

ADVISORY OPINION NO. 2005-11

Issued On June 2, 2005 By The

WEST VIRGINIA ETHICS COMMISSION

OPINION SOUGHT

A **State Official** asks if she may continue serving on a federal board while holding a state public office.

FACTS RELIED UPON BY THE COMMISSION

A newly-elected State Official was previously appointed by the President of the United States to serve on a federal commission. This is not a compensated federal appointment. The federal commission primarily deals with pensions. The State Official is primarily responsible for election matters but also deals with registration of corporations and other business organizations.

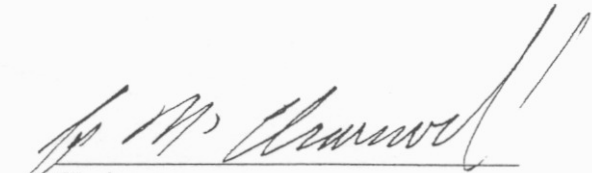
CODE PROVISIONS RELIED UPON BY THE COMMISSION

The Commission has considered the entire text of the Ethics Act in W. Va. Code §§ 6B-1-1, *et seq.*

ADVISORY OPINION

There is no provision in the Ethics Act which prohibits an elected State Official from holding an appointment to serve on a federal board or commission. However, Article VII, § 4, of the Constitution of West Virginia provides: "None of the executive officers mentioned in this article [including the requester's position] shall hold any other office during the term of his service." This Commission does not have authority to interpret or apply this Constitutional provision to the requester's inquiry.

This advisory opinion is limited to questions arising under the Ethics Act, W. Va. Code §§ 6B-1-1, *et seq.*, and does not purport to interpret other laws or rules. Pursuant to W. Va. Code § 6B-2-3, this opinion has precedential effect and may be relied upon in good faith by public servants and other persons unless and until it is amended or revoked.

  
Chairman