

BEFORE THE WEST VIRGINIA ETHICS COMMISSION

IN RE:

COMPLAINT NO. VCRB 2019-76

**RONALD KEITH ANDERSON,
Chief Deputy,
Mineral County Sheriff's Office**

CONCILIATION AGREEMENT

The West Virginia Ethics Commission and Ronald Keith Anderson 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. Ronald Keith Anderson ("Respondent" or "Anderson") is employed by the Mineral County Sheriff's Office as Chief Deputy.
2. At all times pertinent herein, the Respondent was a "public employee" or "public official" as defined in the Ethics Act, at W. Va. Code §§ 6B-1-3(j) and (k).
3. The Ethics Commission has jurisdiction over alleged violations of the Ethics Act committed by public employees or officials, such as Anderson. W. Va. Code §§ 6B-1-1 through 6B-3-11.
4. The Respondent is a pre-candidate for Mineral County Sheriff. In approximately February 2019, the Respondent created a "Keith Anderson for Mineral County Sheriff 2020" Facebook page and posted pictures of himself in his Deputy Sheriff's uniform on it.
5. At or around the time the Respondent created his Facebook campaign page, he called the Ethics Commission to ask whether he could include the pictures of

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himself in his law enforcement uniform on the Facebook page. The Respondent spoke with an Ethics Commission attorney and described the pictures. The Ethics Commission attorney told him that it was a good question, the answer was unclear, and an Advisory Opinion could answer it. The Ethics Commission attorney emailed the Respondent Advisory Opinions 1998-09 and 1998-11, relating to campaign activities of sheriffs, for general guidance. After receiving the Advisory Opinions, the Respondent, without further consultation with the Ethics Commission or a private attorney, left the pictures of himself in his law enforcement uniform on his Facebook campaign page.

6. On May 2, 2019, per the request of a different police officer who was considering running for sheriff in another county, the Ethics Commission issued Advisory Opinion 2019-14, holding that a city police officer may not include pictures of himself in his police uniform in his campaign material because the police uniform conveys the endorsement of his police agency.

7. On September 16, 2019, a Complaint was filed against the Respondent with the Ethics Commission regarding the Respondent's use of pictures of himself in uniform on his Facebook campaign page. At or around the time the Complaint was filed, the County Clerk told the Respondent that he should remove the pictures of himself in uniform from his Facebook campaign page due to a recent Advisory Opinion issued by the Ethics Commission. The County Clerk further related to him that a citizen had expressed a concern about the pictures.

8. The Respondent states that prior to the September 2019 meeting with the County Clerk, he was unaware of the Ethics Commission's May 2019 ruling in Advisory Opinion which prohibits the use of law enforcement uniforms in campaign material. The

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Respondent told the County Clerk at the meeting that he would take down the pictures and immediately proceeded to do so. The pictures were on his campaign Facebook page from approximately February 2019 until September 2019.

RELEVANT LEGAL PROVISIONS

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.

In Advisory Opinion 2019-14, the Ethics Commission held that a city police officer may not include pictures of himself in uniform in his campaign material.

CONCILIATION OF VIOLATION

I, Ronald Keith Anderson, 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 included pictures of myself in my law enforcement uniform on my Facebook campaign page.

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

In consideration for the settlement of this matter, I agree to the Commission's imposition of the following sanctions:

1. An Order directing me to cease and desist from including pictures of myself in uniform in campaign material.
2. 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, before February 2, 2020. I shall provide written confirmation of the completion of this training to the Ethics Commission by February 10, 2020.

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 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 West Virginia 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

12/30/2019

Date



Ronald Keith Anderson, Respondent

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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 Ronald Keith Anderson 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. The Ethics Commission hereby **ORDERS** Respondent Anderson to cease and desist from including pictures of himself in uniform in campaign material.
2. Respondent Anderson shall undergo 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, before February 2, 2020, and he shall provide written confirmation of the completion of this training to the Ethics Commission by February 10, 2020.

1/2/2020
Date


Robert J. Wolfe, Chairperson
West Virginia Ethics Commission