

**ADVISORY OPINION NO. 96-24**

**ISSUED BY THE**

**WEST VIRGINIA ETHICS COMMISSION**

**ON JUNE 6, 1996**

**PUBLIC SERVANT SEEKING OPINION**

Members of a County Board of Education

**OPINION SOUGHT**

Is it a violation of the Ethics Act or West Virginia Code 61-10-15 for two members of a County Board of Education to also have an employer/employee relationship?

**FACTS RELIED UPON BY THE COMMISSION**

The requesters both serve as members of a County Board of Education. Requester "A" is in mid-term and has two years remaining in office before the next election. Requester "B" has been re-elected to the County Board of Education and will begin a second four year term on July 1, 1996.

For the past year requester "A" has also been employed as the Office Administrator of a local firm. Requester "B" plans to join the same firm as a partner. At that time he will become an employer and supervisor of requester "A" while she is employed by that firm.

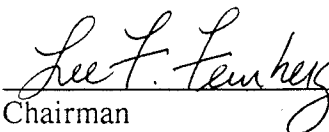
The requesters inquire as to whether there will be an ethical conflict created by their employer/employee relationship and their service as members of the County Board of Education.

**PERTINENT STATUTORY PROVISIONS RELIED UPON BY THE COMMISSION**

In its evaluation of this request the Ethics Commission reviewed the code of conduct established pursuant to WV Code 6B-2-5 and WV Code 61-10-15 in its entirety.

**ADVISORY OPINION**

In considering this request, the Ethics Commission has analyzed the facts presented in light of the statutory violations contained in the Ethics Act and WV Code 61-10-15. The Commission has determined that there is no provision of the Ethics Act or WV Code 61-10-15 which per se prohibits an employer/employee relationship between two members of a County Board of Education.

  
Chairman