

**BEFORE THE STATE OF WEST VIRGINIA
ETHICS COMMISSION**

IN RE:

**EMMETT S. PUGH
Mayor of the City of Beckley**

**Complaint Nos. VCRB 2009-09
VCRB 2011-04**

PROBABLE CAUSE ORDER

On March 25, 2009, Complaint VCRB 2009-09 was filed with the Ethics Commission against Emmett S. Pugh, Mayor of the City of Beckley. Thereafter, on March 01, 2011, a second Complaint, VCRB 2011-04, was filed against Respondent Pugh. In accordance with W.Va. Code § 6B-2-4, both matters were referred to the Probable Cause Review Board, and with consent of Respondent Pugh, consolidated.

Having investigated and considered the allegations of VCRB 2009-09 and VCRB 2011-04, the Probable Cause Review Board unanimously found on March 21, 2012, that probable cause exists to believe that the Respondent, Emmett S. Pugh, violated the provisions of the Ethics Act as follows:

Count One- Respondent Pugh used his public office for his own private gain in violation of W.Va. Code § 6B-2-5(b) when he accepted a 49% ownership interest in Woodland Properties, LLC, and cash distributions totaling \$12,000.00 from Woodland Properties, LLC.

Count Two- Respondent Pugh improperly accepted a gift in violation of W.Va. Code § 6B-2-5(c) by:

- (i) Accepting a 49% ownership interest in Woodland Properties, LLC, and cash distributions arising therefrom, from individuals and/or entities which were interested parties to the City of Beckley, namely Roy Shrewsbury, Woody Duba, and/or Beaver Coal Company; and
- (ii) Accepting a payment in the amount of \$10,000.00 from Roy Shrewsbury/Woodland Properties, LLC upon his resignation/termination from the company.

Count Three- Respondent Pugh used his public office for his own private gain and the private gain of Beaver Coal Company/ Woody Duba and Roy Shrewsbury in violation of W.Va. Code § 6B-2-5(b) by:

- (i) Directing and/or authorizing the City of Beckley's Public Works Department to use, at the City's expense, City-owned equipment and City labor, to pave roads in the Woodlands Village subdivision which was being developed by Woodland Properties, LLC; and

- (ii) Directing and/or authorizing the Beckley Sanitary Board to use, at the Sanitary Board's expense, Sanitary Board equipment and labor, to install sewer lines/ infrastructure in the Woodlands Village subdivision.

Count Four- Respondent Pugh violated W.Va. Code § 6B-2-5(d) by having a financial interest in, and/or receiving the benefits of, the contracts between the City and Beaver Coal Company when the City (a) paved roads; and, (b) installed piping and infrastructure at the Woodlands Village subdivision.

Count Five- Respondent Pugh improperly accepted a gift in violation of W.Va. Code § 6B-2-5(c) by accepting a 10% ownership interest (and distributions/rental payments) in ATV at Rock, Inc. (d.b.a Burning Rock Outdoor Adventure Park) from individuals and/or entities which were interested parties to the City of Beckley, namely Roy Shrewsbury, Woody Duba, and/or Beaver Coal Company.

Count Six- Respondent Pugh used his public office for his own private gain in violation of W.Va. Code § 6B-2-5(b) when he accepted a 10% ownership interest in ATV at the Rock, Inc., and derived income in the form of distributions and rental payments.

Count Seven- Respondent Pugh used his public office for the private gain of another in violation of W.Va. Code § 6B-2-5(b) when he directed and/or authorized the placement of excavated spoils from the Beckley Intermodal Gateway (B.I.G.) project to be deposited on property owned by Beaver Coal Company, and authorized improvements to Beaver Coal Company's land.

Count Eight- Respondent Pugh used his public office for the private gain of another in violation of W.Va. Code § 6B-2-5(b) when he directed and/or authorized the City to contract directly with Roy Shrewsbury for the B.I.G. project after the City's architect, Parsons Brinkerhoff, terminated Mr. Shrewsbury's contract as one of its consultants for the B.I.G. project.

Count Nine- Respondent Pugh used his public office for his own private gain in violation of W.Va. Code § 6B-2-5(b) by inappropriately utilizing a vehicle leased in the name of the Beckley Sanitary Board, of which he is Chairman, including maintaining inaccurate mileage logs and obtaining improper mileage reimbursements.

In accordance with West Virginia Code § 6B-2-4(f), the Commission staff shall prepare a Statement of Charges and assign the matter for a public hearing to determine the truth or falsity of the charges.

Dated: March 28, 2012



JAMES E. SHEPHERD, II, Chairperson
Probable Cause Review Board