

1978 WL 35031 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 9, 1978

\*1 George P. Pechilis  
Executive Director  
South Carolina Auctioneer's Commission  
915 Main Street  
Columbia, South Carolina 29201

Dear Col. Pechilis:

You have requested an opinion as to whether an auctioneer's representation during an auction that he had received a certain bid when he actually had not received that bid, all for the purpose of raising the bids at the auction, constitutes a violation of State law. In our opinion that conduct does violate State law.

[Section 40-6-160, S.C. CODE](#), 1976, prohibits '[a]ny act of conduct in connection with a sales transaction which demonstrates bad faith or dishonesty.' and '[k]nowingly using false bidders . . .'. The conduct you have described constitutes representation to the bidders that a bid or bids of a certain amount have already been offered. Furthermore, the auctioneer in this situation is acting essentially as a false bidder. For these reasons, it is our opinion that the conduct described above violates State law.

Sincerely yours,

David C. Eckstrom  
Staff Attorney

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