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**BEFORE THE WEST VIRGINIA ETHICS COMMISSION**

**In Re:**
**DREMA BIAS-EVANS** **COMPLAINT NO. VCRB 2012-15**

## CONCILIATION AGREEMENT

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

## FINDINGS OF FACT

1. Respondent Drema Bias-Evans served, at all pertinent times herein, as the Assessor of Raleigh County. Her employment began in approximately 1989 and she continues to serve in that position to date.

2. Respondent admits that while serving as Assessor of Raleigh County that in approximately May 2010, she personally interviewed applicants, including her son, and made the recommendation to the Raleigh County Commission that her son be hired for employment with the Assessor's Office. Although Respondent gave public notice of the job vacancy, received resumes from other applicants, asserts that she requested advice from the staff of the West Virginia Ethics Commission on how to proceed, consulted William R. Wooton, an attorney in private practice on how to proceed, and included a subordinate supervisor in the hiring process, her direct involvement in the hiring of her son did not comply with the requirements of the Ethics Act.

3. Respondent admits that she was the final arbiter of salaries and raises for

her son and grandson. Respondent further admits to approving raises for her son and grandson which were more frequent than those given to some other employees.

4. Respondent acknowledges that her involvement in the supervision of her son and grandson was inappropriate.

5. Respondent admits that in approximately December 2011, she allowed employees to use county vehicles for the private purpose of traveling roundtrip from Beckley to Charleston to shop for and deliver Christmas items to the children of unemployed Raleigh County coal miners.

6. Respondent acknowledges that her actions in paragraphs one through five above violated the Ethics Act and desires to resolve this matter.

7. Respondent states that she regrets any impropriety. She asserts that she did not intend to use her office for the private gain or herself or others.

8. Respondent and her counsel have been cooperative with the Ethics Commission staff throughout the investigation and conciliation process.

## RELEVANT LEGAL PROVISIONS

W. Va. Code § 6B-2-5(b) provides:

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

W.Va. Code § 6B-1-3(l) provides:

> "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, daughter-in-law.

W.Va. C.S.R. § 158-6-3 (Nepotism) states, in relevant part:

> 3.2 "Relatives" are defined as individuals who are related to the public official or public employee as father, mother, son, daughter, brother, sister, or spouse.
>
> 3.5 A public official should not use his or her position for the private gain of a relative or cohabiting sexual partner by improperly giving bonuses, raises, or other employment benefits to such person.

## CONCILIATION OF VIOLATIONS

I, Drema Bias-Evans, freely and voluntarily acknowledge that, based upon my current knowledge and understanding of the West Virginia Governmental Ethics Act, I violated the Ethics Act as described in the Findings of Fact.

In order to resolve this matter, I enter into this Agreement. For this Conciliation Agreement to be finalized, the Commission must approve the Agreement and must further determine which sanctions to impose. In consideration for the settlement of this matter, I agree to the Commission's imposition of the following sanctions:

A. To cease and desist all conduct in violation of the Ethics Act;

B. To cease participation in all employment decisions and supervision involving her son and grandson, who are currently employees of the Raleigh County Assessor's Office. Such employment decisions include those regarding salary, raises, promotion, discipline, termination or lay-offs, unless the relative is a member of a class of five or more employees.

This responsibility shall be assigned to an independent public servant or public entity who is not subordinate to the Respondent. The responsible public servant or public entity may consult with and consider relevant information and recommendations from supervisory personnel of Respondent's son and grandson, excluding Respondent, in making necessary employment decisions.

C. A public reprimand against Ms. Bias-Evans regarding the admitted allegations;

D. A fine of $7,500;

E. Training on the West Virginia Ethics Act either in person or by viewing the training provided on the Ethics Commission website, at www.ethics.wv.gov, or as otherwise provided by the Ethics Commission, within six months of the entry of this Conciliation Agreement. Respondent shall provide written confirmation to the Ethics Commission within ten days of completion of this training.

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 public hearing regarding Complaint VCRB 2012-15 will be rescheduled.

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

Both parties understand that, pursuant to W.Va. Code § 6B-2-4(s), the Conciliation Agreement and Commission Order must be made available to the public.

Date: 5/7/15

Robert Wolfe, Chairperson
W.Va. Ethics Commission

Date: 4-24-15

Drema Bias-Evans, Respondent

## BEFORE THE WEST VIRGINIA ETHICS COMMISSION

**In Re:**
**DREMA BIAS-EVANS** **COMPLAINT NO. VCRB: 2012-015**

## COMMISSION'S ORDER

After considering the foregoing FINDINGS OF FACT, RELEVANT LEGAL PROVISIONS and CONCILIATION OF VIOLATIONS, the West Virginia Ethics Commission finds that the Conciliation Agreement is in the best interest of the State and the Respondent as required by W.Va. Code § 6B-2-4(s). In accordance with W.Va. Code § 6B-2-4(r), the Commission imposes the following sanctions against Respondent Drema Bias-Evans:

1. Respondent shall cease and desist all conduct in violation of the Ethics Act;

2. Respondent shall cease participation in all employment decisions and supervision involving her son and grandson, who are currently employees of the Raleigh County Assessor's Office. Such employment decisions include those regarding salary, raises, promotion, discipline, termination or lay-offs, unless the relative is a member of a class of five or more employees.

   This responsibility shall be assigned to an independent public servant or public entity that is not subordinate to the Respondent. The responsible public servant or public entity may consult with and consider relevant information and recommendations from supervisory personnel of Respondent's son and grandson, excluding Respondent, in making necessary employment decisions.

3. A public reprimand shall be issued against Respondent regarding the admitted allegations;

4. Respondent shall pay a fine of $7,500.00 to the West Virginia Ethics Commission on or before June 15, 2015 and

5. Respondent shall receive training regarding the West Virginia Ethics Act either in person or by viewing the training provided on the Ethics Commission's website, www.ethics.wv.gov, or otherwise provided by the Ethics Commission, within six months of the entry of this Conciliation Agreement. Respondent shall notify the Commission in writing upon completion of this training.

This Order was entered on the 7th day of May, 2015.

5/7/15
Date

Robert J. Wolfe, Chairperson
WV Ethics Commission