



HENRY McMASTER  
ATTORNEY GENERAL

March 19, 2010

The Honorable George M. McFaddin, Jr.  
Family Court Judge  
Third Judicial Circuit  
108 N. Magnolia Street  
Sumter, South Carolina 29150


Dear Judge McFaddin:

You have asked whether the absence of a filed oath of office with the Secretary of State's Office would affect in any way your authority as a Family Court Judge.

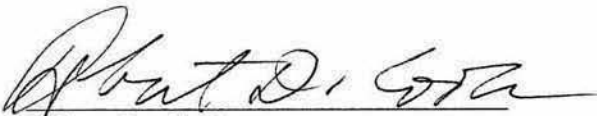
The answer is no. This Office has continuously ruled over many years that matters such as oaths do not in any way affect the authority of a public officer such as yourself and that a third party may not raise such lack of authority as any basis to call into question any decision made by an officer. Specifically, an opinion of this Office dated October 26, 1992 stated that "... the law which requires a bond or oath is 'merely directory.' ... (Furthermore) ... so long as the officer appointed continues to discharge the duties of his office, his official acts as to third persons, are legal." See, Kottman v. Ayer, 3 Strob. 92 (1848) see also State ex rel. McLeod v. Colleton County, 266 S.C. 279, 223 S.E.2d 166 (1975).

Very truly yours,

Henry McMaster  
Attorney General

  
By: Charles H. Richardson  
Senior Assistant Attorney General

REVIEWED AND APPROVED BY:

  
Robert D. Cook  
Deputy Attorney General