

1975 WL 28936 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 17, 1975

*1 Honorable John D. Bradley, III
308 Swift Avenue
Charleston, South Carolina 29407

Dear Representative Bradley:

I have studied the complaint of Folly Beach Councilman Dennis J. McKevlin against his fellow councilmen as a result of their determination that Mr. McKevlin should not be allowed to vote on certain issues before the City Council due to an alleged conflict of interests on his part.

The question of whether a conflict of interests actually existed in this situation is basically a matter of ethics over which, in my opinion, the City Council alone has jurisdiction. I call your attention to Article II, Section 2-9 of the Code of the City of Folly Beach which provides in part:

All legislative powers of the City of Folly Beach and the determination of all matters of policy shall be vested in the City Council.

Inasmuch as the complaint of Councilman McKevlin is more in the nature of a policy question than a legal matter, it is my opinion that the City Council has sole discretion to determine when a conflict of interests involving one of its members actually exists. Accordingly, in the absence of a showing of bad faith by members of the Council, I doubt that a decision by the Council on a conflict of interests question would be subject to review by a higher authority.

In view of the lack of any state law pertinent to this matter, I suggest that Councilman McKevlin attempt to resolve such problems, if they arise in the future, through direct contact with the other members of the City Council.

I enclose herewith the material which you left at this office.

Sincerely yours,

W. Joseph Isaacs
Legal Assistant

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