

**MINUTES OF THE SEPTEMBER 3, 2015
MEETING OF THE WEST VIRGINIA ETHICS COMMISSION**

The September 3, 2015, meeting of the West Virginia Ethics Commission was called to order in the Commission's Office located at 210 Brooks Street, Charleston, West Virginia, at 10:00 a.m., by Chairperson Robert Wolfe. Present in person at the meeting were Commissioners Jack Buckalew, Betty Ireland, and Lawrence Tweel, and Chairperson Wolfe. Commissioners Karen Disibbio, Michael Greer, and Terry Walker participated by telephone. Commissioners Suzan Singleton and Monté Williams were absent. Executive Director Rebecca L. Stepto, General Counsel Kimberly B. Weber, Deputy General Counsel Meridith O. Johnstone, Staff Attorney Derek A. Knopp, and Special Assistant to the Executive Director M. Ellen Briggs, all from the Commission staff, were present.

WHEREUPON, Chairperson Wolfe advised the Commission that the scheduled Adjudicatory Session after today's meeting has been postponed until October 1, 2015. Chairperson Wolfe asked for approval of the August 6, 2015, Commission meeting minutes.

WHEREUPON, Commissioner Buckalew made a motion to approve the minutes of August 6, 2015, and Commissioner Ireland gave a second. The motion passed with Chairperson Wolfe abstaining due to not being present at the meeting. He expressed his appreciation to Commissioner Greer for serving as Acting Chairperson at the August 6, 2015, meeting.

WHEREUPON, Chairperson Wolfe called upon Ms. Stepto to give a recap of the previous month.

WHEREUPON, Ms. Stepto reported that 20 lobbyists were randomly selected to be audited by Rowan & Associates, CPA, PLLC. Their three activity reports from 2014 will be audited. Ms. Stepto reported that letters giving the lobbyists 30 days' notice of the audit were mailed on August 13, that Rowan & Associates will request supporting documents from the lobbyists, and that eventually the Commissioners will be asked to rule on any issues that come out of the audit.

Ms. Stepto reported that the public hearing in a complaint filed against Marmet Mayor Bill Pauley will begin on Tuesday, September 29, in the Ethics Commission Conference Room. Meridith Johnstone will represent the Complainant. Jennifer N. Taylor will serve as the Hearing Examiner. Ms. Stepto invited Commission members to attend.

Ms. Stepto reported that the Hearing Examiner's Recommended Decision in the Paula Boggs and Grace Russell complaints has been received. The consolidated hearing in those complaints was held on July 23. Ms. Stepto advised she is working on the proposed final order and decision. The Commission will probably rule on the Recommended Decision at its October 1 meeting.

A report was given by Ms. Stepto that the meeting of the interim Legislative Committee on the Judiciary is scheduled for Monday, September 14, and will focus on

ethics reform. Ms. Stepto has been asked to give a short presentation to the Committee on “the state of the Ethics Commission.”

Ms. Stepto reported that a new fax machine was purchased because of problems with the existing machine. Staff also is going through the necessary steps to purchase a new copier under a lease-purchase agreement.

Chairperson Wolfe reported on the spreadsheet provided by Ms. Stepto which sets forth the status of complaints initiated by the Commission. Ms. Stepto noted that as of yesterday, 121 verified complaints have been received during this calendar year, further noting that at the August 2015 meeting, she reported that 103 verified complaints had been received.

WHEREUPON, Chairperson Wolfe called upon Mr. Knopp to present proposed Advisory Opinion 2015-12 for consideration.

WHEREUPON, Mr. Knopp presented proposed Advisory Opinion 2015-12 to the Commission for consideration. After discussion, a motion was made by Commissioner Tweel to approve the draft Opinion as presented, and Commissioner Ireland seconded. The motion passed unanimously.

WHEREUPON, Chairperson Wolfe called upon Ms. Weber to present proposed Advisory Opinion 2015-13 for consideration.

WHEREUPON, Ms. Weber presented proposed Advisory Opinion 2015-13 to the Commission for consideration. During discussion, a motion was made by Commissioner Tweel to amend the proposed Opinion as follows: on page 4, third paragraph, delete the words “new or expanding”; on page 4, last paragraph, delete the words “new or expanding” and “outstanding”; on page 5, second paragraph, delete the word “new” three times throughout that paragraph; and on page 5, third paragraph, delete the word “new.” Commissioner Buckalew gave a second, and the motion carried. After further discussion, a motion was made by Commissioner Ireland that Advisory Opinion 2015-13 be approved as amended. Commissioner Buckalew gave a second, and the motion carried unanimously.

WHEREUPON, Chairperson Wolfe called upon Mr. Knopp to present proposed Advisory Opinion 2015-14 for consideration.

WHEREUPON, Mr. Knopp presented proposed Advisory Opinion 2015-14 to the Commission for consideration. After discussion, a motion was made by Commissioner Tweel to approve the draft Opinion as presented, and Commissioner Ireland seconded. The motion passed unanimously.

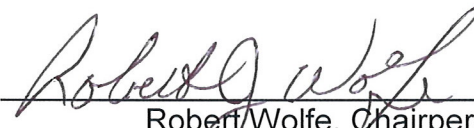
WHEREUPON, Chairperson Wolfe called upon Ms. Stepto to present miscellaneous matters.

WHEREUPON, the Commission reviewed purchases on the P-Card monthly report for July. No corrections or additions were made to the report. The report was accepted as distributed.

Ms. Stepto reported on a possible amendment to the emergency trinkets Rules to omit the grandfathering in of vehicles which contain names or likenesses. It was determined by the Commission to go on record as acknowledging that a conflict exists between AO 2015-11 and the emergency trinkets Rules, but that the Commission would await Legislative changes to the Rules.


WHEREUPON, Chairperson Wolfe stated there were no more items for discussion. Commissioner Ireland made a motion to adjourn, and Commissioner Buckalew seconded. The meeting was adjourned.

The foregoing minutes of the West Virginia Ethics Commission were approved at the October 1, 2015, meeting.



Robert Wolfe, Chairperson
West Virginia Ethics Commission

ATTEST:



M. Ellen Briggs, Special Assistant
to the Executive Director
West Virginia Ethics Commission