

1981 S.C. Op. Atty. Gen. 116 (S.C.A.G.), 1981 S.C. Op. Atty. Gen. No. 81-94, 1981 WL 96619

Office of the Attorney General

State of South Carolina

Opinion No. 81-94

December 16, 1981

*1 Honorable Patrick B. Harris
Chairman
House Legislative Ethics Committee
House of Representatives
P. O. Box 11867
Columbia, S. C. 29211

Dear Representative Harris:

In a recent letter to this office you forwarded a copy of a letter received by the House Legislative Ethics Committee from Representative Daniel Winstead. In Rep. Winstead's letter, the question was raised as to whether he could serve as a consultant to the Medical University of South Carolina for the purpose of evaluating the telephone needs of the University. In a conversation with Rep. Winstead, I was informed that while he formerly was employed by the Southern Bell Telephone Company, he is no longer associated with the Company.

I am unaware of any State statutes which would absolutely prohibit Rep. Winstead from consulting with the Medical University as outlined above. However, certain provisions of the State Ethics Act, codified as [Sections 8-13-10 et seq., Code of Laws of South Carolina](#), 1976, as amended, must be followed to avoid conflict therewith.

Pursuant to Section 8-13-410, [supra](#), any public official must avoid using his official position or office to obtain financial gain for himself. Furthermore, pursuant to Section 8-13-430, [supra](#), a public official shall not solicit or receive any money in addition to that received by him in his official capacity for advice or assistance given in the course of the official's public duties.

If a public official is faced with a situation, in the discharge of his official duties, which requires him 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, the official must comply with the provisions of Section 8-13-460, [supra](#). In summary, these provisions require the preparation of a written statement describing the matter requiring action, and the nature of the potential conflict of interest with respect to such action. As to a State representative, this statement is to be delivered to the presiding officer of the House, and if requested, the representative shall be excused from votes, deliberations and other actions on the matter in which a potential conflict of interest exists.

Finally, a state representative must list any compensation or benefits received from State agencies on his statement of economic interest, in harmony with Section 8-13-820, [supra](#).

As long as Rep. Winstead complies with the restrictions set forth above, it is the opinion of this Office that he may consult with the Medical University as outlined above.

I hope this information will be helpful to you, and with kind regards, I am
Sincerely,

Charles H. Richardson

Assistant Attorney General

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