

**MINUTES OF THE JUNE 28, 2012
MEETING OF THE WEST VIRGINIA ETHICS COMMISSION**

The June 28, 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 Acting Chairperson Jonathan Turak. Also present in person were members Jack Buckalew, Drema Radford, Father Douglas Sutton and Robert Wolfe. Chairperson Kemp Morton and Members Terry Walker and Monté Williams participated via telephone. Member Ron Salmons was absent. Executive Director Theresa M. Kirk, General Counsel C. Joan Parker, Deputy General Counsel Martin J. Wright, Paralegal/Acting Secretary Lietta J. White and Lucy Suchy, Lobbyist Registrar were in attendance from the Commission staff.

WHEREUPON, Acting Chairperson Turak asked for approval of the May 3, 2012 Commission Meeting minutes.

WHEREUPON, Mr. Buckalew made a motion to approve the minutes of the May 3, 2012 meeting and Father Douglas Sutton seconded. The motion passed unanimously 7-0.

WHEREUPON, Acting Chairperson Turak, announced the next Commission meeting will be held August 2, 2012.

WHEREUPON, Acting Chairperson Turak called upon Ms. Kirk for a recap of the previous month. Ms. Kirk discussed training sessions that had been conducted and introduced summer intern Derek Knopp to the Commission.

WHEREUPON, Acting Chairperson Turak called upon Ms. Kirk to present Advisory Opinion 2012-20 to the Commission for consideration.

WHEREUPON, Ms. Kirk presented Advisory Opinion 2012-20 to the Commission for consideration. After discussion, Mr. Buckalew made a motion to approve Advisory Opinion 2012-20 and Mr. Wolfe seconded. The motion passed unanimously 7-0.

WHEREUPON, Acting Chairperson Turak called upon Mr. Wright to present Advisory Opinion 2012-21 to the Commission for consideration.

WHEREUPON, Mr. Wright provided an extensive overview of the facts and prior advisory opinions relevant to the issue before the Commission. Lengthy discussion was had among the members whereupon it was expressed that the proposed funding process appeared to create an insoluble conflict. However, based upon the facts presented, there was concern that the Requester may lack standing to seek the opinion. Following further discussion, Mr. Morton made a motion to table Advisory Opinion 2012-21 until the August 2, 2012 Commission meeting and Father Douglas Sutton seconded. The motion passed 7-0. The Commission further stated that in the interim, it

did not wish to see their comments being construed as a finding that the money already distributed to the local health departments must be returned.

WHEREUPON, Acting Chairperson Turak called upon Ms. Kirk to present Advisory Opinion 2012-22 to the Commission for consideration.

WHEREUPON, Ms. Kirk presented Advisory Opinion 2012-22 to the Commission for consideration. After discussion, Mr. Buckalew made a motion to approve Advisory Opinion 2012-22 as amended, with the suggested language modifications and Father Douglas Sutton seconded. The motion passed 7-0.

WHEREUPON, Acting Chairperson Turak called upon Ms. Kirk to present Advisory Opinion 2012-23 to the Commission for consideration.

WHEREUPON, Ms. Kirk presented Advisory Opinion 2012-23 to the Commission for consideration. After discussion, Mr. Buckalew made a motion to approve Advisory Opinion 2012-23 and Ms. Radford seconded. The motion passed 7-0.

WHEREUPON, Acting Chairperson Turak called upon Ms. Kirk to present Advisory Opinion 2012-24 to the Commission for consideration.

WHEREUPON, Ms. Kirk presented Advisory Opinion 2012-24 to the Commission for consideration. After discussion, Mr. Buckalew made a motion to table Advisory Opinion 2012-24 until the August 2, 2012 Commission meeting, to allow staff time to obtain additional information from the requester and Mr. Wolfe seconded. The motion passed 7-0.

WHEREUPON, Acting Chairperson Turak called upon Ms. Kirk to present Advisory Opinion 2012-25 to the Commission for consideration.

WHEREUPON, Ms. Kirk presented Advisory Opinion 2012-25 to the Commission for consideration. After discussion, Mr. Buckalew made a motion to approve Advisory Opinion 2012-25 and Mr. Wolfe seconded. The motion passed 7-0.

WHEREUPON, Acting Chairperson Turak called upon Ms. Parker to present Advisory Opinion 2012-26 to the Commission for consideration.

WHEREUPON, Ms. Parker presented Advisory Opinion 2012-26 to the Commission for consideration. After discussion, Father Douglas Sutton made a motion to approve Advisory Opinion 2012-26 and Ms. Radford seconded. The motion passed 7-0.

WHEREUPON, Acting Chairperson Turak called upon Ms. Parker to present Advisory Opinion 2012-27 to the Commission for consideration.

WHEREUPON, Ms. Parker presented Advisory Opinion 2012-27 to the Commission for consideration. After discussion, Mr. Buckalew made a motion to

approve Advisory Opinion 2012-27 with the suggested language modifications and Ms. Radord seconded. The motion passed 7-0.

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

WHEREUPON, Acting Chairperson Turak called upon Ms. Kirk to present the Employment Exemption Requests.

WHEREUPON, Ms. Kirk presented EE 2012-07 requested by G. Kurt Dettinger, EE 2012-09 requested by Bill Timmermyer and EE 2012-10 requested by Michael A. Zeto. Ms. Kirk also noted the request for EE 2012-08 had been withdrawn. After discussion, Mr. Buckalew made a motion to ratify the requests and Mr. Morton seconded. The motion passed unanimously 7-0.

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

WHEREUPON, Ms. Kirk presented Lobbyists Terry L. Miller, Donna Tanner and Gary G. White requests for late fee waivers regarding the submission of their lobbyist reports. After discussion, Mr. Morton made a motion to waive the late fees for Lobbyists Terry L. Miller and Donna Tanner and Ms. Radford seconded. The motion passed unanimously 7-0. After further discussion, Mr. Buckalew made a motion **not** to waive the late fee for Lobbyist Gary G. White and Father Douglas seconded. The motion passed unanimously 7-0.

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

WHEREUPON, Acting Chairperson Turak 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 August 2, 2012 WVEC meeting.



Jonathan E. Turak, Acting Chairperson
West Virginia Ethics Commission

ATTEST:



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