

May 27, 1992

SUBJECT: HIGHWAY OFFICIALS RECEIVING COMPLIMENTARY CONFERENCE
REGISTRATION

SUMMARY:

Highway officials who are conference program speakers may receive complimentary registration from the sponsoring organization to attend the remainder of the conference when the registration fee is incidental to the preparation and presentation of the speech.

QUESTION:

The SC Director of Highway-Heavy Division of Carolinas Associated General Contractors questions whether highway officials who appear on a conference program may accept complimentary registration. The Association sponsors several conferences each year which are attended by members of the construction industry. Program speakers have in the past been provided complimentary registrations.

DISCUSSION:

This opinion is rendered in response to a letter dated March 19, 1992 requesting an opinion from the State Ethics Commission. The Commission's jurisdiction is limited to the applicability of the Ethics, Government Accountability, and Campaign Reform Act of 1991 (Act No. 248 of 1991; Section 8-13-100 et. seq., as amended, 1976 Code of Laws). This opinion does not supersede any other statutory or regulatory restrictions or procedures which may apply to this situation.

In Advisory Opinion SEC AO92-120, the Commission advised the Commission on Higher Education that it does not appear that acceptance of such complimentary registration from a national organization of accrediting agencies financially benefits a staff member. The registration is paid by the national accrediting organization which is a savings to the agency and does not affect the employee's economic interests. It is a gift to the agency, rather than to the employee, therefore, the State Ethics Commission did not see that complimentary registration from a national conference of accrediting agencies is prohibited.

From the facts as submitted, it appears that the offer of complimentary registration is given as a result of program participation by the officials. Section 8-13-715 provides in part as follows:

A public official, public member, or public employee acting in an official capacity may not receive anything of value for speaking before a public or private group...

In Advisory Opinion SEC AO92-051, the Commission advised that this prohibition would encompass the receipt of a complimentary pass to attend a different six-hour CLE program provided to seminar speakers. The Commission advises, in accordance with Section 8-13-715, that complimentary registration (i.e., a fee charged to conference participants to attend conference functions, but which does not include travel or lodging) may be accepted by the highway officials speaking at the conference if the registration fee is incidental to the officials being in attendance.

The State Ethics Commission also believes that the Carolinas AGC is a lobbyist principal and, therefore, advises that the Secretary of State's Office be contacted concerning restrictions involving lobbyist principals.