

R 1-8-2 Conflict of Interest (Pecuniary Interest)

The Pecuniary Interest codes of West Virginia make it unlawful for a member of the Preston County Board of Education or any employee of the system to be or become directly or indirectly, pecuniarily interested in the proceeds of any contract or service, if as such member, s/he may have any voice, influence or control over the awarding of the contract or the purchase of services or supplies. The penalty for conviction in violation of this law is a fine of not less than \$50 or more than \$500, and possible imprisonment for a period not to exceed one year. In addition, any such member shall be removed from office. Exceptions to the law include:

- ❖ It is not unlawful for the Board to employ the spouse of a Board member, officer, secretary, supervisor, Superintendent, principal or teacher as a principal, teacher, or service employee of the School District.
- ❖ The penalties do not apply to any person who is a salaried employee of a vendor or supplier under a contract subject to the provisions of the law if the employee, his or her spouse or child:
 - Is not a party to the contract;
 - Is not an owner, a shareholder, a director or an officer of a private entity under the contract;
 - Receives no commission, bonus or other direct remuneration or thing of value by virtue of the contract;
 - Does not participate in the deliberations or awarding of the contract; and
 - Does not approve or otherwise authorize the payment for any services performed or supplies furnished under the contract.
- ❖ The penalties do not apply to any person who has a pecuniary interest in a bank within the county serving or under consideration to serve as a depository of funds for the county or board of education, as the case may be, if the person does not participate in the deliberations or any ultimate determination of the depository of the funds.
- ❖ The provisions of the law do not apply to publications in newspapers required by law.
- ❖ School employees or school officials who have an interest in the sale, proceeds or profits in any book or other thing used or to be used in the free school system of this state, as proscribed in section nine, article XII of the constitution of West Virginia, may qualify for the exceptions set forth above.
- ❖ The provisions of the Ethics Code do not apply to any person who has a pecuniary interest in a public utility which is subject to regulation by the public service commission of this state.

The Board may make written application to the West Virginia Ethics Commission for an exemption to the Ethics Code in the following cases:

- ❖ Loss of a quorum of the Board;
- ❖ Excessive cost;
- ❖ Undue hardship; or
- ❖ Substantial interference with the operation of the Board.
(WVC §61-10-15)