

1973 WL 27006 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 17, 1973

***1 re: No. 223—Officers**

Mr. Howard R. Boozer
Executive Director
S. C. Commission on Higher Education
1429 Senate Street
Columbia, South Carolina 29201

Dear Mr. Boozer:

Please forgive our delay in answering your recent inquiry; however, your letter was misplaced.

You have requested that we advise you with respect to the following question:

When governing board members or higher education administrators incur expenses defending against civil or criminal actions arising out of conduct within the scope of their authority and in the performance of their responsibilities, has provision been made by law for their indemnification?

At the present time, there is no statute that would authorize the State to reimburse a member of a governing board or an administrator thereof for expenses incurred by such an officer in defending a civil or criminal action brought against him as a result of the performance by him of his responsibilities.

However, your attention is directed to Section 1-234 of the South Carolina Code of Laws which requires this office to defend any officer or employee of the State or political subdivision thereof who is prosecuted in either a criminal or civil action by reason of any act done or omitted in good faith in the course of his employment.

Kind regards,

C. Tolbert Goolsby, Jr.
Deputy Attorney General

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