

West Virginia Ethics Commission

Meeting Minutes January 5, 2024

The January 5, 2024, 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. Commissioners and the public were invited to attend in person, via video link, and via telephone. Mr. Wolfe welcomed the Department of Administration Cabinet Secretary, Mark Scott, to the meeting.

Present

Robert J. Wolfe, Commission chairperson
Joshua Cottle, Commission member (virtually)
Lynn Davis, Commission member (by telephone)
Karen Disibbio, Commission member (by telephone)
Robert Harman, Commission member (by telephone)
Terry L. Walker, Commission member (by telephone)
Kimberly B. Weber, Executive Director
Theresa M. Kirk, General Counsel
M. Ellen Briggs, Executive Assistant
Rachel Carpenter, Lobbyist Registrar

Absent

Suzan Singleton, Commission member

Approval of Minutes

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

Cottle – aye
Davis – aye
Disibbio – aye
Harman – aye
Walker – aye
Wolfe – abstained

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 2023-89

Stephen T. Rumbaugh, Chief Engineer of Construction, Department of Transportation, Division of Highways

EE 2023-90

Ryan E. Arnold, TENGR – Area Engineer, Department of Transportation, Division of Highways

EE 2023-91

Michele Woodall, Realty Agent II, Department of Transportation, Division of Highways

EE 2023-92

George Roling, Transportation Engineer in Training 2, Department of Transportation, Division of Highways

EE 2023-93

Michael Carter, PS&E Manager, Quality Assurance and Project Management Section, Department of Transportation, Division of Highways

Ms. Davis moved that Employment Exemptions 2023-89 through 2023-93 be ratified. Ms. Disibbio seconded the motion, and the motion carried, as follows:

Cottle – aye
Davis – aye
Disibbio – aye
Harman – aye
Walker – aye
Wolfe – aye

Advisory Opinion 2024-01

Mr. Wolfe called upon Ms. Kirk to present [Advisory Opinion 2024-01](#) 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. Davis seconded the motion, and the motion carried.

Cottle – aye
Davis – aye
Disibbio – aye
Harman – aye
Walker – aye
Wolfe – aye

Approve Purchasing Card Monthly Report

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

Cottle – aye
Davis – aye
Disibbio – aye
Harman – aye
Walker – aye
Wolfe – aye

Resolution for Lobbyist Audit

Mr. Wolfe called upon Ms. Weber to present the proposed Resolution setting the number of lobbyist audits to be conducted in 2024, and each subsequent year unless changed by a subsequent resolution. Ms. Weber read the Resolution. A motion was made by Ms. Davis to approve the proposed Resolution and that the Resolution be recorded in the minutes of the January 5, 2024, Commission meeting. Ms. Disibbio seconded the motion, which passed as follows:

Cottle – aye
Davis – aye
Disibbio – aye
Harman – aye
Walker – aye
Wolfe – aye

The Resolution is attached to these minutes and incorporated herein.

Lobbyist Application Upgrade

Mr. Wolfe called upon Ms. Weber to present a proposal to update the current Lobbyist Application. Lobbyist Registrar Rachel Carpenter and IT Project Manager Joann Sturgeon were present at this meeting. Information such as cost, purpose, assessments, and scope were provided to the Commission members in advance of the meeting. Discussion ensued, and a motion was made by Mr. Harman that the Commission grant

Commission grant approval for the upgrade, at an estimated cost of \$32,550. Cabinet Secretary Scott assured the Commission that he would approve a secretary transfer of funds should the Commission need such funds. Ms. Disibbio seconded the motion, which passed as follows:

Cottle – aye
Davis – aye
Disibbio – aye
Harman – aye
Walker – aye
Wolfe – aye

Adjournment

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

Cottle – aye
Davis – aye
Disibbio – aye
Harman – aye
Walker – aye
Wolfe – aye

The foregoing minutes of the West Virginia Ethics Commission were approved at the Commission's March 7, 2024, 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 5, 2024, that it will conduct one lobbyist lottery auditing 20 lobbyists in 2024 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 lottery auditing 20 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 5th day of January 2024.

A handwritten signature in blue ink, reading "Robert J. Wolfe".

Robert J. Wolfe, Chair
West Virginia Ethics Commission