

1981 WL 157808 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 5, 1981

\*1 Mr. Larry D. Smith  
Sheriff  
County of Spartanburg  
Post Office Box 771  
Spartanburg, South Carolina 29304

Dear Sheriff Smith:

You have asked this office for an opinion as to whether you would be in violation of any law regarding nepotism if you hired your brother to work for the Sheriff's Department. [South Carolina Code Section 8-5-10](#) provides as follows:

It shall be unlawful for any person at the head of any department of this government to appoint to any office or position of trust or enolument under his control or management any person related or connected with him by consanguinity or affinity within the sixth degree.

From this provision it would appear that your brother could not work at the office of the Spartanburg County Sheriff. However, this office has determined that [Section 8-5-10](#) is only to apply to state departments and not to political subdivisions, such as counties. See 1963-64 Attorney General Opinions, No. 1681, p. 131, attached herewith.

Therefore, barring the existence of any county ordinance to the contrary, your brother may be rehired to his original position.

I trust this answers your question. Please do not hesitate to contact me should you have further questions.

Very truly yours,

James W. Johnson, Jr.  
Assistant Attorney General

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