BEFORE THE WEST VIRGINIA ETHICS COMMISSION

IN RE:

BILL L. PAULEY
Mayor, Town of Marmet **VCRB 2013-49 and VCRB 2013-53**

CONCILIATION AGREEMENT

The West Virginia Ethics Commission and Bill L. Pauley 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 both of the above-referenced Complaints.

FINDINGS OF FACT

1. Bill L. Pauley ["Pauley"] has been the mayor of the Town of Marmet, West Virginia, intermittently for decades. He was re-elected as mayor in 2013 for a term of four years.

2. Pauley 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.*

3. The Town of Marmet held its municipal general election on June 11, 2013. The polls for the municipal general election were located at the George Buckley Recreation Center in Marmet.

4. Prior to that election, Marmet conducted early voting between May 29, 2013, and June 8, 2013, at Marmet Town Hall, where the mayor's office is also located.

5. The deadline for registering individuals to vote in the Marmet municipal general election and early voting was Monday, May 21, 2013.

6. Pauley drove individuals to Marmet Town Hall for early voting during the period between May 29, 2013, and June 8, 2013, despite having knowledge that they were either not properly registered to vote and/or were not residents of the Town of Marmet.

7. Pauley used his mayoral office to meet with the individuals referenced immediately above when they arrived at Marmet Town Hall for early voting during the period between May 29, 2013, and June 8, 2013.

8. Pauley attempted to register these individuals to vote by providing them with voter registration forms and assisting them with completion of the forms while inside his mayoral office at Marmet Town Hall during the period from May 29, 2013, and June 8, 2013, despite the fact that the May 21, 2013, voter registration deadline for the June 11, 2013, election had passed.

9. While meeting with these individuals in his mayoral office, Pauley provided those individuals with pre-completed sample ballots and/or lists of his preferred candidates for their use during voting.

10. Pauley told poll workers during the early voting period that these individuals were in fact properly registered to vote and that their votes should be accepted and counted.

11. Pauley encouraged ineligible voters to cast votes during early voting despite the fact they were not residents of the Town of Marmet, but were in fact residents of towns other than Marmet.

12. Pauley contacted the Kanawha County Voters' Registration Office on June 14, 2013, to request that 10 to 12 individuals' votes, which had been accepted by poll

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workers on a provisional basis, be counted as valid votes in the June 11, 2013, Marmet municipal general election.

13. Pauley knowingly and intentionally used his public office for private gain by using his mayoral office to attempt to register ineligible individuals to vote subsequent to the voter registration deadline and by providing those individuals with pre-completed sample ballots and/or lists of his preferred candidates.

14. Pauley knowingly and intentionally used the prestige of his public office for private gain by instructing poll workers to accept these individuals' votes.

15. Pauley's conduct violated the Ethics Act at W.Va. Code § 6B-2-5(b).

16. The Ethics Commission agrees, as part of the conciliation of the charges against Pauley, to dismiss Complaint No. VCRB 2013-053.

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, Bill L. Pauley, freely and voluntarily acknowledge that I violated the Ethics Act.

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 Ethics Commission's imposition of the following sanctions:

1. A public reprimand;
2. A fine in the amount of $2,000 to be paid before December 1, 2015;
3. Training on the West Virginia Ethics Act, either in person or by viewing the training provided on the Ethics Commission's website, at www.ethics.wv.gov, before January 1, 2016. Pauley shall provide written confirmation of the completion of this training to the Ethics Commission.

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 hearing previously scheduled on the Statement of Charges and Notice of Hearing issued shall proceed to be held.

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

10-1-15
Date

~~Robert J. Wolfe, Chairperson~~ Jack Buckalew, Acting Chairperson
West Virginia Ethics Commission

9-28-15
Date

Bill L. Pauley

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_____(initials)

BEFORE THE WEST VIRGINIA ETHICS COMMISSION

IN RE:
BILL L. PAULEY
Mayor, Town of Marmet

VCRB 2013-49 and VCRB 2013-53

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 Bill L. Pauley 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 $2,000 to be paid before December 1, 2015, 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 January 1, 2016. Bill L. Pauley shall provide written confirmation of the completion of this training to the Ethics Commission.

10-1-15
Date

Jack Buckalew, Acting Chairperson
WV Ethics Commission