

**MINUTES OF THE NOVEMBER 5, 2015  
MEETING OF THE WEST VIRGINIA ETHICS COMMISSION**

The November 5, 2015, 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 J. Wolfe. Present in person at the meeting were Commissioners Jack Buckalew, Michael Greer, Betty S. Ireland, Suzan Singleton, Lawrence Tweel, and Robert J. Wolfe. Commissioners Karen Disibbio, Terry Walker, and Monté Williams participated by telephone. 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 advised the Commission that an Adjudicatory Session will be held immediately after today's meeting and expressed his appreciation to Commissioner Buckalew for serving as Acting Chairperson at the October 1, 2015, meeting.

WHEREUPON, Chairperson Wolfe asked for approval of the October 1, 2015, Commission meeting minutes.

WHEREUPON, Commissioner Ireland made a motion to approve the minutes of October 1, 2015, and Commissioner Singleton gave a second. The motion passed.

WHEREUPON, Chairperson Wolfe reported that the remaining 2015 date for Commission meetings is December 3.

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

WHEREUPON, Ms. Stepto reported that staff conducted a one-hour training course for 34 lobbyists on October 22. Another training session will be held in January at the Capitol, with hundreds of lobbyists anticipated to attend.

Ms. Stepto reported on the appeal of the Commission's Order by William Perry. A Scheduling Order has been received from Kanawha County Circuit Court Judge Carrie Webster setting a final deadline as December 22. However, under Court rules, the appeal was supposed to be decided within six months, or by December 8. The Commission's General Counsel submitted a letter to the Judge pointing this out and asking for a decision with no further briefing and no oral argument. Commission staff awaits a response from Judge Webster.

A report was given by Ms. Stepto that Counsel to the House Judiciary Committee, Marty Wright, advised that the Commission's "trinkets" regular Legislative Rule will be considered by the Rule-Making Review Committee during the interim meeting on November 17. Mr. Wright is drafting amendments to the Rule and will meet with Ms. Stepto on Friday, November 6.

Ms. Stepto reported that she contacted the reporter for the Center for Public Integrity to ask when its report regarding the potential for corruption in each state will be released. Ms. Stepto advised the Commission that West Virginia received a D+ in 2012, and the reporter indicated that West Virginia's grade would drop even further in the 2015 report. He noted, though, that no state received above a C+ and that West Virginia's rating vis-à-vis all states went up.

Ms. Stepto reported that staff is working with West Virginia Interactive in preparation for the upcoming Financial Disclosure Statement process. In order to cut costs and staff time, Statements will be emailed to filers again this year.

WHEREUPON, Commissioner Ireland made a motion that the Ethics Commission enter into executive session pursuant to West Virginia Code § 6B-2-4(s) to consider settlement terms in a proposed Conciliation Agreement and to consider amendments to two Final Decisions and Orders. These matters relate to VCRB 2014-006 Respondent John W. Hawkins, VCRB 2012-012 Respondent Paula Boggs, and VCRB 2012-013 Respondent Grace Russell. Commissioner Singleton gave a second, and the motion carried. All guests and designated staff left the meeting room.

WHEREUPON, the Ethics Commission re-entered public session to discuss action on three Complaints. Guests and staff returned to the meeting room.

Commissioner Ireland moved and Commissioner Tweel seconded that the Commission accept the Amendment to Final Decision and Order for Paula Boggs, the Respondent in VCRB 2012-012. The motion carried.

Commissioner Ireland moved and Commissioner Tweel seconded that the Commission accept the Amendment to Final Decision and Order for Grace Russell, the Respondent in VCRB 2012-013. The motion carried.

Commissioner Ireland moved and Commissioner Tweel seconded that the Commission reject the proposed Conciliation Agreement for John W. Hawkins, VCRB 2014-006. The motion carried.

WHEREUPON, Chairperson Wolfe called upon Ms. Weber to present proposed Advisory Opinion 2015-18 for consideration.

WHEREUPON, Ms. Weber presented proposed Advisory Opinion 2015-18 to the Commission for consideration, which Opinion was tabled at the Commission's October 2015 meeting. After discussion, a motion was made by Commissioner Buckalew to approve the draft Opinion with an amendment to change "recipient" to "gifter" on page 3, second paragraph. Commissioner Ireland gave a second, and the motion passed unanimously.

WHEREUPON, Chairperson Wolfe called upon Ms. Weber to present proposed Advisory Opinion 2015-19 for consideration.

WHEREUPON, Ms. Weber presented proposed Advisory Opinion 2015-19 to the Commission for consideration. After discussion, a motion was made by Commissioner Ireland to approve an amendment on page 4, third paragraph, to read as follows:

However, the Requester may not use public funds or public resources to offer or distribute these calendar books and pens to the public. Accordingly, the Requester and/or his staff may not place the calendar books and pens on a counter in the Assessor's office, may not distribute them while in the field assessing property, and may not give them to individuals who request them while he is performing his public job duties.

Commissioner Singleton gave a second, and the motion passed unanimously. A motion was made by Commissioner Ireland to accept proposed Advisory Opinion 2015-19, as amended. Commissioner Tweel gave a second, and the motion carried.

WHEREUPON, Chairperson Wolfe called upon Ms. Weber to present proposed Advisory Opinion 2015-20 for consideration.

WHEREUPON, Ms. Weber presented proposed Advisory Opinion 2015-20 to the Commission for consideration. After discussion, a motion was made by Commissioner Ireland to approve the draft Opinion as presented, and Commissioner Buckalew seconded. The motion passed unanimously.

WHEREUPON, Chairperson Wolfe called upon Ms. Kirk to present proposed Advisory Opinion 2015-21 for consideration.

WHEREUPON, Ms. Kirk presented proposed Advisory Opinion 2015-21 to the Commission for consideration. Commissioner Tweel recused himself from discussion and left the meeting room. During discussion, a motion was made by Commissioner Ireland to amend the proposed Opinion as follows. Commissioner Greer seconded the motion, and the motion carried, with Commissioner Singleton opposed.

The Ethics Commission concludes that streaming of private advertisements in the State Agency's public lobby space is permissible under the Ethics Act if: (1) the vendor is selected in accordance with applicable purchasing laws; (2) the advertisements do not include political advertisements or feature persons or the names of persons who are candidates for public office; (3) a disclaimer, substantially similar to the one outlined above, is included to ensure that the advertising does not constitute a prohibited endorsement, and (4) public service announcements from other agencies may not contain the name or likeness of a public official.

A motion was made by Commissioner Ireland to accept proposed Advisory Opinion 2015-21, as amended. Commissioner Singleton gave a second, and the motion passed, with Commissioner Greer opposed.

WHEREUPON, Chairperson Wolfe called upon Ms. Stepto to present Employment Exemption Requests. Commissioner Tweel returned to the meeting room.

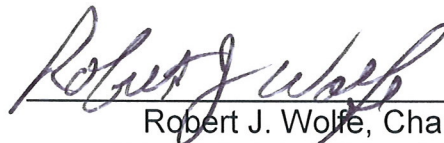
WHEREUPON, Ms. Stepto presented Employment Exemption 2015-13 requested by Danielle E. Boyd, General Counsel, West Virginia Lottery Commission, and Employment Exemption 2015-14 requested by Jason Pizatella, Acting Cabinet Secretary, West Virginia Department of Administration. After discussion, Commissioner Greer made a motion to ratify Employment Exemption 2015-13 and Employment Exemption 2015-14. Commissioner Buckalew seconded, and the motion passed unanimously.

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

WHEREUPON, the Commission reviewed purchases on the P-Card monthly report for September. No corrections or additions were made to the report. Ms. Stepto reported that the Commission's spending is below the target for this time period and that the Commission's budget will not be cut. Commissioner Buckalew made a motion to approve the P-card monthly report for September. Commissioner Ireland gave a second, and the motion carried.

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

The foregoing minutes of the West Virginia Ethics Commission were approved at the December 3, 2015, meeting.



Robert J. Wolfe, Chairperson  
West Virginia Ethics Commission

ATTEST:



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