

The Alexandria Library Board was called to order by Chairperson Dorothy “Brooksie” Koopman, on Monday, July 28, 2011 at 4:08 pm in the Ilka K. Dickman Board Room at Charles E. Beatley, Jr. Central Library. Members present were R. Hobson, D. Koopman, A. Paul, G. Day-Fuller, F. Fannon, and T. Downing. Member absent was O. Fitzgerald.

Staff present were Director Dawson, Deputy Director Renner and Division Chief of Administrative Services Wesson.

Mrs. Koopman invited guests to make public comments. Lori Wilkinson, supporter of the Duncan Friends introduced herself, as did Renee Dipilato, Beatley Central Library Manager, Carolyn Harris, member of the Duncan Friends, Lynda Rudd, Technical Services Branch Manager, Eileen Bradley, president of the Burke Branch Friends and interim president of the Beatley Central Friends, and Maureen Schweers, vice president of the Duncan Friends.

Mr. Downing requested to make a personal statement, included here in its entirety:

Earlier this week, I called [Mrs. Koopman] to try to get more details on the goals for this special meeting beyond discussing the “disposition of donations and inventory” as stated in the agenda. She shared that the entire board was still incredibly concerned about the issue of my involvement in online book sales and that the city attorney had advised her that it was of great importance that the facts be captured for the public record in an open meeting – despite his opinion that there was no legal conflict of interest.

*Without more to go on, I decided to at least prepare **some personal comments for the public record**, and I am happy to supplement these with any additional information deemed missing once I have concluded this statement.*

For the record, when the Alexandria city attorney rendered his opinion last month that my online sales agreement with the libraries did not present a conflict of interest with my membership on the board, I assure you I did not breathe a sigh of relief. I felt no relief for two reasons:

- (1) I had a great deal of remorse for being the cause of a controversy so early in my board tenure and for potentially putting the libraries in a compromising position; and*
- (2) I had a conversation with [Mrs. Koopman] almost immediately after receiving the attorney’s opinion saying she was still highly concerned and would be organizing a special board meeting to pursue the issue further.*

As you know, a few weeks later, I voluntarily removed myself from all agreements related to online book sales for the libraries. I wanted to spare the board additional time on this issue. And I wanted above all to demonstrate my understanding that I had made a significant mistake in not disclosing the personal profit component of these agreements on my application to city council.

I then assumed there would no longer be a need for this special meeting, but clearly we’re all here today.

For the record, I am very sorry that I did not proactively disclose that I was making a profit on books sold online on behalf of the Duncan, Beatley, and Burke Friends’ groups. I can assure you that there was no deliberate or malicious intention to hide this information. There was however a good dose of naïveté on my part.

As you may have noticed, I am a bit out of my element when it comes to serving on a board and navigating local politics. This was my first time ever applying and ultimately joining a city board. I did so because I wanted to take my volunteer work for the libraries to a higher level – and that volunteer work included many unpaid hours supporting activities unrelated to the online sales. At the time I applied, there was not, to my imagination, any way I could increase my own financial gain by serving on the library board. To be honest, the question never entered my imagination to begin with. I realize now that was a problem.

With the benefit of hindsight, as well as self-education about boards and governance, I admit it should have occurred to me there might be either a perceived or actual conflict of interest. I do think this situation would have evolved differently if the members of this board had gotten a chance to know me better over the past few months. My guess is that you'd be more willing to believe that what I lack in savvy around board affiliations, I make up for in earnest desire to increase support for the libraries.

It's not that I disagree with the fact that we took this issue very seriously as a board and worked proactively to ensure no harm to the libraries' reputation or ethical standing in the community. I am disappointed, though, that there wasn't more of an open exchange between board members and myself in the lead up to this meeting. It was uncomfortable, to say the least, trying to gauge through brief communication with [Mrs. Koopman]

- what specifically we would be addressing beyond the written opinion of the city attorney;*
- to be sent attachments clearly designed to question my actions and intentions and to learn they were requested "on behalf of the board" from other parties (even though, as a member of the board, I would have been happy to provide them if asked directly);*
- to not find myself engaged in simple peer-to-peer discussions with fellow board members on which parts of my actions were still being scrutinized or what I might do to help with whatever outcomes were desired from this meeting;*
- and finally to learn second hand that there had been media inquiries, but not be told by whom or what's at stake as far as my or the library's reputation.*

Again – I have the utmost respect for a board's need to complete the proper due diligence, and I take full responsibility for getting us into this situation. But I also want to ask, as a fledgling member, if it's possible for this board to be a little more transparent and collaborative as a group if we find ourselves faced with a challenge like this in the future – in other words, can the default be to give each other the benefit of the doubt that we all have the library's best interest at heart – even if we make mistakes – and to work together in a collegial manner to rectify those mistakes with the library's best interest as our guide? That would be my hope.

For the record, I should not have assumed that the stakeholder community supporting the libraries is small enough that the details of a new sales effort would be automatically transparent to and vetted by top decision-makers. I did work directly with branch managers and other staff, as well as Friends group leaders and longtime volunteers, in what I thought was a highly visible endeavor. But admittedly I did not take measures to engage higher-level administrators once I began working with multiple libraries. Nor, as I mentioned, did I have the experience in governance issues to think to highlight my arrangement in sufficient detail on my board application.

For the record, I'd like to address the concerns expressed about the exclusivity clause in my agreements with the Friends of the Libraries. This condition did not preclude the administration or board from pursuing alternate online book sales strategies or vendors. There was a 30-day out clause in all of my agreements, and they could have at any time called for a more formal competitive bidding process – either at the branch level or system-wide. Just to put this in perspective, though, there weren't many library resources for this kind of effort back when I got involved – and, as both the Friends and staff will tell you – online sales require a lot of effort. I basically viewed my efforts to help Alexandria's libraries "get in the game to beat the dealers" so to speak as a positive contribution on my part – not purely a profit-making endeavor.

As you know, I have a full time job and online sales are mostly a hobby for me -- although it IS a lot of work, and I did strike what I thought was a win-win arrangement with the Friends, so that I would get some compensation and they would get a great deal of revenue that otherwise would have walked out the door and would not have been generated at all. None of the profits I received took money away from existing Friends of the Library revenue. As far as I could tell when I initiated these agreements, there was no system wide plan to launch an online sales program or put out a request for competitive bids. It was my perception that I could fill a gap in resources by taking on every aspect of this cumbersome work and increase the revenue the Friends' groups would have made using at the annual book sales. The exclusivity clause in the contract just meant that the Friends agreed not to work with any other dealers at the same time they working with me. It did not exclude exploration of other vendors or approaches, which could have been adopted at any time after terminating agreements with me within 30 days.

While I obviously should have relinquished my involvement in any type of sales endeavor before joining the board, I hope that the library and the Friends' groups will continue to pursue a similar strategy to the one I launched over three years ago. I have already indicated to the Friends groups that I would be happy to provide advice and training if they decide to bring the effort in house through volunteers. This consulting would be pro bono, of course, and only with the permission of this board.

For the record, I signed letters of agreement with the Friends of the Library groups at Duncan, Beatley, and Burke. It was my belief, and I was never led to believe otherwise, that the Friends groups could sell the books in any way they saw fit and had the authority to enter into these agreements.

I have only recently learned that our board chair, and perhaps other board members as well, have concerns over the issue of "ownership" of donated books and other media. I will leave it to the leaders of those two parties to reach a mutually agreeable policy. But I do hope the Friends will be permitted to continue their extraordinary work managing the book sales on behalf of the library. It is no small undertaking and seems to me to be a great contribution of time and effort to support an already overworked library staff. It also galvanizes community volunteers around a significant program from which they can see measurable results and gives them a sense of accomplishment and therefore ongoing commitment to our libraries. This is an issue I hope can be resolved in today's meeting.

As a final note for the record, I want to restate my belief that the libraries are one of the most important institutions we have in our community.

Given my overall experience on the board to date, I am questioning how successful I can be in this particular role when it comes to increasing support for, and innovation in, Alexandria's library system. But I will always remain committed to supporting the library system in whatever capacity best meets its needs.

Again, my sincere apologies for taking valuable time from library board members, staff, and Friends to deal with this issue. I hope we can all walk away from today's meeting feeling confident that we have resolved all concerns.

Mrs. Koopman reviewed the events that led to this meeting and reviewed several documents that were part of the boards' packets. She indicated that Mr. Downing had promised to provide financial information regarding the online booksales and that this information would be included in the September Board packets.

Mr. Downing restated that he formerly intended to let the Burke Branch Friends contract expire, and that he had mutually agreed with Eileen Bradley to stop sales for the Burke Branch effective July 21.

Beatley's contract had expired before July 21. Regarding the agreement with the Duncan Branch, he stated that he believed the contract had expired as of May 2011 and that he had been working with them on a month to month basis, but as of July 21, he had stopped those sales as well.

After some further discussion, Mrs. Dawson stated that the Barrett library had an agreement with a vendor with which the library was not satisfied and that the Library was benchmarking other services. She added that because the Friends groups were also in that position, that the Library would like to offer to set up any webinars, meetings, discussions, etc. to aid in that selection process. She stated that the Library and the Friends might end up using the same vendor, but even if they didn't use the same one, she encouraged the Friends to follow the procurement ideal of the City of Alexandria, by not "sole sourcing" so that the Library would continue to benefit from the competition.

Mr. Downing stated that it might be useful for the Friends groups to have some guidelines, to which the Library Director concurred.

Mrs. Paul moved to adjourn. Mr. Fannon seconded the motion which was approved unanimously. The meeting adjourned at 5:09 pm.

Appendices to minutes:

Appendix 1. Library Donations Policy:

15.1 DONATIONS

Gifts made to the Alexandria Library become the property of the Alexandria Library Board and the City and cannot be returned to the donor.

The Alexandria Library reserves the right to decide when, where, and under what conditions donated materials may be used, displayed, or withdrawn from the collection.

The Library does not appraise donated books or other materials.

If the donor wishes to have the materials donated appraised for tax purposes, the arrangements for and the cost of appraising the value of gifts will be borne by the donor.

The Alexandria Library Board will not accept gifts of principal for investment, the income of which is to be used for Library purposes, unless the gift is for \$25,000 or more. Further the restrictions placed on any gift must be approved by the Board, Gifts of less than \$25,000 may be given with suggestions as to the use of such funds.

Revised 6/02, Reviewed 1/05

Appendix 2. Mr. Downing's Application to the Library Board (pages 2 &3) :

.....Public Library. In Pittsburgh I spent many Sunday afternoons at the amazing Carnegie Library exploring their voluminous collection of comedy records and music tapes. In college and graduate school I found both research materials and inspiration in the stacks and carrels. Since moving to the

Washington region in 1999 I've always lived within walking distance of a library – first in Tacoma in the District, then in Tacoma Park and now in Del Ray. While there are great resources available at the large institutional libraries such as the Carnegie and those at universities, it is the smaller neighborhood libraries that have always impressed me the most. “Story time” programs for children, book club kits for teens, pajama nights at the movies, author talks, forums with local political leaders, access to technology that helps to close the digital divide, as well as all of the traditional services– libraries are integral to fostering a culture of learning and civic participation. Since moving to the area I've done my best to show my appreciation for all that libraries do for a community by being an active participant in fundraising events, community outreach programs, and volunteerism, particularly on behalf of my local branch, the James M. Duncan Library. In less than four years I've helped the Friends of Duncan Library raise more than \$15,000 by launching large-scale outdoor book sale events and online sales of donations. I've arranged for thousands of dollars worth of in-kind donations from local businesses, including off-site book storage, truck rental, incentive prizes, event giveaway items and refreshments for volunteers. In 2008, I also ran a year-long film series under the library's name that was held at two different Del Ray restaurants. This successful series gained a strong local following and was prominently featured several times in the Washington Post entertainment section. In the last two years I've also developed relationships with the Ellen Coolidge Burke and the Charles E. Beatley, Jr. Friends groups and am now contributing to their online sales efforts as well. While the world of information is dramatically different than when I got my first library card, and the value of libraries under constant debate, I believe a lot of what has made them meaningful to me over the years still applies. I strongly believe that average citizens, especially those like me who have benefited greatly from public libraries, should take on a leadership role in building community support for maintaining critical programs and fostering innovation throughout their local library system. I am an average citizen who would like the opportunity to do just that. If elected to the Board I will work hard and use my skills and knowledge to improve the way the community understands the enduring value of libraries and also help to ensure that Alexandria's libraries are embracing new technologies, new program models, and new ways of thinking about how to better serve city residents. Thank you for your consideration.

Have you applied for a position on a City Board, Commission, Committee or Authority in the last six months?
NO

If yes, please state the names of the boards for which you have applied:

Are you currently a member of a City Board, Commission, Committee or Authority? **NO**

If yes, please list the board:

How many terms have you served on this board?

If you have served more than two consecutive terms on this board, please state the specific qualifications you possess which merit consideration for continued service:

Are you now paid by the City of Alexandria? **NO**

If yes, please state your department, job title and describe your duties:

Do any of your immediate relatives or business associates now serve the City of Alexandria in any capacity? **NO**

If yes, please explain:

ATTENDANCE REQUIREMENTS: Sec. 2-4-7 of the City Code requires appointees to attend at least 75% of the yearly committee meetings. Absences may be excused because of personal illness or serious illness of

members if the immediate family, death of a family member, unscheduled or unforeseen business trips, and emergency work assignments only. All other absences are recorded as unexcused.

In light of the above, will you be able to attend at least 75 percent of the regular meetings of the board which you may be appointed? **YES**

If applicable, will you comply with the provisions of the City's conflict of interest requirements in City Ordinance 2867? **YES**

EDUCATIONAL BACKGROUND: (Please list certificates, diplomas, degrees, seminars, etc.)

1980-1984 Bowling Green State University Bowling Green, OH BA, Communications 1992-1994 Indiana University Bloomington, IN MS, Instructional Systems Technology Conference/Seminar Attendee 2010 American Library Association (annual conference) 2009 American Society of Training & Development

SUMMARY OF WORK AND PRACTICAL EXPERIENCE: (Please list titles and duties for the past five years)

Professional Experience 2005-2008 Computer Sciences Corporation Alexandria, VA Senior Training Specialist 2008-Present United States Patent & Trademark Office Alexandria, VA Lead Administrator, Commerce Learning Center (Learning Management System) Volunteer and Additional Experience 2005 –Present Friends of Duncan Library (FODL) * Coordinated two large-scale outdoor spring book sales that generated more than \$15,000. Events included children’s activities, performers and food vendors. * Created and distributed original marketing materials and worked with local media outlets to promote the events. * Created and manage the FODL online sales program. Since its inception in 2008 the program has generated more than \$5,000. * Engaged more than 15 area businesses in supporting the FODL both financially and through participation in outdoor events. * Procured in-kind donations including gift certificates for event giveaways, meals for volunteers, as well as truck and storage facility rental. * Ran a popular year-long independent film series hosted at The Caboose Coffee Shop and Fireflies restaurant.

Created and distributed original marketing materials. Films were featured several times in The Washington Post. 2010 – Present Friends of the Beatley Central Library (FOBCL) * Created and manage the FOBCL online sales program. 2009 – Present Friends of Burke Branch Library (FOBBL) * Created and manage the FOBBL online sales program.

Appendix 3. Online Agreements – Friends of the Duncan Library & Friends of the Beatley Library:

Agreement

This is an agreement between the Friends of Duncan Library (FODL) (2105 Commonwealth Ave., Alexandria, VA 22301) and independent online bookseller Thom Downing (213 Laverne Ave., Alexandria, VA 22305).

Both parties have entered into this understanding as of February 1, 2010 for a period of 12 months, ending on or about February 1, 2011.

FODL has committed to the following:

- I. Make all items donated to the Duncan Library that are not incorporated into the Library’s collection available for review and sale online exclusively to Thom Downing.

Thom Downing has committed to the following:

- I. Periodically review library donations, select those items most likely to sell online and make those items available for sale on one or more online retail websites.

2. Provide accounting figures and payment for all sales on a monthly basis.

Accounting specifics:

- I. For each item sold FOLD will receive 50% of the sale after any fees charged by the online retailer.
An additional .30 per item will be subtracted from each sale to cover the cost of shipping materials.

Either party can terminate this agreement with 30 days written notice.

By signing this document both parties:

- agree to the listed terms and intend to be bound by the agreement, and
- state that he/she have the authority to enter into the agreement.

_____ Date: _____

Anthony Springer, President
Turning the Page

_____ Date: _____

Thom Downing, Owner/Operator
Independent Online Bookseller

Agreement

This is an agreement between Friends of the Beatley Central Library and independent online bookseller Thom Downing (213 Laverne Ave., Alexandria, VA 22305).

Both parties have entered into this understanding on July 1, 2010 for a period of 12 months, ending on June 30, 2011.

The Friends of the Beatley Central Library **has committed to the following**

1. Make all items donated to the Friends of the Beatley Central Library that are not incorporated into the Library's collection available for review and online sale exclusively to Thom Downing.

Thom Downing has committed to the following

1. Periodically review library donations, select those items most likely to sell online and make those items available for sale on one or more online retail websites.
2. Provide accounting figures and payment for all sales on a monthly basis. Accounting and payment for each month's sales will be delivered no later than the 15th day of the following month.

Accounting

1. For each item sold, the Friends of the Beatley Central Library will receive 50% of the original sale price minus fees charged by the online retailer and an additional .30 per item processing deduction.
2. Checks will not be issued for monthly sales totaling less than \$50. Any amount that totals less than \$50 will be combined the following month or months until such time that the minimum is reached. At that time a check will be issued per the payment agreement shown above.

Additional note

1. Online sales will be suspended twice per year. This will take place during the last two weeks of December and again in late summer.

If the parties do not renew this agreement after it terminates on June 30, 2011, Thom Downing agrees to return to the Friends of the Beatley Central Library by July 30, 2011 all unsold items along with a final accounting and any monies due to the Friends of the Beatley Central Library.

Either party can terminate this agreement with 30 days written notice.

By signing this document both parties:

- agree to the listed terms and intend to be bound by the agreement, and
- state that he/she have the authority to enter into the agreement.



Date: 06/02/10

Charles Ziegler
President
Friends of Beatley Central Library

Appendix 4. Mr. Downing's Email to Mrs. Koopman dated June 19, 2011:

----- Original Message -----

From: [Thom Downing](#)

To: mreaton@comcast.net

Sent: Sunday, June 19, 2011 3:20 PM

Subject: Online Sales

Brooksie,

As you may or may not know, I've had agreements over the past several years with the Duncan, Burke, and Beatley Friends of the Library groups regarding online book sales. I help the Friends increase revenue from donated books by selling some of them online (which turns out to be considerably more profitable for the libraries than simply holding the annual on-site book sales). Most of the revenue I've helped generate to date has been for the Duncan Library, with which I've had the longest and most active partnership.

Recently Rose had a discussion with Renee DiPilato about the libraries' approach to selling donated books online, as well as a follow-up conversation with me by phone. During those conversations, Rose brought up a couple of things I wanted to call to your attention: (1) Rose is exploring different type of vendors who help libraries sell books online and thinking about changing the way they 'outsource' this service for at least the Beatley Library, perhaps all libraries; and (2) Rose is questioning whether the service I currently provide in this area is in any way a conflict of interest with my position on the Library Board.

Rose suggested I bring the second issue to your attention, and I, of course, have some good experience that might help Rose and/or the Board address the first issue.

Please let me know when we might chat about this topic and/or any initial thoughts you may have.

Thanks. I look forward to seeing you at the meeting.

Appendix 5. City Attorney Opinion:

M E M O R A N D U M

TO: Rose T. Dawson
Director, Alexandria Library

FROM: James L. Banks, Jr.
City Attorney

DATE: July 14, 2011

SUBJECT: Conflict of Interest Inquiry

The Alexandria Library donates books to the Friends of the Library (a separate non-profit corporation) so that FOL may sell the books to raise funds. FOL then enters into a contract with a vendor to sell the books online. The vendor remits the funds received from the online sales to FOL minus an agreed upon fee or commission. The total annual fee or commission received by the vendor is less than \$10,000. The vendor is a member of the Board of Directors of the Alexandria Library. Is there a conflict of interest? In summary, the answer is no. There is no conflict of interest under applicable Virginia law.

The Virginia Conflict of Interest Act, Va. Code § 3100 et seq. (1950 as amended), regulates the financial relationship between members of the governing body and other governmental agencies and their local governments. Under the Act, a member of the governing body or other agency may not have a personal interest in a contract with the locality or an agency of the locality. A personal interest is defined as annual income in excess of \$10,000.

The matter described above does not constitute a conflict of interest under the Act for two reasons. First, the contract involving the vendor/board member is not a contract between the vendor/board member and the locality or an agency of the locality. The contract in question is with a separate non-profit corporation. Second, the vendor/board member does not have an impermissible “personal interest” in the matter since he receives less than \$10,000 annually from the contract with FOL.

While this matter does not constitute a conflict of interest under the Act, it will likely be **perceived** as a conflict of interest. In such perceived conflicts, the City Attorney’s Office provides the following standard advice: 1) the person with the perceived conflict should publicly disclose the conflict in open session; 2) for routine matters that do not involve a matter in controversy such disclosure is usually sufficient. In matters of greater controversy, the person with the perceived conflict should offer to recuse himself from any official consideration of issues related to the matter in controversy. Of course, both the individual with the perceived conflict as well as the board or commission upon which he serves may take additional action to address the perceived conflict in order to further assure the public of the integrity of the board or commission.

Should you have any additional questions or concerns, please feel free to contact me at your convenience.

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Appendix 6. The Virginia Conflict of Interest Act, Va. Code § 3100 et seq. (1950 as amended):

Code of Virginia

§ 2.2-3100. Policy; application; construction.

The General Assembly, recognizing that our system of representative government is dependent in part upon (i) citizen legislative members representing fully the public in the legislative process and (ii) its citizens maintaining the highest trust in their public officers and employees, finds and declares that the citizens are entitled to be assured that the judgment of public officers and employees will be guided by a law that defines and prohibits inappropriate conflicts and requires disclosure of economic interests. To that end and for the purpose of establishing a single body of law applicable to all state and local government officers and employees on the subject of conflict of interests, the General Assembly enacts this State and Local Government Conflict of Interests Act so that the standards of conduct for such officers and employees may be uniform throughout the Commonwealth.

This chapter shall supersede all general and special acts and charter provisions which purport to deal with matters covered by this chapter except that the provisions of §§ 15.2-852, 15.2-2287, 15.2-2287.1, and 15.2-2289 and ordinances adopted pursuant thereto shall remain in force and effect. The provisions of this chapter shall be supplemented but not superseded by the provisions on ethics in public contracting in Article 6 (§ 2.2-4367 et seq.) of Chapter 43 of this title and ordinances adopted pursuant to § 2.2-3104.2 regulating receipt of gifts.

This chapter shall be liberally construed to accomplish its purpose.

(1987, Sp. Sess., c. 1, § 2.1-639.1; 1990, c. 672; 2001, c. 844; 2003, c. 694; 2008, c. 532.)

§ 2.2-3100.1. Copy of chapter; review by officers and employees.

Any person required to file a disclosure statement of personal interests pursuant to subsections A or B of § 2.2-3114, subsections A or B of § 2.2-3115 or § 2.2-3116 shall be furnished by the public body's administrator a copy of this chapter within two weeks following the person's election, reelection, employment, appointment or reappointment.

All officers and employees shall read and familiarize themselves with the provisions of this chapter.

(2004, cc. 134, 392.)

§ 2.2-3101. Definitions.

As used in this chapter:

"Advisory agency" means any board, commission, committee or post which does not exercise any sovereign power or duty, but is appointed by a governmental agency or officer or is created by law for the purpose of making studies or recommendations, or advising or consulting with a governmental agency.

"Affiliated business entity relationship" means a relationship, other than a parent-subsiary relationship, that exists when (i) one business entity has a controlling ownership interest in the other business entity, (ii) a controlling owner in one entity is also a controlling owner in the other entity, or (iii) there is shared management or control between the business entities. Factors that may be considered in determining the existence of an affiliated business entity relationship include that the same person or substantially the same person owns or manages the two entities, there are common or commingled funds or assets, the business entities share the use of the same offices or employees, or otherwise share activities, resources or personnel on a regular basis, or there is otherwise a close working relationship between the entities.

"Business" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, trust or foundation, or any other individual or entity carrying on a business or profession, whether or not for profit.

"Contract" means any agreement to which a governmental agency is a party, or any agreement on behalf of a governmental agency that involves the payment of money appropriated by the General Assembly or political subdivision, whether or not such agreement is executed in the name of the Commonwealth, or some political subdivision thereof. "Contract" includes a subcontract only when the contract of which it is a part is with the officer's or employee's own governmental agency.

"Dependent" means a son, daughter, father, mother, brother, sister or other person, whether or not related by blood or marriage, if such person receives from the officer or employee, or provides to the officer or employee, more than one-half of his financial support.

"Employee" means all persons employed by a governmental or advisory agency, unless otherwise limited by the context of its use.

"Financial institution" means any bank, trust company, savings institution, industrial loan association, consumer finance company, credit union, broker-dealer as defined in § 13.1-501, or investment company or advisor registered under the federal Investment Advisors Act or Investment Company Act of 1940.

"Gift" means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. It includes services as well as gifts of transportation, local travel, lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance or reimbursement after the expense has been incurred. "Gift" shall not include any offer of a ticket or other admission or pass unless the ticket, admission, or pass is used. "Gift" shall not include honorary degrees and presents from relatives. For the purpose of this definition, "relative" means the donee's spouse, child, uncle, aunt, niece, or nephew; a person to whom the donee is engaged to be married; the donee's or

his spouse's parent, grandparent, grandchild, brother, or sister; or the donee's brother's or sister's spouse.

"Governmental agency" means each component part of the legislative, executive or judicial branches of state and local government, including each office, department, authority, post, commission, committee, and each institution or board created by law to exercise some regulatory or sovereign power or duty as distinguished from purely advisory powers or duties. Corporations organized or controlled by the Virginia Retirement System are "governmental agencies" for purposes of this chapter.

"Immediate family" means (i) a spouse and (ii) any other person residing in the same household as the officer or employee, who is a dependent of the officer or employee or of whom the officer or employee is a dependent.

"Officer" means any person appointed or elected to any governmental or advisory agency including local school boards, whether or not he receives compensation or other emolument of office. Unless the context requires otherwise, "officer" includes members of the judiciary.

"Parent-subsidiary relationship" means a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation.

"Personal interest" means a financial benefit or liability accruing to an officer or employee or to a member of his immediate family. Such interest shall exist by reason of (i) ownership in a business if the ownership interest exceeds three percent of the total equity of the business; (ii) annual income that exceeds, or may reasonably be anticipated to exceed, \$10,000 from ownership in real or personal property or a business; (iii) salary, other compensation, fringe benefits, or benefits from the use of property, or any combination thereof, paid or provided by a business or governmental agency that exceeds, or may reasonably be anticipated to exceed, \$10,000 annually; (iv) ownership of real or personal property if the interest exceeds \$10,000 in value and excluding ownership in a business, income, or salary, other compensation, fringe benefits or benefits from the use of property; (v) personal liability incurred or assumed on behalf of a business if the liability exceeds three percent of the asset value of the business; or (vi) an option for ownership of a business or real or personal property if the ownership interest will consist of (i) or (iv) above.

"Personal interest in a contract" means a personal interest that an officer or employee has in a contract with a governmental agency, whether due to his being a party to the contract or due to a personal interest in a business that is a party to the contract.

"Personal interest in a transaction" means a personal interest of an officer or employee in any matter considered by his agency. Such personal interest exists when an officer or employee or a member of his immediate family has a personal interest in property or a business or governmental agency, or represents or provides services to any individual or business and such property, business or represented or served individual or business (i) is the subject of the transaction or (ii) may realize a reasonably foreseeable direct or indirect benefit or detriment as a result of the action of the agency considering the transaction. Notwithstanding the above, such personal interest in a transaction shall not be deemed to exist where an elected member of a local governing body serves without

remuneration as a member of the board of trustees of a not-for-profit entity and such elected member or member of his immediate family has no personal interest related to the not-for-profit entity.

"State and local government officers and employees" shall not include members of the General Assembly.

"State filer" means those officers and employees required to file a disclosure statement of their personal interests pursuant to subsection A or B of § 2.2-3114.

"Transaction" means any matter considered by any governmental or advisory agency, whether in a committee, subcommittee, or other entity of that agency or before the agency itself, on which official action is taken or contemplated.

(1987, Sp. Sess., c. 1, § 2.1-639.2; 1988, c. 536; 1992, c. 865; 1993, c. 303; 1994, cc. 74, 724; 1995, c. 495; 1996, c. 77; 1997, c. 641; 2001, c. 844; 2003, c. 694; 2004, cc. 134, 392.)

§ 2.2-3102. Application.

This article applies to generally prohibited conduct that shall be unlawful and to state and local government officers and employees.

(1987, Sp. Sess., c. 1, § 2.1-639.3; 2001, c. 844.)

§ 2.2-3103. Prohibited conduct.

No officer or employee of a state or local governmental or advisory agency shall:

1. Solicit or accept money or other thing of value for services performed within the scope of his official duties, except the compensation, expenses or other remuneration paid by the agency of which he is an officer or employee. This prohibition shall not apply to the acceptance of special benefits that may be authorized by law;
2. Offer or accept any money or other thing of value for or in consideration of obtaining employment, appointment, or promotion of any person with any governmental or advisory agency;
3. Offer or accept any money or other thing of value for or in consideration of the use of his public position to obtain a contract for any person or business with any governmental or advisory agency;
4. Use for his own economic benefit or that of another party confidential information that he has acquired by reason of his public position and which is not available to the public;
5. Accept any money, loan, gift, favor, service, or business or professional opportunity that reasonably tends to influence him in the performance of his official duties. This subdivision shall not apply to any political contribution actually used for political campaign or constituent service purposes and reported as required by Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2;

6. Accept any business or professional opportunity when he knows that there is a reasonable likelihood that the opportunity is being afforded him to influence him in the performance of his official duties;

7. Accept any honoraria for any appearance, speech, or article in which the officer or employee provides expertise or opinions related to the performance of his official duties. The term "honoraria" shall not include any payment for or reimbursement to such person for his actual travel, lodging, or subsistence expenses incurred in connection with such appearance, speech, or article or in the alternative a payment of money or anything of value not in excess of the per diem deduction allowable under § 162 of the Internal Revenue Code, as amended from time to time. The prohibition in this subdivision shall apply only to the Governor, Lieutenant Governor, Attorney General, Governor's Secretaries, and heads of departments of state government;

8. Accept a gift from a person who has interests that may be substantially affected by the performance of the officer's or employee's official duties under circumstances where the timing and nature of the gift would cause a reasonable person to question the officer's or employee's impartiality in the matter affecting the donor. Violations of this subdivision shall not be subject to criminal law penalties; or

9. Accept gifts from sources on a basis so frequent as to raise an appearance of the use of his public office for private gain. Violations of this subdivision shall not be subject to criminal law penalties.

(1987, Sp. Sess., c. 1, § 2.1-639.4; 1994, cc. 663, 815, 851; 2001, c. 844; 2006, cc. 787, 892.)

§ 2.2-3104. Prohibited conduct for certain officers and employees of state government.

In addition to the prohibitions contained in § 2.2-3103, no state officer or employee shall, during the one year after the termination of his public employment or service, represent a client or act in a representative capacity on behalf of any person or group, for compensation, on any matter before the agency of which he was an officer or employee.

For the purposes of this section, "state officer or employee" shall mean (i) the Governor, Lieutenant Governor, Attorney General, and officers appointed by the Governor, whether confirmation by the General Assembly or by either house thereof is required or not, who are regularly employed on a full-time salaried basis; those officers and employees of executive branch agencies who report directly to the agency head; and those at the level immediately below those who report directly to the agency head and are at a payband 6 or higher and (ii) the officers and professional employees of the legislative branch designated by the joint rules committee of the General Assembly. For the purposes of this section, the General Assembly and the legislative branch agencies shall be deemed one agency.

The prohibitions of this section shall apply only to persons engaged in activities that would require registration as a lobbyist under § 2.2-422.

Any person subject to the provisions of this section may apply to the Attorney General, as provided in § 2.2-3126, for an advisory opinion as to the application of the restriction imposed by this section on any post-public employment position or opportunity.

(1994, cc. 727, 776, § 2.1-639.4:1; 2001, c. 844.)

§ 2.2-3104.01. Prohibited conduct; bids or proposals under the Virginia Public Procurement Act, Public-Private Transportation Act, and Public-Private Education Facilities and Infrastructure Act.

A. Neither the Governor, his political action committee, or the Governor's Secretaries, if the Secretary is responsible to the Governor for an executive branch agency with jurisdiction over the matters at issue, shall knowingly solicit or accept a contribution, gift, or other item with a value greater than \$50 from any bidder, offeror, or private entity, or from an officer or director of such bidder, offeror, or private entity, who has submitted a bid or proposal to an executive branch agency that is directly responsible to the Governor pursuant to the Virginia Public Procurement Act (§ 2.2-4300 et seq.), the Public-Private Transportation Act of 1995 (§ 56-556 et seq.), or the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.) (i) during the period between the submission of the bid and the award of the public contract under the Virginia Public Procurement Act or (ii) following the submission of a proposal under the Public-Private Transportation Act of 1995 or the Public-Private Education Facilities and Infrastructure Act of 2002 until the execution of a comprehensive agreement thereunder.

B. The provisions of this section shall apply only for public contracts, proposals, or comprehensive agreements where the stated or expected value of the contract is \$5 million or more. The provisions of this section shall not apply to contracts awarded as the result of competitive sealed bidding as defined in § 2.2-4301.

C. Any person who knowingly violates this section shall be subject to a civil penalty of \$500 or up to two times the amount of the contribution or gift, whichever is greater. The attorney for the Commonwealth shall initiate civil proceedings to enforce the civil penalties. Any civil penalties collected shall be payable to the State Treasurer for deposit to the general fund.

(2010, c. 732; 2011, c. 624.)

§ 2.2-3104.02. Prohibited conduct for constitutional officers.

In addition to the prohibitions contained in § 2.2-3103, no constitutional officer shall, during the one year after the termination of his public service, act in a representative capacity on behalf of any person or group, for compensation, on any matter before the agency of which he was an officer.

The provisions of this section shall not apply to any attorney for the Commonwealth.

Any person subject to the provisions of this section may apply to the attorney for the Commonwealth for the jurisdiction where such person was elected as provided in § 2.2-3126, for an advisory opinion as to the application of the restriction imposed by this section on any post-public employment position or opportunity.

(2011, c. 591.)

§ 2.2-3104.1. Exclusion of certain awards from scope of chapter.

The provisions of this chapter shall not be construed to prohibit or apply to the acceptance by (i) any employee of a local government, or (ii) a teacher or other employee of a local school board of an award or payment in honor of meritorious or exceptional services performed by the teacher or employee and made by an organization exempt from federal income taxation pursuant to the provisions of Section 501(c)(3) of the Internal Revenue Code.

(2001, c. 48, § 2.1-639.4:2; 2008, cc. 478, 497.)

§ 2.2-3104.2. Ordinance regulating receipt of gifts.

The governing body of any county, city, or town may adopt an ordinance setting a monetary limit on the acceptance of any gift by the officers, appointees or employees of the county, city or town and requiring the disclosure by such officers, appointees or employees of the receipt of any gift.

(2003, c. 694.)

§ 2.2-3105. Application.

This article proscribes certain conduct relating to contracts by state and local government officers and employees. The provisions of this article shall be supplemented but not superseded by the provisions on ethics in public contracting in Article 6 (§ 2.2-4367 et seq.) of Chapter 43 of this title.

(1987, Sp. Sess., c. 1, § 2.1-639.5; 2001, c. 844; 2003, c. 694.)

§ 2.2-3106. Prohibited contracts by officers and employees of state government and Eastern Virginia Medical School.

A. No officer or employee of any governmental agency of state government or Eastern Virginia Medical School shall have a personal interest in a contract with the governmental agency of which he is an officer or employee, other than his own contract of employment.

B. No officer or employee of any governmental agency of state government or Eastern Virginia Medical School shall have a personal interest in a contract with any other governmental agency of state government unless such contract is (i) awarded as a result of competitive sealed bidding or competitive negotiation as defined in § 2.2-4301 or (ii) is awarded after a finding, in writing, by the administrative head of the governmental agency that competitive bidding or negotiation is contrary to the best interest of the public.

C. The provisions of this section shall not apply to:

1. An employee's personal interest in additional contracts of employment with his own governmental agency that accrue to him because of a member of his immediate family, provided the employee does not exercise any control over the employment or the employment activities of the member of his immediate family and the employee is not in a position to influence those activities;

2. The personal interest of an officer or employee of a state institution of higher education or the Eastern Virginia Medical School in additional contracts of employment with his own governmental agency that accrue to him because of a member of his immediate family, provided (i) the officer or employee and the immediate family member are engaged in teaching, research or administrative support positions at the educational institution or the Eastern Virginia Medical School, (ii) the governing board of the educational institution finds that it is in the best interests of the institution or the Eastern Virginia Medical School and the Commonwealth for such dual employment to exist, and (iii) after such finding, the governing board of the educational institution or the Eastern Virginia Medical School ensures that the officer or employee, or the immediate family member, does not have sole authority to supervise, evaluate or make personnel decisions regarding the other;
3. An officer's or employee's personal interest in a contract of employment with any other governmental agency of state government;
4. Contracts for the sale by a governmental agency or the Eastern Virginia Medical School of services or goods at uniform prices available to the general public;
5. An employee's personal interest in a contract between a public institution of higher education in Virginia or the Eastern Virginia Medical School and a publisher or wholesaler of textbooks or other educational materials for students, which accrues to him solely because he has authored or otherwise created such textbooks or materials;
6. An employee's personal interest in a contract with his or her employing public institution of higher education to acquire the collections or scholarly works owned by the employee, including manuscripts, musical scores, poetry, paintings, books or other materials, writings, or papers of an academic, research, or cultural value to the institution, provided the president of the institution approves the acquisition of such collections or scholarly works as being in the best interests of the institution's public mission of service, research, or education;
7. Subject to approval by the board of visitors, an employee's personal interest in a contract between the Eastern Virginia Medical School or a public institution of higher education in Virginia that operates a school of medicine or dentistry and a not-for-profit nonstock corporation that operates a clinical practice within such public institution of higher education or the Eastern Virginia Medical School and of which such employee is a member or employee;
8. Subject to approval by the relevant board of visitors, an employee's personal interest in a contract for research and development or commercialization of intellectual property between a public institution of higher education in Virginia or the Eastern Virginia Medical School and a business in which the employee has a personal interest, if (i) the employee's personal interest has been disclosed to and approved by such public institution of higher education or the Eastern Virginia Medical School prior to the time at which the contract is entered into; (ii) the employee promptly files a disclosure statement pursuant to § 2.2-3117 and thereafter files such statement annually on or before January 15; (iii) the institution has established a formal policy regarding such contracts, approved by the State Council of Higher Education or, in the case of the Eastern Virginia Medical School, a formal policy regarding such contracts in conformity with any applicable federal regulations that has been approved by its board of visitors; and (iv) no later than December 31 of each year, the institution or the Eastern

Virginia Medical School files an annual report with the Secretary of the Commonwealth disclosing each open contract entered into subject to this provision, the names of the parties to each contract, the date each contract was executed and its term, the subject of each contractual arrangement, the nature of the conflict of interest, the institution's or the Eastern Virginia Medical School's employee responsible for administering each contract, the details of the institution's or the Eastern Virginia Medical School's commitment or investment of resources or finances for each contract, and any other information requested by the Secretary of the Commonwealth; or

9. Subject to approval by the relevant board of visitors, an employee's personal interest in a contract between a public institution of higher education in Virginia or the Eastern Virginia Medical School and a business in which the employee has a personal interest, if (i) the personal interest has been disclosed to the institution or the Eastern Virginia Medical School prior to the time the contract is entered into; (ii) the employee files a disclosure statement pursuant to § 2.2-3117 and thereafter annually on or before January 15; (iii) the employee does not participate in the institution's or the Eastern Virginia Medical School's decision to contract; (iv) the president of the institution or the Eastern Virginia Medical School finds and certifies in writing that the contract is for goods and services needed for quality patient care, including related medical education or research, by the institution's medical center or the Eastern Virginia Medical School, its affiliated teaching hospitals and other organizations necessary for the fulfillment of its mission, including the acquisition of drugs, therapies and medical technologies; and (v) no later than December 31 of each year, the institution or the Eastern Virginia Medical School files an annual report with the Secretary of the Commonwealth disclosing each open contract entered subject to this provision, the names of the parties to each contract, the date each contract was executed and its term, the subject of each contractual arrangement, the nature of the conflict of interest, the institution's or the Eastern Virginia Medical School's employee responsible for administering each contract, the details of the institution's or the Eastern Virginia Medical School's commitment or investment of resources or finances for each contract, and any other information requested by the Secretary of the Commonwealth.

D. Notwithstanding the provisions of subdivisions C 8 and C 9, if the research and development or commercialization of intellectual property or the employee's personal interest in a contract with a business is subject to policies and regulations governing conflicts of interest promulgated by any agency of the United States government, including the adoption of policies requiring the disclosure and management of such conflicts of interests, the policies established by the Eastern Virginia Medical School pursuant to such federal requirements shall constitute compliance with subdivisions C 8 and C 9, upon notification by the Eastern Virginia Medical School to the Secretary of the Commonwealth by January 31 of each year of evidence of their compliance with such federal policies and regulations.

E. The board of visitors may delegate the authority granted under subdivision C 8 to the president of the institution. If the board elects to delegate such authority, the board shall include this delegation of authority in the formal policy required by clause (iii) of subdivision C 8. In those instances where the board has delegated such authority, on or before December 1 of each year, the president of the relevant institution shall file a report with the relevant board of visitors disclosing each open contract entered into subject to this provision, the names of the parties to each contract, the date each contract was executed and its term, the subject of each contractual arrangement, the nature of the conflict of interest, the institution's or the Eastern Virginia Medical School's employee responsible for

administering each contract, the details of the institution's or the Eastern Virginia Medical School's commitment or investment of resources or finances for each contract, the details of how revenues are to be dispersed, and any other information requested by the board of visitors.

(1987, Sp. Sess., c. 1, § 2.1-639.6; 1989, c. 74; 1991, c. 470; 1993, c. 876; 1995, c. 403; 1998, c. 838; 2001, c. 844; 2002, cc. 87, 478; 2003, c. 646; 2006, c. 839.)

§ 2.2-3107. Prohibited contracts by members of county boards of supervisors, city councils and town councils.

A. No person elected or appointed as a member of the governing body of a county, city or town shall have a personal interest in (i) any contract with his governing body, or (ii) any contract with any governmental agency that is a component part of his local government and which is subject to the ultimate control of the governing body of which he is a member, or (iii) any contract other than a contract of employment with any other governmental agency if such person's governing body appoints a majority of the members of the governing body of the second governmental agency.

B. The provisions of this section shall not apply to:

1. A member's personal interest in a contract of employment provided (i) the officer or employee was employed by the governmental agency prior to July 1, 1983, in accordance with the provisions of the former Conflict of Interests Act, Chapter 22 (§ 2.1-347 et seq.) of Title 2.1 as it existed on June 30, 1983, or (ii) the employment first began prior to the member becoming a member of the governing body;

2. Contracts for the sale by a governmental agency of services or goods at uniform prices available to the public; or

3. A contract awarded to a member of a governing body as a result of competitive sealed bidding where the governing body has established a need for the same or substantially similar goods through purchases prior to the election or appointment of the member to serve on the governing body. However, the member shall have no involvement in the preparation of the specifications for such contract, and the remaining members of the governing body, by written resolution, shall state that it is in the public interest for the member to bid on such contract.

(1987, Sp. Sess., c. 1, § 2.1-639.7; 2001, c. 844.)

§ 2.2-3108. Prohibited contracts by members of school boards.

A. No person elected or appointed as a member of a local school board shall have a personal interest in (i) any contract with his school board or (ii) any contract with any governmental agency that is subject to the ultimate control of the school board of which he is a member.

B. The provisions of this section shall not apply to:

1. A member's personal interest in a contract of employment provided the employment first began prior to the member becoming a member of the school board;
2. Contracts for the sale by a governmental agency of services or goods at uniform prices available to the public; or
3. A contract awarded to a member of a school board as a result of competitive sealed bidding where the school board has established a need for the same or substantially similar goods through purchases prior to the election or appointment of the member to serve on the school board. However, the member shall have no involvement in the preparation of the specifications for such contract, and the remaining members of the school board, by written resolution, shall state that it is in the public interest for the member to bid on such contract.

(1996, c. 548, § 2.1-639.7:1; 2001, c. 844.)

§ 2.2-3109. Prohibited contracts by other officers and employees of local governmental agencies.

A. No other officer or employee of any governmental agency of local government shall have a personal interest in a contract with the agency of which he is an officer or employee other than his own contract of employment.

B. No officer or employee of any governmental agency of local government shall have a personal interest in a contract with any other governmental agency that is a component of the government of his county, city or town unless such contract is (i) awarded as a result of competitive sealed bidding or competitive negotiation as defined in § 2.2-4301 or is awarded as a result of a procedure embodying competitive principles as authorized by subdivisions A 10 or A 11 of § 2.2-4343 or (ii) is awarded after a finding, in writing, by the administrative head of the governmental agency that competitive bidding or negotiation is contrary to the best interest of the public.

C. The provisions of this section shall not apply to:

1. An employee's personal interest in additional contracts for goods or services, or contracts of employment with his own governmental agency that accrue to him because of a member of his immediate family, provided the employee does not exercise any control over (i) the employment or the employment activities of the member of his immediate family and (ii) the employee is not in a position to influence those activities or the award of the contract for goods or services;
2. An officer's or employee's personal interest in a contract of employment with any other governmental agency that is a component part of the government of his county, city or town;
3. Contracts for the sale by a governmental agency of services or goods at uniform prices available to the general public;
4. Members of local governing bodies who are subject to § 2.2-3107;
5. Members of local school boards who are subject to § 2.2-3108; or

6. Any ownership or financial interest of members of the governing body, administrators, and other personnel serving in a public charter school in renovating, lending, granting, or leasing public charter school facilities, as the case may be, provided such interest has been disclosed in the public charter school application as required by § 22.1-212.8.

(1987, Sp. Sess., c. 1, § 2.1-639.8; 1996, c. 548; 2001, c. 844; 2004, c. 530; 2009, c. 862.)

§ 2.2-3110. Further exceptions.

A. The provisions of Article 3 (§ 2.2-3106 et seq.) of this chapter shall not apply to:

1. The sale, lease or exchange of real property between an officer or employee and a governmental agency, provided the officer or employee does not participate in any way as such officer or employee in such sale, lease or exchange, and this fact is set forth as a matter of public record by the governing body of the governmental agency or by the administrative head thereof;

2. The publication of official notices;

3. Contracts between the government or school board of a town or city with a population of less than 10,000 and an officer or employee of that town or city government or school board when the total of such contracts between the town or city government or school board and the officer or employee of that town or city government or school board or a business controlled by him does not exceed \$10,000 per year or such amount exceeds \$10,000 and is less than \$25,000 but results from contracts arising from awards made on a sealed bid basis, and such officer or employee has made disclosure as provided for in § 2.2-3115;

4. An officer or employee whose sole personal interest in a contract with the governmental agency is by reason of income from the contracting firm or governmental agency in excess of \$10,000 per year, provided the officer or employee or a member of his immediate family does not participate and has no authority to participate in the procurement or letting of such contract on behalf of the contracting firm and the officer or employee either does not have authority to participate in the procurement or letting of the contract on behalf of his governmental agency or he disqualifies himself as a matter of public record and does not participate on behalf of his governmental agency in negotiating the contract or in approving the contract;

5. When the governmental agency is a public institution of higher education, an officer or employee whose personal interest in a contract with the institution is by reason of an ownership in the contracting firm in excess of three percent of the contracting firm's equity or such ownership interest and income from the contracting firm is in excess of \$10,000 per year, provided that (i) the officer or employee's ownership interest, or ownership and income interest, and that of any immediate family member in the contracting firm is disclosed in writing to the president of the institution, which writing certifies that the officer or employee has not and will not participate in the contract negotiations on behalf of the contracting firm or the institution, (ii) the president of the institution makes a written finding as a matter of public record that the contract is in the best interests of the institution, (iii) the officer or employee either does not have authority to participate in the procurement or letting of the contract on behalf of the institution or disqualifies himself as a matter of

public record, and (iv) does not participate on behalf of the institution in negotiating the contract or approving the contract;

6. Except when the governmental agency is the Virginia Retirement System, contracts between an officer's or employee's governmental agency and a public service corporation, financial institution, or company furnishing public utilities in which the officer or employee has a personal interest, provided the officer or employee disqualifies himself as a matter of public record and does not participate on behalf of his governmental agency in negotiating the contract or in approving the contract;

7. Contracts for the purchase of goods or services when the contract does not exceed \$500;

8. Grants or other payment under any program wherein uniform rates for, or the amounts paid to, all qualified applicants are established solely by the administering governmental agency; or

9. An officer or employee whose sole personal interest in a contract with his own governmental agency is by reason of his marriage to his spouse who is employed by the same agency, if the spouse was employed by such agency for five or more years prior to marrying such officer or employee.

B. Neither the provisions of this chapter nor, unless expressly provided otherwise, any amendments thereto shall apply to those employment contracts or renewals thereof or to any other contracts entered into prior to August 1, 1987, which were in compliance with either the former Virginia Conflict of Interests Act, Chapter 22 (§ 2.1-347 et seq.) or the former Comprehensive Conflict of Interests Act, Chapter 40 (§ 2.1-599 et seq.) of Title 2.1 at the time of their formation and thereafter. Those contracts shall continue to be governed by the provisions of the appropriate prior Act. Notwithstanding the provisions of subdivision (f) (4) of § 2.1-348 of Title 2.1 in effect prior to July 1, 1983, the employment by the same governmental agency of an officer or employee and spouse or any other relative residing in the same household shall not be deemed to create a material financial interest except when one of such persons is employed in a direct supervisory or administrative position, or both, with respect to such spouse or other relative residing in his household and the annual salary of such subordinate is \$35,000 or more.

(1987, Sp. Sess., c. 1, § 2.1-639.9; 1990, c. 51; 1993, c. 303; 1994, cc. 450, 713; 1997, c. 641; 2001, c. 844; 2006, c. 839; 2010, cc. 301, 304.)

§ 2.2-3111. Application.

This article proscribes certain conduct by state and local government officers and employees having a personal interest in a transaction.

(1987, Sp. Sess., c. 1, § 2.1-639.10; 2001, c. 844.)

§ 2.2-3112. Prohibited conduct concerning personal interest in a transaction; exceptions.

A. Each officer and employee of any state or local governmental or advisory agency who has a personal interest in a transaction:

1. Shall disqualify himself from participating in the transaction if (i) the transaction has application solely to property or a business or governmental agency in which he has a personal interest or a business that has a parent-subsidary or affiliated business entity relationship with the business in which he has a personal interest or (ii) he is unable to participate pursuant to subdivision 2, 3 or 4. Any disqualification under the provisions of this subdivision shall be recorded in the public records of the officer's or employee's governmental or advisory agency. The officer or employee shall disclose his personal interest as required by § 2.2-3114 E or 2.2-3115 E and shall not vote or in any manner act on behalf of his agency in the transaction. The officer or employee shall be prohibited from (i) attending any portion of a closed meeting authorized by the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) when the matter in which he has a personal interest is discussed and (ii) discussing the matter in which he has a personal interest with other governmental officers or employees at any time;

2. May participate in the transaction if he is a member of a business, profession, occupation, or group of three or more persons the members of which are affected by the transaction, and he complies with the declaration requirements of § 2.2-3114 F or 2.2-3115 G;

3. May participate in the transaction when a party to the transaction is a client of his firm if he does not personally represent or provide services to such client and he complies with the declaration requirements of § 2.2-3114 G or 2.2-3115 H; or

4. May participate in the transaction if it affects the public generally, even though his personal interest, as a member of the public, may also be affected by that transaction.

B. Disqualification under the provisions of this section shall not prevent any employee having a personal interest in a transaction in which his agency is involved from representing himself or a member of his immediate family in such transaction provided he does not receive compensation for such representation and provided he complies with the disqualification and relevant disclosure requirements of this chapter.

C. Notwithstanding any other provision of law, if disqualifications of officers or employees in accordance with this section leave less than the number required by law to act, the remaining member or members shall constitute a quorum for the conduct of business and have authority to act for the agency by majority vote, unless a unanimous vote of all members is required by law, in which case authority to act shall require a unanimous vote of remaining members. Notwithstanding any provisions of this chapter to the contrary, members of a local governing body whose sole interest in any proposed sale, contract of sale, exchange, lease or conveyance is by virtue of their employment by a business involved in a proposed sale, contract of sale, exchange, lease or conveyance, and where such member's or members' vote is essential to a constitutional majority required pursuant to Article VII, Section 9 of the Constitution of Virginia and § 15.2-2100, such member or members of the local governing body may vote and participate in the deliberations of the governing body concerning whether to approve, enter into or execute such sale, contract of sale, exchange, lease or conveyance. Official action taken under circumstances that violate this section may be rescinded by the agency on such terms as the interests of the agency and innocent third parties require.

D. The provisions of subsection A shall not prevent an officer or employee from participating in a transaction merely because such officer or employee is a party in a legal proceeding of a civil nature concerning such transaction.

E. The provisions of subsection A shall not prevent an employee from participating in a transaction regarding textbooks or other educational material for students at state institutions of higher education, when those textbooks or materials have been authored or otherwise created by the employee.

(1987, Sp. Sess., c. 1, § 2.1-639.11; 2001, c. 844; 2003, c. 694; 2007, c. 613.)

§ 2.2-3113. Application.

This article requires disclosure of certain personal and financial interests by state and local government officers and employees.

(1987, Sp. Sess., c. 1, § 2.1-639.12; 2001, c. 844.)

§ 2.2-3114. Disclosure by state officers and employees.

A. The Governor, Lieutenant Governor, Attorney General, Justices of the Supreme Court, judges of the Court of Appeals, judges of any circuit court, judges and substitute judges of any district court, members of the State Corporation Commission, members of the Virginia Workers' Compensation Commission, members of the Commonwealth Transportation Board, members of the Board of Trustees of the Virginia Retirement System, and members of the State Lottery Board and other persons occupying such offices or positions of trust or employment in state government, including members of the governing bodies of authorities, as may be designated by the Governor or, in the case of officers or employees of the legislative branch, by the Joint Rules Committee of the General Assembly, shall file, as a condition to assuming office or employment, a disclosure statement of their personal interests and such other information as is specified on the form set forth in § 2.2-3117 and thereafter shall file such a statement annually on or before January 15. When the filing deadline falls on a Saturday, Sunday, or legal holiday, the disclosure statement shall be filed on the next day that is not a Saturday, Sunday, or legal holiday.

B. Nonsalaried citizen members of all policy and supervisory boards, commissions and councils in the executive branch of state government, other than the Commonwealth Transportation Board, members of the Board of Trustees of the Virginia Retirement System, and the State Lottery Board, shall file, as a condition to assuming office, a disclosure form of their personal interests and such other information as is specified on the form set forth in § 2.2-3118 and thereafter shall file such form annually on or before January 15. When the filing deadline falls on a Saturday, Sunday, or legal holiday, the disclosure statement shall be filed on the next day that is not a Saturday, Sunday, or legal holiday. Nonsalaried citizen members of other boards, commissions and councils, including advisory boards and authorities, may be required to file a disclosure form if so designated by the Governor, in which case the form shall be that set forth in § 2.2-3118.

C. The disclosure forms required by subsections A and B shall be provided by the Secretary of the Commonwealth to each officer and employee so designated, including officers appointed by

legislative authorities, not later than November 30 of each year. Disclosure forms shall be filed and maintained as public records for five years in the Office of the Secretary of the Commonwealth.

D. Candidates for the offices of Governor, Lieutenant Governor or Attorney General shall file a disclosure statement of their personal interests as required by § 24.2-502.

E. Any officer or employee of state government who has a personal interest in any transaction before the governmental or advisory agency of which he is an officer or employee and who is disqualified from participating in that transaction pursuant to subdivision A 1 of § 2.2-3112, or otherwise elects to disqualify himself, shall forthwith make disclosure of the existence of his interest, including the full name and address of the business and the address or parcel number for the real estate if the interest involves a business or real estate, and his disclosure shall also be reflected in the public records of the agency for five years in the office of the administrative head of the officer's or employee's governmental agency or advisory agency or, if the agency has a clerk, in the clerk's office.

F. An officer or employee of state government who is required to declare his interest pursuant to subdivision A 2 of § 2.2-3112, shall declare his interest by stating (i) the transaction involved, (ii) the nature of the officer's or employee's personal interest affected by the transaction, (iii) that he is a member of a business, profession, occupation, or group the members of which are affected by the transaction, and (iv) that he is able to participate in the transaction fairly, objectively, and in the public interest. The officer or employee shall either make his declaration orally to be recorded in written minutes for his agency or file a signed written declaration with the clerk or administrative head of his governmental or advisory agency, as appropriate, who shall, in either case, retain and make available for public inspection such declaration for a period of five years from the date of recording or receipt. If reasonable time is not available to comply with the provisions of this subsection prior to participation in the transaction, the officer or employee shall prepare and file the required declaration by the end of the next business day.

G. An officer or employee of state government who is required to declare his interest pursuant to subdivision A 3 of § 2.2-3112, shall declare his interest by stating (i) the transaction involved, (ii) that a party to the transaction is a client of his firm, (iii) that he does not personally represent or provide services to the client, and (iv) that he is able to participate in the transaction fairly, objectively, and in the public interest. The officer or employee shall either make his declaration orally to be recorded in written minutes for his agency or file a signed written declaration with the clerk or administrative head of his governmental or advisory agency, as appropriate, who shall, in either case, retain and make available for public inspection such declaration for a period of five years from the date of recording or receipt. If reasonable time is not available to comply with the provisions of this subsection prior to participation in the transaction, the officer or employee shall prepare and file the required declaration by the end of the next business day.

(1987, Sp. Sess., c. 1, § 2.1-639.13; 1988, cc. 767, 849; 1992, c. 710; 1993, c. 303; 1997, c. 641; 2001, cc. 217, 844; 2003, c. 694; 2005, c. 169; 2006, c. 779.)

§ 2.2-3114.1. Filings of statements of economic interests by General Assembly members.

The filing of a current statement of economic interests by a General Assembly member, member-elect, or candidate for the General Assembly pursuant to §§ 30-110 and 30-111 of the General Assembly Conflict of Interests Act (§ 30-100 et seq.) shall suffice for the purposes of this chapter (§ 2.2-3100 et seq.). The Secretary of the Commonwealth may obtain from the Clerk of the House of Delegates or the Senate, as appropriate, a copy of the statement of a General Assembly member who is appointed to a position for which a statement is required pursuant to § 2.2-3114. No General Assembly member, member-elect, or candidate shall be required to file a separate statement of economic interests for the purposes of § 2.2-3114.

(2002, c. 36.)

§ 2.2-3115. Disclosure by local government officers and employees.

A. The members of every governing body and school board of each county and city and of towns with populations in excess of 3,500 shall file, as a condition to assuming office or employment, a disclosure statement of their personal interests and other information as is specified on the form set forth in § 2.2-3117 and thereafter shall file such a statement annually on or before January 15.

The members of the governing body of any authority established in any county or city, or part or combination thereof, and having the power to issue bonds or expend funds in excess of \$10,000 in any fiscal year, shall file, as a condition to assuming office, a disclosure statement of their personal interests and other information as is specified on the form set forth in § 2.2-3118 and thereafter shall file such a statement annually on or before January 15, unless the governing body of the jurisdiction that appoints the members requires that the members file the form set forth in § 2.2-3117.

Persons occupying such positions of trust appointed by governing bodies and persons occupying such positions of employment with governing bodies as may be designated to file by ordinance of the governing body shall file, as a condition to assuming office or employment, a disclosure statement of their personal interests and other information as is specified on the form set forth in § 2.2-3117 and thereafter shall file such a statement annually on or before January 15.

Persons occupying such positions of trust appointed by school boards and persons occupying such positions of employment with school boards as may be designated to file by an adopted policy of the school board shall file, as a condition to assuming office or employment, a disclosure statement of their personal interests and other information as is specified on the form set forth in § 2.2-3117 and thereafter shall file such a statement annually on or before January 15.

B. Nonsalaried citizen members of local boards, commissions and councils as may be designated by the governing body shall file, as a condition to assuming office, a disclosure form of their personal interests and such other information as is specified on the form set forth in § 2.2-3118 and thereafter shall file such form annually on or before January 15.

C. The disclosure forms required by subsections A and B shall be provided by the Secretary of the Commonwealth to the clerks of the governing bodies and school boards not later than November 30 of each year, and the clerks of the governing body and school board shall distribute the forms to designated individuals no later than December 10 of each year. Forms shall be filed and maintained

as public records for five years in the office of the clerk of the respective governing body or school board. Forms filed by members of governing bodies of authorities shall be filed and maintained as public records for five years in the office of the clerk of the governing body of the county or city.

D. Candidates for membership in the governing body or school board of any county, city or town with a population of more than 3,500 persons shall file a disclosure statement of their personal interests as required by § 24.2-502.

E. Any officer or employee of local government who has a personal interest in any transaction before the governmental or advisory agency of which he is an officer or employee and who is disqualified from participating in that transaction pursuant to subdivision A 1 of § 2.2-3112 or otherwise elects to disqualify himself, shall forthwith make disclosure of the existence of his interest, including the full name and address of the business and the address or parcel number for the real estate if the interest involves a business or real estate, and his disclosure shall be reflected in the public records of the agency for five years in the office of the administrative head of the officer's or employee's governmental or advisory agency.

F. In addition to any disclosure required by subsections A and B, in each county and city and in towns with populations in excess of 3,500, members of planning commissions, boards of zoning appeals, real estate assessors, and all county, city and town managers or executive officers shall make annual disclosures of all their interests in real estate located in the county, city or town in which they are elected, appointed, or employed. Such disclosure shall include any business in which such persons own an interest, or from which income is received, if the primary purpose of the business is to own, develop or derive compensation through the sale, exchange or development of real estate in the county, city or town. Such disclosure shall be filed as a condition to assuming office or employment, and thereafter shall be filed annually with the clerk of the governing body of such county, city or town on or before January 15. Such disclosures shall be filed and maintained as public records for five years. Forms for the filing of such reports shall be prepared and distributed by the Secretary of the Commonwealth to the clerk of each governing body.

G. An officer or employee of local government who is required to declare his interest pursuant to subdivision A 2 of § 2.2-3112 shall declare his interest by stating (i) the transaction involved, (ii) the nature of the officer's or employee's personal interest affected by the transaction, (iii) that he is a member of a business, profession, occupation, or group the members of which are affected by the transaction, and (iv) that he is able to participate in the transaction fairly, objectively, and in the public interest. The officer or employee shall either make his declaration orally to be recorded in written minutes of his agency or file a signed written declaration with the clerk or administrative head of his governmental or advisory agency, as appropriate, who shall, in either case, retain and make available for public inspection such declaration for a period of five years from the date of recording or receipt. If reasonable time is not available to comply with the provisions of this subsection prior to participation in the transaction, the officer or employee shall prepare and file the required declaration by the end of the next business day. The officer or employee shall also orally disclose the existence of the interest during each meeting of the governmental or advisory agency at which the transaction is discussed and such disclosure shall be recorded in the minutes of the meeting.

H. An officer or employee of local government who is required to declare his interest pursuant to subdivision A 3 of § 2.2-3112, shall declare his interest by stating (i) the transaction involved, (ii) that a party to the transaction is a client of his firm, (iii) that he does not personally represent or provide services to the client, and (iv) that he is able to participate in the transaction fairly, objectively, and in the public interest. The officer or employee shall either make his declaration orally to be recorded in written minutes for his agency or file a signed written declaration with the clerk or administrative head of his governmental or advisory agency, as appropriate, who shall, in either case, retain and make available for public inspection such declaration for a period of five years from the date of recording or receipt. If reasonable time is not available to comply with the provisions of this subsection prior to participation in the transaction, the officer or employee shall prepare and file the required declaration by the end of the next business day.

(1987, Sp. Sess., c. 1, § 2.1-639.14; 1988, c. 849; 1995, c. 495; 1996, c. 526; 2000, c. 317; 2001, cc. 217, 844; 2003, c. 694.)

§ 2.2-3116. Disclosure by certain constitutional officers.

For the purposes of this chapter, holders of the constitutional offices of treasurer, sheriff, attorney for the Commonwealth, clerk of the circuit court and commissioner of the revenue of each county and city, shall be deemed to be local officers and shall be required to file the Statement of Economic Interests set forth in § 2.2-3117. These officers shall file statements pursuant to § 2.2-3115 and candidates shall file statements as required by § 24.2-502.

(1988, c. 469, § 2.1-639.14:1; 2001, c. 844.)

§ 2.2-3117. Disclosure form.

The disclosure form to be used for filings required by § 2.2-3114 A and D, and § 2.2-3115 A and D shall be substantially as follows:

STATEMENT OF ECONOMIC INTERESTS.

Name

Office or position held or sought

Address

Names of members of immediate family

DEFINITIONS AND EXPLANATORY MATERIAL.

"Business" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, trust or foundation, or any other individual or entity carrying on a business or profession, whether or not for profit.

"Close financial association" means an association in which the person filing shares significant financial involvement with an individual and the filer would reasonably be expected to be aware of the individual's business activities and would have access to the necessary records either directly or through the individual. "Close financial association" does not mean an association based on (i) the receipt of retirement benefits or deferred compensation from a business by which the person filing this statement is no longer employed, or (ii) the receipt of compensation for work performed by the person filing as an independent contractor of a business that represents an entity before any state governmental agency when the person filing has had no communications with the state governmental agency.

"Contingent liability" means a liability that is not presently fixed or determined, but may become fixed or determined in the future with the occurrence of some certain event.

"Dependent" means any person, whether or not related by blood or marriage, who receives from the officer or employee, or provides to the officer or employee, more than one-half of his financial support.

"Gift" means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. It includes services as well as gifts of transportation, local travel, lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance or reimbursement after the expense has been incurred. "Gift" shall not include any offer of a ticket or other admission or pass unless the ticket, admission, or pass is used. "Gift" shall not include honorary degrees and presents from relatives. "Relative" means the donee's spouse, child, uncle, aunt, niece, or nephew; a person to whom the donee is engaged to be married; the donee's or his spouse's parent, grandparent, grandchild, brother, or sister; or the donee's brother's or sister's spouse.

"Immediate family" means (i) a spouse and (ii) any other person residing in the same household as the officer or employee, who is a dependent of the officer or employee or of whom the officer or employee is a dependent.

TRUST. If you or your immediate family, separately or together, are the only beneficiaries of a trust, treat the trust's assets as if you own them directly. If you or your immediate family has a proportional interest in a trust, treat that proportion of the trust's assets as if you own them directly. For example, if you and your immediate family have a one-third interest in a trust, complete your Statement as if you own one-third of each of the trust's assets. If you or a member of your immediate family created a trust and can revoke it without the beneficiaries' consent, treat its assets as if you own them directly.

REPORT TO THE BEST OF INFORMATION AND BELIEF. Information required on this Statement must be provided on the basis of the best knowledge, information and belief of the individual filing the Statement as of the date of this report unless otherwise stated.

COMPLETE ITEMS 1 THROUGH 10. REFER TO SCHEDULES ONLY IF DIRECTED.

You may attach additional explanatory information.

1. Offices and Directorships.

Are you or a member of your immediate family a paid officer or paid director of a business?

EITHER check NO // OR check YES // and complete Schedule A.

2. Personal Liabilities.

Do you or a member of your immediate family owe more than \$10,000 to any one creditor including contingent liabilities? (Exclude debts to any government and loans secured by recorded liens on property at least equal in value to the loan.)

EITHER check NO // OR check YES // and complete Schedule B.

3. Securities.

Do you or a member of your immediate family, directly or indirectly, separately or together, own securities valued in excess of \$10,000 invested in one business? Account for mutual funds, limited partnerships and trusts.

EITHER check NO // OR check YES // and complete Schedule C.

4. Payments for Talks, Meetings, and Publications.

During the past 12 months did you receive lodging, transportation, money, or anything else of value with a combined value exceeding \$200 for a single talk, meeting, or published work in your capacity as an officer or employee of your agency?

EITHER check NO // OR check YES // and complete Schedule D.

5. Gifts.

During the past 12 months did a business, government, or individual other than a relative or personal friend (i) furnish you with any gift or entertainment at a single event, and the value received by you exceeded \$50 in value or (ii) furnish you with gifts or entertainment in any combination and the value received by you exceeded \$100 in total value; and for which you neither paid nor rendered services in exchange? Account for entertainment events only if the average value per person attending the event exceeded \$50 in value. Account for all business entertainment (except if related to your private profession or occupation) even if unrelated to your official duties.

EITHER check NO // OR check YES // and complete Schedule E.

6. Salary and Wages.

List each employer that pays you or a member of your immediate family salary or wages in excess of \$10,000 annually. (Exclude state or local government or advisory agencies.)

If no reportable salary or wages, check here //.

7. Business Interests.

Do you or a member of your immediate family, separately or together, operate your own business, or own or control an interest in excess of \$10,000 in a business?

EITHER check NO // OR check YES // and complete Schedule F.

8. Payments for Representation and Other Services.

8A. Did you represent, excluding activity defined as lobbying in § 2.2-419, any businesses before any state governmental agencies, excluding courts or judges, for which you received total compensation during the past 12 months in excess of \$1,000, excluding compensation for other services to such businesses and representation consisting solely of the filing of mandatory papers and subsequent representation regarding the mandatory papers? (Officers and employees of local governmental and advisory agencies do NOT need to answer this question or complete Schedule G-1.)

EITHER check NO // OR check YES // and complete Schedule G-1.

8B. Subject to the same exceptions as in 8A, did persons with whom you have a close financial association (partners, associates or others) represent, excluding activity defined as lobbying in § 2.2-419, any businesses before any state governmental agency for which total compensation was received during the past 12 months in excess of \$1,000? (Officers and employees of local governmental and advisory agencies do NOT need to answer this question or complete Schedule G-2.)

EITHER check NO // OR check YES // and complete Schedule G-2.

8C. Did you or persons with whom you have a close financial association furnish services to businesses operating in Virginia pursuant to an agreement between you and such businesses, or between persons with whom you have a close financial association and such businesses for which total compensation in excess of \$1,000 was received during the past 12 months?

EITHER check NO // OR check YES // and complete Schedule G-3.

9. Real Estate.

9A. State Officers and Employees.

Do you or a member of your immediate family hold an interest, including a partnership interest, valued at \$10,000 or more in real property (other than your principal residence) for which you have not already listed the full address on Schedule F? Account for real estate held in trust.

EITHER check NO // OR check YES // and complete Schedule H-1.

9B. Local Officers and Employees.

Do you or a member of your immediate family hold an interest, including a partnership interest, or option, easement, or land contract, valued at \$10,000 or more in real property (other than your principal residence) for which you have not already listed the full address on Schedule F? Account for real estate held in trust.

EITHER check NO // OR check YES // and complete Schedule H-2.

10. Real Estate Contracts with Governmental Agencies.

Do you or a member of your immediate family hold an interest valued at more than \$10,000 in real estate, including a corporate, partnership, or trust interest, option, easement, or land contract, which real estate is the subject of a contract, whether pending or completed within the past 12 months, with a governmental agency? If the real estate contract provides for the leasing of the property to a governmental agency, do you or a member of your immediate family hold an interest in the real estate valued at more than \$1,000? Account for all such contracts whether or not your interest is reported in Schedule F, H-1, or H-2. This requirement to disclose an interest in a lease does not apply to an interest derived through an ownership interest in a business unless the ownership interest exceeds three percent of the total equity of the business.

EITHER check NO // OR check YES // and complete Schedule I.

Statements of Economic Interests are open for public inspection. AFFIRMATION BY ALL FILERS.

I swear or affirm that the foregoing information is full, true and correct to the best of my knowledge.

Signature

Commonwealth of Virginia

..... of to wit:

The foregoing disclosure form was acknowledged before me

This day of, 20. . . , by

Notary Public

My commission expires

(Return only if needed to complete Statement.)

SCHEDULES

to

STATEMENT OF ECONOMIC INTERESTS.

NAME

SCHEDULE A - OFFICES AND DIRECTORSHIPS.

Identify each business of which you or a member of your immediate family is a paid officer or paid director.

| Name of Business | Address of Business | Position Held |
|------------------|---------------------|---------------|
| <hr/> | <hr/> | <hr/> |
| <hr/> | <hr/> | <hr/> |
| <hr/> | <hr/> | <hr/> |
| <hr/> | <hr/> | <hr/> |

RETURN TO ITEM 2

SCHEDULE B - PERSONAL LIABILITIES.

Report personal liability by checking each category. Report only debts in excess of \$10,000. Do not report debts to any government. Do not report loans secured by recorded liens on property at least equal in value to the loan.

Report contingent liabilities below and indicate which debts are contingent.

1. My personal debts are as follows:

| Check | Check one | |
|-------------|-------------|-----------|
| appropriate | \$10,001 to | More than |
| categories | \$50,000 | \$50,000 |

| | | |
|--|-------|-------|
| Banks | _____ | _____ |
| Savings institutions | _____ | _____ |
| Other loan or finance companies | _____ | _____ |
| Insurance companies | _____ | _____ |
| Stock, commodity or other brokerage companies | _____ | _____ |
| Other businesses: | | |
| (State principal business activity for each creditor.) | _____ | _____ |
| | _____ | _____ |
| | _____ | _____ |
| Individual creditors: | | |
| (State principal business or occupation of each creditor.) | _____ | _____ |
| | _____ | _____ |
| | _____ | _____ |

2. The personal debts of the members of my immediate family are as follows:

| Check appropriate categories | Check one | |
|---|-------------------------|-----------------------|
| | \$10,001 to \$50,000 | More than \$50,000 |
| Banks | _____ | _____ |
| Savings institutions | _____ | _____ |
| Other loan or finance companies | _____ | _____ |
| Insurance companies | _____ | _____ |
| Stock, commodity or other brokerage companies | _____ | _____ |
| Other businesses: | | |

(State principal business activity for each creditor.)

Individual creditors:

(State principal business or occupation of each creditor.)

RETURN TO ITEM 3

SCHEDULE C - SECURITIES.

"Securities" INCLUDES stocks, bonds, mutual funds, limited partnerships, and commodity futures contracts. contracts, and insurance policies. "Securities" EXCLUDES certificates of deposit, money market funds, annuity

Identify each business or Virginia governmental entity in which you or a member of your immediate family, directly or indirectly, separately or together, own securities valued in excess of \$10,000. Name each entity and type of security individually.

Do not list U.S. Bonds or other government securities not issued by the Commonwealth of Virginia or its authorities, agencies, or local governments. Do not list organizations that do not do business in this Commonwealth, but most major businesses conduct business in Virginia. Account for securities held in trust.

If no reportable securities, check here //.

Check one
Type of Security \$10,001 \$50,001 More

| Name of Issuer | Type of Entity | (stocks, bonds, mutual funds, etc.) | to \$50,000 | to \$250,000 | than \$250,000 |
|----------------|----------------|-------------------------------------|-------------|--------------|----------------|
| _____ | _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ | _____ |

RETURN TO ITEM 4

SCHEDULE D - PAYMENTS FOR TALKS, MEETINGS, AND PUBLICATIONS.

List each source from which you received during the past 12 months lodging, transportation, money, or any other thing of value (excluding meals or drinks coincident with a meeting) with combined value exceeding \$200 for your presentation of a single talk, participation in one meeting, or publication of a work in your capacity as an officer or employee of your agency.

List payments or reimbursements by an advisory or governmental agency only for meetings or travel outside the Commonwealth.

List a payment even if you donated it to charity.

Do not list information about a payment if you returned it within 60 days or if you received it from an employer already listed under Item 6 or from a source of income listed on Schedule F.

If no payment must be listed, check here //.

| Payer | Approximate Value | Circumstances | Type of payment (e.g. honoraria, travel reimburse- ment, etc.) |
|-------|-------------------|---------------|---|
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |

SCHEDULE E - GIFTS.

List each business, governmental entity, or individual that, during the past 12 months, (i) furnished you with any gift or entertainment at a single event and the value received by you exceeded \$50 in value, or (ii) furnished you with gifts or entertainment in any combination and the value received by you exceeded \$100 in total value; and for which you neither paid nor rendered services in exchange. List each such gift or event. Do not list entertainment events unless the average value per person attending the event exceeded \$50 in value. Do not list business entertainment related to your private profession or occupation. Do not list gifts or other things of value given by a relative or personal friend for reasons clearly unrelated to your public position. Do not list campaign contributions publicly reported as required by Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2 of the Code of Virginia.

| Name of Business, Organization, or Individual | City or County and State | Gift or Event | Approximate Value |
|---|--------------------------------|------------------|-------------------|
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |

SCHEDULE F - BUSINESS INTERESTS.

Complete this Schedule for each self-owned or family-owned business (including rental property, a farm, or consulting work), partnership, or corporation in which you or a member of your immediate family, separately or together, own an interest having a value in excess of \$10,000.

If the enterprise is owned or operated under a trade, partnership, or corporate name, list that name; otherwise, merely explain the nature of the enterprise. If rental property is owned or operated under a trade, partnership, or corporate name, list the name only; otherwise, give the address of each property. Account for business interests held in trust.

| ness | ness | tion | cy | \$10,000 | \$50,000 | \$100,000 | \$250,000 | over |
|-------|-------|-------|-------|----------|----------|-----------|-----------|-------|
| _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ |

If you have received \$250,001 or more from a single business within the reporting period, indicate the amount received, rounded to the nearest \$10,000.

Amount Received: _____.

SCHEDULE G-2 - PAYMENTS FOR REPRESENTATION BY ASSOCIATES.

List the businesses that have been represented, excluding activity defined as lobbying in § 2.2-419, before any state governmental agency, excluding any court or judge, by persons who are your partners, associates or others with whom you have a close financial association and who received total compensation in excess of \$1,000 for such representation during the past 12 months, excluding representation consisting solely of the filing of mandatory papers and subsequent representation regarding the mandatory papers filed by your partners, associates or others with whom you have a close financial association.

Identify such businesses by type and also name the state governmental agencies before which such person appeared on behalf of such businesses.

Only STATE officers and employees should complete this Schedule.

| Type of business | Name of state governmental agency |
|------------------|-----------------------------------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

SCHEDULE G-3 - PAYMENTS FOR SERVICES GENERALLY.

Indicate below types of businesses that operate in Virginia to which services were furnished by you or persons with whom you have a close financial association pursuant to an agreement between you and such businesses, or between persons with whom you have a close financial association and such businesses and for which total compensation in excess of \$1,000 was received during the past 12 months.

Identify opposite each category of businesses listed below (i) the type of business, (ii) the type of service rendered and (iii) the value by dollar category of the compensation received for all businesses falling within each category.

| | Check | | Value of Compensation | | | | |
|---------------------|-------|-------|-----------------------|----------|-----------|-----------|-----------|
| | if | Type | | | | | |
| | ser- | of | | | | | |
| | vices | ser- | | | | | |
| | were | vice | \$1,001 | \$10,001 | \$50,001 | \$100,001 | \$250,001 |
| | ren- | ren- | to | to | to | to | and |
| | dered | dered | \$10,000 | \$50,000 | \$100,000 | \$250,000 | over |
| Electric utilities | _____ | _____ | _____ | _____ | _____ | _____ | _____ |
| Gas utilities | _____ | _____ | _____ | _____ | _____ | _____ | _____ |
| Telephone utilities | _____ | _____ | _____ | _____ | _____ | _____ | _____ |
| Water utilities | _____ | _____ | _____ | _____ | _____ | _____ | _____ |
| Cable television | | | | | | | |
| companies | _____ | _____ | _____ | _____ | _____ | _____ | _____ |
| Interstate | | | | | | | |
| transportation | | | | | | | |
| companies | _____ | _____ | _____ | _____ | _____ | _____ | _____ |
| Intrastate | | | | | | | |
| transportation | | | | | | | |
| companies | _____ | _____ | _____ | _____ | _____ | _____ | _____ |
| Oil or gas retail | | | | | | | |

| | | | | | | | |
|----------------------|-------|-------|-------|-------|-------|-------|-------|
| companies | _____ | _____ | _____ | _____ | _____ | _____ | _____ |
| Banks | _____ | _____ | _____ | _____ | _____ | _____ | _____ |
| Savings institutions | _____ | _____ | _____ | _____ | _____ | _____ | _____ |
| Loan or finance | | | | | | | |
| companies | _____ | _____ | _____ | _____ | _____ | _____ | _____ |
| Manufacturing | | | | | | | |
| companies (state | | | | | | | |
| type of product, | | | | | | | |
| e.g., textile, | | | | | | | |
| furniture, etc.) | _____ | _____ | _____ | _____ | _____ | _____ | _____ |
| Mining companies | _____ | _____ | _____ | _____ | _____ | _____ | _____ |
| Life insurance | | | | | | | |
| companies | _____ | _____ | _____ | _____ | _____ | _____ | _____ |
| Casualty insurance | | | | | | | |
| companies | _____ | _____ | _____ | _____ | _____ | _____ | _____ |
| Other insurance | | | | | | | |
| companies | _____ | _____ | _____ | _____ | _____ | _____ | _____ |
| Retail companies | _____ | _____ | _____ | _____ | _____ | _____ | _____ |
| Beer, wine or liquor | | | | | | | |
| companies or | | | | | | | |
| distributors | _____ | _____ | _____ | _____ | _____ | _____ | _____ |
| Trade associations | _____ | _____ | _____ | _____ | _____ | _____ | _____ |
| Professional | | | | | | | |
| associations | _____ | _____ | _____ | _____ | _____ | _____ | _____ |
| Associations of | | | | | | | |
| public employees | | | | | | | |
| or officials | _____ | _____ | _____ | _____ | _____ | _____ | _____ |
| Counties, cities | | | | | | | |

or towns _____
 Labor organizations _____
 Other _____

RETURN TO ITEM 9

SCHEDULE H-1 - REAL ESTATE - STATE OFFICERS AND EMPLOYEES.

List real estate other than your principal residence in which you or a member of your immediate family holds an interest, including a partnership interest, option, easement, or land contract, valued at \$10,000 or more. Each parcel shall be listed individually.

| List each location (state, and county or city) where you own real estate. | Describe the type of real estate you own in each location (business, recreational, apartment, commercial, open land, etc.). | If the real estate is owned or recorded in a name other than your own, list that name. |
|---|---|--|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

SCHEDULE H-2 - REAL ESTATE - LOCAL OFFICERS AND EMPLOYEES.

List real estate other than your principal residence in which you or a member of your immediate family holds an interest, including a partnership interest or option, easement, or land contract, valued at \$10,000 or more. Each parcel shall be listed individually. Also list the names of any co-owners of such property, if applicable.

| List each location (business, (state, and county recreational, or city) where you own real estate. | Describe the type of real estate you own in each location (business, apartment, commercial, open land, etc.). | If the real estate is owned or recorded in a name other than your own, list that name. | List the names of any co-owners, if applicable. |
|--|---|--|---|
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |

SCHEDULE I - REAL ESTATE CONTRACTS WITH GOVERNMENTAL AGENCIES.

List all contracts, whether pending or completed within the past 12 months, with a governmental agency for the sale or exchange of real estate in which you or a member of your immediate family holds an interest, including a corporate, partnership or trust interest, option, easement, or land contract, valued at \$10,000 or more. List all contracts with a governmental agency for the lease of real estate in which you or a member of your immediate family holds such an interest valued at \$1,000 or more. This requirement to disclose an interest in a lease does not apply to an interest derived through an ownership interest in a business unless the ownership interest exceeds three percent of the total equity of the business.

State officers and employees report contracts with state agencies.

Local officers and employees report contracts with local agencies.

List your real estate interest and the

person or entity,
including the type
of entity, which
is party to
the contract.

Describe any
management role and
the percentage
ownership
interest you or your
immediate family
member has in the real
estate or entity.

List each governmental
agency which is a
party to the contract
and indicate the
county or city where
the real estate
is located.

State the annual
income from the
contract, and the
amount, if any, of
income you or any
immediate family
member derives
annually from the
contract.

| | | |
|-------|-------|-------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

(1987, Sp. Sess., c. 1, § 2.1-639.15; 1988, c. 849; 1994, cc. 724, 733, 777, 793; 1995, c. 763; 1996, c. 77; 1997, cc. 577, 844; 1998, c. 732; 2001, c. 844; 2006, cc. 310, 779, 787, 892; 2008, c. 239; 2010, c. 670.)

§ 2.2-3118. Disclosure form; certain citizen members.

A. The financial disclosure form to be used for filings required pursuant to subsection B of § 2.2-3114 and subsection B of § 2.2-3115 shall be signed by the filer either originally or by electronic signature as authorized by the Uniform Electronic Transactions Act (§ 59.1-479 et seq.). The financial disclosure form shall be substantially as follows:

DEFINITIONS AND EXPLANATORY MATERIAL.

"Business" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, trust or foundation, or any other individual or entity carrying on a business or profession, whether or not for profit.

"Close financial association" means an association in which the person filing shares significant financial involvement with an individual and the filer would reasonably be expected to be aware of the individual's business activities and would have access to the necessary records either directly or through the individual. "Close financial association" does not mean an association based on (i) the receipt of retirement benefits or deferred compensation from a business by which the person filing this statement is no longer employed, or (ii) the receipt of compensation for work performed by the person filing as an independent contractor of a business that represents an entity before any state governmental agency when the person filing has no communications with the state governmental agency.

"Contingent liability" means a liability that is not presently fixed or determined, but may become fixed or determined in the future with the occurrence of some certain event.

"Immediate family" means (i) a spouse and (ii) any other person residing in the same household as the filer, who is a dependent of the filer or of whom the filer is a dependent.

"Dependent" means any person, whether or not related by blood or marriage, who receives from the filer, or provides to the filer, more than one-half of his financial support.

"Personal interest" means, for the purposes of this form only, a personal and financial benefit or liability accruing to a filer or a member of his immediate family. Such interest shall exist by reason of (i) ownership in real or personal property, tangible or intangible; (ii) ownership in a business; (iii) income from a business; or (iv) personal liability on behalf of a business; however, unless the ownership interest in a business exceeds three percent of the total equity of the business, or the liability on behalf of a business exceeds three percent of the total assets of the business, or the annual income, and/or property or use of such property, from the business exceeds \$10,000 or may reasonably be anticipated to exceed \$10,000, such interest shall not constitute a "personal interest."

Name

Office or position held or to be held

.....

Address

I. FINANCIAL INTERESTS

My personal interests and those of my immediate family are as follows:

Include all forms of personal interests held at the time of filing: real estate, stocks, bonds, equity interests in proprietorships and partnerships. You may exclude:

1. Deposits and interest bearing accounts in banks, savings institutions and other institutions accepting such deposits or accounts;
2. Interests in any business, other than a news medium, representing less than three percent of the total equity value of the business;
3. Liability on behalf of any business representing less than three percent of the total assets of such business; and
4. Income (other than from salary) less than \$10,000 annually from any business. You need not state the value of any interest. You must state the name or principal business activity of each business in which you have a personal interest.

A. My personal interests are:

1. Residence, address, or, if no address, location
2. Other real estate, address, or, if no address, location
3. Name or principal business activity of each business in which stock, bond or equity interest is held

B. The personal interests of my immediate family are:

1. Real estate, address or, if no address, location
2. Name or principal business activity of each business in which stock, bond or equity interest is held

II. OFFICES, DIRECTORSHIPS AND SALARIED EMPLOYMENTS

The paid offices, paid directorships and salaried employments which I hold or which members of my immediate family hold and the businesses from which I or members of my immediate family receive retirement benefits are as follows:

(You need not state any dollar amounts.)

A. My paid offices, paid directorships and salaried employments are:

| Position held | Name of business |
|---------------|------------------|
| | |

B. The paid offices, paid directorships and salaried employments of members of my immediate family are:

| Position held | Name of business |
|---------------|------------------|
| <hr/> | <hr/> |
| <hr/> | <hr/> |
| <hr/> | <hr/> |

III. BUSINESSES TO WHICH SERVICES WERE FURNISHED

A. The businesses I have represented, excluding activity defined as lobbying in § 2.2-419, before any state governmental agency, excluding any court or judge, for which I have received total compensation in excess of \$1,000 during the preceding year, excluding compensation for other services to such businesses and representation consisting solely of the filing of mandatory papers, are as follows:

Identify businesses by name and name the state governmental agencies before which you appeared on behalf of such businesses.

| Name of business | Name of governmental agency |
|------------------|-----------------------------|
| <hr/> | <hr/> |
| <hr/> | <hr/> |
| <hr/> | <hr/> |

B. The businesses that, to my knowledge, have been represented, excluding activity defined as lobbying in § 2.2-419, before any state governmental agency, excluding any court or judge, by persons with whom I have a close financial association and who received total compensation in

excess of \$1,000 during the preceding year, excluding compensation for other services to such businesses and representation consisting solely of the filing of mandatory papers, are as follows:

Identify businesses by type and name the state governmental agencies before which such person appeared on behalf of such businesses.

| Type of business | Name of state governmental agency |
|------------------|-----------------------------------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

C. All other businesses listed below that operate in Virginia to which services were furnished pursuant to an agreement between you and such businesses and for which total compensation in excess of \$1000 was received during the preceding year:

Check each category of business to which services were furnished.

| | |
|-------------------------------------|-------|
| Electric utilities | _____ |
| Gas utilities | _____ |
| Telephone utilities | _____ |
| Water utilities | _____ |
| Cable television companies | _____ |
| Intrastate transportation companies | _____ |
| Interstate transportation companies | _____ |
| Oil or gas retail companies | _____ |
| Banks | _____ |
| Savings institutions | _____ |
| Loan or finance companies | _____ |
| Manufacturing companies (state type | |

of product, e.g., textile, furniture,
 etc.) _____

Mining companies _____

Life insurance companies _____

Casualty insurance companies _____

Other insurance companies _____

Retail companies _____

Beer, wine or liquor companies or
 distributors _____

Trade associations _____

Professional associations _____

Associations of public employees or
 officials _____

Counties, cities or towns _____

Labor organizations _____

IV. COMPENSATION FOR EXPENSES

The persons, associations, or other sources other than my governmental agency from which I or a member of my immediate family received remuneration in excess of \$200 during the preceding year, in cash or otherwise, as honorariums or payment of expenses in connection with my attendance at any meeting or other function to which I was invited in my official capacity are as follows:

| Name of Source | Description of occasion | Amount of remuneration for each occasion |
|----------------|----------------------------|---|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

B. The provisions of Part III A and B of the disclosure form prescribed by this section shall not be applicable to officers and employees of local governmental and local advisory agencies.

C. Except for real estate located within the county, city or town in which the officer or employee serves or a county, city or town contiguous to the county, city or town in which the officer or employee serves, officers and employees of local governmental or advisory agencies shall not be required to disclose under Part I of the form any other interests in real estate.

(1988, c. 849, § 2.1-639.15:1; 1996, c. 77; 2001, c. 844; 2006, c. 779; 2011, cc. 123, 177.)

§ 2.2-3118.1. Special provisions for individuals serving in or seeking multiple positions or offices; reappointees.

A. The filing of a single current statement of economic interests by a state officer or employee required to file the form prescribed in § 2.2-3117 shall suffice for the purposes of this chapter as filing for all state positions or offices held or sought by such individual during a single reporting period. The filing of a single current financial disclosure statement by a state officer or employee required to file the form prescribed in § 2.2-3118 shall suffice for the purposes of this chapter as filing for all state positions or offices held or sought by such individual and requiring the filing of the § 2.2-3118 form during a single reporting period.

B. Any individual who has met the requirement for annually filing a statement provided in § 2.2-3117 or 2.2-3118 shall not be required to file an additional statement upon such individual's reappointment to the same office or position for which he is required to file, provided such reappointment occurs within 12 months after the annual filing.

(2005, c. 397.)

§ 2.2-3119. Additional provisions applicable to school boards and employees of school boards; exceptions.

A. Notwithstanding any other provision of this chapter, it shall be unlawful for the school board of any county or city or of any town constituting a separate school division to employ or pay any teacher or other school board employee from the public funds, federal, state or local, or for a division superintendent to recommend to the school board the employment of any teacher or other employee, if the teacher or other employee is the father, mother, brother, sister, spouse, son, daughter, son-in-law, daughter-in-law, sister-in-law or brother-in-law of the superintendent, or of any member of the school board.

This section shall apply to any person employed by any school board in the operation of the public free school system, adult education programs or any other program maintained and operated by a local county, city or town school board.

B. This section shall not be construed to prohibit the employment, promotion, or transfer within a school division of any person within a relationship described in subsection A when such person:

1. Has been employed pursuant to a written contract with a school board or employed as a substitute teacher or teacher's aide by a school board prior to the taking of office of any member of such board or division superintendent of schools; or
2. Has been employed pursuant to a written contract with a school board or employed as a substitute teacher or teacher's aide by a school board prior to the inception of such relationship; or
3. Was employed by a school board at any time prior to June 10, 1994, and had been employed at any time as a teacher or other employee of any Virginia school board prior to the taking of office of any member of such school board or division superintendent of schools.

C. A person employed as a substitute teacher may not be employed to any greater extent than he was employed by the school board in the last full school year prior to the taking of office of such board member or division superintendent or to the inception of such relationship. The exceptions in subdivisions B 1, B 2, and B 3 shall apply only if the prior employment has been in the same school divisions where the employee and the superintendent or school board member now seek to serve simultaneously.

D. If any member of the school board or any division superintendent knowingly violates these provisions, he shall be personally liable to refund to the local treasury any amounts paid in violation of this law, and the funds shall be recovered from the individual by action or suit in the name of the Commonwealth on the petition of the attorney for the Commonwealth. Recovered funds shall be paid into the local treasury for the use of the public schools.

E. The provisions of this section shall not apply to employment by a school district located in Planning Districts 3, 11, 12, and 13 of the father, mother, brother, sister, spouse, son, daughter, son-in-law, daughter-in-law, sister-in-law, or brother-in-law of any member of the school board provided (i) the member certifies that he had no involvement with the hiring decision and (ii) the superintendent certifies to the remaining members of the governing body in writing that the employment is based upon merit and fitness and the competitive rating of the qualifications of the individual and that no member of the board had any involvement with the hiring decision.

(1987, Sp. Sess., c. 1, § 2.1-639.16; 1994, c. 758; 1995, c. 186; 1997, c. 84; 2001, c. 844; 2010, cc. 676, 759; 2011, c. 517.)

§ 2.2-3120. Knowing violation of chapter a misdemeanor.

Any person who knowingly violates any of the provisions of Articles 2 through 6 (§§ 2.2-3102 through 2.2-3119) of this chapter shall be guilty of a Class 1 misdemeanor, except that any member of a local governing body who knowingly violates § 2.2-3112 A or § 2.2-3115 C or E shall be guilty of a Class 3 misdemeanor. A knowing violation under this section is one in which the person engages in conduct, performs an act or refuses to perform an act when he knows that the conduct is prohibited or required by this chapter.

(1987, Sp. Sess., c. 1, § 2.1-639.17; 2001, c. 844.)

§ 2.2-3121. Advisory opinions.

A. A state officer or employee shall not be prosecuted for a knowing violation of this chapter if the alleged violation resulted from his good faith reliance on a written opinion of the Attorney General made in response to his written request for such opinion and the opinion was made after a full disclosure of the facts.

B. A local officer or employee shall not be prosecuted for a knowing violation of this chapter if the alleged violation resulted from his good faith reliance on a written opinion of the attorney for the Commonwealth made in response to his written request for such opinion and the opinion was made after a full disclosure of the facts. The written opinion shall be a public record and shall be released upon request.

C. If any officer or employee serving at the local level of government is charged with a knowing violation of this chapter, and the alleged violation resulted from his reliance upon a written opinion of his city, county or town attorney, made after a full disclosure of the facts, that such action was not in violation of this chapter, then the officer or employee shall have the right to introduce a copy of the opinion at his trial as evidence that he did not knowingly violate this chapter.

(1987, Sp. Sess., c. 1, § 2.1-639.18; 2001, c. 844; 2003, c. 694.)

§ 2.2-3122. Knowing violation of chapter constitutes malfeasance in office or employment.

Any person who knowingly violates any of the provisions of this chapter shall be guilty of malfeasance in office or employment. Upon conviction thereof, the judge or jury trying the case, in addition to any other fine or penalty provided by law, may order the forfeiture of such office or employment.

(1987, Sp. Sess., c. 1, § 2.1-639.19; 2001, c. 844.)

§ 2.2-3123. Invalidation of contract; rescision of sales.

A. Any contract made in violation of § 2.2-3103 or §§ 2.2-3106 through 2.2-3109 may be declared void and may be rescinded by the governing body of the contracting or selling governmental agency within five years of the date of such contract. In cases in which the contract is invalidated, the contractor shall retain or receive only the reasonable value, with no increment for profit or commission, of the property or services furnished prior to the date of receiving notice that the contract has been voided. In cases of rescision of a contract of sale, any refund or restitution shall be made to the contracting or selling governmental agency.

B. Any purchase by an officer or employee made in violation of § 2.2-3103 or §§ 2.2-3106 through 2.2-3109 may be rescinded by the governing body of the contracting or selling governmental agency within five years of the date of such purchase.

(1987, Sp. Sess., c. 1, § 2.1-639.20; 2001, c. 844.)

§ 2.2-3124. Forfeiture of money, etc., derived from violation of this chapter.

In addition to any other fine or penalty provided by law, any money or other thing of value derived by an officer or employee from a violation of §§ 2.2-3103 through 2.2-3112 shall be forfeited and, in the event of a knowing violation, there may also be imposed a civil penalty in an amount equal to the amount of money or thing of value forfeited to the Commonwealth or the local government as the case may be. If the thing of value received by the officer or employee in violation of this chapter should enhance in value between the time of the violation and the time of discovery of the violation, the greater value shall determine the amount of forfeiture.

(1987, Sp. Sess., c. 1, § 2.1-639.21; 1994, cc. 727, 776; 2001, c. 844.)

§ 2.2-3125. Limitation of actions.

The statute of limitations for the criminal prosecution of a person for violation of any provision of this chapter shall be one year from the time the Attorney General, if the violation is by a state officer or employee, or the attorney for the Commonwealth, if the violation is by a local officer or employee, has actual knowledge of the violation or five years from the date of the violation, whichever event occurs first. Any prosecution for malfeasance in office shall be governed by the statute of limitations provided by law.

(1987, Sp. Sess., c. 1, § 2.1-639.22; 2001, c. 844.)

§ 2.2-3126. Enforcement.

A. The provisions of this chapter relating to an officer or employee serving at the state level of government shall be enforced by the Attorney General.

In addition to any other powers and duties prescribed by law, the Attorney General shall have the following powers and duties within the area for which he is responsible under this section:

1. He shall advise the agencies of state government and officers and employees serving at the state level of government on appropriate procedures for complying with the requirements of this chapter. He may review any disclosure statements, without notice to the affected person, for the purpose of determining satisfactory compliance, and shall investigate matters that come to his attention reflecting possible violations of the provisions of this chapter by officers and employees serving at the state level of government;
2. If he determines that there is a reasonable basis to conclude that any officer or employee serving at the state level of government has knowingly violated any provision of this chapter, he shall designate an attorney for the Commonwealth who shall have complete and independent discretion in the prosecution of such officer or employee;
3. He shall render advisory opinions to any state officer or employee who seeks advice as to whether the facts in a particular case would constitute a violation of the provisions of this chapter. He shall

determine which opinions or portions thereof are of general interest to the public and may, from time to time, be published.

Irrespective of whether an opinion of the Attorney General has been requested and rendered, any person has the right to seek a declaratory judgment or other judicial relief as provided by law.

B. The provisions of this chapter relating to an officer or employee serving at the local level of government shall be enforced by the attorney for the Commonwealth within the political subdivision for which he is elected.

Each attorney for the Commonwealth shall be responsible for prosecuting violations by an officer or employee serving at the local level of government and, if the Attorney General designates such attorney for the Commonwealth, violations by an officer or employee serving at the state level of government. In the event the violation by an officer or employee serving at the local level of government involves more than one local jurisdiction, the Attorney General shall designate which of the attorneys for the Commonwealth of the involved local jurisdictions shall enforce the provisions of this chapter with regard to such violation.

Each attorney for the Commonwealth shall establish an appropriate written procedure for implementing the disclosure requirements of local officers and employees of his county, city or town, and for other political subdivisions, whose principal offices are located within the jurisdiction served by such attorney for the Commonwealth. The attorney for the Commonwealth shall provide a copy of this act to all local officers and employees in the jurisdiction served by such attorney who are required to file a disclosure statement pursuant to Article 5 (§ 2.2-3113 et seq.) of this chapter. Failure to receive a copy of the act shall not be a defense to such officers and employees if they are prosecuted for violations of the act.

Each attorney for the Commonwealth shall render advisory opinions as to whether the facts in a particular case would constitute a violation of the provisions of this chapter to the governing body and any local officer or employee in his jurisdiction and to political subdivisions other than a county, city or town, including regional political subdivisions whose principal offices are located within the jurisdiction served by such attorney for the Commonwealth. If the advisory opinion is written, then such written opinion shall be a public record and shall be released upon request. In case the opinion given by the attorney for the Commonwealth indicates that the facts would constitute a violation, the officer or employee affected thereby may request that the Attorney General review the opinion. A conflicting opinion by the Attorney General shall act to revoke the opinion of the attorney for the Commonwealth. The Attorney General shall determine which of his reviewing opinions or portions thereof are of general interest to the public and may, from time to time, be published.

Irrespective of whether an opinion of the attorney for the Commonwealth or the Attorney General has been requested and rendered, any person has the right to seek a declaratory judgment or other judicial relief as provided by law.

(1987, Sp. Sess., c. 1, § 2.1-639.23; 2001, c. 844; 2003, c. 694.)

§ 2.2-3127. Venue.

Any prosecution for a violation involving an officer serving at the state level of government shall be brought in the Circuit Court of the City of Richmond. Any prosecution for a violation involving an employee serving at the state level of government shall be within the jurisdiction in which the employee has his principal place of state employment.

Any proceeding provided in this chapter shall be brought in a court of competent jurisdiction within the county or city in which the violation occurs if the violation involves an officer or employee serving at the local level of government.

(1987, Sp. Sess., c. 1, § 2.1-639.24; 2001, c. 844.)

§ 2.2-3128. Semiannual orientation course.

Each state agency shall offer at least semiannually to each of its state filers an orientation course on this chapter, on ethics in public contracting pursuant to Article 6 (§ 2.2-4367 et seq.) of Chapter 43 of this title, if applicable to the filer, and on any other applicable regulations that govern the official conduct of state officers and employees.

(2004, cc. 134, 392.)

§ 2.2-3129. Records of attendance.

Each state agency shall maintain records indicating the specific attendees, each attendee's job title, and dates of their attendance for each orientation course offered pursuant to § 2.2-3128 for a period of not less than five years after each course is given. These records shall be public records subject to inspection and copying consistent with § 2.2-3704.

(2004, cc. 134, 392.)

§ 2.2-3130. Attendance requirements.

Except as set forth in § 2.2-3131, each state filer shall attend the orientation course required in § 2.2-3128, as follows:

1. For a state filer who holds a position with the agency on January 1, 2004, not later than December 31, 2004 and, thereafter, at least once during each consecutive period of two calendar years commencing on January 1, 2006.
2. For a person who becomes a state filer with the agency after January 1, 2004, within two months after he or she becomes a state filer and at least once during each consecutive period of two calendar years commencing on the first odd-numbered year thereafter.

(2004, cc. 134, 392.)

§ 2.2-3131. Exemptions.

A. The requirements of § 2.2-3130 shall not apply to state filers with a state agency who have taken an equivalent ethics orientation course through another state agency within the time periods set forth in subdivision 1 or 2 of § 2.2-3130, as applicable.

B. State agencies may jointly conduct and state filers from more than one state agency may jointly attend an orientation course required by § 2.2-3128, as long as the course content is relevant to the official duties of the attending state filers.

C. Before conducting each orientation course required by § 2.2-3128, state agencies shall consult with the Attorney General regarding appropriate course content.

(2004, cc. 134, 392.)

Appendix 7. Mr. Downing's Email to the Library Board Members Dated July 21, 2011:

Linda Wesson

From: Thom Downing<iuthom1@aol.com>
Sent: Thursday, July 21, 2011 8:16 PM
To: lwesson@alexandria.lib.va.us; annepaul@verizon.net; mreaton@comcast.net; frank.fannon@alexandriava.gov; gwen_dayfuller@comcast.net; oscarfitzgerald@aol.com; rhobson@mcguirewoods.com
Cc: jgregorio@alexandria.lib.va.us; lrenner@alexandria.lib.va.us; rdawson@alexandria.lib.va.us
Subject: Re: July 28th Library Board Meeting

Hi,

I wanted to send a quick note to get some clarification on the agenda for this meeting. The attachments lead me to believe that it is to address the issue of my arrangement running online sales for the Alexandria Friends of the Library groups. I recently mentioned to Councilman Fannon, and wanted to share with all of you, that if there are any lingering concerns about a conflict of interest, I am fine with giving up my involvement in online sales.

I thought we had resolved this issue, but if there is any reason to revisit it -- either for legal or ethical reasons - please know that I do not want to be the cause of taking any more of the Board's time or resources. There are so many types of support we can, and need, to offer the libraries, and I hope we can stay focused on those going forward.

No one has contacted me about this meeting, so perhaps there are other important items on the agenda. But just to be sure, let me state my intention to formally end online sales on behalf of any Alexandria Friends of the Library group. I have been pleased to be able to help these groups significantly increase revenue from donations over the past few years, and I hope they continue to

take advantage of this sales tactic rather than lose revenue to full-the, professional dealers.

I joined the Board with the hope of increasing my support for what I think is one of the most important assets we have in this city -- our public libraries. I look forward to figuring out the best way to do this as a member of the Board and simply as a volunteer for various library activities. I appreciate the opportunity, as I'm sure all of you do as well.

Sincerely,

Thom Downing

--Original, Message--

From: Linda Wesson <lwesson@alexandria.lib.va.us>

To: Anne Paul <annepaul@verizon.net>; Dorothy ("Brooksie") Koopman <mreaton@comcast.net>;

Frank H. Fannon IV <frankfannon@alexandriava.gov>; Gwendolyn Day-Fuller <gwen-dayfuller@comcast.net>; Oscar P. Fitzgerald <oscarfitzgerald@aol.com>; Richard R. G. Hobson <rhobson@mcguirewoods.com>; Thom Downing <iuthom1@aol.com>

Cc: jgregorio@alexandria.lib.va.us; Linden Renner <lrenner@alexandria.lib.va.us>;

rdawson@alexandria.lib.va.us

Sent: Thu, Jul 21, 2011 4:51 pm

Subject: Documents for July 28th Library Board Meeting

Attached are some documents for the special meeting on July 28th. The Virginia Conflict of Interest Rules are fairly lengthy, so we wanted you to have those in plenty of time. Also included is the City Attorney's opinion dated July 14, 2011. Additional documents will follow.

Appendix 8. On-line Sales Financial Information

SUMMARY OF ON-LINE SALES

September 16, 2011

BURKE BRANCH FRIENDS

| | 2010* (7/1/10 thru 12/31/10) | 2011* (1/1/11 thru 6/30/11) |
|---|---|--|
| Net Revenues (Gross Sales Less Amazon Fees) | \$ 450.47 | \$ 606.09 |
| Contractor's Share (50%) | (225.25) | (303.05) |
| Contractor Processing Fee | (10.50) | (15.30) |
| Payment to Friends | 214.75 | 287.75 |

FRIENDS OF BEATLEY CENTRAL LIBRARY

| | | |
|---|------------|------------|
| Net Revenues (Gross Sales Less Amazon Fees) | \$ 1742.74 | \$ 2539.95 |
| Contractor's Share (50%) | (871.44) | (1273.00) |
| Contractor Processing Fee | (27.60) | (50.10) |

| | | |
|--------------------|--------|-----------|
| Payment to Friends | 843.84 | 1225.90** |
|--------------------|--------|-----------|

| FRIENDS OF DUNCAN LIBRARY 6/30/11) | 2010 (7/1/10 thru 12/31/10) | 2011*** (1/1/11 thru |
|---|--|---------------------------------|
| Net Revenues (Gross Sales Less Amazon Fees) | \$ 1924.61 | \$ 3840.00 |
| Contractor's Share (50%) | (1833.11) | (1920.00) |
| Contractor Processing Fee | (91.50) | (170.00) |
| Payment to Friends | 1553.11 | 1750.00 |

* Any "discrepancies" in addition/subtraction due to accumulated effects of rounding over several reporting months.

** Payment includes \$3.00 book purchase by contractor that was not subject to fee or contractor share.

***Figures for February-June 2011 provided by Mr. Downing.

Please note that the figures for the Burke Branch Library and the Beatley Central Library were provided upon request by Ms. Eileen Bradley, President of the Beatley Friends and interim President of the Burke Friends.

Friends of the Duncan Library figures for July-December 2010 based on library records.

END OF APPENDICES.

Respectfully submitted,
Gwendolyn Day-Fuller

Secretary