

**MINUTES OF THE FEBRUARY 6, 2014
MEETING OF THE WEST VIRGINIA ETHICS COMMISSION**

The February 6, 2014 meeting of the West Virginia Ethics Commission was called to order in the Commission's Office, located at 210 Brooks Street, Charleston WV at 10:00 a.m. by Chairperson Kemp Morton. Present and in person were Commissioners Betty Ireland, Suzan Singleton, Fr. Douglas Sutton, Terry Walker, and Bob Wolfe. Commissioner Drema Radford participated by telephone. Absent were Commissioners Jack Buckalew, Michael Greer, and Monté Williams. Executive Director C. Joan Parker, General Counsel Kimberly Weber, Deputy General Counsel Meridith Johnstone, Staff Attorney Ben Visnic, and Administrative Secretary Kimberly Pickens from the Commission staff were also present.

WHEREUPON, Chairperson Morton announced that he had appointed Commissioner Singleton to the Committee on Open Governmental Meetings.

WHEREUPON, Chairperson Morton discussed openings on the Administrative Law Judge (ALJ), Personnel, and Open Meetings Committees and advised that he would be appointing commissioners to fill those vacancies.

WHEREUPON, Chairperson Morton asked for approval of the January 21, 2014 special Commission meeting minutes.

WHEREUPON, Commissioner Singleton made a motion to approve the minutes of the January 21, 2014 meeting and Commissioner Walker seconded. The motion passed unanimously.

WHEREUPON, Chairperson Morton announced that the next Commission meeting would be held March 6, 2014 at 10:00 a.m. at the Ethics Commission Office, 210 Brooks St., Charleston, WV 25301.

WHEREUPON, Chairperson Morton called upon Ms. Parker to give a recap of the previous month.

WHEREUPON, Ms. Parker announced that Sen. Corey Palumbo (D-17), Del. Tim Manchin (D-50), and Del. Jim Morgan (D-16) had agreed to sponsor the Commission's proposed legislation.

WHEREUPON, Ms. Parker announced the hiring of Ellen Briggs for the position of Special Assistant to the Executive Director effective February 21, 2014.

WHEREUPON, Chairperson Morton called upon Mr. Visnic to present Advisory Opinion 2013-61.

WHEREUPON, Mr. Visnic presented Advisory Opinion 2013-61 with amended language to the Commission for consideration. After discussion, Commissioner Sutton made a motion to approve Advisory Opinion 2013-61 with the amended language as presented and Commissioner Ireland seconded. The motion passed unanimously.

WHEREUPON, Chairperson Morton called upon Ms. Parker to present Advisory Opinion 2014-01.

WHEREUPON, Commissioner Ireland recused herself due to a personal conflict and left the room during the discussion and vote pertaining to Advisory Opinions 2014-01.

WHEREUPON, Ms. Parker presented Advisory Opinion 2014-01 to the Commission for consideration. After lengthy discussion, Commissioner Singleton made a motion to approve Advisory Opinion 2014-01 and Commissioner Wolfe seconded. The motion passed with Commissioner Sutton voting in the negative.

WHEREUPON, Commissioner Ireland returned to the meeting.

WHEREUPON, Chairperson Morton called upon Ms. Weber to present Advisory Opinion 2014-02.

WHEREUPON, Ms. Weber presented Advisory Opinion 2014-02 to the Commission for consideration. After discussion, Commissioner Sutton made a motion to approve Advisory Opinion 2014-02 and Commissioner Ireland seconded. The motion passed unanimously.

WHEREUPON, Chairperson Morton called upon Ms. Weber to present Advisory Opinion 2014-03.

WHEREUPON, Ms. Weber presented Advisory Opinion 2014-03 to the Commission for consideration. After discussion, Commissioner Sutton made a motion to approve Advisory Opinion 2014-03 with modified language and Commissioner Walker seconded. The motion passed unanimously with the language modification.

WHEREUPON, Chairperson Morton called upon Ms. Parker to present Advisory Opinion 2014-04.

WHEREUPON, Ms. Parker presented Advisory Opinion 2014-04 to the Commission for consideration. After discussion, Commissioner Ireland made a motion to approve Advisory Opinion 2014-04 and Commissioner Sutton seconded. The motion passed unanimously.

WHEREUPON, there were no Contract Exemption Requests.

WHEREUPON, Chairperson Morton called upon Ms. Parker to present School Board Advisory Opinion 2014-01.

WHEREUPON, Ms. Parker presented School Board Advisory Opinion 2014-01 to the Commission for consideration. After discussion, Commissioner Sutton made a motion to approve Advisory Opinion 2014-01 and Commissioner Ireland seconded. The motion passed unanimously. Staff was directed to provide advice about the Ethics Act in the transmittal letter to the Requester.

WHEREUPON, there were no Property Exemption Requests.

WHEREUPON, Chairperson Morton called upon Ms. Parker to present Employment Exemption Request 2014-01.

WHEREUPON, Ms. Parker presented Employment Exemption Request 2014-01 requested by Lou Ann Lee to the Commission for consideration. After discussion, Commissioner Ireland made a motion to approve Employment Exemption Request 2014-01 and Commissioner Singleton seconded. The motion passed unanimously.

WHEREUPON, Chairperson Morton called upon Ms. Parker to present miscellaneous matters.

WHEREUPON, the Commission reviewed the P-Card report with no comments.

WHEREUPON, Chairperson Morton called upon Ms. Parker regarding pending legislation to amend the Ethics Act.


WHEREUPON, Ms. Parker provided an update on HB 2029, HB 2748, HB 2796, SB 28, SB 217, SB 2885, and Committee Substitute SB 365. Ms. Parker noted that Comm. Sub SB 365 would provide a blanket exemption from the prohibition against having an interest in a public contract for Conservation Supervisors. She reviewed the Commission's relevant precedential Advisory Opinions and Contract Exemptions. After discussion, wherein Ms. Parker stated that "carving exceptions into the Act where an exemption process already exists creates a dangerous precedent and opens the door to other officials to seek legislative exception" and wherein Ms. Parker asked for the Commission's authority to take an official position in opposition to Comm. Sub SB 365, Commissioner Ireland made a motion to authorize the Executive Director to actively oppose Comm. Sub SB 365 and Commissioner Sutton seconded. The motion passed with Commissioner Wolfe and Commissioner Walker voting in the negative.

WHEREUPON, Chairperson Morton asked for any other matters to be brought before the Commission. There being none, Chairperson Morton adjourned the meeting.

The foregoing minutes of the West Virginia Ethics Commission were approved unanimously at the March 6, 2014 meeting.



Father Douglas Sutton, Acting Chairperson
West Virginia Ethics Commission

ATTEST: 

Kimberly Pickens, Administrative Secretary
West Virginia Ethics Commission