

1981 S.C. Op. Atty. Gen. 60 (S.C.A.G.), 1981 S.C. Op. Atty. Gen. No. 81-38, 1981 WL 96564

Office of the Attorney General

State of South Carolina

Opinion No. 81-38

April 15, 1981

*1 Honorable Jarvis R. Klapman
Member
House or Representatives
Task Force Committee
1028 Sumter Street 201
Columbia, South Carolina 29201

Dear Mr. Klapman:

You have requested my opinion as to the legality of a person accepting a third term on the Department of Youth Services. In your request, you have referred to a member who was appointed on August 4, 1969, and reappointed on June 28, 1974. The member was subsequently appointed on June 5, 1980.

The Act creating the Board exempted from its prohibition of successive terms within a period of two years the 'initial Board.' I have previously expressed the opinion that the 'initial Board' referred to the Board of Juvenile Corrections (now designated as the Board of Youth Services), of which the person about whom you inquire was a member. The second appointment in this instance was, therefore, in my opinion, valid, and the member was properly appointed for a second term. The second term expired on August 2, 1979, and that member was not eligible for reappointment until two years thereafter. The appointment made within the two-year period was, therefore, not made in accordance with the statutory requirements.

I am enclosing copies of letters forwarded to former Governor Edwards and to Mrs. Barbara Sylvester, whom I presume is the member concerned, as her appointment dates coincide with those referred to in your inquiry.

Irrespective of the foregoing conclusions, members of the Board of Youth Services must continue to occupy their offices until their successors have been appointed and have qualified. This matter will be called to the attention of the Governor for such action as he may indicate.

Very truly yours,

Daniel R. McLeod
Attorney General

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