

# Advisory Opinion 2026-01

Issued on March 5, 2026, by

The West Virginia Ethics Commission

## Opinion Sought

A **Mayor** asks whether he may monetize his personal social media page, which includes posts and videos about his personal and municipal affairs, and whether he must donate any resulting net proceeds to a charitable organization or the City.

## Facts Relied Upon by the Commission

The Requester has a Facebook personal social media page on which he posts about his personal life, including his family, friends, interests, and for-profit business enterprises. In addition to personal posts, the Requester identifies himself as the Mayor and frequently posts or shares material, including videos (reels), that involve various city-related matters. The municipal affairs posts include routine items such as council meeting dates, city or area events, as well as pictures and videos of city employees engaging in various job duties. His city-related posts do not include confidential information, and some of the information is also posted on the City's social media pages. Some of the reels show material that the Requester was able to video only by having prior knowledge of the event through his official position, even though the event itself was publicly visible. Some of the reels are reposted videos shared by other people, including other city officials or employees.

The Requester states that Facebook recognizes his personal social media page as highly credible with a high ranking within the algorithms or formulas that generate substantial traffic. For instance, in certain months, the Requester's page has accrued several million views. A portion of these views are attributable to posts featuring videos of municipal activities. As an illustration, one video depicting a routine function performed by city employees garnered over one million views. In this video, a city employee used a snow plow to clear a road full of melting snow, giving the visual effect of water being plowed. Other views are attributable to events occurring in the community that anyone could post about. And some views are attributable to other random posts about the community and from his travels elsewhere throughout the world.

Although the Requester cannot entirely discount the possibility, he lacks information confirming that the prestige associated with his mayoral office has increased the earning capacity of his social media page.

The Requester reports frequently receiving invitations from Facebook encouraging him to monetize his page and earn money through its [Facebook Monetization Program](#). Facebook determines its payout structure, which is influenced by factors such as the

volume of traffic or views a page generates. According to Facebook, the payouts per one million views show significant variation depending on the creator's specific audience and niche. These payments can range broadly, from a few hundred dollars to several thousand dollars for every one million views.

The Requester seeks an advisory opinion on two matters concerning the monetization of his personal Facebook page. First, he asks whether it is permissible to earn revenue from the page given that some proceeds would stem from posts related to city business. Second, if monetization is allowed, he asks whether the resulting net proceeds must be donated to a charitable organization or to the City itself.

### **Provisions Relied Upon by the Commission**

W. Va. Code § 6B-2-5(b) provides in part:

A public official or public employee may not knowingly and intentionally use his or her office or the prestige of his or her office for his or her own private gain or that of another person. Incidental use of equipment or resources available to a public official or public employee by virtue of his or her position for personal or business purposes resulting in de minimis private gain does not constitute use of public office for private gain...

### **Advisory Opinion**

The operative provision of the Ethics Act, at [W. Va. Code § 6B-2-5\(b\)](#), prohibits public officials and employees from using the government's public resources that are available to them by virtue of their public position for someone's private gain. For example, public officials may not use (more than a de minimis amount of) the government's equipment or office space for personal or business purposes if the resources are not also available to the public. The Act also limits the use of prestige of public office for private gain.

Some of the content posted on the Respondent's page contains information that is readily available to the public, such as the city council regular meeting agenda and minutes. This type of information can also be posted by any other person. The mayor is not getting this information by virtue of his mayoral position. The Mayor should not be prohibited from posting public information that any person is free to post on their personal media pages. This reasoning is consistent with the Commission's prior advisory opinions, such as [Advisory Opinion 2021-16](#), in which the Commission held that board of education members or employees may not use school facilities on terms more favorable than those available to the public.

**The Commission holds that the Ethics Act does not prohibit the Requester from posting city-related content on his personal website for private gain, including keeping the proceeds, if the content is readily available to the public.**

The Commission must now determine whether the Mayor may keep net proceeds he earns from the Facebook Reels or posts that was gained using the prestige of his public office or city resources or information he is privy to by virtue of his mayoral position *but not readily available to the public*? Or must the Mayor donate the net proceeds to a charity or the City?

The Commission has not answered these questions in past advisory opinions. The Commission has made clear that a public official or employee may solicit donations for a charitable purpose when there is no resulting direct pecuniary benefit to the public official or public employee or his or her immediate family members. W. Va. Code § 6B-2-5(c). See, for example, [Advisory Opinion 2023-10](#), in which the Commission held that city officials may solicit donations for the city's free, outdoor concert series held in its amphitheater because it served a charitable purpose. In the Opinion, the Commission also approved of the city using GoFundMe or similar crowdsourced funding, cautioning that the city should regard any applicable laws or rules governing the receipt of electronic donations through these types of computer applications. In this case, the limitations on soliciting for charity do not apply. The Requester here is not *soliciting* donations in this case because he is offering a thing of value (his content) in exchange for money. See [W. Va. Rule § 158-7-6](#). Therefore, the Act's limitations on soliciting for charity are not applicable.

The Commission has also made clear that a public official or employee may raise money for their public agency for non-charitable purposes, such as a city's operating expenses, by selling a thing of value in exchange for the funds. For example, the Commission held, in [Advisory Opinion 2024-04](#), that public employees who were members of a professional association may sell advertising to raise funds to help defray the costs of hosting a dinner theater event when the proceeds will be used for scholarships for continuing education opportunities and professional certifications for its members. The Commission prohibited the employees from asking for donations for the state's operating expenses because that is not a charitable purpose, but permitted them to sell advertising, and for the proceeds to help support the state's operating expenses.

The Ethics Commission cannot determine the amount of revenue that the city-related material not readily available to the public and the Requester's prestige will generate on the Requester's personal social media page. This financial assessment must be made by the Requester and the City.

**The Ethics Commission has determined that the Requester is permitted to identify himself as Mayor and to post or share non-confidential, city-related material not readily available to the public on his personal social media page, provided 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.<sup>1</sup>**
- 3. No Campaigning: The social media page may not simultaneously contain content related to campaigning for public office.**

*This Advisory Opinion is based on the facts provided. If all material facts have not been provided, or if new facts arise, the Requester must contact the Ethics Commission for further advice, as it may alter the analysis and render this Opinion invalid. This Advisory Opinion is limited to questions arising under the Ethics Act, W. Va. Code §§ 6B-1-1 through 6B-3-11, and W. Va. Code § 61-10-15, and does not purport to interpret other laws or rules.*

*In accordance with W. Va. Code § 6B-2-3, this Opinion has precedential effect and may be relied upon in good faith by public servants and other persons unless and until it is amended or revoked or the law is changed.*

/s/ Robert J. Wolfe  
Robert J. Wolfe, Chairperson  
West Virginia Ethics Commission

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<sup>1</sup> This holding is consistent with our holding in [Advisory Opinion 2021-15](#): “[I]t is permissible for an agency to allow its employees to use their agency-provided cellular phone and plan as their personal cell phone if the employees pay a reasonable fee to the agency for their personal use....”