



WEST VIRGINIA LEGISLATURE
STATE CAPITOL
CHARLESTON, WEST VIRGINIA 25305

July 7, 2015

Russell L. Fry, Acting Executive Director
WorkForce West Virginia
Building 4, Room 609
112 California Avenue
Charleston, West Virginia 25305

Dear Mr. Fry:

Please allow this letter to serve as a follow up to our previous letter dated June 18, 2015, as well as the letter sent by our counsel dated June 10, 2015. We are extremely disappointed in the lack of candor and completeness that WorkForce West Virginia has demonstrated in its response to these communications.

On June 10, 2015, WorkForce West Virginia was asked to produce, pursuant to West Virginia Code §4-3-4, "all documents and communications, whether paper or electronic, related to the development, preparation and presentment of the prevailing wage methodology presented to the Joint Committee on Government and Finance by WorkForce West Virginia."

On June 17, 2015, WorkForce West Virginia provided documents, both electronically and by hard copy. The transmittal letter indicated that WorkForce West Virginia was providing all "drafts, email communications, handwritten notes, agendas, research files, relevant links, electronic information used in the development of the prevailing wage methodology . . ." The letter went on to state that no documents had been destroyed or discarded and that no documents were being withheld based on any privilege.

On June 18, 2015, in response to an inquiry from Senator Craig Blair, WorkForce West Virginia indicated that it ". . . has not received either written or electronic communications from private entities seeking to influence the development of the prevailing wage methodology."

Unfortunately, it has become clear from documents we have received from sources other than WorkForce West Virginia that the letters dated June 17 and June 18 are incorrect in their representations.


Russell L. Fry
July 7, 2015
Page Two

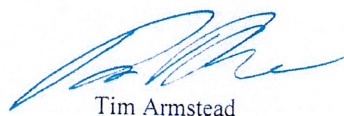
Among the documents which you did not provide in response to our request are a series of emails from Lesly Messina to Jeff Green and others. These emails contain numerous materials criticizing the use of BLS data. As Messina is an employee of the Affiliated Construction Trades Foundation, it appears that WorkForce West Virginia chose not to provide documents evidencing communications from a private entity clearly attempting to influence the methodology for calculating the prevailing wage.

Such an omission causes us great concern with the accuracy and completeness of your prior response to our records request. Accordingly, enclosed with this letter is a subpoena for all documents which we previously requested. In accordance with the terms of the enclosed subpoena, please produce all documents including those which were previously withheld and *specifically designate which documents are being produced for the first time*. If we do not receive a complete response to this subpoena, it will be necessary to issue additional subpoenas requiring your appearance and the appearance of other WorkForce West Virginia employees to testify under oath before the Joint Committee on Government and Finance.

We look forward to your immediate response.

Sincerely,


William P. Cole III
President


Tim Armstead
Speaker