

**COMMONWEALTH OF KENTUCKY  
EXECUTIVE BRANCH ETHICS COMMISSION  
CASE NO. 21-012**

**FILED**

**NOV 18 2021**

**Executive Branch  
Ethics Commission**

**IN RE: ERICA GALYON  
ALLEGED VIOLATION OF KRS CHAPTER 11A**

**INITIATING ORDER  
Initiation of Administrative Proceeding  
And Formal Complaint**

The Executive Branch Ethics Commission (the “Commission”), upon its own motion, initiated a preliminary investigation of Erica Galyon (the “Respondent” or “Galyon”), pursuant to KRS 11A.080(1), on July 16, 2019, and expanded the investigation on May 18, 2020.

At all relevant times the Respondent was a “public servant” as defined in KRS 11A.010(9), and thus subject to the jurisdiction of the Commission.

The Commission initiated the preliminary investigation to determine whether it has sufficient probable cause to believe the Respondent violated provisions of KRS Chapter 11A, Executive Branch Code of Ethics (also referred to herein as the “Ethics Code”).

The Commission focused its investigation upon the Respondent’s possible violation of the Ethics Code by using or attempting to use her influence in any matter which involves a substantial conflict between her personal or private interest and her duties in the public interest; using or attempting to use any means to influence a public agency in derogation of the state at large; using her position to obtain a financial gain for herself; using her official position to secure or create privileges, exemptions, advantages, or treatment for herself or others in derogation of the public interest; failing to avoid all conduct which might in any way lead members of the public to conclude she is using her official position to further her professional or private interest; and failing to abstain from action on an official decision in which she has or may have a personal or private interest.

The Commission notified the Respondent of the preliminary investigation by letters dated July 25, 2019, and May 27, 2020. During the course of the investigation, the Commission found probable cause to believe that violations of KRS Chapter 11A had occurred. The Commission voted on November 18, 2021, to initiate an administrative proceeding, pursuant to KRS 11A.080(4)(b) and KRS Chapter 13B, to determine whether the Respondent violated the Ethics Code as set forth in the Allegations of Violations, attached hereto and incorporated fully herein as Appendix A to this Initiating Order.

**IT IS THEREFORE ORDERED that:**

1. This Initiating Order and Appendix shall be served on the Respondent pursuant to KRS 13B.050(2) by certified mail, return receipt requested, to the last known address of the Respondent, or by personal service.

2. The Respondent shall file her answer to this Initiating Order within twenty (20) days from the date of service, verifying the truth and accuracy of any answer submitted.

3. If the Respondent does not submit an answer to the Initiating Order within twenty (20) days from the date of service, the Commission may accept the failure to answer as an admission of the allegations in the Initiating Order; find by clear and convincing evidence pursuant to KRS 11A.100(3) that the Respondent has engaged in the alleged conduct; and enter a final order against the Respondent for the full possible penalty allowed under KRS 11A.100(3).

4. The Respondent shall appear at a hearing to be scheduled by subsequent order and be prepared to defend against the Commission's allegations that she committed the Ethics Code violations set forth in the Allegation of Violations, attached hereto and incorporated fully herein as Appendix A to this Initiating Order.

5. The Commission will designate a hearing officer, pursuant to KRS 13B.030(2)(a), by contract with a private attorney through a personal services contract. The Commission will

notify the Respondent or her retained counsel of the designation of a Hearing Officer as soon as possible after the appointment.

6. The Commission is represented by Steven T. Pulliam, General Counsel, and Meena Mohanty, Assistant General Counsel. They may be contacted through email at [StevenT.Pulliam@ky.gov](mailto:StevenT.Pulliam@ky.gov) and [Meena.Mohanty@ky.gov](mailto:Meena.Mohanty@ky.gov) and the Commission's office at (502) 564-7954.

7. All original material and documents shall be submitted to the Executive Branch Ethics Commission by email to [EthicsFiler@ky.gov](mailto:EthicsFiler@ky.gov) and by U.S. mail to 1025 Capital Center Drive, Suite 104, Frankfort, Kentucky 40601, Attention: Alison Chavies, Commission Secretary. Copies of all materials shall be served on the designated Hearing Officer and the Commission's counsel listed in paragraph 6.

8. The Respondent has the right to obtain her own legal counsel during this proceeding. If the Respondent retains legal counsel, that legal counsel shall file an appearance with the Commission, and thereafter all correspondence from the Commission to the Respondent shall be mailed or delivered to the Respondent's attorney.

9. The Respondent has the right to examine upon request, at least five (5) days prior to the hearing, a list of witnesses the Commission expects to call at the hearing, any evidence that will be used at the hearing and any exculpatory information in the Commission's possession.

10. The Respondent has the right to subpoena witnesses on her own behalf. If the Respondent subpoenas witnesses, she shall pay for all costs associated with the subpoenas' issuance, including any applicable witness fees.

11. If the Respondent fails to attend or participate as required at any stage of the administrative hearing process without good cause shown, he may be held in default pursuant to KRS 13B.050(3)(h).

12. The Respondent has a right to appeal any final Commission order to the Franklin Circuit Court within thirty (30) days of service.


13. This proceeding is subject to KRS Chapter 11A, the Commission's regulations, the provisions of KRS Chapter 13B, and any Order issued by the Commission or its hearing officer issued during this administrative proceeding.

So ordered this 18th day of November 2021.

**EXECUTIVE BRANCH ETHICS COMMISSION:**

  
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Judge Roger L. Crittenden (Ret.), Chair

  
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Sen. David K. Karem (Ret.), Vice-Chair

  
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Crit Luallen, Member

  
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Justice Daniel J. Venters (Ret.), Member

  
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David S. Sanford, Member

**APPENDIX A  
CASE NO. 21-012  
INITIATING ORDER**

**ALLEGATION OF VIOLATIONS**

The Respondent, Erica Galyon, was at all relevant times an employee of the Commonwealth of Kentucky, serving as the Assistant Secretary of State, Department of State, Commonwealth of Kentucky. As such, the Respondent was subject to the jurisdiction of the Commission. KRS 11A.010(9)(h).

During the course of its preliminary investigation, the Commission found probable cause to believe that Erica Galyon committed the following violations:

**COUNT I**

Erica Galyon, during her course of employment as the Assistant Secretary of State, used any means to influence a public agency in derogation of the state at large; and used her official position to secure or create privileges, exemptions, advantages, or treatment for herself or others in derogation of the public interest; and when appearing before a state agency.

Specifically, during 2018-2019, Galyon directed staff of the State Board of Elections to provide documents to the personal legal counsel of Alison Lundergan Grimes in response to an open records request and later denied the same documents in response to an open records request from a member of the news media. The request from the media was specifically for copies of the documents that had been previously provided to Grimes' legal counsel. In addition, the documents that were provided to the news media were altered by adding page numbers and watermarks while copies to Grimes' personal counsel were not.

These facts constitute violations of KRS 11A.020(1)(b) and (d).

KRS 11A.020(1)(b), and (d) provide:

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

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(b) Use or attempt to use any means to influence a public agency in derogation of that state at large;

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(d) Use or attempt to use his official position to secure or create privileges, exemptions, advantages, or treatment for himself or others in derogation of the public interest at large.

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