

**ADVISORY OPINION NO. 97-03**

**Issued on February 6, 1997 by the  
WEST VIRGINIA ETHICS COMMISSION**

**PUBLIC SERVANT SEEKING OPINION**

City Attorney

**OPINION SOUGHT**

Is it a violation of the Ethics Act if a Town donates funds to a public school for the purchase of playground equipment?

**FACTS RELIED UPON BY THE COMMISSION**

A Town Council is concerned to establish whether it would violate the Ethics Act if it donates funds to the Town's public elementary school for the purchase of playground equipment.


**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 Ethics Commission has determined that no provision of the Ethics Act would prohibit a Town Council from voting to donate Town funds to the local public elementary school for the purchase of playground equipment.

Any "gain" that would accrue to members of the community from the purchase would not be "private gain" as that term is used in the Ethics Act.

  
Chairman