

**ADVISORY OPINION NO. 2000-20**

**Issued On September 7, 2000 By The**

**WEST VIRGINIA ETHICS COMMISSION**

**OPINION SOUGHT**

The **Chairman of a State Licensing Board** asks if it would be a violation for a Board Member to be compensated for serving as the Board's Secretary?

**FACTS RELIED UPON BY THE COMMISSION**

The Licensing Board is responsible for licensing and regulating a professional activity and for conducting any necessary disciplinary proceedings. The members of the Board are paid the same compensation and expense reimbursement as is paid to members of the Legislature for their interim duties for each day or portion thereof engaged in the discharge of official duties.

The Board's legislative rules provide that the Board shall elect annually from its members a President and a Secretary and that the Secretary "shall receive additional compensation for his or her services as determined by this Board."


**CODE PROVISIONS RELIED UPON BY COMMISSION**

In considering this request, the Ethics Commission reviewed the West Virginia Governmental Ethics Act in its entirety.

**ADVISORY OPINION**

The Legislature, through the Board's legislative rules, established specific administrative duties for the Board's Secretary and authorized the Board to select the Secretary from among its members. Those rules also provide that the Secretary shall receive additional compensation for his or her services as determined by the Board.

It would of course be a problem, if the Board were to abuse its discretion by establishing an extravagant level of compensation to be paid its Secretary for his or her services to the Board. However, so long as the amount paid is reasonable, it is not a violation of the Ethics Act for a Board Member to be compensated for serving as the Board's Secretary.

  
Chairman