

1980 WL 121147 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 4, 1980

*1 Mr. Gary R. Baker
Executive Director
State Ethics Commission
1026 Sumter St.
Room 116
P.O. Box 11627
Columbia, South Carolina 29211

Dear Mr. Baker:

You have recently requested this Office for its opinion as to whether the employees of the South Carolina Bar with annual compensation rates of \$20,000 or more must file statements of economic interest with the State Ethics Commission.

It is the opinion of this Office that South Carolina Bar employees with annual compensation rates of \$20,000 or more come within the purview of the State Ethics Act, § 8-13-10, et seq., Code of Laws, South Carolina, 1976, as amended.

The South Carolina Bar was created pursuant to a Rule of the Supreme Court of South Carolina, issued in its inherent power on February 14, 1975, having among its stated purposes 'to improve the administration of justice throughout the state.'

The Attorney General has previously expressed in opinions dated March 26, 1975, and September 16, 1976, that the South Carolina Bar is an agency of the State of South Carolina.¹ In the September 16, 1976, opinion, it was the conclusion of this Office that employees of the State Bar qualified as 'employees of the state' for the purposes of the State Fund insurance coverage.

Section 8-13-10(d) of the State Ethics Act defines 'public employee' as 'any person employed by the State . . .'. Section 8-13-810 of the State Ethics Act require that certain public employees² are required to file annual economic interest statements. Section 8-13-810 states that:

. . . no public employee . . . with compensation from a public entity of twenty thousand dollars or more per year shall be allowed to . . . enter upon his duties of employment unless he has filed a statement of economic interest in accordance with the provisions of this chapter at the Office of the State Ethics Commission, If . . . public . . . employees referred to in the section have no economic interest as defined in item (g) of Section 8-13-120, they shall nevertheless file a negative report to that effect . . .

Therefore, consistent with prior opinions that the State Bar is a state agency and that its employees are 'employees of the State', it is the opinion of this Office that employees of the South Carolina Bar come within the purview of the State Ethics Act.

Very truly yours,

C. Havird Jones, Jr.
Assistant Attorney General

Footnotes

- 1 As to the South Carolina Bar being a governmental agency that is under the control and supervision of the Supreme Court, see, SUPREME COURT RULES CREATING SOUTH CAROLINA BAR; [In re The Florida Bar, 310 So.2d 45 \(Fla., 1975\)](#); 7 C.J.S. § 9, Attorney & Client (1938). 7 Am. Jur.2d § 2, Attorney at Law (1963).
- 2 Per the instructions of the State Supreme Court the employees of the Judiciary file statements of economic interest with the State Ethics Commission in accordance with §§ 8-13-810 through 8-13-840 of the State Ethics Act.

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