

ADVISORY OPINION NO. 89-82

ISSUED BY THE
WEST VIRGINIA ETHICS COMMISSION

ON DECEMBER 22, 1989

GOVERNMENTAL BODY SEEKING OPINION

Director of Government affairs of a Regional Chamber of Commerce and Development

OPINION SOUGHT

Whether it would be a violation of the Ethics Act for the Regional Chamber of Commerce and Development to invite Legislators as guests to attend two Legislative breakfast meetings?

OTHER FACTS RELIED UPON BY THE COMMISSION

Each year, the Regional Chamber of Commerce and Development conducts two legislative breakfast meetings called "Issues and Eggs". The purpose of the breakfast meetings is to provide a forum whereby the business community and their elected legislative delegation can exchange ideas and concerns about legislative issues affecting their community. Approximately two hundred business people attend these meetings.

The first "Issues and Eggs" breakfast is held just before the regular legislative session. All legislators representing the two county regions are invited to attend. The first item on the agenda is a twenty minute informal breakfast followed by a formal question and answer period.

The second breakfast meeting is conducted during mid-session in the same manner. The only difference is that only the legislative leadership, such as the Speaker of the House, Senate President and key committee chair persons, are invited. This allows the members the opportunity to be updated on major issues by the people who are making the key decisions. Legislators are considered to be guests and are not asked to pay for their breakfast.

STATUTORY PROVISIONS RELIED UPON BY THE COMMISSION

West Virginia Code 6B-2-5(c)(1) states in pertinent part that no official 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.

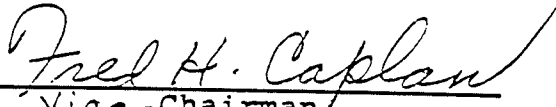
West Virginia Code 6B-2-5(c)(2)(A) states in pertinent part that... the provisions of subdivision (1) of this subsection do not apply to:

(A) Meals and beverages...

ADVISORY OPINION

The Ethics Act addresses the solicitation and acceptance of gifts by public officials. Subsection (c)(2) allows public officials to accept gifts with the presumption that such acceptance does not impair the impartiality and the independent judgement of that person. Meals and beverages are included in the gifts afforded such presumption.

Therefore, it would not constitute a violation of subsection (c)(1) for the Chamber of Commerce and Development to invite and provide meals and beverages for the Legislators attending the breakfast meetings.


Fred H. Caplan
Vice-Chairman