

ADVISORY OPINION NO. 2001-05

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WEST VIRGINIA ETHICS COMMISSION

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OPINION SOUGHT

A **State Institution of Higher Education** asks whether it may give a free copy of the school's year book to the members of its Institutional Board of Advisors?

FACTS RELIED UPON BY THE COMMISSION

The Legislature established Institutional Boards of Advisors for each of the State's colleges and universities. Board Members, who serve without compensation, are responsible to review and make written recommendations on the proposals the school's President makes to the school's governing board and to review, prior to implementation, institution wide personnel policies.

The school's President would like to give each member of the school's Board of Advisors a copy of the school's year book as an informational piece about the year of their service on the Board. The year book sells for \$45 a copy.

CODE PROVISIONS RELIED UPON BY COMMISSION

WV Code 6B-1-1 et. seq.

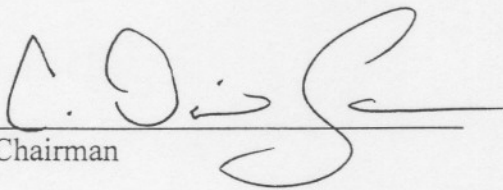
ADVISORY OPINION

The Ethics Act prohibits public servants from using their public positions for their own private financial gain or the private financial gain of others. This prohibition was the basis of the Commission's ruling in Advisory Opinion 96-50 that a City could not use general revenue funds to cater a Christmas luncheon for its employees. There the Commission held that providing social events for agency personnel is not a governmental function and that the diversion of public funds from the general public benefit to the personal benefit of agency personnel would be a prohibited use of office for private gain.

The Commission reached the same result in Advisory Opinion 2001-04, an opinion decided today, which told a County Commissioner that the County Commission and its subordinate agencies could not use public funds to pay the cost of commemorative parties, including cocktails and formal dinners.

It is clear from the Legislative mandate that service on an Institutional Board of Advisers will require considerable personal sacrifice. In spite of this demanding commitment, the Legislature specifically provided that Board Member were to serve without compensation, allowing them only reimbursement for reasonable expenses incurred in carrying out their Board duties.

The President's proposed commemorative gift, a memento of work shared with other Board Members, is a gracious gesture of gratitude. However, the \$675 cost of the year books is not an insignificant expenditure and appears to go beyond Legislative authorization. Therefore, the President should not use the school's public funds to make the proposed gift to his Board Members.

  
Chairman