

ADVISORY OPINION NO. 89-22

ISSUED BY THE

WEST VIRGINIA ETHICS COMMISSION

ON NOVEMBER 2, 1989

GOVERNMENTAL BODY SEEKING OPINION

Delegate

Opinion Sought

"Would it be proper for my partner and I to avail ourselves of the services offered by the Forestry School at West Virginia University?"

Other Facts Relied Upon By The Commission

A Delegate who also serves as co-chairman of a Commission and another individual are interested in an equal partnership business in the wood-related area. They have discussed with the University the possibility of the University conducting research which would assist in the establishment of this business.

Pertinent Statutory Provisions Relied Upon By The Commission

West Virginia Code, Chapter 6B, Article 2, Section 5(c)

"An official or employee of the state may not solicit any gift. No official or employee may knowingly accept any gift, directly, or indirectly, from any person whom the official or employee knows or has reason to know..."

West Virginia Code, Chapter 6B, Article 2, Section 5(b)

"A public official may not intentionally use his or her office or the prestige of his or her office for his or her own private gain or that of another person..."

Advisory Opinion

Based upon the information presented to the Commission the delegate and his business partner do not appear to be using the delegate's public office for private gain nor do they appear to be accepting or soliciting a gift because the University's research materials and services are available to every West Virginia citizen for the asking.

Therefore, it would not be in violation of West Virginia Code, Chapter 6B, Article 2, Sections 5(b) and (c) for the delegate and his business partner to avail themselves of the University's research facilities in the advancement of their business to the extent that the delegate does not attempt to obtain extraordinary treatment due to his public position.


Chairman