



## Happy New Year from the Ethics Commission

Our next virtual training on the Ethics Act and the Open Meetings Act is on January 30, 2025, at 12 noon - 1pm. Earn 1 hour CLE/CPE credit. Email [kimberly.b.weber@wv.gov](mailto:kimberly.b.weber@wv.gov) for an invite.

### Financial Disclosures Due February 3

All **elected state and county** officials, including county board of education members, and school board superintendents, are required to file a Financial Disclosure Statement (FDS) with the Ethics Commission by February 3, 2025.

Appointed members of **state** boards, and commissions, and certain executive branch state employees must file. Governor appointees must file within 30 days of assuming their duties. See page 2 for which state **employees** must file.

The only municipal candidates and elected officials who must file are those in Charleston, Fairmont, and Morgantown. Candidates and officials in other towns and cities do not file a FDS with the Commission.

Click [here](#) for forms and online filing.

Please notify [Rachel.y.carpenter@wv.gov](mailto:Rachel.y.carpenter@wv.gov) if you are no longer in a position required to file. See page 2 for more about online filing.



### \*NEW OPINIONS\*



#### Ethics Act

**AO 2024-10** A county farmland protection board member may *not* participate in a farmland program in which the board would pay him for a conservation easement on his farm. [Overruled **AO 2003-07**.] A board member may vote on his uncle's application for a conservation easement because the member does not have financial interests with his uncle and is not an immediate family member.



**AO 2024-11** A state agency may permit a mother and daughter to work as co-workers, without supervising the other, when one's work may only tangentially affect the workload of the other. The Ethics Act would prohibit, however, a relative from intentionally using her position to decrease the workload of her relative.

#### Open Meetings Act

**OMAO 2024-02** A county planning commission's *committee* may be a "governing body" of the planning commission. A committee must comply with the Open Meetings Act when the planning commission 1) has delegated authority to the committee to make recommendations to the planning commission's staff or consultants 2) on policy or administration 3) who then make recommendations to the planning commission on those same matters.

**OMAO 2024-03** A steering committee created by a city council to work with an engineering firm to develop a master plan for a park is a "governing body," so a quorum of its members may not meet to deliberate or vote on policy or administrative matters outside of a properly noticed public meeting.

## Lobbying Laws in West Virginia

The new year brings our state Legislators and Lobbyists to Charleston for the WV 2025 regular session, which starts on February 12 this year. The Ethics Act requires some people to register with the Ethics Commission prior to engaging in lobbyist activities. Registering is easily done through our website's new **Lobbyist Portal**, at <https://registerlobbyist.wv.gov/>.

### Who Needs to Register as a Lobbyist?

A person who:

- Communicates with a state government official or employee to influence the passage, defeat, approval, or veto of legislation, rules, regulations, legislative rules, standards, rates, fees, or other state agency action **AND**
- Is compensated to lobby **OR**, if uncompensated, spends over **\$150** on lobbying activities. Please see: **W. Va. Code § 6B-3-1** and **W. Va. Code R. § 158-12**.

### Lobbyist Q&A

Q: If a lobbyist spent \$20 taking a legislator out to lunch, does the lobbyist need to report this on her Lobbyist Activity Report?

A: The lobbyist must report the amount spent on the legislator's lunch (plus the tip). The name of the legislator must be listed on Schedule A to the Lobbyist Activity Report.

### Who Needs Not Register to Lobby?

A person who:

- Only attends receptions, dinners, parties, or other group events without making expenditures
- Only appears before public sessions of Legislative committees or agency public hearings
- Only lobbies on behalf of nonprofits for no more than 20 days per session
- Works as a news or media employee
- Serves as a state government official or employee
- Only renders professional services or advice to clients regarding prospective legislation – "experts"



For questions, contact Kateland, our new Lobbyist Registrar, at [kateland.j.cantrell@wv.gov](mailto:kateland.j.cantrell@wv.gov)

### Do State Employees Have to File an FDS?

Yes, some do! The following state *executive branch employees* must file an FDS: **Secretaries of departments, commissioners, deputy commissioners, assistant commissioners, directors, deputy directors, assistant directors, department heads, deputy department heads, and assistant department heads**. If you have two titles, such as a civil service classification (Director I) and a working title (Supervisor of Maintenance), you must file an FDS because one of the titles has the operative word ("director") in it. Non-elective employees in the legislative and judicial branches and higher education employees (unless Governor appointed) do not need to file.

### Online FDS Filing

If you have not previously filed online, click [here](#) and follow the instructions.

To file online again, click [here](#). If you have forgotten your username or are unable to reset your password, call Tyler Technologies at (304) 414-0265. (For fillable paper forms, click [here](#).)

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