

1974 WL 27666 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 12, 1974

*1 Honorable Edgar L. McGowan
S. C. Commission of Labor
P. O. Box 11329
Columbia, South Carolina 29211

Dear Mr. McGowan:

Your letter of March 11, 1974, addressed to the Attorney General has been referred to me for reply. In that letter, you pose the following question and ask that this office render an opinion thereon:

Do I have the authority under State law to delegate responsibilities and authority to make binding decisions to employees on my staff for the purpose of carrying out the duties imposed upon me by State law?

The answer to the question which you have presented is in the affirmative. I specifically direct your attention to Sections 40-3, 40-4 and 40-6 of the Code of Laws of South Carolina (1962), as amended. These three sections read in pari materia clearly demonstrate that you do have authority to delegate responsibilities for the enforcement of State law to members of your staff. Section 40-6 of the Code of Laws of South Carolina (1962), as amended, provides:

The Commissioner shall enforce all laws of this Title in places, sites or areas, which come under his jurisdiction, and appoint such assistants and inspectors as necessary to carry out his duties. The duties of such assistants and inspectors shall be prescribed by the Commissioner which come under his jurisdiction.

It is therefore the opinion of this office that you do have the authority under current State law to delegate responsibilities to members of your staff to make decisions for the purpose of carrying out duties imposed upon you by Title 40 of the Code of Laws of South Carolina (1962), as amended.

Very truly yours,

Ellison D. Smith, IV
Assistant Attorney General

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