

ADVISORY OPINION NO 89-59

ISSUED BY THE  
WEST VIRGINIA ETHICS COMMISSION

ON DECEMBER 7, 1989

GOVERNMENTAL BODY SEEKING OPINION

Commissioner of Culture and History

OPINION SOUGHT

Whether the Division of Culture and History is restricted under the Ethics Act from renting certain state owned facilities or equipment to any group such as a lobbying organization or political group?

OTHER PERTINENT FACTS RELIED UPON BY THE COMMISSION

The Division of Culture and History has an established policy of renting certain areas of the Cultural Center and certain equipment to various groups for their private use. This equipment belongs to the Division of Culture and History of the Department of Education and the Arts.

STATUTORY PROVISIONS RELIED UPON BY THE COMMISSION

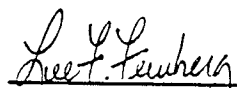
West Virginia Code Section 6B-2-3 states in pertinent part that a person subject to the provisions of this chapter may make application in writing to the ethics commission for an advisory opinion on whether an action or proposed action violates the provisions of this chapter, and would thereby expose the person to sanctions by the commission or criminal prosecution...

ADVISORY OPINION

The Ethics Commission is empowered to render an advisory opinion as to whether an action or proposed action violates the provisions of the chapter and would thereby expose a person to sanctions by the commission or criminal prosecution.

This question is general in nature, but based upon the limited facts presented it does not appear to expose this Division to sanctions nor criminal prosecution under the Ethics Act.

Therefore, the Commission is without authority to address this issue.

  
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Chairman