

## Virtual Training!

A special welcome to newly elected local officials! The Ethics Commission is here to help you stay on the right side of the Ethics Act. We are offering virtual training to ALL public officials and employees on the Ethics Act and the Open Meetings Act on **August 11 at 12:00 p.m.** Please email [Kimberly.b.weber@wv.gov](mailto:Kimberly.b.weber@wv.gov) for an invitation.

### **A CAUTIONARY TALE...**

The Ethics Commission ruled that a small Town could not use \$100,000 of FEMA funds to pay a Council member for his many hours of hard work he performed for the Town. His work involved overseeing the clean-up and repairs caused by the devastating 2016 flood.

Just weeks before the flood of 2016, the Town appointed the Council member as its FEMA Hazard Project Manager. The Town did not seek applicants or run advertisements for the position. The Town appointed the Council member because he was already employed as the Town's Floodplain Manager and had existing knowledge and experience in disaster management.

**His workmanship and talent were never in question!**

However, most contracts (other than for employment) between a town and a council member are prohibited. The Commission may grant an exemption from the prohibition only if a public agency could provide evidence that the prohibition would result in excessive cost, undue hardship, or other substantial interference with the operation of the Town.

The Town did not **advertise** the contract and did not seek an exemption **before** the Council member did the work. Therefore, the Town could not prove that there was no other qualified person to do the work. **The result was the Council member could not get paid for his thousands of hours of work.**

## Meet Our Staff

John Roush is the latest addition to the legal staff at the Ethics Commission. He hales from eastern Kanawha County, graduating from East Bank High School in 1975. John joined the staff in December after working nearly four decades with school employee unions.

John received his undergraduate degree from Marshall University and law degree from WVU. Is he a Son of Marshall or Mountaineer Fanatic on Saturdays in the fall? John is a member of that small cadre that possess a “soul divided.” He cheers on both the Mountaineers and the Thundering Herd with equal fervor. To the contrary, his wife follows a commoner path and bleeds blue and gold exclusively-sometimes creating a “house divided!”



## New Advisory Opinions

**Advisory Opinion [2021-01](#):** A board of education may pay the superintendent’s attorney fees for the defense of a pending ethics complaint under some circumstances.

**Advisory Opinion [2021-02](#):** A mayor may appear in a promo video seeking donations for a drug recovery center.

**Advisory Opinion [2021-04](#):** A county prosecutor could not employ her boyfriend, because the prosecutor did not advertise the position.

**Advisory Opinion [2021-08](#):** A board of education member may participate in updates on a lawsuit filed against the Board by her brother.

**Advisory Opinion [2021-09](#):** A police officer may not keep \$75 worth of gift cards from a citizen who collected them from several businesses - even though each gift card was not more than \$25.

**Advisory Opinion [2021-10](#):** A county commissioner may not work for a CVB because the County appropriated around 43 percent of the CVB’s budget.

**Advisory Opinion [2021-11](#):** Businesses owned by city council members may apply for grants from the city’s small business grant program.

### Contact us

210 Brooks Street  
Suite 300  
Charleston, WV 25301

(304) 558-0664  
(866) 558-0664

Email: [ethics@wv.gov](mailto:ethics@wv.gov)  
Website: [ethics.wv.gov](http://ethics.wv.gov)