

1979 WL 43510 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 8, 1979

*1 Frank E. Harrison, Esquire
McCormick County Attorney
Post Office Box 56
McCormick, SC 29835

Dear Mr. Harrison:

In response to your request for an opinion from this Office as to whether or not a member of the McCormick County Council can do construction work on apartment buildings owned by the McCormick County Housing for Aging, Inc., a private eleemosynary corporation, my opinion is that such work would not create any prohibited conflict of interests for him. My understanding is that the corporation is controlled by a private board of directors and that McCormick County has no interest in or control of it, except for initially having assisted in sponsoring it in order to obtain grants. [Section 4-9-180, CODE OF LAWS OF SOUTH CAROLINA](#), 1976, which, *inter alia*, prohibits county officers from participating in matters relating to personal financial interests in county business, does not apply to contracts for services with non-county entities. Likewise, [Section 8-13-460, CODE OF LAWS OF SOUTH CAROLINA](#), 1976, which prescribes the action which must be taken by a public official where a decision would affect his financial interest, does not apply here because he takes no action as a county council member with respect to the McCormick County Housing for Aging organization.

Finally, I am enclosing a copy of an order issued by the Honorable Robert W. Hayes, Circuit Court Judge, which concludes that counties cannot compete with private enterprise by selling topsoil to the public.

With kind regards,

Karen LeCraft Henderson
Senior Assistant Attorney General

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