

1978 WL 34937 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 12, 1978

*1 Colonel George P. Pechilis
South Carolina Auctioneer's Commission
915 Main Street
Columbia, South Carolina 29201

Dear Colonel Pechilis:

You requested on opinion as to whether a school district in South Carolina is permitted to auction real estate which it owns without employing the services of a licensed auctioneer. It is our opinion that this auction should be permitted provided that the school district is selling only real estate which it owns.

The Auctioneer Licensing Statute exempts 'sales at auction conducted by or under the direction of any public authority.' [§ 40-6-20\(2\), SOUTH CAROLINA CODE](#), 1976. As the school board is clearly a public authority, this sale would not be covered by the auctioneer statute.

This is also consistent with the Real Estate section of the code which exempts from licensing requirements the sale at auction of real estate by the owner of the property. [§ 40-57-30, SOUTH CAROLINA CODE](#), 1976. Therefore, it seems clear that the sale which you have inquired about is not covered by any statute which your Commission enforces.

Sincerely yours,

David C. Eckstrom
Staff Attorney

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