

ADVISORY OPINION NO. 90-107

ISSUED BY THE

WEST VIRGINIA ETHICS COMMISSION

ON JULY 12, 1990

GOVERNMENTAL BODY SEEKING OPINION

An Attorney for a County Board of Education

OPINION SOUGHT

Whether it is a violation of the Act for a County Board of Education to contract with a Bank when a member of the Board of Directors of the Bank is employed by the County Board of Education?

OTHER FACTS RELIED UPON BY THE COMMISSION

A teacher for a County Board of Education is a member of the Board of Directors of a local Bank. The County Board of Education conducts business with this Bank and is concerned that this may create a conflict of interest.

PERTINENT STATUTORY PROVISIONS RELIED UPON BY THE COMMISSION

West Virginia Code Section 6B-2-5(d)(1) states in pertinent part that...no public employee...or business with which he or she is associated may be a party to or have an interest in the profits or benefits of a contract which such employee **may have direct authority to enter into, or over which he or she may have control...**

ADVISORY OPINION

The Commission finds that as a teacher for a County Board of Education, the public employee has no authority or control over the letting of public contracts. Therefore, it would not be a violation of subsection 6B-2-5(d)(1) of the Act for a County Board of Education to contract with a Bank when a teacher who does not have direct authority or control over the letting of County contracts is a member of the Bank's Board of Directors.


Chairman