



WV Ethics Commission

Revised Financial Disclosure Statement

Why did I receive this Financial Disclosure Statement and must I complete it?

The Ethics Act, W.Va. Code § 6B-2-6 and § 6B-2-7, requires certain public officials and employees to annually report specific financial information to the Ethics Commission. Candidates for designated offices must also report this information. In 2011, the Legislature amended the financial disclosure requirements in the Ethics Act. The changes require the disclosure of additional information and impose other requirements.

Changes effective July 1, 2011:

1. The law already required public servants/filers to disclose information about themselves, but not about their spouses. The law now requires public servants/filers to disclose certain financial information about their spouses. The changes also require the reporting of certain additional information in questions 9, 10 & 12.
2. Part-time appointed board members – the changes to the law contain an exception for gubernatorial appointees to State Boards and Commissions. The following is an overview of this exception:
 - If the filer is serving in an appointed position for which no compensation is statutorily provided, other than expense reimbursement, then the person/filer does not have to disclose, in regard to his or her **spouse**, the following information:
 - (question 7) sources of income over \$1,000; and,
 - (question 8) business interests valued at \$10,000 or more; provided, that: (i) the spouse or a business with which he or she is associated is not regulated by the board, has no contracts with the board and receives no grants or appropriations from the board; and, (ii) the filer signs a statement verifying these facts. (Worksheet A)
3. The law now requires the Ethics Commission to:
 - Publish a list of delinquent filers;
 - After January 1, 2012, post on the internet financial disclosure statements for Members of the Legislature, Members of the Board of Public Works, Members of the Supreme Court of Appeals and candidates for these positions; and,
 - As resources are available, the Ethics Commission will publish Financial Disclosure Statements filed by other persons required to file.
 - Note: Personal information such as home addresses, phone numbers and signatures provided on page 1 will be redacted from statements that are posted on the internet.

Who must file?

The law requires the following persons to file this statement annually with the Ethics Commission:

- Elected officials in this state, including but not limited to, all persons elected to statewide offices, including the judicial branch, all county elected officials, and municipal elected officials in municipalities that have, by ordinance, opted to be covered by the disclosure provisions of this section. *Currently, only Charleston and Fairmont have opted to be covered by the disclosure provision.*
- Members of county boards of education and all county school board superintendents.
- Members of state boards, commissions and agencies appointed by the governor.
- State executive branch department secretaries, commissioners, deputy commissioners, assistant commissioners, directors, deputy directors, assistant directors, department heads, deputy department heads and assistant department heads.

- Candidates for elected statewide and county public offices, and elected municipal offices in municipalities that have, by ordinance, opted to be covered by this disclosure provision.
- Candidates who file this statement based upon their current public position **do not** need to file another/duplicate statement.
- Political party executive committee candidates **do not** file the Financial Disclosure Statement.

When is the statement due?

- Annual filings are due by February 1. Blank statements are mailed to filers of record in early January.
- If you are a new appointee to a public position which requires you to file, you must complete the statement and return it to the Ethics Commission within thirty (30) days of assuming your office, position, or employment. Thereafter, you must file a new statement by February 1 each year you are in your public service position.
- During election years, all candidates for public office must file the statement within ten (10) days after filing a certificate of candidacy.

What if I don't file the statement?

Recent legislation requires the Ethics Commission to publish on the internet or by printed public document a list of all persons who have not timely filed their financial disclosure statements.

If you receive a statement in error or do not believe you are required to file the statement, you must contact the Ethics Commission to notify them of this fact. If it is determined that you are not required to file, the Ethics Commission will remove you from the list of required filers.

It is a misdemeanor to willfully and knowingly file a false financial statement, to conceal a material fact in filing the statement, or to fail to file a required financial disclosure statement. W.Va. Code § 6B-2-10(b and c)

The law further provides that no candidate may maintain his/her place on the ballot and no public official may take his/her oath of office, continue his/her duties or receive compensation if he or she fails to comply with the financial disclosure statement filing requirements. W.Va. Code § 6B-2-6 (c).

Are the Financial Disclosure Statements filed with the Ethics Commission public records?

Yes – the information provided on the statement is public. Information provided on the cover page such as home address, phone numbers and signatures is public information, but it is not posted on the internet. In addition to making all statements available upon request, legislation passed in 2011 requires the Ethics Commission, commencing with those reports filed on or after January 1, 2012, to publish on the internet financial disclosure statements filed by members of the Legislature, elected members of the Executive department, and members of the Supreme Court of Appeals and candidates for those positions. As resources are available, the Ethics Commission will publish Financial Disclosure Statements filed by other persons required to file.

General information:

- All questions must be answered. If any question is left blank, we will return the statement to you for completion/correction.
- Please print or write clearly. You must provide an answer or mark the appropriate box if the question is not applicable to you.
- Do not forget to sign the cover page.
- If you have left your position or elected office as of February 1 of this year, you are not required to file the annual disclosure statement which covers last year. You must notify the Ethics Commission in writing of your reason for not filing so that our records can be updated before the list of delinquent filers is published.
- Completed statements are available for public inspection at the Ethics Commission's Office.
- If you have any questions on how to complete the disclosure statement, please call the Ethics Commission at (304) 558-0664 or toll free at 1-866-558-0664.

Frequently Asked Questions

1. I filed my Financial Disclosure Statement in July when I received my appointment letter from the Governor. Do I have to file another one?

Yes. You must file a statement annually as long as you are in your public service position. Statements mailed to you in January are due February 1.

2. Why are you asking for my spouse's information this year?

Changes in the law, effective July 1, 2011, require you to list the requested information.

3. Some of these questions seem to ask for similar information. For example, I already listed my business in question # 4. Do I have to list the same information other places on the statement?

Yes - each question is independent of the others. Certain information may have to be listed several times to comply with the statutory disclosure requirements.

4. I own a new retail business but have not made any money this year. Do I still need to list it?

Yes, your business name must be listed (question 4). In addition, if your business has a fair market value of \$10,000, you must list it as a business interest (question 8).

5. I resigned my position on a State Board last year. Do I still have to file this statement?

How do I get off your mailing list?

No, you do not need to file a Financial Disclosure Statement unless you serve in another position described earlier in these instructions. However, you must notify us by returning the blank form along with a brief statement explaining that you have resigned and no longer serve in the position. When we receive the information, we will remove your name from our data base files and your name will not appear in the posting of delinquent filers.

6. Question 5 asks about employment. I worked three different jobs last year and two were part-time. My spouse works as well. Do I need to list them all?

Yes, you and your spouse must list each of your employers, whether full-time or part-time. Check the appropriate box if neither you nor your spouse were employed last year.

7. I do contract work for several entities and receive I.R.S. 1099 forms from them at the end of the year. How do I record this information?

If any of your contract work earned over \$1,000, list it in question #7. If the income was from a contract with a state, county, municipal or other local governmental entity, then you will also list this information in question #11,

8. Question 2 references a circuit office. What is that?

This refers to circuit court or family court judges.

9. Question 7 references income. Does this just mean income from my job?

No. This means any and all kinds of income over \$1000 during the last calendar year including your regular employment. For example, other types of income include proceeds from the sale of timber, oil and gas royalties, social security income, retirement income, speakers' fees, dividends from stocks and bonds, alimony, sale of real estate, rental income, unemployment compensation, contract work, and self-employment.

10. Question 11 refers to Sales or Contracts with governmental entities. What does this mean in terms of the Ethics Act?

For purposes of this Financial Disclosure Statement, “contract” refers to any basic financial transaction including sales of services as well as tangible items. (It does not include contracts with the federal government.)

The Ethics Act prohibits elected public officials and full-time public employees, whether appointed or employed, from having a financial interest in any contract, purchase or sale over which their public position gives them control, unless the total value of such contracts, purchases or sales does not exceed \$1,000 in a calendar year. Even then, the public official may not be involved in influencing the award of the contract. This \$1,000 exception may not be relied upon by county officials who are governed by the stricter limitations in W. Va. Code § 61-10-15.

This prohibition also extends to contracts in which the public servant’s spouse, dependent parents, or dependent children have a financial interest, as well as to any business with which the public servant or his or her immediate family members is associated. For purposes of this prohibition, public servants and their immediate family members are *associated* with a business if any one of them is a director or officer in the business, or if they hold stock in the business and that holding constitutes 5% or more of the outstanding stock of any class.

This provision applies only to (1) those **contracts** your job gives you authority to award or control and (2) those **purchases** and **sales** you are authorized to make or direct others to make. The Commission has the authority to grant **your agency** a hardship exemption from this provision of the Ethics Act.

Part-time appointed officials (except those county officials covered by W. Va. Code § 61-10-15) are not subject to the prohibition, provided that they recuse themselves from considering and acting on such matters, consistent with the voting provisions of the Act.

Note: It is a misdemeanor, punishable by a fine up to \$1,000.00 to willfully and knowingly file a false financial statement, to conceal a material fact in filing the statement, or fail or refuse to file a required financial disclosure statement. [W.Va. Code §6B-2-10(b and c)]

If you have any questions about completing the Financial Disclosure Statement or on any other provisions of the Ethics Act, please contact the Ethics Commission at 304-558-0664 or via email, ethics@wv.gov

Return completed statements with original signatures to:
WV Ethics Commission, 210 Brooks Street, Ste 300, Charleston WV 25301
304-558-0664 or toll free 866-558-0664