

1977 S.C. Op. Atty. Gen. 116 (S.C.A.G.), 1977 S.C. Op. Atty. Gen. No. 77-139, 1977 WL 24481

Office of the Attorney General

State of South Carolina

Opinion No. 77-139

May 5, 1977

*1 Under the South Carolina Private Detective and Private Security Agencies Act, the chief of the State Law Enforcement Division has the power and duty to promulgate all rules and regulations necessary to qualify corporations for licenses to conduct private security agencies.

TO: Chief
State Law Enforcement Division

QUESTION PRESENTED:

When the purchaser of a private security business is a corporation, how can the qualification requirements of Subsection 5(b) be met?

STATUTES INVOLVED:

Section 56–646.1, et seq., of the 1962 Code of Laws of South Carolina, as amended—The South Carolina Private Detective and Private Security Agencies Act

DISCUSSION:

You have asked how a corporate entity may qualify for a Private Security Agency license as required by Section 56–646.1, et seq., of the 1962 Code of Laws of South Carolina, as amended, particularly as that Act states certain qualifications for licensing which cannot be met by one other than a human being, since among other things it would be impossible for such an entity to have at least two years' experience in a relates area as required in Section 56–646.5(b)(7) of the aforementioned Act.

Section 56–646.3(3) provides that the chief of the State Law Enforcement Division, among other things, shall have the power and duty to promulgate all rules and regulations necessary in carrying out the provisions of the Act. Inasmuch as the Act clearly contemplates ownership of private security agencies by corporations but contains no specific provisions which would permit such entities to comply with the qualification requirements of Section 56–646.5(b), it must be concluded that the responsibility for promulgating the necessary rules and regulations in such situations rests with the chief of the State Law Enforcement Division in carrying out the provisions of the Act.

In this regard, the provisions of Section 4–33 of the Alcoholic Beverage Control Act (Section 4–1, et seq., of the 1962 Code of Laws of South Carolina) would be instructive as it embodies the appropriate principles which should be applied.

CONCLUSION:

Therefore, it is the opinion of this Office that under the provisions of the aforementioned Act the chief of the State Law Enforcement Division has the power and duty to promulgate rules and regulations necessary to qualify corporate entities for licenses to conduct private security businesses.

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