

BEFORE THE WEST VIRGINIA ETHICS COMMISSION

IN RE:

VCRB 2025-31 and 124

**TERRENCE BEAM,
Former Superintendent of
Nicholas County Schools**

Conciliation Agreement

The West Virginia Ethics Commission and Terrence Beam 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. Terrence Beam ("Respondent" or "Beam"), at all times pertinent herein, was the Superintendent of Nicholas County Schools in West Virginia.
2. At all times pertinent herein, Terrence Beam was either a "public employee" or "public official" as defined in the Ethics Act, at W. Va. Code § 6B-1-3(j) and (k).
3. The Ethics Commission has jurisdiction over alleged violations of the West Virginia Governmental Ethics Act committed by public employees or officials, such as Terrence Beam. W. Va. Code §§ 6B-1-1 through 6B-3-11.
4. As the Superintendent of Nicholas County Schools, Terrence Beam acted as the chief executive officer of the county board of education and had the duty to nominate all personnel to be employed by the school system. See W. Va. Code § 18-4-10(2) ("No person or persons shall be employed except on the nomination of the county superintendent.").

5. Devin Amick is Beam's step-grandson.

6. Amick is also a lifetime registered sex offender in the State of West Virginia due to his August 21, 2017, conviction for violating West Virginia's "Prohibiting Child Erotica" statute.

7. On June 7, 2024, Mr. Amick submitted an employment application through the Board of Education's application portal for the position of summer custodian. It is not clear whether Mr. Amick disclosed his conviction for violating the Prohibited Child Erotica law or the fact that he was a registered sex offender on this employment application.

8. During an interview with an assistant superintendent in June 2024, Mr. Amick disclosed that a father of a minor child had filed a police report against him, but that the report did not result in a conviction.

9. During a meeting in June 2024, Beam stated in front of an assistant superintendent and another staff member at the board office that "something would come back on his grandson" and he "did not want to know about it." Beam indicated that he was aware of "some type of trouble involving children" but was not concerned because the step-grandson was being considered for a custodial position. Beam disputes these statements and instead maintains that he said, "I believe the background check will show something, but I don't know what it would be."

10. Beam nominated Mr. Amick to fill a vacant temporary summer custodian position, which was limited to 40 days. Beam made his nomination, however, "pending background check."

11. On June 17, 2024, the Nicholas County Board of Education (BOE) voted on and approved the list of Respondent Beam's nominations for employment with the BOE, including Mr. Amick's.

12. After Mr. Amick was hired on a temporary basis, he applied for the position of itinerant custodian on the online portal. The application was dated August 17, 2024, and on it he clearly disclosed his conviction for violating West Virginia's "Prohibiting Child Erotica" statute.

13. After the 40-day term of the custodial position expired, Respondent allowed Mr. Amick to continue working without the BOE's approval well after Mr. Amick disclosed on his job application that he was convicted for Prohibiting Child Erotica.

14. Respondent states that while he knew his step-grandson had trouble involving a minor child years ago, he believed this did not result in a criminal conviction. His belief was bolstered by the criminal background check which stated that a criminal charge had been dismissed.¹

15. Nicholas County School Board service personnel policy #4120, effective July 1, 2022, of which Beam was aware, provides that "any person who misstates facts material to his/her qualifications for employment shall be subject to immediate dismissal by the Board."

16. Nicholas County School Board policy #9151, effective July 1, 2022, and of which Beam was aware, requires the Superintendent or designee to distribute to all schools the most current list of registered sex offenders made available by law enforcement. This policy further prohibits all registered sex offenders from coming onto

¹Amick was originally charged with a more serious felony that was dismissed as part of a plea bargain for his plea to Prohibiting Child Erotica, a misdemeanor. The background check shows the dismissal of the felony but for some reason does not show the conviction for the misdemeanor.

Nicholas County School property at any time and that if any employee becomes aware of any registered sex offender's presence on school property, the employee must inform the school principal who shall direct the individual to leave the premises immediately.

17. Nicholas County School Board service personnel policy #4140, effective July 1, 2022, states that "the contract of a service personnel employee shall be automatically terminated for various convictions including, any criminal offense that requires the employee to register as a sex offender."

Relevant Legal Provisions

W. Va. Code § 6B-2-5(b)(1) states that a public official or public employee may not knowingly and intentionally use his or her office for his or her own private gain or that of another person.

Conciliation of Violations

I, Terrence Beam, admit that I violated W. Va. Code § 6B-2-5(b)(1) of the West Virginia Governmental Ethics Act by hiring my step-grandson for the position of custodian at Nicholas County Schools. I assert that I was not fully aware that he had been convicted of a crime against children, but I acknowledge that there is sufficient evidence that I should have known he was ineligible to work for the BOE. Furthermore, I acknowledge that my step-grandson was hired for only a temporary 40-day period, but was allowed continued employment past this period without BOE approval.

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

1. A public reprimand;
2. A fine in the amount of \$1,500 to be paid to the West Virginia Ethics Commission, and
3. 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.

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.

11/9/21
Date


Robert J. Wolfe, Chairperson
West Virginia Ethics Commission

12-23-28
Date


Terrence Beam, Respondent

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**TERRENCE BEAM,
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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 Terrence Beam 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. A fine in the amount of \$1,500 to be paid to the West Virginia Ethics Commission, and
3. 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.

Date: January 8, 2025



Robert J. Wolfe, Chairperson
West Virginia Ethics Commission