



JUDICIAL INVESTIGATION COMMISSION

212 Dickinson Street
Post Office Box 1629
Charleston, West Virginia 25326-1629
(304) 558-0169 FAX (304) 558-0831

October 1, 1997

Re: JIC Advisory Opinion 1997-23

Dear

Your recent letter to the Judicial Investigation Commission in which you ask for an advisory opinion was reviewed by the Commission at its recent meeting. In your correspondence you ask whether you could serve on a local emergency services advisory council provided in West Virginia Code 15-5-8. You stated that the political subdivision making the appointment would be the County Commission of Wood County. You indicated that the local emergency services council and the local emergency services organization has never, to the best of your knowledge, been involved in litigation. Your service would be without compensation but you could be reimbursed for reasonable and necessary expenses actually incurred in the performance of your duties.

A review of West Virginia Code 15-5-8 establishes that the local emergency services advisory council shall consist of five members appointed by the executive officer or governing body of the political subdivision. As you stated in your letter the County Commission of County would make the appointment in your case. Article 8, §7, of the Constitution of West Virginia states in relevant part that:

No justice, judge, or magistrate shall hold any office, or accept any appointment or public trust, under this or any other government; nor shall he become a candidate for any elective public office or nomination thereto, except a judicial office; in the violation of any of the provisions shall vacate judicial office.

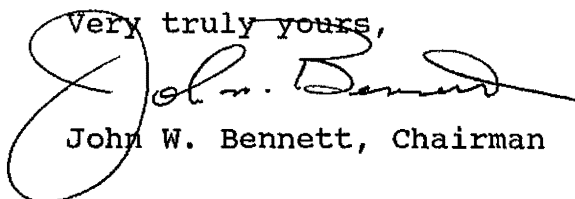
The Honorable Arthur N. Gustke

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Based upon the language set forth in the Constitution of West Virginia it is the opinion of the Judicial Investigation Commission that you could not receive an appointment from the County Commission of County to serve on a local emergency services advisory council. If you have any further questions regarding this matter do not hesitate to contact the Commission.

Very truly yours,

A handwritten signature in dark ink, appearing to read "John W. Bennett", is written over the typed name. The signature is fluid and cursive, with a large initial "J" and "W".

John W. Bennett, Chairman

JWB/bl