



## State of South Carolina Office of the Governor

NIKKI R. HALEY  
GOVERNOR

1205 PENDLETON STREET  
COLUMBIA 29201

September 3, 2015

Herb Hayden, Executive Director  
South Carolina State Ethics Commission  
5000 Thurmond Mall Suite 250  
Columbia, South Carolina 29201

Mr. Hayden,

Recently, our office was contacted regarding the University of South Carolina's (USC) long-standing tradition of providing the Office of the Governor with tickets and use of a suite for football games. We want to ensure that the State Ethics Commission is aware that for decades and spanning many administrations these tickets have been provided by USC for use by or at the direction of the Governor's Office for state purposes such as government and community relations. They are not provided for the benefit of a governor, in his or her capacity as a public official. Instead, tickets and access are provided to another state agency as shared resources to be used for official state purposes.

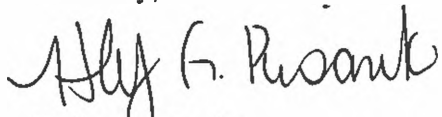
The language in South Carolina Code Section 2-17-90 prohibits, except in certain circumstances, complimentary lodging, transportation, entertainment, food, meals, beverages or invitations to a function from lobbyists' principals intended for the benefit of an individual such as a member of the General Assembly, public employee or cabinet officer. It does not, however, prohibit the provision of these items for the benefit of an entity or office. In another context, the State Ethics Commission has recognized and accepted this distinction between an item being given for the benefit of a state entity rather than for the benefit of a particular public official or employee. *See* State Ethics Commission Opinion A092-120 (determining that a complimentary registration fee for a state employee that may otherwise be prohibited by the Ethics Act or subject to disclosure was not because it was a "gift to the agency, rather than the employee"); State Ethics Commission Opinion A092-112 (determining that "employees engaged in covering an event as part of their official responsibilities would not be prohibited from attending the event or accepting a meal or hospitality which is incidental to the performance of their duties"). Further, because these items are provided to the Office of the Governor, rather than the governor in his or her capacity as a public official and because the Governor does not accept the tickets pursuant to an exemption in Section 2-17-90, she is not required to report it on her Statement of Economic Interests. *See* S.C. Code Section 2-17-90(C) ("any public official. . .who accepts lodging, transportation, entertainment, food, meals, or beverages under section (A) or (G) must report on his statement of economic interest").

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Here, use of the tickets and executive suite are not offered on a game by game basis; rather, they are provided to the Office of the Governor for the entire season for office-related purposes, regardless of who is in office. In fact, many times the Governor does not use the tickets or suite; instead, inviting others to use them for state-related purposes. Further, use of these items existed prior to the current administration and will not extend to any particular governor beyond his or her term in office. The benefit will continue to accrue to the Office of the Governor for state purposes. Similarly, many times gifts given by both lobbyists' principals and others are received by the Office of the Governor, but these items are maintained as assets of the State. As with the tickets and suite, once a particular governor's term ends, these gifts will remain for the benefit of the State, not the individual governor.

Simply put, like other items given to the Office of the Governor, USC's tradition of providing tickets and an executive suite do not violate South Carolina Code Section 2-17-90. Should you have any questions about this tradition, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Holly G. Pisarik". The signature is fluid and cursive, with the first name "Holly" being more prominent.

Holly G. Pisarik  
Chief Legal Counsel