

1978 WL 34662 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 18, 1978

*1 Mr. Dick Hutto
State Auditor's Office
P. O. Box 11333
Columbia, SC 29211

Dear Mr. Hutto:

Recently you requested an Opinion concerning the use of independent contractors by State agencies. In particular, you desire to know if The Citadel could avoid responsibility for workmen's compensation under the terms of certain contracts for services which The Citadel had entered into with various individuals.

I am enclosing for your information an extensive memorandum prepared by Ms. Martha McElveen, a senior law clerk with the Attorney General's staff. I concur in the result reached by Ms. McElveen, and in effect the result is inescapable. Therefore, The Citadel could not escape its liability for workmen's compensation in the cases of the bus driver, organist and barbers. In the case of the public relations speaker, an independent contractor's status appears to exist, and such a relationship would not be subject to workmen's compensation liability on the part of The Citadel.

I hope this information will be helpful to you.

Sincerely,

George C. Beighley
Assistant Attorney General

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