
IN THE MATTER OF KENNETH PLUMMER D/B/A KENSWORTH CONSULTING,
a lobbyist.

SUBSTANTIAL BASIS INVESTIGATION REPORT
AND SETTLEMENT AGREEMENT

Case No. 12-20

WHEREAS, the Joint Commission on Public Ethics (the "Commission") has authority pursuant to Executive Law §94 to conduct an investigation to determine whether a substantial basis exists to conclude that a violation of Article one-a of the Legislative Law (the "Lobbying Act") has occurred, to issue a report of its finding of a substantial basis to conclude that a violation has occurred, and to impose penalties for such violation as provided for in the Lobbying Act;

WHEREAS, this Settlement Agreement ("Agreement") is entered into by and between the Commission and Kenneth Plummer d/b/a Kensworth Consulting (the "Respondent");

WHEREAS, the Respondent filed a Lobbyist Statement of Registration ("Registration") for the 2009-2010 biennial period on behalf of client, Blue Rio, LLC ("Client") related to lobbying for the necessary municipal and local approvals in connection to the Client's proposed real estate development project in Mt. Vernon, NY;

WHEREAS, a random audit of Respondent identified information which was referred to the Investigations Division of the Commission for further consideration;

WHEREAS, on July 5, 2012, a letter was sent to Respondent alleging violations of the Lobbying Act which afforded Respondent 15 days in which to respond to the allegations in writing;

WHEREAS, on September 6, 2012 the Commission issued a Notice of Substantial Basis Investigation;

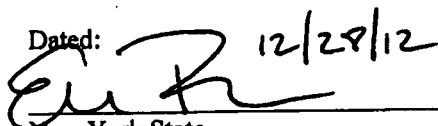
WHEREAS, in lieu of appearing in an adjudicatory proceeding that could result in the assessment of a civil penalty, the parties to this Agreement have agreed to resolve their dispute in a manner that avoids further administrative proceedings;

NOW THEREFORE, in consideration of the mutual covenants made herein, as the final settlement of the violation set forth herein, the parties stipulate and agree that:

- I. The Respondent admits that he failed to timely file his 2009 September/October and 2009 November/December Bimonthly Reports.
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- II. During the 2011-2012 biennial period, the Respondent continued to perform lobbying services on behalf of the Client in connection to the same proposed real estate development project as under the Respondent's 2009-2010 Registration, but nevertheless failed to file the required 2011-2012 Registration and Bimonthly Reports for the applicable time period.
- III. The Respondent admits that by such conduct in I and II above, he violated §1-e and §1-h of the Lobbying Act and agrees to pay to the Commission the amount of \$2,000 in settlement of said violations within 30 days of the execution of this Agreement.
- IV. The Respondent further agrees to submit the accurately completed 2011-2012 Registration and Bimonthly Reports through the termination date of the lobbying relationship within 30 days of its execution of this Agreement.
- V. If Respondent fails to timely perform the conditions set forth in Paragraphs III and IV of this Agreement, the Respondent will be in breach of this Agreement, and it shall be in the Commission's sole discretion to deem the Agreement null and void in its entirety.
- VI. Notwithstanding the provisions of this Agreement, the Respondent understands and acknowledges that the Commission may investigate other knowing and wilful violations of the Lobbying Act, if any, by the Respondent and take any appropriate action.
- VII. The Respondent hereby waives any rights, as provided in §1-o(c)(iii) of the Lobbying Act and may not assert such right at any future time.
- VIII. The Respondent hereby waives any right to appeal or challenge the determination or conduct of the Commission relating to this matter in an article 78 proceeding or by any other means.
- IX. Any amendment or modification to this Agreement shall be in writing and signed by both parties.

Dated:

 12/28/12

New York State
Joint Commission on Public Ethics

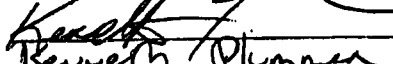
ACCEPTED AND AGREED TO
THIS 28 DAY OF December, 2012

Kenneth Plummer D/B/A Kewworth Consulting

By:

Name:

Title:


Kenneth Plummer
President