STATE OF WEST VIRGINIA
WEST VIRGINIA ETHICS COMMISSION
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CHARLESTON WV 25301-1804
(304) 558-0664 - FAX (304) 558-2169
ethics@wv.gov www.ethics.wv.gov

May 23, 2016

John W. Hawkins
13754 Audra Park Road
Volga, WV 26238

RE: VCRB 2014-006
Timothy L. McDaniel v. John W. Hawkins

Dear Mr. Hawkins:

This will confirm that you have fulfilled all of your obligations under the Conciliation Agreement dated December 3, 2015. Accordingly, the above-referenced Ethics Complaint will be closed.

You provided written confirmation that you viewed the Ethics Commission training DVD as required by your Conciliation Agreement. You also have paid the $1,000 fine required by the Agreement.

Thank you for your cooperation in fulfilling these requirements.

Sincerely,

Rebecca L. Stepto
Executive Director

RLS/meb
pc: Harry A. Smith, Esquire
McNeer, Highland, McMunn & Varner, LC
1 Randolph Avenue
P.O. Box 1909
Elkins, WV 26241

BEFORE THE WEST VIRGINIA ETHICS COMMISSION

In Re:

JOHN W. HAWKINS **VCRB 2014-006**

CONCILIATION AGREEMENT

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

FINDINGS OF FACT

1. The Respondent served as the Sheriff of Barbour County, West Virginia, from 2008 through February 2014.

2. The Sheriff's Office in Barbour County offers the use of its copy machines to the public and charges a copying fee. While Respondent was Sheriff, he kept these fees in an envelope in a drawer in the Sheriff's Tax Office. The money was not deposited in the Sheriff's Office's revenue account but was kept on hand for his office staff to make change.

3. In December 2013, office personnel discovered that $190.00 of the copying fees was missing from the envelope.

4. After the discrepancy was reported to the Respondent, the Respondent placed a note in the envelope stating that he had borrowed $200.00 from the collected copy fees.

[initials]

Within days of submitting this IOU, Respondent Hawkins repaid the money he took from the envelope.

5. The Respondent was investigated by state and federal agencies concerning mail fraud and other allegations, including those which are also contained in VCRB 2014-006.

6. As a result of the criminal investigations, on February 11, 2014, the Respondent was charged with felony mail fraud in violation of Title 18, United States Code, Section 1341, in Case No. 2:14-CR-11, in the United States District Court for the Northern District of West Virginia.

7. Respondent Hawkins pled guilty to federal insurance mail fraud on June 10, 2014, and served a one-year and one-day sentence in a federal penitentiary. As part of his plea, Respondent admitted that he staged a car accident in April 2013, and with the assistance of one of his deputies, fabricated a report for submission to an insurance company to collect $8,262.65 for vehicle damage. The Respondent was also ordered to pay full restitution to the insurance company and a special assessment fee of $100.00.

8. As part of the Respondent's guilty plea, he agreed to resign as Sherriff, to relinquish his West Virginia Law Enforcement Certification, and to never serve in any law enforcement capacity in the future. In exchange for the Respondent's guilty plea, the United States agreed not to prosecute him for any other criminal charges, including charges which form the basis for the ethics complaint in VCRB 2014-06.

9. Respondent was released from a federal penitentiary in June 2015.

[initials]

RELEVANT LEGAL PROVISION

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.

CONCILIATION OF VIOLATION

I, John W. Hawkins, 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 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:

1. A Public Reprimand;

2. 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 February 1, 2016. John W. Hawkins shall provide written confirmation of the completion of this training to the Ethics Commission, and

3. A fine in the amount of $1,000.00, payable as follows:

[initials]

I shall pay the amount of $167.00 per month by January 1, 2016; February 1, 2016; March 1, 2016; April 1, 2016; May 1, 2016, and I shall pay the final amount of $167.00 by June 1, 2016.

I understand and agree that if the Ethics Commission fails to approve this Conciliation Agreement, then this Conciliation Agreement is null and void.

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(s), this Conciliation Agreement and Commission Order must be made available to the public.

DEC 03 2015
Date

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

11/24/15
Date

John W. Hawkins, Respondent

[initials]

BEFORE THE WEST VIRGINIA ETHICS COMMISSION

In Re:

VCRB 2014-006

JOHN W. HAWKINS,
Former Sheriff,
Barbour County

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 John W. Hawkins 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:

1. A Public Reprimand;

2. A fine in the amount of $1,000.00, payable as follows: $167.00 per month by January 1, 2016; February 1, 2016; March 1, 2016; April 1, 2016, and May 1, 2016, and $165.00 by June 1, 2016, 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 February 1, 2016. John W. Hawkins shall provide written confirmation of the completion of this training to the Ethics Commission.

DEC 0 3 2015

Date

Robert J. Wolfe, Chairperson
West Virginia Ethics Commission