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State of South Carolina
State Ethics Commission

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SEC AO92-167

May 27, 1992

SUBJECT: CORRECTIONAL CENTER DIRECTOR CONSULTING WITH OTHER
JAILS

SUMMARY:

A correctional center director would not be prohibited from consulting with other jail facilities in accordance with the off-duty employment guidelines.

QUESTION:

The Director of the Sumter County Correctional Center is interested in starting a jail consulting firm which would work with training and advising other jails and their administrators and staff. Such work would be completed away from the Director's current position and during his off-time. He questions whether such work violates the Ethics Reform Act.

DISCUSSION:

This opinion is rendered in response to a letter dated March 12, 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.

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Section 8-13-700(A) provides in part as follows:

(A) No public official, public member, or public employee may knowingly use his official office, membership, or employment to obtain an economic interest for himself, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated. This prohibition does not extend to the incidental use of public materials, personnel, or equipment, subject to or available for a public official's, public member's, or public employee's use which does not result in additional public expense.

In prior advisory opinions, the State Ethics Commission has advised that a public employee may engage in outside employment consistent with established guidelines: (1) that no public materials or equipment are utilized, except as provided by Section 8-13-700(A), (2) such work is engaged in on the employee's own time, (3) the work does not interfere with the needs of the agency, and (4) the public position is not utilized to obtain or continue the employment.

From the facts as submitted, it does not appear that the Director would be prohibited from consulting with jail facilities which are not part of his official responsibilities.