

**Minutes of the July 12, 2018  
Meeting of the West Virginia Ethics Commission**

The July 12, 2018, 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 Acting Chairperson Betty S. Ireland. Present in person were Acting Chairperson Ireland and Commissioners Lynn Davis, Robert Harman, and Terry Walker. Participating by telephone for the entire meeting were Commissioners Karen Disibbio, Suzan Singleton, and Larry Tweel. Commissioner Monté Williams joined the meeting by telephone beginning with the discussion of P-Card reports. Chairperson Robert Wolfe was absent. Executive Director Rebecca L. Stepto, Staff Attorney Theresa M. Kirk, Staff Attorney Andrew Herrick, and Special Assistant to the Executive Director M. Ellen Briggs, all from the Commission staff, were present.

WHEREUPON, Acting Chairperson Ireland asked for approval of the May 3, 2018, Commission meeting minutes.

WHEREUPON, Commissioner Harman made a motion to approve the minutes of May 3, 2018. Commissioner Davis gave a second, and the motion passed.

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

WHEREUPON, Acting Chairperson Ireland changed the order of the agenda to move agenda item number 6 before item number 4 and called upon Mr. Herrick to present proposed Advisory Opinion 2018-09 for consideration.

WHEREUPON, Mr. Herrick presented proposed Advisory Opinion 2018-09 to the Commission for consideration. After discussion, a motion was made by Commissioner Harman to accept proposed Advisory Opinion 2018-09 as presented. Commissioner Walker gave a second, and the motion carried.

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

WHEREUPON, Ms. Stepto presented Employment Exemption 2018-11 requested by Mary Catherine Tuckwiller, Attorney, Board of Education; Employment Exemption 2018-12 requested by Robert D. Moore, Realty Manager, Chief of Acquisition, Department of Transportation, Division of Highways; Employment Exemption 2018-14 requested by Rick J. Eldridge, Appraiser Manager, Right of Way Division, Department of Transportation, Division of Highways; Employment Exemption 2018-15 requested by Gary T. Wilson, Right of Way Manager, Department of Transportation, Division of Highways; Employment Exemption 2018-16 requested by Marshall S. Lloyd, Transportation Realty Manager, Department of Transportation, Division of Highways; Employment Exemption 2018-17 requested by John Fitzsimmons, Realty Manager, Department of Transportation, Division of Highways; Employment Exemption 2018-18 requested by William H. Varney, Jr., Asset Management Engineer,

Department of Transportation, Division of Highways; Employment Exemption 2018-19 requested by Christopher M. Miller, Realty Manager, Chief of Relocation and Property, Department of Transportation, Division of Highways; Employment Exemption 2018-20 requested by Jack Wroten, Realty Agent III, Department of Transportation, Division of Highways; Employment Exemption 2018-21 requested by Chad J. Toney, In-House Design Section Head, Department of Transportation, Division of Highways; Employment Exemption 2018-22 requested by Robert Queen, Assistant Secretary for Strategic Planning and Evaluation, Department of Transportation; Assistant Commissioner, Division of Highways, and Acting Director, Aeronautics Commission, and Employment Exemption 2018-23 requested by Jaime L. Arbogast, Transportation Realty Agent III, Department of Transportation, Division of Highways. Commissioner Davis made a motion that Employment Exemptions 2018-11, 2018-12, 2018-14, 2018-15, 2018-16, 2018-17, 2018-18, 2018-19, 2018-20, 2018-21, 2018-22, and 2018-23 be ratified. Commissioner Harman gave a second, and the motion carried.

WHEREUPON, Acting Chairperson Ireland called for a motion to go into executive session to discuss proposed action on Complaint VCRB 2017-05, Michelle Malone, Respondent.

WHEREUPON, a motion was made by Commissioner Davis to go into executive session, pursuant to W. Va. Code § 6B-2-4(s), to consider settlement terms in a proposed Conciliation Agreement. Commissioner Walker seconded the motion, and the motion carried. All guests and staff, excluding designated staff, left the meeting room.

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

WHEREUPON, a motion was made by Commissioner Walker that the proposed Conciliation Agreement in VCRB 2017-05, Michelle Malone, Respondent, be approved. Commissioner Disibbio gave a second, and the motion carried.

WHEREUPON, Commissioner Williams joined the meeting via teleconference. The Commission reviewed purchases on the P-Card monthly reports for April and May. Commissioner Walker moved, and Commissioner Davis seconded, that the reports be accepted. The motion carried.

WHEREUPON, Acting Chairperson Ireland requested Ms. Stepto to give a summary of the proposed changes to the following guidelines: (1) Retirement Gifts and Events and (2) Public Officials' Use of Their Name or Likeness. After discussion, a motion was made by Commissioner Harman that the Retirement Gifts and Events Guideline be approved as presented. Commissioner Walker gave a second, and the motion carried. Further, a motion was made by Commissioner Harman that the Public Officials' Use of Their Name or Likeness Guideline be approved as presented. Commissioner Walker gave a second, and the motion carried.

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


WHEREUPON, Commissioner Davis 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 September 6, 2018, meeting.



Betty S. Ireland, Acting Chairperson  
West Virginia Ethics Commission

ATTEST:



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