

ADVISORY OPINION NO. #91-64
ISSUED BY THE
WEST VIRGINIA ETHICS COMMISSION
ON OCTOBER 3, 1991

GOVERNMENTAL BODY SEEKING OPINION

A State Legislator

OPINION SOUGHT

Whether it is a violation of the Ethics Act for a State Legislator to solicit donations for a nonprofit Organization?

FACTS RELIED UPON BY THE COMMISSION

The requestor is a member of the West Virginia Legislature and a board member of an Organization which consists of a volunteer group of trained vocal performers. This is a nonprofit organization but would not be considered a charitable organization under the Ethics Act.

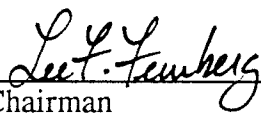
The requestor would like to solicit monetary donations from corporations or businesses to help defray the expenses incurred by the group during performing tours.

PERTINENT STATUTORY PROVISIONS RELIED UPON BY THE COMMISSION

West Virginia Code Section 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 subsection 6B-2-5(c)(1) of the Ethics Act, a public official may not solicit any gift unless such gift is for a charitable purpose. The requestor has stated that although the vocal group is a nonprofit organization it would not be considered charitable. Therefore, it would be a violation of subsection 6B-2-5(c)(1) of the Ethics Act for a State Legislator to solicit donations for such Organization.



Chairman