

**MINUTES OF THE MARCH 6, 2014
MEETING OF THE WEST VIRGINIA ETHICS COMMISSION**

The March 6, 2014 meeting of the West Virginia Ethics Commission was called to order in the Commission's Office, located at 210 Brooks Street, Charleston, WV at 10:00 a.m. by Acting Chairperson Fr. Douglas Sutton presiding in the physical absence of Chairperson Kemp Morton. Present and in person were Commissioners Betty Ireland, Suzan Singleton, Terry Walker, and Bob Wolfe. Chairperson Kemp Morton, Commissioners Michael Greer, Drema Radford, and Montè Williams participated by telephone. Absent was Commissioner Jack Buckalew. Executive Director C. Joan Parker, General Counsel Kimberly Weber, Deputy General Counsel Meridith Johnstone, Staff Attorney Ben Visnic, and Administrative Secretary Kimberly Pickens from the Commission staff were also present.

WHEREUPON, Acting Chairperson Fr. Sutton called the meeting to order.

WHEREUPON, Acting Chairperson Fr. Sutton asked for approval of the February 6, 2014 Commission meeting minutes.

WHEREUPON, Commissioner Ireland moved to insert amended language pertaining to Committee Substitute SB 365 to the February 6, 2014 Commission meeting minutes.

WHEREUPON, Commissioner Ireland presented the amended language.

WHEREUPON, Chairperson Morton made a motion to approve the amended language. Commissioner Singleton seconded. The motion passed unanimously.

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

WHEREUPON, Acting Chairperson Fr. Sutton announced that the next Commission meeting would be held April 3, 2014 at 10:00 a.m. at the Ethics Commission Office, 210 Brooks St., Charleston, WV 25301.

WHEREUPON, Acting Chairperson Fr. Sutton called upon Ms. Parker to give a recap of the previous month.

WHEREUPON, Ms. Parker provided a detailed update on the legislative actions that would affect the Ethics Commission. HB 4298 would change the criteria for the Ethics Commission's composition. The proposed bill would eliminate the Congressional district residency requirement, permit a former lobbyist and a member of the agricultural community to serve on the Commission, and reduce the size of the Commission from 12 to seven. Comm. Sub. SB 365 has been moved to the House calendar.

WHEREUPON, Commissioners Ireland, Singleton, Williams, and Wolfe provided a summary of their participation in the Senate Confirmations Committee hearings.

WHEREUPON, Acting Chairperson Fr. Sutton called upon Ms. Parker to present Advisory Opinion 2014-05.

WHEREUPON, Ms. Parker presented Advisory Opinion 2014-05 to the Commission for consideration. After discussion, Commissioner Ireland made a motion to approve Advisory Opinion 2014-05 and Commissioner Singleton seconded. The motion passed unanimously.

WHEREUPON, Acting Chairperson Fr. Sutton called upon Ms. Weber to present Advisory Opinion 2014-07.

WHEREUPON, Ms. Weber presented Advisory Opinion 2014-07 to the Commission for consideration. After discussion, Commissioner Wolfe made a motion to approve Advisory Opinion 2014-07 and Commissioner Singleton seconded. The motion passed with Commissioner Greer voting in the negative.

WHEREUPON, Acting Chairperson Fr. Sutton called upon Ms. Parker to present Advisory Opinion 2014-08.

WHEREUPON, Acting Chairperson Fr. Sutton acknowledged an interested party.

WHEREUPON, Ms. Parker presented Advisory Opinion 2014-08 to the Commission for consideration. After discussion, Commissioner Wolfe made a motion to approve Advisory Opinion 2014-08 with proposed changes and Commissioner Singleton seconded. The motion passed unanimously.

WHEREUPON, Acting Chairperson Fr. Sutton called upon Ms. Weber to present Advisory Opinion 2014-09.

WHEREUPON, Ms. Weber presented Advisory Opinion 2014-09 to the Commission for consideration. After discussion, Commissioner Singleton made a motion to approve Advisory Opinion 2014-09 and Commissioner Ireland seconded. The motion passed with Commissioner Greer voting in the negative.

WHEREUPON, Acting Chairperson Fr. Sutton called upon Mr. Visnic to present Advisory Opinion 2014-10.

WHEREUPON, Mr. Visnic presented Advisory Opinion 2014-10 to the Commission for consideration. After discussion, Commissioner Singleton made a motion to approve Advisory Opinion 2014-10 and Commissioner Wolfe seconded. Commissioner Greer then moved to amend the language. After discussion, Commissioner Singleton made a motion to approve Advisory Opinion 2014-10 with the amended language and Commissioner Ireland seconded. The motion passed unanimously.

WHEREUPON, there were no Contract Exemption Requests.

WHEREUPON, Acting Chairperson Fr. Sutton called upon Ms. Weber to present School Board Advisory Opinion 2014-02.

WHEREUPON, Ms. Weber presented School Board Advisory Opinion 2014-02 to the Commission for consideration. After discussion, Commissioner Morton made a motion to approve School Board Advisory Opinion 2014-02 and Commissioner Wolfe seconded. The motion passed unanimously.

WHEREUPON, there were no Property Exemption Requests.

WHEREUPON, Acting Chairperson Fr. Sutton called upon Ms. Parker to present Employment Exemption Request 2014-02.

WHEREUPON, Ms. Parker presented Employment Exemption Request 2014-02 requested by John M.S. King to the Commission for consideration. After discussion, Commissioner Morton made a motion to approve Employment Exemption Request 2014-02 and Commissioner Radford seconded. The motion passed unanimously.

WHEREUPON, Acting Chairperson Fr. Sutton called upon Ms. Parker to present miscellaneous matters.

WHEREUPON, the Commission reviewed the P-Card report with no comments.

WHEREUPON, Acting Chairperson Fr. Sutton called upon Ms. Parker to discuss enforcement measures for late Financial Disclosure filers.

WHEREUPON, Ms. Parker stated that contact has been made with the West Virginia Secretary of State's office and all the county clerks to ensure full compliance.

WHEREUPON, Ms. Parker informed the Commission that the Ethics Act requires certain public officials, employees, and candidates for county and state office to annually complete and file with the Ethics Commission a Financial Disclosure Statement (FDS). Further, candidates for public office may not maintain their place on a ballot nor may a public official take the oath of office or enter or continue upon his or her duties or receive compensation from public funds unless he or she has filed an FDS with the Ethics Commission as required. In the past, the Ethics Commission has informally communicated with county clerks about this. Ms. Parker proposed that the Ethics Commission take affirmative action by communicating with county clerks and the Secretary of State the names of candidates who have filed the FDS, so that they may take whatever action necessary to comply with statutory provisions. The Commissioners discussed the issue, and suggested that staff communicate by letter and change the existing form to provide better notice to mandated filers of the potential consequences of their failure to file the FDS.

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

The foregoing minutes of the West Virginia Ethics Commission were approved unanimously at the April 3, 2014 meeting.



R. Kemp Morton, III, Chairperson
West Virginia Ethics Commission

ATTEST: 

Kimberly Pickens, Administrative Secretary
West Virginia Ethics Commission