

ADVISORY OPINION NO. 89-4
ISSUED BY THE
WEST VIRGINIA ETHICS COMMISSION
OCTOBER 5, 1989

GOVERNMENTAL BODY SEEKING OPINION

Legal counsel on behalf of client,

OPINION SOUGHT

"Are the three members appointed by the Governor to represent the public interest, public officials within the meaning of W.Va. Code Chapter 6B, Article 1, Section 3, and therefore subject to the financial disclosure statement mandated by W.Va. Code Chapter 6B, Article 2, Section 6, paragraph A, subparagraph 2."

FACTS RELIED UPON BY THE COMMISSION

Three members of a task force were appointed by Governor Caperton pursuant to W.Va. Code 18B-1-10. The task force's duties include meeting, studying and making recommendations on faculty salaries, schedules, compensation and specifically on resource allocation models. Also, the task force was charged with developing a faculty salary program and making recommendations as it deems appropriate to address needs of the University of West Virginia Board of Trustees and the Board of Directors of the State College System.

PERTINENT STATUTORY PROVISIONS RELIED UPON BY THE COMMISSION

W.Va. Code Section 6B-2-6(A) states that the following individuals are required to file financial disclosure statements:

- (1) " all elected officials in this state..."
- (2) " all members of state boards, commissions, and agencies appointed by the governor; and"
- (3) "secretaries of departments, commissioners, deputy commissioners, directors, deputy directors, assistant directors, assistant directors, department heads, and assistant department heads."

ADVISORY OPINION

The three members appointed to the task force are not elected officials as described in subparagraph (1) of W.Va. Code section 6B-2-6, nor are they titled department heads or assistants described in subparagraph (3). The only question left to be answered is whether the task force members fall within subsection (2). It is the commission's opinion that they are not members of a state board, commission or agency appointed by the governor.

Therefore, we find that these three members are not required to file financial disclosure statements as described in W.Va. Code 6B-2-6(A).


Chairman