

ADVISORY OPINION NO. 89-31

ISSUED BY THE
WEST VIRGINIA ETHICS COMMISSION

ON NOVEMBER 2, 1989

GOVERNMENTAL BODY SEEKING OPINION

; West Virginia Chamber of Commerce

Opinion Sought

Whether it is a violation of the Act for legislators to attend the traditional conference of the state association.

Other Facts Relied Upon By The Commission

Every member of the Legislature and selected staff has been invited to a reception/dinner on January 22, 1990 that is paid from the association's funds. The next morning all legislators are invited to a breakfast at which the major legislative leaders speak about the principal business related issues of the session. Their presentations are followed by a short question and answer session.

Members of the association attend the reception, dinner and breakfast.

Pertinent Statutory Provisions Relied Upon By The Commission

West Virginia Code section 6B-2-5(c)(1) states that 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:

(A) Is doing or seeking to do business of any kind with his or her agency.

(B) Is engaged in activities which are regulated or controlled by his or her agency.


(C) Has financial interests which may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of his official duties.

West Virginia Code Section 6B-2-5(c)(2) states in part that the provisions of subdivision (1) of this section do not apply to:

(A) meals and beverages.

Advisory Opinion

The Commission finds that the acceptance by legislators of meals and beverages as presented at the Association's annual Conference does not constitute a violation of subsection 5(c)(1) of this Act.



Chairman