

The State of South Carolina

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Office of the Attorney General

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June 13, 1989

Mark R. Elam
Senior Counsel to the Governor
Office of the Governor
Post Office Box 11369
Columbia, South Carolina 29211

Dear Mr. Elam:

By your letter of June 9, 1989, you have advised that a public official has been indicted by a federal grand jury on two counts of violating 18 U.S.C. § 1014, which deals with making false statements to a federally insured financial institution. You have asked whether a violation of 18 U.S.C. § 1014 would amount to a crime of moral turpitude per Article VI, Section 8 of the Constitution of the State of South Carolina.

Moral turpitude is traditionally defined as

an act of baseness, vileness, or depravity in the private and social duties which a man owes to his fellow man, or to society in general, contrary to the accepted and customary rule of right and duty between man and man. ... Moral turpitude implies something immoral in itself, regardless of whether it is punishable by law as a crime. ...

An act in which fraud is an ingredient involves moral turpitude.

State v. Horton, 271 S.C. 413, 414, 248 S.E.2d 263 (1978); Op. Atty. Gen. dated March 11, 1988.

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Making a false statement has been declared to be a crime involving moral turpitude. Hackman v. Commonwealth, 220 Va. 710, 261 S.E.2d 555 (1980). Making a false statement, knowing it to be false, to support a claim for unemployment benefits, was found to involve moral turpitude in Chesapeake and Ohio Railway Company v. Hanes, 196 Va. 806, 86 S.E.2d 122 (1955). Likewise, making a false affidavit to secure monetary benefits to which one was not entitled involved moral turpitude in American Motorists Insurance Company v. Evans, 577 S.W.2d 514 (Tex. Civ. App. 1979). Similarly, opinions rendered by this Office have deemed criminal offenses concerning the making of false statements to involve moral turpitude. Ops. Atty. Gen. dated March 11, 1988 (making a false statement or concealing material facts on an application for certificate of title or registration for a motor vehicle); April 30, 1982 (making a false statement on a United States Department of Agriculture form); and December 18, 1975 (submitting false statements to the United States Department of Agriculture).

Based on the foregoing, it is the opinion of this Office that a violation of 18 U.S.C. § 1014, making false statements to a federally insured financial institution with respect to a loan application, would necessarily involve moral turpitude.

With kindest regards, I am

Sincerely,

Patricia D. Petway

Patricia D. Petway
Assistant Attorney General

PDP/an

REVIEWED AND APPROVED BY:

Robert D. Cook

Robert D. Cook
Executive Assistant for Opinions