

BEFORE THE WEST VIRGINIA ETHICS COMMISSION

IN RE:

COMPLAINT NO. VCRB 2023-70

**Nathan Harmon,
Sheriff, Berkeley County,
Respondent**

Conciliation Agreement

The West Virginia Ethics Commission and Nathan Harmon 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. Nathan Harmon (Respondent or Harmon) was the elected sheriff of the County of Berkeley at all times pertinent herein. Thus, Harmon was a “public official” as defined in the West Virginia Ethics Act, at W. Va. Code § 6B-1-3(k).

2. The Ethics Commission has jurisdiction over alleged violations of the West Virginia Ethics Act committed by public employees or officials, such as the Respondent. W. Va. Code §§ 6B-1-1 through 6B-3-11.

3. Harmon was the Sheriff from January 2021, until his resignation from the office on December 26, 2023.

4. In 2021, Harmon used public funds to design, produce, procure, and distribute challenge coins with his name on the coins. Receiving a challenge coin is an honor that recognizes someone's achievements, dedication, or service. A challenge coin can also

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symbolize a special event or affiliation with a group. In the present case, the challenge coins are star-shaped tokens that resemble a sheriff's badge with "N.A. Harmon" inscribed on them.

5. An Ethics Complaint was filed August 8, 2023, against Harmon.
6. On August 18, 2023, a Notice of Investigation was issued to Harmon which provided:

The Complaint alleges that on January 6, 2023, your daughter was the driver of a vehicle involved in a single-vehicle accident in Berkeley County, West Virginia. The Complainant alleges that you used your position as Sheriff to deter an investigation into the vehicle accident and to prevent the investigating deputy from attempting to ascertain the actual cause of the accident, including whether your daughter was driving under the influence. The Complaint further alleges that you used public funds and public resources to purchase and distribute "challenge coins" which contain your name.

7. Upon receipt of the Notice of Investigation, Harmon reimbursed the county for the cost of the challenge coins on August 25, 2023.

8. The Complaint also contained allegations related to an investigation of a car accident involving Harmon's daughter. These allegations were the subject of a criminal referral by the Ethics Commission to the Berkeley County Prosecutor's Office. Harmon agreed to resign from his position as sheriff and pay a fine in exchange for pleading guilty to one charge of obstructing an officer. In accordance with W. Va. Code § 6B-2-4(w)(1), the Commission does not seek the imposition of a fine or other sanctions concerning the allegation related to the investigation of the car accident involving Harmon's daughter.¹

¹ As part of his criminal case, Harmon paid a fine of \$500. W. Va. Code § 6B-2-4(w)(1) provides in part: "If the referral of the matter to the prosecuting attorney results in a criminal conviction of the respondent, the

Relevant Legal Provisions

W. Va. Code § 6B-2-5(b)(1) provides:

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.

W. Va. Code § 6B-2B-2(b)(1) provides:

Public officials, their agents, or anyone on public payroll may not use public funds, including funds of the office held by the public official, public employees, or public resources to distribute, disseminate, publish, or display the public official's name or likeness for the purpose of advertising to the public.

Conciliation of Violations

I, Nathan Harmon, admit that I used public funds to design, produce, procure, and distribute challenge coins with my name on the coins in 2021 in violation of W. Va. Code §§ 6B-2-5(b) and W. Va. Code R. § 6B-2B-2(b) of the West Virginia Governmental Ethics Act. I also admit that I used my position as Sheriff to interfere in an investigation of a vehicle accident in violation of W. Va. Code §§ 6B-2-5(b).

I assert that I was unaware of the name, image, and likeness provisions of the West Virginia Ethics Act and its applicability to items that were not intended for use in political campaigns. I assert that I intended that the coins be handed out to children to whom I taught about gun safety or other situations where they would be given as prizes

commission may resume its investigation or prosecution of the ethics violation, but may not impose a fine as a sanction if a violation is found to have occurred."

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to children. I assert that after the filing of the Ethics Complaint against me and after I found that the challenge coins were an issue, I did not await a final decision from the Commission but reimbursed the County for the cost of the coins.

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.

In consideration of the settlement of the matter involving the use of public resources for challenge coins, I agree to the Commission's imposition of the following sanctions:

1. 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 [West Virginia Ethics Commission](#), 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.
2. A fine in the amount of \$500 to be paid to the West Virginia Ethics Commission within 90 days of the entrance of the Order approving the Conciliation Agreement.
3. A Public Reprimand.

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.

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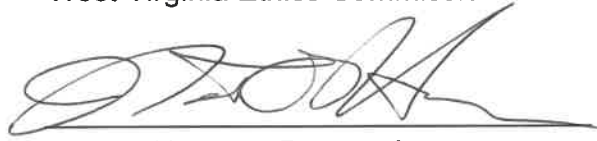
If the Ethics Commission approves the Agreement, it will enter an Order in which it approves the Agreement and sets forth the sanctions listed above. Both parties understand that, pursuant to W. Va. Code § 6B-2-4(t), this Conciliation Agreement and Commission Order must be made available to the public.

6/5/25
Date



Robert J. Wolfe, Chairperson
West Virginia Ethics Commission

04/19/2025
Date



Nathan Harmon, Respondent

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Respondent**

COMMISSION'S ORDER

After considering the Findings of Fact, Relevant Legal Provisions, and Conciliation of Violations in the Conciliation Agreement, the West Virginia Ethics Commission finds that the Conciliation Agreement is in the best interests of the State and Nathan Harmon, 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 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 July 7, 2025. Respondent shall provide written confirmation of the completion of this training to the Ethics Commission within five business days of completing it;
2. Respondent shall pay a fine in the amount of \$500 to be paid to the West Virginia Ethics Commission on or before September 3, 2025, and
3. Respondent is issued a Public Reprimand.

Date: June 5, 2025



Terry L. Walker, Acting Chairperson
West Virginia Ethics Commission