

ADVISORY OPINION NO. 90-61

ISSUED BY THE

WEST VIRGINIA ETHICS COMMISSION

ON APRIL 20, 1990

GOVERNMENTAL BODY SEEKING OPINION

A City Chief of Police

OPINION SOUGHT

Whether it is a violation of the Act for City police officers to sell raffle tickets for a charitable organization?

OTHER FACTS RELIED UPON BY THE COMMISSION

The Chief of Police of a City requests ethical standards for elected and appointed officials and public employees specifically in relation to police officers selling raffle tickets for a charitable organization.

The police officers organize elimination dinners and sell tickets for the same. The Organization for which the charitable contributions are solicited is the West Virginia Special Olympics. The general public as well as subordinates are solicited by the public employees.

PERTINENT STATUTORY PROVISIONS RELIED UPON BY THE COMMISSION

West Virginia Code Section 6B-2-5(c)(1) states in pertinent part that...a...public employee may not solicit any gift...

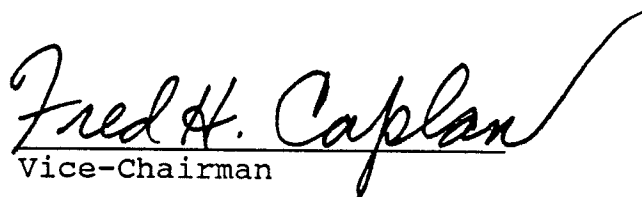
ADVISORY OPINION

It is the Commission's opinion that the Legislature did not intend to prohibit solicitation of all gifts.

Therefore, as the Commission determined in Advisory Opinion #89-111 it would not be a violation of subsection 6B-2-5(c)(1) for a public employee or public official to solicit gifts when:

1. it is for a charitable purpose;
2. the public official or public employee, or his or her immediate family or business with which he or she is associated does not receive a direct pecuniary benefit from the gift;
3. and the public official or employee does not solicit from subordinates within his area of employment.

Accordingly, the Commission finds that it would not be a violation of subsection 6B-2-5(c)(1) of the Act for City police officers to sell tickets or solicit donations for a charitable organization provided they adhere to the stipulations established above. Specifically the public employees should not receive any direct pecuniary benefit from the solicitation, nor should they solicit subordinate employees.


Vice-Chairman