

SUBJECT: SC RESTAURANT ASSOCIATION AND DHEC JOINTLY SPONSORING
TRAINING PROGRAM

SUMMARY:

There would not be a prohibition against the SC Restaurant Association and DHEC jointly sponsoring a training program with DHEC billing the Association for expenses incurred by the department.

QUESTION:

The Executive Director of the South Carolina Restaurant Association has requested an opinion concerning a relationship which exists with the DHEC. For the past 12 months, the two groups have been conducting a restaurant sanitation training program. DHEC provides the trainer and the Association schedules, promotes, and incurs all expenses for the program. The Association would like to change that relationship in 1992 by having DHEC incur costs of promoting the program. The Association would also incur promotional expenses and program expenses. DHEC would bill the Association for department expenses, excluding training labor.

DISCUSSION:

This opinion is rendered in response to a letter dated November 18, 1991 requesting an opinion from the State Ethics Commission. The Commission's jurisdiction is limited to the applicability of the State Ethics Act (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.

The Commission knows of no reason in Chapter 13 to prohibit a private organization such as the SC Restaurant Association from contracting with a public agency for services. From the facts as submitted, it does not appear that the training program as proposed would cause any public employee or official to be influenced or receive any financial gain from such a transaction.

The State Ethics Commission does, however, note that Chapter 17 concerns relationships with lobbyists and lobbyist principals. The Commission would advise that the Secretary of State's Office be contacted concerning the possible application of that chapter to the situation.