



HENRY McMASTER
ATTORNEY GENERAL

August 13, 2009

Mr. Herbert R. Hayden, Jr.
Executive Director
State Ethics Commission
5000 Thurmond Mall, Suite 250
Columbia, South Carolina 29201

Dear Mr. Hayden:

Recent reports have suggested there may be violations of the State Ethics Act by South Carolina Governor Mark Sanford.

This is to request the South Carolina Ethics Commission to investigate these allegations involving the use of state planes and any other potential violations of the State Ethics Act. Proviso 89.27 (copy included) provides that "(a)ny and all aircraft owned or operated by agencies of the State Government shall be used only for official business." It also provides that the logs and signatures thereto "shall be maintained as part of the permanent record of any agency."

Section 89.27 further provides in pertinent part that "(v)iolation of the above provisions... is prima facie evidence of a violation of (the State Ethics Act)...and shall subject a state official to the applicable ethics procedure relating to them as provided by law."

Please send me a copy of the Ethics Commission's findings after you have completed your investigation.

If you have any questions or concerns, please contact me.

Yours very truly,

Henry McMaster

HMCM/gf
Enclosure

no member of the General Assembly, no member of a state board, commission, or committee, and no state official shall use any aircraft of the Division of Aeronautics unless the member or official files within forty-eight hours after the time of departure of the flight with the Division of Aeronautics a sworn statement certifying and describing the official nature of his trip; and no member of the General Assembly, no member of a state board, commission or committee, and no state official shall be furnished air transportation by a state agency other than the Division of Aeronautics unless such agency prepares and maintains in its files a sworn statement from the highest ranking official of the agency certifying that the member's or state official's trip was in conjunction with the official business of the agency. Official business shall not include routine transportation to and from meetings of the General Assembly or committee meetings for which mileage is authorized.

All logs shall be signed by the parties using the flight and the signatures shall be maintained as part of the permanent record of any agency. All passengers shall be listed on the flight log by their legal name; passengers flying with an appropriate official of SLED or the Division of State Development whose confidentiality must, in the opinion of SLED or the division, be protected shall be listed in writing on the flight log as "Confidential Passenger SLED or the Division of State Development (strike one)" and the appropriate official of SLED or the division shall certify to the agency operating the aircraft the necessity for such confidentiality.

Violation of the above provisions of this section is prima facie evidence of a violation of Section 8-13-410(1) of the 1976 Code and shall subject a violating member of the General Assembly to the ethics procedure of his appropriate house and shall subject a violating member of a state board, commission or committee, or a state official to the applicable ethics procedure relating to them as provided by law. The above provisions do not apply to aircraft of the Division of Aeronautics when used by the Medical University of South Carolina, nor to aircraft of the athletic department or the educational foundations of any state-supported institution of higher education.

Aircraft owned by agencies of state government shall not be leased to individuals for their personal use.

89.28. (GP: Carry Forward) Each agency is authorized to carry forward unspent general fund appropriations from the prior fiscal year into the current fiscal year, up to a maximum of ten percent of its

such reimbursements are considered by the agency head to be essential to successful recruitment of professionally competent staff members.

M. The State Budget and Control Board is authorized to promulgate and publish rules and regulations governing travel and subsistence payments.

N. No state funds may be used to purchase first class airline tickets.

89.25. (GP: Organizations Receiving State Appropriations Report) Each organization receiving a contribution in this act shall render to the state agency making the contribution by November 1 of the fiscal year in which funds are received, an accounting of how the state funds will be spent, a copy of the adopted budget for the current year, and also a copy of the organization's most recent operating financial statement. The funds appropriated in this act for contributions shall not be expended until the required financial statements are filed with the appropriate state agency. No funds in this act shall be disbursed to organizations or purposes which practice discrimination against persons by virtue of race, creed, color or national origin. The State Auditor shall review and audit, if necessary, the financial structure and activities of each organization receiving contributions in this act and make a report to the General Assembly of such review and/or audit, when requested to do so by the Budget and Control Board.

89.26. (GP: Information Technology - Report of Requested Increases) The Budget and Control Board is authorized and directed to identify all requested increases for information technology for agencies, Institutions or departments, with the exception of colleges, universities and technical institutions, compile the requests into one report, evaluate the requests and forward the evaluation to the Governor, the Chairman of Senate Finance Committee, and the Chairman of the House Ways & Means Committee.

89.27. (GP: State Owned Aircraft - Maintenance Logs) Each agency having in its custody one or more aircraft shall maintain a continuing log on all flights, which in order to promote accountability and transparency shall be open for public inspection and shall also be posted online. Any and all aircraft owned or operated by agencies of the State Government shall be used only for official business. The Division of Aeronautics and other agencies owning and operating aircraft may furnish transportation to the Governor, Constitutional Officers, members of the General Assembly, members of state boards, commissions, and agencies and their invitees for official business only;