

BEFORE THE WEST VIRGINIA ETHICS COMMISSION

In Re:

**BERNARD "BERNIE" FAZZINI,
Harrison County Commissioner**

CIC 2013-02

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 February 18, 2015, finding that there is probable cause to believe that Bernard "Bernie" Fazzini, the Respondent in the above-referenced Complaint, violated the provisions of W.Va. Code § 6B-2-5(b) as follows:

STATEMENT OF CHARGES

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

The Respondent served, at all pertinent times herein, as an elected member of the County Commission in Harrison County, West Virginia. The Respondent used his public position for his private gain and private gain to his wife, Cindy Fazzini, as alleged herein.

Count One

a.) The Respondent traveled to Portland, Oregon, for a county-related conference. The dates of the conference were July 15, 2011, through July 19, 2011. Following the conference, he and his wife travelled from Portland to Florida until July 24 or July 25, 2011. The Respondent requested and received reimbursement for a ticket

for his wife to gain entrance to the county conference which cost \$50. The Respondent also requested and received reimbursement for baggage fees for his wife which cost \$25.

b.) While in Portland, the Respondent requested and received reimbursement for airplane shuttle services. The Respondent submitted two receipts for reimbursement. The second receipt, for \$37, is a copy of the first receipt with the date altered.

c.) While in Portland, the Respondent requested and received reimbursement for a meal on July 20, 2011, in the amount of \$28.23. The Respondent altered a receipt from July 25, 2011, which was five days after the conference ended, to produce a receipt dated July 20, 2011, which purportedly was for the \$28.23 meal.

d.) The Respondent requested and was reimbursed for airport parking while his vehicle was at the Pittsburgh International Airport. The Respondent did not return from the trip until five days after the end of the conference, but requested reimbursement for airport parking for the entire period that he was traveling. The Respondent was reimbursed an extra \$49 for personal parking expenses he incurred after the conference ended for the period during which he and his wife were vacationing in Florida.

e.) The Respondent requested and received reimbursement for the expenses related to his trip to Portland of \$3,097. Approximately five months after receiving the reimbursement check, on March 1, 2012, he again requested and received \$3,097.31 as reimbursement for the same trip. When confronted with this issue, the Respondent returned the second check to the Harrison County Commission.

Count Two

The Respondent traveled to Morgantown, West Virginia, for a county-related meeting. The dates of the meeting were August 6, 2011, through August 9, 2011. The Respondent requested and was reimbursed for meals for this trip. The Respondent constructed two false receipts to improperly obtain \$35.50 from the county for these purported meals.

Count Three

The Respondent traveled to Orlando, Florida, for a county-related meeting. The dates of the meeting were December 7, 2011, through December 10, 2011. Following the county-related meeting, the Respondent remained in Orlando until December 14, 2011, on vacation.

a.) The Respondent improperly requested and received reimbursement for two personal meals he had while he was on vacation in Orlando. He altered the dates of two personal meal receipts to reflect that the meals were an expense from his county-related meeting. As a result, the Respondent improperly obtained \$88.00 as reimbursement for these personal meals.

b.) The Respondent rented a car for his county-related meeting. He returned the rental car three days after the meeting was over. However, the Respondent requested and received reimbursement for the car rental for the entire time he was in Orlando, including the dates on which he was on personal vacation. The Respondent received \$49.08 in reimbursement for the rental car he used while he was vacationing.

NOTICE OF HEARING

Notice is hereby given that a PUBLIC HEARING will be held beginning on May 18, 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 will appoint an 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: Feb 27, 2015

Feb 27, 2015



Rebecca L. Stepto
Executive Director

BEFORE THE WEST VIRGINIA ETHICS COMMISSION

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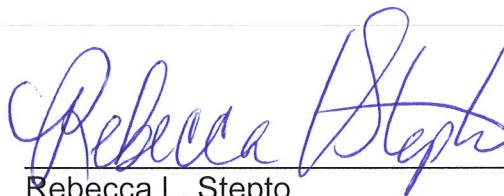
**BERNARD "BERNIE" FAZZINI,
Harrison County Commissioner**

Complaint No. CIC 2013-02

CERTIFICATE OF SERVICE

I, Rebecca L. Stepto, Executive Director of the West Virginia Ethics Commission, do hereby certify that I have this 27th day of February, 2015, served a true and complete copy of the foregoing Statement of Charges and Notice of Hearing upon Respondent by certified mail, return receipt requested, to Respondent's counsel of record as follows:

J. Michael Benninger, Esq.
Benninger Law, PLLC
P.O. Box 623
Morgantown, WV 26507



Rebecca L. Stepto
Executive Director