

**ADVISORY OPINION NO. 2000-34**

**Issued On December 7, 2000 By The**

**WEST VIRGINIA ETHICS COMMISSION**

COPY

**OPINION SOUGHT**

Three **Members of a County Board of Education** ask whether it would be a violation of the Ethics Act or WV Code 61-10-15 for them to vote on a proposed settlement of a grievance.

**FACTS RELIED UPON BY THE COMMISSION**

The Board is considering a proposed settlement of a grievance filed by 15 current and former teachers. One of those teachers, who would be paid damages if the settlement were approved, is the President of the three member County Commission.

One of the Board Members is a county employee who works under the supervision of the County Sheriff, one serves as municipal judge for a small town which occasionally receives grants from the County Commission and the third is the full-time director of a public authority which is governed by a board on which the Commission President serves as a member.

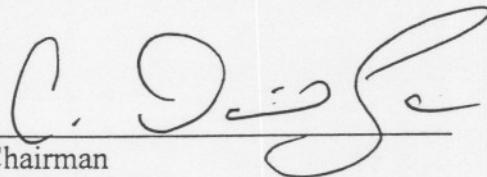
**CODE PROVISIONS RELIED UPON BY COMMISSION**

WV Code § 6B-2-5 (b) 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.

WV Code 61-10-15 states in part that ... It shall be unlawful for any member ... of any ... county or district board ... to be or become pecuniarily interested, directly or indirectly, in the proceeds of any contract ... [over] which as such member he may have any voice, influence or control ...

**ADVISORY OPINION**

The Commission finds and rules that it would not be a violation of either the Ethics Act or WV Code 61-10-15 for any of the three Board of Education Members to vote on the proposed settlement, simply because one of the teachers who would be paid damages, along with 14 other teachers, is the President of the County Commission.

  
Chairman