

1980 WL 121145 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 3, 1980

\*1 Purvis W. Collins

Director

South Carolina Retirement System

Solomon Blatt Building

Second Floor

Columbia, South Carolina 29201

Dear Mr. Collins:

You have requested an opinion as to whether Building Inspectors may be covered by the South Carolina Police Officers Retirement System. These officials are now covered by the South Carolina Retirement System.

A letter to you by the president of The Building Officials' Association of South Carolina indicates that, in his words, 'our employment does not involve the preservation of public order or the detection of crimes . . .'. Rather, Building Inspectors work to enforce building, mechanical, electrical and other codes to prevent property destruction and loss of life by fire.

Section 9-11-10(6) defines 'police officer' as 'any person who receives his salary from an employer and who is required by the terms of his employment, either by election or appointment, to give his time to the preservation of public order, the protection of life and property and the detection of crimes in the State.' It is the opinion of this Office that in joining the three elements of what constitutes a police officer by the word 'and,' the General Assembly intended that a person meet all three of those requirements. However, the Building Inspectors themselves concede that they do not fall within two of the three of the requirements listed in the statute.

Section 9-1-660 permits firemen to be covered by the Police Officers Retirement System. However, that section defines a 'fireman' as one whose duties include the 'prevention and control of property destruction by fire.' Despite their statement to the contrary, it is the opinion of this Office that the duties of Building Inspectors relate only to fire prevention and that the 'control of property destruction by fire' is performed only by persons actually engaged in firefighting.

For these reasons, it is the opinion of this Office that Building Inspectors are not 'police officers' within the meaning of § 9-11-10(6) or § 9-1-660 and therefore are not eligible for coverage under the South Carolina Police Officers Retirement System. Sincerely yours,

Kenneth P. Woodington

Assistant Attorney General

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