

28 February 2018

Joint Ethics Board Chairperson and Members:

Per the Ordinance Number 150.120-2: An Ordinance Relating to the Establishment, Regulation and Administration of a Joint Code of Ethic Conduct applicable to the elected and appointed officials, certain employees and agencies of the Cities of Bardstown, Fairfield, and the County of Nelson, in the Commonwealth of Kentucky, the following Ethics Complaint is made against the Nelson County Planning and Zoning appointed member, **MARK MATHIS** of the address 3003 Virginia Avenue; Bardstown, KY 40004.

Per SECTION 4 (H) (17), MARK MATHIS is accountable and subject to this ordinance.

Under SECTION 24. Filing and Investigation of Complaints, the following complaint complies with the requirements of submission:

- 1) Submitted to MARY RILEY, Records Custodian of the Joint Ethics Board, located at 220 North 5th Street, Bardstown, KY 40004, in care of the Joint Ethics Board members.
- 2) Complaint is in writing, signed by complainant, and meets all other requirements outlined and prescribed by the Board of Ethics.

COMPLAINT:

On 24 January 2018, a planning and zoning hearing was held to review and vote on proposed changes by CHRIS OSBORNE and ALLISON OSBORNE (maiden name HAYDRON which she identifies openly in public **EXHIBIT A**) relating to the Woodlawn Springs Golf Course.

Given MATHIS' leadership role on the Planning and Zoning board as secretary, he argued openly for the acceptance of these changes proposed in rezoning the Woodlawn Springs Golf Course.

Per the report by the Kentucky Standard (**EXHIBIT B**) and Nelson County Planning and Zoning records dated 24 January 2018, Mark Mathis voted for the proposed changes to the Woodlawn Springs Golf Community.

Mathis' vote was a violation of a Conflict of Interest with this vote on Woodlawn Springs Golf Course for multiple reasons.

Mathis furthermore has a Conflict of Interest given his business interests in Nelson County.

SECTION 5:

- (A) No officer or employee, or any immediate family member of any officer or employee shall have an interest in a business or engage in any business, transaction or activity,

which is in substantial conflict with the proper discharge of the officer's or employee public duties.

MATHIS owns multiple businesses in Nelson County such as the Bardstown Asphalt Company, Inc, and the MAGO Construction Company, INC (**EXHIBIT C**). In addition, MATHIS is on the Board of the Wilson and Muir Bank (**EXHIBIT D**).

The very nature and impact of these two businesses and the amount of construction done for local governments such as the Nelson County Fiscal Court would reach to the level of substantial conflict of interest in many areas of construction given any road development, paving or construction project would be a possible source of income or financial gain by these companies. MATHIS would have to a minimum recuse himself from any decision in Planning and Zoning meetings given this real conflict of interest of his company possibly benefiting financially from such a vote on a public board. There appears to be no recusal by MATHIS at any time on such votes and issues, proven again by **EXHIBIT B**.

Any approval of a zoning change that would require the development of road construction could be easily seen as a conflict of interest, but this perception is a reality given the nature of the businesses owned by MATHIS.

In a Freedom of Information Act Request submitted on February 4, 2018 by DR. PETER TRZOP, the Annual Financial Disclosure filed by MATHIS on 6 December 2017 was filed with details addressing various aspects of the forms (**EXHIBIT E**). Information on this form demonstrates MATHIS' financial interests of MAGO and Bardstown Asphalt companies. An Annual Financial Disclosure dated 26 October 2016 notes to refer to his previous Annual Disclosure submitted on 18 December 2015 for further details (**EXHIBIT F**). On the Annual Disclosure dated 18 December 2015, (**EXHIBIT G**), MATHIS reports a business interest named TAPCO, Inc under question 5, which notes a business interest of over 5%.

Per a record obtained from the Kentucky Secretary of State business filing office, (**EXHIBIT H**), MATHIS appears to still be the President of TAPCO, Inc, and/or have significant financial dealings with this company. While only an omission of fact, the law does require full disclosure of financial interests. **This appears to be a violation of Ordinance 150.120.2 needing to be addressed. The law requires a full disclosure of financial interest and appears to be a violation of the law.**

EXHIBITS I and J are the Annual Financial Forms filed with no further information of interest or signs of possible omissions.

The attached Annual Reports were obtained by two Freedom of Information Act requests, which a copy of the payment to the City of Bardstown is confirmed in **EXHIBIT K**.

FURTHER CONFLICT OF INTEREST WITH WOODLAWN SPRINGS

Any decision made by the Planning and Zoning of Nelson County puts MATHIS in a potential conflict of interest given his companies can reasonable benefit financially from his decisions. Since he owns two paving companies, MATHIS's ownership shows he can obtain financial benefit by voting on a Zoning Change that would require significant road development such as the case with Woodlawn Golf Course for future development.

MATHIS is further in Conflict of Interest given his business dealing with former State Representative Jodie Haydon and his family with the Woodlawn Springs Golf Course rezoning. Alison Haydon Osborne is a known family member of Jodie Haydon who owns several companies or interest in several companies that supply road paving companies. The depth of financial ownership, involvement and influence is not open to public review, but the financial interest is there. While Jodie Haydon and Mark Mathis will not make their dealings public for examination both on a business or personal levels, it is very reasonable and publicly known that the two companies, meaning both Haydon and Mathis have done significant business with one another. This poses a second clear Conflict of Interest for MATHIS.

A third conflict of interest by MATHIS is donating to JODIE HAYDON's political campaigns both for State Representative and State Senator. In **EXHIBIT L**, it clearly demonstrated that MATHIS has donated to multiple political campaigns of HAYDON over the years specifically on 11/3/1998 in the amount of \$100 and 10/22/2009 in the amount of \$1,000. The conflict of interest is confirmed here given the State of Kentucky Election Finance website.

Even to the most casual of observers, it is reasonable that there exist both a perception and reality that MATHIS has violated the Ordinance Number 150.120-2 multiple times. These violations resulted in an improper Planning and Zoning vote, and resulted in the Nelson County Fiscal Court making a subsequent vote to endorse the Planning and Zoning vote.

MATHIS must be held to account per the Ordinance Number 150.120-2 in the following ways:

- 1) SECTION 31 (A) fine him up to \$1,000.
- 2) Initiate an investigation of any vote by MATHIS over his terms of office for possible financial gain from his votes on the Planning and Zoning Commission per SECTION 31 (B).
- 3) Request for his resignation AND referral to the Executive Authority per SECTION 31 (C) for his immediate removal from his appointed position.
- 4) Referral to the Commonwealth Attorney for possible Criminal Violation of KRS Chapters relating to Conflict of Interests.

Sincerely

A handwritten signature in black ink, appearing to read 'Peter Trzop', written over the printed name.

DR. Peter Trzop
100 Sandy Hill Court
Barstown, KY 40004
502 510 0749