



VIRGINIA
CONFLICT OF INTEREST AND
ETHICS ADVISORY COUNCIL

VEDP Board Training
March 18, 2021

I. Council Membership

Council membership as of November 2020:

Speaker of the House Appointees
The Honorable Del. M. Keith Hodges
The Honorable Del. Vivian E. Watts

Senate Committee on Rules Appointees
The Honorable Sen. Jennifer L. McClellan
The Honorable Sen. Thomas K. Norment, Jr.
The Honorable Wilford Taylor, Jr. (Chair)

Gubernatorial Appointees
Walter C. Erwin
Bernard L. Henderson, Jr.
Sharon E. Pandak

II. Council Duties

The Council shall perform the following duties (pursuant to § 30-356 unless otherwise noted):

1. **Furnish formal and informal guidance to all persons required to comply with the Acts**
2. Conduct training seminars and educational programs and publish educational materials for all persons required to comply with the Acts
3. Approve orientation courses conducted by state agencies and review, upon request, educational materials and training courses conducted for state and local government officers and employees
4. Prescribe the forms required by §§ 2.2-426, 2.2-3117, 2.2-3118, and 30-111
5. Provide disclosure forms to appropriate clerks at least 30 days prior to the filing deadline (§ 2.2-3115)
6. Provide software or electronic method for state filers to submit the required disclosure forms. The Council prescribes the method of execution and certification of electronically filed forms.
7. Review all disclosure forms required to be filed with the Council. The Council may review disclosure forms for completeness, including comparing lobbyist reports with other reports filed by the Council. If a disclosure form has been found to be incomplete, the Council shall notify the filer and direct the filer in writing to file a completed form within a prescribed period of time.
8. Redact personal information from any form prior to making the form available to the public
9. Establish and maintain a searchable database of disclosure forms filed with the Council
10. Notify the Secretary of the Commonwealth and the Attorney General concerning late or failure-to-file penalties (§§ 2.2-431 and 2.2-3124)

11. Accept and review any statement received from a filer disputing the receipt by such filer of a gift that has been disclosed on the form filed by a lobbyist.
12. Receive and review requests for approval of travel submitted by individuals required to file a Statement of Economic Interests (§ 30-356.1)
13. Submit complaints against incumbent legislators to the appropriate ethics panel (§ 30-114)
14. Review actions taken in the General Assembly with respect to the discipline of its members for the purpose of offering nonbinding advice
15. Request assistance, services, and information from any agency in order to effectively carry out its responsibilities
16. Report on or before December 1 of each year on its activities, including recommendations for changes in the laws, to the General Assembly and the Governor. The chair is required to submit the report pursuant to the DLAS procedures for legislative documents.

III. Prohibited Conduct and Personal Interests

A. Prohibited Conduct (§ 2.2-3103)

1. Solicit or accept money or other thing of value for services performed within the scope of your official duties except for compensation paid by your agency
2. Offer or accept any money or other thing of value for obtaining employment, appointment, or promotion of any person with any governmental or advisory agency
3. Offer or accept any money or other thing of value for the use of your public position to obtain a contract for any person or business with any governmental or advisory agency
4. Use confidential information that you have acquired by reason of your public position and that is not available to the public for your or another party's economic benefit
5. Accept any money, loan, gift, favor, service, or business or professional opportunity that reasonably tends to influence you in the performance of your official duties; this does not include political contributions actually used for a political campaign or constituent services and reported as required by campaign finance laws
6. Accept any business or professional opportunity when you know that there is a reasonable likelihood that the opportunity is being given to influence you in the performance of your official duties
7. Accept any honoraria for any appearance, speech, or article in which you provide expertise or opinions related to the performance of your official duties (this only applies to the Governor, Lt. Governor, Attorney General, Governor's Secretaries, and heads of departments of state government)
8. Accept a gift from a person who has interests that may be substantially affected by the performance of your duties under circumstances where the timing and nature of the gift would cause a reasonable person to question your impartiality in the matter affecting the donor
9. Accept gifts from sources on a basis so frequent as to raise an appearance of the use of your public office for private gain

10. Use your public position to retaliate or threaten to retaliate against any person for expressing views on matters of public concern or for exercising any right that is otherwise protected by law, provided, however, that this does not restrict the authority of any public employer to govern conduct of its employees, and to take disciplinary action, in accordance with applicable law, and provided further that this does not limit the authority of a constitutional officer to discipline or discharge an employee with or without cause

B. "Personal interest" is a financial benefit or liability accruing to an officer or employee or to a member of his immediate family. (§ 2.2-3101)

Such interest shall exist by reason of:

1. Ownership in a business if the ownership interest exceeds three percent of the total equity of the business;
2. Annual income that exceeds, or may reasonably be anticipated to exceed, \$5,000 from ownership in real or personal property or a business;
3. Salary, other compensation, fringe benefits, or benefits from the use of property, or any combination thereof, paid or provided by a business or governmental agency that exceeds, or may reasonably be anticipated to exceed, \$5,000 annually;
4. Ownership of real or personal property if the interest exceeds \$5,000 in value and excluding ownership in a business, income, or salary, other compensation, fringe benefits or benefits from the use of property;
5. Personal liability incurred or assumed on behalf of a business if the liability exceeds three percent of the asset value of the business; or
6. An option for ownership of a business or real or personal property if the ownership interest will consist of subdivision (1) or (4) above.

C. Personal Interest in a Contract (§ 2.2-3106)

You may not have a personal interest in a contract with your agency other than your own contract of employment. There are many exceptions to this prohibition. It is recommended that you contact the Council regarding the application of an exception.

D. Personal Interest in a Transaction (§ 2.2-3112)

You must publicly disqualify yourself if the transaction applies solely to the entity in which you have a personal interest, or if you have a personal interest in a transaction and do not qualify for participation.

"Transaction" means any matter considered by any governmental or advisory agency, whether in a committee, subcommittee, or other entity of that agency or before the agency itself, on which official action is taken or contemplated.

It is recommended that you contact the Council if you have a question about a possible personal interest in a transaction.

IV. Financial Disclosure Statement

- A. Who must file?
 - 1. Individuals named in § 2.2-3114
 - 2. Individuals named in Executive Order 8

- B. With what entity do I file?

Individuals named in § 2.2-3114 and Executive Order 8 file electronically with the Council.

- C. When do I file?

Financial Disclosure Statements are filed annually with the Council, every February 1.

Deadlines are moved to the next business day if they fall on a weekend or state holiday.

V. Other Questions

- 1. How and under what circumstances is individual information released?

ANSWER: All filings submitted after July 1, 2016 are available to the public via the online searchable database on the Council website. All filings submitted prior to July 1, 2016 are available to the public via a Freedom of Information Act request.

- 2. Are filers notified when their disclosure forms are requested and released?

ANSWER: There is no requirement that the filer be notified that the information has been requested.

- 3. Is personal information released when a disclosure statement is requested?

ANSWER: Section 30-356 requires the Council to "Redact from any document or form that is to be made available to the public any residential address, personal telephone number, or signature contained on that document or form..."

- 4. What training is required and available?

ANSWER: State agencies are required to offer training on the State and Local Government Conflicts of Interest Act at least semiannually (§ 2.2-3128). The agency must take attendance to ensure the state filer has taken the training (§ 2.2-3129) as state filers are required to complete it at least once every two years (§ 2.2-3130). New state filers must complete the training within two months after beginning their employment or assuming office.

Contact Information:

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