



South Carolina  
Department of Transportation

**WORKSHOP AGENDA**  
**SCDOT Commission**  
**August 26, 2024**  
**SCDOT Headquarters, Room 306**  
**Columbia, SC 29201**

**9:00 a.m. to 9:05 a.m.**

**Call to Order**  
Chairwoman Christopher

**Roll Call**  
Chairwoman Christopher

**Approval of Agenda**  
Chairwoman Christopher

**9:05 a.m. to 9:30 a.m.**

**FY26 Budget and 10-Year Plan Update**  
Deputy Secretary McCottry  
Chief Administrative Officer Hendry

**9:30 a.m. to 10:15 a.m.**

**Momentum 2050**  
Secretary Powell  
Interim Deputy Secretary Quattlebaum

**10:15 a.m. to 10:45 a.m.**

**Executive Session Pursuant to S.C. Code Section 30-4-70 (2)  
to discuss Contractual Matters Regarding I-95**  
Chairwoman Christopher

**10:45 a.m. to 11:00 a.m.**

**Break**

**11:00 a.m. to 1:00 p.m.**

**Ethics Training**  
Chief Counsel Wessinger

**1:00 p.m.**

**Workshop Adjournment**  
Chairwoman Christopher



# Commission Workshop

SCDOT Headquarters, Room 306  
August 26, 2024



# 2024 Commission Workshop

August 26, 2024

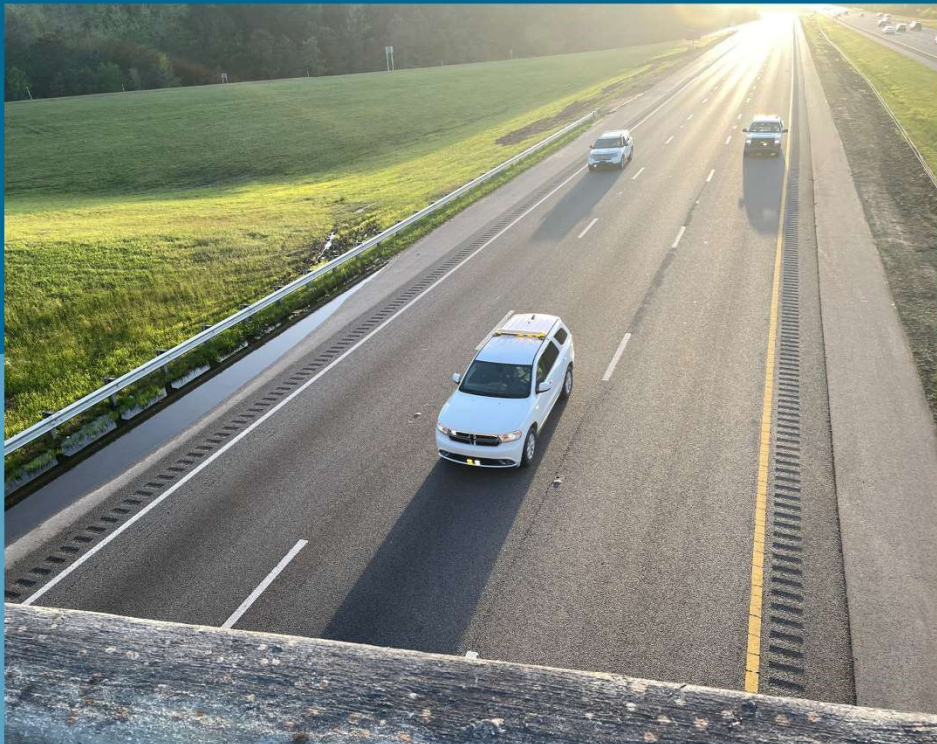
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## Topic

1. Call to Order
2. Roll Call
3. Approval of Meeting Agenda

## Presenter

Chairwoman Christopher  
Chairwoman Christopher  
Chairwoman Christopher



# 10-Year Plan Revision

*Karl McCottry  
Deputy Secretary for Finance  
and Administration  
August 26, 2024*



## Bottom Line Upfront

- Complete the ramp up to the Regional Mobility Program (MPO/COG) as previously approved by the Commission.
- General Fund Allocations
  - \$100M for Primary Bridge System
  - \$100M for Secondary Bridge System
  - \$117M for Rural Road Safety
    - \$21M Redirect
  - \$1M for Recurring Off-State Litter

# 10-Year Plan Accomplishments

## RURAL ROAD SAFETY

The completed projects have seen a 20% reduction in Fatal and Serious Injury crashes

1053 miles



## PAVING

Paving projects are being accomplished in every county of the State

>8800 miles



## BRIDGES

Bridges must continue to be a major focus and an area for additional investment

352 bridges



## INTERSTATES

Work is underway on nearly every interstate in the State

109 miles



## Proposed Updates to the 10-Year Plan

### + Regional Mobility Program (formerly MPO/COG)

2021	2022	2023	2024	2025	2026	2027
\$138M	\$164M	\$188M	\$213M	\$238M	\$238M	\$238M

### + \$100M for Primary Bridge System

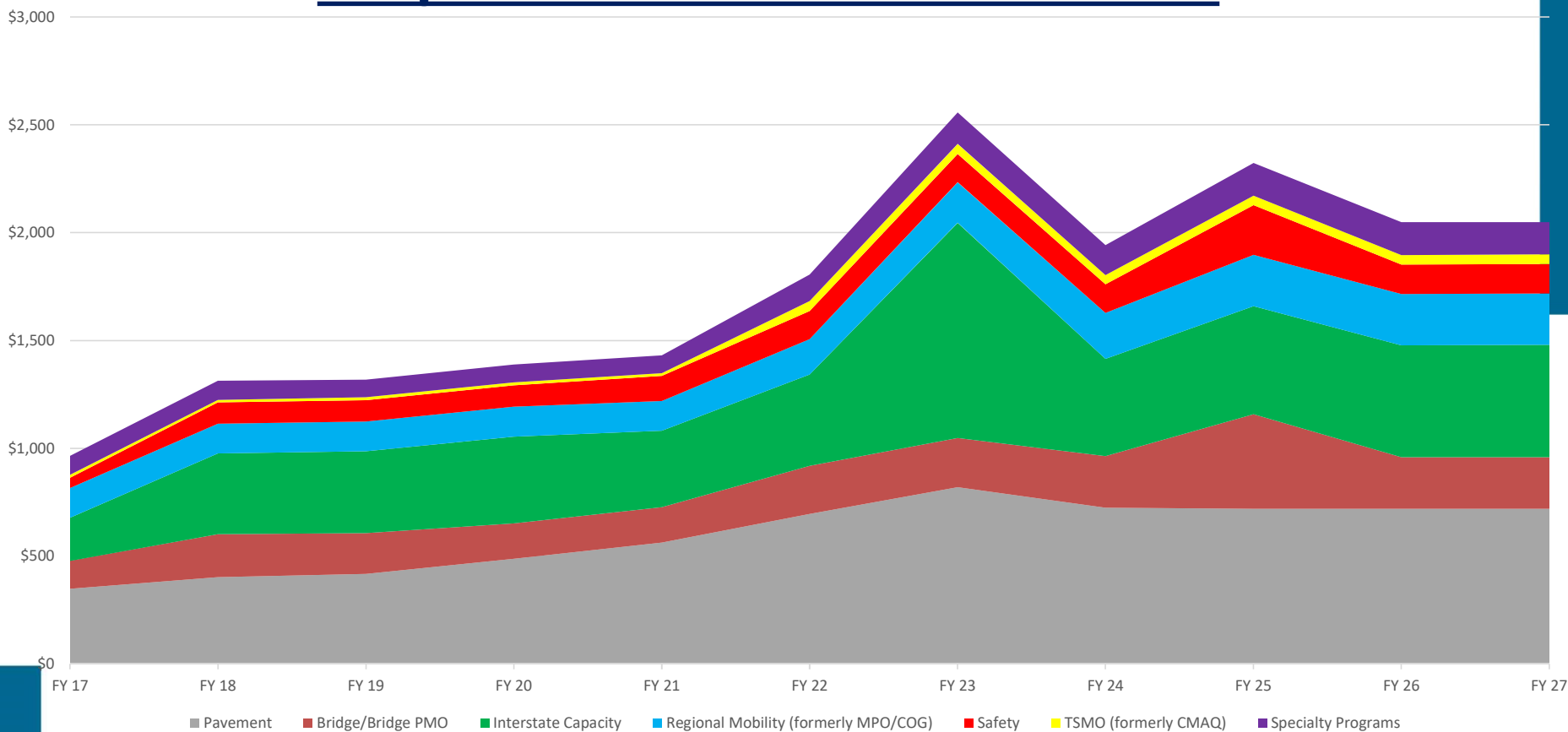
### + \$100M for Secondary Bridge System

### + \$117M for Rural Road Safety

\$21M Redirect

### + \$1M for Recurring Off-State Litter

# Proposed 10-Year Plan Revision





# Proposed 10-Year Plan Revision

2024/2025 Proposed Plan	FY 17	FY 18	FY 19	FY 20	FY 21	FY 22	FY 23	FY 24	FY 25	FY 26	FY 27
Pavement	\$348	\$402	\$417	\$487	\$562	\$695	\$819	\$725	\$719	\$719	\$719
Bridge/Bridge PMO	\$130	\$199	\$189	\$164	\$164	\$223	\$228	\$239	\$439	\$239	\$239
Interstate Capacity	\$200	\$375	\$380	\$403	\$355	\$424	\$998	\$451	\$501	\$519	\$522
Regional Mobility (formerly MPO/COG)	\$138	\$138	\$138	\$138	\$138	\$164	\$188	\$213	\$238	\$238	\$238
Safety	\$47	\$98	\$99	\$100	\$116	\$130	\$132	\$133	\$231	\$137	\$137
TSMO (formerly CMAQ)	\$14	\$12	\$13	\$13	\$13	\$46	\$46	\$42	\$43	\$44	\$44
Specialty Programs	\$88	\$89	\$82	\$83	\$82	\$123	\$145	\$139	\$151	\$152	\$149

Increases to the following programs:

- Complete ramp up of Regional Mobility Program (formerly MPO/COG)
- \$100M for Primary Bridge System
- \$100M for Secondary Bridge System
- \$117M for Rural Road Safety
  - \$21M Redirect
- \$1M for Recurring Off-State Litter

## Proposed Motion for Consideration in September

*The Secretary is directed to adjust the 10-Year Plan and Statewide Transportation Improvement Plan to add the anticipated state and federal funds to increase existing program levels.*

*The Secretary is to conform the plan to actuals. Additionally, the Secretary is to review and recommend any revisions or additions to the performance targets established for the 10-Year Plan and present those to the Commission for its consideration.*



# FY 25-26 BUDGET

Karl McCottry, Deputy Secretary for Finance and Administration

August 26, 2024

## Bottom Line Upfront

- Revenues

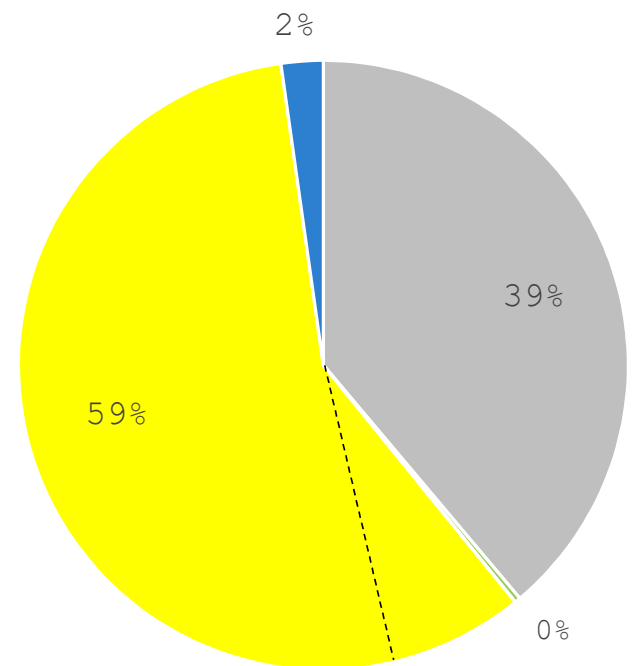
- State revenues are stagnant in the four major categories of motor fuel tax, car sales tax, DMV fees, and General Fund.
- Assumed projected Federal apportionments under IIJA.

- Expenditures

- Incorporates revisions of 10-Year Plan proposed by the Secretary of Transportation.

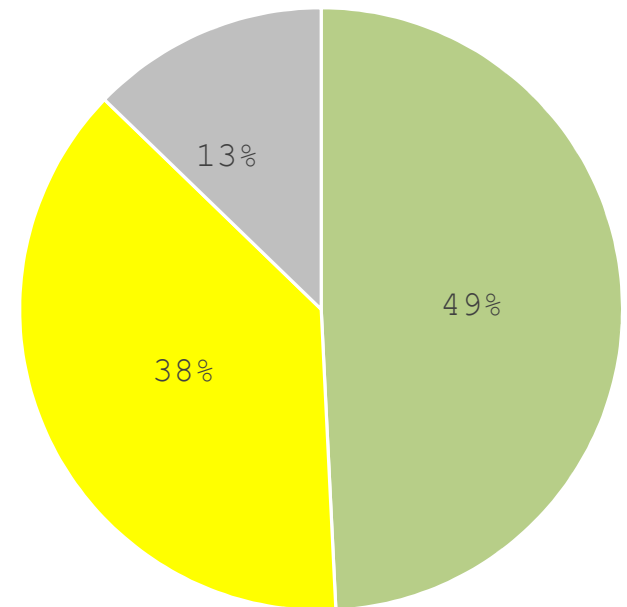
# FY 25-26 Estimated Revenues \$2.779B

Federal Reimbursements	\$1.080B
State Revenues	\$1.629B
<i>Including New Gas Tax Trust Fund (IMTF)</i>	<i>\$795M</i>
<i>State General Funds</i>	<i>\$139M</i>
Partnered Projects	\$62M
Cash Usage	\$8M
Total Estimated Revenues	\$2.779B



# FY 25-26 Estimated Expenditures \$2.779B

Maintenance & System Preservation	\$1.367B
Capacity & Operational Improvements	\$1.057B
Remaining Operations	\$355M
Total Budgeted Expenditures	\$2.779B



## General Fund Requests

- Continuation of the \$120M in recurring funds for federal aid match.
- \$200M Recurring for bridges: Five years to ensure long-term mobility and freight movement by tackling bridges in corridor-specific approach.
- \$5.1M for the payment to PRT for Welcome Centers in FY 2025
- \$5M in recurring funds for off-interstate litter pick-up. This follows a non-recurring appropriation in FY 24 to support off-interstate litter pick-up that is currently underway.

## FY 25-26 Proposed Proviso Changes

- Proposed Deletions
  - 84.12 Preventative Maintenance Credit – No longer needed with sunset of Income Tax Credits related to Act 40
  - 117.100 Welcome Centers – Eliminate the transfer of \$5,140,727 to the Dept. of Parks, Recreation and Tourism for their maintenance of Welcome Centers



# Proposed SFY 2025-26

## County Transportation Committee (CTC) Fund Budget

<b>CTC Revenue Forecast</b>	Prior Year Actual Revenues 2022-2023	Preliminary Prior Year Actual Revenues 2023-2024	General Assembly Approved 2024-2025	Proposed Executive Budget 2025-2026
Gasoline Tax*	110,278,614	112,406,317	115,562,513	116,140,325
Fees and Receipts-Counties	70,459,178	32,788,463	20,000,000	20,000,000
Investment Earnings	5,239,004	9,470,821	3,500,000	3,500,000
Misc. Revenues	11,223	-	-	-
Transfer - State Gen. Fund	250,000,000	20,000,000	200,000,000	-
Misc Transfer-Other Fund	20,093,398	20,500,000	20,500,000	20,500,000
<b>Total CTC Fund Revenue</b>	<b>456,081,417</b>	<b>195,165,601</b>	<b>359,562,513</b>	<b>160,140,325</b>
<b>CTC Expenditure Forecast</b>	Prior Year Actual Revenues 2022-2023	Preliminary Prior Year Actual Revenues 2023-2024	General Assembly Approved 2024-2025	Proposed Executive Budget 2025-2026
Permanent Improvements	38,721,764	76,845,502	30,000,000	30,000,000
Other Operating	1,049,660	969,808	1,000,000	1,000,000
Allocations to Municipalities	657,287	756,181	1,000,000	1,000,000
Allocations to Counties	253,996,235	144,539,350	127,562,513	128,140,325
Transfer - State Gen. Fund	250,000,000	20,000,000	200,000,000	-
<b>Total CTC Budget</b>	<b>544,424,946</b>	<b>243,110,841</b>	<b>359,562,513</b>	<b>160,140,325</b>
*2.66 Cent Allotment of Gas User Fee for 'C' Funds (SEC 12-28-2740 (A))				
**FY 2023 is at the max per Act 40 at .03999 cents per gallon. FY 2024 Complete.				
Preliminary End of Year Cash Balance 06/30/24 is \$348,222,594				





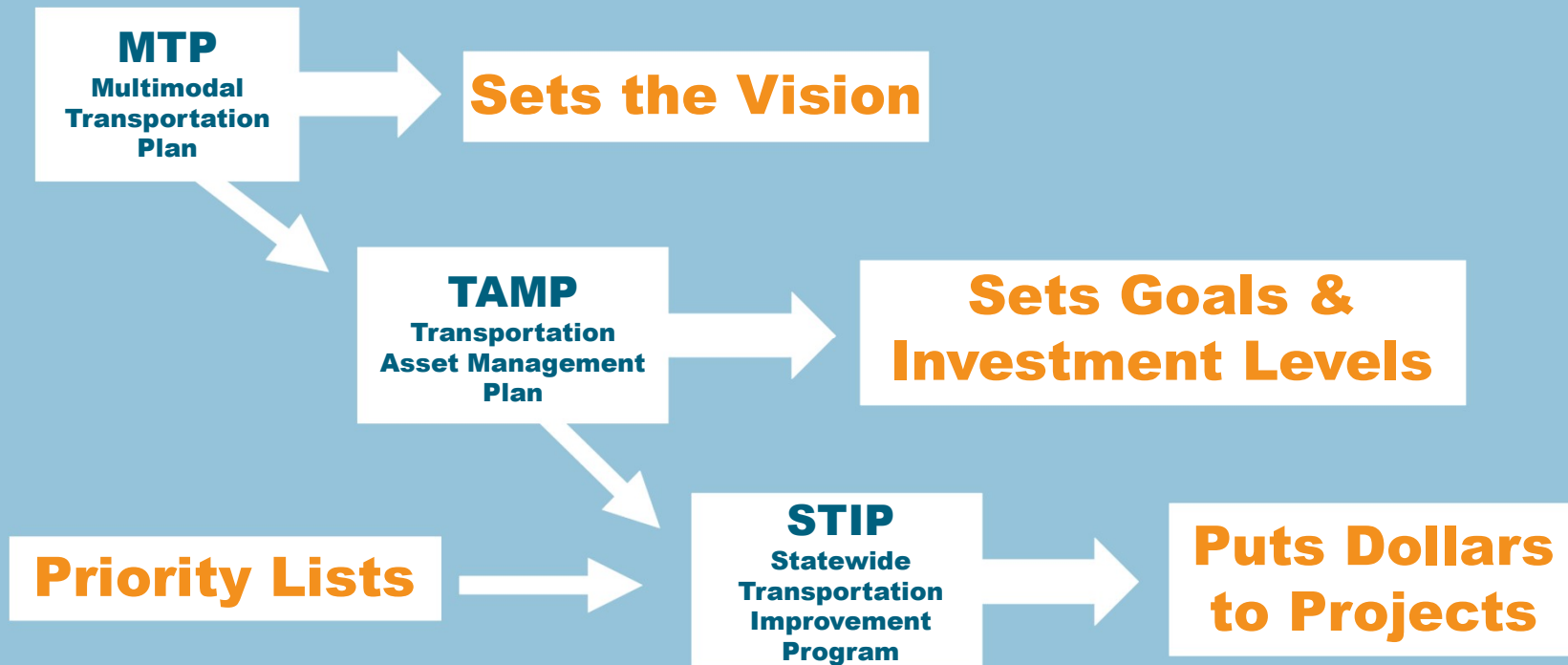
**MOMENTUM 2050**  
Moving South Carolina Forward

August 2024



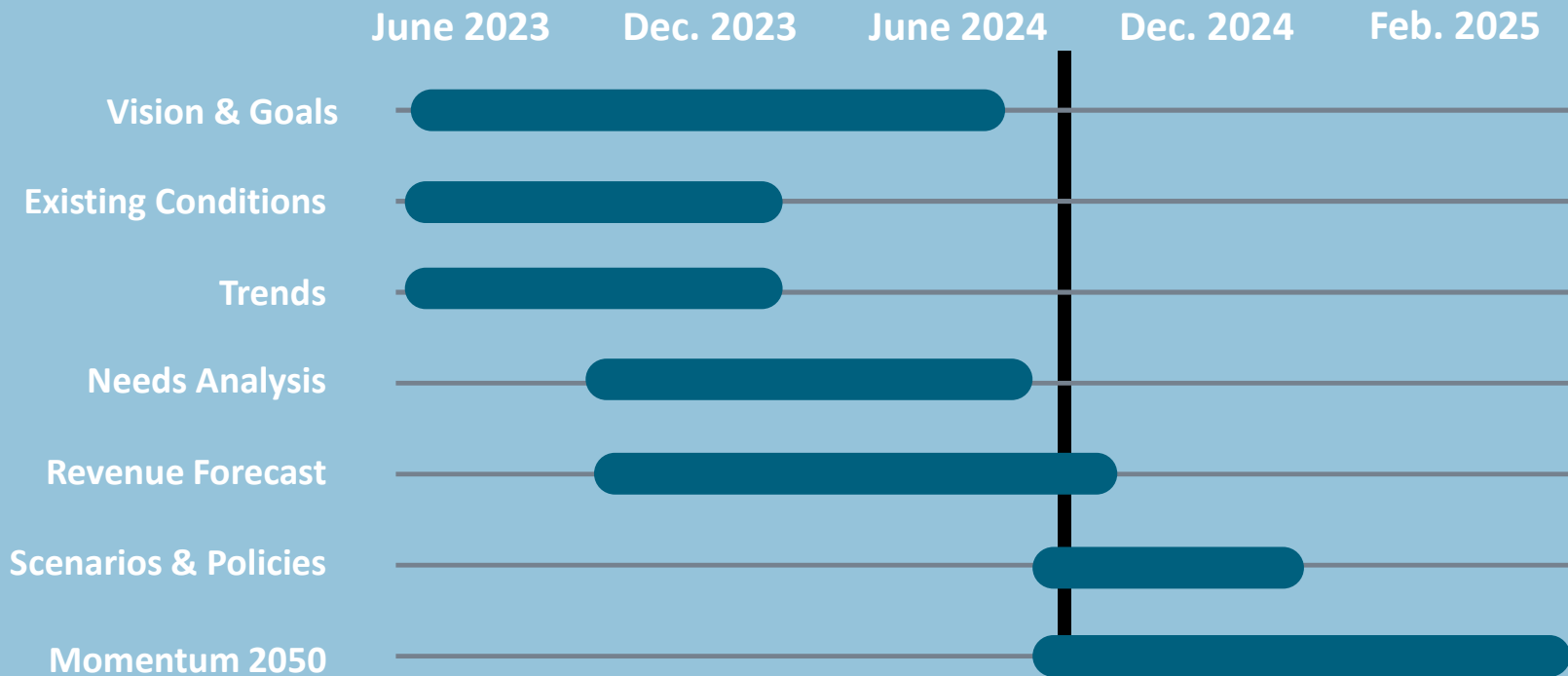


# Planning Hierarchy





# Momentum 2050 Schedule



**WE ARE HERE**





# Emerging Trends



**GROWING  
PORT**



**CHANGING  
DEMOGRAPHICS**

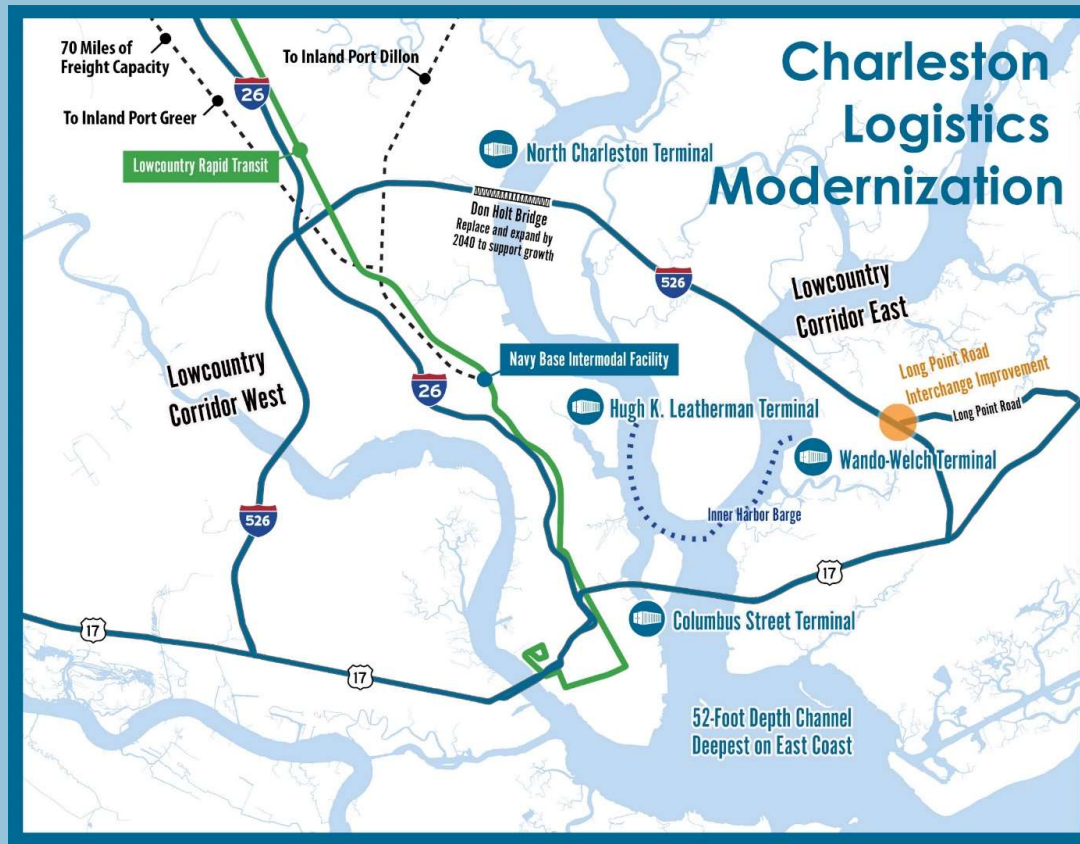


**CHANGING  
TECHNOLOGY**





# Port Expansion Plans





# Anticipated Cargo Volumes

## SC PORTS CAPACITY IS WELL PLANNED FOR THE FUTURE

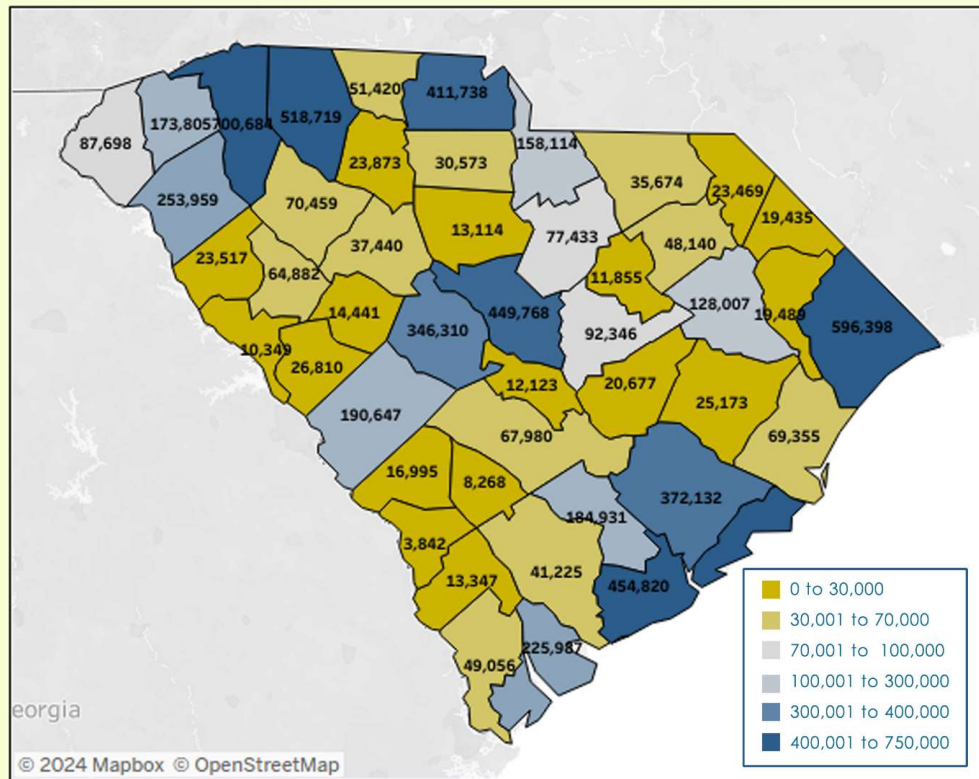
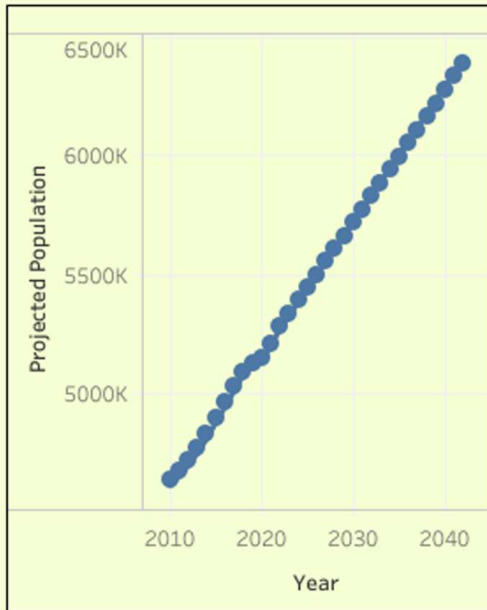
	2024 <i>TEUs in millions</i>	2033 <i>TEUs in millions</i>	2040 <i>TEUs in millions</i>	2050 <i>TEUs in millions</i>
<b>WANDO WELCH TERMINAL</b>	2.4	2.4	2.4	2.4
<b>HUGH K. LEATHERMAN TERMINAL</b>	0.7	<u>2.4</u>	2.4	2.4
<b>NORTH CHARLESTON TERMINAL</b>	0.5	0.5	<u>2.4</u>	<u>5.2</u>
<b>TOTAL</b>	<b>3.6</b> MILLION TEUS	<b>5.3</b> MILLION TEUS	<b>7.2</b> MILLION TEUS	<b>10</b> MILLION TEUS





# RFA Population Projections

2040  
**6,276,477**







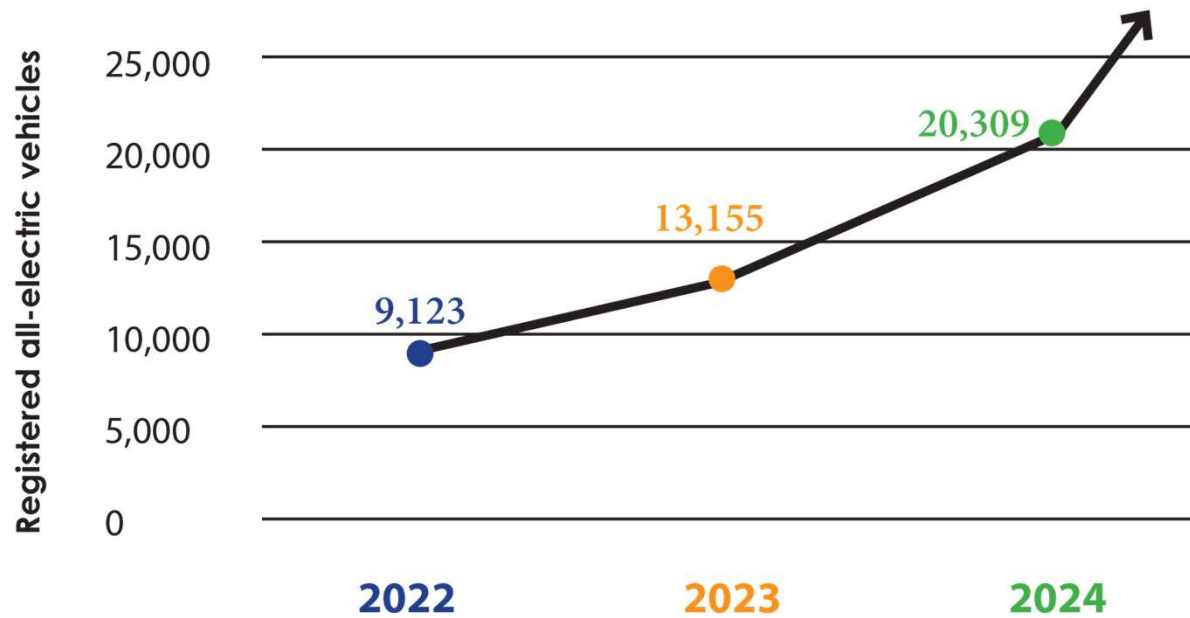
# Electrification: Safety and Maintenance

- On average, electric passenger vehicles weigh 10-15% more than a comparable gas vehicle
- Heavy vehicles introduce risk to pavement life
- The low center of gravity and weight of EVs introduce challenges for the nation's guardrail systems
- Batteries for electric freight vehicles can weigh well over 10,000 pounds, placing pressure on states to revisit weight limits





# Electrification: Revenue Impacts



# MOMENTUM 2050

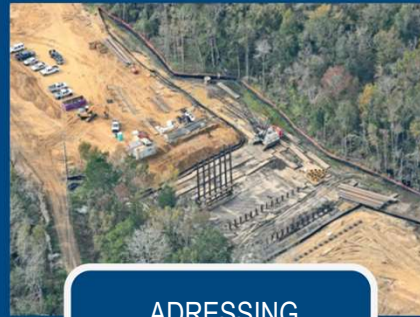
Moving South Carolina Forward



CONTINUING  
SYSTEM  
RECOVERY



FREIGHT  
INVESTMENT



ADDRESSING  
URBAN  
& RURAL MOBILITY



SUPPORTING  
MULTIMODAL  
PARTNERS



# Continuing System Recovery

- Continue pavement recovery.
- Enhance bridge investment to address aging inventory.
- Focus on safety investment to bring down South Carolina high fatality rate and future impact for electric vehicles.
- Identify sustainable revenue stream as electric vehicles are adopted.



# Freight Investment

- Accelerate rural interstate investment to widen targeted rural segments.
- Invest in an urban interstate congestion program to improve reliability on major urban corridors.
- Establish a rural off-interstate NHS Improvement program to improve condition, safety, and reliability of rural connections.



# Addressing Rural and Urban Mobility

- Continue effort to improve Regional Mobility Program to address rural and urban projects for local congestion and access needs.
- Focus on efforts like signal retiming to improve operations of the existing network.
- Refocus transit on workforce development.



# Supporting Multimodal Partners

- Support Port Authority's efforts to establish expanded capacity at existing and planned terminals.
- Seek ways to optimize freight rail operations in partnership Class I and Class III railroads.



# Momentum 2050- Next Steps



**August**

- Finalize Revenue Forecast
- Conduct Stakeholder Outreach Group Meeting



**September – November**

- Scenario Planning
- Implementation Policies
- Review and Finalize Chapters



**December**

- Draft Momentum 2050



**January**

- Public Comment Period



**February**

- Finalize Momentum 2050



# 2024 Commission Workshop

August 26, 2024

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## Topic

6. Executive Session
7. BREAK
8. Ethics Training

## Presenter

Chairwoman Christopher

Chief Counsel Wessinger



# Freedom of Information Act

Presented by:  
Chief Counsel Wessinger

**SECRET**

# What is a Public Record?

- All books, papers, maps, photos, cards, tapes, recordings, or other documentary material regardless of physical form or characteristics. SC Code 3-4-20(c). It is a document prepared, owned, used, in the possession of, or retained by a public body.
- Commissioner emails pertaining to commission related issues are public records subject to FOIA and can be requested by interested parties.
- Do not delete your emails

# Conducting Business in the Sunlight

- Public business must be performed in open and public manner so that citizens shall be advised of the performance of public officials and of the decision that are reached in public activity and in the formulation of public policy. 30-4-15
- SCDOT Commission is a “public body.”
- “Meeting” means the convening of a quorum of the public body, whether corporal or by means of electronic equipment

# Open Session

- Open meetings: Every meeting of public bodies unless it is in executive session.
- Minutes of all proceedings of public bodies and all votes are declared public information with the exception of closed meetings.
- No chance meeting, social meeting, or electronic communication may be used in circumvention of the spirit of requirements of this chapter to act upon a matter over which the public body has supervision, control, jurisdiction, or advisory power. 30-4-70(c)

# Executive Session

- A public body may hold a closed meeting (executive session) as follows:
  1. When discussing employment, appointment, compensation, promotion, demotion, discipline, or release of an employee.
  2. Discussion of negotiations incident to proposed contractual arrangements; proposed sale/purchase of property; receipt of legal advice; settlements; claims.
  3. Discussion regarding development of security personnel or devices.
  4. Investigative proceedings of criminal misconduct.
  5. Discussion of expansion of industries.

# Executive Session Process

- Public Body shall vote in public meeting to go into executive session.
- The chairman (presiding officer) shall announce the specific purpose of the executive session – specific purpose means a description of the matter to be discussed as identified on the previous page in a manner that allows the public to understand what is being discussed. In other words, “Executive Session pursuant to S.C. Code 30-4-70 (a)(2) to receive legal advice regarding consideration of SIB projects” rather than simply saying “Executive Session to receive legal advice”.
- No action may be taken in executive session except to adjourn or return to public session.
- Members of the public body may not commit to a course of action by polling the members in executive session.
- Upon returning to open session, action may be taken on the items discussed during the executive session (as reflected on the agenda).

A blurred photograph of a multi-lane highway stretching into the distance under a bright sky. The image is intentionally out of focus to create a sense of motion and depth. The road lines and distant vehicles are visible but soft.

**QUESTIONS?**





# Mandatory Ethics Training

Presented by:  
Chief Counsel Wessinger

SCD

# Why are we here?

The 2007 SCDOT reform act, inserted language into State law that specifically requires ethics training for SCDOT.

SC CODE §57-1-500

# Learning Objectives

- ✓ To review each of the State laws that are applicable to you as SCDOT Commissioners.
- ✓ To make sure you all understand your obligations.
- ✓ Answer any questions you may have.

# Governing Authority

## State laws

§57-1-500 requires biennial ethics training for SCDOT Commissioners

§57-1-350(F) prohibition on Commissioner's engaging in the day-to-day operations of SCDOT

§57-1-350(G) prohibition on Commissioner's interests in SCDOT matters

§57-1-40 SCDOT *quid pro quo* (this for that) law

§2-17-5, et seq. (Lobbyists and Lobbying) – gift restrictions

§8-13-10, et seq. (State Ethics Act) – State *quid pro quo* law – applies to all public officers & employees

## South Carolina State Ethics Commission

Advisory Opinions

Informal Opinions

Guidance from Ethics Commission Staff

# S. C. Code §57-1-350 (F)

The commission or a member thereof may not enter into the day-to-day operations of the department, except in an oversight role with the Secretary of Transportation, and is specifically prohibited from taking part in:

- the awarding of contracts;
- the selection of a consultant or contractor or the prequalification of any individual consultant or contractor
- the selection of a route for a specific project
- the specific location of a transportation facility
- the acquisition of rights of way or other properties necessary for a specific project or program; and
- the granting, denial, suspension, or revocation of any permit issued by the department.

## S. C. Code §57-1-350 (G)

A member of the Commission may not have any interest, direct or indirect, in any contract, franchise, privilege, or other benefit granted or awarded by the Department during the member's term of appointment and for one year after the termination of the appointment.

# S. C. Code §57-1-40 (A)

## *Quid Pro Quo*

It is unlawful for a Commissioner, acting for or on behalf of the Department or Commission, to accept or agree to accept, receive or agree to receive, or ask or solicit, either directly or indirectly, with the intent to have his/her decision or action on any question, matter, cause, or proceeding which at the time may be pending or which by law may be brought before him/her in his/her official capacity or in his/her place of trust or profit influenced, any:

- (1) money;
- (2) contract, promise, undertaking, obligation, gratuity, or security for the payment of money or for the delivery or conveyance of anything of value;
- (3) political appointment or influence, present, or reward;
- (4) employment; or
- (5) other thing of value.

A person violating the provisions is guilty of a felony and, upon conviction, must be imprisoned not more than five years and is disqualified forever from holding any office of trust or profit under the Constitution or laws of the State.

## S. C. Code §57-1-40 (B) An Offer of a *Quid Pro Quo*

It is unlawful for a person to give or offer to give, promise, or cause or procure to be promised, offered, or given, either directly or indirectly, to a member of the Commission acting for or on behalf of the Commission or Department with the intent to have his/her decision or action on any question, matter, cause, or proceeding which at the time may be pending or which by law may be brought before him/her in his/her official capacity or in his/her place of trust or profit influenced, any:

- (1) money;
- (2) contract, promise, undertaking, obligation, gratuity, or security for the payment of money or for the delivery or conveyance of anything of value;
- (3) political appointment or influence, present, or reward;
- (4) employment; or
- (5) other thing of value.

A person violating the provisions of subsection (B) is guilty of a felony and, upon conviction, must be imprisoned not more than five years and is disqualified forever from holding any office of trust or profit under the Constitution or laws of this State.



# S. C. Code §2-17-80 No Cup of Coffee Rule

A lobbyist is person employed by another to influence legislative process & other official actions by direct communication w/ public officials & employees.

A lobbyist or a person acting on behalf of a lobbyist shall not offer, solicit, facilitate, or provide to a Commissioner any of the following:

- (1) lodging;
- (2) transportation;
- (3) entertainment;
- (4) food, meals, beverages, money, or any other thing of value;
- (5) gift, subscription, loan, guarantee upon which collection is made, forgiveness of a loan, an advance, in-kind contribution or expenditure, a deposit of money, or anything of value.

A member of the Commission is prohibited from soliciting or receiving anything noted above  
**48** from a lobbyist or a person acting on behalf of a lobbyist.



**Do not accept anything from a lobbyist!**

# S. C. Code §2-17-5 et seq. Lobbyist Principal

A lobbyist principal is the person on whose behalf and for whose benefit the lobbyist engages in lobbying and who directly employs, appoints, or retains a lobbyist to engage in lobbying.

No lobbyist's principal may offer, solicit, facilitate, or provide to a Commissioner, and no Commissioner may accept lodging, transportation, entertainment, food, meals, beverages, or an invitation to a function paid for by a lobbyist's principal, if it is intended to influence.

If it is clear that it is not intended to influence, Commissioners may accept lodging, transportation, entertainment, food, meals, beverages, or an invitation to a function paid for by a lobbyist's principal, if the entire Commission is invited. The value of these Commission Group invitations is currently capped at \$70 per day and \$560 per year for each individual Commissioner and must be reported on your statement of economic interests (regardless of the dollar amount).

# Events co-hosted by several Lobbyist Principals

Several lobbyist principals may cohost an event, as long as the hosts are identified, event expenses are shared, the entire Commission is invited and spending caps are adhered to.

# How do you know if someone is a lobbyist or a lobbyist principal?

The State Ethics Commission lists registered Lobbyists and Lobbyist Principals on its website: <http://ethics.sc.gov>

## What about accepting gifts from folks that are not lobbyists or lobbyist principals?

It is not unlawful to do so, as long as it is not intended to influence. However, please be mindful of the potential appearances of improprieties or conflicts of interests.

You must report on your statement of economic interests any gifts received from any person if the gift was believed to be given because you are a Commissioner, or if the gift is given in hopes of seeking a contractual, business or financial relationship with SCDOT, or if the person/entity providing the gift is regulated by SCDOT.

The reporting thresholds for items received from “other folks” are  $\geq$  \$25 per day and worth  $\geq$  \$200 per year in the aggregate.

The key in all of this is whether or not the item is given **with the intent to have influence** on a Commissioner's decision or action on any question, matter, cause, or proceeding which at the time may be pending or which by law may be brought before the Commission or SCDOT.

# Summary

- ✓ **Accept nothing from a Lobbyist.**
- ✓ **“Group invitations” by Lobbyist Principal(s) are allowed as long as it is not intended to influence.**
  - All Commissioners must be invited
  - Allows lodging, transportation, entertainment, food, meals & beverages
  - Limited to \$70 per day & \$560 per year
  - Must be reported on Statement of Economic Interests
- ✓ **You may accept things of value from other folks, as long as it is not intended to influence, and is reported on Statement of Economic Interests.**
- ✓ **Please be mindful of the potential appearances of improprieties or conflicts of interests.**





**The State Ethics Rules of Conduct  
also apply to the Commission**

# S. C. Code §8-13-700 Conflicts of Interest

- No Commissioner may knowingly use his/her official office to obtain an economic interest for himself/herself, a family member, an individual with whom he/she is associated, or a business with which he/she is associated.
- No Commissioner may make, participate in making, or in any way attempt to use his/her office to influence a governmental decision in which he/she, a family member, an individual with whom he/she is associated, or a business with which he/she is associated has an economic interest

# What is an Economic Interest?

- An interest that is distinct from that of the general public.
- In a purchase, sale, lease, contract, option or other transaction.
- Valued @ \$50 or more.

SC CODE §8-13-100(11)(a)

# How is “Family member” defined?

A spouse, parent, brother, sister, child, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandparent, or grandchild.

An immediate family member is defined as:

- a child residing in the public official’s household
- a spouse of the public official
- an individual claimed by the public official or spouse as a dependent for income tax purposes

SC CODE §8-13-100(15)(a) and (b)

# What is meant by “Business with which associated”?

- A business which he/she or immediate family is director, officer, owner, employee, compensated agent.
- holder of stock worth \$100,000 or more at fair market value & which constitutes 5% or more of the total outstanding stock of any class.

SC CODE §8-13-100(4)

# What does the law require if you have a Conflict of Interest matter coming before the Commission?

Prepare, and furnish to the Chairman, a written statement describing the potential conflict of interest.

- Chairman shall cause the statement to be published in minutes.
- Chairman shall require the Commissioner be excused from any votes, deliberations and actions on the matter.
- Chairman shall cause the disqualification and reasons therefor to be noted in the minutes.

SC CODE §8-13-700(B)(4)

## Gifts?

- No person can, directly or indirectly, give, offer or promise you anything of value to influence the discharge of your official responsibilities.

SC CODE §§8-13-705(A) & 57-1-40

- You cannot ask, demand, exact, solicit, seek, accept receive or agree to receive anything of value in exchange for being influenced in the performance of your duties

SC CODE §§8-13-705(B) & 57-1-40

## How is “anything of value” defined?

- Money, drafts, warrants, checks
- Contracts, agreements
- Forgiveness of a debt, loan
- Payment, gift, deposit, transfer of money
- Stocks, notes, bonds
- Personal property, title to real property, including a partial, future, contingent or vested interest
- Transportation
- Works of art, antiques, collectibles
- Honorarium, compensation for services, a promise or offer of employment, or any other item of worth to another person



## What am I prohibited from accepting?

- Anything of value intended to influence me.
- Anything of value from a lobbyist.
- Anything of value over \$70 a day/\$560 a year from a lobbyist principal.
- An honorarium or compensation for services.
- A fee for speaking, except that you can accept a meal offered to all other participants, as well as reasonable travel expenses.

## **“Anything of value” does not mean:**

- Printed info/promotional material ≤ \$10.
- Items of nominal value ≤ \$10 containing or displaying promotional material.
- A personalized plaque or trophy ≤ \$150.
- Educational material of nominal value related to public official’s responsibilities.
- An honorary university or college degree bestowed upon a public official.
- Promotional/marketing items offered to general public.

# As a Public Official, what can lawfully be offered to me and what can I accept?

- Things of value not intended to influence.
- Things of value of up to \$70 a day/\$560 a year from a lobbyist principal under the Group Invitation Rule if all Commissioners are invited.
- Printed/promotional items of \$10.
- Personalized plaque/trophy up to \$150.
- Educational materials, honorary degree & items offered to general public.

# Reporting of Gifts on Statement of Economic Interests

- You must report anything of value received from a Lobbyist Principal
- You must report anything of value worth \$25 or more in a day and worth \$200 more in a year if there is reason to believe the donor would not have given it but for you being a member of the Commission
- You are not required to report a gift for love and affection from a parent, grandparent, relative or other immediate family member

# Transparency on your Statement of Economic Interests

- When in doubt report
- Statement of Economic Interest is due March 30th every year

# Speaking Fees

- Not allowed for speaking in official capacity.
- A meal that is offered to other participants can be accepted.
- Reasonable travel and lodging expenses allowed.
- Must report the organization which paid for/or reimbursed expenses, the amount, purpose, date and location of speaking engagement on Statement of Economic Interests.

<sup>69</sup>SC CODE §8-13-715 & SC CODE §2-17-100



## Additional Compensation

No money may be received by a public official in addition to that received for advice or assistance given in the course of his/her service.

SC CODE §8-13-720

## Confidential Information

May not use or disclose confidential information gained in course of official responsibility in a way that would affect economic interest of self, immediate family, individual with whom associated or business with which associated.

Conviction punishable by not more than \$5,000 or 5 years imprisonment, or both, plus reimbursement of costs of prosecution.

<sup>7</sup>SC CODE §8-13-725





# Nepotism

- A public official cannot cause the employment, appointment, promotion, transfer or advancement of family member.
- A public official may not participate in an action relating to discipline of family member.

SC CODE §8-13-750

# Penalties

SC CODE §57-1-40 (penalties for violating Title 57)

- mandatory prison time of not more than 5 years
- disqualified forever from holding a position of trust under the laws of this State

SC CODE §8-13-1520 (penalties for violating State Ethics Act Rules of Conduct)

- mandatory prison time of not more than 1 year, or
- mandatory fine of not more than \$5,000

SC CODE §8-13-725 (penalties for violating confidentiality)

- mandatory prison time of not more than 5 years, or
- fine of not more than \$5,000 or both; and
- reimbursement of the costs of prosecution; and
- discharge from public capacity

SC CODE §16-9-220 (Anti-bribery law)

- Mandatory prison time at hard labor of not more than 10 years, or
- A fine not exceeding \$5,000 and mandatory imprisonment not exceeding 2 years

## Final Thoughts from the Ethics Commission:

Whereas, one of the most important functions of any law aimed at making public servants more accountable is that of complete and effective disclosure.

Since many public officials serve on a part-time basis, it is inevitable that conflicts of interest and appearances of impropriety will occur.

Often these conflicts are unintentional and slight, but at every turn those who represent the people of this State must be certain that it is the interests of the people, and not their own, that are being served.

Officials should be prepared to remove themselves immediately from a decision, vote, or process that even appears to be a conflict of interest.



# Scenarios

You are aware of the Group Invitation Rule for the receipt of meals, lodging, transportation & entertainment from a Lobbyist Principal. If a Lobbyist Principal offers you a \$70 bottle of cognac, are you allowed to accept it?

*No. The allowance of beverages means they must be consumed at the event.*

If a Lobbyist Principal complies with the “Group Invitation Rule” and invites all of the Commissioners to a luncheon or dinner, am I allowed to attend if all the other Commissioners decline?

*Yes, if you believe there is no intent to influence you as a Commissioner. You must stay below the monetary caps (\$70 per day & \$560 per year) and disclose it on your statement of economic interests.*

## How about consultant-sponsored meals and excursions at SASHTO?

*If the consultant is a lobbyist principal, the answer is yes, assuming there is no intent to influence you, all Commissioners are invited, you stay below the monetary caps and disclose it on your statement of economic interests.*

*If the consultant is not a lobbyist principal and assuming there is no intent to influence you, you may accept it and subsequently disclose it on your statement of economic interests. However, please be mindful of the potential appearances of improprieties or conflicts of interests.*

My engineering business has to apply for permits and other approvals that SCDOT grants. Can I still seek those permits while I am on the Commission?

*No. A member of the commission may not have any interest, direct or indirect, in any contract, franchise, privilege, or other benefit granted or awarded by the department during the member's term of appointment and for one year after the termination of the appointment.*



The county has a piece of property that is landlocked because SCDOT has control of access across its frontage. The county has asked for my help. Is it OK for me to help negotiate the deal with SCDOT staff?

*You should not engage in that real estate transaction, but refer it to the Secretary for handling as it would fall into the day-to-day operations of the agency.*

A consultant firm has approached me about not getting any SCDOT work. How can I help them?

*You should refer it to the Secretary for handling as it would fall into the day-to-day operations of the agency. State law specifically prohibits the Commission from taking part in the selection of a consultant or contractor or the prequalification of any individual consultant or contractor.*

Six months after your term on the Commission has ended, is it okay for you to participate in a team that is competing for work on a SCDOT highway project?

*No, state law imposes a 1 year cooling off period for Commissioners.*

I have been lifelong friends with a guy who happens to do work as a consultant/contractor for SCDOT. Is it okay for him to buy me dinner or pay for a round of golf now that I am a Commissioner?

*This situation is not a simple one as it relates more to the perception that is created when accepting gifts, even when it is not given to influence. The Ethics Commission would most likely advise the recipient to decline the gift.*

I have a family member that would be a perfect fit at SCDOT and could serve as the agency's public relations person in my region.

*This would be considered nepotism and would be prohibited.*



**Any remaining questions?**

**The next Commission Meeting will be held in Anderson, SC.**

**September 19, 2024**

**Anderson University  
Anderson, SC**