

**MINUTES OF THE APRIL 1, 2010
MEETING OF THE WEST VIRGINIA ETHICS COMMISSION**

The April 1, 2010 meeting of the West Virginia Ethics Commission was called to order in the Commission's Office located at 210 Brooks Street, Suite 300, Charleston, WV at 10:00 a.m. by Vice Chairperson Radford. Also present in person were members Rowe and Turak. Chairman Morton and Members Buckalew, Logan, Trupo and Williams participated via telephone. Member Salmons was absent. Executive Director Theresa M. Kirk, General Counsel C. Joan Parker, Deputy General Counsel Martin J. Wright, Jr., Paralegal/Acting Secretary Lietta J. White and Administrative Secretary Lucy Suchy were also in attendance.

WHEREUPON, Vice Chairperson Radford asked for approval of the March 4, 2010 Commission Meeting minutes.

WHEREUPON, Mr. Morton moved and Mr. Buckalew seconded that the minutes of the March 4, 2010 meeting be approved, and the motion passed unanimously 7-0.

WHEREUPON, Vice Chairperson Radford announced that the next regular meeting of the WV Ethics Commission is scheduled for May 6, 2010 at 10:00 a.m., in the Commission's Office at 210 Brooks Street, Suite 300, Charleston, WV 25301.

WHEREUPON, Vice Chairperson Radford called upon Ms. Kirk for a recap of the previous month. Ms. Kirk discussed training.

WHEREUPON, Vice Chairperson Radford called upon Ms. Parker to present Advisory Opinion 2010-09 to the Commission for consideration.

WHEREUPON, Ms. Parker presented Advisory Opinion 2010-09 to the Commission for consideration. After discussion, Mr. Morton made a motion to table Advisory Opinion 2010-09 until the May 6, 2010 Commission meeting to allow the WVEC staff to obtain additional information and Mr. Turak seconded. The motion passed unanimously 7-0.

WHEREUPON, Vice Chairperson Radford called upon Mr. Wright to present Advisory Opinion 2010-10 to the Commission for consideration.

WHEREUPON, Mr. Wright presented Advisory Opinion 2010-10 to the Commission for consideration. After discussion, Mr. Buckalew made a motion to approve Advisory Opinion 2010-10 as written and Mr. Turak seconded. The motion passed unanimously 8-0.
Note: Member Williams attended the meeting later via telephone.

WHEREUPON, Vice Chairperson Radford called upon Ms. Kirk to present Contract Exemption 2010-02 to the Commission for consideration.

WHEREUPON, Ms. Kirk presented Contract Exemption 2010-02 to the Commission for consideration. After discussion, Mr. Turak made a motion to approve Contract Exemption 2010-02 denying the request of the Requester and Mr. Logan seconded. The motion passed 7-1.

WHEREUPON, Vice Chairperson Radford noted there were no School Board Advisory opinion requests.

WHEREUPON, Vice Chairperson Radford noted there were no Employment Exemption requests.

WHEREUPON, Vice Chairperson Radford asked Ms. Kirk if there were any miscellaneous matters to bring before the Commission.

WHEREUPON, Ms. Kirk provided a legislation update and overview to the Commission regarding H.B. 4016.

WHEREUPON, Ms. Kirk provided an overview to the Commission to consider hiring Priscilla Gay as an ALJ for matter number VCRB 2008-20. After discussion, Mr. Morton made a motion to go into executive session under the Personnel Committee and Mr. Rowe seconded. The motion passed 8-0. After the executive session, Mr. Rowe made a motion to hire Priscilla Gay as an ALJ for matter number VCRB 2008-20. Mr. Turak seconded. The motion passed 8-0.

WHEREUPON, Ms. Suchy presented a monthly review of the WVEC P-Card purchases.

WHEREUPON, Ms. Kirk provided an overview to the Commission to approve proposed legislative rule for filing for public comment, Title 158, Series 20, Relating to Manner of Preparing Forms. After discussion, Mr. Rowe made a motion to approve the proposed legislative rule for filing for public comment, Title 158, Series 20, Relating to Manner of Preparing Forms and Mr. Turak seconded. The motion passed 8-0.

WHEREUPON, Ms. Kirk provided an overview to the Commission to consider the payment plan in matter numbers VCRB 2005-10 and VCRB 2005-10A, Mayor James Ramey, III. After discussion, Mr. Morton made a motion to go into executive session and Mr. Rowe seconded. The motion passed 8-0. After the executive session, Mr. Rowe made a motion to accept the payment plan in matter numbers VCRB 2005-10 and VCRB 2005-10A, Mayor James Ramey, III and Mr. Turak seconded. The motion passed 8-0.

WHEREUPON, Ms. Kirk provided an overview to the Commission to consider the whether any potential conflict of interest exists in regard to the appraiser the Town of Wayne is considering hiring (as required by Contract Exemption 2010-01) and, if so, take official action regarding the approval of said appraiser. After discussion, Mr. Morton made a motion to approach Mayor James Ramey, III to see if he has any objections to John Cavendish being the appraiser for the Town of Wayne. Mr. Buckalew seconded. The motion passed 8-0.

WHEREUPON, Ms. Parker provided an overview to the Commission to consider Public Comment on the Lawyer Disciplinary Board's proposed Legal Ethics Opinion "Ghostwriting or Undisclosed Representation: What is permissible and What is not Permissible" as it relates to W.Va. Code § 6B-2-5(g). After discussion, Mr. Rowe made a motion for the Commission to respond with formal opposition to the Public Comment on the Lawyer Disciplinary Board's proposed Legal Ethics Opinion "Ghostwriting or Undisclosed Representation: What is permissible and What is not Permissible" as it relates to W.Va. Code § 6B-2-5(g). Mr. Turak seconded. The motion passed 8-0.


WHEREUPON, Vice Chairperson Radford stated since there were no more items for discussion, the meeting stands adjourned.

The foregoing minutes of the West Virginia Ethics Commission were approved unanimously at a regular meeting of the Commission on June 3, 2010.



Kemp Morton, Chairperson
West Virginia Ethics Commission

ATTEST:



Lietta J. White, Acting Secretary
West Virginia Ethics Commission