

BEFORE THE WEST VIRGINIA ETHICS COMMISSION

In Re:

JOHN W. HAWKINS

VCRB 2014-006

STATEMENT OF CHARGES AND NOTICE OF HEARING

The Probable Cause Review Board of the West Virginia Ethics Commission entered an Order on September 3, 2015, finding that there is probable cause to believe that John W. Hawkins, the Respondent in the above-referenced Complaint, violated the provisions of W. Va. Code § 6B-2-5(b), which state, in relevant part:

Use of public office for private gain – (1) 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.

The Order found Probable Cause to believe that Respondent used his position in 2013 as Sheriff of Barbour County, West Virginia, for his own private gain in violation of W. Va. Code § 6B-2-5(b) by taking \$190.00 in copying fees kept in the Sheriff's Tax Office for his personal use.

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.

Jurisdiction

1. The Respondent served as the Sheriff of Barbour County, West Virginia, from 2008 through February 2014.

2. Respondent was an elected public official and, as such, is subject to the provisions of the West Virginia Governmental Ethics Act ["Ethics Act"] as set forth in W. Va. Code § 6B-1-1, *et seq.*

Facts

3. During the relevant time period, the Sheriff's Office in Barbour County allowed the public to use its copy machines for a fee. While Respondent was Sheriff, he kept money collected for use of the copy machines in an envelope in a drawer in the Sheriff's Tax Office. The money was not deposited in the Sheriff's Office's revenue account, but instead was kept on hand for his office staff to make change.

4. In December 2013, office personnel discovered that \$190.00 of the copying fees was missing from the envelope.

5. After the discrepancy was reported to the Respondent, the Respondent placed an IOU in the envelope which indicated that he had borrowed \$200.00 from the collected copy fees. Within days of submitting this IOU, Respondent Hawkins repaid the money he took from the envelope.

6. The Respondent was investigated by state and federal agencies concerning mail fraud and other allegations, including those which are also contained in VCRB 2014-006.

7. As a result of the criminal investigations, on February 11, 2014, the Respondent was charged with felony mail fraud in violation of Title 18, United States Code, Section 1341, in Case No. 2:14-CR-11, in the United States District Court for the Northern District of West Virginia.

8. Respondent Hawkins pled guilty to federal insurance mail fraud on June 10, 2014, and served a one-year and one-day sentence in a federal penitentiary. As part of his plea, Respondent admitted that he staged a car accident in April 2013, and with the assistance of one of his deputies, fabricated a report for submission to an insurance company to collect \$8,262.65 for alleged damage to a vehicle. The Respondent was also ordered to pay full restitution to the insurance company and a special assessment fee of \$100.00.

9. As part of the Respondent's guilty plea, he agreed to resign as Sheriff, to relinquish his West Virginia Law Enforcement Certification, and to never serve in any law enforcement capacity in the future. In exchange for the Respondent's guilty plea, the United States agreed not to prosecute him for any other criminal charges, including charges which form the basis for the ethics complaint in VCRB 2014-006.

10. Respondent was released from a federal penitentiary in June 2015.

Count One

11. The allegations set forth in paragraphs 1 through 10 are re-alleged and incorporated herein by reference.

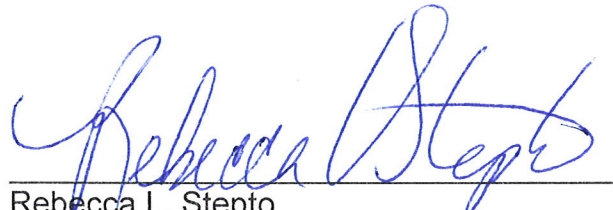
12. Respondent knowingly and intentionally used his public office for his private gain by using his position in 2013 as Sheriff of Barbour County, West Virginia, in violation of W. Va. Code § 6B-2-5(b) by taking \$190.00 in copying fees kept in the Sheriff's Tax Office for his personal use.

NOTICE OF HEARING

Notice is hereby given that a PUBLIC HEARING will be held beginning on Wednesday, **December 2, 2015**, 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.** to determine the truth or falsity of the charges herein. The hearing will be continued until completed.

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

Dated: September 3, 2015.



Rebecca L. Stepto
Executive Director

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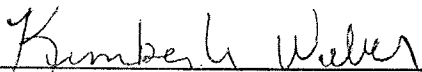
CERTIFICATE OF SERVICE

I, Kimberly B. Weber, General Counsel for the West Virginia Ethics Commission, do hereby certify that I have, this 3RD day of September 2015, served a true and complete copy of the foregoing **PROBABLE CAUSE ORDER, STATEMENT OF CHARGES AND NOTICE OF HEARING** via first-class, United States mail, postage prepaid, upon:

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