

Justice Robin Jean Davis responds to Phil Kabler's West Virginia Freedom of Information Act (W. Va. Code § 29-B-1-1 *et seq.*) request regarding "the Supreme Court's practice of providing technology and furniture for Justices in order to maintain home offices" as follows:

I have been a member of the Supreme Court of Appeals of West Virginia since December 16, 1996. For the past twenty-one years, since my time on the Court, I have never heard of or seen any verbal or written policy of providing the Justices an opportunity to establish a home office with furniture supplied by the West Virginia Supreme Court. The Justices have been provided computers and printers for off-campus use. Justices also have been provided Court cell phones.

I was not consulted prior to the publication of the statements contained in Mr. Kabler's article, nor do I agree with the statements that have been made on behalf of the Court about a practice of establishing "home offices" with furniture for Justices. I have confirmed this fact by requesting memos from Kimberly Ellis, Director, Division of Administrative Services, and Sue Racer-Troy, Director, Division of Financial Management, both of which are attached hereto.

12.6.17

**SUPREME COURT OF APPEALS
STATE OF WEST VIRGINIA**

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To: Justice Robin Davis
From: Sue Racer-Troy *SR*
Date: November 29, 2017
Subject: State property at Justice's homes

I am not aware of, nor heard any mention of a policy (verbal or written) regarding state property kept at home offices of any Justices. The lack of written policies and procedures is an on-going problem which has existed for some time. But in this case, I was not aware of even a verbal policy regarding home offices for the Justices.

Many employees are assigned computer equipment, such as laptops, that can be used either at their workplace or home. It was my understanding that the Justices likely had laptops at their homes, but I was not aware of any other state property that was not kept on the premises.

During the five years that I have worked for the court, I am not aware of any furniture or fixtures that were purchased with state funds and delivered to the homes of any Justices. I've reviewed payments to Scott Young (dba Young's Moving Service) for the 2012 calendar year. I was unable to locate any record of furniture or fixtures being moved to the homes of any Justices.

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Memorandum

To: The Honorable Justice Robin J. Davis, Supreme Court of Appeals of West Virginia

From: Kimberly Ellis, Director of Administrative Services *KME*

Date: November 30, 2017

Re: Policies or Practices related to Court furniture or fixtures for use at Justice's Homes

This Memorandum is in response to your inquiry to me, in my capacity as Director of Administrative Services, to research and identify any written, historical and/or verbal policies or practices wherein Justices are provided with furniture or fixtures purchased or owned by the Court for use at their homes. You also directed me to identify my job responsibilities and experience related to the oversight, specification, procurement and inventory of new and used furniture under the purview of the Court.

I have been Director of Administrative Services since November 1, 2015. Prior to my tenure as Director, I was Deputy Director of Administrative Services from May 2013 to October 2015. As Director, my responsibilities include, but are not limited to, the specification, procurement (with authorization from the Court and the Administrative Director) and inventory of furniture items for the West Virginia Supreme Court Offices, and for Magistrate Courts and Family Courts throughout the state of West Virginia. I am also responsible for the oversight of the delivery, receipt, and general disposition of the Court's used furniture inventory stored and maintained in the Court's two warehouses located at Leon-Sullivan Way and at Venable Avenue.

When a furniture item is purchased by the Court, a file is generated by me and/or my staff which contains approved quotes, purchase orders, invoices, and any other relevant documentation about the purchase or item. Each file is identified by the location where the furniture item is in use. For example, documentation of a purchase of a desk chair ordered for Magistrate Court in Wayne County would be found in the Wayne County file in my office. The Financial Division also retains more detailed financial records of the purchase in electronic format through WVOasis.

After research of the records kept in the Administrative Services Division, my review of the policies I am aware of pertaining to operations at the Court, my discussions with Sue Troy, Director of the Court's Financial Division, and based on my personal knowledge during my

tenure as Deputy Director and Director of Administrative Services, I have been unable to identify any written, historical and/or verbal policies or practices related to the provision of furniture or fixtures purchased or owned by the Court for use at a Justice's home.

During my research, which included review of documents available to me going back to as far as 2010, I did not locate any records documenting that any used furniture items were moved from the Court's offices or from either of the Court's warehouses to a Justice's home. Based on my discussions with Sue Troy, it is my current understanding that she is also unaware of any records available to her that document any new or used furniture purchased for or located at a Justice's home. It is also my understanding that Mrs. Troy has been directed to submit her findings separately once she has completed her research.

As Director, I have not arranged to have new or used furniture or fixtures delivered to a Justice's home. During my tenure as Deputy Director, I did not arrange to have new or used furniture or fixtures delivered to a Justice's home. During my tenure as Deputy Director, I am not aware of my predecessor, Fletcher Adkins, arranging for furniture or fixtures to be delivered to a Justice's home. Notwithstanding, I did not contact Mr. Adkins (who is currently retired) for purposes of this memorandum, but will do so if requested by you or any other member of the Court.

Since becoming Director, I have exercised due diligence to improve the detail of our filing and tracking system of all Court assets, including furniture and fixtures, but the "system" I inherited is primarily paper files and could and should be updated to an electronic format so that it will be more comprehensive, accessible, and easily searchable. It is my suggestion that we improve our existing system by creating a central electronic database wherein all court assets (of a minimum value to be determined by the Court) located in the Supreme Court offices or warehouses, or in Magistrate and Family Courts in the 55 counties, are logged into the central database so that the description, value, purchase date and location of each asset is easily accessible and can be revised when an asset is relocated or retired. This improved central database would also assist the court in being more transparent with regard to the Court's assets located throughout the state. I have had some discussion with Sue Troy about these improvements and she suggested that we may be able to accomplish this by using WVOasis or another existing internal computer program which would minimize any additional cost to the Court to implement the new central database.

If you are requesting different or additional information, please let me know at your convenience and I will promptly conduct any necessary additional research and supplement this memorandum.

cc: File