

1973 WL 26634 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 26, 1973

*1 Julius R. Earle, M.D.

Walhalla

South Carolina

Dear Dr. Earle:

Thank you for your letter of February 23 inquiring as to whether you may engage in a business relationship with the Oconee County School Board of which you are a member.

It appears that Oconee County constitutes one single school district and I assume that the board of which you are a member is the board of trustees of the School District of Oconee County. A statute of this State precludes a member of the board of trustees from entering into a contract with the school district. Aside from this, there are decisions of the Supreme Court of South Carolina which, in my view, preclude a member of a governing body of a political entity from contracting with that entity as a matter of public policy.

While I do not know the precise nature of the operation you contemplate, I assume that it is service which you intend to render to school districts and others for a consideration and I regret that I must advise that, in my opinion, you cannot enter into such a relationship with the school board of which you are a member. I would suggest that this matter be called to the attention of the County Attorney and his advice sought. I will be most pleased to cooperate with him in any way he may desire. His decision is the controlling one, in any event.

Very truly yours,

Daniel R. McLeod

Attorney General

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