

WV Ethics

Volume 16 January 2023

Happy New Year

Congratulations to all the successful candidates who are new to public office. Our next virtual training on the Ethics Act and the Open Meetings Act will be on February 9, 2023, at 12:00 p.m. (1 hr. CLE credit). This training may be especially helpful to new public officeholders and employees. For an invite, please email kimberly.b.weber@wv.gov.

Looking for Training for Public Officials and Employees?

The Ethics Commission offers free in-person training on the Ethics Act and the Open Meetings Act for groups of public officials and employees, such as a professional association of public employees. The Commission also offers virtual training and online training and provides training videos on our website. More information on training and our training request form can be found online [here](#).

The Ethics Commission also has booklets and guidelines on various ethics issues, such as prohibited gifts, voting restrictions, and prohibited public contracts. You can see a complete list of these resources [here](#).



New WV Open Meetings Act Opinion

In [Hartman v. Putnam Cnty. Bd. of Educ., No. 21-0765, 2022 \(W. Va. Oct. 17, 2022\)](#), (memorandum decision) the Supreme Court of Appeals considered whether the BOE violated the Open Meetings Act by having electronic conversations (by texts or emails) about whether to close the schools in the event of a work stoppage by school teachers and other personnel. The Open Meetings Act provides that meetings, including electronic meetings, of a govern-

ing body, e.g., a BOE, to decide or deliberate toward a decision that results in “official action” must be held in compliance with the OMA, e.g., in a properly noticed public meeting. The majority of the Court found that “official action” could never have resulted from the electronic conversations because the legislature had given the Superintendent the sole authority to close the schools. Therefore, the BOE did not violate the OMA. (dissent by Justices Bunn and Armstead)

February 1, 2023: Financial Disclosure Statements are due for officials elected to state and county offices, officials appointed by the Governor, and some state employees. See “Who must file” [here](#) to see if you need to file.

Updates to Website

The Ethics Commission has updated its website to include all Advisory Opinions issued since the Commission was created in 1989. The Opinions are indexed by topics, which include, in part: conflicts of interest; nepotism; prohibitive private gain; prohibited public contracts, and voting and recusal. Go to the Commission's website on the [Advisory Opinions](#) page to see the index.



New Advisory Opinions

[AO 2022-18](#) County Board of Education

A BOE may appoint one of its members to serve as an uncompensated county public library board member, and the BOE member may vote on financial matters affecting the public library board on which she serves.

[AO 2022-19](#) State Board Member

A State Board Member who has an ownership interest in for-profit educational institutions may not vote to approve and license programs at other educational institutions when his educational institutions offer the same degree program.

[AO 2022-20](#) Public Park Employees

Public Park employees may accept gifts valued at over \$25 per calendar year from the Park's Foundation because the Foundation is not an interested person of the Public Park for purposes of the gift restrictions in the Ethics Act and related Legislative Rule.

[AO 2022-21](#) Legislator

A State Legislator may be employed by or contract with, either directly or through a law firm that employs him, a county clerk's office which is located within the Legislator's district.

New Contract Exemption

HEALTH CARE



[CE 2022-04](#)

The Wyoming County Health Department was granted a Contract Exemption to continue contracting with Family Healthcare Inc. at a rate of \$45 per hour, which includes liability insurance, for the services it provides at the County's women's health clinic. The Exemption is granted in an amount not to exceed \$5,000 per fiscal year for fiscal years 2023-25.