

ADVISORY OPINION NO. 2000-08

Issued On June 1, 2000 By The

WEST VIRGINIA ETHICS COMMISSION

OPINION SOUGHT

An **Assistant Commissioner of a State Agency** asks if it would be a violation for agency personnel to be paid to assist in preparing for and presenting the social elements of a regional conference of an Association to which the Agency belongs.

FACTS RELIED UPON BY THE COMMISSION

The State Agency is hosting the annual conference of a regional Association of similar public agencies. The conference provides a forum for the exchange of information among Association members and affords them an opportunity to share common ideas, experiences and current developments. In addition to public agency personnel, some nonmember professionals and businesses affected by the Agency's work will attend the conference.

While the conference is primarily a business event, the agenda includes social events geared to spouses and children as well as delegates. All conference events are funded through registration and membership fees and public funds are not used to pay for either business or social events.

The Agency plans to use and pay its personnel to schedule and coordinate all aspects of the conference, business meetings and workshops as well as social and recreational events. Their scheduling would include making all arrangements for facilities, lodging, social and recreational activities. Coordination would include, for example, manning registration tables, assembling registration packets, coordinating transportation, coordinating the professional program, conducting spousal and children's activities and arranging and coordinating entertainment.

To properly facilitate all activities, Agency personnel will work on Saturday and Sunday, when the conference begins, during the day on Monday and Tuesday and evening hours on Tuesday.

CODE PROVISIONS RELIED UPON BY COMMISSION

WV Code 6B-2-5(b) *Use of public office for private gain*, provides in 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.

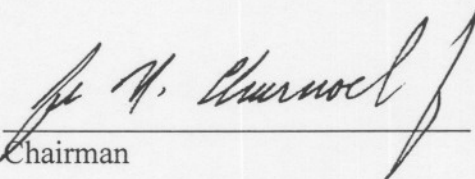
ADVISORY OPINION

The Ethics Act prohibits public servants from using their public positions for their own private financial gain or the private financial gain of others. This opinion turns on whether the use of paid State employees to perform work associated with the upcoming conference constitutes a prohibited use of office for the private gain of the delegates, their spouses or children.

In AO 95-18 the Ethics Commission recognized the public benefit from the business portion of a similar conference and ruled that the use of agency personnel to sell advertising to reduce the cost of presenting the core elements of the conference would not be a violation.

In this case the conference workshops and business meetings are calculated to enhance the skill and professional competence of Agency personnel. They provide an overriding public benefit which is sufficient to justify the use of Agency personnel to schedule and coordinate conference events - both business events and those social events which are an integral part of the conference.

It would not be a violation of the Act for Agency personnel to be paid for time spent scheduling and coordinating conference events, including those providing entertainment and recreational.


Chairman