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It's Paul Ryan: Romney picks Wis. Rep. for No. 2

State board delays decision on whether legislator influenced hiring of his friend

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FRANKFORT — The Kentucky Personnel Board won't decide until Sept. 14 whether a state merit job improperly went to a friend of House Democratic Leader Rocky Adkins after Adkins lobbied officials on his behalf.

The board heard oral arguments from lawyers Friday but chose to postpone voting in the case, which involves a \$40,709-a-year operations manager job at Little Sandy Correctional Complex, a state prison in Elliott County.

Board members want time "to more fully consider our options," chairman Wayne Douglas Sapp said.

Questioning lawyers during arguments, several board members suggested they saw no evidence of political influence in the early 2011 hiring. Five of the seven board members were appointed by Democratic Gov. Steve Beshear, whose administration has come under scrutiny in the case.

"The ultimate decision (on hiring) rests with the (corrections) commissioner," said Don Blevins Sr., a board member and former Democratic Fayette County clerk. "She made the decision. She does not have to tell you why she made it."

A hearing officer has recommended the board overturn the hiring of Adkins' friend, Charles Pennington, and reinstate the man originally chosen for the job, Hershel Adkins (no direct relation to the lawmaker).

The Corrections Department awarded the job to Hershel Adkins in December 2010 following interviews and evaluations by two panels of officials at the prison, including the warden. Pennington was among the losing applicants.

In January 2011, Corrections Commissioner LaDonna Thompson overturned that decision from Frankfort and gave the job to Pennington.

A subsequent investigation found that Rocky Adkins, the House's No. 2 Democrat, had called Thompson on Pennington's behalf and sent a letter on legislative letterhead that recommended Pennington for the job. Pennington is the son of a former Democratic judge-executive and sheriff of Elliott County, where Rocky Adkins lives.

By law, merit jobs cannot be influenced by politics.

Thompson, a Beshear appointee, denied during a personnel hearing last winter that she was influenced by Adkins. The lawmaker refused to testify at the hearing, saying his subpoena was served to him improperly.

Lawyers for Hershel Adkins, Pennington and the Justice and Public Safety Cabinet, which oversees the Corrections Department, made their arguments to the Personnel Board on Friday.

Robert Abell, who represents Hershel Adkins, said the evidence shows his client officially had the job until he was pushed aside for Pennington.

"I'm not saying that House Majority Leader Rocky Adkins did anything to break the law," Abell said. "I do believe he exercised political influence."

The case falls into a squishy area of Kentucky law.

Legislative branch ethics rules allow lawmakers to recommend people for state merit jobs. However, executive branch ethics rules instruct state agencies to ignore such job recommendations.

"Because of the source of the recommendation, employees responsible for hiring may feel pressure or an obligation to place the individual in question into a position. Merit hiring decisions must always be based only on the prospective employee's qualifications and suitability for a certain position," the Executive Branch Ethics Commission wrote in a 2009 advisory letter.

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