

WEST VIRGINIA LEGISLATURE
Legislative Post Audit Division

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Denny Rhodes
Director

January, 9 2017

The Honorable William P. Cole III, President
West Virginia State Senate
Post Audits Subcommittee, Co-Chair
Room 229 M, Building 1
State Capitol Complex
Charleston, WV 25305

The Honorable Timothy Armstead, Speaker
West Virginia House of Delegates
Post Audits Subcommittee, Co-Chair
Room 228 M, Building 1
State Capitol Complex
Charleston, WV 25305

Dear Mr. President and Mr. Speaker:

As part of the audit of the State's fleet management practices, the Legislative Auditor directed the Post Audit Division to conduct an analysis of state-owned vehicles with Class A license plates (The Class A license plate is a plate that a private citizen has on their personal vehicle). Each spending unit of state government was asked to submit data regarding any vehicle in their fleet with a Class A plate. According to the data submitted by each state spending unit, West Virginia's fleet of state-owned vehicles includes 293 vehicles with a Class A license plate. Of these, 182 (62 percent) are assigned to the West Virginia State Police, to whom the DMV is statutorily authorized to issue an unlimited number of Class A license plates. A full listing of the number of Class A license plates issued to each state agency is attached.

At the December interim meeting of the Joint Committee on Government Organization and Government Operations, the Legislative Auditor reported that six agencies were in possession of more Class A license plates than authorized by West Virginia Code §17A-3-23, as shown in Table 1.

Jan 9, 2017

To: The Honorable William P. Cole III, President
The Honorable Timothy Armstead, Speaker

Table 1

State-Owned Vehicles with Class A License Plates

Agency	# of Class A Plates	Statutory Maximum	Statutory Authority
Division of Protective Services	3	2	§17A-3-23(m)
Alcohol Beverage Control Administration	17	16	§17A-3-23(a)
Attorney General's Office	5	3	§17A-3-23(a)
State Auditor's Office	8	3	§17A-3-23(a)
Regional Jail & Correctional Facility Authority	1*	0	None
Division of Corrections	2	0	None

*Regional Jails Authority removed the Class A license plate on 7/25/16
Source: Post Audit analysis of each agency's submitted Class A data.

The Legislative Auditor recommended that each of the six agencies reduce its number of Class A license plates to comply with Code and report back its compliance with the Post Audit Division. The Division of Protective Services, Alcohol Beverage Control Administration, State Auditor's Office, and Regional Jail and Correctional Facility Authority have complied, or indicated plans to comply with the Legislative Auditor's recommendation. The Attorney General's Office and the Division of Corrections have not indicated compliance or plans to comply.

Finally, the Legislative Auditor asked each agency with Class A plates to justify having a Class A plate in lieu of a green state license plate for all vehicles other than those used for undercover or investigative work. In response, most agencies either cited their statutory authorization to possess Class A plates or cited security reasons as justification.

Most public and elected officials, such as the members of the West Virginia Legislature, the West Virginia Supreme Court of Appeals, and members of Congress all have special license plates indicating their status as a public official. The Legislative Auditor concludes that the security justification for having a Class A license plate on any state-owned vehicles that are not used in undercover or investigative work is questionable. It is the opinion of the Legislative Auditor that public officials should be held to a higher standard of accountability, and that possessing a Class A license plate on a state-owned vehicle that is not used in undercover or investigative work, particularly for commuting vehicles, gives the false impression that these vehicles are privately owned and impedes the ability of the public to hold its officials accountable. Therefore, the Legislative Auditor recommends that the Legislature consider restricting authorization for Class A license plates to only those state-owned vehicles used for undercover or investigative work.

Sincerely,



Denny Rhodes

Class A License Plates by Agency

Spending Unit		Response	Response Date	# of Class A	# Authorized by Statute
Dept. of Veterans Assistance		✓	7/28/2016	0	0
Dept. of Health and Human Resources		✓		0	0
	OIG**	✓	7/28/2016	7	∞
Dept. of Commerce		✓			
	Division of Natural Resources	✓	8/4/2016	8	10
Dept. of Military Affairs and Public Safety		✓	8/1/2016		
	Office of the Secretary	✓	8/1/2016	1	∧5
	Homeland Security	✓	8/1/2016	0	∧5
	Office of the State Fire Marshal	✓	8/1/2016	4	∧10
	Division of Protective Services	✓	8/1/2016	3	∧2
	Division of Corrections	✓	8/1/2016	2	0
	Regional Jails Authority****	✓	8/1/2016	1	0
West Virginia State Police		✓	8/3/2016	95	∞
	Bureau on Criminal Investigations	✓	8/3/2016	87	∞
Dept. of Education and the Arts		✓	7/18/2016	0	0
Dept. of Environmental Protection		✓	7/22/2016	0	0
Dept. of Revenue		✓			
	Criminal Investigations Division	✓		11	20
	Insurance Fraud Unit	✓		31	∞
	ABCA	✓		17	∧16
Dept. of Education		✓	7/20/2016	0	3*
Dept. of Administration		✓	7/29/2016	0	0
Dept. of Transportation		✓	7/20/2016		
	Division of Motor Vehicles	✓	7/20/2016	0	5
Governor's Office		✓	7/20/2016	2	∞
West Virginia Supreme Court of Appeals		✓	7/15/2016	0	∞
Dept. of Agriculture		✓	7/28/2016	2	3
Office of the Attorney General		✓	7/28/2016	5	3
Office of the State Auditor		✓	7/29/2016	8	3
Office of the Secretary of State		✓	7/27/2016	3	3
Office of the Treasurer		✓	7/21/2016	5	∞
Board of Acupuncture		✓	7/22/2016	0	0
Board of Architects		✓	7/22/2016	0	0
Board of Chiropractic Examiners		✓	7/21/2016	0	0
Board of Dentistry		✓	7/25/2016	0	0
Board of Exam Psychologists		✓	7/21/2016	0	0
Board of Examiners for Licensed Practical Nurses		-	-	-	0
Board of Examiners for Med Imaging&Radiation Therapy Tech		✓	7/22/2016	0	0
Board of Examiners in Counseling		✓	7/29/2016	0	0
Board of Funeral Service Examiners		✓	7/22/2016	0	0
Board of Investment Management		✓	7/21/2016	0	0
Board of Landscape Architects		✓	8/5/2016	0	0
Board of Licensed Dietitians		✓	7/22/2016	0	0
Board of Massage Therapy		✓	7/22/2016	0	0
Board of Medicine		✓	7/20/2016	0	0
Board of Occupational Therapy		✓	7/25/2016	0	0
Board of Osteopathic Medicine		✓	7/21/2016	0	0
Board of Optometry		✓	7/30/2016	0	0
Board of Pharmacy		✓	7/28/2016	0	0
Board of Physical Therapy		✓	7/25/2016	0	0
Board of Professional Engineers		✓	7/22/2016	0	0
Board of Professional Surveyors		✓	7/27/2016	0	0
Board of Real Estate Appraisers		✓	7/21/2016	0	0
Real Estate Commission		-	-	-	0
Board of Registered Nurses		✓	7/21/2016	0	0
Board of Respiratory Care		✓	7/20/2016	0	0
Board of Sanitarians		-	-	-	0
Board of Social Work		✓	7/22/2016	0	0
Board of Speech-Language Pathology & Audiology		✓	7/21/2016	0	0
Board of Veterinary Medicine		✓	7/21/2016	0	0
Coal Heritage Highway Authority		✓	7/21/2016	0	0
Community and Technical College System		✓	7/29/2016	0	0
Higher Education Policy Commission		✓	7/29/2016	1	0***

*State Superintendent of Schools is authorized for 3 Class A tags by virtue of being a member of the Board of Public Works

**OIG Report includes all Class A tags for all of DHHR

***Class A tag in the possession of HEPC is authorized under W.Va. Code 17A-3-23(i)

****RJA Class A Tag eliminated on 7/25/16