

## ADVISORY OPINION NO. 97-18

Issued on July 10, 1997 by the

### WEST VIRGINIA ETHICS COMMISSION

#### PUBLIC SERVANT SEEKING OPINION

State Trooper

#### OPINION SOUGHT

Is it a violation of the Ethics Act for a State Trooper to use his official title when advertising his personal business?

#### FACTS RELIED UPON BY THE COMMISSION

A State Trooper plans to conduct a private driving school. He would like to use the title of "Trooper" when advertising the business.

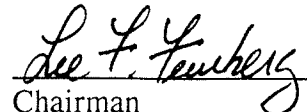
#### PERTINENT STATUTORY PROVISIONS RELIED UPON BY THE COMMISSION

West Virginia Code 6B-2-5(b)(1) states in pertinent part that...a public official or public employee may not knowingly and intentionally use his or her office or the prestige of his or her office for his or her own private gain or that of another person. The performance of usual and customary duties associated with the office or position or the advancement of public policy goals or constituent services, without compensation, does not constitute the use of prestige of office for private gain.

#### ADVISORY OPINION

The Ethics Act prohibits a public servant from using his office or the prestige of his office for private gain. In Advisory Opinion 96-38, the Ethics Commission held that a State Trooper operating a towing business could not "trade on his position as a police officer to secure unwarranted or unfair advantage for his private business interests." The Opinion also held that fellow officers could include the name of the Trooper's business on a comprehensive list of all companies to potential customers "provided the list did not identify one of the companies as being owned by a police officer."

In this case the Commission finds that including the word "Trooper" in any advertising of the requester's driving school would be an improper use of the prestige of his public position for personal private gain. As such it would be a violation of WV Code 6B-2-5(b).

  
Chairman