

**ADVISORY OPINION NO. 2000-29**

COPY

**Issued On October 5, 2000 By The  
WEST VIRGINIA ETHICS COMMISSION**

**OPINION SOUGHT**

An **Association of Public Servants** asks if they may accept certain gifts from vendors who deal with their employing agency.

**FACTS RELIED UPON BY THE COMMISSION**

The Association is primarily composed of public servants in a particular career field. The Association is planning a conference to celebrate its 25th anniversary. The Association has previously held annual conferences at which vendors set up displays to provide information to Association members concerning available products and services.

In previous years, certain vendors have offered to sponsor such events as a dinner, dance or barbecue for Association members, but the Association has always turned down those offers. Because the association is contemplating events to appropriately commemorate its first quarter century during next year's annual conference, it wants to know if these offers may now be pursued.

**CODE PROVISIONS RELIED UPON BY THE COMMISSION**

W. Va. Code § 6B-2-5(c)(1) provides in pertinent part:

A public official or public employee may not solicit any gift unless the solicitation is for a charitable purpose with no resulting direct pecuniary benefit conferred upon the official or employee or his or her immediate family . . . . No official or employee may knowingly accept any gift, directly or indirectly, from a lobbyist or from any person whom the official or employee knows or has reason to know:

- (A) Is doing or seeking to do business of any kind with his or her agency;
- (B) Is engaged in activities which are regulated or controlled by his or her agency;  
or
- (C) Has financial interests which may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of his official duties.

W. Va. Code § 6B-2-5(c)(2) provides in pertinent part:

Notwithstanding the provisions of subdivision (1) of this subsection, a person who is a public official or public employee may accept a gift described in this subdivision . . .

(A) Meals and beverages; . . .

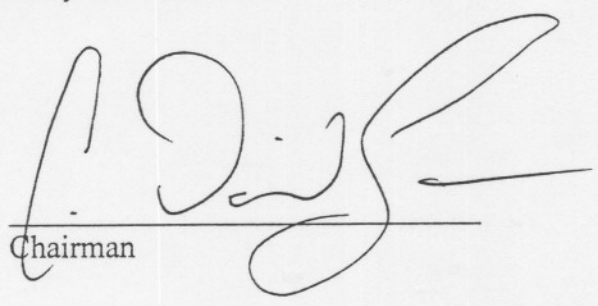
(C) Unsolicited gifts of nominal value or trivial items of informational value . . . .

**ADVISORY OPINION**

The Commission has previously determined that associations primarily comprised of public servants must adhere to the same standards in the Ethics Act as the public servants themselves. The Ethics Act prohibits public servants from soliciting gifts, unless the solicitation is made for a charitable purpose from which neither the solicitor nor his or her immediate family members benefit directly.

Consequently, solicitation of gifts to support Association activities may only be made if such activity is considered a charitable purpose. Prior decisions of the Commission have established that conducting a conference which serves to maintain or enhance the professional competence of its members does not represent a "charitable" purpose within the meaning of the Ethics Act. Therefore, the Association may not solicit contributions from vendors to offset the costs of the conference.

The requester has indicated that certain vendors have previously offered to furnish such items as meals or beverages, which public servants may accept, but those offers were declined. The Commission finds that "responding" to a previous offer at this point would constitute solicitation of a gift for a non-charitable purpose, and would be prohibited by the Ethics Act.



Chairman