



The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLES MOLONY CONDON
ATTORNEY GENERAL

December 13, 1996

Mr. Donald R. Peterson
Associate director for Finance
State Board for Technical and Comprehensive Education
111 Executive Center Drive
Columbia, SC 29210-8424

Dear Don:

You have requested the advice of this Office related to the means of resignation from a position on the Spartanburg Technical College Area Commission and whether any such resignation may be withdrawn.

Enclosed is a copy of an Informal Opinion of this Office (8-7-96) which sets forth the means of tendering a resignation. Under the authority in that opinion, because no express authority is set forth in the enabling legislation for the method to fill vacancies on the Commission, the resignation should be tendered to the Governor in that the Governor has the authority thereunder to appoint the successor. Act No. 197, 1973 S.C. Acts 225; see also S.C. Code Ann. § 1-3-220 (Supp. 1995) and §4-11-20 (1986). As to resigning members holding over until their successors are appointed, I am enclosing a copy of Ops. Atty. Gen. (10-1-90). As to limitations on withdrawals of resignations, I am enclosing a copy of Ops. Atty Gen. (7-1-80).

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. If you have further questions, please let me know.

Yours very truly,

J. Emory Smith, Jr.
Assistant Deputy Attorney General

Enclosures
JESjr

Request Letter