

**MINUTES OF THE MARCH 1, 2012
MEETING OF THE WEST VIRGINIA ETHICS COMMISSION**

The March 1, 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, Terry Walker and Robert Wolfe. Members Jack Buckalew, Drema Radford and Monté Williams participated via telephone. Members Ron Salmons and Jonathan Turak were absent. Executive Director Theresa M. Kirk, General Counsel C. Joan Parker, Deputy General Counsel Martin J. Wright and Paralegal/Acting Secretary Lietta J. White were in attendance from the Commission staff.

WHEREUPON, Chairperson Morton introduced the two new members of the Commission, Terry Walker and Robert Wolfe.

WHEREUPON, Chairperson Morton asked for approval of the February 2, 2012 Commission Meeting minutes.

WHEREUPON, Father Douglas Sutton made a motion to approve the minutes of the February 2, 2012 meeting and Ms. Radford seconded. Members Terry Walker and Robert Wolfe abstained from voting since they were not present at the February 2, 2012 Commission meeting. The motion passed unanimously 4-0. (Note: pursuant to Ethics Commission policy and practice, the Chairperson only votes in the event of a tie.)

WHEREUPON, Chairperson Morton announced the next meeting of the WV Ethics Commission is scheduled for April 12, 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 sessions that had been conducted.

WHEREUPON, Chairperson Morton called upon Ms. Parker to present Advisory Opinion 2012-07 to the Commission for consideration.

WHEREUPON, Ms. Parker presented Advisory Opinion 2012-07 to the Commission for consideration. After discussion, Father Douglas Sutton made a motion to approve Advisory Opinion 2012-07 with the modifications discussed and Mr. Buckalew seconded. The motion passed unanimously 6-0.

WHEREUPON, Chairperson Morton called upon Mr. Wright to present Advisory Opinion 2012-08 to the Commission for consideration.

WHEREUPON, Mr. Wright presented Advisory Opinion 2012-08 to the Commission for consideration. After discussion, Mr. Buckalew made a motion to

approve Advisory Opinion 2012-08 and Mr. Wolfe seconded. The motion passed unanimously 6-0.

WHEREUPON, Chairperson Morton called upon Ms. Kirk to present Advisory Opinion 2012-09 to the Commission for consideration.

WHEREUPON, Member Wolfe recused himself from deliberation and discussion due to a personal conflict of interest but stayed present for the purpose of maintaining a quorum.

WHEREUPON, Ms. Kirk presented Advisory Opinion 2012-09 to the Commission for consideration. After discussion, Father Douglas Sutton made a motion to approve Advisory Opinion 2012-09 and Mr. Walker seconded. Member Wolfe did not vote. The motion passed 5-0.

WHEREUPON, Ms. Parker noted that Advisory Opinion 2012-10 was withdrawn.

WHEREUPON, Chairperson Morton called upon Ms. Parker to present Advisory Opinion 2012-11 to the Commission for consideration.

WHEREUPON, Ms. Parker presented two alternate draft versions of Advisory Opinion 2012-11 to the Commission for consideration. After discussion, Father Douglas Sutton made a motion to approve the version of Advisory Opinion 2012-11 that prohibits the proposed conduct, and Mr. Walker seconded. Member Wolfe voted in the negative. Members Buckalew and Williams abstained from voting. The motion passed 3-1.

WHEREUPON, Ms. Parker noted that reconsideration Advisory Opinion 2012-03 was unnecessary due to the language contained in the version of Advisory Opinion 2012-11 that the Commission adopted.

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

WHEREUPON, Ms. Kirk presented EE 2012-02 requested by John T. O'Brien and EE 2012-03 requested by David Sneed. After discussion, Mr. Buckalew made a motion to ratify the requests and Ms. Radford 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 recommended that the Commission to ratify Chairperson Morton's appointment of retired Judge A. Andrew MacQueen to serve as Administrative Law Judge. After discussion, Father Douglas Sutton made a motion to ratify Chairperson Morton's appointment of Judge A. Andrew MacQueen and Mr. Wolfe seconded. The motion passed unanimously 6-0.

WHEREUPON, Ms. Kirk proposed that the Commission approve Nick Casey's request to conduct a one-hour presentation that would meet the Ethics Act's requirement for Lobbyist training by an outside source. After discussion, Mr. Wolfe made a motion to approve Mr. Casey's request and Mr. Walker seconded. The motion passed unanimously 6-0.

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 April 12, 2012 WVEC meeting.



Kemp Morton, Chairperson
West Virginia Ethics Commission

ATTEST:



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