



# Financial Disclosure Statement Information Sheet

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## Who must file?

The Ethics Act, at W. Va. Code § 6B-2-6, requires the following officials, public employees and candidates 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 officials elected in municipalities that have, by ordinance, opted to be covered by the disclosure provisions of this statute. *Only Charleston and Fairmont have opted to be covered by this disclosure provision.*
- Members of county boards of education and 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 candidates in Charleston and Fairmont.

## Who does not need to file?

- Candidates who have filed a Statement based upon their current public position **do not** need to file another Statement as a result of their being a candidate for that or another position.
- Political party executive committee candidates and delegates to party conventions **do not** file the Financial Disclosure Statement.
- If, on or before February 1, you are no longer in a public position or elected office which is required to file a Disclosure, you need not file one for the prior calendar year.

## What if I do not file the Statement?

The Ethics Commission is required 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 request to file a Statement in error, or do not believe you are required to file a Statement, you must contact the Ethics Commission to notify it of this fact.

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 Ethics Act 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/she fails to comply with the Financial Disclosure Statement filing requirements. W.Va. Code § 6B-2-6(c).**

## Are completed Statements available to the public?

Yes. All such Statements, except for the "Contact Information & Signature Sheet," are available to the public. Moreover, Statements filed by some persons are posted on the Ethics Commission's website. Those include Statements filed by members of the Legislature and of the Supreme Court, elected members of the Executive Department and candidates for these positions.

## Part-time appointed board members

The following rules apply to those persons who are appointed to state boards and commissions by the Governor:

- If the filer is serving in a position for which no compensation (other than expense reimbursement) is statutorily provided, the filer need not disclose: (1) his/her spouse's sources of income over \$1,000 or (2) the spouse's business interests valued at \$10,000 or more, provided that the spouse or a business with which he/she is associated is not regulated by the board, has no contracts with the board and receives no grants or appropriations from the board. The filer must sign a statement verifying these facts on Worksheet A.
- The filer's income and business information must still be provided even if his/her spouse need not disclose this information.

## 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 elected or public service position. Statements distributed in January are due on February 1.

**2. 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. Certain information may have to be listed several times to comply with statutory disclosure requirements.

**3. 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 and address must be listed in question 4. In addition, if your business has a fair market value of at least \$10,000, you must also list it in question 14.

**4. 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 a different position which must file Statements. You must notify us 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 database and your name will not appear in the posting of delinquent filers.

**5. I do contract work and receive I.R.S. 1099 forms from them. How do I record this information?**

If you earned more than \$1,000 from your contract work, list it in question 13. 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 9.

**6. Question 9 refers to sales or contracts with governmental entities. What does this mean?**

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 (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 he/she holds 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. 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.

It is a misdemeanor, punishable by a fine up to \$1,000, to willfully and knowingly file a false Financial Disclosure Statement, to conceal a material fact in filing the Statement, or to 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, contact Ellen Briggs at the Ethics Commission at (304)558-0664.

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