

ADVISORY OPINION NO. 2000-39

Issued On December 7, 2000 By The

WEST VIRGINIA ETHICS COMMISSION

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OPINION SOUGHT

A **State Agency** asks if it may employ an individual to solicit funds from the public to support renovation of a state museum.

FACTS RELIED UPON BY THE COMMISSION

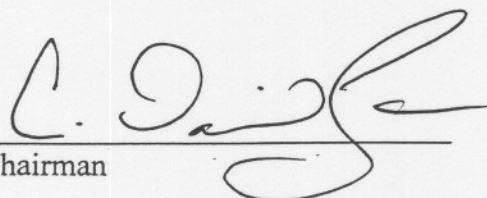
The State Agency has received funding from the Legislature which will cover two-thirds of the cost of renovating a state museum. The museum was established to collect, document, present, preserve, and promote the State of West Virginia in every aspect of its archaeology, art, culture, geology, history, paleontology, and socio-economic background representing the industries, land and people. The museum exhibits will be available to all without charge. The State Agency proposes to employ an individual whose duties will include working with the Museum Foundation, a private non-profit corporation, to raise funds to complete a major renovation of the museum.

CODE PROVISIONS RELIED UPON BY THE COMMISSION

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

ADVISORY OPINION

Pursuant to W. Va. Code § 6B-2-5(c)(1), public servants may not solicit gifts unless the solicitation is for a charitable purpose. The Commission considers fund raising efforts to finance the renovation and upgrading of a state museum to be a "charitable" purpose as that term is used in the Ethics Act. Therefore, it would not be a violation of W. Va. Code § 6B-2-5(c)(1) for the state agency to employ an individual to work with the Museum Foundation to solicit contributions to help defray the cost of this project.


Chairman