

1980 WL 120657 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 5, 1980

*1 Honorable James R. Metts
Sheriff
Lexington County
521 Gibson Road
Lexington, South Carolina 29072

Dear Jimmy:

In a letter to this Office you asked whether Act No. 285 of 1973 which prescribes certain fees for the Lexington County Sheriff has been amended since its passage in 1973. Please be advised that I am unaware of any amendments to such Act specific to the Lexington County Sheriff or to the general fee schedule provided for sheriffs, as is provided by [Section 23-19-10, Code of Laws of South Carolina](#), 1976. Furthermore, it is my understanding that no legislation has been offered for consideration by the General Assembly during this current session concerning fees for sheriffs.

Additionally, you have asked what expenses are allowed under subsection (e) of Act No. 285 of 1973 which provides that the Lexington County Sheriff shall be paid:

‘(a)ll additional expenses incurred as a necessary part of the service set forth in paragraphs (a), (b), (c), and (d) above including, but not limited to, towing fees, wrecker service, storage fees and fees for publication shall be charged at actual cost in addition to the fees set forth above.’

You also have asked whether expenses such as costs for consultation with a private attorney could be considered as an ‘additional expense incurred as a necessary part of the service.’ Please be advised that this Office cannot provide any inclusive opinion as to what additional costs may be charged by the sheriff pursuant to subsection (e). However, as to your question concerning charges for consultation with a private attorney, it appears that such a charge would probably not be permitted by subsection (e). Such subsection references that such ‘additional expenses’ includes but are not limited to towing fees, wrecker service charges, storage fees, and fees for publication. It appears therefore that what is intended are those usual and expected charges typically incurred in handling those matters referenced by subsections (a) through (d) but would not include costs atypical to such proceedings, such as fees for consulting private attorneys. However, what expenses are ‘a necessary part of the service’ must be evaluated in each individual proceeding as to whether it comes within such permitted costs.

If there are any questions concerning the above, please contact me.

Sincerely,

Charles H. Richardson
Assistant Attorney General

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