

COPY

ADVISORY OPINION NO. 89-111

ISSUED BY THE

WEST VIRGINIA ETHICS COMMISSION

ON JANUARY 4, 1990

Governmental Body Seeking Opinion

A Public Employee

Opinion Sought

Whether it is a violation of the Ethics Act for a public employee to participate in various fundraising projects that benefit others and do not benefit him?

Other Facts Relied Upon By The Commission

The public employee requesting this advisory opinion takes part in several different types of fundraising projects. He is a member of the local PTA and the local church. He is currently raising funds for fellow public employees and those who have retired, or who are in need of financial assistance. He also assists in soliciting food donations for striking miners and takes part in the Salvation Army Bell Ringing project.

Pertinent Statutory Provisions Relied Upon By The Commission

West Virginia Code 6B-2-5(c)(1) states in pertinent part that an... employee of the state may not solicit any gift...

Advisory Opinion

It is the Commission's opinion that the Legislature did not intend to prohibit solicitation of all gifts.

Therefore, it would not be a violation of subsection (c)(1) for a public employee or public official to solicit gifts when:

1. it is for a charitable purpose;
2. the public official or public employee, or his or her immediate family or business with which he or she is associated does not receive a direct benefit from the gift;
3. and the public official or employee does not solicit from subordinates within his area of employment or service.



Chairman