

1980 S.C. Op. Att. Gen. 36 (S.C.A.G.), 1980 S.C. Op. Att. Gen. No. 80-13, 1980 WL 81897

Office of the Attorney General

State of South Carolina

Opinion No. 80-13

February 1, 1980

***1 SUBJECT: Public officers, moral turpitude, financial gain through official position; Employees, public, financial gain through official position is a crime of moral turpitude;**

Violation of [Section 8-13-410, Code](#) of Laws 1976, prohibiting a public employee from using his official position to obtain financial gain for himself is an offense involving moral turpitude.

Mr. Harry C. Belk
Messrs. Belk and Howard
Attorneys at Law
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Charleston, South Carolina 29405

Dear Harry:

Thank you for your letter of January 31, 1980, concerning the question of whether the entry of a plea of nolo contendere upon a charge of violation of [Section 8-13-410, Code](#) of Laws, 1976, would involve moral turpitude.

The offense charged in the indictment ([Section 8-13-410](#)) provides:

“No public official or public employee shall use his official position to obtain financial gain for himself.”

The term “moral turpitude” is set forth in [State v. Horton, 271 S.C. 413, 248 S.E.2d 263](#), in which the Supreme Court determined that a charge of “hit and run” was a crime involving moral turpitude.

In my opinion, the crime charged would involve moral turpitude in that it is morally equivalent to theft or embezzlement and exhibits a disregard for the requirement of conduct imposed upon a public officer.

I think also that you are correct in concluding that the Governor does not have authority except in cases involving moral turpitude, and we have heretofore expressed opinions to the Governor upon the very same issue.

It was nice hearing from you and I will certainly go by to see you the next time that I am in Charleston.

With best wishes,
Cordially,

Daniel R. McLeod
Attorney General

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