

West Virginia Ethics Commission

Meeting Minutes January 7, 2021

The January 7, 2021, meeting of the West Virginia Ethics Commission was called to order in the Commission's office at 210 Brooks Street, Charleston, West Virginia, at 10:00 a.m. by Chairperson Robert J. Wolfe. Most Commissioners attended via telephone due to the Coronavirus pandemic. The public was invited to attend via telephone due to the pandemic. Mr. Wolfe introduced to the Commission John E. Roush, the newly hired staff attorney.

Present

Robert J. Wolfe, Commission chairperson
Lindsey Ashley, Commission member (by telephone)
Lynn Davis, Commission member (by telephone)
Karen Disibbio, Commission member (by telephone)
Robert Harman, Commission member (by telephone)
Suzan Singleton, Commission member (by telephone)
Terry Walker, Commission member (by telephone)
Kimberly B. Weber, Executive Director
Theresa M. Kirk, General Counsel
John E. Roush, Staff Attorney (by telephone)
Teri L. Anderson, Lobbyist Registrar (by telephone)
M. Ellen Briggs, Executive Assistant

Absent

Monté Williams, Commission member

Approve Minutes

Ms. Singleton made a motion to approve the minutes of the Commission's November 5, 2020, meeting. Ms. Davis seconded the motion, which passed as follows:

Ashley – aye
Davis – aye
Disibbio – aye
Harman – aye
Singleton – aye
Walker – aye
Wolfe – aye

2021 Commission Meeting Dates

Mr. Wolfe reported on the following 2021 Commission meeting dates which are subject to change as needed:

February 4
March 4
April 1
May 6
June 3
July 1
August 5
September 2
October 7
November 4
December 2

Recap of Previous Month

Ms. Weber provided a summary of news and developments relating to the Ethics Commission during the previous month.

Employment Exemption Requests

EE 2020-29

Martin E. Dougherty, Staff Engineer, Department of Transportation,
Division of Highways

EE 2021-01

Ryan Satterfield, Incident and Mobility Management Coordinator,
Department of Transportation, Division of Highways

Ms. Singleton moved that Employment Exemptions 2020-29 and 2021-01 be ratified. Ms. Disibbio seconded the motion, which passed as follows:

Ashley – aye
Davis – aye
Disibbio – aye
Harman – aye
Singleton – aye
Walker – aye
Wolfe – aye

Advisory Opinion 2021-01

Mr. Wolfe called upon Ms. Kirk to present Advisory Opinion 2021-01 to the Commission for consideration. Ms. Kirk presented the proposed Advisory Opinion. Ms. Disibbio made a motion that the Advisory Opinion be approved as presented. Ms. Singleton seconded the motion, which passed as follows:

Ashley – aye
Davis – aye
Disibbio – aye
Harman – aye
Singleton – aye
Walker – aye
Wolfe – aye

Approve P-card Monthly Reports

The Commission reviewed purchases on the P-card monthly reports for October and November 2020. Ms. Disibbio moved that the reports be accepted as presented. Ms. Singleton seconded the motion, which passed as follows:

Ashley – aye
Davis – aye
Disibbio – aye
Harman – aye
Singleton – aye
Walker – aye
Wolfe – aye

Approve Lobbyist Compliance Audit Reports

Mr. Wolfe called upon Ms. Weber to give a report on the results of the lobbyist audit. Ms. Weber reported that the 2019 lobbyist audit has been completed by Rowan & Associates. Mr. Rowan requested documentation from the following 20 randomly selected lobbyists to support the expenditures they reported in Lobbyist Activity Reports filed for 2019:

Michael Basile
Charlie Burd
Mark Clark
William Douglass
Kelly Goes
Tony Gregory
Erik Hingst
Greg Hoyer
Joseph Johns
Laura Martin

Pat McCune
Mark Meckler
Melanie Pagliaro
Natalie Roper
Louis Southworth
Jeff Stevens
Ben Sullivan
Juliet Terry
Wendel Turner
Joseph Ward

Each of the lobbyist's reports was found to be accurate and property documented.

A motion was made by Ms. Singleton that no further activity is required by Mr. Rowan; that there is no information disclosed in the reports relating to lobbyist compensation or other information which is not required to be disclosed pursuant to W. Va. Code § 6B-3-1, *et seq.*, and that the reports be deemed final. Ms. Disibbio seconded the motion, which passed as follows:

Ashley – aye
Davis – aye
Disibbio – aye
Harman – aye
Singleton – aye
Walker – aye
Wolfe – aye

Resolution for Lobbyist Audit

Mr. Wolfe called upon Ms. Weber to report on the proposed Resolution. Ms. Weber reported that the proposed Resolution is to set the number of lobbyist compliance audits as one to be conducted by the Commission in 2021 and each subsequent year unless changed by a subsequent resolution. A motion was made by Ms. Singleton that the proposed Resolution be approved and recorded in the minutes of the January 7, 2021, Commission meeting. Mr. Harman seconded the motion, which passed as follows:

Ashley – aye
Davis – aye
Disibbio – aye
Harman – aye
Singleton – aye
Walker – aye
Wolfe – aye

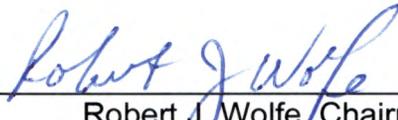
The Resolution is attached to these minutes and incorporated herein.

Adjournment

Mr. Harman made a motion to adjourn, and Ms. Singleton seconded the motion. The motion passed as follows, and the meeting was adjourned.

Ashley – aye
Davis – aye
Disibbio – aye
Harman – aye
Singleton – aye
Walker – aye
Wolfe – aye

The foregoing minutes of the West Virginia Ethics Commission were approved at the Commission's March 4, 2021, meeting.



Robert J. Wolfe, Chairperson
West Virginia Ethics Commission

ATTEST:



M. Ellen Briggs, Executive Assistant
West Virginia Ethics Commission



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RESOLUTION

WHEREAS, W. Va. Code § 6B-3-11(a) provides that the Commission shall initiate, by lottery, random audits of lobbyist registration statements and disclosure reports.

WHEREAS, the Commission may hold up to four lotteries per year. The number of lotteries held within a given year will be a matter within the Commission's discretion. W. Va. Code § 6B-3-11(b).

WHEREAS, the number of audits to be conducted will be determined by the Commission through resolutions adopted at public meetings and based on various factors, including the complexity, results and time required to complete the audits. W. Va. Code § 6B-3-11(b).

WHEREAS, the Ethics Commission has determined, by passage of a proper motion of the full Commission on January 7, 2021, that it will conduct one lobbyist audit in 2021 and each subsequent year unless changed by a subsequent resolution.

It is RESOLVED, that the Executive Director of the Commission is directed to initiate one audit of lobbyists' registration statements and disclosure reports per year in accordance with the West Virginia Ethics Act and W. Va. Code R. § 158-15-1 through 6.l.i.

It is RESOLVED FURTHER, that the ***RESOLUTION*** be recorded in the official minutes of the West Virginia Ethics Commission this 7th day of January 2021.

A handwritten signature in blue ink, reading "Robert J. Wolfe", written over a horizontal line.

Robert J. Wolfe, Chair
West Virginia Ethics Commission