

**Advisory Opinion 2025-11**  
Issued on November 6, 2025, by  
The West Virginia Ethics Commission

**Opinion Sought**

A state employee asks if he may accept a prize he won in a raffle with a ticket he bought while he was at a work-related conference.

**Facts Relied Upon by the Commission**

The Requester is a law enforcement officer (“officer”) employed by a state agency. He attended a professional conference hosted by a law enforcement association of which he is a member. The state paid for his membership, travel expenses, and registration fee to attend the conference as part of his official duties.

After the conference sessions had concluded, the officer purchased five raffle tickets at \$10 each as part of a post-conference fundraising event conducted by the association. The officer bought the tickets in person with his own money before leaving the conference venue, and he was not reimbursed by the state for the cost of the ticket. The association dedicated the proceeds of the raffle to support the association’s programs. A conference vendor donated the prize, a shotgun valued at more than \$1,000, to the association. The vendor has no past, present, or foreseeable future business relationship with the state agency. The association notified the officer after he left the conference venue that he had won the firearm.

**Provisions Relied Upon by the Commission**

[W. Va. Code § 6B-2-5\(c\)\(1\) states, in relevant part:](#)

(c) Gifts. — (1) A public official or public employee may not solicit any gift unless the solicitation is for a charitable purpose with no resulting direct pecuniary benefit conferred upon the official or employee or his or her immediate family: Provided, That no public official or public employee may solicit for a charitable purpose any gift from any person who is also an official or employee of the state and whose position is subordinate to the soliciting official or employee: Provided, however, That nothing herein shall prohibit a candidate for public office from soliciting a lawful political contribution. No official or employee may knowingly accept any gift, directly or indirectly, from a lobbyist or from any person whom the official or employee knows or has reason to know:

(A) Is doing or seeking to do business of any kind with his or her agency;  
....

[W. Va. Code R. § 158-7-6.8 states:](#)

Fund-raising activities based on an exchange of value are not gift solicitations and are permissible.

### **Advisory Opinion**

The pertinent section of the Ethics Act for consideration is W. Va. Code § 6B-2-5(c)(1), which imposes restrictions on public employees and officials regarding the solicitation and acceptance of gifts. The pertinent legislative rule provision, in W. Va. Code R. § 158-7-6.8, will also be considered because the provision makes clear that fundraising activities based on an “exchange of value” are not gifts, and are therefore permissible to accept. The Requester asserts that the raffle was a fundraising activity to support the professional association’s programs.

Under the above statute and legislative rule, fundraising is generally not considered the solicitation of a gift under the Ethics Act when there is a legitimate exchange of value – even if the buyer is motivated to benefit the sponsor. The Commission explained: “The sale of raffle tickets, [food and other consumer goods] which offer a chance at a valuable prize is not a solicitation of a gift. This is true, even if buyers may be motivated by a desire to benefit the sponsor, provided the raffle is legitimate and not a mere sham to disguise the solicitation of gifts.” [Advisory Opinion 1996-36](#). In [Advisory Opinion 2025-07](#), the Commission found that advertising signs placed in a visible location on a “Wall of Donors” offered a real exchange of value being “legitimate and not a mere sham to disguise the solicitation of gifts.”<sup>1</sup>

Further, in [Advisory Opinion 2025-07](#), the Commission explained, “‘Exchange of value’ is an idea borrowed from contractual law and is usually termed ‘consideration’ or ‘valuable consideration.’ Hence, it is to contract law that the Commission must search for guidance on the question of whether the value of consideration provided may be inadequate to support the validity of a contract or the existence of a legitimate ‘exchange of value.’” In [Advisory Opinion 2025-07](#), the Commission concluded:

The Ethics Commission holds that the advertising value to a business of a sign indicating its sponsorship and the prestige to an individual of being publicly recognized as a supporter is valuable consideration. The Commission will not speculate whether such a use of a business's advertising budget or individuals of their private resources is wise or prudent. The advertisements and recognition would be reasonably visible to the public, therefore, the proposed transactions would constitute an exchange of value.

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<sup>1</sup> In [Advisory Opinion 2006-07](#), the Commission barred a state employee from accepting a door prize she won at an out-of-town conference. She did not pay for the chance to win a prize but only put her business card in a drawing box. This opinion is consistent with today’s holding and the Commission’s guideline.

**The Commission finds that spending \$50 for the opportunity to win a firearm in a raffle does not indicate a sham and constitutes sufficient consideration to support a legitimate exchange of value, rather than a gift. Therefore, the gift limitations in the Ethics Act and related legislative rule do not apply.**

However, since the fundraising event occurred during a work conference, the Commission must also consider its guideline on [Door Prizes, Gifts and Giveaways at Conferences](#) ("Guideline"), which is a new question for the Commission. The Guideline applies a \$25 limit to door prizes and giveaways won at conferences attended by public officials and employees in their official capacity. The language states: "If a public official or employee attends a conference as part of his/her employment or official duties, may he/she keep a prize won through entering his/her name in a drawing at a vendor's booth? A public official or employee may only keep the prize if the fair market value of the prize is \$25 or less."

While it is true that "but for" the officer's attendance at the conference at the agency's expense he would not have the opportunity to purchase a raffle ticket, the officer's attendance at the conference did not require him to purchase the ticket. The proximate cause to winning the raffle was the officer's personal decision to buy the raffle ticket with his own money.

**The Commission's [Door Prizes, Gifts and Giveaways at Conferences](#) guideline is not applicable when a public employee or official purchases a raffle ticket with personal funds at a work-related conference as the prize does not constitute a "gift" or "giveaway." Consequently, the Guideline does not prohibit the Requester from accepting the raffle prize.**

*This Advisory Opinion is based on the facts provided. If all material facts have not been provided, or if new facts arise, the Requester must contact the Ethics Commission for further advice, as it may alter the analysis and render this Opinion invalid. This Advisory Opinion is limited to questions arising under the Ethics Act, W. Va. Code §§ 6B-1-1 through 6B-3-11, and W. Va. Code § 61-10-15, and does not purport to interpret other laws or rules.*

*In accordance with 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 or the law is changed.*

/s/ Robert J. Wolfe  
Robert J. Wolfe, Chairperson  
West Virginia Ethics Commission