

**MINUTES OF THE FEBRUARY 7, 2013
MEETING OF THE WEST VIRGINIA ETHICS COMMISSION**

The February 7, 2013 meeting of the West Virginia Ethics Commission was called to order in the Commission's Office located at 210 Brooks Street, Charleston, WV at 10:00 a.m. by Chairperson Kemp Morton. Also present in person were members Ron Salmons, Father Douglas Sutton, Jonathan Turak, Terry Walker and Robert Wolfe. Members Jack Buckalew and Drema Radford participated via telephone. Member Monté Williams was absent. Executive Director Theresa M. Kirk, General Counsel C. Joan Parker, Deputy General Counsel Arlie Hubbard and Paralegal/Acting Secretary Lietta J. White were in attendance from the Commission staff.

WHEREUPON, Chairperson Morton welcomed Arlie Hubbard, Deputy General Counsel to the Commission and Chairperson Morton reminded the Commission their financial disclosure statements were due.

WHEREUPON, Chairperson Morton asked for approval of the January 10, 2013 Commission Meeting minutes.

WHEREUPON, Mr. Turak made a motion to approve the minutes of the January 10, 2013 meeting and Father Douglas Sutton seconded. The motion passed unanimously 7-0.

WHEREUPON, Chairperson Morton, announced the next Commission meeting would be held March 7, 2013.

WHEREUPON, Chairperson Morton called upon Ms. Kirk for a recap of the previous month. Ms. Kirk discussed training sessions that had been conducted.

WHEREUPON, Chairperson Morton called upon Ms. Parker to present Advisory Opinion 2012-45 to the Commission for consideration which was tabled at the January 10, 2013 Commission meeting.

WHEREUPON, Ms. Parker presented Advisory Opinion 2012-45 to the Commission for consideration. After discussion, Father Douglas Sutton made a motion to approve Advisory Opinion 2012-45 and Mr. Wolfe seconded. The motion passed unanimously 7-0.

WHEREUPON, Chairperson Morton called upon Ms. Parker to present Advisory Opinion 2012-52 to the Commission for consideration.

WHEREUPON, Ms. Parker presented Advisory Opinion 2012-52 to the Commission for consideration. After discussion, Mr. Turak made a motion to table Advisory Opinion 2012-52 until the March 7, 2013 Commission meeting to allow staff time to obtain additional information and Father Douglas Sutton seconded. The motion passed 7-0.

WHEREUPON, Chairperson Morton called upon Ms. Kirk to present Advisory Opinion 2012-53 to the Commission for consideration.

WHEREUPON, Ms. Kirk presented Advisory Opinion 2012-53 to the Commission for consideration. After discussion, Mr. Wolfe made a motion to approve Advisory Opinion 2012-53 and Mr. Walker seconded. The motion passed 7-0.

WHEREUPON, Chairperson Morton called upon Ms. Parker to present Advisory Opinion 2013-01 to the Commission for consideration.

WHEREUPON, Ms. Parker presented Advisory Opinion 2013-01 to the Commission for consideration. After discussion, Mr. Turak made a motion to approve Advisory Opinion 2013-01 with the proposed technical modifications and Father Douglas Sutton seconded. The motion passed 7-0.

WHEREUPON, Chairperson Morton called upon Ms. Kirk to present Advisory Opinion 2013-02 to the Commission for consideration.

WHEREUPON, Ms. Kirk presented Advisory Opinion 2013-02 to the Commission for consideration. After discussion, Mr. Wolfe made a motion to approve Advisory Opinion 2013-02 and Mr. Walker seconded. The motion passed 7-0.

WHEREUPON, Chairperson Morton called upon Ms. Kirk to present Advisory Opinion 2013-03 to the Commission for consideration.

WHEREUPON, Ms. Kirk presented Advisory Opinion 2013-03 to the Commission for consideration. After discussion, Mr. Wolfe made a motion to approve Advisory Opinion 2013-03 and Mr. Buckalew seconded. The motion passed 7-0.

WHEREUPON, Chairperson Morton noted there were no Contract Exemption Requests, School Board Advisory Opinion Requests or Property Exemption Requests to be presented to the Commission for consideration.

WHEREUPON, Member Turak excused himself from the remainder of the meeting due to personal reasons.

WHEREUPON, Chairperson Morton called upon Ms. Kirk to present the Employment Exemption Requests.

WHEREUPON, Ms. Kirk presented EE 2013-01 requested by Mark L. Anderson and EE 2013-02 requested by Eric J. Coberly. After discussion, Father Douglas Sutton made a motion to ratify the requests and Mr. Salmons seconded. The motion passed unanimously 6-0.

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

WHEREUPON, Ms. Kirk presented information to the Commission to consider requesting the Attorney General provide professional assistance to the Ethics Commission by authorizing, without limitation, Martin J. Wright, Jr. to represent the Ethics Commission in various complaint matters. After discussion, Father Douglas Sutton made a motion to allow Martin J. Wright to represent the Ethics Commission in various complaint matters and Mr. Wolfe seconded. The motion passed unanimously 6-0.

WHEREUPON, Ms. Parker presented to the Commission CIC 2008-02, Respondent Ken Merritt's request for an adjusted payment plan. After discussion, Mr. Salmons made a motion to accept the payment plan and Ms. Radford seconded. The motion passed unanimously 6-0.

WHEREUPON, Ms. Kirk presented to the Commission information to consider hiring Denise M. Spatafore as Hearing Examiner for complaint matter CIC 2009-04 and other matters as needed. After discussion, Mr. Wolfe made a motion for the Commission to hire Ms. Spatafore as Hearing Examiner and Father Douglas seconded. The motion passed unanimously 6-0.

WHEREUPON, the Commission reviewed the Annual Report without comment.

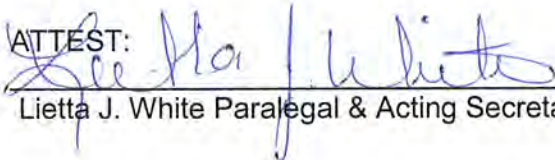
WHEREUPON, the Commission reviewed the Ethics Commission P-Card monthly purchase report without comment.

WHEREUPON, the Commission was presented with information regarding the update on the search and to consider hiring a person for the Executive Director position. After discussion, Ms. Radford made a motion for the Commission to enter into executive session under the personnel provision and Mr. Buckalew seconded. The motion passed unanimously 6-0. Upon returning to open session, Commissioner Sutton made a motion to authorize Executive Director Kirk or Commissioner Turak to make an offer of employment for the Executive Director position to the candidate discussed in executive session and Commissioner Wolfe seconded. The motion passed unanimously 6-0.

WHEREUPON, Chairperson Morton asked if there were any other matters to be discussed before the Commission, there being none, the meeting was adjourned.

The foregoing minutes of the West Virginia Ethics Commission were approved unanimously at the March 7, 2013 WVEC meeting.


R. Kemp Morton, Chairperson
West Virginia Ethics Commission

ATTEST:

Lietta J. White Paralegal & Acting Secretary, West Virginia Ethics Commission