

SUBJECT: CITY EMPLOYEES SUBSCRIBING TO CELLULAR PHONE SERVICE

SUMMARY:

City employees may subscribe to a cellular telephone service which would be billed to them at City Hall since the service is offered to all public officeholders.

QUESTION:

The Clerk of the City of Mauldin questions whether city employees may take advantage of getting cellular telephone service for personal use by letting the bill be mailed to City Hall.

DISCUSSION:

This opinion is rendered in response to a letter dated June 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 Advisory Opinion 90-021, the State Ethics Commission advised that a City Councilman could take advantage of car telephone service offered to public officeholders since there was no indication that the Councilman had utilized his public position to obtain any financial gain. The service was offered equally to all public officeholders under the same conditions. The billing through the City Hall only necessitates the receipt of the billing. In that earlier opinion, the Commission was advised that such personal billings would not find their way into the town's accounts payable system.

Based upon the facts as submitted, the State Ethics Commission advises that public employees may take advantage of the cellular telephone service with billing through the City Hall provided there is no utilization of the public position to obtain any better rate and further, provided that such billings are not paid by the City's accounts payable system.