

1976 WL 22930 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 24, 1976

Re: Addendum to letter of March 24, 1976.

*1 Mr. S. N. Pearman
Chief Highway Commissioner
S. C. State Highway Department
P. O. Box 191
Columbia, South Carolina 29202

Dear Mr. Pearman:

If it is determined by the Highway Department that a reasonable basis exists to believe that a court would have grounds upon which to base a judgment that the Highway Department breached an implied warranty, or that there was evidence from which it may be concluded that the Department falsely represented material conditions of the contract or facts relating thereto, in my opinion, the Highway Department may enter into a voluntary payment of a sum in settlement of the dispute. Such a payment would not be an admission that the fact of false representation or breach of implied warranty exists but is merely a recital that an allegation of such facts is made and that to resolve the existence or nonexistence of such facts, a mutual agreement of settlement has been entered into.

Very truly yours,

Daniel R. McLeod
Attorney General

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