

ADVISORY OPINION NO. 90-14

ISSUED BY THE

WEST VIRGINIA ETHICS COMMISSION

ON FEBRUARY 16, 1990

GOVERNMENTAL BODY SEEKING OPINION

A Superintendent of a County Board of Education

OPINION SOUGHT

Whether a County Board of Education member who is also the chairperson of a non-profit Organization should be permitted to receive a monetary donation on behalf of the non-profit Organization for presenting programs to other groups?

OTHER FACTS RELIED UPON BY THE COMMISSION

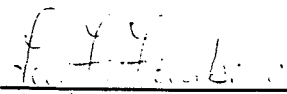
A member of a County Board of Education serves as the chairperson of a non-profit Organization without remuneration. The chairperson presents programs regarding chemical abuse to various groups for which the non-profit group is given a monetary donation. The Board of Education member also writes grants for federal and state funds on behalf of the Organization.

PERTINENT STATUTORY PROVISIONS RELIED UPON BY THE COMMISSION

West Virginia Code 6B-2-5(c)(3) states in pertinent part that...the acceptance of an honorarium by an elected public official is prohibited...

ADVISORY OPINION

Subsection 6B-2-5(c)(3) of the Act provides that no elected public official may accept an honorarium. However, the Commission does not believe that the Legislature intended to prohibit the acceptance of an honorarium in this specific instance, since the honorarium is contributed to the non-profit Organization and not intended for the elected public official's personal use or private gain. Therefore, it is not a violation of subsection 6B-2-5(c)(3) of the Act.

  
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Chairman