

SUBJECT: DISCLOSURE OF ECONOMIC INTERESTS

SUMMARY:

Section 8-13-1120 does not require the disclosure on the Statement of Economic Interests of information concerning the payment of a spouse's transportation expenses by a private, nonprofit foundation which neither contracts nor seeks to contract with the governmental entity with which the reporting spouse is associated.

QUESTION:

The Director of Administration and Information Technology for the State Development Board inquires whether the Board's Executive Director must report on his Statement of Economic Interests payments by the Palmetto Foundation for the Executive Director's spouse to travel to certain Development Board activities. The Palmetto Foundation is a private, nonprofit, independent group that was founded by the State's business community to support certain special activities of the Development Board. Many of the conferences which the Executive Director attends require the presence of his spouse in order for him to fit into the general population, which is almost always couples. This normally involves no extra cost to the Executive Director or the State, except when the trip requires air transportation. In these instances, the Palmetto Foundation pays the air fare for the Executive Director's spouse, since her attendance is perceived as very desirable in order to maintain the working relationships necessary to conduct future business.

DISCUSSION:

This opinion is rendered in response to a letter dated November 4, 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.

Section 8-13-1120 provides in part as follows:

(A) A statement of economic interests filed pursuant to Section 8-13-1110 must be on forms prescribed by the State Ethics Commission and must contain full and complete information concerning:

* * *

(2) the source, type, and amount of value of income, not to include tax refunds, of

substantial monetary value received from a governmental entity by the filer or a member of the filer's immediate family during the reporting period;

* * *

(8) if a public official, public member, or public employee receives compensation from an individual or business which contracts with the governmental entity with which the public official, public member, or public employee serves or is employed, the public official, public member, or public employee must report the name and address of that individual or business and the amount of compensation paid to the public official, public member, or public employee by that individual or business;

* * *

(9) the source and a brief description of any gifts, including transportation, lodging, food, or entertainment received during the preceding calendar year from:

(a) a person, if there is reason to believe the donor would not give the gift, gratuity, or favor but for the official's or employee's office or position; or

(b) a person, or from an officer or director of a person, if the public official or public employee has reason to believe the person:

(i) has or is seeking to obtain contractual or other business or financial relationship with the official's or employee's agency; or

(ii) conducts operations or activities which are regulated by the official's or employee's agency if the value of gift is twenty-five dollars or more in a day or if the value totals, in the aggregate, two hundred dollars or more in a calendar year.

Based on the facts submitted and limited strictly to the question presented, Section 8-13-1120 does not appear to require the disclosure of economic interests information concerning the payment of a spouse's transportation expenses by a private, nonprofit foundation which neither contracts nor seeks to contract with the governmental entity with which the reporting spouse is associated. Therefore, the State Ethics Commission advises that the Executive Director of the State Development Board does not have to report on his Statement of Economic Interests the Palmetto Foundation's payment of his spouse's air fare to attend certain economic development functions.