

# Financial Disclosure Statement Information Sheet

## Who must file?

The Ethics Act (at W.Va. Code § 6B-2-6) requires the following to file a Financial Disclosure Statement annually:

- All elected state and county officials, members of county boards of education, and all county school board superintendents;
- Candidates for all elected state and county offices must file a Disclosure within 10 days of filing their Certificates of Announcement with the Secretary of State's office. Those who are elected must then file a Disclosure annually.
- Members of state boards, commissions, and agencies who are appointed by the Governor;
- *State Executive Branch* cabinet secretaries, commissioners, deputy commissioners, assistant commissioners, directors, deputy directors, assistant directors, department heads, deputy department heads, and assistant department heads;
- Charleston, Fairmont, and Morgantown's elected officials and candidates in their municipal elections.

## Who does not need to file?

- If you are not a candidate or are no longer in a public position or elected office which is required to file a Disclosure on or before February 1, you **do not need** to file one for the prior calendar year. Please inform the Ethics Commission so that your name is removed from the FDS database.
- Political party executive committee candidates and delegates to party conventions **do not need** to file.
- A candidate who has filed a Disclosure based upon his/her current public position **does not** need to file another Disclosure due to being a candidate for that or another position.

## How do I submit my completed Disclosure?

- Disclosures may be filed directly online. Go to the Ethics Commission's website at [www.ethics.wv.gov](http://www.ethics.wv.gov) and then to "Financial Disclosure" on the listing on the left.
- Forms are available on the website at [www.ethics.wv.gov](http://www.ethics.wv.gov). Filers wishing to file paper forms are asked to type directly on the form on the website, print it and send it to the Ethics Commission.
- Completed Disclosures may be scanned and emailed to [ellen.m.briggs@wv.gov](mailto:ellen.m.briggs@wv.gov). Filers should sign in blue ink and also "Request a Delivery Receipt" from their email server (at the top of the email screen).
- Completed Disclosures also may be hand delivered or mailed to Ellen Briggs, WV Ethics Commission, 210 Brooks Street, Suite 300, Charleston, WV 25301.

## What if I do not file a Disclosure?

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

## Are completed Disclosures made public?

Yes. All pages of the Disclosures, except for the "Contact Information and Signature Sheet," are available to the public. In addition, Disclosures filed by some persons are posted on the Ethics Commission's website. Those include those 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) a 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 the spouse need not disclose this information.

## Frequently Asked Questions

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

Yes. You must file a Disclosure annually as long as you are in your elected or public service position. Disclosures 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 Disclosure?**

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. 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 a Disclosure?**

No. You do not need to file a Disclosure unless you serve in a different position which must file a Disclosure. You must notify the Ethics Commission with a brief statement explaining that you no longer serve in the position. The Commission will then remove your name from its database and your name will not appear in postings of delinquent filers.

**5. I do contract work and receive IRS 1099 forms. 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 must also list it 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 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 contract, purchase or sale does not exceed \$1,000 in a calendar year. (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, dependent children or dependent grandchildren have a financial interest as well as to any business with which the public servant or his/her immediate family member is associated. ("Associated" with a business means that they are an officer or director in the business or they hold stock in the business which constitutes 5% or more of the outstanding stock of any class.)

This provision applies only to (1) contracts which your job gives you authority to award or control, and (2) purchases and sales you are authorized to make or direct others to make.

Part-time appointed officials, including Legislators but not including 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.

If you have any questions about completing the Financial Disclosure Statement, contact Ellen Briggs at the Ethics Commission at (304)558-0664 or via email at [ellen.m.briggs@wv.gov](mailto:ellen.m.briggs@wv.gov).