

SUBJECT: HIGHWAY PATROL ASSISTING WITH HERITAGE CLASSIC TRAFFIC

SUMMARY:

The Highway Patrol may enter a contractual arrangement for room and board with the Heritage Classic to provide Highway Patrol Officers assisting with traffic and crowd control. Officers would not be prohibited from either attending tournament events when not on duty or visiting hospitality rooms.

QUESTION:

The Executive Director of the Department of Highways and Public Transportation advises that the Highway Patrol has cooperated with the MCI Heritage Classic to assist with traffic and crowd control. In the past, the sponsor has provided room and board to patrolmen assigned to the event. The State Ethics Commission has issued an opinion that the Department should pay the expenses of officers and bill the sponsor to reimburse the Department. The Director advises that the per diem allowance is not sufficient to cover the cost of meals on Hilton Head. He questions whether some contractual arrangement could be arranged to alleviate the problem. He also questions whether officers would be allowed to attend the tournament when not on duty and whether they would be allowed to go to hospitality rooms and tents.

DISCUSSION:

This opinion is rendered in response to a letter dated January 30, 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 Opinions SEC AO92-023, SEC AO92-051, and SEC AO92-057, the State Ethics Commission advised that an agency would not be prohibited from charging an organization for costs associated with a program. The agency then could reimburse the employee in accordance with State travel policies and procedures. This option does not preclude a contractual agreement whereby room and board could be provided by the MCI Heritage Classic.

As to the second question, the Commission would advise that employees engaged in covering an event as part of their official responsibilities would not be prohibited from attending the event or accepting a meal or hospitality which is incidental to the performance of their duties.