

ADVISORY OPINION NO. 99-30

Issued on October 7, 1999 By The

WEST VIRGINIA ETHICS COMMISSION

OPINION SOUGHT

An **appointee to a State board** who is also a County Commissioner asks whether his elected position conflicts with his State appointment.

FACTS RELIED UPON BY THE COMMISSION

A recent appointee to a State board which conducts hearings and renders decisions in individual cases also serves as an elected County Commissioner. The enabling statute requires board members to devote their full time and attention to their board duties. The position of County Commissioner is a part time, salaried office. The Commission meets twice a month. It does not interact with the State board or the individuals who would appear before the State board.

PERTINENT STATUTORY PROVISIONS RELIED UPON BY THE COMMISSION

WV Code 6B-2-5(k) provides that - No public official or public employee shall knowingly request or accept from any governmental entity compensation or reimbursement for any expenses actually paid by a lobbyist and required by the provisions of this chapter to be reported, or actually paid by any other person.

ADVISORY OPINION

No provision of the Ethics Act prohibits public servants from holding a part-time elected position. While a state statute, West Virginia Code § 29-6-20, prohibits "classified" or civil service State employees from holding any paid elective public office, the Requester's State position does not fall under the statute's coverage.

Chairman

