



September 2025  
PE 25-01-685

# PERFORMANCE REVIEW

## ETHICS COMMISSION

### DEPARTMENT OF ADMINISTRATION

#### AUDIT OVERVIEW

The Ethics Commission Exercises Due Diligence Enforcing the Requirement that Lobbyists Report Their Lobbying Activities; However, 21 Percent of Sampled Lobbyists Did Not Complete Mandatory Ethics Training and a Significant Amount of Time Can Transpire Between Training

The Ethics Commission Generally Complies with West Virginia Code in Conducting Lobbyist Compliance Audits

The Ethics Commission Provides Training to Elected and Gubernatorially Designated Public Officials on the Requirements of the Ethics Act

The Commission's Website Complies with Statutorily Required Content and Contains Other Features that Enhance User-Friendliness and Transparency



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WEST VIRGINIA OFFICE OF THE LEGISLATIVE AUDITOR

## PERFORMANCE EVALUATION & RESEARCH DIVISION

Building 1, Room W-314  
State Capitol Complex  
Charleston, West Virginia 25305  
(304) 347-4890

Justin Robinson  
Legislative Auditor

John Sylvia  
Director

Jill Mooney  
Research Manager

Brooke McCormick  
Referencer

---

**WEST VIRGINIA LEGISLATURE**  
*Performance Evaluation and Research Division*

1900 Kanawha Blvd. East  
Building 1, Room W-314  
Charleston, WV 25305-0610  
(304) 347-4890



**John Sylvia**  
**Director**

September 8, 2025

The Honorable Patricia Puertas Rucker  
State Senate  
Building 1, Room 214W  
1900 Kanawha Boulevard, East  
Charleston, WV 25305

The Honorable Chris Phillips  
House of Delegates  
Building 1, Room 213E  
1900 Kanawha Boulevard, East  
Charleston, WV 25305

Dear Chairs:

Pursuant to the West Virginia Performance Review Act, West Virginia Code §4-10-7, we are transmitting an Agency Review of the *Ethics Commission*. The issues covered herein are:

1. The Ethics Commission Exercises Due Diligence Enforcing the Requirement that Lobbyists Report Their Lobbying Activities; However, 21 Percent of Sampled Lobbyists Did Not Complete Mandatory Ethics Training and a Significant Amount of Time Can Transpire Between Training.
2. The Ethics Commission Generally Complies with West Virginia Code in Conducting Lobbyist Compliance Audits.
3. The Ethics Commission Provides Training to Elected and Gubernatorially Designated Public Officials on the Requirements of the Ethics Act.
4. The Commission's Website Complies with Statutorily Required Content and Contains Other Features that Enhance User-Friendliness and Transparency.

We transmitted a draft copy of the report to the agency on June 17, 2025. We held an exit conference on July 10, 2025. We received the agency response on August 8, 2025. If you have any inquiries on this report, please let me know.

Sincerely,  
*John Sylvia*  
John Sylvia

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*Joint Committee on Government and Finance*

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## EXECUTIVE SUMMARY

The Performance Evaluation and Research Division (PERD) within the Office of the Legislative Auditor conducted a performance review of the Ethics Commission as part of the Agency Review of the Department of Administration pursuant to West Virginia Code 4-10-7. The objectives of this review were to determine if the Ethics Commission trained lobbyists and public officials on the provisions of the Ethics Act, if the Ethics Commission conducted lobbyist compliance audits in accordance with law and rule; and if the Ethics Commission's website complies with the statutory requirements of West Virginia Code §5F-1-7. The findings of this report are highlighted below.

### Frequently Used Acronyms in the Report:

PERD – Performance Evaluation and Research Division

W. Va. Code – West Virginia Code

W. Va. CSR – West Virginia Code of State Rules

CPA – Certified Public Accountant

### Report Highlights:

#### **Issue 1: The Ethics Commission Exercises Due Diligence Enforcing the Requirement that Lobbyists Report Their Lobbying Activities; However, 21 Percent of Sampled Lobbyists Did Not Complete Mandatory Ethics Training and a Significant Amount of Time Can Transpire Between Training**

- The Commission enforces the requirement that lobbyists report their lobbying activity, with 97 percent of required reports being submitted.
- Fifty-five (55) percent of sampled lobbyists completed the required ethics training during the registration cycle. Seventeen (17) percent of the sampled lobbyists completed ethics training, but it was not during the appropriate registration cycle. Moreover, 21 percent of the sampled lobbyists had no evidence of training for the 2021-2022 registration cycle. Another seven percent of lobbyists did not complete ethics training prior to the end of the registration period but had ceased to be registered lobbyists before the registration period ended.

#### **Issue 2: The Ethics Commission Generally Complies with West Virginia Code in Conducting Lobbyist Compliance Audits**

- The Commission generally conducts lobbyist compliance audits in compliance with West Virginia Code.
- However, although the Commission determined the number of lobbyist-compliance audits it would

conduct in 2021, 2022, 2023, and 2024 through a resolution in a public meeting it did not do so in 2018, 2019, 2020.

### **Issue 3: The Ethics Commission Provides Training to Elected and Gubernatorially Designated Public Officials on the Requirements of the Ethics Act**

- The Commission offered ethics training to public officials and employees in compliance with West Virginia Code 6B-2-5b.
- The Commission offers the training more frequently than is required by law or rule.

### **Issue 4: The Commission's Website Complies with Statutorily Required Content and Contains Other Features that Enhance User-Friendliness and Transparency**

- The Commission's website contains all the items of information specified by state statute.
- The Commission's website also has other features that enhance user-friendliness and transparency.

### **PERD's Response to the Agency's Written Response**

The Commission provided its written response to this report on August 28, 2025 (see Appendix C). The Commission agrees, for the most part, with the findings and conclusions of the report, and it agrees with the five recommendations. With respect to Recommendation 2 that states that the Commission should discontinue the practice of allowing registered lobbyists to complete their ethics training prior to an upcoming registration cycle, the Commission agrees *"that a fair reading of the law as it is currently written requires the training to occur during the cycle and not just prior to the beginning of the cycle."* The Commission has already adopted this reading of the law into its registration and training processes.

However, it should be noted that in its written response, the Commission refers several times to lobbyists being allowed to *"make up"* the training a lobbyist did not take during a registration cycle. This practice should also be reconsidered given that the Commission agrees the law prohibits training occurring before a registration cycle begins; therefore, it follows that training cannot occur sometime after the registration cycle ends. The Commission points out that the law as written does not provide a due process for how it is to enforce the suspension of lobbyists' privileges for failing to take the mandatory training. As the agency also points out, it cannot suspend a lobbyist either because the lobbyist has the entire registration cycle to complete the training and once a registration period has ended there is nothing to suspend. The law does not give the Commission the authority to prevent a lobbyist from registering for another registration cycle after not completing training in a previous registration cycle. In practice, the Commission is treating lobbyists who did not complete the training during a registration cycle as if they were new lobbyists who must take the training prior to engaging in lobbying activities. This appears to achieve the spirit of the law that lobbyists complete ethics training within a registration period.



The Ethics Commission also agrees with Recommendation 4 that consideration be given to adding other user-friendly and transparency features to its website. The Commission stated that it has already “*taken steps to institute some of PERD’s suggestions.*”

Regarding Issue 1, the agency largely agrees with the findings and recommendations and does not dispute that a lobbyist can go years without completing the ethics training. However, the Commission’s response redefines the pie chart in Figure 1 to depict that 73 percent of sampled lobbyists complied with the training requirement instead of PERD’s calculation of 55 percent. The agency did this by adding the 12 lobbyists who confirmed their training before the 2021-22 registration period began, which was the agency’s policy at the time. This was done despite the Commission agreeing that training should be completed during a registration period, not before. Also, the Commission redefines Figure 1 by creating a new category for the 11 lobbyists that had no evidence of training because their “*registrations expired before the end of the 2021-2022 cycle due to termination or suspension, or not re-registering for the next registration cycle.*” PERD argues that it is misleading to group lobbyists who had no evidence of training into a neutral category simply because they did not register the following year or because they self-terminated their registration during the registration period. By doing this, the Commission is assuming that these lobbyists would have taken the training if they had remained registered. PERD could not make such an assumption because it would not be a factual representation. Despite the different presentations of the categories, the Commission indicates it has implemented a corrective internal lobbyist registration process relevant to the recommendations related to ensuring all registered lobbyists take the required ethics training.

## Recommendations

1. *The Ethics Commission should ensure that all registered lobbyists take the required ethics training during the respective two-year registration period.*
2. *The Ethics Commission should discontinue the practice of allowing registered lobbyists to complete their ethics training prior to an upcoming registration cycle.*
3. *The Ethics Commission should not register lobbyists for a new registration cycle if the lobbyist has not completed the training for the concluding registration cycle.*
4. *The Ethics Commission should determine the number of compliance audits to be conducted each year by a resolution adopted at public meetings as required by West Virginia Code §6B-3-11(c).*
5. *The Ethics Commission should consider adding any user-friendly or transparency elements that it determines would further enhance its website.*



## ISSUE 1

### **The Ethics Commission Exercises Due Diligence Enforcing the Requirement that Lobbyists Report Their Lobbying Activities; However, 21 Percent of Sampled Lobbyists Did Not Complete Mandatory Ethics Training and a Significant Amount of Time Can Transpire Between Training**

#### **Issue Summary**

The Ethics Commission (Commission) is a state agency with seven full-time employee positions, of which five are filled, governed by a nine-member commission appointed by the governor. West Virginia Code §6B-3-2 requires that before a person can engage in lobbying activities, he or she must register with the Commission for a two-year cycle. In addition, under West Virginia Code §6B-3-3c, during each two-year registration cycle, lobbyists must complete an ethics training course offered by the Commission. The Commission must provide the ethics course for registered lobbyists at least twice each year. West Virginia Code §6B-3-4 also requires lobbyists to file lobbying activity reports with the Commission three times a year to maintain their registration.

The Performance Evaluation and Research Division randomly sampled the training records and lobbying activity reports for 74 of the 217 registered lobbyists in the 2021-2022 registration cycle. The sample results indicate that the Commission enforces the requirement that lobbyists report their lobbying activity, with 97 percent of required reports being submitted. With respect to training, 55 percent of the sampled lobbyists completed their required ethics training during the registration cycle. Seventeen (17) percent of the sampled lobbyists completed ethics training, but it was not during the appropriate registration cycle. Moreover, 21 percent of the sampled lobbyists had no evidence of training for the 2021-2022 registration cycle. Although an additional seven percent did not complete the mandatory ethics training, these lobbyists had either self-terminated their lobbyist registration, the Commission had suspended their registration, or they were deceased. Based on these findings, PERD concludes that there is room for improvements in the enforcement of ethics training, and a significant amount of time can transpire between training sessions.

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*The sample results indicate that the Commission enforces the requirement that lobbyists report their lobbying activity, with 97 percent of required reports being submitted.*

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*PERD concludes that there is room for improvements in the enforcement of ethics training.*

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### **West Virginia Governmental Ethics Act Establishes Guidelines Concerning Lobbying**

Lobbying to influence the passage or defeat of legislation is an

integral part of the legislative process. However, the Ethics Commission was created to guard against undue influence by lobbyists that may involve deceit, extortion, bribery or personal gain (W. Va. Code §6B-3-7). As defined in W. Va. Code §6B-3-1(6), “lobbying” or “lobbying activity” means:

*the act of communicating with a government officer or employee to promote, advocate or oppose or otherwise attempt to influence:*

- (i) The passage or defeat or the executive approval or veto of any legislation which may be considered by the Legislature of this state; or*
- (ii) The adoption or rejection of any rule, regulation, legislative rule, standard, rate, fee or other delegated legislative or quasi legislative action to be taken or withheld by any executive department.*

West Virginia Code §6B-3-1(8)(A) defines a “lobbyist” as a person engaged in lobbying and employed by a lobbying firm or who is contracted for economic consideration.

## **The Ethics Act Requires Lobbyists to Register with the Ethics Commission and Report Lobbying Activities Three Times a Year**

West Virginia Code §6B-3-2(a) requires lobbyists to register with the Commission as stated:

*Before engaging in any lobbying activity, or within thirty days after being employed as a lobbyist, whichever occurs first, a lobbyist shall register with the Ethics Commission by filing a lobbyist registration statement.*

Registration is for a two-year cycle that expires at the end of each even-numbered year. West Virginia Code §6B-3-2(d) stipulates that:

*Each lobbyist who has registered shall file a new registration statement, revised as appropriate, on the Monday preceding the second Wednesday in January of each odd-numbered year and failure to do so terminates his or her authorization to lobby. Until the registration is renewed, the person may not engage in lobbying activities*

*unless he or she is otherwise exempt under paragraph (B), subdivision (7), section one of this article.*

Pursuant to W. Va. Code §6B-3-4, a registered lobbyist must file with the Commission a signed report of all his or her lobbying activities three times a year for the months of January through April, May through August, and September through December. Each report is to show the total amount of expenditures and dates associated with the lobbying activities by categories of meals and beverages; living accommodations; advertising; travel; contributions; gifts to public officials or employees or to members of the immediate family of a public official or employee; and other expenses or services. A lobbyist is to further describe the subject matter of his or her lobbying activities during the reporting cycle.

According to the West Virginia Code of State Rules (W. Va. CSR) §158-12-5.7, the Commission is to notify lobbyists in writing within five working days after the due date that it has not received lobbyist activity reports. Additionally, W. Va. CSR §158-12-5.8 requires the Commission to send lobbyists a second written notice, this time by certified mail, if the Commission has not received the required activity report within 10 days of the first delinquency notice. The second notice is to inform the lobbyist that the Commission has suspended his or her lobbying privileges until the lobbyist satisfactorily complies with all reporting requirements and paid all applicable fees. A lobbyist who files a late activity report shall pay the Commission a fee of \$10 for each day the report is late, not to exceed a total of \$250.

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*Pursuant to W. Va. Code §6B-3-4, a registered lobbyist must file with the Commission a signed report of all his or her lobbying activities three times a year for the months of January through April, May through August, and September through December.*

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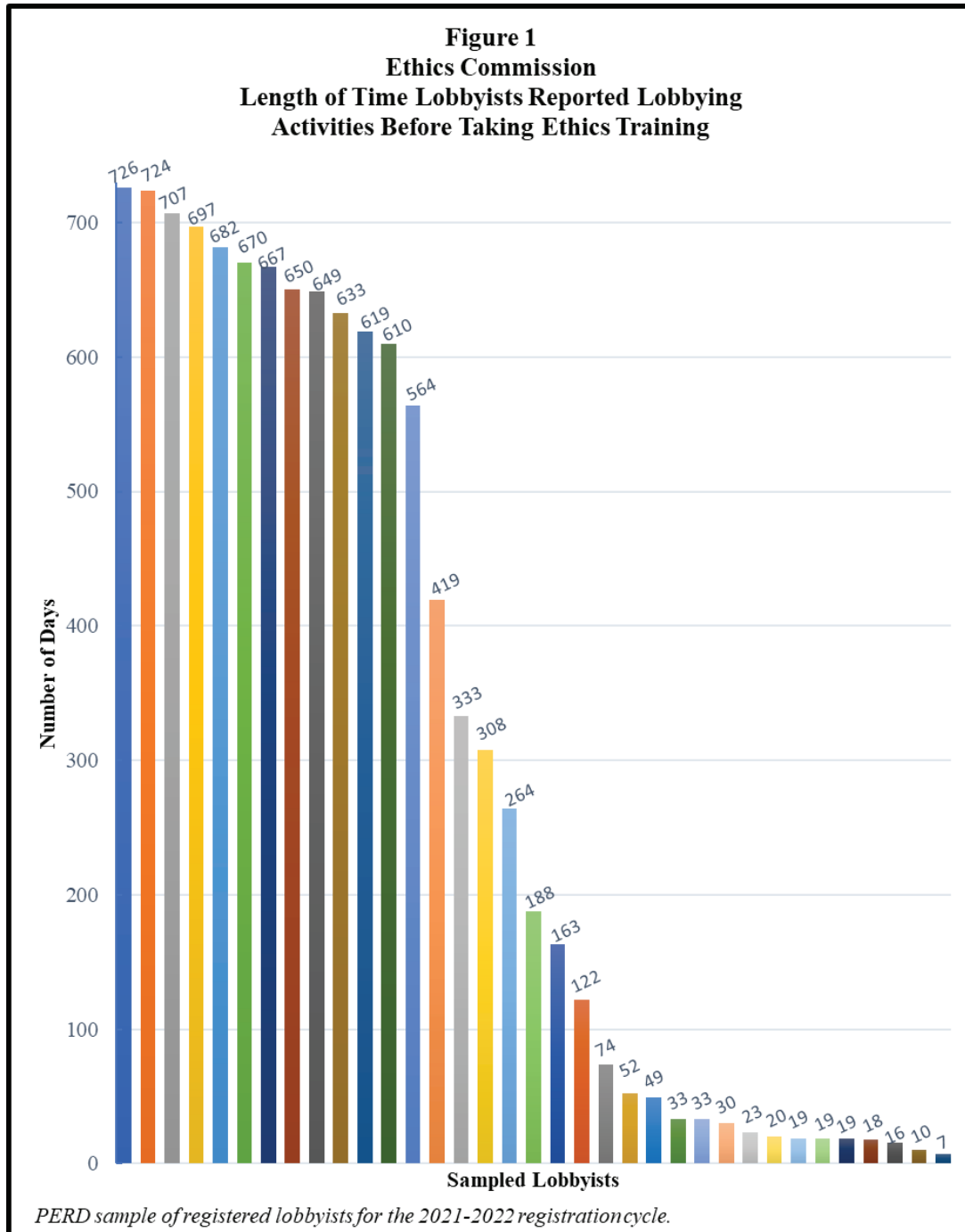
## **The Ethics Act Requires Lobbyists to Complete Ethics Training in Each Two-Year Registration Cycle**

West Virginia Code §6B-3-3c requires lobbyists to complete an ethics training course during each two-year registration cycle. The statutory language reads as follows:

*To maintain registration and engage in lobbying activities, a lobbyist must complete one such training course during each two-year registration cycle as described in section three-a of this article: Provided, that a lobbyist must attend such training course prior to engaging in lobbying activities.*

PERD's initial interpretation of this section of Code was that before any lobbying activities can be conducted in any two-year registration

cycle, ethics training had to be completed. Based on this interpretation, PERD identified many lobbyists who lobbied in a two-year cycle but waited towards the end of the cycle before taking the ethics training. Figure 1 shows that in many cases, lobbyists lobbied for close to two years within a registration cycle before completing ethics training.



When the Commission saw the results of PERD's analysis, it pointed out that its legislative rule clarifies why many lobbyists are allowed to lobby for most of a registration period prior to completing ethics training. The Commission provided its interpretation below, as stated in Code of State Rules (CSR) §158-12-8.1.a, with the agency's emphasis:

**Lobbyists** who are registered on or after July 1, 2008, shall be required to complete the *initial* training by the Ethics Commission before engaging in lobbying activities. . . . Thereafter, a lobbyist shall complete at least one training course provided by the Commission, or a public or private provider or a professional lobbying association approved by the Commission, **during each two-year registration cycle** [emphasis by the agency].

The word "initial" as it relates to ethics training is not found in statute; therefore, the Code does not distinguish between newly registered lobbyists and those lobbying after their initial registration period. The Commission stated that it has always interpreted the training mandate to mean that lobbyists must take "initial" training before they start lobbying for the first time, but after the initial training, "lobbyists must take training again *at some point* during each subsequent registration cycle for which they have registered. Therefore, lobbyists who had completed their initial training (at any time in the past) have until the *last day* of a current cycle to complete their mandatory training for that cycle."

The Commission stated to PERD that such an interpretation is necessary because if the law requires initial training at the beginning of each two-year registration period, it would create a "near impossible burden for compliance by lobbyists. Since registrations expire the Monday before the second Wednesday in January, the Audit's interpretation would literally leave a window in some cases of only one day to take the training."

Based on the interpretation of the Commission's legislative rule, lobbyists who have had the initial training in a previous two-year cycle have until the last day of any subsequent registration cycle to complete their mandatory training. A legal opinion from the Legislative Services Division states that the agency's interpretation as stated in legislative rule is a reasonable attempt to clarify legislative intent of the Code. Although the Commission's legislative rule provides a reasonable interpretation of when ethics training can be completed, it should be noted that the interpretation allows nearly four years to transpire between a lobbyist's initial training and training in the subsequent registration period.

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*Although the Commission's legislative rule provides a reasonable interpretation of when ethics training can be completed, it should be noted that the interpretation allows nearly four years to transpire between a lobbyist's initial training and training in the subsequent registration period.*

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## Lobbyists Are Allowed to Take Training Before a Registration Cycle Begins Contrary to Law

In explaining the Commission's ethics training process, it stated that it is common for returning lobbyists to take their mandatory training before registering. According to the Commission, it encourages lobbyists to complete the training before submitting their registration form because it simplifies the registration and compliance processes. However, the legal opinion from Legislative Services states that as the rule requires the training course to be taken during each two-year registration cycle, a lobbyist completing the mandatory training before the start of a two-year cycle would not be in compliance with W. Va. Code §6B-3-3c. Therefore, the Commission should enforce the statutory requirement that lobbyists complete their training **during** a respective two-year registration cycle.

West Virginia Code §6B-3-3c also requires the Commission to offer training courses at least twice a year and that one of the courses be held in January. Table 1 shows the dates in which the Commission offered ethics training in calendar years 2021 through 2024, both in person and virtual.

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*The legal opinion from Legislative Services states that as the rule requires the training course to be taken during each two-year registration cycle, a lobbyist completing the mandatory training before the start of a two-year cycle would not be in compliance with W. Va. Code §6B-3-3c.*

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<b>Table 1</b> <b>Ethics Commission</b> <b>Lobbyist Training Sessions</b> <b>CY 2021 through CY 2024</b>	
<b>Date</b>	<b>Virtual/In Person</b>
1/26/2021	Virtual
10/12/2021	In Person
1/13/2022	Virtual
10/13/2022	In Person
1/16/2023	Virtual
11/29/2023	Virtual
1/30/2024	Virtual
10/30/2024	Virtual

*Source: PERD analysis of Ethics Commission information.*

The Commission indicated to PERD that it records attendance when lobbyists attend in-person training. If a lobbyist is unable to attend a training session in person, lobbyists may view a recording of the training on the Ethics Commission's website, or on a Commission digital versatile disc (DVD). If a course is viewed on the agency's website or DVD, the lobbyist must certify on a form provided on the Commission's website that he or she met the training requirement.



## The Commission Does Well in Enforcing the Requirement that Lobbyists Submit Their Lobbying Activity Reports

During the 2021-2022 registration cycle, there was a total of 217 registered lobbyists. PERD randomly sampled 74 of these lobbyists and reviewed their training records and lobbying activity reports. The sample is statistically significant with a 95 percent confidence interval. The intent of the sample is to determine the level of compliance lobbyists had in taking the ethics training and submitting their lobbying activity reports. In taking the sample, we found that 3 of the 74 were erroneously listed in the 2021-2022 registration cycle. These were removed from the sample without replacement. Table 2 shows that on average, 97 percent of required lobbying activity reports for the sampled lobbyists were submitted during the 2021-2022 registration cycle. Some lobbyists failed to report lobbying activities in one or two reporting cycles. The Commission assessed \$3,150 in late fees to lobbyists who filed late reports. **The sample data indicate that the Commission's management promotes compliance with the reporting requirements of the State's Ethics Act.**

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*On average, 97 percent of required lobbying activity reports for the sampled lobbyists were submitted during the 2021-2022 registration cycle.*

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**Table 2**  
**Ethics Commission**  
**Lobbying Activity Reports**  
**2021-2022 Registration Cycle**

	Number of Sampled Lobbyists	Number of Required Activity Reports	Number of Submitted Activity Reports	Percentage
Lobbyists with All Required Activity Reports Submitted	62	331	331	100%
Lobbyists Missing One Required Activity Report	6	36	30	83%
Lobbyists Missing Two Required Activity Reports	3	18	12	67%
<b>Totals</b>	<b>71</b>	<b>382</b>	<b>369</b>	<b>97%</b>
<i>Source: PERD analysis of a sample of lobbying activity reports.</i>				

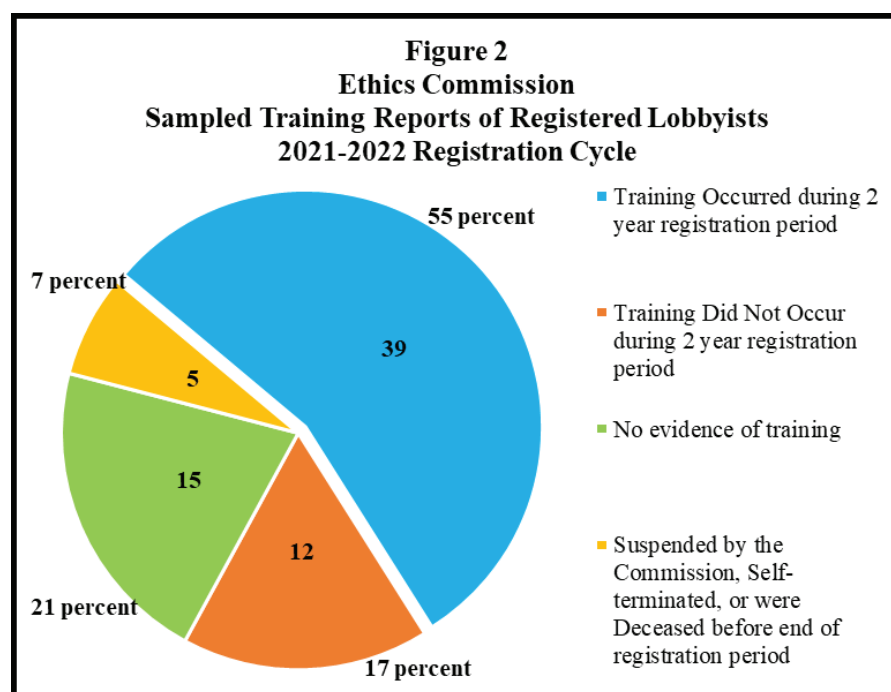
## Fifty-Five Percent of Sampled Lobbyists Took the Ethics Training Course During the Two-Year Registration Cycle

Figure 2 shows the results of PERD's sample with respect to the training requirements for lobbyists. All of the sampled lobbyists were returning lobbyists, thus, the statutory requirement of taking the initial training prior to engaging in lobbying activities was not applicable. PERD found that 39 of the 71 sampled lobbyists (55 percent) completed their training during the two-year registration cycle. Twelve (12) of the sampled lobbyists (17 percent) took ethics training prior to the start of the 2021-2022 registration period, which the Commission has encouraged lobbyists to do. However, 15 of the sampled 71 lobbyists (21 percent) had no evidence of taking ethics training. Five lobbyists (seven percent) did not complete ethics training prior to the end of the registration cycle, but they had either self-terminated their lobbyist registration, it was suspended by the Commission, or they were deceased.

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*Twelve (12) of the sampled lobbyists (17 percent) took ethics training prior to the start of the 2021-2022 registration period, which the Commission has encouraged lobbyists to do.*

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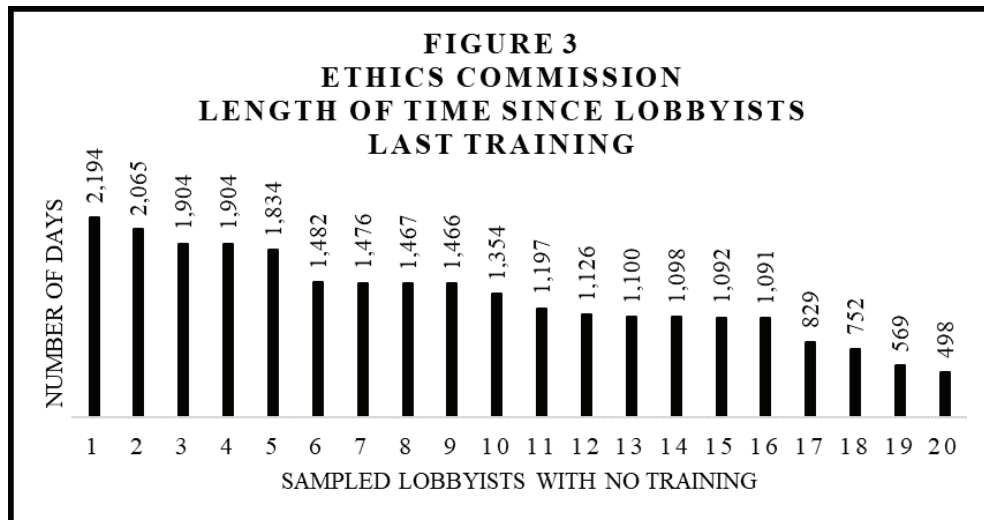

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*In total, 20 lobbyists did not complete ethics training during the 2021-2022 registration cycle.*

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In total, 20 lobbyists did not complete ethics training during the 2021-2022 registration cycle, four of which did not maintain their registration for the entire period. Figure 3 shows the number of days from the last recorded date of ethics training to either the end of the 2021-2022 registration cycle or the date the lobbyist ceased his or her registration. Four of the lobbyists were lobbying in the 2021-2022 period, but the last date of ethics training was five and six years ago. On average, these 20

lobbyists had not completed an ethics training in more than three and a half years. Five other lobbyists went over four years without ethics training. Four of the sampled lobbyists reported no lobbying activities and no ethics training.



### The Commission Is Renewing Lobbyists Registrations Even When the Lobbyist Did Not Complete Ethics Training

The Legislature deems ethics training for lobbyists important enough to state that it is necessary “*to maintain registration and engage in lobbying activities,*” and that a lobbyist must complete one training course “*during each two-year registration cycle*” (W. Va. Code §6B-3-3c). The importance of addressing violations of the Governmental Ethics Act is also expressed by the Legislature in W. Va. Code §6B-2-3a(b), which states that:

The commission may order the executive director to prepare a complaint, upon a majority affirmative vote of its members, if it receives or discovers credible information which, if true, would merit an inquiry into whether a violation of this chapter has occurred.

The Commission’s legislative rule, W. Va. CSR §158-12-8.1.b, permits the Commission to address training violations and specifies the potential consequences by stating:

*A registered lobbyist who fails to complete a training course within the required time period shall be subject*

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*On average, these 20 lobbyists had not completed an ethics training in more than three and a half years.*

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*to suspension by the Commission and may not engage in lobbying activity until the required training course is completed.*

PERD asked the Commission if it has taken any action against lobbyists who have not complied with the training requirements. According to the Commission, “During the years 2021 through 2024, no lobbyist has been suspended for failure to complete a training course within the required time period.” The Commission gave the following reason for not suspending any lobbyist for failure to complete a training course:

*The Rule allows the Commission to suspend a lobbyist, but does not require suspension. Therefore, whether a lobbyist’s registration is suspended is left to the discretion of the Commission or staff. The Rule does require a lobbyist who has failed to complete mandatory training to stop lobbying until the training is completed. Therefore, even if the Commission does not suspend a lobbyist, it is the duty of the lobbyist to cease lobbying. If a lobbyist does lobby, he/she is subject to our complaint process that may be initiated by anyone filing a verified complaint.*

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*According to the Commission, “During the years 2021 through 2024, no lobbyist has been suspended for failure to complete a training course within the required time period.”*

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The Commission’s response indicates that it has placed the responsibility of addressing non-compliance with the training requirements on individual lobbyists or on others to file a complaint. The Commission indicated it did not initiate or receive any complaints against lobbyists for not taking training prior to lobbying. According to the Commission, a lobbyist’s training status is public information, and it would make the lobbyist training status available upon request. However, it does not recall anyone in the public requesting this information.

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*In the absence of the Commission exercising its discretion to suspend a lobbyist, the only other enforcement mechanism available to the Commission is to not permit a lobbyist to renew for a subsequent registration cycle.*

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In the absence of the Commission exercising its discretion to suspend a lobbyist, the only other enforcement mechanism available to the Commission is to not permit a lobbyist to renew for a subsequent registration cycle. PERD found that the Commission was tracking whether lobbyists completed the ethics training as evidenced by an email transmitted on September 26, 2022, informing 133 lobbyists that the Commission’s records indicate they had not completed the required training for the 2021-2022 registration cycle. The email further stated that:

*All lobbyists registered in West Virginia must complete one training course during the January 1, 2021 – December*

*31, 2022, lobbyist registration cycle before registering for the 2023-2024 registration cycle.*

The Commission was responsive to the issue of lobbyists lacking ethics training and emphasized that the training was to be completed prior to the end of the registration cycle. The Commission notified these lobbyists before the end of the registration cycle to give them time to complete the training before the registration cycle ended. However, 9 of the 20 lobbyists in the sample who had not completed training for the 2021-2022 registration cycle were allowed to register for the 2023-2024 registration cycle, demonstrating the need for the Commission to focus efforts on ensuring lobbyists complete ethics training during each registration cycle. **The Commission should continue to emphasize to lobbyists that they must complete an ethics training course during each registration cycle. Furthermore, the Commission should not register lobbyists for a new registration cycle without the lobbyist completing the ethics training.**

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*The Commission notified lobbyists before the end of the registration cycle to give them time to complete the training before the registration cycle ended. However, 9 of the 20 lobbyists in the sample who had not completed training for the 2021-2022 registration cycle were allowed to register for the 2023-2024 registration cycle, demonstrating the need for the Commission to focus efforts on ensuring lobbyists complete ethics training during each registration cycle.*

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## Conclusion

According to PERD's sample of registered lobbyists during the 2021-2022 registration cycle, the Ethics Commission exercised due diligence enforcing the requirement that lobbyists periodically report their lobbying activities. The Commission issued multiple notices of non-compliance, imposed late fees, and it suspended a lobbyist for failure to report. However, the Commission only has two enforcement options related to ethics training compliance, suspension and not registering a lobbyist for an upcoming registration cycle. The Commission should enforce the requirement that ethics training be completed before it registers a lobbyist for the next registration cycle. In this way lobbyists are demonstrating that they seek to maintain ethical standards and public trust as they advocate, promote or oppose legislative action being considered by the Legislature.

## Recommendations

- 1. The Ethics Commission should ensure that all registered lobbyists take the required ethics training during the respective two-year registration period.*
- 2. The Ethics Commission should discontinue the practice of allowing registered lobbyists to complete their ethics training prior to an upcoming registration cycle.*

3. *The Ethics Commission should not register lobbyists for a new registration cycle if the lobbyist has not completed the training for the concluding registration cycle.*

## ISSUE 2

### **The Ethics Commission Generally Complies with West Virginia Code in Conducting Lobbyist Compliance Audits**

#### **Issue Summary**

West Virginia Code §6B-3-11 requires the Commission to conduct, by lottery, compliance audits of lobbyists' registration statements and disclosure reports. The number of lotteries per year may be up to four at the discretion of the Commission. The number of lobbyists to be selected for a compliance audit is to be determined by the Commission through resolutions adopted at public meetings, and no lobbyist or lobbyist's employer may be subject to a random audit more than once in any 24-month period. PERD finds that the Commission conducted the compliance audits as required. It engaged qualified CPAs, it randomly selected lobbyists, it did not audit any lobbyist more than once in any 24-month cycle, and it approved the results of the audits in public meetings. However, there were some years in which the Commission did not determine the number of lobbyists to be audited through a resolution adopted at a public meeting.

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*The number of lobbyists to be selected for a compliance audit is to be determined by the Commission through resolutions adopted at public meeting.*

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#### **Lobbyists Have the Duty to Report and Keep Records of Specific Information**

It is important for transparency purposes and the integrity of lobbying that information concerning a lobbyist's activities and representations be confirmed. When registering with the Commission, lobbyists must file a registration statement. The statement requires lobbyists to list all employers or entities for which they will lobby. If a lobbyist does not represent a specific employer or organization, he or she is to provide a general description of the subjects, topics, or issues on which he or she will lobby. Furthermore, a lobbyist is to disclose whether his or her employer(s) retains the person solely as a lobbyist or if employment includes other responsibilities. Additionally, a lobbyist is to indicate whether he or she is employed or retained under any agreement, arrangement, or understanding that compensation is contingent on the success of his or her lobbying activities.

In submitting lobbying activity reports, a lobbyist is required to list expenditure amounts spent in specific categories including meals, lodging, gifts, and campaign contributions. A lobbyist is still required to report even if no expenses were incurred during a given reporting cycle.



## The Commission Is Required to Conduct Compliance Audits of Lobbyist Information

During the first special session of 2005, the Legislature amended the Ethics Act by adding a provision requiring the Commission to conduct compliance audits of lobbyist registration statements and activity reports. However, such audits could not be conducted until legislative rules were promulgated that described how compliance audits would be conducted, including the information, documents, and materials to be considered; the selection and qualification of the auditor(s); the audit procedures to be employed by the auditors; and the preparation and contents of any post-audit reports.

The Commission promulgated W. Va. CSR §158-15, *et seq.*, which became effective on July 1, 2006. The legislative rule specifies the requirements stated in Code on how the Commission is to conduct compliance audits. The Commission is compliant with the following mandatory provisions:

- Initiate by lottery, random audits of lobbyist registration statements, disclosure reports, including lobbyist activity reports and statements of registration (CSR §158-15-2.1).
- Lobbyists are not to be audited more than once in any 24-month period (CSR §158-15-2.4).
- Engage a certified public accountant (CPA) to conduct the audits (CSR §158-15-4, *et seq.*):
  - The CPA is licensed by the Board of Accountancy.
  - The CPA possesses a valid current business franchise registration issued by the State Auditor's Office.
  - The CPA is a registered vendor with the State Purchasing Division.
  - The CPA cannot have outstanding or delinquent payments due to the Bureau of Employment Programs Commissioner for either Unemployment Compensation or Workers Compensation insurance premiums.
- Send lobbyists a letter at least 30 days prior to initiating an audit informing them that they were selected for audit, the time, date, place, and general scope as well as tentative time frames for completion of the audit, and request documents deemed necessary for conducting the audit (CSR §158-15-5.1.a.).



- Prior to initiation of the audit, review the lobbyist's reports on file with the Commission for a period not to exceed 2 years (CSR §158-15-5.1.b.).
- Initiate audit by way of conference with the lobbyist (CSR §158-15-5.1.c.).
- Conduct a detailed field examination of the financial records of the audit subject relating to lobbying activities (CSR §158-15-5.1.d.).
- Conduct a post audit conference with each lobbyist (CSR §158-15-5.1.i.).
- Prepare a report describing the results of the audit (CSR §158-15-5.1.j.).
- The Commission approves the report upon finding that no further activity is required by the auditor and no information disclosed in the report that was not required to be disclosed pursuant to W. Va. Code §6B-3-1 *et seq.* (CSR §158-15-6.1.g.).

### **The Number of Audits Conducted Should Be Established During Public Meetings**

West Virginia Code §6B-3-11(c) requires the Commission to determine the number of compliance audits it will conduct through resolutions adopted at public meetings each year. This is to be done to take into consideration the complexity, time, and issues that could arise that would influence the completion of audits. According to the Commission, it did not pass a resolution for the years 2018 through 2020 because it had become customary over the years for it to audit 20 lobbyists. However, for the years 2021 through 2024, resolutions were adopted to determine the number of audits. In each year from 2018 to 2024, the Commission had one lottery, and in each of those years 20 lobbyists were randomly selected except in 2018 in which 25 lobbyists were selected. **The Commission should comply with West Virginia Code and the legislative rule by adopting the number of audits by resolution in a public meeting annually.**

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*According to the Commission, it did not pass a resolution for the years 2018 through 2020 because it had become customary over the years for it to audit 20 lobbyists. However, for the years 2021 through 2024, resolutions were adopted to determine the number of audits.*

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### **Conclusion**

Compliance audits are intended to facilitate transparency and accountability of government lobbying. The number of audits conducted

is an important factor in this process because a relatively small number of audits may not adequately identify matters of concern. For the most part, the Commission complies with the auditing requirement of the Ethics Act, but it should adhere to the requirement of determining the number of audits through resolutions adopted at public meetings.

## Recommendation

4. *The Ethics Commission should determine the number of compliance audits to be conducted each year by a resolution adopted at public meetings as required by West Virginia Code §6B-3-11(c).*

## ISSUE 3

### **The Ethics Commission Provides Training to Elected and Gubernatorially Designated Public Officials on the Requirements of the Ethics Act**

#### **Issue Summary**

An objective of this review is to determine if the Commission conducts statutorily required training on the requirements of the Ethics Act for individuals elected or appointed to serve in the Legislature, to members of the Board of Public Works, and to gubernatorially designated public officials. The Legislature finds that such training is essential in promoting high moral and ethical conduct for public officials and public employees in state government, to avoid conflicts of interest, and to strengthen people's confidence in their public officials and public employees. PERD finds that for calendar years 2021 through 2024, the Commission offered ethics training to public officials and employees in compliance with West Virginia Code §6B-2-5b, and the training was available more frequently than required by law or rule.

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*For calendar years 2021 through 2024, the Commission offered ethics training to public officials and employees in compliance with West Virginia Code §6B-2-5b, and the training was available more frequently than required by law or rule.*

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#### **The Commission Provides Ethics Training Opportunities to Public Officials Each Year**

West Virginia Code §6B-2-5b requires the Ethics Commission to provide a training course on the requirements of the Ethics Act to individuals elected or appointed to serve in the Legislature, members of the Board of Public Works, and to positions in the executive branch of state government that are designated by the governor through executive order. These individuals are required to attend the Commission's training course within six months of filling a position. The law also requires that the training be offered once every four years. An official subsequently reelected or reappointed has met the training requirement if that official attended the initial training course. During the training course, the Commission instructs public officials on the requirements and prohibitions of the Ethics Act. Table 3 shows that in calendar years 2021 through 2024, the Commission offered in-person or virtual training at various times of the year.

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*During the training course, the Commission instructs public officials on the requirements and prohibitions of the Ethics Act.*

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<b>Table 3</b> <b>Ethics Commission</b> <b>Public Official Training Sessions</b> <b>CY 2021 through CY 2024</b>	
<b>Date</b>	<b>Virtual/In Person</b>
1/12/2021	In Person
2/8/2021	Virtual
11/9/2021	Virtual
1/11/2022	Virtual
2/9/2022	Virtual
5/25/2022	Virtual
9/20/2022	Virtual
12/8/2022	Virtual
1/10/2023	In Person
2/9/2023	Virtual
5/9/2023	Virtual
9/12/2023	Virtual
12/1/2023	Virtual
2/8/2024	Virtual
5/9/2024	Virtual
<i>Source: PERD analysis of Ethics Commission information.</i>	

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*PERD's review of recorded training finds that the topics covered included: prohibiting the use of an office for private gain, solicitation and gifts, prohibited public contracts, voting, and employment restrictions.*

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PERD requested if training agendas were available that listed the topics covered. The Commission responded that usually there is no agenda, but suggested that PERD could view recordings of past trainings on its website. PERD's review of recorded training finds that the topics covered included: prohibiting the use of an office for private gain, solicitation and gifts, prohibited public contracts, voting, and employment restrictions.

## Conclusion

PERD finds that the Commission provides the required ethics training to public officials. It offers the training multiple times a year and in the formats of in-person and virtual. It is important that the Ethics Commission provides this training to inform public officials on ethics standards, and to facilitate integrity and public trust in the various government functions.

## ISSUE 4

### **The Commission's Website Complies with Statutorily Required Content and Contains Other Features that Enhance User-Friendliness and Transparency**

#### **Issue Summary**

For several years there has been a trend at every level of government to develop government websites that promote transparency and user-friendliness, foster public trust in government operations, and better communicate and engage with constituents. There are a host of website features that are widely used to improve communication with agency constituents and to enhance transparency of an agency's operations. The West Virginia Legislature has also acknowledged the importance of using websites to communicate with constituents by statutorily requiring that each state agency maintain a website that contains specific information. PERD finds that the Ethics Commission's website contains all the items of information specified by state statute and other features that are frequently used in government websites.

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*W. Va. Code §5F-1-7, requires each state agency to maintain a website that has specific standard information.*

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#### **The Commission's Website Contains All Statutorily Required Information**

During the 2020 regular legislative session, the West Virginia Legislature passed Senate Bill (SB) 175. The bill was enacted into law and created a new section of code, W. Va. Code §5F-1-7, that requires each state agency to maintain a website that has specific standard information by December 31, 2020. SB 175 also requires county commissions and authorizes municipalities to maintain a website by the end of 2020 that contains specific information including the names and contact information for elected officials, ordinances, dates of meetings, and meeting minutes.

Table 4 shows the statutorily required information for state agency websites and what information is available on the Ethics Commission's website. As can be seen, the Commission's website contains all the specified content. The required items of information are important in enhancing public access to the agency, and providing an understanding of the agency's operation and decisions.

**Table 4**  
**Ethics Commission**  
**Statutorily Required Standard Website Content**

Required Content	Yes	No
Office location	X	
Mailing address	X	
Telephone number	X	
Facsimile number	X	
Office hours	X	
Secure electronic contact portal	X	
Contact information of each administrative agency official	X	
Organizational chart	X	
List of statutes and legislative and procedural rules	X	
Meeting minutes	X	
Annual reports	X	
Frequently Asked Questions (FAQ) and descriptive answers	X	

*Source: PERD's review of the Ethics Commission website as of July 8, 2024, compared to W. Va. Code §5F-1-7.*

*Table 4 shows the statutorily required information for state agency websites and what information is available on the Ethics Commission's website. As can be seen, the Commission's website contains all the specified content.*

When applicable, W. Va. Code §5F-1-7 also requires state agencies that make available grant opportunities to include on their websites:

- grant and application information,
- grant eligibility requirements, and
- award ranges and award deadlines.

Additionally, state agencies that award grants in an amount greater than \$20,000 must list the following information on their websites concerning those grants:

- the name and address of the grantee's organization,
- the purpose of the award,
- the amount of the award,
- the effective date and duration of the award, and
- any financial and performance reports that are required by the State of West Virginia.

These items of information are not applicable for the Commission's website because it does not administer grants.

*The required items of information are important in enhancing public access to the agency, and providing an understanding of the agency's operation and decisions.*

## Conclusion

The website information required by W. Va. Code §5F-1-7 represents standard content. However, additional website features have been used in government websites to enhance user-friendliness and transparency. PERD finds that the Commission's website is easy to navigate as every page links to the homepage, it has a site map, a search box on every page, and it is at a good readability level. Other features that can enhance user-friendliness include Foreign Language Accessibility, and Site Functionality in which a person can adjust the font size and resizing text without distorting the site's graphics or texts. The Commission's website also contains all the important transparency features as required by West Virginia Code §5F-1-7. Other transparency features that are used in government websites that the Commission can consider are information on how to submit a Freedom of Information Act (FOIA) request, ideally with an online submission form; a page describing the agency history and how it has evolved; performance measures, goals, and outcomes; and update status on each page indicating the last time the page was updated.

## Recommendation

5. *The Ethics Commission should consider adding any user-friendly or transparency elements that it determines would further enhance its website.*





# Appendix A

## Transmittal Letter

### WEST VIRGINIA LEGISLATURE

*Performance Evaluation and Research Division*

1900 Kanawha Blvd. East  
Building 1, Room W-314  
Charleston, WV 25305-0610  
(304) 347-4890



**John Sylvia**  
**Director**

June 17, 2025

Kimberly B. Weber, Executive Director  
Ethics Commission  
210 Brooks St, Suite 300  
Charleston, WV 25301

Dear Director Weber:

This is to transmit a draft copy of the Agency Review of the Ethics Commission. This report is tentatively scheduled to be presented during the September 7-9, 2025, interim meeting of the Joint Standing Committee on Government Organization. We will inform you of the exact time and location once the information becomes available. It is expected that a representative from your agency be present at the meeting to answer any questions committee members may have during or after the meeting.

We need to schedule an exit conference to discuss any concerns you may have with the draft report. We would like to have the meeting between July 8, 2025 and July 10, 2025. Please notify us of your preferred day and time. In addition, we need your written response by noon on Wednesday, July 16, 2025, to include it in the final report. If your agency intends to distribute additional material to committee members at the meeting, please contact the House Government Organization staff at 304-340-3192 by Thursday, September 4, 2025, to make arrangements.

We request that your personnel not disclose the report to anyone unaffiliated with your agency. However, the Legislative Auditor advises that you inform any non-state government entity of the content of this report if that entity is unfavorably described, and request that it not disclose the content of the report to anyone unaffiliated with its organization. Thank you for your cooperation.

Sincerely,  
*John Sylvia*  
John Sylvia

Enclosure

c: Eric Householder, Cabinet Secretary  
Department of Administration



## Appendix B

# Objectives, Scope and Methodology

The Performance Evaluation and Research Division (PERD) within the Office of the Legislative Auditor conducted this performance review of the Ethics Commission (Commission) as part of the Agency Review of the Department of Administration, as required and authorized by the West Virginia Performance Review Act, Chapter 4, Article 10, of the *West Virginia Code*, as amended. The purpose of the Commission, as established in West Virginia Code Chapter 6B, Article 2, et seq., is to enforce and administer the West Virginia Governmental Ethics Act which is a code of conduct for appointed and elected officials and employees.

### Objectives

An objective of this review was to determine if the Commission trained lobbyists in accordance with law and rule. An additional objective was to determine if the Commission conducted compliance audits of lobbyists registration statements and disclosure reports in accordance with law and rule. A third objective was to assess the if the Commission trained elected and appointed officials regarding the laws they need to comply with, and that violations of these laws would expose them to sanctions by the Commission or criminal prosecution. The fourth objective was to assess the Commission's website for compliance with statutory requirements and additional user-friendly and transparency features.

### Scope

The scope of the first objective of this review was limited to a random sample of 71 lobbyists registered during the 2021-2022 registration cycle. The scope encompasses the sampled lobbyists' activity reports and ethics training records. The scope did not include a review of all registered lobbyists, or a review of lobbyists registered in other registration cycles. The scope of the second objective was to determine if the Commission conducts compliance audits on lobbyists as required by legislative rule. PERD reviewed a limited number of compliance audits that the Commission conducted in each of the years 2018 through 2022. The scope of the third objective encompassed the Commission's records of public officials noted as attending ethics training in calendar years 2021 through 2024. The scope of this review also includes the agency's website and its features.

### Methodology

PERD gathered and analyzed several sources of information and conducted audit procedures to assess the sufficiency and appropriateness of the information used as audit evidence. The following describe the information gathered and audit procedures.

The basic methodology outline for the audit objectives consists of confirming that the Commission trained lobbyists and elected officials and conducted lobbyist compliance audits. PERD interviewed Commission staff to gain an understanding of how the agency interpreted and applied legislative rules. Testimonial evidence gathered for this review through correspondence with the Commission's staff was confirmed by written statements and in some cases by corroborating evidence.

PERD collected and analyzed the Commission's lobbyist registration dates and training records. This information was assessed against statutory requirements in §6B-3 *et seq.* of the West Virginia Code and requirements in legislative rule §158-12 *et seq.* to determine the Commission's compliance with such laws and rules.

By legislative rule §158-15 *et seq.*, the Commission must determine the number of lobbyists to sample and conduct a compliance audit on each sampled lobbyist. For each year from 2018 to 2022, the Commission sampled 20 lobbyists and performed a compliance audit by reviewing lobbyists' registration statements, lobbying reports, notices of representation, and the disclosure forms. PERD evaluated the compliance audit of one lobbyist for each year of the 20 lobbyists that were sampled by the Commission. This information was assessed against statutory requirements in §6B-3 *et seq.* of the West Virginia Code and requirements to determine the Commission's compliance with such laws and rules.

PERD also obtained the Commission's public official training records. This information was assessed against statutory requirements in §6B-2 *et seq.* of the West Virginia Code and requirements in legislative rule §158-18 *et seq.* to determine the Commission's compliance with such laws and rules.

Under West Virginia Code §5F-1-7, state agencies are required to have several features and components within their websites. PERD assessed the Commission's compliance with West Virginia Code §5F-1-7 by comparing the Commission's website to the standard content specified by law and against other features that are common and widely used for government websites. PERD also conducted a literature review of government website studies, reviewed top-ranked government websites, and reviewed the work of groups that rate government websites to establish a master list of essential website elements. The Brookings Institute's "2008 State and Federal E-Government in the United States" and the Rutgers University's 2008 "U.S. States E-Governance Survey (2008): An Assessment of State Websites" helped identify the top ranked states regarding e-government. PERD identified three states (Indiana, Maine and Massachusetts) that were ranked in the top 10 in both studies and reviewed all 3 states' main portals for trends and common elements in transparency and open government. PERD also reviewed a 2010 report from the West Virginia Center on Budget and Policy that was useful in identifying a group of core elements from the master list that should be considered for state websites to increase their transparency and e-governance. It is understood that not every item listed in the master list is to be found in a department or agency website because some of the technology may not be practical or useful for some state agencies. Therefore, PERD compared the Commission's website to the established criteria for user-friendliness and transparency so that the Commission can determine if it is progressing in step with the e-government movement and if improvements to its website should be made.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

## Appendix C

### Agency Response

#### **Ethics Commission's Response to 2024-2025 PERD Audit**

The Ethics Commission will respond to each of the PERD Audit's conclusions to the Issues it raised separately below.

##### **Conclusions in Issue 1 (Enforcement of Lobbyists Reporting and Mandatory Training):**

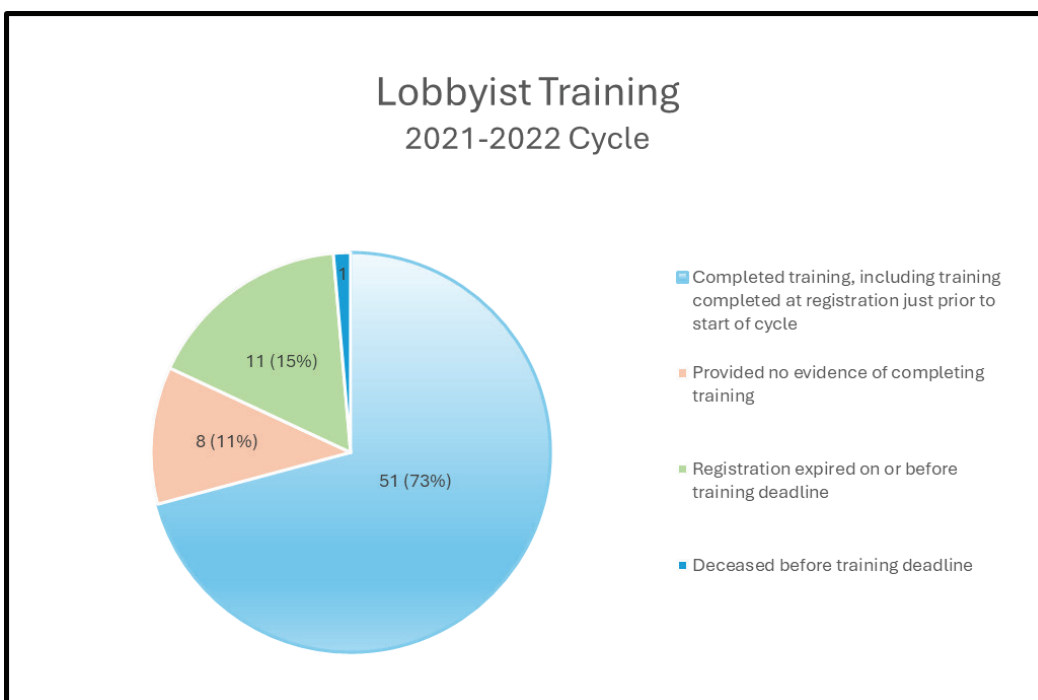
- **The Ethics Commission exercises due diligence enforcing the requirement that lobbyists report their lobbying activities.**
- **The Commission's management promotes compliance with the lobbyists' activity reporting requirements of the State's Ethics Act.**
- **97 percent of the sampled lobbyists submitted their spending reports, and the Commission collected fines from lobbyists who did not timely report.**
- **The Commission provides mandatory lobbyist training sessions.**
- **The Commission records and tracks attendance at the lobbyists training sessions.**
- **The Ethics Commission registered eight lobbyists in 2023-2024 without having documentation of completing the mandatory training in 2021-2022.**

The Commission agrees with the above conclusions in the PERD Audit in Issue 1.

However, the Ethics Commission points out the following statistics:

- 51 lobbyists (73%) verified completion of mandatory training. (The Commission accepted verifications from 12 of these lobbyists for training they completed at the time they registered, just prior to the beginning of the cycle - as was the Commission's practice at the time.)
- 11 lobbyists' (15%) registrations expired before the end of the 2021-2022 cycle due to termination or suspension, or not re-registering for the next registration cycle;
- 1 lobbyist died before the training deadline; and
- 8 lobbyists (11%) provided no training verifications for 2021-2022.

See the chart below:



Eleven (11) lobbyists' registrations had expired for various reasons on or before the deadline - the final day of the two-year cycle. Therefore, 89 percent of the lobbyists either took training for 2021-2022, or their registrations expired before or on the training deadline. The only remedy in the law was for the Commission to prevent a lobbyist in this posture from registering for another cycle until the training is made up.

The Commission also notes that, although the law allows the Commission to suspend a lobbyist for failing to undergo mandatory training, suspension is not a viable option because a registration expires on the same day the training is due. By way of illustration, on January 9, 2023, all lobbyist registrations expired - whether a lobbyist took the training or not. Therefore, the Commission could not - at that time - have taken enforcement action against lobbyists who failed to take training during the 2021-2022 cycle because their registration had already expired. In other words, there was nothing to suspend.<sup>1</sup>

<sup>1</sup>Further, the law as written does not provide a "due process" for how to enforce the suspension of lobbyist privileges for failing to take *mandatory training*. Conversely, the law sets forth a detailed "due" process for enforcing the *filing of lobbyist activity reports* provisions. The law calls for the Commission to provide several notices to, progressive fines against, and ultimately the suspension of lobbyists who fail to timely file activity reports. W. Va. Code § 6B-3-4(b) states: "If a registered lobbyist files a late report, the lobbyist shall pay the commission a fee of \$10 for each late day, not to exceed a total of \$250. If a registered lobbyist fails to file a report or to pay the required fee for filing an untimely report, the commission may, after written notice sent by certified mail, return receipt requested, suspend the lobbyist's privileges as a registered lobbyist until the lobbyist has satisfactorily complied with all reporting requirements and paid the required fee." The law provides

It is unclear whether the Commission staff missed following up on the eight (8) lobbyists, or if they took the training and it somehow did not get reflected in our records. As such, the Commission has instituted a new internal registration process and conducted internal staff training to ensure that the Commission takes appropriate measures when a registered lobbyist fails to complete his/her training mandates. See **Lobbyist Registration and Training Procedure**, revised 8/7/2025, attached. The Commission has also ensured that all 403 lobbyists who are registered for the current (2025-2026) cycle are compliant with the training requirements, i.e., they have completed training for all prior cycles in which they had registered.

The Audit gave the below recommendations associated with Issue 1:

- 1. The Ethics Commission should ensure that all registered lobbyists take the required ethics training during the respective two-year registration period.*
- 2. The Ethics Commission should discontinue the practice of allowing registered lobbyists to complete their ethics training prior to an upcoming registration cycle.*

The Ethics Commission has allowed and even encouraged lobbyists to take the mandatory training just before the beginning of a new cycle at the same time they register. This has been done for the convenience of the lobbyists and staff in accomplishing and recording the mandatory training. The Ethics Commission agrees that a fair reading of the law as it is currently written requires the training to occur during the cycle and not just prior to the beginning of the cycle. The Commission has adopted this reading of the law into its registration and training processes. See attached **Lobbyist Registration and Training Procedure**.

- 3. The Ethics Commission should not register lobbyists for a new registration cycle if the lobbyist has not completed the training for the concluding registration cycle.*

The Commission agrees with this recommendation.

**Conclusion in Issue 2: The Ethics Commission Generally Complies with West Virginia Code in Conducting Lobbyist Compliance Audits.**

The Commission agrees with this conclusion.

The Audit gave the following recommendation associated with Issue 2:

- 4. The Ethics Commission should determine the number of compliance audits to be conducted each year by a resolution adopted at public meetings as required by West Virginia Code § 6B-3-11(c).*

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none of this for enforcing the mandatory lobbyist training. [See W. Va. Code Rule § 158-12-5](#), which outlines the process for sending delinquency notices to lobbyists who fail to file activity reports.

The Commission agrees with this recommendation and notes that this has been its practice since January 2021 and will continue to be the practice of the Commission.

**Issue 3: The Ethics Commission Provides Training to Elected and Gubernatorial Designated Public Officials on the Requirements of the Ethics Act**

The Commission agrees with this conclusion.

The Audit gave no recommendations associated with Issue 3.

**Issue 4: The Commission's Website Complies with Statutorily Required Content and Contains Other Features that Enhance User-Friendliness and Transparency**

The Commission agrees that its website complies with statutorily required content and contains other features over and above what is required by law that enhance user-friendliness and transparency.

The Audit made the following recommendation as to Issue 4.

*4. The Ethics Commission should consider adding any user-friendly or transparency elements that it determines would further enhance its website.*

The Commission is not opposed to taking additional steps to further promote user-friendliness and transparency in excess of those required by the law. The Commission staff, in fact, has taken steps to institute some of PERD's suggestions. The Commission has contacted Tyler Technology, the developer of the Commission's website, regarding enhanced user-friendliness features such as, 1) Foreign Language Accessibility; 2) Site functionality in which a person can adjust the font size and resizing text without distorting the site's graphics or texts, and 3) Dates on each page showing the last time the page was updated.

The Commission has developed an online form for the public to submit Freedom of Information Act Requests, click [here](#). Commission staff has also included a history of the agency on the website, click [here](#).

The Commission posts [Annual Reports](#) on its website, which address matters before the Commission each year, including performance measures, goals, and outcomes.

Submitted 8/28/2025



## **Lobbyist Registration and Training Procedure**

Revised 8/7/2025

1) Per [Legislative Rule 158-12-3.4](#), "The Commission will process registration forms [when possible] within one business day of receipt. The Commission will return incomplete applications without action and lobbying privileges will be delayed."

2) Training is not a prerequisite for *registering* as a first-time lobbyist. In fact, a lobbyist cannot be given credit for training he/she took before the registration cycle began. The training must take place "during" the registration cycle. This is true even if a lobbyist takes the training one day before the cycle. If a lobbyist submits both the training verification and the registration form before the cycle begins, notify him/her that the training cannot be credited to the cycle that is about to begin.

3) After registration, a new lobbyist must take *initial* training before they start lobbying for the first time in West Virginia.

4) After this initial training is satisfied (in whatever lobbyist cycle), lobbyists must take training again *at some point* during each subsequent registration cycle for which they have registered. Therefore, lobbyists who had completed their initial training (at any time in the past) have until the *last day* of a current cycle to complete their mandatory training for that cycle. Also see the example in 8) below.

5) Reject the registration of lobbyists who attempt to register for a new cycle until the outstanding mandatory training from all previous cycles have been completed.

6) If we did register a lobbyist by mistake who failed to complete any outstanding training, notify him/her immediately that he/she may not engage in lobbying activity until the required training course(s) is completed.

7) **For returning lobbyists** - Also verify that they are in good standing (not suspended, no late fees due, no outstanding activity reports).

8) Lobbyists' registrations expire each cycle on the Monday before the second Wednesday in January of each odd-numbered year. W. Va. Code § 6B-3-2(d). Lobbyists who failed to take training during a cycle must make up the training in order to register for a new cycle.<sup>1</sup>

For example, a lobbyist who registered for the first time in the 2021-2022 cycle had to take the training before lobbying in that cycle, but after that initial training, she could register for the 2023-2024 cycle without taking another training first. Then, she had the entire 2023-2024 cycle to complete the training. If she failed to do so, she was noncompliant and may not register for 2025-2026 until she becomes so.

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<sup>1</sup>Our website states: "A lobbyist who has failed to complete mandatory training, will be denied registration (or made inactive) for a later cycle until he or she makes up the earlier training. This make-up training will be credited to the prior cycle. The training will not satisfy the next cycle's training requirement."

9) When all of this is verified, send them an email per [Rule 3.2](#). "The Ethics Commission will notify lobbyists in writing when their registration is complete." In the email, include their electronic identification/registration card and notify new lobbyists that they must take initial training **before** they start lobbying for the first time in West Virginia. Include the statement: "It is your responsibility to keep the Ethics Commission apprised of any email address changes. The preferred method of communication is via email."

10) The Executive Assistant, as the supervisor of the Lobbyist Registrar, will meet with the Registrar every week to make sure all this is correct. The Executive Assistant will inform the Executive Director of any corrections that need to be made.

11) When a Composite Report is created, see if a lobbyist has any reported activity. If so, make sure they took the training *any time before* they started lobbying for the first time in West Virginia. Notify the Executive Director asap if this has happened.



WEST VIRGINIA OFFICE OF THE LEGISLATIVE AUDITOR

## PERFORMANCE EVALUATION & RESEARCH DIVISION

Building 1, Room W-314, State Capitol Complex, Charleston, West Virginia 25305

telephone: 1-304-347-4890 | [www.wvlegislature.gov/Joint/perd.cfm](http://www.wvlegislature.gov/Joint/perd.cfm) | fax: 1- 304-347-4939