

BEFORE THE WEST VIRGINIA ETHICS COMMISSION

In Re:

**BERNARD "BERNIE" FAZZINI,
Harrison County Commissioner**

CIC 2013-03

STATEMENT OF CHARGES AND NOTICE OF HEARING

This Statement of Charges is issued pursuant to the unanimous vote of the Probable Cause Review Board of the West Virginia Ethics Commission, which entered an Order on February 18, 2015, finding that there is probable cause to believe that Bernard "Bernie" Fazzini, the Respondent in the above-referenced Complaint, violated the provisions of W.Va. Code § 6B-2-5(b) as follows:

STATEMENT OF CHARGES

In accordance with the Probable Cause Order, it is hereby ALLEGED and CHARGED that Respondent violated the Ethics Act as follows:

1. On December 19, 2011, Respondent completed a Harrison County purchase requisition which requested Sixty Thousand, Three Hundred and Five Dollars (\$60,305) to be paid to Longmeadow Volunteer Fire Company, Inc., to secure the "loan/purchase" of a "tanker/pumper truck" for "Spelter VFD." Respondent and Harrison County Commission President Ron Watson signed the requisition.

2. On December 20, 2011, Bernie Fazzini and Spelter Volunteer Fire Department President James Blake signed an agreement for a zero percent loan to be made to the Fire Department which was to be paid in full by March 20, 2012. The loan was for the purchase of a "fire emergency vehicle," i.e., the aforementioned "tanker/pumper truck."

3. Upon information and belief, Respondent unilaterally made the decision, without the approval of the Harrison County Commission, to loan money to Spelter Volunteer Fire Department for the private gain of the Fire Department in order to gain votes in the 2012 primary and general Harrison County Commissioner elections.

4. On December 20, 2011, a check was issued from the account of the Harrison County Sheriff and Treasurer and made payable to Longmeadow Volunteer Fire Company, Inc. The check was signed by Respondent, County Clerk Susan Thomas, and Sheriff Albert Marano.

5. On August 15, 2012, the Harrison County Commission received a check from Spelter Volunteer Fire Department in the amount of Sixty Thousand, Three Hundred and Five Dollars (\$60,305), which paid the balance of the loan in full.

6. The Spelter Volunteer Fire Department, therefore, received an interest-free loan for six months from Harrison County without the approval of the Harrison County Commission in violation of W. Va. Code § 6B-2-5(b).

Count One

In December, 2011, Respondent used his public office as a member of the Harrison County Commission to provide an interest-free loan to the Spelter Fire Department for its private benefit and to gain votes for himself in the 2012 Harrison County Commission elections.

NOTICE OF HEARING

Notice is hereby given that a PUBLIC HEARING will be held beginning on May 18, 2015, at 10:00 a.m. at the offices of the Ethics Commission, 210 Brooks St., Suite 300, Charleston, West Virginia, to determine the truth or falsity of the charges against

the Respondent as set forth in the foregoing Statement of Charges. The hearing will continue until completed.

In accordance with W. Va. Code § 6B-2-4 and W.Va. C.S.R. § 158-17-1, *et seq.*, the Ethics Commission will appoint an independent hearing examiner to preside at the hearing. The record compiled by the hearing examiner will then be submitted to members of the Ethics Commission for a final decision.

Dated:

Feb. 27, 2015



Rebecca L. Stepto
Executive Director

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In re:

**BERNARD "BERNIE" FAZZINI,
Harrison County Commissioner**

Complaint No. CIC 2013-03

CERTIFICATE OF SERVICE

I, Rebecca L. Stepto, Executive Director of the West Virginia Ethics Commission, do hereby certify that I have this 27th day of February, 2015, served a true and complete copy of the foregoing Statement of Charges and Notice of Hearing upon Respondent by certified mail, return receipt requested, to Respondent's counsel of record as follows:

J. Michael Benninger, Esq.
Benninger Law, PLLC
P.O. Box 623
Morgantown, WV 26507



Rebecca L. Stepto
Executive Director