

SUBJECT: CITY EMPLOYEES ATTENDING DINNER FUNCTION HOSTED BY FINANCE FIRMS

SUMMARY:

City employees would not be prohibited from accepting a meal provided by a vendor to all clients attending a national conference.

QUESTION:

A Senior Financial Analyst from the City of Rock Hill questions whether he and another employee may attend a meal function hosted by two finance related firms, one of which is the auditing firm and the other calculates arbitrage rebates for the City. Both employees will be attending a national conference. The firms typically invite all clients and employees of the firm in attendance at the conference to attend the function. There is no special "sales pitch" offered but merely a thank you to clients.

DISCUSSION:

This opinion is rendered in response to a letter dated June 15, 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 submitted, it does not appear that the acceptance of a meal provided by a vendor at a national conference to clients and vendor employees would be prohibited nor would the employees be required to pay for such meal.