

BEFORE THE WEST VIRGINIA ETHICS COMMISSION

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IN RE:

ROY DALE GRIMM

COMPLAINT NO. 2005-10A and 10B

CONCILIATION AGREEMENT

The West Virginia Ethics Commission and Roy Dale Grimm freely and voluntarily enter into the following Conciliation Agreement pursuant to West Virginia Code § 6B-2-4(r) to resolve all potential charges arising from the above-referenced complaint.

FINDINGS OF FACT

The following facts are hereby stipulated and agreed upon by the West Virginia Ethics Commission and Roy Grimm and are taken as true and correct:

1. That Roy Dale Grimm is an elected council member of the Town of New Haven;
2. That on two occasions in ~~March 2005~~ ^{DEC. OF 2004}, Mr. Grimm used a backhoe owned by the Town of New Haven to perform work on private property which is owned by his son. On both occasions the work was done in the evening;
3. Mr. Grimm did not seek the permission of the Town Council, via formal vote, to use the backhoe nor did he pay the Town the fair market value of using the backhoe. Further the Town has no policy where it permits third parties to lease its backhoe;
4. The approximate fair market value of leasing a backhoe for one day is \$ 225.00. If there is pick up and delivery of the backhoe, there is an additional fee of \$ 340.00.

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ALLEGED VIOLATION

West Virginia Code § 6B-2-5(b) provides, in relevant part, that 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.

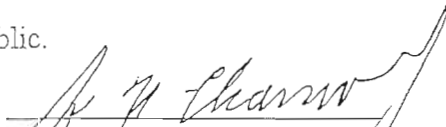
CONCILIATION OF VIOLATION

I, Roy Dale Grimm, freely and voluntarily acknowledge that I should not have used the Town of New Haven's backhoe for personal use. Using Town equipment for personal work is only acceptable when the following conditions are met: (1) the Town has made a policy decision to lease or rent its equipment to third parties; (2) the Town has a uniform policy regarding who may rent the equipment. The policy may not be written in a manner to favor the Town's public officials; and, (3) the individual renting the equipment pays a fair market price.

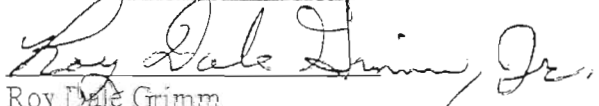
I understand that I should not have used the backhoe and that this action constitutes the use of public office for private gain. I believe that it is in my best interest and the interest of the public to resolve this matter without further proceedings. I understand that by signing this agreement that I am agreeing to the imposition of sanctions by the Ethics Commission. The sanctions to which I may be subject are: (1) public reprimand; (2) cease and desist order; (3) orders of restitution for money, things of value or services taken or received in violation of the Ethics Act; (4) fines, not to exceed \$ 1,000.00 per violation, or, (5) recommendation from Ethics Commission for removal from office. W.Va. Code § 6B-2-4(q).

I understand that pursuant to W.Va. Code § 6B-2-4 (r) that this conciliation agreement must be made available to the public.

Date July 14, 2005


John Charnock, Jr., Chairman
W. Va. Ethics Commission

Date 06/18/05


Roy Dale Grimm

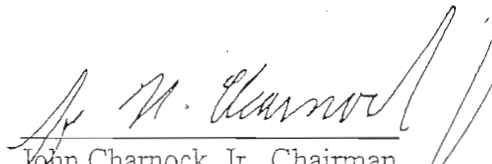
COMMISSION'S ORDER

After considering the foregoing FINDINGS OF FACT, VIOLATION and CONCILIATION OF VIOLATION, the West Virginia Ethics Commission finds that the Conciliation Agreement is in the best interest of the State and the Respondent as required by West Virginia Code § 6B-2-4(r). In accordance with the Conciliation Agreement, and in accordance with West Virginia Code § 6B-2-4(q), the Commission imposes the following sanctions:

- (1) That the public official, Roy Dale Grimm, should be and hereby is **publicly reprimanded** for his actions which were in violation of West Virginia Code § 6B-2-5(b).
- (2) The West Virginia Ethics Commission hereby **Orders** Respondent Grimm to reimburse the Town of New Haven \$ 225.00 for the use of the backhoe. This sum shall be remitted to the Town by August 15, 2005;
- (3) The West Virginia Ethics Commission hereby **Orders** that Roy Dale Grimm pay a fine of seventy-five dollars (\$ 75.00) to the West Virginia Ethics Commission. The fine is to be paid within thirty (30) days of the entrance of this Order.

Date

July 14, 2005


John Charnock, Jr., Chairman
W. Va. Ethics Commission