

ADVISORY OPINION NO. 92-36

ISSUED BY THE

WEST VIRGINIA ETHICS COMMISSION

ON SEPTEMBER 3, 1992

GOVERNMENTAL BODY SEEKING OPINION

Deputy County Tax Assessor/County School Board Member

OPINION SOUGHT

Is it a violation of the Ethics Act for a County's Deputy Assessor to also serve as an elected member of that County's Board of Education?

FACTS RELIED UPON BY THE COMMISSION

The Requestor is employed full-time by the County Assessor as a Deputy Assessor/Data Collector and is also an elected member of that County's Board of Education. As a data collector for the County Assessor, the requestor obtains and verifies information on parcels of land which enables the appraiser to set an accurate value on such properties for tax purposes.

PERTINENT STATUTORY PROVISIONS RELIED UPON BY THE COMMISSION

In its evaluation of this request the Ethics Commission reviewed the code of conduct established pursuant to WV Code §6B-2-5 in its entirety.

ADVISORY OPINION

In considering this request the Ethics Commission has analyzed the facts presented in light of the statutory violations contained in the Ethics Act. The Commission has determined that no provision of the Ethics Act per se prohibits a County's Deputy Assessor from simultaneously serving as an elected member of that County's Board of Education.

In Advisory Opinion No. 90-123 the Commission held that it was not a violation of the Ethics Act for a member of a county school board to simultaneously hold a temporary position with the county assessor's office. The fact that the Requestor in this opinion is employed on a permanent basis does not change that result.

The Commission notes that this opinion is limited to an analysis of the Ethics Act. It does not address or review the propriety of simultaneously holding both public positions in light of any other State or local law or regulation.


Chairman