

1984 WL 250013 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 20, 1984

\*1 The Honorable Patrick B. Harris  
Chairman  
House Legislative Ethics Committee  
Post Office Box 655  
Anderson, South Carolina 29621

Dear Representative Harris:

In a letter dated November 16th to this Office you requested that we respond to the inquiry made to your Committee by Representative Crosby Lewis. In his letter, Representative Lewis outlined the following facts:

'My law firm represents a group who would like to locate an industry in my county.

I, as their attorney, will be negotiating with the County Council regarding the purchase of a site; the availability and cost of water and rail facilities. In addition, I will be arranging for the County Council to approve revenue bonds for construction of the building.'

He questioned whether such activities are in violation of any provisions of this State's Ethics Act, [Section 8-13-10 et seq., Code of Laws of South Carolina](#), 1976, as amended.

As outlined above, Representative Lewis' duties will involve representing his client in various negotiations with the County Council. Referencing such, it appears that there are no absolute prohibitions in the State Ethics Act to such legal representation by Mr. Lewis. However, as in all instances, certain provisions of the Ethics Act must be complied with to avoid conflicts therewith.

In particular, a State representative must avoid the use of his official position or office to obtain financial gain for himself. Such is a requirement of Section 8-13-410, [supra](#). Furthermore, a representative should not solicit or receive any money in addition to that received by him in his official capacity for advice or assistance which would be included in the normal course of the representative's public duties. This means that any action taken by the representative must be unrelated to the activities performed by the representative in his official capacity as a State representative. Such is the requirement of Section 8-13-430, [supra](#). Furthermore, pursuant to the provisions of Section 8-13-440, [supra](#), a representative cannot use or disclose any confidential information gained by him in the course of his official activities in a way that would result in financial gain for himself or for a client.

If the representative is faced with a situation, in the discharge of his official duties, which would require him to take action or make a decision which would substantially affect directly his personal financial interest or those of a business with which he is associated, the representative must comply with the provisions of Section 8-13-460, [supra](#). In summary, such provisions require the preparation of a written statement describing the matter requiring action, and the nature of the potential conflict of interest with respect to such action. Such statement is to be delivered to the presiding officer of the House, and if the legislator requests, he shall be excused from votes, deliberations, and other actions on the matter on which a potential conflict of interest exists.

\*2 If there are any further questions, please do not hesitate to contact me.

Sincerely,

Charles H. Richardson  
Assistant Attorney General

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