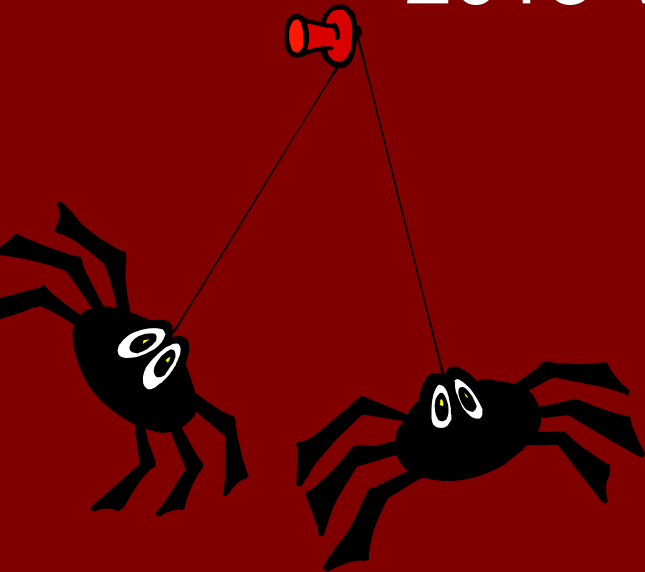




The Virginia Conflict of Interests Act and Ethics

The Good, the Bad and the Ugly*

2013 VACo Annual Conference



•With credit to the movie & the
legend



Presented by the

NOT QUITE READY FOR PRIME TIME PLAYERS

Angela M. Lemmon Horan, Prince William County Attorney

Christopher A. Costa, Fairfax Assistant County Attorney

Blair D. Mitchell, Warren County Attorney

Lucy E. Phillips, Washington County Attorney

Sharon E. Pandak, Greehan, Taves, Pandak & Stoner (Producer)



Disclaimers:

- #1** These stories & characters are fictional; any resemblance to reality is purely coincidental.
- #2** The actors do not represent their localities/clients in this session.
- #3** As always, consult your legal counsel/County Attorney/Commonwealth's Attorney with specific questions.



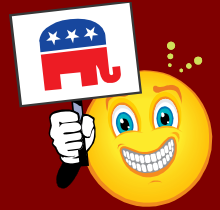
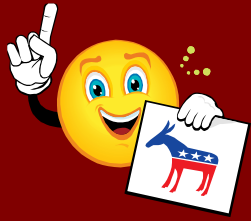
COIA



Sections 2.2-3100 *et seq.*, VA Code Ann.,

is real

You violate it at your ethical, personal,
legal, financial, and elective **PERIL.**



YOU WERE ELECTED

-Filed a Disclosure Form of your
PERSONAL INTERESTS
and other information

-Took the oath of office

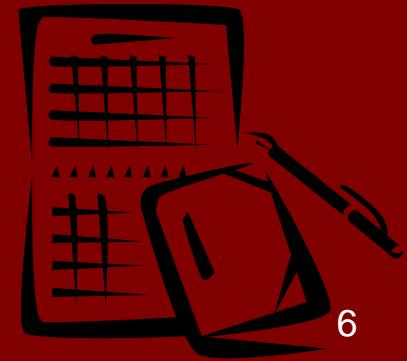


BUT

- **YOU** must still **FILE** a **DISCLOSURE FORM**

EVERY YEAR by

January 15th



THE CLERK TO THE BOARD may remind you



BUT the Clerk is not your mother

—

The Responsibility is **Yours**

The Linchpin of COIA :



- "Personal Interest" of an official (Yes, You) or employee =

"Personal interest"
includes YOU
(the officer or employee),



your Spouse, whether or not
in the same household ()

and Dependents living in the same
household (more than
 $\frac{1}{2}$ financially supported)

What Are You Disclosing Annually?

Examples of what you must disclose:

- Your “**Personal Interests**” and those of your immediate family
 - Ownership in real or personal property, tangible or intangible – business and financial interests; paid directorships; salaries
 - Ownership, interest or income from a business in excess of **\$10,000**
 - Certain personal liability on behalf of a business in excess of **\$10,000**



Additional Examples:

- **Payments for representation** by you or your associates of more than **\$1000**



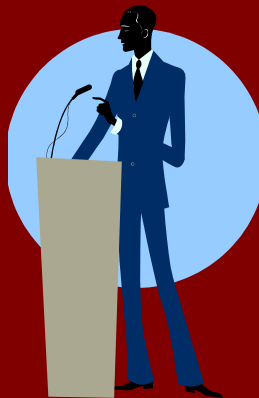
- **Payments for services** from businesses which operate in Virginia





Additional Examples:

- **Payments for Talks,
Meetings, Publications**
... of more than **\$200** each

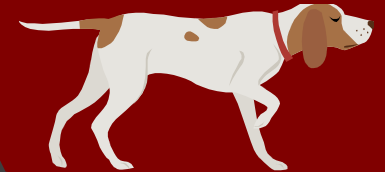




GIFTS for which you neither paid nor rendered services in exchange:



- Any Gift or entertainment at a single event of more than \$50 in value
- Combination of Gift or entertainment of more than \$100 in value



Information which can be Excluded:

- Your personal business entertainment



- Gifts from a relative or personal friend



- Campaign contributions reported pursuant to election law



Premises of COIA:



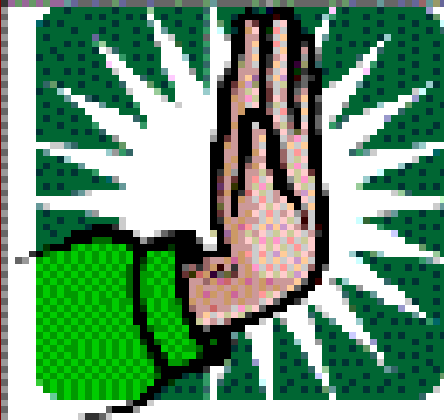
1. **Don't** take bribes or use influence for financial gain.

Don't participate in prohibited contracts.



2.If you have a **personal interest**, you may have to **disclose** before acting.





3. If your **personal interest** is the **only** interest,

you will likely have to **disqualify** yourself from acting.

"Personal Interest" of an official (Yes, You) or employee =

- > **\$10,000** in income, compensation, fringe or other benefits annually;
- > a **3%** interest a business or real estate;
- Ownership of real or personal property if the interest is > **\$10,000**, exclusive of other ownership in a business, income or benefits from the property;

“Personal Interest” continued =

- Personal liability on behalf of a business > 3% of the business' asset value; or
- An option for ownership of a business or real or personal property if the interest is > 3% or > \$10,000 in a contract or transaction.

AND any other person in the **same household** for whom the officer or employee provides **more than 1/2 of his or her financial support**, or who provides **more than 1/2 of the officer's or employee's financial support**.

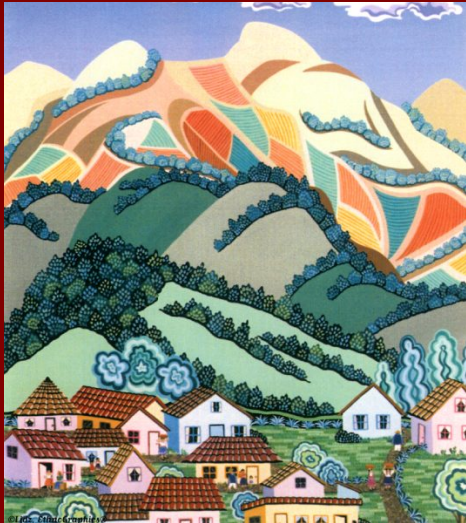


In sum - You must Either

- **Disclose** in writing and verbally if you have a conflict that you can declare and then vote on objectively & in the public interest
- **Disclose** in writing and verbally but not vote because you are legally **Disqualified** –
 - as a matter of law
 - because you cannot vote objectively & in the public interest



What if your personal
interest is the same as that
of a GROUP?





**WHEN
IN
DOUBT**

... your **County Attorney,**

even better

call your **Commonwealth's Attorney**

or

**have your County
Attorney
contact your
Commonwealth's
Attorney**



CALL



SO YOU HAVE

A



CONFLICT ...





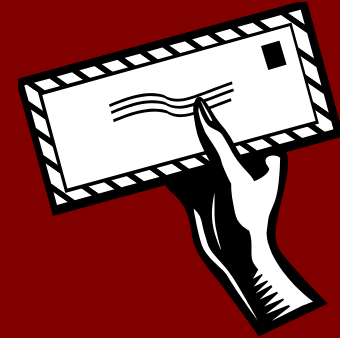
WILL YOU DARE
TO ASK BEFORE IT IS

TOO LATE?





Contact:
Call or Write

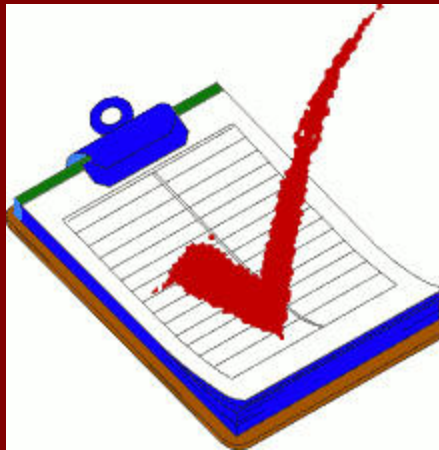


1-800-County Attorney
1-800-Commonwealth's Attorney

Avoid penalties, embarrassment,
loss of office.

Call early and as often as necessary.

COIA sets minimum standards. It is not an ethics Code.



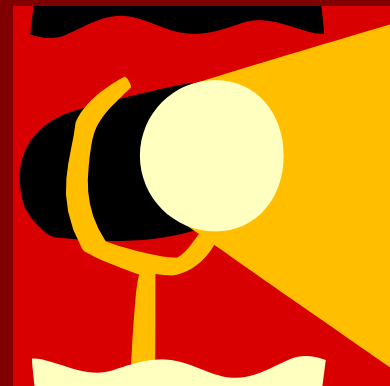
Enhance citizen confidence in Government...

Avoid being the bad news





And now . . . The Show and Tell





Conclusion

*(Thank you for undertaking this challenge
and for your service)*

