

## **West Virginia Ethics Commission**

### **Meeting Minutes March 2, 2023**

The March 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  
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  
John Roush, Staff Attorney  
M. Ellen Briggs, Executive Assistant

#### **Approve Minutes**

Ms. Davis made a motion to approve the minutes of the Commission's February 2, 2023, meeting. Mr. Harman seconded the motion, which passed as follows:

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

### EE 2023-07

Stephen A. Sites, Transportation Environmental Program Manager II, Department of Transportation, Division of Highways

### EE 2023-08

Matthew A. Mongold, Highway Engineer Trainee, Department of Transportation, Division of Highways

### EE 2023-09

Donna J. Hardy, Assistant Director, Safety Advancement Traffic Engineer, Department of Transportation, Division of Highways

### EE 2023-10

Vincent Allison, Pavement Analysis and Evaluation Section Supervisor, Department of Transportation, Division of Highways

### EE 2023-11

Russel Coakley, Transportation Engineering Technician Associate, Department of Transportation, Division of Highways

Ms. Davis moved that Employment Exemptions 2023-07 through 2023-11 be ratified. Ms. Disibbio seconded the motion, which passed as follows:

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

## Advisory Opinion 2023-02

Mr. Wolfe called upon Ms. Weber to present [Advisory Opinion 2023-02](#) to the Commission for consideration. Ms. Weber presented the proposed Advisory Opinion and responded to questions from the Commission. Mr. Harman made a motion that the Advisory Opinion be approved as presented. Mr. Walker seconded the motion, which passed as follows:

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

### **Advisory Opinion 2023-03**

Mr. Wolfe called upon Mr. Herrick to present [Advisory Opinion 2023-03](#) 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, which passed as follows:

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

### **Advisory Opinion 2023-04**

Mr. Wolfe called upon Mr. Roush to present [Advisory Opinion 2023-04](#) to the Commission for consideration. Mr. Roush presented the proposed Advisory Opinion and responded to questions from the Commission. Mr. Walker 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 – aye  
Wolfe – aye

### **Contract Exemption 2023-02**

Mr. Wolfe called upon Mr. Herrick to present [Contract Exemption 2023-02](#). Mr. Herrick presented the proposed Contract Exemption and responded to questions from the Commission. Ms. Davis made a motion that the Contract Exemption be approved. Mr. Walker seconded the motion, which passed as follows:

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

### **Approve P-card Monthly Report**

The Commission reviewed the P-card monthly report for January 2023. A motion was made by Ms. Davis to approve the report as presented. Mr. Harman seconded the motion, which passed as follows:

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

### **Executive and Adjudicatory Sessions**

A motion was made by Ms. Davis to go into executive session, pursuant to W. Va. Code § 6-9A-4(b)(2)(A), relating to matters arising from the appointment, employment, retirement, promotion, transfer, demotion, disciplining, resignation, discharge, dismissal or compensation of a public officer or employee, to review and discuss the personnel evaluation report from the Personnel Committee. Mr. Walker seconded the motion, which passed as follows:

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

Additionally, a motion was made by Mr. Walker to go into executive session, pursuant to W. Va. Code § 6B-2-4(s), to consider settlement terms in a proposed Conciliation Agreement (VCRB 2021-24 Gregory L. Stewart, former Ohio County Administrator). Ms. Davis seconded the motion, which passed as follows:

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

All staff left the meeting room for the discussion of the Personnel Committee in Executive Session.

Ms. Weber and Ms. Briggs returned to the meeting room for the discussion of the proposed Conciliation Agreement.

## **Personnel Committee Report**

The Commission returned to public session. A motion was made by Ms. Davis that the Commission approve the evaluation of Ms. Weber which was reviewed and approved by the Personnel Committee. Ms. Disibbio seconded the motion, which passed as follows:

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

## **Conciliation Agreement**

A motion was made by Ms. Davis to accept the proposed Conciliation Agreement in the matter VCRB 2021-24 Gregory L. Stewart, former Ohio County Administrator. Mr. Walker seconded the motion, which passed as follows:

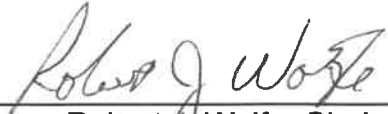
Davis – aye  
Disibbio – aye  
Harman – aye  
Singleton – aye  
Walker – aye  
Wolfe – aye

## **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 May 4, 2023, meeting.

  
\_\_\_\_\_  
Robert J. Wolfe, Chairperson  
West Virginia Ethics Commission

ATTEST:

  
\_\_\_\_\_  
M. Ellen Briggs, Executive Assistant  
West Virginia Ethics Commission