

BEFORE THE WEST VIRGINIA ETHICS COMMISSION

In the matter of:

Verified Complaint No. 2009-01

Respondent: Martin Shaffer, Council Member, City of Clarksburg

STATEMENT OF CHARGES AND NOTICE OF HEARING

On or about January 9, 2009, an ethics complaint was filed against Clarksburg City Council Member Martin Shaffer, and was referred to the West Virginia Ethics Commission's Probable Cause Review Board.

On May 19, 2010, the members of the Probable Cause Review Board, by unanimous vote of those present, entered an Order finding probable cause to believe that the Respondent violated W. Va. Code § 6B-2-5, and directing the preparation of this Statement of Charges.

The members of the Probable Cause Review Board charge that after his election to City Council in 2007, Martin Shaffer did knowingly and intentionally:

1. Use his office for his own private gain and/or for the private gain of others, in violation of W. Va. Code § 6B-2-5(b);
2. Have a prohibited interest in a public contract W. Va. Code § 6B-2-5(d); and
3. Vote on matters in which he had a financial interest W. Va. Code § 6B-2-5(j).

It is hereby charged that Respondent Shaffer violated the Ethics Act as follows:

COUNT I

Martin Shaffer, in his capacity as City Council member, on more than one occasion, attempted to persuade Council to take measures to benefit a family member's business interests, *e.g.*, to award a no bid demolition contract to Landscapes Plus, a company owned by his son-in-law.

COUNT II

Martin Shaffer had a financial interest in Landscapes Plus when Clarksburg City Council awarded contracts to Landscapes Plus. Shaffer is the co-pledgor of collateral backing Landscapes Plus' letters of credit and is the co-owner of the security behind the credit, a \$100,000 Certificate of Deposit.

COUNT III

Martin Shaffer voted, on multiple occasions, on the City's award of contracts when Landscapes Plus bid on such contracts *e.g.*, to build a retaining wall, several demolition contracts.

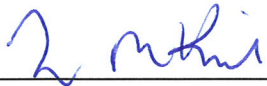
COUNT IV

Martin Shaffer voted on the City's budget when it contained appropriations to Glen Elks Village Development Association, an organization in which he had a financial interest. Shaffer had loaned the Association \$7,000 in July 2007, shortly after taking office. On behalf of the Association, he directly sought funding from the City. Further, on at least one occasion, by letter dated July 7, 2009 (on Association letterhead), in his capacity as Executive Director, Shaffer requested that the City of Clarksburg Director of Finance send the \$1300 which the City had previously allocated to the Association's Wine and Jazz Festival. Upon the Association's receipt of City funds, the Association immediately paid Shaffer towards the balance of the loan.

NOTICE OF HEARING

You are hereby notified that at a specific date and time to be determined, a hearing will be held in Clarksburg, West Virginia, to determine the truth or falsity of the charges against you contained in the foregoing Statement of Charges.

Pursuant to the direction of the Commission, an independent hearing examiner appointed by the Commission will preside at the hearing. The record compiled by the hearing examiner will then be submitted to the members of the Ethics Commission who will make a final decision in this case.



Theresa M. Kirk
Executive Director



Date