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### ADVISORY OPINION 2019 - 7

The House Legislative Ethics Committee received a request from a Member for an advisory opinion. Specifically, the Member explained that he or she is assisting a constituent by arranging a meeting with a contact at the SC Department of Education. The Member stated that the constituent is publishing a book with a publisher, and the book may be a helpful resource to children in SC schools. The Member noted that he or she also does some work with a magazine, which is a subsidiary of the publisher. The Member, however, earns no income directly from the publisher. The Member reported the compensation he or she earns is derived from the magazine and is related to the contacts made for a series of articles that are published.

Pursuant to House Rule 4.16C.(5), the Committee renders the following advisory opinion.

#### DISCUSSION

Pursuant to the Ethics, Government Accountability, and Campaign Reform Act of 1991, regarding conflicts of interests, S.C. Code Ann. § 8-13-700 provides:

(A) No public official, public member, or public employee may knowingly use his official office, membership, or employment to obtain an economic interest for himself, a family member, an individual with whom he is associated, or a business with which he is associated. This prohibition does not extend to the incidental use of public materials, personnel, or equipment, subject to or available for a public official's, public member's, or public employee's use that does not result in additional public expense.

(B) No public official, public member, or public employee may make, participate in making, or in any way attempt to use his office, membership, or employment to influence a governmental decision in which he, a family member, an individual with whom he is associated, or a business with which he is associated has an economic interest. A public official, public member, or public employee who, in the discharge of his official responsibilities, is required to take an action or make a decision which affects an economic interest of himself, a

family member, an individual with whom he is associated, or a business with which he is associated shall:

(1) prepare a written statement describing the matter requiring action or decisions and the nature of his potential conflict of interest with respect to the action or decision;

(2) if the public official is a member of the General Assembly, he shall deliver a copy of the statement to the presiding officer of the appropriate house. The presiding officer shall have the statement printed in the appropriate journal and require that the member of the General Assembly be excused from votes, deliberations, and other action on the matter on which a potential conflict exists.

S.C. Code Ann. § 8-13-700(A)-(B). (emphasis added).

S.C. Code Ann. § 8-13-100(11)(a) states that “economic interest” means “an interest distinct from that of the general public in a purchase, sale, lease, contract, option, or other transaction or arrangement involving property or services in which a public official, public member, or public employee may gain an economic benefit of fifty dollars or more.” (emphasis added).

Helping constituents, that is, the people public officials have been elected to represent, is part of the official position or responsibilities of a House Member. In the instant scenario, the Member is assisting a constituent by arranging a meeting with a contact at the SC Department of Education. The constituent has a contract with a publishing company for a book that may be a resource for children in the SC public schools. Assisting the constituent by arranging a meeting is part of the role that a Member may have in his or her official position. While the Member has advised he or she earns income from a magazine, a subsidiary of the publisher, the Member earns no income from the publishing company. In this situation, the Committee finds that it is not a conflict of interest for the Member to assist the constituent with arranging a meeting with a contact from the SC Department of Education since the Member does not have any economic interest obtained from the publishing company pursuant to SC Code Ann Section 8-13-700.

## CONCLUSION

In summary, the Member does not have a conflict of interest if the Member assists a constituent who is publishing a book with a publishing company. Specifically, the Member may arrange a meeting with a contact from the SC Department of Education since the Member does not have any economic interest obtained from the publishing company pursuant to SC Code Ann Section 8-13-700. The Member **only** earns income from a magazine, which is a subsidiary of the publishing company.

**Adopted September 12, 2019.**