

# Democratic leader's role in hiring of state prison worker raises questions

by JOHN CHEVES • JULY 10, 2012



Majority Floor Leader Rocky Adkins D-Sandy Hook introduced legislation during the first day of the 2012 General Assembly at State Capitol, in Frankfort, Ky., on Jan. 3, 2012. Photo by Pablo Alcala | Staff

A hearing officer has recommended overturning the hiring of a state merit worker at Little Sandy Correctional Complex after House Democratic Floor Leader Rocky Adkins endorsed the son of a local politician over the applicant deemed best qualified.

In late 2010, Adkins wrote the Corrections Department on his legislative letterhead and called Corrections Commissioner LaDonna Thompson to recommend Charles Pennington for a \$40,709-a-year operations manager job at the prison in Elliott County. Pennington's father is the county's former Democratic judge-executive and sheriff.

Pennington later testified that he sought the assistance of Adkins, who lives in nearby Sandy Hook.

The job was awarded in December 2010 to Hershel Adkins (no direct relation to the lawmaker) following several rounds of interviews and background evaluations by two panels of officials at the prison, including the warden. Pennington was among the losing applicants. But in January 2011, Thompson overturned that decision from Frankfort and gave the job to Pennington.

By law, politics cannot play a role in deciding who gets state merit jobs. Hershel Adkins filed an appeal with the Kentucky Personnel Board, which held an evidentiary hearing six months ago.

Last week, hearing officer Roland Merkel said he could not conclude that Rocky Adkins politically influenced the hiring despite "glaring contradictions" in Thompson's testimony. However, Merkel said the hiring was seriously flawed by "arbitrary acts." He recommended that Pennington be removed and Hershel Adkins be reinstated.

The Personnel Board will meet next month to consider his recommendation.

Two corrections officials testified during the hearing that they've seen Rocky Adkins influence hiring at the prison or been told about it, according to Merkel's report. The prison has about 230 jobs and is one of the largest employers in Adkins' House district.

One of those officials, Tom Cannady, director of Kentucky Correctional Industries, testified that he knew of Rocky Adkins's involvement in another "incident where someone else was (hired) after an interview panel had selected someone else." Partway through Cannady's testimony, after a short recess, the hearing officer announced that Cannady is protected from reprisal under the Kentucky Whistleblower Act.

In an interview Tuesday, Rocky Adkins denied exerting improper influence on merit jobs at the prison. Adkins said he sometimes recommends qualified job candidates to Warden Joseph Meko and other corrections officials, as he did Pennington, but the officials can hire whomever they wish.

"When I make those recommendations, I follow the law and I follow the ethics opinions that have been set down for us saying we can make general recommendations for qualified people," Rocky Adkins said. "I recommended Charles Pennington because I have known him all his life. He is a quality individual, and he would be a quality employee for the commonwealth of Kentucky."

First elected to the House in 1986, Rocky Adkins is the chamber's No. 2 Democrat. With House Speaker Greg Stumbo, D-Prestonsburg, he helps to decide the state budget and the flow of legislation. He was a champion of building the state prison in Elliott County.

Reached at the prison Tuesday, Pennington declined to comment.

Robert Abell, the attorney for Hershel Adkins, said the evidence established that his client had won the job until Rocky Adkins reached out to high-ranking Corrections Department officials in Frankfort.

"Surely political influence tipped the scales here," Abell said. "The merit system is supposed to be based on what you can do and what your relevant experience is. Here you have not one but two independent interview panels that met with the candidates, and they considered Hershel Adkins to be the superior candidate, as did the prison's warden and its deputy warden."

Thompson, who was appointed by Democratic Gov. Steve Beshear, declined to be interviewed Tuesday. Through a spokeswoman, the commissioner said she plans to "file the appropriate exceptions with the Personnel Board" to challenge part of the hearing officer's report.

When Republican Gov. Ernie Fletcher's administration was accused of politically influencing the merit system seven years ago to favor well-connected job seekers, it led to a lengthy investigation by the Democratic attorney general, criminal indictments, mass pardons and Fletcher's defeat at the polls.

Don't look for similar outrage when Democrats get caught steering merit jobs to their political allies "because that's just the way its always worked in Frankfort," said Steve Robertson, chairman of the Republican Party of Kentucky.

"This is an example of the great double-standard that exists here," Robertson said. "The fact that we have a member of House Democratic leadership influencing a merit-system decision and a sitting Democratic governor who apparently is content for it to happen — where is our Democratic Attorney General Jack Conway? Where is our Democratic Auditor Adam Edelen? Where are the Democrats when it's Democrats who stand accused? Will we see an ethics investigation opened or a grand jury convened? No, I don't think we will."

A spokeswoman for Conway could not be reached Tuesday evening.

The Personnel Board hearing officer's report noted several contradictions in the case.

Initially, Thompson denied that Rocky Adkins called her about Pennington when she was asked by an investigator for the Justice and Public Safety Cabinet, which oversees the Corrections Department. Later, testifying at the personnel hearing, Thompson acknowledged taking Rocky Adkins' call, though she said she was not influenced by it. Rocky Adkins confirmed the call when asked about it Tuesday by a reporter.

The Justice Cabinet investigator, Barney Kinman, who conducted his own review of possible political influence, testified at the personnel hearing that he would have interviewed Rocky Adkins had he known about the phone call.

"If a legislator had made a telephone call to Commissioner Thompson 'urging' her to hire a candidate, Kinman would consider that as constituting political influence," according to the hearing report.

Rocky Adkins' letter to the Corrections Department recommending Pennington, seen by several of the witnesses who testified, could not be found by the time it was requested as evidence for the hearing.

Rocky Adkins was subpoenaed to testify at the hearing last winter. But he hired a lawyer and refused to appear, citing improper delivery of his subpoena. It was sent by certified mail, requiring his signature, and not by personal delivery, he said Tuesday.

"I have nothing to hide," Rocky Adkins said. "The subpoena was just never properly issued."

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