

1983 WL 181775 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 3, 1983

*1 Honorable Winfield W. Fowler
Chairman
Board of Commissioners
Woodruff-Roebuck Water District
Post Office Box 182
Woodruff, South Carolina 29388

Dear Mr. Fowler:

Your letter of February 25, 1983, to the Attorney General has been referred to me for response. You have asked whether it is legal for a board member's brother-in-law to be retained as the attorney for the District for a fee as determined by the board members.

It is the opinion of this office that a board member's brother-in-law can be retained as an attorney for the District provided that the board member who is related by marriage to the attorney does not participate in the decisions and/or votes on whether his brother-in-law will be hired and what retainer will be paid to him. See the opinion of this office dated January 31, 1983, addressed to Board Member Bearden for further explanation (copy attached). As noted in that opinion, even assuming that the board member would not benefit financially—either directly or indirectly—from the hiring of his brother-in-law as the District's attorney, it is nevertheless a breach of the common law and public policy for the board member to participate in such a decision and/or vote because of the appearance of a conflict between the board member's personal or private interest and his public duty. Sincerely,

Vance J. Bettis
Assistant Attorney General

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