

1973 WL 26857 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 24, 1973

*1 The Honorable Claude McCain
Chairman
South Carolina Insurance Commission
S. C. Department of Insurance
2711 Middleburg Drive
Columbia, South Carolina 29204

Dear Mr. McCain:

The following statement is submitted as a matter of general principle with regard to the potential liability which public officials may incur in the course of their duties:

As in other areas of governmental administration, there is a growing apprehension among public officials with respect to the risks of personal liability which may be encountered by a public officer in the performance of his duties. As long as the members of the Commission act without malice, illegality, or bad faith, they do not, in my opinion, incur the risk of personal liability for their actions. So long as their judgments do not warrant an inference of such conduct, they will not be subject to personal liability even though such judgments may be incorrect.

Very truly yours,

Daniel R. McLeod
Attorney General

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