

ADVISORY OPINION NO. 90-32

ISSUED BY THE

WEST VIRGINIA ETHICS COMMISSION

ON FEBRUARY 16, 1990

GOVERNMENTAL BODY SEEKING OPINION

The President of a County Chamber of Commerce

OPINION SOUGHT

Whether it is a violation of the Ethics Act for a County Chamber of Commerce to hold one or two breakfast or luncheon meetings per year for the area legislators?

OTHER FACTS RELIED UPON BY THE COMMISSION

Once or twice each year a County Chamber of Commerce provides the area legislators with a breakfast or luncheon during which time meetings are held. The County Chamber of Commerce provides the food and beverages for these events.

PERTINENT STATUTORY PROVISIONS RELIED UPON BY THE COMMISSION

West Virginia Code 6B-2-5(c)(1) states in pertinent part that... no official or employee may knowingly accept any gift, directly or indirectly, from any person whom the official or employee knows or has reason to know:

(A) Is doing or seeking to do business of any kind with his or her agency.

(B) Is engaged in activities which are regulated or controlled by his or her agency.

(C) Has financial interests which may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of his official duties.

West Virginia Code 6B-2-5(c)(2) states in pertinent part that... notwithstanding the provisions of subdivision (1) of this subsection, a person who is a public official...may accept a gift described in this subdivision, and there shall be a presumption that the receipt of such gift does not impair the impartiality and independent judgment of the person...The provisions of subdivision (1) of this subsection do not apply to:

(A) Meals and beverages;...

ADVISORY OPINION

It is not a violation of the Act for legislators to attend the breakfast or luncheon meetings since the provisions of subsection (c)(1) prohibiting the acceptance of gifts by public officials does not apply to meals and beverages.

L. H. ...

Chairman