

1983 WL 181731 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 31, 1983

*1 J. Lewis Cromer, Esquire
Office of the County Attorney
Post Office Box 192
Columbia, South Carolina 29202

Dear Mr. Cromer:

Your letter of January 25, 1983, concerning the question of whether the hiring by Richland County of a nephew of the Richland County Attorney would violate either [§ 8-5-10, Code of Laws of South Carolina, 1976](#), or § 4-1050 of the Richland County Code has been referred to me for response. As you apparently are already aware, this Office has previously concluded that the anti-nepotism provision of [§ 8-5-10](#) applies only to State government and does not include political subdivisions. See, 1964 Op. Att'y. Gen. 1681; 1973 Op. Att'y. Gen. 3666 (copies enclosed). Section 4-1050 of the Richland County Code prohibits two members of an immediate family from being employed in the same administrative department or in different department if one is in a supervisory position to the other. The phrase 'immediate family' is defined within the section as wife, husband, mother, father, brother, sister, son, daughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandmother, grandfather, grandson, granddaughter, stepmother, stepfather, stepson, or stepdaughter. Since 'nephew' is not included within the definition of immediate family, the situation which you have described would not violate § 4-1050 of the Richland County Code.

Based on the foregoing, it is the opinion of this Office that it would not be a violation of the State or the Richland County anti-nepotism statute for the nephew of the Richland County Attorney to be hired by Richland County.

Very truly yours,

Helen T. Zeigler
Assistant Attorney General

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