

**MINUTES OF THE AUGUST 2, 2012
MEETING OF THE WEST VIRGINIA ETHICS COMMISSION**

The August 2, 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 Father Douglas Sutton, Terry Walker and Robert Wolfe. Chairperson Kemp Morton and Members Jack Buckalew, Drema Radford 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 Summer Intern Derek Knopp were in attendance from the Commission staff.

WHEREUPON, Acting Chairperson Turak asked for approval of the June 28, 2012 Commission Meeting minutes.

WHEREUPON, Father Douglas Sutton made a motion to approve the minutes of the June 28, 2012 meeting and Mr. Wolfe seconded. The motion passed unanimously 7-0.

WHEREUPON, Acting Chairperson Turak, announced the next Commission meeting will be held September 6, 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.

WHEREUPON, Acting Chairperson Turak called upon Mr. Wright to present Advisory Opinion 2012-21, which was tabled at the June 28, 2012 Commission meeting, to the Commission for consideration.

WHEREUPON, Mr. Wright provided an extensive overview of the facts and relevant issues presented at the Commission meeting held on June 28, 2012 before the Commission. After a lengthy discussion, Father Douglas Sutton made a motion to approve Advisory Opinion 2012-21 and Mr. Morton seconded. The motion passed 7-0.

WHEREUPON, Acting Chairperson Turak called upon Ms. Kirk to present Advisory Opinion 2012-24, which was tabled at the June 28, 2012 meeting, 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 approve Advisory Opinion 2012-24 and Mr. Walker seconded. The motion passed 7-0.

WHEREUPON, Acting Chairperson Turak called upon Ms. Parker to present Advisory Opinion 2012-28 to the Commission for consideration.

WHEREUPON, Ms. Parker presented Advisory Opinion 2012-28 to the Commission for consideration. After discussion, Mr. Wolfe made a motion to approve Advisory Opinion 2012-24 and Mr. Buckalew seconded. The motion passed 7-0.

WHEREUPON, Acting Chairperson Turak with unanimous consent, deferred the consideration of other Advisory Opinions 2012-29 and 2012-30 until after Advisory Opinion 2012-31.

WHEREUPON, Acting Chairperson Turak called upon Ms. Parker to present Advisory Opinion 2012-31 to the Commission for consideration.

WHEREUPON, Ms. Parker presented Advisory Opinion 2012-31 to the Commission for consideration. After discussion, Mr. Morton made a motion to approve Advisory Opinion 2012-31 and Father Douglas Sutton seconded. The motion passed 7-0.

WHEREUPON, Acting Chairperson Turak called upon Mr. Wright to present Advisory Opinion 2012-29 to the Commission for consideration.

WHEREUPON, Mr. Wright presented Advisory Opinion 2012-29 to the Commission for consideration. After discussion, Father Douglas Sutton made a motion to approve Advisory Opinion 2012-29 with suggested technical modifications, and Mr. Walker seconded. The motion passed 7-0.

WHEREUPON, Acting Chairperson Turak called upon Mr. Wright to present Advisory Opinion 2012-30 to the Commission for consideration.

WHEREUPON, Mr. Wright presented Advisory Opinion 2012-30 to the Commission for consideration. After discussion, Mr. Wolfe made a motion to approve Advisory Opinion 2012-30 with the suggested modifications, and Father Douglas Sutton seconded. The motion passed 7-0. Advisory Opinion 2012-30 is a non-precedential advisory opinion.

WHEREUPON, Acting Chairperson Turak called upon Ms. Kirk to present Advisory Opinion 2012-32 to the Commission for consideration.

WHEREUPON, Ms. Kirk presented Advisory Opinion 2012-32 to the Commission for consideration. After discussion, Mr. Walker made a motion to approve Advisory Opinion 2012-32 and Mr. Buckalew seconded. The motion passed 7-0.

WHEREUPON, Acting Chairperson Turak called upon Ms. Parker to present Advisory Opinion 2012-33 to the Commission for consideration.

WHEREUPON, Ms. Parker presented Advisory Opinion 2012-33 to the Commission for consideration. After discussion, Father Douglas Sutton made a motion

to approve Advisory Opinion 2012-33 and Mr. Buckalew seconded. The motion passed 7-0.

WHEREUPON, Acting Chairperson Turak called upon Ms. Kirk to present Advisory Opinion 2012-34 to the Commission for consideration.

WHEREUPON, Ms. Kirk presented Advisory Opinion 2012-34 to the Commission for consideration. After discussion, Mr. Morton made a motion to table Advisory Opinion 2012-34 until the September 6, 2012 Commission meeting, to allow staff time to re-write the opinion and Father Douglas Sutton seconded. The motion passed 7-0.

WHEREUPON, Acting Chairperson Turak called upon Ms. Kirk to present Contract Exemption 2012-03 to the Commission for consideration.

WHEREUPON, Ms. Kirk presented Contract Exemption 2012-03 to the Commission for consideration. After discussion, Father Douglas Sutton made a motion to approve Contract Exemption 2012-03 and Mr. Wolfe seconded. The motion passed 7-0.

WHEREUPON, Acting Chairperson Turak noted there were no 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 2012-13 requested by Jennifer Hughes and EE 2012-14 requested by Don Martin. After discussion, Mr. Morton made a motion to ratify the requests and Mr. Buckalew seconded. The motion passed unanimously 7-0.

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

WHEREUPON, Ms. Kirk presented EE 2012-11 requested by Kelley L. Smith. After discussion, Mr. Walker made a motion to ratify the request and Mr. Buckalew seconded. The motion passed unanimously 7-0.

WHEREUPON, Ms. Kirk presented EE 2012-12 requested by Tiffany A. Curry. After discussion, Mr. Wolfe made a motion to ratify the request 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, Mr. Walker made a motion for the Commission to enter into executive session to discuss the hiring of Hiring Robert B. Allen as Hearing Examiner

for complaint matters VCRB 2009-09 and VCRB 2011-04 and other matters as needed and Hiring Priscilla Gay as Hearing Examiner for complaint matter VCRB 2009-19 and other matters as needed under the personnel and attorney-client exception and Mr. Morton seconded. The motion passed unanimously 7-0.

WHEREUPON, coming out of executive session the following actions were taken, Mr. Buckalew made a motion for the Commission to hire Robert B. Allen as Hearing Examiner for complaint matters VCRB 2009-09 and VCRB 2011-04 (and other matters as needed) and Father Douglas Sutton seconded. The motion passed unanimously 7-0.

WHEREUPON, Mr. Morton made a motion for the Commission to hire Priscilla Gay as Hearing Examiner for complaint matters CIC 2011-03 and VCRB 2009-19 (and other matters as needed) and Ms. Radford seconded. The motion passed unanimously 7-0.

WHEREUPON, the Commission considered whether to hire contract attorneys for several complaint matters.

WHEREUPON, Mr. Morton made a motion for the Commission to hire Stephen G. Jory to serve as contract attorney at a rate of \$100.00 per hour and Mr. Buckalew seconded. The motion passed unanimously 7-0.

WHEREUPON, Mr. Wolfe made a motion for the Commission to hire Heather Foster Kittredge to serve as contract attorney at a rate of \$50.00 per hour and Father Douglas Sutton seconded. The motion passed unanimously 7-0.

WHEREUPON, the Commission took up the issue relating to the judgment issued against Roger L. Wolfe, Respondent VCRB 2008-20. Mr. Buckalew made a motion for the Commission to obtain a debt collection vendor and Mr. Walker 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 September 6, 2012 WVEC meeting.



Jonathan E. Turak, Acting Chairperson
West Virginia Ethics Commission

ATTEST:



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