

BEFORE THE WEST VIRGINIA ETHICS COMMISSION

In Re:

LISA HOLSTEIN,

VCRB 2021-30

**Threat Preparedness Coordinator,
Boone County Health Department,**

Respondent.

STATEMENT OF CHARGES AND NOTICE OF HEARING

The Probable Cause Review Board of the West Virginia Ethics Commission entered an Order on April 22, 2022, finding that there is probable cause to believe that Lisa Holstein, the Respondent in the above-referenced Complaint, violated the following provisions in the Ethics Act and the Ethics Commission's Legislative Rules:

W. Va. Code § 6B-2-5(b)(1) states, in relevant part:

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.

W. Va. Code § 6B-2-5(b)(4) states, in relevant part:

A public official or public employee may not show favoritism or grant patronage in the employment or working conditions of his or her relative or a person with whom he or she resides

W. Va. Code R. § 158-6-3 (2017) states, in relevant part:

3.1. As used in this section, the term "nepotism" means favoritism shown or patronage granted in employment or working conditions by a public official or public employee to relatives or persons with whom the public official or public employee resides.

3.2. The Ethics Act prohibits public officials and public employees from knowingly and intentionally using their office or the prestige of their office for their own private gain or the private gain of another person. Nepotism

is one form of the use of office for private gain because if public officials or employees use their positions to give an unfair advantage to relatives or persons with whom the public official or employee resides, the primary benefit to such action is to the public official or employee or another person rather than to the public.

3.3. "Relative" means spouse, mother, father, sister, brother, son, daughter, grandmother, grandfather, grandchild, mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law or daughter-in-law.

3.4. A public official or employee may not influence or attempt to influence the employment or working conditions of his or her relative or a person with whom he or she resides.

3.5. A public agency, including its officials and employees, must administer the employment and working conditions of a relative of a public employee or a public official or a person with whom the public official or employee resides in an impartial manner.

3.5.a. To the extent possible, a public official or public employee may not participate in decisions affecting the employment and working conditions of his or her relative or a person with whom he or she resides. If he or she is one of several people with the authority to make these decisions, others with authority shall make the decisions.

3.5.b. A public official or public employee may not directly supervise a relative or a person with whom he or she resides. This prohibition includes reviewing, auditing or evaluating work or taking part in discussions or making recommendations concerning employment, assignments, compensation, bonuses, benefits, discipline or related matters. This prohibition does not extend to matters affecting a class of five or more similarly situated employees.

....

The Probable Cause Review Board found that Respondent Lisa Holstein showed favoritism to her daughter and son, influenced or attempted to influence her daughter's and son's employment and working conditions; made or participated in decisions affecting their employment and working conditions, and directly supervised them in

violation of W. Va. Code §§ 6B-2-5(b)(1) and 6B-2-5(b)(4) and W. Va. Code R. § 158-6-3(2017).

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.

STATEMENT OF CHARGES

Jurisdiction

1. Lisa Holstein (“Respondent”) was employed as the Threat Preparedness Coordinator of the Boone County Health Department (“Health Department”) at all times relevant herein.

2. As an employee of a county health department, the Respondent is a “public employee” as defined in the Ethics Act, at W. Va. Code § 6B-1-3(j).

3. The Ethics Commission has jurisdiction over alleged violations of the Ethics Act committed by West Virginia public employees such as the Respondent. W. Va. Code §§ 6B-1-1 through 6B-3-11.

Facts

4. Prior to becoming the Threat Preparedness Coordinator, Respondent was the Health Department’s Strategic National Stockpile Coordinator.

5. Respondent became the Health Department’s Threat Preparedness Coordinator in the summer of 2017.

6. The day-to-day operations of the Health Department are overseen by the Health Department’s Administrator. The Threat Preparedness Coordinator is under the

supervision of the Health Department Administrator. The Health Department is also governed by an appointed board of directors.

Count One—Sarah Brown

7. The allegations set forth in paragraphs 1 through 6 are re-alleged and incorporated herein by reference.

8. Sarah Brown is the Respondent's daughter.

9. Sarah Brown became a part-time employee of the Health Department on October 9, 2017. Her title was Office Assistant II, but she was referred to as the Threat Preparedness Assistant, and, based upon information and belief, she reported directly to the Respondent, her mother.

10. The position of Threat Preparedness Assistant did not exist prior to Sarah Brown's hire.

11. Based upon information and belief, Respondent facilitated the hiring of Sarah Brown for the Threat Preparedness Assistant job by not advertising for the position and considering only the lone applicant - her daughter.

12. Sarah Brown's hire was never on a Health Department Board agenda, nor did the Board formally vote to approve the hire.

13. The Health Department initially paid Sarah Brown a rate of \$15 per hour. Based upon information and belief, after consulting with the West Virginia Division of Personnel, Respondent changed Sarah Brown's rate of pay to \$12 per hour to make it consistent with the state salaries in the classified service for that position. Sarah Brown did not receive any benefits such as annual leave or health insurance.

14. Sarah Brown's job duties included organizing supplies and equipment, inputting data into the computer system for tracking supplies and equipment, preparing materials and supplies for health fairs, and inputting testing and vaccine data.

15. Based upon information and belief, the Respondent directly supervised Sarah Brown by assigning her daily tasks and participating in other decisions affecting her daughter's working conditions.

16. Based upon information and belief, Sarah Brown primarily performed work for the Respondent, but she would occasionally perform work for other Health Department employees.

17. Sarah Brown ceased being employed as the Threat Preparedness Assistant in approximately June 2019. Her final paycheck as the Threat Preparedness Assistant was issued by the Health Department on June 28, 2019.

18. Between September 16, 2019, and June 25, 2021, Respondent then hired Sarah Brown as a Health Department contract employee to perform various inventory duties. Sarah Brown was paid an additional \$920.93 by the Health Department for her work as a contract employee.

19. Sarah Brown is no longer employed by the Health Department.

20. The Respondent showed favoritism to her daughter by facilitating her daughter's employment with the Boone County Health Department as both a part-time employee and as a contract employee. The Respondent further influenced or attempted to influence her daughter's hiring and made or participated in decisions affecting her daughter's employment and working conditions. The positions for which her daughter was hired at the Health Department were not advertised, no other

candidates were solicited or considered for the positions, and the Respondent was involved in the decision to hire her daughter. The actions of the Respondent violated W. Va. Code § 6B-2-5(b)(1), W. Va. Code § 6B-2-5(b)(4), W. Va. Code R. § 158-6-3.4 (2017), and W. Va. Code R. § 158-6-3.5.a. (2017).

Count Two–Sarah Brown

21. The allegations set forth in paragraphs 1 through 20 are re-alleged and incorporated herein by reference.

22. The Respondent directly supervised her daughter at the Health Department during her daughter’s employment as both a part-time employee and as a contract worker. Sarah Brown reported directly to the Respondent, and the Respondent directed her day-to-day activities. The actions of the Respondent violated W. Va. Code § 6B-2-5(b)(1), W. Va. Code § 6B-2-5(b)(4), W. Va. Code R. § 158-6-3.4 (2017), and W. Va. Code R. § 158-6-3.5.b. (2017).

Count Three–Matthew Holstein

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

24. Matthew Holstein is the Respondent’s son.

25. Matthew Holstein began work as a part-time employee of the Health Department on August 19, 2019.

26. His title was Office Assistant II, but he was referred to as the Threat Preparedness Assistant.

27. Matthew Holstein’s title was changed to Health and Human Resources (“HHR”) Associate on November 4, 2019, per the advice of a West Virginia Division of

Personnel Specialist. Based upon information and belief, the title change request was submitted by the Respondent but did not result in any change in salary.

28. Matthew Holstein was paid at a rate of \$12 per hour, and he did not receive any benefits such as annual leave or health insurance. Based upon information and belief, Matthew Holstein reported directly to Respondent, his mother.

29. Based upon information and belief, Respondent facilitated the hiring of Matthew Holstein for the Threat Preparedness Assistant position by not advertising for the position and considering only the lone applicant – her son.

30. Matthew Holstein's hire was never on a Health Department Board agenda, nor did the Board formally vote to approve the hire.

31. Matthew Holstein's job duties included organizing supplies and equipment, inputting data into the computer system for tracking supplies and equipment, preparing materials and supplies for health fairs, and inputting testing and vaccine data.

32. Based upon information and belief, the Respondent directly supervised Matthew Holstein by assigning him daily tasks and participated in decisions affecting Matthew Holstein's working conditions.

33. Based upon information and belief, Matthew Holstein primarily performed work for the Respondent, but he would occasionally perform work for other Health Department employees.

34. The instant Complaint was filed by the current Health Department Administrator, Rachel Smith, on behalf of the Health Department. Following the filing of this Ethics Complaint, based upon information and belief, the Health Department

suspended or terminated Matthew Smith's employment with the Health Department and ceased paying him.

35. The Respondent showed favoritism to her son by facilitating her son's employment with the Boone County Health Department as a part-time employee. The Respondent further influenced or attempted to influence her son's hiring and made or participated in decisions affecting her son's employment and working conditions. The position for which her son was hired at the Health Department was not advertised, no other candidates were solicited or considered for the positions, and the Respondent was involved in the decision to hire her son. The actions of the Respondent violated W. Va. Code § 6B-2-5(b)(1), W. Va. Code § 6B-2-5(b)(4), W. Va. Code R. § 158-6-3.4 (2017), and W. Va. Code R. § 158-6-3.5.a. (2017).

Count Four—Matthew Holstein


36. The allegations set forth in paragraphs 1 through 35 are re-alleged and incorporated herein by reference.

37. The Respondent directly supervised her son's employment at the Health Department. Matthew Holstein reported directly to the Respondent, and the Respondent directed his day-to-day activities. The actions of the Respondent violated W. Va. Code § 6B-2-5(b)(1), W. Va. Code § 6B-2-5(b)(4), W. Va. Code R. § 158-6-3.4 (2017), and W. Va. Code R. § 158-6-3.5.b. (2017).

NOTICE OF HEARING

Notice is hereby given that a PUBLIC HEARING will be held on Thursday, July 14, 2022, at the offices of the West Virginia Ethics Commission, 210 Brooks Street, Third Floor Conference Room, Charleston, West Virginia, beginning at 10:00 a.m. before an independent hearing examiner to be selected at a later date, to determine the truth or falsity of the charges herein. The hearing will be continued until completed.

Dated: April 25, 2022



Kimberly B. Weber
Executive Director

BEFORE THE WEST VIRGINIA ETHICS COMMISSION

In Re:

LISA HOLSTEIN,

VCRB 2021-30

**Threat Preparedness Coordinator,
Boone County Health Department,**


Respondent.

CERTIFICATE OF SERVICE

I, Kimberly B. Weber, Executive Director of the West Virginia Ethics Commission, hereby certify that I mailed a true and complete copy of the foregoing **STATEMENT OF CHARGES AND NOTICE OF HEARING** on April 25, 2022, to:

Via U.S. Mail and Certified Mail, Return Receipt Requested:
Lisa Holstein
68 Horse Branch Hollow Road
Danville, WV 25053
Respondent

Via Email and Hand Delivery:
Andrew R. Herrick, Esquire
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