

BEFORE THE WEST VIRGINIA ETHICS COMMISSION

IN RE:

INQUIRY NO. 2025-02

**Daniel Cooley,
Division I Forester,
WV Division of Forestry,
Respondent**

Pre-Complaint Conciliation Agreement

The West Virginia Ethics Commission and Daniel Cooley freely and voluntarily enter into the following Conciliation Agreement pursuant to W. Va. Code § 6B-2-4(t) to resolve all the potential charges arising from allegations of violations of the West Virginia Governmental Ethics Act based upon the facts set forth below.

Findings of Fact

1. Daniel Cooley ("Cooley" or "Respondent") was employed by the West Virginia Division of Forestry ("Division") as the Division I Forester for Barbour County at all times pertinent herein. Thus, Cooley was a "public official" or "public employee" as defined in the Ethics Act, at W. Va. Code § 6B-1-3(k).

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

3. On March 2, 2025, Daniel Cooley responded to a brush fire on the property of Chastity McGill and Larry McGill in the vicinity of Hacker's Creek Road,

Philippi, West Virginia. Mr. McGill admitted that he had set the fire to clear the property of brush.

4. To prevent an outdoor fire from spreading, the area of the intended burn must be completely surrounded with a ten-foot wide area (buffer zone), in which there is no combustible material. Mr. McGill did not enclose the area of the intended burn with this ten-foot area, which the Respondent found to be in violation of W. Va. Code § 20-3-5(d)(3).

5. The Philippi Volunteer Fire Department ("VFD") also responded to the fire and helped extinguish it.

6. Cooley advised Mr. McGill that he should receive a citation for the illegal burn, but that Cooley would issue only a warning if Mr. McGill would make a contribution to the Philippi VFD. Mr. McGill declined the offer, and Cooley issued the citation to him.

7. Mr. McGill pleaded no contest to the citation, was fined, and is making payments toward satisfying the fine.

8. Cooley is not a member of the Philippi Volunteer Fire Department and has no financial connection to it.

9. The Division was aware of the practice of offering to forgo a citation for an illegal burn and instead issuing a warning in exchange for a donation to a volunteer fire department. The Division condoned this practice as a way of providing financial assistance to volunteer fire departments upon which the Division relies for extinguishing fires.

10. Since the Division realized that the prohibitions of the Ethics Act may be applicable to this practice, the Division has directed its employees to cease the practice.



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11. The Ethics Commission recognizes that any violation of the Ethics Act is subject to the mitigating circumstance of following the practice of his employer.

Relevant Legal Provisions

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-1-3(h) provides;

“Person” means an individual, corporation, business entity, labor union, association, firm, partnership, limited partnership, committee, club, or other organization or group of persons, irrespective of the denomination given such organization or group.

W. Va. Code R. § 158-7-7.4 provides:

Under no circumstances should anyone soliciting a contribution for a charitable purpose state that contributors will receive some special treatment from a government agency or its employees, or any other sort of quid pro quo as a consequence of making a donation.

Conciliation of Violations

I, Daniel Cooley, admit that on March 2, 2025, I used my public position for the private gain of the Philippi Volunteer Fire Department in violation of W. Va. Code § 6B-2-5(b)(1) by offering to forgo issuing a criminal citation in exchange for a donation to the Philippi Volunteer Fire Department in violation of W. Va. Code R. § § 158-7-7.4. I



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assert that I received no personal gain from my actions, was not motivated by personal greed, and was acting in conformity with the practice condoned by my employer.

In order to resolve this matter, I am entering into this Conciliation Agreement. I understand that for this Agreement to be finalized, the Ethics Commission must approve it.

In consideration of the settlement of this matter, I agree to the Commission's imposition of the following sanctions:

1. To cease the practice of offering to forgo a citation for an illegal burn and issue a warning in exchange for a donation to a volunteer fire department;
2. To undergo training on the West Virginia Governmental Ethics Act, either in person, virtually, or by viewing the training provided on the Ethics Commission's website, at [West Virginia Ethics Commission](#), within 30 days of the entrance of the Order approving the Conciliation Agreement. I shall provide written confirmation of the completion of this training to the Ethics Commission within five business days of completing it, and

I understand and agree that if the Ethics Commission fails to approve this Conciliation Agreement, then this Conciliation Agreement is null and void and a recommendation will be made to the Commission to file a formal complaint against me. The complaint, if filed, will proceed before the Probable Cause Review Board and be processed in accordance with the West Virginia Code and the Ethics Commission's Legislative Rules.

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

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


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6/5/25
Date


Robert J. Wolfe, Chairperson
West Virginia Ethics Commission

4/16/25
Date


Daniel Cooley, Respondent

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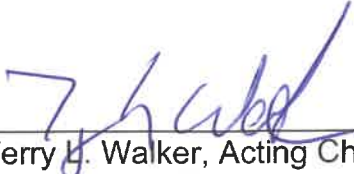
**Daniel Cooley,
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COMMISSION'S ORDER

After considering the Findings of Fact, Relevant Legal Provisions, and Conciliation of Violations in the Pre-Complaint Conciliation Agreement, the West Virginia Ethics Commission finds that the Pre-Complaint Conciliation Agreement is in the best interests of the State and Daniel Cooley, as required by W. Va. Code § 6B-2-4(t). In accordance with W. Va. Code § 6B-2-4(s), the Commission imposes the following sanctions:

1. Respondent shall cease the practice of offering to forgo a citation for an illegal burn and issue a warning in exchange for a donation to a volunteer fire department; and
2. Respondent shall undergo training on the West Virginia Governmental Ethics Act, either in person, virtually, or by viewing the training provided on the Ethics Commission's website, at ethics.wv.gov, by July 7, 2025. Respondent shall provide written confirmation of the completion of this training to the Ethics Commission within five business days of completing it

Date: June 5, 2025


Terry L. Walker, Acting Chairperson
West Virginia Ethics Commission