

Commonwealth of Virginia

Walter S. Felton, Jr., Chair
Patricia L. West, Vice Chair
Chris Piper, Executive Director



General Assembly Building
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Richmond, Virginia 23219

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Virginia Conflict of Interest and Ethics Advisory Council

Meeting Minutes Virginia Conflict of Interest & Ethics Advisory Council September 28, 2015, 2 p.m. House Room C, GAB

The following Council members were present:

Senator Tommy Norment
Senator Janet Howell
Delegate Jennifer McClellan
Delegate Todd Gilbert
The Honorable Walter Felton, Jr.
The Honorable Patricia West
Bernard Henderson
Walter Erwin

Staff:

Chris Piper, Executive Director
Rebekah Stefanski, Staff Attorney
Michelle LeGates, Filing Coordinator
Iris Fuentes, Senior Operations Assistant

The following Council member was not present:

Sharon Pandak

Summary:

- I. Senator Tommy Norment called the meeting to order at 2 p.m.
- II. Executive Director Chris Piper introduced each member of the Council as well as the staff of the Council.
- III. Sen. Janet Howell nominated Judge Walter Felton as chair and the nomination was seconded. Judge Felton was unanimously confirmed as chair.

Del. Todd Gilbert nominated Judge Patricia West as vice-chair and the nomination was seconded. Judge West was unanimously confirmed as vice-chair.

- IV. Judge Felton called on Mr. Piper to review staff recommendations for the Council to consider delegating its duties (see Council Overview and Staff Recommendation of Council Duties document*).
- a. Del. Gilbert made a motion to delegate any additional unforeseen duties to the staff until the Council meets again. No objections were recorded.
 - b. Bernard Henderson requested a report of informal guidance provided by the staff and staff agreed to provide the report to the Council on a regular basis.
 - c. Del. Gilbert requested staff draft a procedure for protecting confidentiality of informal guidance for staff and Council.
 - d. Judge Felton made a motion to approve the amended recommendations and it was seconded. The Council unanimously voted to adopt the staff recommendations.
- V. Staff recommendations regarding forms and procedures.
- a. Mr. Piper presented staff recommendations on Conflict of Interest Forms and Procedures, which included the General Assembly and State & Local Statements of Economic Interests, the Financial Disclosure Form, and the Real Estate Disclosure Form.

Judge Felton made a motion to approve the forms and procedures and it was seconded. The Council voted unanimously to adopt the staff recommendations.
 - b. Mr. Piper presented staff recommendations on Lobbyist Registration and Disclosure Forms and Procedures.

Judge Felton made a motion to approve the forms and procedures and it was seconded. The Council voted unanimously to adopt the staff recommendations.
 - c. Mr. Piper presented staff recommendations for Formal Advisory Opinion Procedures and Informal Guidance Procedures.

Mr. Henderson brought up a concern and suggested that the Council amend the Formal Advisory Opinion Procedures to remove the ability to request a formal opinion via telephone. A motion was made and seconded to remove "telephone" from the Formal Advisory Opinion Procedures. The Council approved the motion by a vote of 6 to 2.

Judge Felton made a motion to approve staff recommendations for Formal Advisory Opinion Procedures, as amended, and Informal Guidance Procedures and it was seconded. The Council approved the motion.
- VI. Other organizational issues before the Council.
- a. Mr. Piper presented a staff recommendation to delegate authority of daily operations of the Council to the Executive Director.

Judge Felton made a motion to approve the staff recommendation and it was seconded. The Council unanimously approved the motion.

- b. Mr. Piper presented a staff recommendation to delegate development of the Council's website to the Executive Director.

Judge Felton made a motion to approve the staff recommendation and it was seconded. The Council unanimously approved the motion.

- VII. Judge Felton asked for public comment.

David Bailey of David Bailey & Associates pointed out a confusing part of the lobbyist disclosure form. Several members of the Council discussed their desire to remove the forms from the Code of Virginia and provide authority to the Council to develop the forms.

- VIII. Judge Felton requested staff to poll the members of the Council following the meeting to establish the next meeting date.

- IX. Judge Felton made a motion to adjourn; it was seconded and confirmed unanimously.

* All documents discussed at the meeting are available on the Council's website.

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Virginia Conflict of Interest and Ethics Advisory Council

Meeting Minutes December 10, 2015, 10:00 a.m. Senate Room B, General Assembly Building

Council members present:

The Honorable Patricia L. West, Vice-Chair
Senator Thomas K. Norment, Jr.
Senator Janet D. Howell
Delegate Jennifer L. McClellan
Delegate Todd Gilbert
Bernard L. Henderson, Jr.
Sharon E. Pandak

Staff present:

Chris Piper, Executive Director
Rebekah Stefanski, Staff Attorney
Michelle LeGates, Filing Coordinator
Iris Fuentes, Senior Operations Assistant

Council member absent:

Walter C. Erwin

Summary:

- I. Judge West called the meeting to order.
- II. The Council voted unanimously to elect Judge West as Chair.
- III. Mr. Piper presented the Executive Director report to the Council.
- IV. Old Business
 - A. Ms. Stefanski presented a memo on the Council duty of confidentiality.
 - B. Mr. Piper provided an update on filing deadline extensions.
- V. New Business

A. Formal Advisory Opinions

1. A motion was made to approve formal advisory opinion *2015-F-001 § 2.2-3103.1 Applicability of gift cap*, and the motion was seconded. The Council unanimously approved the formal advisory opinion.
2. A motion was made to approve formal advisory opinion *2015-F-002 § 2.2-3115 Commission filers*, and the motion was seconded. The Council unanimously approved the formal advisory opinion.
3. A motion was made to approve formal advisory opinion *2015-F-003 § 30-101 Professional organization membership*, and the motion was seconded. The Council unanimously approved the formal advisory opinion.
4. A motion was made to approve formal advisory opinion *2015-F-004 § 2.2-426 Lobbyist reporting of a banquet*, and the motion was seconded. The Council unanimously approved the formal advisory opinion.

B. Mr. Piper presented a staff recommendation for procedures for handling complaints submitted to the House and Senate Ethics Advisory Panels. A motion was made to approve staff's recommendation, and the motion was seconded. The Council unanimously approved the procedures.

C. Mr. Piper presented a staff recommendation for procedures for disputing gifts. A motion was made to approve staff's recommendation, and the motion was seconded. The Council unanimously approved the procedures.

D. Mr. Piper presented a staff recommendation for the travel waiver form and procedures. A motion was made to approve staff's recommendation, and the motion was seconded. The Council unanimously approved the procedures.

E. Mr. Piper presented the Council with the Conflict of Interest and Ethics Advisory Council report to the General Assembly and Governor. A motion was made to approve the report, and the motion was seconded. The Council unanimously approved the report.

VI. Judge West asked for public comment.

LaBravia Jenkins spoke to the Council regarding transactional immunity. Va. Code § 2.2-3121.

VII. Judge West made a motion to adjourn; it was seconded and confirmed unanimously.

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Virginia Conflict of Interest and Ethics Advisory Council

Meeting Minutes

Virginia Conflict of Interest and Ethics Advisory Council

April 26, 2016, 10:00 a.m.

House Room C, General Assembly Building

Council members present:

Senator Thomas K. Norment, Jr.
Senator Janet D. Howell
Delegate C. Todd Gilbert
The Honorable Patricia L. West, Chair
The Honorable Pete W. Stout, III
Bernard L. Henderson, Jr.
Walter C. Erwin
Sharon E. Pandak

Staff present:

Chris Piper, Executive Director
Rebekah Stefanski, Staff Attorney
Michelle LeGates, Filing Coordinator

Council member absent:

Delegate Jennifer L. McClellan

Summary:

- I. Judge West called the meeting to order.
- II. Senator Norment nominated The Honorable Pete W. Stout, III, as Vice Chair of the Council and the nomination was seconded. The Honorable Pete W. Stout, III, was unanimously confirmed as Vice-Chair.
- III. Chris Piper presented the Executive Director Report to the Council.

IV. Old Business

a. Transactional Immunity

- i. Chris Piper updated the Council on transactional immunity provided by the ethics law to city and county attorneys. Local government attorneys and Commonwealth's Attorneys discussed the issue during the 2016 General Assembly Session and a recommendation was included in the ethics omnibus bill being reviewed by the Governor.

V. New Business

a. Formal Advisory Opinions

- i. A motion was made to approve question one of formal advisory opinion *2016-F-001 § 2.2-3101 Professional organization membership* and the motion was seconded. The Council unanimously approved the answer to question one of the formal advisory opinion. A motion was made to amend the answer to question two and the motion was withdrawn. A motion was made to approve the answer to question two of the formal advisory opinion and the motion was seconded. The answer to question two was approved by Council vote with the exception of Mr. Henderson and Ms. Pandak.
- ii. A motion was made to approve formal advisory opinion *2016-F-002 §§ 2.2-3114, 2.2-3115, & 2.2-3116 Departure filing* and the motion was seconded. The Council unanimously approved the motion.
- iii. A motion was made to approve formal advisory opinion *2016-F-003 §§ 2.2-3117 & 30-111 Board of directors filers* and the motion was seconded. The Council unanimously approved the motion.
- iv. A motion was made to amend formal advisory opinion *2016-F-004 § 2.2-419 PACs associated with a lobbyist's principal* and the motion was seconded. A motion was made to approve the formal advisory opinion as amended and the motion was seconded. The formal advisory opinion as amended was approved by Council vote with the exception of Mr. Henderson.
- v. A motion was made to approve formal advisory opinion *2016-F-005 § 30-103.1 Lobbyist friends* and the motion was seconded. The Council unanimously approved the motion.
- vi. A motion was made to defer acting on formal advisory opinion *2016-F-006 § 30-111 Legislator reporting of an event* and the motion was seconded. The Council unanimously agreed to defer a vote on the formal advisory opinion.
- vii. A motion was made to defer acting on formal advisory opinion *2016-F-007 §§ 2.2-3103.1 & 30-103.1 Widely attended events* and

the motion was seconded. The Council unanimously agreed to defer a vote on the formal advisory opinion.

viii. A motion was made to approve formal advisory opinion *2016-F-008 §§ 30-103.1 & 30-111 Legislative organization conferences* and the motion was seconded. The Council unanimously approved the motion.

b. Updates to Forms – Chris Piper presented the updated forms in a block to the Council. A motion was made to approve forms i, ii, iii, iv, and v and the motion was seconded. The Council unanimously approved the forms.

i. General Assembly Statement

ii. State and Local Statement

iii. Financial Disclosure Statement

iv. Lobbyist Disclosure Form

v. Lobbyist Registration Statement

VI. Judge West asked for public comment.

- Roger Wiley spoke concerning the advisory opinions, noting his thanks for the Council's work. He urged the Council to adopt a procedure whereby the drafts of formal opinions are published for a public comment period prior to the Council considering those formal opinions at its meetings.

VII. Judge West adjourned the meeting.

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Virginia Conflict of Interest and Ethics Advisory Council

Meeting Minutes

June 14, 2016, 12:30 p.m.

Senate Room B, General Assembly Building

Council members present:

The Honorable Pete W. Stout, III, Vice-Chair
Senator Thomas K. Norment, Jr.
Delegate Jennifer L. McClellan
Delegate C. Todd Gilbert
Bernard L. Henderson, Jr.
Walter C. Erwin
Sharon E. Pandak

Staff present:

Mark Vucci, Acting Director of the Division of Legislative Services
Rebekah Stefanski, Staff Attorney
Michelle LeGates, Filing Coordinator

Council members absent:

Senator Janet D. Howell
The Honorable Patricia L. West, Chair

Summary:

- I. Judge Stout called the meeting to order at 12:32 p.m.
- II. Ms. Stefanski outlined each individual who submitted a deadline extension request.
- III. Senator Norment made a motion that Individuals A, B, C, E, F, G, and H be approved for the length of extension recommended by staff. The motion was seconded by Delegate Gilbert and unanimously approved by the Council.
- IV. Delegate McClellan made a motion that Individual D's suggested length of extension be changed from an indefinite extension to an extension deadline of July 31, 2016. The motion was seconded by Mr. Henderson and unanimously approved by the Council.

- V. Staff recommendations regarding forms and procedures:
 - A. Ms. Stefanski presented staff recommendations on the Filing Deadline Extension Request Form. Delegate Gilbert made a motion to approve the form. The motion was seconded by Delegate McClellan and approved by Council vote, with the exception of Mr. Henderson.
 - B. Ms. Stefanski presented staff recommendations on the Deadline Extension Procedures. Judge Stout made a motion to approve the recommended procedures. The motion was seconded by Senator Norment and unanimously approved by the Council.
 - C. Ms. Stefanski presented a staff recommendation that the Council delegate the deadline extension authority to staff. Mr. Henderson made a motion to delegate authority to Mark Vucci until the time that an Executive Director is appointed, at which time the authority will move to the Executive Director. The motion was seconded by Delegate Gilbert. The motion was approved unanimously by the Council.
- VI. Judge Stout asked for public comment.
- VII. Judge Stout adjourned the meeting at 1:09 p.m.

Patricia L. West, Chair
Pete W. Stout, III, Vice-Chair
G. Stewart Petoe, Executive Director



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Meeting Minutes
August 17, 2016, 12:00 p.m.
Senate Room B, General Assembly Building

Council members present:

The Honorable Patricia L. West, Chair
Senator Thomas K. Norment, Jr.
Senator Janet D. Howell
Delegate Jennifer L. McClellan
Bernard L. Henderson, Jr.
Walter C. Erwin
Sharon E. Pandak

Staff present:

Stewart Petoe, Executive Director
Mark Vucci, Acting Director of the Division of Legislative Services
Rebekah Stefanski, Staff Attorney

Council members absent:

Delegate Todd Gilbert
The Honorable Pete W. Stout, III, Vice-Chair

Summary:

- I. Judge West called the meeting to order at 12:07 p.m. She informed the Council and the public that there would be no public comment on the subject of the new proposed forms that day due to time constraints. She stated that the Council will be accepting public comment on the proposed forms by email for 30 days after the meeting.
- II. Mr. Vucci introduced Stewart Petoe, Executive Director.
- III. Ms. Stefanski presented the draft versions of the Conflict of Interest forms. She explained that the goal in creating the new forms was to promote consistency, with a focus on making the forms more user friendly. Ms. Stefanski explained each form in detail, pointing out the changes that were made to the current forms.

- IV. Mr. Vucci made a presentation recapping the June 15 filing deadline and discussed what an appeals process for Filing Deadline Extensions would involve.
- V. Mr. Vucci recommended that the Council extend the ability to grant extension requests to Mr. Petoe. Mr. Erwin made a motion to do so. The motion was seconded by Senator Howell and unanimously approved by the Council.
- VI. Judge West asked for public comment on any matter other than the draft forms. She noted that the forms are available for review on the Council website. She stated again that public comment on the draft forms would be accepted via email for 30 days after the meeting.
- VII. Judge West adjourned the meeting at 1:42 p.m.