

3600 Library

# The State of South Carolina



## Office of the Attorney General

**T. TRAVIS MEDLOCK**  
ATTORNEY GENERAL

REMBERT C. DENNIS BUILDING  
POST OFFICE BOX 11549  
COLUMBIA, S.C. 29211  
TELEPHONE 803-734-3970

April 20, 1989

The Honorable Joyce C. Hearn  
Member, House of Representatives  
503-B Blatt Building  
Columbia, South Carolina 29211

Dear Representative Hearn:

In a letter to this Office you questioned the legality of a real estate broker serving on county council doing business in his official capacity as a real estate broker for the county. You also asked whether in a situation where such a transaction occurred, would the transfer of the commission to the county be acceptable.

Section 4-9-180 of the Code states

(a)ny county officer or employee who has a substantial financial interest in any business which contracts with the county for sale or lease of land, materials, supplies, equipment or services or who personally engages in such matters shall make known that interest and refrain from voting upon or otherwise participating in his capacity as a county officer or employee in matters related thereto.

An examination of the facts relevant to the situation you addressed would have to be undertaken to conclusively determine a violation of such provision. This Office has repeatedly stated that a factual inquiry is beyond the scope of an opinion of this Office. See: Opinion dated December 10, 1987.

Additionally, the State Ethics Act, Sections 8-13-10 et seq. of the Code may be relevant to the referenced situation. However, inasmuch as your inquiry concerns a member of county council, the

The Honorable Joyce C. Hearn  
Page 2  
April 20, 1989

State Ethics Commission is the appropriate body to render an opinion in this matter. Pursuant to Section 8-13-130(g) of the Code, the State Ethics Commission is authorized

(t)o issue, upon request, and publish advisory opinions on the requirements of this chapter, based on a real or hypothetical set of circumstances....

Such provision further states that any opinion issued by the Commission is binding on the Commission as to any subsequent action taken.

I regret that we cannot be of further assistance at this time. With best wishes, I am

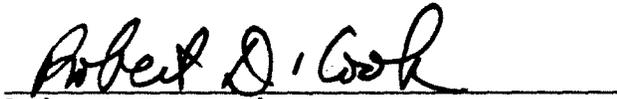
Very truly yours,



Charles H. Richardson  
Assistant Attorney General

CHR/an

REVIEWED AND APPROVED BY:



Robert D. Cook  
Executive Assistant for Opinions