

February 12, 2007

The Honorable Mike Anthony  
Member, House of Representatives  
432-D Blatt Building  
Columbia, South Carolina 29211

Dear Representative Anthony:

In a letter to this office you questioned whether there is a conflict of interest for you to introduce legislation repealing local legislation that requires a unanimous vote to close a high school in Union County. You indicated that you are employed as a public information officer for the Union County School district. According to you, there is only one school district in Union County and therefore any closing of a high school would impact that district.

I am unaware of any laws that would absolutely prohibit you from introducing such legislation. I assume that passage of any such legislation would not have an economic impact on you personally. For instance, S.C. Code Ann. § 8-13-700 provides that

(A) No public official, public member, or public employee may knowingly use his official office, membership, or employment to obtain an economic interest for himself, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated<sup>1</sup>....

(B) No public official, public member, or public employee may make, participate in making, or in any way attempt to use his office, membership, or employment to influence a governmental decision in which he, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated has an economic interest...

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<sup>1</sup>The term “business with which he is associated” would not apply to a school or school district inasmuch as such term is defined by S.C. Code Ann. § 8-13-100(4) as “...a business of which the person or a member of his immediate family is a director, an officer, owner, employee, a compensated agent, or holder of stock worth one hundred thousand dollars or more at fair market value and which constitutes five percent or more of the total outstanding stock of any class.”

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The term "economic interest" is defined by S.C. Code Ann. § 8-13-100(11) as

(a)...an interest distinct from that of the general public in a purchase, sale, lease, contract, option, or other transaction or arrangement involving property or services in which a public official, public member, or public employee may gain an economic benefit of fifty dollars or more.

Such provision further states that

(b) This definition does not prohibit a public official, public member, or public employee from participating in, voting on, or influencing or attempting to influence an official decision if the only economic interest or reasonably foreseeable benefit that may accrue to the public official, public member, or public employee is incidental to the public official's, public member's, or public employee's position or which accrues to the public official, public member, or public employee as a member of a profession, occupation, or large class to no greater extent than the economic interest or potential benefit could reasonably be foreseen to accrue to all other members of the profession, occupation, or large class.

As long as there is no economic impact on you or any other individual or entity contrary to the above legislation, I am unaware of any prohibition to you introducing legislation repealing local legislation requiring a unanimous vote to close a high school in Union County.

With kind regards, I am,

Very truly yours,

Henry McMaster  
Attorney General

By: Charles H. Richardson  
Senior Assistant Attorney General

REVIEWED AND APPROVED BY:

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Robert D. Cook  
Assistant Deputy Attorney General