

**MINUTES OF THE AUGUST 6, 2015
MEETING OF THE WEST VIRGINIA ETHICS COMMISSION**

The August 6, 2015, 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 Acting Chairperson Michael Greer in the absence of Chairperson Robert Wolfe. Present in person at the meeting were Acting Chairperson Greer and Commissioners Jack Buckalew and Lawrence Tweel. Commissioners Betty S. Ireland, Suzan Singleton, and Terry Walker participated by telephone. Commissioners Karen Disibbio, Monté Williams, and Robert Wolfe were absent. Executive Director Rebecca L. Stepto, General Counsel Kimberly B. Weber, Deputy General Counsel Meridith O. Johnstone, Staff Attorney Derek A. Knopp, and Special Assistant to the Executive Director M. Ellen Briggs, all from the Commission staff, were present.

WHEREUPON, Acting Chairperson Greer asked for approval of the June 4, 2015, Commission meeting minutes.

WHEREUPON, Commissioner Singleton made a motion to approve the minutes of June 4, 2015, and Commissioner Buckalew gave a second. The motion passed unanimously.

WHEREUPON, Acting Chairperson Greer announced the remaining scheduled Commission meetings for 2015: September 3; October 1; November 5; and December 3.

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

Ms. Stepto reported that the emergency Legislative Rules for the "trinkets" statute went into effect on June 23. The necessary paperwork was submitted on June 30 to start the process for the proposed "trinkets" rules to go through the Legislative Rule Making and Review Committee ("LRMRC"). Ms. Stepto reported that the Ethics Commission just needs to wait for the LRMRC to review the rules for any comments or suggestions.

Ms. Stepto reported that Rowan & Associates, CPA, has been retained to perform a random audit of 20 lobbyists. She further reported that the process has been started which involves getting a list of all registered lobbyists, giving each one of them a unique number, and then choosing numbers in a truly random manner. Activity and spending reports from 2014 will be audited.

Ms. Stepto set forth complaint totals for fiscal year 2014-2015, which ended on June 30. During fiscal year 2014-2015, there were 157 verified complaints; 1 Commission-Initiated Complaint; and 16 Advisory Opinions. For comparison, during fiscal year 2013-2014, there were 133 verified complaints; 14 Commission-Initiated Complaints; and 53 Advisory Opinions. Ms. Stepto further reported that as of today, 103 verified complaints have been received this calendar year and that the number of complaints continues to grow.

WHEREUPON, Acting Chairperson Greer called upon Ms. Weber to present proposed Advisory Opinion 2015-10 for consideration.

WHEREUPON, Ms. Weber presented proposed Advisory Opinion 2015-10 to the Commission for consideration. After discussion, a motion was made by Commissioner Tweel to approve the draft Opinion as presented, and Commissioner Buckalew seconded. The motion passed unanimously.

WHEREUPON, Acting Chairperson Greer called upon Ms. Johnstone to present proposed Advisory Opinion 2015-11 for consideration.

WHEREUPON, Ms. Johnstone presented proposed Advisory Opinion 2015-11 to the Commission for consideration. During discussion, a motion was made by Commissioner Tweel to amend the proposed Opinion to state the following on page 5 under Items purchased before May 28, 2015: "The Ethics Commission concludes that the Requester may not use any items classified as 'trinkets' under W.Va. Code § 6B-2-5c which were purchased prior to the effective date of the statute (May 28, 2015). Banners and table skirts which contain the Requester's name and photograph--whether purchased before or after May 28, 2015 -- may not be used." The amendment also proposed that the phrase "These items should not be reordered," which had been after the sentence beginning with "The Ethics Commission concludes," be deleted as redundant. Commissioner Buckalew gave a second, and the motion carried. After further discussion, a motion was made by Commissioner Buckalew that Advisory Opinion 2015-11 be approved as amended. Commissioner Tweel gave a second, and the motion carried unanimously.

WHEREUPON, Acting Chairperson Greer called upon Ms. Stepto to present Employment Exemption Requests.

WHEREUPON, Ms. Stepto presented Employment Exemptions 2015-07 Sara M. Cline, Commissioner, West Virginia Division of Financial Institutions; 2015-08 Robert C. Fernatt, Information Systems Manager, WorkForce West Virginia; and 2015-09 Jeffrey W. McLaughlin, Technical Analyst, West Virginia Department of Environmental Protection, Office of Oil and Gas. Commissioner Tweel asked if there was an understanding in the past as to how many employment exemptions an individual may continue to request. Ms. Stepto advised that there was no limit. Commissioner Singleton made a motion to ratify Employment Exemptions 2015-07, 2015-08, and 2015-09, and Commissioner Ireland seconded. The motion passed.

WHEREUPON, Acting Chairperson Greer recognized Commissioner Buckalew to present a commendation to the Commission staff.

WHEREUPON, Commissioner Buckalew read the following commendation:

I commend the Commission's General Counsel, Kimberly B. Weber, and staff for the exceptional legal work done in the case of Perry v. the Ethics Commission, which was before the Kanawha County Circuit Court. This case was handled by Kim and staff in an exemplary manner with the utmost professionalism and legal expertise. I request that this commendation be recorded in the minutes of today's meeting and placed in staff files.

A motion was made by Commissioner Buckalew that the above commendation be recorded in the Commission's minutes and a copy be placed in the personnel files of Ms. Weber and Ms. Stepto, who assisted in the case. A second was given by Commissioner Ireland, and the motion carried. Ms. Stepto noted for the Commissioners that the matter Perry v. the Ethics Commission has not been ruled upon yet by Kanawha County Circuit Court Judge Carrie Webster. Judge Webster has six months to make a ruling.

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


WHEREUPON, the Commission reviewed purchases on the P-Card monthly reports for May and June. No corrections or additions were made to the reports. The reports were accepted as distributed.

Ms. Stepto reported on a request from a public servant that the Ethics Commission increase the monetary amount which agencies may spend to recognize employees using public funds, which is \$25 per employee per fiscal year. Ms. Stepto advised that the Ethics Act gives the Commission authority to issue guidelines to facilitate public employee's compliance with the Act. In 2008, the Commission issued a guideline entitled *Public Employee Recognition Events*. After discussion, Commissioner Tweel made a motion that the request to increase the spending limit be denied. Commissioner Buckalew seconded, and the motion carried.

Ms. Stepto introduced Mr. Derek A. Knopp, the new staff attorney, to the Commission.

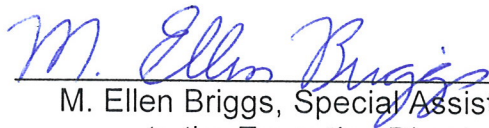
WHEREUPON, Acting Chairperson Greer stated there were no more items for discussion. Commissioner Tweel made a motion to adjourn, and Commissioner Buckalew seconded. The meeting was adjourned.

The foregoing minutes of the West Virginia Ethics Commission were approved unanimously at the September 3, 2015, meeting.



Michael Greer, Acting Chairperson
West Virginia Ethics Commission

ATTEST:



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