

SUBJECT: PAYMENT OF CONSULTING FEES TO PROFESSORS

SUMMARY: College professors would not be prohibited from being paid consulting fees by ETV for assistance provided on the production of a documentary consistent with the off-duty employment guidelines.

QUESTION: The Assistant Vice President of Programming of ETV requests an opinion concerning the payment of consulting fees to three USC professors. ETV plans a documentary on the history of the Central Correctional Institution to be produced by an independent producer. ETV is serving as the fiscal agent for two grants and for administering the budget. The three professors would be paid \$200 each for their time reviewing the final script and offering content advice. The grants intend to involve academic scholars in programs which present content to the public. Further, the Humanities Council encourages that scholars be compensated for their time. He advises that the scholars involved do not normally produce television documentaries, nor do they routinely consult on them.

DISCUSSION:

This opinion is rendered in response to a letter dated April 9, 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 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. Provided such work is done consistent with those guidelines, the Commission knows of no reason why college professors could not do consulting work on the ETV documentary.