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# The State of South Carolina



## Office of the Attorney General

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March 24, 1993

The Honorable Timothy F. Rogers  
Member, House of Representatives  
204A Blatt Building  
Columbia, South Carolina 29211

Dear Representative Rogers:

In a letter to this Office you stated that it is your understanding that the State Law Enforcement Division is taking the position that a process server determines the "whereabouts" of a person under S.C. Code Ann. Section 40-17-20(1)(a), a provision of this State's Detective and Private Security Agency Act, and is therefore required to obtain a license as a private detective. Pursuant to such provision, the "private detective business" is defined as

... engaging in the business of or accepting employment to obtain or furnish information with reference to the (a) identity, habits, conduct, business, occupation, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movement, whereabouts, affiliations, associations, transactions, acts, reputation, or character of a person ....  
(emphasis added)

SLED is given the responsibility of licensing businesses and individuals engaged in the private detective business. See: S.C. Code Ann. Sections 40-17-40 et seq.

It has been stated that the term "whereabouts"

... does not connote exact location of individual at any given time, but rather general locale where a person may be found.

Words and Phrases, vol. 45. Similarly, Webster's Third New International Dictionary defines "whereabouts" as "the place or general locality where a person or thing is."

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I have been informed by an individual at SLED that they have construed Section 40-17-20(1)(a) whereby if a process server knows the location of the individual he is to serve and must make no efforts by means of investigation to locate an individual for purposes of service, a license as a private detective not required. For instance, if a process server knows the address of the individual he is to serve and the individual is at that location, there is no effort to determine the "whereabouts" of the individual and therefore, no license as a private detective is necessary. However, if there is no accurate address available and investigative efforts must be made to locate the "whereabouts" of an individual, a license would be required.

Generally, the interpretation of a statute by the agency charged with its interpretation is entitled to weight and should not be disregarded without compelling or cogent reason. Etiwan Fertilizer Co. v. S.C. Tax Commission, 217 S.C. 354, 60 S.E.2d 682 (1950); Emerson Electric Co. v. Wasson, 287 S.C. 394, 339 S.E.2d 118 (1986). Therefore, in this instance, the interpretation by SLED is entitled to careful consideration. Accordingly, this Office concurs in the interpretation described above.

Of course, pursuant to Section 40-17-20 "(t)he private detective business does not include persons employed exclusively and regularly by only one employer in connection with the affairs of the employer only and where there exists an employer-employee relationship unless the employer is in the detective business." Therefore, if a process server works exclusively for one employer only, a private detective license is not necessary.

If there is anything further, please advise.

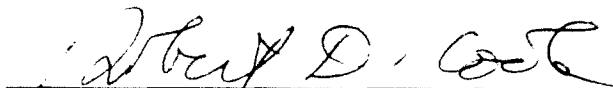
Sincerely,



Charles H. Richardson  
Assistant Attorney General

CHR/an

REVIEWED AND APPROVED BY:



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