

1974 WL 27203 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 18, 1974

***1 RE: Herman Otto Jenkins**

Lee K. Crosland, Esquire
Attorney at Law
1327 Pickens Street
Columbia, South Carolina 29201

Dear Mr. Crosland:

I am in receipt of your correspondence regarding the above named individual. Mr. Emory Austin has previously referred this matter to me for advice on the matter.

As I understand the matter from the relevant data in the files, your request for a hearing was received by the South Carolina Highway Department on October 29, 1973, and the hearing was set for November 19, 1973. This is twenty-one days from the date of request. However, since the twentieth day would have occurred on Sunday, the hearing was held on Monday. The central issue which you raise in your letter is the point at which the twenty-day statutory period should commence.

It is the opinion of this office that a reading of Section 46-184 of the 1962 Code of Laws of South Carolina would dictate that the twenty-day period can only begin when the Highway Department is in receipt of the request for a hearing. . . . and upon receipt of such request the Department shall afford him a review, as early as practicable within twenty days after receipt of such request . . .

Based on the express language of this Section, it is my opinion that the Department has acted fairly and within the statutory provisions set forth in the Code of Laws.

Very truly yours,

Hutson S. Davis, Jr.
Assistant Attorney General

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