

**Minutes of the March 1, 2018
Meeting of the West Virginia Ethics Commission**

The March 1, 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 Chairperson Robert J. Wolfe. Present in person were Chairperson Wolfe and Commissioners Betty S. Ireland, Larry Tweel, and Terry Walker. Participating by telephone were Commissioners Lynn Davis, Karen Disibbio, Robert Harman, Suzan Singleton, and Monté Williams. Executive Director Rebecca L. Stepto, General Counsel Kimberly B. Weber, Staff Attorney Theresa Kirk, Staff Attorney Derek Knopp, 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 February 1, 2018, Commission meeting minutes.

WHEREUPON, Commissioner Ireland made a motion to approve the minutes of February 1, 2018. Commissioner Tweel gave a second, and the motion passed.

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 2018-02 requested by Justin Parr, Financial Analyst, Offices of the Insurance Commissioner; Employment Exemption 2018-03 requested by Rita E. Richard, Chief Investigator, Medicaid Fraud Control Unit, Office of Inspector General, Department of Health and Human Resources, and Employment Exemption 2018-04 requested by Trina Crowder, Director, Medicaid Fraud Control Unit, Office of Inspector General, Department of Health and Human Resources. Commissioner Tweel made a motion that Employment Exemptions 2018-02, 2018-03, and 2018-04 be ratified. Commissioner Walker gave a second, and the motion carried.

WHEREUPON, Chairperson Wolfe requested Ms. Kirk to present Advisory Opinion 2018-02.

WHEREUPON, Ms. Kirk presented proposed Advisory Opinion 2018-02 to the Commission for consideration. After discussion, a motion was made by Commissioner Ireland to accept proposed Advisory Opinion 2018-02 as presented. Commissioner Tweel gave a second. The motion carried.

WHEREUPON, Commissioner Tweel, as Chairperson of the Commission's Committee on Open Governmental Meetings, was asked to summarize Open Meetings Advisory Opinion 2018-01, which had been issued by the Committee on the morning of the Commission meeting.

WHEREUPON, Commissioner Tweel reported that the President of the Wetzel County Commission had asked whether a quorum of County Commissioners may meet annually with other elected county officials and their staffs to learn about their respective offices and to allow employees to express any concerns they may have about conducting their work. Commissioner Tweel reported that the Committee on Open Governmental Meetings had issued Open Meetings Advisory Opinion 2018-01, which held, in part:

A quorum of the County Commission may attend annual private meetings with other elected county officials and their staffs so long as the Commissioners do not engage in a discussion that involves deliberating toward a decision on a matter requiring official action. To avoid any possibility of contravening the Act, the Committee nonetheless recommends the County Commission President or another designated member of the Commission attend the meetings and report back to the Commission during the course of a properly noticed meeting where this item has been placed on the agenda.

WHEREUPON, Chairperson Wolfe requested Mr. Knopp to present Advisory Opinion 2018-03.

WHEREUPON, Mr. Knopp presented proposed Advisory Opinion 2018-03 to the Commission for consideration. After discussion, a motion was made by Commissioner Walker to accept proposed Advisory Opinion 2018-03 as presented. Commissioner Ireland gave a second. The motion carried.

WHEREUPON, Chairperson Wolfe requested Ms. Kirk to present Advisory Opinion 2018-04.

WHEREUPON, Ms. Kirk presented proposed Advisory Opinion 2018-04 to the Commission for consideration. After discussion, a motion was made by Commissioner Ireland to accept proposed Advisory Opinion 2018-04. Commissioner Walker gave a second. After further discussion, a motion was made by Commissioner Ireland to amend the proposed Opinion. Commissioner Tweel gave a second, and the motion carried. A motion was made by Commissioner Ireland to accept proposed Advisory Opinion 2018-04 with amendments. Commissioner Walker gave a second, and the motion carried.

WHEREUPON, Chairperson Wolfe requested Ms. Weber to present Advisory Opinion 2018-05.

WHEREUPON, Ms. Weber presented proposed Advisory Opinion 2018-05 to the Commission for consideration. After discussion, a motion was made by Commissioner Tweel to accept proposed Advisory Opinion 2018-05 as presented. Commissioner Ireland gave a second. The motion carried.

WHEREUPON, Chairperson Wolfe requested Ms. Weber to present Advisory Opinion 2018-06.

WHEREUPON, Ms. Weber presented proposed Advisory Opinion 2018-06 to the Commission for consideration. After discussion, a motion was made by Commissioner Tweel to accept proposed Advisory Opinion 2018-06 as presented. Commissioner Ireland gave a second. The motion carried, with Chairperson Wolfe abstaining from the vote.

WHEREUPON, Chairperson Wolfe recessed the meeting for fifteen minutes.

WHEREUPON, Chairperson Wolfe called the meeting back to order, and Commissioner Ireland made a motion that Advisory Opinion 2018-04 be brought back to the table. Commissioner Tweel gave a second, and the motion carried.

WHEREUPON, after further discussion, a motion was made by Commissioner Ireland that Advisory Opinion 2018-04 be amended a second time. Commissioner Tweel gave a second, and the motion carried.

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

WHEREUPON, Chairperson Wolfe requested Commissioner Tweel to complete his summary of the meeting of the Committee on Open Governmental Meetings which had been held on the morning of the Commission meeting.

WHEREUPON, Commissioner Tweel reported that the Committee had also considered and issued Open Meetings Advisory Opinion 2018-02. He reported that the West Virginia Workers' Compensation Industrial Council had asked whether it may convene an executive session for the purpose of considering a public employee's potential discharge if the employee has requested an open meeting when portions of the discussions would invade the privacy rights of other employees and/or involve other matters or records rendered confidential by law. Commissioner Tweel reported that the Committee had issued the Opinion, which held, in part:

The Council must attempt to segregate the non-exempt portions from the exempt portions of its meeting when an employee being considered for potential discharge has requested an open meeting. If segregation of exempt and nonexempt portions would make a coherent discussion impossible, then it would be appropriate to hold the meeting in executive session.

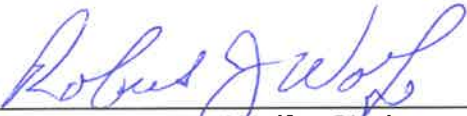
WHEREUPON, Chairperson Wolfe asked Ms. Stepto to explain the proposed changes to Procedural Rules, Title 158, Series 17 (governing hearings) and Series 19 (governing Ethics Commission procedures). After discussion, Commissioner Ireland

made a motion for approval with amendments. Commissioner Tweel gave a second, 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 April 5, 2018, meeting.



Robert J. Wolfe, Chairperson
West Virginia Ethics Commission

ATTEST:



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