West Virginia Ethics Commission Newsletter

July 1, 2026, 30th Edition

Training Opportunities

Our next virtual training on the Ethics and Open Meetings Acts will be July 30, 2026, from noon-1:00 p.m. The training has been approved for one hour of CPE and CLE credits. Email kimberly.b.weber@wv.gov for an invite. Personalized training sessions on the Ethics and Open Meetings Acts for professional associations and other large groups are available.

New Advisory Opinions

Advisory Opinion 2026-02

Under the Ethics Act's Name and Likeness provision, a Sheriff's Office may not place the Sheriff's name on a large 4' x 8' sign on the front of the Sheriff's Office building. The Commission considered the sheriff's name excessive detail that fails to communicate the office's services or advance its public mission. Therefore, the exceptions related to "communicating with constituents" and "office signage" do not apply, and the sign is prohibited by the Act's Name and Likeness provision.

This quarter, the Ethics Commission released three opinions regarding whether planning commissioners can vote on zoning for utility-scale solar developments.

Advisory Opinion 2026-04

Can a planning commissioner who owns property adjacent to a proposed utility-scale solar development vote on zoning matters affecting the solar project?

The answer is – it depends on whether the planning commissioner is part of a "class of five or more similarly situated persons" or entities. Planning commissioners who own property next to a proposed solar utility site possess a financial interest in related zoning decisions that affect the project. Nevertheless, the Commission concluded that these individuals qualified for the class exception, as they were among a group of at least five similarly situated home and farm owners. Based on the planning administrator's opinion and detailed parcel maps, the commissioners were part of larger groups of eight property owners, permitting their participation in the zoning matters.

Training At a Glance

July 30, 2026
Noon – 1:00 p.m.
Virtual Training
1 hour CPE / CLE

Personalized Training

On-site or virtual sessions available for professional associations and large groups.

Questions?

Contact us at ethics@wv.gov for more information.

What's New?

New Website Launch

Our updated website is now live with improved navigation, enhanced accessibility features, and streamlined content. The redesigned site offers a more user-friendly experience and easier access to Commission information and resources. Website content will continue to be updated regularly.

Visit: ethics.wv.gov

[Advisory Opinion 2026-04](#) (continued)

Can a planning commissioner vote if the developer offered him a "good neighbor agreement?"

The developer of the solar utility's mere offer of a "good neighbor agreement" to a planning commissioner did not prevent the commissioner from voting. Such an agreement calls for property owners to promise not to interfere with the developer's efforts to obtain land use permits and approvals, disparage the project, or disclose the agreement's terms. As the offer was not accepted by the planning commissioner, the commissioner lacked a prohibited financial interest in the development, permitting participation in all planning commission and committee matters concerning the project.

[Advisory Opinion 2026-05](#)

Can a county planning commissioner who leases property to the developer of a proposed utility-scale solar project vote on matters affecting the solar project?

Again, it depends on whether the planning commissioner is part of a class of five or more similarly situated persons or entities. The planning commissioner was one of at least five other lessors of property to the developer for the solar utility. One of his siblings was a member of the class.

Can a planning commissioner's siblings be included in the class exception?

Yes. The Act prohibits a public official from voting on matters affecting the financial interests of their immediate family members. "Immediate family" is defined as "a spouse with whom the individual is living as husband and wife and any dependent child or children, dependent grandchild or grandchildren, and dependent parent or parents."

Since "sibling" is not included in the definition, the Commission concluded that the legislature did not intend to bar siblings from inclusion in the class. Therefore, the Requester's two siblings were not automatically excluded from the class size. Because the addition of a sibling brought the class size to a minimum of five members, the planning commissioner was authorized to participate in the vote.

[Advisory Opinion 2026-06](#)

Can a planning commissioner vote on zoning matters given that the solar utility developer gave a research grant to his employer, a public university?

Yes. Since the donation had already occurred and will have no impact on the commissioner's salary or benefits, he does not possess a personal financial interest in the donation or the zoning matters. If the university has a financial interest in the zoning outcomes, the university's financial interest is not imputed to its employees.

New Contract Exemptions

[CE 2026-06 Huntington Stormwater Utility]

The Ethics Commission granted a contract exemption to Huntington Stormwater Utility to buy a submersible water pump from Service Pump & Supply Co., Inc., which is owned by Huntington Mayor Patrick Farrell. Mr. Farrell is also the Chair of Stormwater Utility.

[CE 2026-07 Huntington Water Quality Board]

The Ethics Commission granted a Contract Exemption to the Huntington Water Quality Board permitting it to contract with C.J. Hughes Construction Company, Inc., and Tribute Contracting and Consulting, LLC. Both companies are wholly owned subsidiaries of Energy Services of America Corp., and Patrick Farrell is a board member. The contract is for on-call services for emergency repairs, operational repairs, maintenance and construction through December 31, 2027.