

1 IN THE WEST VIRGINIA LEGISLATURE  
 HOUSE OF DELEGATES  
 2 JUDICIARY COMMITTEE  
 3 \* \* \* \* \*  
 4 In Re:  
 5 House Judiciary Committee Proceeding  
 6 Regarding the Impeachment of West Virginia  
 7 Supreme Court Justices Pursuant to  
 8 House Resolution 201 Passed During the  
 9 Second Extended Session of 2018  
 10 \* \* \* \* \*  
 11  
 12  
 13 VOLUME II  
 14  
 15 Hearing held on July 13, 2018, before the House  
 16 Judiciary Committee of the West Virginia Legislature.  
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1 PROCEEDINGS  
2 (7-13-2018, House Judiciary Committee)  
3 CHAIRMAN SHOTT: Next witness.  
4 MS. KAUFFMAN: Thank you,  
5 Mr. Chairman. The House Committee on the Judiciary  
6 calls Scott Harvey.  
7 CHAIRMAN SHOTT: Mr. Harvey, please come  
8 forward. If you would, please, take your place over  
9 there behind the microphone on that small table. And  
10 just remain standing until I have administered the  
11 oath. If you would, please raise your right hand.  
12 SCOTT E. HARVEY  
13 was called by the Committee on the Judiciary, and having  
14 been first duly sworn, testified as follows:  
15 CHAIRMAN SHOTT: Thank you. Counsel?  
16 MS. KAUFFMAN: Thank you, Mr. Chairman.  
17 BY MS. KAUFFMAN:  
18 **Q. Mr. Harvey, thank you for being here this**  
19 **morning. Could you please state your full name so that**  
20 **the committee knows who you are?**  
21 A. Scott Elliott Harvey.  
22 **Q. Could you move the microphone up just a little**  
23 **closer.**  
24 A. Scott Elliott Harvey.

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1 **Q. Okay. Thank you, Mr. Harvey. Mr. Harvey, were**  
2 **you previously employed by the Supreme Court of Appeals**  
3 **of West Virginia?**  
4 A. Yes, ma'am.  
5 **Q. If you could, please just tell the Committee**  
6 **the time period that you worked for the Supreme Court?**  
7 A. October 2005 through November of 2017.  
8 **Q. Okay. When you first began working for the**  
9 **Supreme Court in 2005, what position did you hold?**  
10 A. It was Database Administrator.  
11 **Q. What -- back at that time in 2005, what were**  
12 **you duties as the Database Administrator?**  
13 A. It was to oversee any databases that the Court  
14 housed, keep them upgraded, manage those databases.  
15 (Inaudible)  
16 CHAIRMAN SHOTT: Can you adjust the  
17 volume, as well, from where you are.  
18 THE WITNESS: Is that better?  
19 **Q. Yes. Thank you.**  
20 **How long did you hold that position?**  
21 CHAIRMAN SHOTT: Would you have him repeat  
22 the answer to the last question, please.  
23 **Q. Yes. I think the last question we were on was**  
24 **your position that you held at the Supreme Court. Could**

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1 **you please tell the Committee the position that you held**  
2 **when you first began work in 2005?**  
3 A. The position was Database Administrator.  
4 **Q. And as Database Administrator, what were your**  
5 **duties?**  
6 A. Responsible for all of the databases that the  
7 Court housed.  
8 **Q. How many were -- databases were there at that**  
9 **time, if you recall?**  
10 A. I do not recall.  
11 **Q. Okay. How long did you hold that position as a**  
12 **Database Administrator?**  
13 A. Until 2011.  
14 **Q. 2011. And in 2011, what position or what**  
15 **happened to your position?**  
16 A. I was transitioned to the Director of  
17 Technology.  
18 **Q. And did you hold that position from 2011 until**  
19 **the time that you left in 2017?**  
20 A. Yes, ma'am.  
21 **Q. Okay. As Director of Technology, could you**  
22 **please tell the Committee what your duties were in that**  
23 **regard?**  
24 A. The broad scope is overseeing all technology

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1 aspects of the Supreme Court.  
2 **Q. Okay. As the Director of Technology, how many**  
3 **employees did you supervise or did you have in that**  
4 **department?**  
5 A. It varied from time to time.  
6 **Q. Could you just give us a range?**  
7 A. A range from 17 to 25.  
8 **Q. Okay. As part of your duties - and I am going**  
9 **to ask with respect to both of your jobs, either as the**  
10 **Database Administrator or the Director of Technology -**  
11 **did you personally ever have to go to any of the**  
12 **justices' homes for any reason?**  
13 A. Yes, ma'am.  
14 **Q. And let's try to -- now I am going to try to**  
15 **categorize that or get it out. As the Database**  
16 **Administrator, did you have to go -- before you became**  
17 **the director, did you have to go to justices' homes for**  
18 **any reason?**  
19 A. Yes, we wore many hats in IT --  
20 **Q. Okay.**  
21 A. -- and it was whoever was available.  
22 **Q. For what reasons, if you can recall, would you**  
23 **have to go when you -- before you became a director,**  
24 **would you have to go to justices' homes?**

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1 A. They may have a computer issue on a State-owned  
2 computer, upgrade, install software, anything that would  
3 affect that piece of equipment.  
4 **Q. And did you also have to go -- after you**  
5 **transitioned into the Director of Technology, did you**  
6 **have to go to any justices' homes for any reason?**  
7 A. Yes, ma'am.  
8 **Q. Let's -- let's start there. And I understand**  
9 **you said you became the Director of Technology in 2011.**  
10 A. Yes.  
11 **Q. From that time period until the time of your**  
12 **departure in 2017, do you recall which justices' homes**  
13 **you would -- you went to personally?**  
14 A. If I am remembering correctly, I think I have  
15 been to every justice except Justice Walker.  
16 **Q. Okay. And if we can, let's begin, then -- with**  
17 **that understanding, let's begin with Justice Loughry --**  
18 **have you or did you -- I understand you are no longer**  
19 **employed by the Court. Did you while you were employed**  
20 **by the Court go to Justice Loughry's home?**  
21 A. Yes, ma'am.  
22 **Q. Do you recall how many times you personally**  
23 **went to Justice Loughry's home?**  
24 A. Approximately four.

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1 **Q. Okay. It is my recollection that Justice**  
2 **Loughry, I believe, was elected in 2012 and so started**  
3 **in 2013. So would it be correct that you would have**  
4 **been the Director of Technology at that time?**  
5 A. Yes, ma'am.  
6 **Q. Let's begin, if you can recall, I know you**  
7 **indicated it was approximately four times. Let's begin**  
8 **with the first time you recall going to Justice**  
9 **Loughry's home. For what reason did you go to Justice**  
10 **Loughry's home the first time?**  
11 A. What I would call it is a site survey and that  
12 is to look at the residence and see what kind of work  
13 needed to be done.  
14 **Q. And how did it come about that you ended up at**  
15 **Justice Loughry's home? Was a request made of you?**  
16 A. It was requested.  
17 **Q. Who requested it?**  
18 A. It was Justice Loughry.  
19 **Q. Okay. And once you went to his home, do you**  
20 **recall -- if you can, the -- either the time period by**  
21 **year or by month that you made that first visit to**  
22 **Justice Loughry's home?**  
23 A. No, I do not. I do not recall.  
24 **Q. If you know, just trying to narrow it down,**

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1 **would it have been, certainly -- oh, well, not**  
2 **certainly. Was it after he was elected to -- as a**  
3 **justice?**  
4 A. Yes, it was.  
5 **Q. Okay. Do you recall how soon? Do you have any**  
6 **recollection as to whether or not it was within the**  
7 **first couple of months, first year?**  
8 A. I would say it was within the first six months.  
9 **Q. Okay. When you went to his house to perform**  
10 **the site survey, do you recall if anyone else**  
11 **accompanied you that time?**  
12 A. Yes.  
13 **Q. Who was that?**  
14 A. There were several technology employees. I  
15 know Scott Conrad went because he was the Network  
16 Administrator. And I would say Anthony Hatfield and  
17 maybe Ryan Arthur.  
18 **Q. Okay. How long, if you recall, were you at**  
19 **Justice Loughry's house on your first visit for the site**  
20 **survey?**  
21 A. It was several hours.  
22 **Q. And if you recall, were the other gentlemen**  
23 **that you just mentioned, Misters Conrad, Hatfield, and**  
24 **Arthur, were they there with you the entire time?**

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1 A. Yes, ma'am.  
2 **Q. Okay. If you recall, was Justice Loughry**  
3 **present at home during that first site -- that first**  
4 **visit?**  
5 A. Yes, ma'am.  
6 **Q. Okay. I understand you've described that as a**  
7 **site survey. If you could, please, just try to further**  
8 **explain to the Committee what you mean by a site survey,**  
9 **what you actually did that day.**  
10 A. When any work is to be performed, you want to  
11 see what you are dealing with. You know, is the house  
12 stone? Is it wood? Do we have to drill through the  
13 floors? A layout of the land for a, you know, a lack of  
14 better explanation.  
15 **Q. Okay. And what type of work were you planning**  
16 **to do at Justice Loughry's home?**  
17 A. It was extending the Internet access, network  
18 access, setting up cable connections, a wireless access  
19 point.  
20 **Q. Okay. Do you recall any conversations that**  
21 **were had with Justice Loughry that day, on the first day**  
22 **you were there for the site survey, any comments that he**  
23 **may have made, any discussions about the work that was**  
24 **going to be done?**

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1 A. Well, some of the questions I had for Justice  
2 Loughry were, "Do you mind if we drill through your  
3 floor?" As far as any other questions or comments, no.

4 **Q. Okay. And in the end -- I am going to jump**  
5 **ahead and then I'll go back. In the end did you end up**  
6 **having to drill through the floor?**

7 A. I'm almost certain we did because the wiring  
8 had to be ran from under the house up through into areas  
9 of the house.

10 **Q. While you were there for that site survey, what**  
11 **-- I understand you said the -- at least some of the**  
12 **work was to extend the Internet connection and do a**  
13 **couple of other things. Did you have an understanding**  
14 **as to where the work was going to be done and where the**  
15 **wires actually needed to be for computer access?**

16 A. Yes.

17 **Q. And where were -- what was your understanding**  
18 **of where computers were going to be located?**

19 A. One access point was in -- it was like a  
20 kitchen/family room. And one access point was in a  
21 small room that I believe he referred to as an office  
22 area. I can't be certain that that's exactly what it  
23 was called.

24 **Q. Okay. As you sit here today, I think you have**

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1 **just indicated that there were two access points. Were**  
2 **those -- if you recall, were those for laptop computers**  
3 **or desktop computers?**

4 A. I'm almost certain there were desktop  
5 computers, but in my memory, I think there was a laptop  
6 involved, but I can't be certain. I don't have access  
7 to the Court documentation.

8 **Q. Okay. And did -- I'm sorry. If you just said**  
9 **this, I missed it. Did Justice Loughry let you know**  
10 **where the computers were to be placed or how was that**  
11 **decision made?**

12 A. Yes, ma'am.

13 **Q. Justice Loughry --**

14 A. "Within a four-foot area, it needs to be here."

15 **Q. Okay. At some point after that, I understand**  
16 **from your testimony that you made a second visit to**  
17 **Justice Loughry's house; is that correct?**

18 A. Yes, ma'am.

19 **Q. And what -- for what reason was the second**  
20 **visit?**

21 A. That was to perform the work, actually  
22 supervise the folks that were there.

23 **Q. Do you recall how much time passed between your**  
24 **first visit for the -- what you termed the site survey**

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1 **and then the installation, the actual work?**

2 A. No, ma'am. I would say it was within two  
3 weeks.

4 **Q. Okay.**

5 A. But that's an estimate.

6 **Q. Okay. When you returned for the actual work to**  
7 **be done, I think you indicated -- at that point was your**  
8 **role as a supervisor?**

9 A. Yes, ma'am.

10 **Q. Do you -- if you could, please, tell the**  
11 **Committee if you recall the identities of any of the**  
12 **individuals that were actually there from the Court**  
13 **performing the work?**

14 A. Okay, just knowing the people that were under  
15 me and did that type of work, and I'm not completely  
16 certain, but I think it was Anthony Hatfield, Scott  
17 Conrad may have been there, and Mr. Ryan, Arthur.

18 **Q. Okay. Were there any other outside-type**  
19 **technology people, consultants, that had to come in and**  
20 **help or was all of this work done by Court personnel?**

21 A. This was all performed by Court personnel.

22 **Q. And on that second visit when the work actually**  
23 **occurred, do you recall how long it took for that**  
24 **installation and that -- the actual, hands-on work to**

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1 **happen?**

2 A. It would be no more than a day.

3 **Q. Okay. Please, if you can, describe to the**  
4 **Committee the actual work that was done. I think you**  
5 **have already indicated that some -- there had to --**  
6 **something had to be done with wiring underneath.**

7 A. Yes.

8 **Q. If you could just walk the Committee through**  
9 **what you recall of the work that actually had to be**  
10 **done.**

11 A. An Internet connection existed, so we had to  
12 tap into that Internet connection with a hub/router,  
13 wireless access point, and then from that device, run  
14 network cabling to the location specified.

15 **Q. Okay. And the wiring that had to be run, did**  
16 **you indicate that it had to be done under the house?**

17 A. From memory, I think there was two that had to  
18 be under the house.

19 **Q. Okay. I'm going to back up now for a second.**  
20 **I forgot to ask you a question and I apologize. With**  
21 **respect to the first visit at Justice Loughry's home,**  
22 **you have described that as a site survey. And I want to**  
23 **make sure I don't miss this. Have you personally ever**  
24 **performed a site survey at any other justices' homes**

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**1 during your time at the Court?**  
**2 A.** Not to that extent.  
**3 Q. Okay. Now, with respect to the -- the second**  
**4 visit, I think that's when you said actual work was done**  
**5 and wires were installed. Had you ever been involved in**  
**6 that type of installation at any other justices' homes**  
**7 during your time working for the Court?**  
**8 A.** No, ma'am.  
**9 Q. Okay. Was -- if you recall, was Justice**  
**10 Loughry present during the second visit you had to his**  
**11 house when the work was actually being done?**  
**12 A.** From memory, he may have been there when we  
**13 showed up because someone had to let us in. And I'm**  
**14 almost sure it was Justice Loughry.**  
**15 Q. Okay. Do --**  
**16 A.** After that, he may have left. I cannot  
**17 remember.**  
**18 Q. And that may have answered my next**  
**19 question. Do you recall any conversations that either**  
**20 you or any of the people you were supervising that day**  
**21 had with Justice Loughry during your second visit when**  
**22 the work was actually being done?**  
**23 A.** The only questions I do remember asking is, "Is  
**24 the work sufficient?" And "Is this where you want it?"**

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**1 Q. And what was his response?**  
**2 A.** He agreed that it was.  
**3 Q. Okay. After that second visit, I think you**  
**4 told me that you went back a third time. Could you**  
**5 please tell the Committee the reason for the third**  
**6 visit?**  
**7 A.** The third visit was to make sure everything was  
**8 working and to make sure the computers were connected to**  
**9 the Internet and there was access from one computer to**  
**10 the Court computer housed at the Capitol.**  
**11 Q. So of the two computers that were installed in**  
**12 Justice Loughry's home, one of them had access to the**  
**13 Court's computer?**  
**14 A.** Yes, ma'am.  
**15 Q. Did the other one, if you recall?**  
**16 A.** It did not.  
**17 Q. Okay. So only one of those computers had**  
**18 access to the Court's computer?**  
**19 A.** Yes, ma'am.  
**20 Q. Was there ever any discussions during any of**  
**21 the times you were at Justice Loughry's home as to the**  
**22 reason for the need to have two computers installed?**  
**23 A.** I'm sure there were, but to say, you know, 100  
**24 percent "This is what was said," I can't say that. But**

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**1 to go out on a limb and kind of remember some of the**  
**2 conversation, it was just a shared computer.**  
**3 Q. Just a shared computer for the family, a shared**  
**4 computer?**  
**5 A.** If they wanted to get on it, they could.  
**6 Q. Okay. And when we talk about that shared**  
**7 computer - what I'll refer to as a shared computer -**  
**8 which -- where was that computer located?**  
**9 A.** That was in the kitchen/family area.  
**10 Q. Okay. And the computer that was in, I think --**  
**11 and I don't want to put words in your mouth, I think you**  
**12 have indicated in an office area, the second computer,**  
**13 was that the computer that had access to the Court's**  
**14 computer?**  
**15 A.** Yes, ma'am.  
**16 Q. The third visit that you made to make sure that**  
**17 everything was working properly, do you recall if anyone**  
**18 accompanied you to that -- on that visit?**  
**19 A.** I think - this is just from memory - I can't be  
**20 100 percent sure, but knowing the situation, I think**  
**21 Andrew Hinte may have went with me, or drove himself.**  
**22 Q. Was he a member of the technology department?**  
**23 A.** Yes, he is -- at that time he was field tech.  
**24 Q. Okay. Do you recall how long that you were at**

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**1 Justice Loughry's home on the second -- I'm sorry, on**  
**2 the third visit to make sure everything was working?**  
**3 A.** That was a quick visit. I would say at most  
**4 two hours.**  
**5 Q. Were there any issues that you noted during**  
**6 that third visit on -- with respect to the work that had**  
**7 been done?**  
**8 A.** Not the third visit.  
**9 Q. Okay. I believe you indicated when you first**  
**10 began testifying that you might -- that you might have**  
**11 gone to his house approximately four times. Do you**  
**12 recall any other visits to Justice Loughry's home?**  
**13 A.** Yes.  
**14 Q. Okay. What ha -- what was that visit for?**  
**15 A.** There was a computer issue and it was on one of  
**16 the desktops.**  
**17 Q. If you have any idea, could you tell us -- tell**  
**18 the Committee by year what -- when that fourth visit**  
**19 might have occurred?**  
**20 A.** No.  
**21 Q. Okay.**  
**22 A.** I can't say -- I don't have access to my  
**23 e-mail.**  
**24 Q. Who went on the -- with you on the fourth**

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**1 visit, if anyone else?**  
**2** A. I don't recall if he went with me or I  
**3** dispatched him to come, but it was Mr. Hinte.  
**4 Q. What was the trouble that -- that required that**  
**5 fourth visit? What issues were occurring?**  
**6** A. It seemed to be malware or a virus and at that  
**7** point, I wasn't sure if the computer needed to be  
**8** replaced, rebuilt, or if it could be -- the virus taken  
**9** off, malware.  
**10 Q. And what -- what did you determine once you got**  
**11 there on that fourth visit?**  
**12** A. I can't remember. I want to say the hard drive  
**13** was replaced, but that's a guess.  
**14 Q. And do -- with respect to the virus, do you**  
**15 believe -- is it your recollection that that was the**  
**16 issue, though, that there was virus on the computer?**  
**17** A. Yes, it was either a virus or malware.  
**18 Q. Which computer was that?**  
**19** A. That was the computer in the family  
**20** room/kitchen area.  
**21 Q. The one I've referred to earlier as the shared**  
**22 computer?**  
**23** A. Yes, ma'am.  
**24 Q. Okay. Were you or any of your employees ever**

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**1 able to determine the source of that -- that virus or**  
**2 the malware?**  
**3** A. It came to me through the IT chain, not  
**4** directly from the person, that there were quite a few  
**5** games installed.  
**6 Q. What type -- if you know, what type of games?**  
**7** A. I do not know.  
**8 Q. Okay. Do you recall any other visits that you**  
**9 personally made to Justice Loughry's home?**  
**10** A. No, ma'am.  
**11 Q. With respect to your employees, the people that**  
**12 you were supervising while you were the Director of**  
**13 Technology, do you recall any -- any visits that you**  
**14 might have dispatched or sent any of your employees to**  
**15 Justice Loughry's home in which you did not go with**  
**16 them? It would have just been one of your employees?**  
**17** A. Yes, I know there were more times, but to put a  
**18** number on it or a time frame, I can't.  
**19 Q. Do you recall generally the reasons for any of**  
**20 those visits that had -- that your employees had to go**  
**21 to Justice Loughry's home?**  
**22** A. It was a range. It could be printer issues,  
**23** computer issues, maybe not being able to connect to the  
**24** network issues, things like that.

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**1 Q. Okay. Mr. Harvey, I now want to ask you the**  
**2 same questions with respect to the other justices. And**  
**3 I want to confirm before I start down this path, did you**  
**4 indicate that you don't believe you have personally ever**  
**5 been to Justice Walker's home?**  
**6** A. Correct, I have not.  
**7 Q. Okay, we will not ask -- I will not follow up**  
**8 on that, then.**  
**9 Let's begin with Justice Workman. Do you**  
**10 recall if you had personally ever been to Justice**  
**11 Workman's home?**  
**12** A. I recall being there one time. It may have  
**13** been more, but I do recall one.  
**14 Q. Do you recall the reason for that visit?**  
**15** A. I believe the computer could not connect to the  
**16** office computer in the Capitol.  
**17 Q. And if you have any recollection, and I know I**  
**18 am testing your memory now, but if you have any**  
**19 recollection, do you recall how long that visit was to**  
**20 Justice Workman's home that time you went to check the**  
**21 connection?**  
**22** A. No more than two hours.  
**23 Q. Okay.**  
**24** A. It's -- again, that's an estimate.

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**1 Q. Now I would like to ask you the same question**  
**2 with respect to Justice Davis. Do you recall if you**  
**3 personally had -- have ever been to Justice Davis's**  
**4 home?**  
**5** A. Yes, I have.  
**6 Q. Do you have any recollection or idea as to the**  
**7 number of times you have been to her home?**  
**8** A. Not the number of times, no.  
**9 Q. Could you give us any type of range, if it**  
**10 would be less than or more than five or ten?**  
**11** A. I would say less than three, four, just  
**12** guessing.  
**13 Q. Understood, understood.**  
**14 If you recall, do you have -- do you**  
**15 remember the reasons for your visits to Justice Davis's**  
**16 home?**  
**17** A. Yes, unable to connect back to the office.  
**18 Q. And any idea as to how long your visits would**  
**19 have been at her home just for those connectivity**  
**20 issues?**  
**21** A. It would probably be the same as Justice  
**22** Workman, I assume.  
**23 Q. Okay. At the most, probably two hours?**  
**24** A. Correct.

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1 **Q. I believe you indicated with respect to the**  
2 **visits that you made to Justice Loughry's home, that you**  
3 **had really never done a site survey such as his with any**  
4 **other justice's home; is that correct?**  
5 A. That is correct.  
6 **Q. And I believe you also indicated with respect**  
7 **to the scope of work that was done at Justice Loughry's**  
8 **home with the installation, that you had not been**  
9 **involved in anything to that degree, if I may say it**  
10 **way; would that be correct?**  
11 A. Yes, ma'am, that is correct.  
12 **Q. Do you recall having any other conversations**  
13 **with Justice Loughry about the work that was done at his**  
14 **home, the IT work that was done at his home, other than**  
15 **what you have already testified to this morning?**  
16 A. No, ma'am, other than verifying that he was  
17 satisfied with the work.  
18 **Q. Let me ask you now about the computers. I**  
19 **believe you indicated that there were -- the**  
20 **installation was for two desktop computers that you**  
21 **believe -- and that there might have been a laptop also;**  
22 **is that correct?**  
23 A. Yes, that's just from memory and I would have  
24 to look at documentation to verify that.

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1 **Q. Okay. With -- with respect to the other**  
2 **justices, and I'll -- let me just ask you**  
3 **generally. The other current justices, so we are**  
4 **talking about Justice Walker, Workman -- you can tell us**  
5 **if you know about Justice Ketchum and then Justice**  
6 **Davis, how many -- did any -- how many computers,**  
7 **Court-supplied computers, did the other justices have at**  
8 **their homes?**  
9 A. I believe it was one.  
10 **Q. Okay. What about printers? Did they all have**  
11 **printers?**  
12 A. I can't completely say that they all had  
13 printers, but I do know Justice Loughry had a  
14 printer. I believe Justice Workman had a printer  
15 because we had to work on it.  
16 **Q. Any other -- any other equipment that the --**  
17 **any of the justices had at their home for IT purposes**  
18 **that you recall?**  
19 A. No, I would have to look through the inventory  
20 to see.  
21 **Q. Okay. With respect to Justice Loughry's -- the**  
22 **installation and work done at his home, if you could,**  
23 **just try to describe to the Committee the layout of**  
24 **Justice Loughry's home as you would go in, where those**

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1 **two computers were placed?**  
2 A. From memory, if you enter the front -- front  
3 door of the house, the shared area was to the right and  
4 the office area was to the left, but to say exactly the  
5 layout of the house, I can't do that.  
6 **Q. But one was to the right and one was to the**  
7 **left of the -- once you would enter the home?**  
8 A. Yes, ma'am.  
9 **Q. Mr. Harvey, I want to now ask you a couple of**  
10 **general questions. With respect to the time that you**  
11 **were in the -- the home of Justice Loughry, there has**  
12 **been testimony and reports about a desk that might have**  
13 **been at Justice Loughry's home, a Cass Gilbert**  
14 **desk. Let me ask you first: Do you have any knowledge**  
15 **about whether or not a Cass Gilbert desk was located**  
16 **inside Justice Loughry's home?**  
17 A. There was a desk, but to say it was a Cass  
18 Gilbert desk, I can't do that.  
19 **Q. Okay. The same with respect to any other**  
20 **furniture, a couch or anything else, do -- are you aware**  
21 **of any other furniture that might be -- that has been**  
22 **mentioned in any media reports that was -- that you**  
23 **noticed that you would have seen at Justice Loughry's**  
24 **home?**

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1 A. I know there was living room furniture, but to  
2 say what kind of couch or what kind of chair, I can't.  
3 **Q. I want to ask you now just a few questions**  
4 **generally about the technology department and things**  
5 **associated with that.**  
6 **Let me ask you first, are you aware of**  
7 **work being done by a consulting company that involved a**  
8 **Mr. Pritt? I believe it was JRP Consulting?**  
9 A. Yes, ma'am.  
10 **Q. Do you recall what type of work that particular**  
11 **company provided to the Court?**  
12 A. When JRP was first brought in, it was general  
13 technology consulting work and I didn't have enough to  
14 really keep them busy, so this person was moved over to  
15 kind of be the eyes and ears of the Court's transition  
16 to OASIS. At that time, Mr. Pritt worked with the  
17 financial director and the financial director basically  
18 set it up so this Mr. Pritt could go to the OASIS  
19 meetings.  
20 **Q. But Mr. Pritt started out as general consulting**  
21 **work for technology?**  
22 A. Correct.  
23 **Q. And then was transitioned into another role**  
24 **because there wasn't enough -- you couldn't keep**

1 **Mr. Pritt busy; is that fair to say?**  
 2 A. If I remember correctly. Again, if I had  
 3 access to my e-mail and documentation, it would be  
 4 easier, but he was put on a project to set up a scanning  
 5 printer on one of the floors.  
 6 **Q. We -- and the two of us, we have been talking**  
 7 **about Mr. Pritt. Were there any other employees**  
 8 **associated with JRP Consulting or was it just Mr. Pritt**  
 9 **himself?**  
 10 A. It was just Mr. Pritt.  
 11 **Q. Okay. Was your office, the technology office,**  
 12 **involved in any renovations that were done in the**  
 13 **justices' offices in the East Wing of the Capitol?**  
 14 A. We were, but only at the technology level and  
 15 that is providing the network wiring, whatever is needed  
 16 to make technology work in those offices.  
 17 **Q. I think that answers my next question, but I'm**  
 18 **going to ask it just to confirm.**  
 19 **Do you have any knowledge about the**  
 20 **furnishings, the cost of furnishings or the remodel-type**  
 21 **work that was done in any of the justices' offices that**  
 22 **did not have to do with data access ports and**  
 23 **technology?**  
 24 A. No, ma'am.

1 **Q. What type -- just generally, this is a very**  
 2 **general question. What type of work was your office**  
 3 **involved in when the offices -- and I understand they**  
 4 **may have been renovated at different times, but when**  
 5 **they were renovated, what type of work did your office**  
 6 **perform during those renovations?**  
 7 A. During the design phase, it was to determine  
 8 where phone lines needed to be located and network  
 9 cabling lines and we would also determine if we needed  
 10 power outlets in certain areas of the office. That was  
 11 the extent of our work.  
 12 **Q. Okay. Mr. Harvey, I want to also ask you some**  
 13 **questions -- during some prior testimony, there has been**  
 14 **mention made of space that the Supreme Court had at City**  
 15 **Center East, I believe, is perhaps, where it was**  
 16 **located. If you could tell the Committee to the**  
 17 **knowledge you have of what, at least part of what is**  
 18 **located there?**  
 19 A. I could only testify to the IT section.  
 20 **Q. Okay.**  
 21 A. And it is located on the 8th floor of City  
 22 Center East, and offices are on the outside of the  
 23 building surrounding a dedicated server room in the  
 24 middle.

1 **Q. So the server room for the Supreme Court is**  
 2 **located at City Center East?**  
 3 A. Yes, ma'am.  
 4 **Q. Prior to that, if you could, please, just give**  
 5 **a brief history of where the server room was located**  
 6 **before that and any issues that might have been**  
 7 **associated with that?**  
 8 A. Prior to that, approximately 2005, it was  
 9 located on what we called the fifth floor of the Capitol  
 10 or the penthouse area. It's just a small room in the  
 11 top of the Capitol. It was -- housed maybe two racks,  
 12 three racks of servers. It did not have dedicated  
 13 power. It really didn't have dedicated cooling and  
 14 sometimes the room would get so hot we would have to  
 15 open the windows to cool the servers down because if  
 16 they shut down, the entire judiciary shuts down.  
 17 So it was determined that that is not a  
 18 way to run a branch of government. And we went on the  
 19 venture of securing an area -- I believe there was a  
 20 server room secured prior to that external of the  
 21 Capitol. It didn't work out and the City Center East  
 22 location was secured.  
 23 **Q. And what type of work -- again, a very general**  
 24 **question, what type of work had to be done at City**

1 **Center East for that server room?**  
 2 A. The server room had to be a secure area because  
 3 the Court not only connects to the State Police, but we  
 4 share information with some federal agencies. And you  
 5 have -- you need to have controlled access to that area.  
 6 MS. KAUFFMAN: Okay. Mr. Harvey, thank  
 7 you very much. I don't think I have any further  
 8 questions at this time.  
 9 THE WITNESS: Thank you.  
 10 CHAIRMAN SHOTT: Mr. Harvey, we allow our  
 11 members an opportunity to ask questions, so if you would  
 12 be patient with us, we are going to go around the room  
 13 and allow that to happen.  
 14 THE WITNESS: Yes, sir.  
 15 CHAIRMAN SHOTT: I am going to start on  
 16 the other side today, first row? Delegate Lane, do you  
 17 have any questions?  
 18 DELEGATE LANE: Yes, I do.  
 19 EXAMINATION  
 20 BY DELEGATE LANE:  
 21 **Q. First of all, could you introduce the person**  
 22 **sitting beside you?**  
 23 A. Yes, ma'am. This is Lonnie Simmons, my  
 24 counsel.

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1 **Q. Okay, thank you. You are going to have to go**  
 2 **to real basics for me because if a person already has**  
 3 **Internet, why does there have to be a whole lot of other**  
 4 **work to just set up a computer?**  
 5 A. Generally speaking, and I will use Suddenlink  
 6 as an example. A Suddenlink employee comes to your  
 7 house and they install Internet from Suddenlink, so they  
 8 will install your router and connect it to one  
 9 computer. That one computer may only be cabled within  
 10 four to five feet of that point. To connect to other  
 11 computers throughout the house, you would have to set up  
 12 more wires or access points.  
 13 **Q. So if Justice Loughry had only had one computer**  
 14 **in the house, he probably could have done all of this**  
 15 **himself?**  
 16 A. Just from memory, there was one computer  
 17 connected - just from memory - to the Internet that was  
 18 already at the house.  
 19 **Q. Okay. And so then to add another computer, you**  
 20 **have to do something else?**  
 21 A. Yes, ma'am.  
 22 **Q. And if you want to add two more, you have to do**  
 23 **a whole lot more?**  
 24 A. Yes, ma'am.

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1 **Q. Okay, so I guess part of the issue is that he**  
 2 **wanted to work from home and he wanted to have access to**  
 3 **the Court network, and so is that what took the bulk of**  
 4 **your work, was setting it up to the Court network?**  
 5 A. Right. I can't testify that he wanted to work  
 6 from home, but we provided a computer that allowed him  
 7 to have access to the Court network.  
 8 **Q. And he wouldn't have been able to do that on**  
 9 **his own?**  
 10 A. No.  
 11 **Q. And do you know, the computer working from his**  
 12 **home on the Internet, did the State incur any extra**  
 13 **Internet charges because of that?**  
 14 A. Not to my knowledge.  
 15 **Q. So whatever he was paying - and I assume it was**  
 16 **probably Suddenlink - the State didn't pick up that tab?**  
 17 A. Not to my knowledge.  
 18 DELEGATE LANE: Okay, thank you.  
 19 CHAIRMAN SHOTT: Delegate Pushkin?  
 20 DELEGATE PUSHKIN: Thank you,  
 21 Mr. Chairman.  
 22 EXAMINATION  
 23 BY DELEGATE PUSHKIN:  
 24 **Q. And thank you for being here. Let's see, do --**

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1 **in your time working in both positions that you have had**  
 2 **at the Court, have all justices had home access to the**  
 3 **Court system?**  
 4 A. To my knowledge, yes. I cannot testify to  
 5 Justice Walker. My transition out of the Court was  
 6 close to her transition into the Court.  
 7 **Q. Okay. Did -- in your time, have you or any**  
 8 **employee of the Court had to install -- run cable lines,**  
 9 **install computers for any other justices or were they**  
 10 **able -- following up on the question from the Delegate**  
 11 **of the 35th, were they just able to hook up a computer**  
 12 **because they were just using one computer?**  
 13 A. We had never performed work to that extent.  
 14 **Q. To that standard. So you didn't have to go and**  
 15 **do the installation for any other justice to your**  
 16 **knowledge since you have been there?**  
 17 A. We may have ran a cable from a computer to a  
 18 plug-in, but I don't recall any work to that extent.  
 19 **Q. Okay. And like -- as you stated before, that**  
 20 **was simply because there were more than one computer --**  
 21 **he requested more than one computer? He, being Justice**  
 22 **Loughry.**  
 23 A. And the locations.  
 24 **Q. Yes. Okay, as -- I guess that means that no**

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1 **other justice has requested more than one State-owned**  
 2 **computer in their home?**  
 3 A. Not to my knowledge.  
 4 **Q. Okay. Let's see. There -- in the -- in the**  
 5 **report -- are you familiar at all with the report that**  
 6 **came from the JIC, the Judicial Investigative**  
 7 **Commission?**  
 8 A. No, sir.  
 9 **Q. Okay. In that report, I believe it states that**  
 10 **an Internet technician from the Court - I imagine some**  
 11 **-- you or someone that works with you - set up accounts**  
 12 **for Justice Loughry's wife and son.**  
 13 A. I can't testify to that. If accounts were set  
 14 up, it is just a logon user name and password.  
 15 **Q. So what would that -- what would that mean?**  
 16 **What does setting up an account for somebody mean?**  
 17 A. On a computer, you have a user name and  
 18 password to allow you to log into that computer, so  
 19 those are accounts.  
 20 **Q. Okay. Just setting up their password so they**  
 21 **can get into the computer that is owned by the State;**  
 22 **correct?**  
 23 A. Correct.  
 24 **Q. All right. Well, let's see. I know that --**

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1 that location is inside the city limits of Charleston.  
 2 I believe it is in the Shadowlawn neighborhood. Is  
 3 there a reason why -- would they need a special, higher  
 4 speed-type Internet than anyone else in the city of  
 5 Charleston? I mean, I know that we have -- we are  
 6 fortunate here -- more for -- as opposed to a lot of  
 7 parts of the state where they don't have that kind of  
 8 access, but do they have the same, adequate access to --  
 9 or was that need -- did that -- was there a need to  
 10 speed up their access so they are able to do work from  
 11 home, from his house?  
 12 A. I can't testify to his access speed, but a  
 13 normal connection from Suddenlink, probably their lowest  
 14 speed, would suffice for remote access.  
 15 Q. Okay. And was there a, like, a matter of  
 16 security? Did they have to have a secured network  
 17 there? Was that --  
 18 A. It -- it is a secure network.  
 19 Q. It already is a secured?  
 20 A. It has a firewall.  
 21 Q. Okay. I know with our Internet access, we also  
 22 get television with that. Do you know if they were  
 23 running their tele -- their television cable from that  
 24 access?

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1 A. I can't testify to that.  
 2 Q. Okay. Did -- have you seen a -- we have -- in  
 3 our package, we have a picture of the Cass Gilbert  
 4 desk. Have you seen it -- the picture?  
 5 A. No. No, sir.  
 6 Q. Would you mind looking at it for a second?  
 7 A. No, I do not mind.  
 8 CHAIRMAN SHOTT: We will have somebody  
 9 deliver it to you. Just stay seated.  
 10 DELEGATE PUSHKIN: What? I just passed it  
 11 to him. I gave him my copy.  
 12 CHAIRMAN SHOTT: And let's just let the  
 13 record refer to -- refer to the Exhibit Number that he  
 14 is looking at which is Exhibit --  
 15 DELEGATE PUSHKIN: I don't have -- I -- he  
 16 has my copy. It's not in front of me. Which exhibit  
 17 number is that?  
 18 CHAIRMAN SHOTT: Counsel, which exhibit is  
 19 that?  
 20 MS. KAUFFMAN: Your Honor -- I'm sorry.  
 21 Mr. Chairman, I don't think it's an exhibit. It is the  
 22 -- part of the Post Audit Report number 1.  
 23 CHAIRMAN SHOTT: At what page?  
 24 MS. KAUFFMAN: Page 23.

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1 CHAIRMAN SHOTT: Page 23, very good. Go  
 2 ahead with your questioning.  
 3 Q. Okay, thank you. Is that the desk that the  
 4 desktop computer in the off -- what you described as the  
 5 office area in Justice Loughry's home, is that the desk  
 6 that you recall seeing there?  
 7 A. Sir, I cannot testify to that. I just know  
 8 there was a desk. I do not remember what it looked  
 9 like.  
 10 Q. Okay. When -- when you installed the computer  
 11 in the office area, do you recall if there were --  
 12 because I -- on that desk, I can't see the back of it  
 13 and I know like at home, I have a cheap desk and I put a  
 14 hole in it to run wires through to get to the  
 15 computer. Do you recall there being any holes in the  
 16 back of the desk to run wires through?  
 17 A. I do not.  
 18 Q. You do not? Okay. Well, thank you.  
 19 DELEGATE PUSHKIN: That is all the  
 20 questions that I have for now. Thank you very much.  
 21 CHAIRMAN SHOTT: Delegate Zatezalo.  
 22 DELEGATE ZATEZALO: Okay, thank you,  
 23 Mr. Chairman.  
 24 EXAMINATION

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1 BY DELEGATE ZATEZALO:  
 2 Q. And thank you for being here. My question is:  
 3 Are there any written policies for Internet connections  
 4 at home that the Supreme Court has in place?  
 5 A. Sir, if there are, I have never seen them.  
 6 Q. Okay, very good. Then the other question I  
 7 have is, I want to understand this just to make sure I  
 8 have got it clear. You have never been to Judge  
 9 Walker's home, but is that because she was elected after  
 10 -- when you didn't have any -- you were no longer in the  
 11 employ of the Supreme Court or it is just that she never  
 12 asked for help?  
 13 A. She never asked for any home help.  
 14 DELEGATE ZATEZALO: Okay, very  
 15 good. Thank you.  
 16 THE WITNESS: You're welcome.  
 17 CHAIRMAN SHOTT: Delegate Hollen.  
 18 DELEGATE HOLLEN: Thank you, Mr. Chairman.  
 19 EXAMINATION  
 20 BY DELEGATE HOLLEN:  
 21 Q. Just a couple follow-up questions. You had  
 22 stated previously that you've never done a site survey  
 23 on other justices' residences; is that correct?  
 24 A. That is correct.

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1 **Q. Would that be due to the fact that they've**  
2 **already been set up prior to your employment?**  
3 A. Yes, that could be a reason.  
4 **Q. Okay. And the location that you had worked on**  
5 **at Judge Loughry's residence, it says that -- I believe**  
6 **your testimony was you had to do some -- some**  
7 **reconfiguring of the land cable or whatever it may be,**  
8 **but not at other -- any other of the justices'**  
9 **residences; is that correct?**  
10 A. Correct.  
11 **Q. Would that be possible because maybe his wasn't**  
12 **set up in an ideal location initially and theirs were,**  
13 **that you didn't -- no one had to go reconfigure theirs?**  
14 A. It could be, but I can't testify that that's  
15 the reason.  
16 **Q. Okay, because you didn't help set up the**  
17 **previous --**  
18 A. That is correct.  
19 **Q. -- setups. Okay. In follow-up to my colleague**  
20 **on the left here, there is no internal policy for**  
21 **installing personal items, i.e., games, personal**  
22 **e-mails, et cetera, on the computers?**  
23 A. Not that I have seen.  
24 DELEGATE ZATEZALO: Okay. Thank you.

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1 Thank you, Mr. Chairman.  
2 CHAIRMAN SHOTT: Delegate Byrd?  
3 DELEGATE BYRD: Thank you, Mr. Chairman.  
4 EXAMINATION  
5 BY DELEGATE BYRD:  
6 **Q. Thank you for being here. The first question I**  
7 **would like to ask you, sir, is you mentioned something**  
8 **earlier - I just want to clarify it for the record - is**  
9 **a wireless router was installed.**  
10 A. Yes.  
11 **Q. Is that correct? Was there a wireless router**  
12 **in the house previous to your site survey?**  
13 A. I do not recall one. It was a multi-function  
14 device, not only is it wireless, but it has a hub router  
15 built into it.  
16 **Q. Does that allow more than one instrument to tap**  
17 **into that wireless router?**  
18 A. It does.  
19 **Q. Okay.**  
20 A. But they would have to have a security key to  
21 gain wireless access.  
22 **Q. And is that security key given to Justice**  
23 **Loughry?**  
24 A. I am assuming it was. I can't testify to that.

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1 **Q. Let me ask you, did you give that security key**  
2 **to Justice Loughry?**  
3 A. No, I did not.  
4 **Q. Okay. The printer that was installed, is that**  
5 **a wireless printer?**  
6 A. Just based from memory, I think it was dual. I  
7 think it was wireless and wired.  
8 **Q. So if any instrument in the household is linked**  
9 **up to the wireless Internet, it could send something to**  
10 **that printer to be printed?**  
11 A. Yes, if -- if it was configured that way, yes,  
12 it could.  
13 **Q. Okay. Do you know if there is a log or**  
14 **anything on one of the printers that you installed to be**  
15 **able to show what types of things are printed, whether**  
16 **it be a photograph or documents?**  
17 A. Just knowing how printers work, yes, more than  
18 likely there is a log.  
19 **Q. And where would that log be stored? Would that**  
20 **be on the office computer? In the printer? In the**  
21 **kitchen computer? Where would that log be stored?**  
22 A. The log should be in the printer.  
23 **Q. And just to clarify for the record, on site**  
24 **survey, your first visit to Justice Loughry's house,**

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1 **it's my understanding - and I just want to make it clear**  
2 **for the record - that Justice Loughry designated the**  
3 **locations of the computers, desktop computers?**  
4 A. Correct.  
5 **Q. On any of the occasions - and I am going to**  
6 **just say, one, two, three, and four, the four times that**  
7 **you have been out there - were any of his family members**  
8 **there?**  
9 A. Yes, but I can't say which visit. I may have,  
10 like, passed his son in the hallway and his wife in the  
11 living -- but I can't say exactly which visits. I'm  
12 sorry.  
13 **Q. Fair enough. And the only follow-up question**  
14 **to that is: Did you ever have any conversations with**  
15 **them about the computer, user name, passwords, things on**  
16 **the computer?**  
17 A. No, I did not.  
18 **Q. Okay. Were you present for any conversations**  
19 **that any of the other IT individuals that were there**  
20 **might have had with the family members?**  
21 A. I do not recall any of those conversations.  
22 **Q. Okay. Was the computer in the kitchen/family**  
23 **room area, the only - what you quoted - a shared**  
24 **computer?**

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1 A. Can you repeat?

2 **Q. Was it the only one that had multiple user**

3 **names, login information?**

4 A. No, his office computer would have multiple

5 logons, but those were Court-related logons. The

6 computer, the shared computer as it is referred to,

7 would also contain a logon, which is the administrator

8 account that a Court employee would know that user name

9 and password.

10 **Q. And that was going to be my question because**

11 **I'm not an IT guy. Is there administrator access to**

12 **both the one that was in the family room and kitchen and**

13 **the office?**

14 A. I believe there's local access, but I can't

15 testify that there's remote access. In other words,

16 they would have to be in the house to log onto it.

17 **Q. That answers my question. Thank you. Now, the**

18 **Delegate down here mentioned to you earlier about the**

19 **JIC complaint. I understand that you haven't seen that**

20 **one, but I am going to ask you a few questions about it.**

21 **Were you ever involved in any hard drive**

22 **removal of the family room/kitchen computer?**

23 A. No, sir.

24 **Q. Were you ever present for any download of the**

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1 **hard drive or view of the hard drive?**

2 A. Not that I recall.

3 **Q. Did you ever view anything in any of your**

4 **visits at the Loughry house regarding what was on the**

5 **desktop computer in the kitchen/family room area?**

6 A. Me personally at the Loughry house? No.

7 **Q. So you never have signed on and looked at the**

8 **screen and said, "Well, here is this link to**

9 **this. There is a, you know, desktop icon for this game"**

10 **or anything of that nature?**

11 A. That is correct, I was not there.

12 **Q. Were you ever told about it by any of your IT**

13 **employees about anything being on the desktop computer,**

14 **either in the kitchen or in the office?**

15 A. Yes.

16 **Q. Okay. And tell me a little bit about what they**

17 **told you after a site visit, what was on -- we will**

18 **start first with the desktop in the kitchen/family room**

19 **area.**

20 A. One of the techs had to perform maintenance on

21 the computer and later he had told his direct supervisor

22 about some type of game that was installed and that

23 person relayed the information to me.

24 **Q. And I think you testified earlier you didn't**

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1 **recall what the game was, didn't --**

2 A. No.

3 **Q. Fair enough. Did you -- did any of them ever**

4 **report to you any browser history that was on the**

5 **desktop in the kitchen/family room area?**

6 A. No, sir.

7 **Q. Is that something that's able to be viewed**

8 **through the hard drive, of what the browser history**

9 **would be through the Internet?**

10 A. If there is a backup of the hard drive or a

11 copy of the hard drive, yes, I'm sure a computer

12 forensics could find that information.

13 **Q. Were there ever any conversations with any of**

14 **the IT employees about family photographs being on the**

15 **desktop in the family room/kitchen area?**

16 A. Yes, that was relayed to me, that there was a

17 lot of photographs.

18 DELEGATE BYRD: I think that is all I have

19 right now. Thank you, sir.

20 THE WITNESS: Thank you.

21 CHAIRMAN SHOTT: I have been informed we

22 need a minute to change out the battery, so please be at

23 ease just for a second as we change out the microphone

24 batteries.

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1 Are we back in order? All right.

2 Delegate Fluharty.

3 DELEGATE FLUHARTY: Thank you,

4 Mr. Chairman.

5 EXAMINATION

6 BY DELEGATE FLUHARTY:

7 **Q. Very briefly, just so we are clear, I believe**

8 **you testified, did Justice Loughry come to you directly**

9 **to ask you to set up this home system for him?**

10 A. I don't know if it was directly or via e-mail.

11 **Q. But the communication came from Justice**

12 **Loughry?**

13 A. Yes.

14 **Q. So there was no in-between between Justice**

15 **Loughry and he didn't just say, "Hey, I need this set**

16 **up." Somebody came to you, he came to you directly**

17 **either via e-mail or another direct communication?**

18 A. Correct, it -- I may have been called up by the

19 administrative assistant, but --

20 **Q. Okay. And you said, I believe, there were**

21 **multiple access points in his home?**

22 A. Wireless or wired?

23 **Q. That needed to be installed. I am trying to**

24 **get an idea of what, exactly, was installed.**

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1 A. Okay.

2 **Q. When you say "access points," normally you just**

3 **have one, but there were more -- there was more than one**

4 **access point in his home?**

5 A. No, it is one access point. It has -- it's

6 built-in wireless and wired connections.

7 **Q. Okay. But there were multiple PCs, then, that**

8 **were installed?**

9 A. Correct.

10 **Q. Okay. And was that above and beyond what the**

11 **other justices had in their home?**

12 A. To my knowledge, it was.

13 **Q. And did you feel that was out of the ordinary?**

14 A. How do you determine out of -- "out of the

15 ordinary?"

16 **Q. That is for you to determine, not me.**

17 A. Right, and I can't.

18 **Q. But so you didn't get the feeling that this was**

19 **above and beyond -- you know, he wasn't asking or**

20 **requesting anything outside of the ordinary to your --**

21 **by your estimate?**

22 A. There's no policy to say that it's out of the

23 ordinary, so, no, I did not think it was out of the

24 ordinary.

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1 DELEGATE FLUHARTY: Okay, that is all I

2 have. Thank you.

3 CHAIRMAN SHOTT: Delegate Lovejoy.

4 DELEGATE LOVEJOY: Thank you,

5 Mr. Chairman. Just a couple questions.

6 EXAMINATION

7 BY DELEGATE LOVEJOY:

8 **Q. You mentioned earlier that -- that this**

9 **computer in the home of the justice could connect -- and**

10 **I think you used the term the "court technology system,"**

11 **is that -- is that --**

12 A. The office computer.

13 **Q. Yes.**

14 A. It has a VPN client which secures the network

15 from his house to the Court, so there can be no man in

16 the middle looking at data.

17 **Q. So, for instance, is it -- is it the virtual**

18 **equivalent of sitting at your desk in your office at the**

19 **Capitol?**

20 A. It is.

21 **Q. And so if you were going to need to pull up**

22 **briefs or anything you could pull up in your Capitol**

23 **office at -- say you're working at midnight -- you could**

24 **call it up at your home?**

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1 A. That's correct.

2 **Q. And if you're working on the weekend to prepare**

3 **for, you know, an argument docket on Monday, you would**

4 **have access to all of the digital data just as though**

5 **you were sitting in your office?**

6 A. That is correct.

7 **Q. Now in the JIC report, there are a couple of --**

8 **of -- well, there's a couple pages that deal with this**

9 **computer. And the person who's involved is not**

10 **identified by name, but, rather, by role. So I want to**

11 **see if you're this person.**

12 **The report mentions two Supreme Court**

13 **desktop computers valued between \$800 and \$1200**

14 **apiece. Now, did you provide that value?**

15 A. No, I did not.

16 **Q. Do you agree with that value?**

17 A. With the age of computers, I mean, technology

18 changes by the hour. I would assume the cost to be

19 lower at this moment.

20 **Q. But at the time that these computers were**

21 **installed in early 2013, were they likely to be valued**

22 **between \$800 and \$1200?**

23 A. Yes.

24 **Q. And there also is a reference to a new printer**

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1 **that was valued between \$400 and \$600. Would you**

2 **believe that to be a fair estimate in 2013 of the value**

3 **of the printer?**

4 A. I would, but I would have to also research the

5 model of the printer and check cost during that time.

6 **Q. Fair enough. Then the next paragraph discusses**

7 **a Supreme Court network engineer who set up these local**

8 **computer accounts. Would that be you?**

9 A. No.

10 **Q. Okay. And I think you have described what an**

11 **account is, is simply a login identification for a**

12 **person on a computer?**

13 A. That is correct.

14 **Q. You are not, for instance, purchasing some**

15 **additional paid account, but, rather, if my child wants**

16 **to get on a computer, I can set up an account for that**

17 **child so they don't have access to other things on the**

18 **computer?**

19 A. That is correct.

20 **Q. All right, then it references a network**

21 **engineer went to the home on several occasions to**

22 **service the computer. And there's a series of questions**

23 **and answers, almost like a transcript. And it's hard --**

24 **I don't have a copy to show you. And I don't know if**

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1 you have it -- okay, you don't have it in front of you,  
 2 but there is questions -- for instance, there's a  
 3 question. "What was the problem with it?" And this is  
 4 with regard to those service calls. "Answer: A lot of  
 5 times it would just be like maybe the hard drive was  
 6 full."  
 7 Did -- were you interviewed by the JIC to  
 8 create a transcript of questions and answers?  
 9 A. I was interviewed by JIC.  
 10 Q. Okay. There was a question in here about games  
 11 on a computer and it mentions a bunch of just random,  
 12 free games you would see online. Do you remember  
 13 providing that information?  
 14 A. No, sir.  
 15 Q. Is your memory consistent that when we talk  
 16 about games, there were some random, free games that you  
 17 would see online?  
 18 A. I have seen random, free games online.  
 19 Q. Did you see -- did you see random, free games  
 20 online on these computers that were installed?  
 21 A. No, I did not.  
 22 Q. Okay. Let's see here. And I think -- I think  
 23 Delegate Byrd got an answer to this. I want to make  
 24 sure.

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1 It appears that one of these computers was  
 2 sent to the Court's information technology unit and  
 3 there was a -- an image of the hard drive, but you  
 4 didn't participate in that because you probably were  
 5 gone in February of '18?  
 6 A. Yes, I was gone.  
 7 Q. Okay, thank you.  
 8 DELEGATE LOVEJOY: I have no other  
 9 questions. Thank you.  
 10 CHAIRMAN SHOTT: Delegate Robinson.  
 11 DELEGATE ROBINSON: Thank you,  
 12 Mr. Chairman.  
 13 EXAMINATION  
 14 BY DELEGATE ROBINSON:  
 15 Q. Mr. Harvey, do you happen to remember who the  
 16 Internet provider was?  
 17 A. No, sir, I just used Suddenlink as an example.  
 18 Q. Okay, and it wasn't -- I mean, I think Frontier  
 19 would have had to have been DSL, probably, at that time  
 20 and/or Suddenlink would be your cable provider, so it  
 21 has to be -- if it is DSL, it would have to be Frontier,  
 22 and cable would have to be Suddenlink in Charleston, I  
 23 believe.  
 24 A. Correct.

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1 Q. And was -- was it cable Internet or --  
 2 A. I do not recall. I'm thinking it was cable,  
 3 but to testify to that, I can't.  
 4 Q. Okay, and when you went there, it was already  
 5 installed -- the Internet was already installed?  
 6 A. Yes.  
 7 Q. And that was -- I think you answered counsel  
 8 what year that was. I don't think you remembered the  
 9 date, but the year?  
 10 A. I could only give a range.  
 11 Q. Okay. So that would be -- it would have to be  
 12 after 2012, I would assume.  
 13 A. Correct.  
 14 Q. Okay. I am just trying to get at where an  
 15 invoice for the Internet or cable or all that would be  
 16 and who it would be from if we would have to subpoena or  
 17 look for that somewhere, is where I was trying to go.  
 18 A. All of the work that was done by the technology  
 19 folks at the Court, that should be tracked through the  
 20 financial management area of the Court.  
 21 Q. Yeah, you wouldn't -- we asked, I think there  
 22 was a question earlier if you were aware who was paying  
 23 for it, but that wouldn't have come through your  
 24 department. That would go through finance -- finance or

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1 some kind of -- whoever the accountant for the Court is?  
 2 A. That is correct.  
 3 Q. Okay. We --they asked -- we've asked you about  
 4 a desk in the house. Did you happen to -- I mean, it  
 5 sounds like you went all through the house and through  
 6 the basement to run lines and all that and you were  
 7 around the house quite a bit. Were -- are you aware of  
 8 -- do you recall a memory of what was in the house just,  
 9 roughly, like if I asked a couple questions, of things  
 10 that may have been there, may not have been?  
 11 A. You can ask your questions; but, again, if I  
 12 remember, yes, I can testify to that.  
 13 Q. Were there --  
 14 A. But as I answered before, I know there was  
 15 furniture, but to pinpoint if it was this desk, I can't  
 16 do that.  
 17 Q. Yes. What about maybe some odd photos or  
 18 framed items in the home?  
 19 A. Not an odd photo. I made a comment about one  
 20 photo because it was as soon as you walk in.  
 21 Q. What was that?  
 22 A. It was a wedding picture.  
 23 Q. A wedding picture?  
 24 A. And the reason it caught my attention, there

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1 was a castle. And I said, "Oh, that is a really cool  
2 castle."  
3 **Q. Anything else that you recall that was framed  
4 on the wall or anything interesting?**  
5 A. No, sir.  
6 **Q. No, possibly, a book cover that was framed or  
7 something like that, that you recall?**  
8 A. If I seen it, it didn't catch my attention.  
9 **Q. Okay. Maybe -- okay. And you -- the reason  
10 you were there was to connect them to the database for  
11 the Supreme Court; correct?**  
12 A. Yeah, I had job. I wasn't looking at the  
13 furniture or --  
14 **Q. Yeah, yeah, I understand. So -- but you were  
15 there to connect the computer to the database and you  
16 say you installed access for three computers.**  
17 A. Right. It was to connect the office computer  
18 to the Court network.  
19 **Q. Is there any policy of how a justice or any  
20 other Court employee is supposed to act on a server, a  
21 database or computer that has access to those, that  
22 they're supposed to keep those secure or something like  
23 that?**  
24 A. I have not seen any policy.

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1 **Q. Okay. So they -- there's no something that  
2 they say that, you know, this -- if you have access just  
3 for -- say, for a Court employee. "If you have access  
4 on your home computer to work from home and you are  
5 accessing a database, you should keep that secure and  
6 away from any family member or friend" or anything like  
7 that?**  
8 A. Right, no policy, but we took it upon ourselves  
9 to make sure if someone was making that connection from  
10 home to the Court, that there was a VPN client that  
11 would secure that connection.  
12 **Q. Okay. What kind of things are on that server?  
13 I mean, I assume it's at times private matters or not  
14 things that aren't for public eyes, things that relate  
15 to hearings and proceedings and things like that?**  
16 A. I can't testify. I never browsed that area of  
17 the server. It was only if there was a problem with it.  
18 **Q. Okay.**  
19 A. But to tell you what kind of documents, it  
20 wasn't my area.  
21 **Q. Okay. And -- now, the computer that was in the  
22 kitchen and the others that were found at -- I believe  
23 we have referenced another report, the JIC report, that  
24 had some games and things on them, did those have access**

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1 **to the secure server of the Supreme Court?**  
2 A. No, they did not.  
3 **Q. They did not. Okay.**  
4 DELEGATE ROBINSON: That is all I  
5 have. Thank you.  
6 CHAIRMAN SHOTT: Delegate Miller.  
7 DELEGATE MILLER: Thank you, Mr. Chairman.  
8 EXAMINATION  
9 BY DELEGATE MILLER:  
10 **Q. Mr. Harvey, thanks for coming in probably what  
11 is less than a comfortable situation or --  
12 The -- in regard to the networks that were  
13 preinstalled and your site surveys of all of the  
14 justices' homes, I think you testified that you did a  
15 site survey for Justice Loughry to see if it was - and  
16 I'll use my words - up to standards to be able to access  
17 the Court's network; is that fair to say?**  
18 A. It is. You have to determine what you are  
19 dealing with before you install the network. You know,  
20 do we have to a buy a special drill to drill through six  
21 feet of concrete? So you want to know that ahead of  
22 time.  
23 **Q. Now, in regard to the other justices' homes  
24 that you went into to make sure that they had computer**

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1 **access, you testified that you didn't have to set up a  
2 network or offer wiring or installation into their  
3 homes?**  
4 A. If any of that was done, it was before my  
5 employment at the Court.  
6 **Q. So you weren't asked to do any kind of work in  
7 any other justices' homes, similar to what you did at  
8 Justice Loughry's?**  
9 A. No, sir.  
10 **Q. Okay. In regard to the desktops that you can  
11 recall, did the Court purchase those computers in 2013  
12 specifically for Justice Loughry or were they already in  
13 stock and they were just pulled out? They were used  
14 computers that were taken to his home?**  
15 A. I can't testify completely to that because if  
16 it was in stock, then it was used out of stock. If it  
17 was something that we needed to order, then it was  
18 ordered.  
19 **Q. You don't recall if he specified a particular  
20 type of computer or you were directed to provide a new  
21 computer or computers to the Loughry residence?**  
22 A. No, I can't -- I can't testify to that.  
23 **Q. Okay.**  
24 A. Not without the documentation, which is at the

1 Court.  
2 **Q. The computers that were installed, were those**  
3 **offered to Justice Loughry by any member of**  
4 **administration or staff or did he say something along**  
5 **the lines, "I need computers installed at my house?"**  
6 **Did he make that direction or was that offered to him,**  
7 **if you know?**  
8 A. In my dealings, he asked for the computers. I  
9 don't know if he talked to administration prior to that.  
10 I can't testify to that.  
11 **Q. But he initiated that sequence of events for**  
12 **him to get computers installed in his home.**  
13 A. Correct.  
14 **Q. Okay. I think you talked a little bit earlier**  
15 **about computer access, possibly not set up in ideal**  
16 **locations, things like that. When you made the**  
17 **installation and the wiring was installed at the Loughry**  
18 **home, were you given direction as to specifically where**  
19 **to install computer access points?**  
20 A. Yes.  
21 **Q. Who made that direction?**  
22 A. It was Justice Loughry.  
23 **Q. Did he give you any indication as to why he**  
24 **wanted -- specific computer access points put at a**

1 **specific location?**  
2 A. No, he did not.  
3 **Q. Did he lead you to believe why he wanted them**  
4 **at any particular location?**  
5 A. It was a shared area and the other one was an  
6 office area, so it was separating that shared area from  
7 the office area.  
8 **Q. Are you of the belief that was -- that specific**  
9 **location in the shared area, we will call it, in the**  
10 **kitchen/family room was for his family rather than for a**  
11 **work station?**  
12 A. Evidence later on would suggest that.  
13 **Q. Okay. The two desktop computers that were**  
14 **installed that you are familiar with and positive of,**  
15 **you're not sure about a laptop, but you're sure about**  
16 **two desktops; is that correct?**  
17 A. Two desktops.  
18 **Q. Were those wired computers to the -- to have**  
19 **Internet access?**  
20 A. To my knowledge, they were.  
21 **Q. But you also testified that you installed a**  
22 **wireless router in the location -- in the residence, as**  
23 **well, for Justice Loughry?**  
24 A. That is correct.

1 **Q. Which was not needed for the desktops.**  
2 A. That is correct.  
3 **Q. Is it normal for a wireless router to be**  
4 **installed for laptops to be utilized throughout other**  
5 **parts of the house?**  
6 A. Yes, if a justice has a laptop with wireless  
7 capability that they use on the bench or in their  
8 office, then at times they may have that laptop at their  
9 home which would allow them the wireless access.  
10 **Q. But at -- in this case, he had two desktops**  
11 **that were wired and not wireless.**  
12 A. Correct.  
13 **Q. So if there was a wireless router there, it**  
14 **leads us to believe that there was an additional laptop**  
15 **computer to access that network, as well?**  
16 A. Yes, but I cannot testify to that.  
17 **Q. I understand. Thank you.**  
18 **Something that came up a little earlier**  
19 **that has intrigued me. There was a reference made to**  
20 **JRP Consulting, I believe a Mr. Pritt?**  
21 A. Yes.  
22 **Q. A gentleman that was employed by the Court?**  
23 A. John Pritt, he was a consultant that was hired  
24 by the Court.

1 **Q. What was his function?**  
2 A. Initially, it was to help out with any IT needs  
3 and put him on a task, I believe it was a  
4 scanner/printer that he needed to set up for an area at  
5 the Court.  
6 **Q. In regard to his responsibility -- he is a**  
7 **contractor; is that correct?**  
8 A. Yes, he is a contractor.  
9 **Q. He is a contractor. As far as his**  
10 **responsibilities, was it primarily software, networking,**  
11 **hardware, or IT installation field work? What would you**  
12 **characterize his function with the Supreme Court?**  
13 A. It was more of an analyst area, but, you know,  
14 he wore multiple hats also. He had experience in  
15 setting up projects, setting up printers, experience  
16 with examining how something would work and in a network  
17 environment.  
18 **Q. Okay. That gives us his training and**  
19 **background, but what did he do?**  
20 A. The initial was setup of the project. It was a  
21 scanning/printing -- I forget which floor it was on. I  
22 would have to refer to documentation that I don't  
23 have. And after that, he was transitioned into an area  
24 because that was finished. I didn't have any work for

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1 him to do. He was transitioned into studying the OASIS  
2 project coming into the Court. Were there particular  
3 milestones for that project? No.

4 **Q. His original assignment, in your opinion being**  
5 **the Director, was that needed to bring on a consultant**  
6 **or did you not have staff that were capable of doing**  
7 **what he was brought on to do?**

8 A. Yes, we had staff that were capable of doing  
9 that. You know, basically, I was told, "You need to  
10 hire this individual to do this."

11 **Q. Who told you that?**

12 A. At that time it was my director.

13 **Q. And what was his name?**

14 A. Steve Canterbury.

15 **Q. Do you have any knowledge as to if he received**  
16 **direction from anyone in order to hire Mr. Pritt or JRP**  
17 **Consulting?**

18 A. Yes, he told me that he received word to hire  
19 this person.

20 **Q. Had he received direction from someone else in**  
21 **order to hire Mr. Pritt?**

22 A. Correct.

23 **Q. Do you have any idea as to who gave that**  
24 **directive?**

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1 A. It was Justice Workman.

2 **Q. So Justice Workman directed Mr. Canterbury to**  
3 **hire Mr. Pritt even though you had staff that were**  
4 **capable -- capable of doing the job?**

5 A. Yes.

6 **Q. Did you have any conversations with Mr. Pritt**  
7 **during his employment?**

8 A. Several. We had verbal contact and e-mail  
9 contact.

10 **Q. Did he make any comments to you to indicate how**  
11 **his employment as a contractor with -- to the Supreme**  
12 **Court came about?**

13 A. Not how his employment came about; he did  
14 mention that he had worked the Workman campaign in the  
15 past.

16 **Q. So Mr. Pritt had worked on Justice Workman's**  
17 **election campaign to the Supreme Court?**

18 A. That's what he had told me.

19 **Q. Did he indicate that that's why he was employed**  
20 **by the Supreme Court subsequent to work -- subsequent to**  
21 **working on her campaign?**

22 A. No, he did not say that.

23 **Q. Did he lead you to believe that?**

24 A. No.

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1 **Q. Do you know if he had a personal relationship**  
2 **as far as being friends with Justice Workman outside the**  
3 **campaign efforts?**

4 A. Just through verbal conversations, he alluded  
5 to that they were friends.

6 **Q. They were friends.**

7 **In your job as the Director of Technology,**  
8 **was part of your responsibility for monitoring or**  
9 **coordinating online activity for the Supreme Court of**  
10 **Appeals, such as the e-filing system, things such as**  
11 **that?**

12 A. I was not involved in the e-filing system.

13 **Q. Were you involved with other online-type access**  
14 **from the public or attorneys or the courts or things**  
15 **like that?**

16 A. Yes.

17 **Q. Were you involved in any type of monitoring or**  
18 **setup or supervision of any programs whereby that**  
19 **individuals having access to the courts could purchase**  
20 **information, data, or in any way transmit money or funds**  
21 **to the Supreme Court?**

22 A. Yes, it was a project that was started, it was  
23 -- I'm trying to remember the time frame, but, yes,  
24 there was a project that we had started to sell

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1 information from the magistrate court system.

2 **Q. What kind of data would that have been?**

3 A. It would be any kind of magistrate court case  
4 information that is available to the public. So to give  
5 a better access means you could put it online and then  
6 charge to access that information instead of getting in  
7 a vehicle and driving to the courthouse.

8 **Q. So the public could access the magistrate court**  
9 **records, pay a fee and get those records in lieu of**  
10 **making a personal visit to the courthouse?**

11 A. Correct.

12 **Q. Okay. You say you started that. Is that**  
13 **system in place now?**

14 A. I do not have knowledge that it is in place.

15 **Q. Okay. Specifically with the charges that a**  
16 **citizen would incur for accessing the magistrate court**  
17 **records, do you know how the system would have been set**  
18 **up or with the way it was anticipated where those**  
19 **charges, if I were to access it and I paid a fee, where**  
20 **that money would go?**

21 A. No, I had -- we had set up a meeting with the  
22 Treasurer, John Perdue, and that meeting was to  
23 determine how the payment system would work.

24 **Q. When you say "we," who would -- who would you**

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1 **be referring to?**  
 2 A. That would be myself and at that time Director  
 3 Johnson.  
 4 **Q. Okay. So you were wanting to set up a system,**  
 5 **an online system where people could buy information.**  
 6 A. Correct.  
 7 **Q. Why -- what was the context of your meeting or**  
 8 **the pretext of your meeting with Treasurer Perdue?**  
 9 A. It was to determine the payment system on this  
 10 particular web site that was going to be developed and  
 11 how it would flow. You know, did the money flow from  
 12 this system to the Auditor or did it go through the  
 13 Treasurer first? It was to determine the flow of funds.  
 14 **Q. Where did the Court desire the money or the**  
 15 **funds to be sent to when they made an online**  
 16 **transaction?**  
 17 A. There were talks that they wanted it to be  
 18 internally.  
 19 **Q. To the Supreme Court?**  
 20 A. Correct.  
 21 **Q. Is that -- did you find out during your meeting**  
 22 **with Treasurer Perdue that that was contrary to State**  
 23 **policy?**  
 24 A. Correct. He spoke up and said, "No, you can't

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1 do it that way."  
 2 **Q. Did you get the idea that that would have been**  
 3 **illegal for the Court to have set that system up in that**  
 4 **manner?**  
 5 A. I don't know about the legality of it, but I  
 6 know Treasurer Perdue said, "No, you cannot do it that  
 7 way."  
 8 **Q. Do you know if that system was enacted against**  
 9 **his directive or that's -- at least while you were in**  
 10 **the employment of the Supreme Court?**  
 11 A. No, at that time we got busy on other projects  
 12 and it was kind of pushed to the back. That's --  
 13 **Q. Of the -- of the justices of the Supreme Court**  
 14 **at the time, were you approached in order to try --**  
 15 **without naming any names, were you approached in order**  
 16 **to try to put any kind of influence on the Treasurer to**  
 17 **solicit his support and to sign off on authorizing the**  
 18 **Supreme Court to get these funds directly to them**  
 19 **instead of going through the State coffers?**  
 20 A. I don't think it was to influence to have the  
 21 funds brought into the Court, but I was strongly told to  
 22 get John Perdue to sign off on the document that the  
 23 Court had. Very strongly.  
 24 **Q. Is it fair to say "threatened"?**

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1 A. I was told that if I didn't get John Perdue to  
 2 sign the document, that I would be fired.  
 3 **Q. I understand. Did that come from at the time**  
 4 **Justice Loughry, Justice Davis, Justice Workman, or**  
 5 **Justice Walker?**  
 6 A. No.  
 7 **Q. Did you have any further contact with the --**  
 8 **with our State Treasurer after that meeting in regard to**  
 9 **this -- this concept or this project?**  
 10 A. Yes, the document was reworked by the Court and  
 11 eventually it was determined that the flow of payment  
 12 would go through the Treasurer's office and, I believe,  
 13 to the Auditor's office and Mr. Perdue or his staff  
 14 signed off on the document.  
 15 **Q. Okay.**  
 16 DELEGATE MILLER: Thank you,  
 17 Mr. Chairman. Thank you, Mr. Harvey. I think that is  
 18 all I have.  
 19 CHAIRMAN SHOTT: In case there is any  
 20 question about the method to my madness here, I am  
 21 trying to avoid the same person being last every time we  
 22 go around the room. So I am going to start on this end  
 23 of the -- this side of the row and begin with -- with  
 24 Delegate Overington.

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1 DELEGATE OVERINGTON: Thank you,  
 2 Mr. Chairman.  
 3 EXAMINATION  
 4 BY DELEGATE OVERINGTON:  
 5 **Q. I thank you for being here as well.**  
 6 A. Thank you.  
 7 **Q. I want to back up. The -- you only did a site**  
 8 **survey and installation where you did the drilling in**  
 9 **preparation for Justice Loughry. The other -- the three**  
 10 **-- the other three before Justice Walker had all been**  
 11 **elected before, so that site survey and that work would**  
 12 **have been done in advance when they were first elected,**  
 13 **I assume.**  
 14 A. Correct. It's an assumption. I would assume  
 15 that it was done prior to me being in charge.  
 16 **Q. And that was 2011 is when you became Director**  
 17 **for Technology, so that all of that work would have been**  
 18 **done previously by whoever was your predecessor.**  
 19 A. That is correct.  
 20 **Q. And I guess with Justice Walker, that was --**  
 21 **she was elected last year, so are justices allowed to do**  
 22 **that work privately or does it have to be done through**  
 23 **your office?**  
 24 A. I have seen no policy that says either way.

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1 **Q. You said that there is no official, written**  
 2 **policy for the services that you provide at home for**  
 3 **justices; is that correct?**  
 4 A. That is correct.  
 5 **Q. Is there an expectation that that is a service**  
 6 **that all of the Supreme Court justices are entitled to**  
 7 **and actually expected to use?**  
 8 A. As an individual, I feel it is an expectation.  
 9 **Q. And I guess for security reasons, the**  
 10 **expectation is it would be better to have you and the**  
 11 **Supreme Court staff doing it rather than trying to set**  
 12 **it up on a private -- by a private organization.**  
 13 A. That is correct.  
 14 **Q. Do all five justices have home connections that**  
 15 **gives them -- gives them full access to the Supreme**  
 16 **Court records?**  
 17 A. At this time I can't testify to that. I have  
 18 been gone over a year -- almost a year.  
 19 **Q. At the time that you left, did all of them have**  
 20 **access?**  
 21 A. No. Justice Walker did not, to my knowledge,  
 22 have anything at her home to access the Court.  
 23 **Q. Do they have access at the Capitol to their**  
 24 **private accounts as well?**

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1 A. Define "private accounts." Is that their  
 2 court --  
 3 **Q. Their own personal access -- if, for example,**  
 4 **they wanted to -- if they were here and wanted to check**  
 5 **to see, you know, if there were any family, private**  
 6 **e-mails that they wanted to keep up with or check or --**  
 7 **does it go both ways where at home they have, obviously,**  
 8 **their private system as well as access to the State**  
 9 **system. And here do they have the same?**  
 10 A. From the Court to their homes, no. To check  
 11 their personal e-mail if it is web based, they can open  
 12 a browser and log into their e-mail, their personal  
 13 e-mail, but to take a Court computer and access their  
 14 home network, that doesn't exist to my knowledge.  
 15 **Q. So that would have had to be done through maybe**  
 16 **their own Smartphone or some other system?**  
 17 A. Correct.  
 18 **Q. When you're -- when you are establishing a**  
 19 **person's home connection with the State system, so you**  
 20 **would be providing the whole realm of benefits, whether**  
 21 **it is surge protectors or different ways to make sure**  
 22 **that their system -- whether it is private or their**  
 23 **public system through the Courts would be adequate and**  
 24 **protected with all of the types of devices and that**

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1 **would be needed to operate it at home?**  
 2 A. Correct, if it's -- if it's a State-owned piece  
 3 of equipment, we do want to protect it.  
 4 DELEGATE OVERINGTON: Thank you. Thank  
 5 you, Mr. Chairman.  
 6 CHAIRMAN SHOTT: Delegate Foster.  
 7 EXAMINATION  
 8 BY DELEGATE FOSTER:  
 9 **Q. Thank you for being here, Mr. Harvey. Kind of**  
 10 **what I wanted to go through with you is some of the --**  
 11 **how this is set up at the justices' houses. And, first**  
 12 **of all, when they are set up, you all do the wiring at**  
 13 **the house and possibly a router and the computers. Who**  
 14 **pays for the wiring, the router, the computers? Is**  
 15 **that -- is that the tech department?**  
 16 A. It -- it's invoiced. I mean, we can't go out  
 17 and directly purchase anything without it being State  
 18 funded.  
 19 **Q. Uh-huh.**  
 20 A. So that would be invoices brought in by the  
 21 tech department and turned into the finance department  
 22 of the Court.  
 23 **Q. But they are purchased through an invoice by**  
 24 **the tech department and paid for by someone else?**

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1 A. Correct.  
 2 **Q. They are paid for by the State?**  
 3 A. That is correct.  
 4 **Q. And that would include everything at any one of**  
 5 **the justices' houses, be it wiring or computer, and I**  
 6 **believe we talked about printers, routers, and the like?**  
 7 A. That is correct.  
 8 **Q. And how many -- how many justices when -- while**  
 9 **you were in employment there had a computer, a personal,**  
 10 **desktop computer at their house?**  
 11 A. You mean the number of items or --  
 12 **Q. No, just how many had a desktop computer at**  
 13 **their home?**  
 14 A. It was either a desktop or a laptop and it was  
 15 all justices with the exception of Justice Walker.  
 16 **Q. And the laptops, did all of them have a laptop**  
 17 **and not whether it was at home -- but I mean, obviously,**  
 18 **that could be carried to the Court, back to home. Did**  
 19 **all of them have a laptop that was purchased by the --**  
 20 **purchased by the Court?**  
 21 A. No, it was either a laptop or a desktop.  
 22 **Q. Okay. How many of them had the laptop?**  
 23 A. I can't testify to that number.  
 24 **Q. Can't recall? All right. And what my question**

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1 there then is, I want to go into the -- whenever you all  
 2 did the installations of these laptops, desktops,  
 3 printers, wiring, did you all keep track of like, for  
 4 example, in my company we do it by a work order. A work  
 5 order is issued. You complete the work, keep track of  
 6 the materials that were used, and then I guess that  
 7 would be on the invoices to the financial?  
 8 A. Most of the time it is tracked on a project  
 9 number.  
 10 Q. A project number?  
 11 A. Yes.  
 12 Q. And would -- how would we access these project  
 13 numbers or identify them for the set up at the justices'  
 14 homes?  
 15 A. You would have to get that information from the  
 16 Court and ask them for all project numbers associated to  
 17 the justices.  
 18 Q. Okay. So that -- that is something we could  
 19 have access to?  
 20 A. I can't speak for the Court.  
 21 Q. Okay. And those would be -- it would just be a  
 22 project number and how would we identify it as being  
 23 related to the -- those installations?  
 24 A. There should be some kind of text identifying

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1 that number as related to work being done either at a  
 2 justice's home or justice's office.  
 3 Q. And then going on from that, I also wanted to  
 4 -- to point out something we talked about yesterday is  
 5 West Virginia Code 6B-2-5(b) and this relates to a  
 6 public official using something for private gain.  
 7 And that's -- that's what is prohibited  
 8 under our Ethics Act.  
 9 Well, how many -- how many justices' homes  
 10 do you recall -- like at my home, there's a cable  
 11 connection that comes in, goes into a modem and then it  
 12 would go into a router, which would either have maybe up  
 13 to four ports or you could hard wire a connection or  
 14 also do a wireless, if the router was wireless, which  
 15 many of them are now.  
 16 How many homes did you actually have to  
 17 install a router at the home, or would that be something  
 18 we would find out from these project numbers?  
 19 A. You would have to find out from the projects  
 20 because I can only testify to one.  
 21 Q. Which -- one that you were personally involved  
 22 in?  
 23 A. Correct.  
 24 Q. And then the others may have been done before

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1 you were employed there.  
 2 A. That is correct.  
 3 Q. And those -- these routers, it is something  
 4 that can be accessed by -- if they are accessing it with  
 5 their laptop, say that they are able to carry from their  
 6 home and Court and back, they have to have a login to be  
 7 -- or a password to be able to log into it; correct?  
 8 A. To gain wireless access? Yes.  
 9 Q. And couldn't that be done on any device? If  
 10 you had an iPad or something, that could be done,  
 11 basically, therefore used on a personal device as well,  
 12 if they had a wireless router installed in their --  
 13 A. Yes, that is correct.  
 14 Q. Okay. And -- and when these routers are  
 15 installed, I mean, there would be no need for -- if you  
 16 had wireless access through a router, there would be no  
 17 need for a personal service because it could be used by  
 18 anyone within the home if they just had the login?  
 19 A. That is correct, if they had the security  
 20 credentials --  
 21 Q. The password.  
 22 A. -- to gain access to that device.  
 23 Q. But security credentials, that would just be a  
 24 password.

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1 A. Yes.  
 2 Q. It is not like you all are actually verifying  
 3 the IP address of that device.  
 4 A. You are correct.  
 5 Q. And then going -- and I wanted to go into kind  
 6 of how the -- it said -- you mentioned a VPN. So, for  
 7 example, you have -- and if I'm familiar with how these  
 8 things work, the computer is actually just -- your login  
 9 to the computer is just -- like mine would be Jeff  
 10 Foster and I would set up a password.  
 11 Well, whenever you log into that, that is  
 12 just getting you on to the computer. And then you would  
 13 have either a desktop icon or in your system a login to  
 14 the VPN, which would be verified as IP based. So they  
 15 could not -- because whenever we access files securely  
 16 into our network from my office, you have to log into  
 17 the VPN and that VPN is a separate server that actually  
 18 shows you a different screen as in a desktop. Is that  
 19 how it worked? As in it would be their desktop server,  
 20 desktop that had all of their access to all of their  
 21 files and access to the Court network on that VPN, so  
 22 they had to secure the login to the VPN from their  
 23 computer?  
 24 A. Correct. We can't pin it down to an IP address

1 because Suddenlink, they don't use static addresses, so  
2 your home IP address can change periodically. So you  
3 can't really secure that.  
4 The VPN is to establish a secure tunnel  
5 from that computer to the Court network. Once that  
6 tunnel is established, then you can use a program, which  
7 Remote Desktop, you can log onto the desktop located at  
8 the Court.  
9 **Q. And that's what my company does, as well. We**  
10 **can log on from different locations. And my question is**  
11 **the security of that. When we -- when you set up a home**  
12 **address, you can't verify the IP.**  
13 **For example, when I take my computer home**  
14 **from work or I'm not at a work location, I can't log in**  
15 **and access our secured files. Whereas, if some --**  
16 **anybody were to log on, even through an iPad or**  
17 **anything, let's just say that they were able to get the**  
18 **login credentials for a Supreme Court Justice or**  
19 **somebody that was employed at the Court, they could log**  
20 **on and access those files from the home no matter what,**  
21 **because --**  
22 A. Yes, you are correct. If there was a breach  
23 and someone had the user name and password, yes, they  
24 could access something remotely.

1 **Q. And is that something that concerns you, that**  
2 **we are setting up an area that is not secure, as in the**  
3 **IP address can't be secured, where some -- anybody can**  
4 **log in at a personal residence; is that something that**  
5 **would concern you?**  
6 A. That's why we would have a Court-provided  
7 computer because we know that computer is handled by us  
8 and that particular computer is secure to us.  
9 **Q. And -- and that's where my other question is**  
10 **with the router, say, for example, if it was a laptop or**  
11 **something, they could log on from a different device and**  
12 **access that; correct?**  
13 A. They would have to have the software.  
14 **Q. Okay.**  
15 A. So if you connected your iPad to an outside  
16 area, you would have to have the VPN. You would have to  
17 know which address to point that VPN to. You would have  
18 to know the user name and password.  
19 Now, once you secured that to do the  
20 remote desktop, you would also have to know which  
21 computer to connect to, which user name to use and which  
22 password to use.  
23 **Q. Okay. And -- and that's where with the -- what**  
24 **I am wondering is with the login on the -- the login on**

1 **the computer, the VPN is the only one that is really, I**  
2 **guess we could classify as public use versus personal.**  
3 **If they log onto the -- just the computer and they are**  
4 **downloading something onto there or using it for**  
5 **personal e-mail or something, that wouldn't be shown on**  
6 **the VPN login server; correct?**  
7 A. That is correct.  
8 **Q. So, realistically, that would be a**  
9 **Court-supplied computer that could be used, just the**  
10 **login, which even as an administrator, they could create**  
11 **other accounts for a child or a wife, for instance?**  
12 A. That is correct.  
13 **Q. So it could be used for personal use. If it**  
14 **was used for anything other than accessing that VPN,**  
15 **could that -- would that -- could that technically be**  
16 **called personal use or personal gain?**  
17 A. If you want to define it as personal use, yes,  
18 I could log onto a computer. I could download something  
19 and use it without it being Court-related, yes.  
20 **Q. And that would be whether it was one computer,**  
21 **two computers. That would be -- at which all of the**  
22 **justices when you were there, except for Justice Walker,**  
23 **had at least one computer that had --**  
24 A. Correct.

1 **Q. -- this on it. All right. Thank you.**  
2 DELEGATE FOSTER: And I had one  
3 more. Can we -- is there any way we can talk to -- try  
4 to get these project numbers from the Court that's  
5 related to the installations in the home?  
6 CHAIRMAN SHOTT: Yeah, we'll -- we'll  
7 further explore that, yes.  
8 DELEGATE FOSTER: Thank you.  
9 CHAIRMAN SHOTT: Delegate Sobonya.  
10 DELEGATE SOBONYA: Thank you,  
11 Mr. Chairman.  
12 EXAMINATION  
13 BY DELEGATE SOBONYA:  
14 **Q. Mr. Harvey, you testified to our counsel in the**  
15 **initial testimony that Justice Loughry had made the**  
16 **request to you to come into his home; is that correct?**  
17 A. That is correct, and I was also asked by my  
18 Director to check with Justice Loughry and see what he  
19 needed.  
20 **Q. Okay. That was my follow-up question. I**  
21 **imagine that justices are busy and they just don't have**  
22 **time to pick up the phone to call IT for certain**  
23 **things. Did -- was Mr. Canterbury in contact with you**  
24 **for Mr. -- Justice Loughry or any of the other justices**

**1 to go into their home? Did he make contact with you or**  
**2 make any requests?**  
 3 A. Yes, but the way you phrased it, you said "to  
 4 go into their home." It may not be going into their  
 5 home. It may be working on their office computer.  
 6 Sometimes Steve Canterbury, sometimes Gary Johnson, you  
 7 know, the Administrative Directors, they would say,  
 8 "Hey, Scott, this justice needs you to work on this  
 9 computer."  
**10 Q. So was there any written approval of -- when**  
**11 you say there were project numbers, did -- was there a**  
**12 process in place that someone had to sign off on that to**  
**13 authorize it or you just had someone pick up the phone**  
**14 or they just sent you an e-mail or they just saw you in**  
**15 the hallway? How was -- how were those project numbers**  
**16 initiated and what type of approval had to be made or**  
**17 done?**  
 18 A. Any time there was a project that came up, we  
 19 would ask for a project number. And the approval of  
 20 that was either signature approval or verbal  
 21 approval. There's -- there's been both.  
**22 Q. So these project number information that we may**  
**23 be -- records we may obtain may not indicate who**  
**24 actually made the request and who actually approved it;**

**1 is that correct?**  
 2 A. I think most of them contain text description  
 3 of such and such asked for this to be done, we are going  
 4 to assign this project number to this task.  
**5 Q. Do you have any recollection when Justice**  
**6 Loughry had the second computer placed in his home, if**  
**7 that project number that was issued, was that -- did**  
**8 Mr. Canterbury have any knowledge of that second**  
**9 computer?**  
 10 A. I think the computers were delivered at the  
 11 same time.  
**12 Q. So do you -- do you have any recollection that**  
**13 Mr. Canterbury would have authorized it or had any --**  
**14 any type of knowledge? Is there any e-mail or paper**  
**15 trail to indicate that Mr. Canterbury being the**  
**16 administrator of the Court would have knowledge of that**  
**17 second computer?**  
 18 A. I'm sure there's e-mail trails and I'm sure  
 19 there's paper trails.  
**20 Q. Okay, so that is something that we could obtain**  
**21 from the Court? E-mails?**  
 22 A. I can't speak for the Court. You can --  
 23 whatever process you use to obtain that information.  
**24 Q. My next question is that knowing that there**

**1 would be a second computer installed that may be not**  
**2 protocol for other justices, that was installed in the**  
**3 home of Justice Loughry, could there have been a**  
**4 firewall installed on that second computer to prevent**  
**5 gaming and personal items being downloaded? Could that**  
**6 have been done since it was a State-issued computer?**  
 7 A. Are you asking me theoretically could have we  
 8 done that?  
**9 Q. Yes.**  
 10 A. Or was it done?  
**11 Q. Yes, could there have been a firewall installed**  
**12 to prohibit certain gaming? I know in some -- some**  
**13 employers put firewalls on employer-issued computers so**  
**14 that employees can't sit there and do gaming or**  
**15 Facebook. Could that have been done?**  
 16 A. It could have been, but with someone having  
 17 administrative access to the computer, if they wanted  
 18 to, they could uninstall the firewall.  
**19 Q. Okay. And then my last question is, you**  
**20 testified, I believe - and let me know if I'm wrong -**  
**21 that you've went into Workman's home one or two times --**  
**22 one or more times and to Justice Davis's home four**  
**23 times, you believe, and then Justice Loughry, I think**  
**24 you testified four visits, possibly. You were the**

**1 director at some point of IT. Do you possibly -- would**  
**2 you have sent a subordinate and not have actually gone**  
**3 into the homes on your own?**  
 4 A. Yes. It's very possible, but we all wear  
 5 multiple hats. It's not just you are pinned down to one  
 6 specific task. If subordinates are busy, I would step  
 7 up and do the work.  
**8 Q. Okay, so when you testified that you only**  
**9 recall going in to Justice Loughry's home four times or**  
**10 Justice Davis's home or Justice Workman's, it could**  
**11 possibly be that there were multiple times that someone**  
**12 from IT within the Supreme Court went to their homes; is**  
**13 that correct?**  
 14 A. Yes, that is correct.  
**15 Q. Okay. And then my last question, you stated**  
**16 that you were employed by the Court October of 2005 to**  
**17 November of 2017. What led to your ceasing of**  
**18 employment with the Supreme Court? Did you resign? Did**  
**19 you find another job? Were you -- was there pressure**  
**20 put on you when you testified previously about you were**  
**21 told you would be fired if you didn't get a certain**  
**22 project completed?**  
 23 A. All of your questions, yes.  
 24 DELEGATE SOBONYA: Okay. Thank you. No

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1 further questions.

2 CHAIRMAN SHOTT: Delegate Fast?

3 EXAMINATION

4 BY DELEGATE FAST:

5 Q. Thank you, Mr. Harvey, for your candor. Again,

6 there were no written policies regarding home office

7 equipment in justices' homes at all?

8 A. To my knowledge, no.

9 Q. Okay. In all of your tenure there, you did not

10 ever see any or know of any; is that correct?

11 A. That is correct.

12 Q. Okay. The -- where is Justice Loughry's home

13 situate? What street? Do you remember the street name?

14 A. It is toward the airport and at the top of the

15 hill, you make a left. That is all I can remember.

16 Q. Okay. This second computer that we are

17 referring to that was not in his home office, but was in

18 a more common area, did Justice Loughry specifically

19 direct that it not be connected to the Supreme Court

20 network?

21 A. I do not recall him directing that it not be

22 connected.

23 Q. Okay. Was it connected to the Supreme Court

24 network?

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1 A. No, it was not.

2 Q. Okay. Who would have made that decision to

3 connect it or not connect it?

4 A. It was basically put to me that "I need another

5 computer."

6 Q. Okay. If you were there installing Supreme

7 Court computers and hardware, wouldn't you assume that

8 "We are going to connect them all to the Supreme Court

9 network?"

10 A. You could make that assumption, but as far as

11 being directed to not put it on the Court network,

12 no. Suggested? Maybe.

13 Q. Were you directed or suggested to just connect

14 them all, everything, to the Supreme Court network?

15 A. No.

16 Q. Printers, everything?

17 A. No, I was not.

18 Q. Okay, so neither way.

19 A. I was not directed to not connect the shared

20 computer.

21 Q. Okay.

22 A. I was suggested to not connect.

23 Q. How were -- how were you suggested?

24 A. Maybe along the lines, and don't quote me on

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1 the exact text, but, "I would prefer this computer not

2 to be associated on the Supreme Court network."

3 Q. Did you make any notations of that anywhere?

4 A. No.

5 Q. So it wouldn't show up on any of the work

6 orders, things like that?

7 A. No.

8 Q. Do you have a vivid memory of such a

9 conversation? You said, don't -- don't quote you on the

10 exact language. Anyone else hear this? Where were you

11 standing in the home?

12 A. It could have been overheard, but I don't

13 recall that conversation happening in the home.

14 Q. It could have been what?

15 A. It could have been overheard by someone, but

16 I --

17 Q. Heard?

18 A. Overheard.

19 Q. Overheard, okay.

20 A. But I do not recall that conversation happening

21 in the home.

22 Q. Do you recall it happening somewhere else?

23 A. At the Court.

24 Q. Okay. Was this -- did this come across to you

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1 as something that was, hopefully, secret or was it just

2 unprotected conversation?

3 A. I don't recall it being secret. It was just a

4 mention of "This computer, you know, shouldn't be

5 connected to the Court network."

6 Q. Were you concerned in your position as the

7 Database Administrator -- well, yes, you were the

8 Database Administrator at that time; correct?

9 A. No, I was the Director at that time.

10 Q. Director of Technology. Were you concerned

11 that the -- as the Director of Technology that that --

12 that wasn't right or did --

13 A. I'm sure I had a concern, but when this is your

14 supervisor telling you, "This is what I suggest," or

15 "This is the way I want it," then you do it.

16 Q. Did you raise -- raise issues with anyone else,

17 any of the other justices or the administrator -- Court

18 Administrator that "We have got a second computer being

19 put in here that is not connected to the network"?

20 A. Raised concerns, no.

21 Q. Okay, something besides raising concerns. Did

22 you do anything?

23 A. No. I mean, you know, basically, fear tells

24 you to do the job or you suffer the consequences.

1 **Q. Were you afraid or did it -- I mean, did it**  
 2 **even strike you as odd or did you just, "Okay, no**  
 3 **problem," and move on? I mean, were you afraid at -- on**  
 4 **this particular point?**  
 5 A. I would say, yeah, there was some fear.  
 6 **Q. Why were you afraid?**  
 7 A. Of not doing the right job.  
 8 **Q. Okay. Were you thinking that, "I'm being told**  
 9 **to do something illegal, but I'm going to do it or lose**  
 10 **my job"? Were those the thoughts going through your**  
 11 **mind?**  
 12 A. I never thought about it being illegal --  
 13 **Q. Okay.**  
 14 A. -- but I thought about it being -- my morals.  
 15 **Q. Okay. Justice Workman -- do you know when her**  
 16 **home computer was installed?**  
 17 A. No, sir. I don't have access to that  
 18 documentation.  
 19 **Q. That was before your time?**  
 20 A. Correct.  
 21 **Q. Okay. Did you ever go -- I think maybe you**  
 22 **said, but I'm not sure, did you ever go to her house to**  
 23 **service her computer?**  
 24 A. Yes, a couple of times. That's --

1 **Q. Okay. And when you got there, how many**  
 2 **computers were there, how many accessories, printers,**  
 3 **anything like that?**  
 4 A. I only remember one computer and there was a  
 5 printer, but I don't know if it was hers, the Court's --  
 6 I never had to service a printer.  
 7 **Q. Was it -- was that printer beside the computer?**  
 8 A. I don't recall.  
 9 **Q. Okay. Did she have a serve -- a router?**  
 10 A. That, I don't know, sir. I'm sure she  
 11 did. She had an Internet connection, but to say for  
 12 sure, yes, I seen a router, I can't say that.  
 13 **Q. Is it commonplace when you have a computer to**  
 14 **have a router?**  
 15 A. Yes.  
 16 **Q. Okay. And if you have a desktop computer that**  
 17 **is hard wired, why would -- why would anyone need a**  
 18 **router? What would be the convenience or the purpose of**  
 19 **having, also, a router?**  
 20 A. The multiple connections. If you have a  
 21 printer also that is wired, then you need two network  
 22 ports to plug those items into.  
 23 **Q. Okay. And you do that through a router.**  
 24 A. Router, hub, switch, they have a lot of names.

1 **Q. Okay. And if the justices have a laptop that**  
 2 **they use here in this building and also they may take**  
 3 **home, would that also be accessed in their home through**  
 4 **the router?**  
 5 A. Correct, either wired or wireless.  
 6 **Q. Okay. So they could plug it in with a USB or**  
 7 **they could go sit on the couch and use it wirelessly?**  
 8 A. Right, not a USB. It would be a network cable.  
 9 **Q. Okay. You had mentioned Justice Davis, I think**  
 10 **you were there three or four times?**  
 11 A. Correct.  
 12 **Q. Okay. And how many -- do you know when her**  
 13 **computer was installed?**  
 14 A. No, sir.  
 15 **Q. Was that --**  
 16 A. It was before -- before me.  
 17 **Q. -- before your time? Okay. So you were there**  
 18 **just updating or working on it?**  
 19 A. Any kind of issue with -- with the computer.  
 20 **Q. Okay. How many computers, printers, or**  
 21 **accessories did you see in her home?**  
 22 A. I think I only seen the laptop. I don't  
 23 remember seeing a printer. I'm sure there was a  
 24 printer, but I can't testify that I seen a printer.

1 **Q. Okay, why do you think there was a -- you're**  
 2 **sure there was a printer?**  
 3 A. Because you have to print documents, so I'm  
 4 sure there was --  
 5 **Q. Okay. Pretty commonplace?**  
 6 A. -- a printer located somewhere.  
 7 **Q. Okay. And now, are you saying there was a**  
 8 **desktop computer -- when I say "desktop," I am talking**  
 9 **about a hard-wired desktop, a tower or something?**  
 10 A. At --  
 11 **Q. Is that what we are talking about, a desktop**  
 12 **computer?**  
 13 A. At which house?  
 14 **Q. Davis. Justice Davis.**  
 15 A. No, it was a laptop.  
 16 **Q. Laptop only. Did not see a desktop computer,**  
 17 **correct?**  
 18 A. Correct.  
 19 **Q. Okay. Now, would she have had a router there?**  
 20 A. She could have. I didn't see it.  
 21 **Q. How would she access without a router using a**  
 22 **laptop?**  
 23 A. With a network cable.  
 24 **Q. Okay, so the only way that she could use a**

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**1 Supreme Court laptop in her home would be to -- and**  
**2 access the Supreme Court network would to be plug it in?**  
**3 A.** No. It -- if it was equipped with wireless,  
**4** then she could have accessed it via wireless. If it was  
**5** network cable, then she would have to access it with a  
**6** network cable.  
**7 Q. How do you access it wirelessly without a**  
**8 router?**  
**9 A.** That's what I am saying. I didn't see the  
**10** router. I don't know what's installed.  
**11 Q. Well, to access it without a hard wire, you**  
**12 would have to have a router; correct?**  
**13 A.** Correct.  
**14 Q. You just don't remember seeing a router, but if**  
**15 she's at her home, going to access the network, Supreme**  
**16 Court network on her laptop, she would have had to have**  
**17 a router somewhere in that home?**  
**18 A.** If she did it wirelessly.  
**19 Q. Okay. When you were there working -- did you**  
**20 work on her laptop?**  
**21 A.** As far as updating programs, updating the  
**22** installation of Windows, maybe fixing a VPN client that  
**23** had failed to work, just the normal problems that occur.  
**24 Q. Was that Supreme Court stuff that you were**

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**1 working on?**  
**2 A.** Yes.  
**3 Q. Okay. And when you were there working on it,**  
**4 was the computer plugged in or was it operating**  
**5 remotely?**  
**6 A.** I do not recall.  
**7 Q. And, again, if it was operating remotely the**  
**8 day you were there, it would have had to have gone**  
**9 through a router?**  
**10 A.** Yes, if it was wirelessly on the network, yes,  
**11** it would have been going through a wireless router. If  
**12** it was plugged in, it would have been going through a  
**13** cabled router.  
**14 Q. Okay. Okay. And you don't recall -- you don't**  
**15 recall? Okay.**  
**16 A.** I don't recall.  
**17 Q. Was -- now, you said that when you went to**  
**18 Justice Loughry's house there was a desk; but you can't**  
**19 verify if it is the desk there in the picture on your --**  
**20 that you are looking at right now?**  
**21 A.** No.  
**22 Q. Right.**  
**23** CHAIRMAN SHOTT: I believe he has already  
**24** answered that question. Can you move along?

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**1 Q. I do have a question on that. Have you ever**  
**2 gone there and noticed that the desk that you did see,**  
**3 whatever it was, was missing?**  
**4 A.** No.  
**5 Q. Okay. Did you ever go there and realize that,**  
**6 "Hey, there used to be a couch sitting there, but now it**  
**7 is not there?"**  
**8 A.** No.  
**9 Q. Okay. Did the State - in Justice Loughry's**  
**10 house - incur any additional expenses other than the**  
**11 hardware and installation of this second computer?**  
**12 A.** The -- I am trying to think how to answer that.  
**13** The only expenses incurred by the State would be the  
**14** employee's time and the items provided.  
**15 Q. Okay. Did you see accounts on the second**  
**16 computer? Or I don't know that you saw other accounts**  
**17 besides Justice Loughry, but I think it was reported to**  
**18 you that someone else saw some accounts for people other**  
**19 than Justice Loughry?**  
**20 A.** Correct.  
**21 Q. Okay. Did -- was it reported to you through**  
**22 those channels that -- how -- how many other people had**  
**23 accounts on that second computer?**  
**24 A.** I don't recall them providing me a number of

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**1** accounts that had been created on the computer.  
**2 Q. So you don't know -- were there accounts for**  
**3 persons other than Justice Loughry that was reported to**  
**4 you?**  
**5 A.** It was reported to me that there were other  
**6** accounts.  
**7 Q. Okay. And you don't know how many?**  
**8 A.** No.  
**9 Q. Okay.**  
**10 A.** Again, I was estimating earlier that I knew we  
**11** had an administrative account and there were other  
**12** accounts.  
**13 Q. Now, you had mentioned it was reported to you**  
**14 there were games on the computer. Do you know how many**  
**15 games?**  
**16 A.** They didn't report a number of games. They  
**17** just said there was games installed on the computer --  
**18 Q. Okay, and was it --**  
**19 A.** -- or being played on the computer.  
**20 Q. Was it reported to you that there were**  
**21 photographs on the computer?**  
**22 A.** Yes, it was reported that there was a large  
**23** number of photographs.  
**24 Q. Okay. Was it reported to you what these**

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1 **photographs depicted?**  
2 A. No, sir.  
3 **Q. None whatsoever?**  
4 A. No, sir.  
5 **Q. Just photographs. Okay. And it wasn't**  
6 **delineated "Supreme Court document photographs," for**  
7 **instance, maybe exhibits to a petition or a brief versus**  
8 **family picnic or anything else? It wasn't delineated?**  
9 A. No, it wasn't.  
10 **Q. Okay.**  
11 A. It was just brought to my attention that there  
12 was a large number of photographs.  
13 **Q. Was Justice Loughry -- you would have been in**  
14 **your position when he first came on the bench; correct?**  
15 **To install a home computer?**  
16 A. Yes, I was Director when he was on the bench.  
17 **Q. Okay. Were you the proper person to contact to**  
18 **have a home computer system set up in his home at that**  
19 **time?**  
20 A. Yes.  
21 **Q. Okay.**  
22 CHAIRMAN SHOTT: Delegate Fast, I'm going  
23 to ask you if you will hold your remaining questions to  
24 try to -- we'll try to move along. We'll come -- you

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1 will get a second bite at this apple, okay?  
2 DELEGATE FAST: I just have about three  
3 more.  
4 CHAIRMAN SHOTT: All right. I am going to  
5 count. Go ahead.  
6 **Q. Okay. The issue about Mr. Pritt being directed**  
7 **to be hired by Justice Workman, are there other**  
8 **instances -- well, first of all, he being hired, am I**  
9 **correct that you stated that his hiring was not**  
10 **necessary because the Supreme Court already has -- had**  
11 **its own IT that could have done that work?**  
12 A. Right. In my opinion.  
13 **Q. Okay. Are there any other instances where any**  
14 **justice issued a mandate that came down to you that**  
15 **resulted in unnecessary spending of State funds?**  
16 A. Not that I'm aware of.  
17 DELEGATE FAST: Thank you. Thank you,  
18 Mr. Chairman.  
19 CHAIRMAN SHOTT: You saved one. All  
20 right.  
21 The second row. Justice Harshbarger.  
22 DELEGATE HARSHBARGER: Justice  
23 Harshbarger?  
24 CHAIRMAN SHOTT: Delegate, I'm sorry.

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1 DELEGATE HARSHBARGER: We seem to all be  
2 moving up here.  
3 CHAIRMAN SHOTT: Yes.  
4 DELEGATE HARSHBARGER: Thank you for being  
5 here. Thank you, Mr. Chairman.  
6 EXAMINATION  
7 BY DELEGATE HARSHBARGER:  
8 **Q. I just have one question. In your past**  
9 **capacity as IT Director, do you recall any of the**  
10 **computer equipment, printers, such, that you worked on**  
11 **having asset numbers for inventory tracking?**  
12 A. Yes.  
13 **Q. Okay, so they -- there is a way to track what**  
14 **equipment's went there and the age of it, the model, all**  
15 **that stuff?**  
16 A. Yes.  
17 **Q. Okay, that is all I have. Thank you.**  
18 A. And it is based -- based upon the value.  
19 DELEGATE HARSHBARGER: Okay, thank you.  
20 CHAIRMAN SHOTT: Delegate -- Delegate  
21 Capito.  
22 DELEGATE CAPITO: Thank you, Mr. Chairman.  
23 EXAMINATION  
24 BY DELEGATE CAPITO:

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1 **Q. Actually, interesting, I was going to ask a**  
2 **similar question. So the computers would be inventoried**  
3 **by some sort of a bar code scan, something like that.**  
4 **Would the printers?**  
5 A. Again, it would be based upon value.  
6 **Q. So if it was -- we heard this word yesterday,**  
7 **de minimis in value or very, very -- virtually nothing,**  
8 **would it not be inventoried? Is that what you are**  
9 **getting -- is that what you are saying?**  
10 A. It would be inventoried but not possess an  
11 asset tag.  
12 **Q. So it would be in a notebook somewhere that**  
13 **this existed, but it wouldn't have a number that linked**  
14 **it. So if the printer was 123, we wouldn't know**  
15 **necessary -- necessarily if it was over here or over**  
16 **there, is that what you are --**  
17 A. Each -- each serial number is recorded by the  
18 IT department on each piece of equipment. And that  
19 equipment is tracked as to its location. It may not  
20 possess an inventory tag -- or a asset tag, but that  
21 serial number is tracked.  
22 **Q. Okay. And -- okay, changing subjects just a**  
23 **little bit, and I'll be quick. So kind of what Delegate**  
24 **Foster was talking about, so our cable line comes in,**

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1 and it hits a modem, sometimes it is a modem and router  
 2 all in one. And in this case, you installed a router at  
 3 Justice Loughry's house to provide a wireless signal.  
 4 A. Correct.  
 5 Q. Okay.  
 6 A. And additional CAT-5 ports.  
 7 Q. Right. So when we talk about you running  
 8 cables, we are talking about, essentially - I think I'm  
 9 using it right - you are running Ethernet cables,  
 10 correct?  
 11 A. Correct.  
 12 Q. -- through the house that connected to the back  
 13 of a desktop or a laptop?  
 14 A. That is correct.  
 15 Q. Okay. And, generally, a desktop is provided  
 16 with an Internet capability through Ethernet. I  
 17 understand you can actually put a wireless card in the  
 18 back of one, but, generally speaking, that is what you  
 19 did here?  
 20 A. That is correct.  
 21 Q. Okay. Is -- would it be safe to say that a --  
 22 that an Ethernet connection -- is that more secure than  
 23 a wireless connection?  
 24 A. I am not a security expert --

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1 Q. Okay.  
 2 A. -- so I can't really testify to that.  
 3 Q. Was the -- if we are doing work over in the  
 4 chambers of a Supreme Court Justice, would you be  
 5 drilling holes and running cable? I mean, is that  
 6 something that your department would do or is that  
 7 something that Capitol Services would do or is that  
 8 something that would be contracted out?  
 9 A. It depends. It's -- it has been done both  
 10 ways.  
 11 Q. Okay, so you performed that sort of work here?  
 12 It just seems like a -- so you were providing a lot of  
 13 work that, for instance, if I wanted to get done, I  
 14 would have Suddenlink or an electrician do, right, at my  
 15 house? Is that --  
 16 A. That's your opinion.  
 17 Q. Okay, sorry. I'll -- that is my opinion,  
 18 okay. I think that is about all I have.  
 19 And, lastly, if I had a Court-provided  
 20 laptop that you had vetted or had installed all of the  
 21 various security measures - VPN, icons, et cetera - as  
 22 long as I had -- and that laptop had a wireless card in  
 23 it so it was able to access it. So as long as I had a  
 24 wireless signal, could I access the Court system through

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1 VPN?  
 2 A. Yes.  
 3 Q. So it wouldn't matter if the Internet was at my  
 4 house -- so, theoretically, did you have to go to the  
 5 Supreme Court justice's houses to perform the work or if  
 6 they had come in and said, "Hey, here's my laptop, can  
 7 you make sure my VPN works," could they have brought it  
 8 into the office? I'm saying, was it necessary to be at  
 9 the house to do the work?  
 10 A. Based upon their schedules --  
 11 Q. Yes.  
 12 A. -- it almost makes it necessary to go to their  
 13 location.  
 14 Q. Okay. And the reason I asked is not because it  
 15 was -- that you had to go -- the reason I am asking, I  
 16 guess, is because of the securitization of the system is  
 17 not based on any hardware that is in the home of the  
 18 justice, but rather, it's a part of the software that's  
 19 on the machine; right?  
 20 A. That is a correct statement.  
 21 DELEGATE CAPITO: No further  
 22 questions. Thanks.  
 23 CHAIRMAN SHOTT: Delegate Queen?  
 24 DELEGATE QUEEN: Thank you, Mr. Chairman.

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1 EXAMINATION  
 2 BY DELEGATE QUEEN:  
 3 Q. Mr. Harvey, we're here to investigate  
 4 maladministration, corruption, incompetency, gross  
 5 immorality or high crimes or misdemeanors committed by  
 6 any specific justice. My question, I am going to be --  
 7 try to be as broad as possible.  
 8 At any point were you asked by specific  
 9 justices to go beyond what you feel was your scope of  
 10 work for the State?  
 11 A. In a very broad answer, there's no  
 12 documentation to specify what my job at the Court  
 13 entailed, so to answer that, how can I answer it?  
 14 Q. Sure. You mentioned earlier that you were -- I  
 15 am going to use the term "lightly threatened" to be  
 16 fired. Were you ever threatened to be fired by --  
 17 specifically from any justice?  
 18 A. Yes.  
 19 Q. Can you elaborate on that at all?  
 20 A. Again, as I answered earlier, if I didn't get  
 21 the Treasurer to sign off on a document, that I would be  
 22 fired.  
 23 Q. Any other times, though, other than that?  
 24 A. Can I talk to counsel for just a moment?

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1 (Pause.)  
 2 Okay, yes. You know, fear of my job from  
 3 Justice Ketchum.  
 4 **Q. My last question is going to be around -- of a**  
 5 **range of how many times that was --**  
 6 A. Twice.  
 7 **Q. -- that you were threatened to be fired? Just**  
 8 **once?**  
 9 A. Twice that I know of.  
 10 DELEGATE QUEEN: Okay, thank you,  
 11 Mr. Chairman.  
 12 CHAIRMAN SHOTT: Delegate Hanshaw.  
 13 VICE CHAIR HANSHAW: Thank you,  
 14 Mr. Chairman.  
 15 EXAMINATION  
 16 BY VICE CHAIR HANSHAW:  
 17 **Q. Mr. Harvey, thank you for being here as long as**  
 18 **you have this morning. Most of my questions have been**  
 19 **asked. I will be very brief, I promise.**  
 20 **Do I understand you to say that all of the**  
 21 **work that you've performed that has been the subject of**  
 22 **your testimony here this morning was performed by you**  
 23 **and your colleagues at the -- in the Court's IT office?**  
 24 A. Yes.

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1 **Q. No -- no outside contractors or other State**  
 2 **employees?**  
 3 A. I do not recall any outside contractors.  
 4 **Q. Okay, thank you. In the scope of what your**  
 5 **office handles, do I understand it to -- do I understand**  
 6 **correctly that you handled IT needs for all of the**  
 7 **circuit court judges also, to the extent they had them?**  
 8 A. We handled all ITs for the Supreme Court IT  
 9 needs, sorry, for the Supreme Court, the circuit court,  
 10 family court, magistrate court, and any other courts.  
 11 **Q. The entire system, okay.**  
 12 A. Yes.  
 13 **Q. Okay. Thirdly, while you were employed as the**  
 14 **IT Director for our Court system, did you have regular**  
 15 **contact with the IT directors for some of the other**  
 16 **statewide, I am going to call them, offices? And let me**  
 17 **finish -- and I'll ask the question a little more -- in**  
 18 **an expanded form so you can get where I am going with**  
 19 **this.**  
 20 A. Yes.  
 21 **Q. What I'm -- what I'm asking is, is it customary**  
 22 **that statewide officials elsewhere in our government**  
 23 **maintain home offices supported by IT directors and IT**  
 24 **staff here in the Capitol or are you able to speak to**

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1 **that?**  
 2 A. I can't really speak to that because the  
 3 question never came up, but I did have communication not  
 4 only with other IT leaders, but some of the contracted  
 5 companies that the counties had. But the conversation  
 6 of home offices never came up.  
 7 **Q. Okay. And, lastly, were you expected to clear**  
 8 **the work done by you and your staff through the**  
 9 **Administrative Director or were you reporting directly**  
 10 **to the elected members of the Court?**  
 11 A. Both ways.  
 12 **Q. Both ways?**  
 13 A. Right.  
 14 VICE CHAIR HANSHAW: Okay, thank  
 15 you. That's all, Mr. Chairman.  
 16 CHAIRMAN SHOTT: Delegate Fleischauer.  
 17 MINORITY CHAIR FLEISCHAUER: Thank you,  
 18 Mr. Chairman.  
 19 EXAMINATION  
 20 BY MINORITY CHAIR FLEISCHAUER:  
 21 **Q. One thing I wanted to check earlier when you**  
 22 **were -- and thank you so much for coming today. Sorry**  
 23 **to have to put you through this.**  
 24 A. That's okay.

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1 **Q. When you testified earlier, I couldn't hear**  
 2 **very -- very well. I think you said that you and/or**  
 3 **your staff were called to Justice Loughry's home much**  
 4 **more frequently than the other justices. Am I**  
 5 **remembering that correctly?**  
 6 A. No, I did not testify to that.  
 7 **Q. Okay, is that true or not true?**  
 8 A. Without the documentation to see how many times  
 9 staff had to go to houses, it's hard to determine, but I  
 10 don't think it was any more or any less --  
 11 **Q. Oh, okay.**  
 12 A. -- for problems. You know, if there is a  
 13 computer problem that arises, and, again, I can't really  
 14 testify to a number.  
 15 **Q. Okay. Because I wasn't sure that I heard you**  
 16 **correctly. I thought you said 40, but you must have**  
 17 **said four times?**  
 18 A. Four.  
 19 **Q. That you personally went four?**  
 20 A. Correct.  
 21 **Q. But you also know that other staff members went**  
 22 **when you didn't go to his home.**  
 23 A. Correct.  
 24 **Q. And we had some testimony in -- that we have**

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1 copies of that you probably don't, that you were being  
2 -- you were asked some questions about that. One of the  
3 -- and it wasn't you, it was a tech -- a network  
4 engineer. Do you know who that might have been?  
5 A. No, ma'am. That's kind of a broad statement.  
6 Q. Did you have several network engineers?  
7 A. Yes.  
8 Q. That was a job title, okay.  
9 One of the things that I believe is in  
10 that is that the two computers and the printer were  
11 brand new. Is that your recollection?  
12 A. Yes.  
13 Q. Okay. And, the -- also in these records,  
14 there's an indication that people were called into  
15 Justice Loughry's home because the hard -- hard drive on  
16 the shared computer was full and that it was full of  
17 games and photos. Were you informed about that?  
18 A. I was informed about the games and photos.  
19 Q. Okay. And do you know whether your staff went  
20 out there because the hard drive was full, that that was  
21 one of the issues that had to be dealt with?  
22 A. Yes, if the hard drive was full, then a staff  
23 member would need to visit the home.  
24 Q. Okay. Were -- did any other justices have more

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1 than one computer at their home?  
2 A. I do not recall any more than one computer at  
3 the other justices' homes.  
4 Q. Did any -- are you aware of whether any other  
5 justices allowed their family members to have access to  
6 the computers?  
7 A. I wouldn't have knowledge of that, but looking  
8 at the other computers, it would not suggest that anyone  
9 other than the justice was on the computer.  
10 Q. And you did have knowledge that Justice Loughry  
11 allowed his child to use the computer.  
12 A. Yes, it was reported to me that that was the  
13 fact.  
14 Q. And his wife.  
15 A. I want to say it was reported, but for right  
16 now, I can't --  
17 Q. You're less sure about that?  
18 A. Right.  
19 Q. Okay. One thing I wrote down to ask you a  
20 question about, I have one page where I am taking notes  
21 and then the other -- says that "Evidence later would  
22 suggest that." Do you remember saying that and what you  
23 were talking about?  
24 A. What was the question?

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1 Q. I don't -- I don't remember. I don't have the  
2 reference to that, and it was sort of left there. Does  
3 that ring a bell for you? I could go back and look.  
4 A. Yes, if we can find the question, I can  
5 elaborate.  
6 Q. Okay. We talked a bit about Mr. Pritt. Did  
7 Mr. Pritt go to any of the justices' homes that you know  
8 of? For --  
9 A. I cannot testify to that. I have no idea.  
10 Q. Okay. So you didn't send him there?  
11 A. Right.  
12 Q. Okay. There -- I think in the papers and maybe  
13 in some discussions among legislators there has been  
14 some surprise or concern - maybe a great deal of concern  
15 - that rented space was renovated, space that the Court  
16 rented was renovated. I got the sense from your  
17 testimony that you felt that those renovations were  
18 necessary to maintain the security of the Court  
19 equipment?  
20 A. Yes, but I can only testify to the IT areas.  
21 Q. Okay.  
22 A. And the IT area, it was needed. I mean, the --  
23 Q. Okay, so the locks --  
24 A. The secure areas, yes, it's needed.

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1 Q. And the air conditioning?  
2 A. Yes, ma'am, if you don't have air conditioning,  
3 your servers will overheat and shut down.  
4 Q. Okay, because I have to say I was really  
5 surprised that there would be these renovations, but  
6 your testimony helped me understand that.  
7 What are the other things do you think, if  
8 there were other things, that were needed to maintain  
9 the security?  
10 A. To maintain the security?  
11 Q. At the City -- is it City Center East facility?  
12 Yes.  
13 A. The security, there is key card access, so --  
14 Q. Okay.  
15 A. And it's monitored.  
16 Q. Okay, by a person?  
17 A. And there's a recording of who enters this door  
18 based upon their key card access. Since the server room  
19 and servers within that room connect to various  
20 departments - example, State Police of West Virginia,  
21 ATF - then you want to monitor what's going on with that  
22 server room.  
23 Q. Yes. Okay. Thank you for explaining that to  
24 me, anyway.

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**1 When the two new computers and the new**  
**2 printer were installed at Justice Loughry's home, did he**  
**3 have another computer set up in his home?**  
 4 A. My memory says there was a personally owned  
 5 computer, but I can't say 100 percent sure. But --  
**6 Q. Okay. So do you recall or do you have reason**  
**7 to know whether he maintained that computer? You don't**  
**8 know one way or the other?**  
 9 A. No.  
**10 Q. Okay, thank you.**  
 11 A. Sorry.  
**12 Q. Now, you mentioned, I believe, that the shared**  
**13 commuter -- computer had, maybe, access to an**  
**14 administrative account. You mentioned the**  
**15 administrative account. What did you mean by that?**  
 16 A. What we do, it is a State-owned piece of  
 17 equipment, so we set up an administrative account that  
 18 the technicians know the user name and password for that  
 19 account. If they would have to get on that computer and  
 20 do work, they would use that account instead of other  
 21 accounts that were set up on the computer.  
**22 Q. Okay, so -- oh, so that was for access for**  
**23 people to fix the computer.**  
 24 A. Correct.

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**1 Q. It wasn't for getting access to administrative**  
**2 records at the Court?**  
 3 A. That is correct.  
**4 Q. Okay. So do you have knowledge of whether**  
**5 there were Supreme Court administrative records or any**  
**6 kind of records or any kind of Court documents on the**  
**7 shared computer?**  
 8 A. I do not have knowledge of that.  
**9 Q. The only thing that you know from -- or what do**  
**10 you think was on the shared computer?**  
 11 A. The way it was reported to me was photos and  
 12 games.  
**13 Q. Okay. And I'm going to have to apologize, I**  
**14 was taking notes and I missed another question that you**  
**15 were asked, but I have a feeling you are going to**  
**16 remember this one.**  
 17 Your response to the question and the  
 18 question was: "Did you think that something was  
 19 illegal?" And you said you didn't have -- you weren't  
 20 thinking about that. You were thinking about how it  
 21 might affect your morals, that it was a question that  
 22 made you consider your morals. I don't remember what  
 23 you were talking about. Can you share with the  
 24 Committee what you were referring to? I'm not sure I

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**1 knew what you were talking about.**  
 2 A. Right, if you are installing -- and I believe  
 3 the way the question was presented, if you are  
 4 installing something -- and I don't remember his name.  
 5 He read the law that it pertained to.  
**6 Q. Yes. That was the Constitution, which is what**  
**7 has provoked this proceeding.**  
 8 A. Right. So if you are installing something that  
 9 belongs to the State and you are told to do something  
 10 that maybe questions your personal belief, which we  
 11 don't want to bring into this, it is just my personal  
 12 belief --  
**13 Q. Right.**  
 14 A. -- versus illegal or legal.  
**15 Q. Well, you are not a lawyer.**  
 16 A. Exactly.  
**17 Q. So what was it that made you wonder about your**  
**18 personal beliefs that you were asked to do?**  
 19 A. To allow a family member to use a computer.  
**20 Q. Okay. That's what I was trying to**  
**21 clarify. Thank you for ask -- answering that question**  
**22 and maybe I will try to go back and see what this other**  
**23 reference was -- was referring to. Mr. Chairman, if you**  
**24 want to start with your questions, I'm not even sure**

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**1 I'll be able to find it.**  
 2 CHAIRMAN SHOTT: Sure.  
 3 EXAMINATION  
 4 BY CHAIRMAN SHOTT:  
**5 Q. And, Mr. Harvey, let me add my thanks to those**  
**6 you've already received. I know it's an endurance**  
**7 contest sometimes in this and we appreciate your being**  
**8 here and your cooperation. I have a few**  
**9 questions. I'll try to get to the point.**  
 10 I know you were not involved in the  
 11 financial aspects directly of the Court. We have had  
 12 some information that you may be able to shed some light  
 13 on.  
 14 The Legislative Auditor has done an audit  
 15 of the operations of the Court and part of what we  
 16 learned yesterday is that the contracted services at the  
 17 Court went from less than \$200,000 in 2012 all of the  
 18 way up to about six and a half million dollars in  
 19 2016. And I am wondering from the standpoint of the  
 20 technology end of things, did you notice any additional  
 21 contracted services in that area of the operation of the  
 22 Court, other than this JRP Consulting that you mentioned  
 23 earlier?  
 24 A. Yes, I can only answer to the items that I was

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1 involved with, so --

2 **Q. Okay.**

3 A. -- and that would be the State-wide magistrate

4 court system.

5 **Q. Can you just give us a brief description of**

6 **what that project involved?**

7 A. It was taking the entire magistrate court

8 system from paper to electronic. And that is a very

9 broad statement.

10 **Q. And they hired a con -- when I say "they," the**

11 **Court hired consultants or independent contractors to**

12 **implement that project?**

13 A. They were the programmers and, kind of, you

14 would break it out into smaller projects. You can't eat

15 an elephant in one sitting.

16 **Q. Sure.**

17 A. So we have to break it out into smaller

18 projects and sometimes those folks that we brought in

19 would be responsible for one piece of the entire

20 project, whether it be programmers, analysts, right on

21 down the line.

22 **Q. And over what period of time did that project**

23 **consume to the best of your recollection?**

24 A. I believe it started in 2000 -- 2006 or 2007

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1 and in 2011, my predecessor had brought one county onto

2 the system. So from 2011 until my resignation time, we

3 had finished the State. So --

4 **Q. Okay. And so that might account for some of**

5 **the increase in contracted services during that**

6 **period. I'm sure you can't testify as to how much, but**

7 **you think that probably was a need for additional costs**

8 **in that area?**

9 A. I do. And that cost should have went down once

10 the project was finished.

11 **Q. Which would have been around the time you**

12 **resigned?**

13 A. June 21st of 2016, the last county was brought

14 online. So from that point forward, you should see a

15 steady reduction.

16 **Q. Were there any other circumstances in which you**

17 **felt that the staff on hand in your department was**

18 **adequate to handle assignments, but there were outside**

19 **consultants or independent contractors brought in, other**

20 **than this JRP Consulting?**

21 A. No, we -- we were very busy. We needed all of

22 the help we could get.

23 **Q. I'm not sure that that -- that I -- that I**

24 **asked that question clearly.**

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1 **Is it your testimony, then, that any**

2 **other, additional consultants or independent contractors**

3 **that were brought in for purposes of IT work, they were**

4 **necessary?**

5 A. I would agree.

6 **Q. Okay. Then I did understand your answer and I**

7 **think you understood my question.**

8 **The only exception to that would be this**

9 **JRP Consulting, Mr. Pritt.**

10 A. Correct.

11 **Q. Is that fair to say?**

12 **Let me ask you this. Have -- you**

13 **mentioned that you were interviewed by the Judicial**

14 **Investigation Commission. Did that topic come up about**

15 **JRP Consulting during those interviews?**

16 A. I do not recall.

17 **Q. Okay. Has that topic come up in your**

18 **interviews with any other agencies, authorities, or --**

19 A. Yes.

20 **Q. And could you tell us with which agency or**

21 **authority that topic has come up?**

22 A. CSI.

23 **Q. Okay. I want to get to the area of the --**

24 **well, let me ask this. The JRP Consulting, did that**

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1 **occur -- or what time period did that incur -- occur,**

2 **roughly?**

3 A. I can't even determine roughly without the

4 documentation. I know there -- I had e-mail of

5 correspondence of the dates.

6 **Q. Okay. Well, that's a good -- I'm glad you**

7 **opened that door because we have mentioned documentation**

8 **a number of times, but we really haven't specified**

9 **exactly what documentation would preserve this**

10 **information. Did you have, for instance, like a daily**

11 **log when you would do a out-of-the-Capitol-type**

12 **assignment?**

13 A. We have a Help Desk system.

14 **Q. I'm sorry, a what?**

15 A. A Help Desk system.

16 **Q. Okay.**

17 A. That's where you log your tickets, you know,

18 when you have to work on something. And it would

19 probably have some information in it.

20 **Q. Okay. So, for instance, on these visits to the**

21 **justices' homes, would those have been -- and outside of**

22 **the Capitol, would that have been logged into the**

23 **system?**

24 A. Possibly. I can't say 100 percent that all of

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1 them would be logged. Some --

2 **Q. Well, what was the normal procedure, if you**

3 **would tell me?**

4 A. To give you an example, sometimes you are on

5 the road and you get a call and you have to go to

6 someone's house.

7 **Q. That makes sense. That makes sense. You were**

8 **not required at the end of, say, of each day or each pay**

9 **period to preserve in some fashion - diary or otherwise**

10 **- what you had done during that preceding period.**

11 A. No, sir.

12 **Q. Were you -- I assume you were on salary during**

13 **this period?**

14 A. Yes.

15 **Q. Both from the time you were Database**

16 **Administrator all of the way through tenure as Director**

17 **of Technology?**

18 A. Correct.

19 **Q. Would any of the other individuals in that**

20 **section who would have gone to Justice Loughry's home**

21 **been on an hourly rate or based on salary, if you know?**

22 A. Right, I can't really testify to that, but I

23 would say everyone should have been on salary. It's --

24 **Q. To the best of your knowledge, they would have**

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1 **been on salary?**

2 A. Correct.

3 **Q. Okay. If we were to request the documents that**

4 **you need to verify some of the issues that you have**

5 **raised about, "If I had the documents, I could be more**

6 **specific," what -- what would we call those documents?**

7 A. It would be the project number documents,

8 possibly copies of my e-mail. And to verify Help Desk

9 tickets, you would need copies of the Help Desk system,

10 but it is rather large.

11 **Q. Would it -- would we be able to request**

12 **excerpts from that system by rec -- by your name or some**

13 **identification number?**

14 A. Yes, you should be able to.

15 **Q. Would it -- would it be by number or name?**

16 A. It would be by name.

17 **Q. Okay. Getting back to this system - I'll call**

18 **it a system - the project that you were pressured into**

19 **getting the Treasurer's signature on, you mentioned that**

20 **you were threatened on, I think, two dif -- two**

21 **occasions, one of which was that. So I assume that that**

22 **wasn't a regular occurrence, that you were threatened**

23 **daily with being discharged; is that fair to say?**

24 A. That is fair to say.

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1 **Q. Okay. So what was the importance as you**

2 **perceived it to that project that was so important that**

3 **you were pressured to have the Treasurer sign off on it?**

4 A. Well, the way I perceived it, it was an

5 opportunity for the Court to bring revenue in. And as

6 we know, the State needs all of the revenue we can get.

7 **Q. What would have been the time frame of that,**

8 **the best you -- the best you can -- I mean, was it near**

9 **the end of your tenure?**

10 A. 2015-2016 time frame.

11 **Q. Okay. And did anybody share with you the**

12 **projection as to the amount of revenue that project**

13 **might bring in?**

14 A. No, we -- we hadn't put a price on each

15 record. I believe we had to present the project in 2015

16 or 2016 --

17 **Q. Okay.**

18 A. -- to a legislative committee.

19 **Q. And, ultimately, if I understood your answer,**

20 **some project was approved by the Treasurer, but it was**

21 **different than the one that you were pressured to get**

22 **the Treasurer to sign, is that accurate?**

23 A. It is. It was the mechanics of how the system

24 would work. When presented to the Treasurer, it was not

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1 in a form that he would approve.

2 **Q. Did the ultimate implementation of the project**

3 **when the form was changed, change the fact that the**

4 **Court would receive income from that project?**

5 A. It basically stated the processing of payments

6 would begin at the Treasurer's web site and follow

7 through to the Auditor's accounting system. That was my

8 understanding of it. I'm not a financial expert.

9 **Q. And as the project was originally proposed, it**

10 **would have bypassed both of those steps; is that correct**

11 **or not?**

12 A. It was building a payment processing system on

13 our -- on our own rather than using the Treasurer's.

14 **Q. So, for instance, if the Auditor would normally**

15 **audit those functions so that there is some**

16 **transparency, it would have bypassed the ability of the**

17 **Auditor to follow those transactions as it was**

18 **originally proposed?**

19 A. I don't think so.

20 **Q. Okay, can you clarify for me?**

21 A. The money would have come in through this

22 system and on to the Auditor. That was my

23 understanding.

24 **Q. Okay. The net result was the same after you --**

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1 after you made your revisions, though, that the Court  
2 would receive additional income if this process was --  
3 if these data were sold?  
4 A. It was stated that the State would receive more  
5 money.  
6 **Q. Okay.**  
7 A. I don't think it was ever stated that the Court  
8 would receive money.  
9 **Q. And based on your best understanding, did that**  
10 **change in any way due to the configuration change that**  
11 **you --**  
12 A. It was just the mechanics of where the payment  
13 processing would take place.  
14 **Q. All right.**  
15 A. And I think there was - again, I am going out  
16 on a limb because I'm just remembering pieces of the  
17 document - a percentage of a payment that was withheld  
18 as a use, ease of use. And I think the Treasurer had --  
19 has a set amount or the State has a set amount that can  
20 be withheld.  
21 **Q. And you may have said this and I apologize if I**  
22 **just missed it, but who was it that made the threat to**  
23 **you that if you didn't get this signed by the Treasurer,**  
24 **you might lose your job?**

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1 A. That was Justice Ketchum.  
2 **Q. Both -- both threats were made to you by**  
3 **Justice Ketchum; is that correct?**  
4 A. One more direct.  
5 **Q. Pardon me?**  
6 A. That one was more direct.  
7 **Q. That one was more direct, very well.**  
8 **The -- the shared computer in the home of**  
9 **Justice Loughry, was it configured in a way that he**  
10 **could have worked from home and connected to the Supreme**  
11 **Court database on that computer; as I understood you to**  
12 **say that was not possible?**  
13 A. Not to my knowledge. That computer did not  
14 have the VPN client installed.  
15 **Q. So there would have been no business purpose -**  
16 **and when I say "business purpose," related to the Court**  
17 **- for that computer to be in the home, isn't that fair**  
18 **to say?**  
19 A. That is fair to say.  
20 CHAIRMAN SHOTT: Thank you. I think that  
21 is all. Mr. Allen, any questions?  
22 MR. ALLEN: No questions.  
23 CHAIRMAN SHOTT: Mr. Carr?  
24 MR. CARR: No, sir.

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1 CHAIRMAN SHOTT: Counsel, any follow-up?  
2 All right. Back to Delegate Pushkin.  
3 DELEGATE PUSHKIN: Thank you,  
4 Mr. Chairman.  
5 EXAMINATION  
6 BY DELEGATE PUSHKIN:  
7 **Q. And thank you so much for your testimony here**  
8 **today. I know it is not what you probably originally**  
9 **signed on for when you took an IT job with the State,**  
10 **but we really appreciate it. And I'll try to get**  
11 **through my questions as quickly as possible.**  
12 **Now, you were originally hired on, you**  
13 **said, as Database Administrator in '05. What year was**  
14 **it that you became Director of Technology?**  
15 A. It was 2011.  
16 **Q. 2011. It was asked earlier that the reason why**  
17 **-- one of the reasons why you did a special installation**  
18 **only at Justice Loughry's residence was because other**  
19 **justices already had their computers set up. So he -- I**  
20 **guess -- well, since then, Justice Walker had been**  
21 **elected since you became the Director of Technology, but**  
22 **you didn't have to go to a special setup for Justice**  
23 **Walker?**  
24 A. That is correct. Justice Walker did not -- at

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1 the time, did not request anything at her home.  
2 **Q. Okay.**  
3 A. Now, if anything has happened later, I have no  
4 knowledge of that.  
5 **Q. And I know this has been asked before and you**  
6 **stated it before. The reason the special installation**  
7 **was required was for the shared computer that you had to**  
8 **run a hard wire to; correct?**  
9 A. Correct.  
10 **Q. Okay.**  
11 A. My employees did.  
12 **Q. Okay. And it was asked -- a few other folks**  
13 **asked questions about why they would need a wireless**  
14 **router. Also, cell phones are also used from wireless**  
15 **routers. If they wanted to have Internet access from**  
16 **their cell phones in their house, they would -- that**  
17 **would be off their wireless router; correct?**  
18 A. That is possible if you wanted those.  
19 **Q. Okay. You stated earlier that at doing a site**  
20 **inspection, one of the things was -- would be to see if**  
21 **you needed to purchase any kind of special equipment for**  
22 **drilling. Did you need any special equipment for**  
23 **drilling?**  
24 A. No, we did not.

1 Q. You did not, okay. Okay. And, let's see,  
2 you'd said that one of the visits, you had to replace  
3 the hard drive in the shared computer. When that was  
4 done, do you know, were there any work files or anything  
5 that needed to be salvaged? And I'm not a computer  
6 person, so forgive me for -- if I say something wrong,  
7 but was there any evidence to show there was any  
8 official State work done on the shared computer?  
9 A. I was not the person that performed that task  
10 so I can't really answer that question.  
11 Q. Okay.  
12 A. It's --  
13 Q. And it was asked if there was -- about any  
14 extra cost to the State and that was -- you said it was  
15 just for the hours worked up there, but both computers  
16 were State -- were State property; correct?  
17 A. Correct.  
18 Q. Any added -- go ahead.  
19 A. Any equipment needed and the workers.  
20 Q. Okay. So the extra computer was at a cost to  
21 the State.  
22 A. Yes.  
23 Q. Okay. All right, and I apologize in advance,  
24 but I have a couple more questions about this whole

1 issue with the transfer of information with the  
2 magistrate courts and I'm just trying to get my head  
3 around it here.  
4 So there was a feeling at the Supreme  
5 Court that they could possibly bypass the Treasurer so  
6 that money that came in for these -- was it through fees  
7 to the magistrates, could be kept in the Supreme Court  
8 and not go into general revenue?  
9 A. No, I don't think that's -- I don't think  
10 that's a true statement.  
11 Q. Okay.  
12 A. It was a lack of knowledge of how payment  
13 processing should be handled in the State of West  
14 Virginia.  
15 Q. Uh-huh.  
16 A. So the Court came up with their own way of  
17 saying on paper, "This is how we would do it," and the  
18 Treasurer disagreed with that method.  
19 Q. The method that he disagreed with, that would  
20 have kept the money in the Supreme Court budget and not  
21 into the general revenue; is that correct?  
22 A. No. It would have had the payment processing  
23 happen on a Supreme Court server instead of the  
24 Treasurer server.

1 Q. Okay. So they would have kept -- had closer  
2 control over -- over those payments; correct?  
3 A. Correct.  
4 Q. Okay. And -- and you were asked by -- and you  
5 stated this earlier -- by Justice Ketchum to -- if you  
6 could get Treasurer Perdue's signature. I am trying to  
7 -- forgive me for asking this, I know it sounds funny,  
8 are you from Boone County, sir.  
9 A. No, sir.  
10 Q. You're not? Okay. I thought maybe there was  
11 a connection -- maybe they thought there was a  
12 connection with you and the Treasurer. They figured  
13 there was some kind of relationship with you and the  
14 Treasurer that you -- which that --not really your job,  
15 would have a better chance of getting the signature of  
16 the Treasurer?  
17 A. No, that came on the tails of a meeting.  
18 Q. Okay.  
19 A. Myself and Director Johnson scheduled a meeting  
20 with Treasurer Perdue and I believe his lead IT person  
21 or payment processing person. And the discussion came  
22 after that meeting. So it was after Treasurer Perdue  
23 said, "No, that's not the way it's done."  
24 Q. Okay. After his refusal, it was -- so was

1 Director Johnson -- did he have -- was he involved with  
2 the conversation that you perceived as a threat that,  
3 you know, you either get -- if you don't -- if you can't  
4 get us the -- get Perdue to sign off on this, then it  
5 could cost you your job?  
6 You said Justice Ketchum was involved with  
7 that, but was -- and this is after Canterbury had been  
8 fired, so Johnson was the Court Administrator; correct?  
9 Was he involved with that conversation?  
10 A. He was not present.  
11 Q. It was just you and Justice Ketchum that were  
12 there.  
13 A. And it was a phone call.  
14 Q. Okay. And -- and I have taken it -- and I take  
15 it that the Treasurer Perdue changed his -- you were  
16 unable to get him to change his mind?  
17 A. After the document was reworked and it said the  
18 Treasurer would process the payments --  
19 Q. Uh-huh.  
20 A. -- then it was signed off on by the Treasurer.  
21 Q. Okay. Well, I have to ask this, and I  
22 apologize. But they -- if Justice Ketchum threatened to  
23 have you fired if this didn't happen the way that, I  
24 guess, the Court wanted it to, were you fired?

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1 A. No, I was not fired. I resigned.  
 2 **Q. Okay. Was it your choice to resign?**  
 3 A. It was negotiated.  
 4 **Q. It was a negotiated resignation? Okay.**  
 5 **And this is just -- I know that you -- and**  
 6 **I know that when they fired the Administrator, they --**  
 7 **it is a general practice that three out of the five**  
 8 **justices would have to sign off on something like that.**  
 9 **Is that -- that's -- is that the case? I know you said**  
 10 **you weren't fired, but if someone were to say that you**  
 11 **would be, they would have to get two other justices to**  
 12 **go along with it; is that correct?**  
 13 A. That -- to my knowledge, that's correct.  
 14 DELEGATE PUSHKIN: Okay, I believe that is  
 15 all my questions. Thank you very -- thanks again for  
 16 being here, sir.  
 17 THE WITNESS: Thank you.  
 18 DELEGATE PUSHKIN: Appreciate you.  
 19 CHAIRMAN SHOTT: Delegate Hollen.  
 20 DELEGATE HOLLEN: Thank you.  
 21 EXAMINATION  
 22 BY DELEGATE HOLLEN:  
 23 **Q. Just a question. When was your last day of**  
 24 **employment?**

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1 A. November -- I can't see. Sorry. 4:00 P.M.,  
 2 November 15th, 2017.  
 3 **Q. Okay, November 2017. Yesterday -- and you are**  
 4 **probably not aware of this, I am assuming. We have a**  
 5 **post audit and there were some questions about a missing**  
 6 **calendar. I don't know if you've -- if you've heard**  
 7 **about that?**  
 8 A. No, sir.  
 9 **Q. Okay. Let me just read something from this**  
 10 **post audit and -- from -- in a memo dated February 16th,**  
 11 **2018, the executive assistant informed the current**  
 12 **Administrative Director that in response to a request**  
 13 **outside of this audit, she was asked to provide the**  
 14 **daily calendars from 2005 to present, which we're**  
 15 **speaking about Mr. Canterbury's calendar, personal**  
 16 **calendar maintained by the Court. It says, "However,**  
 17 **the calendars from 2013 to 2016," which you were**  
 18 **employed at that time, "were previously in her files**  
 19 **were now missing." Could you explain how that could**  
 20 **have happened? I mean, I know you -- you know, this was**  
 21 **asked after your employment, but how would something**  
 22 **like that occur?**  
 23 A. Are we talking about paper calendars or  
 24 electronic calendars?

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1 **Q. I'm assuming it would be electronic. It was in**  
 2 **her files, so we're assuming an electronic. I mean, is**  
 3 **that normally -- since you were the manager, does --**  
 4 **would that make sense that most people's calendars**  
 5 **were -- maintained by the Court were electronic?**  
 6 A. No, mostly, like my personal calendar at the  
 7 Court was my e-mail Outlook calendar.  
 8 **Q. Now was that -- would -- the executive**  
 9 **assistant, did she keep that calendar for you or did you**  
 10 **know if she kept other persons' calendars?**  
 11 A. No.  
 12 **Q. So you --**  
 13 A. That's why I am speculating that maybe you are  
 14 talking about a paper calendar.  
 15 **Q. Okay.**  
 16 A. Because if it was an e-mail calendar, it  
 17 wouldn't be missing. There's backups of the e-mail.  
 18 **Q. Okay, yeah, that's my question if, you know --**  
 19 **because we weren't informed if it was an electronic or**  
 20 **paper, so that's why I was asking you, if it was a**  
 21 **common practice to keep calendars on the computer and**  
 22 **why would they be missing. So I appreciate that. Thank**  
 23 **you.**  
 24 CHAIRMAN SHOTT: Delegate Byrd, questions?

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1 DELEGATE BYRD: One question.  
 2 EXAMINATION  
 3 BY DELEGATE BYRD:  
 4 **Q. Thank you again for continuing to persevere**  
 5 **through this.**  
 6 **Who supplies the printer, ink, and paper**  
 7 **for the justices at their home if they have a printer?**  
 8 A. If it is a Court-owned printer, it is supplied  
 9 by the Court.  
 10 **Q. And does that paper include -- I don't know**  
 11 **what the technical term is, but to print photographs off**  
 12 **on?**  
 13 A. That, I do not know.  
 14 **Q. Okay, and how would a justice go about**  
 15 **requesting additional ink cartridges and paper and/or**  
 16 **having someone come out and install a new ink cartridge?**  
 17 A. It would go through the Help Desk IT.  
 18 **Q. And would you -- could you explain that**  
 19 **process? Would the justice call in or is there a form**  
 20 **they have to fill out?**  
 21 A. It is not written in stone. They would either  
 22 contact the Help Desk and say, "I'm out of ink," or they  
 23 would call one of the IT employees and say, "I'm out of  
 24 ink," or they could go to, possibly, their secretary and

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1 say, "I'm out of ink." There is a multitude of ways  
2 that they could secure ink and/or paper.  
3 **Q. And -- I'm sorry?**  
4 A. And/or paper.  
5 **Q. Okay. And my last question is kind of what we**  
6 **talked about earlier together, was about the printer**  
7 **log. Does the printer log differentiate between what**  
8 **kind of items printed out on the printer, whether it be**  
9 **a photograph, black and white, or colored?**  
10 A. I mean, it's only speculation, but depending  
11 upon what type of printer and the capabilities of that  
12 printer, I'm sure there are printers on the market that  
13 can tell you what kind of paper was used, how many  
14 documents were printed. But to testify to any of the  
15 printers possessed by any justices or any other member  
16 of the Court, they vary so much. I can't say, "Yes,  
17 this is a definitive answer."  
18 **Q. And the way we would do that would be to look**  
19 **at what, I think was mentioned by Delegate Capito, is**  
20 **the asset number on each of the printers, if there is a**  
21 **log regarding that?**  
22 A. Right, look at the model number and see if that  
23 model number has the capabilities of logging items that  
24 were printed.

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1 DELEGATE BYRD: All right, thank you again  
2 for being here.  
3 THE WITNESS: Thank you.  
4 CHAIRMAN SHOTT: Before I move on, just  
5 one caution. When you commit to a number of questions,  
6 I count. And I will say that Delegate Fast is a plus  
7 one, but you are now in the hole four, okay? So the  
8 only thing I really like to hear is, "This is my last  
9 question." Okay?  
10 Delegate Lovejoy, questions? Going to the  
11 back, back row? Delegate Robinson.  
12 DELEGATE ROBINSON: Thank you,  
13 Mr. Chairman. I just have 15 questions.  
14 CHAIRMAN SHOTT: I'm counting.  
15 EXAMINATION  
16 BY DELEGATE ROBINSON:  
17 **Q. Mr. Harvey, you mentioned the occurrence where**  
18 **you felt - and these are my words - but threatened about**  
19 **your employment with the Treasurer situation. You also**  
20 **suggested there's a feeling when Justice Loughry**  
21 **suggested that you not hook up the private computers at**  
22 **his home, that -- that it could jeopardize your**  
23 **employment. And what I want to ask you is: During the**  
24 **time Justice Loughry was the Chief Justice, was that**

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1 **part of the environment that would you think -- do you**  
2 **and fellow employees, did you feel that was a part of**  
3 **the environment that your employment was jeopardized by**  
4 **possibly immoral things or other opportunities that you**  
5 **don't feel were right, but you felt your employment may**  
6 **have been jeopardized if you did not complete them**  
7 **because they are your direct supervisors?**  
8 A. I can't answer for the other employees, but my  
9 personal feelings was everything was in limbo. You  
10 didn't know what was going to happen.  
11 **Q. So it was a common occurrence that you felt as**  
12 **your direct supervisor, if you don't follow their direct**  
13 **orders, it could end your employment with the Court?**  
14 A. Can you rephrase?  
15 **Q. I'll tell you what, the direction I am going is**  
16 **we have accusations throughout this -- as these things**  
17 **came public, that, you know, other people other than the**  
18 **justices were the culprits in spending money, in hooking**  
19 **up computers possibly, and things like that. And I feel**  
20 **that it may have been the environment there that**  
21 **employment may have been threatened on numerous**  
22 **occasions.**  
23 **So as we go through the process, I would**  
24 **like to ask former or current Court employees if that**

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1 **was part of the environment while Justice Loughry was**  
2 **the Chief Justice, if that was a common occurrence. So**  
3 **if I could get yours and then I'll continue as other**  
4 **Court employees come through. (Overtalking)**  
5 A. Right, it was not -- just my personal  
6 feeling --  
7 **Q. Yes, sir.**  
8 A. -- it was not a common occurrence, but,  
9 personally, I had a feeling of just being in limbo. You  
10 didn't know from day-to-day if you were going to be  
11 employed.  
12 **Q. Did you feel comfortable -- did you feel**  
13 **comfortable denying, like, if -- would you have felt**  
14 **comfortable if you decided, necessarily, on not hooking**  
15 **up the private computers at the house, would you have**  
16 **felt comfortable telling Justice Loughry no?**  
17 A. There is only one right answer to that and it  
18 is you do the job you are asked to do by your  
19 supervisors.  
20 **Q. Okay. I'll take that. Thank you.**  
21 A. Okay.  
22 CHAIRMAN SHOTT: You have got a big  
23 surplus. All right, Delegate Canestraro, any questions?  
24 Delegate Isner? Delegate Miller.

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1 DELEGATE MILLER: Thank you, Mr. Chairman.  
2 EXAMINATION  
3 BY DELEGATE MILLER:  
4 **Q. In regard to a follow-up a little bit from the**  
5 **gentleman from the 36th, in -- from the threats that you**  
6 **had received, was it apparent to you that it was coming**  
7 **from an individual where you were threatened with your**  
8 **employment? Did it come from administration of the**  
9 **Court, Chief Justice of the Supreme Court? Do you have**  
10 **a feel of the direction of where that was coming from**  
11 **when it was made to you in your employment?**  
12 A. No, no direction of where it was coming from  
13 because it was just one individual. So --  
14 **Q. Did that individual make any kind of reference**  
15 **to "The Chief Justice wants this to happen," or "So and**  
16 **so wants this to happen and you need to make it happen**  
17 **or you are going to be fired?"**  
18 A. No, it was basically stated to me, "If you  
19 don't get John Perdue to sign off on this document, I am  
20 going to fire you."  
21 **Q. Just short and sweet. Just short and sweet.**  
22 **Okay.**  
23 **Were you asked or directed to do any other**  
24 **work that now that you look back on it, could be**

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1 **characterized as unethical or illegal in light of things**  
2 **that have -- that have developed recently?**  
3 A. No, I was asked to do something and refused to  
4 do it and I kind of felt it was unethical.  
5 **Q. That you refused to do?**  
6 A. I did.  
7 **Q. Can you elaborate on that?**  
8 A. I was asked to use some grant-purchased  
9 equipment that was purchased through a federal grant for  
10 other than intended purposes. And I refused to do that.  
11 **Q. Was that for Court purposes or personal**  
12 **purposes?**  
13 A. It was for Court purposes.  
14 **Q. And it was purchased under federal grant money**  
15 **for -- what type of grant was it purchased under?**  
16 A. It was a federal grant and I don't recall the  
17 project number or name, but it was to set up video  
18 communication at various locations for people to go  
19 into, the public to go in and use; but it was a  
20 Court-related function.  
21 **Q. Okay. What were they asking you to use those**  
22 **granted resources and do that you felt was improper?**  
23 A. To use that purchased video equipment to - for  
24 lack of a better word - replace broken equipment, either

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1 in the magistrate courts or circuit courts or family  
2 courts.  
3 **Q. The replacement of those broken equipment, is**  
4 **that a -- something that the cost would be borne by**  
5 **budgetary line items within the Supreme Court as a**  
6 **regular basis? Would it be paid for to replace those**  
7 **broken items by the Court out of their regular budget, I**  
8 **guess, is what I am asking?**  
9 A. In a perfect world would the Court include that  
10 as a budget item? Yes.  
11 **Q. So they were trying to circumvent their budget**  
12 **-- regular budgetary process and use grant money or**  
13 **granted equipment?**  
14 A. No, I do not think that was the purpose. The  
15 purpose was we had a video unit down, or multiple video  
16 units down, and instead of waiting to order those that  
17 may take several days to come in, it's, "No, you take  
18 these that are already purchased and move them into that  
19 location."  
20 **Q. Is it safe to say that State resources were**  
21 **used to permanently install a network in the Loughry**  
22 **home?**  
23 A. It is a permanent network, but it can be  
24 removed and, yes, State resources were used to install

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1 that.  
2 **Q. What type of State resources?**  
3 A. The network cabling, the CAT-5 wire was  
4 purchased by the Court. The computers were purchased by  
5 the Court. All items needed were purchased by the Court  
6 with the exception of the Internet. I think the  
7 Internet was already connected and purchased by Justice  
8 Loughry.  
9 **Q. Did you have to perform those functions for any**  
10 **other justice as far as installation of a network into**  
11 **their residences?**  
12 A. I did not.  
13 **Q. Is it safe to say that because of the work of**  
14 **the Court employees and the resource -- State resources**  
15 **put in, that the -- that it added a value or an**  
16 **enhancement to the Loughry home?**  
17 A. Personal opinion, yes, it may have increased  
18 the value, but I'm not a realtor.  
19 **Q. And my final question, Mr. Chairman.**  
20 **I assume that there are occasions where you**  
21 **can have interaction with other directors or IT**  
22 **personnel that work for the State of West Virginia, just**  
23 **whether formally or informally. Are you aware of any**  
24 **other elected State officials that have State-supported**

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**1 home offices that they work from?**

2 A. No, it never came up in discussion with other  
3 IT individuals or contract.

4 DELEGATE MILLER: Thank you. Thank you,  
5 Mr. Chairman.

6 CHAIRMAN SHOTT: And to our members, just  
7 for your information, we will break for lunch, but I  
8 want to give Mr. Harvey some relief, so I'd like to get  
9 finished with this, our questioning, before we break for  
10 lunch so he won't have to wait around. And I'd also  
11 ask, just please don't ask questions that have been  
12 asked numerous times already. So let's -- if you have  
13 got new questions, let's ask them; but if not, let's  
14 move on.

15 Next up would be Delegate Overington.

16 DELEGATE OVERINGTON: Thank you,  
17 Mr. Chairman. I have an undisclosed number of  
18 questions.

19 EXAMINATION  
20 BY DELEGATE OVERINGTON:

**21 Q. To -- was there a chain of command at the  
22 Supreme Court when you were assigned different work  
23 responsibilities? Did there appear to be a chain of  
24 command?**

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1 A. Was there an organizational chart? Yes. Was  
2 it so strict that I would have to check with my  
3 supervisor before walking down the hall? No.

**4 Q. Could any of the five Supreme Court justices  
5 give you assignments on their own or did it have to go  
6 through some type of channel or structure with Steve  
7 Canterbury? Would they be handled through him or just  
8 you would -- you would be dealing with all five and they  
9 would make individual requests or how would that work?**

10 A. It worked both ways. Sometimes the justices or  
11 justice would request through the Administrative  
12 Director and then on to me or other Directors of the  
13 Court. And sometimes there was direct communication  
14 from a justice to me or a Director of the Court.

**15 Q. And for the lower courts, for the circuit  
16 courts, would that be processed through Steve Canterbury  
17 or could a local -- could a local circuit judge make a  
18 request directly to you?**

19 A. Yes.

**20 Q. And the same thing with family --**

21 A. Magistrate courts, family courts.

**22 Q. So they could contact you directly about a  
23 request or some concern they had?**

24 A. Right. And just a rule -- a rule of thumb, it

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1 wasn't a written policy. I would discuss with the  
2 Administrative Director, "Person X called me. This is  
3 what they want. You know, do we go through a formal  
4 approval process or is this a verbal approval process?"

**5 Q. Was there a priority established on if you had  
6 different assignments being requested at the same time?**

7 A. A priority established. No written policy on  
8 priorities, but if you were asked to do something by a  
9 circuit judge, then, yes, that circuit judge comes  
10 before a magistrate.

**11 Q. And so the five justices, they would be sort of  
12 at the top of the priority list?**

13 A. Correct.

14 DELEGATE OVERINGTON: Thank you. Thank  
15 you, Mr. Chairman.

16 CHAIRMAN SHOTT: Delegate Foster.

17 EXAMINATION  
18 BY DELEGATE FOSTER:

**19 Q. Yes, my question is in reference to you talked  
20 about the gentleman from the 23rd -- talked about the  
21 removal of equipment from justices' homes. Obviously,  
22 during your tenure, there were justices that were either  
23 resigned or were not elected. Is it common practice to  
24 go remove any CAT-5 cable from their homes or any items**

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**1 that -- for one, that don't have that asset tag?**

2 A. It is.

**3 Q. So you all normally go remove those from the  
4 home whenever the justice --**

5 A. Normally --

**6 Q. -- resigns or is not elected again?**

7 A. Sorry. Normally it is just verbal at first.  
8 You know, "Please return all equipment that belongs to  
9 the Court." And if for some reason there is something  
10 at a former employee's house, then it will be picked up  
11 by either Court security or -- and/or IT.

**12 Q. Okay. And one other question, specifically  
13 with Justice Workman. You -- you were -- your tenure  
14 was from 2005 to 2017; is that correct?**

15 A. Correct.

**16 Q. And then she was reelected in 2008? At that --  
17 at that time, was -- was there work that had to be done  
18 at -- are you aware of any work that had to be done  
19 towards installation at her residence?**

20 A. Right, I'm not aware of any.

21 DELEGATE FOSTER: Okay. All right, thank  
22 you.

23 CHAIRMAN SHOTT: Delegate Sobonya.  
24 DELEGATE SOBONYA: Thank you,

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1 Mr. Chairman.  
2 EXAMINATION  
3 BY DELEGATE SOBONYA:  
4 **Q. You mentioned to the Delegate from Boone that**  
5 **you felt like you were leaned on hard by a justice for a**  
6 **grant, a federal grant that was being used in a**  
7 **different manner than what it was intended. Could you**  
8 **-- can you elaborate on that? Like who leaned on you**  
9 **hard on that?**  
10 A. Correct, it was not a justice.  
11 **Q. Was it the Court Administrator?**  
12 A. Correct.  
13 **Q. Steve Canterbury?**  
14 A. No, ma'am.  
15 **Q. Okay, has there been any other instances where**  
16 **you felt threatened by any justice for any other**  
17 **situation that you felt like you were threatened with**  
18 **your job, other than Justice Ketchum?**  
19 A. I mean, there's only been a couple instances of  
20 blunt -- and I have already talked about those.  
21 DELEGATE SOBONYA: Okay, thank you.  
22 CHAIRMAN SHOTT: Delegate Fast.  
23 DELEGATE FAST: Thank you, Mr. Chairman.  
24 EXAMINATION

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1 BY DELEGATE FAST:  
2 **Q. State money would have been used to install**  
3 **computer equipment in all the justices' homes, not just**  
4 **Justice Loughry; is that correct, that had computer**  
5 **equipment installed?**  
6 A. That is correct as far as equipment, yes.  
7 **Q. Okay.**  
8 A. If it was State owned, then, yes, it would cost  
9 the State money to install that equipment.  
10 **Q. Okay. The lady just asked you about who leaned**  
11 **on you regarding use of grant money and you refused to**  
12 **do that because you thought that that was not the**  
13 **purpose of the grant. And you said it was not Steve**  
14 **Canterbury. Was it Mr. Johnson?**  
15 A. It was not grant money. It was equipment, so  
16 it was equipment purchased through a grant; and, yes, it  
17 was Administrator Johnson.  
18 **Q. Okay. And when was this, about, if you can**  
19 **give me a year?**  
20 A. Between -- I can't give you an exact year  
21 without documentation, but it would be between his  
22 hiring and my leaving.  
23 **Q. Okay. Was this a big deal? Did it cause a**  
24 **rift?**

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1 A. It felt like it did, but, again, that's just a  
2 personal opinion and my feelings, you know, can be  
3 construed a million different ways.  
4 **Q. Okay. Now, I just want to clarify, you did not**  
5 **say that Justice Loughry's suggestion that the second**  
6 **computer not be hooked up to the Supreme Court network**  
7 **was a threat to your job, did you?**  
8 A. I didn't feel it was a threat to my job.  
9 **Q. You just had an internal, personal check on**  
10 **your belief only.**  
11 A. That is correct.  
12 **Q. Okay, thank you.**  
13 A. Personal belief only.  
14 DELEGATE FAST: Thank you, Mr. Chairman.  
15 CHAIRMAN SHOTT: Delegate Capito,  
16 questions? Delegate Queen.  
17 DELEGATE QUEEN: Thank you, Mr. Chairman.  
18 EXAMINATION  
19 BY DELEGATE QUEEN:  
20 **Q. Did we just hear about the specific event that**  
21 **happened in November when you said "Enough is enough,"**  
22 **and you turned your resignation in?**  
23 A. Specific event?  
24 **Q. Was there -- my question is: Was there a**

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1 **specific event that happened that you said, "Enough is**  
2 **enough?"**  
3 A. No, it led up to that event.  
4 **Q. Okay, that is the only question I had. Thanks.**  
5 CHAIRMAN SHOTT: Delegate Hanshaw?  
6 Delegate Fleischauer?  
7 MINORITY CHAIR FLEISCHAUER: I have no  
8 questions, Mr. Chairman.  
9 CHAIRMAN SHOTT: I have no questions.  
10 Counsel, any follow-up before I ask  
11 Mr. Allen and Mr. Carr? Any questions, Mr. Carr?  
12 MR. CARR: No, Your Honor.  
13 CHAIRMAN SHOTT: And I don't see  
14 Mr. Allen, so I assume he has no questions. Then is  
15 there any reason that we cannot excuse Mr. Harvey?  
16 Mr. Harvey, we thank you for your appearance and for  
17 your candor and endurance as well. Thank you. I hope  
18 you have a good day.  
19 THE WITNESS: Thank you, sir.  
20 CHAIRMAN SHOTT: Members of the Committee,  
21 we will be in recess until 1:15.  
22 Let me just give you a quick overview of  
23 what we are going to do. We have a Mr. Fletcher Adkins  
24 that will be testifying after lunch. We have the

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1 recording from the Finance Committee that is referred to  
 2 in some of the documents of Justice Loughry's testimony.  
 3 We are also going to play a video of some  
 4 interviews in hopes of setting up some evidence that we,  
 5 hopefully, will be able to get out of the JIC,  
 6 information that we are going through as you speak. So,  
 7 hopefully, that will pretty well take us through the end  
 8 of today. We will not meet tomorrow. I know that  
 9 breaks everybody's heart, but that -- that's the effect  
 10 of moving late last night and also the resig -- the  
 11 retirement of Justice Ketchum. So we are in recess  
 12 until 1:15.  
 13 (Recess until 1:15 P.M.)  
 14 CHAIRMAN SHOTT: Take your seats so we can  
 15 begin. I call the meeting back to order. Counsel, are  
 16 you prepared to call your next witness? Good afternoon.  
 17 MR. CASTO: Good afternoon, sir, could you  
 18 please remain standing so the Chairman can administer  
 19 the oath to you.  
 20 CHAIRMAN SHOTT: Good afternoon. If you  
 21 would, please raise your right hand.  
 22 Paul Fletcher Adkins  
 23 was called by the Committee on the Judiciary, and having  
 24 been first duly sworn, testified as follows:

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1 EXAMINATION  
 2 CHAIRMAN SHOTT: Thank you. Be seated.  
 3 BY MR. CASTO:  
 4 **Q. Could you please state your name for the**  
 5 **record, sir?**  
 6 A. My name is Paul Fletcher Adkins.  
 7 **Q. And could you give me a little bit of**  
 8 **information and the Committee a little bit of**  
 9 **information, Mr. Adkins, about your educational**  
 10 **background?**  
 11 A. Yes, I have degrees in law enforcement,  
 12 criminal justice, master's degree in human resource  
 13 management with a minor in economics. And I completed  
 14 the court executive development program offered by the  
 15 Institute of Court Management through the National  
 16 Center for State Courts.  
 17 **Q. Did you have any military service?**  
 18 A. Yes, I did. I served six years as a  
 19 commissioned officer, two years in armored branch and  
 20 four years in military police branch.  
 21 **Q. And what did you do after you completed your**  
 22 **education and military service?**  
 23 A. Well, I was initially employed by the Criminal  
 24 Justice and Highway Safety Division of the State of West

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1 Virginia, where I would do grant writing. Some of the  
 2 grants I wrote were for the State Court system and they  
 3 liked my work, and I was offered a job to work with the  
 4 State Court system.  
 5 **Q. Now, was that job that you were offered in**  
 6 **grant writing or was it some other position?**  
 7 A. No, it was a position as Assistant to the  
 8 Administrative Director of Courts, and that was Mr. Paul  
 9 Crabtree.  
 10 **Q. Now, what year was that, Mr. Adkins?**  
 11 A. It was 1980.  
 12 **Q. And how long were you employed by the Supreme**  
 13 **Court of Appeals?**  
 14 A. 35 years.  
 15 **Q. Was all of your time in that position or an**  
 16 **equivalent position?**  
 17 A. Equivalent positions, yes. I did various jobs  
 18 over the years as the workload changed and there were  
 19 requirements and special programs and advancements in  
 20 technology and things that needed to be implemented for  
 21 the Court.  
 22 **Q. And what were some of those things that you**  
 23 **implemented for the Court?**  
 24 A. Well, at one point we had a statewide home

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1 confinement program that I managed for about three  
 2 years. We had about 34 of the counties that were  
 3 involved in this and 250 some individuals who were on  
 4 home confinement. That was one job that I did.  
 5 And other jobs I have done would be the  
 6 implementation of the video conferencing system that you  
 7 may have seen, in relation to the video conferencing  
 8 between regional jails and magistrate courts, actually  
 9 installed them and programmed them myself, also,  
 10 installed them in the circuit courts and the majority of  
 11 family courts.  
 12 **Q. What was your job description like as Assistant**  
 13 **to the Administrative Director?**  
 14 A. Well, as Assistant to the Administrative  
 15 Director, it was like being the right-hand man to the  
 16 Director and implementing programs as directed and doing  
 17 administrative tasks.  
 18 **Q. Could you give us some background on what those**  
 19 **administrative tasks included?**  
 20 A. Well, most recently the tasks have included, as  
 21 I said, maintaining the video conferencing system. We  
 22 also did installation of evidence presentation equipment  
 23 in all of the circuit courts. That would involve  
 24 preparing the infrastructure at the county courthouses

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1 and getting it ready for the installation of the video  
 2 conferencing equipment and coordinating that with the  
 3 vendors providing the equipment.  
 4 **Q. Did you have the responsibility for control of**  
 5 **inventory of many of the physical assets of the Court**  
 6 **system?**  
 7 A. There was a program in the State's Financial  
 8 Information Management System that was for inventory of  
 9 State property. And as items were purchased, the  
 10 purchasing section would enter them into the  
 11 inventory. The inventory was maintained on this older  
 12 system and when the OASIS system was installed, we had  
 13 to convert that data and enter it into the OASIS system.  
 14 On the old system, initially, everything  
 15 down to waste baskets and tape dispensers and every  
 16 little item was included in that inventory, so it was  
 17 not a very good thing to maintain.  
 18 The OASIS system, the guidelines were that  
 19 you would only place items in the OASIS system if they  
 20 were valued at \$1,000 or if it was a computer server or  
 21 equipment of any value.  
 22 **Q. And I know you didn't get to hear Mr. Harvey's**  
 23 **testimony, but the testimony that he gave, I believe,**  
 24 **related to the fact that all of those electronic items**

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1 **of that nature, all of the computational systems would**  
 2 **have been inventoried and controlled by the Court. And**  
 3 **that is your recollection, as well?**  
 4 A. Yes. The IT department kept their own,  
 5 separate, internal listing of their computer equipment,  
 6 and that was primarily so that they would know what they  
 7 had on hand and what they needed to order to keep stock  
 8 and to be able to have replacements ready when things  
 9 break down, as they always do with computer equipment.  
 10 But in addition to this internal control  
 11 that they maintained in the IT section, there was an  
 12 OASIS listing of the actual property of the Court.  
 13 **Q. How extensive and how lengthy was that list if**  
 14 **we were to talk about it in terms of printed pages?**  
 15 A. Well, I think it was in the neighborhood of  
 16 1300 pages or something of that nature. And it included  
 17 every court in the State, family court, magistrate  
 18 court, circuit court, anyplace that we had equipment,  
 19 even the Capitol, also.  
 20 **Q. Now, as you were employed there at the Court,**  
 21 **did your duties evolve over time?**  
 22 A. Oh, yes.  
 23 **Q. Tell us about that.**  
 24 A. Well, a good example is the home confinement

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1 program. The -- there was -- it was not heavily staffed  
 2 and at that time the computer systems were not nearly as  
 3 sophisticated as they are today.  
 4 So what I would do is at 5:00 o'clock each  
 5 morning, I would get up and get some coffee, go to the  
 6 basement where I had a computer that was provided by the  
 7 State, and sit down at my own desk, thank you, and pull  
 8 down the information on all of the home confinees and  
 9 divide it into the various counties of  
 10 jurisdiction. And I would send this information to the  
 11 probation officers so it would be on their printer each  
 12 morning when they came in. And they would know if, yes,  
 13 all of their probationers are where they should be, or,  
 14 no, one left last night without permission. So that way  
 15 they were able to track everybody that was on home  
 16 confinement.  
 17 After doing the morning report, I would go  
 18 in, monitor the computer system at work, receive orders  
 19 from the various courts designating people to be put on  
 20 the home confinement system. I would program the home  
 21 confinement system after it was maintained, checked,  
 22 programmed, and sent -- sent by UPS to the county so the  
 23 probation officer could put the person on the next day,  
 24 or at least -- least by the day following that.

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1 Now, sometimes I would get an order near  
 2 close of business, and I would have to go ahead and act  
 3 on that court order, program the equipment and make a  
 4 run down to the UPS office in South Charleston so they  
 5 would -- they would -- it would get in that evening's  
 6 outgoing shipment.  
 7 So that would mean that from 5:00 in the  
 8 morning until, you know, sometime around 6:00, I would  
 9 be involved in that. And, additionally, Saturday you  
 10 would have to come in and check the equipment, make sure  
 11 it was operating. And Sunday was usually a day where  
 12 you would just have to go in and reload the paper on the  
 13 printers that would run continually to give you a  
 14 printout of what's actually happening with the  
 15 monitoring.  
 16 So in many instances, you know, I would be  
 17 working a 60-hour week and I did that for about three  
 18 years or so.  
 19 **Q. And that was just with the home confinement**  
 20 **system?**  
 21 A. That was just the home confinement system,  
 22 which was my primary duty at that time.  
 23 **Q. So let me ask you, I mean, when you retired**  
 24 **from the Court, that was when?**

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1 A. October of 2015.

2 **Q. And you had been there 35 years?**

3 A. 35 years.

4 **Q. How many persons replaced you in your duties at**  
**5 the Court?**

6 A. Well, they had a technician who did a lot of  
7 the technological work and they had another person doing  
8 the inventory and surplus property equipment and one  
9 other person doing the internal management and  
10 maintenance and a lot of the different things that were  
11 going on.

12 **Q. So, it is safe to say, then, that you,**  
**13 essentially, were doing the work of what is now being**  
**14 done by three different individuals at the Court?**

15 A. Pretty much.

16 **Q. As part of that, you have mentioned that you**  
**17 had responsibility for surplus property and the**  
**18 surplus of that surplus property. Could you tell us**  
**19 how things went from being an item under the control of**  
**20 the administration of the Court to then going to surplus**  
**21 property?**

22 A. Uh-huh. Usually when we would have an item  
23 that was no longer needed in any of the courts around  
24 the State, they would notify us that they would like to

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1 get rid of this equipment, but more often what would  
2 happen is we would buy new furniture for a court and the  
3 old furniture would have to be delivered to the Surplus  
4 Property Division.

5 Now, it's not as simple as loading it up  
6 and taking it down there. The surplus property division  
7 would require a listing of all of the items to be turned  
8 in by State tag and serial number, description of the  
9 item, and put this all on the listing. And you send it  
10 to the Surplus Property Division by computer and request  
11 a -- a turn-in document number.

12 CHAIRMAN SHOTT: It's an alarm.

13 A. So the property could not be turned in until  
14 the Surplus Property Division issued this number. After  
15 the number was issued --

16 CHAIRMAN SHOTT: Would you stop just a  
17 minute, please, while we figure out what is going  
18 on. Thank you.

19 (Pause)

20 What is it? Is it a fire alarm? All  
21 right, that's the fire alarm, folks. We'd better pay  
22 close attention to it.

23 (Short recess)

24 THE WITNESS: I didn't arrange that.

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1 BY MR. CASTO:

2 **Q. I think we had asked you about the disposal of**  
**3 surplus property, so --**

4 A. Yes, I was explaining that you had to get a  
5 number from the surplus unit to be authorized to turn  
6 the property in. And then you would have to call them  
7 and schedule a date for the turn-in because sometimes  
8 they had periods of time where you could not turn in  
9 items because they were preparing for a sale. So you  
10 would have to make sure that -- that they would give you  
11 an actual date where you could bring the property down  
12 and then arrange for a mover to take the property, which  
13 would usually be located in our warehouse, and take it  
14 down and actually turn it into the Surplus Property  
15 Unit.

16 And that's the only way by Code that we  
17 can properly dispose of property. I would occasionally  
18 have people ask, "Well, can't I -- can't I have this" or  
19 "Can I have that," out of the surplus property that is  
20 going to be turned in. And I would tell them, "Well,  
21 you can contact the Surplus Property Division, and when  
22 it gets down there, it will be available for sale," and,  
23 you know, that's what would happen there.

24 **Q. So there was a fairly well developed system**

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1 **that the Court was aware of and practiced, usually, with**  
**2 regard to the surplus and disposal of property, that**  
**3 is fair to say?**

4 A. Yes, that's correct. That's the process that  
5 we used and it -- like I say, it was automated. It was  
6 computerized and you tracked each item by computer from  
7 the time that you received it and identified it for  
8 turn-in through the time it was approved and a turn-in  
9 number was given and the scheduling was set.

10 And then you would receive a signed receipt  
11 that it was received by the Surplus Property Division,  
12 so it was a complete, you know, closed-type turn-in  
13 system.

14 **Q. And you managed property, as I understand it,**  
**15 not merely for the Supreme Court of Appeals, but also**  
**16 for some subordinate courts under its umbrella; correct?**

17 A. Yes, that's correct. It was a statewide system  
18 for all of the courts, the circuit court, magistrate  
19 court, family court. No municipal courts are a part of  
20 the court system, of course.

21 **Q. And you had primary responsibility, as I**  
**22 understand it, for not only the Supreme Court but, also,**  
**23 primary responsibility for properties allocated to the**  
**24 magistrate and family courts; correct?**

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1 A. Yes. Both of those courts, and the circuit  
2 courts. Now, in the circuit courts, much of the  
3 furniture is provided by Code by the county  
4 commissions. And mostly the equipment in the circuit  
5 courts would be the computer equipment, evidence  
6 presentation equipment, video conferencing equipment,  
7 and any other equipment that might be specifically  
8 needed for the office needs of the court.

9 **Q. But with regard to the other courts, you had -**  
10 **or at least the Supreme Court had and you oversaw - the**  
11 **primary responsibility for providing all of the needed**  
12 **items for those -- for those subordinate courts?**

13 A. Yes, that's correct.

14 **Q. And this seems like a fairly elaborate process**  
15 **that had to be gone through to surplus it and you have**  
16 **noted that you had inventory controls, as well. There**  
17 **is a centralized warehouse for these items?**

18 A. Yes. As a matter of fact, we had -- we have  
19 two warehouses that the Supreme Court has. One  
20 primarily holds the actual records of the Court. In  
21 fact, it is pretty interesting, you have some of the  
22 records that are actually records from the Court of  
23 Virginia going back to, I believe, it was like 1843. So  
24 it's a very interesting thing for anybody interested in

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1 history, but we have those in the warehouse that is  
2 located on Piedmont Road.

3 The other warehouse is located in Kanawha  
4 City and it is primarily used for furniture and computer  
5 equipment and any other items that may be used by the  
6 court system.

7 **Q. Now, I take it that in the management of this**  
8 **property, you have developed a number of procedures and**  
9 **contacts that move this property. How is it -- how are**  
10 **moves of this property to the courts and from the courts**  
11 **usually handled?**

12 A. Well, the -- Young's Moving Service is a  
13 company that we have used for a long period of time. I  
14 have been retired now since 2005. I don't know if they  
15 are still used. I suspect they would be because they  
16 have done such a good job. They are very responsible  
17 movers. Now, they are not a nationally affiliated  
18 moving group, so the expense for using these movers is  
19 much less.

20 Basically, they have -- they buy used  
21 U-Haul trucks and use them to transport. It will be the  
22 owner and usually a helper or two to do these moves. So  
23 it is a cost-saving factor for the State to use these  
24 people and they are definitely a trusted vendor because

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1 we have used them so long. And they know what the Court  
2 system requires and they, in fact, know the location of  
3 everything in the Court system here so we can trust them  
4 to do work and not require a great deal of supervision  
5 as we would if we would have a different person doing it  
6 every time.

7 **Q. And that is because of the fact that they have**  
8 **this long-standing relationship with the Courts.**

9 A. Yes, that's true.

10 **Q. And you have never had any complaints in the**  
11 **time that you were there about the work that they've**  
12 **performed or their efficiency or efficacy?**

13 A. No, no complaints. And in fact, we have had  
14 good comments on, you know, what hard workers they are  
15 from the people out in the county, and they are.

16 **Q. The item -- and I'm not sure - I'm sorry,**  
17 **Mr. Chairman - as to which Exhibit Number we have on**  
18 **this, John. The -- 21. Yeah, but it won't work and we**  
19 **don't have it scanned. Yeah, well, I have a hard copy**  
20 **of it I can take over to Mr. Adkins, if I may.**

21 CHAIRMAN SHOTT: Certainly.

22 **Q. Mr. Adkins, I have handed you an item, which is**  
23 **our Exhibit Number 21, which is approximately four pages**  
24 **in length. It purports to be a bill and some records**

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1 **received from the Supreme Court of Appeals concerning**  
2 **the movement of certain items of furniture. And I would**  
3 **like to have an opportunity to ask you some questions**  
4 **about that.**

5 **Now, the first item on the cover sheet is**  
6 **an item from the Financial Information Management**  
7 **System. Is that the system that you were referring to**  
8 **that was the predecessor to OASIS?**

9 A. Uh, yes, that's correct. The FIMS system, you  
10 can see it right across the top of the form, Financial  
11 Information Management System.

12 **Q. And this is an invoice that was prepared on,**  
13 **purportedly, on July the 8th, 2013, with regard to the**  
14 **Court. Who -- who is or was Sandra Johnson?**

15 A. One of the payment clerks at the Court.

16 **Q. Okay. And this purports to be a bill that was**  
17 **submitted from Young's Moving Service. I believe if you**  
18 **will turn to page 4, we have the actual, physical copy**  
19 **of that bill that was presented by Young's?**

20 A. Yes.

21 **Q. And your signature is -- is on that copy, sir?**

22 A. Yes, I approved this bill when it came in.

23 **Q. And it appears you approved that on June the**  
24 **29th?**

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1 A. Yes, that's correct.

2 **Q. And there is a note here with your initials**

3 **that "Requests from June 1 and June 18 were consolidated**

4 **into one move".**

5 A. Yes, that's correct. If you look at the

6 exhibit, it is dated on June 1, that was when I was

7 first advised that we needed to move the furniture from

8 Justice Loughry's office to prepare for renovation of

9 the office.

10 **Q. Now, Mr. Adkins, let me -- let me ask you:**

11 **When did renovation of the justices's offices commence?**

12 A. I believe it was earlier that year. I'm not

13 sure of the exact time.

14 **Q. So sometime early in 2013.**

15 A. I believe that's correct.

16 **Q. Now, at that point, I assume that Justice**

17 **Loughry had simply taken the office that was vacated by**

18 **his predecessor and was using that work space before its**

19 **renovation?**

20 A. Uh, yes, that's correct.

21 **Q. And I note on this item, that there has been a**

22 **change of date. Is that change of date in your**

23 **handwriting?**

24 A. Yes, it is.

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1 **Q. Could you tell us what the date is changed from**

2 **and what it is changed to?**

3 A. I received a request to change the date to June

4 20th and I received that request on June 18th.

5 **Q. And from whom did you receive that request?**

6 A. I don't -- I really don't remember. That was

7 five years ago and I don't know if I received it by

8 e-mail or somebody called me on the phone or just told

9 me. I don't know who asked me to do that.

10 **Q. But you were asked to do it?**

11 A. Yes.

12 **Q. And you made that change.**

13 A. Yes, I made the change.

14 **Q. I note that the original item here on June 1st,**

15 **the original request that was sent from you to Mr. Young**

16 **notes that the assistance will be to move the furniture**

17 **in the Capitol building and some moving to the Venable**

18 **warehouse.**

19 A. To the Venable warehouse, yes.

20 **Q. And so in your understanding of what was to be**

21 **done that day, furnishings of some sort - which I don't**

22 **know that you were aware of, and you can tell us if you**

23 **were - were to be taken from Justice Loughry's office**

24 **while it was being renovated and stored in the warehouse**

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1 **during the pendency of that renovation; is that correct?**

2 A. Yes, that's -- that's what I understood, that

3 we needed to move the furniture out of the office so the

4 renovations could begin.

5 **Q. Let me ask you about those renovations. Now,**

6 **were you involved in that renovation process at all?**

7 A. Other than just removing the furniture, no, I

8 didn't have any decision making or anything in that.

9 **Q. No oversight, no involvement other than moving**

10 **the furniture?**

11 A. The -- I believe there was an architect

12 involved and the contractors and that was done in

13 conjunction with Mr. Canterbury and the justices

14 involved.

15 **Q. And so you scheduled this move of the furniture**

16 **from Justice Loughry's office. You rescheduled it to**

17 **June 20th, and I think the second item there on the**

18 **exhibit is dated on the 18th of June. Could you tell us**

19 **about that?**

20 A. Yes. Since the date was going to be changed, I

21 sent a new request to Scott Young at Scott's Young's

22 moving so we could coordinate the move for that

23 day. And, fortunately, he was available so we could do

24 that on that day. And he received that and I confirmed

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1 it with him to make sure that there wouldn't be any

2 slip-up. And he said, yeah, he could do the work on the

3 20th.

4 **Q. And it appears that because it was the 150th**

5 **anniversary of West Virginia statehood, you had to make**

6 **some special arrangements for Mr. Young and his team to**

7 **get into the building. Could you explain that for the**

8 **Committee?**

9 A. Well, there -- there were roadblocks at various

10 points around the Capitol so that the various

11 celebrations could be held. And the movers would need

12 to get to the East Wing loading dock to pick up this

13 furniture so they would have to go past a road block.

14 So I contacted Matt Brown, the Director of

15 the Capitol Police, to see about getting authorization

16 for my movers to come in on that day to actually meet

17 with Justice Loughry to get the furniture picked

18 up. And I had to do that and, also, any time before I

19 would have a mover or air conditioning technician or

20 workman or anything like that to have access to the East

21 Wing loading dock, I would always call ahead to the

22 Capitol Police so they would be notified that, "Yes, you

23 should have this person on your list for access," and,

24 "Yes, they are coming in 30 minutes to an hour."

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1 Usually I would call ahead so that the Capitol Police  
2 would be expecting them because they controlled access  
3 to the East Wing dock and they could remotely open the  
4 door and they would view people through remote cameras  
5 and actually talk with them on the intercom system to  
6 make sure it was who they were expecting so they could  
7 maintain proper control of security in the building.

**8 Q. And as someone with previous law enforcement  
9 and security background yourself, you felt that that was  
10 a reasonable protocol to follow.**

11 A. Oh, yes, yes. The Capitol Police did an  
12 excellent job that way and I developed a good, working  
13 relationship with them so they knew that when I called  
14 them about something, that it was something that was  
15 valid and that they could be confident that, yes, they  
16 can allow people to have that access.

**17 Q. Now, after you had transmitted this to  
18 Mr. Young, were you present at the Capitol that day when  
19 Young's Moving Service actually showed up to perform the  
20 execution of this agreement?**

21 A. Well, this was so long ago that I really can't  
22 say whether I came in and made sure physically that they  
23 got up there or if I just called and talked with them on  
24 the cell phone or not, but I just made sure that they

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1 did get in contact with Justice Loughry.

**2 Q. Now, you said you placed them in contact with  
3 Justice Loughry. To the best of your information and  
4 belief, was Justice Loughry present when they came to  
5 remove those items from his office?**

6 A. Well, he would have to have allowed them access  
7 to the chambers area to get the furniture, so --

**8 Q. Because you -- did you not have access to the  
9 chambers area?**

10 A. I would have access to the chambers area, yes.

**11 Q. But it was he on that day who, to the best of  
12 your knowledge, allowed them access to the chambers  
13 area?**

14 A. Ye -- well, he must have been there, yes.

**15 Q. And so you do not remember at all being present  
16 and supervising any of the execution of this contract  
17 yourself.**

18 A. This was one of many, many furniture moves that  
19 I did over the years. And, you know, they all kind of  
20 run together. And, you know, was I there or not? I  
21 came into the Capitol so many times and did so many  
22 furniture moves, you know, I can't say if I was there or  
23 not.

24 But I do know that the furniture was

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1 successfully picked up by Young's Moving and the  
2 arrangement was that when they had the truck full and  
3 they were ready to go to the Venable Avenue warehouse,  
4 they were to give me a call on my cell phone and I would  
5 meet them at the warehouse because the warehouse was  
6 closed and it was not manned since it was a State  
7 holiday. So I would have to let them in to unload the  
8 furniture. So that's what was done. They called me as  
9 soon as they had all of the furniture and they were on  
10 the way to the Venable warehouse and I met them there  
11 and opened up the warehouse.

12 See, the warehouse had a security system  
13 in it that we had installed so that there would be no  
14 break-in while the -- you know, overnight or anything  
15 like that. And, also, there's a code to access and open  
16 the doors to allow vehicles into that warehouse. So I  
17 had to be there to allow them entry to the warehouse and  
18 to make sure that the furniture and other items were  
19 placed in an area so we would -- it was designated in a  
20 certain place and we would know what it was so when it  
21 was to be returned, we'd be able to get that exact --  
22 those exact items and they wouldn't be mixed in with the  
23 other items.

**24 Q. Because, as you've earlier testified, this**

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**1 warehouse houses all of the furniture and items that the  
2 Court utilizes as a repository for the courts about the  
3 state?**

4 A. Yes. As I mentioned earlier, the State surplus  
5 property would be brought back from the counties and so  
6 that we would have items to use as replacements, we  
7 would often keep the best desks or items of furniture  
8 back and not turn them in to Surplus Property because  
9 occasionally you would have furniture that would be  
10 damaged by water leaks or, you know, different types of  
11 damage out in the field. And if we had a good item that  
12 was similar, we could just replace it with that rather  
13 than buying new.

**14 Q. But this warehouse, as you noted just a little  
15 while ago, was a secured warehouse?**

16 A. Yes, it was secured.

**17 Q. And that is because of the value of the items  
18 that were contained in it?**

19 A. Oh, yes. There -- there was computer equipment  
20 there of significant value in addition to the furniture  
21 and other items.

**22 Q. So someone like yourself who had the codes and  
23 the information that was necessary to access it had to  
24 go down there in order to allow Young's to make this**

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**1 drop-off?**  
 2 A. Oh, definitely. Yeah. It was locked up and  
 3 secured.  
**4 Q. Do you know what time of day, approximately, on**  
**5 the 20th that you received that call?**  
 6 A. Not exactly, but it was -- it was in the  
 7 evening because I know it took them some time to load  
 8 and bring it down, and then, of course, they would have  
 9 to unload while I was there, so it -- it went into the  
 10 -- not into the late evening, but into the late  
 11 afternoon, probably.  
**12 Q. Now, while you were there, did you assist in**  
**13 the unloading process or you -- were you just there to**  
**14 facilitate the entry into the building?**  
 15 A. Just there to facilitate and manage it and I  
 16 wouldn't want to -- to take their work away from them by  
 17 unloading it myself.  
**18 Q. Do you recall anything about the items that**  
**19 were deposited in the warehouse that evening?**  
 20 A. Uh, what -- what are you --  
**21 Q. I mean, did you see any of the items that were**  
**22 removed from the truck and placed into the warehouse**  
**23 that evening while you were there?**  
 24 A. Well, yes. Yeah, I saw them all unloaded.

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**1 Q. Do you have any recollection as to what those**  
**2 items were?**  
 3 A. There was nothing specific that stood out in my  
 4 mind about it, it was just office furniture.  
**5 Q. And so following that, after they completed**  
**6 their moving, you, I presume, locked the building back?**  
 7 A. Yes, that's correct.  
**8 Q. And then everybody departed from there that**  
**9 evening.**  
 10 A. Yes.  
**11 Q. Did you have any conversation with them about**  
**12 anything that they had moved that day or anything of**  
**13 that nature that you can recall?**  
 14 A. No, I don't recall that they mentioned anything  
 15 out of the ordinary.  
**16 Q. And so you received on or about the next day an**  
**17 invoice which you approved on the 29th; is that correct?**  
 18 A. Yes, that's correct.  
**19 Q. And it noted that the moving services had been**  
**20 performed?**  
 21 A. Yes.  
**22 Q. And that they had delivered an item to Dudley**  
**23 Drive?**  
 24 A. Yes.

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**1 Q. And then returned to the State Capitol to**  
**2 finish loading and delivered those remaining items.**  
 3 A. Yes.  
**4 Q. Did you at any time ask Mr. Young or Justice**  
**5 Loughry about the Dudley Drive trip?**  
 6 A. No, I did not.  
**7 Q. And could you elaborate on why you did not?**  
 8 A. Well, if something was delivered to Dudley  
 9 Drive and it was under the supervision of the justice,  
 10 there would be nothing I had -- have to say about it.  
**11 Q. Because it would have been items removed from**  
**12 his office?**  
 13 A. Yes.  
**14 Q. And presumably in his possession?**  
 15 A. Yes.  
**16 Q. At his order?**  
 17 A. Yes.  
**18 Q. So it would have been solely his**  
**19 responsibility, as you understood it?**  
 20 A. Well, I would think so, yes.  
**21 Q. And so you saw nothing out of the ordinary when**  
**22 you processed this request?**  
 23 A. I can't tell you what five years ago went  
 24 through my mind about it, but I imagine I didn't think

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1 there was any problem with it.  
**2 Q. Let me ask you, you know, you have testified**  
**3 that you had the control over the inventory of the**  
**4 Court. Could you explain for the Committee what you**  
**5 believe that a Cass Gilbert desk is?**  
 6 A. Well, I only have what -- hearsay information  
 7 about this, but there are several light oak, rather --  
 8 they are not really large, but medium-size desks that  
 9 are purported by some people to have been original to  
 10 the Capitol.  
**11 Q. And the Court has some of these in the Court's**  
**12 property inventory.**  
 13 A. Yes, and they also have -- actually have  
 14 matching tables that are, you know, fairly large-sized  
 15 tables, like work tables.  
**16 Q. And they are -- they have the -- one of those**  
**17 for each of the desks, was that the idea as you**  
**18 understand it or --**  
 19 A. I believe that's correct.  
**20 Q. And we heard testimony yesterday that one of**  
**21 those desks may be in the northern part of the state in**  
**22 a courthouse or a courtroom. Do you have any knowledge**  
**23 as to that?**  
 24 A. No, I don't.

1 **Q. And the Court to your understanding and belief**  
2 **still has at least four of those five desks that were**  
3 **originally supposedly purchased?**  
4 A. Well, I haven't made a count or inventory of  
5 that myself, but that's what I have heard.  
6 **Q. And to the best of your information, that's --**  
7 **that's what you believe?**  
8 A. Yes.  
9 **Q. Do you know personally if at the time that this**  
10 **move occurred, if Justice Loughry was using one of those**  
11 **as his judicial desk?**  
12 A. He did use one as -- when he was in a clerk  
13 position with the Court, I know. I'm not sure if he had  
14 that in his chambers office or not.  
15 **Q. At any time subsequent to 2013, once the**  
16 **renovation had been complete, were you tasked or anyone**  
17 **that you know of tasked with obtaining a desk for**  
18 **Justice Loughry?**  
19 A. No, I don't -- don't know about that.  
20 **Q. You did not accompany the justice or the folks**  
21 **from Young's Moving to his house, did you?**  
22 A. No, I have not been to Justice Loughry's house,  
23 either in a work situation or either in a social  
24 situation, either one.

1 **Q. You were employed by the Court for**  
2 **approximately 35 years. When you left, were there any**  
3 **unusual conditions placed upon you as you left the**  
4 **Court's employ?**  
5 A. No.  
6 **Q. Were you required at any time to sign a**  
7 **nondisclosure agreement or a secrecy agreement or any**  
8 **other agreement that purported to limit your ability to**  
9 **discuss matters that took place while you were employed**  
10 **by the Court?**  
11 A. No, sir. I had -- was not presented with any  
12 document like that, nor had I ever heard of anyone in  
13 the employ of the Court ever being presented with any  
14 document like that.  
15 **Q. So this was not a generally accepted policy at**  
16 **the time that you were employed by the Court?**  
17 A. No, it was not.  
18 **Q. If you'll give me just one second.**  
19 (Pause)  
20 All right, one question came up in our  
21 earlier discussion when you were here this morning. Did  
22 you know that -- anything about the Court's travel  
23 policy?  
24 A. There -- there was a travel policy that had

1 outlined procedures for obtaining accommodations and air  
2 travel and, you know, use of vehicles.  
3 **Q. Did you ever have to make use of applications**  
4 **made under that travel policy yourself?**  
5 A. Uh, yes. I know that for vehicle travel, there  
6 was a computerized program where you would request a  
7 vehicle and enter the dates that you would request the  
8 vehicle, the type of vehicle you need - whether it would  
9 be a sedan or van or whatever - and the purpose of the  
10 travel and the location that you were going to.  
11 **Q. And just to reiterate, at the times that you**  
12 **were compelled by the necessity of your duties to travel**  
13 **within the state to various locations, you had to**  
14 **specify the purpose of each of those visits.**  
15 A. Yes, that's correct. I did both on the  
16 computerized system and on the occasions where I used  
17 the -- the paper form that was the standard West  
18 Virginia travel form, I would list the mode of  
19 travel. If I was using a State vehicle, I would list  
20 the license number. I would list the destination and I  
21 would list the purpose of the travel.  
22 **Q. And to the best of your knowledge, all that was**  
23 **required of you in order to conform to the travel policy**  
24 **of the Court as a Court employee?**

1 A. Oh, yes. If someone would not fill that out  
2 and send it into our finance section they would get it  
3 back.  
4 **Q. Without payment?**  
5 A. Well, it would just be sent back before it was  
6 sent to the Auditor or the Treasurer.  
7 MR. CASTO: All right, Mr. Adkins. That  
8 is all I have for you right now.  
9 CHAIRMAN SHOTT: All right, we are going  
10 to start on this side at this time and I'll start with  
11 the gentleman from the 62nd, if you have questions.  
12 Delegate Overington?  
13 DELEGATE OVERINGTON: No questions at this  
14 time.  
15 CHAIRMAN SHOTT: All right. Delegate  
16 Foster.  
17 EXAMINATION  
18 BY DELEGATE FOSTER:  
19 **Q. I had a question about the Young's Moving**  
20 **Service whenever the -- the furniture was moved, they**  
21 **stopped at -- I forget the name of the road, but at**  
22 **delegate -- at Justice Loughry's house and -- on Dudley**  
23 **Drive, and something -- something was dropped off there**  
24 **and then they -- did they return to the Capitol to load**

**1 the rest of the furniture; is that correct?**

2 A. That is -- seems to be what they say on the  
3 invoice, that it looks as though they, apparently, did  
4 this first and then came back to the Capitol and  
5 completed the actual work that I had requested. So it  
6 appears that the trip up to Dudley Road was done first.

**7 Q. And where you had to get them through, I guess,  
8 a roadblock into the Capitol, that is one thing I was  
9 confused about is, did -- was there a second -- did you  
10 have to make a second phone call to notify, "Hey, these  
11 people are coming"? Did they call you or --**

12 A. Well, they would have a copy of this form and I  
13 had coordinated with Matt Brown of the Capitol security  
14 -- the Capitol Police, to allow them to enter with that  
15 form. So they would have been able to get through  
16 again.

**17 Q. So that 10-30 minute window that you talked  
18 about wouldn't have had to happen a second time, that  
19 notification?**

20 A. Uh, no.

**21 Q. All right. Okay. And they would just use the  
22 form to come back in the second time and then when you  
23 received the phone call is whenever the final load of  
24 furniture that was going to the warehouse?**

1 A. Yes, that is exactly correct.

**2 Q. All right, thank you.**

3 A. Thank you.

4 CHAIRMAN SHOTT: Delegate Fast.

5 DELEGATE FAST: Thank you.

6 EXAMINATION

7 BY DELEGATE FAST:

**8 Q. This travel policy you spoke of, was that a  
9 written policy or was that a form that was supposed to  
10 be filled out for reimbursement or payment?**

11 A. I believe that there is a written policy and  
12 it's not like I would review it each time I traveled, so  
13 I probably saw it, you know, years ago and would just  
14 abide by it.

**15 Q. Well, as you sit here today, can you state  
16 under oath that there actually was a written policy?**

17 A. Yes, I'm -- I think there is, yes, I'm  
18 concerned --

**19 Q. And who -- who would have had possession of  
20 that policy?**

21 A. It would have been in the Court Administrator's  
22 office.

**23 Q. And who would have been in charge of  
24 implementing and overseeing that policy?**

1 A. The overall responsibility would have been with  
2 the Administrative Director of Courts, Mr. Canterbury.

**3 Q. Okay. And has that -- was that -- while you  
4 were there, was that policy ever changed or revised?**

5 A. I don't -- I don't know because to revise it,  
6 it would have been reviewed by the Court. A revision  
7 would have been recommended by the Court Administrator  
8 and it would have had to have been approved by the  
9 Court. And it may have just been placed in the records  
10 of the Court and it wouldn't be -- been that I  
11 necessarily would have known about them doing that  
12 unless there was some policy that -- memo that was sent  
13 out about it.

**14 Q. Do you believe that you ever physically laid  
15 eyes on that policy, read that policy, or were you just  
16 told about it and told how to operate under it?**

17 A. I believe that I actually did read the policies  
18 when I was initially hired, but that was 35 years  
19 ago. And, you know, it just as -- it makes sense to  
20 follow the forms, use the proper forms. If a pro -- if  
21 a computer program is presented to you to request a  
22 vehicle, well, we would all use that. And it required  
23 that you list a destination and, you know, keep track of  
24 everything that was involved in it.

**1 Q. Do you know if that form that you used would  
2 still be around anywhere, or a copy of that form?**

3 A. Well, we used a -- it was a WV form, green in  
4 color, and it was a travel -- travel form that we had  
5 used that for years.

**6 Q. Was there a time that you stopped using it?**

7 A. For out-of-state travel, you would have one  
8 form. For in-state travel, you would have a different  
9 form. So I had not done any out-of-state travel for a  
10 long time, so I'm not sure if they -- they had changed  
11 that or not.

**12 Q. Was there a time that you stopped using any  
13 forms, in-state or out-of-state?**

14 A. When the computer request for the vehicles was  
15 put in place, I would use the computerized form to  
16 request and access a vehicle. And it would require that  
17 you list the type of vehicle you needed, the date you  
18 need it, the destination, and any pertinent information  
19 that should be recorded -- recorded about the travel.

**20 Q. And when was that form or the computerized form  
21 implemented?**

22 A. I'm not really sure.

**23 Q. Approximation?**

24 A. Probably ten years ago or so, somewhere in that

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1 neighborhood.

**2 Q. Okay. The renovations, there has been a lot of**  
**3 discussion about renovations in the justices'**  
**4 offices. You have seen a lot of justices come and go in**  
**5 your tenure, obviously. Had there been ongoing**  
**6 renovations for some time in the last ten years?**

7 A. Well, that -- that's an interesting situation  
8 that I would like to explain to the Committee, that the  
9 General Services Division had overall responsibility for  
10 maintenance of the Capitol building. And for 25 years  
11 or so, I had worked with them and developed a close  
12 relationship so that any time we needed electrical work,  
13 plumbing work, HVAC repair, or anything of that nature,  
14 painting, renovating, things of that nature, I would  
15 request it and the General Services Division would  
16 respond.

17 Now, they had two painters who were very  
18 good painters, Rick and Ellie. And any time that we had  
19 an office that really was in bad shape and needed to be  
20 painted, we would put a request in for the painters.  
21 And they would come up and usually within a day or two,  
22 they'd repaint the office and that was fine. And that  
23 went on for 25 years or so.

24 Well, Ellie passed away. And Rick became

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1 disabled and had to -- had to quit. So the General  
2 Services Division decided, "Well, we won't hire new  
3 painters, we'll just have contractors do this."

4 So then it would be -- it became much more  
5 difficult to try to get any work done like that. So it  
6 may be that the Court decided, "Well, you know,  
7 contractors, well, we know contractors."

**8 Q. Well, my question was, had there -- let's say**  
**9 since 2008, 2005, 2007, somewhere in there, had there**  
**10 been some significant renovations in various justices'**  
**11 offices?**

12 A. Well, there -- there had not been a lot of  
13 renovation done for several years prior to the  
14 renovations that we're all talking about here.

**15 Q. Well, when a new justice comes in, is it**  
**16 customary for them to renovate their office?**

17 A. They would often have certain things done in  
18 their office. I know when Justice Benjamin came on the  
19 Court, he had some renovations done. He needed some  
20 lighting because, you know, the lighting in many of  
21 those offices is not very good, and painting and  
22 renovation and various things were done to that office.

**23 Q. I heard a statement that Justice -- one of the**  
**24 female justices - I forget if it was Workman or Davis -**

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**1 had like a \$500,000 renovation done to their**  
**2 office. Can you verify that or give me any information**  
**3 on whether anything like that occurred?**

4 A. Well, I didn't work with the architects or the  
5 contractors on that directly, but all I know is that's  
6 -- that's what I have heard and I think that's public --  
7 publicly available information. But from my own  
8 personal knowledge, I don't know that, but I believe it  
9 to be true.

**10 Q. Well, you were there in the Court and in your**  
**11 position, did you see significant renovations done at**  
**12 one of their offices?**

13 A. Oh, yes.

**14 Q. Okay. And then -- now, Justice Loughry, let's**  
**15 talk about him. When he came on the scene in 2013, had**  
**16 there already been ongoing renovations with other**  
**17 justices - Workman, Davis, Benjamin - prior to Justice**  
**18 Loughry coming on the scene?**

19 A. Yes, there had been -- during that time period,  
20 I'm not sure if some may have started before, maybe some  
21 started after, but it was all during that general time  
22 period.

**23 Q. And did Justice Loughry have his office**  
**24 renovated when he came on in 2013?**

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1 A. Yes, he did.

**2 Q. Okay. And just in the significance or the**  
**3 involvement, was his renovations any different than**  
**4 Justice Davis's or Justice Workman's, or Justice**  
**5 Benjamin's?**

6 A. Well, they were all -- they were all very  
7 different and individualized, you might say.

**8 Q. Just general cost wise, any differences?**

9 A. Well, I would say that Justice Davis's office  
10 renovation was probably the most expensive and the -- I  
11 think Justice Workman's may have been the least  
12 expensive. The other ones, somewhere in the middle.

**13 Q. Okay. Items moved out June 20, 2013, would any**  
**14 of those items been captured on surveillance video that**  
**15 we would still have access to today?**

16 A. The Capitol Police would have to let you know  
17 that. I don't know if their records go back that far or  
18 not. I do know that they have a very sophisticated  
19 system that has the capability of digital  
20 enhancement. I don't know what the time frame is for  
21 their retention of records, but it could be possible it  
22 would be on a separate hard drive or something somewhere  
23 if they retained permanent records.

**24 Q. Okay. And the items that made up these -- that**

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1 were moved pursuant to this invoice and fax --  
 2 A. Yes, sir.  
 3 Q. -- Exhibit 21, were those -- I see that you are  
 4 the one that sent the faxes to Young -- Young's Moving  
 5 services. Were you directed to do that by someone?  
 6 A. Yes, I was directed to do that. I can't tell  
 7 you for sure exactly whether I got the direction through  
 8 Mr. Canterbury's office or directly from Justice  
 9 Loughry's office, but, you know, it was so long ago, I  
 10 can't specifically remember that.  
 11 Q. Could it have been that the contractor would  
 12 have contacted you and said, "Hey, we are at the point,  
 13 we are going to need to clear things out so we can do  
 14 some work," could that have happened?  
 15 A. No, I didn't have any contact with the  
 16 contractors during the work phase on all of these.  
 17 Q. Okay. Do you know for sure whether or not a  
 18 Cass Gilbert desk or a blue-green couch was ever  
 19 transferred from the Supreme Court to Justice Loughry's  
 20 house?  
 21 A. I don't remember seeing that with my own eyes  
 22 and I can't say for sure what was dropped off that day.  
 23 Q. Do you know if a Cass Gilbert desk disappeared  
 24 from the courthouse that day, this Court building, the

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1 Supreme Court?  
 2 A. I couldn't say that I would really know that.  
 3 DELEGATE FAST: Okay, thank you,  
 4 Mr. Chairman. Thank you, sir.  
 5 CHAIRMAN SHOTT: Second row? All right.  
 6 We will return to the right-hand side. Delegate Lane.  
 7 EXAMINATION  
 8 BY DELEGATE LANE:  
 9 Q. Thank you, sir, for being here today. I'm  
 10 looking at your June 1 memo and it says, "I would like  
 11 you to provide assistance to move the furniture in the  
 12 Capitol building and some moving to the Venable  
 13 warehouse."  
 14 A. Yes.  
 15 Q. Now, at that point, did you know what furniture  
 16 Justice Loughry wanted moved?  
 17 A. I knew all of the office furniture should be  
 18 removed in his -- from his office so the renovation  
 19 could be done. Some furniture when these moves were  
 20 being done was located in areas behind the curtains in  
 21 the Supreme Court courtroom, so it would be  
 22 convenient. And other items were actually taken to the  
 23 Venable warehouse. So there was both moving in the  
 24 Capitol building and moving to the Venable warehouse.

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1 Q. So to the best of your recollection on that  
 2 day, Justice Loughry wanted furniture moved from his  
 3 office. Now, would this have been his chambers or would  
 4 it have been his old office when he was a law clerk?  
 5 A. It would be the chambers.  
 6 Q. Okay. Now, as you recall, was all of the  
 7 furniture that was in the chambers to be removed?  
 8 A. Yes, that's correct. It had to be removed so  
 9 the contractors could do their work.  
 10 Q. And so do you remember, was there a desk in his  
 11 office?  
 12 A. Well, I'm sure there was, but I don't have a  
 13 memory of what desk was in there at the time.  
 14 Q. Now, you at that -- on that day, you went to  
 15 the Venable Avenue warehouse.  
 16 A. Yes.  
 17 Q. And you saw the items unloaded.  
 18 A. Yes.  
 19 Q. Do you recall, was there a desk unloaded that  
 20 day?  
 21 A. I don't recall. I just know the furniture was  
 22 off loaded.  
 23 Q. Just out of curiosity, after all of the  
 24 furniture was removed from Justice Loughry's office,

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1 where did he work until it all came back?  
 2 A. I know that there were specific arrangements  
 3 made for that in other parts of the Court, but I can't  
 4 remember exactly what was done. It seems to me that  
 5 there were some work areas that were available in the  
 6 State law library at the time. I hadn't given that any  
 7 thought, but I believe that there may have been areas  
 8 that were set up mostly for the staff to work and some  
 9 places for the -- for the justices to work.  
 10 Q. Okay. In looking at your June 18 memo, and  
 11 looking at the letterhead, it said Steven Canterbury was  
 12 Administrative Director and then your signature is P.  
 13 Fletcher Adkins, Director, Administrative Service.  
 14 So, what exactly is the difference between  
 15 a Director of Administrative Service and an  
 16 Administrative Director?  
 17 A. Well, Mr. Canterbury was the Director of the  
 18 Courts for the State of West Virginia. And the Director  
 19 of Administrative Services was a subordinate position  
 20 that would take care of many of the administrative  
 21 duties I have talked about before.  
 22 And in the Court Administrator's office, we  
 23 had a very flat organizational chart, meaning that  
 24 Mr. Canterbury would directly supervise and interact

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1 with a large number of people, compared to what you  
2 might see in some organizations. There may have been a  
3 dozen or more people that directly reported to and  
4 worked with Mr. Canterbury and I was one of them.  
5 **Q. Okay. You may have said this and I have**  
6 **forgotten, so forgive me if you have already answered**  
7 **this. When these items were taken from the Court to the**  
8 **Venable warehouse, was a record kept of what was moved**  
9 **from the Court to the warehouse?**  
10 A. No, there was not. The items were moved to a  
11 specific area in the warehouse so that those items could  
12 be bought -- brought directly back to Justice Loughry's  
13 office without any problem.  
14 **Q. Okay. Do you remember, were those items**  
15 **brought back from his office?**  
16 A. Oh, yes.  
17 **Q. I mean brought back from the warehouse to his**  
18 **office?**  
19 A. Yes. When the office was completed, they were  
20 returned.  
21 **Q. Okay. And did that include a desk?**  
22 A. I'm not sure. If there was one -- if there was  
23 one in the warehouse, it came back.  
24 DELEGATE LANE: Okay, thank you. No

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1 further questions.  
2 CHAIRMAN SHOTT: Delegate Pushkin.  
3 DELEGATE PUSHKIN: Thank you,  
4 Mr. Chairman.  
5 EXAMINATION  
6 BY DELEGATE PUSHKIN:  
7 **Q. And thank you, Mr. Adkins, for being here.**  
8 A. Certainly.  
9 **Q. First of all, you said that you don't remember**  
10 **who -- whose decision it was to change from Friday the**  
11 **20th -- the moving day to be from Friday, the 21st, to**  
12 **Thursday, the 20th. You don't recall who -- whose**  
13 **decision that was. Do you recall why the decision was**  
14 **made, why they would rather do it on West Virginia Day?**  
15 A. No one gave me a reason for it. I didn't infer  
16 anything from that change. It's just somebody wanted it  
17 changed for some reason.  
18 **Q. You didn't find it odd that they would want it**  
19 **on a day that the street would be blocked off on**  
20 **California Avenue?**  
21 A. No.  
22 **Q. Okay. And that the -- actually, we found out**  
23 **yesterday, the legislature and the governor were all in**  
24 **Wheeling for interim meetings. Do you recall that event**

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1 **at all or the legislature having interims in Wheeling**  
2 **that day?**  
3 A. No, I wasn't aware of that.  
4 **Q. Okay, well, that's where -- I learned that**  
5 **yesterday. A couple things, a couple more things. I'm**  
6 **not going to give an exact number of how many more**  
7 **things.**  
8 **Were there -- are there like a minimum**  
9 **amount of miles that the moving company charges for?**  
10 A. No, it was just an agreement for the 85 cents  
11 per mile.  
12 **Q. Okay, because I was looking at the**  
13 **invoice. With 84 -- do they -- do you know if -- do**  
14 **they charge back miles, like back and forth from Cross**  
15 **Lanes to get here?**  
16 A. They do portal to portal.  
17 **Q. What's that?**  
18 A. Yes, they -- from their point of origin.  
19 **Q. Okay. Because it seems to me 84 is pretty**  
20 **high. Also, nine hours, I mean, to be here from 9:00**  
21 **A.M. to 6:00 P.M. seems like an awful long time for just**  
22 **office furniture and an office in the Capitol. That is**  
23 **just my opinions, but, speaking of which, the office**  
24 **furniture -- well, you said earlier there was a surplus**

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1 **property policy; correct?**  
2 A. Yes.  
3 **Q. That anything that is no longer used that**  
4 **belongs to the State, it goes to that warehouse on**  
5 **Venable Avenue; correct?**  
6 A. Yes, that's correct.  
7 **Q. Okay. So you were not aware that there was**  
8 **going to be a trip to Dudley Drive first?**  
9 A. No, I was not aware of that.  
10 **Q. Okay. But that's in -- in the invoice, is that**  
11 **the first time you learned of it is when you received**  
12 **this invoice?**  
13 A. Yes, that's correct.  
14 **Q. Okay. Well, on the -- on the -- on this order**  
15 **dated June 1st, it says "I would like you to provide**  
16 **assistance to move furniture in the Capitol building and**  
17 **some moving to the Venable warehouse." I guess, would**  
18 **that mean like moving from one office to another in the**  
19 **Capitol and then some of it to the warehouse?**  
20 A. Well, some of the furniture was stored in the  
21 Capitol and would have had to have been moved from  
22 Justice Loughry's office. I know that at some point off  
23 -- office furniture was stored behind the curtains in  
24 the courtroom and the remainder was taken to the Venable

1 warehouse.

2 **Q. Okay. And then, apparently, from the invoice**  
**3 some -- you know, that you weren't aware of until after**  
**4 it happened, but some was taken to Dudley Drive.**  
**5 So that trip to Dudley Drive, no matter**  
**6 what they took there, if it was -- if it was State**  
**7 property, if it was in this Capitol before Justice**  
**8 Loughry was elected or even before he even worked here**  
**9 as a clerk, if it was -- if it was belonged in this**  
**10 Capitol and went to Dudley Drive, would that be a**  
**11 violation of that surplus property policy?**

12 A. Well, it depends on whether the justices of the  
 13 Court have total disposition on the -- of the property  
 14 of the Court or not. So I didn't know if this was  
 15 something that may have been his personal property. I  
 16 may have thought that at the time. I'm not sure what I  
 17 thought about it, but I didn't think anything was amiss.

18 **Q. Well, so if it -- I guess, in the policy, it**  
**19 doesn't state -- or does it state that if a Supreme**  
**20 Court Justice, basically, claims it, that they would be**  
**21 allowed to take it home? That's not -- that's not in**  
**22 the policy, is it?**

23 A. No, it certainly would not be. It would be the  
 24 same for everybody.

1 **Q. Okay. So what I was saying if it is State**  
**2 property and it goes -- it doesn't go to the warehouse,**  
**3 it goes to a justice's home, would that be a violation**  
**4 of the -- of that policy -- of that surplus property**  
**5 policy?**

6 A. I believe it would.

7 **Q. Okay. Thank you. And the reason -- I know it**  
**8 was asked earlier if you saw the desk, the Cass Gilbert**  
**9 desk unloaded. You weren't at his house and you stated**  
**10 that Justice Loughry would have had to have been here in**  
**11 order to let them in his chambers because you weren't**  
**12 here to let them in the chambers.**

13 A. Yes, that is correct.

14 **Q. And I imagine he would have had to have been**  
**15 there at his house to let them in his house. But you**  
**16 said you didn't see it moved, but do you remember -- I**  
**17 mean, I remember at the time when this was coming out**  
**18 that Justice Loughry said to the press and in an op-ed**  
**19 that he did have these items in his house. Do you**  
**20 remember that as well as I did, that he said it was in**  
**21 his house?**

22 A. I believe that I may have read a newspaper  
 23 article or seen a news release about something about  
 24 that.

1 **Q. And do you remember that he referred to a home**  
**2 office policy when -- the reason -- giving a reason why**  
**3 he had that desk in his house, he referred to a policy**  
**4 of the Supreme Court justices being allowed to have a**  
**5 home office?**

6 A. That was in the press, but I have no knowledge  
 7 of that by my personal -- I don't have any personal  
 8 knowledge of that myself.

9 **Q. Well, I think it was Ms. Bundy over at the**  
**10 Supreme Court put out a statement saying that. Do you**  
**11 remember that?**

12 A. Yes, I read -- read about that in the paper.

13 **Q. Okay. Is there a home office policy?**

14 A. Not to my knowledge.

15 **Q. Okay. Do you -- did -- do you -- did you read**  
**16 the -- I can't remember what month it was, though, when**  
**17 then Chief Justice Loughry wrote an op-ed, was**  
**18 explaining his side of this. Did you read that? Do you**  
**19 remember it?**

20 A. No.

21 **Q. Okay. Well, one of the things that's been --**  
**22 we haven't discussed yet, but I don't know if you have**  
**23 any knowledge of it, was we talked about the renovations**  
**24 to the offices. And I know one of the more publicized**

1 items was the flooring, the tile floor that was put in  
 2 Chief Justice Loughry's office with the -- I guess  
 3 Tucker County was made out of a different -- the rest of  
 4 it were wood tiles and that was like a blue granite  
 5 tile, like it was customized for his office.

6 And he had stated that that decision was,  
 7 I believe, was made by the then -- the Court  
 8 Administrator, Canterbury. Do you have -- were you  
 9 around at that time? Do you know who picked out the  
 10 floor?

11 A. I believe there was some work by both  
 12 Mr. Canterbury and Justice Loughry on that. There was a  
 13 hand -- hand-drawn rendering of what that was wanted.

14 **Q. There -- there was a rendering --**

15 A. Drawing.

16 **Q. -- that was drawn by -- do you remember if it**  
**17 was drawn by Justice Loughry?**

18 A. Not by my personal knowledge, I couldn't say.

19 **Q. Okay. Because we are getting -- I believe when**  
**20 we are done with your testimony, we are going to see**  
**21 some news stories where then Chief Justice Loughry, in**  
**22 my opinion, blames the former administrator, Canterbury,**  
**23 for these decisions.**

24 A. And I would like to apologize to the Committee

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1 if I seem evasive because I only want to testify to  
2 those things that I know by personal knowledge and not  
3 something I may have read or heard of in a newspaper  
4 article or TV report.  
5 **Q. Okay. Well, I don't think you are being**  
6 **evasive at all. I appreciate you trying to be as honest**  
7 **as possible. So I appreciate that.**  
8 A. Thank you.  
9 **Q. Well, I guess -- and you still work over in the**  
10 **Court?**  
11 A. No, I retired in October of 2015.  
12 **Q. Oh, okay. All right. Well, those are all of**  
13 **the questions I have for you right now. I appreciate**  
14 **you being here. Thank you very much.**  
15 A. Thank you.  
16 CHAIRMAN SHOTT: Delegate Zatezalo.  
17 DELEGATE ZATEZALO: Yes. Thank you,  
18 Mr. Adkins, for being here.  
19 EXAMINATION  
20 BY DELEGATE ZATEZALO:  
21 **Q. I just have something you said that I wanted to**  
22 **further -- a little further discussion on and that is**  
23 **something to the effect that when justices decide to do**  
24 **something, then it becomes something that is the**

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1 **disposition due to the Court's decision. Is that an**  
2 **unwritten kind of rule, that justices have some latitude**  
3 **as far as disposition of items in the Court?**  
4 A. Well, the Court, of course, is in possession of  
5 all of the items and, you know, of course, they have the  
6 responsibility to see that they are properly used,  
7 whatever that would be. And that would be in accordance  
8 with the State Code and regulations as far as surplus  
9 property is concerned.  
10 **Q. So there is some -- there's -- it's -- it's not**  
11 **a written rule, but it is assumed that they will dispose**  
12 **improperly of materials; is that correct?**  
13 A. There have been exceptions that occurred many  
14 -- well, it was many years ago, where a justice of the  
15 Court was allowed to buy a volume of legal books that  
16 were approved. Sale -- the sale of the books was  
17 approved by the Court to the retiring justice. And a  
18 value was properly determined by people that could  
19 assess the value of a set of books and the money was  
20 paid. So there has been that done in the past, that  
21 type of an arrangement.  
22 **Q. Upon retirement.**  
23 A. Upon retirement; yes, sir.  
24 DELEGATE ZATEZALO: Okay. Thank you very

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1 much. That is helpful.  
2 CHAIRMAN SHOTT: Delegate Hollen.  
3 DELEGATE HOLLEN: Thank you,  
4 Mr. Chairman. Thank you, Mr. Adkins, for being here,  
5 making yourself available.  
6 THE WITNESS: Certainly.  
7 EXAMINATION  
8 BY DELEGATE HOLLEN:  
9 **Q. With the -- in respect to the warehouse, to**  
10 **maintain custody, security, and control of the items**  
11 **within the warehouse, was the access code readily**  
12 **available to other persons in the Court system or the**  
13 **Court employees?**  
14 A. It was extremely limited. Only the employees  
15 who worked at the warehouse had that and I had it and  
16 one of the Court runners had it because he would have to  
17 access the warehouse occasionally. But it was closely  
18 held and we would even have to let the IT people in when  
19 they would come to get the computer equipment.  
20 **Q. Would there any reason being that the justices**  
21 **would have that code?**  
22 A. No. No, they -- they would not.  
23 **Q. So they wouldn't have access without your**  
24 **knowledge?**

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1 A. Without my knowledge or a warehouse employee or  
2 the Court messenger.  
3 **Q. Okay. Is -- to access -- is there an**  
4 **electronic lock on that warehouse?**  
5 A. Yes, the -- there is a regular access door that  
6 is kept locked and it is attached to the security  
7 system. And the -- it's a drive-through type of  
8 warehouse. You can come in one set of garage doors, go  
9 in, and load or unload, and go out the back without  
10 having to turn around or back up. That's a much more  
11 safe arrangement than a loading dock-type of a  
12 situation. So we were fortunate to have a warehouse  
13 with that.  
14 Now, to access the door, you had to have a  
15 security code. Then to turn off the security system,  
16 you had to have a separate code to turn off the security  
17 system. So it was pretty secure.  
18 **Q. So it's safe to say that a very limited amount**  
19 **of persons had those codes?**  
20 A. Yes, sir; that's correct.  
21 **Q. And the electronic lock of the door and on the**  
22 **alarm system, having installed alarm systems myself, I**  
23 **know there is electronic logs.**  
24 A. Uh-huh.

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1 **Q. Is there one -- an electronic log kept for**  
2 **access - egress and ingress - of the building?**  
3 A. It was an ADT system, so I imagine that could  
4 be pulled down. There wasn't a printout or anything  
5 kept on that.  
6 DELEGATE HOLLEN: Okay, No further  
7 questions. Thank you.  
8 CHAIRMAN SHOTT: Delegate Byrd.  
9 DELEGATE BYRD: Thank you, Mr. Chairman.  
10 EXAMINATION  
11 BY DELEGATE BYRD:  
12 **Q. Thank you for being here. I had some questions**  
13 **that I wanted to ask you.**  
14 **Just to clarify your testimony earlier, we**  
15 **were talking about the memos that are dated and I got**  
16 **confused because I have it in my notes that you said you**  
17 **received a request on Jan -- or June 18th to change the**  
18 **moving date from the 21st to the 20th, but I see it**  
19 **marked out on the June 1 memo. So I just wanted to make**  
20 **sure that your testimony was correct in those -- in that**  
21 **representation.**  
22 A. Yes. The June 1 memo was originally sent to  
23 Young's Moving when we anticipated that the move would  
24 be on June 21st, which would be a Friday. And then I

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1 sent another fax to Young's Moving on June 18th asking  
2 that they move to June 20th.  
3 **Q. Okay. And the reason -- the only reason why I**  
4 **asked that question is I was confused because on the**  
5 **June 1st memo, it's marked out on that one, June 20th,**  
6 **so I didn't know if you found out before June 1 that the**  
7 **date was going to be changed.**  
8 A. No, I did that on the date that I sent the  
9 second fax so that the first document would be -- would  
10 comport with the second document I sent. It would have  
11 the same date on it.  
12 **Q. Okay. So between June 1, if we were to --**  
13 **well, strike that.**  
14 **Your testimony earlier was that you would**  
15 **have probably received a call or an e-mail likely from**  
16 **Justice Loughry about this move?**  
17 A. It could have been. I don't know if it came  
18 from -- directly from Justice Loughry or his secretary  
19 or from Mr. Canterbury, but I was notified somehow.  
20 **Q. Okay. And if it would be in your e-mail, we**  
21 **could look between June 1 and June 18th to find that, if**  
22 **it -- if it came by e-mail. The change --**  
23 A. Oh, yes, yes, if you'd go back and look at the  
24 e-mail record, if I did receive something by e-mail it

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1 would be in that record.  
2 DELEGATE BYRD: Thank you. Thank you,  
3 Mr. Chairman.  
4 CHAIRMAN SHOTT: Delegate Lovejoy.  
5 DELEGATE LOVEJOY: Thank you,  
6 Mr. Chairman.  
7 EXAMINATION  
8 BY DELEGATE LOVEJOY:  
9 **Q. Mr. Adkins, I wanted to ask you about these**  
10 **renovations that you've testified about. I recall - I**  
11 **think it was last year, it might be the year before -**  
12 **some discussion here about some bathrooms that were**  
13 **remodeled down the hall. And there was a dispute that**  
14 **arose between, I think, the Senate and the governor. In**  
15 **that discussion, one of the issues that came to light**  
16 **was a Capitol Building Commission. And as I understand,**  
17 **that's a body that must vet and approve requests to make**  
18 **what are defined as substantial, physical changes here**  
19 **in the Capitol grounds.**  
20 A. Yes, sir.  
21 **Q. Are you familiar with that?**  
22 A. Yes, I am.  
23 **Q. I want to ask you first, are any of the changes**  
24 **that you have discussed today subject to prior review**

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1 **and approval by the Capitol Building Commission?**  
2 A. Well, I happen to know that Mr. Canterbury was  
3 on the Capitol Building Commission and I suspect that if  
4 there were any approvals required, he would certainly  
5 see about obtaining them.  
6 **Q. So are you aware of whether the Capitol**  
7 **Building Commission either did approve or were asked to**  
8 **approve any of the renovations that you have testified**  
9 **to here today?**  
10 A. No, I don't know that they were.  
11 **Q. When I tried to look up the constitution of**  
12 **that commission, I guess there's nine members, five of**  
13 **which are appointed by the governor, one by the Senate**  
14 **President, one by the Speaker of the House, one by the**  
15 **Court and the Secretary of the Department of**  
16 **Administration, the latter four of which would be**  
17 **nonvoting members.**  
18 **Who at the Court would be the person**  
19 **responsible for coordinating with the Capitol Building**  
20 **Commission in the time period of these renovations?**  
21 A. Well, it would be Mr. Canterbury.  
22 **Q. Okay. But you have no personal knowledge as to**  
23 **that process with regard to these renovations?**  
24 A. No, sir, I -- I don't.

1 **Q. Okay, do you recall ever seeing whether there**  
 2 **was, before any contract was let or any construction**  
 3 **began, an approval or any documentation evidencing**  
 4 **approval, prior approval by the commission or anyone**  
 5 **else?**

6 A. Not that I'm aware of, no.

7 DELEGATE LOVEJOY: Okay, thank you.

8 CHAIRMAN SHOTT: Delegate Robinson.

9 EXAMINATION

10 BY DELEGATE ROBINSON:

11 **Q. Mr. Adkins, you say you were at the Court for**  
 12 **35 years?**

13 A. Yes, sir.

14 **Q. Over the 35 years, did they ever have to**  
 15 **renovate your office?**

16 A. Could you repeat that?

17 **Q. Did they ever renovate your office while you**  
 18 **were at the Court over 35 years?**

19 A. Oh, my office? I had moved between several  
 20 offices and -- because I had moved to different offices,  
 21 some of them had been recently renovated before I was  
 22 relocated to different offices, but as a matter of fact  
 23 when I retired from the Court, I had not renovated the  
 24 office that I was personally in at all and it was done

1 A. Yes, sir.

2 **Q. And was that part of your job at the Court at**  
 3 **any time, was human resources, or any -- or dealing with**  
 4 **employee infractions or anything like that?**

5 A. No, not particularly.

6 **Q. Okay. Are you aware of any occurrences where**  
 7 **an employee of the Court took home a piece of -- or some**  
 8 **type of State property, without permission?**

9 A. Without permission, no, no, sir. I know that  
 10 people who did have requirements for doing dictation  
 11 from home or being online to view computer files from  
 12 home, would possibly have either a laptop or desktop  
 13 computer from time to time, but --

14 **Q. But nothing without permission?**

15 A. Nothing that I know of without permission; no,  
 16 sir.

17 **Q. Okay, and with your human resources education**  
 18 **and your 35 years in the State government, do you know**  
 19 **what an infraction, such as taking home State property**  
 20 **without permission would -- what would be the**  
 21 **repercussions of that?**

22 A. Well, it could be termination.

23 **Q. Could be or would it be most likely**  
 24 **termination?**

1 after I left.

2 **Q. So there was never an occurrence where they had**  
 3 **to renovate the office you were currently in or ever an**  
 4 **occurrence where they just had to remove the furniture**  
 5 **so they could paint or anything like that?**

6 A. I'm trying to think back over the different  
 7 areas we were located in. In the '80s, the Court  
 8 Administrator's office was moved from the fourth floor  
 9 of the East Wing to its current location on the first  
 10 floor. So at that time all of the office space on the  
 11 first floor was renovated.

12 And subsequent to that move, the office of  
 13 counsel was placed in the fourth floor area that was  
 14 vacated by the Administrative Office of Courts. And  
 15 that area, which is currently the office of counsel, was  
 16 renovated at that time after the Court Administrator's  
 17 office was moved to the first floor. So there were  
 18 significant renovations done in both of those places and  
 19 I moved into an office that had been renovated at that  
 20 time.

21 **Q. Okay. And I think in your education, you**  
 22 **stated that you had some human resources experience?**

23 A. Say again?

24 **Q. You had some human resources experience?**

1 A. Uh, it depends.

2 **Q. Okay.**

3 A. If it were something that was relatively minor  
 4 and innocuous, there could possibly be one warning, but  
 5 I would say if something like that was repeated, even if  
 6 it was something minor, I would say it would lead to  
 7 termination.

8 **Q. What about a desk worth -- valued at \$42,000?**

9 A. Oh, yes.

10 **Q. Okay. Over your time, was there ever any**  
 11 **request from a justice that you declined to perform?**

12 A. No, I don't know of anything that -- that I was  
 13 asked to do that appeared to be improper at the time.

14 **Q. During your last couple years of the Court,**  
 15 **2013, and you retired in '15, correct?**

16 A. Yes, sir.

17 **Q. Do you believe you would feel comfortable**  
 18 **declining to do any tasks that the Chief Justice would**  
 19 **have requested?**

20 A. If it was improper, yes, I would have not done  
 21 it.

22 **Q. Okay. And over 35 years, how frequently did**  
 23 **you have a part in or were you aware of delivering**  
 24 **furniture or any State property to a justice's personal**

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1 home, other than computers or something that we have  
2 discussed already that is kind of permissible?  
3 A. To my knowledge, that didn't happen.  
4 Q. So over 35 years, other than the possible case  
5 that we are not -- that you are not aware was actually  
6 delivered -- over 35 years, you're not aware of any  
7 other time a piece of State property was delivered to a  
8 justice's personal home?  
9 A. Well, as a matter of fact, yes, I am aware of  
10 one. I believe a clock was delivered to Justice  
11 Ketchum's home.  
12 Q. So over your 35 years, there were two  
13 occurrences, one being a justice that's recently  
14 resigned and the other being the -- what we are assuming  
15 was delivered was a Cass Gilbert desk to Justice  
16 Loughry's home?  
17 A. Those are the only incidents I know of.  
18 Q. In 35 years?  
19 A. Yes, sir.  
20 DELEGATE ROBINSON: Okay. That is all I  
21 have. Thank you.  
22 CHAIRMAN SHOTT: Delegate Isner.  
23 DELEGATE ISNER: Thank you, Mr. Chairman.  
24 EXAMINATION

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1 BY DELEGATE ISNER:  
2 Q. Thank you for being with us.  
3 A. Certainly.  
4 Q. Do you know having worked with him a number of  
5 times, if Scott Young was personally present and  
6 participated in the June 20th move that is referenced in  
7 Exhibit 21 that is in front of you?  
8 A. Yes, he was the person I talked to that day and  
9 he was the person who was with the truck when it came to  
10 the Venable warehouse.  
11 Q. The two memos that you wrote both referenced a  
12 helper. Do you remember if Mr. Young had a helper with  
13 him that day?  
14 A. Yes, he had two or three different people he  
15 would use. I don't think I could remember exactly which  
16 person he had with him that day.  
17 Q. Do you remember the names of any of the two or  
18 three people that he would regularly use that you had  
19 maybe gotten to know or seen dealing with him on regular  
20 occasions?  
21 A. No, I just knew Scott mostly.  
22 Q. Okay. All right. As I understand your  
23 testimony, you said you were not aware prior to June  
24 20th that anything was going to Dudley Drive; is that

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1 right?  
2 A. That's correct.  
3 Q. And that -- is it -- my understanding is that  
4 the first time you became aware of that is whenever you  
5 saw it on the bill that is attached to Exhibit 21?  
6 A. Yes, sir.  
7 Q. Okay. When you got that bill and knowing that  
8 that was outside the scope of the original assignment,  
9 did you call Scott Young and say, "Hey, you know, what  
10 happened? Why did you head to Dudley Drive," or have  
11 any communications with Young's Moving Service about  
12 that?  
13 A. No, I did not.  
14 Q. Did you have any contact with Justice Loughry  
15 about that?  
16 A. No, I did not ask him about that.  
17 Q. Did you ask anybody as a follow-up why there  
18 was -- why there was something new added to the bill  
19 before you approved its payment?  
20 A. No, I didn't ask anybody about it.  
21 DELEGATE ISNER: Okay. I don't have any  
22 other questions. Thank you, Mr. Chairman.  
23 CHAIRMAN SHOTT: Delegate Hanshaw?  
24 Delegate Fleischauer?

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1 MINORITY CHAIR FLEISCHAUER: No,  
2 Mr. Chairman.  
3 CHAIRMAN SHOTT: Mr. Adkins, I have a  
4 couple questions.  
5 EXAMINATION  
6 BY CHAIRMAN SHOTT:  
7 Q. Was the delivery that's referred to Dudley  
8 Drive on this invoice the only delivery that you are  
9 aware of to Justice Loughry's home that would have  
10 involved Young's Moving Service or any employee of the  
11 Court, a delivery?  
12 A. That's -- that's all I'm aware of; yes, sir.  
13 Q. That's the only one you are aware of. Were  
14 there other times when other members of the Court had  
15 personal items or other items moved to their homes on a  
16 temporary basis while there was renovations going on?  
17 A. Not that I'm aware of; no, sir.  
18 Q. This was the only time you were aware that any  
19 justice took any type of -- or had any type of  
20 furnishings or personal items taken from his or her  
21 office to their home by a moving service that the Court  
22 arranged; is that fair?  
23 A. That is all I'm aware of; yes, sir.  
24 Q. All right. During the course of any

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1 communications regarding this particular move, did  
 2 anyone refer to a piece of property as being a Cass  
 3 Gilbert desk?  
 4 A. During the move or that time?  
 5 Q. In other words, did anybody -- for instance,  
 6 this is just for instance, somebody might have said, "Be  
 7 real careful because this is either a Cass Gilbert desk  
 8 or some -- a valuable desk?"  
 9 A. Oh, no. No, sir.  
 10 Q. Would the fact that a single item -- it appears  
 11 that the invoices indicating that there's a single item  
 12 delivered to Dudley Drive, am I reading that correctly?  
 13 A. That was what was put on the invoice, yes.  
 14 Q. Would that indicate to you that that particular  
 15 item of -- was of any particular significance because  
 16 the special trip had made -- been gone -- been made to  
 17 that delivery point and then returned to the Capitol to  
 18 get other furniture?  
 19 A. Well, I don't know how -- how to answer that  
 20 other than the fact that it was an individual move, so  
 21 there must have been some significance to what was  
 22 taken.  
 23 Q. Let me -- let me just ask it a little  
 24 differently maybe. The amount of furniture that was in

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1 the office that was intended to be moved, did it appear  
 2 to you that that amount of furniture could have been  
 3 moved in a single load?  
 4 A. Oh, yes.  
 5 Q. So the fact that there were two loads,  
 6 actually, one with a single item and, perhaps, some  
 7 other furniture, and then a return to the Capitol to  
 8 load up the vehicle again, would that indicate any type  
 9 of special handling of the single item to you?  
 10 A. Well, it -- it would seem an unusual use of  
 11 resources for -- to take the entire moving van to move  
 12 one item unless that item were large enough to require a  
 13 van and movers.  
 14 Q. And did you see anything in Justice Loughry's  
 15 office that was of that size that would have required a  
 16 single trip for it just -- just for its one -- that one  
 17 piece of -- that one item?  
 18 A. Well, I believe there were desks and tables and  
 19 couches and what you would normally expect to find in an  
 20 office.  
 21 Q. Okay. Let me ask you a different question,  
 22 totally different question.  
 23 We -- we learned yesterday through the  
 24 Legislative Auditor's office that there was a

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1 substantial amount of money that had been built up in  
 2 the Court over the years and by 2012, they had, I'll  
 3 call it, a surplus of about \$29 million. This is  
 4 2012. And by the time you left in 2015 or at least at  
 5 the end of that fiscal year, that amount had decreased  
 6 to about 1.8 million. So, in other words, \$20 million  
 7 had been spent out of that reserve in addition to what  
 8 the Court was normally appropriated by the legislature  
 9 during that time.  
 10 So my question to you with that lengthy  
 11 buildup - I apologize for the buildup - did you notice  
 12 any unusual activity during those last three years of  
 13 your employment that would indicate unusual expenses,  
 14 especially in areas that you were responsible for?  
 15 A. No, I think there may have been some new  
 16 responsibilities the Court might have taken on during  
 17 that time. I think they might have been related to some  
 18 new personnel-type requirements and as far as that's  
 19 concerned, you know, I wasn't primarily involved with  
 20 anything related to budgeting or the financial  
 21 management of the Court. I didn't have any direct  
 22 involvement with it --  
 23 Q. Did you --  
 24 A. -- but I didn't see anything in relation to the

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1 work that I did that was -- would indicate an  
 2 expenditure of that nature.  
 3 Q. Did you hear any discussions to the effect that  
 4 "We need to spend some money. We need to be a little  
 5 more free with our spending for the next few years,"  
 6 anything of that sort?  
 7 A. Nobody talked with me about things like that.  
 8 Q. Didn't throw any money your way, right?  
 9 A. No.  
 10 Q. Okay.  
 11 A. No Christmas bonus.  
 12 Q. No bonus, okay.  
 13 Did you notice any significant increase in  
 14 staffing during that time frame of the Court? That  
 15 would be about the last three years of your employment.  
 16 A. I didn't have any specific recognition of  
 17 anything like that.  
 18 CHAIRMAN SHOTT: All right, thank you. We  
 19 have a few more folks to ask questions. Thank you.  
 20 THE WITNESS: Certainly.  
 21 CHAIRMAN SHOTT: Is Mr. Allen back?  
 22 Questions?  
 23 MR. ALLEN: No, sir.  
 24 CHAIRMAN SHOTT: That was a surprise. All

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1 right. Counsel, any redirect?  
 2 MR. CASTO: Yes, sir, I have just a couple  
 3 questions.  
 4 EXAMINATION  
 5 BY MR. CASTO:  
 6 **Q. One of the things that we have been tasked with**  
 7 **as a committee in looking at this is recommendations**  
 8 **that we can make concerning the improvement of the**  
 9 **processes. And you spoke earlier about your attendance**  
 10 **at the Institute for Court Management.**  
 11 A. Yes.  
 12 **Q. And I believe you indicated that's,**  
 13 **essentially, almost a master's degree level**  
 14 **program. What are some of the things that you've**  
 15 **learned at the Institute for Court Management?**  
 16 A. Well, courthouse design, space management, work  
 17 flow management, case load management, financial  
 18 management of the courts, different type of  
 19 technological innovations in the court system. They had  
 20 a Courtroom 21 set up that showed the different types of  
 21 innovative programs that were being implemented in many  
 22 of the courts around the country, so those were the type  
 23 of things that we studied.  
 24 We had, I believe it was nine different

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1 seminars you would have to attend on these things, plus  
 2 a six-week residence program at William & Mary where the  
 3 National Center for State Courts is located in  
 4 Williamsburg. And then you have to prepare a paper and  
 5 present and defend it at the graduation and the  
 6 reception after that was at the US Supreme Court, very  
 7 kindly sponsored by a justice of the court, Sandra Day  
 8 O'Connor.  
 9 **Q. So this is a prestigious program, I think you**  
 10 **can safely say.**  
 11 A. There -- at that time there were not very many  
 12 people who had achieved that, but as time has gone on,  
 13 more and more court employees around the country have  
 14 completed that program.  
 15 **Q. To the best of your knowledge, how long has it**  
 16 **been since West Virginia sent anyone to that program?**  
 17 A. I was the last one to attend that and that was  
 18 in '93.  
 19 **Q. And you believe this program has a great deal**  
 20 **of value and use in educating court managers to**  
 21 **skillfully manage our court system?**  
 22 A. Yes, I found it to be of great value and it  
 23 really opened my eyes about a lot of things that could  
 24 be done to improve court management.

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1 **Q. And did you subsequently integrate many of**  
 2 **those things that you had learned into the technological**  
 3 **advancements and management improvements that were made**  
 4 **to our courts in that time frame?**  
 5 A. Yes, I could, as much as possible.  
 6 **Q. And were there other West Virginians at that**  
 7 **time who had similar background and similar knowledge?**  
 8 A. Well, there were two people, Bob Slack, who was  
 9 Court Administrator for Kanawha County, had completed  
 10 the program. And Mary Durkin, who was an Assistant  
 11 Director of the Court, had completed that program.  
 12 **Q. And you have been a manager, to reiterate, of**  
 13 **the State courts for, essentially, 35 years?**  
 14 A. Yes, sir.  
 15 **Q. And you believe that program has very real**  
 16 **value?**  
 17 A. Yes, it does.  
 18 **Q. Would you recommend that West Virginia further**  
 19 **-- further educate its Court officials by the**  
 20 **appointment of that program or an equivalent program?**  
 21 A. Well, I think that young people who are really  
 22 interested in the administrative field should be  
 23 identified and actually sponsored to attend the program.  
 24 **Q. And, again, you would -- if -- you think it**

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1 **does have very real value for this state?**  
 2 A. Yes, I do.  
 3 MR. CASTO: All right. Thank you very  
 4 much, sir. That is all I have.  
 5 CHAIRMAN SHOTT: Delegate Fleischauer.  
 6 MINORITY CHAIR FLEISCHAUER: Thank you,  
 7 Mr. Chairman.  
 8 EXAMINATION  
 9 BY MINORITY CHAIR FLEISCHAUER:  
 10 **Q. I wanted to say thank you for your service to**  
 11 **our state, but in line with the -- our attorney's**  
 12 **questions, one of the things we are doing in these**  
 13 **proceedings is trying to determine if there are things**  
 14 **we should change to improve our processes. And of**  
 15 **course -- and I wish I would have said -- given the same**  
 16 **thank you to our previous speaker because both of you**  
 17 **were there for a long time and have tried very hard to**  
 18 **assist the Judiciary Committee.**  
 19 **But do you have any suggestions for us on**  
 20 **ways we should change our procedures, both from your**  
 21 **experience in what you observed or from what you have**  
 22 **read in the paper, were we to improve the processes and,**  
 23 **so, we can avoid some of the problems that we are**  
 24 **experiencing now? Do you have any suggestions or would**

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**1 you like to think about that?**  
**2** A. Well, I do have a recommendation. I have felt  
**3** that for a long time that the Chief Justice position of  
**4** the Court should be an -- a specific, elected position  
**5** so you have someone who has the actual administrative  
**6** responsibility for the Court system, just as in the U.S.  
**7** Supreme Court you have the chief justice and you have  
**8** the associate justices.  
**9** And Chief Justice Roberts has  
**10** responsibility for many of the administrative functions  
**11** of the U.S. Supreme Court and has some supervisory  
**12** capacity over the associate justices. Of course, it is  
**13** very limited, but he does have that responsibility. And  
**14** I think that the rotation of the justices does create a  
**15** situation where it harms continuation of programs, for  
**16** one thing. You may have a justice that is very  
**17** interested in establishing a certain type of program and  
**18** the follow-on justice may not be interested in it. So I  
**19** think that there could be some benefits in establishing  
**20** a chief justice position.  
**21 Q. Anything -- and obviously, we would have to**  
**22 figure -- think about that and figure that**  
**23 out. Anything else with respect to the matters that you**  
**24 had specific authority over? I am thinking of**

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**1 inventory. I mean, there is -- or anything like that**  
**2 that you would recommend that we could improve?**  
**3** A. Well, the inventory is entered into the OASIS  
**4** system and the OASIS system may be a little bit  
**5** cumbersome, but there needs to be enough effort put into  
**6** it that if we are going to use that system, then people  
**7** need to make it work. And that should be encouraged.  
**8 Q. I heard when you were speaking before, you**  
**9 seemed to feel that the OASIS was a little bit better in**  
**10 not keeping track of waste baskets and there was a**  
**11 \$1,000 limit. When I heard that, I was thinking like --**  
**12 I was thinking that, perhaps, that was a little**  
**13 high. But maybe -- is it your opinion that that's just**  
**14 right or that a smaller amount would be good? You know,**  
**15 you could have some things disappear that would never be**  
**16 tracked.**  
**17** A. Well, that's -- that's true. You know, when  
**18** they came out with that, I thought it was a little bit  
**19** high myself, so it may be that working with the OASIS  
**20** people, it could be adjusted.  
**21 Q. Okay.**  
**22** A. And they did -- they did want to make sure that  
**23** any computer server would be totally controlled.  
**24 Q. Right, and you indicated that that was going to**

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**1 -- that kind of equipment. And it sounds like the Cass**  
**2 Gilbert desks, which by statute were not supposed to**  
**3 disappear from the Capitol, were not included in the**  
**4 OASIS, but was the OASIS only for new equipment?**  
**5** A. No.  
**6 Q. Or new furniture, or, I mean, new things?**  
**7** A. The items that were in the Financial  
**8** Information Management System were transferred into the  
**9** OASIS system. That was a difficult job, but they were  
**10** transferred into the OASIS system. So they should be  
**11** resident there now.  
**12 Q. You think that they ought to be in there?**  
**13** A. They should be there, yes.  
**14 Q. In the system?**  
**15** A. They should be there.  
**16 Q. And would that only be if they were in there**  
**17 before? If that was transferred over?**  
**18** A. Well, it wasn't a computer-based transferring  
**19** of the information. It was manual input.  
**20 Q. So the handwritten documents were --**  
**21** A. And that was def -- that was definitely done.  
**22 Q. -- were typed into the new system.**  
**23** A. Well, the --  
**24 Q. Is that what you are saying?**

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**1** A. -- the FIMS system was computerized.  
**2 Q. Okay, that is what I thought you said.**  
**3** A. Yeah, and from the FIMS printout, manual input  
**4** was done into the OASIS system, excluding those items  
**5** below the value threshold, but including all computer  
**6** processors.  
**7 Q. Now, you said that you had heard hearsay about**  
**8 the Cass Gilbert desks, but that you didn't know which**  
**9 ones they were.**  
**10** A. Or where they were.  
**11 Q. Okay. Were you aware that there were Cass**  
**12 Gilbert desks at the Supreme Court?**  
**13** A. The -- the desks that were known as Cass  
**14** Gilbert desks, yeah, they were seen there. They were  
**15** present.  
**16 Q. And with those, do you think that for something**  
**17 so valuable, like this chandelier or like those lamps in**  
**18 the rear, which presumably were designed and specified**  
**19 by Cass Gilbert, that they should be marked or have some**  
**20 kind of and identification on them so that if they are**  
**21 removed in violation of our law about our cultural**  
**22 preservation, that they could be identified at a later**  
**23 date? Do you think that would be helpful?**  
**24** A. Oh, yes, and as State property, they all should

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1 have had a West Virginia Supreme Court property tag. We  
 2 had the little blue, stick-on property tags that was  
 3 supposed to be on every substantial item of equipment.  
 4 **Q. What did they look like? What was that blue**  
 5 **tag like? What was its size?**  
 6 A. It says West Virginia Supreme Court, has the  
 7 tag number on it.  
 8 **Q. Was it metal or tape or paper?**  
 9 A. It's one of those metallic-type that comes off  
 10 of a roll and you peel it off and it will stick on and  
 11 it is just a regular State-type property tag.  
 12 **Q. Do you know who at the Supreme Court would have**  
 13 **known if the Cass Gilbert desks had those tags since you**  
 14 **didn't know? Or, I mean, I'm assuming you didn't know**  
 15 **because you didn't know which ones they were for sure.**  
 16 A. Since they were original to the Capitol, it's  
 17 -- it may have been that they had just been present in  
 18 the Capitol before there was even a property management  
 19 system implemented. And they may never have been tagged  
 20 because everyone just thought, "Well, there it is." You  
 21 know, "It is going to stay there," you know. So --  
 22 **Q. Okay.**  
 23 A. -- that -- that is what I suspect.  
 24 **Q. So you would recommend that we fix that?**

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1 A. Oh, yes.  
 2 MINORITY CHAIR FLEISCHAUER: Okay. Thank  
 3 you very much. Thank you, Mr. Chairman.  
 4 CHAIRMAN SHOTT: Before we start the  
 5 second round, let me just mention one thing. It appears  
 6 to me, and maybe I am missing something, I think there  
 7 is no dispute that this Cass Gilbert desk ended up in  
 8 Justice Loughry's house. There may be a dispute as to  
 9 when it was transported there or the circumstances under  
 10 which it got there or the circumstances surrounding when  
 11 it was returned, but unless I am missing something, I  
 12 think that's pretty much undisputed.  
 13 So let's -- the second round of questions,  
 14 let's try to focus on what is in dispute and not what is  
 15 undisputed.  
 16 All right, I am going to begin with --  
 17 unless somebody thinks I'm wrong about that. I think  
 18 Justice Loughry has admitted the desk was  
 19 there. There's questions whether he knew it was a --  
 20 pardon? Tom? Delegate Fast?  
 21 DELEGATE FAST: Mr. Chairman, could you  
 22 point me or us to the document or the evidence where he  
 23 admitted that?  
 24 CHAIRMAN SHOTT: I think --

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1 DELEGATE FAST: I'm not saying it doesn't  
 2 exist, I would just like to --  
 3 CHAIRMAN SHOTT: I am thinking that in  
 4 either the op-ed which we are distributing or in one of  
 5 the videos that we will be showing, that he acknowledges  
 6 that there was a desk there that was transported back.  
 7 There is some question as to whether he acknowledges it  
 8 was a Cass Gilbert desk. But -- and that might also be  
 9 in some of the --  
 10 DELEGATE FAST: I mean, I just haven't  
 11 seen that thus far and so --  
 12 THE CHAIRMAN: Delegate Pushkin.  
 13 DELEGATE PUSHKIN: Thank you,  
 14 Mr. Chairman, just referring to what was just asked. I  
 15 believe there was a statement put out by the Court where  
 16 they said, yes, the desk was at his house. It is now in  
 17 the warehouse and they said the reason the desk was at  
 18 -- that is when they referred to a policy that doesn't  
 19 exist, this home office policy.  
 20 And the statement, I don't believe it came  
 21 from Justice Loughry, it came from Ms. Bundy over at the  
 22 Supreme Court, where they said, yeah, the desk was at  
 23 his house. Whether or not he knew it was a Cass Gilbert  
 24 desk, I guess, could be questioned, as to when it was

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1 there. But, yeah, it was at his house and then went to  
 2 the warehouse and they admitted that.  
 3 CHAIRMAN SHOTT: And to Delegate Fast,  
 4 I'll try to find my source of that information, but I  
 5 was under the impression all along that it wasn't a  
 6 question of whether it was there. It was a question of  
 7 when it got there, whether he knew it was a Cass Gilbert  
 8 desk and some issues about the circumstances surrounding  
 9 how it was returned, but -- Delegate Pushkin, do you  
 10 have further comment on that? Go ahead.  
 11 DELEGATE PUSHKIN: Thank you,  
 12 Mr. Chairman. I guess the same could be said for the  
 13 couch that belonged to former Justice Albright, that it  
 14 was in the same statement, they said that -- that I  
 15 guess they felt it was --  
 16 THE CHAIRMAN: We are going to get to the  
 17 couch later, okay?  
 18 DELEGATE PUSHKIN: But that was also at  
 19 his house.  
 20 CHAIRMAN SHOTT: All right. Let's go --  
 21 we are going to start our second round of  
 22 questioning. I am just going to start again over at  
 23 Delegate Overington.  
 24 DELEGATE OVERINGTON: Thank you,

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1 Mr. Chairman.  
2 EXAMINATION  
3 BY DELEGATE OVERINGTON:  
4 **Q. To Mr. Adkins, your responsibility was to sort**  
5 **of keep an inventory of the different equipment,**  
6 **furniture, that was being held in surplus?**  
7 A. Yes, that's correct.  
8 **Q. And so you have -- and is this both for Kanawha**  
9 **County and this area, as well as statewide?**  
10 A. It would be statewide, yes.  
11 **Q. Do the justices as well as the circuit judges**  
12 **have -- and the magistrates and family judges have**  
13 **access to that inventory?**  
14 A. Whenever we would update inventories, we would  
15 send a copy out to the clerk of the appropriate court.  
16 **Q. And some of that would be owned by the court**  
17 **system. Others you say may be owned by if the county**  
18 **had provided some of those resources, so it is**  
19 **identified by who owns it as well?**  
20 A. Yes, that is correct. In the case of the  
21 circuit courts, the county would provide the furniture,  
22 telephone service, paper, and equipment, things of that  
23 nature by Code. You know, it was set up by Code and the  
24 magistrate court system and the family court system are

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1 the responsibility of the State court system.  
2 **Q. So the ownership is sort of mixed on who owns**  
3 **that and that would -- is there any effort to sell any**  
4 **of that surplus equipment?**  
5 A. Well, on the county equipment, they would have  
6 a county property tag in the circuit courts, and so we  
7 would know that and it wouldn't be our equipment. Now,  
8 there was equipment that we would provide to the circuit  
9 court that was not required for the counties to provide  
10 to the circuit court. And that would be new things like  
11 the computer equipment or evidence presentation  
12 equipment or video conferencing equipment because those  
13 were not anticipated when that Code Section was written.  
14 So the -- the counties would primarily  
15 just have furniture for their inventory.  
16 **Q. So they would actually sort of have the**  
17 **ownership and have say about what can be done or how it**  
18 **would be disposed?**  
19 A. Yes, if it is the county's property, they have  
20 sole discretion on the disposition of that property and  
21 disposal of it when it needs to be disposed.  
22 **Q. Has the State of Virginia ever tried to reclaim**  
23 **that 1843 property that was owned by them?**  
24 A. Not only that, but they made us pay for it,

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1 didn't they?  
2 **Q. The -- now, for the Courts, do the justices --**  
3 **so they have access to where the furniture is stored,**  
4 **and they could go down and say, "I like this. I might**  
5 **want to have it for my office"? Or do they have access**  
6 **to that facility?**  
7 A. They would have to have someone direct them to  
8 the warehouse if they wanted to go there since it was a  
9 secured facility.  
10 **Q. Well, have any of them at any time said, "I'd**  
11 **like to, instead of buying new equipment, I would like**  
12 **to check to see what is available and maybe if there is**  
13 **something I like down there so I won't have to buy new**  
14 **equipment," has that ever happened during your time?**  
15 A. Well, it seems that I have some memory that  
16 that has happened, but I can't remember exactly who was  
17 involved at the time. Of course, if somebody wanted to  
18 come look at it, they could.  
19 **Q. Nothing recent in the last ten years where any**  
20 **of them have wanted to see what -- what's available at**  
21 **no additional cost?**  
22 A. No, when Justice Starcher was a member of the  
23 Court, he was very interested in furnishings and making  
24 sure that the magistrate courts and the family courts

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1 had adequate furnishings and he took a more -- more of  
2 an interest in that type of thing than any of the other  
3 justices.  
4 **Q. So they -- he would have made that available to**  
5 **other court -- courthouses to see what they might be**  
6 **able to save, what the inventory was?**  
7 A. Yes, we would save items of furniture that were  
8 in very, very good condition so that if we had a court  
9 that had some furniture that was either damaged or was  
10 sold, it was no longer usable, we would have a little  
11 bit of stock so we could do replacements for them. I  
12 know we had one court where -- that had a water leak in  
13 the ceiling and two offices of furniture were  
14 ruined. And, of course, we had the one courthouse that  
15 burned down, up at Berkeley Springs.  
16 **Q. What determines when the surplus property is**  
17 **sold rather than having the storage costs?**  
18 A. Oh, the storage costs?  
19 **Q. Or what would determine if the surplus**  
20 **equipment, furniture, is sold rather than just continue**  
21 **to be stored?**  
22 A. Well, if we would have more than a couple of  
23 items of a certain type of furniture and then we would  
24 take the furniture that was in the worst condition and

1 that would be listed to be sent to Surplus  
 2 Property. And we would dispose of it that way.  
 3 **Q. Now, you -- you talked about how you moved**  
 4 **furniture in and out. Are there other -- I mean, with**  
 5 **the one missing desk, are there other ways that are not**  
 6 **through the State system that furniture can be moved**  
 7 **out? Can -- could a private -- could an official have**  
 8 **it moved out some other way?**  
 9 A. No, the only authorized way to remove any of  
 10 that furniture is to surrender it to the Surplus  
 11 Property Unit. And the same thing with the very few  
 12 vehicles that was in the Supreme Court fleet, whenever a  
 13 vehicle had to be turned in, we would have to surrender  
 14 it to the Surplus Property Unit and they would sell it  
 15 at auction.  
 16 **Q. So somebody --**  
 17 A. As they would the furniture.  
 18 **Q. So somebody would not be able to on their own**  
 19 **move furniture out of their office unless it was in the**  
 20 **middle of the night or something like that?**  
 21 A. Oh, no. Well, no, that shouldn't happen  
 22 because the Capitol is -- be in a relatively secure  
 23 place now, and if there were going to be movers into the  
 24 Capitol, they would have to use the loading dock and

1 that is not going to happen without the Capitol Police  
 2 knowing that. And they would have to get notification  
 3 ahead of time for somebody to do that, so any time that  
 4 would happen, there would be a record of it that the  
 5 Capitol Police would have.  
 6 **Q. And now, I wanted to -- the date change from**  
 7 **the 21st to the 20th, when you are moving, it is sort of**  
 8 **disruptive if you are -- during a work day when, you**  
 9 **know, you have people in their offices moving around,**  
 10 **that type of thing. Is that -- would that not be sort**  
 11 **of a disruptive process, so would you try to move when**  
 12 **-- on the weekends or on holidays to avoid that**  
 13 **disruption to other employees?**  
 14 A. Well, I'm not sure, but since this was in June,  
 15 I'm not sure if the Court was in session at that  
 16 time. It would probably be best to look at the record  
 17 and see if the Court was still in session at that time.  
 18 It may not have been in session. But --  
 19 **Q. I believe that June 20th, our State's birthday,**  
 20 **would be a State holiday?**  
 21 A. Yes.  
 22 **Q. So that -- changing that date might make it a**  
 23 **little bit easier for different offices that would be**  
 24 **in operation. It would be less disruptive for them to**

1 **be able to move on a holiday when all of the employees**  
 2 **are not there doing their business?**  
 3 A. Oh, yes. Yes, that is correct, because you  
 4 would of by necessity be using the elevator and the  
 5 hallways even in non-court areas and the loading dock,  
 6 taking up space at the loading dock. So it would be  
 7 less disruptive to do it on a holiday.  
 8 **Q. So that change in the date to the State holiday**  
 9 **may have been a practical consideration when it would**  
 10 **have been -- it would have made sense to have it on a**  
 11 **less disruptive day to other employees in the facility?**  
 12 A. Yes, that could have been a practical  
 13 consideration.  
 14 DELEGATE OVERINGTON: Thank you. Thank  
 15 you, Mr. Chairman.  
 16 CHAIRMAN SHOTT: Delegate Foster?  
 17 DELEGATE FOSTER: Thank you.  
 18 EXAMINATION  
 19 BY DELEGATE FOSTER:  
 20 **Q. My question, in our JIC report, the report that**  
 21 **the desk that was at the house was returned to the**  
 22 **warehouse on November 30th, 2017, and I understand at**  
 23 **that time you were not employed with the Court. You**  
 24 **retired in 2015?**

1 A. That's correct, yes.  
 2 **Q. But you mentioned that access to the codes for**  
 3 **this warehouse was very limited.**  
 4 A. Yes.  
 5 **Q. Is this something that whenever someone retired**  
 6 **during your case of employment, did you -- were the**  
 7 **codes changed whenever somebody retired?**  
 8 A. Normally, that would change, yes, and I know  
 9 that frequently working with Court -- the Court marshal,  
 10 Arthur Angus, we would change access codes. I know on  
 11 the few occasions in the Court Administrator's office  
 12 where people had been let go for cause, then the access  
 13 codes to get into the Court Administrator's office would  
 14 change. And if that person would have been someone  
 15 having access to the warehouse, then we would have had  
 16 to change that, too.  
 17 But, yes, the Court Security section did  
 18 maintain and change security codes as needed.  
 19 **Q. And you said it was a very short list of people**  
 20 **that had access to those codes on that warehouse.**  
 21 A. Yes.  
 22 **Q. Would you be able to provide us with that list**  
 23 **of names of who would have access, particularly the ones**  
 24 **that were still employed in 2017 who had access when you**

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1 **were working there?**  
 2 A. Yes, I think I can, yes.  
 3 **Q. Okay. If you could, that list of names would**  
 4 **be helpful.**  
 5 A. Okay, I'll do that with a -- with counsel.  
 6 DELEGATE FOSTER: All right. Thank you.  
 7 CHAIRMAN SHOTT: Delegate Fast.  
 8 EXAMINATION  
 9 BY DELEGATE FAST:  
 10 **Q. Thank you. You stated that you had a Court**  
 11 **computer in your basement?**  
 12 A. Yes, that was in the '80s.  
 13 **Q. Okay, and did you have that all of the way up**  
 14 **until your retirement?**  
 15 A. No, when I left the home confinement program,  
 16 that was returned to the Court.  
 17 **Q. Okay. Do you know who else besides justices,**  
 18 **what other Supreme Court employees had computers at**  
 19 **their home, Supreme Court computers?**  
 20 A. Well, there were several people that -- who had  
 21 laptop computers and, of course, that's a -- that's a  
 22 portable thing, so if you have work, you can take it  
 23 home. And there were a number of people that -- that  
 24 had laptop computers and I couldn't begin to name them

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1 all, but I'm sure our IT section could tell you about  
 2 that.  
 3 **Q. So multiple people besides justices?**  
 4 A. Oh, yes.  
 5 **Q. Okay.**  
 6 A. People who had responsibilities that -- that  
 7 they had to keep databases or do things like that.  
 8 **Q. What other equipment, if any, in addition to**  
 9 **the laptop computer, any printers -- start with that,**  
 10 **printers? Do you know if other non-justice employees**  
 11 **had printers at their homes?**  
 12 A. I -- not that I know of.  
 13 **Q. What about any -- are you aware that any**  
 14 **non-justice employees had desktop computers?**  
 15 A. I don't think so because the IT section would  
 16 primarily be the people I am talking about and they may  
 17 be called upon at different times to troubleshoot  
 18 different problems with the State network and things  
 19 like that, so they would have to have them available to  
 20 them at any time.  
 21 **Q. When you had your computer, it was a**  
 22 **desktop-style computer?**  
 23 A. Yes.  
 24 **Q. Okay. And who serviced it?**

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1 A. It -- well, I didn't -- didn't have any need  
 2 for having it serviced during the time that I used it  
 3 and if I would have, I would have simply taken it into  
 4 the IT section to be repaired.  
 5 **Q. They would not have come to your home?**  
 6 A. Oh, no.  
 7 **Q. Okay. And during your tenure at the Supreme**  
 8 **Court, are you aware of any policy governing home**  
 9 **offices, home office equipment, home office accessories?**  
 10 A. No, sir.  
 11 **Q. Okay. And, to your knowledge, what equipment**  
 12 **did the justices have at their homes?**  
 13 A. I can't specifically say for each individual  
 14 justice, but it is reasonable that they would have a  
 15 computer that would allow them to access the database of  
 16 court cases because, you know, we could not expect them  
 17 to only do work in the office. They had so much work to  
 18 do in these cases, a lot of times they would be  
 19 reasonably doing work on their cases and reviewing the  
 20 cases at home.  
 21 **Q. Okay, thank you.**  
 22 A. Certainly.  
 23 CHAIRMAN SHOTT: Delegate -- Delegate  
 24 Lane, questions? Further follow-up questions? Delegate

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1 Pushkin?  
 2 DELEGATE PUSHKIN: Thank you,  
 3 Mr. Chairman. One question, you can count that.  
 4 CHAIRMAN SHOTT: I am counting.  
 5 EXAMINATION  
 6 BY DELEGATE PUSHKIN:  
 7 **Q. Sort of a follow-up -- I was -- sorry, I**  
 8 **apologize. I was out of the room temporarily when**  
 9 **Delegate Robinson was asking a follow-up to that.**  
 10 **Just if someone that worked under you in**  
 11 **your time at the Court were to violate the surplus**  
 12 **property policy and remove item -- an item from this**  
 13 **building that was State property, would that be grounds**  
 14 **for dismissal?**  
 15 A. I would say, yes, it would. I would have to  
 16 report that to Mr. Canterbury for disposition.  
 17 DELEGATE PUSHKIN: Okay, thank you.  
 18 CHAIRMAN SHOTT: Delegate Hollen.  
 19 DELEGATE HOLLEN: Thank you.  
 20 EXAMINATION  
 21 BY DELEGATE HOLLEN:  
 22 **Q. I just had one question, a follow-up on an**  
 23 **earlier question. You were asked about permission,**  
 24 **taking home property would be punishable; is that**

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1 correct, without permission if you take property?  
 2 A. Without permission, yes, it would be.  
 3 Q. Okay, my question to that then is: Who is it,  
 4 the one that would give justices permission to take home  
 5 property? It seems sort of subjective since they answer  
 6 to no one.  
 7 A. Well, something like that would have to be  
 8 approved by the -- by the justices together.  
 9 Q. So in order for one to take something home for  
 10 use, then it would have to be a majority of the justices  
 11 to agree to it? Is that normal practice?  
 12 A. Yes, I think that would be. I know it was the  
 13 practice when -- long ago when a volume of legal books  
 14 was approved for sale to a retiring justice. All of the  
 15 Court had to approve of that.  
 16 DELEGATE HOLLEN: Okay, thank you.  
 17 THE WITNESS: Yes, sir.  
 18 CHAIRMAN SHOTT: Delegate Byrd, questions?  
 19 Delegate Robinson, any questions? One?  
 20 DELEGATE ROBINSON: Just one minute.  
 21 Thank you, Mr. Chairman.  
 22 EXAMINATION  
 23 BY DELEGATE ROBINSON:  
 24 Q. I just had a quick one. Just in general, are

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1 you aware of the dinnerware that was at the Supreme  
 2 Court that they purchased - I think it was Fiestaware, a  
 3 couple thousand dollar dinnerware, plates and all that -  
 4 was that anything that you were aware of being there?  
 5 A. I had seen this dinnerware in the kitchen of  
 6 the chambers area at one point.  
 7 Q. Do you know about when it showed up? I mean,  
 8 is that something that was, you know, around in the '80s  
 9 or is that something that in the 2013 range showed up?  
 10 A. I think it was some time ago. I can't give you  
 11 an exact time, but it wasn't -- it wasn't near the time  
 12 of my retirement. It had been there for some time.  
 13 Q. Okay. Were you aware, do you ever spend any --  
 14 much time in Justice Loughry's office or any of the  
 15 other justices offices?  
 16 A. Not a lot of time, but I have been in there a  
 17 few times.  
 18 Q. When it was first renovated -- when Justice  
 19 Loughry's office was first renovated, do you remember  
 20 framed photos or framed -- a couple -- they are not  
 21 exactly photos, but framed items being in his office?  
 22 A. Can you tell me what nature the framed items  
 23 were?  
 24 Q. The one most prominent in my mind is a framed

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1 book cover.  
 2 A. No, I don't have any memory of that.  
 3 Q. What about, I believe some -- it was mentioned  
 4 to me, two dollar bills or something of that sort? Do  
 5 you remember any -- would there be any -- any record  
 6 that we could look up of framing or that sort of thing  
 7 or what time period that would have been around the --  
 8 around the renovations?  
 9 A. Unless the contractors took some photos or  
 10 Jennifer Bundy would have some. I don't know that there  
 11 would be any existing.  
 12 Q. Would there be any specific art store or  
 13 something the Court would have used to do these things?  
 14 A. Not that I've had any contact with; no, sir.  
 15 DELEGATE ROBINSON: Okay, thank you.  
 16 CHAIRMAN SHOTT: Delegate Hanshaw, any  
 17 further follow-up? Delegate Fleischauer? I have no  
 18 questions.  
 19 Counsel, any further follow-up?  
 20 MR. CASTO: Nothing further,  
 21 Mr. Chairman. I believe we can release this witness.  
 22 CHAIRMAN SHOTT: Mr. Carr, any questions?  
 23 MR. CARR: No, sir.  
 24 CHAIRMAN SHOTT: I believe you are

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1 done. Mr. Adkins, we thank you for being here today and  
 2 your patience and also for your service to our country  
 3 and our State. Thank you, have a good evening.  
 4 THE WITNESS: Okay. I was glad to come in  
 5 and do my civic duty.  
 6 CHAIRMAN SHOTT: Thank you.  
 7 (The witness was excused)  
 8 CHAIRMAN SHOTT: To the members, I think I  
 9 mentioned when we started this week that the staff had  
 10 been going through voluminous documents we received from  
 11 JIC, some as recently as the day before yesterday.  
 12 What we are going to do now is, if you  
 13 notice in the JIC charges 1 through 12, there are a  
 14 number of allegations regarding the veracity of  
 15 statements that were made by Justice Loughry. We are  
 16 going to try to set up some evidence that we are going  
 17 to introduce to you next week. We will do that today by  
 18 playing, if you will notice on page 8 of the charges  
 19 from the JIC, there is reference to an interview or --  
 20 not an interview, a testimony before the Finance  
 21 Committee on January 12 of 2018.  
 22 There's a segment in that reference to the  
 23 quote that is actually -- the language is omitted. So  
 24 what we thought we would do is play the tape in its

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1 entirety for you. We have also had a transcript of that  
2 made so that you can follow along. If you notice any  
3 variance between the transcript and what you hear, I  
4 would appreciate it if you would bring it to our  
5 attention just to be sure that, ultimately, we end up  
6 with a transcript that we all agree, if that's possible,  
7 is accurate.

8 Following that transcript, we are going to  
9 play an interview, one or more? Is it more than one or  
10 just one? One interview that also is of Justice  
11 Loughry. You may have seen it before. You may want to  
12 take some notes of what he said so that you could  
13 compare that with the evidence that we will present next  
14 week. We have had -- we have identified the  
15 evidence. We just have to authenticate it through  
16 certain witnesses and we've had a little difficulty  
17 getting them here today, so we will do that next week.

18 That will be all we will do  
19 today. We won't take any more testimony. So for the  
20 benefit of the press, we will play the tape. We will  
21 play the video and we will recess until next week. So  
22 if we are ready to play the -- the gentlelady from the  
23 35th, Delegate Lane, question?

24 DELEGATE LANE: Could you tell me where in

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1 the JIC memo we're talk -- going to be looking at?  
2 CHAIRMAN SHOTT: The statement of charges  
3 should have been part of the notebook that was provided  
4 to everyone.

5 DELEGATE LANE: I have got that, but  
6 where does it refer to the testimony at the Finance  
7 Committee?

8 CHAIRMAN SHOTT: On page 8, on page 8.

9 DELEGATE LANE: Okay, thank you.

10 CHAIRMAN SHOTT: Item 16. Everybody  
11 follow -- everybody follow that? What you also have is  
12 Exhibit 23, the transcript that one of our staff has  
13 made of the tape and you can follow along on that and  
14 compare it with what you hear. Obviously, there won't  
15 be any questions asked of the tape, so we will just move  
16 from that point to the video. Are we ready?

17 Delegate Pushkin, do you have a question  
18 before we begin?

19 DELEGATE PUSHKIN: Thank you,  
20 Mr. Chairman. Is it -- I have never served on Finance.  
21 Is it customary to -- do they swear in witnesses during  
22 budget presentations?

23 CHAIRMAN SHOTT: They -- we swear all  
24 witnesses under the new rules of the House.

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1 DELEGATE PUSHKIN: Okay.  
2 CHAIRMAN SHOTT: So this witness would  
3 have been sworn.  
4 DELEGATE PUSHKIN: Okay, thank you  
5 (Pause.)  
6 (Recording played as follows:)  
7 "MALE VOICE: All right, good morning. I  
8 apologize for the delay. I guess I wasn't  
9 aware of --  
10 JUSTICE LOUGHRY: We have finance. We have  
11 probation. You have technology. You have  
12 education and you have court services. So now  
13 we have these individuals who meet weekly,  
14 number one, and we have communication. We have  
15 transparency, so we have hired another  
16 wonderful thing that we did along those same  
17 lines, we hired two procurement individuals.  
18 MALE VOICE: I was going to  
19 ask. So you don't think you have the fox  
20 guarding the hen house?  
21 JUSTICE LOUGHRY: Absolutely not.  
22 MALE VOICE: No doubt, okay.  
23 JUSTICE LOUGHRY: So in the past,  
24 invoices would come in, invoices would get

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1 paid, invoices would go out. There is not a  
2 single invoice that comes in -- my  
3 understanding is, there is not a single invoice  
4 that comes into our court system where at least  
5 two individuals review those. And, you know, I  
6 have been asked since this occurred many times,  
7 'Well, don't the justices sign off on every  
8 invoice that comes through the court system?'  
9 Well, no, and of course not, because we have  
10 more than 20 -- keep in mind, we are talking  
11 about an entire court system in all 55  
12 counties. We have more than 25,000 invoices  
13 that come through the court system every single  
14 year. And on top of that, we have another 10  
15 to 15,000 transactions on our purchasing cards.  
16 So -- and we are also sitting down -- we  
17 haven't had written procedures and  
18 protocols. And I want to have written  
19 procedures and protocols for everything. We  
20 need that. We just -- the people of West  
21 Virginia deserve that. So we want to put  
22 things in place so that not only this will  
23 never happen again, but it doesn't matter who  
24 is in the Chief position or who is in the

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1 legislature or whatever.  
 2 And another big thing that we did, and I  
 3 know I touched upon it, but the change of the  
 4 Chief Justice position is huge. It's not about  
 5 me. I'm talking about 20 years down the road.  
 6 If you -- let's look at the renovation  
 7 period, okay? These renovations occurred from  
 8 2008 until 2014, all right? I wasn't even on  
 9 the Court until 2013. So for that six-year  
 10 period, you had five individuals who served in  
 11 a one-year capacity as Chief Justice. I think  
 12 that that creates an impossibility. It puts a  
 13 lot of pressure on each one of those  
 14 individuals for any long-term project. I think  
 15 that is one more example of how --  
 16 MALE VOICE: Well, you know, there  
 17 is a lot of public pressure from this body to  
 18 do something because I don't think you would  
 19 dispute that it was outrageous. There were a  
 20 lot of claims. I mean, the average taxpayer,  
 21 they are outraged from what they -- from what  
 22 was reported. So we want to make sure that  
 23 there are some safeguards or assurances that  
 24 this will not happen again.

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1 JUSTICE LOUGHRY: I think that  
 2 that is an absolutely legitimate concern and  
 3 question. There is nobody more outraged by  
 4 these purchases than me. Many people in this  
 5 room have known me for more than two decades  
 6 and they know that I would have never approved  
 7 of such things. However, there was clearly a  
 8 failure of oversight at the Court. These  
 9 things happened. We can't go back and change  
 10 them, but what we can do is go forward and make  
 11 sure that something like this never happens  
 12 again.  
 13 MALE VOICE: Thank you. Thank  
 14 you, Mr. Chairman."  
 15 (End recording)  
 16 CHAIRMAN SHOTT: Okay, regarding the  
 17 transcript as compared to the tape, I noticed a few  
 18 "uhs" that were not preserved, but did anybody notice  
 19 any substantial difference between the transcript and  
 20 the tape that you just heard? All right. We won't make  
 21 any alterations. I think I may have -- there may have  
 22 been an "and" missed in there somewhere, but nothing  
 23 substantive.  
 24 Okay, are we ready for the video?

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1 Delegate Fast, do you have a question?  
 2 DELEGATE FAST: Mr. Chairman, there's --  
 3 there are things discussed in this -- this exhibit that  
 4 we just heard, I don't know what they are talking about.  
 5 The context is not provided. Now, maybe somebody can  
 6 just fill in the blanks quickly without calling a  
 7 witness. For instance, right in the middle it says  
 8 "This will never happen again." What will never happen  
 9 again? This -- "it was outrageous." He talks about  
 10 "these purchases".  
 11 CHAIRMAN SHOTT: Well, let me just say  
 12 that we are, basically, providing you with information  
 13 to consider the charge that is on page 8, beginning at  
 14 16 -- numbered 16, so that you can, basically, con --  
 15 decide for yourself whether or not this charge is  
 16 correct. And they are alleging that he was placed under  
 17 oath and lied and the lie that they are alleging in this  
 18 charge is just this segment of the interview. This is  
 19 testimony -- my understanding, this is testimony that  
 20 Justice Loughry gave to the Finance Committee in support  
 21 of their budget request, as part of the regular budget  
 22 hearings.  
 23 We can get more of that tape if anybody  
 24 thinks they need it, but this is specifically to provide

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1 you with a full segment of the interview on which this  
 2 charge is based. But, once again, we are open to  
 3 requests for further information.  
 4 DELEGATE FAST: Okay, I'll -- I'll hold  
 5 off right now. Thank you.  
 6 CHAIRMAN SHOTT: Any other -- any other  
 7 questions? All right, Counsel, are you ready for the  
 8 video?  
 9 (The video was played as follows between  
 10 Kennie Bass and Justice Loughry:  
 11 "Q. Justice Loughry, the first  
 12 question I need to ask, I feel like this, why  
 13 is there a couch that cost more than \$30,000 in  
 14 your chambers?  
 15 A. Kennie, it is absolutely  
 16 outrageous that the prior Administrative  
 17 Director would spend that much money on a couch  
 18 with State money. I think it's outrageous and  
 19 I think it's shameful.  
 20 **Q. How much input did you have into**  
 21 **what was going on after you were elected in**  
 22 **2012 and you came in 2013, how much input did**  
 23 **you have in the renovations and the furnishing**  
 24 **of your office?**

1 A. Well, very little. I mean, when I  
2 came into office, this -- the renovations were  
3 a part of six-and-a-half years of renovations,  
4 the first, third, and fourth floors. More than  
5 96 percent of those renovations were completed  
6 by the time it came to my office.  
7 Mr. Canterbury put things together and came and  
8 asked for approval of maybe "Do you like this  
9 desk," or "Do you like this color," or  
10 something like that.

11 **Q. Mr. Canterbury tells us on the**  
12 **record that you were very particular and**  
13 **specific in -- in designing your office and**  
14 **furnishing your office and the purchase of the**  
15 **couch. He said you were intricately involved**  
16 **in that, the design on the floor. How would**  
17 **you respond to that?**

18 A. Mr. Canterbury is a disgruntled,  
19 fired employee. And as he -- he threatened us  
20 as he walked out the door and he -- he is  
21 trying to set this up for some lawsuit down the  
22 -- down the road. When I became the Chief  
23 Justice in January of this year, I started an  
24 investigation of Mr. Canterbury and the actions

1 of his prior administration. And some of the  
2 things that I've discovered have been very  
3 troubling, so troubling in fact that I have  
4 personally contacted the United States  
5 Attorney's Office.

6 **Q. To look into it?**

7 A. Absolutely.

8 **Q. How would -- with -- with the couch**  
9 **and with \$6,000 window treatments and, you**  
10 **know, I am not going to go through the litany**  
11 **of things, we know what we are talking about,**  
12 **how should an average person in West Virginia**  
13 **feel about how money was spent up here at the**  
14 **Court?**

15 A. Well, I think for the most part the  
16 money was certainly spent with regard to the  
17 renovations of the fir -- first, third, and  
18 fourth floors responsibly, but I would never  
19 defend excessive spending. I think that it's  
20 shameful. While I may be the Chief Justice of  
21 the Supreme Court, I am also a taxpayer and a  
22 citizen of this State and I am outraged by the  
23 expenditures, excessive expenditures of our  
24 prior Administrative Director.

1 **Q. So to be clear, you did not select**  
2 **that couch and you did not mandate that 20 some**  
3 **thousand dollars in fabric changes for that**  
4 **couch?**

5 A. Absolutely outrageous, the answer is  
6 no.

7 **Q. There is a wood design on your floor**  
8 **that we've talked ad nauseam about that added**  
9 **cost. Why were things like that added in a**  
10 **private office that -- I mean, it is not the**  
11 **Cultural Center - I have talked to you about it**  
12 **- it is not the Capitol. It's nice, but it**  
13 **seems like it's excessive and extra for a**  
14 **private office.**

15 A. Mr. Canterbury was in charge of the  
16 renovations starting in -- I started as a  
17 justice on this court in January of 2013. He  
18 started the renovations around 2007,  
19 2008. They went on for quite some time. And  
20 he was very much excited about trying to work  
21 on all of these offices and he spent a lot of  
22 time on these things.

23 I -- I think that the floor is,  
24 certainly, very nice. I think that the price

1 of the floor in my office is commensurate with  
2 the price of the floors in all of the other  
3 offices, with the exception of one, which is  
4 actually more, but Mr. Canterbury was in charge  
5 of these expenditures.

6 **Q. Did you have veto power to --**  
7 **to borrow an executive phrase. Could -- could**  
8 **you have just said -- or did you not know? How**  
9 **did this happen?**

10 A. Oh, we had no idea of the cost of  
11 these furnishings. We would ask  
12 Mr. Canterbury, "How much is this," because I  
13 am very frugal. Kennie, I live in an  
14 1100-square foot house. I am very frugal. And  
15 I think that all elected officials should look  
16 at any expenditures as if it's coming out of  
17 your own pocketbook, your own checkbook. That  
18 is the way you should do things.

19 The Court had hired Mr. Canterbury in  
20 2005, many years before -- I guess  
21 approximately eight years before I came to the  
22 Court. He was in charge of the renovations, in  
23 charge of these expenditures and he clearly, as  
24 we've discovered, was involved with some

1 excessive spending.  
2 **Q. He -- in our interview with him, he**  
3 **said you were going to blame him for the**  
4 **expenditures and his defense, his reasoning**  
5 **was, "Well, that was my boss. What was I**  
6 **supposed to do? The boss told me to do**  
7 **something and I did it." Is that a correct**  
8 **characterization of what happened?**

9 A. Absolutely not. Mr. Canterbury, in  
10 fact, used to call himself a constitutional  
11 officer and claimed to me that he had  
12 independent, sovereign authority and that I  
13 couldn't do anything with regard to him because  
14 he had three other votes on the Court. It is  
15 just not true at all.

16 Again, Mr. Canterbury is a  
17 disgruntled, fired employee. He threatened  
18 Court members on the way out the door. He's  
19 trying to set this up to damage the Court,  
20 damage individual members of the Court for some  
21 future lawsuit.

22 **Q. How could people be confident that**  
23 **the money that is being spent here today, the**  
24 **last -- in your tenure, since, you know, you**

1 **took over as Chief and Mr. Canterbury is now**  
2 **gone, that money is being spent responsibly? I**  
3 **mean, if it was -- if it could happen then,**  
4 **what is changing so it doesn't happen anymore?**

5 A. That's an absolutely, excellent  
6 question. So when I became the Chief in  
7 January of 2017, we did various things. We  
8 started an investigation of everything that was  
9 happening under Mr. Canterbury's prior  
10 experiences here.

11 We also started a complete reorganization  
12 of our Administrative Office from top to  
13 bottom. We brought in the National Center for  
14 State Courts. We are about transparency,  
15 honesty, and accountability. Our finance  
16 division has changed drastically and will  
17 continue to change. We've hired a couple of  
18 procurement individuals. We have a  
19 multiple-person process for every invoice that  
20 comes through the system now. Up to a couple  
21 of days ago, just for this year alone, we have  
22 processed more than 25,000 invoices. Keep in  
23 mind we are not talking about just the five  
24 justices in Charleston. We have a unified

1 system of courts and we're over the whole court  
2 system for the entire branch of government in  
3 West Virginia.

4 And I will also tell you that since I  
5 became the Chief in January, we have cut  
6 spending by more than \$7 million. We have an  
7 excellent Administrative Director now in Gary  
8 Johnson and we are putting the procedures and  
9 protocols in place that, quite frankly, should  
10 have been here during the last decade.

11 **Q. So how did all of this happen? How**  
12 **can you sum up in a nut shell how we wound up**  
13 **with a half million dollar renovation in**  
14 **Justice Davis's chambers or a \$34,000 couch**  
15 **that is sitting in your office or a carpet**  
16 **that's outside that cost almost 60 grand? How**  
17 **did we get here? How did this happen?**

18 A. Well, the Court hired  
19 Mr. Canterbury, again, many years before I came  
20 here. I was not involved in his hiring. I was  
21 certainly involved in his firing. So I wasn't  
22 here during the vast majority -- again, 96  
23 percent of all of the renovation projects that  
24 occurred, I wasn't even here as a justice at

1 that point. But I believe prior justices had a  
2 trust in Mr. Canterbury. But as we have  
3 learned and continue to learn as we look into  
4 everything, our investigation is pretty  
5 thorough and it is being aided by federal  
6 authorities and we are going to get to the  
7 bottom of this stuff. We just are.

8 **Q. Do you keep the couch? It'd be**  
9 **crazy to get rid of it now, right, it's 34,000,**  
10 **what are you going to do with it?**

11 A. What in the world? I have never in  
12 my life heard of a 30 some thousand dollar  
13 couch. I really think it is outrageous and  
14 shameful.

15 **Q. A lot of expenses, window treatments**  
16 **- not just for you, but for the renovation -**  
17 **was all that necessary or do you think you went**  
18 **-- we are talking about public money in a state**  
19 **that's -- you know, we are 8 million dollars**  
20 **behind projections right as we speak and the**  
21 **last five years have been horrible. Did we --**  
22 **did we spend too much money?**

23 A. Well, I can tell you, again, the  
24 renovations were about six and a half --

1 **Q. Well, it was before you, right.**

2 A. Well, no, not that, about six and a  
3 half years of renovations.

4 **Q. Right.**

5 A. So whether I'm here or not, I will  
6 tell you that it was extremely important to  
7 take care of some structural issues, some  
8 electrical issues, heating and cooling issues,  
9 plumbing issues. We have a magnificent  
10 building and we have to take care of this  
11 building. But I will never defend excessive,  
12 ridiculous, wasteful spending, ever.

13 **Q. Then that is kind of what we --**  
14 **there was work that needed to be done here?**

15 A. No question about it.

16 **Q. It is an 80-year old building.**

17 A. Well, look at this beautiful room  
18 that we are in right now. We have to take care  
19 of this building.

20 **Q. So -- so while some of the expenses**  
21 **were obviously justified and needed, you would**  
22 **-- would you stipulate -- I'm going to use a**  
23 **legal question, would you -- would you agree**  
24 **that it looks like on the surface when you are**

1 line of misfeasance and malfeasance and  
2 mismanagement by Mr. Canterbury and we are  
3 going to get to the bottom of all of it.

4 Kennie, when we are -- when we are finished  
5 with this, you are going to see this branch  
6 being the most transparent branch in the State  
7 of West Virginia.

8 **Q. How would you characterize Mr. -- I**  
9 **mean, you have kind of characterized him in his**  
10 **actions, but how would you characterize the**  
11 **four years -- three years you worked with**  
12 **Mr. Canterbury as an employee of the Court?**

13 A. It was the most unprofessional  
14 professional experience in my entire  
15 life. Kennie, I wrote a book years ago about  
16 corruption in politics. I believe in these  
17 concepts about cleaning up government, about  
18 waste in government. I'm very glad that  
19 Mr. Canterbury is no longer with the Court  
20 system.

21 **Q. When you have three, you can do what**  
22 **you want.**

23 A. That's right.

24 **Q. When you have 18 you can do what you**

1 **looking at the receipts, that we really went**  
2 **overboard in some ways. Regardless of who,**  
3 **whether Mr. Canterbury is responsible or the**  
4 **checks and balances didn't catch him or**  
5 **somebody asked for, you know, a gold-plated**  
6 **toilet, somehow it happened and -- that we**  
7 **spent a lot of money.**

8 A. There were some expenditures that  
9 were absolutely, ridiculously excessive by  
10 Mr. Canterbury and I will never defend those  
11 expenditures. I think he should be held  
12 personally accountable for that.

13 **Q. Talk to me about the rug that is**  
14 **outside. How do we -- how do we get to a**  
15 **\$58,000 carpet?**

16 A. Well, the carpet, it is a beautiful  
17 carpet, but that carpet happened well before me  
18 being here as a justice. But after I became a  
19 justice, I asked Mr. Canterbury, I said, "How  
20 much was this carpet? I've heard it was very  
21 expensive." He told me it was \$17,000. I told  
22 him that I thought that was ridiculous. I have  
23 now uncovered that it was more than \$58,000,  
24 but this is just one more example of a long

1 **want in the Senate. When you have 51 in the**  
2 **House. Even if there is a different three at**  
3 **some point, are there policies and procedures**  
4 **in place to protect taxpayers?**

5 A. There are lots already, but more to  
6 come. We are working very close with the  
7 National Center for State Courts.

8 Let me tell you another change that the  
9 Court made. So we started this in January with  
10 my tenure. My first act was to discharge  
11 Mr. Canterbury and look what's happening. He  
12 is running out, he is trying to discredit the  
13 Court, talking about things that he did, trying  
14 to blame others. So we're digging into  
15 everything and soon thereafter, my colleagues  
16 voted - I didn't seek this - to extend my term  
17 from one year, because the Chief Justices would  
18 rote -- rotate one year at a time to a  
19 four-year term. And that allows us to have  
20 more stability and accountability. I am  
21 looking under every rock and we are going to  
22 clean this place up. I'm proud to work here,  
23 Kennie.

24 **Q. You mentioned Mr. Canterbury**

1 **threatened the Court as he left. What -- what**  
2 **was -- what were his threats? I mean if you**  
3 **could --**

4 A. It was a -- it was a very troubling  
5 situation. He threatened -- he said he would  
6 destroy the Court and he would -- he said, "You  
7 all will pay for this," but it was much more  
8 than that. It was more lengthy. Generally, we  
9 do not discuss personnel matters.")

10 (News clip continued unrelated to the  
11 interview:) -- charged tonight in the death of  
12 their eight-month old baby. We first brought  
13 you this story late last month."

14 (The video clip was concluded)

15 CHAIRMAN SHOTT: Okay, that concludes the  
16 planned agenda for today. We will be here on 9 -- at  
17 9:00 A.M. on next Thursday. By that time we will have  
18 gone through all of the GI -- JIC information. We have  
19 a number of witnesses already subpoenaed, so we should  
20 have a pretty full day Thursday and Friday.

21 One warning. Our committee chef is not  
22 going to be here next week, so we will probably not work  
23 beyond 6:00 on Thursday and -- unless people want to  
24 bring in pizza and work until 8:00 or 9:00, but,

1 otherwise, we can plan to work until around 6:00 on  
2 Thursday, try to get a full day on Friday and Saturday  
3 and see how far we have come by then.

4 Any questions in the meantime? Yes, sir.

5 A DELEGATE: Is there any way we could  
6 take a walk through the offices today? My worries were  
7 asking some questions about things that are moveable and  
8 if we don't go quickly they may come back or --

9 CHAIRMAN SHOTT: We can ask. I don't know  
10 if we have the ability to demand, but we -- it's -- we  
11 can ask. It should be open, at least part of it, open  
12 to the public.

13 The gentleman asked if we could take a  
14 walk through the Supreme Court before we leave  
15 today. We'll recess, but those of you who want to do  
16 that, we can go as a group. It's unorganized,  
17 disorganized chaos, but we will do it and see -- and see  
18 what happens, okay? Delegate Fast?

19 DELEGATE FAST: Mr. Chairman, I have read  
20 a transcript of that video, but I can -- I have seen  
21 that somewhere before, not in video form, but in print  
22 form. Can the staff or someone point me to where that  
23 is? I cannot find it.

24 CHAIRMAN SHOTT: It is probably in the JIC

1 transcript in these charges at 1 through 12.

2 DELEGATE FAST: In the charges?

3 CHAIRMAN SHOTT: In fact, it's -- yes, in  
4 fact, I think it is the first one. But we have a  
5 transcript we'll provide you with when we come back on  
6 Thursday.

7 DELEGATE FAST: Okay. That would be  
8 great.

9 CHAIRMAN SHOTT: It will be an exhibit,  
10 probably the next numbered exhibit.

11 DELEGATE FAST: Thank you.

12 CHAIRMAN SHOTT: Other questions before we  
13 recess? Mr. Vice-chair.

14 VICE CHAIR HANSHAW: Mr. Chairman, I move  
15 we stand in recess until 9:00 A.M. on Thursday morning,  
16 July 19th.

17 CHAIRMAN SHOTT: You heard the gentleman's  
18 motion. All in favor will say aye.

19 COMMITTEE: Aye.

20 CHAIRMAN SHOTT: Opposed, no? The ayes  
21 have it. We are in recess until 9:00 A.M. next  
22 Thursday. Those of you who want to try to invade the  
23 quarters of the Supreme Court, we will go en masse.  
24 (The House Judiciary Committee hearing was

1 adjourned on July 13, 2018)

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9 STATE OF WEST VIRGINIA  
10 COUNTY OF BROOKE, to wit;  
11  
12  
13 I, Jennifer Vail-Kirkbride, a Notary Public and  
14 Commissioner within and for the County and State  
15 aforesaid, duly commissioned and qualified, do hereby  
16 certify that the attached transcript of the House  
17 Judiciary Committee hearing held on July 13, 2018, meets  
18 the requirements set forth within article twenty-seven,  
19 chapter forty-seven of the West Virginia Code to the  
20 best of my ability at the time I submitted the same to  
21 Realtime Reporters, LLC, 713 Lee Street, Charleston,  
22 West Virginia for production, distribution, and billing.  
23 I do further certify that the said transcript was  
24 taken by audio recording, and that the same was reduced

1 to typewriting to the best of my ability.  
2  
3  
4 My Notary Public commission expires: August 26, 2018.  
5 My West Virginia Commissioner commission expires:  
6 February 15, 2022.  
7 Given under my hand this 6th day of August, 2018.  
8

9  
10   
11 /s/ Jennifer Vail-Kirkbride

12 Registered Professional  
13 Reporter  
14 RMR, CRR, FCRR, RPR, WV-CCR  
15  
16  
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