

BEFORE THE WEST VIRGINIA ETHICS COMMISSION

IN RE:

COMPLAINT NO. VCRB 2020-16

**GREG VANDETTA,
Former Mayor,
Town of Monongah**

CONCILIATION AGREEMENT

The West Virginia Ethics Commission and Greg Vandetta 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. Greg Vandetta ("Respondent" or "Vandetta") previously served as the elected Mayor of the Town of Monongah ("Town").
2. At all times pertinent herein, Vandetta was a "public official" as defined in the Ethics Act, at W. Va. Code § 6B-1-3(k).
3. The Ethics Commission has jurisdiction over alleged violations of the Ethics Act committed by public officials, such as Vandetta. W. Va. Code §§ 6B-1-1 through 6B-3-11.
4. On December 12, 2018, employees of the Town of Monongah, while repairing a water line, damaged an electrical line that ran to a light pole owned by Holy Spirit Church ("Church"). Vandetta is a member of the Church.

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5. John Baransky, the facilities manager of the Holy Spirit Church, approached the Town regarding repairing the damage.

6. Art Yuchek, the Town's maintenance supervisor, received an estimate to repair the damage to the electrical line from eSolutions, LLC, dated May 3, 2019.

7. The eSolutions bid was in the amount of \$2,435 and included digging up and repairing conduit previously damaged by the Town at the Church and wiring "from house to light pole as original install was." The bid also stated that it included "digging to the road but not through the road" and that "if blacktop needs to be trenched, there will need to be a Change Order." A trench is a type of excavation in which material removal forms a narrow opening in the ground.

8. On June 11, 2019, the Town of Monongah held a municipal election. Vandetta was the sitting mayor and failed in his re-election bid. Vandetta's term as mayor ended on July 1, 2019.

9. On June 11, 2019, Vandetta met with Baransky at the Church to discuss the eSolutions estimate.

10. When Vandetta arrived at the Church, the blacktop at the location of the electrical line had already been trenched due to an unrelated sewer repair occurring at the Church's gymnasium.

11. Vandetta proposed and Baransky agreed to the Town running conduit through the trench that had already been dug before the area was to be repaved to complete the sewer repair. Vandetta also believed at the time that the remaining electrical

wire running to the light pole was still in good condition and could be utilized to make the repair which would reduce the overall cost. Vandetta made a hand-written notation at the bottom of the bid from eSolutions, LLC which reads, "6.11.2019 I MET WITH JOHN AND WE FOUND A WAY TO HAVE THIS REPAIRED AT ½ THE COST OF THIS ESTIMATE. I TOLD HIM TO GET IT REPAIRED & BILL THE TOWN."

12. Baransky asked if Vandetta knew of anyone who could complete the work which included ditching, laying additional conduit and running electrical wire. On June 11, 2019, Vandetta asked an employee of V&W Electrical Sales & Supplies if he was interested in the Church job. Vandetta was there to order conduit for the job at the Church, and he asked the employee because the employee had performed electrician services for the Town in the past.

13. On or about June 14, 2019, Vandetta, Art Yuchek and another town employee began the repair project by installing approximately 30 feet of conduit under the trenched blacktop.

14. In July 2019, after Vandetta's term as mayor had ended, Baransky asked Vandetta if he had found someone to finish the repairs at the Church. Vandetta again asked the employee at V&W who declined the job for lack of availability.

15. Vandetta then decided he could finish the repairs since he was no longer the mayor of Monongah. Vandetta is a licensed electrician, had performed maintenance projects for the Church in the past, and had worked on the same light at the Church years prior.

16. Beginning on July 22, 2019, and over the course of five nonconsecutive days, Vandetta completed the job. Vandetta finished the job on August 19, 2019. Baransky subsequently submitted Vandetta's invoice to the Town for payment.

17. Vandetta's submitted invoice, dated August 27, 2019, totaled \$1,750.98. The remaining electrical wire could not be utilized as Vandetta originally thought, increasing the overall cost. Labor costs represented \$1,170 of the total amount and included hours worked by both Vandetta and Vandetta's grandson. The remaining \$590.98 was for materials.

18. Due to concerns arising from the Ethics Act, the Town of Monongah has not issued payment.

19. The West Virginia Ethics Act prohibits a public official or business with which the official is associated from having an interest in the profits or benefits of a contract which the official may have direct authority to enter into, or over which he or she may have control. W. Va. Code § 6B-2-5(d)(1).

20. While mayor of the Town of Monongah, Vandetta exercised authority and control over the Town's agreement to cover the costs associated with repairing the electrical line damage at the Church. Vandetta unilaterally approved the electrical line repairs at the Church, including the Town itself performing a portion of the work in laying conduit under the trenched blacktop. Vandetta maintains he subsequently informed the Town Council of the repairs during a June 24, 2019, council meeting.

21. Vandetta maintains that he did not desire the work at the Church. He asserts that he performed the job after his term as mayor concluded in order to get the light back on for his church and to save the Town money. Vandetta also states that in deciding that he could perform the job, he relied upon previous advice he received from the Ethics Commission regarding another matter wherein he performed work for a former customer.

22. The Ethics Act does not permit Vandetta, as an outgoing public official, to profit from a public contract upon the conclusion of his term of office when he exercised unilateral authority and control over the contract while a public official. Advisory Opinion 2016-18.

RELEVANT LEGAL PROVISION

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

[N]o 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, Greg Vandetta, the Respondent, admit that I violated the public contract provision in the West Virginia Governmental Ethics Act, at W. Va. Code § 6B-2-5(d)(1), when I billed the Town of Monongah for services that I unilaterally approved when serving as Mayor of the Town of Monongah.

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. Cease and desist from submitting any further invoices to the Town of Monongah for the work associated with repairing the light at the Holy Spirit Church other than costs for materials totaling \$590.98.
2. May not accept, directly or indirectly, any public monies for the work associated with repairing the light at the Holy Spirit Church other than costs for materials totaling \$590.98, and
3. 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, within 30 days of entry of the Order approving the Conciliation Agreement. I shall provide written confirmation of the completion of this training to the Ethics Commission within five business days of completing the training.

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.

11/5/20
Date

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

10.19.2020
Date

Greg Vandetta
Greg Vandetta, Respondent

BEFORE THE WEST VIRGINIA ETHICS COMMISSION

IN RE:

COMPLAINT NO. VCRB 2020-16

**GREG VANDETTA,
Former Mayor,
Town of Monongah**

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 Greg Vandetta 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 **ORDERS** that Respondent Vandetta cease and desist from submitting any further invoices to the Town of Monongah for the work associated with repairing the light at the Holy Spirit Church other than costs for materials totaling \$590.98;
2. The Ethics Commission **ORDERS** that Respondent Vandetta may not accept, directly or indirectly, any public monies for the work associated with repairing the light at the Holy Spirit Church other than costs for materials totaling \$590.98, and
3. Respondent Hagedorn 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 December 5, 2020, and he shall provide written confirmation of the completion of this training to the Ethics Commission by December 14, 2020.

11/5/20
Date


Robert J. Wolfe, Chairperson
West Virginia Ethics Commission