

1982 WL 189262 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 20, 1982

**\*1 Re: St. Johns Fire District**

Norman W. Stevenson, Esquire  
Barnwell, Whaley, Stevenson & Partterson  
Post Office Drawer H  
Charleston, South Carolina 29402

Dear Mr. Stevenson:

You have requested an opinion as to whether the St. Johns Fire District may withdraw from the Police Officer's Retirement System. As you note, there is nothing in the Act which prevents the withdrawal of a member employer from the System and it may be added that there is nothing which permits such withdrawal. The Retirement System and this office have consistently taken the position over the years that this silence in the Retirement Act, coupled with the powerlessness of the System to do anything not authorized by statute, means that the Retirement System cannot permit an employer to withdraw from the System.

Since you have asked this question in the context of the possibility of establishing an IRA for the employees of the district, I can advise at least that under a statute enacted several weeks ago and under a new authorization from the Internal Revenue Service, the amount of income which is contributed to the Retirement System by a member employee is to be treated the same as funds put into an IRA, that is, not as income until retirement.

Sincerely yours,

Kenneth P. Woodington  
Senior Assistant Attorney General

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