

ADVISORY OPINION NO. 90-129

ISSUED BY THE

WEST VIRGINIA ETHICS COMMISSION

ON AUGUST 2, 1990

GOVERNMENTAL BODY SEEKING OPINION

Legal Counsel for a Public Energy Authority

OPINION SOUGHT

Whether it is a violation of the Act for a Public Energy Authority to hire a consultant who is a voluntary member of a Board of Investments?

OTHER FACTS RELIED UPON BY THE COMMISSION

The Public Energy Authority proposes, subject to compensation by the Governor's office, to hire a consultant to assist the Authority in the development of certain projects. The consultant they would like to hire is currently a volunteer member of the Board of Investments.

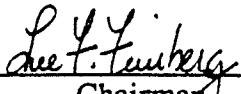
The Public Energy Authority is currently without a Director and it is impossible for the Board members and counsel to devote the time necessary to establish and complete these projects.

PERTINENT STATUTORY PROVISIONS RELIED UPON BY THE COMMISSION

West Virginia Code Section 6B-2-5(d)(1) states in pertinent part that...no appointed public official...or member of his or her immediate family 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 official or employee may have direct authority to enter into, or over which he or she may have control...

ADVISORY OPINION

The Commission finds that it would not be a violation of subsection 6B-2-5(d)(1) of the Act for a Public Energy Authority to hire a consultant who is a voluntary member of a Board of Investments since the Board of Investments member does not have direct authority or control over the letting of public contracts by the Public Energy Authority.


Chairman