

BEFORE THE WEST VIRGINIA ETHICS COMMISSION

IN RE:

Darrell E. Pauley

CIC 2014-006

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 April 23, 2015, finding that there is probable cause to believe that the Respondent in the above-referenced Complaint violated the provisions of W.Va. Code § 6B-2-5(b) as follows:

The Respondent violated the West Virginia Ethics Act, in W.Va. Code § 6B-2-5(b), by personally receiving \$900.00 from the sale of a generator and a Flygt submersible pump which were owned by his public employer, the Union Public Service District ("PSD"), and/or which he had access to through his public employment.

STATEMENT OF CHARGES

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

Jurisdiction

1. Respondent Darrell E. Pauley served, at all pertinent times herein, as an employee of the Union Public Service District ("PSD").
2. Respondent is subject to the provisions of the West Virginia Governmental Ethics Act ("Ethics Act") in W.Va. Code § 6B-1-1, *et seq.*

Facts

3. The PSD entered into a construction contract with Breckenridge Construction Company of Buckhannon, West Virginia, in July 2009, for the upgrade and revitalization of the PSD's 40th Street Wastewater Treatment Plant ("40th Street Plant").

4. The construction at the 40th Street Plant was completed in or about July 2011.

5. As part of the upgrade project, certain equipment being replaced with new equipment as part of the construction project was moved to the PSD's Rocky Fork Plant during the construction at the 40th Street Plant.

6. This equipment included a generator and a Flygt submersible pump.

7. The generator and the Flygt submersible pump, along with other equipment, were stored at the Rocky Fork Plant for approximately one year after the completion of the construction at the 40th Street Plant.

8. The generator and the pump were listed for sale on eBay on the account of William Ashley.

9. The generator was sold for \$9,000.00 through the eBay listing.

10. The proceeds of the sale were distributed among certain employees rather than placed into the PSD's general fund.

11. Respondent Haynes personally received \$900.00 from the sale of the generator.

12. The Flygt submersible pump was sold for \$5,500.00 through the eBay listing.

13. Respondent did not receive any monies from the sale of the Flygt submersible pump.

14. The Commissioners for the Union PSD learned of the sale of the generator and the Flygt submersible pump on March 21, 2013.

15. Respondent returned the money he received from the sale of the generator and the pump described above, without interest, on May 16, 2013.

WHEREFORE, the Respondent violated the West Virginia Ethics Act, at W.Va. Code § 6B-2-5(b), by personally receiving \$900.00 from the sale of a generator which was owned by his public employer, the Union Public Service District ("PSD"), and/or which he had access to through his public employment.

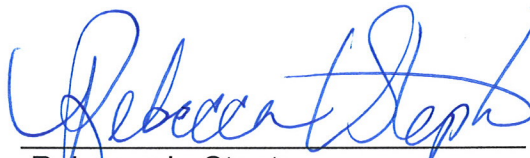
NOTICE OF HEARING

Notice is hereby given that a PUBLIC HEARING will be held beginning on July 21, 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 has appointed H. F. Salsbery as the 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:

April 23, 2015



Rebecca L. Stepto
Executive Director

BEFORE THE WEST VIRGINIA ETHICS COMMISSION

WEST VIRGINIA ETHICS COMMISSION,

Petitioner,

v.

CIC 2014-06

DARRELL E. PAULEY,

Respondent.

CERTIFICATE OF SERVICE

I, Rebecca L. Stepto, Executive Director to the West Virginia Ethics Commission, do hereby certify that I have, this 23th day of April 2015, served a true and complete PROBABLE CAUSE ORDER and STATEMENT OF CHARGES AND NOTICE OF HEARING, via certified mail, return receipt requested, upon:

Darrell E. Pauley
105 Woodbine Farm Road
Scott Depot, WV



Rebecca L. Stepto
Executive Director
West Virginia Ethics Commission
210 Brooks St., Suite 300
Charleston, WV 25301
(304) 558-0664
(304) 558-2169 (fax)