

1982 WL 189123 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 4, 1982

*1 The Honorable John C. Land, III
Senator
Post Office Box 142
Suite 501, Gressette Senate Office Building
Columbia, South Carolina 29202

Dear Senator Land:

In a letter to this office you questioned whether or not there would be a conflict of interest for Mr. R.J. Aycock, III, a member of the Board of the South Carolina Department of Social Services, to vote on all matters before the Department of Social Services' Board, including those matters concerning the nursing home industry. In a previous opinion dated January 23, 1981, this office determined that Mr. Aycock, an owner of a nursing home in this State, was eligible for membership upon the Board of DSS. In your letter you indicated that presently Mr. Aycock has leased the nursing home to another individual and is not involved in any phase of the everyday operations of the home.

At to your specific question of whether Mr. Aycock may vote on all matters before the DSS Board, including those concerning nursing homes, this office would advise that there is nothing which would absolutely preclude him from voting on such matters. However, if a situation were to present itself where there would be an appearance of impropriety in voting on a particular issue, it would be advisable for Mr. Aycock to abstain from voting on that particular issue. This office, of course, cannot precisely define what such issues would be. However, such abstentions would be particularly advisable as to matters affecting an individual's financial interests inasmuch as certain provisions of this State's Ethics Act concern actions taken by public officials which would affect their financial interests. See, e.g., §§ 8-13-410, 8-13-440, and 8-13-460, Code of Laws of South Carolina, 1976.

If there are any questions, please advise.

Sincerely,

Charles H. Richardson
Assistant Attorney General

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