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

VIRGINIA
CONFLICT OF INTEREST AND
ETHICS ADVISORY COUNCIL

General Assembly Building
201 N. 9th Street, 4th Floor
Richmond, Virginia 23219
(Phone) 804-698-1810
ethics@dls.virginia.gov

Meeting Minutes
November 20, 2024, 1:00 p.m.
Senate Subcommittee Room C, General Assembly Building

Council members present:
- The Honorable Malfourd W. Trumbo
- The Honorable Bruce D. White
- Senator Adam P. Ebbin
- Senator Richard H. Stuart
- Delegate Vivian E. Watts
- John C. Blair
- Adam Kinsman
- Tracy Retchin

Council members not present:
- Delegate M. Keith Hodges

Staff members present:
- Stewart Petoe, Executive Director
- Rebekah Stefanski, Senior Attorney
- Valerie Mizzell, Filing Coordinator
- Jake Mullican, Filing Associate
- Elizabeth Sundberg, Filing Manager

Summary:

I. The meeting was called to order at 1:17 p.m. by Judge White who then introduced new council member, Senator Richard H. Stuart.

II. The first order of business was to elect a new chair and vice-chair. Senator Stuart nominated Judge Trumbo for chair and Judge White for vice-chair. This motion was seconded by Delegate Watts. The Council unanimously approved the new chair and vice-chair.

III. The next order of business was to approve the meeting minutes from the Council's November 28, 2023 meeting. Mr. Kinsman asked for an amendment to be made to reflect that he was not present at the 2023 annual meeting. Delegate Watts then made the motion

to approve the Council's meeting minutes, as amended. This motion was seconded by Senator Ebbin and unanimously approved by the Council.

IV. Mr. Petoe presented Formal Advisory Opinion – 2024-F-XXX: Appointing a Spouse to a Volunteer Position on Board. After discussion, Mr. Kinsman made a motion to approve the opinion and Mr. Blair seconded. This motion failed on a vote of 3-5. The Council then discussed whether the Formal Advisory Opinion should be rewritten with a different conclusion, or if the Council should recommend to the General Assembly a legislative change: That officers and employees should be prohibited from voting for their spouse to be given a position on a board, even in cases where there would be no financial benefit to either the officer or employee or the spouse. Judge White made a motion that a legislative change be recommended to the General Assembly. Delegate Watts seconded the motion. The motion was unanimously approved by the Council.

V. Next, Mr. Petoe gave a presentation on the Council's role when it receives complaints. He explained that the Council does not have any authorization to act when it receives COIA complaints about state or local officers or employees. When members of the public contact the Council in this regard, they are directed to the proper authority or agency, such as the State Police or a Commonwealth's Attorney. For complaints concerning a member of the General Assembly, the Council essentially serves as a post office. By statute, the Council forwards the complaint to the Chair of either the House Ethics Advisory Panel or the Senate Ethics Advisory Panel. A copy of the complaint is given to the subject of the complaint. At that point, the Council's role in the complaint process is completed.

VI. Rebekah Stefanski presented a synopsis of the Council's advisory nature. She explained how the Council has no investigatory or enforcement authority and that complaints are generally referred to: the Office of the Attorney General or the Commonwealth's Attorney, State Police or local law enforcement, the Virginia State Bar or the Judicial Inquiry and Review Commission. Ms. Stefanski presented examples from neighboring states of Pennsylvania, Maryland and North Carolina, where their Ethics Commissions do have the authority to investigate ethics complaints and impose disciplinary measures. She also outlined the practical considerations that would have to be taken into account if the Council's duties were to be expanded to include investigations.

VII. Mr. Petoe presented the draft of the Council's 2024 Annual Report. Senator Ebbin made a motion to approve the report. The motion was seconded by Ms. Retchin and unanimously approved by the Council.

VIII. Judge Trumbo asked if anyone had signed up for public comment in-person or online. There were no online speakers. There were three speakers from Virginia Good Governance and Virginia Grassroots Association who presented their recommendations for administrative and legislative action, including having a mechanism for filing complaints to make the process more transparent for citizens.

IX. The meeting was adjourned at 3:19 p.m.