

1979 WL 43162 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 9, 1979

*1 Mr. F. G. Scurry
Route 5
Saluda, South Carolina 29138

Dear Mr. Scurry:

In response to your request for an opinion from this Office concerning the scope of the authority of the Saluda County Nursing Board, my opinion is that the Board is not authorized to retain its own attorney.

Act No. 1391 of 1966 [54 STAT. 3677 (1966)] established the Board and, among its powers, included the following:
... to employ such administrative, clerical, nursing and other help as may be necessary to properly operate the home. Id.

Inasmuch as the statute specifically designates the type of personnel which the Board is authorized to employ and does not include therein the procurement of legal services, the rule of statutory construction that the inclusion of some items within a statute necessarily intends the exclusion of all others [2A SUTHERLAND STATUTORY § 47.23 (4th ed. 1973)] leads to the conclusion that the Board is without the authority to retain its own attorney.

With kind regards,

Karen LeCraft Henderson
Senior Assistant Attorney General

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