

1978 WL 35127 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 21, 1978

*1 Irvin D. Parker, Esquire
Consumer Advocate
Department of Consumer Affairs
P. O. Box 5757
Columbia, South Carolina 29250

Dear Pete:

Recently, you requested an opinion from this Office concerning whether or not certain conduct would be in harmony with the State Ethics Act. In particular, you wished to know if you may retain a former Assistant Attorney General who was previously assigned to the Public Service Commission, to act as a consultant on utility rate matters.

Recently the State Ethics Commission determined that this particular individual could not represent clients before the Public Service Commission until two (2) years after his last employment as counsel for the Public Service Commission. This opinion was based on the literal language of [Code Section 8-13-490](#), 1976 Code of Laws of South Carolina.

I have examined [Section 8-13-490](#), and it does not prohibit a former member or employee of a regulatory agency from providing consultation services to agencies which must appear before the Public Service Commission. Likewise, the intention of the State Ethics Act is not to preclude information on governmental processes from being disseminated to individuals with need for this information.

Therefore, it is the opinion of this Office that a former attorney for the Public Service Commission may act as a consultant on utility rate matters to the office of consumer advocate, without violating the State Ethics Act. However, this individual cannot, at any time or in any way, represent a client before the Public Service Commission. This would preclude the individual from appearing as attorney of record on any pleadings or briefs, and would also preclude any representation as counsel in matters heard before the Public Service Commission until the two-year time limit is past.

I hope this information will be helpful to you, and with kind regards, I am
Sincerely,

George C. Beighley
Assistant Attorney General

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