

**ADVISORY OPINION NO. 95-17**

**ISSUED BY THE**

**WEST VIRGINIA ETHICS COMMISSION**

**ON APRIL 6, 1995**

**GOVERNMENTAL BODY SEEKING OPINION**

A Member of Historic Landmark Commission

**OPINION SOUGHT**

Is it a violation of the Ethics Act for the County Historic Landmark Commission to solicit funds to purchase a statue for the County Courthouse lawn?

**FACTS RELIED UPON BY THE COMMISSION**

The requester is a member of the County Historic Landmark Commission which is a creation of the County Commission. The members of the Landmark Commission are appointed by the County Commission.

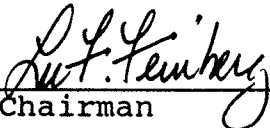
The Landmark Commission is currently involved in a project to commission a statue for the County Courthouse lawn and the members would like to solicit funds to assist in the purchase of this statue.

**PERTINENT STATUTORY PROVISIONS RELIED UPON BY THE COMMISSION**

West Virginia Code §6B-2-5(c)(1) states in pertinent part that...a public official...may not solicit any gift unless the solicitation is for a charitable purpose with no resulting direct pecuniary benefit conferred upon the official...or his...immediate family...

**ADVISORY OPINION**

Pursuant to WV Code §6B-2-5(c)(1), a public official may not solicit any gift unless the solicitation is for a charitable purpose. The Commission considers the commission of a statue for the County Courthouse lawn to be a "charitable purpose" as that term is used in the Ethics Act. Therefore it would not be a violation of the Ethics Act for the members of the County Historic Landmark Commission to solicit funds to assist in the purchase of this statue.

  
Chairman