

BEFORE THE WEST VIRGINIA ETHICS COMMISSION

IN RE:

**JASON WOODMAN,
Head Football Coach,
Fairmont State University**

Pre-Complaint Conciliation Agreement

The West Virginia Ethics Commission and Jason Woodman 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 of violations of the West Virginia Governmental Ethics Act based upon the facts set forth below.

Findings of Fact

1. Jason Woodman ("Respondent" or "Woodman") is employed by Fairmont State University as the Head Football Coach.
2. At all times pertinent herein, Woodman was 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 West Virginia Ethics Act committed by employees or officials, such as Woodman. W. Va. Code §§ 6B-1-1 through 6B-3-11.
4. Fairmont State University authorized the Respondent to have and use a State of West Virginia Purchasing Card ("P-Card") for Fairmont State University football program purchases.

JW 

5. BSN Sports, LLC. ("BSN Sports"), is an online store that sells athletic apparel and equipment. It has a bonus promotional program whereby customers earn points for purchases, and the points may be used to obtain free merchandise from BSN Sports.

6. On October 16, 2019, Respondent used BSN Sports bonus points -- earned from apparel and/or equipment purchased from BSN Sports for Fairmont State University's football program -- to obtain apparel for his personal use. The items he obtained are reflected on invoice # 906152952 and include the following: a Youth Epic Jacket Anth/Blk LRG (estimated value \$50), a Youth Hoodie FLC Club Anthract SML (estimated value \$45), a Youth Hoodie FLC Club Anthract MED (estimated value \$45), a Youth Hoodie FLC Club Antract LRG (estimated value \$45), a Youth Legend SS Top Carb Hea LRG (estimated value \$25), a Youth Pant FLC Club Anthract SML (estimated value \$40), a Youth Pant FLC Club Anthract MED (estimated value \$40), a Youth Epic Pant Anth/BLK LRG (estimated value \$40), and a Youth Legend SS Top Royal LRG (estimated value \$25). The total estimated value of the items obtained by the Respondent on invoice # 906152952 by using Fairmont State University's bonus points was \$355.

7. On August 14, 2020, Respondent again used BSN Sports bonus points, which belonged to Fairmont State University, to obtain apparel for his personal use that are reflected on invoice # 909428076 and include the following: a Women's NP Tight Royal MED (estimated value \$50), Pro Classic Bra Carb Hea MED (estimated value \$18-30), WMN Legend L/S Tee Purple MED (estimated value \$28), and a WMN Legend L/S Tee

JW 

Sundown MED (estimated value \$28), The total estimated value of the items obtained by the Respondent on invoice # 909428076 by using Fairmont State University's bonus points was \$124-\$136.

8. On September 4, 2020, Respondent again used BSN Sports bonus points, which belonged to Fairmont State University, to obtain apparel for his personal use including a WMN Flx 2in1 Short Blk/Wht MED (estimated value \$45), and a Therma LS 1/4 Zip Royal XSM (estimated value \$55). The total estimated value of the items obtained by Respondent on September 4, 2020, as reflected on invoice # 909571928, by using Fairmont State University's bonus points, was \$100.

Relevant Legal Provisions

W. Va. Code § 6B-2-5(b) 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, Jason Woodman, admit that I utilized bonus points earned from purchases for the Fairmont State University football team from BSN Sports to obtain items from BSN Sports for me and/or my family. I acknowledge that the bonus points belonged to my employer, Fairmont State University, and I admit that the use of the bonus points for personal purchases constituted use of my public employment for private gain in violation of W. Va. Code § 6B-2-5(b), although I was unaware that my actions constituted a violation of the law at the time I utilized the bonus points.

JW 

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



1. A fine in the amount of \$1,000 to be paid to the West Virginia Ethics Commission within 30 days of the entrance of the Order approving the Conciliation Agreement.
2. To undergo training on the West Virginia Governmental Ethics Act, either in person, virtually, or by viewing the training provided on the Ethics Commission's website, at ethics.wv.gov, within 30 days of the entrance 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 it.
3. An Order directing me to pay Fairmont State University \$590 in restitution, a good faith estimate of the value of the merchandise obtained with the bonus points, within 30 days of the entrance of this Order approving the Conciliation Agreement .
4. An Order directing me to cease and desist from using bonus points which belong to Fairmont State University for personal purchases.

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.

JW 

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.

<u>January 6, 2022</u>	
Date	<u>Terry L. Walker, Acting Chairperson, for</u> Robert J. Wolfe, Chairperson West Virginia Ethics Commission
<u>12-16-21</u>	
Date	<u>Jason Woodman, Respondent</u>

BEFORE THE WEST VIRGINIA ETHICS COMMISSION

IN RE:

JASON WOODMAN,
Head Football Coach,
Fairmont State University

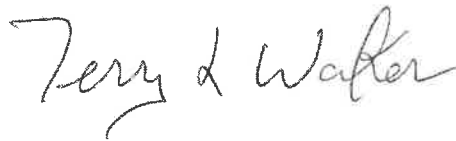
COMMISSION'S ORDER

After considering the Findings of Fact, Relevant Legal Provisions 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 interests of the State and Jason Woodman (hereinafter "Respondent"), as required by W. Va. Code § 6B-2-4(t). In accordance with W. Va. Code §§ 6B-2-4(t) and 6B-2-4(s), the Commission imposes the following sanctions:

1. Respondent shall pay a fine in the amount of \$1,000 to the West Virginia Ethics Commission by February 7, 2022.
2. Respondent shall undergo training on the West Virginia Governmental Ethics Act, either in person, virtually, or by viewing the training provided on the Ethics Commission's website, at ethics.wv.gov, by February 7, 2022. Respondent shall provide written confirmation of the completion of this training to the Ethics Commission within five business days of completing the training.
3. Respondent shall pay Fairmont State University \$590 in restitution, a good faith estimate of the value of the merchandise obtained with the bonus points, by February 7, 2022. Respondent shall submit to the Ethics Commission, within five business days of the restitution payment, written confirmation from Fairmont State University that it received the \$590 restitution.

4. Respondent shall **CEASE AND DESIST** from using bonus points which belong to Fairmont State University for personal purchases.

Dated: January 6, 2022

A handwritten signature in black ink that reads "Terry L. Walker". The signature is written in a cursive, flowing style.

Terry L. Walker, Acting Chairperson
West Virginia Ethics Commission