

**MINUTES OF THE JUNE 2, 2016
MEETING OF THE WEST VIRGINIA ETHICS COMMISSION**

The June 2, 2016, 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 Chairperson Wolfe and Commissioners Betty S. Ireland and Lawrence Tweel. Commissioners Karen Disibbio, Suzan Singleton, and Terry Walker participated by telephone. Commissioner Monté Williams was absent. Executive Director Rebecca L. Stepto, General Counsel Kimberly B. Weber, Staff Attorney Theresa M. Kirk, Staff Attorney Derek Knopp, Special Assistant to the Executive Director M. Ellen Briggs, and Temporary Employee Emily W. Harrell, all from the Commission staff, were present.

WHEREUPON, Chairperson Wolfe asked for approval of the May 5, 2016, Commission meeting minutes.

WHEREUPON, Commissioner Ireland made a motion to approve the minutes of May 5, 2016. Commissioner Tweel gave a second. The motion passed.

WHEREUPON, Chairperson Wolfe reported on the 2016 dates for Commission meetings as:

July 7	August 4	September 1
October 6	November 3	December 1

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

Ms. Stepto reported that staff has filed a proposed revised Legislative Rule regarding the use of public office for private gain, which includes the nepotism provisions. The public comment period ends on June 16. Ms. Stepto reported that staff sent letters and copies of the proposed rule to various entities. She further reported that the proposed revised Rule is on the Ethics Commission's and the Secretary of State's websites.

Ms. Stepto reported that William Perry, the Respondent in a Commission-Initiated-Complaint, passed away in April 2016. The Commission's Order required Mr. Perry to pay a fine of \$5,000 and reimbursement of \$8,197.01. Ms. Weber sent a letter to Mr. Perry's widow informing her of the Ethics Commission's claim. Staff will submit the claim against Perry's estate once his widow starts the probate process.

Ms. Stepto noted that she had emailed the Commissioners a list of spending reported by lobbyists during the first spending report period of 2016 and a list of those lobbyists who failed to file a report by the May 16 deadline.

Ms. Stepto reported that a public hearing on a complaint initiated by the Ethics Commission against Eugene Thorn will be held on July 18-19 in the Commission's conference room. She advised that this is the only complaint which the current Commission has initiated.

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

WHEREUPON, Ms. Stepto presented Employment Exemption 2016-12 requested by Joshua L. Jarrell, Deputy Secretary and General Counsel, West Virginia Department of Commerce; Employment Exemption 2016-13 requested by Trina Crowder, Director, Medicaid Fraud Control Unit, West Virginia Department of Health and Human Resources, Office of Inspector General; Employment Exemption 2016-14 requested by Henry Haslebacher, Deputy Chief Administrative Law Judge, West Virginia Office of Judges, West Virginia Office of the Insurance Commissioner; and Employment Exemption 2016-15 requested by Mark A. Hooker, Chief Market Conduct Examiner, West Virginia Office of the Insurance Commissioner. After discussion, Commissioner Ireland made a motion that Employment Exemptions 2016-12, 2016-13, 2016-14, and 2016-15 be ratified. Commissioner Tweel gave a second, and the motion carried.

WHEREUPON, Chairperson Wolfe called upon Ms. Weber to present proposed Advisory Opinion 2016-09 for consideration.

WHEREUPON, Ms. Weber presented proposed Advisory Opinion 2016-09 to the Commission for consideration. She reported that when the proposed Advisory Opinion was drafted, there was an assumption that the question included whether the purchase of coffee was an authorized expense. An email was received the day before the meeting from the requester of the Opinion in which he stated that he did not ask whether the purchase of coffee for employees was legal under the Ethics Act. Therefore, all references to that question in the proposed Opinion will be deleted. Ms. Weber reported that a footnote was added to page one of the proposed Opinion to address the request that the Ethics Commission establish a bright-line rule regarding the types of office conveniences delineated in the requester's letter and to provide a set of factors the requester's office should consider in reviewing the purchasing of and contracts for various agencies. After discussion, a motion was made by Commissioner Singleton to accept the proposed Advisory Opinion as amended. The motion was seconded by Commissioner Ireland. No call for the question was given. Commissioner Ireland asked Doren Burrell, counsel for the requester, who was present at the meeting, if he would speak to this issue. At this time, Chairperson Wolfe noted for the record that through an email, the requester waived confidentiality, and Mr. Burrell confirmed this waiver. Discussion ensued on clarification of the definition of "bottled water." Mr. Burrell clarified that "bottled water" is water used in water coolers and that individual bottles of water were not contemplated. The Commission concluded, and Commissioner Ireland moved, that all references to "bottled water" be changed to "water for water coolers;" that a footnote be added on page one, and that technical changes to

the Opinion by staff be permitted. Commissioner Tweel gave a second, and the motion carried. Commissioner Ireland made a motion that the proposed amended Advisory Opinion 2016-09 be approved. Commissioner Tweel gave a second, and the motion passed unanimously.

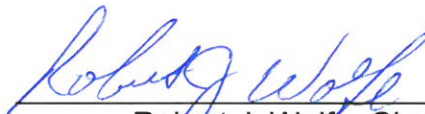
WHEREUPON, the Commission reviewed purchases on the P-Card monthly report for April. No corrections or additions were made to the report. Commissioner Ireland moved and Commissioner Tweel seconded that the report be accepted. The motion carried.

WHEREUPON, Commissioner Ireland asked for an update on the state's budget. Chairperson Wolfe stated that no budget has been finalized.

WHEREUPON, Commissioner Tweel asked for an update on the two vacant positions on the Commission. Chairperson Wolfe advised that the Acting Secretary of the Department of Administration has been contacted. At this time, Chairperson Wolfe reminded the Commissioners that Michael Greer resigned from the Commission effective April 20, 2016.

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

The foregoing minutes of the West Virginia Ethics Commission were approved at the August 4, 2016, meeting.



Robert J. Wolfe, Chairperson
West Virginia Ethics Commission

ATTEST:



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