

BEFORE THE WEST VIRGINIA ETHICS COMMISSION

IN RE:

**MARCELLA CHARLES-CASTO,
Assistant Principal,
Mingo Central Comprehensive High School**

COMPLAINT NO. CIC 2017-05

CONCILIATION AGREEMENT

The West Virginia Ethics Commission and Marcella Charles-Casto voluntarily enter into the following Conciliation Agreement pursuant to W. Va. Code § 6B-2-4(t) to resolve all potential charges arising from allegations in the above-referenced Complaint.

Findings of Fact

1. The Respondent, Marcella Charles-Casto, has been an Assistant Principal at Mingo Central Comprehensive High School ("Mingo Central") since 2011. She had been the Principal at Matewan High School from 2004-2011. She has a Master of Arts Degree in Education plus 45 graduate hours.

2. The Respondent was either a "public official" as defined in the West Virginia Governmental Ethics Act ("Ethics Act") at W. Va. Code § 6B-1-3(k) or a "public employee" as defined at W. Va. Code § 6B-1-3(j).

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

4. The Respondent became engaged to Bryan Casto on October 25, 2015.

MCC 

Marcella Charles-Casto
Conciliation Agreement
CIC 2017-05
Page 2 of 5

5. As part of her job duties as an Assistant Principal, Respondent was responsible for purchases made for the Career Technical Education Center, and had previously ordered chair covers and decorations for events catered by the Pro Start Program and for graduation ceremonies. Ms. Charles-Casto also performed these duties as Principal at Matewan High School.

6. The school colors used for athletic events, commencement exercises and related events at Mingo Central are Carolina blue, silver and black. Other seasonal colors such as orange and brown are also used at these events.

7. On February 2, 2016, the Respondent purchased various colors of chair covers, table covers, chair bands and sashes totaling \$974.00 from Your Chair Covers Inc. via the internet using the Mingo County Board of Education's BB&T Purchasing Card. Respondent had permission from the Mingo County Board of Education to use the BB&T Purchasing Card and signed it out from the Board of Education office on February 2, 2016.

8. The items ordered from Your Chair Covers Inc. include 60 ivory colored chair covers, 60 blush (pink) colored spandex chair bands, 60 silver colored chair sash slips/napkin rings, 10 ivory colored table covers and four blush (pink) colored table covers.

9. Each ivory colored chair cover cost \$2.99. Therefore, the 60 ivory chair covers cost the Mingo County Board of Education \$179.40.

10. Each blush spandex chair band cost \$1.04. Therefore, the 60 blush spandex chair bands cost the Mingo County Board of Education \$62.40.

11. Each silver chair sash slips/napkin ring cost \$0.71. Therefore, the 60 silver

MCC 

Marcella Charles-Casto
Conciliation Agreement
CIC 2017-05
Page 3 of 5

chair sash slips/napkin rings cost the Mingo County Board of Education \$42.60.

12. Each ivory table cover cost \$18.74. Therefore, the 10 ivory table covers cost the Mingo County Board of Education \$187.40.

13. Each blush table cover cost \$18.74. Therefore, the four blush table covers cost the Mingo County Board of Education \$74.96.

14. The items purchased from Your Chair Covers Inc. were delivered to Respondent Charles-Casto's attention at Mingo Central.


15. Respondent Charles-Casto married Bryan Casto on May 21, 2016, in Dandridge, Tennessee.

16. The Respondent used 60 ivory colored chair covers, 60 blush spandex chair bands, 60 silver colored chair sash slips/napkin rings, 10 ivory colored table covers and four blush table covers at her wedding in Dandridge, Tennessee on May 21, 2016. Of these 194 items, only the 10 ivory table covers had been used by the Mingo County Board of Education or Mingo Central prior to the wedding. Therefore, they were new when used at Respondent Charles-Casto's wedding.

17. After using the 184 new items and 10 used table covers at her wedding, at some point in time Respondent returned the items to Mingo Central.

18. The total cost to the Mingo County Board of Education for all items used by the Charles-Casto at her wedding was \$546.76.

19. At the time the items were purchased from Your Chair Covers Inc. on February 2, 2016, and at the time of the Respondent's wedding on May 21, 2016, neither Mingo Central nor the Mingo County Board of Education had a policy that allowed anyone

MCC 

Marcella Charles-Casto
Conciliation Agreement
CIC 2017-05
Page 4 of 5

to borrow items owned by the school for personal use. However, there had been occurrences in the past when staff members and friends of staff members borrowed linen and chair covers already owned by Mingo Central for their personal use before Ms. Charles-Casto used such items for her wedding.

20. All items purchased by Charles-Casto on February 2, 2016, from Your Chair Covers Inc. are currently located at Mingo Central.

Relevant Legal Provisions

W. Va. Code § 6B-2-5(b)(1) states, in relevant part:

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.


W. Va. Code R. § 158-6-5.1 states:

Public officials and public employees may not remove government property from the workplace for their private benefit or that of another person.

Conciliation of Violation

I, Marcella Charles-Casto, agree that I violated the above-referenced provisions of the West Virginia Governmental Ethics Act. To resolve this matter, I enter into this Agreement. For this Conciliation Agreement to be finalized, the Commission must approve the Agreement and 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. A public reprimand;
2. A fine of \$2,000.00 to be paid to the West Virginia Ethics Commission as follows:

MCC 

Marcella Charles-Casto
Conciliation Agreement
CIC 2017-05
Page 5 of 5

- a. The amount of \$250.00 to be paid by September 1, 2018;
 - b. The amount of \$250.00 to be paid by October 1, 2018;
 - c. The amount of \$250.00 to be paid by November 1, 2018;
 - d. The amount of \$250.00 to be paid by December 1, 2018;
 - e. The amount of \$250.00 to be paid by January 1, 2019;
 - f. The amount of \$250.00 to be paid by February 1, 2019;
 - g. The amount of \$250.00 to be paid by March 1, 2019, and
 - h. The amount of \$250.00 to be paid by April 1, 2019;
3. Training on the West Virginia Governmental Ethics Act either in person or by viewing the training provided on the Ethics Commission's website, at www.ethics.wv.gov, before October 1, 2018. I shall provide written confirmation of the completion of this training to the Ethics Commission.

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 against me will proceed in accordance with West Virginia Code and the Ethics Commission's Legislative Rules.

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

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

9/6/18
Date

Robert J. Wolfe
Robert J. Wolfe, Chairperson
West Virginia Ethics Commission

9/18/18
Date

Marcella Charles-Casto
Marcella Charles-Casto, Respondent

MCC MCC

BEFORE THE WEST VIRGINIA ETHICS COMMISSION

IN RE:

**MARCELLA CHARLES-CASTO,
Assistant Principal,
Mingo Central Comprehensive High School**

COMPLAINT NO. CIC 2017-05

COMMISSION'S ORDER

After considering the Findings of Fact, Relevant Legal Provisions and Conciliation of Violation in the Conciliation Agreement, the West Virginia Ethics Commission finds that the Conciliation Agreement is in the best interest of the State and Marcella Charles-Casto as required by W. Va. Code § 6B-2-4(t). This Order modifies the deadlines set forth in the Conciliation Agreement for the payment of fines and for training to those set forth herein.

Therefore, in accordance with W. Va. Code § 6B-2-4(s), the Commission imposes the following sanctions:

1. A public reprimand;
2. A fine of \$2,000.00 to be paid to the West Virginia Ethics Commission as follows, and:
 - a. The amount of \$250.00 to be paid by October 1, 2018;
 - b. The amount of \$250.00 to be paid by November 1, 2018;
 - c. The amount of \$250.00 to be paid by December 1, 2018;
 - d. The amount of \$250.00 to be paid by January 1, 2019;
 - e. The amount of \$250.00 to be paid by February 1, 2019;
 - f. The amount of \$250.00 to be paid by March 1, 2019;
 - g. The amount of \$250.00 to be paid by April 1, 2019, and
 - h. The amount of \$250.00 to be paid by May 1, 2019.

3. Training on the West Virginia Governmental Ethics Act either in person or by viewing the training provided on the Ethics Commission's website, at www.ethics.wv.gov, before November 1, 2018. Marcella Charles-Casto shall provide written confirmation of the completion of this training to the Ethics Commission.

Date

9/6/18

Robert J. Wolfe, Chairperson
West Virginia Ethics Commission