

**MINUTES OF THE MARCH 4, 2010  
MEETING OF THE WEST VIRGINIA ETHICS COMMISSION**

The March 4, 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 Chairperson Kemp Morton. Also present in person were members Radford, Rowe and Turak. 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, Chairperson Morton asked for approval of the February 4, 2010 Commission Meeting minutes.

WHEREUPON, Ms. Radford moved and Mr. Turak seconded that the minutes of the February 4, 2010 meeting be approved, and the motion passed unanimously 8-0.

WHEREUPON, Chairperson Morton announced that the next regular meeting of the WV Ethics Commission is scheduled for April 1, 2010 at 10:00 a.m., in the Commission's Office at 210 Brooks Street, Suite 300, Charleston, WV 25301.

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

WHEREUPON, Chairperson Morton called upon Mr. Wright to present Advisory Opinion 2010-02 to the Commission for consideration.

WHEREUPON, Mr. Wright presented Advisory Opinion 2010-02 to the Commission for consideration. After discussion, Mr. Rowe moved to approve Advisory Opinion 2010-02 and Mr. Buckalew seconded. The motion passed unanimously 8-0.

WHEREUPON, Chairperson Morton called upon Ms. Parker to present Advisory Opinion 2010-03 to the Commission for consideration.

WHEREUPON, Ms. Parker presented Advisory Opinion 2010-03 to the Commission for consideration. After discussion, Ms. Radford moved to approve Advisory Opinion 2010-03 and Mr. Turak seconded. The motion passed unanimously 7-0.

**Note: Member Buckalew left the meeting early and did not vote.**

WHEREUPON, Chairperson Morton called upon Ms. Parker to present Advisory Opinion 2010-04 to the Commission for consideration.

WHEREUPON, Ms. Parker presented Advisory Opinion 2010-04 to the Commission for consideration. After discussion, Mr. Turak moved to approve Advisory Opinion 2010-04 and Ms. Radford seconded. The motion passed unanimously 8-0.

WHEREUPON, Chairperson Morton called upon Ms. Kirk to present Advisory Opinion 2010-05 to the Commission for consideration.

WHEREUPON, Ms. Kirk presented Advisory Opinion 2010-05 to the Commission for consideration. After discussion, Mr. Rowe moved to approve Advisory Opinion 2010-05 and Ms. Radford seconded. The motion pass unanimously 8-0.

WHEREUPON, Chairperson Morton called upon Ms. Kirk to present Advisory Opinion 2010-06 to the Commission for consideration.

WHEREUPON, Ms. Kirk presented Advisory Opinion 2010-06 to the Commission for consideration. After discussion, Mr. Turak moved to approve Advisory Opinion 2010-06 and Ms. Radford seconded. The motion passed 6-0.

**Note: Commission Member Rowe recused himself and left the room during deliberations and discussion due to a conflict of interest. He stated that he is a member of a foundation that has a relationship with the Requester. Commission member Williams also recused himself due to conflict of interest. Mr. Williams stated that the matter affected a member of his law firm. However, he remained on the phone during the deliberations and vote for purposes of maintaining a quorum. He did not participate in the deliberations or vote.**

WHEREUPON, Chairperson Morton called upon Mr. Wright to present Advisory Opinion 2010-07 to the Commission for consideration.

WHEREUPON, Mr. Wright presented Advisory Opinion 2010-07 to the Commission for consideration. After discussion, Mr. Rowe moved to approve Advisory Opinion 2010-07 and Ms. Radford seconded. The motion passed 7-0.

WHEREUPON, Chairperson Morton called upon Ms. Parker to present Advisory Opinion 2010-08 to the Commission for consideration.

WHEREUPON, Ms. Parker presented Advisory Opinion 2010-08 to the Commission for consideration. After discussion, Mr. Rowe moved to approve the amended version of Advisory Opinion 2010-08 and Ms. Radford seconded. The motion passed 7-0.

WHEREUPON, Chairperson Morton called upon Ms. Kirk to present Contract Exemption 2010-01 to the Commission for consideration.

WHEREUPON, Ms. Kirk presented Contract Exemption 2010-01 to the Commission for consideration. After discussion, Mr. Rowe moved to approve Contract Exemption 2010-01 and Mr. Turak seconded. The motion passed 7-0.

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

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

WHEREUPON, Ms. Kirk presented Employment Exemption request EE 2010-04 requested by Andrew Robinson to the Commission for consideration. After discussion, Mr. Rowe made a motion to ratify the exemption request and Mr. Buckalew seconded. The motion passed 8-0.

WHEREUPON, Ms. Kirk presented Employment Exemption request EE 2010-05 requested by Charles Vannatter to the Commission. After discussion, Mr. Williams made a motion to ratify the exemption request and Ms. Radford seconded. The motion passed 8-0.

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

WHEREUPON, Ms. Kirk provided an overview to the Commission to consider whether to appeal the Circuit Court Order in the matter of James Ramey, III. After discussion, Mr. Turak made a motion to go into executive session and Rowe seconded. The motion passed 7-0. After the executive session, Mr. Turak made a motion for the Commission not to appeal the Circuit Court Order in the matter of James Ramey, III and Mr. Rowe seconded. The motion passed 7-0.

WHEREUPON, Ms. Kirk provided an overview to the Commission to consider whether to allow James Ramey, III to satisfy the Commission's Order/Judgement via payment plan. After discussion, Ms. Radford made a motion to go into executive session and Mr. Rowe seconded. The motion passed 7-0. After the executive session, Mr. Turak made a motion to allow James Ramey, III to satisfy the Commission's Order/Judgment via payment plan and Ms. Radford seconded. The motion passed 7-0.

WHEREUPON, Ms. Kirk provided an overview to the Commission to consider hiring Kim Weber and Mike Thompson as contract attorneys for the Commission. After discussion, Ms. Radford made a motion to go into executive session and Mr. Turak seconded. The motion passed 7-0. After the executive session, Mr. Rowe made a motion to hire Kim Weber and Mike Thompson as contract attorneys for the Commission and to give the Executive Director the authority to hire contract employees as needed. Ms. Radford seconded. The motion passed 7-0.


WHEREUPON, Ms. Kirk presented an update on the Legislation to the Commission.

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


WHEREUPON, Mr. Rowe gave an overview of the Personnel Committee meeting regarding Annual Evaluation of the Executive Director. After discussion, Mr. Rowe made a motion to go into executive session and Ms. Radford seconded. The motion passed 7-0. After the executive session, Mr. Rowe made a motion for the Commission to accept the Annual Evaluation and Report of the Executive Director and Mr. Turak seconded. The motion passed 7-0.

WHEREUPON, Chairperson Morton 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 April 1, 2010.

  
Drema Radford, Vice-Chairperson  
West Virginia Ethics Commission

ATTEST:

  
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Lietta J. White, Acting Secretary  
West Virginia Ethics Commission