

SEC AO93-083

June 16, 1993

SUBJECT: LOBBYIST'S PRINCIPAL HOSTING LOCAL GOVERNMENT MEETINGS

SUMMARY:

Municipal and county officials may accept invitations to attend local government meetings hosted by a lobbyist's principal unless given to influence the recipients' official actions. If accepted, those local government officials who are required to file a Statement of Economic Interests must make the appropriate disclosure pursuant to S.C. Code Section 8-13-710(A). Provided that all invitees are treated equally, the host is not obligated to ensure that it has no issues currently pending before any local governmental bodies who may be represented at the meeting.

QUESTION:

South Carolina Electric and Gas Company (SCE&G), a lobbyist's principal, would like to hold meetings with various local government officials in order to discuss such issues as the proposed Federal Btu Tax, Electric Magnetic Fields and recent innovations in radio systems by MPX, another SCANA subsidiary. Invitees would include county legislative delegations and all members from certain city and county councils. At any proposed meeting, several council/delegation groups would be present, with no single body being targeted or invited. SCE&G would host the meetings, which would include a meal. The per capita cost for the function would be less than \$25.

DISCUSSION:

This opinion is rendered in response to a letter dated April 1, 1993 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.

1. Can SCE&G invite and host the city and county officials for these purposes at the stated per capita cost?

Section 8-13-705 provides in part as follows:

- (A) A person may not, directly or indirectly, give, offer, or promise anything of value to a public official, public member, or public employee with the intent to:
 - (1) influence the discharge of a public official's, public member's, or public employee's official responsibilities;
 - (2) influence a public official, public member, or public employee to commit, aid in committing, collude in, or allow fraud on a governmental entity; or
 - (3) induce a public official, public member, or public employee to perform or fail to perform an act in violation of the public official's, public member's, or public

employee's official responsibilities.

(B) A public official, public member, or public employee may not, directly or indirectly, knowingly ask, demand, exact, solicit, seek, accept, assign, receive, or agree to receive anything of value for himself or for another person in return for being:

- (1) influenced in the discharge of his official responsibilities;
- (2) influenced to commit, aid in committing, collude in, allow fraud, or make an opportunity for the commission of fraud on a governmental entity; or
- (3) induced to perform or fail to perform an act in violation of his official responsibilities.

In Advisory Opinion 92-090, the State Ethics Commission advised that, "[a]bsent such intent to influence, the Commission does not believe that invitations to a function by an area Chamber of Commerce are prohibited." Based on the facts presented, SCE&G's intent in hosting the local government meetings is to inform local officials on three current issues pertinent to the public service industry. Therefore, provided there is no intent to influence the recipients' official actions, the State Ethics Commission advises that the city and county officials may accept SCE&G's invitations to attend the local government meetings.

In addition, the State Ethics Commission calls attention to Section 8-13-710(A), which provides:

(A) Unless provided by subsection (B) and in addition to the requirements of Chapter 17 of Title 2, a public official or public employee required to file a statement of economic interests under Section 8-13-1110 who accepts anything of value from a lobbyist's principal must report the value of anything received on his statement of economic interests pursuant to Section 8-13-1120(a)(9).

Accordingly, since SCE&G is a lobbyist's principal, those local government officials who attend the meetings and are required to file Statements of Economic Interests must disclose the value of the meal even if the per capita cost is less than \$25.

2. In reference to Section 8-13-705, does SCE&G have the responsibility to make sure that no current issues affecting SCE&G are now before the city/county governmental bodies?

As previously stated, the clear intent of SCE&G is to share information with local government officials on the specified agenda items, not to influence their performance

of official responsibilities. Therefore, in accordance with the facts submitted, as long as all invitees are treated equally, SCE&G is not obligated to ensure that there are no issues affecting SCE&G before the local governmental bodies who may be represented at the meeting.