

BEFORE THE STATE OF WEST VIRGINIA  
ETHICS COMMISSION

IN RE: VCRB 2009-09  
VCRB 2011-04  
Respondent Emmett S. Pugh

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**ORDER**

On the 9<sup>th</sup> day of January, 2013, came the Complainant, by and through Martin J. Wright, Jr., Esq., Deputy General Counsel for the West Virginia Ethics Commission, and the Respondent, by and through counsel, Stuart A. McMillan, Esq. and Daniel J. Cohn, Esq., of the law firm Bowles Rice McDavid Graff & Love, LLP, and appeared this day for the purpose of conducting a status conference.

**WHEREUPON**, Hearing Examiner Robert Allen noted that the Public Hearing in this matter was scheduled to begin on January 28, 2013.

**THEREUPON**, Hearing Examiner Allen noted that he was in receipt of Complainant's Motion for Continuance, and inquired of the parties as to their respective position.

**WHEREUPON**, Mr. Wright spoke in support of the motion, and stated that he had recently taken a new position with the West Virginia Attorney General's Office, and due to the responsibilities associated with the transition, he would be unavailable to serve as counsel at the Public Hearing on January 28, 2013. Mr. Wright further moved for a continuance until such time as either he and/or new counsel are able to handle the matter.

**WHEREUPON**, Mr. McMillan informed the Hearing Examiner that Respondent desired to have the Public Hearing proceed expeditiously, but also understood the need for a

continuance in light of Mr. Wright's change in employment. Mr. McMillan further stated, however, that Respondent objects to the continuance if Mr. Wright remained on the case through the Attorney General's office.

**WHEREUPON**, Mr. McMillan further questioned whether attorneys with the West Virginia Attorney General's Office may handle Complaint matters for the West Virginia Ethics Commission, and therefore objected to Mr. Wright continuing to be involved in this matter once his is employed by the Attorney General's Office.

**WHEREUPON**, Mr. Wright noted that W.Va. Code § 6B-2-2(e)(5), authorizes the Ethics Commission to request the Attorney General "to provide any professional assistance the Commission may require in the discharge of its duties...". Mr. Wright further stated that no formal decision had been made as to his future involvement in the matter, and that the Ethics Commission and the West Virginia Attorney General must first approve his continued involvement. Nonetheless, Mr. Wright stated that good cause exists for the continuance of the Public Hearing on January 28, 2013, in light of his employment change.

**THEREUPON**, Hearing Examiner Allen concluded that good cause exists to continue the Public Hearing. Hearing Examiner Allen questioned whether he had the authority to rule on Respondent's objection to the Ethics Commission's lawful authority to obtain the Attorney General's Office's assistance in this matter, but made no finding as to the issue. Instead, Hearing Examiner Allen recommended that Counsel for Respondent direct his objections to the Ethics Commission which ultimately will decide whether to request the assistance of the Attorney General.

**WHEREUPON**, Hearing Examiner Allen further stated that, in light of the uncertainty of future counsel, setting a new date for Public Hearing would be impractical at

this time. Instead, Hearing Examiner asked the parties to agree on a date for a status conference to be conducted after the Ethics Commission has had time to reach a resolution regarding counsel for the above-captioned matters.

**THEREUPON**, the parties agreed upon a date for the status conference, at which time the parties will discuss the matter and agree to a new date for the Public Hearing.

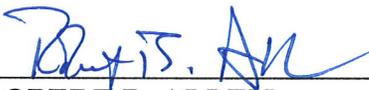
**ACCORDINGLY**, the Public Hearing is hereby **CONTINUED**.

**ADDITIONALLY**, a Status Conference is set in this matter for **February 18, 2013** at **12:00 p.m.** at the office of Hearing Examiner Allen.

It is so **ORDERED**.

Any and all objections of the Respondent to this Order are hereby preserved.

Dated: 2/7/13

  
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ROBERT B. ALLEN,  
Hearing Examiner