

1977 S.C. Op. Atty. Gen. 210 (S.C.A.G.), 1977 S.C. Op. Atty. Gen. No. 77-273, 1977 WL 24613

Office of the Attorney General

State of South Carolina

Opinion No. 77-273

September 2, 1977

*1 TO: Mr. John S. Parton
Acting Director, O.C.J.P.
Office of the Governor

QUESTION

Whether Section 14-21-340(b)(1), Code of Laws of South Carolina (1976), requires a college degree as a prerequisite for eligibility for the position of probation counselor

AUTHORITIES

Section 14-21-340(b)(1), Code of Laws of South Carolina (1976);

[Donner v. Sheer Pharmacal Corporation](#), 64 F.2d 217 (8th Cir. 1933);

[Black's Law Dictionary](#), Fourth Edition;

15 [Words and Phrases](#) 158.

DISCUSSION

This is in response to your request of August 11, 1977, for an opinion from this office concerning the interpretation of Section 14-21-340(b)(1), Code of Laws of South Carolina (1976), which provides for the qualifications necessary for eligibility as a probation counselor. This section specifically states that a necessary qualification for appointment is ‘. . . a college degree with special training in the field of Social Science, or its equivalent.’ (Emphasis added). It is the opinion of this office that the requirement of a college degree is not a mandatory qualification for the position of probation counselor, but rather is merely directory and some type of equivalent experience may serve as a substitute. Had the General Assembly intended that a college degree serve as a mandatory qualification for the position, it could have done so more clearly.

The word ‘equivalent’ has been defined as ‘equal in worth or value, force, power, effect, import and the like,’ or something ‘which performs the same function in substantially the same manner as the thing of which it is alleged to be an equivalent.’ [Donner v. Sheer Pharmacal Corporation](#), 64 F.2d 217 (8th Cir. 1933). See generally: [Black's Law Dictionary](#), Fourth Edition, and 15 [Words and Phrases](#) 158. What might be considered tantamount to a college degree is a subjective decision which must be left to the discretion of the judge of the family court in whom is vested the power of appointment.

CONCLUSION

Under Section 14-21-340(b)(1), Code of Laws of South Carolina (1976), a college degree is not a mandatory qualification for the position of probation counselor. An equivalent experience may serve as a substitute for the degree and such a determination may only be made by the judge of the family court.

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