

1984 WL 249986 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 1, 1984

\*1 The Honorable Lloyd I. Hendricks  
Member  
House of Representatives  
Box 728  
Columbia, South Carolina 29202

Dear Representative Hendricks

In a telephone conversation you indicated that your wife is entering into a business which may involve her serving as a lobbyist for other businesses or groups. In association with such, you have questioned whether there are any state statutory provisions which would regulate or influence your duties as a member of the State House of Representatives. You indicated that you are not serving as an officer or associate in your wife's business nor are you personally financially involved in such business.

In examining the above, it is apparent that two provisions of this State's Ethics Act, specifically [Sections 8-13-440](#) and [8-13-460, Code of Laws of South Carolina](#), 1976, as amended, may be especially relevant to your situation. [Section 8-13-440](#) states: '(n)o public official or public employee shall use or disclose confidential information gained in the course of or by reason of his official position or activities in any way that would result in financial gain for himself or for any other person.'

Therefore, pursuant to such provision, you should not use or disclose any confidential information that may come to you as a State Representative which could be financially beneficial to your wife in her business.

[Section 8-13-460](#) states in part that

'(a)ny public official or public employee who, in the discharge of his official duties, would be required to take action or make a decision which would substantially affect directly his personal financial interest or those of a member of his household, or a business with which he is associated, shall instead take the following actions:

(a) Prepare a written statement describing the matter requiring action or decisions, and the nature of his potential conflict of interest with respect to such action or decision.

(b) If he is a legislator, he shall deliver a copy of such statement to the presiding officer of his legislative branch. The presiding officer if requested by the legislator shall cause such statement to be printed in the journal and, upon request, shall excuse a legislator from votes, deliberations, and other action on the matter on which a potential conflict exists; provided, however, any statement delivered within twenty-four hours after the action or decisions shall be deemed to be in compliance with this section.'

Referencing such, in instances in which you as a State Representative would take action or make a decision which would 'substantially affect directly' the financial interests of a member of your household, which pursuant to the definition of [Section 8-13-20\(f\)](#) would obviously include your wife, you should follow the disqualification procedures outlined in such provision. In addition, if the situation as outlined in [Section 8-13-830 of the Code](#) which involves reporting purchases by and gifts from lobbyists would result, the provisions of such section would have to be complied with by you.

\*2 If there are any further questions, please advise.

Sincerely,

Charles H. Richardson  
Assistant Attorney General

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