

1983 S.C. Op. Atty. Gen. 42 (S.C.A.G.), 1983 S.C. Op. Atty. Gen. No. 83-25, 1983 WL 142696

Office of the Attorney General

State of South Carolina

Opinion No. 83-25

June 27, 1983

*1 The Honorable Joyce C. Hearn
Representative
District No. 76
432-A Blatt Building
Columbia, SC 29211

Dear Representative Hearn:

In a letter to this Office, you questioned whether or not a member of a county council can vote on financial issues that affect his immediate family, such as husbands, wives, children, or married children.

[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;'

Therefore, as to your question, immediate family would include a spouse and any children, married or not, who occupy the councilman's 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 would substantially affect directly the personal financial interest of his immediate family 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 If there is anything further, please contact me.

Sincerely,

Charles H. Richardson
Assistant Attorney General

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