

BEFORE THE WEST VIRGINIA ETHICS COMMISSION

In the matter of Verified Complaint No. 2009-33

Respondent Jeffrey Hutchinson, Director, Kanawha County Parks and Recreation Commission (KCPRC)

STATEMENT OF CHARGES AND NOTICE OF HEARING

An ethics complaint was filed against Respondent Jeffrey Hutchinson, Director, Kanawha County Parks and Recreation Commission (KCPRC), on or about December 23, 2009, and amended on December 28, 2009. The complaint, as amended, was referred to the West Virginia Ethics Commission's Probable Cause Review Board.

On December 21, 2011, the members of the Probable Cause Review Board, by unanimous vote of those present, entered an Order finding probable cause to believe that the Respondent violated W. Va. Code §§ 6B-2-5(b) & (c).

The members of the Probable Cause Review Board charge that Jeffrey Hutchinson did knowingly and intentionally use his office for his own private gain and/or for the private gain of others, and accepted prohibited gifts from interested persons, in violation of W. Va. Code §§ 6B-2-5(b) & (c).

It is hereby charged that Respondent Jeffrey Hutchinson violated the Ethics Act as follows:

COUNT I

Used his public office for personal gain, to wit: by driving KCPRC issued vehicle for personal use including without limitation, transporting his son to/from school on more than a *de minimis* basis; obtaining services to have personal golf clubs repaired using KCPRC's account with a vendor; and, by making personal purchases of a lead sled and head lamp using the KCPRC issued credit card;

COUNT II

Used his public office for the personal gain of others, to wit: by providing discounted or free use of KCPRC facilities to certain individuals and/or organizations in the absence of any KCPRC policy related thereto; specifically by personally providing discounted or free use of KCPRC shelters and/or banquet rooms to select individuals or groups, including groups with which he and/or his friends are associated; and, by allowing his friend/associate Brent Pauley to purchase golf clubs on a KCPRC account and carry the balance for about a year; and,

COUNT III

Knowingly accepting gifts from persons who were doing business with KCPRC, to wit: annually accepting for personal consumption, gift baskets from KCPRC's payroll services provider Service Plus Inc.; and, on or about November and/or December 2009, accepting free merchandise from a vendor of golf equipment and supplies, Cleveland Golf at or around the time that KCPRC placed an order with Cleveland.

NOTICE OF HEARING

You are hereby notified that at a specific place, date and time to be determined, a public hearing will be held, to determine the truth or falsity of the charges against you contained in the foregoing Statement of Charges.

Pursuant to the direction of the Commission, an independent hearing examiner appointed by the Commission will preside at the hearing. The record compiled by the hearing examiner will then be submitted to the members of the Ethics Commission who will make a final decision in this case.

12/29/2011
Date


Theresa M. Kirk
Executive Director