

1980 WL 120871 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 12, 1980

***1 RE: Kingstree Housing and Economic Development Corporation**

Purvis W. Collins
Director
South Carolina Retirement System
Sol Blatt Building
Second Floor
Columbia, South Carolina 29201

Dear Mr. Collins:

You have requested an opinion as to whether the above corporation is an 'employer' under § 9-1-10(5) for purposes of participation in the South Carolina Retirement System. You have enclosed the certificate of incorporation of the corporation which indicates that it is a private eleemosynary corporation. It also appears from reading Article II of the by-laws of the corporation that it receives federal grant funds.

Section 9-1-10(5) defines 'employer' as the state, counties, municipalities other political subdivisions of the state and certain specifically named entities such as city boards of education. Since a private eleemosynary corporation which receives federal funds is plainly not a political subdivision of the state nor any of the entities specifically listed, it is the opinion of this Office that the corporation is not eligible for participation in the Retirement System.

Sincerely yours,

Kenneth P. Woodington
Assistant Attorney General

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