

COMMONWEALTH OF KENTUCKY  
FAYETTE CIRCUIT COURT – 5<sup>th</sup> DIVISION  
CIVIL ACTION NO. 05-CI-01731

DANIEL HEGEMAN

PLAINTIFF

vs.

**VERIFIED COMPLAINT  
JURY TRIAL DEMANDED**

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

DEFENDANT

\*\*\*\*\*

Plaintiff Daniel Hegeman for his Complaint against defendant Lexington-Fayette Urban County Government states as follows:

**I**

**Nature of the Case**

1. This is an action pursuant to KRS 61.103 seeking punitive damages, injunctive relief, costs and attorney's fees arising from defendant's unlawful retaliation in violation of KRS 61.102 arising from plaintiff's reports and disclosures of facts and information regarding the actual violation of laws of the Commonwealth of Kentucky, actual violation of policies or rules of the Lexington-Fayette Urban County Government, and of actual instances of mismanagement, waste, fraud and abuse of authority.

**II**

**Jurisdiction and Venue**

2. This Court has jurisdiction over this case pursuant to KRS 23A.010 as the amount of plaintiff's claims exceed this Court's jurisdictional minimum and pursuant to KRS 61.103(2). Venue is proper in Fayette Circuit Court because the claims arose in Fayette County.

### III

#### Parties

3. Plaintiff Daniel Hegeman is a citizen of the United States of America and resides in Fayette County, Kentucky.

4. Defendant Lexington-Fayette Urban County Government (LFUCG) is a political subdivision of the Commonwealth.

### IV

#### FACTS GIVING RISE TO THE LAWSUIT

5. Plaintiff Daniel Hegeman (Hegeman) is a Lieutenant employed by LFUCG Division of Police. He has served this community as a police officer for over 32 years.

6. At all times pertinent hereto, Hegeman has been an employee of LFUCG within the meaning of KRS 61.101(1).

7. At all times pertinent hereto, LFUCG has been the employer of Hegeman within the meaning of KRS 61.101(2).

8. Hegeman has reported, disclosed and otherwise brought to the attention of the LFUCG Division of Police, a law enforcement agency within the meaning of KRS 61.102(1), facts and information regarding the actual violation of laws of the Commonwealth of Kentucky, actual violation of policies or rules of the Lexington-Fayette Urban County Government, and of actual instances of mismanagement, waste, fraud and abuse of authority by Assistant Chief of Police Sandra Devers.

9. Hegeman has reported and disclosed to the LFUCG Division of Police instances where Devers has intentionally, knowingly and willfully with the

intent to defraud LFUCG made, completed or tendered a written instrument that falsely represented her to have worked when she was on vacation. Attached hereto and marked exhibit 1 is a memorandum indicating Devers to be on vacation from January 20 – 31, 2005. Exhibit 2 are Devers' payroll records for the same time period which do not reflect the deduction of any vacation time.

10. Hegeman has reported, disclosed and otherwise brought to the attention of the LFUCG Division of Police facts and information relative to instance of actual mismanagement, waste, fraud, abuse of authority by assistant police chief Sandra Devers.

11. As a result of Hegeman's disclosures as described in paragraphs 8 – 10, Hegeman has been subjected to reprisal and the direct and indirect use of official authority and influence of a nature tending to discourage, restrain, depress, dissuade, deter, and/or prevent such reports from being made.

12. Defendant's reprisal and other wrongful actions against Hegeman because of his reports violates KRS 61.102(1).

13. Defendant's reprisal and other wrongful actions against Hegeman were in reckless disregard for his rights.

## **V**

### **CAUSES OF ACTION**

#### **Count 1 – Violation of KRS 61.102(1)**

14. Hegeman incorporates herein paragraphs 1 through 13 hereof as if fully set forth herein.

15. The retaliation against Hegeman violated KRS 61.102(1), and, as a direct and proximate result, he has been injured.

VI

**DEMAND FOR RELIEF**

WHEREFORE, plaintiff Daniel Hegeman demands as follows against defendant:

(1) Entry of a judgment assessing punitive damages against defendant to punish their reckless and intentional disregard of plaintiff's rights, to deter the repetition of same, to assure that the purposes of KRS 61.102 are fully served and to ameliorate the "chill" that defendant's actions inflicts on employees to report illegal, wasteful, fraudulent and/or abusive actions by government employers, supervisors, and officials;

(2) granting him injunctive relief as necessary to fully serve the purposes of KRS 61.102;

(3) Entry of a judgment awarding him reasonable attorney's fees, costs and related expenses incurred in this action; and,

(4) All other relief to which he is entitled.

**Demand for a Jury Trial**

Pursuant to CR 38 Hegeman demands trial by jury on all claims and issues herein so triable.

Respectfully submitted,

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