

**KENTUCKY REGISTRY OF ELECTION FINANCE
CASE NO. 2014-133**

**In re: Campaign Fund of F.L. “Ben” Waide for State Representative,
District 10, F.L. “Ben” Waide, Candidate, and Stacy Waide,
Treasurer**

NOTICE

This Staff Report and Motion to Dismiss in the above-styled cases will be presented to the Kentucky Registry of Election Finance (“Registry”) at its next regular meeting to be held on **Thursday, September 24, 2015, at 10:00 a.m.** in the offices of the Registry at **140 Walnut Street, Frankfort, Kentucky 40601.**

STAFF REPORT

The above-referenced case matter originated from a sworn complaint filed by Lawrence A. Holmes and Jason D. Myers, for and on behalf of Liberty Rehabilitation PSC, (collectively “Plaintiffs”) on January 6, 2014. In the complaint, Plaintiffs alleged that Forrest “Ben” L. Waide (“Respondent” or “Waide”) had violated Kentucky’s campaign finance laws by using the resources of a corporation, Liberty Rehabilitation PSC, to support Waide’s 2010 campaign for State Representative, District 10. Plaintiffs specifically alleged that Waide used Liberty Rehabilitation bank account funds, credit cards, and employees labor during business hours to support his candidacy, in violation of campaign finance statutes prohibiting corporate contributions to candidates, including KRS 121.025, KRS 121.035, and KRS 121.990.

On February 10, 2015, Waide, by and through counsel, filed a Response to the above-referenced complaint. However, the Registry also received notice that the Office of Attorney General (“OAG”) had initiated a criminal investigation of allegations against

Waide involving campaign finance violations. The OAG requested that the Registry defer action until such time as the criminal investigation and/or potential prosecution was complete. By letter dated February 26, 2014, the Registry agreed to defer action until such time as any potential criminal investigation and/or possible prosecution was complete.¹

The Office of Attorney General proceeded with its investigation and filed criminal charges against Waide. *Commonwealth v. Forrest Waide*, Franklin Circuit Court, Case # 14-CR-215. On July 29, 2014, Waide was indicted on criminal charges of accepting contributions from a corporation, in violation of KRS 121.150(20), and making unlawful campaign expenditures, in violation of KRS 121.175(1). Thereafter, on April 10, 2015, Waide pled guilty to amended misdemeanor counts, including (1) criminal attempt to commit illegal campaign contributions; and (2) criminal attempt to commit unlawful campaign expenditures. As a result of his guilty plea, Waide was required to pay restitution in the amount of \$5,324.12 to Liberty Rehabilitation at the rate of \$224/month; pay for investigative costs of \$2,400.00 at the rate of \$100/month, payable to the Commonwealth of Kentucky; and to serve a twelve (12) month sentence on each count to run concurrent. The Court further granted Waide probation for a period of two (2) years.² By check dated August 7, 2015, the Office of Attorney General reimbursed the Registry \$1,000.00 for its portion of investigative costs in the matter.³ The criminal prosecution is complete.

¹ See attached Exhibit A: February 26, 2014 letter from Registry Chairman Craig C. Dilger to Thom Marshall, Assistant Attorney General.

² See attached Exhibit B: Commonwealth's Office on a Plea of Guilty, Exhibit C: Order on Plea of Guilty, Exhibit D: Judgment and Sentence on Plea of Guilty, and Exhibit E: Order of Probation/ Conditional Discharge, all on Case No. 14-CR-215, Franklin Circuit Court, Division I, Commonwealth v. Forrest Waide.

³ See attached Exhibit F: Copy of Check Number GA 20012866 in amount \$1,000.00 dated 08/07/2015.

MOTION TO DISMISS

The Kentucky Supreme Court has held that the Registry's authority to investigate alleged campaign finance violations is not exclusive, but rather concurrent with and supplementary to the authority of traditional law enforcement agencies. Democratic Party of Kentucky v. Graham, 976 S.W.2d 423, 430 (Ky. 1998). Regarding complaints filed with the Registry, 32 KAR 2:040 §2 provides that an investigation shall be conducted in any case where the General Counsel finds a reason to believe that a campaign finance violation has occurred or is about to occur. A Respondent named in a sworn complaint shall be given an opportunity to demonstrate that no action should be taken on a complaint prior to the General Counsel's reason to believe finding. See 32 KAR 2:030 §3.

In the above-styled case matter, the Office of Attorney General assumed jurisdiction of the case as a criminal matter prior to commencement of an investigation by the Registry. The facts and issues have been addressed in a criminal prosecution of Waide with the full cooperation of the Registry, including guidance as necessary related to the campaign finance laws under KRS Chapter 121.

Thus, as the matter was fully investigated and prosecuted with the end result being a criminal conviction on two (2) misdemeanor counts, there being no further issues or facts to be addressed by the Registry, the General Counsel recommends that the above-styled case be **DISMISSED AS MOOT**.

This 11th day of September, 2015.

Respectfully submitted,

Emily Dennis

EMILY DENNIS
General Counsel
Kentucky Registry of Election Finance
140 Walnut Street
Frankfort, Kentucky 40601
(502) 573-2226

COUNSEL FOR THE REGISTRY

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she has served a copy of the foregoing Notice and Motion to Dismiss by U.S. Certified Mail, return receipt requested, postage prepaid on the following:

Lawrence A. Holmes
75 Deer Ridge Court
Madisonville, Kentucky 42431-8542

Jason D. Myers
7022 Highway 56 East
Sebree, Kentucky 42455

Hon. Caroline Ramsey Taylor
Hon. Natasha Farmer
Whitfield Bryson & Mason LLP
19 North Main Street
Madisonville, Kentucky 42431-1962
Counsel for Complaints, Lawrence A. Holmes and Jason D. Myers, on behalf of Liberty Rehabilitation PSC

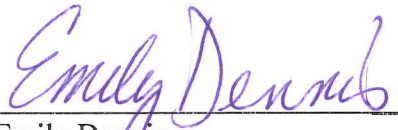
F.L. "Ben" Waide
352 Calumet Lane
Madisonville, Kentucky 42431

Stacy Waide
765 Oakwood Lane
Madisonville, Kentucky 42431

Hon. D. Eric Lycan
Dinsmore & Shohl LLP
Lexington Financial Center
250 W. Main St., Suite 1400
Lexington, KY 40507
Counsel for Respondent, F.L. "Ben" Waide, Candidate

Hon. Chris Oglesby
Attorney at Law
56 N. Scott St.
Madisonville, KY 42431
Counsel for F.L. "Ben" Waide in Case # 14-CR-215, Franklin Circuit Court

this 11th day of September, 2015.


Emily Dennis
General Counsel

INDEX OF EXHIBITS

- Exhibit A:** February 26, 2014 letter from Registry Chairman Craig C. Dilger to Thom Marshall, Assistant Attorney General
- Exhibit B:** Commonwealth's Office on a Plea of Guilty - Case No. 14-CR-215, Franklin Circuit Court, Division I, Commonwealth v. Forrest Waide
- Exhibit C:** Order on Plea of Guilty- Case No. 14-CR-215, Franklin Circuit Court, Division I, Commonwealth v. Forrest Waide
- Exhibit D:** Judgment and Sentence on Plea of Guilty - Case No. 14-CR-215, Franklin Circuit Court, Division I, Commonwealth v. Forrest Waide
- Exhibit E:** Order of Probation/ Conditional Discharge - Case No. 14-CR-215, Franklin Circuit Court, Division I, Commonwealth v. Forrest Waide
- Exhibit F:** Copy of Check Number GA 20012866 in amount \$1,000.00 dated 08/07/2015

EXHIBIT A



KENTUCKY REGISTRY OF ELECTION FINANCE

Steven L. Beshear
Governor

140 Walnut Street
Frankfort, Kentucky 40601-3240
Phone: (502) 573-2226
Fax: (502) 573-5622
www.kref.ky.gov

Craig C. Dilger
Chairman
Sarah M. Jackson
Executive Director
Emily Dennis
General Counsel

February 26, 2014

CONFIDENTIAL
VIA ELECTRONIC MAIL
AND FIRST CLASS U.S. MAIL

Hon. Thom Marshall
Assistant Attorney General
Office of the Attorney General
1024 Capital Center Dr., Suite 200
Frankfort, KY 40601

RE: Forrest "Ben" L. Waide

Dear Mr. Marshall:

We believe that the Office of Attorney General and the Kentucky Registry of Election Finance ("Registry") share a similar interest in ensuring the proper enforcement of Kentucky's campaign finance laws and also in conducting expeditious investigations and hearings of any possible violations of such laws. This is reflected in the concurrent jurisdiction of the Attorney General and the Registry pursuant to KRS 121.140(5), KRS 15.242, and the Kentucky Supreme Court decision in Democratic Party of Kentucky v. Graham, 976 S.W.2d 423 (Ky. 1998).

Therefore, in order to avoid any unintended compromise of any pending investigation by either office and to guarantee the most efficient use of the Commonwealth's resources, pursuant to your request of February 19, 2014, the Registry hereby agrees to defer any Registry action on matters related to alleged violations of campaign finance law by legislative candidate Forrest "Ben" L. Waide, until such time as any potential criminal investigation and/or possible prosecution is complete. This includes any action related to the current complaint before the Registry titled In re: Campaign Fund of F.L. "Ben" Waide for State Representative, District 10, F.L. "Ben" Waide, Candidate, and Stacy Waide, Treasurer (KREF Case # 2014-133) and any other complaints which may be filed in the future by outside parties pursuant to KRS 121.140 pertaining to a similar set of facts and circumstances.

Page 2
Hon. Thom Marshall
February 26, 2014

RE: Forrest "Ben" L. Waide

As requested, the Registry's Office of the General Counsel is available to cooperate with your investigation and provide guidance as necessary related to the campaign finance laws under KRS Chapter 121. In return, it is our understanding that you will provide access to certain information uncovered in your investigation to assist the Registry's Office of the General Counsel in its own investigation. Further, the Registry's Office of the General Counsel would appreciate any updates concerning significant developments in your investigation, as appropriate.

Thank you for your assistance.


Sincerely,

Craig C. Dilger, Chairman

Cc: Sarah M. Jackson, Executive Director
Emily Dennis, General Counsel

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EXHIBIT B

AOC-491.1 Rev. 9-03 Page 1 of 2 Commonwealth of Kentucky Court of Justice www.kycourts.net	Doc. Code: COPG 04/8/2015 09:26 am Ver. 1.01	 COMMONWEALTH'S OFFER ON A PLEA OF GUILTY	Case No. <u>14-CR-00215</u> Court <u>Division 1</u> County <u>Franklin</u>
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COMMONWEALTH OF KENTUCKY

PLAINTIFF

VS.

DEFENDANT

FORREST WAIDE

1. Charges and Penalties:

Charge	ILLEGAL CAMPAIGN CONTRIBUTIONS (KRS 121.150 (20))	UOR Code	60410
Penalty	CLASS D FELONY		
Charge	UNLAWFUL CAMPAIGN EXPENDITURES	UOR Code	91000
Penalty	CLASS D FELONY		
Charge		UOR Code	
Penalty			
Charge		UOR Code	
Penalty			
Charge		UOR Code	
Penalty			
Charge		UOR Code	
Penalty			

2. Amended Charges (if any):

Amended Charge	CRIMINAL ATTEMPT	UOR Code	
Penalty	CLASS A MISDEMEANOR		
Amended Charge	CRIMINAL ATTEMPT	UOR Code	
Penalty	CLASS A MISDEMEANOR		
Amended Charge		UOR Code	
Penalty			
Amended Charge		UOR Code	
Penalty			
Amended Charge		UOR Code	
Penalty			
Amended Charge		UOR Code	
Penalty			

3. Reason(s) for amended charge(s) and UOR Code(s) (if applicable):

PLEA NEGOTIATIONS AND PAYMENT TOWARD RESTITUTION

4. Facts of the Case:

During December 2009 to December 31, 2010, the defendant was a candidate for state representative and he knowingly accepted contributions from a corporation. He further caused funds in a campaign account to be expended for purposes that were not allowable campaign expenditures.

5. Recommendations on a Plea of Guilty (Plea Agreement):

Ct. 1- Amend to Criminal Attempt- 12 months supervised probation for a period of 2 years

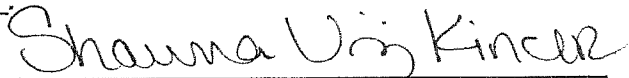
Ct. 2- Amend to Criminal Attempt- 12 months supervised probation for a period of 2 years

Pay an additional amount of restitution in the amount of \$5,354.12 to Liberty Rehabilitation (\$224.00 per month)

Pay for investigative costs in the amount of \$2,400.00 at a rate of \$100 per month - payable to C/W of KY
(\$1,000 to Kentucky Registry of Election Finance and \$1,400 to Attorney General's Office)

Pay Court costs and fees/ no further violations of the law
Agree not to run for public office.

6. Offered this 8 day of April, 2015.



Commonwealth's Attorney or
Assistant Commonwealth's Attorney

Defendant

Defense Attorney

Prosecuting Witness

Police Officer

Prosecuting Witness

Police Officer

AOC-491
Rev. 7-12
Page 1 of 2

Doc. Code: EGP

Commonwealth of Kentucky
Court of Justice www.courts.ky.gov

RCr 8.08, 8.10; KRS 532.050(1)



**MOTION TO ENTER
GUILTY PLEA**

Case No. 14-CR-215
Court Division 1
County Franklin

COMMONWEALTH OF KENTUCKY

PLAINTIFF

VS.

Forrest "Ben" Waide

DEFENDANT

Comes the Defendant, in person and with aid of counsel, and respectfully moves this Court to allow him/her to withdraw his/her former plea of "NOT GUILTY" and enter a plea of "GUILTY" as set forth below. In support of this motion, the Defendant states as follows:

1. My full name is _____
I am the same person named in the indictment.
2. My judgment is not now impaired by drugs, alcohol or medication.
3. I have reviewed a copy of the indictment and told my attorney all the facts known to me concerning my charges. I believe he/she is fully informed about my case. We have fully discussed, and I understand, the charges and any possible defenses to them.
4. I understand that I may plead "NOT GUILTY" or "GUILTY" to any charge against me.
5. I further understand the Constitution guarantees to me the following rights:
 - (a) The right not to testify against myself;
 - (b) The right to a speedy and public trial by jury at which I would be represented by counsel and the Commonwealth would have to prove my guilt beyond a reasonable doubt;
 - (c) The right to confront and cross-examine all witnesses called to testify against me;
 - (d) The right to produce any evidence, including attendance of witnesses, in my favor;
 - (e) The right to appeal my case to a higher court.

I understand that if I plead "GUILTY," I waive these rights.

5. I understand that if I plead "GUILTY," the Court may impose any punishment within the range provided by law and that although it may consider the Commonwealth's recommendation, the Court may reject it. The legal penalty ranges are set forth on the attached "Commonwealth's Offer on a Plea of Guilty (AOC-491.1)" which I have reviewed and signed.
6. I understand that if the Court rejects the plea agreement, it must so inform me. If this occurs, I may either persist in my guilty plea and possibly receive harsher treatment than I bargained for or I may withdraw my guilty plea and proceed to trial. I further understand the Court shall not impose a sentence for a felony, other than a capital offense, without first ordering a presentence investigation. The Court will consider a written report of the presentence investigation before it informs me whether it will accept the plea agreement.
7. In return for my guilty plea, the Commonwealth has agreed to recommend to the Court the sentence(s) set forth in the attached "Commonwealth's Offer on a Plea of Guilty." Other than that recommendation, no one, including my attorney, has promised me any other benefit in return for my guilty plea nor has anyone forced or threatened me to plead "GUILTY."

8. Because I am **GUILTY**, and make no claim of innocence, I wish to plead "**GUILTY**" in reliance on the attached "Commonwealth's Offer on a Plea of Guilty."
9. I declare my plea of "**GUILTY**" is freely, knowingly, intelligently and voluntarily made; that I have been represented by counsel; that my attorney has fully explained my constitutional rights to me, as well as the charges against me and any defenses to them; and that I understand the nature of this proceeding and all matters contained in this document.
10. I understand that if I am convicted of a methamphetamine related offense or offense related to anhydrous ammonia found in KRS Chapter 218A, 250 or 514, it shall be unlawful for me to possess ephedrine, pseudoephedrine, phenylpropanolamine, their salts or optical isomers, or salts of optical isomers until five years following my conviction, discharge from incarceration or release from probation, shock probation, parole, or other form of conditional discharge, whichever is later. KRS 218A.1446.
11. I understand that because of my conviction here today, I may be subject to greater/enhanced penalties if found guilty and/or convicted of any future criminal offenses. I understand that if I am not a United States citizen, I may be subject to deportation pursuant to the laws and regulations governing the United States Immigration and Naturalization Service. I understand the complete terms of this plea and all the obligations imposed upon me by its terms.

Signed in open court in the presence of my attorney this _____ day of _____, 2_____.

Defendant's Signature

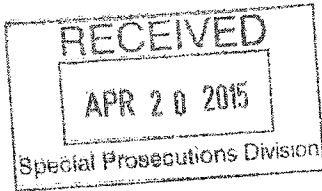
CERTIFICATE OF COUNSEL

1. To the best of my knowledge and belief, the defendant understands the allegations contained in the indictment and/or any amendments thereto. I have fully discussed with the defendant the charges and any possible defenses to them and I believe he/she fully understands the charges and possible defenses. I have reviewed with defendant the attached "Commonwealth's Offer on a Plea of Guilty" and the foregoing "Motion to Enter a Plea of Guilty," and I believe he/she understands these documents.
2. To the best of my knowledge and belief, his/her plea of "**GUILTY**" is made freely, knowingly, intelligently and voluntarily. I have fully explained the defendant's constitutional rights to him/her and I believe that he/she understands them.
3. The plea of "**GUILTY**" as offered by the defendant is consistent with my advice to him/her, and I recommend to the Court that his/her plea be accepted.

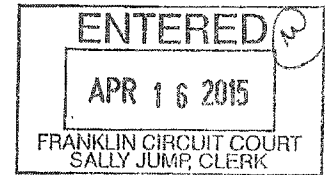
Signed by me in open court in the presence of the Defendant this _____ day of _____, 2_____.

Attorney for Defendant

EXHIBIT C



COMMONWEALTH OF KENTUCKY
FRANKLIN CIRCUIT COURT
INDICTMENT NO. 14-CR-00215
DIVISION I



COMMONWEALTH OF KENTUCKY

PLAINTIFF

VS.

ORDER ON PLEA OF GUILTY

FORREST L. WAIDE

DEFENDANT

On the April 10, 2015, the Defendant appeared in open court with counsel, the Hon. Christopher Oglesby, and the Commonwealth was represented by the Hon. Shawna Kincer, Assistant Attorney General. Motion was made by the Commonwealth to amend Counts 1 and 2 to the following Count 1: Criminal Attempt to commit Illegal Campaign Contributions, Class A Misdemeanor, UOR 604101 and Count 2: Criminal Attempt to commit Unlawful Campaign Expenditures, Class A Misdemeanor, UOR 910001. The defendant, in person and through their attorney, entered a plea of guilty to the amended charges in the Indictment of Count 1: (as amended) Criminal Attempt to Commit Illegal Campaign Contributions, Class A Misdemeanor, UOR 604101 and Count 2: Criminal Attempt to commit Unlawful Campaign Expenditures, Class A Misdemeanor, UOR 910001.

Before accepting the plea of the Defendant, the Court engaged in a colloquy with the Defendant. The Court finds from the answers of this Defendant that he understands the Commonwealth's written offer and the Defendant's written motion to enter a guilty plea. The Court finds that the Defendant understands the nature of the charge against him, that the Defendant's plea is

voluntary, that the Defendant freely, knowingly, and voluntarily relinquishes his privilege against self-incrimination, his right to be confronted by his accusers, and his right to trial by jury, and that there is a factual basis for the Defendant's plea.

IT IS THEREFORE ORDERED that the Defendant's plea of guilty pursuant to be accepted and entered as prayed.

IT IS ORDERED that the Defendant, Forrest L. Waide, is guilty of the charges of **Count 1: (as amended) Criminal Attempt to Commit Illegal Campaign Contributions, Class A Misdemeanor, UOR 604101** and **Count 2: Criminal Attempt to commit Unlawful Campaign Expenditures, Class A Misdemeanor, UOR 910001.**

The Commonwealth recommends the following:


Counts 1 and 2: Twelve (12) months on each to run concurrent.

Defendant to pay restitution in the amount of \$5,354.12 to Liberty Rehabilitation at the rate of \$224/month; pay for investigative costs of \$2,400 at the rate of \$100/month, payable to Commonwealth of Kentucky. (\$1,000 to Kentucky Registry of Election Finance and \$1,400 to Attorney General's Office.

All amounts to be paid through the Office of the Attorney General.

Defendant waived preparation of presentence investigation report and was sentenced in accordance with the plea agreement. The Division of Probation and Parole is Ordered to prepare a written report of its pre-sentence investigation of the Defendant.

SO ORDERED this 16 day of April, 2015.


PHILLIP J. SHEPHERD, JUDGE
FRANKLIN CIRCUIT COURT

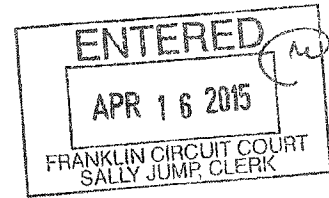
DISTRIBUTION:

Hon. Shawna Kincer
Assistant Attorney General

Hon. Christopher Oglesby
Attorney for Defendant

Probation and Parole

EXHIBIT D



COMMONWEALTH OF KENTUCKY
FRANKLIN CIRCUIT COURT
INDICTMENT NO. 14-CR-00215
DIVISION I

COMMONWEALTH OF KENTUCKY

PLAINTIFF

VS.

JUDGMENT AND SENTENCE
ON PLEA OF GUILTY

FORREST L. WAIDE

DEFENDANT

Defendant appeared in open court on April 10, 2015, with counsel, the Hon. Christopher Oglesby. By agreement with the attorney for the Commonwealth, Defendant withdrew her plea of not guilty and entered a plea of GUILTY to the amended charges contained in the indictment: **Count 1: (as amended) Criminal Attempt to Commit Illegal Campaign Contributions, Class A Misdemeanor, UOR 604101 and Count 2: Criminal Attempt to commit Unlawful Campaign Expenditures, Class A Misdemeanor, UOR 910001.**

For the purpose of sentencing, Defendant waived preparation of PSI report and appeared in open court on April 10, 2015, with counsel, the Hon. Christopher Oglesby. The Court inquired of Defendant and Counsel whether there was any legal cause why judgment should not be pronounced and afforded Defendant and counsel the opportunity to make statements in Defendant's behalf and to present any information in mitigation of punishment.

Insufficient cause having been shown why judgment should not be pronounced, it is hereby ADJUDGED BY THE COURT that Defendant is GUILTY of the charges **Count 1: (as amended) Criminal Attempt to Commit Illegal Campaign Contributions, Class A Misdemeanor, UOR 604101 and Count 2: Criminal Attempt to commit Unlawful Campaign Expenditures, Class A Misdemeanor, UOR 910001.**

Defendant is sentenced as follows:

Counts 1 and 2: Twelve (12) months each to run concurrent

Probation is Granted for a period of Two (2) years.

Defendant is ORDERED to pay court costs in the amount of \$156 due 6/30/15.

Defendant to pay restitution in the amount of \$5,354.12 to Liberty Rehabilitation at the rate of \$224/month; pay for investigative costs of \$2,400 at the rate of \$100/month, payable to Commonwealth of Kentucky. (\$1,000 to Kentucky Registry of Election Finance and \$1,400 to Attorney General's Office.

All amounts to be paid through the Office of the Attorney General.

The Defendant will be credited with time already served, to be calculated by the Division of Probation and Parole.

SO ORDERED this 16 day of April, 2015.


PHILLIP J. SHEPHERD, JUDGE
FRANKLIN CIRCUIT COURT

DISTRIBUTION:

Hon. Shawna Kincer
Assistant Attorney General

Hon. Christopher Oglesby, 56 N. Scott St.
Attorney for Defendant Madisonville Ky 40243

Franklin County Regional Jail

Probation and Parole

EXHIBIT E



**ORDER OF PROBATION/
CONDITIONAL DISCHARGE**

Case No. 14-CR-00215
Court CIRCUIT DIV. I
County Franklin

NOTE: This form is designed for attachment to Judgment and Sentence Forms 445 and 450.

COMMONWEALTH OF KENTUCKY

V.

FORREST

L

WAIDE

First

Middle

Last

Suffix

Defendant

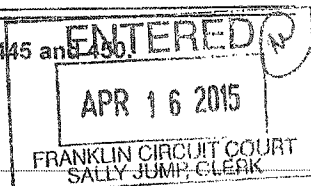
- I. The Court having found the above-named Defendant eligible for probation, probation with an alternative sentence, or conditional discharge, and pursuant to the Judgment and Sentence of the above-named Defendant, **DOES HEREBY ORDER** the Defendant sentenced to:

- ☒ Probation, under the supervision of
- ☒ the Division of Probation and Parole,
 - ☐ the State of _____, or
 - ☒ TWO (2) YEARS \$156 cc due 6/30/15 _____; or
- ☐ Probation with an alternative sentence, as specified herein, under the supervision of
- ☐ the Division of Probation and Parole,
 - ☐ the State of _____, or
 - ☐ _____; or
- ☐ Conditional Discharge for a period of _____ from the date of the Judgment,

ON THE CONDITION THAT THE DEFENDANT SHALL NOT COMMIT ANOTHER OFFENSE DURING THE PERIOD FOR WHICH THE SENTENCE REMAINS SUBJECT TO REVOCATION.

- II. As **ADDITIONAL CONDITIONS**, the Court **FURTHER ORDERS** that the Defendant SHALL:

- ☒ Be subject to graduated sanctions imposed by Probation and Parole in accordance with 501 KAR 6:250;
 - ☒ Avoid injurious or vicious habits;
 - ☒ Avoid persons or places of disreputable or harmful character;
 - ☒ Work faithfully at suitable employment as far as possible;
 - ☐ Undergo available medical, substance abuse or psychiatric treatment as follows:
- _____;
- ☐ Post a bond in the sum of \$_____ without surety conditioned upon the defendant's compliance with the terms of this order;
 - ☒ Support dependents and meet other family responsibilities;
 - ☒ Pay the cost of the proceeding herein as set by the Court;
 - ☒ Remain within the area of as directed by probation and parole _____;



- ☒ Report to the probation officer as directed;
- ☒ Permit the probation officer to visit the defendant at home or elsewhere;
- ☒ Answer all reasonable inquiries by the probation officer and promptly notify the probation officer of any change in address or employment;
- ☒ Obey all rules and regulations imposed by Probation and Parole;
- ☒ Have no contact with the victim(s) of the Defendant's crime;
- ☒ Submit to periodic drug and/or alcohol testing because Defendant's record indicates a drug and/or alcohol problem; and

☐ Pay \$_____ as a reasonable fee, not to exceed the actual cost of the test and analysis, to: _____; or

☐ Testing fee is waived for good cause shown.

NOTE: Testing fees SHALL NOT be paid through the Circuit Court Clerk.

☐ During all or part of the period of probation or conditional discharge, participate in a global positioning monitoring system program operated by _____ County pursuant to KRS 67.732 and 67.374 under the same terms and conditions as provided in KRS 431.517.

☐ Community service work as follows:

agency: _____

address: _____

term/conditions: _____

☐ Other: _____

III. The Court, having found it to be in the best interest of the public and the Defendant that the Defendant be sentenced to **probation with an alternative sentence**, **DOES HEREBY ORDER** the Defendant to serve one (1) of the following alternative sentences (with the specified conditions):

☐ To a halfway house for no more than twelve (12) months;

Additional Conditions:

☒ Be working or pursuing his or her education; or

☐ Be enrolled in a full-time treatment program

☐ Other: _____

☐ To home incarceration with or without work release for no more than twelve (12) months;

Additional Conditions:

☐ Be employed by another person or self-employed at the time of sentencing to home incarceration and continue the employment throughout the period of home incarceration, unless the court determines that there is a compelling reason to allow home incarceration while the defendant is unemployed;

☐ Pay all or some portion of the cost of home incarceration as determined by the court;

☐ Other: _____

☐ To jail for a period not to exceed twelve (12) months with or without work release, community service and other programs as required by the court;

Additional Conditions:

☐ Jail: _____
☐ Work Release: _____
☐ Community Service: _____
☐ Other: _____

☐ To a residential treatment program for the abuse of alcohol or controlled substances;

Additional Conditions:

☒ Undergo mandatory drug and / or alcohol screening during term of probation;
☒ Be subject to active, supervised probation for a term of 2 years;
☒ Undergo aftercare as required by the treatment program;
☐ Other: _____

☐ To any other specified counseling program, rehabilitation or treatment program, or facility.

Additional Conditions:

- IV. The Court having found that the victim of Defendant's crime has suffered monetary damage or actual medical expenses as a result of Defendant's crime, pursuant to KRS 533.030 (3), the Court **FURTHER ORDERS** that the Defendant shall pay

RESTITUTION to SEE JUDGMENT FOR RESTITUTION AMOUNTS

in the amount of \$ _____ for damages or loss caused by the Defendant and sum shall be payable

☐ to Circuit Court Clerk plus 5% service fee added to each payment; or
☐ Other: _____

- V. **IT IS FURTHER ORDERED** unless the Defendant is a violent felon as defined in KRS 439.3401, upon the completion of the period for which the sentence of probation, probation with an alternative sentence, or conditional discharge remains subject to revocation, the defendant shall be deemed fully discharged, provided no warrant issued by the court is pending against him or her and defendant's probation, probation with an alternative sentence or conditional discharge has not been revoked.

Copy received and terms understood:

Defendant

4-16-15
Date
Theresa Shepherd
Judge

Distribution: Defendant
Court File
Probation and Parole
Other: _____

EXHIBIT F

QUESTIONS, CALL (877) 973-4357

COMMONWEALTH OF KENTUCKY
DEPARTMENT OF THE TREASURY
VENDOR: VC0000198780

DATE: 08/07/2015

CHECK CAT: UAM

PAYMENT DOCUMENT			INVOICE NO.	DESCRIPTION	AMOUNT
CD	DEP	DOC NUMBER			
GAX2	040	1600000586		Ben Waide	1,000.00
<p>Rebecca,</p> <p>This is your Agencies portion of the Ben Waide Settlement/Restitution/Settlement.</p> <p>Please let me know if you have any questions!</p> <p>696-5615 Thanks! Jimmy Eusele</p>					1,000.00
CHECK NO: 20012866			TOTAL		1,000.00

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THE BACKGROUND OF THIS DOCUMENT IS BLUE WITH A GREEN WARNING BAND. THERE IS A SECURITY MARK ON THE BACK. DO NOT ACCEPT WITHOUT THESE FEATURES.



JPMorgan
Chase Bank, N.A.
Louisville, KY

COMMONWEALTH OF KENTUCKY
DEPARTMENT OF THE TREASURY
Frankfort, Kentucky

Check Number
GA 20012866

Date: 08/07/2015

ONE THOUSAND, DOLLARS AND NO CENTS

Pay to the Order of
Kentucky State Treasurer
PO Box 1360
Frankfort KY 40602

Amount \$*****1,000.00

1000 Hollenbach
State Treasurer

⑈ 20012866 ⑈ ⑆ 083000137 ⑆ 936836402 ⑈