

1979 WL 43188 (S.C.A.G.)
Office of the Attorney General
State of South Carolina
November 28, 1979

***1 RE: Requested Attorney General's Opinion**

Honorable Robert A. Kohn
4326 Evanston Boulevard
Charleston Heights, South Carolina 29405

Dear Mr. Kohn:

You have requested an opinion from this Office concerning whether a member of the Board of Trustees of the Charleston County School District should refrain from voting on matters pertaining to teachers, if one of the teachers in the system is the Board member's son-in-law.

The General Assembly has enacted Act No. 340, Acts and Joint Resolutions of South Carolina, 1967, which Act created the school district of Charleston County and abolished the then existing County Board of Education. Section 6 of Act No. 340 of 1967 states that the employment of teachers and personnel should be made by the constituent district trustees, subject to the approval of the Board of Trustees of the Charleston County School District. Also, for your information I have enclosed a copy of Act No. 721, Acts and Joint Resolutions of South Carolina, 1978, along with an opinion authored by J. Emory Smith, Jr., State Attorney, concerning an amendment to Act No. 340 of 1967.

There exists no general statutory prohibition against the actions described in your letter. However, in a 1975-76 opinion of the Attorney General, No. 4265, p. 80, Assistant Attorney General George C. Beighley notes a limitation concerning a trustee voting on matters affecting certain teachers related to the trustee. Specifically he stated, 'the trustee whose relative's employment is under discussion should not be present or vote during the consideration of the relative's teaching contract.' A copy of Mr. Beighley's opinion is enclosed. See also [§ 59-25-10, Code of Laws of South Carolina](#), 1976, as amended.

In order to further ascertain whether a potential conflict exists, I suggest that you seek an advisory opinion from the State Ethics Commission, pursuant to § 8-13-120.

Please call upon me if I can be of further assistance to you on this matter.

With kind regards,
Sincerely,

Paul S. League
Assistant Attorney General

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