

7800 Lulianing



The State of South Carolina  
OFFICE OF THE ATTORNEY GENERAL

HENRY McMASTER  
ATTORNEY GENERAL

July 12, 2004

John Alston, Jr., Chairman  
St. Paul's Fire District  
P. O. Box 66  
Hollywood, South Carolina 29449-0065

Dear Mr. Alston:

In a letter to this office you indicated that an individual has been appointed to the St. Paul's Fire District Commission ("SPFD") who is also a volunteer firefighter with the SPFD and who has two brothers and a son who are paid employee-firefighters with the SPFD. You have asked whether the commission member may vote on matters before the Commission, specifically personnel policies and employee salaries, and participate in the appellate review of firefighters' grievances without violating any provision of the State Ethics Act, state statutes dealing with a conflict of interest or nepotism or the SPFD regulations in its employee reference manual or its operational manual.

In reviewing your question, as to any potential conflicts with the State Ethics Act, you should contact the State Ethics Commission for its review of your question. Pursuant to S.C. Code Ann. Section 8-13-320 (11) (Supp. 2003), the State Ethics Commission is directed to issue advisory opinions construing the State Ethics Act. Therefore, that body is appropriate body to issue opinions construing situations that may arise under the State Ethics Act. You may write the Commission at 5000 Thurmond Mall, Suite 250, Columbia, S.C. 29201.

As to any other conflict of interest or nepotism violations, there is no State statute prohibiting nepotism inasmuch as the provision formerly governing such, S.C. Code Ann. Section 8-5-10 has been repealed. Therefore, any situations related to such could be covered in the context of the State Ethics Act. As to conflicts with SPFD regulations in its employee reference manual or its operational manual, I suggest that you contact your attorney who has full access to these provisions and would be in a better position to advise you on any of these provisions and how they may impact on the situation you addressed. The sections you forwarded to this office only dealt with employment of relatives and do not comment on

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conflicts of interest of members of the Commission as to matters that may come before the Commission.

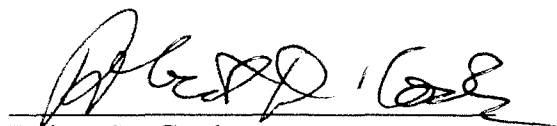
With kind regards, I am,

Very truly yours,



Charles H. Richardson  
Senior Assistant Attorney General

REVIEWED AND APPROVED BY:



Robert D. Cook  
Assistant Deputy Attorney General