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The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLIE CONDON
ATTORNEY GENERAL

December 10, 2001

Edgar Dyer, Esquire
University Counsel
Coastal Carolina University
P.O. Box 261954
Conway, SC 29528-6054

Dear Mr. Dyer::

You have asked whether Coastal Carolina may enter an agreement with a developer of retirement communities in which he would use the name of the University in the name of his properties such as " - - - Communities at Coastal Carolina . . ." You report that the college will receive some "financial rewards", but do not specify what they are. I have checked for prior opinions of this Office on the issue, but have located none that are on point, nor have I located opinions from Attorney Generals' Offices of other states regarding the out-of-state developments that you referenced. You report that you have not located any provisions of the South Carolina Code of Laws that address this issue.

Because the terms of any agreement with the developer and any associated facts could affect what legal issues, if any may exist as to this matter, I believe that this matter is one that is best evaluated by you and any other local counsel for the college. Opinions of the Office of Attorney General do not address factual matters. *Ops. Atty. Gen.* December 12, 1983. Nevertheless, I do have several suggestions. I suggest that you check with some of the other colleges and universities in the State as to whether they have entered similar arrangements. I suggest that you also check with the Procurement Office of the State Budget and Control Board as to whether any bid or other requirements would apply. You may also want to review how the name of the University will be used in any marketing or otherwise to ensure that the University is not subject to liability for the development.

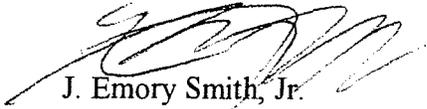
This letter is an informal opinion. It has been written by the designated Assistant Deputy Attorney General and represents the opinion of the undersigned attorney as to the specific questions asked. It has not, however, been personally reviewed by the Attorney General nor officially published in the manner of a formal opinion.

Request Letter

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If you have further questions, please let me know.

Yours very truly,

A handwritten signature in black ink, appearing to read "J. Emory Smith, Jr.", written over a horizontal line.

J. Emory Smith, Jr.
Assistant Deputy Attorney General