

BEFORE THE WEST VIRGINIA ETHICS COMMISSION

IN RE:

COMPLAINT NO. VCRB 2016-015

**CHRIS E. JARRETT,
Executive Director,
West Virginia Water Development Authority**

CONCILIATION AGREEMENT

The West Virginia Ethics Commission and Chris E. Jarrett 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. The Respondent, Chris E. Jarrett, served, at all pertinent times herein, as the Executive Director of the West Virginia Water Development Authority.

2. The West Virginia Water Development Authority ("Water Authority") is the state agency that provides West Virginia communities with financial assistance for development and maintenance of wastewater, water and economic infrastructure to protect the streams of the state and to improve drinking water.

3. The Respondent was therefore a "public official" as defined in the West Virginia Governmental Ethics Act ("Ethics Act") at W. Va. Code § 6B-1-3(k).

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

5. The Water Authority's offices are located on Bullitt Street in Charleston in a building owned by the Water Authority.

6. The Water Authority leases 8,305 square feet of space in the building to the West Virginia Infrastructure and Jobs Development Council ("Infrastructure Council"), which is another state agency.

7. In early 2013, the Respondent began storing at least 12 pieces of his personal furniture in an unfinished storage room that was 1,122 square feet in size in the Water Authority's building. This space was available to both the Water Authority and the Infrastructure Council; therefore, the Infrastructure Council paid for approximately half of the space.

8. The Respondent's personal furniture included four large desks, large credenzas, chairs, a couch and a large conference table.

9. During the time the Respondent's furniture was stored in the building, other space in the building was available for use by both the Water Authority and the Infrastructure Council. Neither agency incurred any additional costs or expenses as a result of the Respondent's use of the space.

10. The Respondent stored his furniture in the building until March 23, 2016. He removed his furniture soon after he received a copy of the Complaint and a Notice of Investigation in the above-captioned matter.

RELEVANT LEGAL PROVISION

W. Va. Code § 6B-2-5(b) provides:

(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, Chris E. Jarrett, admit that I violated the Ethics Act by using my public office for private gain. To resolve this matter, I enter into this Agreement. For this Conciliation Agreement to be finalized, the Commission must approve the Agreement 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. A Public Reprimand;
2. Restitution in the amount of \$2,500 to the West Virginia Infrastructure and Jobs Development Council to be paid on or before September 1, 2017, and
3. A fine of \$2,000 to be paid to the West Virginia Ethics Commission on or before September 1, 2017.

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 with 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 this Agreement, it will enter an Order which approves the Agreement and sets forth the sanctions listed above.

Both parties understand that, pursuant to W. Va. Code § 6B-2-4(t), the

Conciliation Agreement and Commission Order must be made available to the public.

6/1/17
Date

Betty S. Ireland
Betty S. Ireland, Acting Chairperson
West Virginia Ethics Commission

5.25.17
Date

Chris E. Jarrett
Chris E. Jarrett, 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 Chris E. Jarrett 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. Restitution in the amount of \$2,500 to the West Virginia Infrastructure and Jobs Development Council to be paid on or before September 1, 2017, and
3. A fine of \$2,000 to be paid to the West Virginia Ethics Commission on or before September 1, 2017.

Date

6/1/17


Betty S. Ireland, Acting Chairperson
West Virginia Ethics Commission