

ADVISORY OPINION NO. 97-22

Issued on July 10, 1997 by the

WEST VIRGINIA ETHICS COMMISSION

PUBLIC SERVANT SEEKING OPINION

President of State College

OPINION SOUGHT

Is it a violation of the Ethics Act if a State College subsidizes a purchase of laptop computers for its faculty, staff and administrators?

FACTS RELIED UPON BY THE COMMISSION

A State College is planning to secure approximately 250 new computers for its faculty, staff and administrators. Traditional desktop computers being considered will cost the College \$2,000 each. The College's President would like to arrange for the possibility of supplying more versatile and powerful laptop computers for those who are willing to help pay a portion of the added cost of laptops.

The President proposes that more costly laptop computers be purchased for all qualified College personnel who will contribute \$1,500 toward the \$3,800 purchase price. His proposal further provides that at the end of three years, the laptop computers would become the private property of all who accepted the proposal and contributed to the purchase price.

Supplying the laptops will initially cost the College an extra \$300 per computer, even with the \$1,500 contribution by the users. It is estimated that at the end of three years the depreciated value of laptops will be only 25% of the initial cost, or approximately \$950. The proposal requires the College to surrender its \$575 share of the laptop's value.

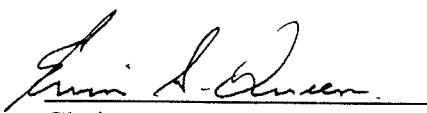
The President explains that the added cost to the College would be more than recovered because the proposal will "enhance the capability and efficiency of participating faculty/staff/administrators, [and] the institution would realize development potential among participating faculty/staff/administrators that far exceeds the monetary commitment under this agreement."

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.

ADVISORY OPINION

In considering this request, the Commission relies upon the representations of the requester regarding the commercial reasonableness of the purchases and the benefits which would accrue to the College. Assuming the accuracy of those representations, there would be no violation of the Ethics Act for the College to purchase laptop computers for faculty, staff and administrators as proposed.


Chairman