

1979 WL 43171 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 14, 1979

***1 RE: Opinion on Board of Barber Examiners**

Honorable Horace C. Smith
Senator
Box 1144
Spartanburg, South Carolina 29301

Dear Senator Smith:

Your request for an advisory opinion in the above matter has been forwarded to me by Attorney General McLeod.

My research indicates that our law provides only for removal from office or criminal prosecution for misconduct in office. See [Sections 8-1-80](#) and [1-3-240 SOUTH CAROLINA CODE OF LAWS](#), (1976). Also, see [SOUTH CAROLINA CONSTITUTION, Article 3, Section 27](#) and Article 2, Section 9. I find no law indicating that the conduct you describe would fall under any of these provisions. As to whether the conduct is unethical, I believe you would have to consult the State Ethics Commission which has been created to look into such matters. Under the Bill which created this Commission, there is a provision which allows anyone in the State to ask for an advisory opinion from them. See [Section 8-13-120, CODE](#), and Regulation 52-2.1 et seq.

I hope this satisfactorily answers your question. If I can be of further assistance, please do not hesitate to contact me.

With best regards,

C. Richard Kelly
Staff Attorney

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