

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

The November 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, Suzan Singleton, and Lawrence Tweel. Commissioners Karen Disibbio, Terry Walker, and Monté Williams participated by telephone. Executive Director Rebecca L. Stepto, General Counsel Kimberly B. Weber, Staff Attorney Theresa M. Kirk, Staff Attorney Derek A. 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 October 6, 2016, Commission meeting minutes.

WHEREUPON, Commissioner Ireland made a motion to approve the minutes of October 6, 2016. Commissioner Tweel gave a second. The motion passed.

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

WHEREUPON, Chairperson Wolfe recognized the parties involved in Commission-Initiated Complaint 2014-014 filed against Eugene R. Thorn. Chairperson Wolfe advised Ms. Weber, counsel for the Complainant, and John H. Tinney, Jr., counsel for Respondent Thorn, that each will be given 10 minutes to present their case to the Commission. After both made their presentations, Chairperson Wolfe called for a motion to go into executive session.

WHEREUPON, a motion was made by Commissioner Singleton to go into executive session, pursuant to W. Va. Code § 6B-2-4(s), to consider a Final Decision in Commission-Initiated Complaint 2014-014. Commissioner Ireland seconded the motion. The motion carried. All guests and staff, except Ms. Stepto and Ms. Kirk, left the meeting room.

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

WHEREUPON, Commissioner Tweel made the following motion:

- that the Commission reject the Findings of Fact, Conclusions of Law, and Recommendation of the Hearing Examiner relative to Count I since the Commission did not meet its burden of proof;
- that the Commission find Respondent Thorn responsible beyond a reasonable doubt to the issues raised in Count II and Count III since the Commission did meet its burden of proof;

- that Respondent Thorn pay a fine of \$5,000 (\$2,500 for Count II and \$2,500 for Count III) to the Commission on or before February 3, 2017;
- that Respondent Thorn reimburse the Commission \$2,362.92 for the actual costs of prosecuting his violations of the Ethics Act on or before February 3, 2017;
- that before holding a public service position or public employment in the future, Respondent Thorn shall complete training on the West Virginia Ethics Act and shall notify the Commission in writing of his completion of the training; and
- that Ms. Stepto draft a Final Decision and Order with Procedural History, Issue, Exhibits, Findings of Fact, Discussion, Conclusions of Law and an Order to include the above-outlined sanctions against Respondent Thorn.

Commissioner Ireland gave a second, and the motion carried unanimously.

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

WHEREUPON, Ms. Stepto presented Employment Exemption 2016-37 requested by Seth Gaskins, Chief Counsel to the Committee on Energy, West Virginia House of Delegates, and Employment Exemption 2016-38 requested by J. Keith Burdette, Cabinet Secretary, West Virginia Department of Commerce. After discussion, Commissioner Ireland made a motion that Employment Exemptions 2016-37 and 2016-38 be ratified. Commissioner Tweel gave a second, and the motion carried.

WHEREUPON, Chairperson Wolfe called upon Ms. Weber to present proposed Advisory Opinion 2016-14 for consideration.

WHEREUPON, Ms. Weber presented proposed Advisory Opinion 2016-14 to the Commission for consideration. A motion was made by Commissioner Tweel to accept the proposed Advisory Opinion. Commissioner Ireland gave a second, and the motion carried.

WHEREUPON, Chairperson Wolfe called upon Ms. Kirk to present proposed Advisory Opinion 2016-15 for consideration.

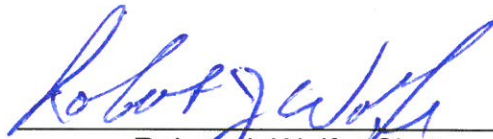
WHEREUPON, Ms. Kirk presented proposed Advisory Opinion 2016-15 to the Commission for consideration. A motion was made by Commissioner Ireland to accept the proposed Advisory Opinion. Commissioner Walker gave a second. After discussion, Commissioner Ireland made a motion to rescind her previous motion. A second was given by Commissioner Singleton, and the motion carried. Subsequently, a motion was made by Commissioner Ireland to table Advisory Opinion 2016-15 in order to gather additional information. Commissioner Tweel gave a second, and the motion carried.

WHEREUPON, Chairperson Wolfe called upon Mr. Knopp to present proposed Advisory Opinion 2016-16 for consideration.

WHEREUPON, Mr. Knopp presented proposed Advisory Opinion 2016-16 to the Commission for consideration. A motion was made by Commissioner Ireland to accept the proposed Advisory Opinion. Commissioner Singleton gave a second. After discussion, a motion was made by Commissioner Tweel to accept proposed Advisory Opinion 2016-16 as amended. A second was given by Commissioner Ireland, and the motion carried.

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

The foregoing minutes of the West Virginia Ethics Commission were approved at the December 1, 2016, meeting.



Robert J. Wolfe, Chairperson
West Virginia Ethics Commission

ATTEST:



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