

SUBJECT: FIREMAN'S ASSOCIATION PAYING TRAVEL FOR FIRE INSTRUCTORS

SUMMARY: The State Firemen's Association may make an annual contribution to the SC Fire Academy for use by that agency in reimbursing employee/instructors for conducting regional training programs.

QUESTION: The attorney for the South Carolina State Firemen's Association requests an opinion. The Association has provided mileage expenses for instructors from the Fire Academy to conduct regional training programs. In the past, the Association has paid the travel as vouchers have been presented. The attorney questions whether the Association may continue to make such payments. He also questions whether, if allowed, the Association can continue direct reimbursement or should a onetime contribution be made to the Fire Academy.

DISCUSSION:

This opinion is rendered in response to a letter dated April 2, 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 AO92-024 and AO92-098, the Commission advised that private business could support agency activities through provision of equipment and services without charges. The Commission does not believe that private industry is prohibited from providing financial or equipment support to assist public agencies in carrying out their mandated responsibilities.

In Advisory Opinion SEC AO92-061, the Commission advised that, in accordance with Section 8-13-715, sponsoring organizations could reimburse agencies for employee travel expenses. The agency could then reimburse the employee in accordance with travel reimbursement policies.

Section 8-13-715 provides in part as follows:

A public official, public member, or public employee acting in an official capacity may not receive anything of value for speaking before a public or private group.

The State Ethics Commission advises against individual reimbursement of instructors by a sponsoring organization. However, it further advises that the State Firemen's Association may make an annual contribution to the SC Fire Academy for utilization by that agency in reimbursing employees for regional training.

The Commission further advises that the Secretary of State's Office be contacted since this matter involves a lobbyist principal.

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