

SUBJECT: SPOUSE OF POLICE CHIEF SELLING MACE

SUMMARY:

The spouse of a police chief would not be prohibited from selling mace in her business since there is no licensing or regulatory function performed by the police department.

QUESTION:

The Florence Chief of Police is questioning whether there is a conflict of interest since his wife owns a small business which sells mace in small spray containers.

DISCUSSION:

This opinion is rendered in response to a letter dated February 28, 1992 requesting an opinion from the State Ethics Commission. The Commission's jurisdiction is limited to the applicability of the Ethics, Government Accountability, and Campaign Reform Act of 1991 (Act No. 248 of 1991; Section 8-13-100 et. seq., as amended, 1976 Code of Laws). This opinion does not supersede any other statutory or regulatory restrictions or procedures which may apply to this situation.

Assuming the spouse does not sell to the city, the State Ethics Commission knows of no reason why a Police Chief's spouse could not sell mace in her business. Based upon the facts as submitted, it does not appear that the police department has any licensing or regulatory function concerning the sale of mace.