

ADVISORY OPINION NO. 90-119
ISSUED BY THE
WEST VIRGINIA ETHICS COMMISSION
ON JULY 12, 1990

GOVERNMENTAL BODY SEEKING OPINION

An Attorney on behalf of 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 County employee to audit schools' records during the summer months?

OTHER FACTS RELIED UPON BY THE COMMISSION

A County Board of Education would like to enter into a contract with a Board employee outside of the employee's regular employment to provide auditing services during the summer. This employment would require ten to eleven days of services, with the individual auditing individual school's financial records.

PERTINENT STATUTORY PROVISIONS RELIED UPON BY THE COMMISSION

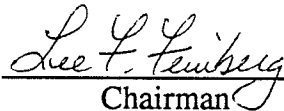
West Virginia Code Section 6B-2-5(d)(1) states in pertinent part that...no public employee...may be a party to or have an interest in the profits or benefits of a contract which such employee may have direct authority to enter into, or over which he or she may have control: Provided, That nothing herein shall be construed to prevent or make unlawful the employment of any person with any governmental body...

ADVISORY OPINION

The Commission finds that the School Board employee does not have authority or control over the letting of the County Board of Education's public contracts.

Therefore, since the County Board of Education employee has no authority over the letting of public contracts, it would not be a violation of subsection 6B-2-5(d)(1) of the Act for the County Board of Education to contract with this employee on an individual basis.

Also, the Commission would note that the first proviso in subsection 6B-2-5(d)(1) of the Act provides for the employment of any person with any governmental body.


Chairman