

ADVISORY OPINION NO. 89-9

ISSUED BY THE
WEST VIRGINIA ETHICS COMMISSION

ON OCTOBER 5, 1989

GOVERNMENTAL BODY SEEKING OPINION

A legislator

Opinion Sought

Whether it is a violation of the Act for legislative representatives to sponsor a football trip to West Virginia University for the children and staff of the West Virginia Children's Home at Elkins by purchasing football tickets at discounted prices through the University.

Other Facts Relied Upon By The Commission

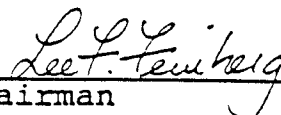
For many years legislative representatives from a certain district have sponsored a football trip to the last football game of the year at West Virginia University for children and staff of the West Virginia Children's Home at Elkins, West Virginia. Tickets are purchased by legislators at discounted prices through West Virginia University.

Pertinent Statutory Provisions Relied Upon By The Commission

West Virginia Code 6B-2-5(b) states that a public official or employee may not intentionally use his or her office or the prestige of his or her office for his or her own private gain or that of another person. The performance of usual and customary constituent services without compensation does not constitute the use of prestige for private gain.

Advisory Opinion

The commission finds that the purchase of West Virginia University football tickets at a discounted price by legislative representatives to sponsor a football trip for the children and staff at the West Virginia Children's Home are usual and customary constituent services and do not constitute the use of a public official's prestige for private gain in violation of West Virginia Code 6B-2-5(b).


Chairman