

ADVISORY OPINION NO. 2000-35

Issued On December 7, 2000 By The

WEST VIRGINIA ETHICS COMMISSION

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OPINION SOUGHT

A **County Board of Education Member** asks whether it would be a violation for her to vote on a Board contract with the business which oversee the Board's Workers Compensation claims.

FACTS RELIED UPON BY THE COMMISSION

Within the past year the Board Member was injured in a fall while leaving a Board meeting. She has received Workers Compensation medical benefits associated with the injury and, although her medical condition appears to have been resolved, she remains eligible for medical expenses related to the injury. She asks whether the existence of this claim prevents her from voting on matters affecting the business which oversees the Board's Workers Compensation claims.

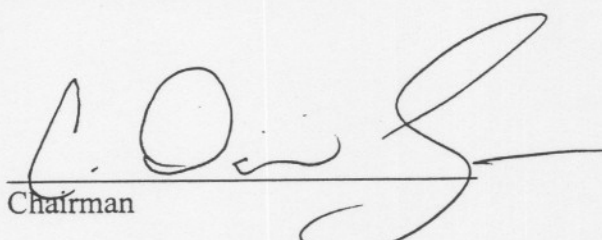
CODE PROVISIONS RELIED UPON BY COMMISSION

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 the Member to vote on the matters affecting the business which handles the Board's Workers Compensation claims, simply because she has recently received Workers Compensation benefits and continues to be eligible for medical expenses related to the injury. The Commission notes that the Board Member would have to be recused from any discussion or vote on matters affecting the business which related to her own claim.


Chairman