

**MINUTES OF THE DECEMBER 6, 2012
MEETING OF THE WEST VIRGINIA ETHICS COMMISSION**

The December 6, 2012 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. Also present in person were members Drema Radford, Father Douglas Sutton, Jonathan Turak and Robert Wolfe. Members Terry Walker and Monté Williams participated via telephone. Members Jack Buckalew and Ron Salmons were absent. Executive Director Theresa M. Kirk, General Counsel C. Joan Parker, Deputy General Counsel Martin J. Wright, Paralegal/Acting Secretary Lietta J. White and Lobbyist Registrar Lucy Suchy were in attendance from the Commission staff.

WHEREUPON, Chairperson Morton asked for approval of the October 4, 2012 Commission Meeting minutes.

WHEREUPON, Mr. Turak made a motion to approve the minutes of the October 4, 2012 meeting and Father Douglas Sutton seconded. The motion passed unanimously 6-0.

WHEREUPON, Chairperson Morton, announced the next Commission meeting would be held January 10, 2013 with unanimous consent from the Commission.

WHEREUPON, Chairperson Morton called upon Ms. Kirk for a recap of the previous month. Ms. Kirk discussed training sessions that had been conducted.

WHEREUPON, Chairperson Morton called upon Ms. Parker to present Advisory Opinion 2012-42 to the Commission for consideration.

WHEREUPON, Ms. Parker presented Advisory Opinion 2012-42 to the Commission for consideration. After discussion, Father Douglas Sutton made a motion to approve Advisory Opinion 2012-42 with the proposed technical modifications and Mr. Wolfe seconded. The motion passed 6-0.

WHEREUPON, Chairperson Morton called upon Ms. Parker to present Advisory Opinion 2012-43 to the Commission for consideration.

WHEREUPON, Ms. Parker presented Advisory Opinion 2012-43 to the Commission for consideration. After initial discussion, Father Douglas Sutton asked if there were grounds to go into executive session to discuss the opinion, and there were none. The Commission recessed briefly, and returned to the discussion. After further discussion, Mr. Turak made a motion to approve Advisory Opinion 2012-43 with the proposed technical modifications and Ms. Radford seconded. The motion passed 6-0.

WHEREUPON, Chairperson Morton called upon Ms. Kirk to present Advisory Opinion 2012-44 to the Commission for consideration.

WHEREUPON, Ms. Kirk presented Advisory Opinion 2012-44 to the Commission for consideration. After discussion, Father Douglas Sutton made a motion to approve Advisory Opinion 2012-44 and Mr. Wolfe seconded. The motion passed 6-0.

WHEREUPON, Chairperson Morton called upon Ms. Parker to present Contract Exemption 2012-04 to the Commission for consideration.

WHEREUPON, Ms. Parker presented Contract Exemption 2012-04 to the Commission for consideration. After discussion, Father Douglas Sutton made a motion to approve Contract Exemption 2012-04 and Mr. Turak seconded. The motion passed 6-0.

WHEREUPON, Chairperson Morton called upon Ms. Parker to present Contract Exemption 2012-05 to the Commission for consideration.

WHEREUPON, Father Douglas Sutton recused himself due to personal conflict of interest. However, Father Douglas Sutton stayed present in the meeting room for the purposes of maintaining a quorum. Father Douglas Sutton did not vote or participate in discussion pertaining to Contract Exemption 2012-05.

WHEREUPON, Ms. Parker presented Contract Exemption 2012-05 to the Commission for consideration. After discussion, Mr. Turak made a motion to grant the request for Contract Exemption 2012-05 with the proposed technical modifications and Mr. Wolfe seconded. The motion passed 4-1.

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. Kirk to present the Employment Exemption Requests.

WHEREUPON, Ms. Kirk presented EE 2012-19 requested by David Stuart, EE 2012-20 requested by Joe Jenkins, EE 2012-21 requested by Craig Griffith and EE 2012-22 requested by Erica Mani. After discussion, Ms. Radford a motion to ratify the requests and Mr. Wolfe seconded. The motion passed unanimously 6-0.

WHEREUPON, Chairperson Morton presented EE 2012-23 requested by Executive Director Theresa M. Kirk to the Commission for consideration.

WHEREUPON, Executive Director Theresa M. Kirk recused herself while the Commission discussed her employment exemption request.

After discussion, Mr. Turak made a motion to ratify EE 2012-23 requested by Executive Director Theresa M. Kirk and Father Douglas Sutton seconded. The motion passed 6-0.

WHEREUPON, Chairperson Morton called upon Ms. Kirk to present the secondary employment exemption request requested by Marissa J. Sanders, which was tabled at the October 4, 2012 Commission meeting.

WHEREUPON, Ms. Kirk presented the secondary employment exemption request requested by Marissa J. Sanders. Ms. Sanders was present at the Commission meeting and provided additional information to the Commission. After discussion, Mr. Turak made a motion to ratify the request and Ms. Radford seconded. The motion passed unanimously 6-0.

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

WHEREUPON, Ms. Kirk presented information to the Commission to authorize a random drawing of 20 registered lobbyists for audit. After discussion, Father Douglas Sutton made a motion to authorize the random drawing of 20 registered lobbyists and Ms. Radford seconded. The motion passed unanimously 6-0.

WHEREUPON, Ms. Kirk asked the Commission to approve the audit results from prior audits of lobbyists. After the discussion, Mr. Wolfe made a motion to approve the audit results from prior audits of lobbyists and Ms. Radford seconded. The motion passed unanimously 6-0.

WHEREUPON, Ms. Kirk presented information to the Commission to consider a proposed guideline relating to Door Prizes, Gifts and Giveaways at conferences. After discussion, Ms. Radford made a motion to adopt the Guideline and Mr. Turak seconded. The motion passed unanimously 6-0.

WHEREUPON, Ms. Kirk presented proposed Legislation relating to the Open Meetings Act to the Commission for consideration. After discussion, Father Douglas Sutton made a motion to proceed with the Legislation relating to the Open Meetings Act and Ms. Radford seconded. The motion passed unanimously 6-0.

WHEREUPON, Ms. Kirk presented proposed Legislation relating to training and record-keeping requirements for lobbyists to the Commission for consideration. After discussion, Mr. Turak made a motion to proceed with the Legislation relating to the relating to training and record-keeping requirements for lobbyists with the suggested modifications and Ms. Radford seconded. The motion passed unanimously 6-0.

WHEREUPON, Ms. Kirk presented information to the Commission regarding the Executive Direction position to generally consider the transition plan.

WHEREUPON, Mr. Wolfe made a motion for the Commission to enter into executive session, under the personnel exemption to the Open Meetings Act, to discuss the Executive Director position transition plan and Ms. Radford seconded. The motion passed unanimously 6-0.

WHEREUPON, coming out of executive session, Chairperson Morton announced that no votes were taken in executive session.

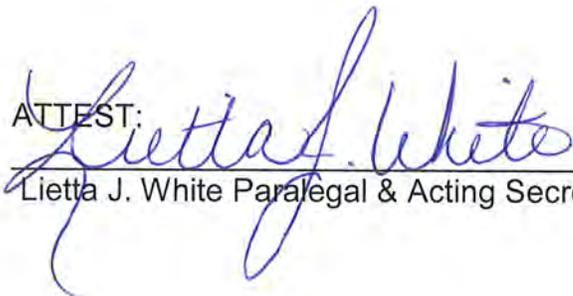
WHEREUPON, the Commission reviewed the Ethics Commission P-Card monthly purchase report without comment.

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 January 10, 2013 WVEC meeting.



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

ATTEST:


Lietta J. White Paralegal & Acting Secretary, West Virginia Ethics Commission