

ADVISORY OPINION NO. 91-84

ISSUED BY THE

WEST VIRGINIA ETHICS COMMISSION

ON DECEMBER 5, 1991

GOVERNMENTAL BODY SEEKING OPINION

A State Legislator

OPINION SOUGHT

Whether it is a violation of the Ethics Act for certain public officials to serve on a steering committee created to solicit public and private donations?

FACTS RELIED UPON BY THE COMMISSION

The requestor is a member of the House of Delegates. He would like to serve as a member of a steering committee to solicit public and private donations in order to raise 2.8 million dollars for the relocation of a local community college.

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 or her immediate family: **Provided**, That no public official...may solicit for a charitable purpose any gift from any person who is also an official or employee of the state and whose position as such is subordinate to the soliciting official...

ADVISORY OPINION

Solicitation of Gifts

Pursuant to WV Code §6B-2-5(c)(1) of the Ethics Act, a public official may not solicit any gift except for a charitable purpose, or receive any direct pecuniary benefit resulting from the solicitation.

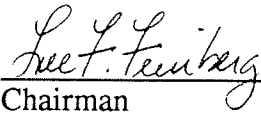
The type of solicitation contemplated in the request pertains to the private support of a relocation project for a community college. The relocation of the college to a larger existing facility would enable the college to expand the curriculum, serve more students and benefit the local economy. The Commission considers this project to be of a charitable nature.

Therefore, it would not be a violation of WV Code §6B-2-5(c)(1) of the Ethics Act for a public official to serve on a steering committee created to solicit public and private donations to finance the relocation of a community college.

Acceptance of Gifts

WV Code §6B-2-5(c)(1) prohibits a public official from accepting a gift. In this instance, the gift would not be given to the public official but would inure to the benefit of the community college and the local economy. All the gifts will be received on behalf of and for the use of the community college.

Therefore, it would not be a violation of WV Code §6B-2-5(c)(1) of the Ethics Act for a State Delegate to accept contributions to support the relocation of a community college.


Chairman