BEFORE THE WEST VIRGINIA ETHICS COMMISSION

In Re:

CARMEN BRATTON **COMPLAINT NO: VCRB 2025-61**
Member, Jefferson County Board of Education

NOTICE OF HEARING

Notice is hereby given that the public hearing in the above-captioned matter will be held on January 20 and 21, 2027, 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 October 29, 2026. The hearing will be continued until completed.

Dated: October 29, 2026

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

BEFORE THE WEST VIRGINIA ETHICS COMMISSION

In Re:

CARMEN BRATTON, **COMPLAINT NO. VCRB 2025-61**

Member, Jefferson County Board of Education,
Respondent

STATEMENT OF CHARGES

The Probable Cause Review Board of the West Virginia Ethics Commission entered an Order on October 29, 2026, finding probable cause to believe that Carmen Bratton, Jefferson County Board of Education member, the Respondent in the above-referenced Complaint, violated the Ethics Act when she leveraged her official capacity and the resulting prestige and influence to secure or attempt to secure preferential school accommodations for her minor child.

These accommodations included unique personal attention and the benefit of test correction before final grading. Specifically, the Respondent attempted to secure weekly consultations with a school counselor as well as approximately daily meetings and help from the child's first-period teacher to review homework, grades, outstanding assignments, and etc., taking excessive time away from class instruction and other students.

Furthermore, Respondent used her position and the prestige thereof to get special testing accommodations for her minor child. Specifically, Respondent demanded that the child's test be returned to the child by the teacher with incorrect answers circled and permitting the child to correct the answers before final grading. This gave the minor child an unfair advantage compared to other school children including those in the same

honors level math class with the minor child.

W. Va. Code§ 68-2-5(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.

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. Carmen Bratton ("Respondent" or "Bratton") was and is a member of the Jefferson County Board of Education, at all times pertinent herein.

2. Bratton is a "public official" as defined in the Ethics Act, at W. Va. Code§ 68-1-3(k).

3. The Ethics Commission has jurisdiction over alleged violations of the West Virginia Ethics Act committed by public employees and officials, such as Bratton. W. Va. Code §§ 68-1-1 through 6B-3-11.

Facts

4. During the 2024-2025 school year, the Respondent attended 504 Plan meetings with school officials at her child's high school.

5. A 504 Plan is covered under a civil rights law called Section 504 of the Rehabilitation Act. The purpose of a 504 Plan is to provide for certain educational accommodations to children who have issues affecting their educational progress

and/or development. A 504 Plan seeks to "even the playing field" for such children but not to provide any unfair advantage over other children.

6. The Respondent invited another Jefferson County Board of Education member to attend these 504 Plan meetings. Respondent described her fellow Board of Education member as her minor child's tutor. This board member attended the 504 Plan meetings virtually.

7. During the 504 Plan meeting(s) and/or follow up meetings with school staff, the Respondent asked for an accommodation of individualized attention for her minor child. Specifically, Respondent insisted her minor child have weekly check-ins with a school counselor and have daily meetings with the child's 1st period teacher to review the child's Canvas (online learning software) for such things as assignments, grades, homework, and etc. The check-ins with the counselor were both unethical and professionally questionable under the American School Counselor Association (ASCA) standards that prohibit serving a small percentage of students at the exclusion of many others. The 1st period check-in was not deemed necessary by many members of the 504 team, and upon information and belief, even the child's own doctor did not agree with this accommodation. Ultimately the school principal agreed to do the check-ins instead of a counselor.

8. The Respondent also demanded and received special testing accommodations for her minor child. Specifically, this accommodation for the child involved having the child's tests and quizzes returned to the child with incorrect answers circled and permitting the child to correct the answers before final grading. Various school officials and teachers, including those on the child's 504 team have never heard

of this accommodation included in a 504 Plan. This was especially troubling in an honor's level mathematics class.

9. School officials attending the 504 meetings and subsequent meetings or who interacted with the Respondent pushed back on these accommodations while the Respondent and the Board of Education member who presented as the child's tutor also continued to push for these accommodations.

10. The testing accommodations were included in the Respondent's minor child's 504 Plan even though it was inappropriate, and gave the minor child an unfair advantage.

11. Specifically, the accommodation of individualized attention took time away from other students. If a counselor had been required to do the weekly check-ins, it would have monopolized the time of a school counselor. When school counselors expressed this concern, a central office administrator seemingly acknowledged the concern but stated, "However, I believe this is one that we need to look at working through more."

12. The testing accommodation, especially in the honors math class, gave the Respondent's child an unfair advantage over other children as grades factor into scholarships and academic accolades.

Count One

Respondent's use of office to get the accommodation of individualized attention for her minor child

13. The allegations set forth in paragraphs 1 through 12 are re-alleged and incorporated herein by reference.

14. During the 2024-2025 school year, Bratton violated W. Va. Code§ 6B-2-5(b) by demanding the accommodation for her minor child of having weekly check-ins with a school counselor as well as having her child's 1st period teacher sit down with the child daily to review the child's Canvas program for such school tasks as homework, assignments, grades, and etc. The Respondent's actions constituted the use of public office for the private gain of another.

Count Two

Respondent's use of office to get the accommodation of individualized attention for her minor child

15. The allegations set forth in paragraphs 1 through 14 are re-alleged and incorporated herein by reference.

16. During the 2024-2025 school year, Bratton violated W. Va. Code § 6B-2-5(b) by demanding and receiving the inappropriate and unheard of accommodation for her child of having the child's tests and quizzes returned to the child with incorrect questions or answers circled and permitting the child to correct the answers before final grading The Respondent's actions constituted the use of public office for the private gain of another.

Dated: October 29, 2026

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

BEFORE THE WEST VIRGINIA ETHICS COMMISSION

IN RE:

CARMEN BRATTON, **VCRB 2025-61**
Member, Jefferson County Board of Education

PROBABLE CAUSE ORDER

On October 21, 2026, the Review Board addressed the above-styled matter for purposes of considering whether probable cause exists to show the Respondent violated the West Virginia Governmental Ethics Act.

The complaint was filed in this matter on May 19, 2025. A Notice of Investigation was issued on June 19, 2025, and sent to the Respondent by certified mail. The Notice of Investigation informed the Respondent of the allegations against her and that she had a right to file a written response within 30 days, a right to make an oral response to the Probable Cause Review Board by requesting the same within 30 days and the right to hire an attorney to represent her. The certified mail containing the Notice of Investigation and attachments was delivered and signed for by the Respondent on June 26, 2025. The Respondent did not request to make an oral presentation to the Review Board but did file a written response. Counsel for the Commission stated that on October 15, 2026, he emailed the Respondent to inform her the Review Board would consider this matter on October 21, 2026, for probable cause consideration and extended a second offer to the Respondent to make an oral presentation to the Review Board if she so desired on said date. Counsel did not receive a response to this email.

The Probable Cause Review Board, having investigated and considered the

allegations set forth in VCRB 2025-61, unanimously finds that there is probable cause to believe that the Respondent, Carmen Bratton, ("Bratton" or "Respondent"), violated the West Virginia Governmental Ethics Act, in her public position as a member of the Jefferson County Board of Education:

Count One In the 2024-2025 school year, the Respondent violated W. Va. Code § 6B-2-5(b) by using her position as a school board member to attempt to secure the unusual and inappropriate accommodation for her minor child of having weekly check-ins with a school counselor. She also demanded that her child's 1st period teacher meet with the child to review canvas/grades/missing assignments, all of which ultimately takes time away from instruction and other students.

Count Two In the 2024-2025 school year, the Respondent violated W. Va. Code § 6B-2-5(b) by using her position as a school board member to secure the unusual and inappropriate accommodation for her minor child in his honors classes, of having the child's tests returned to the child by the teacher with incorrectly answered questions circled or identified and then permitting the child to correct the answers before final grading.

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 the truth or falsity of the charges set forth in Counts One and Two.

ENTERED: October 29, 2026

Isl Michael A. Kawash
Michael A. Kawash, Chairperson,
Probable Cause Review Board

Isl Daniel J. Guida
Daniel J. Guida, Member,
Probable Cause Review Board

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, PROBABLE CAUSE ORDER, and ORDER GRANTING MOTION TO REDACT** on October 29, 2026, to:

Via Email and Certified Mail, Return Receipt Requested:
Carmen Bratton
110 Valley Branch Drive
Ranson, WV 25438
carmen-bratton@outlook.com
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
john.n.ellem@wv.gov
Counsel for Complainant

/s/ Kimberly B. Weber

Kimberly B. Weber, Executive Director
West Virginia Ethics Commission
210 Brooks Street, Suite 300
Charleston, WV 25301
kimberly.b.weber@wv.gov
(304) 558-0664
(304) 558-2169 (fax)