

ADVISORY OPINION NO. 92-25

ISSUED BY THE

WEST VIRGINIA ETHICS COMMISSION

ON SEPTEMBER 3, 1992

GOVERNMENTAL BODY SEEKING OPINION

A part-time City Employee

OPINION SOUGHT

Is it a violation of the Ethics Act for a bonding agent employed by a local company to also serve as a part-time police dispatcher for a City?

FACTS RELIED UPON BY THE COMMISSION

The requestor is a part-time police dispatcher for a City and is employed as a bonding agent for private bonding company located within the County.

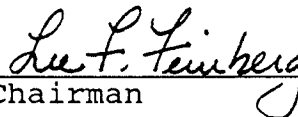
PERTINENT STATUTORY PROVISIONS RELIED UPON BY THE COMMISSION

West Virginia Code §6B-2-5(b)(1) states in pertinent part that...a public official or public employee may not knowingly and 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.

ADVISORY OPINION

The Commission finds that employment with a private bonding company simultaneous with public employment as a police dispatcher creates a situation that is rife with potential conflicts of interest. The requestor's position as a police dispatcher would afford her immediate access to information regarding arrests and the need for the services of a bonding company which potential competing bonding services would not be privy to.

The Commission determines that such simultaneous employment would inevitably result in a violation of WV Code §6B-2-5(b)(1). Therefore, the Requestor may not hold both positions at the same time.


Chairman