

1981 S.C. Op. Atty. Gen. 82 (S.C.A.G.), 1981 S.C. Op. Atty. Gen. No. 81-54, 1981 WL 96580

Office of the Attorney General

State of South Carolina

Opinion No. 81-54

June 15, 1981

\*1 Edgar A. Vaughn, Jr., CPA  
State Auditor  
Post Office Box 11333  
Columbia, South Carolina 29211

Dear Mr. Vaughn:

You have requested an opinion as to the following questions:

- 1) The President of one College held a dinner for all faculty and staff of the College and authorized payment of over \$3,000 to the cafeteria service for this meal. Other colleges have held similar dinners. Is the above type expenditure permissible under Section 144 of the 1977-78 Appropriations Act (and similar sections of subsequent acts) or Section 131?
- 2) The President of a College entertains a potential employee(s) at a local restaurant. Sometimes he designates another college official to do this entertaining for him. Can the meal of the recruit be paid from either State or non-state funds? Can the president be paid from either State or non-state funds? Can the designee be paid from either State or non-state funds?
- 3) Would the answer to #2 above be different if an agency other than a College or University were involved?

In answer to the first question, § 131 of the aforementioned act and similar sections and subsequent acts provide clearly that 'no expense shall be allowed an employee either at his place of residence or at the official headquarters of the agency by which he is employed . . .'. Thus, a meal for all faculty and staff on the College premises cannot be paid for from the funds of the College. While § 144 of the aforementioned act provides that the Presidents' of various colleges may be reimbursed for 'personal expenses incurred in connection with the performance of their official duties,' the term 'personal expenses' clearly does not extend to providing a meal for the entire faculty and staff of the college. The Supreme Court of South Carolina has defined 'personal expenses' as those incurred for rooms, meals, and other things of like character. [Scroggie v. Scarborough](#), 160 S.E. 596, 600, 162 S.E. 218. The term 'personal' implies that the expense is of or peculiar to a certain person and not related to a number of other persons. It is therefore the opinion of this Office that the meal referred to above should not have been paid for by the College.

As to the second question, § 144 provides without limitation as to place that College Presidents may be reimbursed for personal expenses incurred in connection with the performance of their official duties. It is unclear whether the language of § 131, which provides that 'employees' may not recover expense at his place of residence or at the official headquarters of the agency, was intended to be used in a broad sense to include officers and employees or in a limited sense to include employees only. A practice has apparently been for agency heads and college Presidents to seek and receive reimbursement for meals and expenses, even at the city of residence or agency headquarters, when such expenses were incurred in connection with their official duties. This longstanding practical construction of the statutes is entitled to great weight when apparently conflicting interpretations arise. Therefore, it is the opinion of this Office that the President of a college and an agency head may be reimbursed for meals, even those that the city of residence which involve the incurrence of expense in the performance of official duties, such as entertaining a potential employee. There is, however, no provision for the payment of such expenses for the designee of a college president or agency head.

\*2 In all the instances cited above, the answer would apply to state funds, but as to non-state funds, the answer would depend on the restrictions placed on the funds by each source.

As to the expenses incurred by the recruit, it is impossible to provide an answer without knowledge of the various budget categories and restrictions for each college. However, this would seem to be a normal expense of any organization.

Sincerely yours,

Daniel R. McLeod  
Attorney General

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