



Meeting Agenda

**| Health Care Policy Committee | Finance, Administration, Audit and Compliance Committee
| Retirement Policy Committee | Board of Directors**

Wednesday, March 1, 2023 | 202 Arbor Lake Drive., Columbia, SC 29223 | 1st Floor Conference Room

Health Care Policy Committee | 10:30 a.m.

- I. Call to Order
- II. Approval of Meeting Minutes – December 7, 2022
- III. State Health Plan Benchmark Review
- IV. Telehealth: Growth, Opportunities, and Challenges
- V. Old Business/Director's Report
- VI. Adjournment

Finance, Administration, Audit and Compliance Committee | 11:30 a.m.

- I. Call to Order
- II. Approval of Meeting Minutes- December 7, 2022
- III. Internal Audit Reports
 - i. Internal Audit Report 2022-3 Retirement Electronic Employer Services (EES)
 - ii. SC PEBA Internal Audit Plan for 2023
- IV. Old Business/Director's Report
- V. Adjournment

LUNCH

Retirement Policy Committee | 1:00 p.m.

- I. Call to Order
- II. Approval of Meeting Minutes – December 7, 2022
- III. Defined Contribution Plans Quarterly Investment Performance Report
 - i. Deferred Compensation Program
 - ii. State ORP
- IV. Deferred Compensation Program Quarterly Plan Summary
- V. State ORP Service Provider Review (Voya Financial)
- VI. Old Business/Director's Report
- VII. Adjournment

Notice of public meeting

This notice is given to meet the requirements of the S.C. Freedom of Information Act and the Americans with Disabilities Act. Furthermore, this facility is accessible to individuals with disabilities, and special accommodations will be provided if requested in advance.

Board of Directors | 2:30 p.m.

- I. Call to Order
- II. Approval of Meeting Minutes- December 7, 2022
- III. Ethics Training
- IV. Committee Reports
 - i. Health Care Policy Committee
 - ii. Finance, Administration, Audit and Compliance Committee
 - iii. Retirement Policy Committee
- V. Old Business
 - i. Director's Report
 - ii. RoundTable Discussion
- VI. Adjournment

**PUBLIC EMPLOYEE BENEFIT AUTHORITY AGENDA ITEM
BOARD MEETING**

Meeting Date: March 1, 2023


1. Subject: Ethics Training

2. Summary: Barbara Seymour from Clawson & Staubes, LLC., will provide an ethics educational presentation as part of the Board's continuing education requirements.

3. What is the Board asked to do? Receive as information

4. Supporting Documents:

(a) Attached: Ethical Public Service: Beyond the State Ethics Act



Ethical Public Service: Beyond the State Ethics Act

Barbara M. Seymour
Clawson and Staubes,
LLC

barbara@cslaw.com
(803) 904-1458

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Defining Ethics

Defining Ethics

A system of principles of conduct based on both **articulated standards** and **moral values** that combine to guide responsible decision making.

SC Ethics, Government Accountability and Campaign Reform Act

“The trust of the public is essential for government to function effectively. Public policy developed by elected officials affects every citizen of the State, and it must be based on honest and fair deliberations and decisions. This process must be free from all threats, favoritism, undue influence, and all forms of impropriety so that the confidence of the public is not eroded.”

The Law of Public Service

SC Ethics, Government Accountability, and Campaign Reform Act

- SC Code §8-13-100, et seq.

The Law of Public Service

- SC Code §8-13-100(27) "Public official" - an elected or appointed official of the State, a county, a municipality, or a political subdivision thereof, including candidates for the office.
- SC Code §8-13-100(25) "Public employee" - a person employed by the State, a county, a municipality, or a political subdivision.

The Law of Public Service

[←](#) [→](#) <http://ethics.sc.gov/RulesofConduct/Pages/index.aspx> [index - SC Ethics Commission](#) [Code of Laws - Title 8 - Chapte...](#)

[Suggested Sites](#)



SOUTH CAROLINA State Ethics Commission

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Complaints

Debtors

Lobbying

Related Links

Rules of Conduct

- Rules of Conduct Law

Statement of Economic

[Home](#) > Rules of Conduct

Rules of Conduct General Information

All public employees, public officeholders, and public members are expected to adhere to and follow the Rules of Conduct as outlined in the Ethics Reform Act. Anyone who is found guilty of violating these rules is subject to prosecution by the State Ethics Commission and the Attorney General's Office.

A public official, public member, or public employee may not knowingly use his official office, membership, or employment to influence a government decision to obtain an economic interest for himself, a family member, an individual with whom he is associated, or a business with which

State Ethics Commission Resources

The screenshot shows the website <http://ethics.sc.gov/RulesofConduct/Pages/index.aspx>. The address bar is circled in red. A green arrow points from the address bar to a large green box containing the following text:

All public employees, public officeholders, and public members are expected to adhere to and follow the Rules of Conduct as outlined in the Ethics Reform Act. Anyone who is found guilty of violating these rules is subject to prosecution by the State Ethics Commission and the Attorney General's Office.

Below this box, a green arrow points from the 'Rules of Conduct' link in the left sidebar to the following text:

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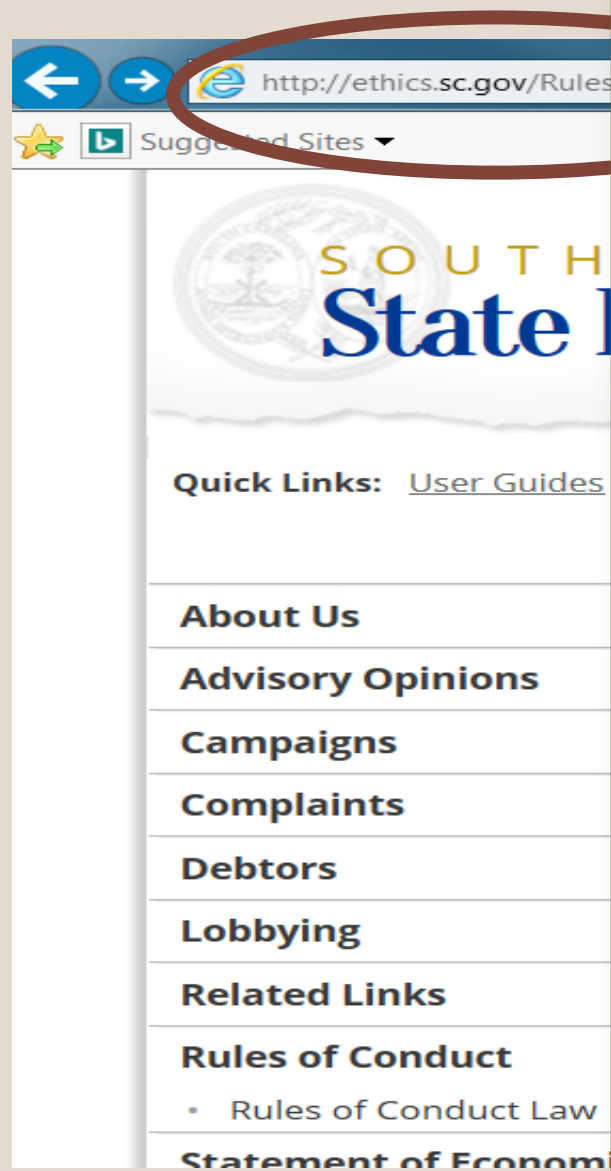
The left sidebar contains the following links:

- Debtors
- Lobbying
- Related Links
- Rules of Conduct
 - Rules of Conduct Law
- Statement of Economic

The main content area below the green box contains the following text:

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ources



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Advisory Opinions

General Information

DEFINITIONS

Informal Opinion - A non-binding opinion issued in special circumstances.

Formal Opinion- A binding opinion on the facts or circumstances.

WHO CAN REQUEST A FORMA

An informal or formal advisory
reasonably be expected to app
or hypothetical set of facts or c

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Commission and the Attorney

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Ethical Challenges for Public Servants



Ethical Challenges

Confidentiality

Conflicts of Interest

Notarizing & Witnessing

Civility & Professionalism

**Unauthorized Practice of
Law**



Ethical Challenges

Confidentiality

Conflicts of Interest

Notarizing & Witnessing

Civility & Professionalism

Unauthorized Practice of Law

Confidentiality

- State Ethics Code:

A public official may not use or disclose confidential information gained in the course of employment in a way that would affect an economic interest of the official, a member of the official's immediate family, an individual or a business with which the official is associated.

Confidentiality

- State Ethics Code:

A public official may not examine a record in connection with health or medical treatment, social services records, or other records of an individual that are in the possession of a public agency if the purpose of the examination is improper or unlawful.

Confidentiality

- State Ethics Code:

A person convicted of violating this subsection must be fined not more than \$5,000.00 or imprisoned not more than five years, or both, and shall reimburse the costs of prosecution.



Ethical Challenges

Confidentiality

Conflicts of Interest

Notarizing & Witnessing

Civility & Professionalism

Unauthorized Practice of Law



Ethical Challenges

Confidentiality

Conflicts of Interest

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Civility & Professionalism

Unauthorized Practice of Law

Conflicts of Interest

- State Ethics Code Prohibits:
 - Using position to influence decisions to obtain economic interest (for you, your family or business).
 - Accepting anything of value to influence decisions.
 - Accepting anything of value for public speaking.
 - Accepting agency money other than paycheck for advice or assistance.

Conflicts of Interest

- State Ethics Code Prohibits:
 - Advancing the employment of family member as a subordinate.
 - Participating in discipline of family member employee.



Ethical Challenges

Confidentiality

Conflicts of Interest

Notarizing & Witnessing

Civility & Professionalism

Unauthorized Practice of Law



Ethical Challenges

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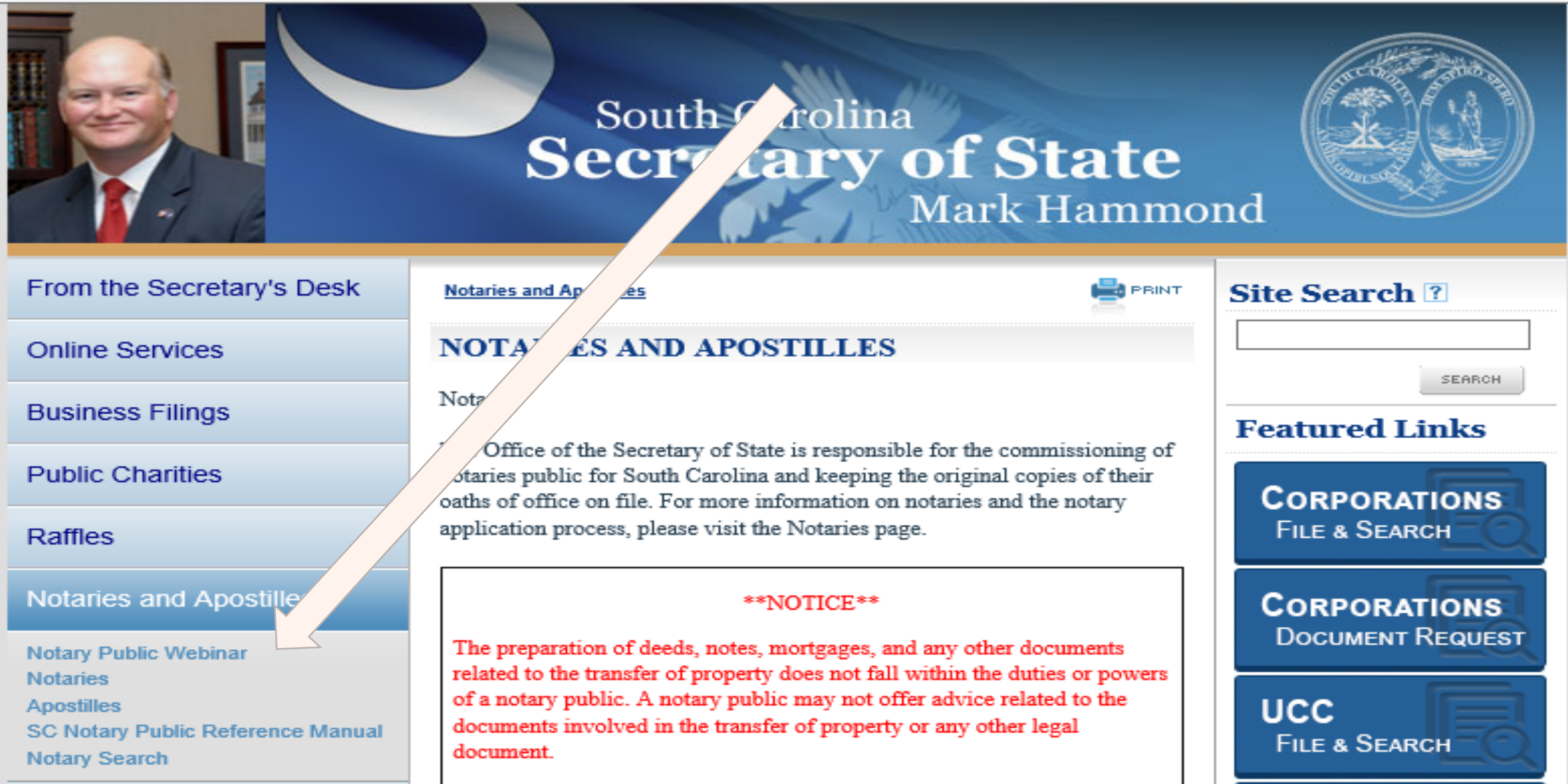
Civility & Professionalism

Unauthorized Practice of Law

Notarization vs. Witnessing



Accessing the Law Online



The screenshot shows the official website of the South Carolina Secretary of State, Mark Hammond. The header features a portrait of the Secretary, the state flag, and the official seal. A large orange arrow points from the top center towards the 'Notaries and Apostille' link in the left sidebar.

South Carolina Secretary of State Mark Hammond

From the Secretary's Desk

- Online Services
- Business Filings
- Public Charities
- Raffles
- Notaries and Apostille**

Notaries and Apostilles

NOTARIES AND APOSTILLES

Notary Public

The Office of the Secretary of State is responsible for the commissioning of notaries public for South Carolina and keeping the original copies of their oaths of office on file. For more information on notaries and the notary application process, please visit the Notaries page.

****NOTICE****

The preparation of deeds, notes, mortgages, and any other documents related to the transfer of property does not fall within the duties or powers of a notary public. A notary public may not offer advice related to the documents involved in the transfer of property or any other legal document.

Site Search ?

SEARCH

Featured Links

- CORPORATIONS**
FILE & SEARCH
- CORPORATIONS**
DOCUMENT REQUEST
- UCC**
FILE & SEARCH



Ethical Challenges

Confidentiality

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Civility

- Respect, courtesy, and dignity.
- Fairness, integrity, and equality.



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**Unauthorized Practice of
Law**

UPL Regulation & Public Policy

- “The state prohibits the unauthorized practice of law not for the economic protection of the legal profession, but rather to **protect the public** from the **consequences of erroneous advice** from those untrained in the law.”

State vs. Buyers Service Company, Inc., 292 SC 426 (1987)

- “The goal of the prohibition against the unauthorized practice of law is to **protect the public** from **incompetent, unethical, or irresponsible representation.**”

Renaissance Enterprises, Inc. v. Summit Teleservices, Inc., 334 SC 649 (S.C. 1999)

UPL Regulation by Statute

S.C. Code Ann. § 40-5-310

- No person may practice law or solicit the legal cause of another person or entity unless:
 - **enrolled** as a member of the SC Bar or
 - otherwise **authorized** to perform certain legal activities by the Supreme Court.

UPL Regulation by Statute

S.C. Code Ann. § 40-5-310

- Violation this section is a felony:
 - Fine: not more than \$5,000, or
 - Prison: not more than five years, or both.
- This penalty applies per offense.

UPL Regulation by the Court

- S.C. Code Ann. § 40-5-310 does not define the practice of law or set out a list of activities that constitute UPL.
- Before the state can bring criminal charges, the activity must have been defined as the unauthorized practice of law by the Supreme Court.

UPL Regulation by the Court

- It is neither practicable nor wise to attempt a comprehensive definition by way of a set of rules.
- The better course is to decide what is and what is not the unauthorized practice of law in the context of an actual case or controversy.

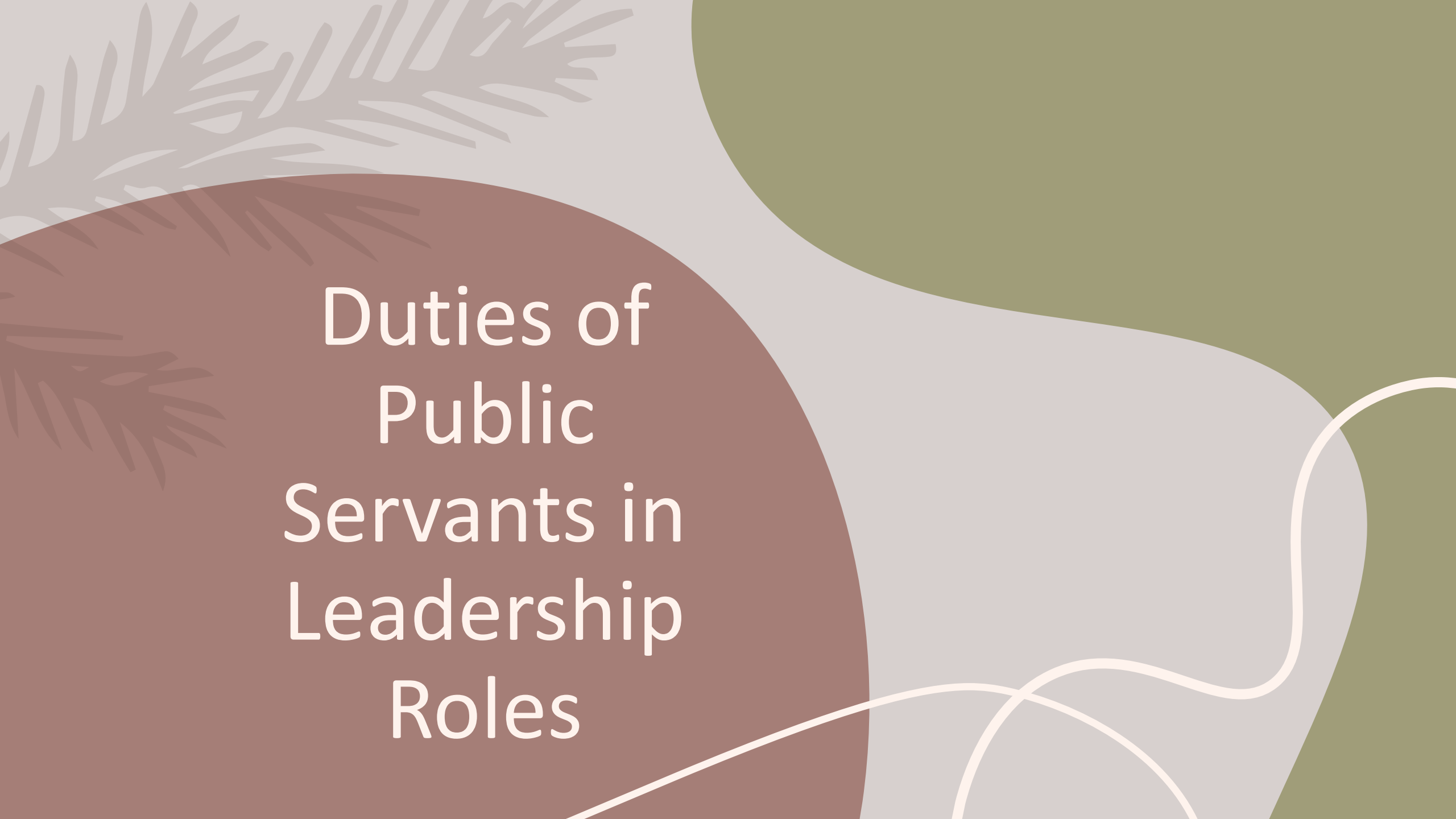
In re UPL Rules(1992)

UPL Regulation by the Court

- The Supreme Court decides on a case-by-case basis whether certain activity is considered UPL.
- Therefore, we look to Supreme Court case law to find what activities are prohibited for nonlawyers.

It is the unauthorized practice of law
for a nonlawyer to:

- Prepare / file legal documents without review by a lawyer.
 - Give legal advice or answer legal questions.
 - Appear in court on behalf of someone else.
 - Perform a real estate or mortgage closing.
 - Prepare title documents, wills, powers of attorney, etc.
-

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Duties of Public Servants in Leadership Roles

The Duty of Care:

- Showing Up
- Being prepared: Doing Homework and Research
- Exercising Independent Judgment
- Ensuring Competence and Diligence
- Reviewing Organizational Finances and Policies
- Ensuring Legal and Ethical Compliance

The Duty of Loyalty:

- Disclosing Conflicts of Interest
- Adhering to Conflict of Interest Policy
- Avoiding Personal Gain
- Not Disclosing Confidential Information
- Acting in the Best Interests of the Agency

The Duty of Compliance:

- Complying with all regulatory and reporting requirements.
- Examining all agency processes critically and intentionally.
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Public Service Values

Defining Ethics

A system of principles of conduct based on both **articulated standards** and **moral values** that combine to guide responsible decision making.

Complying with the Law is Not the Same Thing as Conducting Yourself Ethically...

One can be dishonest, unprincipled, untrustworthy, unfair, and uncaring without breaking the law.

Ethical persons measure their conduct by basic ethical principles rather than by laws and rules; they do not walk the line of propriety; they do more than they have to and less than they are allowed to.

Source: Edwin C. Thomas, M.Ed., MPA, Ed Thomas/Leadership, LLC, citing Michael Josephson

What is Right is Determined by Your Responsibility...

- **To the public**
 - **To the individual citizen**
 - **To the agency**
 - **To your profession**
 - **To your subordinates**
 - **To yourself**
- **But not to political interests...**

Josephson's Five Principles of Public Service Ethics



A Public Servant's Personal Code of Ethics

- ✓ **Selflessness.**
- ✓ **Integrity.**
- ✓ **Objectivity.**
- ✓ **Honesty.**
- ✓ **Accountability.**
- ✓ **Leadership.**

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Creating an Ethical Organizational Culture

Ed Thomas's Strategies for Creating an Ethical Organizational Culture


1. Lead by Example.
2. Articulate Organizational Values.
3. Prominently Display Statements of Values & Standards.
4. Adopt Appropriate Checks and Balances.
5. Hire Based on Character.
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When a comprehensive ethics program is in place, employees:

- ✓ are willing to seek ethics advice.
- ✓ receive positive feedback for ethical conduct.
- ✓ feel prepared to handle situations that invite misconduct.
- ✓ feel they can seek clarification of management decisions without fear.
- ✓ are rewarded for following ethical standards.
- ✓ are not rewarded for achieving success through questionable means.
- ✓ feel positive about the organization's efforts to encourage ethical conduct.
- ✓ feel that their organization is an ethical workplace.

Ethical People...

**...do more than they
have to and less than
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Ethical Public Service: Beyond the State Ethics Act

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State Ethics Commission Resources: www.ethics.sc.gov

Code of Conduct
Advisory Opinions

SOME ETHICAL CHALLENGES FOR PUBLIC SERVANTS:

Confidentiality
Conflicts of Interest
Notarizing & Witnessing
Civility & Professionalism
Unauthorized Practice of Law

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Conflicts of Interest
Advancing the employment of family member as a subordinate.
Participating in discipline of family member employee.

NOTARIZING & WITNESSING

Resources for Notaries: www.sos.sc.gov

- ✓ Notary Statute
- ✓ Downloadable Notary Manual
- ✓ Webinars & Other Educational Programs
- ✓ Notary Forms

CIVILITY & PROFESSIONALISM

Respect, courtesy, and dignity.
Fairness, integrity, and equality.
...regardless of circumstances.

UNAUTHORIZED PRACTICE OF LAW

UPL Regulation & Public Policy

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- To the individual citizen
- To the agency
- To your profession
- To your subordinates
- To yourself

But not to political interests...

Prof. Josephson's Five Principles of Public Service Ethics:

1. A public office is a public trust.
2. Accountability.
3. Independent objective judgment.
4. Respectability and fitness for office.
5. Democratic leadership.

A Public Servant's Personal Code of Ethics:

- ✓ Selflessness.

- ✓ Integrity.
- ✓ Objectivity.
- ✓ Honesty.
- ✓ Accountability.
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Creating an Ethical Organizational Culture

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REMEMBER: Ethical persons do more than they have to and less than they are allowed to.