

BEFORE THE WEST VIRGINIA ETHICS COMMISSION

IN RE:

F. COLT SANDORO,

**Executive Director,
Regional Intergovernmental Council**

Pre-Complaint Conciliation Agreement

The West Virginia Ethics Commission and F. Colt Sandoro 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 of violations of the West Virginia Governmental Ethics Act ("Ethics Act") discussed below.

Findings of Fact

1. F. Colt Sandoro has served as the Executive Director of the Regional Intergovernmental Council (hereinafter "RIC") since January 2016.
2. As the Executive Director of the Regional Intergovernmental Council, Sandoro was, at all times relevant herein, 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 West Virginia public employees. W. Va. Code §§ 6B-1-1 through 6B-3-11.
4. The Regional Intergovernmental Council was established in 1968 to serve Boone, Clay, Kanawha and Putnam counties. The RIC is governed by a Board of

Directors consisting of elected municipal and county officials from its member counties. Its office is in South Charleston, West Virginia.

5. On October 14, 2016, Sandoro authorized the use of RIC funds to purchase an arrangement from Edible Arrangements which was given to an RIC employee due to a death in her family. The cost of the arrangement was \$37.31.

6. On December 14, 2016, Sandoro authorized the use of RIC funds to pay for an employee morale event at Uncork and Create located in Charleston, West Virginia. The cost of the event was \$350. It was held outside of the employees' regular office hours. No RIC funds were used to purchase alcohol.

7. On December 22, 2016, Sandoro authorized the use of RIC funds to pay for a staff Christmas lunch at Adelpia Sports Bar located in Charleston, West Virginia. The cost of the lunch was \$190. No alcohol was purchased.

8. In December 2016, the RIC had nine employees. Hence, the total cost per RIC employee for both functions was \$60.

9. In Advisory Opinion 2010-19, the Ethics Commission held that in the absence of express authority, a public official or employee may not use public funds to purchase funeral flowers or other expressions of sympathy.

10. The Ethics Commission has a Guideline entitled Public Employee Recognition Events. The Guideline states that it does not violate the Ethics Act for a public agency to use public funds for employee recognition events if the agency expends no more than \$25 per employee per fiscal year.

Relevant Legal Provision

W. Va. Code § 6B-2-5(b) 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, F. Colt Sandoro, agree that I violated the West Virginia Governmental Ethics Act when I authorized the use of RIC funds to pay for the December 2016 Uncork and Create event and Adelphia Sports Bar lunch. I further agree that the expenditure of public funds to purchase an arrangement from Edible Arrangements was not an authorized expenditure.

When I became the Executive Director of the RIC, I was unaware that the RIC was a public agency whose employees are subject to the West Virginia Governmental Ethics Act. I am now aware that the RIC is subject to the Ethics Act and will exercise due diligence to ensure that all RIC expenditures comply with the Ethics Act and other laws governing the expenditure of public funds.

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.


FCS

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

1. Reimburse the RIC the amount of \$315, the equivalent of the difference between the amount expended by the RIC in 2016 for employee recognition events (\$540) and the amount the RIC was authorized to expend (\$225);
2. Reimburse the RIC the amount of \$37.31 for the cost of the arrangement from Edible Arrangements;
3. Undergo training on the West Virginia Governmental Ethics Act, for myself and my staff, either in person or by viewing the training provided on the Ethics Commission's website, at ethics.wv.gov, before November 1, 2018. I shall provide written confirmation of the completion of this training to the Ethics Commission, and
4. Provide a copy of the approved Conciliation Agreement and Order to the Chairperson of the RIC Board.

I understand and agree that if the Ethics Commission fails to approve this Conciliation Agreement, then this Conciliation Agreement is null and void and that a Complaint against me may be filed.

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.


FCS

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.

10/4/18
Date

9/21/2018
Date


Robert J. Wolfe, Chairperson
W. Va. Ethics Commission


F. Colt Sandoro


Beth S. Ireland,
Acting
Chairperson

BEFORE THE WEST VIRGINIA ETHICS COMMISSION

IN RE:

F. COLT SANDORO,

**Executive Director,
Regional Intergovernmental Council**

COMMISSION'S ORDER

After considering the Findings of Fact, Relevant Legal Provision and Conciliation of Violation in the Pre-Complaint Conciliation Agreement, the West Virginia Ethics Commission finds that the Pre-Complaint Conciliation Agreement is in the best interest of the State and F. Colt Sandoro as required by W. Va. Code § 6B-2-4(t). In accordance with W. Va. Code § 6B-2-4(t) and W. Va. Code § 6B-2-4(s), the Commission orders F. Colt Sandoro to:

1. Reimburse the Regional Intergovernmental Council in the amount of \$315, the equivalent of the difference between the amount expended by the Regional Intergovernmental Council in 2016 for employee recognition events (\$540) and the amount the Regional Intergovernmental Council was authorized to expend (\$225);
2. Reimburse the Regional Intergovernmental Council the amount of \$37.31 for the cost of the arrangement from Edible Arrangements;
3. Attend training and have his staff attend 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, and
4. Provide a copy of the approved Conciliation Agreement and Order to the Chairperson of the Regional Intergovernmental Council Board.

The Commission orders that F. Colt Sandoro must comply with the terms of this Order and provide written confirmation of his compliance to the Ethics Commission by November 20, 2018.

10/4/18
Date


Betty S. Ireland, Acting Chairperson
West Virginia Ethics Commission