

**MINUTES OF THE MAY 7, 2015
MEETING OF THE WEST VIRGINIA ETHICS COMMISSION**

The May 7, 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 Wolfe. Present in person at the meeting were Commissioners Michael Greer, Suzan Singleton, Lawrence Tweel, and Robert Wolfe. Commissioners Jack Buckalew, Karen Disibbio, Terry Walker, and Monté Williams participated by telephone. Commissioner Betty Ireland participated by telephone for the first portion of the meeting. 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 asked for approval of the April 9, 2015, Commission meeting minutes.

WHEREUPON, Commissioner Tweel made a motion to approve the minutes, and Commissioner Singleton gave a second. The motion passed unanimously.

WHEREUPON, Chairperson Wolfe reported that the next Commission meeting is scheduled for June 4, 2015. The following 2015 proposed dates for Commission meetings were discussed, noting that the dates are subject to change:

July 2	October 1
August 6	November 5
September 3	December 3

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

Ms. Stepto reported on a listing of the status of Complaints which have been initiated by the Commission since it was given the authority to do so in 2005. Most of the unresolved Complaints are either scheduled for hearing or settlement is being discussed. During calendar year 2014, 14 Complaints were initiated by the Commission, but nine of those were relating to one case. Commissioner Greer questioned staff as to whether Commission members are permitted to know the reason(s) the Probable Cause Review Board dismisses a Commission-Initiated Complaint. Ms. Weber will research applicable confidentiality provisions.

Ms. Stepto reported that the Commission's staff met on May 5 with the Library Commission to discuss filming a new lobbyist training video. The Ethics Commission is required to provide training to lobbyists once every two-year registration cycle.

A report was given by Ms. Stepto regarding interim Legislative meetings. She reported that the House Judiciary Committee has included a study topic entitled "Ethics/Integrity reform legislation." Ms. Stepto plans to attend interim meetings, which are scheduled for: June 7-8; September 13-14; October 18-19; November 15-16. Once agendas are available, they will be circulated to Commission members.

Ms. Stepto reported that the Probable Cause Review Board issued five more Probable Cause Orders, which required staff to issue Statements of Charges and Notices of Hearing within 10 days. Three of the hearings were scheduled in the Union Public Service District cases. Some of those Respondents have since agreed to settlements, which will be discussed later in today's meeting. Ms. Stepto reported that Statements of Charges were issued and public hearings were scheduled in two cases against members of the Piedmont, West Virginia, City Council who voted to expend \$10,000 in city funds to pay for an attorney to defend its Town Foreman against criminal charges. After those two Statements of Charges were issued, staff learned that one Respondent is a candidate for re-election in a city election to be held on May 11. A stay of proceedings was immediately instituted in that case. The hearing on the other complaint is scheduled for July 23.

WHEREUPON, Chairperson Wolfe requested that the agenda order be changed to discuss Advisory Opinions before Complaints. The Commission concurred.

WHEREUPON, Chairperson Wolfe called upon Mr. Visnic to present Advisory Opinion 2015-06 for consideration.

WHEREUPON, Mr. Visnic presented Advisory Opinion 2015-06 to the Commission for consideration. After discussion, a motion was made by Commissioner Greer to approve the draft Opinion, and Commissioner Singleton seconded. The motion passed, with Commissioner Tweel opposed.

WHEREUPON, Chairperson Wolfe called upon Ms. Weber to present Advisory Opinion 2015-07 for consideration.

WHEREUPON, Ms. Weber presented Advisory Opinion 2015-07 to the Commission for consideration. A motion was made and seconded for approval of the draft Opinion. The motion failed for lack of a majority vote, with 4 against and 3 in favor. Commission members suggested new language for this Advisory Opinion, and Ms. Weber reported she will draft new language for discussion later in today's meeting.

WHEREUPON, Chairperson Wolfe called upon Ms. Weber to present Advisory Opinion 2015-08 for consideration.

WHEREUPON, Ms. Weber presented Advisory Opinion 2015-08 to the Commission for consideration. After discussion, a motion was made by Commissioner Singleton to approve the draft Opinion. Commissioner Greer seconded, and the motion carried.

WHEREUPON, Chairperson Wolfe called upon Ms. Johnstone to present Contract Exemption 2015-03 for consideration.

WHEREUPON, Ms. Johnstone presented Contract Exemption 2015-03 to the Commission for consideration. After discussion, a motion was made by Commissioner

Buckalew to approve the draft Opinion with an amendment. Commissioner Singleton seconded, and the motion carried.

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

WHEREUPON, the Commission reviewed purchases on the P-Card monthly report. A motion was made by Commissioner Tweel, and seconded by Commissioner Singleton, that the report be accepted. The motion carried.

Ms. Stepto reported that the Commission's new paralegal, Emily West, began working on April 20, 2015. Ms. West was introduced to the Commission members.

Ms. Stepto reported that at the May meeting of the Ethics Commission, the Commission voted to propose emergency and regular Legislative rules to accompany the new trinkets statute, which was House Bill 2457. The statute will be part of the Ethics Act and goes into effect on May 28, 2015. The Bill states that the Ethics Commission "may propose rules and emergency rules for legislative approval in accordance with the provisions [of the Administrative Procedures Act] to effectuate this section by July 1" even though the bill goes into effect on May 28. She reported that Mr. Visnic drafted proposed rules and staff received input from some of the Commissioners and from the Cabinet Secretary's Office. Mr. Visnic also did a Memorandum to the Commissioners which discusses the latest version and why staff chose not to put in certain provisions or explanations that had been suggested. Today the Commissioners are being asked to approve these proposed rules to be submitted to the Cabinet Secretary for his approval. After approval is obtained, Mr. Visnic and Ms. Stepto will go through all the detailed procedures and requirements of the Secretary of State's Office for making this an emergency rule and a regular Legislative rule. Ms. Stepto reported that this morning, she received by email a county policy from a county office; and after review, she and Mr. Visnic thought that the proposed rules and the statute address what is covered by the trinkets bill and what is not. Chairperson Wolfe questioned whether the Legislative Rule, once it goes into effect, supersedes all county policies. Ms. Stepto advised that the Legislative Rule will supersede county policies, but that county policies can be more restrictive. Discussion ensued on proposed changes to Section 4.2 of the proposed rules. Commissioner Disibbio made a motion for approval of the proposed Legislative Rule, with the amendment to 4.2 to strike out "including presidents and coaches" and to insert "development" so that 4.2 now reads: "This section does not prohibit communications released by college and university staff for marketing, development, recruiting or other advertising purposes." Commissioner Tweel gave a second, and the motion carried.

Ms. Stepto requested that the Commission consider establishing a Legislative Committee to work with her to monitor and provide input on the ethics reform legislation during the upcoming interim Legislative meetings. She reported that Commissioner Ireland has already requested to be on the Committee. Commissioners Buckalew, Greer, and Tweel were also requested or volunteered to be on the Committee. Chairperson Wolfe noted for clarification that the role of the Legislative Committee will be to simply monitor and will not be proactive to represent the Commission to the Legislature or to lobby or any kind of those activities on behalf of the Commission.

WHEREUPON, Chairperson Wolfe called upon Ms. Weber to present revised Advisory Opinion 2015-07 for consideration.

WHEREUPON, Ms. Weber presented Advisory Opinion 2015-07 to the Commission again for consideration. After discussion, a motion was made by Commissioner Greer to approve the revised Opinion. Commissioner Singleton seconded, and the motion carried, with Commissioner Tweel opposed.

WHEREUPON, Commissioner Singleton made a motion that the Ethics Commission enter into Executive Session to discuss the five Complaints listed on today's Amended Agenda. Commissioner Greer 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 five Complaints. Guests and staff returned to the meeting room.

Commissioner Tweel moved that the Commission accept the Recommended Decision of the Hearing Examiner and the proposed Final Decision and Order in the matter of *In re William Perry*, Commission-Initiated Complaint 2009-004, with the following amendment: that the additional "Conclusions of Law" be renumbered to be numbers 3, 4, and 5. Commissioner Greer seconded the motion. The motion carried.

Commissioner Singleton moved and Commissioner Tweel seconded that the Commission accept the Proposed Conciliation Agreement of Bernie Fazzini, the Respondent in CIC 2013-002, and that CIC 2013-003, in which he also is the Respondent, be dismissed. The motion carried.

Commissioner Greer moved and Commissioner Singleton seconded that the Commission accept the Proposed Conciliation Agreement of Drema Bias-Evans, the Respondent in VCRB 2012-015. The motion carried.

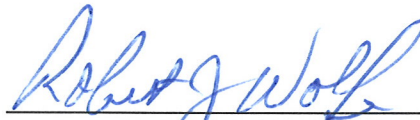
Commissioner Tweel moved and Commissioner Singleton seconded that the Commission accept the Proposed Conciliation Agreement of William V. Ashley, the Respondent in CIC 2014-002. The motion carried.

Commissioner Tweel moved and Commissioner Greer seconded that the Commission accept the Proposed Conciliation Agreement of Darrell Pauley, the Respondent in CIC 2014-006. The motion carried.

WHEREUPON, Commissioner Greer requested that Commissioners be emailed any press releases issued by the Commission. The full Commission concurred.

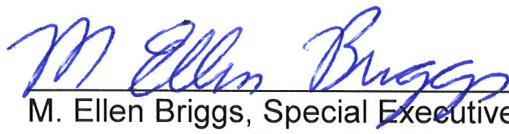
WHEREUPON, Chairperson Wolfe stated there were no more items for discussion. Commissioner Greer made a motion to adjourn, and Commissioner Singleton seconded. The meeting was adjourned.

The foregoing minutes of the West Virginia Ethics Commission were approved unanimously at the June 4, 2015, meeting.



Robert J. Wolfe, Chairperson
West Virginia Ethics Commission

ATTEST:



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