

ADVISORY OPINION NO. 2002-18

Issued On November 7, 2002 By The

WEST VIRGINIA ETHICS COMMISSION

OPINION SOUGHT

A State Agency asks whether it may allow one of its dogs to be featured in a dog food commercial?

FACTS RELIED UPON BY THE COMMISSION

The Agency uses two bloodhounds to assist it in wildland fire investigations. The Agency has used the dogs for almost five years and during that time a business which sells dog food has supplied dog food to the Agency at no cost. The business recently asked to use one of the dogs in a dog food commercial.

The Agency is willing to cooperate with the business as a way of thanking it for its past financial support and because it feels it will promote public awareness of the bloodhound program and reduce the likelihood of arson related wildfires.

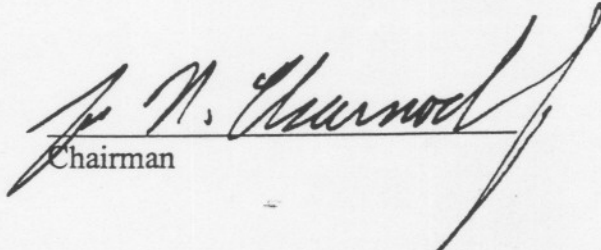
CODE PROVISIONS RELIED UPON BY COMMISSION

WV Code 6B-2-5(b) *Use of public office for private gain.*, 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.

ADVISORY OPINION

The Ethics Act prohibits public servants from using their public positions for their own private financial gain or the private financial gain of others. An agency's endorsement or promotion of a vendor's product could constitute a use of office for private gain and might be a violation of the Ethics Act.

The Commission has previously held that commercial endorsement of private sector products or services by governmental agencies is acceptable only when it is a part of a program which results in an overriding public benefit. That is not the case here. The Agency should not permit the use of its dog in the production of a dog food commercial.


Chairman