

SUBJECT: A LOBBYIST'S PRINCIPAL MAY HOST A TEACHER WORKSHOP FOR LOCAL SCHOOL DISTRICT TEACHERS AND EMPLOYEES

SUMMARY:

Private industry may host teacher workshops which assist the governmental entity in carrying out its mandated responsibilities. The receipt of training is of benefit to the governmental entity and the entity may accept the teacher workshop as long as there is no intent to influence the effect therefrom. The group invitation and spending limitations applicable to public official's and public employee's receipt of things of value from a lobbyist's principal do not apply to a lobbyist's principal providing teacher workshops to a local school district and its teachers.

QUESTION:

Duke Power Company asks if South Carolina teachers, superintendents, and school administrators are state employees or local government employees and if they are not state employees, can Duke Power host workshops without a monetary limit on the amount spent on the function. Additionally, Duke Power asks whether there would be any reporting requirements for Duke or the invitees if it is permitted to host such workshops.

DISCUSSION:

This opinion is rendered in response to a letter dated October 9, 1996, 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 2-17-5, et seq. and 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 that may apply to this situation.

The lobbyist's principal restrictions in S.C. Code §2-17-90 (Supp. 1995) do not apply to local officials and employees of school districts. SEC AO93-083. The scope of S.C. Code §2-17-90 (Supp. 1995) is limited to public officials and public employees and restricts the offer and acceptance of lodging, transportation, entertainment, food, meals, beverages, or an invitation to a function paid for by a lobbyist's principal to situations involving group invitations and spending limitations. A public employee as defined in §2-17-10 (17), is a person employed by the State. While there are many in the teaching profession who are employed by the State as teachers, this opinion is limited in scope to persons employed by local school districts who are not employed by

the State.¹

Teachers, superintendents, and school administrators employed by the various local school districts in South Carolina are not employed by the State as that term is used in Title 2 Chapter 17 of the Ethics Act. Therefore, the group invitation rules and spending limits do not apply to a function hosted by a lobbyist's principal and to which a local school district employee is invited. Duke Power Company may host teacher workshops and invite local school district employees outside the group invitation rules and without a monetary limit on the amount spent on the function. This holding is consistent with our previous opinions wherein the Commission has consistently opined that private industry may provide support to assist an agency in carrying out its mandated responsibilities. SEC AO93-036

Based on the facts presented, it does not appear that Duke Power's intent in hosting the local government educational workshops is to influence the recipients' official actions. However, we must also point out that local government employees and officials are governed by S. C. Code §8-13-705 & §8-13-710 (Supp. 1995). S. C. Code §8-13-710 (Supp. 1995) requires disclosure of the receipt of anything of value from a lobbyist's principal. §8-13-705 prohibits giving anything of value to influence the recipient. In Advisory Opinion 92-090, the State Ethics Commission advised that, "[a]bsent...an intent to influence, the Commission does not believe that invitations to a function by an area Chamber of Commerce are prohibited." Accordingly, since Duke is a lobbyist's principal, local government employees and officials who are required to file a Statement of Economic Interest and who attend workshops sponsored by Duke Power are required to report the value of the workshop on their annual Statements of Economic Interests, regardless of the amount. The expenditures for the workshops would not be disclosed on the Lobbyist's Principal's Disclosure Form since the expenditures were not made to lobby a state official or state employee.

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¹ Persons who are public employees of the State include, but are not limited to, teachers at Clemson University, Coastal Carolina University, Francis Marion University, John De LA Howe School, Lander University, MUSC, School for the Deaf and Blind, SC State University, The Citadel, USC and its affiliated campuses, University of Charleston, Wil Lou Grey Opportunity School, Department of Juvenile Justice. [Alphabetic Agency Index, Act NO. 458, 1996.]