

OPEN MEETINGS ADVISORY OPINION NO. 2002-15

Issued On September 5, 2002 By The

**WEST VIRGINIA ETHICS COMMISSION
COMMITTEE ON OPEN GOVERNMENTAL MEETINGS**

OPINION SOUGHT

The Nicholas County Deputy Civil Service Commission (Commission) asks if the grievance proceedings it conducts are quasi-judicial proceedings exempt from the Open Meetings Act.

FACTS RELIED UPON BY THE COMMITTEE

W. Va. Code § 7-14-17 authorizes the Commission to conduct a hearing and determine whether the removal, discharge, suspension, or reduction in rank or pay of a deputy sheriff was based on just cause established by a preponderance of the evidence.

CODE PROVISIONS RELIED UPON BY THE COMMITTEE

The Open Governmental Meetings Act provides in W. Va. Code § 6-9A-2(4), "[t]he term meeting does not include: . . . Any meeting for the purpose of making an adjudicatory decision in any quasi-judicial, administrative or court of claims proceeding:

ADVISORY OPINION

The administrative hearing afforded deputy sheriffs under the civil service system established for deputies is a quasi-judicial meeting that falls within one of the stated exemptions of the Open Meetings Act. Therefore, although the Commission must comply with the Act when meeting to exercise any general legislative or executive authority, it is not required to follow the open meeting requirements when conducting hearings on deputy sheriff disciplinary matters.



Chairman