

BEFORE THE WEST VIRGINIA ETHICS COMMISSION

In Re:

GREGORY L. STEWART,

VCRB 2021-24

**Former Ohio County Administrator,
Respondent.**

STATEMENT OF CHARGES AND NOTICE OF HEARING

The Probable Cause Review Board of the West Virginia Ethics Commission entered an Order on October 20, 2022, finding that there is probable cause to believe that Gregory L. Stewart, the Respondent in the above-referenced Complaint, violated the following provisions in the Ethics Act and the Ethics Commission's Legislative Rules:

W. Va. Code § 6B-2-5(b)(1) 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. . . .

W. Va. Code § 6B-2-5(b)(4) states, in relevant part:

A public official or public employee may not show favoritism or grant patronage in the employment or working conditions of his or her relative or a person with whom he or she resides

W. Va. Code R. § 158-6-3 (2017) states, in relevant part:

3.1. As used in this section, the term "nepotism" means favoritism shown or patronage granted in employment or working conditions by a public official or public employee to relatives or persons with whom the public official or public employee resides.

3.2. The Ethics Act prohibits public officials and public employees from knowingly and intentionally using their office or the prestige of their office for their own private gain or the private gain of another person. Nepotism is one form of the use of office for private gain because if public officials or employees use their positions to give an unfair advantage to relatives or

persons with whom the public official or employee resides, the primary benefit to such action is to the public official or employee or another person rather than to the public.

3.3. "Relative" means spouse, mother, father, sister, brother, son, daughter, grandmother, grandfather, grandchild, mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law or daughter-in-law.

3.4. A public official or employee may not influence or attempt to influence the employment or working conditions of his or her relative or a person with whom he or she resides.

3.5. A public agency, including its officials and employees, must administer the employment and working conditions of a relative of a public employee or a public official or a person with whom the public official or employee resides in an impartial manner.

3.5.a. To the extent possible, a public official or public employee may not participate in decisions affecting the employment and working conditions of his or her relative or a person with whom he or she resides. If he or she is one of several people with the authority to make these decisions, others with authority shall make the decisions.

3.5.b. A public official or public employee may not directly supervise a relative or a person with whom he or she resides. This prohibition includes reviewing, auditing or evaluating work or taking part in discussions or making recommendations concerning employment, assignments, compensation, bonuses, benefits, discipline or related matters. This prohibition does not extend to matters affecting a class of five or more similarly situated employees.

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The Probable Cause Review Board found that Respondent Gregory L. Stewart used his office for private gain in violation of the nepotism restrictions in the Ethics Act and related Legislative Rule by making or participating in decisions affecting his sons' working conditions, including their compensation, and directly supervising them in

violation of W. Va. Code §§ 6B-2-5(b)(1) and 6B-2-5(b)(4), and W. Va. Code R. § 158-6-3 (2017).

The Order directed that this Statement of Charges be prepared and that the matter be scheduled for a public hearing to determine the truth or falsity of the charges.

STATEMENT OF CHARGES

Jurisdiction

1. Gregory L. Stewart (“Respondent”) served as the County Administrator for the Ohio County Commission at all times relevant herein.

2. As a County Commission Administrator, the Respondent is 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 Ethics Act committed by West Virginia public employees such as the Respondent. W. Va. Code §§ 6B-1-1 through 6B-3-11.

Facts

4. Respondent was hired as the Ohio County Administrator in 1995. He remained in that position until his retirement on December 31, 2020. Starting around 2000 or 2001, as part of his County Administrator duties, he also served as the Ohio County Development Authority’s Director of Development at The Highlands, a retail park in Triadelphia, West Virginia, until his retirement from the Ohio County Commission on December 31, 2020. Subsequent to his retirement, for approximately three months, the Respondent contracted with the Ohio County Development Authority through his limited liability company to manage The Highlands.

Count One—Eli Stewart

5. The allegations set forth in paragraphs 1 through 4 are re-alleged and incorporated herein by reference.

6. Eli Stewart is the Respondent's son.

7. Eli Stewart was hired to work for the Ohio County Development Authority at The Highlands prior to 2013.

8. As of July 1, 2016, The Highlands utilized three different work crews that were designated as the maintenance crew, construction crew, and office crew.

9. As of July 1, 2016, Eli Stewart worked on the maintenance crew at The Highlands. The maintenance crew was supervised by The Highlands Project Manager Brian Taylor, but Eli Stewart was then moved to the office crew. The office crew, including Eli Stewart, reported directly to the Respondent who split his time between the Ohio County Commission Offices and The Highlands.

10. As the supervisor for The Highlands' office crew, the Respondent approved leave time for his son Eli Stewart. The leave approval was made on an individual basis and was not a decision made with respect to a class of five or more office crew employees.

11. The Respondent also participated in decisions affecting the compensation of his son, Eli Stewart.

12. The Respondent used his office for private gain in violation of the nepotism restrictions in the Ethics Act and related Legislative Rule by making or participating in decisions affecting Eli Stewart's working conditions, including his compensation. The decisions the Respondent made or participated in uniquely affected

his son Eli Stewart and did not affect a class of five or more similarly situated employees. The actions of the Respondent violated W. Va. Code § 6B-2-5(b)(1), W. Va. Code § 6B-2-5(b)(4), W. Va. Code R. § 158-6-3.4 (2017), and W. Va. Code R. § 158-6-3.5.a. (2017).

Count Two—Eli Stewart

13. The allegations set forth in paragraphs 1 through 12 are re-alleged and incorporated herein by reference.

14. The Respondent directly supervised his son Eli Stewart at The Highlands during his son’s employment. Eli Stewart reported directly to the Respondent, and the Respondent directed his day-to-day activities. The actions of the Respondent violated W. Va. Code § 6B-2-5(b)(1), W. Va. Code § 6B-2-5(b)(4), W. Va. Code R. § 158-6-3.4 (2017), and W. Va. Code R. § 158-6-3.5.b. (2017).

Count Three—Logan Stewart

15. The allegations set forth in paragraphs 1 through 14 are re-alleged and incorporated herein by reference.

16. Logan Stewart is the Respondent’s son.

17. Logan Stewart was hired to work for the Ohio County Development Authority at The Highlands prior to 2013.

18. As of July 1, 2016, Logan Stewart worked on the construction crew at The Highlands. The construction crew was supervised by the Respondent.

19. On days the Respondent was present at The Highlands, he would direct the construction crew and assign them daily tasks.

20. On days that the Respondent was not present at The Highlands, he would instruct The Highlands Project Manager Brian Taylor of the specific daily tasks to give to the construction crew. Although the construction crew would contact Brian Taylor if they had any issues with materials on days that the Respondent was not present on-site, the Respondent was, nevertheless, the direct supervisor for the construction crew and directly supervised his son Logan.

21. From 2015 to present, the construction crew consisted of between five and eight employees.

22. As the supervisor for The Highlands' construction crew, the Respondent approved leave time for his son Logan Stewart. This leave was approved on an individual basis and was not a decision made with respect to a class of five or more construction crew employees.

23. The Respondent also participated in decisions affecting the compensation of his son, Logan Stewart.

24. The Respondent used his office for private gain in violation of the nepotism restrictions in the Ethics Act and related Legislative Rule by making or participating in decisions affecting Logan Stewart's working conditions, including his compensation. The decisions the Respondent made or participated in uniquely affected his son Logan Stewart and did not affect a class of five or more similarly situated employees. The actions of the Respondent violated W. Va. Code § 6B-2-5(b)(1), W. Va. Code § 6B-2-5(b)(4), W. Va. Code R. § 158-6-3.4 (2017), and W. Va. Code R. § 158-6-3.5.a. (2017).

Count Four–Logan Stewart


25. The allegations set forth in paragraphs 1 through 24 are re-alleged and incorporated herein by reference.

26. The Respondent directly supervised his son Logan Stewart at The Highlands during his son's employment. Logan Stewart reported directly to the Respondent, and the Respondent directed his day-to-day activities. The actions of the Respondent violated W. Va. Code § 6B-2-5(b)(1), W. Va. Code § 6B-2-5(b)(4), W. Va. Code R. § 158-6-3.4 (2017), and W. Va. Code R. § 158-6-3.5.b. (2017).

NOTICE OF HEARING

Notice is hereby given that a PUBLIC HEARING will be held on January 17, 2023, at the offices of the West Virginia Ethics Commission, 210 Brooks Street, Third Floor Conference Room, Charleston, West Virginia, beginning at 10:00 a.m. before an independent hearing examiner to be selected at a later date, to determine the truth or falsity of the charges herein. The hearing will be continued until completed.

Dated: 10/21/2022



Kimberly B. Weber
Executive Director

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In Re:

GREGORY L. STEWART,

VCRB 2021-24

**Former Ohio County Administrator,
Respondent.**

CERTIFICATE OF SERVICE

I, Kimberly B. Weber, Executive Director of the West Virginia Ethics Commission, hereby certify that I mailed a true and complete copy of the foregoing **STATEMENT OF CHARGES AND NOTICE OF HEARING** on October 21, 2022, to:

Via U.S. Mail and Certified Mail, Return Receipt Requested:

Gregory L. Stewart
220 Clearview Avenue
Wheeling, WV 26003
Respondent

Via Email and Hand Delivery:

Andrew R. Herrick, Esquire
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