



The State of South Carolina  
OFFICE OF THE ATTORNEY GENERAL

HENRY McMASTER  
ATTORNEY GENERAL

October 3, 2005

The Reverend Calvin Morris  
Constituent Board of Trustees  
District 9 Charleston County  
Post Office Box 87  
Wadmalaw Island, South Carolina 29487

Dear Reverend Morris:

In a letter to this office you indicated that at a meeting of the Constituent Board of Trustees of District 9 of Charleston County in August a vote was taken by four of the seven members present as to the hiring of the new vice principal for the Haut Gap Middle School. The vote was three to one in favor of the hiring. You also stated that relatives of the new hire constituted two of the votes in favor of the hiring, one member who cast a vote in favor is married to the new hire's sister while another board member voting in favor of the hire is the sister of the new hire's husband. You have questioned whether such votes by the relatives on the board of trustees is a conflict of interest or a violation of any nepotism provision.

Please be advised that there is no State statutory provision dealing with nepotism. A former statute, S.C. Code Ann. § 8-5-10 dealing with such has been repealed. Another statute, S.C. Code Ann. § 59-25-10 states that

No person who is a member of the board of trustees or a member of the immediate family of a member of the board of trustees of any school district shall be employed by the board as a teacher without the written approval of the board of trustees of the district and, when applicable, of the board of education of the county, or unless a majority of the parents or guardians of the children attending the school for which such teacher is employed requests such employment in writing. The provisions of this section shall not apply to any teacher who was employed prior to the time he or his family member became a board member. For purposes of this section, the immediate family of a member of the board of trustees shall include only his parents, children, brothers or sisters. Provided, that the provisions of this section shall not apply to school bus drivers. (emphasis added).

Inasmuch as the hire questioned by you did not involve the hiring of a teacher, such provision would not be applicable.

*Request Letter*

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As to questions of conflict of interest, the only other relevant State statutes which may be applicable are the State Ethics laws, S.C. Code Ann. §§ 8-13-700 et seq. As to any questions of whether the votes referenced in your letter constitute violations of the State Ethics laws, you must contact the State Ethics Commission as that agency is specifically granted the authority to interpret these laws.

You also forwarded a copy of a document titled "Employee Ethics/ Conflict of Interest". The first portion of that document deals with activities of employees which may constitute a conflict of interest and is not applicable to actions by members of a board of trustees. The next provision deals with nepotism stating

Neither a board member, county or constituent nor an employee may participate in an action relating to the discipline of his/her immediate family member. (emphasis added).

The superintendent shall not place an employee in a position wherein an employee shall exercise direct administrative or supervisory authority over a member of his/her immediate family.

Based upon my review, neither of these provisions are applicable to actions by a member of a board of trustees in the hiring of a vice principal. The other provision cited in such document is Section 59-25-10 referenced above which I indicated is irrelevant to your situation.

Based upon my review, none of the provisions cited deal with the situation involving the hiring of a vice principal by a board of trustees and, therefore, would not be applicable. Of course, you may wish to contact the State Ethics Commission for their review of the hiring.

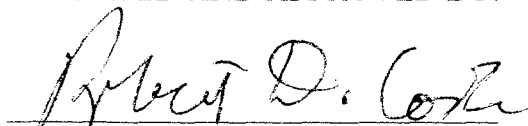
If there are any questions, please advise.

Sincerely,



Charles H. Richardson  
Senior Assistant Attorney General

REVIEWED AND APPROVED BY:



Robert D. Cook  
Assistant Deputy Attorney General