

1979 WL 43583 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 11, 1979

*1 Honorable Larry D. Smith
Sheriff
Spartanburg County
Spartanburg, South Carolina 29301

Dear Sheriff Smith:

In a letter to this Office you referenced the fact that your first cousin has applied for a position as deputy sheriff with the Spartanburg County Sheriff's Department. You have asked specifically whether the hiring of your cousin would be in violation of the State's nepotism law and further does the nepotism law apply to your department or to the departments of other elected officials.

The State anti-nepotism statute, [Section 8-5-10, Code of Laws of South Carolina](#), 1976, does not apply to counties or municipalities. See, e.g., 1963-64 Ops. Atty. Gen. No. 1681. Such opinion stated that the referenced code section applies to State departments only and does not apply to political subdivisions such as counties and municipalities. Therefore, in response to your request, the hiring of your cousin to be a deputy sheriff with the Spartanburg County Sheriff's Department would not be a violation of the State's nepotism law inasmuch as such law does not apply to your department or to that of other county and municipal officials.

However, enclosed please find another opinion of this Office, a letter dated January 21, 1977, from Ms. Henderson to Mr. Wallace, which references pertinent sections of Act 283 of 1975, the 'home rule' legislation and the State's Ethics Act. Your attention is particularly addressed to that portion of the ethics statute which is now codified as Section 8-13-460 in the 1976 Code of Laws and is referenced in Ms. Henderson's letter.

In conclusion, as referenced above, the State's nepotism statute does not apply to county officials and therefore it would appear that you as sheriff could hire your cousin as a deputy sheriff within your department assuming there is compliance with any applicable portions of the above referenced legislation. I am further assuming that Spartanburg County does not have an anti-nepotism ordinance which would prohibit the hiring of your cousin.

With best wishes, I am

Very truly yours,

Charles H. Richardson
Assistant Attorney General

1979 WL 43583 (S.C.A.G.)

End of Document

© 2017 Thomson Reuters. No claim to original U.S. Government Works.