



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 1997-25

Dear

Your letter to Counsel to the Judicial Investigation Commission was reviewed by the Commission at its recent meeting. In that correspondence you asked whether you could serve on the Board of Directors of a group known as ERASE which is an acronym for Empowering Residents to Achieve Scenic Excellence. You stated that you were contacted by an employee of the Department of Natural Resources, Litter Control, and asked if you could serve on the Board of Directors for this group. The Board would consist of 15 members which would be involved in grant writing, fund raising, and other matters. The appointment would be made by the Governor and the terms would run on a staggered basis.

The Constitution of West Virginia Article 8, §7, states in relevant part that:

No justice, judge, or magistrate shall hold any other 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; and the violation of any of these provisions shall vacate his judicial office.

This language would prevent you as a sitting magistrate from accepting an appointment.

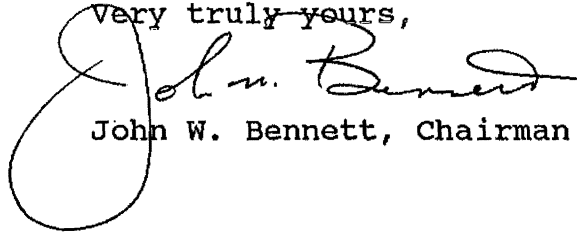
Based upon the information which you have provided to the Commission and the language contained in the Constitution of

- 2 -

October 1, 1997

West Virginia Article 8, §7, it is the opinion of the Commission that you may not serve on the Board of Directors of ERASE. If you have any further question regarding this matter, do not hesitate to contact the Commission.

Very truly yours,

A handwritten signature in cursive script, appearing to read "John W. Bennett". The signature is written in dark ink and is positioned above the printed name.

John W. Bennett, Chairman

JWB/bl