

Commonwealth of Virginia

Chris Piper, Executive Director



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Virginia Conflict of Interest and Ethics Advisory Council

MEMORANDUM

TO: Council Members
FROM: Chris Piper
DATE: September 28, 2015
RE: Delegation of Council Duties

Suggested Motion for Council: I move that we accept the staff recommendation for the delegation of Council duties.

Discussion:

The Virginia Conflict of Interest and Ethics Advisory Council staff recommends the Council adopt the following delegation of its duties found in § 30-356 unless otherwise noted:

1. Review all disclosure forms required to be filed with the Council. The Council may review disclosure forms for completeness, including comparing lobbyist reports with other reports filed by the Council. If a disclosure form has been found to be incomplete, the Council shall notify the filer and direct the filer in writing to file a completed form within a prescribed period of time.

***Staff Recommendation:* Delegate to staff with standards and procedures to be approved by Council.**

2. Provide software or electronic method for filers to submit the required disclosure forms. Council prescribes the method of execution and certification of electronically filed forms.

***Staff Recommendation:* Delegate to staff with standards and procedures to be approved by Council.**

3. Accept and review any statement received from a filer disputing the receipt by such filer of a gift that has been disclosed on the form filed by a lobbyist.

***Staff Recommendation:* Delegate to staff with standards and procedures to be approved by Council.**

4. Establish and maintain a searchable database comprising filed disclosure forms.

The Honorable Walter S. Felton, Jr.
The Honorable Janet D. Howell
The Honorable Thomas K. Norment, Jr.

The Honorable Todd Gilbert
The Honorable Jennifer L. McClellan
The Honorable Patricia L. West

Walter C. Erwin
Bernard L. Henderson, Jr.
Sharon E. Pandak

Staff Recommendation: Delegate to staff.

5. Furnish guidance to filers, both informal and formal, and to the public.

Staff Recommendation for formal advisory opinions: Maintain authority as required by law.

Staff Recommendation for furnishing informal advice: Delegate to staff with standards and procedures to be approved by Council.

6. Conduct training seminars and educational programs and publish educational materials for all persons required to comply with the Article 3 and the Acts, including orientation sessions for legislators.

Staff Recommendation: Delegate to staff.

7. Approve orientation courses conducted by state agencies and review, upon request, educational materials and training courses conducted for state and local government officers and employees.

Staff Recommendation: Delegate to staff.

8. Review actions taken in the General Assembly with respect to the discipline of its members for the purpose of offering nonbinding advice.

Staff Recommendation: Council to maintain this authority.

9. Request assistance, services, and information from any agency in order to effectively carry out its responsibilities.

Staff Recommendation: Delegate to staff.

10. Redact personal information from any form prior to making the form available to the public.

Staff Recommendation: Delegate to staff.

11. Report on or before December 1 of each year on its activities, including recommendations for changes in the laws, to the General Assembly and the Governor. The chairman is required to submit the report pursuant to the DLAS procedures for legislative documents.

Staff Recommendation: Council to maintain this authority (staff will draft report for Council approval).

12. Submit complaints against incumbent legislators to the appropriate ethics panel. (§ 30-114)

Staff Recommendation: Delegate to staff.

13. Approve disclosure forms that substantially comply with the forms in §§ 2.2-426, 2.2-3117, 2.2-3118, and 30-111.

Staff Recommendation: Council to maintain this authority (staff will draft forms for Council approval).

14. Provide disclosure forms to appropriate clerks at least 30 days prior to the filing deadline. (**§ 2.2-3114**)

Staff Recommendation: Delegate to staff.

15. Notify the Secretary of the Commonwealth and the Attorney General concerning late or failure-to-file penalties. (**§ 2.2-431, GA, S&L**)

Staff Recommendation: Delegate to staff.

16. Receive and review requests for approval of travel submitted by state and local officials and members of the General Assembly. (**§ 30-356.1**)

Deadline for approval or denial of the request.

- Approval or denial must be provided by the Council within five business days unless Council requests additional information. If additional information is requested, Council shall approve or deny the request within five days of receipt of the requested information.
- Failure to provide approval or denial of the request within specified time periods shall be deemed approval by Council.

Staff Recommendation: Delegate to staff with standards and procedures to be approved by Council.