



The

Challenge



March 2004

Mezzatesta's ethics problems exposed

Some very serious ethical questions have arisen concerning the chairman of the West Virginia House of Delegates Education Committee.

Actions on the part of Delegate Jerry Mezzatesta (D-Hampshire) coupled with investigative reporting by Eric Eyre of *The Charleston Gazette*, have raised many eyebrows.

The rash of current problems for Mezzatesta includes an attempt to pad his own pension, collecting two publicly-funded salaries at the same time, amassing large travel expenses, failing to carry out his duties as an administrator in the Hampshire County school system, renegeing on a promise to the West Virginia Ethics Commission and disrupting a public meeting of the West Virginia Board of Education.

The jobs

It is common knowledge that Mezzatesta holds a job as a grant writer for the Hampshire County Board of Education. It was not, however, common knowledge that he has been collecting both his



Photo by Michael Browning of The Logan Banner

During a February public hearing on Challenge West Virginia bus-ing bill, West Virginia House of Delegates Education Committee Chairman Jerry Mezzatesta (D-Hampshire) strikes a pose re-miniscent of Richard Nixon.

Hampshire County BOE salary and his legislative salary simultaneously, for days on which he serves in the House of Delegates. The base salary for a member of the Legislature is \$15,000 per year, payable during the 60-day regular session. In a typical year, Mezzatesta is paid about \$24,000 per year, counting days spent at interim meetings. Mezzatesta collects \$60,000 per year in the grant writer's job.

"He (Mezzatesta) attacks people all the time, and here he is double-dipping," said Challenge West Virginia Coordinator Linda Martin. "it's dishonest and he should be

ashamed of himself."

According to payroll records for the Hampshire BOE, over the past year, Mezzatesta has had one paid day off for every three days he showed up for work.

Teachers from 14 counties are currently serving in the West Virginia Legislature. None of those legislator/teachers is paid by the state and their local boards simultaneously.

In addition to Mezzatesta's public offices and appointments, his wife, Mary Lou, works in a part-time position with the House of Delegates. Over the past four years, she has been paid more than \$31,000 for that position.

Where are all of the grants?

Before Mezzatesta started working in the grant writer position in 1999, he asked the State Ethics Commission if he could hold the position while serving as an elected member of the Legislature. The job was approved by the commission by a split vote of its members. The

See ETHICS on Page 3

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Ethics

commission based its decision, in part, on representations by Mezzatesta and the Hampshire County BOE that he would not attempt to solicit grants from the State of West Virginia and he would limit his grant applications to federal and private funding sources.

In reality, everything hasn't worked out as promised.

Hampshire County Superintendent of Schools David Friend admitted that, since 1999, Mezzatesta has not applied for any federal or private grants on behalf of the county BOE. Despite promises to the contrary, the only grant that Mezzatesta has won for the Hampshire school system came from the State of West Virginia. Last month, Mezzatesta was able to get a grant from the State Department of Education in the amount of \$70,000 to help with the costs associated with a \$143,000 financial audit and investigation.

During a March 11, 2004, meeting of the West Virginia Board of Education, Mezzatesta, speaking about a State Department of Education administrator, said, "A person is only as good as their word. To me that's what it's all about."

Travel

During the 2002-2003 fiscal year, Mezzatesta ran up, at the taxpayers' expense, a travel bill of more than \$22,200. In 2001-2002, his travel expenses totaled \$24,733 — more than his legislative salary that year, which was \$24,600.

In 2003-2004, he went to St. Thomas in the Virgin Islands. While there, he stayed at the Marriott Frenchman's Reef Beach Resort and charged the state more than \$2,200 for travel expenses. The purpose of the trip was purportedly to attend a meeting of the Council of State

Governments. While attending this meeting, Mezzatesta was paid his legislative interim pay of \$150 per day, plus his Hampshire County BOE salary at \$228 per day.

Other trips include destinations such as Boca Raton, Florida; New Orleans, Louisiana and Charleston, South Carolina, to name a few.

Moving out of Charleston

During an interview with a reporter, Mezzatesta seemingly threatened to have state government moved out of Charleston.

"I can even introduce legislation to move government out of Charleston," Mezzatesta told *The Charleston Daily Mail*.

The pension deal

During the last hours of this session of the Legislature, Mezzatesta pushed, and passed, an amendment to a bill, which would have increased the retirement pay for members of the Legislature who are also teachers.

The bill would allow a teacher-legislator to count both salaries in the calculation of retirement benefits. The bill would have increased such pensions from \$900 per month to \$1,200 per month. Retirement benefits for other teachers would not be increased.

Both the House and the Senate passed the bill, however, senators say that they were never properly informed of Mezzatesta's amendment. Senator John Unger (D-Berkeley) told *The Charleston Gazette*, "It's as if we're a bunch of drunks and we don't know what we did the night before."

After receiving multiple complaints, from legislators in both the Senate and the House of Delegates, Governor Bob Wise vetoed the bill.

The State BOE meeting

On March 11, 2004, Mezzatesta crashed a meeting of the West Virginia Board of Education. Mezzatesta's rage was aimed at Dr. Kenna Seal, director of the Department of Education Performance Audits. Mezzatesta accused Seal of "going behind his back" to have changes made to legislation sponsored by the delegate. The purpose of the bill was to limit performance audits performed by Seal's office. After Mezzatesta's performance at the State BOE meeting, the members of the board decided that they would support Mezzatesta's version of the bill.

A job threat?

During an early March meeting of a House/Senate conference committee, Mezzatesta, once again lost his temper. During a conversation involving Robert Morgenstern, the legislative affairs director for the West Virginia Higher Education Commission, Mezzatesta reportedly told Morgenstern to find a job and leave the state. Mezzatesta reportedly told Morgenstern that he'd never again work in West Virginia.

Ethics complaints filed

A number of complaints have been filed, against Mezzatesta, with the West Virginia Ethics Commission. Committee staff members say it could take 60 to 90 days before the Ethics Commission considers the complaint.

One of the complaints was filed by the West Virginia Republican Party.

When asked for his comment on the situation, Republican Party Chairman Kris Warner said, "Guys like this should be locked up."

"He's out of control," said Martin. "Somebody needs to reel him in."

The Challenge

The Challenge is published monthly by Challenge West Virginia, a statewide organization, committed to maintaining and improving small community schools.

Challenge West Virginia's goal is to reform education in the Mountain State so that citizens have a voice in policy decisions and every child has the opportunity to receive a first-class education



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This 'n that from around the state

- The battle for small community schools is continuing in Mingo County and the BOE of that county has postponed school closure hearings, which were set for April. The new dates are May 10th for Matewan High School; May 13th for Matewan Middle School; May 17th for Williamson High School; May 20th for Williamson Middle School; May 24th for Burch High School and May 27 for the Burch PK-6 School.



cation officials without any input from the elected Lincoln County board members. The West Virginia School Building Authority has approved a grant to the Logan County Board of Education for a new high school in Chapmanville which will house students from that area in addition to the Harts area of Lincoln County. Two lawsuits, which seek to stop the consolidation plan are pending in Kanawha County Circuit

Court. Hearings have been scheduled in the cases for the last week in April.

- According to newly released figures from the U.S. Census, West Virginia has the highest rate of disabled children in the entire country. The report indicates that approximately 22,301 West Virginia children have at least one physical or mental disability. That figure equates to a disability rate of 7.5 percent. The national average is 5.9 percent.

- After announcing his retirement, State Superintendent of Schools Dr. David Stewart has decided to stay in his position for at least two more years. Stewart's current salary is \$146,100, which ranks him among the 18 highest paid state superintendents in the country. The highest paid school boss can be found in Mississippi. Despite that state's poor performance on many educational indicators, the Mississippi Superintendent of Schools is paid an annual salary of \$240,000. The smallest salary goes to the superintendent in Oregon. That position pays only \$76,300 per year. Legislation which would have increased Stewart's salary to \$200,000 died in legislative committees.

- Despite pending litigation and an outcry from the elected members of the Lincoln County Board of Education, the West Virginia Department of Education is pushing ahead with its plan to consolidate all of the county's high schools into one school. Construction contracts are now awaiting approval from the State Board of Education. An inter-county transfer agreement between Logan and Lincoln counties was approved earlier this year. The agreement was entered by State Department of Edu-

- State teachers' groups are calling the 2004 regular session of the West Virginia Legislature a failure. "It's been a disappointing year for education," said Tom Lange, president of the West Virginia Education Association. No pay raise bill was passed by the Legislature this year. The House of Delegates had passed a bill which would raise teachers' pay by \$285 per year, but the proposal was shot down in the State Senate. Teachers will however benefit from the passage of the "Teacher Empowerment Act." One of the act's main objectives is to limit the paperwork required of teachers so that they may spend more time teaching.

- Mason County voters approved a bond levy in March. The sale of the bonds will bring \$12 million to the Mason County board for use in renovating existing schools. Under the county's plan, \$4.8 million will go toward renovations at Hanna Junior and Senior High School; \$5.1 million will go to Wahama Junior and Senior High School and \$2 million will be used as a match for an SBA grant for a \$17 million renovation project at Point Pleasant High School.

- Serious injuries were avoided in a school bus crash in Marion County. According to school officials, the bus had made a sharp turn and the door "popped" open. The driver then leaned over to pull the door shut and caused the right front wheel to run into a ditch and "hit some rocks." A wrecker was able to remove the bus from the ditch, and the bus was driven from the scene. Three children received minor injuries and were taken to a hospital by their parents.