

1982 WL 189407 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 27, 1982

*1 Dr. Leon Sigler, D.C.
Member
S.C. Board of Chiropractic Examiners
Post Office Box 711
Kingstree, South Carolina 29556

Dear Dr. Sigler:

You have recently inquired of this office whether Dr. Leslie Wise's serving on the faculty of Sherman College of Straight Chiropractic in Spartanburg disqualifies him from membership on the South Carolina Board of Chiropractic Examiners (the Board) on conflict-of-interest grounds. It is our opinion that it is not a conflict of interest per se for a member of the faculty of Sherman College to serve on the Board.

[Section 40-9-30 of the Code of Laws of South Carolina](#), 1976 (Cum.Supp. 1981) (hereafter 'the Code') provides for, and sets forth the criteria for membership on the South Carolina Board of Chiropractic Examiners. That section states, in pertinent part: One licensed chiropractor shall be appointed by the Governor from each congressional district who shall be a licensed and practicing chiropractor residing and practicing in the district he represents. * * * One member of the Board, who shall be a licensed and practicing chiropractor, shall be appointed by the Governor at large from the State . . . * * * Each Chiropractic member [of the Board] shall have been a regularly licensed and practicing chiropractor in South Carolina in good standing for a period of five years preceding the date of his appointment.

It is my understanding that Dr. Wise was appointed to fill the at-large chiropractice position on the Board. Therefore, provided that Dr. Wise (1) has been a regularly licensed and practicing chiropractor in South Carolina for at least five years preceding the date of his appointment to the Board, and (2) continues to be a licensed and practicing chiropractor in this state, he is eligible to serve on the Board.

Nothing in the Ethics Act of 1975, as amended (§ 8-13-10 et seq., Code), compels a contrary conclusion. [Section 8-13-450 of the Code](#) (Cum.Supp. 1981) does provide:

Unless otherwise provided by law, no person shall serve as a member of a governmental regulatory agency that regulates any business with which that person is associated.

If the Board had any regulatory authority over Sherman College as a college of chiropractic, Dr. Wise's membership on the Board would be, at best, questionable by virtue of [§ 8-13-450](#). The Board, however, has no regulatory authority over any college of chiropractic; its sole authority is to regulate the profession. Thus, the Board cannot accredit or revoke the accreditation of Sherman College nor can it discipline the college in any way; the Board may exercise its regulatory authority only over individual chiropractors. Accordingly, [§ 8-13-450](#) does not prohibit Dr. Wise's membership on the Board.

Of course, our opinion that Dr. Wise's position as a part-time faculty member at Sherman College does not per se disqualify him from serving on the Board, does not suggest that there are no conceivable circumstances under which Dr. Wise, or, for that matter, any other member of the Board, might not be required or at least well-advised to disqualify himself from voting on a particular matter because of some peculiar financial or personal interest in the matter. Should questions arise concerning

the propriety of a Board member's participation in voting on a particular matter, an advisory opinion may be sought from the State Ethics Commission.

Sincerely,

*2 Vance J. Bettis
Assistant Attorney General

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