



State of South Carolina Office of the Inspector General

September 9, 2013

To: State Inspector General Staff

From: Inspector General Patrick Maley

Re: “Plain Language” Code of Conduct for the Office of the State Inspector General

The purpose of this memo is to set forth a “plain language” code of conduct for the Office of the State Inspector General (SIG). It is designed to synopsize the State Ethic Statutes into a more digestible format to facilitate SIG employees understanding ethic laws impact on state employees, as well as add additional expectations on SIG employees established by Inspector General Maley due to the nature of the work of the SIG. This synopsis of the State Ethics Statutes serves as just that—a synopsis—with the actual statute cites annotated in brackets for an employee to review further as needed. The State Ethics “Rules of Conduct” are found in Title 8, Section 13, 700 series (8-13-700 to 795).

The synopsized State Ethic Laws applicable to SIG/state employees will be set forth first, followed by Inspector General Maley’s additional code of conduct policies in **bold print**, where appropriate, which have a more restrictive quality:

1) Conflict of Interest

- Conflict of Interest [8-13-700A]: You may not knowingly use your SIG employment to obtain an economic interest or benefit for yourself, family, associate, or associated business.
- Conflict of Interest [8-13-700B]: You may not participate or influence a governmental decision involving yourself, family, associate, or associated business. In the rare case your duties require you to make such a decision, procedures are set forth to provide written notification to facilitate recusal.
- Conflict of Interest at a Regulatory Agency [8-13-730]: No person may serve as a member of regulatory agency if an associated business is regulated by that agency; employees of a regulatory agency have the same requirement with an exception being only a disclosure on statement of economic interests if the issue is non-recurring.
- Conflict of Interest Involving Contracts [8-13-775]: You may not have an economic interest in a contract where you are authorized to perform an official function relating to the contract.

SIG Policy to Further Restrict: You may not have an interest, business, transaction, activity, or personal/family relationship which is a real (substantial) conflict or could be perceived (reasonable man standard) by the public to conflict with the proper discharge of your public duties. All real or perceived conflicts will be provided to the Inspector General in writing, upon which the Inspector General will either require recusal or the Inspector General will document in writing the rationale to mitigate a perceived conflict.

- 2) Bribe [8-13-705]: You may not, directly or indirectly, knowingly ask or receive anything of value that influences the discharge of your duties.
- 3) Persons Required to File Statement of Economic Interests [8-13-1110]: If you are a designated State official or employee, such as an elected official, appointed official, agency deputies, chief procurement officers, and others designated, you must file an annual Statement of Economic Interest.

SIG Policy to Further Restrict: All SIG employees will annually complete a Statement of Economic Interest which will be retained by the SIG and reviewed by the Inspector General to ensure the investigators are free from any real or perceived conflicts of interests to ensure SIG investigations have the highest level of independence and objectivity. Additionally, the Inspector General, based on being an appointed position, will also file an annual Statement of Economic Interest with the Ethics Commission.

- 4) Accepting Gifts [8-13-710]: *ONLY IF YOU ARE REQUIRED TO FILE A STATEMENT OF ECONOMIC INTEREST FORM*, then if you receive a gift (anything of value), directly or indirectly, worth \$25 or more in a day or \$200 or more in the aggregate in a calendar year reasonably based on your position from the same person, you are required to file a statement of economic interests. If you are not required to file a statement of economic interest form, which is basically the vast majority of Executive Branch employees, there is no limit nor reporting requirement for accepting gifts.

SIG Policy to Further Restrict: You may not accept any gift with the exception of 1) incidental meal in conjunction with a speaking engagement; 2) nominal unsolicited workplace refreshments (i.e., water, coffee, donut); and 3) nominal plaques of appreciation or for retirement. All unique situations not clearly covered by this policy will be brought to the attention of the Inspector General who will document in writing decision to serve as a future precedent.

- 5) Speaking Engagements [8-13-715]: You may not receive anything of value for a speaking engagement, with the exception of an incidental meal in conjunction with the speaking engagement and reimbursement for reasonable travel expenses. Disclosure of costs will be placed on the statement of economic interests for annual filers and in a letter to the Agency Head for non-annual filers; out of state travel requires Agency Head prior approval.
- 6) Compensation for Advice [8-13-720]: You may not solicit or accept any compensation for providing advice or assistance given in the ordinary course of discharging your employment duties.
- 7) Disclosure of Confidential Information [8-13-725]: You may not disclose confidential information for financial gain for yourself, family, associates, or associated business. Additionally, you may not disclose information that is unlawful or improper, such as tax records, health records, and other personal identifying information.

SIG Policy to Further Restrict: All pending SIG investigations are confidential and disclosure is prohibited except in the normally accepted conduct of an investigation or review, or at the direction of the Inspector General.

- 8) Representation of Another before a Governmental Entity [8-13-740]: You, an associate, or associated business may not knowingly represent another party before an entity in which you have official responsibility.
- 9) Nepotism [8-13-750]: You may not cause the employment, promotion, or transfer of a family member within your supervisory or management area of responsibility, nor participate in a discipline action of a family member.
- 10) Post-Employment One Year Ban [8-13-755]: You may not serve as a lobbyist or represent clients for one year before your agency in a matter in which you directly participated in as a State employee. You may not accept employment from a person for one year who is regulated by your agency and involves a matter in which you directly participated in as a State employee.
- 11) State Resources for Campaigns [8-13-765]: You may not use state personnel, facilities, or resources for campaigns.
- 12) Receipt of Award, Grant, or Scholarship by Public Official [8-13-795]: A public official or family member may receive awards, grants, or scholarships on a competitive basis if the public official has not contacted any involved in the selection.
- 13) **SIG Policy-Appearance of Impropriety [not in State Statute]**: **You may not do anything that would give the public a reasonable basis to think that anyone can improperly influence you in your official duties by reason of kinship, rank, position, or influence.**
- 14) **SIG Policy-Misuse of Office [not in State Statute]**: **You may not use your official position to secure unwarranted privileges or exemptions for yourself or others.**
- 15) **SIG Policy-Outside Employment [not in State Statute]**: **You may not have an outside employment which creates a conflict of interest, any appearance of a conflict of interest, or is incompatible with the duties and expectations of SIG employees. Outside employment must be approved in advance by the Inspector General.**
- 16) **SIG Policy-Duty to Report [not in State Statute]**: **You have an affirmative duty to report any violation of the SIG's Code of Conduct.**