

West Virginia Ethics Commission

2025 Annual Report



West Virginia Ethics Commission
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Duties of the Ethics Commission

The Ethics Commission interprets and enforces the West Virginia Governmental Ethics Act. The purpose of the Act is to preserve the public's confidence in the integrity and impartiality of governmental actions. The Commission also interprets the Open Governmental Meetings Act (W. Va. Code §§ 6-9A-1 through 6-9A-12); W. Va. Code § 61-10-15, a criminal misdemeanor statute, and W. Va. Code §§18-5-1a(a) and (b) relating to eligibility to serve on a county school board.

The Commission enforces the Ethics Act's prohibitions through the Verified Complaint and Initiated Complaint processes; administers lobbyist registration and reporting provisions; renders formal Advisory Opinions on the meaning and application of the Ethics Act and the Open Governmental Meetings Act; issues formal Advisory Opinions to county school board members and candidates for those boards regarding other elected or appointed positions potentially barring their service; administers the Code of Conduct for State Administrative Law Judges; processes Financial Disclosure Statements, and advises and educates public employees, public officials, and members of the public regarding the Ethics Act and the Open Governmental Meetings Act. The Commission also grants exemptions from the employment and contract prohibitions in the Ethics Act.

All Complaints are considered by the three-member Probable Cause Review Board, which is an autonomous board not under the direction or control of the Ethics Commission. The Review Board reviews Complaints filed with or initiated by the Ethics Commission to make a threshold determination of whether probable cause exists to believe that a violation of the Ethics Act has occurred.

Commission Members

The members of the West Virginia Ethics Commission are appointed by the Governor with the advice and consent of the Senate. W. Va. Code § 6B-2-1(a). Members serving in 2025 were:

Robert J. Wolfe, Chair, Man, West Virginia
D. Blake Carter, Jr., Charleston, West Virginia
Joshua Cottle, Culloden, West Virginia
Lynn Davis, Wellsburg, West Virginia
Karen Disibbio, Bluefield, West Virginia
Robert Harman¹, Keyser, West Virginia
Jordan K. Herrick, Charleston, West Virginia
Kayla Kessinger², Mt. Hope, West Virginia
Susan Singleton, Moundsville, West Virginia
Terry Walker, Kearneysville, West Virginia

¹ term ended August 5, 2025

² appointed effective August 5, 2025

Probable Cause Review Board Members

The members of the Probable Cause Review Board are appointed by the Governor with the advice and consent of the Senate. W. Va. Code § 6B-2-2a(b). Members serving in 2025 were:

Michael A. Kawash, Chair, Charleston, West Virginia
Daniel J. Guida, Weirton, West Virginia

The Probable Cause Review Board has one vacancy.

Staff

The staff of the Ethics Commission consists of the Executive Director, General Counsel, Deputy General Counsel, and two Administrative Assistants:

Kimberly B. Weber, Executive Director
John E. Roush, General Counsel
John N. Ellem, Deputy General Counsel
Kateland J. Cantrell, Lobbyist Registrar/Paralegal
Rachel Y. Carpenter, Executive Assistant

Budget

The Ethics Commission was allocated the following amounts from the General Revenue Fund for the following fiscal years:

2025-2026	\$ 676,268.00
2024-2025	\$ 773,228.00
2023-2024	\$ 753,099.00
2022-2023	\$ 737,544.00
2021-2022	\$ 719,844.00

Informal Advice

Public servants may seek informal advice from the Ethics Commission staff by contacting the Commission or by sending an email to ethics@wv.gov. If staff is unable to answer a question based upon the language in the statute at issue (the Ethics Act, the Open Meetings Act, or other statutes which the Commission has jurisdiction to interpret), a Commission Guideline, or an Advisory Opinion, staff may recommend that the public servant request a new Advisory Opinion.

The following is a summary of the number of responses by the Commission to requests for informal written advice during the past five years:

2025	717
2024	813
2023	642
2022	610
2021	503

The following is a summary of the number of responses by the Commission to requests for oral advice, usually over the telephone, during the past five years:

2025	1,515
2024	2,197
2023	2,072
2022*	2,293
2021	1,102

*In 2022, the annual report began including oral advice given by all staff members, not just attorneys.

Formal Opinions/Exemptions

The Ethics Commission issues formal Advisory Opinions which respond to questions relating to the application of the Ethics Act. The Commission also issues Opinions regarding W. Va. Code § 61-10-15 (to county officials relating to county officials' interests in contracts) and regarding W. Va. Code § 18-5-1a (to county board of education members, members-elect, and candidates for election to boards regarding whether they may hold certain other public positions and serve on a county board).

In addition, two of the Commission's Committees are authorized to issue Advisory Opinions. The Committee on Open Governmental Meetings issues Advisory Opinions which interpret the Open Governmental Meetings Act. The Committee on Standards of Conduct for State Administrative Law Judges issues Advisory Opinions regarding the Code of Conduct for Administrative Law Judges.

The following are the totals over the past five years of formal Advisory Opinions issued regarding the Ethics Act and W. Va. Code § 61-10-15, the Open Governmental Meetings Act, the ALJ Code of Conduct, and county school board eligibility, as well as formal Contract and Employment Exemptions granted or denied by the Commission.

Subject Matter	2021	2022	2023	2024	2025
Ethics (and W. Va. Code § 61-10-15)	23	20	13	11	11
Open Meetings	1	2	1	3	3
ALJ Code of Conduct	0	0	0	0	0
Contract Exemptions	2	4	5	5	4
Employment Exemptions	26	67	93	91	61
Property Exemptions	0	0	0	0	0
School Board	0	2	0	4	1
TOTAL:	52	95	112	114	80

Ethics Act Advisory Opinions (AO) 2025

[Advisory Opinion 2025-01](#) - County Commission

Categories: Private gain, Nepotism

A **County Commission** asked whether it may approve the sheriff's request to hire his father, who was the former sheriff, as a chief deputy, given that his father participated in creating the chief deputy position when he was the sheriff.

The Requester asserted that the former sheriff developed the job description for the new position of chief administrative deputy while he was serving as sheriff. The Requester also asserted the former sheriff applied for the position while he was still the sheriff. After the current Sheriff won the election in November (and before he took Office), he directed that the position of chief administrative deputy be posted and advertised.

In [Advisory Opinion 2016-18](#), the Commission held that a prosecutor may not hire the outgoing former prosecutor to serve as a special prosecutor in a position that was funded by a grant that the former prosecutor assisted the county in obtaining. This holding was due to the outgoing prosecutor's involvement in the grant application process. The former prosecutor was the co-sponsor, along with a local nonprofit organization, of the application for a United States Department of Justice grant. The job position description was prepared by the chief deputy in his office that was part of the grant application. The Ethic Commission found that the former prosecutor's employment in the position would violate the Ethics Act, W. Va. Code § 6B-2-5(b).

Similarly, the Requester here asserted that the former sheriff developed the job description and position of chief administrative deputy while he was serving as sheriff. The Requester asserted the former sheriff created the position knowing that he would apply for the position after his term as sheriff expired. Based on the Requester's asserted facts, the Commission finds that the County Commission

members would violate the Act's private gain provision if they approve the hire of the former sheriff.

The nepotism restrictions, in W. Va. Code § 6B-2-5(b)(4) and W. Va. Code R. § 158-6-3 (2022), do not bar a public official's relative from being employed with the public agency so long as the nepotism provision in the Ethics Act and the Legislative Rule above are followed. The nepotism rule offers some leeway to elected public officials, including sheriffs, in [W. Va. Code R. § 158-6-3](#) (2022). The Rule expressly allows a sheriff to use a subordinate as the independent third-party. *Id.* Therefore, if the Sheriff's father is ever hired to work in the Sheriff's Department, the Sheriff would have to involve a third party in all of his decisions concerning the employment and working conditions of his father.

[Advisory Opinion 2025-02](#) - County Farmland Protection Board

Categories: W. Va. Code § 61-10-15 County Officers (Criminal Provision); Contracts; Voting and Recusal

A **County Farmland Protection Board** asked whether a prospective board member who works for a bank must recuse himself when customers of the bank have matters before the Board.

The Voluntary Farmland Protection Act, W. Va. Code § 8A-12-1, *et seq.*, allows county commissions to create county farmland protection boards. These boards are authorized to purchase conservation easements on farmlands, which prevent the development of the land for most purposes unrelated to farming.

The Commission determined that customers of the bank that employed the County Farmland Protection Board member may participate in the Board's programs. As an employee of the bank, the member is not associated with the bank for purposes of [W. Va. Code § 61-10-15\(a\)](#), [W. Va. Code R. § 158-8-4](#) and [W. Va. Code § 6B-2-5\(d\)](#). In accord with [Advisory Opinion 1994-37](#), the Commission held that the fact that some individuals had contractual relations with both the County Farmland Protection Board and the bank did not create a prohibited pecuniary interest for the Member.

The Commission held that the Member was associated with the bank under the voting rules contained in [W. Va. Code § 6B-2-5\(j\)](#). However, in accord with [Advisory Opinion 2021-21](#), the Commission held that the Member need not recuse himself from matters involving customers of the bank because neither Member nor the bank would have a pecuniary interest in the participation of a customer in the Board's program. An exception to this general rule would exist if the business the bank conducted with the customer involved the customer's participation in the board's program. In such cases, the Member is required to recuse him or herself.

[Advisory Opinion 2025-03](#) - County Clerk

Categories: Private gain

A **County Clerk** asked whether she may approve the payment of county funds for elected county officials to attend Leadership West Virginia's annual program.

The Requester, a county clerk, is responsible for approving payments from the county treasury. [W. Va. Code § 7-5-4](#). [Leadership West Virginia](#)'s website states: "Leadership West Virginia is an innovative program that grows, engages, and mobilizes leaders to ignite a lifelong passion to move West Virginia forward." The program consists of two-day meetings each month at different locations in West Virginia. The annual program costs \$4,000.

In [Advisory Opinion 2022-10](#), the Commission reaffirmed its position taken in [Advisory Opinion 2018-02](#): "If a public official or public employee makes an unauthorized expenditure, it may constitute the unlawful use of office for private gain if the overriding benefit is to the public official or employee, or another person, and not to the government agency." In [Advisory Opinion 2022-10](#), a county assessor asked, among other things, whether travel-related expenses for attending a conference may be paid by the county assessor's office. The Requester stated that his attendance at past conferences had increased his skill and knowledge in his public position by increasing the accuracy of his Office's assessments and revenue to the county. He stated that there was significant benefit to the county and state from his involvement in the Association. Therefore, the Commission held that there was an overriding public benefit that justified the county paying the expenses associated with the assessor's attendance at the conference.

The Requester in this case was directed to follow the same analysis as the Commission has followed in the advisory opinions above. Specifically, the Requester's approval of using county funds for an elected county official to attend the annual West Virginia Leadership program would not violate the Ethics Act if there is express or implied authority to do so or if there is an overriding public benefit that justifies the County paying these expenses.

The Ethics Commission found that a public official, who is responsible for approving the payment of public funds that may result in unlawful private gain to another public official, may rely on a reasonable assertion that the expense provides an overriding public benefit to the public official who is requesting the expenditure. A public official may not, however, approve an expenditure that is illegal on its face or illegal under the particular circumstances known by the public official who is charged by law to approve public expenditures.

The Ethics Commission finds that using public funds to pay the fee, costs, and expenses associated with the annual Leadership West Virginia program is not illegal on

its face. Therefore, if an elected public official claims that his or her participation in the program provides an overriding public benefit to the county or state, and the request is not illegal on its face or illegal under the particular circumstances known by the public official, then the Public official may approve the payment under the Ethics Act.

[Advisory Opinion 2025-04](#) - Board of Education Member

Categories: Solicitation of private business from subordinate

A **Board of Education member** asked if he may hire a school bus operator during non-school hours, to drive him to and from his place of business. The Commission held that the school bus operator is a subordinate subject to the direction, supervision, and control of the Board of Education member. Therefore, hiring the bus operator as his driver or chauffeur would constitute solicitation of business in contravention of W. Va. Code § 6B-2-5(o). (overruled AO 2013-02)

[Advisory Opinion 2025-05](#) - A Law Enforcement Agency

Categories: Solicitation and gifts

A law enforcement agency may lend its name to an event sponsored by a nonprofit organization for the purpose of raising funds for cancer research, a charitable purpose. But, there are specific restrictions on all public officials and public employees soliciting for charitable purposes and even stricter restrictions for law enforcement officers, in [Title 158 Series 07- 08 Gifts & Charitable Contributions](#).

[Advisory Opinion 2025-06](#) - A Town

Categories: Private gain

A **town council** asked whether it may offer free garbage services to its employees as a fringe benefit to boost morale and serve as a form of wage increase.

The Commission refers to previous advisory opinions where similar benefits (like free access to municipal pools, parks, YMCA memberships, and university bookstore discounts) were deemed permissible if there was a rational basis for the management decision, such as enhancing employee morale, providing compensation, or serving legitimate government objectives.

The opinion states that the Ethics Act does not prohibit the Town Council from providing free garbage services to its employees, considering it as a form of increased compensation rather than solely an employee morale expenditure. State Code gives municipalities express authority to set the compensation of its employees. The Ethics Commission in applying the Ethics Act cannot engage in management decisions, nor should the Commission be in the business of playing “armchair quarterback” to a public body's expenditures unless the expenditure is clearly for the personal benefit of a public official, employee, or third party.

The Commission advised the Requester to adopt an appropriate ordinance for conferring this compensation and to consult legal counsel and the State Auditor's Office regarding tax implications or issues involving employee bonuses.

[Advisory Opinion 2025-07](#) - Police Department

Categories: Solicitation

A **city police department** asked if it can solicit funding or sell advertising for a firearms training facility upgrade to area businesses. The Commission ruled that soliciting donations for the upgrade is not permissible as it primarily serves as an administrative cost and doesn't provide a significant public benefit. However, the department can sell advertising in exchange for plaques or signs, as this constitutes a legitimate exchange of value. This is allowed as long as solicitations are fair, not coercive, and include a disclaimer that advertising does not imply endorsement.

The City Police Department can sell advertising for the firearms training facility upgrade under the following conditions:

The advertising constitutes a legitimate exchange of value, not a disguised gift solicitation. The value provided to the advertiser (e.g., visibility of plaques/signs) must be valuable consideration, even if nominal.

[Advisory Opinion 2025-08](#) - A County Board of Education

Categories: Soliciting subordinates

A **BOE Superintendent** asked whether a board member may privately contract with a service personnel employee to perform work through the employee's lawn mowing side business. W. Va. Code § 6B-2-5(o) prohibits soliciting "private business from a subordinate public official or public employee" over whom the soliciting public official/employee has the "authority to direct, supervise or control." The service personnel employee, a busdriver, is a subordinate of the BOE member, and the member has the authority to direct, supervise, or control the work of the service employee for purposes of W. Va. Code § 6B-5-2(o). Therefore, the BOE member may not ask the bus driver to fix his mower. None of the exceptions applied.

[Advisory Opinion 2025-09](#) - A County Solid Waste Authority

Categories: Soliciting donations

A **SWA** asked whether it may solicit money from local businesses and individuals to cover potential shortfalls in operating costs in exchange for advertising their donations on a sign in the facility. The Commission holds that an emergency fund to cover operating costs in the event of a future budget shortfall does not constitute a charitable purpose. Accordingly, public officials and public employees may not solicit donations for this purpose. However, the PSD may sell advertising by recognizing supporters on signs that are reasonably visible to the public.

[Advisory Opinion 2025-10](#) - A State Employee

Categories: Private gain

A **state employee** working as an events manager asked whether she may personally use Marriott bonus points that accumulated from her arranging hotel accommodations for the agency's officials and employees. The Commission held that the Legislature did not intend to create a windfall to the employee who happens to be responsible for making travel arrangements for his/her public office. The Commission finds that the legislative intent was to allow only the traveling public official or employee to use the bonus points.

[Advisory Opinion 2025-11](#) - A State Employee

Categories: Gifts

A **state employee** asked if he may accept a prize he won in a raffle with a ticket he bought while he was at a work-related conference. The Commission found that spending \$50 for the opportunity to win a firearm in a raffle does not indicate a sham and constitutes sufficient consideration to support a legitimate exchange of value, rather than a gift. Therefore, a state employee who buys \$50 in raffle tickets during a work conference and wins a rifle is not accepting a prohibited gift. Therefore, the gift limitations in the Ethics Act and related legislative rule do not apply and the Commission's [Door Prizes, Gifts and Giveaways at Conferences](#) guideline is not applicable.

Open Meetings Advisory Opinions (OMAO) 2025

[OMAO 2025-01](#) - Pocahontas County Clerk

Categories: Notice

The **Pocahontas County Clerk** asked whether a properly-noticed regular meeting must be postponed if a state of emergency is declared on a day during the notice period.

The Governor and the Legislature have the authority to declare a state of emergency or a state of preparedness under certain circumstances defined in the law and when the "health, safety, and welfare of the inhabitants of this state require the invocation of the provisions of this section." [W. Va. Code § 15-5-6 \(b\)-\(c\)](#).

The Pocahontas County Commission has promulgated a policy specifying that notices of its regular meetings must be posted and agendas must be made available no later than three business days before a regularly scheduled meeting. The policy also states that Saturdays, Sundays, legal holidays, and pre-scheduled days for closing the courthouse are not considered business days for purposes of posting agendas.

The Commission had also adopted an Emergency Closing Policy due to weather and other emergency situations.

The Open Meetings Act requires governing bodies, including county agencies, to provide notice of and an agenda for its regular meetings “in advance” of a meeting. W. Va. Code § 6- 9A-3(d). The Act, however, does not specify how far in advance of a meeting the agenda for an executive branch meeting must be provided, or how far in advance the notice and agenda for meetings of local governing bodies must be provided. The Committee has held that the Act is satisfied by posting notices and making agendas available at least three business days before each regularly scheduled meeting. [Open Meetings Advisory Opinions 2006-11](#) and [2006-15](#).

The Committee recognizes that governmental offices are not automatically closed to the public during a state of emergency or preparedness. The measures available to be taken during an emergency are varied. Even if a public office is closed to the public during the notice period, the public may be better served by not postponing a well-established meeting schedule. This is especially true here because the Pocahontas County Commission holds its regular meetings on a regular schedule, e.g., the first and third Tuesdays of each month.

The Committee held that a properly-noticed regular meeting does not have to be postponed if a state of emergency or preparedness is declared on a day during the notice period. A governing body must decide on a case-by-case basis how the public would best be served. Some factors to consider are the gravity and public interest in the matters on the agenda for the particular regular meeting and whether the notices and agendas are regularly made available online.

[OMAO 2025-02](#) - Hampshire County Commission

Categories: Agenda, Executive Session

A Hampshire County Commissioner asked whether using generic descriptions on its agenda, such as "Personnel," satisfies the Open Meetings Act and whether receiving general legal advice and discussing general personnel matters in executive session is permissible.

The Committee reaffirmed a long line of prior Open Meetings Advisory Opinions and held that generic descriptions are insufficient. In accord with [Open Meetings Advisory Opinion 2006-14](#), the Committee stated that items must be stated in a manner that makes the public aware of the particular matters to be dealt with at the meeting. Citing [Open Meetings Advisory Opinion 2001-13](#), the Committee held that rather than describing an agenda item as “Personnel,” the County Commission should use more specific language such as such as: “hiring Jane Doe to fill a vacant Clerk-Typist position in the Assessor’s Office” or “hiring John Law to fill a newly created Deputy Sheriff position in the Sheriff’s Department.”

The Committee reaffirmed [Open Meetings Advisory Opinion 2000-10](#) and [Open Meetings Advisory Opinion 2001-25](#) and held that a governing body could meet in executive session with its attorney to discuss matters covered by the attorney-client privilege such as an explanation of contract terms and statutory interpretations. The justification is not limited to matters that are tied to specific ongoing or pending legal actions.

The Committee reaffirmed its previous holdings in [Open Meetings Advisory Opinion 2001-02](#) and [Open Meetings Advisory Opinion 2006-13](#). The Committee held that the County Commission may meet in executive session to discuss personnel issues that are personal to an individual public official or public employee, but may not meet in executive session to discuss issues of general personnel policy. Discussion of matters such as the creation or removal of positions, group raises, or budget issues affecting payroll are general personnel policy issues and must be conducted in public rather than executive session.

[OMAO 2025-03 - Pocahontas County Commission](#)

Categories: Committees, Executive Session

The Pocahontas County Commission asked which county entity should interview candidates for the positions of 911/Office of Emergency Services Director and Emergency Medical Systems Director and whether the interviews may be done in executive session, by a hiring committee, or by one of the county commissioners in private.

The Committee on Open Governmental Meetings held:

The Open Meetings Act does govern which governmental agency has the authority to interview candidates. Therefore, the Committee on Open Governmental Meetings does not have the authority to make this determination. The Requester should consult the county prosecutor for guidance.

The 911 Advisory Board and the Emergency Medical Systems Authority and their hiring committees, are public agencies whose governing bodies are subject to the Open Meetings Act. The open meetings Act would not apply if one county commissioner conducted the interviews and unilaterally selected the Directors.

A governing body may conduct job interviews and deliberations in executive sessions during a public meeting. The governing body decides who may attend an executive session.

Contract Exemptions (CE) 2025

The Ethics Act prohibits public officials and public employees from having a financial interest in certain contracts, purchases, or sales over which their public position gives them control. The Commission has authority to grant a governmental entity an exemption from the Act's contract provisions.

The Commission granted or denied Contract Exemptions during 2025 in the following matters:

[Contract Exemption 2025-01](#) - Mineral County Sheriff

The **Mineral County Sheriff** and County Commission requested a contract exemption allowing the Sheriff's Office to contract with RR Communications, a business owned and operated by Deputy Roger Reall for installing and maintaining unfitting equipment for cruisers.

To determine whether Deputy Reall has the requisite level of control over the County's contract for these services for purposes of needing an exemption under W. Va. Code § 61-10-15, the Ethics Commission reviewed its prior findings in similar contract exemptions requested by the Sheriff in Hardy County. In [Contract Exemption 2016-05](#), the Hardy County Sheriff asked to contract with a deputy sheriff's company to purchase lighting equipment for two county cruisers for \$900. The deputy was involved in installing lights on cruisers. The Commission found that Deputy Reall's circumstances and job duties were similar to those of the deputy in Contract Exemption 2016-05. Deputy Reall also had extensive experience in police vehicle upfitting and maintenance, and he currently oversees the Sheriff's Office's fleet. As such, Deputy Reall had the requisite voice, influence, or control over the Sheriff's Office's contract for the installation and servicing of the equipment that requires a contract exemption.

In CE 2026-05, the Commission granted the exemption because the next lowest bidder was \$1,800. In [Contract Exemption 2019-03](#), the Commission granted a second exemption to Hardy County to contract with the same deputy's business. This exemption was based on the fact that after advertising for bids, only the deputy's business provided a quote for services. The Commission found that hardship and substantial interference with the Sheriff's Office operations would result if the Office had to rebid the service contract. In [Contract Exemption 2017-07](#), the Commission denied the same request by Hardy County Sheriff because the cost saving between the two bids was only \$365.

Based upon the foregoing asserted facts and the above Hardy County contract exemptions, the Commission found that failure to receive a contract exemption would result in excessive cost, undue hardship, and substantial interference with the Mineral

County Sheriff's Office. Denying this exemption would result in unnecessary financial expenses of \$1,600, and would risk the timely upfitting and servicing of critical law enforcement vehicles.

Contract Exemption 2025-02 - Fairmont State University

Fairmont State University sought a contract exemption to allow it to lease a helicopter for its rotary wing training program from a company owned by its assistant chief pilot, Jeremy Griffin.

Joel Kirk is the director and chief instructor of the Aviation Center at Fairmont State. Mr. Griffin does not have direct authority to negotiate lease terms on behalf of Fairmont State University or the Aviation Center, but he is contemplated to be the sole flight instructor for the helicopter training program. Therefore, Mr. Griffin will likely be involved in and have control over how often the helicopter will be utilized by students and when and where to have it maintained. Therefore, Mr. Griffin has the degree of control that necessitates a contract exemption.

Mr. Griffin's company owns a 1996 Schweizer S300 helicopter and is willing to enter into a lease agreement with Fairmont State for the S300 at \$185 per hour. Based on his own searches and knowledge of the industry, Director Kirk found no other current helicopter leasing option for flight training in West Virginia. Even if there was a comparable helicopter in the state, the industry standard provides that helicopter lessors require a minimum lease rate of 25-30 hours a month. Director Kirk anticipates that the Aviation Center will use about 16 hours a month. Therefore, the Requester would likely pay for flight time it would not use if it leased from another lessor.

The Commission granted the exemption, finding that failure to receive a contract exemption would result in excessive cost, undue hardship, and substantial interference with Fairmont State University's fixed wing training program. Denying the exemption would prohibit the training program from starting due to the lack of an alternative helicopter. Even if there was an available alternative helicopter, its costs would be excessive. The exemption expires in June 2027.

Contract Exemption 2025-03 - Pocahontas County Sheriff

The Ethics Commission granted a contract exemption to Troy A. McCoy, the **Pocahontas County Sheriff**, allowing the Sheriff's Office to contract with Shinaberry's Graphics, LLC, a business owned and operated by Deputy Brian Shinaberry, to install graphics and decals on department vehicles.

Since taking office in January 2025, the Requester and his staff have made attempts to locate other vendors within a reasonable distance of the Sheriff's Office in Marlinton, Pocahontas County, to install the graphics and decals. Shinaberry's provided a quote of \$668 per vehicle to install graphics and decals. The Requester's Office contacted Rocky

Fork Enterprises, in Charleston, and West Virginia Public Safety Equipment, in Morgantown. Neither business has provided a written cost estimate, and the Requester asserts that both businesses are a prohibitive distance from Pocahontas County.

The Requester's Office contacted a third vendor, Emblazon Sign Company, in Elkins. Emblazon provided a written estimate of \$750 per vehicle. The Sheriff, however, asserts that Elkins is a prohibitive distance from the Sheriff's Office, being at least a one-and-a-half-hour drive each way. To use Emblazon, two deputies and cruisers must drive this distance, return to Marlinton, and return to Elkins the following day to retrieve the vehicle. The Requester asserts that he is currently very short-staffed, having only three certified deputies.

The Commission finds that Deputy Shinaberry's situation in Pocahontas County is comparable to that of the deputies involved in Contract Exemptions 2025-01 and 2016-05. Consequently, he has sufficient control over the graphics and decals contract, making a contract exemption necessary.

The Requester asserts that a hardship would result because two deputies and cruisers would need to drive at least a one-and-a-half-hour drive each way and return to Elkins the following day to retrieve the vehicle. The Requester asserts that he is currently very short-staffed, having only three certified deputies. Therefore, the Requester has shown that an undue hardship or other substantial interference with the operation of the Sheriff's Office would result if the exemption is not granted.

Contract Exemption 2025-04 - Wyoming County Health Department

The Ethics Commission granted the Wyoming County Health Department a Contract Exemption allowing it to continue contracting with Family Healthcare Inc. at a rate of \$45 per hour, which includes Family Healthcare providing liability insurance for the services it provides. The Exemption is granted in an amount not to exceed \$5,000 per fiscal year for fiscal years 2025, 2026, 2027, 2028, and 2029.

School Board Advisory Opinions (SBAO) 2025

The Ethics Commission is authorized to issue written Advisory Opinions to County Board of Education members, members-elect, and candidates for election to the Board as to whether they may hold certain other public positions and also serve on a County Board under W. Va. Code § 18-5-1a.

School Board Advisory Opinion 2025-01 - County Board of Education member

Category: Permitted Offices

A county board of education member asked whether the position of county 911 director constitutes a prohibited public office pursuant to W. Va. Code § 18-5-1a(a)(3)(A), which

renders its occupant ineligible to serve on a county board of education. The Ethics Commission applied the six factors set out in *Carson v. Wood*, 175 S.E.2d 482 (W. Va. 1970) to the position of county 911 director and determined that it has some characteristics of public employment and some of a public office. The Commission found that the following factors favor a determination that a county 911 director is a public employee rather than a public official: the county 911 director is subject to the supervision and control of the county commission, has no authority to enforce the laws of the state, has limited discretion in binding the county by contract, and is not required to take an oath or to be bonded. The Commission found that these factors outweighed the factors that favor a determination that the position constitutes a public office. Accordingly, the Commission held that holding the position of county 911 director would not bar an individual from serving on a county board of education.

Property Exemptions (PE) 2025

A full-time public official or full-time public employee who would be adversely affected by the Ethics Act's prohibitions against purchasing, selling or leasing real or personal property to certain persons or entities may apply to the Ethics Commission for an exemption from the prohibition. The Commission received no Property Exemption requests in 2025.

Employment Exemptions (EE) 2025

The Ethics Act prohibits full-time public servants from seeking or accepting employment from persons or businesses that they or their subordinates regulate, or from seeking or accepting employment from vendors if the public servant, or his or her subordinates, exercise authority or control over a public contract with that vendor.

Public servants may request an exemption from the Ethics Commission to seek employment with vendors or regulated persons over whom they or a subordinate exercise control at present or in the prior 12 months.

The following Employment Exemptions were requested and/or granted during 2025:

- EE 2025-01** Jennifer Dooley, Deputy Secretary of Transportation, Department of Transportation
- EE 2025-02** Lucinda Butler, Commissioner of Division of Multimodal Transportation Facilities, Department of Transportation, Division of Highways
- EE 2025-03** Mark Nettleton, Transportation Engineer-Geotechnical Section Leader, Department of Transportation, Division of Highways
- EE 2025-04** Anthony Testa, HTRETSR, Department of Transportation, Division of Highways

- EE 2025-05** Brad Cottrell, District 6 Construction - Highway Engineer Trainee, Department of Transportation, Division of Highways
- EE 2025-06** Kira R. Robinson, D-1 Transportation Engineer Technician, Department of Transportation
- EE 2025-07** James Wilkinson, TRET Materials Technician Inspector, Department of Transportation, Division of Highways
- EE 2025-08** Carlos Semple-Perriea, Senior Transportation Chemist, Material Controls, Soils and Testing Division, Department of Transportation, Division of Highways
- EE 2025-09** Joseph D. Little, Transportation Engineering Technician, Department of Transportation, Division of Highways
- EE 2025-10** Dakota R. Smith, Transportation Engineer Associate, Department of Transportation, Division of Highways
- EE 2025-11** Chad Toney, Director Right of Way Division, Department of Transportation, Division of Highways
- EE 2025-12** Eric Mauzy, Environmental Inspector Supervisor, Department of Environmental Protection
- EE 2025-13** Shane McComas, Civil Rights Compliance Systems Manager, Department of Transportation, Division of Highways
- EE 2025-14** Janie Adkins, Transportation Engineer Trainee 2, Department of Transportation, Division of Highways
- EE 2025-15** Gary Foster, Director, Office of Miners' Health, Safety, and Training
- EE 2025-16** Jason Wandling, General Counsel, Department of Environmental Protection
- EE 2025-17** Grant Dickson, Transportation Contract Specialist, Department of Transportation, Division of Highways
- EE 2025-18** Travis M. Rose, Data Manager, TRET-Senior, Department of Transportation, Division of Highways
- EE 2025-19** Scott G. Mandirola, Deputy Cabinet Secretary, Department of Environmental Protection
- EE 2025-20** Myra Couch, Transportation Engineering Technician, Department of Transportation, Division of Highways
- EE 2025-21** Jason Foster, Chief Engineer of Development and Interim District 2 Engineer, Department of Transportation, Division of Highways
- EE 2025-22** Aaron Kahle, Highway Engineer Trainee 2, Department of Transportation, Division of Highways
- EE 2025-23** Tommy George, Environmental Resource Program Manager I, Department of Transportation, Division of Highways
- EE 2025-24** Jamie Hoffmann, Program Manager, Department of Economic Development, Office of Broadband
- EE 2025-25** David Gross, Transportation Engineering Technician Associate, Department of Transportation, Division of Highways
- EE 2025-26** Paul Miller, Insurance Complaints Specialist, WV Offices of the Insurance Commissioner

- EE 2025-27** Devin Piraino, Transportation Engineering Technician-Senior, Materials Office Coordinator, Department of Transportation, Division of Highways
- EE 2025-28** Shawn Smith, Director, Contract Administration Division , Department of Transportation, Division of Highways
- EE 2025-29** Jack Poore, District 5 Bridge Evaluation Engineer, Department of Transportation, Division of Highways
- EE 2025-30** Adam Holley, General Counsel/Director of Legal Division, Department of Motor Vehicles
- EE 2025-31** Alex Wriston, Transportation Maintenance Assistant, Department of Transportation
- EE 2025-32** Suman Thapa, Transportation Engineer, Area Construction Engineer, Department of Transportation, Division of Highways
- EE 2025-33** Charles Ramsey, HTRETCN-D-1 Construction Engineer, Department of Transportation, Division of Highways
- EE 2025-34** Raina Shamblin, TRET, Department of Transportation. Division of Highways
- EE 2025-35** Ted Whitmore, Traffic Engineering Division Director, Department of Transportation, Division of Highways
- EE 2025-36** Raymond J. Scites, Director of Engineering Division, Department of Transportation, Division of Highways
- EE 2025-37** Joshua Howell, Construction Engineer, Department of Transportation, Division of Highways
- EE 2025-38** Eliot Watson, District 1 Office Manager/Final Supervisor, Department of Transportation, Division of Highways
- EE 2025-39** Sondra Mullins, Transportation Assistant Division Director, Department of Transportation, Division of Highways
- EE 2025-40** Michael Pigman, Transportation Environmental Resources Manager, Department of Transportation. Division of Highways
- EE 2025-41** Patrick Mirandy, Chief of Staff, West Virginia Division of Corrections and Rehabilitation
- EE 2025-42** Daniel Brayack, Assistant Director, Policy and Certification, Department of Transportation, Division of Highways
- EE 2025-43** Erin Hunter, Deputy Commissioner and General Counsel, West Virginia Offices of the Insurance Commissioner
- EE 2025-44** Shawn Jack, Asphalt Section Supervisor, Department of Transportation, Division of Highways
- EE 2025-45** Laura Wagner, Lab Support Section Supervisor, Department of Transportation, Division of Highways
- EE 2025-46** Keith Phillips, Transportation County Administrator, Department of Transportation, Division of Highways
- EE 2025-47** Cynthia Beane, Commissioner, Department of Human Services/Bureau for Medical Services
- EE 2025-48** Todd Keplinger, Material Supervisor, Department of Transportation, Division of Highways

- EE 2025-49** Brad Wright, Chief Inspector (Environmental Resource Program Administrator), Department of Environmental Protection
- EE 2025-50** Kevin Lewis, TRECNO Utilities Supervisor, Department of Transportation, Division of Highways
- EE 2025-51** Katrina High, Transportation Environmental Resources Program Manager 2, Department of Transportation, Division of Highways
- EE 2025-52** Joylynn Fix, Insurance Program Manager (Life and Health Director), WV Offices of the Insurance Commissioner
- EE 2025-53** Jacob Thompson, Development Engineer, Department of Transportation, Division of Highways
- EE 2025-54** Seth Eberle, TRET, Department of Transportation, Division of Highways
- EE 2025-55** Kiana Welch, Transportation Engineering Trainee, Department of Transportation, Division of Highways
- EE 2025-56** Cheri Harpold, Chief Financial Officer, WV Offices of the Insurance Commissioner
- EE 2025-57** Rhonda Hartwell, Financial Reporting Manager, WV Offices of the Insurance Commissioner
- EE 2025-58** Debbie Hughes, Assistant Commissioner, Operations, WV Offices of the Insurance Commissioner
- EE 2025-59** Victoria Peyton, Highway Engineer Trainee 1, Department of Transportation, Division of Highways
- EE 2025-60** Kaden Richmond, Transportation Engineer, Department of Transportation, Division of Highways
- EE 2025-61** Jason Hamilton, Regional Construction Engineer, Department of Transportation, Division of Highways

Enforcement

The Ethics Commission enforces the West Virginia Ethics Act through an administrative Complaint process. Anyone may file a Complaint, and the Commission itself may initiate Complaints against a person subject to the Ethics Act.

All Complaints are considered by the three-member Probable Cause Review Board, which initially determines whether the allegations in the Complaint, if taken as true, state a material violation of the Ethics Act. Complaints which do state a material violation of the Act are investigated, and those that do not are dismissed.

Complaints which allege trivial or inconsequential violations or were filed outside of the statute of limitations are dismissed.

Public hearings are held in matters in which there is probable cause to believe that a violation of the Act has occurred. However, persons against whom Complaints are filed

may enter into a settlement of the allegations through a Conciliation Agreement with the Commission.

Persons found to have violated the Ethics Act may be publicly reprimanded, required to undergo Ethics training, fined up to \$5,000 per violation, ordered to pay restitution and/or ordered to reimburse the Commission for its costs of investigation and prosecution. The Commission also may recommend that the person be removed from office or that his or her public employment be terminated.

Complaints

Calendar year	Total New Complaints filed	Initiated by Commission (of total filed)	*Dismissed without investigation	*Investigated during year	*Dismissed after investigation	*Resolved via Conciliation Agreement
2025	164	0	121	34	20	7
2024	146	0	131	18	10	3
2023	114	0	97	14	10	7
2022	74	0	57	14	13	5
2021	90	0	85	19	15	3

*The last four columns of this chart reflect the resolutions of Complaints that were pending in the designated year regardless of the year the Complaint was filed.

**Calendar year	Total Complaints filed	Initiated by Commission (of total filed)	Dismissed without investigation	Investigated	Dismissed after investigation	Resolved via Conciliation Agreement	Still Pending
2025	164	0	119	34	11	7	7

**This chart reflects the status of the Complaints filed in 2025, which shows that seven of them are still pending.

Staff-initiated Investigations

The Commission may initiate complaints and make investigations even in the absence of a verified Complaint by a citizen.

Calendar Year	Total Staff-Initiated Investigations	Total Complaints filed by Commission
2025	33	0
2024	25	0
2023	27	0
2022	37	0
2021	30	0

Public Hearings

The Ethics Commission had one public hearing in 2025 for two respondents.

VCRB 2023-44 Roger Leatherman, Commissioner, Mineral County

VCRB 2023-47 Jerry Whisner, Commissioner, Mineral County

The Ethics Commission's General Counsel argued before the West Virginia Intermediate Court of Appeals on October 7, 2025 in the following two complaints:

[VCRB 2022-02](#) - Lillie Junkins, Vice Mayor, City of Clarksburg

[VCRB 2022-04](#) - James E. Marino, former Mayor, City of Clarksburg

The public hearing for Lillie Junkins and James Marino, former members of the Clarksburg City Council, was held and completed on April 9, 2024. It was alleged in the Statement of Charges that the Respondents had used their public offices for private gain and violated the voting rules by participating in the discussion and vote on city ordinances related to the extension of their terms in office.

On November 7, 2024, the Ethics Commission found that the charges had been established by clear and convincing evidence and ordered the following sanctions against each of the Respondents: a public reprimand, pay a fine in the amount of \$200 for the violations of the Ethics Act, reimbursement to the Ethics Commission in the amount of \$2,196.12 each, and an Ethics Act training requirement. The Respondents appealed to the West Virginia Intermediate Court of Appeals on December 7, 2024. By Order issued November 13, 2025, the Intermediate Court of Appeals affirmed the decision of the Ethics Commission on the six counts related to the voting provisions, W. Va. Code § 6B-2-5(j), but reversed the decision related to the use of public office for private gain, W. Va Code § 6B-2-5(b).

Conciliation Agreements during 2025

[Daniel Cooley](#), Division I Forester, WV Division of Forestry

Mr. Cooley was employed by the West Virginia Division of Forestry (“Division”) as the Division I Forester for Barbour County. The Division was aware of the practice of offering to forgo a citation for an illegal burn and instead issuing a warning in exchange for a donation to a volunteer fire department. The Division condoned this practice as a way of providing financial assistance to volunteer fire departments upon which the Division relies for extinguishing fires. Since the Division realized that the prohibitions of the Ethics Act may be applicable to this practice, the Division has directed its employees to cease the practice. Mr. Cooley admitted that on March 2, 2025, he used his public position for the private gain of the Philippi Volunteer Fire Department in violation of W. Va. Code § 6B-2-5(b)(1) by offering to forgo issuing a criminal citation in exchange for a donation to the Philippi Volunteer Fire Department in violation of W. Va. Code R. § 158-7-7.4. Mr. Cooley was ordered by the Ethics Commission to cease the practice of offering to forgo a citation for an illegal burn and issue a warning in exchange for a donation to a volunteer fire department and to undergo training on the West Virginia Governmental Ethics Act.

[VCRB 2023-70](#) - Nathan Harmon, Berkeley County Sheriff

Mr. Harmon used public funds to design, produce, procure, and distribute challenge coins with his name on the coins in 2021 in violation of W. Va. Code §§ 6B-2-5(b) and W. Va. Code R. § 6B-2B-2(b) of the West Virginia Governmental Ethics Act. He also used his position as Sheriff to interfere in an investigation of a vehicle accident in violation of W. Va. Code §§ 6B-2-5(b). Mr. Harmon was ordered to undergo training and pay a fine of \$500. Mr. Harmon was publicly reprimanded.

[VCRB 2024-112](#) - Norman Mines, Mingo County Deputy Sheriff

Mr. Mines is a Deputy Sheriff for the Mingo County Sheriff’s Department and serves as the President of the Mingo County Deputy Sheriff Association, a voluntary, private organization made up of members of the Mingo County Sheriff’s Department. As a member and President of the Mingo County Deputy Sheriff Association, Mr. Mines had authority to oversee, approve, and publicize endorsements made by the Association for candidates seeking various elected political offices in the state of West Virginia including the office of Attorney General of West Virginia. Mr. Mines admitted that he violated W. Va. Code § 6B-2-5(b)(1) of the West Virginia Governmental Ethics Act when he wrote or caused to be written, and then signed, a letter on behalf of the Mingo County Deputy Sheriff Association withdrawing endorsement of a candidate for political office, which letter appeared to be an official law enforcement endorsement insofar as the letter

displayed sheriff badges titled, “Mingo County Sheriff’s Office” as well as the address, telephone, and fax numbers belonging to the Mingo County Sheriff’s Office. Mines asserted that he was unaware of these restrictions in the law. Mr. Mines was ordered to undergo training, pay a fine in the amount of \$750, and ordered to cease and desist from using his position as a public employee to engage in political activities on behalf of candidates in partisan elections in West Virginia.

VCRB 2024-51 - James Hunt, former Corporal, City of Charleston Police Department

Mr. Hunt was a law enforcement officer in the City of Charleston’s Police Department. As a police officer for the City of Charleston, Hunt was issued a cell phone for official business. Hunt used this city-issued cell phone for private purposes. Mr. Hunt admitted that on occasions he listed the telephone number of his city-issued cell phone with governmental agencies for personal purposes in violation of W. Va. Code §§ 6B-2-5(b) and W. Va. Code R. § § 158-6-5.2 of the West Virginia Governmental Ethics Act. Mr. Hunt was issued the following sanctions: (1) Mr. Hunt agrees to never hold public office; (2) Mr. Hunt agrees never to serve in Law Enforcement again; (3) a public reprimand; and (4) a copy of the Conciliation Agreement will be provided to the West Virginia’s Law Enforcement Professional Standards Program.

VCRB 2024-116 - Richard Martin, former Mayor of Reedy

Richard Martin was the Mayor of the City of Reedy, West Virginia. He entered into a conciliation agreement to three counts of using his public office for private gain in violation of W. Va. Code § 6B-2-5(b)(1). First, Mr. Martin used public funds from the Reedy Maintenance Account to pay his personal electric bill. This was evidenced by a check register entry on the City’s Poca Valley Bank account showing an electronic payment in the amount of \$218.97 for Martin’s electric bill. Secondly, Martin’s father worked for the City of Reedy until approximately May and June 2024, when he retired from his city position, and city council awarded him unearned vacation and sick time. However, shortly after his father’s retirement, Martin rehired his father without approval of the city council. Finally, in July of 2024, the Reedy city council finance committee performed an audit of the bingo/raffle account. Reviewing what bingo records were available, thousands of dollars appeared missing from the account. Furthermore, a security video recorded Martin opening the cash box containing proceeds from the bingo/raffle sessions and appearing to put cash in his wallet. Martin denied the validity of the city council finance committee audit but nonetheless agreed to the conciliation. He received a public reprimand, fine of \$1000.00 and is required to undergo ethics training.

VCRB 2025-63 - Larry Thomas, Member, Tyler County Board of Education

Mr. Thomas is a member of the Tyler County Board of Education. He entered into a conciliation agreement for violating the nepotism provisions of the Ethics Act found at

W. Va. Code § 6B-2-5(b)(4). Specifically, on or about January 5, 2021, Mr. Thomas sent a text to the county superintendent requesting that he help “get my son back home” as a favor in apparent reference to a principal position that the board of education would shortly be posting. The text implied that since Mr. Thomas had worked to benefit the superintendent financially during the recent executive sessions of the board of education concerning his salary, he was owed a favor. Mr. Thomas agreed to a fine of \$750, a public reprimand and to undergo ethics training.

VCRB 2024-44 - Stephen L. Deweese, former Sheriff of Putnam County

Mr. Deweese is the former Sheriff of Putnam County, January 1, 2012, through December 31, 2020, and was a County Commissioner when this Complaint was filed. During Mr. Deweese’s terms as sheriff, the Putnam County Sheriff’s Department would take a Department picture for the use of a private company, Scholarship Calendars. Scholarship Calendars would write a check for \$1,000 made payable to the Putnam County Sheriff each year, which Mr. Deweese retained and used for his private benefit. The Ethics Commission referred this matter to the prosecutor on March 7, 2024.

A plea agreement between the special prosecutor and the Respondent was announced on or about November 19, 2024. Under the terms of the agreement, Mr. Deweese agreed to plead guilty to a misdemeanor for a fraudulent scheme which could have resulted in up to a year in jail, a fine of up to \$2,500 or both, restitution of \$4,000, resignation from the Putnam County Commission, and to never run for public office again. On February 12, 2025, Deweese was sentenced to a year probation and restitution of \$4,000.

Under such circumstances, W. Va. Code § 6B-2-4(w)(1) prohibited the Ethics commission from imposing an additional fine upon Mr. Deweese, but the agreement did result in an admission of private gain. The Commission imposed no sanctions in this matter.

Lobbyists

The Ethics Commission conducts the registration of lobbyists in West Virginia. It also processes and enforces lobbyists’ reporting of their lobbying activities and expenditures. The Commission also retains a Certified Public Accountant to conduct annual audits of randomly selected lobbyists’ activity reports.

Active Registered Lobbyist by calendar year

2025 - 471
2024 - 424
2023 – 386
2022 – 362
2021 – 321

Lobbyist spending by calendar year

2025 - \$469,877.97
2024 – \$845,323.38
2023 – \$741,332.10
2022 – \$429,854.83
2021 – \$342,983.58

Financial Disclosure Statements

The Ethics Act requires certain public officials and candidates to file Financial Disclosure Statements with the Commission. All Disclosures are available for public inspection and copying. Disclosures filed by members of the Legislature, elected members of the executive department, justices on the Supreme Court of Appeals and candidates for these positions are placed on the Commission’s website at [Financial Disclosure Search](#).

Following are the numbers of Disclosures processed during the prior five calendar years:

2025 – 2,048
2024 – 3,586
2023 – 3,162
2022 – 3,759
2021 – 3,240

Training – Public Servants and Lobbyists

The Ethics Commission staff provides training on the Ethics Act, the Open Governmental Meetings Act, and the Administrative Law Judge Code of Conduct to large groups of public officials and employees and to lobbyists. In addition to “live”

training sessions, the Commission provides videos of training on the Ethics Act, the Open Governmental Meetings Act, and lobbyist provisions on its website.

The Commission trained 1,509 public officials, employees, and lobbyists in 2025 for the following agencies, associations, and events:

Auditor's Office (2 trainings)
Bureau for Child Support Enforcement
Chapter 30 Licensing Boards
City of New Martinsville
Homeland Security Emergency Response
Lobbyist Training (2 trainings)
New Legislators
New Legislators and Staff
Quarterly Training for the Public on the Ethics and Open Meetings Acts (4 trainings)
Purchasing Training (3 trainings)
Treasurer's Office
WV Association of Government Accountants Board
WV Association of School Business Officials
WV Housing Development Fund (2 trainings)
WV Municipal Finance Officers Association
Workforce WV Board of Review

New Legislation in 2025

[House Bill 736](#) passed on April 10, 2025, and went into effect July 9, 2025, relating to the publication of registered lobbyist information.

Report issued January 31, 2026