

# WEST VIRGINIA ETHICS COMMISSION

## WV ETHICS NEWS

April 2026 Volume 29

### TRAINING INFORMATION

Our next virtual training on the Ethics and Open Meeting Acts will be on April 30, 2026, from noon-1:00. The training has been approved for one hour of CPE and CLE credits. email [kimberly.b.weber@wv.gov](mailto:kimberly.b.weber@wv.gov) for an invite. We also offer private training sessions for large groups.

Welcome to our Quarterly Edition of the WV Ethics News



## New Opinions

### Advisory Opinion 2026-01

A Mayor may post city-related content on his personal social media page, which has been monetized, if the content is readily available to the public by other means. He is also permitted to post city-related material *not readily available* to the public only if the following conditions are met:

- (1) City permission: The city must grant general permission for the use of non-public city-related material.
- (2) Financial contribution: A reasonable amount of the net proceeds attributable to the city-related material not readily available to the public must be donated to either a charitable organization or the City.
- (3) No campaigning: The social media page may not simultaneously contain content related to campaigning for public office.



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## School Board Advisory Opinion 2026-01

The Ethics Commission held that the position of assistant superintendent does not constitute a public office for purposes of W. Va. Code § 18-5-1a(a)(3)(A). Accordingly, the Requester may serve on a county board of education and continue to work as an assistant superintendent for *another* county board of education.

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## **New Contract Exemptions**

### Contract Exemption 2026-01

#### Boone County Parks and Recreation Board

The Ethics Commission granted a contract exemption to the Boone County Parks and Recreation Board to contract with Joey Sharp, a board member, at the rate of \$10 per hour for one year. The contract Exemption is effective until February 1, 2027.

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### Contract Exemption 2026-02

#### Snowshoe Resort Community District

The Ethics Commission granted a contract exemption to the Snowshoe Resort Community District to lease office space from First Tracts Real Estate, LLC, a business with which Davis Simmons, a district board member, is associated for two years at a monthly rate of \$2,200. The exemption is effective until January 30, 2028. The District must continue to use due diligence in securing alternative office space.



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## Contract Exemption 2026-03

### Harrison County Solid Waste Authority

The Ethics Commission granted a contract exemption to the Harrison County Solid Waste Authority to purchase property to build a recycling center from Richard Barnett, the Executive Director of the Solid Waste Authority under the following conditions: First, the Harrison County Solid Waste Authority may not pay Mr. a price that exceeds a current property appraisal from a qualified appraiser for the subject property. Second, the Executive Director must recuse himself from decisions, discussions, and votes relating to the contract. He must follow the restrictions in W. Va. Code § 6B-2-5(j).

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## Contract Exemption 2026-04

### City of Smithers

The Ethics Commission granted a contract exemption to the City of Smithers to contract with Giannini Construction and Excavation, LLC, which is owned by a city council member, to demolish dilapidated structures through the WV REAP program in 2026.

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## Contract Exemption 2026-05

### Snowshoe Resort District

The Ethics Commission granted a contract exemption to Snowshoe Resort District to contract with David Dragan, a district board member, to serve as interim manager for up to one year while the District finds a new manager.

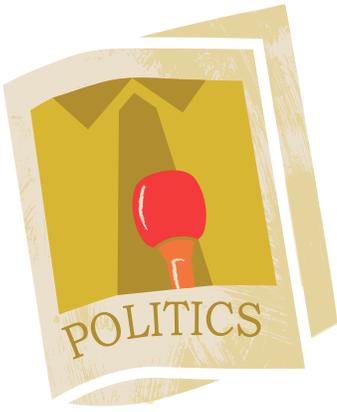


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## Political Activities

Our [Election Booklet](#) explains the Ethics Act's limitations on a public official campaigning for other candidates. The Act's focus is limited to preventing the use of public resources for private gain rather than *preventing* most political activities. For example:



- **Political Endorsements**

- Political endorsements are generally permitted.
- An official may use their public title to endorse another candidate, even in newspaper advertisements or other media announcements.
- The official **may not** spend public funds for endorsement purposes.

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- **Use of Public Office and Resources**

- Public officials and employees are generally restricted from using public resources, including their public work time, supplies, premises, and the prestige of their office for the unlawful personal benefit of themselves or another person.
- A public employee running for or endorsing another candidate for public office **may not** use public resources.
- A college professor at a public institution, the Ethics Commission held may not invite only one candidate to speak to a class about their platform without offering the same opportunity to other candidates in that race.
- An agency owned cell phone may not be used for political campaign purposes.
- A town employee may not display a coffee mug with a campaign slogan on their desk if it's visible to the public in town hall, as this could be considered using public premises to endorse a political party.



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WEST VIRGINIA ETHICS COMMISSION  
210 BROOKS STREET, SUITE 300  
CHARLESTON, WV 25301  
304-558-0664 [ETHICS@WV.GOV](mailto:ETHICS@WV.GOV)