

ADVISORY OPINION NO. 91-87

ISSUED BY THE

WEST VIRGINIA ETHICS COMMISSION

ON DECEMBER 5, 1991

GOVERNMENTAL BODY SEEKING OPINION

The Superintendent of a County School System

OPINION SOUGHT

Whether it is a violation of the Ethics Act for a member of a County Board of Education to be employed as a County Coordinator?

FACTS RELIED UPON BY THE COMMISSION

An elected member of a County Board of Education would like to seek employment in a neighboring County. He would be employed by the County Commission as the County Coordinator.

PERTINENT STATUTORY PROVISIONS RELIED UPON BY THE COMMISSION

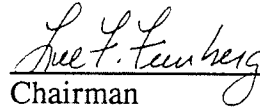
West Virginia Code §6B-2-5(h)(1) states that no full-time public official...who exercises policymaking, nonministerial or regulatory authority may seek employment with, or allow himself or herself to be employed by any person who is or may be regulated by the governmental body which he or she serves while he or she is employed or serves in the governmental agency.

ADVISORY OPINION

The provisions of WV Code §6B-2-5(h)(1) which prohibit a **full-time** public official from seeking employment with any person who is or may be regulated by his governmental agency do not apply to the situation described herein for several reasons.

First, the County Board of Education member is a **part-time** public official. Second, WV Code §6B-1-3(f) of the Ethics Act defines "Person" as an individual, corporation, business entity, labor union, association, firm, partnership or other such organization. In Advisory Opinion #91-54 the Commission determined that since the definition does not include governmental agencies, the prohibition against seeking employment with regulated persons would not apply to seeking employment with other governmental agencies. Finally, the requestor's County Board of Education does not regulate the County Commission of a neighboring County.

Therefore, it would not be a violation of WV Code §6B-2-5(h)(1) of the Ethics Act for a member of a County Board of Education to be employed as a County Coordinator for a neighboring County.

  
Chairman