

# *State of South Carolina*

# *State Ethics Commission*

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**SEC AO2026-001**

**January 15, 2026**

**SUBJECT:** Application of the Ethics Reform Act to a County Coroner's Actions With Regard to Child Fatality Funds Disbursed Under S.C. Code Ann. § 17-5-140

**SUMMARY:** A county coroner is subject to the Ethics Reform Act during any actions taken with regard to Child Fatality Funds disbursed under S.C. Code Ann. § 17-5-140.

## APPLICABLE LAW:

Section 8-13-700(A) provides:

No public official, public member, or public employee may knowingly use his official office, membership, or employment to obtain an economic interest for himself, a family member, an individual with whom he is associated, or a business with which he is associated. This prohibition does not extend to the incidental use of public materials, personnel, or equipment, subject to or available for a public official's, public member's, or public employee's use that does not result in additional public expense.

Section 8-13-750 provides:

- (A) No public official, public member, or public employee may cause the employment, appointment, promotion, transfer, or advancement of a family member to a state or local office or position in which the public official, public member, or public employee supervises or manages.
- (B) A public official, public member, or public employee may not participate in an action relating to the discipline of the public official's, public member's, or

public employee's family member

DISCUSSION:

The State Ethics Commission's jurisdiction is limited to the applicability of the Ethics, Government Accountability, and Campaign Reform Act of 1991 (the "Ethics Reform Act"). This opinion does not supersede any other statutory or regulatory restrictions or procedures which may apply to this situation. Failure to disclose relevant information may void the opinion.

In 2018, the General Assembly adopted Act No. 183, which created Child Fatality Review Teams in each county of the State.<sup>1</sup> Act 183 also added Section 17-5-140 to the South Carolina Code of Laws, providing, in relevant part:

- (A) From the funds appropriated for the implementation of this section, and subject to the provisions of subsection (C),<sup>2</sup> the State Treasurer shall disburse an equal amount to each county treasurer on a monthly basis. These funds must supplement, and not supplant, existing funds utilized for full-time county coroners.
- (B) From the funds received pursuant to this section, each county treasurer must pay the duly elected full-time coroner at least thirty-five thousand dollars annually. If the funds are not totally expended to pay the duly elected full-time coroner, then at the discretion of the coroner he may use the funds to hire a deputy coroner, administrative personnel, or personnel with forensic training. Also, the coroner may use the funds to provide an office or office equipment.

(footnote added).

In FY2023, funding was appropriated for the Child Fatality Review Teams (Child Fatality Funds) and the State Treasurer distributed approximately \$34,782.00 to each county treasurer in

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<sup>1</sup> Pursuant to S.C. Code Ann. § 17-5-541, Child Fatality Review Teams are comprised of the county coroner or his designee, a local law enforcement agent, an agent from the State Law Enforcement Division's Department of Child Fatalities, a board-certified child abuse pediatrician, a representative from the local county department of social services, and a forensic pathologist. According to S.C. Code Ann. § 17-5-542, each county team is required to "rapidly and expeditiously review all child deaths that occur in the county" and to create and submit reports to the Child Death Review Case Reporting System, the State Child Fatality Advisory Committee, and the Bureau of Vital Statistics.

<sup>2</sup> Section 17-5-140(C) requires appropriated funds over \$35,000.00 to be distributed to the counties according to population and is not at issue in this opinion.

the State.<sup>3</sup>

On November 7, 2025, the South Carolina Coroners' Association (Association) presented the following to the Commission:

The [Association] is requesting a formal opinion regarding S.C. Code 17-5-140 and how the South Carolina Ethics Act should be considered in relation to this statute. The [Association] would like to provide clear direction and guidance to our members. Other entities could also benefit from this opinion and consideration that stakeholders should be aware of.

The Commission believes Sections 8-13-700 and 8-13-750 are the provisions of the Ethics Reform Act that are most likely implicated by S.C. Code Ann. § 17-5-140. Section 8-13-700 prohibits a public official from participating in any matter in which he, a family member, an individual with whom he is associated, or a business with which he is associated has an economic interest. Section 8-13-750 prohibits a public official from hiring or otherwise causing the employment of a family member to a position that he supervises or manages.

For purposes of the Ethics Reform Act, a county coroner is considered a “public official.” See Section 8-13-100 (defining a public official as “an elected or appointed official of ...a county”). Moreover, if the Child Fatality Funds at issue exceed fifty (50) dollars, an economic interest exists. See Section 8-13-100(11)(a) (defining economic interest, in relevant part, as an interest distinct from the general public in which there is an economic benefit of more than fifty dollars). Thus, the Commission finds that a county coroner is required to comply with the Ethics Reform Act with regard to Child Fatality Funds issued pursuant to S.C. Code Ann. § 17-5-140.

The Commission further finds that, to the extent a county coroner’s salary may be supplemented with Child Fatality Funds, Section 8-13-700 prohibits him from taking unilateral action to pay himself these funds. Rather, the Commission advises that such supplementation, if permitted,<sup>4</sup> should be approved by county council just as any other coroner’s office budget item. See S.C. Code Ann. § 8-15-10 (providing that the compensation of all county officers shall be set by county council); S.C. Code Ann. § 4-9-140 (directing county councils to adopt annual budgets for the operation of the county, to include the operation of coroners’ offices, and providing that “the procedure for approval of supplemental appropriations shall be the same as that prescribed for the enactment of ordinances.”).

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<sup>3</sup> The requirements set forth in Act No. 183 were contingent upon the appropriation of funding by the General Assembly, which did not occur until FY2023 (July 2022 through June 2023). See S.C. Code Ann. § 17-5-140(D).

<sup>4</sup> The Commission takes no position on what constitutes permissible spending under S.C. Code Ann. § 17-5-140 and encourages the Association to refer to prior opinions issued by the South Carolina Attorney General on this subject. See Op. S.C. Atty. Gen., 2022 WL 3279344 (Aug. 1, 2022) (discussing the proper method of disbursement of Child Fatality Funds); Op. S.C. Atty. Gen., 2023 WL 5674959 (Aug. 25, 2023) (discussing permissible expenditures of Child Fatality Funds).

Similarly, to the extent S.C. Code Ann. § 17-5-140 allows a county coroner to make purchases using Child Fatality Funds, the Commission finds that Section 8-13-700 prohibits him from making such purchases from himself, a family member, an individual with whom he is associated, or a business with which he is associated if the amount of the purchase exceeds fifty (50) dollars. Finally, to the extent S.C. Code Ann. § 17-5-140 allows a county coroner to use Child Fatality Funds to hire deputy coroners or administrative personnel to implement the Child Fatality Review Teams, the Commission finds Section 8-13-750 prohibits him from hiring family members to these positions.

In light of the foregoing, the Commission concludes that a county coroner must comply with the Ethics Reform Act in the administration of Child Fatality Funds issued pursuant to S.C. Code Ann. § 17-5-140.