

1979 WL 43089 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 27, 1979

*1 Mr. Gary R. Baker
Executive Director
State Ethics Commission
Post Office Box 11627
Columbia, South Carolina 29211

Dear Mr. Baker:

You have recently requested an Opinion of this Office concerning the question of within the context of [Section 8-13-490, Code of Laws of South Carolina, 1976](#), as amended, does a governmental regulatory agency or department that issues a license or a permit as a method of allowing a business to operate in the area regulated, begin to regulate that business at the issuing of the license or permit or at the filing of the appropriate application for the said license or permit. The pertinent portion of [Section 8-13-490](#) states that:

No person shall offer or give to a member or employee of a governmental regulatory agency or department that regulates a business with which such person is associated, and no member or employee of such agency or department shall solicit or accept from any such person, anything of value, including a promise of future employment or a favor or service, while the member or employee is associated with the regulatory agency or department . . .

The term ‘regulate’ is not defined within the State Ethics Act, Section 8-13-10, *et seq.* However, the South Carolina Supreme Court in [Fowler v. City of Anderson, 131 S.C. 473, 128 SE 410 \(1925\)](#) had occasion to discuss the term ‘regulate’ and it adopted Webster's definition of ‘regulate’ when it stated that:

[To regulate is] [t]o adjust or control by rule, method or, established mode; to direct by rule or restriction; to subject to governing principals or laws. [131 S.C. at 479.](#)

Webster further defines the term ‘regulate’ to mean:

To govern or direct according to rule or to bring under the control of constituted authority. [Webster, Third New International Dictionary.](#)

Also see [State v. Zazzaro, 128 Conn. 160, 20 A.2d 737 \(1941\)](#); State Ethics Act Advisory Opinion No. 79-018.

Therefore, it is the Opinion of this Office based upon the cases and authorities cited above that within the context of [Section 8-13-490](#) of the State Ethics Act that a governmental regulatory agency or department that issues a license or permit as a method of allowing a business to operate in the area regulated, begins to regulate that business at the issuing of the license or permit.

Very truly yours,

C. Havird Jones Jr.
Assistant Attorney General

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