

**Minutes of the December 1, 2016
Meeting of the West Virginia Ethics Commission**

The December 1, 2016, meeting of the West Virginia Ethics Commission was called to order in the Commission's office at 210 Brooks Street, Charleston, West Virginia, at 10:00 a.m., by Chairperson Robert J. Wolfe. Present in person at the meeting were Chairperson Wolfe and Commissioners Lawrence Tweel and Terry Walker. Commissioners Karen Disibbio and Suzan Singleton participated by telephone. Commissioners Betty S. Ireland and Monté Williams were absent. Executive Director Rebecca L. Stepto, General Counsel Kimberly B. Weber, Deputy General Counsel Meridith O. Johnstone, Staff Attorney Theresa M. Kirk, Staff Attorney Derek A. Knopp and Special Assistant to the Executive Director M. Ellen Briggs, all from the Commission staff, were present.

WHEREUPON, Chairperson Wolfe asked for approval of the November 3, 2016, Commission meeting minutes.

WHEREUPON, Commissioner Tweel made a motion to approve the minutes of November 3, 2016. Commissioner Walker gave a second. The motion passed.

WHEREUPON, Ms. Stepto gave a recap of the previous month.

WHEREUPON, Chairperson Wolfe called upon Ms. Stepto to present Employment Exemption requests.

WHEREUPON, Ms. Stepto presented Employment Exemption 2016-39 requested by Harry O. Yates, Jr., Attorney II/Disclosure Officer, West Virginia Tax Department; Employment Exemption 2016-40 requested by E. Ashley Summitt, General Counsel, West Virginia Secretary of State's Office; Employment Exemption 2016-41 requested by Loarie H. Butcher, Deputy Commissioner, West Virginia Division of Tourism; Employment Exemption 2016-42 requested by Sheryl Webb, Deputy Secretary, West Virginia Secretary of State's Office; Employment Exemption 2016-43 requested by Chris Ferro, Chief of Staff, West Virginia Department of Agriculture, and Employment Exemption 2016-44 requested by Natalie E. Tennant, Secretary of State, West Virginia Secretary of State's Office. After discussion, Commissioner Tweel made a motion that Employment Exemptions 2016-39, 2016-40, 2016-41, 2016-42, 2016-43 and 2016-44 be ratified. Commissioner Walker gave a second, and the motion carried.

WHEREUPON, Chairperson Wolfe called upon Ms. Weber to present proposed Advisory Opinion 2016-17 for consideration.

WHEREUPON, a motion was made by Commissioner Tweel to lay the question on the table. Commissioner Walker gave a second, and the motion carried. Advisory Opinion 2016-17 will be considered at the January 2017 meeting of the Commission.

WHEREUPON, Chairperson Wolfe called upon Ms. Kirk to present proposed Advisory Opinion 2016-18 for consideration.

WHEREUPON, Ms. Kirk presented proposed Advisory Opinion 2016-18 to the Commission for consideration. A motion was made by Commissioner Singleton to accept the proposed Advisory Opinion. Commissioner Tweel gave a second, and the motion carried.

WHEREUPON, Chairperson Wolfe called upon Ms. Stepto for miscellaneous agenda items.

WHEREUPON, Ms. Stepto reported that she has updated additional Commission Guidelines. A motion was made by Commissioner Singleton, seconded by Commissioner Tweel, and carried that the following revised Guidelines be approved:

W.Va. Code § 61-10-15 Governing County Officials and County Schools
Prohibited Interest in a Public Contract
Open Meetings Checklist
Public Employee Recognition Events

WHEREUPON, the Commission reviewed purchases on the P-Card monthly report for October. Commissioner Tweel moved and Commissioner Walker seconded that the report be accepted. The motion carried.

WHEREUPON, Chairperson Wolfe called for a motion to go into executive session to discuss proposed action on the Complaints in VCRB 2016-094 and VCRB 2016-095.

WHEREUPON, a motion was made by Commissioner Singleton to go into executive session, pursuant to W.Va. Code § 6-9A-4(12), to consider proposed action on the Complaints in VCRB 2016-094 and VCRB 2016-095. Commissioner Walker seconded the motion. The motion carried. All guests and staff, except Ms. Stepto, Mr. Knopp and Ms. Briggs, left the meeting room.

WHEREUPON, the Commission returned to public session, and guests and staff returned to the meeting room.

WHEREUPON, Commissioner Tweel made a motion that the Commission rule that probable cause exists to believe that a criminal violation has occurred and that the Complaints in VCRB 2016-094 and VCRB 2016-095 be referred to the appropriate county prosecuting attorney for a criminal investigation and possible prosecution. Commissioner Singleton gave a second, and the motion carried.

WHEREUPON, a motion was made by Commissioner Tweel that the Commission go into Executive Session pursuant to W.Va. Code § 6-9A-4(b)(2)(A), relating to matters arising from the appointment, employment, retirement, promotion, transfer, demotion, disciplining, resignation, discharge, dismissal or compensation of a public officer or employee. A second was given by Commissioner Walker, and the motion carried. All guests and staff, except Ms. Stepto, left the meeting room.

WHEREUPON, the Commission returned to public session, and guests and staff returned to the meeting room.

WHEREUPON, Chairperson Wolfe called upon Commissioner Tweel, Chair of the Open Governmental Meetings Committee, to give a report from the last meeting of the Committee.

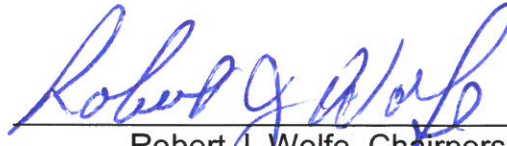
WHEREUPON, Commissioner Tweel reported on a request from the Pocahontas County Commission as to whether its policy and procedures relating to posting agendas complies with the Open Governmental Proceedings Act. At the September 1, 2016, meeting of the Open Governmental Meetings Committee, the Committee issued Advisory Opinion 2016-02 concluding, in part, that "the policy need be revised to exclude the day of the meeting from the regular and special meeting notice period calculation to satisfy the minimal requirements of the Act." Subsequently, at the November 3, 2016, meeting of the Open Governmental Meetings Committee, Advisory Opinion 2016-03 was issued which stated that "the Committee finds that the Pocahontas County Commission's revised policy for the issuance of meeting agendas for all regular, special and emergency meetings is consistent with the provisions of the Open Governmental Proceedings Act."

WHEREUPON, a motion was made by Commissioner Singleton to accept the report of the Personnel Committee given in Executive Session and to accept the above report of the Open Governmental Meetings Committee. Commissioner Walker gave a second, and the motion carried.

WHEREUPON, Chairperson Wolfe stated there were no more items for discussion.


WHEREUPON, Commissioner Tweel made a motion to adjourn, and Commissioner Walker seconded. The motion passed, and the meeting was adjourned.

The foregoing minutes of the West Virginia Ethics Commission were approved at the January 13, 2017, meeting.



Robert J. Wolfe, Chairperson
West Virginia Ethics Commission

ATTEST:



M. Ellen Briggs, Special Assistant
to the Executive Director
West Virginia Ethics Commission