

BEFORE THE WEST VIRGINIA ETHICS COMMISSION

IN RE:

COMPLAINT NO. VCRB 2020-18

**LARRY C. PALMER, JR.
Sheriff (former),
Brooke County, West Virginia**

CONCILIATION AGREEMENT

The West Virginia Ethics Commission and Larry C. Palmer, Jr. 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. Larry C. Palmer, Jr. ("Respondent" or "Palmer") is the former Sheriff of Brooke County, West Virginia. The Respondent resigned his position on September 8, 2020.
2. At all times pertinent herein, Respondent 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 and employees, such as the Respondent. W. Va. Code §§ 6B-1-1 through 6B-3-11.
4. In November 2017, the Sheriff's Office, at the direction of Palmer, used public funds to purchase 100 coins containing his name. The total cost of the coins was \$815 -- \$8.15 per coin.

LCP YCP

5. The frontside of the coins has the Sheriff's Office badge insignia and states: "Brooke County Sheriff's Office, Sheriff Larry C. Palmer, Jr." The reverse side of the coin states: "Serving Brooke County for 220 Years, 1797-2017." The coins are 1.75 inches in diameter.

6. Palmer states that he bought the coins as an employee recognition memento to commemorate the Department's 220th Anniversary. Palmer states that approximately 60 coins were distributed in 2017 and thereafter to Sheriff's Office employees, including new hires. Palmer states that the Department spent less than \$25 per employee per fiscal year in accordance with the Ethics Commission Public Employment Recognition Guideline. Palmer also gave some coins to other County public officials and donated two coins to the Elks Lodge for a fundraiser.

7. The West Virginia Ethics Act prohibits public officials from using public funds to purchase certain items, including trinkets, that contain their name or likeness (picture). Palmer states that he was aware of this restriction but believed purchasing the coins was permissible as an employee recognition memento per the Ethics Commission Employee Recognition Guideline which states that the expenditure of public funds to recognize employees does not violate the Ethics Act if an agency expends no more than a total of \$25 per employee per fiscal year. Palmer states that he did not seek advice from the Ethics Commission regarding whether the purchase complied with the Ethics Act or the Employee Recognition Guideline.

RELEVANT LEGAL PROVISIONS

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

Trinkets. - Public officials, their agents, or anyone on public payroll may not place the public official's name or likeness on trinkets paid for with public funds: Provided, That when appropriate and reasonable, public officials may expend a minimal amount of public funds for the purchase of pens, pencils, or other markers to be used during ceremonial signings.

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

"Trinkets" means items of tangible personal property that are not vital or necessary to the duties of the public official's or public employee's office, including, but not limited to, the following: magnets, mugs, cups, key chains, pill holders, band-aid dispensers, fans, nail files, matches, and bags.

CONCILIATION OF VIOLATION

I, Larry C. Palmer, Jr., the Respondent, admit that I violated the West Virginia Governmental Ethics Act, at W. Va. Code § 6B-2B-2(a), when I had the Sheriff's Office purchase 100 coins containing my name. I further agree that I should have sought advice from the Ethics Commission to determine if the purchase of the coins as an employee recognition memento complied with the restriction in the Ethics Act on purchasing trinkets which contained my name.

In order to resolve this matter, I am entering into this Agreement. I understand that for this Conciliation Agreement to be finalized, the Ethics Commission must approve it and determine which sanctions to impose.

LCP JCP

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

1. Reimbursement to the Brooke County Sheriff's Office in the amount of \$326, a good faith estimate of the cost of coins distributed to persons who were not employees of the Sheriff's Office, to be paid to the Sheriff's Office by April 15, 2021.
2. To cease and desist from using public funds to purchase trinkets that contain my name.

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

1/7/21
Date

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

12/04/2020
Date

LCP
Larry C. Palmer, Respondent

LCP LCP

BEFORE THE WEST VIRGINIA ETHICS COMMISSION

IN RE:

COMPLAINT NO. VCRB 2020-18

**LARRY C. PALMER,
Sheriff (former),
Brooke County, West Virginia**

COMMISSION'S ORDER

After considering the Findings of Fact, Relevant Legal Provisions 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 Larry C. Palmer 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. Respondent Palmer shall reimburse to the Brooke County Sheriff's Office the amount of \$326, a good faith estimate of the cost of coins distributed to persons who were not employees of the Sheriff's Office, to be paid to the Sheriff's Office by April 15, 2021.
2. Respondent Palmer shall **CEASE AND DESIST** from using public funds to purchase trinkets that contain his name.

01-07-2021
Date



Robert J. Wolfe, Chairperson
West Virginia Ethics Commission