

SUBJECT: ABC COMMISSIONERS ATTENDING BEER ASSOCIATION
CONVENTION

SUMMARY:

ABC Commissioners who are conference program speakers may receive complimentary registration from the sponsoring organization to attend the remainder of the conference when the registration fee is incidental to the preparation and presentation of the speech.

QUESTION:

The President of the SC Beer Association questions whether members of the ABC Commission may be invited to attend the Association's annual convention to participate in a seminar. The Commissioners have been invited in the past to participate in the program. The members have always paid for their rooms with their registration fees being paid by the Association, as is done for all other speakers.

DISCUSSION:

This opinion is rendered in response to a letter dated June 11, 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.

In Advisory Opinion SEC AO92-120, the Commission advised the Commission on Higher Education that it does not appear that acceptance of such complimentary registration from a national organization of accrediting agencies financially benefits a staff member. The registration is paid by the national accrediting organization which is a savings to the agency and does not affect the employee's economic interests. It is a gift to the agency, rather than to the employee, therefore, the State Ethics Commission did not see that complimentary registration from a national conference of accrediting agencies is prohibited.

In Advisory Opinion SEC AO92-176, the State Ethics Commission advised that Highway officials who are conference speakers could receive complimentary registration since it is given as a result of program participation by the officials.

Section 8-13-715 provides in part as follows:

A public official, public member, or public employee acting in an official capacity may not receive anything of value for speaking before a public or private group...

In Advisory Opinion SEC AO92-051, the Commission advised that this prohibition would encompass the receipt of a complimentary pass to attend a different six-hour CLE program provided to seminar speakers. The Commission advised in Advisory Opinion SEC AO92-176, in accordance with Section 8-13-715, that complimentary registration(i.e., a fee charged to conference participants to attend conference functions, but which does not include travel or lodging) may be accepted by the highway officials speaking at the conference if the registration fee is incidental to the officials being in attendance. Based upon the facts as submitted, the members of the ABC Commission may attend the conference as speakers and accept complimentary conference registration for their participation in the program.

The State Ethics Commission also believes that the SC Beer Association is a lobbyist principal and, therefore, advises that the Secretary of State's Office be contacted concerning restrictions involving lobbyist principals.