

**MINUTES OF THE JANUARY 8, 2015
MEETING OF THE WEST VIRGINIA ETHICS COMMISSION**

The January 8, 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 Betty S. Ireland, Suzan Singleton, Terry Walker, and Robert Wolfe. Commissioners Jack Buckalew, Karen Disibbio, Michael Greer, and Monté Williams participated by telephone. Commissioner Lawrence Tweel was absent. 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 November 13, 2014, Commission meeting minutes.

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

WHEREUPON, Chairperson Wolfe set forth the next Commission meeting for February 5, 2015. The following 2015 proposed dates for Commission meetings were discussed, noting that the dates are subject to change:

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

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

WHEREUPON, Ms. Stepto reported that today's agenda includes two Advisory Opinions and two Employment Exemptions, and that there will be an Adjudicatory Session following the regular Ethics Commission meeting. She further reported that the Open Governmental Meetings Committee met before the Commission meeting to consider one Open Meetings Advisory Opinion.

Ms. Stepto gave a breakdown of the number of complaints initiated by the Commission ("CIC"), complaints filed by individuals ("VCRB"), written inquiries and telephone call inquiries during calendar year 2014. For comparison, figures from calendar years 2012 and 2013 were also set forth, as follows:

2014	
CIC	14
VCRB	129
Written inquiries	321
Oral inquiries	55

2013	
CIC	3
VCRB	119
Written inquiries	571
Oral inquiries	71

2012	
CIC	2
VCRB	118
Written inquiries	517
Oral inquiries	75

Ms. Stepto reported that the hearing in the matter of *Ethics Commission v. William Perry*, the former Chief Deputy Assessor in the Monongalia County Assessor's Office, is scheduled for January 26-28, 2015. General Counsel Kim Weber will represent the Commission at the hearing, which will be held in Morgantown.

A report was given by Ms. Stepto that Financial Disclosure Statements are being processed from candidates in the Charleston and Fairmont city elections. These are the only two cities to have opted to require the filing of these forms, which are required to be filed by various State officials and employees. Minor revisions have been made to the Financial Disclosure Statement and the instruction form was revised from four pages to two pages. Staff ordered 600 copies of the forms and instructions rather than the 4,000 which were ordered last year. Filers will be informed via email rather than by the U.S. Mail of the need to file completed Disclosures by the February 2, 2015, deadline. Disclosure information will be also publicized through press releases and on the Commission's website. Filers will also be encouraged to file their Disclosures directly online through the website. This will be made easier this year because staff is terminating use of the Access database to track the filing of Disclosures. West Virginia Interactive will then move all of the Access information onto an online system. An email with a unique filing number will then be sent to new online filers. This will eliminate the need for online filers to call the office to get the number, and the emails also will further encourage filers to file their Disclosures online.

Ms. Stepto reported that Rowan & Associates CPA has completed review of documentation provided by the 20 lobbyists who were randomly selected to be audited in September 2014. Mr. Rowan issued reports regarding each lobbyist, and those reports were mailed to the lobbyists and requested that if they wish to respond to the report regarding their audit, they must do so by January 28, 2015. Members of the Ethics Commission will be asked to review Mr. Rowan's reports and any lobbyist responses most likely at the February 2015 Commission meeting. The Commission may ask that the auditor request more information from the lobbyists, or it may approve

the reports. After the reports are made final, they and the responses will be made available for public inspection.

Ms. Stepto reported that General Counsel Kimberly Weber and Lobbyist Registrar Kimberly Pickens will present training for registered lobbyists on January 20, 2015, at the Caperton Training Center. The Ethics Act requires the Commission to conduct lobbyist training at least two times a year, with one session during the month of January. Lobbyists are required to undergo one one-hour training course during each two-year lobbyist registration cycle.

Ms. Stepto reported that on Christmas Eve, the final proof of the 2015 Lobbyist Directory was received and returned to the printer, Prison Industries, within about an hour. The printed directories should be ready for distribution during the first week of the Legislative session.

A report was given by Ms. Stepto that the deadline for lobbyists to register was December 31. A supplemental directory may be printed in early February depending upon how many register between now and the end of January. An electronic copy of the directory was emailed to Commissioners on December 24, 2014. Ms. Stepto further reported that lobbyist spending reports are due on January 15, 2015. Blank reporting forms were sent via email to save money.

Ms. Stepto reported that 61 resumes for the Investigator position were received. Staff interviewed four applicants and an offer of employment was made and accepted by John L. Poindexter. Mr. Poindexter will begin his employment on Friday, January 16, 2015, at 12:30 p.m.

Ms. Stepto reported that Commission staff has been asked to present ethics training as part of the orientation session for new Legislators later in January. The Senators are scheduled to be trained on January 12, 2015. Training for House of Delegate members has not yet been set.

A report was given by Ms. Stepto that in order to conform to a provision in the Ethics Act, staff has forwarded copies of all Advisory Opinions, Contract Exemptions, and School Board Advisory Opinions issued during 2014 to the Secretary of State. Some opinions from 2013 had not been sent to the Secretary of State's office, so those were also recently sent. Another provision requires the Commission to send copies of all Advisory Opinions to other entities by March 1, and staff will also comply with that provision. Those other entities are the Archives and History Division of Culture and History, the House and Senate Clerks, and the Supreme Court Law Library.

Ms. Stepto reported that a new conference telephone and speakers were purchased at a cost of \$576. The new system was in use at today's meeting.

Ms. Stepto reported that she contacted DOA Finance to request that the charge for accounting services to the Ethics Commission be reduced from approximately \$1,575 per month to \$1,000 a month. Her request was granted.

She also reported that the bill for OASIS usage was reduced to \$200 for one user instead of \$800 which was being charged for 4 users.

Ms. Stepto reported that a temporary employee has been hired through the WV Association of Rehabilitation Facilities at a cost of \$11.54 per hour. Ms. Stepto further advised that she intends to bring the current records retention policy before the Commission for possible revisions.

Ms. Stepto advised the Commissioners that she discovered that the Commission staff was sending the fines to the General Revenue Fund. Ms. Stepto contacted DOA Finance, and the Commission now gets to keep fines related to Complaints. She further reported that the Commission cannot keep lobbyist fines due to statutory language. The total amount of lobbyist fines in 2014 was \$3,990. Commissioner Ireland suggested that the Commission possibly consider at its next meeting changing the statute so that the Commission may keep the fines levied against the lobbyists to help offset costs associated with lobbyist registration.

Ms. Stepto requested guidance from Commission members on whether all signed Conciliation Agreements should be placed on the Commission's website. Currently, consistent with past practice, only those Agreements containing a "public reprimand" are placed on the website. It was the opinion of Ms. Stepto that all such Agreements should be public information and should be promptly placed on the website. Chairperson Wolfe suggested that Ms. Stepto's request be discussed at a future meeting. The Commission concurred.

WHEREUPON, Chairperson Wolfe requested, and the Commission granted, approval to change the order of the agenda.

WHEREUPON, Chairperson Wolfe called upon Ms. Weber to present Advisory Opinion 2015-01. Delegate Tim Armstead, present at the meeting, waived confidentiality of this Advisory Opinion which he requested from the Commission.

WHEREUPON, Ms. Weber presented Advisory Opinion 2015-01 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 unanimously.

WHEREUPON, Chairperson Wolfe called upon Ms. Weber to present Advisory Opinion 2014-26.

WHEREUPON, Ms. Weber presented Advisory Opinion 2014-26 to the Commission for consideration. After discussion, a motion was made by Commissioner Ireland to approve the draft Opinion, and Commissioner Singleton seconded. The motion passed unanimously.

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

WHEREUPON, Ms. Stepto presented Employment Exemption 2014-21 requested by Henry Haslebach, Administrative Law Judge, Office of Judges, Office of the Insurance Commission. After discussion, Commissioner Singleton made a motion to approve Employment Exemption 2014-21, and Commissioner Ireland seconded. The motion passed.

WHEREUPON, Ms. Stepto presented Employment Exemption 2014-22 requested by Letitia E. Tierney, M.D., J.D., Commissioner, Bureau for Public Health, Department of Health and Human Resources. After discussion, Commissioner Singleton made a motion that Employment Exemption 2014-22 be tabled and that an amended temporary exemption letter be mailed to Dr. Tierney deleting paragraphs relating to "her position is not created by statute" and "restricted from registering as a lobbyist for one (1) year." Commissioner Ireland seconded the motion, and the motion passed.

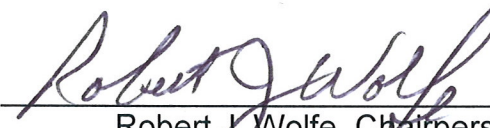
WHEREUPON, Chairperson Wolfe called upon Ms. Stepto to present miscellaneous matters.

WHEREUPON, the Commission reviewed and Ms. Stepto explained purchases on the P-Card monthly report.

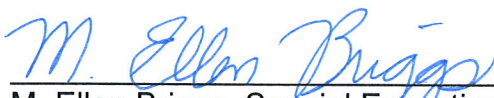
Ms. Stepto reported on a request from Lobbyist Bob Kota that a late spending report fee of \$130 be waived. It was the suggestion of staff, and so moved by Commissioner Ireland, that since Mr. Kota has terminated his lobbyist registration and does not plan to conduct lobbying activity in West Virginia, his \$130 late fee be waived. Commissioner Walker gave a second, and the motion carried.

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

The foregoing minutes of the West Virginia Ethics Commission were approved unanimously at the February 5, 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