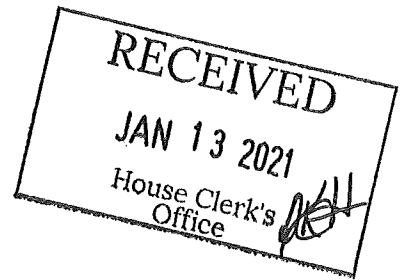


COMMONWEALTH OF KENTUCKY
KENTUCKY GENERAL ASSEMBLY
ACTION NO.



IN RE: State Representative Robert Goforth

PETITION FOR IMPEACHMENT

Comes the undersigned, pursuant to KRS 63.020, et seq. and Sections 66 and 68 of the Kentucky Constitution, and moves for the IMPEACHMENT of Rep. Robert Goforth for engaging in "misdemeanors in office" as defined in the Constitution, including breach of public trust, felonious acts of violence upon women, abuse of office and state property, and other misfeasance and malfeasance as outlined herein.

This Verified Petition requests immediate review and impeachment.

This action is brought before the Kentucky House of Representatives as required by Section 66 of the Kentucky Constitution.

The Complainant requests that Rep. Robert Goforth be impeached and that he be disqualified from holding any office of honor, trust or profit under the Commonwealth of Kentucky and that all costs of this proceeding be charged to him, as permitted by KRS 63.070 and KRS 63.075.

The relevant facts supporting impeachment are as follows:

Representative Robert Goforth is a State Legislator for House District 89, covering Jackson, part of Laurel and part of Madison counties.

(a) *Criminal activity*

In 2020, Rep. Goforth alleged assaulted and harmed his wife to such an extent that she sought protection from law enforcement and suffered bruising and physical damages. A case on criminal charges is pending in Laurel County and styled *Commonwealth v. Goforth*, 20-CR-00180. The felony offenses committed are pending in circuit court in Kentucky. This Body should find that the criminal activity of Rep. Goforth is an impeachable offense.

Domestic violence is a crisis nationwide. Specifically, non-fatal strangulation, as Goforth is charged with, correlates to an eight fold increase of "becoming a completed homicide." See: Glass, et al, "Non-Fatal Strangulation is an important Risk Factor for Homicide of Women" *Journal of Emergency Medicine*, " 35(3), 329-335 (Oct 2008).

The Commonwealth requires its elected officials to be persons of good moral character and conduct. It is wrong for this representative to sit in the Chamber and be paid for his services with our hard earned tax dollars.

Kentucky families are suffering historic levels of abuse today, and sadly that violence has reached the members of the House, requiring immediate action by this body. Without recognition, intervention and effective counseling and prevention, there can be no healing or trust. Rep. Goforth has steadfastly refused to take responsibility for his assault on his spouse or the damage to his spouse, children and constituents. This House has no higher duty than to protect families and children. Recognizing this violence in its midst and taking immediate action to remove Rep. Goforth and to send a message to all domestic abuses that Kentucky does not tolerate that action.

(b) *Abuse of Office for personal and financial gain*

After he was charged, Goforth sent out a mailer, allegedly penned by his spouse, to voters all across the District. Nowhere on the letter or envelope is the requisite disclaimer or “paid for by” notice. See: Exhibit A. The mailer went out to voters all across his Legislative District. This is a clear and obvious attempt by a State Legislator to use a plea from his abused spouse to influence the judge and prosecutor, contaminate the jury pool and impact the outcome.

The Legislative Code of Ethics, KRS 6.606 et seq., has as its purpose, in pertinent part to [R]equire that a public official be independent and impartial . . . [and] that a public official not use public office to obtain private benefits; that a public official avoid action which creates the appearance of using public office to obtain a benefit; and that the public have confidence in the integrity of its government and public officials.

KRS 6.606. The mailer clearly violates this relevant Code provision, as Rep. Goforth acted to influence those involved in his criminal prosecution, using his office and his public position. The offense intentionally and knowingly committed, as those terms are defined in KRS 6.616. The legislative Code of Ethics is supplemental and ancillary to the criminal code. KRS 6.631. The violation of the Code of Ethics is also an attempt to interfere with or impact the judicial process, which is also against the law and should be reported by this Body to the Court. The acts committed against his wife by Rep. Goforth should also be considered an obvious and express violation of the Legislative Code of Ethics. The law is clear in holding that an alleged violation of the criminal code which is designated a misdemeanor or felony is also considered a Legislative Ethics Code violation. KRS 6.632.

Rep. Goforth as a healthcare business owner, will suffer financial loss and possible impact on his licensure and certifications if convicted for criminal felony activity. The law expressly forbids a legislator or candidate for using his position for financial gain. (KRS 6.731(2)). The mailer was intended to secure him a positive result both in his election, so he continues to be paid by the Commonwealth, and to avoid negative impact on his pharmacy license. The Legislative Code of Ethics also forbids a legislator or candidate to abuse his office to secure or create privileges for himself (KRS 6.731(3)) or to secure private gain (KRS 6.731(4)). By impeding judicial process through use of his spouse’s plea for clemency and support (financial and otherwise), Rep. Goforth is obviously attempting to use his public position and legislative service to create a favorable outcome in the criminal action against him. This is blatantly unethical, improper and unlawful.

KRS 6.731(3) provides that a legislator, by himself or through others, shall not intentionally "use or attempt to use his official position to secure or create privilege, exemptions, advantages or treatment for himself or others in direct contravention of the public interest at large. Violation of this subsection is a Class A misdemeanor." OLEC 94-42. This body to should find that attempting to influence a prosecutor or juror should also be prohibited and should also constitute at a minimum a Class A misdemeanor offense.

Statutory provisions such as KRS 6.731 and 6.761, governing the conduct of legislators apply to a legislator's conduct whether the legislator is dealing with a spouse or some other person. OLEC 02-04. Use of a position as a legislator or candidate for financial gain is a felony offense. OLEC 96-7. This Body should find that Rep. Goforth engaged in a felony offense with regard to the mailer at issue.

(c) *Financial Misconduct*

Mrs. Goforth was acting on behalf of and at the direction of the legislator when she drafted and sent the mailer. KRS 6.626(2) permits a legislator to employ the legislator's spouse, but such employment must be disclosed. Rep. Goforth has not disclosed any such employment. In fact, Rep. Goforth has made no financial disclosures of any kind in 2020 related to his office or his campaign for re-election. The Legislative Code of Ethics requires honest and timely financial disclosures required. KRS 6.781. It is clear that Rep. Goforth breached and continues to breach the financial reporting requirements of his office, which constitutes a separate offense.

Complainant

Signed and sworn before me this the ____ day of January, 2021, in the city of _____,
county of _____, Commonwealth of Kentucky, by _____.

Notary Public

Rebecca E Tucker

Complainant - Rebecca Tucker

Kelly Smith

Complainant - Kelly Smith

Jeffrey L Richey

Complainant - Jeffrey Richey

Nikita R Vundi

Complainant - Nikita Vundi

Rebecca Parrish

Complainant - Rebecca Parrish

Laurie White

Complainant - Laurie White

Emily LaDouceur

Complainant - Emily LaDouceur

Matthew Frederick

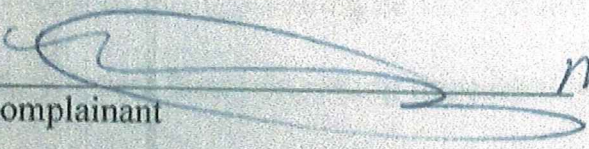
Complainant - Matthew Frederick

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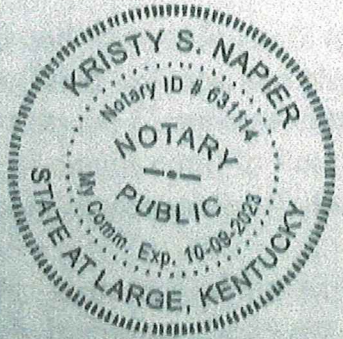
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Complainant Mike VanWinkle

Signed and sworn before me this the 12th day of January, 2021, in the city of Berea, county of Madison, Commonwealth of Kentucky, by Mike Vanwinkle.

Kristy Napier
Notary Public



KRS 6.731(3) provides that a legislator, by himself or through others, shall not intentionally use or attempt to use his official position to secure or create privilege, exemptions, advantages or treatment for himself or others in direct contravention of the public interest at large. Violation of this subsection is a Class A misdemeanor." OLEC 94-42. This body should find that attempting to influence a prosecutor or juror should also be prohibited and should be treated as at a minimum a Class A misdemeanor offense.

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Carol VanWinkle CAROL VANWINKLE
Complainant

Signed and sworn before me this the 12th day of January, 2021, in the city of Berea, county of Madison, Commonwealth of Kentucky, by Carol Vanwinkle.

Kristy Napier
Notary Public



A handwritten signature in black ink, appearing to read 'Anna Stewart Whites', written over a horizontal line.

ANNA STEWART WHITES

Attorney at Law

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P.O. Box 4023

Frankfort KY 40601

(502) 352-2373/FAX 352-6860

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COUNSEL FOR PETITIONERS