

ADVISORY OPINION NO. 89-20

ISSUED BY THE

WEST VIRGINIA ETHICS COMMISSION

ON NOVEMBER 2, 1989

GOVERNMENTAL BODY SEEKING OPINION

requesting an opinion on behalf of  
, State Senator,

OPINION SOUGHT

"Are there any conflicts with the new Ethics Law pursuant to my position as Vice-President of the West Virginia Broadcasters Association (hereafter WVBA)?"

OTHER FACTS RELIED UPON BY THE COMMISSION

The association is a non-profit association serving radio and television stations in our state, and for the past few years has maintained contracts with certain state departments. The funds from these contracts are used for the operations of the association. , State Senator Second Senatorial District, serves this association as Vice President without any compensation or reimbursement. He does not benefit directly from these contracts, but businesses that he owns are members and benefit from the association.

STATUTORY PROVISIONS RELIED UPON BY THE COMMISSION

West Virginia Code Section 6B-2-5(d)(1) states in part...that no elected or appointed public official or public employee or member of his or her immediate family or business with which he or she is associated may be a party to or have an interest in the profits or benefits of a contract with the governmental body over which he or she has direct authority or with which he or she is employed: Provided, That nothing herein shall be construed to prevent or make unlawful the employment of any person with any governmental body: Provided, however, That nothing herein shall be construed to prohibit a member of the Legislature from entering into a contract with any governmental body.

ADVISORY OPINION

Information submitted to the commission reflects that neither the legislator in question, nor the businesses with which he is associated has an interest in the profits or benefits of a contract with any governmental body over which the legislator has direct authority or with which the legislator is employed. Although the association has contracts with various agencies, departments, or branches of state government, the legislator and his businesses are not parties to these contracts and have no interest in the profits or benefits of such contracts other than the de minimis interest that any member of the association would have. For these reasons, and based upon the facts submitted by the requesting party, the commission finds no violation of West Virginia Code 6B-2-5(d)(1).

  
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Chairman