

ADVISORY OPINION NO. 99-36

Issued On December 2, 1999 By The

WEST VIRGINIA ETHICS COMMISSION

OPINION SOUGHT

A **County Ambulance Authority** asks whether it would be a violation of WV Code 61-10-15 for a member of one of the Authority's emergency squads to serve on the Authority Board?

FACTS RELIED UPON BY THE COMMISSION

The Ambulance Authority's emergency work is carried out by volunteer members of emergency squads associated with the Authority. These squad members are paid \$25 by the Authority for each emergency run they make. In addition, for each hour a squad member spends on Authority work, the Authority contributes 10 cents to a fund used to purchase uniforms for squad members.

The Authority explains that some emergency squad members have never accepted the \$25 payment and others would forego it, if it would permit them to serve on the Authority's Board.

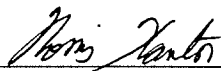
CODE PROVISIONS RELIED UPON BY COMMISSION

WV Code 61-10-15 states in part that ... It shall be unlawful for any member... of any ... county or district board ... to be or become pecuniarily interested, directly or indirectly, in the proceeds of any contract ... [over] which as such member he may have any voice, influence or control ...

ADVISORY OPINION

WV Code 61-10-15 prohibits certain county personnel, including board members of a county Ambulance Authority, from having a personal financial interest, directly or indirectly, in a public contract, purchase or sale, over which their public position gives them control.

It would be a violation of WV Code 61-10-15 for a Board member to receive a \$25 payment from the Authority for work as an emergency squad member. It would not be violation for an emergency squad member to serve on the Authority's board, so long as he or she did not receive any payment or other financial benefit from emergency squad work. A squad member's interest in the benefits from the uniform fund are *de minis* and would not constitute a violation.



Chairman