

**MINUTES OF THE OCTOBER 1, 2015
MEETING OF THE WEST VIRGINIA ETHICS COMMISSION**

The October 1, 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 Acting Chairperson Jack Buckalew, who was appointed by Chairperson Robert J. Wolfe to serve in the physical absence of Chairperson Wolfe at today's meeting. Present in person at the meeting were Acting Chairperson Buckalew and Commissioner Suzan Singleton. Commissioners Karen Disibbio, Michael Greer, Terry Walker, Monté Williams, and Robert J. Wolfe participated by telephone. Commissioners Betty S. Ireland and Lawrence Tweel 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, Acting Chairperson Buckalew advised the Commission that an Adjudicatory Session will be held immediately after today's meeting. Acting Chairperson Buckalew asked for approval of the September 3, 2015, Commission meeting minutes.

WHEREUPON, Commissioner Singleton made a motion to approve the minutes of September 3, 2015, and Commissioner Disibbio gave a second. The motion passed.

WHEREUPON, Acting Chairperson Buckalew reported on the remaining 2015 dates for Commission meetings: November 5 and December 3. He further noted the 2016 Commission meeting proposed dates as follows:

January 7	February 4	March 3	April 7
May 5	June 2	July 7	August 4
September 1	October 6	November 3	December 1

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

WHEREUPON, Ms. Stepto reported that staff is inputting into the lobbyist database information from activity/spending reports filed by 389 lobbyists for the May-August reporting period. Three lobbyists failed to file their reports by September 15, and action will be taken unless they pay their \$10 a day fine within a few weeks. A final composite report of the reported spending was sent to the clerks of the House and Senate and is available upon request to anyone.

Ms. Stepto reported that in anticipation of the election next year, staff has met with West Virginia Interactive to start planning for the sending of Financial Disclosure Statement forms to this year's filers in January via email. This was attempted in January 2015, but nearly 900 emails bounced back as invalid. Next year's process will

be complicated by the filing of Disclosures by state and county candidates. Staff is working to develop a more efficient method to cut down on costs of printing, postage, and manpower. A temporary worker will be hired for the months of January through March.

Ms. Stepto reported that as of today, 130 complaints have been filed this calendar year.

A report was given by Ms. Stepto that a lobbyist training session will be held on October 22, 2015, at 11:00 a.m., in the Ethics Commission's Conference Room. All registered lobbyists must complete one training course during the 2015-16 registration cycle.

Ms. Stepto and the Commissioners welcomed Ms. Theresa M. Kirk, former Executive Director and attorney for the Ethics Commission, who began work here as a part-time staff attorney on Thursday, October 1, 2015.

WHEREUPON, Commissioner Singleton made a motion that the Ethics Commission enter into executive session pursuant to West Virginia Code § 6B-2-4(s) to consider settlement terms and proposed conciliation agreements and to consider the Final Decision and Order. Ms. Stepto clarified that these matters relate to VCRB 2012-012 Respondent Paula Boggs, VCRB 2012-013 Respondent Grace Russell, and VCRB 2013-049 and VCRB 2013-053 Respondent Bill L. Pauley. Commissioner Disibbio 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 Singleton moved and Commissioner Disibbio seconded that the Commission accept the proposed Conciliation Agreement of Bill L. Pauley, the Respondent in VCRB 2013-049 and VCRB 2013-053. The motion carried.

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

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

Ms. Stepto advised guests at the meeting that the Final Decision and Order in the Bill L. Pauley matter will be on the Commission's website by about noon today.

WHEREUPON, Acting Chairperson Buckalew called upon Mr. Knopp to present proposed Advisory Opinion 2015-15 for consideration.

WHEREUPON, Mr. Knopp presented proposed Advisory Opinion 2015-15 to the Commission for consideration. After discussion, a motion was made by Commissioner Singleton to approve the draft Opinion as presented, and Commissioner Disibbio seconded. The motion passed unanimously.

WHEREUPON, Acting Chairperson Buckalew called upon Mr. Knopp to present proposed Advisory Opinion 2015-16 for consideration.

WHEREUPON, Mr. Knopp presented proposed Advisory Opinion 2015-16 to the Commission for consideration. After discussion, a motion was made by Commissioner Singleton to approve the draft Opinion as presented, and Commissioner Disibbio seconded. The motion passed unanimously.

WHEREUPON, Acting Chairperson Buckalew called upon Ms. Weber to present proposed Advisory Opinion 2015-17 for consideration.

WHEREUPON, Ms. Weber presented proposed Advisory Opinion 2015-17 to the Commission for consideration. During discussion, a motion was made by Commissioner Wolfe to amend the proposed Opinion on page 3, in the next to last paragraph, to read:

In conclusion, the Ethics Commission holds that public teachers and staff may not voluntarily appear in the software vendor's case study video and articles without violating the prohibition against public officials' commercial endorsements of a product or business.

Commissioner Disibbio gave a second, and the motion carried. After further discussion, a motion was made by Commissioner Singleton that Advisory Opinion 2015-17 be approved as amended. Commissioner Disibbio gave a second, and the motion carried unanimously.

WHEREUPON, Acting Chairperson Buckalew 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. After discussion, a motion was made by Commissioner Singleton to table this Opinion in its entirety until the November 2015 meeting of the Commission, but that the requester be advised that the Commission made a finding that the requester may attend the conference, receive reimbursement for actual expenses incurred, and may accept the plaque. Commissioner Disibbio seconded, and the motion passed unanimously.

WHEREUPON, Acting Chairperson Buckalew called upon Ms. Stepto to present Employment Exemption Requests.


WHEREUPON, Ms. Stepto presented Employment Exemption 2015-10 requested by William E. Light, Transportation Services Manager 2, West Virginia Division of Highways; Employment Exemption 2015-11 requested by Elizabeth N. Orcutt, Deputy Director of Marketing, West Virginia Lottery Commission; and Employment Exemption 2015-12 requested by Joseph M. Hickman, Environmental Resources Program Manager II, West Virginia Department of Environmental Protection, Office of Environmental Enforcement. After discussion, Commissioner Wolfe made a motion to approve Employment Exemption 2015-10, 2015-11, and 2015-12. Commissioner Walker seconded. The motion passed unanimously.

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

WHEREUPON, the Commission reviewed purchases on the P-Card monthly report for August. No corrections or additions were made to the report. The report was accepted as distributed.

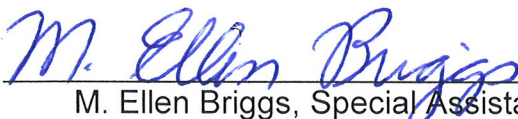
WHEREUPON, Acting Chairperson Buckalew stated there were no more items for discussion. Commissioner Singleton made a motion to adjourn, and Commissioner Wolfe seconded. The meeting was adjourned.

The foregoing minutes of the West Virginia Ethics Commission were approved at the November 5, 2015, meeting.



Jack Buckalew, Acting Chairperson
West Virginia Ethics Commission

ATTEST:



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