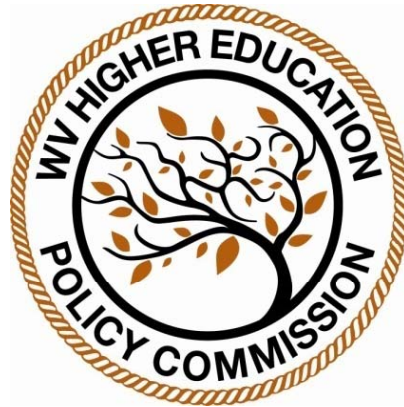


# The West Virginia Ethics Act Chapter 6B of Code



Institutional Board of Governors Training

- Basic principle is that public officers and employees are not to use their public position for their own private gain or that of another.
- Incidental use of equipment or resources resulting in de minimis private gain is not prohibited.
- Recent amendment allows bonus points accrued by officer during official travel to be retained by officer.

# Gifts

- Public official may not solicit any gift unless it is for a charitable purpose with no pecuniary benefit to the officer or his immediate family.
- May not accept any gift from a lobbyist, someone doing or seeking business with agency or regulated by agency or who has financial interests which may be substantially affected by officer.

# Exemptions

- Meals and beverages.
- Ceremonial gifts or awards with insignificant monetary value.
- Unsolicited gifts of nominal value (\$25 from any one source over a calendar year).
- Reasonable expenses for food, travel and lodging when serving on a panel or as speaker.

- Tickets or free admission to charitable, cultural or political events when such are customarily extended as a courtesy to that office. No \$25 limitation. May also accept the same for a guest. Must be extended by the sponsor and not a third party.
- Purely private and personal gifts or those from relatives or household.
- Tickets to sporting events, up to \$25 or higher, if person has a ceremonial duty to be performed before members of the public attending.

# Solicitation for Charity

- May never solicit from a subordinate employee.
- May not orally solicit donation from persons under the regulatory control of the agency or who is a vendor of the agency or is seeking to do business with agency.
- Written solicitations may be made to the public at large.

- Agencies may solicit funds for agency programs intended to help the poor and disadvantaged. The Ethics Commission or its Executive Director must approve solicitation for any other purpose.
- Officials may use their titles if the solicitation is for an approved purpose.
- Voluntary payroll deductions are authorized through the West Virginia State Employees Coordinated Campaign.

# Financial Interest in Contracts

- Generally not allowed to have financial interest in contracts over which official has authority.
- Exceptions
  - Financial interest that does not exceed \$1,000 over calendar year; or
  - Part-time appointed officials.
- Must recuse self from voting.
- May not seek to otherwise influence.



# Employment By Regulated Persons or Vendors

- Full-time officials or employees may not seek employment by, be employed by, or seek to purchase, lease or sell property from these individuals or entities for 12 months after taking certain actions or leaving public employ.
- Exemptions can be granted by Ethics Commission.

# Limitations on Voting

- Public officials may not vote on a matter if they, an immediate family member, or a business with which they or immediate family member are associated with have a financial interest.
- An associated business is one where the person or family member is a director, owner, employee or holder of 5 percent or more of outstanding stock.

- If employed by a financial institution and primary responsibility is lending, public official may not vote on matter affecting financial interests of any customer whom a loan was made to within the preceding 12 months.
- May not vote on a personnel matter involving spouse or relative.
- May not vote on award or contract to nonprofit corporation employing official or immediate family member.

- May vote if they, relatives, or associated business are only affected as a member of a class consisting of five or more similarly situated persons or businesses.
- May vote if it affects a publicly traded company but the official and family must own less than 5 percent of the stock and the stock is valued at less than \$10,000.
- For any recusal to be proper official must remove himself from room, disclose interest, and not vote.

# Advisory Opinions

- Ethics Commission will render advisory opinions.
- Acting in reliance of advisory opinion gives immunity from Ethics Act sanctions or criminal prosecution.
- May call Ethics Commission staff for advice at 1-866-558-0664 or 304-558-0664.
- May visit Commission's website at [www.ethics.wv.gov](http://www.ethics.wv.gov).

# Violations

- Ethics Commission may issue public reprimand, cease and desist orders, order restitution, and levy fines of up to \$5,000.

Members

David Hendrickson, Chairman  
Dr. Bruce Berry, Vice Chairman  
Kathy Eddy, Secretary  
Jenny Allen  
Bob Brown  
John Estep  
Kay Goodwin  
Dr. John Leon  
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