

BEFORE THE WEST VIRGINIA ETHICS COMMISSION

IN RE:

COMPLAINT NO. VCRB 2018-62

**LARRY C. PALMER,
Sheriff,
Brooke County, West Virginia**

CONCILIATION AGREEMENT

The West Virginia Ethics Commission and Larry C. Palmer freely and voluntarily enter into the following Conciliation Agreement pursuant to W. Va. Code § 6B-2-4(t) to resolve all potential charges arising from allegations in the above-referenced Complaint.

FINDINGS OF FACT

1. Larry C. Palmer ("Respondent" or "Palmer") is the Sheriff of Brooke County, West Virginia.


2. At all times pertinent herein, Respondent was a "public official" as defined in the Ethics Act, at W. Va. Code § 6B-1-3(k).

3. The Ethics Commission has jurisdiction over alleged violations of the Ethics Act committed by public officials and employees, such as the Respondent. W. Va. Code § 6B-1-1 through § 6B-3-11.

4. The Sheriff is assigned a Brooke County Sheriff's Office cruiser, a Ford 150 pickup truck.

5. On Saturday, July 14, 2018, the Respondent drove his cruiser to the Rural King store in Steubenville, Ohio, and purchased items for his personal use at the store. After the Respondent made his purchases, he exited the store pushing a shopping cart.

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The shopping cart accidentally got away from the Respondent and struck and damaged a parked vehicle in the Rural King parking lot.

6. The Respondent did not wait for the owner of the damaged vehicle to return nor did the Respondent leave a note with his contact information on the damaged vehicle.

7. A Steubenville Police Department police officer was called to the scene of the incident. The police officer, after interviewing witnesses and reviewing surveillance video, was able to determine that it was the Respondent who had been pushing the shopping cart and exited the scene of the incident in a Brooke County Sheriff's Office cruiser.

8. The investigating officer contacted the Brooke County Sheriff's Department and spoke with a Deputy Sheriff. The Respondent related to the investigating officer, through the Deputy Sheriff, that the Respondent would contact the vehicle's owner and make the matter right.

9. The Respondent contacted the vehicle's owner. The owner had his vehicle repaired at Team Automotive in Steubenville, Ohio, and Respondent Palmer was given the bill which totaled \$1,969.24. On approximately September 11, 2018, Respondent Palmer submitted a payment request voucher and the Team Automotive Invoice to the Brooke County Commission for payment.

10. Brooke County Commissioner Stacey Wise sent a note back to the Respondent requesting that an accident report be provided for the incident which resulted in the \$1,969.24 Team Automotive bill. The Respondent resubmitted the voucher and invoice to the County Commission with a note stating: "No report done. Private Property

accident – per Steubenville P.D. Info exchanged.” Commissioner Wise then made the following written request to the Respondent: “[T]hen please write your own report & description of the incident to the invoice.”

11. In response to the request from Commissioner Wise, Respondent Palmer submitted a typed letter on Sheriff’s Office letterhead stating that he was picking up department supplies at Rural King in Steubenville, Ohio, on July 14, 2018, and that as he was backing his cruiser out he struck and damaged the passenger side of another vehicle that was parked. He further states in the letter to Commissioner Wise: “Since this was a privately-owned parking lot, no report was taken and information between both parties were [sic] exchanged.”

12. On September 26, 2018, Commissioner Wise emailed Sheriff Palmer and questioned whether it was a proper county expense. Later that same day, the Respondent stated in an email to the County Commission that he would personally pay the bill himself. The Respondent then paid Team Automotive.

RELEVANT LEGAL PROVISION

W. Va. Code § 6B-2-5(b)(2) states, in relevant part:

Use of public office for private gain. -- (1) A public official or public employee may not knowingly and intentionally use his or her office or the prestige of his or her office for his or her own private gain or that of another person. Incidental use of equipment or resources available to a public official or public employee by virtue of his or her position for personal or business purposes resulting in de minimis private gain does not constitute use of public office for private gain under this subsection. The performance of usual and customary duties associated with the office or position or the advancement of public policy goals or constituent services, without

compensation, does not constitute the use of prestige of office for private gain.

CONCILIATION OF VIOLATION

I, Larry C. Palmer, the Respondent, admit that I violated the private gain provision in the West Virginia Governmental Ethics Act, at W. Va. Code § 6B-2-5(b), when I used my public position to attempt to have Brooke County pay a damage claim that was personal in nature.

In order to resolve this matter, I am entering into this Agreement. I understand that for this Conciliation Agreement to be finalized, that the Ethics Commission must approve it and determine which sanctions to impose.

In consideration for the settlement of this matter and the settlement of all allegations that have been asserted or may be asserted in Complaints relating to my attempt to have the County Commission pay the invoice for the damaged vehicle, I agree to the Commission's imposition of the following sanctions:

1. A public reprimand.
2. A fine in the amount of \$5,000 to be paid pursuant to the following terms:

A payment of \$1,000 to the West Virginia Ethics Commission within 30 days of the entrance of the Order approving the Conciliation Agreement and \$300 to be paid every 30 days after the date of the initial payment until the fine has been satisfied.

3. Training on the West Virginia Governmental Ethics Act, either in person or by viewing the training provided on the Ethics Commission's website, at ethics.wv.gov, within 30 days of the entrance of the Order approving the Conciliation Agreement. I shall provide written confirmation of the completion of this training to the Ethics Commission.

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I understand and agree that if the Ethics Commission fails to approve this Conciliation Agreement, then this Conciliation Agreement is null and void and the Complaint against me will proceed before the Probable Cause Review Board, where it will be processed in accordance with the West Virginia Code and the Ethics Commission's Legislative Rules.

If the Ethics Commission approves the Agreement, it will enter an Order in which it approves the Agreement and sets forth the sanctions listed above.

Both parties understand that, pursuant to W. Va. Code § 6B-2-4(t), this Conciliation Agreement and Commission Order must be made available to the public.

JAN 02 2020

Date



Robert J. Wolfe, Chairperson
West Virginia Ethics Commission

12-19-19

Date


Larry C. Palmer, Respondent

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LARRY C. PALMER,
Sheriff,
Brooke County, West Virginia

COMMISSION'S ORDER

After considering the Findings of Fact, Relevant Legal Provision and Conciliation of Violation in the Conciliation Agreement, the West Virginia Ethics Commission finds that the Conciliation Agreement is in the best interest of the State and Larry C. Palmer as required by W. Va. Code § 6B-2-4(t). In accordance with W. Va. Code § 6B-2-4(s), the Commission imposes the following sanctions:

1. A public reprimand.
2. A fine in the amount of \$5,000 to be paid pursuant to the following terms:

A payment of \$1,000 to the West Virginia Ethics Commission within 30 days of the entrance of this Order and \$300 to be paid every 30 days after the date of the initial payment until the fine has been satisfied.

3. Training on the West Virginia Governmental Ethics Act, either in person or by viewing the training provided on the Ethics Commission's website, at ethics.wv.gov, within 30 days of the entrance of this Order. Mr. Palmer shall provide written confirmation of the completion of this training to the Ethics Commission.

1/2/2020
Date

Robert J. Wolfe
Robert J. Wolfe, Chairperson
West Virginia Ethics Commission