



Happy Fall

Our next virtual training on the Ethics Act and the Open Meetings Act is on October 30 at 12 noon - 1pm. Earn 1 hour CLE/CPE credit. Email kimberly.b.weber@wv.gov for an invite.

Changes in the Membership of the Ethics Commission

Governor Patrick Morrisey appointed a new member of the Ethics Commission, **Kayla Kessinger**, on August 5, 2025. Ms. Kessinger served in the West Virginia House of Delegates from the 32nd district from 2014 to 2022 and is currently the Programs Director for Her PLAN, an organization dedicated to helping vulnerable women, children, and families around the country.

Ms. Kessinger replaced long-time Commissioner **Robert D. Harman**. Mr. Harman has devoted his life to the residents of West Virginia, starting his public service journey in 1964. Initially, he worked as a teacher at Keyser High School before being elected to the West Virginia House of Delegates in the same year, where he served continuously until 1984, then returned for a final term from 1986 to 1988. In 1988, he won a seat on the Mineral County Commission, where he distinguished himself with his service until 2000. His dedication to ethical governance was highlighted by his appointment to the West Virginia Ethics Commission in 2017. Mr. Harman's enduring commitment to public service reflects his integrity and steadfast dedication to the people of Mineral County and all of West Virginia.

The Commission and its staff welcome Ms. Kessinger and extend profound appreciation to Mr. Harman for his years of dedicated service to the State of West Virginia and the West Virginia Ethics Commission. See our website for rest of the [Ethics Commissioners](#).

Halloween Pop Quiz on the Open Meetings Act (OMA) (Answers on page 2)



This quiz is *based* on actual questions the Commission received this past quarter:

1. Does the OMA require the Town of Halloween, WV, to let the public to speak at its public meetings?
2. Where should complaints against the Town of Halloween for OMA violations be filed? (Ethics Commission or Circuit Court)?
3. Does the OMA require the Town of Halloween to provide virtual access to its meetings?
4. Does a Halloween town council member need to leave the meeting room during both the discussion and the vote on an issue when he has a conflict?
5. Does the OMA require self-reporting of potential violations?
6. Should the Town of Halloween include its vacant council positions when deciding whether a quorum is present?
7. Must the Halloween Volunteer Fire Department or other non-profit follow the OMA?

New Advisory Opinions

2025-06: The Ethics Act does not prohibit the Town Council from providing free garbage services to its employees as a form of increased compensation. The service was more than an employee appreciation/morale event, which are limited by the Public Employees Appreciation and Retirement Events guideline.

State Code gives municipalities express authority to set the compensation of its employees. The Ethics Commission cannot engage in management decisions, nor be in the business of playing "armchair quarterback" in how and what public employees are paid (within reason and law).

2025-07: A city police department asked if it can solicit funding or sell advertising for a firearms training facility upgrade to area businesses. The Commission ruled that soliciting donations for the upgrade is not permissible as it primarily serves as an administrative cost and doesn't provide a significant public benefit.

However, the department can sell advertising in exchange for plaques if the advertising constitutes a legitimate exchange of value, not a disguised gift solicitation. The value provided to the advertiser (e.g., visibility of plaques/signs) must be a valuable consideration. Sales or solicitations must be fair, not coercive, and include a disclaimer that advertising does not imply endorsement.

New Conciliation Agreement

The facts: A city police officer used his city work phone in violation of the Ethics Act. He used it for his personal business for three years and for his coaching job at a school. He also sent inappropriate pictures of himself from his city work phone.

The outcome: The officer agreed to not hold public office or work in law enforcement again. He also received a public reprimand. To learn more see [Conciliation Agreement 2024-51](#), which is on the Commission's website.



Holiday Gifts and Staff Office Parties



With the holidays approaching, we expect lots of parties, presents, and charitable donations. Please review the following resources on our website:

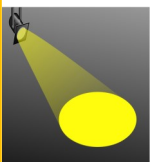
1. The [Public Employee Appreciation and Retirement Event](#) guideline limits using public funds to \$25 per employee each year. (And \$100 for a commemorative retirement item.) Review the guideline before you start planning your event.
2. The [Legislative Rule on Gifts](#) prohibits public employees from accepting gifts over \$25 from vendors and people they regulate (and others).
3. The [Soliciting for Charity](#) guideline lists the causes that the Commission has found to be charitable and not charitable. Don't solicit donations for non-charitable causes.

Answers to pop quiz on page one

1. No, but if a governing body has a public comment period, they may not make speakers sign in more than 15 minutes before the meeting begins. 2. Circuit Court. 3. No. 4. Yes. 5. No, but a public body can attempt to remedy a violation (see [OMAO 2005-10](#)). 6. No (see [OMAO 2007-11](#)). 7. No, non-profit organizations are not subject to the OMA. For further information on the OMA, click here: [Open Governmental Meetings Act](#).



Spotlight: We have some new resources and features on our website:



Online Training on the state [Administrative Law Judges Code of Conduct](#)
Online Freedom of Information Act (FOIA) [request form](#)
Updated Guideline on [Prohibited County Contracts with County Officials and County Schools](#)
[History of the Ethics Commission](#)

To view the website in another language, click the [Translate](#) button on the top left of the homepage and follow the directions.