

West Virginia Ethics Commission

Meeting Minutes February 2, 2023

The February 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 Chairperson Robert J. Wolfe. Commissioners and the public were invited to attend in person and via telephone.

Present

Robert J. Wolfe, Commission chairperson
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 L. Walker, Commission member
Kimberly B. Weber, Executive Director
Theresa M. Kirk, General Counsel
Andrew Herrick, Staff Attorney
M. Ellen Briggs, Executive Assistant

Approve Minutes

Mr. Harman made a motion to approve the minutes of the Commission's December 1, 2022, meeting. Ms. Disibbio seconded the motion, which passed as follows:

Davis – aye
Disibbio – aye
Harman – aye
Singleton – 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

EE 2022-65

Elizabeth A. Tucker, Transportation Engineer, Department of Transportation, Division of Highways

EE 2022-66

James T. Collins, Assistant Chief Engineer of Construction and Materials, Department of Transportation, Division of Highways

EE 2022-67

W. Michael Sheets, Purchasing Director, Department of Administration, Purchasing Division

EE 2023-01

Jeremiah K. Knavenshue, Transportation Highway Engineer, Department of Transportation, Division of Highways

EE 2023-02

Darrin A. Holmes, Highway Engineer Associate, Department of Transportation, Division of Highways

EE 2023-03

Christopher M. Miller, Highway Realty Manager, Department of Transportation, Division of Highways

EE 2023-04

Jack W. Wroten, Highway Realty Manager II, Department of Transportation, Division of Highways

EE 2023-05

Lauren E. Owens, Transportation Engineer Trainee I, Department of Transportation, Division of Highways

EE 2023-06

Adam C. Crites, Transportation Engineer Technician-Senior, Department of Transportation, Division of Highways

Mr. Walker moved that Employment Exemptions 2022-65 through 2022-67 and 2023-01 through 2023-06 be ratified. Mr. Harman seconded the motion, which passed as follows:

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

Advisory Opinion 2023-01

Mr. Wolfe called upon Mr. Herrick to present Advisory Opinion 2023-01 to the Commission for consideration. Mr. Herrick presented the proposed Advisory Opinion and responded to questions from the Commission. Ms. Davis made a motion that the Advisory Opinion be approved as presented. Ms. Disibbio seconded the motion, which passed as follows:

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

Contract Exemption 2023-01

Mr. Wolfe called upon Ms. Weber to present Contract Exemption 2023-01. Ms. Weber presented the proposed Contract Exemption and responded to questions from the Commission. Mr. Walker made a motion that the Contract Exemption be approved. Mr. Harman seconded the motion, which passed as follows:

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

Approve P-card Monthly Reports

The Commission reviewed the P-card monthly reports for November and December 2022. A motion was made by Mr. Walker to approve the reports as presented. Ms. Disibbio seconded the motion, which passed as follows:

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

Lobbyist Audit

Mr. Wolfe called upon Ms. Weber to give a report on the results of the lobbyist audit. Ms. Weber reported that the 2022 lobbyist audit has been completed by Rollins, Cleavenger and Rollins, CPAs. CPA Bob Bailey requested documentation from the following 20 randomly selected lobbyists to support the expenditures they reported in Lobbyist Activity Reports filed for 2021:

Ailes, John	Markham, Peter
Antonette, Valerie	Moore, Angel
Bailey, Thomas	Morris, Nathan
Bowles, Matthew	Nartowicz, Nikolas
Courts, Amelia	Richmond, Jennifer
Fisher, Joshua	Skeen, Regina
Fritz, Jeff	Terry, Ernest
Hall, Daniel	Wafford, Jeff
Hatfield, Brandon	White, Beth
Huffman, Cam	Williams, Benjamin

A motion was made by Mr. Walker for the Commission to find that no further activity is required by Mr. Bailey; 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:

Davis – aye
Disibbio – aye
Harman – aye
Singleton – 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 2023, and each subsequent year unless changed by a subsequent resolution. A motion was made by Mr. Walker to approve the proposed

Resolution and that the Resolution be recorded in the minutes of the February 2, 2023, Commission meeting. Ms. Disibbio seconded the motion, which passed as follows:

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


The Resolution is attached to these minutes and incorporated herein.

Adjournment

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

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 2, 2023, 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 February 2, 2023, that it will conduct one lobbyist lottery auditing 20 lobbyists in 2023 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 2nd day of February 2023.

A handwritten signature in blue ink, appearing to read "Robert J. Wolfe".

Robert J. Wolfe, Chair
West Virginia Ethics Commission