

BEFORE THE WEST VIRGINIA ETHICS COMMISSION

**IN RE:
MICHAEL STOVER,
Circuit Clerk,
Wyoming County**

COMPLAINT NO. VCRB 2021-01

CONCILIATION AGREEMENT

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

FINDINGS OF FACT

1. Michael Stover is the Circuit Clerk of Wyoming County, West Virginia. Stover became the Circuit Clerk on November 16, 2020, by appointment, to fill a vacancy created by his predecessor's resignation.

2. At all times pertinent herein, Stover 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 West Virginia Ethics Act committed by public employees or officials, such as Stover. W. Va. Code §§ 6B-1-1 through 6B-3-11.

4. On the night of December 19, 2020, a Town of Mullens police officer was dispatched to the Stover home by the Wyoming County 911 Center in response to a call.

5. Prior to the arrival of the police officer, Stover was at his home with his adult son and had been consuming alcohol. By the time of the officer's arrival, Stover was inebriated.

6. The officer arrested Stover based on an allegation that Stover had assaulted his son. When Stover was being handcuffed, he said to the arresting police officer and another Town police officer who had arrived on the scene, "You know I am the Circuit Clerk."

7. The arresting police officer then transported Stover to the Town of Mullens Police Department at or around midnight to book him before transporting him to the West Virginia Southern Regional Jail.

8. While at the Police Department, Stover made another reference to his Circuit Clerk position and tried to persuade the police officer to call out, after hours, a Magistrate, instead of transporting Stover to the West Virginia Southern Regional Jail. The police officer told Stover that they must transport him to the West Virginia Southern Regional Jail because it is standard procedure. During the conversation, Stover made several remarks which a reasonable person could construe as threats by Stover to use his Circuit Clerk position to retaliate against the arresting officer and/or other members of the Mullens Police Department if they transported him to the West Virginia Southern Regional Jail and/or failed to contact the Magistrate to see if he would conduct Stover's arraignment after the normal hours of operation.

9. The police officers were not swayed by Stover's remarks. They followed standard procedures and transported Stover to the West Virginia Southern Regional Jail.

10. Stover did not contact the police officers after December 19, 2020, or attempt to retaliate against them or any other members of the Mullens Police Department for the events of December 19, 2020.

RELEVANT LEGAL PROVISION

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

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.

CONCILIATION OF VIOLATION

I, Michael Stover, the Respondent, admit that a reasonable person could construe the remarks that I made to the police officers on December 19, 2020, as an attempt to use the prestige and influence of my public office for private gain in violation of W. Va. Code § 6B-2-5(b). I further acknowledge that my remarks to the police officers were inappropriate.

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

1. The Respondent shall undergo training on the West Virginia Governmental Ethics Act within 30 days of entrance of this Order approving the Conciliation Agreement.

2. A fine in the amount of \$500 to be paid to the West Virginia Ethics Commission within 30 days of the entrance of this Order approving the Conciliation Agreement, and,
3. A public reprimand.

I understand and agree that if the Ethics Commission declines 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.

8/5/21
Date

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

07/20/2021
Date

Michael Stover
Michael Stover, Respondent

Shane H. [Signature]
counsel for
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 Michael Stover 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. Respondent Stover 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, by September 6, 2021. Respondent Stover shall provide written confirmation of the completion of this training to the Ethics Commission by September 10, 2021, and,
3. A fine in the amount of \$500 to be paid to the West Virginia Ethics Commission by September 6, 2021.

8/15/21
Date


Robert J. Wolfe, Chairperson
West Virginia Ethics Commission