

1983 S.C. Op. Atty. Gen. 41 (S.C.A.G.), 1983 S.C. Op. Atty. Gen. No. 83-24, 1983 WL 142695

Office of the Attorney General

State of South Carolina

Opinion No. 83-24

June 27, 1983

*1 The Honorable Harriet H. Keyserling
Representative
District No. 124
330–B Blatt Building
Columbia, SC 29211

Dear Representative Keyserling:

In our telephone conversation you questioned whether there were any restrictions on teachers or spouses of teachers, who are members of a county council, voting or participating in discussions on matters before the council affecting education matters.

[Section 8–13–460, Code of Laws of South Carolina](#), 1976, a provision of this State's Ethics Act, provides 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.

(c) . . . If the public official is a member of the governing body of any agency, commission, board, or of any county, municipality, or other political subdivision, he shall furnish a copy to the presiding officer and to the members of the governing body, who shall cause such statement to be printed in the minutes and shall require that the member be excused from any votes, deliberations, and other actions on the matter on which the potential conflict of interest exists, and shall cause such disqualification and the reasons therefor to be noted in the minutes.

‘Member of household’ is defined by [Section 8–13–20, Code of Laws of South Carolina](#), 1976, as
‘. . . any person, his or her spouse, and any children occupying the same family residence;’

Pursuant to [Section 8–13–460, supra](#), a member of a county council should provide the specified written statement detailing the potential conflict of interest where he is faced with a situation which could substantially affect directly the personal financial interest of his immediate family or himself as above described. Having done so, such member should then be excused from voting or deliberating on the particular issue. The State Ethics Commission in Opinion Number 83–035 further stated that in association with such disqualification from voting or deliberating on a particular issue, the member should completely remove himself from the meeting location when such matters are being discussed. See also: Opinion Numbers 83–033 and 83–029.

As to any question of how ‘substantially affect directly’ should be construed, the State Ethics Commission in an Order, SEC–C80–021, [Hunter v. Crain, et al](#), defined ‘substantial’ for purposes of [Section 8–13–460, supra](#), in part as follows:

‘. . . something of real worth and importance; of considerable value; valuable; something worthwhile as distinguished from something without value or merely nominal. . . .’

*2 Aside from the provisions of [Section 8-13-460](#), supra, which again, are concerned with actions taken by public officials where a decision would affect certain financial interests, I am unaware of any provisions which generally restricts, I am unaware of any provisions which generally of a county council, from voting or participating in discussions on matters before the council affecting education matters.

If there is anything further, please contact me.

Sincerely,

Charles H. Richardson
Assistant Attorney General

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