

BEFORE THE WEST VIRGINIA ETHICS COMMISSION

In Re:

**WILLIAM PERRY,
Former Chief Deputy Assessor,
Monongalia County**

COMPLAINT NO. CIC 2009-004

FINAL DECISION AND ORDER

This proceeding arises under the West Virginia Governmental Ethics Act, W. Va. Code § 6B-2-1 et seq. ("Ethics Act"). The West Virginia Ethics Commission initiated a Complaint against William Perry, former Chief Deputy Assessor of Monongalia County, West Virginia, on March 13, 2009, which alleged that he had violated the Ethics Act. The Ethics Commission is the duly authorized state agency to enforce the Ethics Act and conduct hearings pursuant to the provisions of W. Va. Code § 6B-2-4.

The Ethics Commission's Probable Cause Review Board, following an investigation, entered an Order on June 13, 2012, finding probable cause to believe that Respondent William Perry ("Respondent" or "Perry") violated W. Va. Code § 6B-2-5(b) and ordering that a Statement of Charges be prepared and that a public hearing be scheduled.

A Statement of Charges and Notice of Hearing was issued on October 25, 2012. Mediation and settlement discussions were conducted but were unsuccessful. The hearing on the Complaint was held in Morgantown, West Virginia, on January 26 and 27, 2015, with Denise M. Spatafore presiding as the independent Hearing Examiner. At the hearing, the Commission was represented by its General Counsel, Kimberly B. Weber. Respondent Perry was represented by Raymond H. Yackel. At the hearing, the Commission presented as witnesses Respondent Perry, Brian Hose and Chuck Penn and introduced nine exhibits, which consisted of 491 pages, into the record. Respondent Perry presented testimony on his own behalf and introduced no exhibits into the record.

A certified court reporter created a stenographic record of the hearing and a transcript of the proceedings. Subsequent to the hearing, the Commission timely submitted proposed Findings of Fact and Conclusions of Law. The Hearing Examiner submitted a Recommended Decision, which included proposed Findings of Fact and Conclusions of Law, on April 16, 2015. The Commission was provided with the hearing transcript, all exhibits and the Hearing Examiner's Recommended Decision on April 21, 2015.

At the Commission's regular meeting on May 7, 2015, where a quorum of the Commission was present and voting, the Commission thoroughly considered the record and the Recommended Decision and reached its decision. Commissioner Robert Wolfe presided.

BACKGROUND

The Commission adopts the section of the Recommended Decision entitled "Background" with the modification that alleged violations occurred between March of 2007 and March of 2009.

FINDINGS OF FACT

The Commission adopts each of the 19 "Findings of Fact" set forth in the Recommended Decision.

DISCUSSION

The Commission adopts the "Discussion" section of the Recommended Decision.

CONCLUSIONS OF LAW

The Commission adopts the Recommended Decision's "Conclusions of Law" numbered 1 and 2, but does not adopt "Conclusions of Law" numbered 3 and 4. The Commission makes the following additional "Conclusions of Law":

3. The evidence establishes beyond a reasonable doubt that the Respondent used his public computer, Internet service and email account for his private activities. The evidence does not support the Respondent's assertion that his corresponding with foreign manufacturers and realtors was in furtherance of his public duties.

4. The email communications to and from Respondent which were admitted into evidence do not reflect that any purchases were made by the Respondent for his personal businesses. Although the Commission presented no evidence of personal financial gain, the Ethics Act and associated Legislative Rules, at W. Va. Code § 6B-2-5(b) and 158 C.S.R. 6-5 and 158 C.S.R. 6-8, prohibit public officials from using public resources and time for personal activities.

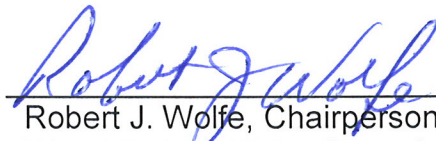
5. The evidence proves beyond a reasonable doubt that the Respondent used more than a *de minimis* amount of his public computer, Internet service and email account for his personal activities and, accordingly, that his actions constitute a material violation of the Ethics Act.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the West Virginia Ethics Commission unanimously ORDERS the following sanctions against Respondent William Perry:

1. A public reprimand shall be issued against Respondent William Perry;
2. Respondent William Perry shall pay a fine of \$5,000 to the West Virginia Ethics Commission on or before July 1, 2015, and
3. Respondent William Perry shall reimburse the West Virginia Ethics Commission the amount of \$8,197.01 for the actual costs of investigating and prosecuting his violation of the Ethics Act on or before July 1, 2015.

This Order was entered on the 7th day of May, 2015.



Robert J. Wolfe, Chairperson
West Virginia Ethics Commission

BEFORE THE STATE OF WEST VIRGINIA ETHICS COMMISSION

IN RE:

WILLIAM PERRY

Complaint No. CIC 2009-04

RECOMMENDED DECISION

Pursuant to a Statement of Charges dated October 25, 2012, the undersigned was appointed as independent Hearing Examiner for purposes of conducting a public hearing in this matter, which was held in Morgantown, West Virginia, on January 26 and 27, 2015. The West Virginia Ethics Commission ("the Commission") was represented at the hearing by counsel, Kimberly B. Weber, and Respondent William Perry appeared in person and by his counsel, Raymond H. Yackel. At the conclusion of the hearing, the parties agreed to submit written fact/law proposals by March 6, 2015. The Commission's proposals were received on March 6, 2015; Respondent did not file proposals.

Background

Respondent has been charged with multiple violations of the West Virginia Ethics Act, West Virginia Code § 6B-1-1 *et seq.*, which allegedly occurred between March of 2009 and March of 2011 in the course of his employment as the Monongalia County Chief Deputy Assessor, specifically regarding use of his public office for private gain.

Findings of Fact

1. Respondent was appointed as Chief Deputy Assessor for the Monongalia County Assessor's Office in June of 1989. This was an appointed

position pursuant to the authority of Assessor Rodney Pyles and was not an elected position.

2. As Chief Deputy Assessor, Respondent was "second in command" to the assessor, providing supervision to all subordinate employees in the office, along with being a resource and providing expertise regarding various property tax assessment issues in Monongalia County.

3. Respondent retired from his employment with the Assessor's Office on an unknown date in the year 2010.

4. The assessor's office is divided into two divisions, consisting of real property taxation and personal property taxation.

5. Separate from his duties as Chief Deputy Assessor, Respondent incorporated a business known as "LAMPBA, Inc." The record is vague regarding the activities of Respondent's private business, as operated under the LAMPBA name, but, according to Respondent's assertions, it was a business that was incorporated for the sole purpose of a private real estate purchase that occurred years ago. Respondent contends that the LAMPBA corporation has been inactive since May of 2007.

6. Respondent privately owns several rental properties in Monongalia County.

7. Retail businesses must file personal property tax returns which reflect the items they own, which includes equipment, fixtures, and inventory. Since 2003, Brian Hose was the supervising deputy assessor for the business personal property division of the office and in charge of all tax

valuations of such property. Although Respondent was Mr. Hose's immediate supervisor, due to conflicts between the two of them, Mr. Hose did not normally consult with Respondent regarding work-related questions or issues.

8. Businesses are required to file a "Commercial Business Property Return" (Exhibit 11), which lists the various items of personal property to be taxed, along with dollar values. Inventory is only one portion of the items assessed, and the form states that the business is to provide the "cost" of the inventory. Mr. Hose and his subordinates review the business property tax returns for accuracy, and if a particular valuation is questionable, additional information is requested from the business, such as balance sheets and income statements.

9. During the time period relevant to this matter, i.e. March of 2007 through March of 2009, Respondent engaged in very limited activities related to his real estate ownership while working as Chief Deputy Assessor. On very few occasions, renters contacted Respondent at work regarding rental issues or rent payments.

10. During the relevant time period, Respondent communicated with realtors in Hawaii, the Virgin Islands, and Naples, Florida, inquiring about real estate prices in those areas. In one email, Respondent stated that he was planning to retire, and he was interested in purchasing real estate for that purpose. Respondent's most extensive activity in this regard took place from December of 2008 through January of 2009, when he communicated with at least six different realtors on numerous occasions (at least 17 separate email conversations) about his interest in purchasing or renting property in those areas. Respondent used his work email address for all of

these discussions, i.e. bperry@assessor.org. Many of the emails were sent and/or received during normal business hours.

11. During the relevant time period, Respondent had numerous communications with various manufacturers and vendors regarding flags from various countries, mainly Italy, which Respondent wanted to sell. Respondent engaged in these discussions with various vendors regarding the acquisition and manufacture of flags for resale, using his Chief Deputy Assessor email address. Some of these emails listed LAMBDA, Inc., as Respondent's business name. The record contains approximately 150 pages of email discussions between Respondent and these various entities dating from April through September of 2007 regarding specific types of flags, associated costs, and Respondent's desire to establish a website for selling them. Many of the emails were sent and/or received during normal business hours.

12. During the relevant time period, Respondent communicated with numerous vendors, mostly in China, on countless occasions regarding his interest in purchasing various products, including such items as folding chairs, electronics, bottle stoppers, auto parts, grave monuments, appliances, electrical and plumbing parts, hardware, and other miscellaneous items.

13. Respondent's inquiries and email discussions with companies and individuals in China encompass nearly 200 pages of the exhibits of record. All emails were sent and received using Respondent's email address with the assessor's office. The bulk of these email conversations occurred in March and April of 2007, October through December of 2008, and January through March of 2009. The discussions occurred at various hours of the day and

night, including multiple occasions during regular business hours for the Monongalia County Assessor's office.

14. Examples of the email discussions which occurred between Respondent and entities in China and other places regarding purchases of various products included the following:¹

April 12, 2007, discussion between Mr. Perry and a salesman in China named Kent:

Kent: *"Thanks for your information. Does that mean you are going to introduce some customers to us and get a commission once there are firm orders coming in?"*

Mr. Perry: *"What we do on this side is to follow up on all sales leads (sales inquiries). Bring the sales leads to a close. Coordinate the shipment from your factory. We add our commission on to what the customer pays for the product. Think of my company as a salesman in the North America market at no cost to you. With some companies they ask us to inventory their product. We make arrangements for that service. That works well because it provides faster delivery of fast moving product to your customers."* (WVEC Exhibit 6, BS Page 324)

April 19, 2007, from Mr. Perry to Helen Jones, Warranted Contracting Officer for GSA.gov:

"Please provide more information of telephone sets and equipment, condition of equipment, etc." (WVEC Exhibit 6, BS Page 343)

April 25, 2007, from Mr. Perry to Xiamen China Stone Enterprise Co.:

"Thank you, Kekey. What is the monument made of-granite? Also, it would not be practical to use your carving services. I am an importer of various items from China." (WVEC Exhibit 6, BS Page 363)

¹ The volume of emails on this topic is far too large for an individual analysis of each and every email of record. Therefore, a sampling of examples is provided for purposes of this Decision.

April 30, 2007, from Mr. Perry to a company regarding shower heads:

"Hi. Need prices, specifications with pictures. Thanks." (WVEC Exhibit 6, BS Page 373)

May 18, 2007, from Mr. Perry to "export@hz.cn":

"My company represents manufacturers in the North America market. We would be interested in discussing such a relationship with your firm. There is no cost to you as we derive our compensation thru sales commission." (WVEC Exhibit 6, BS Page 378)

June 21-22, 2007, discussion between Mr. Perry and Cathy of GistFashion Shoes & Clothes Trade Co.:

Mr. Perry: "What do you have for Nike shoes? Styles, price, min order, etc."

Cathy: ". . . Thanks for your mail, we have Nike shoes. Attached is the pricelist of Nike shoes . . ."

Mr. Perry: ". . . Sorry, I can get these prices from my local retail store. If your prices come down, please keep me in mind."

Cathy: "We could take cut on the price if your [sic] is a large quantity. What quantity are you going to order from us."

*Mr. Perry: "Sorry. I only offer one (1) chance to give me a fair price."
(WVEC Exhibit 6, BS Pages 335-336)*

15. Respondent testified that all of his inquiries regarding real estate and products were conducted in the course of his assigned job duties as Chief Deputy Assessor. He stated that all of his email discussions regarding these topics constituted efforts to ascertain the correct pricing of both real and personal business property. He testified that he pretended to be a private importer in order to conceal his true identify, thinking that the entities with which he was dealing would not be forthright if they knew he was a government tax official. On some occasions, Respondent used the

LAMPDA name to make product inquiries, but most often, he used his own name and his office email address.

16. There is no evidence of record which establishes that Respondent was either directed or expected to make inquiries regarding prices of individual products which might be sold as part of a business's inventory. Other employees of the assessor's office testified that they had never heard of any such system for determining accurate inventory pricing and that Mr. Perry's alleged "pricing scheme" was not a viable or reasonable method for conducting the assessment of business inventory taxation, especially in light of the fact that individual inventory items are not assessed. As noted by Brian Hose, such information would not be helpful in determining the accuracy of any particular business's inventory value, unless one knew every single individual item sold by that business. That information is neither provided nor available to the assessor's office.

17. Respondent's wife is Chinese, and he has relatives in China. He has visited China frequently over the years and has attended product trade shows there. Many of Respondent's contacts regarding purchase of various products from China occurred as a result of his attendance at these trade shows. In a March 2, 2009, email, a representative of a Chinese toy company emailed Respondent, under the LAMPBA, Inc., name, and said:

"How are you? . . . Very pity that I can't meet you again at No. 104 Canton Fair. Attached are our part products shown at the fair. Maybe you can find some interesting one [sic]. If you have any query or need samples, please feel free to let me know."

18. Respondent testified that, from the beginning of his tenure as Chief Deputy Assessor, he was concerned that property was not being

properly valued for tax assessment purposes. He explained his efforts to price individual products as follows:

Q. Why were you trying to obtain those costs?

A. Because I was trying to determine -- in the end, the end product would be to put together garments, flatware, and different departments of a store, depending on what they sold and the percentage of their square foot that they committed to garments and gifts and all that kind of thing. That would give me an idea of -- and a good idea, of whether what they're submitting is accurate or not.

(Transcript at 321)

19. With regard to the emails in which the sale of flags was discussed, Respondent testified that the flag sales were conducted as part of his membership in the "Sons of Italy" organization as a fundraising project for charitable purposes. These activities had no connection to his duties as Chief Deputy Assessor. There is no evidence of record, other than Respondent's statements, to verify that flags were sold on behalf of the Sons of Italy organization or to raise funds for the organization's charitable endeavors.

Discussion

Respondent is charged with two counts of using his public office for private gain, in violation of West Virginia Code § 6B-2-5(b). Specifically, the Commission alleges that Respondent used public equipment and resources, including his office computer, Internet service, and phone and fax numbers, in furtherance of his private business interests. He is also charged with conducting these activities during his public work time while being compensated in his capacity as Chief Deputy Assessor.

Count Two of the Commission's Statement of Charges alleges that Respondent used subordinate employees of the Assessor's office in furtherance of his private business interests. However, these allegations are

not supported by the evidence of record and have not been substantiated. Likewise, there is insufficient evidence to support the Commission's allegations that Respondent received rental payments and conducted activities related to his rental properties during work time at the Assessor's office. The few instances which did occur were *de minimis* and do not constitute violations of the applicable statute.

Respondent is clearly a public official subject to the conduct requirements and provisions of the West Virginia Governmental Ethics Act, which provides, in pertinent part:

(k) "Public official" means any person who is elected or appointed to any state, county or municipal office or position and who is responsible for the making of policy or takes official action which is either ministerial or nonministerial, or both, with respect to: (1) Contracting for, or procurement of, goods or services; (2) administering or monitoring grants or subsidies; (3) planning or zoning; (4) inspecting, licensing, regulating or auditing any person; or (5) any other activity where the official action has an economic impact of greater than a *de minimis* nature on the interest or interests of any person.

West Virginia Code § 6B-1-3.

Respondent has not hesitated throughout this proceeding to emphasize and describe in great detail the vast experience, knowledge and connections which qualified him to become Chief Deputy Assessor. He stated that he was hired for his expertise in the real estate market and his management skills and was tasked with supervising all employees in the office. Respondent, in his own words, was appointed by the Assessor to be the "bureaucratic" responsible for day-to-day operations and decisions to be made on the Assessor's behalf.

The specific charges in this case pertain to the prohibition that public officials may not use their positions for private gain:

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. Incidental use of equipment or resources available to a public official or public employee by virtue of his or her position for personal or business purposes resulting in *de minimis* private gain does not constitute use of public office for private gain under this subsection. The performance of usual and customary duties associated with the office or position or the advancement of public policy goals or constituent services, without compensation, does not constitute the use of prestige of office for private gain.

West Virginia Code § 6B-2-5(b).

In Advisory Opinion No. 2006-03, the Commission held that a public official may not use "public time, equipment and resources" in furtherance of a private business beyond the *de minimis* use allowed by the Act. "De minimis" is defined as "of a trifling consequence and a matter that is so small that the court does not wish to even consider it." *Black's Law Dictionary*, 2nd Edition. When presented with the question of whether allowing employees to use office equipment for solely personal use, rather than commercial purposes, constituted a violation of the Act, the Commission held:

[I]f an individual derives a benefit from the use of public equipment, that constitutes private gain. Even if an individual's use does not result in a cost to the government, still the individual benefited from the use of public equipment. Absent access to the use of public equipment, the individual would have incurred the expense of renting or purchasing the equipment.

Advisory Opinion No. 2012-52.

There is no question that, if the activities which are the subject of the charges against Respondent are proven to be in furtherance of his private

ventures, rather than for public purposes, they were far beyond the *de minimis* amount allowed by the law. For example, in April of 2007, Respondent engaged in email conversations with entities regarding purchases of various goods on at least 20 separate occasions. Also during that same month, Respondent discussed purchasing flags for resale, along with establishing a website for that purpose, on at least 10 separate occasions. Over a two-day period on January 12 and 13, 2009 (a Monday and Tuesday), Respondent engaged in at least five separate email conversations with Chinese entities and received two additional messages, which appeared to be responses to inquiries he had made regarding various products for sale. These are only a few examples of the numerous emails contained in the record on the topics of flags and purchase of Chinese goods, all of which were sent and received using Respondent's work email address, and many occurred during regular working hours.

This brings us to the issue of Respondent's explanations of the reasons for his various Internet activities. First, he contends that his extensive efforts to acquire flags for sale were for purposes of raising funds for charitable use by the Sons of Italy organization. The Commission has recognized in many opinions that public officials are permitted, under limited circumstances, to solicit charitable donations. However, as set forth in West Virginia Code § 6B-2-5(c) and the Commission's Rule, public officials are only allowed to "solicit gifts for a charitable purpose," and a "reasonable amount of public resources may be used for a charitable solicitation or fundraising drive" which is part of a state government-approved campaign. See 158 C.S.R. 7, § 6.

Respondent's testimony regarding his flag business is not credible. In light of the charges made against him, Respondent easily could have called witnesses who could have verified his Sons of Italy activities or produced documentation of those activities. If he had wished to use public time and

resources, in his capacity as Chief Deputy Assessor, to engage in fundraising efforts for that organization, approval could have been sought from his employer. However, none of the evidence on the topic of flags, or their manufacture and sale, makes any reference to the Sons of Italy organization or a fundraising effort on its behalf. Respondent's many communications on the topic refer to "his" desire to establish a flag-selling business. The overwhelming evidence of record establishes that Respondent used public time and resources, on numerous occasions during the relevant time period, in furtherance of a private business interest involving the sale of flags.

Similarly, Respondent's extensive testimony about his alleged efforts to obtain accurate individual product prices, in order to improve the assessment of business inventory taxes, is simply not believable. In many communications with various foreign vendors, Respondent stated that he wished to purchase products and that he was interested in working as a "manufacturer's representative" for sale of products in the United States. While claiming that he represented himself as a private purchaser so that companies would be more open in dealing with him, Respondent used his work email address with the "@assessor.org" title, which would seem to defeat his stated purpose. The undersigned is not familiar with Chinese culture, but it would seem that, to most reasonable people, the term "assessor" indicates taxation and government, not a private business enterprise.

Respondent's testimony on this subject was varied and inconsistent. At different points, he stated that he did not discuss his efforts with Assessor Pyles, because he did not feel he had to, and at other times he stated that Mr. Pyles was well aware of his activities. It does not make sense that Respondent would make so many inquiries on his office computer and email account, representing himself as a seller and purchaser of various products, without advising his boss of the reasons for these activities. To any

reasonable person, it would appear that Respondent was engaging in private business activities. One would imagine that, if the reasons were purely for office purposes, someone in Respondent's position would not want to risk the possibility of having his employer discover what he was doing, reach the wrong conclusion, and potentially discipline him or even terminate his employment.

Also, in light of how business inventory is assessed in West Virginia, it is implausible that any person would believe it possible to ascertain correct wholesale prices of every product included in the inventory of any particular business through the types of inquiries utilized by Respondent. As explained by Mr. Hose, if the tax return for Giant Eagle (for example) was in question, one would need a complete listing of every item sold in that store in order to arrive at a valuation of their inventory. Using the method described by Respondent, this would be an impossibly time-consuming task, and it is not the practice of the Assessor's office. Mr. Hose stated that, if an inventory valuation is in question, a deputy assessor would request supporting documents from the business, such as income statements and balance sheets reflecting inventory values. Another method used by the office is a comparison to a similar or like business's inventory valuation.

Respondent contends that it would not be possible for him to engage in "international trade" as alleged in the charges against him, due to how complicated that process is. However, he has totally missed the point of the instant charges and severely misstated the evidence in this case. Anyone who uses the Internet for shopping, or has used the services provided by entities such as EBay, knows that anyone can purchase many types of items from businesses in other countries, simply using the Internet and a credit card. It is obvious that Respondent's emails inquiring about product pricing and purchases were for the purpose of acquiring items for resale, either for himself as an individual or as a private business. While the Commission

admits that there is no actual evidence of what specific financial benefits Respondent ultimately received from his efforts, it is clear that these activities were conducted in furtherance of his own interests, not those of the Assessor's office.

The conclusion that Respondent's activities were for his own purposes is further supported by his own testimony that he has visited China often for personal reasons and has attended product trade shows there (apparently for personal purposes), which is likely why he chose to attempt to purchase products from that area. The record contains no explanation of what information led Respondent to believe that any businesses in Monongalia County purchased their products from China, aside from general conjecture. Also, the varied and random products about which Respondent inquired do not appear to be relevant to any specific store or business.

For example, when Respondent was questioned during the public hearing about a particular email in which he requested that a seller send "pictures of caps and bags" (WVEC Exhibit 6, BS Page 310), he stated that he didn't even know what kind of caps and bags were being discussed. However, pursuant to further questioning, he said that he inquired about the [unknown type of] caps and bags, because local businesses carried them in their inventory. Transcript at 170-171. There is no doubt that Respondent's testimony was untruthful.

In 2009, Respondent made at least one inquiry about purchasing real property in China, which, when considered in conjunction with his inquiries regarding "retirement" properties in Hawaii and Florida, indicates that he was planning his retirement. Respondent's statements that he inquired about real estate and rental prices in Hawaii, Florida, and the Virgin Islands as part of his tax assessor duties is not believable. He provided no reasonable explanation of how or why real estate values in those places

would have any relevance whatsoever to property values in Monongalia County. Moreover, Respondent testified that the state's real estate valuation system is clear and well-established with set standards and resources, and there is no evidence that his specific inquiries had any relationship to particular real estate specifically located in Monongalia County. As clearly set forth in Respondent's email discussions with realtors, he made inquiries regarding real estate pricing for his own personal reasons, i.e. his retirement. However, although it is clear that Respondent's real estate inquiries were for private purposes, they were infrequent and not significant in number, so they were *de minimis* and not violative of the Act.

Respondent's activities pursuing a flag business and pricing for various other goods comprise approximately 350 pages of the exhibits introduced at the public hearing. When considering that this volume of emails mostly occurred over the course of less than 12 cumulative months, and some of the discussions were more frequent on particular days, the undersigned must conclude that Respondent's activities were significant and far beyond *de minimis*. The evidence establishes beyond a reasonable doubt that Respondent spent significant public time, equipment and resources advancing the interests of his private business ventures.

Conclusions of Law

1. Respondent William Perry, as Chief Deputy Assessor of Monongalia County, is a public official within the meaning of the West Virginia Governmental Ethics Act. West Virginia Code § 6B-1-3.

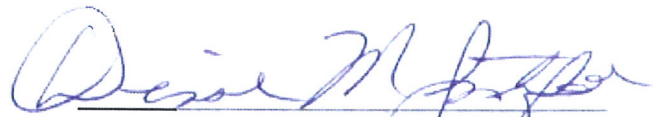
2. Public officials are prohibited from using their public office for private gain. West Virginia Code § 6B-2-5(b).

3. Respondent used public time, equipment and resources on numerous occasions from March, 2007, through March, 2009, in furtherance of his personal business and/or interest in selling flags.

4. Respondent used public time, equipment and resources on numerous occasions from March, 2007, through March, 2009, in furtherance of his personal business and/interest in purchasing and selling various goods, mainly from Chinese vendors.

Accordingly, the undersigned finds that the Commission has proven beyond a reasonable doubt that Respondent, as an appointed public official, used his public position for private gain on numerous occasions, in violation of the West Virginia Governmental Ethics Act. Respondent used public time, resources and equipment, specifically computer and Internet service, in furtherance of his personal interests on numerous occasions²² during the relevant time period, violating West Virginia Code § 6B-2-5(b).

Date: 4-16-15


DENISE M. SPATAFORE
Hearing Examiner

²² Once again, the large volume of emails, comprising several hundred pages of the exhibits of record, makes it difficult to actually enumerate the exact number of violations Respondent has committed. Suffice to say that Respondent's violations were numerous and substantial.

**BEFORE THE HEARING EXAMINER OF THE
WEST VIRGINIA ETHICS COMMISSION**

In Re:

WILLIAM PERRY

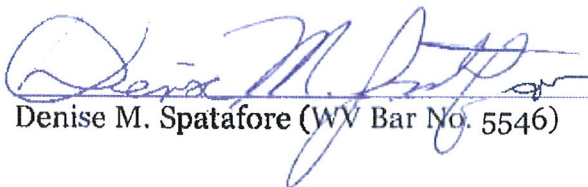
COMPLAINT NO.: CIC 2009-04

CERTIFICATE OF SERVICE

I, Denise M. Spatafore, do hereby certify that the foregoing **RECOMMENDED DECISION** by sending a true and correct copy, via U.S. Mail, postage prepaid on this the 16th day of April, 2015 to the following:

Kimberly B. Weber, Esq.
West Virginia Ethics Commission
210 Brooks Street, Suite 300
Charleston, WV 25301

Raymond H. Yackel, Esq.
162 Chancery Row, Suite 2
Morgantown, WV 26505-5440


Denise M. Spatafore (WV Bar No. 5546)

BEFORE THE WEST VIRGINIA ETHICS COMMISSION

In Re:

WILLIAM PERRY,
Former Chief Deputy Assessor,
Monongalia County

COMPLAINT NO. CIC 2009-004

CERTIFICATE OF SERVICE

I, Rebecca L. Stepto, Executive Director of the West Virginia Ethics Commission, do hereby certify that on this 7th day of May, 2015, served a true and complete copy of the foregoing *Final Decision and Order*, via certified mail, return receipt requested, upon:

Raymond H. Yackel, Esq.
162 Chancery Row
Morgantown, WV 26505

Counsel for William Perry



Rebecca L. Stepto
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