

SUBJECT: COMMITTEE ESTABLISHED TO RAISE MONEY WITH WHICH TO PURCHASE EQUIPMENT FOR RICHLAND COUNTY SHERIFF'S DEPARTMENT

SUMMARY:

The Ethics Reform Act does not prohibit local businesses from establishing a committee to solicit contributions from the private sector with which to purchase bulletproof vests and other equipment for the Richland County Sheriff's Department.

QUESTION:

A Columbia businessman and member of a regional planning council requests an advisory opinion addressing the ethical implications of forming a steering committee comprised of area businessmen to solicit contributions from the private sector for a fund established to purchase bulletproof vests and other equipment for the Richland County Sheriff's Department. The equipment will be given to the Department and not to individual deputies. Moreover, no sheriff's deputies will participate in the solicitation, and no one involved in the fund-raising effort will receive any financial gain.

DISCUSSION:

This opinion is rendered in response to a letter dated June 30, 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.

The Commission calls attention to Section 8-13-705(A), which provides:

- (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.

The State Ethics Commission has reviewed corporate support of public agency activities on numerous occasions. In those opinions, the Commission advised that private businesses may provide both financial and material support to assist public agencies in carrying out their mandated responsibilities.

Based on the facts submitted, the State Ethics Commission does not believe that the equipment is being given to influence the Department's official actions. Accordingly, the Commission knows of no reason why a committee could not be established to solicit contributions from the private sector with which to purchase bulletproof vests and other equipment for the Richland County Sheriff's Department.