

1975 WL 29258 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 11, 1975

*1 Honorable Charles L. Powell
Representative
District 11
Route 2
Abbeville, South Carolina 29620

Dear Mr. Powell:

You have requested an opinion as to whether a state university may, consistent with the Ethics Act, provide football tickets to its president and trustees.

As you know, the Ethics Act establishes a State Ethics Commission, and the Act directs the Commission to rule on questions of this type. However, the Commission is not yet formally constituted.

Whether the practice to which you refer is done ' . . . to influence [the] action, vote, opinion or judgment [of a] public official or public employee' within the meaning of Section 13 of the Act is in the final analysis a factual question that can be resolved only by the Commission.

While it is impossible to predict with any certainty how the Commission might rule, it seems to me extremely unlikely that they would hold that this practice would influence the president and trustees in the discharge of their official duties, inasmuch as the president and trustees personify the university and are its alter ego.

As noted in a previous opinion issued by this Office, the situation might differ where the tickets are offered to public officials who are not officials of nor employed by the university, depending on the authority and responsibility the recipients could exercise in Budgetary and other matters affecting the donor institution. Amendments approved by the House on February 20, 1975, would have permitted the gift of tickets to members of the General Assembly, but this language was deleted prior to final approval of the Act.

I reiterate that the General Assembly has vested in the State Ethics Commission and in the two legislative Ethics Committees the authority to issue rules, regulations and advisory opinions on the requirements of the Act. It is my understanding that the House Ethics Committee has already begun to formulate proposed changes in the law as well as interpretative provisions to clarify this and other ambiguities in the Act.

With kind regards,
Cordially,

Daniel R. McLeod
Attorney General

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