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**VOLUME IV**



NOTE: The fourth volume continues with the proceedings proper (page 11) of the Journal of the Court of Impeachment: State of West Virginia vs Various Justices of the Supreme Court of Appeals of the State of West Virginia (September 11, 2018-October 2, 2018), together with the Appendix for same.



(b) “Board of Managers” or “Managers” means a group of members of the House of Delegates authorized by that body to serve as prosecutors before the Senate in a trial of impeachment.

(c) “Conference of Senators” means a private meeting of the Court of Impeachment, including an executive session authorized by W. Va. Code §6-9A-4.

(d) “Counsel” means a member of the Board of Managers or an attorney, licensed to practice law in this state, representing the Board of Managers or a Respondent in a trial of impeachment.

(e) “Court of Impeachment” or “Court” means all Senators participating in a trial of impeachment.

(f) “Parties” means the Board of Managers and its counsel and the Respondent and his or her counsel.

(g) “Presiding Officer” means the Chief Justice of the West Virginia Supreme Court of Appeals or other Justice, pursuant to the provisions of Article IV, Section 9 or Article VIII, Section 8 of the Constitution of West Virginia.

(h) “Respondent” means a person against whom the House of Delegates has adopted and communicated Articles of Impeachment to the Senate.

(i) “Trial” means the trial of impeachment.

(j) “Two thirds of the Senators elected” means at least 23 Senators.

## **2. Pre-Trial Proceedings**

(a) Whenever the Senate receives notice from the House of Delegates that Managers have been appointed by the House of Delegates to prosecute a trial of impeachment against a person or persons and are directed to carry Articles of Impeachment to the Senate, the Clerk of the Senate shall immediately inform the House of Delegates that the Senate is ready to receive the Managers for the reporting of such Articles.

(b) When the Board of Managers for the House of Delegates is introduced at the bar of the Senate and signifies that the Managers are ready to communicate Articles of Impeachment, the President of the Senate shall direct the Sergeant at Arms to make the following proclamation: “All persons are commanded to keep silence, on pain of imprisonment, while the House of Delegates is reporting to the Senate Articles of Impeachment”; after which the Board of Managers shall report the Articles. Thereupon, the President of the Senate shall inform the Managers that the Senate will notify the House of Delegates of the date and time on which the Senate will proceed to consider the Articles.

(c) Upon the reporting of Articles of Impeachment to the Senate, the Senate shall adjourn until a date and time directed by the President of the Senate when the Senate will proceed to consider the Articles and shall notify the House of Delegates and the Supreme Court of Appeals of the same. Before proceeding to consider evidence, the Clerk shall administer the oaths provided in these Rules to the Presiding Officer; to the members of the Senate then present; and to any other members of the Senate as they shall appear.

(d) If the Board of Managers reports Articles of Impeachment against more than one person, the Senate shall conduct a separate trial of each Respondent individually as required by Rule 19 of these Rules.

### **3. Pre-Trial Conference**

The Presiding Officer shall hold a pre-trial conference with the parties in the presence of the Court to stipulate to facts and exhibits and address procedural issues.

### **4. Clerk of the Court of Impeachment; Duties**

The Clerk of the Senate, or his or her designee, shall serve as the Clerk of the Court of Impeachment, administer all oaths, keep the Journal of the Court of Impeachment, and perform all other duties usually performed by the clerk of a court of record in this state. The Clerk of the Senate may designate other Senate

personnel to assist in carrying out the Clerk's duties. The Clerk shall promulgate all forms necessary to carry out the requirements of these Rules.

## **5. Marshal of the Court of Impeachment; Duties**

The Sergeant at Arms of the Senate, or other person designated by the President of the Senate, shall serve as the Marshal of the Court of Impeachment. The Marshal of the Court of Impeachment shall keep order in accordance with these Rules under the direction of the Presiding Officer.

## **6. Trial to be Recorded in Journal of the Court of Impeachment**

(a) All trial proceedings, not including transcripts of the trial and copies of documentary evidence required to be appended to the bound Journal of the Court of Impeachment by section (c) of this Rule, shall be recorded in the Journal of the Court of Impeachment. The Journal of the Court of Impeachment shall be read, corrected, and approved the succeeding day. It shall be published under the supervision of the Clerk and made available to the members without undue delay.

(b) After the Journal of the Court of Impeachment has been approved and fully marked for corrections, the Journal of the Court of Impeachment so corrected shall be bound in the Journal of the Senate. The bound volume shall, in addition to the imprint required by Rule 49 of the Rules of the Senate, 2017, reflect the inclusion of the official Journal of the Court of Impeachment.

(c) When available, transcripts of the trial and copies of any documentary evidence presented therein shall be printed and bound as an appendix to the Journal of the Court of Impeachment.

## **7. Site of Trial**

The trial shall be held in the Senate Chamber of the West Virginia State Capitol Complex. All necessary preparations in the

Senate Chamber shall be made under the direction of the President of the Senate.

### **8. Floor Privileges**

Only the following persons may enter the floor of the Senate Chamber during the trial: Members of the Court of Impeachment; designated personnel of the Court of Impeachment; the parties; the Presiding Officer; a law clerk of the Presiding Officer; witnesses and their counsel while testifying; and authorized media, who shall be located in an area of the chamber designated by the Clerk.

### **9. Representation of Parties**

The House of Delegates shall be represented by its Board of Managers and its counsel. The Respondent may appear in person or by counsel.

### **10. Method of Address**

Senators shall address the Presiding Officer as “Madam (or Mr.) Chief Justice” or “Madam (or Mr.) Justice”.

### **11. Oaths**

(a) The following oath, or affirmation, shall be taken and subscribed by the Presiding Officer: “Do you solemnly swear [or affirm] that you will support the Constitution of the United States and the Constitution of the State of West Virginia and that you will faithfully discharge the duties of Presiding Officer of the Court of Impeachment in all matters that come before this Court to the best of your skill and judgment?”

(b) The following oath, or affirmation, shall be taken and subscribed by every Senator before sitting as a Court of Impeachment: “Do each of you solemnly swear [or affirm] that you will do justice according to law and evidence while sitting as a Court of Impeachment?”

(c) The following oath, or affirmation, shall be taken and subscribed by every witness before providing testimony: “Do you

solemnly swear [or affirm] that the testimony you shall give shall be the truth, the whole truth, and nothing but the truth?"

## **12. Service of Process**

(a) The Respondent shall be served with a summons for the appearance of the Respondent or his or her counsel before the Court of Impeachment and provided with a copy of the Articles of Impeachment and a copy of these Rules. The summons shall be signed by the Clerk of the Court of Impeachment, bear the Seal of the Senate, identify the nature of proceedings and the parties, and be directed to the Respondent. It shall also state the date and time at which the Respondent shall appear to answer the Articles of Impeachment and notify the Respondent that if he or she fails to appear without good cause, the allegations contained in the Articles of Impeachment shall be uncontested and that the Senate shall proceed to vote on whether to sustain such Articles pursuant to Rule 15 of these Rules.

(b) The notice required by this Rule shall be served on the Respondent in the manner required by Rule 4 of the West Virginia Rules of Civil Procedure. All process shall be served by the Sergeant at Arms of the Senate, unless otherwise ordered by the President of the Senate. A copy of the summons to the Respondent, upon its issuance, along with a copy of the Articles of Impeachment and a copy of these Rules, shall be provided by the Clerk of the Court of Impeachment to the Clerk of the West Virginia House of Delegates. Upon service of the same upon the Respondent, a copy of the return of service shall be provided by the Clerk of the Court of Impeachment to the Clerk of the West Virginia House of Delegates.

## **13. Dismissal of Articles Upon Resignation of Respondent; Termination of Trial**

(a) Any Senator may move to dismiss the Articles of Impeachment against a Respondent if at any time before the presentation of evidence commences in his or her trial of impeachment the Respondent has resigned or retired from his or her public office. Upon motion of any Senator to dismiss the

Articles pursuant to this Rule, all Senators not excused shall vote on the question of whether to dismiss the Articles against the Respondent. If a majority of Senators elected vote to dismiss the Articles against the Respondent, a judgment of dismissal shall be pronounced and entered upon the Journal of the Court of Impeachment or the Journal of the Senate, whichever is convened at the time such vote is taken.

(b) A vote pursuant to this Rule shall be taken by yeas and nays.

(c) Upon dismissal of the Articles of Impeachment against a Respondent pursuant to this Rule, all pre-trial and trial proceedings regarding said Respondent shall immediately cease.

(d) If the House of Delegates adopts and communicates Articles of Impeachment that name more than one Respondent in one or more of the Articles, a dismissal pursuant to this Rule shall not dismiss the articles as to any Respondent who has not resigned or retired.

#### **14. Commencement of Trial; Answer to Articles of Impeachment**

At the time and date fixed and upon proof of service of the summons directed to the Respondent, the Respondent shall be called to answer the Articles of Impeachment. If the Respondent appears in person or by counsel, the appearance shall be recorded. If the Respondent does not appear, either personally or by counsel, then the failure of the Respondent to appear shall be recorded. While the Court of Impeachment is in session, the business of the Senate shall be suspended except as otherwise ordered by the President of the Senate.

#### **15. Failure of Respondent to Appear and Contest**

(a) If the Respondent fails to appear personally or by counsel without good cause at the time and date specified in the notice required by Rule 12 of these Rules, the allegations contained in the Articles of Impeachment shall be uncontested.

(b) If the allegations contained in the Articles of Impeachment are determined to be uncontested under section (a) of this Rule, the

Presiding Officer shall then call upon the Board of Managers to deliver a summary of the evidence of the allegations contained in such Articles.

(c) After the summary of evidence delivered by the Managers, the Court of Impeachment shall vote on the question of whether to sustain one or more of the Articles of Impeachment in accordance with the requirements of Rule 31 of these Rules.

### **16. Entry of Plea or Pleas; Procedures Based on Plea or Pleas**

If the Respondent appears and pleads not guilty to each article, the trial shall proceed. If the Respondent appears and pleads guilty to one or more articles, the Court of Impeachment shall immediately vote on the question of whether to sustain the Articles of Impeachment to which a plea of guilty has been entered in accordance with the requirements of Rule 31 of these Rules.

### **17. Subpoenas**

A subpoena shall be issued by the Clerk of the Court of Impeachment for a witness on application of a party.

### **18. Procedure in a Contested Matter**

(a) After preliminary motions are heard and decided, the Board of Managers or its counsel may make an opening statement. Following the opening statement by the Managers, the Respondent or his or her counsel may then make an opening statement.

(b) The trial shall be a daily special order of business following the Third Order of Business of the Senate, unless otherwise ordered by the President of the Senate. When the hour shall arrive for the special order of business, the President of the Senate shall so announce. The Presiding Officer shall cause proclamation to be made, and the business of the trial shall proceed. The trial may be recessed or adjourned and continued from day to day, or to specific dates and times, by majority vote of the Senators present and voting. The adjournment of the trial shall not operate as an adjournment of the Senate, but upon such adjournment, the Senate shall resume.

(c) After the presentation of all evidence to the Court of Impeachment, the Board of Managers shall present a closing argument, after which the Respondent shall present a closing argument. Following the Respondent's closing argument, the Board of Managers may offer a rebuttal.

(d) The Board of Managers shall have the burden of proof as to all factual allegations. The Presiding Officer shall direct the order of the presentation of evidence.

### **19. Separate Trials of Multiple Respondents; Order of Trials**

(a) If the House of Delegates communicates Articles of Impeachment against more than one Respondent, the Senate shall schedule and conduct a separate trial of each Respondent.

(b) The Presiding Officer, in consultation with the parties, shall determine the order in which multiple Respondents shall be tried.

### **20. Witnesses**

(a) All witnesses shall be examined by the party producing them and shall be subject to cross-examination by the opposing party. Only one designee of each party may examine each witness. The Presiding Officer may permit redirect examination and recross-examination.

(b) After completion of questioning by the parties, any Senator desiring to question a witness shall reduce his or her question to writing and present it to the Presiding Officer who shall pose the question to the witness without indicating the name of the Senator presenting the question. If objection to a Senator's question is raised by a party, the objection shall be decided in the manner provided in Rule 23 of these Rules.

(c) It shall not be in order for any Senator to directly question a witness.

### **21. Discovery Procedures**

(a) Within five days after service upon the Respondent of the Articles of Impeachment, the Respondent may request, and the

Board of Managers shall disclose to the Respondent and make available for inspection, copy, or photograph, the following:

(1) Any written or recorded statement of the Respondent in the Managers' possession which the Managers intend to introduce into evidence in their case-in-chief during the trial;

(2) Any books, papers, documents, data, photographs, tangible objects, buildings or places, or copies of portions of such items in the Managers' possession that the Managers intend to use in their case-in-chief as to one or more Articles of Impeachment;

(3) A list of the persons the Board of Managers intends to call as witnesses in its case-in-chief during the trial; and

(4) A written summary of any expert testimony the Managers intend to use during their case-in-chief. Any summary provided must describe the witness' opinions, the bases and reasons for the opinions, and the witness's qualifications.

(b) The Board of Managers shall make its response to the Respondent's written requests within 10 days of service of the requests.

(c) If the Respondent makes a request pursuant to this Rule, he or she shall be required to provide the same information to the Managers, reciprocally, within 10 days following his or her request.

(d) A copy of all requests pursuant to this section shall be provided to the Clerk. The parties shall provide to the Clerk, in a format or in formats directed by the Clerk, copies of all items disclosed pursuant to this Rule.

(e) The Clerk may require parties to number or Bates stamp any trial exhibits or other information provided to the Clerk. The Clerk may hold a meeting with the parties to organize trial exhibits.

## **22. Court Reporters; Transcripts**

(a) All proceedings shall be reported by an official court reporter or certified court reporter: *Provided*, That if the services of an official court reporter or certified court reporter are unavailable on one or more days of the trial, the proceedings shall be digitally recorded and copies of the recording made available to the parties.

(b) Upon request of a party, the Presiding Officer, or any Senator, the Clerk shall provide a copy of the transcript of any portion of the trial, when such transcripts are available.

## **23. Motions, Objections, and Procedural Questions**

(a) All motions, objections, and procedural questions made by the parties shall be addressed to the Presiding Officer, who shall decide the motion, objection, or procedural question: *Provided*, That a vote to overturn the Presiding Officer's decision on any motion, objection, or procedural question shall be taken, without debate, on the demand of any Senator sustained by one tenth of the Senators present, and an affirmative vote of a majority of the Senators present and voting shall overturn the Presiding Officer's decision on the motion, objection, or procedural question.

(b) On the demand of any Senator or at the direction of the Presiding Officer, the movant shall reduce the motion to writing.

## **24. Qualification to Sit as Court of Impeachment**

Every Senator is qualified to participate on the Court of Impeachment, unless he or she has been excused pursuant to Rule 43 of the Rules of the Senate, 2017.

## **25. Members as Witnesses**

The parties may not call as witnesses, nor subpoena the personal records of, the Senators, members of the Board of Managers, personnel of the Court of Impeachment, the Presiding Officer, or counsel for the parties.

## **26. Attendance of Members**

Every Senator is required to attend the trial unless he or she has been granted a leave of absence, pursuant to Rule 50 of the Rules of the Senate, 2017, or has been excused from voting on the Articles, pursuant to Rule 43 of the Rules of the Senate, 2017. Any Senator who has been granted a leave of absence shall be provided an opportunity to review the exhibits, video or audio recordings, and transcripts for the date or dates he or she is absent and may participate in the vote on verdict and judgment as provided in Rule 31 of these Rules.

## **27. Notetaking**

Senators may take notes during the trial and such notes are not subject to the provisions of W. Va. Code §29B-1-1 *et seq.*

## **28. Applicability of Rules of the Senate**

Except as otherwise provided herein, the Rules of the Senate shall apply to proceedings of the trial and the President of the Senate retains the authority to invoke such rules.

## **29. Applicability of Rules of Evidence**

When not in conflict with these Rules or the Rules of the Senate, the Presiding Officer shall rule on the admissibility of evidence in accordance with West Virginia Rules of Evidence: *Provided*, That a vote to overturn the Presiding Officer's ruling on the admissibility of evidence shall be taken, without debate, on demand of any Senator sustained by one tenth of the members present, and an affirmative vote of the majority of Senators present shall overturn the ruling.

## **30. Instruction**

At any time, the Presiding Officer may, *sua sponte*, or on motion of a party or upon request of a Senator, instruct the Senators on procedural or legal matters.

### **31. Verdict and Judgment**

(a) After closing arguments, the Court may enter into a Conference of Senators for deliberation. After conclusion of said conference and return to open proceedings, or pursuant to Rule 15 or Rule 16 of these Rules, all Senators not excused shall vote on the question of whether to sustain one or more Articles of Impeachment: *Provided*, That any vote of the Senators on the question of whether or not to sustain an Article of Impeachment shall decide only that Article, and no single vote of the Senate shall sustain more than one Article of Impeachment. The Presiding Officer shall have no vote in the verdict or judgment of the Court of Impeachment.

(b) If two thirds of the Senators elected vote to sustain one or more Articles of Impeachment, a judgment of conviction and removal from office shall be pronounced and entered upon the Journal of the Court of Impeachment. If the Respondent is acquitted of any Article of Impeachment, a judgment of acquittal as to such Article or Articles shall be pronounced and entered upon the Journal.

(c) If two thirds of the Senators elected vote to sustain one or more Article of Impeachment, a vote shall then be taken on the question of whether the Respondent shall also be disqualified to hold any office of honor, trust, or profit under the state. If two thirds of the Senators elected vote to disqualify, a judgment of disqualification to hold any office of honor, trust, or profit under the state shall be pronounced and entered upon the Journal of the Court of Impeachment.

(d) Each vote pursuant to this Rule shall be taken by yeas and nays.

(e) A copy of all judgments entered shall be deposited in the office of the Secretary of State.

### **32. Conference of Senators**

(a) On motion of any Senator and by a vote of the majority of the members present and voting, there shall be an immediate

Conference of Senators. No Senator or any other person may photograph, record, or broadcast a Conference of Senators. Any motion made pursuant to this Rule shall be nondebatable.

(b) The President of the Senate, or his or her designee, shall preside over a Conference of Senators and the Rules of the Senate shall apply during said conference except as otherwise provided herein.

### **33. Contempt; Powers of Presiding Officer**

The following powers shall be exercised by the Presiding Officer:

(1) The power to compel the attendance of witnesses subpoenaed by the parties;

(2) The power to enforce obedience to the Court's orders;

(3) The power to preserve order;

(4) The power to punish contempt of the Court's authority; and

(5) The power to make all orders that may be necessary and that are not inconsistent with these Rules or the laws of this state.

### **34. Prohibited Conduct; Sanctions**

The Court of Impeachment shall have the power to provide for its own safety and the undisturbed transaction of its business, as provided in Article VI, Section 26 of the Constitution of West Virginia.

**ARTICLES OF IMPEACHMENT AGAINST THE  
VARIOUS JUSTICES OF THE  
SUPREME COURT OF APPEALS  
OF THE STATE OF WEST VIRGINIA**

**Article I**

1           That the said Justice Allen Loughry, being a Justice of the Supreme Court of Appeals of  
2 West Virginia, unmindful of the duties of his high office, and contrary to the oaths taken by him to  
3 support the Constitution of the State of West Virginia and faithfully discharge the duties of his  
4 office as such Justice, while in the exercise of the functions of the office of Justice, in violation of  
5 his oath of office, then and there, with regard to the discharge of the duties of his office, did waste  
6 state funds with little or no concern for the costs to be borne by the tax payer for unnecessary and  
7 lavish spending in the renovation and remodeling of his personal office, to the sum of  
8 approximately \$363,000, which sum included the purchase of a \$31,924 couch, a \$33,750 floor  
9 with medallion, and other such wasteful expenditure not necessary for the administration of justice  
10 and the execution of the duties of the Court, which represents a waste of state funds.

## Article II

1           That the said Justice Robin Davis, being a Justice of the Supreme Court of Appeals of  
2 West Virginia, unmindful of the duties of her high office, and contrary to the oaths taken by her to  
3 support the Constitution of the State of West Virginia and faithfully discharge the duties of her  
4 office as such Justice, while in the exercise of the functions of the office of Justice, in violation of  
5 her oath of office, then and there, with regard to the discharge of the duties of her office, did waste  
6 state funds with little or no concern for the costs to be borne by the tax payer for unnecessary and  
7 lavish spending in the renovation and remodeling of her personal office, to the sum of  
8 approximately \$500,000, which sum included, but is not limited to, the purchase of an oval rug  
9 that cost approximately \$20,500, a desk chair that cost approximately \$8,000 and over \$23,000  
10 in design services, and other such wasteful expenditure not necessary for the administration of  
11 justice and the execution of the duties of the Court, which represents a waste of state funds.

### Article III

1           That the said Justice Allen Loughry, being a Justice of the Supreme Court of Appeals of  
2 West Virginia, unmindful of the duties of his high office, and contrary to the oaths taken by him to  
3 support the Constitution of the State of West Virginia and faithfully discharge the duties of his  
4 office as such Justice, while in the exercise of the functions of the office of Justice, in violation of  
5 his oath of office, then and there, with regard to the discharge of the duties of his office, did on or  
6 about June 20, 2013, cause a certain desk, of a type colloquially known as a "Cass Gilbert" desk,  
7 to be transported from the State Capitol to his home, and did maintain possession of such desk  
8 in his home, where it remained throughout his term as Justice for approximately four and one-half  
9 years, in violation of the provisions of W.Va. Code §29-1-7 (b), prohibiting the removal of original  
10 furnishings of the state capitol from the premises; further, the expenditure of state funds to  
11 transport the desk to his home, and refusal to return the desk to the state, constitute the use of  
12 state resources and property for personal gain in violation of the provisions of W.Va. Code §6B-  
13 2-5, the provisions of the West Virginia State Ethics Act, and constitute a violation of the provisions  
14 of Canon I of the West Virginia Code of Judicial Conduct.

## Article IV

1           That the said Chief Justice Margaret Workman, and Justice Robin Davis, being at all times  
2 relevant Justices of the Supreme Court of Appeals of West Virginia, and at various relevant times  
3 individually each Chief Justice of the Supreme Court of Appeals of West Virginia unmindful of the  
4 duties of their high offices, and contrary to the oaths taken by them to support the Constitution of  
5 the State of West Virginia and faithfully discharge the duties of their offices as such Justices, while  
6 in the exercise of the functions of the office of Justices, in violation of their oaths of office, then  
7 and there, with regard to the discharge of the duties of their offices, commencing in or about 2012,  
8 did knowingly and intentionally act, and each subsequently oversee in their capacity as Chief  
9 Justice, and did in that capacity as Chief Justice severally sign and approve the contracts  
10 necessary to facilitate, at each such relevant time, to overpay certain Senior Status Judges in  
11 violation of the statutory limited maximum salary for such Judges, which overpayment is a  
12 violation of Article VIII, §7 of the West Virginia Constitution, stating that Judges "shall receive the  
13 salaries fixed by law" and the provisions of W.Va. Code §51-2-13 and W.Va. Code §51-9-10, and,  
14 in violation of an Administrative Order of the Supreme Court of Appeals, in potential violation of  
15 the provisions of W.Va. Code §61-3-22, relating to the crime of falsification of accounts with intent  
16 to enable or assist any person to obtain money to which he was not entitled, and, in potential  
17 violation of the provisions set forth in W.Va. Code §61-3-24, relating to the crime of obtaining  
18 money, property and services by false pretenses, and, all of the above are in violation of the  
19 provisions of Canon I and Canon II of the West Virginia Code of Judicial Conduct.

## Article V

1           That the said Justice Robin Davis, being at all times relevant a Justice of the Supreme  
2 Court of Appeals of West Virginia, and at certain relevant times individually Chief Justice of the  
3 Supreme Court of Appeals of West Virginia, unmindful of the duties of her high offices, and  
4 contrary to the oaths taken by her to support the Constitution of the State of West Virginia and  
5 faithfully discharge the duties of his office as such Justice, while in the exercise of the functions  
6 of the office of Justice, in violation of her oath of office, then and there, with regard to the discharge  
7 of the duties of her office, did in the year 2014, did in her capacity as Chief Justice, sign certain  
8 Forms WV 48, to retain and compensate certain Senior Status Judges the execution of which  
9 forms allowed the Supreme Court of Appeals to overpay those certain Senior Status Judges in  
10 violation of Article VIII, § 7 of the West Virginia Constitution, stating that Judges "shall receive the  
11 salaries fixed by law" and the statutorily limited maximum salary for such Judges, which  
12 overpayment is a violation of the provisions of W.Va. Code §51-2-13 and W.Va. Code §51-9-10;  
13 her authorization of such overpayments was a violation of the clear statutory law of the state of  
14 West Virginia, as set forth in those relevant Code sections, and, was an act in potential violation  
15 of the provisions set forth in W.Va. Code §61-3-22, relating to the crime of falsification of accounts  
16 with intent to enable or assist any person to obtain money to which he was not entitled, and, in  
17 potential violation of the provisions set forth in W.Va. Code §61-3-24, relating to the crime of  
18 obtaining money, property and services by false pretenses, and all of the above are in violation  
19 of the provisions of Canon I and Canon II of the West Virginia Code of Judicial Conduct.

## Article VI

1           That the said Justice Margaret Workman, being at all times relevant a Justice of the  
2 Supreme Court of Appeals of West Virginia, and at certain relevant times individually Chief Justice  
3 of the Supreme Court of Appeals of West Virginia, unmindful of the duties of her high offices, and  
4 contrary to the oaths taken by her to support the Constitution of the State of West Virginia and  
5 faithfully discharge the duties of his office as such Justice, while in the exercise of the functions  
6 of the office of Justice, in violation of her oath of office, then and there, with regard to the discharge  
7 of the duties of her office, did in the year 2015, did in her capacity as Chief Justice, sign certain  
8 Forms WV 48, to retain and compensate certain Senior Status Judges the execution of which  
9 forms allowed the Supreme Court of Appeals to overpay those certain Senior Status Judges in  
10 violation of the statutorily limited maximum salary for such Judges, which overpayment is a  
11 violation of Article VIII, § 7 of the West Virginia Constitution, stating that Judges "shall receive the  
12 salaries fixed by law" and the provisions of W.Va. Code §51-2-13 and W.Va. Code §51-9-10; her  
13 authorization of such overpayments was a violation of the clear statutory law of the state of West  
14 Virginia, as set forth in those relevant Code sections, and, was an act in potential violation of the  
15 provisions set forth in W.Va. Code §61-3-22, relating to the crime of falsification of accounts with  
16 intent to enable or assist any person to obtain money to which he was not entitled, and, in potential  
17 violation of the provisions set forth in W.Va. Code §61-3-24, relating to the crime of obtaining  
18 money, property and services by false pretenses, and all of the above are in violation of the  
19 provisions of Canon I and Canon II of the West Virginia Code of Judicial Conduct.

## Article VII

1           That the said Justice Allen Loughry, being at all times relevant a Justice of the Supreme  
2 Court of Appeals of West Virginia, and at that relevant time individually Chief Justice of the  
3 Supreme Court of Appeals of West Virginia, unmindful of the duties of his high offices, and  
4 contrary to the oaths taken by him to support the Constitution of the State of West Virginia and  
5 faithfully discharge the duties of his office as such Justices, while in the exercise of the functions  
6 of the office of Justice, in violation of his oath of office, then and there, with regard to the discharge  
7 of the duties of his office, did on or about May 19, 2017, did in his capacity as Chief Justice, draft  
8 an Administrative Order of the Supreme Court of Appeals, bearing his signature, authorizing the  
9 Supreme Court of Appeals to overpay certain Senior Status Judges in violation of the statutorily  
10 limited maximum salary for such Judges, which overpayment is a violation of Article VIII, § 7 of  
11 the West Virginia Constitution, stating that Judges "shall receive the salaries fixed by law" and  
12 the provisions of W.Va. Code §51-2-13 and W.Va. Code §51-9-10; his authorization of such  
13 overpayments was a violation of the clear statutory law of the state of West Virginia, as set forth  
14 in those relevant Code sections, and, was an act in potential violation of the provisions set forth  
15 in W.Va. Code §61-3-22, relating to the crime of falsification of accounts with intent to enable or  
16 assist any person to obtain money to which he was not entitled, and, in potential violation of the  
17 provisions set forth in W.Va. Code §61-3-24, relating to the crime of obtaining money, property  
18 and services by false pretenses, and all of the above are in violation of the provisions of Canon I  
19 and Canon II of the West Virginia Code of Judicial Conduct.

## Article VIII

1           That the said Justice Allen Loughry, being a Justice of the Supreme Court of Appeals of  
2 West Virginia, unmindful of the duties of his high office, and contrary to the oaths taken by him to  
3 support the Constitution of the State of West Virginia and faithfully discharge the duties of his  
4 office as such Justice, while in the exercise of the functions of the office of Justice, in violation of  
5 his oath of office, then and there, with regard to the discharge of the duties of his office, did  
6 beginning in or about December 2012, and continuing thereafter for a period of years, intentionally  
7 acquire and use state government vehicles for personal use; including, but not limited to, using  
8 a state vehicle and gasoline purchased utilizing a state issued fuel purchase card to travel to the  
9 Greenbrier on one or more occasions for book signings and sales, which such acts enriched his  
10 family and which acts constitute the use of state resources and property for personal gain in  
11 violation of the provisions of W.Va. Code §6B-2-5, the provisions of the West Virginia State Ethics  
12 Act, and constitute a violation of the provisions of Canon I of the West Virginia Code of Judicial  
13 Conduct.

## Article IX

1           That the said Justice Allen Loughry, being a Justice of the Supreme Court of Appeals of  
2 West Virginia, unmindful of the duties of his high office, and contrary to the oaths taken by him to  
3 support the Constitution of the State of West Virginia and faithfully discharge the duties of his  
4 office as such Justice, while in the exercise of the functions of the office of Justice, in violation of  
5 his oath of office, then and there, with regard to the discharge of the duties of his office, did  
6 beginning in or about December 2012, intentionally acquired and used state government  
7 computer equipment and hardware for predominately personal use—including a computer not  
8 intended to be connected to the court's network, utilized state resources to install computer  
9 access services at his home for predominately personal use, and utilized state resources to  
10 provide maintenance and repair of computer services for his residence resulting from  
11 predominately personal use; all of which acts constitute the use of state resources and property  
12 for personal gain in violation of the provisions of W.Va. Code §6B-2-5, the provisions of the West  
13 Virginia State Ethics Act, and constitute a violation of the provisions of Canon I of the West Virginia  
14 Code of Judicial Conduct.

## Article X

1           That the said Justice Allen Loughry, being a Justice of the Supreme Court of Appeals of  
2 West Virginia, unmindful of the duties of his high office, and contrary to the oaths taken by him to  
3 support the Constitution of the State of West Virginia and faithfully discharge the duties of his  
4 office as such Justice, while in the exercise of the functions of the office of Justice, in violation of  
5 his oath of office, then and there, with regard to the discharge of the duties of his office, made  
6 statements while under oath before the West Virginia House of Delegates Finance Committee,  
7 with deliberate intent to deceive, regarding renovations and purchases for his office, asserting  
8 that he had no knowledge and involvement in these renovations, where evidence presented  
9 clearly demonstrated his in-depth knowledge and participation in those renovations, and, his  
10 intentional efforts to deceive members of the Legislature about his participation and knowledge  
11 of these acts, while under oath.

## Article XIV

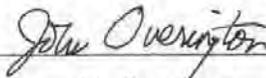
1           That the said Chief Justice Margaret Workman, Justice Allen Loughry, Justice Robin  
2 Davis, and Justice Elizabeth Walker, being at all times relevant Justices of the Supreme Court of  
3 Appeals of West Virginia, unmindful of the duties of their high offices, and contrary to the oaths  
4 taken by them to support the Constitution of the State of West Virginia and faithfully discharge the  
5 duties of their offices as such Justices, while in the exercise of the functions of the office of  
6 Justices, in violation of their oaths of office, then and there, with regard to the discharge of the  
7 duties of their offices, did, in the absence of any policy to prevent or control expenditure, waste  
8 state funds with little or no concern for the costs to be borne by the tax payers for unnecessary  
9 and lavish spending for various purposes including, but without limitation, to certain examples,  
10 such as: to remodel state offices, for large increases in travel budgets—including unaccountable  
11 personal use of state vehicles, for unneeded computers for home use, for regular lunches from  
12 restaurants, and for framing of personal items and other such wasteful expenditure not necessary  
13 for the administration of justice and the execution of the duties of the Court; and, did fail to provide  
14 or prepare reasonable and proper supervisory oversight of the operations of the Court and the  
15 subordinate courts by failing to carry out one or more of the following necessary and proper  
16 administrative activities:

- 17           A) To prepare and adopt sufficient and effective travel policies prior to October of 2016,  
18           and failed thereafter to properly effectuate such policy by excepting the Justices from  
19           said policies, and subjected subordinates and employees to a greater burden than the  
20           Justices;
- 21           B) To report taxable fringe benefits, such as car use and regular lunches, on Federal W-  
22           2s, despite full knowledge of the Internal Revenue Service Regulations, and further  
23           subjected subordinates and employees to a greater burden than the Justices, in this  
24           regard, and upon notification of such violation, failed to speedily comply with requests  
25           to make such reporting consistent with applicable law;
- 26           C) To provide proper supervision, control, and auditing of the use of state purchasing  
27           cards leading to multiple violations of state statutes and policies regulating the proper  
28           use of such cards, including failing to obtain proper prior approval for large purchases;
- 29           D) To prepare and adopt sufficient and effective home office policies which would govern  
30           the Justices' home computer use, and which led to a lack of oversight which  
31           encouraged the conversion of property;

- 32 E) To provide effective supervision and control over record keeping with respect to the  
33 use of state automobiles, which has already resulted in an executed information upon  
34 one former Justice and the indictment of another Justice.
- 35 F) To provide effective supervision and control over inventories of state property owned  
36 by the Court and subordinate courts, which led directly to the undetected absence of  
37 valuable state property, including, but not limited to, a state-owned desk and a state-  
38 owned computer;
- 39 G) To provide effective supervision and control over purchasing procedures which directly  
40 led to inadequate cost containment methods, including the rebidding of the purchases  
41 of goods and services utilizing a system of large unsupervised change orders, all of  
42 which encouraged waste of taxpayer funds.
- 43 The failure by the Justices, individually and collectively, to carry out these necessary and  
44 proper administrative activities constitute a violation of the provisions of Canon I and Canon II of  
45 the West Virginia Code of Judicial Conduct.

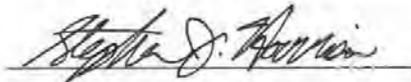
We, John Overington, Speaker Pro Tempore of the House of Delegates of West Virginia, and Stephen J. Harrison, Clerk thereof, do certify that the above and foregoing Articles of Impeachment against Justices of the Supreme Court of Appeals of West Virginia, were adopted by the House of Delegates on the Thirteenth day of August, 2018.

In Testimony Whereof, we have signed our names hereunto this Fourteenth day of August, 2018.



John Overington,

Speaker Pro Tempore of the House of Delegates



Stephen J. Harrison,

Clerk of the House of Delegates

The following letter from the Honorable Lee Cassis, Clerk of the West Virginia Senate, is inserted into the Journal of the Court of Impeachment:

The Senate of West Virginia  
Charleston

September 11, 2018

The Honorable Mitch B. Carmichael  
President of the Senate  
And  
The Honorable Members of the West Virginia Senate

Dear Mr. President and Members:

Pursuant to Rule 4 of the Rules of the Senate While Sitting as a Court of Impeachment, I have this day designated Kristin Canterbury, the Assistant Clerk of the Senate, to serve as Clerk of the Court of Impeachment in my absence. This designation will be filed in the Journal of the Senate and the Journal of the Court of Impeachment.

Sincerely,

Lee Cassis  
Clerk of the Senate

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The Senate, sitting as a Court of Impeachment to consider proceedings against Robin Jean Davis, Retired Justice of the Supreme Court of Appeals of the State of West Virginia; Allen H. Loughry II, Justice of the Supreme Court of Appeals of the State of West Virginia; Elizabeth D. Walker, Justice of the Supreme Court of Appeals of the State of West Virginia; and Margaret L. Workman, Chief Justice of the Supreme Court of Appeals of the State of West Virginia, met on Tuesday, September 11, 2018, at 2:57 p.m.

The Honorable Paul T. Farrell, Acting Chief Justice of the Supreme Court of Appeals of the State of West Virginia, assumed the chair and presided over the Court of Impeachment.

The Presiding Officer then directed the Sergeant at Arms to summon the Managers, attorneys, and Respondents.

Without objection, the Journal of the Court of Impeachment for the morning session of Tuesday, September 11, 2018, to consider proceedings against the various Justices of the Supreme Court of Appeals of the State of West Virginia was considered as having been read and approved.

The Managers, appointed by the House of Delegates to conduct the trial of impeachment of the various Justices of the Supreme Court of Appeals of the State of West Virginia, to wit: Delegates Shott, Hollen, Foster, Byrd, and Miller (Delegate Foster, one of the said Managers, being absent) entered the Senate Chamber and took the seats assigned them.

Brian Casto, Marsha Kaufmann, and Joe Altizer, counsel for the Managers of the House of Delegates, accompanied said Managers.

Respondent Allen H. Loughry II, Justice of the Supreme Court of Appeals of the State of West Virginia, and the Respondents' counsel entered the Senate Chamber and took the seats assigned them.

The Presiding Officer informed the Managers, attorneys, and Respondents that the Senate had not adopted a resolution publicly reprimanding and censuring Chief Justice Margaret L. Workman and Justice Elizabeth D. Walker and that the trials would move forward.

The Presiding Officer then directed Mike Hissam, counsel for Justice Walker, to approach the podium.

The Presiding Officer stated that Justice Walker was charged in Article XIV of the Articles of Impeachment and asked if Justice Walker admitted or denied the same. Mike Hissam, counsel for Justice Walker, responded that Justice Walker denied the charge.

The Presiding Officer then set the trial date for Justice Walker for Monday, October 1, 2018, at 9 a.m.

The Presiding Officer then directed Steven R. Ruby, counsel for Chief Justice Workman, to approach the podium.

The Presiding Officer stated that Chief Justice Workman was charged in Articles IV, VI, and XIV of the Articles of Impeachment and asked if Chief Justice Workman admitted or denied the same. Steven R. Ruby, counsel for Chief Justice Workman, responded that Chief Justice Workman denied the charges.

The Presiding Officer then set the trial date for Chief Justice Workman for Monday, October 15, 2018. The Presiding Officer stated that pre-trial motions would be taken up at that time.

The Presiding Officer then directed Justice Loughry and John A. Carr, counsel to Justice Loughry, to approach the podium.

The Presiding Officer then asked Mike Hissam, counsel for Justice Walker, and Steven R. Ruby, counsel for Chief Justice Workman, if the Respondents formally waived the reading of the Articles of Impeachment. Mike Hissam, counsel for Justice Walker, and Steven R. Ruby, counsel for Chief Justice Workman, responded that Justice Walker and Chief Justice Workman waived the reading of the Articles.

The Presiding Officer then asked Justice Loughry if he formally waived the reading of the Articles of Impeachment. John A. Carr, counsel for Justice Loughry, responded that Justice Loughry waived the reading of the Articles.

The Presiding Officer stated that Justice Loughry was charged in Articles I, III, VII, VIII, IX, X, and XIV of the Articles of Impeachment and asked if Justice Loughry admitted or denied the same. Justice Loughry responded that he denied the charges.

The Presiding Officer then set the trial date for Justice Loughry for Monday, November 12, 2018, at 9 a.m.

[CLERK'S NOTE: Due to the Veterans' Day holiday, the trial date for Justice Loughry was changed from Monday, November 12, 2018, at 9 a.m. to Tuesday, November 13, 2018, at 9 a.m. by order of the Presiding Officer dated September 17, 2018.]

The Presiding Officer then directed the counsel for Retired Justice Davis to approach the podium.

The Presiding Officer stated a motion for *pro hac vice* admission of James M. Cole had been filed for James M. Cole to appear as counsel on behalf of Retired Justice Davis during the Court of Impeachment. The Presiding Officer then stated the motion was granted.

The Presiding Officer then asked James M. Cole, counsel for Retired Justice Davis, if the Respondent formally waived the reading of the Articles of Impeachment. James M. Cole, counsel for Retired Justice Davis, responded that Retired Justice Davis waived the reading of the Articles.

The Presiding Officer stated that Retired Justice Davis was charged in Articles II, IV, V, and XIV of the Articles of Impeachment and asked if Retired Justice Davis admitted or denied the same. James M. Cole, counsel for Retired Justice Davis, responded that Retired Justice Davis denied the charges.

The Presiding Officer then set the trial date for Retired Justice Davis for Monday, October 29, 2018.

James M. Cole, counsel for Retired Justice Davis, stated a motion for continuance for filing motions and reciprocal discovery had been filed, to which the House Managers did not oppose.

The Presiding Officer noted that Robin Jean Davis had retired from the office of Justice of the Supreme Court of Appeals of the State of West Virginia and there were provisions relating to this matter contained in the Rules of the West Virginia Senate While Sitting as a Court of Impeachment During the Eighty-Third Legislature and that the Constitution of West Virginia states, in part, that the removal from office is the only punishment in an impeachment [Art. IV, Sec. 9].

Senator Trump then moved that, pursuant to Rule 13 of the Rules of the West Virginia Senate While Sitting as a Court of Impeachment During the Eighty-Third Legislature, Articles II, IV, V, and XIV of the Articles of Impeachment adopted by the House

of Delegates be dismissed in so far as they relate to Retired Justice Davis.

Following extended discussion,

The question being on the adoption of Senator Trump's aforestated motion,

The roll being taken, the yeas were: Arvon, Baldwin, Boley, Drennan, Facemire, Gaunch, Jeffries, Palumbo, Plymale, Prezioso, Romano, Stollings, Swope, Trump, and Carmichael (Mr. President)—15.

The nays were: Azinger, Beach, Blair, Boso, Clements, Cline, Ferns, Karnes, Mann, Maroney, Maynard, Ojeda, Rucker, Smith, Sypolt, Takubo, Unger, Weld, and Woelfel—19.

Absent: None.

So, a majority of all the members elected to the Senate not having voted in the affirmative, the Presiding Officer declared Senator Trump's aforestated motion had not prevailed.

Whereupon, the Presiding Officer stated the trial date for Retired Justice Davis would be Monday, October 29, 2018.

Steven R. Ruby, counsel for Chief Justice Workman, stated a motion had been filed to set a trial date and a briefing schedule. He also stated a motion had been filed to set a Bill of Particulars.

Delegate Shott stated one of the dates in the proposed briefing schedule had already passed and the House Managers questioned the validity of certain motions under the Rules of the West Virginia Senate While Sitting as a Court of Impeachment During the Eighty-Third Legislature. Delegate Shott then stated the House Managers objected to Chief Justice Workman's motion for a Bill of Particulars.

The Presiding Officer stated a Bill of Particulars was a criminal type motion and this was not a criminal trial; therefore, the motion for a Bill of Particulars was denied.

The Presiding Officer recognized Delegate Shott to address the Court of Impeachment.

Following a point of inquiry to the Presiding Officer, with resultant response thereto,

At 3:29 p.m., the Court of Impeachment to consider proceedings against the various Justices of the Supreme Court of Appeals of the State of West Virginia adjourned until Monday, October 1, 2018, at 9 a.m.

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MONDAY, OCTOBER 1, 2018

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**THE STATE OF WEST VIRGINIA**

**VS**

**ELIZABETH D. WALKER, JUSTICE OF THE  
SUPREME COURT OF APPEALS  
OF THE STATE WEST VIRGINIA**

The Senate, sitting as a Court of Impeachment to consider proceedings against Elizabeth D. Walker, Justice of the Supreme Court of Appeals of the State of West Virginia, met on Monday, October 1, 2018, at 9:02 a.m.

The Honorable Paul T. Farrell, Acting Chief Justice of the Supreme Court of Appeals of the State of West Virginia, assumed the chair and presided over the Court of Impeachment.

Without objection, the Journal of the Court of Impeachment for the afternoon session of Tuesday, September 11, 2018, to consider proceedings against the various Justices of the Supreme Court of Appeals of the State of West Virginia was considered as having been read and approved.

The Presiding Officer directed the Sergeant at Arms to make the following proclamation: All persons are commanded to keep silence, on pain of imprisonment, while the Senate is sitting as a Court of Impeachment.

The Managers, appointed by the House of Delegates to conduct the trial of impeachment of Justice Walker, to wit: Delegates Shott, Hollen, Foster, Byrd, and Miller (Delegates Foster and Byrd, two of the said Managers, being absent) took the seats assigned them.

Marsha Kaufmann and Kip Reese, counsel for the Managers of the House of Delegates, accompanied said Managers.

Respondent Justice Walker took the seat assigned her.

Mike Hissam and J. Zak Ritchie, counsel for the Respondent, accompanied Justice Walker.

The Presiding Officer then provided instructions to the members of the Court of Impeachment.

The Presiding Officer directed the Clerk of the Court of Impeachment to read Article XIV of the Articles of Impeachment. The Presiding Officer then noted that Justice Walker had previously denied the allegations contained in Article XIV of the Articles of Impeachment.

The Presiding Officer announced a motion had been filed by Ronald E. Wilson, Chair of the Judicial Investigation Commission, to quash the subpoena issued by the House of Delegates to appear before the Court of Impeachment to give evidence in the proceedings against Justice Walker. The Presiding Officer then stated an affidavit would be entered instead of Judge Wilson appearing before the Court to testify.

The Presiding Officer noted Justice Walker had filed a Motion to Dismiss Article XIV and a Motion in Limine to Preclude Evidence of Unimpeached Conduct.

Mike Hissam, counsel for Justice Walker, and Delegate Shott, Chair of the House Managers, presented the argument and the

response to the argument, respectively, to the said motions. Whereupon, the Presiding Officer denied the Motion to Dismiss and the Motion in Limine.

Delegate Shott presented the opening statement on behalf of the House Managers and Mike Hissam presented the opening statement on behalf of Justice Walker.

At 10:07 a.m., the Court of Impeachment recessed for 15 minutes.

At 10:24 a.m., the Presiding Officer called the Court of Impeachment to order.

The Presiding Officer then directed Delegate Shott to call the first witness for the House Managers.

Delegate Shott requested a stipulation that the parties agree that all of the evidentiary exhibits that have been submitted be deemed authenticated and admissible, to which the Respondent's counsel did not oppose.

Delegate Shott called Justice Walker as the first witness for the House Managers.

Whereupon, Justice Walker took the witness stand and was administered the oath by the Clerk of the Court of Impeachment.

Delegate Shott requested that, pursuant to Rule 611(c) of the Rules of Evidence, he be permitted to treat Justice Walker as a hostile witness, which request was denied by the Presiding Officer.

Delegate Shott then conducted a direct examination of Justice Walker and presented various evidentiary exhibits.

At 11:28 a.m., the Court of Impeachment recessed until 12:30 p.m. today.

At 12:32 p.m., the Presiding Officer called the Court of Impeachment to order.

The Presiding Officer noted questions had arisen about Rule 20 of the Rules of the West Virginia Senate While Sitting as a Court of Impeachment During the Eighty-Third Legislature and explained the process the Court of Impeachment would follow to permit the members to ask questions of the witnesses.

Mike Hissam, counsel for Justice Walker, stated he had informed Delegate Shott he may exceed the scope of direct during the cross-examination of Justice Walker in the interest of time and efficiency.

Justice Walker resumed the stand and was cross-examined by Mike Hissam who presented various evidentiary exhibits.

Delegate Shott then conducted a re-direct of Justice Walker.

Members of the Court of Impeachment presented questions to the Presiding Officer, who then posed the questions to Justice Walker.

Justice Walker was then excused.

Following points of inquiry to the Presiding Officer, with resultant responses thereto,

At 1:48 p.m., the Court of Impeachment recessed for 15 minutes.

At 2:06 p.m., the Presiding Officer called the Court of Impeachment to order.

Delegate Shott called Justin Robinson, Director of the Legislative Post-Audit Division, as a witness for the House Managers.

Whereupon, Justin Robinson took the witness stand and was administered the oath by the Clerk of the Court of Impeachment.

Delegate Shott conducted a direct examination of Justin Robinson and presented various evidentiary exhibits.

J. Zak Ritchie, counsel for Justice Walker, then cross-examined Justin Robinson.

A member of the Court of Impeachment presented a question to the Presiding Officer, who then posed the question to Justin Robinson.

Justin Robinson was then excused.

Marsha Kaufmann, attorney for the House Managers, called Sue Racer-Troy, Chief Financial Officer for the Supreme Court of Appeals of the State of West Virginia, as a witness for the House Managers.

The Presiding Officer directed the Sergeant at Arms to summon Sue Racer-Troy.

Sue Racer-Troy took the witness stand and was administered the oath by the Clerk of the Court of Impeachment.

Marsha Kaufmann conducted a direct examination of Sue Racer-Troy and presented various evidentiary exhibits.

Mike Hissam, counsel for Justice Walker, cross-examined Sue Racer-Troy.

Marsha Kaufmann then conducted a re-direct of Sue Racer-Troy.

Members of the Court of Impeachment presented questions to the Presiding Officer, who then posed the questions to Sue Racer-Troy.

Sue Racer-Troy was then excused.

Marsha Kaufmann called John B. McCuskey, State Auditor, as a witness for the House Managers.

Whereupon, John B. McCuskey took the stand and was administered the oath by the Clerk of the Court of Impeachment.

Marsha Kaufmann conducted a direct examination of John B. McCuskey and presented an evidentiary exhibit.

There being no cross-examination or questions from the members of the Court of Impeachment, John B. McCuskey was excused.

There being no further witnesses today,

At 3:19 p.m., the Court of Impeachment to consider proceedings against Elizabeth D. Walker, Justice of the Supreme Court of Appeals of the State of West Virginia, adjourned until tomorrow, Tuesday, October 2, 2018, at 9 a.m.

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TUESDAY, OCTOBER 2, 2018

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**THE STATE OF WEST VIRGINIA**  
**VS**  
**ELIZABETH D. WALKER, JUSTICE OF THE**  
**SUPREME COURT OF APPEALS**  
**OF THE STATE WEST VIRGINIA**

The Senate, sitting as a Court of Impeachment to consider proceedings against Elizabeth D. Walker, Justice of the Supreme Court of Appeals of the State of West Virginia, met on Tuesday, October 2, 2018, at 9:05 a.m.

The Honorable Paul T. Farrell, Acting Chief Justice of the Supreme Court of Appeals of the State of West Virginia, assumed the chair and presided over the Court of Impeachment.

Without objection, the Journal of the Court of Impeachment of Monday, October 1, 2018, to consider proceedings against Justice Walker was considered as having been read and approved.

The Presiding Officer directed the Sergeant at Arms to make the following proclamation: All persons are commanded to keep silence, on pain of imprisonment, while the Senate is sitting as a Court of Impeachment.

The Managers, appointed by the House of Delegates to conduct the trial of impeachment of Justice Walker, to wit: Delegates Shott, Hollen, Foster, Byrd, and Miller (Delegates Foster and Byrd, two of the said Managers, being absent) took the seats assigned them.

Marsha Kaufmann and Kip Reese, counsel for the Managers of the House of Delegates, accompanied said Managers.

Respondent Justice Walker took the seat assigned her.

Mike Hissam and J. Zak Ritchie, counsel for the Respondent, accompanied Justice Walker.

Delegate Shott called Mike McKown, Deputy State Auditor for Budget Analysis with the State Auditor's office, as a witness for the House Managers.

Whereupon, Mike McKown took the witness stand and was administered the oath by the Clerk of the Court of Impeachment.

Delegate Shott conducted a direct examination of Mike McKown and presented various evidentiary exhibits.

Following a point of inquiry to the Presiding Officer, with resultant response thereto,

Mike Hissam, counsel for Justice Walker, then cross-examined Mike McKown.

There being no questions from the members of the Court of Impeachment, Mike McKown was then excused.

Delegate Shott stated that the House Managers rested their case.

The Presiding Officer then informed counsel for Justice Walker that they could now proceed with the defense.

Mike Hissam, counsel for the Respondent, stated that Justice Walker was the defense's only witness and had testified yesterday, Monday, October 1, 2018, therefore, the defense rested its case.

Delegate Shott presented the closing arguments on behalf of the House Managers and Mike Hissam presented the closing arguments on behalf of Justice Walker. Delegate Shott then offered a rebuttal.

The Presiding Officer noted the presence in today's proceedings of a senator who had been absent during the proceedings of yesterday, Monday, October 1, 2018. The Presiding Officer then noted that, pursuant to Rule 26 of the Rules of the West Virginia Senate While Sitting as a Court of Impeachment During the Eighty-Third Legislature, the senator had been able to review yesterday's proceedings and requested the Senate President to determine his eligibility to participate in the deliberations and voting in this matter.

The Presiding Officer stated that, pursuant to Rule 31 of the Rules of the West Virginia Senate While Sitting as a Court of Impeachment During the Eighty-Third Legislature, if two thirds of the senators elected vote to sustain the Article of Impeachment, a judgment of conviction and removal from office would be pronounced. If less than two thirds of the senators elected vote to sustain the Article of Impeachment, a judgment of acquittal would be pronounced.

The Presiding Officer stated that, pursuant to Rule 32 of the Rules of the West Virginia Senate While Sitting as a Court of Impeachment During the Eighty-Third Legislature, a motion by any senator and by a vote of the majority of the members present and voting will dissolve the Court of Impeachment into a Conference of Senators for deliberations.

Whereupon, Senator Woelfel moved that the Court of Impeachment dissolve into a Conference of Senators for deliberations.

On this question, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Rucker, Smith, Stollings, Swope, Sypolt, Trump, and Woelfel—28.

The nays were: Ferns, Romano, Takubo, Unger, and Carmichael (Mr. President)—5.

Absent: Weld—1.

So, a majority of all the members present and voting having voted in the affirmative, the Presiding Officer declared Senator Woelfel's aforesaid motion had prevailed.

At 10:31 a.m., the Court of Impeachment to consider proceedings against Justice Walker dissolved into a Conference of Senators for deliberations.

At 1:00 p.m., the Presiding Officer called the Court of Impeachment to order.

The Presiding Officer stated the Conference of Senators had informed the Presiding Officer that it was now ready to proceed to vote upon Article XIV of the Articles of Impeachment exhibited by the House of Delegates against Justice Walker.

The question being "Shall Article XIV of the Articles of Impeachment exhibited by the House of Delegates against Elizabeth D. Walker, Justice of the Supreme Court of Appeals of the State of West Virginia, be sustained?"

On this question, the yeas were: Baldwin—1.

The nays were: Arvon, Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Woelfel, and Carmichael (Mr. President)—32.

Absent: Weld—1.

So, less than two thirds of all the members elected to the Senate having voted in the affirmative, the Presiding Officer declared Article XIV of the Articles of Impeachment not sustained and Justice Walker acquitted of the charges.

The Presiding Officer declared the proceedings against Justice Walker concluded.

Thereafter, on motion of Senator Ferns, at 1:01 p.m., the Court of Impeachment to consider proceedings against Elizabeth D. Walker, Justice of the Supreme Court of Appeals of the State of West Virginia, adjourned.

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*We hereby certify that the foregoing record of the Senate sitting as a Court of Impeachment to consider proceedings against the various Justices of the Supreme Court of Appeals of the State of West Virginia is the Official Journal of the Court of Impeachment for said session.*

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*Acting Chief Justice of the  
Supreme Court of Appeals of the  
State of West Virginia and  
Presiding Officer of the Court of Impeachment*

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*Clerk of the Senate*

# **APPENDIX**

TRIAL OF THE IMPEACHMENT  
OF  
THE VARIOUS JUSTICES OF THE  
SUPREME COURT OF APPEALS OF THE  
STATE OF WEST VIRGINIA



IN RE: SENATE PROCEEDING REGARDING THE IMPEACHMENT OF WV SUPREME COURT JUSTICES

PRETRIAL HEARING  
09/11/2018

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IN THE WEST VIRGINIA LEGISLATURE  
WEST VIRGINIA SENATE

\* \* \* \* \*

In Re:  
Senate Proceeding Regarding the  
Impeachment of West Virginia  
Supreme Court Justices Pursuant  
to Articles of Impeachment Adopted  
By the West Virginia House of Delegates

\* \* \* \* \*

PRETRIAL HEARING

JUSTICES DAVIS, LOUGHRY, WALKER AND WORKMAN

Hearing held on September 11, 2018, before  
the Honorable Paul T. Farrell, Acting Chief Justice of  
the Supreme Court of West Virginia and the West  
Virginia State Senate, in the Senate Chambers, West  
Virginia State Capitol Complex, Charleston, West  
Virginia, 25301.

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## APPEARANCES :

## APPEARING AS BOARD OF MANAGERS :

Delegate John Shott  
Delegate Andrew Byrd  
Delegate Rodney Miller  
Delegate Ray Hollen

## APPEARING AS BOARD OF MANAGERS STAFF ATTORNEYS :

Marsha Kauffman, Esquire  
Brian Casto, Esquire  
Robert Akers, Esquire  
Joe Altizer, Esquire  
John Reed, Esquire  
Charles Roskovensky, Esquire

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1 P R O C E E D I N G S

2 PRESIDENT CARMICHAEL: Senate will  
3 please come to order. The Senate will please come to  
4 order. All those not having privileges of the floor  
5 will please vacate the chamber. For those on the floor  
6 and our guests in the gallery, please rise as we are  
7 led in prayer this morning by the Senator from Nicholas  
8 and then please remain standing as we are led in the  
9 pledge this morning by the Senator from Pleasants.

10 (A prayer was offered by Senator Boso,  
11 and the pledge was given.)

12 PRESIDENT CARMICHAEL: Reading of the  
13 journal.

14 CLERK CASSIS: West Virginia  
15 Legislature, Senate Journal, Charleston, West Virginia,  
16 Monday, August 20th --

17 PRESIDENT CARMICHAEL: Senator from  
18 Harrison County requests unanimous consent that further  
19 reading of the journal be dispensed with and that it be  
20 approved as having been read.

21 Is there objection? Chair hears none.  
22 So ordered.

23 Communications from the House?

24 CLERK CASSIS: I have a letter dated

1 September 10th, 2018, addressed to the Honorable Lee  
2 Cassis, Clerk of the West Virginia Senate.

3 "Dear Mr. Clerk: Pursuant to the  
4 provisions of House Resolution 205, I hereby remove The  
5 Honorable Roger Hanshaw as a member to act as a manager  
6 on the part of the House of Delegates to go before the  
7 West Virginia Senate to conduct the impeachment against  
8 the various justices of the Supreme Court of Appeals of  
9 West Virginia and appoint The Honorable Geoff Foster to  
10 fill the vacancy created by this action.

11 If you have any questions or need  
12 additional information, please do not hesitate to  
13 contact me.

14 Sincerely, John Overington, Speaker Pro  
15 Tempore."

16 PRESIDENT CARMICHAEL: Message has been  
17 received. The Clerk has another message.

18 CLERK CASSIS: I have a letter dated  
19 September 11th, 2018, addressed to the Honorable Mitch  
20 B. Carmichael, President of the Senate, and the  
21 Honorable Members of the West Virginia Senate.

22 "Dear Mr. President and Members:  
23 Pursuant to Rule 4 of the rules of the Senate while  
24 sitting as a Court of Impeachment, I have this day

1 designated Kristin Canterbury, the Assistant Clerk of  
2 the Senate, to serve as Clerk of the Court of  
3 Impeachment in my absence.

4 This designation will be filed in the  
5 Journal of the Senate and the Journal of the Court of  
6 Impeachment.

7 Sincerely, Lee Cassis, Clerk of the  
8 Senate."

9 PRESIDENT CARMICHAEL: Message will be  
10 received. Are there further messages?

11 CLERK CASSIS: No, sir.

12 PRESIDENT CARMICHAEL: Recognize the  
13 Senator from Ohio County.

14 SENATOR FERNS: Thank you,  
15 Mr. President.

16 Before I make my motion, Mr. President,  
17 I'd just like to remind the members of the  
18 communication sent out from our Senate Clerk about the  
19 use of telecommunications, minimizing the use of  
20 telecommunications on the Senate floor once we enter  
21 into the trial of impeachment.

22 Mr. President, I request unanimous  
23 consent that the Senate now resolve itself into a Court  
24 of Impeachment to consider proceedings against the

1 various justices of the Supreme Court of Appeals of the  
2 State of West Virginia.

3 PRESIDENT CARMICHAEL: Is there  
4 objection?

5 Chair hears none. The Clerk will now  
6 administer the oath to the Honorable Paul T. Farrell,  
7 Acting Chief Justice of the Supreme Court of Appeals of  
8 the State of West Virginia.

9 CLERK CASSIS: Raise your right hand.  
10 Do you solemnly swear that you will support the  
11 Constitution of the United States and the Constitution  
12 of the State of West Virginia and that you will  
13 faithfully discharge the duties of presiding officer  
14 for the Court of Impeachment and all matters that come  
15 before this Court to the best of your skill and  
16 judgment?

17 THE COURT: I do.

18 Mr. Clerk, direct you to administer the  
19 oath as the Court of Impeachment to the members of the  
20 Senate.

21 CLERK CASSIS: Would the members please  
22 rise.

23 Raise your right hand. Do each of you  
24 solemnly swear that you will do justice according to

1 law and evidence while sitting as a Court of  
2 Impeachment?

3 SENATORS: I do.

4 CLERK CASSIS: Thank you.

5 THE COURT: You may be seated. Direct  
6 the -- works better if I turn it on. I'll direct the  
7 marshal at this time to take charge of the chamber.

8 SERGEANT OF ARMS PALMER: All persons  
9 are commanded to keep silence, on pain of imprisonment,  
10 while the Senate is sitting as a Court of Impeachment.

11 THE COURT: I will announce that the  
12 summonses have been issued, served upon each of the  
13 Respondents. The returns of service have been made on  
14 the same, and that the summons and returns are  
15 available to each on the chamber automation system.

16 I will ask the Sergeant of Arms to  
17 summons the managers and the attorneys and their -- the  
18 Respondents.

19 The Clerk asked that I remind you your  
20 oaths are on the desk. Please sign them and return  
21 them to the Clerk before we adjourn this morning.

22 While we await the Respondents and  
23 their counsel, the managers, I will remind the Senators  
24 that this proceeding is governed by the rules of the

1 Senate that you've adopted, the rules of the Court of  
2 Impeachment and then the rules of evidence.

3 This is not a criminal trial; this is  
4 not a civil trial; this is somewhere in between.

5 (The attorneys entered the chambers,  
6 along with Justice Loughry. Justice  
7 Davis, Justice Walker and Justice  
8 Workman were not present.)

9 THE COURT: Counsel, you may have seats  
10 out here if you like. Some seats out here, some seats  
11 on the side.

12 You may be seated, Counsel. I will  
13 indicate to you that the oath has been administered to  
14 me and to the Senate. The Court of Impeachment has  
15 been formed. At this time, the presiding officer has  
16 been informed that the managers have had discussions  
17 with counsels for Justice Workman and Justice Walker,  
18 and at this time, I'd recognize the managers for  
19 presentation to the Senate.

20 Mr. Chairman? If you'll please go  
21 there, and I'll ask each counsel to identify themselves  
22 for the benefit of the court reporter.

23 DELEGATE SHOTT: Mr. Justice, Members  
24 of the Senate, I'm John Shott. I'm Chairman of the

1 House Judiciary Committee and the -- one of the House  
2 -- five House Managers appointed to conduct the  
3 impeachment proceedings.

4           And good morning. Those of you who  
5 have been involved in litigation before know that at  
6 least most of the time - probably 90 plus percent of  
7 the time - the parties at some point discuss a  
8 Resolution that's short of a full-fledged trial, and  
9 Resolution of that trial.

10           This, obviously, is not typical  
11 litigation. It's neither criminal nor civil, but in a  
12 sense, it is a political litigation.

13           We have, in fact, involve -- engaged in  
14 certain discussions, but as a predicate for that, we  
15 have to ask ourself what our goal is as the House in  
16 passing these Articles of Impeachment. That's the  
17 first -- the most important question we ask whenever we  
18 enter into any type of negotiations, and I think any  
19 party that's in litigation focuses on what they hope to  
20 accomplish.

21           Let me make this perfectly clear: In  
22 spite of any allegations to the contrary, this has  
23 never been an effort to remove or replace all five  
24 justices of our Supreme Court. That's never been the

1 -- that's never been the focus; it's never -- never our  
2 intent, and it's not our intent here today.

3                   It's not our intent to clean house, to  
4 hurt anyone in particular or to settle old scores.  
5 It's not intended to cripple or paralyze our judicial  
6 system or in any way make it subordinate to any of the  
7 other two branches of government.

8                   We, in the House, entrusted the first  
9 steps of the impeachment process to the Judiciary  
10 Committee, and I can assure you that our Judiciary  
11 Committee acknowledges and honors the Separation of  
12 Powers Doctrine that's so important to our system of  
13 checks and balances.

14                   We acknowledge that the branches are  
15 separate and equal, but they also are accountable, and  
16 the process in the Constitution for holding the  
17 Judiciary Branch - the only process - is the  
18 impeachment process.

19                   And our goal was triggered by the  
20 outcry of the public when certain allegations of  
21 excessive and unjustifiable spending were made public  
22 by the media. That's our -- that was our initial goal,  
23 was to first of all determine the facts, create some  
24 accountability, but more importantly, to begin the

1 process of rebuilding the trust in our judiciary that's  
2 so critical to the operation of this system of  
3 government.

4           It is fundamental that the people have  
5 trust in the judiciary for the rule of law to be  
6 applicable.

7           What we discovered during the course of  
8 our investigation, the course of the proceedings in the  
9 Judiciary Committee, was a lot of the issues that were  
10 -- had been raised were the result of a lack of  
11 appropriate policies, or any policies at all.

12           In many cases, that lack of policies  
13 was an invitation to push the boundaries. It was an  
14 invitation in some instances to actually exploit the  
15 lack of any boundaries.

16           It was, in fact, evidence of some  
17 misplaced trust or faith in the ability of a person to  
18 restrain themselves when nobody's available to hold  
19 them accountable.

20           The absence of appropriate policies is  
21 at the heart of one of the Articles that will be before  
22 you, and that's Article XIV. Most of the other  
23 Articles - in fact, with only one exception - address  
24 one specific instance of what we considered to be

1 misconduct that would justify a removal from office  
2 under our Constitution.

3 Article XIV is different. Article XIV  
4 basically accuses all of the justices of failure to  
5 enact appropriate policies that would in fact have  
6 prevented the abuses that have been discovered during  
7 this process.

8 It is, however, the most complicated of  
9 the Articles. It involves having to establish what  
10 policies were not in place or what policies should have  
11 been in place, what the effect of those policies were,  
12 would have been, had they been in place, and what the  
13 absence of those policies -- the problems that were  
14 created by the absence of those problems.

15 It also involves what I will consider  
16 to be extensive evidentiary -- evidentiary needs. We  
17 have identified, on our side, almost 30 witnesses that  
18 we would probably need to call. We have been told that  
19 there may have been as many as 60 witnesses on the  
20 other side. Voluminous documentation.

21 We've developed exhibits that exceed  
22 100. We've also been provided with over 50,000  
23 documents by the opposing parties that we are  
24 attempting to sift through.

1                   It's going to create -- because of the  
2 Senate rules, we'll have to try that particular Article  
3 four different times in this process, the same Article  
4 four different times. And what that means is, of those  
5 witnesses that we call -- and that includes current  
6 court person -- current court personnel, past court  
7 personnel, some judiciary officials, members of the  
8 public and the business community, we will be calling  
9 them and recalling them and recalling them and  
10 recalling them to great inconvenience and extraordinary  
11 amount of time.

12                   We have predicted that the -- just to  
13 put on the case of the managers will probably take a  
14 minimum of three days, probably more like five to six  
15 days, and that does not take into account the time  
16 that's going to be involved for the other side to put  
17 on their case.

18                   So tremendous inconvenience to those  
19 people that will be necessary, but it will be necessary  
20 to call them.

21                   There will be numerous motions that  
22 will be heard. We've been told that they would  
23 probably exceed a dozen. And so what we're talking  
24 about is a tremendous investment of time.

1                   So any time you're in litigation where  
2 you know that there's gonna be a tremendous investment  
3 of time, it makes sense to look at other options.

4                   One of the challenges, though, that  
5 faced us as a House and as the managers, is the  
6 disparity among responsibility or culpability of the  
7 various justices. Not to suggest that any one is  
8 blameless, but that the extremes -- that there are  
9 extremes of culpability on one hand as opposed to less  
10 culpability on the other.

11                   So what we attempted to do was identify  
12 the areas where we thought the least culpable  
13 individuals were involved.

14                   And you can -- if you've had an  
15 opportunity to review the Articles themselves, you'll  
16 know that there are more Articles against certain  
17 justices than others, although Article XIV does include  
18 all four justices, and therefore would have to be --  
19 would have to be litigated with respect to each one of  
20 those separately.

21                   We have -- based on the votes in the  
22 House, based on those votes, it's pretty clear that the  
23 overwhelming sentiment in the House is that there's one  
24 party who's most culpable and that's our -- our primary

1 goal is to make sure that person is held accountable  
2 for that culpability.

3                   We have had discussions with Justice  
4 Workman, Justice Walker, who are also included in  
5 Article XIV, but who we believe are less culpable - not  
6 blameless, as I indicated, but less culpable - and we  
7 have reached an agreement which we think will address  
8 the goals that the House laid out when we undertook  
9 this process.

10                   Basically those goals, as I indicated,  
11 accountability, but a foundation to rebuild public  
12 trust in the Judiciary Branches, as I said, is so  
13 indispensable to the operation of our system of  
14 government.

15                   The agreement that we've reached is:  
16                   1, an acceptance and acknowledgment of  
17 the problems that we've identified;

18                   No. 2, an acceptance of responsibility  
19 by the two justices for their role in those issues  
20 identified in Article XIV;

21                   No. 3, a commitment - and this is  
22 important - a commitment to continue the processes and  
23 policies that they've been under the process of  
24 implementing in the last few months that will address

1 and hopefully prevent future reoccurrences of the  
2 problems that we've identified, extremely important  
3 component of the -- of the agreement that we've  
4 reached.

5                   It also, though - and I think this is  
6 important, too - allows some continuity in the  
7 operation of the court system. And as you all know,  
8 the Supreme Court operates the entire court system  
9 throughout the state. Critically important that there  
10 be -- that we maintain some degree of continuity for  
11 that whole system to work.

12                   This would allow continuity and also  
13 allow the continuation of the efforts that's already  
14 been underway, which I know will be described to you  
15 later by some of the other counsel, the efforts that  
16 are already underway to address some of these issues,  
17 and would allow those -- those efforts to continue.

18                   It also recognizes the need for  
19 continuing oversight and transparency by the  
20 legislature over the Judicial Branch, and as we all  
21 know here today, overwhelmingly both bodies of the  
22 legislature passed legislation that would put on the  
23 ballot in the fall a Constitutional amendment that  
24 would - for the first time - allow the legislature to

1 have oversight over the budget of the judiciary, which  
2 that, coupled with the efforts that are already  
3 underway to create policies that will prevent these  
4 abuses from occurring, and hopefully continued media  
5 oversight -- which I think we need to ex -- pardon me  
6 -- extend credit to the media for first revealing a  
7 problem that we, as a legislature, had no means of  
8 discovering, so we believe that that's an important  
9 component of this.

10 Yes, I know that recommending the  
11 stipulation that will be read to you by the parties  
12 includes all of those -- all of those components, which  
13 we think addresses the goals that the House established  
14 when we set out on this course.

15 This would also involve the approval of  
16 a censure Resolution which we have drafted, which we  
17 would ask that you would consider. If that Resolution  
18 is adopted, then after an adjournment of the Court of  
19 Impeachment, we would return and dismiss the Articles  
20 as to these particular two justices, and we would then  
21 focus our attention on the remaining justices.

22 We believe this is a fair settlement.  
23 We believe it is necessary to allow the House managers  
24 to focus their attention on where the House has

1 basically directed us to focus our attention. We  
2 believe that it will not only serve the interests that  
3 the House -- and satisfy the goals we set out, but we  
4 believe it would be a good first step to rebuilding the  
5 trust that the -- and we think it's incredibly  
6 necessary for -- on -- in our judiciary system, and we  
7 strongly urge you to give that -- give it favorable  
8 consideration. It will, in fact, satisfy the concerns  
9 of the House managers, as we were tasked to lead this  
10 -- this effort.

11                   And we believe it's a fair and adequate  
12 settlement, and I understand -- and I'm going to  
13 acknowledge that at times, a whole range of emotions  
14 have been triggered by our investigation, and by the  
15 reaction of the public to what we've discovered and  
16 what the media disclosed, and those emotions have gone  
17 from simple disappointment to outrage and anger.

18                   But as the managers, we have been  
19 focused on not obscuring our goals by the feelings that  
20 we have connected to this -- that unfortunate event.  
21 I've said from the get-go, this is not only sad, but  
22 there are no winners. There will be, and there are no  
23 winners in this -- in this procedure.

24                   To the extent that the trust of the

1 public and our judiciary system is undermined, we all  
2 lose. We all lose. And it's in all of our interests  
3 for the -- for the steps to begin to rebuild that  
4 confidence, and we believe this is a good first step.

5                   We urge your adoption of it without any  
6 hesitation. As you may or may not know, the managers  
7 in the House were appointed to be apportionately  
8 representing the minority and majority party, and this  
9 has been the combined efforts of all the managers to  
10 reach this settlement.

11                   I'm going to ask Delegate Andrew Byrd,  
12 who is a representative of the minority party, one of  
13 them, one of our managers, to read the -- read the  
14 stipulation. I hope you'll pay close attention to the  
15 components.

16                   This would trigger a censure Resolution  
17 that -- excuse me -- would exceed the importance of the  
18 Resolution, the censure Resolution adopted by the  
19 House, because that Resolution was simply a  
20 condemnation.

21                   This Resolution not only does that, but  
22 it also acknowledges an acceptance of responsibility,  
23 acknowledges the existence of the problem that was  
24 revealed, pledges to make improvements to address

1 those -- those situations, or the lack of policies, and  
2 also acknowledges the need for this Constitutional  
3 amendment that we all supported when it came through  
4 the legislation.

5 So I'd ask Delegate Byrd to come  
6 forward to read the stipulation, to add his comments to  
7 mine, and once again, urge you to adopt the Resolution  
8 and allow us to move forward.

9 THE COURT: Go ahead. Delegate Byrd is  
10 recognized for the purpose of reading the Resolution.

11 DELEGATE BYRD: May it please the  
12 Court, Ladies and Gentlemen of the Senate, Andrew Byrd,  
13 House Manager on behalf of the House of Delegates. I'm  
14 going to read to you the stipulation agreement of the  
15 parties:

16 "Respondents Chief Justice Margaret L.  
17 Workman and Justice Elizabeth D. Walker, together with  
18 the Board of Managers of the West Virginia House of  
19 Delegates for the impeachment trials pending in the  
20 West Virginia Senate jointly agree and stipulate as  
21 follows:

22 Paragraph 1: The Respondents  
23 acknowledge indefensible spending by the Supreme Court  
24 of Appeals of West Virginia, as well as the absence of

1 Court policies and practices that likely would have  
2 prevented that indefensible spending.

3 Paragraph 2: The Respondents accept  
4 full responsibility for all spending on renovations to  
5 their personal offices over which they exercised or  
6 should have exercised spending oversight and approval.

7 Paragraph 3: The Respondents  
8 acknowledge the need for changed policies and practices  
9 to correct the failures identified in Article XIV of  
10 the Articles of Impeachment and to rebuild public trust  
11 in the Court.

12 Paragraph 4: The Respondents have  
13 begun and will continue to implement reforms to improve  
14 the administration of the Court and prevent future  
15 inappropriate expenditures and to ensure compliance  
16 with all applicable laws and regulations governing the  
17 conduct of the Court.

18 Paragraph 5: The Respondents and the  
19 Board of Managers therefore agree: Paragraph a,  
20 Jointly recommend that the Senate adopt a Resolution of  
21 censure with respect to the Respondents, which is  
22 included within this Stipulation and Agreement of  
23 Parties; and b, upon passage of such a Resolution of  
24 censure, jointly move to dismiss the Articles of

1 Impeachment with respect to the Respondents.

2 Paragraph 6: The Respondents and the  
3 Board of Managers further agree that if the Senate does  
4 not dismiss the Articles of Impeachment with respect to  
5 the Respondents, no part of this Stipulation and  
6 Agreement of Parties may be used in any trial of the  
7 Articles of Impeachment."

8 Agreed to by the Honorable John Shott,  
9 executed today.

10 Agreed to by the Honorable Andrew D.  
11 Byrd, executed today.

12 Agreed to by the Honorable Margaret L.  
13 Workman, executed today.

14 And agreed to by the Honorable  
15 Elizabeth D. Walker, executed today.

16 And before I proffer this to the Clerk,  
17 I just want to say that as a member of the House of  
18 Delegates of the minority party, a House Manager, an  
19 attorney that has been practicing for almost a decade,  
20 this agreement isn't something out of the ordinary or  
21 abnormal.

22 In fact, in my day-to-day practice as  
23 an attorney, I see these almost weekly. But what makes  
24 this unique - as pointed out by Delegate Shott - is two

1 components to this, I feel like, and that is  
2 accountability and proactive commitment.

3 To the first, this document right here  
4 is the first evidence that I've seen in these  
5 proceedings where there's actually been some acceptance  
6 of responsibility.

7 Now, to the second, proactive  
8 commitment, we need to have these policies and  
9 procedures in place because the people of West Virginia  
10 do not want this to happen again, and this is the start  
11 of rebuilding that trust.

12 And those two components alone were the  
13 reason I had no hesitation with signing my name to this  
14 document. I thank you for your time, and at this time,  
15 Your Honor, I'd like to proffer this to the Clerk for  
16 entry.

17 THE COURT: Present it to the Clerk,  
18 please.

19 Counsel for Chief Justice Workman,  
20 Mr. Bailey, you have permission to address the body.

21 MR. BAILEY: Thank you, Your Honor.  
22 Members of the Senate. On Chief Justice Workman's  
23 behalf, let me first express my thanks to your staff,  
24 to the House managers and the House staff who have

1 worked hard and put forth these efforts to get to this  
2 proposed Resolution in front of us.

3 I am particularly grateful for their  
4 candor, for their courage, and for their creativity in  
5 dealing with an issue like this, which West Virginia  
6 hasn't seen since the 1870s, and none of us were here  
7 then, and we didn't have a lot of go-bys, but we have  
8 worked very hard to make this make sense for all of us  
9 today.

10 Steve Ruby, Holly Wilson and Ray  
11 Franks, who are here with me on behalf of Chief Justice  
12 Workman, echo Mr. -- Chairman Shott's sentiments. We  
13 think this agreement is in the best interests of our  
14 client, both houses of the legislature, indeed of all  
15 of State government and the citizens of West Virginia.

16 Most of what the House sought to  
17 achieve when it started down this road has been  
18 achieved. The issues of administration at the Supreme  
19 Court which shook the public's confidence in the Court  
20 - and I submit in all of government in West Virginia -  
21 have resulted in two resignations from the Court, and  
22 we have additional legal processes pending in the  
23 federal building in downtown Charleston.

24 Chief Justice Workman and Justice

1 Walker are in different circumstances, as Chairman  
2 Shott said. Chief Justice Workman, as I think most of  
3 you know, has spent almost three decades of her life as  
4 a judge, as a trial judge in Kanawha County, and on the  
5 State Supreme Court.

6 She cares deeply about the Court, about  
7 that third branch of government, and is acutely aware  
8 of the damage these events have done to respect for and  
9 confidence in the judiciary.

10 Since all of this happened and she  
11 became chief judge at the beginning of this year, this  
12 term of court, her number one priority has been to work  
13 to repair that trust for the public and to repair the  
14 morale of the hundreds of employees of the judicial  
15 system not only here in Charleston, but back home in  
16 all of your counties.

17 A few examples of what has happened at  
18 the Court since the beginning of the year: The Court  
19 has joined the State's fleet management system; the  
20 Court has updated and is updating their IT asset  
21 inventory; drug courts no longer use the P-cards to  
22 purchase gift cards for drug court participants.

23 Overall fiscal policies have been  
24 strengthened and now require - as they did not before -

1 major expenditures to be approved by the entire Court  
2 rather than by any single individual justice.

3 All of those efforts are underway and  
4 will continue. As you have heard, the proposal before  
5 you is like any resolution or agreement parties reach  
6 every day to avoid the time, energy, risk and  
7 dislocation caused by weeks of a trial to anyone, and  
8 to any business and to any entity or government agency.

9 If we were to have a trial - and I'm a  
10 trial lawyer, this is what I do, right - we would  
11 willingly put on a vigorous defense to the Articles  
12 pending against Justice Workman, as the House managers  
13 would vigorously present their case.

14 We would spend days, or weeks, putting  
15 on evidence about which justice did or didn't do what  
16 and when and who knew or didn't know about what and  
17 when in the Articles of Impeachment, and whether in  
18 fact any of these events would have been impeachable  
19 offenses.

20 But this agreement makes that  
21 unnecessary. We can avoid - and you can avoid, and  
22 West Virginia can avoid - all those uncertainties and  
23 pain, and we can commit all our resources and energies  
24 towards the more important work of restoring public

1 confidence in the administration of the Court and in  
2 getting the Court back to work deciding the cases  
3 before it.

4 I note how important it is that the  
5 central responsibility of the Court to fairly decide  
6 cases in front of it is not an issue in these Articles,  
7 for which we should all be grateful.

8 I think it's also important to note  
9 that the ballot in November - because of your actions -  
10 will give the voters an opportunity to weigh in on the  
11 legislative oversight and administration of the courts.

12 Chief Justice Workman, for her part,  
13 acknowledges the Court's responsibility and her  
14 responsibility as an individual member of that Court,  
15 for failing to prevent instances of spending that were,  
16 indeed, indefensible. She understands and will accept  
17 your Resolution of censure, and pledges to continue  
18 those efforts she has already undertaken to prevent  
19 such problems in the future.

20 Then she will join with Justice Walker  
21 and the House managers, in a motion before the Senate,  
22 as this Court of Impeachment, to dismiss those Articles  
23 which applied to them after the Resolution of censure  
24 has passed.

1                   I know many of you as friends, as  
2 neighbors, some I've known for a long time. I  
3 respectfully hope that all of you, in this historic  
4 undertaking, will consider, adopt and approve the  
5 measures that we've presented before you to bring these  
6 proceedings to an end against Chief Justice Workman and  
7 Justice Walker, to let us restart -- rebuild some  
8 measure of stability and continuity in the Supreme  
9 Court which it -- and which all of us, lawyers,  
10 legislators and citizens alike, desperately need.

11                   Thank you for your time.

12                   THE COURT: Mr. Hissam will speak on  
13 behalf of Justice Walker.

14                   MR. HISSAM: Thank you, Mr. Chief  
15 Justice, members of the Court of Impeachment, may it  
16 please the Court. My name is Mike Hissam, and I'm here  
17 today, with my colleagues Zak Ritchie and Ryan Donovan,  
18 to appear on behalf of Justice Beth Walker.

19                   Like Mr. Bailey, we're also trial  
20 lawyers, but our approach to the impending trial of  
21 this matter has been somewhat different than Justice  
22 Walker's colleagues.

23                   First, our discovery responses that we  
24 filed last week revealed that this folder contains the

1 entire set of documents on which we intend to rely, if  
2 we were to proceed to trial.

3                   We also revealed a single witness,  
4 Justice Beth Walker. Second, Justice Walker is  
5 prepared to go to trial, as soon as possible. In fact,  
6 as the Chief Justice suggested, perhaps as early as a  
7 week from yesterday. And would -- is fully prepared to  
8 defend herself before this body.

9                   We are convinced and certain that the  
10 members of this Court would see that Justice Walker -  
11 at the end of that trial - did not commit any offense  
12 that would merit her removal from office under the West  
13 Virginia Constitution.

14                   Nevertheless, Justice Walker has  
15 acknowledged responsibility for the Court's spending,  
16 including on the justices' personal offices. She has  
17 accepted responsibility, as the House managers have  
18 indicated. She has pledged to work towards improving  
19 the Court's processes, its policies, its oversight of  
20 spending, and restoring the public trust in the Court.

21                   She has signed the stipulation  
22 agreement of the parties that's been read by Delegate  
23 Byrd, and asks that it and the attached Resolution be  
24 adopted by this body.

1                   We echo Delegate Shott's comments and  
2 Delegate Byrd's comments and stress that this is a fair  
3 and just Resolution. It respects the important work  
4 done by both bodies of this legislature.

5                   It will resolve this matter in a way  
6 that will serve the best interests of the State and of  
7 the judicial system. We ask that it be adopted. Thank  
8 you.

9                   THE COURT: Does the Majority Leader  
10 wish to adjourn at this time to consider matters?

11                   Senator from Ohio is recognized.

12                   SENATOR FERNS: Thank you, Mr. Chief  
13 Justice. I move the Court of Impeachment stand  
14 adjourned until this afternoon at 2:30 p.m.

15                   THE COURT: All in favor say "aye".

16                   SENATORS: Aye.

17                   THE COURT: Any opposed?

18                   Hearing none, we are adjourned. The  
19 Court of Impeachment is adjourned until 2:30 this  
20 afternoon.

21                   Mr. President?

22                   PRESIDENT CARMICHAEL: Adjourned until  
23 2:30 -- or recessed until 2:30 today.

24                   (A recess was taken from 10:55 a.m. to

1                   2:30 p.m. after which the proceedings  
2                   continued as follows:)

3                   PRESIDENT CARMICHAEL: Senate will please  
4 come to order. The Senate will please come to order.

5                   All those not having privilege on the  
6 floor, please vacate the chamber.

7                   Reports from standing committees?

8                   CLERK CASSIS: There are none.

9                   PRESIDENT CARMICHAEL: Reports from select  
10 committees?

11                  CLERK CASSIS: There are none.

12                  PRESIDENT CARMICHAEL: Introduction of  
13 bills?

14                  CLERK CASSIS: There are none.

15                  THE COURT: Resolutions? Senator from  
16 Morgan County.

17                  SENATOR TRUMP: Thank you,  
18 Mr. President. I request unanimous consent of the  
19 Senate for leave to introduce a Resolution from the floor.

20                  PRESIDENT CARMICHAEL: Is there objection?  
21 Chair hears none. Clerk will read the  
22 Resolution.

23                  CLERK CASSIS: Senate Resolution 204 by  
24 Senator Trump by request of the House managers and counsel

1 for Chief Justice Workman and Justice Walker: Publicly  
2 reprimanding and censuring Chief Justice Margaret L.  
3 Workman and Justice Elizabeth D. Walker of the Supreme  
4 Court of Appeals of West Virginia.

5 PRESIDENT CARMICHAEL: Senator from Ohio  
6 County.

7 SENATOR FERNS: I raise a point of order,  
8 Mr. President.

9 PRESIDENT CARMICHAEL: Senator will state  
10 his point of order.

11 SENATOR FERNS: Mr. President, I question  
12 whether or not it's proper for the Senate to consider a  
13 Resolution that presupposes any innocence or guilt with  
14 Articles of Impeachment pending without having heard any  
15 evidence.

16 (A consultation was had at the bench  
17 with the President off the record.)

18 PRESIDENT CARMICHAEL: Senate will  
19 please come to order, the Senate will please come to  
20 order.

21 The -- it is the decision of the Chair  
22 that the Senator from Ohio's point is well taken and that  
23 the mover of the Resolution, that Resolution is out of  
24 order.

1                   Petitions? Or motions?

2                   CLERK CASSIS: There are none.

3                   PRESIDENT CARMICHAEL: Petitions?

4                   THE CLERK: There are none.

5                   PRESIDENT CARMICHAEL: Senator from Ohio  
6 County.

7                   SENATOR FERNS: Thank you, Mr. President.  
8 I request unanimous consent the Senate now resolve itself  
9 into a Court of Impeachment to consider proceedings  
10 against the various justices of the Supreme Court of  
11 Appeals of the State of West Virginia.

12                  PRESIDENT CARMICHAEL: Is there objection?  
13 Chair hears none. Mr. Chief Justice.

14                  THE COURT: The Sergeant of Arms will  
15 find the counsel and the managers.

16                  Without objection, the court journal from  
17 the previous session will be considered as having been  
18 read and approved. I must obey the Clerk here so I don't  
19 get in trouble with this journal.

20                  (The managers, counsel and Justice Loughry  
21 entered the chamber. Justice Workman,  
22 Justice Walker and Justice Davis were not  
23 present.)

24                  THE COURT: I'd ask counsel for Justice

1 Walker to approach the podium, please. I'll inform  
2 counsel for the Respondents that the Senate, the Court of  
3 Impeachment, has not adopted the Resolution, and thus we  
4 will go forward.

5 Justice Walker is charged in Article XIV  
6 of the Articles of Impeachment. Does your client admit or  
7 deny the same?

8 MR. HISSAM: Deny.

9 THE COURT: We'll note that in the record.  
10 Trial date? Managers? Is two weeks from today adequate  
11 time for you to prepare?

12 That would be September 24th.

13 DELEGATE SHOTT: Your Honor, we would  
14 propose alternatively October 2nd.

15 THE COURT: The Chairman of the House  
16 Judiciary proposes October 2nd.

17 DELEGATE SHOTT: That's correct, Your  
18 Honor. We've found ourselves short one member of our  
19 management team, of our members -- and we are -- we had  
20 three lawyers on that team to begin with; we're down to  
21 two now. We could use some extra time. We could be ready  
22 though to move forward on October 2nd.

23 THE COURT: All right. We will set  
24 Justice Walker's trial in the Court of Impeachment for

1 October 2nd -- September -- I'm sorry -- October. October  
2 1st, which is a Monday. How about that?

3 DELEGATE SHOTT: That works, Your Honor,  
4 thank you.

5 THE COURT: October 1st at 9:00 a.m.  
6 9:00 a.m. We'll begin at that time.

7 Counsel for Justice -- Chief Justice  
8 Workman, please approach the podium.

9 THE COURT: Note your appearance, sir, for  
10 the Court.

11 MR. RUBY: Steve Ruby for Chief Justice  
12 Workman, Your Honor.

13 THE COURT: Sir, your client is charged  
14 in Articles IV, VI and XIV in the Articles of  
15 Impeachment. Do you admit or deny the same on her  
16 behalf?

17 MR. RUBY: Deny, Your Honor.

18 THE COURT: All right. We will accept  
19 that. We will set her impeachment trial -- managers?  
20 Two weeks after that?

21 DELEGATE SHOTT: Your Honor, two weeks  
22 from the day of the Walker trial?

23 THE COURT: October 15th.

24 DELEGATE SHOTT: That works for us. Thank

1 you, sir.

2 THE COURT: All right. October 15th, sir.

3 MR. RUBY: Thank you, Your Honor.

4 THE COURT: We'll take up pretrial motions  
5 that morning --

6 MR. RUBY: Thank you.

7 THE COURT: -- in front of the whole  
8 panel.

9 MR. RUBY: Your Honor, to clarify, the  
10 Court intends take up the pretrial motions on the -- the  
11 date the trial --

12 THE COURT: On October 15th.

13 MR. RUBY: Thank you, Judge.

14 THE COURT: Justice Loughry and  
15 counsel? I'm sorry, I should have asked each of you if  
16 you formally waived the reading of the Impeachment  
17 Articles.

18 MR. RUBY: We'll waive, Your Honor.

19 MR. HISSAM: We will as well, Your  
20 Honor.

21 THE COURT: All right. Counsel, do you  
22 waive the reading of the Articles of Impeachment?

23 MR. CARR: Yes, Your Honor.

24 THE COURT: Note your appearance for the

1 record.

2 MR. CARR: John Carr on behalf of Allen H.  
3 Loughry, II.

4 THE COURT: All right. Justice Loughry,  
5 you are charged in the counts of impeachment on seven  
6 counts, those being Articles I, III, VII, VIII, IX, X and  
7 XIV.

8 Justice Loughry, do you admit or deny the  
9 same?

10 JUSTICE LOUGHRY: I deny, Your Honor.

11 THE COURT: Thank you, Justice. We will  
12 set your trial down for October 29th at 9:00 a.m. Is that  
13 adequate time after your federal proceedings?

14 MR. CARR: Your Honor, it is  
15 anticipated that it will be.

16 THE COURT: All right. If it's not,  
17 let the Court know.

18 MR. CARR: Yes, Your Honor.

19 THE COURT: Or, Counsel, do you want to  
20 set it for like November 6th and I can set Justice  
21 Davis before that?

22 MR. CARR: Yes, Your Honor, we would  
23 prefer November 6th to ensure that that date does not move  
24 or --

1 THE COURT: All right. Let's set it  
2 November 5th, which is a Monday --

3 MR. CARR: Yes, Your Honor.

4 THE COURT: -- for yours. Thank you.  
5 Well, better yet, let's make it the 12th because of the  
6 election that week. I think some of you may be tied up  
7 that week, at least half of you. So we'll set it down for  
8 November 12th at 9:00 a.m. Thank you.

9 MR. CARR: Thank you.

10 THE COURT: Counsel, you are excused if  
11 you wish to be. Counsel for Justice Robin -- retired  
12 Justice Robin Davis, please.

13 MR. ALLEN: Your Honor, if I may, I'd  
14 like to move the admission of Jim Cole to practice in  
15 the State of West Virginia.

16 THE COURT: All right. Ladies and  
17 gentlemen, the -- Justice Davis has retained Mr. Cole  
18 by what's called a method of pro hac vice, which in the  
19 law means that he is not licensed in the State of West  
20 Virginia but is temporarily granted permission through  
21 the State Bar process to be admitted.

22 I will grant that motion, and you are  
23 admitted, sir, to practice before this Court of  
24 Impeachment on behalf of Justice Davis.

1 MR. COLE: Thank you, Your Honor.

2 THE COURT: All right. Sir, your client  
3 is charged in Articles II, IV, V and XIV. Do you waive  
4 the formal reading?

5 MR. COLE: Yes, we do, Mr. Chief Justice.

6 THE COURT: And do you admit or deny the  
7 same on behalf of Justice Davis?

8 MR. COLE: On behalf of Justice Davis, we  
9 deny, Your Honor.

10 THE COURT: You do not waive the reading?

11 MR. COLE: We do waive the reading. I  
12 thought you had asked me if we admit or deny, and --

13 THE COURT: No. You deny the same, but  
14 you waive the reading.

15 MR. COLE: We waive the reading, yes.

16 THE COURT: All right. So any matters  
17 we need to take up to date?

18 MR. COLE: We have a motion for  
19 continuance, Your Honor, that has been put in. We  
20 understand that that is not --

21 THE COURT: We will set your trial down  
22 for October 29th, if that is appropriate. That's two  
23 weeks after the other --

24 MR. COLE: And also continuance for filing

1 motions and reciprocal discovery, which we understand from  
2 the House managers is not opposed.

3 THE COURT: Any objection by the House  
4 managers?

5 DELEGATE SHOTT: No, Your Honor.

6 THE COURT: Thank you. Any other matters  
7 today?

8 MR. COLE: Not today, Your Honor.

9 THE COURT: I will note that Justice Davis  
10 has retired. There are provisions in your rules that  
11 you've adopted, and I'll refer you also to the  
12 Constitution which says in an impeachment that the removal  
13 from office is the only punishment, so for what purpose  
14 does the Judiciary Chairman rise?

15 SENATOR TRUMP: Thank you, Justice. For  
16 motion pursuant to Rule 13 of the rules of the Court of  
17 Impeachment.

18 THE COURT: You may proceed, sir.

19 SENATOR TRUMP: Thank you, Your Honor. I  
20 move, pursuant to Rule 13, that Articles of Impeachment  
21 adopted by the House of Delegates as to former Justice  
22 Robin Davis -- and those are specifically Article II,  
23 Article IV, Article V and Article XIV -- now, some of  
24 those embrace and accuse more than one justice, but

1 insofar as they relate to former Justice Davis only, I  
2 move for their dismissal.

3 THE COURT: And those are to Articles II,  
4 IV, V and XIV as to Justice Davis?

5 SENATOR TRUMP: Yes, Your Honor.

6 THE COURT: The motion before the body  
7 under Rule 13 of the rules that you have adopted, is that  
8 a retired justice, the case be dismissed against her. Is  
9 there discussion?

10 Is there discussion? I see none. Go  
11 ahead, sir, you may explain.

12 SENATOR TRUMP: Yes, Your Honor. As Your  
13 Honor mentioned, Article IV, Section 9 of the Constitution  
14 empowers the impeachment and conviction in the Senate of  
15 public officials, and so I would urge, first of all, that  
16 former Justice Davis no longer qualifies within the  
17 definition of persons who may be impeached, specifically  
18 the Article IV, Section 9 refers to any officer of the  
19 State.

20 Former Justice Davis is no longer an  
21 officer of the State. Article IV, Section 9, also  
22 provides that judgment in cases of impeachment shall not  
23 extend further than to removal from office and  
24 disqualification, and so I would urge my colleagues that,

1 under the circumstances which have occurred here, the  
2 question is rendered largely moot.

3 Perhaps not as to the question on  
4 disqualification to hold office in the future, but I think  
5 we could all sleep soundly and rely on the wisdom and  
6 judgment of the citizens of West Virginia on that  
7 question.

8 I would urge my colleagues in the Senate  
9 that there is no utility or purpose in proceeding with  
10 Articles of Impeachment as to former Justice Davis.

11 THE COURT: Thank you, Senator Trump.

12 Senator from Harrison? No. Correct?

13 Upshur. Senator from Upshur. I've got my  
14 little schematic up here and they didn't turn the light  
15 on.

16 SENATOR KARNES: Thank you, Your Honor.  
17 Would the gentleman from Morgan yield for a question?

18 SENATOR TRUMP: Absolutely.

19 SENATOR KARNES: I believe one of the  
20 Articles of Impeachment deal with the -- the idea that  
21 senior status judges were paid outside of the law and more  
22 than they were allowed to be paid legally. Is that -- am  
23 I reading that right?

24 SENATOR TRUMP: I think my colleague from

1 Upshur County is referring to Article -- let me check --  
2 Article No. V. Yes. That's an allegation.

3 SENATOR KARNES: And you said a moment ago  
4 that the justice is no longer a public official in West  
5 Virginia as far as this question of impeachment is  
6 concerned. Would Justice Davis still qualify as a senior  
7 status judge?

8 SENATOR TRUMP: Presumably, unless there  
9 is some other disqualifying factor.

10 SENATOR KARNES: Are you aware of one?

11 SENATOR TRUMP: No.

12 SENATOR KARNES: And so the charge is that  
13 she illegally paid senior status judges, as a member of  
14 the State Supreme Court, she signed off on that, and if we  
15 adopt your Resolution, she would, herself, then become one  
16 of those senior status judges that could be overpaid by a  
17 future Supreme Court.

18 SENATOR TRUMP: It would be a question for  
19 a future Supreme Court as to whether or not to designate  
20 or assign her those duties.

21 SENATOR KARNES: She does, though, to some  
22 extent still hold an office then or at least potentially  
23 hold an office that wouldn't even involve an election.

24 SENATOR TRUMP: I disagree that a former

1 justice would hold an office by virtue of her resignation.  
2 As my friend and colleague knows, apparently - and it was  
3 close in time - but apparently the Articles of Impeachment  
4 that were adopted by the House of Delegates that relate to  
5 former Justice Davis, were adopted perhaps the same day or  
6 the day before her resignation became effective.

7           SENATOR KARNES: Yeah, I'm aware of the  
8 time frame, but I am concerned that essentially we're --  
9 we're talking about disposing of -- of all of these  
10 Articles of Impeachment, but in particular the one related  
11 to senior status judges, and what I've heard indicates  
12 that she would indeed still be eligible to be a senior  
13 status judge if we do not follow through with the  
14 impeachment process.

15           And we may follow through and decide that  
16 she's not guilty. I -- that's not determined yet. But to  
17 -- to do this now says we'll never even get a chance to  
18 look.

19           SENATOR TRUMP: My -- and of course,  
20 whether or not a person is disqualified can be voted on.  
21 That can be a sanction that flows from impeachment, but it  
22 is not automatic and has not been universally deployed or  
23 employed even in our impeachment precedence in this state.

24           The purpose of my motion, I think, is just

1 recognition of the fact that the primary purpose of a  
2 trial in the Senate upon an Article of Impeachment is the  
3 removal of a public official from office, and that is  
4 unnecessary in this case, Justice Davis, former Justice  
5 Davis, having done that already herself.

6                   SENATOR KARNES: I think -- one other  
7 quick question -- and I guess I don't know the answer to  
8 this for sure. If someone is brought in as a senior  
9 status judge -- and we have, for example, a presiding  
10 officer now who typically, constitutionally, would be the  
11 Chief Justice of the Supreme Court, but because of the  
12 process we find ourselves in, a circuit judge has been  
13 instead brought in to stand in lieu of the Chief Justice  
14 of the Supreme Court. Can senior status judges qualify  
15 for that type of appointment as well?

16                   SENATOR TRUMP: I'm not an expert on that.  
17 Your question is: Can a senior status judge -- can a  
18 retired justice of the Supreme Court be assigned to a  
19 senior status seat on the Supreme Court?

20                   Is that -- or on a temporary basis?

21                   SENATOR KARNES: On a temporary basis,  
22 yes.

23                   SENATOR TRUMP: You know, I think it has  
24 happened. I -- boy, I'm dangerous when -- because my

1 memory's not what it used to be, but I do believe that  
2 Justice McHugh occupied that status and was recalled to  
3 service on the Supreme Court at a period in time when he  
4 was retired.

5 SENATOR KARNES: And so --

6 SENATOR TRUMP: But again, when you caveat  
7 on that, I -- it could be my that memory's not fully  
8 correct on it.

9 SENATOR KARNES: And I -- again, I don't  
10 know, but I think some of these questions that arise  
11 literally bring forth the possibility that if we just  
12 dispose of this now without considering all of the issues  
13 - and this is certainly one - we could literally have a  
14 situation where she is back appointed temporarily even on  
15 the Supreme Court because we didn't go through this  
16 process and determine whether or not she ought to be  
17 disqualified.

18 So I -- I appreciate your answering  
19 questions.

20 SENATOR TRUMP: You may -- you may be  
21 correct on that. Again, I will -- I will say - if I may -  
22 that the fundamental purpose of a trial of impeachment is  
23 to remove a public official from office, which is  
24 unnecessary now in this case.

1                   You will note that -- and I guess it's a  
2 question of timing, because former Justice Ketchum  
3 tendered his retirement/resignation prior to the final  
4 action by the House of Delegates upon Articles of  
5 Impeachment the House was considering, apparently, as to  
6 all five members of the Supreme Court, there were no  
7 Articles of Impeachment adopted that include Justice  
8 Ketchum.

9                   SENATOR KARNES: True. I think you would  
10 agree then that that's completely out of our hands.  
11 Whether we think he should still be in or out, we have no  
12 -- we don't have the ability to impeach; we only have the  
13 ability to have the trial of impeachment.

14                  SENATOR TRUMP: That is a correct  
15 statement.

16                  SENATOR KARNES: So thank you.

17                  SENATOR TRUMP: Certainly.

18                  SENATOR KARNES: Your Honor, for the  
19 reasons that I think we just heard - which is that in fact  
20 this does not remove her entirely from office and from the  
21 privileges of office, her resignation - I would be opposed  
22 to the motion because it sounds to me very much like she  
23 could find herself back into the judicial system, and if  
24 we're gonna allow for that, we need to consider whether or

1 not she actually should be considered for impeachment to  
2 prevent that.

3                   The whole purpose of impeachment is to  
4 determine whether or not someone is fit to hold public  
5 office. And even being a senior status judge is something  
6 that we should be answering that question for.

7                   THE COURT: Senator from Harrison.

8                   SENATOR ROMANO: Thank you, Mr. Chief  
9 Justice. I am the Senator from Harrison, barring that  
10 confusion. I rise in favor of the gentleman's motion, and  
11 my reasons are much different from my friend from Upshur  
12 County's, in that the Justice Davis resolved this for us  
13 by her resignation. And I don't think that future Supreme  
14 Courts aren't going to note that justices were impeached  
15 for violating a statute on the payment of senior status  
16 judges, even though it's in the Constitution, and that's  
17 gonna change, I think, with the next election.

18                   So those fears, I think, are a little  
19 unfounded. But more importantly here, is the expense and  
20 the cost of these trials. I mean, we're going to have,  
21 apparently, three for sure at this time. We're being  
22 paid; the taxpayers' money is being wasted, to the extent  
23 that Justice Davis has already removed herself.

24                   And quite frankly, even if we would go

1 through the entire process and find that there was no need  
2 to bar her from State office, or even to bar her from  
3 State office, that does not have any effect on federal  
4 office, in any case, so there could still be future  
5 offices held by any of these justices.

6 I think most importantly, though, is that  
7 Justice Ketchum resigned, and there were no further  
8 impeachment proceedings against him. As the gentleman  
9 from Morgan said, the primary purpose of impeachment is  
10 the removal from office, and that's done here. That is  
11 done here.

12 So to take the next step -- and it seems  
13 to me as the Constitution flows, you must have the removal  
14 of office on the impeachment before you can then decide to  
15 bar them from -- from future offices.

16 I think that matter has been rendered moot  
17 by her decision to retire at the time she did. I mean,  
18 really, we have to ask ourselves: What are we trying to  
19 do here?

20 We have some conduct that we want to judge  
21 based on the evidence of justices that are still on our  
22 Supreme Court. The ones that have removed themselves, I  
23 believe, are done, and I urge this body to vote in favor  
24 of the gentleman's motion.

1 THE COURT: Senator from the -- senior  
2 Senator from the 15th.

3 SENATOR BLAIR: Thank you, Judge. Don't  
4 know a better term to put it in there for me. I rise in  
5 opposition to this motion. There's a couple reasons for  
6 it. I've heard the two lawyers in the chamber talk about  
7 the primary purpose.

8 Well, "primary" tells me there's got to be  
9 a secondary and possibly a third and a fourth purpose for  
10 impeachment.

11 Well, one of the main ones for me is, is  
12 that we're giving the justice the opportunity to clear her  
13 name. I think that that would be important. It would be  
14 to me.

15 And the next thing is, is when it comes to  
16 resignation, didn't solve everything, because I know John  
17 Q Public out here doesn't have the opportunity, when  
18 they're before a judge, to sit there and say, "Well, wait  
19 a minute, if I just won't do that anymore, will you just  
20 let me go?"

21 No. I'm opposed to this. Let the process  
22 do its job. And as the Senator from Upshur defined, we  
23 want to make sure if the judge is guilty, that they can't  
24 run for office again. And it doesn't mean just for judge.

1                   It means for the legislature or anywhere  
2 else in government that's a public position of public  
3 trust.

4                   And I'll close with one last thing on it.  
5 Nobody has actually explained to me, in a way that I  
6 believe, on the retirement issue, okay? And that is if  
7 this person -- the judge is not guilty, then she deserves  
8 to be able to receive the retirement, but if they're  
9 guilty, no. I disagree. I don't think they should.

10                  This trial will bring somewhat of a  
11 closure to that, and the public, I believe, is on my side.  
12 Since when do you actually get ready and say, "Oh, I'm not  
13 gonna do this any longer, so I can still get my  
14 retirement"? We've had enough of that in this state. No.

15                  Let's move forward with it, and if they're  
16 not guilty, I trust the 34 members that I serve with in  
17 here - 33 - that we'll make the right decisions.

18                  This isn't rocket science, and we're all  
19 good people, and we've got good minds, and we can make the  
20 right decision on this process. Let's move forward with  
21 it.

22                  Thank you, sir.

23                  THE COURT: Senator from Marion.

24                  SENATOR PREZIOSO: Thank you, Mr. Chief

1 Justice. I concur with the esteemed finance chair's  
2 motion, and I'm not a lawyer, so I've got to go back and  
3 look at history and find a reference point.

4 And as I look at this, this dismissal at  
5 this point matches with precedent that's been already  
6 occurred in our state.

7 In 1927, after the House of Delegates  
8 impeached State Auditor John C. Board, he resigned. The  
9 Senate noted the resignation and stated, "There is nothing  
10 further to be done in this case." And thereafter the  
11 Court of Impeachment adjourned, sine die.

12 In 1989, I was a freshman member in the  
13 House of Delegates. After the House of Delegates  
14 impeached Treasurer A. James Manchin, he resigned  
15 effective on the eve of the trial. The Senate again  
16 stated, "There is nothing further to be done in this  
17 case." And thereafter, the Court adjourned, sine die.

18 I concur with the fin -- the Judiciary  
19 Chairman's motion.

20 THE COURT: Any other Senator wish to be  
21 heard on this matter?

22 This requires the yeas and nays. If not,  
23 the Clerk will prepare the machine.

24 All Senators present shall vote.

1                   Has everybody voted? If so, the Clerk  
2 will close the machine and ascertain the results.

3                   On this question, 15 yea; 19 nay, I  
4 declare the motion lost.

5                   Counsel? We'll set Justice Davis' trial  
6 down -- I believe I said -- what was it, the --

7                   DELEGATE BYRD: 29th, Your Honor.

8                   MR. COLE: I believe you said the 29th of  
9 October, Your Honor.

10                  THE COURT: All right. Mr. Cole, you wish  
11 to be heard?

12                  MR. COLE: No, I do not, Your Honor.

13                  THE COURT: All right. We'll have her  
14 trial on September 29th. October 29th, I'm sorry.  
15 October 29th.

16                  Mr. Judy {sic}?

17                  MR. RUBY: Your Honor, before the Court --  
18 before the Court recesses, we would ask for consideration  
19 of the briefing schedule that was proposed in Chief  
20 Justice Workman's motion of last week. It's -- I  
21 understand that the Court's indicated it would rule on  
22 substantive pretrial motions on the 15th of October, but  
23 Chief Justice Workman had proposed a briefing schedule  
24 that we think would allow both us and the House managers

1 adequate time to brief further motions that we anticipate  
2 filing and that they may file as well.

3 THE COURT: Chairman Shott?

4 DELEGATE SHOTT: Mr. Justice, I have the  
5 proposed schedule, although I noticed that one of the  
6 dates is already -- already passed, a motion for a bill of  
7 particulars on the 10th.

8 We have some -- we have some issues with  
9 regard to whether some of these motions are proper under  
10 the rules of the Senate. We don't have a problem with  
11 setting a schedule to address these, but I have not yet  
12 been able to determine how I'd go -- turn back the clock  
13 of time and respond to a September 10th deadline.

14 Then our -- then our deadline basically  
15 would be day after tomorrow. Is that correct?

16 MR. RUBY: Under this schedule, yes.

17 DELEGATE SHOTT: Yes, well, we would  
18 object to that, Your Honor. We just got the bill of  
19 particulars last night at 9:30. That's hardly any time at  
20 all. And we'd also suggest that there's no room in the  
21 rules for a bill of particulars. We think the Articles  
22 are obvious on their face as to what they're alleging.

23 THE COURT: A bill of particulars is more  
24 of a criminal type motion. This is not a criminal trial,

1 therefore deny your motion for a bill of particulars.

2 Any other matters? If the counsel cannot  
3 confer and work out, I'll be glad to --

4 DELEGATE SHOTT: We'd like an opportunity  
5 to meet with counsel and see if we can work out something  
6 that we can agree upon --

7 THE COURT: See if you can confer and  
8 decide whatever motions are pending.

9 Anything else? Senator from Cabell?

10 DELEGATE SHOTT: You want anything else?  
11 Your Honor, may I address the Court briefly?

12 THE COURT: Yes.

13 DELEGATE SHOTT: First of all, I'd like to  
14 apologize to the Court and to the members of the Senate  
15 for the time we consumed this morning. We would not have  
16 put the Court and the Senate through that process had we  
17 not yet met yesterday afternoon with representatives of  
18 the Senate and had assurance that the process that we  
19 undertook would be -- would meet the Senate rules.

20 We apparently mistakenly assumed that the  
21 Senate would recognize that the typical use of a  
22 stipulation as a form of evidence which could support a  
23 Resolution. Apparently we were mistaken in that -- in  
24 that belief, and for that, I apologize. We certain -- it

1 wasn't our intention to waste anybody's time.

2 THE COURT: Thank you, sir.

3 Senator from Cabell.

4 MR. WOELFEL: Thank you, Mr. Chief  
5 Justice. I have a point of inquiry.

6 THE COURT: State your point.

7 MR. WOELFEL: I want to disclose that I  
8 have represented, as legal counsel, Margaret Workman in  
9 the past. It's been many years ago, but I wanted to  
10 disclose that, and since we're in a quasi-judicial  
11 proceeding, I don't know whether I do that under the rules  
12 of the Senate or whether I make that disclosure under the  
13 rules of this forum, and I just wanted to get that out  
14 there.

15 Thank you.

16 THE COURT: I think, Senator, you'd need  
17 to probably send the Senate President a letter of --  
18 confidential letter of explanation. I think any  
19 disqualification under the rules refers back to the rules  
20 of the Senate as to not participating, so if you'll  
21 discuss with the Senate President to your right and --

22 MR. WOELFEL: Thank you, Your Honor.

23 THE COURT: Anybody else before we adjourn  
24 the Court of Impeachment?

1                   If not, the Court of Impeachment is  
2 adjourned until October 2nd, I believe, is our first trial  
3 date. October 1st, I'm sorry. October 1st at 9:00 a.m.

4                   I'd appreciate promptness by everybody  
5 just simply because this is going to be a lengthy matter  
6 and we need to ensure that we get as much time as we can.

7                   Thank you. Mr. President?

8                   (And the proceedings were adjourned to be  
9 resumed on October 1, 2018.)

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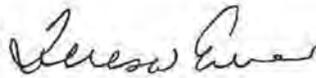
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1 STATE OF WEST VIRGINIA,  
2 COUNTY OF KANAWHA, to wit:

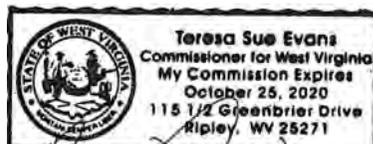
3 I, Teresa Evans, Registered Merit Reporter and a  
4 Notary Public within and for the County and State  
5 aforesaid, duly commissioned and qualified, do hereby  
6 certify that the foregoing proceedings were duly taken by  
7 me and before me at the time and place and for the purpose  
8 specified in the caption hereof.

9 I do further certify that the said proceedings  
10 were correctly taken by me in shorthand notes, and that  
11 the same were accurately written out in full and reduced  
12 to typewriting by means of computer-aided transcription.

13 Given under my hand this 18th day of September,  
14 2018.

15 

16 \_\_\_\_\_  
17 TERESA EVANS, RMR, CRR



IN RE: SENATE PROCEEDING REGARDING THE IMPEACHMENT OF WV SUPREME COURT JUSTICES

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# **APPENDIX**

TRIAL OF THE IMPEACHMENT  
OF  
ELIZABETH D. WALKER, JUSTICE OF THE  
SUPREME COURT OF APPEALS OF THE  
STATE OF WEST VIRGINIA



IN RE: SENATE PROCEEDING REGARDING THE IMPEACHMENT OF WV SUPREME COURT JUSTICES WALKER TRIAL  
10/01/2018

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IN THE WEST VIRGINIA LEGISLATURE  
WEST VIRGINIA SENATE

\* \* \* \* \*

In Re:

Senate Proceeding Regarding the  
Impeachment of West Virginia  
Supreme Court Justices Pursuant  
to Articles of Impeachment Adopted  
By the West Virginia House of Delegates

\* \* \* \* \*

JUSTICE WALKER TRIAL - VOLUME I

Proceedings held on October 1, 2018, before  
the Honorable Paul T. Farrell, Acting Chief Justice of  
the Supreme Court of West Virginia and the West  
Virginia State Senate, in the Senate Chambers, West  
Virginia State Capitol Complex, Charleston, West  
Virginia, 25301.

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IN RE: SENATE PROCEEDING REGARDING THE IMPEACHMENT OF WV SUPREME COURT JUSTICES WALKER TRIAL  
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APPEARANCES:

APPEARING AS BOARD OF MANAGERS:

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Delegate Rodney Miller  
Delegate Ray Hollen

APPEARING AS BOARD OF MANAGERS STAFF ATTORNEYS:

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Paul K. Reese, Esquire  
Brian Casto, Esquire  
Robert Akers, Esquire

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IN RE: SENATE PROCEEDING REGARDING THE IMPEACHMENT OF WV SUPREME COURT JUSTICES WALKER TRIAL  
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IN RE: SENATE PROCEEDING REGARDING THE IMPEACHMENT OF WV SUPREME COURT JUSTICES WALKER TRIAL  
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1 P R O C E E D I N G S

2 PRESIDENT CARMICHAEL: Senate will  
3 please come to order. Senate will please come to  
4 order. All those not having privileges on the floor  
5 will please vacate the chamber.

6 Those on the floor and the guests in  
7 the gallery, please rise as we are led in prayer this  
8 morning by the Senior Senator from the 8th, and then  
9 please remain standing as we are led in the pledge this  
10 morning by the Senator from Mercer County.

11 For prayer, Senator from the 8th.

12 (The Senate was led in prayer and  
13 completed the Pledge of Allegiance.)

14 PRESIDENT CARMICHAEL: Reading of the  
15 journal.

16 CLERK CASSIS: West Virginia  
17 Legislature, Senate Journal, Charleston, West Virginia,  
18 Tuesday, September --

19 PRESIDENT CARMICHAEL: The Senator from  
20 Webster County requests unanimous consent that further  
21 reading of the journal be dispensed with and that it be  
22 approved as having been read.

23 Is there objection?

24 Chair hears none. So ordered.

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1                   The hour having arrived for the Senate  
2 to sit as a Court of Impeachment, the Chair calls Chief  
3 Justice Farrell to the Chair.

4                   Oh, I'm sorry, Senator from Ohio  
5 County.

6                   CLERK CASSIS: Move that we resolve  
7 into the Court --

8                   SENATOR FERNS: Thank you,  
9 Mr. President. I move that we resolve into the Court  
10 of Impeachment.

11                  PRESIDENT CARMICHAEL: The hour having  
12 arrived for the Senate to sit as a Court of  
13 Impeachment, the Chair calls the Chief Justice Farrell  
14 to the chair.

15                  CHIEF JUSTICE FARRELL: Thank you.  
16                  The marshal is correct. Bring the  
17 chamber to order. Without objection, the reading of  
18 the Court of Impeachment journal was dispensed with and  
19 the journal is approved as having been read.

20                  Is there anything further before we  
21 begin today?

22                  Go ahead.

23                  SERGEANT OF ARMS PALMER: All persons  
24 are commanded to keep silence on pain of imprisonment

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1 while the Senate is sitting as a Court of Impeachment.

2 CHIEF JUSTICE FARRELL: This is a  
3 historic event, as we're all aware. This is a very  
4 serious matter. Before we begin today, I will provide  
5 you with some instructions.

6 I'll remind you you are still under  
7 oath. You'll be under oath for all the impeachment.  
8 There are six grounds under Article IV -- or Article  
9 IV, Section 9, by which Justice Elizabeth Walker can be  
10 impeached. Those are maladministration, incompetency,  
11 gross immorality, neglect of duty or any high crime or  
12 misdemeanor.

13 There is no set burden of proof by the  
14 rules you have adopted. In a criminal trial, it's  
15 beyond a reasonable doubt; in a civil trial, it's a  
16 preponderance of the evidence, which means slightly  
17 more in favor of one party as the other.

18 There is none. So it's up to each one  
19 of you individually to decide what the burden of proof  
20 is and whether or not the House Managers have met that  
21 burden of proof.

22 So I ask you to pay very close  
23 attention. You must ignore everything you have heard  
24 to date. Everything you've read, everything you've

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1 seen on TV, everything anybody's told you, you must  
2 ignore.

3                   The only evidence that you are to  
4 decide the Impeachment Article against the justice is  
5 that which comes from the witness chair which will be  
6 down here. That is the only evidence you are to  
7 consider.

8                   So keep that in mind. Do not view or  
9 consider any exhibit used in the House impeachment  
10 proceeding unless it is properly introduced into this  
11 trial. I believe there was 130 something Articles  
12 introduced -- or pieces of evidence. They may not  
13 introduce all of those, so do not scan through other  
14 things; or do not -- base any decision on only the  
15 evidence that is introduced in this trial.

16                   Do not confer or discuss with your  
17 fellow jurors any facts or opinions you may have. In a  
18 normal trial, a jury is not allowed to discuss their  
19 opinions, their feelings, with any other juror until  
20 you deliberate. So keep that in mind.

21                   I know this is a collegial place where  
22 you tend to wander about and talk to each other, and  
23 comment on things. Please avoid that. This is your  
24 decision and your decision alone.

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1                   You must base it on your decision. Do  
2 not make up your mind until all of the evidence is in,  
3 that of the managers and that of Justice Walker. Until  
4 that is done, you should not make a final decision.

5                   There may be some factor that you hear  
6 that you feel is important, and that is why we ask you  
7 not to make up your mind until such time as all the  
8 evidence has been introduced.

9                   The House Managers have the burden of  
10 proof and must convince you that Justice Walker should  
11 be impeached. I urge you to avoid any public media -  
12 Facebook, Twitter, anything like that - do not allow  
13 any of that to influence you. It's just best not to  
14 engage anybody on anything.

15                   While sitting as the Court of  
16 Impeachment, I ask that you not distract other Senators  
17 by visiting with them, and I ask that you try to stay  
18 off your cell phones and that you pay attention very  
19 closely, because this is a historic event.

20                   This is extremely important to not only  
21 Justice Walker, but to the State of West Virginia and  
22 all of its citizens. It's my sincere hope -- and I  
23 thank you that we actually started right at  
24 9:00 o'clock. It's very important.

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1                   Those that have practiced before me  
2 know I'm a very punctual judge. I come out the door of  
3 my court in Huntington at 9:00 o'clock, and the  
4 attorney who can't get from across the street to my  
5 office gets a -- put at the bottom of the list.

6                   So thank you for being here. We'll  
7 take a break around 10:30. We'll take a lunch break;  
8 we'll take a mid afternoon break, and we'll try to  
9 conclude each day no later than 5:00 o'clock.

10                   I'll judge and I'll ask the managers,  
11 I'll ask counsel, if their next witness is going to be  
12 a long witness or a short witness starting around  
13 4:00 o'clock. And if they're gonna be a long witness,  
14 we may adjourn then.

15                   I've heard various estimates on the  
16 radio on Friday from both sets of attorneys. One said,  
17 "Maybe just one day." The other said, "Maybe all  
18 week."

19                   So in the best tradition of being  
20 lawyers, I suspect we'll be here three or four days  
21 today. If for any reason you have to miss any day or  
22 any portion of any day, it is your responsibility to  
23 get with the Senate clerk and review the transcript  
24 and/or the video of the testimony that you may have

1 missed.

2                   It is your sworn obligation to ensure  
3 that you have heard or reviewed all the evidence, both  
4 for and against the impeachment of Justice Walker,  
5 before you vote, and thus the Clerk will have available  
6 to you the video of today.

7                   I believe it will probably be posted on  
8 YouTube tonight. It's being broadcast now. But it's  
9 your sworn duty to make sure you've heard all the  
10 evidence.

11                   I remind you that under Rule 20 of this  
12 Court of Impeachment that should you desire to ask a  
13 question of a witness, you must submit it to me in  
14 writing, and that I will read it without identifying  
15 where it came from.

16                   So if there's something that comes up,  
17 write it down, give it to one of the doormen, and they  
18 can bring it up to the bench.

19                   I encourage you to take notes, but I  
20 direct you not to share those notes with other members.  
21 Those are for when you begin deliberations, if there's  
22 a point of emphasis that was important then, that's  
23 when you can share the notes. But up to that time -  
24 much like not discussing your opinions of any witness

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1 or any piece of evidence - you should not share those  
2 notes with anybody.

3                   We recognize that this is a historic  
4 event and must be free of all political pressure and  
5 bias. Your deliberations must be based solely on  
6 admissible evidence presented in this Court of  
7 Impeachment. I know this body is seated by parties. I  
8 worked up here for eight years back in the '80s. I'm  
9 very familiar with that.

10                   But I urge you all to be West  
11 Virginians - not Democrats, not Republicans, simply  
12 West Virginians - and base your decision on what is  
13 best for the state of West Virginia or what is fair not  
14 only to Justice Walker but what is fair to the House  
15 members who have brought these charges.

16                   With that, we have some preliminary  
17 motions to handle. First, I'm going to ask the Clerk  
18 to read Article XIV of the Articles of Impeachment,  
19 which is the sole impeachment Article against Justice  
20 Walker.

21                   CLERK CASSIS: "That the said Chief  
22 Justice Margaret Workman, Justice Allen Loughry,  
23 Justice Robin Davis, and Justice Elizabeth Walker,  
24 being at all times relevant Justices of the Supreme

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1 Court of Appeals of West Virginia, unmindful of the  
2 duties of their high offices, and contrary to the oaths  
3 taken by them to support the Constitution of the State  
4 of West Virginia and faithfully discharge the duties of  
5 their offices as such Justices, while in the exercise  
6 of the functions of the office of Justices, in  
7 violation of their oaths of office, then and there,  
8 with regard to the discharge of the duties of their  
9 offices, did, in the absence of any policy to prevent  
10 or control expenditure, waste state funds with little  
11 or no concern for the costs to be borne by the tax  
12 payers for unnecessary and lavish spending for various  
13 purposes including, but without limitation, to certain  
14 examples, such as: to remodel state offices, for large  
15 increases in travel budgets-including unaccountable  
16 personal use of state vehicles, for unneeded computers  
17 for home use, for regular lunches from restaurants, and  
18 for framing of personal items and other such wasteful  
19 expenditure not necessary for the administration of  
20 justice and the execution of the duties of the " high  
21 "Court; and, did fail to provide or prepare reasonable"  
22 and "proper supervisory oversight of the operations of  
23 the Court and the subordinate courts by failing to  
24 carry out one or more of the following necessary and

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1 proper administrative activities:

2 A) To prepare and adopt sufficient and  
3 effective travel policies prior to October of 2016, and  
4 failed thereafter to properly effectuate such policy by  
5 excepting the Justices from said policies, and  
6 subjected subordinates and employees to a greater  
7 burden than the Justices;

8 B) To report taxable fringe benefits,  
9 such as car use and regular lunches, on Federal W-2s,  
10 despite full knowledge of the Internal Revenue Service  
11 Regulations, and further subjected subordinates and  
12 employees to a greater burden than the Justices, in  
13 this regard, and upon notification of such violation,  
14 failed to speedily comply with requests to make such  
15 reporting consistent with applicable law;

16 C) To provide proper supervision,  
17 control, and auditing of the use of state purchasing  
18 cards leading to multiple violations of state statutes  
19 and policies regulating the proper use of such cards,  
20 including failing to obtain proper prior approval for  
21 large" purpose;

22 D) To prepare and adopt sufficient and  
23 effective home office policies which would govern the  
24 Justices' home computer use, and which led to a lack of

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1 oversight which encouraged the conversion of property;  
2 E) To provide effective supervision and control over  
3 record keeping with respect to the use of state  
4 automobiles, which has already resulted in an executed  
5 information upon one former Justice and the indictment  
6 of another Justice;

7                   F) To provide effective supervision and  
8 control over inventories of state property owned by the  
9 Court and subordinate courts, which led directly to the  
10 undetected absence of valuable state property,  
11 including, but not limited to, a state-owned desk and a  
12 state-owned computer;

13                   G) To provide effective supervision and  
14 control over purchasing procedures which directly led  
15 to inadequate cost containment methods, including the  
16 rebidding of the purchases of goods and services  
17 utilizing a system of large unsupervised change orders,  
18 all of which encouraged waste of taxpayer funds.

19                   The failure by the Justices,  
20 individually and collectively, to carry out these  
21 necessary and proper administrative activities  
22 constitute a violation of the provisions of Canon I and  
23 Canon II of the West Virginia Code of Judicial  
24 Conduct."

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1 CHIEF JUSTICE FARRELL: Thank you,  
2 Mr. Clerk. I'll note that Justice Walker previously  
3 has denied these allegations. I'll inform the body  
4 that yesterday, the motion to quash filed on behalf of  
5 Judge Wilson, who was the Chairman of the Judicial  
6 Investigation Commission, the parties have worked out  
7 an agreement whereby there will be an Affidavit entered  
8 instead of justice -- or Judge Wilson testifying.

9 We have a motion to dismiss and a  
10 motion in limine. Counsel?

11 Counsel, I'll ask that you please  
12 identify yourselves for the court reporter's benefit  
13 and the party. Proceed, please.

14 MR. HISSAM: Yes, Mr. Chief Justice,  
15 Mike Hissam on behalf of Justice Beth Walker.

16 With respect to both of those motions,  
17 Your Honor, we stand by the arguments that are made in  
18 our briefs. We will turn it over to Mr. Shott, if he'd  
19 like to make any further responses.

20 Otherwise, we're prepared to proceed  
21 with opening statements.

22 CHIEF JUSTICE FARRELL: Thank you.  
23 Mr. Shott.

24 DELEGATE SHOTT: Good morning,

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1 Mr. Justice. John Shott on behalf of the managers. We  
2 also did file written responses, but I'd like to  
3 supplement that by some -- to some degree by oral  
4 representation. And let me begin my saying that the  
5 absence of any express direction in the Constitution  
6 and the absence of any binding precedent has made this  
7 really a challenge, this whole process.

8           The committee on the Judiciary of the  
9 House approached the Articles of Impeachment in two  
10 ways. Basically, we had took the position that there's  
11 certain subjects and certain activities related to  
12 those subjects that might support impeachment and repu  
13 -- and removal based on that particular subject matter.

14           In this particular case, we also  
15 recognized the fact that the lack of any type of  
16 specific instructions as to whether one or more of the  
17 conditions that were set forth in the Constitution had  
18 to be satisfied, we took the position that there could  
19 be circumstances in which a combination of activities -  
20 acts or omissions - together could serve as the basis  
21 for impeachment and removal, when any one of those,  
22 taken alone, may not.

23           And that's really what Article XIV  
24 represents. And Article XIV is divided really into two

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1 parts. If you look at the Article, down to about Line  
2 13, about two-thirds of the way through Line 13 in the  
3 -- where it ends with the semicolon, that essentially  
4 alleges excessive wasteful and lavish spending, and it  
5 isn't limited to a particular type of spending.

6           The language "including, but without  
7 limitation" and then certain examples are included,  
8 including the remodeling of state offices, the spending  
9 of taxpayer money for meals while the Court is working.  
10 Other types of expenditures are mentioned there, but  
11 not limited to those.

12           So our position is the first part of  
13 this Article opens the door for evidence regarding a  
14 wide variety of excessive and wasteful spending. The  
15 second part of the Article deals with the lack of  
16 supervision and appropriate policies and the lack of  
17 any action to basically take to resolve that issue.

18           And there's specific references to  
19 types of policies and activities that we believe an  
20 appropriately-administered Court would have had in  
21 place and would have prevented certain instances.

22           So with respect to the motion to  
23 dismiss, in addition to the issues we raised in our  
24 written response, we believe that it's inappropriate,

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1 based on the lack of any precedent, the lack of any  
2 guidance. We believe that this is indeed a political  
3 process implemented by our Constitution, and it is not  
4 subject to some of the same standards that a civil case  
5 or a criminal case would be and that all of this  
6 information should be presented to the Senate in order  
7 for them to conclude whether or not a continuation of  
8 Justice Walker for another ten years on her term is  
9 warranted, based on the direction of the Constitution.

10 Thank you, sir.

11 CHIEF JUSTICE FARRELL: Thank you, sir.  
12 The Court has read the pleadings, the answers. It will  
13 be my ruling that the motion to dismiss and the motion  
14 in limine will be denied. As the chair -- manager  
15 said, these -- this is a catch-all, XIV.

16 There are allegations in there that  
17 cross over and transcend all the elements brought up in  
18 the impeachment, and thus, I believe it is appropriate  
19 that the House Managers be allowed to present the  
20 evidence they feel is appropriate and necessary in  
21 order to convince you that the Justice should be  
22 impeached under Article XIV.

23 With that, is the House Managers ready?

24 DELEGATE SHOTT: Yes, Your Honor.

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1 CHIEF JUSTICE FARRELL: Justice  
2 Walker's counsel ready?

3 MR. HISSAM: Yes, Your Honor.

4 CHIEF JUSTICE FARRELL: All right. The  
5 House will call its first witness, please.

6 DELEGATE SHOTT: Opening statements,  
7 Your Honor?

8 CHIEF JUSTICE FARRELL: Oh, you are  
9 correct. We'll have opening statement.

10 And I'll indicate that the managers  
11 have the burden. They will make the opening statement,  
12 following by counsel for Justice Walker. If you'll  
13 turn the podium around, sir.

14 OPENING STATEMENT

15 DELEGATE SHOTT: Mr. Justice, Members  
16 of the Senate. For two years after those of us who are  
17 elected to the House of Delegates are under - I will  
18 call it - immense scrutiny not only by the print media,  
19 the visual media, but now these days by the social  
20 media. But that's by design.

21 Our Constitution allows the voters of  
22 this state to ratify and approve the actions of the  
23 member of a House of Delegates every two years. We are  
24 indeed accountable, and that's the plan that the

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1 Constitution lays out.

2                   Apparently the designers of the  
3 Constitution put greater trust in you folks than the  
4 members of the House of Delegates, because you're only  
5 under the same scrutiny for four years, at which time  
6 you are accountable to the voters of the state for your  
7 actions or omissions.

8                   Now, take a moment and imagine how much  
9 confidence and trust the designers of our Constitution  
10 had in those people who would be elected to our highest  
11 Court to make them only accountable every 12 years.

12                   In addition to that, they gave them the  
13 unprecedented control of 100 percent of their budget.  
14 As you well know, basically the Supreme Court sends a  
15 message to the budget office, "Here's what we want,"  
16 and that's what we have to give them under our  
17 Constitution.

18                   In addition to that, the con -- the  
19 drafters of our Constitution placed the entire  
20 Judiciary - circuit courts, all the inferior courts,  
21 probation officers - under the control of those five  
22 individuals.

23                   Now, as you know, for us to get  
24 anything done in the Legislature, we have to have a

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1 majority of the 100 members of the House agree; we have  
2 to have a majority of the 34 members of the Senate  
3 agree; and then the final obstacle is downstairs. We  
4 have to get the man in the Governor's office to agree  
5 before anything gets done.

6           On the other hand, the designers of our  
7 Constitution put a great deal of confidence and trust  
8 in the mem -- five members of the Court, because they  
9 only need three votes to do anything they want to do in  
10 the judicial system.

11           Fortunately for all of us, the same  
12 designers of the Constitution put a check in that  
13 system, and that check is the impeachment process. I'd  
14 like to read for you a quote from James Monroe, who  
15 attended the convention in 1829 and '30 in Virginia.  
16 And keep in mind, our Constitution evolved and was  
17 mirrored in many ways on the Virginia Constitution.

18           And here's what he said. He said, "My  
19 opinion is that the Legislature supplies the place of  
20 the people as a representative body. They occupy that  
21 ground which the people themselves would occupy if the  
22 Legislature has the power of impeachment and the Senate  
23 power to try to persons impeached, they will watch over  
24 every other branch of government and keep it in order.

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1 It is my opinion that through the Legislature, as  
2 occupying the place of the people, the whole movement  
3 will be controlled and every branch made subservient to  
4 their will" and "their will" refers to the people.

5 Today we start that process in the  
6 Senate. It is a cooperative effort. The House was  
7 assigned the task, under the Constitution, to  
8 investigate. The House assigned that -- that role to  
9 the Committee on the Judiciary, who then presented the  
10 evidence to the House, and they returned Articles of  
11 Impeachment.

12 Today we are taking up one of those  
13 Articles, Article XIV. As the -- Mr. Justice advised  
14 you, the Constitution does not provide a whole lot of  
15 guidance for us in our effort to resolve this  
16 particular Article of Impeachment.

17 It basically sets some standards:  
18 Maladministration, corruption, incompetency, gross  
19 immorality, neglect of duty or any high crime and  
20 misdemeanor. There are no definitions in the  
21 Constitution of any of those terms. They're left  
22 undefined.

23 They cover a broad range of  
24 possibilities. They cover instances of intentional

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1 acts; they cover instances of negligent acts; they  
2 cover about every imaginable act or omission that you  
3 can conceive of.

4           There is no direction as to any  
5 particular act that's necessary or any combination of  
6 acts. You can draw your own conclusion as to why that  
7 was. I suggest to you that ultimately, what these --  
8 the designers of our Constitution had in mind was that  
9 you - in the context of the time that you consider the  
10 Articles - will determine for yourself the meaning of  
11 those terms as to if they apply to the evidence that  
12 you hear.

13           In other words, ultimately, you're  
14 gonna decide whether the person who's charged is fit to  
15 continue in that office, if that person has fulfilled  
16 and satisfied the trust that the people of West  
17 Virginia has placed in that person to serve -  
18 unaccountable, except by impeachment - for 12 years.

19           That's why we're here today. We  
20 suggest to you that this is not -- these proceedings  
21 should not be considered in a vacuum. The facts that  
22 you hear, we will attempt to impose some context on  
23 those facts. Context being what's going on in the  
24 State, what's not only going on in the Court, but

1 what's going on here in the Legislature.

2                   In some ways, you're different than a  
3 normal jury. If we were trying a criminal case or a  
4 civil case, we would want you not to know anything, or  
5 as little as possible, about the actions that are the  
6 subject of the proceeding. However, because this is a  
7 political process, it is important in your role as  
8 members of the Legislature that you consider  
9 information you have regarding the context within which  
10 these acts occurred.

11                   For instance, it's our position that  
12 the State was in a period of extreme financial ex --  
13 distress when many of these actions that we're gonna  
14 bring to your attention today occurred. You will  
15 recall - probably these will be painful recollections -  
16 that prior to the election that Justice Walker  
17 succeeded in winning in November of 2016.

18                   When I say "prior," probably a week  
19 later, the Governor imposed an across-the-board cut,  
20 budget cut, roughly \$16,000,000.

21                   Then if you'll also recall the infamous  
22 platter, silver platter incident when the Governor  
23 outlined a series of disasters that would re -- occur  
24 when he -- when he vetoed the budget that this House --

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1 that the Senate and the House passed.

2 The extended special session that  
3 followed that, 21 or 22 days - whatever it turned out  
4 to be - where we did pass the budget.

5 And the painful cuts that many had to  
6 take, many agencies had to take, as a result of our  
7 decision to submit that balanced budget. Which the  
8 Governor, as you'll recall, let become law without his  
9 pen -- his signature on the bill.

10 Those are important issues to keep in  
11 mind as you're considering what we -- the evidence that  
12 we produce to you. With respect to Justice Walker, she  
13 was and is the newest member of the Court that is  
14 involved in these proceedings.

15 It's not our position that she caused  
16 the environment that she encountered when -- that --  
17 when she became justice. That's not our position. Our  
18 position is that she came into a -- an atmosphere of  
19 entitlement, an atmosphere of cavalier indifference --  
20 indifference to the spending of taxpayer resources,  
21 taxpayer funds, the protection of taxpayer-paid assets.

22 But it is also our position that she  
23 was uniquely qualified in her background to realize the  
24 absence of policies, the atmosphere of reckless

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1 spending that existed, the atmosphere of a  
2 lackadaisical approach to protection of taxpayer acc --  
3 assets, and should have immediately recognized that  
4 based on her background.

5                   You'll learn and you'll see the  
6 biographical sketch that's posted on the Internet for  
7 the Supreme Court's website, that talks about the  
8 extensive experience that she had - three decades -  
9 legal experience, most of which were in employment law,  
10 labor law, areas where you should know about the  
11 importance of policies, especially with respect to an  
12 agency or an entity that has a budget of \$130 or  
13 \$140,000,000.

14                   That's our position. It's -- instead,  
15 though, what we think happened is that she didn't waste  
16 any time in joining the party. In other words, she  
17 became immediately infected with the same atmosphere.  
18 You'll find out that the first day -- or the second day  
19 she was there, the taxpayers bought her lunch, along  
20 with other justices on the Court.

21                   And that process continued throughout  
22 the -- through the end of November of the first year,  
23 at which time there was a FOIA request for information  
24 regarding that practice of providing taxpayer-paid

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1 lunches for members of the Judiciary. And at that  
2 time, the practice stopped and Justice Walker, after  
3 this FOIA request was served, repaid the costs of the  
4 lunches for her and her assistant.

5                   Once again, that practice existed when  
6 Justice Walker came to the Court, but it continued,  
7 without criticism, until the light of the press shone  
8 brightly upon it.

9                   You'll see for -- we'll provide you  
10 with a copy of the Court's calendar so you can see the  
11 excuse given for these taxpayer-paid mun -- lunches was  
12 that the Court, instead of breaking for lunch on  
13 argument days, would continue through the argument and  
14 then have their lunches afterwards.

15                   The reasoning given is that's for the  
16 benefit of the -- of those who attend, the lawyers who  
17 attend, the judges who may attend those hearings, there  
18 wouldn't be an interruption. And that's certainly the  
19 excuse that was given with respect to the lunches on  
20 days when arguments were held.

21                   There was also administrative  
22 conferences, which were basically a day in which  
23 administrative matters were discussed, personnel  
24 matters, other matters. You'll have before you

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1 documents that show examples of those administrative  
2 conferences, minutes of those administrative  
3 conferences.

4           The calendar we will show you will give  
5 some -- give you some context - again, which is  
6 important - on how frequently these occurred. And  
7 you'll learn, for instance, the Court's calendars  
8 basically runs from January through June 15th, at which  
9 time they go sine die through Labor Day.

10           Then -- that's about two and a half  
11 months that there is no argument day or administrative  
12 conferences scheduled.

13           Then from right after Labor Day through  
14 November 16th, they're in session as well. It's  
15 another term of court. And then they go sine die for  
16 the last month and a half of the year.

17           What you're gonna find, that during  
18 that scheduled period, there were 31 -- 34 scheduled  
19 court appointment -- argument days, 31 administrative  
20 conference days, total of 65 days that appear on their  
21 calendar for those type of activities.

22           The evidence will be that beginning on  
23 January 4th of 2017 - and we're just mainly concerned  
24 with what happened since two thousand -- pardon me --

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1 2017 - through the end of November, there were 52 days,  
2 a total of 602 lunches that were provided at taxpayer  
3 expense for justices and members of their staff on  
4 those days.

5 Of those 52 days, the evidence will be  
6 that Justice Walker attended and participated in 46.  
7 So of 65 scheduled days, 46 of those days the taxpayers  
8 paid for lunch.

9 There was, in fact, no written policy,  
10 and what you will learn, that in fact -- in spite of  
11 the three decades of legal experience, Justice Walker  
12 did not question that practice. She merely accepted it  
13 and assumed that the Court knew what they were doing,  
14 didn't challenge it, and participated until the FOIA  
15 request was served for information regarding those  
16 meals and other -- and other facts.

17 Why is that significant? It's our  
18 position that if Justice Walker had researched the  
19 issue, she would have found several things that were  
20 problematic about that. It's our position that it was  
21 both unethical, a violation of the Ethics Act.  
22 Personal gain, using your office for personal gain.  
23 And also conflicted with the provision of the  
24 Constitution and a statute that we as the Legislature

1 had enacted.

2 As you may know, that Article VIII,  
3 Section 7 authorizes us, the Legislature, to set the  
4 salaries of the justices, and that was done by West  
5 Virginia Code Section 51-1-10a, which establishes the  
6 compensation, the salary, at \$136,000.

7 Nowhere in the Code is there any  
8 authorization by the Legislature for justices to  
9 receive \$136,000 plus free lunches. It's not  
10 authorized. It's not there. No one checked. It's not  
11 there. They assumed.

12 So it's our position that, in effect,  
13 that action exceeded the cap that the Legislature has  
14 placed on the compensation that Supreme Court Justices  
15 are entitled to receive. And if Justice Walker had  
16 done any research at all, she would have found opinions  
17 from the Ethics Commission that suggested that problem,  
18 even if it didn't -- weren't controlling, they would  
19 suggest that an opinion be requested from the State  
20 Auditor, which was not done.

21 And in fact, you'll hear from the State  
22 Auditor. And once he discovered the issue of the --  
23 that was raised, he promptly notified the Supreme Court  
24 that this was not permissible. Paying for lunches

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1 during a workday, recognizing that throughout the  
2 judiciary - throughout the judiciary, not just in the  
3 Supreme Court - judges, magistrates, family court  
4 judges, continue through a -- their lunch hour sometime  
5 in hearings.

6                   They work through their lunch hour  
7 sometimes without asking the taxpayers to buy their  
8 lunch. This is not a permissible activity. The  
9 Auditor will tell you that.

10                   The cost of the lunches should have  
11 also been a red flag. You're gonna have before you all  
12 of the invoices that were submitted through the  
13 Auditor's Office for payment. The lunches were  
14 purchased with one member of the staff of the Supreme  
15 Court using his P-card, so there is a record.

16                   Pardon me, I'm fighting a sinus  
17 infection. There is a record of those lunches. You  
18 won't see -- you will not see an invoice from  
19 McDonald's, from Wendy's, from Hardee's, from any of  
20 those fast food places. You won't see an invoice from  
21 the cafeteria downstairs.

22                   What you will see are, for the most  
23 part, almost exclusively, invoices from some of the  
24 most expensive places where you can buy lunch here in

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1 Charleston: South Hills Market, Soho's, Paterno's,  
2 Lola's and The Block, all of those being the upscale  
3 restaurants around Charleston.

4 Why is that important? Well, you will  
5 learn that the federal government publishes guidelines  
6 for reimbursement on travel expenses for the cost of  
7 meals. These are published by the government, GSA, the  
8 Government's Service Agency, Governmental Service  
9 Agency.

10 And the maximum reimbursement rate for  
11 a lunch is \$13.00. Now, we'll present evidence to you  
12 that the average price of a lunch that the taxpayers  
13 bought for Supreme Court Justices was \$16.77.  
14 Sometimes, in some cases, \$20.00 for a lunch that the  
15 taxpayers paid for.

16 All of that ended, of course, when  
17 Kennie Bass served a FOIA request upon the Supreme  
18 Court. You probably have heard - and there will be  
19 evidence - that the Judicial Investigation Commission -  
20 which is a commission set up and staffed by the Supreme  
21 Court - investigated, for purposes of the Code of  
22 Judicial Conduct, these lunches and basically found no  
23 probable cause to go forward against Justices Walker,  
24 Workman and Davis.

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1                   It's our position that the standards  
2 applied by -- by the Judicial Investigation Commission  
3 - which we may refer to from time to time as the JIC -  
4 are totally different than any standards that you can  
5 apply to this impeachment process.

6                   Interestingly, the JIC took the  
7 unprecedented action of actually issuing a press  
8 release, disseminated throughout the state, indicating  
9 that they found no wrongdoing on the part of those  
10 justices.

11                   And I say "unprecedented" because no  
12 one can recall that's ever happened before. The rules  
13 that govern the JIC require that their -- their  
14 proceedings be held confidential and that only after a  
15 finding of probable cause are those proceedings made  
16 public.

17                   In this particular case, they issued a  
18 press release and circulated -- and coincidentally, it  
19 occurred during the time that the House Judiciary  
20 Committee was investigating those and other allegations  
21 that had been made.

22                   It's our position, as I indicated, that  
23 the lunches were not just unethical, but were illegal  
24 in view of the limit that this Legislature's placed on

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1 the compensation that Supreme Court Justices can  
2 receive.

3                   But moreover and probably more  
4 importantly, the publication of that information - that  
5 the taxpayers were buying justices who receive a salary  
6 of \$136,000 lunches - further contributed to the  
7 erosion of the trust of the public that had started  
8 with the disclosure of the excessive spending on  
9 offices and the infamous \$32,000 couch. It contributed  
10 to the further loss of confidence of the public in the  
11 Court.

12                   You'll also hear evidence that less  
13 than five months after Justice Walker became a justice,  
14 she contracted out the writing of an opinion that was  
15 assigned to her for which the taxpayers paid \$10,000,  
16 less than five months after she started, even though  
17 she campaigned as having 30 years of legal experience,  
18 and even though she had three law clerks and there were  
19 twelve other law clerks available.

20                   Now the renovations. Justice Walker  
21 was assigned the office that had formerly been occupied  
22 by Justice Benjamin. That's significant, because  
23 Justice Benjamin had arranged for his office to have  
24 been substantially renovated approximately six years

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1 earlier. The cost of those renovations and the  
2 furnishings that went into them exceeded \$264,000.  
3 \$264,000.

4                   When Justice Benjamin left, he did take  
5 some furniture, and we'll give you evidence as to what  
6 that was. So -- and it wasn't completely furnished.  
7 But otherwise, the office was in good condition and  
8 functional for use of a justice.

9                   In spite of that fact, beginning in the  
10 spring 2017 and continuing through September of that  
11 year, almost 131,000 more dollars were spent on further  
12 renovations and refurnishing of that office. We'll  
13 show you pictures of the office before and the office  
14 after the renovations. The quality of the pictures  
15 leaves a little bit to be desired.

16                   Justice Benjamin apparently did not  
17 like his office well-lit, so the quality of those  
18 pictures are a little bit difficult. But I think  
19 you'll conclude that the office was perfectly  
20 functional to be occupied by the next succeeding  
21 justice to Justice Benjamin.

22                   Some people have argued that when you  
23 give the Supreme Court total control of their budget,  
24 we shouldn't second-guess how they spend their money.

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1 It's our position that that money is entrusted to the  
2 Supreme Court for the purposes of operating the  
3 judicial system for the benefit of the public, not for  
4 any individual benefit.

5                   So one of the issues that you'll have  
6 to consider is whether these expenses were for the  
7 benefit of the public or whether they were  
8 disproportionately the -- for the benefit of a few. So  
9 when you're considering that, you can ask yourself a  
10 question -- it's fair to ask the question, "Did the  
11 general public receive a benefit from these  
12 expenditures, proportionate to the amount of money that  
13 went into them?"

14                   It is a public building, so you could  
15 argue that anything we do in this building is for  
16 public benefit. But keep in mind who gets the real  
17 benefit. Who basically uses these premises that are  
18 essentially accessible not to the public in general,  
19 but only to the justices and their invited guests.

20                   You can ask yourself how many of your  
21 constituents actually benefited from that expenditure.  
22 We've heard -- during the course of these proceedings  
23 in the House, we heard references to other expenses  
24 that were made around the Capitol, which in many cases

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1 were in public areas that were used by many people. If  
2 you came to the Capitol, you'd benefit from that  
3 expense.

4 In this case, these individual offices  
5 benefited very few people and were primarily renovated  
6 not for the long-term consistency of the office, but  
7 for the personal tastes of the particular justice.

8 It's fair to ask yourself whether these  
9 activities undermined the confidence of the public in  
10 the Judiciary, and specifically the Court.

11 I'd like to just mention a couple  
12 housekeeping matters before I wrap up. We had -- I  
13 think you may have gained from -- gleaned from our  
14 previous presentation on the 14th, voluminous,  
15 voluminous documents. In this particular case, the  
16 lawyers from Justice Walker have disclosed to us over  
17 800 pages of documents.

18 We had well over 100 individual  
19 documents, some of which were quite thick. What we've  
20 managed to do, in a cooperative effort with Justice  
21 Walker's counsel, is to consolidate all of that into  
22 documents much less voluminous - still voluminous, but  
23 not -- much less voluminous - and we've agreed to  
24 stipulate not only that they're authentic, but they're

1 admissible.

2 In other words, in order to avoid delay  
3 and consuming your time with the normal process that  
4 goes on in court where a witness is presented with an  
5 exhibit, it's got to be authenticated, then it's got to  
6 be testified to, and then the lawyers turn to the judge  
7 and move its admission, these are all stipulated to be  
8 admissible.

9 And why is that important? Because if  
10 we went through every document and every page, we could  
11 be here for well over a week, maybe two weeks, because  
12 some of these, as I said, are voluminous. Instead, we  
13 may pick up an issue out of each document that we'll  
14 refer to, but the entire document is in the system for  
15 you to review, during whenever you can get to it,  
16 essentially, and during your deliberations, unlike  
17 sometimes the jury doesn't have the documents during  
18 the time the case is proceeding.

19 In this case, your documents will be  
20 available to you not only on -- on the screen when we  
21 present them, but they'll be on your -- your -- is that  
22 a Surface, is that what that is? In your Surfaces. So  
23 they'll be available, and we would encourage you to go  
24 beyond what -- what the sentence or two that we point

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1 out when we're testifying about the document, to  
2 consume, to study the whole document.

3 I said before, I think the context is  
4 important, and I'd also ask you to pay attention to the  
5 timing of when things were done.

6 Oftentimes you've heard the expression  
7 that the true measure of a person's character is what  
8 they do when no one's looking. In this particular  
9 case, that's extremely important, and I would suggest  
10 to you that the ultimate question that you will have to  
11 resolve is: Does the performance of Justice Walker  
12 when no one was looking justify the trust that was  
13 placed in her by the people of West Virginia when they  
14 elected her and justify you allowing her to continue in  
15 that same position for the next ten years.

16 Thank you.

17 CHIEF JUSTICE FARRELL: Mr. Hissam,  
18 Counsel for Justice Walker.

19 OPENING STATEMENT

20 MR. HISSAM: Thank you, Mr. Chief  
21 Justice. Members of the Court of Impeachment, may it  
22 please the Court. As I mentioned before, my name is  
23 Mike Hissam and I'm here on behalf of Justice Beth  
24 Walker.

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1                   Much has been said in recent weeks  
2 about our keen legal principles: Due process, canons  
3 of judicial conduct, separation of powers. Little has  
4 been said about facts.

5                   Today, we face the facts and embrace  
6 procedure enshrined in our Constitution to determine in  
7 this chamber whether a Constitutional officer can be  
8 removed from her office just two years after she was  
9 elected to that office by the voters of this state.

10                  Rather than hide behind creative legal  
11 arguments, today we are here to confront squarely the  
12 conduct of a public officeholder; in particular, we are  
13 to -- here to learn whether any facts can be proven to  
14 justify the removal of this public official, Beth  
15 Walker, from office.

16                  We are eager to embrace this process.  
17 For the first time in this impeachment, you will hear  
18 the sworn testimony of Beth Walker herself. You will  
19 see the documents with your own eyes and through an  
20 ancient form of seeking the truth, presentation of a  
21 witness under direct testimony, under oath, and their  
22 cross examination by an adversary, you will learn what  
23 transpired here.

24                  Despite all the hype of recent weeks,

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1 this is a simple case. It concerns a time period of  
2 less than two years. There are less than a dozen  
3 witnesses, and only a handful of important documents.  
4 We have marked only 27 exhibits.

5 The facts that are relevant to Beth  
6 Walker are largely undisputed. As a result, we're  
7 prepared to present this case efficiently, with all  
8 deliberate speed, and we hope that the House Managers  
9 will do so as well.

10 We are eager to present our case  
11 because we are confident that at the end of it, you  
12 will see that Beth Walker did not engage in any conduct  
13 that justifies her removal from office against the will  
14 of the voters.

15 You will see that Beth is a good  
16 lawyer, and an even better judge. But that she is  
17 human. Like all of us, she is not perfect. She has  
18 made mistakes. Beth has owned up to those mistakes and  
19 corrected them to the best of her ability.

20 You have heard - and you'll hear more -  
21 for example, about lunches for the justices during  
22 Supreme Court meetings, but what you perhaps haven't  
23 heard before today is that when this issue was raised,  
24 Beth Walker was the only member of the Supreme Court

1 who took ownership for her mistakes. She wrote a  
2 check. She paid back every penny of the lunches that  
3 had been provided to her.

4           And as we sit here today, after all of  
5 these proceedings and all of this time spent arguing  
6 about the impeachment, it's still the case that only  
7 Justice Walker has paid back the State every bit of  
8 what was provided for her for those lunches.

9           You'll also see that Justice Walker  
10 has never once driven a State vehicle or used a State  
11 gas card. In fact, as a matter of personal policy,  
12 she's never submitted reimbursement for mileage for her  
13 trips within the state.

14           You will learn that Justice Walker  
15 never sought out a Cass Gilbert desk, whether in her  
16 office or in her home. In fact, you will see with your  
17 own eyes that when Justice Walker inherited Justice  
18 Benjamin's office, there was no desk left for her. But  
19 instead, a dark, empty, nonfunctional office.

20           You will understand quickly that  
21 Justice Walker never had a \$32,000 couch or anything  
22 remotely like it. You will learn that Justice Walker  
23 never had a State purchasing card or any control over  
24 the State's P-cards. You will discover that Justice

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1 Walker never had anything to do with the hiring or  
2 payment of senior status law judges or any involvement  
3 with the tax issues for payments like those handled by  
4 the Court.

5                   You will see clearly that since Justice  
6 Walker joined the Court on January 1st, 2017, she could  
7 not possibly have been responsible for the Court's  
8 failure to adopt travel policies before October 2016,  
9 as set forth in the Article against her.

10                   You will learn that Justice Walker  
11 never had a home office with any equipment, furniture,  
12 anything else provided by the State. You will learn  
13 that Justice Walker, for the first time among any  
14 members of the Court, operated a paperless law office,  
15 saving the State money, and refusing unnecessary and  
16 outdated paper law books.

17                   You will see that during the entire  
18 time in question, Justice Walker was a relatively new  
19 justice. She was a lone vote on a five-member Court.  
20 By the end of this brief trial, you will learn  
21 something - like I have - about how the Court operates.  
22 You will come to appreciate, I think, the magnitude of  
23 the State judicial system.

24                   We're not talking just about five

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1 justices. As Chairman Shott indicated, we're talking  
2 about magistrate courts, family courts, circuit courts,  
3 probation officers and employees of the courts - over  
4 1500 in all - in all 55 counties.

5 Unlike other officials in our State  
6 Constitution, the power of a single chief justice -- a  
7 single justice who is not the chief justice is tightly  
8 constrained.

9 The Court operates in two basic ways:  
10 First, on certain defined matters, through the Chief  
11 Justice; and second, through a quorum and a majority  
12 vote of three justices.

13 Not only is a single justice powerless  
14 to decide legal issues by herself; she cannot control  
15 administrative decisions. The direct power of a single  
16 justice in the minority, who was never the Chief, like  
17 Beth, is limited to the oversight of her small staff  
18 employed in her own chambers.

19 A justice's staff consists of an  
20 administrative assistant and four law clerks. Those  
21 are lawyers who work with the justice and assist in  
22 handling the Court's business of deciding appeals.

23 You will learn through this trial more  
24 about what Supreme Court Justices like Beth do on a

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1 daily basis, why it's important and the critical role  
2 their staffs play.

3 But you will also learn that when it  
4 comes to overall administration of the Court as a whole  
5 or the State-wide judicial system, a single justice is  
6 no more powerful than she is to decide an appeal where  
7 she's outvoted 4 to 1.

8 You will hear that when it came to  
9 spending, policies and reforms, Beth was also in the  
10 minority on the Court. In administrative conferences -  
11 which are the regular meetings of the justices that  
12 Chairman Shott referred to where they administer the  
13 Court's business - Beth often voted against her  
14 colleagues and expressed her disagreement. We'll show  
15 you the minutes of a few of those meetings.

16 You'll see that Beth was the new kid on  
17 the block. These other justices had been lawyers and  
18 judges for a long time. They had institutional memory  
19 at the Supreme Court. In short, they didn't listen to  
20 Beth. But she tried.

21 You will discover that Beth Walker  
22 wanted to treat the Court more like the business world  
23 from which she came as a lawyer, and throughout this  
24 process, we invite you to judge for yourself Beth's

1 character. Who is she as a person, a lawyer, a public  
2 servant?

3                   Why did the voters entrust her with  
4 this important position? In May 2016 - it was actually  
5 May, not November - she was elected to be a justice of  
6 the Supreme Court of Appeals in the first nonpartisan  
7 judicial elections in West Virginia.

8                   Unlike the incumbent, Justice Brent  
9 Benjamin, who she unseated, she bypassed public  
10 financing for her election, and she was elected with  
11 more than 65,000 votes over her next closest  
12 challenger.

13                   Before she was elected to the Court,  
14 Beth was an in-house lawyer at WVU Medicine in  
15 Morgantown. Before that, she was a partner at one of  
16 the largest law firms in the state, Bowles Rice, here  
17 in Charleston. She specialized in labor and employment  
18 law and mediation.

19                   She may not have had years of  
20 experience in state government to her name, but she was  
21 a respected and successful lawyer in private practice.

22                   When Beth came to the Court, she wanted  
23 to bring her private sector experience to bear on the  
24 Court's business. She wanted to work to improve the

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1 Court's processes and advance its operations. As an  
2 employment lawyer, she found an old and dusty  
3 institution with inadequate and outdated human  
4 resources policies and personnel management.

5 She was shocked to learn that the  
6 other justices had tussled over the use of State cars.  
7 What she didn't think then, and she'll tell you she  
8 still doesn't think now are necessary for the justices  
9 to even have, and she wanted the Court's administrative  
10 staff - who got paid to manage the court - to do their  
11 jobs.

12 She wanted professional oversight of  
13 court employees, their salaries and their spending. On  
14 multiple occasions, she stood firm - and you will see  
15 these minutes - against unjustified pay raises for  
16 court employees.

17 Once again, she tried. But she was  
18 shot down by her more experienced colleagues. You'll  
19 see that in January of 2018, Justice Walker was the  
20 only member of the Court to vote in favor of supporting  
21 a Constitutional amendment to wrest control of the  
22 Court's budget in this body.

23 She was the lone vote in the dissent  
24 with the rest of the Court voting against her, except

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1 for Justice Robin Davis, who didn't even participate in  
2 the vote.

3                   You'll see that in February of 2018,  
4 when the Court voted to remove Chief Justice Loughry  
5 from his position, Justice Walker's colleagues  
6 prevented her from becoming chief and Justice Robin  
7 Davis and Justice Margaret Workman, who had served on  
8 the Court for decades and as chief justice four  
9 different times, told Beth she, quote, "didn't have  
10 enough experience."

11                   You'll see that over and over again,  
12 Beth Walker attempted to improve the Court and after  
13 issues came to the forefront with the Court's spending,  
14 Beth set herself apart by stepping up to take  
15 responsibility and address her mistakes.

16                   We think you will agree that her  
17 approach has not been to hide behind technicalities or  
18 pass blame. She has stood up. She will do so under  
19 oath in this trial and recognized her personal mistakes  
20 and pledge to do more to reform the Court and restore  
21 public trust in it.

22                   We should also emphasize what you won't  
23 hear in this trial. You won't hear any witness suggest  
24 that Beth Walker failed to do the job that the voters

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1 hired her to do. You won't hear that she skipped oral  
2 arguments at the Court, that she failed to read the  
3 briefs or that she misapplied the law.

4 Judges and lawyers often disagree about  
5 the outcome of cases, but no one will suggest that the  
6 several hundred opinions issued while Beth has been on  
7 the Court were anything other than fair and honest  
8 applications of the law to the facts.

9 You won't hear of any of the types of  
10 conflicts of interest that have, in the past,  
11 embarrassed our State Judiciary and cast doubt on the  
12 fair administration of justice. And you won't hear of  
13 any corruption, bribery, fraud, tax evasion, any other  
14 sort of criminality on the part of Beth Walker. That  
15 is not this case.

16 The facts I've shared with you this  
17 morning and that you'll hear in this trial are of a  
18 totally different nature. I have to admit that Article  
19 XIV, as we've discussed this morning, the sole Article  
20 against Justice Walker, is difficult to parse.

21 It is everything and nothing. It is a  
22 catch-all, mish-mash of all sorts of administrative  
23 practices, many of which Beth never had anything to do  
24 with, like home offices, or senior status judges.

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1                   We know Article XIV can't concern  
2 Beth's office renovations, because the House voted on  
3 an Article dealing with that issue down. To further  
4 complicate things, Article XIV refers to events that  
5 occurred before Beth joined the Court and it refers to  
6 other matters only within the purview of the Chief  
7 Justice or the Court's administrative staff, positions  
8 she never held.

9                   For the purpose of defending Beth,  
10 however, we believe as Mr. -- as Chairman Shott  
11 indicated, that Article XIV primarily rests on policies  
12 and procedures, and if you look at each of its  
13 subparagraphs, you will see that they all concern those  
14 issues and a wide variety of areas, cost-containment  
15 methods, taxable fringe benefits and inventories of  
16 State property.

17                   You will ask yourself, what  
18 responsibility did Beth Walker have at the Court for  
19 those areas? And if she didn't, who did? Beth's very  
20 -- given Beth's very short tenure on the Court, we are  
21 eager to hear the House Managers present the testimony  
22 of the chief justices, administrative directors and  
23 in-house lawyers who were responsible over time -  
24 including some for many years - for implementing those

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1 policies and procedures.

2 How did those officials perform? What  
3 did they do to alert Beth to any concerns they had about  
4 the Court's operations? Did she ever brush aside a  
5 concern that was brought to her attention?

6 And for those issues that were on her  
7 radar and in her purview, you've heard already of the  
8 many areas in which Beth felt that improvement was  
9 needed and the resistance she met along the way. You'll  
10 see more of that throughout this trial.

11 And despite the fact that Beth's office  
12 renovations aren't before this Court of Impeachment  
13 because the House voted it down, think about those  
14 issues of responsibility if the House Managers want to  
15 dwell on the renovations.

16 Beth took over Justice Benjamin's old  
17 office, and you will see with your own eyes the  
18 condition of that office when she did. You will see why  
19 she felt the need to renovate the office -- not for her,  
20 or filled with State-purchased furniture that she was  
21 gonna take with her, but instead an office that fit the  
22 Cass Gilbert Capitol for the ten years she was gonna be  
23 there and for long after she was gone.

24 She was not after any ornate furniture

1 or fancy designs. I think you will judge for yourself  
2 that that's not really what Beth is about.

3                   You will learn that at the outset, she  
4 was sensitive to the cost and working in connection with  
5 the Court's staff who was responsible for the office  
6 improvements, she found a contractor who proposed to do  
7 the work for \$26,000. She thought that was reasonable.

8                   Unfortunately, that contractor was a  
9 small operator and he wasn't willing to jump through the  
10 paperwork to become a State vendor. So instead, she  
11 used competitive bidding and she selected the lowest  
12 bidder.

13                   From that point on, the work began, her  
14 office was torn up and under construction and the  
15 process was managed by the Court's personnel. She  
16 received periodic status updates. At that point, she  
17 went back to her primary responsibilities of dealing  
18 with the Court's business.

19                   Beth now realizes in hindsight that the  
20 process should have been better managed. She will tell  
21 you in no uncertain terms that she is unhappy with the  
22 total amount of the project. She's unhappy with the  
23 fact that the lowest bid didn't match the ultimate work  
24 that was done.

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1                   She tells you -- she will tell you that  
2 she wishes she had pursued the project more closely and  
3 ensured that it was closer to the \$26,000 proposal. She  
4 wishes she had been more hands-on in managing the  
5 project and the change order, because if the costs were  
6 going to climb, she would have -- she would have been in  
7 a position to reassess them, maybe reassess the whole  
8 project.

9                   She would have made different choices.  
10 She will be not too proud to tell you that on this  
11 issue, she is sorry. She wishes she had done more. But  
12 she does not believe that mistake justifies removing her  
13 from office.

14                   We ex -- also expect to spend some time  
15 on smaller, one-off matters. We've already talked about  
16 the lunches, which Beth at first understood to be a  
17 custom and practice of the Court. Contrary to Chairman  
18 Shott's remarks, Beth's sworn testimony will be that she  
19 did become concerned about the cost of those issues.

20                   In fact, she asked Chief Justice Loughry  
21 about her share of the costs. He told her the  
22 information wasn't available, it wasn't practical to do  
23 that. She learned in the FOIA process, in the Freedom  
24 of Information Act process, that that wasn't true.

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1                   And as soon as she learned that the  
2 information was available and what the amount was, she  
3 promptly paid it back. And again, no other justice has  
4 done that.

5                   You may also hear about this issue of a  
6 temporary fill-in law clerk. In keeping with the  
7 Court's historical practices, Justice Walker hired a  
8 temporary clerk to assist in drafting an opinion.

9                   I was a law clerk in my earlier life to  
10 two federal judges here in Charleston, and I can tell  
11 you that working on opinions and doing them well is hard  
12 work and it takes time. My first boss as a clerk, Bob  
13 King, on the U.S. Court of Appeals for the Fourth  
14 Circuit, he used to go through 30 or 40 drafts with us  
15 of each opinion.

16                   What has been left out of this story for  
17 Beth, however, is on the one occasion she hired a  
18 temporary clerk, she was only employing two law clerks,  
19 down from the normal four. One of her clerks was on  
20 maternity leave, and for the fourth spot, Justice Walker  
21 had determined to save the State money and hire a recent  
22 law school grad, as federal judges do, rather than a  
23 more seasoned lawyer.

24                   You will see also, clearly, that the

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1 amount sent -- spent on Justice Walker's staff was  
2 always lowest among the Court.

3           You may have heard about Beth's  
4 involvement in a writing seminar on the Supreme Court,  
5 and I'm not gonna dwell too long on this issue because I  
6 understand that Chairman Shott has withdrawn it from  
7 what he intends to present to you.

8           But it's still important, because this  
9 is an area where Beth Walker was working diligently to  
10 improve the Court and the way it functioned. She was  
11 shocked when she came to the Court that there was  
12 absolutely no training for law clerks on the job that  
13 they're hired to do: Write opinions.

14           She approached the Court about hiring  
15 the Court's leading writing expert, Professor Bryan  
16 Garner, who teaches legal writing seminars for lawyers  
17 in private practice and in government. I've attended  
18 two of them myself.

19           For law clerks, he teaches judicial  
20 opinion writing courses, and he's done that for over  
21 half of the state court systems. In the end, the Court  
22 agreed with Beth, they voted to proceed, and he provided  
23 a seminar for three justices and 37 law clerks.

24           As a serious lawyer who cares about the

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1 Court's work product and its opinions - which are the  
2 way it communicates to the parties in a case, and the  
3 public - Beth stands behind this idea. This was not  
4 waste or abuse; it wasn't throwing good money after bad.

5 It was bringing the business principle  
6 that she wanted to bring to the Court: Invest in your  
7 people and demand better outcomes.

8 For these last two areas, Beth isn't  
9 going to re -- express to you the same regret as she did  
10 for the office renovations and the lunches, because she  
11 didn't do anything wrong. She will tell you why she  
12 feels that way.

13 As I mentioned at the outset, Beth and I  
14 are eager to finally get the opportunity to have a full  
15 and fair airing of the facts in this body.

16 She will own up to her conduct when she  
17 did wrong and defend herself when she -- when in her  
18 best judgment, she did not. She will look you in the  
19 eye and tell you what happened.

20 She will let this distinguished body be  
21 the judge of her conduct in office. She's willing to do  
22 that because we are confident you will determine that  
23 while she made mistakes - as all of us do - she has not  
24 done anything to justify her removal from office.

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1 Thank you.

2 CHIEF JUSTICE FARRELL: Let's take our  
3 morning break, about 15 minutes. Then we'll start with  
4 our first witness.

5 (A recess was taken after which the  
6 proceedings continued as follows:)

7 CHIEF JUSTICE FARRELL: Senators, please  
8 take your seats. House Managers -- let me remind the  
9 Senators. It might be useful if you write down the  
10 exhibits that are introduced so you can have easy  
11 reference.

12 The book they've given me today is this  
13 thick, the ones I presume they're going to potentially  
14 introduce. So if you write them down on a piece of  
15 paper, you can go back on your computers and look.

16 And as indicated, they'll be up on the  
17 board as they're talking about those.

18 With that, I'll ask the House Managers  
19 to call their first witness.

20 DELEGATE SHOTT: Mr. Justice, before we  
21 begin with our first witness, we just want to formally  
22 acknowledge the stipulation that the parties agreed to  
23 that all of the exhibits that have been submitted are  
24 authentic and admissible.

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1                   And we'd ask that they all be deemed  
2 admitted so we can refer to them accordingly and save  
3 some time.

4                   MR. HISSAM: No objection, Your Honor.

5                   CHIEF JUSTICE FARRELL: All right. What  
6 that means in layman's terms is: All the documents that  
7 you'll see have been authenticated as accurate and real.  
8 We do not need to call -- what's called a record  
9 custodians, that they've been stipulated that they can  
10 be admitted and discussed without calling unnecessary  
11 witnesses.

12                   I thank the parties for that. It will  
13 help move this proceeding along.

14                   (House Managers Exhibits listed on index  
15 and Respondent's Exhibits A-Z were admitted.)

16                   DELEGATE SHOTT: Thank you. Thank you,  
17 Your Honor. Our first witness, we call Justice Beth  
18 Walker, Elizabeth Walker.

19                   CHIEF JUSTICE FARRELL: Justice Walker,  
20 please come and be sworn. You'll stand there, the Clerk  
21 will administer the oath.

22                   (The witness was sworn.)

23                   CHIEF JUSTICE FARRELL: I'll ask if any  
24 Senator has any trouble hearing a witness, to let us

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1 know and we'll make accommodations with the magic of the  
2 machinery here.

3 You may proceed, sir.

4 DELEGATE SHOTT: Thank you, Your Honor.  
5 And, Your Honor, pursuant to Rule 611(c) of the Rules of  
6 Evidence, I ask that this witness be treated as a  
7 hostile witness and I be allowed to question her by  
8 leading questions.

9 CHIEF JUSTICE FARRELL: I would see  
10 nothing that would deem her to be hostile. If that  
11 comes to a point, you can renew your motion, sir.

12 DELEGATE SHOTT: Thank you, Your Honor.

13 E L I Z A B E T H W A L K E R  
14 was called as a witness by the House Managers, and  
15 having been first duly sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY DELEGATE SHOTT:

18 Q. Would you state your name, please?

19 A. Sure, my name is Elizabeth Walker, but I go by  
20 Beth Walker.

21 Q. Justice Walker, typically at this stage of a  
22 case, I inform the witness that if I ask a question and  
23 he or she does not understand to stop me and ask me to  
24 repeat it. I assume I don't need to as -- tell you

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1 that, but just in case --

2 A. I will do that.

3 Q. -- you understand that. If you don't  
4 understand a question --

5 A. I do.

6 Q. Thank you.

7 HOUSE MANAGERS EXHIBIT NO. 84

8 (Letter from Teresa Tarr, Counsel JIC,  
9 to Elizabeth Walker dated April 20,  
10 2018, regarding the filing of an ethics  
11 complaint against Justice Walker  
12 relating to the purchase of working  
13 lunches with public funds. (Formal  
14 Complaint) was marked and admitted as  
15 House Managers Exhibit No. 84.)

16 DELEGATE SHOTT: Would you please put  
17 Exhibit 84 up? Exhibit 84? Is it up? Exhibit 84?

18 CLERK CASSIS: She's got it.

19 DELEGATE SHOTT: It's not on the screen.  
20 Thank you.

21 Q. I'll call your attention to Exhibit 84. Is  
22 this a copy of a notice you received from the Judicial  
23 Investigation Commission that they had opened a  
24 complaint as a result of some reports regarding the

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1 purchasing of lunch for justices and other members of  
2 their staff. Is that a correct copy of it?

3 A. I can't see the whole thing on this screen,  
4 but it appears to be that, yes.

5 Q. We seem to be having some technical issues  
6 with the --

7 CLERK CASSIS: You can scroll.

8 THE WITNESS: Okay. Yeah, okay. Sorry.

9 Q. There we go.

10 A. Yes, it is.

11 Q. The exhibit refers to -- in the end of the  
12 first paragraph, that the area of concern is the Court's  
13 practice of purchasing lunches for themselves and others  
14 while at work at the Capitol on work days which include  
15 but not be limited to argument dockets and  
16 administrative conferences.

17 My question to you is: Were there any  
18 days that the -- the Court purchased lunches that were  
19 not argument days or administrative conferences?

20 A. Not to my knowledge. There was a meeting that  
21 we had regarding the Court's technology with a number of  
22 folks, including from the National Center of State  
23 Courts. I'm not sure if we deemed that an  
24 administrative conference or if that was just a lunch

1 meeting.

2                   So that's the only one I can think of  
3 that wasn't an argument day or administrative conference  
4 day.

5           Q.    But that was a day that the Court paid for  
6 lunches for the attendees; is that true?

7           A.    That -- to the best of my memory, yes.

8                   HOUSE MANAGERS EXHIBIT NO. 88

9                   (2017 Calendar for the WVSCA was marked  
10                   and admitted as House Managers Exhibit  
11                   No. 88.)

12          Q.    Would you switch to Exhibit 88, please? Call  
13 your attention to Exhibit 88, which is the calendar of  
14 the Court, and I want to review the provisions of that  
15 with you.

16                   It's on your screen, but --

17          A.    Yes.

18          Q.    -- apparently not on those screens.

19                   DELEGATE SHOTT: Can we put it on the  
20 big screens, please? No.

21                   CLERK CASSIS: She'll be able to see it.  
22 They can all see it on these. That is for the video.

23                   DELEGATE SHOTT: So every -- just for  
24 clarification, every Senator has that exhibit?

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1 CLERK CASSIS: Yes.

2 SENATORS: No.

3 DELEGATE SHOTT: No.

4 CLERK CASSIS: We're working on his.

5 Everyone else is.

6 CHIEF JUSTICE FARRELL: We seem to be  
7 having some technical difficulties. Can we just keep it  
8 up on the screen, if necessary?

9 DELEGATE SHOTT: 88, please. Thank you.

10 Q. Just to review, Justice Walker, there's a  
11 color code on the Supreme Court appeal -- this is the  
12 calendar, is it not, that the Court posts on its website  
13 to indicate its schedule for the calendar year?

14 A. Yes, it appears to be.

15 Q. And the -- for purposes of clarification, the  
16 red days, the days that are highlighted in red, those  
17 are the argument days; is that correct?

18 A. That's correct.

19 Q. That the Court actually hears argument on  
20 cases that are pending?

21 A. Yes.

22 Q. The green days are days scheduled for judicial  
23 conference -- I'm sorry, for conferences. Those are the  
24 administrative conferences that were referred to in

1 Exhibit 84; is that correct?

2 A. No.

3 Q. All right. Can you explain?

4 A. Sure. The green days are referred to as  
5 conference days. That's when the Court meets in  
6 conference to either discuss opinions, discuss cases  
7 we've heard or to consider petitions, writs,  
8 miscellaneous motions and rehearings.

9 So we do a variety of those things on  
10 those green days.

11 Q. And on the -- for administrative conferences,  
12 there's no color code for those?

13 A. That's correct.

14 Q. All right. And then the judicial conferences  
15 are the seven days in May and October, are in blue; is  
16 that correct?

17 A. Yes.

18 Q. And those are days --

19 A. They're three days, I think they're three --

20 Q. Three days in May, four days in October --

21 A. Three days in May, four days in October are  
22 for --

23 Q. And those -- those dates, basically, the  
24 justices are out of the Capitol; is that fair to say?

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1           A.    Generally, yes.  Although if the judicial  
2 conference is in Charleston, we may be in and out of the  
3 Capitol.  It depends on the location.  The judicial  
4 conference is a statewide conference of all the circuit  
5 judges, and the Supreme Court Justices also attend that.

6           Q.    When you came to the -- when you were sworn in  
7 and began your duties as justice, these administrative  
8 conferences, argument days and so forth, there was an  
9 existing practice, was there not, of providing lunch for  
10 those people who attended?

11          A.    There was.

12          Q.    Did that not cause you any concern at all when  
13 you entered the --

14          A.    It did not.

15          Q.    Because it had been going on in the past?  Is  
16 that fair to say?

17          A.    As I explained in the letter to the JIC that  
18 you referred to earlier, it was a longstanding practice;  
19 it didn't seem controversial.  And I was also aware, as  
20 an employment lawyer, that paid lunches are permissible  
21 and under -- not necessarily income under the  
22 IRS regulations.

23                               I'm not a -- by no means a tax lawyer,  
24 but I was generally familiar with that, as I explained

1 to the JIC.

2 Q. So from -- so from the standpoint of whether  
3 they're taxable, you had some recollection from your  
4 work as an employment lawyer that they weren't taxable,  
5 correct?

6 A. Yes.

7 Q. But did you check to see if they were  
8 authorized by statute or in any other form, such as  
9 under the statute that provides the cap for what  
10 justices are paid, did you check to see if there was any  
11 other provision that authorized taxpayers to pay for  
12 those lunches?

13 A. I didn't check that specifically, but it  
14 wouldn't have prompted me to look at the income cap,  
15 because if the IRS says they're not income -- or not  
16 taxable, as you said, then they wouldn't -- they  
17 wouldn't be considered income for purposes of my  
18 compensation.

19 Q. Did you base that on research or just your  
20 recollection?

21 A. That was based on my general information about  
22 the law.

23 Q. Did you actually go to the Code of Federal  
24 Regulations and do any research to see if that actually

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1 fit within the working lunches that were set out in  
2 those regulations?

3 A. I believe when I prepared my letter for the  
4 JIC, I looked at the IRS guidelines.

5 Q. What I'm asking you is: At the time you  
6 started this practice, or started taking advantage of  
7 this practice, did you do any research in the Code of  
8 Federal Regulations to be sure that your recollection  
9 was correct?

10 A. I did not.

11 Q. Did you look at any ethics opinions to  
12 determine whether or not your -- your -- that type of  
13 practice - while it might be okay from a tax standpoint  
14 - might violate the Ethics Act?

15 A. I did not.

16 Q. Now, you mentioned you're -- you do have some  
17 substantial employment law expertise. Correct?

18 A. Yes.

19 Q. In fact, during your campaign, you -- you  
20 campaigned on the fact that you had three decades of  
21 experience, and most of that was with employment and  
22 labor law, correct?

23 A. I don't remember saying that I had three  
24 decades of experience, but I at that time had been a

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1 practicing lawyer for 26 years. So maybe on one  
2 occasion, I did round it up. I don't remember that,  
3 though.

4 Q. You have reviewed the exhibits in this case,  
5 have you not? There's a campaign flier that basically  
6 said "three decades of experience."

7 HOUSE MANAGERS EXHIBIT NO. 109

8 (Campaign flyer for Justice Walker (no  
9 date) paid for by West Virginians for  
10 Fair Courts emphasizing three decades of  
11 experience was marked and admitted as  
12 House Managers Exhibit No. 109.)

13 DELEGATE SHOTT: Would you put up  
14 Exhibit 109, please?

15 A. I'm fairly certain that that campaign flyer  
16 was put out by a independent group.

17 Q. So it was incorrect?

18 A. It says, "Nearly three decades of experience."

19 Q. Is that -- is that information incorrect?

20 A. 26 years of -- is nearly three decades of  
21 experience.

22 Q. So it's correct.

23 A. Certainly.

24 Q. You also served as the associate general

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1 counsel at West Virginia United Health System and  
2 advised them during labor and employment -- on labor and  
3 employment issues, correct?

4 A. Yes. I handled advising at that time seven  
5 hospitals generally in the area of human resources and  
6 working with the human resources directors and staff.

7 I also negotiated one of the labor  
8 agreements for the -- for WVU Hospitals, for Ruby, in  
9 Morgantown.

10 Q. And you were also a fellow of the College of  
11 Labor and Employment Lawyers, correct?

12 A. Yes.

13 Q. That all appears on the biographical sketch  
14 that's on the Supreme Court website, correct?

15 A. Yes.

16 Q. Would you -- would it be fair to say that at  
17 the time you entered the Court, of the justices that  
18 were serving, you had the most experience with respect  
19 to employment law and labor law?

20 A. As far as I know, yes.

21 Q. Thank you. Is it -- let me ask you this  
22 question: Did you know if -- do you know -- or did you  
23 yourself seek an opinion regarding the appropriateness  
24 of these paid working lunches from the Auditor's Office?

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1           A.    I did not seek -- if the question is, did I  
2 seek an opinion --

3           Q.    Let me break it down into two. Did you seek  
4 such an opinion?

5           A.    I did not.

6           Q.    Do you know whether an opinion had been sought  
7 either before or during the time you were involved in  
8 this practice?

9           A.    I am not aware of one.

10          Q.    During your nearly three decades of  
11 experience, I assume you appeared in courts across the  
12 state at various times.

13          A.    I did.

14          Q.    And you worked with a public law firm for a  
15 while prior to going to work with West Virginia Health  
16 Systems, correct?

17          A.    I worked for a private law firm, yes.

18          Q.    And you were aware that in -- or are you aware  
19 that in many cases, circuit judges work through lunch,  
20 the case that they have continues through the lunch  
21 hour, they may have to postpone their lunch. You're  
22 aware of that, are you not?

23          A.    I'm aware that occasionally court proceedings  
24 go through the noon hour. I'm not -- I can't say one

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1 way or another whether circuit judges skip lunch.

2 Q. Are the -- in those cases where they work  
3 through the lunch hour, are you aware of any situations  
4 in which those circuit judges sought for the taxpayers  
5 to purchase their lunch for them?

6 A. I am not aware of -- of any circumstances like  
7 that.

8 Q. You are aware of the provision of the  
9 Constitution, Article VIII, Section 7, that the  
10 Legislature sets the salaries for the justices? You're  
11 aware of that?

12 A. I am.

13 Q. And are you aware that there is a Code Section  
14 where the Legislature has actually acted on that  
15 authority, West Virginia Code Section 51-1-10a?

16 A. I can't say that I can cite that specific  
17 section of the code, but I'm aware of it.

18 Q. And the statutory maximum is \$136,000?

19 A. I'm aware of that.

20 Q. So did you not have any concern that by  
21 receiving taxpayer-paid lunches that in some way it  
22 could be challenged that you were exceeding that cap by  
23 receiving that benefit?

24 A. I didn't have any challenge -- concerns about

1 exceeding the cap that you're mentioning. I did develop  
2 concerns about the practice of paid lunches as 2017  
3 moved along, but it wasn't on the grounds that you're  
4 suggesting.

5 Q. When did those concerns occur?

6 A. I started becoming concerned roughly in the  
7 spring of 2017, when I learned that Justice Davis did  
8 not participate in -- or was not participating in the  
9 lunches that year. That made me pause and wonder  
10 whether it was a good idea.

11 In the fall, I made a general inquiry of  
12 chief just -- chief -- then Chief Justice Loughry, and I  
13 said, "Is there a way to figure out how much these  
14 lunches have been this year since I have taken office,"  
15 and he told me there was not.

16 Now, I'll fully admit that I did not  
17 pursue it beyond that inquiry. But I did make that  
18 inquiry, and I was given that information. But after a  
19 FOIA request was made in December of 2017, I learned  
20 later - a couple of weeks later - that there were  
21 actually documents, and so I wrote an e-mail to my  
22 colleagues and to Sue Troy - who is the CFO of the  
23 courts - saying that I intended to pay one-fifth of that  
24 amount back, whatever that total was for 2017.

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1 I didn't know what it was, but I said I  
2 would pay one-fifth. And when that total was provided,  
3 when those documents were collected --

4 Q. We'll get to -- we'll get to that point. Let  
5 me back up.

6 A. Okay.

7 Q. Because you've answered about four questions  
8 in one. Let me back up. You said you became concerned  
9 when Justice Davis ceased participating in the spring of  
10 2017.

11 A. I became concerned when I learned that she was  
12 not participating. I don't know when she -- I can't  
13 speak for when she ceased participating.

14 Q. And that did not cause you any need or any  
15 feeling that you needed to do some more research because  
16 one of your colleagues was not participating?

17 A. It did not cause me any concerns on a legal  
18 level. It caused me concern on a personal level. I was  
19 trying to be mindful of spending, and it caused me con  
20 -- some concern.

21 Q. You were concerned about spending at that  
22 time.

23 A. I was.

24 Q. And the -- but you didn't check -- you didn't

1 ask for the Auditor to give you an opinion on the  
2 propriety of those lunches?

3 A. I did not.

4 Q. You didn't do any further research.

5 A. No, no legal research, that's correct.

6 Q. And in fact, you continued to receive those  
7 lunches even after you became concerned about that.

8 A. I did. Of course, we took the -- I'm not  
9 aware of having any lunches in the summertime, so there  
10 were three months there when there weren't -- or two and  
11 a half months.

12 But I did resume, and I did have lunches  
13 in the fall.

14 Q. And it was only after you learned of the FOIA  
15 request from Kennie Bass that you actually took action  
16 to try to -- to pay that back; is that correct?

17 A. That is true, because as a result of the FOIA  
18 request, I learned that there were indeed documents to  
19 demonstrate the cost of the lunches.

20 Q. So you weren't concerned about the propriety  
21 of what you were doing; you were only concerned about  
22 the amount that you were going to have to pay back. Is  
23 that what you're saying?

24 A. I was concerned -- could you ask -- I'm not

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1 sure what you mean. You're asking two things.

2 Propriety and amount?

3 As I explained, I had no concerns -- I  
4 knew of no legal barrier or legal prohibition. I  
5 developed personal concerns about the lunches. When I  
6 tried to make an inquiry about that, it was -- I was  
7 told there was not documentation of it.

8 I didn't pursue it further. Admittedly,  
9 I should have. I should have never participated in  
10 these lunches in the first place.

11 But I don't think they were illegal. I  
12 just learned that there were -- was documentation after  
13 a FOIA request was made. I stated my intention to repay  
14 one-fifth of that amount, and when the documentation  
15 came across my e-mail, I did that calculation and wrote  
16 a check and handed it to the administrative director.

17 Q. Is it -- is it still your opinion that these  
18 taxpayer-paid lunches were ethical?

19 A. I know of no ethical barrier to those, so yes.

20 Q. So you don't think there's a personal gain for  
21 those who get the free lunches?

22 A. I can say for sure there was no personal gain  
23 for me because I repaid them.

24 Q. After the FOIA request.

1           A.    Once I became aware that there was  
2 documentation, absolutely.

3                   HOUSE MANAGERS EXHIBIT NO. 104

4                   (Christopher Morris e-mail to Ashley  
5 Clemens dated December 12, 2017  
6 regarding a FOIA request by Kennie Bass  
7 was marked and admitted as House  
8 Managers Exhibit No. 104.)

9                   DELEGATE SHOTT:  Would you put up  
10 Exhibit 104, please?

11           Q.    Do you have Exhibit 104 in front of you?

12           A.    I do.

13           Q.    This appears to be a combined e-mail.  The top  
14 part of it is apparently a response -- or no, it's a  
15 e-mail to -- it's an e-mail from Kennie Bass to Gary  
16 Johnson.  Gary Johnson was the Court Administrator at  
17 that time; is that correct?

18           A.    Yes.

19           Q.    And Jennifer Bundy.  And what role did she  
20 play?

21           A.    She's our public re -- relations person.

22           Q.    And this e-mail from Mr. Bass is dated  
23 December 5th; is that correct?

24           A.    That's right.

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1 Q. And in the -- in the -- the heart of the  
2 e-mail is a request for information under the Freedom of  
3 Information Act, and I'll call you -- your attention to  
4 No. 3, and that basically addresses the meals that were  
5 purchased using public funds for justices and clerks  
6 during 2016 and '17; is that correct?

7 A. That's correct.

8 Q. And then there's a forwarding, apparently, of  
9 that by Christopher Morris on the 12th of December at  
10 the top; is that correct?

11 A. Yes.

12 Q. And Christopher Morris was counsel for the  
13 Court at that time?

14 A. Administrative counsel, that's correct.

15 Q. Yes. Now, did you receive the forwarding from  
16 Mr. Morris, or did you learn of this FOIA request in  
17 some other manner?

18 A. I believe I learned of this FOIA request by an  
19 e-mail, although not this e-mail. I am not on this  
20 e-mail.

21 Q. Not that one.

22 A. Right.

23 Q. All right. Whose -- who -- who provided the  
24 e-mail that provided you information that this was

1 request -- this and other information had been  
2 requested?

3 A. I believe - although I'd have to look at the  
4 documents - that this FOIA request was e-mailed to me  
5 right around the same time frame of December 5th.

6 HOUSE MANAGERS EXHIBIT NO. 126

7 (E-mail exchange between Justice Walker  
8 and Ms. Troy regarding cost of lunches  
9 after the FOIA was marked and admitted  
10 as House Managers Exhibit No. 126.)

11 DELEGATE SHOTT: Would you also put up  
12 -- or next put up Exhibit 126, please?

13 Q. You have it in front of you, Exhibit 126?

14 A. I do.

15 Q. Again, this is an e-mail, is it not? And it's  
16 basically -- the bottom part of it is your e-mail to Sue  
17 Troy and copied to various other individuals, including  
18 the other justices, and then at the top, it's a response  
19 from Ms. Troy; is that correct?

20 A. Yes.

21 Q. And would you read for us what you said to  
22 Ms. Troy, the paragraph beginning with "When you  
23 complete."

24 A. You want me to just read that paragraph?

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1 Q. Yes, please.

2 A. "When you complete a calculation of the  
3 Court's spending on meals brought into the Capitol for  
4 the justices and their staffs in 2017, and before that  
5 information is shared in response to a FOIA request, can  
6 you share that information with us? Assuming it is  
7 permissible from a legal/accounting perspective, I will  
8 be writing the Court a personal check for one fifth of  
9 that total. Thanks very much. Beth."

10 Q. So essentially, you're asking for Ms. Troy to  
11 provide you with information before the FOIA request is  
12 responded to; is that fair to say?

13 A. Yes.

14 Q. And why was that important?

15 A. I wanted it as soon as it was available.

16 Q. Isn't it true you wanted to be able to say,  
17 when that information came out, that you'd already paid  
18 it back?

19 A. I wanted to pay it back as quickly as it was  
20 provided to the media.

21 Q. So you could say you'd paid it back before  
22 that information was available. Isn't that fair?

23 A. I did not intend to make a public statement  
24 that I paid it back. At that time.

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1 Q. And in fact, you were given information, were  
2 you not, that allowed you to write a check before that  
3 information was made public.

4 A. Yes, I was -- I believe the time frame was  
5 that the administrative counsel notified Kennie Bass  
6 that the information would be available on or before  
7 December 26th. I wrote the check, I believe, on  
8 December 28th. I believe the information was provided  
9 to Mr. Bass on January 11th.

10 Q. The -- the lunches themselves --

11 HOUSE MANAGERS EXHIBIT NO. 125

12 (2017 Meals Purchased for Justices and  
13 Staff was marked and admitted as House  
14 Managers Exhibit No. 125.)

15 DELEGATE SHOTT: If we'll have an  
16 exhibit available for -- for the members of the Senate,  
17 125.

18 Q. But you've had a chance to review those --  
19 those invoices, have you not, from the -- for the  
20 lunches.

21 A. Yes.

22 Q. Is it fair to say that there were no invoices  
23 from any of the so-called fast food places, the  
24 Hardee's, the McDonald's, the Burger Kings, the Wendy's.

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1 A. As far as I know, that's true.

2 Q. And there was none for downstairs in the  
3 cafeteria, were there?

4 A. As far as I know, that's true.

5 Q. And in fact, those invoices were from  
6 upper-scale restaurants around Charleston, were they  
7 not, like Soho's, South Hills Market, Paterno's, Lola's,  
8 The Block?

9 A. I believe that's accurate. I -- without  
10 looking at them, I can't say that that's an exhaustive  
11 list, but yes.

12 Q. Did that not cause you any concern, that  
13 you're not just getting lunches paid for, but also  
14 expensive lunches paid for by the taxpayers.

15 A. It did not at that time. And looking back, I  
16 should have been more concerned.

17 Q. I assume it's fair to say that in the course  
18 of your work - especially with West Virginia health  
19 systems - you became aware of the GSA guidelines for  
20 reimbursement of meals in the context of travel.

21 A. I have to say I was not aware of the GSA  
22 guidelines for reimbursement for travel expenses.

23 Q. You weren't?

24 A. I was not.

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1 Q. Did you make any effort to make sure that not  
2 only were the lunches appropriate, but they weren't  
3 considered lavish in any -- in any sense under  
4 regulations, either ethics reg -- regulations or travel  
5 policies or --

6 A. I did not make that legal inquiry.

7 HOUSE MANAGERS EXHIBIT NO. 85

8 (Letter from Teresa Tarr, Counsel JIC,  
9 to Elizabeth Walker dated July 23, 2018,  
10 detailing allegations in the April 20,  
11 2018 letter regarding the purchase of  
12 working lunches with public funds was  
13 marked and admitted as House Managers  
14 Exhibit No. 85.)

15 DELEGATE SHOTT: Would you put Exhibit  
16 85 on -- on the board, please?

17 Q. Do you recognize Exhibit 85?

18 A. I do.

19 Q. This is the -- is this not the letter from the  
20 JIC basically concluding the case that had been filed  
21 against you and finding no probable cause that you'd  
22 violated the Ethics Act?

23 A. That's correct.

24 Q. I call your attention to Footnote 2 at the

1 bottom of the second page, which would be on our system,  
2 page 199, if the Clerk would go to that point.

3 In this footnote, the -- there's a  
4 recitation of the total amount of the meals, the total  
5 number of -- well, let me just ask, if you would -- if  
6 you would read the first part of that down through  
7 October 31 of 2017.

8 It's hard to see on the board.

9 A. The entire footnote, the first two  
10 sentences --

11 Q. Down to -- down to "if you had."

12 A. "From January 4th, 2017 through November 14th,  
13 2017, the Court purchased lunches for the justices and  
14 various staff members for a total of approximately 602  
15 lunches on 52 separate days from some upscale Charleston  
16 restaurants and spent a total of approximately  
17 \$10,096.20." That's the end of the sentence.

18 "The average 1 tip cost approximately  
19 \$16.77 per meal. You actually only participated in 46  
20 of the paid lunches with your last time occurring on or  
21 about October 31, 2017."

22 Q. So did you -- do you disagree with any of the  
23 facts that were set in that -- set out in that footnote?

24 A. I have no information to suggest that that's

1 incorrect.

2 Q. Okay. So the estimate or the cost of \$16.77  
3 per meal, you have no reason to question that average  
4 cost?

5 A. I haven't done the calculation myself, but I  
6 have no reason to question it.

7 Q. Have you since looked at the GSA guidelines on  
8 what is appropriate for reimbursement for a lunch?

9 A. I have not.

10 Q. So you're not aware of whether it's --

11 DELEGATE SHOTT: Well, strike that.

12 Q. So you have no idea what's an appropriate  
13 amount for lunch.

14 A. For reimbursement of expenses --

15 Q. Yes.

16 A. -- reimbursement of meals while travel under  
17 the GSA guidelines, I'm unaware of that.

18 Q. Yes, okay. Is it true that these lunches were  
19 basically put on a State P-card and the P-card that --  
20 stop there. Were they paid for by P-card?

21 A. That's what I understand.

22 Q. And that P-card was assigned to a member of  
23 the staff, and he basically went and purchased -- and  
24 purchased these meals on behalf of the Court; is that

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1 correct?

2 A. That's what I understand.

3 Q. Was there a specific person who was assigned  
4 to do that task?

5 A. Yes, I believe his name is Chris.

6 Q. Pardon?

7 A. I think it's Chris Garnes, if I'm --

8 Q. What was his role in the Court?

9 A. I'm not entirely sure.

10 Q. I noticed on some of the invoices that  
11 Mr. Garnes actually participated in eating the meals  
12 along with the rest of the Court; is that correct?

13 A. I have -- I would have to look at them to see,  
14 but I have no reason to suggest that that's not correct.

15 Q. What role did he play in the deliberation with  
16 regard to deciding cases that had been argued before the  
17 Court?

18 A. I'm not aware that he did.

19 Q. So was his -- was his presence at those meals  
20 necessary to -- to discuss the cases and render a  
21 decision?

22 A. Not to my knowledge.

23 Q. Who else attended those meals that didn't  
24 actually participate in the decision-making process?

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1           A.    I would have to look at all the invoices.  I  
2 believe for a time - but I don't know if it was in 2017  
3 - our security officers were provided lunches.  I know  
4 that all of the administrative assistances -- assistants  
5 to the justices were provided lunches.

6                        I would have to look to be aware of  
7 others.

8           Q.    Was the presence of the security personnel  
9 necessary to render decisions or discuss the cases?

10          A.    The position I believe of our security  
11 personnel, that their presence is necessary when we're  
12 in the building.  But they did not participate in  
13 opinion conferences or case conferences.

14          Q.    When were they -- when did they participate?  
15 Or were they just there to eat lunch?

16          A.    They weren't in the room while we were eating.

17          Q.    And they participated in eating a taxpayer-  
18 paid lunch, correct?

19          A.    I believe they were provided lunch, yes.

20          Q.    Okay.

21          A.    For -- and I don't know the time frame that  
22 they participated, so I don't want to speak for them.

23                        HOUSE MANAGERS EXHIBIT NO. 72

24                                (Invoice for law clerk services issued

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1 by Barbara Allen to the WVSCA for  
2 drafting an opinion on behalf of Justice  
3 Walker dated June 22, 2017 was marked  
4 and admitted as House Managers Exhibit  
5 No. 72.)

6 DELEGATE SHOTT: Exhibit 72, please.

7 Q. This is a -- do you recognize the -- this  
8 exhibit?

9 A. I do.

10 Q. This was an invoice that was submitted by  
11 Barbara Allen, who I believe now is the Court  
12 Administrator. Is that correct?

13 A. Yes.

14 Q. But at that time was not the Court  
15 Administrator.

16 A. That's correct.

17 Q. And she was billing for preparing a decision  
18 in the case of Quicken Loans versus Walters. Is that  
19 correct?

20 A. Yes.

21 Q. And in fact, she was paid, by agreement,  
22 \$10,000? Is that correct?

23 A. Yes. The agreement on her compensation was  
24 that she would charge an hourly rate of, I think \$200.00

1 an hour, with a cap of \$10,000.

2 Q. And at that time, you had two other law clerks  
3 on staff, correct?

4 A. I had two other law clerks working, yes.

5 Q. And one, I believe, was about to graduate from  
6 law school, correct?

7 A. Right. One had not started working yet  
8 because she was finishing her law school.

9 Q. And the other justices had four law clerks  
10 each; is that right?

11 A. Yes.

12 Q. So there were twelve other law clerks plus  
13 your two law clerks plus you with nearly three decades  
14 of experience, but you had to -- you had to contract  
15 this service out? Is that correct?

16 A. I think it was sixteen other law clerks, not  
17 twelve, but yes. Because of the shortage of law clerks  
18 in my office.

19 Q. The office that was assigned to you had  
20 previously been operated -- had been -- had been  
21 assigned to Justice Benjamin, correct?

22 A. That's correct.

23 Q. And is it true that it had been substantially  
24 renovated within -- and refurnished within six years

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1 earlier at a cost of about \$264,000?

2 A. That's what I understand now, yes. I did not  
3 know at the time, but I know that now.

4 Q. Did you inquire as to whether it had been  
5 refurnished or refurbished, renovated, before you moved  
6 into it?

7 A. I knew generally that it had been renovated,  
8 but I did not inquire as to when and the amount spent on  
9 that renovation.

10 Q. Did you inquire as to whether there was any  
11 written policies as to what amount could be spent with  
12 regard to renovation of a justice's -- an office  
13 assigned to a justice?

14 A. I did.

15 Q. And what were you told?

16 A. Chief Justice Loughry -- I asked Chief Justice  
17 Loughry what the budget was or what the limit was, and  
18 he told me there was not one.

19 Q. There was not one.

20 A. Yes.

21 Q. Did that strike you as unusual or unnec --  
22 illogical?

23 A. It concerned me.

24 Q. And so -- I understand that some furniture had

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1 been removed, but there was some furniture still left on  
2 the -- in the office, correct?

3 A. When I walked in, I think there were two  
4 chairs and a globe table and a couple of lamps. As well  
5 as a built-in display case that was there.

6 Q. And isn't it also true that beginning in the  
7 spring of 2017 and continuing through September of that  
8 year, that there were renovations and refurbishings to  
9 that office that cost almost \$131,000?

10 A. I am quite aware of that, and I regret it  
11 sincerely.

12 HOUSE MANAGERS EXHIBIT NO. 54

13 (Documents detailing the cost of the  
14 WVSCA renovation of Justice Walker's  
15 office were marked and admitted as House  
16 Managers Exhibit No. 54.)

17 Q. Now, have you had an opportunity to actually  
18 review the various invoices and summaries that were  
19 included -- in this case, it's part of Exhibit 54  
20 regarding the improvements, renovations, refurbishings  
21 of that office?

22 A. Yes.

23 Q. And did you dispute any of those were made  
24 with respect to that office?

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1 A. I have no reason to think that they were not.

2 Q. One of those invoices --

3 DELEGATE SHOTT: And we're going to go  
4 to Exhibit 54, but go to page 87. Exhibit 54, page 87.

5 Q. Let's give the technology a minute to catch up  
6 with us.

7 DELEGATE SHOTT: 87. It would be House  
8 00087, is what I'm looking for. Let's try 33 then. I  
9 think I've got double stamped on here, it could be 33.  
10 See what 33 is.

11 That's it. My apologies. I'd looked at  
12 the -- I've got two different stamps on there.

13 Q. Do you recognize this invoice?

14 A. So it's -- to make sure I have the right one,  
15 it's 33?

16 Q. Yes, it's Holley Price Interiors?

17 A. I do.

18 Q. This Holley Price Interiors is a design  
19 organization; is that correct?

20 A. Yes.

21 Q. And you directed that that designer be  
22 involved in the renovation of your office?

23 A. I did.

24 Q. Any particular reason that you did not use

1 Ms. Ellis, who used to work with Silling and was  
2 involved in the renovation of that office when Justice  
3 Benjamin occupied -- had it renovated and is now -- was  
4 then, when this was done, a member of -- a member of the  
5 staff of the court? In other words, she was available.

6 A. Ms. Ellis also worked on the office.

7 Q. So both Holley Price Interiors -- I assume  
8 that's -- pardon me. Is that the name of the designer,  
9 Holley Price?

10 A. Yes.

11 Q. Okay. She and Ms. Ellis together worked on  
12 the --

13 A. They did.

14 Q. -- the office. And so we paid Ms. --  
15 Ms. Price was paid a little over \$5,000 for her  
16 services; is that correct?

17 A. Yes.

18 Q. So she -- was she the primary designer or was  
19 Ms. Ellis?

20 A. They worked together.

21 HOUSE MANAGERS EXHIBIT NO. 131

22 (Pictures of Justice Benjamin's Office  
23 were marked and admitted as House  
24 Managers Exhibit No. 131.)

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1 Q. Okay. Let me go to Exhibit 131, please. And  
2 I'd like you to identify the pictures that we're going  
3 to show on screen. And I think there's about six of  
4 those -- excuse me -- about six of those.

5 DELEGATE SHOTT: Let's start at the  
6 first one, 131.

7 Q. Is that a picture of Justice Benjamin's office  
8 as it existed when you first joined the Court?

9 A. That's a picture of a portion of it, yes. I  
10 took that picture, I think, on December 29th.

11 Q. Was that a picture that was made by you, or do  
12 you know the -- who created the picture?

13 A. I created the picture on my phone.

14 Q. These are pictures you took.

15 A. Yes.

16 Q. So when were they? When were these pictures  
17 taken that we're going to go through?

18 A. December 29th, 2016.

19 Q. Actually before you started your duties?

20 A. Yes, before I took office.

21 DELEGATE SHOTT: Okay. Would we go --  
22 go to the next picture, please?

23 Q. Again, a picture you took, same date?

24 A. Yes.

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1 DELEGATE SHOTT: The next picture,  
2 please. Which is upside down. Can we reverse that on  
3 the screen?

4 MR. NOVAK: You'll have to give me a  
5 minute.

6 DELEGATE SHOTT: I'm not sure how that  
7 happened, but I suspect we may have more of those.

8 MR. HISSAM: Mr. Shott, if you'd like to  
9 use our Exhibit X, they are the same photos, and I  
10 believe they are rightly oriented.

11 DELEGATE SHOTT: Thank you. I believe  
12 I've got this under control at the moment.

13 If that's going to take too long to fix,  
14 we'll use the other exhibits. Let me get those. Just a  
15 moment.

16 MR. NOVAK: I'm getting those right now.

17 CHIEF JUSTICE FARRELL: Mr. Shott, I  
18 think the Clerk has got it fixed.

19 DELEGATE SHOTT: Oh, we've got it?

20 Q. Once again, same date? The office from a  
21 different view?

22 A. Yes.

23 DELEGATE SHOTT: Okay. And the next  
24 picture, please?

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1 A. That's the other corner of the office.

2 Q. So basically the pictures you took were from  
3 all angles, covered all views of the office; is that  
4 fair to say?

5 A. I stood in the center of the room and took  
6 pictures of each corner, yes.

7 DELEGATE SHOTT: All right. Is that the  
8 last of those pictures? No.

9 Q. Now, that desk, was that there when you  
10 arrived? Is that one of the Cass Gilbert desks?

11 A. That is a -- I'm told, a Cass Gilbert  
12 secretary desk.

13 Q. Secretary desk.

14 A. It's smaller than the Cass Gilbert executive  
15 desks.

16 Q. Very well. Next picture.

17 A. That picture was taken, I think, on January  
18 8th, later.

19 Q. And once again, a different view of the same  
20 office before you -- before it was renovated by you; is  
21 that right?

22 A. Yes.

23 Q. Same window, I guess, different time of the  
24 day?

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1           A.    Yes.  It would -- these were -- these second  
2 set of pictures were taken, like I said, on a different  
3 -- January 8th, which was a little later.

4           Q.    Okay.  So there's two series --

5           A.    The first set was, I believe, December 29th,  
6 then there are some that were taken later.

7           Q.    Two series of pictures.  Same office, two  
8 series of pictures.

9           A.    That's right.

10          Q.    All of them taken by you.

11          A.    Yes.

12          Q.    Okay.

13                   DELEGATE SHOTT:  Is that the last of  
14 those pictures?

15                   HOUSE MANAGERS EXHIBIT NO. 110 - 115

16                           (Photos of Justice Walker's Office were  
17                           marked and admitted as House Managers  
18                           Exhibit Nos. 110 thru 115.)

19                   DELEGATE SHOTT:  All right.  Let's go  
20 now to Exhibit 110.

21          Q.    These are pictures -- let me just represent to  
22 you, that apparently were taken during the time that the  
23 Judiciary Committee was touring the offices.  That is  
24 your office, though, is it not?

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1 A. It is my office, yes.

2 Q. And I assume that represents the condition it  
3 was in or the way it was renovated at the time you had  
4 it renovated. It hadn't been renovated since.

5 A. It has not.

6 Q. Okay.

7 DELEGATE SHOTT: Would you scroll  
8 through those pictures, please, and if you can, rotate  
9 them enough -- that-- that would be helpful. If they  
10 can be rotated.

11 And if they can't be rotated, let's just  
12 move through them the best we can.

13 MR. HISSAM: Mr. Shott, for these -- for  
14 these photographs, I believe they were numbered  
15 separately, so 110 is a single page. They -- the entire  
16 set is 110 through Exhibit 115.

17 DELEGATE SHOTT: You're correct. You're  
18 correct. But we have several that are apparently need  
19 -- will need to be rotated. So 110 is the first one.

20 Thank you.

21 Q. Once again, same office, your office, during  
22 the time they were being inves -- being viewed by the  
23 Judiciary Committee; is that right?

24 A. Are we still on 110?

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1 Q. Yes, 110.

2 A. As far as I know, yes.

3 DELEGATE SHOTT: 111, please.

4 Your Honor, in the interest of time, can  
5 we just refer those pictures to the mem -- to the  
6 members of the Court of Impeachment and let them view  
7 those at their convenience?

8 CHIEF JUSTICE FARRELL: That'll be fine.

9 DELEGATE SHOTT: That would be 110, 111,  
10 112, 113 -- I would like to get 114 up there if you --  
11 114 up there, if you can.

12 Q. Justice Walker, 114, again, is upside down,  
13 but it -- assuming we get it straightened up, is that  
14 the restroom that is assigned to your -- that's assigned  
15 to your office?

16 A. It is.

17 Q. And that represents the improvements, the  
18 renovations that were made --

19 A. That's what it looks like --

20 Q. -- at your direction.

21 A. -- today, yes.

22 DELEGATE SHOTT: There we go. Thank  
23 you.

24 Q. Once again, that is the restroom that -- your

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1 private restroom off your office; is that correct?

2 A. Yes.

3 Q. And that's the result of the renovations that  
4 you and Ms. Ellis and Holley Price oversee.

5 A. That's what it looks like today, yes.

6 Q. There's a mirror in that -- in that restroom.  
7 Are you aware of the cost of that mirror?

8 A. I'm not off the top of my head. I could look  
9 at the exhibit and see it, but I'm not.

10 Q. If I told you that mirror cost \$724.50, would  
11 that be consistent with your recollection?

12 A. I would have to check the invoice to see.

13 DELEGATE SHOTT: Exhibit -- Exhibit  
14 54 -- Exhibit 54 on page 177, please.

15 Let's try 123. I'm sorry. 123.  
16 Exhibit 54, page 123.

17 Q. Do you have that in front of you now?

18 A. I do.

19 Q. It refers to a Linde mirror, cost -- cost with  
20 tax \$724.50; is that correct?

21 A. Not with tax. With shipping and handling,  
22 yes.

23 Q. Yeah, total -- total price.

24 A. Yes.

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1 Q. \$724.50.

2 A. Yes.

3 Q. And that's the mirror that's in your private  
4 restroom.

5 A. As far as I know, yes.

6 Q. Thank you.

7 DELEGATE SHOTT: Your Honor, rather than  
8 go through some other photos, can I direct the Court of  
9 Impeach -- members of the Court of Impeachment to the  
10 exhibit numbers? Because I'm afraid they're -- some of  
11 them may also appear to be upside down.

12 CHIEF JUSTICE FARRELL: Any objection?

13 MR. HISSAM: No, sir.

14 HOUSE MANAGERS EXHIBIT NO. 132

15 (Pictures of Justice Walker's Office  
16 were marked and admitted as House  
17 Managers Exhibit No. 132.)

18 DELEGATE SHOTT: At Exhibit 132, I  
19 believe there's some additional photos of the office.

20 Q. And let me just ask Justice Walker if you've  
21 seen the photos at Exhibit 132 and those are of your  
22 office. And we won't try to turn them right side up if  
23 they are upside down.

24 A. I have seen those photos, yes.

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1 HOUSE MANAGERS EXHIBIT NO. 99

2 (WVSCA decision: Lawyer Disciplinary Bd.  
3 v. Sirk (February 15, 2018) was marked  
4 and admitted as House Managers Exhibit  
5 No. 99.)

6 Q. Those are. Let me change directions so we  
7 don't have to rely on technology quite so much. Exhibit  
8 99 is a case that Justice Workman authored. We won't be  
9 dealing with pictures at this point. Would you turn to  
10 Exhibit 99? I need to ask you a question about it.

11 Do you have it in front of you now?

12 A. I do.

13 Q. This is the Sirk case, and my understanding is  
14 you concurred on this case. Does it ring a bell to you?

15 A. I believe I did. I have not reviewed it  
16 recently, but I certainly reviewed it at the time.

17 Q. Would you refer to Syllabus Point 4 in that  
18 case, please?

19 A. Yes.

20 Q. And for the nonlawyers in the room, the  
21 syllabus point basically is the Court's expression of  
22 the law and intended to have some precedential effect;  
23 is that correct?

24 A. That's a good summary, yes.

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1 Q. Is that fair?

2 A. Yes.

3 Q. In this particular case, it dealt with a  
4 disciplinary action against an attorney by the name of  
5 Sirk; is that correct?

6 A. Yes.

7 Q. And I will read that -- that syllabus point to  
8 you, just ask you if you concur with that point.  
9 Apparently you did concur on the decision. It says, "In  
10 deciding on the appropriate disciplinary action for  
11 ethical violations, this Court must consider not only  
12 what steps would appropriately punish the respondent  
13 attorney, but also whether the discipline imposed is  
14 adequate to serve as an effective deterrent to other  
15 members of the bar, and at the same time, restore public  
16 confidence in the ethical standards of the legal  
17 profession."

18 Is that correct?

19 A. That is what it says, yes.

20 Q. And you agree with that point of law.

21 A. I agree it's a -- it's a -- West Virginia  
22 precedent set in 1987.

23 HOUSE MANAGERS EXHIBIT NO. 98

24 (WVSCA decision: Lawyer Disciplinary Bd.)

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1 v. White (March 15, 2018) was marked and  
2 admitted as House Managers Exhibit No.  
3 98.)

4 Q. And if you'd look at Exhibit 98, which is the  
5 White case -- do you have that in front of you?

6 A. I don't.

7 CLERK CASSIS: What is it?

8 DELEGATE SHOTT: Exhibit 98.

9 A. I have it now.

10 Q. That is a case that you authored, correct?

11 A. That's right.

12 Q. And it is also a disciplinary action against  
13 an attorney?

14 A. It is.

15 Q. I refer you to Syllabus Point 3. Is that the  
16 same syllabus point that I just read?

17 A. Yes.

18 Q. So in the -- and so in the opinion that you  
19 authored, you reflected -- repeated that same syllabus  
20 point, so in terms of that being what we call good law,  
21 it's still good law; is that correct?

22 A. There's a couple of questions in there, but I  
23 will answer the last one, which is, it is the precedent  
24 of our Court, yes.

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1 Q. And would you agree that that's this Court,  
2 the Supreme Court's, standard for holding attorneys  
3 responsible for ethic -- ethical violations?

4 A. It is one of a number of standards, but yes.

5 Q. And if that standard is applied to a typical  
6 attorney, what standard do you believe should be applied  
7 to hold a judge accountable for ethical violations?

8 A. It doesn't really matter what I think. I  
9 would have to look at our law on judges. But I don't  
10 see -- I'm also a lawyer, so this certainly would be  
11 applicable to me.

12 Q. You think it's the same standard? In other  
13 words, you would look at what would be appropriate to  
14 punish the conduct, whether the discipline is adequate  
15 to serve as a deterrent and whether it's adequate to  
16 restore public confidence in the ethical standards of  
17 the Judiciary?

18 Would that be an appropriate standard to  
19 apply in that case as well?

20 A. In the case of a judge? Is that your  
21 question?

22 Q. Yes.

23 A. I'm going to answer this two ways. First I'm  
24 going to hesitate to make any statement as to what the

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1 law is, because I'm a judge on the Court and I don't  
2 want to comment on proceedings that might come before  
3 the Court. But I will tell you personally that I agree  
4 with that.

5 Q. Yeah, you -- from a personal standpoint, you  
6 wouldn't think any lesser a standard would be applied to  
7 the Judiciary than would be applied to a -- what I'll  
8 call a typical practicing lawyer.

9 A. I would not.

10 Q. Thank you. You are familiar with the Code of  
11 Judicial Conduct, are you not?

12 A. Yeah, I am, of course.

13 Q. And is it true that the Code of Judicial  
14 Conduct is the code that the Supreme Court itself has --  
15 has authored - modified from time to time - to govern  
16 the conduct of the Judiciary?

17 A. That's correct.

18 Q. Is that fair to say? Let me refer you to --  
19 and you're familiar that there is a preamble to the Code  
20 of Judicial Conduct?

21 A. I know there is a preamble. I don't think  
22 that I could recite it.

23 Q. I'm not going to ask you to do that. That  
24 truly would not be fair. But let me just read to you

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1 some of the language of that and just ask you if you  
2 agree with that. It -- first, from the first paragraph  
3 of the preamble, "Inherent in all the Rules contained in  
4 this Code are the precepts that judges, individually and  
5 collectively, must respect and honor the judicial office  
6 as a public trust and strive to maintain and enhance  
7 confidence in the legal system."

8 I assume you would agree with that  
9 statement.

10 A. That's act -- that's what it says, absolutely.

11 Q. And in the second paragraph, it said, "Judges  
12 should maintain the dignity of judicial office at all  
13 times, and avoid both impropriety and the appearance of  
14 impropriety in their professional and personal lives.  
15 They should aspire at all times to conduct -- to conduct  
16 that ensures the greatest possible public confidence in  
17 their independence, impartiality, integrity, and  
18 competence."

19 A. That's exactly what it says, yes.

20 Q. And you would agree with that, would you not?

21 A. I do.

22 Q. Would you agree then that those standards that  
23 are applied, that are set forth in that preamble would  
24 be appropriate to apply in this and any impeachment

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1 proceeding?

2 A. I think that it is absolutely appropriate for  
3 the Senators to consider all of the standards that apply  
4 to me as a judge, including the Code of Judicial  
5 Conduct, absolutely.

6 DELEGATE SHOTT: Thank you. That's all  
7 the questions I have.

8 CHIEF JUSTICE FARRELL: Counsel?

9 MR. HISSAM: Your Honor, it's about  
10 11:30. And my examination will probably take about 45  
11 minutes. Would you like to proceed and wrap it up or  
12 come back?

13 CHIEF JUSTICE FARRELL: Why don't we  
14 break for lunch and come back at 12:30 and start then?

15 MR. HISSAM: Thank you.

16 CHIEF JUSTICE FARRELL: All right.  
17 We'll be in recess till 12:30.

18 (A recess was taken for lunch after  
19 which the proceedings continued as  
20 follows:)

21 CHIEF JUSTICE FARRELL: Thank you.  
22 Senator Woelfel told me you only need a half hour to  
23 eat. I need more. Senator from Cabell, you -- thank  
24 you. If the Senator wants to bring me lunch tomorrow --

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1 I'll pay for it, though.

2 I've had a couple of questions about the  
3 procedure for asking questions. I'll refer you to the  
4 Rule 20: "After completion of questioning by the parties,  
5 any Senator desiring to question a witness shall reduce  
6 his or her question to writing," "present it to the  
7 Presiding Officer who shall pose the question to the  
8 witness," without indicating the name of the Senator  
9 presenting the question.

10 If objection to a Senator's question  
11 is raised by a party, the objection shall be decided in  
12 the manner prescribed in Rule 23.

13 Also, if any of the Senators are having  
14 technological difficulties, as we've been having, the  
15 House Manager said they'll be happy to get hard copies if  
16 you'll let the Clerk know.

17 Same for you folks; so we'll get hard  
18 copies and pass them out.

19 So Justice, if you'd resume the stand.  
20 Who's going to question?

21 MR. HISSAM: I am.

22 CHIEF JUSTICE FARRELL: You may proceed,  
23 sir.

24 MR. HISSAM: Thank you, Mr. Chief Justice.

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1                   And just so the Court will be aware,  
2 I've talked with Chairman Shott and indicated to him  
3 that I may on some questions exceed the scope of  
4 direct, but that in the interest of time and  
5 efficiency, he's okay with that if the Court is okay  
6 with that, so that we don't have to recall Justice  
7 Walker.

8                   CHIEF JUSTICE FARRELL: If there's an  
9 objection, we'll deal with it then. So far, we've had  
10 none, so --

11                   MR. HISSAM: Thank you, Your Honor.

12                   CROSS EXAMINATION

13 BY MR. HISSAM:

14           Q. Beth, please tell us a little bit about your  
15 background.

16           A. Briefly, I am a West Virginian by choice. I  
17 grew up in a little town in northern Ohio, went to  
18 Hillsdale College and earned a bachelor's degree and  
19 then Ohio State for law school.

20                   When I graduated in 1990, I came to West  
21 Virginia and was fortunate enough to have a job with  
22 Bowles Rice where I stayed for 22 years. I think we'll  
23 talk about that in a minute, but --

24           Q. Sure.

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1           A.    -- I'm married to Mike Walker, who is kind  
2 enough to be up in the gallery, and I have a wonderful  
3 stepdaughter, Jennifer, who is a first year law student  
4 at the University of Houston.

5           Q.    You mentioned you start -- mentioned that you  
6 started your career at Bowles Rice. Tell us a little  
7 bit more about your background as a lawyer.

8           A.    Well, I started practicing at Bowles Rice and  
9 stayed for 22 years. My -- the emphasis of my practice  
10 was labor and employment law and later mediation.

11                               After a while, Mike and I moved to  
12 Morgantown, and when I was there, I was recruited to go  
13 in-house -- be an in-house lawyer at WVU Medicine. I  
14 took that job full-time in -- on January 1 of 2012, and  
15 I stayed there until I was elected and took office.

16           Q.    Why did you decide to run for the Supreme  
17 Court?

18           A.    I first ran for the Court in 2008, and I  
19 believe then - as I believe now - that it's crucial for  
20 us to have justices who decide cases based on the rule of  
21 law, not based on politics, not based on who the parties  
22 are, and is willing to do that fairly and impartially in  
23 all cases.

24                               And so when I first ran, it was a

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1 difficult race. I was not very well-known statewide,  
2 so we had an uphill battle. But nonetheless, I came  
3 within six-tenths of one percent of being elected that  
4 year. So I went back to practice for a while.

5 And when the Legislature made the election  
6 of judges nonpartisan, I decided to run again in 2016 in  
7 the first nonpartisan election for justice.

8 Q. And just to be clear, that was in -- still in  
9 the May pri -- traditional primary election, though.

10 A. Yes.

11 Q. But you didn't take office until when?

12 A. Took office January 1, so we had kind of a  
13 long transition period.

14 Q. Okay. And I want to talk a little bit about  
15 your campaign. The -- we saw Exhibit 109 put up by the  
16 House Managers. It appeared to be a campaign mailer. Was  
17 that put out by your campaign?

18 A. No, it was not.

19 Q. Okay. Tell us about your campaign. Did you  
20 seek public financing?

21 A. I did not. There were five candidates in the  
22 race. Two of them sought public financing, but I just --  
23 I did not. We ran a campaign and I was fortunate enough  
24 to win the trust of the voters.

1                   In contrast to 2008, I was able to  
2 prevail by quite a bit over the next opponent. I think  
3 it was like 17 points.

4           Q.    The -- you've been in office now for just  
5 over one and a half years; isn't that right?

6           A.    That's right.

7           Q.    And have you ever been Chief Justice?

8           A.    I have not.

9           Q.    Beth, focusing on your time in office, is  
10 there anything that you regret?

11          A.    Absolutely.

12          Q.    What is it?

13          A.    First, I regret the office remodeling. I  
14 should have been a better steward of taxpayer dollars.  
15 I was not attentive enough. I should have been more  
16 hands-on, and I regret it.

17                   The second thing I regret are the  
18 lunches. That was a mistake. I should have not -- I  
19 should have paid more attention right from the start.  
20 But when -- later, I've learned that I was able to provide  
21 doc -- there was documentation of that, I paid it back,  
22 and I feel a lot better about that.

23          Q.    Beth, do you think these mistakes justify your  
24 removal from office?

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1 A. I don't.

2 Q. Why not?

3 A. When I think of impeachment, I think about  
4 things like crimes, and stealing and lying, and  
5 corruption, and I don't think I've done any of those  
6 things.

7 Q. Other than these mistakes that we've  
8 discussed, are you proud of your service on our Supreme  
9 Court?

10 A. I am.

11 Q. And why? Tell us why.

12 A. Well, first, it's kind of an uphill -- it's a  
13 -- it's a big learning curve to go from private  
14 practice to being an appellate judge, and I'm proud of  
15 my ability to have done that.

16 I've written opinions that I'm proud  
17 of. I'm still working -- I'm still getting better at  
18 writing opinions, but I'm getting better all the time  
19 at that. So I'm really proud of the work that we've  
20 done.

21 I've also -- although in the first year,  
22 in particular, I had to focus on learning the job, I've  
23 also gotten involved in the lawyer assistance program  
24 which we've expanded to be the judges and lawyers

1 assistance program, and we've also initiated the West  
2 Virginia Task Force on Lawyer Well-Being.

3 I think it's really important that the  
4 Supreme Court take responsibility for making sure  
5 lawyers take care of themselves and making sure that  
6 they do a good job for their clients and that we can  
7 maybe try to help people before they end up in front of  
8 the disciplinary board.

9 Q. What kind of work ethic have you applied to  
10 your time on the Court?

11 A. The same work ethic I had in private  
12 practice. I work a full day. I generally work a  
13 little later in the day, so I usually work until 6:00  
14 or 7:00 at night.

15 Q. Have you been eager to give your testimony,  
16 Beth, and take ownership of these issues?

17 A. I -- I have wanted to take responsibility for  
18 my mistakes, and I'm glad to have the opportunity to do  
19 that today.

20 Q. We'll unpack some of these topics that we've  
21 discussed further, but I'm going to take a step back and  
22 make sure that the Court understands what it is a Supreme  
23 Court Justice does. So -- so tell us, what do you do as a  
24 Supreme Court Justice?

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1           A.    There are two main things that Supreme Court  
2 Justices do, and a lot of other things.  But the two  
3 main categories:  Obviously, one, we consider the cases  
4 that come before us.  We hear oral arguments.  We  
5 consider some cases on -- on the briefs.  That  
6 involves, obviously, a lot of work, a lot of thinking,  
7 a lot of discussing, a lot of research.

8                       The other part of what we do is the  
9 administration of the Judiciary.  We are essentially  
10 the C -- or the board of directors for -- if you want  
11 to look at the Judiciary in -private sector terms, the  
12 Court is kind of like the board of directors.

13                      The chief justice is kind of like the  
14 chief executive officer, and the administrative director  
15 is kind of like the chief operating officer, to use an  
16 analogy --

17           Q.    Sure.

18           A.    -- of how that operates.

19           Q.    And we've heard about staffs today.  How is  
20 an individual Supreme Court Justice's office staffed?

21           A.    Each justice on our Court has an administrative  
22 assistant and four lawyers that work for them.  We call  
23 them either law clerks or staff attorneys.

24           Q.    And the other justices -- and these law clerks

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1 are assigned four at a time to individual justices; is  
2 that right?

3 A. That's right.

4 Q. And do the other justices' clerks take  
5 assignments or work for you?

6 A. They don't.

7 Q. Okay. The -- what do law clerks do? What do  
8 they do on a daily basis? You've told us about the  
9 Supreme Court. Let's talk now about law clerks.

10 A. Law clerks -- my law clerks help me do a good  
11 job as a justice. They do research; they review the --  
12 you know, whenever a -- when a case is filed, you  
13 obviously think of briefs, but there's also something  
14 called the record that's filed, and that can be a few  
15 pages or 20,000 pages, and I rely on my clerks to make  
16 sure that in these cases, we look at every page of the  
17 record and make sure that we know what the case is  
18 about, for all the cases, and not just the ones  
19 assigned to me.

20 So I use those four clerks to review  
21 cases, to help me understand the legal issues, and also to  
22 help me draft opinions.

23 Q. Is this concept of law clerks, is it unique to  
24 West Virginia and our Supreme Court?

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1           A.    It's pretty common.  I don't know of an  
2 appellate court in the country - whether it's State or  
3 Federal - that the judges, the appellate judges, don't  
4 use law clerks.

5           Q.    When you were coming in as a new justice, how  
6 did you go about hiring your law clerks?

7           A.    As you mentioned, I had a long transition  
8 period, so I had the opportunity to interview lawyers  
9 who were interested.  I let the folks -- excuse me, the  
10 lawyers that were working for Justice Benjamin, I let  
11 them know that I would be happy to interview them if  
12 they were interested, and I did.

13                               And I also interviewed other lawyers  
14 who let me know that they might be interested in the  
15 job, and made those decisions and hired -- made --  
16 decided to make a change.

17                               The -- traditionally at the Court in  
18 recent years, the justices have employed clerks who are  
19 long-term.  You know, many of the law clerks have been  
20 there 10, 15, 20 or more years.  Very seasoned, very  
21 experienced.  But I think it's really important - kind of  
22 the way they do in federal court - that new lawyers have  
23 the opportunity to clerk.

24                               So of my four, I decided that I would hire

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1 a new graduate and rotate a new graduate through that  
2 fourth spot. We're starting with a two-year assignment;  
3 we'll see how that works out.

4 So all that is to say that when I  
5 started on January 1, 2017, I had three law clerks,  
6 because the fourth law clerk was not going to start  
7 until she graduated from law school later that year.

8 Q. When you came to the Court, was there any  
9 sort of training for law clerks?

10 A. There was none.

11 Q. And what did you do about that?

12 A. I looked around and researched what seminars  
13 might be available, what conferences on judicial  
14 writing, and I ended up reaching out to an organization  
15 called Law Pros, which is the organization that  
16 Professor Bryan Garner has.

17 He is the leading expert on legal and  
18 judicial writing in the country, I think undisputed.  
19 He's authored a number of books.

20 And I approached them about bringing the  
21 seminar here. Because I thought, "Well, we could educate  
22 a lot of people without travel expenses if we could bring  
23 the seminar to Charleston." So that's what we did.

24 Q. And do you think that was a valuable use of

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1 State funds?

2 A. I think it was really a valuable use. We had  
3 37 lawyers, three justices and my administrative  
4 assistant at the session. It was a full day, it was  
5 7.4, I think, hours of continuing legal education  
6 credit for the lawyers, which, of course, they have to  
7 have --

8 Even though they're working for the  
9 Court, they need to keep up their CLE requirements. So  
10 it was useful for that as well.

11 WALKER EXHIBIT E

12 (Total 2017 Compensation for Supreme  
13 Court Justice Staff table was marked and  
14 admitted as Walker Exhibit E.)

15 Q. Sure. Returning to the issue of staff, if we  
16 could ask the staff here in the Senate to briefly  
17 display Walker Exhibit E. And it should appear in  
18 front of you, ma'am.

19 Do you recognize this document?

20 A. I do.

21 Q. This is a comparison of the total 2017  
22 compensation for Supreme Court Justice staffs. Do you see  
23 that?

24 A. Yes.

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1 Q. And I'm reading this correctly that the  
2 compensation spent on your staff - which includes your  
3 four law clerks and the assistant - is less than the  
4 other members of the Court.

5 A. It is.

6 Q. Was that true -- that -- that was your first  
7 year on the Court, the Calendar Year 2017, right?

8 A. Yes.

9 Q. And is this -- I know we're only partway  
10 through 2018, but do you expect this to also be true  
11 for 2018?

12 A. It will be true, although it probably won't  
13 be as much less as the other justices, because  
14 remember, again, I hired a new graduate. She didn't  
15 start until halfway through the year, so that was quite  
16 a bit of savings.

17 I pay her a lower salary commensurate  
18 with her experience, but it will be a little higher, I  
19 would imagine, in 2018. Now, we have a little transition  
20 going on, so I can't say for sure how that will be at the  
21 end of the year, but I would anticipate it will be  
22 slightly lower.

23 Q. And you still anticipate that you will spend  
24 less than the other members of the Court.

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1 A. I do.

2 Q. Okay. When you came to the Court, what other  
3 ideas did you have for how you wanted your office to  
4 run?

5 A. When I arrived at the Court, it was kind of a  
6 big culture shift or shock, because I had operate --  
7 operated pretty much paperlessly for more than ten  
8 years, both in private practice and at WVU Medicine,  
9 and the Court is -- was - when I arrived - very, very  
10 paper-oriented. Everything was printed out: Copies,  
11 multiple copies, notebooks, binders, all of that.

12 And so it was kind of a lot. And I  
13 researched and worked and am really pleased that we've  
14 been able to develop now a paperless office for our  
15 chambers. It makes us more efficient. First of all,  
16 we don't get copies of all the briefs.

17 We can get those electronically on the  
18 court's internal system. My clerks can readily access the  
19 case materials without having to come down to my office  
20 and pull a binder.

21 It's all -- it makes our work a lot --  
22 flow a lot better and it makes it efficient. We actually  
23 modeled it -- I had the opportunity to visit the Michigan  
24 Supreme Court earlier this year, and I met with Justice

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1 Bridget McCormack who has a paperless office, and so her  
2 assistant was kind enough to help my assistant to figure  
3 out how to do this, and so she was really helpful, and I  
4 feel like we've really got a good system going.

5 Q. What about these old fashioned law books that we  
6 see in law offices or sometimes in government buildings?  
7 Did you feel like you needed those in your office?

8 A. When I arrived - and I think it's in one of the  
9 pictures - there's a copy of the West Virginia Code that  
10 every single justice, every single law clerk, has their  
11 own paper copy. I haven't had my own paper copy of the  
12 West Virginia Code ever, and I don't need it because you  
13 can get it on the Legislature's site, you can get the  
14 information on Westlaw.

15 So I asked the librarian to cancel my  
16 subscription, because I didn't need it, and just returned  
17 those books.

18 Q. Have these changes saved the State money?

19 A. I'm sure they have.

20 Q. Okay. The -- can you briefly describe for us  
21 how the Supreme Court governs itself in the State Judicial  
22 System?

23 A. Well, as I said before, we kind of operate as  
24 the board of directors. We -- there are certain

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1 decisions, obviously, the administrative director makes  
2 without consulting the Court, day-to-day operational  
3 decisions.

4 Q. And where are those administrative director  
5 responsibilities defined?

6 A. They're actually in the Code.

7 Q. In the West Virginia Code.

8 A. They are. In -- including the day-to-day  
9 supervision, you know, of all of the 50 -- the courts  
10 in the 55 counties, all the judicial circuits,  
11 supporting the staff; you know, all the day-to-day  
12 functions is what that person does.

13 And then, of course, the chief justice has  
14 a number of responsibilities that are separate and apart  
15 from the Court, and the Chief takes care of that, and then  
16 the bigger items generally come to all five of us.

17 Q. Does the Court have in-house legal counsel?

18 A. It does.

19 Q. And what do those folks do?

20 A. They advise the Court on legal matters relating  
21 to the operation of the Judiciary. They don't advise us  
22 on citing cases. They are our, essentially,  
23 organizational counsel.

24 Q. Who have been the administrative directors, this

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1 person that's like the chief operating officer, who have  
2 been the administrative directors while you've been  
3 justice?

4 A. Steve Canterbury was the administrative director  
5 when I first arrived, and then it was Gary Johnson.

6 Q. And how long did you and Mr. Canterbury overlap?

7 A. Just a couple of days.

8 Q. What happened to Mr. Canterbury?

9 A. Mr. Canterbury's employment was terminated.

10 Q. Why?

11 A. I can't speak for the other justices. I can  
12 tell you why I voted that Mr. Canterbury's employment  
13 should end. I had two major issues, I guess, or reasons.  
14 One was Justice Workman and Justice Loughry felt very,  
15 very strongly that he was not doing a good job.

16 They essentially lobbied me - I don't know  
17 if that's an appropriate term - but made me understand  
18 what their concerns were about his conduct, including  
19 spending, and convinced me that -- you know, I trusted  
20 them, that their concerns were legitimate. And so I  
21 supported that concern.

22 The second was my own sort of independent  
23 look at things. Again, I'm a human resources lawyer, for  
24 lack of a better term, and the Court was lacking

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1 tremendous amount of professional human resource  
2 management, things like: There were no performance  
3 evaluations; there were no salary scales, which are, you  
4 know, sort of the levels that people are paid.

5                   There -- there was no real -- there was an  
6 excellent payroll and benefits function, sort of day to  
7 day and making sure that everybody gets paid, but all of  
8 the other things like employee relations or training, that  
9 human resources does, was lacking. And I really thought  
10 that that didn't speak well of the administrative  
11 director, and was disappointed.

12                   I didn't -- I thought that the policies  
13 were also -- human resources policies, were rather  
14 outdated. So that formed -- informed my judgment.

15           Q.    And as -- at least as to the first thing, you  
16 were -- you said you were relying on your colleagues. You  
17 had only overlapped with Mr. Canterbury two days. But you  
18 know a lot more now; isn't that right?

19           A.    I do.

20           Q.    And based on what you know now as we sit here  
21 today, do you think Mr. Canterbury was a -- was a careful  
22 guard of the State's funds?

23           A.    I don't.

24           Q.    Why not?

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1           A.    I think that the -- there was a lot of  
2 spending that was, I think, indefensible, wasn't  
3 appropriate, it was just too much. Including my  
4 office, sadly.

5           Q.    Right.

6           A.    But with regard to Mr. Canterbury, things  
7 that had happened before I arrived.

8           Q.    Did Mr. Canterbury ever encourage you  
9 personally to spend State funds on things that you  
10 didn't think were necessary?

11          A.    There were just two things. They're -- they're  
12 not huge. But one was: He directed me to a person on his  
13 staff to arrange for the purchase of my robe, my judicial  
14 robe, and I thought that that was kind of a personal item,  
15 and so I bought it -- one myself.

16                    I mean, that's gonna save the State  
17 \$450.00 or so. But I bought that myself. And then he  
18 wanted -- when I had a swearing-in ceremony, we had -- we  
19 intended to have refreshments afterwards. So he wanted --  
20 he was talking about using a South Hills caterer.

21                    And I thought that that wasn't  
22 appropriate, it didn't really fit who I am, and so I  
23 bought the catering for the swearing-in ceremony. We had  
24 Chick-fil-A and Flying WV cookies.

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1 Q. The -- tell us a little bit more about when  
2 you came to the Court in January 2017, how it was  
3 functioning as an institution. Let's start with the  
4 area of information technology, IT.

5 A. Right away, it was clear to me that we needed  
6 some work in the IT area. Now, to be fair, I came from  
7 WVU Medicine, which is rather advanced in technology.  
8 It's -- it gets awards for that, so I probably had kind  
9 of a high -- I was accustomed to a high level of  
10 technological sophistication.

11 But nonetheless, right after I started,  
12 there was a situation that was brought to the attention -  
13 I think it was in the first three months - where licenses  
14 for Oracle software were not paid and Oracle was demanding  
15 - I believe it was Oracle; hopefully I have that company  
16 right - \$3,000,000 from the Court, and that was,  
17 thankfully, negotiated by our administrative counsel down  
18 to a much lower number. But it really caused me alarm  
19 that our -- our IT director had overlooked such a large  
20 item.

21 I'm also really concerned - and I've  
22 talked a lot with the other justices - about our IT  
23 security. Obviously, we guard a lot of important  
24 information, and the one -- I mean, I'm not super

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1 IT-fluent, but I do know that I haven't changed my  
2 password once since I took office.

3 And I know that in an organization  
4 that's got a high level of security that passwords get  
5 changed regularly --

6 Q. Sure.

7 A. -- and so that -- it's still the case. And I  
8 hope that we can improve that in the future.

9 Q. What did you find going on in the area of human  
10 resources? You mentioned a little bit about that. But  
11 tell us what else you found.

12 A. Well, the main concern is I said -- one of the  
13 main concerns was policies. The Supreme Court had a -- as  
14 I understand it, a human resources policy manual that had  
15 been around for quite -- a couple of decades. It was  
16 revised right before I arrived, but then I still thought  
17 it was deficient in some areas.

18 This is really in the weeds, but I think  
19 that I wanted the Court to do a better job of  
20 administering FMLA, Family Medical Leave, and other types  
21 of required leave that was lacking. And as I said before,  
22 performance evaluations, I think, are really important,  
23 and I -- and I am not satisfied with the Court's process  
24 for handling compensation.

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1 Q. Okay. Well, what do you mean by that? What  
2 -- had there been any sort of pay scale implemented or  
3 salary review?

4 A. No. From the beginning of 2018, we've been  
5 talking about the National Center for State Courts  
6 doing a salary survey and kind of give us an idea of  
7 the ranges that -- and where we fit. That has not  
8 happened, although I wished it would happen.

9 I only have one vote, so I couldn't force  
10 it, or I haven't been able to yet. I might still succeed.

11 Q. The -- did the sal -- so the answer to that,  
12 I guess, is no. The salary study never got completed.

13 A. That's right.

14 WALKER EXHIBIT C  
15 (Final Administrative Conference Meeting  
16 Minutes (Confidential) dated May 14, 2018  
17 were admitted into evidence as Walker  
18 Exhibit C.)

19 Q. I'm going to turn your attention to what's been  
20 marked as Walker Exhibit C, and if the staff could display  
21 that, if they get a moment, Walker Exhibit C, especially  
22 page 2. And this -- could you recognize -- is it up in  
23 front of you?

24 A. Not quite. Almost.

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1 CHIEF JUSTICE FARRELL: Let me ask if  
2 the Senators can pull up Exhibit C.

3 SENATORS: Yes.

4 CHIEF JUSTICE FARRELL: You can? Very  
5 good, thank you.

6 Q. Okay. So -- so, Beth, do you recognize  
7 Walker Exhibit C? What is that?

8 A. Yes, it's the -- it's minutes from an  
9 administrative conference held on May 14th of this year.

10 Q. Okay. And these are the meetings of the Court,  
11 and minutes are kept of the Court conducting its business,  
12 right?

13 A. Yes.

14 Q. And if you could go -- if you could scroll down  
15 to Item No. 8 with the heading Raises. Do you see that?

16 A. Yes.

17 Q. And this reflects that -- that you voted -- you  
18 were one of two justices who voted against raises within  
19 the court family; is that right?

20 A. That's right.

21 Q. And the date on this is May the 14th, 2018.

22 A. Correct.

23 Q. Why did you vote against these raises?

24 A. I want -- I really felt strongly that the salary

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1 study or salary scale analysis should be conducted.

2 WALKER EXHIBIT D

3 (Amended Minutes for Special  
4 Administrative Conference dated May 17,  
5 2018 with attached salary/raise  
6 spreadsheet were marked and admitted as  
7 Walker Exhibit D.)

8 Q. Okay. And if we move now to Walker Exhibit D.  
9 It will take the staff just a moment to get it up in front  
10 of you. Let me know when it's up there.

11 A. It's there.

12 Q. Okay. Do you recognize Walker Exhibit D?

13 A. Yes, it's the amended minutes for a special  
14 administrative conference held on May 17th of this year.

15 Q. Okay. So this is just three days after the  
16 Exhibit C.

17 A. Yes.

18 Q. And -- but yet again, the issue of raises is  
19 back before the Court, right?

20 A. Yes.

21 Q. On the first page, we see that Chief Justice  
22 Workman recommended merit salary increases for some  
23 employees.

24 A. Yes.

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1 Q. Do you see that?

2 A. Yes.

3 Q. And what was your response to that?

4 A. I was not in agreement with that.

5 Q. And if we look at page 2, the next to the last  
6 paragraph, your basis for opposing that salary increase is  
7 set forth there, isn't it?

8 A. It is.

9 Q. And describe that for the members of the Court.

10 A. Well, as I said -- I mean, I listed a number of  
11 reasons that -- there hadn't been a salary survey, there  
12 were no salary scales. The Court's human resources  
13 director who had just been recently hired as of this day,  
14 was not involved. The cou -- there are no performance  
15 evaluation or other measure of employee job performance,  
16 and given the State's current financial circumstances.

17 To put it in context, we had just recently  
18 - prior to this - decided to implement the  
19 across-the-board increase that the res -- that the  
20 Governor, I guess, applied or -- that was to apply to  
21 State employees.

22 And I thought that on the heels of that, I  
23 really wanted some of this other analysis to happen before  
24 we started doing merit increases on top of the

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1 across-the-board increase.

2 Q. And despite the fact that you voted against  
3 raises in the May 14th meeting and the May 17th meeting,  
4 the raises were applied, weren't they?

5 A. They were.

6 Q. And if we look at the documents that follow in  
7 Exhibit D, the pages that follow the one that we were just  
8 on, these are the actual lists of employees and the  
9 proposed raises and the eventual salaries; isn't that  
10 right?

11 A. It is.

12 Q. Okay. Beth, did you think that the Court needed  
13 to be more careful in spending State funds?

14 A. Absolutely.

15 WALKER EXHIBIT A

16 (Minutes from Administrative Conferences  
17 January 8 and 9, 2018 were marked and  
18 admitted as Walker Exhibit A.)

19 Q. I'm going to show you what's been marked as  
20 Walker Exhibit A. And let me know when that is on your  
21 screen.

22 A. It is there.

23 Q. And if you'll turn your attention to Section 5,  
24 Legislative Update, Item 5.2.

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1 A. I have it.

2 Q. That reflects a vote, right, that -- a vote of  
3 3 to 1, with Justice Walker voting against the matter.

4 The Court voted to oppose a Constitutional amendment to  
5 limit the Court's budgetary authority.

6 A. That's correct.

7 Q. You were the only justice that voted in support  
8 of that.

9 A. That's right.

10 Q. And Justice Davis did not participate.

11 A. That's correct.

12 Q. Okay. The -- do you think the Court needs State  
13 vehicles for the justices, Beth?

14 A. I don't.

15 Q. Have you ever checked out a State vehicle for  
16 your own use?

17 A. I haven't, and I won't.

18 Q. Have you ever used a State gas card?

19 A. No.

20 Q. Have you ever turned in mileage for your trips  
21 within the state?

22 A. No. That's a commitment I made before I started  
23 that I would not turn in any mileage ever for my travel in  
24 the state. It was a personal decision.

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1 Q. Have you ever used a State P-card?

2 A. I have not.

3 Q. Beth, you mentioned that you had never been  
4 chief. Why is that?

5 A. There was one time when I tried. You may --  
6 some of -- may know from the media that on February 16th  
7 of this year, there were a couple of administrative  
8 conferences that eventually resulted in Chief Justice  
9 Loughry being voted out of that position.

10 So briefly the day started with a conference  
11 when we learned that a federal subpoena had been concealed  
12 from members of the Court by Chief Justice Loughry, Gary  
13 Johnson and Chris Morris, the Administrative Counsel.

14 That obviously was of tremendous concern,  
15 and I encouraged - and others agreed - that we should take  
16 a break and think about this, evaluate the situation, and  
17 reconvene later in the day, which is exactly what we did.

18 So during that break, I had multiple phone  
19 calls. I tried to encourage Chief Justice Loughry to step  
20 down on his own given this serious situation, and I also  
21 spoke to Justice Ketchum about possibly him supporting me  
22 as the next Chief Justice.

23 So we went into the meeting later in the  
24 day, and the initial vote -- well, the first vote was to -

1 and this is reflected in minutes - to remove Chief Justice  
2 Loughry from the position of chief by a 4 to 1 vote.

3                   Following that, then we needed to elect a  
4 new chief, and the minutes reflect that the vote for a new  
5 chief was three votes in favor of Justice -- now Chief  
6 Justice Workman, one in favor of me and one in favor of  
7 Justice Loughry.

8                   But prior to that final vote, it was  
9 actually tied, Justice Ketchum and I voting for me as  
10 chief, Justice Davis's -- Davis and Workman voting for  
11 Justice Workman as chief, and Justice Ketchum elected to  
12 change his vote, and that's how Chief Justice Workman  
13 became the chief.

14           Q.    In other words, Justice Ketchum voted -- changed  
15 his vote to break the deadlock and to make Chief Justice  
16 Workman chief.

17           A.    Yes.

18           Q.    What did your colleagues say to you, if  
19 anything, about why they were voting that way?

20           A.    They were concerned that I did not have enough  
21 experience to be the chief.

22           Q.    Who told you that?

23           A.    Justice Davis, and I believe Justice Workman.

24           Q.    Okay. The -- given that you were never chief

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1 justice -- I want to walk through some specific areas in  
2 Article XIV, and see what direct involvement, if any, you  
3 had in them.

4 Let's start with travel policies prior to  
5 October 2016.

6 A. I did not have direct involvement in that. I  
7 wasn't -- I didn't have this job yet.

8 Q. You weren't even on the Court at that time.

9 A. Right.

10 Q. Taxable fringe benefits on federal W-2s. What  
11 direct involvement did you have in that issue?

12 A. None.

13 Q. Auditing of State P-cards.

14 A. I did not have involvement in that.

15 Q. Home office policies.

16 A. I did not have involvement in that.

17 Q. Did you even have a Court-provided home office?

18 A. I did not.

19 Q. Recordkeeping for State automobiles.

20 A. I obviously became aware of it roughly a year  
21 ago, but I have no -- have not had any direct involvement  
22 in that.

23 Q. Inventories of State property.

24 A. I haven't had direct involvement in that,

1 although I'm aware of the testimony of Sue Troy previously  
2 that we have now implemented a much improved inventory  
3 control practice in the last several months.

4 Q. And what direct involvement did you have in  
5 purchasing procedures?

6 A. None.

7 WALKER EXHIBIT X

8 (Color photographs of Justice Benjamin's  
9 office before Walker renovations were  
10 marked and admitted as Walker Exhibit X.)

11 Q. Beth, I want to turn your attention to the  
12 renovation of your office. We've seen the photos. I'm  
13 not going to go back through putting them on the screen.  
14 We spent enough time on that this morning, I think.

15 But Exhibit X in our exhibits are the  
16 photos from before your office was renovated, right?

17 A. Correct.

18 WALKER EXHIBIT Y

19 (Color photographs of Justice Walker's  
20 office after renovations were marked and  
21 admitted as Walker Exhibit Y.)

22 Q. And Exhibit Y are after it was renovated.

23 A. Yes.

24 Q. We didn't see a before and after photo of the

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1 bathroom. What was the condition of the bathroom like?

2 A. It was clearly a very old bathroom. One of the  
3 concerns -- it -- the separate hot and cold taps.

4 Q. And the bathroom needed updated?

5 A. Yes.

6 Q. The -- what generally were your goals in  
7 renovating the office? What were you trying to  
8 accomplish?

9 A. Two things really. I wanted a functional  
10 office. The office was very dark. It was difficult to  
11 work in there particularly during the winter when it gets  
12 dark early. But I wanted it -- I wanted it to be an  
13 office where my clerks and I could get together frequently  
14 and talk or people could come and, you know, do the work  
15 of the Court. So that was part of it.

16 And the other one, I wanted the office to  
17 look like it belonged in a Cass Gilbert Capitol. I was  
18 not impressed with the office that had been redecorated by  
19 Justice Davis. I commented to some people after I saw it  
20 that I was -- I thought that Cass Gilbert might be rolling  
21 in his grave when he saw that office. Because it just  
22 doesn't fit. It's not within this beautiful Capitol.

23 So I wanted it to look like it fit. And I  
24 -- and I -- I guess I said two things, but the bottom line

1 is, I didn't want it to be a particular style; I just  
2 wanted it to be functional.

3 Q. And did you think that Justice Benjamin's office  
4 that you walked into had a particular style?

5 A. It had, I guess, his style. It had a design  
6 case that I understand - although I don't remember seeing  
7 - he liked to display Egyptian artifacts.

8 Q. And just to be clear, you didn't see Justice  
9 Benjamin's office, you didn't meet with him in it in sort  
10 of a transition or see it occupied.

11 A. I walked through his assistant's office one time  
12 with Mr. Canterbury when he was giving me a tour, and I  
13 looked into his office, but I -- I didn't want to be  
14 disrespectful. It was during the transition period, so I  
15 didn't actually go in and look around very closely.

16 Q. When you finally were able to get in and sort of  
17 look at taking over the office, it was in the state that  
18 we saw in those photographs; isn't that right?

19 A. It -- yes. It was mostly empty.

20 Q. Dec -- December 29th, you took those photographs  
21 of an office that -- and just to be clear, in some of  
22 those photographs there -- of the old office, there is a  
23 desk. But was there a desk when you walked in the office?

24 A. There was not.

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1 Q. You referenced a Cass Gilbert secretary desk.  
2 Was that there on December 29th?

3 A. It was not there on December 29th.

4 Q. And by "there," I mean it wasn't in Justice  
5 Benjamin's office.

6 A. That's right.

7 Q. Somebody brought it in by January 8th when you  
8 took that other photo.

9 A. Yes.

10 HOUSE MANAGERS EXHIBIT NO. 135

11 (Table Comparison of Justice Walker's and  
12 Justice Benjamin's Office was marked and  
13 admitted as House Managers Exhibit No.  
14 135.)

15 Q. And there's an exhibit - and if it could be  
16 displayed - House Managers Exhibit 135 that lists a bunch  
17 of specific items - it's a comparison - Benjamin's office  
18 on the one side and Justice Walker's office on the right-  
19 hand side.

20 And on the third page, there's a section called  
21 Furniture and Decor. Do you see Exhibit 135 before you?

22 A. I do.

23 Q. And if you'll go down to the Furniture and Decor  
24 section.

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1 A. I have it.

2 Q. There's a number of items listed in red: An  
3 office chair, a leather-topped desk. And if you look  
4 down below, there's an indication that the items in red  
5 were purchased and taken by Justice Benjamin when he  
6 retired. Do you see that?

7 A. Yes.

8 Q. Does that comport with your understanding of  
9 what happened to this furniture out of Justice  
10 Benjamin's office?

11 A. Well, there are some items of furniture  
12 listed on here that were not in the office when I got  
13 access to it.

14 Q. The -- well, let's go one by one. The office  
15 chair at \$747.00, do you believe that was in there?

16 A. No, that was purchased by him. That was --

17 Q. Okay. And the leather-topped desk was  
18 purchased by him.

19 A. Right.

20 Q. And then we see these three chairs that -- the  
21 three chairs cost \$5,126. But if you drop down, in fact,  
22 there is upholstery for those three chairs at \$6500  
23 roughly and another line at \$222.00.

24 Am I reading this correctly that to the

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1 best of your understanding, those three chairs were  
2 something in the realm of \$12,000?

3 A. Yes.

4 Q. And they weren't there?

5 A. They were not there.

6 Q. What happened to them?

7 A. I understand that Justice Benjamin purchased  
8 some of them.

9 Q. Did he pay \$12,000 for them?

10 A. Not to my knowledge.

11 Q. What did he pay?

12 A. I understand his check was approximately  
13 \$6,000 for -- for furniture that I researched and  
14 learned cost the Court \$17,000.

15 Q. And so all of these items in red, as shown  
16 here, Justice Benjamin paid a total of how much?

17 A. Approximately \$6,000.

18 Q. Okay.

19 A. I -- I don't know the exact number.

20 Q. But there's some other items here in black that  
21 weren't there either, were they? Let's look at the --  
22 there's a sofa referred to, a reupholstered sofa, in the  
23 amount of \$3,656?

24 A. That's right.

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1 Q. I didn't see a sofa in those photos.

2 A. I don't remember seeing a sofa.

3 Q. There wasn't a sofa in there. And it's not  
4 reflected here as being purchased by Justice Benjamin,  
5 is it?

6 A. That's correct.

7 Q. You don't know what happened to that sofa.

8 A. I don't.

9 Q. The -- the cocktail table we've heard a  
10 little bit about, it's -- it looks like it was  
11 purchased for Justice Benjamin from eBay for about  
12 \$1,000. Do you see that?

13 A. Yes.

14 Q. It's sometimes referred to as this Ernest  
15 Hemingway table. Is that what we're seeing in the  
16 pictures that has a globe in the center of it?

17 A. I believe that's the item, yes.

18 Q. Now, that was still there, because it was in the  
19 pictures, right?

20 A. Right.

21 Q. But you didn't keep that in your office.

22 A. There was no place to work on that table.

23 Q. Because it was filled with a globe instead of a  
24 writing surface.

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1 A. Right.

2 Q. Okay.

3 A. Fortunately, the Court was able to locate a  
4 table for me to use as kind of a conference table to  
5 meet with my clerks.

6 Q. Temporarily until the renovations --

7 A. Well, we found -- we found it in the course  
8 of that and we kept it there. We didn't get a new one.

9 Q. The items that we do see in the photo that  
10 remained, such as this table from this -- this  
11 Hemingway table from eBay, what happened to those  
12 items?

13 A. I told Kim Ellis, who is in charge of our  
14 furniture and facilities, that I didn't think it was  
15 gonna be useful for me, and obviously suggested it be  
16 repurposed if it could in some other way in the courts.

17 Q. So they're somewhere still in the Court's  
18 custody and control.

19 A. I believe so. I believe so.

20 Q. Okay. In walking through the sort of mechanics  
21 of how you went about renovating your office, who'd you  
22 work with?

23 A. So I initially learned of a decorator person  
24 named Holley Price. She was recommended -- I didn't know

1 her personally very well, but my friends recommended her  
2 and said that she did things economically, so that was of  
3 interest to me.

4           And so I brought her in to meet with  
5 Kim Ellis. Kim Ellis, as I said, is our facilities  
6 person. She used to work for Silling as a designer,  
7 but now she's full time taking care of all of the  
8 facilities that the Court uses in all 55 counties.

9           So I thought Kim had extensive  
10 information about those offices; Holley could  
11 coordinate with her and see what we could put together  
12 for an office.

13         Q. Okay. And so the two of them - Ms. Ellis and  
14 Ms. Price - worked together on this project.

15         A. Right.

16         Q. Okay. And how did they start? Where did --  
17 where did you start in terms of moving forward with a  
18 contractor?

19         A. Where you might think. We talked about what we  
20 could, you know, do, what we could keep in the office,  
21 what I might change. We -- Holley suggested a contractor  
22 who might be able to do the work.

23         Q. Who was that?

24         A. I think it's M & M Contractors. And so they did

1 a bid, I guess, or a -- an estimate of what that could  
2 cost. There were some cost estimates exchanged early on.  
3 We went through the process of figuring out how to set up  
4 an office that I could function well in for another 11  
5 years.

6 Q. Were -- was the first bid, that first  
7 proposal from M & M, were they able to do the work?

8 A. They were not. As I understand it, the  
9 proposal was for \$26,000 for the construction costs,  
10 and I understand that they didn't want to or weren't  
11 familiar with or weren't willing to kind of go through  
12 the hoops that you have to go through for State  
13 purchasing, and so they withdrew from the project, and  
14 at that point, Kim suggested that we get competitive  
15 bids, which we did.

16 Q. Okay. And -- and then the lowest bidder was  
17 selected.

18 A. Yes, that was Oval.

19 Q. Oval Construction. Okay. The -- once Oval was  
20 selected and began starting work, what was the nature of  
21 your involvement with the project at that point?

22 A. I was obviously very involved in talking about  
23 the project, but once it started, it was my office, so I  
24 didn't have a place to work because of the con -- the

1 construction that was going on, and so I relied on Kim for  
2 updates, and I stopped in a couple of times over the  
3 course of the time the work was being done in the summer.

4 We didn't have court at that time, so it  
5 wasn't necessary for me to be in the building, and I was  
6 in the early stages of operating remotely.

7 Q. The -- do you recall learning of a change  
8 order that came in for Oval Construction? And by that,  
9 I mean at that time.

10 A. No, not at that time.

11 Q. When do you recall first learning of that?

12 A. I learned of the change order which increased  
13 the cost of the construction expenses when these  
14 documents were put together in response to the media  
15 request.

16 Q. If the change order -- if the face of the change  
17 order shows that it came in and was signed by the Court  
18 representatives in October of 2017, what would you have  
19 been primarily occupied with at that time?

20 A. Our fall term of court.

21 Q. Hearing arguments on the Supreme Court.

22 A. That's right.

23 Q. Beth, did you intend to take -- at the end of  
24 your term, did you intend to take - like we saw with

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1 Justice Benjamin - any of the furniture that was  
2 purchased with you, or buy it at some sort of market  
3 valuation?

4 A. Not at all. I intended for the furniture to  
5 stay and be functional for the next person who was  
6 honored to occupy that office.

7 Q. What would you do differently today with  
8 respect to your office renovations?

9 A. A lot. I would have been a lot more hands-on  
10 about the change from the first contractor to Oval and  
11 then what was happening. I should have stopped the  
12 project and reassessed it.

13 I definitely made a mistake and wish I  
14 could change it.

15 Q. Let's move on to the issue of the temporary law  
16 clerk, Ms. Allen. How did you first come to learn of that  
17 sort of arrangement being possible at the Court?

18 A. As I explained, we started my first term with  
19 three clerks. One of those clerks went off in the middle  
20 of March until the middle of May because she had her first  
21 child.

22 I talked to my clerks, and we thought we  
23 might be able to handle the work load. I just rolled up  
24 my sleeves and I thought, "Well, we'll work nights,

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1 weekends, we'll get this done." But by May or so - maybe  
2 April; I'd have to look at the invoice from Ms. Allen - it  
3 was clear that I was behind and I was not getting enough  
4 of the Court's work that was assigned to me done.

5 The other justices -- a couple of the  
6 other justices suggested that I think about hiring a  
7 temporary clerk to fill in essentially for my clerk who  
8 was off on maternity leave.

9 Barbara Allen was suggested as a  
10 potential clerk. She had worked previously as a  
11 temporary clerk for Justice Davis when one of her  
12 clerks was off for a medical reason, and she had also  
13 worked for the Court on a case in 2016 when all of the  
14 justices recused themselves, and so they brought her in as  
15 a neutral - I guess, for lack of a better word - as a law  
16 clerk to work on that case.

17 Q. Did anybody - whether a fellow justice or  
18 administrative officer - raise any concerns with you about  
19 hiring Ms. Allen as a temporary law clerk?

20 A. Not at all. Barbara Allen is very well thought  
21 of by the Court. She has extensive legal experience, and  
22 is a former clerk and a highly-skilled lawyer. So they  
23 suggested her to me. I talked to her. We were able to  
24 come up with an agreement on the price, which was capped

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1 at \$10,000, and we moved forward.

2 Q. So if I heard you correctly, the -- one of  
3 your colleagues actually suggested Ms. Allen because  
4 she had done this before.

5 A. Yes.

6 Q. Chairman Shott's questions alluded to these  
7 other law clerks. Did any of your colleagues say,  
8 "Well, instead of hiring Ms. Allen, why don't you use  
9 one of my law clerks"?

10 A. Not at all. Their law clerks were busy do --  
11 doing the work that they had to do. You know, we all  
12 have roughly -- it's not exactly the same, but roughly  
13 the same opinion workload and cases to review.

14 Q. Did Ms. Allen adequately perform the work she  
15 was hired to do in this arrangement?

16 A. Yes, I was very satisfied.

17 Q. In your opinion, even as you sit here today, was  
18 the compensation for that work fair both to Ms. Allen and  
19 to the State?

20 A. I believe it was.

21 Q. Even after accounting for Ms. Allen's payment,  
22 was the amount you spent on your staff still less than  
23 anybody else on the Court?

24 A. Yes.

1 Q. Do you think you did anything wrong, as you  
2 testify here today, about the hiring of Ms. Allen?

3 A. I don't.

4 Q. Okay. Let's turn to this issue of lunches  
5 briefly. We -- we heard a lot from Chairman Shott  
6 about these GSA - federal government per diem -  
7 guidelines. Have you ever in your working life been  
8 subject to the GSA per diem working guidelines?

9 A. I have not.

10 Q. Do you have any idea how they operate in  
11 practice?

12 A. I -- I don't.

13 Q. You did, I take it, at both Bowles Rice the --  
14 the lengthy period of time you were there, and at WVU  
15 Medicine, occasionally have employer-provided meals and  
16 have business expense meals?

17 A. Yes.

18 Q. Okay. And the GSA guidelines didn't apply to  
19 those, I take it.

20 A. As far as I know, they did not.

21 Q. I'm also a little confused about some of  
22 Chairman Shott's questions about these IRS regulations and  
23 the research you did. You haven't changed your mind, have  
24 you, that as you sit here today, you still don't think

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1 those lunches are, quote/unquote, income for purposes of  
2 the IRS.

3 A. I have not changed my mind.

4 Q. Why did you pay back the money? Was it  
5 because of some IRS issue, or -- or what?

6 A. I just came to realize that it was not  
7 something I wanted to do. And once I learned -- after  
8 inquiring and being told that it was not possible to  
9 compute, once I learned that it could be computed, I  
10 repaid it.

11 Q. And what you're referring to there is a  
12 conversation you had with Chief Justice Loughry at some  
13 point after you had a concern in the spring of 2017 --  
14 correct?

15 A. Yes.

16 Q. -- and he sort of brushed you off, for lack of a  
17 better word.

18 A. It was in the fall. I don't exactly know when.

19 Q. And there wasn't a document available.

20 A. That's right.

21 Q. What about the FOIA process changed that?

22 A. I learned -- well, one of the FOIA requests  
23 included the documentation for the meals, and so I learned  
24 that there was indeed documentation.

1 Q. And so you saw that amount, and for the year  
2 that you had been there - as we looked at the documents  
3 earlier this morning - it was 52 meals for that entire  
4 year. And we looked at the calendar. You remember  
5 that?

6 A. I do.

7 Q. And it was about \$10,000 roughly for the  
8 whole Court.

9 A. It was.

10 Q. And you paid your one-fifth share.

11 A. I did.

12 HOUSE MANAGERS EXHIBIT NO. 127

13 (Justice Walker's reimbursement check was  
14 marked and admitted as House Managers  
15 Exhibit No. 127.)

16 Q. And if you -- if I could draw your attention to  
17 House Managers Exhibit 127, and if it could be displayed  
18 briefly.

19 A. That is the check that --

20 Q. That's the check that you wrote?

21 A. -- that I wrote, and I believe I wrote it on the  
22 28th of December and handed it to Administrative Director  
23 Johnson on the 29th, the next day.

24 Q. Okay. And just to be clear, there's the check,

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1 the \$2,019.24. Chairman Shott showed you a footnote from  
2 a Judicial Investigation Commission letter. Do you recall  
3 that?

4 A. Yes, I do.

5 Q. And the footnote had this sort of odd comment  
6 about that there were 52 lunches but you hadn't really  
7 been there for all of them.

8 A. That's right. I think he said that the JI --  
9 I think the JIC concluded that I participated in 46 of  
10 those.

11 Q. And it looks like, from my review of the  
12 records, you didn't participate in the lunches in  
13 November.

14 A. That's right.

15 Q. Why was that?

16 A. Well, to make a somewhat long story short, I got  
17 a call from my husband on November 3rd that he had driven  
18 himself to the emergency room. He was in North Carolina  
19 with chest pains and shortness of breath. I drove to  
20 North Carolina to be with him, and three days later, he  
21 had a quadruple bypass surgery, open heart surgery, and I  
22 didn't come back to West Virginia for a month after that.

23 I was his caregiver. I'm sure all of you  
24 know what's involved with open heart surgery. And we are

1 blessed and grateful that he is doing well and is sitting  
2 up there in the gallery.

3 Q. So you didn't have those lunches, but rather  
4 than parse that out, you just paid a fifth of the --  
5 all the lunches for 2017.

6 A. I -- I wrote the e-mail intending to pay a  
7 fifth before I knew what the number was, and I didn't  
8 know what the documentation would look like, and it --  
9 part of me just kind of felt a fifth responsible. And  
10 I figured if I paid a fifth, it would cover my lunches;  
11 it would cover my assistant's lunches and account -- it  
12 would be safely enough to repay the State.

13 Q. And I think you're referring to the e-mail that  
14 Chairman Shott displayed earlier, which was the e-mail  
15 between you and Sue Troy. But I also want to draw your  
16 attention to Exhibit S.

17 WALKER EXHIBIT S

18 (E-mail string between Justices dated  
19 December 20, 2017 regarding the lunches  
20 was marked and admitted as Exhibit S.)

21 MR. HISSAM: And if Exhibit S could be  
22 shown on your screen and just displayed briefly.

23 Q. If you'll go to the bottom, ma'am --

24 A. Sure.

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1 Q. -- what's -- what's going on here?

2 A. After my e-mail about the one-fifth  
3 intention, but before I wrote a check, Justice  
4 Workman --

5 Q. And that's her bottom e-mail.

6 A. -- she expressed a similar concern, and  
7 voiced her thought that she had also asked about these  
8 lunches previously. So --

9 Q. And in particular, she wants the record to  
10 demonstrate what she calls "my effort to make  
11 reimbursement and be clear that that preceded the FOIA  
12 request."

13 A. That's what -- that's what her e-mail said, yes.

14 Q. And then Justice Ketchum chimes in next, right?  
15 Do you see that, if you go up slightly?

16 A. Yes.

17 Q. And what does that say?

18 A. He said -- he voiced his opposition to  
19 reimbursement for the lunches. He said it is an entirely  
20 appropriate expense, talked about the -- the fact that we  
21 worked through lunch and the history -- a little bit about  
22 the history when the Court would take a break during oral  
23 arguments. So he was not in favor of paying back the  
24 lunches.

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1 Q. And I just want to make sure this body  
2 understands your position. You understood the  
3 scheduling and logistical issues about the Court and  
4 breaking for lunch, right?

5 A. Yes.

6 Q. You understood the inconvenience that maybe  
7 that caused lawyers, especially out-of-state lawyers,  
8 but the issue is, you did not think it was appropriate  
9 for the Court to buy your lunch.

10 A. Right.

11 Q. You were not gonna con -- participate in that  
12 anymore.

13 A. Correct.

14 Q. And you had paid back by the time -- of the --  
15 by the day of this e-mail, you had sent an e-mail  
16 indicating that you were going to pay it back.

17 A. Right. I paid it back about nine days later.

18 Q. And then after Justice Ketchum chimed in,  
19 Justice Workman wrote back, right, at 7:34. Do you see  
20 that?

21 A. Yes.

22 Q. -- and she says, "After reading MK" - Menis  
23 Ketchum's - "e-mail, I think I find myself agreeing with  
24 him." Do you see that?

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1 A. Right.

2 Q. To the best of your knowledge, ma'am, have  
3 Justice Ketchum or Justice Workman repaid the lunches  
4 that were provided them?

5 A. Not to my knowledge.

6 Q. Okay. And then up above, Chairman Shott  
7 asked you several times about what motivated your  
8 repayment. Can you read the second paragraph of your  
9 e-mail at the top of Exhibit S?

10 A. This is responding to, I think, all of the  
11 justices. "All that being said, my decision is purely  
12 personal and I do not plan to announce it unless  
13 absolutely necessary to respond to a FOIA request. I will  
14 simply opt out of future lunches as a matter of personal  
15 preference."

16 Q. And as a matter of fact, the initial FOIA  
17 response that went out on the issue of lunches didn't  
18 include the fact that you had repaid it, that initial  
19 response did not.

20 A. The initial response did not. I learned shortly  
21 before the media report was going to be aired that my  
22 check hadn't been sent, and so I sent it to Mr. Bass  
23 myself.

24 Q. Is Exhibit S, Beth, is that a fair

1 representation of sort of the way the Court, the  
2 justices, were functioning among themselves at this  
3 period of time?

4 A. It is five -- there are five justices on the  
5 Court who are very strong-willed and don't hesitate to  
6 point out when they disagree with each other. It was  
7 also shortly after all the media coverage started, and  
8 to the extent there was any collegiality before that -  
9 which was limited - it definitely was a very difficult  
10 environment at this time.

11 Q. Beth, we've covered a lot of areas this  
12 afternoon. Is there anything else you want to say to the  
13 Court of Impeachment?

14 A. I want to apologize for you being here. I  
15 regret so much the mistakes I made, and I'm sorry. I need  
16 to apologize to the taxpayers and to you, and so I'm sorry  
17 that you have to be here for all of this.

18 But I firmly believe that people can learn  
19 from their mistakes. I have learned from these mistakes,  
20 you can rest assured, and I'm very optimistic about the  
21 future of the Judiciary. I think we can restore the  
22 public trust and confidence in the Judiciary, and I'm  
23 going to do everything I can - should I be fortunate  
24 enough to stay in this office - to do just that.

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1 I appreciate, you know, your  
2 consideration.

3 MR. HISSAM: Thank you. No further  
4 questions.

5 CHIEF JUSTICE FARRELL: Mr. Shott,  
6 redirect?

7 DELEGATE SHOTT: Thank you, Your Honor.

8 REDIRECT EXAMINATION  
9 BY DELEGATE SHOTT:

10 Q. Justice Walker, you mentioned when -- in your  
11 explanation of your need to renovate Justice Benjamin's  
12 office that you were looking for a functional office. You  
13 weren't trying to imply, were you, that Justice Benjamin  
14 could not work in his office as it was renovated back in  
15 2011?

16 A. No, I did not mean to imply that.

17 Q. You're not trying to imply that Justice Benjamin  
18 wasn't working at all because the office was not  
19 functional.

20 A. Not in any way, shape or form.

21 Q. All right. So it was functional for him, but  
22 you didn't think it was functional for you.

23 A. Well, there was no furniture.

24 Q. Okay. But you did a lot more than replace

1 furniture, did you not?

2 A. I did.

3 Q. Probably by about \$100,000; isn't that fair  
4 to say?

5 A. I'd have to look at it to be sure to testify  
6 under oath, but generally, yes.

7 Q. You mentioned that you had mentioned to  
8 Ms. Ellis about some of the furniture going into  
9 storage. So you were aware that the Court has two  
10 warehouses full of files and furniture and so forth.

11 A. I wasn't aware at that point, but I certainly  
12 have become aware since then.

13 Q. So for someone who was interested in saving  
14 taxpayer money, it certainly could have been possible to  
15 go to one of those warehouses and pick out furniture that  
16 was functional, but used, to staff your office; isn't that  
17 fair to say?

18 A. I don't know that to be the case, but it's  
19 possible.

20 Q. You didn't inquire?

21 A. No, I did not.

22 Q. You also indicated that you wished you had  
23 played a higher role in -- in the monitoring of what went  
24 on in your office.

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1 A. I do.

2 Q. You said in response to earlier questions  
3 that you were concerned that there was an absence of a  
4 policy on what could be spent in offices. So my  
5 question is: If you were concerned about the absence  
6 of a policy, why you didn't spend more time overseeing  
7 the actual work that went on in your office.

8 A. I don't remember testifying about being  
9 concerned of a lack of a home office policy. I think I  
10 testified --

11 Q. Not home office.

12 A. -- that I -- that I didn't have any direct  
13 involvement in a home office policy. But I --

14 Q. No, I think I mis -- you may have misunderstood  
15 my question.

16 A. Oh, okay.

17 Q. It's not a home office that I'm referring to.  
18 I'm talking about your office.

19 A. Oh, yes, I'm sorry. I misunderstood you.

20 Q. You were concerned about the absence of a policy  
21 that put a limit on what could be spent --

22 A. Yes, I'm sorry, I did say that.

23 Q. -- on a office. Okay? And my question is: If  
24 you were concerned about the absence of a policy and there

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1 being no limits, based on what you could see around you  
2 and what had been done in other offices - and especially  
3 Justice Davis's office - why you didn't pay closer  
4 attention to what went on in your office and the costs  
5 that were involved.

6 A. I absolutely should have.

7 Q. And you mentioned that on the second day  
8 there, you joined the majority to fire -- or became the  
9 majority, I guess, to fire Mr. Canterbury. And you  
10 mentioned the problem with lacking HR policies.

11 A. Lacking adequate HR policies, it might be --

12 Q. Yes. Would not a policy regarding reimbursement  
13 for lunches or the taxpayers paying working lunches been  
14 part of your concern about HR policies? I mean, isn't  
15 that a typical policy?

16 A. I don't remember if it was in the policy manual.  
17 That would be a typical HR policy.

18 Q. But that should be a concern, should it not? I  
19 mean, you entered a -- you entered an environment where  
20 the taxpayers were paying for working lunches, didn't --  
21 it didn't occur to you -- and you knew that there was a  
22 problem with the absence of HR policies, but it didn't  
23 occur to you that that might be part of the problem?

24 A. It did not.

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1 Q. I want to get clarity from you on your view  
2 of the use -- or the practice of providing working  
3 lunches to justices who choose to work through the  
4 lunch hour, or who on a administrative conference day  
5 decide that - that whatever -- it's an 8:00 to 5:00,  
6 9:00 to 5:00 day - they can continue to work and be  
7 paid, or have the taxpayers pay for that lunch, you  
8 don't think there's anything wrong with that. Is that  
9 correct?

10 A. I think I testified that I don't think there's  
11 anything illegal about that.

12 Q. Okay. Well, let me ask you this then --

13 A. I certainly came to conclude as a personal  
14 matter that I didn't want taxpayers buying my lunch. It  
15 took me too long to come to that realization, but I did.

16 Q. So from a personal standpoint, is this your  
17 personal ethics, or is it just that you'd prefer not to  
18 eat where the taxpayers are paying for it?

19 A. All of the above.

20 Q. All of the above, okay. But you don't think  
21 anything's wrong with the other justices doing that.

22 A. I don't know of any law that prohibits it.

23 Q. So are you -- are you saying then if a circuit  
24 judge decides that in order to be more efficient or to

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1 allow his attorneys who are there - perhaps even down my  
2 way; they come from Charleston all the time - to be  
3 convenient to them, if that judge decides to work through  
4 lunch, then he's entitled to have a taxpayer-paid lunch?

5 A. I would be opposed to that, although to be  
6 honest, I don't know that if when circuit judges are  
7 required to travel, there might be a per diem in the  
8 statute. I don't know that for sure.

9 Q. But now, what I'm talking about is in their home  
10 court.

11 A. Okay, if we're in the home court, I would be  
12 opposed to that.

13 Q. You'd be opposed to that.

14 A. I would.

15 Q. But it's okay up here.

16 A. I personally do not think it's okay up here.

17 Q. All right. With regard to the payment -- the  
18 paying back or the reimbursing for the lunches, that -- it  
19 did occur after the - let's put it this way - the  
20 spotlight was turned on to the Court with regard to these  
21 FOIA requests.

22 A. Well, it depends on how you define "spotlight."  
23 The FOIA request certainly had been made.

24 Q. And prior to that, there had been media coverage

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1 of other issues involving the Court, so in fact, the Court  
2 was in the -- at least in the view of the media. Fair to  
3 say?

4 A. Very fair to say.

5 Q. Yeah. So now, with regard to these various  
6 exhibits that you've offered in terms of the actions that  
7 you took after this FOIA request, I was looking for  
8 actions that were taken before the FOIA request that are  
9 documented, and I couldn't find any.

10 Can you point me to any memorandums, any  
11 administrative minutes where these actions were taken  
12 before the FOIA request?

13 A. Actions such as returning my copy of the West  
14 Virginia Code and saving \$1,000 a year?

15 Q. Actions such as designing policies to address  
16 some of these concerns, addressing the lunches, for  
17 instance, the excessive spending? Were there any actions  
18 you took to put a lid on excessive spending once you  
19 learned what was spent on your office?

20 A. I -- once I learned what was spent on my office,  
21 I can assure you that I will be strongly opposed to any  
22 kind of spending like that in the future.

23 Q. What --

24 A. I look forward to working with the Legislature

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1 to make sure that the Court's spending is under control in  
2 the future.

3 Q. And my point in asking that -- I was looking  
4 at the exhibits that you offered. All of them seemed  
5 to be in 2018. Did you take any action before this FOIA  
6 request to implement a policy, to recommend a policy to  
7 put a lid on the spending for renovations?

8 A. Not that I know of.

9 Q. Did you take any action to upgrade the inventory  
10 control policies, so things like the disappearance of the  
11 Cass Gilbert desk would not occur again?

12 A. I did not know about the Cass Gilbert desk until  
13 I saw it on television. So I did not take any action to  
14 implement a policy to prevent that from happening.

15 Q. And haven't to this day; is that fair to say?

16 A. Actually, I understand that our equip -- our  
17 physical assets are now either in the process or it's been  
18 completed, that they're cataloged in OASIS. Is -- and I  
19 take that from what I've heard from Sue Troy.

20 Q. But not from any action that you've taken.

21 A. No. I was not directly involved in that, that's  
22 correct.

23 DELEGATE SHOTT: Thank you, that's all.

24 CHIEF JUSTICE FARRELL: Any recross?

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1 MR. HISSAM: No, sir.

2 CHIEF JUSTICE FARRELL: Justice  
3 Walker, you may resume a seat at your table. We have  
4 another witness?

5 SENATOR ROMANO: Chief Justice, sir, I'm  
6 sorry, I thought we were going to be able to submit  
7 questions prior to the witness --

8 CHIEF JUSTICE FARRELL: You are absolutely  
9 correct. Justice, if you'd return to the table there.  
10 Anybody has any questions, please write them down, submit  
11 them to me and I'll read them.

12 Just -- anybody else? I've got one  
13 question.

14 Justice Walker, there was a question: Do  
15 justices collect a per diem --

16 JUSTICE WALKER: No.

17 CHIEF JUSTICE FARRELL: -- covering meals  
18 and accommodations during the term?

19 JUSTICE WALKER: No.

20 CHIEF JUSTICE FARRELL: And the second  
21 part of that question was, "If yes, is that double  
22 dipping." If you collect it while you were part of the  
23 term, but the answer to the question is: No, they do not  
24 collect the per diem while sitting on the --

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1 JUSTICE WALKER: I can say for sure  
2 that I have never collected a per diem. I can't speak  
3 for the practices before I took office, but I'm not aware  
4 of anyone being paid a per diem since I took office.

5 CHIEF JUSTICE FARRELL: Any other  
6 questions to be submitted for this witness?

7 Apparently we have several.

8 Question: Do I understand correctly that  
9 you regret participating in taxpayer-funded lunches?

10 JUSTICE WALKER: Yes.

11 CHIEF JUSTICE FARRELL: As a result, you  
12 decided to reimburse the State for the cost, correct?

13 JUSTICE WALKER: Yes.

14 CHIEF JUSTICE FARRELL: You also expressed  
15 regret for spending taxpayer funds on office renovations,  
16 correct?

17 JUSTICE WALKER: Absolutely.

18 CHIEF JUSTICE FARRELL: Have you then  
19 reimbursed taxpayers --

20 JUSTICE WALKER: I have not.

21 CHIEF JUSTICE FARRELL: -- for those costs  
22 of approximately \$30,000 {sic}?

23 JUSTICE WALKER: I have not.

24 CHIEF JUSTICE FARRELL: If not, do you

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1 intend to do so?

2 JUSTICE WALKER: I do not.

3 CHIEF JUSTICE FARRELL: Another question:  
4 Do you make any -- did you make any inquiry about the  
5 propriety of free lunches or attempt to pay back your  
6 share of the costs before the December 2017 FOIA request  
7 from Kennie Bass?

8 JUSTICE WALKER: I made a general inquiry  
9 in the fall to Chief Justice Loughry about trying to find  
10 out how much was spent on the lunches with the intention  
11 of paying that back, and I was told that that information  
12 was not available.

13 CHIEF JUSTICE FARRELL: Second part of the  
14 question: Do you have any evidence of such an inquiry or  
15 attempt --

16 JUSTICE WALKER: No, as I explained to -  
17 -

18 CHIEF JUSTICE FARRELL: Let me finish.

19 JUSTICE WALKER: Oh, sure, sorry.

20 CHIEF JUSTICE FARRELL: -- attempt to  
21 repay prior to Bass's FOIA?

22 JUSTICE WALKER: As I explained in my  
23 letter to the JIC, I did not document that inquiry.

24 CHIEF JUSTICE FARRELL: Another question:

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1 Did you directly ask any other judge if it was appropriate  
2 to hire Ms. Allen to write an opinion for you?

3 JUSTICE WALKER: I'm sorry, I didn't hear  
4 the first part.

5 CHIEF JUSTICE FARRELL: Did you directly  
6 ask any other judge if it was appropriate to have Ms. --  
7 to hire Ms. Allen to write an opinion for you.

8 JUSTICE WALKER: I spoke with Chief  
9 Justice Loughry, Justice Workman and Justice Ketchum, and  
10 I believe Justice Davis, about hiring her, and they agreed  
11 that it was appropriate.

12 CHIEF JUSTICE FARRELL: Did you ask the  
13 chief administrator?

14 JUSTICE WALKER: The administrative  
15 director? Well, I'll take that to mean --

16 CHIEF JUSTICE FARRELL: The question is:  
17 Did you ask the chief administrator? Referring to  
18 Ms. Allen I assume.

19 JUSTICE WALKER: I did not ask the  
20 administrative director about hiring a temporary law  
21 clerk. Generally, the business of deciding cases doesn't  
22 cross over into the administration of the courts, so the  
23 administrative director isn't involved in any way in  
24 opinion writing, deciding cases, hearing arguments.

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1 CHIEF JUSTICE FARRELL: Did you seek  
2 an ethics opinion?

3 JUSTICE WALKER: I did not.

4 CHIEF JUSTICE FARRELL: Question: Should  
5 every elected official be permitted to remodel their  
6 office to their liking, regardless of how little time has  
7 passed since the last remodeling? If so, why?

8 JUSTICE WALKER: No.

9 CHIEF JUSTICE FARRELL: You demanded a  
10 study before raising staff salaries. Did you request a  
11 study for, A, remodeling budgets for the other offices?

12 JUSTICE WALKER: Could you read the last  
13 part of that again? I'm --

14 CHIEF JUSTICE FARRELL: Sure. Did you  
15 request a study for remodeling budgets for other offices?

16 JUSTICE WALKER: I did not.

17 CHIEF JUSTICE FARRELL: Did you request a  
18 study for supplying lunches for free?

19 JUSTICE WALKER: I did not request a study  
20 about providing lunches for free.

21 CHIEF JUSTICE FARRELL: Did you request a  
22 study requesting frequency of remodeling of offices?

23 JUSTICE WALKER: I did not request such a  
24 study.

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1 CHIEF JUSTICE FARRELL: Do you believe  
2 Justice Benjamin has committed an impeachable offense by  
3 either, one, remodeling his office and the cost, or two,  
4 purchasing some of his used furniture?

5 JUSTICE WALKER: I don't think it's for me  
6 to say, because it's a decision of the Legislature. But I  
7 don't believe that.

8 CHIEF JUSTICE FARRELL: Let me ask the  
9 Clerk to pull up Exhibit E. I think this says Clerk 2.  
10 Do we have E?

11 JUSTICE WALKER: Yes, I have E. I'm  
12 sorry.

13 CHIEF JUSTICE FARRELL: Okay. Okay, Law  
14 Clerk Level 2 was significantly lower. Was that because  
15 the clerk was hired later in the year?

16 JUSTICE WALKER: Yes.

17 CHIEF JUSTICE FARRELL: Any other  
18 questions? Okay.

19 Did Steve Canterbury encourage you to  
20 spend excess money in your budget? If so, did he  
21 encourage you to spend as much as possible?

22 JUSTICE WALKER: He did not.

23 CHIEF JUSTICE FARRELL: If Justice Davis  
24 did not participate in the lunches, that would mean that

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1 there was only four justices being supplied lunches. Why  
2 did you reimburse for only one-fifth versus one-fourth of  
3 the cost?

4 JUSTICE WALKER: I looked at it from the  
5 point of view of each of us being responsible for those  
6 lunches being spent, regardless of who was participating,  
7 so I paid for a fifth.

8 CHIEF JUSTICE FARRELL: Any other  
9 questions? I know we have one coming.

10 Are you familiar with the following  
11 statement: "Free government and the blessings of liberty  
12 can be preserved to any people only by a firm adherence to  
13 justice, moderation from" --

14 JUSTICE WALKER: What was the last word,  
15 Justice?

16 CHIEF JUSTICE FARRELL: I'm trying to  
17 figure out what that word is.

18 JUSTICE WALKER: Okay.

19 CHIEF JUSTICE FARRELL: Yeah. Let's try  
20 again. Free -- quote: "Free government and the blessings  
21 of liberty can be preserved to any people only by a firm  
22 adherence to justice, moderation, temperance, frugality  
23 and virtue and by the frequent" --

24 I'll read it in its entirety. Some of

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1 you, I think, must be doctors. My father was one. I  
2 could never read his handwriting, but I knew I was in  
3 trouble.

4 "Free government and the blessings of  
5 liberty can be preserved to any people only by a firm  
6 adherence to justice, moderation, temperance, frugality  
7 and virtue and by the frequent" - what did we say,  
8 reoccurrence - "recurrence, to fundamental" precedent -  
9 what it is it - "fundamental principles."

10 Have you ever heard of that statement,  
11 Justice?

12 JUSTICE WALKER: It sounds familiar, but I  
13 can't identify who said it.

14 CHIEF JUSTICE FARRELL: Apparently it's  
15 from the West Virginia Constitutional Bill of Rights,  
16 Section 20.

17 Any other questions?

18 You said the Chief Justice is the CEO of  
19 the Court. How is it different from the Court  
20 Administrator's role?

21 JUSTICE WALKER: The Chief Justice is - by  
22 the Constitution, I believe - vested with certain powers  
23 that are different and have to do with the administration  
24 of the courts. The Court Administrator does not have that

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1 same power, although occasionally the Chief Justice might  
2 delegate some of those duties to the Court Administrator.  
3 Or perhaps another justice.

4 CHIEF JUSTICE FARRELL: Did Justice Davis  
5 ever participate in lunches paid for by the Court? If so,  
6 when and where did she stop?

7 JUSTICE WALKER: Only from the documents  
8 that I've seen in the course of all of the media inquiries  
9 did it appear that Justice Davis previously participated  
10 in the lunches, but I cannot testify under oath for sure  
11 about that.

12 CHIEF JUSTICE FARRELL: Any other  
13 questions?

14 If not, I'll provide these to the Clerk  
15 and ask him to make them part of the record in this case.

16 It being about a quarter to 2:00, or ten  
17 till 2:00, let's take our 15-minute afternoon break.

18 Mr. Woelfel, Senator Woelfel?

19 SENATOR WOELFEL: Thank you, Mr. Chief  
20 Justice. I have a point of inquiry.

21 CHIEF JUSTICE FARRELL: State your point.

22 SENATOR WOELFEL: So earlier you said that  
23 we were not to discuss this among ourselves, and I've gone  
24 through the rules, and I may have overlooked it, but is

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1 that grounded -- is that admonition grounded in the rules  
2 or -- or not? Just -- I'm just looking for the authority  
3 for that.

4 CHIEF JUSTICE FARRELL: I think it will  
5 be in the Rules of Evidence, which is the third source  
6 of rules governing this proceeding.

7 SENATOR WOELFEL: Thank you.

8 CHIEF JUSTICE FARRELL: It's just best  
9 that we all keep an open mind until deliberations begin.  
10 Anything else? Yes, Senator.

11 SENATOR ROMANO: Thank you, Mr. Chief  
12 Justice. I -- just to follow up on the Senator's  
13 question, that relates strictly to the evidence being  
14 heard here today and any discussion about eventual  
15 conclusion of this jury, would that be accurate?

16 CHIEF JUSTICE FARRELL: Yes, the only  
17 evidence you should use to base your decision is that  
18 which comes from the witness chair.

19 SENATOR ROMANO: But with regard to  
20 discussing nonjury deliberations of this body such as  
21 other legal avenues that may be taken by this defendant or  
22 any other person who's subject to these proceedings, we  
23 would be able to discuss that so long as the evidence was  
24 not discussed.

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1 CHIEF JUSTICE FARRELL: That would be my  
2 recommendation.

3 SENATOR ROMANO: Thank you.

4 CHIEF JUSTICE FARRELL: Anything else?  
5 If not, we'll take a 15-minute recess.

6 (A recess was taken after which the  
7 proceedings continued as follows:)

8 CHIEF JUSTICE FARRELL: Court of  
9 Impeachment will be in order. Mr. Shott, you have  
10 another witness?

11 DELEGATE SHOTT: Yes, Your Honor, Justin  
12 Robinson.

13 CHIEF JUSTICE FARRELL: Justin Robinson?

14 DELEGATE SHOTT: Yes, sir.

15 CHIEF JUSTICE FARRELL: Where would  
16 Justin Robinson be? Is he in the well or --

17 DELEGATE SHOTT: He's here, Your Honor.  
18 He was just out front. Justin Robinson.

19 CHIEF JUSTICE FARRELL: Call Justin  
20 Robinson. Mr. Robinson, you'll come down here and be  
21 sworn by the Clerk, please. Right there is fine, sir.  
22 Raise your right hand.

23 (The witness was sworn.)

24 CHIEF JUSTICE FARRELL: Have a seat, sir,

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1 and speak into the microphone. You may proceed,  
2 Mr. Shott.

3 J U S T I N R O B I N S O N  
4 was called as a witness by the House Managers, and  
5 having been first duly sworn, testified as follows:

6 DIRECT EXAMINATION  
7 BY DELEGATE SHOTT:

8 Q. Would you tell the Court your name, please?

9 A. Yes, it is Justin Robinson.

10 Q. And are you employed currently?

11 A. Excuse me?

12 Q. Are you employed currently?

13 A. Yes, I'm the director of the Post Audit  
14 Division.

15 Q. And that's with the Legislative Auditor's  
16 Office; is that correct?

17 A. That's correct.

18 Q. Would you explain to those who are unfamiliar  
19 with the role of the Post Audit Division of the  
20 Legislative Auditor's Office, what that division does?

21 A. Yes, under Chapter 4, Article 2 of the West  
22 Virginia Code, the Legislative Auditor is responsible for  
23 the review of the expenditures of State spending units,  
24 including the misapplication or misappropriation of State

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1 funds, including extravagant, unlawful or misapplied  
2 funds.

3 Q. How long have you occupied that position?

4 A. I've been with the Post Audit Division for  
5 five years. I've been director for two months.

6 Q. And can you give the members of the Court your  
7 background prior to that?

8 A. Yes. My educational background is I have a  
9 undergraduate degree in accounting, and a master's in  
10 business administration. Prior to working with the Post  
11 Audit Division, I did some general tax accounting work  
12 with a few private tax firms.

13 Q. And are you the only member of the staff of  
14 the Post Audit Division?

15 A. No, we have 22 audit staff which includes four  
16 audit managers -- one -- two with certified public  
17 accounting certificates, two with -- one with a  
18 certified fraud examiner's license and another a certified  
19 governmental auditing professional.

20 Q. And I assume it's fair to say that with a staff  
21 of that type, your audits are basically performed with  
22 multiple employees involved, multiple staff --

23 A. Absolutely. Each one of these particular  
24 reports concerning the Supreme Court have utilized

1 multiple staff members.

2 Q. And do members of the staff have outside  
3 experience, and by that, I mean experience in industry  
4 or other agencies?

5 A. Yes, to some degree, our employees have  
6 various educational and work experiences.

7 Q. The audit that we're here for today deals with  
8 the Supreme Court of Appeals. Can you explain to the  
9 members of the Court what the -- the scope of that audit  
10 involved?

11 A. The scope's varied throughout the process of  
12 the audit. Initially, we began looking at the personal  
13 use of State vehicles by the justices of the Supreme  
14 Court as well as other personal prope -- or State-owned  
15 property for personal use.

16 We've also looked at the use of  
17 purchasing cards to purchase gift cards for the drug  
18 courts, the spend-down of \$29,000,000 of surplus funds the  
19 Court accumulated, various other audit topics.

20 Q. And over -- now, what was the period covered by  
21 your audit? In other words, when was it assigned, and has  
22 it been completed, or is it still outgoing?

23 A. It was assigned to us in January of 2018 after  
24 reports in the media concerning lavish spending by the

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1 Court. The audit is still ongoing. There are still  
2 ongoing subject matters including the use of independent  
3 contractors for performing work for the Court without a  
4 contract and other various audit topics.

5 Q. And during the course of your audits, have you  
6 produced reports that have been delivered to the Post  
7 Audit Division?

8 A. Yes, we have delivered four reports to the  
9 Post Audit Subcommittee.

10 HOUSE MANAGERS EXHIBIT NOS. 96, 97, 102 and 136

11 (Post Audit Division Legislative Audit  
12 Reports 1 thru 4 were marked and  
13 admitted as House Managers Exhibit Nos.  
14 96, 97, 102 and 136.)

15 Q. And those reports have been included among the  
16 exhibits that's been provided to the Court of  
17 Impeachment. The first report was Exhibit 136; second  
18 report, Exhibit 96; third report, Exhibit 97; and the  
19 final report, Exhibit 102.

20 A. Yeah, that would be the four reports.

21 Q. All right. Let me ask you generally, when you  
22 started the scope of your audit, what was your expectation  
23 about the type of policies that would be in place in an  
24 organization or agency which had a budget of over a mil --

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1 \$100,000,000?

2 A. Ideally, you would want to have policies that  
3 govern any of the major activities conducted by that  
4 organization. But at a minimum, there should be  
5 policies and procedures in place - documented and  
6 communicated to all staff pertinent to using those  
7 policies - regarding the expenditure of State funds:  
8 Travel policies, personnel policies, inventory  
9 management policies, etc.

10 Q. Let me ask you specifically with regard to a  
11 purchasing policy, when you started your audit of the  
12 Supreme Court of Appeals, did you find in place a  
13 purchasing policy?

14 A. No, we did not.

15 Q. And my understanding is that the provisions of  
16 the West Virginia Code with regard to purchasing do not  
17 cover the Supreme Court of Appeals, but as a best  
18 practice of an agency or industry, it would be appropriate  
19 to have such a policy.

20 A. Yes, as a best practice, it would be.

21 Q. And why would that be important?

22 A. To ensure the stewardship of State tax dollars  
23 and the spending of the State tax dollars.

24 Q. Did you find in place an inventory control

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1 policy that was up to date and, by your standards,  
2 effective?

3 A. No. And to my knowledge, it's still not been  
4 fully implemented.

5 Q. What about a policy with respect to agency-  
6 owned vehicles? Is there such a policy?

7 A. There was no written policy of the Court  
8 concerning the Court-owned vehicles.

9 Q. Did you determine whether or not there might  
10 be an informal practice or procedure with respect to the  
11 vehicle use?

12 A. Yes. It was my knowledge that there was an  
13 informal practice concerning a reservation system that  
14 allowed Court employees to contact the director of  
15 security to reserve vehicles.

16 Q. Why was that not an effective vehicle use  
17 policy?

18 A. The documentation of the use of those vehicles  
19 included in that procedure did not fully account for all  
20 the mileage used by the individuals using the vehicle.

21 Q. And is that important in any context with regard  
22 to tax -- taxability of the use of a State-owned vehicle?

23 A. Yes, without documentation of all the miles used  
24 and the purpose for the use of the vehicle, for tax

1 purposes, all use of the car would be considered  
2 personal use.

3 Q. And so the person that used it, the State  
4 employee that used the car, if they didn't have that  
5 documentation, it would be deemed to be taxed on all of  
6 that mileage; is that correct?

7 A. Yes, it's a taxable fringe benefit.

8 Q. Would that -- would that require the use of a  
9 mileage log in each vehicle --

10 A. Yes, it would.

11 Q. And did you find such a log in any of the  
12 vehicles that were maintained by the Supreme Court of  
13 Appeals?

14 A. No, we did not.

15 Q. My understanding is at some point after your  
16 report, the Supreme Court has now adopted the fleet  
17 policy of the State. Is that correct?

18 A. That's my understanding.

19 Q. But not prior to the issuance of your report; is  
20 that correct?

21 A. That's correct.

22 Q. Thank you. What about a travel policy? What  
23 did you find with respect to a travel policy regarding  
24 employees of the Court?

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1           A.    We had found that a travel policy was updated  
2    sometime in 2016 - I believe October - but that was in  
3    response to the State Auditor's Office refusing to  
4    process reimbursement payments for travel expenses of  
5    Court employees due to the fact that the prior policy  
6    was extremely outdated.

7           Q.    So the fact that they had -- that the Court  
8    had not filed an updated policy resulted in the -- in  
9    the Auditor denying reimbursement? Is that what you're  
10   saying?

11          A.    That's correct.

12          Q.    And was there any -- in that policy that was  
13   updated in October of 2016, were all employees and  
14   justices treated the same, or were there some disparate  
15   treatment?

16          A.    There was some language entered into one  
17   section of their policies that seemed to grant more  
18   latitude to the justices concerning the reimbursement for  
19   travel expenses.

20          Q.    And would -- that would be in Section 10.4 of  
21   that policy. Does that -- does that sound right to you?

22          A.    That is correct.

23          Q.    Did you -- you mentioned in the scope of your  
24   audit that it had something to do with P-card usage; is

1 that correct?

2 A. That is correct.

3 Q. What was the result of your inquiry with  
4 regard to the use of P-cards?

5 A. The adult drug courts were utilizing the State  
6 purchasing card to purchase gift cards as incentives as  
7 part of their adult drug court program. And through the  
8 State Auditor's Office, purchasing card policies and  
9 procedures which are applicable to all users of the  
10 purchasing card, it required a prior approval for the  
11 purchase of gift cards on a per-instance basis.

12 Q. And just in case some members of the Court of  
13 Impeachment are not aware of the P-card, can you just  
14 generally explain what that program is about?

15 A. Yeah, the State purchasing card is essentially  
16 a State credit card that allows spending units to put  
17 purchases on a credit card in lieu of having to do direct  
18 billings. There's some benefit to the State and the State  
19 Auditor's Office in the fact that they earn a return,  
20 essential -- a cash balance essentially -- or cash back,  
21 excuse me.

22 Q. And the use of the P-card, is that governed by  
23 any particular agency of the State?

24 A. Yes, the use of the P-card is governed by the

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1 State Auditor's Office.

2 Q. And is it your understanding that there are  
3 regulations in place as to how it's used and for what  
4 purpose?

5 A. Absolutely.

6 Q. And in fact, is there not a statute that makes  
7 a misuse of a P-card a crime?

8 A. That's correct.

9 Q. You mentioned that your -- your audit is not  
10 complete. So have you continued to monitor the progress  
11 of the Supreme Court in terms of adopting policies and  
12 adjusting policies to conform with what you believe is  
13 appropriate?

14 A. Yes, we do.

15 Q. And what areas are you still working on?

16 A. Currently, we're looking into the Court's  
17 inventory practices. They were in the process of updating  
18 their inventory record. At the time we began the audit on  
19 that subject matter, the Court had not updated its  
20 inventory records significantly since 2010, so all items  
21 purchased by the Court from 2010 until present were not  
22 included in an inventory listing.

23 They are also formally adopting an  
24 inventory control policy which under -- to my knowledge is

1 still under the draft phase.

2 Q. And you started the audit back in when?

3 A. The audit began in January of 2018.

4 Q. Okay. So now, a period of roughly nine months  
5 have expired and there's still -- that policy still has  
6 not been adopted.

7 A. Let me correct myself. With particular regard  
8 to the inventory audit, I believe that was started  
9 possibly in April, maybe just before April of this year.

10 Q. Okay. Is it customary for you to file your  
11 report and send a copy to the agency that's the subject  
12 of the investigation?

13 A. Absolutely. Once we have a draft copy of the  
14 report compiled, we provide it to the agency at least  
15 two weeks prior to the release of the report, if  
16 practical.

17 Q. Is it customary for the agency to respond in  
18 some fashion in writing to that report?

19 A. Yes, it's requested.

20 Q. And in this particular case, let me call your  
21 attention to Exhibit 136, which is the first report,  
22 and -- and specifically page 568 of that -- of our  
23 exhibit.

24 A. Which page did you need, sir?

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1 Q. Yes, it's -- the page number is 568. Should  
2 be to -- should be towards the end of that report.

3 A. Just bear with me. Well, sorry, I'm doing my  
4 best. It's a long report.

5 Q. We've had our share of technologically --  
6 technology cliches today. Take your time.

7 CHIEF JUSTICE FARRELL: Mr. Shott, with  
8 the copy I have, it only shows 60 pages in this  
9 document. Is -- are you talking about a Bates stamp?

10 DELEGATE SHOTT: Yes, I'm talking about  
11 the stamp at the top. It would be -- as far as the page  
12 number of the document, would be page 49 of the  
13 document.

14 A. I'm almost there. 49 of the document, page  
15 568 of the stamp?

16 Q. Is the Bates stamps, yes.

17 A. Okay. Okay, I'm there.

18 Q. All right. Can you describe what that --

19 A. Yes.

20 Q. -- now that you've got it, what it is?

21 A. Yeah, that is the April 12th, 2018 response from  
22 the Court to our report, signed by, I believe, Justice  
23 Workman. Chief Justice Workman, yes.

24 Q. Can you spec -- just generally summarize the

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1 progress that Justice Workman reports with respect to  
2 correcting the deficiencies that your audit discov --  
3 uncovered?

4 A. Yes. On page 1 of her response, she states  
5 that she has consulted the executive director of the  
6 West Virginia Fleet Management department and have  
7 adopted the State of West Virginia Motor Vehicle Use  
8 Policy.

9 They've also adopted a procedure wherein  
10 full documentation of any request for vehicle use by a  
11 justice or employee of the Supreme Court will be  
12 required, including the purpose of the use,  
13 destinations, mileage in and out and the specific  
14 vehicle assigned.

15 Also in our report, we cited that the  
16 Court didn't have front vehicle plates on their State-  
17 owned vehicles, to which they were remedying that per this  
18 response.

19 I think specific -- you're looking on the  
20 travel policy response, the Court is in the process -- and  
21 I'm quoting this response: "The Court is in the process  
22 of revising all of its travel-related policies. The new  
23 travel policy will be ready for review and approval of the  
24 Court at its May administrative conference. A revised

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1 travel policy will apply evenhandedly to all" justice --  
2 "judicial employees, including the justices.

3 The Court will strive to have the approved  
4 travel policy ready for presentation to the Post Audit  
5 Subcommittee at its May 2018 meeting."

6 Q. And were you available for the May 18th Post  
7 Audit Subcommittee meeting?

8 A. I was.

9 Q. And was the policy presented at that time, an  
10 approved policy from the Supreme Court of Appeals?

11 A. It was not.

12 Q. It was not. Let me ask you to then refer to  
13 Exhibit 96. And specifically with respect to that  
14 exhibit, our Bates stamps -- stamp is 255. It's another  
15 response by -- by the Court. Have you located that?

16 CHIEF JUSTICE FARRELL: Mr. Shott, what  
17 page --

18 DELEGATE SHOTT: Page 19 of the document.

19 CHIEF JUSTICE FARRELL: Page 19 of the  
20 document. Thank you.

21 Q. And you -- Bates stamp 255.

22 A. Okay, I'm there.

23 Q. Once again, is that a response from the Supreme  
24 Court Chief Justice Workman?

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1 A. Yes, it is.

2 Q. And does it again refer to the travel policy  
3 at the bottom of the first page?

4 A. Yes.

5 Q. And could you basically read the last  
6 sentence?

7 A. "The Court is in the process of revising its  
8 travel-related policies and it will track the State  
9 policy. The travel policy will be approved in June."

10 Q. All right. That's the same policy that was  
11 supposed to be re -- approved previously.

12 A. That's correct.

13 Q. Okay. Was the policy approved in June and  
14 submitted to the Post Audit's -- Post Audit Division?

15 A. No, it was not.

16 Q. To your knowledge, has it been approved yet?

17 A. To my knowledge, as of the most recent  
18 administrative conference minutes we reviewed, it's still  
19 in draft phase.

20 Q. Still in draft phase?

21 A. Yes.

22 Q. So the policy that would be still in place would  
23 still exclude justices from the travel policies; is that  
24 right?

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1 A. That'd be correct.

2 Q. It would be fair to say that basically invites  
3 the justices to submit whatever reimbursement request  
4 they wish?

5 A. Possibly so, yes.

6 Q. Thank you. Let me change subjects now. Did  
7 you find any policy in place that restricted the amount  
8 of money that a justice could spend on renovating his or  
9 her -- the office assigned to his or -- to him or her?

10 A. No, we did not.

11 Q. Did you find any policies in place regarding  
12 the bidding - competitive bidding - for services or  
13 furnishings?

14 A. No.

15 HOUSE MANAGERS EXHIBIT NO. 108

16 (Legislative Auditor table comparison of  
17 Renovation Costs between Justice Benjamin  
18 and Justice Walker was marked and admitted  
19 as House Managers Exhibit No. 108.)

20 Q. Let me ask you to turn now to Exhibit 108, the  
21 chart at 108. Can you describe for the -- can you  
22 describe for the members of the Court of Impeachment what  
23 that chart represents?

24 A. Yes. These are two excerpts from our most

1 recent report on the Court's renovations, and the two  
2 tables are the compar -- or the cited amounts spent on  
3 various categories for Justice Walker's and Justice  
4 Benjamin's chambers.

5 Q. What was the source of the information that  
6 went into preparing this report?

7 A. Invoices provided by the Court.

8 Q. So all the documentation you received came  
9 directly from the Court itself.

10 A. That's correct.

11 Q. And you relied on that documentation in  
12 preparing this exhibit, correct?

13 A. That's correct.

14 Q. Let's go through it briefly, and I'd like you to  
15 describe -- for instance, you have a category that says,  
16 "Decor" and under Justice Benjamin's, the amount is  
17 \$26,395. For Justice Walker's renovation, \$28,747. Can  
18 you tell us what Decor included?

19 A. The general category of Decor for our purposes  
20 encompassed wall -- wall hangings, curtains, drapes,  
21 window shades, blinds, art, anything aesthetic.

22 Q. Would that be more of a matter of taste then, as  
23 opposed to structural integrity?

24 A. Yes, it was our intent to have that category be

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1 more of items chosen as a matter of taste.

2 Q. What about under the heading of Fixtures? We  
3 have \$98,748 was spent with respect to that category for  
4 Justice Benjamin's chambers, \$26,435 in Justice Walker's  
5 chambers. What would that include?

6 A. That category includes cabinetry, countertops,  
7 other items that would be affixed to the walls, etc.

8 Q. Would not include electrical, but it would  
9 include something that's affixed to the wall, like a  
10 cabinet that's built in or --

11 A. Yes, cabinets that are affixed in. Electrical  
12 work would be classified under Infrastructure.

13 Q. And with respect to Flooring, which seems  
14 self-evident, but was there anything other than the cost  
15 of the flooring and the labor included in those  
16 categories?

17 A. No, that category is self-explanatory, as you  
18 stated.

19 Q. So when Justice Benjamin had his chambers  
20 renovated in 2011, I believe -- '10 or '11, the flooring  
21 cost almost \$25,500, right?

22 A. That's correct.

23 Q. And then on top of that, so to speak, additional  
24 flooring of \$9145 was installed when Justice Walker's

1 renovations took place; is that correct?

2 A. That's correct.

3 Q. All right. Infrastructure, and we have a  
4 difference there between \$51,497 during the time that  
5 Benjamin -- Justice Benjamin's renovations were  
6 undertaken and \$20,686 more was done with respect to  
7 Justice Walker's renovation. What was the  
8 Infrastructure type improvements?

9 A. Infrastructure would include electrical work,  
10 plumbing, work to the interior walls; not necessarily  
11 the painting of the walls, but any work that needed to  
12 be done to the interiors of the walls, or any other  
13 necessity to actually have functioning electric,  
14 plumbing and etc. within the offices themselves.  
15 Subflooring, if needed. Also includes demolition.

16 Q. I'm sorry?

17 A. Demolition.

18 Q. Demolition?

19 A. If there was any demolition work that needed to  
20 be done as well.

21 Q. So in other words, taking out --

22 A. Yes.

23 Q. -- something that had been installed previously.

24 A. Yes.

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1 Q. If, for instance, there had been built-in  
2 cabinets in Justice Benjamin's office that were removed  
3 at the request of those who were doing the renovations  
4 to Justice Walker's chambers, would that have been  
5 included in the Infrastructure category?

6 A. I believe that the removal of any prior  
7 fixtures would be considered infrastructure. However,  
8 the work involved with applying new cabinetry would  
9 probably include under Fixtures.

10 Q. All right. Very good. And you have a  
11 Miscellaneous category which was \$11,037 with regard to  
12 Justice Benjamin; \$15,016 with regard to Justice  
13 Walker's renovations. Can you explain what went into  
14 that, was that just a catch-all or --

15 A. To some degree, anything that didn't fit any of  
16 the other categories. But the majority of all the costs  
17 associated with the Miscellaneous categories deals with  
18 constructor's -- construction fees, taxes and other items  
19 that were applied to the billings that weren't directly  
20 attributable to any one specific item in our categories.

21 Q. And so the totals that were done in -- the total  
22 cost in 2010-11 were \$264,836, correct?

23 A. That's correct.

24 Q. Now, were there any costs that you could not

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1 specifically liquidate with regard to the -- what was  
2 done to Justice Benjamin's costs that might increase  
3 that number?

4 A. In general, there was about \$374,000 of  
5 billings from a company called Silling for architectural  
6 and design work, but their billings were done in such a  
7 way that it just listed "justices chambers" with no  
8 specificity to the particular office where that work was  
9 performed, so our office was unable to allocate that  
10 further.

11 Q. So did you -- were you able to determine  
12 whether any of that -- the time period covered by those  
13 invoices coincided with the work that was being done in  
14 Justice Benjamin's chambers?

15 A. Yeah, absolutely. There's potential that of the  
16 \$374,000 in billings from Sillings that we were unable to  
17 further attribute, it's potentially attributable to any of  
18 the justices' chambers.

19 Q. And did you find any other direct expense for  
20 architectural services, that -- such as what Silling was  
21 pro -- providing that directly related to Benjamin's  
22 office?

23 A. We were just not able to allocate the Silling  
24 invoices to any degree.

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1 Q. I guess what I'm asking is: Did you find any  
2 other expenses that were similar that you could  
3 allocate? The fact that you couldn't find any would  
4 then indicate that some part of the Silling invoices  
5 would be included.

6 A. There was a likelihood of that occurring, but  
7 again, with all the invoices from Silling simply stating  
8 "justices chambers" with no other delineating  
9 information, we were unable to attribute it further, so.

10 But there is a likelihood given the time  
11 frame of those billings and the time frame that the  
12 renovations occurred to the justices' particular chambers  
13 that it is likely some of that amount is attributable.

14 Q. And with respect to "best practices" in  
15 connection with the operation of a business of this size,  
16 would that type of invoice be acceptable?

17 A. No. Ideally, you would want an invoice from any  
18 vendor that would specify the particular work done to a  
19 particular area so you could ensure that the amount billed  
20 was proper for the work that was actually performed.

21 Q. So in other words, from the standpoint of the  
22 Supreme Court and whoever was overseeing this -- this  
23 work, there would be no way of knowing whether any  
24 particular work was done in any particular justice's

1 office based on the way that invoice was displayed.

2 A. That's correct.

3 Q. Is that correct?

4 A. That's correct.

5 Q. Let's look again at -- or let's look first at  
6 Exhibit 135, which is a different type of breakout. Do  
7 you have that in front of you?

8 A. I do.

9 Q. Was that also prepared by your staff?

10 A. Yes, that was prepared by our staff.

11 Q. And could you explain what the purpose of -- of  
12 that Exhibit 135 is?

13 A. Yeah, we were asked to compile a comparison of  
14 particular -- a little more in-depth than our original  
15 high-level categories of the expenditures for the work  
16 done in Justice Benjamin and Justice Walker's chambers.

17 Q. So would it be fair to say that this is a more  
18 detailed breakout of what we just looked at as Exhibit  
19 108?

20 A. Yes.

21 Q. All right. And I notice there is an indication  
22 that some of the furniture -- and that would be on the --  
23 I guess the third page. Some of the furniture in Justice  
24 Benjamin's office that's attributable to that total, that

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1 \$264,000, was removed and -- and essentially purchased by  
2 Justice Benjamin; is that correct?

3 A. That's correct.

4 Q. And how is that indicated on your chart?

5 A. They are highlighted in red font on that page.

6 Q. So would it be fair to say that when the  
7 office was assigned to Justice Walker, it was not fully  
8 furnished with the kind of furniture that had been in it  
9 when Justice Benjamin occupied it?

10 A. Yes.

11 Q. But would there also have been some furniture  
12 still in that office?

13 A. Yes.

14 Q. Okay. And that would be indicated by the dark  
15 -- the black type on your chart.

16 A. That's correct.

17 Q. And if we wanted to know the value of that  
18 furniture, we'd just simply add that column in the black  
19 typed numbers - is that fair to say - or at least the cost  
20 of that furniture?

21 A. Yes. And some of the items include upholstery  
22 of some items, so, you know, it would have to be tacked on  
23 to the original purchase price of the item as well.

24 Q. Very well. So just to be clear, this -- the

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1 totals of this Exhibit 135 will track and align with the  
2 totals on Exhibit 108.

3 A. That's correct.

4 Q. Just additional detail if anybody wants to  
5 look at it.

6 A. Yes.

7 HOUSE MANAGERS EXHIBIT NO. 116

8 (Legislative Auditor's table  
9 illustrating Supreme Court Capitol  
10 Renovation Project Costs, per project was  
11 marked and admitted as House Managers  
12 Exhibit No. 116.)

13 Q. Let me go to then Exhibit 116, if you would. Do  
14 you have that in front of you?

15 A. I do.

16 Q. Would you explain what that represents?

17 A. Yeah, this is a summation of the total costs of  
18 the Court's Capitol renovation projects.

19 Q. So just to be clear for those who haven't  
20 followed this, this was -- the renovation of Justice  
21 Benjamin's chamber and Justice Walker's chamber was part  
22 of an overall renovation of that wing of the Capitol; is  
23 that fair to say?

24 A. That's correct.

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1 Q. And you have, in this chart, basically - to  
2 the best you can determine - allocated the costs of that  
3 overall renovation; is that correct?

4 A. Yes, and we actually utilized a lot of the  
5 allocation done by the Court itself and simply vetted  
6 that that was accurate based on the documentation they  
7 provided, and it was organized by each of those areas.

8 Q. And with respect to the total cost of that  
9 project, including the common areas and the courtroom  
10 and -- and so forth, what was the total?

11 A. \$3,407,726.

12 Q. Looking down the list of the judges chambers,  
13 would it be fair to say that the total cost of the office  
14 that was first occupied by Justice Benjamin and  
15 subsequently by Justice Walker, if you added those two  
16 costs together, it would be the second highest total of  
17 those chambers; is that fair to say?

18 A. That's correct.

19 Q. Only Justice Davis's chambers had more  
20 renovation costs - renovation and refurbishings costs -  
21 than Justice Benjamin/Justice Walker's chambers; is that  
22 fair to say?

23 A. That's correct.

24 Q. With regard to the improvements of the -- of the

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1 renovations that under -- were undertaken by the Supreme  
2 Court, have you received all of the information and  
3 documents that you requested to complete your audit?

4 A. No, we're still waiting on some documentation  
5 on the Court's renovations to its City Center East  
6 leased property in Kanawha City.

7 Q. And can you just give us a general idea of  
8 what that involved?

9 A. Yeah, it's my understanding that the Court rents  
10 a few floors at the Kanawha City City Center leased --  
11 City Center East building. That's a leased space. It's  
12 my understanding there were significant renovations done.  
13 I'm aware of at least a significant renovation to the  
14 server room that houses the Court's IT servers.

15 We are also requesting information outside  
16 the City Center East leased properties, some information  
17 regarding a Quarrier Street address here in Charleston  
18 that the Court had -- was leasing, did renovations to,  
19 subsequently vacated, and I believe that property has  
20 recently been sold.

21 Q. So the Court, in -- as part of their overall  
22 renovation project, renovated rented space in City Center  
23 East and also a building on Quarrier Street, correct?

24 A. That's correct.

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1 Q. And the Quarrier Street space has been vacated  
2 since the renovations were done.

3 A. That's our understanding, yes.

4 HOUSE MANAGERS EXHIBIT NO. 124

5 (Chart illustrating WVSCA lunch listings  
6 that Justice Walker attended from  
7 January 1, 2017 to December 31, 2017 was  
8 marked and admitted as House Managers  
9 Exhibit No. 124.)

10 Q. Let's go now to Exhibit No. 124. Is that also  
11 an exhibit prepared by you or your staff?

12 A. I'm just waiting for it to get pulled up. Hold  
13 on, please.

14 Q. Okay, I'm sorry.

15 A. No, it's fine. Yes, that was prepared by our  
16 office.

17 Q. Can you explain what the -- what that exhibit  
18 purports to represent?

19 A. Yes, it's reflective of the response to a FOIA  
20 request to the Court regarding meals -- the lunches that  
21 were paid for in the year 2017.

22 Q. All right. And let's just go through the  
23 columns, because it may not be as clear. The colors on  
24 this make it a little difficult. The first column covers

1 the date during 2017 that the -- the lunch occurred; is  
2 that fair?

3 A. That's correct.

4 Q. The second lists the restaurant.

5 A. That's correct.

6 Q. And then the number of attendees, the total  
7 cost.

8 A. That's correct.

9 Q. And last column is basically a mathematical  
10 calculation dividing the attendees by the total cost.

11 A. Yes.

12 Q. Okay. Does there seem to be any particular  
13 repeating pattern of the restaurants that are involved?  
14 For instance, do some of them appear more than once?

15 A. Yeah. It seemed that there was frequency at  
16 South Hills Market, Soho's, Paterno's, Adelphia, Lola's,  
17 The Block. Those all seem to be frequented.

18 Q. And to your knowledge -- do you live here in  
19 Charleston?

20 A. I do.

21 Q. -- are those generally considered upscale type  
22 restaurants, maybe other than Adelphia?

23 A. Yes, I mean, they're a little bit higher than  
24 your Outback or your Chili's, for sure.

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1 Q. With regard to the average cost per person,  
2 going down that list, can you identify any that exceeded  
3 \$13.00 a meal?

4 A. Just looking through the list briefly, it  
5 looks like the majority of all of them exceeded the  
6 \$13.00 average per person costs, albeit maybe two or  
7 three.

8 Q. And with respect to the more expensive ones, do  
9 any of them approach \$20.00 a person?

10 A. Yeah, just four or five lines down, the average  
11 per-person cost of the Soho's on January 18th was \$21.08  
12 per person. The next line down on January 23rd, Adelphia,  
13 the average per-person cost was \$19.33. Not quite over  
14 \$20.00, but close to it.

15 And one other one on March 28th, South  
16 Hills Market, the average per person cost was \$21.25.

17 Q. And are you familiar with the GSA guidelines on  
18 reimbursement --

19 A. I am.

20 Q. -- of lunches, or meals and lunches for travel?

21 A. I am.

22 Q. What is the amount that the GSA has in their --

23 A. For Fiscal Year 2017, it was \$13.00 for  
24 Charleston.

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1 Q. And that -- that actually is a breakout by  
2 region, is it not?

3 A. It is.

4 Q. And does that appear in Exhibit 117 and 118 as  
5 the -- the source of that information?

6 A. Yes.

7 Q. Are you -- are you familiar with whether or not  
8 the State travel policy references the GSA standards?

9 A. That, I'm not aware of, but I do believe that  
10 the Legislature pegs us to those rates.

11 Q. All right. With respect to the -- a bit -- the  
12 method of payment for these lunches, were you able to  
13 determine how they were paid for?

14 A. Yes, they were paid for using the State  
15 purchasing card.

16 Q. By a particular person, or were there numerous  
17 cards used?

18 A. I believe the -- I believe the majority were  
19 purchased by one individual.

20 DELEGATE SHOTT: Thank you. That's all I  
21 have.

22 CROSS EXAMINATION

23 BY MR. RITCHIE:

24 Q. Hello, Mr. Robinson. My name is Zak Ritchie,

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1 and I'm here on behalf of Beth Walker. I just have a  
2 few questions, and I'll try to keep them organized on  
3 the topics that you all just discussed.

4 I'll start with the renovations. I  
5 thought I heard you say that the -- the contractor  
6 Silling, S-I-L-L-I-N-G, could have been attributed to any  
7 of the justices' offices, but that can't possibly have  
8 been true for Justice Walker, when -- because she -- that  
9 occurred in 2017 or after, correct?

10 A. If that's accurate, yes.

11 Q. Well, if we could turn to Exhibit 102, page 10.  
12 Take a look at that, sir. Maybe that will refresh your  
13 recollection. Under Silling & Associates on page 10. Let  
14 me know when you have it up. ]

15 A. Yes, that's accurate. And I guess I could  
16 correct my statement in saying that it -- while it could  
17 be attributed to any of the five justice chambers that are  
18 contained within the East Wing of the Capitol, the  
19 particulars would be -- would be attributable to Justice  
20 Benjamin's cha -- potentially attributable to Justice  
21 Benjamin's chamber at the time.

22 Q. But not Justice Walker.

23 A. Not particularly her use of that vendor, no.

24 Q. Okay, thank you. Let me just -- I have a few

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1 questions -- oh, that you had discussed the City Center  
2 renovations. Those occurred before Justice Walker  
3 joined the Court. Isn't that right?

4 A. Yes.

5 Q. As to the State vehicles, you all discussed that  
6 at the outset. You didn't find any evidence that Beth  
7 Walker misused State vehicles, did you?

8 A. No, we did not.

9 Q. And to be clear, Beth Walker never checked out a  
10 State vehicle; isn't that right?

11 A. If I'm recalling that report correctly, she did  
12 not.

13 Q. And as far as you know, she never sought  
14 reimbursement for travel in her car while on Court  
15 business; is that right?

16 A. Not to my knowledge.

17 Q. Am I -- is that correct?

18 A. Not to my -- to my knowledge, that is correct.

19 Q. Okay. And I just have one more question on the  
20 P-card issue. You didn't find any evidence that Beth  
21 Walker was directly involved with abusing or misusing  
22 P-cards, did you?

23 A. No.

24 MR. RITCHIE: Thank you. No further

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1 questions.

2 CHIEF JUSTICE FARRELL: Any redirect on  
3 that area?

4 DELEGATE SHOTT: No, Your Honor.

5 CHIEF JUSTICE FARRELL: Thank you. You  
6 may be excused, sir. Thank you.

7 House Managers call their next witness.

8 I'm sorry, are there any questions for  
9 this witness? Hold up a second. Any questions? Pass it  
10 over to the middle, please, they'll pick it up.

11 Any questions?

12 We have one question. Mr. Robinson, we  
13 have one question from a Senator. The question is: From  
14 the looks of Exhibits 113, 112, 111 and Exhibit 131, there  
15 has been paint added to the walls since Justice Benjamin  
16 had left. When was that paint applied, and why is it not  
17 listed in Exhibit 108?

18 MR. ROBINSON: It would be nice if I could  
19 have the exhibits pulled up for me. They referenced  
20 several.

21 CHIEF JUSTICE FARRELL: Let's pull up 111,  
22 112 and 113, give Mr. Robinson a chance to review those.  
23 113, and then 131.

24 MR. ROBINSON: And so is the question that

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1 paint seemed to have been applied during Justice  
2 Benjamin's use of the office but it's not listed in  
3 Justice Walker's costs?

4 CHIEF JUSTICE FARRELL: Yes. It says,  
5 from Exhibits 113, 112, 111 and 131, there appears to have  
6 been paint added to the walls since Justice Benjamin had  
7 left. When was that paint applied, and why is it not  
8 listed in Exhibit 108?

9 And we'll pull up 108.

10 MR. ROBINSON: To the best of my  
11 recollection, the way I can answer this is that I can't  
12 answer the specifics of when the wall covering was  
13 applied. The reason I don't believe it's listed as  
14 painting is I don't believe it's a paint; I believe it's  
15 some sort of wallpaper, some sort of faux that was applied  
16 to the walls.

17 CHIEF JUSTICE FARRELL: Any other  
18 questions? Any other questions? May this witness be  
19 excused?

20 DELEGATE SHOTT: Yes.

21 CHIEF JUSTICE FARRELL: Thank you. Thank  
22 you, sir. You are excused.

23 House will call its next witness.

24 MS. KAUFFMAN: Thank you, Your Honor. The

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1 House calls Sue Racer-Troy. I believe she is right  
2 outside the door.

3 CHIEF JUSTICE FARRELL: Sergeant of Arms  
4 will get Sue Racer-Troy.

5 Counsel, for the record, give us your  
6 name, please?

7 MS. KAUFFMAN: Yes, thank you, Your Honor.  
8 Marsha Kauffman.

9 CHIEF JUSTICE FARRELL: Thank you,  
10 Ms. Kauffman. Come down here, ma'am. Can you stand on  
11 the corner there and raise your right hand.

12 (The witness was sworn.)

13 CHIEF JUSTICE FARRELL: Ms. Kauffman, you  
14 may proceed.

15 MS. KAUFFMAN: Thank you, Your Honor.

16 S U E R A C E R - T R O Y  
17 was called as a witness by the House Managers, and having  
18 been first duly sworn, testified as follows:

19 DIRECT EXAMINATION

20 BY MS. KAUFFMAN:

21 Q. Ms. Troy, could you please state your full name  
22 for the record?

23 A. Yes, it's Sue Racer-Troy.

24 Q. Ms. Troy, where are you currently employed?

1           A.    At the West Virginia -- I'm sorry, the Supreme  
2 Court of Appeals of West Virginia.

3           Q.    What position do you currently hold?

4           A.    I'm currently the chief financial officer.

5           Q.    If we could, I'd like to back up, and if you  
6 could, please tell us about -- a little bit about your  
7 educational background.

8           A.    I have a bachelor's degree from Marshall  
9 University with a concentration in finance. I later went  
10 to West Virginia State - they have a post-graduate program  
11 there - where I picked up a major in accounting, and then  
12 I took the CPA exam in 2009, and was licensed at that  
13 point.

14          Q.    So you are currently licensed in West Virginia  
15 as a CPA?

16          A.    Yes, I am.

17          Q.    In the course of your professional experience,  
18 are you familiar with accounting policies and procedures  
19 for organizations?

20          A.    Yes. Primarily, I've worked at publicly-traded  
21 companies in the private sector. Most of my career was in  
22 the private sector.

23          Q.    That -- was that before coming to the Court?

24          A.    Yes, that's correct.

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1 Q. When did you begin your employment with the  
2 Supreme Court of Appeals?

3 A. July 2012, July 1.

4 Q. What position did you hold when you first began  
5 your employment with the Court?

6 A. I was hired as Director of Finance. Later my  
7 job title changed, but really the -- the scope of the  
8 position didn't change much.

9 Q. And I believe you said this - but just so that  
10 we're clear - are you now currently the CFO?

11 A. Yes, that's correct.

12 Q. As the CFO, what are some of your current  
13 duties?

14 A. The division is responsible for P-card,  
15 procurement, fixed assets, budgets, financial statements,  
16 pretty much any spending other than payroll.

17 Q. So payroll is not included in -- in your area.

18 A. That's correct.

19 Q. When you were hired by the Court back in 2012,  
20 were you provided at that time with some type of employee  
21 handbook?

22 A. Yes, I was.

23 Q. Could you please tell us about that?

24 A. I think it was -- I can't remember the exact

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1 title on it, but it was an employee handbook that  
2 covered everything from the leave policy, how many  
3 vacation days we get, sick leave. Travel was included  
4 in there, bereavement policy, things like that were in  
5 that manual. And it was dated, I believe, January 1990.

6 Q. And that's what you were given in 2012?

7 A. Yes, that's correct.

8 Q. Could you please give us some indication as to  
9 the number of employees within the judiciary.

10 A. There's approximately between 1400 and 1500,  
11 depending on how you count it, whether you're looking at  
12 the permanent full-time employees or temporary employees  
13 or part-time. Some people only work on occasion, on an  
14 as-needed basis. Others work part-time. So it  
15 fluctuates. But between 1400 and 1500 statewide.

16 Q. Ms. Troy, I'd like to turn your attention to  
17 some policies that the Court may have implemented. Let me  
18 begin first with a travel policy. We've recently just  
19 heard some testimony.

20 Let me ask you: Does the cur -- Court  
21 currently have a travel policy?

22 A. Yes, it -- we do.

23 Q. And do you recall - if you can give us any  
24 general idea - as to when that policy was -- was adopted?

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1           A.    There was a travel policy written in -- I  
2 believe it was the summer of 2016, and that was given to  
3 the State Auditor's Office, and then it was recently  
4 updated, and that would have been June of this year.

5           Q.    So --

6           A.    There were some modifications to the travel  
7 policy. The 2016 had some things in there that really  
8 weren't, maybe, proper, and so it was updated.

9           Q.    Now let me move to the purchasing card, the  
10 P-card. Does the Court currently have a written P-card  
11 policy that has been adopted?

12          A.    Not adopted, no. We followed the State  
13 Auditor's P-card policy, and what we have done is -- in --  
14 at least in draft mode - the Court yet hasn't approved it  
15 - but it is to have our -- to have our own that kind of  
16 supplements for court employees, who's authorized to have  
17 cards, what the credit limits are, things like that.

18                         But it would be to supplement the State  
19 Auditor's policy. Not to replace it, but just to  
20 supplement it.

21          Q.    Okay. I want to ask you the same question with  
22 respect to home office. Does the Court currently have a  
23 written policy governing home offices?

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

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1 Q. Does the Court currently have a written policy  
2 governing purchasing?

3 A. No.

4 Q. What about inventory controls? Does the Court  
5 currently have a written policy regarding inventory  
6 controls?

7 A. No. We do not have a written policy, but we  
8 have been updating OASIS as far as getting all the fixed  
9 assets in, making sure that everything's accounted for.  
10 We went back to when -- the things had -- purchases had  
11 stopped in FEMS and updated the database, and that took  
12 several months. But as far as writing down the policies  
13 and procedures, that has not yet been sent up to the Court  
14 for approval.

15 Q. Okay. Now I'd like to ask you just some general  
16 questions about policies. In your experience, is it a  
17 good business practice for an organization to have written  
18 policies?

19 A. Yes, absolutely.

20 Q. Currently, what policies do you believe the  
21 Court needs to have that are not in place?

22 A. As far as financial policies, I think we need to  
23 get the P-card policy approved. Fixed assets would be  
24 next, I think. General procurement. And then from there,

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1 I would probably do just kind of a broad accounting  
2 policies, anything that's not specifically outlined in  
3 those areas.

4 I would have one dealing with 1099 issues  
5 and just other things that may come up. And at least  
6 then, everything's documented and it's not kind of word of  
7 mouth or who told this person that and, you know, there  
8 would be some guidelines to follow.

9 Q. Thank you. I would now like to turn your  
10 attention to the issue of lunches. Are you aware - in the  
11 course of your employment with the Court - of some FOIA  
12 requests that were sent to the Court seeking information  
13 about amounts of money, public funds, that were paid for  
14 lunches for the Court?

15 A. Yes, I had to help produce the documentation for  
16 those because those were within my control. I was the  
17 keeper of those documents.

18 Q. And I believe that might have just answered my  
19 next question. How did you become aware of those FOIA  
20 requests? Did someone contact you to help respond to  
21 them?

22 A. Yes. Our -- the Court's administrative counsel  
23 had received the FOIA request and knew that I would be the  
24 one who could answer that. So I produced the documents

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1 and sent them back to him for review.

2 MS. KAUFFMAN: If you could, I would ask  
3 that Exhibit No. 104 please be provided to the witness.

4 Q. And if you could let me know once -- once that  
5 comes up for you.

6 A. Yes, it's up.

7 Q. With respect to Exhibit No. 104, does that  
8 exhibit - I believe it's more toward the middle and bottom  
9 of that page - does it contain a FOIA request?

10 A. I think they're scrolling down now. Yes.

11 Q. Okay. And if I could direct you specifically to  
12 No. 3 of the request, does it request any and all charges  
13 for meals purchased using public funds for the justices  
14 and clerks during 2016 and 2017?

15 A. Yes, it does.

16 Q. When was that FOIA request e-mailed to the  
17 Court, if you could please tell us?

18 A. I think it will have to scroll -- there we go,  
19 have to scroll up a little bit. It's dated December the  
20 5th, 2017.

21 Q. And who made that particular request?

22 A. Kennie Bass.

23 Q. Were there other similar requests regarding the  
24 lunch issue?



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1 Q. And in that exhibit, did she ask that you  
2 provide that information to her or the Court, rather,  
3 before it was shared in response to the FOIA request?

4 A. Yes, she did.

5 Q. Ms. Troy, as CFO and with your background as a  
6 CPA, are you familiar with meal rates that are set forth  
7 by the General Services Administration?

8 A. Yes, I am.

9 HOUSE MANAGERS EXHIBIT NO. 117

10 (US GSA Table illustrating FY 2017 Per  
11 Diem Rates for West Virginia was marked  
12 and admitted as House Managers Exhibit  
13 No. 117.)

14 MS. KAUFFMAN: If Exhibit No. 117 could  
15 please be provided to the witness.

16 Q. Do you have that up?

17 A. Yes.

18 Q. Thank you. Could you please tell -- and I  
19 believe it would actually be on the second page of that  
20 exhibit. If you could, please tell us what the  
21 compensable rate for lunches were in 2017 for the  
22 Charleston and Kanawha County area.

23 A. \$13.00.

24 Q. Okay. Ms. Troy, we have, up to this point,

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1 been discussing lunches that were purchased with the  
2 public funds or the P-card, so now I'd like to move on  
3 to some other purchases. Pri -- in addition to lunches,  
4 did the Court use P-cards or public funds to buy other  
5 types of food, such as snacks?

6 A. Yes.

7 Q. And could you please tell us about that?

8 A. It was the same person's P-card, Chris Garnes,  
9 who works in the Clerk's office, would buy the lunches,  
10 and he would also buy other things for the kitchenette  
11 in the justices' conference room.

12 That would be coffee and bottled water.  
13 There were crackers and cheese and just different snacks  
14 and cookies and things like that --

15 Q. And --

16 A. -- to supply that kitchen.

17 Q. And I'm sorry, you indicated where those  
18 snacks would -- were located. Where was that again?

19 A. In the justices' conference room. Up in  
20 chambers, there's a conference room, and off that  
21 conference room, there's a small kitchen in there.

22 Q. So that was used to -- to stock that  
23 particular kitchen?

24 A. That's my understanding, yes.

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1 Q. Okay. Ms. Troy, there has been some testimony  
2 today about a CLE that was provided to the clerks and  
3 some justices in 2017. As CFO, did you process a  
4 payment for a CLE that occurred from Law Pros?

5 A. Yes, I'm familiar with that, yes.

6 Q. Okay. And was the payment that you made for  
7 that particular CLE a little over \$20,000?

8 A. That sounds correct. I didn't have a chance  
9 to look it up prior to coming here, but I know there was  
10 a deposit made ahead of time and then there was a  
11 follow-up payment once the conference was over for  
12 actual travel expenditures and things like that. But  
13 that sounds correct, yes.

14 Q. Okay. Ms. Troy, did you have occasion to be  
15 in Justice Benjamin's office while Justice Benjamin was  
16 still on the Court?

17 A. Yes, on several occasions.

18 Q. And were you in Justice Benjamin's office  
19 after the renovations occurred to his office, while he  
20 was there?

21 A. While he was -- right, yes. I was never in  
22 his office prior to the renovations {sic}, because I  
23 wasn't employed by the Court then. I was in his office  
24 after his renovations had been done, yes.

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1 Q. Were you in his office on one occasion or more  
2 than one occasion?

3 A. More than one; multiple occasions.

4 Q. Did you -- were you able to personal --  
5 personally observe his office space when you were in  
6 there?

7 A. Yes.

8 Q. Were you familiar -- so would it be fair to  
9 say you were familiar with the office that Justice  
10 Walker moved into when she came to the Court in January  
11 of 2017?

12 A. Yes.

13 Q. Are you aware of any complaints being made  
14 regarding the condition of Justice Benjamin's office  
15 after his renovations?

16 A. I think the things I heard about were the lack  
17 of furniture, because he had purchased many - if not  
18 most - of the items in his office. And then the one  
19 thing that I can recall, having been there when he was  
20 on the bench and then even after Justice Walker took  
21 over, was that the office was very dark.

22 Especially the -- his -- what was his  
23 office. I can't really say so much for the  
24 administrative assistant, but the one he was in, I found

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1 it to be very, very dark in there.

2 Q. And with respect to the information that you  
3 have, did you believe the office to be functional at the  
4 time Justice Walker moved in in January of 2017?

5 A. With the exception of the lack of furniture  
6 and maybe insufficient lighting; otherwise, it seemed  
7 functional, yes.

8 Q. How would you - if you could - describe the  
9 renovations that Justice Walker made to the office once  
10 she took over and moved in, rather, in January of 2017?

11 A. It appeared to me to be cosmetic changes. The  
12 office was much brighter. I think the overhead lighting  
13 was much brighter. The wall coloring -- I think there's  
14 white, maybe, wainscoting at the bottom now. But  
15 cosmetic changes. I didn't notice any structural  
16 changes. Cosmetic changes, what I saw.

17 Q. Okay.

18 MS. KAUFFMAN: Ms. Troy, thank you very  
19 much. I don't have any further questions at this time.

20 MS. TROY: Okay, thank you.

21 CHIEF JUSTICE FARRELL: Cross  
22 examination?

23 MR. HISSAM: Yes, sir.

24 CROSS EXAMINATION

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1 BY MR. HISSAM:

2 Q. Ma'am, my name is Mike Hissam. I represent  
3 Justice Walker. You came to the court in July 2012,  
4 right?

5 A. Yes, that's correct.

6 Q. And who did you report to?

7 A. The Administrative Director Steve Canterbury.

8 Q. And Mr. Canterbury was there from 2012 until  
9 sometime in January 2017?

10 A. Yes, that's correct.

11 Q. And he was eventually replaced by another  
12 administrative director named Gary Johnson.

13 A. Yes, that's correct.

14 Q. And then your understanding is you report to  
15 the administrative director and the administrative  
16 director reports to whom?

17 A. Directly to the five justices.

18 Q. Okay. The -- you were asked many questions  
19 about P-cards, purchasing cards. Did Beth Walker have a  
20 P-card?

21 A. No, she did not. She did not have one; her  
22 administrative assistant did not have one.

23 Q. Okay. So no one in her office had one.

24 A. No one in her office had one.

1 Q. And to your knowledge, did she have any direct  
2 involvement in P-card usage or oversight?

3 A. No. She was involved in a meeting we had with  
4 the State Auditors where they voiced concern about the  
5 use of the P-cards - not in her office - but probation  
6 using the P-cards to purchase gift cards for  
7 probationers, and when she became aware of that, then  
8 that came to a stop.

9 We had a meeting with the State  
10 Auditor's Office, and so when Justice Walker became  
11 aware of that, that policy stopped --

12 Q. Okay. So just --

13 A. Or that practice --

14 Q. -- to make sure --

15 A. I'm sorry. That practice stopped.

16 Q. Right. Just to make sure we all understand  
17 this, there was a meeting; this issue was brought to her  
18 attention; she expressed concerns and the practice  
19 stopped.

20 A. Yes, that's correct.

21 Q. Okay. The six years that you've been at the  
22 Court, how many individual justices who weren't the  
23 chief were able, on their own, to promulgate policies  
24 that you're aware of?

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1           A.    None.  They're only one of five.  They -- it  
2 doesn't happen.

3           Q.    Can you point me to a single policy put out by  
4 a single justice, acting alone, in the six years you've  
5 worked at the Court in your position?

6           A.    No, I cannot.

7           Q.    Ms. Kauffman asked you about these GSA rates,  
8 these GSA, federal government per diems, Exhibits 117  
9 and 118.  You said you were aware of those.  Why are you  
10 aware of those?

11          A.    Those are the rates that we will reimburse  
12 employees who travel.  It's the State's policy that we  
13 will reimburse the GSA rates, and so we're familiar with  
14 those.  At least in Finance, we know those rates.

15          Q.    Okay.  Do you have any reason to believe that  
16 Justice Walker has any facility or involvement or  
17 knowledge of those rates?

18          A.    She would have no reason to know that.  I  
19 would -- I've never seen an expense report from her, so  
20 she would -- she would have no reason to know those  
21 rates.

22          Q.    And I think I missed you -- you've never seen  
23 an expense report from Justice Walker?

24          A.    That's correct.  For any of her travels, she's

1 never turned anything in.

2 Q. She's never turned it in.

3 A. No, she has not.

4 Q. Justice Benjamin's office, I think I heard you  
5 at the end sort of describe two functional issues, from  
6 your perspective: The lack of furniture, right --  
7 that's number one?

8 A. Yes.

9 Q. -- and the darkness. We've seen pictures -  
10 all of us in here - of some ceiling fans. Do you recall  
11 those?

12 A. I didn't recall those until I saw the  
13 pictures. What I can remember, it was -- it was  
14 extremely dark in there. Because I thought, "I don't  
15 think I can work in accounting in that room" because it  
16 was just dark.

17 Q. Right.

18 A. But I did see the ceiling fan, so I don't know  
19 if I was in there when they were turned off. But I just  
20 remember it being very, very dark.

21 Q. We've seen this picture of a built-in in the  
22 corner with some glass-covered cases.

23 A. Yes.

24 Q. What were in those?

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1           A.    It seemed like just decorative items were in  
2 there.

3           Q.    It weren't -- they weren't copies of the  
4 briefs or law books, from your memory, were they?

5           A.    No, no, they were -- they were things he was  
6 displaying. They were pers -- looked like personal  
7 items he was displaying in this display case that his  
8 desk -- his back faced ;that, he faced into the room.  
9 And that was behind him.

10          Q.    The office after the improvements you  
11 described, it -- it's brighter; it's more -- more  
12 functional, I guess.

13          A.    It's much brighter, yes.

14          Q.    The office didn't have a desk when Justice  
15 Walker came in; is that right?

16          A.    I think when she took over the office, there  
17 was not even a desk, and they found a smaller  
18 secretary's desk and put it in there. I guess that was  
19 the best that they could come up with. So it was kind  
20 of a small desk, but it was -- you know, that was what  
21 was there.

22          Q.    I take it that those times that you would have  
23 been in Justice Benjamin's office when he had it, there  
24 was furniture, unlike the pictures we've seen.

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1           A.    Yes, there was -- there was quite a bit of  
2 furniture in there.

3           Q.    And what happened to it?

4           A.    I know that he purchased the -- there were  
5 these red leather chairs that set in the corner to the  
6 left when you walked in, and there was a table. He  
7 purchased those items. It seems there was a sofa maybe  
8 to the right. I can't really recall, because he was  
9 straight ahead, so I didn't really have a reason to look  
10 behind me when I walked in.

11                               But I -- I've been in meetings where we  
12 sat in those red leather chairs before.

13           Q.    Did he pay -- did Justice Benjamin, to your  
14 knowledge, pay what the State paid for them as we've  
15 seen on these exhibits?

16           A.    No, no. There was an appraisal and he paid  
17 what the appraiser, you know, had appraised them for.

18           Q.    They certainly didn't appreciate, so I take it  
19 it was some much lesser amount.

20           A.    Yes.

21                               MR. HISSAM: Okay. No further  
22 questions.

23                               CHIEF JUSTICE FARRELL: Redirect?

24                               REDIRECT EXAMINATION

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1 BY MS. KAUFFMAN:

2 Q. Thank you, Your Honor. Ms. Troy, just a few  
3 additional questions. I'm going to go back to those GSA  
4 rates. You indicated you are familiar with them. Are  
5 they incorporated -- or were they incorporated, if you  
6 know, in the prior travel policy in 2016?

7 A. I believe that they -- they were stated in  
8 there. I'm not certain of that, but I believe that they  
9 were.

10 Q. And now I have the same question with respect  
11 to the current travel policy. I think you indicated  
12 that it was recently updated this -- this summer in  
13 2018. Are those rates incorporated into that travel  
14 policy as well?

15 A. We don't state the rates specifically, because  
16 the rates change from year to year. So I believe the  
17 travel policy says -- refers to the GSA rates.

18 Q. Okay.

19 A. Just like mileage changes every year. So we  
20 don't necessarily put that specific dollar amount,  
21 because we'd have to update the policy every year then.

22 Q. So you just generally refer to the GSA rate?

23 A. Yes, that's correct.

24 MS. KAUFFMAN: Okay. Thank you, Your

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1 Honor, I have no further questions.

2 CHIEF JUSTICE FARRELL: Counsel?  
3 Questions?

4 MR. HISSAM: No further questions.

5 CHIEF JUSTICE FARRELL: No questions.  
6 Questions from the Senate? Please reduce them to  
7 writing, pass them to the center. I see one, two,  
8 three, at least.

9 Question, Ms. Troy: Was the office  
10 renovation a, quote, "pet," end quote, project of any  
11 past or present employee of the Court?

12 MS. RACER-TROY: I'm sorry, it's  
13 difficult to hear. Can you repeat that? I'm sorry.

14 CHIEF JUSTICE FARRELL: Was the office  
15 renovation a "pet," with quotes around it, project of  
16 any past or present employee of the Court?

17 MS. RACER-TROY: Not that I'm aware of,  
18 no.

19 CHIEF JUSTICE FARRELL: Did you discuss  
20 the project costs with any of the justices? Which ones  
21 -- if yes, which ones?

22 MS. RACER-TROY: Specifically Justice  
23 Walker's office renovations, that was summarized and  
24 sent upstairs to the Court in one of the

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1 administrative -- administrative conferences. So that  
2 should be in the administrative conference notes, what  
3 the cost of the office renovation was, and so all of the  
4 justices would have been aware of that.

5 CHIEF JUSTICE FARRELL: Ms. Racer-Troy,  
6 I missed your answer. Please repeat the answer you gave  
7 about the appropriate spending policies that are missing  
8 from the West Virginia Supreme Court, that you believe  
9 would be appropriate to have a written policy for?

10 MS. RACER-TROY: Okay. I believe that  
11 we need policies specifically for P-card, procurement,  
12 fixed assets - which would cover inventory - and then  
13 kind of a broad accounting policies and procedures for  
14 everything that isn't captured within the other specific  
15 policies, just kind of the other house -- kind of  
16 housekeeping items.

17 CHIEF JUSTICE FARRELL: We have heard  
18 about two warehouses full of furnishings. Has any  
19 justice pulled from the warehouse instead of buying new  
20 for their personal office?

21 MS. RACER-TROY: I'm not aware of that.  
22 One of the off -- one of the warehouses, the one over  
23 near Capitol Market, mainly contains books and  
24 documents. The one at the Venable Avenue warehouse does

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1 have a lot of furniture in it. I really don't know  
2 what's been taken out of there. Kim Ellis would know  
3 that as far as what furniture goes in and what they've  
4 taken out. Or the justices.

5 CHIEF JUSTICE FARRELL: Any other  
6 questions?

7 May this witness be excused, Counsel?

8 MS. KAUFFMAN: Yes, Your Honor.

9 MR. HISSAM: Yes, Your Honor.

10 CHIEF JUSTICE FARRELL: Thank you,  
11 ma'am.

12 MS. RACER-TROY: Thank you.

13 CHIEF JUSTICE FARRELL: We have another  
14 witness?

15 MS. KAUFFMAN: Yes, Your Honor.

16 CHIEF JUSTICE FARRELL: Ms. Kauffman,  
17 who are we calling?

18 MS. KAUFFMAN: Thank you. Your Honor,  
19 the House Managers calls the Auditor, J.B. McCuskey.

20 (The witness was sworn.)

21 J. B. M C C U S K E Y  
22 was called as a witness by the House Managers, and  
23 having been first duly sworn, testified as follows:

24 DIRECT EXAMINATION

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1 BY MS. KAUFFMAN:

2 Q. Good afternoon.

3 A. Good afternoon.

4 Q. Could you please state your full name?

5 A. Yeah, John B. McCuskey.

6 Q. And what is your current position?

7 A. State Auditor of West Virginia.

8 Q. How long have you held the position of State  
9 Auditor?

10 A. Roughly a year and a half.

11 Q. What are -- if you could, please just let us  
12 know some of the functions of your office.

13 A. So the Auditor's Office is the securities  
14 commissioner for the State of West Virginia, so we  
15 regulate and license all of security broker dealers.  
16 The land commissioner, the delinquent land commissioner  
17 for West Virginia, so we're in charge of selling land  
18 that has been returned to the State for having taxes  
19 unpaid.

20 We are in charge of the CID division,  
21 and so in that function, it is our role to ensure that  
22 an audit is completed on every city and county and other  
23 essentially governmentally-funded smaller government  
24 agency. And we are in charge of ensuring that the

1 payroll is completed for all of the State's employees.  
2 And we are in charge of ensuring that all of the  
3 spending by any State agency is legal and done with the  
4 appropriate authority and according to a legal  
5 appropriation.

6 Q. Thank you. Have you and the Auditor's Office  
7 recently looked at an issue involving the Supreme Court  
8 purchasing some of their meals with public funds?

9 A. It has come to my attention that that was  
10 occurring, yes.

11 Q. And what did you do once that came to your  
12 attention?

13 A. We wrote a letter to the Supreme Court from  
14 our office.

15 HOUSE MANAGERS EXHIBIT NO. 70

16 (Letter dated July 26, 2018 from John B.  
17 McCuskey, State Auditor, to Barbara  
18 Allen regarding the purchase of personal  
19 meals by the WVSCA was marked and  
20 admitted as House Managers Exhibit No.  
21 70.)

22 MS. KAUFFMAN: And if Exhibit No. 70  
23 could please be provided to the witness.

24 Q. Do you have it?

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1 A. Uh-huh.

2 Q. Okay. If you could, please, just briefly go  
3 through that to make sure that that is the letter. Or  
4 let me just ask it this way: Is Exhibit 70 the letter  
5 that your office -- you and your office sent to the  
6 Supreme Court?

7 A. To my recollection and without reading it  
8 completely, yes. It has my signature and my -- it's on  
9 my letterhead.

10 Q. And what is the date of that letter?

11 A. On the third page, it's July 26th. The second  
12 page, it's July 26th, and on the first page it is,  
13 likewise, July 26th.

14 Q. Does the letter accurately state the position  
15 of the State Auditor with respect to the use of public  
16 funds to buy personal meals?

17 A. Yes.

18 Q. If I could please ask you to refer to page 2  
19 of the letter, beginning in the -- near the middle of  
20 the page with a paragraph beginning "Accordingly." If  
21 you could, please, just read that paragraph.

22 A. "Accordingly, I wish to make clear the  
23 position of the Auditor's Office is that public  
24 employees and public officials, including specifically

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1 members and employees of the Supreme Court, may not use  
2 public funds to purchase personal meals during a  
3 nontravel work day. An expenditure of public funds for  
4 personal meal will neither be processed nor approved by  
5 our office. Further, if a P-card is utilized, such  
6 purchases will be deemed a violation of the policies and  
7 procedures governing the use of State purchasing cards."

8 Q. Thank you. And if you could, please, just  
9 tell us the basis for your opinion.

10 A. Well, there's a couple of bases. One is in  
11 common sense; and one is in law. In common sense, if we  
12 were to allow State employees to buy themselves lunch,  
13 the cost to the State would be astronomical.

14 And in law, the Ethics Commission, along  
15 with the State Auditor's guidelines, along with our  
16 State's Criminal Code, all dictate that public funds  
17 should not be used for personal purposes.

18 Q. Have you learned of anything since authoring  
19 this letter dated July 26, 2018 that would change the  
20 opinion that you have rendered in this letter?

21 A. No.

22 Q. So as of today, this is still the Auditor's  
23 position.

24 A. Correct.

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1 MS. KAUFFMAN: Your Honor, I do not have  
2 any further questions of the Auditor.

3 CHIEF JUSTICE FARRELL: Thank you.  
4 Cross examination?

5 MR. RITCHIE: Your Honor, we have no  
6 questions.

7 CHIEF JUSTICE FARRELL: All right. Any  
8 questions from the Senate? Any questions from the  
9 Senate?

10 No questions? If not, may this witness  
11 be excused?

12 MS. KAUFFMAN: Yes, Your Honor.

13 CHIEF JUSTICE FARRELL: Counsel?

14 MR. RITCHIE: Yes, Your Honor.

15 CHIEF JUSTICE FARRELL: Thank you,  
16 Mr. Auditor, you are excused.

17 Also have another witness?

18 DELEGATE SHOTT: Your Honor, we have one  
19 more witness, but we've subpoenaed the witness for  
20 tomorrow morning. Unavailable today. So we're --

21 CHIEF JUSTICE FARRELL: So he's not here  
22 today?

23 DELEGATE SHOTT: Not available today.

24 CHIEF JUSTICE FARRELL: So you're asking

IN RE: SENATE PROCEEDING REGARDING THE IMPEACHMENT OF WV SUPREME COURT JUSTICES WALKER TRIAL  
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1 that we cease for the day?

2 DELEGATE SHOTT: Yes, sir, I am.

3 CHIEF JUSTICE FARRELL: All right.

4 Members of the Court of Impeachment, the House Managers  
5 say they have one more witness. Is that witness  
6 subpoenaed for 9:00 o'clock tomorrow?

7 DELEGATE SHOTT: Yes, Your Honor.

8 CHIEF JUSTICE FARRELL: Very good. So we  
9 will adjourn for today. We'll start again at 9:00 o'clock  
10 with what I anticipate is the final witness by the House  
11 Managers. At that point then, Justice Walker's team will  
12 have a chance to present their case. All right?

13 Thank you. We are adjourned until  
14 9:00 a.m. tomorrow morning.

15 (The trial was adjourned, to be continued  
16 on October 2, 2018.)

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IN RE: SENATE PROCEEDING REGARDING THE IMPEACHMENT OF WV SUPREME COURT JUSTICES WALKER TRIAL  
10/01/2018

1 STATE OF WEST VIRGINIA,  
2 COUNTY OF KANAWHA, to wit:

3 I, Teresa Evans, Registered Merit Reporter and a  
4 Notary Public within and for the County and State  
5 aforesaid, duly commissioned and qualified, do hereby  
6 certify that the foregoing proceedings were duly taken by  
7 me and before me at the time and place and for the purpose  
8 specified in the caption hereof.

9 I do further certify that the said proceedings  
10 were correctly taken by me in shorthand notes, and that  
11 the same were accurately written out in full and reduced  
12 to typewriting by means of computer-aided transcription.

13 Given under my hand this 5th day of October,  
14 2018.

15  
16 \_\_\_\_\_  
17 TERESA EVANS, RMR, CRR  
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IN RE: SENATE PROCEEDING REGARDING THE IMPEACHMENT OF WV SUPREME COURT JUSTICES WALKER TRIAL  
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IN THE WEST VIRGINIA LEGISLATURE  
WEST VIRGINIA SENATE

\* \* \* \* \*

In Re:

Senate Proceeding Regarding the  
Impeachment of West Virginia  
Supreme Court Justices Pursuant  
to Articles of Impeachment Adopted  
By the West Virginia House of Delegates

\* \* \* \* \*

JUSTICE WALKER TRIAL - VOLUME II

Proceedings held on October 2, 2018, before the  
Honorable Paul T. Farrell, Acting Chief Justice of the  
Supreme Court of West Virginia and the West Virginia State  
Senate, in the Senate Chambers, West Virginia State  
Capitol Complex, Charleston, West Virginia, 25301.

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APPEARANCES:

APPEARING AS BOARD OF MANAGERS:

Delegate John Shott  
Delegate Rodney Miller  
Delegate Ray Hollen

APPEARING AS BOARD OF MANAGERS STAFF ATTORNEYS:

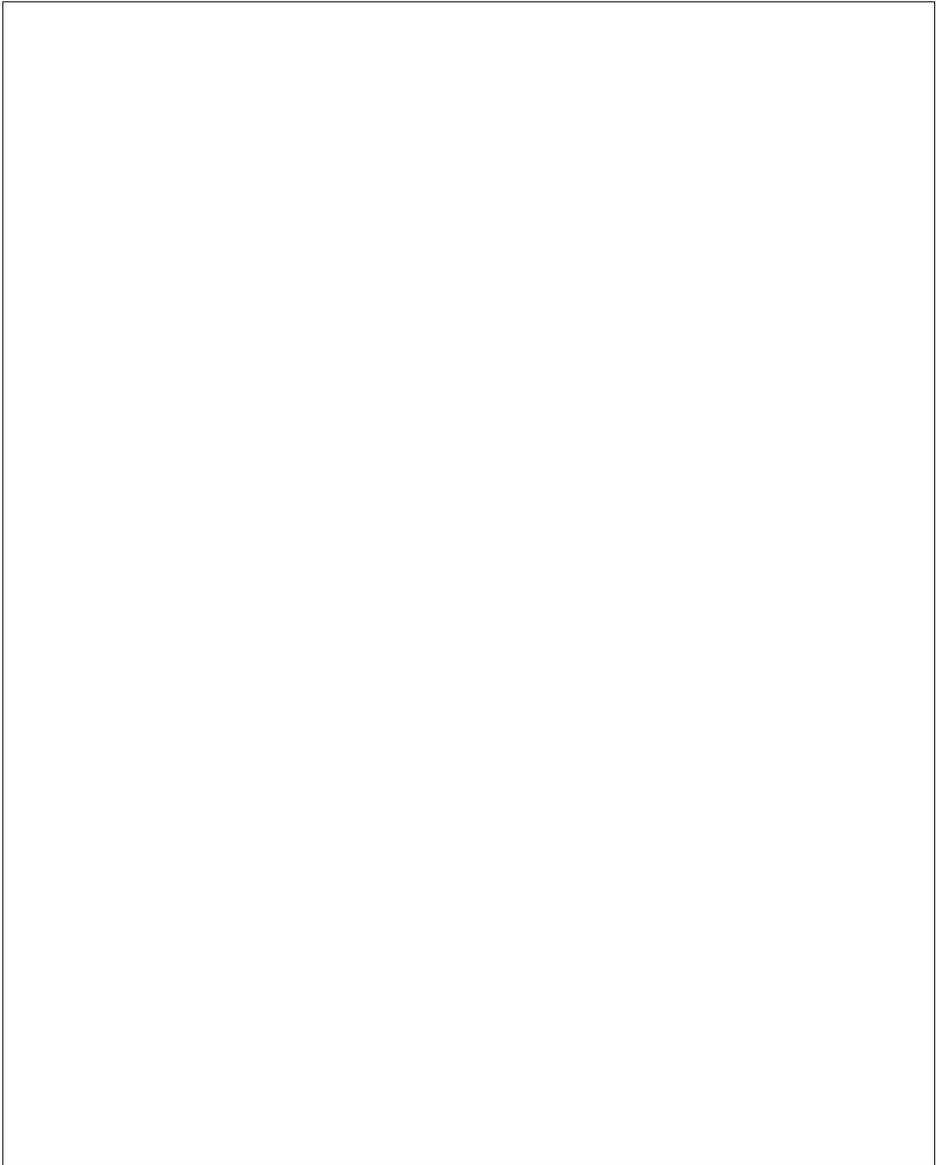
Marsha Kauffman, Esquire  
Paul K. Reese, Esquire  
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1 P R O C E E D I N G S

2 PRESIDENT CARMICHAEL: The Senate will  
3 please come to order. The Senate will please come to  
4 order. All those not having privileges of the floor will  
5 please vacate the chamber. Would those on the floor and  
6 our guests in the gallery, please rise as we are led in  
7 prayer this morning by the Senator from Jefferson and then  
8 please remain standing as we are led in the pledge this  
9 morning by the Senator from Cabell.

10 Senator from Jefferson.

11 (The prayer and pledge were completed.)

12 PRESIDENT CARMICHAEL: Thank you, you may  
13 be seated. Reading of the journal.

14 ASSISTANT CLERK CANTERBURY: West Virginia  
15 Legislature Senate Journal, Monday, October 1, 2018,  
16 pursuant to the adjournment of September 11, 2018 --

17 PRESIDENT CARMICHAEL: The Senator from  
18 Morgan requests unanimous consent that further reading of  
19 the journal be dispensed with and that it be approved as  
20 having been read.

21 Is there objection?

22 Chair hears none. So ordered.

23 The hour having arrived for the Senate to  
24 sit as a Court of Impeachment, the Chair calls acting

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1 Chief Justice Farrell to the Chair.

2 CHIEF JUSTICE FARRELL: Good morning.  
3 Without objection, the reading of the Court of  
4 Impeachment journal was dispensed with and the journal  
5 is approved as having been read.

6 I'll note today that our deputy clerk  
7 is officiating. Lee's wife is having a child -- I  
8 guess, Lee is also having a child, so please keep them  
9 in your prayers as the miracle of birth occurs.

10 Are we ready for our next witness?

11 I need to have the marshal call the  
12 court to order. Mr. Marshal, please call the court to  
13 order.

14 DELEGATE SHOTT: Mike McKown.

15 SERGEANT OF ARMS PALMER: All persons  
16 are commanded to keep silence on pain of imprisonment  
17 while the Senate is sitting as a Court of Impeachment.

18 CHIEF JUSTICE FARRELL: I'll also note  
19 that I -- we have one Senator who wasn't here  
20 yesterday. Sir, you can get with the Clerk -- and you  
21 may have stayed up all night watching on YouTube the  
22 proceedings so that you are comfortable in voting. I  
23 anticipate we will finish today.

24 According to the radio broadcast, we

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1 only have one witness today, but that's subject to  
2 change, as always.

3 DELEGATE SHOTT: That's correct, Your  
4 Honor. Mike McKown.

5 CHIEF JUSTICE FARRELL: Mike McKown,  
6 please.

7 (The witness was sworn.)

8 CHIEF JUSTICE FARRELL: You may  
9 proceed, sir.

10 DELEGATE SHOTT: Thank you, Your Honor.

11 M I C H A E L M c K O W N

12 was called as a witness by the House Managers, and  
13 having been first duly sworn, testified as follows:

14 DIRECT EXAMINATION

15 BY DELEGATE SHOTT:

16 Q. Good morning. Will you state your name  
17 please, sir?

18 A. Mike McKown.

19 Q. And what is your current employment,  
20 Mr. McKown?

21 A. Currently employed with the State Auditor's  
22 Office.

23 Q. And in what capacity are you employ --  
24 employed?

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1           A.    I'm the deputy state auditor for budget  
2 analysis.

3           Q.    And prior to that employment -- well, let me  
4 ask this question: How long have you been employed with  
5 the Auditor's Office?

6           A.    Just a few months. Since July.

7           Q.    And prior to that employment, what employment  
8 did you have?

9           A.    I was the director of the State Budget  
10 Office.

11          Q.    For how long, sir?

12          A.    Almost twelve years.

13                   HOUSE MANAGERS EXHIBIT NO. 137

14                           (Ongoing Base Budget - Lottery Funds FY  
15                           15-18 was marked and admitted as House  
16                           Managers Exhibit No. 137.)

17          Q.    Okay. I want to direct your attention -- and  
18 the primary focus of my question this morning is going  
19 to be the financial condition of the State over the last  
20 five or six, seven years. You've prepared, have you  
21 not, a chart that we've identified as Exhibit 137.

22                   DELEGATE SHOTT: Would you please put  
23 137 up?

24          Q.    And when you can see that on your screen, if

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1 you would, just explain what that reflects.

2 A. Yes, sir. That -- that is a chart that I  
3 have prepared and I updated. This one goes back to FY  
4 '12, runs through FY '18, the year that we just  
5 finished. This was a chart that I would keep and  
6 update, keep it in my office just to keep --

7 The important part of this chart is the  
8 bottom line. This shows the ongoing base budgets for  
9 the general and lottery funds, which are the two  
10 biggest funds that the State has, and the Legislature  
11 has most of their discretion with their spending.

12 And what this chart shows is: From FY  
13 '12 to '15, you see a good steady growth every year in  
14 our baseline budget. That means revenues were  
15 generally keeping pace with expenditures and we were  
16 growing in normal mode.

17 And then in FY '15, you can see that  
18 the base budgets begin decreasing. That's because  
19 revenues became very stagnant, flat. And from about FY  
20 '12, I think, through '17 - I might be off a year there  
21 - but general revenue collections were basically flat,  
22 no growth.

23 In normal years, those revenues would  
24 grow 3 1/2 percent.

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1 Q. Have you had an opportunity to examine as far  
2 -- performance in relation to expectations or  
3 projections over the past several years?

4 A. Performance of the revenues?

5 Q. Yes. Whether we hit revenue projections  
6 month to month.

7 A. We did not from -- in preparing for this,  
8 when I knew I was going to talk about this, I went back  
9 and looked at monthly collections, and something that I  
10 didn't realize was from April of '13 to November of '17  
11 - that's four and a half years - we were never above  
12 estimate year to date in general revenue collections.

13 It was -- constantly, we were in the  
14 red, swimming uphill. That was -- I did not realize  
15 that that never, I don't think, before in all my time  
16 being in the State government 38 years --

17 CHIEF JUSTICE FARRELL: For what  
18 purpose does the senator rise?

19 SENATOR WOELFEL: A point of order.  
20 The people in the back cannot hear the witness at all.

21 CHIEF JUSTICE FARRELL: All right.

22 SENATOR WOELFEL: Thank you.

23 CHIEF JUSTICE FARRELL: Please adjust  
24 the microphones.

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1 THE WITNESS: I'm sorry.

2 A. Is that good?

3 Q. I think that works better. Let's backtrack  
4 then just so they can pick up. As -- as you indicated,  
5 this chart basically shows base budgets from Fiscal  
6 Year '12 through Fiscal Year '18, correct?

7 A. It does. And it shows FY '12 through '15  
8 where base budgets grew. This is just -- we're talking  
9 general and lottery funds, the funds that the  
10 Legislature has the most discretion over and can  
11 generally be used for just about anything that you want  
12 to spend it on.

13 And then from '15 to 7 -- or '15 to  
14 '18, you see declines in base budgets. I don't think  
15 -- you know, base budgets normally grow 3, 3 1/2  
16 percent a year in an average year. So we -- we were  
17 stagnant from FY '15 to '18, actually decreasing  
18 budgets, because we had -- we started developing huge  
19 budget gaps and budget -- what we -- what we call  
20 structural budget gaps.

21 Revenues were not keeping pace with the  
22 expenditures. We had Medicaid and PEIA - both health  
23 care-related - growth every year just about. Those  
24 tended to grow 6 to 8 percent a year. Revenues were

1 not keeping pace. We were not meeting estimate.

2 That was -- as I was just saying, from  
3 April of '13 through November of '17, we were never out  
4 of the red year to date on our revenue collections. We  
5 were always in the red. So we were swimming upwater  
6 trying to catch -- we did mid-year budget cuts for five  
7 straight years: FY '13, '14, '15, '16 and '17.

8 Five years in a row, we had to do  
9 mid-year budget cuts. It was tough.

10 Q. Let me refer you to the last column so we can  
11 get an explanation. It appears that you are attempting  
12 to differentiate Fiscal Year '15 when the growth in the  
13 budget ceased from Fiscal Year '18; is that correct?

14 A. That -- yes, because we peaked in FY '15 on  
15 our base budgets. We started showing those in  
16 presentations. The Legislature realized that; the  
17 Governor realized that; and they started making  
18 structural cuts to our budgets to allow the revenues to  
19 catch up.

20 FY '18, we're in pretty good shape, so  
21 actually the cuts that we made in '16, '17 and '18,  
22 we've actually gotten the budget back structurally  
23 balanced now.

24 Q. You have three items on that last column

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1 encompassed in a square. What -- what does that  
2 signify?

3 A. Those -- every -- those are the major  
4 categories on the six-year plan that we use. Only --  
5 those that I boxed in were the only three that had  
6 growth. You can see all the others were -- from '15 to  
7 '18, all the other categories were reduced.

8 Q. So for instance, with respect to the  
9 Legislature, from '15 to '18, there was a 4.1 percent  
10 decrease in the amount of the budget for that -- that  
11 ending?

12 A. For those four years, yes, sir.

13 Q. And the Supreme Court actually received a 7  
14 1/2 percent increase during that same period; is that  
15 correct?

16 A. Yes, sir.

17 Q. And other than that, it was PEIA and Medicaid  
18 were the only areas that were increased.

19 A. PEIA health care; Medicaid health care.  
20 Yeah, health care-related. Yes, sir.

21 Q. You mentioned a series of mid-year budget  
22 cuts. Was one of those budget cuts in November of  
23 2016?

24 A. Yes, sir.

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1 HOUSE MANAGERS EXHIBIT NO. 134  
2 (Outline of the 2% Budget Cuts in 2017  
3 was marked and admitted as House  
4 Managers Exhibit No. 134.)

5 DELEGATE SHOTT: Let me ask if you  
6 would present the witness with Exhibit 134, please.

7 Q. You got it in front of you?

8 A. Yes, sir.

9 Q. Can you tell the members of the -- of the  
10 Senate what that represents, what that --

11 A. This -- this was the -- we did it in  
12 November, Governor Tomblin -- again, Governor Tomblin,  
13 when he was here -- this was, you know, November '17,  
14 that's at the end of that four and a half year period  
15 where we'd -- we were in the red constantly.

16 He - if I recall correctly - wanted to  
17 do as much as he could on the way out. We knew there  
18 were gonna be -- again, have a bad year in FY '17 -- or  
19 FY -- yes, '17. This is November of '16. I'm sorry.  
20 It's right in the middle of that four and a half year  
21 period.

22 So this totals \$59,000,000. It -- it  
23 was just his way of trying to leave things in somewhat  
24 manageable order on his way out the door.

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1 Q. And is the significance of a mid-year budget  
2 cut that agencies that had planned on a certain amount  
3 of money to spend over the full fiscal year had to  
4 reduce that based on the amount of the cut? Is that  
5 fair to say?

6 A. Yes, sir. And this one, if I recall, most  
7 agencies took a 2 percent cut. Which when you're  
8 almost halfway through the year is -- you know,  
9 computes out to closer to 3 or 4 percent.

10 The bulk of these cuts, of the  
11 \$59,000,000, almost \$60,000,000, Medicaid took a  
12 \$25,000,000 cut, I think, and the school aid formula  
13 took over an \$11,000,000 cut.

14 Those were the two major reductions in  
15 that year. But you can see from this list all --  
16 almost all agencies took about a 2 percent cut.

17 Q. With respect to the exhibit, there's a  
18 cabinet -- there's several columns, three columns.  
19 There's a cabinet name, then there's a breakout from  
20 that -- that cabinet or department, and then there's a  
21 total of that particular agency, correct?

22 A. Yes, sir.

23 Q. And you identified to me that there was -  
24 when this chart was reproduced - one entity that -- or

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1 one entry that had been -- I guess when it was  
2 compressed, missed.

3 A. Yeah.

4 Q. Can you tell us what that was?

5 A. When I looked at this -- I did not prepare  
6 this. But I looked at it and the page -- the first  
7 page, right under DMAPS, Military Affairs and Public  
8 Safety, right under the Adjutant General, Corrections  
9 got cut off. That cut Division of Corrections 3.75  
10 million.

11 Q. So if that were in there, then the other  
12 entries would add up to that 5.963 million --

13 A. Yes, sir.

14 Q. -- that DMAPS took total.

15 A. Yes, sir.

16 Q. Is that correct?

17 A. Yes, sir.

18 Q. And you said you didn't prepare this chart.  
19 You have had an opportunity to review it and compare it  
20 with the information available to you; is that fair to  
21 say?

22 A. Yes, sir.

23 Q. And you -- the information in here other than  
24 the -- other than the omission of Department of

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1 Corrections is correct; is that correct?

2 A. That's -- that's correct.

3 Q. So for instance, if we were interested in the  
4 HEPC, Higher Education Policy Commission, cuts, we  
5 could determine on the second page exactly how much  
6 each higher education institution, or under that,  
7 community and technical college, was cut as a result of  
8 this mid-year cut; is that fair to say?

9 A. Yes, sir. And those look like straight 2  
10 percent cuts.

11 Q. So for instance, if you were interested in  
12 Marshall, you'd see that there was 1.2 million cut. Or  
13 WVU, it would be a 2.634 million dollar cut. Is  
14 that -- that correct?

15 A. Yes, sir.

16 Q. Now, following the mid-year budget cuts,  
17 there was -- and I think all of us here remember a  
18 budget passed by the Legislature that went before the  
19 Governor and he symbolically vetoed that. Do you  
20 recall that?

21 A. I do.

22 Q. And I won't get into the symbolism of the --  
23 of that action, but that was followed by a special  
24 session that was extensive; fair to say?

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1 A. Yes, sir.

2 Q. And at the end of that session, did the bud  
3 -- Legislature pass a budget?

4 A. They did.

5 Q. And did it go into effect without the  
6 Governor's signature?

7 A. It did.

8 Q. Did that budget include substantial cuts for  
9 Fiscal Year '18?

10 A. It did. Many of these mid-year cuts were  
11 carried over into that budget. Public ed, I think, as  
12 a total was cut about \$22,000,000 from the previous  
13 year's base budget. Higher ed was cut almost  
14 \$20,000,000.

15 We did numerous -- there's a long list  
16 of items that were reduced, some things -- I can  
17 remember \$5,000,000 was cut from the institution lines  
18 and the health facilities. Over -- I think \$3,000,000  
19 was cut from tobacco education and DHHR.

20 The RESAs were eliminated. That was  
21 the year the funding for the RESAs were eliminated. FY  
22 '18 was a difficult time.

23 Q. And when we say "Fiscal Year '18," that's  
24 July 1 of '17 to --

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1           A.     Started July 1 of '17, and that was Governor  
2 Justice's first budget.

3           Q.     And that would continue through the following  
4 June 30, correct?

5           A.     That's correct.

6           Q.     There were, in the past, hiring freezes  
7 instituted. Can you tell us what you know about the  
8 continuation of that process?

9           A.     Yeah, those have been in effect for many  
10 years, I know going back to at least Governor Manchin,  
11 perhaps even Governor Wise. But yes, there was --  
12 during all this time, there was a hiring freeze in  
13 place.

14          Q.     Overall, if you were asked to describe the  
15 period between the start of Fiscal Year of '15 through  
16 the Fiscal Year '18, how would you describe financial  
17 times during that period?

18          A.     Those were difficult times. We were in  
19 constant looking for dollars. I know the Legislature,  
20 along with the Governor, would -- we would go to  
21 special revenue accounts and sweep -- sweep cash to  
22 help balance budgets -- not only with mid-year cuts,  
23 but we also balanced budgets by sweeping special  
24 revenue accounts.

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1                   We -- FY -- we used rainy day to  
2 balance the budget FY '15, '16 and '17. That had never  
3 been done before. The rainy day fund was established  
4 in 1994, and it had only been used for floods and  
5 emergency type of expenditures up until FY '15, and  
6 then for three years in a row --

7                   FY '15, we used \$100,000,000 of rainy  
8 day to budget -- balance the budget. FY '16, we used  
9 \$98,000,000, and FY '17, we used \$131,000,000.

10                  Those -- that, along with all these  
11 other remedies that we would use: Budget cuts,  
12 mid-year budget cuts, sweeping cash accounts. We've  
13 swept reappropriated balances from, I know, the Senate.  
14 We used a lot of their reappropriated balances to  
15 balance one year. Anything we could think of.

16                  Q. Now, going back to the mid-year budget cut in  
17 November of 2016, I didn't see listed on the agencies  
18 affected the Supreme Court. Was their budget cut?

19                  A. It was not.

20                  Q. Thank you.

21                  DELEGATE SHOTT: Thank you, Mr. McKown.  
22 That's all I have.

23                  CHIEF JUSTICE FARRELL: Counsel?

24 Cross?

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1 MR. HISSAM: Yes, sir.

2 CROSS EXAMINATION

3 BY MR. HISSAM:

4 Q. Mr. McKown, my name is Mike Hissam. I  
5 represent Justice Walker. You're not here today to  
6 offer any specific testimony about Beth Walker, are  
7 you?

8 A. No, sir.

9 Q. And if --

10 A. Just the facts.

11 Q. And if someone -- well, let's focus on that,  
12 for example. The exhibit that you showed about the  
13 mid-year cut, that occurred before Justice Walker took  
14 office; is that right? Well, let me help you out.

15 A. I'm not sure when she --

16 Q. She took office on January 1st, 2017.

17 A. This happened in November of '16.

18 Q. Okay. And if someone took office on January  
19 1st, 2017, what fiscal year was that?

20 A. January 1st of '17?

21 Q. Right.

22 A. FY '17.

23 MR. HISSAM: Okay. Thank you.

24 CHIEF JUSTICE FARRELL: Redirect?

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1 DELEGATE SHOTT: No direct -- redirect,  
2 Your Honor.

3 CHIEF JUSTICE FARRELL: Are there  
4 questions, any written questions?

5 Seeing none, does the House have  
6 another man -- another witness?

7 DELEGATE SHOTT: Your Honor, the House  
8 Managers rest.

9 CHIEF JUSTICE FARRELL: Sir, you are  
10 excused. The House has rested.

11 Counsel for Justice, do you have any  
12 witnesses you wish to call?

13 MR. HISSAM: No, Your Honor, our only  
14 witness was Beth Walker who testified yesterday. The  
15 Respondent, Beth Walker, rests.

16 CHIEF JUSTICE FARRELL: All right.  
17 Both parties have rested. Senator?

18 SENATOR OJEDA: Yes, Your Honor. I  
19 just -- I can't hear your microphone through the  
20 headphones.

21 SENATOR BLAIR: Right.

22 CHIEF JUSTICE FARRELL: How's that?

23 SENATOR OJEDA: Thank you.

24 CHIEF JUSTICE FARRELL: Okay. Both

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1 sides have rested. That means you have heard all the  
2 evidence that's going to be presented in this case.

3 At this point, under the rules, we will  
4 have closing statements. Are the House Managers  
5 prepared at this time?

6 DELEGATE SHOTT: Yes, sir.

7 CHIEF JUSTICE FARRELL: You may  
8 proceed, sir. I'll explain also that the House, having  
9 the burden, has the right to open. There will be then  
10 Justice Walker's counsel and then the House Manager  
11 will close.

12 Turn that around.

13 I hear myself being repeated.

14 CLOSING ARGUMENT

15 DELEGATE SHOTT: Mr. Justice, Members  
16 of the Senate. Common sense. Common sense. When I  
17 heard those two words from our State Auditor yesterday,  
18 it was like a bolt of lightning.

19 As you -- those of you who are lawyers  
20 know - and those of you who aren't lawyers probably  
21 suspect this - but oftentimes we who are lawyers -- and  
22 I thought I was retired a few years ago, but no such  
23 luck.

24 Those of us who are lawyers sometimes

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1 get tunnel vision when we're looking at facts. We're  
2 looking for a statute or a regulation or something that  
3 gives us a firm and direct -- direct answer to our  
4 question. And sometimes common sense gets lost in that  
5 -- in that effort.

6                   You know, throughout the state of West  
7 Virginia - today and other days - there are State  
8 employees, who in order to do their duty, will work  
9 through lunch - might even work late into the night -  
10 all without any expectation of the taxpayers paying for  
11 a lunch when they finally get a few minutes to take a  
12 lunch.

13                   Those of our Judiciary who are actually  
14 out in the trenches do the same thing. They may hear a  
15 case that's in trial and it carries over into the lunch  
16 hour; they may have time to grab a sandwich; they may  
17 not. But never with any type of expectation that the  
18 taxpayers are gonna pay them -- pay for them for a  
19 lunch.

20                   And you can bet that the Supreme Court  
21 has not allocated a single penny for those judges, for  
22 those magistrates, to have lunch on those days when  
23 they're forced by their schedule and their duties to  
24 work through lunch or perhaps even into the late night

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1 hours.

2                   And as Auditor McCuskey observed  
3 yesterday, if that were the case, if our taxpayers were  
4 expected to pay lunch for every public employee, every  
5 member of the Judiciary who worked through lunch -  
6 either as a matter of efficiency or a matter of  
7 convenience to the litigants - the cost would be out of  
8 the -- out of sight.

9                   So this issue of the paid working  
10 lunches is really a common sense issue as much as it is  
11 a legal issue. And frankly, it just doesn't pass the  
12 smell test.

13                   If you examine the reason that this  
14 practice started -- and let me start with Exhibit 85.  
15 And hopefully, I'll have better luck with technology  
16 today than I did yesterday. I'm beginning to develop  
17 an allergy to -- for technology.

18                   Exhibit 85 is a letter from the  
19 Judicial Investigation Commission, the Chairperson  
20 Ronald -- Ronald Wilson, that's -- who is the judge and  
21 chairman, addressed to Justice Walker.

22                   And if you look at the last page of  
23 that letter, the last indented paragraph, he offers a  
24 reason for this practice. He states, "However, as

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1 stated in one of the Court's recent responses to a  
2 request under the Freedom of Information Act, the Court  
3 has in recent years chosen to remain on the bench  
4 without a lunch break until all arguments are  
5 concluded, and as a convenience to litigants and  
6 lawyers, thereafter a working lunch allows the Court to  
7 finish consideration of the cases and other  
8 administrative matters."

9                   And he concludes that paragraph by  
10 saying, "Thus I believe that Court-provided lunches  
11 benefited the public by enabling the Court to continue  
12 and complete its work promptly."

13                   That apparent -- that apparently is the  
14 reason that was given for these lunches. So the  
15 question is: Is this really a reflection of a noble  
16 purpose, the purpose being to avoid inconvenience to  
17 litigants and benefit the public? Or is it more or  
18 less a thinly-disguised excuse for a free taxpayer paid  
19 lunch?

20                   And I think the answer was revealed  
21 after this abuse was discovered. And I mentioned when  
22 we started this process, timing is everything. Timing  
23 and context.

24                   Timing. When did the public receive

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1 information about this practice? When was the  
2 sunshine, the best disinfectant, shone upon this  
3 practice? And that was after the FOIA request in  
4 December of 2017, the request made by -- by Kennie  
5 Bass.

6 And so if you go then to Exhibit 73,  
7 this provides the answer to that question as to whether  
8 this was a noble purpose or just an excuse.

9 Exhibit 73 is a letter to judge -- to  
10 Auditor McCuskey from Barbara Allen, the Court  
11 Administrative Director. And if you look at the last  
12 page -- the second and last page of that last full  
13 paragraph, she says, "As you probably know from the  
14 media reports to which you allude in your letter, the  
15 issue of working lunches is now moot inasmuch as the  
16 Court has ceased the practice."

17 So in other words, there are no more  
18 working lunches. The Court takes a lunch break, as it  
19 always has, and the litigants are again inconvenienced.

20 If it were a noble purpose, I suggest  
21 to you they would continue the working lunches but not  
22 ask you or the other taxpayers to pay for them. They  
23 would kick in like so many of us do here when we work  
24 through lunch and we send someone out, we all kick in a

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1 little something.

2 In our Judiciary Committee room, we  
3 have a little bucket that says "Snack Contributions"  
4 and we use that, people kick in -- we go -- if we need  
5 a sandwich or we need a snack, we send out and we get  
6 it -- we take it from the snack bucket.

7 If there was a noble purpose here,  
8 that's exactly what the Supreme Court would be doing.  
9 If they really didn't want to inconvenience the  
10 litigants, they would continue working through the --  
11 through the arguments and then take their break, but  
12 not ask you or the taxpayers to pay for it.

13 If you examine this issue even further,  
14 the argument that they make is that it was limited to  
15 days on when illitigants -- excuse me, litigants were  
16 there for argument. But they also took lunches - if  
17 you look at the exhibits - on days when they met to  
18 discuss administrative matters, thus no litigants were  
19 present on those days, just members of the Court.

20 Among the documents that you have --  
21 and we -- we did produce, I think, five full notebooks  
22 for those of you who prefer hard copies, and when you  
23 deliberate, you'll have these -- those available. If  
24 you look through those, you'll see that there are

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1 examples of administrative minutes that reflect what  
2 actually goes on in those proceedings, and there are no  
3 litigants present.

4                   There's no one that's being  
5 inconvenienced. It's the judges who are being  
6 inconvenienced by having the taxpayers pay for lunches on  
7 those days.

8                   For example, if you would pull up  
9 Exhibit D from Justice Walker's exhibits -- and this  
10 has been referred to as the day on which Justice Walker  
11 voted against recommended merit pay raises for about 60  
12 employees, many of whom who were among the lower-paid  
13 of the staff and many of whom had not had a raise for  
14 over seven years.

15                   Almost paradoxically, this is the same  
16 day that the justices were treated to lunch from Soho's  
17 at a -- at a cost of approximately \$17.31. And you can  
18 confirm that fact by looking at the chart that we  
19 prepared about the lunches which is in your -- which is  
20 available to you as Exhibit 174.

21                   So the administrative conferences are  
22 not -- are not excused by the explanation that they  
23 were there -- they were done -- those working lunches  
24 were done on those days to avoid inconvenience to the

1 litigants. Because there were no litigants there.

2 Another thing that you can -- if you  
3 fully investigate this -- this so-called free lunch --  
4 free working lunch thing, is you can discover by  
5 looking at the receipts, and those receipts are all  
6 included in the documents at Exhibit 125 for your  
7 review.

8 And if you took the time to look at  
9 them -- and let me -- let me refer to one of those.

10 If you would, would you get Exhibit 125  
11 and put up -- Walker 55 is at the bottom of that. That  
12 would be 55 and at the top, it shows House 4 -- 000448.

13 We're just going to take one of these  
14 receipts, otherwise it would take -- take us a long,  
15 long time, and I want to point out a few things.

16 MR. NOVAK: Where at on that document?

17 DELEGATE SHOTT: You are at that  
18 document?

19 MR. NOVAK: Where at on that document?

20 DELEGATE SHOTT: It's a one-page  
21 document. At the bottom, it says "Walker 65" -- I'm  
22 sorry, "55." And at the top, it's House 000448.

23 That's it.

24 MR. NOVAK: Where at on that document?

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1 DELEGATE SHOTT: Well, just display the  
2 document, if you can. If you can get the full page on  
3 there, that would be -- that would be fine.

4 That's good enough. Thank you.

5 All right. If you look at that  
6 document, you will see several things. This is a form  
7 that's filled out to -- to confirm the expenditure by  
8 P-card of money for working lunches. You'll see on the  
9 left-hand side a list of the -- for instance, the  
10 sponsor, which is Mr. Garnes - who we've heard his name  
11 mentioned - the location of the function is the  
12 justices chamber; the date which is 9-13-17, that's  
13 September of '17.

14 You'll see the total that was spent  
15 that day, \$171.00. You'll see the purpose down below  
16 that, the conference. And I'll note, if you would look  
17 at the Court's schedule that we've admitted previously,  
18 you'll see that is a date that was scheduled for oral  
19 argument.

20 You'll see the list of attendees, which  
21 includes Justice Walker. Significantly, for some  
22 reason, Justice Davis is not included. You'll see some  
23 other names on there that were mentioned the other day:  
24 C. Garnes, which is Chris Garnes, who was the person

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1 who presented the P-card; J. Gundy, who's the security  
2 man, and as you under -- as you heard yesterday,  
3 neither of those people are actually involved in the  
4 decision of the argument that was made on the case that  
5 was presented. Mr. Garnes essentially is the person  
6 sent out to bring the meal back.

7                   You'll see on the right-hand side a  
8 copy - which was attached to the form - of the receipt  
9 from The Block Restaurant and Wine Cellar, and if  
10 you'll go down a few lines, you'll see the date, which  
11 is November 13th, and significantly, you will see the  
12 time that the meal was picked up: 11:31:46.

13                   Now, why that is significant -- if  
14 you'll remember, the testimony was that the judges  
15 would work through the lunch hour and complete the  
16 docket that day before breaking for lunch. If you look  
17 at -- if you take the time to go through all of these  
18 exhibits, you'll see that almost in every case, the  
19 lunch was picked up before the lunch hour so it could  
20 be delivered, presumably, at the lunch hour.

21                   Also significantly, it raises a  
22 question when you have a -- one of the justices absent  
23 from the conference, whether or not any meaningful  
24 discussion can actually take place during that lunch

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1 about the case when one of the members who is assigned  
2 to decide it does not appear.

3 I'll let you do your own analysis of  
4 that.

5 Also, let's remember that this was not  
6 just a meal; it wasn't just a Big Mac; it wasn't just a  
7 hot dog. These meals were ordered in and paid for by  
8 the taxpayers from upscale restaurants throughout the  
9 area.

10 If you'll look at Exhibit 124 -- I'm  
11 not gonna -- I'm not gonna go completely through this.  
12 Just to remind you what it's -- what it's about, this  
13 is the exhibit that was prepared by the Legislative  
14 Auditor who did an analysis of each of these lunches,  
15 and listed by date, restaurant, number of attendees,  
16 the total cost, and per -- average per post -- person  
17 cost.

18 As I said, if you'll look through this  
19 list, you'll see these are not fast food place -- fast  
20 food places. You won't see any receipts from the  
21 cafeteria located conveniently just underneath us,  
22 basically.

23 Basically, they are upscale restaurants  
24 like South Hills, Soho's, Paterno's, The Block. And

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1 some of these amounts actually exceed \$20.00 a person  
2 for lunch, which the taxpayers - as I indicated many  
3 times - have paid for.

4           Those -- most of those meals were  
5 clearly in excess of the recommended guidelines, GSA  
6 guidelines, which were adopted by the Supreme Court in  
7 its own travel policies, as was confirmed yesterday  
8 by -- by one of the witnesses that we offered here  
9 during the end of the day, who is the CFO of -- Sue  
10 Racer-Troy, who was the CFO -- essentially the CFO of  
11 the Supreme Court.

12           No legitimate reason has been offered  
13 as to why these lunches should exceed those guidelines.  
14 And keep in mind those guidelines apply -- apply to  
15 meals that are received while on travel. These meals  
16 were taken while here in the Capitol, but no legitimate  
17 reason has been offered why they should be exempted  
18 from those same guidelines.

19           As hard as I tried, I was unable to get  
20 Justice Walker to admit that there was anything wrong  
21 with this practice. The best I could get from her was  
22 that it was not illegal. Consistently, she used that  
23 term, "It's not illegal."

24           Now, I will concede to each of you that

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1 we have -- we, as the Legislature, have not expressly  
2 adopted a statute that says you get a \$136,000 salary  
3 and absolutely no free lunches. Perhaps we were naive  
4 in not assuming that the Supreme Court would be so  
5 arrogant as to think that they were entitled to free  
6 lunches when they were doing their jobs. But there is  
7 no statute.

8 I would argue with you that anyone who  
9 analyzed our Constitutional provision which vests in us  
10 the ability to set a limit on salaries, and West  
11 Virginia Code 51-1-10a, which -- where we actually set  
12 that salary at \$136,000, anybody who looked at those  
13 two provisions would have been concerned that anything  
14 over and above that would violate the spirit, if not  
15 the letter, of the law.

16 And our provision -- our position is  
17 that it's not only illegal; it's unethical under the  
18 provisions of the Ethics Act which the Legislature has  
19 passed which prohibits using a public office for  
20 private gain.

21 Now, there may be some issue - although  
22 it hasn't been raised here today - whether the Ethics  
23 Act applies to everyone in State government except the  
24 Supreme Court.

1                   But I would suggest to you, and I read  
2 the -- to the witness, to Justice Walker, the preamble  
3 to the West Virginia Code of Judicial Conduct which the  
4 Court itself has adopted, which states in Paragraph 3,  
5 "The West Virginia Code of Judicial Conduct establishes  
6 standards for the ethical conduct of judges and  
7 judicial candidates."

8                   And "it is not intended as an  
9 exhaustive guide for the conduct of judges and judicial  
10 candidates, who are governed in their judicial and  
11 personal conduct by general ethical standards as well  
12 as" by "the Code."

13                   Isn't it logical for any thoughtful  
14 person to conclude that the Ethics Act which governs  
15 all of us and every public employee would constitute a  
16 general standard, general ethical standard, as  
17 contemplated by that Code Section?

18                   So I think that what we've done in this  
19 short trial is expose for everyone - not just you all,  
20 but the public who's paying attention - what a scam  
21 this practice was. Unfortunately, although Justice  
22 Walker testified in relation to the firing of Steve  
23 Canterbury that she knew within two days of taking  
24 office that there were problems with the HR policy, she

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1 apparently was not seriously concerned about this free  
2 lunch policy. That's disappointing.

3 She continued practicing -- or  
4 participating in the practice through October 31st of  
5 2017, and didn't participate in November because she  
6 had to leave town -- be out of town.

7 Only after she learned of the FOIA  
8 request on -- that was made on December 5th by Kennie  
9 Bass -- and that is in your -- in your materials at  
10 Exhibit 104, is the extensive Freedom of Information  
11 request Mr. Bass filed, which includes on Paragraph 3,  
12 "Any and all charges for meals purchased using public  
13 funds for the justices and clerks during 2016 and '17."

14 So only after that request -- that  
15 request was made and transmitted among the justices did  
16 Justice Walker seek to repay for the lunches that she  
17 and her assistant had received.

18 If you'll look at Exhibit O -- if you  
19 wouldn't mind putting Exhibit O up, please.

20 Exhibit O is an e-mail from Justice  
21 Walker to Sue Troy, and basically it says, "When you  
22 complete a calculation of the Court's spending on meals  
23 brought into the Capitol for the justices and their  
24 staffs in 2017, and before that information be shared

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1 in response to a FOIA request, can you share that  
2 information with us?

3 Assuming it is permissible from a  
4 legal/accounting perspective, I will be writing the  
5 Court a personal check for one-fifth of the total."

6 Which she did do toward the end --  
7 toward the end of that month. But it was significant  
8 to her to make sure that was done before the  
9 information was provided in connection with the FOIA  
10 request.

11 And as I suggested in my -- in my  
12 opening statement, one of my favorite statements is  
13 "The true measure of character is what you do when no  
14 one's looking." And now, we see someone was looking.

15 One other thing I just want to comment  
16 on that kind of burned me up at the time it occurred  
17 was this effort by the JIC, the Judicial Investigation  
18 Commission, its press release that occurred during the  
19 midst of the investigation that was undertaken by the  
20 House Judiciary Committee.

21 That's -- that is Exhibit 106, Exhibit  
22 106, and I want to highlight for you the -- what  
23 appears to be one, two, three -- the fifth paragraph in  
24 that press release. This was a press release that was

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1 issued and disseminated among the media and appeared  
2 all throughout the state, and I'm going to read to you  
3 that paragraph, because I think there's some  
4 interesting inconsistencies in that paragraph.

5                   It states, "JIC policy is not to  
6 acknowledge the existence of complaints against  
7 judicial officers until probable cause has been found  
8 to issue a statement of charges or an admonishment."

9                   I'll stop there for a minute. In other  
10 words, no one is supposed to know there's actually been  
11 a charge filed if that policy is adhered to.

12                   And then it goes on to read, "We are  
13 taking the unusual step," the unusual step, "of making  
14 our findings public in these cases because the Supreme  
15 Court Justice are the highest judicial officers in West  
16 Virginia. It's important for the public to know that  
17 allegations against them have been thoroughly  
18 investigated and that they have been cleared of  
19 wrongdoing."

20                   Now, think about that for a minute.  
21 The first sentence said, "It's our policy not to tell  
22 anybody we've opened a file and are investigating." So  
23 if they followed that policy, no one would know to  
24 begin with.

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1                   The second and third sentence is --  
2 basically said, "We're taking this unusual step" - I  
3 used the word, I think, "unprecedented step" - "that  
4 we're gonna tell you about something you didn't know  
5 about because we closed the investigation on them and  
6 cleared them of wrongdoing."

7                   Does that make any sense at all? Does  
8 that make any sense? "You shouldn't know about it, but  
9 we want to be sure you know we closed the file."

10                  I'll let you draw your own conclusion  
11 as to the timing and the intent of that particular  
12 press release.

13                  I'm not going to say a whole lot about  
14 the -- the contracted legal opinion. It's not a lot of  
15 money, \$10,000, but as an attorney and someone who  
16 voted for Justice Walker as a candidate, it was very  
17 disappointing to me that someone who most people think  
18 when they vote for is elected to hear cases and write  
19 decisions -- and if you ask the average person, what  
20 they would think these Supreme Court Justices do.

21                  Apparently, there was a shortage of  
22 staff, something most of us have experienced one time  
23 or another. But in most cases, don't we just buckle  
24 down and do it ourself? Don't we work long hours into

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1 the night, maybe even on the weekend, to get the job  
2 done?

3                   If you look at the invoice that was  
4 produced from -- from the Clerk who prepared this --  
5 from the contractor who prepared this, you'll see the  
6 bulk of the work was done during the Memorial Day  
7 weekend.

8                   And if you compare that with the Clerk  
9 of the Court's calendar, you'll find that the Court was  
10 closed the entire week. There was nothing scheduled.  
11 Let me put it that way: There was nothing scheduled on  
12 the Court's calendar that entire week of Memorial Day.

13                   And if you would analyze the number of  
14 hours that this particular person took to do the work  
15 and you'd subtract from that travel time and the time  
16 that she actually consulted with Justice Walker, you  
17 would find it works out to be somewhere between 50 and  
18 60 hours. Which in a lump sum, would certainly seem  
19 like a lot. But scattered over the Memorial Day week,  
20 it's manageable for anybody who's really wo -- willing  
21 to work hard. And more importantly, someone who's  
22 really interested in saving the taxpayers money.

23                   Talk -- I want to talk a minute about  
24 the renovations. I know that there's been a lot of

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1 talk about that, and we've produced a number of  
2 different exhibits about those renovations.

3           The purpose of our testimony today was  
4 to put that in perspective, the timing of that in  
5 perspective. It was not to suggest that Justice Walker  
6 had anything to do with the revenue shortfalls that we  
7 were experiencing, but it was to provide context within  
8 which -- in which decisions were made that have to be  
9 questioned. Decisions to spend money that elsewhere in  
10 this state folks were being asked to tighten their  
11 belt.

12           We had Mr. McKown discuss for you  
13 Exhibit 134. I'm not going to go through that in  
14 detail. That was a analysis of the mid-year cuts that  
15 were made in November of 2016. As he indicated, the  
16 mid-year cut of 2 percent really has a greater effect  
17 than that because it's halfway through the budget year.

18           You can actually go into this chart,  
19 and if you wish, see how much your local higher  
20 education institution or school board -- your -- well,  
21 local education institute had to -- had to feel the  
22 pain. But I know most of you felt that pain  
23 individually when you had to hear from your school  
24 board members or your local colleges about how that

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1 hurt.

2                   You lived that cut. That's part of the  
3 context of this. Keep in mind, as Mr. McKown said,  
4 things weren't so bad leading up to about 2015, but  
5 after that became pretty bleak, and nearly everyone was  
6 asked to sacrifice. Nearly everyone, except the  
7 Supreme Court who went along their merry spending ways.

8                   That's important context, a judge --  
9 the expenditure of \$130,000 to renovate an office that  
10 had only been -- only six years earlier had been  
11 renovated to the tune of about \$265,000.

12                   Also, it's important to remember that  
13 -- if you look at the invoices that make up those  
14 expenses -- and those invoices are available in several  
15 different places: Exhibit 54 in your binders have a  
16 good summary, and then each individual invoice that you  
17 can look at. Exhibits 129 and 130 actually have  
18 pictures of some of the items that were -- which were  
19 purchased.

20                   And let me -- let me ask -- let's go to  
21 that. Exhibit No. 130 -- would you please put that up?

22                   Exhibit No. 130 is a multi-page  
23 exhibit, and the significance of it, this is plumbing  
24 fixtures that went into the private bathroom of Justice

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1 -- of the office assigned to Justice Walker. You'll  
2 see that there were fixtures totaling \$3260. It does  
3 not include that mirror that appears in one of the  
4 pictures that was \$724.50.

5 But if you look on the second page,  
6 you'll see a picture of the faucet, the fancy faucet,  
7 that went in which was about \$418.00.

8 This is the kind of information that's  
9 available if you want to get into that. It gives you a  
10 sense of the cosmetic nature of a lot of the changes  
11 that were made to this office that was, by all  
12 accounts, functional at the time Justice Benjamin left  
13 it.

14 He had, certainly, utilized it for six  
15 years, at least six years. The restroom facility  
16 apparently was adequate for his uses, in spite of the  
17 fact that there were two faucets instead of one.  
18 Horrors.

19 These changes were cosmetic. They  
20 weren't functional. They were cosmetic. They were  
21 done essentially for the benefit of one person, not for  
22 the benefit of your constituents.

23 Not something you would be doing if you  
24 were concerned about the pain that your constituents

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1 were feeling as a result of all these cuts.

2 Not something you would continue on if  
3 you were concerned about the various cuts that had been  
4 made to the -- to the budget in the 2018 year, the  
5 drastic cuts to higher education, to public education,  
6 to all the various agencies.

7 Not something that you would -- would  
8 do if you were -- if you were sincerely interested in  
9 retaining the trust of the public in your branch of  
10 government.

11 There was a question posed yesterday  
12 that caused me to think a little bit last night and  
13 interrupt what little sleep I got, and that was a  
14 reference to Article III, Section 20 of the Bill of  
15 Rights of our Constitution which is titled Preservation  
16 of Free Government, and it states, "Free government and  
17 the blessings of liberty can be preserved to any people  
18 only by a firm adherence to justice, moderation,  
19 temperance, frugality and virtue and by a frequent  
20 recurrence to fundamental principles."

21 That caused me to reflect on how in the  
22 world we got to where we are today, when one branch of  
23 government seems to be infected by an atmosphere of  
24 entitlement, cavalier indifference to the protection

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1 and expenditure of public funds.

2 How could such an atmosphere have been  
3 created? How have we -- how have we come so far from  
4 that statement of purpose in the Bill of Rights?

5 One would think -- would one not think  
6 that a salary of \$136,000 a year, eligibility to  
7 participate in very generous pension program - which I  
8 think most of you know is one of our best-funded  
9 programs - and four months of vacation -- one would  
10 think that would be enough. But somehow, it wasn't. I  
11 don't get it.

12 I invited Justice Walker to basically  
13 set the standard for this process when I referred her  
14 yesterday to two of the cases that were in our  
15 materials that were involving disciplinary proceedings  
16 against attorneys, and I asked her whether or not the  
17 standard that had been set -- and I hope you remember  
18 this; those -- those cases are in the materials.

19 I asked her, "If that's the standard  
20 for the typical attorney, would you expect that the  
21 standard for judicial officers for ethical violations  
22 would be any less, would you hold them accountable to  
23 the same standards," and she basically said, "Yes."

24 And those standards are really a

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1 three-part test: What steps are appropriate to punish  
2 for a violation? And in this case, apparently Justice  
3 Walker is suggesting to you that a sincere apology -  
4 and I don't doubt her apology is sincere - and offering  
5 to repay for the lunches should be sufficient  
6 punishment, along with having to endure what's an  
7 embarrassing trial.

8                   You may think so. I noted when she was  
9 asked by one of your questions whether she was willing  
10 to repay for all the excessive spending on her office,  
11 the answer was, "No."

12                   The second test, the second question  
13 that's asked, is whether the discipline imposed is  
14 adequate to serve as an effective deterrent to other  
15 judges. That's the second question that needs to be  
16 asked.

17                   And finally, and maybe more -- and most  
18 importantly, whether the discipline is adequate to  
19 restore public confidence in the ethical standards of  
20 the Judiciary.

21                   Those are the three tests, and  
22 basically Justice Walker agreed that was an appropriate  
23 test to apply in this case.

24                   I began my remarks in my opening

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1 statement to you about -- with a quote from James  
2 Monroe, which I still think is very pertinent. In that  
3 quote, he basically analogizes or explains the reason  
4 for the impeachment process in that the Legislature  
5 basically -- and here's his -- here's his language:  
6 "occupies that ground which the people themselves would  
7 occupy, and that through the Legislature, as occupying  
8 the place of the people, the whole movement will be  
9 controlled and every branch made subservient to their  
10 will," meaning the will of the people.

11 Today this is the people's ground. You  
12 occupy it for the people. They can't hold Justice  
13 Walker accountable for another ten years. For another  
14 ten years. And only then if she serve -- if she  
15 decides to run again.

16 But today, and for them, and only  
17 today, you can hold her accountable. Thank you.

18 CHIEF JUSTICE FARRELL: Counsel for  
19 Justice Walker.

20 MR. HISSAM: Thank you, Mr. Chief  
21 Justice.

22 CLOSING ARGUMENT

23 MR. HISSAM: May it please the Court.  
24 And to the members of the Court of Impeachment, thank

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1 you. You have paid careful attention during this  
2 trial. You have listened to the witnesses' testimony  
3 and paid close attention to the documents.

4           There's been a lot of criticism of this  
5 body. There's even been lawsuits filed suggesting that  
6 this is a runaway jury, an overly political process, a  
7 kangaroo court. We don't agree with that. We have  
8 faced this body because we think this is the proper  
9 forum. It's the forum in our Constitution for judging  
10 whether a Constitutional officer can be removed from  
11 office.

12           And I think it's significant that  
13 Chairman Shott invites you to judge Beth Walker, but he  
14 never actually vocalizes the request. He never puts in  
15 words what he asks you to do with your vote.

16           He asks you to vote to remove a  
17 Constitutional officer elected by the people of this  
18 state from office. That's what we're here to do.

19           And this is a historic occasion, and  
20 this is very much a situation that is unique. There  
21 haven't been these trials. There haven't -- there  
22 isn't a standard to apply. And because of that, we  
23 think the easiest thing to do is to - as I said in the  
24 opening - talk about the facts.

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1                   And that's what we're here to do this  
2 morning. I want to start with the timeline. The  
3 simple fact that Beth Walker took office on January  
4 1st, 2017. And we've heard an awful lot about other  
5 justices and other events and policies and procedures  
6 and perhaps misconduct that occurred before that point.

7                   But you're here to consider January  
8 1st, 2017 to the present. We focus on that with  
9 respect to many issues, including the lunches. And we  
10 focus on what happened in that time period. What was  
11 brought to Beth's attention? What was put on her  
12 radar? What did she do in response?

13                   Chairman Shott agreed yesterday in his  
14 opening statement that Beth didn't cause this  
15 environment, but that she was quick to join the party.  
16 I would submit to you that this was no party she  
17 joined. You can see that from her testimony. You can  
18 see that from the e-mails.

19                   This was more like a dysfunctional  
20 family that she joined. And like many dysfunctional  
21 families, they didn't always get along. She raised her  
22 concerns; she got into arguments with the other  
23 justices. She voted against what they were going to  
24 do, and she was a single lone justice in the minority.

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1                   She was never Chief Justice. They  
2 wouldn't let her be Chief Justice. And -- and who are  
3 the other people in this family that were responsible  
4 for how the Court functioned? Well, they were the  
5 administrative directors.

6                   For a long time, that was Steve  
7 Canterbury. He only overlapped with Beth for about two  
8 days, three days tops. Then there was Gary Johnson.  
9 There were in-house lawyers. There had been many other  
10 chief justices. Until Allen Loughry took over as Chief  
11 Justice and they announced this new four-year term, the  
12 chief justice had rotated every year.

13                   But you didn't hear from any of those  
14 other chief justices. The House Managers didn't call  
15 the administrative directors: Not the current one, not  
16 Mr. Johnson, not Mr. Canterbury. They didn't call any  
17 of the in-house lawyers who were responsible for the  
18 policies or procedures.

19                   So what did you learn about what we --  
20 what we did learn about the organization was Beth made  
21 an analogy to a corporation. She said, "The Supreme  
22 Court's like a board of directors; the Chief Justice is  
23 like the CEO; the administrative director is like the  
24 COO," the chief operating officer. And I would submit

1 to you that it was kind of like a small privately-held  
2 family business, because there were a lot of disputes  
3 and it was a dysfunctional family.

4 And despite all of those problems, Beth  
5 wanted to be Chief Justice. But what happened when she  
6 wanted to be? She was told by her colleagues she  
7 didn't have enough experience, that she didn't have the  
8 institutional memory that they had on the Court.

9 Well, we would suggest to you that  
10 those years of experience are part of the problem. The  
11 long-time service on the Supreme Court, all of this  
12 time spent in State government, didn't help the people  
13 who were in charge of the Court run it efficiently. It  
14 didn't help them run it like a business, which is what  
15 Beth wanted to do.

16 We see this quite clearly on the issue  
17 of raises. Beth resisted the raises. I'm not going to  
18 bring them up to you; our exhibits are very simple.  
19 You can look at them. They're online. We only have 27  
20 exhibits. But look at Exhibit C.

21 That's on the May meeting when she  
22 resisted the raises in administrative conference. She  
23 was out -- she was outvoted.

24 Three days later, the issue comes back

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1 - this is in Exhibit D - again, she's outvoted. She  
2 states her concerns. There are five of them; they're  
3 listed out in the minutes of the meeting.

4 Look at Exhibit D; look at page 2.  
5 Look at what she said. The last reason for her  
6 resistance to these raises, "The State's current  
7 financial circumstances." She wasn't ignoring that  
8 situation; she wasn't ignoring what Chairman Shott  
9 calls "the context."

10 She was saying, "We shouldn't do this."  
11 But -- and then look at the exhibit. The exhibit to  
12 that document has lists of the raises. And you can  
13 look for it yourself and you can look at what kind of  
14 raises that the Court, led by Chief Justice Workman,  
15 wanted to give.

16 I look at an individual employee where  
17 she proposes a \$13,000 raise, a \$4,000 raise, two on  
18 the next page at \$7800. One with a raise of \$31,000.

19 Beth voted against all of these raises,  
20 and they still went into effect. And why did that  
21 happen? Because she was outvoted. The issue of raises  
22 shows why Beth supports a Constitutional amendment.  
23 She supports a con -- the Constitutional amendment  
24 that's on the ballot this fall to wrest control over

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1 the budget with this body, with the Legislature.

2 She -- she will support that, and she  
3 absolutely is aware of the painful budget cuts that  
4 have existed in this state, and she is certainly aware  
5 of the fact that the body that sets the budget, that  
6 should also include control over the Supreme Court.

7 I do want to talk a minute about  
8 Justice Benjamin's office, which Chairman Shott says by  
9 all accounts was functioning. Except for the fact that  
10 it didn't have proper lighting to work; it didn't have  
11 a desk; it didn't have an office chair; it didn't have  
12 a writing service except for this bizarre Ernest  
13 Hemingway globe table that no one could actually work  
14 around.

15 And we reject as a premise that no work  
16 needed done to the Justice's office. These are  
17 important places. They may not be accessed by the  
18 general public who can just wander in, but they are  
19 important places where important work is done.

20 Every federal and state court in the  
21 country, including every appellate court, invests money  
22 in the areas where the justices and their law clerks  
23 work.

24 And she was trying to build a chamber

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1 that would fit within the Capitol and last for the 12  
2 years she was going to be there, including the 10  
3 remaining, and after her occupant -- the next occupant  
4 was in that office.

5 She wasn't going to take any of the  
6 furniture with her. And let's go through, on Justice  
7 Benjamin's office, Exhibit 135 -- you saw this up on  
8 the screen yesterday. There's a section called  
9 Furniture and Decor with items listed in red that show  
10 the items that Justice Benjamin took with him.

11 Almost \$12,000 worth of -- just three  
12 arm chairs that cost \$12,000 are presumably in his home  
13 now. An office chair. A desk. A cabinet. An  
14 ottoman. You heard Beth testify that there are other  
15 items that aren't in red that cost some significant  
16 money, \$3600 to reupholster a sofa. It wasn't in there  
17 either.

18 You saw the pictures for yourself.  
19 Where is this stuff?

20 And while we're looking at these  
21 documents, we heard yesterday about this Silling &  
22 Associates, and you heard the Legislative Auditor's  
23 representative, Justin Robinson, try to suggest that  
24 well, maybe -- maybe these Silling & Associates bills

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1 had something to do with Justice Walker, but when my  
2 colleague came up here, Mr. Ritchie, and asked him, he  
3 admitted, "Well, that's not quite right."

4           Because if you look at the Legislative  
5 Auditor's Report - and this is Exhibit 102, page 10 -  
6 you see that Silling billed a total of \$374,000, and in  
7 fact there's a footnote that there was only one charge  
8 for 450 for work on Justice -- \$450.00 for work done on  
9 Justice Walker's chambers, and we know exactly what  
10 that was for. So it's not unexplained.

11           If you read this section of the  
12 Legislative Auditor's Report, you will find that there  
13 is \$370,000, and by process of elimination, it belongs  
14 to Justice Benjamin's office and Justice Workman's  
15 office. And there's not been any explanation of that.  
16 There hasn't been any explanation of that. But it  
17 doesn't belong to Justice Walker.

18           And for that matter, where is Justice  
19 Benjamin? The House Manager subpoenaed him to be here  
20 this morning at 9:00 a.m. Did they release him from  
21 his subpoena? Where's Mr. Canterbury? What concern  
22 did they have about what you were gonna hear about  
23 their conduct, about their testimony, about the lack of  
24 things that Beth Walker did?

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1                   You can only draw the conclusion that  
2 they didn't have any fire to bring against Beth Walker  
3 and her conduct in office.

4                   Let's be clear, though. There does  
5 need to be oversight of -- by the Legislature, of  
6 justices' office renovations. There needs to be a  
7 master plan. There needs to be the Constitutional  
8 amendment.

9                   There needs to be something to ensure  
10 that what we have over there in Justice Davis's office  
11 doesn't happen again and that we have a coherent Cass  
12 Gilbert design for this beautiful and historic  
13 building.

14                   It's clear that the justices ought not  
15 be able to run off with their furniture and that there  
16 ought to be some oversight, and Beth supports that.

17                   Well, let's talk briefly about the  
18 lunches, although Chairman Shott talked about it for  
19 quite some time. Beth stopped paying (sic) the lunches  
20 because it wasn't right. You heard her say that.  
21 Chairman Shott just said that he couldn't get Beth  
22 Walker to admit it was wrong. That is simply not the  
23 case. You heard her express her regret; you heard her  
24 say that it's not appropriate.

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1                   If you doubt that, go back and watch  
2 the video of her testimony. And let's also be quite  
3 clear. The taxpayers aren't out one dime for Beth  
4 Walker's lunches. She paid the money back, and she's  
5 the only one to do so.

6                   And we heard this thing about the  
7 Judicial Investigation Commission, the JIC. Beth  
8 Walker didn't control the JIC. She didn't -- we're not  
9 here to judge them, and she didn't control whether or  
10 not they made that press release. She didn't write  
11 that press release.

12                   We're not here to talk about the JIC or  
13 Judge Wilson's conduct in charge of the JIC. We are  
14 here to talk about Beth Walker.

15                   We heard all this mention of fast food  
16 places and GSA per diem lunches. Why does that matter?  
17 Beth Walker agrees that the lunches weren't appropriate  
18 and she paid the money back. She agrees that the  
19 policy against lunches ought to be enshrined in court  
20 policy for the whole court system. But can she impose  
21 that policy herself?

22                   You heard Sue Troy yesterday testify,  
23 "No, it doesn't work that way." She's never, in six  
24 years, seen a justice set a policy by herself.

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1                   So let's look at Article XIV, the  
2 Article in front of you. And let's look at the  
3 numbered -- at the lettered paragraphs, A through G.  
4 Ask yourself, at the end of Mr. Shott's closing  
5 statement, at the end of this brief trial, what have  
6 you heard about Beth Walker in Paragraphs A through G?

7                   Paragraph A is travel policies prior to  
8 October 2016. You didn't hear anything about Beth  
9 Walker on that, because she wasn't on the Court then.

10                  Paragraph -- Paragraph B is the  
11 reporting of taxable fringe benefits on W-2s. You  
12 didn't hear anything about Beth Walker's involvement  
13 with that.

14                  Paragraph C is auditing of State  
15 purchasing cards. What did Sue Troy testify to? She  
16 wasn't involved. Beth wasn't involved in purchasing  
17 cards.

18                  Paragraph D, home office policies. Did  
19 Beth have a home office pol -- home office? No. Was  
20 she involved in home office policies? No.

21                  Paragraph E, State automobiles. Did  
22 Beth use a State auto -- automobile? Did she check it  
23 out? No.

24                  Paragraph F, inventories of State

1 property. Wasn't involved in that issue.

2 Paragraph G, purchasing procedures and  
3 containment methods, she wasn't involved in that issue.  
4 She was a lone justice who was never given the  
5 opportunity to be chief. She couldn't implement  
6 policies on her own.

7 These are the House Managers' Articles.  
8 This is their case. These are their allegations. What  
9 did they show you to prove Paragraphs A through G  
10 against Beth Walker?

11 Instead, we've heard about basically  
12 four areas. Lunches - occupying the vast majority of  
13 Chairman Shott's time this morning - were paid back.

14 Office renovations. Chairman Shott  
15 didn't devote much time to that. We've explained that  
16 issue to you.

17 On both of these, Beth has testified.  
18 You heard it herself. She's sat down there, she's  
19 embraced this process, she has faced this body, and she  
20 told you that what she did was wrong, she made  
21 mistakes, she tried to fix those mistakes. She regrets  
22 them.

23 The third issue is the one-time hiring  
24 of a temporary law clerk. I'm not gonna spend a lot of

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1 time on this. I respect Chairman Shott greatly, but  
2 he's never served as a law clerk. He's never had to  
3 write judicial opinions, to the best of my knowledge.  
4 It is hard and difficult work. I've done it for two  
5 different federal judges. It takes time. It's a  
6 collaborative process. It's important to establish the  
7 rule of law and communicate with the parties and the  
8 Court.

9 Policies and procedures is the last  
10 issue, and I submit to you that that's really what is  
11 getting -- is being directed at in Paragraphs A through  
12 G of Article XIV. But as we just discussed, you  
13 haven't heard testimony against Beth Walker on those  
14 issues.

15 Really focus on what the standard is  
16 that you're being asked to apply. Chairman Shott has  
17 mentioned these lawyer discipline cases. Well, there's  
18 two problems with that. Number one, she hasn't been  
19 disciplined by the bar. We're a self-regulating  
20 profession, just like doctors and dentists and  
21 pharmacists. We regulate ourselves through the Office  
22 of Disciplinary Counsel and the Supreme Court.

23 She hasn't been imposed and nobody has  
24 seriously suggested that she committed any violation of

1 the Rules of Professional Conduct.

2 Second problem with that theory, it's  
3 not in the Constitution. It's not in the Constitution  
4 as the standard for the removal of a public  
5 officeholder.

6 As a judge, Beth Walker has lived by  
7 the text, by the text of that document and the text of  
8 the United States Constitution.

9 Let's do that here. Rather than import  
10 some procedure from lawyer discipline that doesn't  
11 belong here, let's all live by the Constitution. And  
12 that's the standard that is set.

13 It is not what we heard yesterday out  
14 of Mr. Robinson's mouth: Best practices. We aren't  
15 imposing that standard on a public officeholder. You  
16 won't find the phrase "best practices" in the West  
17 Virginia Constitution.

18 Think instead about Beth's conduct in  
19 office. What has Chairman Shott acknowledged about  
20 Beth's conduct there? What has he acknowledged about  
21 her good deeds? Has he omitted her efforts to save the  
22 State money, her attempts at the Supreme Court to right  
23 the ship?

24 Think about what you heard from Sue

1 Racer-Troy on this issue of drug co -- drug court, drug  
2 court and P-cards being used to purchase gift cards. I  
3 walked up here and I asked Ms. Troy, "Did I hear you  
4 right? What happened?"

5 "There was a concern raised by the  
6 Auditor" -- you didn't hear Ms. Kauffman ask the  
7 Auditor about this.

8 But Ms. Troy testified there was a  
9 concern raised by the Auditor, number one. Number two,  
10 expressed her concern. And number three, for once, she  
11 finally prevailed on her colleagues to stop that  
12 practice.

13 That's the pattern that you see of  
14 Beth's conduct and behavior. It matches with what you  
15 heard out of her own mouth and her testimony yesterday.

16 Think about what I said in my opening.  
17 She is human. She made mistakes. Think about the  
18 timeline here of January through the summer, when she  
19 wasn't there and there were no lunches being provided  
20 and these issues, to November when her husband drove  
21 himself to the emergency room with -- with a heart  
22 attack and had surgery and she had to recover.

23 Think about that timeline, and how she  
24 comported herself in that time in office. Did she make

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1 mistakes? Sure. She's told you she did. She regrets  
2 them. She's expressed her remorse.

3 What we're really talking about is a  
4 time period of about nine months. And think about your  
5 first nine months in any job. Think about your first  
6 nine months in this job.

7 She was trying to learn the job. She  
8 was trying to right the ship. She was trying to  
9 improve things. She still thinks there's more work to  
10 be done. That's why she supports this Constitutional  
11 amendment. But she hasn't done anything, under the  
12 text, under the Constitution, to justify her removal  
13 from office.

14 Thank you.

15 CHIEF JUSTICE FARRELL: Mr. Shott,  
16 rebuttal?

17 FINAL CLOSING ARGUMENT

18 DELEGATE SHOTT: Mr. Justice, members  
19 of the Court of Impeachment. I'll agree with  
20 Mr. Hissam on one thing: Look at the documents. Take  
21 some time and look at the documents. But when you look  
22 at them, pay close attention to the date on which the  
23 document reflects the action or the matter was taken.

24 As I said, probably too much for you to

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1 -- to bear. What's important is what happened -- what  
2 someone did before anyone was looking, because --  
3 because so much of what's happened here is a result of  
4 the inquiries made by the press, the pub -- the  
5 publicity that flowed from that. What did Justice  
6 Walker do before people were watching?

7                   Regarding the Articles of Impeachment,  
8 conveniently, Mr. Hissam has overlooked the first  
9 paragraph of those Articles. Keep in mind, those  
10 Articles were drafted to encompass all of the justices,  
11 and it reflects a variety of activities, but most  
12 importantly, the first paragraph talks about reckless,  
13 lavish spending. It refers to renovations of offices,  
14 the meals. All of that's in the first paragraph.

15                   And you've heard multiple, multiple  
16 evidence of -- of activities that reflect in that first  
17 paragraph. I can't help but think that this -- this  
18 defense reminds me of my golf game. And I apologize to  
19 the female members of the Senate, because men -- men  
20 always tend to analogize to some kind of sports  
21 analogy.

22                   I am a golfer in the loosest term. I  
23 play no more than twice a year. And although I've been  
24 playing for many years twice a year, I have to think -

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1 and the people that play with me agree - I'm a --  
2 basically a beginner. I play because I like to get  
3 outside and I like to be with my friends, and when you  
4 have friends that know they can beat the tar out of  
5 you, you often have many friends.

6 So I do play occasionally. I am a -- I  
7 am, in many respects, a rookie, and my strategy when I  
8 play now is to negotiate as many mulligans as I can  
9 get. And those of you who don't play golf, a mulligan  
10 is simply a do-over.

11 You make a bad shot -- in my case, the  
12 -- I hit a tee shot, the ball dribbles off the end of  
13 the tee, maybe luckily gets to the women's tee, I ask  
14 for a mulligan. Typically, even among friends, you get  
15 one mulligan on the front ba -- front nine and one  
16 mulligan on the back nine and that's it. Not me.

17 I have managed to negotiate as many as  
18 five mulligans. And that's why this reminds me of my  
19 golf game. Here we go:

20 "I'm sorry. At a time when public  
21 education is feeling the pain of a nearly \$13,000,000  
22 cut, I got sucked into the working lunch scam and only  
23 stopped when I was about to be caught."

24 "Don't worry, you're a beginner, take a

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1 mulligan."

2 Let -- "You know, at a time when higher  
3 education was feeling the pain of a nearly \$7,000,000  
4 cut, I spent \$10,000,000 {sic} of taxpayer money to  
5 farm out something that I could have and should have  
6 been able to do myself."

7 "It's okay, take another mulligan."

8 "But I'm really sorry that at a time  
9 when cuts to the 2018 budget cost public education  
10 \$22.7 million, higher education over \$19,000,000,  
11 Public Employee Retirement System over \$12,000,000,  
12 PEIA nearly \$13,000,000, I'm sorry that I spent  
13 \$130,000 of taxpayer money to an office that had been  
14 thoroughly renovated just six years earlier at a cost  
15 at that time of nearly \$265,000 and which was  
16 functional for my use."

17 "No problem, take another mulligan."

18 How many mulligans does she get? How  
19 many mulligans does she want? And more importantly,  
20 how many mulligans do you think the people that you  
21 represent think she deserves?

22 When I was here before you on September  
23 14th to -- to submit a proposal, I said to you that I  
24 thought there was some benefit to allowing two of our

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1 justices to continue. I meant that. I think there is  
2 some benefit. But in -- with every benefit, a cost  
3 accompanies that.

4 There's a cost/benefit analysis that  
5 has to be made, and you all will be making that -- that  
6 analysis. If the ultimate goal is to show some -- some  
7 degree of mercy, then obviously the decision is easy.

8 If the ultimate goal is to assure that  
9 public trust is restored in our Judicial Branch, then  
10 there's three questions that I would suggest you ask  
11 yourself.

12 Question No. 1: Has the public lost  
13 trust in the Supreme Court? I would suggest to you if  
14 you were asking me based on what I'm hearing from my  
15 constituents, what I'm reading in the paper, that's an  
16 easy answer. It's almost a rhetorical question.

17 In some cases, the confidence has not  
18 just been lost; it's been shattered. And  
19 unfortunately, there are a lot of victims of that, a  
20 lot of victims. This is a sad situation. One group of  
21 victims is actually the members of the Judiciary  
22 themselves other than the five Supreme Court Justices.

23 They're collateral damage. They're the  
24 people in the trenches working every day who don't have

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1 an expectation of special treatment, who don't have  
2 money to throw around on frivolous cosmetic changes to  
3 their office. Those folks have been affected. They  
4 are, indeed, collateral damage.

5                   Second question: If you believe the  
6 answer to the first question is yes, has Justice  
7 Walker's performance, while no one was looking,  
8 contributed to that?

9                   And finally, if the answer is yes, will  
10 keeping her on the Court for ten more years help or  
11 harm efforts to reconstruct that trust and confidence?

12                   It all boils down to this: If you  
13 believe that Justice Walker's performance while no one  
14 was looking satisfies you and satisfies the confidence  
15 that was placed in her by the voters who elected her to  
16 this special position, if retaining her on the bench  
17 for ten more years will help restore that trust, then  
18 by all means, reject this Article of Impeachment. By  
19 all means.

20                   On the other hand, if based on what  
21 your constituents have told you and what you believe  
22 after hearing the evidence, you doubt that retaining on  
23 Justice Workman -- Justice Walker on the bench for ten  
24 more years will help restore the trust and confidence

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1 of the public, then you should vote to sustain this  
2 Article of Impeachment.

3 Thank you.

4 CHIEF JUSTICE FARRELL: Thank you.  
5 Thank you, Counsel. Both sides were very professional,  
6 and I thank them for their work in this case.

7 I'll note under Rule 26, one of our  
8 members - one of your members - was not present  
9 yesterday. He has represented to the Chair that he did  
10 view the proceedings online and requests the Senate  
11 President to determine his eligibility to participate  
12 in deliberations and voting in this matter.

13 Rule 31 requires that two-thirds of you  
14 would vote in the affirmative to impeach Justice  
15 Walker. If there is less than two-thirds of those  
16 elected, which is 23, then the amendment -- the Article  
17 of Impeachment shall be rejected.

18 Under Article -- Rule 32 of the Rules  
19 of Impeachment, at this time I'll entertain a motion  
20 for the Senate to dissolve into the Court of  
21 Impeachment to begin deliberations.

22 Do I hear such a motion?

23 SENATOR WOELFEL: So moved.

24 CHIEF JUSTICE FARRELL: Senator from

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1 Cabell moves. Everybody in favor, please vote yes;  
2 those opposed, vote no. This is to dissolve into the  
3 Court of Impeachment.

4 It's a roll call vote. Please vote.  
5 Clerk will prepare the machine. While the Clerk  
6 prepares the machine, I'll ask counsel to ensure that  
7 the Clerk's office has your cell phone numbers and  
8 locations so that the Clerk can notify you when they  
9 return with a -- deliver a --

10 (The Senators voted.)

11 CHIEF JUSTICE FARRELL: Has everybody  
12 voted? If so, the Clerk will close the machine,  
13 ascertain the results.

14 On that question, 28 yeas, 5 nos. I  
15 declare the Court of Impeachment now dissolved into  
16 conference.

17 I'll ask the Sergeant of Arms to clear  
18 the chamber of all people who are not members,  
19 including the galleries.

20 I'll ask the Clerk to secure all audio  
21 equipment so that no recording is made outside the  
22 presence. And I'll ask the Senate President to resume  
23 the Chair and take charge of the deliberations.

24 (The Senators began their deliberation

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1 at 10:31 a.m. and at approximately  
2 1:00 p.m., the proceedings continued as  
3 follows:)

4 CHIEF JUSTICE FARRELL: Senate will be  
5 in order. The Chair has been informed that the Court  
6 of Impeachment has deliberated and is now prepared to  
7 vote on the question of impeachment.

8 An aye vote is in favor of impeachment;  
9 a no vote is to reject the Article against the Justice.  
10 The Clerk will prepare the machine.

11 Have all Senators voted? Have all  
12 Senators voted?

13 If so, Question: 1 yes, 32 nays. I  
14 declare the impeachment rejected and the Justice has  
15 not been impeached.

16 This matter is concluded at this time,  
17 this Court of Impeachment.

18 Senate President? Majority leader?

19 SENATOR FERNS: Yes, Your Honor, I move  
20 that we dissolve into the -- or resolve the -- dissolve  
21 the Court of Impeachment and return to Senate  
22 proceedings.

23 CHIEF JUSTICE FARRELL: The Court of  
24 Impeachment is dissolved. We'll notify you starting

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1 future Courts of Impeachment.

2 Parties are excused.

3 (The impeachment trial was concluded  
4 against Justice Walker.)

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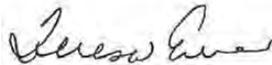
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1 STATE OF WEST VIRGINIA,  
2 COUNTY OF KANAWHA, to wit:

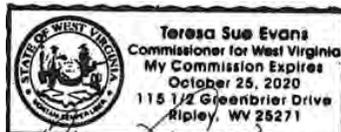
3 I, Teresa Evans, Registered Merit Reporter and a  
4 Notary Public within and for the County and State  
5 aforesaid, duly commissioned and qualified, do hereby  
6 certify that the foregoing proceedings were duly taken by  
7 me and before me at the time and place and for the purpose  
8 specified in the caption hereof.

9 I do further certify that the said proceedings  
10 were correctly taken by me in shorthand notes, and that  
11 the same were accurately written out in full and reduced  
12 to typewriting by means of computer-aided transcription.

13 Given under my hand this 4th day of October,  
14 2018.

15 

16 \_\_\_\_\_  
17 TERESA EVANS, RMR, CRR





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# JUSTICE WALKER

54--000001

## JUSTICE WALKER'S OFFICE - SUMMER 2017

Vendor	Description	Invoice #	Invoice Date	Amount
BAILES GRANITE & MARBLE	GRANITE COUNTERTOP	Pcard	5/12/2017	\$ 1,423.00
BAILES GRANITE & MARBLE	GRANITE COUNTERTOP	Pcard	8/26/2017	\$ 1,423.00
CENTRAL GLASS CO OF CHARLESTON INC	2 TABLETOPS FOR JUSTICE WALKER'S OFFICE	36909	5/12/2017	\$ 991.22
DARIN FISHER DESIGNER KITCHENS LLC	PLYMOUTH MAPLE OYSTER CABINETS FOR JUSTICE WALKER'S OFFICE	1071	5/18/2017	\$ 7,892.00
DARIN FISHER DESIGNER KITCHENS LLC	CORIAN TOP FOR JUSTICE WALKERS OFFICE	1115	8/24/2017	\$ 362.00
DESIGNER FURNITURE STORE	AERON CHAIR - BLACK LEATHER	Pcard	2/27/2017	\$ 913.00
ED WEBER ARCHITECTS PLLC	DESIGN SERVICES FOR RENOVATIONS TO JUSTICE WALKERS CHAMBERS	13-014-13	7/10/2017	\$ 450.00
FERGUSON ENTERPRISES INC	FIXTURES FOR JUSTICE WALKERS BATHROOM	CC221371	5/31/2017	\$ 3,047.61
FERGUSON ENTERPRISES INC	LIGHT FIXTURES FOR CHAMBERS	Pcard	7/6/2017	\$ 3,568.48
FERGUSON ENT, INC 142	FERGUSON - BATHROOM FIXTURES FOR JUSTICE WALKERS OFFICE	Pcard	8/3/2017	\$ 53.48
GOLDFARB ELECTRIC SUPPLY CO INC	NEW LIGHTS FOR JUSTICE WALKERS OFFICE	Pcard	6/28/2017	\$ 269.50
GOLDFARB ELECTRIC SUPPLY CO INC	LED LIGHT BULBS JUSTICE WALKERS OFFICE	Pcard	8/15/2017	\$ 260.99
HOLLEY PRICE INTERIORS	DESIGNING SERVICES	trmt2400102417	9/30/2017	\$ 5,000.00
HOLLEY PRICE INTERIORS	LOWES PURCHASE REIMBURSEMENT FOR LIGHT SWITCH PLATES	strmt2400102427	9/30/2017	\$ 76.58
HOMEGOODS #0186	COAT HANGERS	Pcard	8/26/2017	\$ 9.99
HOMEGOODS #0186	MISCELLANEOUS ITEMS FOR JUSTICE WALKER'S OFFICE	Pcard	9/26/2017	\$ 274.85
LLOYD KISTER CUSTOM FURNITURE & DESIGN LLC	REPAIR & REFINISH CASS GILBERT DESK FOR JUSTICE WALKER'S OFFICE	44	3/21/2017	\$ 2,335.00
LLOYD KISTER CUSTOM FURNITURE & DESIGN LLC	REPAIR & REFINISH CASS GILBERT TABLE FOR JUSTICE WALKER'S OFFICE	44	3/21/2017	\$ 718.00
MES HOME CENTERS INC	MISC ITEMS FOR JUSTICE WALKERS OFFICE	Pcard	8/18/2017	\$ 9.88
OVAL CONSTRUCTION MANAGEMENT LLC	CONTRACTOR FOR RENOVATION OF JUSTICE WALKERS OFFICE 6/19-8/15 2017	Application 1	8/15/2017	\$ 41,990.00
OVAL CONSTRUCTION MANAGEMENT LLC	BALANCE AND CHANGE ORDER PAYMENT	Application 2	9/19/2017	\$ 20,165.00
OVAL CONSTRUCTION MANAGEMENT LLC	\$525 OF THIS INVOICE WAS FOR REPAIRS OF JUSTICE KETCHUM'S FLOOR	Application 2	5/19/2017	\$ (525.00)
SMITH FLOOR COVERING DISTRIBUTORS INC	FLOORING FOR JUSTICE WALKER'S OFFICE	558404	6/5/2017	\$ 800.36
SMITH FLOOR COVERING DISTRIBUTORS INC	FLOORING FOR JUSTICE WALKER'S OFFICE	558460	6/6/2017	\$ 8,002.82
SMITH FLOOR COVERING DISTRIBUTORS INC	ADDITIONAL ITEMS NEEDED FOR FLOORING	560494	7/17/2017	\$ 738.12
SMITH FLOOR COVERING DISTRIBUTORS INC	MISCELLANEOUS FLOOR FIXTURES	561015	7/27/2017	\$ 103.88
STATE ELECTRIC SUPPLY COMPANY	ELECTRICAL PARTS FOR JUSTICE WALKER'S OFFICE	Pcard	9/19/2017	\$ 21.46
TARGET	MISC ITEMS FOR JUSTICE WALKERS OFFICE	Pcard	9/8/2017	\$ 50.22
WELLS HOME FURNISHINGS	CURATA OFFICE FURNITURE		5/15/2017	\$ 2,848.00
WV BLINDS & SHUTTERS INC	OFFICE FURNISHINGS AND WALLPAPER FOR JUSTICE WALKER'S OFFICE	39117	6/23/2017	\$ 24,588.94
WV BLINDS & SHUTTERS INC	OFFICE FURNISHINGS AND WALLPAPER FOR JUSTICE WALKER'S OFFICE	3202017	6/23/2017	\$ 3,112.45
WV BLINDS & SHUTTERS INC	UNDER MIRROR FOR JUSTICE WALKER'S OFFICE	6222017	8/9/2017	\$ 724.50
ZEGEER DO IT BEST	JUSTICE WALKER'S OFFICE		1/19/2017	\$ 25.27
<b>TOTAL:</b>				<b>\$ 130,654.55</b>

State of West Virginia Purchasing Card  
Log Sheet

Cardholder Name: Kimberly M. Ellis  
Account Number: 4807-1580-0032-3371  
Agency: WVSCA - Administrative Office

Transaction Limit: \$2500.00  
Billing Cycle (Month/Year): June 2017  
Dept/Org.#: 2400

Transaction Date	Vendor	Item Description	Quantity	Total Amt	R* D* C*	Object Code	S Document Number	Date Received
06/02/2017	WV Parkways Authority	EZ Pass Account replenishment charge	One	\$100.00	R			06/02/2017
06/04/2017	OnStar	Monthly Service for fleet vehicle - Acct. #133674123	1 month	\$37.00	R			06/04/2017
06/06/2017	Waste Management	Monthly dumpster service for Venable Avenue Warehouse	1 month	\$52.07	R			06/06/2017
06/05/2017	Balles Granite and Marble	Granite counter for chambers	One	\$1423.00	R			06/05/2017
06/13/2017	Carfax	Fleet Vehicle History Research	One	\$74.89	R			06/13/2017
06/13/2017	OnStar	Monthly Service for fleet vehicle - Acct. #123112302	1 month	\$37.00	R			06/13/2017
06/14/2017	ClotBank	Fleet Vehicle History Research	One	\$12.95	R			06/14/2017
06/21/2017	Cinemax	Fraudulent Charge - Disputed	One	\$9.99	D			06/21/2017
06/30/2017	Cinemax	Disputed Fraudulent Charge Credited back to account	One	-\$9.99	D			06/30/2017

I hereby certify that the items listed herein have been received and properly accounted for and approved for payment.

I hereby certify that the items herein have been received and properly accounted for and approved for payment.

\*R=Reconciled  
\*D=Disputed  
\*C=Carryover

*Kimberly M. Ellis* 06/27/2017  
Purchasing Cardholder Signature Date

\_\_\_\_\_  
Agency Coordinator Signature Date



1837 4th Ave.  
Charleston, WV 25387-  
Phone: 304-345-8760  
Fax: 304-345-8752

Invoice Date: 6/12/2017 12:04:02 PM

Customer Service Rep: Danna Price

Customer: Phone: Job: Justice Walker PD:  
 Fax: 1900 Kanawha Boulevard East, Room E100  
 Home Phone: Charleston, WV -  
 Cell: (304) 421-1505 Phone: Home Phone:  
 Fax: Cell:

Sold To: Price Interiors  
 209 W Washington Street  
 Charleston, WV 25302

Payment Terms: Upon Completion

Notes	Sub Total	\$2,848.00
Countertop: Granite Negresco 144 3/4 X 25 1/2 @ 3 cm	Taxes	\$0.00
Countertop: Granite Negresco 66 3/4 X 25 1/2 @ 3 cm	Total	\$2,848.00
	Payments	<del>\$2,848.00</del>
	Balance	\$1,423.00

Notes: \*\* Balance of \$1423 due upon completion.

Warranty: As Defined in the Bailes customer work order packet.

This warranty does not cover the characteristics of natural stone such as: variations in color, vein appearance or size, crystal structure, surface or edge resin fill, mineral formation, surface texture or fissures. This warranty does not cover physical or chemical damage. This warranty is registered and in effect upon final payment and installation completion.

BAILES GRANITE & MARBLE  
537 4TH AVE  
CHARLESTON, WV 25307

SALE

Store: 4878 Term: 5001  
REF#: 00000001  
RF#: 7460744720  
1023643

Batch #: 490  
06/05/17 Trans ID: 3874563227688  
APP# CODE: 030708  
VISA

Chip  
for  
file

AMOUNT

APPROVED

CITI VISA  
A/C: A100000023090  
TYPE: 00 00 00 00 00  
TSP: PR 00

CUSTOMER COPY



1537 4th Ave.  
 Charleston, WV 25387-  
 Phone: 304-346-8750  
 Fax: 304-345-8752

**Quote**  
**26234**

4/3/2017

Customer Service Rep: Danna Price

<b>Customer:</b>	<b>Phone:</b>	<b>Job:</b>	Justice Walker	<b>PO:</b>
	<b>Fax:</b>		1900 Kanawha Boulevard East, Room E100	
	<b>Home Phone:</b>		Charleston, WV -	
	<b>Cell:</b>		<b>Phone:</b>	<b>Home Phone:</b>
	(304) 421-1505		<b>Fax:</b>	<b>Cell:</b>

**Quote To:** Price Interiors  
 209 W Washington Street  
 Charleston, WV 25302



Notes

Countertop: Granite Nagesco 144 3/4 X 25 1/2 @ 3 cm  
 Countertop: Granite Nagesco 66 3/4 X 25 1/2 @ 3 cm

SubTotal	\$2,846.20
Taxes	\$0.00
<b>Total</b>	<b>\$2,846.20</b>

**Disclaimer:** Lead times and service dates are not guaranteed, but are "in good faith" estimates.

Natural stone has many variations in color, crystal structure, mineral formation and texture. Customers will be able to see and feel fissures and other natural differences in the stone's surface texture. These differences are not considered flaws, but rather signatures of authenticity. Customers are encouraged to view and feel the whole slab before fabrication begins, and can reject material only at that time. This price is for this material listed only. Changes in material amounts can change the price.

Seams will be created and located as necessary by the templar and/or the fabrication shop.

**\*\* 50% deposit required to initiate order \*\***

**Exclusions:** This quote does not include the removal of existing tops, plumbing, electrical work, or electrical outlet cut outs in backsplashes unless otherwise noted.

The balance is due upon completion of the work. Any discounts extended will not be valid should customer fail to pay in a timely manner.

**Warranty:** As Defined in the Bailes customer work order packet.

This warranty does not cover the characteristics of natural stone such as: variations in color, vein appearance or size, crystal structure, surface or edge resin fill, mineral formation, surface texture or fissures. This warranty does not cover physical or chemical damage.

This warranty is registered and in effect upon final payment and installation completion.

*Approved*  
*[Signature]*  
 5/12/17

State of West Virginia Purchasing Card  
Log Sheet

Cardholder Name: Kimberly M. Ellis  
 Account Number: 4807-1580-0032-3371  
 Agency: WVSCA - Administrative Office

Transaction Limit: \$2500.00  
 Billing Cycle (Month/Year): August 2017  
 Dept/Org.#: 2400

Transaction Date	Vendor	Item Description	Quantity	Total Amt	R* D* C*	Object Code	S Document Number	Date Received
08/26/2017	Homegoods	Coat Hangers for Justice Walker's Office	1 package	\$9.99	R			08/26/2017
08/26/2017	Bailes Granite and Marble	Granite and Installation for Justice Walker's Office	1	\$1423.00	R			08/26/2017

I hereby certify that the items listed hereon have been received and properly accounted for and approved for payment.

*Kimberly M. Ellis* 09/12/2017  
 Purchasing Cardholder Signature Date

I hereby certify that the items hereon have been received and properly accounted for and approved for payment.

Agency Coordinator Signature Date

\*R=Reconciled  
 \*D=Disputed  
 \*C=Carryover



1637 4th Ave.  
Charleston, WV 25387  
Phone: 304-345-8750  
Fax: 304-345-8752

Invoice

Invoice Date: 5/12/2017 12:04:02 PM

Customer Service Rep: Brittni Woods

<b>Customer:</b>	<b>Phone:</b>	<b>Job:</b>	Justice Walker	<b>PO:</b>
	<b>Fax:</b>		1900 Kanawha Boulevard East, Room E100	
	<b>Home Phone:</b>		Charleston, WV 25301-	
	<b>Cell:</b>	(304) 421-1805	<b>Phone:</b>	<b>Home Phone:</b>
			<b>Fax:</b>	<b>Cell:</b>

**Sold To:** Price Interiors  
209 W Washington Street  
Charleston, WV 25302

Payment Terms: Upon Completion

	Notes	SubTotal	\$2,846.00
CounterTop: Granite Negroscio 144 3/4 X 25 1/2 @ 3 cm		Taxes	\$0.00
CounterTop: Granite Negroscio 86 3/4 X 25 1/2 @ 3 cm		Total	\$2,846.00
Edge Profile: Bevel Profile @ 0 linear inches.		Payments	\$2,846.00
		Balance	\$0.00

**Warranty:** As Defined in the Bailes customer work order packet.

This warranty does not cover the characteristics of natural stone such as: variations in color, vein appearance or size, crystal structure, surface or edge resin fill, mineral formation, surface texture or fissures. This warranty does not cover physical or chemical damage. This warranty is registered and in effect upon final payment and installation completion.

BAILES GRANITE & MARBLE  
1637 4TH AVE  
CHARLESTON, WV 25387

**SALE**

Store: 4916 Term: 9401  
REF#: 0000002  
Batch #: 857 PRNL 72385006095  
08/25/17 1199330  
Trans ID: 46723857570807  
APP# CODE: 009930  
VISA \*\*\*\*\*8063  
Chip

**AMOUNT \$1,423.00**

APPROVED

CITI VISA  
A/C: A000000013190  
TVR: 03 60 00 00  
TSK: F6 00

CUSTOMER COPY



201228

**Central Glass Company of Charleston Inc**

**Invoice**

517 Russell Street  
Charleston, WV 25302

WV000107

Phone #  
(304) 343-6669

Fax #  
(304) 343-6672

Date	Invoice #
5/12/2017	36909

Bill To		Ship To <i>5402</i>	
West Virginia Supreme Court of Appeals Kimberly Ellis Building One, Room E-100 1900 Kanawha Blvd., East Charleston, WV 25305		WV Supreme Court Justice Walker's Office Charleston, WV <i>3050-3751</i>	
P.O. No.	Terms	Due Date	Ship Date
Kim Ellis	Due on Receipt	5/12/2017	5/12/2017

Description:

Furnish and deliver two 1/4" tabletops with polished edges.

I CERTIFY THAT THE ABOVE MERCHANDISE  
WAS RECEIVED IN GOOD CONDITION AND  
CONFORMED TO SPECIFICATIONS.  
DATE 05/12/17  
SIGNED K.M. Ellis

Remit To: Central Glass Co of Charleston, Inc P.O. Box 6340 Charleston, WV 25362	Subtotal	\$931.22
	Sales Tax (0.0%)	\$0.00
	Total	\$931.22
	Payments/Credits	\$0.00
	<b>Balance Due</b>	<b>\$931.22</b>

We accept Discover, Mastercard, Visa, American Express

VC 566 44

# Invoice

**D** DARIN FISHER DESIGNER KITCHENS,LLC  
 1404 KANAWHA BLVD. E  
 CHARLESTON, WV 25301  
**F** Phone: 304-720-3451  
 Fax: 304-720-3453

Date	Invoice #
5/18/2017	1071

Bill To
Holley Price Interiors Beth Walker Project

Ship To

P.O. Number	Terms	Ship	Project
		5/18/2017	

Quantity	Item Code	Description	Price Each	Amount
1	Dynasty	Plymouth Maple Oyster *Please remit a 50% deposit of \$3,691.00* Thank you	7,382.00	7,382.00

IN 18\* 22380  
 10/19/17

Recd

7401

pd 6/21/17

Sales Tax \$0.00

IN 17\* 7700 31 \$3691.00 **Total** 54--000009 \$7,382.00

**Darin Fisher Designer Kitchens**  
 1404 Kanawha Blvd. East  
 Charleston, WV 25301

**Quote**

Darin Fisher  
 304-720-3451  
 Darin@DFDKKitchens.com

Date: 04/03/2017  
 Quote No.: 10085  
 Salesperson: Darin Fisher

**Bill To:**  
 Holley  
 Holley Price Interiors  
 Beth Walker project

Qty	Description	Unit Price	Total
1	Dynasty Plymouth Maple Oyster	\$7,382.00	\$7,382.00
	50% deposit 3,691.00 due on ordering. Remaining balance 3691.00 due upon delivery		
		Subtotal	\$7,382.00
		Total Amt	\$7,382.00

*Approved D.F. 5/12/17*

Policy: All kitchens are customized for each customer. Darin Fisher Designer Kitchens will replace cabinets that are damaged or misordered.

We strive to meet the customers' needs. Thank you for your business.



State of West Virginia  
Agency Purchase Order

CORRECT ORDER NUMBER  
MUST APPEAR ON ALL PACKAGES,  
INVOICES, AND SHIPPING PAPERS.  
QUESTIONS CONCERNING THIS  
ORDER SHOULD BE DIRECTED TO  
THE DEPARTMENT CONTACT.

Order Date: 2017-06-02

Order Number: APO 2400 2400 SUP1700000011	Procurement Folder: 340502
Document Name: Cabinets for Justice Walker's Office	Reason for Modification:
Document Description: Plymouth Maple Cyster Cabinets for Justice Walker's office	
Procurement Type: Agency Purchase Order	
Buyer Name: Linda Sue Rasot Troy	
Telephone: (304) 558-0145	
Email: sus.troy@courtswv.gov	
Shipping Method: Best Way	Effective Start Date:
Free on Board: FOB Dest, Freight Prepaid	Effective End Date:

Vendor Customer Code: VC0000058644 DARIN FISHER DESIGNER KITCHENS LLC 1404 KANAWHA BLVD E  CHARLESTON WV 25301  US Vendor Contact Phone: (304) 720-3451 Extension: Discount Percentage: 0.0000 Discount Days: 0	Requestor Name: Sandra Johnson Requestor Phone: (304) 340-2300 Requestor Email: sandra.johnson@courtswv.gov
--	---

INVOICE TO	SHIP TO
304-558-0145 WV SUPREME COURT OF APPEALS BUILDING 1 ROOM E-100 1900 KANAWHA BLVD EAST CHARLESTON WV 25305 US	304-558-0145 WV SUPREME COURT OF APPEALS BUILDING 1 ROOM E-100 1900 KANAWHA BLVD EAST CHARLESTON WV 25305 US

Total Order Amount: \$7,382.00

DEPARTMENT AUTHORIZED SIGNATURE SIGNED BY: DATE: ELECTRONIC SIGNATURE ON FILE
--

## Extended Description:

Plymouth Maple Oyster Cabinets for Justice Walker's office

Line	Commodity Code	Quantity	Unit	Unit Price	Total Price
1	30161801	0.00000			\$7,382.00
	<b>Service From:</b>	<b>Service To</b>	<b>Manufacturer</b>	<b>Model No</b>	<b>Delivery Date</b>
	2017-05-01	2017-10-01			

Commodity Line Description: Cabinets

## Extended Description:

Plymouth Maple Oyster Cabinets for Justice Walker's office

	<b>Document Phase</b>	<b>Document Description</b>	<b>Page 3</b>
SUP170000011	Draft	Plymouth Maple Oyster Cabinets for Justice Walker's office	of 3

**D**  
**F**

DARIN FISHER DESIGNER KITCHENS,LLC  
1404 KANAWHA BLVD. E  
CHARLESTON, WV 25301  
Phone: 304-720-3451  
Fax: 304-720-3453

**Statement**

Date
9/26/2017

To:
Holley Price Interiors Beth Walker Project

Amount Due	Amount Enc.
\$4,078.34	

Date	Transaction	Amount	Balance		
05/01/2017	Balance forward		0.00		
05/18/2017	INV #1071. Due 05/18/2017.	7,382.00	7,382.00		
	--- Dynasty, 1 @ \$7,382.00 = 7,382.00				
	--- *Please remit a 50% deposit of \$3,691.00*				
	--- Thank you				
	--- Tax: WV Sales Charleston Municipal @ 7.0% = 0.00				
06/27/2017	PMT #1002855644.	-3,691.00	3,691.00		
08/24/2017	INV #1115. Due 08/24/2017.	587.34	4,078.34		
	--- Corian, 1 @ \$305.00 = 305.00				
	--- Hardware, 6 @ \$9.50 = 57.00				
	--- Tax: WV Sales Charleston Municipal @ 7.0% = 25.34				
<p>I CERTIFY THAT THE ABOVE MERCHANDISE WAS RECEIVED IN GOOD CONDITION AND CONFORMED TO SPECIFICATIONS.</p> <p>DATE <u>10/12/2017</u></p> <p>SIGNED <u>[Signature]</u></p>					
Thank You!					
CURRENT	1-30 DAYS PAST DUE	31-60 DAYS PAST DUE	61-90 DAYS PAST DUE	OVER 90 DAYS PAST DUE	Amount Due
0.00	0.00	587.34	0.00	3,691.00	\$4,078.34

VC 56644

**D** DARIN FISHER DESIGNER KITCHENS, LLC  
**F** 1404 KANAWHA BLVD. E  
CHARLESTON, WV 25301  
Phone: 304-720-3451  
Fax : 304-720-3453

**Invoice**

Date	Invoice #
8/24/2017	1115

Bill To
Holley Price Interiors Beth Walker Project

Ship To

P.O. Number	Terms	Ship	Project
		8/24/2017	

Justice Walker

Quantity	Item Code	Description	Price Each	Amount
1	Corian	Corian Top Additional Cost	305.00	305.00T
6	Hardware	M957 Pulls	9.50	57.00T
				<b>* 362.00</b>

I CERTIFY THAT THE ABOVE MERCHANDISE  
WAS RECEIVED IN GOOD CONDITION AND  
CONFORMED TO SPECIFICATIONS.  
DATE 09/25/2017  
SIGNED H.M. Eccles

No tax

25800 7401-0000

Sales Tax (7.0%)	<del>25.34</del>
Total	<b>\$362.00</b>

GAX 18\*36871

54--000015

7692

State of West Virginia Purchasing Card Log Sheet

Cardholder Name: Kimberly M. Ellis
Account Number: 4807-1580-0032-3371
Agency: WWSA - Administrative Office
Transaction Limit: \$2500.00
Billing Cycle (Month/Year): January 2017
Dept/Org.#: 2400

Table with columns: Transaction Date, Vendor, Item Description, Quantity, Total Amt, R\* D\* C\*, Object Code, S Document Number, Date Received. Contains 6 rows of transaction data.

I hereby certify that the items listed hereon have been received and properly accounted for and approved for payment.
I hereby certify that the items hereon have been received and properly accounted for and approved for payment.

Handwritten signature: Kimberly M. Ellis, Date: 02/13/2017

Agency Coordinator Signature Date

\*R=Reconciled
\*D=Disputed
\*C=Carryover

Ellis, Kimberly

From: Jose OD <jose@officedesigns.com>  
 Sent: Monday, February 13, 2017 11:08 AM  
 To: Ellis, Kimberly  
 Subject: Direct Commerce Group, LLC: Sales Order #SO21227



**YOUR ORDER CONFIRMATION**

Thanks for shopping with us, Kimberly!

We wanted to let you know that:

- Your order was received and is being processed.
- An email regarding your shipping information will be arriving within the next business day.

Please take a moment to review the details of your order listed below. If you notice any discrepancy, please contact us at 1.800.913.8434 or by replying to this email. *We're here to help!*

Learn more about [returns and exchanges](#)

Your Order Number: SO21227  
 Shipping to: Kimberly at 1900 Kanawha Boulevard East

Order Date		Order Status		
01/11/2017		Billed		
Quantity	Item	PRODUCT MANUFACTURER	Rate	Amount
1	1011100101110195719 Classic Aeron Chair AE213AFGAJG1C73D012109 Classic Aeron Chair - ADJUSTABLE - Rear Tilt Lock & Forward Tilt Adjustment, Fully Adjustable Arms - Height & Pivot, Large - Size C, Adjustable Lumber Support, Graphite Base / Graphite Frame, Hard Floor Casters, Black Leather, Classic Carbon	Herman Miller	\$1,039.00	\$1,039.00
<b>Your Bill Summary</b>				
			Subtotal	\$1,039.00
			Discount	(\$126.00)
			Shipping Cost	\$0.00
			Tax Total	\$0.00
			<b>Total</b>	<b>\$913.00</b> ✓

WE'RE HERE TO HELP  
 Call or Chat with Us  
 M-F 7AM to 6 PM CST  
 Sat 9AM to 5 PM CST  
 Sun 12 PM to 5 PM CST  
 CALL 800-913-8434  
 E-MAIL [customer@officedesigns.com](mailto:customer@officedesigns.com)

---

**Your Shipping & Billing Addresses**

Note: Items may ship in separate boxes, with no additional shipping charges.

**Ship To**

WVSCA  
Kimberly Ellis  
1900 Kanawha Boulevard East  
Charleston WV 25305  
United States  
(304) 560-6558

**Bill To**

Kimberly Ellis  
1900 Kanawha Boulevard East  
Charleston WV 25305  
United States

Jose Alverio  
Senior Sales Manager

**OfficeDesigns.com**

722 Landwehr Road  
Northbrook, Illinois 60062  
direct 847.504.1716  
fax 847.504.1700  
toll free 877.696.3342

189357



Ed Weber Architects, LLC  
4640 Guava Court  
Sarasota, Florida 34234  
ed@edweberarchitects.com  
www.edweberarchitects.com

Date: 7/10/2017  
Invoice #: 13-014-13

**Bill To**

Supreme Court of Appeals  
Director of Support Services  
Administrative Services Division  
Capitol Complex, Building 1, Room E-100  
Charleston, WV 25305

RECEIVED  
WV SUPREME COURT

JUL 14 2017

FINANCIAL  
DIVISION

Description	Hours	Rate	Amount
Supreme Court of Appeals Renovations to Justices Chambers May/June Design Services			
Principal Architect; Contractor/Interior Designer support and contract administration consulting.	3.75	120.00	450.00

*This invoice represents  
architectural consulting fees  
for Justice Walker's  
chamber remodel. Total  
project cost > \$5,000, so  
should be classified as:*

*APPDP - 25800  
CBS - 7401  
SUBORDS - 6000  
UNIT - 5402*

*JB*

I CERTIFY THAT THE ABOVE MERCHANDISE  
WAS RECEIVED IN GOOD CONDITION AND  
CONFORMED TO SPECIFICATIONS.

DATE 07/12/2017

SIGNED [Signature]

7/14/17 [Signature]

Thank You for Your Business.  
EIN: 45-3445638

Total

\$450.00

198048



**FERGUSON ENTERPRISES #142**

160 Spring St  
Charleston, WV 25301  
(304) 342-4784

Invoice No.  
CC222371

**INVOICE**

**Customer**

Name WV Supreme Court of Appeals  
1900 Kanawha Boulevard E  
Room E100  
Charleston WV 25305

Invoice Date 05/31/2017

Order No. CC222371

Qty	Description	Unit Price	TOTAL
1	R054036F22 36x22 Van Navy	\$1,645.88	\$1,645.88
1	R3622371Q28 37x22 1H Stone van Top w/ 1co w/wh	\$688.88	\$688.88
1	R200561WH 20x15 Rect Crmc us ves Wht	\$245.85	\$245.85
1	R370137Q28 37 Stone b/splash w/wh	\$48.68	\$48.68
1	D65050LFPN 1.5 GPM 1 hdl 1H lav	\$418.32	\$418.32
SubTotal			\$3,047.61
Tax			
<b>TOTAL</b>			<b>\$3,047.61</b>

**Remit To:**

**FERGUSON ENTERPRISES INC #14 142**  
 160 Spring St  
 Charleston, WV 25301

*Approved*  
*Y.S.*  
*5/11/17*

Products You Know - People You Trust.

ALL ACCOUNTS ARE DUE AND PAYABLE PER THE CONDITIONS AND TERMS OF THE ORIGINAL INVOICE. ALL PAST DUE AMOUNTS ARE SUBJECT TO A SERVICE CHARGE AT THE MAXIMUM RATE ALLOWED BY STATE LAW PLUS COSTS OF COLLECTION INCLUDING ATTORNEY FEES IF INCURRED. FREIGHT TERMS ARE FOB OUR DOOR, UNLESS OTHERWISE SPECIFIED ABOVE. COMPLETE TERMS AND CONDITIONS ARE AVAILABLE UPON REQUEST OR CAN BE VIEWED ON THE WEB AT - www.ferguson.com/help-center.html

000 175 111777

54-000020

State of West Virginia Purchasing Card  
Log Sheet

Cardholder Name: Kimberly M. Ellis  
Account Number: 4807-1580-0032-3371  
Agency: WVSCA - Administrative Office

Transaction Limit: \$2500.00  
Billing Cycle (Month/Year): July 2017  
Dept/Org #: 2400

Transaction Date	Vendor	Item Description	Quantity	Total Amt	R* D* C*	Object Code	S Document Number	Date Received
07/05/2017	Waste Management	Monthly dumpster service for Versple Avenue Warehouse	1 month	\$53.11	R			07/05/2017
07/07/2017	OnStar	Monthly Service for fleet vehicle - Acct. #133574123	1 month	\$37.90	R			07/07/2017
07/06/2017	Build-charge.com	Light fixtures for chambers	3	\$1297.34	R	3518.48		07/06/2017
07/06/2017	Build-charge.com	Light fixtures for chambers	3	\$2311.14	R			07/06/2017
07/13/2017	OnStar	Monthly Service for fleet vehicle - Acct. #123112309	1 month	\$37.98	R			07/13/2017

I hereby certify that the items listed hereon have been received and properly accounted for and approved for payment.

Kimberly M. Ellis ECC: 07/14/17  
Purchasing Cardholder Signature Date

I hereby certify that the items hereon have been received and properly accounted for and approved for payment.

\_\_\_\_\_  
Agency Coordinator Signature Date

\*R=Reconciled  
\*D=Disputed  
\*C=Carryover

Ellis, Kimberly

From: LightingDirect.com <customerservice@lightingdirect.com>  
 Sent: Wednesday, July 05, 2017 2:19 PM  
 To: Ellis, Kimberly  
 Subject: Your LightingDirect.com Order #66655755

[Shop the Savings Center](#)

[View Our Network](#)

**Call Today: (800) 375-3410**

 LightingDirect.com

Get smarter with your home improvement.



**Your Order Number is 66655755**

Hello Kimberly,

Thank you for choosing LightingDirect.com. If there's anything else we can do to help you, contact us at (800) 375-3410 or at [cs@lightingdirect.com](mailto:cs@lightingdirect.com).

**Helpful Links**

- [My Account](#)
- [Set Up A Return](#)
- [Return Policy](#)
- [Shipping Policy](#)
- [Contact Us](#)
- [Help](#)

Happy Home Improving,  
[LightingDirect.com](http://LightingDirect.com)  
[Build.com Network Store](#)

## Order Information

<b>Ordered on:</b>	<b>Totals:</b>
Jul 05, 2017	<b>Subtotal:</b> \$1,257.34
	<b>Shipping:</b> \$0.00
<b>Shipping Method:</b>	<b>Tax:</b> \$0.00
Standard Delivery	

**Payment Total \$1,257.34**

**Payment Method(s):**

Visa: \$1,257.34 ending in 8063

**Order Number**  
**66655755**



Please Note: Your order will appear as "Build-Charge.com" on your credit card statement

## Billing & Shipping Information



### Billing Information

Kimberly Ellis  
 1900 Kanawha Boulevard, East  
 Room E-100  
 Charleston, WV 25314  
 (304) 558-0145

### Shipping Information

Kimberly Ellis  
 1900 Kanawha Boulevard, East  
 Room E-100  
 Charleston, WV 25314  
 (304) 558-0145

### Shipment 1

Expected to ship by Friday, July 7  
 \* These items are being shipped via Standard Delivery

#### Product Information



#7903

Hyde Park 3 Light 24" Wide Bathroom Vanity Light with Seedy Glass Shade

Manufacturer: Designers Fountain  
 Finish/Color: Vintage Gold



#7953

Hyde Park 3 Light Pendant with White Fabric Shade

Manufacturer: Designers Fountain  
 Finish/Color: Vintage Gold

Price	Quantity	Total
-------	----------	-------

\$199.50	1	\$199.50
----------	---	----------

\$379.50	1	\$379.50
----------	---	----------

### Shipment 2

Expected to ship by Wednesday, July 5  
 \* These items are being shipped via Standard Delivery

#### Product Information

Price	Quantity	Total
-------	----------	-------



**PHPL5203**

\$678.34

\$678.34

16" Wide 3 Light Single Pendant

Manufacturer: Park Harbor  
Finish/Color: Antique Silver

*Build.com does not collect sales or use tax on most of the remote sales made over the internet, which may be taxable to you in your state. Therefore, you are obligated to self-report and pay use tax to your state.*



Forwarded from a friend? Sign up for email savings of your own.  
Call us! (800) 375-3410 • Mon-Fri 5AM-6PM PST • Sat-Sun 6AM-4PM PST

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[Privacy Policy](#) • [Terms of Use](#)

Ellis, Kimberly

From: LightingDirect.com <customerservice@lightingdirect.com>  
 Sent: Wednesday, July 05, 2017 1:21 PM  
 To: Ellis, Kimberly  
 Subject: Thank You for Your Build.com Order #66655415

[Shop the Savings Center](#)

[View Our Network](#)

**Call Today: (800) 375-3410**

 LightingDirect.com

Get smarter with your home improvement.

[Home](#) [Lighting](#) [Tools](#) [Paint](#) [Decor](#) [Outdoor](#) [Smart Home](#) [Services](#) [Support](#)

## Thank you for your order!

Your order will appear as "Build-Charge.com" on your credit card statement. Emails with tracking information will be sent when items ship.

**Order #66655415**  
 1 Item(s), Total: \$2,311.14  
 Placed On: 07/05/2017

[View Order Summary](#)

### Shipping

#### Standard Delivery

Kimberly Ellis  
 1900 Kanawha Boulevard, East  
 Room E-100  
 Charleston, WV 25314  
 3045580145

### Payment

Visa \*\*\*\* \* 8063 - \$2,311.14

Kimberly Ellis  
 1900 Kanawha Boulevard, East  
 Room E-100  
 Charleston, WV 25314

3045580145

Items Purchased



21" Wide 4 Light Chandelier with Globe Cage Frame

Color/Finish: Antique Silver

3 @ \$770.38 ..... \$2,311.14

Subtotal: \$2,311.14

Discount: -\$0.00

Shipping: \$0.00

Tax: \$0.00

**Grand Total: \$2,311.14**

Need To Make a Return?

You may initiate a return for an item(s) within 30 days of receipt for a full refund of the original payment. Returns requested between 31 and 60 days after receipt will only qualify for store credit.

Set Up Return | Return Policy

*Build.com does not collect sales or use tax on most of the items sold over the Internet, which may be taxable to you in your state. Therefore, you are obligated to self-report and pay use tax to your state.*



Forwarded from a friend? Sign up for email savings of your own.  
Call us! (800) 375-3410 • Mon-Fri 5AM-6PM PST • Sat-Sun 6AM-4PM PST

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[Privacy Policy](#) • [Terms of Use](#)

State of West Virginia Purchasing Card  
Log Sheet

Cardholder Name: Kimberly M. Ellis  
Account Number: 4807-1580-0032-3371  
Agency: WVSGA - Administrative Office

Transaction Limit: \$2500.00  
Billing Cycle (Month/Year): August 2017  
Dept/Org #: 2400

Transaction Date	Vendor	Item Description	Quantity	Total Amt	R* D* C*	Object Code	S Document Number	Date Received
08/03/2017	Ferguson Enterprises	Bathroom Fixtures for Justice Walker's Office	5	\$53.48	R			08/03/2017
08/05/2017	Waste Management	Monthly dumpster service for Venobia Avenue Warehouse	1 month	\$54.04	R			08/05/2017
08/10/2017	OnStar	Monthly Service for fleet vehicle	1 month	\$37.91	R			08/10/2017
08/13/2017	OnStar	Monthly Service for fleet vehicle	1 month	\$37.91	R			08/13/2017
08/15/2017	WV Parkways Authority	EZ Pass Account payment for Fleet vehicles	1 month	\$100.00	R			08/15/2017
08/15/2017	Goldfarb Electric	LED Bulbs for Justice Walker's Office	21	\$200.88	R			08/15/2017
08/18/2017	Lowe's	Miscellaneous Items for Justice Walker's Office	3	\$9.93	R			08/18/2017
08/18/2017	Wells Home Furnishings	Desk and Return for Justice Walker's Office	2	\$2136.00	R			08/18/2017
08/22/2017	Lowe's	LED Bulbs for Justice Walker's Office	32	\$384.36	R			08/22/2017

I hereby certify that the items listed herein have been received and properly accounted for and approved for payment.  
*Kimberly M. Ellis* 08/12/2017  
Purchasing Cardholder Signature Date

I hereby certify that the items herein have been received and properly accounted for and approved for payment.  
\_\_\_\_\_  
Agency Coordinator Signature Date

\*R=Reconciled  
\*D=Disputed  
\*C=Carryover

Ellis, Kimberly

From: holley price <holleypriceinteriors@gmail.com>  
 Sent: Tuesday, August 15, 2017 3:50 PM  
 To: Ellis, Kimberly  
 Subject: Fwd: Email Order# CC251051-1

Here's the receipt

Sent from my iPhone

Begin forwarded message:

From: Natasha Holstein - 142 OHVAL <natasha.holstein@ferguson.com>  
 Date: August 15, 2017 at 3:42:39 PM EDT  
 To: <holleypriceinteriors@gmail.com>  
 Subject: Email Order# CC251051-1  
 Reply-To: <natasha.holstein@ferguson.com>

Order Confirmation # CC251051-1

FERGUSON/WOLSELEY IND #142  
 160 SPRING STREET  
 CHARLESTON, WV 25301-1027

Phone : 304-342-4784  
 Fax : 304-342-6721

Order No.:	CC251051-1	Req Date:	08/22/17	Ship Via.:	COUNTER PICK-UP
Order Date:	08/02/17			Terms.:	CASH ON DEMAND
Writer.:	DBB			Ship To.:	WV SUPREME COURT OF APPEALS
Sold To.:	WV SUPREME COURT OF APPEALS 1909 KANAWHA BOULEVARD E ROOM E100 CHARLESTON, WV 25305				1909 KANAWHA BOULEVARD ROOM E100 CHARLESTON, WV 25305

Cust PO#:

Job Name:

Item	Description	Quantity	Net Price	UM	Total
7212031	HORZ SGL POST TP HLDR PN	1	53.475	EA	

Subtotal: \$53.48

Inbound Freight: \$0.00

Tax: \$0.00

Order Total: \$53.48

**WARRANTY PROVISIONS**

The purchaser's sole and exclusive warranty is that provided by the manufacturer, if any. Seller makes no express or implied warranties. SELLER DISCLAIMS ALL EXPRESS OR IMPLIED WARRANTIES, INCLUDING ALL IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS OR FITNESS FOR A PARTICULAR.



STATE OF WEST VIRGINIA  
PURCHASING CARD LOG SHEET

Transaction Limit  
June 2017  
Billing Cycle Month Billing Cycle Year

ZACHARY THOMPSON Account Number KANAWHA County ADMINISTRATIVE OFFICE Court / Division

TRANSACTION DATE	VENDOR	ITEM DESCRIPTION	QUANTITY	TOTAL AMOUNT	R* D* C*
6-02-17	speedway	gas in truck/accident		\$43.46	R
06-05-2017	advance auto	signal light bulb for truck		\$6.79	
06-08-17	goldfarb	switch with cord for mrs.Dee hill's light		\$19.13	
06-08-17	charleston acoustics	ceiling tile for office of counsel offices		\$98.63	
06-21-17	goldfarb	panduit breaker tool/breaker box		\$44.31	
06-28-17	goldfarb	new lights for Justice walkers office		\$269.50	
06-28-17	pile hardware	material for chiefs office/ undercounter board back up		\$32.26	
GRAND TOTAL AMOUNT:				\$514.08	

I hereby certify that the items listed hereon have been received and properly accounted for and approved for payment.

\*R=Reconciled  
\*D=Disputed  
\*C=Carryover

I hereby certify that the items listed hereon have been received and properly accounted for and approved for payment.

Purchasing Cardholder Signature \_\_\_\_\_ Date \_\_\_\_\_

Authorizing Supervisor Signature \_\_\_\_\_ Date \_\_\_\_\_

**Goldfarb**  
Electric Supply Co., Inc.  
116 Virginia Street East, P.O. Box 20319  
Charleston, West Virginia 25320-3119  
(800) 442-2163 / (800) 729-4157  
FAX (804) 249-4721

ORDER NUMBER: \_\_\_\_\_ PAGE: \_\_\_\_\_  
DATE ORDERED: \_\_\_\_\_ SHIP INSTRUCTIONS: \_\_\_\_\_ SHIPPED/REC'D: \_\_\_\_\_  
DATE SHIPPED: \_\_\_\_\_

TAX: \_\_\_\_\_ VENDOR/SUB: \_\_\_\_\_ VENDOR/CUST: \_\_\_\_\_ CUSTOMER ORDER NO.: \_\_\_\_\_ TELEPHONE NO.: \_\_\_\_\_ ORDER TERMS: \_\_\_\_\_ GIVEN BY: \_\_\_\_\_

LINE	ITEM NUMBER	DESCRIPTION	ORDERED	SHIPPED	BACKORDERS	UNIT PRICE	QTY	EXTENDED PRICE
<p><b>GOLDFARB ELECTRIC SUPPLY</b> 116 VIRGINIA STREET EAST CHARLESTON, WV 25319</p> <p><b>SALE</b></p> <p>MO: 030 Store: 4612 Term: #102 REF#: 0000002 Batch #: 428 RR#: 767820382 09/29/17 Trans ID: 387076446894246 08/24/18 APPR CODE: 033976 VISA <span style="float: right;">Chg</span> XXXXXXXXXXXX1232</p> <p><b>AMOUNT \$269.50</b></p> <p>APPROVED</p>								
							<b>SUBTOTAL</b>	

LOCATION	FILLED BY
CHECKED OUT BY	DELIVERED BY
UPSP	TOTAL

Citi VISA  
 A/C: A000000021010  
 T/YR: 00 00 00 00 00  
 YSR: P8 00  
 We are not responsible for errors that may be made. A 10% ANNUALLY will be ad charge \$2.00. Prices subject to change without notice.

CUSTOMER COPY  
 No. charge or 4 per month or Minimum billing

State of West Virginia Purchasing Card  
Log Sheet

Cardholder Name: Kimberly M. Ellis  
Account Number: 4807-1680-0032-3371  
Agency: WVSCA - Administrative Office

Transaction Limit: \$2500.00  
Billing Cycle (Month/Year): August 2017  
Dept/Org.#: 2400

Transaction Date	Vendor	Item Description	Quantity	Total Amt	R* D** C**	Object Code	\$ Document Number	Date Received
08/03/2017	Ferguson Enterprises	Bathroom Fixtures for Justice Walker's Office	5	\$63.48	R			08/03/2017
08/05/2017	Waste Management	Monthly dumpster service for Venable Avenue Warehouse	1 month	\$54.04	R			08/05/2017
08/10/2017	OnStar	Monthly Service for fleet vehicle	1 month	\$37.91	R			08/10/2017
08/13/2017	OnStar	Monthly Service for fleet vehicle	1 month	\$37.91	R			08/13/2017
08/16/2017	WV Parways Authority	EZ Pass Account payment for Fleet vehicles	1 month	\$100.00	R			08/16/2017
08/15/2017	Goldfarb Electric	LED Bulbs for Justice Walker's Office	21	\$200.98	R			08/15/2017
08/18/2017	Low's	Miscellaneous Items for Justice Walker's Office	3	\$9.93	R			08/18/2017
08/18/2017	Wall's Home Furnishings	Desk and Return for Justice Walker's Office	2	\$2138.00	R			08/18/2017
08/22/2017	Low's	LED Bulbs for Justice Kathryn's Office	32	\$384.38	R			08/22/2017

I hereby certify that the items listed hereon have been received and properly accounted for and approved for payment.

Kimberly M. Ellis 08/10/2017  
Purchasing Cardholder Signature Date

I hereby certify that the items hereon have been received and properly accounted for and approved for payment.

Agency Coordinator Signature Date

\*R=Reconciled  
\*D=Disputed  
\*C=Carryover



IC 60334

STMT 2400 102417



# HOLLEY PRICE INTERIORS

## SEPTEMBER 2017 STATEMENT

Interior Design Services,

Justice Beth Walker Offices

Capitol Building Complex

\$5,000.00

WV state tax \$0.00

Subtotal \$5,000.00

Reimbursements, please see attached \$76.58

**TOTAL DUE \$5,076.58**

RECEIVED  
WV SUPREME COURT

OCT 24 2017

FINANCIAL  
DIVISION

I CERTIFY THAT THE ABOVE MERCHANDISE  
WAS RECEIVED IN GOOD CONDITION AND  
CONFORMED TO SPECIFICATIONS.

DATE 10/18/2017  
[Signature]

Approved  
10/18/17  
[Signature]

304-421-1505

209 W. WASHINGTON ST. CHARLESTON, WV 25302

HOLLEYPRICEINTERIORS@GMAIL.COM WWW.HOLLEYPRICEINTERIORS.COM

25800 7401

GA54-000033

BETH WALKER



LOWE'S HOME CENTERS, LLC  
850 HIL BOLLINGER  
SOUTH CHARLESTON, WV 25309 (304) 746-7980

SALES#: FSTLANE2 13 TRANS#: 14418224 08-22-17  
1823 BEANED S PEPPER SINGLE DE 6.97  
11664 BEANED S PEPPER DOUBLE TO 8.97  
SUBTOTAL: 15.94  
TAX: 1.12  
INVOICE 06877 TOTAL: 17.06  
W/C: 17.06

17C:XXXXXXXXXX4462 AMOUNT:17.06 AMOUNT:194597  
CHIP REF ID:0746020242 082221Y 12:10:11  
CUSTOMER CODE: WALKER  
APL: WALKER2481 TYP: 000004000

JUSTICE WALKER



LOWE'S HOME CENTERS, LLC  
850 HIL BOLLINGER  
SOUTH CHARLESTON, WV 25309 (304) 746-7980

SALES#: S0746381 2292484 TRANS#: 67974829 08-18-17  
624441 AIR BOWL BALL FINALS WHF 18.77  
19054 BEANED S PEPPER SINGLE TO 20.91  
3 @ 6.97  
11584 BEANED S PEPPER DOUBLE TO 8.97  
SUBTOTAL: 48.65  
TAX: 3.41  
INVOICE 10350 TOTAL: 52.06  
W/C: 52.06

17C:XXXXXXXXXX4462 AMOUNT:52.06 AMOUNT:121111  
CHIP REF ID:07461034463 08/18/17 12:36:49  
CUSTOMER CODE: WALKER  
APL: WALKER2481 TYP: 000004000  
FID: 8000000001010(0) EST: E000

BETH WALKER



LOWE'S HOME CENTERS, LLC  
5790 HOCORABLE AVE SE  
CHARLESTON, WV 25304 (304) 926-6700

SALES#: S0627862 1757966 TRANS#: 25667665 08-25-17  
19054 BEANED S PEPPER SINGLE TO 6.97  
SUBTOTAL: 6.97  
TAX: 0.49  
INVOICE 06677 TOTAL: 7.46  
CASH: 7.46

STORE: 0675 TERMINAL: 40 08/25/17 09:28:15  
# OF ITEMS PURCHASED: 1  
EXCLUDES FEES, SERVICES AND SPECIAL ORDER ITEMS



THANK YOU FOR SHOPPING LOWE'S.  
SEE REVERSE SIDE FOR RETURN POLICY.

State of West Virginia Purchasing Card  
Log Sheet

Cardholder Name: Kimberly M. Ellis  
Account Number: 4807-1580-0032-3371  
Agency: WVSCA - Administrative Office

Transaction Limit: \$2500.00  
Billing Cycle (Month/Year): August 2017  
Dept/Org.#: 2400

Transaction Date	Vendor	Item Description	Quantity	Total Amt	R* D* C*	Object Code	S Document Number	Date Received
08/26/2017	Homegoods	Coat Hangers for Justice Walker's Office	1 package	\$9.99	R			08/26/2017
08/26/2017	Bales Granite and Marble	Granite and Installation for Justice Walker's Office	1	\$1423.00	R			08/26/2017

I hereby certify that the items listed hereon have been received and properly accounted for and approved for payment.  
Kimberly M. Ellis 08/12/2017  
Purchasing Cardholder Signature Date

I hereby certify that the items hereon have been received and properly accounted for and approved for payment.  
\_\_\_\_\_  
Agency Coordinator Signature Date

\*R=Reconciled  
\*D=Disputed  
\*C=Carryover

# HomeGoods®

Shoppes At Traca Fork  
RtL Blvd. & Rte. 119  
South Charleston, WV 25309  
304-744-0865

## TAX EXEMPT SALE

TAX EXEMPT #: 55500075	
52 - STORAGE & ORG 178811	9.99 N
<b>SUBTOTAL</b>	<b>\$9.99</b>
<b>TOTAL</b>	<b>\$9.99</b>
<b>VISA</b>	<b>\$9.99</b>

### TRANSACTION RECORD

\*\*\*\*\*8063  
 PURCHASE  
 EXPIRES \*\*/\*\* CHIP  
 AUTH# 080137  
 AID A0000000031010  
 APP PREFERRED NAME CITI VISA  
 APPLICATION LABEL Visa Credit  
 PIN verified

038194 90100027 13:38:50

APPROVED

\*\*\*\*\*  
 HONEGOODS VALUES YOUR FEEDBACK!!!!  
 Tell us what you think about  
 your store visit today and  
 enter a monthly drawing to win a  
 \$500 HomeGoods Gift Card!  
 Visit [www.HONEGOODSFEEDBACK.com](http://www.HONEGOODSFEEDBACK.com)  
 Respond by 09/09/17  
 You will need to reference  
 your receipt  
 Survey number: 0186017161  
 SEE WEBSITE FOR COMPLETE RULES  
 \*\*\*\*\*

### CUSTOMER COPY



ITEMS 1  
 0101  
 0186 01 7161 08/26/17 13:39:02 1054

THANK YOU FOR SHOPPING AT HONEGOODS  
 REFUNDS WITHIN 30 DAYS WITH RECEIPT  
 Store Credit Only With Gift Receipt  
 Other restrictions may apply

State of West Virginia Purchasing Card  
Log Sheet

29186

Cardholder Name: Kimberly M. Ellis  
Account Number: -3371  
Agency: WVSCA - Administrative Office 5411

Transaction Limit: \$2500.00  
Billing Cycle (Month/Year): September 2017  
Dept/Org.#: 2400

Transaction Date	Vendor	Item Description	Quantity	Total Amt	R* D* C*	Object Code	S Document Number	Date Received
09/04/2017	OnStar	Monthly Service for fleet vehicle - Acct. #133674123	1 month	\$37.91	R			09/04/2017
09/05/2017	Waste Management	Monthly dumpster service for Venable Avenue Warehouse	1 month	\$53.67	R			09/05/2017
09/08/2017	Target	Miscellaneous items for Justice Walker's office	6	\$90.22	R			09/08/2017
09/13/2017	OnStar	Monthly Service for fleet vehicle - Acct. #123112309	1 month	\$37.91	R			09/13/2017
09/22/2017	WV Parkways Authority	EZ Pass Account payment for Fleet vehicles	1 month	\$100.00	R			09/22/2017
09/29/2017	Hornsgoods	Miscellaneous items for Justice Walker's Office	15	\$274.85	R			09/28/2017

I hereby certify that the items listed herein have been received and properly accounted for and approved for payment.  
Kimberly M. Ellis 10/13/2017  
Purchasing Cardholder Signature Date

I hereby certify that the items herein have been received and properly accounted for and approved for payment.  
Lee Kays 10/13/2017  
Agency Coordinator Signature Date

\*R- Reconciled  
\*D- Disputed  
\*C- Carryover

# HomeGoods®

Shoppes At Thea Park  
Rt. 1, Div. 6 Rte. 119  
South Charleston, WV 25389  
804-744-0865

## TAX EXEMPT SALE

TAX EXEMPT #: 55660760

34 - GLASSWARE	053882	12.99 N
44 - FRAMES	053535	8.99 N
44 - FRAMES	063596	7.99 N
44 - FRAMES	018384	6.99 N
44 - FRAMES	083791	5.99 N
34 - GLASSWARE	098694	7.99 N
33 - DECOR ACCESS	081503	39.83 N
34 - GLASSWARE	123527	5.99 N
33 - DECOR ACCESS	171832	24.99 N
33 - DECOR ACCESS	141250	29.99 N
34 - GLASSWARE	011877	12.99 N
34 - GLASSWARE	011877	12.99 N
33 - DECOR ACCESS	119953	29.99 N
33 - DECOR ACCESS	118880	29.99 N
34 - GLASSWARE	022396	34.99 N

SUBTOTAL \$274.85

TOTAL \$274.85

VISA \$274.85

TRANSACTION RECORD

\*\*\*\*\*0063

PURCHASE

EXPIRES \*\*/\*\* CHIP

AUTH 004819

AID 400000001010

APP PREFERRED NAME CITI VISA

APPLICATION LABEL Visa Credit

PIN verified

014629 5026000 16:27:35

APPROVED

\*\*\*\*\*

HOMEGOODS VALUES YOUR FEEDBACK!!!

Tell us what you think about

your store visit today and

enter a monthly drawing to win a

\$500 HomeGoods Gift Card!

Visit [www.HOMEGOODSFEEBACK.com](http://www.HOMEGOODSFEEBACK.com)

Received by: 10/10/17

You will need to reference

your receipt.

Survey number: 0186020877

SEE WEBSITE FOR COMPLETE RULES

\*\*\*\*\*

CUSTOMER COPY



ITEMS 15

0201

0187 02 0877 09/26/17 16:27:49 1016

THANK YOU FOR SHOPPING AT HOMEGOODS

REFUNDS WITHIN 90 DAYS WITH RECEIPT

Store # 1016

54-000038

## Lloyd Kister Custom Furniture & Design

85 Whittington Rd  
Charleston, WV 25312

Phone: 304-419-2551  
Email: LDK5occer@msn.com

**Bill To:**

Administrative Office of Court  
Attn: Kim Ellis  
State Capitol  
1900 Kanawha Blvd. East  
Charleston, WV 25305

Invoice # 44  
Date March 21, 2017

Description	Amount
-------------	--------

Repair & Refinish Cass Gilbert Desk	2335.00
Repair & Refurbish Cass Gilbert Table	718.00
Replace LED driver in bookcase in deliberation room	92.50

Total \$3145.50

*Justice Walker's office*

I CERTIFY THAT THE ABOVE MERCHANDISE  
WAS RECEIVED IN GOOD CONDITION AND  
CONFORMED TO SPECIFICATIONS.

DATE 07/05/2017

SIGNED Kim Ellis

*Austan Troy 7/5/2017*

54--000039

State of West Virginia Purchasing Card  
Log Sheet

Cardholder Name: Kimberly M. Ellis  
Account Number: 4807-1580-0032-3371  
Agency: WVSCA - Administrative Office

Transaction Limit: \$2500.00  
Billing Cycle (Month/Year): August 2017  
Dept/Org.#: 2400

Transaction Date	Vendor	Item Description	Quantity	Total Amt	R* D* C*	Object Code	S Document Number	Date Received
08/03/2017	Ferguson Enterprises	Bathroom Fixtures for Justice Walker's Office	5	\$63.48	R			08/03/2017
08/05/2017	Waste Management	Monthly dumpster service for Venable Avanna Warehouse	1 month	\$54.04	R			08/05/2017
08/10/2017	OnStar	Monthly Service for fleet vehicle	1 month	\$37.91	R			08/10/2017
08/13/2017	OnStar	Monthly Service for fleet vehicle	1 month	\$37.91	R			08/13/2017
08/15/2017	WV Parkways Authority	EZ Pass Account payment for Fleet Vehicles	1 month	\$100.00	R			08/15/2017
08/15/2017	Goldfarb Electric	LED Bulbs for Justice Walker's Office	21	\$200.98	R			08/15/2017
08/18/2017	Lowe's	Miscellaneous items for Justice Walker's Office	3	\$9.93	R			08/18/2017
08/18/2017	Wells Home Furnishings	Desk and Return for Justice Walker's Office	2	\$2138.01	R			08/18/2017
08/22/2017	Lowe's	LED Bulbs for Justice Kalchauer's Office	32	\$384.36	R			08/22/2017

I hereby certify that the items listed hereon have been received and properly accounted for and approved for payment.

Kimberly M. Ellis 08/12/2017  
Purchasing Cardholder Signature Date

I hereby certify that the items hereon have been received and properly accounted for and approved for payment.

\_\_\_\_\_  
Agency Coordinator Signature Date

\*R=Reconciled  
\*D=Disputed  
\*C=Carryover



LOWE'S HOME CENTERS, LLC  
5750 HACCORABLE AVE EE  
CHARLESTON, WV 25304 (304) 926-6700

-- SALE --

SALES#: 806757X1 2252109 TRANS#: 62073958 08-18-17

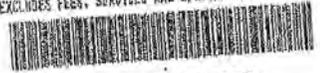
234044 1N 1-ST 1-IN 1W PLASTIC H 2.99  
66956 1X1N 12-CY SH & HED CLR 2.97  
511005 1X1N 60-CT BUMPER COHOQ P 4.47

SUBTOTAL: 9.83  
TOTAL TAX: 0.00  
INVOICE 89754 TOTAL: 9.83  
VISA: 9.83

VISA:XXXXXXXXXXXX063 AMOUNT:9.83 AUTH#:070516  
CHIP REF#:067599189299 08/18/17 12:32:20  
CUSTOMER CODE: N

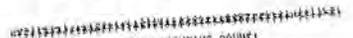
APL: CITI VISA CUR: 0090000000  
AID: A000000081010 TSI: P800

STORE: 0675 TERMINAL: 39 08/18/17 12:39:20  
# OF ITEMS PURCHASED: 3  
EXCLUDES FEES, SERVICES AND SPECIAL ORDER ITEMS



THANK YOU FOR SHOPPING LOWE'S.  
SEE REVERSE SIDE FOR RETURN POLICY.  
STORE MANAGER: DAVE FLEHM

LOWE'S PRICE MATCH GUARANTEE  
FOR MORE DETAILS, VISIT LOWES.COM/PRICEWATCH



YOUR OPINIONS COUNT!  
REGISTER FOR A CHANCE TO BE  
ONE OF FIVE \$300 WINNERS DRAWN MONTHLY  
REGISTRESE EN EL SORTEO MENSUAL  
PARA SER UNO DE LOS CINCO GANADORES DE \$300!

REGISTER BY COMPLETING A GUEST SATISFACTION SUR  
VITHIN ONE WEEK AT: [www.Lowes.com/survey](http://www.Lowes.com/survey)  
P O U R 1 0 # 39754 0675 330

NO PURCHASE NECESSARY TO ENTER OR WIN.  
VOID WHERE PROHIBITED. MUST BE 18 OR OLDER TO I  
OFFICIAL RULES & WINNERS AT: [www.Lowes.com/ew](http://www.Lowes.com/ew)  
STORE: 0675 TERMINAL: 39 08/18/17 12:39

APPLICANT AND CERTIFICATION FOR PAYMENT

TO OWNER: WY Supreme Court of Appeals
1900 Kanawha Blvd East.
Building One, Room E-100

PROJECT: Renovation to the Administrative Office of Justice Elizabeth D. Walker

APPLICATION NO: 3

PAGES

FROM CONTRACTOR: VIA ARCHITECT:

Oval Construction Mgmt
PO Box 401
Charleston, WY 25322

CONTRACT FOR: General Construction

PROJECT NOS: 6/19/17

CONTRACT DATE:

8/15/17

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract. Continuation Sheet, AIA Document G703, is attached.

The undersigned Contractor certifies that to the best of the Contractor's knowledge information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which Previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

- 1. ORIGINAL CONTRACT SUM \$ 44,200
2. Net change by Change Orders \$
3. CONTRACT SUM TO DATE (Line 1 + 2) \$ 44,200
4. TOTAL COMPLETED & STORED TO DATE (Column G on G703) \$ 44,200

- 5. RETAINAGE: a. % of Completed Work \$ 2,210 (Column D + E on G703) b. \$ 0 (Column F on G703) Total Retainage (Lines 5a + 5b or Total in Column I of G703) \$ 2,210

- 6. TOTAL EARNED LESS RETAINAGE (Line 4 Less Line 5 Total) \$ 41,990

- 7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate) \$ 0
8. CURRENT PAYMENT DUE \$ 41,990
9. BALANCE TO FINISH, INCLUDING RETAINAGE \$ 2,210 (Line 3 less Line 6)

CONTRACTOR: Oval Construction Management LLC

By: [Signature] Date: 8/17/17

Subscribed and sworn to before me this 17th day of August 2017
Notary Public: Danyal R Cunningham
My Commission expires: June 21, 2021

ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising the application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED \$

(Attach explanation if amount certified differs from the amount applied. Initial all figures on this Application and on the Continuation Sheet that are changed to conform with the amount certified.)

ARCHITECT:

By: See contract pg. 1 Date:

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

THE AMERICAN INSTITUTE OF ARCHITECTS, 1735 NEW YORK AVE., N.W., WASHINGTON, DC 20005-5026



25800
-1401-000

08/29/2017
Denise R. Cunningham
8/29/17

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**CONTINUATION SHEET**

AIA DOCUMENT G703

PAGE 1 OF 9 PAGES

AIA Document G703, APPLICATION AND CERTIFICATION FOR PAYMENT, containing

Contractors signed certification is attached.

In stipulations below, amounts are stated to the nearest dollar.

Use Column I on Contracts where variable retainage for line items may apply.

APPLICATION NO: 1  
 APPLICATION DATE: 8/15/2017  
 PERIOD TO: 8/15/2017  
 ARCHITECT'S PROJECT NO:

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		E THIS PERIOD	F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D+E+F)	% (G+C)	H BALANCE TO FINISH (G-C)	I RETAINAGE (IF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D+E)							
1	General Conditions	11,251		11,251			11,251	100.00%		
2	Select Building Demolition Lab	3,240		3,240			3,240	100.00%		
3	Wood Blocking	250		250			250	100.00%		
4	Wood Vaincoat Allowance	3,200		3,200			3,200	100.00%		
5	Build Closet	600		600			600	100.00%		
6	Baseboard	942		942			942	100.00%		
7	Install Cabinetry Main Office	800		800			800	100.00%		
8	Joint Sealant Labor	200		200			200	100.00%		
9	Wood Doors Labor	200		200			200	100.00%		
10	Vitrifite panels Labor	350		350			350	100.00%		
11	Ceramic Tile Labor	757		757			757	100.00%		
12	Wood Flooring Install	1,760		1,760			1,760	100.00%		
13	Flooring Trim around doors	280		280			280	100.00%		
14	Painting subcontract	9,920		9,920			9,920	100.00%		
15	Plumbing	1,650		1,650			1,650	100.00%		
16	Electrical	8,800		8,800			8,800	100.00%		
<b>GRAND TOTALS</b>		44,200	0	44,200	0	0	44,200	100.00%	0	

Users may obtain validation of this document by requesting of the licensee a completed AIA Document D401 - Certification of Document's Authenticity

\*AIA DOCUMENT G703 - CONTINUATION SHEET FOR G703 - 1992 EDITION - AIA® - © 1992  
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**AIA® Document A105™ – 2007**
**Standard Form of Agreement Between Owner and Contractor for a Residential or Small Commercial Project**

AGREEMENT made as of the 19th day of June in the year 2017  
(In words, indicate day, month and year.)

BETWEEN the Owner:  
(Name, legal status, address and other information)

West Virginia Supreme Court of Appeals  
1900 Kanawha Blvd East  
Building One, Room E-100  
Charleston, WV 25305

and the Contractor:  
(Name, legal status, address and other information)

Orval Construction Management LLC  
PO Box 401  
Charleston, WV 25322

for the following Project:  
(Name, location and detailed description)

Renovation to the Administrative Office of Justice Elizabeth D. Walker  
WV Capitol Complex Building One, Rooms E-302 and ~~E-301~~ <sup>E-300</sup> JRC  
Charleston WV 25305

The project consists of historic renovation to the existing office. A detailed description is included and shown in the Attached Exhibit A.

The Architect:  
(Name, legal status, address and other information)

There is no Architect of Record for this Project. The Owner will perform all duties of the Architect. Any disputes arising from this Contract will be jointly negotiated and decided by the Owner and Contractor in place of the Architect.

The Owner and Contractor agree as follows.

**ADDITIONS AND DELETIONS:**

The author of this document has added information needed for its completion. The author may also have revised the text of the original AIA standard form. An *Additions and Deletions Report* that notes added information as well as revisions to the standard form text is available from the author and should be reviewed. A vertical line in the left margin of this document indicates where the author has added necessary information and where the author has added to or deleted from the original AIA text.

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

State or local law may impose requirements on contracts for home improvements. If this document will be used for Work on the Owner's residence, the Owner should consult local authorities or an attorney to verify requirements applicable to this Agreement.

## TABLE OF ARTICLES

1	THE CONTRACT DOCUMENTS
2	DATE OF COMMENCEMENT AND SUBSTANTIAL COMPLETION DATE
3	CONTRACT SUM
4	PAYMENT
5	INSURANCE
6	GENERAL PROVISIONS
7	OWNER
8	CONTRACTOR
9	ARCHITECT
10	CHANGES IN THE WORK
11	TIME
12	PAYMENTS AND COMPLETION
13	PROTECTION OF PERSONS AND PROPERTY
14	CORRECTION OF WORK
15	MISCELLANEOUS PROVISIONS
16	TERMINATION OF THE CONTRACT
17	OTHER TERMS AND CONDITIONS

## ARTICLE 1 THE CONTRACT DOCUMENTS

§ 1.1 The Contractor shall complete the Work described in the Contract Documents for the Project. The Contract Documents consist of

- 1 this Agreement signed by the Owner and Contractor;
- 2 the drawings and specifications prepared by the Architect, dated \_\_\_\_\_, and enumerated as follows:
 

Drawings:		
Number	Title	Date
Not Applicable		
Specifications:		
Section	Title	Pages
Not Applicable		
- 3 addenda prepared by the Architect as follows:
 

Number	Date	Pages
Not Applicable		
- 4 written orders for changes in the Work issued after execution of this Agreement; and

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.5 other documents, if any, identified as follows:

ARTICLE 2 DATE OF COMMENCEMENT AND SUBSTANTIAL COMPLETION

The number of calendar days available to the Contractor to substantially complete the Work is the Contract Time. The date of commencement of the Work shall be the date of this Agreement unless otherwise indicated below. The Contractor shall substantially complete the Work, no later than August 20th, 2017 ( ) calendar days from the date of commencement, subject to adjustment as provided in Article 10 and Article 11. (Insert the date of commencement, if it differs from the date of this Agreement.)

ARTICLE 3 CONTRACT SUM

§ 3.1 Subject to additions and deductions in accordance with Article 10, the Contract Sum is:

Forty-Four Thousand Two Hundred Dollars (\$ 44,200 )

§ 3.2 For purposes of payment, the Contract Sum includes the following values related to portions of the Work: (Itemize the Contract Sum among the major portions of the Work.)

Portion of Work Value See the Attached Exhibit A Schedule of Values

§ 3.3 Unit prices, if any, are as follows:

(Identify and state the unit price; state the quantity limitations, if any, to which the unit price will be applicable.)

Table with 3 columns: Item, Units and Limitations, Price per Unit (\$0.00). Rows include Demolition Labor, Builders Risk Insurance Policy, Labor to move or relocate the Owner's existing Furniture, Fixtures and Equipment (FF&E).

§ 3.4 Allowances included in the Contract Sum, if any, are as follows:

(Identify allowance and state exclusions, if any, from the allowance price.)

Table with 2 columns: Item, Price. Rows include Select Building Demolition Labor, Wood Blocking Behind Walls as required, Wood Wainscot Material, Wood Wainscot Installation Labor, Build Closet Labor (Material by Owner), New Baseboard (If required).

Init.

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7. Labor for Cabinetry and Countertops (Material by Owner)	\$800
8. Wood Door Installation (Material by Owner)	\$200
9. Labor or Subcontract Charges to Install or modify existing vitrolite panels (Material by Owner)	\$350
10. Labor to Install new Ceramic Tile in bathroom (All Material by Owner)	\$756
11. Labor to Install New Wood Floor (All Material by Owner)	\$1600
12. Labor and Material for shoe molding around existing door frames and new flooring intersection if necessary	\$280
13. Painting Subcontract as described on the attached Estimate by Prism Painting dated 6/7/2017.	\$9420
14. Plumbing Subcontract - remove and replace existing toilet. Remove existing sink faucet and replace new sink faucet and waste trap. (Sink and faucet by Owner)	\$1650
15. Electrical Subcontract as described in the attached South Charleston Electric Proposal dated 6/7/17	\$8800

§ 3.5 The Contract Sum is based upon the following alternates, if any, which are described in the Contract Documents and hereby accepted by the Owner:

*(State the numbers or other identification of accepted alternates. If the bidding or proposal documents permit the Owner to accept other alternates subsequent to the execution of this Agreement, attach a schedule of such other alternates showing the amount for each and the date when that amount expires.)*

Not applicable

§ 3.6 The Contract Sum shall include all items and services necessary for the proper execution and completion of the Work.

#### ARTICLE 4 PAYMENT

§ 4.1 Based on Contractor's Applications for Payment certified by the Architect, the Owner shall pay the Contractor, in accordance with Article 12, as follows:

*(Insert below timing for payments and provisions for withholding retainage, if any.)*

Monthly

§ 4.2 Payments due and unpaid under the Contract Documents shall bear interest from the date payment is due at the rate below, or in the absence thereof, at the legal rate prevailing at the place of the Project.

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**ARTICLE 5 INSURANCE**

§ 5.1 The Contractor shall provide Contractor's general liability and other insurance as follows:  
(Insert specific insurance requirements and limits.)

Type of Insurance	Limit of liability (\$0.00)
See Attached Exhibit B	

§ 5.2 The Owner shall provide property insurance to cover the value of the Owner's property, including any Work provided under this Agreement. The Contractor is entitled to receive an increase in the Contract Sum equal to the insurance proceeds related to a loss for damage to the Work covered by the Owner's property insurance.

§ 5.3 The Contractor shall obtain an endorsement to its general liability insurance policy to cover the Contractor's obligations under Section 8.12.

§ 5.4 The Contractor shall provide a certificate of insurance showing its coverages prior to commencement of the Work.

§ 5.5 Unless specifically precluded by the Owner's property insurance policy, the Owner and Contractor waive all rights against (1) each other and any of their subcontractors, suppliers, agents and employees, each of the other; and (2) the Architect, Architect's consultants and any of their agents and employees, for damages caused by fire or other causes of loss to the extent covered by property insurance or other insurance applicable to the Work.

**ARTICLE 6 GENERAL PROVISIONS****§ 6.1 THE CONTRACT**

The Contract represents the entire and integrated agreement between the parties and supersedes prior negotiations, representations or agreements, either written or oral. The Contract may be amended or modified only by a written modification in accordance with Article 10.

**§ 6.2 THE WORK**

The term "Work" means the construction and services required by the Contract Documents, and includes all other labor, materials, equipment and services provided, or to be provided, by the Contractor to fulfill the Contractor's obligations.

**§ 6.3 INTENT**

The intent of the Contract Documents is to include all items necessary for the proper execution and completion of the Work by the Contractor. The Contract Documents are complementary, and what is required by one shall be as binding as if required by all.

**§ 6.4 OWNERSHIP AND USE OF ARCHITECT'S DRAWINGS, SPECIFICATIONS AND OTHER DOCUMENTS**

Documents prepared by the Architect are instruments of the Architect's service for use solely with respect to this Project. The Architect shall retain all common law, statutory and other reserved rights, including the copyright. The Contractor, subcontractors, sub-subcontractors, and material or equipment suppliers are authorized to use and reproduce the instruments of service solely and exclusively for execution of the Work. The instruments of service may not be used for other Projects or for additions to this Project outside the scope of the Work without the specific written consent of the Architect.

**ARTICLE 7 OWNER****§ 7.1 INFORMATION AND SERVICES REQUIRED OF THE OWNER**

§ 7.1.1 If requested by the Contractor, the Owner shall furnish all necessary surveys and a legal description of the site.

§ 7.1.2 Except for permits and fees that are the responsibility of the Contractor under the Contract Documents, the Owner shall obtain and pay for other necessary approvals, easements, assessments and charges.

**§ 7.2 OWNER'S RIGHT TO STOP THE WORK**

If the Contractor fails to correct Work which is not in accordance with the Contract Documents, the Owner may direct the Contractor in writing to stop the Work until the correction is made.

**§ 7.3 OWNER'S RIGHT TO CARRY OUT THE WORK**

If the Contractor defaults or neglects to carry out the Work in accordance with the Contract Documents and fails within a seven day period after receipt of written notice from the Owner to commence and continue correction of such default or neglect with diligence and promptness, the Owner may, without prejudice to other remedies, correct such deficiencies. In such case, the Contract Sum shall be adjusted to deduct the cost of correction from payments due the Contractor.

**§ 7.4 OWNER'S RIGHT TO PERFORM CONSTRUCTION AND TO AWARD SEPARATE CONTRACTS**

§ 7.4.1 The Owner reserves the right to perform construction or operations related to the Project with the Owner's own forces, and to award separate contracts in connection with other portions of the Project.

§ 7.4.2 The Contractor shall coordinate and cooperate with the Owner's own forces and separate contractors employed by the Owner.

§ 7.4.3 Costs caused by delays or by improperly timed activities or defective construction shall be borne by the party responsible therefor.

**ARTICLE 8 CONTRACTOR****§ 8.1 REVIEW OF CONTRACT DOCUMENTS AND FIELD CONDITIONS BY CONTRACTOR**

§ 8.1.1 Execution of the Contract by the Contractor is a representation that the Contractor has visited the site, become familiar with local conditions under which the Work is to be performed and correlated personal observations with requirements of the Contract Documents.

§ 8.1.2 The Contractor shall carefully study and compare the Contract Documents with each other and with information furnished by the Owner. Before commencing activities, the Contractor shall (1) take field measurements and verify field conditions; (2) carefully compare this and other information known to the Contractor with the Contract Documents; and (3) promptly report errors, inconsistencies or omissions discovered to the Architect.

**§ 8.2 CONTRACTOR'S CONSTRUCTION SCHEDULE**

The Contractor, promptly after being awarded the Contract, shall prepare and submit for the Owner's and Architect's information a Contractor's construction schedule for the Work.

**§ 8.3 SUPERVISION AND CONSTRUCTION PROCEDURES**

§ 8.3.1 The Contractor shall supervise and direct the Work, using the Contractor's best skill and attention. The Contractor shall be solely responsible for and have control over construction means, methods, techniques, sequences and procedures, and for coordinating all portions of the Work.

§ 8.3.2 The Contractor, as soon as practicable after award of the Contract, shall furnish in writing to the Owner through the Architect the names of subcontractors or suppliers for each portion of the Work. The Contractor shall not contract with any subcontractor or supplier to whom the Owner or Architect has made a timely and reasonable objection.

**§ 8.4 LABOR AND MATERIALS**

§ 8.4.1 Unless otherwise provided in the Contract Documents, the Contractor shall provide and pay for labor, materials, equipment, tools, utilities, transportation, and other facilities and services necessary for proper execution and completion of the Work.

§ 8.4.2 The Contractor shall enforce strict discipline and good order among the Contractor's employees and other persons carrying out the Contract Work. The Contractor shall not permit employment of unfit persons or persons not skilled in tasks assigned to them.

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**§ 8.5 WARRANTY**

The Contractor warrants to the Owner and Architect that: (1) materials and equipment furnished under the Contract will be new and of good quality unless otherwise required or permitted by the Contract Documents; (2) the Work will be free from defects not inherent in the quality required or permitted; and (3) the Work will conform to the requirements of the Contract Documents.

**§ 8.6 TAXES**

The Contractor shall pay sales, consumer, use and similar taxes that are legally required when the Contract is executed.

**§ 8.7 PERMITS, FEES AND NOTICES**

**§ 8.7.1** The Contractor shall obtain and pay for the building permit and other permits and governmental fees, licenses and inspections necessary for proper execution and completion of the Work.

**§ 8.7.2** The Contractor shall comply with and give notices required by agencies having jurisdiction over the Work. If the Contractor performs Work knowing it to be contrary to applicable laws, statutes, ordinances, codes, rules and regulations, or lawful orders of public authorities, the Contractor shall assume full responsibility for such Work and shall bear the attributable costs. The Contractor shall promptly notify the Architect in writing of any known inconsistencies in the Contract Documents with such governmental laws, rules and regulations.

**§ 8.8 SUBMITTALS**

The Contractor shall promptly review, approve in writing and submit to the Architect Shop Drawings, Product Data, Samples and similar submittals required by the Contract Documents. Shop Drawings, Product Data, Samples and similar submittals are not Contract Documents.

**§ 8.9 USE OF SITE**

The Contractor shall confine operations at the site to areas permitted by law, ordinances, permits, the Contract Documents and the Owner.

**§ 8.10 CUTTING AND PATCHING**

The Contractor shall be responsible for cutting, fitting or patching required to complete the Work or to make its parts fit together properly.

**§ 8.11 CLEANING UP**

The Contractor shall keep the premises and surrounding area free from accumulation of debris and trash related to the Work. At the completion of the Work, the Contractor shall remove its tools, construction equipment, machinery and surplus material; and shall properly dispose of waste materials.

**§ 8.12 INDEMNIFICATION**

To the fullest extent permitted by law, the Contractor shall indemnify and hold harmless the Owner, Architect, Architect's consultants and agents and employees of any of them from and against claims, damages, losses and expenses, including but not limited to attorneys' fees, arising out of or resulting from performance of the Work, provided that such claim, damage, loss or expense is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property (other than the Work itself), but only to the extent caused by the negligent acts or omissions of the Contractor, a subcontractor, anyone directly or indirectly employed by them or anyone for whose acts they may be liable, regardless of whether or not such claim, damage, loss or expense is caused in part by a party indemnified hereunder.

**ARTICLE 9 ARCHITECT**

**§ 9.1** The Architect will provide administration of the Contract as described in the Contract Documents. The Architect will have authority to act on behalf of the Owner only to the extent provided in the Contract Documents.

**§ 9.2** The Architect will visit the site at intervals appropriate to the stage of construction to become generally familiar with the progress and quality of the Work.

**§ 9.3** The Architect will not have control over or charge of, and will not be responsible for, construction means, methods, techniques, sequences or procedures, or for safety precautions and programs in connection with the Work.

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since these are solely the Contractor's responsibility. The Architect will not be responsible for the Contractor's failure to carry out the Work in accordance with the Contract Documents.

§ 9.4 Based on the Architect's observations and evaluations of the Contractor's Applications for Payment, the Architect will review and certify the amounts due the Contractor.

§ 9.5 The Architect has authority to reject Work that does not conform to the Contract Documents.

§ 9.6 The Architect will promptly review and approve or take appropriate action upon Contractor's submittals, but only for the limited purpose of checking for conformance with information given and the design concept expressed in the Contract Documents.

§ 9.7 The Architect will promptly interpret and decide matters concerning performance under, and requirements of, the Contract Documents on written request from either the Owner or Contractor.

§ 9.8 Interpretations and decisions of the Architect will be consistent with the intent of and reasonably inferable from the Contract Documents and will be in writing or in the form of drawings. When making such interpretations and decisions, the Architect will endeavor to secure faithful performance by both Owner and Contractor, will not show partiality to either and will not be liable for results of interpretations or decisions rendered in good faith.

§ 9.9 The Architect's duties, responsibilities and limits of authority as described in the Contract Documents shall not be changed without written consent of the Owner, Contractor and Architect. Consent shall not be unreasonably withheld.

#### ARTICLE 10 CHANGES IN THE WORK

§ 10.1 The Owner, without invalidating the Contract, may order changes in the Work within the general scope of the Contract consisting of additions, deletions or other revisions, the Contract Sum and Contract Time being adjusted accordingly in writing. If the Owner and Contractor can not agree to a change in the Contract Sum, the Owner shall pay the Contractor its actual cost plus reasonable overhead and profit.

§ 10.2 The Architect will have authority to order minor changes in the Work not involving changes in the Contract Sum or the Contract Time and not inconsistent with the intent of the Contract Documents. Such orders shall be in writing and shall be binding on the Owner and Contractor. The Contractor shall carry out such orders promptly.

§ 10.3 If concealed or unknown physical conditions are encountered at the site that differ materially from those indicated in the Contract Documents or from those conditions ordinarily found to exist, the Contract Sum and Contract Time shall be subject to equitable adjustment.

#### ARTICLE 11 TIME

§ 11.1 Time limits stated in the Contract Documents are of the essence of the Contract.

§ 11.2 If the Contractor is delayed at any time in progress of the Work by changes ordered in the Work, or by labor disputes, fire, unusual delay in deliveries, unavoidable casualties or other causes beyond the Contractor's control, the Contract Time shall be subject to equitable adjustment.

#### ARTICLE 12 PAYMENTS AND COMPLETION

##### § 12.1 CONTRACT SUM

The Contract Sum stated in the Agreement, including authorized adjustments, is the total amount payable by the Owner to the Contractor for performance of the Work under the Contract Documents.

##### § 12.2 APPLICATIONS FOR PAYMENT

§ 12.2.1 At least ten days before the date established for each progress payment, the Contractor shall submit to the Architect an itemized Application for Payment for Work completed in accordance with the values stated in the Agreement. Such Application shall be supported by data substantiating the Contractor's right to payment as the Owner or Architect may reasonably require. Payments shall be made on account of materials and equipment delivered and suitably stored at the site for subsequent incorporation in the Work. If approved in advance by the

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Owner, payment may similarly be made for materials and equipment stored, and protected from damage, off the site at a location agreed upon in writing.

§ 12.2.2 The Contractor warrants that title to all Work covered by an Application for Payment will pass to the Owner no later than the time of payment. The Contractor further warrants that upon submittal of an Application for Payment, all Work for which Certificates for Payment have been previously issued and payments received from the Owner shall, to the best of the Contractor's knowledge, information and belief, be free and clear of liens, claims, security interests or other encumbrances adverse to the Owner's interests.

#### § 12.3 CERTIFICATES FOR PAYMENT

The Architect will, within seven days after receipt of the Contractor's Application for Payment, either issue to the Owner a Certificate for Payment, with a copy to the Contractor, for such amount as the Architect determines is properly due, or notify the Contractor and Owner in writing of the Architect's reasons for withholding certification in whole or in part.

#### § 12.4 PROGRESS PAYMENTS

§ 12.4.1 After the Architect has issued a Certificate for Payment, the Owner shall make payment in the manner provided in the Contract Documents.

§ 12.4.2 The Contractor shall promptly pay each subcontractor and supplier, upon receipt of payment from the Owner, an amount determined in accordance with the terms of the applicable subcontracts and purchase orders.

§ 12.4.3 Neither the Owner nor the Architect shall have responsibility for payments to a subcontractor or supplier.

§ 12.4.4 A Certificate for Payment, a progress payment, or partial or entire use or occupancy of the Project by the Owner shall not constitute acceptance of Work not in accordance with the requirements of the Contract Documents.

#### § 12.5 SUBSTANTIAL COMPLETION

§ 12.5.1 Substantial Completion is the stage in the progress of the Work when the Work or designated portion thereof is sufficiently complete in accordance with the Contract Documents so the Owner can occupy or utilize the Work for its intended use.

§ 12.5.2 When the Work or designated portion thereof is substantially complete, the Architect will make an inspection to determine whether the Work is substantially complete. When the Architect determines that the Work is substantially complete the Architect shall prepare a Certificate of Substantial Completion that shall establish the date of Substantial Completion, shall establish the responsibilities of the Owner and Contractor, and shall fix the time within which the Contractor shall finish all items on the list accompanying the Certificate. Warranties required by the Contract Documents shall commence on the date of Substantial Completion of the Work or designated portion thereof unless otherwise provided in the Certificate of Substantial Completion.

#### § 12.6 FINAL COMPLETION AND FINAL PAYMENT

§ 12.6.1 Upon receipt of a final Application for Payment, the Architect will inspect the Work. When the Architect finds the Work acceptable and the Contract fully performed, the Architect will promptly issue a final Certificate for Payment.

§ 12.6.2 Final payment shall not become due until the Contractor submits to the Architect releases and waivers of liens, and data establishing payment or satisfaction of obligations, such as receipts, claims, security interests or encumbrances arising out of the Contract.

§ 12.6.3 Acceptance of final payment by the Contractor, a subcontractor or material supplier shall constitute a waiver of claims by that payee except those previously made in writing and identified by that payee as unsettled at the time of final Application for Payment.

#### ARTICLE 13 PROTECTION OF PERSONS AND PROPERTY

The Contractor shall be responsible for initiating, maintaining and supervising all safety precautions and programs, including all those required by law in connection with performance of the Contract. The Contractor shall take reasonable precautions to prevent damage, injury or loss to employees on the Work, the Work and materials and

equipment to be incorporated therein, and other property at the site or adjacent thereto. The Contractor shall promptly remedy damage and loss to property caused in whole or in part by the Contractor, or by anyone for whose acts the Contractor may be liable.

#### ARTICLE 14 CORRECTION OF WORK

§ 14.1 The Contractor shall promptly correct Work rejected by the Architect as failing to conform to the requirements of the Contract Documents. The Contractor shall bear the cost of correcting such rejected Work, including the costs of uncovering, replacement and additional testing.

§ 14.2 In addition to the Contractor's other obligations including warranties under the Contract, the Contractor shall, for a period of one year after Substantial Completion, correct work not conforming to the requirements of the Contract Documents.

§ 14.3 If the Contractor fails to correct nonconforming Work within a reasonable time, the Owner may correct it in accordance with Section 7.3.

#### ARTICLE 15 MISCELLANEOUS PROVISIONS

##### § 15.1 ASSIGNMENT OF CONTRACT

Neither party to the Contract shall assign the Contract as a whole without written consent of the other.

##### § 15.2 TESTS AND INSPECTIONS

§ 15.2.1 At the appropriate times, the Contractor shall arrange and bear cost of tests, inspections and approvals of portions of the Work required by the Contract Documents or by laws, statutes, ordinances, codes, rules and regulations, or lawful orders of public authorities.

§ 15.2.2 If the Architect requires additional testing, the Contractor shall perform those tests.

§ 15.2.3 The Owner shall bear cost of tests, inspections or approvals that do not become requirements until after the Contract is executed.

##### § 15.3 GOVERNING LAW

The Contract shall be governed by the law of the place where the Project is located.

#### ARTICLE 16 TERMINATION OF THE CONTRACT

##### § 16.1 TERMINATION BY THE CONTRACTOR

If the Architect fails to certify payment as provided in Section 12.3 for a period of 30 days through no fault of the Contractor, or if the Owner fails to make payment as provided in Section 12.4.1 for a period of 30 days, the Contractor may, upon seven additional days' written notice to the Owner and Architect, terminate the Contract and recover from the Owner payment for Work executed including reasonable overhead and profit, and costs incurred by reason of such termination.

##### § 16.2 TERMINATION BY THE OWNER FOR CAUSE

§ 16.2.1 The Owner may terminate the Contract if the Contractor

- 1 repeatedly refuses or fails to supply enough properly skilled workers or proper materials;
- 2 fails to make payment to subcontractors for materials or labor in accordance with the respective agreements between the Contractor and the subcontractors;
- 3 persistently disregards laws, ordinances, or rules, regulations or orders of a public authority having jurisdiction; or
- 4 is otherwise guilty of substantial breach of a provision of the Contract Documents.

§ 16.2.2 When any of the above reasons exist, the Owner, after consultation with the Architect, may without prejudice to any other rights or remedies of the Owner and after giving the Contractor and the Contractor's surety, if any, seven days' written notice, terminate employment of the Contractor and may

- 1 take possession of the site and of all materials thereon owned by the Contractor, and
- 2 finish the Work by whatever reasonable method the Owner may deem expedient.

§ 16.2.3 When the Owner terminates the Contract for one of the reasons stated in Section 16.2.1, the Contractor shall not be entitled to receive further payment until the Work is finished.

§ 16.2.4 If the unpaid balance of the Contract Sum exceeds costs of finishing the Work, such excess shall be paid to the Contractor. If such costs exceed the unpaid balance, the Contractor shall pay the difference to the Owner. This obligation for payment shall survive termination of the Contract.

§ 16.3 TERMINATION BY THE OWNER FOR CONVENIENCE

The Owner may, at any time, terminate the Contract for the Owner's convenience and without cause. The Contractor shall be entitled to receive payment for Work executed, and costs incurred by reason of such termination, along with reasonable overhead and profit on the Work not executed.

ARTICLE 17 OTHER TERMS AND CONDITIONS

(Insert any other terms of conditions below.)

17.1 Contractor acknowledges that Owner is a branch of the government of the State of West Virginia and is therefore immune from suit under Section 35, Article VI of the Constitution of West Virginia. Contractor therefore agrees and acknowledges that the sole forum for any claim or lawsuit Contractor may have arising from this Agreement is the Court of Claims of the State of West Virginia

17.2 Contractor represents and warrants as follows:

17.2.1 Contractor has full power and authority to enter into this Agreement.

17.2.2 Contractor is in good standing in the jurisdictions in which it conducts business.

17.2.3 Contractor accepts responsibility to comply with all laws and regulations, including acquisition of any permits and licenses required by or incidental to completion of its work/provision of Services pursuant to this Agreement.

17.2.4 Contractor agrees not to solicit for hire the services of any Court employee it comes in contact while performing the work/Service set for in this Agreement.

17.2.5 Contractor shall not violate the terms of any agreement with any third party in performing the work/providing the Services pursuant to this Agreement.

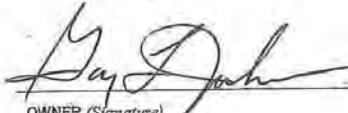
17.2.6 Contractor agrees and affirms that in completing the work/providing the Service for this Agreement, it will use only work product that is the original work of Contractor, or that it is permitted or licensed to use, and that it will not infringe upon, violate, or misappropriate any intellectual property, patent, copyright, trade secret, trademark, contract, or any other privacy right or proprietary right of any third party, and that Contractor shall indemnify, defend, and hold the Court, its successors and assigns, harmless from any and all claims, loss, damages, costs and expenses, including reasonable attorney fees, resulting from any alleged breach of this provision.

17.2.7 Contractor agrees to bring promptly to the attention of the Court any situation that may pose a potential conflict of interest.

17.3 See the attached Oval Construction quote dated 6/12/17 which forms the basis of this contract.

This Agreement entered into as of the day and year first written above.

(If required by law, insert cancellation period, disclosures or other warning statements above the signatures.)



OWNER (Signature)  
Gary L. Johnson  
Administrative Director  
Supreme Court of Appeals of West Virginia

(Printed name, title and address)  
Gary L. Johnson  
Administrative Director



CONTRACTOR (Signature)  
James Carney Jr. Managing Member  
PO Box 401  
Charleston, WV 25322

(Printed name, title and address)  
LICENSE NO.: WV037157  
JURISDICTION: West Virginia



EXHIBIT "B"

## INSURANCE REQUIREMENTS

**Exhibit A****Attachment to AIA A105 Standard Form of Agreement Between Contractor and Subcontractor****Project:**

Renovation to the Administrative Office of Justice Elizabeth D. Walker

**Location:**WV Capitol Complex Building One, Rooms E-302 and 301  
Charleston WV 25305

<u>Type of Insurance</u>	<u>Limits of Liability</u>
Workers Compensation	Statutory—State of WV
Contractor's Public Liability Insurance General Aggregate	\$2,000,000
Liability Insurance—Products Complete Operations Aggregate	\$1,000,000
Liability Insurance—Personal & Advertising Injury Limit	\$1,000,000
Liability Insurance—Each Occurrence	\$1,000,000
Automobile Liability—Insurance Limits Per accident; provide "Any Auto" Coverage	\$1,000,000
Excess Liability Insurance Limits Required: Combined Single Limit Occurrence: Aggregate	\$2,000,000

Oval Construction Management LLC agrees to add the Owner as an additional insured for General Liability, Auto Liability and Excess Liability on a Primary and Non Contributory Basis on their Insurance Policy.  
Builder's Risk: At the present time, Builders Risk will be carried by the Owner unless other arrangements are made.

Prizm Painting LLC  
 20 Edgewood Dr  
 Hurricane, WV 25526  
 WV 038686

**Estimate**

Date
6/7/2017

Name / Address
Walker Supreme Court

Terms	Project

Item	Description	Qty	Total
Commercial Labor	Plaster Patching	30	2,540.00
Commercial Labor	20x20 Room 1 Walls	920	1,840.00
Commercial Labor	20x20 Room 2 Walls	920	1,840.00
Commercial Labor	20x20 Room Ceiling 1	400	860.00
Commercial Labor	20x20 Room Ceiling 2	400	860.00
Commercial Labor	Wallpaper Removal & Skim	120	360.00
Commercial Labor	Wainscoting Painting	320	1,120.00
	Subtotal From Above		9,420.00

	<b>Total</b>	\$9,420.00
--	--------------	------------

Phone #	Fax #	E-mail	Web Site
304-549-8750	304-760-0181	lmcgrew@prizmpaintingllc.com	prizmpaintingllc.com

1011 "F" Street  
P.O. Box 8494  
South Charleston, WV 25303

Phone (304) 744-3407  
Fax (304) 744-3408  
Contractor No. WV000800

## South Charleston Electric Co.



June 7, 2017

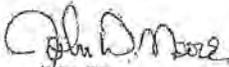
Oval Construction  
James Carney

Re: Justice Walkers Office Renovation

Electrical Scope:

- Install all new fixtures furnished by owner to include:
  - Removal and replacement of 2 chandeliers and 1 bathroom fixture in the justice's office.
  - Cut in and install 7 new can fixtures and 1 switch for the cans.
  - Cut in and install 5 new can fixtures and replace 1 existing can fixture in the justice's admin. office.
  - Cut in and install 1 new switch for the can fixtures.
- Replace switches, receptacles and covers in both offices and bathroom.
- Relocate 5 outlets as directed by the owner.
- Any cutting, chasing of walls, patching and painting for the wiring of switches and outlets by others.

\$3,800.00

  
John Moore  
President

54--000058

OVAL CONSTRUCTION MANAGEMENT										
Charleston, WV										
3.77.8326										
Job Name: Supreme Court - Justice Walker's Office Renovation										
Loc: Bus: Charleston WV										
Date: 6/12/17										
ITEM NO.	CSI FORMAT SUMMARY	units	mat'l & eqpt	labor	total	mat'l & eqpt	labor	total	total	total
01	General Conditions	760	1,375	0	2,335					
02	Excavation & Sitework	3,240	0	0	3,240					
03	Concrete	0	0	0	0					
04	Masonry	0	0	0	0					
05	Metals	0	0	0	0					
06	Wood & Plastics	3,828	2,064	0	5,892					
07	Moldure & Thermal Protection	180	150	0	360					
08	Doors & Windows	200	0	0	200					
09	Partitions	2,905	80	3,920	12,006					
10	Staircases	0	0	0	0					
11	Equipment	0	0	0	0					
12	Furnishings	0	0	0	0					
13	Special Construction	0	0	0	0					
14	Electrical	0	0	0	0					
15	Mechanical	0	0	1,650	1,650					
16	Chemical	0	0	8,800	8,800					
17	Subtotal	11,114	3,899	20,370	35,383					
90040	Direct Labor Burden	28.0%								
90010	Small Tools	1.5%			167					
90015	Material Sales Tax	7.0%			273					
90020	Builder's Risk Insurance	none			0					
90015	Contractor's Liability Insurance	none			844					
90500	Building Permit	none			0					
90100	Performance & Payment Bond	none			0					
90510	City B&O Tax	2.00%			284					
90600	Architectural/Engineer Fees	none			0					
90650	Consultant Expense	none			0					
90605	Union fringe benefits	none			0					
90300	Oval Commission's Fee	8.00%			3,336					
90700	Contingency	0.00%			0					
90805	Owner's Allowance	none			0					
	TOTAL	20000			44,159					
FINAL BUDGET TOTAL: 44,159										
QUALIFICATIONS										
Q01	GENERAL CONDITIONS	units	quantity	labor unit price	mat'l & eqpt unit price	total unit price	total labor	total mat'l & eqpt	total price	total price
01041	Supervision	workday	0	2000.00	0.00	0.00	0	0	0	0
01300	Blueprints	none	0	0.00	0.00	0.00	0	0	0	0
01390	Delays/penalties & Expensables	month	1	0.50	71.00	71.50	0	71	0	71
01400	Field Eng & Layout	month	0	0.50	0.00	0.50	0	0	0	0
01405	Soils Testing	month	0	0.00	0.00	0.00	0	0	0	0
01410	Concrete Testing	month	0	0.00	0.00	0.00	0	0	0	0
01415	Asbestos Testing	month	0	0.00	0.00	0.00	0	0	0	0
01420	Lead Paint Testing	month	0	0.00	0.00	0.00	0	0	0	0
01425	Mold Testing	month	0	0.00	0.00	0.00	0	0	0	0
01500	Mobilization	month	1	200.00	250.00	450.00	200	250	0	450
01510	Temp Water HR	month	0	0.50	0.00	0.50	0	0	0	0
01511	Temp Ore Wall	month	0	0.50	0.00	0.50	0	0	0	0
01512	Temp Electric Bill	month	0	0.00	0.00	0.00	0	0	0	0
01514	Crail Phones & Pages	month	1	0.00	100.00	100.00	0	100	0	100
01517	Drinking Water	month	0	0.00	0.00	0.00	0	0	0	0
01522	Temporary Toilet	month	0	0.00	0.00	0.00	0	0	0	0
01522	Temporary Fencing	month	0	0.00	0.00	0.00	0	0	0	0
01525	Barriacades	month	0	0.00	0.00	0.00	0	0	0	0
01560	Dust Partitions	month	0	0.00	0.00	0.00	0	0	0	0
01570	Dumpsters	month	2	0.00	600.00	600.00	0	1,200	0	1,200
01575	Protect Sign	month	0	0.00	0.00	0.00	0	0	0	0
01576	Protect Sign Material	month	0	0.00	0.00	0.00	0	0	0	0
01580	Job Trailer	month	0	0.00	0.00	0.00	0	0	0	0
01590	General Labor	hour	8	45.00	0.00	360.00	360	0	0	360
01595	Final Cleanup	hour	800	0.25	0.00	200.00	200	0	0	200
	Subtotal						760	1,375	0	2,335

		units	quantity	labor unit price	mat'l & rmt'l eq. unit price	subs unit price	total labor	mat'l & rmt'l eq.	subs	total
01	EXCAVATION & SITEWORK									333
				0.00	0.00	0.00	0	0	0	0
02053	Site Demolition	none	0	0.00	0.00	0.00	0	0	0	0
02060	Select Building Demolition Lab	sq ft	72	45.00	0.00	0.00	3,240	0	0	3,240
02061	Sitework	units	0	0.00	0.00	0.00	0	0	0	0
	Subtotal						3,240	0	0	3,240
03	CONCRETE									0
				0.00	0.00	0.00	0	0	0	0
03200	Concrete	none	0	0.00	0.00	0.00	0	0	0	0
	Subtotal						0	0	0	0
04	MASONRY									0
				0.00	0.00	0.00	0	0	0	0
04000	Unit Masonry Subcontractor	none	0	0.00	0.00	0.00	0	0	0	0
04210	Hearth / Mantle	none	0	0.00	0.00	0.00	0	0	0	0
04400	Marble Window Sills	none	0	0.00	0.00	0.00	0	0	0	0
	Subtotal						0	0	0	0
05	METALS									0
				0.00	0.00	0.00	0	0	0	0
05100	Steel	none	0	0.00	0.00	0.00	0	0	0	0
	Totals						0	0	0	0
06	WOOD & PLASTICS									0
				0.00	0.00	0.00	0	0	0	0
06000	Rough Hardware Material	allow	1	0.00	100.00	0.00	0	100	0	100
06100	Wood Blockings	allow	1	200.00	50.00	0.00	200	50	0	250
06200	Wood Whitening Allowance	sf	160	10.00	10.00	0.00	1,600	1,600	0	3,200
06201	Build above	sf	12	50.00	0.00	0.00	600	0	0	600
06202	Baseboard	lf	157	4.00	2.50	0.00	628	314	0	942
06250	Install Cabinetry Main Office	sq ft	16	50.00	0.00	0.00	800	0	0	800
06251	Cabinetry	by owner	0	0.00	0.00	0.00	0	0	0	0
06252	Admin Office Cabinetry & tops	by owner	0	0.00	0.00	0.00	0	0	0	0
06300	Cabinets & Top Labor	workhours	0	0.00	0.00	0.00	0	0	0	0
	Subtotal						3,828	2,064	0	5,892



		units	quantity	labor unit price	mat'l & eqp. unit price	subs unit price	total labor	mat'l & eqp.	subs	total \$\$\$
13	FURNISHINGS									
	none	0	0	0.00	0.00	0.00	0	0	0	0
	Subtotal						0	0	0	0
13	SPECIAL CONSTRUCTION									
13121	Pre-engineered metal building	none	0	0.00	0.00	0.00	0	0	0	0
	Subtotal						0	0	0	0
14	ELEVATORS									
14200	Elevators	none	0	0.00	0.00	0.00	0	0	0	0
	Subtotal						0	0	0	0
15	MECHANICAL									
15700	Speculder	none	0	0.00	0.00	0.00	0	0	0	0
15600	Remove Toilet	hd	1	0.00	0.00	370.00	0	0	370	370
15900	Install Toilet & new sink & faucet	hd	1	0.00	0.00	1280.00	0	0	1,280	1,280
15550	Plumbing material	by Owner	0	0.00	0.00	0.00	0	0	0	0
	Subtotal						0	0	1,650	1,650
16	ELECTRICAL									
16100	Electrical	hd	1	0.00	0.00	8800.00	0	0	8,800	8,800
16101	Lighting Material	by Owner	0	0.00	0.00	0.00	0	0	0	0
	Subtotal						0	0	8,800	8,800

South Charleston Electric



APPLICATION FOR PAYMENT

TO OWNER: WV Supreme Court of Appeals
1900 Kanawha Blvd East
Administrative Office of
Justice Elizabeth D. Walker
Building One, Room E-100

FROM CONTRACTOR: VIA ARCHITECT:

Oval Construction Mgmt
PO Box 401
Charleston, WV 25322

CONTRACT FOR: General Construction

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract Continuation Sheet, AIA Document G703, is attached.

- 1. ORIGINAL CONTRACT SUM \$ 44,200
2. Net change by Change Orders \$ 17,975
3. CONTRACT SUM TO DATE (Line 1 + 2) \$ 62,175
4. TOTAL COMPLETED & STORED TO DATE (Column G on G703) \$ 62,175

- 5. RETAINAGE: \$ 0
a. 0 % of Completed Work (Column D + E on G703)
b. 0 (Column F on G703)
Total Retainage (Lines 5a + 5b or Total in Column I of G703)

- 6. TOTAL EARNED LESS RETAINAGE \$ 62,175
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate) \$ 41,990
8. CURRENT PAYMENT DUE \$ 20,185
9. BALANCE TO FINISH, INCLUDING RETAINAGE \$ 0 (Line 3 less Line 6)

CHANGE ORDER SUMMARY table with columns: ADDITIONS, DEDUCTIONS, Total changes approved, Total approved this Month, TOTALS, NET CHANGES by Change Order.

ALY DOCUMENT G702

REPLICATION NO: 2
9/19/17

PROJECT NOS:

CONTRACT DATE: 6/19/17

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

CONTRACTOR: Oval Construction Management LLC

By: [Signature] Date: 9/19/17
State of: WV County of: Kanawha
Subscribed and sworn to before me this 19th day of September 2017
Notary Public: Denise Cunningham
My Commission expires: 10-21-21

ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising the application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED .....\$ 17,975.00

(Attach explanation if amount certified differs from the amount applied. Initial all figures on this Application and on the Continuation Sheet that are changed to conform with the amount certified.) ARCHITECT:

By: See contract, page 1 Date: 10/04/2017

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

THE AMERICAN INSTITUTE OF ARCHITECTS, 1735 NEW YORK AVE., N.W., WASHINGTON, DC 20005-5282

AIA DOCUMENT G702 - APPLICATION AND CERTIFICATION FOR PAYMENT - 1992 EDITION - A199 - © 1992 Users may obtain validation of this document by requesting a completed AIA Document D401 - Certification of Document's Authenticity from the Licensee.



Ally Seeley 10/13/17
Kimberly M. ELLie 10/04/2017
54--000064

Distribution to: OWNER, ARCHITECT, CONTRACTOR

PAGES PAGE ONE OF

**CONTINUATION SHEET**

AIA DOCUMENT G703

PAGE 1 OF 3 PAGES

AIA Document G702, APPLICATION AND CERTIFICATION FOR PAYMENT, containing

APPLICATION NO: 2

Contractor's signed certification is attached.

APPLICATION DATE: 9/19/2017

In tabulations below, amounts are stated to the nearest dollar.

PERIOD TO: 9/19/2017

Use Column I on Contracts where variable retentage for line items may apply.

ARCHITECT'S PROJECT NO:

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE		D WORK COMPLETED FROM PREVIOUS APPLICATION (D + E)		E THIS PERIOD	F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (G-H+I)	% (G + C)	H BALANCE TO FINISH (C - G)	I RETENTAGE (IF VARIABLE RATE)
		VALUE	FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD							
1	General Conditions	11,251	11,251	0	0	0		11,251	100.00%		
2	Select Building Demolition Lab	3,240	3,240	0	0	0		3,240	100.00%		
3	Wood Blocking	250	250	0	0	0		250	100.00%		
4	Wood Weanest Allowance	3,200	3,200	0	0	0		3,200	100.00%		
5	Build Closet	600	600	0	0	0		600	100.00%		
6	Baseboard	942	942	0	0	0		942	100.00%		
7	Install Cabinetry Main Office	800	800	0	0	0		800	100.00%		
8	Joint Sealant Labor	200	200	0	0	0		200	100.00%		
9	Wood Doors Labor	200	200	0	0	0		200	100.00%		
10	Vitreous panels Labor	350	350	0	0	0		350	100.00%		
11	Ceramic Tile Labor	757	757	0	0	0		757	100.00%		
12	Wood Flooring Install	1,760	1,760	0	0	0		1,760	100.00%		
13	Flooring Trim around doors	280	280	0	0	0		280	100.00%		
14	Painting Subcontract	9,920	9,920	0	0	0		9,920	100.00%		
15	Plumbing	1,650	1,650	0	0	0		1,650	100.00%		
16	Electrical	8,800	8,800	0	0	0		8,800	100.00%		
17	Change Order #1	17,975	17,975	17,975	0	0		17,975	100.00%		
<b>GRAND TOTALS</b>		62,175	44,200	17,975	0	0		62,175	100.00%	0	0

Users may obtain validation of this document by requesting of the licensee a completed AIA Document D401 - Certification of Document's Authenticity

# AIA Document A105™ - 2007

## Standard Form of Agreement Between Owner and Contractor for a Residential or Small Commercial Project

AGREEMENT made as of the 19th day of June in the year 2017  
(In words, indicate day, month and year.)

BETWEEN the Owner:  
(Name, legal status, address and other information)

West Virginia Supreme Court of Appeals  
1900 Kanawha Blvd East  
Building One, Room E-100  
Charleston, WV 25305

and the Contractor:  
(Name, legal status, address and other information)

Civil Construction Management LLC  
PO Box 401  
Charleston, WV 25322

for the following Project:  
(Name, location and detailed description)

Renovation to the Administrative Office of Justice Elizabeth D. Walker  
WV Capitol Complex Building One, Rooms E-302 and ~~E-303~~ <sup>E-300</sup> <sub>18C</sub>  
Charleston WV 25305

The project consists of historic renovation to the existing office. A detailed description is included and shown in the Attached Exhibit A.

The Architect:  
(Name, legal status, address and other information)

There is no Architect of Record for this Project. The Owner will perform all duties of the Architect. Any disputes arising from this Contract will be jointly negotiated and decided by the Owner and Contractor in place of the Architect.

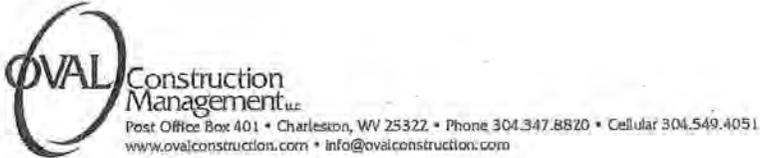
The Owner and Contractor agree as follows.

### ADDITIONS AND DELETIONS:

The author of this document has added information needed for its completion. The author may also have revised the text of the original AIA standard form. An *Additions and Deletions Report* that notes added information as well as revisions to the standard form text is available from the author and should be reviewed. A vertical line in the left margin of this document indicates where the author has added necessary information and where the author has added to or deleted from the original AIA text.

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

State or local law may impose requirements on contracts for home improvements. If this document will be used for Work on the Owner's residence, the Owner should consult local authorities or an attorney to verify requirements applicable to this Agreement.



September 19, 2017

West Virginia Supreme Court of Appeals  
Attn: Kimberly Ellis, Director of Administrative Services  
Building One, Room B-100  
1900 Kanawha Blvd East  
Charleston, WV 25305

Kim,

Enclosed for your review and execution are (2) copies of the Final Application for Payment (#2) and 2 copies of Change Order 1.

Please return one fully executed Change Order to Oval Construction. I have enclosed a return envelope for your convenience.

If you have any questions, please do not hesitate to contact me.

Sincerely,

James Carney, Jr  
Managing Member  
Oval Construction Management, LLC

Enc: (2) Final Application for Payment (#2)  
(2) Change Order 1

54--000067

# AIA Document G701™ - 2001

## Change Order

<b>PROJECT (Name and address):</b> Justice Walker Office Renovation: WV Supreme Court of Appeals 1900 Kanawha Blvd East Building One, Room E-100 Charleston, WV 25305	<b>CHANGE ORDER NUMBER:</b> 001 <b>DATE:</b> 09/19/2017	<b>OWNER:</b> <input type="checkbox"/> <b>ARCHITECT:</b> <input type="checkbox"/> <b>CONTRACTOR:</b> <input checked="" type="checkbox"/> <b>FIELD:</b> <input type="checkbox"/> <b>OTHER:</b> <input type="checkbox"/>
<b>TO CONTRACTOR (Name and address):</b> Oval Construction Management, LLC PO Box 401 Charleston, WV 25322	<b>ARCHITECT'S PROJECT NUMBER:</b> <b>CONTRACT DATE:</b> 06/19/2017 <b>CONTRACT FOR:</b> Office Renovation	

**THE CONTRACT IS CHANGED AS FOLLOWS:**

*(Include, where applicable, any undisputed amount attributable to previously executed Construction Change Directives)*  
See the attached Exhibit A

The original Contract Sum was	\$	44,200.00
The net change by previously authorized Change Orders	\$	0.00
The Contract Sum prior to this Change Order was	\$	44,200.00
The Contract Sum will be increased by this Change Order in the amount of	\$	17,975.00
The new Contract Sum including this Change Order will be	\$	62,175.00

The Contract Time will be increased by Zero (0) days.  
The date of Substantial Completion as of the date of this Change Order therefore is

**NOTE:** This Change Order does not include changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive

**NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.**

not applicable <i>See contract page 1</i>	Oval Construction Management, LLC.	Supreme Court of Appeals of West Virginia
<b>ARCHITECT (Firm name)</b> 1900 Kanawha Blvd. E., Room E100 Charleston, WV 25305	<b>CONTRACTOR (Firm name)</b> PO Box 401	<b>OWNER (Firm name)</b> 1900 Kanawha Blvd. E, Room E100 Charleston, WV 25305
<b>ADDRESS</b> <i>Kimberly M. Ellis</i>	<b>ADDRESS</b> <i>[Signature]</i>	<b>ADDRESS</b> <i>[Signature]</i>
<b>BY (Signature)</b> <i>Kimberly M. Ellis</i>	<b>BY (Signature)</b> <i>James R. Carney, Jr.</i>	<b>BY (Signature)</b> <i>GARY JOHNSON</i>
<b>(Typed name)</b> <i>10/04/2017</i>	<b>(Typed name)</b> <i>9/19/17</i>	<b>(Typed name)</b> <i>10/6/17</i>
<b>DATE</b>	<b>DATE</b>	<b>DATE</b>

**Exhibit A to Change Order #1 from Pay Application #2**

Project : *Renovation to the Administrative Office of Justice Elizabeth D. Walker*

**Item #1 - Extra Wainscot**

See the attached pricing proposal by Oval Construction Management dated 7/27/2017

Add \$5,201

**Item #2 - Pickup/Deliver Flooring**

See the attached pricing proposal by Oval Construction Management dated 8/17/2017

Add \$865

**Item #3 - Tile Labor Price**

See the attached pricing proposal by Oval Construction Management dated 8/17/2017

Add \$1,773

**Item #4 - Patch Floor Walker's Bathroom**

See the attached pricing proposal by Oval Construction Management dated 8/17/2017

Add \$587

**Item #5 - Dust Control in Main Hallway**

See the attached pricing proposal by Oval Construction Management dated 8/17/2017

Add \$198

**Item #6 - Mount Drawer in Cabinet**

See the attached pricing proposal by Oval Construction Management dated 8/17/2017

Add \$632

**Item #7 - Radiator Cleaning**

See the attached pricing proposal by Oval Construction Management dated 8/23/2017

Add \$612

Item #8 - Install Cabinets, Crown Molding, Shoe Molding

See the attached pricing proposal by Oval Construction Management dated 8/23/2017

Add \$4,181

Item #9 - Repair Justice Ketchum's Floor

See the attached pricing proposal by Oval Construction Management dated 8/23/2017

Add \$525

Item #10 - Install, Modify, and Repair Bathroom Vanity

See the attached pricing proposal by Oval Construction Management dated 8/23/2017

Add \$961

Item #11 - Install and Modify Curtains and Valence

See the attached pricing proposal by Oval Construction Management dated 8/23/2017

Add \$477

Item #12 - Install New Toilet and Shutoff Valves

See the attached pricing proposal by Oval Construction Management dated 8/23/2017

Add \$991

Item #13 - Install Light Fixture and New Circuit

See the attached pricing proposal by Oval Construction Management dated 8/23/2017

Add \$972

Total of Change Order #1

\$17,975



# Oval Construction Management

PO Box 401 Charleston, WV 25322  
Phone # 304-347-8820 Fax # 304-347-8821

Job name: Justice Walker Office Renovation

Date: 7/27/2017

Pricing Proposal # 1

Description of Work: Provide a the specified wood wainscot with modificat

	Description of work performed	Oval Labor	Material	Subcontractor
1.				
2.	Contractual Wainscot Allowance			\$ (1,600)
3.	Contractual Painting Allowance (See Prison Painting Proposal last line item)			\$ (1,120)
4.	Contractual Closet Allowance			\$ (600)
5.	Prison Painting Additional costs (Wainscot touchup & Crown Molding)			\$ 780
6.	Quality Woods Pricing Proposal Dated 6/22/16			\$ 6,819
7.				
8.				
9.				
10.				
11.				
12.				
13.				
14.				
16.				
16				
17.				
18.				
19.				
20.				
21.				
22.				
23.				
24.				
25.				
26.				
		\$ -	\$ -	\$ 4,279

Total:				\$ 4,279
Labor Burden:	24%			\$ -
Liability Insurance	0%	0.9 % on Subcontractors plus 4.5% on labor		\$ 39
Bond:	0%			\$ -
B&O Tax:	2%			\$ 104
Tax On Material:	6%			\$ -
Profit & Overhead:	15%			\$ 780
Grand Total:				\$ 5,201

**James Carney Jr.**

---

**From:** Luke McGrew [lmcgrew@prizmpaintingllc.com]  
**Sent:** Wednesday, August 23, 2017 7:50 AM  
**To:** 'James Carney Jr.'  
**Subject:** Supreme Court

Original Contract 9420.00

Deduct Wainscotting -1120  
Add Wainscotting Caulking & Touchup +186  
Add Crown Molding +594

New Contract 9080.00

5 other documents, if any, identified as follows:

#### ARTICLE 2 DATE OF COMMENCEMENT AND SUBSTANTIAL COMPLETION

The number of calendar days available to the Contractor to substantially complete the Work is the Contract Time. The date of commencement of the Work shall be the date of this Agreement unless otherwise indicated below. The Contractor shall substantially complete the Work, no later than August 20th, 2017 ( ) calendar days from the date of commencement, subject to adjustment as provided in Article 10 and Article 11.  
(Insert the date of commencement, if it differs from the date of this Agreement.)

#### ARTICLE 3 CONTRACT SUM

§ 3.1 Subject to additions and deductions in accordance with Article 10, the Contract Sum is:

Forty-Four Thousand Two Hundred Dollars (\$ 44,200 )

§ 3.2 For purposes of payment, the Contract Sum includes the following values related to portions of the Work:  
(Itemize the Contract Sum among the major portions of the Work.)

Portion of Work	Value
See the Attached Exhibit A Schedule of Values	

§ 3.3 Unit prices, if any, are as follows:  
(Identify and state the unit price; state the quantity limitations, if any, to which the unit price will be applicable.)

Item	Units and Limitations	Price per Unit (\$0.00)
1. Demolition Labor	1. Man Hour - Beyond 72 Man Hours	1. \$56
2. Builders Risk Insurance Policy	2. One time charge - No cost for Builders risk is included in Oval's quote presently	2. \$750
3. Labor to move or relocate the Owner's existing Furniture, Fixtures and Equipment. (FF&E)	3. Man Hour - - No cost for moving FF&E is included in Oval's quote presently	3. \$56
4.		

§ 3.4 Allowances included in the Contract Sum, if any, are as follows:  
(Identify allowance and state exclusions, if any, from the allowance price.)

Item	Price
1. Select Building Demolition Labor	\$3240
2. Wood Blocking Behind Walls as required	\$250
3. Wood Wainscot Material	\$1600 ← *
4. Wood Wainscot Installation Labor	\$1600
5. Build Closet Labor (Material by Owner)	\$600 ← *
6. New Baseboard (If required)	\$942

init.

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User Notes:

54--000074

7. Labor for Cabinetry and Countertops (Material by Owner)	\$800
8. Wood Door Installation (Material by Owner)	\$200
9. Labor or Subcontract Charges to install or modify existing vitrolite panels (Material by Owner)	\$350
10. Labor to install new Ceramic Tile in bathroom (All Material by Owner)	\$756
11. Labor to Install New Wood Floor (All Material by Owner)	\$1600
12. Labor and Material for shoe molding around existing door frames and new flooring intersection if necessary	\$280
13. Painting Subcontract as described on the attached Estimate by Prism Painting dated 6/7/2017.	\$9420 ← ★
14. Plumbing Subcontract - remove and replace existing toilet. Remove existing sink faucet and replace new sink faucet and waste trap. (Sink and faucet by Owner)	\$1650
15. Electrical Subcontract as described in the attached South Charleston Electric Proposal dated 6/7/17	\$8800

§ 3.5 The Contract Sum is based upon the following alternates, if any, which are described in the Contract Documents and hereby accepted by the Owner:  
(State the numbers or other identification of accepted alternates. If the bidding or proposal documents permit the Owner to accept other alternates subsequent to the execution of this Agreement, attach a schedule of such other alternates showing the amount for each and the date when that amount expires.)

Not applicable

§ 3.6 The Contract Sum shall include all items and services necessary for the proper execution and completion of the Work.

#### ARTICLE 4 PAYMENT

§ 4.1 Based on Contractor's Applications for Payment certified by the Architect, the Owner shall pay the Contractor, in accordance with Article 12, as follows:  
(Insert below timing for payments and provisions for withholding retainage, if any.)

Monthly

§ 4.2 Payments due and unpaid under the Contract Documents shall bear interest from the date payment is due at the rate below, or in the absence thereof, at the legal rate prevailing at the place of the Project.

%

init.

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Clear Notes:

54-000075

Prizm Painting LLC  
 20 Edgewood Dr  
 Hurricane, WV 25526  
 WV 038686

**Estimate**

Date
6/7/2017

Name / Address
Walker Supreme Court

Terms	Project

Item	Description	Qty	Total
Commercial Labor	Plaster Patching	30	2,540.00
Commercial Labor	20x20 Room 1 Walls	920	1,840.00
Commercial Labor	20x20 Room 2 Walls	920	1,840.00
Commercial Labor	20x20 Room Ceiling 1	400	860.00
Commercial Labor	20x20 Room Ceiling 2	400	860.00
Commercial Labor	Wallpaper Removal & Skim	120	360.00
Commercial Labor	Wainscoting Painting	320	1,120.00
	Subtotal From Above		9,420.00

<b>Total</b>	\$9,420.00
--------------	------------

Phone #	Fax #	E-mail	Web Site
304-549-8750	304-760-0181	imgrew@prizmpaintingllc.com	prizmpaintingllc.com



# Oval Construction Management

PO Box 401 Charleston, WV 25322  
Phone # 304-347-8820 Fax # 304-347-8821

Job name: Justice Walker Office Renovation

Date: 8/17/2017

Pricing Proposal # 2

Description of Work: Pickup wood flooring; pickup marble floor

Description of work performed	Oval Labor	Material	Subcontractor
1.			
2.			
3. Pickup Wood Flooring at Smith Floor Covering Distributors			
4. 2 men 4 hours each 2x4x45	\$ 360		
5. Truck and fuel	\$ -	\$ 50	
6.			
7. Pickup Marble Flooring at Smith Floor Covering Distributors			
8. Mike Smith 2 man hours @ \$55	\$ 110		
9. Truck and fuel	\$ -	\$ 40	
10.			
11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			
19.			
20.			
21.			
22.			
23.			
24.			
25.			
26.			
	\$ 470	\$ 90	\$ -
<b>Total:</b>			\$ 560
<b>Labor Burden: 28%</b>			\$ 157
<b>Liability Insurance 0%</b> 0.9 % on Subcontractors plus 4.5% on labor			\$ 21
<b>Bond 0%</b>			\$ -
<b>B&amp;O Tax 2%</b>			\$ 17
<b>Tax On Materials: 6%</b>			\$ 5
<b>Profit &amp; Overhead 16%</b>			\$ 130
<b>Grand Total:</b>			\$ 865

# Oval Construction Management

PO Box 401 Charleston, WV 25322  
Phone # 304-347-8820 Fax # 304-347-8821

Job name: Justice Walker Office Renovation

Date: 8/17/2017

Pricing Proposal # 3

Description of Work: Tile Floor & Walls in Bathroom

Description of work performed	Oval Labor	Material	Subcontractor
1.			
2.			
3. Labor to install ceramic tile in bathroom (contractual allowance)	\$ (756)		
4.			
5. Contract to install tile in bathroom (Cornerstone Interiors)	\$ -		\$ 1,750
6.			
7. Cost to remove and reinstall the tile between vitrolite panels see price attached			\$ 701
8.	\$ -		
9.	\$ -	\$ -	
10.			
11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			
19.			
20.			
21.			
22.			
23.			
24.			
25.			
26.			
	\$ (756)	\$ -	\$ 2,451
<b>Total:</b>			\$ 1,695
Labor Burden: 28%			\$ (212)
Liability Insurance 0%	0.9% on Subcontractors plus 4.5% on labor		\$ (12)
Bond 0%			\$ -
B&O Tax 2%			\$ 35
Tax On Material: 6%			\$ -
Profit & Overhead: 15%			\$ 258
<b>Grand Total:</b>			<b>\$ 1,773</b>

By Comerston Interiors, Inc. PO Box 412 Eleanor Wv

Job name: Supreme Court

Description of Work: Re-work the file between Vitrolite as requested by the Owner

Description of work performed	Ovsl Labor	Material	Subcontractor
1.			
2. Carpenter 8 hours @ \$52.50	\$ 420		
3.			
4.			
5.	\$ -		
6.			
7.			
8.			
9.	\$ -		
10.			
11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			
19.			
20.			
21.			
22.			
23.			
24.			
25.			
26.	\$ 420	\$ -	\$ -

Total:			\$ 420
Labor Burden: 34%			\$ 143
Liability Insurance 0%			\$ 19
B&O Tax 2%			\$ 14
Profit & Overhead 18%			\$ 105
Total:			\$ 701

# Oval Construction Management

PO Box 401 Charleston, WV 25322  
Phone # 304-347-8820 Fax # 304-347-8821

Job name: Justice Walker Office Renovation

Date: 8/17/2017

Pricing Proposal # 4

Description of Work: Patch Floor in Main Office and in the bathroom.

Description of work performed	Oval Labor	Material	Subcontractor
1.			
2.			
3. Floor Patch Material 2 bags at \$40/bag		\$ 80	
4. Justice Walker's office labor			
5. 1 Carpenter & 1 Laborer @ \$52 & \$45 2 hours each	\$ 194		
6.			
7. Floor Patch in Bathroom			
8. Mike Smith 2 man hours @ \$55	\$ 110		
9.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			
19.			
20.			
21.			
22.			
23.			
24.			
25.			
26.			
	\$ 304	\$ 80	
<b>Total:</b>			\$ 384
Labor Burden: 28%			\$ 85
Liability Insurance: 0%	0.9 % on Subcontractors plus 4.5% on labor		\$ 14
Bond: 0%			\$ -
B&O Tax: 2%			\$ 12
Tax On Material: 6%			\$ 5
Profit & Overhead: 15%			\$ 88
<b>Grand Total:</b>			<b>\$ 587</b>

# Oval Construction Management

PO Box 401 Charleston, WV 25322  
Phone # 304-347-8820 Fax # 304-347-8821

Job name: Justice Walker Office Renovation

Date: 8/17/2017

Pricing Proposal # 5

Description of Work: Dnst Control in the Main Hallway of the Supreme Court Justices wing of the Capitol

#	Description of work performed	Oval Labor	Material	Subcontractor
1.				
2.				
3.	Air Filters for Air Returns		\$ 22	
4.				
5.	12 man hours	\$ 105		
6.				
7.				
8.		\$ -		
9.		\$ -	\$ -	
10.				
11.				
12.				
13.				
14.				
15.				
16.				
17.				
18.				
19.				
20.				
21.				
22.				
23.				
24.				
25.				
26.		\$ 105	\$ 22	\$ -
<b>Total:</b>				\$ 127
<b>Labor Burden:</b> 28%				\$ 35.56
<b>Liability Insurance:</b> 0% 0.9 % on Subcontractors plus 4.5% on labor				\$ 5.82
<b>Bond:</b> 0%				\$ -
<b>P&amp;O Tax:</b> 2%				\$ 2.54
<b>Tax On Material:</b> 6%				\$ 1.32
<b>Profit &amp; Overhead:</b> 15%				\$ 19.11
<b>Grand Total:</b>				\$ 198.35

# Oval

## Construction Management

PO Box 401 Charleston, WV 25322  
Phone # 304-347-8820 Fax # 304-347-8821

Job name: Justice Walker Office Renovation  
Date: 8/17/2017  
Pricing Proposal # 6  
Description of Work: Mount Drawer in Admin Office under counter

#	Description of work performed	Oval Labor	Material	Subcontractor
1.				
2.				
3.	1 Carpenter & 1 Laborer @ \$52 & \$45 4 hours each	\$ 388		
4.				
5.	Miscellaneous fasteners		\$ 10	
6.				
7.				
8.		\$ -		
9.		\$ -	\$ -	
10.				
11.				
12.				
13.				
14.				
15.				
16.				
17.				
18.				
19.				
20.				
21.				
22.				
23.				
24.				
25.				
26.		\$ 388	\$ 10	\$ -
<b>Total:</b>				\$ 398
Labor Burden: 28%				\$ 108
Liability Insurance: 0% 0.9 % of Subcontractors plus 4.5% on labor				\$ 17
Bond: 0%				\$ -
B&O Tax: 2%				\$ 18
Tax On Material: 6%				\$ 1
Profit & Overhead: 15%				\$ 96
<b>Grand Total:</b>				\$ 632

# Oval Construction Management

PO Box 401 Charleston, WV 25322  
Phone # 304-347-8520 Fax # 304-347-8321

Job name: Justice Walker Office Renovation

Date: 8/23/2017

Pricing Proposal # 7

Description of Work: Wire brush clean the radiators

#	Description of work performed	Oval Labor	Material	Subcontractor
1.				
2.				
3.	Prism Painting quoted price \$500 each			
4.	Oval Quoted price \$250 each x 3 radiators	\$ 600	\$ -	
5.	Miscellaneous fasteners		\$ -	
6.				
7.				
8.		\$ -		
9.		\$ -	\$ -	
10.				
11.				
12.				
13.				
14.				
15.				
16.				
17.				
18.				
19.				
20.				
21.				
22.				
23.				
24.				
25.				
26.				
		\$ 600	\$ -	\$ -
<b>Total:</b>				\$ 600
Labor Burden:	0%			\$ -
Liability Insurance:	0% 0.9 % on Subcontractors plus 4.5% on labor			\$ -
Bond:	0%			\$ -
B&O Tax:	2%			\$ 12
Tax On Material:	6%			\$ -
Profit & Overhead:	10%			\$ -
<b>Grand Total:</b>				<b>\$ 612</b>

# Oval Construction Management

PO Box 401 Charleston, WV 25322  
Phone # 304-347-8820 Fax # 304-347-8821

Job name: Justice Walker Office Renovation  
Date: 8/23/2017

Pricing Proposal # 8

Description of Work: Install Cabinets, crown molding, shoe molding.

Description of work performed	Oval Labor	Material	Subcontractor
1.			
2.			
3. Contract Allowances	\$ -		
4. New Baseboard		\$ (900)	
5. Labor for Cabinetary	\$ (800)		
6. Wood Door Installation	\$ (200)		
7.			
8. Quality Woods Invoice 1115348	\$ -	\$ 87	
9. Quality Woods Invoice 30299	\$ -	\$ 333	
10. Quality Woods Invoice 1130402		\$ 71	
11. Lowes - Crown Molding		\$ 46	
12.			
13. Labor for Crown in toilet and shoe molding in admin office			
14. 1 Carpenter @ \$52 for 3 hours	\$ 156		
15. 1 Laborer @ \$45 for 3 hours	\$ 135		
16.			
17. Labor for Cabinet Installation and Cabinet Crown molding			
18. 1 Carpenter @ \$52 for 14 hours	\$ 728		
19. 1 Laborer @ \$45 for 14 hours	\$ 630		
20.			
21. Shoe molding and chair rail at counter & all other side molding			
22. 1 Carpenter @ \$52 for 21 hours	\$ 1,092		
23. 1 Laborer @ \$45 for 21 hours	\$ 945		
24.			
25.			
26.			
	\$ 2,688	\$ (83)	\$ -

Total:			\$ 2,603
Labor Burden:	28%		\$ 752
Liability Insurance:	0%	0.9 % on Subcontractors plus 4.5% on labor	\$ 121
Bond:	0%		\$ -
BRO Tax:	2%		\$ 84
Tax On Material:	6%		\$ (5)
Profit & Overhead:	15%		\$ 627
Grand Total:			\$ 4,181



\*\*\* INVOICE \*\*\*

1130402

REMIT TO: QUALITY WOODS INC P.O. BOX 4651 CHARLESTON, WV 25364

JLD TO:

OVAL CONSTRUCTION CO  
WV Supreme Court Justice Walker's  
Charleston WV  
(304) 347-3830

1-(304) 525-9546  
1-(800) 439-4094

1-(304) 586-3821  
1-(800) 924-6512

Date: 8/10/2017

P.O. #:

Salesman: Bryan Pell

Qty	Uf	Description	Unit Price	Total Price
34	Uf	COLONIAL RIFT AND QUARTER WHITE OAK SHOE 1/2" X 3/4" PREFINISH	\$1.95	\$66.30

Add for Prefinish \$0.00  
 Sub Total \$66.30  
 7% Tax \$4.64  
 TOTAL \$70.94  
 Deposit \$0.00  
 Amt Due \$70.94

15 AUG 2017

Thursday, August 10, 2017 @ 8:10:39 AM ( 30402 ) Page 1 of 1

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RECEIVED BY *[Signature]* DATE \_\_\_\_\_

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30299


**QUALITY WOODS INC.**

OAK, CHERRY, MAPLE, POPLAR, ASH, OTHER HARDWOODS

ESTIMATE PO BOX 957 ELEANOR WV 26076 - PH# 1-(304)-586-3879 FAX# 1(304)-586-9756

Customer/Contractor: **DUAL CONSTRUCTION CO. (JIM CARNEY)** Estimate Date: 7/12/2017  
 WV Supreme Court Justice Walker's Office Phone #: (304) 347-8820  
 Charleston WV Salesman: Bryan Peil

\*\*Price is for material only. Prefinish charge is to prime.\*\*

Quantity	Description	Unit Price	Ext Price
80	1/2" STANDARD RIFT AND QUARTER WHITE OAK SHOE 1/2" X 3/4" PREFINISH	\$1.95	\$156.00
1	ea. STAIN MATCH AND PREFINISH THE ABOVE SHOE	\$155.00	\$155.00
1	ea. 7% WV STATE AND CHARLESTON SALES TAX	\$21.77	\$21.77

Total \$332.77

Terms: 50% Down with signed order. Balance due upon delivery. Estimates are good for 30 days.

Accepted By: X

These estimated prices are based upon our review of the total job quantities. Addition or deletions may require price changes. We do not guarantee that the materials listed in this estimate will be all that is required to complete this project.

Thursday, July 15, 2017 @ 2:45:27 PM

Page 1 of 1

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# Oval Construction Management

PO Box 401 Charleston, WV 25322  
Phone # 304-347-8820 Fax # 304-247-8821

Job name: Justice Walker Office Renovation

Date: 3/23/2017

Pricing Proposal # 9

Description of Work: Repair Justice Ketchum's Floor

#	Description of work performed	Oval Labor	Material	Subcontractor
1.				
2.				
3.	1 Carpenter @ \$32 & 3 hours	\$ 156		
4.	Mike Smyth @ \$65 & 3 hours	\$ 195		
5.	Miscellaneous supplies		\$ 10	
6.				
7.				
8.		\$ -		
9.		\$ -	\$ -	
10.				
11.				
12.				
13.				
14.				
15.				
16.				
17.				
18.				
19.				
20.				
21.				
22.				
23.				
24.				
25.				
26.				
		\$ 321	\$ 10	\$ -
<b>Total:</b>				<b>\$ 331</b>
Labor Burden: 28%				\$ 50
Liability Insurance: 6% 0.9% on Subcontractors plus 4.5% on labor				\$ 14
Bond: 0%				\$ -
B&O Tax: 2%				\$ 11
Tax On Material: 6%				\$ 1
Profit & Overhead: 15%				\$ 79
<b>Grand Total:</b>				<b>\$ 525</b>

# Oval Construction Management

PO Box 401 Charleston, WV 25322  
Phone # 304-347-8820 Fax # 304-347-8821

Job name: Justice Walker Office Renovation

Date: 8/23/2017

Pricing Proposal # 10

Description of Work: Install, modify and repair the bathroom vanity.

#	Description of work performed	Oval Labor	Material	Subcontractor
1.				
2.				
3.	1 Carpenter @ \$32 @ 6 hours	\$ 312		
4.	1 Laborer @ \$45 for 6 hours	\$ 270		
5.	Miscellaneous supplies		\$ 25	
6.				
7.				
8.		\$ -		
9.		\$ -	\$ -	
10.				
11.				
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20.				
21.				
22.				
23.				
24.				
25.				
26.				
	<b>Total:</b>	<b>\$ 582</b>	<b>\$ 25</b>	<b>\$ 607</b>
	<b>Labor Burden: 28%</b>			<b>\$ -163</b>
	<b>Liability Insurance 0%</b> (0.9 % on Subcontractors plus 4.5% on labor)			<b>\$ 28</b>
	<b>Bond 0%</b>			<b>\$ -</b>
	<b>B&amp;O Tax 2%</b>			<b>\$ 18</b>
	<b>Tax On Material: 8%</b>			<b>\$ 2</b>
	<b>Profit &amp; Overhead 15%</b>			<b>\$ 144</b>
	<b>Grand Total:</b>			<b>\$ 961</b>

# Oval Construction Management

PO Box 401 Charleston, WV 25322  
Phone # 304-347-8820 Fax # 304-347-8821

Job name: Justice Walktr Office Renovation

Date: 8/23/2017

Pricing Proposal # 11

Description of Work: Install, & modify the curtains and valence

#	Description of work performed	Oval Labor	Material	Subcontractor
1.				
2.				
3.	1 Carpenter @ \$52 & 3 hours	\$ 156		
4.	1 Laborer @ \$45 for 3 hours	\$ 135		
5.	Miscellaneous supplies		\$ 10	
6.				
7.				
8.		\$ -		
9.		\$ -	\$ -	
10.				
11.				
12.				
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20.				
21.				
22.				
23.				
24.				
25.				
26.				
		\$ 291	\$ 10	\$ -
<b>Total:</b>				\$ 301
Labor Burden: 28%				\$ 81
Liability Insurance: 0%	0.9 % on Subcontractors plus 4.5% on labor			\$ 13
Bond: 0%				\$ -
B&O Tax: 2%				\$ 10
Tax On Material: 8%				\$ 1
Profit & Overhead: 18%				\$ 72
<b>Grand Total:</b>				<b>\$ 477</b>

# Oval Construction Management

PO Box 401 Charleston, WV 25322  
Phone # 304-347-8820 Fax # 304-347-8821

Job name: Justice Walker Office Renovation  
Date: 8/23/2017

Pricing Proposal # 12

Description of Work: Install new toilet and shutoff valves

	Description of work performed	Civil Labor	Material	Subcontractor
1.				
2.				
3.	See the attached Pricing Proposal from Harris Brothers			\$ 815
4.				
5.				
6.				
7.				
8.		\$ -	\$ -	
9.		\$ -	\$ -	
10.				
11.				
12.				
13.				
14.				
15.				
16.				
17.				
18.				
19.				
20.				
21.				
22.				
23.				
24.				
25.				
26.				
27.		\$ -	\$ -	\$ 815

Total:				\$ 815
Labor Burden:	26%			\$ -
Liability Insurance:	0%	0.9 % on Subcontractors plus 4.5% on labor		\$ 7
Bond:	0%			\$ -
B&O Tax:	2%			\$ 20
Tax On Material:	6%			\$ -
Profit & Overhead:	15%			\$ 148
Grand Total:				\$ 991



## HARRIS BROTHERS

Since 1936

*Roofing • Sheet Metal • H.V.A.C. • Mechanical*

1533 Hansford Street  
Charleston, WY 25311

(304) 343-5566  
Fax (304) 343-5568

To: Oval Construction

August 17, 2017

Attn: Jim Carney

RE: Supreme Court – Restroom Renovation Change Orders

Add furnishing Toilet	\$325.00
Add replacement of shutoff valves	\$490.00
<b>Total Cost to Date</b>	<b>\$815.00</b>

Any questions, please call

Sincerely,

Harris Bros.

Grey Harris

---

**COMMERCIAL & INDUSTRIAL**

Roofing Systems: Built-Up / Single Ply / Slate / Tile / Maintenance / Repairs  
Architectural Sheet Metal Work: Copper / Stainless / Color / Aluminum  
Heating / Ventilating / & Air Conditioning Mechanical Systems

54--000092

# Oval Construction Management

PO Box 401 Charleston, WV 25322  
Phone # 304-347-8820 Fax # 304-347-8821

Job name: Justice Walker Office Renovation  
Date: 8/23/2017

Pricing Proposal # 13

Description of Work: Install light fixture in bathroom and and dedicated  
20 amp-circuit form existing power panel

	Description of work performed	Ovrl Labor	Material	Subcontractor
1.				
2.				
3.	See the attached Pricing Proposal from South Charleston Electric			\$ 800
4.				
5.				
6.				
7.				
8.		\$ -		
9.		\$ -	\$ -	
10.				
11.				
12.				
13.				
14.				
15.				
16.				
17.				
18.				
19.				
20.				
21.				
22.				
23.				
24.				
25.				
26.				
		\$ -	\$ -	\$ 800

Total:				\$ 800
Labor Burden:	28%			\$ -
Liability Insurance:	0%	0.9 % on Subcontractors plus 4.5% on labor		\$ 7
Bond:	0%			\$ -
B&O Tax:	2%			\$ 19
Tax On Material:	6%			\$ -
Profit & Overhead:	15%			\$ 148
Grand Total:				\$ 972

1011 1/2 Street  
P.O. Box 8494  
South Charleston, WV 25309

Phone (304) 744-3407  
Fax (304) 744-3408  
Contractor No. WV000800

South Charleston Electric Co.



August 17, 2017

Oval Construction  
James Carney

Re: WV Supreme Court Justice Walker Office Renovations  
Added Work to Contract

- Install fixture in the restroom.
- Install a dedicated 20 amp circuit from existing power panel to the new office renovation area.

\$800.00

John Moore  
President

54--000094

186899

# DRAFT AIA Document G701™ - 2001

## Change Order

PROJECT (Name and address): Justice Walker Office Renovation: WV Supreme Court of Appeals 1900 Kanawha Blvd East Building One, Room E-100 Charleston, WV 25305

CHANGE ORDER NUMBER: 001  
DATE:

TO CONTRACTOR (Name and address): Oval Construction Management, LLC, PO Box 401 Charleston, WV 25322

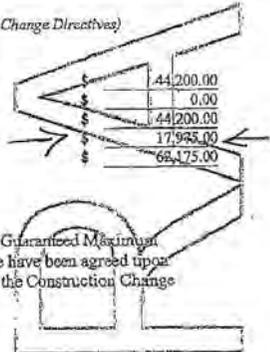
ARCHITECT'S PROJECT NUMBER:  
CONTRACT DATE: 06/19/2017  
CONTRACT FOR: \$44,200

OWNER:   
ARCHITECT:   
CONTRACTOR:   
FIELD:   
OTHER:

### THE CONTRACT IS CHANGED AS FOLLOWS:

(Includes, where applicable, any undisputed amount attributable to previously executed Construction Change Directives)  
See the attached Exhibit A.

The original Contract Sum was  
The net change by previously authorized Change Orders  
The Contract Sum prior to this Change Order was  
The Contract Sum will be increased by this Change Order in the amount of  
The new Contract Sum including this Change Order will be



The Contract Time will be increased by Zero (0) days.  
The date of Substantial Completion as of the date of this Change Order therefore is

NOTE: This Change Order does not include changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

Oval Construction Management, LLC.

Gary L. Johnson  
Administrative Director  
Supreme Court of Appeals of West Virginia

ARCHITECT (Firm name) OWNER  
1900 Kanawha Blvd. East  
ADDRESS Room E100, Chas., WV 25305  
BY (Signature) Kimberly M. Ellis  
Kimberly M. Ellis  
(Typed name)  
DATE 09/25/2017

CONTRACTOR (Firm name)  
PO Box 401  
ADDRESS  
BY (Signature) James R. Camey, Jr.  
James R. Camey, Jr.  
(Typed name)  
DATE

OWNER (Firm name) Room E100  
1900 Kanawha Blvd. E, Chas., WV 25305  
ADDRESS  
BY (Signature) Gary L. Johnson  
Gary L. Johnson  
(Typed name)  
DATE 9/25/17

25800  
7401-0000

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Pricing Proposal Log			
Oral No.	No.	Item	Pending Amount
20.012	1	Extra Wainscot	\$ 5,201.00
20.003	2	Pickup/Deliver Flooring	\$ 865.00
	3	Tile Labor Price	\$ 1,773.00
20.002	4	Floor patch walker's bathroom	\$ 587.00
	5	Dust Control	\$ 198.00
20.005	6	Mount drawer in cabinet	\$ 632.00
20.006	7	Radiator Cleaning	\$ 612.00
20.011, 20.004, 20.038	8	Install Cabinets and Crown & all trim allowances in 1	\$ 4,181.00
20.007	9	Ketchum Floor	\$ 325.00
20.009	10	Vanity	\$ 961.00
20.010	11	Curtains and Valance	\$ 477.00
	12	New Toilet & Shutoff valves	\$ 991.00
	13	Install light and new circuit	\$ 972.00
Total to date			\$ 17,975.00

top of cabinets

Original Contract Amount \$ 44,200.00  
 Changes & Pending Changes to \$ 17,975.00  
 New Contract Amount \$ 62,175.00

*Approved*  
*9-18-17*  
*[Signature]*

INVOICE

ORDER TIME: 03:10:03

INVOICE NO.

558464  
C-O-D  
1

SMITH FLOOR COVERING DISTRIBUTORS

1118 SMITH STREET - PO BOX 2825 - CHARLESTON, WV 25330 - PHONE (304) 344-2493 - FAX (304) 344-2475

SOLD TO:

SHIP TO:

HOLLEY PRICE INTERIORS  
209 WEST WASHINGTON STREET

304-421-1505  
KIMBERLY ELLIS  
WEST VIRGINIA SUPREME COURT  
1900 KANAHWHA BLVD EAST  
ROOM E100

CHARLESTON WV. 25302

CUSTOMER NO.	CD	REFERENCE	ORDER DATE	SLS.	TERR.	SHIPPING INSTRUCTIONS	
2248	00	K ELLIS	05/11/2017	JB	05	CALL FOR	
BIN NO.	PRODUCT NUMBER	PRODUCT DESCRIPTION	QUANTITY	PRICE	DISC%	EXTENSION	
	TA391-16	FULL FLEX WHITE 50#	1.00	30.28	.0	30.28	
	TAG20-18-949	WALL ACCUCOLOR-10#-SILVERADO	2.00	21.50	.0	43.00	
	SL-99-02	SUMMIT SEAL II QUART	1.00	23.12	.0	23.12	
	AOM70123658DB	2X36X5/8 DBL.BEV.WH.CARRARA	1.00	32.52	.0	32.52	
	SOM-MRD1243	CHAR. ENG REDUCER WALNUT	2.00	85.72	.0	171.44	
		DELIVERY FEE				0.00	
		BROKEN CARTON FEE				0.00	
		TOTAL TAX				0.00	
*** TOTALS ***			MDSE. ONLY -->	300.36	***COLLECT-->	\$300.36	

*Kimberly Ellis*  
6/11/17

pd. 6/5/17

FILLED BY \_\_\_\_\_

RECEIVED BY \_\_\_\_\_

OFFICE

TOTAL PIECES 54--000097

*ANNA L. HAY*

201054



INVOICE

ORDER TIME: 12:51:15

INVOICE NO.

558460  
C-0-D  
1

SMITH FLOOR COVERING DISTRIBUTORS

1118 SMITH STREET - PO BOX 2826 - CHARLESTON, WV 25336 - PHONE (304) 344-2493 - FAX (304) 344-2475

SOLD TO:

SHIP TO:

HOLLEY PRICE INTERIORS  
209 WEST WASHINGTON STREET

304-421-1505  
KIMBERLY ELLIS  
WEST VIRGINIA SUPREME COURT  
1900 KANAWHA BLVD EAST  
ROOM E100

CHARLESTON WV, 25302

CUSTOMER NO.	CD	REFERENCE	ORDER DATE	SLS.	TERR.	SHIPPING INSTRUCTIONS		
2248	00	K ELLIS	05/11/2017	JB	05	CALL FOR		
BIN NO.	PRODUCT NUMBER	PRODUCT DESCRIPTION	QUANTITY	PRICE	DISC%	EXTENSION		
	SOM-EP51WAS	CHARATER PLANK 5" WALNUT ENG 18 CTNS	720.00	9.78	.0	7041.60		
	TOP-M771612	BIANCO GIOA HERRINGBONE POLI	33.29	25.72	.0	856.22		
		DELIVERY FEE				0.00		
		BROKEN CARTON FEE				0.00		
		UPS/FED-EX GR.CHARGE				105.00		
		*****						
		TOTAL TAX						
*** TOTALS ***			MDSE. ONLY -->	7897.82	***COLLECT-->	\$8,002.82		

*Approved  
KJ  
6/11/17*

5402

7401-0000

*VCM 179 20762  
for ZIP code*

FILLED BY \_\_\_\_\_

RECEIVED BY \_\_\_\_\_

OFFICE

TOTAL PIECES

54--0000980/6/17

## Smith Floor Covering Distributors

---

1118 Smith Street-P.O. Box 2826-Charleston, WV 25330 | (304) 344-2493 or Fax# (304) 344-2475 | kari@sfc-wv.com

05/12/2017

Kimberly Ellis  
Maintenance Operations  
West Virginia Supreme Court  
1900 Kanawha Blvd East Room# E100

Dear Kimberly Ellis:

This letter is to inform you of the amount due in full, payment expected on pick up, for your job through our customer, Holley Price Interiors.

The amount that is due upon pick up for this job is: \$8,303.18 Please see attached itemized invoices for list of items purchased.

If you have any questions please feel free to contact us.

Sincerely,



Karl Barnett  
Accounts Receivable  
Smith Floor Covering Distributors  
(304) 344-2493 Ext#119  
kari@sfc-wv.com

54--000099

201054

INVOICE ORDER TIME: 03:07:23

INVOICE NO.

560494

C-O-D

1

SMITH FLOOR COVERING DISTRIBUTORS

1118 SMITH STREET - PO BOX 2826 - CHARLESTON, WV 25330 - PHONE (304) 344-2493 - FAX (304) 344-2475

SOLD TO:

SHIP TO:

HOLLEY PRICE INTERIORS  
209 WEST WASHINGTON STREET

304-421-1505  
KIM ELLIS  
WEST VIRGINIA SUPREME COURT  
1900 KANAWHA BLVD, EAST  
ROOM E100

CHARLESTON WV. 25302

CUSTOMER NO.	CD	REFERENCE	ORDER DATE	SLS.	TERR.	SHIPPING INSTRUCTIONS		
2248	00	KIM ELLIS	07/11/2017	J/N	05	CALL FOR		
BIN NO.	PRODUCT NUMBER	PRODUCT DESCRIPTION	QUANTITY	PRICE	DISC%	EXTENSION		
	TOP-M771524	BIANCO GIOIA 12X24 POLISHED	6.00	20.14	.0	120.84		
	TOP-P771478	BIANCO GIOIA- POL. CORNICE-1	32.00	19.29	.0	617.28		
		DELIVERY FEE				0.00		
		BROKEN CARTON FEE				0.00		
*** TOTALS ***			MDSE. ONLY -->	738.12	***COLLECT-->	738.12		

RECEIVED  
WV SUPREME COURT  
JUL 12 2017  
JUL 13 2017  
ADMINISTRATIVE  
OFFICE

RECEIVED IN GOOD CONDITION AND  
CONFORMED TO SPECIFICATIONS.

DATE: 07/13/2017  
SIGNED: *Ramona R. Williams*

5402

25800

7401-0000

FILLED BY \_\_\_\_\_

RECEIVED BY \_\_\_\_\_

OFFICE

TOTAL PRICES 54--000100

## Smith Floor Covering Distributors

1118 Smith Street-P.O. Box 2826-Charleston, WV 25330 | (304) 344-2493 or Fax# (304) 344-2475 | kari@sfc-wv.com

07/13/2017

Kimberly Ellis  
Maintenance Operations  
West Virginia Supreme Court  
1900 Kanawha Blvd East Room# E100

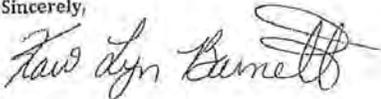
**Dear Kimberly Ellis:**

This letter is to inform you of the amount due in full, payment expected on pick up, for your job through our customer, Holley Price Interiors.

The amount that is due upon pick up for this job is: \$738.12. Please see attached itemized invoice for list of items purchased.

If you have any questions please feel free to contact us.

Sincerely,



Kari Barnett  
Accounts Receivable  
Smith Floor Covering Distributors  
(304) 344-2493 Ext#119  
kari@sfc-wv.com

*Approved*  
*7-13-17*

54--000101

201054

INVOICE

ORDER TIME: 10:09:49

INVOICE NO.

561015

C-O-D

1

SMITH FLOOR COVERING DISTRIBUTORS

1118 SMITH STREET - PO BOX 2826 - CHARLESTON, WV 25330 - PHONE (304) 344-2493 - FAX (304) 344-2475

SOLD TO:

SHIP TO:

HOLLEY PRICE INTERIORS  
209 WEST WASHINGTON STREET

304-421-1505  
WV SUPREME COURT OF APPEALS  
1900 KANAWHA BLVD EAST  
ROOM E100  
CHARLESTON, WV 25305

CHARLESTON WV. 25302

CUSTOMER NO.	CD	REFERENCE	ORDER DATE	SLS.	TERR.	SHIPPING INSTRUCTIONS		
2248	00	K ELLIS	07/24/2017	JB	05	CALL FOR		
BIN NO.	PRODUCT NUMBER	PRODUCT DESCRIPTION			QUANTITY	PRICE	DISC%	EXTENSION
	K-15	55# SELF-LEVEL-UNDERLAY(42)			1.00	58.89	.0	58.89
	TA620-18-949	WALL ACCUCOLOR-10#-SILVERADO			1.00	21.87	.0	21.87
	SL-99-02	SUMMIT SEAL II QUART			1.00	23.12	.0	23.12
		DELIVERY FEE						0.00
		BROKEN CARTON FEE						0.00
*** TOTALS ***					MDSE. ONLY -->	103.88	***COLLECT-->	103.88

ALL GOODS SHIPPED BY AIRWAY/SEA  
 AND MUST BE IN GOOD CONDITION AND  
 CONFORM TO SPECIFICATIONS.  
 DATE 07/26/2017  
 SIGNED Tammara C. Gilmore  
 Justice Walker's office

RECEIVED  
 WV SUPREME COURT  
 JUL 26 2017  
 ADMINISTRATIVE  
 OFFICE

5402

25800

7401-0000

ORDERED BY

RECEIVED BY

OFFICE

TOTAL PIECES

54--000102

## Smith Floor Covering Distributors

1118 Smith Street-P.O. Box 2826-Charleston, WV 25330 | (304) 344-2493 or Fax# (304) 344-2475 | kari@sfc-wv.com

07/24/2017

Kimberly Ellis  
Maintenance Operations  
West Virginia Supreme Court  
1900 Kanawha Blvd East Room# E100

Dear Kimberly Ellis:

This letter is to inform you of the amount due in full, payment expected on pick up, for your job through our customer, Holley Price Interiors.

The amount that is due upon pick up for this job is: \$103.88. Please see attached itemized invoices for list of items purchased.

If you have any questions please feel free to contact us.

Sincerely,



Kari Barnett  
Accounts Receivable  
Smith Floor Covering Distributors  
(304) 344-2493 Ext#119  
kari@sfc-wv.com

54--000103



STATE OF WEST VIRGINIA  
PURCHASING CARD LOG SHEET

Transaction Limit

Billing Cycle Month

Billing Cycle Year

**ANTHONY HATFIELD**

Cardholder Name

Account Number

County

Court/Division  
*IT*

TRANSACTION DATE	VENDOR	ITEM DESCRIPTION	QUANTITY	TOTAL AMOUNT	R* D* C*
08/10/2017	state electric supply	truck stock	<i>5419</i>	\$198.73	R
08/17/2017	state electric supply	parts for capitol	<i>5402 <del>4403</del></i>	\$17.76	R
08/17/2017	state electric supply	parts for capitol	<i>5402 <del>4403</del></i>	\$3.70	R
08/21/2017	state electric supply	parts for mineral county probation	<i>5429</i>	\$1,271.50	R
08/25/2017	state electric supply	replacement battery for fluke tester	<i>5419</i>	\$355.30	R
08/25/2017	state electric supply	truck stock	<i>5419</i>	\$150.00	R
				GRAND TOTAL AMOUNT:	\$2,196.99

I hereby certify that the items listed hereon have been received and properly accounted for and approved for payment.

*Anthony Hatfield*  
Purchasing Cardholder Signature

*9-7-17*  
Date

\*R=Reconciled  
\*D=Disputed  
\*C=Carryover

I hereby certify that the items listed hereon have been received and properly accounted for and approved for payment.

*Pat McGeary*  
Authorizing Supervisor Signature

Date



P. O. BOX 5397  
HUNTINGTON, WV 25703-0397

DUPLICATE

Invoice:

879840

000000

12679778-00

08/17/17 PCARD

WV SUPREME CT--DLG 1, RM E10  
Sesco DataCom  
405 12th Street  
Martinsburg, WV 25004

State Electric Supply Company  
2010 2nd Avenue  
PO Box 5397  
Huntington, WV 25703

WV STATE MISC ACCT

MAIL TO "SHIP TO" ADDRESS

Sesco DataCom 304-768-3600.112 Cost Pickup

08/17/17 Net 30 Days

08/17/17 08:40 120212020100

PCARD

08/17/1708/17/1708/17/17 Date/Time Printed: Taken By

Slsrep In Slsrep Replaced By Customer FDN

Reference Entered Picked Shipped SE \*

Line	Description	Qty	Unit	Price	Amount	Tax	Total
1	LEV5110-REG BLK CATEGORY 6 DRCTR	18461	EA	5.92	109287.12	0.00	109287.12
1 Lines Total		Qty Shipped Total			Total	Payment	Invoice Total
		18461			109287.12	17.75	109304.87
						0.00	109304.87

*Wiring*

*PD  
V.55*

Last Page. Cash Discount 0.00 If Paid Within Terms  
NOTE: THE MATERIAL DESCRIBED HEREIN HAS BEEN CAREFULLY COUNTED, CHECKED AND PACKED. NO CLAIM FOR SHORTAGES OR BREAKAGE WILL BE CONSIDERED AFTER SEVEN DAYS.  
RETURNED MERCHANDISE MUST BE APPROVED AND IS SUBJECT TO RESTOCKING CHARGE. SALES SLIPS MUST ACCOMPANY ALL RETURNS. THE SELLER WARRANTS THAT THE MATERIAL SOLD  
HEREIN IS OF STANDARD QUALITY BUT MAKER NO OTHER WARRANTIES, EXPRESS OR IMPLIED. THIS INVOICE MUST BE PAID AS INDICATED ON THE FACE OF INVOICE. FORM 55, 03-01-2005

54--000105



State of West Virginia Purchasing Card  
Log Sheet

29186

Cardholder Name: Kimberly M. Ellis  
Account Number: 3371  
Agency: WVSCA - Administrative Office *5411*

Transaction Limit: \$2500.00  
Billing Cycle (Month/Year): September 2017  
Dept/Org #: 2400

Transaction Date	Vendor	Item Description	Quantity	Total Amt	R* D* C*	Object Code	S Document Number	Date Received
09/04/2017	OnStar	Monthly Service for fleet vehicle - Acct. #133674123	1 month	\$37.91	R			09/04/2017
09/05/2017	Waste Management	Monthly dumpster service for Venable Avonue Warehouse	1 month	\$53.67	R			09/05/2017
09/09/2017	Target	Miscellaneous items for Justice Walker's office	6	\$90.22	R			09/09/2017
09/13/2017	OnStar	Monthly Service for fleet vehicle - Acct. #123112309	1 month	\$37.91	R			09/13/2017
09/22/2017	WV Paroeways Authority	EZ Pass Account payment for Fleet vehicles	1 month	\$160.00	R			09/22/2017
09/26/2017	Homegoods	Miscellaneous items for Justice Walker's Office	15	\$274.85	R			09/26/2017

I hereby certify that the items listed hereon have been received and properly accounted for and approved for payment.  
*Kimberly M. Ellis* 10/13/2017  
Purchasing Cardholder Signature Date

I hereby certify that the items hereon have been received and properly accounted for and approved for payment.  
*Alicia Rose* 10/13/2017  
Agency Coordinator Signature Date

\*R=Reconciled  
\*D=Disputed  
\*C=Carryover



CHARLESTON - 904-746-5445  
09/08/2017 12:10 PM



ENTERTAINMENT-ELECTRONICS			
057060699	ENR MAX	T	\$14.99
	2 @ \$7.49 ea		
	RETURN BY 10/08/17		

HARDWARE-AUTOMOTIVE			
029070252	BE SURGE	T	\$29.99
080074361	BEF EX CHRD	T	\$8.99

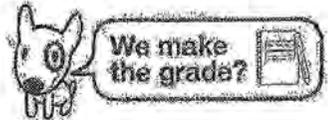
HEALTH-BEAUTY-COSMETICS			
049002146	RAW SUGAR	T	\$4.99
049003147	RAW SUGAR	T	\$4.99

HOME			
084051533	WASTEBASKET	T	\$19.99
054052294	SOAP DISPENSER	T	\$6.99

SUBTOTAL	\$90.22
TAX CREDIT SALE	\$0.00
TOTAL	\$90.22

*6063 VISA CHARGE	\$90.22
AID: 4000000033010	
Visa Credit	

REC#2-7251-1261-0073-2244-B WCD#254-255-340



Help make your Target run better. Take a 2 minute survey about today's trip.

inform@target.com  
User ID: 1274 8873 9982  
Password: 677 502

CUENTAS EN ESPANOL

Please take this survey within 7 days.

208358



101 BOWERS ROAD  
CHARLESTON, WV 25314  
304.343.3600 Phone  
304.343.3679 Fax  
wellshome.com

Page 1 of 1

Order Date

5/15/2017

Invoice # 2400051517

Store 01  
Salesperson(s) HP

Bill To:

33450  
KIMBERLY ELLIS  
WV SUPREME COURT OF APPEALS  
1900 KANAWHA BOULEVARD EAST  
ROOM E100  
CHARLESTON WV 25305  
Day: -- Eve: --  
Mobile: --

Deliver To:

33450  
KIMBERLY ELLIS  
WV SUPREME COURT OF APPEALS  
1900 KANAWHA BOULEVARD EAST  
ROOM E100  
CHARLESTON WV 25305  
Day: -- Eve: --  
Mobile: --

Quantity	Vendor	Model	Category	Location	Price	Ext. Price	S
1	HOOKER	1600-10468-DKW	DESK OFFIC		1,328.00	1,328.00	0
Line Item Notes: CURATA COLLECTION SHORT FREESTANDING 05/15/2017 02:52 PM - HOLLY ALFORD US East Out of Stock 2017-05-28 19.00							
1	HOOKER	1600-10473-DKW	DESK OFFIC		1,520.00	1,520.00	0
Line Item Notes: CURATA COLLECTION TALL FREESTANDING 05/15/2017 02:52 PM - HOLLY ALFORD US East In Stock 47							

pd \$2136  
pcard

Invoice Notes 05/15/2017 02:53 PM - HOLLY ALFORD  
PLEASE ALLOW APPROX 3-4 WEEKS FOR DELIVER  
(APPROX 5/23/17).

TOTAL AMOUNT DUE: \$2848  
DEPOSIT AMOUNT DUE: MINIMUM 25% (\$712)  
REMAINING BALANCE DUE UPON DELIVERY: \$2136

Deposits and Payments Made

See reverse for conditions of order.

Buyer's Approval: \_\_\_\_\_ Date: \_\_\_\_\_

Merchandise Total:	\$2,848.00
Delivery:	0.00
Tax: EXM	0.00
Total Sale:	\$2,848.00
Total Payments/Credits:	0.00
Balance Due	2,848.00
Amount Financed:	0.00

54--000109



101 BOWERS ROAD  
 CHARLESTON, WV 25314  
 304.343.3600 Phone  
 304.343.3679 Fax  
 wellshome.com

Sales Quote #  
 Order Date

Page 1 of 1  
**1705150001**  
 5/15/2017

Store 01  
 Salesperson(s) HP

Bill To:

Deliver To:

33450  
 KIMBERLY ELLIS  
 WV SUPREME COURT OF APPEALS  
 1900 KANAWHA BOULEVARD EAST  
 ROOM E100  
 CHARLESTON WV 25305  
 Day: -- Eve: --  
 Mobile: --

33450  
 KIMBERLY ELLIS  
 WV SUPREME COURT OF APPEALS  
 1900 KANAWHA BOULEVARD EAST  
 ROOM E100  
 CHARLESTON WV 25305  
 Day: -- Eve: --  
 Mobile: --

Quantity	Vendor	Model	Category	Location	Price	Ext. Price	S
1	HOOKER	1600-10468-DKW	DESK OFFIC SHORT FREESTANDING		1,328.00	1,328.00	0
Line Item Notes		05/15/2017 02:52 PM - HOLLY ALFORD US East Out of Stock 2017-05-28 19.00					
1	HOOKER	1600-10473-DKW	DESK OFFIC TALL FREESTANDING		1,520.00	1,520.00	0
Line Item Notes		05/15/2017 02:52 PM - HOLLY ALFORD US East In Stock 47					

Invoice Notes 05/15/2017 02:53 PM - HOLLY ALFORD  
 PLEASE ALLOW APPROX 3-4 WEEKS FOR DELIVERY FROM DATE ITEMS AVAILABLE AT VENDOR  
 (APPROX 5/28/17).

TOTAL AMOUNT DUE: \$2848  
 DEPOSIT AMOUNT DUE: MINIMUM 25% (\$712)  
 REMAINING BALANCE DUE UPON DELIVERY: \$2138

Deposits and Payments Made

Merchandise Total:	\$2,848.00
Delivery:	0.00
Tax: EXM	0.00
Total Sale:	\$2,848.00
Total Payments/Credits:	0.00
Balance Due	2,848.00
Amount Financed:	0.00

See reverse for conditions of order.

Buyer's Approval:

Date: 5/16/17

54--000110

May 31, 2017 9:15AM

No. 0367 P. 4

208358  
**W-9**

Form  
(Rev. October 2007)  
Department of the Treasury  
Internal Revenue Service

### Request for Taxpayer Identification Number and Certification

Give form to the requester. Do not send to the IRS.

Part or type  
See Specific instructions on page 2.

Name (as shown on your income tax return)  
**Wells Home Furnishings Inc**

Business name, if different from above

Check appropriate box:  Individual/sole proprietor  Corporation  Partnership  
 Limited liability company. Enter the tax classification (D=disregarded entity, C=corporation, P=partnership) ▶ .....  Exempt payee  
 Other (see instructions) ▶

Address (number, street, and apt. or suite no.)  
**101 Bowers Road**

City, state, and ZIP code  
**Charleston WV 25314**

Requester's name and address (optional)

List account number(s) here (optional)

#### Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on Line 1 to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Social security number

or

Employer identification number  
**55 | 0733516**

Note. If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

#### Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
- I am a U.S. citizen or other U.S. person (defined below).

**Certification instructions.** You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN. See the instructions on page 4.

Sign Here Signature of U.S. person ▶ David M. Nagler Date ▶ 5-16-17

#### General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

#### Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

- Certify that the TIN you are giving is correct (or you are waiting for a number to be issued).
- Certify that you are not subject to backup withholding, or
- Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

Note. If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

**Definition of a U.S. person.** For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

**Special rules for partnerships.** Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.

The person who gives Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States is in the following cases:

- The U.S. owner of a disregarded entity and not the entity,



State of West Virginia  
Agency Purchase Order

Order Date: 2017-05-31

CORRECT ORDER NUMBER  
MUST APPEAR ON ALL PACKAGES,  
INVOICES, AND SHIPPING PAPERS.  
QUESTIONS CONCERNING THIS  
ORDER SHOULD BE DIRECTED TO  
THE DEPARTMENT CONTACT.

Order Number: APO 2400 2400 SUP1700000010	Procurement Folder:
Document Name: office furniture for Justice Walker	Reason for Modification:
Document Description: office furniture for Justice Walker	
Procurement Type: Agency Purchase Order	
Buyer Name: Linda Sue Racer Troy	
Telephone: (304) 558-0145	
Email: sus.troy@courtsww.gov	
Shipping Method: Best Way	Effective Start Date:
Free on Board: FOB Dest, Freight Prepaid	Effective End Date:

Vendor Customer Code: 000000208358 WELLS HOME FURNISHINGS INC 101 BOWERS RD  CHARLESTON WV 25314  US Vendor Contact Phone: (999) 999-9999 Extension: Discount Percentage: 0.0000 Discount Days: 0	Requestor Name: Sandra Johnson Requestor Phone: (304) 340-2300 Requestor Email: sandra.johnson@courtsww.gov
--	---

INVOICE TO	SHIP TO
304-558-0145 WV SUPREME COURT OF APPEALS  BUILDING 1 ROOM E-100  1900 KANAWHA BLVD EAST  CHARLESTON WV 25305  US	304-558-0145 WV SUPREME COURT OF APPEALS  BUILDING 1 ROOM E-100  1900 KANAWHA BLVD EAST  CHARLESTON WV 25305  US

Total Order Amount: \$2,848.00

DEPARTMENT AUTHORIZED SIGNATURE  
SIGNED BY:  
DATE:  
ELECTRONIC SIGNATURE ON FILE

Date Printed: May 31, 2017 Order Number: SUP1700000010

Page: 1

FORM ID: WV\_FRD\_APO\_001 8/14

54--000112

**Extended Description:**

Curata Collection office furniture for Justice Walker

Line	Commodity Code	Quantity	Unit	Unit Price	Total Price
1	58101500	0.00000			\$2,848.00
Service From	Service To	Manufacturer	Model No	Delivery Date	
2017-05-01	2017-10-01				

**Commodity Line Description:** Furniture  
CURATA Collection

**Extended Description:**

CURATA collection furniture for Justice Walker's office

	Document Phase	Document Description	Page 3
SUP1700000010	Draft	office furniture for Justice Walker	of 3

State of West Virginia Purchasing Card  
Log Sheet

Cardholder Name: Kimberly M. Ellis  
Account Number: 4807-1580-0032-3371  
Agency: WVSCA - Administrative Office

Transaction Limit: \$2500.00  
Billing Cycle (Month/Year): August 2017  
Dept/Org.#: 2400

Transaction Date	Vendor	Item Description	Quantity	Total Amt	R* D* C*	Object Code	S Document Number	Date Received
08/03/2017	Ferguson Enterprises	Bathroom Fixtures for Justice Walker's Office	5	\$83.48	R			08/03/2017
08/05/2017	Waste Management	Monthly dumpster service for Variable Avenue Warehouse	1 month	\$54.04	R			08/05/2017
08/10/2017	OnStar	Monthly Service for fleet vehicle	1 month	\$37.91	R			08/10/2017
08/13/2017	OnStar	Monthly Service for fleet vehicle	1 month	\$37.91	R			08/13/2017
08/15/2017	WV Parkways Authority	EZ Pass Account payment for Fleet vehicles	1 month	\$100.00	R			08/15/2017
08/15/2017	Goldfarb Electric	LED Bulbs for Justice Walker's Office	21	\$200.98	R			08/15/2017
08/18/2017	Lowe's	Miscellaneous Items for Justice Walker's Office	3	\$9.93	R			08/18/2017
08/18/2017	Wells Home Furnishings	Desk and Return for Justice Walker's Office	2	\$2138.00	R			08/18/2017
08/22/2017	Lowe's	LED Bulbs for Justice Kathum's Office	32	\$384.38	R			08/22/2017

I hereby certify that the items listed hereon have been received and properly accounted for and approved for payment.

Kimberly M. Ellis 08/12/2017  
Purchasing Cardholder Signature Date

I hereby certify that the items hereon have been received and properly accounted for and approved for payment.

\_\_\_\_\_  
Agency Coordinator Signature Date

\*R=Reimbursed  
\*D=Disputed  
\*C=Carryover



101 BOWERS ROAD  
CHARLESTON, WV 25314  
304.343.3600 Phone  
304.343.3679 Fax  
wellshome.com

DELIVERY TICKET

Sales Order #

Order Date

Page 1 of 1

110565

6/28/2017

Store 01  
Salesperson(s) HP

Bill To:

33450  
KIMBERLY ELLIS  
WV SUPREME COURT OF APPEALS  
1900 KANAWHA BOULEVARD EAST  
ROOM E100  
CHARLESTON WV 25305  
Day: 304-558-0145 Eve: --  
Mobile: 304-553-1207

Deliver To:

33450  
KIMBERLY ELLIS  
WV SUPREME COURT OF APPEALS  
1900 KANAWHA BOULEVARD EAST  
ROOM E100  
CHARLESTON WV 25305  
Day: 304-558-0145 Eve: --  
Mobile: 304-553-1207

Quantity	Vendor	Model	Category	Location	Price	Ext. Price	S
1	HOOKER	1600-10468-DKW	DESK OFFIC SHORT FREESTANDING	01WHS	1,328.00	1,328.00	0
Line Item Notes: 06/27/2017 12:05 PM - HOLLY ALFORD US East Out of Stock 2017-05-28 19.00 In Stock 4 - 6/27/17							
1	HOOKER	1600-10473-DKW	DESK OFFIC TALL FREESTANDING	01WHS	1,520.00	1,520.00	0
Line Item Notes: 06/27/2017 12:06 PM - HOLLY ALFORD US East In Stock 47 In Stock 63 - 6/27/17							

*Paid in full Visa*

Invoice Notes 05/15/2017 02:53 PM - HOLLY ALFORD  
PLEASE ALLOW APPROX 3-4 WEEKS FOR DELIVERY FROM DATE ITEMS AVAILABLE AT VENDOR  
(APPROX 5/28/17).

TOTAL AMOUNT DUE: \$2848  
DEPOSIT AMOUNT DUE: MINIMUM 25% (\$712)  
REMAINING BALANCE DUE UPON DELIVERY: \$2136

Deposits and Payments Made	Date	Amount	MOP	Type	Check
	6/28/2017	-712.00	CHK	D	1002982
Merchandise Total:					\$2,848.00
Delivery:					0.00
Tax: EXM					0.00
Total Sale:					\$2,848.00
Total Payments/Credits:					712.00
Balance Due					2,136.00
Amount in Advance					0.00

See reverse for conditions of order.  
I verify that all merchandise has been delivered in good condition.

Customer's Signature:

Date:

54-000116

189976  
 WV Blinds  
 & Shutters Inc.

**Invoice**

DATE: 03/31/2017  
 INVOICE # 33117  
 Customer Price/Walker

1600 Kanawha Blvd West  
 Charleston WV 25387  
 Phone: 304.345.2001  
 Fax: 888.865.2818

**BILL TO:**

Kimberly Ellis  
 West Virginia Supreme Court of  
 Appeals  
 1900 Kanawha Boulevard East  
 Room E100  
 Charleston, WV 25305

**SHIP TO (if different):**

kimberly.ellis@courtsww.gov

SALESPERSON	P.O. #	SHIP DATE	SHIP VIA	TERMS

ITEM #	DESCRIPTION	QTY	UNIT PRICE	TOTAL
Bernhardt	Aubrey Round Chairside Table 344-126	2	1,450.00	2,900.00
Bernhardt	Geneva Round Cocktail Table With Glass Top 353-008 998-044	1	1,035.00	1,035.00
Bernhardt	Miramont Chair 360-X66	4	700.00	2,800.00
Thibaut	Fabric for Miramont Chair-Mosaic W80491	8	98.00	784.00
Bernhardt	Diana Chair Leather 254-010L6 H1808	3	1,875.00	5,625.00
Thibaut	Fabric for Pillows Rue de Seine Embroidery Cream on Berry AF7869	2	150.99	301.98
V/Q	14"x18" Pillows Labor	3	75.00	225.00
V/Q	90/10 Pillow Inserts	3	16.00	48.00
Bernhardt	Lancaster B1411 COM Fabric	2	1,499.00	2,998.00
Anna French	Arturo Damask Embroidery W713013	15	140.00	2,100.00
Pacific Designs	PDSH207 Wallpaper	4	160.99	643.96
WIS	Install Wallpaper	1	490.00	490.00
Bernhardt	Adella Round Chairside Table 366-108	1	450.00	450.00
Diamond	Labor to make (3) Benchseat-Foam-Cording	3	290.00	870.00
Thibaut	Benchseat Fabric Key Stripe Cafe AW1374	14	137.00	1,918.00

SUBTOTAL \$23,188.94  
 TAX RATE 0.000%  
 TAX \$0.00  
 S & H \$1,400.00  
 Paid \$0.00  
**TOTAL \$24,588.94**

**Other Comments or Special Instructions**

50% Deposit Is Required Before Order Can Be Placed  
 Balance Due Upon Delivery

IN MK 71544 Thank You For Your Business!  
 \$12,294.47 ← 50% deposit

54--000117

WV Blinds

Invoice

DATE: 03/31/2017  
 INVOICE # 33117  
 Customer Price/Walker

1600 Kanawha Blvd West  
 Charleston WV 25387  
 Phone: 304.345.2001  
 Fax: 888.865.2818

**BILL TO:**  
 Kimberly Ellis  
 West Virginia Supreme Court of Appeals  
 1900 Kanawha Boulevard East  
 Room E100  
 Charleston, WV 25305

**SHIP TO (if different):**  
 kimberly.ellis@courtsww.gov

SALESPERSON	P.O. #	SHIP DATE	SHIP VIA	TERMS

ITEM #	DESCRIPTION	QTY	UNIT PRICE	TOTAL
Bernhardt	Aubrey Round Chairside Table 344-126	2	1,450.00	2,900.00
Bernhardt	Carnaby Round Metal Cocktail table 340-015	1	1,650.00	1,650.00
Bernhardt	Miramont Chair 360-X-66-COM	4	700.00	2,800.00
Thibaut	Fabric for Miramont Chair-Mosaic W80491	8	98.00	784.00
Bernhardt	Delano Chair Leather 254-010L6 N1808	3	1,875.00	5,625.00
Thibaut	Fabric for Pillows Rue de Seine Embroidery Cream on Berry AF7869	2	150.99	301.98
V/Q	14"x18" Pillows Labor-Self welt	3	75.00	225.00
V/Q	90/10 Pillow Inserts	3	16.00	48.00
Bernhardt	Lancaster B1411 COM Fabric-COM	2	1,499.00	2,998.00
Anna French	Key Stripe Cafe AW1374	15	137.00	2,055.00
Pacific Designs	PDSH207 Wallpaper	4	160.99	643.96
WIS	Install Wallpaper	1	490.00	490.00
Bernhardt	Adella Round Chairside Table 366-108	1	450.00	450.00
Diamond	Labor to make (3) Benchseat-Foam-Cording	3	290.00	870.00
Thibaut	Arturo Damask Embroidery W7 (2) benchseat	10	140.00	1,400.00
Thibaut	Majuli Embroidery Red on Flax (1) benchseat	5	156.00	780.00

Other Comments or Special Instructions

**50% Deposit Is Required Before Order Can Be Placed  
 Balance Due Upon Delivery**

Paid \$12294.47 on 06/23/2017 with CK#1002862994

SUBTOTAL \$24,020.94  
 TAX RATE 0.000%  
 TAX \$0.00  
 S & H \$1,400.00  
 Paid (\$12,294.47)  
 TOTAL \$13,126.47

Thank You For Your Business!

I CERTIFY THAT THE ABOVE MERCHANDISE HAS BEEN RECEIVED IN GOOD CONDITION AND CONFORMS TO SPECIFICATIONS.

DATE 08/09/2017

SIGNED *Kimberly Ellis*

54--000118

*I approve the \$832.00 price difference due to a couple of items being discontinued and replaced.*

WV Blinds

Invoice

1600 Kanawha Blvd West  
 Charleston WV 25387  
 Phone: 304.345.2001  
 Fax: 888.865.2818

DATE: 03/31/2017  
 INVOICE # 33117  
 Customer Price/Walker

**BILL TO:**  
 Kimberly Ellis  
 West Virginia Supreme Court of Appeals  
 1900 Kanawha Boulevard East  
 Room E100  
 Charleston, WV 25305

**SHIP TO (if different):**  
 kimberly.ellis@courtsww.gov

SALESPERSON	P.O. #	SHIP DATE	SHIP VIA	TERMS
-------------	--------	-----------	----------	-------

ITEM #	DESCRIPTION	QTY	UNIT PRICE	TOTAL
Bernhardt	Aubrey Round Chairside Table 344-126	2	1,450.00	2,900.00
Bernhardt	Geneva Round Cocktail Table With Glass Top 353-008 998-044	1	1,035.00	1,035.00
Bernhardt	Miramont Chair 360-X66	4	700.00	2,800.00
Thibaut	Fabric for Miramont Chair-Mosaic W80491	8	98.00	784.00
Bernhardt	Diano Chair Leather 254-D10L6 N1808	3	1,875.00	5,625.00
Thibaut	Fabric for Pillows Rue de Seine Embroidery Cream on Berry AF7869	2	150.99	301.98
V/Q	14"x18" Pillows Labor	3	75.00	225.00
V/Q	90/10 Pillow Inserts	3	16.00	48.00
Bernhardt	Lancaster B1411 COM Fabric	2	1,499.00	2,998.00
Anna French	Arturo Damask Embroidery W713013	15	140.00	2,100.00
Pacific Designs	PDSH207 Wallpaper	4	160.99	643.96
WIS	Install Wallpaper	1	490.00	490.00
Bernhardt	Adella Round Chairside Table 366-108	1	450.00	450.00
Diamond	Labor to make (3) Benchseat-Foam-Cording	3	290.00	870.00
Thibaut	Benchseat Fabric Key Stripe Cafe AW1374	14	137.00	1,918.00

SUBTOTAL \$23,188.94  
 TAX RATE 0.000%  
 TAX \$0.00  
 S & H \$1,400.00  
 Paid \$0.00  
**TOTAL \$24,588.94**

Other Comments or Special Instructions

50% Deposit Is Required Before Order Can Be Placed  
 Balance Due Upon Delivery

*Amount  
 N. J.  
 5/12/17*

Thank You For Your Business!



State of West Virginia  
**Agency Purchase Order**

**CORRECT ORDER NUMBER  
 MUST APPEAR ON ALL PACKAGES,  
 INVOICES, AND SHIPPING PAPERS.  
 QUESTIONS CONCERNING THIS  
 ORDER SHOULD BE DIRECTED TO  
 THE DEPARTMENT CONTACT.**

Order Date: 2017-05-24

Order Number: APO 2400 2400 SUP1700000009	Procurement Folder:
Document Name: WV BLINDS	Reason for Modification:
Document Description: FURNISHINGS FOR JUSTICE WALKERS OFFICE	
Procurement Type: Agency Purchase Order	
Buyer Name: Linda Sue Racer Troy	
Telephone: (304) 568-0145	
Email: sue.troy@courtwv.gov	
Shipping Method: Best Way	Effective Start Date:
Free on Board: FOB Dest, Freight Prepaid	Effective End Date:

Vendor Customer Code: 000000188776 WV BLINDS & SHUTTERS INC 1600 KANAWHA BLVD W STE 1601  CHARLESTON WV 25387  US Vendor Contact Phone: (304) 541-2001 Extension: Discount Percentage: 0.0000 Discount Days: 0	Requestor Name: Requestor Phone: Requestor Email:
---	---

INVOICE TO	SHIP TO
304-568-0145 WV SUPREME COURT OF APPEALS  BUILDING 1 ROOM E-100  1900 KANAWHA BLVD EAST  CHARLESTON WV 25305  US	304-568-0145 WV SUPREME COURT OF APPEALS  BUILDING 1 ROOM E-100  1900 KANAWHA BLVD EAST  CHARLESTON WV 25305  US

Total Order Amount: \$24,588.94

DEPARTMENT AUTHORIZED SIGNATURE  
 SIGNED BY:  
 DATE:  
 ELECTRONIC SIGNATURE ON FILE



WV Blinds & Shutters, Inc

Invoice

DATE: 03/20/2017
INVOICE #: 3202017
Customer: Price/Walker

1600 Kanawha Blvd West
Charleston WV 25387
Phone: 304.345.2001
Fax: 888.865.2818

BILL TO:
Kimberly Ellis
West Virginia Supreme Court of Appeals
1900 Kanawha Boulevard East
Room E100
Charleston, WV 25305

SHIP TO (if different):
kimberly.ellis@courtsww.gov

Table with 6 columns: SALESPERSON, P.O. #, SHIP DATE, SHIP VIA, TERMS

Main item table with columns: ITEM #, DESCRIPTION, QTY, UNIT PRICE, TOTAL. Includes items like Custom Cornice, Shima Coral AF2590, Fabric Panels, etc.

SUBTOTAL \$2,866.85
TAX RATE 0.000%
TAX \$0.00
Freight \$245.60
Paid \$0.00
TOTAL \$3,112.45

Other Comments or Special Instructions

50% Deposit Is Required Before Order Can Be Placed
Balance Due Upon Delivery

Handwritten signature and date: Approved 6/12/17

Handwritten note: 50% deposit of invoice due \$1,556.23

Thank You For Your Business!





PAST RECEIPT FOR B43816

ZEGEER HARDWARE

1421 Washington St E.  
Charleston, WV 25301-1979  
304-342-3383 Fax: 304-342-9928  
www.dollbest.com

Report Date: 1/13/2017 9:48:31 AM

ZEGEER HARDWARE  
1421 Washington St. E.  
Charleston, WV 25301  
304-342-3383

Transaction#: B43816  
Date: 12/26/2016 Time: 10:36:09 AM

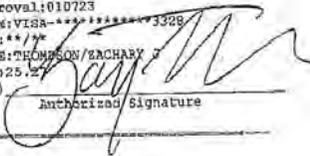
\*\*\* SALE \*\*\*

Bill To:  
Our Valued Customer

32 OZ CONTRACTOR SOLVENT-771799	
1.00 EACH @ \$12.99 N	\$12.99
BOX WHITE STAINING BAGS - 797795	
1.00 BAG @ \$3.79 N	\$3.79
QT CRACKSHOT SPACKLING - 788504	
1.00 QT @ \$9.49 N	\$9.49
Subtotal:	\$25.27
0% - RKE Tax Exempt:	\$0.00
TOTAL:	\$25.27
VISA:	\$25.27
CHANGE:	\$0.00

BUYER AGREES TO PAY TOTAL AMOUNT ABOVE  
ACCORDING TO CARDHOLDER'S AGREEMENT  
WITH ISSUER

Approval:010723  
CHUN:VISA-\*\*\*\*\*3328  
EXP:\*\*/\*\*  
NAME:THOMPSON/EACHARY J  
AMT:25.27

(X)   
Authorized Signature

Notes:  
TAX EXEMPT # 556000760

Thank You!  
"Give us a call, We have it all"  
RETURNS MUST ACCOMPANY A RECEIPT

ZEGEER HARDWARE  
1421 Washington St. E.  
Charleston, WV 25301  
304-342-3383

Transaction#: B43816

Page # 1

54--000125



State of West Virginia  
**John B. McCuskey**  
 State Auditor

Office of the State Auditor  
 State Capitol, Building 1, Suite W-100  
 1900 Kanawha Boulevard, East  
 Charleston, West Virginia 25305

July 26, 2018

Toll Free: (877) 982-9148  
 Telephone: (304) 558-2251  
 Fax: (304) 558-5200  
[www.wvsao.gov](http://www.wvsao.gov)



Barbara Allen  
 Interim Administrative Director  
 West Virginia Supreme Court of Appeals  
 Building One, Room E-100  
 1900 Kanawha Boulevard East  
 Charleston, WV 25305-0830

**RE: Purchase of meals by Supreme Court**

Dear Ms. Allen:

I have been made aware through media reports the Judicial Investigation Commission ("JIC") made a recent public finding that use of public funds for personal meals is permissible under West Virginia law. In particular, the JIC findings suggest it is permissible for the Supreme Court to use state purchasing cards to buy meals for themselves while performing their daily Constitutional duties (e.g. review decisions and hear arguments).<sup>1</sup> The JIC further indicated the Supreme Court needs to implement a policy allowing such meals to be purchased with public funds.

The conclusions reached by the JIC necessitates a reaffirmation of the position of the State Auditor's office. It also warrants examination of the practices of the Court, and the potential policy the Supreme Court intends to adopt.

***Supreme Court is not authorized to use public funds to buy personal meals***

Our office was neither consulted nor asked for an opinion by the JIC as to the propriety of using a State purchasing card ("p-card") to buy personal lunches. Had our office been asked, we would have opined that such use of a p-card is contrary to the policies and procedures of the purchasing card program, and generally prohibited under law. See W.Va. Code §6B-2-5(b) (prohibiting use of public office for private gain). On this point, the West Virginia Ethics Commission has issued multiple Advisory Opinions that support the proposition that public funds

<sup>1</sup> I wish to make clear the comments and conclusions contained in this letter relate to the Supreme Court as a whole, and not to any particular Justice. Indeed, it is my understanding none of the Justices have a state p-card in their name. Rather, this letter is addressed to the practices of the employees of the Supreme Court in the use of the p-card to buy lunches.

Barbara Allen  
July 26, 2018  
Page | 2

may not be used for the personal meals of public employees, barring express authorization or allowance under law. See A.O. 2018-04; A.O. 2018-02; A.O. 2012-50; and A.O. 2012-27. The only exception allowed was a State board or commission that was hosting a meeting of individuals that travelled from around the state to attend the meeting. See A.O. 2012-27. Rather than break for lunch, the Ethics Commission opined that a working lunch could be permissible. However, the Ethics Commission's opinion looked to whether there was a statutory allowance for meals (e.g. per diem for attendance), and further suggested consultation with the Auditor's office. More recently, the Ethics Commission in A.O. 2018-02 directed a County Commission to seek guidance from the Attorney General and/or State Auditor prior to using public funds for a working lunch.

While the JJC statement appears to try to encompass the A.O. 2012-27 opinion in its conclusion, the Court lunches do not fall within the guidelines or facts of the Advisory Opinion. First, there is no statutory allowance for the meals. The Court was not in travel status nor engaging in a training conference. Rather, the Court had lunch catered to them as part of their standard work day. Having food delivered understandably adds to the efficiency of the day. However, aide of efficiency does not require using public funds. The Justices and employees could have paid for the meal with their own personal money. Second, there is serious doubt as to an express authority for using public funds for lunches during a normal workday. If there is a belief that such authorization exists, then A.O. 2018-02 suggests consultation and/or opinion from the Attorney General and Auditor. While I am unaware of an Attorney General opinion, our office has not been contacted or consulted.

Accordingly, I wish to make clear, the position of the Auditor's office is that public employees and public officials, including specifically members and employees of the Supreme Court, may not use public funds to purchase personal meals during a non-travel workday. An expenditure of public funds for a personal meal will neither be processed nor approved by our office. Further, if a p-card is utilized, such purchases will also be deemed a violation of the policies and procedures governing the use of the State purchasing cards.<sup>2</sup>

#### *Supreme Court Policy and defining allowable expenses*

If the Supreme Court desires to adopt and implement a policy governing use of public monies for meals, then I would welcome and encourage consultation with our office. While our position is that public monies may not be used for "personal meals", there may be an allowable expense for hospitality purposes. While defining these allowable types of hospitality may be intricate, any allowance will likely center around (1) persons in travel status; (2) hosting a training or educational seminar; and (3) hosting a meeting with individuals from outside of the Court. However, the key principle underlying any such policy should be a prohibition of using public funds for the purchase of meals for individuals performing their daily duties or responsibilities (i.e. a personal meal).

<sup>2</sup> One of the main underlying prohibitions in the State p-card policies and procedures is to not use public monies for one's personal benefit.

Barbara Allen  
July 26, 2018  
Page | 3

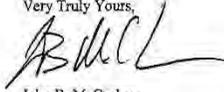
Again, we welcome the opportunity to work with you and your staff to craft such a policy which would clearly delineate allowable expenses and prevent any future misuse of public funds.

*Expenditures going forward*

Given the JIC findings and the longstanding practice of purchasing lunches and meals for Court staff and officials, I anticipate there may be disagreement with the position of our office. Indeed, I am very mindful of, and give deference to, the operations of another Branch of government. However, the finding of the JIC and recommendation that the Supreme Court may use public funds for personal use (e.g. meals), blends over to the powers and duties of the Auditor to ensure proper expenditures of public monies. Under this paradigm, I intend to review and disapprove expenditures that are for personal benefit.

I look forward to working through these issues with you, and welcome your cooperation going forward. It is my hope a cooperative approach may yield better guidance to prevent any potential misuse. If you have any questions, or wish to discuss further, please feel free to contact me.

Very Truly Yours,



John B. McCuskey  
State Auditor

cc: Teresa Tarr, Judicial Investigation Commission



**BARBARA H. ALLEN**  
 [REDACTED]  
 Pittsburgh, PA 15217  
 ([REDACTED])

**BILL FOR LAW CLERK SERVICES  
 QUICKEN LOANS INC. V. WALTERS, No. 16-0298**

Date	Activity	Hours	Charge
5/17/17	Phone call with Justice Walker	.25	N/C
5/19/17	Phone call with Edye Nash; Arrange to get Appendix Record	.25	N/C
5/21/17	Read briefs	2.00	\$400.00
5/22/17	Begin reading and analyzing Appendix Record	3.50	\$700.00
5/23/17	Continue reading and analyzing Record	2.50	\$500.00
5/23/17	Phone call with Justice Walker	.30	N/C
5/25/17	Begin research	4.00	\$800.00
5/26/17	Continue research	3.00	\$600.00
5/28/17	Begin drafting opinion	3.50	\$700.00
5/30/17	Continue drafting and additional research	7.00	\$1,400.00
5/31/17	Continue drafting	5.50	\$1,100.00
6/01/17	Continue drafting and additional research	6.00	\$1,200.00
6/02/17	Continue drafting	4.50	\$900.00

6/03/17	Continue drafting	2.00	\$400.00
6/04/17	Continue drafting	3.50	\$700.00
6/05/17	Travel to Charleston	4.00	N/C
6/05/17	Phone call with Justice Walker	.25	N/C
6/05/17	Continue drafting; making changes as per discussions with Justice Walker	4.50	\$900.00
6/06/17	Finalizing draft opinion; Meeting with Justice Walker; cite checking in Law Library	10.50	\$2,100.00
6/07/17	Final edits to opinion;	3.50	\$700.00
6/09/17	Travel back to Pittsburgh	4.00	N/C

TOTAL HOURS: 74.75

TOTAL CHARGES BEFORE CAP: \$14,950.00

AGREED-UPON CAP: \$10,000.00

I CERTIFY THAT THE ABOVE MERCHANDISE WAS RECEIVED IN GOOD CONDITION AND CONFORMED TO SPECIFICATIONS.  
 DATE 6/12/17  
 SIGNED [Signature]

*Lee Kucinich 6/12/17*

**Troy, Sue**

---

**From:** Johnson, Gary  
**Sent:** Thursday, June 22, 2017 11:46 AM  
**To:** Humphrey, Whitney  
**Cc:** Troy, Sue  
**Subject:** RE: Barbara Allen

Please send the invoice down and we will take care of it.

**From:** Humphrey, Whitney  
**Sent:** Thursday, June 22, 2017 11:42 AM  
**To:** Johnson, Gary <Gary.Johnson@courtswv.gov>  
**Cc:** Paletta Davis, Lori <Lori.PalettaDavis@courtswv.gov>  
**Subject:** Barbara Allen

Judge Johnson and Lori,

Barbara Allen recently wrote an opinion for Justice Walker, and today we received an invoice from her. Justice Walker understands Ms. Allen did work for the Court last year, but wasn't sure if she was still an approved vendor or if a formal contract is necessary?

I also messaged Sue Troy, but she is out of the office today and I won't be back in until next week. We'd like to get Ms. Allen's invoice approved as soon as possible so she can receive payment.

Thanks!

Whitney Humphrey  
Administrative Assistant  
Office of Justice Elizabeth D. Walker  
West Virginia State Supreme Court of Appeals  
Bldg. 1, Room E302  
1800 Kanawha Blvd E.  
Charleston, WV 25305  
304-340-2317



August 6, 2018

John B. McCuskey, State Auditor  
State Capitol, Building 1, Suite W-100  
1900 Kanawha Boulevard, East  
Charleston, WV 25305

Re: Purchase of meals by Supreme Court

Dear Mr. McCuskey:

Thank you for your letter of July 26, 2018, outlining the position of your office concerning the Supreme Court of Appeals' use of a state purchasing card to pay for working lunches for the Justices and their staff members on days when the Justices worked together throughout the course of a day, for example, argument docket days and administrative conference days.

We are aware of the Advisory Opinions issued by the West Virginia Ethics Commission on the subject, which, although instructive, do not apply to the judicial branch of government. In this regard, W. Va. Const., art. VIII, §3 establishes the Court's power to control the administrative business of the judiciary. See, e.g., Syllabus Point 1, *State ex rel. Farley v. Spaulding*, 203 W. Va. 275, 507 S.E.2d 376 (1998): "Not only does our Constitution explicitly vest the judiciary with the control over its own administrative business, but it is a fortiori that the judiciary must have such control in order to maintain its independence." See also Syllabus Point 2, *State ex rel. Lambert v. Stephens*, 200 W. Va. 802, 490 S.E.2d 891 (1997). This latter factor is why the "working lunches" issue concerning the Court was properly submitted for resolution to the Judicial Investigation Commission, not the West Virginia Ethics Commission. The JIC concluded that "there is no probable cause to believe that you violated the Code of Judicial Conduct. You employed an already well-established policy utilized by other State agencies to make the Court run more efficiently and effectively on argument docket and administrative conference days."

We respectfully disagree with your statement that "members and employees of the Supreme Court may not use public funds to purchase personal meals during a non-travel workday." As noted above, the Court has both express and implied authority under the West Virginia Constitution to make that determination as to the judicial branch of government, subject to the limitation, as set forth by the JIC, that the expenditure of public funds must be "consistent with [the Court's] public mission and where there is a commensurate benefit to the governmental body and to the public."<sup>1</sup>

Page Two  
August 2, 2018  
Letter: John B. McCuskey, State Auditor

We also respectfully disagree with your statement that the Court's use of a p-card to purchase working lunches is "contrary to the policies and procedures of the purchasing card program, and generally prohibited under law." None of the Advisory Opinions noted above support this sweeping conclusion; indeed, none of the opinions cited in your letter even mention the p-card issue. Further, nothing in the p-card regulations supports the conclusion that a card cannot be used to purchase a working lunch. Finally, the use of a p-card in these circumstances furthers the important goal of transparency, as the paperwork submitted for the purchase of working lunches contains not only a copy of the invoice but also the name of every individual who received a lunch. In short, there is and was nothing secret about the Court's working lunches.

As you probably know from the media reports to which you allude in your letter, the issue of working lunches is now moot, inasmuch as the Court has ceased the practice. However, we appreciate your offer to work cooperatively with us on other issues as they arise, and will most certainly take you up on that.

Please feel free to contact me if you have any questions or concerns.

With kindest regards, I remain

Very Truly Yours,

Barbara H. Allen  
Interim Administrative Director

BHA/mg

cc: Margaret L. Workman, Chief Justice  
Robin Jean Davis, Justice  
Elizabeth D. Walker, Justice  
Teresa Tarr, Esq., Judicial Investigation Commission

---

In this regard, in Advisory Opinion 2012-27, the Ethics Commission concluded that a state licensing board could purchase meals for members and staff "who are required to be present at the meeting as part of their job duties, when the meal is provided for the benefit of the Board, i.e., to accomplish its work." Further, in Advisory Opinion 2018-02, the Commission reviewed (and in some cases distinguishes) a number of its prior opinions and stated, *inter alia*, that "[t]he decision to purchase the meal must be based upon a legitimate government reason, i.e., that the agency is having a working lunch or dinner in order that agency business may be conducted most efficiently and effectively."

**JUDICIAL INVESTIGATION COMMISSION**

City Center East - Suite 1200 A  
4700 MacCorkle Ave., SE  
Charleston, West Virginia 25304  
(304) 558-0169 • FAX (304) 558-0831

April 20, 2018

The Honorable Elizabeth D. Walker, Justice  
Supreme Court of Appeals of West Virginia  
State Capitol Complex  
Building 1, Room E-100  
1900 Kanawha Blvd. East  
Charleston, WV 25305

via: Email

Re: Judicial Investigation Complainant No. 41-2018

Dear Justice Walker:

On April 18<sup>th</sup> the above-numbered complaint was opened against you and docketed by Judicial Disciplinary Counsel. This letter will serve as the formal complaint and the Complainant is Judicial Disciplinary Counsel. The filing of the complaint was triggered in part by recent news reports and following an examination of records received in connection with an ongoing investigation into another matter. The area of concern is the Court's practice of purchasing lunches for themselves and others while at work at the Capitol on work days which include but may not be limited to Argument Dockets and Administrative Conferences.

In accordance with the provisions of Rule 2.2 of the Rules of Judicial Disciplinary Procedure, Counsel must investigate complaints of alleged violations of the Code of Judicial Conduct. Rule 2.3 provides that upon notice of the nature of the complaint, a "judge shall have ten days" to file a written response. Therefore, your response to the complaint is due ten (10) days from the date you received this letter. Should you need additional time to respond to the allegations, you must ask for an extension in writing.

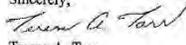
In your response the Commission would like you to directly address, what express or implied authority allowed the Court to use State funds to purchase lunches during Argument Dockets and Administrative Conferences? What express or implied authority allowed the Court to use State funds to purchase lunches for people other than the Justices during Argument Dockets and Administrative Conferences? What public benefit was gained by having the lunches paid for with State funds instead of by the individuals?

PAGE 2 of 2

Since this letter serves as the complaint, you should be aware that our investigation will look at your conduct as it may relate to Rules 1.1, 1.2, 1.3, 3.13 and 3.15 of the Code of Judicial Conduct. For your information, the Rules, which are relevant to the handling of complaints against judicial officers, may be found in the State Court Rules along with the Code of Judicial Conduct. Additionally, the Rules and the Code may be found on the State Supreme Court website at <http://www.courts.wv.gov/legal-community/judicial-investigation.html>

Thank you for your consideration and your willingness to meet with Counsel. Please do not hesitate to contact me should you have any questions, comments or concerns.

Sincerely,



Teresa A. Tarr,  
Judicial Disciplinary Counsel

TAT: mps  
Complaint No. 41-2018



**JUDICIAL INVESTIGATION COMMISSION**  
City Center East - Suite 1200 A  
4700 MacCorkle Ave., SE  
Charleston, West Virginia 25304  
(304) 558-0169 • FAX (304) 558-0831  
July 23, 2018

The Honorable Elizabeth D. Walker, Justice  
Supreme Court of Appeals of West Virginia  
Capital Complex  
Building One, Room E-302  
Charleston, West Virginia 25305

In re: Complaint No. 41-2018

Dear Justice Walker:

On July 20, 2018, the Judicial Investigation Commission was presented with a complaint filed against you by Judicial Disciplinary Counsel. The complaint alleged potential violations of Rules 1.1, 1.2, 1.3, 3.13 and 3.15 of the Code of Judicial Conduct pertaining to the justices' practice of buying lunches on a State purchasing card while at work at the Capitol on argument docket and administrative conference days. The facts giving rise to the complaint are as follows: Prior to 2012, the Court began each argument day at 10:00 a.m. and recessed for lunch from 12:30 to 2:00 p.m. Thereafter, the Court would resume its work on the bench until the docket was complete. Afterward, the Court held conference to decide that day's cases. On days where there was an all-day administrative conference, the Court also took a lunch break in the middle of the day.

Beginning in January 2012, the Court, then comprised of Justices Davis, Workman, Ketchum, McHugh, and Benjamin, informally changed the schedule on argument days by ceasing the 12:30 p.m. to 2:00 p.m. lunch break. Instead, the Court opted to stay on the bench until the docket was completed. The Court then immediately began the decision conference and held a working lunch paid for by the Court. Lunches were also provided for visiting circuit court judges who filled in for justices conflicted off specific cases. With respect to all day administrative conferences, the Court also elected to have a working lunch. The Court also provided lunches for various court employees who had to remain at their posts and copy, type and/or retrieve documents for the Justices while they were on the bench or in conference.

According to Justices Davis, Workman, Ketchum and Benjamin, the change to a working lunch was brought about for several reasons. First, litigants, lawyers and other court participants who came from all over the state did not have to wait while the Court broke for a 90 minute lunch during argument docket days but would instead be able to begin their travel

The Honorable Elizabeth D. Walker, Justice  
July 23, 2018  
Page 2 of 3

home much earlier. Second, the practice proved more convenient for visiting judges who could return to their circuit the same day and perhaps engage in some work there. Third, eliminating the lunch break during argument and administrative conference days also allowed the Justices and certain staff additional time to work on research, writing and other Court matters. Fourth, the practice proved more efficient since the justices and staff members were no longer at the mercy of restaurants and traffic as to their ability to return to work in a timely manner.

You were elected to the bench in May 2016, and took office on January 1, 2017. By that time, the custom of a paid working lunch on argument docket and administrative conference days had been in effect for four years, was well known throughout the Court system, and no one had ever questioned the correctness of the policy. Consequently, when you took the bench, you likewise partook in the paid working lunches.

In mid-Fall 2017, you decided to reimburse the Court for your lunches – not because you believe you did anything wrong but because of a promise you made to yourself before taking office that you would limit the amount of public money that you would use for expenses.<sup>1</sup> You made a general verbal inquiry as to whether it was possible to compute the 2017 lunch expenses attributed to your assistant and you and you were told that it was too difficult to do so. You did not document your inquiry or the response.

In December 2017, the Court, for the first time, was asked about paid lunches in a FOIA request from a local television reporter. The Court's Finance Director was tasked with gathering the information about the lunches. By email dated December 20, 2017, you asked the Finance Director to inform you on how much the Court paid over the past year for the lunches in question and that you would be "writing a personal check . . . for 1/5 of the total." On December 29, 2017, you gave the then court administrator a check for \$2,019.24.<sup>2</sup>

On or about April 18, 2018, Judicial Disciplinary Counsel opened a complaint against you alleging the aforementioned facts and potential Code violations. By letter dated May 4, 2018, you denied violating the Code of Judicial Conduct. You were also voluntarily interviewed by Judicial Disciplinary Counsel on May 23, 2018. You stated that when you took the bench you had no reason to question the practice of providing lunches to Justices and staff since it "seemed to be well-established" and "neither controversial nor disputed by any members of the Court." You also stated:

<sup>1</sup> According to you, after you were elected you made a personal decision never to seek reimbursement for mileage or meal/travel expenses. You also have never "driven and will not drive a state car for any purpose." You "declined the offer made by the Court Administrator in 2016 for the Court to purchase my judicial robe and to provide a computer and printer for my home office." You also "personally paid for all catering expenses associated with my swearing in ceremony. . . ."

<sup>2</sup> From January 4, 2017, through November 14, 2017, the Court purchased lunches for the Justices and various staff members for a total of approximately 602 lunches on 52 separate days from some upscale Charleston restaurants and spent a total of approximately \$10,096.20. The average with tip included cost approximately \$16.77 per meal. You actually only participated in 46 of the paid lunches with your last time occurring on or about October 31, 2017. If you had instead repaid the average price spent per meal for the 46 meals you purchased, you would have repaid approximately \$771.42 for yourself and an additional \$771.42 for your assistant for a total of \$1,542.84.

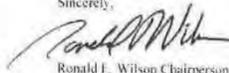
For Honorable Forester D. Walker, Boston  
July 23, 2018  
Page 1 of 1

I was generally aware - as a result of my background in employment law - that employer provided meals on an employer's premises that are provided "for the convenience of the employer" are not considered income under federal tax law (26 U.S.C. § 119). Admittedly, I did not research whether the practice was restricted by state law. I am unaware of any law or regulation prohibiting the Court from providing lunches to Justices and staff on days when we worked through the lunch hour. On those days, it is necessary for key staff to work through lunch in order for us to do our work.

Moreover, I have no personal knowledge of the original decision to provide Court-paid lunches. However, as stated in one of the Court's recent responses to a request under the Freedom of Information Act (FOIA), "the Court has in recent years chosen to remain on the bench without a lunch break until all arguments are concluded as a convenience to litigants and lawyers. Thereafter, a working lunch allows the Court to finish consideration of the cases and other administrative matters." I recall the Court's practice some years ago of taking a lunch break of unpredictable length on argument days, which on occasion resulted in inconvenience for counsel whose cases were not taken up prior to the break. Thus, . . . I believe that Court-provided lunches benefitted the public by enabling the Court to continue and complete its work promptly.

In applying the foregoing facts to the alleged Rule violations, the Commission finds that there is no probable cause to believe that you violated any provisions of the Code of Judicial Conduct. You had no involvement in the original decision to provide working lunches on argument and administrative conference days and you had no reason to challenge the practice at the time you took office because it was well-known and well-established practice although it had never been reduced to writing. As no further action is warranted, the complaint against you is dismissed, and the file in this matter has been closed.

Sincerely,



Ronald E. Wilson Chairperson  
Judicial Investigation Commission

REW:ep  
Complaint No. 11-2018



MARCH - DECEMBER 2013 MEALS

Date	Attendees	Restaurant	Total
6-Mar	8	South Hills Market	88.5
6-Mar	14	Patemos	175.68
7-Mar	17	5 Corners Café	236.34
26-Mar	17	Patemos	199
27-Mar	16	South Hills Market	195.45
28-Mar	18	Patemos	238.8
10-Apr	15	Patemos	246
16-Apr	15	SOHOS	212.62
17-Apr	15	Bears Den	137
18-Apr	16	Patemos	238.8
24-Apr	14	Wheelhouse	138
14-May	17	Patemos	245.4
15-May	13	Wheelhouse	133.2
22-May	17	Bridge Road Bistro	267.35
4-Jun	15	Patemos	202.8
12-Jun	16	SOHOS	261.3
18-Jun	12	SOHOS	212.1
17-Aug	17	Patemos	202.8
28-Aug	19	SOHOS	264.3
4-Sep	18	SOHOS	277.8
10-Sep	16	Patemos	237.6
11-Sep	16	SOHOS	244.38
12-Sep	Not included	South Hills Market	117.48
23-Sep	17	SOHOS	245.7
24-Sep	17	Patemos	271.2
25-Sep	15	Wheelhouse	166.18
1-Oct	17	Bluegrass	206.93
2-Oct	17	Patemos	258.86
3-Oct	17	SOHOS	231.83
15-Oct	17	Patemos	274.8
16-Oct	17	SOHOS	262.92
24-Oct	17	SOHOS	273.18
5-Nov	16	Patemos	248.4
20-Nov	17	SOHOS	215.22
26-Nov	16	South Hills Market	185.45
6-Dec	13	Bluegrass	79.25
19-Dec	16	SOHOS	124.32
TOTAL COST			7816.95
Total cost on days with no event verified	817.55		
Total Official Court Days	72		
Total Lunches	87		

YELLOW HIGHLIGHT MEANS NO OFFICIAL EVENT VERIFIED

88--00001

Lunches on Official Court Days	33		
% of Days Lunch Provided	45.83%		

88--000002

**JANUARY - DECEMBER 2014 MEALS**

Date	Attendees	Restaurant	Total	YELLOW HIGHLIGHT MEANS NO OFFICIAL EVENT VERIFIED
8-Jan	16	SOHOS	226.02	
15-Jan	13	Wheelhouse	158.72	
22-Jan	16	SOHOS	279.72	
23-Jan	16	Paternos	233	
4-Feb	16	Paternos	259.2	
5-Mar	16	SOHOS	270.6	
25-Mar	16	Paternos	222	
26-Mar	16	SOHOS	276.36	
27-Mar	16	Paternos	200.4	
8-Apr	16	SOHOS	280.62	
8-Apr	16	Paternos	235.2	
22-Apr	16	Paternos	204	
23-Apr	16	Bridge Road Bistro	255.11	
29-Apr	16	Paternos	139.2	
5-May	12	Bridge Road Bistro	251.74	
6-May	16	SOHOS	285.96	
7-May	10	Paternos	258	
7-May	10	Bridge Road Bistro	218	
26-Aug	13	Adelphia	198.79	
3-Sep	15	SOHOS	249.78	
10-Sep	14	SOHOS	253.02	
17-Sep	16	Not Listed	231.2	
29-Sep	14	SOHOS	218.04	
30-Sep	13	Paternos	178.8	
1-Oct	14	Adelphia	238.73	
14-Oct	13	Pies and Pints	201.6	
15-Oct	14	Bluegrass	178.2	
21-Oct	12	Frost Watch	143.94	
22-Oct	10	Blacksheep	134.58	
30-Oct	13	Recovery	201.56	
12-Nov	12	Bridge Road Bistro	232.54	
TOTAL COST			6937.63	
Total cost on days with no event verified	1,012.29			
Total Official Court Days	73			
Total Lunches	31			
Lunches on Official Court Days	26			
% of Days Lunch Provided	35.67%			

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JANUARY - DECEMBER 2015 MEALS			
Date	Attendees	Restaurant	Total
8-Jan	14	South Hills Market	242.6
13-Jan	14	Soho's	328.42
14-Jan	14	Paternos	230.4
18-Jan	3	South Hills Market	63.37
27-Jan	12	5 Corners Café	139.48
28-Jan	12	Adelphia Sports Bar &	192.76
30-Jan	10	South Hills Market	160.83
4-Feb	14	Bluegrass Kitchen	196.74
10-Feb	12	Paternos	193.2
11-Feb	12	Soho's	207.78
12-Feb	11	Café 4343	192.37
24-Feb	11	South Hills Market	191.72
25-Feb	13	Bridge Road Bistro	237.24
26-Feb	10	Soho's	189.54
10-Mar	13	Adelphia Sports Bar &	190.8
11-Mar	14	South Hills Market	225.25
7-Apr	13	Adelphia Sports Bar &	206.53
8-Apr	12	South Hills Market	168.07
9-Apr	12	Bridge Road Bistro	223.7
22-Apr	13	South Hills Market	203.97
12-May	13	Adelphia Sports Bar &	198.36
9-Jun	11	Soho's	154.68
10-Jun	7	South Hills Market	125.51
15-Jun	16	The BLOCK Restaurant	309.6
16-Jun	13	The BLOCK Restaurant	260.4
2-Sep	13	South Hills Market	221.49
10-Sep	14	The BLOCK Restaurant	233.64
15-Sep	12	Paternos	195.6
16-Sep	15	Adelphia Sports Bar &	243.96
21-Sep	12	Soho's	199.74
22-Sep	15	South Hills Market	248.32
23-Sep	15	Bridge Road Bistro	304.55
6-Oct	15	South Hills Market	234.38
7-Oct	12	Paternos	203.2
14-Oct	15	Soho's	246.1
3-Nov	15	South Hills Market	245.56
4-Nov	12	Paternos	177.5
16-Nov	10	Soho's	191.76
17-Nov	11	The BLOCK Restaurant	243.48
9-Dec	10	Soho's	177.94
TOTAL COST			8310.54
Total cost on days with no event verified	576.14		
Total Official Court Days	60		
Total Lunches	40		

88-000004

Lunches on Official Court Days	35		
% of Days Lunch Provided	58.33%		

88-000005

JANUARY - DECEMBER 2016 MEALS			
Date	Attendees	Restaurant	Total
5-Jan		13 South Hills Market	217.18
12-Jan		15 Adelphia	259.63
13-Jan		14 Soho's	243.84
19-Jan		12 Lola's Pizza	170.75
20-Jan		14 Blossom Dairy	154.92
26-Jan		13 South Hills Market	214.53
8-Feb		12 The BLOCK Restaurant	216
9-Feb		14 Soho's	247.32
10-Feb		14 South Hills Market	218
22-Feb		10 Adelphia	148.88
23-Feb		11 Paternos	180.9
24-Feb		13 South Hills Market	223.48
2-Mar		12 Soho's	208.94
7-Mar		11 Adelphia	205.8
8-Mar		10 South Hills Market	171.75
9-Mar		12 Soho's	222.28
16-Mar		11 South Hills Market	194.93
23-Mar		14 Soho's	219.18
4-Apr		10 Blossom Dairy	116.33
5-Apr		13 South Hills Market	206.95
6-Apr		12 Soho's	240.8
11-Apr		3 Soho's	54.24
13-Apr		13 Soho's	256.92
18-Apr		2 Ellen's Homemade Ice	27.61
18-Apr		9 Adelphia	158.1
19-Apr		13 South Hills Market	218.95
20-Apr		12 Bluegrass Kitchen	154.95
27-Apr		14 Bridge Road Bistro	255
28-Apr		0 Bridge Road Bistro	-39.31
16-May		10 Soho's	163.38
17-May		14 South Hills Market	242.45
18-May		10 Paternos	170.4
2-Jun		10 South Hills Market	187.95
13-Jun		11 Soho's	195.96
14-Jun		12 South Hills Market	181
30-Aug		13 South Hills Market	203.33
6-Sep		10 Adelphia	139
7-Sep		12 Soho's	204.84
14-Sep		8 Paternos	120
15-Sep		8 South Hills Market	130
21-Sep		11 The BLOCK Restaurant	220
3-Oct		9 Bluegrass Kitchen	115
4-Oct		10 Adelphia	156
5-Oct		12 Soho's	237.18
5-Oct		7 South Hills Market	120.7
5-Oct		7 South Hills Market	26.11
11-Oct		10 Paternos	147.6
12-Oct		10 South Hills Market	158.05
25-Oct		13 The BLOCK Restaurant	223.98
1-Nov		8 South Hills Market	141.33
9-Nov		1 Tricky Fish	28.25
14-Nov		10 Bluegrass Kitchen	127
15-Nov		8 Soho's	151.2
TOTAL COST			9159.38

YELLOW HIGHLIGHT MEANS NO OFFICIAL EVENT VERIFIED

88--000006

Total cost on days with no event verified	852.68		
Total Official Court Days	64		
Total Lunches	53		
Lunches on Official Court Days	48		
% of Days Lunch Provided	75.00%		

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**JANUARY - DECEMBER 2017 MEALS**

Date	Attendees	Restaurant	Total
4-Jan	12	South Hills Market	167.81
9-Jan	11	Soho's	210.48
10-Jan	12	Paternos	154.5
11-Jan	12	Adelphia	179
17-Jan	10	South Hills Market	154
18-Jan	10	Soho's	210.79
23-Jan	11	Adelphia	212.61
24-Jan	17	Paternos	176
25-Jan	13	South Hills Market	221
7-Feb	12	Soho's	209.04
8-Feb	11	Lola's	187
13-Feb	12	Adelphia	214
14-Feb	13	Paternos	189.8
15-Feb	13	South Hills Market	254
17-Feb	6	Soho's	155.04
27-Feb	12	Soho's	213.36
6-Mar	10	Genesis Café	83.65
7-Mar	12	Lola's	218.79
8-Mar	13	Adelphia	205
20-Mar	11	Soho's	190.06
28-Mar	5	South Hills Market	106.21
5-Apr	13	South Hills Market	206.59
18-Apr	9	The BLOCK Restaurant	137
19-Apr	12	Paternos	183.6
24-Apr	12	Soho's	214.74
25-Apr	14	South Hills Market	216
2-May	11	Adelphia	168
3-May	11	The BLOCK Restaurant	160
16-May	12	Paternos	176.4
17-May	12	Soho's	207.68
23-May	11	South Hills Market	184
31-May	13	Adelphia	251
6-Jun	20	South Hills Market	271.3
14-Jun	11	Paternos	186
31-Jul	20	Pies and Pints	232
30-Aug	10	Soho's	190.14
31-Aug	12	South Hills Market	214
12-Sep	12	Adelphia	220
13-Sep	11	The BLOCK Restaurant	171
19-Sep	11	Soho's	191.64
19-Sep	12	Paternos	206.4
20-Sep	13	South Hills Market	217
28-Sep	13	South Hills Market	246
2-Oct	12	Adelphia	200.2
3-Oct	11	The BLOCK Restaurant	167
11-Oct	12	Soho's	201.78
17-Oct	11	Paternos	175.2
18-Oct	13	South Hills Market	215
23-Oct	11	Adelphia	174
31-Oct	11	Soho's	192.48
13-Nov	10	Soho's	178.82
14-Nov	10	Paternos	120
TOTAL			9996.21
COST			
on days with no event verified	683.41		

YELLOW HIGHLIGHT FARSAN'S NO OFFICIAL EVENT VERIFIED

Total Official Court Days	72		
Total Lunches	52		
Lunches on Official Court Days	48		
% of Days Lunch Provided	66.67%		

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Below are the dates in which Court Administrative Conferences were held during 2013-2017 as indicated in the Court Administrative Conference meeting minutes provided by the Court to the Legislative Auditor

Admin. Conferences - 2013	
7-Jan	
6-Feb	
6-Mar	
18-Apr	
22-May	
17-Jun	
23-Sep	
25-Nov	

Admin. Conferences - 2014	
22-Jan	
9-Apr	
7-May	
4-Jun	
29-Sep	
13-Nov	
24-Nov	

Admin. Conferences - 2015	
4-Feb	
26-Feb	
9-Apr	
11-May	
16-Jun	
10-Sep	
20-Oct	
16-Nov	
9-Dec	

Admin. Conferences - 2016	
5-Jan	
19-Jan	
8-Feb	
22-Feb	
7-Mar	
4-Apr	
18-Apr	
16-May	
13-Jun	
29-Aug	
6-Sep	
15-Sep	
3-Oct	
24-Oct	
14-Nov	
29-Nov	

Admin. Conferences - 2017	
9-Jan	
23-Jan	
13-Feb	
27-Feb	
6-Mar	
20-Mar	
5-Apr	
24-Apr	
3-May	
17-May	
31-May	
14-Jun	
27-Jul	
14-Aug	
31-Aug	
15-Sep	
18-Sep	
29-Sep	
2-Oct	
23-Oct	
13-Nov	
27-Nov	



SUPREME COURT OF APPEALS OF WV  
2013 JUDICIAL CALENDAR

Court Conference    Judicial Conference    Administrative Conference     Holidays     Sine Die

JANUARY <small>January 2013 Term</small>							FEBRUARY <small>January 2013 Term</small>							MARCH <small>January 2013 Term</small>							
SUN	MON	TUE	WED	THU	FRI	SAT	SUN	MON	TUE	WED	THU	FRI	SAT	SUN	MON	TUE	WED	THU	FRI	SAT	
		1	2	3	4	5						1	2						1	2	
6	7	8	9	10	11	12	3	4	5	6	7	8	9	3	4	5	6	7	8	9	
13	14	15	16	17	18	19	10	11	12	13	14	15	16	10	11	12	13	14	15	16	
20	21	22	23	24	25	26	17	18	19	20	21	22	23	17	18	19	20	21	22	23	
27	28	29	30	31			24	25	26	27	28			24	25	26	27	28	29	30	
														31							
<small>March 8 - WVU College of Law</small>																					
APRIL <small>January 2013 Term</small>							MAY <small>January 2013 Term</small>							JUNE <small>January 2013 Term</small>							
SUN	MON	TUE	WED	THU	FRI	SAT	SUN	MON	TUE	WED	THU	FRI	SAT	SUN	MON	TUE	WED	THU	FRI	SAT	
	1	2	3	4	5	6			1	2	3	4							1		
7	8	9	10	11	12	13	5	6	7	8	9	10	11	2	3	4	5	6	7	8	
14	15	16	17	18	19	20	12	13	14	15	16	17	18	9	10	11	12	13	14	15	
21	22	23	24	25	26	27	19	20	21	22	23	24	25	16	17	18	19	20	21	22	
28	29	30					26	27	28	29	30	31	23	24	25	26	27	28	29		
														30							
<small>April 9 - LAW Program, Elkins</small>							<small>May 7-10 - Judicial Conference (Bridgeport)</small>														
SEPTEMBER <small>September 2013 Term</small>							OCTOBER <small>September 2013 Term</small>							NOVEMBER <small>September 2013 Term</small>							
SUN	MON	TUE	WED	THU	FRI	SAT	SUN	MON	TUE	WED	THU	FRI	SAT	SUN	MON	TUE	WED	THU	FRI	SAT	
1	2	3	4	5	6	7			1	2	3	4	5							1	2
8	9	10	11	12	13	14	6	7	8	9	10	11	12	3	4	5	6	7	8	9	
15	16	17	18	19	20	21	13	14	15	16	17	18	19	10	11	12	13	14	15	16	
22	23	24	25	26	27	28	20	21	22	23	24	25	26	17	18	19	20	21	22	23	
29	30						27	28	29	30	31			24	25	26	27	28	29	30	
<small>October 8-11 - Judicial Conference (Cholesterol, Embassy Suites)</small>																					

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SUPREME COURT OF APPEALS OF WV  
2014 JUDICIAL CALENDAR

Court Conference    Judicial Conference    Administrative Conference     Holidays     Sine Die

JANUARY <small>January 2014 Term</small>							FEBRUARY <small>January 2014 Term</small>							MARCH <small>January 2014 Term</small>							
SUN	MON	TUE	WED	THU	FRI	SAT	SUN	MON	TUE	WED	THU	FRI	SAT	SUN	MON	TUE	WED	THU	FRI	SAT	
			1	2	3	4							1							1	
5	6	7	8	9	10	12	2	3	4	5	6	7	8	2	3	4	5	6	7	8	
12	13	14	15	16	19	20	9	10	11	12	13	14	15	9	10	11	12	13	14	15	
19	20	21	22	23	24	25	16	17	18	19	20	21	22	16	17	18	19	20	21	22	
26	27	28	29	30	31		23	24	25	26	27	28		23	24	25	26	27	28	29	
														30	31						
<small>March 4 - WVU College of Law</small>																					
APRIL <small>January 2014 Term</small>							MAY <small>January 2014 Term</small>							JUNE <small>January 2014 Term</small>							
SUN	MON	TUE	WED	THU	FRI	SAT	SUN	MON	TUE	WED	THU	FRI	SAT	SUN	MON	TUE	WED	THU	FRI	SAT	
		1	2	3	4	5				1	2	3									
6	7	8	9	10	11	12	4	5	6	7	8	9	10	1	2	3	4	5	6	7	
13	14	15	16	17	18	19	11	12	13	14	15	16	17	8	9	10	11	12	13	14	
20	21	22	23	24	25	26	18	19	20	21	22	23	24	15	16	17	18	19	20	21	
27	28	29	30				25	26	27	28	29	30	31	22	23	24	25	26	27	28	
														29	30						
<small>April 9 - LWS Program, Boone County</small>							<small>May 20-23 - Judicial Conference</small>														
SEPTEMBER <small>September 2014 Term</small>							OCTOBER <small>September 2014 Term</small>							NOVEMBER <small>September 2014 Term</small>							
SUN	MON	TUE	WED	THU	FRI	SAT	SUN	MON	TUE	WED	THU	FRI	SAT	SUN	MON	TUE	WED	THU	FRI	SAT	
		1	2	3	4	5	6				1	2	3	4							1
7	8	9	10	11	12	13	5	6	7	8	9	10	11	2	3	4	5	6	7	8	
14	15	16	17	18	19	20	12	13	14	15	16	17	18	9	10	11	12	13	14	15	
21	22	23	24	25	26	27	19	20	21	22	23	24	25	16	17	18	19	20	21	22	
28	29	30					26	27	28	29	30	31		23	24	25	26	27	28	29	
														30							
<small>September 18 - Marshall University</small>							<small>October 7-10 - Judicial Conference</small>														

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### SUPREME COURT OF APPEALS OF WV 2015 JUDICIAL CALENDAR

Court Conference Judicial Conference Holidays  Sine Die

JANUARY							January 2015 Term						
SUN	MON	TUE	WED	THU	FRI	SAT	SUN	MON	TUE	WED	THU	FRI	SAT
					2	3							
4	5	6	7	8	9	10							
11	12	13	14	15	16	17							
18	19	20	21	22	23	24							
25	26	27	28	29	30	31							

FEBRUARY							January 2015 Term						
SUN	MON	TUE	WED	THU	FRI	SAT	SUN	MON	TUE	WED	THU	FRI	SAT
1	2	3	4	5	6	7							
8	9	10	11	12	13	14							
15	16	17	18	19	20	21							
22	23	24	25	26	27	28							

MARCH							January 2015 Term						
SUN	MON	TUE	WED	THU	FRI	SAT	SUN	MON	TUE	WED	THU	FRI	SAT
1	2	3	4	5	6	7							
8	9	10	11	12	13	14							
15	16	17	18	19	20	21							
22	23	24	25	26	27	28							
29	30	31											

March 4 - WVU College of Law

APRIL							January 2015 Term						
SUN	MON	TUE	WED	THU	FRI	SAT	SUN	MON	TUE	WED	THU	FRI	SAT
			1	2	3	4							
5	6	7	8	9	10	11							
12	13	14	15	16	17	18							
19	20	21	22	23	24	25							
26	27	28	29	30									

April 21 - LAWS Program, Mason County

MAY							January 2015 Term						
SUN	MON	TUE	WED	THU	FRI	SAT	SUN	MON	TUE	WED	THU	FRI	SAT
					1	2							
3	4	5	6	7	8	9							
10	11	12	13	14	15	16							
17	18	19	20	21	22	23							
24	25	26	27	28	29	30							
31													

May 5-7 - Judicial Conference

JUNE							January 2015 Term						
SUN	MON	TUE	WED	THU	FRI	SAT	SUN	MON	TUE	WED	THU	FRI	SAT
	1	2	3	4	5	6							
7	8	9	10	11	12	13							
14	15	16	17	18	19	20							
21	22	23	24	25	26	27							
28	29	30											

SEPTEMBER							September 2015 Term						
SUN	MON	TUE	WED	THU	FRI	SAT	SUN	MON	TUE	WED	THU	FRI	SAT
		1	2	3	4	5							
6	7	8	9	10	11	12							
13	14	15	16	17	18	19							
20	21	22	23	24	25	26							
27	28	29	30										

OCTOBER							September 2015 Term						
SUN	MON	TUE	WED	THU	FRI	SAT	SUN	MON	TUE	WED	THU	FRI	SAT
				1	2	3							
4	5	6	7	8	9	10							
11	12	13	14	15	16	17							
18	19	20	21	22	23	24							
25	26	27	28	29	30	31							

October 20-22 - Judicial Conference

NOVEMBER							September 2015 Term						
SUN	MON	TUE	WED	THU	FRI	SAT	SUN	MON	TUE	WED	THU	FRI	SAT
1	2	3	4	5	6	7							
8	9	10	11	12	13	14							
15	16	17	18	19	20	21							
22	23	24	25	26	27	28							
29	30												

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SUPREME COURT OF APPEALS OF WV  
2016 JUDICIAL CALENDAR

Court  Conference  Judicial Conference  Holidays  Sine Die

JANUARY						
January 2016 Term						
SUN	MON	TUE	WED	THU	FRI	SAT
						2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

FEBRUARY						
January 2016 Term						
SUN	MON	TUE	WED	THU	FRI	SAT
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29					

MARCH						
January 2016 Term						
SUN	MON	TUE	WED	THU	FRI	SAT
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

March 1 - WVU College of Law

APRIL						
January 2016 Term						
SUN	MON	TUE	WED	THU	FRI	SAT
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

MAY						
January 2016 Term						
SUN	MON	TUE	WED	THU	FRI	SAT
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

May 24-26 - Judicial Conference

JUNE						
January 2016 Term						
SUN	MON	TUE	WED	THU	FRI	SAT
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

SEPTEMBER						
September 2016 Term						
SUN	MON	TUE	WED	THU	FRI	SAT
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

OCTOBER						
September 2016 Term						
SUN	MON	TUE	WED	THU	FRI	SAT
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

October 18-20 - Judicial Conference

NOVEMBER						
September 2016 Term						
SUN	MON	TUE	WED	THU	FRI	SAT
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

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### SUPREME COURT OF APPEALS OF WV 2017 JUDICIAL CALENDAR

Court    Conference    Judicial Conference    Holidays     Sine Die

JANUARY						
January 2017 Term						
SUN	MON	TUE	WED	THU	FRI	SAT
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

FEBRUARY						
January 2017 Term						
SUN	MON	TUE	WED	THU	FRI	SAT
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28				

MARCH						
January 2017 Term						
SUN	MON	TUE	WED	THU	FRI	SAT
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

February 28 - WVU College of Law

APRIL						
January 2017 Term						
SUN	MON	TUE	WED	THU	FRI	SAT
						1
2		4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

April 4 - LAWS (Parsons)

MAY						
January 2017 Term						
SUN	MON	TUE	WED	THU	FRI	SAT
1	2	3	4	5	6	
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

May 9-11 - Judicial Conference

JUNE						
January 2017 Term						
SUN	MON	TUE	WED	THU	FRI	SAT
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

SEPTEMBER						
September 2017 Term						
SUN	MON	TUE	WED	THU	FRI	SAT
						1 2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

September 6 - Independence Hall, Wheeling

OCTOBER						
September 2017 Term						
SUN	MON	TUE	WED	THU	FRI	SAT
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

October 24-27 - Judicial Conference

NOVEMBER						
September 2017 Term						
SUN	MON	TUE	WED	THU	FRI	SAT
						1 2 3 4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

88--000015

**MAR – DEC 2013**

**MEALS PURCHASED  
FOR JUSTICES & STAFF**

88--000016

TMO 3 Form - Rev. 01/2008

Adelphia Sports Bar & Grille  
218 Capitol Street  
Charleston, WV 25301

**STATE OF WEST VIRGINIA**  
DEPARTMENT OF ADMINISTRATION  
TRAVEL MANAGEMENT OFFICE  
REQUEST FOR HOSPITALITY SERVICE

Take Out  
Suppose Court: 304-558-422

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
CONTACT PERSON Chris Garnes  
TELEPHONE NUMBER (304) 558-2060  
FUNCTION SPONSOR Chris Garnes  
LOCATION OF FUNCTION Justices' Chambers  
DATE(S) OF FUNCTION 10/02/2017

Server: BrieAnna W 10/02/17  
Check #1 11:03 AM  
Tax Exempt  
Subtotal \$166.20  
Total \$166.20  
Credit Card Swiped  
VISA xxxxxxxx0448  
Time 11:34 AM  
Authorization Approved  
Approval Code 064418  
Check ID  
Payment ID XpjHTqrsccpr

ESTIMATED EXPENSES	
FOOD AND BEVERAGE	\$ 200.20
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
TOTAL	\$ 200.20

Amount: \$166.20  
+ Tip: \$34.00  
= Total: \$200.20  
*Chris Garnes*  
CHRISTOPHER A GARNES

PURPOSE/JUSTIFICATION OF FUNCTION:  
Conference  
  
FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more must accompany the form):  
M. Workman, M. Ketchum, A. Loughry, B. Walker, R. Melvin, W. Humphray, J. Stover,  
V. Shafer, J. Stevenson, C. Games, J. Gundy, G. Johnson

Customer Copy  
Thanks for visiting Adelphia  
Sports Bar & Grille  
Please come again.

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE  
By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

\_\_\_\_\_  
DATE  
\_\_\_\_\_  
DATE

88--000017

TMAO 3 Form - Rev. 04/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

The Block Restaurant & Wine Cellar  
 201 Capital Street  
 Charleston, WV 25301  
 ph (801) 265-9074

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Garnes  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Garnes  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 10/03/2017

TABLE: Vicki W. #74 - 130 Quets  
 Servers: Vicki W.  
 10/3/2017 11:36:40 AM  
 Sequence #: 0000001  
 ID #: 0133299

ITEM	QTY	PRICE
Subtotal		\$138.85
Grand Total		\$138.85

ESTIMATED EXPENSES  
 FOOD AND BEVERAGE \$ 167.00  
 MEETING ROOM \$ \_\_\_\_\_  
 EQUIPMENT RENTAL \$ \_\_\_\_\_  
 LODGING \$ \_\_\_\_\_  
 OTHER \$ \_\_\_\_\_  
 OTHER \$ \_\_\_\_\_  
 TOTAL \$ 167.00

Credit Purchase  
 Name : GARNES/CHRISTOPHER A  
 CC Type : VISA  
 CC Num : 1200X XXXX XXXX 8448  
 Approval : 1006517  
 Server : Vicki W.  
 Ticket Num : Vicki W. #74

Payment Amount: \$138.85

Tip: 28.15  
 Total: 167.00

X  
 TSYS  
 CUSTOMER COPY  
 I agree to pay the amount shown above.

Thank you for visiting!

**PURPOSE/JUSTIFICATION OF FUNCTION:**

Conference

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

M. Workman, M. Ketchum, A. Loughry, B. Walker, R. Melvin, W. Humphrey, J. Stover,  
 V. Shafer, C. Garnes, J. Gundy, H. Dalley

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
 DATE

By: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

\_\_\_\_\_  
 DATE

88--000018

TMO 3 Form - Rev. 01/2008

Agency Ref. # \_\_\_\_\_

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

50805  
 BOX SMITH ST  
 CHARLESTON, WV 25301  
 304-729-7416

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Garnes  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Garnes  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 10/11/2017

10/11/2017 07:32:59  
 MID: XXXXXXXXXXXXXXX689 YTD: XXXXX436

CREDIT CARD  
 VISA REFUND

Card # XXXXXXXXXXXXXXX89418  
 SEQ #: 2  
 Trans #: 2  
 SERVER 1639  
 Approval Code: 011158  
 Entry Method: Chip Read  
 Mode: Online

REFUND AMOUNT \$201.78

ESTIMATED EXPENSES	
FOOD AND BEVERAGE	\$ 201.78
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER	\$ _____
OTHER	\$ _____
<b>TOTAL</b>	<b>\$ 201.78</b>

X  
 CHRISTOPHER A GARNES  
 THANK YOU  
 MERCHANT COPY

**PURPOSE/JUSTIFICATION OF FUNCTION:**  
 Conference

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):  
 M. Workman, M. Ketohum, A. Loughry, B. Walker, R. Melvin, W. Humphrey, J. Stover,  
 V. Shafer, J. Stevenson, C. Garnes, J. Gundy, H. Dalley

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
 DATE

By: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

\_\_\_\_\_  
 DATE

88--000019

TMO 3 Form -- Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

**PATERNOS AT THE PARK**  
 601 MORRIS ST  
 CHARLESTON, WV 25309  
 3042065482

Cashier: Nancy B  
 Transaction 100000

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Garnes  
 TELEPHONE NUMBER (304) 558-2080  
 FUNCTION SPONSOR Chris Garnes  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 10/17/2017

Total \$175.20  
 CREDIT CARD AUTH \$175.20  
 VISA 8446  
 Tip None  
 Total 175.20

Retain this copy for statement validation

ESTIMATED EXPENSES

FOOD AND BEVERAGE \$ 175.20  
 MEETING ROOM \$ \_\_\_\_\_  
 EQUIPMENT RENTAL \$ \_\_\_\_\_  
 LODGING \$ \_\_\_\_\_  
 OTHER \$ \_\_\_\_\_  
 OTHER/ \$ \_\_\_\_\_  
 TOTAL \$ 175.20

17-Oct-2017 11:23:34A  
 \$175.20 | Method: EMV  
 VISA CREDIT \*\*\*\*X\*\*\*\*X8448  
 CHRISTOPHER A GARNES  
 Ref #: 72900508881  
 Auth #: 090058  
 MID: \*\*\*\*\*5998  
 AID: A0000000031010  
 AuthWtNm: VISA  
 SIGNATURE VERIFIED



PURPOSE/JUSTIFICATION OF FUNCTION:

Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

M. Workman, M. Ketchum, A. Loughry, B. Walker, R. Melvin, W. Humphrey, J. Stover,  
 V. Shafer, J. Stevenson, C. Ganes, J. Gundy,

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
 DATE

By: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

\_\_\_\_\_  
 DATE

88--000020

TMO 3 Form - Rev. 01/26/08

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

**south hills market  
and café**

SOUTH HILLS

SPENDING UNIT NAME/ORG # Supreme Court of Appeals

CONTACT PERSON Chris GARNES

Date: 10/10/2017 Time: 11:32:18 AM

TELEPHONE NUMBER (304) 558-2060

Status: Approved

FUNCTION SPONSOR Chris GARNES

Card Type: Visa

LOCATION OF FUNCTION Justices' Chambers

Card Number: XXXXXXXXXXXX8448

Expiration Date: XX/XX/XX

Server Name: Tasha

Check Number: 235161

Tab Number: 100

Number Of Covers: 28

Persons: 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13

Card Owner: GARNES/CHRISTOPHER A

DATE(S) OF FUNCTION 10/18/2017

ESTIMATED EXPENSES	
FOOD AND BEVERAGE	\$ <u>216.00</u>
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
TOTAL	\$ <u>216.00</u>

AMOUNT 178.88

TIP 37.32

TOTAL 216.00

Approval: 050457

PURPOSE/JUSTIFICATION OF FUNCTION:

CUSTOMER COPY

Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

- M. Workman, M. Ketchum, A. Loughry, B. Walker, R. Melvin, W. Humphrey, J. Stover,
- V. Shafer, J. Stevenson, C. GARNES, J. Gundy, H. Dalley, B. Kayuha

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

\_\_\_\_\_  
DATE

88--000021

TMO 3 Form - Rev. 01/2008



STATE OF WEST VIRGINIA DEPARTMENT OF ADMINISTRATION TRAVEL MANAGEMENT OFFICE REQUEST FOR HOSPITALITY SERVICE

TAKE OUT ORDERING ON-LINE@ adelphisportsbar.com

SPENDING UNIT NAME/ORG # Supreme Court of Appeals CONTACT PERSON Chris Garnes TELEPHONE NUMBER (304) 558-2060 FUNCTION SPONSOR Chris Garnes LOCATION OF FUNCTION Justices' Chambers DATE(S) OF FUNCTION 10/23/2017

Take Out Supreme Court 304-558-4

Server: BrieAnna W 10/23/11:09 | Check #1 11:09 | Subtotal \$143. Total \$143. Credit Card Visa XXXXXXXX84 Time 11:41 |

Table with 2 columns: ESTIMATED EXPENSES and Amount. Rows include FOOD AND BEVERAGE (\$174.00), MEETING ROOM, EQUIPMENT RENTAL, LODGING, OTHER, and TOTAL (\$174.00).

Authorization Approval Code 02594 Check ID Payment ID TkJyChFyjNf Amount: \$143.5 + Tip: 5.46 = Total: 174.00

PURPOSE/JUSTIFICATION OF FUNCTION:

Conference

Signature of Christopher A Barnes

Customer Copy

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more must accompany the form):

M. Workman, M. Ketchum, A. Loughry, G. Johnson, R. Melvin, W. Humphrey, J. Stover, V. Shafer, J. Stevenson, C. Garnes, J. Gundy

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: FUNCTION REPRESENTATIVE'S SIGNATURE AGENCY HEAD SIGNATURE

DATE DATE

88-000022

TMO 3 Form -- Rev. 01/2008

Agency Ref. # \_\_\_\_\_

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Garnes  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Garnes  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 10/31/2017

30405  
 800 SMITH ST  
 CHARLESTON, WV 25301  
 304-720-7446

10/31/2017 07:44:31  
 CREDIT CARD  
 YESA SALE

Card # XXXXXXXXXXXXXXX0884E  
 Chip Card: CITI VISA  
 AID: A0000000031010  
 ATC: 0046  
 TC: 3172A175785FE00E  
 SEQ #: 1  
 Batch #: 4  
 Trace #: 1  
 SERVER 5515  
 Approval Code: 002762  
 TRANG ID: 467504538590507  
 Entry Method: Chip Read  
 Mode: Issuer - PIN Bypassed

ESTIMATED EXPENSES

FOOD AND BEVERAGE	\$	<u>192.48</u>
MEETING ROOM	\$	_____
EQUIPMENT RENTAL	\$	_____
LODGING	\$	_____
OTHER/	\$	_____
OTHER/	\$	_____
<b>TOTAL</b>	\$	<u>192.48</u>

SALE AMOUNT \$192.48  
 TIP AMOUNT SAC \$0.00

PURPOSE/JUSTIFICATION OF FUNCTION:

Conference

TOTAL AMOUNT \$192.48

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of 1 more must accompany the form):

M. Workman, M. Ketchum, A. Loughry, B. Walker, R. Melvin, J. Stover,  
 V. Shafer, J. Stevenson, C. Garnes, J. Gundy, H. Dalley

THANK YOU

CUSTOMER COPY

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

\_\_\_\_\_  
DATE

88-000023

TMO 3 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

SCHOS  
 800 SMITH ST  
 CHARLESTON, WV 25301  
 304-720-7844  
 11/13/2017 12:31:57

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Garnes  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Garnes  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 11/13/2017

CREDIT CARD  
 VISA SALE  
 Card # X000000000000048  
 Chip Card: CITI VISA  
 AID: A0000000031010  
 ATC: 00AF  
 TC: 857CC983A82A0F5  
 SEQ #: 1  
 Batch #: 3  
 Trans #: 1  
 SERVER 5515  
 Approval Code: 062100  
 TRANS ID: 3073179594180399  
 Entry Method: Chip Read  
 Note: Issue - PIN Bypassed

ESTIMATED EXPENSES  
 FOOD AND BEVERAGE \$ 179.82  
 MEETING ROOM \$ \_\_\_\_\_  
 EQUIPMENT RENTAL \$ \_\_\_\_\_  
 LODGING \$ \_\_\_\_\_  
 OTHER/ \$ \_\_\_\_\_  
 OTHER/ \$ \_\_\_\_\_  
 TOTAL \$ 179.82

SALE AMOUNT \$160.68  
 TIP AMOUNT Inc.  
 TOTAL AMOUNT 160.68

THANK YOU  
 CUSTOMER COPY

PURPOSE/JUSTIFICATION OF FUNCTION:  
Conference

800 SMITH ST  
 CHARLESTON, WV 25301  
 304-720-7844  
 11/13/2017 13:20:45

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of more must accompany the form):  
M. Workman, M. Ketchum, A. Loughry, G. Johnson, R. Melvin, W. Humphrey, V. Shafer, C. Garnes, J. Gundy

CREDIT CARD  
 VISA SALE  
 Card # X000000000000048  
 Chip Card: CITI VISA  
 AID: A0000000031010  
 ATC: 00AF  
 TC: C69C2785EE612204  
 SEQ #: 5  
 Batch #: 3  
 Trans #: 5  
 SERVER 5515  
 Approval Code: 015399  
 TRANS ID: 38731782221506  
 Entry Method: Chip Read  
 Note: Issue - PIN Bypassed

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION  
 By: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE  
 By: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

SALE AMOUNT \$19.14  
 TIP AMOUNT Inc.

88-000024 19.14

TMO 3 Form - Rev. 01/2009

SOUTH HILLS

Check No: 148(8) Table No: 23  
Person No: 1,2,3,4,5,6,7  
Time: 11:12:58 AM Date: 3/8/2013

**STATE OF WEST VIRGINIA**  
DEPARTMENT OF ADMINISTRATION  
TRAVEL MANAGEMENT OFFICE  
REQUEST FOR HOSPITALITY SERVICE

Maggi	7.00
Soup Cup	2.50
Spinach Salad	7.00
Greek Wrap Hlf	6.00
PaeleMfrHlf	8.00
Onion Rings	5.00
Club Hlf	8.00
ChickSa1 Hlf	6.08
Club Wh1	9.00

SPENDING UNIT NAME/ORG # SUPREME COURT OF APPEALS

CONTACT PERSON V. Summers

TELEPHONE NUMBER 304.419.0779

FUNCTION SPONSOR V. Summers

LOCATION OF FUNCTION Justice's Chambers

DATE(S) OF FUNCTION 3/06/13

Food Sub-Total	54.50
Crob Cakes	14.00
Other Sub-Total	14.00
SUB TOTAL	88.50
Sales Tax	0.00

TOTAL GRANT (20)  
88.50

ESTIMATED EXPENSES

FOOD AND BEVERAGE	\$ 88.50
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LOOGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
TOTAL	\$ 88.50

PURPOSE/JUSTIFICATION OF FUNCTION:  
Justice's Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form): B. Benjamin, S. Cohen, J. Stover, R. Davis, A. Layton, V. Staffer, M. Ketchum, R. Melvin

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: [Signature]  
FUNCTION REPRESENTATIVE'S SIGNATURE

By: [Signature]  
AGENCY HEAD'S SIGNATURE

03/06/13  
DATE

04/09/2013  
DATE

88--000025

TMO 3 Form - Rev. 01/2008

Agency Ref. #

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

SPENDING UNIT NAME/ORG # SUPREME COURT OF APPEALS  
 CONTACT PERSON V. Summers  
 TELEPHONE NUMBER 304.419.0779  
 FUNCTION SPONSOR V. Summers  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 3/06/13

PATERSON AT THE PARK  
 804 SOUTH ST  
 CHARLESTON, WV 25301  
 804-726-7990

ISSUED BY: JAG2371  
 UTSA  
 STATE OF WEST VIRGINIA  
 TRAVEL ORDER # 000019  
 DATE 03/06/13  
 AUTH: 074390

IN ACCORDANCE WITH  
 WEST VIRGINIA CODE § 17-2-2

APPROVED

BALE AMT \$146.48

TIP \$ 29.28

TOTAL \$ 175.68

DUPLICATE COPY

ESTIMATED EXPENSES	
FOOD AND BEVERAGE	\$ 175.68
MEETING ROOM	\$
EQUIPMENT RENTAL	\$
LOADING	\$
OTHER/	\$
OTHER	\$
TOTAL	\$ 175.68

PURPOSE/JUSTIFICATION OF FUNCTION:  
Justices' Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form): V. Summers, R. Perry, E. Gaizer, S. Cohen, B. Benjamin, M. Workman, M. Kitchum, R. Melvin, A. Longley, V. Shafiq, A. Angus, S. Gundy, H. Daily, B. Kaylor

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: [Signature]  
 FUNCTION REPRESENTATIVE'S SIGNATURE

By: [Signature]  
 AGENCY HEAD SIGNATURE

03/06/13  
 DATE

04/09/2015  
 DATE

88--000026

TMO 3 Form - Rev. 01/2008

WEST VIRGINIA STATEMENT OF EXPENSES  
STATE OF WEST VIRGINIA  
201-261-7611  
272004000000

**STATE OF WEST VIRGINIA**

DEPARTMENT OF ADMINISTRATION  
TRAVEL MANAGEMENT OFFICE  
REQUEST FOR HOSPITALITY SERVICE

Document ID: 8700150310000  
Report Date: 08/13

**Sale**

SPENDING UNIT NAME/ORG # SUPREME COURT OF APPEALS  
CONTACT PERSON V. SUMMERS  
TELEPHONE NUMBER 304. 419. 0779  
FUNCTION SPONSOR V. SUMMERS  
LOCATION OF FUNCTION Justices' Chambers  
DATE(S) OF FUNCTION 3/10/13

\*\*\*\*\*0000000278  
VISA Entry Method Selected  
Amount: \$ 236.34  
Tax: \$ 0.00  
Tip: \$ 20.00  
Total: 236.34  
03/10/13 11:05:29  
Inv#: 000001 Acct Code: 000001  
Approv: OnLine Batch#: 000001  
VISA Ref #: 0000000070000000  
Validation Code: 8308

ESTIMATED EXPENSES	
FOOD AND BEVERAGE	\$ 236.34
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
<b>TOTAL</b>	<b>\$ 236.34</b>

THANK YOU!  
PLEASE COPY AGAIN!  
CHECKER'S COPY

PURPOSE/JUSTIFICATION OF FUNCTION:

*Justices' Conference*

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form): *V. Summers, E. Guiser, R. Perry, M. Luckman, S. Stavy, R. Davis, B. Benjamin, S. Cohen, A. Langley, V. Shapiro, M. Kirkham, R. Melvin, A. Amos, S. Andy, H. Daulty, B. Kohn, S. Conkling*

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: *[Signature]*  
FUNCTION REPRESENTATIVE'S SIGNATURE  
By: *[Signature]*  
AGENCY HEAD'S SIGNATURE

3/10/13  
DATE  
4/9/2013  
DATE

88--000027

TMO 3 Form - Rev. 01/2008

PATENDS AT THE PARK  
601 MORRIS ST  
CHARLESTON, WV 25301  
304-728-7640

**STATE OF WEST VIRGINIA**  
DEPARTMENT OF ADMINISTRATION  
TRAVEL MANAGEMENT OFFICE  
REQUEST FOR HOSPITALITY SERVICE

ITEM NO. 040275  
VISA  
SALE  
Mar 26 13  
TAX: 022557

SPENDING UNIT NAME/ORG # SUPREME COURT OF APPEALS  
CONTACT PERSON V. Summers  
TELEPHONE NUMBER 304-419-0779  
FUNCTION SPONSOR V. Summers  
LOCATION OF FUNCTION Justices' Chambers  
DATE(S) OF FUNCTION 3/26/13

TRIP REF: 162825647183  
APPROVED  
SALE AMT \$179.00  
TIP \$20.00  
TOTAL \$199.00  
PURCH A BUSINESS

ESTIMATED EXPENSES	
FOOD AND BEVERAGE	\$ 199.00
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER/	\$ _____
TOTAL	\$ 199.00

CUSTOMER COPY

PURPOSE/JUSTIFICATION OF FUNCTION:  
Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form): B. Brinson, S. Staves, R. Davis, W. K. ... S. Stover, R. Melvin, M. Ketchum, V. Shaffer, A. Layton, A. Ayers, S. Gandy, H. D-17, V. Summers, E. Gaiser, R. Perry, B. Kyles

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: [Signature]  
FUNCTION REPRESENTATIVE'S SIGNATURE

By: [Signature]  
AGENCY HEAD SIGNATURE

3/26/13  
DATE

4/09/2013  
DATE

88-000028

south hills mari  
and café

SOUTH HILLS

TMO 3 Form - Rev. 01/2008

STATE OF WEST VIRGINIA

DEPARTMENT OF ADMINISTRATION  
TRAVEL MANAGEMENT OFFICE  
REQUEST FOR HOSPITALITY SERVICE

Date: 3/27/2013 Time: 11:38:04

Status: Approved

SPENDING UNIT NAME/ORG # SUPREME COURT OF APPEALS  
CONTACT PERSON V. Summers  
TELEPHONE NUMBER 304. 414. 0779  
FUNCTION SPONSOR V. Summers  
LOCATION OF FUNCTION Justices' Chambers  
DATE(S) OF FUNCTION 3/27/13

Card Type: Visa  
Card Number: XXXXXXXXXXXX8270  
Expiration Date: X/XX/XXXX  
Server Name: Patrick  
Check Number: 150963  
Tab Number: 1000  
Number Of Covers: 19  
Persons: 1, 2, 3, 4, 5, 6, 8, 10, 11, 12, 13, 14, 15, 18  
Card Owner: SUMMERS, VAUGHN A

AMOUNT 178.45  
TIP 20.00

TOTAL 198.45  
Approval: 077688

ESTIMATED EXPENSES

FOOD AND BEVERAGE \$ 195.45  
MEETING ROOM \$ \_\_\_\_\_  
EQUIPMENT RENTAL \$ \_\_\_\_\_  
LODGING \$ \_\_\_\_\_  
OTHER \$ \_\_\_\_\_  
OTHER \$ \_\_\_\_\_  
TOTAL \$ 195.45

CUSTOMER COPY

PURPOSE/JUSTIFICATION OF FUNCTION:

Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form): R. Michie, M. Ketchum, J. Starns, R. Davis, S. Colby, B. Benjamin, V. Shuffler, A. Langley, M. Workman, A. Myers, S. Gandy, H. Darity, B. Kaplan, E. Gaiser, R. Perry, V. Summers

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: [Signature]  
FUNCTION REPRESENTATIVE'S SIGNATURE  
By: [Signature]  
AGENCY HEAD'S SIGNATURE

3/27/13  
DATE  
4/09/2013  
DATE

88--000029



TMO 3 Form -- Rev. 01/2008

PATERING AT THE PARK  
601 MORRIS ST  
CHARLESTON, WV 25301  
804-720-7640

**STATE OF WEST VIRGINIA**  
DEPARTMENT OF ADMINISTRATION  
TRAVEL MANAGEMENT OFFICE  
REQUEST FOR HOSPITALITY SERVICE

ICEBANK ID: 001227  
VISA  
SALE  
INVT 0000 INU: 00000  
REV 10: 13 1145  
REV 000001 RUTH: 00403  
FOR STATE PERSONNEL ONLY  
WV 10/10 USE 1001  
ISSUED  
SALE AMT \$246.01  
TIP \$  
TOTAL \$  
VENDOR'S ADDRESS

SPENDING UNIT NAME/ORG # SUPREME COURT OF APPEALS  
CONTACT PERSON V. Summers  
TELEPHONE NUMBER 304-419-0779  
FUNCTION SPONSOR V. Summers  
LOCATION OF FUNCTION Justices' Chambers  
DATE(S) OF FUNCTION 4/10/13

ESTIMATED EXPENSES

FOOD AND BEVERAGE	\$ 246.00
MEETING ROOM	\$
EQUIPMENT RENTAL	\$
LODGING	\$
OTHER/	\$
OTHER/	\$
TOTAL	\$ 246.00

CUSTOMER COPY

PURPOSE/JUSTIFICATION OF FUNCTION:  
Conference  
FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form): B. Benjamin, S. Cohen, V. Summers, R. Davis, S. Shuler, M. Ketchum, R. Melvin, A. Lough, V. Shuler, S. Stevenson, B. Kuylen, A. Aggs, S. Gandy, E. Gaiser, R. Perry

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: [Signature]  
FUNCTION REPRESENTATIVE'S SIGNATURE  
By: [Signature]  
AGENCY HEAD SIGNATURE

4/10/13  
DATE  
5/14/2013  
DATE

88--000031

TMO 3 Form - Rev. 01/2008

80808  
888 8818 81  
214863508. 88 88881  
884-724-7544

**STATE OF WEST VIRGINIA**  
DEPARTMENT OF ADMINISTRATION  
TRAVEL MANAGEMENT OFFICE  
REQUEST FOR HOSPITALITY SERVICE

Merchant ID: 16216489  
Term ID: 8825  
Server: 105 2219

Sale

VISA  
XXXXXXXXXXXX0270  
Entry Method: Swiped  
Approved: Online Batch#: 001  
04/15/13 10:41  
Inv#: 00000001 Appr Code#: 031  
Amount: \$ 212.62  
Tip:  
Total:

SPENDING UNIT NAME/ORG # SUPREME COURT OF APPEALS  
CONTACT PERSON V. Summers  
TELEPHONE NUMBER 304. 419. 0779  
FUNCTION SPONSOR V. Summers  
LOCATION OF FUNCTION Justices' Chambers  
DATE(S) OF FUNCTION 4/16/13

Customer Copy  
THANK YOU

ESTIMATED EXPENSES	
FOOD AND BEVERAGE	\$ 212.62
MEETING ROOM	\$ <del>212.75</del>
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
<b>TOTAL</b>	\$ <u>212.62</u>

PURPOSE/JUSTIFICATION OF FUNCTION:

Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form): B. Benjamin, S. Cohen, V. Summers, R. Perry, E. Gaiser, B. Kuylen, A. Ludwig, V. Shapiro, J. Stevenson, M. Workman, S. Swan, Robin Davis, A. Ayud, H. Daily, S. Gandy

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: [Signature]  
FUNCTION REPRESENTATIVE'S SIGNATURE  
By: [Signature]  
AGENCY HEAD SIGNATURE

4/16/13  
DATE  
5/14/2013  
DATE

88-000032





TMO Form - Rev. 01/2008

WHEELER  
1907 BRIDGE RD  
CHARLESTON, WV 25314

04/24/2013 13:5  
Merchant ID: 00000001173  
Terminal ID: 025X  
42124017867

**STATE OF WEST VIRGINIA**  
DEPARTMENT OF ADMINISTRATION  
TRAVEL MANAGEMENT OFFICE  
REQUEST FOR HOSPITALITY SERVICE

CREDIT CARD  
VISA SALE

CARD # XXXXXXXXXXXXXXXX  
INVOICE 00  
Batch #: 0007  
SERVER 00  
Approval Code: 0818  
Entry Method: Marc  
Approved: Chris  
PRE-TIP AMT \$138.00  
TIP \_\_\_\_\_  
TOTAL AMOUNT \_\_\_\_\_

SPENDING UNIT NAME/ORG # SUPREME COURT OF APPEALS  
CONTACT PERSON V. Summers  
TELEPHONE NUMBER 304. 419. 0779  
FUNCTION SPONSOR V. Summers  
LOCATION OF FUNCTION Justices' Chambers  
DATE(S) OF FUNCTION 4/24/13

ESTIMATED EXPENSES  
FOOD AND BEVERAGE \$ 138.00  
MEETING ROOM \$ \_\_\_\_\_  
EQUIPMENT RENTAL \$ \_\_\_\_\_  
LODGING \$ \_\_\_\_\_  
OTHER \$ \_\_\_\_\_  
OTHER \$ \_\_\_\_\_  
TOTAL \$ 138.00

CUSTOMER COPY  
PHONE ORDER / mtd

PURPOSE/JUSTIFICATION OF FUNCTION:

CONFERENCE

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form): V. Summers, S. Cohen, B. Benjamin, R. Melvin, M. Ketchum, S. Stancu, R. Davis, S. Skovron, M. Wierman, V. Shaffer, A. Loughry, B. Kaylor, A. Agius, J. Gandy

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: [Signature]  
FUNCTION REPRESENTATIVE'S SIGNATURE  
By: [Signature]  
AGENCY HEAD'S SIGNATURE

4/24/13  
DATE  
5/14/2013  
DATE

88--000035



TMO 3 Form - Rev. 01/2008

WHEELHOUSE  
1007 BRIDGE RD  
CHARLESTON, WV 25314

**STATE OF WEST VIRGINIA**  
DEPARTMENT OF ADMINISTRATION  
TRAVEL MANAGEMENT OFFICE  
REQUEST FOR HOSPITALITY SERVICE

05/15/2013 11:32:21  
Merchant ID: 0000000172357  
Terminal ID: 0259913  
432849817887

CREDIT CARD  
VISA SALE

SPENDING UNIT NAME/ORG # SUPREME COURT OF APPEALS  
CONTACT PERSON V. Summers  
TELEPHONE NUMBER 304. 419. 0779  
FUNCTION SPONSOR V. Summers  
LOCATION OF FUNCTION Justices' Chambers  
DATE(S) OF FUNCTION 5/15/13

CARD # XXXXXXXXXXXXXXX00027  
BIN/CUCE 000  
Batch # 00074  
SERVER 000  
Approval Code: 06888  
Entry Method: Smpo  
Approved: Onln

PRE-TIP AMT \$113.21  
TIP \$20.00  
TOTAL AMOUNT \$133.20

ESTIMATED EXPENSES	\$
FOOD AND BEVERAGE	133.20
MEETING ROOM	
EQUIPMENT RENTAL	
LODGING	
OTHER/	
OTHER/	
<b>TOTAL</b>	<b>133.20</b>

CUSTOMER COPY

PURPOSE/JUSTIFICATION OF FUNCTION:

*Conference*

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form): *J. Spaw, R. Davis, S. Cohen, M. Ketchum, R. Melvin, V. Shaffer, A. Layton, M. Workman, E. O'Leary, R. Perry, V. Summers, S. Cundy, H. Daily*

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: [Signature]  
FUNCTION REPRESENTATIVE'S SIGNATURE  
By: [Signature]  
AGENCY HEAD'S SIGNATURE

5/15/13  
DATE  
6/13/2013  
DATE

88-000037

TMO 3 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA** **BRIDGE ROAD BISTRO**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

Date: 5/22/2013 Time: 11:58:18 AM  
 Status: Approved

SPENDING UNIT NAME/ORG # SUPREME COURT OF APPEALS  
 CONTACT PERSON V. Summers  
 TELEPHONE NUMBER 304. 419. 0779  
 FUNCTION SPONSOR V. Summers  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 5/22/13

Card Type: Visa  
 Card Number: XXXXXXXXXXXXXXX270  
 Expiration Date: X/XX/XXXX  
 Server Name: Lorra  
 Check Number: 157495  
 Tab Number: 200  
 Number Of Covers: 10  
 Persons: 1, 2, 3, 4, 5, 6, 7, 8,  
 9, 10, 11, 12, 13, 14, 15, 16, 17  
 Card Owner: SUMMERS/VALKRHN A

AMOUNT	222.60
Gratuity	44.98
Total	267.58

ESTIMATED EXPENSES

FOOD AND BEVERAGE	\$ _____
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
TOTAL	\$ <u>267.58</u>

PURPOSE/JUSTIFICATION OF FUNCTION:  
Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form): V. Summers, E. Gaiser, R. Ruff, J. Cohen, B. Benjamin, J. Stuber, R. Davis, R. Melvin, M. Keckelum, S. Stevanin, M. Workman, V. Shaffer, A. Langley, S. Gandy, A. Arays, H. Daulty, B. Kaplan

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: [Signature]  
 FUNCTION REPRESENTATIVE'S SIGNATURE

By: [Signature]  
 AGENCY HEAD'S SIGNATURE

5/22/13  
 DATE

6/13/2013  
 DATE

88--000038



TMO 3 Form - Rev. 01/2008

60000  
800 526781 ST  
CHARLESTON, WV 25301  
304-729-7046

Merchant ID: 16011609  
Tax ID: 8924  
Expire ID: 5599

**STATE OF WEST VIRGINIA**  
DEPARTMENT OF ADMINISTRATION  
TRAVEL MANAGEMENT OFFICE  
REQUEST FOR HOSPITALITY SERVICE

SPENDING UNIT NAME/ORG # SUPREME COURT OF APPEALS

CONTACT PERSON V. Summers

TELEPHONE NUMBER 304. 419. 0779

FUNCTION SPONSOR V. Summers

LOCATION OF FUNCTION Justices' Chambers

DATE(S) OF FUNCTION 6/12/13

Sale

VISA  
XXXXXXXXXXXX278  
Entry Method: Swiped  
Approved: Online Batch#: 000001  
06/12/13 18:41:01  
Twy#: 00000001 Appr Code: 021641  
Amount: \$ 217.71  
Tip: 4.35  
Total: 261.30

Customer Copy  
THANK YOU

ESTIMATED EXPENSES	
FOOD AND BEVERAGE	\$ <u>261.30</u>
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
TOTAL	\$ <u>261.30</u>

PURPOSE/JUSTIFICATION OF FUNCTION:  
Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form): S. Cohen, B. Benjamin, J. Skramson, M. Workman, R. Melvin, M. Ketchum, V. Shetter, A. Lumbry, J. Stever, R. Davis, V. Summers, E. Guise, R. Perry, A. A. Angus, S. Gandy, B. Keyler

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: [Signature]  
FUNCTION REPRESENTATIVE'S SIGNATURE

By: [Signature]  
AGENCY HEAD'S SIGNATURE

6/12/13  
DATE

7/10/2013  
DATE

88-000040

TMO 3 Form - Rev. 01/2008

Agency Ref

TU BY  
JL BY 05301  
728-7646

**STATE OF WEST VIRGINIA**

DEPARTMENT OF ADMINISTRATION  
TRAVEL MANAGEMENT OFFICE  
REQUEST FOR HOSPITALITY SERVICE

0035  
0035  
001 5615

Sale

VISA

XXXXXXXXXXXX270

Entry Method: Swiped

Approval: Online Batch#: 000

06/28/13 10:34

Inst#: 0000061 Acq#: 000

Amount: \$ 212

Tip: \_\_\_\_\_

Total: \$212.10

Customer Copy

THANK YOU

SPENDING UNIT NAME/ORG # SUPREME COURT OF APPEALS  
CONTACT PERSON V. Summers  
TELEPHONE NUMBER 304. 419. 0779  
FUNCTION SPONSOR V. Summers  
LOCATION OF FUNCTION Justices' Chambers  
DATE(S) OF FUNCTION 6/10/13

ESTIMATED EXPENSES	
FOOD AND BEVERAGE	\$ 212.10
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER	\$ _____
OTHER	\$ _____
TOTAL	\$ 212.10

PURPOSE/JUSTIFICATION OF FUNCTION:

Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

S. Cohen, B. Benjamin, S. Steer, R. Davis, V. Summers, S. Stoverson, R. Melvin, M. Keblum, V. Shaffer, A. Luyby, E. Guise, R. Perry

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: [Signature]  
FUNCTION REPRESENTATIVE'S SIGNATURE  
By: [Signature]  
AGENCY HEAD'S SIGNATURE

6/10/13  
DATE  
7/10/2013  
DATE

88--000041



TMO 4 Form - Rev. 01/2008

STATE OF WEST VIRGINIA

DEPARTMENT OF ADMINISTRATION  
TRAVEL MANAGEMENT OFFICE  
REQUEST FOR HOSPITALITY SERVICE

06100  
800 SOUTH ST  
CHARLESTON, WV 25301  
204-750-7846

Merchant ID: 356124983  
Term T0: 926  
Server ID: 9318

Sale

VISA  
XXXXXXXXXX0278  
Entry Method: Swiped  
Apprv: Galtze Batch#: 000001  
08/28/13 18:23:54  
Tavn: 00000001 Appr Code: 035323  
Amount: \$ 264.30  
Tip:  
Total: 264.30

SPENDING UNIT NAME/ORG # SUPREME COURT OF APPEALS  
CONTACT PERSON V. Summers  
TELEPHONE NUMBER 304-419-0779  
FUNCTION SPONSOR V. Summers  
LOCATION OF FUNCTION Justices' Chambers  
DATE(S) OF FUNCTION 8/28/13

ESTIMATED EXPENSES  
FOOD AND BEVERAGE \$ 264.30  
MEETING ROOM \$ \_\_\_\_\_  
EQUIPMENT RENTAL \$ \_\_\_\_\_  
LODGING \$ \_\_\_\_\_  
OTHER/ \$ \_\_\_\_\_  
OTHER/ \$ \_\_\_\_\_  
TOTAL \$ 264.30

Customer Copy  
THANK YOU

PURPOSE/JUSTIFICATION OF FUNCTION:

Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form): V. Summers, R. Perry, E. Nash, M. Keckler, R. Melvin, B. Benjamin,

S. Cohen, M. Wickham, S. Stangor, B. Kaplan, V. Shaffer, A. Langley, R. Davis, S. Skow, A. Angus,  
S. Candy, A. Dault, S. Wilkins, M. W. Wang

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: [Signature]  
FUNCTION REPRESENTATIVE'S SIGNATURE  
By: [Signature]  
AGENCY HEAD'S SIGNATURE

8/28/13  
DATE  
9/10/2013  
DATE

88--000043





TWO 3 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

SPENDING UNIT NAME/ORG # SUPREME COURT OF APPEALS  
 CONTACT PERSON V. Summers  
 TELEPHONE NUMBER 304. 419. 0779  
 FUNCTION SPONSOR V. Summers  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 9/11/13

TO 97  
 00008  
 000 00100 01 2013  
 CHARLESTON, W. VIRGINIA  
 304-720-2666

Merchant ID: 156415599  
 Term ID: 0028  
 Service ID: 1529

Sale

VISA  
 XXXXXXXXXXXX0270  
 Entry Method: Swiped  
 Approved: Online Batch#: 000009  
 09/11/13 10:30:22

Inv#: 00100001 Appr Code: 002401

Amount: \$ 283.65  
 Tip: 4073  
 Total: 244.38

ESTIMATED EXPENSES	\$	<u>244.38</u>
FOOD AND BEVERAGE	\$	_____
MEETING ROOM	\$	_____
EQUIPMENT RENTAL	\$	_____
LODGING	\$	_____
OTHER/	\$	_____
OTHER/	\$	_____
TOTAL	\$	<u>244.38</u>

Customer Copy  
THANK YOU

PURPOSE/JUSTIFICATION OF FUNCTION:

Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form): V. Summers, S. Coles, B. Benjamin, R. McMur, M. Ketchum, V. Shields, A. Longley, B. Kuylen, S. Swinson, M. Workman, S. Shover, R. Davis, S. Condy, R. Percy, A. Ayers, E. Nash

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: [Signature]  
 FUNCTION REPRESENTATIVE'S SIGNATURE

By: [Signature]  
 AGENCY HEAD'S SIGNATURE

9/11/13  
 DATE

10/08/2013  
 DATE

88-000046

south hills market  
and café

SOUTH HILLS

TMO 3 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**

DEPARTMENT OF ADMINISTRATION  
TRAVEL MANAGEMENT OFFICE  
REQUEST FOR HOSPITALITY SERVICE

Date: 8/12/2013 Time: 11:31:44 AM

Status: Approved

SPENDING UNIT NAME/ORG # SUPREME COURT OF APPEALS  
CONTACT PERSON V. Summers  
TELEPHONE NUMBER 304-419-0779  
FUNCTION SPONSOR V. Summers  
LOCATION OF FUNCTION Justices' Chambers  
DATE(S) OF FUNCTION Conference, 9/12/13

Card Type: Visa  
Card Number: XXXXXXXXXXXXXXX8270  
Expiration Date: X/XX/XXXX  
Server Name: Tasha  
Check Number: 154279  
Tab Number: 13  
Number Of Covers: 1  
Persons: 1  
Card Owner: SUMMERS/VAUGHN A

AMOUNT 97.48  
TIP 20.00  
TOTAL 117.48

ESTIMATED EXPENSES	\$	117.48
FOOD AND BEVERAGE	\$	
MEETING ROOM	\$	
EQUIPMENT RENTAL	\$	
LODGING	\$	
OTHER/	\$	
OTHER/	\$	
TOTAL	\$	117.48

PURPOSE/JUSTIFICATION OF FUNCTION:

Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

Attached

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: [Signature]  
FUNCTION REPRESENTATIVE'S SIGNATURE  
By: [Signature]  
AGENCY HEAD'S SIGNATURE

9/12/13  
DATE  
10/08/2013  
DATE

88--000047

TMO 3 Form - Rev. 01/2008

80805  
004 08719 ST  
CHARLESTON, WV 25301  
304-770-1546

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

Merchant ID: 159115588  
Card ID: 0000  
Server ID: 2028

Sale

SPENDING UNIT NAME/ORIG # SUPREME COURT OF APPEALS  
 CONTACT PERSON V. Summers  
 TELEPHONE NUMBER 304. 419. 0779  
 FUNCTION SPONSOR V. Summers  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 9/23/13

VISA  
 XXXXXXXXXXXX9270  
 Entry Method: Swiped  
 Apprvd: Online Batch#: 000006  
 09/23/13 16:43:00  
 Inv# : 00000002 Appr Code: 025515  
 Amount: \$ 245.70  
 Tip: Federal  
 Total: 245.70

Customer Copy  
THANK YOU

ESTIMATED EXPENSES	\$	<u>245.70</u>
FOOD AND BEVERAGE	\$	_____
MEETING ROOM	\$	_____
EQUIPMENT RENTAL	\$	_____
LODGING	\$	_____
OTHER/	\$	_____
OTHER/	\$	_____
TOTAL	\$	<u>245.70</u>

PURPOSE/JUSTIFICATION OF FUNCTION:

Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form): R. Perry, E. Nash, R. Melvin, M. Kitchum, S. Shaw, R. Davis, S. Cohen, B. Benjamin, J. Harrison, M. Workman, V. Shuler, A. Landry, V. Summers, B. Kaplan, H. Daily, S. County, A. Angus

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: [Signature]  
 FUNCTION REPRESENTATIVE'S SIGNATURE  
 By: [Signature]  
 AGENCY HEAD'S SIGNATURE

9/23/13  
 DATE  
10/08/2013  
 DATE

88--000048





TMO 3 Form - Rev. 01/2004

Bluegrass Kitchen  
1600 Washington St. East  
Charleston, WV 25311  
304.346.2871

**STATE OF WEST VIRGINIA**  
DEPARTMENT OF ADMINISTRATION  
TRAVEL MANAGEMENT OFFICE  
REQUEST FOR HOSPITALITY SERVICE

SERVER: Jean H  
TABLE: 614  
TICKET: 213105 10/01/2013 10:24  
GUEST #: 1

SPENDING UNIT NAME/ORG # SUPREME COURT OF APPEALS SUB TOTAL: 186.93  
CONTACT PERSON V. Summers TOTAL: 186.93  
TELEPHONE NUMBER 304.419.0779 CARD PAID: 186.93  
FUNCTION SPONSOR V. Summers GRATUITY: 20.00  
LOCATION OF FUNCTION Justice's Chambers TOTAL: 206.93  
DATE(S) OF FUNCTION 10/06/13

ESTIMATED EXPENSES  
FOOD AND BEVERAGE \$ 206.93  
MEETING ROOM \$  
EQUIPMENT RENTAL \$  
LODGING \$  
OTHER/ \$  
OTHER/ \$  
TOTAL \$ 206.93

CARD #: X000000000002770  
VALUEN A SUMMERS  
021999

*[Signature]*  
Signature

PURPOSE/JUSTIFICATION OF FUNCTION:

Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form): S. Cohen, B. Bergman, R. Davis, S. Stewart, R. Melvin, M. Ketchum, J. Skermer, M. Workman, V. Shuler, A. Langley, B. Keylin, S. Grundy, H. Daley, A. Angus, E. Nash, R. Perry, V. Summers

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: *[Signature]*  
FUNCTION REPRESENTATIVE'S SIGNATURE  
By: *[Signature]*  
AGENCY HEAD SIGNATURE

10/06/13  
DATE  
11/07/2013  
DATE

88--000051

TMO 3 Form - Rev. 01/2008

PATERMOS AT THE PARK  
601 MORRIS ST  
CHARLESTON, WV 25301  
304-728-7649

TERMINAL ID: 1 4622776

UI 3A  
SALE AMT INU: 000082  
DCL 02: 13 11:24  
AUTH: 803637

**STATE OF WEST VIRGINIA**  
DEPARTMENT OF ADMINISTRATION  
TRAVEL MANAGEMENT OFFICE  
REQUEST FOR HOSPITALITY SERVICE

SPENDING UNIT NAME/ORG # SUPREME COURT OF APPEALS  
CONTACT PERSON V. Summers  
TELEPHONE NUMBER 304. 419. 0779  
FUNCTION SPONSOR V. Summers  
LOCATION OF FUNCTION Justices' Chambers  
DATE(S) OF FUNCTION 10/02/13

APPROVED  
SALE AMT \$248.40  
TIP  
TOTAL 248 40

PATERMOS AT THE PARK  
601 MORRIS ST  
CHARLESTON, WV 25301  
304-728-7649

TERMINAL ID: 1 4622777

UI 3A  
SALE AMT INU: 000000  
DCL 02: 13 12:21  
AUTH: 05424

ESTIMATED EXPENSES  
FOOD AND BEVERAGE \$ 10.46 / 248.40  
MEETING ROOM \$ \_\_\_\_\_  
EQUIPMENT RENTAL \$ \_\_\_\_\_  
LODGING \$ \_\_\_\_\_  
OTHER/ \$ \_\_\_\_\_  
TOTAL \$ 258.86

APPROVED  
SALE AMT \$7.4  
TIP \$ 3.00  
TOTAL \$ 10.40

PURPOSE/JUSTIFICATION OF FUNCTION:  
Conference  
FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more; must accompany the form): B. Benjamin, S. Chen, M. Ketchum, R. Mehta, R. Davis, J. Stover, J. Stevenson, M. Workman, V. Steifer, A. Langley, B. Kuylen, S. Cundy, H. Daily, A. Ayas, V. Summers, E. Nash, R. Perry

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION  
By: [Signature]  
FUNCTION REPRESENTATIVE'S SIGNATURE  
By: [Signature]  
AGENCY HEAD'S SIGNATURE

10/02/13  
DATE  
11/07/2013  
DATE

88--000052

TMO 3 Form - Rev. 01/2008

WALDO  
500 BRITH ST  
CHARLESTON, WV 25304  
804-720-7446

Merchant ID: 36415680  
Term ID: 8026  
Server ID: 9983

**STATE OF WEST VIRGINIA**  
DEPARTMENT OF ADMINISTRATION  
TRAVEL MANAGEMENT OFFICE  
REQUEST FOR HOSPITALITY SERVICE

Sale

VISA  
XXXXXXXXXXXX13270  
Entry Method: Swiped  
Acqrd: Online Batch#: 000001  
10/03/13 13:40:36  
Inv#: 00000002 Acqr Code: 832223  
Amount: \$ 231.83  
Tip:  
Total: 231.83

SPENDING UNIT NAME/ORG # SUPREME COURT OF APPEALS  
CONTACT PERSON V. SUMMERS  
TELEPHONE NUMBER 304-414-0779  
FUNCTION SPONSOR V. SUMMERS  
LOCATION OF FUNCTION Services Chambers  
DATE(S) OF FUNCTION 10/03/13

Customer Key  
THANK YOU

ESTIMATED EXPENSES	\$	<u>231.83</u>
FOOD AND BEVERAGE	\$	_____
MEETING ROOM	\$	_____
EQUIPMENT RENTAL	\$	_____
LODGING	\$	_____
OTHER/	\$	_____
OTHER/	\$	_____
TOTAL	\$	<u>231.83</u>

PURPOSE/JUSTIFICATION OF FUNCTION:

Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form): V. Summers, R. Perry, E. Noel, S. Gates, B. Benjamin, R. Davis, S. Shaw, S. Sturges, M. Workman, V. Shero, A. Leary, M. Ecklum, R. Minin, B. Kyles, S. Gandy, H. Daily, A. Ayres

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: [Signature]  
FUNCTION REPRESENTATIVE'S SIGNATURE  
By: [Signature]  
AGENCY HEAD'S SIGNATURE

10/03/13  
DATE  
11/07/2013  
DATE

88--000053



TMO 3 Form - Rev. 01/2008

A

03003  
800 751 71 81  
CHARLESTON, WV 25304  
204-129-7544

Checkoff ID: 16812608  
Form ID: 8026  
Receipt ID: 1528

Sale

**STATE OF WEST VIRGINIA**  
DEPARTMENT OF ADMINISTRATION  
TRAVEL MANAGEMENT OFFICE  
REQUEST FOR HOSPITALITY SERVICE

VISA  
XXXXXXXXXXXX0278  
Entry Method: Swiped  
Approved: Online Batch#: 000001  
10/16/13 10:29:31  
Level: 00000001 Appr Code: 086064  
Amount: 2076 \$ 210.10  
Tip: 43.86  
Total: 262.92

SPENDING UNIT NAME/ORG # SUPREME COURT OF APPEALS  
CONTACT PERSON V. Summers  
TELEPHONE NUMBER 304.414.0779  
FUNCTION SPONSOR V. Summers  
LOCATION OF FUNCTION Justices' Chambers  
DATE(S) OF FUNCTION 10/16/13

Business Copy  
THANK YOU

ESTIMATED EXPENSES	
FOOD AND BEVERAGE	\$ 262.92
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
TOTAL	\$ 262.92

PURPOSE/JUSTIFICATION OF FUNCTION:

Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form): S. Cohen, B. Benjamin, R. Davis, J. Stover, M. Ketchum, R. Melvin, V. Shafer, A. Langley, S. Stinson, M. Workman, B. Kaylor, V. Summers, R. Perry, E. Noel, S. Gandy, H. Daily, A. Ayers

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: [Signature]  
FUNCTION REPRESENTATIVE'S SIGNATURE  
By: [Signature]  
AGENCY HEAD'S SIGNATURE

10/16/13  
DATE  
11/07/2013  
DATE

88--000055

TMO 3 Form - Rev. 01/2008

WORLD  
500 SOUTH ST  
CHARLESTON, WV 25301  
804-720-7444

Merchant ID: 16615498  
Term ID: 8985  
Server ID: 3663

Sale

VISA  
XXXXXXXXXX9270  
Entry Method: Swiped  
Approved: Online Batch#: 0000  
10/24/13 10:24:4  
Tid#: 00000001 Appr Code: 0019  
Amount: \$ 272.18  
Tip:  
Total: \$ 273.18

Customer Copy  
THANK YOU

**STATE OF WEST VIRGINIA**  
DEPARTMENT OF ADMINISTRATION  
TRAVEL MANAGEMENT OFFICE  
REQUEST FOR HOSPITALITY SERVICE

SPENDING UNIT NAME/ORG # SUPREME COURT OF APPEALS  
CONTACT PERSON V. Summers  
TELEPHONE NUMBER 304. 419. 0779  
FUNCTION SPONSOR V. Summers  
LOCATION OF FUNCTION Justices' Chambers  
DATE(S) OF FUNCTION 10/24/13

ESTIMATED EXPENSES	
FOOD AND BEVERAGE	\$ <u>273.18</u>
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
TOTAL	\$ <u>273.18</u>

PURPOSE/JUSTIFICATION OF FUNCTION:

Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form): S. Cohen, B. Benjamin, R. Davis, J. Starr, R. Melin, M. Kerkum, J. Stevenson, M. Workman, V. Shaker, A. Layton, B. Kayhan, V. Summers, R. Papp, E. Nash, Su Gundy, H. H. Daily, A. Angus

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: [Signature]  
FUNCTION REPRESENTATIVE'S SIGNATURE  
By: [Signature]  
AGENCY HEAD'S SIGNATURE

10/24/13  
DATE  
11/07/2013  
DATE

88--000056

TMO 3 Form -- Rev. 01/2008

PATERBOR AT THE PARK  
601 MORRIS ST  
CHARLESTON, WV 25301  
804-720-7640

**STATE OF WEST VIRGINIA**  
DEPARTMENT OF ADMINISTRATION  
TRAVEL MANAGEMENT OFFICE  
REQUEST FOR HOSPITALITY SERVICE

TOPICAL ID: 0021776  
VISA DATE: 08/11/13  
ISSUE/ISSUED BY: SALES  
SALE AUTH: 080001  
NOV 05, 13 11:24  
ISS: 073036

SPENDING UNIT NAME/ORG # SUPREME COURT OF APPEALS  
CONTACT PERSON V. Summers  
TELEPHONE NUMBER 304. 419. 0779  
FUNCTION SPONSOR V. Summers  
LOCATION OF FUNCTION Justices' Chambers  
DATE(S) OF FUNCTION 11/05/13

NET REPT. REFUSED/UNASSI  
UNASSI CONTACT PNR  
APPROVED  
SALE AMT \$248.40  
TIP Included  
TOTAL 248.40  
BARBARA R. BOWERS

ESTIMATED EXPENSES

FOOD AND BEVERAGE	\$	<u>248.40</u>
MEETING ROOM	\$	_____
EQUIPMENT RENTAL	\$	_____
LODGING	\$	_____
OTHER	\$	_____
OTHER	\$	_____
TOTAL	\$	<u>248.40</u>

CUSTOMER COPY

PURPOSE/JUSTIFICATION OF FUNCTION:

Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

S. Cohen, B. Benjamin, R. Davis, S. Stovall, R. Melvin, M. Kitchum, S. Stevenson, M. Workman, V. Shafiq, A. Leung, R. Perry, E. Nash, V. Summers, A. Agius, S. Gandy, H. Daily

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: [Signature]  
FUNCTION REPRESENTATIVE'S SIGNATURE  
By: [Signature]  
AGENCY HEAD'S SIGNATURE

11/05/13  
DATE  
12/09/2013  
DATE

88--000057

TMO 3 Form - Rev. 01/2008

STATE OF WEST VIRGINIA  
DEPARTMENT OF ADMINISTRATION  
TRAVEL MANAGEMENT OFFICE  
REQUEST FOR HOSPITALITY SERVICE

50905  
890 20270 X1  
010ARLINGTON, VA 22201  
594-726-7416  
Merchant ID: 149135489  
Term ID: 8924  
Server ID: 1829

Sale

VISA  
XXXXXXXXXXXX270  
Entry Method: Swiped  
Approval: Online Batch#: 000001  
11/20/13 11:45:11  
Inv#: 00000001 Appr Code: 01527  
Amount: \$ 179.51  
Tip: 20% 358  
Total: 215.22

SPENDING UNIT NAME/ORG # SUPREME COURT OF APPEALS  
CONTACT PERSON V. SUMMERS  
TELEPHONE NUMBER 304. 419. 0779  
FUNCTION SPONSOR V. SUMMERS  
LOCATION OF FUNCTION Justices' Chambers  
DATE(S) OF FUNCTION 11/20/13

Customer Copy  
THANK YOU

ESTIMATED EXPENSES	\$	<u>215.22</u>
FOOD AND BEVERAGE	\$	_____
MEETING ROOM	\$	_____
EQUIPMENT RENTAL	\$	_____
LODGING	\$	_____
OTHER/	\$	_____
OTHER/	\$	_____
TOTAL	\$	<u>215.22</u>

PURPOSE/JUSTIFICATION OF FUNCTION:

Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form): S. Cohen, B. Benjamin, R. Davis, J. Stone, R. Melin, M. Kitchum, J. Swanson, M. Workman, V. Stefan, A. Ludwig, R. Perry, F. Nash, V. Summers, S. Gandy, A. Angus, H. Daily, B. Ketchum

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: [Signature]  
FUNCTION REPRESENTATIVE'S SIGNATURE  
By: [Signature]  
AGENCY HEAD'S SIGNATURE

11/20/13  
DATE  
12/09/2013  
DATE

88--000058

south hills mark  
and café

SOUTH HILLS

TMO 3 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
DEPARTMENT OF ADMINISTRATION  
TRAVEL MANAGEMENT OFFICE  
REQUEST FOR HOSPITALITY SERVICE

Date: 11/26/2013 Time: 11:33:01 /

Status: Approved

SPENDING UNIT NAME/ORG # SUPREME COURT OF APPEALS  
CONTACT PERSON V. SUMMERS  
TELEPHONE NUMBER 304.419.0779  
FUNCTION SPONSOR V. Summers  
LOCATION OF FUNCTION Justices' Chambers  
DATE(S) OF FUNCTION 11/25 11/26/13

Card Type: Visa  
Card Number: XXXXXX XXXX8270  
Expiration Date: X/XX/XXXX  
Server Name: Taeba  
Check Number: 170373  
Tab Number: 23  
Number Of Covers: 1  
Persons: 1  
Card Owner: SUMMERS/VALORIN A

AMOUNT 185.45  
TIP 30.00  
TOTAL 185.45

ESTIMATED EXPENSES	\$	185.45
FOOD AND BEVERAGE	\$	
MEETING ROOM	\$	
EQUIPMENT RENTAL	\$	
LODGING	\$	
OTHER/	\$	
OTHER/	\$	
TOTAL	\$	185.45

PURPOSE/JUSTIFICATION OF FUNCTION:

*Conference*

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form): *S. Cohen, B. Benjamin, R. Davis, S. Stover, R. Melvin, M. Ketchum, S. Stevenson, M. Workman, V. Stefan, A. Lantry, V. Summers, E. Nash, R. Perry, H. Daily, A. Angus, S. Gandy*

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: [Signature]  
FUNCTION REPRESENTATIVE'S SIGNATURE  
By: [Signature]  
AGENCY HEAD'S SIGNATURE

11/26/13  
DATE  
12/09/2013  
DATE

88--000059

TMO 3 Form - Rev. 01/2008

Bluegrass Kitchen  
Age 1500 Washington St. East  
Charleston, WV 25311  
304.346.2671

**STATE OF WEST VIRGINIA**  
DEPARTMENT OF ADMINISTRATION  
TRAVEL MANAGEMENT OFFICE  
REQUEST FOR HOSPITALITY SERVICE

SERVE: Kste L  
TABLE: 564  
TIME: 2/8/86 12/06/2013 09:  
GUEST #: 1

SPENDING UNIT NAME/ORG # SUPREME COURT OF APPEALS  
CONTACT PERSON V. Summers  
TELEPHONE NUMBER 304-419-0779  
FUNCTION SPONSOR V. Summers  
LOCATION OF FUNCTION Justices' Chambers  
DATE(S) OF FUNCTION 12/06/13

SUB TOTAL: 69.25  
TOTAL: 69.25  
CARD PAID: 69.25  
GRATUITY: 10.00  
TOTAL: 79.25

ESTIMATED EXPENSES  
FOOD AND BEVERAGE  
MEETING ROOM  
EQUIPMENT RENTAL  
LODGING  
OTHER  
OTHER

\$ 79.25  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ 79.25

TOTAL

Signature  
CARD #: XXXXXXXXXX08270  
VAUGHN A SUMMERS  
082125

PURPOSE/JUSTIFICATION OF FUNCTION:

Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form): S. Cohen, B. Benjamin, R. Davis, S. Stover, R. Melvin, M. Ketchum, J. Stevenson, M. Workman, V. Shaker, A. Ludwig, R. Perry, E. Nest, V. Summers.

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: [Signature]  
FUNCTION REPRESENTATIVE'S SIGNATURE  
By: [Signature]  
AGENCY HEAD SIGNATURE

DATE  
1/1/20  
DATE

88--000060

TMO 3 Form - Rev. 01/2008

BOOKS  
FOR ORDER AT  
CHARLESTON, WV 25301  
844-729-7416

Merchant ID: 13010880  
Term ID: 0052  
Server ID: 2583

Sale

VISA  
XXXXXXXXXXXX0270  
Entry Method: Swiped  
Approved: Online Batch#: 000006  
12/18/13 10:46:57  
Trans: 0000001 Appr Code: 039217  
Amount: \$ 124.32  
TID:  
Total:

Customer Copy  
THANK YOU

**STATE OF WEST VIRGINIA**  
DEPARTMENT OF ADMINISTRATION  
TRAVEL MANAGEMENT OFFICE  
REQUEST FOR HOSPITALITY SERVICE

SPENDING UNIT NAME/ORG # SUPREME COURT OF APPEALS  
CONTACT PERSON V. Summers  
TELEPHONE NUMBER 304. 419. 0779  
FUNCTION SPONSOR V. Summers  
LOCATION OF FUNCTION Justices' Chambers  
DATE(S) OF FUNCTION 12/19/13

ESTIMATED EXPENSES	
FOOD AND BEVERAGE	\$ <u>124.32</u>
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER	\$ _____
TOTAL	\$ <u>124.32</u>

PURPOSE/JUSTIFICATION OF FUNCTION:

Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form): S. Cohen, B. Benjamin, R. Davis, S. Staker, R. Melvin, M. Ketchum, S. Stinson, M. Workman, V. Staker, A. Landry, V. Summers, R. Perry, E. Nash, S. Gandy, A. Angus, B. Rayburn

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: [Signature]  
FUNCTION REPRESENTATIVE'S SIGNATURE  
By: [Signature]  
AGENCY HEAD'S SIGNATURE

12/19/13  
DATE  
1/14/2013  
DATE

88--000061

**JAN – DEC 2014**

**MEALS PURCHASED  
FOR JUSTICES & STAFF**

88--000062

TMO Form - Rev. 01/2008

STATE OF WEST VIRGINIA

DEPARTMENT OF ADMINISTRATION  
TRAVEL MANAGEMENT OFFICE  
REQUEST FOR HOSPITALITY SERVICE

8888  
800 WEST PT  
CHARLESTON, WV 25301  
501-724-7148  
Worksheet ID: 148110499  
Form TMO 8829  
Reprint ID: 1439

Sale

VISA  
XXXXXXXXXXXX0278  
Entry Method: Swiped  
Approved Online Batch#: 000004  
01/08/14 11:18:33  
Txn#: 090000L Acqr Code: 075003  
Amount: \$ 193.35  
Tip: \$ 31.67  
Total: \$ 225.02

SPENDING UNIT NAME/ORG # SUPREME COURT OF APPEALS  
CONTACT PERSON V. SUMMERS  
TELEPHONE NUMBER 304. 414. 0774  
FUNCTION SPONSOR V. Summers  
LOCATION OF FUNCTION Justice's Chambers  
DATE(S) OF FUNCTION 1/08/14

Customer Copy  
THANK YOU

ESTIMATED EXPENSES	
FOOD AND BEVERAGE	\$ 226.02
MEETING ROOM	\$
EQUIPMENT RENTAL	\$
LODGING	\$
OTHER/	\$
OTHER/	\$
TOTAL	\$ 226.02

PURPOSE/JUSTIFICATION OF FUNCTION:

Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form): S. Cohen, B. Benjamin, R. Davis, J. Stone, R. Melvin, M. Kitchum, J. Stevenson, M. Workman, V. Slater, A. Layton, S. Gandy, H. Daulton, R. Perry, E. Nash, B. Kayton, V. Summers

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: [Signature]  
FUNCTION REPRESENTATIVE'S SIGNATURE  
By: [Signature]  
AGENCY HEAD'S SIGNATURE

1/08/14  
DATE  
2/24/2014  
DATE

88--000063

TMO 3 Form - Rev. 01/2006

Ag

WHELHOUSE  
1007 BRIDGE RD  
CHARLESTON, WV 25314

01/15/2014 11:32  
Merchant ID: 00000001732  
Terminal ID: 42124001790 925991

CREDIT CARD

VISA SALE

CARD # XXXXXXXXXXXXXXX0382  
INVOICE 000  
Batch #: 0094  
SERVER 000  
Approval Code: 0668S  
Entry Method: 0mpec  
Approved: Online  
PRE-TIP AMT \$138.72

**STATE OF WEST VIRGINIA**  
DEPARTMENT OF ADMINISTRATION  
TRAVEL MANAGEMENT OFFICE  
REQUEST FOR HOSPITALITY SERVICE

SPENDING UNIT NAME/ORG # SUPREME COURT OF APPEALS  
CONTACT PERSON V. Summers  
TELEPHONE NUMBER 304. 419. 0779  
FUNCTION SPONSOR V. Summers  
LOCATION OF FUNCTION Justices' Chambers  
DATE(S) OF FUNCTION 1/15/14

TIP 20.00  
TOTAL AMOUNT 158.72

ESTIMATED EXPENSES

FOOD AND BEVERAGE \$ 158.72  
MEETING ROOM \$ \_\_\_\_\_  
EQUIPMENT/RENTAL \$ \_\_\_\_\_  
LODGING \$ \_\_\_\_\_  
OTHER/ \$ \_\_\_\_\_  
OTHER/ \$ \_\_\_\_\_  
TOTAL \$ 158.72

CUSTOMER COPY

PURPOSE/JUSTIFICATION OF FUNCTION:

Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form): S. Cohen, B. Benjamin, R. Davis, S. Stovall, R. Melvin, M. Ketchum, S. Stevenson, M. Workman, V. Shuford, A. Lantry, R. Perry, E. Nash, V. Summers

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: [Signature]  
FUNCTION REPRESENTATIVE'S SIGNATURE

2/24/14  
DATE

By: [Signature]  
AGENCY HEAD'S SIGNATURE

2/24/2014  
DATE

88-000064

TMO Form - Rev. 07/2008

50802  
200 10018 ST  
CHARLESTON, WV 25301  
204 23-7640  
Merchant ID: 1-115685  
Term ID: 0000  
Server ID: 141

**STATE OF WEST VIRGINIA**  
DEPARTMENT OF ADMINISTRATION  
TRAVEL MANAGEMENT OFFICE  
REQUEST FOR HOSPITALITY SERVICE

VISA  
XXXXXXXXXXXX258  
Entry Method: 611111  
Approved Online - Batch# 00006  
01/22/14 11:27:22  
Inst#: 00000001 Acqr Code: 00571  
Amount: 208.1  
Tip: 20.00 \$ 228.1  
Total: 279.72  
Alaska

SPENDING UNIT NAME/ORG # SUPREME COURT OF APPEALS  
CONTACT PERSON V. SUMMERS  
TELEPHONE NUMBER 304-419-0779  
FUNCTION SPONSOR V. SUMMERS  
LOCATION OF FUNCTION Justices' Chambers  
DATE(S) OF FUNCTION 1/22/14

ESTIMATED EXPENSES	
FOOD AND BEVERAGE	\$ 279.72
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER	\$ _____
TOTAL	\$ 279.72

Customer Copy  
THANK YOU

PURPOSE/JUSTIFICATION OF FUNCTION:  
Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form): S. Cohen, B. Benjamin, R. Davis, S. Stover, R. Melvin, M. Ketchum, J. Stevenson, M. Workman, V. Stefan, A. Ludwig, S. Gandy, J. Gandy, H. Daily, R. Perry, E. Nash, V. Summers, B. King

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: [Signature]  
FUNCTION REPRESENTATIVE'S SIGNATURE

By: [Signature]  
AGENCY HEAD SIGNATURE

1/22/14  
DATE

2/24/2014  
DATE

88--000065

TMC-9 Form - Rev. 01/2009

PATERSON AT THE PARK  
604 MARBLE ST  
CHARLESTON, WV 25301  
304-728-7648

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

ESTIMATED SALES TAX: 0022276  
 U.S.A. \$00.564  
 SALES TAX: 0022276 \$00.564  
 SALE TAX: 0022276 \$00.564  
 TAX: 0022276 \$00.564  
 TAX: 0022276 \$00.564  
 TAX: 0022276 \$00.564

SPENDING UNIT NAME/ORG # SUPREME COURT OF APPEALS  
 CONTACT PERSON V. Summers  
 TELEPHONE NUMBER 304-419-0779  
 FUNCTION SPONSOR V. Summers  
 LOCATION OF FUNCTION Justices Chambers  
 DATE(S) OF FUNCTION 11/20/14

TOTAL \$ 253.00  
 SALES TAX \$ 0.00  
 TOTAL \$ 253.00

ESTIMATED EXPENSES	\$ <u>253.00</u>
FOOD AND BEVERAGE	\$ _____
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
TOTAL	\$ <u>253.00</u>

CUSTOMER COPY

PURPOSE/JUSTIFICATION OF FUNCTION:  
Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form): S. Cohen, B. Benjamin, R. Davis, J. Stover, R. Melvin, M. Ketchum, J. Stevenson, M. Workman, V. Shafiq, A. Lashry, J. Gundy, H. Daily, R. Perry, E. Nash, V. Summers, B. Kephau

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: [Signature]  
 FUNCTION REPRESENTATIVE'S SIGNATURE

By: [Signature]  
 AGENCY HEAD'S SIGNATURE

DATE \_\_\_\_\_  
 / / 20  
 DATE

88--000066



TMO 3 Form - Rev. 04/2008

STATE OF WEST VIRGINIA

DEPARTMENT OF ADMINISTRATION  
TRAVEL MANAGEMENT OFFICE  
REQUEST FOR HOSPITALITY SERVICE

80555  
800 SOUTH ST  
CHARLESTON, WV 25301  
908-728-7146  
Merchant Id: 144119488  
Term (D): 9926  
Server Id: 1639

Sale

VISA

XXXXXXXXXXXX270

Entry Method: Swiped

Approval: Online Batch#: 000001

03/05/14

11:46:52

Inv#: 00000006 Acqr Code: 063072

Amount: \$ 270.60

Tip: \$ 45.10

Total: \$ 270.60

Customer Copy  
THANK YOU

SPENDING UNIT NAME/ORG # SUPREME COURT OF APPEALS  
CONTACT PERSON V. Summers  
TELEPHONE NUMBER 304. 419. 0779  
FUNCTION SPONSOR V. Summers  
LOCATION OF FUNCTION Justices' Chambers  
DATE(S) OF FUNCTION 3/05/14

ESTIMATED EXPENSES

- FOOD AND BEVERAGE
- MEETING ROOM
- EQUIPMENT RENTAL
- LODGING
- OTHER/
- OTHER/

\$ 270.60  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ 270.60

TOTAL

PURPOSE/JUSTIFICATION OF FUNCTION:

Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form): S. Cohen, B. Benjamin, R. Davis, J. Starn, R. Melvin, M. Ketchum, J. Stevenson, M. Workman, V. Stefan, A. Langtry, J. Gandy, H. Dault, B. Kaylor, E. Crisler, R. Perry, V. Summers

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: [Signature]

FUNCTION REPRESENTATIVE'S SIGNATURE

3/05/14

DATE

By: [Signature]

AGENCY HEADQUARTERS SIGNATURE

4/10/2014

DATE

88--000068

TMO 3 Form - Rev. 01/2006

PATERNO'S AT THE PARK  
601 MORRIS ST.  
CHARLESTON, WV 25301  
504-726-7646

**STATE OF WEST VIRGINIA**  
DEPARTMENT OF ADMINISTRATION  
TRAVEL MANAGEMENT OFFICE  
REQUEST FOR HOSPITALITY SERVICE

GENERAL ID: M23275  
USA  
ISSUE DATE: 03/11/14  
SALE  
ISSUE TYPE: INU: 0000981  
Max: 23, 14 : 11442  
REB NUMBER: AUTH: 099934  
TRAVEL: 45004500000000  
VALIDATION CODE: 0000

SPENDING UNIT NAME/ORG # SUPREME COURT OF APPEALS  
CONTACT PERSON V. SUMMERS  
TELEPHONE NUMBER 304-419-0779  
FUNCTION SPONSOR V. Summers  
LOCATION OF FUNCTION Justices' Chambers  
DATE(S) OF FUNCTION 3/25/14

APPROVED  
SALE AMT \$222.00  
TIP \$  
TOTAL \$ 222.00  
WARNING BUSINESS

ESTIMATED EXPENSES	
FOOD AND BEVERAGE	\$ 222.00
MEETING ROOM	\$
EQUIPMENT RENTAL	\$
LODGING	\$
OTHER/	\$
OTHER/	\$
TOTAL	\$ 222.00

COURTESY DAY

PURPOSE/JUSTIFICATION OF FUNCTION:

Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form): S. Cohen, B. Benjamin, R. Davis, S. Starr, R. Melvin, M. Ketchum, S. Stinson, M. Workman, V. Stefan, A. Laybry, R. Perry, E. Casper, V. Summers, B. Kuylen, J. Candy, A. Daulty

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: [Signature]  
FUNCTION REPRESENTATIVE'S SIGNATURE  
By: [Signature]  
AGENCY HEAD'S SIGNATURE

3/25/14  
DATE  
4/10/2014  
DATE

88--000069

TMO 3 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

80008  
 800 SOUTH ST  
 CHARLESTON, WV 25301  
 304-226-7548

~~DUPLICATE~~

Merchant ID: 18819888  
 Term ID: 8028  
 Server ID: 7021

Adjust Sale

SPENDING UNIT NAME/ORG # SUPREME COURT OF APPEALS  
 CONTACT PERSON V. Summers  
 TELEPHONE NUMBER 304. 419. 0779  
 FUNCTION SPONSOR V. Summers  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 3/26/14

VISA  
 XXXXXXXXXXXX0270  
 Entry Method: Swiped  
 Approval: Dallas Batch: 000007  
 03/26/14 10:16:10  
 Inv#: 00000001 Amer Code: 001430  
 Amount: \$ 230.00  
 Tip: \$ 46.00  
 Total: \$ 276.00

ESTIMATED EXPENSES

FOOD AND BEVERAGE \$ 276.36  
 MEETING ROOM \$ \_\_\_\_\_  
 EQUIPMENT RENTAL \$ \_\_\_\_\_  
 LODGING \$ \_\_\_\_\_  
 OTHER \$ \_\_\_\_\_  
 TOTAL \$ 276.36

I agree to pay above listed amount according to card issuer agreement (Merchant agreement if credit voucher)

SUMMERS/AUGHR 4  
 Merchant Copy  
 THANK YOU

PURPOSE/JUSTIFICATION OF FUNCTION:

Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form): S. Cohen, B. Benjamin, R. Davis, J. Stover, R. Melin, M. Kirkham, J. Stevenson, M. Workman, V. Shaker, A. Langley, J. Gundy, H. Dault, V. Summers, B. Kaylor, E. Guiso, R. Perry

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: [Signature]  
 FUNCTION REPRESENTATIVE'S SIGNATURE  
 By: [Signature]  
 AGENCY HEAD'S SIGNATURE

3/26/14  
 DATE  
4/10/2014  
 DATE

88--000070



TMO 3 Form - Rev. 01/2008

Agency Ref. #

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

SPENDING UNIT NAME/ORG # SUPREME COURT OF APPEALS VENUE  
400 5TH ST  
CHARLESTON, WV 25301  
804-757-1544

CONTACT PERSON V. Summers Personal ID: 14951688  
Term ID: 8926  
Server ID: 5515

TELEPHONE NUMBER 304-414-0779 Sale

FUNCTION SPONSOR V. Summers VISA  
XXXXXXXXXXXX9278

LOCATION OF FUNCTION Justices' Chambers Entry Method: Swiped  
Approved: Online Batch: 494863  
04/08/14 1' 22:34

DATE(S) OF FUNCTION 4/8/14 - Soho's Trav: 00000001 Appr Code: 051817

ESTIMATED EXPENSES	\$	<u>#280.62</u>	Amount:	\$	<u>280.62</u>
FOOD AND BEVERAGE	\$	_____	Tax:		
MEETING ROOM	\$	_____	Total:		<u>280.62</u>
EQUIPMENT RENTAL	\$	_____			
LODGING	\$	_____			
OTHER/	\$	_____			
OTHER/	\$	_____			
<b>TOTAL</b>	\$	<u>#280.62</u>			

Customer Copy  
THANK YOU

PURPOSE/JUSTIFICATION OF FUNCTION:  
Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form): R. Davis, J. Stover, B. Benjamin, S. Cohen, M. Workman, J. Stevenson, M. Ketchum, R. Melvin, A. Loughry, V. Shaffer, K. Terry, E. Gasser, H. Dailley, J. Gandy, B. Kaghwan, C. Gerness

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: [Signature]  
 FUNCTION REPRESENTATIVE'S SIGNATURE

By: [Signature]  
 AGENCY HEAD SIGNATURE

5/12/14  
 DATE

5/12/2014  
 DATE

88-000072





TMO Form - Rev. 01/2008

Agency Ref. #

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

**BRIDGE ROAD BISTRO**

Date: 4/23/2014 Time: 11:41:58 AM

SPENDING UNIT NAME/ORG # SUPREME COURT OF APPEALS Status: Approved

CONTACT PERSON V. Summers Card Type: Visa  
 Card Number: XXXXXXXXXXXX8270  
 Expiration Date: X/XX/XXXX

TELEPHONE NUMBER 304. 414. 0779 Server Name: Lorra  
 Check Number: 19339  
 Tab Number: 900

FUNCTION SPONSOR V. Summers Number Of Covers: 1  
 Persons: 1, 2, 3, 4, 5, 6, 7, 8,  
9, 10, 11, 12, 13, 14, 15

LOCATION OF FUNCTION Justices' Chambers Card Owner: Manual Ent

DATE(S) OF FUNCTION 4/23/14 - BRB

ESTIMATED EXPENSES		AMOUNT	212.59
FOOD AND BEVERAGE	\$ <u>255.11</u>	Gratuity	42.52
MEETING ROOM	\$ _____	Total	255.11
EQUIPMENT RENTAL	\$ _____	Approval: 046917	
LODGING	\$ _____	CUSTOMER COPY	
OTHER/	\$ _____		
OTHER/	\$ _____		
<b>TOTAL</b>	\$ <u>255.11</u>		

PURPOSE/JUSTIFICATION OF FUNCTION:  
Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):  
R. Davis, J. Stover, B. Benjamin, S. Cohen, M. Wakeman, J. Stevenson, M. Ketchum, R. Melvin, A. Loughry, V. Chaffin, R. Perry, E. Gaiser, H. Ditley, J. Gandy, B. Kaghua, C. Barnes

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: [Signature]  
 FUNCTION REPRESENTATIVE'S SIGNATURE

By: [Signature]  
 AGENCY HEAD SIGNATURE

5/12/14  
 DATE

5/12/2014  
 DATE

88--000075



TMO 3 Form - Rev. 01/2005

<b>STATE OF WEST VIRGINIA</b>		<b>BLINDERS ROAD BISTRO</b>	
DEPARTMENT OF ADMINISTRATION TRAVEL MANAGEMENT OFFICE REQUEST FOR HOSPITALITY SERVICE		Date: 5/5/2014	Time: 11:53:37 AM
SPENDING UNIT NAME/ORG # <u>SUPREME COURT OF APPEALS</u>		Status:	Approved
CONTACT PERSON <u>V. Summers</u>	TELEPHONE NUMBER <u>304.419.0779</u>	Card Type:	Visa
FUNCTION SPONSOR <u>V. Summers</u>	LOCATION OF FUNCTION <u>Justices' Chambers</u>	Card Number:	XXXXXX XXXX8270
DATE(S) OF FUNCTION <u>5/5/14</u>		Expiration Date:	XX/XX/XXXX
		Server Name:	Lorra
		Check Number:	194267
		Tab Number:	900
		Number Of Covers:	1
		Persons:	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14
		Card Owner:	Manual Ent
ESTIMATED EXPENSES		AMOUNT	211.45
FOOD AND BEVERAGE	\$ <u>253.74</u>	Gratuity	42.29
MEETING ROOM	\$ _____	Total	253.74
EQUIPMENT RENTAL	\$ _____		
LODGING	\$ _____		
OTHER	\$ _____		
OTHER	\$ _____		
TOTAL	\$ <u>253.74</u>		

PURPOSE/JUSTIFICATION OF FUNCTION:  
Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form): S. Cohen, B. Benjamin, R. Davis, S. Stover, R. Melin, M. Ketchum, S. Stevenson, M. Workman, V. Stefan, A. Layton, S. Kauffman, C. Grooms

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: [Signature] DATE: 5/5/14

FUNCTION REPRESENTATIVE'S SIGNATURE

By: [Signature] DATE: 6/13/2014

AGENCY HEAD'S SIGNATURE

88-000077

TMO 3 Form - Rev. 01/2008

STATE OF WEST VIRGINIA

DEPARTMENT OF ADMINISTRATION  
TRAVEL MANAGEMENT OFFICE  
REQUEST FOR HOSPITALITY SERVICE

5000E  
NEW JERSEY ST  
CHARLOTTE, NC 28201  
304-720-1946

Merchant ID: 14011699  
Term ID: 8226  
Server ID: 0516

Sale

VISA

XXXXXXXXXXXX38270

Entry Method: Manual

Approved: Online Batch#: 00030

05/06/14 14:24:9

AVS Code: \*

Inv#: 00000001 Acq Code: 00049

Amount: \$ 285.9

Tip: Tip

Total: 285.96

I agree to pay above total amount according to card issuer agreement. Merchant Copy

*[Signature]*

THANK YOU

ESTIMATED EXPENSES

FOOD AND BEVERAGE

\$ 285.96

MEETING ROOM

\$

EQUIPMENT RENTAL

\$

LODGING

\$

OTHER/

\$

OTHER/

\$

TOTAL

\$ 285.96

PURPOSE/JUSTIFICATION OF FUNCTION:

Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form): S. Cohen, B. Benjamin, R. Davis, J. Stover, R. Melin, M. Keisler, J. Stearns, M. Workman, V. Shuter, A. Laughlin, J. Gandy, H. Daily, B. Rayburn, E. Gaiser, R. King, C. Graves

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: *[Signature]*

FUNCTION REPRESENTATIVE'S SIGNATURE

5/6/14

DATE

By: *[Signature]*

AGENCY HEAD SIGNATURE

6/13/2014

DATE

88-000078

TMO 3 Form - Rev. 01/2008

PATERNO AT THE FARM  
601 MORRIS ST  
CHARLESTON, WJ 25301  
304-728-7640

**STATE OF WEST VIRGINIA**  
DEPARTMENT OF ADMINISTRATION  
TRAVEL MANAGEMENT OFFICE  
REQUEST FOR HOSPITALITY SERVICE

TERMINAL 10.1      M032776  
VISA                      001 0791  
SALE                      000001  
MAY 07 14              11:40  
AUTH                      016680

SPENDING UNIT NAME/ORG # SUPREME COURT OF APPEALS  
CONTACT PERSON V. SUMMERS  
TELEPHONE NUMBER 304. 419. 0789  
FUNCTION SPONSOR V. SUMMERS  
LOCATION OF FUNCTION Justices' Chambers  
DATE(S) OF FUNCTION 5/7/14

100 REF # 4642750556107  
CULTRATION CASE TIME  
APPROVED  
SALE AMT \$258.00  
TIP 1.00  
TOTAL 259.00

ESTIMATED EXPENSES	
FOOD AND BEVERAGE	\$ <u>258.00</u>
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER	\$ _____
OTHER	\$ _____
TOTAL	\$ <u>258.00</u>

CUSTOMER COPY *JS*

PURPOSE/JUSTIFICATION OF FUNCTION:  
Conference  
FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form): S. Cohen, B. Benjamin, R. Davis, J. Starr, R. Melvin, M. Ketchum, J. Stinson, M. Workman, V. Stefan, A. Layton

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION  
By: [Signature]  
FUNCTION REPRESENTATIVE'S SIGNATURE  
By: [Signature]  
AGENCY HEAD'S SIGNATURE

5/7/14  
DATE  
6/13/2014  
DATE

88-000079

TMO 3 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

BRIDGE ROAD BISTRO

Date: 5/27/2014 Time: 11:29:33 AM

Status: Approved

SPENDING UNIT NAME/ORG # SUPREME COURT OF APPEALS  
 CONTACT PERSON V. Summers  
 TELEPHONE NUMBER 304. 419. 0779  
 FUNCTION SPONSOR V. Summers  
 LOCATION OF FUNCTION Services Chambers  
 DATE(S) OF FUNCTION 5/27/14

Card Type: Visa  
 Card Number: XXXXXXXXXXXX8270  
 Expiration Date: X/XX/XXXX  
 Server Name: Lorre  
 Check Number: 195840  
 Tab Number: 200  
 Number Of Covers: 1  
 Persons: 1, 2, 3, 4, 5, 6, 7, 8,  
 9, 10  
 Card Owner: Manual Ent

ESTIMATED EXPENSES	
FOOD AND BEVERAGE	\$ <u>219.00</u>
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
TOTAL	\$ <u>219.00</u>

AMOUNT	182.50
Gratuity	36.50
Total	219.00

PURPOSE/JUSTIFICATION OF FUNCTION:

Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form): S. Cohen, B. Benjamin, R. Davis, S. Stover, R. Melvin, M. Kalkom, S. Stevenson, M. Workman, V. Stefan, A. Langley

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: [Signature]  
 FUNCTION REPRESENTATIVE'S SIGNATURE  
 By: [Signature]  
 AGENCY HEAD'S SIGNATURE

5/27/14  
 DATE  
6/13/2014  
 DATE

88--000080

TMO-3 Form - Rev. 01/2009

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

Adelphia Sports  
 Bar & Grille  
 218 Capitol Street  
 Charleston, WV 25301  
 PH: 304-343-5551  
 FAX: 304-343-5552

Date: Aug26'14 12:00PM  
 Card Type: Visa  
 Acct #: XXXXXXXXXXXX8448\*  
 Card Entry: KEYED  
 Trans Type: PURCHASE  
 Auth Code: 013037  
 Check: 482  
 Check ID: SUPREME COURT  
 Server: 1001 AM Left

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Games  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Games  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 08/26/2014

Subtotal: 198.79

Tip: 198.79

Total: 397.58

Signature  
 I agree to pay the above total  
 according to my card issuer  
 agreement.  
 \*\*\*GUEST COPY\*\*

ESTIMATED EXPENSES  
 FOOD AND BEVERAGE \$ 198.79  
 MEETING ROOM \$ \_\_\_\_\_  
 EQUIPMENT RENTAL \$ \_\_\_\_\_  
 LODGING \$ \_\_\_\_\_  
 OTHER/ \$ \_\_\_\_\_  
 OTHER/ \$ \_\_\_\_\_  
 TOTAL \$ 198.79

PURPOSE/JUSTIFICATION OF FUNCTION:  
 Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):  
 R. Davis, B. Benjamin, M. Ketchum, A. Loughry, J. Stover, J. Stevenson, R. Melvin, V. Shafer,  
 J. Charnock, B. Kayuha, E. Nash, C. Games, J. Gundy

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

\_\_\_\_\_  
DATE

88--000081

TMC 3 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

SDHOS  
 NEW ORDER BY  
 CHARLESTON, WV 25302  
 204-729-7456  
 Merchant ID: 49431699  
 Term ID: 0926  
 Street ID: 1426

Sale

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Games  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Games  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 09/03/2014

VISA  
 XXXXXXXXXXXXXXX949  
 Entry Method: Swipe  
 Approved: Online Batch#: 090009  
 09/03/14 14:33:41  
 Trn#: 09000001 Appr Code: 001541  
 Amount: \$ 299.15  
 Tip: 11.63  
 Total: 249.78

ESTIMATED EXPENSES

FOOD AND BEVERAGE	\$ 249.78
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
TOTAL	\$ 249.78

Customer Copy  
THANK YOU

PURPOSE/JUSTIFICATION OF FUNCTION:

Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

R. Davis, M. Workman, B. Benjamin, M. Ketchum, A. Loughry, J. Stover, J. Stevenson, R. Melvin,  
 V. Shafer, J. Charnock, R. Perry, E. Nash, C. Games, J. Gundy, H. Dalley

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
 DATE

By: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

\_\_\_\_\_  
 DATE

88--000082

TMO 3 Form - Rev. 01/2008

50455  
300 SOUTH ST  
CHARLESTON, WV 25301  
304-729-7400

Merchant ID: 160116663  
Term ID: 6235  
Server ID: 1835

**STATE OF WEST VIRGINIA**  
DEPARTMENT OF ADMINISTRATION  
TRAVEL MANAGEMENT OFFICE  
REQUEST FOR HOSPITALITY SERVICE

Sale

VISA  
XXXXXXXXXXXXXXXXXXXX  
Entry Method: Swiped  
Apprvs: Online Batch#: 000003  
09/10/14 10:13:18  
Trans: 0000001 Appr Code: 074654  
Amount: 219.05  
Tip: 42.17  
Total: 253.02

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
CONTACT PERSON Chris Games  
TELEPHONE NUMBER (304) 558-2080  
FUNCTION SPONSOR Chris Games  
LOCATION OF FUNCTION Justices' Chambers  
DATE(S) OF FUNCTION 09/10/2014

Customer Name  
THANK YOU

ESTIMATED EXPENSES	
FOOD AND BEVERAGE	\$ 253.02
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
TOTAL	\$ 253.02

PURPOSE/JUSTIFICATION OF FUNCTION:  
Conference  
  
FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):  
R. Davis, M. Workman, B. Benjamin, M. Ketchum, A. Loughry, J. Stover, J. Stevenson, R. Melvin,  
V. Shafer, J. Chamock, V. Summers, J. Gundy, H. Datley, B. Kayuha

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

\_\_\_\_\_  
DATE

88--000083

TMO 3 Form - Rev. 01/2008

Agency Ref. # \_\_\_\_\_

<b>STATE OF WEST VIRGINIA</b> DEPARTMENT OF ADMINISTRATION TRAVEL MANAGEMENT OFFICE REQUEST FOR HOSPITALITY SERVICE
--

SPENDING UNIT NAME/ORG # Supreme Court of Appeals

CONTACT PERSON Chris Games

TELEPHONE NUMBER (304) 558-2080

FUNCTION SPONSOR Chris Games

LOCATION OF FUNCTION Justices' Chambers

DATE(S) OF FUNCTION 09/17/2014

**ESTIMATED EXPENSES**

FOOD AND BEVERAGE	\$ <u>231.20</u>
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
<b>TOTAL</b>	<b>\$ <u>231.20</u></b>

**PURPOSE/JUSTIFICATION OF FUNCTION:**

Conference

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

R. Davis, M. Workman, B. Benjamin, M. Ketchum, A. Loughry, J. Stover, J. Stevenson, R. Melvin, V. Shafer, J. Chamock, C. Games, J. Gundy, H. Dalley, B. Kayuha, E. Gaiser, R. Perry

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

\_\_\_\_\_  
DATE

88--000084

TMO 3 Form - Rev. 01/2008

88008  
098 20171 BT  
CHARLESTON, WV 25301  
304-728-7845  
Merchant ID: 150110208  
Term ID: 0325  
Server ID: 0445

**STATE OF WEST VIRGINIA**  
DEPARTMENT OF ADMINISTRATION  
TRAVEL MANAGEMENT OFFICE  
REQUEST FOR HOSPITALITY SERVICE

Sale

VISA  
XXXXXXXXXX8948  
Entry Method: Swiped  
Approved: Online Batch#: 000007  
09/23/14 18:08:57  
Inv#: 00000902 Acqr Code: 930965  
Amount: \$ 218.84  
Tip: \_\_\_\_\_  
Total: \_\_\_\_\_  
*[Signature]*  
\*\*\*\*\*CARDHOLDER\*\*\*\*\*

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
CONTACT PERSON Chris Garms  
TELEPHONE NUMBER (304) 558-2060  
FUNCTION SPONSOR Chris Garms  
LOCATION OF FUNCTION Justices' Chambers  
DATE(S) OF FUNCTION 09/29/2014

Customer Copy  
THANK YOU

ESTIMATED EXPENSES	
FOOD AND BEVERAGE	\$ 218.04
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
TOTAL	\$ 218.04

PURPOSE/JUSTIFICATION OF FUNCTION:  
Conference  
  
FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):  
R. Davis, M. Workman, B. Benjamin, M. Ketchum, A. Loughry, J. Stover, J. Stevenson, R. Melvin,  
V. Shafer, R. Perry, C. Garms, J. Gundy, S. Canterbury, B. Kayuha

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: \_\_\_\_\_ DATE: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE  
By: \_\_\_\_\_ DATE: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

88--000085



TWO 3 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

Adelphi Sports  
 Bar & Grille  
 218 Capitol Street  
 Charleston, WV 25301  
 PH: 304-343-5551  
 FAX: 304-343-5552

Date: Oct01 14 12:00PM  
 Card Type: Visa  
 Acct #: XXXXXXXXXXXX8448  
 Card Entry: SWIPE  
 Trans Type: PURCHASE  
 Auth Code: 032865  
 Check: 2255  
 Table: 304/1  
 Server: 136 Laytasha

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Games  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Games  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 10/01/2014

Subtotal: 238.73

Tip: Inc.

Total: 238.73

*Chris Games*  
Signature

I agree to pay the above total  
 according to my card issuer  
 agreement.  
 \*\*\*GUEST COPY\*\*\*

ESTIMATED EXPENSES	
FOOD AND BEVERAGE	\$ 238.73
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
TOTAL	\$ 238.73

PURPOSE/JUSTIFICATION OF FUNCTION:  
 Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):  
 R. Davis, M. Workman, B. Benjamin, M. Ketchum, A. Loughry, J. Stover, J. Stevenson, R. Melvin,  
 V. Shafer, J. Chernock, C. Games, J. Gundy, H. Dalley, B. Kayuha

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: \_\_\_\_\_ DATE: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

By: \_\_\_\_\_ DATE: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

88--000087

TMO 3 Form - Rev. 01/2008

Pies and Pints #2  
222 Capitol Street  
Charleston, WV 25301  
Phone:  
www.piesandpints.net

**STATE OF WEST VIRGINIA**  
DEPARTMENT OF ADMINISTRATION  
TRAVEL MANAGEMENT OFFICE  
REQUEST FOR HOSPITALITY SERVICE

Order#7 TO GO  
Emp1:Erick 10/14/2014 11:43 AM

Subtotal 168.00  
Tax 0.00  
Total 168.00

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
CONTACT PERSON Chris Garnes  
TELEPHONE NUMBER (304) 858-2060  
FUNCTION SPONSOR Chris Garnes  
LOCATION OF FUNCTION Justices' Chambers  
DATE(S) OF FUNCTION 10/14/2014

Visa 8448 Payment 168.00  
Tip 33.60  
Total 201.60

\*\*\* Guest Copy \*\*\*

\*\*\*\*\*  
SPECIAL NOTE

SUPREME COURT  
PICK UP AT 1145  
\*\*\*\*\*

ESTIMATED EXPENSES	
FOOD AND BEVERAGE	\$ <u>201.60</u>
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
TOTAL	\$ <u>201.60</u>

PURPOSE/JUSTIFICATION OF FUNCTION:  
Conference  
  
FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):  
R. Davis, M. Workman, B. Benjamin, M. Ketchum, A. Loughry, J. Stover, J. Stevenson, R. Melvin,  
V. Shafer, J. Charnock, C. Garnes, J. Gundy, H. Dalley.

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: \_\_\_\_\_ DATE \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE  
By: \_\_\_\_\_ DATE \_\_\_\_\_  
AGENCY HEAD SIGNATURE

88--000088

TMO 3 Form - Rev. 01/2008

Bluergrass Kitchen  
1600 Washington St., East  
Charleston, WV 25311  
304.346.2871

**STATE OF WEST VIRGINIA**  
DEPARTMENT OF ADMINISTRATION  
TRAVEL MANAGEMENT OFFICE  
REQUEST FOR HOSPITALITY SERVICE

SERVER: Zachary M  
TABLE: 662  
TICKET #: 246184 10/15/2014 10:08  
GUESTS: 1

SPENDING UNIT NAME/ORG # Supreme Court of Appeals

CONTACT PERSON Chris Games

TELEPHONE NUMBER: (304) 658-2080

FUNCTION SPONSOR Chris Games

LOCATION OF FUNCTION Justices' Chambers

DATE(S) OF FUNCTION 10/15/2014

ESTIMATED EXPENSES

- FOOD AND BEVERAGE
- MEETING ROOM
- EQUIPMENT RENTAL
- LODGING
- OTHER/
- OTHER/

TOTAL

\$ 178.20

\$

\$

\$

\$

\$

\$ 178.20

CARD #: XXXXXXXXXX028448  
CHRISTOPHER A GARNES  
082098

Thanks for supporting our small business!  
www.bluergrasskitchen.com

Comments? Suggestions?  
email contact@bluergrasswv.com

\*\* Customer Copy \*\*

PURPOSE/JUSTIFICATION OF FUNCTION:

Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

R. Davis, M. Workman, B. Benjamin, M. Ketchum, A. Loughry, J. Stover, J. Stevenson, R. Melvin,  
V. Shafer, J. Charnock, C. Games, J. Gundy, H. Dalley, B. Kayuha

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

DATE

88--000089

TMO 3 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE



164 Summers Street  
 Charleston WV

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Garnes  
 TELEPHONE NUMBER (304) 658-2080  
 FUNCTION SPONSOR Chris Garnes  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 10/21/2014

Server: cashier  
 Data: 10/21/2014 Time: 11:43:14  
 Table: 111 /1,2,3,4,5,6,7,8,9,10,11,12  
 1,2,3,4,5,6,7,8,9,10,11,12/198187  
 Visa: XXXXXXXXXXXX06448  
 Swipe: GARNES, CHRISTOPHER A  
 Approved: 030879

ESTIMATED EXPENSES		AMOUNT	113.94
FOOD AND BEVERAGE	\$ 143.94	TIP	30.00
MEETING ROOM	\$ _____	TOTAL	143.94
EQUIPMENT RENTAL	\$ _____		
LODGING	\$ _____		
OTHER/	\$ _____		
OTHER/	\$ _____		
TOTAL	\$ 143.94		

Customer Signature \_\_\_\_\_

**PURPOSE/JUSTIFICATION OF FUNCTION:**

Conference

Guest Copy

**FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more must accompany the form):**

R. Davis, M. Workman, B. Benjamin, M. Ketchum, A. Loughry, J. Stover, J. Stevenson, R. Melvin, V. Shafer, J. Chamock, V. Summers, J. Gundy

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
 DATE

By: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

\_\_\_\_\_  
 DATE

88--000090



TMO 3 Form - Rev. 01/2008

RECOVERY SPORTS GRILL - CHARLESTON

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

Date: 10/30/2014 Time: 11:38:11 AM

Status: Approved  
 Card Type: Visa  
 Card Owner: GARNES/CHRISTOPHER A  
 Card Number: XXXXXXXXXX8448  
 Server: 86 Britney S.  
 Check/Person #: 132838/1  
 Tab Number: 4076

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Games  
 TELEPHONE NUMBER (304) 658-2060  
 FUNCTION SPONSOR Chris Games  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 10/30/2014

AMOUNT 201.56  
 TJP Ine  
 TOTAL 201.56

Approval: 084569

I AGREE TO COMPLY WITH THE CARDHOLDER AGREEMENT

CUSTOMER COPY

ESTIMATED EXPENSES	
FOOD AND BEVERAGE	\$ 201.56
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
<b>TOTAL</b>	<b>\$ 201.56</b>

**PURPOSE/JUSTIFICATION OF FUNCTION:**  
 Conference

**FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):**  
 R. Davis, M. Workman, B. Benjamin, M. Ketchum, A. Loughry, J. Stover, J. Stevenson, R. Melvin, V. Shafer, J. Charnock, C. Games, J. Gundy, B. Kayuha

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: \_\_\_\_\_ DATE \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

By: \_\_\_\_\_ DATE \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

88--000092

TMO-3 Form - Rev. 01/2005

BRIDGE ROAD BISTRO

**STATE OF WEST VIRGINIA**

DEPARTMENT OF ADMINISTRATION  
TRAVEL MANAGEMENT OFFICE  
REQUEST FOR HOSPITALITY SERVICE

Date: 11/12/2014 Time: 11:54:08 AM

Status: Approved

Card Type: Visa  
Card Number: XXXXXXXXXXXXXXX8416  
Expiration Date: 8/XX/XXXX  
Server Name: Scott  
Check Number: 207107  
Tab Number: 100  
Number Of Covers: 12  
Persons: 1, 2, 3, 4, 5, 6, 7, 8,  
9, 10, 11, 12  
Card Owner: games/christopher a

SPENDING UNIT NAME/ORG # Supreme Court of Appeals

CONTACT PERSON Chris Games

TELEPHONE NUMBER (304) 558-2060

FUNCTION SPONSOR Chris Games

LOCATION OF FUNCTION Justices' Chambers

DATE(S) OF FUNCTION 11/12/2014

AMOUNT 181.66  
Gratuity 40.88  
Total 232.54

**ESTIMATED EXPENSES**

FOOD AND BEVERAGE \$ 232.54  
MEETING ROOM \$ \_\_\_\_\_  
EQUIPMENT RENTAL \$ \_\_\_\_\_  
LODGING \$ \_\_\_\_\_  
OTHER/ \$ \_\_\_\_\_  
OTHER/ \$ \_\_\_\_\_  
TOTAL \$ 232.54

Approval: 020354  
CUSTOMER COPY

**PURPOSE/JUSTIFICATION OF FUNCTION:**

Conference

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

R. Davis, M. Workman, B. Benjamin, M. Ketchum, A. Loughry, J. Stover, J. Stevenson, R. Melvin,  
V. Shafer, J. Charnock, C. Games, J. Gundy.

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: [Signature]  
FUNCTION REPRESENTATIVE'S SIGNATURE

DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

DATE

88--000093

**JAN – DEC 2015**

**MEALS PURCHASED  
FOR JUSTICES & STAFF**

88--000094

TMO 3 Form - Rev. 01/22/06

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

**south hills market  
and café**

SOUTH HILLS

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Garnes  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Garnes  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 01/08/2015

Date: 1/8/2015 Time: 11:38:55 AM  
 Status: Approved  
 Card Type: Visa  
 Card Number: XXXXX XXXX448  
 Expiration Date: X/XX/XXXX  
 Server Name: Metalle  
 Check Number: 19411  
 Tab Number: 100  
 Number Of Covers: 28  
 Persons: 1, 2, 3, 4, 5, 6, 7, 8,  
 9, 10, 11, 12, 13, 14  
 Card Owner: garnes/christopher a

ESTIMATED EXPENSES	
FOOD AND BEVERAGE	\$ 242.64
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
<b>TOTAL</b>	<b>\$ 242.6</b>

AMOUNT	202.64
TIP	40.50
<b>TOTAL</b>	<b>242.64</b>
Approval:	670095

CUSTOMER COPY

**PURPOSE/JUSTIFICATION OF FUNCTION:**

Conference

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

R. Davis, B. Benjamin, M. Workman, M. Ketchum, A. Loughry, J. Stover, J. Stevenson, R. Melvin,  
V. Shafer, J. Chamock, C. Garnes, J. Gundy, A. Angus, B. Kayuha

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

\_\_\_\_\_  
DATE

88--000095

TMO3 Form - Rev. 01/2005

90002  
600 SOUTH ST  
CHARLESTON, WV 25301  
304-724-7648  
Merchant ID: 160116000  
Term ID: 0025  
Server ID: 0615

**STATE OF WEST VIRGINIA**  
DEPARTMENT OF ADMINISTRATION  
TRAVEL MANAGEMENT OFFICE  
REQUEST FOR HOSPITALITY SERVICE

Sale

VISA  
XXXXXXXXXXXX0440  
Entry Method: Swiped  
Approved: Online Batch#: 090607  
01/13/15 10:51:31  
Inv#: 00000001 Appr Code: 000031  
Amount: \$ 228.42  
Tax:  
Total: 228.42

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
CONTACT PERSON Chris Garnes  
TELEPHONE NUMBER (304) 558-2060  
FUNCTION SPONSOR Chris Garnes  
LOCATION OF FUNCTION Justices' Chambers  
DATE(S) OF FUNCTION 01/13/2015

Customer Copy  
THANK YOU

ESTIMATED EXPENSES	
FOOD AND BEVERAGE	\$ 228.42
MEETING ROOM	\$
EQUIPMENT RENTAL	\$
LODGING	\$
OTHER	\$
OTHER	\$
TOTAL	\$ 228.42

PURPOSE/JUSTIFICATION OF FUNCTION:  
Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):  
R. Davis, B. Benjamin, M. Workman, M. Katchum, A. Loughry, J. Stover, J. Stevenson, R. Melviri,  
V. Shafer, J. Charnock, C. Garnes, J. Gundy, A. Angus, H. Dalley

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
DATE

88--000096

TMO 3 Form - Rev. 01/2006

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

PATERNO AT THE PARK  
 601 MORRIS ST  
 CHARLESTON, WV 25301  
 304-766-6585

TERMINAL ID: 981276  
 UTSA 081 884  
 JANUARY 15 2015 12:18  
 SALE  
 AUTH: 088881  
 AUTH: 088881  
 AUTH: 088881  
 AUTH: 088881

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Games  
 TELEPHONE NUMBER (304) 556-2080  
 FUNCTION SPONSOR Chris Games  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 01/14/2015

SALE AMT \$230.40  
 TIP Fac  
 TOTAL 230.40  
 CHRISTOPHER A GAMES

ESTIMATED EXPENSES	\$	
FOOD AND BEVERAGE	\$	230.40
MEETING ROOM	\$	
EQUIPMENT RENTAL	\$	
LODGING	\$	
OTHER/	\$	
OTHER/	\$	
TOTAL	\$	230.40

CUSTOMER COPY

**PURPOSE/JUSTIFICATION OF FUNCTION:**  
 Conference

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):  
 R. Davis, B. Benjamin, M. Workman, M. Ketchum, A. Loughry, J. Stover, J. Stevenson, R. Melvin,  
 V. Shafer, J. Charnock, C. Games, J. Gundy, A. Angus, H. Dalley

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

By: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

\_\_\_\_\_  
 DATE

\_\_\_\_\_  
 DATE

88--000097

TMO 3 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

**south hills market  
and café**

SOUTH HILLS

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Garnes  
 TELEPHONE NUMBER (304) 558-2080  
 FUNCTION SPONSOR Chris Garnes  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 01/16/2015

1/16/2015 Time: 11:39:07 AM

APPROVED

Card Type: Visa  
 Card Number: XXXXXXXXXXXX0448  
 Expiration Date: X/XX/XXXX  
 Server Name: Tasha  
 Check Number: 194808  
 Tab Number: 400  
 Number Of Covers: 7  
 Persons: 1, 2, 3, 4, 5  
 Card Owner: garnes/christopher a

<b>ESTIMATED EXPENSES</b>	
FOOD AND BEVERAGE	\$ <u>63.37</u>
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
<b>TOTAL</b>	<b>\$ <u>63.37</u></b>

AMOUNT	<u>52.87</u>
TIP	<u>10.50</u>
<b>TOTAL</b>	<b><u>63.37</u></b>

Approval: 084240

**PURPOSE/JUSTIFICATION OF FUNCTION:**  
 Conference

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):  
 M. Workman, A. Loughry, S. Canterbury

CUSTOMER COPY

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

\_\_\_\_\_  
DATE

88-000098



TMO 3 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

SPENDING UNIT NAME/ORG # Supreme Court of Appeals

CONTACT PERSON Chris Garnea

TELEPHONE NUMBER (304) 558-2060

FUNCTION SPONSOR Chris Garnea

LOCATION OF FUNCTION Justices' Chambers

DATE(S) OF FUNCTION 01/28/2015

Adelphia Sports  
 Bar & Grille  
 218 Capitol Street  
 Charleston, WV 25301  
 PH: 304-343-5501  
 FAX: 304-343-5552

Date: Jan28'15 11:34AM  
 Card Type: Visa  
 Acct #: XXXXXXXXXXXX6448  
 Card Entry: SWIPE  
 Trans Type: PURCHASE  
 Auth Code: 023075  
 Check: 3845  
 Check ID: JUDGES  
 Server: 146 Kristyn

Subtotal: 192.76

Tip: Tax

Total: 192.76

ESTIMATED EXPENSES

FOOD AND BEVERAGE	\$ <u>192.76</u>
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER	\$ _____
OTHER	\$ _____
<b>TOTAL</b>	<b>\$ <u>192.76</u></b>

Signature \_\_\_\_\_  
 I agree to pay the above total according to my card issuer's agreement.  
 \*\*\*GUEST COPY\*\*\*

PURPOSE/JUSTIFICATION OF FUNCTION:

Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

R. Davis, B. Benjamin, M. Workman, M. Ketchum, J. Stover, J. Stevenson, R. Melvin,  
 V. Shafer, C. Games, J. Gundy, A. Angus, H. Dalley

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
 DATE

By: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

\_\_\_\_\_  
 DATE

88--000100

TMO 5 Form - Rev. 01/2008

**STATE OF WEST VIRGIN**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

**south hills market  
and café**

SOUTH HILLS

SPENDING UNIT NAME/ORG# Supreme Court of Appeals

CONTACT PERSON Chris Gaines

TELEPHONE NUMBER (304) 558-2080

FUNCTION SPONSOR Chris Gaines

LOCATION OF FUNCTION Justices' Chambers

DATE(S) OF FUNCTION 01/30/2015

Date: 1/30/2015 Time: 11:30:15 AM

Status: Approved

Card Type: Visa

Card Number: XXXXXXXXXX0348

Expiration Date: 3/XX/XXXX

Server Name: Natalie

Check Number: 185524

Tab Number: 400

Number of Covers: 20

Persons: 1, 2, 3, 4, 5, 6, 7, 8,

9, 10

Card Owner: gaines/christopher a

**ESTIMATED EXPENSES**

FOOD AND BEVERAGE

\$ 180.8

MEETING ROOM

\$ \_\_\_\_\_

AMOUNT

133.83

EQUIPMENT RENTAL

\$ \_\_\_\_\_

TIP

27.00

LODGING

\$ \_\_\_\_\_

OTHER/

\$ \_\_\_\_\_

OTHER/

\$ \_\_\_\_\_

**TOTAL**

160.83

TOTAL

\$ 180.8

Approval: 008858

CUSTOMER COPY

**PURPOSE/JUSTIFICATION OF FUNCTION:**

Conference

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

R. Davis, M. Workman, M. Ketchum, A. Loughry, J. Stover, J. Stevenson, R. Melvin,  
V. Shafer, C. Gaines, J. Gundy,

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

\_\_\_\_\_  
DATE

88--000101

TMO 3 Form - Rev. 01/2008

Bluegrass Kitchen  
1600 Washington St. East  
Charleston, WV 25311  
304.346.2271

**STATE OF WEST VIRGINIA**  
DEPARTMENT OF ADMINISTRATION  
TRAVEL MANAGEMENT OFFICE  
REQUEST FOR HOSPITALITY SERVICE

SERVICES: Zachary M  
TABLE: 678  
TICKET #: 256726 02/04/2015 10:09  
GUESTS: 1

SPENDING UNIT NAME/ORG # <u>Supreme Court of Appeals</u>	SUB TOTAL:	163.95
CONTACT PERSON <u>Chris Garnes</u>	TOTAL:	163.95
TELEPHONE NUMBER <u>(304) 558-2060</u>	CARD PAID:	163.95
FUNCTION SPONSOR <u>Chris Garnes</u>	GRATUITY:	<u>32.79</u>
LOCATION OF FUNCTION <u>Justices' Chambers</u>	TOTAL:	<u>196.74</u>
DATE(S) OF FUNCTION <u>02/04/2015</u>	CARD #:	X00000000028448

ESTIMATED EXPENSES

- FOOD AND BEVERAGE
- MEETING ROOM
- EQUIPMENT RENTAL
- LODGING
- OTHER
- OTHER

\$ 196.74 Thanks for supporting our small business!  
 \$            www.bluegrasskitchen.com.  
 \$            Comments? Suggestions?  
 \$            email contact@bluegrassky.com  
 \$            \*\* Customer Copy \*\*  
 \$ 196.74

TOTAL

PURPOSE/JUSTIFICATION OF FUNCTION:

Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

- R. Davis, M. Workman, M. Ketchum, A. Loughry, J. Stover, J. Stevenson, R. Melvin,
- V. Shafer, C. Garnes, J. Gundy, A. Angus, H. Dailey, B. Kayuha, S. Canterbury

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

DATE

88--000102



TMC 3 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

90402  
 100 SMITH ST  
 CHARLESTON, WV 25301  
 204-726-7446

Merchant ID: 16015688  
 Term ID: 0928  
 Server ID: 6215

Sale

VISA  
 XXXXXXXXXXXXXXX448  
 Entry Method: Swiped  
 Approved: Online Batch#: 000003  
 02/11/15 16:50:51  
 Inv#: 06030001 Appr Code: 000259  
 Amount: \$ 207.78  
 Tip:                       
 Total: 207.78

Customer Key:  
 THANK YOU

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Garnes  
 TELEPHONE NUMBER (304) 558-2080  
 FUNCTION SPONSOR Chris Garnes  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 02/11/2015

<b>ESTIMATED EXPENSES</b>	
FOOD AND BEVERAGE	\$ <u>207.78</u>
MEETING ROOM	\$ <u>                    </u>
EQUIPMENT RENTAL	\$ <u>                    </u>
LODGING	\$ <u>                    </u>
OTHER/	\$ <u>                    </u>
OTHER/	\$ <u>                    </u>
<b>TOTAL</b>	\$ <u>207.78</u>

**PURPOSE/JUSTIFICATION OF FUNCTION:**  
 Conference

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):  
 R. Davis, M. Workman, M. Ketchum, A. Loughry, J. Stover, J. Stevenson, R. Melvin,  
 V. Shafer, C. Ganes, J. Gundy, A. Angus, H. Dalley

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
 DATE

By: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

\_\_\_\_\_  
 DATE

88--000104

TMO 3 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

\*\*\*\*\* Merchant Copy \*\*\*\*\*

Charleston Town Center  
 Cafe 4343  
 Charleston, WV 25389  
 3044004638

2/12/2015 10:28:12 AM  
 Order 524984 Cashier: Arielle

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Ganes  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Ganes  
 LOCATION OF FUNCTION State Capitol - East Wing  
 DATE(S) OF FUNCTION 02/12/2015

SubTotal 160.31  
 Tax 0.00  
 Tax exempt ID 55600071  
 Gratuity 32.06  
 Total 192.37

Visa 192.37  
 Acct:XXXXXXXXX844  
 AuthCode:034925  
 TransID

TIP: \_\_\_\_\_  
 Total: 192.37

<b>ESTIMATED EXPENSES</b>	
FOOD AND BEVERAGE	\$ 192.37
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
<b>TOTAL</b>	<b>\$ 192.37</b>

Customer Signature  
 I Agree to pay above total amount according to the card issuer agreement.

Your Order Number is: 584

\*\*\*\*\* Merchant Copy \*\*\*\*\*

**PURPOSE/JUSTIFICATION OF FUNCTION:**  
 Conference

**FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):**  
 Judges: Evans, Hutchinson, Swope, Wilkes, Johnson, Aslop, O'Brian, Clawges, Tabl  
 Tina and Loetta

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_ DATE \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

By: \_\_\_\_\_ DATE \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

88-000105

TMO 3 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

**south hills market  
and café**

SOUTH HILLS

SPENDING UNIT NAME/ORG # Supreme Court of Appeals Date: 2/24/2016 Time: 11:23:00 AM  
 CONTACT PERSON Chris Garnes Status: Approved  
 TELEPHONE NUMBER (304) 558-2060 Card Type: Visa  
 Card Number: XXXXXXXXXXXX8448  
 FUNCTION SPONSOR Chris Garnes Expiration Date: X/X/XXXX  
 Server Name: Tasha  
 LOCATION OF FUNCTION Justices' Chambers Check Number: 18688  
 Tab Number: 100  
 DATE(S) OF FUNCTION 02/24/2015 Number Of Covers: 23  
 Persons: 1, 2, 3, 4, 5, 6, 7, 8,  
9, 10, 11  
 Card Diner: Garnes/christopher a

ESTIMATED EXPENSES	AMOUNT	AMOUNT
FOOD AND BEVERAGE	\$ <u>191.72</u>	158.77
MEETING ROOM	\$ _____	TIP <u>31.95</u>
EQUIPMENT RENTAL	\$ _____	
LODGING	\$ _____	
OTHER/	\$ _____	
OTHER/	\$ _____	
<b>TOTAL</b>	\$ <u>191.72</u>	<b>TOTAL</b> <u>191.72</u>

Approval: 090906

CUSTOMER COPY

**PURPOSE/JUSTIFICATION OF FUNCTION:**

Conferehce

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

R. Davis, M. Workman, M. Ketchum, A. Laughry, J. Stover, J. Stevenson, R. Melvin,  
V. Shafer, C. Garnes, J. Gundy, A. Angus,

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

\_\_\_\_\_  
DATE

88-000106

TMO 3 Form -- Rev. 01/2008

<b>STATE OF WEST VIRGINIA</b>		BRIDGE ROAD BISTRO	
DEPARTMENT OF ADMINISTRATION TRAVEL MANAGEMENT OFFICE REQUEST FOR HOSPITALITY SERVICE		Date: 2/25/2015	Time: 11:20:58 AM
SPENDING UNIT NAME/ORG # <u>Supreme Court of Appeals</u>		Status:	Approved
CONTACT PERSON <u>Chris Games</u>	TELEPHONE NUMBER <u>(304) 558-2060</u>	Card Type:	Visa
FUNCTION SPONSOR <u>Chris Games</u>	LOCATION OF FUNCTION <u>Justices' Chambers</u>	Card Number:	XXXXXXXXXXXX8449
DATE(S) OF FUNCTION <u>02/25/2015</u>		Expiration Date:	X/XX/XXXX
		Server Name:	Victoria
		Check Number:	214821
		Tab Number:	100
		Number Of Covers:	16
		Persons:	1, 2, 3, 4, 5, 6, 7, 8, 9, 10
		Card Owner:	games/christopher a
		AMOUNT	197.70
		Gratuity	39.54
		Total	237.24
ESTIMATED EXPENSES		Approval:	012780
FOOD AND BEVERAGE	\$ 237.24	CUSTOMER COPY	
MEETING ROOM	\$ _____		
EQUIPMENT RENTAL	\$ _____		
LODGING	\$ _____		
OTHER/	\$ _____		
OTHER/	\$ _____		
TOTAL	\$ 237.24		

**PURPOSE/JUSTIFICATION OF FUNCTION:**  
 Conference

**FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):**  
 R. Davis, M. Workman, M. Ketchum, A. Loughry, J. Stover, J. Stevenson, R. Melvin,  
 V. Shafer, B. Kayuha, R. Perry, C. Games, H. Dalley, A. Angus,

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: \_\_\_\_\_ DATE \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

By: \_\_\_\_\_ DATE \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

88--000107

TMO 3 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

WUOH  
 806 SOUTH ST  
 CHARLESTON, WV 25301  
 304-724-7546  
 Merchant ID: 148119895  
 Term ID: 0929  
 Server ID: 0343

Sale

SPENDING UNIT NAME/ORG# Supreme Court of Appeals  
 CONTACT PERSON Chris Garnes  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Garnes  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 02/26/2015

VISA  
 XXXXXXXXXXXXXXX9999  
 Entry Method: Swiped  
 Approved Online Batch#: 00060  
 02/26/15 14:53:1  
 Inv#: 00000001 Appr Code: 05332  
 Amount: \$ 189.54  
 Tip: JAC  
 Total: 189.54

<b>ESTIMATED EXPENSES</b>	
FOOD AND BEVERAGE	\$ 189.54
MEETING ROOM	\$
EQUIPMENT RENTAL	\$
LODGING	\$
OTHER/	\$
OTHER/	\$
<b>TOTAL</b>	<b>\$ 189.54</b>

Customer Copy  
 THANK YOU

**PURPOSE/JUSTIFICATION OF FUNCTION:**  
 Conference

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):  
 R. Davis, M. Workman, M. Ketohum, A. Loughry, J. Stover, J. Stevenson, R. Melvin,  
 V. Shafer, C. Garnes, J. Gundy,

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
 DATE

By: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

\_\_\_\_\_  
 DATE

88--000108

TMO 3 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

Adelphi Sports  
 Bar & Grille  
 218 Capitol Street  
 Charleston, WV 25301  
 PH: 304-343-5551  
 FAX: 304-343-5552

Date: Nov 10 '15 11:48AM  
 Card Type: Visa  
 Acct #: XXXXXXXXXXXX6449#  
 Card Entry: KEYED  
 Trans Type: PURCHASE  
 Auth Code: 090286  
 Check: 1888  
 Check ID: SUPREME COURT  
 Server: 1001 AM Left

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Garnes  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Garnes  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 03/10/2015

Subtotal: **170.80**

Tip: 20.00

Total: 190.80

Signature *[Handwritten Signature]*

I agree to pay the above total  
 according to my card issuer  
 agreement.  
 \*\*\*GUEST COPY\*\*\*

<b>ESTIMATED EXPENSES</b>	
FOOD AND BEVERAGE	\$ <u>190.80</u>
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
<b>TOTAL</b>	<b>\$ <u>190.80</u></b>

**PURPOSE/JUSTIFICATION OF FUNCTION:**  
 Conference

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):  
 R. Davis, M. Workman, M. Ketchum, A. Loughry, T. McHugh, J. Stover, R. Melvin,  
 V. Shafer, V. Summers, J. Gundy, A. Angus, B. Kayuha, R. Perry

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

\_\_\_\_\_  
DATE

88-000109

TMO 3 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

**south hills market  
and café**

SOUTH HILLS

PENDING UNIT NAME/ORG # Suprema Court of Appeals  
 CONTACT PERSON Chris Garnes  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Garnes  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 03/11/2015

Date: 3/11/2015 Time: 11:30:35 AM  
 Status: Approved  
 Card Type: Visa  
 Card Number: XXXXXXXXXXXX8446  
 Expiration Date: X/XX/XXXX  
 Server Name: Tasha  
 Check Number: 187378  
 Tab Number: 200  
 Number Of Covers: 31  
 Persons: 1, 2, 3, 4, 5, 6, 7, 8,  
 9, 10, 11, 12, 13, 14  
 Card Owner: garnes/christopher a

ESTIMATED EXPENSES	
FOOD AND BEVERAGE	\$ 225.25
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
<b>TOTAL</b>	<b>\$ 225.25</b>

AMOUNT \$ 187.71  
 TIP \$ 37.54  
**TOTAL \$ 225.25**  
 Approval: 011729

CUSTOMER COPY

**PURPOSE/JUSTIFICATION OF FUNCTION:**  
 Conference

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form): \*

R. Davis, M. Workman, M. Ketchum, A. Loughry, T. McHugh, J. Stover, R. Melvin,  
 V. Shafer, C. Garnes, J. Gundy, A. Angus, H. Dailey, B. Kayuha, R. Perry

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

By: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

\_\_\_\_\_  
 DATE

\_\_\_\_\_  
 DATE

88--000110

TMO 3 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Garnes  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Garnes  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 04/07/2015

**ESTIMATED EXPENSES**

FOOD AND BEVERAGE  
 MEETING ROOM  
 EQUIPMENT RENTAL  
 LODGING  
 OTHER  
 OTHER/

\$ 206.53  
 \$ \_\_\_\_\_  
 \$ \_\_\_\_\_  
 \$ \_\_\_\_\_  
 \$ \_\_\_\_\_  
 \$ \_\_\_\_\_  
 \$ \_\_\_\_\_  
 TOTAL \$ 206.53

Adelphia Sports  
 Bar & Grill  
 216 Capitol Street  
 Charleston, WV 25301  
 PH: 304-343-6561  
 FAX: 304-343-6562  
 Date: Apr07'15 11:49AM  
 Card Type: Visa  
 Acct #: XXXXXXXXXXXXXXX8448  
 Card Entry: SWIPE  
 Trans Type: PURCHASE  
 Auth Code: 096802  
 Check: 2386  
 Check ID: WV STATE  
 Server: 1001 AM Left

Subtotal: 172.11

Tip: 34.42

Total: 206.53

*[Signature]*

Signature  
 I agree to pay the above total  
 according to my card issuer  
 agreement.  
 \*\*\*GUEST COPY\*\*\*

**PURPOSE/JUSTIFICATION OF FUNCTION:**

Conference

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

R. Davis, M. Workman, M. Ketchum, A. Loughry, A. Ferguson, J. Stover, J. Stevenson, R. Melvin,  
 V. Shafer, C. Garnes, J. Gundy, A. Angus, H. Dalley

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

DATE

By: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

DATE

88--000111

TMO 3 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

**south hills market  
and café**

SOUTH HILLS

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Garnes  
 TELEPHONE NUMBER (304) 558-2080  
 FUNCTION SPONSOR Chris Garnes  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 04/08/2015

Date: 4/8/2015 Time: 11:22:34 AM  
 Status: Approved  
 Card Type: Visa  
 Card Number: XXXXXXXXXXXX8416  
 Expiration Date: X/XX/XXXX  
 Server Name: Tasha  
 Check Number: 188784  
 Tab Number: 100  
 Number Of Covers: 21  
 Persons: 1, 2, 3, 4, 5, 6, 7, 8, 10, 11  
 Card Owner: garnes/christopher a

<b>ESTIMATED EXPENSES</b>	
FOOD AND BEVERAGE	\$ 168.07
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
<b>TOTAL</b>	<b>\$ 168.07</b>

AMOUNT	140.08
TIP	28.01
<b>TOTAL</b>	<b>168.07</b>

Approval: CS07257

**PURPOSE/JUSTIFICATION OF FUNCTION:**  
 Conference

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):  
 R. Davis, M. Workman, M. Ketohum, A. Loughry, J. Stover, J. Stevenson,  
 V. Shafer, B. Kayuha, C. Garnes, J. Gundy, A. Angus, H. Dalley

CUSTOMER COPY

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_ DATE \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

By: \_\_\_\_\_ DATE \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

88--000112

TMO 3 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

**BRIDGE ROAD BISTRO**  
 Check #: 217329 Date: 4/9/2016

SPENDING UNIT NAME/ORG # Supreme Court of Appeals Server: 302 - Travis

CONTACT PERSON Chris Garnes Food Sub-Total 166.41

TELEPHONE NUMBER (304) 558-2060 CHECK SUB-TOTAL 166.41

FUNCTION SPONSOR Chris Garnes Sales Tax 0.00

LOCATION OF FUNCTION Justices' Chambers Tip 37.29

DATE(S) OF FUNCTION 04/09/2015 TOTAL 223.70

Visa 223.70

Total Amount Paid 223.70

<b>ESTIMATED EXPENSES</b>		Amount due	0.00
FOOD AND BEVERAGE	\$ 223.70		
MEETING ROOM	\$ _____		
EQUIPMENT RENTAL	\$ _____		
LODGING	\$ _____		
OTHER/	\$ _____		
OTHER/	\$ _____		
<b>TOTAL</b>	<b>\$ 223.70</b>		

**PURPOSE/JUSTIFICATION OF FUNCTION:**  
 Conference

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):  
 R. Davis, M. Workman, M. Ketchum, A. Loughry, J. Stover, J. Stevenson, R. Melvin,  
 V. Shafer, C. Garnes, J. Gundy, A. Angus, S. Canerbury

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_ DATE \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

By: \_\_\_\_\_ DATE \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

88--000113

TMO 3 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

**south hills market  
and café**

SOUTH HILLS

SPENDING UNIT NAME/ORG # Supreme Court of Appeals

Date: 4/22/2015 Time: 11:41:54 AM

CONTACT PERSON Chris Garnes

Status: Approved

TELEPHONE NUMBER (304) 558-2080

Card Type: Visa

FUNCTION SPONSOR Chris Garnes

Card Number: XXXXXXXXXXXX8448

LOCATION OF FUNCTION Justices' Chambers

Expiration Date: X/XX/XXXX

DATE(S) OF FUNCTION 04/22/2015

Server Name: Tasha

Check Number: 198586

Tab Number: 100

Number Of Covers: 25

Persons: 1, 2, 3, 4, 5, 6, 7, 8,

9, 10, 11, 12, 13, 14

Card Owner: garnes/christopher a

**ESTIMATED EXPENSES**

FOOD AND BEVERAGE	\$ <u>203.97</u>
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LOGGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
<b>TOTAL</b>	<b>\$ <u>203.97</u></b>

AMOUNT	<u>198.87</u>
TIP	<u>34.00</u>
<b>TOTAL</b>	<b><u>203.97</u></b>
Approval:	<u>CG1783</u>

CUSTOMER COPY

**PURPOSE/JUSTIFICATION OF FUNCTION:**

Conference

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

R. Davis, M. Workman, M. Kalchauer, A. Loughry, T. McLugh, J. Stover, J. Stevenson, R. Melvin,  
V. Shafer, C. Garnes, J. Gundy, A. Angus, H. Dailey

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

\_\_\_\_\_  
DATE

**88--000114**

TMO 3 Form - Rev. 01/2009

**STATE OF WEST VIRGIN**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

Adelphi Sports  
 Bar & Grill  
 218 Capitol Street  
 Charleston, WV 25301  
 PH: 304-343-6651  
 FAX: 304-343-6652

Date: May 12 '15 11:55AM  
 Card Type: Visa  
 Acct #: XXXXXXXXXXXXXXX448  
 Card Entry: SHIPPED  
 Trans Type: PURCHASE  
 Auth Code: 037861  
 Check: 3462  
 Check ID: SUPREME  
 Server: 1001 AM Left

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Games  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Games  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 05/12/2015

Subtotal: 165.30  
 Tip: 33.06  
 Total: 198.36

Signature:   
 I agree to pay the above total according to my card issuer agreement.  
 \*\*\*GUEST COPY\*\*\*

ESTIMATED EXPENSES	
FOOD AND BEVERAGE	\$ <u>198.3</u>
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER	\$ _____
OTHER	\$ _____
<b>TOTAL</b>	<b>\$ <u>198.36</u></b>

**PURPOSE/JUSTIFICATION OF FUNCTION:**  
 Conference

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):  
 R. Davis, M. Workman, M. Ketchum, A. Loughry, J. Stover, J. Stevenson, R. Melvin,  
 V. Shafer, C. Games, J. Gundy, A. Angus, H. Dailey, B. Kayuha

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
 DATE

By: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

\_\_\_\_\_  
 DATE

88--000115

TMO-3 Form - Rev. 01/2008

A

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

60805  
 800 BRIM ST  
 CHARLESTON, WV 25304  
 304-786-7864

Merchant ID: 15011580  
 Term ID: 0358  
 Server ID: 5535

Sale

VISA  
 XXXXXXXXXXXXXXX448  
 Entry Method: Swiped  
 Approval: Online Batch#: 800401  
 06/09/15 10:05:01  
 Inv#: 60800001 Appr Code: 002771  
 Amount: \$ 154.68  
 Tip: \_\_\_\_\_  
 Total: 154.68

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Garnes  
 TELEPHONE NUMBER (304) 556-2060  
 FUNCTION SPONSOR Chris Garnes  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 06/09/2015

Customer Copy  
THANK YOU

ESTIMATED EXPENSES	
FOOD AND BEVERAGE	\$ <u>154.68</u>
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
<b>TOTAL</b>	\$ <u>154.68</u>

PURPOSE/JUSTIFICATION OF FUNCTION:

Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

R. Davis, M. Ketchum, A. Loughry, B. Benjamin, J. Stover, R. Melvin,  
 V. Shafer, B. Kayuha, C. Garnes, J. Gundy, A. Angus,

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: \_\_\_\_\_ DATE \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

By: \_\_\_\_\_ DATE \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

88--000116

TMO 3 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

**south hills market  
 and café**  
 SOUTH HILLS

SPENDING UNIT NAME/ORG # Supreme Court of Appeals Date: 6/10/2015 Time: 11:54:23 AM  
 CONTACT PERSON Chris Garnes Status: Approved  
 TELEPHONE NUMBER (304) 558-2060 Card Type: Visa  
 FUNCTION SPONSOR Chris Garnes Card Number: XXXXXXXXXXXXXXX8448  
 LOCATION OF FUNCTION Justices' Chambers Expiration Date: 3/30/2015  
 DATE(S) OF FUNCTION 06/10/2015 Server Name: Tasha  
 Check Number: 201740  
 Tab Number: 400  
 Number Of Covers: 16  
 Persons: 1, 2, 3, 4, 5, 6, 7, 8  
 Card Owner: garnes/christopher a

ESTIMATED EXPENSES		AMOUNT	104.51
FOOD AND BEVERAGE	\$ 125.51	TIP	2.00
MEETING ROOM	\$ _____		
EQUIPMENT RENTAL	\$ _____		
LOGGING	\$ _____	TOTAL	125.51
OTHER/	\$ _____	Approval: 027411	
OTHER/	\$ _____		
<b>TOTAL</b>	<b>\$ 125.51</b>		CUSTOMER COPY

**PURPOSE/JUSTIFICATION OF FUNCTION:**  
 Conference

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):  
 R. Davis, M. Ketchum, A. Loughry, J. Stover, R. Melvin,  
 V. Shafer, C. Garnes,

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_ DATE \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

By: \_\_\_\_\_ DATE \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

88--000117

TMO 3 Form - Rev. 01/2008

The Block Restaurant & Wine Cellar  
201 Capital Street  
Charleston, WV 25301  
ph (681) 255-9074

**STATE OF WEST VIRGINIA**  
DEPARTMENT OF ADMINISTRATION  
TRAVEL MANAGEMENT OFFICE  
REQUEST FOR HOSPITALITY SERVICE

SPENDING UNIT NAME/ORG # Supreme Court of Appeals

CONTACT PERSON Chris Garnes

TELEPHONE NUMBER (304) 558-2060

FUNCTION SPONSOR Chris Garnes

LOCATION OF FUNCTION Justices' Chambers

DATE(S) OF FUNCTION 06/15/2015

TABLE: Jamie #15 - 6 Guests  
Servers: Jamie  
6/15/2015 11:59:34 AM  
Sequence #: 0000010  
ID #: 0267818

ITEM	QTY	PRICE
Open Food	1	\$258.00
Subtotal		\$258.00
Grand Total		\$258.00

Credit Purchase  
Name :GARNES/CHRISTOPHER A  
CC Type :VISA  
CC Num :xxxx xxxx xxxx 8448  
Approval :073891  
Server :Jamie  
Ticket Name :Jamie #15

ESTIMATED EXPENSES

- FOOD AND BEVERAGE
- MEETING ROOM
- EQUIPMENT RENTAL
- LODGING
- OTHER/
- OTHER/

\$ 309.60  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_

Payment Amount: \$258.00

Tip: 51.60  
Total: 309.60

TOTAL

\$ 309.60

15%  
CUSTOMER COPY

PURPOSE/JUSTIFICATION OF FUNCTION:

Conference

I agree to pay the amount shown above.

Thank you for visiting!

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

- R. Davis, M. Workman, M. Ketchum, A. Loughry, B. Benjamin, T. Evans, D. Swope, J. Stover,
- S. Canterbury, J. Stevenson, R. Melvin, V. Shafer, J. Charnock, C. Garnes, J. Gundy, A. Angus,

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

DATE

88--000118

TMO Form - Rev. 01/2008

The Block Restaurant & Wine Cellar  
201 Capital Street  
Charleston, WV 25301  
ph (681) 255-9274

**STATE OF WEST VIRGINIA**  
DEPARTMENT OF ADMINISTRATION  
TRAVEL MANAGEMENT OFFICE  
REQUEST FOR HOSPITALITY SERVICE

TABLE: Take Out #23 - 8 Guests  
Server: Jacquil  
6/16/2015 11:21:42 AM  
Sequence #: 9000002  
ID #: 6067838

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
CONTACT PERSON Chris Games  
TELEPHONE NUMBER (304) 558-2060  
FUNCTION SPONSOR Chris Games  
LOCATION OF FUNCTION Justices' Chambers  
DATE(S) OF FUNCTION 06/16/2015

ITEM	QTY	PRIC
Open Food - Court	1	\$217.0
Subtotal		\$217.0
Total Taxes		\$0.0
Grand Total		\$217.0

ESTIMATED EXPENSES

FOOD AND BEVERAGE	\$ <u>260.40</u>
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
<b>TOTAL</b>	<b>\$ <u>260.40</u></b>

Credit Purchase  
Name : GARNES/CHRISTOPHER A  
CC Type : VISA  
CC Num : 1000 0000 0000 0000  
Approval : 036350  
Server : Jacquil  
Ticket Num : Take Out #23

Payment Amount: \$217.0

Tip: 45.40

Total: 260.40

PURPOSE/JUSTIFICATION OF FUNCTION:  
Conference

X  
THIS  
CUSTOMER COPY  
I agree to pay the amount shown above.

Thank you for visiting!

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more must accompany the form):

R. Davis, M. Workman, M. Ketchum, A. Loughry, B. Benjamin, J. Stover, J. Stevenson, R. Melvin, V. Shafer, S. Canterbury, C. Games, J. Gundy, A. Angus.

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

\_\_\_\_\_  
DATE

88--000119

TMO 3 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

**south hills market  
and café**

SOUTH HILLS

SPENDING UNIT NAME/ORG # Suprema Court of Appeals  
 CONTACT PERSON Chris Garnes  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Garnes  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 09/02/2015

Date: 9/2/2015 Time: 11:44:50 AM  
 Status: Approved  
 Card Type: Visa  
 Card Number: XXXXXXXXXXXXXXX9449  
 Expiration Date: X/XX/XXXX  
 Server Name: Tasha  
 Check Number: 205255  
 Tab Number: 100  
 Number Of Covers: 29  
 Persons: 1, 2, 3, 4, 5, 6, 7, 8  
 9, 10, 11, 12, 13  
 Card Owner: garnes/christopher a

**ESTIMATED EXPENSES**

FOOD AND BEVERAGE	\$ <u>231.49</u>
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
<b>TOTAL</b>	\$ <u>231.49</u>

AMOUNT	195.49
TIP	<u>36.00</u>
<b>TOTAL</b>	<u>231.49</u>
Approval:	038156

CUSTOMER COPY

**PURPOSE/JUSTIFICATION OF FUNCTION:**  
 Conference

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):  
 R. Davis, M. Workman, M. Ketchum, A. Loughry, B. Benjamin, J. Stover, R. Melvin, J. Charnock  
 V. Shafer, C. Ganes, J. Gundy, A. Angus, H. Dalley

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

By: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

\_\_\_\_\_  
 DATE

\_\_\_\_\_  
 DATE

88--000120

TMO 3 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
DEPARTMENT OF ADMINISTRATION  
TRAVEL MANAGEMENT OFFICE  
REQUEST FOR HOSPITALITY SERVICE

The Block Restaurant & Wine Cellar  
201 Capital Street  
Charleston, WV 25301  
ph (581) 285-9074

SPENDING UNIT NAME/ORG # Supreme Court of Appeals

CONTACT PERSON Chris Garnes

TELEPHONE NUMBER (304) 558-2060

FUNCTION SPONSOR Chris Garnes

LOCATION OF FUNCTION Justices' Chambers

DATE(S) OF FUNCTION 09/10/2015

ESTIMATED EXPENSES	
FOOD AND BEVERAGE	\$ <u>233.64</u>
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
<b>TOTAL</b>	\$ <u>233.64</u>

TABLE: Supremes To Go - 14 Guests  
Server: Heather P  
8/10/2015 11:43:01 AM  
Sequence #: 0000001  
JO #: 0068707

ITEM	QTY	PRICE
Subtotal		\$139.00
Automatic Service Fee Gratuity		\$95.64
<b>Grand Total</b>		<b>\$233.64</b>
<b>Amount Due:</b>		<b>\$233.64</b>

Credit Purchase  
Name: GARNES/CHRISTOPHER A  
CC Type: VISA  
CC Num: 10000 xxx0 xxx0 8448  
Approval: 1078204  
Server: Heather P  
Ticket Name: Supreme To Go  
Payment Amount: \$233.64  
(Includes \$95.64 from 18% Automatic Service Fee Gratuity)

Additional Tip: \_\_\_\_\_  
Total: 233.64

PURPOSE/JUSTIFICATION OF FUNCTION:

Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany this form):

R. Davis, M. Workman, M. Ketchum, A. Loughry, B. Benjamin, J. Stover, R. Melvin, J. Charnook  
V. Shafer, J. Stevenson, C. Garnes, J. Gundy, A. Angus, S. Canterbury

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

\_\_\_\_\_  
DATE

88--000121



TMO 3 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

Adelphia Sports  
 Bar & Grille  
 218 Capitol Street  
 Charleston, WV 25301  
 PH: 304-343-6561  
 FAX: 304-343-6562

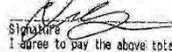
Date: Sep 15 12:14PM  
 Card Type: Visa  
 Card #1: XXXXXXXXXXXX8449  
 Card Entry: SHIPED  
 Trans Type: PURCHASE  
 Auth Code: 639899  
 Check: 4380  
 Check ID: COURT  
 Server: 1002 AM Right

SPENDING UNIT NAME/ORG # Suprema Court of Appeals  
 CONTACT PERSON Chris Garnes  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Garnes  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 09/16/2015

Subtotal: 203.90

Tax: 40.60

Total: 243.96

Signature:   
 I agree to pay the above total according to my card issuer agreement.

\*\*\*GUEST COPY\*\*\*

ESTIMATED EXPENSES	
FOOD AND BEVERAGE	\$ 243.9
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
<b>TOTAL</b>	<b>\$ 243.96</b>

**PURPOSE/JUSTIFICATION OF FUNCTION:**

Conference

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

R. Davis, M. Workman, M. Ketchum, A. Loughry, B. Benjamin, J. Stover, R. Melvin, J. Charniak  
 V. Shafer, J. Stevenson, C. Garnes, J. Gundy, A. Angus, H. Dalley, B. Kayuha

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
 DATE

By: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

\_\_\_\_\_  
 DATE

88--000123

TMO 3 Form - Rev. 01/2008

STATE OF WEST VIRGINIA

DEPARTMENT OF ADMINISTRATION
TRAVEL MANAGEMENT OFFICE
REQUEST FOR HOSPITALITY SERVICE

PENDING UNIT NAME/ORG # Supreme Court of Appeals
CONTACT PERSON Chris Games
TELEPHONE NUMBER (304) 558-2060
FUNCTION SPONSOR Chris Games
LOCATION OF FUNCTION Justices' Chambers
DATE(S) OF FUNCTION 09/21/2015

ESTIMATED EXPENSES

Table with 2 columns: Expense Category and Amount. Includes rows for Food and Beverage, Meeting Room, Equipment Rental, Lodging, Other, and a Total of \$199.74.

PURPOSE/JUSTIFICATION OF FUNCTION:

Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees must accompany the form):

R. Davis, M. Workman, M. Ketchum, A. Loughry, J. Stover, R. Melvin, V. Shafer, J. Stevenson, C. Games, J. Gundy, A. Angus, S. Canterbury

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

FUNCTION REPRESENTATIVE'S SIGNATURE
AGENCY HEAD SIGNATURE

DATE
DATE

50805
800 SOUTH ST
CHARLESTON, WV 25301
304-720-7646
Merchant ID: 160116499
Term ID: 0925
Server ID: 9516

Sale

VISA
XXXXXXXXXXXX9418
Entry Method: Swiped
Approved: Online Batch#: 000003
09/21/15 10:01:00
Inv#: 00000002 Appr Code: 001E35
Amount: \$ 195.34
Tip: Inc
Total: 185.54

Customer Copy
THANK YOU

50805
800 SOUTH ST
CHARLESTON, WV 25301
304-720-7646
Merchant ID: 160116499
Term ID: 0925
Server ID: 9516

Sale

VISA
XXXXXXXXXXXX9418
Entry Method: Swiped
Approved: Online Batch#: 000003
09/21/15 10:29:43
Inv#: 00000005 Appr Code: 013903
Amount: \$ 14.40
Tip: Inc
Total: 14.40

Customer Copy
THANK YOU

88--000124

TMO-3 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

**south hills market  
and café**

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Garnes  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Garnes  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 09/22/2016

SOUTH HILLS

Date: 9/22/2016 Time: 11:50:20 AM  
 Status: Approved  
 Card Type: Visa  
 Card Number: XXXXXXXXXXXXXXX8448  
 Expiration Date: X/XX/XXXX  
 Server Name: Tasha  
 Check Number: 228513  
 Tab Number: 400  
 Number Of Covers: 30  
 Persons: 1, 2, 3, 4, 5, 6, 7  
 8, 10, 11, 12, 13, 14, 15  
 Card Owner: garnes/christopher

ESTIMATED EXPENSES	\$	248.32
FOOD AND BEVERAGE	\$	
MEETING ROOM	\$	
EQUIPMENT RENTAL	\$	
LODGING	\$	
OTHER/	\$	
OTHER/	\$	
TOTAL	\$	248.32

AMOUNT 306.80  
 TTP 41.39  
 TOTAL 248.32  
 Approval: 016038

PURPOSE/JUSTIFICATION OF FUNCTION: CUSTOMER COPY  
 Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):  
 R. Davis, M. Workman, M. Ketchum, A. Loughry, B. Benjamin, J. Stover, R. Melvin, J. Charnok  
 V. Shafer, J. Stevenson, C. Garnes, J. Gundy, A. Angus, H. Dalley, D. Frye

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

By: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

\_\_\_\_\_  
 DATE

\_\_\_\_\_  
 DATE

88--000125

TMO-5 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

Date: 09/23/2015 Time: 11:52:21 AM

Status: Approved

SPENDING UNIT NAME/ORG# Supreme Court of Appeals

Card Type: Visa  
Card Number: XXXXXXXX330445

CONTACT PERSON Chris Garnes

Expiration Date: XX/XXXX

TELEPHONE NUMBER (304) 558-2060

Server Name: Loria

Check Number: 72050

Tax Number: 200

FUNCTION SPONSOR Chris Garnes

Number of Days: 14

Persons: 1, 2, 3, 4, 5, 6, 7, 8,

9, 10, 11, 12, 13, 14, 15

LOCATION OF FUNCTION Justices' Chambers

Card Report: Manual Ed.

DATE(S) OF FUNCTION 09/23/2015

Amount: 256.00

Gratuity: 47.95

**ESTIMATED EXPENSES**

FOOD AND BEVERAGE

\$ 304.55

Total: 304.55

MEETING ROOM

\$ \_\_\_\_\_

Amount: 000.00

EQUIPMENT RENTAL

\$ \_\_\_\_\_

LODGING

\$ \_\_\_\_\_

ESTIMATED COST

OTHER/

\$ \_\_\_\_\_

OTHER/

\$ \_\_\_\_\_

TOTAL

\$ 304.55

**PURPOSE/JUSTIFICATION OF FUNCTION:**

Conference

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

R. Davis, M. Workman, M. Ketchum, A. Loughry, B. Benjamin, J. Stover, R. Melvin, J. Charnok  
V. Shafer, J. Stevenson, C. Garnes, J. Gundy, A. Angus, H. Dalley, D. Frye

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

DATE

88--000126

TMO 3 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

south hills market  
and café

SOUTH HILLS

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Garnes  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Garnes  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 10/06/2015

Date: 10/6/2015 Time: 11:51:45 AM  
 Status: Approved  
 Card Type: Visa  
 Card Number: XXXXXXXXXXXX0440  
 Expiration Date: X/XA/XXXX  
 Server Name: A11son  
 Check Number: 208682  
 Tab Number: 100  
 Number Of Covers: 03  
 Parsons: 1, 2, 3, 4, 5, 6, 7,  
 9, 10, 11, 12, 13, 14, 15  
 Card Owner: garnes/christopher a

ESTIMATED EXPENSES  
 FOOD AND BEVERAGE \$ 234.38  
 MEETING ROOM \$ \_\_\_\_\_  
 EQUIPMENT RENTAL \$ \_\_\_\_\_  
 LODGING \$ \_\_\_\_\_  
 OTHER/ \$ \_\_\_\_\_  
 TOTAL \$ 234.38

AMOUNT 208.38  
 TIP 28.00  
 TOTAL 234.38  
 Approval: 082226

PURPOSE/JUSTIFICATION OF FUNCTION:

Conference

CUSTOMER COPY

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

R. Davis, M. Workman, M. Ketchum, A. Loughry, B. Benjamin, J. Stover, R. Melvin, J. Charnok  
 C. Wilkes, V. Shaler, J. Stevenson, C. Garnes, J. Gundy, A. Angus, H. Dailey

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

BY: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

DATE

BY: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

DATE

88--000127

TMO-3 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

PATERHOS AT THE PARK  
 601 MORRIS ST  
 CHARLESTON, WV 25301  
 304-766-6383

TERMINAL ID: 1      MS32776  
 UI SA      CSR: 9312  
 SALE      SWP2  
 INU: 000002  
 AUTH: 036384

SPENDING UNIT NAME/ORG # Supreme Court of Appeals

CONTACT PERSON Chris Garnes

TELEPHONE NUMBER (304) 558-2080

FUNCTION SPONSOR Chris Garnes

LOCATION OF FUNCTION Justices' Chambers

DATE(S) OF FUNCTION 10/07/2015

TWO SETS: 25010556391767  
 MULTIMEDIA CODE: 1025

APPROVED  
 SALE AMT      \$193.20  
 TIP      5.00  
 TOTAL      198.20

ESTIMATED EXPENSES

FOOD AND BEVERAGE	\$ 203.20
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
<b>TOTAL</b>	<b>\$ 203.20</b>

PATERHOS AT THE PARK  
 601 MORRIS ST  
 CHARLESTON, WV 25301  
 304-766-6383

TERMINAL ID: 1      MS32776  
 UI SA      CSR: 9312  
 SALE      SWP2  
 INU: 000002  
 AUTH: 073471

PURPOSE/JUSTIFICATION OF FUNCTION:

Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of all more must accompany this form):

R. Davis, M. Ketchum, A. Loughry, B. Benjamin, J. Stover, R. Melvin, J. Chamok  
 V. Shafer, C. Garnes, J. Gundy, A. Angus, H. Dailey,

TWO SETS: 25010556391767  
 MULTIMEDIA CODE: 1025

APPROVED  
 SALE AMT      \$7.00  
 TIP      3.00  
 TOTAL      10.00

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

DATE

88--000128

TMO 3 Form - Rev. 01/2005

Age

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

89408  
 800 SMITH ST  
 CHARLESTON, WV 25301  
 304-729-7664  
 Merchant ID: 184115426  
 Term ID: 8328  
 Acquirer ID: 1849

Sale

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Garnes  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Garnes  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 10/14/2015

VISA  
 XXXXXXXXXXXX0440  
 Entry Method: Swiped  
 Approval: Online Batch#: 2000  
 10/14/15 09:51:  
 Invt: 00000001 Appr Code: 0256  
 Amount: \$ 246.10  
 Tip: None  
 Total: 246.10

ESTIMATED EXPENSES	
FOOD AND BEVERAGE	\$ <u>246.10</u>
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
TOTAL	\$ <u>246.10</u>

CUSTOMER COPY  
 THANK YOU

PURPOSE/JUSTIFICATION OF FUNCTION:  
Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):  
R. Davis, M. Workman, M. Ketchum, A. Loughry, B. Benjamin, J. Stover, R. Melvin, J. Charron  
V. Shafer, J. Stevenson, C. Garnes, J. Gundy, A. Angus, H. Dailey, B. Kayuha

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
 DATE

By: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

\_\_\_\_\_  
 DATE

88--000129

TMO 3 Form -- Rev. 01/2008

**STATE OF WEST VIRGINIA**  
DEPARTMENT OF ADMINISTRATION  
TRAVEL MANAGEMENT OFFICE  
REQUEST FOR HOSPITALITY SERVICE

**south hills market  
and café**

SOUTH HILLS

SPENDING UNIT NAME/ORG # Supreme Court of Appeals

Date: 11/3/2015 Time: 11:33:54 AM

CONTACT PERSON Chris Garnes

Status: Approved/Post

TELEPHONE NUMBER (304) 558-2060

Card Type: Visa

Card Number: XXXXXXXXXXXXXXX448

Expiration Date: X/XX/XXXX

Server Name: Tasha

Check Number: 297830

Tab Number: 100

Number of Covers: 31

Persons: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15

Card Owner: garnes/christopher a

LOCATION OF FUNCTION Justices' Chambers

DATE(S) OF FUNCTION 11/03/2015

**ESTIMATED EXPENSES**

FOOD AND BEVERAGE	\$ 245.56
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER	\$ _____
OTHER	\$ _____
<b>TOTAL</b>	<b>\$ 245.56</b>

AMOUNT	204.56
TIP	41.00
<b>TOTAL</b>	<b>245.56</b>
Approval:	100000

CUSTOMER COPY

**PURPOSE/JUSTIFICATION OF FUNCTION:**

Conference

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

- R. Davis, M. Workman, M. Ketchum, A. Loughry, B. Benjamin, J. Stover, R. Melvin, J. Charnok
- V. Shafer, J. Stevenson, C. Garnes, J. Gundy, A. Angus, H. Dailey, B. Kayuha

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

\_\_\_\_\_  
DATE

88--000130

TMO 3 Form - Rev. 01/2009

Agency Ref. #

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Games  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Games  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 11/04/2015

PATERMOS AT THE PARK  
 601 HARRIS ST  
 CHARLESTON, WV 25301  
 304-766-6583  
 TELEPHONE NO. 8003275  
 UTSA (304) 984-5970  
 SALES TAX PERMITS (304) 473-5970  
 SALES TAX PERMITS (304) 473-5970  
 AUTH: 000001  
 AUTH: 12142  
 AUTH: 071105

ESTIMATED EXPENSES

FOOD AND BEVERAGE \$ 177.60  
 MEETING ROOM \$ \_\_\_\_\_  
 EQUIPMENT RENTAL \$ \_\_\_\_\_  
 LODGING \$ \_\_\_\_\_  
 OTHER \$ \_\_\_\_\_  
 TOTAL \$ 177.60

W/PAYEE  
 SALE AMT \$ 177.60  
 TIP \$ JAC  
 TOTAL \$ 177.60

CUSTOMER'S NAME

PURPOSE/JUSTIFICATION OF FUNCTION:

Conference

CUSTOMER COPY

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

R. Davis, M. Workman, M. Ketchum, A. Loughry, B. Benjamin, J. Stover, R. Melvin, J. Charnok  
 V. Shafer, C. Games, J. Gundy, A. Angus,

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
 DATE

By: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

\_\_\_\_\_  
 DATE

88--000131



TMO 3 Form -- Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

The Block Restaurant & Wine Cellar  
 201 Capital Street  
 Charleston, WV 25301  
 ph (681) 288-8074

TABLE: Supreme Court - 12 Guests  
 Server: Daniel M.  
 11/17/2015 11:24:00 AM  
 Sequence #: 0000003  
 ID #: 0075066

SPENDING UNIT NAME/ORG # Supreme Court of Appeals

CONTACT PERSON Chris Games

TELEPHONE NUMBER (304) 558-2060

FUNCTION SPONSOR Chris Games

LOCATION OF FUNCTION Justices' Chambers

DATE(S) OF FUNCTION 11/17/2015

ESTIMATED EXPENSES

FOOD AND BEVERAGE	\$ <u>243.48</u>
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
<b>TOTAL</b>	<b>\$ <u>243.48</u></b>

ITEM	QTY	PRC
Tric Meatballs	1	\$12.00
Goat Cheese Brulan	1	\$10.00
- Add: Marcona Encrusted C		\$5.00
- Justice Workman		
Portobello Napoleon	1	\$14.00
- Justice Davis		
The New Salad In Town	1	\$10.00
- Justice Ketchum		
The Block Burger	(289)14.00	\$28.00
House Salad	1	\$8.00
- Add: Marcona Encrusted C		\$5.00
- Justice Benjamin		
Escalpot Panini	1	\$8.00
- Justice Loughry		
Marcona Chicken Salad	1	\$12.00
- Jennifer		
House Salad	1	\$8.00
- Add: Corn		
- Jasmine		
Sides Brussels Sprout	1	\$3.00
House Salad	1	\$8.00
The Block Burger	1	\$14.00
- Ruth		
House Triz	1	\$10.00
- Viol		

Total: 243.48

PURPOSE/JUSTIFICATION OF FUNCTION:

Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more must accompany the form):

R. Davis, M. Workman, M. Ketchum, A. Loughry, B. Benjamin, J. S. V. Shafer, J. Stevenson, C. Garnes, J. Gundy, B. Kaytha

TSYS  
 CUSTOMER COPY  
 I agree to pay the amount shown above.  
 Thank you for visiting!

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

\_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
 DATE

\_\_\_\_\_  
 AGENCY HEAD SIGNATURE

\_\_\_\_\_  
 DATE

88--000133

TMO 3 Form - Rev. 01/2008

Agency Ref. # \_\_\_\_\_

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Games  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Games  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 12/09/2015

SCHO'S  
 804 SMITH ST  
 CHARLESTOWN, WV 25301  
 12/09/2015 11:28:04  
 CREDIT CARD  
 VISA SALE  
 Card # 2000000000009118  
 Chip Card: CITI VISA  
 AID: A000000021010  
 ATC: 0006  
 TC: 42268AR0E860ACE  
 SEQ #: 1  
 Batch #: 77  
 INVOICE SERVER 1638  
 Approval Code: 949070  
 Entry Method: Chip Read  
 Mode: Issuer - PIN Bypassed

ESTIMATED EXPENSES  
 FOOD AND BEVERAGE \$ 177.84  
 MEETING ROOM \$ \_\_\_\_\_  
 EQUIPMENT RENTAL \$ \_\_\_\_\_  
 LODGING \$ \_\_\_\_\_  
 OTHER/ \$ \_\_\_\_\_  
 TOTAL \$ 177.84

PRE-TIP AMT \$148.20  
 TIP 20% \$29.64  
 TOTAL AMOUNT 177.84

PURPOSE/JUSTIFICATION OF FUNCTION:

Conference

CUSTOMER COPY

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

M. Workman, M. Ketchum, A. Loughry, B. Benjamin, R. Melvin,  
 C. Games, J. Gundy, A. Angus, S. Canterbury, S. Green

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

\_\_\_\_\_  
DATE

88-000134

**JAN - DEC 2016**

**MEALS PURCHASED  
FOR JUSTICES & STAFF**

88--000135

TMO 3 Form - Rev. 01/2008

Agency Ref. #

**STATE OF WEST VIRGINIA**

DEPARTMENT OF ADMINISTRATION  
TRAVEL MANAGEMENT OFFICE  
REQUEST FOR HOSPITALITY SERVICE

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
CONTACT PERSON Chris Garnes  
TELEPHONE NUMBER (304) 558-2060  
FUNCTION SPONSOR Chris Garnes  
LOCATION OF FUNCTION Justices' Chambers  
DATE(S) OF FUNCTION 01/05/2016

**south hills market  
and café**

SOUTH HILLS

Date: 1/5/2016 Time: 11:30:20 AM

Status: Approved

Card Type: Visa  
Card Number: XXXXXXXXXXXXXXX8448  
Expiration Date: 1/XX/XXXX  
Server Name: Tasha  
Check Number: 21020  
Tab Number: 100  
Number Of Covers: 27  
Persons: 1, 2, 3, 4, 5, 6, 7,  
8, 10, 11, 12, 13  
Card Owner: garnes/christopher a

ESTIMATED EXPENSES  
FOOD AND BEVERAGE \$ 217.18  
MEETING ROOM \$ \_\_\_\_\_  
EQUIPMENT RENTAL \$ \_\_\_\_\_  
LODGING \$ \_\_\_\_\_  
OTHER/ \$ \_\_\_\_\_  
OTHER/ \$ \_\_\_\_\_  
TOTAL \$ 217.18

AMOUNT 180.18  
TIP 37.00  
TOTAL 217.18

Approval: 008330

PURPOSE/JUSTIFICATION OF FUNCTION:

Conference

CUSTOMER COPY

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more more must accompany the form):

R. Davis, M. Workman, M. Ketchum, A. Loughry, B. Benjamin, J. Stover, R. Melvin,  
V. Shafer, J. Stevenson, C. Garnes, J. Gundy, A. Angus, B. Kayuha

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

DATE

88--000136

TMO 3 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

Adelphia Sports  
 Bar & Grille  
 218 Capitol Street  
 Charleston, WV 25301  
 PH: 304-343-5551  
 FAX: 304-343-5552

Date: Jan12 '16 12:39PM  
 Card Type: Visa  
 Acct #: XXXXXXXXXXXX0440  
 Card Entry: SKIPED  
 Trans Type: PURCHASE  
 Auth Code: 064451  
 Check: 3118  
 Check ID: SUPREME COURT JU  
 Server: 1001 AM Left

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Garnes  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Garnes  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 01/12/2016

Subtotal: 227.65  
 Tip: 32.00  
 Total: 259.65

<b>ESTIMATED EXPENSES</b>	
FOOD AND BEVERAGE	\$ <u>259.65</u>
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
<b>TOTAL</b>	\$ <u>259.65</u>

Signature  
 I agree to pay the above total according to my card issuer agreement.  
 \*\*\*GUEST COPY\*\*\*

**PURPOSE/JUSTIFICATION OF FUNCTION:**  
 Conference

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):  
 M. Workman, M. Ketchum, A. Loughry, B. Benjamin, J. Hutchinson, J. Stover, R. Melvin, J. Charnok  
 V. Shafer, J. Stevenson, C. Garnes, J. Gundy, A. Angus, H. Dalley, B. Kayuha

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

By: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

\_\_\_\_\_  
 DATE

\_\_\_\_\_  
 DATE

88--000137

TMO 3 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

SOLD'S  
 BON SMITH ST  
 CHARLESTON, WV 25301  
 01/13/2016 11:31:57  
 CREDIT CARD  
 VISA SALE  
 Card # XXXXXXXXXXXX088116  
 Chip Card: C311 VISA  
 AID: A000000001010  
 ATC: 0005  
 TC: 09AF15F4373800E  
 SEQ #: 1  
 Batch #: 127  
 INVOICE: 1  
 SERVER: 11309  
 Approval Code: 046927  
 Entry Method: Chip Read  
 Mode: Issuer - PIN Bypassed

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Garnes  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Garnes  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 01/13/2016

ESTIMATED EXPENSES  
 FOOD AND BEVERAGE \$ 243.84  
 MEETING ROOM \$ \_\_\_\_\_  
 EQUIPMENT RENTAL \$ \_\_\_\_\_  
 LODGING \$ \_\_\_\_\_  
 OTHER/ \$ \_\_\_\_\_  
 OTHER/ \$ \_\_\_\_\_  
 TOTAL \$ 243.84

PRE-TIP AMT \$203.20  
 TIP 40.64  
 TOTAL AMOUNT 243.84

CUSTOMER COPY

PURPOSE/JUSTIFICATION OF FUNCTION:  
 Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):  
 R. Davis, M. Workman, M. Ketchum, A. Loughry, B. Benjamin, J. Stover, R. Melvin, J. Chanok  
 V. Shafer, J. Stevenson, C. Garnes, J. Gundy, A. Angus, H. Dalley,

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

\_\_\_\_\_  
DATE

88--000138



TMO 3 Form - Rev. 01/2006

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

BLOSSOM GATRY  
 504 QUARTERS ST  
 CHARLESTON, WV 25301  
 ph (304) 545-9399

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Garnes  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Garnes  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 01/20/2016

We hope you have a BLOSSOM day!!!!  
 Tickets on sale for MYSTERY  
DINNER 1st Thru, of  
 THEATER the  
 month

TABLE: Valerie #4 - 1 Guest  
 Server: Valerie  
 1/20/2016 11:28:24 AM  
 Sequence #: 0000001  
 ID #: 0061182

<b>ESTIMATED EXPENSES</b>	
FOOD AND BEVERAGE	\$ 154.92
MEETING ROOM	\$
EQUIPMENT RENTAL	\$
LODGING	\$
OTHER/	\$
OTHER/	\$
<b>TOTAL</b>	<b>\$ 154.92</b>

ITEM	QTY	PR
Name	:	GARNES/CHRISTOPHER A
CC Type	:	VISA
CC Num	:	xxxx xxxx xxxx 8448
Approval	:	026983
Server	:	Valerie
Ticket Name	:	Valerie #4

Payment Amount: \$128.6  
 Tip: 26.00  
 Total: 154.62

PURPOSE/JUSTIFICATION OF FUNCTION:

Conference

X  
 TSY'S  
 CUSTOMER COPY  
 I agree to pay the amount shown above.

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

R. Davis, M. Workman, M. Ketchum, A. Loughry, B. Benjamin, J. Stover, R. Melvin, J. Charnok  
 V. Shafer, C. Garnes, J. Gundy, A. Angus, H. Dalley, B. Kayuha

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
 DATE

By: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

\_\_\_\_\_  
 DATE

88--000140

TMO 3 Form - Rev. 01/2003

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

**south hills marke  
and café**

SOUTH HILLS

SPENDING UNIT NAME/ORG # Suprema Court of Appeals  
 CONTACT PERSON Chris Garnes  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Garnes  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 01/28/2016

Date: 1/26/2016 Time: 11:29:08 AM  
 Status: Approved  
 Card Type: Visa  
 Card Number: XXXXXXXXXXXX38448  
 Expiration Date: X/X/XXXX  
 Server Name: Tasha  
 Check Number: 21092  
 Tab Number: 100  
 Number Of Covers: 28  
 Persons: 1, 2, 3, 4, 5, 6, 7,  
 8, 10, 11, 12, 13  
 Card Owner: garnes/christopher

<b>ESTIMATED EXPENSES</b>		
FOOD AND BEVERAGE	\$ 214.53	AMOUNT 177.63
MEETING ROOM	\$	TIP 37.00
EQUIPMENT RENTAL	\$	
LODGING	\$	
OTHER/	\$	
OTHER/	\$	
<b>TOTAL</b>	<b>\$ 214.53</b>	<b>TOTAL 214.53</b>

Approval: 047919

CUSTOMER COPY

**PURPOSE/JUSTIFICATION OF FUNCTION:**

Conference

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

M. Workman, M. Ketchum, A. Loughry, B. Benjamin, J. Stover, R. Melvin, J. Charnok  
V. Shafer, J. Stevenson, C. Garnes, J. Gundy, A. Angus, H. Dailey,

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

\_\_\_\_\_  
DATE

**88--000141**

TMO 3 Form - Rev. 01/2008

Agency Ref. # \_\_\_\_\_

**STATE OF WEST VIRGIN**

DEPARTMENT OF ADMINISTRATION  
TRAVEL MANAGEMENT OFFICE  
REQUEST FOR HOSPITALITY SERVICE

The Block Restaurant & Wine Cellar  
201 Capitol Street  
Charleston, WV 25301  
ph (601) 255-9074

SPENDING UNIT NAME/ORG # Supreme Court of Appeals

CONTACT PERSON Chris Garnes

TELEPHONE NUMBER (304) 558-2060

FUNCTION SPONSOR Chris Garnes

LOCATION OF FUNCTION Justices' Chambers

DATE(S) OF FUNCTION 02/08/2016

**ESTIMATED EXPENSES**

FOOD AND BEVERAGE	\$ 216.0
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
<b>TOTAL</b>	<b>\$ 216.0</b>

TABLE: Take Out #7 - 12 Guests  
Server: Heather P  
2/8/2016 11:41:18 AM  
Sequence #: 0000001  
ID #: 0081204

ITEM QTY PRICE

Grand Total \$180.00  
Amount Due: \$180.00

**Credit Purchase**

Name : GARNES/CHRISTOPHER A  
CC Type : VISA  
CO Num : 10001 xxxxx xxxxx 8448  
Approval : 0022316  
Server : Heather P  
Ticket Name : Take Out #7

Payment Amount: \$180.00

Tax: 36.00

Total: 216.00

**PURPOSE/JUSTIFICATION OF FUNCTION:**

Conference

X  
TSYS  
I agree to pay the amount shown above.

Thank you for visiting!

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more must accompany the form):

R. Davis, M. Warkman, M. Keitchum, A. Loughry, B. Benjamin, J. Stover, R. Melvin,  
V. Shafer, J. Stevenson, C. Garnes, J. Gundy, A. Angus,

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

DATE

88--000142

TMO'S Form -- Rev. 01/2008

Agency Ref. # \_\_\_\_\_

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

SPENDING UNIT NAME/ORG # Suprema Court of Appeals  
 CONTACT PERSON Chris Garnes  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Garnes  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 02/09/2016

50921 S  
 800 SMITH ST  
 CHARLESTOWN, WV 25301  
 02/09/2016 11:21:00

CREDIT CARD  
 VISA SALE  
 Card # 00000000000000000000000000000000  
 Chip Card: CITI VISA  
 MID: A0000000000000000000000000000000  
 ATC: 0009  
 TC: ZEF725A37C2E787A  
 SEQ #: 1  
 Batch #: 166  
 FINANCE: 1  
 SERVICES: 5515  
 Approval Code: 038834  
 Entry Method: Chip Read  
 Mode: Issuer - PIN Bypassed

<b>ESTIMATED EXPENSES</b>		
FOOD AND BEVERAGE	\$	247.32
MEETING ROOM	\$	
EQUIPMENT RENTAL	\$	
LODGING	\$	
OTHER/	\$	
OTHER/	\$	
<b>TOTAL</b>	<b>\$</b>	<b>247.32</b>

PRE-TIP AMT \$247.32  
 TIP Inc.  
 TOTAL AMOUNT 247.32

PURPOSE/JUSTIFICATION OF FUNCTION:

Conference

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):  
 R. Davis, M. Workman, M. Ketchum, A. Loughry, B. Benjamin, J. Stover, R. Melvin, J. Charnok  
 V. Shafer, C. Garnes, J. Gundy, A. Angus, H. Dalley, B. Kayuha

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
 DATE

By: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

\_\_\_\_\_  
 DATE

88--000143

TMO 3 Form - Rev. 01/2008

Agency Ref. # \_\_\_\_\_

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Garnes  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Garnes  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 02/10/2016

**south hills market  
and café**  
SOUTH HILLS

**ESTIMATED EXPENSES**

FOOD AND BEVERAGE  
 MEETING ROOM  
 EQUIPMENT RENTAL  
 LODGING  
 OTHER/  
 OTHER/

\$ 218.00  
 \$ \_\_\_\_\_  
 \$ \_\_\_\_\_  
 \$ \_\_\_\_\_  
 \$ \_\_\_\_\_  
 \$ \_\_\_\_\_  
 \$ 218.00

TOTAL

Date: 2/10/2016 Time: 11:56:38 AM

Status: Approved

Card Type: Visa  
 Card Number: XXXXXXXXXXXXXXX8448  
 Expiration Date: XX/XX/XXXX  
 Server Name: Stevia  
 Check Number: 211551  
 Tab Number: 600  
 Number Of Covers: 19  
 Persons: 1, 2, 3, 4, 5, 6, 7, 8,  
 9, 10, 11, 12, 13, 14  
 Card Owner: GARNES/CHRISTOPHER A

AMOUNT 181.00  
 TIP 37.00  
 TOTAL 218.00  
 Approval: 093024

**PURPOSE/JUSTIFICATION OF FUNCTION:**  
 Conference

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more must accompany the form):  
 R. Davis, M. Workman, M. Ketchum, A. Loughry, B. Benjamin, J. Slover, R. Melvin, J. Charnok  
 V. Shafer, J. Stevenson, C. Garnes, J. Gundy, A. Angus, H. Dailey,

CUSTOMER COPY

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

\_\_\_\_\_  
DATE

88--000144

TMO 3 Form - Rev. 01/2006

Agency Ref. # \_\_\_\_\_

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

Adelphi Sports Bar & Grillle  
 216 Capitol Street  
 Charleston, WV 25301

SPENDING UNIT NAME/ORG # Suprema Court of Appeals

CONTACT PERSON Chris Garnes

TELEPHONE NUMBER (304) 558-2060

FUNCTION SPONSOR Chris Garnes

LOCATION OF FUNCTION Justices' Chambers

DATE(S) OF FUNCTION 02/22/2016

**Take Out**

Total \$123.88

Credit Card Keyed  
 Visa xxxxxxxx028449  
 Time 11:58 AM

Authorization Approved  
 Approval Code 061761  
 Check ID 2247005000008694  
 Payment ID Or 105x07L

<b>ESTIMATED EXPENSES</b>	
FOOD AND BEVERAGE	\$ 148.88
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
<b>TOTAL</b>	<b>\$ 148.88</b>

Account: \$123.88

Tip: 25.00

Total: 148.88

*[Signature]*

Customer Copy

**PURPOSE/JUSTIFICATION OF FUNCTION:**

Conference

Thanks for visiting Adelphi Sports Bar & Grillle  
Please come again

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

M. Workman, M. Ketchum, A. Loughry, B. Benjamin, R. Melvin, J. Charnok  
C. Bowman, V. Shafer, C. Garnes, J. Gundy,

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

\_\_\_\_\_  
DATE

88--000145

TMO 3 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Garnes  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Garnes  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 02/23/2016

ESTIMATED EXPENSES	
FOOD AND BEVERAGE	\$ 180.90
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
<b>TOTAL</b>	<b>\$ 180.90</b>

PURPOSE/JUSTIFICATION OF FUNCTION:  
Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of more must accompany the form):  
M. Workman, M. Ketohum, A. Loughry, B. Benjamin, J. Stover, R. Melvin, J. C. V. Shafer, O. Ganes, J. Gundy, H. Dalley

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

By: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

**PATERNO'S AT THE PARK**  
 601 MORRIS ST  
 CHARLESTON, WV 25309  
 3042055482

Cashier: Marie F  
 Transaction 102090

<b>Total</b>	<b>\$142.80</b>
CREDIT CARD AUTH	\$142.80
VISA 8448	
TIP	<u>Inc.</u>
<b>Total</b>	<u>142.80</u>

Retain this copy for statement validation

23-Feb-2016 11:46:16A  
 \$142.80 | Method: EMV  
 VISA CREDIT XXXXXXXXXXXX8448  
 Ref #: 505400025133  
 Auth #: 054577  
 MID: 215226136998  
 AID: A0000000031010  
 AuthWkNm: VISA  
 SIGNATURE VERIFIED



SOHO'S  
 800 SMITH ST  
 CHARLESTOWN, WV 25301

02/23/2016 11:28:02  
 CREDIT CARD  
 VISA SALE

Card #	XXXXXXXXXX02084-8
Chip Card	CTI VISA
AID:	A0000000031010
ATC:	00CA
TC:	60169H1195ECMC
SEQ #:	2
Batch #:	198
INVOICE	2
SERIAL	5515
Approval Code:	080299
Entry Method:	Chip Read
Mode:	Issuer - PIN Bypassed

PRE-TIP AMT \$38.10  
 TIP Inc.  
 TOTAL AMOUNT 38.10

88--000146  
 CUSTOMER COPY

TMO 3 Form - Rev. 01/2008

Agency Ref. #

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

**south hills market  
and café**

SOUTH HILLS

SPENDING UNIT NAME/ORG # Supreme Court of Appeals

CONTACT PERSON Chris Garnes

TELEPHONE NUMBER (304) 558-2060

FUNCTION SPONSOR Chris Garnes

LOCATION OF FUNCTION Justices' Chambers

DATE(S) OF FUNCTION 02/24/2016

Date: 2/24/2016 Time: 11:33:11 AM

Status: Approved

Card Type: Visa

Card Number: XXXXXXXXXX028440

Expiration Date: XX/XX/XXXX

Server Name: Tasha

Check Number: 212261

Tab Number: 600

Number Of Covers: 20

Persons: 1, 2, 3, 4, 5, 8, 7,

9, 10, 11, 12, 13, 14

Card Owner: garnes/christopher e

ESTIMATED EXPENSES	
FOOD AND BEVERAGE	\$ <u>223.48</u>
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
<b>TOTAL</b>	<b>\$ <u>223.48</u></b>

AMOUNT 185.48

TIP 38.00

**TOTAL**

223.48

Approval: 063685

**PURPOSE/JUSTIFICATION OF FUNCTION:**

Conference

CUSTOMER COPY

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

- M. Workman, M. Ketchum, A. Loughry, B. Benjamin, J. Stover, R. Melvin, J. Charnok
- V. Shafar, J. Stevenson, C. Garnes, J. Gundy, H. Dailey, B. Kayuha

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

\_\_\_\_\_  
DATE

**88--000147**

TMO 3 Form - Rev. 01/2008

Agency Ref. # \_\_\_\_\_

**STATE OF WEST VIRGINIA**

DEPARTMENT OF ADMINISTRATION  
TRAVEL MANAGEMENT OFFICE  
REQUEST FOR HOSPITALITY SERVICE

SCHWAB'S  
800 SMITH ST  
CHARLESTOWN, WV 25301

03/02/2016 11:30:

SPENDING UNIT NAME/ORG # Supreme Court of Appeals

CONTACT PERSON Chris Garnes

TELEPHONE NUMBER (304) 558-2060

FUNCTION SPONSOR Chris Garnes

LOCATION OF FUNCTION Justices' Chambers

DATE(S) OF FUNCTION 03/02/2016

CREDIT CARD  
VISA SALE  
Card # XXXXXXXXXXXXXXX8+  
Chip Card: CTTI VISA  
AID: A00010000210  
ATC: 001  
TY: BNP7171881AD0CY  
USD In: 2  
Sales at: 2  
MERCHANT: SERVER 15:  
Approval Code: 81341  
Entry Method: Chip Res  
Mode: Issue - Full Expense

ESTIMATED EXPENSES

FOOD AND BEVERAGE \$ 209.04  
MEETING ROOM \$ \_\_\_\_\_  
EQUIPMENT RENTAL \$ \_\_\_\_\_  
LODGING \$ \_\_\_\_\_  
OTHER/ \$ \_\_\_\_\_  
OTHER/ \$ \_\_\_\_\_  
TOTAL \$ 209.04

PRE-TIP AMT \$ 174.2  
TIP \$ 34.8  
TOTAL AMOUNT \$ 209.04

CUSTOMER COPY

PURPOSE/JUSTIFICATION OF FUNCTION:

Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

R. Davis, M. Workman, M. Ketchum, A. Loughry, B. Benjamin, J. Stover, R. Melvin,  
V. Shafer, C. Garnes, J. Gundy, H. Dalley, B. Kayuha

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

\_\_\_\_\_  
DATE

88--000148

TMO 3 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

Adelphi Sports Bar & Grille  
 218 Capitol Street  
 Charleston, WV 25301

**Take Out**

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Games  
 TELEPHONE NUMBER (304) 558-2050  
 FUNCTION SPONSOR Chris Games  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 03/08/2016  
03/07/16

Court  
 Server: Elisha  
 Check #1  
 Tax Exempt  
 Subtotal \$170.  
 Total \$170.  
 Credit Card  
 Visa  
 Tips  
 Authorization Approval Code  
 Check ID  
 Payment ID  
 03/07/16 10:30  
 Court  
 000000024  
 11:37  
 0209  
 22470050001931  
 0-P22ed

ESTIMATED EXPENSES	\$	<u>205.80</u>
FOOD AND BEVERAGE	\$	_____
MEETING ROOM	\$	_____
EQUIPMENT RENTAL	\$	_____
LODGING	\$	_____
OTHER	\$	_____
OTHER	\$	_____
<b>TOTAL</b>	\$	<u>205.80</u>

Amount: \$170.00  
 + Tip: 35.00  
 = Total: 205.00  
 X  
 CHRISTOPHER A GARNES

**PURPOSE/JUSTIFICATION OF FUNCTION:**

Conference

Customer Copy

Thanks for visiting Adelphi Sports Bar & Grille  
Please come again!

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more must accompany the form):

M. Workman, M. Ketchum, A. Loughry, B. Benjamin, J. Stover, R. Melvin, J. Charnok  
 V. Shafer, J. Stevenson, C. Games, J. Gundy,

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
 DATE

By: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

\_\_\_\_\_  
 DATE

88--000149

TMO-3 Form -- Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

**south hills mark  
and café**

SOUTH HILLS

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Garnes  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Garnes  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 01/13/2016

Date: 3/9/2016 Time: 11:31:40 AM

Status: Approved

Card Type: Visa  
 Card Number: XXXXXX00008448  
 Expiration Date: X/XX/XXXX  
 Server Name: Tasha  
 Check Number: 212786  
 Tab Number: 100  
 Number Of Covers: 21  
 Persons: 1, 2, 3, 4, 5, 6, 7,  
8, 10  
 Card Owner: garnes/christopher a

ESTIMATED EXPENSES	
FOOD AND BEVERAGE	\$ <u>171.75</u>
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
TOTAL	\$ <u>171.75</u>

AMOUNT 141.75  
 TIP 30.00  
 TOTAL 171.75

Approval: 042663

PURPOSE/JUSTIFICATION OF FUNCTION:

Conference

CUSTOMER COPY

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

M. Ketchum, A. Loughry, B. Benjamin, J. Stover, R. Melvin, J. Charnok  
 V. Shafer, C. Garnes, J. Gundy, H. Dailey,

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

\_\_\_\_\_  
DATE

88--000150

YMO 3 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

03/09/2016 11:55:32  
 CREDIT CARD  
 VISA SALE

Card #: 00000000000000000000000000000000  
 Chip Card: CITI VISA  
 ACQ: A0000000000000000000000000000000  
 ATC: 0010  
 TO: 389853767806009  
 SEQ #: 1  
 Batch #: 211  
 INVOICE: 1  
 SERVER: 1638  
 Approval Code: 059177  
 Entry Method: Chip Read  
 Model: Issuer - PIN Bypassed

SPENDING UNIT NAME/ORG # Suprema Court of Appeals  
 CONTACT PERSON Chris Ganes  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Ganes  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 03/09/2016

PRE-TIP AMT \$185.24  
 TIP  
 TOTAL AMOUNT

ESTIMATED EXPENSES	
FOOD AND BEVERAGE	\$ 222.28
MEETING ROOM	\$
EQUIPMENT RENTAL	\$
LODGING	\$
OTHER/	\$
OTHER/	\$
<b>TOTAL</b>	<b>\$ 222.28</b>

CUSTOMER COPY

**PURPOSE/JUSTIFICATION OF FUNCTION:**  
 Conference

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):  
 R. Davis, M. Workman, M. Ketchum, A. Loughry, B. Benjamin, J. Stover, R. Melvin, J. Charnok  
 V. Shafer, J. Stevenson, C. Ganes, J. Gundy,

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

\_\_\_\_\_  
DATE

88--000151

TMO 3 Form - Rev. 01/2006

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

**south hills market  
and café**

SOUTH HILLS

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Garnes  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Garnes  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 03/16/2016

Date: 3/15/2016 Time: 11:30:29 AM  
 Status: Approved  
 Card Type: Visa  
 Card Number: XXXXXXXXXXXXX8448  
 Expiration Date: X/XX/XXXX  
 Server Name: Tasha  
 Check Number: 213078  
 Tab Number: 100  
 Number Of Covers: 23  
 Persons: 1, 2, 3, 4, 5, 6, 7, 8, 10, 11  
 Card Owner: garnes/christopher a

<b>ESTIMATED EXPENSES</b>	
FOOD AND BEVERAGE	\$ 194.93
MEETING ROOM	\$
EQUIPMENT RENTAL	\$
LODGING	\$
OTHER/	\$
OTHER/	\$
<b>TOTAL</b>	<b>\$ 194.93</b>

AMOUNT	161.93
TIP	33.00
<b>TOTAL</b>	<b>194.93</b>
Approval:	012867

**PURPOSE/JUSTIFICATION OF FUNCTION:**

Conference

CUSTOMER COPY

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

- R. Davis, M. Workman, M. Ketchum, A. Loughry, J. Stover, R. Melvin,
- V. Shafer, J. Stevenson, C. Garnes, J. Gundy, H. Dailey,

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

\_\_\_\_\_  
DATE

88--000152

TMO 3 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

SCHO'S  
 808 SMITH ST  
 CHARLESTOWN, WV 25301  
 03/23/2016 11:35:27  
 CREDIT CARD  
 VISA SALE

Card # XXXXXXXXXXXXXXX8948  
 Chip Card: CITI VISA  
 AD: A0000000101010  
 ATC: 0015  
 TC: A0CE220C18C9CF3F  
 SEQ #: 1  
 Batch #: 24  
 INVOICE: 1  
 SERVICE: 1638  
 Approval Code: 38362  
 Entry Method: Chip Read  
 Mode: Issue - PIN Bypassed

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Ganes  
 TELEPHONE NUMBER (304) 568-2060  
 FUNCTION SPONSOR Chris Ganes  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 03/23/2016

PRE-TIP AMT \$182.65  
 TIP 36.5  
 TOTAL AMOUNT 219.18

ESTIMATED EXPENSES	
FOOD AND BEVERAGE	\$ 219.18
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
TOTAL	\$ 219.18

CUSTOMER COPY

PURPOSE/JUSTIFICATION OF FUNCTION:  
 Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):  
 R. Davis, M. Ketchum, A. Loughry, T. Keadle, J. Hatcher, J. Mazzone, T. Evans, J. Stover, R. Melvin,  
 J. Holliday, V. Shafer, C. Ganes, J. Gundy, H. Dalley

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

By: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

\_\_\_\_\_  
 DATE

\_\_\_\_\_  
 DATE

88--000153

DMO 3 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**

DEPARTMENT OF ADMINISTRATION  
TRAVEL MANAGEMENT OFFICE  
REQUEST FOR HOSPITALITY SERVICE

BLOSSOM DAIRY  
804 QUARRIER ST  
CHARLESTON, WV 25301  
ph (304) 945-9998

We hope you have a BLOSSOM day!!!!  
Tickets on sale for MYSTERY

DINNER  
theater last Thur. of  
the month

TABLE: Jb - 10 Guests  
Server: Tiffany R  
4/4/2016 11:41:05 AM  
Sequence #: 0000001  
ID #: 0069258

SPENDING UNIT NAME/ORG # Supreme Court of Appeals

CONTACT PERSON Chris Garnes

TELEPHONE NUMBER (304) 558-2060

FUNCTION SPONSOR Chris Garnes

LOCATION OF FUNCTION Justices' Chambers

DATE(S) OF FUNCTION 04/04/2016

ESTIMATED EXPENSES

FOOD AND BEVERAGE	\$ <u>116.33</u>
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
<b>TOTAL</b>	<b>\$ <u>116.33</u></b>

ITEM QTY PRICE

Grand Total	\$96.33
This Payment	\$96.33
Tip:	\$20.00
Total Charged:	\$116.33
Paid by	post

Credit Purchase

CO Type	:VISA
CO Num	:10000 0000 0000 8448
Approval	:022859
TSYS	

Thank you for visiting! Come back soon!!!  
Ask server for details on MYSTERY

DINNER  
THEATER!!!

PURPOSE/JUSTIFICATION OF FUNCTION:

Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

R. Davis, M. Workman, M. Ketchum, A. Loughry, B. Benjamin, J. Stover, R. McVlin,  
V. Shafer, C. Games, J. Gundy,

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

DATE

88--000154

TMO 3 Form -- Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

**south hills market  
and café**

SOUTH HILLS

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Garnes  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Garnes  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 04/05/2016

Date: 4/5/2016      Time: 11:35:16 AM  
 Status: Approved  
 Card Type: Visa  
 Card Number: XXXXXXXXXXXX8448  
 Expiration Date: X/XX/XXXX  
 Server Name: Stevie  
 Check Number: 213923  
 Tab Number: 11  
 Number Of Covers: 25  
 Persons: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14  
 Card Owner: garnes/christopher a

**ESTIMATED EXPENSES**

FOOD AND BEVERAGE	\$ <u>206.95</u>
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
<b>TOTAL</b>	\$ <u>206.95</u>

AMOUNT 171.85  
 TIP 35.00  
**TOTAL** 206.95  
 Approval: 003523

**PURPOSE/JUSTIFICATION OF FUNCTION:**

Conference

CUSTOMER COPY

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

R. Davis, M. Workman, M. Ketchum, A. Loughry, B. Benjamin, J. Stover, R. Melvin, J. Charnok  
 V. Shafer, C. Games, J. Gundy, B. Kayuha, H. Dailey

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

By: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

\_\_\_\_\_  
 DATE

\_\_\_\_\_  
 DATE

88--000155



TMO 5 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

SOHO'S  
 800 SMITH ST  
 CHARLESTOWN, WV 25301  
 04/11/2016 11:43:22

CREDIT CARD  
 VISA SALE

Card # 30000000000000000000  
 Chip Card: CITI VISA  
 AID: A0000000000000000000  
 ATC: 0018  
 TC: 5205865A88070C28  
 SEQ #: 1  
 Batch #: 287  
 INVOICE: 1  
 SERVER: 5315  
 Approval Code: 024094  
 Entry Method: Chip Read  
 Mode: Issue - PIN Bypassed

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Garnes  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Garnes  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 04/11/2016

PRE-TIP AMT \$54.24

TIP Inc

TOTAL AMOUNT 54.24

CUSTOMER COPY

<b>ESTIMATED EXPENSES</b>	
FOOD AND BEVERAGE	\$ <u>54.24</u>
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
<b>TOTAL</b>	\$ <u>54.24</u>

**PURPOSE/JUSTIFICATION OF FUNCTION:**

Conference

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

M. Ketchum, R. Perry, D. O'Hanlon

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
 DATE

By: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

\_\_\_\_\_  
 DATE

88--000157

TMO 3 Form - Rev. 01/2008

Agency Ref #

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

04/13/2016  
 CREDIT CARD  
 VISA SALE

SOPH'S  
 BOX SMITH ST  
 CHARLESTOWN, WV 25941  
 11:31:08  
 Card # XXXXXXXXXXXXXXX9448  
 Chip Card: CITI VISA  
 AID: A1000000031010  
 ATC: 001A  
 TC: 348217FF23F95140  
 SEQ #: 1  
 Batch #: 139  
 INVOICE: 1  
 SERVICE: 3245  
 Approval Code: 076394  
 Entry Method: Chip Read  
 Mode: Issue - PIN Bypass

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Games  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Games  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 04/13/2016

ESTIMATED EXPENSES	\$ <u>256.92</u>
FOOD AND BEVERAGE	\$ _____
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
<b>TOTAL</b>	\$ <u>256.92</u>

PRE-TIP AMT \$256.92  
 TIP Inc.  
 TOTAL AMOUNT 256.92  
 CUSTOMER COPY

**PURPOSE/JUSTIFICATION OF FUNCTION:**  
 Conference

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):  
 R. Davis, M. Workman, M. Katchum, A. Loughry, B. Benjamin, J. Stover, R. Melvin, J. Chamok  
 V. Shafer, J. Stevenson, C. Garnes, J. Gundy, H. Dalley,

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

By: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

DATE \_\_\_\_\_

DATE \_\_\_\_\_

88--000158

TMO 3 Form - Rev. 01/2005

Agency Ref. # \_\_\_\_\_

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Garnes  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Garnes  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 04/18/2015

ESTIMATED EXPENSES	
FOOD AND BEVERAGE	\$ <u>27.61</u>
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
<b>TOTAL</b>	<b>\$ <u>27.61</u></b>

048178  
 EILEEN HENRIE LEE CR  
 205 CAPITAL ST  
 CHARLESTON, WV 25301-2295  
 304-526-6489

Form TMO 302      Ref #: 96

**Sale**

XXXXXXXXXXXX046  
 VISA      Entry Method: Swiped  
 04/18/15      11:33:53  
 Inv #: 060005      App Code: 812632  
 Account: Online      Batch#: 006233  
 Total:      \$ 27.61

Customer Copy  
 Trans. 10/1

**PURPOSE/JUSTIFICATION OF FUNCTION:**

Conference

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

M. Workman, J. Stover

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

\_\_\_\_\_  
DATE

88--000159

TMO 3 Form - Rev. 01/2008

Adalphis Sports Bar & Grille  
218 Capitol Street  
Charleston, WV 25301

**STATE OF WEST VIRGINIA**  
DEPARTMENT OF ADMINISTRATION  
TRAVEL MANAGEMENT OFFICE  
REQUEST FOR HOSPITALITY SERVICE

**Take Out**

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
CONTACT PERSON Chris Garnes  
TELEPHONE NUMBER (304) 558-2080  
FUNCTION SPONSOR Chris Garnes  
LOCATION OF FUNCTION Justices' Chambers  
DATE(S) OF FUNCTION 04/18/2016

Justices  
Total \$131.10  
Credit Card Swiped  
Visa xxxxxxxx6448  
Tias 11:36 AM  
Authorization Approved  
Approval Code DES162  
Check ID 2247009000038507  
Payment ID r99aakct1  
Amount \$131.10  
+ Tip 27.00  
Total 158.10  
X  CHRISTOPHER A. GARNES

ESTIMATED EXPENSES  
FOOD AND BEVERAGE \$ 158.1  
MEETING ROOM \$  
EQUIPMENT RENTAL \$  
LODGING \$  
OTHER \$  
OTHER \$  
TOTAL \$ 158.1

Customer Copy

Thanks for visiting Adalphis Sports Bar & Grille  
Please come again

**PURPOSE/JUSTIFICATION OF FUNCTION:**

Conference

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

M. Ketchum, A. Loughry, B. Benjamin, R. Melvin, J. Charnok  
V. Shafer, J. Stevenson, C. Games, J. Gundy,

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

\_\_\_\_\_  
DATE

88--000160



TMO 3 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

Bluesgrass Kitchen  
 1600 Washington St. East  
 Charleston, WV 25311  
 304.348.2871

SERVER: amanda #  
 TABLE: 673  
 TICKET #: 294081 04/20/2016 10:23  
 GUESTS: 1

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Games  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Games  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 04/20/2016

SUB TOTAL: 90.75  
 TOTAL: 90.75  
 CARD PAID: 90.75  
 GRATUITY: 20.00  
 TOTAL: 110.75

CARD #: XXXXXXXXXX038448  
 CHRISTOPHER A GARNES  
 042676

ESTIMATED EXPENSES

FOOD AND BEVERAGE	\$ 154.95
MEETING ROOM	\$
EQUIPMENT RENTAL	\$
LODGING	\$
OTHER/	\$
OTHER/	\$
<b>TOTAL</b>	<b>\$ 154.95</b>

Bluesgrass Kitchen  
 1600 Washington St. East  
 Charleston, WV 25311  
 304.348.2871

SERVER: amanda #  
 TABLE: 31  
 TICKET #: 294088 04/20/2016 11:58  
 GUESTS: 1

PURPOSE/JUSTIFICATION OF FUNCTION:

Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more, more must accompany the form):

M. Workman, M. Ketchum, A. Loughry, B. Benjamin, J. Stover, R. Mel  
 V. Shafer, J. Stevenson, C. Games, J. Gundy, H. Dailey,

SUB TOTAL: 37.20  
 TOTAL: 37.20  
 CARD PAID: 37.20  
 GRATUITY: 7.00  
 TOTAL: 44.20

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

By: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

CARD #: XXXXXXXXXX038448  
 CHRISTOPHER A GARNES  
 074530

DATE

88--000162

TMO 3 Form - Rev. 6/12/2008

Agency Ref. #

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

**BRIDGE ROAD BISTRO**

SPENDING UNIT NAME/ORG # Supreme Court of Appeals Date: 4/27/2016 Time: 11:36:07 AM  
 CONTACT PERSON Chris Games Status: Approved  
 TELEPHONE NUMBER (304) 558-2060 Card Type: Visa  
 FUNCTION SPONSOR Chris Games Card Number: XXXXXXXXXXXX8448  
 LOCATION OF FUNCTION Justices' Chambers Expiration Date: X/XX/XXXX  
 DATE(S) OF FUNCTION 04/27/2016 Server Name: Lorra  
 Check Number: 240040  
 Tab Number: 200  
 Number Of Covers: 1  
 Persons: 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14  
 Card Owner: games/christopher a

ESTIMATED EXPENSES	AMOUNT	
FOOD AND BEVERAGE	\$ <u>255.00</u>	211.98
MEETING ROOM	\$ _____	Gratuity 43.02
EQUIPMENT RENTAL	\$ _____	Total 255.00
LODGING	\$ _____	Approval: 017814
OTHER/	\$ _____	CUSTOMER COPY
OTHER/	\$ _____	
<b>TOTAL</b>	<b>\$ <u>255.00</u></b>	

**PURPOSE/JUSTIFICATION OF FUNCTION:**  
 Conference

**FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):**  
 R. Davis, M. Workman, M. Ketchum, A. Loughry, B. Benjamin, J. Stover, R. Melvin, J. Chamck  
 V. Shafer, C. Games, J. Gundy, B. Kayuha, H. Dalley, J. Alsop

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

By: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

\_\_\_\_\_  
 DATE

\_\_\_\_\_  
 DATE

88--000163

**BRIDGE ROAD BISTRO**

Date: 4/28/2018 Time: 12:08:04 PM

Status: Approved/Refund

Card Type: Visa  
 Card Number: XXXXXXXXXXXXXXX446  
 Expiration Date: X/XX/XXXX  
 Server Name: CATERING  
 Check Number: 240104  
 Tab Number:

Number Of Covers: 1  
 Persons: 1  
 Card Owner: Manual Ent

AMOUNT -38.31  
 TIP \_\_\_\_\_  
 TOTAL \_\_\_\_\_  
 Approval: \_\_\_\_\_

CUSTOMER COPY

**BRIDGE ROAD BISTRO**

Check #: 240104 Date: 4/28/2018  
 Server: 100 - CATERING

CHECK SLIP-TOTAL	-38.31
Sales Tax	0.00
TOTAL	-38.31
Visa	-38.31
Total amount Paid	-38.31
Amount due	0.00

88-000164

TMO 3 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

SPENDING UNIT NAME/ORG # Supreme Court of Appeals

CONTACT PERSON Chris Games

TELEPHONE NUMBER (304) 558-2060

FUNCTION SPONSOR Chris Games

LOCATION OF FUNCTION Justices' Chambers

DATE(S) OF FUNCTION 05/16/2016

SONO'S  
 800 SMITH ST  
 CHARLESTOWN, WV 25301  
 05/16/2016 CREDIT CARD 11:39:17  
 VISA SALE

Card # XXXXXXXXXXXX0848  
 Chip Card: CITI VISA  
 AID: AXXXXXXXXX1010  
 ATC: 011F  
 TC: ETAFBAMFC09689F  
 SEQ #: 1  
 Batch #: 318  
 INVOICE: 1  
 SERVER: 5515  
 Approval Code: 067076  
 Entry Method: Chip Read  
 Mode: Issuer - PIN Bypassed

ESTIMATED EXPENSES	
FOOD AND BEVERAGE	\$ 163.38
MEETING ROOM	\$
EQUIPMENT RENTAL	\$
LODGING	\$
OTHER/	\$
OTHER/	\$
<b>TOTAL</b>	<b>\$ 163.38</b>

PRE-TIP AMT \$163.38  
 TIP Inca  
 TOTAL AMOUNT 163.38

CUSTOMER COPY

**PURPOSE/JUSTIFICATION OF FUNCTION:**  
 Conference

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):  
 R. Davis, M. Ketchum, A. Loughry, B. Benjamin, J. Stover, R. Melvin, J. Charnok  
 V. Shafer, C. Games, J. Gundy

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
 DATE

By: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

\_\_\_\_\_  
 DATE

88--000165

TMO 9 Form -- Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

**south hills market  
and café**

SOUTH HILLS

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Games  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Games  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 05/17/2016

Date: 5/17/2016 Time: 11:37:56 AM  
 Status: Approved  
 Card Type: Visa  
 Card Number: XXXXXXXXXXXXXXX8448  
 Expiration Date: X/XX/XXXX  
 Server Name: Madeline  
 Check Number: 215891  
 Tab Number: 100  
 Number of Covers: 24  
 Persons: 1, 2, 3, 4, 5, 6, 7, 8  
 9, 10, 11, 12, 13, 14  
 Card Owner: games/christopher a

<b>ESTIMATED EXPENSES</b>	
FOOD AND BEVERAGE	\$ <u>242.45</u>
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER	\$ _____
OTHER	\$ _____
<b>TOTAL</b>	<b>\$ <u>242.45</u></b>

AMOUNT	201.45
TIP	<u>41.00</u>
<b>TOTAL</b>	<b><u>242.45</u></b>
Approval: 011248	

CUSTOMER COPY

**PURPOSE/JUSTIFICATION OF FUNCTION:**  
 Conference

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):  
 R. Davis, M. Workman, M. Ketchum, A. Loughry, B. Benjamin, J. Stover, F. Melvin, J. Charnok  
 V. Shafer, J. Stevenson, C. Games, J. Gundy, H. Dailey, B. Kayuha

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

By: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

\_\_\_\_\_  
 DATE

\_\_\_\_\_  
 DATE

88--000166

TMO 3 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

**PATEROS AT THE PARK**  
 601 MORRIS ST  
 CHARLESTON, WV 25309  
 3042355462

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Games  
 TELEPHONE NUMBER (304) 658-2080  
 FUNCTION SPONSOR Chris Games  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 05/18/2016

Cashier: Mindy F  
 Transaction 104364  
 Total \$170.40  
 CREDIT CARD AUTH VISA 8448 \$170.40  
 Tip Ins.  
 Total 170.40

<b>ESTIMATED EXPENSES</b>	
FOOD AND BEVERAGE	\$ 170.40
MEETING ROOM	\$
EQUIPMENT RENTAL	\$
LODGING	\$
OTHER/	\$
OTHER/	\$
<b>TOTAL</b>	<b>\$ 170.40</b>

Retain this copy for statement validation  
 18-May-2016 11:44:25A  
 \$170.40 | Method: EMV  
 VISA CREDIT XXXXXXXXXXXXX8448  
 CHRISTOPHER A GARNES  
 Ref #: 613900010612  
 Auth #: 045796  
 MID: 215226138998  
 AID: A0000000031010  
 AUTH/INSTR: VISA  
 SIGNATURE VERIFIED



**PURPOSE/JUSTIFICATION OF FUNCTION:**  
 Conference

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):  
 M. Ketchum, A. Loughry, B. Benjamin, J. Stover, R. Melvin, J. Charnok  
 V. Shafer, C. Games, J. Gundy, H. Dailey

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

By: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

\_\_\_\_\_  
 DATE

\_\_\_\_\_  
 DATE

88--000167

TMO 3 Form - Rev. 01/2008

Agency Ref. # \_\_\_\_\_

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Games  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Games  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 06/02/2016

**south hills mark  
and café**

SOUTH HILLS

Date: 6/2/2016 Time: 11:37:09 AM

Status: Approved

<b>ESTIMATED EXPENSES</b>	
FOOD AND BEVERAGE	\$ 187.95
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
<b>TOTAL</b>	<b>\$ 187.95</b>

Card Type: Visa  
 Card Number: XXXXXXXXXXXXXXX8448  
 Expiration Date: X/XX/XXXX  
 Server Name: Madeline  
 Check Number: 218340  
 Tab Number: 100  
 Number Of Covers: 22  
 Persons: 21  
 Card Owner: games/christopher

AMOUNT 156.00  
 TIP 32.00  
**TOTAL 187.95**  
 Approval: 021923

**PURPOSE/JUSTIFICATION OF FUNCTION:**

Conference

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more, more must accompany the form):

R. Davis, M. Ketchum, A. Loughry, J. Stover, R. Melvin,  
 V. Shafer, J. Stevenson, C. Barnes, J. Gundy, B. Kayuha

CUSTOMER COPY

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

DATE

By: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

DATE

88--000168

TMO 3 Form - Rev. 01/2008

Agency Ref. # \_\_\_\_\_

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Garnes  
 TELEPHONE NUMBER (304) 558-2080  
 FUNCTION SPONSOR Chris Garnes  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 06/13/2016

SCHO'S  
 800 SMITH ST  
 CHARLESTON, WV 25301  
 06/13/2016 11:27:57  
 CREDIT CARD  
 VISA SALE  
 Card # XXXXXXXXXXXXXXX0944  
 Chip Card: CITI VISA  
 ABB: A000000011010  
 ATC: 0029  
 TC: F08095E778A38F3  
 SEQ #: 1  
 Batch #: 361  
 INVOICE  
 SERVER 23K3  
 Approval Code: 019459  
 Entry Method: Chip Read  
 Model: Issuer - PIN Protected

ESTIMATED EXPENSES	
FOOD AND BEVERAGE	\$ 195.96
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
<b>TOTAL</b>	<b>\$ 195.96</b>

PRE-TIP AMT \$195.96  
 TIP Inc.  
 TOTAL AMOUNT 195.96

PURPOSE/JUSTIFICATION OF FUNCTION:

Conference

CUSTOMER COPY

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):  
 R. Davis, M. Workman, M. Ketchum, A. Loughry, B. Benjamin, J. Stover, R. Melvin, J. Charnok  
 V. Shafer, C. Garnes, J. Gundy

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

By: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

\_\_\_\_\_  
 DATE

\_\_\_\_\_  
 DATE

88--000169

TMO 3 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

**south hills market  
and café**

SOUTH HILLS

SPENDING UNIT NAME/ORG #. Supreme Court of Appeals  
 CONTACT PERSON Chris Garnes  
 TELEPHONE NUMBER (304) 558-2080  
 FUNCTION SPONSOR Chris Garnes  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 06/14/2016

Date: 8/14/2016 Time: 11:24:46 AM  
 Status: Approved  
 Card Type: Visa  
 Card Number: XXXXXXXXXXXXXXX8448  
 Expiration Date: X/XX/XXXX  
 Server Name: Tasha  
 Check Number: 218755  
 Tab Number: 800  
 Number Of Covers: 20  
 Persons: 1, 2, 3, 4, 5, 6, 7,  
 8, 10, 11, 12  
 Card Owner: games/christopher a

<b>ESTIMATED EXPENSES</b>		
FOOD AND BEVERAGE	\$	181.00
MEETING ROOM	\$	
EQUIPMENT RENTAL	\$	
LODGING	\$	
OTHER/	\$	
OTHER/	\$	
<b>TOTAL</b>	\$	181.00

AMOUNT 150.16  
 TIP 30.85  
**TOTAL 181.00**  
 Approval: 074980

**PURPOSE/JUSTIFICATION OF FUNCTION:**

Conference

CUSTOMER COPY

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

R. Davis, M. Workman, M. Ketchum, A. Loughry, B. Benjamin, J. Stover, R. Melvin, J. Charnok  
V. Shafer, J. Stevenson, C. Garnes, J. Gundy

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

\_\_\_\_\_  
DATE

88--000170

TMO 3 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

**south hills market  
 and café**

SOUTH HILLS

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Garnes  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Garnes  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 08/30/2016

Date: 8/30/2016 Time: 11:40:18 AM  
 Status: Approved  
 Card Type: Visa  
 Card Number: XXXXXXXXXXXXXXX8448  
 Expiration Date: X/XX/XXXX  
 Server Name: Tasha  
 Check Number: 219521  
 Tab Number: 100  
 Number Of Covers: 25  
 Persons: 1, 3, 4, 5, 6, 7, 8, 9  
 10, 11, 12, 13  
 Card Owner: garnes/christopher a

ESTIMATED EXPENSES	\$	203.33
FOOD AND BEVERAGE	\$	
MEETING ROOM	\$	
EQUIPMENT RENTAL	\$	
LODGING	\$	
OTHER/	\$	
OTHER/	\$	
TOTAL	\$	203.33

AMOUNT	199.33
TIP	34.00
<b>TOTAL</b>	<b>203.33</b>
Approval:	070080

CUSTOMER COPY

PURPOSE/JUSTIFICATION OF FUNCTION:

Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

R. Davis, M. Workman, M. Ketchum, A. Loughry, B. Benjamin, J. Stover, R. Melvin, J. Charnok  
 V. Shafer, J. Stevenson, C. Garnes, J. Gundy, B. Kayuha

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

By: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

\_\_\_\_\_  
 DATE

\_\_\_\_\_  
 DATE

88--000171

TMO 3 Form - Rev. 01/2008

**STATE OF WEST VIRGIN**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

Adelphia Sports Bar & Grill  
 218 Capitol Street  
 Charleston, WV 25301

**Take Out**

Justice 384-578-7645

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Games  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Games  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 09/06/2016

Server: Kim 09/06/16  
 Check #1 10:48 AM  
 Tax Exempt  
 Subtotal \$115.53  
 Total \$115.53  
 Credit Card Swiped  
 Visa xxxxxxxx08448 11:39 AM  
 Tlc  
 Authorization Approved  
 Approval Code 046901  
 Check ID 2247005000169560  
 Payment ID 863xw117

**ESTIMATED EXPENSES**

FOOD AND BEVERAGE \$ 139.00  
 MEETING ROOM \$ \_\_\_\_\_  
 EQUIPMENT RENTAL \$ \_\_\_\_\_  
 LODGING \$ \_\_\_\_\_  
 OTHER/ \$ \_\_\_\_\_  
 OTHER/ \$ \_\_\_\_\_  
 TOTAL \$ 139.00

Amount: \$115.53

+ Tip: 23.47

= Total: 139.00

*[Signature]*  
 CHRISTOPHER A. GARNES

Customer Copy

**PURPOSE/JUSTIFICATION OF FUNCTION:**

Conference

Thanks for visiting Adelphia Sports Bar & Grill!  
 Please come again!

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

M. Workman, M. Ketchum, A. Loughry, J. Stover, R. Melvin, J. Charnok  
 V. Shafer, J. Stevenson, C. Games, J. Gundy

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

DATE

By: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

DATE

88--000172

TMO 3 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Garnes  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Garnes  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 09/07/2016

SCWO'S  
 601 SMITH ST  
 CHARLESTON, WV 25301  
 09/07/2016 11:25:02  
 CREDIT CARD  
 VISA SALE  
 Card #: 00000000000000000000  
 Chip Card: CITI VISA  
 AIC: A00000000310110  
 ATC: 002E  
 TC: 6E1340080970863  
 SEQ #: 1  
 Batch #: 495  
 INVOICE: 1  
 SERVER: 551E  
 Approval Code: 04099E  
 Entry Method: Chip Read  
 Mode: Issuer - PIN Bypasses

<b>ESTIMATED EXPENSES</b>	\$ <u>204.54</u>
FOOD AND BEVERAGE	\$ _____
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
<b>TOTAL</b>	\$ <u>204.54</u>

PRE-TIP AMT \$204.54  
 TIP Inc.  
 TOTAL AMOUNT 204.54

CUSTOMER COPY

**PURPOSE/JUSTIFICATION OF FUNCTION:**  
 Conference

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):  
 M. Workman, M. Ketchum, A. Loughry, B. Benjamin, J. Stover, R. Melvin, J. Charnok  
 V. Shafer, J. Stevenson, C. Garnes, J. Gundy, H. Dalley

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

By: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

\_\_\_\_\_  
 DATE

\_\_\_\_\_  
 DATE

88--000173

TMO 3 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

**south hills market  
 and café**  
 SOUTH HILLS

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Garnes  
 TELEPHONE NUMBER (304) 558-2080  
 FUNCTION SPONSOR Chris Garnes  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 09/19/2016

Date: 10/5/2016 Time: 11:20:19 AM  
 Status: Approved  
 Card Type: Visa  
 Card Number: XXXXXXXXXXXXXXX46  
 Expiration Date: N/A/N/A  
 Server Name: Arne  
 Check Number: 220883  
 Tab Number: 400  
 Number Of Covers: 1  
 Persons: 1  
 Card Owner: garnes/christopher

ESTIMATED EXPENSES	\$	<u>120.70*</u>
FOOD AND BEVERAGE	\$	_____
MEETING ROOM	\$	_____
EQUIPMENT RENTAL	\$	_____
LODGING	\$	_____
OTHER	\$	_____
OTHER	\$	_____
TOTAL	\$	<u>120.70*</u>

AMOUNT 120.70  
 TIP 1.00  
 TOTAL 120.70  
 Approval: 042852

PURPOSE/JUSTIFICATION OF FUNCTION:

Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):  
 M. Ketchum, A. Loughry, R. Melvin, V. Shafer, C. Garnes, J. Gundy, H. Dalley

CUSTOMER COPY

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

DATE

By: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

DATE

88--000174

TMO 3 Form -- Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

**PATEROS AT THE PARK**  
 601 MORRIS ST  
 CHARLESTON, WV 25309  
 3042055482

Cashier: Mindy F  
 Transaction 107249

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Games  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Games  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 09/14/2015

Total \$120.00  
 CREDIT CARD AUTH \$120.00  
 VISA 8448

Tip Inc.  
 Total 120.00

Retain this copy for statement validation

ESTIMATED EXPENSES

- FOOD AND BEVERAGE
- MEETING ROOM
- EQUIPMENT RENTAL
- LODGING
- OTHER/
- OTHER/

\$ 120.00  
 \$ \_\_\_\_\_  
 \$ \_\_\_\_\_  
 \$ \_\_\_\_\_  
 \$ \_\_\_\_\_  
 \$ \_\_\_\_\_  
 \$ \_\_\_\_\_  
 \$ 120.00

TOTAL

14-Sep-2015 11:37:47A  
 \$120.00 | Method: EMV  
 VISA CREDIT XXXXXXXXXXXX8448  
 CHRISTOPHER A GARNES  
 Ref #: 62580017897  
 Auth #: 065740  
 MID: 215226139998  
 AID: A0000000031010  
 AuthNm: VISA  
 SIGNATURE VERIFIED



PURPOSE/JUSTIFICATION OF FUNCTION:

Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

M. Ketchum, A. Loughry, J. Stover, R. Melvin, V. Shafer, C. Games, J. Gundy, H. Dailey

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

DATE

By: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

DATE

88--000175

TMO 3 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

**south hills market  
and café**

SOUTH HILLS

SPENDING UNIT NAME/ORG # Supreme Court of Appeals

Date: 9/15/2016 Time: 11:35:53 AM

CONTACT PERSON Chris Garnes

Status: Approved

TELEPHONE NUMBER (304) 558-2060

Card Type: Visa

Card Number: XXXXXXXXXXXXXXX8446

Expiration Date: X/XX/XXXX

Server Name: Tasha

Check Number: 220010

Tab Number: 100

Number Of Covers: 18

Persons: 1, 2, 3, 4, 5, 6, 7,

Card Owner: garnes/christopher a

LOCATION OF FUNCTION Justices' Chambers

DATE(S) OF FUNCTION 09/15/2016

**ESTIMATED EXPENSES**

FOOD AND BEVERAGE

\$ 130.00

AMOUNT

137.42

MEETING ROOM

\$ \_\_\_\_\_

TIP

22.58

EQUIPMENT RENTAL

\$ \_\_\_\_\_

LODGING

\$ \_\_\_\_\_

OTHER/

\$ \_\_\_\_\_

OTHER/

\$ \_\_\_\_\_

**TOTAL**

130.00

Approval: 048489

TOTAL

\$ 130.00

CUSTOMER COPY

**PURPOSE/JUSTIFICATION OF FUNCTION:**

Conference

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

M. Workman, M. Ketchum, A. Loughry, J. Stover, R. Melvin,

V. Shafer, C. Garnes, J. Gundy,

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

\_\_\_\_\_  
DATE

88--000176

TMO 3 Form - Rev. 01/2008

The Block Restaurant & Wine Cellar  
201 Capital Street  
Charleston, WV 25301  
ph (861) 295-0074

**STATE OF WEST VIRGIN**  
DEPARTMENT OF ADMINISTRATION  
TRAVEL MANAGEMENT OFFICE  
REQUEST FOR HOSPITALITY SERVICE

TABLE: 00 courts - 1 Guest  
Server: Jimmy Matters  
6/21/2016 11:23:46 AM  
Sequence #: 0000001  
ID #: 0101842  
Grand Total <sup>\*\*\*\*</sup>\$183.00

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
CONTACT PERSON Chris Garnes  
TELEPHONE NUMBER (304) 558-2060  
FUNCTION SPONSOR Chris Garnes  
LOCATION OF FUNCTION Justices' Chambers  
DATE(S) OF FUNCTION 09/21/2016

Credit Purchase Name: GARNES/CHRISTOPHER A  
CC Type: VISA  
CC Num: 10000 xxxxx 8446  
Approval: 1077868  
Server: Jimmy Matters  
Ticket Name: 1wv courts

Payment Amount: \$183.00

Tip: 37.00

Total: 220.00

ESTIMATED EXPENSES

FOOD AND BEVERAGE  
MEETING ROOM  
EQUIPMENT RENTAL  
LODGING  
OTHER/  
OTHER/

\$ 220.00  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ 220.00

TOTAL

CUSTOMER COPY  
I agree to pay the amount shown above.

Thank you for visiting!

PURPOSE/JUSTIFICATION OF FUNCTION:

Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

M. Workman, M. Ketchum, A. Loughry, T. McHugh, J. Stover, R. Melvin,  
V. Shafer, J. Stevenson, C. Garnes, J. Gundy, H. Dailey

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

DATE

88--000177

TMO 3 Form - Rev. 01/2008

Agency Ref. # \_\_\_\_\_

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

Bluegrass Kitchen  
 1600 Washington St. East  
 Charleston, WV 25311  
 304.346.2671

SPENDING UNIT NAME/ORG # Supreme Court of Appeals

SERVER: amanda #  
 TABLE: 762  
 TICKET #: 307944 10/03/2016 10:35  
 GUESTS: 1

CONTACT PERSON Chris Games

TELEPHONE NUMBER (304) 558-2060

SUB TOTAL: 94.95

FUNCTION SPONSOR Chris Games

TOTAL: 94.95

LOCATION OF FUNCTION Justices' Chambers

CARD PAID: 94.95

DATE(S) OF FUNCTION 10/03/2016

GRATUITY: \$20.05  
 TOTAL: 115.00

ESTIMATED EXPENSES

- FOOD AND BEVERAGE
- MEETING ROOM
- EQUIPMENT RENTAL
- LODGING
- OTHER/
- OTHER/

\$ 115.00  
 \$ \_\_\_\_\_  
 \$ \_\_\_\_\_  
 \$ \_\_\_\_\_  
 \$ \_\_\_\_\_  
 \$ \_\_\_\_\_  
 \$ 115.00

CARD #: XXXXXXXXXX0944E  
 CHRISTOPHER A GAMES  
 014547

Thanks for supporting our small business!  
[www.bluegrasskitchen.com](http://www.bluegrasskitchen.com)

TOTAL

Comment? Suggestions?  
 email [contact@bluegrassiv.com](mailto:contact@bluegrassiv.com)

\*\* Customer Copy \*\*

PURPOSE/JUSTIFICATION OF FUNCTION:

Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more,  
 more must accompany the form):

- M. Workman, M. Ketchum, A. Loughry, J. Stover, R. Melvin,
- V. Shafer, J. Stevenson, C. Games, J. Gundy,

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

\_\_\_\_\_  
DATE

88--000178

TMO 3 Form - Rev. 01/2006

Adelphi Sports Bar & Grille  
218 Capitol Street  
Charleston, WV 25301

**STATE OF WEST VIRGINIA**  
DEPARTMENT OF ADMINISTRATION  
TRAVEL MANAGEMENT OFFICE  
REQUEST FOR HOSPITALITY SERVICE

Take Out  
Supreme Court

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
CONTACT PERSON Chris Games  
TELEPHONE NUMBER (304) 558-2060  
FUNCTION SPONSOR Chris Games  
LOCATION OF FUNCTION Justices' Chambers  
DATE(S) OF FUNCTION 10/04/2016

Server: Tracy  
Check #1  
Tax Exempt  
10/04/16 11:10 AM  
Supreme Court  
Subtotal \$129.5  
Total \$129.5  
Credit Card  
Visa xxxxxxxx844  
Time 11:32 A  
Authorization Approve Code  
Check ID 224700600019218  
Payment ID W03N7662

ESTIMATED EXPENSES  
FOOD AND BEVERAGE \$ 156.00  
MEETING ROOM \$ \_\_\_\_\_  
EQUIPMENT RENTAL \$ \_\_\_\_\_  
LOOKING \$ \_\_\_\_\_  
OTHER/ \$ \_\_\_\_\_  
OTHER/ \$ \_\_\_\_\_  
TOTAL \$ 156.00

Amount: \$129.5  
+ Tip: 26.5  
= Total: 156.00

Merchant Copy

PURPOSE/JUSTIFICATION OF FUNCTION:  
Conference  
FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):  
M. Workman, M. Ketchum, A. Loughry, J. Stover, R. Melvin,  
V. Shafer, J. Stevenson, C. Games, J. Gundy, H. Dalley

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE  
By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

\_\_\_\_\_  
DATE  
\_\_\_\_\_  
DATE

88--000179

TMD 3 Form - Rev. 01/2008

Agency Ref. # \_\_\_\_\_

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

10/05/2016 11:42:34  
 SCHO'S  
 806 SMITH ST  
 CHARLESTON, WV 25301  
 CREDIT CARD  
 VISA SALE  
 Card # 10000000000000000000  
 Exp. Date: 01/2014  
 A/C: A0000000000000000000  
 ATC: 0032  
 TC: 10000000000000000000  
 SEQ #: 1  
 Batch #: 539  
 INVOICE: 2  
 SERVER: 5516  
 Approval Code: 012899  
 Entry Method: Chip Read  
 Mode: Contact - PIN Bypassed

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Garnes  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Garnes  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 10/05/2016

ESTIMATED EXPENSES  
 FOOD AND BEVERAGE \$ 237.18  
 MEETING ROOM \$ \_\_\_\_\_  
 EQUIPMENT RENTAL \$ \_\_\_\_\_  
 LODGING \$ \_\_\_\_\_  
 OTHER/ \$ \_\_\_\_\_  
 OTHER/ \$ \_\_\_\_\_  
 TOTAL \$ 237.18

PRE-TIP AMT \$237.18  
 TIP \$0.00  
 TOTAL AMOUNT \$237.18

CUSTOMER COPY

PURPOSE/JUSTIFICATION OF FUNCTION:

Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

M. Workman, M. Ketchum, A. Loughry, B. Benjamin, J. Stover, R. Melvin, J. Charnok  
 V. Shafer, C. Garnes, J. Gundy, B. Kayuha, H. Dalley

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

DATE

88--000180



TMO 3 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

**south hills market  
and café**

SOUTH HILLS

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Garnes  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Garnes  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 09/19/2016

Date: 10/5/2016 Time: 11:19:33 AM  
 Status: Approved/Refund  
 Card Type: Visa  
 Card Number: XXXXXXXXXX06446  
 Expiration Date: X/XX/XXXX  
 Server Name: Anne  
 Check Number: 220682  
 Tab Number: 400  
 Number Of Covers: 1  
 Persons: 1  
 Card Owner: garnes/christopher a

**ESTIMATED EXPENSES**

FOOD AND BEVERAGE  
 MEETING ROOM  
 EQUIPMENT RENTAL  
 LODGING  
 OTHER/  
 OTHER/

\$ 26.11\*  
 \$ \_\_\_\_\_  
 \$ \_\_\_\_\_  
 \$ \_\_\_\_\_  
 \$ \_\_\_\_\_  
 \$ \_\_\_\_\_  
 \$ 26.11\*

AMOUNT -26.11  
 TIP \_\_\_\_\_  
**TOTAL** \_\_\_\_\_  
 Approval: \$ \_\_\_\_\_

TOTAL

CUSTOMER COPY

**PURPOSE/JUSTIFICATION OF FUNCTION:**

Conference

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

M, Ketchum, A. Loughry, R. Melvin, V. Shafer, C. Garnes, J. Gundy, H. Dailey

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

\_\_\_\_\_  
DATE

88--000182

TMO 3 Form - Rev. 01/2008

Agency Ref. #

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

Palermo's at the Park  
 Order #: 85-17871  
 01  
 1 Guest  
 Server: Nancy  
 Cashier: Nancy  
 Register: Expo (receipt)  
 2016-10-11 11:15:07

SPENDING UNIT NAME/CRG # Supreme Court of Appeals

CONTACT PERSON Chris Games

TELEPHONE NUMBER (304) 568-2060

FUNCTION SPONSOR Chris Games

LOCATION OF FUNCTION Justices' Chambers

DATE(S) OF FUNCTION 10/11/2016

Subtotal: 12  
 Tax Exempt (1):  
 Gratuity (20%): 2  
 Total: 14

Amount Due: 14

Palermo's at the Park  
 801 Morris Street  
 Charleston, WV 25301  
 USA  
 304-235-5482  
 palermo@tuesdayink.net  
 palermo@restaurantinc.com Facebook & Twitter  
 Manager: Niki K.

**ESTIMATED EXPENSES**

- FOOD AND BEVERAGE
- MEETING ROOM
- EQUIPMENT RENTAL
- LODGING
- OTHER/
- OTHER/

\$ 147.60

Thank you!  
 Send receipt by email?

Anthony LIPPOLD

TOTAL

\$ 147.60

**PURPOSE/JUSTIFICATION OF FUNCTION:**

Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of 6 more must accompany the form):

- M. Workman, M. Ketchum, A. Loughry, J. Stover, R. Melvin,
- V. Shafer, J. Stevenson, C. Games, J. Gundy, H. Dalley

**PATERMOS AT THE PARK**  
 601 MORRIS ST  
 CHARLESTON, WV 25301  
 CHRISTOPHER A GARNES

I agree to pay the amount of the bill to the merchant as follows:

Tip	Amount	Total
20%	\$29.52	\$177.12
30%	\$44.28	\$191.88

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

By: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

11-Oct-2016 11:46:52A  
 \$147.60 | Method: EMV  
 VISA CREDIT XXXXXXXXXXXX0448  
 CHRISTOPHER A GARNES  
 Ref #: 628501504611  
 Auth #: 023474  
 MID: \*\*\*\*\*9998  
 AID: A000010031010



88--000

88-0000010031010

88-0000010031010

88-0000010031010

TMO 3 Form - Rev. 01/2006

Agency Ref. # \_\_\_\_\_

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Garnes  
 TELEPHONE NUMBER (304) 558-2080  
 FUNCTION SPONSOR Chris Garnes  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 10/12/2018

**south hills marke  
and café**  
 SOUTH HILLS

Date: 10/12/2018 Time: 11:31:01 AM

Status: Approved

**ESTIMATED EXPENSES**

FOOD AND BEVERAGE \$ 158.05  
 MEETING ROOM \$ \_\_\_\_\_  
 EQUIPMENT RENTAL \$ \_\_\_\_\_  
 LODGING \$ \_\_\_\_\_  
 OTHER/ \$ \_\_\_\_\_  
 OTHER/ \$ \_\_\_\_\_  
**TOTAL \$ 158.05**

Card Type: Visa  
 Card Number: XXXXXXXXXXXXXXX6448  
 Expiration Date: X/XX/XXXX  
 Server Name: Tasha  
 Check Number: 220845  
 Tab Number: 100  
 Number Of Covers: 20  
 Persons: 1, 2, 3, 4, 5, 6, 7,  
 8, 10  
 Card Owner: garnes/christopher

AMOUNT 131.05  
 TIP 27.00

**TOTAL 158.05**  
 Approval: 041322

**PURPOSE/JUSTIFICATION OF FUNCTION:**

Conference

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more, more must accompany the form):

M. Workman, M. Ketchum, A. Loughry, J. Stover, R. Melvin,  
 V. Shafer, J. Stevenson, C. Garnes, J. Gundy, H. Dailey

CUSTOMER COPY

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

DATE

88--000184



TMO 3 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

**south hills market  
and café**

SOUTH HILLS

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Garnes  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Garnes  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 11/01/2016

Date: 11/1/2016 Time: 11:30:29 AM  
 Status: Approved  
 Card Type: Visa  
 Card Number: XXXXXXXXXXXXXXX448  
 Expiration Date: X/XX/XXXX  
 Server Name: Tasha  
 Check Number: 221184  
 Tab Number: 100  
 Number Of Covers: 17  
 Persons: 1, 2, 3, 4, 5, 6, 7, 1  
 Card Owner: garnes/christopher a

<b>ESTIMATED EXPENSES</b>	
FOOD AND BEVERAGE	\$ <u>141.33</u>
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
<b>TOTAL</b>	<b>\$ <u>141.33</u></b>

AMOUNT 118.33  
 TIP 25.00  
**TOTAL** 141.33  
 Approval: 089978

PURPOSE/JUSTIFICATION OF FUNCTION:  
 Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):  
 M. Ketchum, A. Loughry, J. Stover, R. Melvin, V. Shafer,  
 C. Garnes, J. Gundy, H. Dailey

CUSTOMER COPY

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

By: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

\_\_\_\_\_  
 DATE

\_\_\_\_\_  
 DATE

88--000186

TMO 3 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

Tricky Fish  
 1511 Washington St East  
 Charleston, WV  
 (304) - 244 - 7154  
 SERVER: dylan c  
 TABLE: 825  
 TICKET #: 243782 11/09/2016 11:47  
 GUESTS: 1

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Garnes  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Garnes  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 11/09/2016

Stripo Taco (2) 8.25  
 Fried  
 Soft  
 Fish Shaw 7.00  
 MISC FOOD ITEM 7.00  
 SUB TOTAL: 28.25  
 TOTAL: 28.25  
 GRATUITY: 5.00  
 CARD PAID: 28.25

**ESTIMATED EXPENSES**

- FOOD AND BEVERAGE
- MEETING ROOM
- EQUIPMENT RENTAL
- LODGING
- OTHER/
- OTHER/

\$ 28.25

- \$ \_\_\_\_\_ Suggested Gratuity
- \$ \_\_\_\_\_ 20% = 4.65
- \$ \_\_\_\_\_ 18% = 4.19
- \$ \_\_\_\_\_ 15% = 3.49
- \$ \_\_\_\_\_
- \$ \_\_\_\_\_

TOTAL

\$ 28.25

CARD #: XXXXXXXXXX098448  
 CHRISTOPHER A GARNES  
 005283

www.trickyfish.net  
 Thanks for supporting small business!  
 Questions? Comments? contact@trickyfish.net

**PURPOSE/JUSTIFICATION OF FUNCTION:**

Conference

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more more must accompany the form):

M. Workman

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

DATE

By: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

DATE

88-000187

TWO 3 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

Bluegrass Kitchen  
 1600 Washington St. East  
 Charleston, WV 25311  
 304.346.2871

SERVER: amanda n  
 TABLE: 701  
 TICKET #: 311888 11/14/2015 11:38  
 GUESTS: 1

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Garnes  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Garnes  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 11/14/2016

SUB TOTAL: 95.45  
 TOTAL: 95.45  
 CARD PAID: 95.45  
 GRATUITY: 20.55  
 TOTAL: 116.00

ESTIMATED EXPENSES  
 FOOD AND BEVERAGE \$ 127.00  
 MEETING ROOM \$  
 EQUIPMENT RENTAL \$  
 LODGING \$  
 OTHER/ \$  
 OTHER/ \$  
 TOTAL \$ 127.00

CARD #: 0000000000000448  
 CHRISTOPHER A GARNES  
 078769

PURPOSE/JUSTIFICATION OF FUNCTION:  
Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more must accompany the form):  
R. Davis, M. Workman, M. Ketchum, A. Loughry, J. Stover, R. Math V. Shafer, C. Garnes, J. Gundy,

SERVER: amanda n  
 TABLE: 703  
 TICKET #: 311400 11/14/2016 12:43  
 GUESTS: 1

SUB TOTAL: 8.75  
 TOTAL: 8.75  
 CARD PAID: 8.75  
 GRATUITY: 2.25  
 TOTAL: 11.00

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

By: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

CARD #: 0000000000000448  
 CHRISTOPHER A GARNES  
 013810

DATE

88--000188

TMO 3 Form - Rev. 01/2008

Agency Ref. #

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

SPENDING UNIT NAME/ORG # Supreme Court of Appeals

CONTACT PERSON Chris Games

TELEPHONE NUMBER (304) 558-2060

FUNCTION SPONSOR Chris Games

LOCATION OF FUNCTION Justices' Chambers

DATE(S) OF FUNCTION 11/15/2016

ESTIMATED EXPENSES	
FOOD AND BEVERAGE	\$ <u>151.20</u>
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
<b>TOTAL</b>	\$ <u>151.20</u>

SOMO'S  
 800 SMITH ST  
 CHARLESTON, WV 25301

11/15/2016 11:47:32

CREDIT CARD  
 VISA SALE

Card # X00000000000000000000000000000000  
 Chip Card: Citi VISA  
 AID: A00000000000000000000000000000000  
 ATC: 0000  
 TIC: 92184F1238054E0  
 SEQ #: 2  
 Batch #: 607  
 INVOICE: 2  
 SERVER: 5515  
 Approval Code: 020250  
 Entry Method: Chip Read  
 Mode: Issue - PIN Bypassed

PURPOSE/JUSTIFICATION OF FUNCTION:

Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A II more must accompany the form):

- R. Davis, M. Workman, A. Loughry, J. Stover, R. Melvin,
- V. Shafer, C. Games, J. Gundy

PRE-TIP AMT \$151.20

TIP INC

TOTAL AMOUNT 151.20

CUSTOMER COPY

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

DATE

88--000189

**JAN - DEC 2017**

**MEALS PURCHASED  
FOR JUSTICES & STAFF**

88--000190

TMO 3 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

**south hills market  
and café**

SPENDING UNIT NAME/ORG # Supreme Court of Appeals

SOUTH HILLS

CONTACT PERSON Chris Games

TELEPHONE NUMBER (304) 558-2060

Date: 1/4/2017 Time: 11:35:27 AM

FUNCTION SPONSOR Chris Games

Status: Approved

LOCATION OF FUNCTION Justices' Chambers

Card Type: Visa  
 Card Number: XXXXXXXXXX008448  
 Expiration Date: X/XX/XXXX  
 Server Name: Tasha  
 Check Number: 224361  
 Tab Number: 100

DATE(S) OF FUNCTION 01/04/2017

**ESTIMATED EXPENSES**

FOOD AND BEVERAGE	\$ <u>167.81</u>
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
<b>TOTAL</b>	<b>\$ <u>167.81</u></b>

Number Of Covers: 24  
 Persons: 1, 2, 3, 4, 5, 6, 7, 8,  
 9, 10, 11, 12  
 Card Owner: games/christopher a

AMOUNT	199.81
TIP	<u>28.00</u>
<b>TOTAL</b>	<b><u>167.81</u></b>

Approval: 038071

**PURPOSE/JUSTIFICATION OF FUNCTION:**

Conference

CUSTOMER COPY.

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

R. Davis, M. Workman, M. Ketohum, A. Loughry, B. Walker, J. Stover, R. Melvin,  
V. Shafer, J. Stevenson, C. Games, J. Gundy, B. Kayuha

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

\_\_\_\_\_  
DATE

88--000191

TMO 3 Form -- Rev. 01/2008

Agency Ref. # \_\_\_\_\_

**STATE OF WEST VIRGINIA**

DEPARTMENT OF ADMINISTRATION  
TRAVEL MANAGEMENT OFFICE  
REQUEST FOR HOSPITALITY SERVICE

5040 S  
800 SMITH ST  
CHARLESTON, WV 25301

01/09/2017

11:31:13

SPENDING UNIT NAME/ORG # Supreme Court of Appeals

CONTACT PERSON Chris Garnes

TELEPHONE NUMBER (304) 558-2060

FUNCTION SPONSOR Chris Garnes

LOCATION OF FUNCTION Justices' Chambers

DATE(S) OF FUNCTION 01/09/2017

CREDIT CARD  
VISA SALE

Card # 0000000000002848  
Chip Card: CITI VISA  
AID: A000000001010  
ATC: 0041  
TC: F9D4CD67087E2137  
SEQ #: 1  
Batch #: 696  
BIN/OICE 1  
SERVER 5315  
Approval Code: 090294  
Entry Method: Chip Read  
Mode: Issue - PIN Bypassed

**ESTIMATED EXPENSES**

FOOD AND BEVERAGE \$ 210.48  
MEETING ROOM \$ \_\_\_\_\_  
EQUIPMENT RENTAL \$ \_\_\_\_\_  
LODGING \$ \_\_\_\_\_  
OTHER/ \$ \_\_\_\_\_  
OTHER/ \$ \_\_\_\_\_  
TOTAL \$ 210.48

PRE-TIP AMT \$210.48  
TIP Inc.  
TOTAL AMOUNT 210.48

CUSTOMER COPY

**PURPOSE/JUSTIFICATION OF FUNCTION:**

Conference

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

R. Davis, M. Workman, M. Ketchum, A. Loughry, B. Walker, J. Stover, R. Melvin,  
G. Johnson, V. Shafer, C. Garnes, J. Gundy

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

\_\_\_\_\_  
DATE

88--000192

TMO 3 Form - Rev. 01/2006

Agency Ref. # \_\_\_\_\_

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

**PATERNOS AT THE PARK**  
 601 MORRIS ST  
 CHARLESTON, WV 25309  
 3042055482

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Garnes  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Garnes  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 01/10/2017

Cashier: Mindy F  
 Transaction 109716  
 Total \$154.80  
 CREDIT CARD AUTH \$154.80  
 VISA 8448  
 Tip Incl  
 Total 154.80

Retain this copy for statement validation

**ESTIMATED EXPENSES**

FOOD AND BEVERAGE	\$ 154.80
MEETING ROOM	\$
EQUIPMENT RENTAL	\$
LODGING	\$
OTHER/	\$
OTHER/	\$
<b>TOTAL</b>	<b>\$ 154.80</b>

10-Jan-2017 11:39:39A  
 \$154.80 | Method: EMV  
 VISA CREDIT XXXXXXXXXX8448  
 CHRISTOPHER A GARNES  
 Ref #: 70100026781  
 Auth #: 058105  
 MID: \*\*\*\*\*9999  
 AID: A000000031010  
 AuthWtNm: VISA  
 SIGNATURE VERIFIED

**PURPOSE/JUSTIFICATION OF FUNCTION:**

Conference



**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of more must accompany the form):

R. Davis, M. Workman, M. Ketchum, A. Loughry, B. Walker, J. Stover, R. Melvin,  
 V. Shafer, J. Stevenson, C. Garnes, J. Gundy, H. Dalley

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
 DATE

By: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

\_\_\_\_\_  
 DATE

88--000193

TMO Form - Rev. 01/2008

Agency Ref. # \_\_\_\_\_

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

SPENDING UNIT NAME/ORG # Supreme Court of Appeals

CONTACT PERSON Chris Garnes

TELEPHONE NUMBER (304) 558-2060

FUNCTION SPONSOR Chris Garnes

LOCATION OF FUNCTION Justices' Chambers

DATE(S) OF FUNCTION 01/11/2017

Adelphia Sports Bar & Grille  
218 Capitol Street  
Charleston, WV 25301

**Take Out**

Court 888-055-3686

**ESTIMATED EXPENSES**

FOOD AND BEVERAGE	\$ 175.00
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
<b>TOTAL</b>	<b>\$ 175.00</b>

Server: Kite S	01/11/17
Check #3	11:36 AM
Open & Check	\$10.19
Subtotal	\$135.31
Tax	\$5.47
Total	\$144.78
Credit Card	Swiped
Visa	XXXXXXXXXX448
Time	12:14 PM

**PURPOSE/JUSTIFICATION OF FUNCTION:**

Conference

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more must accompany the form):

M. Workman, M. Ketchum, A. Loughry, B. Walker, J. Stover, R. M. V. Shafer, J. Stevenson, C. Garnes, J. Gundy, H. Dalley

Authorization	Approved
Approval Code	028763
Check ID	
Payment ID	40xj1e8JP

Amount:	\$144.78
+ Tip:	30.22
= Total:	175.00

X \_\_\_\_\_  
CHRISTOPHER A GARNES

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

Customer Copy

Thanks for visiting Adelphia Sports Bar & Grille  
Please come again!

DATE

88--000194

TMO 3 Form -- Rev. 01/2008

Agency Ref. # \_\_\_\_\_

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

SPENDING UNIT NAME/ORG # Supreme Court of Appeals

CONTACT PERSON Chris Garnes

TELEPHONE NUMBER (304) 558-2080

FUNCTION SPONSOR Chris Garnes

LOCATION OF FUNCTION Justices' Chambers

DATE(S) OF FUNCTION 01/17/2017

**south hills market  
and café**

SOUTH HILLS

Date: 1/17/2017 Time: 11:32:34 AM

Status: Approved

**ESTIMATED EXPENSES**

FOOD AND BEVERAGE	\$ 154.00
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
<b>TOTAL</b>	<b>\$ 154.00</b>

Card Type: Visa  
 Card Number: XXXXXXXXXXXXXXX8448  
 Expiration Date: X/X/XXXX  
 Server Name: Tasha  
 Check Number: 224861  
 Tab Number: 100  
 Number Of Covers: 18  
 Persons: 1, 2, 3, 4, 5, 6, 7,  
 9, 10  
 Card Owner: garnes/christopher a

AMOUNT	128.86
TIP	26.14
<b>TOTAL</b>	<b>154.00</b>
Approval:	030455

**PURPOSE/JUSTIFICATION OF FUNCTION:**

Conference

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more more must accompany the form):

M. Workman, M. Ketchum, A. Loughry, B. Walker, J. Stover, R. Melvin,  
V. Shafer, C. Garnes, J. Gundy, H. Dailey

CUSTOMER COPY

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

\_\_\_\_\_  
DATE

88--000195

TMO 3 Form - Rev. 01/2008

Agency Ref. # \_\_\_\_\_

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Garnes  
 TELEPHONE NUMBER (304) 558-2080  
 FUNCTION SPONSOR Chris Garnes  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 01/18/2017

5040'S  
 800 SPETH ST  
 CHARLESTON, WV 25301  
 01/18/2017 11:45:16  
 CHECK CARD  
 VISA SALE  
 Card # xxxxxxxx020028418  
 Chip Card: CTTI VISA  
 AID: A1000000031010  
 ATC: 8095  
 TC: 0928127AA2094816  
 SEQ #: 2  
 Batch #: 712  
 INVOICE: 2  
 SERVER: 3343  
 Approval Code: 855824  
 Entry Method: Chip Read  
 Note: Issuer - PIN Bypassed

ESTIMATED EXPENSES

FOOD AND BEVERAGE	\$ 210.78
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
<b>TOTAL</b>	<b>\$ 210.78</b>

PRE-TIP AMT \$210.78  
 TIP Inc.  
 TOTAL AMOUNT 210.78

CUSTOMER COPY

PURPOSE/JUSTIFICATION OF FUNCTION:  
 Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):  
 M. Workman, M. Ketchum, A. Loughry, B. Walker, J. Stover, R. Melvin,  
 V. Shafer, C. Garnes, J. Gundy, H. Dailey

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

By: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

\_\_\_\_\_  
 DATE

\_\_\_\_\_  
 DATE

88--000196

TMO 3 Form - Rev. 01/2008

Agency Ref. # \_\_\_\_\_

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

SPENDING UNIT NAME/ORG # Supreme Court of Appeals

Adelphi Sports Bar & Grillle  
218 Capitol Street  
Charleston, WV 25301

CONTACT PERSON Chris Garnes

**Take Out**

TELEPHONE NUMBER (304) 558-2080

Justice

FUNCTION SPONSOR Chris Garnes

Server: Elisha K  
Check #1  
Tax Exempt

01/23/17 11:08 AM  
Justice

LOCATION OF FUNCTION Justices' Chambers

DATE(S) OF FUNCTION 01/24/2017

Subtotal \$176.64  
Total \$176.64

*01/23/2017 per receipt*

**ESTIMATED EXPENSES**

FOOD AND BEVERAGE	\$ <u>212.64</u>
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LOADING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
<b>TOTAL</b>	<b>\$ 212.64</b>

Credit Card Swiped  
Visa xxxxxxxx488  
Time 11:33 AM

Authorization	Approved
Approval Code	00789
Check ID	
Payment ID	h11p1h1d
Amount:	\$176.64
+ Tip:	36.00
= Total:	212.64

PURPOSE/JUSTIFICATION OF FUNCTION:  
 Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more must accompany the form):  
 M. Workman, M. Ketchum, A. Loughry, B. Walker, G. Johnson, J. E. V. Shafer, J. Stevenson, W. Humphrey, C. Garnes, J. Gundy

Customer Copy  
 Thanks for visiting Adelphi Sports Bar & Grillle  
 Please come again

*[Signature]*  
CHRISTOPHER A. GARNES

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

\_\_\_\_\_  
DATE

88--000197

TMO-3 Form - Rev. 01/2008

Agency Ref. # \_\_\_\_\_

**STATE OF WEST VIRGINIA**

DEPARTMENT OF ADMINISTRATION  
TRAVEL MANAGEMENT OFFICE  
REQUEST FOR HOSPITALITY SERVICE

**PATERNO'S AT THE PARK**

601 MORRIS ST  
CHARLESTON, WV 25309  
804255492

Cashier: Nancy B  
Transaction 202176

SPENDING UNIT NAME/ORG # Supreme Court of Appeals

CONTACT PERSON Chris Garnes

TELEPHONE NUMBER (304) 558-2060

FUNCTION SPONSOR Chris Garnes

LOCATION OF FUNCTION Justices' Chambers

DATE(S) OF FUNCTION 01/24/2017

Total \$276.00

CREDIT CARD AUTH \$276.00  
VISA 8448

Tip Inc

Total 276.00

Retain this copy for statement validation

**ESTIMATED EXPENSES**

- FOOD AND BEVERAGE
- MEETING ROOM
- EQUIPMENT RENTAL
- LODGING
- OTHER/
- OTHER/

\$ 276.00

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ 276.00

TOTAL

24-Jan-2017 11:43:12A  
 \$276.00 | Method: EMV  
 VISA CREDIT XXXXXXXXXXXX8448  
 CHRISTOPHER A GARNES  
 Ref #: 70240630041  
 Auth #: 061624  
 MID: 999999999999  
 AID: A00000031010  
 AUTHWAm: VISA  
 SIGNATURE VERIFIED

**PURPOSE/JUSTIFICATION OF FUNCTION:**

Conference



**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees must accompany the form):

M. Workman, M. Ketchum, A. Loughry, B. Walker, J. Stover, R. Melvin, W. Humphrey  
V. Shafer, J. Stevenson, C. Garnes, J. Gundy, H. Dailey, Judges: Tabit, Waters, Carl, Matlish, McHugh

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

\_\_\_\_\_  
DATE

88--000198

TMO 3 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

**south hills market  
and café**

SOUTH HILLS

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Garnes  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Garnes  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 01/25/2017

Date: 1/25/2017 Time: 11:33:31 AM

Status: Approved

Card Type: Visa  
 Card Number: XXXXXXXXXXXXXXX6448  
 Expiration Date: X/XX/XXXX  
 Server Name: Tasha  
 Check Number: 225202  
 Tab Number: 100  
 Number Of Covers: 25  
 Persons: 1, 2, 3, 4, 5, 6, 7, 8,  
 9, 10, 11, 12, 13  
 Card Owner: garnes/christopher a

**ESTIMATED EXPENSES**

FOOD AND BEVERAGE  
 MEETING ROOM  
 EQUIPMENT RENTAL  
 LODGING  
 OTHER/  
 OTHER/

\$ 221.00  
 \$ \_\_\_\_\_  
 \$ \_\_\_\_\_  
 \$ \_\_\_\_\_  
 \$ \_\_\_\_\_  
 \$ \_\_\_\_\_  
 \$ 221.00

AMOUNT 183.04  
 TIP 37.96  
**TOTAL** 221.00  
 Approval: C29519

**PURPOSE/JUSTIFICATION OF FUNCTION:**  
 Conference

CUSTOMER COPY

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):  
 M. Workman, M. Ketchum, A. Loughry, B. Walker, J. Stover, R. Melvin, W. Humphrey  
 V. Shafer, J. Stevenson, C. Garnes, J. Gundy, B. Kayuha, H. Dailey

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

\_\_\_\_\_  
DATE

88--000199

TMO-3 Form - Rev. 01/2006

Agency Ref. # \_\_\_\_\_

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

3040'S  
 800 SHEDD ST  
 CHARLESTON, WV 25301

02/07/2017

11:20:52

CREDIT CARD  
 VISA SALE

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Games  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Games  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 02/07/2017

Card # 0000000000008446  
 Chip Card: CTTI VISA  
 AID: A000000031010  
 ATC: 004E  
 TC: 11A1061E22C1041  
 SEQ #: 1  
 Batch #: 747  
 INVOICE 2  
 SERVER 851E  
 Approval Code: 05688E  
 Entry Method: Chip Read  
 Mode: Issuer - PIN Bypassed

**ESTIMATED EXPENSES**

FOOD AND BEVERAGE	\$ 200.04
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
<b>TOTAL</b>	<b>\$ 200.04</b>

PRE-TIP AMT \$200.04  
 TIP \$0.00  
**TOTAL AMOUNT \$200.04**

CUSTOMER COPY

**PURPOSE/JUSTIFICATION OF FUNCTION:**  
 Conference

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):  
 M. Workman, M. Ketchum, A. Loughry, B. Walker, J. Stover, R. Melvin, W. Humphrey  
 V. Shafer, J. Stevenson, C. Games, J. Gundy, H. Dalley,

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
 DATE

By: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

\_\_\_\_\_  
 DATE

88--000200

TMO 3 Form - Rev. 01/2008

Agency Ref. # \_\_\_\_\_

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

SPENDING UNIT NAME/ORG # Supreme Court of Appeals

Lola's  
1038 Bridge Road  
Charleston, WV 25314  
304-343-5682

CONTACT PERSON Chris Garnes

TELEPHONE NUMBER (304) 558-2060

Server: Katy DOB: 02/08/21  
11:28 AM 02/08/21  
11:30/1 2/20

FUNCTION SPONSOR Chris Garnes

LOCATION OF FUNCTION Justices' Chambers

SALE

DATE(S) OF FUNCTION 02/08/2017

VISA 2097  
Card #XXXXXXXXXXXX8448  
Magnetic card present: GARNES CHRISTOPH  
Card Entry Method: S

**ESTIMATED EXPENSES**

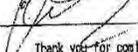
FOOD AND BEVERAGE	\$ 187.00
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LOGGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
<b>TOTAL</b>	<b>\$ 187.00</b>

Approval: 045636  
Amount: \$ 155  
+ Tip: 31.49  
= Total: 187.00

**PURPOSE/JUSTIFICATION OF FUNCTION:**

Conference

I agree to pay the above total amount according to the card issuer agreement.

X 

Thank you for coming! :)

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more, more must accompany the form):

M. Workman, M. Ketchum, A. Loughry, B. Walker, J. Stover, R. Melvin  
V. Shafer, J. Stevenson, C. Garnes, J. Gundy, H. Dalley,

CUSTOMER COPY

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

DATE

88--000201

TMO 3 Form - Rev. 01/2008

Adelphia Sports Bar & Grille  
218 Capitol Street  
Charleston, WV 25301

**STATE OF WEST VIRGINIA**  
DEPARTMENT OF ADMINISTRATION  
TRAVEL MANAGEMENT OFFICE  
REQUEST FOR HOSPITALITY SERVICE

Take Out

Justice

SPENDING UNIT NAME/ORG # Suprema Court of Appeals

Server: Elisha K 02/13/17 10:49 AM  
Check # Justice  
Tax Exempt

CONTACT PERSON Chris Games

Subtotal \$177.64  
Total \$177.64

TELEPHONE NUMBER (304) 558-2060

Credit Card SW [redacted]  
Visa xxxxxxxx8448  
Type 11:35 AM

FUNCTION SPONSOR Chris Games

Authorization Approved  
Approval Code 047466

LOCATION OF FUNCTION Justices' Chambers

Check ID  
Payment ID vtp41tx23

DATE(S) OF FUNCTION 02/13/2017

Amount: \$177.64

ESTIMATED EXPENSES

FOOD AND BEVERAGE \$ 214.00  
MEETING ROOM \$ \_\_\_\_\_  
EQUIPMENT RENTAL \$ \_\_\_\_\_  
LODGING \$ \_\_\_\_\_  
OTHER/ \$ \_\_\_\_\_  
OTHER/ \$ \_\_\_\_\_  
TOTAL \$ 214.00

+ Tip: 36.26  
= Total: 214.00

CHRISTOPHER A GARNES

Customer Copy

PURPOSE/JUSTIFICATION OF FUNCTION:

Thanks for visiting Adelphia Sports Bar & Grille  
Please come again

Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

M. Workman, M. Ketchum, A. Loughry, B. Walker, J. Stover, R. Melvin, W. Humphrey  
V. Shafer, J. Stevenson, C. Games, J. Gundy, G. Johnson

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

\_\_\_\_\_  
DATE

88-000202

TMO 3 Form - Rev. 01/2008

Agency Ref. # \_\_\_\_\_

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

**PATERNOS AT THE PARK**  
 601 MORRIS ST.  
 CHARLESTON, WV 25309  
 3042055482

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Games  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Games  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 02/14/2017

Cashier: Nancy B  
 Transaction 100001  
 Total \$189.60  
 CREDIT CARD AUTH \$189.60  
 VISA 8448  
 Tip Inc.  
 Total 189.00

Retain this copy for statement validation

<b>ESTIMATED EXPENSES</b>	
FOOD AND BEVERAGE	\$ 189.60
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
<b>TOTAL</b>	<b>\$ 189.60</b>

14-Feb-2017 11:48:59A  
 \$189.60 | Method: EMV  
 VISA CREDIT XXXXXXXXXXXXX8448  
 CHRISTOPHER A GARNES  
 Ref #: 70450036991  
 Auth #: 068099  
 MID: \*\*\*\*\*998  
 MID: A06C000091010  
 AUTHWHT: VISA  
 SIGNATURE VERIFIED



**PURPOSE/JUSTIFICATION OF FUNCTION:**

Conference

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of names must be provided for groups of 20 or more must accompany the form):

M. Workman, M. Ketchum, A. Loughry, B. Walker, J. Stover, R. Melvin, W. Humphrey  
 V. Shafar, J. Stevenson, C. Games, J. Gundy, H. Dalley, B. Kayuha

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

\_\_\_\_\_  
DATE

88--000203

TMO 3 Form - Rev. 01/2008

Agency Ref. # \_\_\_\_\_

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

**south hills market  
 and café**  
 SOUTH HILLS

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Games  
 TELEPHONE NUMBER (304) 558-2080  
 FUNCTION SPONSOR Chris Games  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 02/15/2017

Date: 2/15/2017 Time: 11:01:17 AM  
 Status: Approved  
 Card Type: Visa  
 Card Number: XXXXXXXXXXXX2448  
 Expiration Date: X/XX/XXXX  
 Server Name: Tasha  
 Check Number: 226104  
 Tab Number: 100  
 Number Of Covers: 28  
 Persons: 1, 2, 3, 4, 5, 6, 7,  
 9, 10, 11, 12, 13, 14  
 Card Owner: games/christopher a

<b>ESTIMATED EXPENSES</b>	
FOOD AND BEVERAGE	\$ <u>254.00</u>
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER	\$ _____
OTHER	\$ _____
<b>TOTAL</b>	\$ <u>254.00</u>

AMOUNT 210.43  
 TIP 43.57

**PURPOSE/JUSTIFICATION OF FUNCTION:**  
 Conference

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):  
 M. Workman, M. Ketchum, A. Loughry, B. Walker, J. Stover, R. Melvin, W. Humphrey  
 V. Shafer, C. Games, J. Gundy, H. Dailey, G. Johnson, P. Embley

**TOTAL** 254.00  
 Approval: 080801

CUSTOMER COPY

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

By: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

\_\_\_\_\_  
 DATE

\_\_\_\_\_  
 DATE

88--000204

TMO & Form -- Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

SOHO'S  
 800 SMITH ST  
 CHARLESTON, WV 25301  
 02/17/2017 11:30:05  
 CREDIT CARD  
 VISA SALE

Card # XXXXXXXX0008946  
 Chip Card: CTTI VISA  
 AIC: A000000031A17  
 ATC: 0004  
 TC: 87244401192484C  
 SEQ #: ;  
 Batch #: 76  
 INVOICE  
 SERVICE: EST.  
 Approval Code: 02281  
 Entry Method: Chip Rea  
 Mode: Issuer - PIN Bypass

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Garnes  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Garnes  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 02/17/2017

PRE-TIP AMT \$155.0  
 TIP  
 TOTAL AMOUNT 155.0

<b>ESTIMATED EXPENSES</b>	
FOOD AND BEVERAGE	\$ 155.04
MEETING ROOM	\$
EQUIPMENT RENTAL	\$
LODGING	\$
OTHER/	\$
OTHER/	\$
<b>TOTAL</b>	<b>\$ 155.04</b>

CUSTOMER COPY

**PURPOSE/JUSTIFICATION OF FUNCTION:**  
 Conference

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):  
 M. Workman, A. Loughry, J. Stevenson, V. Shafer, P. Embley, C. Garnes

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
 DATE

By: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

\_\_\_\_\_  
 DATE

88-000205

TMO 3 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

SONO'S  
 800 SMITH ST  
 CHARLESTON, WV 25301  
 02/27/2017 11:22:57

CREDIT CARD  
 VISA SALE  
 Card # 00000000000000000000000000000000  
 Chip Card: CITI VISA  
 ADDR: A000000003010  
 ATC: 0057  
 TC: 30591CA78691F25B  
 SEQ #: 1  
 Batch #: 783  
 INVOICE SERVER: 1  
 SS15  
 Approval Code: 014451  
 Entry Method: Chip Read  
 Mode: Issuer - PIN Bypassed

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Garnes  
 TELEPHONE NUMBER (304) 559-2060  
 FUNCTION SPONSOR Chris Garnes  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 02/27/2017

PRE-TIP AMT \$213.36  
 TIP \$0.00  
 TOTAL AMOUNT \$213.36

ESTIMATED EXPENSES	
FOOD AND BEVERAGE	\$ 213.36
MEETING ROOM	\$
EQUIPMENT RENTAL	\$
LODGING	\$
OTHER/	\$
OTHER/	\$
<b>TOTAL</b>	<b>\$ 213.36</b>

CUSTOMER COPY

**PURPOSE/JUSTIFICATION OF FUNCTION:**  
 Conference

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):  
 M. Workman, M. Ketchum, A. Loughry, B. Walker, J. Stover, R. Melvin, W. Humphrey  
 V. Shafer, J. Stevenson, C. Garnes, J. Gundy, G. Johnson

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

By: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

\_\_\_\_\_  
 DATE

\_\_\_\_\_  
 DATE

88--000206

TMO 3 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Garnes  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Garnes  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 03/08/2017

<b>ESTIMATED EXPENSES</b>	
FOOD AND BEVERAGE	\$ <u>83.65</u>
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER	\$ _____
OTHER	\$ _____
<b>TOTAL</b>	\$ <u>83.65</u>

**PURPOSE/JUSTIFICATION OF FUNCTION:**  
 Conference

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):  
 M. Workman, M. Ketchum, A. Loughry, B. Walker, J. Stover, R. Melvin,  
 V. Shafer, J. Stevenson, C. Garnes, G. Johnson

**Genesis Cafe**  
 1496 Limestone Rd  
 Charleston, WV 25312-6444  
 (801) 205-8575  
 www.genesiscafewv.com

Mar 6, 2017  
 11:36 AM  
 Josephine

Ticket: Court  
 Authorization 002208  
 Receipt GprZ

CITI VISA  
 AID A0 00 00 00 03 10 10  
 PICKUP

Dell Sandwich x 2 (\$7.25 each)	\$14.50
Rockin BBQ x 2 (\$7.50 each)	\$15.00
Bowl Of Fruit x 2 (\$3.50 each)	\$7.00
Cuban Jazz	\$8.25
Pancit Canton	\$8.50
Lumpia	\$7.95
Hot Tuna	\$7.25
Greek Salad	\$7.25
Grilled Chicken Salad	\$7.95

Total **\$83.65**  
 Visa 8448 (Chip) **\$83.65**  
 Christopher A Garnes

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
 DATE

By: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

\_\_\_\_\_  
 DATE

88--000207

TMO 3 Form - Rev. 6/1/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

Lola's  
 1038 Bridge Road  
 Charleston, WV 25314  
 304-343-5552

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Garnes  
 TELEPHONE NUMBER (304) 558-2080  
 FUNCTION SPONSOR Chris Garnes  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 03/07/2017

Server: Jessi  
 11:50 AM  
 Wv State/1

DOB: 03/07/201  
 03/07/201  
 2/2008

SALE

VISA 209711  
 Card #XXXXXXXXXXXX8448  
 Magnetic card present: GARNES CHRISTOPHE  
 Card Entry Method: S

Approval: 035719

<b>ESTIMATED EXPENSES</b>	
FOOD AND BEVERAGE	\$ 218.79
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
<b>TOTAL</b>	<b>\$ 218.79</b>

Amount: \$ 180.  
 + Tip: 38.0  
 = Total: 218.79

I agree to pay the above total amount according to the card issuer agreement.

*[Signature]*  
 Thank you for coming!

**PURPOSE/JUSTIFICATION OF FUNCTION:**

Conference

CUSTOMER COPY

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

- M. Workman, M. Ketchum, A. Loughry, B. Walker, J. Stover, R. Melvin, W. Humphrey
- V. Shafer, J. Stevenson, C. Garnes, J. Gundy, H. Dalley

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

DATE

By: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

DATE

88--000208

TMO 3 Form - Rev. 01/2008

Agency Ref. # \_\_\_\_\_

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

Adelphi Sports Bar & Grille  
 218 Capitol Street  
 Charleston, WV 25301

SPENDING UNIT NAME/ORG # Supreme Court of Appeals

CONTACT PERSON Chris Garnes

TELEPHONE NUMBER (304) 558-2080

FUNCTION SPONSOR Chris Garnes

LOCATION OF FUNCTION Justices' Chambers

DATE(S) OF FUNCTION 03/08/2017

**Take Out**

Court Pickup At 11:30

Server: Tiffany C      03/08/17 10:40  
 Check #1              Court Pickup At 11  
 Tax Exempt

**ESTIMATED EXPENSES**

FOOD AND BEVERAGE \$ 205.00

MEETING ROOM \$ \_\_\_\_\_

EQUIPMENT RENTAL \$ \_\_\_\_\_

LODGING \$ \_\_\_\_\_

OTHER/ \$ \_\_\_\_\_

TOTAL \$ 205.00

Subtotal \$170  
 Total \$170

Credit Card      Sell  
 Visa              00000006  
 Time              11:28

Authorization      Appro  
 Approval Code      026  
 Check ID  
 Payment ID      v1b45

Amount: \$170  
 + Tip: 35.00  
 = Total: 205.00

**PURPOSE/JUSTIFICATION OF FUNCTION:**

Conference

Customer Copy

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more must accompany the form):

M. Workman, M. Ketchum, A. Loughry, B. Walker, J. Stover, R. Melvt  
 V. Shafer, J. Stevenson, C. Ganes, J. Gundy, H. Dalley, B. Kayuha

Thanks for visiting Adelphi Sports Bar & Gr  
 Please come again

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
 DATE

By: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

\_\_\_\_\_  
 DATE

88--000209

TMO-3 Form -- Rev. 01/2006

Agency Ref. # \_\_\_\_\_

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Games  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Games  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 03/20/2017

SOHO'S  
 800 SMITH ST  
 CHARLESTON, WV 25301  
 03/20/2017 11:24:52

CREDIT CARD  
 VISA SALE  
 Card # XXXXXXXXXXXXXXX9416  
 Chip Card: CITI VISA  
 ADP: A000900031010  
 ATC: 003A  
 TC: 6BAMEH4FR02FE75  
 SEQ #: 1  
 Batch #: 818  
 INVOICE 1  
 SERVER 3315  
 Approval Code: 015427  
 Entry Method: Chip Read  
 Mode: Issuer - PIN bypassed

ESTIMATED EXPENSES

FOOD AND BEVERAGE	\$ 190.08
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
<b>TOTAL</b>	<b>\$ 190.08</b>

PRE-TIP AMT \$190.08  
 TIP Inc.  
 TOTAL AMOUNT 190.08

PURPOSE/JUSTIFICATION OF FUNCTION:

CUSTOMER COPY

Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

M. Workman, M. Ketchum, A. Loughry, B. Walker, J. Stover, R. Molvin, W. Humphrey  
 V. Shafer, C. Games, J. Gundy, G. Johnson

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
 DATE

By: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

\_\_\_\_\_  
 DATE

88--000210

TMO 3 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

**south hills market  
and café**

SOUTH HILLS

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Garnes  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Garnes  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 03/28/2017

Date: 3/28/2017 Time: 12:32:49 PM  
 Status: Approved  
 Card Type: Visa  
 Card Number: XXXXXXXXXXXXXXX8446  
 Expiration Date: X/XX/XXXX  
 Server Name: Tasha  
 Check Number: 227727  
 Tab Number: 600  
 Number Of Covers: 13  
 Persons: 1, 2, 3, 4, 5, 6, 7, 8  
 Card Owner: garnes/christopher a

ESTIMATED EXPENSES	
FOOD AND BEVERAGE	\$ 106.23
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
<b>TOTAL</b>	<b>\$ 106.23</b>

AMOUNT	88.23
TIP	18.00
<b>TOTAL</b>	<b>106.23</b>

Approvals: 060618

PURPOSE/JUSTIFICATION OF FUNCTION:

Conferences

CUSTOMER COPY

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

M. Workman, M. Ketchum, A. Loughry, B. Walker, R. Davis

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

\_\_\_\_\_  
DATE

88--000211

TMC 3 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

**south hills market  
and café**

SOUTH HILLS

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Garnes  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Garnes  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 04/05/2017

Date: 4/5/2017 Time: 11:38:01 AM  
 Status: Approved  
 Card Type: Visa  
 Card Number: XXXXXXXXXX0446  
 Expiration Date: x/xx/xxxx  
 Server Name: Anthony  
 Check Number: 228031  
 Tab Number: 600  
 Number Of Covers: 18  
 Persons: 1, 2, 3, 4, 5, 6, 7, 1  
 8, 10, 11, 12, 13  
 Card Owner: GARNES/CHRISTOPHER A

ESTIMATED EXPENSES	
FOOD AND BEVERAGE	\$ <u>206.55</u>
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
<b>TOTAL</b>	<b>\$ <u>206.55</u></b>

AMOUNT 171.55  
 TIP 35.00  
**TOTAL** 206.55  
 Approval: 051254

PURPOSE/JUSTIFICATION OF FUNCTION: Conference

CUSTOMER COPY

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):  
 M. Workman, M. Ketchum, A. Loughry, B. Walker, J. Stover, F. Melvin, W. Humphrey  
 V. Shafer, J. Stevenson, C. Garnes, J. Gundy, G. Johnson, B. Kayuha

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

By: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

\_\_\_\_\_  
 DATE

\_\_\_\_\_  
 DATE

88--000212

MO 3 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
DEPARTMENT OF ADMINISTRATION  
TRAVEL MANAGEMENT OFFICE  
REQUEST FOR HOSPITALITY SERVICE

The Block Restaurant & Wine Cellar  
201 Capital Street  
Charleston, WV 25301  
ph (681) 266-9074

PENDING UNIT NAME/ORG # Supreme Court of Appeals

CONTACT PERSON Chris Garnes

TELEPHONE NUMBER (304) 558-2060

FUNCTION SPONSOR Chris Garnes

LOCATION OF FUNCTION Justices' Chambers

DATE(S) OF FUNCTION 04/18/2017

ESTIMATED EXPENSES

FOOD AND BEVERAGE	\$ 137.00
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
<b>TOTAL</b>	<b>\$ 137.00</b>

TABLE: Courthouse TOGO - 8 Guests  
Server: Dara  
4/18/2017 11:24:39 AM  
Sequence #: 0000001  
ID #: 0118384

ITEM	QTY	PRICE
Subtotal		\$113.75
Grand Total		\$113.75
Amount Due:		\$113.75

Credit Purchase  
Name : GARNES, CHRISTOPHER A  
CO Type : VISA  
CO Num : XXXX XXXX XXXX 8448  
Approval : 007817  
Server : Dara  
Ticket Issue : Courthouse TOGO

Payment Amount: \$113.75  
Tip: 23.25  
Total: 137.00

*[Signature]*  
I agree to pay the amount shown above.

PURPOSE/JUSTIFICATION OF FUNCTION:

Conference

Thank you for visiting!

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

M. Ketchum, A. Loughry, B. Walker, J. Stover, R. Melvin,  
V. Shafer, C. Garnes, J. Gundy, H. Dalley

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

\_\_\_\_\_  
DATE

88--000213

TMO 3 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

**PATERNO AT THE PARK**  
 601 MORRIS ST  
 CHARLESTON, WV 25309  
 3042055482

Cashier: Sydney S  
 Transaction 100000

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Games  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Games  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 04/19/2017

Total \$183.50  
 CREDIT CARD AUTH: \$183.50  
 VISA 8448

Tip Inc.  
 Total 183.60

Retain this copy for statement validation.

**ESTIMATED EXPENSES**

FOOD AND BEVERAGE  
 MEETING ROOM  
 EQUIPMENT RENTAL  
 LODGING  
 OTHER/  
 OTHER/

\$ 183.60  
 \$ \_\_\_\_\_  
 \$ \_\_\_\_\_  
 \$ \_\_\_\_\_  
 \$ \_\_\_\_\_  
 \$ \_\_\_\_\_  
 \$ \_\_\_\_\_  
 \$ 183.60

TOTAL

19-Apr-2017 11:38:15A  
 \$183.60 | Method: EMV  
 VISA CREDIT XXXXXXXXXXXXXXXX8448  
 CHRISTOPHER A GARNES  
 Ref #: 710900556051  
 Auth #: 037099  
 MID: \*\*\*\*\*5998  
 AID: A00000003101C  
 AuthNwAm: VISA  
 SIGNATURE VERIFIED



**PURPOSE/JUSTIFICATION OF FUNCTION:**

Conference

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

M. Workman, M. Ketchum, A. Loughry, B. Walker, J. Stover, R. Melvin, W. Humphrey  
 V. Shafer, J. Stevenson, C. Games, J. Gundy, H. Dalley

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

DATE

By: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

DATE

88--000214

TMO 3 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

SPENDING UNIT NAME/ORG # Supreme Court of Appeals

CONTACT PERSON Chris Games

TELEPHONE NUMBER (304) 558-2060

FUNCTION SPONSOR Chris Games

LOCATION OF FUNCTION Justices' Chambers

DATE(S) OF FUNCTION 04/24/2017

**ESTIMATED EXPENSES**

FOOD AND BEVERAGE	\$ 214.74
MEETING ROOM	\$
EQUIPMENT RENTAL	\$
LODGING	\$
OTHER/	\$
OTHER/	\$
<b>TOTAL</b>	<b>\$ 214.74</b>

SCMOS  
 800 SMITH ST  
 CHARLESTON, WV 25301  
 304-720-7546

04/24/2017 11:59:19

CREDIT CARD  
 VISA SALE

Card # XXXXXXXXXXXXXXX0004418  
 Ctp Card: CTTI VISA  
 AIZ: AMXXXXXXXX1610  
 ATC: 0068  
 TIC: 15918885738C3539  
 SEQ #: 3  
 Batch #: 2  
 Trans #: 3  
 SERVER  
 Approval Code: 5515  
 055612  
 TRANS ID: 167114974132121  
 Entry Method: Chip Read  
 Mode: Issuer - PIN Bypassed

SALE AMOUNT \$17.50  
 TIP AMOUNT 3.50  
 TOTAL AMOUNT 21.00

THANK YOU  
 CUSTOMER COPY

**PURPOSE/JUSTIFICATION OF FUNCTION:**

Conference

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list more must accompany the form):

M. Workman, M. Ketchum, A. Loughry, B. Walker, J. Stover, R. Melvin, W. V. Shafer, C. Games, J. Gundy, G. Johnson

Approval Code: 5515  
 TRANS ID: 000367  
 Entry Method: 167114960539221  
 Mode: Chip Read  
 Issuer - PIN Bypassed

SALE AMOUNT \$193.74  
 TIP AMOUNT \$1.00  
 TOTAL AMOUNT \$193.74

THANK YOU  
 CUSTOMER COPY

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

By: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

DATE \_\_\_\_\_  
 DATE \_\_\_\_\_

88-000215

TMO 3 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

**south hills market  
 and café**

SOUTH HILLS

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Ganes  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Ganes  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 04/25/2017

Date: 4/25/2017 Time: 11:28:47 AM  
 Status: Approved  
 Card Type: Visa  
 Card Number: XXXXXXXXXXXX8446  
 Expiration Date: X/XX/XXXX  
 Server Name: Cheyan  
 Check Number: 228789  
 Tab Number: 100  
 Number Of Covers: 32  
 Persons: 1, 2, 3, 4, 5, 6, 7, 8,  
 9, 10, 11, 12, 13, 14  
 Card Owner: ganes/christopher a

<b>ESTIMATED EXPENSES</b>	
FOOD AND BEVERAGE	\$ <u>216.00</u>
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
<b>TOTAL</b>	\$ <u>216.00</u>

AMOUNT 179.02  
 TIP 36.98  
**TOTAL** 216.00  
 Approval: 020388

CUSTOMER COPY

**PURPOSE/JUSTIFICATION OF FUNCTION:**

Conference

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

M. Workman, M. Ketchum, A. Loughry, B. Walker, J. Reeder, J. Stover, R. Melvin, W. Humphrey  
 V. Shafer, J. Stevenson, C. Ganes, J. Gundy, H. Dalley, B. Kayuha

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
 DATE

By: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

\_\_\_\_\_  
 DATE

88--000216

TMO 3 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

Adelphia Sports Bar & Grill  
 218 Capitol Street  
 Charleston, WV 25301

**Take Out**

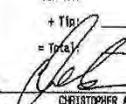
Large Order **DO NOT MAKE**

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Garnes  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Garnes  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 05/02/2017

Server: Tiffany C 05/02/17 11:25 /  
 Check #6 Large Order **DO NOT MA**  
 Tax Exempt  
 Subtotal \$156.  
 Total \$156.  
 Credit Card Visa  
 Visa xxxxxxxx84  
 Time 11:28  
 Authorization Approval Code  
 Check ID  
 Payment ID 9x063r

**ESTIMATED EXPENSES**

FOOD AND BEVERAGE	\$ 188.00
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
<b>TOTAL</b>	<b>\$ 188.00</b>

Subtotal: \$156.  
 Amount: \$156.  
 + Tip: 32.00  
 = Total: 188.00  
 x   
 CHRISTOPHER A GARNES

**PURPOSE/JUSTIFICATION OF FUNCTION:**

Conference

Customer Copy

Thanks for visiting Adelphia Sports Bar & Grill  
Please come again!

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

M. Workman, M. Ketchum, A. Loughry, B. Walker, J. Stover, R. Melvin, W. Humphrey  
 V. Shafer, C. GARNES, J. Gundy, H. Dalley

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
 DATE

By: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

\_\_\_\_\_  
 DATE

88--000217

TMO Form -- Rev. 01/2008

**STATE OF WEST VIRGIN**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

The Block Restaurant & Wine Cellar  
 201 Capital Street  
 Charleston, WV 25301  
 ph: (801) 255-8874

SPENDING UNIT NAME/ORG # Supreme Court of Appeals

CONTACT PERSON Chris Garnes

TELEPHONE NUMBER (304) 558-2060

FUNCTION SPONSOR Chris Garnes

LOCATION OF FUNCTION Justices' Chambers

DATE(S) OF FUNCTION 05/03/2017

**ESTIMATED EXPENSES**

FOOD AND BEVERAGE \$ 160.00  
 MEETING ROOM \$ \_\_\_\_\_  
 EQUIPMENT RENTAL \$ \_\_\_\_\_  
 LODGING \$ \_\_\_\_\_  
 OTHER/ \$ \_\_\_\_\_  
 OTHER/ \$ \_\_\_\_\_  
**TOTAL \$ 160.00**

TABLE: Supreme Court TOGO - 11 Guests  
 Server: Cara  
 5/3/2017 11:40:15 AM  
 Sequence #: 0000001  
 ID #: 0116818

ITEM	QTY	PRICE
Subtotal		\$129.7
Grand total		\$129.7

Credit Purchase  
 Name : GARNES/CHRISTOPHER A  
 CC Type : VISA  
 CC Num : 160110XXXX XXXX 8448  
 Approval : 023960  
 Server : Cara  
 Ticket Name : Supreme Court TOGO

Payment Amount: \$129.71

Tip: 30.25  
 Total: 160.00

TSYS CUSTOMER COPY  
 I agree to pay the amount shown above.

**PURPOSE/JUSTIFICATION OF FUNCTION:**

Conference

Thank you for visiting!

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

M. Workman, M. Ketchum, A. Loughry, B. Walker, J. Stover, R. Melvin,  
 V. Shafer, D. Canfield, C. Games, J. Gundy, H. Dalley

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

\_\_\_\_\_  
DATE

88--000218

TMO 3 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

**PATEROS AT THE PARK**  
 801 MORRIS ST  
 CHARLESTON, WV 25309  
 3042056482  
 Cashier: Employee  
 Transaction 100002

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Garnes  
 TELEPHONE NUMBER (304) 558-2080  
 FUNCTION SPONSOR Chris Garnes  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 05/16/2017

Total \$176.40  
 CREDIT CARD AUTH \$176.40  
 VISA 8448  
 Tip  
 Total 176.40

Retain this copy for statement validation

<b>ESTIMATED EXPENSES</b>	
FOOD AND BEVERAGE	\$ 176.40
MEETING ROOM	\$
EQUIPMENT RENTAL	\$
LODGING	\$
OTHER/	\$
OTHER/	\$
<b>TOTAL</b>	<b>\$ 176.40</b>

15-May-2017 11:08:58A  
 \$176.40 | Method: EMV  
 VISA CREDIT XXXXXXXXXXXX8448  
 CHRISTOPHER A GARNES  
 Ref #: 713600565611  
 Auth #: 058158  
 MID: \*\*\*\*\*9998  
 AID: A000000031010  
 AdmNtwkNm: VISA  
 SIGNATURE VERIFIED



**PURPOSE/JUSTIFICATION OF FUNCTION:**  
 Conference

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):  
 M. Workman, M. Ketchum, A. Loughry, B. Walker, R. Melvin, W. Humphrey  
 V. Shafer, J. Stevenson, C. Garnes, J. Gundy, H. Dalley, B. Kayuha

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_ DATE: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

By: \_\_\_\_\_ DATE: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

88-000219

TMO 3 Form - Rev. 01/2006

Agency Ref. # \_\_\_\_\_

**STATE OF WEST VIRGINIA**

DEPARTMENT OF ADMINISTRATION  
TRAVEL MANAGEMENT OFFICE  
REQUEST FOR HOSPITALITY SERVICE

SONGS  
800 SMITH ST  
CHARLESTON, WV 25301  
304-726-7946

05/17/2017

11:28:58

SPENDING UNIT NAME/ORG # Supreme Court of Appeals

CREDIT CARD

VISA SALE

CONTACT PERSON Chris Garnes

Card # XXXXXXXXXXXX06946

Chip Card: CTTZ VISA

ATC: A000000031610

ATC: 086F

TC: 607456EA389020A

SEQ #: 1

Batch #: 1

Trans #: 1

SERVER 5515

Approval Code: 054411

TRANS ID: 007137554720223

Entry Method: Chip Read

Mode: Issuer - FPM Bypassed

TELEPHONE NUMBER (304) 558-2060

FUNCTION SPONSOR Chris Garnes

LOCATION OF FUNCTION Justices' Chambers

DATE(S) OF FUNCTION 05/17/2017

**ESTIMATED EXPENSES**

FOOD AND BEVERAGE	\$	<u>207.66</u>
MEETING ROOM	\$	_____
EQUIPMENT RENTAL	\$	_____
LODGING	\$	_____
OTHER/	\$	_____
OTHER/	\$	_____
<b>TOTAL</b>	<b>\$</b>	<b><u>207.66</u></b>

SALE AMOUNT \$207.66

TIP AMOUNT Inc

TOTAL AMOUNT 207.66

THANK YOU

CUSTOMER COPY

**PURPOSE/JUSTIFICATION OF FUNCTION:**

Conference

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form)

M. Workman, M. Ketchum, A. Loughry, B. Walker, R. Malvin, W. Humphrey  
V. Shafer, J. Stover, C. Garnes, J. Gundy, H. Dailey, G. Johnson

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

DATE

88--000220

TMO 3 Form - Rev. 01/2006

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

**south hills market  
and café**

SPENDING UNIT NAME/ORG # Supreme Court of Appeals

SOUTH HILLS

CONTACT PERSON Chris Ganes

Date: 5/23/2017 Time: 11:20:30 AM

TELEPHONE NUMBER (304) 558-2080

Status: Approved

FUNCTION SPONSOR Chris Ganes

Card Type: Visa

LOCATION OF FUNCTION Justices' Chambers

Card Number: XXXXXXXXXXXXXXX448

DATE(S) OF FUNCTION 05/23/2017

Expiration Date: X/XX/XXXX

Server Name: Tasha

Check Number: 229586

Tab Number: 100

Number Of Covers: 25

Persons: 1, 2, 3, 4, 5, 6, 7, 8

9, 10, 11

Card Owner: ganes/christopher a

**ESTIMATED EXPENSES**

FOOD AND BEVERAGE \$ 184.00

MEETING ROOM \$ \_\_\_\_\_

EQUIPMENT RENTAL \$ \_\_\_\_\_

LODGING \$ \_\_\_\_\_

OTHER/ \$ \_\_\_\_\_

OTHER/ \$ \_\_\_\_\_

**TOTAL \$ 184.00**

AMOUNT 182.25

TIP 31.75

**TOTAL 184.00**

Approval: 019248

**PURPOSE/JUSTIFICATION OF FUNCTION:**

CUSTOMER COPY

Conference

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

M. Workman, M. Ketchum, A. Loughry, B. Walker, R. Melvin, W. Humphrey

V. Shafer, J. Stevenson, C. Ganes, J. Gundy, H. Dalley

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

\_\_\_\_\_  
DATE

88-000221

TMO 3 Form -- Rev. 01/2006

Adelphia Sports Bar & Grille  
218 Capitol Street  
Charleston, WV 25301

**STATE OF WEST VIRGINIA**  
DEPARTMENT OF ADMINISTRATION  
TRAVEL MANAGEMENT OFFICE  
REQUEST FOR HOSPITALITY SERVICE

**Take Out**

Ready At 11:30 Courthouse

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
CONTACT PERSON Chris Garnes  
TELEPHONE NUMBER (304) 558-2060  
FUNCTION SPONSOR Chris Garnes  
LOCATION OF FUNCTION Justices' Chambers  
DATE(S) OF FUNCTION 05/31/2017

Server: Tiffany D 05/31/17 10:50 /  
Check #2 Ready At 11:30 Courthouse  
Tax Exempt

Subtotal \$208  
Total \$208  
Credit Card \$1  
VISA XXXXXXXX  
Time 11:29  
Authorization Appro Code 038  
Check ID  
Payment ID Sgrf13c

<b>ESTIMATED EXPENSES</b>	
FOOD AND BEVERAGE	\$ 251.00
MEETING ROOM	\$
EQUIPMENT RENTAL	\$
LODGING	\$
OTHER/	\$
OTHER/	\$
<b>TOTAL</b>	<b>\$ 251.00</b>

Subtotal: \$208  
Amount: \$208  
+ Tip: 42.50  
= Total: 251.00  
X \_\_\_\_\_  
CHRISTOPHER A GARNES

Customer Copy

**PURPOSE/JUSTIFICATION OF FUNCTION:**

Conference

Thanks for visiting Adelphia Sports Bar & Grill  
Please come again

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

M. Workman, M. Ketchum, A. Loughry, B. Walker, R. Melvin, W. Humphrey  
V. Shafer, J. Stevenson, J. Stover, C. Garnes, J. Gundy, G. Johnson, C. Morris

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

\_\_\_\_\_  
DATE

88--000222

TMO 3 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

**south hills market  
and café**

SOUTH HILLS

SPENDING UNIT NAME/ORG # Supreme Court of Appeals

CONTACT PERSON Chris Garnes

TELEPHONE NUMBER (304) 558-2060

FUNCTION SPONSOR Chris Garnes

LOCATION OF FUNCTION Justices' Chambers

DATE(S) OF FUNCTION 06/06/2017

Date: 6/6/2017 Time: 11:30:16 AM

Status: Approved

Card Type: Visa

Card Number: XXXXXXXXXX0848

Expiration Date: X/XX/XXXX

Server Name: Tasha

Check Number: 230073

Tab Number: 400

Number Of Covers: 29

Persons: 1, 2, 3, 4, 5, 6, 7, 8,

9, 10, 11, 12, 13, 14, 15

Card Owner: games/christopher a

**ESTIMATED EXPENSES**

FOOD AND BEVERAGE	\$ 271.30
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER	\$ _____
OTHER	\$ _____
<b>TOTAL</b>	<b>\$ 271.30</b>

AMOUNT	223.30
TIP	48.00
<b>TOTAL</b>	<b>271.30</b>
Approval:	015876

**PURPOSE/JUSTIFICATION OF FUNCTION:**

Conferences

CUSTOMER COPY

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

Justices, staff, and guests.

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

DATE

88--000223

TMO 3 Form - Rev. 01/2008

Agency Ref. # \_\_\_\_\_

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Garnes  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Garnes  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 06/14/2017

**PATERNOS AT THE PARK**

401 MORRIS ST  
 CHARLESTON, WV 25309  
 3042055482  
 Cashier: Employee  
 Transaction 100000

Total \$186.00  
 CREDIT CARD AUTH \$186.00  
 VISA 8448  
 Tip Inc.  
 Total 186.00

**ESTIMATED EXPENSES**

FOOD AND BEVERAGE \$ 186.00  
 MEETING ROOM \$ \_\_\_\_\_  
 EQUIPMENT RENTAL \$ \_\_\_\_\_  
 LODGING \$ \_\_\_\_\_  
 OTHER \$ \_\_\_\_\_  
 TOTAL \$ 186.00

Retain this copy for statement validation

14-Jun-2017 11:42:03A  
 \$186.00 | Method: EMV  
 VISA CREDIT XXXXXXXXXXXXXXX8448  
 CHRISTOPHER A GARNES  
 Ref #: 716500376171  
 Auth #: 019836  
 MID: \*\*\*\*\*9998  
 AID: A0000000031010  
 AUTH/NUM: VISA  
 SIGNATURE VERIFIED

**PURPOSE/JUSTIFICATION OF FUNCTION:**

Conference



**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

M. Workman, M. Ketchum, A. Loughry, B. Walker, R. Melvin, W. Humphrey  
 V. Shafer, J. Stevenson, C. Garnes, J. Gundy, G. Johnson

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

DATE

By: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

DATE

88--000224

TMO 3 Form - Rev. 01/2008

Agency Ref. # \_\_\_\_\_

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Garnes  
 TELEPHONE NUMBER (304) 558-2080  
 FUNCTION SPONSOR Chris Garnes  
 LOCATION OF FUNCTION Clerk's Office  
 DATE(S) OF FUNCTION 07/31/2017

DEFERRED ORDER  
 \*\*\* Order Due: 12:15PM \*\*\*  
 Pies etc Pints #2  
 222 Lucito Street  
 Charleston, WV 25301  
 Phone:  
 www.piesandpints.net

ESTIMATED EXPENSES

FOOD AND BEVERAGE	\$ 232.0
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
<b>TOTAL</b>	<b>\$ 232.0</b>

Order TO GO  
 Exp: Ryan 07/31/2017 12:20 PM

1 Large Pizza Piz	15.00
Pepperoni	2.50
1 Large Pizza Piz	15.00
Pepperoni	2.50
1 Large Pizza Piz	15.00
Pepperoni	2.50
1 Large Classiz Pie	24.00
1 Large Classiz Pie	24.00
1 Char-Grilled hot wings	10.00

PURPOSE/JUSTIFICATION OF FUNCTION:

Award Ceremony

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more must accompany the form):

M. Workman, A. Loughry, Clerk's Office, & guests

Subtotal	191.50
Tax	0.00
Total	191.50
Visa 6448 Payment	191.50
Tip	40.50
Total	232.00

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

\*\*\* Guest Copy \*\*\*  
DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

DATE

88--000225

TMO 3 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

SCHOLZ  
 800 SWETH ST  
 CHARLESTON, WV 25301  
 304-729-7666  
 08/30/2017  
 CREDIT CARD  
 VISA SALE  
 07:23:15

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Garnes  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Garnes  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 08/30/2017

Card # X000000000000918  
 Chip Card: CITI VISA  
 AID: A0000000031010  
 ATC: 8085  
 TC: 2A776AA4F17FF0E3  
 SEQ #: 1  
 Batch #: 7  
 Trans #: 1  
 SERVER: 5115  
 Approval Code: 808594  
 TRANS ID: 46784255746139  
 Entry Method: Chip Read  
 Model: Issue - PDA bypasses

ESTIMATED EXPENSES	
FOOD AND BEVERAGE	\$ 180.14
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LOGGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
<b>TOTAL</b>	<b>\$ 180.14</b>

SALE AMOUNT \$180.14  
 TIP AMOUNT Inc.  
 TOTAL AMOUNT 190.14  
 THANK YOU!  
 CUSTOMER COPY

**PURPOSE/JUSTIFICATION OF FUNCTION:**  
 Conference

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):  
 M. Workman, M. Ketchum, A. Loughry, B. Walker, R. Malvin, W. Humphrey  
 V. Shafer, J. Stevenson, C. Garnes, J. Gundy,

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: \_\_\_\_\_ DATE: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

By: \_\_\_\_\_ DATE: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

88--000226

TMO 8 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

**south hills market  
and café**

SOUTH HILLS

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Garnes  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Garnes  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 08/31/2017

Date: 8/31/2017 Time: 11:29:05 AM  
 Status: Approved  
 Card Type: Visa  
 Card Number: XXXXXXXXXXXXXXX44E  
 Expiration Date: X/XX/XXXX  
 Server Name: Tasha  
 Check Number: 233183  
 Tab Number: 100  
 Number Of Covers: 26  
 Persons: 1, 2, 3, 4, 5, 6, 7, 8  
 9, 10, 11, 12  
 Card Owner: garnes/christopher a

<b>ESTIMATED EXPENSES</b>	
FOOD AND BEVERAGE	\$ <u>214.00</u>
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
<b>TOTAL</b>	\$ <u>214.00</u>

AMOUNT 177.13  
 TIP 36.87  
**TOTAL** 214.00  
 Approval: 078986

CUSTOMER COPY

**PURPOSE/JUSTIFICATION OF FUNCTION:**

Conference

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

- M. Workman, M. Ketchum, A. Loughry, B. Walker, R. Melvin, W. Humphrey
- V. Shafer, J. Stevenson, J. Stover, C. Garnes, J. Gundy, G. Johnson

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

\_\_\_\_\_  
DATE

88--000227

TMO 3 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

Adelphi Sports Bar & Grill  
 218 Capitol Street  
 Charleston, WV 25301

Server: Brianna M  
 Check #: 09/12/17 11:11 AM  
 Tax Exempt: Court

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Ganes  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Ganes  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 09/12/2017

Credit Card Swiped  
 Visa xxxxxxxx8448  
 Time 11:42 AM  
 Authorization Approved  
 Approval Code 052454  
 Check ID  
 Payment ID dy00g1B1Q

AMOUNT: \$181.00

Tax: 39.00  
 Total: 220.00

*[Signature]*  
 CHRISTOPHER A. GARNES

ESTIMATED EXPENSES

FOOD AND BEVERAGE \$ 220.00  
 MEETING ROOM \$  
 EQUIPMENT RENTAL \$  
 LODGING \$  
 OTHER/ \$  
 OTHER/ \$  
 TOTAL \$ 220.00

Customer Copy

Thanks for visiting Adelphi Sports Bar & Grill  
 Please come again

**PURPOSE/JUSTIFICATION OF FUNCTION:**  
 Conference

**FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):**  
 M. Workman, M. Ketchum, A. Loughry, B. Walker, R. Melvin, W. Humphrey, J. Stover,  
 V. Shafer, J. Stevenson, C. Ganes, J. Gundy, H. Dalley

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
 DATE

By: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

\_\_\_\_\_  
 DATE

88--000228

MO 3 Form - Rev. 01/2008

The Black Restaurant & Wine Cellar  
201 Capital Street  
Charleston, WV 25301  
ph: (681) 265-9674

**STATE OF WEST VIRGINIA**  
DEPARTMENT OF ADMINISTRATION  
TRAVEL MANAGEMENT OFFICE  
REQUEST FOR HOSPITALITY SERVICE

PENDING UNIT NAME/ORG # Supreme Court of Appeals  
CONTACT PERSON Chris Garnes  
TELEPHONE NUMBER (304) 556-2060  
FUNCTION SPONSOR Chris Garnes  
LOCATION OF FUNCTION Justices' Chambers  
DATE(S) OF FUNCTION 09/13/2017

TABLE: Nvec - 11 Guests  
Server: Zach  
6/13/2017 11:31:45 AM  
Sequence #: 0000002  
ID #: 0128701

ITEM	QTY	PRICE
Subtotal		\$140.60
Grand Total		\$140.60

Credit Purchase  
Name : GARNES/CHRISTOPHER A  
CC Type : VISA  
CC Num : 1000x 0000 0000 8848  
Approval : 013932  
Server : Zach  
Ticket Num : Nvec

ESTIMATED EXPENSES  
FOOD AND BEVERAGE \$ 171.00  
MEETING ROOM \$ \_\_\_\_\_  
EQUIPMENT RENTAL \$ \_\_\_\_\_  
LODGING \$ \_\_\_\_\_  
OTHER/ \$ \_\_\_\_\_  
OTHER/ \$ \_\_\_\_\_  
TOTAL \$ 171.00

Payment Amount: \$140.60

Tip: 30.40  
Total: 171.00  
*[Signature]*  
x  
TSYS  
CUSTOMER COPY  
I agree to pay the amount shown above.

PURPOSE/JUSTIFICATION OF FUNCTION:

Conference

Thank you for visiting!

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

M. Workman, M. Ketchum, A. Loughry, B. Walker, R. Melvin, J. Stover,  
V. Shafer, J. Stevenson, C. Garnes, J. Gundy, H. Dalley

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

Y: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
DATE

Y: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

\_\_\_\_\_  
DATE

88--000229

TMO 3 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

SPENDING UNIT NAME/ORG # Supreme Court of Appeals

CONTACT PERSON Chris Garnes

TELEPHONE NUMBER (304) 558-2060

FUNCTION SPONSOR Chris Garnes

LOCATION OF FUNCTION Justices' Chambers

DATE(S) OF FUNCTION 09/19/2017

<b>ESTIMATED EXPENSES</b>	
FOOD AND BEVERAGE	\$ <u>191.64</u>
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER1	\$ _____
OTHER2	\$ _____
<b>TOTAL</b>	<b>\$ <u>191.64</u></b>

SCMOS  
 800 SMITH ST  
 CHARLESTON, WV 25301  
 304-720-7644

09/19/2017 11:42:27

CREDIT CARD  
 VISA SALE

Card # XXXXXXXXXXXXXXX08149  
 Chip Card: CITI VISA  
 AID: A0000000031519  
 ATC: 6000  
 TC: 163280213640149  
 SEQ #: \_\_\_\_\_  
 Batch #: \_\_\_\_\_  
 Trans #: \_\_\_\_\_  
 SERVER: 351  
 Approval Code: 06637  
 TRANS ID: 38726156527858  
 Entry Method: Chip Ref  
 Mode: Issue - PIN Bypass

SALE AMOUNT \$191.64  
 TIP AMOUNT \$0.00  
 TOTAL AMOUNT \$191.64

THANK YOU  
CUSTOMER COPY

**PURPOSE/JUSTIFICATION OF FUNCTION:**  
 Conference

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):  
 M. Workman, M. Ketchum, A. Loughry, B. Walker, R. Melvin, W. Humphrey, J. Stover,  
 V. Shafer, G. Johnson, C. Garnes, J. Gundy

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_ DATE \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

By: \_\_\_\_\_ DATE \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

88--000230

TMO 3 Form - Rev. 01/2008

Agency Ref. # \_\_\_\_\_

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Garnes  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Garnes  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 09/19/2017

**PATERNOS AT THE PARK**  
 601 MORRIS ST  
 CHARLESTON, WV 25309  
 3042056482

Cashier: Windy F  
 Transaction 100000  
 Total **\$206.40**  
 CREDIT CARD AUTH **\$206.40**  
 VISA 8448  
 Tip Ins  
 Total 206.40

<b>ESTIMATED EXPENSES</b>	
FOOD AND BEVERAGE	\$ <u>206.40</u>
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
<b>TOTAL</b>	<b>\$ <u>206.40</u></b>

Retain this copy for statement validation.  
 19-Sep-2017 11:26:47A  
 \$206.40 | Method: EMV  
 VISA CREDIT XXXXXXXXXXXX8448  
 CHRISTOPHER A GARNES  
 Ref #: 72620602811  
 Auth #: D12046  
 MID: \*\*\*\*\*5998  
 AID: A000000031010  
 AuthWkNm: VISA  
 SIGNATURE VERIFIED



**PURPOSE/JUSTIFICATION OF FUNCTION:**

Conference

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of more must accompany the form):

- M. Workman, M. Ketohum, A. Loughry, B. Walker, R. Malvin, W. Humphrey, J. Stover,
- V. Shafer, J. Stevenson, C. Garnes, J. Gundy, H. Dailey

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

DATE

88--000231

TMO 3 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

**south hills market  
and café**

SOUTH HILLS

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Garnes  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Garnes  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 09/20/2017

Date: 9/29/2017 Time: 11:23:28 AM  
 Status: Approved  
 Card Type: Visa  
 Card Number: XXXXXXXXXXXX644E  
 Expiration Date: X/XX/XXXX  
 Server Name: Tasha  
 Check Number: 25389  
 Tab Number: 100  
 Number Of Covers: 25  
 Persons: 1, 2, 3, 4, 5, 6, 7  
 8, 10, 11, 12  
 Card Owner: games/christopher

ESTIMATED EXPENSES		
FOOD AND BEVERAGE	\$ 217.00	AMOUNT 179.43
MEETING ROOM	\$ _____	TIP 32.57
EQUIPMENT RENTAL	\$ _____	TOTAL 212.00
LODGING	\$ _____	Approval: 085918
OTHER/	\$ _____	
OTHER/	\$ _____	
TOTAL	\$ 217.00	

CUSTOMER COPY

PURPOSE/JUSTIFICATION OF FUNCTION:

Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

- M. Workman, M. Ketchum, A. Loughry, B. Walker, F. Melvin, W. Humphrey,
- V. Shafer, J. Stevenson, C. Garnes, J. Gundy, H. Dalley, B. Kayuha

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

By: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

\_\_\_\_\_  
 DATE

\_\_\_\_\_  
 DATE

88--000232

TMO 3 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

**south hills market  
and café**

SOUTH HILLS

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Games  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Games  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 09/28/2017

Date: 9/28/2017 Time: 11:35:18 AM  
 Status: Approved  
 Card Type: Visa  
 Card Number: XXXXXXXXXXXXXXX448  
 Expiration Date: X/XX/XXXX  
 Server Name: Tasha  
 Check Number: 234328  
 Tab Number: 100  
 Number Of Covers: 28  
 Persons: 1, 2, 3, 4, 5, 6, 7,  
 8, 10, 11, 12, 13, 14  
 Card Owner: games/christopher a

<b>ESTIMATED EXPENSES</b>	
FOOD AND BEVERAGE	\$ 246.00
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER	\$ _____
OTHER	\$ _____
<b>TOTAL</b>	<b>\$ 246.00</b>

AMOUNT	202.33
TIP	43.67
<b>TOTAL</b>	<b>246.00</b>
Approval:	044304

CUSTOMER COPY

**PURPOSE/JUSTIFICATION OF FUNCTION:**

Conference

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

- M. Workman, M. Ketchum, A. Loughry, R. Melvin, G. Johnson, C. Morris, L. Paletta-Davis
- B. Holmes, J. Lewis, V. Shafer, J. Stevenson, C. Games, J. Gundy

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

\_\_\_\_\_  
DATE

88--000233

TMO 3 Form - Rev. 01/2008

Ag

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

**PATERNOS AT THE PARK**

601 MORRIS ST  
CHARLESTON, WV 26305  
3042055482

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Garnes  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Garnes  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 11/14/2017

Cashier: Mindy F  
 Transaction 100000  
 Total \$ 120.00  
 CREDIT CARD AUTH \$ 120.00  
 VISA 8448  
 Tip Inc.  
 Total 120.00

Retain this copy for statement validation

<b>ESTIMATED EXPENSES</b>		
FOOD AND BEVERAGE	\$	<u>120.00</u>
MEETING ROOM	\$	
EQUIPMENT RENTAL	\$	
LODGING	\$	
OTHER/	\$	
OTHER/	\$	
<b>TOTAL</b>	\$	<u>120.00</u>

14-Nov-2017 11:38:29A  
 \$120.00 | Method: EMV  
 VISA CREDIT \*\*\*\*\*XXXXXXXX8448  
 CHRISTOPHER A GARNES  
 Ref #: 731800616241  
 Auth #: 059544  
 MID: \*\*\*\*\*5998  
 AID: A0000000031010  
 AthNwNm: VISA  
 SIGNATURE VERIFIED

**PURPOSE/JUSTIFICATION OF FUNCTION:**

Conference



**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups > more must accompany the form):  
 M. Workman, M. Ketchum, A. Loughry, R. Melvin, W. Humphrey,  
 V. Shafer, J. Stevenson, C. Garnes, J. Gundy, B. Kayuha

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

\_\_\_\_\_  
DATE

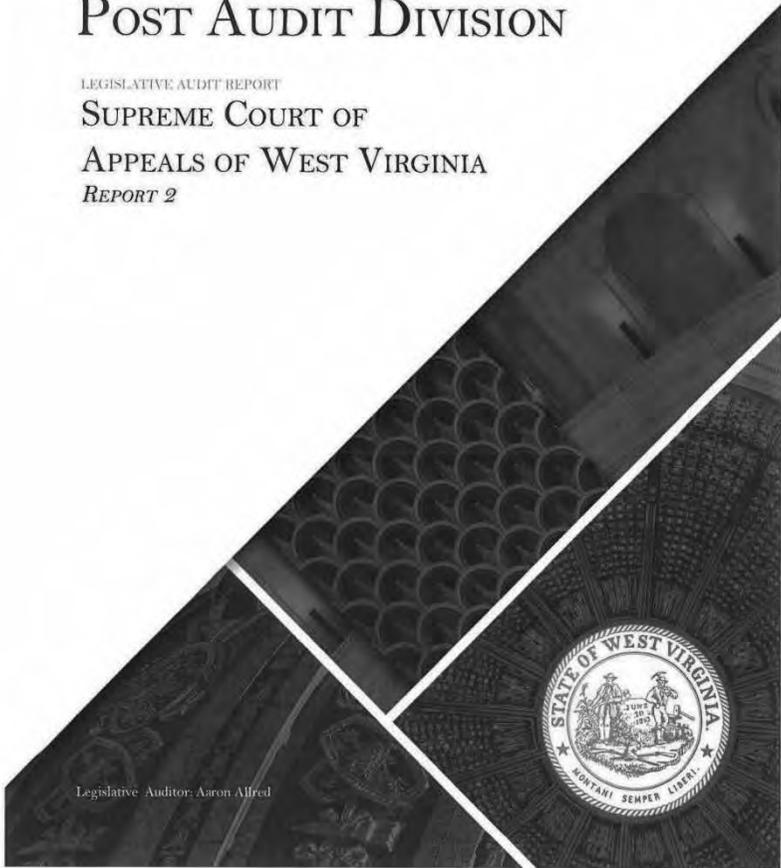
88--000234



JOINT COMMITTEE ON GOVERNMENT AND FINANCE  
WEST VIRGINIA OFFICE OF THE LEGISLATIVE AUDITOR

# POST AUDIT DIVISION

LEGISLATIVE AUDIT REPORT  
SUPREME COURT OF  
APPEALS OF WEST VIRGINIA  
*REPORT 2*



Legislative Auditor: Aaron Alfred

GENERALLY ACCEPTED GOVERNMENT  
AUDITING STANDARDS STATEMENT

We conducted this performance audit in accordance with Generally Accepted Government Auditing Standards (GAGAS). Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

POST AUDIT DIVISION



JOINT COMMITTEE ON GOVERNMENT AND FINANCE  
WEST VIRGINIA OFFICE OF THE LEGISLATIVE AUDITOR

# Post Audit Division

## POST AUDITS SUBCOMMITTEE MEMBERS

SENATE MEMBERS  
President, **Mitch Carmichael**  
**Ed Gaunch**  
**Roman Prezioso**

HOUSE MEMBERS  
**Tim Armstead**, Speaker  
**Timothy Miley**  
**Eric Nelson Jr.**



## SUPREME COURT OF APPEALS OF WEST VIRGINIA

### REPORT 2

MAY 20, 2018

LEGISLATIVE AUDIT REPORT

### LEGISLATIVE AUDITOR'S STAFF CONTRIBUTORS

Aaron Allred ..... Legislative Auditor  
Doren Burrell ..... Legal Counsel  
Anne Ellison ..... Legal Counsel  
Justin Robinson ..... Audit Manager  
Melissa Bishop, CPA ..... Assistant Director  
Ben Agsten ..... Auditor  
Christian Baumgartner ..... Auditor  
Christopher Canada ..... Auditor  
Judy Strawderman ..... Auditor  
  
Nathan Hamilton ..... Referencer  
Nathan S. Harris ..... Assistant to the Director  
C. Michelle Krompecher ..... Assistant to the Legislative Auditor

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ISSUE 2: PAGE	4
<i>Former Administrative Director Steve Canterbury had six instances where a Court vehicle was reserved but no purpose or destination was provided. Also, Mr. Canterbury had 20 instances of rental car use, totaling \$11,076. They appear to be for personal use and/or convenience. He was also improperly reimbursed \$914 in relation to these instances.</i>	
ISSUE 3: PAGE	8
<i>In 2016 and 2017, the drug courts under the Supreme Court of Appeals of West Virginia purchased 529 gift cards totaling approximately \$125,000 with the State Purchasing Card, without permission from the State Auditor's Office to do so.</i>	
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### **Introduction**

During the April 16, 2018 Post Audits Subcommittee meeting, the Legislative Auditor released a report on the Supreme Court of Appeals of West Virginia that focused on issues regarding Justice Ketchum's and Justice Loughry's use of state vehicles and the Court's failure to report personal use of Court vehicles as a taxable fringe benefit. The report also covered issues of questionable rental car use by Justice Loughry as well as his use of an antique desk valued at \$42,000 in his personal residence, and the lack of a front vehicle plate on Court vehicles. As a continuation of the audit of the Supreme Court of Appeals of West Virginia, this report is focused on the following issues, some of which are in relation to those issues previously reported.

1. Justice Davis had seven uses of a Court vehicle where a destination was provided, but no business purpose was provided.
2. Former Administrative Director Steve Canterbury had six instances where a Court vehicle was reserved but no purpose or destination was provided. Also, Mr. Canterbury had 20 instances of rental car use that appear to be for personal use and he was improperly reimbursed \$911 in relation to those instances.
3. In 2016 and 2017, the drug courts under the Supreme Court of Appeals of West Virginia purchased 529 gift cards totaling approximately \$105,000 with the State Purchasing Card, without permission from the State Auditor's Office to do so.
4. The Supreme Court did not provide information regarding Justice Ketchum's use of a Court vehicle for commuting during the IRS audit of the Court's 2015 federal employment tax returns.

**Issue 1: Justice Davis had seven uses of a Court vehicle where a destination was provided, but no business purpose was provided.**

As discussed in the previous Legislative Auditor's report released on April 16, 2018, the Supreme Court of Appeals of West Virginia provides the five Justices with exclusive access to three Buicks – a 2007 Lucerne, a 2009 Lucerne, and a 2012 LaCrosse. The most likely intention for use of the vehicles is for business purposes, such as attending meetings and conferences, visiting circuit courts, or speaking engagements. As a follow-up to issues in the previous report which focused on Justice Ketchum's and Justice Loughry's use of Court vehicles, the Post Audit Division reviewed the Court vehicle and rental car use for the other presiding Justices, former Justice Benjamin, and the current and former Court Administrators.

**Justice Davis**

Seven Court vehicle reservations for Justice Davis were noted where a destination was provided but no purpose was provided to substantiate the use of a Court vehicle for Court related business. Based on the Court vehicle reservations provided by the Court from 2011 to 2018, there were 75 reservations for Justice Davis. The Post Audit Division reviewed Court records and travel expense documentation to determine the business purpose for these instances. A letter was also sent to Justice Davis requesting clarification and to provide business use and destination for any of those reservations where such information was not available. Of the 75 reservations, the business purpose and destination for 55 reservations was determined. Based on Justice Davis's response and further review, 13 instances were found where, although there appeared to be a reservation, it was determined that Justice Davis did not use the vehicle. Justice Davis stated she traveled in Court vehicles only when accompanied by the Director of Court Security, and for those thirteen instances neither Justice Davis nor the Director of Security have record of travel for those dates. Further, no fuel purchases or other travel expenses could be attributed to those dates. For the remaining seven instances, a destination was determined but not a business purpose. The vehicle use was confirmed for each of the seven instances through a review of the Director of Court Security's calendar which notes that he drove Justice Davis on all seven occasions. For each of these seven instances the business purpose could not be established. These instances are detailed in Table 1.

Date	Destination	Round Trip Mileage
September 14, 2011	Roanoke, WV	194
October 17, 2011	Clarksburg, WV	250
May 29, 2012	Jackson County, WV	80
August 4, 2012	Morgantown, WV	312
September 16, 2012	Snowshoe, WV	294
October 24, 2012	Huntington, WV	106
January 17, 2014	Clay County, WV	104
Total Mileage		1340

During the review of Justice Davis's vehicle use, it was also noted that Justice Davis attended a political fundraiser during a three-day consecutive period for which she had reserved a Court vehicle. From November 13<sup>th</sup> through 15<sup>th</sup>, 2011, Justice Davis had reserved a Court vehicle and traveled with the Director of Court Security to attend anti-truancy meetings in Wheeling, WV and Parkersburg, WV. On November 13<sup>th</sup>, she was driven from Charleston to Wheeling and stayed overnight in Wheeling. The following day, November 14<sup>th</sup>, she participated in an anti-truancy event in Wheeling. At the conclusion of the program, she was driven to Parkersburg, WV where, according to her *State of West Virginia Campaign Financial Statement of 2012*, she attended a fundraising event. On November 15<sup>th</sup>, Justice Davis participated in the anti-truancy event in Parkersburg and then returned to Charleston. Both anti-truancy programs were announced in a press release from the Supreme Court of Appeals of West Virginia on November 10<sup>th</sup>, 2011. During this trip Justice Davis charged no lodging to the State, and only charged \$115 for meal expenses for the three days of travel. Justice Davis also had indicated she made a stop at the Raleigh County Armory for what she believed was a political event incidental to court business, but a date and time for this event could not be confirmed or correlated to any vehicle reservation.

**Issue 2: Former Administrative Director Steve Canterbury had six instances where a Court vehicle was reserved but no purpose or destination was provided. Also, Mr. Canterbury had 20 instances of rental car use, totaling \$11,076, that appear to be for personal use and/or convenience. He was also improperly reimbursed \$911 in relation to those instances.**

**Steve Canterbury, Former Administrative Director**

The vehicle use for former Administrative Director Steve Canterbury was also reviewed. Mr. Canterbury reserved a Court vehicle 78 times between 2012 and July of 2016. Mr. Canterbury did not complete the purpose section of the reservation form for 36 of the 78 uses. Mr. Canterbury responded to an inquiry from the Legislative Auditor and provided business purposes to substantiate the use in all but six instances. For the remaining six instances, the Legislative Auditor attempted to view the personal calendar maintained by the Court for Mr. Canterbury to determine if there was a business purpose; however, those calendars were missing. In a memo dated February 16, 2018, the Executive Assistant informed the current Administrative Director that, in response to a request outside of this audit, she was asked to provide the daily calendars from 2005 to present. However, the calendars for 2013 to 2016 that were previously in her files were now missing. As a result, the Legislative Auditor is unable to confirm the purpose, destination, mileage, or if in fact a Court vehicle was used by Mr. Canterbury for those six instances.

In regard to Mr. Canterbury's use of rental cars when traveling on out-of-state Court business, we noted 20 instances that appeared to be for personal use, similar to Justice Loughry's rental car use in the previous report. These 20 instances are detailed in Table 2.

Dates	Location	Round-Trip Mileage Airport to Hotel	Mileage on Rental Car Receipt	Mileage Difference	Total Cost of Rental Car (with Parking, Upgrades, Fuel Option, and GPS)	Amount Improperly Reimbursed to Mr. Canterbury
July 23-27, 2010	Denver/Vail, CO	244	1922	1678	\$1,771.12	\$321.72
September 19-21, 2010	Salt Lake City, UT	18	56	38	\$144.88	\$ -
November 30- December 4, 2010	New Orleans, LA	33	91	58	\$721.42	\$ -
November 30- December 4, 2011	San Antonio, TX	20	144	124	\$671.13	\$75.80
April 22-25, 2012	Little Rock, AR	13	136	123	\$491.46	\$ -
May 9-12, 2012	Omaha, NE	14	235	221	\$314.42	\$30.00
November 28- December 3, 2012	Palm Springs, CA	481	1024	543	\$1,124.46	\$233.18
April 20-25, 2013	Boston, MA	34	163	129	\$404.27	\$ -
December 4-8, 2013	Naples, FL	68	344	276	\$1,395.09	\$77.78
January 26-28, 2014	Savannah, GA	21	207	186	\$294.44	\$ -
March 20-23, 2014	Pensacola, FL	120	168	48	\$684.58	\$79.78
April 26-30, 2014	Portland, OR	25	798	773	\$320.54	\$ -
September 15-19, 2014	Memphis, TN	24	155	131	\$180.91	\$ -
May 13-15, 2015	Arlington, VA	11	86	75	\$366.19	\$ -
May 16-20, 2015	Albuquerque, NM	12	273	261	\$331.63	\$ -
November 7-10, 2015	Austin, TX	21	88	67	\$277.30	\$ -
December 2-5, 2015	Monterey, CA	212	706	494	\$497.91	\$ -
March 17-20, 2016	Pensacola, FL	10	247	237	\$228.45	\$ -
July 20-26, 2016	Jackson Hole, WY	20	252	232	\$302.10	\$ -
November 29- December 4, 2016	Naples, FL	68	203	135	\$354.01	\$92.78
<b>TOTALS</b>		<b>1469</b>	<b>7298</b>	<b>5829</b>	<b>\$11,076.31</b>	<b>\$911.04</b>

As the table shows, for many of the instances Mr. Canterbury drove a significant number of miles in these rental cars in excess of the round-trip mileage to and from the airport and hotel where he stayed. Based on the rental car receipts, some instances are more egregious than others. For instance, during his trip to Denver/Vail, CO, Mr. Canterbury drove the rental car for 1,922 miles, 1,678 miles more than the round-trip mileage from the airport to his hotel. This car rental, including parking and additional days of use unrelated to Court business, cost a total of \$1,771.12. On his trip to Portland, OR, Mr. Canterbury drove the rental car 798 miles, 773 miles more than the round-trip distance from the airport to hotel, costing \$320.54. The total cost related to these rental cars is \$11,076.31. While not all instances noted have excessive mileage over the round-trip distance to the airport and hotel, the Legislative Auditor questions the need for these rental cars in lieu of using some less expensive means of transportation such as a taxi, shuttle, or ride share service. As similarly noted for Justice Loughry's use of a rental car in the April 16, 2018 Legislative Auditor's report, Mr. Canterbury's rental car use also appears to be for personal use at the cost of the State.

Also, in relation to these rental car uses, Mr. Canterbury was reimbursed for related rental car expenses that he should not have been reimbursed. For these 20 instances, the Legislative Auditor reviewed the cost of the rental car, associated expense reimbursements, adjustments made to the reimbursements to account for personal use, and the number of miles driven. To determine any improper reimbursements, the Legislative Auditor examined additional airport parking costs, vehicle upgrade charges, and other expenses resulting from rental car use for personal days taken on these trips. In many of these instances, Mr. Canterbury was reimbursed for costs related to his travel that he had paid for upfront. For several trips, Mr. Canterbury took additional "personal days" in the location he traveled to, essentially as personal vacations. To account for the personal expenses related to his use of rental cars Mr. Canterbury attempted to pro-rate the rental car costs and seek reimbursement only for those costs that were associated with Court business. However, in some instances he did not account for the higher rental rate charged over the base weekly rate for using the vehicle for additional days for personal use and was reimbursed based on the flat average daily cost of the rental he had calculated. Also, he sought reimbursement for hotel parking charges and upgrades to the rental cars, such as upgrading to a better vehicle and GPS, that were not necessary but were included in the costs in his pro-rated calculation. The additional personal days also incurred costs associated with the parking charges for his personal vehicle at the airport he departed from, which he was also reimbursed for by the Court. The result of this examination showed that **Mr. Canterbury was improperly reimbursed for \$911.04 of expenses he was not eligible to receive.**

The Legislative Auditor contacted Mr. Canterbury and informed him of the \$911.04 of expenses related to the rental cars that he was improperly reimbursed. On May 10, 2018, Mr. Canterbury provided the Legislative Auditor with a copy of a letter he sent to the Court's current Administrative Director. In this letter, Mr. Canterbury states that he was informed of these errors by the Legislative Auditor's Office and that, even though he had made every attempt to account for any costs incurred related to personal expenses for these trips, he had made several honest mistakes that were not caught by the Administrative Office's Finance Division when the reimbursements were processed. In regard to these errors, Mr. Canterbury provided the Court a

check in the amount of \$911.04 payable to the State of West Virginia to correct these errors, a copy of which was provided to the Legislative Auditor.

**Remaining Justices' and Administrative Director's vehicle use.**

**Justice Benjamin (Former Justice)**

The Legislative Auditor reviewed the use of Court vehicles by former Justice Benjamin and determined there were no issues. There were only six instances of Court vehicle use by Justice Benjamin and all uses stated a business purpose. Justice Benjamin had significantly more travel expenses reimbursed to him than other Justices, totaling \$122,457 from 2010 through 2016, but the Legislative Auditor found no issues in reviewing those records. Instances of rental car use were also reviewed with no issues. Justice Benjamin was very meticulous with his record keeping, planned trips in a manner that minimized the associated mileage reimbursements, and only claimed reimbursement for expenses that were reasonable and allowed.

**Justice Walker**

The Legislative Auditor reviewed the one Court vehicle reservation by Justice Walker and found no issues.

**Chief Justice Workman**

The Legislative Auditor reviewed the seven Court vehicle reservations by Chief Justice Workman and found no issues.

**Administrative Director Gary Johnson**

The Legislative Auditor reviewed the four Court vehicle reservations by the current Administrative Director and found no issues.

**Recommendation**

The Legislative Auditor recommends that the Supreme Court of Appeals of West Virginia comply with his recommendations from the April 16, 2018 report concerning its vehicle use and continue with its current course of action to administer its vehicle fleet under the Fleet Management Office of the Department of Administration.

**Issue 3: In 2016 and 2017, the drug courts under the Supreme Court of Appeals of West Virginia purchased 529 gift cards totaling approximately \$105,000 with the State Purchasing Card, without permission from the State Auditor's Office to do so.**

Based on documentation provided from the State Auditor's Office, in 2016 and 2017 drug courts under the purview of the Supreme Court of Appeals of West Virginia purchased approximately \$105,000 in gift cards, using the State Purchasing Card (P-Card), as part of its incentive program for drug court participants. The State Auditor's Office Purchasing Card Policies require P-Card holders to obtain prior approval to purchase gift cards, and this approval is not granted as a blanket approval but rather per instance. The Supreme Court of Appeals did not request this approval from the State Auditor's Office and therefore, was in violation of those Purchasing Card Policies. Due to this issue, the Legislative Auditor sought to determine the nature of the drug court incentive program and the purchase of these gift cards.

The purpose of the drug courts is to enhance public safety while reducing crime and drug-related convictions, increase the possibility of successful rehabilitation, reduce substance abuse, and reduce recidivism for substance abuse offenders. This is accomplished through judicially supervised substance abuse treatment, rehabilitation, and intense monitoring with the goal of returning drug-free, law abiding, and productive citizens to the community. As a component of this program, incentives are used to acknowledge progress within the program or remove barriers to the possible success of the individual participant.

The drug courts' incentive programs are administered through the county probation offices. Participants are required to pay a fee, up to \$700, to participate in the drug court program. These fees are deposited with the Supreme Court at the end of each month and maintained in separate accounts to be allocated to the appropriate drug court. Participants who cannot pay the fee can pay a reduced amount in addition to performing some form of court mandated activity, such as community service, in lieu of the full fee. These fees are used to pay for incentives, supplies, graduation ceremonies, participant meals and snacks, and other costs associated with the participants' treatment and activities, so long as the expenditures directly benefit drug court participants. Currently, incentive purchases are limited to \$1,000 per month for each probation office. The only instance where tax dollars are spent on drug court incentives is in the case of the juvenile drug courts, where participants are not required to pay a fee.

Each probation office is issued one Purchasing Card to make purchases with, including to purchase incentives needed for the drug court participants. According to the Adult Drug Court Reporting Requirements, all purchases made for the drug courts with participant fees must be paid for with the P-Card. While drug courts were purchasing gift cards as incentives to be given directly to drug court participants, these drug courts were also purchasing gift cards in large amounts, up to \$1,000. A summary of those gift cards purchased for large amounts, \$100 to \$1,000, is shown in Table 3.

Value of Gift Cards Purchased	Total Number Purchased	Total Cost
\$1,000	4	\$4,000.00
\$500-\$999	20	\$10,461.15
\$100-\$499	94	\$13,451.95
<b>Total</b>	<b>118</b>	<b>\$27,913.10</b>

The purpose for purchasing gift cards for large amounts was for convenience to purchase other incentives using the gift card instead of the P-Card. There is only one P-Card issued to each probation office, and therefore, there is only one person that can make purchases for the entire office, including for the drug court program.

To get around this issue, these offices began the practice of purchasing gift cards for large amounts and then allowing probation officers administering the incentive program to purchase incentives as needed with those cards. Gift cards were purchased for large amounts, up to \$1,000, for Wal-Mart as well as Visa and Mastercard gift cards that have no purchase location restriction. This practice makes it difficult to provide transparency of the use of the drug court participants' collected fees. The purpose of the State Auditor's Office Purchasing Card Policy prohibiting the purchase of gift cards without approval is due to the fact that once the gift card is purchased, the State Auditor's Office can no longer determine what was subsequently purchased using the gift card. The potential for fraudulent activity to occur is greatly increased and accountability is reduced without itemized receipts to account for each transaction made with the gift card. **The Legislative Auditor attempted to reconcile transactions made with gift cards by the Kanawha County Adult Probation Office and was unable to do so with the receipts provided.** The system currently in place that attempts to account for those purchases is inadequate and does not promote accountability and transparency.

On March 14, 2018, the Post Audit Division sent a letter to the Administrative Director of the Court recommending the drug court's practice of purchasing gift cards with the P-Card stop until approval is granted from the State Auditor's Office. This practice has since been suspended, and the Court is currently discussing the process with the State Auditor's Office to determine if the practice can be continued and to develop a method for doing so that would alleviate the State Auditor's Office's concerns with accountability and transparency.

Another issue identified by the Legislative Auditor relates to the current spending of those drug court participants' collected fees, which is limited to \$1,000 per month. Currently across the 55 counties operating drug courts, there is a current total balance of collected fees of approximately \$300,000, which has been the consistent balance since 2015. Some counties have accumulated a substantial balance of collected fees, such as Hampshire County with over \$60,000. The current

spending limit of \$1,000 per month makes it nearly impossible for Hampshire County to spend down this balance. Without some change to this current structure, these fees will continue to accumulate and remain unused.

**Recommendations**

- 3.1 The Legislative Auditor recommends that the Supreme Court of Appeals of West Virginia seek approval from the State Auditor's Office to purchase gift cards as incentives for drug court participants. Gift cards should be awarded directly to drug court participants, should be limited to a reasonable amount, and should be recorded in a manner that would allow the State Auditor's Office to confirm the recipient of the gift card was a participant in the drug court program. Further, it is recommended that the court abandon the practice of purchasing gift cards for large amounts that are in turn used to purchase other incentive items and determine and implement another method for purchasing these incentives.
- 3.2 The Legislative Auditor recommends the Supreme Court of Appeals of West Virginia determine and implement a method that will allow drug courts that have accumulated an excessive amount of participant fees to spend down this balance in a way that is equitable and meets the defined purpose for those fees. If changes to statute are required to do so, it is recommended that the Court work with the Legislature in order to make those required changes. The Supreme Court should report back to the Post Audits Subcommittee no later than the interim meeting held in September 2018 and inform the committee of this method.

**Issue 4: The Supreme Court did not provide information regarding Justice Ketchum's use of a Court vehicle for commuting during the IRS audit of the Court's 2015 federal employment tax returns.**

In April 2017, the Internal Revenue Service (IRS) began conducting an audit of the 2015 federal employment tax returns of the Supreme Court of Appeals of West Virginia. The scope of this audit covered the Court's payroll processes and procedures, travel reimbursements and related policies, payments to independent contractors, educational reimbursements, and the classification of employees. This audit, which concluded in January 2018, resulted in the Court paying the IRS \$227,541 concerning eight notices of adjustment issued to the Court. Seven of those adjustments were for workers classified as independent contractors who should have been treated as employees for tax purposes. The eighth required adjustment related to per diem payments that should have been treated as taxable to the employees who received them. The agreement reached on each of these adjustments stipulates that such agreement is "final and conclusive **except**" for the following three conditions:

1. The matter it relates to may be reopened in the event of fraud, malfeasance, or **misrepresentation of material facts**; [Emphasis Added]
2. It is subject to the Internal Revenue Code sections that expressly provide that effect be given to their provisions (including any stated exception for Code section 7122) notwithstanding any other law; and
3. If it relates to a tax period ending after the date of this agreement, it is subject to any law, enacted after the agreement date, that applies to the tax period.

In the IRS Information Document Request Number 4 (IDR No. 4), which is in Appendix C of this report, the Court was requested to provide employee and vehicle information for, "*any WV Supreme Court of Appeals owned or leased vehicles that were taken home overnight by an employee in 2015 (i.e. employees commute in vehicle).*" As a press release by the Supreme Court concerning the IRS audit clearly states, "**none of the employees listed are Justices.**" The Legislative Auditor just last month released a report clearly showing that Justice Ketchum, in his own words, "*... began commuting in the 2007 silver Buick Lucerne after January 9, 2012. The last time [he] drove the 2007 Buick Lucerne was June 15, 2016.*" Also, this report noted that the other Justices had approved this vehicle use prior to Justice Ketchum using the vehicle for commuting. In a memo to the Legislative Auditor dated February 26, 2018, he states:

*I believe that I began commuting in the 2007 silver Buick Lucerne after a Court meeting on January 9, 2012. In this meeting, all the Justices authorized me to drive the 2007 Buick Lucerne. I believe our Court administrator, Steve Canterbury, was also present at this meeting.*

In the Court's response to the April 16, 2018 Legislative Auditor's report, the Court stated:

*The Court reached a resolution with the IRS on a number of other items, and one of the terms of the agreement was that issues related to tax years 2014, 2015, 2016, 2017, and 2018 through March 31, 2018 would be closed relative to the scope of the IRS Audit. Further, the IRS Auditors advised the Court as the IRS Audit was in the final settlement phase that it would not be necessary to issue revised W-2s for*

*employment tax issues encompassed by the IRS Audit for tax years 2014, 2015, 2016, 2017, and 2018 through March 31, 2018.*

The Legislative Auditor posed three questions to the Court regarding this agreement reached with the IRS. The Court's response, which restates each of those questions, are quoted below:

- 1) *"Did the IRS auditors issue a verbal or written agreement with the Court on matters referred to in the two sentences above with regards to the use of automobiles? I have looked through the IRS documentation you provided us and do not see a Form 5701 Notice of Proposed Adjustment that deals with the cars or any comments about the use of the cars on the Form 144491. If I overlooked something, please let me know."*

*Issues relating to the Court Fleet of Vehicles were within the scope of the IRS Audit, but not identified as an area of concern by the IRS Audit Agents. No Notice of Proposed Adjustment relating to the Court Fleet of Vehicles was issued.*

- 2) *"If the Court's position is that the IRS formally waived any need for amended W-2s for the vehicles, did the Supreme Court of Appeals, when dealing with the IRS on the issue of the taxable fringe benefit of the use of the cars by the Justices (Form 4564 - Request Number 4), inform the IRS that the Court's Administrative Division Counsel had informed the members of the Court in 2016 in writing that the use of the cars were a taxable fringe benefit?"*

*The Court's position is that the IRS Audit Agents instructed the Court not to produce amended W-2s as a result of the IRS Audit and resolution. As noted, the IRS Audit Agents were provided with information regarding the Court Fleet of Vehicles in response to IDR (Individual Document Request) No. 4. Conversation regarding the Court Fleet of Vehicles was minimal. The IRS Audit Agents neither requested nor were provided any other memoranda, minutes or other documents concerning vehicle usage.*

- 3) *"Did the Supreme Court of Appeals, when dealing with the IRS on the issue of the taxable fringe benefit of the use of the cars by the Justices (Form 4564 - Request Number 4), inform the IRS that Justice Ketchum had used a Court vehicle for over 70,000 miles of commuting and other personal use?"*

***The information regarding vehicles provided by the Court to the IRS in response to IDR No. 4 did not include any specific information regarding Justice Ketchum's use of a Court vehicle.***

In addition, in a letter dated March 8, 2018, to the Legislative Auditor's Office, Sue Racer-Troy, Chief Financial Officer of the Supreme Court of Appeals, confirmed that, prior to the IRS' audit of the Court, she knew Justice Ketchum had used a state vehicle to commute. Moreover, Ms. Troy stated she had informed the previous Administrative Director that "commuting was a taxable event" when she became aware of Justice Ketchum's commuting in a state vehicle. Thus, the Legislative Auditor's Office questions why this information was not provided to the IRS.

**Other potential issues concerning the IRS audit of the Supreme Court of Appeals.**

The IRS audit also brought to light other issues that the Legislative Auditor calls into question. These issues include:

1. **Worker classification**, where employees were misclassified as "contract employees", yet should have been treated as employees of the Court. The Legislative Auditor questions whether this misclassification may extend beyond the federal tax implication into areas concerning benefits that weren't provided those employees such as health care and retirement benefits through the State and additional taxes incurred by the employee due to this classification.
2. **Per diems**, that were improperly reported on IRS Form 1099 rather than employees' W-2s relating to daily compensation and mileage paid to circuit judges in accordance with W.Va. Code §6-7-5. The Legislative Auditor questions the rationale behind reporting these wages on IRS Form 1099 and if there may be confusion over the State's use of the term per diem. The IRS resolution for these issues was for the Court to absorb the tax burden of the instances of non-compliance and pay the associated taxes due. No individual employee of the Court was required to pay, and the IRS indicated that issuing amended W-2s to those employees would not be appropriate or required.
3. **Payment of additional wages on IRS Form 1099 for employees** where it appears doing so may have been an attempt to limit the wages reported on a W-2 to circumvent salary limits set by statute or established for employees who are receiving retirement benefits from the Consolidated Public Retirement Board. It is the Legislative Auditor's understanding that this was in fact the case, and for employees who had reached the cap limit of wages set out in statute the Court allowed them to continue to work and be paid in excess of this cap and intentionally reported these wages on IRS Form 1099 to avoid them being reported on a W-2 as wages which would have put those employees over the cap and in violation of statute.

These issues are currently being reviewed by the Legislative Auditor and his staff at the Post Audit Division. It is the intent to release a report concerning these issues to the Post Audits Subcommittee in the upcoming June 2018 meeting. This upcoming report will also cover issues concerning the Court's General Revenue Fund re-appropriations which grew to \$29 million in 2012 and was spent down in a direct attempt to forestall legislative sponsorship of a constitutional amendment which would take away the Court's budgetary authority.

**Appendices**

## Appendix A

**WEST VIRGINIA LEGISLATURE**  
*Joint Committee on Government and Finance*

1900 Kanawha Blvd. East, Room E-132  
 Charleston, WV 25305-0610  
 (304) 347-4800  
 (304) 347-4819 FAX



Aaron Allred  
 Legislative Manager

May 4, 2018

Gary Johnson, Administrative Director  
 Supreme Court of Appeals of West Virginia  
 Building 1, Room E-100  
 1900 Kanawha Boulevard, East  
 Charleston, WV 25305

Dear Director Johnson:

This is to transmit a draft copy of the Post Audit Division's second report on the Supreme Court of Appeals of West Virginia. This report is scheduled to be presented during the May interim meeting of the Post Audits Subcommittee. We will inform you of the exact time and location once the information becomes available, but at this time we anticipate that meeting to be held Sunday, May 20, 2018, at 1:00 pm in the Senate Finance Committee Room, Room 451-M. It is expected that a representative from the Supreme Court of Appeals of West Virginia be present at the meeting to respond to the report and answer any questions committee members may have during or after the meeting.

If you would like to schedule an exit conference to discuss any concerns you may have with the report, please notify Nathan Harris, at 304-347-4880 as soon as possible. In addition, if you would like to provide a written response to be included in the report, it must be submitted to our office by Noon on Thursday, May 17, 2018, for it to be included in the final report. Thank you for your cooperation.

Sincerely,

A handwritten signature in cursive script, appearing to read "Aaron Allred".

Aaron Allred

Enclosure

Cc. Chief Justice Margaret L. Workman  
 Justice Menis E. Ketchum, II  
 Justice Robin Jean Davis  
 Justice Allen H. Loughry, II  
 Justice Elizabeth D. Walker  
 Lori J. Paletta-Davis, Esq

## Appendix B

### Objective, Scope, and Methodology

The Post Audit Division within the Office of the Legislative Auditor conducted this audit pursuant to Chapter 4, Article 2, Section 5 of the *West Virginia Code*, as amended.

#### Objectives

This is the second in a series of audits of the Supreme Court of Appeals of West Virginia. The first issue contained several audit objectives. The initial objective was to determine whether the Justices used the Court's vehicles for commuting and/or personal use, to what extent those vehicles were used for commuting and/or personal use, and whether the taxable fringe benefits were appropriately included on the Justices' W-2s. When it was determined that the taxable fringe benefits were not included, an objective was to determine why the taxable fringe benefits were not included, and if the Justices and/or Administrative Office of the Supreme Court were aware that the benefits should be reported. In this second report, we sought to analyze vehicle use by the remaining presiding Justices, Former Justice Benjamin, and the current and former Administrative Director of the Court. An additional objective was to determine the frequency that former Court Administrator Steve Canterbury rented vehicles paid for by the State during out-of-state business, whether the vehicles were for personal use, and whether he was properly reimbursed for expenses related to this use. The objective of the third issue was to determine the nature of the purchase of gift cards using the State Purchasing Card by drug courts under the purview of the Supreme Court, as well as any weaknesses in the procedures for doing so that make the practice susceptible to fraud, misuse, or abuse. Issues four was based on information reviewed regarding the outcome of the IRS audit of the Supreme Court which concluded in January 2018. The objective of issue four was to determine the Courts compliance with the IRS audit based on issues reported in the Legislative Auditor's April 2018 report on the Supreme Court, and to identify any other issues unrelated to federal taxes that may affect the Supreme Court based on the results of this audit.

#### Scope

The scope of this audit consists of the use of state-owned vehicles by the three presiding Justices not covered in the previous report as well as former Justice Benjamin and the former and current Administrative Directors of the Court for the period of 2011-2018, where such information was available. The scope for the vehicles rented by the former Administrative Director of the Court was from 2010 to 2016. Evidence gathered includes all reservations made in the Supreme Court's vehicle reservation system; travel expense reimbursements; rental car receipts and documentation; memos, Justice Administrative Conference notes, and other documents discussing the Court's use of state-owned or rented vehicles; and maintenance and fuel card records for the Court owned Buicks for use by the Justices. The auditors did not complete a full analysis on the use of these assets by all Court employees and it is not the intention of the Post Audit Division to audit the use of state assets by every employee of the Court over the scope of this audit. Further, the scope of this audit concerning the purchase of gift cards by the drug courts of the Supreme Court of Appeals consisted of a review of documentation provided by the State Auditor's Office for all purchases of gift cars using the State Purchasing Card for 2016 and 2017, the policies and procedures of the

drug courts, and interviews with agency personnel who oversee this program. Finally, the scope concerning issues related to the IRS audit of the Courts 2015 federal employment tax returns consisted of a review of the documents and final opinion issued by the IRS to the Supreme Court.

### **Methodology**

Post Audit staff gathered and analyzed many sources of information and assessed the sufficiency and appropriateness of the information used as evidence. Testimonial evidence was gathered through interviews with various individuals who oversee, collect, or maintain information for the Court. The purpose for testimonial evidence was to gain a better understanding or clarification of certain issues, to confirm the existence or non-existence of a condition, and/or to understand the Court's position on an issue. Such testimonial evidence was confirmed by either written statements or the receipt of corroborating or physical evidence.

Auditors requested and received documentation from the Supreme Court Justices and staff in order to conduct this audit, including policies, memos, Administrative conference minutes, and other documentation relating to the use of any state-owned or rented vehicles by Justices and employees of the Court. Auditors also analyzed travel reimbursements, fuel card records, Court vehicle reservation records, and vehicle service records to determine the usage of the vehicles. The auditors also reviewed communications and documentation related to the IRS audit of the Court's 2015 federal employment tax returns.

Appendix C

<b>Form 4564</b>	<b>Department of the Treasury Internal Revenue Service Information Document Request</b>	<b>Request Number 4 - FRI</b>
<b>To:</b> State of West Virginia Supreme Court of Appeals EIN: 55-6000760 1900 Kanawha BLVD E Charleston, WV 25305		<b>Subject: Employment Taxes – Fringe Benefits</b> <b>Submitted to:</b> [REDACTED] <b>Dates of Previous Requests:</b> Initial Request
<b>Description of Documents Requested:</b>  Please have the following information for the calendar year ending 2015 available at the appointment that was scheduled for the week of June 26 <sup>th</sup> thru June 30 <sup>th</sup> , 2017:		
1. Copies of all written policies for the following, for review: <ul style="list-style-type: none"> <li>• Accountable and/or Non-Accountable plan</li> <li>• Travel allowances and/or reimbursements</li> <li>• Automobile allowances and/or reimbursements</li> <li>• Employee use of employer provided automobile</li> <li>• Tuition reimbursements (either paid for directly or reimbursed)</li> <li>• Any other allowance and/or reimbursements (i.e. meal, entertainment, health insurance, etc.)</li> </ul>		
2. A list of all fringe benefit plans available to any employee or group of employees (current or retired), including but not limited to cafeteria plans (Section 125), health plans, HAS (Health Savings Accounts), medical reimbursement plans, etc		
3. For any of the above plans that the WV Supreme Court of Appeals has, please provide copies of the plans for review		
4. Provide a list of employees that have group term life insurance over \$50,000 and if it is included in their wages the amount that is included		
5. Provide the following for any WV Supreme Court of Appeals owned or leased vehicles that were taken home overnight by an employee in 2015 (i.e. employees commute in vehicle): <ul style="list-style-type: none"> <li>• Name of Employee, Job Title and SSN</li> <li>• Department</li> <li>• Make, Model and Year of Vehicle</li> <li>• Cost of the vehicle or FMV at the time placed in service</li> <li>• Mileage logs for 2015, if available</li> <li>• Amount included in wages, if any and date included</li> <li>• If amount was included in wages, provide documentation to support calculation and method used for calculation</li> <li>• WV Supreme Court of Appeals written Policy on take home vehicles</li> </ul>		
Information Due By <u>June 26, 2017</u> At Next Appointment: <input checked="" type="checkbox"/> Mail In <input type="checkbox"/>		
<b>Name and Title of Requestor:</b> [REDACTED]		<b>Date:</b> May 25, 2017
<b>Employee Identification Number: 0770895</b>		
<b>FROM</b>	<b>Office Location:</b> [REDACTED]	<b>Phone:</b> [REDACTED] <b>Fax:</b> [REDACTED]
Form 4564	Page 1 of 2 IDR 4 - Fringe Benefits	

Appendix D



SUPREME COURT OF APPEALS  
CHARLESTON, WEST VIRGINIA  
25305

1000 J. P. MARSH

MAY 17 2018

MARGARET L. WORKMAN  
CHIEF JUSTICE

RECEIVED

May 17, 2018

Mr. Aaron Allred  
1900 Kanawha Blvd. East, Room E-143  
Charleston, WV 25305

Hand Delivered

Dear Mr. Allred:

The revised final draft of the Post Audit Division's second report on the Supreme Court of Appeals of West Virginia was received by the Court on May 15, 2018, and identifies the following issues to which this response is directed:

Issues 1 and 2 involve the use of State vehicles

As previously provided in response to the first report of the Post Audit Division, the Court has completely overhauled the vehicle use policy and adopted the State of West Virginia Motor Vehicle Use Policy, as well as initiated a record-keeping system requiring full documentation of any request for vehicle use by any Supreme Court employee. The Court is in the process of revising its travel-related policies and it will track the State policy. The travel policy will be approved in June.

Issue 3 concerns the purchase with State purchasing cards of gift cards as drug court incentives

In 2015 and 2016, there was significant internal debate by the Court regarding the propriety of monetary incentives in drug courts. Although the Court voted to continue Adult Drug Court monetary incentives (collected from funds paid by participants, not public funds), it was conditioned on the development of a single accounting system. The entire purpose of the Court voting to establish the system was to achieve the goal of transparency, accountability and better oversight, rather than multiple individual drug courts keeping track of the funds.

The Post Audit Division's second report indicates that a number of adult drug courts were purchasing gift cards in large amounts up to \$1,000. A chart in the report shows that there were 118 P-card purchases in amounts from \$100 to \$1,000. As the report points out, the reason was for the convenience of the one drug court employee in each court who was authorized to make these expenditures. The report also points out that this system made it difficult to provide transparency on the use of the drug court participants fees. Although there is no evidence of any fraudulent transactions, the Court recognizes that this can create the potential for fraudulent activity. We also recognize that the accounting system currently in place needs improvement.

The Court has suspended the practice of purchasing gift cards with P-cards and the

Court has been working with the State Auditor's Office to ascertain whether the practice should continue and, if so, to develop an improved accounting system. The Court will also undertake an examination of the drug court fees that have been accumulated and work to find an equitable means of allowing drug courts to utilize the balance of those fees for the purpose for which they were intended.

Issue 4 concerns the IRS Audit

The Post Audit Division's second report emphasizes in the discussion of the Court's agreement reached with the IRS that "[t]he agreement reached on each of these adjustments stipulates that such agreement is 'final and conclusive except' for the following three conditions:

1. The matter it relates to may be reopened in the event of fraud, malfeasance, or misrepresentation of material facts; [Emphasis Added] . . . .

The Post Audit Division's second report proceeds to note in bold that

[b]ased on the facts presented to the Legislative Auditor, it appears the Court was aware of the commuting use of a Court vehicle by Justice Ketchum and understood the tax implications of such use prior to the date the IRS audit began yet did not provide this information to the IRS in IDR No. 4.

But the Legislative Auditor also states that he is "unsure why this information was not provided given the amount of evidence that suggests the Court was aware of Justice Ketchum's commuting in a Court vehicle."

There is no evidence whatsoever that the Court or any employee affirmatively misrepresented any fact to the IRS during the audit. As is common practice, the IRS conducted a document-focused audit. The IRS issued an Individual Document Request (“IDR”) regarding vehicle-usage information and, through Administrative Counsel Lori Paletta-Davis, the existing information was provided. Ms. Paletta-Davis is an experienced lawyer with familiarity with audit issues while, at the same time, she was new to the Court and its practices. Rather, this issue appears to be a result of a mistake that was able to occur, in at least part, because of incomplete record keeping.

Administrative Counsel Lori Paletta-Davis worked closely with Director of Financial Services Sue Troy because of her relevant experience and familiarity with the Court’s financial and accounting history. Ms. Paletta-Davis coordinated the response through Mr. Johnson, but stated that she did not engage with any of the Justices directly at any time during the audit.

At the opening conference, the IRS Audit team explained that this was a “large audit,” which would be focused on how employment taxes were treated by the Court, particularly the classification of certain workers who provided services to the Court. The audit was described as routine for which a number of state government entities, particularly state courts, were undergoing across the country. Further, it was explained that the audit would be executed through Individual Document Requests (“IDRs”) rather than narrative

explanations for the issues that were raised. The procedure was that the IRS requested documents and wanted documents, not narratives, in response.

An IDR "FR-4" entitled "Employment Taxes - Fringe Benefits." FR-4 was comprised of a series of requests that included the following:

Provide the following for any WV Supreme Court of Appeals owned or leased vehicles that were taken home overnight by an employee in 2015 (i.e. employees commute in vehicle):

1. Name of Employee, Job Title and SSN
2. Department
3. Make, Model and Year of Vehicle
4. Cost of the vehicle or FMV at the time placed in service
5. Mileage logs for 2015, if available
6. Amount included in wages, if any and date included
7. If amount was included in wages, provide documentation to support calculation and method used for calculation
8. WV Supreme Court of Appeals written Policy on take home vehicles

To satisfy this request, Ms. Paletta-Davis obtained a spreadsheet of the Court's vehicle fleet list and the vehicle reservation calendar. Other than reformatting this information into a digital format, Ms. Paletta-Davis did not otherwise edit or revise the information she was provided. Ms. Paletta-Davis did recall that someone raised an issue about a member of the Court technology staff who had taken a state-owned car home from time-to-time to accommodate his extensive work-related travel and therefore the employee received a taxable fringe benefit on his W-2.

No one raised any issue regarding Justice Ketchum's use of a court vehicle during the course of the audit. Notably, Justice Ketchum had stopped using the Buick Lucerne, in June

of 2016, more than ten months before Ms. Paletta-Davis was hired in April 2017, Ms. Paletta-Davis stated that she shared all of the documents that were collected and produced as part of the audit with Mr. Johnson and Ms. Troy, and neither raised an issue regarding Justice Ketchum's use of a Court vehicle.

The IRS and Court entered into a "Closing Agreement on Final Determination Covering Specific Matters Regarding Worker Classification" on or about January 8, 2018, resulting in the Court issuing a check to the IRS in the amount of \$227,541 as a result of various proposed adjustments that were identified during the audit. None of the adjustments related to untaxed fringe benefits incurred as a result of a personal vehicle.

On or around January 17, 2018, the Legislative Auditor contacted Ms. Paletta-Davis and indicated that the Post Audit Division was commencing an audit regarding, among other things, an allegation that Justices used state vehicles for personal use. The Legislative Auditor provided a draft report to Ms. Paletta-Davis and the Court on or about April 6, 2018.

Ms. Paletta-Davis learned sometime in March 2018 that Justice Ketchum had used a state vehicle during a prior period of time to commute to and from his home in Huntington. Upon learning that fact, Ms. Paletta-Davis contacted the IRS and informed them of this new information. According to Ms. Paletta-Davis, both Revenue Agents indicated that the IRS would not be reopening the audit, that the matter was to remain closed and that no amended

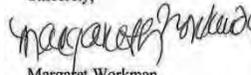
W-2s should be issued.

Further, it is important to note that the audit by the IRS was an employment tax audit, in which the IRS was attempting to identify systemic issues that may have lead to underreporting of employment taxes. The IRS made clear that the audit was closed and they did not want the Court to issue amended W-2s for the tax year 2015 to any of the individually-affected employees for which the IRS did find an alleged error.<sup>1</sup> Moreover, this position is supported by the fact that neither of the lead Revenue Agents expressed any concern regarding the issue or desire to reopen the audit.

The Court wants to make clear that at no time did any representative of the Court make any knowing misrepresentation or omission.

We appreciate the Legislative Auditor's cooperation and collaboration with the Court on finalizing this portion of the audit.

Sincerely,



Margaret Workman  
Chief Justice

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<sup>1</sup>It should be noted, however, that Justice Ketchum has stated that he did not know that commuting was a taxable event and he has since insisted that he be issued revised W-2s.

Appendix E



**SUPREME COURT OF APPEALS**  
CHARLESTON, WEST VIRGINIA  
25305

RECEIVED  
MAY 18 2018

**MARGARET L. WORKMAN**  
CHIEF JUSTICE

May 18, 2018

Mr. Aaron Allred  
1900 Kanawha Blvd. East, Room E-143  
Charleston, WV 25305

Hand Delivered

Dear Mr. Allred:

Please include the attached letter which I received from Sue Racer-Troy in the response to your audit revision.

Sincerely,

Margaret Workman  
Chief Justice

**SUPREME COURT OF APPEALS  
OF WEST VIRGINIA**

GARY L. JOHNSON  
ADMINISTRATIVE DIRECTOR



May 18, 2018

ADMINISTRATIVE OFFICE  
BUILDING 1, ROOM E-100  
1900 KANAWHA BOULEVARD, E.  
CHARLESTON, WV 25305-0832  
(VOICE) 304/558-0146  
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www.courtswv.gov

Chief Justice Margaret Workman  
Supreme Court of Appeals of West Virginia  
1900 Kanawha Blvd., East  
Building 1, Room E-300  
Charleston, WV 25305

LEGISLATIVE MANAGER

MAY 18 2018

RECEIVED

Dear Chief Justice Workman:

I wish to clarify my involvement with the IRS audit last year. We received at least 18 unique Information Document Requests covering various subjects. Many of the requests involved information that I produced while others did not.

The vehicle information was requested in IRD 4 – Employment Taxes and Fringe Benefits. The information was compiled with assistance from several employees including Kim Ellis (list of fleet vehicles) and Arthur Angus (registration calendar). At no point did either IRS agent ask me about my knowledge of anyone using a vehicle for commuting nor do I have any recollection of even being in the room when the issue was discussed (if it was). There were many meetings which I did not attend as they did not apply to records in my possession.

I did tell Steve Canterbury (the Administrative Director and my direct supervisor) that the use of a state vehicle by Justice Ketchum would be a taxable fringe benefit, if it was used for commuting. Mr. Canterbury told me that it was "none of my business". My knowledge of Justice Ketchum's vehicle use was my personal observation of seeing a state car parked in his parking space at the Capitol. But the extent of his usage (when he started using the vehicle, how frequently he used the vehicle, etc.) was not known to me. I would not risk my professional license to hide vehicle usage from the IRS.

Sincerely,

Sue Racer-Troy, Chief Financial Officer

cc: Aaron Allred, Legislative Manager



POST AUDITS SUBCOMMITTEE  
MEMBERS

SENATE MEMBERS	HOUSE MEMBERS
<i>President.</i> Mitch Carmichael	Tim Armstead, <i>Speaker</i>
Ed Gaunch	Timothy Miley
Roman Prezioso	Eric Nelson Jr.

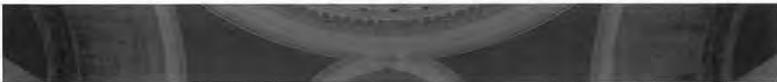


JOINT COMMITTEE ON GOVERNMENT AND FINANCE  
WEST VIRGINIA OFFICE OF THE LEGISLATIVE AUDITOR  
- POST AUDIT DIVISION -

*Legislative Auditor: Aaron Allred*

---

Room 329 W, Building 1  
1900 Kanawha Boulevard East  
Charleston, West Virginia 25305  
Phone: (304) 347-4880



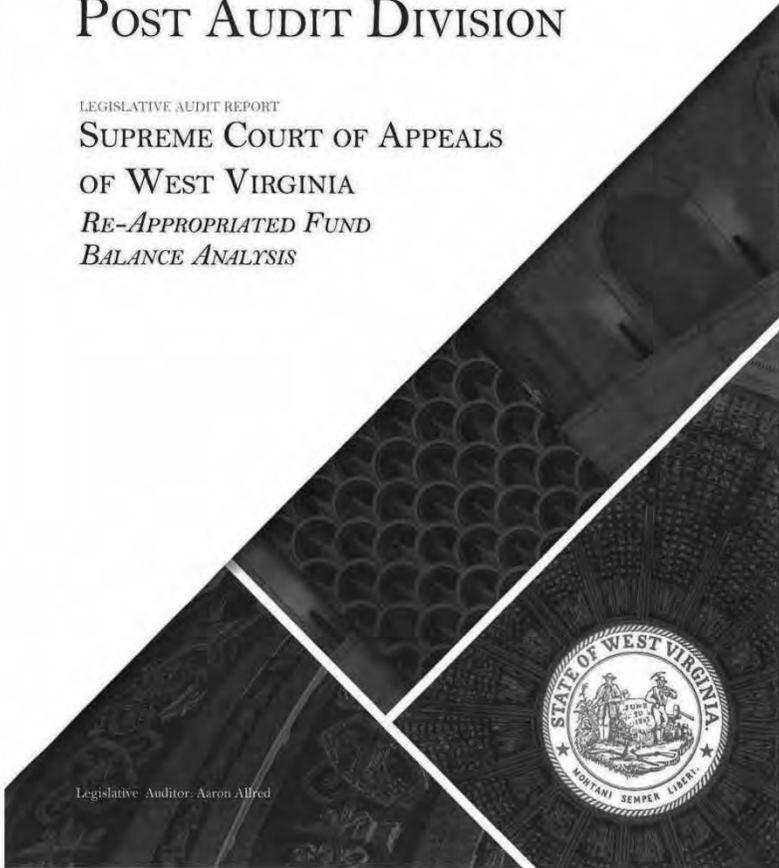


JOINT COMMITTEE ON GOVERNMENT AND FINANCE  
WEST VIRGINIA OFFICE OF THE LEGISLATIVE AUDITOR

# POST AUDIT DIVISION

LEGISLATIVE AUDIT REPORT

## SUPREME COURT OF APPEALS OF WEST VIRGINIA *RE-APPROPRIATED FUND BALANCE ANALYSIS*



Legislative Auditor: Aaron Alfred

GENERALLY ACCEPTED GOVERNMENT  
AUDITING STANDARDS STATEMENT

We conducted this performance audit in accordance with Generally Accepted Government Auditing Standards (GAGAS). Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

POST AUDIT DIVISION

JOINT COMMITTEE ON GOVERNMENT AND FINANCE  
WEST VIRGINIA OFFICE OF THE LEGISLATIVE AUDITOR

# POST AUDIT DIVISION

## POST AUDITS SUBCOMMITTEE MEMBERS

SENATE MEMBERS  
President, **Mitch Carmichael**  
**Ed Gaunch**  
**Roman Prezioso**

HOUSE MEMBERS  
**Tim Armstead, Speaker**  
**Timothy Miley**  
**Eric Nelson Jr.**



**JUNE 24, 2018**  
LEGISLATIVE AUDIT REPORT

## SUPREME COURT OF APPEALS OF WEST VIRGINIA

*RE-APPROPRIATED FUND BALANCE ANALYSIS*

### LEGISLATIVE AUDITORS STAFF CONTRIBUTORS

Aaron Allred..... Legislative Auditor  
Melissa Bishop, CPA..... Assistant Director  
Justin Robinson..... Audit Manager  
Christian Baumgartner..... Auditor  
Judith Strawderman..... Auditor

BACKGROUND:	<b>1</b>
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APPENDIX A:	<b>11</b>
APPENDIX B:	<b>12</b>
APPENDIX C:	<b>13</b>

**Background**

In a memo written by the former Administrative Director Steve Canterbury, dated November 7, 2016, Mr. Canterbury describes the spend down of \$29 million of excess funds the Court had accumulated up to Fiscal Year 2012. In this memo, Mr. Canterbury mentioned that the Court had spent down this balance, among other reasons, because of concerns from members of the Legislature regarding this balance of funds and the possibility of the sponsorship of a constitutional amendment that would take away the Court's budgetary authority. While Mr. Canterbury attests to the accuracy of this memo, a review of all the Court's administrative conference minutes during this period where the Justices discussed such matters does not reflect any conversation that the balance was spent down for this purpose.

During the May 2018 Post Audits Subcommittee meeting, Chief Justice Workman responded to a question from Senate President Carmichael regarding the spend down of these excess funds and the statements made by Mr. Canterbury in his memo. The Chief Justice responded that she, nor any of the Justices, discussed the need to spend this balance down to avoid sponsorship of a constitutional amendment. Further, she stated she was concerned with how this money was spent which is why she had asked for Mr. Canterbury to provide an explanation, which in turn resulted in his November 7, 2016 memo. The report that follows discusses the memo written by Mr. Canterbury and the Post Audit Division's review of expenditures that contributed to the spend down of the \$29 million of excess funds re-appropriated by the Court in Fiscal Year 2012.

In Fiscal Year 2012, the Supreme Court of Appeals of West Virginia had unused appropriated General Revenue Funds totaling \$29 million. By Fiscal Year 2016, this re-appropriated fund balance was reduced to \$333,514 for various reasons, including the renovations to the Justice's chambers and other Court facilities.

The Legislative Auditor first became aware of concerns regarding the spend down of the Court's re-appropriated fund balance while reviewing memos written by Justice Loughry responding to questions concerning his Court vehicle use. In an August 26, 2016 memo to the other Justices responding to their questions regarding this vehicle use, Justice Loughry questioned the "*depletion of the Court's so-called rainy day fund in the amount of \$26 million*". Based on this statement, the Legislative Auditor sought to determine how these excess appropriated funds had accumulated up to 2012, and what this money was spent on to reduce it to approximately \$333,514 only four years later.

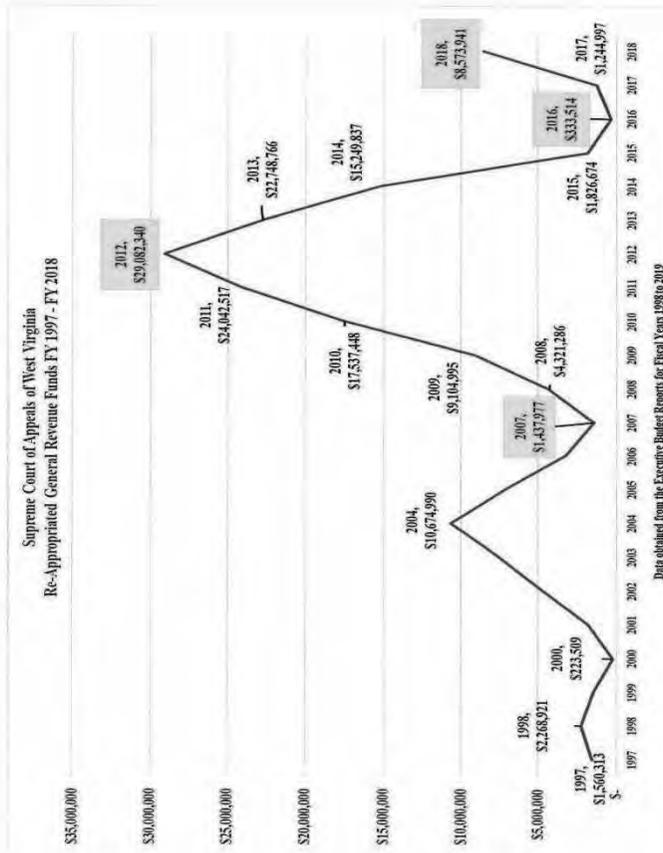
A meeting was held with the current Administrative Director and the Director of Financial Management to discuss these re-appropriated funds. It soon became clear that determining exactly how these funds were accumulated up to 2012 would not be possible because employees with such knowledge were no longer employed with the Court. However, simply stated, the Court was appropriated more General Revenue Funds than were needed nearly every year since 1997. The graph on the next page shows the trend of the yearly re-appropriated funds.

Through a review of the re-appropriations from 2007, when the re-appropriated amount was \$1.4 million, to 2012, when the Court had accumulated \$29 million in excess funds, the Legislative Auditor determined that budgeted funds remained unused in the following categories:

1. Payroll Expenses - \$17,435,464
  - a. Personal Services - \$8,080,741
  - b. Annual Increment - \$827,504
  - c. Employee Benefits - \$8,527,219
2. Child Protection Act Funding - \$3,522,912
3. Unclassified/Current Expenses - \$7,766,363
4. BRIM Premium - \$357,600

**Total Funds Re-Appropriated to Fiscal Year 2012 = \$29,082,340\***

\*Difference of \$1 due to rounding.



**November 7, 2016 Memo by Former Administrative Director Steve Canterbury**

The memo from the former Administrative Director to Justice Workman on November 7, 2016, suggested several reasons the amount of re-appropriated funds had been depleted. The reasons stated in his memo, which is available in its entirety in Appendix C of this report, are as follows:

**Fiscal Year 2011**

At the end of 2011, the Court carried over approximately \$29 million into FY 2012.

**Fiscal Year 2012**

Judges, justices, and magistrates all received pay raises effective July 1, 2011 totaling approximately \$6.1 million which, for this Fiscal Year, was absorbed by the Court using the re-appropriated funds from 2011. The Court's appropriation request for General Revenue Funds was decreased by \$2 million to further reduce some of the re-appropriated funds. The court then carried over approximately \$22.7 million into FY 2013.

**Fiscal Year 2013**

In his memo, the former Administrative Director indicated that there was "scuttlebutt" in the Senate concerning the Court's re-appropriated funds which was causing more talk of a constitutional amendment to take away the Court's budgetary authority. As a result, the Court absorbed some of the previous year's raises for judges, justices, and magistrates from these re-appropriated funds totaling approximately \$4.4 million. Additionally, unanticipated construction and furniture purchases for Justices' chambers, the business court, the City Center East server room with backup air conditioning and generators, the Clerk's office, and the Justices' Conference Room added additional costs. There was also new Family Court space in several counties that required the purchase of technologies, furniture, and office equipment. Altogether, there was an additional \$1.2 million spent beyond the amount budgeted for these purposes. Finally, the mandate that the drug courts serve all W.Va. counties caused an additional \$1.9 million in drug court expenditures. At the end of FY 2013, the Court re-appropriated approximately \$15.25 million to Fiscal Year 2014.

**Fiscal Year 2014**

The Court chose to return approximately \$4 million of its discretionary funds to the General Revenue Fund to help with the budget shortfall that year. Also, as stated in this memo,

*The Court did not seek appropriations for approximately \$10 million in expenditures in an attempt to bring the year-end balance to as close to zero as possible, mainly to continue to forestall a constitutional amendment. The Court discussed the need to eliminate any carry-over money at the end of the year so that the Senate leadership would not continue down the path towards the sponsorship of such an amendment. So the money was spent from several lines. No one category saw an extremely large increase, but some of the increases were in the new drug courts, the roll-out of the UJA [Unified Judicial Application], the completion of all remodeling in the Capitol and at City Center East, and with mandated raises of certain classifications of employees. (Emphasis Added)*

At the end of Fiscal Year 2014 the Court re-appropriated approximately \$1.8 million to Fiscal Year 2015.

**Fiscal Year 2015**

The Court re-appropriated \$333,514 to Fiscal Year 2016.

As previously stated, how or why the Court accumulated \$29 million in excess General Revenue Funds in 2012 cannot fully be explained. The description of how the funds were spent down in the former Administrative Director's memo does not accurately account for how the money was depleted to a balance of \$333,514 going into 2016. Those instances noted in his memo simply do not fully account for the depletion of \$29 million. As stated in his memo, Mr. Canterbury said:

*As can be logically deduced, the carried-over funds were not all spent on a single project or in a single way. Money was spent in several areas in several years that totaled a reduction in the rollover amount of \$28 million*

**Fiscal Year 2016**

The Court re-appropriated approximately \$1.2 million to Fiscal Year 2017. This included \$2 million that was returned to the General Revenue Fund that had been budgeted for the anticipated annual Judicial Retirement contribution.

### Post Audit Analysis of Expenditures by the Supreme Court

The Post Audit Division conducted an analysis of the Court's expenditures for Fiscal Years 2012 to 2018 to determine specific categories where the Court had increased its spending over prior years to account for how the \$29 million of re-appropriated funds was decreased to \$333,514 in Fiscal Year 2016, and then again increased to \$8.6 million in 2018. This analysis resulted in the following:

Fiscal Year	Re-Appropriated Balance	Appropriation	Total Available	Total Expenditures	Remaining Balance
2012	\$29,082,340	\$120,483,624	\$149,565,964	\$126,817,198	\$22,748,766
2013	\$22,748,766	\$122,320,952	\$145,069,718	\$129,819,881	\$15,249,837
2014	\$15,249,837	\$121,511,992	\$136,761,829	\$134,935,155	\$1,826,674
2015	\$1,826,674	\$131,812,993	\$133,639,667	\$133,206,154	\$333,513**
2016	\$333,514	\$139,572,495	\$139,906,009	\$138,661,012	\$1,244,997
2017	\$1,244,897	\$141,759,670	\$143,004,667	\$134,430,726	\$8,573,941
2018	\$8,573,941	\$141,759,670	\$150,333,611	N/A*	N/A*

\* These items noted N/A are not available due to data not being available for the completed Fiscal Year 2018. \*\* Difference of \$1 Due to Rounding  
Data obtained from the State of WV Executive Budget Reports FY 2012 - 2019

Fiscal Year	Increase/(Decrease) in Appropriation vs. Prior Year	Increase/(Decrease) in Re-Appropriation vs. Prior Year	Increase/(Decrease) in Expenditures vs. Prior Year	Current Year Increase/(Decrease) in Re-Appropriation	Year-End Balance (Re-Appropriation)
2012	\$1,577,432	\$5,039,823	\$12,950,828**	(\$6,333,574)	\$22,748,766
2013	\$1,837,328	(\$6,333,574)	\$3,002,683	(\$7,498,929)	\$15,249,837
2014	(\$808,960)	(\$7,498,929)	\$5,115,274	(\$13,423,163)	\$1,826,674
2015	\$10,301,001	(\$13,423,163)	(\$1,629,001)	(\$1,493,160)	\$333,514
2016	\$7,759,502	(\$1,493,160)	\$5,354,858	\$911,483	\$1,244,997
2017	\$2,187,175	\$911,483	(\$4,220,286)	\$7,328,944	\$8,573,941
2018	\$0	\$7,328,944	N/A*	N/A*	N/A*

\* These items noted N/A are not available due to data not being available for the completed Fiscal Year 2018. \*\* Difference of \$1 Due to Rounding  
Data obtained from the State of WV Executive Budget Reports FY 2012 - 2019

Table 1 above shows the yearly appropriations, amounts re-appropriated from the prior year, and the total available balance of funds. It also shows the total expenditures for each year and the year-end balance of unused funds that are re-appropriated into the next year.

Table 2 provides an analysis of the changes in amounts noted in Table 1 from prior years, current year changes in expenditures, and the year-end balances of unused funds. This includes the change in the amount appropriated to the Court, the change in the unused funds balance that was re-appropriated, and the change in total expenditures as compared to the prior year. It also shows the current year change in the balance of unused funds, as well as the year-end balance of those unused funds that are re-appropriated into the next year.

#### Fiscal Year 2012

In Fiscal Year 2012, the re-appropriated fund balance was decreased by approximately \$6.3 million, from \$29 million to \$22.7 million. In addition to the \$29 million re-appropriated that year, the Court received an increase in their current year appropriation of \$1.58 million

for a total available balance of \$149.6 million. The Court had roughly \$13 million more in expenditures over the prior year, totaling approximately \$127 million. Nearly all of this increase in expenditures is attributable to payroll expenses, with a total increase of \$12,404,621 over the past year's expenditures totaling nearly \$101 million. Payroll related expenses were approximately 80 percent of the Court's Fiscal Year 2012 expenditures. This correlates to the \$6.1 million of raises given to the judges and justices of the Court as stated in Mr. Canterbury's memo, as well as including other related payroll expense increases. Other areas of spending saw a net increase of \$346,207, with notable increases in the following categories:

Category	Total Expenditures	Increase Over Prior Year
Travel	\$ 1,545,301	\$ 587,784
Telecommunications	\$ 1,384,385	\$ 582,374
Leasehold Improvements	\$ 872,928	\$ 872,928
Computer Equipment	\$ 754,877	\$ 361,270

The reduction of the re-appropriated balance by \$6,333,574 is accounted for as follows:

Increase in Spending FY 2012	\$12,950,828
Less: Increase in Re-Appropriation from FY 2011	(\$5,039,823)
<u>Less: Increase in FY 2012 Appropriation</u>	<u>(\$1,577,432)</u>
Net Decrease in Re-Appropriated Fund Balance	\$6,333,573
<small>(Difference of \$1 Attributable to Rounding)</small>	

#### **Fiscal Year 2013**

In Fiscal Year 2013, the re-appropriated balance was further decreased by approximately \$7.5 million, from \$22.7 million to \$15.2 million. In addition to the re-appropriated funds, the Court received an increase in their Fiscal Year 2013 appropriation of \$1.8 million for a total available balance of approximately \$145 million. The Court had a net increase in spending of \$3 million over the prior year. Payroll related expenses increased \$900,491 over the prior year, but with only an additional \$1.8 million in appropriations, the Court was still absorbing some of the salary increases from the prior year through its re-appropriated fund balance. Other areas saw a net increase in expenditures of \$2.1 million. It is difficult to pinpoint exactly what expenditures were attributable to the increase in spending that led to a decrease in the re-appropriated fund balance; however, the following areas saw notable increases in spending over the prior year:

Category	Total Expenditures	Increase Over Prior Year
Contractual Services	\$ 1,769,328	\$ 1,587,586
Computer Services	\$ 2,866,787	\$ 922,348
Routine Building Maintenance	\$ 905,545	\$ 505,223
Office Equipment	\$ 692,135	\$ 330,453
Consulting for Capital Asset Project	\$ 791,113	\$ 725,764

As stated in Mr. Canterbury's memo, the majority of the spending increases over the prior year were for renovations to various family and business courts, the Court's City Center East leased office space, the clerk's office, and the widely publicized renovations and furniture purchases of the Justice's chambers. As also stated in his memo, those related expenditures exceeded the budgeted amount for those renovation projects by \$1.2 million. The Legislative Auditor questions the Court's spending on renovations to the leased space at City Center East, where those renovations would not benefit the Court if it were to vacate that space, but instead would be to the benefit of the lessor.

The reduction of the re-appropriated balance by \$7,498,929 is accounted for as follows:

Increase in Spending FY 2013	\$3,002,683
Plus: Decrease in Amount Re-Appropriated from FY 2012	\$6,333,574
Less: Increase in FY 2013 Appropriation	(\$1,837,328)
<b>Net Decrease in Re-Appropriated Fund Balance</b>	<b>\$7,498,929</b>

#### **Fiscal Year 2014**

In Fiscal Year 2014, the Court decreased its re-appropriated fund balance by the greatest amount in the four-year period. In this year, the balance was reduced by \$13.4 million for a total year end balance of \$1.8 million. The Court received \$808,960 less in appropriations for the year for a total available balance of approximately \$136.8 million. Expenditures increased by \$5.1 million over the prior year. Payroll expenses again increased by approximately \$2.4 million over the prior year. Other areas had a net increase in spending of \$2.7 million. Categories of expenditures that saw significant increases in spending included:

Category	Total Expenditures	Increase Over Prior Year
Rental Expenses (Real Property)	\$ 1,187,141	\$ 375,965
Contractual Services	\$ 2,255,231	\$ 485,902
Travel	\$ 2,356,639	\$ 909,251
Computer Services	\$ 3,225,697	\$ 358,910
Attorney Legal Services Payments	\$ 5,056,069	\$ 1,058,542
Miscellaneous Equipment	\$ 825,513	\$ 271,565
Contractor Payments - Capital Asset Project	\$ 1,251,192	\$ 1,251,192
Computer Equipment	\$ 536,464	\$ 409,428

The increases in contractor payments and contractual services are also attributable to the completion of renovations to the Court's City Center East facilities and at the Capitol, including those renovations to the Justices' chambers. This increase in expenditures related to renovations along with a slight reduction in the current year appropriation further decreased the Court's re-appropriated fund balance. The reduction of this balance by \$13.4 million is accounted for as follows:

Increase in Spending FY 2014	\$5,115,274
Plus: Decrease in Amount Re-Appropriated from FY 2013	\$7,498,929
Plus: Decrease in FY 2013 Appropriation	\$808,960
Net Decrease in Re-Appropriated Fund Balance	\$13,423,163

**Fiscal Year 2015**

The Court carried over approximately \$1.8 million in unused funds into Fiscal Year 2015. It also appropriated an additional \$10.3 million in funds over the previous year for a total available balance of approximately \$133.6 million. According to Mr. Canterbury's memo, the appropriation request in the prior year was reduced by \$10 million to reduce their year-end balance to as close to zero as possible "mainly to continue to forestall a constitutional amendment". However, in 2015 the Court did seek that increase in appropriation and was granted it. Total expenditures decreased by \$1.6 million over the prior year; however, based on the prior years' increases in spending, the total expenditures of \$133.3 million reduced the Court's re-appropriated fund balance to \$333,514 at the end of this year. Payroll expenses again increased, this time by \$1.45 million. The only other area of spending that saw a significant increase was Contractual Services, shown below:

Category	Total Expenditures	Increase Over Prior Year
Contractual Services	\$ 4,990,267	\$ 2,735,036

**Fiscal Year 2016**

In Fiscal Year 2016, the Court received an additional \$7.76 million in appropriations over the prior year. With the \$333,514 in re-appropriated funds, the total available balance for 2016 was approximately \$140 million. Payroll costs decreased by \$1.7 million in this year, yet overall expenditures increased by \$5.35 million. Some areas that saw an increase include:

Category	Total Expenditures	Increase Over Prior Year
Rental Expenses (Real Property)	\$ 1,545,376	\$ 907,289
Telecommunications	\$ 2,057,853	\$ 715,067
Contractual Services	\$ 6,494,519	\$ 1,504,251
Travel	\$ 3,031,268	\$ 446,726
Attorney Legal Services Payments	\$ 6,989,695	\$ 2,039,508

With the increase in appropriation exceeding the increase in expenditures for Fiscal Year 2016, the Court's ending balance of unused funds grew from \$333,514 to \$1.24 million.

**Fiscal Year 2017**

In Fiscal Year 2017, the Court received an additional appropriation of approximately \$2.19 million over the prior year. With the \$1.24 million of unused funds from the prior year, the total available balance was \$143 million. Nearly every category saw a decrease in expenditures, including payroll expenses which decreased by \$71,000. This in turn resulted in the Court's year-end unused fund balance to increase from \$1.24 million to \$8.57 million, with a total increase of \$7,328,944.

**Fiscal Year 2018**

In the current fiscal year, which is nearly complete, it appears that the Court's expenditures are again reduced from the prior year. Since the data available is not complete until the close of the fiscal year, it is not possible to report specific decreases at this time. However, it is projected by the Court in a memo from the Court's Director of Finance to the Court's Administrative Director dated February 27, 2018, that this year-end "surplus" will be approximately \$19.5 million. Therefore, from the start of Fiscal Year 2016 to the end of Fiscal Year 2018, the Court will have increased its re-appropriated fund balance by nearly \$19.2 million.

**Conclusion**

The Legislative Auditor is concerned with the Court's accumulation of appropriated General Revenue Funds in the majority of the years reviewed, with particular regard to the fact that in five years they had re-appropriated funds that went from \$1.4 million in 2007 to \$29 million in 2012. There is also concern over how these funds were subsequently spent down. A focus for an increase in the spending of tax dollars should be on increasing the outcomes for those operations of the Court that benefit the citizens of the State. In Fiscal Year 2012, the \$29 million equated to 24% of the Court's total appropriations (\$120 million) and 25.5% of the Court's total Fiscal Year 2011 expenditures (\$113.9 million). The Court's re-appropriated fund balance totaled approximately \$8.6 million at the beginning of Fiscal Year 2018. If the Court's current projection is accurate, this balance will grow to \$19.5 million at the end of the current fiscal year. The total growth from Fiscal Year 2016 to 2019 will be nearly \$19.2 million in unused appropriated funds, equaling 14% of the Court's 2018 total appropriations.

The Legislative Auditor's Post Audit Division will continue its research in identifying specific expenditures that attributed to the increased spending and reduction of the \$29 million of excess funds. Those areas identified in this report as having a significant increase in spending over the prior year will be further reviewed to identify the specific reasons that these monies were spent. This information will be presented to the Post Audits Subcommittee at an upcoming meeting.

## Appendix A

**WEST VIRGINIA LEGISLATURE**  
*Joint Committee on Government and Finance*

1900 Kanawha Blvd. East, Room E-132  
 Charleston, WV 25305-0610  
 (304) 347-4800  
 (304) 347-4819 FAX



Aaron Allred  
 Legislative Manager

June 14, 2018

Lori J Paletta-Davis, Esq., Administrative Counsel  
 WV Supreme Court of Appeals  
 Capitol Complex  
 1900 Kanawha Blvd. E  
 Bldg. 1, Room E-100  
 Charleston, WV 25305-0830

Dear Ms. Paletta-Davis:

This is to transmit a draft copy of the Post Audit Division's Report on the Supreme Court of Appeals of West Virginia. This report is tentatively scheduled to be presented during the June interim meeting of the Post Audits Subcommittee. We will inform you of the exact date, time, and location once the information becomes available, but at this time we anticipate that meeting to be held Sunday, June 24, 2018 1:00 pm in the Senate Finance Committee Room, Room 451-M. It is expected that a representative from the Supreme Court of Appeals of West Virginia be present at the meeting to respond to the report and answer any questions committee members may have during or after the meeting.

If you would like to schedule an exit conference to discuss any concerns you may have with the report, please notify Nathan Harris, at 304-347-4880 as soon as possible. In addition, if you would like to provide a written response to be included in the report, it must be submitted to our office by Noon Friday, June 22, 2018, for it to be included in the final report. Thank you for your cooperation.

Sincerely,

Aaron Allred

Enclosure

Cc. Chief Justice Margaret L. Workman  
 Justice Menis E. Ketchum, II  
 Justice Robin Jean Davis  
 Justice Elizabeth D. Walker

## Appendix B

### Objective, Scope, and Methodology

The Post Audit Division within the Office of the Legislative Auditor conducted this audit pursuant to Chapter 4, Article 2, Section 5 of the *West Virginia Code*, as amended.

#### Objectives

This is the third in a series of audit reports of the Supreme Court of Appeals of West Virginia. The objective of this report is to provide information concerning the Court's accumulation of \$29 million of unused appropriated funds that were re-appropriated into Fiscal Year 2012, the spend down of this balance to \$333,514 at the end of Fiscal Year 2015, those areas of expenditures that saw a significant increase over prior years, and finally to provide information concerning the Court's growing balance of unused funds.

#### Scope

The scope of this audit consists of an analysis of budget information and appropriations for the Court for Fiscal Years 1998 to present; and an analysis of expenditures for Fiscal Years 2012 through present.

#### Methodology

Evidence was gathered from various sources including internal court memorandums, administrative conference meetings of the Court discussing budget matters, executive budget reports, WVFIMS and wvOASIS transaction data, invoices, and testimonial evidence of Court employees.

## Appendix C

SUPREME COURT OF APPEALS  
STATE OF WEST VIRGINIASTEVEN D. CANTERBURY  
ADMINISTRATIVE DIRECTORADMINISTRATIVE OFFICE  
BUILDING 1, ROOM E-100  
1900 KANAWHA BOULEVARD, E.  
CHARLESTON, WV 25305-0832  
(VOICE) 304/558-0145  
(TTY) 304/558-4219  
(FAX) 304/558-1212  
www.state.wv.us/wvsca/MEMORANDUM

TO: ALL JUSTICES

FROM: STEVE CANTERBURY *SC*

DATE: November 7, 2016

SUBJECT: Review of the Lowered Reappropriation from FY 2011 until the Present

Justice Workman asked that I prepare a memorandum to explain how the appropriation rollover of some \$29 million in FY 2011 has resulted in a rollover this past fiscal year of \$1.3 million. In brief, she wants to know where the money went.

As can be logically deduced, the carried-over funds were not all spent on a single project or in a single way. Money was spent in several areas in several years that totaled a reduction in the rollover amount of \$28 million. And there was a decision by the Court to ask for lower appropriations during the most recent fiscal years due to growing concerns that key Senate leaders were angered by the excessive amount of the Court's "surplus funds," as they styled it. That anger led to discussions among legislators about sponsoring a constitutional amendment to remove the budgetary privilege of appropriation self-determination that the Court now enjoys.

Before getting into the specifics year-by-year, it is necessary to point out that not only is every dime accounted for in Director of Finance Sue Troy's electronic files, but that the Court approved each of the appropriation requests with an understanding of the major issues and expenditures that the Court was facing when approving these requests, issues such as the threat of a successful constitutional amendment to take away the Court's budgetary independence if the Court continued to have a large fund at the end of each fiscal year, especially as the State faced greater and greater shortages. If any member of the Court wishes to know about any specific expenditure areas to the dime, then Director Troy would be happy to provide that information.

Justice Workman asked that as much of this information as possible be put into bullet points and, in any case, to keep the memorandum brief:

**FY 2011**

- At the end of FY 2011, the Court carried over approximately \$29 million.

**FY 2012**

- During the Legislative Session of 2011, Justices, Judges, and magistrates all received pay raises effective July 1, 2011. However, the Legislative leadership held up that legislation until they were assured that the Court could digest the additional \$6.1 million, which the Court did. The Legislature did not provide additional, supplemental money to cover those costs.
- The Court also gave back \$2 million to the General Revenue Fund that year.
- At the end of FY 2012, the Court rolled over some \$22.7 million into the next fiscal year. A few lines did not cost as much as were projected some eighteen months earlier when the appropriation request was prepared which is why there was not an ever lower carry-over amount.

**FY 2013**

- With Senator Prezioso as Chair of Senate Finance and Senator Unger as Majority Leader, scuttlebutt about the Legislative leadership's frustration with the Court's so-called "surplus" started to grow more shrill, and there was more talk of a constitutional amendment to take away the Court's budgetary authority. Therefore, some of the previous year's pay raises were digested in FY 2012: \$4.4 million.
- Some unanticipated construction and furniture purchases for Justices' chambers, the business court, the City Center East server room with backup air conditioning and generators, the Clerk's office, and the Justices' Conference Room added additional costs. There was also new Family Court space in several counties that required the purchase of technologies, furniture, and office equipment. Altogether, there was an additional \$1.2 million spent beyond the budgeted amount.
- The Legislature mandated that drug courts serve all of the state's counties causing an unanticipated spike in drug court expenditures of \$1.9 million.
- At the end of FY 2013, the Court reappropriated \$15.25 million.

**FY 2014**

- The Court agreed to return \$4 million to the General Revenue Fund.

- The Court did not seek appropriations for approximately \$10 million in expenditures in an attempt to bring the year-end balance to as close to zero as possible, mainly to continue to forestall a constitutional amendment. The Court discussed the need to eliminate any carry-over money at the end of the year so that the Senate leadership would not continue down the path towards the sponsorship of such an amendment. So the money was spent from several lines. No one category saw an extremely large increase, but some of the increases were in the new drug courts, the roll-out of the UJA, the completion of all remodeling in the Capitol and at City Center East, and with mandated raises of certain classifications of employees.
- At the end of FY 2014, the Court reappropriated \$1.8 million.

Since then, the Court has appropriated enough to cover expenditures ending FY 2015 with \$333,514 and FY 2016 with \$1,244,997. The reappropriated amount in FY 2016 includes the \$2 million that was returned to the General Revenue Fund that had been budgeted for the anticipated annual Judicial Retirement contribution. The latter figure would have been a bit lower had more work been done on a couple of the newly created Judges' spaces in the first half of that fiscal year.

As requested, I kept this explanation brief. If any more details are requested by any member of the Court, please let me know. Or contact Director Troy directly.

Thank you.



POST AUDITS SUBCOMMITTEE  
MEMBERS

SENATE MEMBERS	HOUSE MEMBERS
<i>President, Mitch Carmichael</i>	<i>Tim Armstead, Speaker</i>
Ed Gaunch	Timothy Miley
Roman Prezioso	Eric Nelson Jr.

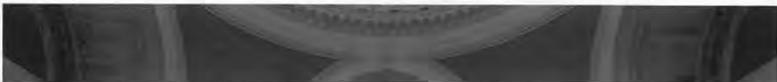


JOINT COMMITTEE ON GOVERNMENT AND FINANCE  
WEST VIRGINIA OFFICE OF THE LEGISLATIVE AUDITOR  
- POST AUDIT DIVISION -

*Legislative Auditor:* Aaron Allred

---

Room 929 W, Building 1  
1900 Kanawha Boulevard East  
Charleston, West Virginia 25305  
Phone: (304) 547-4880





**A** Neutral  
As of: September 7, 2018 6:35 PM Z

**Lawyer Disciplinary Bd. v. White**

Supreme Court of Appeals of West Virginia  
February 6, 2018, Submitted; March 15, 2018, Filed  
No. 16-1003

**Reporter**

811 S.E.2d 893 \*, 2018 W. Va. LEXIS 195 \*\*

LAWYER DISCIPLINARY BOARD, Petitioner v.  
BENJAMIN F. WHITE, a member of the West Virginia  
State Bar, Respondent.

**Prior History:** [\*\*4] Lawyer Disciplinary Proceeding,  
Nos. 15-03-283, 15-03-285, 15-03-288.

*Lawyer Disciplinary Bd. v. White*, 234 W. Va. 167, 784  
S.E.2d 327, 2014 W. Va. LEXIS 978 (Sept. 30, 2014)

**Disposition:** ANNULMENT AND COSTS.

**Core Terms**

Disciplinary, recommended, probation, charges,  
misconduct, sexual relations, sanctions, provides,  
vulnerable, alcohol, license, aggravating factor,  
discipline, Ethics, disciplinary proceeding, mitigating  
factors, annulled, disciplinary board, allegations,  
responsive, scheduling, violating, expenses, factors,  
felony, appropriate sanction, conflicting interest,  
communicated, profession, reprimand

**Case Summary**

**Overview**

**HOLDINGS:** [1]-Since the attorney had failed to  
respond to the charges against him and the Hearing  
Panel Subcommittee ruled that the factual allegations in  
the statement of charges were deemed admitted, there  
was no basis to disturb the determination that the  
attorney had violated five separate provisions of the  
Rules of Professional Conduct; [2]-Annulment of the  
attorney's license was appropriate where he had  
intentionally pursued a personal relationship with a  
client facing criminal charges, he had provided the client  
with drugs and alcohol despite knowing her past battles  
with drug addiction and the drug testing requirements of  
her probation, there were no mitigating factors, and the

client's vulnerability, the attorney's past disciplinary  
record, and nonresponse to the proceedings were  
aggravating factors.

**Outcome**

License annulled; costs ordered.

**LexisNexis® Headnotes**

Civil Procedure > Appeals > Standards of  
Review > Clearly Erroneous Review

Legal Ethics > Sanctions > Disciplinary  
Proceedings > Appeals

Civil Procedure > Appeals > Standards of  
Review > De Novo Review

**HNTS-1 Standards of Review, Clearly Erroneous  
Review**

A de novo standard applies to a review of the  
adjudicatory record made before the Lawyer Disciplinary  
Board as to questions of law, questions of application of  
the law to the facts, and questions of appropriate  
sanctions; the Supreme Court of Appeals of West  
Virginia gives respectful consideration to the Board's  
recommendations while ultimately exercising its own  
independent judgment. On the other hand, substantial  
deference is given to the Board's findings of fact, unless  
such findings are not supported by reliable, probative,  
and substantial evidence on the whole record.

Legal Ethics > Sanctions > Disciplinary  
Proceedings > Appeals

Marsha Kaufmann

**HN2[3]** **Disciplinary Proceedings, Appeals**

While the Supreme Court of Appeals of West Virginia respectfully consider the Hearing Panel Subcommittee's recommendations on the appropriate sanctions, the Supreme Court is the final arbiter of legal ethics problems and must make the ultimate decisions about public reprimands, suspensions, or annulments of attorneys' licenses to practice law.

Evidence > Burdens of Proof > Allocation

Legal Ethics > Sanctions > Disciplinary Proceedings > Hearings

Evidence > Burdens of Proof > Clear & Convincing Proof

**HN2[3]** **Burdens of Proof, Allocation**

The Supreme Court of Appeals of West Virginia has consistently held that in lawyer disciplinary matters, the Office of Disciplinary Counsel has the burden to prove the allegations of the formal charge by clear and convincing evidence.

Legal Ethics > Sanctions > General Overview

**HN4[3]** **Legal Ethics, Sanctions**

In deciding on the appropriate disciplinary action for ethical violations, the Supreme Court of Appeals of West Virginia must consider not only what steps would appropriately punish the respondent attorney, but also whether the discipline imposed is adequate to serve as an effective deterrent to other members of the Bar and at the same time restore public confidence in the ethical standards of the legal profession.

Legal Ethics > Sanctions > General Overview

**HN5[3]** **Legal Ethics, Sanctions**

W. Va. R. Law. Disc. P. 3.16 enumerates factors to be considered in imposing sanctions and provides as follows: In imposing a sanction after a finding of lawyer misconduct, unless otherwise provided in these rules, the Supreme Court of Appeals of West Virginia or the Lawyer Disciplinary Board shall consider the following

factors: (1) whether the lawyer has violated a duty owed to a client, to the public, to the legal system, or to the profession; (2) whether the lawyer acted intentionally, knowingly, or negligently; (3) the amount of the actual or potential injury caused by the lawyer's misconduct; and (4) the existence of any aggravating or mitigating factors.

Legal Ethics > Sanctions > General Overview

**HN6[3]** **Legal Ethics, Sanctions**

In considering the fourth Jordan factor, aggravating or mitigating factors, the Supreme Court of Appeals of West Virginia has explained that mitigating factors in a lawyer disciplinary proceeding are any considerations or factors that may justify a reduction in the degree of discipline to be imposed. The Supreme Court has consistently described mitigating factors as follows: Mitigating factors which may be considered in determining the appropriate sanction to be imposed against a lawyer for violating the Rules of Professional Conduct include: (1) absence of a prior disciplinary record; (2) absence of a dishonest or selfish motive; (3) personal or emotional problems; (4) timely good faith effort to make restitution or to rectify consequences of misconduct; (5) full and free disclosure to disciplinary board or cooperative attitude toward proceedings; (6) inexperience in the practice of law; (7) character or reputation; (8) physical or mental disability or impairment; (9) delay in disciplinary proceedings; (10) interim rehabilitation; (11) imposition of other penalties or sanctions; (12) remorse; and (13) remoteness of prior offenses.

Legal Ethics > Sanctions > General Overview

**HN7[3]** **Legal Ethics, Sanctions**

Aggravating factors in a lawyer disciplinary proceeding are any considerations or facts that may justify an increase in the degree of discipline to be imposed. There is no magic formula for the Supreme Court of Appeals of West Virginia to determine how to weigh the host of mitigating and aggravating circumstances to arrive at an appropriate sanction; each case presents different circumstances that must be weighed against the nature and gravity of the lawyer's misconduct.

Legal Ethics > Sanctions > General Overview

**HN8** Legal Ethics, Sanctions

A person named in a disciplinary proceeding before the Supreme Court of Appeals of West Virginia, who, after the Hearing Panel Subcommittee has filed its Report with the recommended sanctions, commits a violation of the Rules of Professional Conduct related to the facts in the underlying complaint may be subject to an increased degree of discipline. Such subsequent misconduct may be relied upon by the Supreme Court as an aggravating factor that justifies enhancement of the recommended sanctions of the Hearing Panel Subcommittee.

**Syllabus**

BY THE COURT

1. "A *de novo* standard applies to a review of the adjudicatory record made before the [Lawyer Disciplinary Board] as to questions of law, questions of application of the law to the facts, and questions of appropriate sanctions; this Court gives respectful consideration to the [Board's] recommendations while ultimately exercising its own independent judgment. On the other hand, substantial deference is given to the [Board's] findings of fact, unless such findings are not supported by reliable, probative, and substantial evidence on the whole record." Syllabus Point 3, Committee on Legal Ethics v. McCorkle, 192 W. Va. 286, 452 S.E.2d 377 (1994).
2. "This Court is the final arbiter of legal ethics problems and must make the ultimate decisions about public reprimands, suspensions or annulments of attorneys' licenses to practice law." Syllabus Point 3, Committee on Legal Ethics v. Blair, 174 W. Va. 494, 327 S.E.2d 671 (1984).
3. "In deciding on the appropriate disciplinary action for ethical violations, this Court must consider not only what steps would appropriately punish the respondent attorney, but also whether the discipline imposed is adequate to serve as an effective deterrent to other members of the Bar and at the same time restore [\*2] public confidence in the ethical standards of the legal profession." Syllabus Point 3, Committee on Legal Ethics v. Walker, 176 W. Va. 150, 358 S.E.2d 234 (1987).
4. "Rule 3.16 of the West Virginia Rules of Lawyer

Disciplinary Procedure enumerates factors to be considered in imposing sanctions and provides as follows: 'In imposing a sanction after a finding of lawyer misconduct, unless otherwise provided in these rules, the Court [West Virginia Court of Appeals] or Board [Lawyer Disciplinary Board] shall consider the following factors: (1) whether the lawyer has violated a duty owed to a client, to the public, to the legal system, or to the profession; (2) whether the lawyer acted intentionally, knowingly, or negligently; (3) the amount of the actual or potential injury caused by the lawyer's misconduct; and (4) the existence of any aggravating or mitigating factors.'" Syllabus Point 4, Office of Lawyer Disciplinary Counsel v. Jordan, 204 W. Va. 495, 513 S.E.2d 722 (1998).

5. "Mitigating factors in a lawyer disciplinary proceeding are any considerations or factors that may justify a reduction in the degree of discipline to be imposed." Syllabus Point 2, Lawyer Disciplinary Board v. Scott, 213 W. Va. 209, 579 S.E.2d 550 (2003).
6. "Mitigating factors which may be considered in determining the appropriate sanction to be imposed against a lawyer for violating the Rules of Professional Conduct include: (1) absence of a prior disciplinary record; (2) absence of a dishonest or selfish motive; [\*3] (3) personal or emotional problems; (4) timely good faith effort to make restitution or to rectify consequences of misconduct; (5) full and free disclosure to disciplinary board or cooperative attitude toward proceedings; (6) inexperience in the practice of law; (7) character or reputation; (8) physical or mental disability or impairment; (9) delay in disciplinary proceedings; (10) interim rehabilitation; (11) imposition of other penalties or sanctions; (12) remorse; and (13) remoteness of prior offenses." Syllabus Point 3, Lawyer Disciplinary Board v. Scott, 213 W. Va. 209, 579 S.E.2d 550 (2003).
7. "Aggravating factors in a lawyer disciplinary proceeding are any considerations or factors that may justify an increase in the degree of discipline to be imposed." Syllabus Point 4, Lawyer Disciplinary Board v. Scott, 213 W. Va. 209, 579 S.E.2d 550 (2003).
8. "A person named in a disciplinary proceeding before this Court, who, after the Hearing Panel Subcommittee has filed its Report with recommended sanctions, commits a violation of the Rules of Professional Conduct related to the facts in the underlying complaint may be subject to an increased degree of discipline. Such subsequent misconduct may be relied upon by this Court as an aggravating factor that justifies

Marsha Kaufmann

enhancement of the recommended sanctions of the Hearing Panel Subcommittee.” [\*\*4] *Syllabus Point 7, Lawyer Disciplinary Board v. Grafton*, 227 W. Va. 579, 712 S.E.2d 488 (2011).

**Counsel:** For Petitioner: Renee N. Frymyer, Esq., Office of Disciplinary Counsel, Charleston, West Virginia.

For Respondent: Benjamin F. White, Esq., Chapmanville, West Virginia.

**Judges:** JUSTICE WALKER delivered the Opinion of the Court.

**Opinion by:** WALKER

## Opinion

[\*896] WALKER, Justice:

Benjamin F. White is a lawyer who convinced A.S.<sup>1</sup> to hire him as counsel after A.S. was charged with one count of felony child neglect in April 2015. Mr. White never discussed (or documented) his fee arrangement with A.S., but immediately pursued an intimate relationship with her. Mr. White took A.S. on out-of-town trips, during which he provided her with alcohol and drugs — causing her to violate the terms of her probation — and engaged in sexual relations with her. A.S. eventually reported Mr. White’s conduct and he was promptly removed as her counsel in June 2015. Mr. White was charged with violating six separate provisions of the West Virginia Rules of Professional Conduct, but he failed to respond to the formal statement of charges. Following a hearing at which both Mr. White and A.S. testified, the Hearing Panel Subcommittee (HPS) of the Lawyer Disciplinary Board (LDB) recommended that Mr. White be suspended from the practice [\*\*5] of law for five years. Upon consideration of Mr. White’s egregious conduct, including the additional aggravating factor that Mr. White disregarded this Court’s order to file a responsive brief, we order that his license be annulled.

## I. FACTUAL AND PROCEDURAL BACKGROUND

<sup>1</sup>Because of the sensitive nature of the facts alleged in this case, initials are used herein for Mr. White’s client. See W. Va. R. App. P. 40(e). *Slata v. Edward Charles L.*, 183 W. Va. 641, 645 n. 1, 399 S.E.2d 123, 127 n. 1 (1998).

Mr. White is a lawyer practicing in Chapmanville, West Virginia who was admitted to the West Virginia State Bar on November 2, 2005. Mr. White was previously reprimanded in 2014. Additionally, Mr. White’s license was administratively suspended on November 13, 2017 for nonpayment of dues and noncompliance with the financial responsibility disclosure requirement, but was reinstated on February 2, 2018 after complying with both. The current proceeding arises from three lawyer ethics complaints filed against Mr. White in July 2015—all stemming from allegations of misconduct in relation to his representation of A.S. in a felony criminal matter.<sup>2</sup>

### A. Underlying Facts and Allegations

In October 2014, Mr. White sent A.S. a Facebook friend request and began sending her messages through that social media platform. Throughout early 2015, though Mr. White and A.S. communicated online occasionally about her ongoing divorce proceeding, [\*\*6] she testified that she did not consider him to be her attorney. The nature of their relationship changed, however, on April 22, 2015, when A.S. was charged with one felony count of gross child neglect. A.S. was appointed representation, but after speaking with Mr. White—who advised her that court appointed attorneys “were not as good as [him]”—she requested that the public defender be removed as counsel. Although Mr. White and A.S. did not reduce his representation to a formal written agreement or set his rate of pay, Mr. White filed a Notice of Appearance on May 19, 2015.

After representation began, Mr. White came to A.S.’s residence unannounced on [\*\*87] several occasions. Though A.S. acknowledges that they had a friendship beyond the usual attorney-client relationship, she testified that she felt that he was “pusty and bullish” during this time. Because Mr. White never asked for payment for his services, A.S. testified that she felt obligated to be friendly with him and that she didn’t feel like she could turn down his requests, specifically testifying that she felt that “if she quit having anything to

<sup>2</sup>The first complaint was filed on July 1, 2015, by Judge Miki Thompson, Circuit Court Judge for the Thirtieth Judicial Circuit of West Virginia (I.D. No. 15-03-283). The second complaint was filed on July 6, 2015, by Teresa C. McCune, Chief Public Defender for the Thirtieth Judicial Circuit of West Virginia, who served as appointed counsel for A.S. in the associated criminal case (I.D. No. 15-03-285). The final complaint was filed on July 8, 2015, by A.S., Mr. White’s client in the associated criminal case (I.D. No. 1503-288).

do with him, then he wasn't going to be [her] lawyer anymore."

At her plea hearing on [\*\*7] May 28, 2015, A.S.'s home confinement was suspended and she was placed on probation. Immediately afterward, Mr. White insisted that they drive to Charleston to "celebrate." Once in Charleston, Mr. White took A.S. to dinner and purchased alcoholic drinks for her, despite knowing that her consumption of those drinks would violate her probation. On their way home, in the early morning hours of May 29, 2015, Mr. White took her to the ATV resort he owns and they engaged in sexual relations for the first time.

The following week, Mr. White and A.S. traveled together again when she accompanied him to Louisville, Kentucky for an ATV convention. Mr. White told her not to mention to anyone at the convention that he was her lawyer. On the way to Louisville, Mr. White gave A.S. an entire bottle of Xanax. In addition to ingesting a number of those pills, she consumed alcohol that was also provided by Mr. White and the two again engaged in sexual relations.

After the Louisville trip, Mr. White threatened to "put [A.S.] in jail" for one year for leaving her required alternative sentencing program classes early, despite her having permission to do so. On one such occasion, Mr. White came to the location [\*\*8] where A.S. attended classes and began questioning other workers as to her whereabouts. One of the workers told Mr. White that A.S. left in a gold Suburban and Mr. White asked a friend on the police department to stop the automobile in an attempt to find her. When Mr. White and A.S. next spoke, A.S. told Mr. White that she was upset that he had involved the police because she could have been arrested. According to A.S.'s testimony, Mr. White responded, "that would have been good for [her]" and "that's what [she] need[s]." A.S. testified that after this encounter she was paranoid that he would try to "set her up." Notwithstanding this concern, Mr. White and A.S. ultimately reconciled and were on "good terms for a week." During this time, Mr. White and A.S. again traveled to Charleston and engaged in sexual relations. Once more, Mr. White purchased alcohol for A.S. while she was still on probation.

During this time, Mr. White continued serving as A.S.'s lawyer by filing various motions.<sup>3</sup> A.S. testified that she

believed Mr. White filed motions relating to her plea solely to remain involved with her case. Mr. White also gave A.S.'s children gifts during his representation and paid to have [\*\*9] her cell phone fixed.

On June 22, 2015, A.S. told A.S.'s community service manager, Ms. Maynard, about Mr. White's behavior. Ms. Maynard accompanied A.S. to Judge Thompson's office, where A.S. requested a new lawyer. On June 24, 2015, Mr. White was removed as counsel and Theresa McCune was appointed to represent her. A.S.'s probation was ultimately revoked due to a failed drug screen and she was sentenced to jail as a result. A.S. testified that the situation with Mr. White was very stressful and embarrassing, and had occurred at a very vulnerable time in her life. She cited her "downfall" as the prescription Xanax Mr. White had provided to her.

#### **B. Charges by the Lawyer Disciplinary Board**

Upon review of the three complaints filed against Mr. White, the Investigative Panel of the LDB filed a formal Statement of Charges on October 26, 2016, alleging that Mr. White violated the following Rules of Professional Conduct: Rule 1.7(a)(2) (conflict of interest; current clients),<sup>4</sup> Rule 1.8(e) (conflict of interest/prohibition on providing financial assistance [\*\*96] to a client),<sup>5</sup> Rule 1.8(j) (conflict of interest/prohibition on sexual relations with a client),<sup>6</sup>

Amend Language of Plea and Sentencing Order and a Motion to Withdraw Felony Plea.

<sup>4</sup>Rule 1.7(a)(2) provides:

[e]xcept as provided in paragraph (b), a lawyer shall not represent a client if the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if: (2) there is a significant risk that the representation of one or more clients will be materially limited . . . by a personal interest of the lawyer.

<sup>5</sup>Rule 1.8(e) provides:

[e] lawyer shall not provide financial assistance to a client in connection with pending or contemplated litigation, except that: (1) a lawyer may advance court costs and expenses of litigation, the repayment of which may be contingent on the outcome of the matter; and (2) a lawyer representing an indigent client may pay court costs and expenses of litigation on behalf of the client.

<sup>6</sup>Rule 1.8(j) provides:

[e] lawyer shall not have sexual relations with a client whom the lawyer personally represents during the legal

<sup>3</sup>Mr. White filed a Motion to Reduce Probation Fees on June 16, 2015. On June 18, 2015, Mr. White filed a Motion to

Rule 4.2 (prohibition on communication with persons represented by counsel),<sup>7</sup> Rule 1.5(b) (requiring communication of scope of representation, [\*\*10] fees, and expenses),<sup>8</sup> and Rule 8.4(d) (misconduct).<sup>9</sup> Further, the LDB listed—as an aggravating factor—a prior disciplinary offense, which resulted in this Court issuing a reprimand for Mr. White's violation of Rules 1.15(b) and (c) (safekeeping property).

The Statement of Charges was served upon Mr. White on November 10, 2016,<sup>10</sup> when he appeared for the Scheduling Conference. He verbally agreed to accept service as of that date. But, Mr. White failed to respond to these formal charges as required by Rule of Lawyer Disciplinary Procedure [\*\*12] (RLDP) 2.12.<sup>11</sup> Accordingly, the Office of Disciplinary Counsel (ODC) filed a Motion to Deem Admitted the Factual Allegations in the Statement of Charges. The ODC also filed a Motion to Exclude Testimony of Witnesses and Documentary Evidence or Testimony of Mitigating Factors because Mr. White failed to provide his discovery to the ODC as he was obligated to do under RLDP 3.4.<sup>12</sup> These motions were granted by the HPS at

the April 17, 2017 prehearing.

### C. HPS Report and Recommended Sanctions

This [\*\*13] matter proceeded to hearing before the HPS in Charleston on April 24, 2017, at [\*\*899] which the HPS heard testimony from A.S. and from Mr. White. As a result of the HPS's ruling to deem the factual allegations in the statement of charges admitted, in conjunction with it considering the evidence presented, the HPS found that Mr. White violated Rules of Professional Conduct 1.7(a)(2), 1.8(e), 1.8(j), 1.5(b), and 8.4(d). The HPS further found that there were no mitigating factors present, but found several aggravating factors, including past discipline by this Court and the vulnerability of the victim in this matter. As to sanctions, the HPS recommended that Mr. White's law license be suspended for a period of five years and that he be required to pay the costs of the proceedings.

On September 13, 2017, the ODC filed its consent to the recommendation of the HPS. This Court, however, did not concur with the recommendation of the HPS and on October 18, 2017, ordered this matter to be

shall also be communicated to the client.

<sup>7</sup> Rule 8.4 provides "[i]f a lawyer is professional misconduct for a lawyer to... (d) engage in conduct that is prejudicial to the administration of justice."

<sup>10</sup> The Clerk previously attempted service of process upon Mr. White by certified mail on or about October 27, 2016, but the correspondence was returned on or about December 14, 2016, marked unclaimed.

<sup>11</sup> Rule 2.12 provides, in part: "[r]esponsive pleadings shall be filed by the respondent with the Clerk of the Supreme Court of Appeals and the Office of Disciplinary Counsel not more than thirty days after service of the formal charges."

<sup>12</sup> Rule 3.4, in relevant part, provides:

Within 30 days after receiving Disciplinary Counsel's mandatory discovery, the respondent shall provide the Office of Disciplinary Counsel with the complete identity, address and telephone number of any person with knowledge about the facts of any of the charges; provide a list of the proposed witnesses to be called at the hearing, including their addresses, telephone numbers, and a summary of their anticipated testimony; provide a disclosure of any trial expert pursuant to the requirements of Rule 26(b)(4) of the West Virginia Rules of Civil Procedure; provide inspection and copying of the results of any reports of physical or mental examinations or scientific tests or experiments; and provide a list and copy of any proposed exhibit to be used at the hearing.

representation unless a consensual relationship existed between them at the commencement of the lawyer/client relationship. For purposes of this rule, "sexual [\*\*11] relations" means sexual intercourse or any touching of the sexual or other intimate parts of the lawyer for the purposes of arousing or gratifying the sexual desire of either party or as a means of abuse.

<sup>7</sup> Rule 4.2 provides:

[I]n representing a client, a lawyer shall not communicate about the subject of representation with a person the lawyer knows to be represented by another lawyer in the matter, unless the lawyer has the consent of the other lawyer or is authorized to do so by law or a court order.

<sup>8</sup> Rule 1.5(b) provides:

[T]he scope of the representation and the basis or rate of the fee and expenses for which the client will be responsible shall be communicated to the client in writing, before or within a reasonable time after commencing the representation, except when the lawyer will charge a regularly represented client on the same basis or rate. Any changes in the basis or rate of the fee or expenses

scheduled for oral argument under Rule 19 of the West Virginia Rules of Appellate Procedure.

Although this Court directed the ODC and Mr. White to brief the matter pursuant to the scheduling order, Mr. White did not file a responsive brief. On January 8, 2018, the ODC filed a motion urging this Court to consider Mr. White's failure to [\*\*14] file a responsive brief in accordance with this Court's scheduling order as an additional aggravating factor. The ODC now requests that we enhance Mr. White's sanction from the five-year suspension recommended by the HPS to annulment of his license to practice law.

## II. STANDARD OF REVIEW

We review lawyer disciplinary proceedings using the following standards:

*HNI* [§] A *de novo* standard applies to a review of the adjudicatory record made before the [Lawyer Disciplinary Board] as to questions of law, questions of application of the law to the facts, and questions of appropriate sanctions; this Court gives respectful consideration to the [Board's] recommendations while ultimately exercising its own independent judgment. On the other hand, substantial deference is given to the [Board's] findings of fact, unless such findings are not supported by reliable, probative, and substantial evidence on the whole record.<sup>13</sup>

*HNI* [§] While we respectfully consider the HPS's recommendations on the appropriate sanctions, "[t]his Court is the final arbiter of legal ethics problems and must make the ultimate decisions about public reprimands, suspensions or annulments of attorneys' licenses to practice law."<sup>14</sup> Keeping these standards [\*\*15] in mind, we proceed to consider the arguments before the Court.

## III. DISCUSSION

*HNI* [§] We have consistently held that in lawyer disciplinary matters, the ODC has the burden "to prove

the allegations of the formal charge by clear and convincing evidence."<sup>15</sup> In contrast to most cases we review, Mr. White failed to respond to the charges against him and the HPS ruled that the factual allegations in the Statement of Charges were deemed admitted by Mr. White. We find no basis to disturb the underlying determination by the HPS that Mr. White violated five separate provisions of the Rules of Professional Conduct.

As such, we need only consider the appropriate sanctions for Mr. White's egregious conduct. In doing so, we are mindful of our underlying obligation to weigh the multiple considerations in this matter:

*HNI* [§] In deciding on the appropriate disciplinary action for ethical violations, this Court must consider not only what steps would appropriately punish the respondent attorney, but also whether the discipline imposed is adequate to serve as an effective deterrent to other members of the Bar and at the same time restore public confidence in the ethical standards of the legal profession.<sup>16</sup>

With these principles [\*\*16] in mind, we turn to the factors to be considered in imposing sanctions as set forth in Rule 3.16 of the RLDP. [\*\*900] We begin with our holding in *Office of Disciplinary Counsel v. Jordan*:

*HNI* [§] Rule 3.16 of the West Virginia Rules of Lawyer Disciplinary Procedure enumerates factors to be considered in imposing sanctions and provides as follows: "In imposing a sanction after a finding of lawyer misconduct, unless otherwise provided in these rules, the Court [West Virginia Court of Appeals] or Board [Lawyer Disciplinary Board] shall consider the following factors: (1) whether the lawyer has violated a duty owed to a client, to the public, to the legal system, or to the profession; (2) whether the lawyer acted intentionally, knowingly, or negligently; (3) the amount of the actual or potential injury caused by the lawyer's misconduct; and (4) the existence of any aggravating or mitigating factors."<sup>17</sup>

<sup>13</sup> *Syl. Pt. 3, Comm. on Legal Ethics v. McCorkle*, 192 W. Va. 286, 452 S.E.2d 377 (1994).

<sup>14</sup> *Syl. Pt. 3, Comm. on Legal Ethics v. Blair*, 174 W. Va. 494, 327 S.E.2d 671 (1984).

<sup>15</sup> *Syl. Pt. 1, in part, Lawyer Disciplinary Bd. v. McGraw*, 194 W. Va. 788, 461 S.E.2d 850 (1995).

<sup>16</sup> *Syl. Pt. 3, Comm. on Legal Ethics v. Walker*, 178 W. Va. 150, 358 S.E.2d 234 (1987).

<sup>17</sup> *Syl. Pt. 4, Office of Lawyer Disciplinary Counsel v. Jordan*, 204 W. Va. 495, 513 S.E.2d 722 (1988).

In applying the first *Jordan* factor, the HPS found—and we agree—that Mr. White violated several duties owed to his client, to the public, and to the legal profession. As a defendant in a felony criminal matter, A.S. was in a particularly vulnerable situation and relied on Mr. White to protect her liberty. Mr. White's decision to pursue a personal relationship with such a vulnerable [\*\*17] client reflects adversely on his character and fitness to practice law for a number of reasons.

First, by initiating an intimate and sexual relationship with A.S. after becoming counsel of record in her criminal matter, Mr. White's ability to exercise independent judgment and render her with independent advice became impaired. Second, Mr. White—by inviting A.S. to accompany him on an overnight trip and purchasing alcoholic drinks for her and providing her with prescription Xanax while she was on supervised probation—directly assisted A.S. in violating the terms of her court ordered probation, falling far short of his fiduciary role in the matter. Third, Mr. White never confirmed the scope of his representation, nor did he provide the basis or rate of fees and expenses in writing. This resulted in A.S. feeling indebted to Mr. White and afraid to terminate the attorney-client relationship for fear of retribution.

More broadly, Mr. White's reprehensible conduct fall short of the duties owed to the public and to the legal profession. As officers of the court, lawyers are required to act in a manner to maintain the integrity of the Bar.<sup>18</sup> It is abundantly clear that the actions Mr. White took [\*\*18] with respect to his representation of A.S. were directly contrary to this obligation.

Turning to the second *Jordan* factor, we examine Mr. White's mental state at the time of his misconduct to determine whether he acted knowingly, intentionally, or negligently. The undisputed facts are that Mr. White intentionally and knowingly started and maintained a sexual relationship with a client in a very vulnerable situation, provided her with alcohol and drugs while he knew she was serving probation, and did not communicate with her regarding his fees or the scope of his representation. Mr. White's culpable mental state is further evidenced by his repeated requests that A.S. keep their attorney-client relationship a secret—instructing her not tell any of his friends that he was her attorney. A.S. testified that Mr. White demanded

secrecy on this matter "because he could get in trouble."

Applying the third *Jordan* factor—injury or potential injury caused—it is clear that Mr. White's involvement with A.S. caused her real injury. A.S. served jail time for violating her probation due to positive drug screens. She attributed part of her decision to "use" again to the Xanax Mr. White provided her, [\*\*19] as well as the stress caused by her relationship with him—specifically his threats to have her imprisoned for things he had witnessed during the course of their relationship. When Mr. White provided A.S. with drugs and alcohol, he was aware that the requirements of her probation included mandatory drug tests. And he knew of her past battles with addiction. This repugnant behavior is not befitting of an attorney and Mr. White should have been aware of the injury likely to result.

*HNG ¶* In considering the fourth *Jordan* factor—aggravating or mitigating factors— [901] we have explained that "[m]itigating factors in a lawyer disciplinary proceeding are any considerations or factors that may justify a reduction in the degree of discipline to be imposed."<sup>19</sup> We have consistently described mitigating factors as follows:

Mitigating factors which may be considered in determining the appropriate sanction to be imposed against a lawyer for violating the Rules of Professional Conduct include: (1) absence of a prior disciplinary record; (2) absence of a dishonest or selfish motive; (3) personal or emotional problems; (4) timely good faith effort to make restitution or to rectify consequences of misconduct; (5) full [\*\*20] and free disclosure to disciplinary board or cooperative attitude toward proceedings; (6) inexperience in the practice of law; (7) character or reputation; (8) physical or mental disability or impairment; (9) delay in disciplinary proceedings; (10) interim rehabilitation; (11) imposition of other penalties or sanctions; (12) remorse; and (13) remoteness of prior offenses.<sup>20</sup>

By contrast, *HNT ¶* "[a]ggravating factors in a lawyer disciplinary proceeding are any considerations or facts that may justify an increase in the degree of discipline to

<sup>18</sup> See *Lawyer Disciplinary Bd. v. Stanton*, 225 W. Va. 671, 678, 895 S.E.2d 901, 908 (2010).

<sup>19</sup> *Syl. Pt. 2, Lawyer Disciplinary Bd. v. Scott*, 213 W. Va. 209, 579 S.E.2d 550 (2003).

<sup>20</sup> *Id.*, *Syl. Pt. 3*.

be imposed.<sup>21</sup> As we very recently noted, "there is no 'magic formula' for this Court to determine how to weigh the host of mitigating and aggravating circumstances to arrive at an appropriate sanction; each case presents different circumstances that must be weighed against the nature and gravity of the lawyer's misconduct."<sup>22</sup>

We agree with the HPS that there are no mitigating factors in this matter and, as such, Mr. White should not receive the benefit of any considerations that may justify a reduction in the degree of discipline to be imposed. We also agree with the HPS that there are multiple aggravating factors present—the first being Mr. White's prior [\*\*21] disciplinary offense from 2014 as indicated by Rule 9.22(A) of the ABA Model Standards for Imposing Lawyer Sanctions. As punishment for Mr. White's violation of Rules 1.15(b) and (c) (safekeeping property), this Court issued a reprimand and ordered Mr. White to take an additional six hours of Continuing Legal Education and to pay the costs of the disciplinary proceeding.

A second aggravating factor stems from the vulnerability of Mr. White's client—an individual charged with gross child neglect and who has a history of drug and alcohol abuse. Mr. White used A.S.'s vulnerability first to obtain her as a client by convincing her that her court-appointed attorney would not provide adequate representation in a felony case involving her children. Then—after initiating a sexual relationship with A.S.—Mr. White preyed upon this same vulnerability both by employing tactics to ensure A.S. felt indebted to him and threatening A.S. with criminal charges based upon information obtained by and through the attorney-client relationship.

Finally, Mr. White's behavior during the pendency of his disciplinary proceedings must be considered as an additional aggravating factor. The HPS initially recommended to this Court that Mr. White's [\*\*22] license be suspended for five years in addition to other sanctions. Subsequently, Mr. White engaged in additional misconduct by ignoring the directive of this Court to file a responsive brief. The ODC argues that his law license should now be annulled as a result.

Based solely on Mr. White's conduct during his

<sup>21</sup> *Id.*, *Syl. Pt. 4.*

<sup>22</sup> *Lawyer Disciplinary Bd. v. Sirk, W. Va., 810 S.E.2d 276, 2018 W. Va. LEXIS 100, 2018 WL 944266, at \*9 (February 15, 2018).*

representation of A.S., there is ample precedent to support the five-year suspension initially recommended by the HPS. For example, in *Lawyer Disciplinary Board v. Stanton*,<sup>23</sup> we imposed a three-year suspension as a result of a lawyer pursuing and conducting a personal relationship with a vulnerable client. And this Court has previously ordered discipline where a lawyer provides his or her client with gifts or financial assistance similar to those provided in this case.<sup>24</sup> Mr. White's conduct is even more egregious [\*\*902] than that of the attorneys in those cases because he not only pursued a relationship with his client and used his position of power to his advantage, but he also provided alcohol and prescription drugs to a client with a known drug problem while she was on probation.

Moreover, Mr. White ignored this Court's scheduling order and failed to file a responsive brief in this matter. [\*\*23] This behavior further evinces a disturbing pattern of misconduct that merits a more substantial punishment. This Court has held that

*HNB* [a] person named in a disciplinary proceeding before this Court, who, after the Hearing Panel Subcommittee has filed its Report with the recommended sanctions, commits a violation of the Rules of Professional Conduct related to the facts in the underlying complaint may be subject to an increased degree of discipline. Such subsequent misconduct may be relied upon by this Court as an aggravating factor that justifies enhancement of the recommended sanctions of the Hearing Panel Subcommittee.<sup>25</sup>

Absent extenuating circumstances, we question whether a respondent attorney who disregards the directives of this Court and altogether fails to advocate for himself—to maintain his career—will adequately advocate for his or her clients. Accordingly, we conclude that a respondent attorney's violation of this Court's scheduling order will be deemed an aggravating factor and may

<sup>23</sup> *233 W. Va. 639, 780 S.E.2d 453 (2014).*

<sup>24</sup> *Lawyer Disciplinary Bd. v. Nessel, 234 W. Va. 695, 768 S.E.2d 484 (2015)* (lawyer who made small gifts to litigation clients with a humanitarian motive reprimanded, supervised for a year, assessed costs, and ordered to attend an additional nine hours of continuing legal education in the area of ethics and law office management).

<sup>25</sup> *Syl. Pt. 7, Lawyer Disciplinary Bd. v. Grafton, 227 W. Va. 579, 712 S.E.2d 486 (2011).*

811 S.E.2d 893, \*902; 2018 W. Va. LEXIS 195, \*\*23

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give rise to heightened discipline.

We find that Mr. White's egregious violations of the standards of the legal profession, combined with his outright unwillingness to comply with the directives of [\*\*24] this Court, are sufficient to merit the most severe sanction available and hereby order that his license be annulled.

#### IV. CONCLUSION

Based upon the foregoing, we impose the following sanctions pursuant to Rule 3.15 of the Rules of Lawyer Disciplinary Procedure: (1) annul Mr. White's law license; and (2) order that Mr. White will pay the costs of these proceedings.

Annulment and Costs.

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**Cited**  
As of: September 7, 2018 6:37 PM Z

**Lawyer Disciplinary Bd. v. Sirk**

Supreme Court of Appeals of West Virginia

January 24, 2018, Submitted; January 24, 2018, Submitted; February 15, 2018, Filed

No. 16-1179

**Reporter**

810 S.E.2d 276 ¶; 2018 W. Va. LEXIS 100 \*\*

LAWYER DISCIPLINARY BOARD, Petitioner v.  
TIMOTHY M. SIRK, A MEMBER OF THE WEST  
VIRGINIA STATE BAR, Respondent

**Prior History:** [\*\*1] Lawyer Disciplinary Proceeding.

**Disposition:** SANCTIONS IMPOSED.

**Core Terms**

Disciplinary, misconduct, recommended, sanctions, retainer fee, suspension, ethical, disciplinary proceeding, funds, aggravating factor, practice of law, factors, bankruptcy petition, disciplinary board, fail to file, license, legal profession, discipline, three-year, one-year, mitigating factors, proceedings, confidence, violations, dishonest, suspended, offenses, provides, enhance, selfish

**Case Summary**

**Overview**

**HOLDINGS:** [1]-A three-year suspension was imposed upon an attorney where he knowingly and intentionally made repeated withdrawals from a client's bank account for his own personal use, accepted a retainer fee and misinformed another client about the case's status, and the term for the suspension was consistent with similar attorney discipline precedent.

**Outcome**

Sanctions ordered.

**LexisNexis® Headnotes**

Review > Clearly Erroneous Review

Legal Ethics > Sanctions > Disciplinary  
Proceedings > Appeals

Civil Procedure > Appeals > Standards of  
Review > De Novo Review

**HN2-3** Standards of Review, Clearly Erroneous Review

In lawyer disciplinary proceedings, the Supreme Court of Appeals of West Virginia reviews de novo the recommended decision of the hearing panel subcommittee: a de novo standard applies to a review of the adjudicatory record made before the Lawyer Disciplinary Board as to questions of law, questions of application of the law to the facts, and questions of appropriate sanctions; the Supreme Court gives respectful consideration to the Board's recommendations while ultimately exercising its own independent judgment. On the other hand, substantial deference is given to the Board's findings of fact, unless such findings are not supported by reliable, probative, and substantial evidence on the whole record.

Legal Ethics > Sanctions > Disciplinary  
Proceedings > Appeals

**HN2-3** Disciplinary Proceedings, Appeals

While affording deference to the hearing panel subcommittee, the Supreme Court of Appeals of West Virginia is responsible for determining the ultimate resolution of lawyer disciplinary proceedings. As such, the Supreme Court is the final arbiter of legal ethics problems and must make the ultimate decisions about public reprimands, suspensions or annulments of attorneys' licenses to practice law.

Civil Procedure > Appeals > Standards of

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Evidence > Burdens of Proof > Allocation

Legal Ethics > Sanctions > Disciplinary Proceedings > Hearings

Evidence > Burdens of Proof > Clear & Convincing Proof

**HN3[2] Burdens of Proof, Allocation**

In lawyer disciplinary matters, the Office of Disciplinary Counsel has the burden to prove the allegations of the formal charge by clear and convincing evidence.

Legal Ethics > Sanctions > General Overview

**HN4[2] Legal Ethics, Sanctions**

A person named in a disciplinary proceeding before the Supreme Court of Appeals of West Virginia, who, after the hearing panel subcommittee has filed its report with the recommended sanctions, commits a violation of the Rules of Professional Conduct related to the facts in the underlying complaint may be subject to an increased degree of discipline. Such subsequent misconduct may be relied upon by the Supreme Court as an aggravating factor that justifies enhancement of the recommended sanctions of the hearing panel subcommittee.

Legal Ethics > Sanctions > General Overview

**HN5[2] Legal Ethics, Sanctions**

The Supreme Court of Appeals of West Virginia has emphasized that attorney disciplinary proceedings are not designed solely to punish the attorney, but rather to protect the public, to reassure it as to the reliability and integrity of attorneys and to safeguard its interest in the administration of justice.

Legal Ethics > Sanctions > General Overview

**HN6[2] Legal Ethics, Sanctions**

In deciding on the appropriate disciplinary action for ethical violations, the Supreme Court of Appeals of West Virginia must consider not only what steps would appropriately punish the respondent attorney, but also whether the discipline imposed is adequate to serve as

an effective deterrent to other members of the Bar and at the same time restore public confidence in the ethical standards of the legal profession.

Legal Ethics > Sanctions > General Overview

**HN7[2] Legal Ethics, Sanctions**

W. Va. R. Law. Disc. P. 3.16 enumerates factors to be considered in imposing sanctions and provides as follows: In imposing a sanction after a finding of lawyer misconduct, unless otherwise provided in these rules, the Supreme Court of Appeals of West Virginia or the Lawyer Disciplinary Board shall consider the following factors: (1) whether the lawyer has violated a duty owed to a client, to the public, to the legal system, or to the profession; (2) whether the lawyer acted intentionally, knowingly, or negligently; (3) the amount of the actual or potential injury caused by the lawyer's misconduct; and (4) the existence of any aggravating or mitigating factors.

Legal Ethics > Sanctions > General Overview

**HN8[2] Legal Ethics, Sanctions**

The Supreme Court of Appeals of West Virginia has held that mitigating factors in a lawyer disciplinary proceeding are any considerations or factors that may justify a reduction in the degree of discipline to be imposed. Mitigating factors which may be considered in determining the appropriate sanction to be imposed against a lawyer for violating the Rules of Professional Conduct include: (1) absence of a prior disciplinary record; (2) absence of a dishonest or selfish motive; (3) personal or emotional problems; (4) timely good faith effort to make restitution or to rectify consequences of misconduct; (5) full and free disclosure to disciplinary board or cooperative attitude toward proceedings; (6) inexperience in the practice of law; (7) character or reputation; (8) physical or mental disability or impairment; (9) delay in disciplinary proceedings; (10) interim rehabilitation; (11) imposition of other penalties or sanctions; (12) remorse; and (13) remoteness of prior offenses. By contrast, aggravating factors in a lawyer disciplinary proceeding are any considerations or factors that may justify increase in the degree of discipline to be imposed. A pattern of conduct and multiple offenses may be considered as aggravating factors.

Legal Ethics > Sanctions > General Overview

#### HN9 Legal Ethics, Sanctions

Courts apply the aggravating factor of dishonest or selfish motives in cases where the lawyer intends to benefit financially from prohibited transactions. For example, an attorney who solicits loans from a client because he is unable to find funding elsewhere acts selfishly because the attorney seeks to benefit directly from the client.

Legal Ethics > Sanctions > General Overview

#### HN10 Legal Ethics, Sanctions

There is no magic formula for the Supreme Court of Appeals of West Virginia to determine how to weigh the host of mitigating and aggravating circumstances to arrive at an appropriate sanction; each case presents different circumstances that must be weighed against the nature and gravity of the lawyer's misconduct.

Business & Corporate Compliance > ... > Legal Ethics > Client Relations > Client Funds

#### HN11 Legal Ethics, Client Funds

When a lawyer violates W. Va. R. Prof. Conduct 8.4(c) and 8.4(d) by misappropriating property belonging to a client, that lawyer breaches one of the fundamental duties of this profession.

### Syllabus

#### BY THE COURT

1. "A *de novo* standard applies to a review of the adjudicatory record made before the [Lawyer Disciplinary Board] as to questions of law, questions of application of the law to the facts, and questions of appropriate sanctions; this Court gives respectful consideration to the [Board's] recommendations while ultimately exercising its own independent judgment. On the other hand, substantial deference is given to the [Board's] findings of fact, unless such findings are not supported by reliable, probative, and substantial

evidence on the whole record." *Syl. Pt. 3, Comm. on Legal Ethics v. McCorkle*, 192 W.Va. 288, 462 S.E.2d 377 (1994).

2. "This Court is the final arbiter of legal ethics problems and must make the ultimate decisions about public reprimands, suspensions or annulments of attorneys' licenses to practice law." *Syl. Pt. 3, Comm. on Legal Ethics of the W.Va. State Bar v. Blair*, 174 W.Va. 494, 327 S.E.2d 671 (1984).

3. "A person named in a disciplinary proceeding before this Court, who, after the Hearing Panel Subcommittee has filed its Report with the recommended sanctions, commits a violation of the Rules of Professional Conduct related to the facts in the underlying complaint may be subject to an increased degree of discipline. Such subsequent misconduct may be relied upon by [\*\*2] this Court as an aggravating factor that justifies enhancement of the recommended sanctions of the Hearing Panel Subcommittee." *Syl. Pt. 7, Lawyer Disciplinary Bd. v. Grafton*, 227 W.Va. 579, 712 S.E.2d 488 (2011).

4. "In deciding on the appropriate disciplinary action for ethical violations, this Court must consider not only what steps would appropriately punish the respondent attorney, but also whether the discipline imposed is adequate to serve as an effective deterrent to other members of the Bar and at the same time restore public confidence in the ethical standards of the legal profession." *Syl. Pt. 3, Comm. on Legal Ethics of the W.Va. State Bar v. Walker*, 178 W.Va. 190, 358 S.E.2d 234 (1987).

5. "Rule 3.16 of the West Virginia Rules of Lawyer Disciplinary Procedure enumerates factors to be considered in imposing sanctions and provides as follows: 'In imposing a sanction after a finding of lawyer misconduct, unless otherwise provided in these rules, the Court [West Virginia Supreme Court of Appeals] or Board [Lawyer Disciplinary Board] shall consider the following factors: (1) whether the lawyer has violated a duty owed to a client, to the public, to the legal system, or to the profession; (2) whether the lawyer acted intentionally, knowingly, or negligently; (3) the amount of the actual or potential injury caused by the lawyer's misconduct; and (4) the existence of any aggravating or mitigating factors.'" [\*\*3] *Syl. Pt. 4, Office of Disciplinary Counsel v. Jordan*, 204 W.Va. 495, 513 S.E.2d 722 (1998).

6. "Mitigating factors in a lawyer disciplinary proceeding

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are any considerations or factors that may justify a reduction in the degree of discipline to be imposed." *Syl. Pt. 2, Lawyer Disciplinary Bd. v. Scott*, 213 W.Va. 209, 579 S.E.2d 550 (2003).

7. "Mitigating factors which may be considered in determining the appropriate sanction to be imposed against a lawyer for violating the Rules of Professional Conduct include: (1) absence of a prior disciplinary record; (2) absence of a dishonest or selfish motive; (3) personal or emotional problems; (4) timely good faith effort to make restitution or to rectify consequences of misconduct; (5) full and free disclosure to disciplinary board or cooperative attitude toward proceedings; (6) inexperience in the practice of law; (7) character or reputation; (8) physical or mental disability or impairment; (9) delay in disciplinary proceedings; (10) interim rehabilitation; (11) imposition of other penalties or sanctions; (12) remorse; and (13) remoteness of prior offenses." *Syl. Pt. 3, Lawyer Disciplinary Bd. v. Scott*, 213 W.Va. 209, 579 S.E.2d 550 (2003).

8. "Aggravating factors in a lawyer disciplinary proceeding are any considerations or factors that may justify increase in the degree of discipline to be imposed." *Syl. Pt. 4, Lawyer Disciplinary Bd. v. Scott*, 213 W.Va. 209, 579 S.E.2d 550 (2003).

**Counsel:** For Petitioner: Andrea J. Hinerman, Esq., [\*4] Senior Lawyer Disciplinary Counsel, Office of Lawyer Disciplinary Counsel, Charleston, West Virginia.

**Judges:** JUSTICE WORKMAN delivered the Opinion of the Court.

**Opinion by:** WORKMAN

### Opinion

[\*278] WORKMAN, Justice:

This lawyer disciplinary proceeding against Respondent Timothy M. Sirk was brought to this Court by the Office of Disciplinary Counsel ("ODC") on behalf of the Lawyer Disciplinary Board ("Board"). The Board's Hearing Panel Subcommittee [\*279] ("HPS") determined that Mr. Sirk committed multiple violations of the West Virginia Rules of Professional Conduct ("Rules") and recommended that this Court suspend his law license for a period of one year, in addition to other sanctions. Based upon our review of the record submitted, ODC's brief and

argument,<sup>1</sup> and the applicable legal precedent, we find Mr. Sirk committed numerous violations of the Rules. We disagree, however, with the HPS's recommendation that a one-year suspension is sufficient discipline. We find, instead, that Mr. Sirk's egregious misconduct warrants a three-year suspension from the practice of law and adopt the HPS's remaining recommended sanctions in full.

#### I. FACTUAL AND PROCEDURAL HISTORY

Mr. Sirk is a lawyer practicing in Keyser, West Virginia. He was admitted [\*15] to the West Virginia State Bar in 1983. Prior to these proceedings, he had no disciplinary history.

This matter involves two formal charges filed against Mr. Sirk that proceeded to hearing before the HPS in May 2017; several witnesses testified, including the two complainants, as well as Mr. Sirk who appeared pro se. In addition, ODC submitted several exhibits and the parties submitted Stipulated Findings of Fact and Conclusions of Law.<sup>2</sup> Based upon this evidence, the HPS filed its report with this Court in September 2017. The following is a brief summary of the complaints.

##### A. Complaint of Client # 1

Client # 1<sup>3</sup> and Mr. Sirk have been friends for more than fifty years; he previously retained Mr. Sirk to represent him in a variety of legal matters. When Client # 1 became the executor of his mother's estate, he retained Mr. Sirk to represent him. Following the sale of Client # 1's mother's home, Mr. Sirk opened a trust account at M&T Bank in Keyser, West Virginia, and deposited \$30,068 from the sale of the home in August 2013. Client # 1 and Mr. Sirk had a verbal agreement at the time the account was opened that Mr. Sirk could borrow from this account as long as he repaid the money.

<sup>1</sup> Mr. Sirk failed to file a responsive brief in this matter, despite being ordered to do so by this Court in its briefing schedule. On or about December 27, 2017, Mr. Sirk submitted an "Answer to the Lawyer Disciplinary Board." However, this document did not comply with Rule 10 of the West Virginia Rules of Appellate Procedure. Therefore, we decline to consider it.

<sup>2</sup> At the hearing, Mr. Sirk acknowledged signing the Stipulated Findings of Fact and Conclusions of Law; nevertheless, he noted exceptions to several paragraphs.

<sup>3</sup> Client # 1 is Mr. George F. Wilson. He filed a complaint against Mr. Sirk in August 2014.

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However, they [\*\*6] never discussed the specific terms of this agreement, Mr. Sirk did not advise Client # 1 to seek legal counsel, nor did Client # 1 provide written consent for Mr. Sirk to withdraw funds.

Client # 1 visited the bank in January 2014 and inquired about the balance of this trust account. He was shocked to learn that Mr. Sirk had withdrawn approximately \$16,800. After leaving the bank, Client # 1 went to Mr. Sirk's law office to confront him. Mr. Sirk stated that he would repay the money, but it would take some time because he was experiencing financial problems and would need to take a second mortgage out on his home. Mr. Sirk explained that he was dealing with personal problems, including children battling drug addictions. In July 2014, Mr. Sirk returned \$16,000 to Client # 1 and approximately a month later, he paid the remaining \$800.

At the hearing held before the HPS, Mr. Sirk expressed remorse and apologized to Client # 1. Mr. Sirk explained that he was suffering severe financial problems when he was supporting his grown son who is a heroin addict and was trying to secure drug rehabilitation. During this time, he learned that his other son was also a drug addict. Mr. Sirk testified that he [\*\*7] was also caring for his elderly parents who were both very ill and dealing with his own personal health problems. Mr. Sirk stated that he turned to gambling and contemplated divorce.<sup>4</sup>

<sup>4</sup> Mr. Sirk testified:

I just had too much and my life just kind of got out of control, and then just as a way of relaxing, I would sit at the hotdog stand and play the poker machines for an hour or two a day, but the amount of money I spent there was, . . . nothing at all compared to what I was spending on paying my children's bills and enabling them, and then trying to get them into rehab. And I just - since that point in time, I've gotten things together somewhat. My - both of my children are doing much better. My wife and I have worked out; all of our issues and are happily back living together again, but I still don't have a lot of time to work because my parents are - I live next door to them and I'm their primary caretaker.

And so I have limited my practice pretty much for the last year or so to just court appointed cases and occasional deeds, DUI's, you know no real civil litigation of any kind. And I'm making enough money that I'm paying my bills and getting by again. Things are better. I don't know that I'll ever be able [\*\*8] to go back to a full-time practice of law. I'd certainly like to, but I just don't know that I am ever going to be able to do that.

[\*\*280] In the matter involving Client # 1, the HPS found that Mr. Sirk violated several of the Rules.<sup>5</sup> Specifically, the HPS concluded that Mr. Sirk violated Rule 1.8(a)<sup>6</sup> because Mr. Sirk withdrew money from a trust account containing money belonging to his client but did not disclose the transaction and terms in writing, did not advise the client to seek independent counsel, and did not obtain written consent to the various transactions. The HPS further found that Mr. Sirk violated Rule 8.4(c) and Rule 8.4(d)<sup>7</sup> because he wrongfully misappropriated and converted funds belonging to his client and/or to a third person to his own personal use.

#### B. Complaint of Client # 2

In September 2013, Client # 2<sup>8</sup> retained Mr. Sirk to file a bankruptcy petition and paid him a \$2,500 retainer fee. For nearly a year, Client # 2 contacted his office regularly to inquire about the status of her case and was told either that Mr. Sirk was still working on the matter or that there were cases ahead of hers and he would get to it soon. Client # 2 met with Mr. Sirk in September 2014,

<sup>5</sup> By order entered September 29, 2014, this Court approved comprehensive amendments to the West Virginia Rules of Professional Conduct. While the amendments became effective January 1, 2015, this Opinion applies the version of the Rules that was in effect at the time of Mr. Sirk's misconduct. However, we note that the substance of the new Rules would not have resulted in a different disposition of this case.

<sup>6</sup> Rule 1.8(a) provides,

(a) A lawyer shall not enter into a business transaction with a client or knowingly acquire an ownership, possessory, security or other pecuniary interest adverse to a client unless:

(1) the transaction and terms on which the lawyer acquires the interest are fair and reasonable to the client and are fully disclosed and transmitted in writing to the client in a manner which can be reasonably understood by the client;

(2) the client is given a reasonable opportunity [\*\*9] to seek the advice of independent counsel in the transaction; and

(3) the client consents in writing thereto.

<sup>7</sup> Rules 8.4(c) and 8.4(d) provide, "[i]f it is professional misconduct for a lawyer to: . . . (c) Engage in conduct involving dishonesty, fraud, deceit or misrepresentation. (d) Engage in conduct that is prejudicial to the administration of justice."

<sup>8</sup> Client # 2 is Ms. Carrie E. Wolford-Watson. She filed a complaint against Mr. Sirk in December 2014.

Marsha Kaufmann

and he assured her that they were ready to "go to court" and would receive a court date in the mail within the next month.

However, in October 2014, Client # 2 received a form letter from Mr. Sirk advising that he was "winding down" his practice of law and would be closing the office soon. In this letter, Mr. Sirk assured his clients that he would continue to work on pending cases for as long as possible until they were completed but that he was not accepting any new clients. The closure of Mr. Sirk's law office was sudden and the result of several reasons, primarily financial and health related; after the office closed, he no longer had access to the bankruptcy software [\*\*10] or electronic filing, but he did not share this information with Client # 2.

In December 2014, Client # 2 texted Mr. Sirk to inform him that if she did not hear back from him soon regarding her bankruptcy matter that she would file a civil suit against him. She received a voicemail the following day from Mr. Sirk who responded that he was "broke due to an illness, . . . did not file bankruptcy for [her] and did not have [her] money to give back to [her] at this time." Mr. Sirk acknowledged that he owed her the \$2,500 retainer fee, and suggested that she sue him and file a judgment lien against his house. Client # 2 did file suit against Mr. Sirk in magistrate court and he [\*\*281] simply confessed judgment. Mr. Sirk eventually returned half of Client # 2's retainer fee, \$1,250, in December 2014, but he failed to return her file timely and then failed to answer her telephone calls. Client # 2 feared that her creditors could come after her home because of the delay in the bankruptcy action. She borrowed money from her parents to pay a retainer fee for another lawyer to file the bankruptcy petition.

At the hearing held before the HPS, Client # 2 testified that she felt "very degraded by the system as [\*\*11] well as taken advantage of by a man who knows he can get away with whatever he wishes to do." Mr. Sirk testified that he performed work on Client # 2's bankruptcy petition; but he failed to itemize his work on the case to justify withholding the remainder of the retainer fee.

In the matter involving Client # 2, the HPS concluded that Mr. Sirk violated Rule 1.3<sup>9</sup> for failing to act with reasonable diligence by failing to file the bankruptcy petition even though he received a retainer fee to do so;

<sup>9</sup> Rule 1.3 provides that "[a] lawyer shall act with reasonable diligence and promptness in representing a client."

Rule 1.4(a) and 1.4(b)<sup>10</sup> for failing to keep Client # 2 reasonably informed about the status of the case and failing to promptly comply with her reasonable requests for information; Rule 1.15<sup>11</sup> for failing to produce an accounting and/or itemized statement detailing her account when he claimed to have earned \$1,250 of the \$2,500 retainer fee; Rule 1.16(d)<sup>12</sup> for failing to provide a full refund of the retainer fee after he failed to file the bankruptcy petition; and Rules 8.4(c) and 8.4(d)<sup>13</sup> for wrongfully misappropriating and converting client funds to his own personal use.

#### C. Factors Considered by the HPS

In addition to the findings made by the HPS in each complaint, the HPS further concluded that Mr. Sirk violated duties to his clients, to the public, to the legal system, and to the legal profession. The HPS found he acted both knowingly and intentionally and the amount of real and potential injury to his clients was great. The HPS found several aggravating factors were present: dishonest or selfish motive; a pattern of misconduct; multiple offenses; and substantial experience in the practice of law. It also determined the following mitigating factors were present: an absence of a prior disciplinary record; personal or emotional problems; and remorse.

#### D. The HPS's Recommended Sanctions

<sup>10</sup> Rules 1.4(a) and 1.4(b) provide, "(a) A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information. (b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation."

<sup>11</sup> The relevant portion of Rule 1.15 provides,

(c) When in the course of representation a lawyer is in possession of property in which both the lawyer and another person claim interests, the property shall be kept separate by the lawyer until [\*\*12] there is an accounting and severance of their interests. If a dispute arises concerning their respective interests, the portion that is in dispute shall be kept separate by the lawyer until [the] dispute is resolved.

<sup>12</sup> Rule 1.16(d) provides, in relevant part: "(d) Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as . . . surrendering papers and property to which the client is entitled[.]"

<sup>13</sup> See note 7, *supra*.

To this Court, the HPS recommended that Mr. Sirk's law license be suspended for one year. It further recommended that Mr. Sirk: be required to refund Client # 2 the remaining \$1,250 of the \$2,500 retainer fee; complete an additional six hours of continuing [\*\*13] legal education, including an additional three hours in the areas of ethics and office management above that which is already required; upon reinstatement, be placed on one year of supervised practice by an active attorney should he be reinstated; comply with the mandates of Rule 3.28 of the Rules of Lawyer Disciplinary Procedure; and pay the costs of these proceedings pursuant to Rule 3.15 of the Rules of Lawyer Disciplinary Procedure.

#### E. ODC's Motion to Enhance Sanctions

This Court scheduled this matter for argument and ordered the parties to file briefs. ODC filed its brief on November 22, 2017. [\*\*282] and agreed with the HPS's recommended sanctions. Though ordered to do so by this Court, Mr. Sirk failed to file a brief.<sup>14</sup> On January 10, 2018, ODC moved this Court to enhance the previously requested sanctions because, in its opinion, Mr. Sirk committed an additional aggravating factor when he failed to file a brief in this case; ODC moved to enhance his suspension to practice law for a period of three years, along with other penalties.

## II. STANDARD OF REVIEW

HN3 [¶] In lawyer disciplinary proceedings, this Court reviews de novo the recommended decision of the HPS:

A *de novo* standard applies to a review of the adjudicatory record made before the [Lawyer Disciplinary Board] as to questions of law, questions [\*\*14] of application of the law to the facts, and questions of appropriate sanctions; this Court gives respectful consideration to the [Board's] recommendations while ultimately exercising its own independent judgment. On the other hand, substantial deference is given to the [Board's] findings of fact, unless such findings are not supported by reliable, probative, and substantial evidence on the whole record.

Syl. Pt. 3, Comm. on Legal Ethics v. McCorkle, 192 W.Va. 296, 452 S.E.2d 377 (1994). HN2 [¶] While affording deference to the HPS, this Court is responsible

for determining the ultimate resolution of lawyer disciplinary proceedings. As such, "[t]his Court is the final arbiter of legal ethics problems and must make the ultimate decisions about public reprimands, suspensions or annulments of attorneys' licenses to practice law." Syl. Pt. 3, Comm. on Legal Ethics of the W.Va. State Bar v. Blair, 174 W.Va. 494, 327 S.E.2d 671 (1984). With these standards in mind, we proceed to the merits of this matter.

## III. DISCUSSION

HN3 [¶] In lawyer disciplinary matters, ODC has the burden "to prove the allegations of the formal charge by clear and convincing evidence." Syl. pt. 1, in part, Lawyer Disciplinary Bd. v. McGraw, 194 W.Va. 788, 461 S.E.2d 850 (1995). Based on the record before us, this Court finds no reason to disturb the underlying determination by the HPS that Mr. Sirk violated various provisions of the Rules.

ODC initially urged this [\*\*15] Court to accept the HPS's recommendations, including the one-year suspension. Ultimately, however, ODC maintained that Mr. Sirk engaged in additional misconduct after the HPS completed its report and argued that his law license should be suspended for three years in addition to other sanctions. ODC asserted that Mr. Sirk violated duties to his clients, to the public, to the legal system, and to fellow members of the legal profession.

Further, in ODC's motion to consider an additional aggravating factor and to enhance the sanctions against Mr. Sirk, the evidence shows that Mr. Sirk ignored a directive of this Court when he failed to file a responsive brief. Not only does this behavior evince a disturbing pattern of misconduct, but it also shows a failure to obey an obligation imposed by a tribunal. As set forth in syllabus point seven of Lawyer Disciplinary Board v. Grafton, 237 W.Va. 579, 712 S.E.2d 488 (2011),

HN4 [¶] [a] person named in a disciplinary proceeding before this Court, who, after the Hearing Panel Subcommittee has filed its Report with the recommended sanctions, commits a violation of the Rules of Professional Conduct related to the facts in the underlying complaint may be subject to an increased degree of discipline. Such subsequent misconduct may be [\*\*16] relied upon by this Court as an aggravating factor that justifies enhancement of the recommended sanctions of the Hearing Panel Subcommittee.

<sup>14</sup> See note 1, *supra*.

We now turn our focus to the appropriate sanctions for Mr. Sirk's misconduct. HNS ¶ This Court has emphasized that "[a]ttorney disciplinary proceedings are not designed solely to punish the attorney, but rather to protect the public, to reassure it as to the reliability and integrity of attorneys and to safeguard its interest in the [\*\*283] administration of justice." Lawyer Disciplinary Bd. v. Taylor, 192 W.Va. 139, 144, 451 S.E.2d 440, 445 (1994). Furthermore, we are mindful of this Court's holding in syllabus point three of Committee on Legal Ethics of the West Virginia State Bar v. Walker, 178 W.Va. 150, 358 S.E.2d 234 (1987):

HNS ¶ In deciding on the appropriate disciplinary action for ethical violations, this Court must consider not only what steps would appropriately punish the respondent attorney, but also whether the discipline imposed is adequate to serve as an effective deterrent to other members of the Bar and at the same time restore public confidence in the ethical standards of the legal profession.

With these principles in mind, we proceed to the relevant factors set forth in Rule 3.16 of the Rules of Lawyer Disciplinary Procedure. In syllabus point four of Office of Disciplinary Counsel v. Jordan, 204 W.Va. 495, 513 S.E.2d 722 (1998), this Court held:

HNT ¶ Rule 3.16 of the West Virginia Rules of Lawyer Disciplinary Procedure enumerates factors to be considered in imposing sanctions and provides as follows: "In imposing a sanction after [\*\*17] a finding of lawyer misconduct, unless otherwise provided in these rules, the Court [West Virginia Supreme Court of Appeals] or Board [Lawyer Disciplinary Board] shall consider the following factors: (1) whether the lawyer has violated a duty owed to a client, to the public, to the legal system, or to the profession; (2) whether the lawyer acted intentionally, knowingly, or negligently; (3) the amount of the actual or potential injury caused by the lawyer's misconduct; and (4) the existence of any aggravating or mitigating factors."

Beginning with the first Jordan factor, Mr. Sirk violated several Rules that encompass ethical duties that he owed to the public and the legal system. However, the most important duty he violated was that owed to his clients. The clients sought his counsel, trusted his judgment, and expected that he would handle their legal affairs and proceeds accordingly. As discussed more fully below, Mr. Sirk's failure to act with integrity when dealing with client funds was especially egregious.

The second Jordan factor—the lawyer's mental state—is easy to discern. Mr. Sirk acted both knowingly and intentionally. In the matter involving Client # 1, he made repeated withdrawals [\*\*18] from the client's bank account for his own personal use. Notably, he continued to make withdrawals from this account even after Client # 1 confronted him in January of 2014 and demanded repayment. In the matter involving Client # 2, Mr. Sirk accepted the retainer fee in September 2013, then made little to no progress in the case for over a year, failed to keep her reasonably informed about the matter, and misinformed her about the true status of the case.

Applying the third Jordan inquiry—the injury or potential injury caused—it is obvious that Mr. Sirk's misconduct caused actual monetary damage to both clients. While Mr. Sirk eventually repaid Client # 1, he still suffered injury at the time when deprived of his funds for several months. Moreover, the potential for such misconduct to cause serious injury was enormous considering Mr. Sirk's precarious financial situation; the loans were not subject to a written loan agreement or security, payment of interest, penalties or fees, or a schedule for repayment. Without proper documentation, Client # 1 was completely vulnerable to losing this money. Likewise, Client # 2's bankruptcy petition was delayed and she was frustrated when Mr. Sirk ignored [\*\*19] her attempts to speed things along. After Mr. Sirk failed to file the bankruptcy petition, he never paid the remainder of the retainer fee and Client # 2 was forced to obtain a judgment against him in magistrate court. Finally, she had to borrow additional money from her parents to pay another lawyer's retainer fee and remained financially vulnerable to creditors.

We now turn to the final Jordan factor and consider Mr. Sirk's conduct in light of both mitigating and aggravating factors. HNS ¶ This Court has held that "[m]itigating factors in a lawyer disciplinary proceeding are any considerations or factors that may justify a reduction in the degree of discipline to be imposed." Syl. Pt. 2, Lawyer Disciplinary [\*\*284] Bd. v. Scott, 213 W.Va. 209, 579 S.E.2d 550 (2003).

Mitigating factors which may be considered in determining the appropriate sanction to be imposed against a lawyer for violating the Rules of Professional Conduct include: (1) absence of a prior disciplinary record; (2) absence of a dishonest or selfish motive; (3) personal or emotional problems; (4) timely good faith effort to make restitution or to rectify consequences of misconduct; (5) full and free disclosure to

disciplinary board or cooperative attitude toward proceedings; (6) inexperience in the practice [\*\*20] of law; (7) character or reputation; (8) physical or mental disability or impairment; (9) delay in disciplinary proceedings; (10) interim rehabilitation; (11) imposition of other penalties or sanctions; (12) remorse; and (13) remoteness of prior offenses.

*Id.* at 210, 579 S.E.2d at 551, Syl. Pt. 3. By contrast, "[a]ggravating factors in a lawyer disciplinary proceeding are any considerations or factors that may justify increase in the degree of discipline to be imposed." *Id.* at 217, 579 S.E.2d at 555, Syl. Pt. 4. A pattern of conduct and multiple offenses may be considered as aggravating factors. *Id.*

The HPS found the remorse shown by Mr. Sirk constituted a mitigating factor as well as the absence of a prior disciplinary record, and his personal/emotional problems. Conversely, several aggravating factors were also present including Mr. Sirk's dishonest or selfish motive, pattern of misconduct, multiple offenses, and his substantial experience in the practice of law. HN9 Courts have applied the aggravating factor of dishonest or selfish motives in cases where the lawyer intends to benefit financially from prohibited transactions. "For example, an attorney who solicits loans from a client because he is unable to find funding elsewhere acts selfishly because the attorney seeks to benefit directly from the client." *In re Disciplinary Proceeding Against Trejo*, 163 Wn.2d 701, 185 P.3d 1160, 1174 (Wash. 2005).

HN10 There is no "magic formula" for this Court to determine how to weigh the host of mitigating and aggravating circumstances [\*\*21] to arrive at an appropriate sanction; each case presents different circumstances that must be weighed against the nature and gravity of the lawyer's misconduct. Considering all the relevant factors in this case, we conclude that the one-year suspension recommendation submitted by the HPS is too lenient a punishment for serious behavior that has become a pattern of continued wrongdoing.

This Court is not unsympathetic to Mr. Sirk's personal problems that contributed to his professional misconduct. Nevertheless, the severity of his misconduct cannot be overstated. HN11 When a lawyer violates Rules 8.4(c) and 8.4(d) by misappropriating property belonging to a client, that lawyer breaches one of the fundamental duties of this profession. The New Jersey Supreme Court eloquently explained why this breach, perhaps more than any

other, sullies the reputation of the entire legal profession and not merely the errant practitioner.

Like many rules governing the behavior of lawyers, this one has its roots in the confidence and trust which clients place in their attorneys. Having sought his advice and relying on his expertise, the client entrusts the lawyer with the transaction—including the handling of the client's funds. [\*\*22] Whether it be a real estate closing, the establishment of a trust, the purchase of a business, the investment of funds, the receipt of proceeds of litigation, or any one of a multitude of other situations, it is commonplace that the work of lawyers involves possession of their clients' funds. That possession is sometimes expedient, occasionally simply customary, but usually essential. Whatever the need may be for the lawyer's handling of clients' money, the client permits it because he trusts the lawyer.

It is a trust built on centuries of honesty and faithfulness. Sometimes it is reinforced by personal knowledge of a particular lawyer's integrity or a firm's reputation. The underlying faith, however, is in the legal profession, the bar as an institution. No other explanation can account for clients' customary willingness to entrust their funds to relative strangers simply because they are lawyers.

Abuse of this trust has always been recognized as particularly reprehensible: [\*\*25] "(T)here are few more egregious acts of professional misconduct of which an attorney can be guilty than misappropriation of a client's funds held in trust." [*In re Beckman*, 79 N.J. 402, 404-05, 400 A.2d 792, 793 (1979)].

*Matter of Wilson*, 81 N.J. 451, 409 A.2d 1153, 1154-55 (N.J. 1979). Consequently, the fact that Mr. Sirk had no prior disciplinary [\*\*23] record is of small significance; an attorney cannot shield himself from the consequences of committing a serious ethical violation simply because it was his first offense.

Finally, an important factor that weighs heavily in our decision is our duty to maintain the integrity of the State Bar. In other words, "[u]nless we keep clean our own house . . . we cannot expect the public to have confidence in . . . our system of justice." [*In re Goldman*, 179 Mont. 526, 588 P.2d 984, 985 (Mont. 1978) (Harrison, J., dissenting)]. "Society allows the legal profession the privilege of self-regulation. Thus, it is of the utmost importance that the public have confidence

in the profession's ability to discipline itself—lest the privilege be withdrawn.” *Disciplinary Matter Involving Buckalew*, 731 P.2d 48, 55 (Alaska 1986).

This Court has increased the HPS's recommended sanction of a one-year suspension to a three-year suspension in lawyer disciplinary proceedings under factually similar circumstances. In *Lawyer Disciplinary Board v. Rossi*, 234 W.Va. 675, 769 S.E.2d 484 (2015), we found the lawyer's substantial misconduct warranted a three-year suspension from the practice of law when he failed to act with reasonable diligence in representing clients, failed to communicate with clients, failed to return client files in a timely fashion, engaged in conduct that was deceitful, and engaged in conduct that [\*\*24] was prejudicial to the administration of justice. *Id.* at 666, 769 S.E.2d at 475. Mr. Rossi had comparable aggravating and mitigating factors as Mr. Sirk including a pattern of misconduct, multiple offenses, and substantial experience in the practice of law. *Id.* at 695, 769 S.E.2d at 474. This Court considered an additional aggravating factor of dishonest or selfish motive based on Mr. Rossi's deceitful behavior when he lied to a client, accepted a retainer fee and then failed to perform work on the case. *Id.*; see also *Lawyer Disciplinary Bd. v. Hart*, 235 W.Va. 523, 538, 775 S.E.2d 75, 90 (2015) (rejecting HPS's recommendation of one-year suspension and imposing three-year suspension when lawyer failed to perfect appeals, violated his duty of communication, and agreed to perform certain legal services but failed to perform those services and, additionally, retained unearned fees after being discharged by clients); *Lawyer Disciplinary Bd. v. Aleshire*, 230 W.Va. 70, 79-80, 738 S.E.2d 70, 79-80 (2012) (disagreeing with HPS's recommendation of one-year suspension, finding "Mr. Aleshire was completely unresponsive to his clients in these two matters and caused both of them actual monetary damage. Additionally, Mr. Aleshire has shown a consistent unwillingness to respond to opposing counsel, court orders, and the ODC. Therefore, we believe a three-year suspension [is warranted].").

Consistent with this precedent, [\*\*25] we impose a three-year suspension on Mr. Sirk's law license. Further, we adopt the remaining recommendations made to this Court by the HPS. We believe these sanctions will accomplish the goals of our disciplinary system by punishing Mr. Sirk, restoring public confidence in the ethical standards of our profession and serving as a deterrent to other members of the State Bar.

#### IV. CONCLUSION

For the foregoing reasons, this Court imposes the following sanctions: Mr. Sirk's law license is suspended for three years;<sup>15</sup> he must refund Client # 2 the remaining \$1,250 of her retainer fee; he must complete an additional six hours of continuing legal education, including an additional three hours in the area of ethics and office management above that which is already required; upon reinstatement, Mr. Sirk will be placed on one year of supervised practice by an active attorney in his geographic area in good standing [\*\*286] with the West Virginia State Bar and agreed upon by ODC; and he is ordered to pay the costs of these proceedings.

#### Sanctions Ordered.

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<sup>15</sup>Mr. Sirk is required to comply with the provisions of Rule 3.28 of the Rules of Lawyer Disciplinary Procedure regarding the duties of suspended lawyers. Moreover, pursuant to Rule 3.32 of those Rules, Mr. Sirk will be required to petition for the reinstatement of his law license.



JOINT COMMITTEE ON GOVERNMENT AND FINANCE  
WEST VIRGINIA OFFICE OF THE LEGISLATIVE AUDITOR

# POST AUDIT DIVISION

LEGISLATIVE AUDIT REPORT

## SUPREME COURT OF APPEALS OF WEST VIRGINIA *REPORT 4*

**ISSUE 1:**  
*Over a Period of Four Years, the Supreme Court Depleted \$29 Millions of Surplus Re-appropriated Funds to a Balance of \$233,314.*

**ISSUE 2:**  
*The Supreme Court of Appeals of West Virginia Spent Approximately \$3.4 Million on Renovations Between 2012 and 2016. Several of the Renovation Projects Do Not Contain Invoice Documentation with Sufficient Detail for Analysis.*

**ISSUE 3:**  
*Between 2006 and 2017, the Chief Justice of the Supreme Court of Appeals of West Virginia Allowed 10 Senior Status Judges in the Judicial Retirement System to Exceed the Statutory Compensation Cap 20 Times for a Total of \$27,000.*

Legislative Auditor: Aaron Alfred  
Post Audit Director: Justin Robinson



GENERALLY ACCEPTED GOVERNMENT  
AUDITING STANDARDS STATEMENT

We conducted this performance audit in accordance with Generally Accepted Government Auditing Standards (GAGAS). Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

POST AUDIT DIVISION  
Director, Justin Robinson

JOINT COMMITTEE ON GOVERNMENT AND FINANCE  
WEST VIRGINIA OFFICE OF THE LEGISLATIVE AUDITOR

# POST AUDIT DIVISION

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## SUPREME COURT OF APPEALS OF WEST VIRGINIA *REPORT 4*

SEPTEMBER 7, 2018

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### Introduction

During the June 2018 Post Audits Subcommittee meeting, the Legislative Auditor released a report concerning the spend down of \$29 million in excess re-appropriated funds by the Supreme Court of Appeals of West Virginia (the Court) from Fiscal Year 2012 through Fiscal Year 2015. In that report, the Legislative Auditor expressed concern with the Court's accumulation of appropriated General Revenue Funds, with particular regard to the fact that in just five fiscal years from 2007 to 2012 this surplus fund balance grew from \$1.4 million to \$29 million. Of equal concern was the fact that this \$29 million surplus was subsequently depleted to a balance of \$333,514 over the following four years. In this prior report, the Legislative Auditor attempted to account for the spend down by highlighting spending categories that saw significant increases over prior years. This audit report is a continuation of that effort attempting to further account for the spending that depleted the \$29 million over the four-year period of Fiscal Years 2012 - 2015.

This report also includes an analysis of the Court's renovation costs to various offices located within the Capitol, including the Justices' chambers, as well as noting the expenditures for renovations of Court facilities outside of the Capitol. Many of the renovations could be attributed as a portion of the reduction of the \$29 million of re-appropriated funds as they occurred during that same period.

Finally, this report discusses the Court's payments to Senior Status Judges. In some instances, these payments were in excess of statutory limits for Consolidated Public Retirement Board (CPRB) annuity recipients. The Court's process of paying Senior Status Judges as independent contractors appears to be an attempt to exceed those statutory limits.

**Issue 1: Over a Period of Four Years, the Supreme Court Depleted \$29 Million of Surplus Re-Appropriated Funds to a Balance of \$333,514.**

As reported during the June 2018 Post Audits Subcommittee meeting, the Legislative Auditor became aware of concerns regarding the spend down of the Court's re-appropriated fund balance while reviewing memos written by Justice Loughry responding to questions from other justices concerning his Court vehicle use. In that same report, the Legislative Auditor outlined various categories of expenditures that significantly increased over the prior year. The Legislative Auditor has continued to research the increased spending and reduction of the \$29 million of excess funds in an attempt to further account for how this balance was depleted.

This analysis does not attempt to account for every expenditure directly attributable to the spend-down as doing so is not practical. The volume of invoices and lack of institutional knowledge regarding the expenditures make it difficult to determine if an expenditure was contemplated for budgeting purposes within the Court's appropriation request. However, the Legislative Auditor has been able to attribute the spending to specific categories by calculating the difference between what was budgeted each fiscal year and what was actually spent. Any expenditures above that year's appropriated funds were considered spending from the re-appropriated surplus funds. In analyzing the Court's expenditures by budget category and vendor, we were able to segregate expenditures not in-line with the Court's usual spending. Although these results are not complete due to a lack of information available and those limitations previously stated, the majority of expenditures could be traced to specific categories and/or vendors. **The results of this analysis show that a majority of all re-appropriated funds were spent within two categories, *Personal Services (Payroll)* and *Unclassified/Current Expenses*.**

**Where Did the Money Go?**

**Fiscal Year 2012**

As the beginning of Fiscal Year 2012, the Court had a surplus re-appropriated fund balance of \$29 million. During this fiscal year, the balance was decreased by approximately \$6.3 million to \$22.7 million. Due to the increase in salaries for judges, justices, and magistrates, the Court's salary expenses, including all employee benefits and employer taxes, increased by approximately \$12.4 million. **Approximately \$4.6 million of the surplus re-appropriated funds were spent on salary increases.**

***Renovations***

An additional \$1.7 million was spent in excess of the budgeted amount, under the category *Unclassified/Current Expenses*. An overview of the total \$24 million spent by the Court in this budget category revealed certain vendors for which the spending could be attributed. Specifically, Neighborgall Construction Company and Capitol Business Interiors were paid \$1.18 million and \$1.02 million, respectively. Both of these vendors were used by the Court for various renovation projects at the Capitol, including the Justices' chambers. **Thus, the remaining \$1.7 million of re-appropriated funds depleted in this year could be attributable to the total \$2.2 million in payments to these vendors.**

**Summary of Fiscal Year 2012 Spend-Down**

The Fiscal Year 2012 spend-down of the re-appropriated funds are summarized in the table below:

	Expenditures	Balance
FY 2012 Beginning Balance		\$29,082,340
Salary Increases	\$4,631,427	
Renovations	\$1,702,147	
<b>Total Expenditures</b>	<b>\$6,333,574</b>	
FY 2012 Ending Balance		\$22,748,766

*Source: Legislative Auditor's analysis of appropriated funds, re-appropriated funds, and expenditures for Fiscal Year 2012.*

**Fiscal Year 2013**

In Fiscal Year 2013, the re-appropriated balance was further decreased by approximately \$7.5 million, from \$22.7 million to \$15.2 million. Payroll related expenses increased an additional \$900,491 over the prior year, but with only an additional \$1.8 million in appropriations, the Court was still absorbing some of the salary increases from the prior year through its re-appropriated fund balance. Specifically, the Court spent \$2.9 million on salaries from the re-appropriated funds. The remaining \$4.6 million was expended from the *Unclassified/Current Expenses* category.

**Unclassified/Current Expenses**

The previous Post Audit report noted that expenses increased in areas such as Contractual Services, Computer Services, Office Equipment, etc. during Fiscal Year 2013. The Legislative Auditor's analysis revealed the following Contractual Services expenditures:

Category	Amount
Drug Courts	\$978,635
Senior Status Judges & Magistrates	\$95,913
CIP Training	\$76,330
Temporary Employee Services	\$41,172
Contract Law Clerk for Justice Ketchum	\$15,000
Portrait of Justice McHugh	\$4,000
<b>Total</b>	<b>\$1,211,050</b>

*Source: Legislative Auditor's analysis of appropriated funds, re-appropriated funds, and expenditures for Fiscal Year 2013.*

Computer services and equipment also accounted for much of the spending throughout Fiscal Year 2013. Approximately \$1.6 million was spent on multiple vendors. Those vendors

making up the largest cost of computer services and computer equipment include the following:

- Dell Marketing, LP at a cost of \$846,446.
- Oracle America, Inc. at a cost of \$573,817.
- Global Science & Technology, Inc. at a cost of \$171,421.

At least \$1,488,489 of these expenses can be attributed to the spend-down of the re-appropriated funds.

#### ***Adult and Juvenile Drug Courts***

Due to the Legislative mandate that drug courts serve all counties throughout the State, there was an additional cost to the Court beginning in Fiscal Year 2013. Excluding the payroll and contractual service payments noted above, the Court spent an additional \$266,026 on Adult and Juvenile Drug Courts.

#### ***Renovations***

Supreme Court renovations continued to be a significant expense. The Legislative Auditor was able to account for approximately \$1.67 million of renovation expenses that contributed to the spend-down. Vendors included in this amount are listed in the following table:

Vendor	Amount
Neighborgall Construction Company	\$771,451
Capitol Business Interiors	\$311,267
Silling Associates	\$169,563
State Electric Supply Company	\$140,426
Electronic Specialty Company	\$94,821
Carpet Gallery	\$55,554
DSL Sound, Inc.	\$53,466
Design Works, LLC	\$51,592
Edward Hillenbrand Furnituremaker	\$19,847
<b>Total</b>	<b>\$1,667,987</b>

*Source: Legislative Auditor's analysis of appropriated funds, re-appropriated funds, and expenditures for Fiscal Year 2013.*

The most notable renovation project expenses during Fiscal Year 2013 occurred within the Capitol. However, requests for additional information made by the Legislative Auditor's Office concerning the renovations have remained unanswered as of the date of this report.

**Summary of Fiscal Year 2013 Spend-Down**

The Fiscal Year 2013 re-appropriated funds for the year is summarized in the following table:

**Table 4**  
**Fiscal Year 2013 Spend-Down of Supreme Court Re-Appropriated Funds**

	Expenditures	Balance
Fiscal Year 2013 Beginning Balance		\$22,748,766
Salary Increases from FY2012	\$2,905,376	
Contractual Services	\$1,211,050	
Computer Services and Equipment	\$1,488,489	
Drug Courts	\$226,027	
Renovations	\$1,667,987	
Total Expenditures	\$7,498,929	
FY 2013 Ending Balance		\$15,249,837

*Source: Legislative Auditor's analysis of appropriated funds, re-appropriated funds, and expenditures for Fiscal Year 2013.*

**Fiscal Year 2014**

In Fiscal Year 2014, the Court decreased its re-appropriated fund balance by the greatest amount in the four-year period. In this year, the balance was reduced by \$13.4 million for a total year-end balance of \$1.8 million. Due to the Governor's request for additional funds to be made available to help with budget shortfalls that year, the Court analyzed its discretionary funds and chose to return \$4 million to the State's General Revenue Fund. The remaining \$9.4 million was spent on *Payroll*, *Current Expenses*, and *Other Assets*.

Payroll expenses again increased by approximately \$2.4 million over the prior year. Approximately \$2 million of this increased expense was covered by the surplus re-appropriated funds. Computer Services and Equipment continued to be a significant cost as well. Dell Marketing, LP expenditures totaled over \$846,000 in Fiscal Year 2014, as well as Global Science and Technology, Inc. at almost \$477,000 and Oracle America, Inc. at \$422,000.

Other areas of spending that can be attributed to the spend-down include an increase in Travel Expenses by \$909,000 and an increase in Attorney Legal Services Payments by \$1.1 million. Attorney Legal Services cover a multitude of services including, but not limited to, special prosecutors, mental hygiene, and guardian ad litem. Additionally, rental expenses increased during the year by \$375,965. The majority of the increase in rent expenses was paid to one specific vendor, General Corp, which increased by over \$314,000 from the previous year's expenditures. The increased payments to General Corp can be attributed to the rental of additional space at the City Center East building. Excluding General Corp, there are sixty-one other vendors to which rent was paid. Therefore, the remaining \$62,000 is spread out over those vendors.

### **Renovations**

Throughout Fiscal Year 2014, renovations for the Supreme Court continued. The most significant renovation expenditures for this year appear to have occurred under the category *Other Assets*. Vendors paid under this category include Neighborgall Construction Company totaling \$644,000 and Geiger Brothers, Inc. totaling \$600,000. A little over \$433,000 of the amount paid to Geiger Brothers is attributable to the renovations of Justice Davis' Chambers. Other vendors paid in relation to the renovations include Electronic Specialty Company totaling over \$116,000; Design Works, Inc. totaling over \$64,000; and Capitol Business Interiors totaling \$158,000. Also, during this fiscal year Carpet Gallery received \$47,000, which included the \$32,000 couch for Justice Loughry's office.

Payments made toward renovations during Fiscal Year 2014 can be attributed to the chambers of Justice Davis, Justice Loughry, and Justice Workman, as well as the 1<sup>st</sup> floor hallway, the Clerk's Office, and the 2<sup>nd</sup> and 6<sup>th</sup> floors at City Center East. The Legislative Auditor has not received the information requested from the Court concerning City Center East thus, all renovation expenses have not been accounted for in this report. As a result, we cannot specifically account for \$1.75 million in expenses paid using the re-appropriated fund balance during Fiscal Year 2014.

### **Summary of Fiscal Year 2014 Spend-Down**

The spend-down of re-appropriated funds for the year, including the unaccounted-for balance, is summarized in the following table:

	Expenditures	Balance
Fiscal Year 2014 Beginning Balance		\$15,249,837
Returned to General Revenue Fund	\$4,000,000	
Salary Increases	\$1,956,757	
Computer Services and Equipment	\$1,745,748	
Travel	\$909,251	
Attorney Legal Service Payments	\$1,058,542	
Renovations	\$1,630,373	
Rental Expenses (Real Property)	\$375,965	
Unaccounted for	\$1,746,527	
<b>Total Expenditures</b>	<b>\$13,423,163</b>	
<b>Fiscal Year 2014 Ending Balance</b>		<b>\$1,826,674</b>

Source: Legislative Auditor's analysis of appropriated funds, re-appropriated funds, and expenditures for Fiscal Year 2014.

### **Fiscal Year 2015**

The Court carried over approximately \$1.8 million in unused funds into Fiscal Year 2015. Total expenditures of \$133.3 million reduced the Court's re-appropriated fund balance

to \$333,514 at the end of this fiscal year. Payroll expenses again increased, this time by \$1.45 million. Approximately \$912,000 of the remaining surplus re-appropriated funds were spent to cover this increase. The only other area of spending that saw a significant increase was Contractual Services in the amount of \$2.7 million which accounts for the remaining \$581,000 reduction of the re-appropriated fund balance. These contractual services expenses appear to include, but are not limited to, juror reimbursement, drug courts, and the new e-file system to be used for court filing by outside attorneys.

#### Summary of Spend-Down

A summary of the complete spend-down can be viewed in the following table. Unfortunately, there are some expenses that we are unable to extract from the current records. One issue noted is that the majority of all expenses within the *Unclassified/Current Expenses* category for each fiscal year were purchased on a Purchasing Card. Prior to Fiscal Year 2015, individual purchasing card transaction documentation is not included in the current accessible records for our review.

	Expenditures	Balance
Fiscal Year 2012 Beginning Balance		\$29,082,340
Salary Increases	\$4,631,427	
Renovations	\$1,702,147	
Total Expenses	\$6,333,574	
Fiscal Year 2013 Beginning Balance		\$22,748,766
Salary Increases from FY2012	\$2,905,376	
Drug Courts	\$978,635	
Senior Status Judges & Magistrates	\$95,913	
CIP Training	\$76,330	
Temporary Employee Services	\$41,172	
Contracted Law Clerk for Justice (3 months)	\$15,000	
Portrait of Justice	\$4,000	
Computer Services and Equipment	\$1,488,489	
Adult and Juvenile Drug Courts	\$226,027	
Renovations	\$1,667,987	
Total Expenses	\$7,498,929	
Fiscal Year 2014 Beginning Balance		\$15,249,837
Returned to General Revenue Fund	\$4,000,000	
Salary Increases	\$1,956,757	
Computer Services and Equipment	\$1,745,748	
Travel	\$909,251	
Attorney Legal Service Payments	\$1,058,542	
Renovations	\$1,630,373	
Rental Expenses (Real Property)	\$375,965	
Unaccounted for	\$1,746,527	
Total Expenses	\$13,423,163	
Fiscal Year 2015 Beginning Balance		\$1,826,674
Salary Increases	\$911,728	
Contractual Services	\$581,432	
Total Expenses	\$1,493,160	
Fiscal Year 2015 Ending Balance		\$333,514

Source: Legislative Auditor's analysis of appropriated funds, re-appropriated funds, and expenditures for Fiscal Year 2012-2015.

**Issue 2: The Supreme Court of Appeals of West Virginia Spent Approximately \$3.4 Million on Renovations Between 2012 and 2016. Several of the Renovation Projects Do Not Contain Invoice Documentation with Sufficient Detail for Analysis.**

The Legislative Auditor analyzed all available invoices provided by the Court for the renovations conducted at the Capitol Building. These invoice documents cover multiple renovation projects including each of the Justices' Chambers, the Courtroom, various Court restrooms, and other Court spaces at the Capitol. Table 7 provides a top-level breakdown of the total cost associated with each renovation project. The total combined cost of all of these renovations was \$3,407,726.

<b>Renovation Project</b>	<b>Total Renovation Cost</b>
Justice Benjamin's Chamber	\$264,836
Justice Walker's Chamber	\$130,655
Justice Ketchum's Chamber	\$188,931
Justice Workman's Chamber	\$112,780
Justice Davis's Chamber	\$503,668
Justice Loughry's Chamber	\$367,915
Unattributed Silling Invoices for Chambers	\$374,571
3 <sup>rd</sup> Floor Men's Restroom	\$38,887
3 <sup>rd</sup> Floor Women's Restroom	\$77,725
1 <sup>st</sup> Floor Hallway	\$79,145
Saferoom	\$98,513
Courtroom	\$162,596
Justice's Conference Room	\$300,350
Common Area	\$324,509
Clerk's Office	\$282,793
Chief Counsel's Office	\$90,279
Elevator Upgrades	\$9,572
<b>Total</b>	<b>\$3,407,726</b>

*Source: Legislative Auditor's analysis of renovation invoices provided by the Court.*

The Legislative Auditor attempted to analyze all of the renovations undertaken by the Court from 2009 to 2016. Currently, the Court has not provided the Legislative Auditor with invoice documentation related to the renovations to the Supreme Court's law library or the administrative offices located in the Capitol Building's East Wing. Further, while the Court has provided some of the invoice documentation for the renovations to the Clerk's Office and the Chief Counsel's Office, the Legislative Auditor is still waiting to receive a portion of these invoices, which were originally requested on July 25, 2018.

In addition, the Legislative Auditor has not yet been able to fully analyze the renovation documentation related to the Court's leased spaces, such as the extensive renovations undertaken at the Court's office space at City Center East, located in Kanawha City, but will provide that analysis in a future report.

The following report sections provide a breakdown of each renovation project for which the invoice documentation contained sufficient detail. The expenditures for these renovations were allocated by the Legislative Auditor into broad classification types, such as infrastructure (structural work to walls, electrical, plumbing); fixtures (cabinetry, shelves, counters); décor (rugs, marble work, glass work, window treatments and blinds); and furniture.

#### **The Five Justices' Chambers Were Renovated for a Combined Cost of Approximately \$1.9 Million.**

The Legislative Auditor's analysis determined that the total combined cost of the renovations to the Justices' Chambers totaled \$1,943,357. However, the Legislative Auditor is only able to provide a detailed analysis for \$1,568,786 or 81 percent of the total. This is due to a lack of sufficient detail in the invoice documents submitted by the architecture and design vendor Silling Associates, Inc (Silling).

##### **Silling Associates, Inc.**

Silling billed the Court a total of \$374,571 for work they conducted on the renovations of the Justices' Chambers. However, none of the invoice documents submitted to and paid by the Court provide a breakdown for work that was conducted by Silling, nor on which Justice's chamber the work was conducted. The Director of Finance for the Court indicated that she had attempted to contact Silling to obtain more detail but had not been provided any additional information from the vendor.

The Legislative Auditor was informed by the Court's Director of Finance that Justices Walker<sup>1</sup> and Ketchum used Silling in a very limited capacity, and that Justice Davis did not use their services at all. Further, all of the Silling invoices provided to the Legislative Auditor were submitted between March 3, 2009 and September 10, 2013. Only two invoices, totaling \$4,481 were submitted to the Court during Justice Loughry's tenure as a Justice of the Court. The Legislative Auditor is unable to further attribute these expenses due to lack of invoice detail.

##### **Justice Benjamin's Chambers**

According to the invoice documentation reviewed by the Legislative Auditor, the renovations to Justice Benjamin's Chambers cost \$264,836. The Legislative Auditor believes that this amount is, to some degree, understated since the full costs of any architectural or design services provided by Silling cannot be attributed. The renovation expenditures included \$25,489 for flooring, approximately \$38,000 for wood work, and \$21,000 for window treatments.

The Legislative Auditor allocated the renovation costs into broad categories of expenditures. The largest categories of expenditures for this renovation project were for fixtures

<sup>1</sup> Justice Walker had one charge, totaling \$450, for work conducted by Silling.

(37 percent) followed by infrastructure costs (19 percent). Table 8 shows the total dollar amount spent for each category of expenditure and the percent of the total.

**Table 8**  
**Breakdown of Renovation Expenditures for Justice Benjamin's Chambers**

Expenditure Category	Amount	Percent of Total
Décor	\$26,395	9.97%
Fixtures	\$98,748	37.29%
Flooring	\$25,489	9.62%
Furniture	\$26,764	10.11%
Infrastructure	\$51,497	19.44%
Miscellaneous	\$11,037	4.17%
Painting	\$24,906	9.40%
<b>Total</b>	<b>\$264,836</b>	<b>100.00%</b>

*Source: Legislative Auditor's analysis of renovation invoices provided by the Supreme Court.*

#### Justice Walker's Chambers

The total cost to renovate Justice Walker's Chambers was \$130,655 and includes expenditures such as \$9,000 for flooring, over \$7,000 for cabinetry, and approximately \$23,000 for tables and chairs. The Legislative Auditor notes that Justice Walker "inherited" Justice Benjamin's Chambers when she replaced him on the bench. Therefore, Justice Walker's renovation costs are in addition to the \$265,000 spent by Justice Benjamin seven years prior, for a total of \$395,491. Approximately \$9,000 of flooring costs in Justice Walker's Chambers are attributable to her covering the \$25,000 of flooring completed approximately seven years prior in the same chambers under Justice Benjamin.

The Legislative Auditor notes that upon leaving office, Justice Benjamin purchased eight pieces of office furniture from the Court for a total of \$6,720. The original price paid by the Court for these office furnishings was \$10,260. Justice Walker, upon election to the Court, may have needed to replace these items either by purchasing new items or selecting items from the Court's storage warehouse.

The Legislative Auditor similarly appropriated the renovation costs for Justice Walker's Chambers into broad expenditure categories. The largest category of expenditures for this renovation project was for furniture (23 percent). Since these Chambers had recently undergone extensive renovations, only 16 percent of Justice Walker's renovations are attributable to infrastructure. Table 9 provides a full breakdown.

**Table 9**  
**Breakdown of Renovation Expenditures for Justice Walker's Chambers**

Expenditure Category	Amount	Percent of Total
Décor	\$28,747	22.00%
Fixtures	\$26,435	20.23%
Flooring	\$9,145	7.00%
Furniture	\$30,625	23.44%
Infrastructure	\$20,686	15.83%
Miscellaneous	\$15,016	11.49%
<b>Total</b>	<b>\$130,655</b>	<b>100.00%</b>

*Source: Legislative Auditor's analysis of renovation invoices provided by the Supreme Court.*

#### Justice Ketchum's Chambers

The total cost to renovate Justice Ketchum's Chambers was originally totaled at \$193,970 by the Court, which includes approximately \$9,100 of work to two Cass Gilbert Desks. The Legislative Auditor notes that Justice Ketchum disputes two charges attributed to his office, totaling \$18,098, indicating that the work encompassed by these charges was not done in his Chambers. At least \$5,038 does appear to be for work in another Justice's chamber; therefore, reducing Justice Ketchum's amount to \$188,931. If the remaining \$13,060 of work was misattributed, the corrected renovation costs for Justice Ketchum's Chambers would be \$175,871. However, the Legislative Auditor has no way of verifying whether this charge is appropriately attributed based on the available documentation.

The renovation expenditures were allocated into broad categories. For Justice Ketchum's Chambers, the largest expenditure category was infrastructure, which accounted for approximately 43 percent of the total renovation costs for this project. Table 10 shows the total dollar amount spent for each category of expenditure and the percent of the total.

**Table 10**  
**Breakdown of Renovation Expenditures for Justice Ketchum's Chambers**

Expenditure Category	Amount	Percent of Total
Décor	\$18,664	9.88%
Fixtures	\$59,312	31.39%
Flooring	\$10,453	5.53%
Furniture	\$12,396	6.56%
Infrastructure	\$81,782	43.29%
Miscellaneous	\$6,324	3.35%
<b>Total</b>	<b>\$188,931</b>	<b>100.00%</b>

*Source: Legislative Auditor's analysis of renovation invoices provided by the Supreme Court.*

**Justice Workman's Chambers**

The total cost attributed to the renovations in Justice Workman's Chambers totaled \$112,780. These renovation expenditures include \$12,000 for cabinetry, \$35,000 for flooring, and \$17,000 for fabrics and reupholstery of various pieces of furniture. An additional invoice for floor repair, costing \$5,038, indicates that the work was done in Justice Workman's Chambers. However, her name is marked out on the invoice and Justice Ketchum's is written in; this is one of the charges that Justice Ketchum disputes. During the Impeachment Hearing in the House of Delegates, testimony was provided that indicated Justice Workman's floor required repairs; therefore, it is possible that these charges could be attributed to her office. Thus, Justice Workman's cost for renovations could be as much as \$117,818, not including the Silling invoices. Additionally, since the \$374,571 paid to Silling for architectural and design services cannot be attributed to any one Justice's chamber, as previously stated on page 10 of this report, the Legislative Auditor believes that this total renovation cost is potentially understated.

The largest category of expenditure for the renovations to Justice Workman's Chambers was flooring (32 percent). Table 11 shows the total dollar amount spent for each category of expenditure and the percent of the total.

**Table 11**  
**Breakdown of Renovation Expenditures for Justice Workman's Chambers**

Expenditure Category	Amount	Percent of Total
Décor	\$14,745	13.07%
Fixtures	\$16,986	15.06%
Flooring	\$35,605	31.57%
Furniture	\$18,460	16.37%
Infrastructure	\$22,034	19.54%
Painting	\$4,950	4.39%
<b>Total</b>	<b>\$112,780</b>	<b>100.00%</b>

*Source: Legislative Auditor's analysis of renovation invoices provided by the Supreme Court.*

**Justice Loughry's Chambers**

The total costs associated with the renovations to Justice Loughry's office total \$367,915. This includes expenditures such as an \$8,500 custom sofa upholstered for \$23,000 totaling almost \$32,000, a desk totaling \$3,300, and approximately \$20,000 for chairs. The Legislative Auditor notes that only \$4,481 of architectural or design service fees from Silling could potentially be attributed to the renovations to Justice Loughry's Chambers, but it is possible that this amount is higher. While it has been suggested by the Court's Director of Finance that this renovation project used these services extensively, any additional costs for such cannot be accurately attributed.

The largest expenditure categories for the renovations to Justice Loughry's Chambers were fixtures (36 percent) and infrastructure (29 percent). Table 12 shows the total dollar amount spent for each category of expenditure and the percent of the total.

**Table 12**  
**Breakdown of Renovation Expenditures for Justice Loughry's Chambers**

Expenditure Category	Amount	Percent of Total
Décor	\$18,552	5.04%
Fixtures	\$131,068	35.62%
Flooring	\$35,445	9.63%
Furniture	\$67,411	18.32%
Infrastructure	\$107,539	29.23%
Painting	\$7,900	2.15%
<b>Total</b>	<b>\$367,915</b>	<b>100.00%</b>

*Source: Legislative Auditor's analysis of renovation invoices provided by the Supreme Court.*

**Justice Davis's Chambers**

The total costs for the renovations to Justice Davis's Chambers total \$503,668. Justice Davis's Chambers renovations cost more than any other Capitol renovation project undertaken by the Court and includes expenditures such as \$8,000 for a chair, \$22,000 for flooring and tile work, and \$28,000 for a pair of rugs.

The largest categories of expenditures for the renovations to Justice Davis's Chambers are fixtures (38 percent) and infrastructure (35 percent), which includes over \$56,000 for glass countertops. Table 13 shows the total dollar amount spent for each category of expenditure and the percent of the total.

**Table 13**  
**Breakdown of Renovation Expenditures for Justice Davis's Chambers**

Expenditure Category	Amount	Percent of Total
Décor	\$85,454	16.97%
Fixtures	\$192,250	38.17%
Flooring	\$22,160	4.40%
Furniture	\$16,950	3.37%
Infrastructure	\$177,900	35.32%
Painting	\$8,955	1.78%
<b>Total</b>	<b>\$503,668</b>	<b>100.00%</b>

*Source: Legislative Auditor's analysis of renovation invoices provided by the Supreme Court.*

**Other Renovation Projects Undertaken by the Court Had a Combined Total Cost of \$1,464,369.**

In addition to the renovations to the Justices' Chambers, the Legislative Auditor also analyzed the invoice documents for other renovation projects undertaken by the Court to its office spaces and facilities at the Capitol. The sections below provide a more detailed analysis of each project.

**3<sup>rd</sup> Floor Women's Restroom**

The Court spent a total of \$77,725 to renovate the public women's restroom on the third floor of the Capitol's East Wing. The majority of this cost is attributable to infrastructure costs (59 percent). Table 14 provides a breakdown of the renovation costs by expenditure category.

**Table 14**  
**Breakdown of Renovation Expenditures for the 3<sup>rd</sup> Floor Women's Restroom**

Expenditure Category	Amount	Percent of Total
Décor	\$896	1.15%
Equipment	\$1,234	1.59%
Fixtures	\$15,256	19.63%
Furniture	\$1,263	1.62%
Infrastructure	\$45,747	58.86%
Miscellaneous	\$10,095	12.99%
Painting	\$3,234	4.16%
<b>Total</b>	<b>\$77,725</b>	<b>100.00%</b>

*Source: Legislative Auditor's analysis of renovation invoices provided by the Supreme Court.*

**1<sup>st</sup> Floor Hallway**

The Court spent \$79,145 on renovations and upgrades to the lighting fixtures in the first-floor hallway of the East Wing. In addition, the Court paid \$47,570 (60 percent) of the total renovation costs to have the marble walls cleaned and polished. Table 15 provides a breakdown of the renovation costs by expenditure category.

**Table 15**  
**Breakdown of Renovation Expenditures for the 1<sup>st</sup> Floor**  
**Hallway**

Expenditure Category	Amount	Percent of Total
Architect	\$8,973	11.34%
Décor	\$47,570	60.11%
Fixtures	\$10,500	13.27%
Labor	\$1,983	2.51%
Materials	\$3,437	4.34%
Miscellaneous	\$2,146	2.71%
Printing	\$319	0.40%
Travel	\$275	0.35%
<b>Total</b>	<b>\$79,145</b>	<b>100.00%</b>

*Source: Legislative Auditor's analysis of renovation invoices provided by the Supreme Court.*

#### **The Courtroom**

The Court spent a total of \$162,596 to renovate the Courtroom from December 2010 through February 2013. The majority of these costs are attributable to flooring, for which the Court paid \$143,017. Table 16 provides a breakdown of the renovation costs by expenditure category.

**Table 16**  
**Breakdown of Renovation Expenditures for the Courtroom**

Expenditure Category	Amount	Percent of Total
Architects	\$216	0.13%
Décor	\$3,548	2.18%
Flooring	\$143,017	87.96%
Furniture	\$5,260	3.24%
Infrastructure	\$3,625	2.23%
Painting	\$6,931	4.26%
<b>Total</b>	<b>\$162,596</b>	<b>100.00%</b>

*Source: Legislative Auditor's analysis of renovation invoices provided by the Supreme Court.*

#### **The Justices' Conference Room**

The Court spent \$300,350 to renovate the Justices' Conference Room beginning in 2009. This included \$18,000 for a cabinet to house a 55" flat panel television, approximately \$20,000 for a custom bookcase, and over \$34,000 for a conference room table. The largest expenditure category for this renovation project was for furnishings (42 percent). Table 17 provides a breakdown of the renovation costs by expenditure category.

**Table 17**  
**Breakdown of Renovation Expenditures for the Justices' Conference Room**

Expenditure Category	Amount	Percent of Total
Appliances	\$11,998	3.99%
Décor	\$24,043	8.00%
Fixtures	\$26,247	8.74%
Flooring	\$23,786	7.92%
Furniture	\$125,044	41.63%
Infrastructure	\$42,360	14.10%
Miscellaneous	\$28,001	9.32%
Painting	\$18,871	6.28%
<b>Total</b>	<b>\$300,350</b>	<b>100.00%</b>

*Source: Legislative Auditor's analysis of renovation invoices provided by the Supreme Court.*

#### The Common Area

The Court spent \$324,509 to renovate its common area between 2009 and 2014. The vast majority of these costs, \$216,593, (67 percent) were billed to the Court through a change order by Neighborgall Construction. The Legislative Auditor determined that the supporting documentation for this payment provides no details other than attributing the dollar amount to "additional cost for renovation of 3<sup>rd</sup> floor Hallway Renovation [sic]." The change order references a number of "Drawing Sheets" wherein additional details were supposed to be included, but the Legislative Auditor has not received copies of any "Drawing Sheets." Table 18 provides a breakdown of the renovation costs by expenditure category.

**Table 18**  
**Breakdown of Renovation Expenditures for the Court's Common Area**

Expenditure Category	Amount	Percent of Total
Décor	\$76,881	23.69%
Fixtures	\$1,453	0.45%
Flooring	\$19,491	6.01%
Infrastructure	\$224,910	69.31%
Miscellaneous	\$1,774	0.55%
<b>Total</b>	<b>\$324,509</b>	<b>100.00%</b>

*Source: Legislative Auditor's analysis of renovation invoices provided by the Supreme Court.*

#### The Chief Counsel's and Clerk's Offices

As mentioned above, the Legislative Auditor has received and analyzed some of the renovation costs associated with the Chief Counsel's Office and the Clerk's Office but has not yet

been provided full documentation by the Court. All of the information reviewed relates to architectural, design, or construction services. The Court spent at least \$90,279 to renovate the Chief Counsel's Office and at least \$282,793 to renovate the Clerk's Office. Tables 19 and 20 provide a breakdown of the known renovation costs to the Chief Counsel's Office and the Clerk's Office, respectively.

**Table 19**  
**Breakdown of Known Renovation Expenditures for the Chief Counsel's Office**

Expenditure Category	Amount	Percent of Total
Bidding & Negotiations	\$2,409	2.67%
Construction Administration	\$28,529	31.60%
Design Development	\$19,518	21.62%
Expenses not in contract	\$2,761	3.06%
Schematic Design	\$37,063	41.05%
<b>Total</b>	<b>\$90,279</b>	<b>100.00%</b>

*Source: Legislative Auditor's analysis of renovation invoices provided by the Supreme Court.*

**Table 20**  
**Breakdown of Known Renovation Expenditures for the Clerk's Office**

Expenditure Category	Amount	Percent of Total
Construction Administration	\$25,115	8.88%
Construction Documents	\$65,894	23.30%
Consultant Services	\$60,047	21.23%
Design Development	\$95,010	33.60%
Schematic Design	\$36,728	12.99%
<b>Total</b>	<b>\$282,793</b>	<b>100.00%</b>

*Source: Legislative Auditor's analysis of renovation invoices provided by the Supreme Court.*

**There is Not Sufficient Invoice Detail to Determine the Nature of the Work or, In Some Cases, Where the Work Was Performed for Approximately \$522,000 of Renovation Expenses.**

In addition to the renovation projects detailed earlier, the Court also renovated the public men's restroom on the third floor of the East Wing, the East Wing Elevators, and the "Saferoom". However, the invoice documentation provided for these renovation projects does not list any details about what work was performed. When the total costs associated with these renovation projects are added together with the unattributable Silling invoices, the Legislative Auditor determined that the Court paid nearly \$522,000 in renovation costs for which it has incomplete or

insufficiently detailed invoice documentation. Table 21 provides a breakdown of the total renovation costs of these projects.

**Table 21**  
**Total Renovation Expenditures Without Detailed Invoice Documentation**

Renovation Project	Amount
Silling Associates Inc.	\$374,571
“Saferoom”	\$98,513
3 <sup>rd</sup> Floor Men’s Restroom	\$38,887
Elevator Upgrades	\$9,572
<b>Total</b>	<b>\$521,543</b>

*Source: Legislative Auditor’s analysis of renovation invoices provided by the Supreme Court.*

### Issue 2 Conclusion

Because of the insufficient invoice detail for the \$521,543 spent to renovate a number of the Court’s Capitol facilities, the **Legislative Auditor is unable to provide analysis for approximately 15 percent of the total renovation costs incurred by the Court at the Capitol Complex.**

The Legislative Auditor plans to continue to evaluate the cost of the Court’s renovations at its City Center East facility in Kanawha City, its leased spaces on Quarrier Street in downtown Charleston, and the remainder of the Court’s renovations at the Capitol Complex. The results of those analyses will be provided in a future report.

**Issue 3: Between 2009 and 2017, the Chief Justices of the Supreme Court of Appeals of West Virginia Allowed 10 Senior Status Judges in the Judicial Retirement System to Exceed the Statutory Compensation Cap 20 Times for a Total of \$271,000.**

During the ongoing audit of the Court, the Legislative Auditor became aware of an audit conducted by the Internal Revenue Service (IRS). In April 2017, the IRS began conducting an audit of the Court's 2015 federal employment tax returns. The scope of the audit covered the Court's payroll processes and procedures, travel reimbursements and related policies, payments to independent contractors, educational reimbursements, and the classification of employees.

One of the findings of the IRS audit dealt with the Court inappropriately designating certain employees, including Senior Status Judges, as independent contractors. The audit, which concluded in January 2018, resulted in the Court paying a settlement to the IRS totaling \$227,541 in relation to eight notices of adjustment for workers inappropriately classified by the Court as independent contractors, in 2015 - the only year covered by the IRS audit, who should have been treated as employees for tax purposes. Based upon other concerns, beyond issues of state and federal taxes, the Legislative Auditor directed the Post Audit Division to conduct an audit of the Court's practice of designating certain employees as independent contractors.

**The Legislature Authorized the Court, by Statute, to Empanel a Slate of Retired Judges to Serve as Senior Status Judges to Fill in for Active Judges, as Needed.**

In 1991, the Legislature authorized the Court to create a panel of retired judges admitted to senior status from retired circuit judges and Supreme Court Justices. These Senior Status Judges serve as temporary replacements in circuit courts throughout the State when an active Circuit Judge is absent from duty or caseloads necessitate the services of these Senior Status Judges. The Court was required to promulgate rules governing the eligibility, compensation, and assignment of these judges.

Subsequently, the Court issued an Administrative Order, entered on June 9, 1991, governing Senior Status Judges, a copy of which can be found in Appendix C. In establishing eligibility, the Court's order indicates that to qualify for senior status, one must:

- be receiving benefits under the Judicial Retirement System pursuant to W.Va. Code, Chapter 51, Article 9; or
- meets one of the following criteria:
  - served in the judicial office with the eligibility equivalency for judicial retirement under W.Va. Code, Chapter 51, Article 9, but retires under Public Employees Retirement System pursuant to W.Va. Code, Chapter 5, Article 10;
  - has served in the judicial office for one full term and retires at the end of that term under the Public Employees Retirement System; or
  - has served in the judicial office for more than one full term and subsequently receives benefits under the Judicial Retirement System or the Public Employees Retirement System.

Additionally, the judge must be a bona fide resident of the State of West Virginia and is prohibited from being engaged in a substantial law practice (e.g., association with a law firm or

full-time law practice). Limited law practice would disqualify a retired judge admitted to senior status from assignment to duty in any circuit where he or she engages in practice. Furthermore, to qualify for senior status, a judge or justice must agree, in advance, to comply with the provisions of the Rule on Retired Judges Admitted to Senior Status as promulgated by the above Administrative Order.

**Senior Status Judges Receive a \$435 Per Diem for Their Service but Are Prohibited by Statute from Making More Than Active Circuit Court Judges.**

When the system of senior status for retired judges was established in 1991, the Court set compensation rates for Senior Status Judges on a per diem basis. The initial per diem rate was \$200. There were subsequent raises to \$225 in 1995, \$300 in 2000, \$350 in 2007, and \$400 in 2010. Effective July 1, 2011, the per diem rate was raised to \$435. For service rendered in a judge's circuit of residence, judges must bill in half-day increments (\$217.50). In addition, Senior Status Judges are entitled to receive reimbursement for necessary and related travel and/or other necessary expenses.

The Court's 1991 order also established a compensation cap for Senior Status Judges. While the Court wanted to incentivize retired judges to accept these appointments to senior status, neither the Court, nor the Legislature, desired for retired judges to earn more than active Circuit Court Judges. Therefore, the court established a compensation cap and wrote, "... *the per diem and retirement compensation of a retired judge, admitted to senior status shall not exceed the salary of a sitting judge.*"

W.Va. Code §51-9-10 mirrors the Court's 1991 Administrative Order on *Retired Judges Admitted to Senior Status* by indicating, "... the per diem and retirement compensation of a senior judge shall not exceed the salary of a sitting judge..." The salaries for judges are set by the Legislature in statute. W.Va. Code §51-2-13 sets the salary of a sitting Circuit Court Judge. From July 1, 2005 until July 1, 2011 the annual salary was \$116,000. Since July 1, 2011, it has been set at \$126,000. Therefore, the cap established by statute for a Senior Status Judge participating in the Judges Retirement System was \$116,000 prior to July 1, 2011 and \$126,000 after that date. Any judge serving as a Senior Status Judge whose combined compensation and retirement benefits reaches the cap is required to cease receiving their monthly retirement annuity or forego additional assignment or compensation as a Senior Status Judge.

**The Legislative Auditor Reviewed All Senior Status Judges Appointed by the Court from 2009 Through 2017.**

The Legislative Auditor requested that the Court provide a list of all Senior Status Judges from 2009 through 2017, a copy of which can be found in Appendix D. The Legislative Auditor determined that over this 9-year period, 34 judges had been appointed to senior status. The Legislative Auditor's analysis shows that 16 judges were appointed five or more times over this period. This includes six judges who have been appointed every year since 2009. Table 22 provides a breakdown of these appointments.

The Legislative Auditor reviewed the Court's handling of Senior Status Judges appointed between 2009 and 2017. Based upon an analysis of these appointments, as well as the compensation and retirement benefits for each respective judge, the Legislative Auditor identifies the following issues:

1. The Court has allowed certain Senior Status Judges to receive compensation in excess of the statutory limit set in W. Va. Code for Judges also receiving retirement benefits.
2. From 2012 to 2016, the Court engaged in a practice of converting some Senior Status Judges from employees to independent contractors to enable them to continue to receive full retirement benefits after they were no longer eligible for those benefits as a result of exceeding the statutory compensation cap.
3. Although the Court ceased the practice of converting employees to independent contractor status in 2017, certain Senior Status Judges are still being allowed to exceed the statutory compensation cap.

The Legislative Auditor obtained the annual retirement annuity amount for each Senior Status Judge from the West Virginia Consolidated Public Retirement Board (CPRB). The retirement benefits received by each Judge from 2009 through 2017 were then added to the total per diem compensation for their service as a Senior Status Judge to determine if the statutory cap on allowable compensation had been exceeded.

Of the 34 Senior Status Judges from 2009 to 2017, 10 judges (29 percent) were paid in excess of the cap, and six (17 percent) were paid over the cap on more than one occasion. This includes Judge Thomas Keadle who exceeded the cap for three consecutive years from 2013 through 2015, and Judge John Henning who exceeded the cap three out of four years between 2013 and 2016. Table 22 provides a breakdown of judges who exceeded the statutory compensation cap and the amount by which it was exceeded.

**Table 22**  
**Breakdown of Judges Who Exceeded the Statutory Compensation Cap**

Judge's Name	Year	Overpayment
John L. Cummings	2011	\$942
John L. Cummings	2014	\$10,976
Fred L. Fox	2011	\$13,773
Andrew N. Frye	2012	\$1,995
John L. Henning	2013	\$23,818
John L. Henning	2015	\$783
John L. Henning	2016	\$10,551
John S. Hrko	2016	\$3,953
Thomas H. Keadle	2013	\$27,962
Thomas H. Keadle	2014	\$24,518
Thomas H. Keadle	2015	\$21,570
Arthur M. Recht	2012	\$278
James J. Rowe	2016	\$7,033
James J. Rowe	2017	\$55,064
Larry V. Starcher	2012	\$9,930
Larry V. Starcher	2013	\$9,930
Thomas W. Steptoe	2012	\$35,925
Thomas W. Steptoe	2014	\$12,000
<b>Total</b>		<b>\$271,000*</b>

*Source: Legislative Auditor's calculations based upon wage earnings from WV State Auditor's Office My App1 and retirement benefit amounts provided by CPRB.*

*\*Difference due to rounding.*

In 2011, two judges' total retirement plus compensation exceeded \$121,000<sup>2</sup> by a total amount of \$14,715, all reported on a W-2. On July 1, 2011 the allowable compensation went from \$116,000 to \$126,000. For calendar year 2011, for purposes of analysis, the total allowable compensation was prorated to \$121,000. This compensated for half a year at \$116,000 and half at \$126,000. From 2012 to 2017, nine judges received a combination of retirement benefits and compensation in excess of the statutory cap of \$126,000. These nine judges exceeded the cap a combined 16 times by a total of \$256,286. Table 23 displays each instance of overpayment from 2009 through 2017 and whether such compensation was reported as W-2 or 1099 income.

<sup>2</sup> On July 1, 2011, the total compensation of Circuit Court Judges was increased by \$10,000 to \$126,000. Since this occurred mid-calendar year, we allocated 50%, or \$5,000, of this increase to the retirement cap as our analysis is on a calendar year basis.

**Table 23**  
**Instances of Overpayment from 2009-2017**

#	Year	Retirement Benefits	W-2 Wages	1099 Wages	Total Wages	Limit	Overpayment
1	2011	\$84,127	\$37,815	---	\$121,942	\$121,000*	\$942
2	2011	\$90,750	\$44,023	---	\$134,773	\$121,000*	\$13,773
3	2012	\$94,500	\$27,840	\$5,655	\$127,995	\$126,000	\$1,995
4	2012	\$86,625	\$39,653	---	\$126,278	\$126,000	\$278
5	2012	\$102,000	\$33,930	---	\$135,930	\$126,000	\$9,930
6	2012	\$94,500	\$30,668	\$36,758	\$161,925	\$126,000	\$35,925
7	2013	\$84,133	\$30,233	\$35,453	\$149,818	\$126,000	\$23,818
8	2013	\$86,625	\$40,367	\$26,970	\$153,962	\$126,000	\$27,962
9	2013	\$102,000	\$33,930	---	\$135,930	\$126,000	\$9,930
10	2014	\$87,603	\$38,280	\$11,093	\$136,976	\$126,000	\$10,976
11	2014	\$94,500	\$29,918	\$26,100	\$150,518	\$126,000	\$24,518
12	2014	\$94,500	\$26,970	\$16,530	\$138,000	\$126,000	\$12,000
13	2015	\$84,133	\$31,320	\$11,330	\$126,783	\$126,000	\$783
14	2015	\$94,500	\$31,320	\$21,750	\$147,570	\$126,000	\$21,570
15	2016	\$84,133	\$30,450	\$21,968	\$136,551	\$126,000	\$10,551
16	2016	\$94,500	\$35,453	---	\$129,953	\$126,000	\$3,953
17	2016	\$78,750	\$54,283	---	\$133,033	\$126,000	\$7,033
18	2017	\$94,500	\$86,565	---	\$181,065	\$126,000	\$55,065

*Source: Legislative Auditor's calculations based upon wage earnings from WV State Auditor's Office My Apps and retirement benefit amounts provided by CPRB. \*\$10,000 Increase to JRS Limit on July 1, 2011, \$5,000 (50%) of the increase applied to 2011 calendar year.*

The Legislative Auditor noted that in six of the instances between 2012 and 2016, judges exceeded the compensation cap through W-2 wages in the total amount of \$86,189, but the other ten instances included compensation received through both a W-2 and a 1099. These ten instances resulted in judges exceeding the cap by a combined total of \$170,098.

The Legislative Auditor observed that in each of the years reviewed, only a small number of Senior Status Judges exceeded the compensation cap. The vast majority of Senior Status Judges were below the statutory cap. Table 24 compares the total number of Senior Status Judges appointed by the Court from 2009 through 2017 with the number who exceeded the cap.

**Table 24**  
**Number of Senior Status Judges Who Exceeded Statutory Limits by Year**

Year	Number of Judges Appointed to Senior Status	Number Exceeded Statutory Limit
2009	17	0
2010	14	0
2011	15	2
2012	14	4
2013	16	3
2014	17	3
2015	21	2
2016	18	3
2017	17	1

*Source: Legislative Auditor's calculations based upon wage earnings obtained from WY State Auditor's MyApps and retirement benefit amounts provided by CPRB.*

During the time of these overpayments, other Senior Status Judges were well below the cap and would not have been in excess of the sitting judge's salary if they had been selected to fill the same appointment. In each of the years reviewed, the Legislative Auditor determined that there were at least ten judges who did not exceed the cap.

The Legislative Auditor conducted an analysis of the remaining unused eligibility days for each year's panel of Senior Status Circuit Court Judges. The Legislative Auditor calculated the total dollar amount below the cap for each year's panel of judges and divided the total by the per diem compensation rate of \$435. Based on this analysis, the Legislative Auditor determined that the Court's panel of Senior Status Judges retained between 233 and 1042 combined days of unused eligibility in the same year another judge was allowed to exceed the compensation cap. Table 25 provides a breakdown of the total unused eligible days in each year where the cap was exceeded.

**Table 25**  
**Average Number of Days Other Senior Status Judges Were Available**

Year	Number of Judges Under Statutory Limit	Total Amount Under Statutory Limit	Ave. Number of Available Days	Total Eligible Days
2011	13	\$302,706	54	696
2012	10	\$101,177	23	233
2013	13	\$163,360	29	376
2014	14	\$156,604	26	365
2015	19	\$275,214	33	633
2016	15	\$269,739	41	620
2017	16	\$453,105	65	1042

*Source: Legislative Auditor's calculations based upon wage earnings from WV State Auditor's Office My Apps and retirement benefit amounts provided by CPRB.*

In addition to the unused days which accumulated among the Senior Status Judges, there have been other avenues open to the Court to assure the statewide continuity of judicial services. The June 9, 1991 Administrative Order by the Court states the following:

**Section(e) Assignment of Duty subsection (4)**

*Nothing in this rule shall preclude the recall or assignment to active judicial service of any retired judge or justice who has not been admitted to senior status but who agrees to serve,...*

This provides an additional population from which the Court may secure coverage, assuming there is no one in the Senior Status Judge pool who would be willing to cover a particular jurisdiction.

It is also within the purview of the Court under the State Constitution, Article VII, Section 3, to be able to assign a judge from one circuit court to another for temporary service.

**In 2012, the Court Began Converting Senior Status Judges from Employees to Independent Contractors When Exceeding the Statutory Compensation Cap.**

The Legislative Auditor determined that between 2009 and 2011, the judges who exceeded the compensation cap set in West Virginia Code did so through wages earned as an employee of the Court, whose wages were reported on a W-2 form. Beginning in 2012, however, the Court began the practice of converting these judges from employees to independent contractors.

The Legislative Auditor conducted an interview with the Director of Finance Division with the Court. She indicated that the practice of converting Senior Status Judges from W-2 employees to independent contractors was in place prior to the start of her employment with the Court. According to the Director, **the Court's Payroll Division and the recusal assistant actively monitored the accumulated compensation for judges and initiated the conversion when they were at the statutory cap.** She stated that the Payroll Division would notify the recusal administrative assistant when a judge was about to exceed the allowable level of compensation, triggering the conversion from employee to independent contractor.

For Senior Status Judges nearing the salary of a sitting judge, the Chief Justice and the Senior Status Judge signed a WV-48 form from the State of West Virginia Purchasing Division which theoretically changed the Senior Status Judge from an employee to an independent contractor. However, as found by the IRS audit, these individuals were not independent contractors and were in fact still employees of the Court. Importantly, the Legislative Auditor notes that the Senior Status Judges received the same per diem as independent contractors as they did when they were treated as employees.

The judges received a letter explaining the theoretical transition from employee to independent contractor, a copy of which can be found in Appendix E. A letter to one judge in 2013 began:

*Enclosed is a copy of the Independent Contractor Agreement. I have given the original to . . . the Director of Financial Services.*

*Your "retirement" allowed per diem may run out on May 7<sup>th</sup>, depending on your work days. Thereafter, please submit an invoice for your \$435 per diem for your service after May 7, 2013 directly to [the Director of Financial Services].*

From 2012 to 2017, the Legislative Auditor identified ten instances in which the conversion to independent contractor status allowed a Senior Status Judge to exceed the statutory compensation cap. Table 26 provides a breakdown of each judge who received wages reported on a 1099 when exceeding the cap, the amount of those 1099 wages in excess of the cap, and the number of occurrences.

Last Name	First Name	Times in Which 1099 Wages Received in Excess of Cap	Total Amount Over Cap
Henning	John L.	3	\$35,152
Keadle	Thomas H.	3	\$74,050
Stephens	Thomas W.	2	\$47,925
Cummings	John L.	1	\$10,976
Frye	Andrew N.	1	\$1,995

*Source: Legislative Auditor's calculations based upon wage earnings obtained from the WV State Auditor's MyApp1 and retirement benefit amounts provided by CPRB.*

The Court's Director of Finance indicated that it was common knowledge that the Court engaged in this practice to get around the statutory cap and allow a Senior Status Circuit Court Judge to continue to receive their retirement while serving. Quoting the Director of the Division of Finance, "*I was told so they would not stop receiving their pension*". The Director of the Finance Division indicated that each time a Senior Status Judge was changed from an employee to an independent contractor, a WV-48 form was executed.

While this practice of allowing Senior Status Judges to exceed compensation limits established by statute seems to have been common knowledge of both the Court and the judges, it

should not be assumed that this practice was never questioned or considered improper. The Director of the Court's Division of Finance informed the Legislative Auditor that Justice Thomas McHugh, when presented with compensation for services rendered as a Senior Status Judge appointed by the Supreme Court to fill Justice Joseph Albright's unexpired term, immediately returned the payments that were in excess of the limit. She indicated that Justice McHugh thought that it was wrong to accept the payments while continuing to receive retirement benefits, indicating that at least one judge was aware of the limits established and that the practice of being paid in excess of those limits was not proper.

The Court continued the theoretical conversion of these employees to independent contractors until the IRS audit. Prior to the release of the IRS audit, then-Chief Justice Allen Loughry entered an Administrative Order dated, May 19, 2017, in which he attempted to legitimize the Court's practice of allowing Senior Status Judges to exceed the statutory cap. Chief Justice Loughry invoked the administrative authority granted to the Court in the Constitution claiming that:

*...in certain exigent situations involving protracted illness, lengthy suspensions due to ethical violations, or other extraordinary circumstances, it is impossible to assure statewide continuity of judicial services without exceeding the payment limitations imposed by the statutory proviso.*

After Justice Loughry's Administrative Order, the Court stopped converting Senior Status Judges from employees to independent contractors. As a result, the Court continued enabling these judges to receive compensation in excess of the statutory cap. In fact, one judge exceeded the cap by over \$55,000 in 2017 through wages reported on a W-2. **The Legislative Auditor recommends that the Supreme Court of Appeals of West Virginia comply with West Virginia Code and cease all compensation in excess of the statutory limits.**

#### **West Virginia Code Requires Both the Consolidated Public Retirement Board and the Retiree to Correct Overpayment of Benefits.**

W.Va. Code §51-9-18 governs all instances of overpayments, underpayments, and the corrections of errors that may arise under West Virginia's judicial retirement systems. W. Va. Code §51-9-18(e) states:

*... If any error results in any member, retiree, beneficiary, entity or other individual receiving from the system more than he would have been entitled to receive had the error not occurred the board, upon learning of the error, shall correct the error in a timely manner.*

*If correction of the error occurs after annuity payments to a retiree or beneficiary have commenced, the board shall prospectively adjust the payment of the benefit to the correct amount. In addition, the member, retiree, beneficiary, entity or other person who received the overpayment from the retirement system shall repay the amount of any overpayment to the retirement system in any manner permitted by the board.*

On August 21, 2018, the Legislative Auditor met with CPRB to discuss issues related to these Senior Status Judges. At the meeting, CPRB informed the Legislative Auditor that it was never made aware of any issues concerning judges receiving compensation in excess of the

statutory limit. As such, the Legislative Auditor concludes that no judge who exceeded the statutory compensation cap has notified CPRB and corrected the overpayment. **Therefore, the Legislative Auditor recommends that the judges who received compensation in excess of the statutory cap between 2009 and 2017 and the Consolidated Public Retirement Board comply with W. Va. Code §51-9-18 and correct all issues of overpayment.**

### **Issue 3 Conclusion**

The Supreme Court of Appeals of West Virginia serves a critical governmental function as the final interpreter, arbiter, and upholder of the law in the State. As such, the Court should exercise great care to ensure that it operates within the confines of those laws. While arguments can and have been made with respect to the legality of the Court's practice of allowing Senior Status Judges to exceed West Virginia Code's compensation caps, the IRS audit made clear that the Court's conversion of employees to independent contractor status ran afoul of federal tax law. This error, and others, on the Court's part resulted in the IRS forcing the State to pay over \$200,000 in taxes for calendar year 2015 that it should have previously paid.

Further, it is the opinion of the Legislative Auditor that circumvention of State law, even where legally permissible, should be a matter of last resort rather than a matter of convenience. While the Administrative Order issued by then-Chief Justice Loughry argues that it was necessary to allow Senior Status Judges to exceed the statutory limits, the Legislative Auditor questions whether it was truly necessary "to assure statewide continuity of judicial services" when the Court's panel of Senior Status Judges retained **hundreds of unused days of eligibility each year.**

The Post Audit Division plans to continue its evaluation of the Court's use of independent contractors and other Senior Status Judges (such as Magistrate and Family Court Judges). These issues will be presented to the Post Audits Subcommittee at a future interim meeting.

### **Recommendations**

- 3.1 The Legislative Auditor recommends that the Supreme Court of Appeals of West Virginia comply with West Virginia Code and cease all compensation in excess of the statutory limits.
- 3.2 The Legislative Auditor recommends that the Judges who received compensation in excess of the statutory cap between 2009 and 2017 and the Consolidated Public Retirement Board comply with W. Va. Code §51-9-18 and correct all issues of overpayment.

Appendix A

**WEST VIRGINIA LEGISLATURE**  
*Joint Committee on Government and Finance*

1900 Kanawha Blvd. East, Room E-132  
Charleston, WV 25305-0610  
(304) 347-4800  
(304) 347-4819 FAX



Aaron Allred  
Legislative Manager

September 5, 2018

Barbara H. Allen, Interim Administrative Director  
Supreme Court of Appeals of West Virginia  
Capitol Complex  
1900 Kanawha Blvd., East  
Bldg. 1, Room E-100  
Charleston, WV 25305-0830

Dear Ms. Allen:

This letter is to transmit a revised draft copy of the Post Audit Division's fourth report on the Supreme Court of Appeals of West Virginia. Based on our conversation with Chief Justice Workman, we have revised the total cost of renovations to her chambers from \$163,127 to \$117,818. The draft previously provided was done so to inform the Court of the issues contained in the report prior to its release. Unfortunately, due to the anticipated release date of the report being less than two weeks away, this draft was provided prior to it going through our internal review process that would normally have caught such an error, which in this case resulted from a miscalculation. The copy of the report currently being provided with this letter has also yet to be fully subjected to this review process, which is currently ongoing. However, as part of our effort to keep the Court informed and be transparent in our process, we felt it prudent to provide this draft correcting the error noted by the Chief Justice as well as an issue noted in your September 4, 2018 letter. Significant changes made in this draft are provided in a listing also enclosed with this letter. Once this report has been fully reviewed and revised, a final draft version will be submitted to the Court for its inspection.

After much consideration, the Legislative Auditor has determined it best to release this report prior to our scheduled exit conference on September 12, 2018. We encourage the Court to contact us with any issues or concerns related to this draft report prior to its release, which we anticipate being Friday, September 7, 2018. Any issues brought to our attention prior to Noon on Friday, September 7, 2018 will be addressed in the report prior to its release. Any issues after that time will be addressed through a corrected version of the report after its release. Thank you for your cooperation and attention to the matter, and please contact us should you have any questions or concerns.

Sincerely,



Justin Robinson

Enclosure

Cc: Justices, Supreme Court of Appeals of West Virginia  
Sarah B. Massey, Esq., Associate Administrative Counsel

## Appendix B

**Objective, Scope, and Methodology**

The Post Audit Division within the Office of the Legislative Auditor conducted this review as authorized by Chapter 4, Article 2, Section 5 of the *West Virginia Code*, as amended.

**Objectives**

The objectives of this review were to:

- Provide a detailed breakdown of the Court's spend down of approximately \$29 million in reappropriated General Revenue Funds between FY 2012 and 2015;
- Provide a detailed breakdown of the renovation costs for all renovation projects undertaken by the Court at the State Capitol Complex; and
- Determine to what extent the Court's practice of using Senior Status Circuit Court Judges is appropriate and in compliance with West Virginia Code.

**Scope**

The scope of this review consists of the all documentation regarding the Court's renovation projects at the Capitol building, which encompasses thousands of individual invoices. In addition, the scope consists of the line-item budget amounts for each year from FY 2012 through FY 2015. For Issue 3, the scope consists of reviewing the Senior Status Circuit Court Judge appointments made by the Court and the compensation and retirement annuity benefits paid to each judge from 2009 through 2017.

**Methodology**

Post Audit staff gathered and analyzed several sources of information and assessed the sufficiency and appropriateness of the information used as evidence. Testimonial evidence was gathered through interviews with various agencies that oversee, collect, or maintain information. The purpose for testimonial evidence was to gain a better understanding or clarification of certain issues, to confirm the existence or non-existence of a condition, or to understand the respective agency's position on an issue. Such testimonial evidence was confirmed by either written statements or the receipt of corroborating or physical evidence.

Audit staff analyzed various source documents that were either provided to us by the Court, or publicly available through wvOASIS. In addition, information was obtained using the Legislature's Impeachment Proceedings webpage, and information provided by the Consolidated Public Retirement Board.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

## Appendix C

Number of Appointments by Judge (2009-2017)	
Judge	Number of Appointments
Henning	9
Hrko	9
Starcher	9
Steptoe	9
Stone	9
Vickers	9
Chafin	8
Cummings	8
Frye	8
Holliday	8
Jolliffe	7
Keadle	5
Recht	6
Fox	5
Knight	5
McHugh	5
Pomponio	4
Perry	3
Rowe	2
Canady Jr.	2
Cookman	2
Gaughan	2
Jordan	2
Taylor	2
Zakaib	2
Cline	1
Egnor Jr.	1
Halbritter	1
Hott	1
Madden	1
O'Hanlon	1
Schlaegel	1
Pancake	1
Marks	1

*Source: List of Senior Status Judges provided to the Legislative Auditor, by the Court.*

Appendix D

SUPREME COURT OF APPEALS OF WEST VIRGINIA  
ADMINISTRATIVE ORDER

RULE ON RETIRED JUDGES ADMITTED TO  
SENIOR STATUS

WHEREAS, The Supreme Court of Appeals has been authorized and empowered to create a panel of retired judges admitted to senior status from among former circuit judges and Supreme Court justices of this State, and to promulgate rules providing for such judges and justices to be assigned duties as needed and as feasible;

IT IS THEREFORE ORDERED that there is hereby established, effective June 9, 1991, a system of senior status for retired judges, pursuant to W.Va. Code § 51-9-10.

(a) Eligibility.

(1) Former Judge or Justice. To qualify for senior status, one must: (A) be receiving benefits under the Judicial Retirement System pursuant to W.Va. Code, Chapter 51, Article 9; or (B) meets one of the following criteria: (i) served in the judicial office with the eligibility equivalency for judicial retirement under W. Va. Code, Chapter 51, Article 9, but retires under Public Employees Retirement System pursuant to W. Va. Code, Chapter 5, Article 10; (ii) has served in the judicial office for one full term and retires at the end of that term under the Public Employees Retirement System; or (iii) has served in the judicial office for more than one full term and

subsequently receives benefits under the Judicial Retirement System or the Public Employees Retirement System.

(2) Residence. To qualify and to remain qualified for senior status, one must be bona fide resident of the State of West Virginia.

(3) Practice of Law. (A) Engagement in a substantial law practice (e.g., association with a law firm or full-time law practice) shall disqualify a retired judge or justice from eligibility for senior status. (B) Engagement in a limited law practice (e.g., no association with a law firm or part-time practice) shall not disqualify a retired judge or justice from eligibility for senior status, but shall disqualify a retired judge admitted to senior status from assignment to duty in any circuit where he or she engages in practice.

(4) Ethics Code. A judge admitted to senior status shall be bound by the prevailing canons of judicial ethics and by the prevailing rules on complaints against judges and justices.

(5) Training. Senior status judges are required to attend the judicial training conferences and will be reimbursed for expenses as active judges.

(6) Compliance with Rule. To qualify, a retired judge or justice must agree in advance to comply with the provisions of this rule.

(7) Other Considerations. The Supreme Court of Appeals may take into account such other considerations as it deems pertinent (i.e., age, health, etc.).

(b) Application. Application for senior status shall be submitted to the Administrative Director of the Supreme Court of Appeals, on the form prescribed by the Administrative Director. The applicant shall provide all the information called for by the form; Provided, however, that the Supreme Court may require the applicant to submit additional information. Application may be made within one year before the applicant's anticipated date of eligibility or at anytime after the applicant's date of eligibility.

(c) Admission; Oath; Revocation. Admission to senior status shall be a privilege; admission may granted or denied by the Supreme Court, in its discretion, acting in administrative conference and recording such action in an administrative order duly entered; admission may be for indefinite duration or temporary duration of a specified period. Before commencing service, a judge admitted to senior status shall take an oath of office, and file such oath with the Administrative Director. The Supreme Court may, for failure to comply with provisions of this rule or for incapacity, revoke senior status, by acting in administrative conference and recording such action in an administrative order duly entered.

(d) Change of Circumstances; Withdrawal. A judge admitted to senior status shall forthwith inform the

Administrative Director of any change of circumstances bearing on his or her senior judicial status, and may at anytime by written notice withdraw from senior status.

(e) Assignment to Duty.

(1) The Chief Justice may, by order duly entered, assign a judge admitted to senior status to such judicial duties in such courts as the Chief Justice deems appropriate and as consistent with applicable provisions of law.

(2) No retired judge admitted to senior status who has been defeated in an election for a circuit judgeship shall be assigned to duty in the circuit where he or she was defeated.

(3) All judges admitted to senior status are hereby generally assigned and empowered to perform marriages and to administer oaths in any county of this State.

(4) Nothing in this rule shall preclude the recall or assignment to active judicial service of any retired judge or justice who has not been admitted to senior status but who agrees to serve, all subject to any applicable rules or provisions of law.

(f) Financial Allowances:

(1) Per Diem. (A) Compensation for service by a judge admitted to senior status will be at the rate of \$200 per day. (B) For service within the circuit of residence, service will be billable in half-day increments; for service outside the

circuit of residence, service will be billable in full-day increments. (C) Provided, however, that the per diem and retirement compensation of a retired judge, admitted to senior status shall not exceed the salary of a sitting judge.

(2) Expenses. Reimbursement for travel and/or other necessary expenses incurred during assigned service will be made according to the prevailing Supreme Court regulations.

(3) Allowances Form. Statements for per diem and expense allowances under subdivisions (1) and (2) of this subsection (g) must be submitted to and approved by the Administrative Director, on the form prescribed by the Administrative Director.

(4) Staff Support. Insofar as feasible, a judge admitted to senior status, while on assignment, must rely on the services of regular staff personnel of the court of assignment; Provided, however, that upon good cause shown and advance approval by the Administrative Director, a judge admitted to senior status may arrange, consistent with prevailing Supreme Court regulations, for temporary workers to provide secretarial and/or court-reporting services.

ENTER, this 15<sup>th</sup> day of November 1991.

  
 Thomas B. Miller  
 CHIEF JUSTICE

Appendix E

SUPREME COURT OF APPEALS  
STATE OF WEST VIRGINIA

STEVEN D. CANTERLUTY  
ADMINISTRATIVE DIRECTOR



ADMINISTRATIVE OFFICE  
BUILDING 1, ROOM E-108  
1900 KANAWHA BOULEVARD, E.  
CHARLESTON, WV 25305-0032  
(VOICE) 304/558-9115  
(TTY) 304/558-4216  
(FAX) 304/558-1212  
www.state.wv.us/wvacm/

23 April 2013

Honorable John L. Henning  
[REDACTED]

Dear Judge Henning:

Enclosed is a copy of the Independent Contractor Agreement. I have given the original to Sue Troy, the Director of Financial Services.

Your "retirement" allowed per diem may run out on May 7<sup>th</sup>, depending on your work days. Thereafter, please submit an invoice for your \$435 per diem for your service after May 7, 2013 directly to Sue Troy. The invoice can be simply your name, home address, date of service (list each date of service separately), per diem amount and total. The total may help you to track payments. Ms. Troy will be handling all contract payments. As an independent contractor, you may have to pay income tax directly to both the State and federal governments.

Please continue to submit your expenses of the Senior Status Allowance form to me. The expenses will continue to be processed in the same way.

I have not heard about any appointments by the Governor.

Thank you so much for continuing to serve. The Court appreciates your dedication and willingness to make sure that Justice is not delayed in the 26<sup>th</sup> Circuit.

Please let me know if you have any questions.

I am looking forward seeing at the Spring Judicial Conference.

Sincerely,

Kathleen S. Gross  
Deputy Administrative Director

KSG/mg  
Enclosure  
cc: Sue Troy  
Shannon Green

Appendix F

WV-43 per 1003

State of West Virginia  
Purchasing Division  
AGREEMENT

Purchase Order # \_\_\_\_\_ WVFIMS Account # \_\_\_\_\_  
 TEAM Vendor # \_\_\_\_\_ WVFIMS Vendor # 32003  
 I, Thomas W. Steptoe Jr., agree to perform the following services  
 for WV Supreme Court of Appeals at Charleston, WV  
Senior Status Judge Thomas W. Steptoe Jr., pursuant to past and future assignments ordered by the WV Supreme Court of Appeals in Administrative Orders, in accordance to articles as a temporary circuit judge in process in, but not limited to, the Counties of Berkeley, Jefferson, Kanawha, Marion, Monroe, Morgan, and Randolph in the State of West Virginia.  
 Date(s) of Service: from June 25, 2012 to December 31, 2012  
 The rate of pay shall be \$438.00 per day  
 not to exceed \$ \$30,160.00 for the entire term of the contract.

Please check the appropriate box below:  
 I am not currently a full-time employee of the State of West Virginia;  
 I am currently a full-time employee of the State of West Virginia (complete certification below).  
 It is hereby certified that the services to be performed under this agreement will not interfere with or detract from the full-time duties of the employee and the amount of annual compensation received by \_\_\_\_\_ (above named vendor) from the State of West Virginia for full-time employment during the current fiscal year will be \$ \_\_\_\_\_  
 The vendor serves as \_\_\_\_\_ with the title of \_\_\_\_\_  
 certified by \_\_\_\_\_

NRAA Business Associate Acknowledgment - The West Virginia State Government (WVSG) Business Associate (BA), approved by the Agency General, and available online at the Purchasing Division's web site (<http://www.wv.gov/commerce/purchasing/ba.html>) is hereby made part of the agreement. Provided that, the Agency meets the definition of a Covered Entity (45 CFR §101.123) and will be disclosing Protected Health Information (45 CFR §101.123) to the vendor.

APPROVED BY:  
 Agency WV Supreme Court Vendor Thomas W. Steptoe Jr.  
Merrill K. Rupp (Deputy Director of Agency) (Quintana S.)  
Chief Justice  
June 27, 2012 June 27, 2012

15V-48 (rev 10/09)

State of West Virginia  
Purchasing Division  
**AGREEMENT**

Purchase Order # \_\_\_\_\_ WVFIMS Account # \_\_\_\_\_  
TEAM Vendor # \_\_\_\_\_ WVFIMS Vendor # \_\_\_\_\_

I, Andrew N. Frye, Jr. (Name and address) \_\_\_\_\_, agree to perform the following services  
for WV Supreme Court of Appeals at Charleston, WV (County)  
Senior Status Judge Andrew N. Frye, Jr., pursuant to past and future assignments ordered by the WV Supreme Court of  
Appeals in Administrative Orders, to directed to provide as a temporary circuit judge in proceedings in the Circuit Courts of WV.

Date(s) of Service: from August 1, 2012 to December 31, 2012  
The rate of pay shall be \$435.00 per day

Please check the appropriate box below:  
 I am not currently a full-time employee of the State of West Virginia;  
 I am currently a full-time employee of the State of West Virginia (complete certification below).

It is hereby certified that the services to be performed under this agreement will not interfere with or  
deduct from the full-time duties of the employee and the amount of annual compensation received by  
\_\_\_\_\_ (above named vendor) from the State of West Virginia for full-time  
employment during the current fiscal year will be \$ \_\_\_\_\_.

The vendor serves as \_\_\_\_\_ with the title of \_\_\_\_\_  
certified by \_\_\_\_\_

HIPAA Business Associate Addendum - The West Virginia State Government HIPAA Business Associate (BAA), approved by the Attorney  
General, and available online at the Purchasing Division's web site (<http://www.state.wv.us/office/purchasing/contracts/baa.htm>) is hereby made part  
of the agreement. Provided that, the Agency intends the donation of a Covered Entity (45 CFR §160.103) and will be disclosing Protected Health  
Information (45 CFR §160.103) to the vendor.

APPROVED BY:

Agency Supreme Court of Appeals of West Virginia  
[Signature]  
Chief Justice  
August 19, 2012

Vendor Andrew N. Frye, Jr.  
[Signature]  
Date of Service  
August 6, 2012

Apr. 11, 2013 11:05AM  
WV-50 (rev. 8/10/04)

No. 4489 P. 2

State of West Virginia  
Purchasing Division  
**AGREEMENT**

Purchase Order # \_\_\_\_\_ WVFIMS Account # 5174  
TEAM Vendor # \_\_\_\_\_ WVFIMS Vendor # \_\_\_\_\_

I, Thomas H. Keadle, Senior Status Judge, agree to perform the following services for W. Va. Supreme Court as appointed as of April 16, 2013, 22nd Judicial Circuit as a Senior Status Judge.

Date(s) of Service: from April 16, 2013 to December 31, 2013  
The rate of pay shall be 435.00 per day, not to exceed \$ to be determined for the entire term of the contract.

NOTE: Any anticipated travel must be incorporated into the vendor's fee. No travel will be reimbursed by the State and is the sole responsibility of the vendor. The following certification must be completed and signed if the vendor is a full-time employee of the State of West Virginia.

Please check the appropriate box below:  
 I am not currently a full-time employee of the State of West Virginia;  
 I am currently a full-time employee of the State of West Virginia (complete certification below).

It is hereby certified that the services to be performed under this agreement will not interfere with or detract from the full-time duties of the employee and the amount of annual compensation received by \_\_\_\_\_ (above named vendor) from the State of West Virginia for full-time employment during the current fiscal year will be \$ \_\_\_\_\_. The vendor serves as Senior Status Judge with the title of Senior Status Judge, certified by \_\_\_\_\_.

GENERAL TERMS AND CONDITIONS: The General Terms and Conditions for Agency Delegated Master Terms and Conditions located on the Purchasing Division's website at <http://www.state.wv.us/admin/purchases/YCA.pdf> ("Terms and Conditions") are hereby made a part of this agreement and are specifically incorporated herein by reference. By signing this agreement, Vendor certifies that it has reviewed the Terms and Conditions, fully understands them, and agrees to be bound by their provisions.

APPROVED BY:  
Agency: [Signature]  
Christ Justice  
4/11/2013

Vendor: Thomas H. Keadle  
Senior Status Judge  
[Signature]  
April 11, 2013

Apr. '5, 2013 11:16AM  
WV AB (rev. 06/08/12)

No. 4504 P. 2

State of West Virginia  
Purchasing Division  
**AGREEMENT**

Purchase Order # \_\_\_\_\_ WVPIWS Account # \_\_\_\_\_

TEAM Vendor # \_\_\_\_\_ BUYERS NUMBER # 149031

I, John Henning, (PRINT NAME AND ADDRESS) to perform the following services  
for WV Dept. of Transportation at an appointment  
on May 8, 2013 (DATE)  
(SCHEDULED ASSIGNMENT OF SERVICES TO BE PERFORMED)

Date(s) of Service: from May 8, 2013 to 31 December 2013  
The rate of pay shall be \$435.00 per day not to exceed  
\$ 13,117.50 for the entire term of the contract.

NOTE: Any anticipated travel must be incorporated into the vendor's fee. No travel will be reimbursed by the State and is the sole responsibility of the vendor. The following certification must be completed and signed if the vendor is a full-time employee of the State of West Virginia.

Please check the appropriate box below:  
 I am not currently a full-time employee of the State of West Virginia;  
 I am currently a full-time employee of the State of West Virginia (complete certification below).

It is hereby certified that the services to be performed under this agreement will not interfere with or detract from the full-time duties of the employee and the amount of annual compensation received by \_\_\_\_\_ (above named vendor) from the State of West Virginia for full-time employment during the current fiscal year will be \$ \_\_\_\_\_. The vendor serves as Senior Status Judge with the title of Senior Status Judge, certified by \_\_\_\_\_ (SIGNATURE OF EMPLOYEE)

GENERAL TERMS AND CONDITIONS: The General Terms and Conditions for Agency Delegated Master Terms and Conditions located on the Purchasing Division's website at <http://www.state.wv.us/admin/purchasot/TCA.pdf>, ("Terms and Conditions") are hereby made a part of this agreement and are specifically incorporated herein by reference. By signing this agreement, Vendor certifies that it has reviewed the Terms and Conditions, fully understands them, and agrees to be bound by their provisions.

APPROVED BY:  
Agency  
Christ Justice  
(PRINT NAME AND ADDRESS)  
041 041 2013  
(DATE)

Vendor  
John Henning  
(PRINT NAME AND ADDRESS)  
John Henning  
(SIGNATURE)  
April 20 2013  
(DATE)

WV-13 (Nov. 06/09/12)

State of West Virginia  
Purchasing Division  
**AGREEMENT**

Purchase Order # \_\_\_\_\_ WVFIMS Account # \_\_\_\_\_  
TEAM Vendor # \_\_\_\_\_ WVFIMS Vendor # \_\_\_\_\_

I, The Hon. Thomas H. Keedler, <sup>(Name of Director)</sup> agree to perform the following services for WV Supreme Court of Appeal at Charleston, WV <sup>(Agency)</sup>.  
The Honorable Thomas H. Keedler, <sup>(Name of Director)</sup> is directed to provide as a Senior Status Circuit Judge where needed in the state court system, pursuant to an Administrative Order entered by the Chief Justice of the Supreme Court of Appeals of West Virginia. Judge Keedler is authorized to preside in any proceeding as assigned under this agreement. <sup>(Detailed description of services to be performed)</sup>  
Date(s) of Service: from June 30, 2014 to December 31, 2014  
The rate of pay shall be 435.00 per day \_\_\_\_\_ not to exceed \$ n/a for the entire term of the contract.

NOTE: ~~Any anticipated travel must be incorporated into the vendor's fee. No travel will be reimbursed by the State and is the sole responsibility of the vendor.~~ The following certification must be completed and signed if the vendor is a full-time employee of the State of West Virginia.

Please check the appropriate box below:

- I am not currently a full-time employee of the State of West Virginia;
- I am currently a full-time employee of the State of West Virginia (complete certification below).

It is hereby certified that the services to be performed under this agreement will not interfere with or detract from the full-time duties of the employee and the amount of annual compensation received by (above named vendor) from the State of West Virginia for full-time employment during the current fiscal year will be \$\_\_\_\_\_. The vendor serves as \_\_\_\_\_ with the title of \_\_\_\_\_, certified by \_\_\_\_\_

GENERAL TERMS AND CONDITIONS: The General Terms and Conditions for Agency Delegated Master Terms and Conditions located on the Purchasing Division's website at <http://www.state.wv.us/admin/purchase/TCA.pdf>, ("Terms and Conditions") are hereby made a part of this agreement and are specifically incorporated herein by reference. By signing this agreement, Vendor certifies that it has reviewed the Terms and Conditions, fully understands them, and agrees to be bound by their provisions.

APPROVED BY:

Agency Robin Queen Davis, C.J.  
West Virginia Supreme Court of Appeals  
Chief Justice  
September 17, 2014

Vendor The Hon. Thomas H. Keedler  
Thomas Keedler  
Sept 9, 2014

WV-46 (rev. 06/01/12)

State of West Virginia  
Purchasing Division

**AGREEMENT**

Purchase Order # \_\_\_\_\_ WWFIMS Account # \_\_\_\_\_

TEAM Vendor # \_\_\_\_\_ WWFIMS Vendor # \_\_\_\_\_

I, the Hon. Charles M. Vickers, <sup>(Name and address)</sup> \_\_\_\_\_, agree to perform the following services for WV Supreme Court of Appeals at Charleston, WV <sup>(Location)</sup>

The Honorable Charles M. Vickers is directed to preside as a Senior Status Circuit Judge where needed in the state court system, pursuant to an Administrative Order entered by the Chief Justice of the Supreme Court of Appeals of West Virginia. Judge Vickers is authorized to preside in any proceeding as assigned under this agreement. <sup>(Detailed description of services to be performed)</sup>

Date(s) of Service: from September 17, 2014 to December 31, 2014

The rate of pay shall be 435.00 per day \_\_\_\_\_ not to exceed \$ N/A for the entire term of the contract.

NOTE: ~~Any anticipated travel must be incorporated into the vendor's fee. No travel will be reimbursed by the State and is the sole responsibility of the vendor.~~ The following certification must be completed and signed if the vendor is a full-time employee of the State of West Virginia. <sup>08</sup>

Please check the appropriate box below:

- I am not currently a full-time employee of the State of West Virginia;
- I am currently a full-time employee of the State of West Virginia (complete certification below).

It is hereby certified that the services to be performed under this agreement will not interfere with or detract from the full-time duties of the employee and the amount of annual compensation received by \_\_\_\_\_ (above named vendor) from the State of West Virginia for full-time employment during the current fiscal year will be \$ \_\_\_\_\_. The vendor serves as \_\_\_\_\_ with the title of \_\_\_\_\_, certified by \_\_\_\_\_ <sup>(Signature)</sup>

**GENERAL TERMS AND CONDITIONS:** The General Terms and Conditions for Agency Delegated Master Terms and Conditions located on the Purchasing Division's website at <http://www.state.wv.us/admin/purchase/TCA.pdf>, ("Terms and Conditions") are hereby made a part of this agreement and are specifically incorporated herein by reference. By signing this agreement, Vendor certifies that it has reviewed the Terms and Conditions, fully understands them, and agrees to be bound by their provisions.

**APPROVED BY:**

Agency Supreme Court of Appeals of West Virginia

Charles M. Vickers  
<sup>(Authorized Signature of Agency)</sup>

Chief Justice  
10/6/14  
<sup>(Date)</sup>

Vendor The Hon. Charles M. Vickers

Charles M. Vickers

Sept 29, 2014  
<sup>(Date)</sup>

WV-46 (rev. 06/08/12)

State of West Virginia  
Purchasing Division  
**AGREEMENT**

Purchase Order # \_\_\_\_\_ WVFIMS Account # \_\_\_\_\_

TEAM Vendor # \_\_\_\_\_ WVFIMS Vendor # \_\_\_\_\_

I, The Hon. Thomas W. Steplice, Jr., agree to perform the following services for WV Supreme Court of Appeals of Charleston, WV

The Honorable Thomas W. Steplice, Jr. is directed to provide as a Senior Status Circuit Judge where needed in the state court system, pursuant to an Administrative Order entered by the Chief Justice of the Supreme Court of Appeals of West Virginia. Judge Steplice is authorized to provide in any proceeding as assigned under this agreement.

Date(s) of Service: from September 20, 2014 to December 31, 2014

The rate of pay shall be 435.00 per day not to exceed \$ na for the entire term of the contract.

NOTE: Any anticipated travel must be incorporated into the vendor's fee. No travel will be reimbursed by the State and is the sole responsibility of the vendor. The following certification must be completed and signed if the vendor is a full-time employee of the State of West Virginia.

Please check the appropriate box below:

- I am not currently a full-time employee of the State of West Virginia;
- I am currently a full-time employee of the State of West Virginia (complete certification below).

It is hereby certified that the services to be performed under this agreement will not interfere with or detract from the full-time duties of the employee and the amount of annual compensation received by \_\_\_\_\_ (above named vendor) from the State of West Virginia for full-time employment during the current fiscal year will be \$ \_\_\_\_\_. The vendor serves as \_\_\_\_\_ with the title of \_\_\_\_\_, certified by \_\_\_\_\_

GENERAL TERMS AND CONDITIONS: The General Terms and Conditions for Agency Delegated Master Terms and Conditions located on the Purchasing Division's website at <http://www.state.wv.us/admin/purchase/TCA.pdf>, ("Terms and Conditions") are hereby made a part of this agreement and are specifically incorporated herein by reference. By signing this agreement, Vendor certifies that it has reviewed the Terms and Conditions, fully understands them, and agrees to be bound by their provisions.

APPROVED BY: Chin Jen Chen, CJ  
Agency: West Virginia Supreme Court of Appeals  
Chief Justice  
September 17, 2014

Vendor: The Hon. Thomas W. Steplice, Jr.  
(Judge)  
September 15, 2014

WV-48 (rev. 06/08/12)

State of West Virginia  
Purchasing Division

**AGREEMENT**

Purchase Order # \_\_\_\_\_ WVFIMS Account # \_\_\_\_\_

TEAM Vendor # \_\_\_\_\_ WVFIMS Vendor # \_\_\_\_\_

I, The Hon. John L. Henning, agree to perform the following services for WV Supreme Court of Appeals at Charleston, WV

The Honorable John L. Henning is directed to preside as a Senior Status Judge where needed in the state court system, pursuant to an Administrative Order entered by the Chief Justice of the Supreme Court of Appeals of West Virginia. Judge Henning is authorized to preside in any proceeding as assigned under this agreement.

Date(s) of Service: from May 21, 2015 to December 31, 2015

The rate of pay shall be 435.00 per day not to exceed \$ N/A for the entire term of the contract.

NOTE: ~~Any anticipated travel must be incorporated into the vendor's fee. No travel will be reimbursed by the State and is the sole responsibility of the vendor.~~ The following certification must be completed and signed if the vendor is a full-time employee of the State of West Virginia.

Please check the appropriate box below:

- I am not currently a full-time employee of the State of West Virginia;
- I am currently a full-time employee of the State of West Virginia (complete certification below).

It is hereby certified that the services to be performed under this agreement will not interfere with or detract from the full-time duties of the employee and the amount of annual compensation received by \_\_\_\_\_ (above named vendor) from the State of West Virginia for full-time employment during the current fiscal year will be \$ \_\_\_\_\_, The vendor serves as \_\_\_\_\_ with the title of \_\_\_\_\_, certified by \_\_\_\_\_

**GENERAL TERMS AND CONDITIONS:** The General Terms and Conditions for Agency Delegated Master Terms and Conditions located on the Purchasing Division's website at <http://www.state.wv.us/admin/purchase/TOA.pdf>, ("Terms and Conditions") are hereby made a part of this agreement and are specifically incorporated herein by reference. By signing this agreement, Vendor certifies that it has reviewed the Terms and Conditions, fully understands them, and agrees to be bound by their provisions.

APPROVED BY:

Agency Supreme Court of Appeals of WV  
Martha S. Parker, C.J.  
Chief Justice  
7/21/15

Vendor The Hon. John L. Henning  
[Signature]  
[Signature]

WV-4B (rev. 06/08/12)

State of West Virginia  
Purchasing Division

**AGREEMENT**

Purchase Order # \_\_\_\_\_ WVFIMS Account # \_\_\_\_\_

TEAM Vendor # \_\_\_\_\_ WVFIMS Vendor # \_\_\_\_\_

I, the Hon. Thomas H. Keadle <sup>(Name and address)</sup> \_\_\_\_\_, agree to perform the following services for WV Supreme Court of Appeals at Charleston, WV <sup>(Location)</sup>

~~The Hon. Thomas H. Keadle is directed to preside as Senior Status Circuit Judge where needed in the state court system pursuant to an Administrative Order entered by the Chief Justice of the Supreme Court of Appeals of West Virginia. Judge Keadle is authorized to preside in any proceeding as assigned under this contract.~~

Date(s) of Service: from September 1, 2015 to December 31, 2015

The rate of pay shall be 435.00 per day \_\_\_\_\_ not to exceed \$ N/A for the entire term of the contract.

**NOTE:** ~~Any anticipated travel must be incorporated into the vendor's fee. No travel will be reimbursed by the State and is the sole responsibility of the vendor.~~ The following certification must be completed and signed if the vendor is a full-time employee of the State of West Virginia.

Please check the appropriate box below:

- I am not currently a full-time employee of the State of West Virginia;
- I am currently a full-time employee of the State of West Virginia (complete certification below).

It is hereby certified that the services to be performed under this agreement will not interfere with or detract from the full-time duties of the employee and the amount of annual compensation received by \_\_\_\_\_ (above named vendor) from the State of West Virginia for full-time employment during the current fiscal year will be \$ \_\_\_\_\_. The vendor serves as \_\_\_\_\_ (Position) with the title of \_\_\_\_\_, certified by \_\_\_\_\_ (Contractor's Signature)

**GENERAL TERMS AND CONDITIONS:** The General Terms and Conditions for Agency Delegated Master Terms and Conditions located on the Purchasing Division's website at <http://www.state.wv.us/admin/purchase/TCA.pdf>, ("Terms and Conditions") are hereby made a part of this agreement and are specifically incorporated herein by reference. By signing this agreement, Vendor certifies that it has reviewed the Terms and Conditions, fully understands them, and agrees to be bound by their provisions.

APPROVED BY:

Agency  
Chief Justice  
9/9/15  
(Signature)  
(Date)

Vendor  
Thomas H. Keadle  
September 5, 2015  
(Signature)  
(Date)





POST AUDITS SUBCOMMITTEE  
MEMBERS

SENATE MEMBERS	HOUSE MEMBERS
<i>President</i> , Mitch Carmichael	Robert Hanshaw, Speaker
Ed Gaunch	Timothy Miley
Roman Prezioso	Eric Nelson Jr.



JOINT COMMITTEE ON GOVERNMENT AND FINANCE  
WEST VIRGINIA OFFICE OF THE LEGISLATIVE AUDITOR  
- POST AUDIT DIVISION -

*Legislative Auditor:* Aaron Allred  
*Post Audit Director:* Justin Robinson

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Room W-329, Building 1  
1900 Kanawha Boulevard East  
Charleston, West Virginia 25305  
Phone: (304) 347-4880





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**Clemens, Ashley**

**From:** Morris, Christopher  
**Sent:** Tuesday, December 12, 2017 3:58 PM  
**To:** Clemens, Ashley  
**Subject:** FW: FOIA Request

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**From:** Bundy, Jennifer  
**Sent:** Tuesday, December 5, 2017 11:06 AM  
**To:** Johnson, Gary <Gary.Johnson@courtswv.gov>; Loughry, Allen <Allen.Loughry@courtswv.gov>; Morris, Christopher <Christopher.Morris@courtswv.gov>  
**Cc:** Harless, April <April.Harless@courtswv.gov>  
**Subject:** FW: FOIA Request

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**From:** Kennie Bass [mailto:kbass@sbqtv.com]  
**Sent:** Tuesday, December 05, 2017 11:05 AM  
**To:** Johnson, Gary; Bundy, Jennifer  
**Cc:** Christopher Swope  
**Subject:** FOIA Request

Kennie Bass  
WCHS-TV/WVAH-TV  
1301 Piedmont Road  
Charleston, WV 25301  
12/5/17

Gary Johnson  
Administrative Director of West Virginia Courts  
Administrative Office  
1900 Kanawha Boulevard East  
Charleston, WV 25305

Mr. Johnson,

Under the West Virginia Freedom of Information Act, §29-B-1-1 et seq., I am requesting an opportunity to inspect or obtain copies of public records that which detail certain spending by the West Virginia Supreme Court of Appeals, its justices and employees. Please provide the following records:

1. Any and all emails to and/or from Chief Justice Allen Loughry pertaining to the remodeling and renovation of the justice's chambers from January 2013 to present.
2. Any and all emails to and/or from Kim Ellis, Director of Administrative Services, pertaining to the remodeling and renovation of the Chief Justice Allen Loughry's chambers from 2013 to present.
3. Any and all charges for meals purchased using public funds for the justices and clerks during 2016 and 2017.
4. Any and all P-Card purchases by the justices and court employees related to fuel and travel costs from 2009 to present.

5. The written court policy concerning the use of state-owned furniture in the justice's homes, the process which that policy was approved and the date of its approval.
6. Access to the WV Supreme Court of Appeals warehouse on Venable Avenue in Charleston to video state-purchased and state-owned furniture (a Cass Gilbert desk and blue-green leather couch) which were taken from Chief Justice Allen Loughry's home and placed within the warehouse. If the furniture has been moved to another location, please provide the current location of the furniture and allow our organization to video the furniture where it is being stored or utilized.
7. The cost for dinnerware and drinking glasses, mugs or cups emblazoned with the logo of the WV Supreme Court of Appeals purchased by the court using public money.
8. The cost of flatware purchased by the court using public money.
9. Any and all emails or documents pertaining to the court's practice of allowing former and current justices to purchase furniture owned by the state which was bought by public funds without going through West Virginia's surplus property procedures. Please provide the written policy, the date it was approved and the manner in which the value of the furniture is determined.
10. A list of state-owned furniture purchased by former and current justices of the WV Supreme Court of Appeals from 2009-present, the value of those items and the dates which they were purchased.
11. A list of vehicles used by the court, including vehicles used by the justices.
12. The policy pertaining to the use of state-owned vehicles by the justices and court employees, including reasons given for the usage of state-owned vehicles and the destination of the occupants disclosed to the court's vehicle supervisor.
13. The policy which allows justices to be exempt from disclosing their reasons for using a state-owned vehicle and to be exempt from disclosing their destinations, how the exemption was crafted, who approved it and the date of the approval.
13. A list of usage of state-owned vehicles by the justices and court employees.

If there are any fees for searching or copying these records, please inform me of the cost. However, I would also like to request a waiver of all fees in that the disclosure of the requested information is in the public interest and will contribute significantly to the public's understanding of how the court spends public money provided by the taxpayers of West Virginia. I am a member of the news media and my request is related to news gathering purposes. This information is not being sought for commercial purposes.

The West Virginia Freedom of Information Act requires a response to this request be made within five business days. If access to the records I am requesting will take longer than this amount of time, please contact me with information about when I might expect copies or the ability to inspect the requested records and access to the supreme court warehouse.

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Thank you for considering my request.

Sincerely,

**Kennie Bass**

News Anchor/Reporter  
WCHS (ABC 8) / WVAH (FOX 11)  
Eyewitness News  
1301 Piedmont Road, Charleston, WV 25301  
Newsroom: 304.345.4115  
My Desk: 304.561.3827  
ABC 8/FOX 11 Front Desk: 304.345.5358  
Fax: 304.345.1849  
Mobile: 304.539.9122

Twitter: @KennieBassWCHS  
Facebook: facebook.com/Kennie-Bass-257839674292570/  
wchstv.com wvah.com



Sinclair provides services to WVAH pursuant to a shared services agreement.



**Judicial Investigation Commission closes complaints  
against Justices Davis, Walker, and Workman**

For immediate release

CHARLESTON, W.Va. – The West Virginia Judicial Investigation Commission (JIC) announced today it has investigated ethics complaints against three Supreme Court Justices and closed the cases without taking any disciplinary action.

Justices Robin Jean Davis and Beth Walker and Chief Justice Margaret L. Workman agreed to the release of letters to them from the JIC informing them of the JIC's conclusions.

The Complaints were opened against the Justices by Judicial Disciplinary Counsel earlier this year. This closes all outstanding complaints against them.

The JIC governs the ethical conduct of judges and is charged with determining whether probable cause exists to formally charge a judge with a violation of the Code of Judicial Conduct. The JIC is the same body that investigated allegations against Supreme Court Justice Allen Loughry and filed a 32-count statement of charges against him on June 6.

JIC policy is to not acknowledge the existence of complaints against judicial officers until probable cause has been found to issue a statement of charges or an admonishment. "We are taking the unusual step of making our findings public in these cases because Supreme Court Justices are the highest judicial officers in West Virginia. It is important for the public to know that allegations against them have been thoroughly investigated, and they have been cleared of wrongdoing," said Commission Chairman Ronald Wilson, a judge in the First Judicial Circuit (Brooke, Hancock, and Ohio Counties).

The three sitting Justices voluntarily agreed to be interviewed by the JIC.

The Judicial Disciplinary Counsel filed complaints against the three Justices alleging they violated Rules 1.1, 1.2, 1.3, 3.13 and 3.15 of the Code of Judicial Conduct because they used state funds to pay for lunches for themselves, their administrative assistants, and court security officers while they were discussing cases and administrative matters in conference.

The JIC found the lunches reduced the amount of time attorneys spent in court (and thus reduced legal fees) and allowed visiting judges to return to their circuits in time to do other work the same day. The working lunches made the court "run more efficiently and effectively on argument docket and administrative conference days," the letters say. The letters note that both the Internal Revenue Service and the West Virginia Ethics Commission consider paid working lunches an acceptable expense because they improve efficiency.

The letter to Justice Walker indicated that the lunch practice was longstanding when she joined the Court on January 1, 2017. "You had no involvement in the original decision to provide working lunches on argument and administrative conference days and you had no reason to challenge the practice at the time you took office because it was well-known and well-established practice," the letter to Justice Walker states.

The letters to the other Justices note that "Perhaps the only criticism that the JIC can make is that you failed to reduce the policy to writing – with well-established guidelines – for the purchase of the working lunches. By failing to do this, you unnecessarily opened the

door to unfair public criticism of an otherwise appropriate method for conducting the business of the Court.”

Letters to Chief Justice Workman and Justice Davis indicate, in footnotes, that the Commission also investigated other allegations against them and found that they did not violate the Code of Judicial Conduct.

- Justice Davis’ stops at a political rally in Parkersburg and a political event at the Raleigh County Armory while on Court business trips were “incidental to court business,” the letter to Justice Davis said. “After a thorough review, the Commission believes that you did not violate the Code of Judicial Conduct since the primary purpose of the travel was for court business and the political events were ancillary, did not require additional travel, or expense payments.”
- Justice Davis hosted parties at her homes in Charleston and Wyoming. “The fact that you paid for the majority of the costs for the dinners associated with the Circuit Court Conferences actually saved the state money,” the letter to Justice Davis says. “The costs paid for by the Court associated with the 2011 and 2013 dinners are normal costs that would have been paid by the agency for a banquet that would have been held at the hotel or at some other location in the city. After a thorough review of this evidence, the Commission also finds that there is no probable cause to charge you any violation of the Code of Judicial Conduct.”
- The Commission on Special Investigations reported to the JIC that Chief Justice Workman may have hired one or more people who worked on her 2008 judicial campaign as “ghost” employees. A ghost employee is someone who is put on the payroll but does not do any work. “Following a thorough investigation into this claim, the Judicial Investigation Commission finds there is no probable cause to charge you with a violation of the Code of Judicial Conduct.”

Contact: Teresa A. Tarr, Chief Counsel  
Judicial Investigation Commission  
(304) 558-0169



## Comparison of Renovation Costs Justice Benjamin & Justice Walker

**Table 8**  
Breakdown of Renovation Expenditures for Justice Benjamin's Chambers

Expenditure Category	Amount	Percent of Total
Décor	\$26,395	9.97%
Fixtures	\$98,748	37.29%
Flooring	\$25,489	9.62%
Furniture	\$26,764	10.11%
Infrastructure	\$51,497	19.44%
Miscellaneous	\$11,037	4.17%
Painting	\$24,906	9.40%
<b>Total</b>	<b>\$264,836</b>	<b>100.00%</b>

Source: Legislative Auditor's analysis of renovation invoices provided by the Supreme Court.

**Table 9**  
Breakdown of Renovation Expenditures for Justice Walker's Chambers

Expenditure Category	Amount	Percent of Total
Décor	\$28,747	22.00%
Fixtures	\$26,435	20.23%
Flooring	\$9,145	7.00%
Furniture	\$30,625	23.44%
Infrastructure	\$20,686	15.83%
Miscellaneous	\$15,016	11.49%
<b>Total</b>	<b>\$130,655</b>	<b>100.00%</b>

Source: Legislative Auditor's analysis of renovation invoices provided by the Supreme Court.





MAA 11/18/18 - Photo by Dan



WV Legislative Photography - Photo by Dan



NY Legislative Photography - Photo by Dan



WV Legislative Photography - Photo by Bert



WV Legislative Photography - Photo by Dan

EXHIBIT  
114



**Table 7**  
**Supreme Court Capital Renovation Project Costs**

Renovation Project	Total Renovation Cost
Justice Benjamin's Chamber	\$264,836
Justice Walker's Chamber	\$130,655
Justice Ketchum's Chamber	\$188,931
Justice Workman's Chamber	\$112,780
Justice Davis's Chamber	\$503,668
Justice Loughry's Chamber	\$367,915
Unattributed Siting Invoices for Chambers	\$374,571
3 <sup>rd</sup> Floor Men's Restroom	\$38,887
3 <sup>rd</sup> Floor Women's Restroom	\$77,725
1 <sup>st</sup> Floor Hallway	\$79,145
Safetoom	\$98,513
Courtroom	\$162,596
Justice's Conference Room	\$300,350
Common Area	\$324,509
Clerk's Office	\$282,793
Chief Counsel's Office	\$90,279
Elevator Upgrades	\$9,572
<b>Total</b>	<b>\$3,407,726</b>

*Source: Legislative Auditor's analysis of renovation invoices provided by the Court.*

9/19/2018

Per Diem Rates Look-Up



U.S. General Services Administration



## FY 2017 Per Diem Rates for West Virginia

Lodging by month (excluding taxes) | October 2016 - September 2017

Meals & Incidentals (M&IE) Rates

Cities not appearing below may be located within a county for which rates are listed. To determine what county a city is located in, visit the National Association of Counties (NACo) website (a non-federal website).

[View Rates](#)

Primary Destination	County	2016 Oct	Nov	Dec	2017 Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Standard Rate	Applies for all locations without specified rates	\$91	\$91	\$91	\$91	\$91	\$91	\$91	\$91	\$91	\$91	\$91	\$91
Charleston	Kanawha	\$107	\$107	\$107	\$107	\$107	\$107	\$107	\$107	\$107	\$107	\$107	\$107
Morgantown	Monongalia	\$105	\$105	\$105	\$105	\$105	\$105	\$105	\$105	\$105	\$105	\$105	\$105
Wheeling	Ohio	\$115	\$115	\$115	\$115	\$115	\$115	\$115	\$115	\$115	\$115	\$115	\$115

### Meals & Incidentals (M&IE) Breakdown

Use this table to find the following information for federal employee travel:

**M&IE Total** - the full daily amount received for a single calendar day of travel when that day is neither the first nor last day of travel.

**Breakfast, lunch, dinner, incidentals** - Separate amounts for meals and incidentals. M&IE Total = Breakfast + Lunch + Dinner + Incidentals. Sometimes meal amounts must be deducted from trip voucher. See More Information

**First & last day of travel** - amount received on the first and last day of travel and equals 75% of total M&IE.

Primary Destination	County	M&IE Total	Continental Breakfast/ Breakfast	Lunch	Dinner	Incidental Expenses	First & Last Day of Travel
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[https://www.gsa.gov/travel/plan-book/per-diem-rates/per-diem-rates-lookup/?action=perdiems\\_report&state=WV&fiscal\\_year=2017&zip=&city=](https://www.gsa.gov/travel/plan-book/per-diem-rates/per-diem-rates-lookup/?action=perdiems_report&state=WV&fiscal_year=2017&zip=&city=)

1/2

9/19/2018

Per Diem Rates Look-Up

Primary Destination <sup>1</sup>	County <sup>2</sup>	M&IE Total	Continental Breakfast/Breakfast	Lunch	Dinner	Incidental Expenses	First & Last Day of Travel <sup>3</sup>
<b>Standard Rate</b>	Applies for all locations without specified rates	\$51	\$11	\$12	\$23	\$5	\$38.25
<b>Charleston</b>	<b>Kanawha</b>	\$54	\$12	\$13	\$24	\$5	\$40.50
<b>Morgantown</b>	<b>Monongalia</b>	\$54	\$12	\$13	\$24	\$5	\$40.50
<b>Wheeling</b>	<b>Ohio</b>	\$54	\$12	\$13	\$24	\$5	\$40.50

Supreme Court Lunches Listing Justice Walker as Attendee - January 1, 2017 - December 31, 2017				
DATE	Restaurant	Number of Attendees	Total Cost	Average Per Person Cost
1/4 S. Hills Market		12	\$ 167.81	\$ 13.98
1/9 Schov's		11	\$ 219.48	\$ 19.13
1/11 Paternis		12	\$ 156.60	\$ 13.05
1/11 Paternis		12	\$ 139.20	\$ 11.60
1/17 S. Hills Market		10	\$ 154.00	\$ 15.40
1/18 Schov's		10	\$ 210.76	\$ 21.08
1/23 Adolphus		11	\$ 212.64	\$ 19.33
1/23 Adolphus		11	\$ 216.00	\$ 19.64
1/25 S. Hills Market		12	\$ 200.04	\$ 16.67
2/7 Schov's		12	\$ 139.20	\$ 11.60
2/14 Paternis		12	\$ 187.00	\$ 15.58
2/13 Adolphus		12	\$ 214.00	\$ 17.83
2/14 Paternis		13	\$ 189.00	\$ 14.54
2/14 S. Hills Market		12	\$ 213.36	\$ 17.78
2/27 Schov's		12	\$ 83.66	\$ 6.97
3/6 Senates Cafe		10	\$ 218.79	\$ 18.23
3/7 Lodi's		12	\$ 208.00	\$ 17.33
3/28 Adolphus		12	\$ 177.00	\$ 14.75
4/20 Schov's		12	\$ 166.23	\$ 13.85
3/28 S. Hills Market		5	\$ 208.66	\$ 41.73
4/6 S. Hills Market		4	\$ 15.69	\$ 3.92
4/18 The BLOCK		9	\$ 137.00	\$ 15.22
4/19 Paternis		12	\$ 183.00	\$ 15.25
4/19 Paternis		12	\$ 183.00	\$ 15.25
4/25 S. Hills Market		14	\$ 218.00	\$ 15.57
5/2 Adolphus		11	\$ 188.00	\$ 17.09
5/3 The BLOCK		11	\$ 180.00	\$ 16.36
5/18 Paternis		12	\$ 176.40	\$ 14.70
5/18 Paternis		12	\$ 207.00	\$ 17.25
5/23 S. Hills Market		12	\$ 207.00	\$ 17.25
5/23 S. Hills Market		12	\$ 251.00	\$ 20.92
5/24 Adolphus		13	\$ 196.00	\$ 15.08
6/14 Paternis		11	\$ 198.14	\$ 18.01
6/30 Schov's		10	\$ 228.00	\$ 22.80
6/22 S. Hills Market		12	\$ 204.00	\$ 17.00
6/22 Paternis		12	\$ 171.00	\$ 14.25
6/23 The BLOCK		11	\$ 191.64	\$ 17.42
6/19 Schov's		11	\$ 208.40	\$ 18.95
6/19 Paternis		12	\$ 217.00	\$ 18.08
7/20 S. Hills Market		12	\$ 226.00	\$ 18.83
7/20 S. Hills Market		12	\$ 167.00	\$ 13.92
10/17 Paternis		12	\$ 201.78	\$ 16.82
10/18 S. Hills Market		11	\$ 175.20	\$ 15.93
10/18 S. Hills Market		13	\$ 216.00	\$ 16.62
10/18 S. Hills Market		11	\$ 179.40	\$ 16.31
10/31 Schov's		11	\$ 8716.05	\$ 792.37
<b>TOTALS</b>		<b>8</b>	<b>\$ 8,716.05</b>	<b>\$ 756.36</b>



Remaining Supreme Court Lunches - January 1, 2017 - December 31, 2017 (Attorney Walker Not Identified in Attendance)

DATE	Restaurant	Number of Attendees	Total Cost	Average Per Person Cost
2/17/17	Sobha	6	\$ 153.94	\$ 25.66
7/21/17	Empire	18	\$ 232.00	\$ 12.89
7/21/17	Pace and Pritz	7	\$ 246.00	\$ 35.14
9/26/17	S. Hills Market	13	\$ 174.00	\$ 13.38
10/23/17	Amelphia	11	\$ 178.92	\$ 16.27
11/19/17	Sobha	11	\$ 178.92	\$ 16.27
11/19/17	Sobha	10	\$ 1376.96	\$ 137.69
11/19/17	Palazzo	4	\$ 102.00	\$ 25.50
	Superal			
<b>TOTAL</b>			<b>\$ 10,096.21</b>	<b>\$ 862.38</b>



**JAN - DEC 2017**

**MEALS PURCHASED  
FOR JUSTICES & STAFF**

7/8/2018

Travel Reimbursement

WV SUPREME COURT OF APPEALS R:TRANET

Manroe, Melissa

TRAVEL REIMBURSEMENT

Travel Expense Form

PER DIEM CALCULATOR

MILEAGE CALCULATOR

ALL COUNTIES OTHER THAN KANAWHA, MONONGALIA, OR OHIO

Calculate First and Last Day of Travel

\$98.25 - Maximum Per Diem (no meals provided)

- Breakfast Provided (\$7.65)
- Lunch Provided (\$7.65)
- Dinner Provided (\$2.95)

Total Provided Meals:

Total Per Diem To Claim:

Clear

Calculate Middle Day(s) of Travel

\$51.00 - Maximum Per Diem (no meals provided)

- Breakfast Provided (\$10.20)
- Lunch Provided (\$10.20)
- Dinner Provided (\$30.80)

Total Provided Meals:

Total Per Diem To Claim:

Clear

Bridgeport

Conference

Center

Cabela's

Conference

Center

Chief Logan

Lodge

Conference

Center

Comfort Inn

(Triadelphia)

Embassy

Suites

(Charleston)

Glade

Spring

Resort

Hampton Inn

(Martinsburg)

Hilton Garden

Inn

(Clarksburg)

Lakeview

Scif Resort &

Spa

Marriott

(Charleston)

Town Center

Oglebay

Resort &

Conference

Center

WALKER, JZ

TMO-3 Form -- Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

**south hills market  
and café**

SOUTH HILLS

SPENDING UNIT NAME/ORG # Supreme Court of Appeals

CONTACT PERSON Chris Games

TELEPHONE NUMBER (304) 558-2080

FUNCTION SPONSOR Chris Games

LOCATION OF FUNCTION Justices' Chambers

DATE(S) OF FUNCTION 01/04/2017

Date: 1/4/2017 Time: 11:36:27 AM

Status: Approved

Card Type: Visa  
 Card Number: XXXXXX0000009848  
 Expiration Date: X/XX/XXXX  
 Server Name: Tasha  
 Check Number: 224361  
 Tab Number: 100  
 Number of Covers: 24

ESTIMATED EXPENSES

FOOD AND BEVERAGE	\$	<u>167.81</u>
MEETING ROOM	\$	_____
EQUIPMENT RENTAL	\$	_____
LODGING	\$	_____
OTHER/	\$	_____
OTHER/	\$	_____
<b>TOTAL</b>	\$	<u>167.81</u>

Persons: 1, 2, 3, 4, 5, 6, 7, 8,  
9, 10, 11, 12  
 Card Owner: games/christopher a

AMOUNT	<u>169.81</u>
TIP	<u>28.00</u>
<b>TOTAL</b>	<u>197.81</u>

Approval: 038071

**PURPOSE/JUSTIFICATION OF FUNCTION:**

Conference

CUSTOMER COPY

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

R. Davis, M. Workman, M. Ketchum, A. Loughry, E. Walker, J. Stovar, R. Melvin,  
V. Shafer, J. Stevenson, C. Games, J. Gundy, B. Keyuha

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

\_\_\_\_\_  
DATE

TMO 3 Form - Rev. 01/2004

Agency Ref. # \_\_\_\_\_

**STATE OF WEST VIRGINIA**

DEPARTMENT OF ADMINISTRATION  
TRAVEL MANAGEMENT OFFICE  
REQUEST FOR HOSPITALITY SERVICE

3000 S  
405 SMITH ST  
CHARLESTON, WV 25301

01/09/2017 (11:01:17)

CREDIT CARD  
VISA SALE

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
CONTACT PERSON Chris Garnes  
TELEPHONE NUMBER (304) 558-2050  
FUNCTION SPONSOR Chris Garnes  
LOCATION OF FUNCTION Justices' Chambers  
DATE(S) OF FUNCTION 01/09/2017

Card # XXXXXXXX0000946  
Exp Date Citi VISA  
AID: AXXXXXXXXX010  
ATC: 0041  
TC: FIDUCIARY07E1187  
SEQ #: 1  
Batch #: 696  
SERVICE 1  
SERVER 3315  
Approval Code: 094251  
Entry Method: Chip Read  
Mode: Contact - PIN Required

ESTIMATED EXPENSES  
FOOD AND BEVERAGE \$ 210.48  
MEETING ROOM \$ \_\_\_\_\_  
EQUIPMENT RENTAL \$ \_\_\_\_\_  
LODGING \$ \_\_\_\_\_  
OTHER/ \$ \_\_\_\_\_  
OTHER/ \$ \_\_\_\_\_  
TOTAL \$ 210.48

PRE-TIP AMT \$210.48  
TIP Inc  
TOTAL AMOUNT 210.48

CUSTOMER COPY

PURPOSE/JUSTIFICATION OF FUNCTION:

Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

R. Davls, M. Workman, M. Ketchum, A. Loughry, B. Walker, J. Stover, R. Melvin,  
G. Johnson, V. Shafer, C. Ganes, J. Cundy

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

\_\_\_\_\_  
DATE

TMO 3 Form - Rev. 01/2008

Agency Ref. # \_\_\_\_\_

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

**PATEROS AT THE PARK**

501 MORRIS ST  
CHARLESTON, WV 25309  
3042955482

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Garnes  
 TELEPHONE NUMBER (304) 558-2080  
 FUNCTION SPONSOR Chris Garnes  
 LOCATION OF FUNCTION Justice's Chambers  
 DATE(S) OF FUNCTION 01/10/2017

Cashier: Mindy F  
 Transaction: 109716  
 Total: \$194.80  
 CREDIT CARD AUTH: \$194.80  
 VISA 8448  
 Tip: INCL  
 Total: LEAD

Retain this copy for statement validation

**ESTIMATED EXPENSES**

FOOD AND BEVERAGE	\$ 154.80
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LOOKING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
<b>TOTAL</b>	<b>\$ 154.80</b>

10-Jan-2017 11:39:59A  
 \$194.801 MERCHANT ECVY  
 VISA CREDIT XXXXXXXXXXXX0448  
 CHRISTOPHER A GARNES  
 Ref #: 701000526781  
 Auth #: 0831 06  
 MID: \*\*\*\*\*8238  
 AID: A000000031010  
 AUTHWAVIN: VISA  
 SIGNATURE VERIFIED



**PURPOSE/JUSTIFICATION OF FUNCTION:**

Conference

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of more must accompany the form):

R. Davis, M. Workman, M. Ketchum, A. Loughry, B. Walker, J. Stover, R. McMin,  
 V. Shafer, J. Stevenson, C. Ganes, J. Gundy, H. Dalley

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

\_\_\_\_\_  
DATE

TMO 3, Form - Rev. 01/2008

Agency Ref. #

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

SPENDING UNIT NAME/ORG # Suprema Court of Appeals  
 CONTACT PERSON Chris Barnes  
 TELEPHONE NUMBER (304) 558-2080  
 FUNCTION SPONSOR Chris Barnes  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 01/11/2017

Adephia Sports Bar & Grill  
 218 Capital Street  
 Charleston, WV 25301

**Take Out**

Court 866-056-0955

ESTIMATED EXPENSES  
 FOOD AND BEVERAGE \$ 175.00  
 MEETING ROOM \$ \_\_\_\_\_  
 EQUIPMENT RENTAL \$ \_\_\_\_\_  
 LODGING \$ \_\_\_\_\_  
 OTHER/ \$ \_\_\_\_\_  
 OTHER/ \$ \_\_\_\_\_  
**TOTAL \$ 175.00**

Server: Kim S 01/11/17  
 Check #9 11:35 AM  
 Open # Check \$10.19  
 Subtotal \$155.31  
 Tax \$9.47  
 Total \$174.78  
 Credit Card  
 Visa 00000008448  
 T106 12:14 PM

**PURPOSE/JUSTIFICATION OF FUNCTION:**

Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more must accompany this form):

M. Workman, M. Ketchum, A. Loughry, B. Walker, J. Stover, R. M. V. Shafer, J. Stevenson, C. Barnes, J. Gundy, H. Dalley

Authorization Approved  
 Approval Code 028763  
 Check ID  
 Payment ID 40xyj6dP  
 Amount: \$144.78  
 + Tip: 30.22  
 = Total: 175.00

CHRISTOPHER A BARNES

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

Customer Copy

Thanks for visiting Adephia Sports Bar & Grill!  
Please come again!

DATE



TMO3 Form - Rev. 01/2008

Agency Ref. # \_\_\_\_\_

<b>STATE OF WEST VIRGINIA</b> DEPARTMENT OF ADMINISTRATION TRAVEL MANAGEMENT OFFICE REQUEST FOR HOSPITALITY SERVICE		5340'S 800 SMITH ST CHARLESTON, WV 25301 11/18/2017 CREDIT CARD VISA SALE 11/18/17
SPENDING UNIT NAME/ORG # <u>Supreme Court of Appeals</u>		Card # <u>XXXXXXXXXXXX0946</u>
CONTACT PERSON <u>Chris Games</u>		Exp Card: <u>CITI VISA</u>
TELEPHONE NUMBER <u>(304) 558-2060</u>		ADC: <u>XXXXXXXXXXXX0946</u>
FUNCTION SPONSOR <u>Chris Games</u>		ATC: <u>0946</u>
LOCATION OF FUNCTION <u>Justices' Chambers</u>		TIC: <u>0028127AX20946</u>
DATE(S) OF FUNCTION <u>01/18/2017</u>		SER # <u>2</u>
ESTIMATED EXPENSES		State P: <u>712</u>
FOOD AND BEVERAGE	\$ <u>210.78</u>	INVOICE: <u>2</u>
MEETING ROOM	\$ _____	SERVER: <u>3361</u>
EQUIPMENT RENTAL	\$ _____	Approval Code: <u>05624</u>
LODGING	\$ _____	Entry Method: <u>Chip Read</u>
OTHER/	\$ _____	Mode: <u>Insert - PIN Bypassed</u>
OTHER/	\$ _____	
<b>TOTAL</b>	<b>\$ 210.78</b>	PRE-TIP AMT <u>\$210.78</u>
		TIP <u>Inc.</u>
		<b>TOTAL AMOUNT</b> <u>210.78</u>

PURPOSE/JUSTIFICATION OF FUNCTION:  
Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):  
M. Workman, M. Ketchum, A. Loughry, B. Walker, J. Stovar, R. Melvin,  
V. Shafer, C. Games, J. Gundy, H. Dalley

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: \_\_\_\_\_ DATE \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

By: \_\_\_\_\_ DATE \_\_\_\_\_  
AGENCY HEAD SIGNATURE

7

TMO 3 Form - Rev. 01/2008

Agency Ref. #

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

Adolpho Sports Bar & Grill  
 218 Cecil Street  
 Charleston, WV 25301

SPENDING UNIT NAME/ORG# Supreme Court of Appeals

CONTACT PERSON Chris Games

TELEPHONE NUMBER (904) 558-2080

FUNCTION SPONSOR Chris Games

LOCATION OF FUNCTION Justices' Chambers

DATE(S) OF FUNCTION 01/20/2017

ESTIMATED EXPENSES

FOOD AND BEVERAGE \$ 212.64  
 MEETING ROOM \$ \_\_\_\_\_  
 EQUIPMENT RENTAL \$ \_\_\_\_\_  
 LODGING \$ \_\_\_\_\_  
 OTHER \$ \_\_\_\_\_  
 OTHER \$ \_\_\_\_\_  
**TOTAL \$ 212.64**

**Take Out**  
 Justice  
 Server: Elleba X 01/20/17 11:08 AM  
 Check # \_\_\_\_\_ Justice  
 Tax exempt \_\_\_\_\_  
 Subtotal \$175.64  
 Total \$175.64  
 Credit Card \_\_\_\_\_  
 Visa \_\_\_\_\_  
 MC \_\_\_\_\_  
 Amex \_\_\_\_\_  
 Authorization \_\_\_\_\_  
 Approval Code \_\_\_\_\_  
 Check ID \_\_\_\_\_  
 Payment ID \_\_\_\_\_  
 Account: \$175.64  
 + Tip: 36.00  
 = Total: 212.64

PURPOSE/JUSTIFICATION OF FUNCTION:

Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more must accompany the form)

M. Workman, M. Ketchum, A. Loughry, B. Walker, G. Johnson, J. S  
 V. Shater, J. Stevenson, W. Humphrey, C. Games, J. Gundy

Thanks for visiting Adolpho Sports Bar & Grill!  
 Please come again

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

\_\_\_\_\_  
DATE

TMO 8 Form - Rev. 01/2008

Agency Ref. #

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

SPENDING UNIT NAME/ORG # Supreme Court of Appeals

CONTACT PERSON Chris Garnes

TELEPHONE NUMBER (304) 568-2060

FUNCTION SPONSOR Chris Garnes

LOCATION OF FUNCTION Justices' Chambers

DATE(S) OF FUNCTION 01/24/2017

**PATERNO'S AT THE PARK**

601 MORRIS ST  
CHARLESTON, WV 25309  
804.225.4462

Cashier: Nancy B  
Transaction 202176

Total \$276.00  
CREDIT CARD AUTH \$276.00  
VISA #448

Tip 0.00  
Total 276.00

Retain this copy for statement  
validation

**ESTIMATED EXPENSES**

FOOD AND BEVERAGE	\$ 276.00
MEETING ROOM	\$
EQUIPMENT RENTAL	\$
LOADING	\$
OTHER/	\$
OTHER/	\$
<b>TOTAL</b>	<b>\$ 276.00</b>

24-Jan-2017 11:48:12A  
 \$276.00 | Method: EMV  
 VISA CREDIT# XXXXXXXXXXXXXXX8448  
 CHRISTOPHER A GARNES  
 Ref #: 70246105041  
 Auth #: 061624  
 MID: \*\*\*\*\*5998  
 AD: A000000031010  
 AUTHW616: VISA  
 SIGNATURE VERIFIED



**PURPOSE/JUSTIFICATION OF FUNCTION:**

Conference

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of att. more must accompany the form):

M. Workman, M. Ketchum, A. Loughry, B. Walker, J. Stover, R. Melvin, W. Humphrey  
V. Shafer, J. Stevenson, C. Garnes, J. Gundy, H. Dalley, Judges: Tabit, Waters, Carl, Matlish, McHugh

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

\_\_\_\_\_  
DATE

9

TWO 3 Form - Rev. 01/2005

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

**south hills market  
and café**

SOUTH HILLS

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Garmes  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Garmes  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 01/25/2017

Date: 1/25/2017 Time: 11:30:31 AM  
 Status: Approved

Card Type: Visa  
 Card Number: XXXXXXXXXXXXXXX448  
 Expiration Date: XX/XX/XXXX  
 Server Name: Tasha  
 Check Number: 225202  
 Tab Number: 100  
 Number Of Covers: 25  
 Persons: 1, 2, 3, 4, 5, 6, 7, 8,

ESTIMATED EXPENSES  
 FOOD AND BEVERAGE \$ 221.00  
 MEETING ROOM \$ \_\_\_\_\_  
 EQUIPMENT RENTAL \$ \_\_\_\_\_  
 LODGING \$ \_\_\_\_\_  
 OTHER \$ \_\_\_\_\_  
 OTHER \$ \_\_\_\_\_  
 TOTAL \$ 221.00

Card Order: garmes/christopher a  
 AMOUNT 183.34  
 TIP 37.96  
 TOTAL 221.00  
 Approval: 022610

PURPOSE/JUSTIFICATION OF FUNCTION:

Conference

CUSTOMER COPY

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

M. Workman, M. Ketchum, A. Loughry, B. Walker, J. Stovet, R. Melvin, W. Humphrey  
 V. Shafar, J. Stevenson, C. Garmes, J. Gundy, B. Kayuha, H. Dalley

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

DATE

By: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

DATE

TMO-3 Form - Rev. 01/2006

Agency Ref. # \_\_\_\_\_

**STATE OF WEST VIRGINIA**

DEPARTMENT OF ADMINISTRATION  
TRAVEL MANAGEMENT OFFICE  
REQUEST FOR HOSPITALITY SERVICE

8200' S  
800 SMITH ST  
CHARLESTON, WV 25301

03/77/2017 11/06/52

CREDIT CARD  
VISA SALE

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
CONTACT PERSON Chris Garnes  
TELEPHONE NUMBER (304) 558-2090  
FUNCTION SPONSOR Chris Garnes  
LOCATION OF FUNCTION Justices' Chambers  
DATE(S) OF FUNCTION 02/07/2017

Card # 30000000000000000000  
Exp. Date: Citi VISA  
A/C: A0000000000000000000  
ATC: 0000  
TC: 11A1G0L0E02C10A1  
SEC #: 1  
Batch #: 707  
INVOICE: 2  
SERVER: 5515  
Approval Code: 046816  
Entry Method: City Retail  
Mode: User - PIN bypassed

ESTIMATED EXPENSES  
FOOD AND BEVERAGE \$ 200.04  
MEETING ROOM \$ \_\_\_\_\_  
EQUIPMENT RENTAL \$ \_\_\_\_\_  
LODGING \$ \_\_\_\_\_  
OTHER/ \$ \_\_\_\_\_  
OTHER/ \$ \_\_\_\_\_  
TOTAL \$ 200.04

PRE-TIP AMT \$200.04  
TIP \$0.00  
TOTAL AMOUNT \$200.04

CUSTOMER COPY

PURPOSE/JUSTIFICATION OF FUNCTION:

Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

M. Workman, M. Ketchum, A. Loughry, B. Walker, J. Stover, R. Melvin, W. Humphrey  
V. Shafer, J. Stevenson, C. Garnes, J. Gundy, H. Dailey,

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

\_\_\_\_\_  
DATE

TMO 3 Form - Rev. 01/2008

Agency Ref. # \_\_\_\_\_

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

SPENDING UNIT NAME/ORG # Supreme Court of Appeals

CONTACT PERSON Chris Games

TELEPHONE NUMBER (304) 558-2060

FUNCTION SPONSOR Chris Games

LOCATION OF FUNCTION Justices' Chambers

DATE(S) OF FUNCTION 02/08/2017

Lois's  
1039 Bridge Road  
Charleston, WV 25314  
304-343-5692

Server: Naty DOB: 02/08/78  
11:26 AM 02/08/2017  
1130/1 2/20

SALE

VISA 2957  
Card #XXXXXXXXXXXX0848  
Magnetic card present: GARNES CHRISTOPH  
Card Entry Method: 6

**ESTIMATED EXPENSES**

FOOD AND BEVERAGE	\$ 187.00
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
<b>TOTAL</b>	<b>\$ 187.00</b>

Approval: D45696

Amount: \$ 155  
+ Tip: 31.49  
= Total: 182.00

**PURPOSE/JUSTIFICATION OF FUNCTION:**

Conference

I agree to pay the above total amount according to the card issuer's agreement.

Thank you for coming!

**FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. more must accompany the form):**

M. Workman, M. Kalchauer, A. Loughry, B. Walker, J. Stover, R. Melvin  
V. Shafer, J. Stevenson, C. Games, J. Gundy, H. Dalley,

CUSTOMER COPY

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

DATE

TMO 3 Form - Rev. 04/2008

Adelphia Sports Bar & Grill  
218 Capitol Street  
Charleston, WV 25301

**STATE OF WEST VIRGINIA**  
DEPARTMENT OF ADMINISTRATION  
TRAVEL MANAGEMENT OFFICE  
REQUEST FOR HOSPITALITY SERVICE

**Take Out**

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
CONTACT PERSON Chris Garnes  
TELEPHONE NUMBER (304) 558-2050  
FUNCTION SPONSOR Chris Garnes  
LOCATION OF FUNCTION Justices' Chambers  
DATE(S) OF FUNCTION 02/19/2017

Server: Elisha K 02/19/17 10:49 AM  
Check # Justice  
Tax Exempt  
Subtotal \$177.64  
Total \$177.64  
Credit Card  
Visa  
Time 11:55 AM  
Invoice  
XXXXXXXXXXXX9486  
Approved  
047486  
Payment ID vj048603

ESTIMATED EXPENSES  
FOOD AND BEVERAGE \$ 214.00  
MEETING ROOM \$  
EQUIPMENT RENTAL \$  
LODGING \$  
OTHER/ \$  
OTHER \$  
TOTAL \$ 214.00

Amount: \$177.64  
+ Tip: 36.36  
= Total: 214.00  
CASHIER: CHRISTOPHER A. GARNES

Customer Copy

PURPOSE/JUSTIFICATION OF FUNCTION:

Thanks for visiting Adelphia Sports Bar & Grill  
Please case seal in

Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

M. Workman, M. Ketchum, A. Loughry, B. Walker, J. Stover, R. Melvin, W. Humphrey  
V. Shafer, J. Stevenson, C. Garnes, J. Gundy, G. Johnson

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

\_\_\_\_\_  
DATE

WALKER 24

TMO 3 Form - Rev. 01/2006

Agency Ref. # \_\_\_\_\_

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

**PATERNO'S AT THE PARK**  
 601 MORRIS ST  
 CHARLESTON, WV 25309  
 3042956482

SPENDING UNIT NAME/ORG # Suprema Court of Appeals  
 CONTACT PERSON Chris Garnes  
 TELEPHONE NUMBER (304) 658-2080  
 FUNCTION SPONSOR Chris Garnes  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 02/14/2017

Cashier: Nancy B  
 Transaction 100001  
 Total \$189.60  
 CREDIT CARD AUTH \$189.60  
 VISA 844E  
 Tip Inc.  
 Total 189.00

Retain this copy for statement validation

<b>ESTIMATED EXPENSES</b>	
FOOD AND BEVERAGE	\$ 189.60
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
<b>TOTAL</b>	<b>\$ 189.60</b>

14 Feb 2017 11:49:59A  
 \$189.60 | Method: EMV  
 VISA CREDIT XXXXXXXXXXXXXXX449  
 CHRISTOPHER A GARNES  
 Ref #: 704600636991  
 Auth #: 065059  
 MID: 00000000000000000000  
 AU: A0000000001010  
 AUTHNAME: VISA  
 SIGNATURE VERIFIED



**PURPOSE/JUSTIFICATION OF FUNCTION:**

Conference

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of 20 or more names for groups of 20 or more must accompany the form):

M. Workman, M. Ketchum, A. Loughry, B. Walker, J. Stover, R. Melvin, W. Humphrey  
 V. Shafer, J. Stevenson, C. Garnes, J. Gundy, H. Dalley, B. Kayuha

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_ DATE \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

By: \_\_\_\_\_ DATE \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

14

TMO 3 Form - Rev. 01/2008

Agency Ref. # \_\_\_\_\_

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

SPENDING UNIT NAME/ORG # Supreme Court of Appeals

CONTACT PERSON Chris Garnes

TELEPHONE NUMBER (304) 558-2060

FUNCTION SPONSOR Chris Garnes

LOCATION OF FUNCTION Justices' Chambers

DATE(S) OF FUNCTION 02/15/2017

ESTIMATED EXPENSES

FOOD AND BEVERAGE	\$ 254.00
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
<b>TOTAL</b>	<b>\$ 254.00</b>

**south hills market  
and café**  
SOUTH HILLS

Date: 2/15/2017 Time: 11:31:17 AM

Status: Approved

Card Type: Visa  
 Card Number: XXXXXXXXXX00003448  
 Expiration Date: 1/30/20XX  
 Server Name: Tasha  
 Check Number: 228104  
 Tab Number: 100  
 Number Of Covers: 26  
 Persons: 1, 2, 3, 4, 5, 6, 7,  
 8, 10, 11, 12, 13, 14  
 Card Diner: garnes/christophers

AMOUNT	210.43
TIP	43.57

PURPOSE/JUSTIFICATION OF FUNCTION:

Conference

TOTAL 254.00

Approval: 080801

CUSTOMER COPY

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

M. Workman, M. Ketchum, A. Loughry, B. Walker, J. Stover, R. Melvin, W. Humphrey  
 V. Shafer, C. Garnes, J. Gundy, H. Dalley, G. Johnson, P. Embley

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

\_\_\_\_\_  
DATE

15

TMO 3 Form - Rev. 01/2009

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

6/27/2017 11/22/57  
 CREDIT CARD  
 YES/NO

Card # XXXXXXXXXXXXXXXX  
 Chip Card CITI VISA  
 AID A000000001010  
 ATC 0067  
 TIC 3091CA/BH/P25B  
 GR # 1  
 Batch # 76  
 PINVCE 1  
 ESVEA 861  
 Approval Code 04451  
 Entry Method Chip Read  
 Mode Issuer - PIN Required

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Games  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Games  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 02/27/2017

PRE-TIP AMT \$213.36  
 TIP \$0.00

ESTIMATED EXPENSES	\$	
FOOD AND BEVERAGE	\$	213.36
MEETING ROOM	\$	
EQUIPMENT RENTAL	\$	
LOGGING	\$	
OTHER/	\$	
OTHER/	\$	
<b>TOTAL</b>	\$	<b>213.36</b>

TOTAL AMOUNT \$213.36

CUSTOMER COPY

**PURPOSE/JUSTIFICATION OF FUNCTION:**

Conference

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

M. Workman, M. Ketchum, A. Loughry, B. Walker, J. Slover, R. Malvin, W. Humphrey  
 V. Shafer, J. Stevenson, C. Games, J. Gundy, G. Johnson

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
 DATE

By \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

\_\_\_\_\_  
 DATE

TWO 3 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

Genevieve Cafe  
 1496 Limestone Rd  
 Charleston, WV 25312-6444  
 (801) 263-8675  
 www.genevievecafe.com

Mar 6, 2017  
 11:36 AM  
 Josephine

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Games  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Games  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 03/08/2017

Ticket: Court  
 Authorization 002208  
 Receipt Upz2

Visa 8443

CITI VISA  
 AID A0 00 00 03 10 10  
 PK90JP

ESTIMATED EXPENSES  
 FOOD AND BEVERAGE \$ 83.65  
 MEETING ROOM \$ \_\_\_\_\_  
 EQUIPMENT RENTAL \$ \_\_\_\_\_  
 LODGING \$ \_\_\_\_\_  
 OTHER/ \$ \_\_\_\_\_  
 OTHER/ \$ \_\_\_\_\_  
 TOTAL \$ 83.65

Deli Sandwich x 2 (\$7.25 each)	\$14.50
Rockin BBQ x 2 (\$7.50 each)	\$15.00
Bowl Of Fruit x 2 (\$3.50 each)	\$7.00
Cuban Jazz	\$6.25
Pancit Canton	\$8.50
Lumpia	\$7.25
Hot Tuna	\$7.25
Greek Salad	\$7.25
Grilled Chicken Salad	\$7.85

PURPOSE/JUSTIFICATION OF FUNCTION:  
Conferece

Total	\$83.65
Visa 8443 (Chip)	\$83.65
Christopher A Games	

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):  
 M. Workman, M. Ketchum, A. Loughry, B. Walker, J. Stover, R. Melvin,  
 V. Shafer, J. Stevenson, C. Games, G. Johnson

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
 DATE

By: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

\_\_\_\_\_  
 DATE

17

TMO 8 Form - Rev. 01/2005

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

Lolo's  
 1338 Bridge Road  
 Charleston, WV 25314  
 304-343-5652

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Garnes  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Garnes  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 03/07/2017

Server: Jessie  
 11:50 AM  
 W/ State/1  
 DDB: 03/07/2017  
 03/07/2017  
 2/2000

SALE  
 209711

VISA  
 Card #0000000000009448  
 Magnetic card present: GARNES CHRISTOPHER  
 Card Entry Method: S

Approval: 039719

Amount: \$ 180.  
 + Tip: 38.0  
 = Total: 218.79

<b>ESTIMATED EXPENSES</b>	
FOOD AND BEVERAGE	\$ <u>218.79</u>
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
<b>TOTAL</b>	\$ <u>218.79</u>

I agree to pay the above total amount/according to the card issuer agreement.

*[Signature]*  
 Thank you for control :)

**PURPOSE/JUSTIFICATION OF FUNCTION:**

Conference

CUSTOMER COPY

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

M. Workman, M. Katchum, A. Loughry, B. Walker, J. Stover, R. McMin, W. Humphrey  
 V. Shafer, J. Stevenson, C. Garnes, J. Gundy, H. Dalley

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
 DATE

By: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

\_\_\_\_\_  
 DATE

18

TMO 3 Form - Rev. 01/2006

Agency Ref. # \_\_\_\_\_

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

Adelphi Sports Bar & Grill  
 219 Capitol Street  
 Charleston, W. 25301

SPENDING UNIT NAME/ORG # Supreme Court of Appeals

CONTACT PERSON Chris Games

TELEPHONE NUMBER (304) 558-2060

FUNCTION SPONSOR Chris Games

LOCATION OF FUNCTION Justices' Chambers

DATE(S) OF FUNCTION 03/08/2017

**Take Out**

Court Pickup At 11:30

Servers: Tiffery G      03/08/17 10:40  
 Check #1              Court Pickup At 11  
 Tax Exempt

ESTIMATED EXPENSES

FOOD AND BEVERAGE	\$ 205.00
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
<b>TOTAL</b>	<b>\$ 205.00</b>

Subtotal	#170
Total	#170
Credit Card	\$0
Vies	XXXXXXXXXX
Tax	11/29
Authorization	Appra
Approval Code	025
Check ID	
Payment ID	v15ay/S
Account	#170
+ Tip	35.00
= Total	205.00

*Chris Games*  
 CHRISTOPHER A GAMES

PURPOSE/JUSTIFICATION OF FUNCTION:  
 Conference Customer Copy

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more more must accompany the form): Thanks for visiting Adelphi Sports Bar & Grill  
Please come again

M. Workman, M. Ketchum, A. Loughry, E. Walker, J. Stovar, R. Melvil  
 V. Shafer, J. Stevenson, C. Garmoe, J. Gundy, H. Dalley, B. Kayuha

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: \_\_\_\_\_ DATE \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

By: \_\_\_\_\_ DATE \_\_\_\_\_  
 AGENCY HEAD SIGNATURE





TMO 3 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

**south hills market  
and café**

SOUTH HILLS

SPENDING UNIT NAME/ORG # Suprema Court of Appeals  
 CONTACT PERSON Chris Games  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Games  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 04/05/2017

Date: 4/5/2017 Time: 11:58:01 AM  
 Status: Approved  
 Card Type: Visa  
 Card Number: X000000000008446  
 Expiration Date: X/XX/XXXX  
 Server Name: Anthony  
 Check Number: 22631  
 Tab Number: 800  
 Number Of Covers: 18  
 Persons: 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13  
 Card Owner: GARNES/CHRISTOPHER A

<b>ESTIMATED EXPENSES</b>	
FOOD AND BEVERAGE	\$ <u>209.55</u>
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER	\$ _____
OTHER	\$ _____
<b>TOTAL</b>	<b>\$ <u>209.55</u></b>

AMOUNT	171.55
TIP	<u>35.00</u>
<b>TOTAL</b>	<b><u>206.55</u></b>

Approval: 051254

**PURPOSE/JUSTIFICATION OF FUNCTION:**

Conference

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

M. Workman, M. Ketchum, A. Loughry, B. Walker, J. Stovar, R. Melvin, W. Humphrey  
 V. Shafer, J. Stevenson, C. Games, J. Gundy, G. Johnson, B. Kayuha

CUSTOMER COPY

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
 DATE

By: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

\_\_\_\_\_  
 DATE

MO 3 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
DEPARTMENT OF ADMINISTRATION  
TRAVEL MANAGEMENT OFFICE  
REQUEST FOR HOSPITALITY SERVICE

PENDING UNIT NAME/ORG # Supreme Court of Appeals  
CONTACT PERSON Chris Games  
TELEPHONE NUMBER (904) 558-2060  
FUNCTION & SPONSOR Chris Games  
LOCATION OF FUNCTION Justices' Chambers  
DATE(S) OF FUNCTION 04/18/2017

ESTIMATED EXPENSES  
FOOD AND BEVERAGE \$ 137.00  
MEETING ROOM \$ \_\_\_\_\_  
EQUIPMENT RENTAL \$ \_\_\_\_\_  
LODGING \$ \_\_\_\_\_  
OTHER \$ \_\_\_\_\_  
OTHER \$ \_\_\_\_\_  
TOTAL \$ 137.00

PURPOSE/JUSTIFICATION OF FUNCTION:  
Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):  
M. Ketchum, A. Loughry, (S. Walker) J. Stover, R. Melvin, V. Shafer, C. Games, J. Gundy, H. Dailey

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

\_\_\_\_\_  
DATE

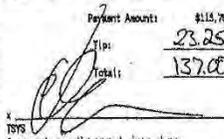
29.

The Block Restaurant & Wine Cellar  
201 Capital Street  
Charleston, WV 25301  
ph (801) 265-5074

TABLE: Courthouse TOGO - 8 Quarts  
Server: Dana  
4/18/2017 11:24:38 AM  
Sequence #: 0000001  
ID #: 0115884

ITEM QTY PRICE  
Subtotal \$113.75  
Grand Total \$113.75  
Amount Due: \$113.75  
Credit Purchase  
Name: GARNES/CHRISTOPHER A  
CO Type: 1079A  
CO Num: 10000 10000 10000 8448  
Approval: 1007817  
Server: Dana  
Ticket Name: 1 Courthouse TOGO

Payment Amount: \$115.75  
Tip: 23.25  
Total: 137.00

  
I agree to pay the amount shown above.

Thank you for visiting!

TMO 3 Form - Rev. 01/2008

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**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

**PATERNOS AT THE PARK**  
 601 MORRIS ST  
 - CHARLESTON, WV 25309  
 8042088462  
 Cashier: Sydney S  
 Transaction 10000

SPENDING UNIT NAME/ORIG # Supreme Court of Appeals  
 CONTACT PERSON Chris Garnes  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Garnes  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 04/19/2017

Total \$183.60  
 CREDIT CARD AUTH \$183.60  
 VISA #448

Tip Invc  
 Total 183.60

Retain this copy for statement validation

<b>ESTIMATED EXPENSES</b>	
FOOD AND BEVERAGE	\$ 183.60
MEETING ROOM	\$
EQUIPMENT RENTAL	\$
LODGING	\$
OTHER/	\$
OTHER/	\$
<b>TOTAL</b>	<b>\$ 183.60</b>

19-Apr-2017 11:28:15A  
 \$183.60 | Method: EMV  
 VISA CREDIT XXXXXXXXXXXX9448  
 CHIBIT 07815 A GARNES  
 Ref #: 710900356061  
 Auth #: 037089  
 MID: \*\*\*\*\*5988  
 AID: A000000381010  
 AUTHORIZED BY VISA  
 SIGNATURE VERIFIED



**PURPOSE/JUSTIFICATION OF FUNCTION:**

Conference

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

- M. Workman, M. Ketchum, A. Loughry, B. Walker, J. Stover, R. Melvin, W. Humphrey  
 V. Shafer, J. Stevenson, C. Garnes, J. Gundy, H. Dalley

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

DATE

By: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

DATE





26

TMO 9 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

Adelphi Sports Bar & Grill  
 210 Capitol Street  
 Charleston, WV 25301

**Take Out**

Larghe Order **CONF MAKE**

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Games  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Games  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 05/02/2017

Server: **Tiffany D** 05/02/17 11:28 /  
 Check #5 **Larghe Order CONF MAKE**  
 Tax Exempt  
 Subtotal **\$156.**  
 Total **\$156.**  
 Credit Card **SwiP**  
 Visa **XXXXXXXXXX64**  
 Type **11128**  
 Authorization **Adelphi**  
 Approval Code **0884**  
 Check ID  
 Payment ID **9p68rT**

ESTIMATED EXPENSES  
 FOOD AND BEVERAGE \$ 188.00  
 MEETING ROOM \$ \_\_\_\_\_  
 EQUIPMENT RENTAL \$ \_\_\_\_\_  
 LODGING \$ \_\_\_\_\_  
 OTHER \$ \_\_\_\_\_  
 OTHER \$ \_\_\_\_\_  
**TOTAL \$ 188.00**

Subtotal: **\$156.**  
 Amount: **\$156.**  
 + Tip: **32.00**  
 = Total: **188.00**  
 Christopher A. Barnes

**PURPOSE/JUSTIFICATION OF FUNCTION:**

Conference

Customer Copy

Thanks for visiting Adelphi Sports Bar & Grill  
Please come again

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

M. Workman, M. Ketchum, A. Loughry, B. Walke, J. Stover, R. Melvin, W. Humphrey  
 V. Shafer, C. Games, J. Gundy, H. Dalley

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

\_\_\_\_\_  
DATE

WALKER 39

27

TMO 3 Form -- Rev. 01/2008

The Block Restaurant & Wine Cellar  
201 Capital Street  
Charleston, WV 25301  
ph (803) 292-2074

**STATE OF WEST VIRGIN**  
DEPARTMENT OF ADMINISTRATION  
TRAVEL MANAGEMENT OFFICE  
REQUEST FOR HOSPITALITY SERVICE

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
CONTACT PERSON Chris Games  
TELEPHONE NUMBER (304) 558-2080  
FUNCTION SPONSOR Chris Games  
LOCATION OF FUNCTION Justices' Chambers  
DATE(S) OF FUNCTION 05/03/2017

TABLET Surprise Court TOOD - 11 Guests  
Server: Dana  
6/2/2017 11:40:15 AM  
Sequence #: 0000001  
ID #: 0118818

ITEM	QTY	PRICE
Subtotal		\$129.7
Grand Total		\$129.7

Credit Purchase  
Name : GARNES,CHRISTOPHER A  
CO Type : 1173A  
CO Num : 10000 XXXX XXXX 8446  
Approval : 1028950  
Server : Dana  
Ticket Name : Surprise Court TOOD

ESTIMATED EXPENSES  
FOOD AND BEVERAGE \$ 160.00  
MEETING ROOM \$ \_\_\_\_\_  
EQUIPMENT RENTAL \$ \_\_\_\_\_  
LODGING \$ \_\_\_\_\_  
OTHER/ \$ \_\_\_\_\_  
TOTAL \$ 160.00

Payment Amount: \$129.71  
Tip: 30.25  
160.00  
TSYS  
CUSTOMER COPY

PURPOSE/JUSTIFICATION OF FUNCTION:  
Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):  
M. Workman, M. Ketchum, A. Loughry, S. Walker, J. Stover, R. Melvin,  
V. Shafar, D. Canfield, C. Games, J. Gundy, H. Dalley

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE  
By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

\_\_\_\_\_  
DATE  
\_\_\_\_\_  
DATE

TMO 3 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

**PATERNO'S AT THE PARK**

501 MORRIS ST  
 CHARLESTON, WV 25309  
 3042084482  
 Cashier: Employee  
 Transaction 100082

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Garnes  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Garnes  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 05/16/2017

Total \$176.40  
 CREDIT CARD AUTH \$176.40  
 VISA #448  
 Tip Joe  
 Total 176.40

Retain this copy for statement validation

16-May-2017 11:38:58A  
 \$176.40 Method: EMV  
 VISA CREDIT XXXXXXXXXXXXXXX8448  
 CHRISTOPHER A GARNES  
 Ref #: 71560566871  
 Auth #: 925159  
 MID: \*\*\*\*\*9998  
 AID: A00000081010  
 AUTH/INSTR: VISA  
 SIGNATURE VERIFIED

**ESTIMATED EXPENSES**

FOOD AND BEVERAGE	\$ 176.40
MEETING ROOM	\$
EQUIPMENT RENTAL	\$
LODGING	\$
OTHER	\$
OTHER	\$
<b>TOTAL</b>	<b>\$ 176.40</b>



**PURPOSE/JUSTIFICATION OF FUNCTION:**

Conference

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

M. Workman, M. Ketchum, A. Loughry, B. Walker, R. Melvin, W. Humphrey  
 V. Shafer, J. Stevenson, C. Garnes, J. Gundy, H. Dailey, B. Kayuha

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_ DATE \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

By: \_\_\_\_\_ DATE \_\_\_\_\_  
 AGENCY HEAD SIGNATURE



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TMO 3 Form - Rev. 01/2009

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

**south hills market  
and café**

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Games  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Games  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 05/23/2017

SOUTH HILLS  
 Date: 6/23/2017 Time: 11:26:30 AM  
 Status: Approved  
 Card Type: Visa  
 Card Number: XXXXXXXXXXXX18448  
 Expiration Date: X/XX/XXXX  
 Server Name: Tasha  
 Check Number: 229568  
 Tab Number: 100  
 Number Of Covers: 25  
 Persons: 1, 2, 3, 4, 6, 8, 7, 9  
 9, 10, 11  
 Card Owner: games/shrlatophar a

ESTIMATED EXPENSES	
FOOD AND BEVERAGE	\$ 184.00
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
<b>TOTAL</b>	<b>\$ 184.00</b>

AMOUNT 182.25  
 TIP 31.75  
**TOTAL 184.00**  
 Approval: 019240

PURPOSE/JUSTIFICATION OF FUNCTION: CUSTOMER COPY  
 Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):  
 M. Workman, M. Katchum, A. Loughry, B. Walker, R. Melvin, W. Humphrey  
 V. Shafer, J. Stevenson, C. Games, J. Gundy, H. Dalley

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: \_\_\_\_\_ DATE: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

By: \_\_\_\_\_ DATE: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

31

TMO 8 Form - Rev. 01/2008

Adelphi Sports Bar & Grill  
218 Capitol Street  
Charleston, WV 25301

**STATE OF WEST VIRGINIA**  
DEPARTMENT OF ADMINISTRATION  
TRAVEL MANAGEMENT OFFICE  
REQUEST FOR HOSPITALITY SERVICE

Take Out

Ready At 11:00 Courthouse

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
CONTACT PERSON Chris Games  
TELEPHONE NUMBER (304) 556-2060  
FUNCTION SPONSOR Chris Games  
LOCATION OF FUNCTION Justices' Chambers  
DATE(S) OF FUNCTION 05/31/2017

Server: Tiffany D 05/31/17 10:50 /  
Check #2 Ready At 11:30 Courthouse  
Tax Exempt

Subtotal \$228  
Total \$228  
Credit Card Swt  
VISA XXXXXXXX  
TIP 11:28  
Authorization Appro  
Approval Code 038  
Check ID  
Payment ID 997793

ESTIMATED EXPENSES

FOOD AND BEVERAGE \$ 251.00  
MEETING ROOM \$ \_\_\_\_\_  
EQUIPMENT RENTAL \$ \_\_\_\_\_  
LODGING \$ \_\_\_\_\_  
OTHER \$ \_\_\_\_\_  
OTHER \$ \_\_\_\_\_  
TOTAL \$ 251.00

Subtotal: \$228  
Amount: \$228  
+ Tip: 42.50  
= Total: 251.00  
*[Signature]*  
CHRISTOPHER A OWENS

Customer Copy

PURPOSE/JUSTIFICATION OF FUNCTION:

Conference

Thanks for visiting Adelphi Sports Bar & Grill  
Please come again

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

M. Workman, M. Ketchum, A. Loughry, B. Walker, R. Melvin, W. Humphrey  
V. Shafer, J. Stevenson, J. Stover, C. Games, J. Gundy, G. Johnson, C. Morris

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

\_\_\_\_\_  
DATE

WALKER 43



33

TMO 3 Form - Rev. 01/2008

Agency Ref. # \_\_\_\_\_

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Barnes  
 TELEPHONE NUMBER (304) 559-2080  
 FUNCTION SPONSOR Chris Barnes  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 06/14/2017

**PATEROS AT THE PARK**  
 501 MORRIS ST  
 CHARLESTON, WV 25309  
 3042086482  
 Cashier: Employee  
 Transaction 100000  
 Total \$186.00  
 CREDIT CARD AUTH \$186.00  
 VISA #443  
 Tip Tw  
 Total 186.00

<b>ESTIMATED EXPENSES</b>	
FOOD AND BEVERAGE	\$ 186.00
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
<b>TOTAL</b>	<b>\$ 186.00</b>

Retain this copy for statement validation  
 14-Jun-2017 11:42:03A  
 \$186.00 | Method: EMV  
 VISA CREDIT XXXXXXXXXX0444  
 CHRISTOPHER A BARNES  
 Ref # 71520378171  
 Auth # 013835  
 MID: \*\*\*\*\*9999  
 AID: A8020000621210  
 AuthWkNm: VISA  
 SIGNATURE VERIFIED

**PURPOSE/JUSTIFICATION OF FUNCTION:**

Conference



**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

M. Workman, M. Ketchum, A. Loughry, B. Walker, Ft. Melvin, W. Humphrey  
 V. Shafer, J. Stevenson, C. Barnes, J. Gundy, G. Johnson

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_ DATE \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

By: \_\_\_\_\_ DATE \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

34

TMO 3 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

**south hills market  
and café**

SOUTH HILLS

SPENDING UNIT NAME/ORG # Supreme Court of Appeals

CONTACT PERSON Chris Garnes

Date: 10/18/2017 Time: 11:32:18 AM

TELEPHONE NUMBER (304) 658-2060

Status: Approved

FUNCTION SPONSOR Chris Garnes

Card Type: Visa  
 Card Number: XXXXXXXXXXXX9448  
 Expiration Date: 1/XX/XXXX  
 Server Name: Tasha  
 Check Number: 23516  
 Tab Number: 100  
 Number of Covers: 23  
 Persons: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13  
 Card Detail: GARNES/CHRISTOPHER A

LOCATION OF FUNCTION Justice Chambers

DATE(S) OF FUNCTION 10/18/2017

**ESTIMATED EXPENSES**

FOOD AND BEVERAGE \$ 216.00  
 MEETING ROOM \$ \_\_\_\_\_  
 EQUIPMENT RENTAL \$ \_\_\_\_\_  
 LODGING \$ \_\_\_\_\_  
 OTHER \$ \_\_\_\_\_  
 TOTAL \$ 216.00

AMOUNT 178.88  
 TIP 37.32  
 TOTAL 216.00  
 Approval: 050457

**PURPOSE/JUSTIFICATION OF FUNCTION:**

Conference

CUSTOMER COPY

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

M. Workman, M. Ketchum, A. Loughry, B. Walker, R. Melvin, W. Humphrey, J. Stover,  
V. Shafer, J. Stevenson, C. Garnes, J. Gundy, H. Dalley, B. Kayuha

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

\_\_\_\_\_  
DATE

35

TMO 3 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

**PATERNO AT THE PARK**  
 601 MORRIS ST  
 CHARLESTON, WV 26309  
 3042556482

Cashier: Nancy B  
 Transaction 100000

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Games  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Games  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 10/17/2017

Total \$176.20  
 CREDIT CARD AUTH: \$176.20  
 VISA 8446  
 Tip 175.20  
 Total

Retain this copy for statement validation

ESTIMATED EXPENSES

FOOD AND BEVERAGE	\$ 175.20
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER	\$ _____
OTHER	\$ _____
<b>TOTAL</b>	<b>\$ 176.20</b>

17-Oct-2017 11:23:34A  
 \$176.20 | Method: EMV  
 VISA CREDIT XXXXXXXXXXXX8446  
 CHRISTOPHER A GARNES  
 Ref #: 72500008881  
 Auth #: 000058  
 MID: \*\*\*\*\*8998  
 AID: A0690000031010  
 AuthNetwork: VISA  
 SIGNATURE VERIFIED



**PURPOSE/JUSTIFICATION OF FUNCTION:**

Conference

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

M. Workman, M. Ketchum, A. Loughry, B. Walker, R. Melvin, W. Humphrey, J. Stover,  
 V. Shafer, J. Stevenson, C. Games, J. Gundy,

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
 DATE

By: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

\_\_\_\_\_  
 DATE

WALKER 47



TMO 3 Form - Rev. 01/2006

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

The Block Restaurant & Wine Cellar  
 201 Capital Street  
 Charleston, WV 25301  
 ph (803) 286-0074

SPENDING UNIT NAME/CRG # Supreme Court of Appeals  
 CONTACT PERSON Chris Garnes  
 TELEPHONE NUMBER (304) 659-2060  
 FUNCTION SPONSOR Chris Garnes  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 10/03/2017

TABLE: Vicki M. #74 - 11/Guests  
 Servers: Vicki M.  
 10/3/2017 11:36:40 AM \*  
 Sequence #: 0000001  
 TO #: 0130288

TITLE	QTY	PRICE
		Subtotal
		Grand Total

Credit Purchase  
 Name: GARNES/CHRISTOPHER A  
 DO Type: VISA  
 CO Num: 10000 xxxxx 8448  
 Approval: 006517  
 Server: Vicki M.  
 Ticket Num: Vicki M. #74

ESTIMATED EXPENSES	
FOOD AND BEVERAGE	\$ 167.01
MEETING ROOM	\$
EQUIPMENT RENTAL	\$
LOADING	\$
OTHER/	\$
OTHER/	\$
<b>TOTAL</b>	<b>\$ 167.01</b>

Payment Amount: \$138.88

Tax: 28.15  
 Total: 167.03

X  
 TSYS  
 CUSTOMER COPY

I agree to pay the amount shown above.

Thank you for visiting!

PURPOSE/JUSTIFICATION OF FUNCTION:

Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

M. Workman, M. Ketohum, A. Loughry, B. Walker, R. Melvin, W. Humphrey, J. Stover,  
 V. Shafer, C. Garnes, J. Gundy, H. Dailey

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

DATE

By: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

DATE

WALKER 48

TMO 3 Form - Rev. 01/20/00

Adelphia Sports Bar & Grille  
216 Capitol Street  
Charleston, WV 25301

**STATE OF WEST VIRGINIA**  
DEPARTMENT OF ADMINISTRATION  
TRAVEL MANAGEMENT OFFICE  
REQUEST FOR HOSPITALITY SERVICE

Take Out  
Supreme Court 934-559-421

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
CONTACT PERSON Chris Barnes  
TELEPHONE NUMBER (304) 558-2080  
FUNCTION SPONSOR Chris Barnes  
LOCATION OF FUNCTION Justices' Chambers  
DATE(S) OF FUNCTION 10/02/2017

Server: Briehanna W 10/02/17  
Check #1 11:03 AM  
Tax Exact  
Subtotal \$166.20  
Total \$166.20  
Credit Card Swiped  
Visa XXXXXXXX0446  
Time 11:34 AM  
Authorization Approved  
Approval Code 064418  
Check ID  
Payment ID XojMTqrsccpr

ESTIMATED EXPENSES  
FOOD AND BEVERAGE \$ 200.20  
MEETING ROOM \$  
EQUIPMENT RENTAL \$  
LODGING \$  
OTHER \$  
OTHER \$  
TOTAL \$ 200.20

Amount: \$166.20  
+ Tip: \$34.00  
= Total: \$200.20  
X  CHRISTOPHER A BARNES

PURPOSE/JUSTIFICATION OF FUNCTION:  
Conference  
FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more must accompany the form):  
M. Workman, M. Ketohum, A. Loughry, B. Walker, R. Melvin, W. Humphrey, J. Stover,  
V. Shafer, J. Stevenson, C. Barnes, J. Gundy, G. Johnson

Customer Copy  
Thanks for visiting Adelphia  
Sports Bar & Grille  
Please come again

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION  
By: \_\_\_\_\_ DATE \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE  
By: \_\_\_\_\_ DATE \_\_\_\_\_  
AGENCY HEAD SIGNATURE

39

TMO 8 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

south hills market  
and café

SOUTH HILLS

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Garnes  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Garnes  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 09/20/2017

Date: 9/20/2017 Time: 11:23:26 AM  
 Status: Approved  
 Card Type: Visa  
 Card Number: XXXXXXXXXXXXXXX448  
 Expiration Date: X/XX/XXXX  
 Server Name: Tasha  
 Check Number: 283896  
 Tab Number: 100  
 Number Of Covers: 23  
 Persons: 1, 2, 3, 4, 5, 6, 7  
 Card Owner: garnes/christopher

ESTIMATED EXPENSES	
FOOD AND BEVERAGE	\$ 217.00
MEETING ROOM	\$
EQUIPMENT RENTAL	\$
LODGING	\$
OTHER/	\$
OTHER/	\$
<b>TOTAL</b>	<b>\$ 217.00</b>

AMOUNT 178.43  
 TIP 37.57  
**TOTAL 216.00**  
 Approval: 068818

CUSTOMER COPY

PURPOSE/JUSTIFICATION OF FUNCTION:

Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

M. Workman, M. Ketchum, A. Loughry, B. Walker, R. Melvin, W. Humphrey,  
 V. Shafer, J. Stevenson, C. Garnes, J. Gundy, H. Dalley, B. Kayuha

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

DATE

WALKER 51

40

TMO 8 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

60405  
 800 SPARTH ST  
 CHARLESTON, WV 25301  
 304-720-7400

04/20/2017 CREDIT CARD  
 VISA SALE 07/20/16

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Gaines  
 TELEPHONE NUMBER (304) 558-2080  
 FUNCTION SPONSOR Chris Gaines  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 09/30/2017

Card # 3000000000000048  
 Exp Card: CITI VISA  
 RID: A0000001011810  
 ATC: 0085  
 YC: 2872616444070965  
 Exp Dt: 1  
 Batch #: 7  
 Term #: 1  
 SEVERE  
 Approval Code:  
 TRANS ID: 46724257741254  
 Entry Method: Exp Stand  
 Mode: Issue - PAX Response

ESTIMATED EXPENSES

FOOD AND BEVERAGE	\$ 190.14
MEETING ROOM	\$
EQUIPMENT RENTAL	\$
LODGING	\$
OTHER/	\$
OTHER/	\$
<b>TOTAL</b>	<b>\$ 190.14</b>

SALE AMOUNT \$190.14  
 TIP AMOUNT Inc  
 TOTAL AMOUNT 190.14  
 THANK YOU  
 CUSTOMER COPY

**PURPOSE/JUSTIFICATION OF FUNCTION:**  
 Conference

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form.)  
 M. Workman, M. Ketchum, A. Loughry, B. Walker, R. Mahlin, W. Humphrey  
 V. Shafer, J. Stevenson, C. Gaines, J. Gundy,

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_ DATE: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

By: \_\_\_\_\_ DATE: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

41

TMO 3 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

**south hills market  
and café**

SOUTH HILLS

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Garnes  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Garnes  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 08/31/2017

Date: 8/31/2017 Time: 11:28:06 AM  
 Status: Approved  
 Card Type: Visa  
 Card Number: XXXXXX000008448  
 Expiration Date: X/XX/XXXX  
 Server Name: Tasha  
 Check Number: 233153  
 Tab Number: 100  
 Number of Covers: 26  
 Persons: 1, 2, 3, 4, 5, 6, 7, 8  
 8, 10, 11, 12  
 Card Owner: garnes/christopher a

ESTIMATED EXPENSES	
FOOD AND BEVERAGE	\$ <u>214.00</u>
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
<b>TOTAL</b>	<b>\$ <u>214.00</u></b>

AMOUNT	177.13
TIP	<u>36.87</u>
<b>TOTAL</b>	<b><u>214.00</u></b>
Approval:	076596

CUSTOMER COPY

**PURPOSE/JUSTIFICATION OF FUNCTION:**

Conference

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

M. Workman, M. Ketchum, A. Loughry, B. Walker, R. Melvin, W. Humphrey  
 V. Shafer, J. Stevenson, J. Stover, C. Garnes, J. Gundy, G. Johnson

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

\_\_\_\_\_  
DATE

WALKER 83

12

TMO 3 Form - Rev. 04/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

Adelphi Sports Bar & Grill  
 218 Capitol Street  
 Charleston, WV 25301

Server: Brianna H 09/12/17 11:11 AM  
 Check #1  
 Tax Exempt

Credit Card  
 Visa  
 Time

Swiped  
 XXXXXXX08448  
 11:42 AM

Authorization  
 Approval Code  
 Check ID  
 Payment ID

Approved  
 082454  
 dy061019

SPENDING UNIT NAME/ORG # Suprema Court of Appeals  
 CONTACT PERSON Chris Games  
 TELEPHONE NUMBER (304) 558-2080  
 FUNCTION SPONSOR Chris Games  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 09/12/2017

Account: \$181.00  
 + Tip: 39.00  
 Total: 220.00  
 X *[Signature]*  
 CHRISTOPHER A. WALKER

ESTIMATED EXPENSES  
 FOOD AND BEVERAGE \$ 220.00  
 MEETING ROOM \$ \_\_\_\_\_  
 EQUIPMENT RENTAL \$ \_\_\_\_\_  
 LODGING \$ \_\_\_\_\_  
 OTHER/ \$ \_\_\_\_\_  
 OTHER/ \$ \_\_\_\_\_  
 TOTAL \$ 220.00

Customer Copy  
 Thanks for Visiting Adelphi Sports Bar & Grill  
 Please come again

PURPOSE/JUSTIFICATION OF FUNCTION:  
 Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):  
 M. Workman, M. Ketchum, A. Loughry, B. Walker, R. Melvin, W. Humphrey, J. Stover,  
 V. Shafer, J. Stevenson, C. Games, J. Gundy, H. Dalley

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
 DATE

By: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

\_\_\_\_\_  
 DATE

WALKER 54

43

WV 3 Form - Rev. 01/2008

The Stock Restaurant & Wine Cellar  
201 Capital Street  
Charleston, WV 25301  
ph (801) 256-6074

**STATE OF WEST VIRGINIA**

DEPARTMENT OF ADMINISTRATION  
TRAVEL MANAGEMENT OFFICE  
REQUEST FOR HOSPITALITY SERVICE

TABLE: Wvco - 11 Guests  
Server: Zach  
9/19/2017 11:31:48 AM  
Sequence #: 0000022  
ID #: 0128701

PENDING UNIT NAME/ORG # Supreme Court of Appeals

CONTACT PERSON Chris Garnes

TELEPHONE NUMBER (304) 558-2080

FUNCTION SPONSOR Chris Garnes

LOCATION OF FUNCTION Justices' Chambers

DATE(S) OF FUNCTION 09/19/2017

ITEM	QTY	PRICE
Subtotal		\$140.00
Grand Total		\$140.00
Credit Purchase		
Name	GARNES/CHRISTOPHER A	
CO Type	VISA	
CO Num	XXXX XXXX XXXX 8448	
Approval	013882	
Server	Zach	
Ticket Num	Wvco	

ESTIMATED EXPENSES

- FOOD AND BEVERAGE
- MEETING ROOM
- EQUIPMENT RENTAL
- LODGING
- OTHER/
- OTHER/

\$ 171.00  
 \$ \_\_\_\_\_  
 \$ \_\_\_\_\_  
 \$ \_\_\_\_\_  
 \$ \_\_\_\_\_  
 \$ \_\_\_\_\_  
 \$ \_\_\_\_\_  
**TOTAL** \$ 171.00

Payment Amount: \$140.00

Tip: 30.40  
 Total: 170.40

X  
 I agree to pay the amount shown above.  
 CUSTOMER COPY

PURPOSE/JUSTIFICATION OF FUNCTION:

Conferences

Thank you for visiting!

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

- M. Workman, M. Ketchum, A. Loughry, B. Walker, R. Melvin, J. Stover,
- V. Shafer, J. Stevenson, C. Garnes, J. Gundy, H. Dalley

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

\_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
AGENCY HEAD SIGNATURE

\_\_\_\_\_  
DATE

WALKER 85

44

TMO 3 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

09/18/2017 11:42:57  
 CREDIT CARD  
 VISA SALE  
 Card # XXXXXXXXXXXXXXX9411  
 Exp Date 03/11/18  
 Add: XXXXXXXXXXXXXXX  
 ATC: 5000  
 TIC: 60220003660140  
 SQR #: \_\_\_\_\_  
 Batch #: \_\_\_\_\_  
 Term #: \_\_\_\_\_  
 BEVER: 551  
 Approval Code: 06657  
 TRANS ID: 20726150527858  
 Entry Method: Chip Res  
 Mode: Issue - PIN Present

SPENDING UNIT NAME/ORG # Suprema Court of Appeals  
 CONTACT PERSON Chris Games  
 TELEPHONE NUMBER (304) 568-2060  
 FUNCTION SPONSOR Chris Games  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 09/19/2017

ESTIMATED EXPENSES	
FOOD AND BEVERAGE	\$ 191.64
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
<b>TOTAL</b>	<b>\$ 191.64</b>

SALE AMOUNT \$191.64  
 TIP AMOUNT \$0.00  
 TOTAL AMOUNT \$191.64  
 THANK YOU  
 CUSTOMER COPY

**PURPOSE/JUSTIFICATION OF FUNCTION:**  
 Conference

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):  
 M. Workman, M. Katochum, A. Loughry, B. Walker, R. Melvin, W. Humphrey, J. Stover,  
 V. Shafer, G. Johnson, C. Games, J. Gundy

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_ DATE \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

By: \_\_\_\_\_ DATE \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

145

TMO 3 Form - Rev. 01/2005

Agency Ref. # \_\_\_\_\_

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

SPENDING UNIT NAME/DRG # Suprema Court of Appeals  
 CONTACT PERSON Chris Gaines  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Gaines  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 09/19/2017

**PATERNOS AT THE PARK**  
 601 MORRIS ST  
 CHARLESTON, WV 25309  
 3042065492  
 Cashier: Mindy F  
 Transaction 100800  
 Total \$206.40  
 CREDIT CARD AUTH \$206.40  
 VISA #443  
 Tip Ins.  
 Total 206.40

<b>ESTIMATED EXPENSES</b>	
FOOD AND BEVERAGE	\$ 206.40
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
<b>TOTAL</b>	<b>\$ 206.40</b>

Retain this copy for statement validation.  
 19-Sep-2017 11:26:47A  
 \$206.40 | Method: EMV  
 VISA CREDIT XXXXXXXXXXXXX443  
 CHRISTOPHER A GAINES  
 Ref #: 72&00602811  
 Auth #: 012046  
 MID: \*\*\*\*\*9996  
 AIC: A0000000031010  
 AUTHN/WRN: VISA  
 SIGNATURE VERIFIED

**PURPOSE/JUSTIFICATION OF FUNCTION:**

Conference



**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of more must accompany the form):

M. Workman, M. Ketohum, A. Loughry, B. Walker, R. Melvin, W. Humphrey, J. Stover,  
 V. Shafer, J. Stevenson, C. Gaines, J. Gundy, H. Dalley

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
 DATE

By: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

\_\_\_\_\_  
 DATE

46

TMO 3 Form - Rev. 01/2008

Agency Ref. #

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

PENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Games  
 TELEPHONE NUMBER (304) 659-2060  
 FUNCTION SPONSOR Chris Games  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 10/31/2017

59162  
 900 SPETH ST  
 CHARLESTON, WV 25310  
 304-702-7846  
 11/21/2017 0744:31  
 CREDIT CARD  
 VISA SALE  
 Card # XXXXXXXXXXXXXXX948  
 Exp Card: CTV VISA  
 AID: A000000031010  
 ATC: 0046  
 TC: 3172A375789FEC0E  
 SEQ #: 1  
 Batch #: 4  
 Term #: 1  
 SERVICE: 8515  
 Approval Code: 001762  
 TRANS ID: 96720453082092  
 Entry Method: C/tp Debit  
 Mode: Journal - PTH Bypassed

ESTIMATED EXPENSES  
 FOOD AND BEVERAGE \$ 192.48  
 MEETING ROOM \$ \_\_\_\_\_  
 EQUIPMENT RENTAL \$ \_\_\_\_\_  
 LODGING \$ \_\_\_\_\_  
 OTHER \$ \_\_\_\_\_  
 OTHER \$ \_\_\_\_\_  
 TOTAL \$ 192.48

SALE AMOUNT \$192.48  
 TIP AMOUNT 0.00  
 TOTAL AMOUNT \$192.48

PURPOSE/JUSTIFICATION OF FUNCTION:

Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of 6 more must accompany the form):  
 M. Workman, M. Katohum, A. Loughry, B. Walker, R. Melvin, J. Stover,  
 V. Shafer, J. Stevenson, C. Games, J. Gundry, H. Dalley

THANK YOU  
CUSTOMER COPY

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE  
 By: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

\_\_\_\_\_  
 DATE  
 \_\_\_\_\_  
 DATE

WALKER, 89

47

TMO 3 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

02/17/2017  
 CREDIT CARD  
 VISA/BANK

Card # 00000000000000000000000000000000  
 Chip Card: CITI VISA  
 AEC: A0000000000000000000000000000000  
 ATC: 0000  
 TC: 00000000000000000000000000000000  
 SER #:  
 Iss #:  
 INVOICE:  
 SERVS:  
 Approval Code: 0000  
 Entry Method:  
 Mode: Issue - PAN Request

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Games  
 TELEPHONE NUMBER (304) 558-2060  
 FUNCTION SPONSOR Chris Games  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 02/17/2017

PRETRIP AMT \$155.00

<b>ESTIMATED EXPENSES</b>	
FOOD AND BEVERAGE	\$ 155.04
MEETING ROOM	\$
EQUIPMENT RENTAL	\$
LODGING	\$
OTHER/	\$
OTHER/	\$
<b>TOTAL</b>	<b>\$ 155.04</b>

TRIP  
 TOTAL AMOUNT 155.04

CUSTOMER COPY

**PURPOSE/JUSTIFICATION OF FUNCTION:**

Confereces

**FUNCTION ATTENDEES** (Must list Individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):

M. Workman, A. Loughry, J. Stevenson, V. Shafer, P. Embley, C. Games

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
DATE

By: \_\_\_\_\_  
AGENCY HEAD SIGNATURE

\_\_\_\_\_  
DATE

48

TWO 9 Form -- Rev. 01/2006

Agency Ref # \_\_\_\_\_

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Garnes  
 TELEPHONE NUMBER (904) 558-2060  
 FUNCTION SPONSOR Chris Garnes  
 LOCATION OF FUNCTION Clerk's Office  
 DATE(S) OF FUNCTION 07/31/2017

DEFERRED ORDER  
 \*\*\* Order Date: 12:16PM \*\*\*  
 7333 Eric W. Pitts Rd  
 222 Jacinto Street  
 Charleston, WV 25301  
 Phone:  
 www.wvreservations.net

Order TO GO  
 Exp./Rxn 07/31/2017 12:20 PM

ESTIMATED EXPENSES	
FOOD AND BEVERAGE	\$ 282.0
MEETING ROOM	\$ _____
EQUIPMENT RENTAL	\$ _____
LODGING	\$ _____
OTHER/	\$ _____
OTHER/	\$ _____
<b>TOTAL</b>	<b>\$ 282.0</b>

1 Large Pizza Piz	16.00
Pepperoni	2.50
1 Large Pizza Piz	16.00
Pepperoni	2.50
1 Large Pizza Piz	16.00
Pepperoni	2.50
1 Large Classic Pie	24.00
1 Large Classic Pie	24.00
1 Char-Grilled Out Wings	10.00

**PURPOSE/JUSTIFICATION OF FUNCTION:**

Award Ceremony

**FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more must accompany the form):**

M. Workman, A. Loughry, Clerk's Office, & guests

Subtotal 191.50  
 Tax 0.00  
 Total 191.50

Visa/Amex Payment 151.50  
 Tip 40.50  
 Total 192.00

**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

By: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

By: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

\*\*\* Guest Copy \*\*\*  
 DATE

DATE

41

TMO 3 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

**south hills marke  
and café**

SOUTH HILLS

SPENDING UNIT NAME/ORG # Supreme Court of Appeals

CONTACT PERSON Chris Games

TELEPHONE NUMBER (304) 658-2060

FUNCTION SPONSOR Chris Games

LOCATION OF FUNCTION Justices' Chambers

DATE(S) OF FUNCTION 09/28/2017

Date: 9/28/2017 Time: 11:36:10 AM

Status: Approved

Card Type: Visa

Card Number: XXXXXXXXXXXX46

Expiration Date: X/XX/XXXX

Server Name: Tasha

Check Number: 234328

Tax Number: 100

Number Of Covers: 28

Persons: 1, 2, 3, 4, 5, 6, 7,

8, 10, 11, 12, 13, 14

Card Owner: games/christopher a

ESTIMATED EXPENSES	\$	<u>246.00</u>
FOOD AND BEVERAGE	\$	
MEETING ROOM	\$	
EQUIPMENT RENTAL	\$	
LODGING	\$	
OTHER/	\$	
OTHER/	\$	
TOTAL	\$	<u>246.00</u>

AMOUNT	232.33
TIP	<u>43.67</u>
TOTAL	<u>246.00</u>
Approval:	044504

PURPOSE/JUSTIFICATION OF FUNCTION:  
Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of attendees for groups of 20 or more must accompany the form):  
M. Workman, M. Ketchum, A. Loughry, R. Melvin, G. Johnson, C. Morris, L. Palotta-Davis  
B. Holmes, J. Lewis, V. Shafer, J. Stevenson, C. Games, J. Gurdy

CUSTOMER COPY

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: \_\_\_\_\_  
FUNCTION REPRESENTATIVE'S SIGNATURE

\_\_\_\_\_  
DATE

By: \_\_\_\_\_  
AGENCY HEAD'S SIGNATURE

\_\_\_\_\_  
DATE

50

TMO 3 Form - Rev. 01/2009



**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

TAKE OUT ORDERING ON-LINE  
adelphisportsbar.com

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Garnes  
 TELEPHONE NUMBER (304) 658-2080  
 FUNCTION SPONSOR Chris Garnes  
 LOCATION OF FUNCTION J. Justice's Chambers  
 DATE(S) OF FUNCTION 10/23/2017

Take Out  
 Supreme Court 304-658-  
 Server: Brianna # 10/23/  
 Check #1 11:09  
 Tax Exact  
 Subtotal \$143.  
 Total \$145.  
 Credit Card Swip  
 Visa: xxxxxxxx84  
 Time 11:41  
 Authorization Approv  
 Approval Code 0259  
 Check ID  
 Payment ID TkJyGfYjNf

ESTIMATED EXPENSES	
FOOD AND BEVERAGE	\$ 174.00
MEETING ROOM	\$
EQUIPMENT RENTAL	\$
LODGING	\$
OTHER/	\$
OTHER/	\$
TOTAL	\$ 174.00

Amount: \$143.5  
 + Tip: 5.46  
 = Total: 149.02

PURPOSE/JUSTIFICATION OF FUNCTION:  
 Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more must accompany the form):  
 M. Workman, M. Ketchum, A. Loughry, G. Johnson, R. Melvin, W. Humphrey, J. Stover,  
 V. Shafer, J. Stevenson, C. Garnes, J. Gundy

X  
 CHRISTOPHER R. GARNES  
 Customer Copy

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION

By: \_\_\_\_\_ DATE \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE

By: \_\_\_\_\_ DATE \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

TMO 3 Form - Rev. 01/2008

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Games  
 TELEPHONE NUMBER (304) 658-2060  
 FUNCTION SPONSOR Chris Games  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 11/13/2017

ESTIMATED EXPENSES	
FOOD AND BEVERAGE	\$ 179.82
MEETING ROOM	\$
EQUIPMENT RENTAL	\$
LODGING	\$
OTHER	\$
<b>TOTAL</b>	<b>\$ 179.82</b>

PURPOSE/JUSTIFICATION OF FUNCTION:  
Conference

FUNCTION ATTENDEES (Must list individual names unless for a group of 20 or more. A list of more must accompany the form):  
M. Workman, M. Ketchum, A. Loughry, G. Johnson, R. Melvin, W. Humphrey, V. Shafer, C. Games, J. Gundy

AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION  
 By: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE'S SIGNATURE  
 By: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE

800 SMITH ST  
 CHARLESTON, WV 25301  
 304-726-7644

11/13/2017 12:21:57

CREDIT CARD  
 VISA SALE

Card # 00000000000000000000  
 Exp. Date: CITY VISA  
 AUTH: 00000000000000000000  
 ATC: NAME  
 TC: 06770000000000000000  
 SEQ # 1  
 Batch # 3  
 Trans # 1  
 SERVER 5513  
 Approval Code: 002100  
 TRANS ID: 307217519418050  
 Entry Method: Chip Read  
 Mode: Issue - PIN Bypassed

SALE AMOUNT \$180.52  
 TIP AMOUNT Inc  
 TOTAL AMOUNT 180.68

THANK YOU  
 CUSTOMER COPY

800 SMITH ST  
 CHARLESTON, WV 25301  
 304-726-7644

11/13/2017 13:20:05

CREDIT CARD  
 VISA SALE

Card # 00000000000000000000  
 Exp. Date: CITY VISA  
 AUTH: 00000000000000000000  
 ATC: NAME  
 TC: 06770000000000000000  
 SEQ # 5  
 Batch # 3  
 Trans # 3  
 SERVER 5513  
 Approval Code: 015300  
 TRANS ID: 307217622211500  
 Entry Method: Chip Read  
 Mode: Issue - PIN Bypassed

SALE AMOUNT \$19.14  
 TIP AMOUNT Inc  
 TOTAL AMOUNT 19.14

52

TMO-2 Form - Rev. 01/2008

AS

**STATE OF WEST VIRGINIA**  
 DEPARTMENT OF ADMINISTRATION  
 TRAVEL MANAGEMENT OFFICE  
 REQUEST FOR HOSPITALITY SERVICE

SPENDING UNIT NAME/ORG # Supreme Court of Appeals  
 CONTACT PERSON Chris Games  
 TELEPHONE NUMBER (804) 858-2080  
 FUNCTION SPONSOR Chris Games  
 LOCATION OF FUNCTION Justices' Chambers  
 DATE(S) OF FUNCTION 11/14/2017

**PATERNO AT THE PARK**  
 601 MORRIS ST  
 CHARLESTON, WV 26309  
 3042055482  
 Cashier: Nindy F  
 Transaction 100000

Total \$120.00  
 CREDIT CARD AUTH \$120.00  
 VISA #448  
 Tip Inc.  
 Total 120.00

Retain this copy for statement validation

<b>ESTIMATED EXPENSES</b>		
FOOD AND BEVERAGE	\$ 120.00	
MEETING ROOM	\$	
EQUIPMENT RENTAL	\$	
LODGING	\$	
OTHER/	\$	
<b>TOTAL</b>	<b>\$ 120.00</b>	

14-Nov-2017 11:36:29A  
 \$120.00 | Method: EMV  
 VISA CREDIT XXXXXXXXXXXX8448  
 CHRISTOPHER A GARNES  
 Ref #: 731800616241  
 Auth #: 059514  
 MID: \*\*\*\*\*5998  
 AID: A000000091010  
 AUTHWLEN: VISA  
 SIGNATURE VERIFIED

**PURPOSE/JUSTIFICATION OF FUNCTION:**  
 Conference

**FUNCTION ATTENDEES** (Must list individual names unless for a group of 20 or more. A list of attendees for groups of more must accompany the form):  
 M. Workman, M. Ketchum, A. Loughry, R. Melvin, W. Humphrey,  
 V. Shafer, J. Stevenson, C. Games, J. Gundy, B. Kayuna



**AGENCY AUTHORIZATION FOR THE ABOVE FUNCTION**

BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
 FUNCTION REPRESENTATIVE SIGNATURE

BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
 AGENCY HEAD SIGNATURE



**Walker, Beth**

---

**From:** Troy, Sue  
**Sent:** Wednesday, December 20, 2017 1:42 PM  
**To:** Walker, Beth  
**Cc:** Johnson, Gary; Loughry, Allen; Davis, Robin; Workman, Margaret; Ketchum, Menis  
**Subject:** RE: 2017 Meal Expenses

Justice Walker,

I am working on locating those documents this afternoon. I don't think my search will be complete until sometime tomorrow. I will provide the documents to Chris Morris so that he can share them with everyone. Chris and I are working together to ensure that all documents are thoroughly reviewed before their release. We will let you know once we have these ready for review.

Thank you,  
Sue

Sue Racer-Troy, CPA  
Director of Financial Management  
West Virginia Supreme Court of Appeals  
1900 Kanawha Blvd. E., Building 1, Room E-100  
Charleston, WV 25305  
Phone 304-558-0145  
Fax 304-558-1212  
[Sue.Troy@CourtsWV.gov](mailto:Sue.Troy@CourtsWV.gov)

**From:** Walker, Beth  
**Sent:** Wednesday, December 20, 2017 1:33 PM  
**To:** Troy, Sue <[Sue.Troy@courtswv.gov](mailto:Sue.Troy@courtswv.gov)>  
**Cc:** Johnson, Gary <[Gary.Johnson@courtswv.gov](mailto:Gary.Johnson@courtswv.gov)>; Loughry, Allen <[Allen.Loughry@courtswv.gov](mailto:Allen.Loughry@courtswv.gov)>; Davis, Robin <[Robin.Davis@courtswv.gov](mailto:Robin.Davis@courtswv.gov)>; Workman, Margaret <[Margaret.Workman@courtswv.gov](mailto:Margaret.Workman@courtswv.gov)>; Ketchum, Menis <[Menis.Ketchum@courtswv.gov](mailto:Menis.Ketchum@courtswv.gov)>  
**Subject:** 2017 Meal Expenses

Sue,

When you complete a calculation of the Court's spending on meals brought in to the Capitol for the Justices and their staffs in 2017 and before that information is shared in response to a FOIA request, can you share that information with us? Assuming it is permissible from a legal/accounting perspective, I will be writing the Court a personal check for 1/5 of the total.

Thanks very much,

Beth

EXHIBIT  
127

**W** ELIZABETH D WALKER 1781  
MICHAEL S WALKER 3176  
12/28/17 00-012615

PAY TO THE ORDER OF Supreme Court of Appeals of West Virginia \$ 2,019.24  
Two thousand nineteen & 24/100 Dollars

BRISTOL BANK  
BRISTOL BANK  
BRISTOL BANK

For \_\_\_\_\_  
\_\_\_\_\_





ACCESSORIES



CVR AMORA 30 BATHROOM VANITY CABI



31X22 1H STONE VAN TOP W/ 1CO WWH



20X15 RECT CRMC UC VES WHIT



31 STONE B/SPLSH WWH



Sabria Collection Single Handle Lavatory  
Faucet, Brilliance Polished Nickel, 1.5 GPM



Sabria Single Hole Bathroom Sink Faucet,  
Brilliance Polished Nickel, 5-21/64"

\* What are we putting in the reveals of base where Vitralite partition will be removed?

March 02, 2017

Quote PC 24

3

2017 Ferguson Enterprises

Walker 592

EXHIBIT  
131



WALKER 859



WALKER 860



WALKER 881



WALKER 882



WALKER 863



WALKER 864



WALKER 865

EXHIBIT  
132



WALKER 866



WALKER 867



WALKER 858



WALKER 669



Cabinet Name	Dept Name	Executive Order 9-16 Mid year spending reduction
Elected Officials	GOVERNORS OFFICE	(93,767)
	AUDITORS OFFICE	(95,198)
	TREASURERS OFFICE	(62,206)
	DEPARTMENT OF AGRICULTURE	(366,600)
	ATTORNEY GENERAL	(89,575)
	SECRETARY OF STATE	(19,613)
<b>Elected Officials Total</b>		<b>(726,959)</b>
Administration	SECRETARY OF ADMINISTRATION	(73,000)
	GENERAL SERVICES DIVISION	(43,000)
	PUBLIC DEFENDER SERVICES	(30,000)
	TRAVEL MANAGEMENT	(106,500)
	FINANCE DIVISION	(30,500)
	REAL ESTATE DIVISION	(32,500)
	PURCHASING DIVISION	(6,800)
<b>Administration Total</b>		<b>(322,300)</b>
Commerce	SECRETARY OF COMMERCE	(9,375)
	BOARD OF COAL MINE HEALTH AND SAFETY	(7,125)
	DIVISION OF ENERGY	(30,439)
	DIVISION OF LABOR	(57,731)
	DIVISION OF MINERS HEALTH, SAFETY AND TRAINING	(243,582)
	GEOLOGICAL AND ECONOMIC SURVEY	(57,599)
	WEST VIRGINIA DEVELOPMENT OFFICE	(217,375)
	WORKFORCE WEST VIRGINIA	(1,222)
<b>Commerce Total</b>		<b>(624,448)</b>
Education	DEPARTMENT OF EDUCATION	(12,811,750)
<b>Education Total</b>		<b>(12,811,750)</b>
Education and the Arts	SECRETARY OF EDUCATION AND THE ARTS	(66,416)
	DIVISION OF CULTURE AND HISTORY	(60,816)
	EDUCATIONAL BROADCASTING AUTHORITY	(58,706)
	LIBRARY COMMISSION	(20,713)
	DIVISION OF REHABILITATION SERVICES	(179,955)
<b>Education and the Arts Total</b>		<b>(386,606)</b>
Environment	DEPARTMENT OF ENVIRONMENTAL PROTECTION	(130,358)
<b>Environment Total</b>		<b>(130,358)</b>
Health and Human Resources	DIVISION OF HUMAN SERVICES	(31,711,979)
<b>Health and Human Resources Total</b>		<b>(31,711,979)</b>
Military Affairs and Public Safety	SECRETARY OF MILITARY AFFAIRS AND PUBLIC SAFETY	(50,000)
	ADJUTANT GENERAL	(285,665)

Military Affairs and Public Safety Total	DIVISION OF JUSTICE AND COMMUNITY SERVICES	(201,878)
	DIVISION OF PROTECTIVE SERVICES	(52,141)
	WEST VIRGINIA STATE POLICE	(1,516,916)
	FIRE COMMISSION	(1,307)
	DHSEM	(60,265)
Military Affairs and Public Safety Total		(5,963,110)
Revenue	SECRETARY OF REVENUE	(12,845)
	STATE BUDGET OFFICE	(12,844)
Revenue Total		(25,689)
Veterans	VETERANS AFFAIRS	(206,083)
Veterans Total		(206,083)
Transportation	AERONAUTICS COMMISSION	(45,000)
	DIVISION OF PUBLIC TRANSIT	(32,484)
	STATE RAIL AUTHORITY	(32,483)
Transportation Total		(109,967)
Higher Education Policy Commission	HIGHER EDUCATION POLICY COMMISSION - ADMIN	(113,827)
	BLUEFIELD STATE COLLEGE	(112,737)
	CONCORD UNIVERSITY	(173,492)
	FAIRMONT STATE UNIVERSITY	(305,555)
	GLENVILLE STATE COLLEGE	(117,828)
	MARSHALL UNIVERSITY	(1,240,369)
	SHEPHERD UNIVERSITY	(191,040)
	WEST LIBERTY UNIVERSITY	(159,127)
	WEST VIRGINIA SCHOOL OF OSTEOPATHIC MEDICINE	(150,325)
	WEST VIRGINIA STATE UNIVERSITY	(231,760)
	WEST VIRGINIA UNIVERSITY	(2,634,284)
WVNET	(33,091)	
Higher Education Policy Commission Total		(5,463,435)
Community and Technical Colleges	COUNCIL FOR COMMUNITY AND TECHNICAL COLLEGE EDUC	(141,208)
	MOUNTWEST C&T COLLEGE	(111,391)
	NEW RIVER C&T COLLEGE	(109,983)
	PIERPONT C&T COLLEGE	(146,476)
	BLUE RIDGE C&T COLLEGE	(99,602)

Community and	WEST VIRGINIA UNIVERSITY AT PARKERSBURG	(190,435)
	SOUTHERN WEST VIRGINIA C&T	(159,836)
	WEST VIRGINIA NORTHERN C&T COLLEGE	(137,969)
	EASTERN WEST VIRGINIA C&T COLLEGE	(36,693)
	BRIDGEVALLEY C&T COLLEGE	(150,019)
Community and Technical Colleges		
Total		(1,283,612)









JOINT COMMITTEE ON GOVERNMENT AND FINANCE  
WEST VIRGINIA OFFICE OF THE LEGISLATIVE AUDITOR

## POST AUDIT DIVISION

LEGISLATIVE AUDIT REPORT

### SUPREME COURT OF APPEALS OF WEST VIRGINIA

REPORT SUMMARY

1. Some Justices of the Supreme Court of Appeals of West Virginia Used State Vehicles and Rental Cars Paid for by the State for Personal Use, While Ignoring Federal Law for Taxable Fringe Benefits.
2. Supreme Court Justice Ketchum has Repaid the State \$1,663.81 for Incorrect Travel Reimbursements.
3. Personal Use of State Vehicles and an Antique Desk May Violate the Ethics Act's Provision Prohibiting the Use of Public Office for Private Gain.
4. The Supreme Court Does Not Comply With §17A-3-23(a) Which Requires a License Plate on the Front of State Vehicles.

Legislative Auditor: Aaron Alfred  
Post Audit Director: Denny Rhodes



GENERALLY ACCEPTED GOVERNMENT  
AUDITING STANDARDS STATEMENT

We conducted this performance audit in accordance with Generally Accepted Government Auditing Standards (GAGAS). Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

POST AUDIT DIVISION  
Director, Denny Rhodes



JOINT COMMITTEE ON GOVERNMENT AND FINANCE  
WEST VIRGINIA OFFICE OF THE LEGISLATIVE AUDITOR

# POST AUDIT DIVISION

## POST AUDITS SUBCOMMITTEE MEMBERS

SENATE MEMBERS	HOUSE MEMBERS
President, <b>Mitch Carmichael</b>	<b>Tim Armstead, Speaker</b>
<b>Ed Gaunch</b>	<b>Timothy Miley</b>
<b>Roman Prezioso</b>	<b>Eric Nelson Jr.</b>



APRIL 16, 2018  
LEGISLATIVE AUDIT REPORT

## SUPREME COURT of APPEALS of WEST VIRGINIA

### LEGISLATIVE AUDITOR'S STAFF CONTRIBUTORS

Denny Rhodes	Director
Justin Robinson	Audit Manager
Ben Agsten	Auditor
Christian Baumgarner	Auditor
Perry Bennett	Photographer
Melissa Bishop, CPA	Assistant Director
Doren Burrell	Legal Counsel
Christopher Canada	Auditor
Anne Ellison	Legal Counsel
Adam Fridley	Audit Manager
Nathan S. Harris	Assistant to the Director
Nathan Hamilton	Referencer
C. Michelle Krompecher	Assistant to the Legislative Auditor
Judy Strawderman	Auditor

### INTRODUCTION: PAGE 1

#### ISSUE 1: PAGE 2

*Some Justices of the Supreme Court of Appeals of West Virginia Used State Vehicles and Rental Cars Paid for by the State for Personal Use, While Ignoring Federal Law for Taxable Fringe Benefits.*

#### ISSUE 2: PAGE 21

*Supreme Court Justice Ketchum has Repaid the State \$1,682.81 for Interest Travel Reimbursements.*

#### ISSUE 3: PAGE 22

*Personal Use of State Vehicles and an Antique Desk May Violate the Ethics Act's Provision Prohibiting the Use of Public Offices for Private Gain.*

#### ISSUE 4: PAGE 24

*The Supreme Court Does Not Comply With §17.A-3-23(a) Which Requires a License Plate on the Front of State Vehicles.*

### APPENDICES: PAGE 27



**Introduction**

The Post Audit Division was assigned the audit of the Supreme Court of Appeals of West Virginia by the Legislative Auditor in January 2018. Based on issues that had been brought to our attention during our preliminary information gathering phase of the audit process, the initial focus of our audit concerned the use of state vehicles and other employer-provided benefits that may have not been treated properly for state and federal tax purposes. As a result of this work, we have identified the following four issues:

1. **Some Justices of the Supreme Court of Appeals of West Virginia Used State Vehicles and Rental Cars Paid for by the State for Personal Use, While Ignoring Federal Law for Taxable Fringe Benefits.**
2. **Supreme Court Justice Ketchum has Repaid the State \$1,663.81 for Incorrect Travel Reimbursements.**
3. **Personal Use of State Vehicles and an Antique Desk May Violate the Ethics Act's Provision Prohibiting the Use of Public Office for Private Gain.**
4. **The Supreme Court Does Not Comply With §17A-3-23(a) Which Requires a License Plate on the Front of State Vehicles.**

**Issue 1: Some Justices of the Supreme Court of Appeals of West Virginia Used State Vehicles and Rental Cars Paid for by the State for Personal Use, While Ignoring Federal Law for Taxable Fringe Benefits.**

The Supreme Court of Appeals of West Virginia provides the five Justices with exclusive access to three Buicks – a 2007 Lucerne, a 2009 Lucerne, and a 2012 LaCrosse. While the most likely intention for use of the vehicles is for business purposes, such as attending meetings and conferences, visiting circuit courts, or speaking to groups, the Legislative Auditor has found that at least two of the Justices have used the vehicles for significant personal use. Justice Ketchum used the 2007 Buick Lucerne for over four years to commute from his home in Huntington and for golf outings in Virginia. Justice Loughry used both the 2009 Lucerne and the 2012 Buick LaCrosse, along with additional Court vehicles, for multiple periods of undocumented use. The Legislative Auditor questions whether Justice Loughry's use of the state provided vehicles was all for business purposes. Justice Ketchum's and Justice Loughry's use of the vehicles should have been, but was not, included in their respective IRS W-2s as a taxable fringe benefit, **although there is evidence to suggest that the Justices and their staff knew that the personal use should have been included.**

**Figure 1**  
**Picture of Buicks Used by the Supreme Court Justices**



#### West Virginia Supreme Court Justice Ketchum

#### **Justice Ketchum Had Almost Exclusive Access to a 2007 Buick Lucerne for Approximately Four Years That He Used for Commuting to Charleston from His Home in Huntington, West Virginia and for Personal Trips Out-of-State.**

Beginning in 2012 and with the formal approval of the other four Justices who were in office at the time, Justice Ketchum was given access to a 2007 Buick Lucerne, which he used for some business trips but generally for commuting to the State Capitol from his home in Huntington. Justice Ketchum used that same vehicle for other personal trips, including golf outings in Virginia. According to Justice Ketchum, he commuted in the 2007 Lucerne from Huntington for approximately four and half years from January 9, 2012 until June 15, 2016. He stated that he didn't always have possession of the vehicle, as he left it at the State Capitol for extended periods. The Legislative Auditor's review of the fuel card records tied to the 2007 Lucerne confirm Justice Ketchum's assertion that the vehicle was occasionally unused for extended periods of times. According to the gas card records, in thirty-eight instances the vehicle went more than seven days between fuel purchases over the course of the four and a half years that Justice Ketchum used the vehicle. This includes one instance where the vehicle went 52 days between fuel purchases. However, the Legislative Auditor's review of the corresponding odometer readings for these fuel purchases indicate that the 2007 Lucerne had *de minimis* use in the time between fuel purchases. Therefore, the Legislative Auditor concludes that Justice Ketchum had almost exclusive use of the 2007 Lucerne between January 9, 2012 and June 15, 2016.

Justice Ketchum also used a state fuel card to purchase gas for his commute from Huntington. Based on fuel records, during the time that Justice Ketchum was provided with the vehicle, he drove the vehicle 78,423 miles<sup>1</sup>, purchased fuel 312 times, and spent a total of \$12,250.04 on the Supreme Court's gas card paid for by the state. Many of those gas purchases were made in the Huntington area, primarily Milton, WV, which is within 20 miles from Justice Ketchum's personal residence. The Legislative Auditor analyzed those fuel purchases and found that fuel was purchased 275 times at locations within 20 miles of Justice Ketchum's home for a total of \$10,689.37 from January 9, 2012 to June 15, 2016. Additionally, fuel was purchased a total of 280 times for \$10,947.05 along the route that Justice Ketchum would be driving from his home in Huntington to the State Capitol in Charleston on Interstate 64. Thus, most of Justice Ketchum's fuel purchases appear to be for commuting. This issue, concerning the use of a state vehicle for the primary purpose of commuting, is not unlike many other state agencies who allow employees to do the same.

#### **Justice Ketchum Used the State Vehicle for Traveling to Virginia for Personal Golf Trips and Charged the Fuel Purchases to the State.**

Justice Ketchum informed the Legislative Auditor that he had traveled out-of-state in the 2007 Buick Lucerne. Specifically, there were five out-of-state gas purchases totaling \$202.71 that caused the Legislative Auditor to question if the trips were for business or personal purposes:

<sup>1</sup> When a state employee uses the state fuel cards to purchase gasoline, the user is prompted to enter the vehicle's odometer reading. Thus, individual entry errors can occur.

- April 14, 2012 purchase in Abingdon, Virginia for \$45.92;
- May 26, 2012 purchase in Lebanon, Virginia for \$35.24;
- June 23, 2012 purchase in Bristol, Virginia for \$32.23;
- May 11, 2013 purchase in Glade Springs, Virginia for \$44.24;
- June 20, 2013 purchase in Abingdon, Virginia for \$45.08.

The Legislative Auditor received correspondence from Justice Ketchum on February 26, 2018, in response to questions about these trips. In that correspondence, Justice Ketchum addressed four of the five gas purchases and stated that he:

*...reviewed the Court gas card records and found four instances of out-of-state gas charges that could have been out-of-state trips to play golf. I did not recall taking the 2007 Buick Lucerne for golf. I was not certain but out of an abundance of caution I reimbursed the State the full potential value.*

As such, Justice Ketchum calculated the round-trip mileage from Huntington, WV to Abingdon, VA at 396 miles and reimbursed the State on January 25, 2018, for \$863.28. He arrived at this rate by calculating the number of miles for four round-trips at a rate of \$0.545 cents per mile.

On April 4, 2018, Justice Ketchum provided a memo with a copy of a check he submitted to reimburse the state for the personal use of a state vehicle regarding the May 26, 2012, Lebanon, VA fuel purchase. The amount of reimbursement repaid to the state concerning this instance was \$215.82 calculated by the same method as previously described and which addressed the last of the five instances noted above.

**Beginning in 2016, Justice Ketchum Claimed Mileage Reimbursement for His Commute from Huntington to Charleston in Lieu of Commuting in a State Vehicle. In Several Instances, Justice Ketchum Claimed and Received Reimbursement When He Was Not Eligible to Do So.**

In reviewing travel reimbursements for Justice Ketchum, the Legislative Auditor noted that beginning on August 23, 2016, approximately two months after he ceased using the 2007 Buick Lucerne, Justice Ketchum began claiming mileage reimbursement for his commute from his home in Huntington to Charleston. In support of his mileage reimbursement claim, Justice Ketchum cited W.Va. Code §6-7-5 on his reimbursement forms, which states in part:

*A judge of the Supreme Court of Appeals and of a circuit court shall be entitled to an allowance for mileage at the rate of fifteen cents for each mile . . . to the place of holding of any term of court in a county other than that of his residence . . . (Emphasis added)*

The Legislative Auditor reviewed travel reimbursement documents submitted by Justice Ketchum and noted 131 instances from August 23, 2016 to August 10, 2017, in which Justice Ketchum claimed the \$0.15 cents per mile reimbursement for his commute to the Capitol from his home in Huntington. Each 104-mile round-trip was reimbursed for \$15.60. In total, **Justice Ketchum received \$2,028 in travel reimbursements** for his commute to the Capitol during this time frame that the Legislative Auditor believes should have been included on his W-2s as taxable income.

The Legislative Auditor cross-referenced each of Justice Ketchum's travel reimbursements, issued under W.Va. Code §6-7-5, with the Supreme Court's Judicial Calendars for 2016 and 2017. For each of these two years, the Supreme Court of Appeals had two terms of Court:

- Spring Term:
  - January
  - February
  - March
  - April
  - May
  - June
- Fall Term:
  - September
  - October
  - November

Each Judicial Calendar designates the dates which the Supreme Court of Appeals held court or held judicial or other conferences. Additionally, each calendar shows the date upon which the Court ended each term *sine die*. A copy of the Court's 2016 and 2017 Judicial Calendars can be viewed in Appendix C of this report.

Of the 131 days Justice Ketchum claimed and received mileage reimbursements, for 16 of those days the Supreme Court had ended its term of court *sine die*. The reimbursements associated with those 16 days total \$249.60. Since the term of court had ended, Justice Ketchum was not eligible under W.Va. Code §6-7-5 for mileage reimbursement for traveling to Charleston on these days. Justice Ketchum responded quickly to the Legislative Auditor after being informed of the incorrect reimbursements. On April 2, 2018, Justice Ketchum provided the Legislative Auditor with a copy of a memo to the Director of the Court's Division of Financial Management and a copy of a check reimbursing the state for \$249.60. The memo stated:

*Enclosed is my check for \$249.60. This is to reimburse the State for mileage charges set out in the post audit division's draft report dated March 29, 2018.*

*The \$249.60 is for \$0.15 cents a mile reimbursement to me for commuting pursuant to W.Va. Code §6-7-5 while Supreme Court was sine die.*

In addition to the mileage reimbursements issued pursuant to W.Va. Code §6-7-5, the Legislative Auditor identified ten instances totaling \$448.82 in which Justice Ketchum claimed the full mileage reimbursement rate of \$0.54 cents per mile for commuting from Huntington to Charleston. Four trips were to Yeager Airport, three trips were to attend a training conference at the Embassy Suites Hotel in Charleston, and three trips were to attend the swearing-in ceremony for circuit court judges.

Under federal tax law, reimbursements for commuting are not exempted from an employee's reportable income. Therefore, the Legislative Auditor recommends that the Supreme Court of Appeals of West Virginia issue amended W-2s to Justice Ketchum including as taxable income the \$2,476.82 he received in mileage reimbursements for commuting. Additionally, the Legislative Auditor finds that W.Va. Code §6-7-5 may need clarification as to whether the intention is for Justices of the Supreme Court to be reimbursed for mileage to drive from their homes while Court is in session. Additionally, the statute authorizes circuit court judges to be reimbursed \$0.15 cents per mile for driving to the holding of court outside the county of their residence. The statute has not been amended since 1975; thus, the Legislative Auditor recommends that the Legislature consider increasing the \$0.15 cents per mile to reflect inflationary increases.

**The Supreme Court Did Not Report the Taxable Fringe Benefit of Justice Ketchum's Use of State Vehicles on His W-2s as Required by Federal Tax Law.**

In accordance with IRS regulations, the Supreme Court should have calculated the value of Justice Ketchum's personal use of state vehicles and included those amounts in his W-2s as a taxable fringe benefit. **The Supreme Court Administrative Office has not correctly calculated Justice Ketchum's W-2s since at least 2012.** According to the IRS, a fringe benefit is a form of pay for the performance of services. Any fringe benefit provided by an employer is taxable and must be included in the recipient's pay. Thus, the Supreme Court ignored IRS guidance. On March 29, 2018, the Administrative Director of the Supreme Court issued a memorandum to Justice Ketchum stating:

*Per your instructions and our agreement, we are issuing you amended W-2's for your use of the 2007 Buick Lucerne.*

A copy of the memorandum is included in Appendix D of this report.

West Virginia Supreme Court Justice Loughry

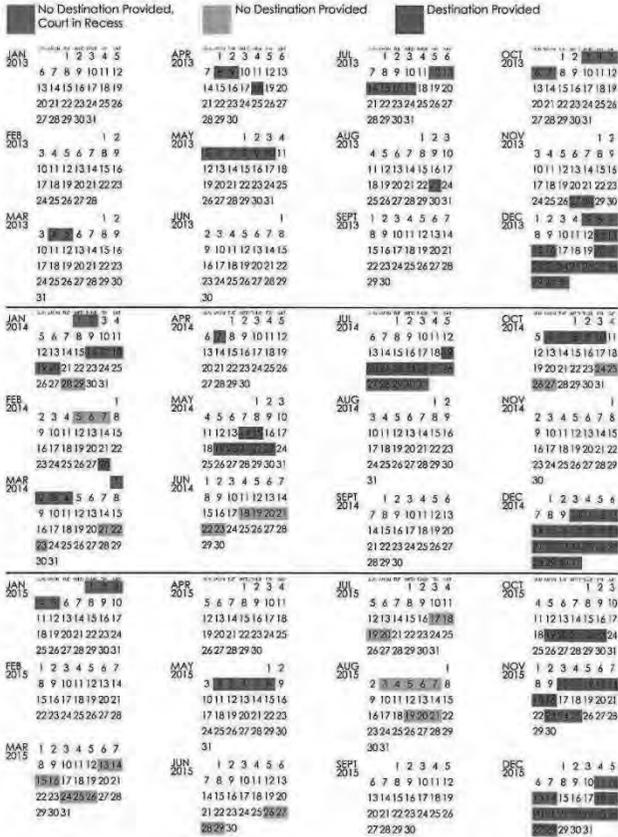
**Justice Loughry Had Frequent Use of State Vehicles Without Declaring A Business Purpose for Vehicle Use.**

The Supreme Court does not have formal written policies or procedures for the use of vehicles. In order for a Justice to reserve a vehicle, the Court has created an internal reservation system, essentially a calendar, to request the use of a vehicle. This is the only record that the Court maintains of vehicle usage. Notably, mileage logs and/or destination logs detailing use are not maintained. Thus, there are significant limitations in determining the mileage and the purpose of vehicle usage. The Legislative Auditor was provided a copy of the Court's reservation system and noted the frequent amount of time that Justice Loughry reserved the vehicle from January 2013 – September 2016. After September 16, 2016, Justice Loughry no longer frequently appears as reserving a vehicle in the reservation system. While there are notes of the destination for some of Justice Loughry's reservations, many do not include a destination. Justice Loughry reserved a car from 2013 – 2016 for 212 days. **Of those, 148 days or 70 percent of Justice Loughry's reservations had no destination or substantiation listed.** Table 1 displays the total number of days the vehicle was in use and number of days without substantiation for use of the vehicle, followed by a calendar (Figure 2) with reservation dates for 2013 – 2015.

Year	Total Days of Vehicle Use	Number of days without substantiation	Percentage of usage without substantiation
2013	44 days	33 days	75%
2014	78 days	54 days	69%
2015	63 days	46 days	73%
2016	27 days	15 days	56%
<b>Totals</b>	212	148	69.81%

*Source: Supreme Court of Appeals of West Virginia vehicle reservation log.*

Figure 2
Justice Loughry's Vehicle Reservation
2013 - 2015



One noted pattern of use is that Justice Loughry reserved a vehicle for significant amounts of time in the months of December for three straight years from 2013 to 2015, carrying over into January twice, as shown in Figure 3 below. In those December months, Justice Loughry had reserved a court vehicle for 19 days in 2013, 22 days in 2014, and for 15 days in 2015; each instance over the Christmas holiday. Notably, Justice Loughry had a state vehicle for 27 consecutive days through the Christmas and New Year's holidays from December 10, 2014 to January 5, 2015. The Supreme Court of Appeals was in recess during all the December dates, and no destination or substantiation is listed for any of these time frames. The Legislative Auditor is unable to find any purposes for which Justice Loughry used the vehicles during the December months.

**Figure 3**  
**Dates Justice Loughry Reserved State Vehicles in December 2013, 2014, and 2015**



The Legislative Auditor was provided a memo written by both the Director and Deputy Director of Supreme Court Security; it appears Justice Loughry may have refused to provide destination information. The memo states in part:

*The only person we can recall that failed to provide a destination when asked was Justice Loughry [sic].*

Court memos show that other Justices of the Supreme Court questioned in writing whether Justice Loughry's use of a state car was for business purposes, to which Justice Loughry made it clear that in his view, he should not have to report a destination or a purpose. His position was that once he said he was traveling on state business, that should be the end of any inquiry. In turn, Justice Loughry questioned whether the use of state vehicles by Justices Davis and Benjamin was for business purposes.<sup>2</sup>

<sup>2</sup> The Legislative Auditor will report any possible issues with Justice Davis and Justice Benjamin at the May interim meetings.

**The Legislative Auditor Questions Justice Loughry's Need and Use of State-Paid Rental Vehicles During Out-of-State Trips.**

The Supreme Court regularly rented cars from Enterprise Rent-A-Car<sup>3</sup> for Justice Loughry when he flew to out-of-state conferences. Based on Enterprise Rent-A-Car receipts, he would generally pick up the rental car at the airport. On many of these trips, there is a widely disproportionate number of miles recorded on the odometer reading section of the receipts, compared to the actual round-trip mileage from the airport to the hotel where Justice Loughry stayed. The hotels in which he stayed were generally at the conference location or close to the conference location.

The Legislative Auditor concludes the rental cars that Justice Loughry rented with state money were for personal use. There are significant differences in the miles necessary to travel to the hotel that could only have been personal use by Justice Loughry. Seven instances were found that Justice Loughry rented vehicles with mileage driven during out-of-state trips which appear to be for purely personal reasons, which are shown below in Table 2.

Dates	Location	Round-Trip Distance Airport to Hotel	Mileage on Rental Car Receipt	Difference	Total Cost (Car, Parking, Fuel Option)
July 19 – 25, 2013	San Francisco, CA	27 miles	472 miles	445 miles	\$364.71
January 23 – 29, 2015	San Antonio, TX	17 miles	407 miles	390 miles	\$441.54
July 10 – 16, 2015	Montréal, QC	27 miles	607 miles*	580 miles*	\$549.99
July 24 – 29, 2015	Omaha, NE	8 miles	475 miles	467 miles	\$223.06
January 29 – February 4, 2016	Monterey, CA	6 miles	177 miles	171 miles	\$337.92
January 27 – February 2, 2017	Scottsdale, AZ	25 miles	523 miles	498 miles	\$303.46
July 21 – 26, 2017	Boston, MA	13 miles	336 miles	323 miles	\$447.96
				<b>TOTAL</b>	<b>\$2,668.64</b>

\* Converted from Kilometers into Miles

Sources: Justice Loughry's travel reimbursements from wVOASIS, P-Card transactions, and Google Maps.

As shown in Table 2, Justice Loughry rented a car at Montréal Pierre Elliott Trudeau International Airport and stayed at the Hyatt Regency Montréal. The airport is 21.9 kilometers or

<sup>3</sup> With the exception of the Monterey, CA rental, which was made through the Hertz Corporation, the remaining rentals were made through Enterprise Rent-A-Car.

13.6 miles from the hotel for a round-trip of approximately 44 kilometers or 27 miles. Yet, according to the Enterprise Rent-A-Car receipt, the car was driven 607 miles while rented under Justice Loughry's name. This rental cost the state \$549.99. In Arizona, Justice Loughry rented a car at the Phoenix Sky Harbor International Airport which was 25 miles round-trip from his hotel in Scottsdale. Yet, according to the Enterprise Rent-A-Car receipt, the car was driven 523 miles while rented under Justice Loughry's name. This unnecessary rental cost the state \$303.46. One other instance not included in the table due to the fact that the State was reimbursed for the rental car after Justice Loughry was dissatisfied with the rental, was in Jackson Hole, Wyoming from July 22 through July 28, 2016. There are two different receipts for this instance; one showing that Justice Loughry drove the rental car 494 miles and another showing 1,749 miles driven. Thus, the Legislative Auditor is uncertain of the actual miles driven. The round-trip distance to the hotel from the point of rental in this instance was 20 miles, leaving 474 miles or 1,729 miles driven, based on the differing receipts, that appear to be for personal use. The original cost to the State for this was \$748.64, which as stated before was fully refunded to the state.

In addition to the cost of the rental cars, there were other unnecessary costs related to renting a car such as hotel parking and fuel that increased the expenses incurred by Justice Loughry that were paid by the state, as opposed to him taking a taxi, shuttle, or public transportation. It must be noted that Justice Loughry regularly selected the "fuel option" when he rented vehicles, which automatically charged a full tank of gas to the state for part of his fuel usage. These seven car rentals in question cost the State a total of approximately \$2,669 in unnecessary expenditures but, more importantly, appear to have been for personal use. Based on this analysis, it appears possible that Justice Loughry, or a travel companion allowed to use the rental cars, vacationed on the state's dollar.

**The Supreme Court of Appeals' Travel Regulations Filed with the West Virginia State Auditor's Office Granted Justices Different Treatment Regarding Rental Car Reimbursements Than Other Court Employees.**

Based on the travel regulations filed by the Supreme Court with the West Virginia State Auditor's Office, the Supreme Court Justices were exempted from the requirements for rental car reimbursements that other court employees were subject to. These regulations, provided from the State Auditor's Office and effective October 2016, state in part:

*... Except for vehicles rented by Supreme Court Justices, reimbursement will be allowed for car rental only if the Administrative Director or his designee has granted approval in advance, and rental cars must be driven within the travel requirements for personal vehicles; [Emphasis Added]*

Under this policy the Justices of the Supreme Court had far more discretion to use a rental car and to be reimbursed for those related expenses without prior approval. Further, the policy does not even require the Justices to follow the basic rule of driving the most direct and practical route for approved activities.

Thus, rental car use by Justices of the Supreme Court that falls outside of the definition of <sup>9</sup>driving, by the most direct and/or practical route, from and return to headquarters to perform

*duties or engage in other approved activities*”, and which was highlighted in Table 2 concerning Justice Loughry’s rental car use, appears to be allowed under these regulations. **The Legislative Auditor questions if such a policy has caused the State to incur additional and unnecessary costs due to the use of rental cars that may appear to have been for more than business purposes.** The Supreme Court’s complete travel regulations, as provided by the State Auditor’s Office, are available in Appendix E of this report.

**The Supreme Court Did Not Report the Taxable Fringe Benefit of Justice Loughry’s Use of State Vehicles on His W-2s as Required by Federal Tax Law.**

In accordance with IRS regulations, the Supreme Court should have calculated the value of Justice Loughry’s personal use of state vehicles and included those amounts in his W-2s as a taxable fringe benefit. **The Supreme Court Administrative Office has not correctly calculated Justice Loughry’s W-2s since at least 2013.** According to the Internal Revenue Service (IRS), a fringe benefit is a form of pay for the performance of services. Any fringe benefit provided by an employer is taxable and must be included in the recipient’s pay. Thus, the Supreme Court ignored IRS guidance. With no Court records indicating a valid business use of the vehicles by Justice Loughry, the Court should have determined the fair market value (FMV) of the vehicles for the miles traveled, along with the cost of the gas used and included those amounts in Justice Loughry’s W-2s as taxable fringe benefits.

**On March 28, 2018, the Legislative Auditor Sent Justice Loughry a Letter to Inquire if He Had Made Any Reimbursements to the State Concerning Personal Use of State Vehicles, Rental Cars, or Use of an Antique Cass Gilbert Desk Owned by the State He Had at His Personal Residence.**

On March 28, 2018, the Legislative Auditor sent an inquiry to Justice Loughry to determine if he had made any reimbursements to the State for any instances of personal use of a state vehicle, similar to the reimbursements made by Justice Ketchum. Further, this inquiry sought to determine if he had also made reimbursements concerning the use of rental cars paid for by the State that appeared to be for personal use, as well as the use of an antique Cass Gilbert desk valued at approximately \$42,000 that he had in his personal residence. Justice Loughry did not respond to this inquiry, which can be found in Appendix G of this report. Justice Loughry did respond to the Administrative Director of the Court concerning the draft copy of this report he had been provided, where he stated the following:

*I have reviewed the revised draft audit report, dated April 10, 2018, from the legislative auditor’s office. I have also reviewed the proposed response of our Court, which has been agreed to by all five Justices. The draft audit report refers to me in at least two of the four designated issues. I disagree with the factual and legal assumptions made, the standards and definitions applied, and the conclusions ultimately reached in the draft audit report.*

Justice Loughry’s response concerning the draft of this report can be found in Appendix H of this report.

**Use of State-Owned Vehicles by Justices of the Supreme Court of Appeals of West Virginia Constitutes a Taxable Fringe Benefit Per Federal Tax Law.**

According to IRS Publication 15B, a fringe benefit is defined as a form of pay in addition to stated pay for work performed. The form of pay includes property, services, cash, or cash equivalents. The IRS also highlights the following example of a fringe benefit by stating:

*For example, you provide an employee with a fringe benefit when you allow the employee to use a business vehicle to commute to and from work.*

As it relates to the tax implications for an employer-provided vehicle, IRS guidance indicates that if the vehicle is used **exclusively** for business use, there are no tax consequences, **but commuting is specifically excluded from the definition of business use.** Since the vehicles used by the Justices of the Supreme Court are used for both business and personal reasons, any substantiated business use of the vehicles is not included as taxable income for the Justices. To satisfy the IRS's substantiation requirements, separate records for business use and personal mileage are required. **If records documenting the business and personal mileage separately are not provided, then the value of all use of the vehicle is considered taxable income to the employee.** The Supreme Court has not complied with federal tax law to appropriately document the use of the vehicle.

For example, as noted previously, the Legislative Auditor reviewed gas card records linked to the 2007 Buick Lucerne, almost exclusively used by Justice Ketchum between 2012 and 2016. Analysis of these records finds that the vehicle was primarily used by Justice Ketchum to commute from his home in Huntington, West Virginia to the Capitol. As evidence of this, 275 of the 312 documented fuel purchases between 2012 and 2016, or approximately 88 percent, were made in Huntington, Milton, or Barboursville within 20 miles of Justice Ketchum's home. Over the course of these four and a half years, Justice Ketchum put approximately 78,000 miles on the 2007 Lucerne. Because the Supreme Court did not maintain records documenting the business and personal mileage in any form whatsoever, **all use of the vehicle is considered taxable income to Justice Ketchum.**

Under the general valuation rule for fringe benefits established by the IRS, the amount to include in income is the FMV. The FMV is generally the lease value of the vehicle. Although the IRS provides three different methods for determining the FMV of using an employer-provided vehicle to drive from one's home to place of employment, only one method is allowable in these circumstances. IRS Publication 15B describes:

- the *Commuting Rule*,
- the *Vehicle Cents-Per-Mile Rule*, and
- the *Automobile Lease Valuation Rule*.

The *commuting rule*, which is calculated by multiplying the number of one-way commuting trips by \$1.50, cannot be used by any of the Justices because they are *Control*

**Employees.** By definition, an elected official in a governmental organization (the Justices) is defined as a “control employee”, according to the IRS. Publication 15B states:

*Personal use of a vehicle by a “control employee” cannot be valued using the commuting valuation rule (\$1.50 rule).*

The *vehicle cents-per-mile rule*, which is calculated by multiplying the number of commuting miles by the Federal standard mileage rate, cannot be used for the Court’s 2007 Buick Lucerne. This is because the value of the vehicle in the year it was first made available to Justice Ketchum for commuting exceeds the IRS limit, which was \$15,900 during 2012. The 2007 Buick Lucerne used by Justice Ketchum for commuting was purchased for \$36,894, then valued at \$16,275 in 2012.

**Therefore, the automobile lease valuation rule must be used to report the Justices’ additional income.** The automobile lease valuation rule uses the FMV of the vehicle to determine the annual lease value. The vehicle FMV is calculated when the person starts driving the vehicle, and the value stays the same for four full-calendar years. Then after that, the FMV is reevaluated for the next four years. The annual lease value is then allocated to the percentage of personal use. It must be noted that generally, the statute of limitations for the IRS to assess taxes on a taxpayer expires three years from the due date of the return, unless the omitted amount is greater than 25 percent of the tax filers gross income, which then increases the statute to six years. However, no deadline applies where the IRS can establish that there is a willful attempt to evade taxes. Additionally, in the circumstance of providing a corrected W-2 to the employee, IRS section 6501(c)(3) dictates that there is no statute of limitations for penalties.

**The Supreme Court Should Have Included Taxable Fringe Benefits on Justices’ W-2s Between 2012 – 2017.**

As stated above, because there were no records maintained to determine personal vs. business use, 100 percent of the use of the vehicle is taxable. Additionally, fuel is not included in this calculation and must be added to the final amount or \$0.055 cents per mile must be added to the taxable fringe benefit calculation. Under this rule, the Supreme Court should have reported an additional income on Justice Ketchum’s W-2s.

Finally, the Supreme Court should have reported additional income for Justice Ketchum in 2016 and 2017 for reimbursements that he received from the state for traveling from his home to Charleston. This includes the \$0.15 cents per mile he claimed for “court” and the full mileage rate (\$0.545 cents per mile) he claimed for conferences or the airport in Charleston. Reimbursements for travel are only excludable from income if they are incurred for temporary travel on business away from the general area of an employee’s tax home. The tax home is considered the general vicinity of the employee’s principal place of business. In the case of the Supreme Court Justices the tax home is Charleston. In total, Justice Ketchum received \$2,477 in reimbursements.

Concerning Justice Loughry's use of the Supreme Court's vehicles, detailed records were not maintained to distinguish between the miles Justice Loughry accumulated on the vehicles and that of other employees. Although certain days were recorded in the Supreme Court's vehicle reservation system, there are no records to differentiate between the business use and personal use. *As noted earlier in the report, only 30 percent of the days Justice Loughry reserved a vehicle had a destination noted and could be substantiated that at least part of the travel was for business purposes.* However, the remaining trips had no information noted in the reservation and would be considered 100 percent taxable income to Justice Loughry. Again, the value of all use of an employer-provided vehicle is considered taxable income to the employee if separate records for business use and personal use are not maintained. It is the legal responsibility of the Supreme Court and Justice Loughry to determine the fair market value (FMV) of his use of the vehicles and report that amount to the IRS as additional income. Thus, the Supreme Court needs to calculate the number of miles driven by Justice Loughry for which there is no business purpose stated from fuel and service records and include 100 percent of the value as a taxable fringe benefit on amended W-2s.

**The Justices of the Supreme Court and the Administrative Office Were Aware That the Use of State Vehicles for Commuting and Personal Use Were Supposed to be Reported as Taxable Income.**

The tax implications regarding commuting in a state vehicle and using the vehicle for personal use were known by the Supreme Court Justices and the Administrative Office. The Legislative Auditor is aware of four sources of evidence that show Supreme Court officials were aware of the IRS requirements. The evidence is listed as follows, and then discussed in more detail:

1. A Supreme Court information technology employee had his commuting in a state vehicle reported on his W-2 as income.
2. The current Director of the Division of Financial Management – a CPA – stated that she informed the former Administrative Director that Justice Ketchum's commuting was taxable.
3. In July 2016, a former Administrative Counsel for the Court wrote a memo informing the former Administrative Director of the use of state vehicles being taxable.
4. The Justices discussed the use of state vehicles in a September 2016 administrative conference and reviewed draft policies on the use of state vehicles but took no action.

**A Supreme Court information technology employee had his commuting in a state vehicle reported on his W-2 as income.**

In 2008 – 2009, the Supreme Court supplied one of its information technology employees with a van to commute from his home to his work location. This employee used the van to work in all counties. The former Finance Manager of the Court required the employee to list dates on which he used the vehicle for commuting, then the former Finance Manager used the IRS commuter rule of \$1.50 per day to do a fringe benefit adjustment. While this is the only instance the Legislative Auditor is aware of a Court employee having his wage reporting adjusted, it is clear evidence that wages have been adjusted for at least one.

**The current Director of the Division of Financial Management – a CPA – stated that she informed the former Administrative Director that Justice Ketchum's commuting was taxable.**

At some point after the Court's current Director of the Division of Financial Management became aware of Justice Ketchum's commuting from Huntington in a state vehicle, she stated that she informed the Court's former Administrative Director that it was a taxable event under the IRS Taxable Fringe Benefit guidelines. At that time, she was not involved in payroll or the production or accuracy of employee W-2s. This was the responsibility of Human Resources/Payroll which was a separate division. She informed the Legislative Auditor that she did not know whether the benefit was ever reported on Justice Ketchum's W-2s.

**In July 2016, a former Administrative Counsel for the Court wrote a memo informing the former Administrative Director of the use of state vehicles being taxable.**

At the request of Justice Robin Davis, on July 21, 2016, the former Administrative Counsel for the Supreme Court submitted a memorandum by email to the former Administrative Director which discussed the use of state owned vehicles. The full memorandum is in Appendix F of this report. In it, the former Administrative Counsel outlined: Legislative Rule Title 148, Series 3 regarding State Owned Vehicles in which "commuting" and "official business" are defined; the Legislative Auditor's Office report on the former Commissioner of the Division of Corrections and his travel expenses; the IRS Commuting Rule (IRS Publication 15-B); the Code of Judicial Conduct regarding extrajudicial activities, reimbursement of expenses, and reporting requirements; and the applicability to the Judiciary of state rules governing use of state vehicles. Notably, the former Administrative Counsel closed the memorandum with a section on "Possible Consequences of Improper Use of State Vehicles." He wrote:

*Use of a state vehicle in a manner that contravenes the provisions of an applicable West Virginia legislative rule, or an Internal Revenue Service (IRS) regulation, could result in a determination that untaxed wages were accrued that must be reported to the IRS.*

*Contravention of the relevant provisions of the Code of Judicial Conduct could result in the filing of an ethical violation complaint with the Judicial Investigations Commission.*

According to the Justice's Administrative Conference Agenda dated August 29, 2016, the July 21, 2016 memorandum from the former Administrative Counsel was provided to the Justices.

**The Justices discussed the use of state vehicles in a September 2016 Administrative Conference and reviewed draft policies on the use of state vehicles but took no action.**

According to notes, agendas, and memos regarding the Justices' administrative conferences, it appears that the issue of the Justices' use of vehicles was brought up in June 2016 by Justice Robin Davis, who requested the legal research that was outlined in the aforementioned July 21, 2016 memorandum. Justice Davis was concerned due to several news stories at that time regarding the Legislative Auditor's Office surveys concerning travel and the use of state cars. Several memoranda, including a memorandum from Justice Loughry, show that Justice Davis was questioning Justice Loughry's state vehicle use. In his memorandum Justice Loughry stated that:

*This fishing expedition is also clearly retaliation for inquiries I made regarding the unilateral authorization of payments by our (former) Court administrator Steve Canterbury, to Mark Starcher totaling approximately \$1 million and the depletion of the Court's so-called rainy day fund in the amount of \$26 million, which has never been accounted for despite numerous inquiries from more than one justice.<sup>4</sup>*

Thus, at Justice Davis's request, "Agenda Item 6" related to the Justices' use of state vehicles was included on the August 29, 2016, Administrative Conference Agenda. Although, meeting notes from Justice Ketchum indicate that the use of state vehicles was not discussed until

<sup>4</sup>The Legislative Auditor plans to review the issue of the alleged \$1 million payment and depletion of the "rainy day fund" as part of the audit of the Supreme Court of Appeals.

a meeting held on September 8, 2016. A suggested vehicle policy was discussed, yet no action was taken. According to Justice Ketchum from a memorandum dated December 7, 2017:

*I do not remember the issue of a car policy being discussed again.*

Thus, the Justices and the Administrative Office of the Supreme Court of Appeals were clearly informed of the Court's responsibility to properly account for the Justices' use of state vehicles and report the taxable fringe benefit associated with this use to the IRS.

**In October 2016, the Supreme Court Submitted Its Travel Regulations to the State Auditor's Office; Which Exempted All Justices' Travel Reimbursements from the Requirements Set Forth for All Other Court Employees in These Same Regulations.**

While the Supreme Court did not adopt a vehicle use policy after the Justices discussed the issue in a September 2016, Administrative Conference, updated travel regulations were submitted to the State Auditor's Office in October 2016. As reflected by the minutes of the Administrative Conference held on September 15, 2016, this issue arose because the State Auditor's Office would not approve Court employees' requests for travel reimbursements without an updated set of travel regulations per W.Va. Code §12-3-11(a). These regulations were updated and presented to the Court with the Justices asked to respond with a vote yes or no by Monday, September 19, 2016.

Subsequently, in the October 3, 2016 Administrative Conference, these travel regulations were discussed further. There were concerns raised regarding the limitations that the regulations would impose on the Justices' requests for travel reimbursements. This was based on the fact that the travel regulations were copied from the Court's personnel manual which applied to all Court employees and made no special consideration for the Justices. The agenda for this conference states the following:

**I. TRAVEL REGULATIONS**

**Discussion:**

*At the last Administrative Conference, the Administrative Director distributed a memorandum from Finance Director Sue Troy reporting that the newly hired travel reimbursement director in the Auditor's Office had requested a copy of the Court's travel regulations for the Auditor's Office file. Sue also referred to WV Code 12-3-11 which reinforces the Auditor's Office demand.*

*A copy of the travel regulations was distributed and the Administrative Director hoped to get approval of these regulations so that they could be sent to the Auditor's Office. However, several points were made regarding the limitations that these regulations could impose on Justices' requests for reimbursement. The regulations, incidentally, were just copied verbatim from the Personnel Manual. [Emphasis Added]*

*Therefore, an addition has been made to the regulations, an addition which will not be part of the Personnel Manual since it applies only to the Justices and to no other employee. The entire set of regulations is attached. However, for ease of discussion, the additional passage is as follows:*

#### **10.4 JUSTICES' TRAVEL**

*An expense account submitted by a Justice of the West Virginia Supreme Court of Appeals shall be honored irrespective of any of the language in these travel regulations. [Emphasis Added]*

The minutes of this same conference show that the matter concerning the adoption of the proposed travel regulations was discussed and, by a unanimous vote, the Court approved the travel regulations with one minor revision to the addition of *10.4 Justices' Travel*. This revised language stated, "An expense account submitted by a Justice of the Supreme Court of Appeals pursuant to Judicial Branch policies shall be honored irrespective of any of the language in its travel regulations submitted to the State Auditor's Office.

The Court's travel regulations granted special rules for the Justices' use of rental cars. However, this revision to these regulations went further than granting the Justices special treatment regarding rental cars, it exempted them entirely. The Legislative Auditor questions the purpose of these travel regulations, if they are not to be applied equally to all employees of the Court and if, in exempting the Justices, it creates a situation of disparate treatment. Further, the Legislative Auditor questions whether exempting the Justices from those regulations has contributed to or justified excessive and unnecessary travel expenses.

#### **Conclusion**

The Legislative Auditor finds that the instances documented in this report, taken together with media reports, show a complete lack of regard for the principles of fiscal prudence and responsibility. The decision by the Court to not follow federal and state tax laws is particularly troublesome given the substantial evidence that suggests the Court did, in fact, know how to properly calculate and apply the taxable income from these fringe benefits going back to at least 2012.

The July 2016 legal memorandum regarding the appropriate use of state vehicles explained in great detail the ways in which the Court's usage of state vehicles could run afoul of state law, IRS tax laws, the State Ethics Act, and the Code of Judicial Ethics. The memorandum, went so far as to provide an example from the Legislative Auditor's reports of inappropriate usage of state vehicles. And yet, the issues identified in this report are many of the same issues warned against in the Court's own legal research that was written nearly two years ago.

The Legislative Auditor will continue his review of the use of vehicles and state assets by other Justices, former Justices, and other former and current Court staff. As information is

continually being received, the Legislative Auditor will assess the applicability of additional findings.

#### Recommendations

- 1.1 *The Legislative Auditor recommends that the Supreme Court of Appeals of West Virginia immediately suspend use of state vehicles by its employees without requiring documentation by any driver that the use of the vehicle is clearly for business purposes only.*
- 1.2 *The Legislative Auditor recommends that the Supreme Court of Appeals of West Virginia adopt a written policy on the use of state vehicles. At a minimum the policy should clearly outline the requirement that Supreme Court employees document the purpose for travel and the recording of odometer readings before and after each use. This policy should be provided to the Post Audits Subcommittee during its May 2018 meeting.*
- 1.3 *The Legislative Auditor recommends that the Supreme Court of Appeals of West Virginia amend the yearly W-2s for Justice Ketchum based on issues contained in this report. The Supreme Court should report the status of this recommendation to the Post Audits Subcommittee at its May 2018 meeting.*
- 1.4 *The Legislative Auditor recommends that the Supreme Court of Appeals of West Virginia use gas purchase records and service records to determine the total number of miles driven by Justice Loughry for non-business purposes. The Supreme Court should then calculate taxable fringe benefits for the personal use by Justice Loughry of state vehicles and any other state property that should be reported as income. The Supreme Court should amend Justice Loughry's W-2s for personal use of state vehicles. The Supreme Court should report the status of this recommendation to the Post Audits Subcommittee at its May 2018 meeting.*
- 1.5 *The Legislative Auditor recommends that the Legislature consider updating West Virginia Code §6-7-5 to clarify its intent for whether Justices of the Supreme Court of Appeals of West Virginia are eligible for travel reimbursement for attending Court. The Legislature should also consider increasing the reimbursement amount of \$0.15 cents per mile for circuit judges traveling out of his or her home county to preside over court in another county.*
- 1.6 *The Legislative Auditor recommends that the Supreme Court of Appeals of West Virginia adopt and submit new travel regulations with the West Virginia State Auditor's Office that are applied equally to all employees, including the Justices.*

**Issue 2: Supreme Court Justice Ketchum Has Repaid the State \$1,663.81 for Incorrect Travel Reimbursements.**

During the Legislative Auditor's review of various travel expense reimbursements made to the Justices of the Supreme Court, six instances were noted where Justice Ketchum was reimbursed for mileage associated with the use of a personal vehicle, when in fact he had used the 2007 Buick Lucerne owned by the Supreme Court. After being informed of these instances by the Legislative Auditor, **Justice Ketchum promptly repaid the state in the amount of \$1,495.33** for the mileage reimbursements he should not have received. He cited that an employee at the time must have made a mistake, and these errors were not caught prior to him being reimbursed for the mileage in question. The amount of erroneously reimbursed mileage to Justice Ketchum is detailed in the table below.

Date	Trip Purpose/Location	Amount Repaid
May 15-18, 2012	Spring Circuit Judges Conference / Pipestem, WV	\$109.89
July 20-25, 2012	CCJ/COSCO Conference / St. Louis, MO	\$509.49
September 30, 2012	Duke Law School Civil Legal Aid Panel / Durham, NC	\$379.62
October 2-5, 2012	Fall Judicial Conference / Morgantown, WV	\$174.28
May 6-8, 2013	Spring Judicial Conference / Bridgeport, WV	\$145.77
June 26-29, 2013	Fourth Circuit of Appeals Conference / White Sulphur Springs, WV	\$176.28
<b>Total</b>		<b>\$1,495.33</b>

Further, we noted one additional instance where a travel reimbursement was submitted twice for the same trip, resulting in Justice Ketchum receiving a reimbursement of \$168.48 that he should not have received. Again, after being informed by the Legislative Auditor of this error, **Justice Ketchum immediately reimbursed the state for \$168.48**. Further review of travel reimbursements of the other current Justices is still ongoing, and any issues found will be reported at a later date.

**Issue 3: Personal Use of State Vehicles and an Antique Desk May Violate the Ethics Act's Provision Prohibiting the Use of Public Office for Private Gain.**

W.Va. Code §6B-2-5(b) establishes a proscription against the personal use of state-owned resources:

*A public official or public employee may not knowingly and intentionally use his or her office or the prestige of his or her office for his or her own private gain or that of another person.*

The use of public resources for personal purposes without specific legal authority is a violation of this provision.

**Justice Ketchum's Use of State Vehicles May Violate the Ethics Act.**

As previously discussed in this report, Justice Ketchum used the Court's 2007 Buick Lucerne for both commuting to Charleston from his home in Huntington, West Virginia and for several personal trips out of state. In addition, he used the state's gas card to purchase fuel for his commute and personal trips. To the extent that the use of the vehicle and gas card were for Justice Ketchum's private gain, his actions may constitute a violation of the West Virginia Ethics Act.

**Justice Loughry's Use of State Vehicles, Rental Cars, and Antique Desk May Violate the Ethics Act.**

Also, as previously described in this report, the Legislative Auditor's review of Justice Loughry's use of state vehicles and his use of rental cars while attending out of town conferences appears to have been at least partially for personal use. Justice Loughry's personal use of state-funded vehicles could constitute private gain, and potentially violates the Ethics Act.

In 2013, Justice Loughry had an antique desk brought to his home from the Office of the Supreme Court. The desk, referred to as a "Cass Gilbert desk", was an original desk used by Supreme Court Justices when the East Wing of the Capitol opened in 1927. The desk is owned by the State of West Virginia and has been appraised at \$42,000. Following a media inquiry regarding the propriety of having state property inside a personal residence, Justice Loughry returned the desk to the Court.

In 2013, the West Virginia Ethics Commission addressed a "common misconception" that public employees may use public equipment for personal purposes so long as it is not for commercial purposes and does not interfere with the government's use of the property. The commission rejected this proposition and declared that the test for a violation of the statute is not the cost to the state, but the benefit that public official or employee enjoys from the use of the state property. In Advisory Opinion No. 2012-52 dated February 10, 2013, the Ethics Commission stated:

*[I]f an individual derives a benefit from the use of public equipment, that constitutes a private gain. Even if an individual's use does not result in a cost to the government, still the individual benefitted from the use of the public equipment. Absent access to the use of public equipment, the individual would have incurred the expense of renting or purchasing the equipment.*

Based upon the Ethics Commission's prior opinions, it appears that Justice Loughry's use of state equipment for personal purposes could constitute private gain and possibly violate the Ethics Act.



The West Virginia Ethics Commission has the jurisdiction to determine whether these uses of state property are a violation of the Ethics Acts, and the Legislative Auditor has reported its concerns to the commission and defers to its determinations as to whether any violations have occurred.

**Issue 4: The Supreme Court Did Not Comply with §17A-3-23(a) Which Requires a License Plate on the Front of State Vehicles.**

Under W.Va. Code §17A-3-23(a) any passenger vehicle owned or leased by the State of West Virginia:

*...may not be operated or driven by any person unless it has displayed and attached to the front thereof, ... A plate of the same size as the regular registration [plate with white lettering on a green background bearing the words "West Virginia" in one line and the words "State Car" in another line...*

An on-site inspection by the Legislative Auditor of three WV Supreme Court of Appeals' fleet vehicles found a lack of the required green and white plate on the front of those vehicles. The 2013 gray Chevy Impala, the 2012 black Buick LaCrosse, and the 2007 Black Dodge Caravan are all lacking front plates as required by W.Va. Code §17A-3-23(a). **The failure to display the required plate increases the risk of improper usage of the vehicle.** It inhibits the public's ability to report instances of what is perceived to be improper usage, possibly creating an issue of transparency. The Legislative Auditor recommends that the Supreme Court of Appeals comply with W.Va. Code §17A-3-23(a).

**Recommendation**

*4.1 The Legislative Auditor recommended the Supreme Court of Appeals of West Virginia comply with West Virginia Code §17A-3-23(a) and add front plates to its vehicles in accordance with this code section.*

*April 12, 2018 The Supreme Court complied to the Legislative Auditor's recommendation and has brought their vehicles into accordance with §17A-3-23(a).*





Appendices

**Appendix A**  
**WEST VIRGINIA LEGISLATIVE AUDITOR'S OFFICE**  
*Post Audit Division*

1900 Kanawha Blvd. East, Room W-329  
 Charleston, WV 25305-0610  
 (304) 347-4880



Denny Rhodes  
 Director

March 29, 2018

Gary L. Johnson, Administrative Director  
 Office of the Courts  
 1900 Kanawha Boulevard East  
 Building One, Room E-100  
 Charleston, WV 25301

Dear Director Johnson:

This is to transmit a draft copy of the West Virginia Supreme Court audit report. This report is scheduled to be presented during the April 16, 2018 interim meeting of the Post Audits Subcommittee. We will inform you of the exact time and location once the information becomes available. It is expected that a representative of the agency be present at the meeting to respond to the report and answer any questions committee members may have during or after the meeting.

We need to schedule an exit conference to discuss any concerns you may have with the report. Please notify Nathan Harris, Assistant to the Director at 304-347-4880 by April 3, 2018. In addition, we need your written response by noon on Thursday, April 12, 2018 in order for it to be included in the final report.

Please understand, the enclosed is a working draft. It is our practice with every agency to provide a draft report prior to release of the final version. This practice allows time for the agency to discuss corrections and areas of disagreement prior to the agency's official response. Thank you for your cooperation.

Sincerely,

Denny Rhodes

Enclosure

cc. Chief Justice Margaret L. Workman  
 Justice Robin Jean Davis  
 Justice Menis E. Ketchum, II  
 Justice Allen H. Loughry II  
 Justice Elizabeth D. Walker

## Appendix B

### Objective, Scope, and Methodology

The Post Audit Division within the Office of the Legislative Auditor conducted this audit pursuant to Chapter 4, Article 2, Section 5 of the *West Virginia Code*, as amended.

#### Objectives

This is the first in a series of audits of the Supreme Court of Appeals of West Virginia. The first issue contained several audit objectives. The initial objective was to determine whether the Justices used the Court's vehicles for commuting and/or personal use, to what extent those vehicles were used for commuting and/or personal use, and whether the taxable fringe benefits were appropriately included on the Justices' W-2s. When it was determined that the taxable fringe benefits were not included, an objective was to determine why the taxable fringe benefits were not included, and if the Justices and/or Administrative Office of the Supreme Court were aware that the benefits should be reported. An additional objective was to determine the frequency that Justice Loughry rented vehicles paid for by the State during out-of-state conferences, and whether the vehicles were for personal use. The objective of the second issue was to calculate Justice Ketchum's incorrect travel reimbursements from 2012 – 2018. Issues three and four were identified as concerns during the course of the audit that need to be addressed by the West Virginia Ethics Commission and the Supreme Court respectively.

#### Scope

The scope of this audit consists of the use of state-owned vehicles by Justice Ketchum from 2012 – 2018 and Justice Loughry from 2013 – 2018. The scope for the vehicles rented by Justice Loughry was from 2013 to 2018. Evidence gathered includes all reservations made in the Supreme Court's vehicle reservation system; travel expense reimbursements; rental car receipts and documentation; memos, Justice Administrative Conference notes, and other documents discussing the Court's use of state-owned or rented vehicles; and maintenance and fuel card records for the Court owned Buicks for use by the Justices. The auditors did not complete a full analysis on the use of these assets by all Justices and Court employees, and while subsequent reports may focus on additional Justices and employees' usage of state-owned and rented vehicles, it is not the intention of the Post Audit Division to audit the use of state assets by every employee of the Court over the scope of this audit.

#### Methodology

Post Audit staff gathered and analyzed many sources of information and assessed the sufficiency and appropriateness of the information used as evidence. Testimonial evidence was gathered through interviews with various individuals who oversee, collect, or maintain information for the Court. The purpose for testimonial evidence was to gain a better understanding or clarification of certain issues, to confirm the existence or non-existence of a condition, and/or to understand the Court's position on an issue. Such testimonial evidence was confirmed by either written statements or the receipt of corroborating or physical evidence.

Auditors requested and received documentation from the Supreme Court Justices and staff in order to conduct this audit, including policies, memos, Administrative conference minutes, and other documentation relating to the use of any state-owned or rented vehicles by Justices and employees of the Court. Auditors also analyzed travel reimbursements, fuel card records, Court vehicle reservation records, and vehicle service records to determine the usage of the vehicles.



Appendix C  
**SUPREME COURT OF APPEALS OF WV**  
**2016 JUDICIAL CALENDAR**

Court    Conference    Judicial Conference    Holidays ☒    Sine Die ○

**JANUARY** January 2016 Term

SUN	MON	TUE	WED	THU	FRI	SAT
						1
3	4	5	6	7	8	9
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**FEBRUARY** January 2016 Term

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28	29					

**MARCH** January 2016 Term

SUN	MON	TUE	WED	THU	FRI	SAT
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March 1 - WVU College of Law

**APRIL** January 2016 Term

SUN	MON	TUE	WED	THU	FRI	SAT
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**MAY** January 2016 Term

SUN	MON	TUE	WED	THU	FRI	SAT
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May 24-26 - Judicial Conference

**JUNE** January 2016 Term

SUN	MON	TUE	WED	THU	FRI	SAT
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**SEPTEMBER** September 2016 Term

SUN	MON	TUE	WED	THU	FRI	SAT
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**OCTOBER** September 2016 Term

SUN	MON	TUE	WED	THU	FRI	SAT
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October 18-20 - Judicial Conference

**NOVEMBER** September 2016 Term

SUN	MON	TUE	WED	THU	FRI	SAT
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**SUPREME COURT OF APPEALS OF WV**  
**2017 JUDICIAL CALENDAR**

Court  Conference  Judicial Conference  Holidays  Sine Die

**JANUARY**  
January 2017 Term

SUN	MON	TUE	WED	THU	FRI	SAT
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**FEBRUARY**  
January 2017 Term

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**MARCH**  
January 2017 Term

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February 28 - WVU College of Law

**APRIL**  
January 2017 Term

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**MAY**  
January 2017 Term

SUN	MON	TUE	WED	THU	FRI	SAT
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**JUNE**  
January 2017 Term

SUN	MON	TUE	WED	THU	FRI	SAT
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April 4 - LAWS (Parsons)

May 9-11 - Judicial Conference

**SEPTEMBER**  
September 2017 Term

SUN	MON	TUE	WED	THU	FRI	SAT
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**OCTOBER**  
September 2017 Term

SUN	MON	TUE	WED	THU	FRI	SAT
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**NOVEMBER**  
September 2017 Term

SUN	MON	TUE	WED	THU	FRI	SAT
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19	20	21	22	23	24	25
26	27	28	29	30		

September 6 - Independence Hall, Wheeling

October 24-27 - Judicial Conference

Appendix D

**SUPREME COURT OF APPEALS  
STATE OF WEST VIRGINIA**GARY L. JOHNSON  
ADMINISTRATIVE DIRECTORADMINISTRATIVE OFFICE  
BUILDING 1, ROOM E-100  
1900 KANAWHA BOULEVARD, E.  
CHARLESTON, WV 25305-0832  
(VOICE) 304/558-0146  
(FAX) 304/558-1212  
[www.courtswv.gov](http://www.courtswv.gov)M E M O R A N D U M

TO: Justice Menis Ketchum  
FROM: Gary L. Johnson   
DATE: March 29, 2018  
SUBJECT: Amended W-2's

Per your instructions and our agreement, we are issuing you amended W-2's for your use of the 2007 Buick Lucerne.

## Appendix E

### Travel Regulations for Court Employees

#### SECTION 10: TRAVEL REGULATIONS

*The regulations set out in this section supersede the travel regulations previously promulgated by the Supreme Court of Appeals, effective October 3, 2016.*

##### 10.1 GENERAL PROVISIONS

- A. An employee's official headquarters is the same as that of the court for which he or she works. A judge's county of residence determines his or her headquarters within the Circuit. If a judge's employee's headquarters is different from that of the judge, such different headquarters must be designated by the Chief Judge in writing and approved by the Chief Justice. An employee will not be reimbursed for commuting from his or her residence to headquarters, except for judges as provided in W.Va. Code § 6-7-5 and for judges' secretaries and court reporters or electronic recording operators who demonstrate an undue burden to, and receive approval by, the Administrative Director. The Administrative Director will consider requests on a case-by-case basis, and determination of whether undue burden is demonstrated shall be in his or her sole discretion.
- B. Individuals conducting official business or who are being interviewed for employment within the state judicial system will be allowed reimbursement for expenses under the regulations of this section.
- C. The standard state *Travel Expense Account* form (available on the publicly accessible internet) must be used for submission of all claims. Claim items and amounts must be listed day-by-day for each date of travel, and receipts must be attached for items requiring documentation. The claimant must sign the expense account. Expense accounts of employees other than judges must be certified by the appropriate supervising Circuit Judge, Chief Magistrate, or chief probation officer; all other expense accounts must be certified by an Administrative Office staff member having signature authority.
- D. No "miscellaneous" listing claimed on an expense account will be reimbursed.
- E. Expenses paid by or reimbursed by a third party will not be otherwise reimbursed.

- F. The following expense claims, if otherwise allowable, require documentation submitted with the expense account:
1. Airfare: original customer receipt portion of the airline ticket. The Administrative Office has a direct-billing arrangement with National Travel for booking airfare. Call the Administrative Office Finance Division for details;
  2. Lodging: original hotel bill showing full credit or zero balance, the original customer copy of the credit card slip, or a photocopy of both sides of the cancelled check together with the original hotel bill;
  3. Parking: original receipt;
  4. Ground transportation (taxi, airport bus, van, or limo; car rental and gasoline): original receipt;
  5. Conference tuition, registration, or other fees for educational opportunities: original receipt or photocopy of both sides of cancelled check – unless, for out-of-state conferences, billed directly to the Supreme Court.
- G. Expense accounts for in-state conferences and for out-of-state travel must be submitted within one month of the return date. Expense accounts for other in-state travel must be submitted within three months of any date of travel.

#### 10.2 IN-STATE TRAVEL

- A. TRANSPORTATION -- PERSONAL VEHICLE: Reimbursement will be allowed for driving, by the most direct and/or practical route, from and return to headquarters to perform duties or engage in other approved activities. The mileage reimbursement rate follows that set annually by the United States General Services Administration. Charges for tolls, parking or other travel expenses must be documented by original receipt.
- B. TRANSPORTATION -- RENTAL VEHICLE
1. Except for vehicles rented by Supreme Court Justices, reimbursement will be allowed for car rental only if the Administrative Director or his designee has granted approval in advance, and rental cars must be driven within the travel requirements for personal vehicles;
  2. Allowable reimbursements will be for rental charges (but not optional insurance) and gasoline, both of which must be documented by original

receipts; toll charges; and parking, which also must be documented by an original receipt.

C. TRANSPORTATION: COMMON CARRIER OR PUBLIC CONVEYANCE

1. Reimbursement will be allowed for commercial airline, train, or bus (at tourist or economy rates, unless the travel time exceeds three hours).
2. The Administrative Office has a direct-bill arrangement for booking airfare. Contact the Finance Division for details. Otherwise, allowable reimbursement will be for the following: ticket or supersaver reduced-price airfare cost, which must be documented by original customer ticket stub, original receipt, or photocopy of both sides of cancelled check; mileage; and parking (the latter must be documented by original receipt). The Administrative Director may approve reimbursement to employees holding a non-refundable airline ticket if approved travel is cancelled for a reason deemed by the Administrative Director to be an unavoidable emergency.
3. Reimbursement for ground transportation expense at destination site will be allowed only from airport or station to hotel and return (which must be documented by original receipt).

D. LODGING

1. Reimbursement or direct billing to the Supreme Court will be allowed for overnight stays more than 40 miles from headquarters when required for the employee to perform official duties or to engage in other approved activities.
2. Allowable reimbursement or direct billing to the Supreme Court will be at the single-occupancy (and, if available, government or conference) rate; the cost (unless direct-billed) must be documented by the original hotel bill showing full credit or a zero balance; or by either the original customer copy of the credit card slip or a photocopy of both sides of the cancelled check together with the original hotel bill.
3. Reimbursement will be allowed for necessary transfer or storage of baggage on the check-in or check-out dates not to exceed 10% of the daily single-occupancy hotel rate, with presentation of receipt.
4. No reimbursement will be allowed for such extra hotel charges as entertainment, bar bills, laundry, valet service, or personal telephone calls or for any lodging or meal charges for an employee's guest(s).

## E. MEALS

1. Reimbursement for meals will be allowed (except for judges receiving the statutory *per diem*) when travel outside an employee's headquarters county is required to perform official duties or to engage in other approved activities when there is an overnight stay away from home.
  2. Reimbursement is limited to actual expenses for food, service, and gratuities, not to exceed the Authorized Daily Rates as established by the U.S. General Services Administration (GSA), accessible on the internet at <http://www.gsa.gov/portal/content/104877>. Specifically excluded are alcoholic beverages and entertainment expenses. Where a percentage of the maximum daily rate is used, the traveler may round the calculated amount up to the next whole dollar.
  3. When meals are provided for a traveling employee, the employee must deduct from the maximum daily rate as detailed by the GSA in the online chart of Meals and Incidental Expenses (M&IE) Breakdown, accessible online following links from the above web address.
  4. On the first and last days of travel on a multi-day trip, the meal reimbursement rate is 75% of a full travel day's rate, regardless of arrival and departure time. As in Subsection 3 above, if meals are provided on these days, meal expenses submitted for reimbursement must be deducted accordingly.
  5. Employees who attend a banquet at a conference sponsored by the Supreme Court may be reimbursed for the banquet cost or have the cost directly billed to the Supreme Court, regardless of the event location.
  6. The costs of all coffee breaks or refreshments during functions sponsored by the Supreme Court will be paid directly by the Court and will not reduce the meal allowance for personnel participating in the functions.
- F. DIFFERING REGULATIONS FOR EDUCATION TRAVEL: For specific variations in allowances for education-related travel, prevailing over this section's regulations, see Section 9., which follows below.
- G. CIRCUIT JUDGE OUT-OF-COUNTY DUTY TRAVEL: A Circuit Judge traveling outside of his or her county of residence to hold court may opt either for the *per diem* allowance under W.Va. Code § 6-7-5 or for expense reimbursement under the regulations above.

## 10.3 OUT-OF-STATE TRAVEL

- A. APPROVAL: All out-of-state travel, except that made by Supreme Court Justices, must be approved in advance by the Administrative Director or Director of Judicial Education or either of their designees. Requests by employees other than Circuit Judges, unless initiated by the Administrative Director, must be recommended by the selecting authority. Requests must include information sufficient to show justification and estimated costs. An exception to the approval requirement and procedure above is that expense accounts by probation officers for out-of-state duty travel need only be accompanied by a court order directing such travel.
- B. CONFERENCE TUITION, REGISTRATION, AND OTHER FEES: Unless billed directly to the Supreme Court, reimbursement will be allowed at actual cost for approved seminars, workshops, or conventions as documented by original receipt or photocopy of both sides of a cancelled check.
- C. TRANSPORTATION: Allowances for transportation will be the same as previously described for in-state travel, except when out-of-state travel is by personal auto, reimbursement for transportation, meals, and hotel together on the days en route may not exceed the round-trip coach fare for travel by commercial airline to and from the destination.
- D. LODGING: Allowances for lodging will be the same as previously described, except for approved attendance at programs conducted by the National Judicial College, the American Academy of Judicial Education, the National Center for State Courts, and other national providers. In these instances, reimbursement will be limited to the amounts charged for the accommodations provided or made available by the program sponsor.
- E. MEALS: meal expenses are reimbursed as previously described for in-state travel.
- F. CASH ADVANCES
  - 1. The Administrative Director, the Director of Judicial Education, or either of their designees for doing so may, upon timely request, approve a cash advance for out-of-state travel.
  - 2. A request for a cash advance for out-of-state travel must be communicated to the Administrative Office at least three weeks in advance of the expected departure date.
  - 3. A cash advance reflects an estimate of expenses to be incurred for approved out-of-state travel. A cash advance is not a minimum

allowance or guarantee, and any surplus (amount beyond actual allowable expenditures) must be refunded to the state at the time of settlement by the employee who received the advance.

4. Anyone receiving a cash advance is personally responsible for filing actual allowable expenses and making final settlement, through the Administrative Office, within one month after the return date of the out-of-state trip.

#### 10.4 JUSTICES' TRAVEL

An expense account submitted by a Justice of the West Virginia Supreme Court of Appeals pursuant to Judicial Branch policies shall be honored irrespective of any of the language in these travel regulations.

### SECTION 9: EDUCATION TRAVEL REGULATIONS

- 9.3 **MILEAGE REIMBURSEMENT:** Employees may receive reimbursement for mileage to attend approved education courses offered outside the county of residence. Reimbursement will be for actual mileage from work place or residence to the course or program location and return. Reimbursement for such expenses is subject to Supreme Court travel regulations and any further limitations set in particular instances by the Director of Judicial Education or the Administrative Director.
- 9.4 **LODGING AND MEALS REIMBURSEMENT:** Employees may receive reimbursement for lodging and meals associated with attendance at in-state courses and programs only in special circumstances and with advance approval by the Director of Judicial Education or Administrative Director. Reimbursement for such expenses is subject to Supreme Court travel regulations and to any further limitations set in particular instances by the Director of Judicial Education or Administrative Director.
- 9.5 **APPLICATION AND REIMBURSEMENT PROCEDURES:** Employees must submit the following to the Director of Judicial Education:
  - A. Approved, signed *Application for Education Benefits* (form available on the publicly accessible internet);
  - B. Within six weeks after the successful completion of the college course: a completed *Employee Reimbursement Request* form (available on the publicly accessible internet), together with either an original receipt for tuition and/or

registration fees, OR two photocopies of both sides of the canceled check for tuition and/or registration fees.

- C. If reimbursement has been approved for mileage, lodging, and/or meals, submit a separate *Travel Expense Account* (form available on the publicly accessible internet.) Reimbursement for such expenses is subject to Supreme Court travel regulations and to any further limitations set in particular instances by the Director of Judicial Education or Administrative Director.

#### 9.6 OUT-OF-STATE EDUCATION PROGRAMS

Requests to attend out-of-state education programs at state expense must be submitted to the Administrative Director or Director of Judicial Education for approval. Requests by personnel other than judges, unless initiated by the Administrative Director, must be accompanied by a favorable recommendation from the supervising judge. Cash advances and/or reimbursement allowances for attendance at out-of-state programs are governed by the Supreme Court travel regulations.

## Appendix F

## MEMORANDUM

TO: Steven D. Canterbury, Administrative Director  
 FROM: J. Kirk Brandfass, Administrative Counsel  
 DATE: July 21, 2016  
 RE: State Owned Vehicles

**Legislative Rule****Title 148, Series 3: State Owned Vehicles**

In West Virginia, "[l]egislative power may be constitutionally delegated to an administrative agency to promulgate rules and regulations necessary and proper for the enforcement of a statute. W. Va. Const. art. VI, § 1; art. V, § 1." Syl. Pt. 3, *State ex rel. Callaghan v. W. Va. Civil Serv. Comm'n*, 166 W.Va. 117, 273 S.E.2d 72 (1980). W. Va. Code § 29A-1-2(d) [1982], and such a legislative rule has the force and effect of law." Syl. Pt. 5, *Smith v. W. Va. Human Rights Comm'n*, 216 W.Va. 2, 602 S.E.2d 445 (2004). *State ex rel. State Farm Mut. Auto. Ins. Co. v. Bedell*, 226 W. Va. 138, 143, 697 S.E.2d 730, 735 (2010).

Legislative rules are those "affecting private rights, privileges or interests," in what amounts to a legislative act. W. Va. Code, 29A-1-2(j) (1982). Legislative rules have "the force of law []" W. Va. Code, 29A-1-2(d) (1982). See also *Chico Dairy Co. v. West Va. Human Rights Comm'n*, 181 W.Va. 238, 382 S.E.2d 75 (1989) (to be valid, the promulgation of legislative rules must be authorized by the West Virginia Legislature). *Appalachian Power Co. v. State Tax Dep't of W. Virginia*, 195 W. Va. 573, 583, 466 S.E.2d 424, 434 (1995).

Title 148, Series 3, of the *West Virginia Code of State Rules* [2015], is designated "State Owned Vehicles." This rule was passed by the West Virginia legislature on March 14, 2015, and became effective on July 1, 2015.

§ 148-3-1.1, designated "Scope," provides "[t]his Rule governs all State owned vehicles and aircraft, including the minimal requirements for all state spending units that have a state vehicle and/or aircraft in their possession."

§ 148-3-2.3, provides, "'Commuting' means an employee who has a state vehicle assigned to them, whether permanently assigned or temporarily assigned, and they drive the vehicle to and from their home and office."

§ 148-3-2.11 provides, "'Official business' means business on behalf of the State of West Virginia."

§ 148-3-2.17 provides, "State owned vehicle" means a vehicle owned by the State of West Virginia."

§ 148-3-9.3.2 provides that a State owned vehicle "cannot be used for personal purposes except for de minimis personal use as allowed by the Internal Revenue Service (IRS) Publication 15-B, *Employer's Tax Guide to Fringe Benefits*, published under U.S. Code Title 26."

IRS Publication 15-B, on page 18, in a section designated "De Minimis Benefits," provides, "[y]ou can exclude the value of any de minimis transportation benefit you provide to an employee from the employee's wages. A de minimis transportation benefit is any local transportation benefit you provide to an employee if it has so little value (taking into account how frequently you provide transportation to your employees) that accounting for it would be unreasonable or administratively impracticable. For example, it applies to occasional transportation fare you give an employee because the employee is working overtime if the benefit is reasonable and isn't based on hours worked."

#### **Legislative Auditor's Office: Compliance Audit**

A compliance audit of practices utilized by the West Virginia Division of Corrections, which audit was conducted by the Legislative Auditor's Office for the period of July 1, 2013, through June 30, 2014, (hereinafter, "Auditor's Report") stated that "1. Legislative 148-3 subsection 9.3 requires that the [State] vehicle be 'assigned to an employee that has been required by the spending office *in writing* to commute to and/or from work for bona fide noncompensatory reasons.'" (emphasis in the original)

Pursuant to IRS guidelines, in order for a travel expense to be deductible, the employee must be traveling away from home or on a temporary assignment or job. IRS Pamphlet 463 explains that an employee's "tax home" is, generally, "your regular place of business or post of duty, regardless of where you maintain your family home and includes the entire city or general area in which their place of business is located." Therefore, if a person were to use a State owned vehicle to travel from Charleston, their tax home, to their family home, for non-business purposes, those travel expenses would not qualify as a deductible travel expense. Rather, any amounts reimbursed for such travel would have to be reported as wages, and would be taxed as wages.

As set out in the Auditor's Report, "[i]f the IRS stipulated that in order for a travel expense to be deductible, the employee must be traveling away from home on a temporary assignment or job. The IRS generally defines an employee's tax home as "your regular place of business or post of duty, regardless of where you maintain your family home and includes the entire city or general area in which their place of business is located." The Auditor's Report then summarized the factual situation that was being addressed:

"With the application of IRS Publication 463, it was determined the former Deputy Commissioner's tax home was Charleston, WV because it was his official headquarters. As a result, when the former Deputy Commissioner traveled to Charleston, WV from his home, it did not qualify as a deductible travel expense per the IRS definitions. Therefore, any amounts reimbursed by DOC for travel expenses should have been reported as wages paid to the former Deputy Commissioner."

#### **IRS Commuting Rule (IRS Publication 15-B)**

Under the IRS Commuting Rule, you determine the value of a vehicle you provide to an employee for commuting use by multiplying each one-way commute (that is, from home to work or from work to home) by \$1.50. If more than one employee commutes in the vehicle, this value applies to each employee. This amount must be included in the employee's wages or reimbursed by the employee. You can use the commuting rule if all the following requirements are met.

(1) You provide the vehicle to an employee for use in your trade or business and, for bona fide noncompensatory business reasons, you require the employee to commute in the vehicle. You will be treated as if you had met this requirement if the vehicle is generally used each workday to carry at least three employees to and from work in an employer-sponsored commuting pool.

(2) You establish a written policy under which you don't allow the employee to use the vehicle for personal purposes other than for commuting or de minimis personal use (such as a stop for a personal errand on the way between a business delivery and the employee's home). Personal use of a vehicle is all use that isn't for your trade or business.

(3) The employee doesn't use the vehicle for personal purposes other than commuting and de minimis personal use.

(4) If this vehicle is an automobile (any four-wheeled vehicle, such as a car, pickup truck or van), the employee who uses it for commuting isn't a control employee. (emphasis added)

IRS Publication 15-B states that for a government employer, an elected official constitutes a "control employee."

#### **West Virginia Division of Highways Administrative Operating Procedures**

The *State of West Virginia Fleet Management Policies and Procedures Manual*, Edition 7, in Section VII, addresses the issue of commuting in connection with the use of State owned

vehicles. It defines commuting as "[t]he act of driving a vehicle, whether permanently or temporarily assigned, to and from an employee's home and office."

**Subsection 1: Commuting General:**

- 1.0 Permissible Uses:
- 1.1. State-owned or leased vehicles will not be used for the convenience of the employee.
  - 1.2. Use is required for bona fide non-compensatory business reasons with respect to the duties of the employee to which the vehicle is assigned.
  - 1.3. State-owned, leased, or rented vehicles will not be used as a compensatory mechanism to circumvent hiring, salary, longevity, or other restrictions imposed by federal, state, or spending unit directives, policies, orders, or statute.
  - 1.4. State-owned or leased vehicles will not be used for personal purposes except for de minimis personal use as allowed by the Internal Revenue Service (IRS) Publication 15-B, Employer's Tax Guide to Fringe Benefits, published under U.S. Code Title 26.
  - 1.5. State-owned or leased vehicles will not be used for commuting without formal approval by the employee's assigned cabinet secretary or designee using DOA-FM-006, Fleet Duty Appointment. Commuting vehicle authorizations may be issued for periods up to one year. In cases where the spending unit is not assigned a cabinet secretary, the Cabinet Secretary, Department of Administration, will fulfill that responsibility.

**Code of Judicial Conduct**

**Rule 3.1 Extrajudicial Activities in General**

A judge may engage in extrajudicial activities, except as prohibited by law or this Code. However, when engaging in extrajudicial activities, a judge shall not:

- (A) participate in activities that will interfere with the proper performance of the judge's judicial duties;
- (B) participate in activities that will lead to frequent disqualification of the judge;
- (C) participate in activities that would appear to a reasonable person to undermine the judge's independence, integrity, or impartiality;
- (D) engage in conduct that would appear to a reasonable person to be coercive; or

(E) make use of court premises, staff, stationery, equipment, or other resources, except for incidental use for activities that concern the law, the legal system, or the administration of justice, or unless such additional use is permitted by law.

**Rule 3.14 Reimbursement of Expenses and Waivers of Fees or Charges**

(A) Unless otherwise prohibited by Rules 3.1 and 3.13(A) or other law, a judge may accept reimbursement of necessary and reasonable expenses for travel, food, lodging, or other incidental expenses, or a waiver or partial waiver of fees or charges for registration, tuition, and similar items, from sources other than the judge's employing entity, if the expenses or charges are associated with the judge's participation in extrajudicial activities permitted by this Code.

(B) Reimbursement of expenses for necessary travel, food, lodging, or other incidental expenses shall be limited to the actual costs reasonably incurred by the judge and, when appropriate to the occasion, by the judge's spouse, domestic partner, or guest.

(C) A judge who accepts reimbursement of expenses or waivers or partial waivers of fees or charges on behalf of the judge or the judge's spouse, domestic partner, or guest shall publicly report such acceptance as required by Rule 3.15.

**Rule 3.15 Reporting Requirements**

(A) A judge shall publicly report the amount or value of:

(1) compensation received for extrajudicial activities as permitted by Rule 3.12;

(2) gifts and other things of value as permitted by Rule 3.13(C), unless the value of such items, alone or in the aggregate with other items received from the same source in the same calendar year, does not exceed \$150; and

(3) reimbursement of expenses and waiver of fees or charges permitted by Rule 3.14(A), unless the amount of reimbursement or waiver, alone or in the aggregate with other reimbursements or waivers received from the same source in the same calendar year, does not exceed \$500.

(B) When public reporting is required by paragraph (A), a judge shall report the date, place, and nature of the activity for which the judge received any compensation; the description of any gift, loan, bequest, benefit, or other thing of value accepted; and the source of reimbursement of expenses or waiver or partial waiver of fees or charges.

(C) The public report required by paragraph (A) shall be made annually by July 1 for the preceding calendar year, and must be filed as a public document in the office of the Clerk of the Supreme Court of Appeals.

#### Applicability to the Judiciary of State Rules Governing Use of State Vehicles

In *State ex rel. Lambert v. Stephens*, 200 W. Va. 802, 490 S.E.2d 891 (1997), the Court stated:

In upholding a lower court's inherent authority to order a county commission to provide security to a courthouse, the Supreme Court of Colorado reiterated the basic principle that a court holds those "powers reasonably required to act as an efficient court." *Board of County Comm'rs v. Nineteenth Judicial Dist.*, 895 P.2d 545, 547-48 (Colo.1995) (internal quotations omitted). The court also quoted one of its prior decisions where it eloquently stated that it is the responsibility and duty of the courts to be completely independent. Such independence "is not only axiomatic, it is the genius of our government.... It is abhorrent to the principles of our legal system and to our form of government that courts, being a coordinate department of government, should be compelled to depend upon the vagaries of an extrinsic will.... [I]t would interfere with the operation of the courts, impinge upon their power and thwart the effective administration of justice. These principles, concepts, and doctrines are so thoroughly embedded in our legal system that they have become bone and sinew of our state and national polity."<sup>19</sup> *Board of County Comm'rs v. Nineteenth Judicial Dist.*, 895 P.2d 545, 547-48 (Colo.1995) (quoting *Smith v. Miller*, 153 Colo. 35, 40-41, 384 P.2d 738, 741 (1963)).

Importantly, however, the Colorado court recognized the inherent power of the judiciary is not unfettered and generally is "limited to matters that are reasonably necessary for [its] ... proper functioning...." *Id.* (internal quotations omitted). The judiciary must be wary not to overstep its boundaries and violate the separation of powers doctrine it is trying to protect by encroaching upon legislative and executive affairs. It is the prudent use of the judiciary's inherent power which will advance "the public interest of a cooperative and harmonious governmental structure." *Id.* (internal quotations omitted); see also *Board of Comm'rs v. Kiddie*, 493 N.E.2d 461, 463 (Ind.1986) (finding the issue to be resolved is whether the mandate for office space "is reasonably necessary for the operation of the court or court related functions, and if so, whether the mandate adversely affects any governmental interest"); *Anderson County Quarterly Court v. Judges*, 579 S.W.2d 875, 879 (Tenn.Ct.App.1978) (holding "however broad and justifiable the use of inherent powers may be, it is not a license for unwarranted flexing of the judicial power.

The generally recognized standard for applying the inherent powers doctrine requires its use to be reasonable and necessary.”)

**Possible Consequences of Improper Use of State Vehicles**

Use of a state vehicle in a manner that contravenes the provisions of an applicable West Virginia legislative rule, or an Internal Revenue Service (IRS) regulation, could result in a determination that untaxed wages were accrued that must be reported to the IRS.

Contravention of the relevant provisions of the Code of Judicial Conduct could result in the filing of an ethical violation complaint with the Judicial Investigations Commission.

Appendix G  
**WEST VIRGINIA LEGISLATURE**  
*Joint Committee on Government and Finance*

1900 Kanawha Blvd. East, Room E-132  
Charleston, WV 25305-0610  
(304) 347-4800  
(304) 347-4819 FAX



Aaron Allred  
Legislative Manager

March 28, 2018

Justice Allen Loughry  
Supreme Court of Appeals of West Virginia  
1900 Kanawha Blvd., East, E-100  
Charleston, WV 25305

Justice Loughry:

As you are aware, we recently met with Supreme Court staff, including Sue Racer-Troy, to discuss travel expenses reported by Supreme Court staff and Justices. According to Ms. Racer-Troy, you have never reimbursed the state for personal use of state vehicles, the Cass Gilbert Desk, nor rental cars paid for by the State of West Virginia.

If Ms. Racer-Troy's statement is inaccurate, please provide our office an image of the front and back of your canceled checks by April 3, 2018. Feel free to contact me, if I can be of assistance to you in completing this request.

Sincerely,

Handwritten signature of Denny Rhodes in black ink.  
Denny Rhodes

## Appendix H



**SUPREME COURT OF APPEALS**  
CHARLESTON, WEST VIRGINIA  
25305

**MARGARET L. WORKMAN**  
CHIEF JUSTICE

April 12, 2018

Mr. Aaron Allred  
1900 Kanawha Blvd. East, Room E-143  
Charleston, WV 25305

Hand Delivered

Dear Mr. Allred:

This response is submitted on behalf of the Supreme Court of Appeals of West Virginia to the report of the West Virginia Legislative Auditor's Office, Post Audit Division, the most recent draft of which was issued on April 10, 2018. Since the beginning of this audit, the Court has provided all requested information promptly and completely, dedicated numerous staff hours to both information production and personal interviews, and otherwise cooperated fully in every way with the Legislative Auditor and his staff.

In response, the Court has made a number of reforms:

- We have consulted with the Executive Director of the West Virginia Fleet Management, Department of Administration and have adopted the State of West Virginia Motor Vehicle Use Policy. We are also joining the State Fuel and Maintenance Program available through Automotive Resources International.
- We have adopted a procedure wherein full documentation of any request for vehicle use by a Justice or employee of the Supreme Court will be required, including the purpose of the use, the destination(s), the mileage in and out, and the specific vehicle assigned.
- By April 13, 2018, all of the Court's nineteen vehicles will bear a tag identifying it as state-owned pursuant to West Virginia Code § 17A-3-23(a).

- The IRS conducted an audit of the Supreme Court beginning in April of 2017 and concluding in 2018. Based upon the results of the IRS Audit resolution process, the Court does not believe that it is necessary to issue any revised/amended W-2s for the referenced IRS Audit time frames of 2014, 2015, 2016, 2017, and 2018 through March 31. **However, at Justice Ketchum's request and insistence, the Court is in the process of issuing amended W-2s for Justice Ketchum based upon the issues as discussed in the herein response of the Court to the Legislative Auditor's report.**
- The Court is in the process of revising all of its travel related policies. The new travel policy will be ready for review and approval of the Court at its May Administrative Conference. The revised travel policy will apply even-handedly to all Judicial Employees, including the Justices. The Court will strive to have the approved travel policy ready for presentation to the Post Audits Subcommittee at its May 2018 meeting.

However, the Court offers the following clarifications:

#### **IRS Matters**

##### **Audit Resolution:**

The IRS Audit Agents assigned to the previously mentioned IRS Audit of the Supreme Court requested and reviewed detailed fleet data and determined that the fleet did not present issues sufficient to spur further inquiry, issuance of any Proposed Adjustment, or assessment of any monies due.

The Court reached a resolution with the IRS on a number of other items, and one of the terms of the agreement was that issues related to tax years 2014, 2015, 2016, 2017, and 2018 through March 31, 2018, would be closed relative to the scope of the IRS Audit. Further, the IRS Auditors advised the Court as the IRS Audit was in the final settlement phase that it would not be necessary to issue revised W-2s for employment tax issues encompassed by the IRS Audit for tax years 2014, 2015, 2016, 2017, and 2018 through March 31, 2018. Moreover, the Court understands that the IRS agreement achieves resolution for employment tax matters for the referenced time frame. This is a standard term of settlement in IRS matters such as the Court's IRS Audit.

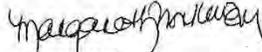
##### **West Virginia Code § 6-7-5:**

As the Court provided in a previous Audit Response, the IRS Audit addressed payments under this section of the West Virginia Code. The IRS Auditors advised the Court

that since mileage reimbursement payments made by the Court pursuant to this code section is for "commuting," these payments should always be considered taxable income to the recipient going forward from April 1, 2018. Based upon this, the Court does not believe that any amended W-2s are necessary relative to these payments for the tax years encompassed by the IRS settlement.

On April 10, 2018, Administrative Director Gary Johnson, Administrative Counsel Lori Paletta-Davis, and I met with Legislative Auditor Aaron Allred and members of his staff for an exit interview. It was agreed that there would be continued communication and a joint cooperation in continuing to improve fiscal procedures and accountability.

Sincerely,



Margaret Workman  
Chief Justice

Appendix I



**SUPREME COURT OF APPEALS**  
CHARLESTON, WEST VIRGINIA  
25305

**ALLEN H. LOUGHRY II**  
Justice

April 11, 2018

Mr. Gary Johnson  
Administrative Director  
Supreme Court of Appeals of West Virginia  
State Capitol, Room E-100  
Charleston, WV 25305

Joint Committee  
APR 12 2018  
Post Audit Committee

Dear Mr. Johnson:

I have reviewed the revised draft audit report, dated April 10, 2018, from the legislative auditor's office. I have also reviewed the proposed response of our Court, which has been agreed to by all five Justices. The draft audit report refers to me in at least two of the four designated issues. I disagree with the factual and legal assumptions made, the standards and definitions applied, and the conclusions ultimately reached in the draft audit report.

I look forward to working with the Court to enact, or further refine, our administrative policies.

Sincerely,

*Allen H. Loughry II*  
Allen H. Loughry II  
Justice

AHL:vs

## Appendix J

**Statement of Justice Menis Ketchum  
Concerning Income Taxes for Commuting**  
April 15, 2018

I used a Supreme Court vehicle to commute to work from Huntington to Charleston from January 9, 2012, to June 15, 2016, as the Legislative Auditor found is not an uncommon practice in other state agencies when authorized. The Court authorized my use of the vehicle for commuting. I discontinued use of any state vehicle on June 15, 2016, and have not driven any state car since then.

Later, a memo from the Court's then-legal counsel dated July 21, 2016, (first seen by the Justices as an attachment to the August 29, 2016, administrative agenda) stated that use of a state car for commuting may be taxable. Upon reading this memo, I contacted my tax accountant and he told me that I did not need to file an amended return for taxes because the personal use was not on my state-issued W-2 form.

In December 2017 or January 2018, we received the Auditor's letter stating that there would be an audit on the commuting use of state cars. I contacted my accountant again. He told me again that I did not need to report for taxes my use of the car. He said that if it would make me feel better or protect my reputation to send him the mileage and make of the car and that he would figure the tax and prepare amended returns. In the interest of fully complying with all tax law, I sent the mileage used to the accountant. (I believe that I also gave a copy to Mr. Allred of the mileage calculations that I sent to my accountant). The accountant calculated the use and called me stating that I owed no taxes on the car use because of the age of the car and because I was entitled to charge 15 cents a mile under W.Va Code 6-7-5 for commuting. He sent me a bill for his services in rendering this conclusion for which I paid \$1,225.00 on January 19, 2018.

When the Court received the Auditor's first draft report discussing the issuance of amended W-2's, I honestly had never heard of amended W-2's. I thought a person just filed an amended tax return upon learning of a mistake. After learning of the Auditor's recommendation that I be issued amended W-2 forms (and despite being advised by the the Court counsel that it was their opinion that I owed no taxes pursuant to the IRS audit of the Court), I instructed the administrative office chief financial officer to calculate the figures and prepare amended W-2's for me. I gave a copy to Mr Allred.

When the amended W-2s are given to me, I will fully comply by paying any taxes due for use of the state automobile.





POST AUDITS SUBCOMMITTEE  
MEMBERS

SENATE MEMBERS	HOUSE MEMBERS
<i>President, Mitch Carmichael</i>	<i>Tim Armstead, Speaker</i>
Ed Gaunch	Timothy Miley
Roman Prezioso	Eric Nelson Jr.

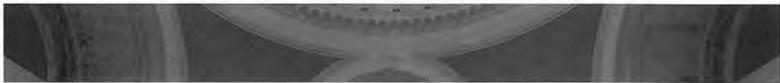


JOINT COMMITTEE ON GOVERNMENT AND FINANCE  
WEST VIRGINIA OFFICE OF THE LEGISLATIVE AUDITOR  
- POST AUDIT DIVISION -

*Legislative Auditor:* Aaron Allred  
*Post Audit Director:* Denny Rhodes

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Building 1, Room W-929  
1900 Kanawha Boulevard East  
Charleston, West Virginia 25305  
Phone: (304) 347-4880



On-going Base Budgets  
(In Thousands \$)  
General & Lottery Funds - Per Six Year Plan



	FY12	FY13	FY14	FY15	FY16	FY17	FY18	FY15 - FY18	FY15 - FY18
								\$ change	% change
Legislature	30,402	24,452	24,452	24,452	23,452	23,452	23,452	-1,000	-4.1%
Supreme Court	120,483	122,321	121,512	131,813	139,572	141,759	141,759	9,946	7.5%
Public Defender	31,663	31,820	31,739	31,870	31,712	31,622	31,622	-248	-0.8%
PEPS	58,985	59,385	59,888	58,988	57,936	58,254	48,247	-10,741	-18.2%
PEIA	333,904	338,424	334,777	341,726	297,981	340,070	350,883	9,157	2.7%
Teachers' Retirement	481,427	456,737	487,589	466,719	396,543	425,754	450,726	-15,983	-3.4%
Special Aid Formula (less PEIA & Retire)	1,220,321	1,224,932	1,201,913	1,210,987	1,172,551	1,136,822	1,124,707	-12,714	-1.1%
Public Ed - All Other	188,103	193,037	191,058	187,354	193,676	185,215	174,650	-88,260	-8.8%
Medicaid	396,229	425,063	596,788	672,625	691,403	719,063	730,778	58,153	8.6%
DHHR - Non Medicaid	489,526	540,571	550,377	588,759	602,862	586,100	577,798	-10,961	-1.9%
Correctional Facilities	185,344	179,960	187,765	228,035	228,775	227,795	223,079	-4,566	-2.2%
State Police	101,292	95,173	108,508	104,763	97,779	98,756	103,948	815	0.8%
Higher Ed	504,890	512,852	492,430	475,090	467,550	458,398	439,202	-35,858	-7.5%
All Other	309,868	313,004	292,525	295,294	316,515	294,729	295,281	-19,013	-6.7%
Total On-going Base Budget	4,430,827	4,630,291	4,691,121	4,809,435	4,721,307	4,707,626	4,687,132	-121,303	-2.5%



SUPREME COURT OF APPEALS  
STATE OF WEST VIRGINIA

GARY L. JOHNSON  
ADMINISTRATIVE DIRECTOR



ADMINISTRATIVE OFFICE  
BUILDING 1, ROOM E-100  
1500 KANAWHA BOULEVARD, E.  
CHARLESTON, WV 25305-0592  
(VOICE) 304/558-0145  
(FAX) 304/558-1212  
www.courtswv.gov

MEMORANDUM

TO: ALL JUSTICES  
FROM: GARY JOHNSON *[Signature]*  
DATE: JANUARY 24, 2018  
RE: FINAL ADMINISTRATIVE CONFERENCE MINUTES

Attached for your records are final Minutes from the Administrative Conference held  
Monday, January 8, 2018.

Attachment

## MINUTES

## ADMINISTRATIVE CONFERENCE

JANUARY 8, 2018

Justice Robin Jean Davis did not participate in the January 8, 2018, Administrative Conference.

1. IT INFORMATION

1.1 CIO David Graves prepared a memorandum and gave the current status and overview of the Division of Technology Services. For the Court's information. No further action is required.

1.2 By a vote of 4 - 0, the Court approved CIO David Graves to fill the following positions as long as they are within the salary ranges previously approved by the Court on the IT organizational chart: Sr. Project Manager, Project Coordinator, Service Desk Supervisor, Support Manager, Service Desk (2) and Application Services Director.

1.3 By a vote of 4 - 0, the Court approved the proposed policy for access to the LEO portal of the Courts UJA system.

2. STAFFING REQUESTS IN THE KANAWHA COUNTY OFFICE OF COURT

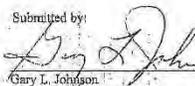
By a vote of 4 - 0, the Court approved the proposal by Kanawha County Court Administrator Beverly Selby to hire additional staff and move Secretary Cheryl Ranson to the Case Manager position at an annual salary of \$48,112, effective immediately. The Court further approved hiring a receptionist at an annual salary of \$28,000, effective immediately.

3. DIVISION OF PROBATION SERVICES

## 3.1

- By a vote of 4 - 0, the Court approved the operation of a Juvenile Drug Court in Cabell County and also approved Family Court Judge Jason Spears to be the lead Judge for the program. However, the Court will not grant an additional probation officer at this time but may grant an additional officer if, upon review of the number of probationers in Cabell County and the number of officers currently employed, the number of probationers requires an additional officer pursuant to the previous ratios adopted by the Court.

Submitted by:

  
Gary L. Johnson

Date:

1/24/18

Confidential

WALKER 671

- By a vote of 4 – 0, the Court instructed Administrative Director Gary Johnson to inform the lead judges in Wood/Wirt, Putnam, and Boone/Lincoln Counties that the Juvenile Drug Court case manager positions will cease on April 13, 2018. The Court felt it was unfair to have case managers in only 3 of the 14 Juvenile Drug Courts.
- By a vote of 4 – 0, the Court approved Director of Probation Services Stephanie Bond to update the Court's website, Division of Probation Services page, Truancy tab, to include current truancy reforms with particular emphasis on our School Based Probation Officers
- By a vote of 4 – 0, the Court approved that the Court will pay Day Report Centers for drug testing in Family Court at the Day Report Centers' cost.
- By a vote of 4 – 0, the Court voted to require the use of the West Virginia Offender Case Management System (OCMS) by all probation officers for all offenders. The Chief Justice shall enter an administrative order requiring such.

3.2 By a vote of 4 – 0, the Court approved Alicia L. Holman for the position of Quality Assurance/Data Analyst in Probation Services at an annual salary of \$42,000 effective January 29, 2018.

3.3 By a vote of 3 – 1, with Justice Ketchum voting against the matter, the Court authorized sending the proposed memorandum concerning the administration of the LS/CMI and the YLS/CMI by Day Report Centers to All Circuit Judges, All Adult Probation Officers, Director of DJCS Rick Stator, and Day Report Center Directors. The Court has no problem with the administration by the Day Report Centers so long as the cost is included in the per diem payment for Court clients.

#### 4. COURT SERVICES

4.1 By a vote of 3 – 1, with Justice Workman voting against the matter, the Court voted that Magistrate Court Field Coordinator Caroline Stoker should be required to make Charleston her headquarters and report to work in Charleston.

By a vote of 4 – 0, the Court voted to require Deputy Director of Juvenile Justice Commission Alicia Mascioli to make her headquarters in Charleston and report to work in Charleston.

By a vote of 4 – 0, the Court approved allowing Director of Juvenile Justice Commission Cindy Largent-Hill to make her headquarters at the Berkeley County Judicial Center and to maintain a Charleston Office to use as needed.

4.2 The Court reviewed a Child and Family Services Reviews Final Report. For the Court's information. No further action is required.

Submitted by:

 Date: 1/24/18  
Gary L. Johnson

Confidential

WALKER 672

4.3 The Court approved the following expenditures from the ICIR grant of the Office of Violence Against Women Act:

A. Up to \$200,000 be allocated to the West Virginia State Police to assist in the transition and continued maintenance of the Domestic Violence Protection Order Registry upon the signing of an official Memorandum of Understanding to transfer the registry.

B. The remainder of the grant may be expended to begin a pilot program which utilizes specially trained social service professionals to investigate cases involving substantial allegations of domestic abuse and utilizes specially trained guardians *ad litem* to represent children in domestic abuse cases. The grant funds shall be used to pay for the training for both guardians *ad litem* and social service professionals.

4.4 By a vote of 4 – 0, the Court approved the proposed Memorandum of Understanding between DHHR and Supreme Court of Appeals in which the Court agreed to pay up to \$55,000 to the DHHR to pay their employees additional compensation to scan mental health records at state hospitals under the NARIP grant for submission to the National Instant Criminal Background Check System (NICS). The project should be completed by September 30, 2018. The Court can no longer pay these individuals as contract workers, and this now will allow the completion of the requirements of the grant. The Court also agrees to train the DHHR employees.

#### 5. LEGISLATIVE UPDATE

Items that affect the Court that the Governor will address:

5.1 By a vote of 4 – 0, the Court voted to support the bill to make the Workers' Compensation Appeal Board the Court of last resort on workers' compensation issues, meaning that these cases would no longer be appealable to the Supreme Court of Appeals of West Virginia.

5.1.2 By a vote of 4 – 0, the Court voted not to take a position that the West Virginia Supreme Court be the Court of original jurisdiction instead of Kanawha County Circuit Court when the issue is the overseeing or monitoring of a state agency, but the Court notes that there must be a method of fact finding included in the bill.

5.2. By a vote of 3 – 1, with Justice Walker voting against the matter, the Court voted to oppose a constitutional amendment to limit the Court's budgetary authority.

By a vote of 4 – 0, the Court took no position on any bail reform initiative until an actual statute is introduced.

Submitted by:

 Date: 1/24/18

Gary L. Johnson

WALKER 873

Confidential

5.3. By a vote of 4 – 0, the Court voted to take no position on the proposed Financial Exploitation Protection Order, but noted that the Court would prefer that jurisdiction should be in circuit court and not with mental hygiene commissioners due to costs.

5.4. By a vote of 4 – 0, the Court voted to not take any action on the legislatively proposed reorganization of the WV Department of Health and Human Resources until an actual bill is introduced.

6. UPDATE INFORMATION FROM GENERAL COUNSEL LORI PALETTA-DAVIS



7. WEST VIRGINIA JUDICIAL ASSOCIATION REQUESTING CONSIDERATION OF EXTENSION OF AUTOMATIC PAY INCREASES TO COURT REPORTERS

By a vote of 4 – 0, the Court declined to change the pay scale of the court reporters.

8. APPLICATION OF FAMILY COURT JUDGE WILLIAM F. SINCLAIR TO BE A SENIOR STATUS JUDGE

By a vote of 5 – 0, the Court approved Family Court Judge William F. Sinclair to be a Temporary Family Court Judge as of January 8, 2018.

9. FINANCIAL DIVISION

By a vote of 4 – 0, the Court approved to hire Jessica Beane for the accounts payable position in the Finance Division at an annual salary of \$34,000 effective immediately.

Submitted by:

*Gary L. Johnson* Date: 1/24/18  
 (Gary L. Johnson)

Confidential

WALKER 674

**10. LITIGATION UPDATE**

For the Court's information, No further action is required.

**11. DIVISION OF ADMINISTRATIVE SERVICES**

11.1 By a vote of 4 - 0, the Court voted to make an offer to the Braxton County Commission to pay half of the \$14,610.00 proposal from Startonics America for all equipment and labor for installation to upgrade the audio system in Judge Facecire's Circuit Courtroom in Braxton County.

11.2 By a vote of 4 - 0, the Court denied paying \$3,288.96 to Omega Commercial Interiors for all signage and labor for the installation of signs in all locations for the new Cabell County Family Court Facility.

**12. MISCELLANEOUS**

A. By a vote of 4 - 0, the Court voted to reduce their budget request to the Legislature by \$2,000,000 which would lower the request to \$139,759,670.

B. By a vote of 4 - 0, the Court approved all the Minutes from matters requiring Court action during recess (December 2017).

C. Other budget matters - for the Court's information. No further action is required.

D. An update on the status of transfer of DV and MH Registries - for the Court's information. No further action is required.

E. A request to schedule an entrance conference to discuss an audit of the Court's personal use of State vehicles - for the Court's information. No further action is required.

F. By a vote of 4 - 0, the Court approved hiring Christopher E. Stone for the position of Senior Systems Engineer under the Operations Services Division of Information Technology, at an annual salary of \$75,000 effective immediately.

**ADDENDUM**

By a vote of 4 - 0, the Court approved hiring Bill B. Gallagher as a User Support Services Manager in the Division of Technology Services at an annual salary of \$81,000 effective immediately. This position is to backfill the Support Manager position as the current employee is limited to working half days.

Submitted by:

  
Gary L. Johnson

Date: 1/24/18

Confidential

WALKER 878

## MINUTES

## ADMINISTRATIVE CONFERENCE

January 9, 2018

The Court held an Administrative Conference on January 9, 2018. Chief Justice Loughry, Justice Ketchum and Justice Walker were in attendance. Justice Workman participated by telephone. Justice Davis did not participate.

The Court denied the Clerk of the Court's request to hire Isaac Counts as a Deputy Clerk. He will remain in his current position in technology.

The Court further approved the advertisement for the open senior staff attorney position.

Submitted by:

Date: 1-9-18

  
Allen H. Loughry II, Chief Justice

SUPREME COURT OF APPEALS  
STATE OF WEST VIRGINIA

GARY L. JOHNSON  
ADMINISTRATIVE DIRECTOR



ADMINISTRATIVE OFFICE  
BUILDING 1, ROOM E-100  
1600 KANAWHA BOULEVARD, E.  
CHARLESTON, WV 25306-0832  
(VOICE) 304/558-0145  
(FAX) 304/558-1212  
www.courtswv.gov

MEMORANDUM

TO: ALL JUSTICES  
FROM: GARY JOHNSON *GJ*  
DATE: JANUARY 10, 2018  
RE: APPROVED SUMMARY FROM MATTERS REQUIRING COURT ACTION  
DURING ADJOURNMENT

Attached for your records is a final summary from Matters Requiring Court Action  
During Adjournment approved in the Administrative Conference held Monday, January 8, 2018.

Attachment

Confidential

WALKER 077

(Approved in the January 8, 2018, Administrative Conference)

MATTERS REQUIRING COURT ACTION DURING ADJOURNMENT

1. On December 12, 2017, Administrative Director Gary Johnson, at the request of CIO David Graves, requested by email, permission to hire Thomas Ray Toler as the CISO (person in charge of IT security) which was sent to all Justices for approval (emails attached). Mr. Toler will begin his employment on Monday, January 8, 2018, at an annual salary of \$75,000.

The Court voted 4 – 1, with Justice Davis voting no as she did not feel comfortable making hires by email without Court discussion.

2. On December 12, 2017, Administrative Director Gary Johnson, at the request of CIO David Graves, requested by email, permission to purchase an upgrade of Service Desk Software (TrackIt/Footprints) in the amount of \$64,757.23. If we failed to purchase by December 31, 2017, we would forfeit a substantial discount. The new software would replace current software resulting in smaller annual payments and the additional license fee would be recouped with the savings over a three year period. The new software would allow for more efficient operation of the help desk.

The Court approved by a 5 – 0 vote (emails attached).

3. On December 19, 2017, Administrative Director Gary Johnson, at the request of CIO David Graves, requested by email, permission to hire the following three individuals for positions that were previously approved and within previously approved salary ranges:

- 1) Joseph Haun, Service Desk Supervisor, \$60,000.
- 2) John Surbaugh, Service Delivery Analyst, \$75,000.
- 3) Jennifer Miller, Services Delivery Project Manager, \$73,000.

The Court voted 4 – 1 to approve the three individuals with Justice Davis voting no as she did not feel comfortable making hires by email without Court discussion (emails attached).

4. Actions Taken by the Court on December 21, 2017.

On the Twenty-First day of December, the Court had a conference call on the matter of an invoice received from the Enterprise Resource Planning Board for \$1,160,600 for OASIS expenses covering four years from Fiscal Year 2015 through 2018.

Submitted by:

 Date: 1/10/18  
Gary L. Johnson

The Court discussed the matter and after that discussion, Justice Ketchum made two motions.

- 1) To pay the invoice for the use of OASIS as the Court uses it on a regular basis.

All five justices voted to pay the invoice immediately.

- 2) That the Chief Justice contact the Auditor for verification through some writing that the Court not be charged any extra for modifications for KRONUS, an OASIS timekeeping system, if the Court decides to utilize it and that the Auditor introduce and support legislation that the Court be included on the Board or Steering Committee for Enterprise Resource Planning Board as suggested by Justice Workman.

All five justices voted to approve the motion.

5. The Court approved to hire Sara Massey for the Administrative Office Assistant Administrative Counsel position increasing the earlier approved annual salary from \$75,000 to \$80,000.

6. The Court approved Director of Financial Management Sue Troy to hire an additional temporary clerical employee to search for information to respond to FOIA requests.

7. By a vote of 5-0, Eighteenth Judicial Circuit Judge Lawrence S. Miller, Jr., was approved for Senior Status upon his December 31, 2017, retirement (emails attached).

Submitted by:

 Date: 1/10/18  
Gary I. Johnson



FINAL  
Administrative Conference  
May 14, 2018

CONFIDENTIAL

To: All Justices  
From: Robin Jean Davis, Justice   
Date: May 15, 2018

On May 14, 2018, five members of the Court met to discuss several confidential matters at the conclusion of the regularly scheduled Administrative Conference.

1. Invoice from K&L Gates

The Court reviewed the K&L Gates Invoice. Prior to submission to the Auditor and payment, the description of services section of the invoice must be redacted. Vote 5-0

2. Request of Judge Chris Wilkes concerning Business Court

The Court voted to defer any consideration of Judge Wilkes' email request until all matters at the JIC are concluded. Vote 5-0

3. Caroline Stoker to field-employee status

The Court voted to permit Caroline Stoker to return to field employee status. The HR Director shall be involved in the drafting of standards for working in the field, including but not limited to such documentation as time sheets. Vote 5-0

4. Replacement of Workers' Compensation Clerk

The Court voted to defer the hiring of a Workers' Compensation Clerk to replace Jane Ann Pancake pending a review and assessment of the case load. Vote 5-0

5. Judicial Investigation Commission full time Investigator

The Court voted to approve Teresa Tarr's request to hire a full time investigator. Vote 5-0

6. Outreach/Civic Education Programs

The Court voted to transfer the outreach/civic education programs from Education and Access to Justice Director Sara Thompson to Public Information Outreach (Jennifer Bundy). Vote 5-0

7. Reorganization Chart

The Court voted to approve the May 10, 2018 Reorganization Chart as submitted by Chief Justice Workman. Vote 4-1 (Loughry). Justice Loughry voted to retain the first organizational chart for a period of time to determine its success or failure.

8. Raises

The Court is continuing to review raises within the Court Family. Vote 3-2 (Loughry and Walker). Justices Loughry and Walker would vote for no raises until the salary study has been completed by the National Center for State Courts.

9. IT Director

The Court voted to promote Pat Moats to the title of IT Director. Vote 5-0. The Court further voted to increase Pat Moat's salary to the sum of \$100,000.00. Vote 3-2 (Loughry and Walker). Justice Loughry and Walker would vote for no raises until the salary study has been completed by the National Center for State Courts.



**Amended Minutes for Special Administrative Conference  
May 17, 2018**

On the 17<sup>th</sup> day of May 2018, the Court met in special Administrative Conference to consider proposed merit salary increases and promotions for some administrative office employees.

Chief Justice Workman recommended merit/equity salary increases for some employees.

After full consultation, the Court voted 3-2, with Justices Loughry and Walker dissenting, to approve the pay increases as modified from the recommendations. Reasoning of the Justices in support of or opposing their respective votes is set forth in the Attachment to May 17, 2018, Administrative Conference Minutes. A copy of the proposed merit raises and the merit raises as approved by the majority of the Court is attached hereto and incorporated herein by reference to Exhibit A.

*Margaret Workman*  
June 4, 2018

## Attachment to May 17, 2018, Administrative Conference Minutes

The majority states the following:

- The majority of the proposed raises involve employees who are not at the top echelon of management. It has been up to seven years since some of these employees have had any pay increase. Our employees were not even given the across-the-board raise passed by the Legislature in 2014. This created morale problems among many of the employees who have worked diligently for many years with little or no increase. As a result, many employees are actively seeking other employment, including those with experience and skill sets that would be difficult for the Court to replace. These employees deserve equity and/or merit increases. In addition, some employees have qualified for and been selected for promotions to existing positions where vacancies exist.
- These recommendations come only after months of substantial amounts of time spent working with division leaders and the employees themselves under each division, learning about what each does and where gross inequities have grown up over time. They also result from close consultation with their supervisors and, in most instances, upon their recommendation.
- Although a salary scale study is anticipated by the National Center for State Courts, that study is meant to focus strictly on determining the pay scale or range for similar positions. That study will not take into consideration any employee's education, experience, or job performance. The increases recommended herein focus on these factors, as well as the difficulty that would be encountered in replacing certain skill areas.

Justice Walker voted against all proposed salary increases (over and above the across the board increase effective July 1, 2018) for the following reasons: (a) the Court has not conducted a salary survey or any other objective analysis of the Court's salaries; (b) the Court has no established salary scales; (c) the Court's Human Resources Director was not consulted; (d) the Court does not conduct performance evaluations or any other periodic measure of employee job performance; and (e) the State's current financial circumstances. Justice Walker was joined by Justice Loughry in both the vote and reasoning.

Chief Justice Workman further states that the newly hired Human Resource Director Joe Armstrong began working at the Court on May 14, 2018. The merit/equity raises were researched, planned and presented to the Court prior to the Human Resource Director starting his employment and therefore it was not possible to consult with the new Human Resource Director prior to this decision.

*W. Walker*  
June 4, 2018  
WALKER-383

Exhibit

NAME	COURT HIRE DATE	YEARS OF STATE SERVICE	CURRENT ANNUAL SALARY	NEW SALARY WITH BOARD RAISE	PROPOSED RAISE	NEW SALARY	COST OF MERIT RAISE INCLUDING EMPLOYER	LAST RAISE DATE	AMOUNT OF LAST RAISE
Adams, Joseph E.	8/1/2016	20	\$5,004.00	\$61,164.00	\$2,840.00	\$65,000.00	\$5,408.00	-	-
Allen, Joseph E.	9/27/2010	15	\$4,160.00	\$52,160.00	\$2,840.00	\$55,000.00	\$5,408.00	-	-
Alton, Steven A.	7/13/2015	41	\$24,008.00	\$24,008.00	\$52,000.00	\$76,000.00	\$52,000.00	6/10/2010	\$2,424.00
Arnsperg, Joseph	7/7/1997	41	\$67,200.00	\$63,160.00	\$1,640.00	\$65,000.00	\$1,968.00	-	-
Aronson, Joseph	5/14/2018	19	\$43,540.00	\$44,660.00	\$1,120.00	\$45,780.00	\$1,240.00	-	-
Aronson, Parag J	10/14/1997	19	\$43,844.00	\$51,024.00	\$1,000.00	\$52,024.00	\$1,200.00	10/1/2008	\$3,468.00
Aronson, Ronald M	11/16/2005	15	\$63,000.00	\$65,160.00	\$2,160.00	\$67,320.00	\$2,160.00	7/1/2013	\$6,684.00
Atkins, Robert	9/16/2011	3	\$40,008.00	\$42,168.00	\$2,160.00	\$44,328.00	\$2,160.00	12/1/2013	\$2,004.00
Attkisson, Olivia	9/16/2013	3	\$40,008.00	\$42,168.00	\$2,160.00	\$44,328.00	\$2,160.00	12/1/2013	\$2,004.00
Barrone, Charles D	11/25/2017	1	\$44,000.00	\$46,160.00	\$2,160.00	\$48,320.00	\$2,160.00	-	-
Barlett, Rayon R.	8/1/2016	1	\$38,004.00	\$40,164.00	\$2,160.00	\$42,324.00	\$2,160.00	-	-
Beane, Jessica D	1/29/2018	0	\$24,000.00	\$26,160.00	\$2,160.00	\$28,320.00	\$2,160.00	-	-
Beatty, Robynne C.	10/7/1997	19	\$53,276.00	\$57,536.00	\$4,260.00	\$61,800.00	\$4,524.00	8/1/2006	\$3,000.00
Beaver, Jacqueline D.	5/7/2011	11	\$38,664.00	\$40,824.00	\$2,160.00	\$42,984.00	\$2,160.00	2/16/2016	\$3,000.00
Benson, Mark S.	2/3/2018	0	\$31,000.00	\$33,160.00	\$2,160.00	\$35,320.00	\$2,160.00	-	-
Bishop, Michele D.	12/16/2012	11	\$38,008.00	\$39,168.00	\$1,160.00	\$40,328.00	\$1,160.00	7/1/2015	\$5,004.00
Bishop, Michael J.	4/4/2004	3	\$42,000.00	\$44,160.00	\$2,160.00	\$46,320.00	\$2,160.00	4/4/2004	\$4,400.00
Bishop, Michael J.	10/1/2015	1	\$38,004.00	\$40,164.00	\$2,160.00	\$42,324.00	\$2,160.00	-	-
Binkenship, Kathryn B.	9/16/2007	17	\$38,008.00	\$39,168.00	\$1,160.00	\$40,328.00	\$1,160.00	-	-
Blaydes, Mary S.	1/5/2015	16	\$38,004.00	\$40,164.00	\$2,160.00	\$42,324.00	\$2,160.00	-	-
Boley, Saubis D.	7/22/2017	23	\$38,000.00	\$39,160.00	\$1,160.00	\$40,320.00	\$1,160.00	-	-
Bond, Stephanie J.	10/16/2010	6	\$35,712.00	\$37,872.00	\$2,160.00	\$40,000.00	\$2,536.00	-	-
Brogan, Debra K.	6/12/2006	11	\$30,004.00	\$32,164.00	\$2,160.00	\$34,324.00	\$2,160.00	7/1/2013	\$2,748.00
Bruno, Jennifer L.	10/6/1997	19	\$46,454.00	\$48,624.00	\$2,170.00	\$50,794.00	\$2,170.00	7/1/2013	\$3,000.00
Burns, Joyce L.	10/6/1997	17	\$50,004.00	\$52,164.00	\$2,160.00	\$54,324.00	\$2,160.00	10/1/2014	\$2,052.00
Carlson, Jason R.	11/1/2008	15	\$31,740.00	\$33,900.00	\$2,160.00	\$36,060.00	\$4,320.00	8/1/2006	\$1,800.00
Carper, Jimmy A.	11/1/2001	21	\$54,008.00	\$56,168.00	\$2,160.00	\$58,328.00	\$2,160.00	8/16/2015	\$4,008.00
Castle, Shelby R.	10/16/2014	2	\$34,008.00	\$36,168.00	\$2,160.00	\$38,328.00	\$2,160.00	7/1/2012	\$2,508.00
Chambers, Allison R.	6/1/1996	21	\$34,008.00	\$36,168.00	\$2,160.00	\$38,328.00	\$2,160.00	7/1/2012	\$2,508.00
Chambers, Allison R.	6/1/1996	21	\$34,008.00	\$36,168.00	\$2,160.00	\$38,328.00	\$2,160.00	7/1/2012	\$2,508.00
Clark, Robyn K.	12/1/2013	3	\$33,000.00	\$35,160.00	\$2,160.00	\$37,320.00	\$2,160.00	8/16/2015	\$3,000.00
Clark, Robyn K.	12/1/2013	3	\$33,000.00	\$35,160.00	\$2,160.00	\$37,320.00	\$2,160.00	8/16/2015	\$3,000.00
Clemens, Ashley D.	8/5/2017	3	\$46,000.00	\$48,160.00	\$2,160.00	\$50,320.00	\$2,160.00	-	-
Cronin, Jill P.	7/8/2014	2	\$39,504.00	\$41,664.00	\$2,160.00	\$43,824.00	\$2,160.00	7/1/2015	\$4,000.00
Cummins, Jill P.	7/1/2011	5	\$35,004.00	\$37,164.00	\$2,160.00	\$39,324.00	\$2,160.00	-	-
Cummins, Jill P.	7/1/2011	5	\$35,004.00	\$37,164.00	\$2,160.00	\$39,324.00	\$2,160.00	-	-
Cummins, Jill P.	7/1/2011	5	\$35,004.00	\$37,164.00	\$2,160.00	\$39,324.00	\$2,160.00	-	-

0.20

2,160.00





NAME	COURT HIRE DATE	YEARS OF STATE SERVICE	CURRENT ANNUAL SALARY	NEW SALARY WITH BOARD RAISE	PROPOSED RAISE	NEW SALARY	COST OF PROPOSED MERIT RAISE INCLUDING EMPLOYER	LAST RAISE DATE	AMOUNT OF LAST RAISE
Sassy, Jeremy A	4/1/2008	9	\$45,708.00	\$47,888.00	\$1,000.00	\$48,888.00	\$1,200.00	12/16/2015	\$5,004.00
Shelton, Russell J	7/1/2001	19	\$36,776.00	\$38,736.00	\$1,960.00	\$38,736.00	\$1,200.00	10/1/2008	\$1,662.00
Shon, Nantuz M	1/15/2012	4	\$40,008.00	\$42,168.00	\$2,160.00	\$42,168.00	\$9,398.40	8/16/2015	\$2,004.00
Smith, Angella D	1/9/1989	29	\$53,448.00	\$55,508.00	\$2,060.00	\$55,508.00	\$1,200.00	7/1/2010	\$1,500.00
Smith, Crystal D	1/29/2017	11	\$34,000.00	\$36,160.00	\$2,160.00	\$36,160.00	\$2,195.60	12/16/2015	\$4,008.00
Smith, Tammy K	5/15/1998	34	\$66,216.00	\$68,376.00	\$2,160.00	\$68,376.00		7/1/2016	\$10,008.00
Sprenkle, Peggy S	12/9/2013	3	\$55,008.00	\$57,168.00	\$2,160.00	\$57,168.00	\$6,000.00	2/16/2012	\$4,500.00
Stebert, Caroline A	12/1/1976	40	\$63,532.00	\$65,712.00	\$2,180.00	\$65,712.00	\$1,200.00	8/1/2006	\$5,000.00
Stone, Christopher E	1/20/2018	0	\$75,900.00	\$77,160.00	\$1,260.00	\$77,160.00	\$0.00		
Stout, Lori J	5/19/2013	4	\$33,000.00	\$35,160.00	\$2,160.00	\$35,160.00			
Street, John W	5/22/2017	6	\$70,900.00	\$72,160.00	\$1,260.00	\$72,160.00			
Stummert, Vaughn A	1/1/2011	6	\$39,000.00	\$41,160.00	\$2,160.00	\$41,160.00		7/1/2015	\$6,996.00



Total 2017 Compensation for Supreme Court Justice Staff

	Clerk	Clerk	Clerk	Clerk	Assistant	Total
Davis	\$ 52,103.42	\$ 114,706.02	\$ 114,706.02	\$ 119,627.62	\$ 80,075.78	\$ 521,223.86
Ketchum	\$ 95,639.98	\$ 120,707.62	\$ 119,507.62	\$ 118,507.62	\$ 79,355.78	\$ 534,118.62
Loughy	\$ 117,833.40	\$ 119,327.62	\$ 119,567.62	\$ 119,407.62	\$ 79,955.78	\$ 556,132.04
Wolter	\$ 113,667.62	\$ 37,451.93	\$ 99,144.21	\$ 107,712.62	\$ 75,542.38	\$ 433,548.66
Workman	\$ 119,867.62	\$ 119,747.62	\$ 118,607.62	\$ 119,387.62	\$ 79,175.78	\$ 556,766.26
						\$ 2,891,809.44





**Walker, Beth**

**From:** Walker, Beth  
**Sent:** Wednesday, December 20, 2017 1:33 PM  
**To:** Troy, Sue  
**Cc:** Johnson, Gary; Loughry, Allen; Davis, Robin; Workman, Margaret; Ketchum, Menis  
**Subject:** 2017 Meal Expenses

Sue,

When you complete a calculation of the Court's spending on meals brought in to the Capitol for the Justices and their staffs in 2017 and before that information is shared in response to a FOIA request, can you share that information with us? Assuming it is permissible from a legal/accounting perspective, I will be writing the Court a personal check for 1/5 of the total.

Thanks very much,

Beth



**Walker, Beth**

**From:** Walker, Beth  
**Sent:** Wednesday, December 20, 2017 9:26 PM  
**To:** Workman, Margaret  
**Cc:** Ketchum, Menis; Troy, Sue; Loughry, Allen; Davis, Robin  
**Subject:** Re:

I agree that MK raises excellent points. There is considerable history on this practice, which I respect. I remember appearing before the Court and wondering if my case would come up before the old lunch break. I also recognize that the Capitol is somewhat remote and the cafeteria is not a great option.

All that being said, my decision is purely personal and I do not plan to announce it unless absolutely necessary to respond to a FOIA request. I will simply opt out of future lunches as a matter of personal preference.

Beth

On Dec 20, 2017, at 7:34 PM, Workman, Margaret <Margaret.Workman@courtsvw.gov> wrote:

After reading MK's email, I think I find myself agreeing with him. And if we discontinue working lunches, we will have to restore the lunch break. It really takes an hour and a half to leave Capitol, drive somewhere for lunch and get back.

Sent from my iPhone

On Dec 20, 2017, at 6:30 PM, Ketchum, Menis <Menis.Ketchum@courtsvw.gov> wrote:

I called MW and told her that I am not in favor of paying reimbursement for lunches. It is an entirely appropriate expense. We stay on the bench until 1:30 or 2 p.m. without a break. We then work during lunch on decisions. On Wednesday we also do Writs, petitions, and ect. There is nothing wrong with a working lunch.

Before MW and I came on the Court, it broke for lunch at 12:30 and started back at 2 p.m. This really inconvenienced lawyers and litigants, especially out of town lawyers and litigants. It also inconvenienced staff.

To pay for the lunches now will appear that we have done something improper and the FOIA forced us to pay it. I do not want to pay reimbursement for an entirely appropriate expense.

It is not like we have a Chief like the US Supreme Court, Illinois and other Courts where each Justice has his/her staff and office in their home town.

Sent from my iPhone

On Dec 20, 2017, at 5:38 PM, Workman, Margaret <Margaret.Workman@courtsvw.gov> wrote:

I just read Justice Walker's e-mail regarding her desire to reimburse the state for any funds expended on working

lunches. Can you please provide me a written memorandum memorializing the fact that I contacted you AT LEAST three to four weeks prior to receipt of the FOIA on this issue with the same request? You may have contemporaneous notes that would reflect exactly how long ago it was. I am checking my e mail and text notes to see if I can determine a date, but I may have made the request orally. You indicated at that time that it would be virtually impossible for you to ascertain the needed information. Although I stated my opinion at that time that the expenditure was not inappropriate (in view of the fact that the Court took no lunch break so the Court's decisions could be completed more quickly). However, to avoid any public perception of impropriety, I wished to reimburse the state. If you ARE able to ascertain the amounts, I want the record to demonstrate that my effort to make reimbursement preceded the FOIA request. (This is not to suggest that desire to reimburse after receipt of FOIA a negative...just want my record clear.) Thanks.

Sent from my iPad





WA LKER 860



WA LKER 861







WA LKER 864





WA LKER 866







