

The State of South Carolina



Office of the Attorney General

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January 14, 1988

The Honorable Herbert Kirsh
Member, House of Representatives
532-A Blatt Building
Columbia, South Carolina 29211

Dear Representative Kirsh:

By your letter of January 5, 1988 and proviso number 129.46 of Part I of the 1987-88 Appropriations Act, you have asked for the opinion of the Attorney General as to whether the Secretary of State and the Treasurer of the State of South Carolina may be compensated for service in an ex officio capacity as Chairman of the South Carolina Cemetery Board and Chairman of the Board of Financial Institutions, respectively.

Former Attorney General Daniel R. McLeod opined on April 19, 1979 that the Secretary of State may lawfully be compensated for his additional duties as Chairman of the South Carolina Cemetery Board. The same conclusion was reached as to the Treasurer for his service as Chairman of the Board of Financial Institutions on June 15, 1978. The reasoning of these opinions was reaffirmed in an opinion of this Office dated October 28, 1987. Today, we reaffirm the reasoning and conclusions of these opinions and again conclude that the Secretary of State, ex officio Chairman of the South Carolina Cemetery Board, and the State Treasurer, ex officio Chairman of the Board of Financial Institutions, may lawfully be compensated for their additional, ex officio duties. Copies of these three opinions are enclosed for your information.

The Honorable Herbert Kirsh
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With kindest regards, I am

Sincerely,

Patricia D. Petway

Patricia D. Petway
Assistant Attorney General

PDP:wle

Enclosures

cc: The Honorable John T. Campbell
The Honorable Grady L. Patterson
The Honorable Robert N. McLellan
The Honorable James M. Waddell, Jr.

REVIEWED AND APPROVED BY:

Robert D. Cook

Robert D. Cook
Executive Assistant for Opinions