

**MINUTES OF THE SEPTEMBER 4, 2014
MEETING OF THE WEST VIRGINIA ETHICS COMMISSION**

The September 4, 2014, 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 Wolfe. Present at the meeting were Commissioners Karen Disibbio, Betty Ireland, Suzan Singleton, Lawrence Tweel, Terry Walker, and Robert Wolfe. Commissioners Jack Buckalew and Michael Greer participated by telephone. Commissioner Monté Williams was absent. Interim Executive Director Rebecca L. Stepto, General Counsel Kimberly B. Weber, Staff Attorney Benjamin Visnic, and Special Assistant to the Executive Director M. Ellen Briggs, all from the Commission staff, were present.

WHEREUPON, Chairperson Wolfe called the meeting to order and reported on a change in the order of the agenda. Chairperson Wolfe moved agenda item 6 Personnel after agenda item 7 Miscellaneous. The Commission concurred.

WHEREUPON, Chairperson Wolfe asked for approval of the August 7, 2014, Commission meeting minutes.

WHEREUPON, Commissioner Ireland made a motion to approve the minutes. Commissioner Singleton seconded. The motion passed unanimously.

WHEREUPON, Chairperson Wolfe set forth the following 2014 dates for Commission meetings: October 2; November 6; and December 4.

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

WHEREUPON, Ms. Stepto reported that blank activity report forms and supporting expense reporting forms were mailed out to 379 registered lobbyists on August 26, 2014. The completed reports are to be postmarked on or before September 15, 2014. Lobbyists who submit forms after the deadline are subject to a \$10 per day fine, with a maximum fine of \$250.

Ms. Stepto reported that last week she submitted information to the Finance Division of the Department of Administration regarding a request for an increased budget for fiscal year 2016. As justification, Ms. Stepto reported that the number of complaints filed with or by the Commission has increased from 45 in fiscal year 2010, 38 in 2011, 101 in 2012, 107 in 2013, and 147 in 2014.

A report was given by Ms. Stepto that Ms. Weber met with the Library Commission regarding their creation of training videos of her PowerPoint presentations which discuss the Ethics Act and the Open Governmental Meetings Act. The first part of the video was filmed on September 3, 2014. Once completed, it will be available on the Commission's website for use by agencies and groups requesting training. Ms. Stepto further reported that although the Library Commission will charge the Ethics Commission for making the video, it will be cost effective since the Ethics Commission does not have the budget and staff to present in-person training as frequently as had

been done in the past. Commissioner Buckalew suggested that Commission members appear in the video in support.

Ms. Stepto reported that the Ethics Commission, the Probable Cause Review Board, the Chair of the Review Board, and Ms. Stepto as Interim Executive Director have been named as Respondents in a Writ of Mandamus filed by an individual who had filed four Verified Complaints on March 13, 2014. The Complaints are being processed and handled by the staff correctly and in a timely manner, but the Complainant/Petitioner seeks a ruling that the Ethics Commission "reach an honest decision as soon as possible." The Ethics Commission's legal staff is responding to the Writ on behalf of all Respondents, and no action is required from the Commission at this time.

Ms. Stepto reported that staff members Ellen Briggs and Tina King met with West Virginia Interactive, a company which will assist the Commission in allowing those who are required to file Financial Disclosure Statements to complete them online.

As authorized by the Commission at its August 2014 meeting, staff filed notice with the Secretary of State's office regarding changes to the Commission's Procedural Rule 158 CSR 19. That Rule, which became effective in 2006, needed to be updated to reflect Legislative changes to W. Va. § Code 6B-2-1, which had been amended effective July 1, 2014. Most of the changes to the Procedural Rule relate to reduction in the number of Commissioners to constitute a quorum from seven to five.

Ms. Stepto reported that Ms. Weber is in the process of scheduling a public hearing in the Commission's oldest Complaint. She is attempting to find a date in October 2014 which is agreeable to the parties and the hearing examiner.

Ms. Stepto reported that blank Financial Disclosure Statements were mailed to the Governor's 2014 appointees to various state boards and commissions. Staff has completed entry of certain data from the completed forms onto its internal database, Access, which then creates lists of persons who have filed their forms. The Ethics Act requires Disclosures from certain officials to be published on the Internet; staff is expected to complete the uploading of these Disclosures onto its website by September 4, 2014, in order to meet this requirement. Ms. Stepto reported that only one candidate has failed to file a Financial Disclosure Statement, and this information has been conveyed to the Secretary of State's office. Since December 2013, staff has mailed out 2,974 blank forms. Of that total, 2,549 completed paper forms were received back in the office. Of that number, 151 were incomplete and had to be returned to the filers for corrections or additional information. Online filing was done by 171 additional filers.

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

WHEREUPON, Ms. Stepto presented Employment Exemption 2014-16 requested by Chad Carmichael, Technical Analyst, West Virginia Department of Environmental Protection, Office of Oil and Gas. After discussion, Commissioner Buckalew made a motion to approve Employment Exemption 2014-16, and Commissioner Singleton seconded. The motion passed unanimously.

WHEREUPON, Chairperson Wolfe called upon Mr. Visnic to present the Contract Exemption Request.

WHEREUPON, Mr. Visnic presented Contract Exemption Request 2014-02 to the Commission for consideration. After discussion, Commissioner Singleton made a motion to adopt Contract Exemption 2014-02, and Commissioner Ireland seconded. The motion passed, with Commissioner Greer opposed.

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

WHEREUPON, the Commission reviewed the P-Card monthly report with no comments. A motion for approval of the monthly report was given by Commissioner Ireland, and a second was given by Commissioner Walker. The motion carried.

Ms. Stepto reported that an audit of lobbyists needs to be conducted. A motion was made by Commissioner Ireland that the firm, Rowan & Associates, CPA, be approved to conduct the audit and that clarification be obtained from Mr. Rowan regarding what are "recognized statistical sampling standards." Commissioner Singleton gave a second, and the motion carried.

Ms. Stepto reported on a request from an employer represented by three lobbyists to deem the employer's payments of \$100 each to be valid for 18 months rather than for 12 months. After discussion, Commissioner Ireland moved that the request for partial waiver of the lobbyist fee be denied. Commissioner Singleton gave a second, and the motion carried, with Commissioner Disibbio abstaining.

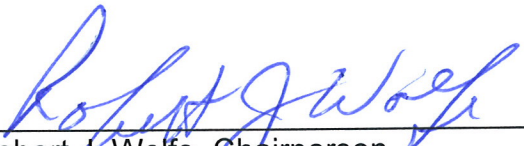
Ms. Stepto reported that any legislation to be proposed during the 2015 legislative session must be submitted to the Department of Administration by September 15, 2014. The Commission discussed potential proposed changes to Legislative Rule 158-18, which is entitled "Ethics Training Requirements for Designated Public Officials." The changes would include making training available through the Internet or via other electronic means. The Commission also discussed possibly proposing a change in the Ethics Act to require online filing of Financial Disclosure Statements.

WHEREUPON, a motion was made by Commissioner Ireland to 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, or prospective public officer or employee unless the public officer or employee or prospective public officer or employee requests an open meeting. Commissioner Singleton gave a second, and the motion passed unanimously. All staff and guests left the meeting room.

WHEREUPON, the Public Session was resumed, and staff and guests returned to the meeting room. A motion was made by Commissioner Singleton that the permanent position of Executive Director be posted on the Department of Administration's website in addition to other means of notification as requested by the Personnel Committee. Commissioner Ireland gave a second, and the motion carried.

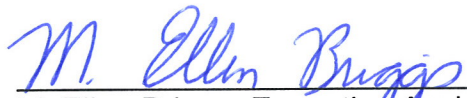
Chairperson Wolfe stated there were no more items for discussion. Commissioner Ireland made a motion to adjourn, and Commissioner Singleton seconded. The meeting was adjourned.

The foregoing minutes of the West Virginia Ethics Commission were approved unanimously at the October 2, 2014, meeting.



Robert J. Wolfe, Chairperson
West Virginia Ethics Commission

ATTEST:



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