

1972 WL 25297 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 26, 1972

**\*1 Re: No. 329—Technical Education Commission**

Mr. R. L. Grigsby  
Executive Director  
Midlands TEC  
316 Beltline Blvd.  
P. O. Drawer Q  
Columbia, South Carolina 29205

Dear Director Grigeby:

Richland County Attorney Frank Sloan referred to me your request for an opinion concerning the authority of Midlands TEC to make deferred tuition payment schedules for needy students and endorse promissory notes from such students to the First National Bank. In my opinion Midlands TEC has this authority only if such authority is and can be specifically delegated to Midlands TEC by the Richland-Lexington Counties Commission for Technical Education under its rule-making power granted by Act No. 521 of 1969, Section 4(2).

As a general rule, the Richland-Lexington Counties Commission for Technical Education could delegate administrative and ministerial functions to the administrators at Midlands TEC. (See 2 Am. Jur. 2d, Administrative Law § 222). The actual adoption of a deferred payment schedule, the criteria for a 'needy student', and the selection of a bank or banks, may jointly or separately be matters involving discretion, which only the Commission can legally exercise, but which Midlands TEC may administer under the rules and regulations established by the Commission.

Contact me if I can be of any further assistance or provide any additional clarification.

Sincerely,

Hardwick Stuart, Jr.  
Assistant Attorney General

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