrying a recorder with him at work. He stated he had a falling out with the administration over a federal grant. He stated that when he was working on one of the grant programs, they wanted to use grant money to purchase a Suburban for Commissioner Farmer. He stated they could buy vehicles, but they had to be vehicles used in the program and they usually bought Ford Escapes for the field staff. Flaherty sent an e-mail on this subject stating that he would report it to his federal contact. He wound up having a one-on-one meeting with John Roberts and he was afraid that Roberts would hold a grudge. Later he states that he had been thanked for keeping them out of trouble by advising them not to purchase the vehicle using the federal grant money.

12. **John Roberts**

Interview Date: 3/20/13

Present was Mr. Roberts' attorney, Hon. Paul Fauri.

Subjects: Chris Parsons, Patricia Apperson, Webster Fannin, Jennifer Ledford, Doug Begley, Roger Estill, Lanny Arnold, ACE Awards, Randy Craft, Dan Lear and Non-Merit Special Assistants

John Roberts is currently employed as an Assistant Director with KDA. He started in state government in the 1980s with the Transportation Cabinet. He has left a few times. While working for the Transportation Cabinet he has worked as an Equipment Operator, Section Supervisor, Branch Manager and Assistant Director. He last served as an Assistant Director of the Division of Equipment. He stated he worked more on projects than on management. Some of his duties included inventory and purchasing of used equipment.

Mr. Roberts came to work for KDA in October 2006 as the Director of the Division of Regulation and Inspection. In addition he was part of Commissioner Farmer's project of Agriculture taking over its own fleet instead of getting vehicles from Fleet Management within the Transportation Cabinet. When Roberts arrived he thought he would be just managing the fleet. He learned, however, that he was in charge of a division that included weights and measures, the grain program, heavy commercial scales, scanners, amusement rides, metrology and other areas. He stated he learned in about the first two weeks that he would be Director over this division and not just managing the fleet. The Director's position had been vacant when Mr. Roberts went into that position. He was assigned to work at Corporate Drive.

Mr. Roberts stated he had very little contact or knowledge of **Chris Parsons'** work when he worked in Animal Health. He was aware that Parsons was a bad employee who did not go to work. When Parsons' employment ended with Animal Health, Roberts was aware that his truck was a mess and had personal items in it.

On August 9, 2011, Mr. Roberts was attending a fund raiser for James Comer in Winchester when Lynn Parsons, the father of Chris Parsons, approached him. Lynn Parsons stated that, "Chris is going to work for you." Mr. Roberts responded that he had not heard about that. Mr. Roberts was able to pin down the date of the event by talking to his sister who attended the event and lives in Winchester. The Auditor's report includes August 9, 2011, as the date of this occurrence.

Mr. Roberts stated he might have mentioned the conversation to someone. Later he next heard from either Danita Fentress-Laird or Steve Kelly that Chris Parsons was coming to work for Regulation and Inspection as an AG Inspector. Mr. Roberts was to notify the fleet to make sure there was a vehicle ready for him.

At the time of these events in 2011, Roberts was the Executive Director over the Consumer and Environmental Protection. He stated that he served in this capacity from January 2010 through January 2012. In addition to the Division of Regulation and Inspection, this also included the Division of Environmental Services and the Division of Food Distribution. At that time Tom Bloemer was the Director of Regulation and Inspection. Mr. Roberts stated that there was not a consistent pattern as to whether or not he would be involved in hiring or filling positions when he served as Executive Director.

At some point he was aware that Tom Bloemer had stated that Chris Parsons had lied on his state application. Chris Parsons started back with the KDA on November 16, 2011. Mr. Roberts stated that he believes that Danita Fentress-Laird told him that Parsons was an employee they would have to keep an eye on and he would need to have a vehicle with a GPS. Roberts believed that when he came back, Parsons was serving initial probation. When shown paperwork with the names of recommended candidates, Mr. Roberts was not familiar with the paperwork. He stated that Commissioner Farmer made the decision to hire Chris Parsons. He stated that Commissioner Farmer made it clear to him a number of times that he was the Commissioner and he decided who to hire, fire or give raises to. With respect to Chris Parsons

returning to work for KDA, he stated he was not in favor of it and neither were Danita Fentress-Laird, Tom Bloemer, or Jason Glass. When Parsons started, John Roberts believes that he gave him a stern talking to regarding making sure that he did his job and went where he was supposed to go.

Mr. Roberts stated that he would talk to Commissioner Farmer about employees and employment matters, especially in the beginning. A lot of times the Commissioner would not want to talk about things. He said he did this less and less as time went on. He also did not send documentation regarding employees to the Commissioner. He stated he once sent a spreadsheet and he heard back from the Commissioner that the Commissioner did not like e-mails. Mr. Roberts stated he was never asked who needed an ACE award.

In addition to his regular duties, Mr. Roberts spent a lot of time driving the Commissioner. He stated that this started early on and continued up until the end. Most anytime he had alone to talk to the Commissioner was usually in the car. Often times the Commissioner was not receptive to talk about work matters, either because he was on the phone or reading something he had for the drive.

Mr. Roberts knew very little about the hiring of **Patricia Apperson**. He stated there was a need to have someone work in the warehouse and food distribution in Louisville. At some point he learned that she was Stephanie Sandman's friend or roommate. Roberts stated there was a previous employee who did not work out and was let go during her probation. He does not recall her complaining about the building, but said that would not have been a bad thing as there were problems with the warehouse and they needed to get a new building. He stated that he believes the Department was put on notice before Commissioner Farmer ever came into office from the U.S.D.A. that they needed a better warehouse facility. With respect to this position, Roberts stated his preference was that they get someone with a CDL or make it a condition of employment before they come off probation. He is not aware if they were able to do that or not. He doubted that Patricia Apperson would be able to get a CDL.

Mr. Roberts recalled that Ira Fannin, the father of **Webster Fannin**, was a Magistrate who asked him about hiring his son. Mr. Roberts told him he would have to talk to the Commissioner. Roberts mentioned it at least once to Commissioner Farmer. Eventually, Webster Fannin was hired by the Department, but Mr. Roberts does not think it was anywhere close in time to his discussion with the Commissioner. Webster Fannin worked in the Division of Animal Health.

Later following Roberts' demotion, he worked some with Webster Fannin and had an occasion to review GPS records to see if there was a discrepancy in Fannin's work at the request of Dr. Stout. This was his only involvement in the matter.

When the Comer administration came in, Mr. Roberts was demoted to a Special Assistant and assigned to the Office of State Veterinarian. Roberts stated he was fired on August 2, 2012, but had reversion rights and was placed in a position as an Assistant Director of Producer Services. He stated that there were no Directors over Producer Services or Animal Health and that Dr. Stout and Dr. Billings wore multiple hats. He stated that Dr. Billings has since retired and Dr. Stout is in charge of a number of various divisions within the Office of State Veterinarian.

With respect to **Jennifer Ledford**, Mr. Roberts stated that he recalled when she was first hired in the Commissioner's office. He stated that they were understaffed in the Commissioner's office and she did receptionist duties, did minutes for boards and worked for the Commissioner, Bruce Harper and Craig Maffett. He recalled that at some point the Commissioner got mad at her over a paycheck or some other issue and they were looking for some place to use her outside of the Commissioner's office.

Separate from that, Mr. Roberts was aware that Dan Flaherty was going to retire from his IPA position. Mr. Roberts stated that he expressed to Danita Fentress-Laird, Steve Kelly, Bruce Harper, or the Commissioner that he needed to have someone over there to learn that job before Dan Flaherty retired. He does not recall if he specifically asked for Jennifer Ledford.

Jennifer Ledford was sent over to work with Dan Flaherty and learn his duties. Mr. Roberts recalled Ann Smith saying, "I guess we know who's going to get that job." Mr. Roberts responded, "Not necessarily." He stated that he did not ask for Jennifer Ledford to come over there to check up on Dan Flaherty. He stated that Ledford and Flaherty did not hit it off very well. He does recall one occasion when Ledford came to him and told him that Dan Flaherty just plugs numbers in to make things work. Mr. Roberts did not draw any conclusions as to whether Ms. Ledford was right or whether she did not understand Mr. Flaherty's work.

With respect to the IPA position, Mr. Roberts never heard that anyone did not apply because of Jennifer Ledford. He encouraged Ledford to apply for any job. He was aware she applied for a position in Transportation and he was aware she applied for the ABM position and the IPA position. Mr. Roberts would have preferred her to be placed in the ABM position. He felt she was a better fit for that job.

Mr. Roberts does not know who the interview panel recommended. He did recall being involved in the second round of interviews for the ABM position. He stated he had concerns about Ann Smith serving on the panel and recommending someone that was from her town. He stated this came right after he had problems with her driving a state car home. He conducted a second round of interviews with Steve Kelly and believes that they recommended another candidate although they liked both of the top two candidates. He stated that it took so long to notify the candidates they lost interest in the position and the position was not filled.

Mr. Roberts was not familiar with the anonymous complaint. He was not aware that there was any type of meeting with Commissioner Farmer, Danita Fentress-Laird, and Jennifer Ledford.

Mr. Roberts was Director of Regulation and Inspection on March 16, 2007, when **Doug Begley** was hired. He was not aware of the hiring and was not involved in the process. He stated he probably first learned of Doug Begley's hire when Danita Fentress-Laird told him that there was a new employee coming who needed a truck and needed to be trained. Roberts stated that he did not have input into the decisions of either which positions to fill or who to put in them. Somewhere along the way he learned that Doug Begley was the first cousin of Commissioner Farmer's wife, Becky.

Mr. Roberts did not recall a whole lot of details about Doug Begley resigning as an AG Inspector I while on initial probation, only to be appointed as an Amusement Safety Inspector Supervisor, three grades higher. Begley's personnel file contained a letter to Roberts resigning from his AG Inspector I position contingent upon being appointed as an Amusement Safety Inspector Supervisor. Roberts stated this type of letter was standard practice for resignation/reappointments. Roberts stated that it was unusual to allow somebody to resign while on initial probation only to be rehired three grades higher into a supervisory position. He recalled that Doug Begley often complained that he was not making enough money. In response to a question, he stated that it probably did not hurt to be related to the Commissioner to get that type of treatment. Mr. Roberts did not recall any specific concerns about qualifications, although he did state it is odd to be made supervisor when you are still learning the job. Roberts stated he was in favor of employees becoming NAARSO certified.

Mr. Roberts never heard that the Personnel Cabinet had approved Mr. Begley having the minimum qualifications in error. He did state Mr. Begley was supervised by Arlie Hall who was one of their best employees and best person to be trained by. He did not recall Chad Halsey having any specific complaints about Mr. Begley's qualifications. He also stated that he did not

recall Mr. Halsey stating that they did not need an Amusement Safety Inspector Supervisor in that part of the state. He recalled there being concerns about a citation from the Department of Forestry when Doug was using his state vehicle. He learned from Fentress-Laird that Begley had a logging business on the side. Mr. Roberts stated that he was not involved in reviewing this situation, however, if the facts were accurate, he stated it would not be right if Begley faced no disciplinary action. He stated that the new administration asked about it and looked into that as well as other issues involving Mr. Begley. One of Mr. Roberts' concerns about Doug Begley was that on at least two occasions when others in the Branch were attending NAARSO training, Doug Begley could not go for various reasons. Mr. Roberts was in favor of making NAARSO certification a requirement.

Mr. Roberts may have heard that Begley was the only one on the register when he was appointed to the supervisor position. He did recall having a discussion with Alan Hinkle who said he did not apply because it was too far from where he lived. Mr. Roberts said that he never told anyone to throw any GPS report away. He stated that it would not have done any good as that GPS information can always be pulled back up. He did recall having a discussion with Doug Begley about the appropriate use of a state vehicle.

Mr. Roberts was next asked questions regarding **Roger Estill's** promotion to Assistant Director. He stated that he was not involved in Estill's hiring or promotion. In March 2010, when Estill was promoted, Mr. Roberts was Executive Director. He did not recall hearing anyone complain about Mr. Estill's promotion. He was not aware of who the other applicants were.

When asked about John Cook, Mr. Roberts stated that Mr. Cook always complained about his money since he came to the Department. He stated that Mr. Cook would have been perfectly capable of being Assistant Director as he owned his own business in the past. He stated he was not aware of Chad Halsey applying for this position. He stated that Steve Castanis was quite capable. Mr. Roberts never heard Ann Smith or Danita Fentress-Laird say they preferred

someone else over Roger Estill. He did recall Roger Estill saying he did not know if he was the best one for the position, that he just wanted some more money. He was not necessarily expecting to be promoted to that level. Roger Estill currently works across the hall from Mr. Roberts.

He never recalled Commissioner Farmer talking about any of this. He heard that Mr. Estill was demoted at his own request because Mr. Roberts was too strict and too much of a micromanager. Mr. Roberts stated they had known each other since they were elementary school age. His only complaint regarding Roger Estill as Assistant Director was that he thought he could have worked harder. He was aware that Roger Estill was friends with Commissioner Farmer.

Mr. Roberts testified about **Lanny Arnold** who was the Assistant Director of R&I and the Acting Director before Roberts was appointed. His first response to what Arnold's duties were as Assistant Director were inventory and give technical advice to people.

Roberts stated that when he first took over as Director, he did not change anything for a little while until he got his feet on the ground. He learned that Lanny Arnold as Acting Director tried to dictate the daily duties of field staff and did not properly utilize ABMs and field supervisors. He stated he restored the natural chain of command taking Lanny Arnold as Assistant Director out of the chain and restoring authority back to the ABMs and field supervisors. Mr. Roberts stated that he heard the complaint about Arnold's micromanaging from Jeff Boyd, Bob Ginter, Tom Bloemer and Chad Halsey. They stated that they never had control of their field employees. If they told them to do something, Lanny Arnold might tell them to do something else. Roberts stated he restored the structure.

As Assistant Director, Lanny Arnold assisted Mr. Roberts. He also was responsible for inventory. He stated that Arnold's duties were changed, but not taken away. He stated that the Auditor's report of what happened was not exactly correct. Early on Mr. Roberts complained to

the Commissioner that Arnold was stirring up trouble. Mr. Roberts heard from Justin Bruner that Arnold was changing his reports in the computer system. Roberts stated that he asked the Commissioner and Ms. Fentress-Laird to transfer Arnold to another division. The Commissioner stated, "Stick him in a corner." Mr. Roberts was instructed that Arnold was not going anywhere because they have had trouble with him everywhere he had been. As a result of Bruner's complaint, they took his administrative rights away on WinWam. Mr. Arnold could read and review reports; he could not change anything. These duties were performed by Norman Mann, Jason Glass, and later by Derek Collins who had a computer degree.

Roberts stated that when Arnold stated he wanted something to do, Roberts instructed him that he could give technical advice, he just was not to give daily duties anymore. Roberts' recollection was that he had given Mr. Arnold "Meets" on evaluations because he had done what he was asked to do, but nothing extra. Roberts felt like they had a fairly decent relationship and that Arnold had volunteered to do phone duty. Mr. Roberts insisted that he never told Arnold to just sit in his office, and he never told anyone not to talk to him.

He heard from someone on the field staff that they had called Arnold and asked a question and was told to "get the book out and read it." Mr. Roberts stated that he did not consider this technical advice, however, he did not go to Mr. Arnold and correct him. He denied that he ever told employees not to go to lunch with Lanny Arnold. When asked why a number of people reported that Arnold had no duties, they were instructed not to talk with him, including not to go to lunch with him, Roberts stated that people in the division were upset with him (Roberts). Roberts felt like he was the enforcer who told them to "walk the line" and they did not like his management style. Roberts stated that Arnold accused him of using the "n" word and tried to get him fired. Arnold had told this to Danielle Smith, of the office staff, Mark Jackson and the inmate. As a result, Roberts went to Commissioner Farmer and Danita Fentress-Laird.

When asked about things he had told the Auditor, Roberts stated that it was accurate that he had stated that Lanny Arnold wanted to be Director and that things got rough and thick pretty quick when Roberts was appointed. Roberts stated that he learned from Ms. Fentress-Laird that Arnold had been in trouble and moved around before. He had been in trouble for improper use of a computer and that he stirred and played one employee against the other. Roberts stated he also observed that himself. He was told that Arnold was in the middle of issues involving Steve Alvey who was then fired. Ms. Fentress-Laird did not tell Roberts that Arnold did anything specifically wrong, he just was trouble. Arnold was involved with a sexual harassment complaint against Tom Bloemer by encouraging an employee to make a complaint. Roberts stated that Arnold got involved with it and he was trouble. According to Roberts, Commissioner Farmer stated in response to this that they should “put him in a corner” and that Commissioner Farmer was tired of all this trouble. As a result, Mr. Roberts quit going to Arnold for help and took away his admin rights.

With respect to the complaint from Justin Bruner about messing with the reports, Mr. Roberts stated that he did not investigate this or ask Lanny Arnold about this complaint. Mr. Roberts stated that he did not stop sending calls to Lanny Arnold, but he probably said they should be sent to the program person. For example, if somebody was calling about gas pumps they should call Leslie Hageman who was in charge of that program. Mr. Roberts felt that was cutting out an extra step.

Mr. Roberts agreed that it was accurate when he told the Auditor that he had the following conversation with Lanny Arnold. “You have the highest job in the merit system, you make more money than me, and you don’t have any responsibilities. Don’t take it personal, its orders from the Commissioner.”

Roberts stated that when Arnold came to him and stated he was bored, Roberts stated, “Why don’t you help me with inventory.” He stated the inventory was a mess and that Arnold did a wonderful job.

Roberts stated, "I don't know if he sat there and played solitaire, but it appears I took most of his duties away." Roberts stated that this was justified because Arnold was doing stuff that he should not have been doing. Roberts stated that Arnold did not need to be dictating the daily activities of all field staff. Roberts agreed, however, that there was a lot of room between the extremes of micromanaging field employees and sitting in an office and doing nothing but playing solitaire. Roberts acknowledged that Mr. Arnold was intentionally not given work.

Mr. Roberts reviewed Arnold's evaluations from 2006 and 2007. He did not recall changing Arnold's duties, however, they were changed to reflect that he was no longer Acting Director and he would assist the Director. There was a new work plan prepared on March 28, 2007. Roberts noted differences between the first and second interims in 2007. Mr. Roberts acknowledged that he should have changed duties on the evaluation, but he did not. He rated him as "highly effective" for 2007. He stated he liked to give employees the benefit of the doubt. He felt that Arnold's duties probably changed between the first and second interim evaluations in 2007. At some point, during that time frame, he had to make it clear to Mr. Arnold that he was no longer the Director.

Roberts acknowledged that at some point Arnold had essentially nothing to do and that Roberts was not asking him to do anything. He slowly gave him a few things to do. Roberts acknowledged that inventory was probably a duty that could be completed in two or three weeks although it was a perpetual inventory. He agreed this was not a large part of Lanny's duties as an Assistant Director, although it had to be done. He did not feel that assigning him inventory was punishment.

Later Mr. Roberts stated he restored some of Mr. Arnold's computer rights involving scales and scanners. He stated this was especially active during the winter months when they would check these items at grocery stores. In addition to helping answer the phones, Arnold was the backup person for the fleet and also helped out on purchase orders. Roberts acknowledged

these were not normal Assistant Director duties and that these duties were the result of the Commissioner's instruction to put him in a corner. Roberts stated that he wanted Arnold to be productive just like Arnold wanted to be.

With respect to staff reporting what Mr. Arnold's duties were, he stated that they tend to exaggerate some things and make other things up. He stated that a lot of them hated Roberts.

Mr. Roberts did not know a good answer as to why taking away Arnold's duties lasted so long until the end of the Farmer administration. Roberts stated he never went to Commissioner Farmer asking if he could restore more duties to Lanny Arnold. He felt that he could have done a better job with managing Mr. Arnold and he could have utilized him better. In Roberts' opinion, however, they did not need an Assistant Director in R&I because of the ABMs. He felt where Arnold could have helped was Environmental Services where they had no Director of Assistant Director. Roberts acknowledged that he did not have Arnold serve as Director in his absence. Roberts stated because he had a Blackberry and a phone, and was there either at the beginning or the end of most days at a minimum, he took care of things himself. When he was gone he usually assigned Tom Bloemer as the contact person.

Mr. Roberts acknowledged that just taking somebody's duties away was not the correct way to handle any personnel problems they might have had with Arnold. He agreed that it would have been better to provide him with clear duties and hold him accountable if he was not doing a good job. He also acknowledged this was wasteful given Arnold's high salary and the lack of meaningful duties.

Roberts stated that the only problem he had with Lanny Arnold was that Arnold tried to give him a \$250 check for Commissioner Farmer's re-election in 2007 in the hall. Roberts told him that he could not accept something like that on state time and that he needed to simply send it to the campaign. Roberts stated that this action caused him not to trust Arnold. He felt like he was being set up.

Mr. Roberts stated that nothing major changed when Tom Bloemer became Director and Roberts became Executive Director. Roberts acknowledged at one point he told Mr. Arnold, “Just drop it, it’s not going to change as long as the Commissioner is in office.”

Roberts stated he was familiar with a complaint filed by Danielle Smith. He was not sure if he had seen it or if he had been present when it was read to him. He recalled that when Smith came to him, he told her to speak with Danita Fentress-Laird. (Date of the complaint was January 17, 2007.) Roberts also reviewed written documentation concerning a verbal reprimand given to Lanny Arnold on March 6, 2007. He stated that based on his review, he would have been given by either Danita Fentress-Laird or himself to Mr. Arnold. He did not have specific recollection of the verbal reprimand. He stated that it sounded appropriate under the circumstances.

With regard to the 2010 **ACE awards**, Roberts stated he did not recommend any ACE awards and that he never spoke to Commissioner Farmer about most of the employees. He stated that Lonnie Dale Anderson was an excellent employee, but did not necessarily do anything above and beyond.

Tammy Cobb was not in his section at the time. He works with her now in Animal Health and feels she is one of the best people that they have. She works as a Field Supervisor.

Mr. Roberts did not think that Todd Garland deserved an ACE award. He described him as extremely intelligent and someone who had performed some extra work; however, he complained about it. He also felt that Garland had a temper. He felt that if there was anything he ever spoke to the Commissioner about, it was probably one of the incidents involving Todd Garland’s temper.

Mr. Roberts stated that Tina Garland works in Markets and built the Farm to School program. He did not recommend her for an ACE award; however, he did not disagree with it. He felt like there was a lot of publicity associated with that project.

Mr. Roberts described Larry Garriott as a quiet employee who does a good job. He stated Ricky Jacobs was a good employee. Mr. Roberts stated that he did not agree with the ACE award for Kevin Peach. Mr. Roberts felt that Nicole Liberto and Clint Quarles did good work. Obviously, he did not supervise their work. He did not work with Alisha Morris, however, he was at functions where she would volunteer to do whatever was needed.

Roberts recalled that Danita Fentress-Laird asked him to deliver ACE awards. He stated the process was completely different than in Transportation where supervisors made recommendations up the chain of command. He felt like he had to explain to a number of people in Agriculture that he had nothing to do with the ACE awards. He felt that overall the reaction to ACE awards was bad, that employees did not agree with who got ACE awards and felt they should have gotten them instead. He also stated he had difficulty with Ann Smith over the ACE awards because he delivered the ACE awards to her employees. He told her that he did not decide who got ACE awards. Danitra Fentress-Laird told him to deliver the ACE awards and she was not at work on the day he was instructed to do it.

Mr. Roberts recalled being involved with Steve Kelly with some hires late in Commissioner Farmer's administration. He did not know the circumstances of the hiring of **Randy Craft** and **Dave Lear**. He looked at the paperwork and stated that nothing was in his handwriting. He did not know Dave Lear from Transportation. He stated that at the end of the administration, he was dealing with Steve Kelly and not Danita Fentress-Laird on personnel matters. He recalled a couple of Farm Bureau related hires towards the end of the administration, he referenced Chris Parsons and Tim Beck, who was the brother of Dave Beck in Farm Bureau.

Regarding the four **non-merit Special Assistants**, Mr. Roberts stated he had Chad Miller, Mark Jackson and Derek Collins associated with his division. In general, with respect to the non-merits, he stated he did not have control over their activities; however, he was responsible for their actions. He felt like Commissioner Farmer was the only one who had control over their activities. Roberts did not specifically recall being involved with timesheets.

He stated that Chad Miller was a good employee, worked hard and could be counted on. He stated that Derek Collins did good work when asked to. He specifically referenced the COOL Program and his work with computers. He stated he had more concerns about Mark Jackson's work, but stated that all the non-merits would do work if asked.

Mr. Roberts stated it put supervisors in a difficult position when the non-merits could go to Commissioner Farmer if they did not like any instructions they were getting. He stated that it made for a difficult situation. If it were up to him, Mr. Roberts stated that if non-merits were going to work in the field, he would assign them to a field supervisor and give them the authority to set their itinerary. Mr. Roberts stated that Danita Fentress-Laird probably signed their timesheets because no one else would.

13. Tom Bloemer

Interview Date: 3/26/13

**Subjects: Chris Parsons, ACE Awards, Randy Craft, Dave Lear,
Lanny Arnold, and Finding 25**

Tom Bloemer retired on April 1, 2012. He started with the KDA in 1985 and had served with seven Commissioners. He started with Livestock and Market News, was later promoted to Program Coordinator, worked in Markets, worked in Grain as an Inspector, worked as an Administrative Section Supervisor, Branch Manager in Weights and Measures and served as a Division Director in R&I. In 2006, he began working in the Fuel Quality Lab. He worked as the Director of R&I from 2009 through the end of January or beginning of February 2012, when he was reverted to an ABM. He stayed a brief time in Food Distribution until he retired.

Mr. Bloemer was asked about an AG Inspector I position in Garrard County which was announced in 2011. He stated that he heard from John Roberts, Executive Director, that there was a position to fill and he needed to contact Steve Kelly. Mr. Bloemer stated that he received a handful of applications from Kelly and was told to set up an interview panel with at least one more person and pick the top three candidates. Mr. Bloemer states he was told specifically that the Commissioner wanted to make sure that **Chris Parsons** was interviewed for this position. Mr. Bloemer stated that they always need inspectors, however, he did not specifically request a position in Garrard County.

Mr. Bloemer stated that they had trouble getting in touch with Chris Parsons. Mr. Bloemer's normal practice is to call applicants and leave a message. He usually does not call back a second time if they do not answer or at least return the call.

The interview file supports Mr. Bloemer's testimony. Two individuals were called on October 14, 2011. One had a phone that was disconnected and the other there was no answer and no machine. No message was left and neither of these individuals interviewed for the job. An interview panel of Jason Glass and Tom Bloemer interviewed eight individuals the week of October 17, 2011. Mr. Bloemer made a notation that he called Chris Parsons on October 14 at 10:55 and left a message. He called again on October 20 at 10:00 a.m. and left a second message. Having heard nothing from these, he was not inclined to call Chris Parsons again; however, he stated he was instructed by Mr. Kelly that the Commissioner wanted Chris Parsons to be interviewed. Although all the other candidates had been interviewed the week of October 17, they waited until November 2 until they could get in touch with and arrange an interview with Chris Parsons before making a decision.

Before he interviewed Mr. Parsons, Mr. Bloemer stated he had heard rumors that Parsons had worked for the KDA before and had been dismissed due to time and attendance issues and insubordination. Mr. Bloemer stated he is not used to the Department hiring people back who just been let go. He stated that the only time he could remember this happening was when there was a change of administration.

Mr. Bloemer stated that he interviewed Chris Parsons on November 2, 2011. He noted right away that Mr. Parsons had lied on his state application. In answer to the first question about skills and qualifications, Parsons spoke of his previous work with the state vets office for four years. Mr. Bloemer noted that on the application itself, he did not list any previous employment with the KDA. As far as Mr. Bloemer was concerned, that was an automatic disqualifier by lying on the application. Nonetheless, he continued with the interview and made notes regarding Parsons' answers. He did not think Parsons' interview stood out either way as being particularly strong or weak. The application that they looked at only listed employment with Goff Excavating from January 2005 through May 2006. There are no other jobs listed in the employment history section of his application. He also answered "no" to the question were you previously employed by Kentucky state government.

Mr. Bloemer stated that when he and Jason Glass were finished with the interviews, they did as told and sent all their information to Steve Kelly. He included a sheet of paper with Garrard County AG Inspector I listed and their three top candidates. Their three top candidates were SE, JS, and JG. Mr. Bloemer stated that SE was their top candidate. He felt he had an agriculture background and a good education. He noted that JS was a veteran, had a good education, an agricultural background, and also a mechanical background. JG, their third recommendation, had a good education and although young without a great deal of experience he appeared eager and based on references was a hard worker. He had an agricultural background and was a self-starter. Mr. Bloemer stated that he and Mr. Glass thought that those three candidates were much better than Chris Parsons for the position. He specifically asked Steve Kelly to not consider Parsons based on the lie on his application. Mr. Bloemer stated that Steve

Kelly listened to him and they next heard that Chris Parsons had been selected for the position and would start on November 16, 2011. Mr. Bloemer stated he felt like the entire process was rushed especially when they could not schedule an interview with Chris Parsons and had to wait for him. When shown the piece of paper he prepared, he saw that in someone else's handwriting a fourth name was added at the bottom with an asterisk and that was Chris Parsons. Mr. Bloemer stated it was not his handwriting. He thought it was John Roberts, but could not rule out it might be Steve Kelly's.

When Mr. Parsons was hired, he was hired on initial probation. His first-line supervisor was Bob Ginter and his second-line supervisor was Jason Glass. Mr. Bloemer received at least one report that Parsons was not showing up and was not answering his phone. Mr. Bloemer stated he reported this to Steve Kelly who listened, however, nothing happened. Mr. Bloemer was aware that Chris Parsons' father was a high ranking official in Kentucky Farm Bureau. He also stated that during the period of time Mr. Parsons was hired back, they were in the waning months of Commissioner Farmer's administration and he was not there.

Mr. Bloemer stated the practice of sending paperwork on to personnel was not unusual; however, it was unusual that they were instructed not to keep any photocopies. He stated this occurred during about the last three months of the Farmer administration. With respect to the hiring of Chris Parsons, Mr. Bloemer testified that he felt they missed out on three good employees. He learned that Mr. Parsons had been selected in a "welcome aboard" e-mail. He stated that he was disappointed, but not surprised given the length of time they were willing to hold up the register to make sure that Chris Parsons interviewed.

Mr. Bloemer stated that he felt that the first term with Commissioner Farmer, personnel issues and other issues in the Department were handled much better than in the second term. He noted that in the first term Commissioner Farmer had Mark Farrow as a Chief of Staff and Glen Mitchell in charge of SPA. He noted that during the first term, they would review applications and select people for interviews. He stated that changed during the second term. He also stated

that he used to deal with Danita Fentress-Laird and then later started dealing directly with Steve Kelly. He also felt that Bruce Harper was very involved in all decisions in the second term as he became a confidant of the Commissioner. According to Mr. Bloemer he felt that Commissioner Farmer was somewhat detached from the Department the last year or so and that Mr. Harper and Mr. Kelly made most of the decisions. In general, however, he stated that the Commissioner and his executive staff made personnel decisions. Mr. Bloemer was not included in the group. He had very little contact with Commissioner Farmer other than regarding the Motor Fuel Testing Lab. He stated that this was a pet project of Commissioner Farmer's and he was very interested in that project. Mr. Bloemer stated that he only had input in personnel decisions when they were hiring people to work in the Motor Fuel Lab.

Mr. Bloemer stated that he was appointed Director in February of 2010. He was a Director at the time of the 2010 **ACE awards**. When asked about Ricky Jacobs' ACE award, he stated that he did not make any type of recommendation and did not know about it. He stated that he did not receive any type of recommendation from Bob Ginter and Jason Glass who were Mr. Jacobs' first and second-line supervisors. He stated that Mr. Jacobs was an AG Inspector and was a good employee and probably deserved the award. Mr. Bloemer did not have discussions with Commissioner Farmer about Ricky Jacobs' work.

None of the other 2010 ACE award recipients worked under Mr. Bloemer's supervision.

Mr. Bloemer was not aware of a letter John Cook received, stating that he had received an ACE award signed by Danita Fentress-Laird.

Mr. Bloemer next testified regarding filling of two AG Inspector I positions in Rockcastle and Knox Counties in 2011. He stated that they wanted to hire people, but did not necessarily need them in that part of the state. He stated that this was similar to the Garrard County position. He heard from John Roberts to get in touch with Steve Kelly and set up an interview panel. This

panel included Jason Glass and John Cook. He stated that there was one panel for two positions because the counties were close to each other and some candidates applied for both positions.

After going through the process for Knox County, they recommended HV, Randy Craft and Dave Lear, in that order. They felt that HV was a good candidate with good work experience, good education. They felt he would be a good hire and it was the consensus of the group. Randy Craft had good experience as a gas store employee, which Mr. Bloemer said was good experience for an AG Inspector. Dave Lear was also a good candidate.

With respect to Rockcastle County, the panel recommended BS. He was a truck driver who had a CDL and was thought to be a very strong candidate for the position. JC worked with the State Police and was already in state government and was their second recommendation. Their third recommendation was MT who worked at a farm supply store. This was seen as a good solid AG background. This information was turned in to Steve Kelly. They later learned that the selections were Randy Craft for Knox County and Dave Lear for Rockcastle County. Mr. Bloemer stated he did not know why, he did not have any discussions regarding these positions or candidates with Commissioner Farmer, Steve Kelly or Danita Fentress-Laird. He does not remember a conversation with John Roberts, but if he did it would have just been a passing comment about the quality of the candidates. He received an e-mail telling him to get computers and vehicles for these men to start in their positions.

When asked if he ever heard there was political influence with respect to these hires, he stated "no," but he said there was always an undertone. Mr. Bloemer did not recall making a statement like that himself. With respect to Randy Craft, he noted that he was from Clay County. He also noted that he had experience in the Sheriff's office. With respect to Dave Lear, he noted that he worked for the Transportation Cabinet and had the qualifications regarding trucks and machinery that they were looking for.

With respect to these two hires, Mr. Bloemer did not have strong feelings other than he said he “would like for them to follow your recommendations.”

Mr. Bloemer testified that **Lanny Arnold** served as Acting Director when he was Assistant Director before John Roberts was appointed. During part of this time, Bloemer was an AG supervisor. He thought they had a good working relationship and got along well. He stated that Arnold was Acting Director when ABM Steve Alvey got in trouble and wound up being fired. As a result, Tom Bloemer was moved into an AG supervisor position to fill the void and eventually was promoted to ABM.

Right before John Roberts was hired as Director, Mr. Bloemer was at the State Fair when Commissioner Farmer approached him and asked, “What’s going on?” Bloemer said that everything was fine, the Commissioner responded that something was going on and he needed to see Bloemer in his office on Tuesday.

Mr. Bloemer did not have a clear memory of what took place in the meeting with Commissioner Farmer. He believes it was just a meeting between the two of them and that Commissioner Farmer asked a number of questions. Mr. Bloemer discussed this meeting several times during his testimony and remembered it differently each time. The one thing that was clear was that, according to Mr. Bloemer, Lanny Arnold’s duties changed after that meeting.

Mr. Bloemer determined that the meeting was after the State Fair in 2006. He did not know what Arnold had done to upset Commissioner Farmer. He said there were political things involving Lanny Arnold, whose father was a state representative. At one point, Bloemer testified that Commissioner Farmer said, “What’s happening in your area?” He could not remember any specifics. He believed Commissioner Farmer may have been trying to validate some suspicions he had. Tom Bloemer stated everything was going fine as far as he knew. Whatever the problem was it must have been outside of the KDA.

Later he said John Roberts was hired to straighten things out because people did not show up for work and did not do what they were supposed to do. He stated it was likely what Commissioner Farmer was upset about with Lanny Arnold. He immediately, however, stated it could have been political. He did not know for sure. He stated the meeting had to do with Lanny Arnold and not the Division as a whole. It may have had to do with the way Lanny Arnold ran things. He knew that Commissioner Farmer was very upset and when he walked up to him at the State Fair, Bloemer thought he was in trouble. Eventually he stated he believed it was a combination of the two, something political and something work related.

Mr. Bloemer stated this was the only one-on-one meeting he had with Commissioner Farmer regarding a personnel issue. He did not think the meeting regarding Lanny Arnold had anything to do with Steve Alvey. Steve Alvey was gone in 2005. Mr. Bloemer stated he was confused and did not know what it was about.

Following the meeting with Commissioner Farmer, Mr. Bloemer stated that Lanny Arnold was not the Acting Director anymore and that there were changes in the way things were run. In October, John Roberts was hired as Director. Arnold's duties gradually changed. He no longer had direct supervision over employees. He worked on special projects, inventory, special reports, and employee training issues. He was to receive no direct call-ins from the field and had mostly administrative duties. Mr. Bloemer stated that Lanny Arnold had a way of stirring people up. When he was Acting Director, he never issued a memo and had Bloemer do all his memos.

At the time John Roberts came in, Tom Bloemer was a subordinate of Lanny Arnold's. He was not told what was going on, he does not know how field staff were told, but he is aware field staff were not to have contact with Lanny Arnold. He believes there was a memo issued that did not make specific reference to Arnold, but told people to follow the chain of command. He also thought this action was taken to cut down on long distance phone calls to Frankfort.

When asked about other witnesses stating that Lanny Arnold for a period of time had nothing to do, Mr. Bloemer responded that Arnold was a “jokester” and that people ribbed Arnold. He had previously been the “top dog.” Bloemer stated that Arnold did inventory and entered data in the Oracle system. He stated that Arnold had assigned duties, but he does not know how busy he was.

Bloemer stated that Arnold’s computer rights were taken away because they did not want him “monkeying” with the data. Bloemer did not know if the allegations were true. He stated that Roberts made the initial decision which remained in effect. He stated that Arnold did have “read only rights” and could enter data.

Bloemer stated that John Roberts used to issue memos leaving him in charge when Roberts could not be there. He stated that was primarily in the last year. He did not recall any occasions when Roberts left Arnold in charge. He stated this was because of Commissioner Farmer. According to Bloemer, Roberts was hired to “clean things up.” He stated that people were not showing up to work, he said they were dismissed under John Roberts’ supervision. He made people work.

Mr. Bloemer stated that he did not know anything about complaint calls no longer being routed to Lanny Arnold. He stated when Arnold was Acting Director he delegated everything. At one point he said, “I don’t know if his duties changed from when he was Acting Director, bless his heart.” He referred to Arnold as the master of delegation. He stated that he no longer delegated anything after John Roberts came because he did not have anyone to supervise.

Mr. Bloemer stated after that Arnold did training sessions for existing employees, mostly involving packaging. Bloemer stated he was never told not to talk to Lanny Arnold. He did state that employees were not supposed to talk to Arnold about work related issues. If they called him up they could talk about training issues. Bloemer stated that Roberts was a stickler on the chain of command. One of the reasons Lanny Arnold did not get any phone calls or have much contact

from employees was that he was not in anyone's chain of command since he was no longer a supervisor. When Bloemer discussed Arnold's duties of inventory and computer duties, he said he did not have enough duties to make up a whole day because of Commissioner Farmer.

When Bloemer became Division Director in 2010, he tried to give Lanny Arnold more duties, but he was told they could not do it. Arnold's lack of duties lasted until the end of the Farmer administration. Bloemer stated that he wanted to use Lanny Arnold to read the data into Oracle instead of Derek Collins who was in the field. He also wanted to expand Arnold's training duties, but was told this was not possible. Bloemer stated he was told he could not use him and he was never given any explanation why.

Mr. Bloemer reviewed Arnold's 2010 evaluation. Bloemer was listed as the supervisor. He stated that the duties were accurate, although not totally. He also stated that he did not do much and the duties do not state how often he would do them. He stated there was nothing assigned to Lanny Arnold that would take up the whole year or the whole day. Bloemer stated that he spent most of his time working on the Fuel Lab Project. He could have used Lanny Arnold a great deal. He stated that he only returned to the Corporate Drive location twice a day to walk the floor. There would have been plenty for Arnold to do if Bloemer was allowed to use him.

Bloemer stated that the 2011 evaluation was very much the same. He stated that Arnold was a good employee who did what he was told to do. He wished he could have used him more.

When he was Acting Director, Bloemer stated that Arnold could not handle authority. He stated that shortly after Roberts arrived, Lanny Arnold accused Roberts of racism.

Bloemer agreed that there were options that would have been better, even if they believed Arnold was not performing up to par. He stated that he should have been given duties and held him accountable or considered reassigning him to another area. Bloemer stated that both he and Roberts wanted Arnold as an Assistant Director in Foods after Roger Estill was moved. It did not happen because of the Commissioner. Bloemer also stated that when the Commissioner was upset with someone like Arnold, everybody kept their distance so that they do not get in trouble.

Bloemer did not have any information on Roger Estill, Doug Begley or Jennifer Ledford. He did state that he accompanied Bill Wickliffe when he dismissed Patricia Apperson, but he did not know what was involved.

With respect to the four non-merit Special Assistants, he stated that Mark Jackson and Derek Collins worked as Inspectors in R&I. He thought that they initially reported to Dr. Frye and then later to John Roberts. They may have reported to Danita Fentress-Laird and that might be why she signed their timesheets.

He stated that Chad Miller worked in Amusement Rides, was a Certified Public Manager and was good on computers. He said they hated to lose him.

Mr. Bloemer stated that it was unusual to have non-merits work in the field, however, at least they did some work.

Bloemer was in favor of an entry level for Amusement Safety Inspector Supervisor. He felt that supervisors had to have someone to supervise. He thought that establishing a career ladder would be a good idea for these positions. He stated that he provided something in writing to do this with respect to the positions in Grain. He had not gotten around to doing it with respect to Amusement Rides.

14. John Cook

Interview Date: 3/14/13

**Subjects: Lanny Arnold, Randy Craft, Dave Lear, Roger Estill,
ACE Awards and Non-Merit Special Assistants**

John Cook is an Administrative Section Supervisor in R&I. He has held that position for three years. He supervises Grain Warehousing, Tobacco Warehousing and some administrative office staff. He stated that his duties stayed the same with the new administration, but many of the ways they do business have changed.

Under the Farmer administration, he was supervised by his ABM, Jason Glass, and Director Tom Bloemer. He was not allowed to go to his Assistant Director, **Lanny Arnold**. He received this instruction from Tom Bloemer and John Roberts. He heard this early on when he was a field inspector when Bloemer was his Branch Manager.

Currently, the Executive Director is Larry Cox, the Director is Benson Bell. Benson Bell, in a meeting with the entire staff said that Lanny Arnold would be used as an Assistant Director and he is currently Cook's second-line supervisor. According to Cook, Benson Bell announced this in a staff meeting with fifteen or twenty people. He said the staff was glad they were able to utilize Arnold and his twenty-eight years of experience. He stated that many of them never understood why they were not supposed to go to Arnold in the first place. He said there was a separate meeting with field staff to inform them of this.

Mr. Cook started with the KDA as an AG Inspector I in the spring of 2006. He was a Grain Inspector and Tom Bloemer was his supervisor as an ABM. When he started he was full-time in the field. Mr. Cook stated he stayed in the field until Tom Bloemer took over setting up the Fuel Lab. At that point they started asking Mr. Cook to come into central office one day a week to do some of Mr. Bloemer's normal duties. He stated one day became two days, became three days, and eventually he was full-time at central office.

Cook stated that he did an assortment of Tom Bloemer's duties. He stated he got documents together for evaluations, he did the scheduling, he attended meetings, and he helped with the supervision of the field staff in Weights and Measures. He stated that he was involved in all the day-to-day duties in Weights and Measures. He supervised AG Inspectors I, II and III. He fielded their calls and answered their questions.

He stated that the field staff was glad to have someone there who could answer their questions. He stated there was some tension with people who worked in the office feeling that somebody had been brought in from the outside.

Mr. Cook stated that he worked with Jason Glass who at the time was a Program Coordinator. They worked together on most issues that were important to Weights and Measures. Eventually Glass was promoted to ABM and Cook was promoted to Administrative Section Supervisor. He stated they basically had done the same things all along, but they now have new titles.

With respect to Lanny Arnold, Mr. Cook testified when he started Arnold was the Acting Director of the Division. He stated that he first noticed that they changed Arnold's office. A few weeks later John Roberts started. Not very long after that, they were not going to Arnold with any questions and were supposed to go to Tom Bloemer. When Mr. Cook was asked why, he stated that he learned that after John Roberts started, Roberts claimed that Arnold tried to get him fired by alleging he used a racial slur. Mr. Cook talked to Arnold who said that it was true that Roberts had used the racial slur and that he took offense, but did not file a report and had only talked to some other employees about it. As a result, Arnold was taken out of the loop and stuck in a corner. When asked who instructed him not to ask questions to Lanny Arnold, Mr. Cook said Tom Bloemer and John Roberts.

Mr. Cook recalled one occasion with he went to lunch with Lanny Arnold. Shortly thereafter, John Roberts called him in his office and told him if he wanted to get anywhere in the Department, it was in his best interest to watch who he was hanging out with. Roberts told Cook that Arnold was not on the Commissioner's favorite list. Cook responded that when he went to lunch he was on his own time and he would go to lunch with whomever. He stated he continued to go to lunch with Lanny Arnold and no one said anything else about it.

Mr. Cook testified he would have gone to Lanny Arnold with a number of questions, especially technical matters. He stated that Tom Bloemer was often tied up with issues involving the Fuel Lab. He stated that John Roberts was busy driving and doing personal errands for the Commissioner. He stated it would have been nice to be able to walk down the hall and ask Arnold questions. It was often difficult to track down the other two. Despite this instruction, Cook stated that he and Jason Glass often went to Arnold when no one else was around to ask questions. He stated that sometimes people needed an answer and even if Bloemer was there, Cook stated he often would say he had to think about it. As far as Cook knows, no one knew they were still going to Arnold with questions. Cook stated that he would sometimes ask questions of Arnold when he went to lunch with him. He stated that he tried to make him feel like he was part of the Department and keep him up-to-date on what was going on.

Cook stated that as far as he knew, Lanny Arnold had almost no job duties. He stated he was doing some work in Oracle, their computer system, but his rights were taken away and at that point he had nothing to do. Cook stated that Arnold would sit in his office and play solitaire just to pass the time. Cook stated that if Arnold's evaluations continued to list the same duties, those documents would be inaccurate. Cook felt like he learned a lot about Weights and Measures from Arnold.

Cook stated that Tom Bloemer was not a good manager. He stated that he could never give a correct answer to a question. He stated that he would tell you to do something and then question why you were doing it. Cook felt that Bloemer was never truthful and played staff against each other.

Cook stated that John Roberts was a difficult manager in that he was a good guy one minute and a bully the next. He stated you never knew what to expect and he was moody.

Next we discussed e-mails that Mr. Cook saved and brought to the interview. He stated that he wanted to keep documentation in case any questions ever came up about him being called into the office to do Tom Bloemer's duties. He was afraid that either he or Jason Glass may be made a scapegoat, so he wanted some protection. He also kept a calendar with notes on what took place on a daily basis. Many of the e-mails that he produced were e-mails showing that John Roberts, when he was Director, would leave Tom Bloemer in charge of the office when he was gone and bypass Lanny Arnold. Cook felt these were more proof that Arnold was out of the loop. There were similar e-mails when Tom Bloemer was Director, leaving Jason Glass, John Cook or Chad Halsey in charge and not Lanny Arnold.

Cook brought with him a letter dated July 25, 2007, signed by Danita Fentress-Laird informing Cook that Commissioner Farmer had given him an ACE award. Cook never received the ACE award. After receiving the letter he kept waiting for his pay to increase. He talked to Tina Keene in Payroll who also received one and said she had already gotten hers. She said she would check into it, however, no one got back with Cook. After about another month, Cook went to Tom Bloemer and asked him about it. Cook stated that Bloemer replied that it would be in his best interest not to make a "big stink" about it and just let it go. Cook never got the ACE award, although he has the letter showing that he should have gotten it.

Mr. Cook served on an interview panel for an AG Inspector I for Knox and Rockcastle counties in September 2011. According to his notes, they interviewed candidates on September 19, 21 and 22. His notes showed that HV was the first choice for Knox County and **Randy Craft** was the second choice. For Rockcastle County he showed BS, MT, and JC, in that order. He said they did not hear anything for awhile and Tom Bloemer told him they needed to collect all the notes and send them in. Cook and Jason Glass were concerned that their recommendations would never be heard from again. Glass made notes of their picks before he turned his in.

On Mr. Cook's calendar he had an entry for Monday, October 17, 2011, and Tom Bloemer stated that "None of our people were chosen and Commissioner Farmer selected other candidates through political affiliation."

After reviewing the documentation provided during the investigation by KDA, Cook stated that those were the notes that were collected. For Knox County, the panel and his first choice was HV. HV had experience working at a waste water treatment facility and had a waste water treatment license. He also had experience in maintenance, inventory and had done well in the behavioral interview. It was deemed that he would work well with people.

Cook thought that Randy Craft was also a good candidate with experience at the Sheriff's office in Clay County. He had concerns that Craft did not have hazardous material training of any sort and seemed abrasive during the interview.

With respect to the position in Rockcastle County, Mr. Cook testified that BS was the consensus first choice of the interview panel. BS came across as very customer oriented. He had mechanical knowledge and operated a forklift. He had experience with agriculture machinery and had agriculture construction skills. He also possessed a CDL. In addition, in his current job he covered a large territory. Mr. Cook testified that BS seemed like a very good fit for the AG Inspector I position.

He stated that the notes from Jason Glass had different numbers than the official documents between JC and MT. He remembered that JC worked for the State Police as Dispatcher. He said she came to the interview very prepared with evaluations, letters of recommendation, and a lot of documentation showing the training and education she had received. The only negative he noted with respect to her was that she did not have mechanical ability, but he thought she was a very strong candidate for the job.

MT was the candidate who was second choice according to Jason Glass' notes and third according to the records submitted with respect to the promotion. He had previously worked at a farm store. He had knowledge of scales and a good agricultural background. He also felt that he had good people skills and an ability to adapt. He came across as hardworking and very friendly. He was also viewed as a very strong candidate.

Their biggest concern with **Dave Lear** was that he would have laterally transferred to the position. He would not have had a probationary period which can be a huge concern. During the interview process, Lear came across as very timid and shy and they almost had to pry out information from him. Mr. Cook stated that for an AG Inspector I he was very concerned about Mr. Lear being able to appropriately perform the inspection duties they need to as shy as he was. He stated that the first impression an inspector makes with business owners can be crucial. They did not recommend Dave Lear in their top three.

Dave Lear was appointed to the job and turned out to be very good. All the reports Cook heard one that he has done a good job in the position.

Referring back to the statement Tom Bloemer made on October 17, 2011, regarding political affiliation, John Cook never heard any more detail to explain how politics or political affiliation had anything to do with Mr. Craft and Mr. Lear being appointed to these two AG

Inspector I positions. He heard second-hand that John Roberts had known Mr. Lear through Transportation.

Mr. Cook stated he probably was on ten to fifteen interview panels. He stated that he often interviewed with Danita Fentress-Laird who he thought was very professional during the process and she valued the input from those who worked in the Division. He felt that Tom Bloemer was average as an interviewer, however, he felt that he tried to select the best candidates. He stated that his experience with John Roberts was that Roberts tried to persuade them into selecting a candidate. Mr. Cook recalled an occasion when John Roberts wanted them to select MG, an acquaintance of Roberts from Transportation, holding a grade 14 position to serve as an AG Inspector I, grade 9, and keep his money. Even though Mr. Cook was on the interview panel, he was also AG Inspector I at the time, earning considerably less than MG. He stated he let John Roberts know that he was not going to stand for it and would quit if he had to. Eventually the interview panel selected another candidate, Carrie Pendleton, to serve as an AG Inspector I in the Grain Program. According to Mr. Cook, the other members of this panel were Jason Glass, Tom Bloemer and Danita Fentress-Laird. He stated that Roberts was not there for all of the interviews. In his experience, Jason Glass was a really good interviewer. He recalled sitting on one interview panel with Lanny Arnold early on before his duties were taken away.

Mr. Cook also testified that he applied for a job as an Assistant Director for Food Distribution. He stated he interviewed for the position and **Roger Estill** wound up getting the job. Mr. Cook learned after the audit came out that Mr. Estill had been called by Danita Fentress-Laird and told what to wear for the interview. They also discussed questions that were going to be asked. Based on what he read, Mr. Cook felt that Roger Estill was pre-selected for the position because he was a personal friend of the Commissioner.

When he learned about it, Mr. Cook filed a grievance with his supervisor in the Comer administration. His grievance was denied and he was told he could file an appeal with the Personnel Board if he chose. He was concerned that it might be untimely and did not file an appeal.

Mr. Cook stated he interviewed with Danita Fentress-Laird and Ann Smith who was the Director of Foods. He stated he had previously worked some with Foods and did various things helping them out. At the time, Cook was an Administrative Section Supervisor. After Mr. Estill was appointed Assistant Director, Mr. Cook spoke with both Ann Smith and Danita Fentress-Laird. They both apologized to him and told him that his was the name that was sent up to receive the promotion. Cook stated that Ms. Fentress-Laird told him that it was in the file that he was their choice. Cook said he has not seen that file.

Mr. Cook testified that Roger Estill is a friend of his outside of KDA. He stated that Estill has apologized to him for getting the job. He stated that Estill told the interview panel that he did not think he should get the job. Mr. Cook stated he was not surprised because he knew that Estill was a close personal friend with the Commissioner. He was surprised when Ms. Fentress-Laird and Ms. Smith told him that he was their first choice for the position. Cook was aware that Steve Castanis and Kevin Peach had also applied for the position.

Mr. Cook stated that based on his knowledge, the Commissioner became friends with Roger Estill through some of Farmer's political supporters. Cook stated the Commissioner helped Estill out in order to stay in their good graces. In exchange, Mr. Cook said he thought that Commissioner Farmer used Estill. He stated he would have Mr. Estill take him hunting and fishing, and on occasion use him as a "fetch dog." He stated that Estill feels very used by the Commissioner at this time.

Mr. Cook stated that he was aware when Estill took a voluntary demotion to ABM in Animal Health. He stated that he understood that Mr. Estill asked for the demotion in order to get away from John Roberts. He stated that the two of them could not get along when they were working together. Mr. Cook thought that Roberts was jealous of Estill's close relationship with Commissioner Farmer.

Prior to coming to work for the KDA, Mr. Cook owned and ran his own businesses. He started with a manufacturing company that made wooden pallets for overseas crating. He had a staff of about thirty-five. After that he owned a trucking company with fifteen semi-trucks and about thirteen employees. He stated that he was responsible for hiring and firing with both companies.

Since coming to state government, Mr. Cook states he likes the idea of employees having merit protection; however, some employees take advantage of it. He is amazed how long some employees continue to work after continually messing up. His overall impression of personnel practices during the Farmer administration was that, "Richie Farmer did what Richie Farmer wanted to do."

Mr. Cook stated that in contrast he thought the Comer administration was "topnotch," "by-the-book" and very professional with respect to personnel matters. He stated that he has not served on any interview panels in the new administration. He stated that interviews had been conducted out of the Commissioner's office by non-merits and so far he has been satisfied with the employees they have sent to him.

With respect to the 2010 **ACE awards**, Mr. Cook stated he was surprised when he read about them in the paper. He thought that ACE awards were for employees who went above and beyond and were always eager to help out. He stated that he could not believe that Kevin Peach received an ACE award. He always found him reluctant to help and that he would sit in his office and play on his Ipad. He was not surprised about Dale Anderson and thought he was a

good employee. Mr. Cook thought that De'Anna Clark was related to Fentress-Laird. He stated the ACE award for Todd Garland surprised him. He stated that he thought he was an employee who complained about everything. With respect to Tina Garland, he thought that she had been promoted several times and was a favorite of John Roberts. He stated he thought Ricky Jacobs was a good employee and that Alisha Morris deserved her ACE award.

Mr. Cook stated he thought that Chris Kilby was an example of an employee whom it took a long time to get rid of. He stated that he was given the assignment of following him and saw that he was just working a few hours a day. He stated that they did not get rid of him until he was involved in an accident while he was drunk in a state vehicle. He stated that John Roberts and Danita Fentress-Laird told him that there were processes and that these things take time. Cook felt that had they acted, once they discovered that his timesheets were not accurate and he was not working a full day, perhaps they could have prevented the accident.

Cook stated they also had a lot of information on Chris Parsons, including GPS records, etc., and it took a long time to get rid of him. He also could not understand why he was hired back in the first place after his first round of employment.

Mr. Cook stated that he worked with the four **non-merit Special Assistants**. He stated he worked with all of them at the State Fair. He stated he did not spend a lot of time with Bill Ed Mobley. Mark Jackson and Derek Collins were just at the fair to be there and to accrue comp time. He stated they did not do anything and, in fact, would use a golf cart which was then not available for Department employees who had actual work to do and an actual need for the golf cart. He stated as a general rule most of the staff had plenty to do during the State Fair. He stated Chad Miller was hit and miss during the state fair and helped out with amusement rides.

Mr. Cook stated that he was aware on a couple of occasions that John Roberts went to the Commissioner regarding Mark Jackson and Derek Collins, but was told to leave them alone. There was never anything done about it. Away from the fair, Mr. Cook thought that Chad Miller

was running personal errands in a state vehicle, including working on remodel jobs. He stated that Derek Collins and Mark Jackson were supposed to work in R&I, however, you could never get them when you needed them. As far as Mr. Cook knew, no one supervised their work.

15. Mac Stone
Interview Date: 4/15/13
Subject: ACE Awards

Mac Stone currently works at Kentucky State University. He was formerly the Executive Director of the Office of Marketing and Product Promotion for KDA for three or four years. Prior to that, he served as the Division Director of Value Added Plant Production. When he was Director, Michael Judge was the Executive Director.

He stated that when he worked for KDA he had very little contact with Commissioner Farmer. He said the Commissioner did not trust him and did not share with him. Mr. Stone worked closely with Roger Thomas of the Governor's Office for AG Policy. He stated they were involved with the Kentucky Proud program and grants.

With respect to personnel issues, Mr. Stone had almost no contact with Commissioner Farmer and worked through Danita Fentress-Laird. He would rarely talk to the Commissioner about employees, usually in casual conversation. He stated most of the conversations took place at the State Fair. He does not recall any specific employees that he talked about. He stated that they did talk about programs, such as Farm to School and AG in the Classroom.

With respect to the 2010 **ACE awards**, Mr. Stone made no recommendations. He did think that he had made a recommendation in the past when he served as Director. With respect to Tina Garland he stated he did not recommend her. He stated she started in the Hay Program and worked in AG in the Classroom and served as an AG Program Coordinator. Ms. Garland moved to the Division of Foods on July 1, 2010, and received her ACE award on July 16, 2010. She worked with AG Education and the Farm to School program. This eventually evolved

through the Kentucky Proud program to fit better in Food Distribution. He stated that he had not seen the written justification for Tina Garland's ACE award. He stated he did not know about it until he read about it in the paper. He said the reaction at first was somebody said, "Can you believe it!" He stated that Ms. Garland did not fit in with others on the floor. He stated the numbers in the justification as far as the increase in School Systems was accurate. He states it is hard to quantify something like that as the relationships developed with the schools can take a long time and is difficult to measure. He stated he served as her second-line supervisor with Kristen Branscum, the Division Director, her first-line supervisor.

Mr. Stone stated that when Ms. Garland first started, she praised the Hay Program. Later she stated that she was trying to climb the ladder to find another job. He stated that attitude did not resonate well with longstanding employees. Internally, he stated there was not a lot of excitement about her work. Externally, people thought she did great. He heard good things from school systems about her work. Mr. Stone testified if he had been asked he probably would not have recommended this ACE award as he felt there were others more deserving. He never recalls having a conversation with the Commissioner about Ms. Garland, but does think that he had a discussion with Danita Fentress-Laird about her position being a better fit in the Food Distribution Division. He stated he probably agreed with anyone who asked that she was doing a good job.

He stated that no one ever requested to look at her evaluations. He felt there were others within the Division who had toughed it out longer. He did not feel that she interacted with others in the Division as a part of their group. She did not share her workload and came across as self-serving. He felt her ACE award hurt morale.

Mr. Stone mentioned Nicole Liberto as an attorney he always looked forward to talking to. He thought she was sharp, helpful and took the time to explain things.

He described Alisha Morris as his Administrative Assistant working in the Value-Added Food Production, not in his Division when he was Executive Director. He stated he learned of her ACE award the same day when he read it in the paper. He had a similar opinion. He stated she was more of a team player. Commissioner Farmer would ask her to do special events. She did a good job of putting the Department's best foot forward. He felt like she had a direct line to the Commissioner's office. He did not recommend this ACE award. Her supervisor was Kelly Ludwig. Mr. Stone testified that Commissioner Farmer bragged about her work. He felt that she worked well for the Commissioner and for Kentucky Proud and would go the extra mile to make sure things went well. He stated had he been asked he would have been closer to recommending Ms. Morris for an ACE award. In his word, he felt that she cared and worked for her people. He did not know if there would be others ahead of her.

Mr. Stone stated that Clint Quarles was great and worked hard on regulations. He felt he was a good attorney who studied and dissected things and protected the Department.

He did not work a great deal with De'Anna Clark, but felt that she seemed efficient, professional, thorough and helpful.

Mr. Stone stated the reaction to the ACE awards was one of surprise. He felt that in both instances (Tina Garland and Alisha Morris) the Commissioner could talk and work directly with them and not through the chain of command. He stated he was not surprising that they received ACE awards, but it was somewhat frustrating.

Mr. Stone testified that he served on interview panels. He usually remembers that the first choice was selected. The only time he recalls the Commissioner selecting the second choice, upon reflection he agreed with the commissioner's selection because the candidate had a strong safety record. He stated that he always worked through Danita Fentress-Laird on hiring.

16. Roger Snell
Interview Date: 3/19/13
Subject: ACE Awards

Roger Snell is a Staff Assistant, grade 17, with Office of Marketing at the Fair Oaks location. He serves as the Farm to Retail Liaison. He has been employed with KDA since 2001.

He stated that he first learned of the 2010 **ACE awards** when he read about them in a newspaper article. He stated he worked on the floor with about thirty other employees in marketing. He stated that it was a time of no raises, furloughs and that the administration's position had been that "we are all in this together." He referred to a staff meeting where Danita Fentress-Laird spoke on behalf of the administration explaining the furloughs and stating that everyone would be furloughed and this was a joint sacrifice. He stated that he felt morale was remarkably good under these circumstances.

He stated when he and other staff members read the newspaper article about eleven employees in the Department receiving ACE awards, there was a strong negative reaction. He stated that he and the rest of the staff were surprised to learn that Alisha Morris had received an ACE award and that there was almost a rebellion ready to march to the Commissioner's office and ask how could this be. He stated that he felt Ms. Morris was not a strong employee and that several others were far more deserving of an ACE award. In addition, however, he stated that the fact that ACE awards were given out at all was controversial and that they had all been told that they were all in this together and no one was getting any raises.

He stated he spoke to Mac Stone, the Executive Director, who told him he was not aware of the ACE award and was surprised to learn about it. Mr. Snell stated that it was done without consultation or knowledge of Mac Stone.

He learned that Tina Garland also received an ACE award. He learned from Mac Stone that she was also given an ACE award without his knowledge.

Mr. Snell stated he had no malice towards anyone. He thought that everyone in the Department felt like they were all in the boat together and the ACE awards really hurt morale.

He stated that he had run-ins previously with Bill Clary from Commissioner Farmer's office. On one occasion he was asked to remember where his paycheck came from. (Mr. Snell responded that his paycheck came from the taxpayers.) On another occasion he was asked why he did not quit, he stated his responsibilities started to shrink after this exchange.

With respect to the ACE awards, he stated that they did not appear to be justified through the chain of command. He stated, however, that if either of these individuals worked directly for the Commissioner, he would not be in a position to judge their performance.

17. Warren Beeler

Interview Date: 3/13/13

Subjects: Non-Merit Special Assistants, Bruce Harper and ACE Awards

Warren Beeler is employed with KDA as the Director of Agriculture Policy and the Division Director for Animal Marketing. In the last administration, he served as Assistant Director in this same Division, which at that time was known as Value Added Animal and Aquaculture Production. In the past he has also served as Acting Director of Shows and Fairs. He stated that in his Division there is person for each species of livestock. They also have a Market News Branch which covers the livestock and grain sales. He has ten market reporters who cover three sales per week plus special sales. The employees are classified as Agricultural Marketing Specialists I. He has tried to have them moved from a I to a II, but was unsuccessful. This move was approved at one point by Commissioner Farmer and the Personnel Cabinet, however, Commissioner Farmer reversed his approval, possibly due to financial concerns. Beeler estimated that the move would cost approximately \$22,000 at the time it was proposed.

Beeler had a **non-merit** employee, Bill Ed Mobley, assigned to him half-time to work as a Market Reporter. He was assigned to work the London Goat Market on Tuesday. The other half of the time he was assigned to Shows and Fairs where he was supervised by his brother, Steve Mobley, who was the Director. With respect to his work with Shows and Fairs, Beeler stated he has seen him work at livestock expos, State Fair and North American. There are now six or seven employees in Shows and Fairs and the supervisor is Chris Caudle.

With respect to his work as a Market Reporter, Bill Ed Mobley underwent six weeks of training. Thereafter, there was testing by the U.S.D.A. Beeler stated that Mobley did not do as well as others, but he did pass the test. At that point he was assigned to go to the stockyards at London, sit there from start to finish, and make notes on the weight, grade and price on kids and adult animals. Beeler stated they had problems with Mobley's work from the start. He stated he would not summarize and would just give them a list of weights, prices, etc. He stated they prepared a special form for Mobley which still did not help much. He did not know how to categorize the information so that it would be useful. They tried to help him by going with him and showing him what needed to be done. He stated that Mobley was not able to learn to prepare the reports in the way they wanted them. Eventually they had problems with Mobley not showing up where he was supposed to be. They found him there periodically.

Fairly early on, Mobley's Branch Manager, Coy Trapp, would not sign his timesheet. Beeler would not sign his timesheet either. They had concerns that he was not at work. They both went and spoke with Danita Fentress-Laird. The problem was relayed to Commissioner Farmer who instructed Beeler to make him work. Beeler stated there was no way to make Mobley work. He stated he might show up for two or three weeks, and then it was "hit and miss." Towards the end of the Farmer Administration, Mobley would not go at all. Mobley was hired and had been around since the beginning of the Farmer Administration.

Beeler does not recall ever having a non-merit work as a Market News Reporter. He stated that after Coy Trapp retired, Mobley was supervised by Bill Burrows, who could not get him to work either. They had a second meeting with Danita Fentress-Laird.

Beeler stated that if Bill Ed Mobley did a good job on Tuesdays at London they could have used him as a sub for others on other days during the week. He stated that it is possible that this work on Tuesday could have accounted for twelve to fourteen hours on some days.

After Mobley had stopped showing up at the stockyards, the staff in the office found a travel voucher for Mobley which had been signed by his brother. This was during the time when Beeler knew that he was not going to London and was not turning in any reports. Beeler thought this was terrible and that it constituted stealing. He had a discussion with his Executive Director, Mac Stone, and told him not to process the travel voucher.

Beeler recalled that he had a call from Tony Tharpe, who was the son-in-law of Fred Patton, the owner of the stockyard in London. He had approached Mobley over an issue. Bill Ed Mobley had threatened to call Commissioner Farmer. At that point he just did not report anything anymore. Beeler states that he thinks the last report from Mobley was from October 2008. He stated that Danita Fentress-Laird understood the issue that he and his staff had little or no control over Mobley's work. Because of the fact that Mobley was a non-merit who had been a former roommate in college with Commissioner Farmer and had a close relationship, Beeler felt they had no control and no leverage with him. Beeler testified he did not know who signed Mobley's timesheets. He had been told by the Auditors that they found one timesheet that he had signed. When Beeler stopped signing his timesheets, nobody ever asked him what Bill Ed Mobley was doing.

Beeler had heard that this was the first job that Bill Ed Mobley ever had. He stated he was in his 30s. He described him as quite different from his brother Steve, who was intelligent and super capable. He stated there was no discussion within the Department about the propriety of one brother supervising another brother. As far as he knows, Bill Ed Mobley's travel vouchers went to Steve Mobley for signature.

In retrospect, Beeler said he probably should have worked harder as Bill Ed Mobley's boss. He stated it is possible that he simply was not capable of doing the work they were asking him to do.

Mr. Beeler testified he was aware that **Bruce Harper** was the Division Director of Outreach and Development in the previous administration. Despite this fact, they used the slot for a Division Director over Value Added Animals or Shows and Fairs for Bruce Harper. He stated that he did not think about him being a Director of a "division of one." He stated they now have a Director of a division of one who serves as the Director of Agritourism. Nonetheless, as Assistant Director, Warren Beeler ran the Division during the last administration. He stated that Bruce Harper worked out of the Commissioner's office.

With respect to the 2010 **ACE awards**, he did not know of any rhyme or reason other than he believes that the ACE awards went to Commissioner Farmer's buddies. He was aware that Alisha Morris and Tina Garland received ACE awards. He stated that the people in his office were "raising Cain" over this issue. In other years, ACE awards were given to Chris Caudle and Kim Fields.

Beeler testified that he put in a number of requests for ACE awards for employees and other upgrades for employees, such as the Market Reporters. He stated that none of the requests were granted.

Beeler has served on interview panels in the new administration. He testified they have been done correctly. He has never had anyone tell him who to hire.

18. Chad Halsey

Interview Date: 3/19/13

**Subjects: Finding 25, Non-Merit Special Assistants, Doug Begley,
Roger Estill, Lanny Arnold and ACE Awards**

Chad Halsey is the ABM in the Amusement Branch, which is part of the Division of R&I, in the Office of Consumer Environmental Protection. His current supervisor is Lanny Arnold, Assistant Director.

Mr. Halsey has been employed with KDA since May 1996. He started as an AG Inspector I. He worked as a Program Coordinator with Teens and Tobacco, worked in Metrology, returned as a Program Coordinator with Amusement Rides and was promoted to ABM with Amusement Rides early in Commissioner Farmer's administration. He described himself as a working supervisor who does some field work and he is NAARSO certified, which stands for the National Association of Amusement Ride Safety Officials.

He stated that NAARSO training takes place once a year and is usually held at an amusement park with classroom instruction for several days and one day working behind the scenes with the large rides. He stated that he is currently on the Board of Directors for NAARSO and is a co-chair of the Codes and Standards Division. He stated that there are level I, II, and III certifications. He stated that it is not a requirement to be NAARSO certified.

He stated that during the Farmer administration, John Roberts was very much in favor of requiring NAARSO certification and offering a pay incentive for those who reached it. He stated that the Comer administration is also in favor of this certification. It is viewed especially important in response to major incidents such as the accidents at Six Flags and the Louisville Zoo.

Mr. Halsey testified that his branch is responsible for inspecting amusement rides at carnivals, fairs, blow-up rides, lazer tag centers, waterslides, miniature trains, go-carts and fast food play areas. He stated he has a staff of eleven with four amusement ride inspector supervisors and the rest are AG Inspectors. He stated he has one NAARSO level III and two NAARSO level II employees. In Mr. Halsey's opinion, most employees have to work at least a year before they can handle the difficult rides on their own.

Mr. Halsey stated that he had some experience working with three **non-merit Special Assistants** in the last administration: Mark Jackson, Derek Collins and Chad Miller. He stated that Chad Miller spent a lot of time working in amusement rides and reached a NAARSO level II certification. He stated he had a strong electrician background. He felt that Chad Miller was very dependable and was a definite asset to their branch. He stated that he signed Miller's timesheets for a year and a half to two years and had no problems with this. He felt that Miller was accountable and did the work he was supposed to do. He also stated that he left Miller in charge in his absence. Mr. Halsey stated he also signed travel vouchers for Chad Miller. He stated he was comfortable signing with respect to him as he saw work product and he was a team player.

He stated that Mark Jackson and Derek Collins attended NAARSO, took the test, but were never certified. He stated that they did some work on inspecting inflatables. He described Derek Collins as pretty good if the work fit into his schedule. Mark Jackson was less reliable and would often tell you yes or no whether he could help out. He described Derek Collins as a computer guy who for awhile entered everything into the computer for his branch. He stated that Mark Jackson would sometimes vanish. He stated that Mark Jackson and Derek Collins did a little bit of everything and really answered to no one. Danita Fentress-Laird signed their timesheets.

Mr. Halsey stated he never had any authority over non-merit employees before. He felt that they should have to follow some sort of standard and should not have more freedom than other employees. He stated that it is hard for non-merits, especially in the field, to answer to the Commissioner. They need someone who has the time to supervise their work.

With respect to **Finding 25** from the audit, Mr. Halsey testified that he was in favor of an entry level position for Amusement Safety Inspector Supervisor. He stated that Kentucky, while in the top five in safety in the country, has some of the lowest paid inspectors in the United States. He stated that both Danita Fentress-Laird and John Roberts were in favor of this. He stated that Benson Bell, with the new administration, also supports this. He felt that it was difficult to have employees at an entry level from other AG Inspector Is.

Mr. Halsey testified regarding **Doug Begley**. He stated that Begley was hired to work in the Large Truck section. Mr. Halsey did not recall being involved in the interview process. He is not sure who the supervisor was over that section at the time when Begley started on March 16, 2007. A few months later, Mr. Halsey was told by Danita Fentress-Laird that he had a new Amusement Safety Inspector Supervisor in Breathitt County who turned out to be Doug Begley. He is not aware of any interview process that took place. He stated that he did not need a new supervisor and was not looking for a new supervisor. He specifically did not need a supervisor in that section of the state as Arlie Hall was a supervisor in Harlan.

Mr. Halsey testified he is not aware of any job posting or interview process. He stated that when Mr. Begley was appointed he had concerns about his ability to do the job even though he was appointed as a supervisor. Halsey assigned him to work under the supervision of Arlie Hall. He stated that in essence although he had the title and received the pay of an Amusement Safety Inspector Supervisor, he really was working as an AG Inspector I. Halsey stated that he could not have Begley work unsupervised without being sure that he was qualified to inspect the rides.

Halsey testified that he is not aware of this ever happening before where somebody has resigned while working on initial probation only to turn around and be appointed as a supervisor. He stated that he learned early on that Mr. Begley was Rebecca Farmer's cousin.

Mr. Halsey testified that he received reports from Arlie Hall that Begley was willing to learn when he started. He stated that it took him about a year and a half before he was ready to turn Doug Begley loose. At that time, Arlie Hall left and started working with big trucks.

Halsey testified he received a lot of negative feedback about this hiring. He stated that the guys in his division were mad at him. He stated that he had employees with seventeen to eighteen years still working as AG Inspectors, who could not believe that someone with basically no experience was appointed as a supervisor. Mr. Halsey had to tell them that he had nothing to do with it, he was totally against it, and that there was nothing he could do to change it.

When Begley started as a supervisor, he was serving initial probation. Mr. Halsey stated he was told in some words or another to make it work. He said that he got this message from Danita Fentress-Laird and John Roberts. Mr. Halsey stated he had very little direct contact with Commissioner Farmer. Halsey testified that he had two staff members, Allen Hinkle and Bruce Gross, who have just recently been promoted to supervisor. He believes they would have been interested in this position back in 2007. Halsey testified that he believed he had asked for raises or promotions for Hinkle and Gross.

Chad Halsey was Begley's first-line supervisor on paper, however, unofficially, Arlie Hall supervised him. After a year and a half, Arlie Hall said he was ready and Begley was actually performing supervisory duties. At that time, Chad Halsey heard from Randy Ring who was an inspector under Begley's supervision. Mr. Ring was very unhappy being supervised by Begley. He stated that he would not follow through, he was a horrible teacher, and that he did not know some of the aspects of the job. Halsey testified that he had other problems with Doug Begley. He stated that when they were working at the State Fair, the amusement rides staff was

checking the rides in about 90 degree heat. He stated that Begley would run to the Commissioner's office to get out of the heat and into air-conditioning. When Halsey complained to John Roberts, Roberts replied that he was the "Commissioner's kin-folk, what do you want me to do." He also described an incident at the Chicken Festival in London where he had to separate Doug Begley and a carnival owner. Doug Begley had inspected the same carnival owner one week prior in Hazard. Halsey believed that Begley walked around and did not perform a good inspection. He stated this particular operator needed a good inspection. He stated they found many problems in London which did not happen overnight. He stated these things should have been found in Hazard and the problem could have been avoided. Following the confrontation with the carnival owner, Begley was ready to leave the worksite. Halsey told him he needed to get back to work. Begley threatened to call the Commissioner, Halsey called his bluff by saying, "I'll call the Commissioner." At that point, Begley backed off and returned to work.

Halsey heard complaints from other field inspectors and carnival owners. He said that one thing they noticed about Begley was that he was never dirty. He stated it is hard not to get dirty if you are properly inspecting carnival rides. Halsey also questioned Begley's timesheet. He stated it is hard to track someone who is in Eastern Kentucky from Frankfort. He stated it is more of a problem when a supervisor is not reliable than it is with an AG Inspector. Halsey also had concerns regarding Begley's travel vouchers.

Halsey also described a go-cart track in London which he inspected one year. He said the owner told him something like, "This won't last very long will it?" Halsey said, "Well it might take awhile." He learned that Begley had inspected the place the previous year and was finished in twenty minutes after walking a little bit on the track. Halsey stated that he did a complete inspection and the track was shut down for a few days due to violations.

Halsey stated that he heard rumors that Begley also did additional lumber work and may have worked at a store. Begley also had work related injuries while working for the Department.

When the new administration came in, Begley used Commissioner Comer's name suggesting they were close and called him "Jamie." Begley failed to be NAARSO certified. He had failed Level I three times. Halsey stated he did not feel comfortable with Doug Begley checking rides. He stated he felt the state was lucky that no serious accidents had occurred with Doug Begley doing inspections.

As a result of his failure to be certified during the Comer administration, Begley took a voluntary demotion to AG Inspector I. About a month later he was given an intent to dismiss and a dismissal over findings from his GPS on his state vehicle. Halsey stated he was aware of the GPS and had made a request to have one on Doug Begley's car. While Begley was working in Large Trucks he could not pass his CDL. Halsey stated that Arlie Hall was the supervisor over all of Eastern Kentucky.

Halsey testified that he served on a number of interview panels with John Cook and Jason Glass towards the end of the administration. He recalled that on a couple of occasions they received who they had recommended for amusement ride workers. He stated they interviewed for an Inspector in Louisville and had recommended Randy Wise, who had previously been a Director and had worked with KDA before he retired. He was not selected. He stated there were other occasions when their choice was not selected. They would generally provide a list of three names in order and turn all their notes over to a personnel representative who usually served on the interview panel. He never remembers being told who to select for a position.

Halsey testified that he applied for an Assistant Director position in the Division of Foods. He interviewed with Danita Fentress-Laird and Ann Smith. He heard all along before the process started that **Roger Estill** was probably going to get the position, including from Estill. Once his interview was over, he heard from Danita Fentress-Laird that he had done an excellent job and that they had recommended him, but the Commissioner selected Roger Estill. He stated he had heard around the office that Estill had been told how to dress and what questions might come up before the audit ever came out. He stated that Roger Estill may have

been the source of that information. He stated he went to lunch with Roger Estill and that he was a likeable guy. He was aware that Estill was a hunting buddy of Commissioner Farmer. He was also aware that John Cook had applied for the position.

Halsey stated that he felt he was a better candidate than Roger Estill for Assistant Director. He stated he also felt that John Cook would have been a better candidate for the position. He did not think that Estill was management type. He stated that he did not think he had management experience or college. He stated that Estill would walk around in shorts and Crocs at work. Halsey stated he heard from Danita Fentress-Laird that Commissioner Farmer trusted him with amusement rides and if he was to promote him somewhere else he would have difficulty finding someone for that position. She told him that Commissioner Farmer would not promote him. Mr. Halsey stated he did not think that was fair to him.

He stated he also interviewed for Administrative Branch Manager in the Division of Shows and Fairs. He interviewed with Danita Fentress-Laird and Steve Mobley. Chris Caudle was selected for the promotion.

Halsey testified about some issues he had with John Roberts and Tom Bloemer over vacations. He stated he got a verbal counseling for taking a vacation that had been approved.

With respect to supervisors, he thought that John Roberts was a horrible supervisor. He described him as “bipolar” and he could be nice on one occasion and then bite your head off. He stated that with Roberts, it was his way or no way. He felt he was the worst boss he had in seventeen years. Outside the office he stated Roberts was a good guy. He stated there was a lot of harsh language used in the office when Roberts was there. He stated there were women who were afraid to come out of their office when he was around. He also felt like Roberts acted like he had his own set of rules and would leave at any moment to go with Commissioner Farmer.

Mr. Halsey testified that he worked a long time with Tom Bloemer. He described Bloemer as a “yes man” who would easily stab you in the back. He stated he could tell you one thing and tell John Roberts something else. He felt like Mr. Bloemer was a puppet for John Roberts. He thought he was “wishy washy” and picked on certain employees, such as Tod Legg and Rodney Jeffers.

He testified that John Roberts treated **Lanny Arnold** horribly. He stated that, “Arnold suffered for seven or eight years and was treated as bad as I’ve seen anybody treated.” He described his situation as being put in a corner and told to just be quiet. He stated that Arnold came to him and said, “Don’t come around me, you don’t want to get in trouble with John Roberts and Tom Bloemer.” Halsey stated he was never told any reason why Arnold was treated like that other than Commissioner Farmer wanted it that way. He stated that Arnold was miserable. He went to lunch with Arnold. Around the office Lanny Arnold would do nothing but play solitaire. Field staff were instructed not to talk to him.

In contrast, Benson Bell was the best Director he had. He described him as a “people” person. He stated that even though they might have disagreements, there were no grudges with Benson Bell. In the new administration, Halsey had not been involved with personnel matters.

During the last administration, Halsey stated that he and Gary Wheeler received ACE awards for their work following the Six Flags’ accident.

Halsey testified that he read about the 2010 **ACE awards** in the newspaper. He was aware that Tina Garland received one. He knew her from around the office. He could not answer why she got an ACE award other than he felt like she was big buddies with John Roberts.

Halsey stated he never discussed personnel issues with Commissioner Farmer. He felt like Danita Fentress-Laird was a good friend and he went to her often. He stated John Roberts and Tom Bloemer did not like that he did that.

19. Rick Betsworth

Interview Date: 4/26/13

Subjects: Roger Estill, ACE Awards, and Lanny Arnold

At the time of the interview, Betsworth was not employed. He worked for KDA from 2003 through the end of September 2010. He started out as an IPA II in Food Distribution. He worked that job for approximately four years. In 2007 he was promoted to ABM where he stayed until his resignation. As an IPA II, his supervisors were Theresa Ullery, who at that time was the ABM, and Bill Wilson, Assistant Director. Ullery and Wilson also served as supervisors when he was ABM until they retired in 2008. At that time he was supervised by Executive Director Dr. Frye until Ann Smith was appointed as Director. He stated the lines were a little unsure later when Roger Estill was appointed Assistant Director.

Betsworth testified there are two ABMs, one involving the Household Programs, CSFP and TEFAP and the other involving the School Programs. Steve Castanis was in charge of the other program and Betsworth worked in the Household Programs.

In his time with KDA, Betsworth was on at least two interview panels. He stated that in 2007, Dan Flaherty was promoted to IPA III and became an Accountant and they had to fill Flaherty's old position. The interview panel was Theresa Ullery and Betsworth. He stated that they had a full's day worth of interviews and that **Roger Estill** was the last interview. He stated that his attire for the interview was unusual, scuffed up loafers, khakis and an orange t-shirt. He stated that Estill frequently had no response to the questions. He also had no experience he could relate to several of the behavioral questions. At the end of all the interviews, Theresa Ullery and Betsworth had a discussion and the first thing they said was Mr. Estill was a candidate they did not want to hire. They discussed the other candidates and made some recommendations. The paperwork was given to Theresa Ullery who turned it in up the ranks. Betsworth stated that he made notes regarding the answers to the questions and quick notes regarding his impressions of the various candidates. He believes there was one recommendation for that position. He later

heard from Ullery that Commissioner Farmer did not want their recommendation and that he selected Roger Estill. He said that he was told Ullery complained and that Dr. Frye complained directly to Commissioner Farmer. He stated they were unable to sway Commissioner Farmer and Estill was hired for the position. Betsworth understood that Dr. Frye discussed the downside of hiring Roger Estill, stating that when someone is selected directly by the Commissioner it can be difficult to discipline, supervise or correct them. Allegedly, Commissioner Farmer said that would not be an issue.

According to Betsworth, Roger Estill was unable to perform the duties of the IPA II position. He stated that Dan Flaherty, who served as the trainer, would have more details. The duties were farmed out to other people. Roger Estill was supervised by Bill Wilson and Steve Castanis. Because Estill worked with the School Program in the other branch, Betsworth did not work directly with him. He stated that they both worked closely with food processors. Previously he had worked in concert with Dan Flaherty when he was in the position, this was not the case when Roger Estill was in the position.

Betsworth said he heard some of Dan Flaherty's venting. He stated that he had difficulty showing Estill how to do the job. He stated that Estill was not even familiar with Excel spreadsheets. He found it difficult to supervise or discipline him. Steve Castanis also talked to Betsworth about the difficulty in dealing with Roger Estill and his work. Castanis did not know how to evaluate Estill.

With respect to the interview process, Betsworth testified that two existing employees, Kevin Peach and Thaddeus Price, also applied for the position.

The other interview panel that Betsworth was involved in was to fill his own IPA II position after he was promoted to ABM. He served on this panel with Theresa Ullery and Bill Wilson. Ann Smith was selected. He stated that it was a difficult process as they had concerns as to whether or not there was a conflict to hire Ann Smith, who had previously worked with the

food processors involved with the program. The consensus was she was the best. She was recommended and appointed to the job.

Betsworth stated he was not Ann Smith's supervisor, but he was her trainer. He stated they had a difficult time communicating. When she became Director, he stated their relationship was somewhat strained. They had different approaches. He stated that Ann was somewhat erratic, micromanaging one minute and the next leaving decisions up to other employees. Betsworth stated he eventually left the Department, he was having difficulty dealing with many of the issues involving Ann Smith, John Roberts and Roger Estill.

Before he resigned, Betsworth applied for a position to be Assistant Director of Foods. He stated he interviewed with Danita Fentress-Laird and Ann Smith. He stated that Ann Smith told him he was one of the three recommended for hiring. He has no way of knowing if this was truthful or not. Roger Estill applied for the position and was selected.

Betsworth stated that he and Dan Flaherty had issues with that and consulted two attorneys about their rights and the possibility of protesting Estill's promotion. The first attorney did not want to get involved in the case because it was felt that Roger Estill was good friends with Paul Harnice. The second attorney told them that as long as the person selected was qualified by personnel, that Commissioner Farmer could select whomever he wants. Betsworth stated he now understands personnel rulings better and would not have accepted that answer and might have challenged the promotion.

He stated that they consulted a lawyer because they knew Roger Estill could not handle the position. Betsworth stated he had years of management experience. He felt it was inappropriate to promote someone like Estill who could not do the job he was in. He felt it is important to have supervisors who understand the programs and the job that needs to be done. Betsworth felt that he was eminently more qualified. He stated he had been involved with every program that the Division has. The only exception was the Farm to School program. He stated

that when there was no Director in the Division, he had worked on the Senior Farmers Market program. Of the people that applied, he felt that Estill was the least qualified.

Betsworth brought internal mobility forms to the interview with him. He stated that he learned to use these in applying for a position with another agency. He also brought his evaluations.

All along, it was assumed that Roger Estill would get this job. He felt that Dan Flaherty would have been a much better choice than Roger Estill. He stated Flaherty might have even been better than Betsworth. He was not sure how serious Flaherty was about receiving the promotion. He knew John Cook, Steve Castanis, Chad Halsey and David Fint, from working in the Department, he did not know a great deal about their work other than Castanis. He felt that Castanis would have been marginally better than Roger Estill.

He stated that Ann Smith stated she was involved in the interview, but not really the selection.

As an Assistant Director, Betsworth stated that Estill was wise enough not to interfere with him and his job. He stated for the most part, Estill left him alone. He stated, however, that having Estill as an Assistant Director made things more difficult because there were tasks that Estill could not do. Betsworth stated he had to turn around and do them. He stated that Estill had problems with simple tasks like opening and distributing the mail. He stated that Estill commented that his mother taught him not to open other people's mail. As a result, Betsworth would open the mail and do what needed to be done. He stated that Ann Smith and others also helped out with duties like the mail. Betsworth stated that Estill was often absent performing duties for either Commissioner Farmer or John Roberts. He stated that Estill worked on school reviews and had a vehicle assigned to him.

With respect to Kevin Peach's **ACE award**, Betsworth stated he was not asked and did not recommend the ACE award. He stated that if the award was given for volume of work, he was not opposed to it. If it was for quality of work, he would have an issue with it. He stated that previously Theresa Ullery and Bill Wilson had been instructed by Commissioner Farmer, through Danita Fentress-Laird, to write a new job description for Kevin Peach to promote him. This may have been a reclassification. They had difficulty coming up with duties, but added training. He stated that he is not aware of Kevin Peach working directly with Commissioner Farmer, however, he stated there was an inmate that did janitorial work that Peach would speak to. He had heard that the inmate was also close to Commissioner Farmer.

He stated that Commissioner Farmer often dropped his three children off and the staff in Foods would have to babysit them. He stated that Roger Estill and Ann Smith did some of the babysitting.

Betsworth testified that he was familiar with **Lanny Arnold** and they were somewhat familiar in the building. In Betsworth's last days, he would go to Arnold's office and vent. It was his understanding that Arnold was not part of the "in-crowd" which is how Betsworth felt. He stated that he saw Arnold as occupying a *sine qua non* which he described as an office without a job. He stated that his observation and general rumors were that Arnold's duties were limited and this was not by his choice.

With respect to personnel matters in general, Betsworth felt that Theresa Ullery had been allowed to run the Division. After she retired, he felt that the personnel office was involved, which he viewed as a negative.

He stated there were problems in 2010 with John Roberts. He stated that it was obvious that John Roberts and he did not see eye-to-eye. He stated in 2010 there was more money in CSFP than anticipated. He stated that Dan Flaherty made an error on how much money had been spent. There was an audit in some areas that needed correcting. At that point, Roberts came in

and tried to micromanage. He said they had a system where they needed several levels of approval to make any purchase including as simple as a postage stamp. He stated one of the difficulties in working with Roberts was he would give instructions and when Betsworth followed them he would later be criticized. Betsworth stated luckily he saved e-mails. He stated it was stressful to work with John Roberts.

Betsworth stated he was familiar with Jennifer Ledford, but she started working in the Division after Betsworth had left.

20. Dr. Robert Stout
Interview Date: 3/20/13
Subjects: Chris Parsons, Webster Fannin, Roger Estill and ACE Awards

Dr. Robert Stout is the State Veterinarian and the Executive Director of the Office of the State Veterinarian. He has served in this position since February 2004. He serves in this position based on the action of the State Board of Agriculture.

During the Farmer administration he testified that early on he and his staff would review registers when they had job openings. Later, he stated that the personnel office would do the screening of candidates. Generally they had interview panels with one or two people from the office and one or two from personnel. They usually had a three-person panel and usually they interviewed five to eight candidates.

Dr. Stout does not recall a lot about the hiring of **Chris Parsons**. When informed that he was hired as an AG Inspector in 2006, he still did not recall being involved in that. Parsons was hired to work as field staff. He was supervised by Matt Toler and later by Tammy Cobb. As an AG Inspector in Animal Health, Parsons was responsible for surveillance, inspection of stockyards, local shows, State Fair and animal exhibitions. Generally, the inspectors were responsible for weekly sales at the stockyards. They received assignments from their supervisors.

Dr. Stout testified there were no issues with Parsons' employment until around 2009. At that time he started having problems with time and attendance. Dr. Stout became aware of these as they were reported up the chain of command. At that time, Tammy Cobb was Parsons' supervisor. Dr. Stout and others in the chain supported Cobb. They came up with a plan where Parsons was given distinct assignments by e-mails. He stated that the efforts were good at identifying Parsons' problems, but not so good at improving them. They also consulted with Danita Fentress-Laird who was supportive. She also did her own counseling with Chris Parsons.

The problems reached the point where Cobb would not sign Parsons' timesheets. The usual practice was for the AG Inspectors to turn in an activity sheet which would have the details of the work that they performed during the pay period. It would include things such as mileage. Mr. Smith in the office would reconcile this information. They discovered that with Parsons, it appeared that in addition to not always reporting to work, he also did not always accurately report the time that he did work. At one point there was a meeting with Commissioner Farmer, Dr. Stout and other staff. The meeting ended with Parsons promising to do better. Parsons blamed communication, stating that he had difficulty finding computer access and he could not open the e-mails from Tammy Cobb. Following the meeting Dr. Stout said Parsons did better for a short while, however, the same problems developed. At one point, Parsons complained that his cell phone and GPS had been stolen after his truck had been broken into. As a result, they had Mr. Smith reconstruct some data. They determined that there was a 10,000 mile discrepancy between the gasoline that had been purchased by Parsons and the mileage on his vehicle. The suggestion was he was using the state purchased gasoline in some other vehicle. At one point, things reached the point that Parsons was reassigned to Danita Fentress-Laird's office. He had stopped coming to work.

The second meeting took place with Commissioner Farmer, Danita Fentress-Laird, Chris Parsons and others. Dr. Stout did not recall being there. The meeting ended with Chris Parsons' resignation. Dr. Stout stated he wished this matter had been handled more aggressively,

however, he trusted Danita Fentress-Laird to know personnel law. He stated that she stated there were steps and that Parsons' performance had to be documented. Although Commissioner Farmer never stated he was reluctant to discipline Chris Parsons, Dr. Stout felt that this was the case. He stated that he was aware through hearsay there was a relationship between Commissioner Farmer and Chris Parsons' father. He believes this may have influenced the length of time it took to do something regarding Chris Parsons.

Dr. Stout was surprised when Parsons was hired back to work for the Department. He stated that he was surprised based on the experience they have had when Parsons was working. No one contacted Dr. Stout about Parsons' return. He was not aware that Parsons had left off his application that he had previously worked for KDA.

Dr. Stout did not recall the hiring of **Webster Fannin**. He was shown a paragraph out of the intent to dismiss letter which he described as accurate. He stated that the paragraph was written by Holly VonLuehrte after she spoke with him. He stated it is not exactly what he said, but it is the gist of what he said.

Dr. Stout stated that it would happen from time-to-time that Danita Fentress-Laird would tell them that they had an able candidate for an opening. Dr. Stout had asked in the past, "Does it really matter if I participate in the process?" This occurred with Parsons and Dr. Stout declined to participate. He felt like he would get the candidate either way. He stated Ms. Fentress-Laird did not mention a name, just an able candidate. He stated on other occasions they would interview and rank the candidates, but they would not always get their recommended choice.

Fannin was appointed as an AG Inspector for Scott County. Dr. Stout did not recall if they had made a request to fill a position in that area. The interview panel that selected Fannin was Danita Fentress-Laird and Amanda Cloyd, both from the personnel office. Fannin was hired on March 1, 2009.

Dr. Stout stated that his employment was fairly positive to start. Dr. Stout was not aware that Fannin was reclassified from an AG Inspector I to an AG Inspector II on July 1, 2010. He stated he did not make any kind of request and did not learn of this until the State Auditor did a review of personnel practices and other matters with KDA.

Dr. Stout's stated there have been occasions in the past when he has requested either promotions, reclassifications, or some type of salary advancement for employees. He stated that they did not always get it. It was his understanding that Commissioner Farmer made all of these type of decisions, including who would get reclassified.

Webster Fannin eventually resigned after being given an intent to dismiss. This occurred during the Comer administration. Jeff Donovan was his supervisor at the time of Fannin's resignation. Fannin told him he had been pre-selected for his position. Dr. Stout knew through hearsay that Commissioner Farmer hunted on Fannin's property and knew Fannin's father who was a Magistrate. Dr. Stout stated that Fannin could have been a good employee, that he had anger issues, and could be anti-social.

With respect to **Roger Estill**, Dr. Stout testified that he is a Branch Manager. He stated that they did not select him to work in their office. Danita Fentress-Laird told them they had an employee who was dissatisfied where he was and asked Dr. Stout if he could use him. Dr. Stout stated if he was a good employee that they could. He stated there was no middle management in their office. He believes that Estill was assigned to the Administrative Branch with Dr. Billings, the Deputy State Veterinarian, as his supervisor. He stated that Estill started with a good attitude. Dr. Billings had problems getting Roger Estill to do things. This continued over time. Dr. Stout wonders if Estill has the skills to perform in the position he is in. He stated that Estill has a desire to be helpful, but he is just not sure if he is capable of performing work as a Branch Manager. When Dr. Billings did the 2012 evaluation, she rated Estill as "needs improvement."

It came to Dr. Stout who reviewed it and raised it to just barely in the “good” category. John Roberts serves as Estill’s supervisor now.

With respect to hiring in the new administration, there has not been a lot of opportunity. He described the new administration as very cautious in making sure everything is done to the letter of the law. Dr. Stout has been involved in a few interview processes and has found that they have been very professional. He noted that the recommendations have been followed.

With respect to the 2010 **ACE Awards**, Dr. Stout stated he did not recommend one for Tammy Cobb. He stated he probably should have. She was an excellent employee. He did not recommend her for an ACE award because it was his understanding due to the budget situation there would not be ACE awards. After having reviewed the written recommendation for the ACE award, he agreed with it. He did recall discussing Tammy Cobb’s work with Commissioner Farmer. He felt that her ACE award was very well deserved and he would be disappointed if she lost it.

Dr. Stout testified that he worked with Nicole Liberto. He finds her very bright. He stated at times it can be difficult to get the work product they need. He has not discussed her work with Commissioner Farmer or Danita Fentress-Laird. He also worked a lot with Clint Quarles. He found him very responsive. They worked together on regulations and other matters. He did not discuss Quarles’ work with Commissioner Farmer, Ms. Fentress-Laird or Ms. Liberto. In other years he has made recommendations for ACE awards.

Dr. Stout testified that there is no question that Commissioner Farmer was the one who made decisions regarding hiring. He stated that they would maintain paperwork listing their top candidates. Their questions and notes were shredded. There were no discussions of qualifications of candidates, just a ranking.

21. Dr. Sue Billings
Interview Date: 2/25/13
Subjects: Roger Estill, Non-Merit Special Assistants, Chris Parsons and ACE Awards

Dr. Sue Billings retired December 31, 2012. She served as the Deputy State Veterinarian in the Office of the State Veterinarian. She was also a Division Director for Animal Health. She supervised a field staff of about thirty. In addition to being a licensed Veterinarian, she also was an Epidemiologist. She started with KDA on June 1, 2004. Prior to that, she worked for the Department of Public Health for about five years. Prior to that, she had been in private practice as a Veterinarian for about twenty-eight years.

Dr. Billings stated she had a Master's of Public Health in Epidemiology. She stated this is the study of disease outbreaks which is what the Division of Animal Health is all about, prevention of disease outbreaks. She stated that the field staff consisted of AG Inspector Supervisors and AG Inspectors. With respect to the Farmer administration, she stated that they had no Personnel Director to start with. Early on they were given registers and created their own interview questions. The last four or five years she stated they never saw a register. They were told who to interview.

At one point, both Branch Managers retired and their positions were not filled. Dr. Billings was the supervisor for all office staff when they were without an ABM. She stated that eventually Commissioner Farmer put **Roger Estill** in that position. She did not know all the circumstances of Estill coming to their Division other than he had previously been an Assistant Director. Estill informed Dr. Billings on his first day that if Commissioner Farmer called he would have to go. He also informed her that he would be working at the State Fair. She stated that she and Dr. Stout learned from Danita Fentress-Laird that Estill would be coming over. She knew it was a voluntary demotion and that he was keeping his money. She stated it was pretty much a done deal and that they were not in any way involved in selecting Estill to come over.

Estill started in their Division on November 1, 2010. Dr. Billings was his evaluating supervisor. She stated she was generous in the first two interims for 2011. She stated that Estill came in with a good attitude and that the staff liked him. He spent some time learning their database and volunteered to take over a deer program. Dr. Billings learned that he was a hunting buddy of Commissioner Farmer. She stated she was more generous in doing his evaluations as she was not ready to leave her job. When he did not like the evaluation that she prepared, he threatened her with a grievance. He wrote a letter to that effect which she believed she destroyed. Estill apologized to her the next day.

In Dr. Billings' opinion, Estill was not a manager. From time-to-time he told staff that he was "along for the ride," and that he had previously retired. Dr. Billings stated she asked Estill to create a notebook of all the programs. She stated that her eleven-year-old granddaughter could have completed this assignment in two weeks. Dr. Billings stated Estill worked on it for months and then took the finished product to Dr. Stout, not to her. She stated it was full of mistakes. She stated that Estill would perform duties such as permits, the mail, and other tasks which grade 9 employees usually did.

Her opinion of his work declined as the year 2011 went on. She stated she was intimidated by him. She stated he would not ask questions and would just sit in his office. She stated that he did come to work. As an ABM, he did not provide the relief from the many duties that Dr. Billings had except for preparing some of the paperwork involved in evaluation of some of the staff. Estill would leave because of a call from the Commissioner, he would not tell Dr. Billings, he would tell the receptionist.

Estill went to the State Fair in 2011 and 2012. She believes it was at North American that Estill did not show up to an assignment because he did not think he was going to get enough comp time.

Dr. Billings stated that she did not think Estill was capable of doing the job.

With respect to **non-merit Special Assistants**, she believed that Chad Miller was on the list for their office. He never worked out of their office. They also had Ben Shaffar. She stated there was a Special Assistant named Dwight Hughes that worked for about a year. They had to find work for him.

Dr. Billings stated she was not involved in **Chris Parsons'** hiring. She knows that Tammy Cobb was Parsons' supervisor for a period of time. She was informed that there was a new employee in Rockcastle County. She does not recall a posting or interviews. Parsons started on May 1, 2006, with a different supervisor. Eventually Tammy Cobb took over. Dr. Billings learned that Parsons was not going to his assignments. There would be big events, such as the State Fair or North American and Parsons would come up with an excuse for not being there for his shift. Danita Fentress-Laird gave advice to Tammy Cobb which was to "document, document, document." Eventually, there was a meeting with Commissioner Farmer and Danita Fentress-Laird involving Dr. Billings. Parsons stated that he cannot open the e-mails from Tammy Cobb that they would go directly to his deleted files. He stated he could not answer his state cell phone because it had been stolen. Following the meeting they set him up with the IT person to show him how to open e-mails. On occasions when he would not show up, Parsons would have excuses, such as he had to keep the children while his wife went to work. She stated he always had an excuse. He would miss assignments, such as stockyards or dead animals they had to respond to.

Dr. Billings was aware that Parsons was allowed to resign and eventually was hired back. She recalls there was a period of time when Parsons was reporting directly to Danita Fentress-Laird. She stated that the supervisors did not want to sign his timesheets. She stated Mr. Smith would take activity reports and turn them into timesheets. Parsons resigned in March or April of 2011. She felt like it went on much longer than it should have.

She heard that Parsons was hired back through the grapevine. No one contacted her about Parsons' work performance. She stated that she was not that surprised that they hired Parsons back because she stated it was obvious that they did not want to let him go in the first place. She felt a lot of this was due to outside factors, including Parsons' father.

With respect to **ACE awards**, Dr. Billings stated that all she knew about these were what she read in the paper. She felt that Tammy Cobb had been recommended for an ACE award in the past. She felt that Cobb was certainly deserving of the award.

She did not recall being involved in the hiring of **Webster Fannin**. She stated that he was not recommended for a reclassification. She stated that over her eight and a half years there were probably one or two others who were reclassified. She stated that they were very difficult. Even when employees who were deserving were recommended, they were told they could not do it because there was no money.

She described Webster Fannin as unhappy, with a "sour" attitude. Eventually they learned that he was not going to stockyards. They also heard reports that he was taking cattle to sell when he was supposed to be working. Jeff Donovan was his supervisor. In the last year things deteriorated. She understood that Commissioner Farmer hunted on Fannin's farm and that the Commissioner was friends with his father. She stated she learned this through hearsay.

With respect to personnel matters, she stated they did not always get who they recommended. She stated that sometimes no one was hired because Danita Fentress-Laird could not get in to meet with Commissioner Farmer. She recalled a couple of examples, Jimmy McClendon and Bart Branstetter who were placed in positions even though they had not been recommended by interview panels.

With respect to the new administration, she stated they have hired two inspectors and one office staff. As far as she knows, they have abided by recommendations.

She was also aware in the previous administration that James Edmond Thompson had been overlooked and not given an interview. He appealed to the Personnel Board and got some relief. [See Appeal No. 2011-128.]

22. Chad Miller

Interview Date: 4/8/13

Subjects: Non-Merit Special Assistants and Doug Begley

Mr. Chad Miller is currently an ABM with the Kentucky National Guard. He has also served as the Energy Manager for them. Prior to that, he worked as an Engineering Tech III with the Finance and Administration Cabinet.

Mr. Miller spent six years with KDA, leaving in March 2011. He was employed as a Personal Assistant. He believes he was hired to perform duties as needed for Commissioner Farmer. After about one week or so he noticed that there was a lack of specific direction and a lack of duties. From that point on, he started to find his own duties by working with different people in different sections in the Department.

Mr. Miller testified he started working with an acquaintance of his, Shannon Sparks, in the Pesticide area. He was not getting enough duties directly from Commissioner Farmer. Thereafter, he started reporting to 107 Corporate looking for things to do. He started working with Amusement Rides and spent a good deal of time there for the first year and a half he worked with KDA. He helped them out performing various functions such as entering data in the computer system, including complaints, and fines. Thereafter, he started performing the duties of an Internal Policy Analyst III who did travel vouchers for field staff. This required him to learn eMars and he was able to get approval to attend the classes. He also did the work duties of an IPA II who was leaving who paid bills for the Department. In addition, he helped Chad Halsey in Amusement Rides with inspections. He was a licensed electrician and he attended NAARSO training with the staff in Amusement Rides, reaching Level II.

After the woman who paid the bills left her IPA II job, they eventually posted it some years later as an IPA I. Mr. Miller did not apply and he went back to Amusement Rides and continued to work there for the rest of his time with KDA.

He testified he worked with the staff in Amusement Rides on the investigation of the Louisville Zoo train accident. He was able to review the schematics and determine that a device had been intentionally disabled and the accident was in no way caused by the KDA's investigation. He was informed by attorney Clint Quarles that he had found something that very few people could have found and he probably saved the state a lot of money when KDA was released from liability.

Mr. Miller attended the Certified Public Managers' program. He paid for the classes himself and applied for a 10 percent raise at the end of the program. He did not get the raise and was told there was no money in the budget.

Mr. Miller testified he was interested in trying to obtain a merit position and noted that when they announced the Administrative Section Supervisor and ABM positions, they were posted for internal mobility candidates only. As a result, Mr. Miller could not apply. He stated he applied for a lot of state jobs, but never applied for any position from KDA. He stated he never got the feeling he would get a fair shake in applying for any jobs.

When asked who he would classify as his supervisors, he stated he would identify Danita Fentress-Laird, John Roberts and Chad Halsey. He stated that Ms. Fentress-Laird was who he knew when he started and he went to her with questions and assignments. He felt Chad Halsey was a supervisor because he worked so much time with Amusement Rides. As far as his non-merit position, he does not know exactly which office it was assigned to on paper. During his time with KDA he had very little direction from Commissioner Farmer. He stated he basically had no direction at all from the Commissioner after the first two months. At one point he felt he

had a falling out with the Commissioner over personal issues, not work issues. He felt like he had been isolated and was sent away early from things like the State Fair.

When he started out, Mr. Miller took or mailed his timesheets to Danita Fentress-Laird. He stated that she stated to him she did not need to worry about him, he does what he is supposed to do and he goes where he is supposed to go. Later, Chad Halsey signed his timesheets when he worked in Amusement Rides. He felt like Mr. Halsey closely supervised his work and knew where he would be. He felt he had sufficient knowledge to sign timesheets. On occasion, John Roberts also signed his timesheets.

Mr. Miller stated he did not work much with Mark Jackson or Derek Collins. He did see them at the State Fair and he was aware that they did some of the work with the COOL Program. Mr. Miller was involved in processing some of the appropriate paperwork for that program to make sure that the Department did not lose out on federal funds.

He described an incident where he got in the middle of a situation with the Commissioner and Shannon Sparks. The Commissioner was upset because Mr. Sparks' father had a campaign sign for Steve Beshear in his yard, but stated he could not put one up for Commissioner Farmer. This occurred during Commissioner Farmer's second race for Commissioner. As a result, Commissioner Farmer wanted no favorable treatment for Sparks and specifically did not want him getting comp time or to be allowed to work the State Fair. Throughout KDA the State Fair was viewed as an opportunity for employees to get comp time.

Miller stated that he wanted to sit in on interview panels and felt he would be able to help KDA based on his education, however, he was never allowed to. He gave an example with respect to Amusement Rides that they never asked during interviews whether applicants would be able to climb or whether they were afraid of heights. He stated that regardless of all the other abilities, if they could not climb the rides they would not be very helpful in the field.

Mr. Miller stated that he worked with most of the inspectors and supervisors in Amusement Rides. He specifically stated that **Doug Begley** did not have the background to be an inspector. He also did not have the work habits of a hard worker. Mr. Miller described being involved with an altercation between an amusement ride operator and Doug Begley in London. The operator was upset because Begley had inspected his rides a couple of weeks earlier and found no problems. When they were at a big event in London, there were a number of inspectors that reviewed the equipment and found multiple problems. The operator was upset because Doug Begley walked around “clean as a whistle.” It was felt that in order to properly do the ride inspections you would have to get dirty. In summary, Miller stated that Begley probably should have been a non-merit Personal Assistant. He stated that people in the branch complained that Begley was a supervisor. He specifically noted that Allen Hinkle had been passed over after being an AG Inspector for years. He eventually was promoted to supervisor. It was a feeling among those in the branch that Doug Begley was not qualified to hold the job he was in.

23. Tina Garland
Interview Date: 8/13/13
Subject: ACE Awards

Ms. Garland is an Agriculture Program Coordinator. For the last three years she has been primarily responsible for the Farm to School program and serves as its coordinator. She was hired on July 30, 2007, and started as an Agriculture Inspector I in the hay testing lab. She also worked as an Administrative Specialist III in the Mobile Science Activity Center (MSAC) which is a forty-two-foot trailer which travels around the state with opportunities for students to conduct investigations about agriculture and the environment. While she was working for the MSAC she also became involved in the Farm to School program. The purpose of this program is to help create a non-traditional market for local agricultural programs. Garland works primarily with Food Service Directors in the schools.

On July 1, 2010, Ms. Garland was moved from the Office of Markets to Food Distribution within the Office of Consumer and Environmental Protection. On July 16, 2010, she received a 10 percent **ACE award**.

She stated that the Farm to School Program was a well publicized program with press releases from the KDA. She stated she was also involved with radio segments and the program was covered in newspaper articles. Ms. Garland stated that she believed her hard work with respect to the Farm to School program probably came to the attention of Commissioner Farmer and is the reason he included her in the employees who received ACE awards. A quick internet search regarding the Farm to school program turned up a national publication from the Community Food Security Coalition, Strengthening Farm to School Programs, a policy brief for state and local legislatures. In this publication, Commissioner Farmer is quoted as follows:

One of my top priorities for my second term was to get more local food into Kentucky schools. When Kentucky schools buy local, they buy the freshest foods at the peak of flavor and nutritional value. They also help family farmers make a living and stay on the farm.

24. Clint Quarles
Interview Date: 8/13/13
Subject: ACE Awards

Mr. Clint Quarles is a staff attorney with the KDA. He received a 10 percent **ACE award** on July 16, 2010. At the time his first-line supervisor was Nicole Liberto and his second-line supervisor was Danita Fentress-Laird. He stated he did not work closely with Commissioner Farmer, however, he is sure that Commissioner Farmer was aware of his work.

Mr. Quarles cited specifically his work regarding the accident at Kentucky Kingdom Six Flags involving the “Superman Tower of Power.” He stated that he provided legal advice and defense and saw to it that the KDA did not become a defendant in any actions. The date of the

accident was June 21, 2007. Mr. Quarles stated he was also involved heavily in the review and providing legal advice involving the train accident at the Louisville Zoo. The date of this accident was June 1, 2009. He is sure that his work on these two matters was known by Commissioner Farmer.

Mr. Quarles stated he also worked on regulatory changes and contract negotiations, as well as personnel actions. He felt these were all significant issues that might have been known Commissioner Farmer.

Mr. Quarles verified Chad Miller's assistance in review of the Louisville Zoo accident. He stated that Miller was very helpful given his background as a licensed electrician.

25. Nicole Liberto
Interview Date: 8/14/13
Subject: ACE Awards

Ms. Nicole Liberto is an Assistant General Counsel with KDA. She has been employed with KDA since 1997, starting as Paralegal, being promoted to staff attorney and eventually Assistant General Counsel. She has served as Clint Quarles' supervisor since he was hired by the Department. Danita Fentress-Laird was Ms. Liberto's supervisor during the last administration.

She testified that she did not work closely with Commissioner Farmer on a regular basis, however, she would work with him on special issues and special projects. She was often called to brief him regarding these issues. She specifically recalled a large grain failure which they met to discuss in his office. She also stated that she was involved with the amusement ride issues, including the Superman ride at Kentucky Kingdom.

Ms. Liberto stated that she has been discussing a salary increase for sometime during her employment with KDA. She stated that although Craig Maffett was the General Counsel during the last administration, he functioned more as a Chief of Staff and Ms. Liberto became responsible for all legal responsibilities. She stated that her duties tripled. She described having multiple meetings with Danita Fentress-Laird, Mark Farrow, and Commissioner Farmer regarding a salary increase. Ms. Liberto presented e-mails where she has had discussions and meetings regarding a salary increase beginning in January 2006. She stated as a result of these meetings and requests, she was not surprised when she received the **ACE award** in 2010. She received a 10 percent ACE award on July 16, 2010.

Ms. Liberto stated as supervisor, she did not recommend an ACE award for Clint Quarles. She thought he was a fine attorney who did quality work and she specifically mentioned his work regarding the Kentucky Kingdom and Louisville Zoo accidents. She stated that the timing was a little awkward as she was working on some performance issues with Mr. Quarles at the time of the ACE award. Nonetheless, she stated that his ACE award was well deserved.

26. De'Anna Clark
Interview Date: 8/15/13
Subject: ACE Awards

Ms. De'Anna Clark is currently employed as an Internal Policy Analyst II with the Kentucky State Police. She has been employed there since May 2012. Prior to that, she was an IPA II with KDA. She is also been employed as an Administrative Specialist and an Executive Secretary with KDA starting when Billy Ray Smith was Commissioner.

During 2010 she was employed as an IPA II in the office of Strategic Planning and Administration. One of her primary responsibilities was to be the pro-card administrator. She was responsible for paying bills, processing travel, handling cash receipts and training new employees regarding e-Mars. Her supervisor was Ron Parrot. Her second-line supervisor was

Danita Fentress-Laird, although she stated she really reported to her Executive Director, Steve Kelly.

Ms. Clark stated she liked to stay busy. In addition to her duties within SPA she also helped out in Animal Health entering equine information into their system. She also helped out in marketing with Kentucky Proud data. A good deal of the time, she also helped out at the Commissioner's office. She was involved in the Spay and Neuter program and later the Spay and Neuter Voucher program. With the Commissioner's office she answered the phone. She stated that she did not work all that closely with the Commissioner himself, however, she worked with all of his staff in the office, including Bruce Harper. She stated that her Executive Director, Steve Kelly, worked very closely with Commissioner Farmer.

Ms. Clark was also involved with other events, such as the State Fair, Kentucky Proud Marketing and SASDA. She provided support to boards and commissions, including Agriculture Education, PACE, Animal Control Advisory, Kentucky AG Council, and the AG Council. She stated she was surprised when she learned she had received a 5 percent ACE award on July 16, 2010. She received congratulations from some of her coworkers. At some point later, she had an opportunity to thank Commissioner Farmer, who stated that he appreciated her hard work. The justification from Ms. Clark's ACE award specifically mentioned her flexibility and her ability to help out in other areas.

27. Ricky Jacobs
Interview Date: 8/15/13
Subject: ACE Awards and Lanny Arnold

Mr. Ricky Jacobs is employed as an AG Inspector I with KDA. He has been with them for about twelve years. He has worked with the Division of Weights and Measures and his supervisor is Robert Ginter. His Branch Manager is Jason Glass. He stated that they were responsible for ensuring that things that weighed and measured products were accurate.

Mr. Jacobs testified he had very little direct contact with Commissioner Farmer. To the extent the Commissioner knew any information regarding his work, he assumes it came to the Commissioner up the chain of command. Around 2009 the Motor Fuel Lab opened, Mr. Jacobs was largely responsible for collecting field samples which were taken to the lab. He also recalled during this timeframe John Roberts asked about the progress each employee had made regarding their assignments for the year. Jacobs recalled that he responded that he was 80 to 90 percent complete.

Mr. Jacobs was given a 10 percent **ACE award** on July 16, 2010. Mr. Jacobs was an AG Inspector III at the time of his ACE award. He heard about his ACE award from John Roberts. He recalled that he thanked Danita Fentress-Laird and she told him that he deserved the award and he was a good person both personally and professionally. He also recalled thanking John Roberts and Commissioner Farmer. He stated that the Commissioner responded that Mr. Jacobs was deserving of receiving some type of reward or compensation. He recalled that the comment from the Commissioner occurred at a time when Mr. Jacobs was getting his flu shot at the Tower.

Jacobs stated that he has worked with **Lanny Arnold** as a Branch Manager and Assistant Director. He stated he would often go to Lanny Arnold for assistance due to his years of experience and knowledge regarding weights and measures issues. He testified there was a period of time when he was told it was best not to contact Lanny Arnold. He does not recall exactly who he heard this from. He is aware that there was a period of time when Lanny Arnold was standoffish and had some job duties removed. Mr. Jacobs had no idea what the reason was.

28. Todd Garland
Interview Date: 8/16/2013
Subject: ACE Awards

Mr. Todd Garland works for KDA in the Office of Consumer and Environmental Protection. He is in the Division of Pest Control and is an Administrative Specialist. He has been employed with KDA since July 2001. In 2010, he was an Administrative Specialist 1 and his supervisor was Lonnie Dale Anderson. At that time he was involved in two major programs the Chemical Collection program and the Rinse and Return program.

Mr. Garland stated that Commissioner Farmer knew his name and they would talk to each other in the hall. He felt that if Commissioner Farmer knew about his work it would be through his evaluations or supervisors. He received a 10 percent **ACE award** on July 16, 2010. He stated it came as a complete shock to him. He heard all positive responses from his coworkers. He testified that he is passionate about water quality and felt that it was rewarding that his efforts were being recognized.

29. Kevin Peach
Interview Date: 8/16/13
Subject: ACE Awards, Roger Estill and Jennifer Ledford

Mr. Kevin Peach is an ABM with the Division of Food Distribution for KDA. He has been in that position for one year. Prior to that time, he was a Training Development Specialist in Food Distribution for four or five years. He also served as an Administrative Specialist for the National School Lunch program and an Administrative Assistant. He started as a part-time worker through ADECCO. He has worked in Food Distribution for a total of fourteen years.

On July 16, 2010, Mr. Peach was awarded a 5 percent **ACE award**. At that time as a Training Development Specialist he was an assistant to the Branch Manager and was in charge of the training for the Division. Most of the training was provided to food banks, food pantries, and food service directors. The idea was to train them so that they were familiar with the

programs that the Division of Food Distribution was administering. At times, Peach has also ordered foods for TEFAP and CSFP. He also worked on monthly reports for these two programs. In July 2010, Rick Betsworth was his first-line supervisor and Ann Smith was his Director.

Mr. Peach stated he did not work directly with Commissioner Farmer. He stated that right around the time of his ACE award he had taken over the ordering for the National School Lunch program. He stated that Roger Estill was in the position where he should have been doing this. Dan Flaherty attempted to train him and Kevin Peach worked with him also. Peach stated that he did most of the ordering and that Mr. Estill had difficulty with these job duties. At the time, Peach was also involved in transporting an inmate who was working in the building back to the Frankfort Career Development Center.

When Mr. Peach first received his ACE award he was ready to turn it down. He stated that even though it helped, he felt that this was awarded during a time when not everyone was receiving any type of raise.

When **Roger Estill** was appointed Assistant Director, he thought there were other candidates for the position. Peach especially mentioned Steve Castanis. He felt there were complicated jobs in Food Distribution and that Roger Estill never quite understood the programs.

Peach applied for the IPA II and ABM positions. They were interviewed together when **Jennifer Ledford** was appointed to the IPA II. He stated that most in the office assumed that Jennifer Ledford would get that job since she had already learned how to perform the duties.

30. Larry Garriott
Interview Date: 8/16/13
Subject: ACE Awards and Roger Estill

Mr. Larry Garriott is an AG Program Coordinator with KDA, Division of Food Distribution. He had previously been an AG Program Coordinator before he retired in 2006. He returned to KDA after retirement in 2007 as an AG Inspector II. He was working in that position at the time he received his 2010 **ACE award**. He described his duties as working with U.S.D.A. foods in schools. He stated he would contact the distributors and check with the warehouses to make sure food is properly stored. He would also handle complaints from school systems. In 2010, Steve Castanis, his Branch Manager, was his first-line supervisor. Roger Estill, the Assistant Director, was his second-line supervisor and Ann Smith was his Director. Mr. Garriott stated that he did not work closely at all with Commissioner Farmer. He believes he had two direct contacts with him. He stated one was when he was present with other field staff at Montgomery County when they were receiving an award regarding food programs in the schools.

Garriott believes he was recommended for an ACE award by Roger Estill and Ann Smith. He stated they both talked to him about it because at the time he was an AG Inspector II, but was actually running a program. Garriott reviewed the recommendation for the ACE award and stated that the information in there was accurate.

Garriott stated that he worked with **Roger Estill** when he was an IPA. He did not find Estill helpful. He did say that Dan Flaherty had been very helpful when he was an IPA. He also stated that Kevin Peach and Jennifer Ledford had been helpful. Mr. Garriott was surprised when Estill was promoted to Assistant Director. He felt that some other candidates, Dan Flaherty and Steve Castanis, would have made ten times better Assistant Directors. He stated they both had knowledge about the programs within the Division of Food Distribution.

Garriott thought there might have been some other issues involved in his ACE award. He stated that there was an AG Inspector I hired, who was making \$3,000 more than him. Garriott, was running a program even though he was an AG Inspector II. AG Inspectors usually just do the school reviews. Eventually, Garriott was reclassified to the AG Program Coordinator.

31. **Alisha Morris**
Interview Date: 8/27/13
Present was Ms. Morris' attorney, the Hon. H.K. Cooper
Subject: ACE Awards

Alisha Morris has been a Program Coordinator with the KDA since 2007. Prior to that, she was an Administrative Specialist III. The entire time she has worked with the Office of Marketing.

According to her personnel action, Ms. Morris was employed as an Administrative Specialist III, grade 12, in 2010. She received a 10 percent **ACE award** on July 16, 2010. Ms. Morris was working in the Office of AG Marketing and Product Promotion and worked primarily with the Kentucky Proud program. As a result of her work with the Kentucky Proud program, she was involved in trade shows, the Governor's Office for Agriculture Policy, small and medium size retail stores and special events. She was heavily involved with the State Fair, SASDA and other events. Ms. Morris testified that her work was well known to the Commissioner and his staff. She mentioned that at events such as SASDA and the State Fair, she would often see Commissioner Farmer and he would praise her for her work. Ms. Morris also produced a number of letters from vendors, State Fair officials, and two Governors praising her work on behalf of Kentucky Proud.

Ms. Morris stated she worked a flex schedule and a lot of her work activities were outside the office. She stated that her Executive Director, Mac Stone, congratulated her on her ACE award, stated she deserved it and that she had worked hard.

32. Tammy Cobb
Interview Date: 9/4/13
Subject: ACE Awards, Chris Parsons and Webster Fannin

Ms. Tammy Cobb was employed as an AG Inspector Supervisor, grade 12. She received a 10 percent **ACE award** on July 16, 2010. She has worked for KDA for fourteen years, ten years as a Field Supervisor. Prior to that she worked as an AG Inspector.

Ms. Cobb stated that she did not personally work with Commissioner Farmer. She stated she ran into him a few times, possibly at the State Fair. At the fair she worked as an employee of the Division of Animal Health. At the State Fair she worked especially with the sheep. She stated she was in charge of checking to make sure that they had their health papers and that they did not have any contagious diseases.

Prior to her ACE award, Ms. Cobb was responsible for supervising **Chris Parsons**. She stated that early on she found that he was not showing up for work and he was not at the stockyards where he was supposed to be. She stated he would come up with excuses and sometimes she even caught him in lies about why he was not at work. She worked closely with her supervisor, Bobby Bell, and also with Danita Fentress-Laird on issues with Chris Parsons. She stated that she documented all the difficulties she had with him and tried reprimanding him. Ms. Cobb was involved with several meetings with staff from Animal Health, plus Personnel, in order to try and correct these issues with Chris Parsons or document the problems. She stated that their efforts did not correct his performance and he eventually resigned. She was aware that he came back to work for KDA in another area. She was not aware that he had left off his application that he previously worked for KDA. She was contacted by new supervisors for Mr. Parsons after he was hired back.

Ms. Cobb did not work closely with **Webster Fannin**. She was not involved in his reclassification. She stated she was aware of it and had no idea why Mr. Fannin was reclassified. She stated that there were long-term employees who worked as an AG Inspector Is who had not been reclassified to AG Inspector II.

Ms. Cobb stated she worked hard for KDA and received praise for the way that she handled her supervision of Chris Parsons.

33. Dave Lear
Interview Date: 9/9/13
Subjects: Dave Lear and Randy Craft

Mr. Dave Lear is an AG Inspector I. He started his position on October 17, 2013. He lives in Jackson County and his supervisor is Tod Legg. Prior to coming to work for KDA, Mr. Lear had been employed with the Transportation Cabinet for ten and a half years. He started as a Highway Equipment Operator I, was promoted to an Operator II and was reclassified to an Operator III. His Highway Equipment Operator III position was a grade 10. In Transportation, Lear had experienced flagging, driving heavy equipment, timekeeping and performing administrative work. He had a Class A CDL.

Mr. Lear stated he previously testified at the Personnel Board in the appeal of *Ricky McQueen v. Transportation Cabinet*, Appeal No. 2005-436. During this appeal, he provided testimony regarding an incident in 2002 or 2003 when another employee had pointed a gun at him. He also described an incident where he had been grabbed by the collar by a coworker while flagging traffic. As a result of these and other incidents, Mr. Lear testified he had been trying to find other employment for some time. He stated he was not able to gain any advancement with Transportation and had sought a number of jobs with other agencies. Lear brought to the interview applications he had filled out, prior to COS, showing he applied for work as a Safety Coordinator and an Administrative Specialist II. Since the COS system was in place, records Mr. Lear brought with him showed he had applied for thirty-four jobs including jobs from the

Transportation Cabinet, KDA, Energy and Environment Cabinet, Justice and Public Safety Cabinet, Department of Parks, and Public Protection Cabinet. He applied for several AG Inspector I positions. He stated he had previously interviewed in July 2011 for an AG Inspector I position with Amusement Rides in Pike County. He stated he was interviewed by Jason Glass, Jamie Mayes and Chad Halsey. He received a letter in August telling him he did not get the position. He believes that Randy Ring was appointed to that position.

Thereafter, he also applied for two positions on July 26, 2011, as an AG Inspector I in Knox and Rockcastle counties. Mr. Lear stated he had one interview for the two positions. His interviews were with Jason Glass, John Cook and Tom Bloemer. He stated the interview questions were similar to the questions he had a few months before. His interview for this position took place on September 14, 2011. He was not sure if the interview team was aware that he was currently working for the Transportation Cabinet. He stated the subject only came up at the end of the interview when he asked a question regarding money since he was a grade 10 with the Transportation Cabinet applying for a grade 9 position with KDA.

Mr. Lear stated the first week of October 2011 he received a telephone call from Danita Fentress-Laird offering him the AG Inspector I position in Rockcastle County. They discussed money at that time. He was told that he would be allowed to keep his current rate of pay, although he would lose approximately 6 percent due to the fact that Transportation worked a 40-hour week and KDA worked a 37.5 hour week. Although he was allowed to keep his salary from his grade 10 position, Mr. Lear was started less than AG Inspector Is were started with no state experience. **Randy Craft** who started the same time as Lear and was hired out of the same interview process as an AG Inspector I in Knox County started at mid-point for grade 9, which was higher than Lear's salary. He stated that he accepted the position. He stated he would have accepted even with a 5 percent decrease to get out of the situation in Transportation.

He stated thereafter he was contacted by Tod Legg, brought to Frankfort and started his employment with KDA. He stated his employment has gone well and he likes the work he is doing. He gets along well with his supervisor and coworkers. Mr. Lear brought his 2012 evaluation to the interview with him. He received a rating of “outstanding.” Mr. Lear transferred and demoted to KDA from Transportation, thus he did not serve an initial probationary period. He was told after the new administration came in that they would like to get rid of him, but they could not because he was not on probation. He heard this through his supervisor and believes it came from Mary Ann Baron, the Executive Director for Consumer and Environmental Affairs. Ms. Baron is no longer in that position.

Mr. Lear testified that he did not know Commissioner Farmer and did not know anyone who knew him. He did not ask anyone to contact the Commissioner on his behalf to get this job. He is not aware why Commissioner Farmer would have told anyone to make sure that Dave Lear was interviewed for this position unless the Commissioner was aware of how many times he had applied for positions. Mr. Lear stated he is a registered Republican and has never made a political contribution. He is not aware why anyone would state that he received his position due to his political affiliation.

In a follow-up telephone conversation on September 10, 2013, Lear denied any contact or involvement with Mark Jackson or Derek Collins. He stated he knew who Mark Jackson is, but did not know him.

34. **Tod Legg**
Interview Date: 9/9/13
Subjects: Dave Lear and Lanny Arnold

Tod Legg is an AG Inspector Supervisor. He has been employed with KDA since 1994. He lost his position for about three or four months during the transition from Commissioner Ed Logsdon to Commissioner Billy Ray Smith. In his current position he is supervised by ABM Jason Glass. Mr. Legg has been **Dave Lear’s** supervisor since his hiring. Mr. Legg learned that

Lear was coming about three days prior to his first day. He heard this from Jason Glass. He stated that Mr. Lear has performed extremely well as an AG Inspector. Mr. Legg described Lear as focused, serious, and aware of the importance of the work that they do. He stated he has an excellent work ethic and has gone the extra mile including helping other employees.

Mr. Legg is not aware of any connection that Lear has to Commissioner Farmer. He stated he has heard a third-hand rumor that Lear had some connection to Mark Jackson and Derek Collins, however, Legg stated that he did not believe it. He thought this was a rumor spread by people trying to discredit Mr. Lear. He stated that folks were aware that Lear's hiring had been questioned by the Auditor's report. He has never heard any discussion of Lear's political affiliation. Mr. Legg stated he would be very surprised to learn if Lear had any political connections that got him the job. He stated they had concerns that Lear was timid and shy in performing his work duties. This has turned out not to be a problem for Lear, but an actual strength in the way he gets along with others. Nonetheless, this personality type made Legg not believe that there was any connection between Mr. Lear and political hires from the previous administration.

Tod Legg testified that he worked with **Lanny Arnold** for a number of years. He stated that he did not talk to him any more or less during the Farmer administration. He personally never skipped over Arnold on any issues. Nonetheless, he was aware that it was popular to avoid Arnold during the last administration. He stated it was clear that Arnold was out of the loop and in a corner. He stated that things stayed this way until the new administration started. Legg testified that he and Arnold had different management styles and did not always agree, but they had been able to work well together.

**35. Former Commissioner Richie Farmer
Attempted Interview
Subjects: All**

Two attempts were made to interview Former Commissioner Richie Farmer by contacting his attorney, the Hon. Guthrie True. On the first occasion, he declined to be interviewed. On the second occasion, he raised his constitutional right not to testify. (See **Attachment B.**)

A third contact was made with Hon. Guthrie True to interview Farmer after Farmer's guilty plea had been entered on September 13, 2013. This was also after Farmer had entered into a Settlement Agreement with the Executive Branch Ethics Commission regarding ethics charges. Farmer declined the opportunity to provide testimony as a part of this investigation.

FINDINGS OF FACT

General

1. Former Commissioner Richie Farmer was an appointing authority during his tenure as Commissioner. According to multiple witnesses, Commissioner Farmer had the final say on almost all personnel actions including hiring, promotions and firings. He also decided what positions to post and in what county. It was not unusual for positions to lapse because they could not get a final answer from Farmer on whom to hire or promote. He also made the decisions with respect to ACE awards and reclassifications. [Testimony of Danita Fentress-Laird, Steve Kelly, Bruce Harper, John Roberts, Mac Stone, Dr. Robert Stout, and Tom Bloemer.]

2. Many personnel decisions were made when Danita Fentress-Laird, the former Personnel Director, would meet with Farmer. She had a difficult time meeting with him and a difficult time obtaining a decision. She would generally attend a meeting with multiple issues to

discuss with the former Commissioner at one meeting. As time went on, Farmer wanted more information and she would attend these meetings with a folder including applications, registers and notes in order to be prepared to discuss the issues in question. Sometime in 2011, Commissioner Farmer had a falling out with Ms. Fentress-Laird and would not meet with her directly. For the last six months or so of the administration, Commissioner Farmer dealt with Steve Kelly on personnel matters. Commissioner Farmer continued to make the final decision with respect to employment matters. [Testimony of Steve Kelly, Danita Fentress-Laird, John Roberts and notes provided by KDA.]

3. On March 18, 2013, the Executive Branch Ethics Commission issued an Initiating Order charging former Commissioner Farmer with forty-two counts of violating KRS Chapter 11A, the Executive Branch Code of Ethics. His admissions on five of these Counts are related to matters being reviewed for purposes of this investigation. On September 4, 2013, Farmer signed a Settlement Agreement with the Executive Branch Ethics Commission. The Commission approved and executed the Settlement Agreement at its meeting on September 9, 2013. This agreement was made public on September 13, 2013, when Commissioner Farmer pled guilty to related charges in the United States District Court for the Eastern District of Kentucky. In his Settlement Agreement with the Commission, Farmer admitted to all forty-two counts, however, some counts which were closely related were combined resulting with an admission to thirty-five counts. The admission of the following Counts are related to this investigation:

A. Count II

In admitting to Count II, Farmer admitted the following:

Specifically, during his tenure as the Commissioner of Agriculture, Farmer used his influence to interfere with the hiring of merit employees, often in contravention to the recommendations of the appropriate staff and the interview panels, frequently influencing the Department to hire

individuals with political or personal connections to himself, without regard to the individual's merit.

B. Counts I and III

In Counts I and III, which were combined, Farmer admitted to the following:

Specifically, during his tenure as the Commissioner of Agriculture, Farmer influenced the creation of four special assistant positions, with no specific job duties, and placed his friends in these positions. Farmer used some of these special assistants to perform personal errands for him during work hours.

...

Specifically, during his tenure as the Commissioner of Agriculture, Farmer influenced the placement of individuals into higher paying non-merit positions while commandeering the duties and responsibilities of lesser paying merit positions for these non-merits. Oftentimes, Farmer let the individuals in the non-merit positions fail to perform at their assigned duties.

C. Count IV

In Count IV Farmer admitted to the following:

Specifically, during his tenure as the Commissioner of Agriculture, Farmer allowed individual employees to claim work time without the

employees actually performing work-related activities for the Department. Farmer allowed these employees to continue to falsely claim work time over long intervals over the objection of management within the Department. Against the protests of management personnel, Farmer directed management to sign timesheets for these individuals even though Farmer and management had knowledge that these employees were not performing state work during the time claimed on the timesheets or had no proof of work-product to support the time claimed by these individuals on their time sheets.

D. Count XXXIX

In Count XXXIX, Farmer admitted to the following:

Specifically, during his tenure as the Commissioner of Agriculture, Farmer used his position to influence Department management personnel to give an employee, who was a Department inspector and an extended family member of Farmer, a vehicle without a GPS unit despite the employee's supervisor showing Farmer evidence that this employee had tampered with his GPS unit on multiple occasions and was using his Department vehicle for his personal business and otherwise failing to perform his job duties.

Anonymous Complaint – Jennifer Ledford

4. Jennifer Ledford was appointed in a non-merit Special Assistant position on August 9, 2010. She was hired to work directly in the Commissioner's office and assist the Commissioner's personal secretary and possibly replace her. Ms. Ledford heard about the opening with KDA from her former employer, Jimmie Morgan, a political supporter of

Commissioner Farmer. [Testimony of Jennifer Ledford, Danita Fentress-Laird and Jennifer Ledford's personnel file.]

5. Shortly after she began her employment with KDA, Ms. Ledford had a falling out with Commissioner Farmer, most likely out of her calculation of a travel voucher for Commissioner Farmer for the 2010 Kentucky State Fair. Ms. Ledford was assigned fewer and fewer duties around the Commissioner's office and began to find other work to do for KDA. She specifically did work for the various Boards the Commissioner of Agriculture serves on. [Testimony of Jennifer Ledford, Danita Fentress-Laird, Bruce Harper, John Roberts and Steve Kelly.]

6. Sometime around November 2010, Ms. Ledford attended a meeting with Commissioner Farmer and Ms. Fentress-Laird. They discussed the fact that there was an Internal Policy Analyst II, Dan Flaherty, who was planning to retire soon. Flaherty worked in the Division of Food Distribution. He performed accounting functions regarding federal programs and they were interested in finding someone to learn this job to either take over when Mr. Flaherty left or to train his replacement. Commissioner Farmer also discussed the fact that Ms. Ledford might be happier in another office and she would have more protection if she found a merit job. Ms. Ledford stated that she was sent there in part to check up on Dan Flaherty's work, however, no other witness supports that assertion. Although there were problems found in an audit of federal programs and Dan Flaherty admitted to a mistake, there is no indication that any of this was known prior to Ms. Ledford being sent to learn the IPA job from Mr. Flaherty. [Testimony of Jennifer Ledford, Danita Fentress-Laird, John Roberts, Steve Kelly, Dan Flaherty, and Ann Smith.]

7. Although they did not get along great, Ms. Ledford learned the IPA job due to her training from Mr. Flaherty, through observation of his work and her own hard work. Mr. Flaherty's last day was July 31, 2011. Although he was an IPA III, the position was posted as an IPA II on April 12, 2011. Previously an ABM, in the Division of Food Distribution, had been

posted on March 28, 2011. Ms. Ledford applied for both jobs, as did one other candidate. As a result, an interview team was put together consisting of Danita Fentress-Laird, Ann Smith, and Autumn Brewer to interview candidates for both positions on May 18, 2011, and May 19, 2011. [Testimony of Jennifer Ledford, Danita Fentress-Laird, Dan Flaherty and documents from KDA.]

8. Ms. Fentress-Laird understood that Commissioner Farmer wanted Ms. Ledford placed in one of these two positions. He did not state this directly; however, he did state that she needed to find a position for Ledford. Ms. Fentress-Laird shared this with the other two members of the interview panel and the decision was to recommend Ms. Ledford for the IPA II position. It was agreed by the members of the interview panel that Ms. Ledford was a better fit in this position due to her accounting background, than she would be for the ABM position. [Testimony of Danita Fentress-Laird, Ann Smith, Autumn Brewer and documents from KDA.]

9. Both Danita Fentress-Laird and Ann Smith stated they thought Bruce Owens, a candidate for the IPA II position from the Department of Revenue, would have been their preferred candidate. Ms. Fentress-Laird thought that Owens was a good fit for the position because of his personality and his financial background from Revenue. Ann Smith agreed. Autumn Brewer felt that Jennifer Ledford was the best candidate for the position. Nonetheless, she agreed it was improper to hear during the deliberations of the interview panel that they had to pick Jennifer Ledford for one of the two positions. [Testimony of Danita Fentress-Laird, Ann Smith and Autumn Brewer.]

10. Ms. Fentress-Laird and Ann Smith described placing Ms. Ledford in the IPA II position as the lesser of two evils. Ms. Smith stated she did not think this was right, but she was afraid she might be fired or have to quit if she spoke up over something like this. [Testimony of Danita Fentress-Laird, Ann Smith and Autumn Brewer.]

11. Bruce Owens had six years seniority at the time of his interview and was employed as a Revenue Collections Officer, grade 12, with the Department of Revenue. Along with his application and résumé, Mr. Owens submitted an Internal Mobility Applicant Interview Form. He had received “Highly Effective” evaluations for the previous three years and had a Certified Manager Fundamentals Certificate. He had a BA from Lexington Community College. The position in question would have been a promotion for Mr. Owens, as well as another candidate from Revenue who was interviewed. The interview panel did not discuss the five required promotional factors of seniority, qualifications, record of performance, performance evaluations, and conduct when they considered the candidates for the IPA II position. [Testimony of Danita Fentress-Laird, Ann Smith, Autumn Brewer and documents from KDA.]

12. Although candidates were recommended for the ABM position, a second round of interviews was held by Steve Kelly and John Roberts. They ultimately recommended the same two candidates who were each offered the position. It took quite some time before the offers were approved by Commissioner Farmer; both candidates declined the offer. The ABM position was not filled until 2012 during the Commissioner Comer administration. [Testimony of Danita Fentress-Laird, Ann Smith, Autumn Brewer, Steve Kelly, John Roberts, and documents from KDA.]

13. Multiple witnesses confirmed that it was assumed throughout the Division of Food Distribution that Jennifer Ledford would get the IPA II job based on her training with Dan Flaherty. No one could identify any individual who did not apply for the job thinking that it would be Ms. Ledford’s job. [Testimony of Ann Smith, Dan Flaherty, Rick Betsworth and Kevin Peach.]

14. The interview panel recommended Jennifer Ledford to Commissioner Farmer who approved her selection. She was appointed to the position on June 16, 2011. Ms. Ledford took a cut in pay when she was appointed to the IPA II position. Nonetheless, they had to raise the pay of another IPA II based on the language contained in 101 KAR 2:034. [Testimony of Danita Fentress-Laird.]

**Finding 20: “KDA appears to have pre-selected candidates for merit employment.”
Assistant Director of Food Distribution, Roger Estill**

15. Roger Estill retired after twenty-two years with state government, nineteen years with the Treasurer’s Office. The last five to six years he was employed as an Administrative Section Supervisor in Data Processing. [Testimony of Roger Estill.]

16. After his retirement he interviewed for other positions in state government. While he was retired, he met Commissioner Farmer through a mutual friend and interest in hunting. [Testimony of Roger Estill.]

17. Thereafter, Estill applied for a position as an IPA II with KDA. He interviewed with Theresa Ullery, the Director of Food Distribution and Rick Betsworth, Administrative Branch Manager. Although he was not the preferred choice of the interview panel, Mr. Estill was chosen for the position and started on May 22, 2008. [Testimony of Roger Estill, Rick Betsworth, Danita Fentress-Laird and Ann Smith.]

18. As an IPA II, Estill worked with the National School Lunch Program. In this position he was taking over the job vacated by Dan Flaherty after he was promoted to IPA III. By all accounts, Estill had difficulty performing the IPA II duties. [Testimony of Dan Flaherty, Rick Betsworth, Ann Smith and Kevin Peach.]

19. In 2010, Commissioner Farmer instructed Danita Fentress-Laird to post an Assistant Director position in the Division of Food Distribution with the intention of placing Roger Estill in the position. They discussed the fact that there would be a number of strong candidates from within KDA. Commissioner Farmer instructed Ms. Fentress-Laird to meet with Mr. Estill prior to the interview and prepare him so that he did as well as possible during the interview. Ms. Fentress-Laird met with Mr. Estill a few days before the interview and told him to wear a suit and tie to the interview. She also discussed possible questions with him and suggested he use his previous experience to answer behavioral questions during the interview. Although he was hired for the IPA II job, it was noted that he did not impress the interview panel by the way he was dressed or the fact that he had no response to some questions. [Testimony of Danita Fentress-Laird, Roger Estill and Rick Betsworth.]

20. An interview panel of Danita Fentress-Laird and Ann Smith interviewed the candidates for the Assistant Director position. After interviewing the candidates, including a number of candidates from KDA, they agreed that John Cook, an Agriculture Inspector working in the hay program in Frankfort, was the best candidate. [Testimony of Danita Fentress-Laird and Ann Smith.]

21. There is a difference of recollection from the two interview panel members. Ms. Smith recalls that they recommended Roger Estill for the position. Her memory is they acknowledged at the time that they would never get John Cook for the position and so they recommended Mr. Estill. Ms. Fentress-Laird recalls that they recommended Cook for the position and the Commissioner selected Roger Estill. There is no documentation to support this either way as the documentation consists of Ms. Fentress-Laird's notes from the interview questions, but not off a list or ranking of the candidates. [Testimony of Danita Fentress-Laird, Ann Smith and documents from KDA.]

22. The Assistant Director position would have been a promotion for all of the candidates who were interviewed, including Mr. Estill and Mr. Cook. There is no indication that KDA considered the promotional factors contained at KRS 18A.0751 and 101 KAR 1:400. Those factors are seniority, qualifications, record of performance, performance evaluations and conduct. A few candidates brought internal mobility forms to the interview, as well as evaluations. There was no discussion of these documents in the assessment of the candidates. [Testimony of Danita Fentress-Laird, Ann Smith, Dan Flaherty, Rick Betsworth, John Cook, Chad Halsey and documents from KDA.]

23. Roger Estill was promoted to the position of Assistant Director effective April 1, 2010. The decision was made by Commissioner Farmer. His salary increased from \$3,358.28 to \$3,908.94. On October 1, 2010, he came off promotional probation in his Assistant Director position and he received a 5 percent increase with his salary going to \$4,104.40. [Roger Estill's personnel file.]

24. Sometime close to the time he came off promotional probation, Mr. Estill met with Commissioner Farmer and Ms. Fentress-Laird. He told them that he could not get along with John Roberts, the Executive Director of the Office of Consumer and Environmental Protection, his second-line supervisor. The Commissioner instructed Ms. Fentress-Laird to find Mr. Estill another position. Effective November 1, 2010, Mr. Estill took a voluntary demotion from Assistant Director to ABM, grade 16, and kept his pay at \$4,104.40. His ABM position was in the Office of the State Veterinarian, the Division of Animal Health. [Testimony of Danita Fentress-Laird, Roger Estill, and Roger Estill's personnel file.]

25. Both Danita Fentress-Laird and Ann Smith agree that Roger Estill was pre-selected for the Assistant Director position. The applicants who testified during this investigation felt they were not given a fair opportunity to receive this promotion. [Testimony of Danita Fentress-Laird, Ann Smith, John Cook, Chad Halsey, Dan Flaherty, Rick Betsworth and Roger Estill.]

26. Although Roger Estill has performed some work duties in his position as ABM with Animal Health, he has not been able to perform the duties expected of an ABM. [Testimony of Dr. Robert Stout and Dr. Sue Billings.]

**Agricultural Inspector I, Division of Regulation and Inspection
Chris Parsons**

27. On May 1, 2006, Chris Parsons was appointed as an AG Inspector I assigned to the Office of State Veterinarian, Division of Animal Health. Mr. Parsons was employed in the field where he had duties at various stockyards, checking animals for their general condition. He was required to present reports, respond to calls involving dead animals, and other duties within guidelines supplied by his supervisor. [Testimony of Dr. Robert Stout, Dr. Sue Billings and Chris Parsons' personnel file.]

28. Mr. Parsons' employment was fairly non-eventful until sometime around 2009 when he began experiencing increasing problems primarily with time and attendance. At that time his supervisor was Tammy Cobb. [Testimony of Dr. Robert Stout, Dr. Sue Billings and Tammy Cobb and Chris Parsons' personnel file.]

29. Thereafter, Tammy Cobb attempted to document, counsel, and direct Mr. Parsons regarding time and attendance and other employment issues with limited success. Her efforts were good at identifying Mr. Parsons' problems, but unsuccessful at fixing his problems. In addition to having time and attendance problems, Mr. Parsons was not performing his scheduled duties and was submitting documentation which claimed that he did. The staff from Animal Health also enlisted the assistance of Danita Fentress-Laird in counseling Mr. Parsons and reprimanding him. Parsons was called to a meeting with Commissioner Farmer in the hopes that his work habits would improve. [Testimony of Dr. Robert Stout, Dr. Sue Billings, Tammy Cobb and Danita Fentress-Laird.]

30. At one point Parsons' work performance deteriorated to the point that Ms. Fentress-Laird had him temporarily assigned to her office to work in Frankfort. He showed up a few times and then stopped coming to work. She stated she charged him with leave without pay thereafter. This led to a meeting in Commissioner Farmer's office with Ms. Fentress-Laird, Steve Kelly, and others. [Testimony of Danita Fentress-Laird and Steve Kelly.]

31. At this meeting, Chris Parsons submitted his resignation on March 25, 2011, to be effective the following day. Mr. Parsons was faced with the choice of resigning or being dismissed. [Testimony of Danita Fentress-Laird and Steve Kelly.]

32. Tammy Cobb, Mr. Parsons' supervisor, had prepared an "Unacceptable" performance evaluation for Mr. Parsons for calendar year 2010. This evaluation was not issued because of Mr. Parsons' resignation. [Chris Parsons' personnel file.]

33. Chris Parsons' father, Lynn Parsons, who is employed for the Kentucky Farm Bureau and a friend of Commissioner Farmer's, contacted the Commissioner asking that his son be rehired at KDA. Lynn Parsons contacted Bruce Harper asking if KDA could give his son a second chance. Harper told Lynn Parsons he would have to discuss that with Commissioner Farmer. After this conversation, Commissioner Farmer told Harper he decided to give Parsons a second chance. [Testimony of Bruce Harper.]

34. While John Roberts was attending a fundraising event for the campaign of James Comer in Winchester, Kentucky, Lynn Parsons approached him and stated that his son was getting ready to come back to work for John Roberts. This meeting took place on August 9, 2011. [Testimony of John Roberts.]

35. The AG Inspector I position in Garrard County was posted on September 14, 2011. Thereafter, KDA staff received the register of candidates who had applied for this position. Commissioner Farmer instructed Steve Kelly to make sure that Chris Parsons

interviewed for this position. Mr. Bloemer contacted the list of candidates selected for interviews. Tom Bloemer called the candidates on October 14, 2011, and set up interviews with five candidates for October 17, 2011, one candidate for October 19, 2011, and two candidates for October 20, 2011. He was not able to leave a message for two other candidates and did not contact them again. Mr. Bloemer contacted Chris Parsons on October 14, 2011, and left a message. He contacted Chris Parsons again on October 20, 2011, and left a second message. Mr. Bloemer stated that he normally does not call applicants a second time to set up an interview. In this instance after two calls he told Steve Kelly that it was his intention not to interview Chris Parsons. Mr. Kelly told him that the Commissioner wanted Parsons interviewed so Bloemer continued to try to contact Mr. Parsons. On the third try, November 2, 2011, almost two weeks after all the other interviews, Mr. Bloemer got in touch with Mr. Parsons and set up an interview for that day. [Testimony of Tom Bloemer, Steve Kelly, and documents from KDA.]

36. Mr. Bloemer and Jason Glass interviewed the candidates for this position. They both noted that Parsons omitted from his state application his previous experience with the KDA. This information was inconsistent with his answers during the interview where he discussed his employment with KDA in response to at least two of the questions. Mr. Parsons was not deemed to be a viable candidate for the position due to how difficult it was to get in touch with him and schedule the interview and the fact that he had not been honest on his state application. At some point Mr. Bloemer also became aware that during his previous employment with KDA, Mr. Parsons had problems with respect to time and attendance and insubordination and was ready to be dismissed. For these reasons, Mr. Bloemer and Mr. Glass recommended three other candidates for the position based on the qualifications on their application and answers given during the interview process. These three names were written on a piece of paper submitted to Steve Kelly along with the interview materials. [Testimony of Tom Bloemer, Jason Glass, Steve Kelly and documents from KDA.]

37. Thereafter, Steve Kelly met with Commissioner Farmer and discussed the recommendations from the interview panel. Commissioner Farmer instructed Kelly to hire Chris Parsons for the AG Inspector I position. Mr. Kelly did not show Commissioner Farmer any applications or other documents concerning the candidates other than the list of names of the candidates and the ranking of the top three candidates for the position. [Testimony of Steve Kelly and documents from KDA.]

38. Chris Parsons was appointed as an AG Inspector I on November 16, 2011. He was appointed as a new hire serving a six-month probationary period. [Testimony of Steve Kelly, Danita Fentress-Laird, Tom Bloemer, Jason Glass and Chris Parsons' personnel file.]

39. Chris Parsons employment with KDA ended on February 16, 2013, when he resigned. [Documents from KDA.]

40. Chris Parsons was pre-selected for the position of AG Inspector I when he was hired back on November 16, 2011.

**Stores Worker II, Division of Food Distribution
Patricia Apperson**

41. The Division of Food Distribution operates a warehouse as a part of the Commodity Supplemental Food Program in Louisville. This has been a difficult place to find and keep good workers. The Stores Worker II position is only a grade 7. In addition to low pay, from time-to-time they have tried to get an employee in a position who could have a CDL by the time they came off probation. The position was posted on October 20, 2011. KDA received a register from the Personnel Cabinet for this position on November 1, 2011. On this occasion there was no mention in the posting that a CDL would be a requirement or would be necessary before the employee came off probation. [Testimony of Steve Kelly, documents from KDA, and the Auditor's interview with Danita Fentress-Laird.]

42. Forty-four people nominated for the position and ten names were sent to the Personnel Cabinet for Minimum Qualifications Review on November 3, 2011. Commissioner Farmer instructed Steve Kelly to interview Patricia Apperson for this position. She was one of the ten names sent to the Personnel Cabinet. At some point in the process, Danita Fentress-Laird and Steve Kelly recognized that Ms. Apperson had the same home address as Stephanie Sandman who at the time was Commissioner Farmer's girlfriend and had recently been hired in a non-merit position. [Testimony of Steve Kelly, the Auditor's interview with Danita Fentress-Laird, documents from KDA and documents from Danita Fentress-Laird.]

43. The Personnel Cabinet issued a Minimum Qualifications (MQ) Review - Agency Procedure. The purpose is stated as follows:

Effective July 1, 2009, all candidates at a *Certified* HR status in COS requisitions must be reviewed for minimum qualifications **prior** to offer of an interview. The information below describes the details of compliance with this directive, as well as limited exceptions. It is imperative that all employees involved in any merit selection process understand and comply.

The procedure goes on to explain that only after candidates are approved as meeting the minimum qualifications are they granted an interview. If applicants are rejected as not meeting the minimum qualifications or are inconclusive with respect to minimum qualifications, the agency shall not consider the candidate. [The Auditor's interview with Danita Fentress-Laird and MQ Review – Agency Procedure, Personnel Cabinet document.]

44. On Tuesday, November 8, 2011 (which was election day), Danita Fentress-Laird sent Steve Kelly an e-mail at 5:59 a.m. stating that she had not scheduled anything yet, but was hoping to get approval back from the Personnel Cabinet. She stated she did not want to get KDA in trouble, however, she was planning to call this morning whether she has the information from

the Personnel Cabinet or not. She thought there might be an issue with respect to minimum qualifications. [Interview of Steve Kelly and documents from Danita Fentress-Laird.]

45. Four interviews were scheduled November 9, 2011, including Patricia Apperson.

46. The interview panel for the Stores Worker II position consisted of Steve Kelly and Ann Smith. Steve Kelly called Ann Smith the morning of November 9, 2011, and told her they would be doing the interviews that afternoon to fill the position. Of the four interviews, one was cancelled and two (FM and GC) were telephone interviews. Patricia Apperson was the only applicant who appeared in person for her interview. [Testimony of Steve Kelly, Ann Smith, documents from KDA, and documents from Danita Fentress-Laird.]

47. Ms. Smith and Mr. Kelly agreed that Patricia Apperson was the best candidate they interviewed on November 9, 2011. They felt Ms. Apperson had a good application, gave a strong interview and was better than the other two candidates. Both Ms. Smith and Mr. Kelly were disappointed there was no requirement for the CDL for this posting. [Testimony of Steve Kelly and Ann Smith.]

48. Neither Mr. Kelly nor Ms. Smith knew that KDA did not have the MQ Review returned from the Personnel Cabinet. When this review came back, the two telephone interviews did not pass MQ Review. FM came back as inconclusive and GC was rejected. Neither of these candidates should have been interviewed for the position. [The Auditor's interview with Danita Fentress-Laird and documents from Danita Fentress-Laird.]

49. Patricia Apperson was pre-selected for the position. KDA did not carefully review all the candidates who applied for the position in order to come up with an applicant pool to interview for this position. In addition the process was rushed in order to appoint Ms. Apperson to the position as soon as possible. [The Auditor's interview with Danita Fentress-Laird and testimony of Ann Smith.]

50. Steve Kelly took the recommendation of the interview panel to Commissioner Farmer who agreed to hire Patricia Apperson effective November 16, 2011. By all accounts she was a good employee, however, she was let go after the change of administration while still on initial probation. [Testimony of Steve Kelly, Ann Smith, The Auditor's interview with Danita Fentress-Laird and documents from KDA.]

**Agricultural Inspector I
Doug Begley**

51. Doug Begley is the first cousin of Becky Farmer, ex-wife of Commissioner Farmer. Doug Begley's family members were big contributors for Commissioner Farmer's campaign. They had requested the Commissioner to do something for Doug Begley. [Testimony of Danita Fentress-Laird.]

52. Doug Begley applied for Agricultural Inspector I in Leslie County in 2007. Danita Fentress-Laird was on the interview panel. There may have been others on the interview panel, however, KDA has only maintained the notes Ms. Fentress-Laird took during the interview process. Mr. Begley was interviewed along with at least four other candidates. Ms. Fentress-Laird would have preferred another candidate (KL) who had a degree in agriculture and had previously worked with KDA as an intern. KL also had a CDL and grew up on a farm. There were other more qualified candidates, however, Ms. Fentress-Laird knew that Commissioner Farmer wanted to hire Doug Begley so he was recommended for the position. [Testimony of Danita Fentress-Laird and documents from KDA.]

53. Mr. Begley was appointed as an AG Inspector I effective March 16, 2007. Shortly after he began work as an AG Inspector I, Begley began to complain about the money he was making in his position. John Roberts told him this was something he would have to discuss with Commissioner Farmer. As an AG Inspector I, Begley was hired at mid-point for grade 9

which was the most that KDA could pay a new hire. [Testimony of John Roberts, Danita Fentress-Laird and documents from KDA.]

54. On June 15, 2007, at Commissioner Farmer's direction, Ms. Fentress-Laird changed the work county for a Amusement Safety Inspector Supervisor position from Grant County to Breathitt County. This position had been held by a KDA employee who retired. The Amusement Safety Inspector Supervisor for Breathitt County was posted on June 15, 2007. [Testimony of Danita Fentress-Laird and documents from KDA.]

55. Unlike the other interview processes looked at in this investigation, the interview file maintained by KDA for this position consisted of a folder with two pieces of paper in it. One was the P-1 showing the change of work county for the vacant position on June 15, 2007. The other page consisted of notes from Ms. Fentress-Laird about positions that were being posted. Her notes indicated that she changed the work county and posted the Amusement Safety Inspector Supervisor position on June 15. At Commissioner Farmer's direction this position was established and posted for Doug Begley. [Testimony of Danita Fentress-Laird and documents from KDA.]

56. Chad Halsey, the ABM in the Amusement Ride Branch, did not need an Amusement Safety Inspector Supervisor in that section of the state. He already had his best supervisor in Harlan County. Mr. Halsey was not aware of any interview process taking place or any job posting. No documents or job posting could be found. No one in the line of supervision or the personnel office had any recollection of this process. [Testimony of Danita Fentress-Laird, Chad Halsey, John Roberts and documents from KDA.]

57. When Doug Begley applied for the Amusement Safety Inspector Supervisor position, he submitted a new application to the Personnel Cabinet dated June 2007. The minimum qualifications requirement for an Amusement Safety Inspector Supervisor are: "Must have three years experience in electrical or mechanical inspection, construction, installation,

repair, adjustment or inspection of elevators, manlifts or apparatus designed for the vertical and horizontal transportation of passengers.” [Testimony of Maureen Travers, documents from KDA and the Personnel Cabinet.]

58. Maureen Travers, an Interim HR Specialist I with the Personnel Cabinet, reviewed Begley’s June application and noticed that it was significantly different from the application which he had submitted in February 2007. As a result, according to Personnel Cabinet procedures, she relied on the earlier application to determine if Begley met the minimum qualifications. When she reviewed the February 2007 application, she found that Begley met the minimum qualifications based on four years construction from 1993 through 1997 for Begley Lumber Company. Ms. Travers was new at her job at the time and approved Mr. Begley in error. While Begley had three years experience in construction, he did not have three years experience in the construction of elevators or lifts. [Testimony of Maureen Travers and documents from the Personnel Cabinet.]

59. Earlene Scotty Barker, the Human Resource Certification Branch Manager with the Personnel Cabinet, reviewed this application in 2012 and determined that Begley had been approved in error. It was Ms. Travers’ opinion that Begley would not have met the minimum qualifications based on either the February or June 2007 application. Travers noted that Begley listed duties and even entire jobs on the June application that were not listed on the earlier application. At the time the error was discovered in 2012, Mr. Begley had already voluntarily demoted to a position as an AG Inspector I. [Testimony of Maureen Travers, Earlene Scotty Barker, and documents from the Personnel Cabinet.]

60. Based on documents obtained from the Personnel Cabinet, Doug Begley was the only person on the register for the Amusement Safety Inspector Supervisor. [Documents from the Personnel Cabinet.]

61. In a letter addressed to John Roberts, Begley resigned his position as an AG Inspector I effective June 30, 2007, to be appointed as an Amusement Safety Inspector Supervisor effective July 1, 2007. The Amusement Safety Inspector Supervisor is a grade 12, which was three grades higher than AG Inspector I Begley was serving in. He received this new appointment after only three and a half months as an AG Inspector I. [Testimony of John Roberts and documents from KDA.]

62. Doug Begley was not felt to be qualified to be an Amusement Safety Inspector Supervisor. Despite his job classification, Chad Halsey assigned Begley to work with Arlie Hall and not to supervise anyone until he learned the job. [Testimony of Chad Halsey.]

63. At the time he was appointed as an Amusement Safety Inspector Supervisor, there were a number of long-time employees in the branch who were more qualified than Begley for this position. This was bad for morale and had to be handled carefully by Halsey in supervising his branch. [Testimony of Danita Fentress-Laird and Chad Halsey.]

64. Begley never achieved any NAARSO certification. [Testimony of Chad Halsey and documents from KDA.]

65. Effective March 1, 2012, Begley voluntarily demoted to an AG Inspector I. [Documents from KDA.]

66. Begley had other problems during his employment with KDA including problems documented by GPS and a report from the Division of Forestry that he was in violation of Forestry statutes and that he was using his state vehicle in the conduct of his private logging business. In 2012, Begley was suspended and ultimately dismissed effective June 22, 2012. [Testimony of Danita Fentress-Laird, John Roberts, Chad Halsey, documents from KDA and documents from Danita Fentress-Laird.] [See also Count XXXIX against Richie Farmer from Executive Branch Ethics Commission.]

**AG Inspector I
Knox County and Rockcastle County
Randy Craft and Dave Lear**

67. In July 2011, Commissioner Farmer instructed Steve Kelly to post two AG Inspector I positions in R&I for the Weights and Measures Section, one in Knox County and one in Rockcastle County. The positions were posted July 26, 2011. Commissioner Farmer instructed Kelly that he wanted to see Dave Lear and Randy Craft interviewed for these positions. Some of the candidates applied for both positions and one interview panel was put together to interview candidates for both positions at the same time. The interview panel consisted of Tom Bloemer, John Cook and Jason Glass. [Testimony of Steve Kelly, Tom Bloemer, John Cook, Jason Glass and documents from KDA.]

68. The panel interviewed the candidates between September 12 and September 22, 2011. After reviewing the applications and interviewing the candidates, their top three recommendations for Knox County were HV, Randy Craft and Dave Lear. [Testimony of Steve Kelly, Tom Bloemer, John Cook, Jason Glass and documents from KDA.]

69. The panel agreed that HV was the best candidate for the Knox County position. Mr. Cook noted that he had experience working the Wastewater Treatment Facility and had a Wastewater Treatment license. He also had experience with maintenance, inventory and did well with the behavioral interview. Cook felt that he would do well working with people. [Testimony of John Cook.]

70. Randy Craft was viewed as a strong candidate because of his experience at the Sheriff's office in Clay County. Mr. Cook had concerns because Craft did not have hazardous material training of any sort and seemed abrasive during the interview. [Testimony of Tom Bloemer, John Cook, and documents from KDA.]

71. Dave Lear was felt to be a good candidate working for the Transportation Cabinet with qualifications regarding trucks and machinery they were looking for. John Cook had concerns because if Lear were appointed he would not serve a probationary period. They were also concerned because he came across as timid and shy during the interview process and they were concerned he would not make a good impression with business owners he had to inspect. [Testimony of Tom Bloemer, John Cook, and documents from KDA.]

72. For the Rockcastle County position, the interview panel recommended BS, JC and MT. [Testimony of Steve Kelly, Tom Bloemer, John Cook, Jason Glass and documents from KDA.]

73. With respect to BS, Mr. Cook felt he was customer-oriented with mechanical knowledge and experience operating a forklift. He had worked with agricultural machinery and possessed a CDL. [Testimony of Tom Bloemer, John Cook and documents from KDA.]

74. Their second recommendation was JC who worked with state government. She came to the interview prepared with evaluations, letters of recommendation and documentation showing training and education. She did not have mechanical ability, however, she was felt to be a strong candidate for the job. [Testimony of Tom Bloemer, John Cook and documents from KDA.]

75. MT was the third choice. He had experience working at a farm supply store and this was viewed as a good solid agricultural background. He also had knowledge of scales and good people skills. [Testimony of Tom Bloemer, John Cook and documents from KDA.]

76. At the conclusion of the interview process, Tom Bloemer submitted the names for the two positions to Steve Kelly. Kelly met with Commissioner Farmer. He took the list with him, but did not have applications or interview questions. As far as he is aware, Commissioner Farmer did not review anything other than the list of names and their discussion. Commissioner

Farmer selected Randy Craft for the Knox County position and Dave Lear for the Rockcastle County position. [Testimony of Steve Kelly and documents from KDA.]

77. Randy Craft, who is from Manchester, started in the Knox County position on November 1, 2011, at a monthly salary of \$2,416.22. After the change of administration, he was dismissed from his position while serving his initial probationary period on February 16, 2012. [Documents from KDA.]

78. Dave Lear was transferred and demoted from the Transportation Cabinet as Highway Equipment Operator III, grade 10, to a position as an AG Inspector II, grade 9, effective October 16, 2011. Lear worked a 40-hour week at Transportation. KDA placed a memo in his file requesting that he be allowed to retain his salary. The salary was retained at the same rate, however, over 37.5 hours instead of 40 hours. Lear's rate of pay was \$2,227.40 per month upon his transfer and demotion.

79. On Monday, October 17, 2011, John Cook quoted Tom Bloemer as saying, "None of our people were chosen and Commissioner Farmer selected other candidates through political affiliation." Cook recorded this statement in an entry on his calendar for that date. Tom Bloemer denied making the statement. He stated that he knew they did not get the candidates they recommended, but does not know anything about the reason. [Testimony of Tom Bloemer and John Cook.]

80. Prior to coming to work for KDA, Dave Lear was employed with the Transportation Cabinet for ten and a half years starting as a Highway Equipment Operator I. He was promoted to Operator II and reclassified to an Operator III. Mr. Lear previously testified at the Personnel Board in another matter. He talked about an incident in 2002 or 2003 when another employee had pointed a gun at him. He also described an incident where he was grabbed by the collar by a coworker. Mr. Lear stated he was anxious to find other employment. Lear brought in documentation showing he had applied for several jobs in state government with a

number of agencies. Mr. Lear stated he did not know Commissioner Farmer and did not know anyone who knew him. He did not ask anyone to contact the Commissioner on his behalf to get this job. He is not aware of any reason Commissioner Farmer would have told anyone to make sure Dave Lear was interviewed for this position. He does not know why anyone would say he received his job due to his political affiliation. [Testimony of Dave Lear and documents from Dave Lear.]

81. Since he has transferred to KDA, Mr. Lear has performed well as an AG Inspector I. He received a rating of “Outstanding” on his 2012 evaluation. He heard a rumor that some in the current administration wanted to get rid of him, but they could not because he was not serving any type of probation. Lear is now aware that he started as an AG Inspector I earning less than those who were hired with no state experience. He stated he does not have a problem with this and is glad he has his job with KDA. [Testimony of Dave Lear, Tod Legg and documents from Dave Lear.]

82. Based on all of the testimony and documents, the decisions to place Randy Craft in the Knox County AG Inspector I and Dave Lear in the Rockcastle County AG Inspector I were not based on merit and fitness. There is no indication that Commissioner Farmer, who rejected the recommendations of the interview panel, reviewed anything regarding the selected candidates or the rejected candidates in making a determination to fill these two positions. Nonetheless, Dave Lear could have been placed in his position by demotion and transfer without posting and requesting a register.

Finding 21: ACE Awards

83. In 2010, Danita Fentress-Laird met with Commissioner Farmer and brought with her for his review a list of KDA merit personnel, including name, classification, and annual salary. Commissioner Farmer designated eleven merit employees he wanted to be given ACE awards. Commissioner Farmer made a comment regarding one of the candidates, Tammy Cobb,

stating “Tammy does a really good job for us, and goes above and beyond.” Fentress-Laird did not recall specific comments regarding the other candidates. Ms. Fentress-Laird prepared memoranda justifying the ACE awards for Commissioner Farmer’s signature dated June 30, 2010. On July 9, 2010, Commissioner Farmer signed requests for ACE or ERA award forms for the eleven employees. [Testimony of Danita Fentress-Laird, documents from KDA and documents from the Personnel Cabinet.]

84. The eleven employees who received ACE awards in this process were as follows:

1. Lonnie Dale Anderson, Pesticide Branch Manager, 10%
2. De’Anna Clark, Internal Policy Analyst II, 5%
3. Tammy Cobb, Agricultural Inspector Supervisor, 10%
4. Brian Todd Garland, Administrative Specialist I, 10%
5. Tina Garland, Agricultural Program Coordinator, 10%
6. Larry Garriott, Agricultural Inspector II, 10%
7. Ricky Jacobs, Agricultural Inspector III, 10%
8. Nicole Liberto, Staff Attorney Manager, Assistant General Counsel, 10%
9. Alisha Morris, Administrative Specialist III, 10%
10. Kevin Peach, Training Development Specialist II, 5%
11. Clint Quarles, Staff Attorney I, 10%

[Testimony of Danita Fentress-Laird, documents from KDA and documents from the Personnel Cabinet.]

85. Both Commissioner Farmer and Danita Fentress-Laird were Appointing Authorities for KDA. According to the testimony, Commissioner Farmer made the decisions with respect to ACE awards. [Testimony of Danita Fentress-Laird.]

86. Because Commissioner Farmer did not testify, it was difficult to determine why these individuals were granted ACE awards. It appears a recommendation for an ACE award for Larry Garriott had been made. The work of attorneys, Nicole Liberto and Clint Quarles, was known to Commissioner Farmer. These individuals reported directly to the Commissioner at least on some matters. They were both involved in significant issues such as the accidents at Kentucky Kingdom, the Louisville Zoo, and Administrative Regulations. Ms. Liberto functioned as the Chief Legal Officer for KDA, as the General Counsel functioned more as a Chief of Staff. Ms. Liberto had been requesting a salary increase for some time. [Testimony of Larry Garriott, Ann Smith, Nicole Liberto and Clint Quarles.]

87. Alisha Morris worked with the Kentucky Proud Program and events, such as the State Fair, Governor's Derby Breakfast, and SASDA. Commissioner Farmer personally thanked her and recognized her work. Tina Garland's work with the Farm to School Program was known to the Commissioner. This program was part of one of Commissioner Farmer's top priorities in his second term. [Testimony of Alisha Morris, Tina Garland, Mac Stone and Danita Fentress-Laird.]

88. Although assigned to the Office of Strategic Planning and Administration, De'Anna Clark worked on requests directly for the Commissioner's Office. She also helped out in other areas in the Department, including Boards and Commissions. The justification for her ACE award specifically mentions her flexibility and her ability to help out in other areas. When she thanked Commissioner Farmer for her ACE award, he stated he appreciated her hard work. [Testimony of De'Anna Clark.]

89. Tammy Cobb was specifically mentioned by Commissioner Farmer as doing an exceptional job. She was involved in the supervision of Chris Parsons and was heavily involved in state fair activities. In addition, she was universally praised by all those who testified regarding her work performance. [Testimony of Tammy Cobb, Danita Fentress-Laird, Dr. Robert Stout, Dr. Sue Billings, and John Roberts.]

90. Ricky Jacobs was involved with collecting field samples for the Motor Fuel Lab. This was an important project during the Farmer administration. In a brief conversation with Commissioner Farmer when he thanked him, the Commissioner stated he was deserving of the award. [Testimony of Ricky Jacobs.]

91. Brian Todd Garland was involved in the Chemical Collection Program and the Rinse and Return Program. Kevin Peach was involved with ordering for the National School Lunch Program even though it was not part of his regular duties. Both employees were known to Commissioner Farmer. [Testimony of Todd Garland and Kevin Peach.]

92. Lonnie Dale Anderson has since retired. He was seen as a role model and an example of leadership. [Testimony of Danita Fentress-Laird.]

93. The evidence suggests that the Appointing Authorities, Commissioner Farmer and Danita Fentress-Laird felt that the employees “demonstrated a sustained level of exceptional job performance.”

94. The process used by KDA for the ACE Awards could have been much better. In other years, supervisors had submitted recommendations up the chain of command for the Commissioner’s approval. With the ACE Awards given in 2010, in most instances the supervisors were not aware of the awards until they were ready to be given. Some were not even aware after the awards were given. [Testimony of John Roberts, Ann Smith, Mac Stone, Dr. Robert Stout, Tom Bloemer, Steve Kelly and Danita Fentress-Laird.]

95. In some instances supervisors and coworkers did not agree with the ACE awards. Staff and some supervisors found out about these ACE Awards through a newspaper article in the Lexington Herald-Leader on December 3, 2010. By the time the article came out, state employees were being furloughed and a directive had been issued through Mary Lassiter, the

Secretary of the Governor's Executive Cabinet and State Budget Director, that ACE awards were suspended indefinitely. The suspension of ACE awards did not apply to constitutional officers. Nonetheless, as a result of these actions, it is clear that the ACE awards to these eleven individuals were bad for morale throughout KDA.

Reclassification - Webster Fannin

96. Webster Fannin was hired as an AG Inspector I on March 1, 2009. Commissioner Farmer was interested in finding a job for Webster Fannin. Farmer knew Fannin's father, Ira Fannin, who allowed the Commissioner to hunt on his property. Knowing that the Commissioner wanted to hire Webster Fannin, Fentress-Laird stated they only interviewed Fannin plus three veterans. She stated normally they would have reviewed the register more carefully to find more candidates with an agricultural background. [Testimony of Danita Fentress-Laird, John Roberts and documents from KDA.]

97. Dr. Robert Stout, the State Veterinarian, declined to participate in the interview process when he learned they had a strong candidate for the position. He asked if his presence would make a difference and when he was told it would not, he did not participate in the interview process. [Testimony of Danita Fentress-Laird, Dr. Robert Stout and documents from KDA.]

98. On July 1, 2010, Webster Fannin was reclassified from an AG Inspector I to an AG Inspector II at the request of Commissioner Farmer. This reclassification was not recommended by Dr. Stout or anyone in the chain of command. At the time Fannin was having difficulty getting along with his supervisors. [Testimony of Danita Fentress-Laird and Dr. Robert Stout.]

99. Reclassifications were difficult to obtain during Commissioner Farmer's administration, especially in the Division of Animal Health. A number of requests were made without any success. Commissioner Farmer made the final decision with respect to this reclassification. Many employees who had been with KDA much longer, and were viewed much more favorably by their supervisors, were not granted reclassifications despite formal requests. An AG Inspector I is a grade 9 and an AG Inspector II is a grade 10. This reclassification came with a 5 percent increase in pay. The only documents that support this reclassification are the requested position description and the personnel action. [Testimony of Danita Fentress-Laird, Dr. Robert Stout, Dr. Sue Billings, documents from KDA and documents from Personnel Cabinet.]

Lanny Arnold

100. Lanny Arnold started with KDA in 1985 as an AG Inspector. He started in the Division of Livestock Sanitation and transferred to Weights and Measures in 1989. He has served as an AG Inspector Supervisor, an Administrative Branch Manager and Agricultural Program Coordinator. Arnold was promoted to Assistant Director in the Division of R&I in July of 2004. During some of the time he served as Assistant Director in R&I, there was no Director and so he was acting in that capacity. [Testimony of Danita Fentress-Laird, Lanny Arnold, John Roberts, Tom Bloemer and documents from KDA.]

101. In 2006, Mr. Arnold was Acting Director of the Division until John Roberts was appointed Director in October 2006. Tom Bloemer recalled Commissioner Farmer being very upset with Mr. Arnold and asking questions about him at the 2006 State Fair. Bloemer's recollection of these issues with Commissioner Farmer was vague. He claimed that Arnold's duties changed before the arrival of John Roberts as Director although no one else's memory matched this. [Testimony of Lanny Arnold, John Roberts, Tom Bloemer and documents from KDA.]

102. Mr. Arnold and John Roberts had a strained working relationship. This relationship deteriorated after an incident in January 2007. Arnold claimed, while waiting outside Roberts' office, he heard him use racist language. Rather than report this alleged occurrence, Arnold discussed this with coworkers he thought would be sympathetic. One of the coworkers was Danielle Smith, the stepdaughter of Bruce Harper. Arnold asked Smith to contact Harper to see if Roberts could be fired over this incident. Ms. Smith instead reported Arnold's conversation to Danita Fentress-Laird. Roberts denied using the racist language. In March 2007, Arnold was alleged to have discussed difficulties with John Roberts with Danielle Smith. She reported this incident again. Arnold received a verbal counseling from Danita Fentress-Laird and John Roberts that he was not to engage employees in "defamatory conversations regarding other managers." He was instructed to direct these comments and questions to the appropriate parties. [Testimony of Lanny Arnold, Danita Fentress-Laird, John Roberts and documents from KDA.]

103. John Roberts was upset over this incident, feeling that Arnold was trying to get him fired. He went to Commissioner Farmer and asked if Arnold could be moved to a different part of the Department. The Commissioner responded that he was tired of all this trouble and that Roberts should "put him in a corner." Roberts understood this to mean Arnold was not to perform meaningful duties. [Testimony of John Roberts.]

104. In Roberts' opinion, when Arnold was Acting Director he tried to micromanage the daily work of the AG Inspectors and the AG Inspector Supervisors. Roberts thought it was important to restore the chain of command so Arnold no longer was part of the chain of command and no longer supervised anyone. [Testimony of John Roberts and Tom Bloemer.]

105. Slowly Arnold's duties were taken away until it reached the point that he had nothing to do but sit in his office and play solitaire. He no longer handled complaint calls from the public, he did not offer advice to field staff or field supervisors, and he lost most of his computer rights. Gradually some duties were added back for Arnold, such as inventory and

inputting inspection report information. He also helped out with phone duties and was back up person for the fleet. It appears he conducted one training session regarding packages for staff in 2010. The inventory duties would take him no more than two weeks out of the year. The reports could be done in 15 minutes or so per day for part of the year. Arnold had nowhere near a full day's work or a full year's work. The work duties he did have were not those that would normally be consistent with an Assistant Director. Arnold never received official notice that any duty was taken away, he would just discover it when he stopped receiving calls or the IT people were changing his computer. No memo was issued to office staff or field staff, yet from the testimony of numerous witnesses, clearly everyone got the message that Lanny Arnold was to be avoided. Employees were even instructed not to go to lunch with him or be seen with him if they wanted to advance within KDA. Even those outside of R&I were aware that Lanny Arnold was not performing any meaningful duties. [Testimony of Danita Fentress-Laird, Lanny Arnold, John Roberts, Tom Bloemer, John Cook, Jason Glass, Chad Halsey, Ann Smith, Rick Betsworth, Ricky Jacobs and Tod Legg.]

106. This loss of duties started in 2007 and lasted through the end of the administration. Mr. Arnold's duties as an Assistant Director were not restored until the new administration came in 2012. Both John Roberts and Tom Bloemer, who served as Arnold's Directors during this period of time, testified that they could have used Arnold's help on matters. [Testimony of Lanny Arnold, John Roberts and Tom Bloemer.]

107. Throughout this period of time, there were only minor changes on the duties listed on Arnold's evaluations reflecting that he was no longer Acting Director, but was serving as an Assistant Director while there was a Director in place. Both of his first-line supervisors, John Roberts and Tom Bloemer, acknowledged that his employee evaluations did not accurately describe the duties he was performing during the years 2007 through 2011. E-mails show during this period of time that even when Roberts or Bloemer were missing from the office they would put one of the Branch Managers or even an AG Inspector in charge rather than Lanny Arnold,

the Assistant Director of the Division. [Testimony of Lanny Arnold, John Roberts, Tom Bloemer John Cook and documents from Lanny Arnold and John Cook.]

108. This loss of duties constituted almost total loss of all discretion or responsibility that Arnold had as an Assistant Director. He never received any type of written notice that his duties were being taken away from him. He did not receive a change of duties on his evaluation or a position description and was never notified of any reason this action was taken or that he had a right to appeal this matter to the Personnel Board.

Finding 23 From the Auditor

KDA Interview File – Documentation for Hiring Employees was Incomplete.

109. KDA had no written policy or standard practice regarding what documentation was retained in the interview file when a position was filled. Danita Fentress-Laird stated she attempted to keep a copy of the register, the requisition, and the interview notes in the file. In addition, she would retain a record of dates when an MQR was requested, the date the Personnel Cabinet returned the MQR, the date the interviews were initiated and the date the selected candidate was appointed to the position. [Auditor's interview with Danita Fentress-Laird.]

110. A review of the interview files from 2004 through 2011 reveals that only a few files contain all the documents Ms. Fentress-Laird stated she tried keep. A large percentage of the files do not have a register. Many files do not contain any applications and many files do not contain any interview notes or questions. When interview notes or questions are present in the file, often only the notes taken by Ms. Fentress-Laird are maintained. If there were other members of the interview panel, which is also not documented, there are no notes from these persons. Some files also lack all of the dates Ms. Fentress-Laird stated she tried to keep in the files. The documentation maintained in the files improved in 2011. [Documents from KDA.]

111. Even when the documents listed by Ms. Fentress-Laird are present, what is lacking in all but a handful of the interview files is any explanation or analysis of who was selected for the position and why. This is true whether the selection is an initial appointment or a promotion. Some files have a list of candidates, but even those files do not list any reasons why a particular candidate is listed first, second or third. Some files contain nothing more than letters sent to the unsuccessful candidates who interviewed for the position informing them that they did not get the job. The Personnel Cabinet in its written materials for the GSC course, entitled “Hiring and Selection Process: Best Practices” recommends that agencies maintain the following:

Maintain Appropriate Documentation

The hiring manager should collect the following documents and maintain them for five years, or if a selection is appealed to the Personnel Board, for five years after the final order of the Personnel Board is issued. The documentation should include:

- Recommendation Memo
- Selection Summary Form
- Applications, Internal Mobility Applicant Interview Forms, Performance Evaluations, Reference Checks, Etc. for all Applicants Interviewed
- Completed Register
- Screening Criteria Worksheet
- All Panel Members’ Interview Questionnaire Worksheets and Signed Conflict of Interest Statements.

[Hiring and Selection Process: Best Practices, p. 39.]

112. While it would be difficult to maintain all the documentation suggested in Best Practices, KDA fell far short and left itself in a very vulnerable position where it could not explain many of the hiring decisions that were made.

Finding 24 - The timesheets of four KDA non-merit employees were signed by the former Personnel Director and not by a supervisor with direct oversight of the employees' work.

113. Mark Jackson was employed as a Special Assistant in 2004 and assigned to the Office for Consumer and Environmental Protection. His personnel file shows his work county is Franklin, however, everyone referred to him as a field employee assigned to work out of his home in Clay County. Mr. Jackson told the Auditor's office that he sort of served as a liaison between the Commissioner and the field staff. He was supposed to report back to the Commissioner on things that could improve the performance of field work throughout KDA. He performed inspections with field workers at gas stations and amusement rides. He also sprayed for mosquitoes and was trained and worked with the COOL Program. [Auditor's interview with Mark Jackson, testimony of John Roberts, Steve Kelly, Danita Fentress-Laird, Chad Halsey, Lanny Arnold, Todd Bloemer and documents from KDA.]

114. Derek Collins was employed as a Special Assistant in the Office of Strategic Planning and Administration. Although assigned to this office he did almost all of his work for Consumer and Environmental Protection. Personnel documents show he had a work county of Franklin, however, he is referred to as being a field employee working out of his home in Knox County. Collins and Mark Jackson often worked together. They worked on gas station inspections and amusement ride inspections. They also sprayed for mosquitoes and were involved in the COOL Program. Derek Collins was the liaison with the U.S.D.A. on the COOL Program. In addition, he input inspection reports for the Division of R&I for a period of time. [Auditor's interview with Derek Collins, testimony of John Roberts, Steve Kelly, Danita Fentress-Laird, Chad Halsey, Lanny Arnold, Todd Bloemer and documents from KDA.]

115. Chad Miller was a Principal Assistant hired in 2006 and assigned to the Office of the State Veterinarian. Although he was assigned to that office, he did not work for that office at all. Miller was hired to perform errands and tasks for Commissioner Farmer. He realized that within the first week or two that he would get very few assignments from Commissioner Farmer. Thereafter, he found things to do within the Department. He worked on pesticide inspections, paid bills, assisted on the move of the Commissioner's office to the Corporate Drive location and worked extensively with the Amusement Ride Branch. [Testimony of Chad Miller, Danita Fentress-Laird, Steve Kelly, John Roberts, Chad Halsey, Todd Bloemer, Dr. Sue Billings, Clint Quarles and documents from KDA.]

116. Bill Ed Mobley was a Special Assistant assigned to the Office of Agricultural Marketing and Product Promotion hired in 2004. Personnel documents show he had a work county of Franklin, however, he was described as field staff who worked out of his home in Clay County. The duties were supposed to be split between Market News and Shows and Fairs. Mobley was assigned to report on the sale at Patton Livestock Market in London, Kentucky. Mobley had difficulty performing the tasks that were required in doing this report. U.S.D.A. states the last sale reported by Mr. Mobley was October 21, 2008. From November 13, 2008, no reports were received on the Patton Livestock Market. Mobley remained employed by KDA until the end of 2011. He continued to report time and travel attending the stockyards most weeks. [Testimony of Warren Beeler, Steve Kelly, Mac Stone and documents from KDA.]

117. For a large portion of the employment of these four Special Assistants, Danita Fentress-Laird was asked to sign their timesheets. Commissioner Farmer asked her to sign these timesheets so that other staff would not know how much overtime these employees were working. In addition, the supervisors in many instances refused to sign the timesheets because they could not verify their accuracy. Ms. Fentress-Laird did not supervise these four Special Assistants and was not aware of the accuracy of their time reports. She signed their timesheets at the request of the Commissioner so these four Special Assistants could be paid. [Testimony of Danita Fentress-Laird, John Roberts, Steve Kelly, Warren Beeler, and documents from KDA.]

118. These four Special Assistants did not have clearly defined job duties. Chad Miller, who by all accounts appeared to perform valuable work for the Department, found his own work to do. Mark Jackson and Derek Collins worked on a number of projects throughout the Department, however, it is unclear at whose direction. Bill Ed Mobley probably had the closest to well-defined duties, however, it appears he often did not perform them. These employees performed job duties that could have been performed by merit employees.

119. Former Commissioner Farmer admitted in his Plea Agreement in United States District Court that “two non-merit employees he had hired both upon friendship and with the knowledge that they would not fully earn their salaries from KDA, caused KDA to lose approximately \$45,000 in labor cost” in 2008 and again in 2011. Based on the initials in the Indictment these non-merit employees were Mark Jackson (MJ) and Bill Ed Mobley (WEM).

Finding 25: “No entry level class exists for KDA amusement park inspectors.”

120. As it is currently constituted the Amusement Branch within the Division of R&I is headed by an ABM. The staff consists of Amusement Safety Inspector Supervisors and Agriculture Inspector Is. In the Auditor’s report, the suggestion was made for KDA to consider whether it would be reasonable to create an entry level position specific to amusement ride inspections. Several members of the past administration agreed with this concept. They also suggested that it would make sense to tie advancement to NAARSO certification. [Testimony of Danita Fentress-Laird, Steve Kelly, John Roberts, Tom Bloemer and Chad Halsey.]

Finding 26: “A former Director was the sole employee in the ‘Division of Outreach and Development,’ which was not a legally recognized unit of KDA.”

121. Bruce Harper was appointed as a Director with KDA on March 1, 2007. He was referred to as the Director of Outreach and Development. There is no Division of Outreach and Development. The position he occupied was the Director of the Division of Value Added

Animal and Aquaculture Production, which is located in the Office of Agricultural Marketing and Product Promotion. In his position Mr. Harper reported directly to Commissioner Farmer. KDA acknowledged that there was no Division of Outreach and Development and there were no other employees who worked under Mr. Harper. After the change of administration, Harper was appointed Deputy Commissioner, a position he remained in until the end of his employment with KDA. [Testimony of Bruce Harper, Steve Kelly, Warren Beeler and documents from KDA.]

CONCLUSIONS OF LAW

1. KDA did not follow the statutory or regulatory provisions of KRS 18A.0751(4)(f) and 101 KAR 1:400 in filling the IPA II position with Jennifer Ledford in 2011. KDA, through its interview panel, did not give appropriate consideration to the applicants' seniority, qualifications, record of performance, performance evaluations, and conduct in filling this position. The position would have been a promotion for at least two of the candidates who were interviewed.

2. The selection process in this case did not comply with KRS 18A.010 that, "All appointments shall be made solely on the basis of merit and fitness." Jennifer Ledford was pre-selected for this position based on the discussion by the interview panel members that they had to select Ms. Ledford for either the IPA II job or the ABM job. At least two of the three interview panel members thought that Bruce Owens was a better candidate for the position than Jennifer Ledford, but felt they had to recommend Ms. Ledford in order to comply with Commissioner Farmer's wishes.

3. The Findings of Fact and Conclusions of Law on the selection of Jennifer Ledford are not a reflection upon Ms. Ledford's work performance or actions. By all accounts, she is a good employee and a strong applicant for the IPA II position. These findings and conclusions are based on the process KDA used to fill this position.

4. KDA did not follow the statutory or regulatory provisions of KRS 18A.0751(4)(f) and 101 KAR 1:400 in filling the Assistant Director of Food Distribution position with Roger Estill in 2010. KDA did not give appropriate consideration to the applicants' seniority, qualifications, record of performance, performance evaluations, and conduct in filling the position. This is true even though the position would have been a promotion for all interviewed candidates.

5. The selection process did not comply with KRS 18A.010 that appointments be solely based on merit and fitness. By all accounts, Roger Estill was pre-selected for the position because Commissioner Farmer wanted to do a favor for him.

6. The process also violated KRS 18A.145(3) which prohibits anyone to “. . . furnish to any person any special or secret information for the purpose of affecting the rights or prospects of any person with respect to employment in the classified service.” The meeting described by Danita Fentress-Laird and Roger Estill discussing possible questions for the interview violated this provision.

7. KDA violated KRS 18A.010 in selecting Chris Parsons for an AG Inspector I position in Garrard County in 2011. The selection was not based solely on merit and fitness. Commissioner Farmer ignored the recommendation of the interview panel that reviewed the candidates and their applications and arbitrarily selected Chris Parsons in order to give him a second chance. The evidence demonstrates that Farmer did this at the request of Parsons' father. The evidence demonstrates that Parsons was pre-selected for this position by Commissioner Farmer before the interview process ever took place.

8. KDA did not follow KRS 18A.010 when Patricia Apperson was selected as a Stores Worker II. Her appointment was not based solely on merit and fitness. While she was by all accounts the best candidate that was interviewed for the position, it was clear that there was no real effort to find other strong candidates in reviewing the register, the process was rushed,

and interviews were scheduled before the minimum qualifications review was returned from the Personnel Cabinet. This resulted in KDA interviewing two candidates who did not even meet the minimum qualifications for the position. Not surprisingly, the members of the interview panel thought that Ms. Apperson was the best candidate. The evidence demonstrates that this selection was not based solely on merit and fitness, but was based on Commissioner Farmer's relationship with Ms. Apperson's roommate. The evidence demonstrates Commissioner Farmer pre-selected Ms. Apperson for this position.

9. KDA did not follow KRS 18A.010 in selecting Doug Begley as an Amusement Safety Inspector Supervisor. His selection was not based solely on merit and fitness. Begley was pre-selected for this position when he complained to Commissioner Farmer and others that he was not earning enough as an AG Inspector I. The position was posted solely for the purpose of Begley, who was the only one who applied and the only name on the register.

10. Begley did not meet the minimum qualifications for Amusement Safety Inspector Supervisor. He was selected for this position in 2007. The Personnel Cabinet approved him for this classification in error. [See KRS 18A.032(1), 101 KAR 2:020, Section 1(5) and 101 KAR 2:046, Sections 2 and 3.]

11. KDA did not follow the provisions of KRS 18A.010 in appointing Randy Craft as an AG Inspector I in Knox County in 2011. This appointment was not made solely on the basis of merit and fitness. For some reason, Commissioner Farmer wanted to see Randy Craft interviewed for this position. He also selected Craft, although the interview panel recommended another candidate over him. The evidence demonstrates Commissioner Farmer did not review any documentation regarding any of the candidates for this position and his selection was at best arbitrary. In any event, the evidence establishes that the selection violated KRS 18A.010.

12. KDA violated the provisions of KRS 18A.010 in selecting Dave Lear as an AG Inspector I position in Rockcastle County in 2011. This appointment was not made solely on the basis of merit and fitness. Commissioner Farmer asked that Dave Lear be interviewed for the position and then selected him even though three other candidates were recommended ahead of Mr. Lear. There is no evidence that Commissioner Farmer knew anything about the candidates for the position and, at best, his decision was arbitrary.

13. Although the selection of Lear for this position violated KRS 18A.010, Lear could have been placed in the position as a demotion as he was a Highway Equipment Operator III, grade 10, with the Transportation Cabinet. [KRS 18A.005(11) and 101 KAR 1:335, Section 3, and 101 KAR 2:076, Section 1.]

14. The 2010 ACE awards did not violate the provisions of 101 KAR 2:034, Section 11. The awards met all the requirements of the regulation including a written justification from the appointing authority. While it was difficult to determine why Commissioner Farmer awarded these eleven individuals ACE awards, the investigation did not reveal any violations of the regulation. Certainly the process for ACE awards could have been better than the one used for the 2010 ACE awards. In previous years, supervisors throughout the Department had recommended individuals for ACE awards. This has been used by many other agencies in state government, some of which have a very formal process. Whether the process is formal or informal, input from and notice to supervisors regarding ACE awards would appear to be a better way to conduct this process.

15. In order to investigate this issue it was necessary to ask a number of employees and former employees of KDA to offer an opinion regarding those who received ACE awards. Those who expressed opinions either favorable or unfavorable regarding employees who received ACE awards **should not** receive any type of retaliation from staff or management for their participation in this investigation.

16. Reclassification is defined at KRS 18A.005(30) as “. . . the change in the classification of an employee when a material and permanent change in the duties or responsibilities of that employee has been assigned in writing by the appointing authority.” The reclassification in the case of Webster Fannin from AG Inspector I to AG Inspector II met the definition of this statute and otherwise appears to have been in compliance with the merit system. There is very little difference between an AG Inspector I and AG Inspector II. An AG Inspector I performs beginning level inspection, investigation and/or regulatory duties, while an AG Inspector II performs inspection, investigation and/or regulatory duties. An AG Inspector II must have one year of agricultural experience. In this case, it is clear that any AG Inspector I with one year experience could be reclassified at almost any time as long as the agency is willing to certify they are no longer performing the duties at a beginning level. While it may be unfair that AG Inspectors with more experience were not allowed the reclassification, it does not violate the statute.

17. The removal of all Assistant Director duties from Lanny Arnold resulted in almost total loss of discretion or responsibility. This action was taken without proper cause, authority or notice and constituted a penalization as the term is defined at KRS 18A.005(24). By taking the action without cause or notice, KDA violated KRS 18A.095(1) and (8). Merit employees should not have to endure this type of treatment from management.

18. According to the General Records Retention Schedule for all state agencies, hiring materials should be retained for five years. KDA did not always comply with that schedule according to its interview files. KDA would be better served to save documents regarding its hiring and promotion decisions, including justifications for the selection.

19. The four non-merit Special Assistants were not in employment positions with specifically defined job duties that constituted a necessary and justifiable expense of public funds. To the extent they performed meaningful work duties, they often had to find work themselves. On those occasions when they performed meaningful duties, the work could have

been done by merit employees. They were not supervised and Danita Fentress-Laird was only asked to sign their timesheets because others would not, and in order to ensure that no one saw the amount of time they were claiming for their work, including overtime. The investigator agrees with the recommendations from the Auditor: “We recommend all field staff, regardless of merit status, be assigned a direct supervisor who has the opportunity and capacity to attest that work duties are being performed and completed.”

20. KDA should work with the Personnel Cabinet if they are interested in establishing an entry level class for Amusement Ride Safety Inspectors.

21. There was no Division of Outreach and Development during the Farmer administration in KDA. All agencies, including KDA, should work with the Personnel Cabinet to ensure a division Director functions as the head of a division. If a Director is merely going to be a working title, some other non-merit classification should be utilized. [KRS 12.050.]

22. Pursuant to KRS 18A.075(2) it shall be the duty of the Personnel Board to: “Make investigations, . . . concerning the enforcement and effect of KRS 18A.005 to 18A.200, and to require observance of its provisions and the administrative regulations promulgated pursuant to the provisions of this chapter and KRS Chapter 13A; . . .” Thus, in reviewing hiring and promotion decisions, the Personnel Board has the authority pursuant to statute to take the same action it would regarding an appeal. The usual action if an agency is found to have failed to comply with the provisions of KRS 18A.0751(4)(f) and 101 KAR 1:400 is to remove the incumbent from the position and order the agency to redo the action in compliance with the law.

RECOMMENDATIONS

The investigator recommends that the Personnel Board:

1. Direct KDA to rescind the appointment of Jennifer Ledford to the position of IPA II, to return Ms. Ledford to her previous position as a Special Assistant or a similar position and to conduct a new search to fill the IPA II position giving appropriate consideration to each applicant's qualifications, record of performance, conduct, seniority, and performance evaluations as required by 101 KAR 1:400, Section 1, and KRS 18A.0751(4)(f) and to make a selection based solely on merit and fitness pursuant to KRS 18A.010(1).

2. Order KDA to remove Roger Estill from his Administrative Branch Manager position and to return him to a position as an IPA II or a similar position; and to fill any other positions it deems appropriate, either the Administrative Branch Manager position or the Assistant Director position, giving appropriate consideration to each applicant's qualifications, record of performance, conduct, seniority, and performance evaluations as required by 101 KAR 1:400, Section 1, and KRS 18A.0751(4)(f) and to make a selection based solely on merit and fitness pursuant to KRS 18A.010(1).

3. Order KDA to retain Dave Lear in his current position as an AG Inspector I. Though the investigator found the selection process for his position violated KRS 18A.010(1), because Lear was an existing merit employee with status at a higher grade position, KDA could have transferred and demoted him to his current position without going through the selection process. Based on the totality of the investigation there appears nothing to be gained at this point by rescinding Mr. Lear's appointment and sending him back to the Transportation Cabinet, which was not a party to this investigation.

4. Allow the 2010 ACE Award recipients to retain their awards.

5. Recommend that KDA consult with the Personnel Cabinet or any other appropriate agencies on any training it deems appropriate to ensure compliance with all provisions of KRS Chapter 18A and the regulations thereunder, as well as any best practices not specifically required by law.

RESPONSES TO REPORT AND RECOMMENDATION

This matter is on the agenda for the Personnel Board’s meeting on **October 11, 2013**, at **9:30 a.m.** It is recommended that any parties file any written response they wish the Board to review by **October 9, 2013**, and any requests to appear and address the Board be filed by the same date.

So **ISSUED** at the direction of the Executive Director this _____ day of September, 2013.

KENTUCKY PERSONNEL BOARD

MARK A. SIPEK
EXECUTIVE DIRECTOR

A copy hereof mailed to:

Board Members
Commissioner James Comer
Auditor Adam Edelen
Hon. Holly Harris VonLuehrte
Hon. Dinah Bevington
Jennifer Ledford
Roger Estill
Dave Lear