

ADVISORY OPINION NO. 89-103

ISSUED BY THE

WEST VIRGINIA ETHICS COMMISSION

ON JANUARY 4, 1990

GOVERNMENTAL BODY SEEKING OPINION

Coordinator of a State Program

OPINION SOUGHT

1. Whether it is a violation of the Act for a public employee to continue to serve on an Advisory Council of a program provider utilized by her agency?
2. Whether it is a violation of the Act for a public employee to agree to serve on an Advisory Council of a program provider utilized by her agency?

OTHER FACTS RELIED UPON BY THE COMMISSION

As coordinator of technology-based education and distance learning, the public employee is responsible for the coordination of information between the satellite-delivered high school credit course providers and the county school systems on an as-needed basis. Many counties complete all arrangements with the providers without any, or with limited, involvement of the State Department. The coordinator's role as liaison is to facilitate the use of courses chosen by the county schools. Selection of program providers is determined by local agencies. There are three program providers utilized by the schools in West Virginia.

As a staff member, the coordinator serves on certain program providers' Advisory Councils and provides input from the state to all providers utilized in West Virginia in order to better serve the State's needs.

The Advisory Councils advise the satellite program providers regarding course accreditation guidelines, state certification procedures, technical considerations across the nation, and other matters related to delivery of courses and programs by satellite. The purpose of the councils is to assist in the improvement of this technological delivery system.

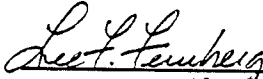
No payment is received for participation on these councils beyond partial or full travel expenses for council meetings. The only Department-related funds involved in the distance learning projects are grant monies provided by the Department to the counties for distance learning programs, of the local education agency's choice.

PERTINENT STATUTORY PROVISIONS RELIED UPON BY THE COMMISSION

West Virginia Code 6B-2-5(d)(1) states in pertinent part that no...public employee...or business with which...she is associated may be a party to or have an interest in the profits or benefits of a contract with the governmental body over which he or she has direct authority...

ADVISORY OPINION

1. & 2. It is the Commission's opinion that it is not a violation of the Ethics Act for the public employee to continue to serve or agree to serve on program providers' advisory councils utilized by the public employee's agency.



Chairman