

1981 WL 158264 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 8, 1981

*1 Costa M. Pleicones
Richland County Attorney
Richland County Judicial Center
1701 Main Sreet
Post Office Box 192
Columbia, South Carolina 29202

Dear Mr. Pleicones:

This will reply to your letter of January 7, 1981, requesting the opinion of this Office whether a relative of a member of the Richland County Council may be employed as a secretary by a Richland County Magistrate. The person in question is the sister-in-law of a Council member.

It is the opinion of this Office that the Council member's relative may be so employed. The State statute which prohibits nepotism, or the employment by the "head of any department" of any person related to him within the sixth degree, [Code Section 8-5-10](#), Code of Laws of 1976, as amended, does not apply to counties and municipalities or other political subdivisions. See 1963-64 Opinions of the Attorney General, No. 1681. We find no special statute on this subject applicable to Richland County, therefore, the general law would apply.

Even if the anti-nepotism statute did apply to the county the official who is appointing or employing the individual in question is a Richland County Magistrate and not the Richland County Council. Therefore, this person could in no way be considered an employee of the Council, even though the Council's actions concerning Magistrates' budgets might have some indirect effect on her employment.

If you have further questions, do not hesitate to call upon us.

Sincerely,

Frank K. Sloan
Deputy Attorney General

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