

1984 WL 249817 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 31, 1984

*1 The Honorable Patrick B. Harris
Chairman
House Legislative Ethics Committee
P. O. Box 11867
Columbia, SC 29211

Dear Representative Harris:

In a letter to this Office you indicated that a State representative has been approached by a firm specializing in advertising and public relations which would like to retain him as a consultant. In your letter you outlined the type of services that the State representative would perform under such an arrangement. You specifically emphasized that the representative would not be asked to provide services for clients whose interests might be under consideration in the legislature.

Based upon a review of the State Ethics Act, [Sections 8-13-10, et seq., Code of Laws of South Carolina](#), 1976, as amended, it appears that there is no absolute prohibition to the proposed arrangement between the State representative and the advertising and public relations firm. However, certain provisions of the Ethics Act must be followed to avoid conflicts therewith.

In particular, the State representative must avoid the use of his official position or office to obtain financial gain for himself. Such is a requirement of Section 8-13-410, [supra](#). Furthermore, the representative should not solicit or receive any money in addition to that received by him in his official capacity for advice or assistance which would be included in the normal course of the representative's public duties. This means that any action taken by the representative must be unrelated to the activities performed by the representative in his official capacity as a State representative. Such is the requirement of Section 8-13-430, [supra](#). Furthermore, pursuant to the provisions of Section 8-13-440, [supra](#), the representative cannot use or disclose any confidential information gained by him in the course of his official activities in a way that would result in financial gain for himself or for the advertising and public relations firm.

If the representative is faced with a situation, in the discharge of his official duties, which would require him to take action or make a decision which would substantially affect directly his personal financial interest or those of a business with which he is associated, the representative must comply with the provisions of Section 8-13-460, [supra](#). In summary, such provisions require the preparation of a written statement describing the matter requiring action, and the nature of the potential conflict of interest with respect to such action. Such statement is to be delivered to the presiding officer of the House, and if the legislator requests, he shall be excused from votes, deliberations, and other actions on the matter on which a potential conflict of interest exists.

As long as the representative complies with the restrictions set forth in the State Ethics Act, it appears that he may enter into the proposed arrangement with the referenced firm. If there are any further questions, please do not hesitate to contact me.

Sincerely,

*2 Charles H. Richardson
Assistant Attorney General

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