

1981 S.C. Op. Atty. Gen. 14 (S.C.A.G.), 1981 S.C. Op. Atty. Gen. No. 81-5, 1981 WL 96532

Office of the Attorney General

State of South Carolina

Opinion No. 81-5

January 23, 1981

\*1 Honorable John C. Land, III  
Member  
South Carolina Senate  
Drawer G  
Manning, South Carolina 29102

Dear Senator:

Your letter of January 21, 1981, inquires regarding the eligibility of Mr. Robert J. Aycock, III, to be elected to the governing board of the South Carolina Department of Social Services. Your letter recites that Mr. Aycock is the owner of Briggs Nursing Home and presently serves as a member of the South Carolina Health Care Association.

The South Carolina Health Care Association is a private organization and membership upon its governing board would have no effect upon the eligibility of an individual to serve as a member of the governing board of the South Carolina Department of Social Services.

The principal issue is whether, as the owner of Briggs Nursing Home, he is eligible to serve as a member of the Board of the South Carolina Department of Social Services.

I am enclosing herewith a copy of an opinion written on June 9, 1977, with regard to a different type of facility (day care facility) owned by an individual who was seeking membership on the Board of the Department of Social Services. This Office concluded that he was barred from such membership because a day care facility was subject to regulation by the Department of Social Services. Nursing homes, however, are not subject to regulation by the Department of Social Services and the eligibility of the owner of a nursing home to serve on the Board of the Department of Social Services is not precluded by existing law.

The basis of this conclusion is the statutes cited below, and specifically Section 8-13-450 constituting a part of the State Ethics Law prohibiting membership upon a regulatory body that regulates any business with which an individual may be associated.

The Briggs Nursing Home is not subject to regulation by the Department of Social Services, and its owner is, therefore, in the opinion of this Office, eligible for membership upon the governing board of the Department of Social Services.

With best wishes,  
Very truly yours,

Daniel R. McLeod  
Attorney General

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