

FALL VIRTUAL TRAINING

The Ethics Commission is offering another virtual training to public officials, employees, and the public on the Ethics Act and the Open Meetings Act on **November 9 at 12:00 p.m.** WV Attorneys will receive one hour of CLE credit. Please email kimberly.b.weber@wv.gov for an invitation.

AGENCY CELL PHONE USE



The Ethics Commission held that an agency may not allow its employees to use, for free, their agency-provided cell phone as their personal cell phone device and plan. Incidental and de minimis personal use of an agency cell phone which does not result in an additional cost to the agency is still okay.

phone if the employees pay a reasonable fee to the agency for the personal use and do not use it for commercial or political campaign purposes.

A.O. 2021-15

Blast from the Past

Agency employees and officials may not use their agency's Sam's Club card or similar shopping club memberships for personal purchases- even if the agency does not incur any additional costs. A.O. 2010-18

Exception -- an agency may allow its employees to use their agency-provided cellular phone and plan as their personal cell

ADVISORY OPINIONS-WEBSITE

Since its creation in 1989, the Ethics Commission has issued hundreds of advisory opinions. Advisory opinions about the Ethics Act that were issued since 2005 may be viewed [here](#). Older opinions are available upon request.

You can also find opinions by the Commission and its Committees on our website about the following:

- W. Va. Code § [61-10-15](#) (relating to county officials' prohibited interests in contracts)
- W. Va. Code § [18-5-1a](#) (relating to

eligibility to serve on county boards of education and whether BOE members may hold certain other public positions).

- The [Open Governmental Meetings Act](#), and
- The [Standards of Conduct for State Administrative Law Judges](#)

Only persons subject to the relevant statute may request an advisory opinion. The identity of the requester, except for Open Meetings Act opinions, will not be disclosed in the opinion.

NEW ADVISORY OPINIONS

Advisory Opinion [2021-20](#) Nepotism

A sheriff's son may be employed as the director of courthouse security if the sheriff's chief deputy is responsible for hiring for this position and supervising the son.

Advisory Opinion [2021-19](#)

Town employee who works at the welcome desk at town hall may not have on her desk a cup that has a campaign slogan for a former candidate for federal office visible to the public.

Advisory Opinion [2021-17](#)

City employees are prohibited from accepting tips from members of the public when the employees are being fully compensated by the City. To accept additional compensation, including tips, would result in prohibited extra compensation.

Advisory Opinion [2021-16](#)

The Ethics Act prohibits a board of education member or employee from using board of education facilities on terms and conditions that are not available to the public.

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