

ADVISORY OPINION NO. 2003-09

Issued On July 10, 2003 By The

WEST VIRGINIA ETHICS COMMISSION

OPINION SOUGHT

A City asks whether it may accept free use of vehicles containing commercial advertising to conduct official business

FACTS RELIED UPON BY THE COMMISSION

A City seeks to participate in a program offered by an advertising company which provides vehicles for use by public agencies that agree to operate advertising-covered vehicles within their communities. The use of such vehicles, essentially "rolling billboards," in place of customary City-owned vehicles, would substantially reduce the City's transportation costs.

Under such a program, the City "buys" a vehicle for \$1, uses it for official business for three years and then "resells" it to the company for \$1. The agreement precludes advertising "which promotes tobacco, alcohol, firearms, or any other advertising which could be construed as offensive to the public." Further, the City will refrain from soliciting advertisers or otherwise influencing the selection of advertisers.

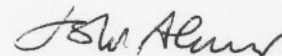
CODE PROVISIONS RELIED UPON BY THE COMMISSION

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 City should not adopt this program.



Chairman