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WV Ethics News

For all WV public officials and employees

Volume 23 October 2024

Happy Fall

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

Holiday Gifts

We know; we know! It's not even Halloween yet. But, the holidays will be here before we know it. Here are some reminders about the gift limitations in the Ethics Act: See also our Gifts Guideline.

Don't accept gifts worth over $25 from these people:

- Lobbyists
- People doing, or wanting to do, business with your agency
- People your agency regulates
- People who would substantially financially benefit if you do, or do not do, your public work.

Unless the gift worth over $25 from one of the above people is for:

- Meals and beverages - if the person paying is present with you for the meal.
- Tickets to charitable, cultural, and political events (but not sports) from the event sponsor - if giving the tickets is customary.
- Personal gifts that are from relatives or friends who happen to be doing business with your agency or are in another category above.

Asking for Donations

'Tis the season to support your favorite charities. Here are some reminders:

- Do not donate public funds to a charity unless there is legal authority to do so.
- Make sure the donation is for a charitable purpose. Examples may be found under our advisory opinions index **Gifts - Acceptance and Solicitations.**
- Do not ask subordinates to donate to charities.
- The manner of solicitation must conform with the requirements of the Commission's Legislative Rule, W. Va. Code R. § 158-7-7, including restrictions on oral solicitations.

SOMETHING NEW

New Contract Exemptions:

The Commission is authorized to issue contract exemptions allowing a public body to enter into a prohibited contract if the public body can show it would suffer from undo hardship. The Commission granted these C.E.s this past quarter:

C.E. 2024-04:

The Commission granted an exemption to the Logan County Development Authority to donate 17 acres in the Ray Tomblin Industrial Park to WV Gear, LLC., a business owned by County Commissioner Diana Barnette. She may not be involved in government decisions related to the property.

C.E. 2024-05:

The Commission granted an exemption to Shepherd University to sell 120 North Princess Street, in Shepherdstown, to Eric J. Lewis, a BOG member, for $525,000 with terms equivalent to the previous sales contract offer that was withdrawn. Mr. Lewis must continue to recuse himself from all matters concerning the sale of the property.

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JOB OPENINGS: Staff Attorney and Lobbyist Registrar. For information call or email Kim Weber (304) 558-0664 kimberly.b.weber@wv.gov

New Advisory Opinions

2024-04 - Public workers may not solicit donations to pay for their educational expenses or professional certifications, but they may fundraise for these purposes by hosting a dinner theater event and selling tickets and advertising on their own time, without using public resources.

2024-05 - A county commission may buy or sell property to or from a business owned by the sons of a county commissioner's business partner.

2024-06 - A career and technical center principal may operate a consulting business that helps students and their families apply for college scholarships, but the principal may not contract with students who currently attend his school, have attended his school in the preceding 12 months, or who have a matter currently pending before the principal or his or her subordinates.

2024-07 - A legislative employee who reports to a legislative manager, and not to a member of the Legislature, may, after leaving his legislative employment, be employed in the private or public sector, register as a lobbyist without waiting one year, and appear before the Legislature in a representative capacity.

2024-08 - A municipal judge candidate may be employed by a city where her father is employed as the city attorney, subject to the private gain restrictions in the Act. Other laws may apply, such as the West Virginia Rules of Professional Conduct, which govern attorneys.

2024-09 - A public charter school board member for a nonprofit charter school is subject to the Ethics Act.

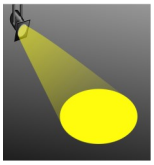
GIFT RULES POP QUIZ!

1. I work for Halloweentown as a building inspector. If I go to lunch with a landlord whose property I am inspecting, I can let her pick up the tab for my $65 lunch. T or F

2. I should not accept presents from my grandmother this year because she is the landlord whose property I am inspecting. T or F

3. The Mayor of Halloweentown should not accept free box seat tickets to a WVU football game from Halloweentown Roof Repair, Inc, a bidder on the Town's city hall project. T or F

Answers: 1. T 2. F 3. T



Spotlight: May someone file a complaint against a candidate for public office 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 must return complaints filed during this time. After the election, the complainant may refile the complaint. See W. Va. Code § 6B--2-3a.

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