

ADVISORY OPINION NO. 96-20

ISSUED BY THE

WEST VIRGINIA ETHICS COMMISSION

ON MAY 2, 1996

PUBLIC SERVANT SEEKING OPINION

A Member of City Council

OPINION SOUGHT

Is it a violation of the Ethics Act for a City Council member to solicit donations for a sound system to be used at Council meetings?

FACTS RELIED UPON BY THE COMMISSION

A City Council Member, currently running for another elected position, would like to solicit two local banks for donations to purchase a speaker and recording system for use at council meetings.

PERTINENT STATUTORY PROVISIONS RELIED UPON BY THE COMMISSION

West Virginia Code 6B-2-5(c)(1) states in pertinent part that...a public official or public employee may not solicit any gift unless the solicitation is for a charitable purpose with no resulting direct pecuniary benefit conferred upon the official or employee or his or her immediate family...

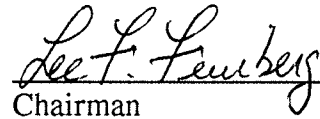
ADVISORY OPINION

West Virginia Code 6B-2-5(c)(1) prohibits public servants from soliciting any gift unless it is for a charitable purpose. In the past, the Commission has established a broad definition of the term "charitable purpose". Programs which provide education, training, increased public awareness or other specific benefits to the general public have been found to be "charitable" in nature. However, each solicitation must be decided on its individual merits on a case by case basis.

In this instance, a City Council member would like to solicit two local banks for donations to purchase a speaker and recording system for use at Council meetings. This project would not appear to create the type of public benefit that would be considered to be of a charitable nature. Consequently, the Commission finds that the purchase of a speaker and recording system for City Council meetings, while no doubt a legitimate need, does not constitute a "charitable purpose" as that term is used in the Ethics Act.

This determination is consistent with several previous Advisory Opinions. For example, in Advisory Opinion #93-22 the Commission ruled that the solicitation of contributions by the County Prosecutor for the purchase of polygraph equipment and to provide the training of an operator for such equipment would not be a charitable purpose.

Therefore it would be a violation of the Ethics Act for the member of City Council, or anyone acting on his behalf, to solicit donations for the purchase of a sound system for use at City Council meetings.


Chairman