

# Senate Ethics Committee

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## ADVISORY OPINION 92-10

To: Members, South Carolina Senate

From: Ethics Committee

Re: Accepting a Trip from the American Council of Young Political Leaders (ACYPL)

Date: August 19, 1992

A question has risen regarding a member's participation in a political exchange program in Japan sponsored by the American Council of Young Political Leaders (ACYPL). ACYPL is self-described as a "non-profit, bipartisan educational exchange organization to provide a necessary exposure to foreign policy and its formulation, . . ." The Council receives funding from over eighty large corporations and businesses, a few of which are registered as lobbyists' principals in South Carolina. The bulk of the operational funding for ACYPL, however, is derived from federal government grants.

With regard to the trip to Japan, the executive director of ACYPL indicates that:

[t]he funding for this program is provided by the United States Information Agency (USIA). [The] international airfare is being paid by ACYPL through a grant from USIA and its division of Citizen Exchange Programs. The core of the ACYPL's programs are the ongoing bilateral exchanges with counterpart organizations in every region of the world. Our counterpart in Japan, the Japan Center for International Exchange (JCIE), a non-profit private foundation, pays for all expenses in their country (lodging, domestic transportation, meals).

In the Ethics Committee Advisory Opinion 92-4, the Committee indicated that the involvement of lobbyists' principal[s] in a particular function given or hosted by a third party may cause the Committee to conclude that the expenditure limitations regarding lobbyists' principals would be applicable. The instant facts do not compel such a conclusion. In this instance, although ACYPL does receive some operational funding from private sector corporations, only a very small percentage of which are registered as lobbyists' principals, the funding for this trip and associated expenses are derived exclusively from a federal grant and a private foreign foundation.

Since this trip involves out-of-state travel, the next consideration is whether Section 8-13-715 is applicable to the facts presented. This section requires prior written approval by the President Pro Tempore before a member may obtain reimbursement for reasonable expenses incurred as a result of a speaking engagement. The member seeking this opinion is not being asked to speak or make any formal presentation as part of the program. Therefore, the Committee concludes that the provisions of Section 8-13-715 are not applicable to this invitation.

The member has also inquired as to the appropriate reporting or disclosure of such a trip. Section 8-13-710(B) requires a member to report on the Statement of Economic Interests the value of anything received in excess of twenty-five dollars or more per day and two hundred dollars or more per year from:

- (1) a person, if there is reason to believe the donor would not give the thing of value but for the public official's, public member's, or public employee's office or position;
- (2) a person, or from an officer or director of a person, if the public official, public member, or public employee has reason to believe the person:
  - (a) has or is seeking to obtain contractual or other business or financial relationships with the public official's, public member's, or public employee's governmental entity;
  - (b) conducts operations or activities which are regulated by the public official's, public member's, or public employee's governmental entity.

It is very unlikely that this trip would be offered if the individual were not a member of the Senate. Therefore, the Committee concludes that the member may accept this offer and must report the full value of the travel, meals, gifts, lodging, and entertainment provided as part of this program on the Statement of Economic Interests for 1992 which must be filed next April.