

## **West Virginia Ethics Commission**

### **Meeting Minutes November 2, 2023**

The November 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 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. Mr. Walker welcomed Cabinet Secretary Mark Scott to the meeting.

#### **Present**

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

#### **Absent**

Robert J. Wolfe, Commission chairperson  
Karen Disibbio, Commission member

#### **Approval of Minutes**

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

Cottle – aye  
Davis – aye  
Harman – aye  
Singleton – aye  
Walker – 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**

Ms. Weber asked the Commission to ratify the following temporary employment exemptions that she had granted since the last Commission meeting.

### **EE 2023-71**

Toni Rogers, Area Manager, Department of Transportation, Division of Highways

### **EE 2023-72**

Donald Meadows, Development & Special Event Coordination Engineer, Department of Transportation, Division of Highways

### **EE 2023-73**

Barrie F. Foster, Highway Engineer Trainee, Department of Transportation, Division of Highways

### **EE 2023-74**

David E. Brabham, Regional Operations Engineer/Interim District Engineer/Manager, Department of Transportation, Division of Highways

### **EE 2023-75**

Michael A. Mance, Highway Engineer Senior, Assistant Director, MCS&T Division, Department of Transportation, Division of Highways

### **EE 2023-76**

C. Elwood Penn, IV, Director, Planning Division, Department of Transportation, Division of Highways

### **EE 2023-77**

Steven M. Runyon, Assistant Director In-House, Engineering Division, Department of Transportation, Division of Highways

### **EE 2023-78**

Daniel S. Watts, District Construction Engineer, Department of Transportation, Division of Highways

### **EE 2023-79**

Craig A. Iser, District Bridge Engineer, Department of Transportation, Division of Highways

**EE 2023-80**

Ryan Cunningham, Highway Transportation Engineering Technician Associate, Department of Transportation, Division of Highways

**EE 2023-81**

Brandon G. Martin, District Engineer, Department of Transportation, Division of Highways

**EE 2023-82**

Thomas E. Fitzwater, Jr., District Surface Inspector, Office of Miners' Health, Safety and Training

**EE 2023-83**

Matthew Mollohan, District Surface Inspector, Office of Miners' Health, Safety and Training

**EE 2023-84**

William D. Dague, TRECNO, District Six, Materials Supervisor, Department of Transportation, Division of Highways

**EE 2023-85**

Donald Maynor, District Surface Inspector, Office of Miners' Health, Safety and Training

Ms. Davis moved that Employment Exemptions 2023-71 through 2023-85 be ratified. Mr. Harman seconded the motion, and the motion carried, as follows:

Cottle – aye  
Davis – aye  
Harman – aye  
Singleton – aye  
Walker – aye

**Advisory Opinion 2023-13**

Mr. Walker called upon Ms. Kirk to present [Advisory Opinion 2023-13](#) to the Commission for consideration. Ms. Kirk presented the proposed Advisory Opinion. She noted some technical changes made to the Advisory Opinion and responded to questions from the Commission. Mr. Harman made a motion that the Advisory Opinion be approved. Ms. Davis seconded the motion, and the motion carried, as follows:

Cottle – aye  
Davis – aye  
Harman – aye  
Singleton – aye  
Walker – aye

### **Contract Exemption 2023-04**

Mr. Walker called upon Ms. Weber to present [Contract Exemption 2023-04](#) to the Commission for consideration. Ms. Weber presented the proposed Contract Exemption and responded to questions from the Commission. Ms. Singleton made a motion that the Contract Exemption be approved as presented. Ms. Davis seconded the motion, and the motion carried, as follows:

Cottle – aye  
Davis – aye  
Harman – aye  
Singleton – aye  
Walker – aye

### **Contract Exemption 2023-05**

Mr. Walker called upon Ms. Weber to present [Contract Exemption 2023-05](#) to the Commission for consideration. Ms. Weber presented the proposed Contract Exemption and responded to questions from the Commission. Ms. Singleton made a motion that the Contract Exemption be approved as presented. Ms. Davis seconded the motion, and the motion carried, as follows:

Cottle – aye  
Davis – aye  
Harman – aye  
Singleton – aye  
Walker – aye

### **Approve Purchasing Card Monthly Reports**

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

Cottle – aye  
Davis – aye  
Harman – aye  
Singleton – aye  
Walker – aye

### **Executive Session**

Ms. Singleton moved that the Ethics Commission go into Executive Session to consider whether to accept, reject, or modify a proposed conciliation agreement in VCRB 2018-26

with Lloyd “Allen” Cogar, the former Richwood Chief of Police, pursuant to W. Va. Code § 6-9A-4 (b)(12) of the Open Meetings Act, and W. Va. Code §§ 6B-2-4(s) and (t) of the Ethics Act, and to consider referring a complaint matter to the appropriate county prosecutor, pursuant to W. Va. Code § 6-9A-4(b)(7) and (12) in the Open Meetings Act, and W. Va. Code § 6B-2-4(w)(1) in the Ethics Act. Ms. Davis gave a second, and the motion carried, as follows:

Cottle – aye  
Davis – aye  
Harman – aye  
Singleton – aye  
Walker – aye

### **Conciliation Agreement**

The Commission returned to public session. A motion was made by Mr. Harman that the Commission accept the Conciliation Agreement signed by Lloyd “Allen” Cogar, former Chief of Police for the City of Richwood. Ms. Davis gave a second, and the motion carried, as follows:

Cottle – aye  
Davis – aye  
Harman – aye  
Singleton – aye  
Walker – aye

### **Criminal Referral**

Following the executive session, Mr. Cottle moved that, pursuant to W. Va. Code § 6B-2-4(w)(1), the Commission refer VCRB 2023-70 to the appropriate county prosecutor. Ms. Singleton gave a second, and the motion carried, as follows:

Cottle – aye  
Davis – aye  
Harman – aye  
Singleton – aye  
Walker – aye

### **Adjournment**

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

Cottle – aye  
Davis – aye  
Harman – aye  
Singleton – aye  
Walker – aye

The foregoing minutes of the West Virginia Ethics Commission were approved at the Commission's December 7, 2023, meeting.

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Terry L. Walker, Acting Chairperson  
West Virginia Ethics Commission

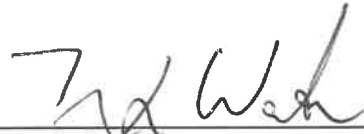
ATTEST:

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M. Ellen Briggs, Executive Assistant  
West Virginia Ethics Commission

Cottle – aye  
Davis – aye  
Harman – aye  
Singleton – aye  
Walker – aye

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Terry L. Walker, Acting Chairperson  
West Virginia Ethics Commission

ATTEST:



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M. Ellen Briggs, Executive Assistant  
West Virginia Ethics Commission