



WEST VIRGINIA ETHICS COMMISSION
210 Brooks Street, Suite 300
Charleston, West Virginia 25301

September 8, 2015

Gregory T. Haynes
4117 Rich Fork Road
Charleston, WV 25312

Re: CIC 2014-004
Gregory T. Haynes, Respondent

Dear Mr. Haynes:

This will confirm that you have fulfilled all of your obligations under the Conciliation Agreement dated June 4, 2015. Accordingly, the above-referenced Ethics Complaint will be closed.

You provided written confirmation that you viewed the Ethics Commission training DVD as required by your Conciliation Agreement. You also have paid the \$150.00 fine required by the Agreement.

Thank you for your cooperation in fulfilling these requirements.

Sincerely,

A handwritten signature in blue ink that reads "Rebecca L. Stepto".

Rebecca L. Stepto
Executive Director

RLS/erw

BEFORE THE WEST VIRGINIA ETHICS COMMISSION

In Re:

GREGORY T. HAYNES

COMPLAINT NO. CIC 2014-004

CONCILIATION AGREEMENT

The West Virginia Ethics Commission and Gregory T. Haynes ("Respondent") freely and voluntarily enter into the following Conciliation Agreement pursuant to West Virginia Code § 6B-2-4(s) to resolve all potential charges arising from allegations in the above-referenced Complaint.

FINDINGS OF FACT

1. Respondent Gregory T. Haynes served as an employee of the Union Public Service District ("PSD") beginning on or around July 1, 2012.
2. Prior to the Respondent's employment with the PSD, the PSD had an upgrade and revitalization of its 40th Street Wastewater Treatment Plant ("40th Street Plant"). Surplus property, including a generator and a Flygt submersible pump, resulting from the upgrade, were listed for sale on eBay on the account of William Ashley, a co-worker.
3. Respondent denies that he was involved in the sale of the equipment on eBay. He became aware of the sale after the fact.
4. He was told that the former Manager of the PSD gave the workers permission to sell the equipment as surplus property.
5. There was an investigation by the Kanawha County Sheriff's Department which found no criminal intent of theft on the part of the Respondent. Accordingly, criminal charges were not filed.
6. The generator was sold for \$9,000.00 through the eBay listing.


 (initials)

7. The proceeds of the sale were distributed among certain employees rather than placed into the PSD's general fund.
8. Respondent Haynes personally received \$900.00 from the sale of the generator.
9. The Flygt submersible pump was sold for \$5,500.00 through the eBay listing.
10. Respondent received \$916.67 from the sale of the Flygt submersible pump.
11. The Commissioners for the Union PSD learned of the sale of the generator and the Flygt submersible pump on March 21, 2013.
12. Respondent is currently having monthly payments deducted from his salary at the PSD in repayment of the money he received from the sale of the generator and the pump described above through a payment plan established by the Commissioners for the Union PSD.
13. The Complaint was referred to the Commission's Probable Cause Review Board, which ordered the issuance of a Notice of Investigation (NOI). The Executive Director issued the NOI on May 8, 2014.
14. Respondent has fully cooperated with the Ethics Commission staff throughout the investigation and conciliation process.
15. The Respondent denies all allegations in the complaint not specifically admitted herein.

RELEVANT LEGAL PROVISION

W.Va. Code § 6B-2-5(b) provides:

(1) 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

 (initials)

constituent services, without compensation, does not constitute the use of prestige of office for private gain.

CONCILIATION OF VIOLATION

I, Gregory T. Haynes, deny that I intentionally violated the West Virginia Governmental Ethics Act; however, I acknowledge that knowing what I know now about the Ethics Act, I violated the Ethics Act. I acknowledge that even if given permission from a supervisor, the Ethics Act prohibits a public employee from selling equipment from a public job location and receiving proceeds therefrom.

In Order to resolve this matter, I enter into this Agreement. For this Conciliation Agreement to be finalized, the Commission must approve the Agreement and must further determine which sanctions to impose. In consideration for the settlement of this matter, I agree to the Commission's imposition of the following sanctions:

1. Fine of \$150.00; and
2. Training regarding the West Virginia Ethics Act by viewing the training provided on the Ethics Commission's website, www.ethics.wv.gov, or otherwise provided by the Ethics Commission, within 90 days of the entry of the Order of the Ethics Commission adopting this Agreement. I shall notify the Commission in writing upon my completion of this training.

I understand and agree that if the Ethics Commission fails to approve this Conciliation Agreement, then this Conciliation Agreement is null and void and the complaint will be referred back to the Probable Cause Review Board, where the Complaint will continue to be processed in accordance with the West Virginia Code and the Ethics Commission's Legislative Rules.

If the Ethics Commission approves this Agreement, it will enter an Order in which it approves the Agreement and sets forth the sanctions listed above.

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Both parties understand that, pursuant to W.Va. Code § 6B-2-4(s), the Conciliation Agreement and Commission Order must be made available to the public.

Date: 6/9/15


Robert J. Wolfe, Chairperson
W.Va. Ethics Commission

Date: 5-11-15


Gregory T. Haynes, Respondent

 (initials)

BEFORE THE WEST VIRGINIA ETHICS COMMISSION

**IN RE:
GREGORY T. HAYNES**

COMPLAINT NO. CIC 2012-004

COMMISSION'S ORDER

After considering the FINDINGS OF FACT, RELEVANT LEGAL PROVISION and CONCILIATION OF VIOLATION set forth in the attached Conciliation Agreement, the West Virginia Ethics Commission finds that the Conciliation Agreement is in the best interest of the State and the Respondent as required by W.Va. Code § 6B-2-4(s). In accordance with W.Va. Code § 6B-2-4(r), the Commission imposes the following sanctions against Respondent Gregory T. Haynes:

1. Respondent shall pay a fine in the amount of One Hundred Fifty Dollars (\$150.00) to the West Virginia Ethics Commission on or before August 1, 2015, and
2. Respondent shall receive training regarding the West Virginia Ethics Act either in person or by viewing the training provided on the Ethics Commission's website, www.ethics.wv.gov, or otherwise provided by the Ethics Commission within 90 days of the entry of the Conciliation Agreement. Respondent shall notify the Commission in writing upon completion of this training.

This Order was entered on the 4th day of June, 2015.



Robert J. Wolfe, Chairperson
WV Ethics Commission