



West Virginia Ethics Commission Newsletter

October 1, 2026, 31st Edition

Training Opportunities

Our next virtual training on the Ethics and Open Meetings Acts will be October 30, 2026, from noon to 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.

Our next virtual lobbyist training will be on October 27, 2026, from 1pm-2pm.

New Advisory Opinions

Advisory Opinion 2026-07: When a county commission and a county economic development authority (EDA) hold opposing views, is a county commissioner who serves on the EDA allowed to vote on the matter?

Guidance: Yes. While serving on two interconnected public bodies might seem to create a conflict of interest, the voting limitations outlined in the Ethics Act (W. Va. Code § 6B-2-5(j)) apply specifically when an official maintains a personal financial stake in the decision.

Since an uncompensated EDA member lacks a personal financial interest, the financial interests of the EDA are not imputed to individual members—just as the county commission's interests are not imputed to the commissioner.

As a result, a county commissioner may vote on financial decisions related to the EDA and is free to vote as an EDA member even when that vote opposes the county commission's position. In the subject Advisory Opinion, the disagreement between the EDA and the Commission centered on the total number of board members serving on the EDA.



Training at a Glance

Lobbyist	Ethics & OMA
10/27/2026	10/30/2026
1:00 – 2:00 p.m.	12:00 – 1:00 p.m.
Virtual	Virtual



Personalized Training

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



Questions?

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

What's New?

New Website

Reminder

We appreciate your help spreading the word about the Ethics Act and OMA in your communities. Please update your public reference materials with our new website address: <https://ethics.wv.gov/>.

Visit: ethics.wv.gov



New Contract Exemptions

Contract Exemption 2026-09 - Upshur County Commission

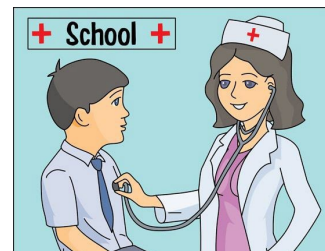
The Upshur and Lewis County Commissions formed a joint Community Corrections Board, with the Upshur County Commission functioning as the fiscal agent. Following flash flooding on July 21 that devastated several West Virginia counties, including Upshur and Lewis Counties, one of the Board's buildings, the Lewis County Recovery Center building, suffered significant damage.



The Upshur County Commission requested a contract exemption from the Ethics Commission to engage Raven Contracting LLC for restoration services. Because Raven Contracting is owned by the husband of Cheyenne Troxell, Project Director for the Corrections Board, her position granted her official authority over a contract in which she held a financial interest, necessitating the exemption request.

The Ethics Commission approved the exemption because Raven Contracting submitted the lowest of only two bids, generating \$31,000 in cost savings, and was the only bidder to commit to starting the work immediately.

Contract Exemption 2026-10 - Fayette County Board of Education



The BOE was granted a contract exemption to continue contracting with Rainelle Medical Center, Inc. where James Pat Gray, a BOE member, serves as an uncompensated board member.

The BOE has been contracting with Rainelle Medical Center, Inc. ("RMC") for years. RMC operates health care facilities on school properties that provide medical, mental health, and counseling services to students and physical examinations for bus drivers.

Before Mr. Gray joined RMC's board of directors in 2024, the BOE received Contract Exemption 2024-01, allowing it to enter into the current contract with RMC. The contract provided that the BOE will pay \$75 per physical exam. The contract also states that RMC is to provide social worker services in three schools for \$80,000 per year. That Exemption expired in June 2026.

The Commission granted the current exemption as the only viable option. Although Mr. Gray is associated with RMC, he does not have a personal financial interest in RMC or its contracts and will not be paid as a member of the RMC. Further, the terms of the new contract will be the same as the contract terms that are currently in place, which were negotiated prior to Mr. Gray taking a seat on the board of directors.

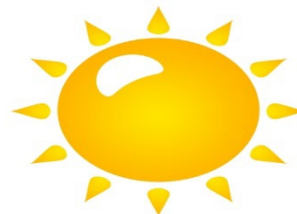


2026 Hottest Open Meetings Act Topic

According to our AI Agent, the most prevalent subject of the Commission's Open Meetings Act inquiries in 2026 is the appropriate use of electronic communications to comply with OMA. The irony is not lost!

The rise of group text threads, instant messaging, and email chains has created an environment where key discussions can easily happen entirely in private, violating the OMA. To help public servants navigate this digital landscape, the Commission has continuously emphasized a critical distinction between administrative logistics and policy deliberation. According to long-standing advisory opinions, such as OMAO 2006-09, public officials are free to use electronic tools for logistical coordination. Scheduling a budget session, confirming meeting times, or distributing informational packets and draft proposals via email in advance of a public assembly is entirely permissible. These actions are viewed as just receiving information in order to prepare for a meeting to ensure formal public sessions run efficiently.

When an electronic communication shifts from managing logistical details to engaging in active discussion, legal complications arise. For instance, a follow-up email or board member's remark evaluating the advantages or drawbacks of a proposal can easily trigger this transition. Engaging in such discussions outside of a public forum amounts to unauthorized deliberation.



The Ethics Commission only holds the authority to provide advisory guidance on these matters. The power to formally adjudicate violations, issue injunctions, or invalidate voidable actions remains strictly within the jurisdiction of local county circuit courts.

Use this chart to train your staff, onboard new board members, and ensure your public agency remains safely in compliance with the OMA.

The Green Light: What is Permitted?	The Red Light: What is Prohibited?
Administrative Scheduling Setting meeting times, confirming availability, or changing event locations.	The "Reply All" Trap Responding to a group distribution list with your opinion or policy arguments on an agenda item.
Agenda Coordination Collecting proposed topics from members or staff and distributing draft agendas prior to public posting.	Group Text Threads Using SMS, iMessage, or messaging apps to conduct a rolling debate on the merits of a pending city issue.
Information Distribution One-way delivery of data packets, research reports, or text drafts from staff so members can prepare for an upcoming assembly.	Digital Consensus Building Conducting straw polls or informal headcount queries to gauge or secure member votes before a public meeting.