

1979 WL 42893 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 30, 1979

*1 Francis K. Sullivan
Executive Secretary
Office of Charleston County Legislative Delegation
Post Office Box 487
Charleston, South Carolina 29402

Dear Mr. Sullivan:

You have asked this Office whether any law would be violated if one spouse became a member of the Board of Trustees for the Department of Social Services, while the other spouse remained employed by the Department. It is the conclusion of this Office that no law would be violated thereby.

[Section 8-5-10, 1976 Code of Laws of South Carolina](#), forbids the appointment of a close relative to an office or position by 'any person at the head of any department' of state government. This section would not apply to a trustee of the Department of Social Services, insofar as such a trustee is not a State government department head. See enclosed Attorney General's Opinion 2625, 1-24-69.

[Section 8-13-460, 1976 Code of Laws of South Carolina](#), prohibits a public official from participating in any action or decision which would affect the official's or the members of the official's household's financial interest. If such a situation should arise before the Board, the affected trustee should not participate in the decision concerning the financial matter.

Sincerely,

Barbara J. Hamilton
State Attorney

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