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Wade to be
 sentenced

Former finance director for
 Franklin County Schools
 Lesley Cummins Wade is
 due to be sentenced
 Sept. 17. **NEWS A8**

WEEKEND EDITION

THE State Journal

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**'A RIGHT
 TO KNOW'**



*Judge: Taxpayers paid
 for investigation of sexual
 harassment at jail; sides
 with SJ on report release*

*County releases
 unredacted
 copy of report*

By **Chanda Veno**
 The State Journal

A Franklin Circuit Court judge ruled Wednesday that the county must turn over to The State Journal an unredacted criminal investigation report, which found evidence of sexual misconduct by a former chief deputy at the Franklin County Regional Jail.

Following Wednesday's ruling by Franklin Circuit Court Judge Phillip Shepherd, County Attorney Rick Sparks on Thursday provided The State Journal with an unredacted copy of the investigation report into sexual harassment allegations against a former Franklin County Regional Jail chief deputy.

Although no criminal charges were brought against Kelly Rouse, the former FCRJ chief deputy accused of sexual harassment in 2018, the investigation — done by an outside law firm — cost the county more than \$14,000.

The report, which found that former FCRJ Chief Deputy Kelly Rouse violated the jail's sexual harassment policy, said 16 witnesses — 11 current FCRJ employees, three former employees and two other

SEE JUDGE A9

SEE REPORT A9

**County's
 COVID-19
 case count
 at 499**

*Health department
 offering testing Tuesday*

State Journal staff report

Franklin County is just short of 500 cases of COVID-19.

The Franklin County Health Department reported 10 cases total Wednesday and one Thursday, bringing the county's total to 499 since the pandemic began in March.

Of those 499 cases, 378, or 76%, have recovered. There are 87 active cases in the community and 20 active cases at Kentucky State University: 19 students and one employee.

Virus-related deaths in Franklin County remain at 14.

The health department is offering COVID-19 testing Tuesday at the Public Health Center, 851 East West Connector, from 9 a.m.-noon.

Registration is available at fchd.org. Look for the blue button on the website.

Gov. Andy Beshear announced 906 new confirmed cases of COVID-19 statewide Thursday, the state's third highest single-day total. Of those 906, 124 are children 18 and younger.

The state's total of confirmed cases is 50,885 since the pandemic began. There are currently 568 Kentuckians hospitalized with the virus, and 132 are in ICU.

Beshear reported 10 new deaths for a statewide total of 976.

The state's testing positivity rate is 4.53%.

**FCS teams will
 have limited
 attendance at
 sporting events**

By **Linda Younkin**
 The State Journal

There will be fans in the stands for Franklin County and Western Hills athletic events this fall. There just won't be many of them.

The Franklin County Schools board approved a plan during a special meeting Thursday that allows each student-athlete to have two fans in attendance. Crowd sizes are being limited because of the COVID-19

SEE FCS A8

Resignation, retirement roil local business groups

By **Linda Younkin**
 The State Journal

On Aug. 14, Terri Bradshaw, president and CEO of the Kentucky Capital Development Corp., sent an email to Frankfort Area Chamber of Commerce board members saying she was resigning as an ex-officio member of the Chamber board.

cal comments made by James Inman, husband of Chamber President Carmen Inman, that Bradshaw said gave the impression the two organizations were in competition.

Eleven days later, Carmen Inman announced her retirement, effective Oct. 15.

The two actions, Inman said, are not related.

with my retirement," Inman replied when asked if Bradshaw's resignation from the Chamber board played a role in her decision.

In the email, obtained by The State Journal through an open records request, Bradshaw told the Chamber board members and Inman of her decision.

"That did not have anything to do

SEE GROUPS A10



REPORT: Rouse engaged in comments, behavior of direct or implied sexual nature

Continued from A1

Katherine Coleman and Scott Miller, of Lexington-based Sturgill, Turner, Barker & Maloney, PLLC, the outside law firm hired by the county to investigate sexual conduct claims against Rouse.

The report found sufficient evidence that Rouse engaged in comments and behavior of a direct or implied sexual nature, which tended to create a hostile work environment for female officers at the jail. He also made comments about the physical appearance of female officers that were perceived to be sexually intimidating.

"A significant example of this conduct is a comment made by Chief Rouse on placing a 'glory hole' in the wall adjoining his office to another in the FCRJ in which two female officers are stationed," the report states.

"This comment was confirmed by more than one witness to the event."

Rouse also practiced unwelcomed touching of female employees, such as unnecessary touching during training exercises, removing pens from the breast pockets of women's uniforms and other inadvertent touching.

One incident occurred when he pinned a female officer's promotion badge to her shirt while she was sitting in a vehicle and he was standing outside. The manner in which the pinning was done made both the female officer and a male officer who witnessed the interaction feel uncomfortable.

"While 'pinning' an officer may be done in certain ceremonial situations, this was not a situation atten-

dant with ceremony and Chief Rouse himself admitted that he has not pinned badges on other officers at the FCRJ," the report added.

"Such conduct, regardless whether it is severe and pervasive, is inappropriate in the workplace."

Rouse was also physically intimidating to a female candidate applying for a position at the jail. The report states that while inquiring about the woman's ability to manage inmates Rouse put himself directly in front her and asked how she would respond to an inmate who said, "You look like you could suck rust off a trailer hitch."

The law firm's investigation found that no other interviewees — male or female — were confronted this way.

"While situational inquiry in the interview process may be appropriate, such inquiry should be made of all candidates in the same manner and there should be no behavior by an interviewer which tends to physically intimidate the candidate," the report said.

The investigation found no sufficient evidence to confirm or deny that Rouse engaged in a sexual relationship with female subordinates or that he violated the jail's fraternization policy. However, the report says Rouse exhibited favoritism toward certain employees that lent support to rumors of the contrary.

"Our interviews did reflect a failure of some FCRJ personnel, including Chief Rouse, to appreciate the basis of the FCRJ's fraternization policy, as well as the potential discrimination and/or harassment issues aris-

ing from the existence of such relationships within the workplace."

In its report, the law firm made three recommendations to the jail, including addressing workplace conduct through regular education and training on discrimination, sexual harassment and inappropriate behavior.

The attorneys also suggested reviewing and revising the policies and procedures in the Code of Ethics, Harassment, Sexual Harassment and Fraternization Between Staff "to clarify that employees are 'encouraged' not directed to confront an offender and to document incidents of harassment."

The revision should "clearly establish that employees have alternative reporting options that do not mandate reports to their immediate supervisor, but any supervisory personnel" and should "include provisions prohibiting retaliation."

Sparks told The State Journal Thursday that the county has "periodically tweaked (the Code of Ethics) with internal policies" but that he did not know "right off hand" whether that recommendation has been implemented.

The third recommendation is to determine whether jail employees, like county employees, as stated in the Franklin County Administrative Code, serve "at-will." The law firm said employee status is not addressed in the FCRJ policies.

"Kentucky is considered an 'at-will' state," Sparks added. "All employees are 'at-will' unless they're not."

JUDGE: Shepherd 'unable to find any aspect of investigation report to be exempt ...'

Continued from A1

Lexington-based Sturgill, Turner, Barker & Maloney, PLLC.

On June 28, 2018, the law firm released its findings and billed the county \$13,455.43, as well as two additional invoices for \$1,001 and \$48.74 for a total of \$14,505.17. Two days later, then-Jailer Rick Rogers accepted Rouse's retirement.

The newspaper filed an open records request with County Attorney Rick Sparks for a copy of investigation report. More than a month later The State Journal was given a heavily redacted copy.

While many details of the findings were blacked out, the report stated that employees at the jail described Rouse as "intimidating" and that he was found to have participated in misconduct.

"There is sufficient evidence that Chief Rouse has engaged in comments and/or behavior of either a direct or implied nature which has tended to create a hostile environment for female officers at the FCRJ," the report stated.

At the time, Sparks said he "did his best to release what I can while preserving the records of my office," adding that he left intact the portions of the report that did not pertain to possible criminal activity.

The county attorney also stressed the importance of protecting the identities of the complainants.

"People can get hurt from allegations that are found not to be true,"

he explained, citing KRS 61.787, which states that county attorney records pertaining to criminal investigations or potential litigation are exempt from disclosure and remain exempt after enforcement action is completed or a decision to not take action has been made.

However, in his ruling on Wednesday, Franklin Circuit Judge Phillip Shepherd was "unable to find any aspect of the investigation report to be exempt from the Open Records Act."

"The taxpayers paid for this report," Shepherd wrote. "They have a right to view it in full."

The judge's ruling is a reversal of an appeal for an unredacted copy of the investigation report filed by the newspaper with the Attorney General's Office. In that August 2019 ruling, the AG's office stated that Sparks did not violate the Open Records Act by redacting the report.

Shepherd disagreed.

"The investigation report sought by The State Journal contains summaries and descriptions of interviews with former and current employees of the Franklin County Regional Jail. The court acknowledges the subject matter of the investigation report has the potential to include embarrassing information," the judge wrote. "But there is no information in the report about purely personal matters."

Shepherd said that while specific instances laid out in the report may have the potential to lead to iden-

tification of those interviewed, the possibility is too remote to be exempt under the personal privacy exemption.

"Through disclosure of complaints and investigation materials, the public can discern whether county agencies — funded by taxpayer dollars — are effectively investigating and addressing employee misconduct," Shepherd wrote. "It ensures that investigations are handled competently and without favoritism."

When asked about Shepherd's ruling Thursday afternoon, Sparks said it was a "thorough opinion."

"Although I disagree

with the conclusions as to the redactions, and being mindful that reasonable minds can reasonably disagree, I respect the court's learned analysis, decision and guidance," he told The State Journal.

Amye Bensenhaver, who advises The State Journal on open records and open meetings questions, was pleased with the judge's ruling.

"Once again, the Franklin Circuit Court has demonstrated a clear understanding of the disinfecting power of sunlight by firmly resolving the records access issue before it in favor of public access," she said.

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We are requesting donations for the following most requested items for our food pantry:

-Chunky Soups - esp. grilled chicken and sausage gumbo, chili mac, sirloin burger with country vegetables and chicken pot pie.

-Beef Stew, canned meat, canned spaghetti and meatballs, beef ravioli, variety boxes of oatmeal, hot breakfast cereal, peanut butter, crackers, pancake mix, vegetable oil, mini cans of soft drinks and laundry detergent.

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