

BEFORE THE WEST VIRGINIA ETHICS COMMISSION

In Re:

TIFFANY FELL,

COMPLAINT NOS: VCRB 2025-135 & CIC 2026-01

**Manager, City of Clarksburg,
Respondent**

NOTICE OF HEARING

Notice is hereby given that the public hearing in the above-captioned matter will be held on December 14 and 15, 2026, 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 independent hearing examiner, Jeffrey G. Blaydes, Esq., to determine the truth or falsity of the charges set forth in the Statement of Charges issued on September 21, 2026. The hearing will be continued until completed.

Dated: September 21, 2026

/s/ Kimberly B. Weber
Kimberly B. Weber, Executive Director

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 **NOTICE OF HEARING** and accompanying **STATEMENT OF CHARGES** on September 21, 2026, to:

Via Email and Certified Mail, Return Receipt Requested:

Sam H. Harrold, III.
MOUNTAIN STATE LAW
P.O. Box 2330
Clarksburg, WV 26302-2330
Counsel for Respondent

Via Email and Hand Delivery:

John N. Ellem, Esquire
Deputy General Counsel
West Virginia Ethics Commission
210 Brooks Street, Suite 300
Charleston, WV 25301
Counsel for Complainant

/s/ Kimberly B. Weber

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BEFORE THE WEST VIRGINIA ETHICS COMMISSION

In Re:

TIFFANY FELL,

COMPLAINT NOS: VCRB 2025-135 & CIC 2026-01

**Manager, City of Clarksburg,
Respondent**

STATEMENT OF CHARGES

The Probable Cause Review Board of the West Virginia Ethics Commission entered an Order on September 21, 2026, finding probable cause to believe that Tiffany Fell, Clarksburg City Manager, the Respondent in VCRB 2025-135, violated the Ethics Act when she leveraged her official capacity and the resulting prestige to have subordinate employees babysit during work hours for her and used a city storage room to store and use personal property to wit: a portable crib.

Furthermore, in CIC 2026-01, Respondent used her position and the prestige thereof to influence a witness in an ongoing Ethics Commission investigation to give false or misleading information to the Ethics Commission. Specifically, the Respondent directed a subordinate employee who is a witness in an ongoing Ethics Commission investigation to give false or misleading information to the Ethics Commission by responding "no" to every question. This conduct violates the following two provisions of the Ethics Act.

W. Va. Code § 6B-2-5(b)(1) provides:

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.

W. Va. Code§ 6B-2-10(f) provides:

Any person who knowingly gives false or misleading material information to the commission or who induces or procures another person to give false or misleading material information to the commission is subject to administrative sanction by the commission as provided in subsection(s), section four of this article.

The Probable Cause Review Board 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. Tiffany Fell ("Respondent" or "Fell") is the City Manager of Clarksburg, WV, at all times pertinent herein.

2. Fell is a "public official" or "public employee" as defined in the Ethics Act, at W. Va. Code§ 6B-1-3U) & (k).

3. The Ethics Commission has jurisdiction over alleged violations of the West Virginia Ethics Act committed by public employees or officials, such as Fell. W. Va. Code§§ 6B-1-1 through 6B-3-11.

Facts

4. The City of Clarksburg utilizes a weak-mayor system of government, in which a professional city manager, appointed by the city council, oversees daily administrative operations.

5. The Respondent gave birth to an infant child in January 2025.

6. The Respondent took approximately a week off from work after the birth of the infant before returning to her City Manager position.

7. Upon returning to work, Respondent brought her newborn infant to work with her on a regular basis during the work week until approximately June or July of 2025.

8. Furthermore, City staff under the Respondent's direction were frequently required to perform childcare and babysitting duties for her infant during working hours.

9. The infant care services included, but were not limited to, holding the infant, feeding the infant, pushing the infant around in a stroller and comforting the infant when crying.

10. The amount of care provided to the infant increased during days when the Respondent had meetings or conferences.

11. The infant care directly impacted the ability of employees to conduct city business including instance(s) when the city administrative assistant had to type official minutes in the dark in order to keep the infant calm and from crying as well as causing some city workers to fall behind on their job duties and rely on each other to catch up late work.

12. The Respondent stored a portable crib in a city records storage room for use by the infant.

13. The 2024 City of Clarksburg, "Personnel & Administrative Policies & Procedures Manual" contains a specific provision addressing children in the workplace by providing as follows:

The presence of children in the workplace with the employee parent during the employee's workday is inappropriate and is to be avoided

except in emergency situations. This policy is established to avoid disruptions in job duties of the employee and co-workers, reduce property liability, and help maintain the City's professional work environment.

If bringing an infant to work with the employee is unavoidable, the employee must contact their supervisor as soon as possible to discuss the situation and obtain permission to have the infant accompany the employee while working. Factors the supervisors will consider are the age of the infant, how long the infant needs to be present, the frequency of occurrences, the work environment in the employee's area, potential safety hazards, and any possible disruption to the employee's and co-worker's work. Consideration will not be given for allowing an infant with an illness to come to work with the employee.

An infant brought to the workplace in unavoidable situations will be the responsibility of the employee parent and must be accompanied and be under the direct supervision of the employee parent at all times.

14. On October 28, 2025, an ethics complaint was filed against the Respondent (VCRB 2025-135) alleging various violations of the W. Va. Ethics Act including the violation described above.

15. On or about November 24, 2025, a Notice of Investigation was issued in VCRB 2025-135 and sent to the Respondent, who then filed a Response dated December 24, 2025.

16. The Probable Cause Review Board then began an investigation into the allegations made in VCRB 2025-135, including reviewing statements provided by the Respondent and conducting interviews of various potential witnesses, many of whom are employed by the City of Clarksburg and are subordinates of the Respondent.

17. Upon information and belief, the Respondent was aware that the Ethics Commission was conducting interviews as various witnesses reported back to her that they had been interviewed.

18. On or about April 6, 2026, Ethics Commission staff interviewed three different potential witnesses.

19. Later on or about April 6, 2026, the Respondent approached Paula Hardman, an employee of Clarksburg, while she and Respondent were at work. Respondent informed Ms. Hardman that the Ethics Commission was contacting people again and told Ms. Hardman to remember that if she is contacted by the Ethics Commission, her answer "is no" to everything. Respondent then asked Hardman, "Do you understand?"

20. Hardman felt intimidated by the Respondent and promptly reported this conversation to Sherri Matheny, Clarksburg Human Resources Director. Ms. Matheny documented the incident in a statement and gave it to Ms. Hardman for her to review and sign if she was satisfied with its contents.

21. As a result of the Respondent's actions as described in paragraphs 14 through 20 above, the Ethics Commission initiated a second ethics complaint against the Respondent styled CIC 2026-01.

22. On May 22, 2026 the Probable Cause Review Board issued a Notice of Investigation for CIC 2026-01.

Count One

Respondent's use of office and Clarksburg City property for childcare services for her infant

23. The allegations set forth in paragraphs 1 through 22 are re-alleged and incorporated herein by reference.

24. In VCRB 2025-135, Fell violated W. Va. Code§ 68-2-5(b) by having Clarksburg City employees, including her subordinates, provide various childcare

services for her infant during work hours as well using city property to keep a portable crib in a city storage and filing room. The Respondent's actions constitute the use of public office for private gain.

Count Two

Respondent's inducement/procurement of a witness in an ongoing Ethics Commission investigation to give false or misleading information to the Ethics Commission

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

26. In CIC 2026-01, Respondent knowingly induced and/or procured another to give false or misleading material information to the Ethics Commission in violation of W. Va. Code§ 6B-2-10(f) by using her supervisory position, while at work, to influence a subordinate employee who is a witness in an ongoing Ethics Commission investigation to give false or misleading information to the Ethics Commission by responding "no" to every question.

Count Three

Respondent's use of office to influence a witness in an ongoing Ethics Commission investigation to give false or misleading information to the Ethics Commission.

27. The allegations set forth in paragraphs 1 through 26 are re-alleged and incorporated herein by reference.

28. In CIC 2026-01, Respondent, knowingly and intentionally used her public office for her own private gain, in violation of W. Va. Code§ 6B-2-5(b) by using her supervisory position to influence a witness in an ongoing Ethics Commission investigation to give false or misleading information to the Ethics Commission

Dated: September 21, 2026

/s/ Kimberly B. Weber
Kimberly B. Weber, Executive Director

BEFORE THE WEST VIRGINIA ETHICS COMMISSION

IN RE:

**TIFFANY FELL,
City Manager, Clarksburg, WV**

CIC 2026-01

PROBABLE CAUSE ORDER

The Probable Cause Review Board, having investigated and considered the allegations set forth in CIC 2026-01, unanimously finds that there is probable cause to believe that the Respondent, Tiffany Fell ("Fell" or "Respondent"), violated the West Virginia 'Governmental Ethics Act, in her public position as City Manager of Clarksburg, WV.

Count One: Respondent knowingly induced and/or procured another to give false or misleading material information to the Ethics Commission in violation of W. Va. Code§ 68-2-10(f) by using her supervisory position, while at work, to influence a subordinate employee who is a witness in an ongoing Ethics Commission investigation to give false or misleading information to the Ethics Commission by responding "no" to every question.

Count Two: Respondent knowingly and intentionally used her public office for her own private gain, in violation of W. Va. Code§ 6B-2-S(b) by using her supervisory position to influence a witness in an ongoing Ethics Commission investigation to give false or misleading information to the Ethics Commission

In accordance with W. Va. Code § 6B-2-4(g), the Commission staff is hereby
Ordered to prepare a Statement of Charges and to schedule this matter for a public

hearing to determine the truth or falsity of the charges set forth in Count One and Count Two.

It is further **Ordered** that insofar as the allegations in CIC 2026-01 are related to the allegation in VCRB 2025-135 and will likely involve some overlapping evidence, the Statement of Charges in this matter shall be combined with the Statement of Charges in VCRB 2025-135 and be set for a single hearing in the interests of saving time, money and overall administrative resources for the parties, staff, and hearing examiner.

ENTERED: September 21, 2026

/s/ Michael A. Kawash
Michael A. Kawash, Chairperson
Probable Cause Review Board

/S/ Daniel Guida
Daniel Guida, Member
Probable Cause Review Board

BEFORE THE WEST VIRGINIA ETHICS COMMISSION

IN RE:

**TIFFANY FELL,
City Manager, Clarksburg, WV**

VCRB 2025-135

PROBABLE CAUSE ORDER

The Probable Cause Review Board, having investigated and considered the allegations set forth in VCRB 2025-135, unanimously finds that there is probable cause to believe that the Respondent, Tiffany Fell ("Fell" or "Respondent"), violated the West Virginia Governmental Ethics Act, in her public position as City Manager of Clarksburg, WV.

Count One: Starting in January 2025, the Respondent violated W. Va. Code § 68-2-5(b) by having Clarksburg City employees, including her subordinates, provide various childcare services for her infant during work hours, as well using city property to keep a portable crib in a city storage and filing room. The Respondent's actions constitute the use of public office for private gain.

In accordance with W. Va. Code § 68-2-4(9), the Commission staff is hereby **Ordered** to prepare a Statement of Charges and to schedule this matter for a public hearing to determine the truth or falsity of the charges set forth in Count One.

It is further **Ordered** that insofar as the allegation in VCRB 2025-135 are related to the allegations in CIC 2026-01 and will likely involve some overlapping evidence, the Statement of Charges in this matter shall be combined with the Statement of Charges in

CIC 2026-01 and be set for a single hearing in the interests of saving time, money and overall administrative resources for the parties, staff, and hearing examiner.

ENTERED: September 21, 2026

/s/ Michael A. Kawash
Michael A. Kawash, Chairperson
Probable Cause Review Board

/S/ Daniel Guida
Daniel Guida, Member
Probable Cause Review Board