

ADVISORY OPINION NO. 90-42

ISSUED BY THE

WEST VIRGINIA ETHICS COMMISSION

ON APRIL 5, 1990

GOVERNMENTAL BODY SEEKING OPINION

Executive Director of a State Department

OPINION SOUGHT

Whether members of the Public Defender Services are required to file financial disclosure statements?

OTHER FACTS RELIED UPON BY THE COMMISSION

A Corporation (known as the Public Defender Services) established pursuant to West Virginia Code Section 29-21-1, et.seq. is charged with the responsibility of appointing and supervising full-time public defenders in the various judicial circuits of the State. The Legislature provides the funds for the Public Defender Services' annual budget.

The Board of Directors of the Corporation receive no compensation for their services but may be reimbursed for expenses. The Directors are appointed by County Commissions, by the President of each County Bar Association or if there is no County Bar Association, by election of the attorneys practicing before the court; and one Director is appointed by the Governor to serve as chairman.

The State Code requires certain enumerated persons to file a financial disclosure statement. The corporations function autonomously and serve only specific judicial circuits. They do not have state-wide duties or responsibilities and the only person appointed by the Governor is the chairman.

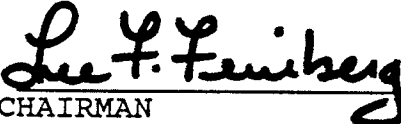
PERTINENT STATUTORY PROVISIONS RELIED UPON BY THE COMMISSION

West Virginia Code Section 6B-2-6(a) states that...the following persons must file the financial disclosure statement required by this section with the Ethics Commission:

...2. All members of state boards, commissions and agencies appointed by the governor; ...

ADVISORY OPINION

It is the Commission's opinion that the Corporation's Directors are not required to file financial disclosure statements. However, it is the Commission's opinion that the one Director appointed as Chairman by the Governor is required to file a financial disclosure statement pursuant to subsection 6B-2-6(a)(2).

  
CHAIRMAN