



Ethics Commission Meeting Agenda

210 Brooks Street, Suite 300
Charleston, WV 25301

August 2, 2012
10:00 a.m.

1. Approve Minutes of **June 28, 2012 Meeting (Chairperson Morton)**
2. Next meeting date **September 6, 2012** or at a date and time to be determined by the Commission
3. Recap of Previous Month (**Ms. Kirk**)
4. Advisory Opinion Requests

AO 2012-21 (Mr. Wright) (tabled at the June 28, 2012 meeting)

A **Local Health Department** asks whether it is permissible under the Ethics Act for it and/or its employees to be a member of a non-profit entity comprised entirely of public employees whose functions include oversight and distribution of grant funding to their own local health departments.

AO 2012-24 (Ms. Kirk) (tabled at the June 28, 2012 meeting)

A **Mayor**, whose father is a City employee and member of the City employee union, asks whether: (1) He may supervise his father; (2) He may participate in negotiating the collective bargaining agreement on behalf of the City; (3) He may vote on matters affecting City employees when his father may be affected; and (4) Additional limitations apply if they live together.

AO 2012-28 (Ms. Parker)

A **Candidate** for Prosecuting Attorney asks, if elected, whether his spouse may continue her employment with the Prosecuting Attorney's Office.

AO 2012-29 (Mr. Wright)

A **County Emergency Services Director** asks whether it is permissible to privately contract with the County to manage a federal grant given to the County for mitigation projects.

AO 2012-30 (Mr. Wright)

A **County Emergency Services Director** asks whether it is permissible to privately contract with a Municipality within the County to manage a federal grant for mitigation projects.

AO 2012-31 (Ms. Parker)

A **Circuit Clerk** asks three questions: (1) Under what, if any, circumstances may a public servant recommend or allow a letter of support for a product, service or business of an "interested person" as defined in the Ethics Act? (2) May a public servant or public entity be listed by a vendor as a reference? (3) May a public servant appear, or a public servant or public entity be referenced in any way, in an advertisement for a product, service or business?

AO 2012-32 (Ms. Kirk)

The Requester asks: (1) Whether a **State Legislator** may contract with a Regional Educational Service Agency (RESA). (2) Whether a **County BOE Bus Operator** may contract with RESA to provide training and certification to BOE bus drivers.

AO 2012-33 (Ms. Parker)

A **Public University Vice-President** asks if there is a conflict of interest under the Ethics Act between his public duties and his duties as a board member of a non-profit organization.

AO 2012-34 (Ms. Kirk)

A **Public Agency** asks whether an employee who is involuntarily bumped from an airline flight while in travel status may be personally compensated by the airline for the inconvenience, or whether the money belongs to the State.

5. Contract Exemption Request

CE 2012-03 (Ms. Kirk)

The **City of Sistersville** seeks a contract exemption to purchase property from its Mayor for the construction of a new wastewater treatment facility.

6. School Board Advisory Opinion Requests

NONE

7. Property Exemption Requests

NONE

8. Employment Exemption Requests **(Ms. Kirk)**

EE 2012-13 Jennifer Hughes, WV Department of Environmental Protection

EE 2012-14 Don Martin, WV Department of Environmental Protection

9. Secondary Employment Exemptions **(Ms. Kirk)**

EE 2012-11 Kelley L. Smith, WV State Auditor's Office

EE 2012-12 Tiffany A. Curry, WV Department of Health & Human Resources

10. Miscellaneous Matters **(Ms. Kirk)**

(a) Consider Hiring Robert B. Allen as Hearing Examiner for complaint matters VCRB 2009-09 and VCRB 2011-04 and other matters as need.

(b) Consider Hiring Priscilla Gay as Hearing Examiner for complaint matter VCRB 2009-19 and other matters as needed.

(c) Consider Hiring Stephen G. Jory to serve as Contract Attorney.

(d) Consider Hiring Heather Foster Kittredge to serve as Contract Attorney.

(e) Consider hiring attorney/law firm from State Contract for the purposes of collecting judgment against Roger L. Wolfe, Respondent VCRB 2008-20.

(f) P-Card Monthly Report

11. Motion to Adjourn