

1981 WL 158163 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 24, 1981

**\*1 Re: Section 61-5-70**

Mr. James H. Harrison  
Legal Counsel  
South Carolina Alcoholic beverage Control Commission  
1205 Pendleton Street  
Columbia, South Carolina 29201

Dear Jim:

I have enclosed a prior opinion of this Office issued to Nick Sipe which pertains to a similar question of 'interest' and employment. I think the reasoning therein would be equally applicable to § 61-5-70 of the Code which states among other things: When a license is suspended or revoked, no partner or person with a financial interest of any kind in the premises, nor any person within the third degree of kinship to the person to whom a license had been issued, shall be granted a license for the premises concerned.

If the initial license holder is an employee of the subsequent license holder and the employment partakes of the characterizations of ownership or control of the license, then the above quoted language of § 61-5-70 would prohibit the issuance of that license. It is the opinion of this Office, however, that mere employment by a corporation which holds a minibottle license is not an interest prescribed by § 61-5-70.

Very truly yours,

Edwin E. Evans  
Assistant Attorney General

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