

1984 WL 249853 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 11, 1984

***1 SUBJECT: Appointment; Armed Forces; County Officers and Employees; Legislators; Public Officers.**

The qualifications of the office of County Veterans Affairs Officer are determined by the county delegation who must judge the qualifications of individual candidates. The County Veterans Affairs Officer is accountable to the county delegation, which has the authority to remove him from office at any time.

The Honorable W. Richard Lee
Member
House of Representatives

QUESTIONS:

- (1) What are the qualifications for the position of Veterans Affairs Officer?
- (2) Who determines the qualifications of an individual candidate?
- (3) To whom is the County Veterans Service Officer accountable?

OPINION:

[Section 25-11-40, South Carolina Code of Laws \(1976\)](#) provides that the Director of the Department of Veterans Affairs shall appoint the County Veterans Affairs Officer upon the recommendation of a majority of the Senators representing the county and a majority of the House members representing the county. In Opinions Nos. 1986 (issued March 1, 1966) and 77-344 (issued November 1, 1977), this office gave its opinion that the county legislative delegations make the selection and the Director merely appoints the person the delegation selects.

[Section 25-11-40](#) does not provide for the qualifications of a County Veterans Affairs Officer. Therefore, such qualifications would have to be determined by the county delegation. Enclosed with this opinion are two sample job descriptions for County Veterans Affairs Officers, one prepared by the Department of Veterans Affairs and the other by Spartanburg County.

[Section 25-11-40 of the Code](#) provides that County Veterans Affairs Officers shall be subject to removal at any time by the county delegation. Therefore, these officers are accountable to the county delegation. The relationship between County Veterans Affairs Officer and the State Director is set forth in [Section 25-11-50](#):

The Director of Veterans Affairs shall establish uniform methods and procedure for the performance of service work among the several county officers, maintain contact and close cooperation with such officers, and provide assistance, advice and instructions with respect to changes in law and regulations and administrative procedure in relation to the application of such laws and he may require from time to time reports from such county veterans affairs officers, reflecting the character and progress of their official duties.

In opinion No. 1986 we advised that County Veterans Officers were not under the control of the State Director: ¹

The State Service Officer has no control over County Service Officers except to require reports from time to time. He has no authority to tell them what to do or how to perform their duties. Thus, the authority for selecting and removing County Service Officers rests with a majority of the delegation of the various counties . . . Apparently, the county delegations have the right of control of conduct of the Service Officers' conduct. The State Service Officer has none and exercises none except to require reports from time to time.

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Footnotes

- 1 The impact of the Home Rule Act, codified as Section 4-9-10, et seq., and particularly Section 4-9-30(7) pertaining to county personnel, was considered in light of 1965-66 Ops. Atty. Gen. No. 1986, which found county service officers to be county, rather than State, employees. We would note, however, that the General Assembly chose to re-enact [Section 25-11-40](#) in the 1976 recodification of laws, following the enactment of the Home Rule Act; thus, [Section 25-11-40](#) would continue to be effective. 82 C.J.S. Statutes § 276.

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