

1981 S.C. Op. Atty. Gen. 117 (S.C.A.G.), 1981 S.C. Op. Atty. Gen. No. 81-96, 1981 WL 96621

Office of the Attorney General

State of South Carolina

Opinion No. 81-96

December 16, 1981

**\*1 Re: John Miller Member, Beaufort County School Board**

The Honorable Richard W. Riley

Governor

Post Office Box 11450

Columbia, South Carolina 29211

Dear Governor Riley:

John Miller was suspended pursuant to Executive Order No. 79-10 filed in the Office of the Secretary of State on April 5, 1979, following his indictment by a grand jury charging a violation of [18 U.S.C. § 1001](#). Subsequently, the charges were dismissed by the United States Government, and your Executive Order was rescinded by you.

You have now been asked to have Mr. Miller compensated for the period of the term under which he was suspended.

In my opinion, he is not entitled to be paid during the period under which he was suspended. The general rule is that an officer who is suspended from an office is not entitled to compensation during the period of his suspension unless the suspension was illegally or unlawfully made. The suspension in this instance by you was not illegally or unlawfully made but was undertaken pursuant to constitutional and statutory provisions of the law of this State. Previous opinions of this Office have in prior instances followed this rule. The appropriate citations are set forth below:

Attorney General's Opinion dated March 13, 1972, directed to the County Attorney of Fairfield County;

67 C.J.S. Officers ¶86(b); and

Cf. [Section 4-9-30, Code](#) of Laws, 1976.

Very truly yours,

Daniel R. McLeod

Attorney General

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