

SUBJECT: COUNTY PLANNING COMMISSION DIRECTOR ATTENDING CONFERENCE
AS GUEST OF HOME BUILDERS ASSOCIATION

SUMMARY:

A County Planning Commission Director is advised against attending a conference as guest of the Home Builders Association. If the trip is of benefit to the County, the County should pay the expenses.

QUESTION:

The Executive Director of the Greenville County Planning Commission has been invited to attend the National Association of Home Builders convention to be held in Las Vegas in January 1992. His expenses would be paid by the County Home Builders Association. The Executive Vice President of that Association has been appointed to serve on a committee to study ways to make housing more affordable.

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.

In prior advisory opinions, the State Ethics Commission has advised against receipt of travel and accommodations from vendors or persons subject to action by the recipient's agency. Section 8-13-705(A) and (B) 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.

(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.

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While it does not appear from the facts as submitted that the offeror, the Home Builders Association, has any specific matter pending before the County Planning Commission, that agency has jurisdiction over matters of vital interest to the members of that Association. Giving an obvious thing of value to a staff member of that agency would give the appearance of impropriety; consequently, the Commission would advise the employee against accepting the trip from the Association. If the trip is of benefit to the County, the County should pay the expenses of the trip.