

BEFORE THE WEST VIRGINIA ETHICS COMMISSION

IN RE: **COMPLAINT NOs. VCRB 2021-54**
VCRB 2021-55

Dr. Pamela Alderman,
President, Southern West Virginia
Community and Technical College

CONCILIATION AGREEMENT

The West Virginia Ethics Commission and Dr. Pamela Alderman 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. Dr. Pamela Alderman, Respondent, is the President of the Southern West Virginia Community and Technical College ("Community and Technical College").
2. At all times pertinent herein, Alderman was a "public official" or "public employee" as defined in the Ethics Act at W. Va. Code §§ 6B-1-3(j) and (k) .
3. The Ethics Commission has jurisdiction over alleged violations of the West Virginia Ethics Act committed by public employees or officials, such as Alderman. W. Va. Code §§ 6B-1-1 through 6B-3-11.

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4. William Alderman, II, is the son of Dr. Pamela Alderman. Mr. Alderman became a Community and Technical College employee in 2001, and became a faculty member in 2005.

5. On February 17, 2017, Dr. Robert Gunter, then President of the Community and Technical College, appointed William Alderman, II, to the position of Lead Faculty for Arts and Sciences. William Alderman, II, still held this position when Dr. Pamela Alderman, his mother, became the President of the Community and Technical College in May 2020.

6. In January 2021, Chief Academic Officer, Dr. Anthony Human, changed the name of the "Lead Faculty for Arts and Sciences" position to "Director of Arts and Sciences." William Alderman, II, served in the newly renamed position through the remainder of Fiscal Year 2020-2021. His official title was Interim Director of Arts and Sciences. The fiscal year ended on June 30, 2021.

7. On June 23, 2021, the Community and Technical College renewed William Alderman, II's contract for Fiscal Year 2021-2022. Dr. Pamela Alderman signed the renewed contract, in her capacity as College President but did not direct or advocate for the contract renewal. This contract, as with other Community and Technical College contracts, states that the "appointment is subject to the approval of the West Virginia Council for Community and Technical College Education, the State Budget Office, and Department of Revenue of the State of West Virginia Expenditure Schedule."

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7. In July 2021, the Community and Technical College hired Dr. Micheal Jiles to serve as the Dean of Arts and Science. Chief Academic Officer Dr. Human ceased being employed by the Community and Technical College on or around On August 12, 2021.

8. As the Dean of Arts and Science, Dr. Jiles was (and still is) the direct supervisor of William Alderman, II. Dr. Jiles recommended to President Alderman that William Alderman, II, continue to serve as the Interim Director of Arts and Science and be given a \$5,000 salary supplement plus an additional month's salary of \$5,893. Dr. Jiles also recommended that the Interim Director of the College of Mathematics, a position that is comparable to the one held by William Alderman, II, be given the same pay raise.

9. Dr. Alderman had general discussions with Dr. Jiles regarding his recommendation that her son continue to serve as the Interim Director of Arts and Science and be given a pay raise, but she did not advocate that her son be given a pay raise or continue to serve in his position. Based upon her communications with Dr. Jiles, Dr. Alderman accepted his recommendation that William Alderman, II and the Interim Director of the College of Mathematics be given pay raises.

10. By letter dated August 3, 2021, Dr. Alderman notified William Alderman, II, of his continued appointment as Interim Director of Arts and Science and his pay raise. The letter states that Alderman's appointment is contingent upon it being approved by

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the West Virginia Council for Community and Technical College Education and the West Virginia Department of Finance and Administration.

11. Dr. Alderman did not delegate the task of approving the recommendation for the reappointment of and salary increase for her son to another Community and Technical College Administrator or one of its appointed Board Members. While Dr. Alderman did not advocate that her son be given a pay raise, she acknowledges that she participated in matters affecting the working conditions of her son by having discussions with Dr. Jiles about her son's reappointment to the position, signing her son's employment contract, and authorizing the forwarding of her son's employment contract to the West Virginia Council for Community and Technical College Education for approval.

RELEVANT LEGAL PROVISION

W. Va. Code § 6B-1-3 states, in relevant part:

(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.

W. Va. Code § 6B-2-5(b) states:

Use of public office for private gain. - (1) 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

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services, without compensation, does not constitute the use of prestige of office for private gain.

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

A public official or public employee may not show favoritism or grant patronage in the employment or working conditions of his or her relative or a person with whom he or she resides: *Provided*, That as used in this subdivision, "employment or working conditions" shall only apply to government employment: *Provided, however*, That government employment includes only those governmental entities specified in subsection (a) of this section.

W. Va. Code R. § 158-6-3 (2017) states, in relevant part:

3.2. The Ethics Act prohibits public officials and public employees from knowingly and intentionally using their office or the prestige of their office for their own private gain or the private gain of another person. Nepotism is one form of the use of office for private gain because if public officials or employees use their positions to give an unfair advantage to relatives or persons with whom the public official or employee resides, the primary benefit to such action is to the public official or employee or another person rather than to the public.

3.3. "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.

3.4. A public official or employee may not influence or attempt to influence the employment or working conditions of his or her relative or a person with whom he or she resides.

3.5. A public agency, including its officials and employees, must administer the employment and working conditions of a relative of a public employee or a public official or a person with whom the public official or employee resides in an impartial manner.

3.5.a. To the extent possible, a public official or public employee may not participate in decisions affecting the employment and working conditions

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of his or her relative or a person with whom he or she resides. If he or she is one of several people with the authority to make these decisions, others with authority shall make the decisions.

3.5.b. A public official or public employee may not directly supervise a relative or a person with whom he or she resides. This prohibition includes reviewing, auditing or evaluating work or taking part in discussions or making recommendations concerning employment, assignments, compensation, bonuses, benefits, discipline or related matters. This prohibition does not extend to matters affecting a class of five or more similarly situated employees.

3.5.c. Notwithstanding the limitations in this subsection, if a public official or public employee must participate in decisions affecting the employment, working conditions or supervision of the public official or public employee's relative or a person with whom the public official or public employee resides, then:

3.5.c.1. An independent third party shall be involved in the process. A public official or public employee may not use a subordinate for the independent third party unless it is an elected public official who may not lawfully delegate the powers of his or her office, e.g., county assessor or county clerk; and

3.5.c.2. The public official or employee shall exercise his or her best objective judgment in making the decision and be prepared to justify his or her decision.

CONCILIATION OF VIOLATION

I, Dr. Pamela Alderman, the Respondent, admit that I should not have been involved in matters affecting the working conditions of my son due to the nepotism restrictions in the Ethics Act, at W. Va. Code §§ 6B-2-5(b)(1) and (4), and W. Va. Code R. § 158-6-3 (2017). I did not advocate that my son be given a pay raise or be reappointed to serve as the Interim Director of Arts and Sciences, but I acknowledge that the nepotism restrictions in the Ethics Act and related Legislative Rule restrict

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public officials and public employees from being involved in matters affecting the employment or working conditions of a relative.

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. The Respondent shall undergo training on the West Virginia Governmental Ethics Act within 30 days of entrance of this Order approving the Conciliation Agreement.
2. A fine in the amount of \$750 to be paid to the West Virginia Ethics Commission within 30 days of the entrance of this Order approving the Conciliation Agreement, and,
3. The Respondent will cease and desist from participating in matters affecting the employment and working conditions of her son.

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.

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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.

9/1/22
Date

Robert Wolfe
Chairperson
West Virginia Ethics Commission

August 22, 2022 Dr. Pamela Alderman
Date Dr. Pamela Alderman, Respondent

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IN RE:

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**Dr. Pamela Alderman,
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Community and Technical College**

COMMISSION'S ORDER

After considering the Findings of Fact, Relevant Legal Provisions, and Conciliation of Violation in the Conciliation Agreement, the West Virginia Ethics Commission finds that the Conciliation Agreement is in the best interests of the State and Dr. Pamela Alderman, 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 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 on or before October 3, 2022. Respondent shall provide written confirmation of the completion of this training to the Ethics Commission within five business days of completing the training;
2. Respondent shall pay a fine in the amount of \$750 to be paid to the West Virginia Ethics Commission on or before October 3, 2022, and
3. Respondent shall **CEASE AND DESIST** from participating in matters affecting the employment and working conditions of her son.

9/14/22
Date


Robert J. Wolfe, Chairperson
West Virginia Ethics Commission