

The State of South Carolina



Office of the Attorney General

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July 12, 1988

The Honorable Donna A. Moss
Member, House of Representatives
110 Camelot Drive
Gaffney, South Carolina 29340

Dear Representative Moss:

You have inquired as to whether a county legislative delegation may appoint a county veterans affairs officer for a probationary period of service, specify certain conditions which must be met during the probationary period, and review the appointment at the end of the probationary period. The review at that time could result in the continued appointment of the individual if the conditions had been fulfilled, or removal of the individual and another veterans affairs officer appointed. For the reasons following, it is the opinion of this Office that following such a procedure would be statutorily permissible.

Section 25-11-40, Code of Laws of South Carolina (1976), provides the mechanism for appointment of the county veterans affairs officer by a legislative delegation. See also proviso number 53.2, 1988-89 Appropriations Act. Section 25-11-40 further provides:

Any such county veterans affairs officer shall be subject to removal at any time by a majority of the Senators representing the county and a majority of the House members representing the county.

This Office has interpreted this Code section on several occasions to mean that the county legislative delegation may specify the qualifications of the appointee and may remove the appointee at any time. Additionally, we have stated that "[a]pparently, the county delegations have the right of control of the Service

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Officers' conduct." Op. Atty. Gen. No. 1986, dated March 1, 1966; see also Ops. Atty. Gen. dated April 11, 1984; May 5, 1983; and December 14, 1978 (copies of all enclosed).

Based on the right of a county legislative delegation to remove a county veterans affairs officer at any time, it is the opinion of this Office that the delegation may also specify qualifications or conditions to be met by an appointee to the position of county veterans affairs officer; further, the delegation may review the individual's appointment at any time and take whatever actions as may be warranted, in the opinion of the delegation, as to that individual's continued appointment.

With kindest regards, I am

Sincerely,

Patricia D. Petway

Patricia D. Petway
Assistant Attorney General

PDP/an

Enclosures

REVIEWED AND APPROVED BY:

Robert D. Cook

Robert D. Cook
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