

**MINUTES OF THE OCTOBER 3, 2013  
MEETING OF THE WEST VIRGINIA ETHICS COMMISSION**

The October 3, 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 in person were members, Father Douglas Sutton, Robert Wolfe, Jack Buckalew, and Terry Walker. Members Drema Radford, Ron Salmons, and Monté Williams participated via telephone. Member Jonathan Turak was absent. Executive Director C. Joan Parker, General Counsel Kimberly Weber, Deputy General Counsel Arlie Hubbard, Staff Attorney Ben Visnic and Acting Secretary Lucy Suchy were in attendance from the Commission staff.

WHEREUPON, Chairperson Morton called the October 3, 2013 Ethics Commission meeting to order.

WHEREUPON, Chairperson Morton asked for approval of the August 1, 2013 Commission Meeting minutes.

WHEREUPON, Father Douglas made a motion to approve the minutes of the August 1, 2013 meeting and Mr. Buckalew seconded. The motion passed unanimously.

WHEREUPON, Chairperson Morton, announced the next Commission meeting would be held November 7, 2013. Members Salmons and Williams noted that they may not be able to participate because of prior commitments. The December meeting is set for December 12, due to the Thanksgiving holiday, and the January, 2014 meeting is cancelled due to the holiday and staff schedules.

WHEREUPON, Chairperson Morton called upon Ms. Parker for a recap of the previous month. Ms. Parker introduced new staff attorney, Ben Visnic, discussed trainings, and generally discussed office work load and staff changes.

WHEREUPON, Chairperson Morton called upon Ms. Parker to present Advisory Opinion 2013-29 which was tabled at the August 1, 2013 Commission meeting.

WHEREUPON, Ms. Parker presented Advisory Opinion 2013-29 to the Commission for consideration. After discussion, Father Douglas Sutton made a motion to approve Advisory Opinion 2013-29 and Mr. Buckalew seconded. After further discussion, the motion passed unanimously.

WHEREUPON, Chairperson Morton called upon Mr. Hubbard to present Advisory Opinion 2013-41.

WHEREUPON, Mr. Hubbard presented Advisory Opinion 2013-41 to the Commission for consideration. After discussion, Father Douglas Sutton made a motion

to approve Advisory Opinion 2013-41 and Mr. Buckalew seconded. The motion passed unanimously.

WHEREUPON, Chairperson Morton called upon Ms. Parker to present Advisory Opinion 2013-42 to the Commission.

WHEREUPON, Ms. Parker presented Advisory Opinion 2013-42 to the Commission for consideration. After discussion, Mr. Wolfe made a motion to approve Advisory Opinion 2013-42 and Mr. Buckalew seconded. The motion passed unanimously.

WHEREUPON, Chairperson Morton called upon Ms. Parker to present Advisory Opinion 2013-43 to the Commission.

WHEREUPON, Ms. Parker presented Advisory Opinion 2013-43 to the Commission for consideration. After discussion, Mr. Buckalew made a motion to approve Advisory Opinion 2013-43 with proposed changes and amendments. Mr. Wolfe seconded. The motion passed unanimously.

WHEREUPON, Chairperson Morton called upon Ms. Weber to present Advisory Opinion 2013-45 to the Commission for consideration.

WHEREUPON, Ms. Weber presented Advisory Opinion 2013-45 to the Commission for consideration. After extensive discussion Mr. Wolfe moved approve the advisory opinion. Mr. Walker seconded and the motion to approve failed 4-3. Mr. Salmons, Ms. Radford, Mr. Buckalew and Fr. Sutton voting in the negative. Mr. Wolfe, Mr. Walker and Mr. Williams voted to approve the motion. The Commission directed staff to prepare a revised opinion to reflect the vote of the Commission and to present it at the next meeting.

WHEREUPON, Chairperson Morton called upon Ms. Weber to present Advisory Opinion 2013-46 to the Commission.

WHEREUPON, Ms. Weber presented Advisory Opinion 2013-46 to the Commission for consideration. After discussion, Mr. Walker moved to approve the advisory opinion and Fr. Sutton seconded. Mr. Walker subsequently withdrew his motion and Fr. Sutton withdrew his second. After further discussion, there being no motion on the floor, Mr. Buckalew made a motion to reject the opinion as drafted. Mr. Walker seconded the motion. The motion passed unanimously. The Commission directed staff to prepare a revised opinion to reflect the vote of the Commission and to present it at the next meeting.

WHEREUPON, Chairperson Morton called upon Mr. Hubbard to present Advisory Opinion 2013-47 to the Commission for consideration.

WHEREUPON, Mr. Hubbard presented Advisory Opinion 2013-47 to the Commission for consideration. After discussion, Father Douglas Sutton made a motion to approve Advisory Opinion 2013-47 and Mr. Wolfe seconded. The motion passed 5-1 with Mr. Salmons voting in the negative. The approval of this opinion hereby overrules Advisory Opinion 2012-05.

WHEREUPON, Chairperson Morton called upon Ms. Weber to present Advisory Opinion 2013-48 to the Commission for consideration.

WHEREUPON, Ms. Weber presented Advisory Opinion 2013-48 to the Commission for consideration. After discussion, Father Douglas Sutton made a motion to approve Advisory Opinion 2013-48 as written and Mr. Wolfe seconded. The motion passed unanimously.

WHEREUPON, Chairperson Morton called upon Ms. Parker to present Advisory Opinion 2013-49 to the Commission.

WHEREUPON, After extensive discussion, Fr. Sutton made a motion to reject the opinion as written and to direct staff to prepare a revised opinion to reflect the vote of the Commission and to present it at the next meeting. Mr. Buckalew seconded the motion and it passed unanimously.

WHEREUPON, Chairman Morton noted there were no Contract Exemption Requests, School Board Advisory Opinion Requests, or Property Exemption Requests.

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

WHEREUPON, Ms. Parker presented for ratification Employment Exemption Requests: EE 2013-18 requested by David L. Vande Linde of WV Department of Environmental Protection, EE 2013-19 by Paul R. Pichardo, III of WV Department of Environmental Protection and EE 2013-20 by Kathy Cosco, WV Department of Environmental Protection. Father Sutton made a motion to ratify the requests and Mr. Walker seconded. The motion passed unanimously.

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

WHEREUPON, Ms. Parker requested approval to hire attorneys Anna Ballard and Robert Baker as contract attorneys at the rate of \$100 per hour to help with Ethics Complaints. Fr. Sutton moved and Mr. Buckalew seconded. The motion passed unanimously.

Ms. Parker also announced the retirement of long time Ethics Commission Office Manager and Lobbyist Registrar, Lucy Suchy effective at the end of November, 2013.

Ms. Parker also noted the resignation of paralegal Lietta White as of September 30, 2013.

WHEREUPON, Ms. Parker briefly discussed a report from the Center for Public Integrity.

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

WHEREUPON, Chairperson Morton asked if there were any other matters to be discussed before the Commission, there being none, the meeting was adjourned.

The foregoing minutes of the West Virginia Ethics Commission were approved unanimously at the November 7, 2013 WVEC meeting.

  
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Kemp Morton, Chairperson  
West Virginia Ethics Commission

ATTEST:   
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Lucy Suchy Acting Secretary, West Virginia Ethics Commission