

The State of South Carolina



Office of the Attorney General

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August 27, 1986

The Honorable Robert B. Brown
Member, House of Representatives
Post Office Drawer 660
Marion, South Carolina 29571

Dear Representative Brown:

In a telephone call you questioned whether the State Ethics Act, Sections 8-13-10 et. seq. of the Code, would prohibit you, a state representative, from soliciting state employees as an insurance agent. You emphasized that you would be contacting the employees directly and would not be making any offer to the State or entering into any contract or negotiations with the State.

As I indicated to you, I am unaware of any provisions of the Ethics Act which would absolutely prohibit you from soliciting state employees. However, several provisions should be noted and followed in your situation. In particular, a state representative must avoid the use of his official position or office to obtain financial gain for himself. Such is a requirement of Section 8-13-410. Furthermore, pursuant to the provisions of Section 8-13-440, a public official is prohibited from using or disclosing any confidential information gained in the course of official activities in a way that would result in financial gain for himself or for any other person.

If a representative is faced with a situation, in the discharge of his official duties, which requires him to take action or make a decision which would substantially affect directly his personal financial interests or those of a member of his household or of a business with which he is associated, the representative must comply with the provisions of Section 8-13-460. 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 such action. This statement is to be delivered to the presiding officer of the House, and if the representative requests, he shall be excused from votes, deliberations and other actions on the matter in which a potential conflict of interest exists.

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Referencing the above, I am unaware of any provisions in the State Ethics Act which would categorically prohibit you from soliciting state employees as an insurance agent in the manner specified above. However, care should be taken to avoid any conflict with the Ethics Act in such solicitations and dealings with state employees. If there is anything further, please advise.

Sincerely,



Charles H. Richardson
Assistant Attorney General

CHR/rhm

REVIEWED AND APPROVED BY:



Robert D. Cook
Executive Assistant for Opinions