

1977 S.C. Op. Atty. Gen. 196 (S.C.A.G.), 1977 S.C. Op. Atty. Gen. No. 77-261, 1977 WL 24602

Office of the Attorney General

State of South Carolina

Opinion No. 77-261

August 16, 1977

\*1 The Honorable Patrick B. Harris  
House Legislative Ethics Committee  
Post Office Box 11867  
Columbia, SC 29211

Dear Representative Harris:

Attorney General McLeod has asked me to respond to your recent request for an opinion on conflict of interest.

You advise that a Representative is employed by a federally funded program known as GLEAMS Human Resources Commission. This position is a part-time job which pays the Representative for days worked when the House is not in session. The position is also located in another county other than the one served by the Representative. Further, no State funds are paid to the Representative for his part-time work.

The State Ethics Commission has issued numerous opinions on potential conflicts between public office-public employment. The primary thrust of these opinions interpreting the State's Ethics Act, Code § 8-13-10, et seq. (1976), is that public officials cannot use their position or office to obtain financial gain. Nor can public officials receive any additional compensation for performing their official duties beyond what the law provides.

Also, if an official is faced with a potential conflict of interest he must deliver a written statement of the conflict to the presiding officer of the respective legislative branch, and should refrain from voting on the issue in question.

It is therefore the opinion of this Office that the Representative would not violate the literal language of the State Ethics Act by being employed on a part-time basis by a federally funded human resources commission physically dislocated from the geographical area he represents. Should the Representative be confronted with a situation in which his employment would be affected by a matter before the House, he should disclose the conflict and refrain from voting.

I have discussed this result with Mr. Gary Baker, Executive Director of the State Ethics Commission, and he is in agreement with my conclusion.

Sincerely,

George C. Beighley  
Assistant Attorney General

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