

1972 WL 25199 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 4, 1972

*1 The Honorable G. P. Callison
Chairman
State Election Commission

Hessrs. Callison & Dorn
Attorneys at Law
503 Textile Building
Greenwood, South Carolina 29646

Dear Mr. Callison:

Thank you for your letter of January 31, 1972, inquiring if a fee can be paid to Mr. James B. Ellisor for services rendered as an attorney in the case styled 'McLeod v. John C. West, et al.'

I advise that such payment can not be made in view of the section of the General Appropriations Act which provides, in part: '—salaries paid to officers and employees of the State, including its several boards, commissions, and institutions, shall be in full for all services rendered, and no perquisites of office or of employment shall be allowed in addition thereto—.'

This is found in Section 86 of the current General Appropriations Act.

I recognize the desire to compensate Mr. Ellisor, but I do not believe that it can be validly accomplished. In a number of similar situations where the attorneys in this Office, for example, have been offered compensation for their representation of school boards, I have directed that such fees cannot be paid in view of the proviso in the Appropriations Act referred to. This is not precisely the same situation, and it is probably based upon public policy, as I view it as well, but there is no doubt in my mind that such a payment is not permissible.

With best wishes,
Very truly yours,

Daniel R. McLeod
Attorney General

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