

**THE ETHICS, GOVERNMENT ACCOUNTABILITY,
AND CAMPAIGN REFORM ACT OF 1991**

**SCSBA 2015 New Board Orientation
Ethics for Public Officials
February 19, 2015**

I RULES OF CONDUCT

- May not use official office/position for financial gain - knowingly. §8-13-700(A).**
- Recusal provisions for conflicts. §8-13-700(B).**
- May not receive or give anything of value with intent to influence (Anti-Bribery Statute). §8-13-705.
- May not accept an honorarium for speaking engagements in one's official capacity. May accept payment for actual expenses. §8-13-715.
- May not accept additional money for assistance given while performing one's duty. §8-13-720.
- May not use confidential information gained through employment for personal gain. §8-13-725.
- Representation prohibitions. §8-13-740.
- May not cause the employment, promotion, or transfer of a family member to a position in which one supervises. Prohibits discipline of one's family member. §8-13-750.
- Post employment restrictions. §8-13-755. (Government lawyers see Rule 407 of Appellate Court Rules, Rule 1.11 Successive Government & Private Employment).
- Breach of ethical standards for an employee participating in procurement to resign and accept employment with a person contracting with the governmental body. §8-13-760.
- May not use government personnel/materials in an election campaign. §8-13-765.
- A public official/employee may not have an economic interest in a

contract with the State or a political subdivision if the public official/employee is authorized to perform an official function relating to the contract. §8-13-775.

II FINANCIAL DISCLOSURE

Statement of Economic Interests to be filed on or before April 15th of each year of service.

III CAMPAIGN PRACTICES

•A person may not use/authorize public funds to influence the outcome of an election. A school district may not use public funds, property, or time in an attempt to influence the outcome of a ballot measure. §8-13-1346.

IV PENALTIES

A. **Section 8-13-320(10)(I)** The written decision as provided for in subitem (k) may set forth an order:

(i) requiring the public official, public member, or public employee to pay a civil penalty of not more than two thousand dollars for each violation;

(ii) requiring the forfeiture of gifts, receipts, or profits, or the value thereof, obtained in violation of the chapter, voiding nonlegislative state action obtained in violation of the chapter; or

(iii) requiring a combination of subitems (i) and (ii) above, as necessary and appropriate.

B. **Section 8-13-705(G)** provides for imprisonment of not more than 10 years and fined not more than \$10,000 and that the . Permanently disqualified as public official or forfeits public employment. §8-13-705.

C. Section 8-13-1510: (A) Except as otherwise specifically provided in this chapter, a person required to file a report or statement under this chapter who files a late statement or report or fails to file a required statement or report must be assessed a civil penalty as follows:

(1) a fine of one hundred dollars if the statement or report is not filed within five days after the established deadline provided by law in this chapter; and

(2) after notice has been given by certified or registered mail that a required statement or report has not been filed, a fine of ten dollars per calendar day for the first ten days after notice has been given,

and one hundred dollars for each additional calendar day in which the required statement or report is not filed, not exceeding five thousand dollars.

(B) After the maximum civil penalty has been levied and the required statement or report has not been filed, the person is:

(1) for a first offense, guilty of a misdemeanor triable in magistrates court and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days;

(2) for a second offense, guilty of a misdemeanor triable in magistrates court and, upon conviction, must be fined not less than two thousand five hundred dollars nor more than five thousand dollars or imprisoned not less than a mandatory minimum of thirty days;

(3) for a third or subsequent offense, guilty of a misdemeanor triable in magistrates court and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than one year, or both.

D. Section 8-13-1520 provides that a violation of the Rules of Conduct is a misdemeanor and on conviction one may be fined not more than \$5,000 or be imprisoned not more than 1 year or both. A person guilty of violating the campaign reporting provisions is guilty of a misdemeanor, and must be fined a minimum of \$5000 and a maximum 500% of the amounts that should have been reported, and may be sentenced to up to one year in prison.

E. Section 8-13-780 provides that the Commission may issue a public reprimand.

V STATUTE OF LIMITATIONS

•Action can not be taken on a complaint filed more than 4 years after the violation is alleged to have occurred. §8-13-320(9)(d).

VI STATE ETHICS COMMISSION website is <http://ethics.sc.gov>.

•Electronic filing

•Public reporting.

•The Ethics Reform Act.

•All advisory opinions.