

**MINUTES OF THE NOVEMBER 13, 2014
MEETING OF THE WEST VIRGINIA ETHICS COMMISSION**

The November 13, 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 in person at the meeting were Commissioners Karen Disibbio, Michael Greer, Betty S. Ireland, Suzan Singleton, Lawrence Tweel, Terry Walker, and Robert Wolfe. Commissioners Jack Buckalew and Monté Williams participated by telephone. Interim Executive Director Rebecca L. Stepto, General Counsel Kimberly B. Weber, Deputy General Counsel Meridith O. Johnstone, Staff Attorney Benjamin Visnic, 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 2, 2014, Commission meeting minutes.

WHEREUPON, Commissioner Singleton made a motion to approve the minutes, and Commissioner Greer gave a second. The motion passed unanimously.

WHEREUPON, Chairperson Wolfe set forth the next Commission meeting for December 3, 2014. The following 2015 proposed dates for Commission meetings were discussed, noting that the dates are subject to change:

January 8	July 2
February 5	August 6
March 5	September 3
April 2	October 1
May 7	November 5
June 4	December 3

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

WHEREUPON, Ms. Stepto reported that as of October 31, 2014, 119 Verified Complaints had been filed with the Ethics Commission during the calendar year. By comparison, in calendar year 2013, 118 Verified Complaints were filed for the entire 12-month period. During the 2014 calendar year, the Commission has initiated 14 Complaints. In calendar year 2013, the Commission initiated three Complaints. The hearing in the oldest pending Complaint is scheduled for January 26-28, 2015. Staff had attempted to schedule it earlier, but encountered scheduling conflicts with the Respondent's attorney and with the Administrative Law Judge. Ms. Stepto also reported that W. Va. Code § 6B-2-3a(c) of the Ethics Act mandates a stay of activity regarding Complaints pending against candidates for 60 days prior to an election. Twelve Verified Complaints were stayed as a result of this provision and activity will resume in those Complaints on November 5, 2014. In an additional two Complaints, the Respondents waived the stay.

Ms. Stepto reported that later this month, a limited number of blank Financial Disclosure Statements and instruction sheets will be ordered from Prison Industries for the upcoming filing of Disclosure Statements by the February 1, 2015, deadline. Printing by Prison Industries is less costly than using a commercial printer, but it requires more lead time to get the final product. Last year, the Commission ordered 4,000 copies of those forms and instructions at a cost of \$1,163.60. This year staff intends to send blank forms and instructions to those who filed this year via email to save the costs of printing the forms and sheets, the envelopes, postage and staff time. Therefore, the printing order will be substantially smaller this year. Filers will also be encouraged to file their Disclosure Statements directly online through the Commission's website. West Virginia Interactive is working to improve that process and to allow information from the online filings to go directly into our internal tracking database without requiring staff to manually enter some of the information as currently required.

A report was given by Ms. Stepto that the CPA firm of Rowan & Associates has started the random audit of 20 lobbyists as required by the Ethics Act. As of November 6, 2014, eight of those lobbyists had not responded to the CPA's initial requests for documentation to substantiate their reported spending.

Ms. Stepto reported that General Counsel Kim Weber completed filming of a training video regarding the Open Governmental Meetings Act. Copies of that DVD were distributed to each Commissioner at today's meeting. The cost of taping and editing both the Open Meetings and the Ethics training DVDs was \$900. Fifty copies of each DVD were purchased for distribution at a cost of \$4.75 per copy. Both DVDs are also on the Commission's website.

Ms. Stepto reported that General Counsel Kim Weber and Lobbyist Registrar Kimberly Pickens presented two one-hour training sessions to lobbyists in the Commission's conference room on October 16, 2014. The two sessions were attended by 12 and 6 persons, respectively, including some of our staff members.

A report was given by Ms. Stepto that some Commissioners have inquired about personnel policies applicable to the Commission's staff. All employees must comply with the Department of Administration's Employee Handbook and with the policies found in the Ethics Commission's Standard Operating Procedures manual. Ms. Stepto reported that this manual has not been updated, other than with a couple of recent policies, since 2011, and recommended that updating of it and other policies applicable to the staff be done. Ms. Stepto advised Commission members if they would like a copy of either to let staff know.

Ms. Stepto reported that changes to Procedural Rule 158 CSR 19, which Commissioners approved at the August 7, 2014, meeting, became effective on November 8, 2014. The primary change to this Rule was changing the number of Commissioners required to constitute a quorum from seven to five to reflect the reduction in the number of Commissioners in statutory changes which became effective on July 1, 2014. The Commission's Deputy General Counsel, Meridith Johnstone, handled the electronic process with the Secretary of State's office. No comments were received regarding the rule changes during the 30-day comment period.

Ms. Stepto reported that the Ethics Commission now owns its color copier, which also serves as the scanner. The bill will now be approximately \$300-\$400 per quarter

for a service agreement, which includes the cost of toner, staples, parts and maintenance.

Ms. Stepto reported that she contacted the Department of Administration requesting a breakdown of the computer billing assessed to the Ethics Commission. They agreed to reduce some of the charges made to the Commission. Ms. Stepto further reported that she is reviewing the current rent being paid by the Commission for its current office space.

Ms. Stepto reported that the Commission's Investigator David O. Lucas has resigned his position effective November 14, 2014.

WHEREUPON, Chairperson Wolfe called upon Ms. Weber to present Advisory Opinion 2014-23.

WHEREUPON, Ms. Weber presented Advisory Opinion 2014-23 to the Commission for consideration. A motion was made by Commissioner Singleton to approve the draft Opinion, and Commissioner Ireland seconded. The motion carried. After more discussion and an amendment to the Opinion, Commissioner Singleton made a motion to approve Advisory Opinion 2014-23 with amendment, and Commissioner Ireland seconded. The motion passed unanimously.

WHEREUPON, Chairperson Wolfe called upon Ms. Weber to present Advisory Opinion 2014-24.

WHEREUPON, Ms. Weber presented Advisory Opinion 2014-24 to the Commission for consideration. After discussion and an amendment to the draft Opinion, Commissioner Singleton made a motion to approve Advisory Opinion 2014-24 with amendment, and Commissioner Walker seconded the motion. The motion passed unanimously.

WHEREUPON, Chairperson Wolfe called upon Ms. Weber to present Advisory Opinion 2014-25.

WHEREUPON, Ms. Weber presented Advisory Opinion 2014-25 to the Commission for consideration. After discussion and an amendment to the draft Opinion, Commissioner Ireland made a motion to approve Advisory Opinion 2014-25 with amendment and Commissioner Singleton seconded. The motion passed unanimously.

WHEREUPON, Chairperson Wolfe called upon Mr. Visnic to present Contract Exemption Request 2014-23.

WHEREUPON, Mr. Visnic presented Contract Exemption Request 2014-23 to the Commission for consideration. After discussion, a motion was made by Commissioner Singleton to approve the draft Opinion, and Commissioner Greer seconded. The motion carried.

WHEREUPON, Chairperson Wolfe called upon Mr. Visnic to present Contract Exemption Request 2014-24.

WHEREUPON, Mr. Visnic presented Contract Exemption Request 2014-24 to the Commission for consideration. Commissioner Greer declared a conflict of interest in this matter. After discussion, a motion was made by Commissioner Buckalew to approve the draft Opinion, and Commissioner Ireland seconded. The motion carried, with Commissioner Singleton and Commissioner Walker opposed.

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

WHEREUPON, Ms. Stepto presented Employment Exemption 2014-18 requested by Timothy W. Hodge, Jr., Environmental Inspector, West Virginia Department of Environmental Protection; Employment Exemption 2014-19 requested by Timothy J. Keller, Environmental Inspector, West Virginia Department of Environmental Protection; and Employment Exemption 2014-20 requested by Laura K. Cooper, Environmental Resource Analyst, West Virginia Department of Environmental Protection. After discussion, Commissioner Greer made a motion to approve Employment Exemptions 2014-18, 2014-19, and 2014-20, and Commissioner Walker seconded. The motion passed. A motion was made by Commissioner Tweel that staff begin sending a copy of the Notice of Ratification to the employee's immediate supervisor when an Employment Exemption is approved by the Commission. Commissioner Ireland gave a second, and the motion carried.

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

WHEREUPON, the Commission reviewed and Ms. Stepto explained purchases on the P-Card monthly report. A motion was made by Commissioner Greer that the P-Card monthly report be approved. Commissioner Walker gave a second, and the motion carried.

Ms. Stepto reported on the following three lobbyists who have appealed fines which the Commission assessed against them for filing their 2014-2 Lobbyist Activity Reports after the September 15, 2014, deadline:

Mr. J. Fred Earley, II, a registered lobbyist representing Highmark BlueCross BlueShield West Virginia, had been fined the maximum amount of \$250 for not mailing his report until October 24, 2014. Mr. Earley appealed the fine on the grounds that the blank form mailed to him had been mailed to the wrong address. He contended that he had provided staff with the correct address but that it was never changed on the Commission's lists. A motion was made by Commissioner Ireland to accept the staff recommendation that Mr. Earley's late fee be waived because staff failed to enter his correct mailing address into the lobbyist database. Commissioner Tweel gave a second, and the motion carried.

Ms. Helen Katie Pack was a registered lobbyist for the West Virginia Oil Marketers and Grocers Association, but has since terminated her registration. Her activity report was received via email on October 1, 2014. She contended that she had

been in South Korea since July 2014 and not had the access to mail, email, and other forms of communication. A motion was made by Commissioner Ireland to accept the staff recommendation to approve the waiver of a \$120 fine levied against Ms. Pack for her late report filing. Commissioner Singleton gave a second, and the motion carried.

Mr. Michael Mewshaw, a lobbyist for the United Transportation Union, submitted an activity report which was post-marked on September 22, 2014. He was assessed a \$10 per day fine for his report being mailed five days after the September 15, 2014, deadline. Although he contends in his appeal that he had mailed his report "in time for you to receive it," his post-marked envelope and report do not support his contention. A motion was made by Commissioner Ireland to accept the staff recommendation that Mr. Mewshaw be denied an appeal of a late fine. Commissioner Singleton gave a second, and the motion carried.

WHEREUPON, the Commission took a recess.

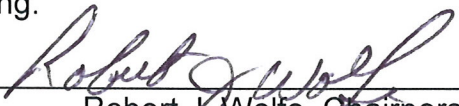
WHEREUPON, Chairperson Wolfe called the meeting back in session, and requested a motion to go into Executive Session to discuss the selection and possible hiring of a new Executive Director.

WHEREUPON, Commissioner Ireland made a motion to go into Executive Session in order to discuss the results of the Personnel Committee interviews and the scoring of the interviewees, and to make a decision outside of Executive Session. Commissioner Tweel gave a second, and the motion carried. All staff and guests left the meeting room.

WHEREUPON, the public session was resumed, and Chairperson Wolfe asked for a nomination on the floor to fill the Executive Director position. Commissioner Buckalew nominated Rebecca L. Stepto, and Commissioner Ireland gave a second. Hearing no further discussion, Chairperson Wolfe called for the question. The motion carried unanimously.

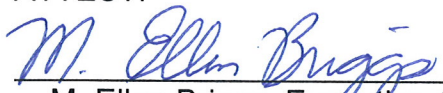
Chairperson Wolfe stated there were no more items for discussion. Commissioner Greer made a motion to adjourn, and Commissioner Singleton seconded. The meeting was adjourned.

The foregoing minutes of the West Virginia Ethics Commission were approved unanimously at the January 8, 2015, meeting.



Robert J. Wolfe, Chairperson
West Virginia Ethics Commission

ATTEST:



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