

**MINUTES OF THE OCTOBER 2, 2014
MEETING OF THE WEST VIRGINIA ETHICS COMMISSION**

The October 2, 2014, meeting of the West Virginia Ethics Commission was called to order in the Commission's Office, located at 210 Brooks Street, Charleston, West Virginia, at 10:00 a.m., by Chairperson Robert Wolfe. Present in person at the meeting were Commissioners Karen Disibbio, Michael Greer, Betty Ireland, Suzan Singleton, Lawrence Tweel, Terry Walker and Robert Wolfe. Commissioners Jack Buckalew and Monté Williams participated by telephone. Interim Executive Director Rebecca L. Stepto, General Counsel Kimberly B. Weber, Deputy General Counsel Meridith O. Johnstone, Staff Attorney Benjamin Visnic, and Special Assistant to the Executive Director M. Ellen Briggs, all from the Commission staff, were present.

WHEREUPON, Chairperson Wolfe called the meeting to order and asked for approval of the September 4, 2014, Commission meeting minutes.

WHEREUPON, Commissioner Greer made a motion to approve the minutes. Commissioner Singleton seconded. The motion passed unanimously.

WHEREUPON, Chairperson Wolfe set forth the following 2014 dates for Commission meetings: November 6 and December 4. A motion was made by Commissioner Tweel that due to the unavailability of some Commission members, the November 6th meeting date be changed to November 13th. Commissioner Singleton seconded the motion, and the motion carried. Commissioner Ireland requested that a Personnel Committee meeting be scheduled for November 13th before the Commission meeting.

WHEREUPON, Chairperson Wolfe called upon Ms. Stepto to give a recap of the previous month.

WHEREUPON, Ms. Stepto reported on the contract entered into with the CPA firm of Rowan & Associates to conduct a random audit of lobbyists, as required by the Ethics Act. The list of 20 lobbyists has been created, and they were sent notification on September 12th that they are being audited. Legislative Rule 158-15-5.1.a. requires the Commission to give lobbyists who are being audited 30 days' notice of the audit. Lobbyist Registrar Kimberly Pickens has sent Mr. Rowan copies of each chosen lobbyist's three Lobbyist Activity Reports from 2012 and from 2013. He will begin his process of requesting documents to verify reported spending on October 14th.

Ms. Stepto reported that General Counsel Kim Weber is filming a training video on the Open Governmental Meetings Act today at the Library Commission. She filmed the Ethics Act portion of the training on September 3rd. Both DVDs will be available to the public and the videos, which are about 30 minutes each, will also be available on the Commission's website. Copies of the Ethics Act training video were distributed to all Commission members.

Ms. Stepto reported that staff and West Virginia Interactive have completed the process of placing on the Commission's website completed Financial Disclosure Statements for 2014 for the following office holders (as required by W. Va. Code § 6B-2-6[h](1)):

- Members of the Legislature: Senate and House of Delegates
- Members of the Board of Public Works: Governor, Treasurer, Auditor, Secretary of State, Commissioner of Agriculture, Attorney General
- Members of the Supreme Court of Appeals
- Candidates for these positions

Online viewing of these Disclosures also has been improved to include the year of filing in the search feature. In addition, Ellen Briggs and Tina King met with West Virginia Interactive on September 19th to discuss the mailing of Financial Disclosure Statements at the end of the year. The Access database currently used by staff will be transitioned to an online database by the end of the year. This will allow Financial Disclosure Statements to be filed and managed online and will significantly reduce the time needed for staff to enter data concerning the Disclosures. Additionally, it is anticipated that this system will significantly reduce postage and staff time required for mailing Financial Disclosure Statements.

A report was given by Ms. Stepto on Lobbyist Composite Spending Reports. Pursuant to Legislative Rule 158-12-5.11., the Commission is required to prepare a composite report of the Lobbyist Activities Reports filed for each reporting period within 10 working days of the due date. The report must contain the names of those filing reports and expenditures reported. A separate report listing those failing to report must also be created. Both reports must be sent to the House and Senate Clerks for distribution to their members. Upon request, the Commission shall also provide copies to the news media.

Ms. Stepto reported that staff will present two lobbyist training sessions on October 16th in the Commission's conference room. The Commission is required to present training for lobbyists in January of each year and on one other occasion. Lobbyists are required to undergo one training session every two-year registration cycle. The training sessions are publicized on the Commission's website and through press releases.

WHEREUPON, Chairperson Wolfe called upon Mr. Visnic to present Advisory Opinion 2014-21.

WHEREUPON, Mr. Visnic presented Advisory Opinion 2014-21 to the Commission for consideration. After discussion and an amendment to the draft Opinion, Commissioner Ireland made a motion to approve Advisory Opinion 2014-21, and Commissioner Tweel seconded. The motion passed unanimously.

WHEREUPON, Chairperson Wolfe called upon Ms. Weber to present Advisory Opinion 2014-22.

WHEREUPON, Ms. Weber presented Advisory Opinion 2014-22 to the Commission for consideration. After discussion, Commissioner Disibbio made a motion to approve Advisory Opinion 2014-22, and Commissioner Singleton seconded. The motion passed, with Commissioner Greer opposed.

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

WHEREUPON, Ms. Stepto presented Employment Exemption 2014-17 requested by Edwin Clarkson, Technical Analyst, Public Service Commission of West Virginia. After discussion, Commissioner Buckalew made a motion to approve Employment Exemption 2014-17, and Commissioner Greer seconded. The motion passed unanimously.

WHEREUPON, Chairperson Wolfe called upon Ms. Stepto to present miscellaneous matters.

WHEREUPON, the Commission reviewed the P-Card monthly report. Ms. Stepto reported that she is exploring the possibility of using ink instead of toner for staff printers and that some printers may be removed from staff offices.

Ms. Stepto reported that the Department of Administration has a new Acting Cabinet Secretary, Mr. Jason Pizatella.

Ms. Stepto reported that two lobbyists, David B. Bailey and Thomas S. Bailey, have requested a waiver of late fees in the amounts of \$70 and \$60, respectively, for their late filing of their Lobbyist Activity Report for the second 2014 reporting period. They indicate that they have rarely lobbied and that their "lobbying registration is in place so that [they] may advocate, on a 'pro bono' basis, for foster care youth." They had no lobbying activity to report for this period. A motion was made by Commissioner Buckalew that the late fees for both of these lobbyists be waived pursuant to 158-CSR 12-5.8.c. on the grounds that their explanations constitute "good cause" for waiving the late fees. Commissioner Tweel gave a second, and the motion carried.

WHEREUPON, Commissioner Wolfe called upon Commissioner Ireland, as Chair of the Personnel Committee, to give a report from the Personnel Committee. Commissioner Ireland reported that 15 applications have been received for the permanent Executive Director position and the Personnel Committee will consider each application. She encouraged those Commission members not on the Personnel Committee to participate in the interviewing process.

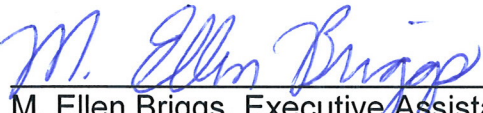
Chairperson Wolfe stated there were no more items for discussion. Commissioner Greer made a motion to adjourn, and Commissioner Singleton seconded. The meeting was adjourned.

The foregoing minutes of the West Virginia Ethics Commission were approved unanimously at the November 13, 2014, meeting.



Robert J. Wolfe, Chairperson
West Virginia Ethics Commission

ATTEST:



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