

SUBJECT: STATE EMPLOYEES ACCEPTING MEAL AT SEMINAR

SUMMARY:

State employees would not be prohibited from accepting a meal provided to all participants at a seminar. Since Clemson University is a lobbyist principal, the Commission advises that the Secretary of State's Office be contacted concerning this matter.

QUESTION:

The Executive Assistant to the Commissioner of the Department of Youth Services requests an opinion as to whether employees may accept a meal provided at a seminar. Clemson University sponsored a seminar on "The Plight of the Black Male". Approximately 30 DYS staff members were present. A meal valued at approximately \$5 was served to all seminar participants. There was no charge for attendance at the seminar.

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 SEC AO92-023, the Commission advised that a public employee would not be prohibited from accepting a meal incidental to giving a speech in an official capacity where the meal is provided to all other persons participating in the same event. In Advisory Opinion SEC AO92-037, the Commission advised that a meal provided by a co-sponsor of a program would not be prohibited.

In Advisory Opinion SEC AO92-084, the Commission advised that sheriffs and deputies are not prohibited from accepting meals from groups when they are participating in their official capacity. Further, in Advisory Opinion SEC AO92-103, the Commission advised that town council members would not be prohibited from accepting meal invitations, if not given to influence their official actions.

From the facts as submitted, it does not appear that the acceptance of a meal at a seminar provided to all seminar participants would be prohibited nor would the employees be required to pay for such meal.

The State Ethics Commission advises, however, that since Clemson University is a lobbyist principal, the Secretary of State's Office be contacted concerning this matter.