

**ADVISORY OPINION NO. 2002-06**

Issued On March 7, 2002 By The

**WEST VIRGINIA ETHICS COMMISSION**

**OPINION SOUGHT**

A **County Board of Education Member** asks if the provisions of WV Code 61-10-15 apply to contracts of the Regional Educational Service Agency ( RESA) by which he is employed.

**FACTS RELIED UPON BY THE COMMISSION**

The Board Member is a full-time employee of a RESA comprised of several counties, including the one on whose Board of Education he serves. He asks whether the purchases, sales and contracts of the RESA, including its employment contracts, are subject to the provisions of WV Code 61-10-15.

**CODE PROVISIONS RELIED UPON BY COMMISSION**

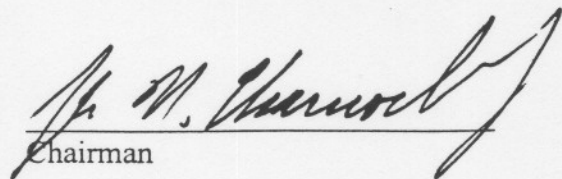
WV Code 61-10-15 states in part that ... It shall be unlawful for any member ... of any ... county or district board ... to be or become pecuniarily interested, directly or indirectly, in the proceeds of any contract ... [over] which as such member he may have any voice, influence or control ...

**ADVISORY OPINION**

WV Code 61-10-15 prohibits certain county public servants, including school board members, from having a private financial interest, directly or indirectly, in contracts, purchases or sales over which their public position gives them "voice, influence or control".

In A.O. 99-03 the Ethics Commission ruled that WV Code 61-10-15 does not apply to the members of a "regional" council comprised of representatives of all municipalities and counties within the region. In so doing, the Commission has recognized that the contracts, purchases and sales of such "regional" entities are not subject to its provisions.

Therefore, it would not be a violation of WV Code 61-10-15 for the Board Member to be employed by the RESA while serving on the Board of Education of a member county.

  
Chairman