

The State of South Carolina

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Office of the Attorney General

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ATTORNEY GENERAL

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June 17, 1987

J. P. Strom, Chief
S. C. Law Enforcement Division
P. O. Box 21398
Columbia, SC 29221-1398

RE: Private Investigators: Opinion #OS-2705

Dear Chief Strom:

Attorney General Medlock has referred to me your letter of May 25, 1987, for inquiry and reply.

You presented the following question: If a company contracts for an investigator, and puts the contract out on bid, would the individual who gets the contract have to be a licensed private investigator under our statute? I have examined the relevant code sections, found in the Detective and Private Security Agencies Act, §§40-17-10 et. seq., CODE OF LAWS OF SOUTH CAROLINA(1976) as amended, and discussed the matter with Lt. Murphy, the Director of the Regulatory Section at your agency. Based upon my examination of the statute, and my discussions with Lt. Murphy, I do not believe the individual who prompted this inquiry would have to be licensed as a private investigator by SLED to do the work for the employer who put the contract out on bid.

The fact situation which led your inquiry concerned a Federal Agency, which put a contract out on bid for a private investigator to perform certain functions. The bid went to an individual who was not licensed by your agency, and a licensed investigator called Lt. Murphy to complain.

§40-17-20(a) defines private detective business, but contains the following exclusion:

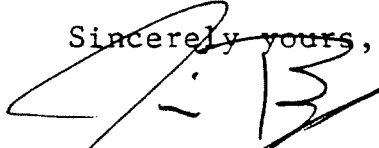
Private detective business shall not include persons employed exclusively and regularly by only one employer in connection with the affairs of such employer only and where there exists an employer/employee relationship unless the employer is in the detective business.

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It would appear from the above, and I so advised Lt. Murphy, that the individual who received the bid could perform the functions for the federal agency within the constraints of the contract, without having to be licensed by your agency. However, if he took on any other clients, or held himself out generally as a private investigator, performing the duties described in the balance of §40-17-20(a), he would have to be licensed by SLED.

It is my understanding that Lt. Murphy passed this information on by telephone conversation to the inquiring parties and this matter has been disposed of. If further information is needed, please do not hesitate to contact me.

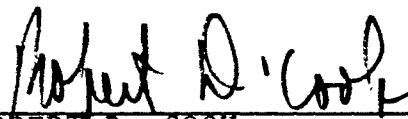
Sincerely yours,



James G. Bogle, Jr.
Assistant Attorney General

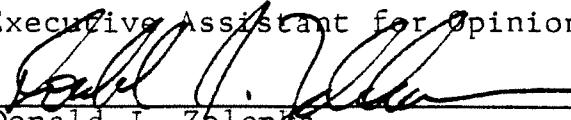
JGBjr/add

APPROVED BY:



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Donald J. Zelenka
Chief Deputy Attorney General