

COPY

**ADVISORY OPINION NO. 2001-22**

**Issued On June 7, 2001 By The**

**WEST VIRGINIA ETHICS COMMISSION**

**OPINION SOUGHT**

A **Non -profit Corporation** asks whether it is subject to the provisions of the Ethics Act.

**FACTS RELIED UPON BY THE COMMISSION**

The Non-profit Corporation is incorporated under West Virginia laws to provide services to benefit the poor and disadvantaged. The Corporation receives federal funding to operate a Senior Citizens Center and is reimbursed for certain services provided under the federal Medicaid program.

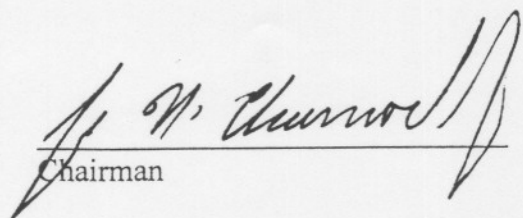
**CODE PROVISIONS RELIED UPON BY COMMISSION**

§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 receives funds through one or more federal programs, it is still a private organization rather than a governmental agency. Therefore, its personnel and board members are not subject to the provisions of the Ethics Act.

  
Chairman