

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: Informal Guidance Requests

Suggested Motion for Council: I move that we accept the staff recommendation for handling informal guidance requests.

Discussion:

The Virginia Conflict of Interest and Ethics Advisory Council staff recommends the Council adopt the following procedures for providing informal guidance:

1. All requests for informal guidance are confidential and will not be released to the public. All informal guidance given is confidential and will not be released to the public.
2. The Council will accept requests for informal guidance via mail, telephone, email, or the Council website. All phone conversations with requesters regarding their question will be summarized and recorded on phone record sheets. Phone records, emails, and online request forms will be archived but remain privileged and confidential and therefore will not be released to the public.
3. Anonymous requests for informal guidance 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 advice or guidance. The Council will not begin working on a request or question until the requester provides valid contact information.
4. Once an informal guidance opinion has been drafted and reviewed by the Council's Executive Director and General Counsel, the response may be released by the Executive Director to the requester without approval from the Council.

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

5. If the Executive Director and General Counsel feel that a response requires approval by the Council, the Executive Director will request that the question be re-submitted as a request for a formal advisory opinion.

Applicable Code (as of July 1, 2015):

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

The Council shall:

. . .

5. 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 authorized 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 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. Informal advice given by the Council or the Council's designee is confidential, protected by the attorney-client privilege, and is excluded from the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.);

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