

BEFORE THE WEST VIRGINIA ETHICS COMMISSION

In Re:

J. MICHAEL IHLE,

Complaint No. VCRB 2014-126

**Former Mayor of the City of Ravenswood,
Respondent.**

STATEMENT OF CHARGES AND NOTICE OF HEARING

The Probable Cause Review Board of the West Virginia Ethics Commission entered an Order on January 25, 2017, finding that there is probable cause to believe that J. Michael Ihle, the Respondent in the above-referenced Complaint, violated the provisions of W.Va. Code § 6B-2-5(b)(1) which state, in relevant part:

(b) Use of 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.

The Probable Cause Order found that Respondent used a cellular phone, owned by the City of Ravenswood, and the City's cellular phone service plan for his 2014 House of Delegates campaign in violation of W.Va. Code § 6B-2-5(b)(1).

The Order directed that this Statement of Charges be prepared and that the matter be scheduled for a public hearing to determine the truth or falsity of the charges.

STATEMENT OF CHARGES

Jurisdiction

1. Respondent, Michael Ihle, ("Respondent") served as the elected Mayor of the City of Ravenswood, West Virginia, from July 1, 2012, until June 30, 2016.

2. Respondent was therefore a “public official” as defined in the West Virginia Governmental Ethics Act, at W.Va. Code § 6B-1-3(k).

3. The Ethics Commission has jurisdiction over alleged violations of the Ethics Act committed by public officials such as Respondent. (W.Va. Code §§ 6B-1-1 through 6B-3-11).

Facts

4. During Respondent’s tenure as Mayor, the City of Ravenswood, in accordance with its normal practices, provided him with a City-owned cellular phone.

5. In 2014, while he was still serving as Mayor, Respondent became a candidate for the West Virginia House of Delegates. On January 25, 2014, he filed a Candidate’s Certificate of Announcement with the West Virginia Secretary of State’s Office for his House of Delegate’s election campaign. On the Certificate, he listed his City-owned cellular phone number as his contact number.

6. Respondent used his City-owned cellular phone and related service plan for his 2014 West Virginia House of Delegates election campaign from approximately January 2014 until his election in November 2014, a time period of approximately 11 months.

7. The City paid a flat rate fee of \$54 per month per phone for its cellular phone service. The value of the use of the City-owned cellular phone and service plan to Respondent or his campaign or both was approximately \$594 over the 11-month period in question as Respondent and/or his campaign avoided incurring a comparable expense by using the City’s cellular phone and service plan in lieu of purchasing a cellular phone and service plan for Respondent’s campaign.

Count 1

8. The allegations set forth in paragraphs 1 through 7 are re-alleged and incorporated herein by reference.

9. Respondent knowingly and intentionally used his public office for his own private gain in violation of W.Va. Code § 6B-2-5(b)(1) by using the City-owned cellular phone and related service plan for his election campaign to the West Virginia House of Delegates.

NOTICE OF HEARING

Notice is hereby given that a PUBLIC HEARING will be held on April 26, 2017, at the offices of the West Virginia Ethics Commission, 210 Brooks Street, Third Floor Conference Room, Charleston, West Virginia, beginning at **10:00 a.m.** to determine the truth or falsity of the charges herein. The hearing will be continued until completed.

In accordance with W.Va. Code § 6B-2-4 and 158 CSR § 17-4.1, Jennifer N. Taylor will serve as the independent hearing examiner to preside at the hearing. The record compiled by the hearing examiner will then be submitted to the members of the Ethics Commission, who will make a final decision in this case.

Dated: _____

January 26, 2017

Rebecca Stepto

Rebecca L. Stepto
Executive Director

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CERTIFICATE OF SERVICE

I, Rebecca L. Stepto, Executive Director for the West Virginia Ethics Commission, do certify that I have, this 26th day of January, 2017, served a true and complete copy of the foregoing **STATEMENT OF CHARGES AND NOTICE OF HEARING** via certified U.S. mail to the following:

Michael Ihle
507 Sand Street, Apartment A
Ravenswood, WV 26164
Respondent



Rebecca L. Stepto
Executive Director
West Virginia Ethics Commission
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