

**MINUTES OF THE FEBRUARY 4, 2016
MEETING OF THE WEST VIRGINIA ETHICS COMMISSION**

The February 4, 2016, 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 J. Wolfe. Present in person at the meeting were Chairperson Wolfe and Commissioners Betty S. Ireland, Lawrence Tweel, and Terry Walker. Commissioners Jack Buckalew, Karen Disibbio, Michael Greer, and Monté Williams participated by telephone. Commissioner Suzan Singleton was absent. Executive Director Rebecca L. Stepto, General Counsel Kimberly B. Weber, Staff Attorney Theresa M. Kirk, 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 January 7, 2016, Commission meeting minutes.

WHEREUPON, Commissioner Tweel made a motion to approve the minutes of January 7, 2016. Commissioner Ireland gave a second. The motion passed.

WHEREUPON, Chairperson Wolfe reported on the 2016 dates for Commission meetings as:

March 3	April 7	May 5	June 2
July 7	August 4	September 1	October 6
November 3	December 1		

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

Ms. Stepto reported that at this point, there have been no legislative actions relating to the Ethics Act since her email to the Commissioners on January 20. She did locate a bill that prohibits lobbyists, their spouses, and their dependent children from contributing to certain high-level campaigns. This bill was discussed during the interim session immediately before the start of the regular Legislative Session. She reported that she remains in constant contact with Marty Wright, counsel to the House Judiciary Committee. He advised that the "trinkets" rule amended by the Legislative Rule-Making Review Committee will be discussed by the House Judiciary Committee this Friday afternoon. Ms. Stepto advised that she will be attending meetings on the proposed budget and expects no change in the Ethics Commission's budget. The Commission discussed the fines collected from violations of the Ethics Act. Ms. Stepto reported that fines are put into an Ethics' Fines Account and monies from this account have been used to lease a new copier and purchase a new shredder. Commissioner Ireland suggested that a free-standing scanner be purchased with the fine money to cut down the workload during the yearly Financial Disclosure Statement process.

Ms. Stepto reported that the 2016 lobbyist directories were mailed to lobbyists, legislators, various state agencies, and members of the Ethics Commission and the Probable Cause Review Board in January 2016. She reported that a supplemental

directory will not be published this year because there are not enough lobbyists who have registered since the directory was printed.

A report was given by Ms. Stepto that staff continues to process Lobbyist Activity Reports which were due on January 15, 2016. Lobbyists who failed to file their reports are being notified of their delinquency. Fines of \$10 per day for late filing are being assessed. Those who fail to file reports and pay all late fees will be suspended. Ms. Stepto reported that a composite report and spending report were sent to Commission members and was provided to the news media. A list of non-filers was compiled and sent to the clerks of the House and the Senate, the Commissioners, and the news media.

Ms. Stepto reported that as of January 28, 2016, 11 verified complaints have been filed and 42 complaints are on the docket, which compares to 98 complaints reported a year and a half ago.

WHEREUPON, Chairperson Wolfe called upon Ms. Weber to present proposed Advisory Opinion 2016-03 for consideration.

WHEREUPON, Ms. Weber presented proposed Advisory Opinion 2016-03 to the Commission for consideration. A motion was made by Commissioner Ireland to accept the proposed Advisory Opinion. The motion was seconded by Commissioner Tweel. After discussion, a motion was made by Commissioner Ireland to approve the proposed Opinion as written. Commissioner Tweel gave a second, and the motion passed unanimously.

WHEREUPON, Chairperson Wolfe called upon Ms. Kirk to present proposed Advisory Opinion 2016-04 for consideration.

WHEREUPON, Ms. Kirk presented proposed Advisory Opinion 2016-04 to the Commission for consideration. A motion was made by Commissioner Ireland to accept the proposed Advisory Opinion. The motion was seconded by Commissioner Tweel. After discussion, a motion was made by Commissioner Tweel, seconded by Commissioner Ireland, and carried that the following amendment and footnote be added to the proposed Opinion:

In conclusion, the Ethics Commission holds that the Requester may continue to employ its Mayor as City Administrator. The Requester may not show favoritism or give special treatment in making employment or personnel decisions affecting the Mayor in his capacity as City Administrator. The Mayor must recuse himself from the vote and deliberation on personnel matters which directly affect him.

The Commission supports the Requester's statement that it will seek to amend its charter either via ordinance or through the election process wherein voters select seven members to serve on a charter

board which proposes amendments to the charter and suggests that it take this action as soon as possible.

A motion was made by Commissioner Tweel to approve the proposed Advisory Opinion 2016-04 with the above amendment and footnote. Commissioner Ireland gave a second, and the motion carried.

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

WHEREUPON, the Commission reviewed purchases on the P-Card monthly report for December. No corrections or additions were made to the report. Commissioner Walker moved and Commissioner Tweel seconded that the report be accepted. The motion carried.

Ms. Stepto reported on the results from the recent lobbyist audit. During discussion, it was noted by Ms. Weber, the Commission's General Counsel, that this matter was not properly stated on the agenda. The full Commission determined to defer this matter to the March 3, 2016, meeting and that the agenda properly state the matter to be acted upon.

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

The foregoing minutes of the West Virginia Ethics Commission were approved at the March 3, 2016, meeting.



Robert J. Wolfe, Chairperson
West Virginia Ethics Commission

ATTEST:



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