BEFORE THE WEST VIRGINIA ETHICS COMMISSION

In re:

DREMA BIAS EVANS,
Assessor,
Raleigh County, West Virginia.

Complaint No. VCRB 2012-015

STATEMENT OF CHARGES AND NOTICE OF HEARING

The Probable Cause Review Board of the West Virginia Ethics Commission entered an Order on December 17, 2014, finding that there is probable cause to believe that Drema Bias Evans, the Respondent in the above referenced-Complaint, violated the provisions of *W.Va. Code* 6B-2-5(b) and *W.Va. C.S.R.* § 158-6-3. 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.

The Order found that that there is probable cause to believe that Respondent violated the provisions of the Ethics Act as follows:

Count One: That Respondent used her public office for another's private gain in violation of *W.Va. Code* §6B-2-5(b) and 158 CSR § 6-3 by being improperly involved in the hiring of her son.

Count Two: That Respondent used her public office for another's private gain in violation of *W.Va. Code* §6B-2-5(b) and 158 CSR § 6-3 by granting larger, more frequent raises to her grandson and a higher salary to her son than to other supervisors with more experience.

Count Three: That Respondent used her public office for another's private gain in violation of *W.Va. Code* §6B-2-5(b) and 158 C.S.R. § 6-3 by allowing her grandson more favorable working conditions than other similarly-situated employees.

Count Four: That Respondent used her public office for another's private gain in violation of *W.Va. Code* §6B-2-5(b) by permitting the use of county vehicles and subordinate county employees for private purposes.

STATEMENT OF CHARGES

Jurisdiction

1. Drema Bias Evans ["Evans" or "Respondent"] has been the Raleigh County Assessor since 1989.

2. Respondent is an elected public official and as such is subject to the provisions of the West Virginia Governmental Ethics Act ["Ethics Act"] as set forth in *W.Va. Code* § 6B-1-1, *et seq.*

Facts

3. On February 23, 2012, Charles Jones filed Verified Complaint No. 2012-015, which stated his concern that Respondent had violated the Ethics Act by using her position in county government to benefit her family by directly hiring her son and grandson and by hiring friends and certain employee's family members without giving public notice and consideration to other applicants or qualifications required to perform the jobs.

4. The Complaint alleges that pay raises given to Respondent's son, grandson, and "political employees" were significantly larger than those given to other employees of the Assessor's office.

5. The Complaint alleges that Respondent, her son, and grandson frequently take lunch together and that they take longer than the one-hour period allocated for lunch. It also alleges that at times Respondent's grandson cannot be accounted for during the workday or multiple workdays, but that he nonetheless still receives compensation.

6. On March 2, 2012, Complainant Jones amended his Complaint by adding an allegation that during the month of December 2011, Respondent required two of her employees, during the workday, to drive her to Charleston in a county vehicle to purchase Christmas gifts for children.

7. Respondent's son, Curtis Bias, is employed in the position of Mapper/Supervisor for the Raleigh County Assessor's Office. He was hired in this position on May 3, 2010.

8. Respondent placed advertisements in local newspapers regarding the job opening for the position of Mapper/Supervisor and received résumés from several applicants, including her son.

9. Respondent personally interviewed a number of applicants for this position, including her son, Curtis Bias.

10. Respondent personally recommended hiring her son, Curtis Bias, for the position of Mapper/Supervisor in the Assessor's Office to the Raleigh County Commission.

11. Respondent's grandson, Casey Bias, is employed in the position of Appraiser for the Raleigh County Assessor's Office. He was hired in this position in July 2007.

12. In her official capacity as Raleigh County Assessor, Respondent had access to and authority to use county vehicles and to permit employee use of county vehicles to conduct public business for the Assessor's Office.

Count One

13. The allegations set forth in paragraphs 1 through 12 are realleged and incorporated herein by reference.

14. It is hereby charged that Drema Bias Evans knowingly and intentionally used her public office for another person's private gain by personally recommending hiring her son, Curtis Bias, for the position of Mapper/Supervisor in the Assessor's Office to the Raleigh County Commission.

15. Respondent's direct involvement in the hiring of her son violated the Ethics Act, *W.Va. Code* § 6B-2-5(b).

16. Respondent's conduct also violated *W.Va. C.S.R.* § 158-6-3(3.5). A public official may not use his or her position for the private gain of a relative by improperly giving bonuses, raises, or other employment benefits to such person.

Count Two

17. The allegations set forth in paragraphs 1 through 16 are realleged and incorporated herein by reference.

18. It is hereby charged that Drema Bias Evans knowingly and intentionally used her public office for another's private gain by giving her grandson raises, based on

favoritism, which were more frequent than other employees of the Raleigh County Assessor's Office who had more experience.

19. It is hereby charged that Drema Bias Evans knowingly and intentionally used her public office for another's private gain by giving her grandson raises, based on favoritism, which were higher than other employees of the Raleigh County Assessor's Office who had more experience.

20. It is hereby charged that Drema Bias Evans knowingly and intentionally used her public office for another's private gain by giving her son a starting salary, based on favoritism, which was higher than any other supervisor in the Raleigh County Assessor's Office, including those who had more experience.

21. Respondent's conduct violated the Ethics Act, *W.Va. Code* § 6B-2-5(b).

22. Respondent's conduct also violated *W.Va. C.S.R.* § 158-6-3(3.5). A public official may not use his or her position for the private gain of a relative by improperly giving bonuses, raises, or other employment benefits to such person.

Count Three

23. The allegations set forth in paragraphs 1 through 22 are realleged and incorporated herein by reference.

24. It is hereby charged that Drema Bias Evans knowingly and intentionally used her public office for another person's private gain by allowing her grandson to work under different expectations, based on favoritism, than other employees of the Raleigh County Assessor's Office.

25. Casey Bias was permitted to take more breaks and time off from work than other employees, and often could not be accounted for during scheduled work hours, but continued to receive the same pay as other employees.

26. Respondent's conduct violated the Ethics Act, *W.Va. Code* § 6B-2-5(b).

27. Respondent's conduct also violated *W.Va. C.S.R.* § 158-6-3(3.5). A public official may not use his or her position for the private gain of a relative by improperly giving bonuses, raises, or other employment benefits to such person.

Count Four

28. The allegations set forth in paragraphs 1 through 27 are realleged and incorporated herein by reference.

29. It is hereby charged that Drema Bias Evans knowingly and intentionally used her public office for another person's private gain by instructing and/or allowing employees of the Raleigh County Assessor's Office to use public vehicles for private purposes.

30. Respondent knowingly and intentionally used her public position to instruct and/or allow employees of the Raleigh County Assessor's office to use public vehicles for travel to Charleston and/or other locations to select, purchase, and deliver Christmas gifts to a private group.

31. Respondent's conduct violated the Ethics Act, *W.Va. Code* § 6B-2-5(b).

32. Respondent's conduct also violated *W.Va. C.S.R.* § 158-6-5.

NOTICE OF HEARING

Notice is hereby given that a PUBLIC HEARING will be held on **March 17, 2015,** at the office of the West Virginia Ethics Commission, 210 Brooks Street, Third Floor

Conference Room, Charleston, West Virginia, and beginning at **9:00 a.m.** to determine the truth or falsity of the charges against Respondent which are contained in the foregoing Statement of Charges.

In accordance with *W.Va. Code* § 6B-2-4 and *W.Va. C.S.R.* § 158-17-1 et seq., the Commission will appoint an 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.

Upon the appointment of a hearing examiner, you and your attorney will be notified.

Dated: December 23, 2014

Rebecca L. Stepto
Executive Director

BEFORE THE WEST VIRGINIA ETHICS COMMISSION

In re:

DREMA BIAS EVANS,
Assessor,
Raleigh County, West Virginia.

Complaint No. VCRB 2012-015

CERTIFICATE OF SERVICE

I, Rebecca L. Stepto, Executive Director of the West Virginia Ethics Commission, do hereby certify that I have this 23rd day of December, 2014, served a true and complete copy of the foregoing Statement of Charges upon Respondent by certified mail, return receipt requested, to Respondent's counsel of record as follows:

Pat C. Fragile, Esq.
412 South Kanawha Street
Beckley, WV 25801-5621

Rebecca L. Stepto
Executive Director

BEFORE THE WEST VIRGINIA ETHICS COMMISSION

In re:

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Assessor,
Raleigh County, West Virginia

Complaint No. VCRB 2012-015

AMENDED NOTICE OF HEARING

Notice is hereby given that the PUBLIC HEARING in the above-captioned matter which was previously to be held on March 17, 2015, will be held beginning on Monday, April 27, 2015, at 10:00 a.m. at the West Virginia Ethics Commission, 210 Brooks Street, Third Floor Conference Room, Charleston, West Virginia. The hearing will continue until completed.

Attorney H. F. Salsbery will preside as the Hearing Examiner.

Dated: March 18, 2015

Rebecca L. Stepto
Executive Director

BEFORE THE WEST VIRGINIA ETHICS COMMISSION

In re:

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Raleigh County, West Virginia

Complaint No. VCRB 2012-015

CERTIFICATE OF SERVICE

I, Rebecca L. Stepto, Executive Director of the West Virginia Ethics Commission, do hereby certify that I have, this 18th day of March, 2015, served a true and complete copy of the foregoing ***Amended Notice of Hearing*** via certified mail, return receipt requested, upon:

Herschel H. Rose, III
Rose Law Office
P. O. Box 3502
Charleston, WV 25335
Counsel for Respondent

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