

BEFORE THE WEST VIRGINIA ETHICS COMMISSION

**IN RE:
Tia Robertson,
Former Auditor,
City of Charleston**

COMPLAINT NO. VCRB 2021-45

CONCILIATION AGREEMENT

The West Virginia Ethics Commission and Tia Robertson 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 in the above-referenced Complaint.

FINDINGS OF FACT

1. Tia Robertson ("Robertson" or "Respondent") was the City of Charleston Auditor from July 1, 2015, until August 16, 2021.
2. At all times pertinent herein, Tia Robertson was a "public employee" 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 West Virginia Ethics Act committed by public employees or officials, such as Robertson. W. Va. Code §§ 6B-1-1 through 6B-3-11.
4. Robertson, as the City Auditor, was responsible for overseeing the City's Accounting Department, including supervising the Department's four employees.

TR TR

Tia Robertson
Conciliation Agreement
VCRB 2021-45
Page 2 of 5

5. Robertson had a subordinate employee perform personal tasks for Robertson during the work day. For example, the subordinate employee would shop for cards or gifts for Robertson's friends or family members and buy or return items at the local mall or other stores for Robertson. Robertson asserts that she only asked the employee to perform the tasks during the employee's lunch period if Robertson believed the employee was going out for lunch. The employee asserts she felt compelled to perform the personal tasks for Robertson and that sometimes she performed the personal tasks for Robertson on work time. The subordinate employee performed these tasks at various times throughout the six years that she worked with Robertson.

6. On one occasion, one of Robertson's subordinate employees spent a significant amount of time shopping and preparing the food for and helping at a birthday party that Robertson had for one of Robertson's family members. The employee did not perform the personal work for the party during work hours nor was the birthday party during work hours. The employee, however, asserts that she did not volunteer to help with this party and she felt coerced into helping. Robertson denies knowing that her subordinate employee felt compelled to assist with the family member's birthday party and believed that she and the employee were mutual friends. Robertson paid for the food and asserts she paid the employee for helping her.

7. Robertson states that she understands that being in a supervisory role can unfairly and inappropriately cause an employee to feel coerced into doing personal errands for a supervisor. Robertson states that none of her requests for personal services was ever a condition of the subordinate's continued employment. Robertson

Tia Robertson
Conciliation Agreement
VCRB 2021-45
Page 3 of 5

states that she believed she and the employee were friends and denies knowing that the employee felt coerced.

8. Neither the Respondent nor the subordinate employee can state with certainty how many hours or times that the subordinate employee performed personal services for the Respondent over the last six years. The Respondent agrees, for purposes of bringing closure to this matter for herself and other affected persons, that when the totality of the circumstances are considered, the time spent by the subordinate employee performing personal services for her was more than trivial.

RELEVANT LEGAL PROVISIONS

W. Va. Code § 6B-2-5(b) 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. § 158-6-4 (2017) states, in relevant part:

4.1. After work hours - Public officials and public employees may not use subordinate employees for their private gain or that of another person as an implied or express condition to their continued employment. An example of prohibited conduct would be a public official requiring a subordinate employee to perform personal errands for the official in order to maintain his or her public employment.

4.2. During work hours - Public officials and public employees may not use subordinate employees during work hours to perform private work or provide personal services for their benefit or that of another person. An example of prohibited conduct would be a public employee supervisor requiring state employees to repair a garage or pave a driveway for the supervisor during work hours. This subsection does not apply to de minimis work or services.

TR TR

Tia Robertson
Conciliation Agreement
VCRB 2021-45
Page 4 of 5

CONCILIATION OF VIOLATION

I, Tia Robertson, the Respondent, was unaware of Legislative Rules, W. Va. Code R §§ 158-6-4.1 and 158-6-4.2, set out above, but hereby admit that having a subordinate employee run personal errands for me did not comply with the private gain restrictions in the Ethics Act, W. Va. Code § 6B-2-5(b), and related Legislative Rule, W. Va. Code R. § 158-6-4 (2017). I further admit that it was inappropriate for me to have my subordinate employee prepare the food for a family birthday party. I further acknowledge that requesting a subordinate to perform private tasks for me, whether compensated or not, might lead to the perception that compliance with such requests was a condition of employment due to the inherent disparity in power between a supervisor and a subordinate.

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

1. A fine in the amount of \$2,000 to be paid to the West Virginia Ethics Commission within 30 days of the entrance of this Order approving the Conciliation Agreement.
2. To undergo training on the West Virginia Governmental Ethics Act within 30 days of entrance of this Order approving the Conciliation Agreement.
3. To cease and desist from engaging in similar acts in the future.

TR TR

Tia Robertson
Conciliation Agreement
VCRB 2021-45
Page 5 of 5

I understand and agree that if the Ethics Commission declines 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 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.

8/4/22
Date


Robert J. Wolfe, Chairperson
West Virginia Ethics Commission

7/25/22
Date


Tia Robertson, Respondent

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BEFORE THE WEST VIRGINIA ETHICS COMMISSION

IN RE:

COMPLAINT NO. VCRB 2021-45

**Tia Robertson,
Former Auditor,
City of Charleston**

COMMISSION'S ORDER

After considering the Findings of Fact, Relevant Legal Provisions, and Conciliation of Violations in the Conciliation Agreement, the West Virginia Ethics Commission finds that the Conciliation Agreement is in the best interests of the State and Tia Robertson, 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 pay a fine in the amount of \$2,000 to the West Virginia Ethics Commission on or before September 6, 2022;
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 www.ethics.wv.gov before September 6, 2022. Respondent shall provide written confirmation of the completion of this training to the Ethics Commission within five business days of completing the training, and
3. Respondent shall **CEASE AND DESIST** from engaging in similar acts, in accordance with the terms of the Conciliation Agreement, in the future.

8/4/22
Date


Robert J. Wolfe, Chairperson
West Virginia Ethics Commission