

**ADVISORY OPINION NO. 2003-3**

**Issued On March 6, 2003 By The**

**WEST VIRGINIA ETHICS COMMISSION**

**OPINION SOUGHT**

A **County Commission** asks whether it may accept free use of vehicles, covered with commercial advertising, to conduct official business.

**FACTS RELIED UPON BY THE COMMISSION**

The County Commission wants to consider a program offered by an advertising company which provides free vehicles for use by public agencies that agree to operate the advertising-covered vehicles within their communities. The use of such vehicles, essentially rolling billboards, in place of customary County owned vehicles would reduce the County's transportation costs.

Under such a program, the County would "buy" a vehicle for \$1, use it for official business for three years and "resell" it to the company for \$1. The Commission would have to approve of the advertising content on the vehicles they would accept for use by County personnel.

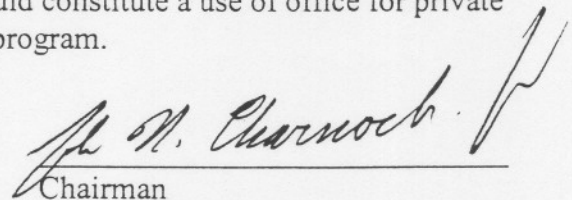
**CODE PROVISIONS RELIED UPON BY COMMISSION**

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 Acts' prohibition against the use of office for private gain is designed to prevent public servants from misusing the influence of their public positions for their own private financial gain or that of their friends, relatives, business associates or cronies.

In the absence of any overriding public benefit, endorsement of commercial products through advertising on police and emergency county vehicles, could constitute a use of office for private gain, and the County Commission should not adopt this program.

  
Chairman