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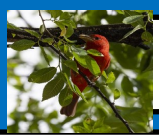
For WV public officials and employees

WV Ethics News



Volume 18 July 2023

It's Summertime! Join us in the fall for our next virtual training on the Ethics and Open Meetings Acts on September 12 at 12 noon. The training is open to the public. Email Kimberly.b.weber@wv.gov for invite. (Approved for 1 credit hour of CLE and CPE)

The Revolving Door Edition

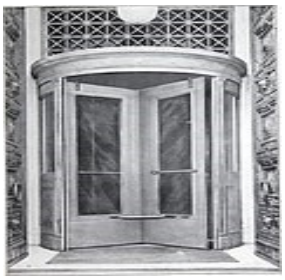
This quarter's newsletter will focus on the limitations in the Ethics Act on a person *after* leaving public office or employment. Yes, there will be a quiz at the end! Last quarter's newsletter, our April 2023 Edition, examined the restrictions on having another job *while* holding public office or employment.

One-Year Revolving Door: Elected or appointed public officials and full-time staff attorneys and accountants in agencies authorized to hear contested cases or make regulations are prohibited from representing persons before the agency they left for one year. This prohibition applies in contested cases, regulation filings, license or permit applications, rate-making proceedings, and in efforts to influence the expenditure of public funds. W. Va. Code § 6B-2-5(g).

Other Prohibited Representation: Public servants may not (without the agency's consent) represent a client in a specific matter in which the public servant was (or is) substantially involved on behalf of the agency. The prohibition applies only to those matters in which the public servant was personally involved in a decision-making, advisory, or support capacity. W. Va. Code § 6B-2-5(f).

Lobbying Revolving Door: W. Va. Code § 6B-3-2(e).

The following public servants may not register as lobbyists until one year after they leave:



- Legislators and Supreme Court Justices
- Executive Department Officers: Governor, Secretary of State, Auditor, Treasurer, Commissioner of Agriculture, and Attorney General
- Will and pleasure professional employees who worked under the direct supervision of a Legislator or an Executive Department Officer
- Secretaries of state departments and Heads of any state departments or agencies.

Confidentiality: Public employees and officials may not knowingly and improperly disclose confidential information acquired through their public positions or use it to further the personal interests of themselves or of another person. W. Va. Code § 6B-2-5(e).

Pop Quiz

Q: I was employed as a chief inspector for a state agency. May I register as a lobbyist after I leave my employment?

A: Yes, so long as you were not under the direct supervision of an executive department officer. See AO 2012-25.

Q. May my former public agency hire me on a contract basis to represent or assist the agency in a new or pending matter?

A: Yes. The Act does not bar a person from being hired by his or her former agency. W. Va. Code § 6B-2-5(g) and AO 2007-04.

Explore our New Index of Topics in Prior Newsletters.

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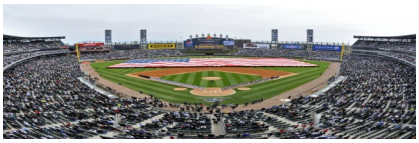
New Ethics Act Advisory Opinion

Advisory Opinion 2023-05



In June, the Commission ruled that a public agency may not give event tickets to its employees for their personal use unless the tickets are used to recognize employees in accordance with the Ethics Commission's Public Employee Recognition and Retirement Guideline or for a public purpose.

A state agency may not gratuitously give tickets to friends and family members.

The agency may provide a public official or public employee who is working at the event a ticket for a guest if the State Agency finds there is an overriding public benefit in allowing the public official or public employee to bring a guest due to the public official or public employee's job duties at the event.

Summer Jobs for Children

This is a reminder that the nepotism restrictions apply even to temporary summer jobs. The restrictions apply when hiring someone you live with, children, spouses, parents, siblings, grandparents, grandchildren, parents-in-law, sisters-in-law, brothers-in-law, sons-in-law and daughters-in-law. The general prohibitions include:

- A public employee or official may not participate in the hiring of a person listed above.
- A public employee or official may not directly supervise a person listed above.
- A public official may not vote on a matter involving a person listed above.
- See **Legislative Rule § 158-6-3**.

Can someone file a complaint against me during election time?

No. The Ethics Commission may not accept a complaint against a public servant who is running for public office during the 60 days before a primary or general election. The Commission returns any complaint filed during this time. After the election, the complainant may refile the complaint. See **W. Va. Code § 6B-2-3a(c)(1)**.

Deadline Notice

Contracts for Lobbying Services: By July 1 of each year, state agencies, municipalities, counties, and school districts in WV that have contracted with an entity for lobbying services must disclose specific information to the Ethics Commission. For more information, visit the Ethics Commission's website here.

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