

**BEFORE THE WEST VIRGINIA ETHICS COMMISSION**

**IN RE:**

**COMPLAINT NO. VCRB 2015-090**

**JOHN P. AMAN,  
Former General Manager of  
Central West Virginia Transit Authority**

**CONCILIATION AGREEMENT**

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

**FINDINGS OF FACT**

1. At all times relevant herein, Respondent John P. Aman ("Respondent") was employed as the General Manager of the Central West Virginia Transit Authority ("CENTRA"). CENTRA is a public corporation created pursuant to the West Virginia Urban Mass Transportation Act that provides public transportation, primarily bus service, in the Clarksburg area.

2. Respondent was a "public employee" as defined in the Ethics Act at W.Va. Code § 6B-1-3(j).

3. The Ethics Commission has jurisdiction over alleged violations of the Ethics Act committed by public employees such as the Respondent. W.Va. Code § 6B-1-1 through § 6B-2-10.

4. In April 2013, a representative of the Louis A. Johnson VA Medical Center in Clarksburg contacted the Respondent in his capacity as CENTRA's General Manager

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about providing bus service to its employees between an off-site parking location and the medical center.

5. During non-public discussions, Respondent and the President, Vice President and Secretary (“the three Board members”) of the CENTRA Board decided that CENTRA would provide bus service to the medical center and that CENTRA would contract with a person to sell bus tickets to medical center employees for eight hours a day four days a month rather than creating a new employment position to perform this duty. Two other members of the CENTRA Board were not involved in the discussions or determinations.

6. CENTRA’s 2010 Financial Procedures Manual (“Procedures Manual”) was in effect at least during the relevant time period from May 2013 through September 2014. The Procedures Manual provides that the General Manager has the authority to hire employees for existing positions and that the Board of Directors must authorize the creation of new positions, but it does not contain any provisions on whether Respondent had the authority to create contract positions without official authorization from the Board at a properly noticed public meeting.

7. The three Board members and Respondent Aman agreed that CENTRA would contract with Respondent’s wife, Veronica Aman, and pay her \$10 per hour to sell bus tickets to the medical center’s employees beginning in May 2013.

8. In February 2014, the three Board members and the Respondent agreed to increase Veronica Aman’s hourly wage from \$10 to \$20. She received this higher hourly rate from February 2014 through September 2014.

9. CENTRA paid Veronica Aman \$3,445 in 2013 and \$6,800 in 2014.

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10. Sometime after Veronica Aman's services were terminated and a new CENTRA Board of Directors was appointed, the Board contracted with another person to perform the same job duties at the rate of \$15.00 per hour.

11. As part of his duties as General Manager of CENTRA, Respondent Aman had general supervision duties relating to a trolley owned by CENTRA.

12. During the September 2013 time frame, CENTRA rented the trolley to private citizens at a rate of \$50 per hour. CENTRA's practice was to charge \$50 per hour regardless of whether a full hour was used. For example, if the trolley was used for 15 minutes, the charge would be \$50.

13. Bernie Fazzini, the former Secretary of the CENTRA Board and a member of the Harrison County Commission, requested Respondent Aman to allow him use of the trolley for his daughter's wedding in September 2013.

14. Respondent directed CENTRA's Operations Supervisor, who was his subordinate, to schedule Fazzini to use the trolley on the date of the wedding even though the trolley had already been reserved for another wedding at the same date and time. The trolley was to pick up the Fazzini party after transporting the other wedding party, thereby resulting in the trolley being "double booked."

15. CENTRA'S practice was to book only one event at a time, therefore allowing only one party to use the trolley.

16. Respondent Aman directed his subordinate(s) to allow Fazzini to use the trolley without charge.

17. The trolley transported the Fazzini wedding party approximately 6 miles after the trolley was used by the other wedding party.

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18. Fazzini was never billed for use of the trolley, but after allegations regarding the incident were made public, he paid CENTRA \$40.

### RELEVANT LEGAL PROVISION

West Virginia Code § 6B-2-5(b)(1) states:

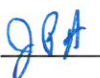
A public official or public employee may not knowingly and intentionally use his or her office or the prestige of his or her office for his or her own private gain or that of another person. Incidental use of equipment or resources available to a public official or public employee by virtue of his or 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.

W.Va. Code § 6B-2-5(d)(1) states, in relevant part:

No elected or appointed public official or public employee or member of his or her immediate family or business with which he or she is associated may be a party to or have an interest in the profits or benefits of a contract which the official or employee may have direct authority to enter into, or over which he or she may have control. . . .

### CONCILIATION OF VIOLATION

I, John P. Aman, the Respondent, admit that I violated the above-referenced provisions of the West Virginia Governmental Ethics Act by having a prohibited interest in the profits of a contract over which I had control and by directing a subordinate to make CENTRA's trolley available to Commissioner Fazzini when it was already booked and not to charge him the standard rate.

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In order to resolve this matter, I am entering into this Agreement. For this Conciliation Agreement to be finalized, I understand that the Ethics Commission must approve it and must 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. A public reprimand, and
2. A fine in the amount of \$500.

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 be referred back to 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(s), this Conciliation Agreement and Commission Order must be made available to the public.

8/4/16  
Date

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

7.21.2016  
Date

John P. Aman  
John P. Aman, Respondent

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Former General Manager of  
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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 John P. Aman as required by W.Va. Code § 6B-2-4(s). In accordance with W.Va. Code § 6B-2-4(r), the Commission imposes the following sanctions:

1. A public reprimand, and
2. A fine in the amount of \$500, payable to the West Virginia Ethics Commission on or before October 1, 2016.

8/4/16  
Date

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