

**Minutes of the April 4, 2019
Meeting of the West Virginia Ethics Commission**

The April 4, 2019, meeting of the West Virginia Ethics Commission was called to order in the Commission's office at 210 Brooks Street, Charleston, West Virginia, at 10:00 a.m. by Chairperson Robert J. Wolfe. Also present in person were Commissioners Lindsey Ashley, Lawrence Tweel, and Terry Walker. Participating by telephone were Commissioners Lynn Davis, Karen Disibbio, Robert Harman, and Suzan Singleton. Commissioner Monté Williams was absent. Executive Director Rebecca L. Stepto, General Counsel Kimberly B. Weber, Staff Attorney Theresa M. Kirk, Staff Attorney Andrew R. Herrick, and Special Assistant to the Executive Director M. Ellen Briggs, all from the Commission staff, were present.

WHEREUPON, Chairperson Wolfe asked for approval of the March 7, 2019, Commission meeting minutes.

WHEREUPON, Commissioner Tweel made a motion to approve the minutes of March 7, 2019. Commissioner Walker gave a second, and the motion passed.

WHEREUPON, Chairperson Wolfe introduced Allan L. McVey, Cabinet Secretary of the Department of Administration, who was present at the meeting.

WHEREUPON, Ms. Stepto gave a recap of the previous month.

WHEREUPON, Chairperson Wolfe called upon Ms. Stepto to present the Employment Exemption requests.

WHEREUPON, Ms. Stepto presented Employment Exemption 2019-25 requested by Jonathan Clark, Assistant District Manager, Bridge Engineer, Department of Transportation, Division of Highways; Employment Exemption 2019-26 requested by Chris Preston, Highway Engineer – Environmental and Coatings Group Supervisor, Department of Transportation, Division of Highways; Employment Exemption 2019-27 requested by Jonathan L. Leatherman, Transportation Engineering Technician Senior, Department of Transportation, Division of Highways; Employment Exemption 2019-28 requested by Ryan Simonton, City Attorney, City of Morgantown; Employment Exemption 2019-29 requested by Michael R. Jones, Chemist 3 – Environmental and Coatings Section, Department of Transportation, Division of Highways, and Employment Exemption 2019-30 requested by Matthew B. Vititoe, Transportation Engineer Technician, Department of Transportation, Division of Highways. Commissioner Harman made a motion that Employment Exemptions 2019-25, 2019-26, 2019-27, 2019-28, 2019-29, and 2019-30 be ratified. Commissioner Tweel gave a second, and the motion carried.

WHEREUPON, Chairperson Wolfe called upon Ms. Kirk to present proposed Advisory Opinion 2019-08 for consideration. Commissioner Walker recused himself from deliberation and voting in this matter and left the meeting room.

WHEREUPON, Ms. Kirk presented proposed Advisory Opinion 2019-08. After discussion, a motion was made by Commissioner Tweel to accept proposed Advisory Opinion 2019-08 as presented. Commissioner Disibbio gave a second, and the motion carried.

WHEREUPON, Chairperson Wolfe called upon Ms. Weber to present proposed Advisory Opinion 2019-09 for consideration. Commissioner Walker returned to the meeting room.

WHEREUPON, Ms. Weber presented proposed Advisory Opinion 2019-09. After discussion, a motion was made by Commissioner Tweel to accept proposed Advisory Opinion 2019-09 as presented. Commissioner Walker gave a second, and the motion carried.

WHEREUPON, Chairperson Wolfe called upon Ms. Kirk to present proposed Advisory Opinion 2019-10 for consideration.

WHEREUPON, Ms. Kirk presented proposed Advisory Opinion 2019-10. After discussion, a motion was made by Commissioner Tweel to accept proposed Advisory Opinion 2019-10 as presented. Commissioner Walker gave a second, and the motion carried.

WHEREUPON, Chairperson Wolfe called upon Ms. Weber to present proposed Advisory Opinion 2019-11 for consideration.

WHEREUPON, Ms. Weber presented proposed Advisory Opinion 2019-11. After discussion, a motion was made by Commissioner Disibbio to accept proposed Advisory Opinion 2019-11 as presented. Commissioner Ashley gave a second, and the motion carried, with Commissioner Tweel opposed.

WHEREUPON, the Commission reviewed purchases on the P-Card monthly report for February. Commissioner Harman moved, and Commissioner Disibbio seconded, that the report be accepted. The motion carried.

WHEREUPON, Chairperson Wolfe called for a motion to go into executive session to discuss proposed action on Complaint VCRB 2019-05.

WHEREUPON, a motion was made by Commissioner Tweel to go into executive session, pursuant to W. Va. Code § 6-9A-4(12), to consider proposed action on Complaint VCRB 2019-05. Commissioner Ashley seconded the motion. The motion carried. Ms. Kirk and the guests present left the meeting room.


WHEREUPON, the Commission returned to public session, and one guest returned to the meeting room.

WHEREUPON, Commissioner Tweel made a motion that, pursuant to W. Va. Code § 6B-2-4(w)(1), the Commission make a criminal referral in VCRB 2019-05 to the appropriate county prosecutor. Commissioner Walker gave a second to the motion, and the motion carried.

WHEREUPON, Chairperson Wolfe stated there were no more items for discussion.

WHEREUPON, Commissioner Tweel made a motion to adjourn, and Commissioner Walker seconded. The motion passed, and the meeting was adjourned.

The foregoing minutes of the West Virginia Ethics Commission were approved at the Commission's May 2, 2019, meeting.



Robert J. Wolfe, Chairperson
West Virginia Ethics Commission

ATTEST:



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