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WV Ethics News

Guiding WV public officials and employees

Volume 25 April 2025

Happy Spring from the Ethics Commission

Our next virtual training on the Ethics Act and the Open Meetings Act is on April 30, 2025, from 12 noon - 1pm. Earn 1 hour CLE/CPE credit. Email kimberly.b.weber@wv.gov for an invite.

Did You Know?

The Ethics Commission was busy in 2024! The Commission:

Provided 813 confidential responses to requests for informal written advice to public officials, employees, lobbyists, and the public

Gave 2,197 confidential responses to requests for oral advice over the telephone to public officials, employees, lobbyists, and the public

Issued 23 formal advisory opinions and indexed them on our website

Received 146 verified confidential complaints of alleged Ethics Act violations

Trained 2,659 public officials, employees, and lobbyists virtually and throughout WV

NEW OPINIONS

Ethics Act

2025-01 A County Commission may not approve the Sheriff's request to hire his father, who was the former sheriff, as a chief deputy, given that his father participated in creating the chief deputy position when he was the sheriff.

2025-02 County Farmland Protection Board may contract with a bank's customers if an employee of the bank is appointed to the Farmland Board. The member is not associated with the bank for purposes of W. Va. Code § 61-10-15(a), W. Va. Code R. § 158-8-4 and W. Va. Code § 6B-2-5(d). (See also Advisory Opinion 1994-37.)

2025-03 A County Clerk may approve the use of county funds for an elected county official to attend the annual West Virginia Leadership program if there is express or implied authority to do so or if there is an overriding public benefit that justifies the County paying these expenses.

Open Meetings Act

OMAO 2025-01 A meeting does not have to be postponed if a state of emergency or preparedness is declared on a day during the notice period. A governing body must decide on a case-by-case basis how the public would best be served. Some factors to consider are the gravity and public interest in the matters on the agenda for the particular regular meeting and whether the notices and agendas are regularly made available online.

OMAO 2025-02 A county commission may meet in executive session with its attorney to discuss matters covered by the attorney-client privilege. This exception is not limited to matters related to current and pending litigation. A county commission may also meet in executive session to discuss matters personal to an individual official or employee.

(See also OMAOs 2000-10; 2001-02; 2001-25; 2006-13)

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New Contract Exemptions

CE 2025-01 A contract exemption was granted to the Mineral County Sheriff and County Commission to contract with RR Communications, a business owned and operated by Deputy Roger Reall, for installing and servicing the upfitting equipment. Deputy Reall may not use county time or resources to fulfill his obligations under the contract.

CE 2025-02 A contract exemption was granted to Fairmont State University allowing it to lease a 1996 Schweitzer S300 helicopter from a company owned by Fairmont State's assistant chief pilot, Jeremy Griffin. The exemption is effective for two academic years at a rate of $185 per hour and the other terms and conditions of the lease agreement that have been represented to the Commission.

Professional Standards for Lobbyists

Most lobbyists in WV must register with the Ethics Commission. Under the Ethics Act, a lobbyist may not::

- Knowingly deceive or attempt to deceive any government officer or employee as to any matter which is the subject of lobbying activity;
- Cause legislation for the purpose of securing its defeat;
- Exercise any undue influence, extortion or unlawful retaliation upon any government officer or employee due to their position on legislation,
- Give a gift to any government officer or employee valued at over $25 (with exceptions).

See our Lobbyist Directory. For questions, contact Kateland, at kateland.j.cantrell@wv.gov.

Fun Fact

The West Virginia Ethics Act was adopted following the Inaugural Address of Governor Gaston Caperton on January 16, 1989, in which he announced a special session asking the legislature to adopt comprehensive ethics legislation. He stated,

> Our mission will be accomplished as we focus with tenacity on a new set of values. Values like ethics. West Virginians are an honest and straightforward people and they deserve the same from their public officials. We need to be able to trust each other, and that trust can only be achieved with the firm commitment toward ethical standards in government.

Proposed Legislation

Senate Bill 745, if passed in its current form, will make substantial changes to lobbying in West Virginia. Some changes include:

- Lobbyists will file activity reports six times a year (instead of three). Four of the reports will be filed during the regular legislative session.
- Fees will be increased from $100 to $250 per cycle for each lobbyist and each employer.
- The Ethics Commission will provide an electronic reporting system for lobbyists and a searchable database for the public.
- Lobbyists will be prohibited from making political campaign contributions to elected officials and candidates.
- Elected public officials and candidates will be prohibited from soliciting political campaign contributions from lobbyists.
- Lobbyists will wear ID badges at the Capitol.