

1981 WL 158211 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 31, 1981

\*1 A. Ray Godshall, Esquire  
Gaffney City Attorney  
Post Office Box 66  
Gaffney, South Carolina 29340

Dear Mr. Godshall:

With apologies for the delay, I am writing to advise you that my opinion is that the City of Gaffney is not authorized to donate public funds from whatever source to the Boys' Club of Cherokee County for the reasons stated in my October 13, 1980, letter to you. The fact that the contemplated funds come from paid fines and forfeited and bonds does not, in my opinion, change their public fund nature. See generally, 63 AM.JUR.2d Public Funds § 1; 35 WORDS AND PHRASES 'Public Funds' at 168; [Postelwait vs. State, \(Okla.\) 228 P. 789 at 791](#) ('a fine, when paid, becomes 'public funds,' and only the state would have a right to interfere to prevent the fine from being diverted illegally . . .').

With kind regards,

Karen LeCraft Henderson  
Senior Assistant Attorney General

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