

**MINUTES OF THE MARCH 3, 2016
MEETING OF THE WEST VIRGINIA ETHICS COMMISSION**

The March 3, 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 Karen Disibbio and Suzan Singleton participated by telephone. Commissioners Jack Buckalew, Michael Greer, and Monté Williams were absent. Executive Director Rebecca L. Stepto, General Counsel Kimberly B. Weber, Staff Attorney Theresa M. 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 4, 2016, Commission meeting minutes.

WHEREUPON, Commissioner Ireland made a motion to approve the minutes of February 4, 2016. Commissioner Tweel gave a second. The motion passed.

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

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 the Ethics Commission received a decision from Kanawha County Circuit Judge Carrie Webster in the William Perry matter. Judge Webster adopted, in total, the Ethics Commission's proposed final decision. The next step for the Commission is to collect the fine and reimbursement. Ms. Stepto noted that Mr. Perry has the option to appeal this decision to the Supreme Court.

Ms. Stepto reported that Commissioners Buckalew, Tweel, and Williams were re-appointed to the Ethics Commission with a term ending June 30, 2020.

A report was given by Ms. Stepto that Financial Disclosure Statements continue to be submitted. Staff is creating lists to send to the 55 counties to inform the county clerks of candidates for county and school board positions who have not filed Statements. Lists are also being created for the Secretary of State's Office for state-level positions. This year, there are 1,960 candidates.

Ms. Stepto gave a summary of Legislative action on bills which may affect the Ethics Commission:

(1) House Bill 4604 creates an 18-month deadline for the Probable Cause Review Board to either find probable cause or to dismiss the complaint, although this time period may be extended if the respondent and complainant agree to it or if the Commission finds good cause. HB 4604 also changes the burden of proof from "beyond

a reasonable doubt” to “clear and convincing” and extends the statute of limitations from 2 to 5 years. This bill passed the House and was referred to Senate Judiciary.

(2) House Bill 4606 has passed the House and was referred to Senate Judiciary. It would prohibit mayors and council members from being employed by their cities, and would prohibit public officials who are officers and directors of nonprofit corporations from voting to award funds to the nonprofits.

(3) House Bill 4605 would require disclosures of interested persons to be submitted by entities seeking to contract with state agencies in contracts with a value of more than \$100,000. The bill requires the Ethics Commission to create a form for the disclosures, for the disclosures to be submitted to the Ethics Commission, and for the Commission to make copies of the disclosures publicly available.

(4) House Bill 4618 would make the House Judiciary’s amended name/likeness or “trinkets” Legislative Rule the new trinkets statute. The House passed this bill and it is on Senate Judiciary’s agenda today.

(5) House Bill 4046 is a Legislative Rules bundle which includes the amended trinkets Rule and also repeals three obsolete Ethics Rules. It has been passed by the House. Another Legislative Rule, 158 CSR 6 relating to private gain, will be redrafted by Commission staff, and it will go through the Legislative Rule-Making Review Committee process. A draft of the Rule will be discussed at the Commission’s April meeting.

Ms. Stepto reported that the following bills died: one prohibiting lobbyists from contributing funds to candidates; two prohibiting chairmen of state and local parties from being lobbyists; one prohibiting lobbyists from buying meals for legislators; another trinkets bill leftover from last year; one prohibiting placement of name or likeness on state road signs; and one requiring the Auditor to train members of counties and municipalities on rules of order and the Ethics Act.

A report was given by Ms. Stepto that complaints are down in number. As of February 24, 37 verified Complaints have been filed during calendar year 2016. Included in that total are 11 Complaints filed against one Respondent and another 11 Complaints filed against a second Respondent who sits on the same board as the first Respondent.

WHEREUPON, Chairperson Wolfe called upon Ms. Kirk to present proposed Advisory Opinion 2016-05 for consideration.

WHEREUPON, Ms. Kirk presented proposed Advisory Opinion 2016-05 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, Commissioner Ireland rescinded her motion and made a motion that the Opinion be tabled until the April 2016 meeting of the Commission. Commissioner Tweel gave a second, and the motion passed unanimously.

WHEREUPON, Chairperson Wolfe called upon Mr. Knopp to present proposed Advisory Opinion 2016-06 for consideration.

WHEREUPON, Mr. Knopp presented proposed Advisory Opinion 2016-06 to the Commission for consideration. A motion was made by Commissioner Tweel to accept the proposed Advisory Opinion. The motion was seconded by Commissioner Ireland. After discussion, Chairperson Wolfe called for the question. The motion carried.

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

WHEREUPON, Ms. Stepto presented Employment Exemption 2016-01 requested by Michael D. Riley, Commissioner, West Virginia Offices of the Insurance Commissioner, and Employment Exemption 2016-02 requested by Emily E. McCoy, Director of the Medicaid Management Information System, WV DHHR, Office of Management Information Services. After discussion, Commissioner Ireland made a motion that Employment Exemptions 2016-01 and 2016-02 be ratified. Commissioner Walker 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 January. No corrections or additions were made to the report.

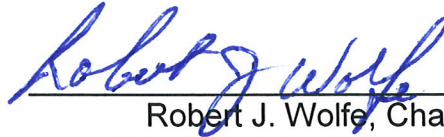
Ms. Stepto reported that the 2015 lobbyist audit has been completed by Rowan & Associates. Mr. Rowan requested documentation from 20 randomly selected lobbyists to support the expenditures which they reported in the three Lobbyist Activity Reports filed in 2014. None of the lobbyists filed responses to Mr. Rowan's reports. After discussion, a motion was made by Commissioner Ireland that no further activity is required by Mr. Rowan; that there is no information disclosed in the reports relating to lobbyist compensation or other information which is not required to be disclosed pursuant to W. Va. Code § 6B-3-1 et seq. and that the reports be deemed final. Commissioner Walker gave a second, and the motion carried.

Ms. Stepto reported on how Ethics Commission staff employees are classified in the State system. After discussion, it was the consensus of the Commission that the Personnel Committee meet to consider adopting the WV Department of Administration's Employee Handbook as the Employee Handbook of the Ethics Commission.

A motion was made by Commissioner Tweel that the Commission go into Executive Session pursuant to W. Va. Code § 6-9A-4(b)(2)(A), relating to matters arising from the appointment, employment, retirement, promotion, transfer, demotion, disciplining, resignation, discharge, dismissal or compensation of a public officer or employee. A second was given by Commissioner Walker, and the motion carried. All staff left the meeting room. There were no guests present.

WHEREUPON, the Commission re-entered public session, and 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 April 7, 2016, meeting.



Robert J. Wolfe, Chairperson
West Virginia Ethics Commission

ATTEST:



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