

ADVISORY OPINION NO. 95-17

ISSUED BY THE

WEST VIRGINIA ETHICS COMMISSION

ON APRIL 6, 1995

GOVERNMENTAL BODY SEEKING OPINION

A Member of Historic Landmark Commission

OPINION SOUGHT

Is it a violation of the Ethics Act for the County Historic Landmark Commission to solicit funds to purchase a statue for the County Courthouse lawn?

FACTS RELIED UPON BY THE COMMISSION

The requester is a member of the County Historic Landmark Commission which is a creation of the County Commission. The members of the Landmark Commission are appointed by the County Commission.

The Landmark Commission is currently involved in a project to commission a statue for the County Courthouse lawn and the members would like to solicit funds to assist in the purchase of this statue.

PERTINENT STATUTORY PROVISIONS RELIED UPON BY THE COMMISSION

West Virginia Code §6B-2-5(c)(1) states in pertinent part that...a public official...may not solicit any gift unless the solicitation is for a charitable purpose with no resulting direct pecuniary benefit conferred upon the official...or his...immediate family...

ADVISORY OPINION

Pursuant to WV Code §6B-2-5(c)(1), a public official may not solicit any gift unless the solicitation is for a charitable purpose. The Commission considers the commission of a statue for the County Courthouse lawn to be a "charitable purpose" as that term is used in the Ethics Act. Therefore it would not be a violation of the Ethics Act for the members of the County Historic Landmark Commission to solicit funds to assist in the purchase of this statue.

  
Chairman