

The State of South Carolina

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Office of the Attorney General

T. TRAVIS MEDLOCK
ATTORNEY GENERAL

REMBERT C. DENNIS BUILDING
POST OFFICE BOX 11549
COLUMBIA, S.C. 29211
TELEPHONE: 803-734-3970
FACSIMILE: 803-253-6283

July 11, 1989

Ms. Brenda Bryant
South Carolina State Retirement System
1122 Lady Street, 2nd Floor
P. O. Box 11960
Columbia, South Carolina 29211

RE: Greenville County Redevelopment Authority

Dear Brenda:

Thank you for your letter of June 8, 1989 regarding the above. You have asked that I look over the attached document and let you know if I concur with Mr. Collins' letter of May 4, 1989. Brenda, I am afraid that based on the law of the State of South Carolina I am not allowed to make a determination such as the type you seek. State law does not permit me to supersede the administrative authority or discretion of an officer, agency or public body. See Section 1-7-110 of the South Carolina Code of Laws and Griggs v. Hodge, 229 S.C. 245, 92 S.E.2d 654 (1956). Additionally, State law gives considerable deference to an agency's interpretation of its own regulation. Generally, courts do not second guess such interpretations unless clearly erroneous, thus this Office does not second guess by the issuance of an opinion an agency's interpretation of its own regulation (Ops. Atty. Gen., September 12, 1985), just as this Office does not resolve by the issuance of an opinion administrative decisions nor does it resolve protests or appeals relevant thereto.

Given the above, it is the advice of the undersigned that the administrative decision made by Mr. Collins should stand until such time as it is overruled by a court of competent jurisdiction or until such time as the law in question is clarified or amended by the appropriate authority. State law authorizes a declaratory judgment by the courts to declare rights, status and other legal relations and State law designates the general assembly as the

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supreme legislative power in this State. Thus, where the law is unclear, or there is no South Carolina law on the subject, this Office generally recommends a petition for a declaratory judgment ruling pursuant to Section 1-23-150, South Carolina Code of Laws or a legislative clarification. Parker v. Bates, 216 S.C. 52, 56 S.E.2d 723 (1950).

This advice is limited to the facts of this particular case.

Please feel free to contact me if I can be of further assistance on this or any other matter.

Yours very truly,



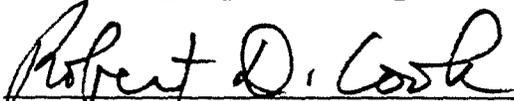
James Patrick Hudson
Deputy Attorney General

JPH/srcj

REVIEWED AND APPROVED BY:



Edwin E. Evans, Esquire
Chief Deputy Attorney General



Robert D. Cook, Esquire
Executive Assistant for Opinions