



**WEST VIRGINIA ETHICS COMMISSION**

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October 17, 2018

The Honorable Jim Justice  
Office of the Governor  
State Capitol  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305

Jared Wyrick  
Legislative Rule-Making Review Committee  
Building 1, Room E132  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305

Dear Sirs:

Executive Order 3-18 requires that, on or before Nov. 1, 2018, all executive agencies with rule-making authority submit a report to the Governor and the Legislative Rule-Making Review Committee which includes the following information for each rule under the agency's jurisdiction:

- (1) A description of the rule to include the date of first promulgation and any subsequent modifications;
- (2) A determination of whether the rule should continue without change, be modified or repealed; and
- (3) The reasoning for said determination.

Enclosed is the Ethics Commission's report regarding each rule under its jurisdiction.

Sincerely,

A handwritten signature in cursive script that reads "Rebecca L. Stepto".

Rebecca L. Stepto

/rls  
Enclosure

## Ethics Commission's Legislative Rules - Title 158

### Series 01 Confidentiality

**First promulgation:** June 1, 1990

**Subsequent modification:** September 1, 1993, and April 20, 2006

**Recommendation:** Continue without modification.

**Reasoning:** The rule should continue without change as it sets forth the Ethics Commission's rules of confidentiality for complaint and investigative documents.

### Series 03 Purchase, Sale or Lease of Personal Property

**First promulgation:** July 1, 2009

**Subsequent modification:** None.

**Recommendation:** Modify.

**Reasoning:** The Rule should be modified to comply with requirements of W. Va. Code § 6B-2-5(h) (to provide guidelines for granting an exemption relating to real property; to establish standards for granting an exemption is when a person is "adversely affected," and to increase \$25 personal property exception to \$100).

### Series 05 Administrative Law Judge Procedural Rule

**First promulgation:** March 18, 2005

**Subsequent modification:** None.

**Recommendation:** Modify.

**Reasoning:** This Rule should be modified to correct technical errors and to make it consistent with Procedural Rules amended in 2018 governing the processing of Ethics Act complaints (Title 158, Series 16 and Series 17). The Rule also should be modified to reduce the number of Ethics Commission members required to approve a final decision from six to five because only nine members now serve on the Commission. When this Rule was promulgated in 2005, 12 members served on the Commission.

### Series 06 Private Gain, Including Nepotism

**First promulgation:** June 1, 1992

**Subsequent modification:** May 15, 2017

**Recommendation:** Continue without modification.

**Reasoning:** This Rule was modified in 2017 to strengthen a provision prohibiting nepotism.

Series 07      **Gifts & Charitable Solicitation**

**First promulgation:** June 1, 1992  
**Subsequent modification:** July 1, 2008  
**Recommendation:** Continue without modification.  
**Reasoning:** No substantive changes are needed.

Series 08      **Interest in Public Contracts**

**First promulgation:** June 1, 1992  
**Subsequent modification:** July 1, 2009  
**Recommendation:** Continue without modification.  
**Reasoning:** No substantive changes are needed.

Series 11      **Employment**

**First promulgation:** June 1, 1992  
**Subsequent modification:** July 1, 2009  
**Recommendation:** This Rule should be modified to permit ratification of a temporary employment exemption at the next Commission meeting rather than within 45 days of receipt of the exemption request.  
**Reasoning:** This modification is necessary because there are times when the Commission does not have a monthly meeting and/or an exemption request is not received in time to include it on the meeting agenda.

Series 12      **Lobbying**

**First promulgation:** June 1, 1992  
**Subsequent modification:** July 1, 2003; April 20, 2006, and July 1, 2009  
**Recommendation:** Continue without modification.  
**Reasoning:** No substantive changes are needed.

Series 13      **Code of Conduct for Administrative Law Judges**

**First promulgation:** May 9, 2005  
**Subsequent modification:** April 20, 2006 (added two-year statute of limitations as the 2005 Rule did not contain a statute of limitations).  
**Recommendation:** Continue without modification.  
**Reasoning:** The standards of conduct in the Rule appear to adequately establish guidelines to govern the conduct of administrative law judges.

Series 14      **Filing of Verified Time Records**

**First promulgation:** April 20, 2006

**Subsequent modification:** July 1, 2009

**Recommendation:** Modify by making technical changes.

**Reasoning:** The Rule adequately establishes a procedure for the filing of verified time records by public employees who have other public employment or hold another public office. As authorized by W. Va. Code § 29A-1-3a, the Ethics Commission will make technical amendments to the Rule to correct several technical errors in the Rule.

Series 15      **Lobbyist Compliance Audits**

**First promulgation:** July 1, 2006

**Subsequent modification:** None.

**Recommendation:** Continue without modification.

**Reasoning:** This Rule is required by W. Va. Code § 6B-3-11.

Series 16      **Complaints, Probable Cause Review Board and Investigations**

**First promulgation:** October 14, 2005

**Subsequent modification:** April 12, 2018

**Recommendation:** Continue without modification.

**Reasoning:** This Rule was modified in 2018.

Series 17      **Hearings**

**First promulgation:** September 10, 2005

**Subsequent modification:** May 25, 2018

**Recommendation:** Continue without modification.

**Reasoning:** This Procedural Rule was modified in 2018.

Series 18      **Ethics Training Requirements for Designated Public Officials**

**First promulgation:** July 1, 2006

**Subsequent modification:** None.

**Recommendation:** Continue without modification.

**Reasoning:** No modifications are necessary.

Series 19      **West Virginia Ethics Commission Procedures**

**First promulgation:** April 20, 2006

**Subsequent modification:** November 8, 2014, and May 25, 2018

**Recommendation:** Continue without modification.

**Reasoning:** This Rule was modified in 2018.

Series 20      **Forms**

**First promulgation:** May 1, 2011

**Subsequent modification:** None.

**Recommendation:** Continue without modification.

**Reasoning:** This Rule is required by W. Va. Code § 6B-2A-1(b).