

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #5

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OFFICE OF THE SECRETARY OF STATE

**NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY: West Virginia Ethics Commission TITLE NUMBER: 158

CITE AUTHORITY: Procedural

RULE TYPE: PROCEDURAL INTERPRETIVE

EXEMPT LEGISLATIVE RULE

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

AMENDMENT TO AN EXISTING RULE: YES , NO

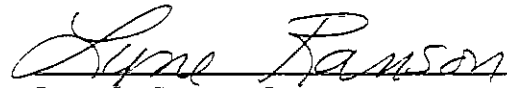
IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING ADOPTED: 2

TITLE OF RULE BEING ADOPTED: Procedural Rules for the West
Virginia Ethics Commission

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS June 1, 1990


Legal Counsel
WV Ethics Commission

2.40

SERIES 2

ADVISORY OPINIONS

158-2-1 General

~~1.1 All requests for advisory opinions must be written and directed to the Executive Director at the West Virginia Ethics Commission at the Litton Building, 1205 Quarrier Street, Charleston, West Virginia 25301.~~

1.1 Scope--The following procedural rules and regulations set forth the practice and procedure established by the West Virginia Ethics Commission for carrying out its responsibilities in the administration and enforcement of the West Virginia Governmental Ethics Act, (hereafter referred to as the "Act") West Virginia Code section one, article one, chapter six-B, et seq.

~~1.2 All advisory opinions must contain the name, address and telephone number of the request or in the event additional information is needed.~~

1.2 Authority-- W.Va. Code 6B-2-1(e)

~~1.3 All advisory opinions should fully describe the requestor's official position or employment.~~

1.3 Filing Date--

~~1.4 All advisory opinions should contain an explanation or paragraph summarizing the conduct for which the request is being made.~~

1.4 Effective Date--

~~1.5 The Commission shall respond within thirty days from the receipt of the request by issuing an advisory opinion on the matter raised in the request.~~

1.5 Advisory Opinions

~~1.6 The date of receipt by the Commission shall be at the next regular monthly meeting when all members receive a copy of the request.~~

1.6 All requests for advisory opinions must be written and directed to the West Virginia Ethics Commission at the Litton Building, 1207 Quarrier Street, Charleston, West Virginia 25301.

~~1.7 When additional information is needed to fully respond to the advisory opinion request the thirty day period may be extended until the necessary information is supplied by the requestor or until the next regular meeting.~~

1.7 All requests for advisory opinions must contain the name, address and telephone number of the request or in the event additional information is needed.

~~1.8 All advisory opinion shall be published and indexed in the Code of State Rules by the Secretary of State.~~

1.8 All requests for advisory opinions should fully describe the requestor's official position, employment, or status under the Act.

~~1.9 Upon filing an advisory opinion with the Secretary of State any material which could identify the person who is the subject of the opinion must be deleted and the identity of the individual shall not be revealed.~~

1.9 All requests for advisory opinions should contain an explanation or paragraph summarizing the conduct for which the request is being made.

~~1.10 Any person relying upon an issued advisory opinion shall be immune from the sanctions of the Act for the statutory provisions relied upon by the Commission in rendering the advisory opinion and based upon the facts disclosed at the time to the Commission if his actions were taken in good faith reliance upon any such opinion.~~

1.10 The Commission shall respond within thirty days from the receipt of the request by issuing an advisory opinion on the matter raised in the request.

1.11 The date of receipt by the Commission shall be at the next regular monthly meeting.

~~1.12 No person shall have an absolute defense to any criminal prosecution for violations contained outside the Act, unless an advisory opinion was also requested an opinion of the Ethics Commission regarding a particular criminal statutory provision.~~

1.12 When additional information is needed to fully respond to the advisory opinion request the thirty day period may be extended until the necessary information is supplied by the requestor or until the next regular meeting.

1.13 All advisory opinions shall be published and indexed in the Code of State Rules by the Secretary of State whose office can provide copies upon request.



KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

A. RENEE COE
Deputy Secretary of State

CATHERINE FREROTTE
Executive Assistant

Telephone: (304) 558-6000
Corporations: (304) 558-8000

WILLIAM H. HARRINGTON
Chief of Staff

JUDY COOPER
Director, Administrative Law

DONALD R. WILKES
Director, Corporations

(Plus all the volunteer
help we can get)

STATE OF WEST VIRGINIA

SECRETARY OF STATE

Building 1, Suite 157-K
1900 Kanawha Blvd., East
Charleston, WV 25305-0770

TO: Bob LaMont

AGENCY: Ethics Commission

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: July 6, 1992

THE ATTACHED RULE RECENTLY FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 2 TITLE: 158 Ethics Commission

* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____

* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED

SIGNED: Robert A. LaMont

TITLE OF PERSON SIGNING: COUNSEL

DATE: 7/15/92

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.