

The State of South Carolina



Office of the Attorney General

T. TRAVIS MEDLOCK
ATTORNEY GENERAL

REMBERT C. DENNIS BUILDING
POST OFFICE BOX 11549
COLUMBIA, S.C. 29211
TELEPHONE: 803 734 3680
FACSIMILE: 803 253 6283

January 7, 1991

Nicholas P. Sipe, Executive Director
Alcoholic Beverage Control Commission
1205 Pendleton Street
Columbia, South Carolina 29201

Dear Mr. Sipe:

Attorney General Medlock has referred your inquiry of November 1, 1990 to me for reply. You expressed concern about individuals appearing on behalf of others in proceedings before the Alcoholic Beverage Control Commission, and whether or not they should be attorneys licensed by the South Carolina Supreme Court.

As indicated in your letter, this Office addressed that question in its Opinion of June 10, 1987, Opinion No. 87-57, a copy of which is enclosed. In addition, a prior Opinion, No. 3999 dated March 18, 1975, noted that § 40-5-80 of the Code (formerly § 56-102 of the 1962 Code) required leave of the "Court" for a person to represent another, without a fee, before a court or administrative proceeding. In that 1975 Opinion, this Office concluded that the South Carolina Supreme Court would be the only body that could give blanket approval for representation by persons not licensed to practice law before the administrative agency in question. A copy of that Opinion is also enclosed.

Finally, enclosed please find an Opinion which reached a similar conclusion concerning the South Carolina Public Service Commission, Opinion No. 78-207, dated December 15, 1978.

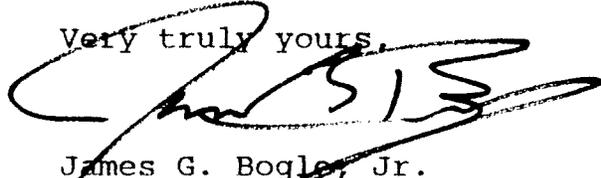
Mr. Sipe

- 2 -

January 7, 1991

These Opinions have not been overruled or altered. If further information is needed, please advise.

Very truly yours,

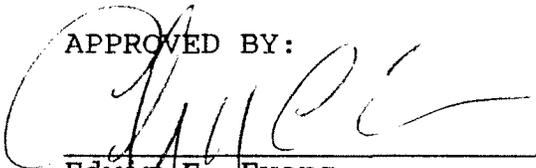


James G. Bogle, Jr.
Assistant Attorney General

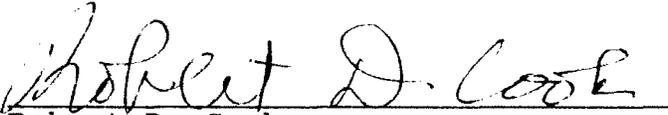
JGBjr:ypj

Enclosure

APPROVED BY:



Edwin E. Evans
Chief Deputy Attorney General



Robert D. Cook
Executive Assistant Opinions