



The Ethics Commission is offering another virtual training on the Ethics Act and the Open Meetings Act on September 20, 2022, at 12:00 p.m. (1 hr. CLE credit). For an invite, please email kimberly.b.weber@wv.gov.

Q&A

Welcome to the lazy days of summer. During the first quarter of 2022, staff at the Commission answered 757 questions over the phone about the Ethics and Open Meetings Act (and other statutes under its authority). We have collected interesting or frequently asked questions that we have received this year. Here are some examples*:

Q: Homeless people keep coming up to my porch and asking for cigarettes. The mayor and city council won't do anything to stop this. What can the Ethics Commission do about this situation?

A: The Ethics Commission does not have authority to make the mayor or city council address your concerns about homeless people trespassing in your yard.

Q: Does the pursuit of an ill-conceived, foolish, and money-wasting project constitute a violation of the Ethics Act?

A: No. Although failure to wisely manage the public business is a serious matter, it is usually beyond the scope of the Ethics Act. After all, the latter is really a matter of opinion to a large degree.

Q: My spouse serves on a board for a public university. I am a public employee, and I help approve grants to that public university. Is that okay?

A: Yes. Neither you nor your spouse stands to financially benefit from any grant awards received by the university. (Similarly, a county official has no financial interest in her adult son serving on a county board. [AO 2019-10.](#))

Q: A city council member is having a yard sale. May she put out a collection jar at the yard sale and donate the proceeds to the animal shelter?

A: Yes. That is okay because public officials may solicit donations for charitable causes. Putting out a jar is a non-coercive and permissible solicitation.

*The facts and answers have been modified to protect the confidentiality of the requests.

Statewide election:

November 8, 2022: General Election

All candidates are welcome to attend the above training

New Advisory Opinions

2022-10 - A County Assessor may accept an “honorarium” from a professional association to cover travel-related expenses for being an instructor or attendee at its conference.

2022-11 - A State Agency may post a list of employee-suggested restaurants on its internal wellness website because there is an overriding public benefit in promoting employee wellness and morale.

2022-12 - A former Deputy Secretary of a state department is not prohibited from seeking employment in the private or public sectors or from registering as a lobbyist without waiting one year.

SBAO 2022-01 - The Commission does not have authority to determine whether an unpaid volunteer coach is an employee of the BOE barring eligibility. The Commission only has authority to interpret whether another position is a “public office” which would bar service on a county BOE.

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, 10](#)).

New Lobbyist Disclosure Law

Beginning July 1, public agencies must make disclosures to the Ethics Commission about its contracts with lobbyists.

See [HB 3220](#)

“TIP” OF THE SEASON

Public W-2 employees, including part-time workers, may not accept over \$25 from a customer per calendar year in tips under the provisions of the Ethics Act.

See A.O. [2021-17](#)

