



ALAN WILSON  
ATTORNEY GENERAL

May 1, 2025

S. Jahue Moore, Esquire  
Moore Bradley Myers  
PO Box 5709  
West Columbia, SC 29171

Dear Mr. Moore:

Attorney General Alan Wilson referred your April 22, 2025, letter to the Opinions section for a response. On behalf of the South Carolina Corn Board, you ask that we revisit our March 27, 2025, opinion to the South Carolina Commissioner on Agriculture and Chair of the Agriculture Commission of South Carolina to make it clear that we have not directed the South Carolina Corn Board to close its external bank account and remit the funds to the state-held account established for the board.<sup>1</sup> Our opinion can be located at Op. S.C. Att'y Gen., 2025 WL 1012406 (March 27, 2025). Although we stand by our original opinion, we did not and cannot direct the South Carolina Corn Board to take any particular action.

#### Law/Analysis

By statute, the Attorney General is charged with offering opinions on questions of law at the request of the Governor or the General Assembly. S.C. Code Ann. § 1-7-90 (Rev. 2005). The Attorney General is also required to advise solicitors regarding their duties and consult with and advise the Public Service Commission and state officers on questions relating to their official business. S.C. Code Ann. §§ 1-7-100, -110 (Rev. 2005). These advisory opinions are interpretations of the law by the chief legal officer of the Executive Branch. See State ex rel. Wolfe v. Sanders, 118 S.C. 498, 110 S.E. 808, 810 (1920) (“the Attorney General is the highest executive law officer of the state.”). While we often attempt to evaluate how a court might handle a legal issue, the opinions of this office do not have the authority of a court and do not direct parties to take, cease, or refrain from any particular action. Further, the opinions of this office are not binding on a court. Charleston County Sch. Dist. v. Harrell, 393 S.C. 552, 560-561, 713 S.E.2d 604, 609 (2011); Op. S.C. Att'y Gen. 2014 WL 1398584 at \*12 (March 25, 2014). To be clear,

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<sup>1</sup> Your April 22 letter also serves to withdraw your March 24, 2025 opinion request, which we received the day after we issued our earlier opinion.

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our opinion does not direct the South Carolina Corn Board, the Agriculture Commission of South Carolina, the South Carolina Department of Agriculture, or any individual employed by or associated with any of those entities to take any particular action.

Before we issued our March 27, 2025, opinion in this matter, we were advised that a composite reservoir bank account might be an option to hold the assessment funds of the commodity board. We found several references to this type of account in budget resolutions, but none in the South Carolina Code or the South Carolina Code of State Regulations. If this type of account is an option and it satisfies the concerns of the commodity board and the Agriculture Commission, it may prove to be a cost-effective alternative to litigation.

If, however, the Agriculture Commission and the Corn Board cannot reach a mutually acceptable resolution for the handling of assessment funds, then as discussed in our opinion, court is the proper and necessary forum to resolve this issue and all related questions.

#### Conclusion

Our March 27, 2025, opinion regarding the Commission on Agriculture and the South Carolina Corn board remains unchanged. However, the opinion should not be seen as directing any entity or individual to take a particular action.

Sincerely,



Sabrina C. Todd  
Assistant Attorney General

REVIEWED AND APPROVED BY:

  
Robert D. Cook  
Solicitor General