

## **West Virginia Ethics Commission**

### **Meeting Minutes May 6, 2021**

The May 6, 2021, 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. Most Commissioners attended via telephone due to the Coronavirus pandemic. The public was invited to attend via telephone due to the pandemic.

#### **Present**

Robert J. Wolfe, Commission chairperson  
Lindsey Ashley, Commission member (by telephone)  
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 Walker, Commission member (by telephone)  
Monté Williams, Commission member (by telephone)  
Kimberly B. Weber, Executive Director  
Theresa M. Kirk, General Counsel  
Andrew R. Herrick, Staff Attorney (by telephone)  
John E. Roush, Staff Attorney  
M. Ellen Briggs, Executive Assistant

#### **Approve Minutes**

Ms. Singleton made a motion to approve the minutes of the Commission's April 1, 2021, meeting. Mr. Harman seconded the motion, which passed as follows:

Ashley – aye  
Davis – not present  
Disibbio – aye  
Harman – aye  
Singleton – aye  
Walker – aye  
Williams – 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 2021-08

David S. Cox, Highway Transportation Engineering Technician (HTRET), Department of Transportation, Division of Highways

### EE 2021-09

Mary L. Hamrick, Highway Engineer Trainee (HWENGTR II), Department of Transportation, Division of Highways

### EE 2021-11

James T. Collins, Assistant Deputy State Highway Engineer (Construction), Department of Transportation, Division of Highways

Ms. Singleton moved that Employment Exemptions 2021-08, 2021-09, and 2021-11 be ratified. Mr. Williams seconded the motion, which passed as follows:

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

## Advisory Opinion 2021-06

Mr. Wolfe called upon Ms. Kirk to present Advisory Opinion 2021-06 to the Commission for consideration. Ms. Kirk presented the proposed Advisory Opinion. Ms. Singleton made a motion that the Advisory Opinion be approved as presented. Mr. Williams seconded the motion, which passed as follows:

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

### **Advisory Opinion 2021-07**

Mr. Wolfe called upon Ms. Weber to present Advisory Opinion 2021-07 to the Commission for consideration. Ms. Weber presented the proposed Advisory Opinion. Mr. Harman made a motion that the Advisory Opinion be approved as presented. Ms. Singleton seconded the motion, which passed as follows:

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

### **Advisory Opinion 2021-08**

Mr. Wolfe called upon Mr. Roush to present Advisory Opinion 2021-08 to the Commission for consideration. Mr. Roush presented the proposed Advisory Opinion. Mr. Harman made a motion that the Advisory Opinion be approved as presented. Mr. Walker seconded the motion, which passed as follows:

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

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

The Commission reviewed a purchase on the P-card monthly report for March 2021. Ms. Davis moved that the report be approved as presented. Ms. Singleton seconded the motion, which passed as follows:

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

## **Resolution for Probable Cause Review Board Member Rev. James E. Shepherd, II**

Mr. Wolfe read the following Resolution in honor of Rev. Shepherd, who is retiring from the Probable Cause Review Board effective June 30, 2021:

**WHEREAS**, the West Virginia Ethics Commission honors Reverend James E. Shepherd, II, for providing 21 years of outstanding leadership and guidance to the West Virginia Ethics Commission and its Probable Cause Review Board;

**WHEREAS**, Reverend Shepherd faithfully and with honor, integrity and great distinction served on the West Virginia Ethics Commission and the Probable Cause Review Board.

**WHEREAS**, Reverend Shepherd is recognized as being a member of the West Virginia Ethics Commission from 2000 through 2008 and a member of the Probable Cause Review Board from 2008 through 2021, serving as the Board's Chair since 2009.

**THEREFORE, BE IT RESOLVED**, that the West Virginia Ethics Commission formally acknowledges and extends its profound appreciation of Reverend Shepherd for his years of dedicated service to the State of West Virginia, the West Virginia Ethics Commission, and its Probable Cause Review Board.

**AND BE IT RESOLVED FURTHER**, that the original of this RESOLUTION be sent to Reverend Shepherd and that this RESOLUTION be recorded in the official minutes of the West Virginia Ethics Commission this 6th day of May 2021.

A motion was made by Ms. Singleton that the Resolution be approved. Ms. Davis seconded the motion, which passed as follows:

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

## **Legislative Rule**

Mr. Wolfe called upon Ms. Kirk to present an update on Legislative Rule, Title 158, Series 6, Use of Office for Private Gain, Including Nepotism. Ms. Kirk reported that no public

comments were received. A motion was made by Ms. Singleton to authorize staff to file a Notice of Agency Approval of the proposed rule with the Secretary of State's Office for consideration by the Legislative Rule-Making Review Committee. Mr. Harman seconded the motion, which passed as follows:

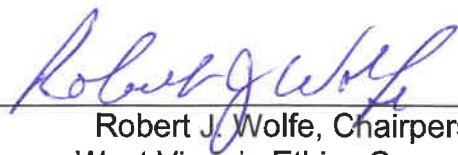
Ashley – aye  
Davis – not present  
Disibbio – aye  
Harman – aye  
Singleton – aye  
Walker – aye  
Williams – aye  
Wolfe – aye

### Adjournment

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

Ashley – aye  
Davis – not present  
Disibbio – aye  
Harman – aye  
Singleton – aye  
Walker – aye  
Williams – aye  
Wolfe – aye

The foregoing minutes of the West Virginia Ethics Commission were approved at the Commission's June 3, 2021, meeting.

  
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Robert J. Wolfe, Chairperson  
West Virginia Ethics Commission

ATTEST:

  
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M. Ellen Briggs, Executive Assistant  
West Virginia Ethics Commission