


SOUTH CAROLINA SCHOOL BOARDS ASSOCIATION



ARE YOU PLAYING BY THE RULES?

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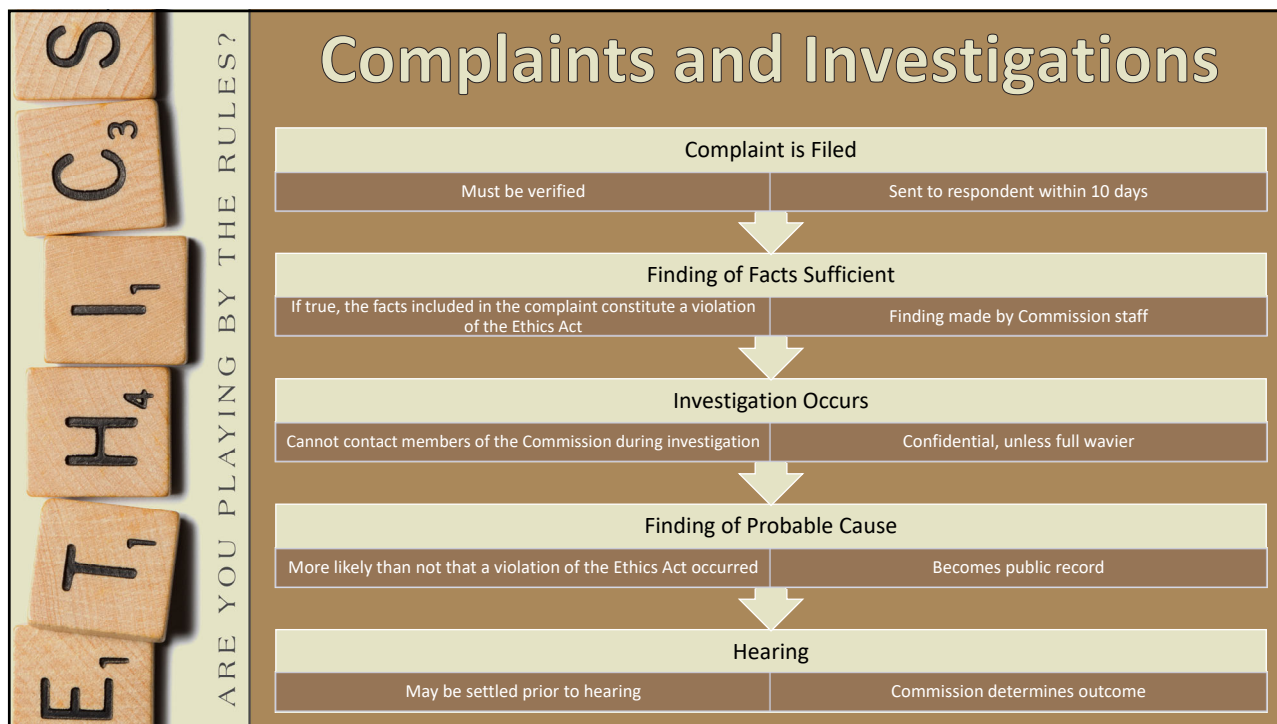


ARE YOU PLAYING BY THE RULES?

Ethics in South Carolina

			<p>SEC AO2009-002</p> <p>SUBJECT: BUSINESS WITH WHICH</p> <p>SUMMARY: A governmental entity is not for purposes of Section 8-13 business with which three are associated due to their employment.</p> <p>QUESTION: The Horry County Board of Health is considering a future referendum. Firstly, whether the governmental entity and not a corporation or business as the term is defined under the Ethics Act of a memorandum of agreement incorporated into the contract.</p>
<p>Ethics, Government Accountability, and Campaign Reform Act of 1991</p>	<p>Applies to public officials, public members, and public employees</p>	<p>Enforced by the South Carolina Ethics Commission</p>	<p>Formal v. Informal Advisory Opinions</p>


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Discipline

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- If found guilty of an alleged violation, the Commission may:
 - Recommend administrative action or disciplinary action
 - Issue a public warning or reprimand
 - Order restitution
 - Levy a civil penalty of not more than \$2,000 per violation
- Any criminal activity is subject to prosecution by the Attorney General's Office:
 - If found guilty of a violation, the respondent is guilty of a misdemeanor and subject to a fine of up to \$5,000, imprisonment for not more than 1 year, or both
 - Bribery is a felony and carries the penalty of a \$10,000 fine, 10 years in prison, or both

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ARE YOU PLAYING BY THE RULES?

Campaigning



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ARE YOU PLAYING BY THE RULES?

Filing Campaign Disclosures



Initial Report

within 10 days after spending or receiving the first \$500 of campaign funds

Pre-Election Report

No later than 15 days prior to each election; filed whether there has been financial campaign activity or not

Quarterly Reports

January 10
 • Oct 1 – Dec 31
April 10
 • Jan 1 – Mar 31
July 10
 • April 1 – June 30
October 10
 • July 1 – Sept 30

Final Report

After the campaign account is closed; must be a ZERO balance and no outstanding debts

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In an election campaign, board members may not use:

S.C. Code Ann. § 8-13-765

Personnel

Equipment

Materials

Facilities, unless available on similar terms to all candidates

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For purposes of influencing the outcome of an election, no person may use or authorize the use of:

S.C. Code Ann. § 8-13-1346

Public Funds

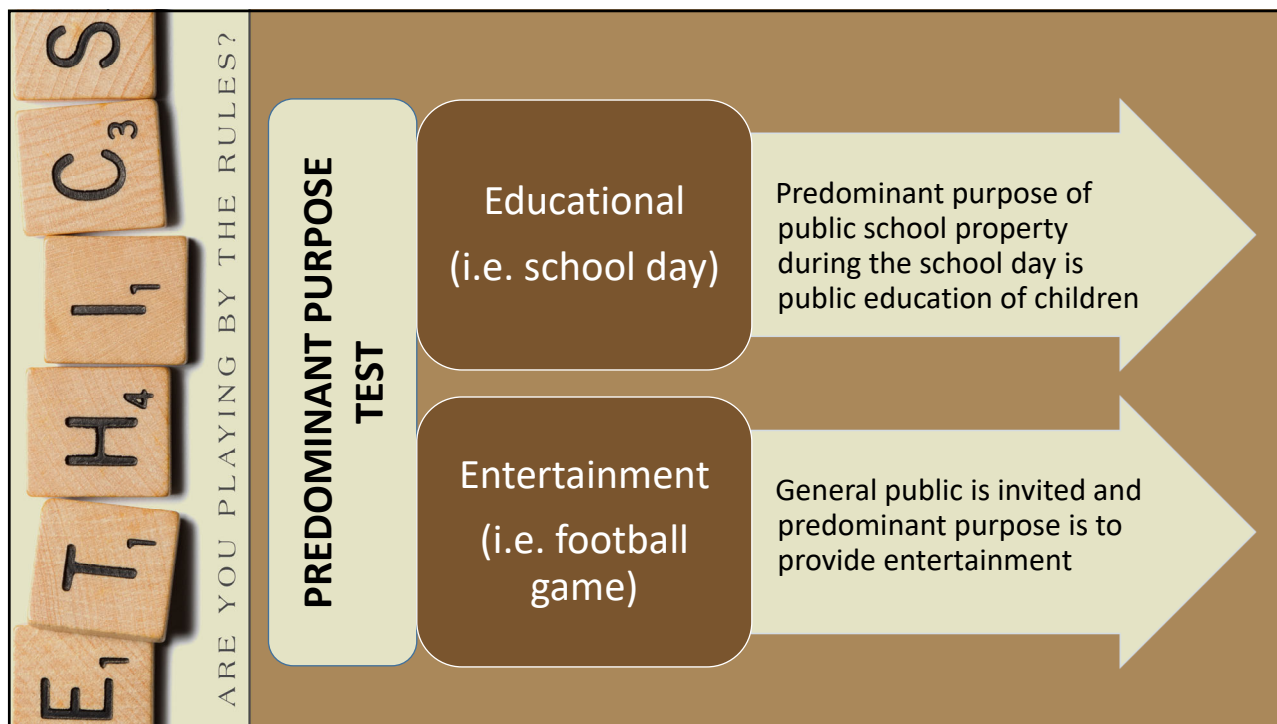
Public Time

Public Property

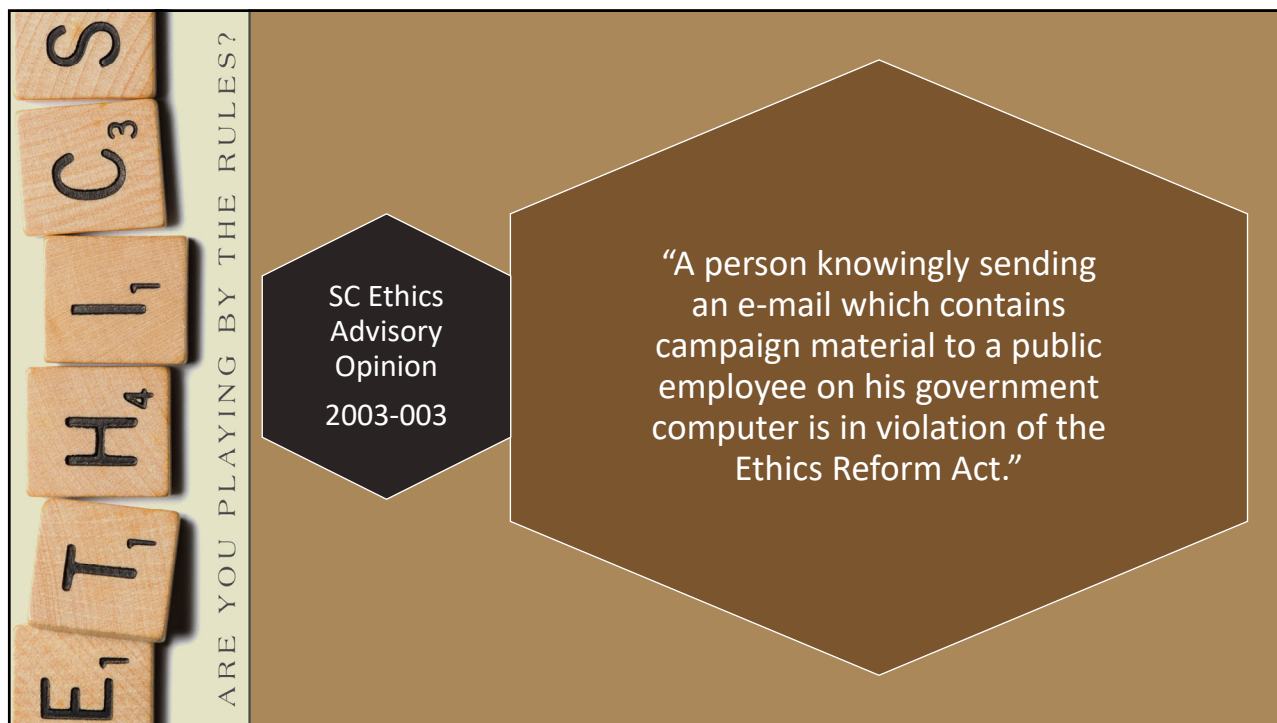
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Statements of Economic Interest



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What must be included on an SEI?

Governmental income of the board member or his/her immediate family of substantial value (> \$500 in a year)

Private source and type of any income received by the board member or his/her immediate family

Real property owned by the board member or his/her immediate family with \$200 of public improvements, adjacent to public land with such improvements, or reasonably expected to be subject of a conflict of interest

Organizations which paid for or reimbursed actual expenses of the board member for speaking before a public or private group

Source and a brief description of any gifts, including transportation, lodging, food, or entertainment received if there is reason to believe they would not have been given the item but for the individual's position as a board member OR it is from a person or business who has or is seeking to obtain a contractual relationship with the district or board

Identity of every business or entity which the board member or his/her immediate family holds or controls securities or interests constituting 5% or more of the total issued and outstanding securities and interests which equal >\$100,000

Creditor to whom the board member or his/her immediate family owed a debt >\$500 if the creditor is seeking/has sought a business or financial arrangement with the board



Lobbyist who is an immediate family member of the board member or lobbyist who is an individual with whom/business with which the board member or his/her immediate family is associated

Individual or business which contracts with the board or district and also provides compensation to board member

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“Anything of Value” does not include:

Printed or promotional material
<\$10 OR available similarly to the public

Plaque or trophy
<\$150

Honorary degrees

Campaign contribution made in accordance with the SC Ethics Act

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SC Ethics Advisory Opinion
2002-003

Disclose ANY gift received as a result of public office—without reference to a dollar value—on the Statement of Economic Interest

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Conflicts of Interest



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A board member cannot knowingly:

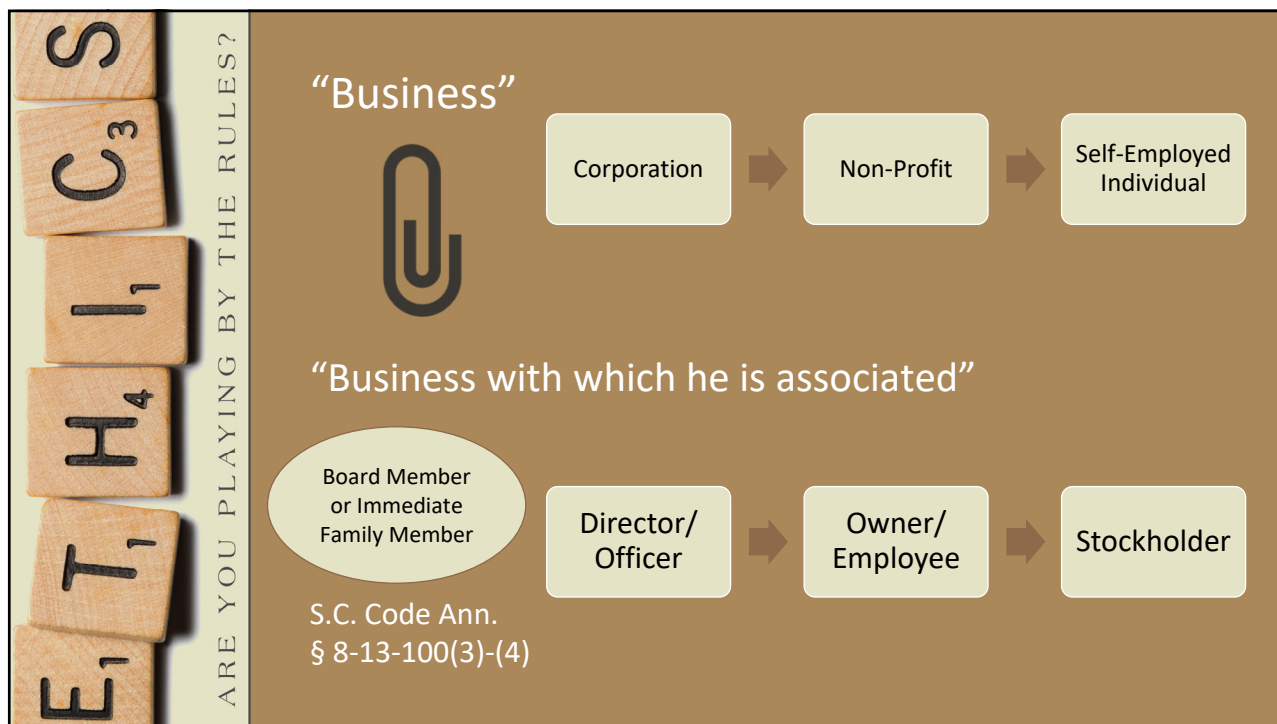
Use his office to obtain an economic interest for himself, a family member, or an individual or business with which he is associated

S.C. Code Ann.
§ 8-13-700

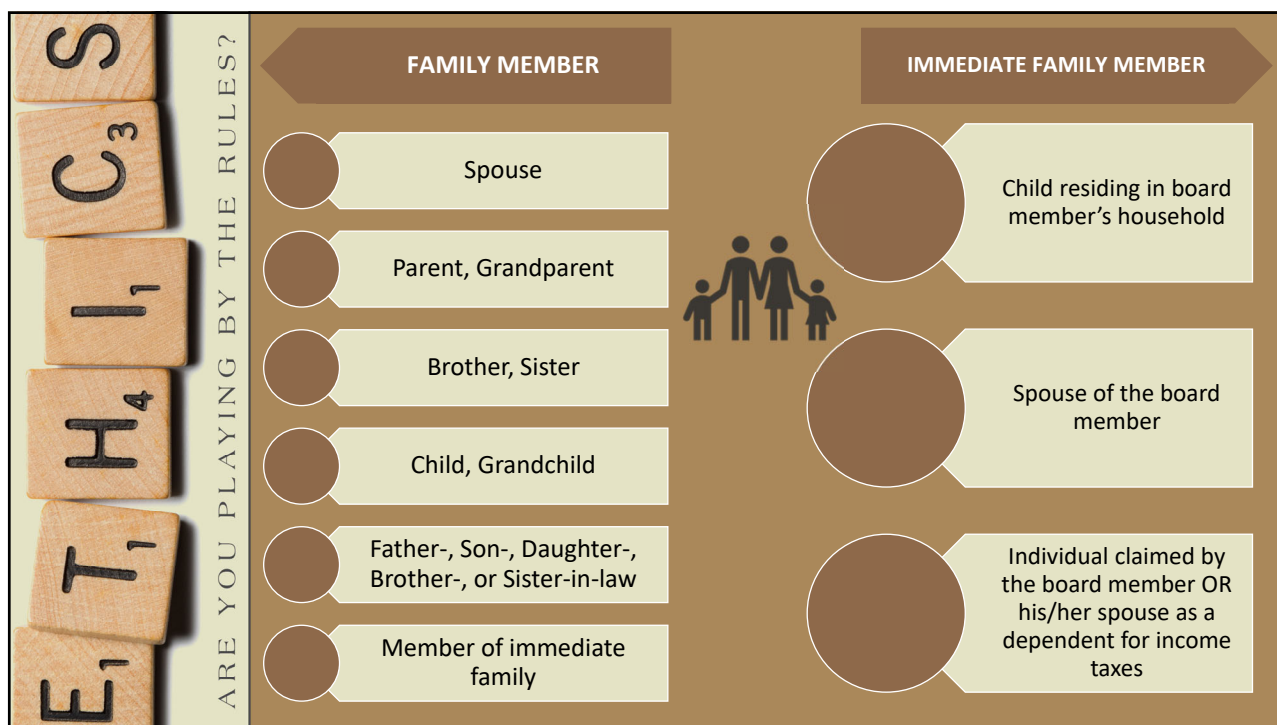
Influence a governmental decision in which he, a family member, or an individual or business with which he is associated has an economic interest



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Recusal Procedure



- When there is advance notice, prepare a **written statement** describing the matter requiring action and the nature of the potential conflict
- Give a copy to the presiding officer who will have the statement printed in the minutes
- During the meeting, the presiding officer will require the member to be excused from any VOTES, DELIBERATIONS, or OTHER ACTIONS on the matter
- Presiding officer will ensure the disqualification and the cause are noted in the minutes

S.C. Code Ann.
§ 8-13-700(B)(1),(4)

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Honorable Mentions



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Confidentiality Restrictions

S.C. Code Ann. § 8-13-725

A board member may not use or disclose confidential information gained in the course of or by reason of his official responsibilities in a way that would affect an economic interest held by him, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated.

A board member may not willfully examine, or aid and abet in the willful examination of, records of an individual in the possession of or within the access of the district if the purpose of the examination is improper or unlawful.

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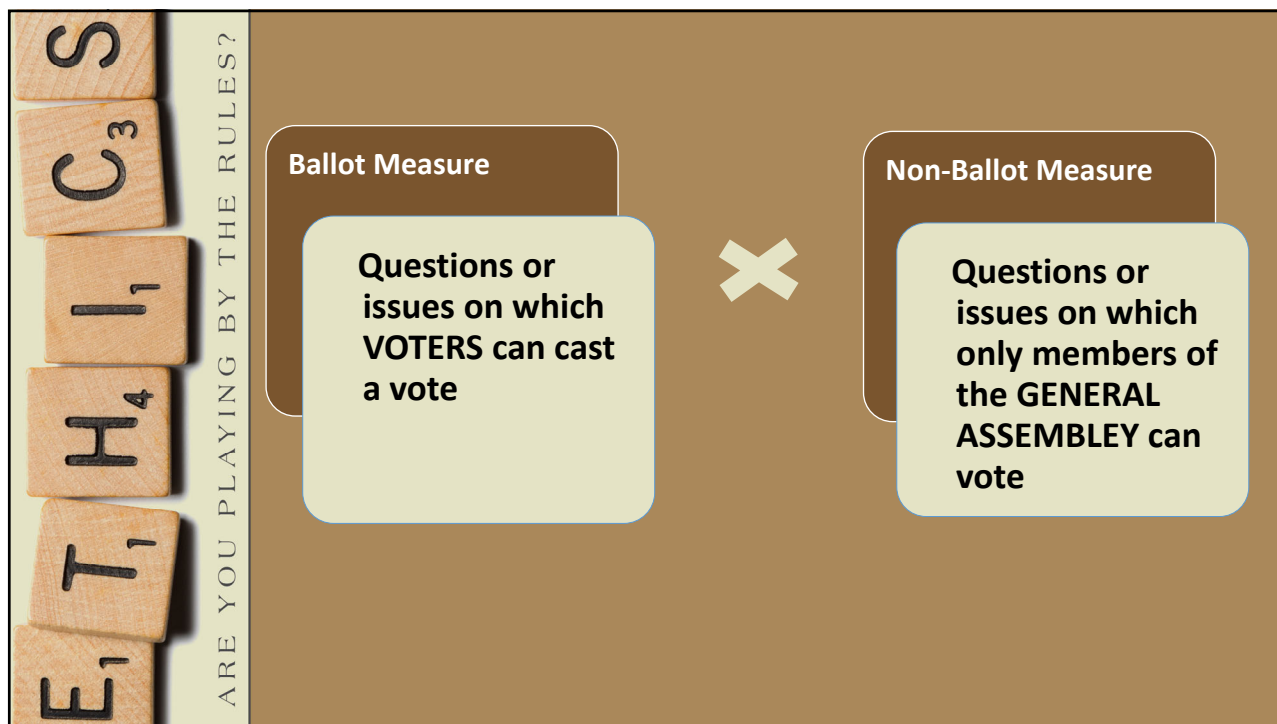
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"Official Responsibility" means:

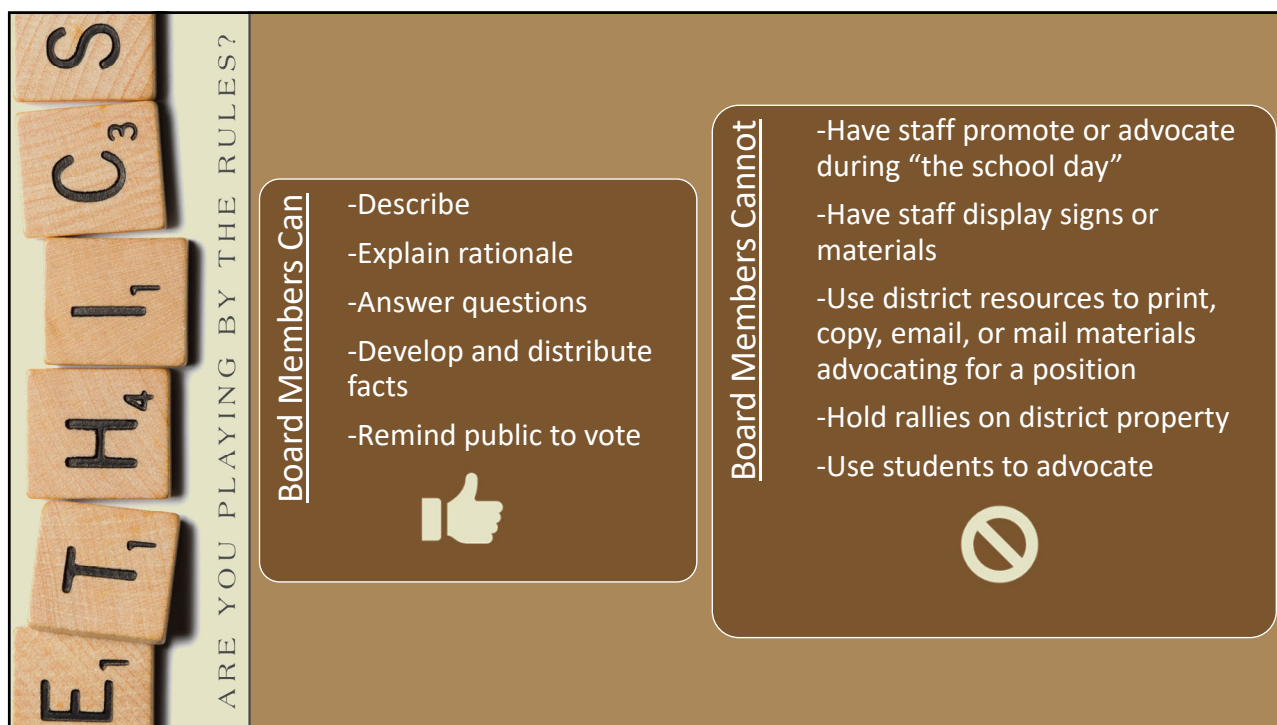


Direct administrative or operating authority whether intermediate or final, and whether exercisable personally or through subordinates, to approve, disapprove, or otherwise direct government action

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