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The State of South Carolina



Office of the Attorney General

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March 6, 1990

Larry A. Self, Constable
Aiken County
14 Masonic Shopping Center
Graniteville, South Carolina 29829

Dear Mr. Self:

In a letter to this Office you questioned whether it would be a conflict of interest or unethical for a magistrate's constable to work part-time for a private security company in this State.

Private security companies are regulated pursuant to Sections 40-17-10 et seq. of the Code. Generally, pursuant to Section 40-17-40, individuals employed by a private security company which is licensed by the State Law Enforcement Division must be registered with SLED. Of course, a regularly employed law enforcement officer can also be employed pursuant to Section 40-7-150 on an individual contractual basis as a patrolman, guard or watchman where there is an employer-employee relationship in the security work. However, as noted in an opinion of this Office dated February 3, 1989 such authorization to work on an employer-employee basis does not authorize the officer to contract with or be employed by a private security company. The authorization to perform security work on an employer-employee is consistent with statutory provisions authorizing "moonlighting" by law enforcement officers. See: Sections 23-24-10 et seq. of the Code.

The referenced February 3, 1987 opinion also referred to an earlier opinion dated September 24, 1985, a copy of which is enclosed, which noted that in prior opinions it was determined that due to potential conflicts with the public interest which law enforcement protects, it would not appear to be in the public interest for a law enforcement officer to be the owner of a private security or private detective agency or for SLED to register a law enforcement officer as a private detective or private security guard.

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Consistent with such, there may also be a similar conflict of interest if a magistrate's constable was engaged in part-time employment with a private security company and, therefore, such employment does not appear to be in the public interest. You may wish to contact the State Ethics Commission directly for their opinion on this question. Also, because you are associated with a magistrate's court, you may wish to contact the State Judicial Standards Commission for their review of such employment with a private security company. The address of the State Ethics Commission is P.O. Box 11926, Columbia, South Carolina 29211. The address for the Judicial Standards Commission is P.O. Box 50487, Columbia, South Carolina 29250.

With best wishes, I am

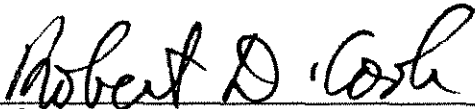
Very truly yours,



Charles H. Richardson
Assistant Attorney General

CHR/nnw
Enclosure

REVIEWED AND APPROVED BY:



Robert D. Cook
Executive Assistant for Opinions