

1975 WL 29331 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 18, 1975

\*1 The Honorable James B. Edwards  
Office of the Governor  
Columbia, SC 29211

Dear Governor Edwards:

By letter dated December 3, 1975, Mr. Lionel S. Lofton requested an opinion from this Office as to whether the Governor has the authority to make appointments to a newly created local Foster Care Review Board once the South Carolina Advisory Board has determined that the establishment of an additional Board in a particular judicial circuit is necessary.

Authority for the establishment of additional local Foster Care Review Boards by the Advisory Board is provided in Section 2, Act No. 1172 (Acts and Joint Resolutions-1974) which states in part as follows:

'In the event the State Advisory Board determines that additional local review boards are necessary in any judicial circuit because of an excessively large case load for review, the board may create additional local review boards by resolution and the boards so created shall have all authority and duties provided for such boards by the provisions of this act.'

A review of the provisions of Act No. 1172 makes clear that the intention of the General Assembly is to permit in heavily populated areas the creation of additional Boards when the work load so demands. Such additional Boards are to function in the same manner, with the same authority and duties, as those Boards originally created by the Act. Thus, in my opinion, logic dictates that those provisions of Act No. 1172 which govern the appointment of members to the original Boards in each judicial circuit be likewise applicable to Boards newly created by the Advisory Board. Therefore, I am of the opinion that members of those Boards created by the Advisory Board must be appointed by the Governor upon recommendation of the legislative delegations of each county within the circuit.

I base this opinion upon two principal points. First, the plain wording of the statute indicates that no distinction is to be made between those local Boards created by Act No. 1172 and those subsequently created by the Advisory Board. Second, no other mode of appointment is provided by the Act. This omission is especially meaningful in view of the doctrine universally recognized that the Governor of a State has no inherent power of appointment to office and must find such in either constitutional or statutory provision. [State v. Hough](#), 87 S.E. 436, 103 S.C. 87 (1915); [State v. Bowden](#), 75 S.E. 866, 92 S.C. 393 (1912).

I trust this sufficiently answers the questions raised regarding this matter.

Sincerely,

W. Joseph Isaacs  
Staff Attorney

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