

**MINUTES OF THE November 7, 2013  
MEETING OF THE WEST VIRGINIA ETHICS COMMISSION**

The November 7, 2013 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 Chairperson Kemp Morton. Present and in person were members, Chairperson Morton, Jonathan Turak, Father Douglas Sutton, and Robert Wolfe. Members Jack Buckalew, Drema Radford, Ron Salmons, and Terry Walker participated via telephone. Executive Director C. Joan Parker, General Counsel Kimberly B. Weber, Deputy General Counsel Arlie Hubbard, Staff Attorney Benjamin Visnic, Office Manager Lucy Suchy and Paralegal Tom Booth were also in attendance from the Commission staff.

WHEREUPON, Chairperson Morton called the November 7, 2013 Commission meeting to order.

WHEREUPON, Chairperson Morton asked for approval of the October 3, 2013 Commission Meeting minutes.

WHEREUPON, Commissioner Father Douglas Sutton made a motion to approve the minutes of the October 3, 2013 meeting and Commissioner Wolfe seconded. The motion passed unanimously.

WHEREUPON, Chairperson Morton announced that the next Commission meeting would be held December 12, 2013 and that the January 2014 meeting is canceled.

WHEREUPON, Chairperson Morton called upon Ms. Parker for a recap of the previous month. Ms. Parker announced Deputy General Counsel Arlie Hubbard's resignation. Ms. Parker also discussed West Virginia Ethics Commission's vacancies as well as past and upcoming training sessions.

WHEREUPON, Chairperson Morton called upon Ms. Parker and Mr. Hubbard to present Advisory Opinion 2013-29 for reconsideration.

WHEREUPON, Ms. Parker presented Advisory Opinion 2013-29 to the Commission for reconsideration. Commissioner Wolfe made a motion to reconsider Advisory Opinion 2013-29, and Commissioner Turak seconded. The motion passed unanimously. After discussion, Commissioner Turak moved to approve Advisory Opinion 2013-29 as revised by staff, and Father Sutton seconded the motion. The motion passed unanimously.

WHEREUPON, Chairperson Morton called upon Ms. Weber to present Advisory Opinion 2013-45. Ms. Weber presented Advisory Opinion 2013-45 and stated that this was a rewrite of a previously rejected Advisory Opinion. After discussion, Father Sutton

made a motion to approve Advisory Opinion 2013-45, as presented on November 7, 2013, and Commissioner Wolfe seconded. Commissioner Buckalew voted in the negative. The motion passed 6-1.

WHEREUPON, Chairperson Morton called upon Ms. Weber to present Advisory Opinion 2013-46 to the Commission for consideration. Ms. Weber presented A.O. 2013-46 and stated that this was a rewrite of a previously rejected Advisory Opinion. After discussion, Commissioner Turak made a motion to approve Advisory Opinion 2013-46, as presented on November 7, 2013, and Father Sutton seconded. Commissioner Buckalew voted in the negative. The motion passed 6-1.

WHEREUPON, Chairperson Morton called upon Ms. Parker and Mr. Visnic to present Advisory Opinion 2013-49, which was previously rejected by the Commission. Ms. Parker presented A.O. 2013-49 and stated that the initial Advisory Opinion should be reconsidered. Commissioner Bob Wolfe made a motion to reconsider Advisory Opinion 2013-49, and Commissioner Turak seconded. Father Sutton moved to adopt Advisory Opinion 2013-49, and Commissioner Wolfe seconded. The motion passed, 5-2, with Commissioners Radford and Buckalew voting in the negative.

WHEREUPON, Chairperson Morton called upon Mr. Hubbard to present Advisory Opinion 2013-50. Commissioner Turak made a motion to approve Advisory Opinion 2013-50, and Commissioner Walker seconded. The motion passed unanimously.

WHEREUPON, Chairperson Morton called upon Mr. Hubbard to present Advisory Opinion 2013-51 to the Commission for consideration. After initial discussion, Chairperson Morton gave the floor to Attorney Ned Rose, a visitor to the meeting, who stated that he has a client who has a very similar situation to Advisory Opinion 2013-51, and, that this opinion will affect the outcome of the Verified Complaint filed against his client that's currently being investigated by the Commission. Father Sutton made a motion to table Advisory Opinion 2013-51, and Commissioner Wolfe seconded. The motion passed unanimously.

WHEREUPON, Chairperson Morton called upon Ms. Weber to present Advisory Opinion 2013-52. Following discussion, Father Sutton moved for approval of Advisory Opinion 2013-52, and Commissioner Turak seconded. The motion passed unanimously.

WHEREUPON, Chairperson Morton called upon Mr. Visnic to present Advisory Opinion 2013-53. **Commissioner Wolfe immediately recused himself due to a conflict of interest and left the room. He was not present during the discussion or the voting on Advisory Opinion 2013-53.** Mr. Visnic then presented Advisory Opinion 2013-53 to the Commission for consideration. After discussion, Commissioner Turak made a motion to approve Advisory Opinion 2013-53, and Father Sutton seconded. The motion passed unanimously.

**Commissioner Wolfe returned to the meeting after all discussions regarding Advisory Opinion 2013-53 ended.**

Whereupon Ms. Parker noted that Advisory Opinion 2013-54 would be presented at the December meeting.

WHEREUPON, Chairperson Morton called upon Mr. Hubbard to present Advisory Opinion 2013-55. After discussion, Father Sutton made a motion to approve Advisory Opinion 2013-55, and Commissioner Wolfe seconded. Commissioner Buckalew voted in the negative. The motion passed 6-1.

WHEREUPON, Chairperson Morton called upon Mr. Hubbard to present Contract Exemption 2013-06 to the Commission for consideration. After discussion Commissioner Buckalew made a motion to approve Contract Exemption 2013-06, and Commissioner Radford seconded. The motion passed unanimously.

WHEREUPON, Chairperson Morton called upon Ms. Parker to present Contract Exemption 2013-07 to the Commission for consideration. After discussion, including establishing that this is an emergency request, Commissioner Buckalew made a motion to approve Contract Exemption 2013-07, and Commissioner Turak seconded. The motion passed unanimously.

WHEREUPON, Chairperson Morton noted there were no School Board Advisory Opinion Requests or Property Exemption Requests to be presented to the Commission for consideration.

WHEREUPON, Chairperson Morton called upon Ms. Parker to present the Employment Exemption Requests.

**Deputy General Counsel to the West Virginia Ethics Commission, Arlie Hubbard, recused himself and left the room during presentation and vote pertaining to his Employment Exemption Request.**

WHEREUPON, Ms. Parker presented EE 2013-21 requested by Arlie Hubbard, EE 2013-22 requested by Elizabeth Orcutt, and EE 2013-23 requested by Terry Lauchart. After discussion, Commissioner Buckalew made a motion to ratify the Executive Director's approval of these requests, and Father Sutton seconded. The motion passed unanimously.

WHEREUPON, Chairperson Morton asked Ms. Parker if there were any miscellaneous matters to bring before the Commission.

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

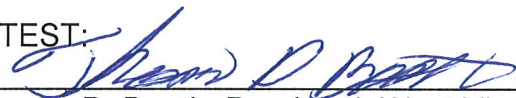
Whereupon Ms. Parker presented lobbyist Phil Pfister's request for a waiver of late fees assessed for filing of lobbyist report 2013-2 seven days past the due date. After discussion, Commissioner Buckalew moved and Councilperson Radford seconded that Mr. Pfister's request for a waiver be granted. The motion passed unanimously.

Whereupon Ms. Parker stated that Lucy Suchy, Office Manager and Administrative Secretary for the West Virginia Ethics Commission, was retiring and was willing to return to work as a Contract Worker. Commissioner Buckalew moved to hire Ms. Suchy as a Contract Worker and Father Sutton seconded. The motion passed unanimously.

The foregoing minutes of the West Virginia Ethics Commission were approved unanimously at the December 12, 2013 WVEC meeting.

Whereupon Chairperson Morton asked if there were any other matters to be discussed before the Commission, and there being none, Commissioner Turak moved to adjourn. Father Sutton seconded. The meeting was then adjourned.

  
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R. Kemp Morton, Chairperson  
West Virginia Ethics Commission

ATTEST:   
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Thomas D. Booth, Paralegal, West Virginia Ethics Commission