



2023 ANNUAL REPORT



VIRGINIA
CONFLICT OF INTEREST AND
ETHICS ADVISORY COUNCIL

Bruce D. White, Chair
Malfourd Trumbo, Vice-Chair
G. Stewart Petoe, Executive Director



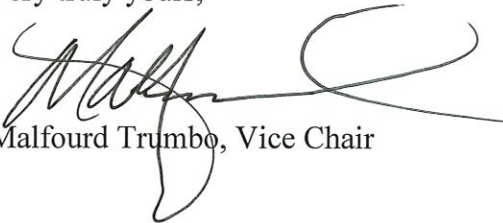
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November 28, 2023

TO: The Honorable Glenn Youngkin, Governor of Virginia
Members of the General Assembly of Virginia

Pursuant to the provisions of § 30-356 of the *Code of Virginia*, establishing the powers and duties of the Virginia Conflict of Interest and Ethics Advisory Council, and as specifically mandated by subdivision 13 of that section, I have the honor of submitting herewith the Council's annual report.

Very truly yours,



Malfourd Trumbo, Vice Chair

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AUTHORITY OF THE VIRGINIA CONFLICT OF INTEREST AND ETHICS ADVISORY COUNCIL

Established in 2015, the Virginia Conflict of Interest and Ethics Advisory Council (the Council) was created as “an advisory council in the legislative branch to encourage and facilitate compliance with the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.) and the General Assembly Conflicts of Interests Act (§ 30-100 et seq.) and the lobbying laws in Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2 of the Code of Virginia.”¹ Pursuant to § 30-356 of the Code of Virginia, the Council is tasked with furnishing formal advisory opinions or guidelines and other appropriate information, including informal advice, as well as conducting training on the laws under its purview and establishing a method for the filing of disclosure forms.

The Council is composed of the following nine members: two delegates and a former judge of a court of record appointed by the Speaker of the House of Delegates; two senators and a former judge of a court of record appointed by the Senate Committee on Rules; and three gubernatorial appointees, one of whom is a current or former executive branch employee, one of whom is selected from a list of three nominees submitted by the Virginia Association of Counties, and one of whom is selected from a list of three nominees submitted by the Virginia Municipal League. In the appointment of both the delegates and the senators, “equal representation shall be given to each of the political parties having the highest and next highest number of members elected to their respective body.”² All of the Council members “are subject to confirmation by the General Assembly by a majority vote in each house of (i) the members present of the majority party and (ii) the members present of the minority party.”³

¹ Subsection A of *Va. Code* § 30-355.

² Subsection B of *Va. Code* § 30-355.

³ *Id.*

MEMBERS OF THE COUNCIL

Appointed by the Speaker of the House of Delegates

The Honorable M. Keith Hodges

The Honorable Vivian E. Watts

The Honorable Bruce D. White

Appointed by the Senate Committee on Rules

The Honorable Adam P. Ebbin

The Honorable Jennifer L. McClellan*

The Honorable Thomas K. Norment, Jr.

The Honorable Malfourd W. Trumbo

Appointed by the Governor

John C. Blair

Adam Kinsman

Sharon E. Pandak**

Tracy Retchin

Council Staff

G. Stewart Petoe, Executive Director

Rebekah Stefanski, Senior Staff Attorney

Elizabeth Sundberg, Senior Filing Associate

Valerie Mizzell, Assistant Filing Coordinator

*Succeeded by the Honorable Adam P. Ebbin

** Succeeded by Adam Kinsman

2023 SUMMARY OF ACTIVITIES

Meetings

The Virginia Conflict of Interest and Ethics Advisory Council (the Council) met on November 28, 2023.

At this meeting, the Council considered and voted to approve the following Formal Advisory Opinions:

- 2023-F-001 Difference Between Retained Lobbyists and Employed Lobbyists in Reporting Reimbursed Personal Travel Expenses
- 2023-F-002 Registration as a Lobbyist Required If Compensated by Client to Initiate Meetings with Legislative or Executive Officials for Purposes of Providing Information

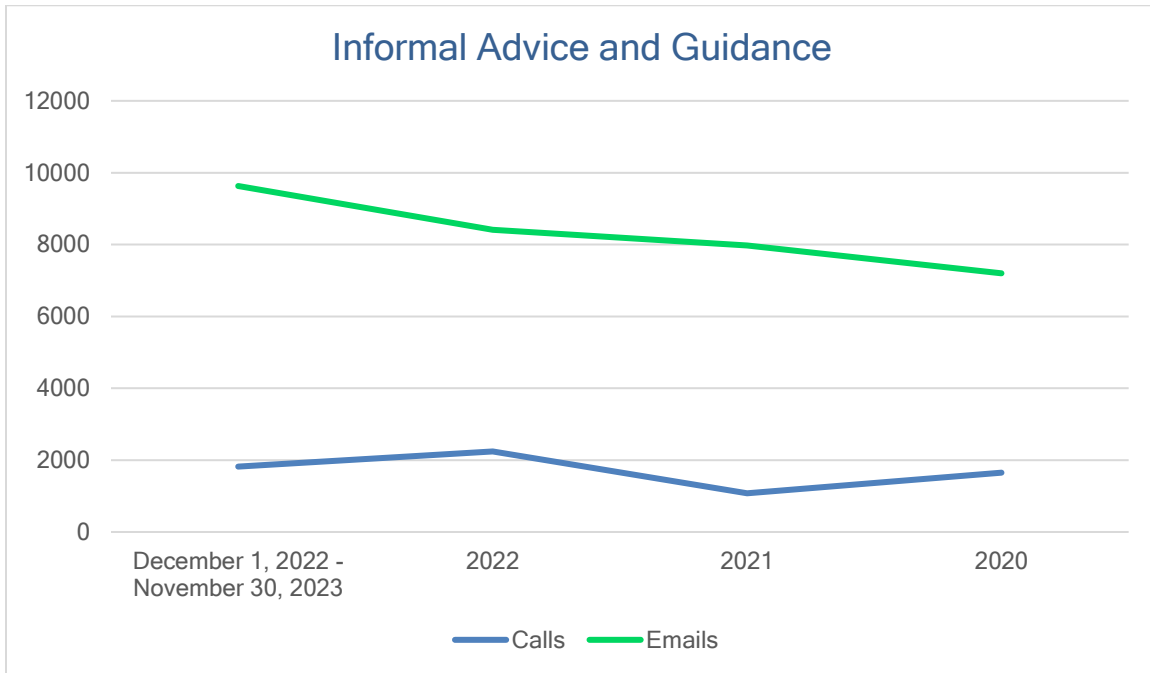
Pursuant to the requirements of subdivision 6 of § 30-356, these opinions have been published on the Council's website (www.ethics.dls.virginia.gov).

Formal and Informal Advice

As noted above, the Council received two (2) requests for Formal Advisory Opinions during 2023. Additionally, Council staff provided informal advice and other assistance through email and phone conversations as well as through some in-person and virtual meetings. Requests for informal guidance and assistance include the following subject areas:

- assistance navigating the online filing system
- maintaining databases of agency coordinators and clerks
- processing and acknowledgment of emails and receipt of lobbyist registrations and disclosures
- help with completing disclosure forms
- generating and providing training reports to agency coordinators and clerks
- guidance as to whether certain activities constitute lobbying
- guidance as to whether certain activities constituted lobbying, and therefore whether registration as a lobbyist would be required
- guidance as to whether particular gifts could be lawfully accepted and how they should be reported

- answers to conflict of interest questions, such as whether it would be lawful for a person to vote on a particular matter, whether a family member could have a contract with a particular agency, or whether a local government officer could apply for a grant for his local business



While the number of phone calls the Council received decreased slightly, the number of emails received continues to increase.⁴

Training Seminars and Educational Programs

Pursuant to subdivision 7 of § 30-356 of the *Code of Virginia*, the Council is directed to conduct training seminars and educational programs for lobbyists, state and local government officers and employees, legislators, and other interested persons on the subject of Virginia's lobbying laws and the Conflict(s) of Interests Acts. All state officers and employees who file a disclosure form are required, pursuant to § 2.2-3110 of the *Code of Virginia*, to receive training on the State and Local Government Conflict of Interest Act (COIA) within two months of starting their position; thereafter, they must receive training at least once every two years.

⁴ Commencing with this annual report, the Council will report phone calls and emails received, as well as disclosure forms and travel waiver requests submitted, for a time frame of December 1 through November 30 of the following year. Numbers in this report are from the time period of December 1, 2022, through November 30, 2023.

Members of the General Assembly similarly must receive training on the General Assembly Conflicts of Interests Act pursuant to § 30-129.1 of the *Code of Virginia*.

In 2019, the General Assembly passed legislation creating § 2.2-3132 of the *Code of Virginia*, which mandates that all local elected officials must receive training on COIA. This training must be provided by the Council and must be completed within two months of assuming office. In 2020, the General Assembly added all members and executive directors of industrial development authorities and economic development authorities to the statute.

To satisfy its training responsibilities, the Council maintains a series of online training modules and conducts in-person training sessions throughout the year.

In-Person Training

Council staff members normally conduct between 20 and 40 live training presentations through the Commonwealth in the course of a year. From December 1, 2022, to November 30, 2023, Council staff conducted 25 in-person training sessions. The groups and organizations for which in-person training was provided include:

Executive Branch and its Agencies, Authorities, and Commissions

- The Office of the Governor
- Office of the Lieutenant Governor
- Radford University
- Virginia Department of the Treasury
- Virginia Economic Development Partnership Board

Judicial Branch

- The Supreme Court of Virginia
- The Court of Appeals of Virginia
- Office of the Executive Secretary

Legislative Branch

- Members of the Virginia House of Delegates
- Members of the Senate of Virginia

Local Elected Officials and Associations

- Commissioners of the Revenue Association of Virginia
- Commonwealth's Attorneys' Services Council
- Constitutional Officers
- Virginia Municipal League
- Virginia School Boards Association
- Virginia Sheriffs' Institute
- Williamsburg Tourism Council

Online Training

The following modules are available on the Council's website to accommodate the different categories of individuals required to complete training on the Acts every two years. Each of these modules is tailored to the statutory requirements of the role in which the person serves.

- State Officer or Employee - This training is for all filers who submit a Statement of Economic Interests using the Council's online filing system.
 - Citizen Members Appointed to a State Board - This module is for all citizens who file Financial Disclosure Statements using the Council's online filing system.
 - Local Elected Officials or EDAs/IDAs - This training satisfies the training requirement for local elected officials and executive directors and members of industrial and economic development authorities.
 - General Assembly - This training is for the elected members of the General Assembly.
- The number of people who completed the Council's online training is as follows:

	State Officials and Employees	Local Elected Officials	Citizen Members of State Boards
December 1, 2022 - November 30, 2023	3,469	1,098	465
November 1, 2021 - November 30, 2022	3,108	941	359
November 1, 2020 - November 30, 2021	3,528	1,383	3
November 1, 2019 - November 30, 2020	5,163	3,088	151*
November 1, 2018 - November 30, 2019	3,033	1,578	N/A

* Previously these members had taken the training for state officials and employees, which contained substantial content that was extraneous for them.

As the training requirement is for every two years, it is to be expected that the number of people who access the online training modules will vary from year to year in a two-year cycle.

Disclosures and Registrations Filings

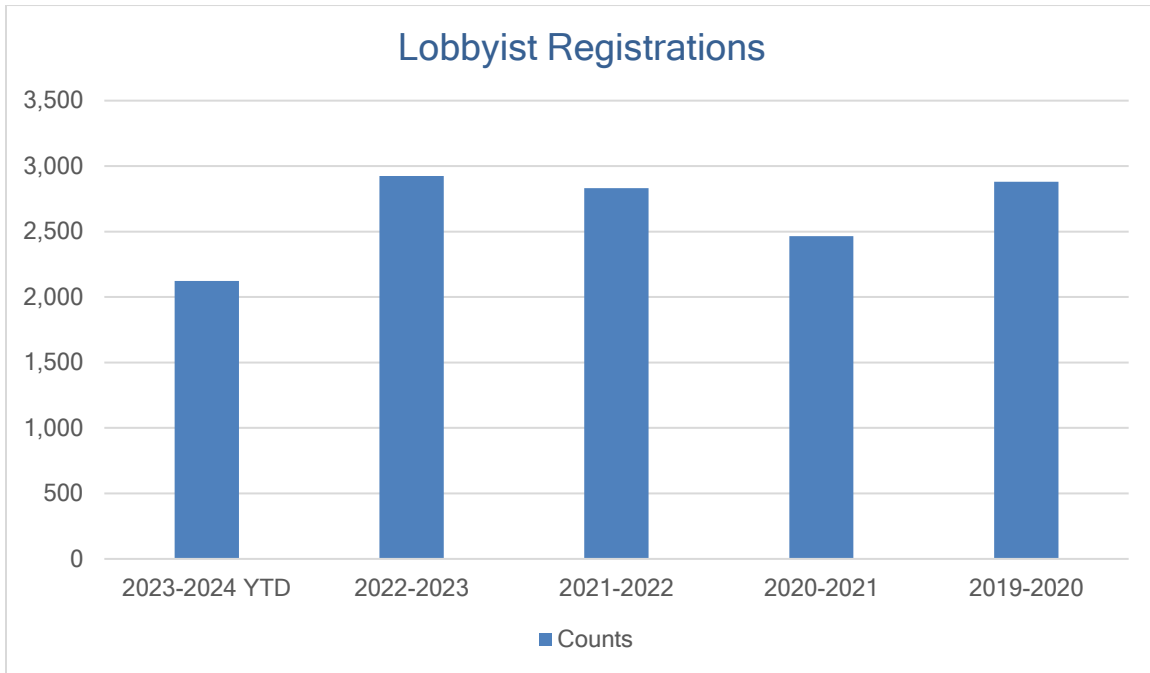
The Council receives financial disclosure filings from across the Commonwealth from the following individuals:

- all members of the General Assembly
- all district and circuit court judges
- members of the Supreme Court of Virginia and the Court of Appeals of Virginia
- the Governor
- the Lieutenant Governor
- the Attorney General
- all constitutional officers
- all state officers and employees who are required to file Statements of Economic Interests
- executive branch board appointees

In addition to the financial disclosures, all members of the General Assembly, the Governor and his Cabinet, the Lieutenant Governor and the Attorney General are required to submit Session Gift Reports after the General Assembly adjourns sine die from its regular session.

	Statements of Economic Interests (SOEI)	Financial Disclosure Statements (FDS)
December 1, 2022 - November 30, 2023	8,990	2,895
January 1, 2022 - November 1, 2022	9,016	3,156
January 1, 2021 - November 1, 2021	9,085	2,744
January 1, 2020 - November 1, 2020	8,870	3,117
January 1, 2019 - November 1, 2019	8,742	2,982

In addition, the Council processes lobbyist registrations and disclosures. The lobbying year runs from May 1 - April 30 and all registrations and disclosures must be submitted electronically using the Council's online filing system.



Note: The 2023-2024 YTD figures are through November 30, 2023.

Travel Waivers

Requests for travel waivers increased slightly for the period of December 1, 2022, to November 30, 2023.

	Travel Waivers Received	Travel Waivers Approved	Unnecessary or Withdrawn Travel Waivers
December 1, 2022 - November 30, 2023	116	96	20
2022	104	86	18
2021	65	53	12
2020	47	34	13
2019	124	95	29

For the unnecessary requests, each person making the request was contacted and informed that a travel waiver was not needed, either because the person requesting the travel waiver

was not required to submit one, the entity paying for the travel was not a prohibited donor, or the travel was actually to be paid by a Virginia state agency or locality.

Conclusion

Throughout 2023, the Council continued its normal operations. The number of phone calls received declined slightly; however, the number of emails received continues to grow. Requests for travel waivers also increased slightly. Requests for in-person training presentations remained at a similar level to the previous year.

The Council continues to be a resource for all state and local officials and employees, as well as legislators. The Council looks forward to continuing to serve the needs of state and local officials and employees and registered lobbyists throughout the Commonwealth for all matters related to the Conflict(s) of Interests Acts and Virginia's lobbying laws.

The Council would like to thank all who have participated in the work of the Council throughout the year.