

West Virginia Ethics Commission

Meeting Minutes September 7, 2023

The September 7, 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.

Present

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

Absent

Robert J. Wolfe, Commission chairperson

Order of the Agenda

Mr. Walker advised that the order of the agenda was being changed to accommodate a presentation from The Honorable Larry Rowe. Mr. Rowe is representing the interests of the Estate of Roger Lee Wolfe. Mr. Rowe gave his presentation and answered questions from the Commission.

Approve Minutes

Ms. Davis made a motion to approve the minutes of the Commission's July 6, 2023, meeting. Ms. Singleton seconded the motion, and the motion carried.

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 2023-51

Tommy Edens, Traffic Signal Designer, Department of Transportation, Division of Highways

EE 2023-52

Larry Shea, Highway Engineer Senior, Department of Transportation, Division of Highways

EE 2023-53

Christopher J. Kinsey, Deputy Business Manager – Programs, Department of Transportation

EE 2023-54

Gulpiye Abudukadier, Assistant Contract Analytics Coordinator, Department of Transportation, Division of Highways

EE 2023-55

Steven G. Schumacher, District 8, Construction Engineer, Department of Transportation, Division of Highways

EE 2023-56

William R. Murray, Transportation Engineer, Department of Transportation, Division of Highways

EE 2023-57

Gary C. Kessell, Division Manager 2, Department of Transportation, Division of Highways

EE 2023-58

Josh Holley, Highway Engineer Associate, Department of Transportation, Division of Highways

EE 2023-59

Brandi Krofcheck, ATMS and Field Devices Manager, Department of Transportation, Division of Highways

EE 2023-60

Christopher B. Fields, HTRTEN3, Department of Transportation, Division of Highways

EE 2023-61

Russell L. Kees, Assistant Director, Contract Administration, Department of Transportation, Division of Highways

EE 2023-62

Christian T. Holstein, Nosology and HR Specialist (Temporary Upgrade), BPH HSC, Vital Registration, Department of Health and Human Resources

EE 2023-63

Jonathan Bailey, HTRETCN - D-1 Materials Supervisor, Department of Transportation, Division of Highways

EE 2023-64

Todd W. Keplinger, Materials Supervisor, Department of Transportation, Division of Highways

EE 2023-65

Noah Staker, Highway Engineer Trainee II, Department of Transportation, Division of Highways

EE 2023-66

Carl B. Bulson, Staff Engineer/Transportation Engineer Trainee 2, Department of Transportation, Division of Highways

EE 2023-67

Eliot R. Watson, Materials Office Coordinator, Department of Transportation, Division of Highways

EE 2023-68

Meagan Atkinson, Project Supervisor/TRETSR, Department of Transportation, Division of Highways

EE 2023-69

Roy Anson Cline, Transportation Engineering Analyst, Traffic Design, Temporary Traffic Control, Department of Transportation, Division of Highways

EE 2023-70

David Scott Abbott, Integrated Construction Technologies Supervisor, Department of Transportation, Division of Highways

Ms. Davis moved that Employment Exemptions 2023-51 through 2023-70 be ratified. Mr. Harman seconded the motion, and the motion carried.

Advisory Opinion 2023-08

Mr. Walker called upon Ms. Kirk to present [Advisory Opinion 2023-08](#) to the Commission for consideration. Ms. Kirk presented the proposed Advisory Opinion. Mr. Harman made a motion that the Advisory Opinion be approved as presented. Ms. Singleton seconded the motion, and the motion carried.

Advisory Opinion 2023-09

Mr. Walker called upon Mr. Herrick to present [Advisory Opinion 2023-09](#) to the Commission for consideration. Mr. Herrick presented the proposed Advisory Opinion. Ms. Davis made a motion that the Advisory Opinion be approved as presented. Ms. Disibbio seconded the motion, and the motion carried.

Advisory Opinion 2023-10

Mr. Walker called upon Ms. Weber to present [Advisory Opinion 2023-10](#) to the Commission for consideration. Ms. Weber presented the proposed Advisory Opinion and responded to questions from the Commission. Ms. Singleton made a motion that the Advisory Opinion be approved as presented. Ms. Davis seconded the motion, and the motion carried.

Advisory Opinion 2023-11

Mr. Walker called upon Ms. Weber to present [Advisory Opinion 2023-11](#) to the Commission for consideration. Ms. Weber presented the proposed Advisory Opinion. Ms. Singleton made a motion that the Advisory Opinion be approved as presented. Mr. Harman seconded the motion, and the motion carried.

Advisory Opinion 2023-12

Mr. Walker called upon Ms. Kirk to present [Advisory Opinion 2023-12](#) to the Commission for consideration. Ms. Kirk presented the proposed Advisory Opinion. Ms. Singleton made a motion that the Advisory Opinion be approved as presented. Mr. Harman seconded the motion, and the motion carried.

2023 COGEL Conference

Ms. Weber requested approval to attend The Council on Governmental Ethics Laws' (COGEL) annual conference on Sunday, December 3, through Wednesday, December 6, at the Westin Kansas City at Crown Center, Kansas City, Missouri. A motion was made by Mr. Harman that Ms. Weber be approved to attend the COGEL Conference in December 2023. Ms. Singleton gave a second, and the motion carried.

Approve P-card Monthly Reports

The Commission reviewed the P-card monthly reports for June and July 2023. A motion was made by Ms. Disibbio to approve the reports as presented. Mr. Harman seconded the motion, and the motion carried.

Legislative Rule

Ms. Kirk reported that the West Virginia Legislative Rule Making Review Division, in consultation with the Chairpersons of the Rule-Making Review Committee, has requested that the Ethics Commission withdraw its proposed Legislative Rule governing lobbyists, Title 158, Series 12. Ms. Kirk explained that the Ethics Commission's authority to promulgate rules relating to lobbyists and grass roots lobbying is very narrow and unclear in the Code. The Rule-Making Review Committee will request one of its attorneys to draft legislation to incorporate needed changes in the Act to clear up this technical ambiguity. The West Virginia Code allows state agencies to withdraw pending Legislative Rules. Once the proposed Rule is withdrawn, the Rule language remains in its existing form. Ms. Disibbio made a motion that the Commission approve the withdrawal of the proposed Rule. Mr. Cottle gave a second, and the motion carried.

Executive Session

Ms. Davis moved that the Ethics Commission go into Executive Session to consider VCRB 2008-20 Roger Wolfe (deceased) former Mayor of Dunbar, Estate of Roger Lee Wolfe's Application for Waiver of Lien on the Estate, pursuant to W. Va. Code § 6-9A-4(12) in the Open Meetings Act and the attorney-client privilege, and to consider settlement terms in a proposed Conciliation Agreement in VCRB 2022-03 with Gary Keith, former City Council Member, City of Clarksburg, pursuant to W. Va. Code § 6B-2-4(s) and § 6-9A-4(12). Ms. Disibbio gave a second, and the motion carried.

VCRB 2008-20 Roger Lee Wolfe (deceased)

Upon return to the public session, Ms. Davis made a motion that based upon the Application for Waiver of Lien, the documentation provided, and the totality of the circumstances relating to Mr. Wolfe's health and finances at the time of his death, that the Commission waive its lien and claims against the Estate of Roger Lee Wolfe. Ms. Singleton gave a second, and the motion carried.

VCRB 2022-03 Gary Keith, former City Council Member, City of Clarksburg

Ms. Davis moved that the Commission accept the proposed Conciliation Agreement in the matter VCRB 2022-03 Gary Keith, former City Council Member, City of Clarksburg. Mr. Cottle gave a second, and the motion carried.

Adjournment

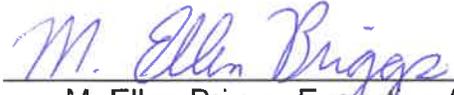
Ms. Singleton made a motion to adjourn, and Mr. Cottle seconded the motion. The motion passed, and the meeting was adjourned.

The foregoing minutes of the West Virginia Ethics Commission were approved at the Commission's November 2, 2023, meeting.



Terry L. Walker, Acting Chairperson
West Virginia Ethics Commission

ATTEST:



M. Ellen Briggs, Executive Assistant
West Virginia Ethics Commission