

1983 WL 181869 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 29, 1983

\*1 Melba C. Ivey

Member

Lexington County School District No. 1 Board of Trustees

237 Hope Ferry Road

Lexington, South Carolina 29072

Dear Ms. Ivey:

Your letter of recent date addressed to the Attorney General has been referred to me for response.

You state that you are an elected member of the Board of Trustees of Lexington County School District No. 1. You have requested the opinion of this office concerning the lawfulness of your voting to employ your cousin and your cousin's wife. You have also requested this office's opinion regarding the lawfulness of your voting on the district operating budget if your cousin or cousin's wife were employed by the district.

The state statute prohibiting nepotism ([§ 8-5-10, Code of Laws of South Carolina](#), 1976) has no application to your situation as that statute applies only to departments of state government, and not to the boards and other governing bodies of political subdivisions of the state. 1964 [Ops. Atty. Gen.](#) 131; 1961 [id.](#) 88. Nor does [§ 59-25-10 of the Code](#), as amended,<sup>a</sup> apply to the facts you posit in your letter inasmuch as that section addresses only the employment of members of the immediate family of a school board member, and 'immediate family' is defined as including only the board member's parents, children, brothers or sisters. I would suggest that you consult with the school board's attorney, however, as it is possible that there are local ordinances and/or board regulations concerning nepotism that would apply.

As to whether your voting on these matters constitutes an impermissible conflict of interest, I am enclosing herewith copies of two pertinent opinions recently issued by this office. These opinions should provide you with some guidance. Again, I would recommend that you consult the school board's attorney as it is possible that there are local ordinances and/or regulations concerning conflicts of interest that might apply to your situation.

Sincerely,

Vance J. Bettis

Assistant Attorney General

#### Footnotes

a [Section 59-25-10](#) provides:

No person who is a member of the board of trustees or a member of the immediate family of a member of the board of trustees of any school district shall be employed by the board as a teacher without the written approval of the board of trustees of the district and, when applicable, of the board of education of the county, or unless a majority of the parents or guardians of the children attending the school for which such teacher is employed requests such employment in writing. The provisions of this section shall not apply to any teacher who was employed prior to the time he or his family member became a board member. For purposes of this section, the immediate family of a member of the board of trustees shall include only his parents, children, brothers or sisters. Provided, that the provisions of this section shall not apply to school bus drivers.

1983 WL 181869 (S.C.A.G.)

End of Document

© 2015 Thomson Reuters. No claim to original U.S. Government Works.