

BEFORE THE WEST VIRGINIA ETHICS COMMISSION

IN RE:

COMPLAINT NO. VCRB 2018-49


**MIKE ADAMS,
Board Member,
Preston County Public Service District #1**

CONCILIATION AGREEMENT

The West Virginia Ethics Commission and Mike Adams freely and voluntarily enter into the following Conciliation Agreement pursuant to West Virginia Code § 6B-2-4(t) to resolve all potential charges arising from allegations in the above-referenced complaint.

FINDINGS OF FACT

1. Mike Adams (“Respondent” or “Adams”) is a board member of the Preston County Public Service District # 1 (“PSD”).
2. At all times pertinent herein, 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 public officials, such as Adams. W. Va. Code §§ 6B-1-1 through 6B-3-11.
4. The PSD is governed by a three-member board and has only had four employees at any one time.
5. At all times pertinent herein, the Respondent’s son was employed by the PSD. The Respondent’s son began his employment with the PSD on or about April 11, 2012, and left his employment with the PSD on or about July 30, 2019.

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6. On November 29, 2016, during a regular meeting, the PSD board unanimously approved an incentive pay policy proposal that benefited PSD employees, including the Respondent's son. The Respondent both participated in the deliberation and voted on this item.

7. On January 23, 2018, during a regular meeting, the PSD board unanimously approved raising the pay of three PSD employees, including the Respondent's son, to rates comparable to the average rates of those holding similar positions in the United States. The Respondent both participated in the deliberation and voted on this item.

8. On June 19, 2018, the PSD board unanimously approved realigning the duties of the former Chief Operator's job between two employees. One employee was given Field Operator duties, and the Respondent's son, a water operator, was given Plant Operator duties. The vote regarding the realignment of duties did not come with wage increases. The Respondent both participated in the deliberation and voted on this item.

9. The Respondent denies that he was aware of the voting prohibitions in the Ethics Act and relevant Legislative Rule. Adams acknowledges that ignorance of the law is not a defense, and he has fully cooperated with the Ethics Commission staff.

RELEVANT LEGAL PROVISIONS

W. Va. Code § 6B-2-5(j)(1)(C) states that a public official may not vote on a matter affecting the employment or working conditions of the public official's relative or person with whom the public official resides.

W. Va. Code § 6B-1-3 provides:

(m) "Relative" means spouse, mother, father, sister, brother, son, daughter, grandmother, grandfather, grandchild, mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law or daughter-in-law.

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W. Va. Code R. § 158-6-3 provides, in relevant part:

3.6 A public official may not vote on matters affecting the employment or working conditions of a relative unless the relative is a member of a class of persons affected. A class shall consist of not fewer than five similarly situated persons. For a public official's recusal to be effective, he or she must excuse him or herself from participating in the discussion and decision-making process by physically removing him or herself from the room during the period, fully disclosing his or her interests and recusing him or herself from voting on the issue.

CONCILIATION OF VIOLATION

I, Mike Adams, the Respondent, admit that I violated West Virginia Code § 6B-2-5(j)(1)(C), when I deliberated and voted on matters affecting the employment and working conditions of my son.

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 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 fine in the amount of \$500 to be paid to the West Virginia Ethics Commission on or before October 31, 2019,
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 ethics.wv.gov, before October 31, 2019. 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 before the Probable Cause Review Board, where it

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will be processed in accordance with the West Virginia Code and 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 West Virginia Code § 6B-2-4(t), this Conciliation Agreement and Commission Order must be made available to the public.

10/3/19
Date

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

9-24-19
Date

Mike Adams
Mike Adams, Respondent

BEFORE THE WEST VIRGINIA ETHICS COMMISSION

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**MIKE ADAMS,
Board Member,
Preston County Public Service District #1**

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 Mike Adams 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 \$500 to be paid to the West Virginia Ethics Commission on or before October 31, 2019,
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 ethics.wv.gov before October 31, 2019. Mike Adams shall provide written confirmation of the completion of this training to the Ethics Commission.

Date

10/3/19

Robert J. Wolfe
Chairperson
West Virginia Ethics Commission