

7363 Liberty



The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLES M. CONDON
ATTORNEY GENERAL

May 20, 2002

The Honorable André Bauer
Senator, District No. 18
Post Office Box 142
Columbia, South Carolina 29202

**Re: Your Letter of May 6, 2002
Newberry County Magistrate Work Locations**

Dear Senator Bauer:

In your above-referenced letter, you have requested that this Office “review and give an opinion as to whether Newberry County Council is encroaching on others’ rights?” The materials attached to your letter indicate a concern with a Newberry County Council Resolution (#4-02) which changed the work location of the Peak and Whitmire Magistrates. According to the resolution, the change was necessitated by a backlog of cases and vacancies in one full-time and two part-time magistrate positions. It is also indicated in the resolution that the Chief Magistrate “has expressed a need” which justifies the change in locations.

S.C. Code Ann. §22-1-10 provides that “[e]ach magistrate's number of work hours, compensation, and work location must remain the same throughout the term of office, except for a change ... authorized by the county governing body at least four years after the magistrate's most recent appointment and after a material change in conditions has occurred which warrants the change.” In a previous opinion, this Office concurred with the position of a county attorney that a change in caseload could amount to a “material change in conditions.” See OP. ATTY. GEN. Dated May 14, 1996.

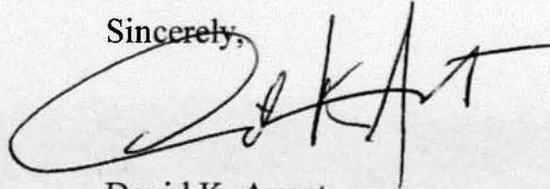
I understand that the Chief Magistrate disputes that he has “expressed a need” for the change in the work locations for the effected magistrates. The credibility of the facts upon which the resolution is based, however, is a matter upon which this Office cannot comment.

request letter

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This letter is an informal opinion only. It has been written by a designated Assistant Attorney General and represents the position of the undersigned attorney as to the specific question asked. It has not, however, been personally scrutinized by the Attorney General and not officially published in the manner of a formal opinion.

Sincerely,

A handwritten signature in black ink, appearing to read 'DKA', with a large, stylized flourish on the left side.

David K. Avant
Assistant Attorney General

DKA/an