



MEMORANDUM

To: Virginia Conflict of Interest and Ethics Advisory Council

From: Stewart Petoe, Executive Director

Date: April 24, 2017

Re: Formal Advisory Opinions

Applicable Code (as of July 1, 2016):

§ 30-356. Powers and duties of the Council.

The Council shall:

...

6. Furnish, upon request, formal advisory opinions or guidelines and other appropriate information, including informal advice, regarding ethics, conflicts issues arising under Article 3 or the Acts, or a person's duties under Article 3 or the Acts to any person covered by Article 3 or the Acts or to any agency of state or local government, in an expeditious manner. The Council may authorize a designee to furnish formal opinions or informal advice. Formal advisory opinions are public record and shall be published on the Council's website; however, no formal advisory opinion furnished by a designee of the Council shall be available to the public or published until such opinion has been approved by the Council. Published formal advisory opinions may have such deletions and changes as may be necessary to protect the identity of the person involved or other persons supplying information. Informal advice given by the Council or the Council's designee is confidential and is excluded from the mandatory disclosure provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). . . .

Discussion:

The Virginia Conflict of Interest and Ethics Advisory Council staff recommends that the Council adopt the following procedures for formal advisory opinions:

1. The Council will accept requests for formal guidance via mail, email, or the Council website. Council staff will redact all personally identifiable information from any records released to the public.

2. Anonymous requests for formal advisory opinions will not be accepted. In order for the Council to properly respond to inquiries, valid contact information in the form of a working telephone number or email address must be provided by the individual seeking an opinion. The Council will not begin working on an opinion until the requester provides valid contact information.

3. Council staff will verify that each request for a formal advisory opinion is made by an individual covered by the State and Local Government Conflict of Interests Act (§ [2.2-3100](#) et seq.), the General Assembly Conflicts of Interests Act (§ [30-100](#) et seq.) (hereafter the Acts), or the lobbying laws in Article 3 (§ [2.2-418](#) et seq.) of Chapter 4 of Title 2.2 (hereafter Article 3) or an agency of state or local government. The Council will provide formal advisory opinions only for requests from individuals or agencies subject to these laws.
4. Council staff will verify that the requester has submitted sufficient information for a response to be initiated. If additional information is necessary, staff will request such information from the requester. Until such information is adequately provided, no formal advisory opinion will not be issued.
5. A requester must submit his question and all necessary contact and supporting information a minimum of six weeks prior to the next scheduled Council meeting in order for the question to be considered for inclusion on the meeting agenda. Questions submitted less than six weeks before a Council meeting may be presented to the Council at the next meeting at the discretion of the Council.
6. Formal advisory opinions will be drafted by Council staff, and personally identifiable information will be redacted prior to submission of draft formal advisory opinions to the Council for review.
7. Council staff will provide Council members with draft formal advisory opinions a minimum of two weeks prior to the scheduled Council meeting at which they will be reviewed.
8. After approval by the Council, formal advisory opinions will be published by Council staff on the Council's website with personally identifiable information (including residential address, personal telephone number, or signature) redacted. Council staff may redact other personal information as may be necessary to protect the identity of the person or persons involved.