

ADVISORY OPINION NO. 2001-33

Issued On December 6, 2001 By The

WEST VIRGINIA ETHICS COMMISSION

OPINION SOUGHT

A **County School Board Member** asks if she may serve as a volunteer judge for school speech teams and be reimbursed for her expenses incurred in travel to competitions.

FACTS RELIED UPON BY THE COMMISSION

The Board Member's child is a member of a high school speech team. The team's coach, a high school teacher, has asked the Board Member to serve as a volunteer judge for school speech competitions.

The Board Member explains that "The Coach is required to provide a given number of judges based on the number of student participants from her team for various competitions at local, state, and national levels." The judges are not paid, "but expenses for travel, lodging, and /or meals may be covered or reimbursed by Speech Team funds since the location and duration of events can make trips somewhat costly for individuals serving in this volunteer capacity. The sources of these funds include fund raisers, donations, and county excess levy funds."

CODE PROVISIONS RELIED UPON BY COMMISSION

WV Code §6B-2-5(d)(1) *Interests in public contracts*, provides in part that ... no elected or appointed official or employee or member of his or her immediate family or business with which he or she is associated may be a party to or have an interest in ... a contract which such official or employee may have direct authority to enter into, or over which he or she may have control 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

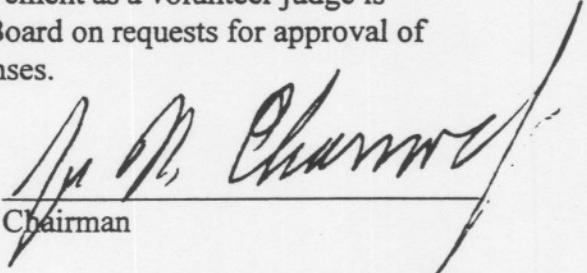
ADVISORY OPINION

No provision of the Ethics Act would prevent the Board Member from serving, without compensation, as a volunteer judge of school speech competitions, whether or not her child participated in the competition.

However, both the Ethics Act and WV Code §61-10-15 do prohibit public servants from having a personal financial interest in public contracts over which their public position gives them control. The Board Member asks if she may accept reimbursement of travel expenses, since part of the reimbursement would come from school funds over which she, as a Board Member, has control.

The Ethics Commission finds, in line with its decision in Advisory Opinion 94-17, that accepting reimbursement of travel expenses, otherwise authorized by law, does not give public servants the kind of personal financial interest prohibited by either the Ethics Act or WV Code §61-10-15. Therefore, it would not be a violation of either for the Board Member to be reimbursed for her expenses incurred in her travel to competitions.

The Commission also finds that the Board Member's involvement as a volunteer judge is sufficient to require her recusal from official action by the Board on requests for approval of speech team trips which will require significant travel expenses.


Chairman