

**MINUTES OF THE DECEMBER 3, 2015
MEETING OF THE WEST VIRGINIA ETHICS COMMISSION**

The December 3, 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 Chairperson Robert J. Wolfe. Present in person at the meeting were Commissioners Betty S. Ireland, Lawrence Tweel, Terry Walker, and Robert J. Wolfe. Commissioners Karen Disibbio, Michael Greer, Suzan Singleton, and Monté Williams participated by telephone. Commissioner Jack Buckalew was absent. Executive Director Rebecca L. Stepto, General Counsel Kimberly B. Weber, Deputy General Counsel Meridith O. Johnstone, 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 November 5, 2015, Commission meeting minutes.

WHEREUPON, Commissioner Tweel made a motion to approve the minutes of November 5, 2015, with a correction made to the spelling of "recused." Commissioner Ireland gave a second. The motion passed.

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

January 7	February 4	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.

WHEREUPON, Ms. Stepto reported that as of today, 148 verified complaints have been filed this calendar year. The current docket has 50 complaints on it; no hearings are scheduled at this time, and there are several Conciliation Agreements in the process.

Ms. Stepto reported that staff is verifying email addresses to send Financial Disclosure Statements (FDS) in January to those who have filed in the past. A separate email address has been set up solely for FDSs. The Commission concurred that no paper forms or envelopes will be sent to county clerks this year, but a link will be provided to access the form and instructions.

A report was given by Ms. Stepto that the software for making lobbyists' badges is inoperable and cannot be updated. New software would cost about \$500. Ms. Stepto advised that neither the Ethics Act nor the associated Legislative Rule requires the Commission to make identification badges with pictures. Lobbyist Registrar Kimberly Pickens has developed a less expensive way to make ID badges without pictures. Ms. Stepto advised that the ID badges without pictures will be provided to new lobbyists for

the next year. Ms. Stepto has contacted the West Virginia Department of Motor Vehicles to explore whether this agency could make picture ID badges for lobbyists. Commissioner Ireland voiced her opinion that pictures on ID badges are valuable and preferable and requested that the Commission revisit this issue next year.

Ms. Stepto reported that the credit card machine, which is used only to process registration fees and fine payments from lobbyists, recently became inoperable. A new machine costs \$350 and an additional \$252 per year for a dedicated phone line. Ms. Pickens is looking into whether a dedicated phone line is necessary.

Ms. Stepto reported that she and staff have been preparing various reports requested by the Department of Administration, including year-end information for the Governor and the Cabinet Secretary's Informational Fact Sheet document for the Legislature. Also, the Commission's Continuity of Operations Plan (COOP) is being updated.

A report was given by Ms. Stepto that the Ethics Commission's website includes news and announcements and is updated after each meeting or when something else is new, such as updated information for lobbyists. She reported that the lobbyist directory has been changed this year to save money and printing time.

WHEREUPON, Chairperson Wolfe asked the Commission to change the order of the agenda to move item number 4 to the end of the agenda before item number 7. He asked that future agendas be done in the same manner, to have the executive session at the end in order to accommodate the public and press who attend the Commission meetings. The Commission concurred.

WHEREUPON, Chairperson Wolfe called upon Mr. Knopp to present proposed Advisory Opinion 2015-22 for consideration.

WHEREUPON, Mr. Knopp presented proposed Advisory Opinion 2015-22 to the Commission for consideration. After discussion, a motion was made by Commissioner Ireland to approve the draft 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 2015-23 for consideration.

WHEREUPON, Ms. Kirk presented proposed Advisory Opinion 2015-23 to the Commission for consideration. After discussion, a motion was made by Commissioner Tweel to approve the draft Opinion with an amendment to page 6, fourth paragraph, to read as follows:

In conclusion, the Requester may conduct telephonic town hall meetings. The Requester's name may not be used in the recorded messages. Further, the Requester may not conduct telephonic town hall meetings in the 60 days immediately before a primary, special or general election.

These limitations do not apply to telephonic town halls conducted by the Requester with campaign funds expended and reported in accordance with applicable election laws; however, the Requester may not use public funds or resources for campaign-related activities.

Commissioner Walker gave a second, and the motion passed unanimously.

WHEREUPON, Ms. Stepto presented Employment Exemption 2015-15 requested by John Mottesheard, Engineering Technician, Public Service Commission of West Virginia, and Employment Exemption 2015-16 requested by Tammy Pritt-Jones, Program Manager I, Bureau for Medical Services, West Virginia Department of Health and Human Resources. After discussion, Commissioner Tweel made a motion to ratify Employment Exemption 2015-15 and Employment Exemption 2015-16. Commissioner Ireland seconded, and the motion passed unanimously.

WHEREUPON, Commissioner Ireland made a motion that the Ethics Commission enter into executive session pursuant to West Virginia Code § 6B-2-4(s) to consider settlement terms in a proposed Conciliation Agreement. This matter relates to VCRB 2014-006 Respondent John W. Hawkins. Commissioner Tweel gave a second, and the motion carried. The guest and designated staff left the meeting room.

WHEREUPON, the Ethics Commission re-entered public session to discuss action on one Complaint. Staff returned to the meeting room.

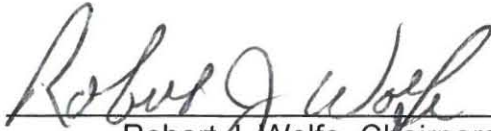
WHEREUPON, Commissioner Ireland moved and Commissioner Walker seconded that the Commission accept the proposed Conciliation Agreement for John W. Hawkins, VCRB 2014-006. The motion carried.

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

WHEREUPON, the Commission reviewed purchases on the P-Card monthly report for October. No corrections or additions were made to the report.

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 January 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