

## Happy Fall from the Ethics Commission

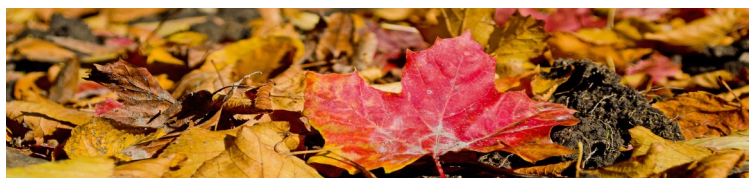
The next virtual training on the Ethics Act and the Open Meetings Act will be on December 8 at 12:00 p.m. (1 hr. CLE credit). For an invite, please email [kimberly.b.weber@wv.gov](mailto:kimberly.b.weber@wv.gov).

### Settlement (“Conciliation”) Agreements

The Ethics Act includes a process to resolve verified complaints filed with the Commission. The complaints are resolved by either dismissal, settlement, or through the public hearing process. This edition will highlight some examples of conduct by public servants that resulted in settlement /aka/ conciliation agreements, which include:

- State employees gave a mailing list of all WVU football season ticket holders to a candidate for public office to use for soliciting campaign donations.
- A University procurement officer accepted two free NFL tickets from a vendor.
- A Mayor had town employees fix water leaks at his house.
- A Sheriff used a deputy’s confidential medical information to campaign against him.
- A State agency director stored his personal furniture in the state’s office building.
- An Assistant Principal bought wedding decorations with the school’s p-card.
- A Circuit Clerk attempted to persuade police officers who were arresting him to not take him to jail, saying, “Do you know who I am?” and that he would retaliate against them.
- A County Assessor used the county’s p-card for a down payment on a Harley-Davidson motorcycle!
- Public Service District employees sold PSD equipment on eBay and kept the money. (See page two for more examples.)

Some possible sanctions for violations of the Act: A fine up to \$5,000 per violation, a public reprimand, investigative costs, and a recommendation of termination. You can read more about the conciliation agreements, including the sanctions that were imposed, on our [website](#).



## New Opinions

[AO 2022-17](#): BOE members and school superintendents may speak for or against two proposed constitutional amendments. BOE public resources may be used to educate the public on the amendments, and to advocate for or against the “Education Accountability Amendment,” since no private gain is involved. BOE public resources may not be used to advocate for or against the “Property Tax Modernization Amendment” since private gain is involved.

[CE 2022-02](#): The Commission granted an exemption to the Pleasants County Development Authority to sell land at a business park to a candy manufacturing business owned by Michael W. Smith, Jr., a Pleasants County Commissioner.

[CE 2022-03](#): The Ethics Commission granted the West Virginia Department of Transportation, Division of Highways, a contract exemption to allow it to contract with one of its employees, Charles Murphy, for the free use of a computer application that he developed under terms that allow Mr. Murphy to retain any intellectual property improvements that may result from the DOH’s use of his app.

## Reminder for Candidates

Candidates (including incumbents) for elected state and county offices must have filed a Financial Disclosure Statement with the Ethics Commission in order to be on a ballot, take the oath of office, or receive compensation from public funds. ([W. Va. Code § 6B-2-6](#)).

From page 1, more Conciliation Agreements:

- A Mayor who was a candidate for the House of Delegates used a city-owned cell phone and service plan for his election campaign.
- A State football coach used the university’s bonus points from a sports apparel business to obtain sports wear for him and his family.
- A Mayor had the Police Chief take him to and from the airport for personal travel; and he used the City’s funds, staff, tax exempt status, and discount to have the oil and filter changed on his personal vehicle.