

**MINUTES OF THE APRIL 12, 2012
MEETING OF THE WEST VIRGINIA ETHICS COMMISSION**

The April 12, 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 Jack Buckalew, Drema Radford, Father Douglas Sutton, Terry Walker and Robert Wolfe. Members Ron Salmons, Jonathan Turak and Monté Williams participated via telephone. Executive Director Theresa M. Kirk, General Counsel C. Joan Parker, Deputy General Counsel Martin J. Wright and Paralegal/Acting Secretary Lietta J. White were in attendance from the Commission staff.

WHEREUPON, Chairperson Morton asked for approval of the March 1, 2012 Commission Meeting minutes.

WHEREUPON, Ms. Radford made a motion to approve the minutes of the March 1, 2012 meeting and Mr. Buckalew seconded. The motion passed unanimously 7-0. (Note: pursuant to Ethics Commission policy and practice, the Chairperson only votes in event of a tie.)

WHEREUPON, Chairperson Morton announced the next meeting of the WV Ethics Commission is scheduled for May 3, 2012 at 10:00 a.m. in the Commission's office located at 210 Brooks Street, Suite 300, Charleston, WV.

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. Kirk to present Advisory Opinion 2012-12 to the Commission for consideration.

WHEREUPON, Ms. Kirk presented Advisory Opinion 2012-12 to the Commission for consideration. After discussion, Mr. Buckalew made a motion to approve Advisory Opinion 2012-12 with the amended modifications and Father Douglas Sutton seconded. The motion passed unanimously 7-0.

WHEREUPON, Chairperson Morton called upon Ms. Parker to present Advisory Opinion 2012-13 to the Commission for consideration.

WHEREUPON, Member Wolfe recused himself due to a personal conflict of interest. Member Wolfe's departure from the meeting did **not** result in the loss of a quorum.

WHEREUPON, Ms. Parker presented Advisory Opinion 2012-13 to the Commission for consideration. After discussion, Father Douglas Sutton made a motion

to approve Advisory Opinion 2012-13 and Mr. Buckalew seconded. The motion passed 6-0. Member Wolfe was not present and did not vote.

WHEREUPON, Member Wolfe re-entered the meeting.

WHEREUPON, Member Salmons joined the meeting via telephone.

WHEREUPON, Chairperson Morton called upon Ms. Parker to present Advisory Opinion 2012-15 to the Commission for consideration.

WHEREUPON, Ms. Parker presented Advisory Opinion 2012-15 to the Commission for consideration. After discussion, Ms. Radford made a motion to approve Advisory Opinion 2012-15 and Father Douglas Sutton seconded. The motion passed 6-2. Members Buckalew and Salmons voted in the negative.

WHEREUPON, Chairperson Morton called upon Ms. Kirk to present Advisory Opinion 2012-17 to the Commission for consideration.

WHEREUPON, Ms. Kirk presented Advisory Opinion 2012-17 to the Commission for consideration. After considerable discussion, Chairperson Morton asked each Commissioner individually to comment, and the consensus was that the opinion should be re-written to state that the proposed conduct was prohibited because it presents an inescapable conflict of interest. Thereafter, Mr. Wolfe made a motion to table Advisory Opinion 2012-17 until the Commission's May 3, 2012 meeting and Father Douglas Sutton seconded. The motion passed 8-0.

WHEREUPON, Chairperson Morton called upon Mr. Wright to present Contract Exemption 2012-01 to the Commission for consideration.

WHEREUPON, Mr. Wright presented Contract Exemption 2012-01 to the Commission for consideration. Mr. Wright also provided a historical overview of related Contract Exemptions 2008-10 and 2011-03. After discussion, Mr. Buckalew made a motion to approve Contract Exemption 2012-01 with the amended modifications and Father Douglas Sutton seconded. The motion passed 7-1. Member Salmons voted in the negative.

WHEREUPON, Chairperson Morton noted there were no School Board Advisory Opinion Requests and 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 2012-04 requested by Douglas Boone and EE 2012-05 requested by Wendy Radcliff. After discussion, Father Douglas Sutton

made a motion to ratify the requests and Ms. Radford seconded. The motion passed unanimously 8-0.

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

WHEREUPON, Mr. Buckalew made a motion for the Commission to enter into executive session for the purposes of reviewing the personnel committee's report and Mr. Walker seconded. After coming out of executive session, Father Douglas Sutton made a motion to accept the personnel committee's report and Mr. Walker seconded. The motion passed unanimously 8-0.

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

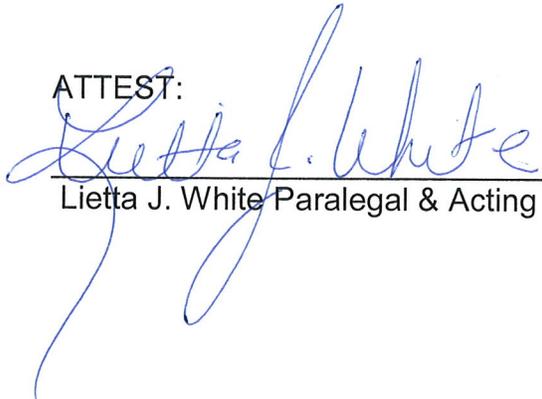
WHEREUPON, Chairperson Morton asked if there were any other matters to be discussed before the Commission, there being none, the meeting was adjourned.

The foregoing minutes of the West Virginia Ethics Commission were approved unanimously at the May 3, 2012 WVEC meeting.



Kemp Morton, Chairperson
West Virginia Ethics Commission

ATTEST:



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