

BEFORE THE WEST VIRGINIA ETHICS COMMISSION

IN RE:

COMPLAINT NO. VCRB 2016-108

**TAMMY PORTER
Former Member,
West Union Town Council**

CONCILIATION AGREEMENT

The West Virginia Ethics Commission and Tammy Porter freely and 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 Verified Complaint.

Findings of Fact

1. Respondent, Tammy Porter, ("Respondent") served as an elected council member of the Town of West Union at all times relevant herein.
2. As an elected Town council member, the Respondent was a "public official" as defined in the Ethics Act, at W. Va. Code § 6B-1-3(k).
3. The Ethics Commission has jurisdiction over alleged violations of the Ethics Act committed by West Virginia public officials, such as the Respondent. W. Va. Code §§ 6B-1-1 through 6B-3-11.
4. The Town of West Union owns and operates a municipal water department that services individuals and businesses in the Town.

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5. During a regular meeting on December 12, 2016, the West Union Town Council voted to write off as uncollectable past due accounts in the amount of \$7,705.60. As a result of this vote, the Town ceased all attempts to collect money from these delinquent account holders.

6. The Respondent's former business, The Beehive, was on the list of delinquent accounts to be written off during the December 12, 2016, meeting. The Town's records indicated that the Beehive's account was delinquent in the amount of \$461.49.

7. The Respondent has consistently disputed the amount owed by The Beehive since 2015 and has maintained that The Beehive was erroneously charged for water and sewer for months after the business closed in April 2015.

8. The West Union Town Council, including the Respondent, unanimously voted to write off all uncollectable accounts totaling \$7,705.60 in one motion that included the account of The Beehive.


9. During the discussion, no council member or member of the public disputed Respondent's assertion that The Beehive did not use water after it closed in 2015.

10. W. Va. Code § 6B-2-5(j) prohibits a public official from voting on a matter in which a business with which they are associated has a financial interest.

Relevant Legal Provision

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

(1) Public officials, excluding members of the Legislature who are governed by subsection (i) of this section, may not vote on a matter:

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(A) In which they, an immediate family member, or a business with which they or an immediate family member is associated have a financial interest. Business with which they are associated means a business of which the person or an immediate family member is a director, officer, owner, employee, compensated agent, or holder of stock which constitutes five percent or more of the total outstanding stocks of any class.

Conciliation of Violation

I, Tammy Porter, Respondent, agree that I violated the above-referenced provision of the West Virginia Governmental Ethics Act. In order to resolve this matter, I am entering into this Agreement. For this Conciliation Agreement to be finalized, I understand that the Ethics Commission must approve it and must 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 fine in the amount of \$250 to be paid on or before April 1, 2018;
2. A public reprimand, and
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 March 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 to the Probable Cause Review Board, where it will be

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Tammy Porter
Conciliation Agreement
VCRB 2016-108
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processed in accordance with the West Virginia Code and the Ethics Commission's Legislative Rules.

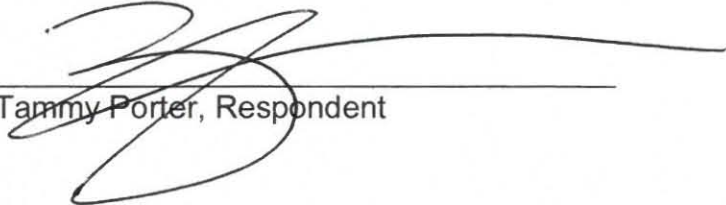
If the Ethics Commission approves the Agreement, it will enter an Order in which it approves the Agreement and sets forth the sanctions listed above.

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.

2/1/18
Date


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

1/22/18
Date


Tammy Porter, Respondent

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COMMISSION'S ORDER

After considering the FINDINGS OF FACT, RELEVANT LEGAL PROVISION 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 Tammy Porter 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. A fine in the amount of \$250 to be paid on or before April 1, 2018;
2. A public reprimand, and
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 March 1, 2018. Tammy Porter shall provide written confirmation of the completion of this training to the Ethics Commission.

2/1/18
Date


Robert J. Wolfe, Chairperson
West Virginia Ethics Commission