

**MINUTES OF THE JANUARY 12, 2012
MEETING OF THE WEST VIRGINIA ETHICS COMMISSION**

The January 12, 2012 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 Father Douglas Sutton and Jonathan Turak. Members Frank Deem, Drema Radford, Ron Salmons and Monté Williams participated via telephone. Member Jack Buckalew was absent. Executive Director Theresa M. Kirk, General Counsel C. Joan Parker, Deputy General Counsel Martin J. Wright, Paralegal/Acting Secretary Lietta J. White and Lobbyist Registrar Lucy Suchy were in attendance from the Commission staff.

WHEREUPON, Chairperson Morton asked for approval of the December 1, 2011 Commission Meeting minutes.

WHEREUPON, Mr. Deem made a motion to approve the minutes of the December 1, 2011 meeting and Father Douglas Sutton seconded. The motion passed unanimously 7-0.

WHEREUPON, Chairperson Morton announced the next meeting of the WV Ethics Commission is scheduled for February 2, 2012 at 10:00 a.m. in the Commission's office located at 210 Brooks Street, Suite 300, Charleston WV.

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

WHEREUPON, Chairperson Morton called upon Mr. Wright to present Advisory Opinion 2011-17 to the Commission for consideration which was tabled at the December 1, 2011 Commission meeting.

WHEREUPON, Mr. Wright presented Advisory Opinion 2011-17 to the Commission for consideration. After discussion, Father Douglas Sutton made a motion to approve Advisory Opinion 2011-17 and Mr. Turak seconded. The motion passed unanimously 7-0.

WHEREUPON, Chairperson Morton called upon Ms. Kirk to present Advisory Opinion 2011-21 to the Commission for consideration.

WHEREUPON, Ms. Kirk presented Advisory Opinion 2011-21 to the Commission for consideration. After discussion, Father Douglas Sutton made a motion to approve Advisory Opinion 2011-21 and Mr. Turak seconded. The motion passed unanimously 7-0.

WHEREUPON, Chairperson Morton noted there were no Contract Exemption Requests, Property Exemption Requests and Employment Exemption Requests to be presented to the Commission for consideration.

WHEREUPON, Chairperson Morton called upon Ms. Parker to present School Board Advisory Opinion 2011-01 to the Commission for consideration.

WHEREUPON, Ms. Parker presented School Board Advisory Opinion 2011-01 to the Commission for consideration. After discussion, Mr. Deem made a motion to approve School Board Advisory Opinion 2011-01 and Mr. Williams seconded. The motion passed unanimously 7-0.

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

WHEREUPON, Member Salmons recused himself from voting but stayed presented via telephone for the purposes of a maintaining quorum.

WHEREUPON, Ms. Kirk presented information to the Commission to consider Attorney Robert Allen, Attorney Brace Mullett and Attorney Jeff Blaydes to serve as Hearing Examiners and proposed increasing the pay from \$75 to \$100 per hour. After discussion, Mr. Turak made a motion for the Commission to appoint Attorney Robert Allen, Attorney Brace Mullett and Attorney Jeff Blaydes to serve as Hearing Examiners and Father Douglas Sutton seconded. The motion passed unanimously 6-0.

WHEREUPON, Ms. Kirk presented information to the Commission to consider in regard to Policies and Procedures Relating to Informal Staff Advice. The Commissioners were provided an historical overview, including an overview of the minutes from the August 2, 1990 Commission meeting which state:

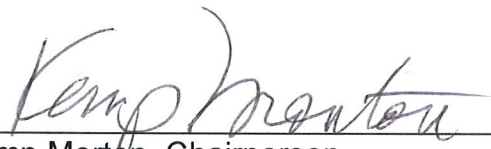
Mr. Queen moved and that Mr. McCartney seconded to approve procedure for persons seeking opinions on questions already decided by the Commission. Persons seeking opinions will be given copies of existing opinions or letters from Mr. Alker [then Executive Director] or Ms. Ranson [then General Counsel] setting out the Commission's prior decisions. This practice will reduce repetitive opinions and give the Commission more time for consideration of cases of first impression.

The Commissioners discussed the Commission's role and duty in providing advice to public servants, noting that such advice promotes compliance. No Commissioner spoke in favor of changing the Commission's longstanding policy regarding staff providing informal advice. It was generally indicated that such a change would undermine the effectiveness of what we do and would hamstring our efforts to encourage voluntary compliance. No motion was made or vote taken.

WHEREUPON, the Commission reviewed the Ethics Commission P-Card monthly purchase report with no comments after review.

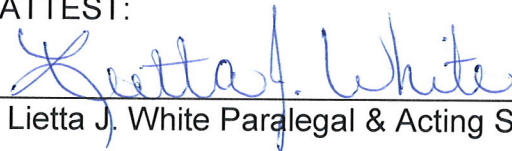
WHEREUPON, Chairperson Morton asked if there were any other matters to be discussed before the Commission, there being none, the meeting was adjourned.

The foregoing minutes of the West Virginia Ethics Commission were approved unanimously at the February 2, 2012 WVEC meeting.



Kemp Morton, Chairperson
West Virginia Ethics Commission

ATTEST:



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