

ADVISORY OPINION NO. 2001-13

COPY

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WEST VIRGINIA ETHICS COMMISSION

OPINION SOUGHT

A **Non-profit Corporation Board Member** asks whether he is subject to the provisions of the Ethics Act by virtue of his service on the Board.

FACTS RELIED UPON BY THE COMMISSION

The Non-profit Corporation is incorporated under West Virginia laws to advocate for the rights of persons with disabilities. The Corporation has been designated by the Governor as the agency responsible for administering a particular federal program for the State and its current activities are funded by federal grants.

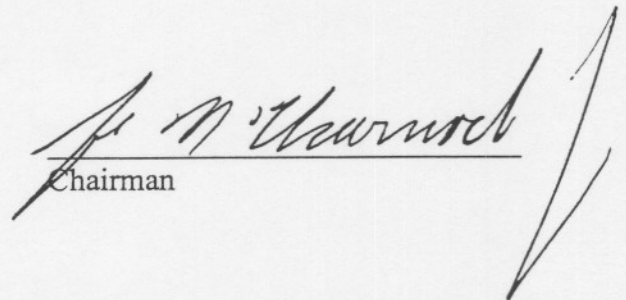
CODE PROVISIONS RELIED UPON BY COMMISSION

§6B-2-5. Ethical standards for elected and appointed officials and public employees.

(a) *Persons subject to section.* -- The provisions of this section apply to all elected and appointed public officials and public employees, whether full or part time, in state, county, municipal governments and their respective boards, agencies, departments and commissions and in any other regional or local governmental agency, including county school boards.

ADVISORY OPINION

Even though the Corporation is administering a federal program by virtue of a gubernatorial designation and its activities are currently underwritten by federal grants, it is still a private non-profit corporation and its personnel, including its board members, are not subject to the provisions of the Ethics Act.


Chairman