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The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

HENRY McMASTER
ATTORNEY GENERAL

August 17, 2005

The Honorable Joe Mahaffey
Member, House of Representatives
413 Kaleb Mark Drive
Lyman, South Carolina 29365

Dear Representative Mahaffey:

In a letter to this office you requested an opinion regarding whether the service of your wife on the Spartanburg Regional Healthcare System Board of Directors (hereinafter "Board") would be in conflict with your position of serving in the State House of Representatives.

Based upon my review of the State Ethics Act, codified at S.C. Code Ann. §§ 8-13-100 et seq., it appears that there would be no absolute prohibitions to your serving in the House of Representatives in a situation where your wife serves on the referenced Board. However, certain provisions of the Ethics Act must be followed to avoid conflicts therewith. Moreover, the House of Representatives Legislative Ethics Committee is the designated appropriate supervisory office under the Ethics Act for State representatives. See Sections 8-13-510 et seq. As a result, that Committee is charged with supervisory enforcement of the Act and we would defer to its findings on the propriety of the activities of House members. However, to be of assistance, I would refer you to particular provisions of the Ethics Act which may be applicable to the question raised. I am also enclosing copies of these provisions for your complete review.

Generally, the Ethics Act generally prohibits the use of an official position or office to obtain an economic interest for yourself or a member of your immediate family. See Section 8-13-700(A). However, I do not see such prohibition as coming into play with the service of your wife on the referenced Board. If you, as a House member, would be faced with a situation, in the discharge of your official duties, which would require you to take action or make a decision which would affect the economic interest of yourself or your wife, you would have to comply with the provisions of Section 8-13-700. In summary, these 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 that action. The statement would be delivered to the presiding officer of the House, and you would then be excused from votes, deliberations, and other actions on the matter on which a potential conflict of interest exists.

Request Letter

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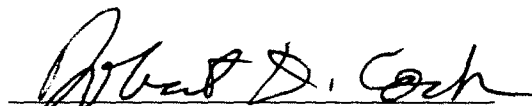
If there are any further questions, please advise.

Sincerely,



Charles H. Richardson
Senior Assistant Attorney General

REVIEWED AND APPROVED BY:



Robert D. Cook
Assistant Deputy Attorney General