

The State of South Carolina

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Office of the Attorney General

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January 8, 1990

Mark Hayes, Esquire
P. O. Box 3408
Spartanburg, SC 29304

Dear Mr. Hayes:


As associate counsel for the South Carolina School for the Deaf and Blind (School), you have requested the advice of this Office as to whether the Board of Commissioners of the School may enter a contract of employment with the wife of the President of the School. According to the information supplied by you, the individual would be employed as a temporary employee by the Board of Commissioners of the School (Board) for a period of 120 days. Her immediate supervisor would be a person other than the President, and her supervisor would deal directly with the Board concerning the individual's employment. Your question is whether the employment arrangements would violate statutory and regulatory provisions for nepotism under section 8-5-10 of the Code of Laws of South Carolina, 1976, as amended, and Regulation 707.02(j) of the Budget and Control Board, Vol. 23A of the Code.

Your request letter includes your legal research as to these questions and your opinion that the employment of the individual would not violate the statutory and regulatory provisions for nepotism. You base your conclusion on the fact that the employment is on a temporary basis for 120 days or less, that the Board, rather than the President, would be hiring the individual, and that the supervisory chain for the individual eliminates any supervision, control or influence of the President. As you noted, Regulation 707.02 exempts employees who are hired to work 120 days or less. You also note a previous Opinion of this Office which indicated that the nepotism statute would not apply to the relative of a school district superintendent when the hiring body was the board of trustees of the district. You compare those circumstances with the hiring of the individual by Board, rather than the President of the School.

MARK HAYES, ESQUIRE
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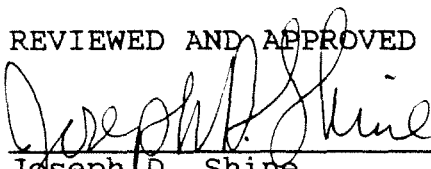
We have reviewed your research and legal opinion as to this matter and concur with your conclusion that the employment of the individual in question by the Board for a period of time lasting no longer than 120 days would not be violative of the nepotism statute or regulation.

Yours very truly,

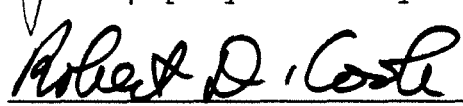

J. Emory Smith, Jr.
Assistant Attorney General

JESjr/jps

REVIEWED AND APPROVED BY:



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