

West Virginia Ethics Commission

Meeting Minutes November 2, 2023

The November 2, 2023, 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 Acting Chairperson Terry L. Walker, who was asked by Chairperson Wolfe to chair the meeting in his absence. Commissioners and the public were invited to attend in person, via video link, and via telephone. Mr. Walker welcomed Cabinet Secretary Mark Scott to the meeting.

Present

Terry L. Walker, Acting Chairperson
Joshua Cottle, Commission member (virtually)
Lynn Davis, Commission member (by telephone)
Robert Harman, Commission member (by telephone)
Suzan Singleton, Commission member (virtually)
Kimberly B. Weber, Executive Director (by telephone)
Theresa M. Kirk, General Counsel
John E. Roush, Staff Attorney
M. Ellen Briggs, Executive Assistant

Absent

Robert J. Wolfe, Commission chairperson
Karen Disibbio, Commission member

Approval of Minutes

Ms. Davis made a motion to approve the minutes of the Commission's September 7, 2023, meeting. Ms. Singleton seconded the motion, and the motion carried, as follows:

Cottle – aye
Davis – aye
Harman – aye
Singleton – aye
Walker – aye

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

Ms. Weber asked the Commission to ratify the following temporary employment exemptions that she had granted since the last Commission meeting.

EE 2023-71

Toni Rogers, Area Manager, Department of Transportation, Division of Highways

EE 2023-72

Donald Meadows, Development & Special Event Coordination Engineer, Department of Transportation, Division of Highways

EE 2023-73

Barrie F. Foster, Highway Engineer Trainee, Department of Transportation, Division of Highways

EE 2023-74

David E. Brabham, Regional Operations Engineer/Interim District Engineer/Manager, Department of Transportation, Division of Highways

EE 2023-75

Michael A. Mance, Highway Engineer Senior, Assistant Director, MCS&T Division, Department of Transportation, Division of Highways

EE 2023-76

C. Elwood Penn, IV, Director, Planning Division, Department of Transportation, Division of Highways

EE 2023-77

Steven M. Runyon, Assistant Director In-House, Engineering Division, Department of Transportation, Division of Highways

EE 2023-78

Daniel S. Watts, District Construction Engineer, Department of Transportation, Division of Highways

EE 2023-79

Craig A. Iser, District Bridge Engineer, Department of Transportation, Division of Highways

EE 2023-80

Ryan Cunningham, Highway Transportation Engineering Technician Associate, Department of Transportation, Division of Highways

EE 2023-81

Brandon G. Martin, District Engineer, Department of Transportation, Division of Highways

EE 2023-82

Thomas E. Fitzwater, Jr., District Surface Inspector, Office of Miners' Health, Safety and Training

EE 2023-83

Matthew Mollohan, District Surface Inspector, Office of Miners' Health, Safety and Training

EE 2023-84

William D. Dague, TRECNO, District Six, Materials Supervisor, Department of Transportation, Division of Highways

EE 2023-85

Donald Maynor, District Surface Inspector, Office of Miners' Health, Safety and Training

Ms. Davis moved that Employment Exemptions 2023-71 through 2023-85 be ratified. Mr. Harman seconded the motion, and the motion carried, as follows:

Cottle – aye
Davis – aye
Harman – aye
Singleton – aye
Walker – aye

Advisory Opinion 2023-13

Mr. Walker called upon Ms. Kirk to present [Advisory Opinion 2023-13](#) to the Commission for consideration. Ms. Kirk presented the proposed Advisory Opinion. She noted some technical changes made to the Advisory Opinion and responded to questions from the Commission. Mr. Harman made a motion that the Advisory Opinion be approved. Ms. Davis seconded the motion, and the motion carried, as follows:

Cottle – aye
Davis – aye
Harman – aye
Singleton – aye
Walker – aye

Contract Exemption 2023-04

Mr. Walker called upon Ms. Weber to present [Contract Exemption 2023-04](#) to the Commission for consideration. Ms. Weber presented the proposed Contract Exemption and responded to questions from the Commission. Ms. Singleton made a motion that the Contract Exemption be approved as presented. Ms. Davis seconded the motion, and the motion carried, as follows:

Cottle – aye
Davis – aye
Harman – aye
Singleton – aye
Walker – aye

Contract Exemption 2023-05

Mr. Walker called upon Ms. Weber to present [Contract Exemption 2023-05](#) to the Commission for consideration. Ms. Weber presented the proposed Contract Exemption and responded to questions from the Commission. Ms. Singleton made a motion that the Contract Exemption be approved as presented. Ms. Davis seconded the motion, and the motion carried, as follows:

Cottle – aye
Davis – aye
Harman – aye
Singleton – aye
Walker – aye

Approve Purchasing Card Monthly Reports

The Commission reviewed the purchasing card monthly reports for August and September 2023. Ms. Weber reported that invoices were available for review and recommended that the purchases be approved. A motion was made by Mr. Harman to approve the reports as presented. Ms. Singleton seconded the motion, and the motion carried, as follows:

Cottle – aye
Davis – aye
Harman – aye
Singleton – aye
Walker – aye

Executive Session

Ms. Singleton moved that the Ethics Commission go into Executive Session to consider whether to accept, reject, or modify a proposed conciliation agreement in VCRB 2018-26

with Lloyd “Allen” Cogar, the former Richwood Chief of Police, pursuant to W. Va. Code § 6-9A-4 (b)(12) of the Open Meetings Act, and W. Va. Code §§ 6B-2-4(s) and (t) of the Ethics Act, and to consider referring a complaint matter to the appropriate county prosecutor, pursuant to W. Va. Code § 6-9A-4(b)(7) and (12) in the Open Meetings Act, and W. Va. Code § 6B-2-4(w)(1) in the Ethics Act. Ms. Davis gave a second, and the motion carried, as follows:

Cottle – aye
Davis – aye
Harman – aye
Singleton – aye
Walker – aye

Conciliation Agreement

The Commission returned to public session. A motion was made by Mr. Harman that the Commission accept the Conciliation Agreement signed by Lloyd “Allen” Cogar, former Chief of Police for the City of Richwood. Ms. Davis gave a second, and the motion carried, as follows:

Cottle – aye
Davis – aye
Harman – aye
Singleton – aye
Walker – aye

Criminal Referral

Following the executive session, Mr. Cottle moved that, pursuant to W. Va. Code § 6B-2-4(w)(1), the Commission refer VCRB 2023-70 to the appropriate county prosecutor. Ms. Singleton gave a second, and the motion carried, as follows:

Cottle – aye
Davis – aye
Harman – aye
Singleton – aye
Walker – aye

Adjournment

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

Cottle – aye
Davis – aye
Harman – aye
Singleton – aye
Walker – aye

The foregoing minutes of the West Virginia Ethics Commission were approved at the Commission's December 7, 2023, meeting.

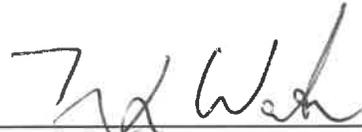
Terry L. Walker, Acting Chairperson
West Virginia Ethics Commission

ATTEST:

M. Ellen Briggs, Executive Assistant
West Virginia Ethics Commission

Cottle – aye
Davis – aye
Harman – aye
Singleton – aye
Walker – aye

The foregoing minutes of the West Virginia Ethics Commission were approved at the Commission's December 7, 2023, meeting.



Terry L. Walker, Acting Chairperson
West Virginia Ethics Commission

ATTEST:



M. Ellen Briggs, Executive Assistant
West Virginia Ethics Commission