



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

September 23, 1986

The Honorable James W. Cheek
Treasurer of Union County
Post Office Drawer G
Union, South Carolina 29379

Dear Mr. Cheek:

You have asked this Office for advice on whether you, as Union County Treasurer, may employ your niece in the Treasurer's office without violating the state's nepotism law.

The nepotism statute is found in Section 8-5-10 of the Code of Laws of South Carolina (1976, as amended), as follows:

It shall be unlawful for any person at the head of any department of this government to appoint to any office or position of trust or emolument under his control or management any person related or connected with him by consanguinity or affinity within the sixth degree.

By opinions such as one dated May 26, 1964 (enclosed), this Office formerly interpreted the nepotism statute as not applicable to county and municipal officials and departments. However, the South Carolina Supreme Court's recent decision in Bladon v. Coleman, ___ S.C. ___, 330 S.E.2d 298 (1985), a copy of which is enclosed, causes those opinions to be not free from doubt.

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Therefore, we would advise that your employing your niece in the Treasurer's office would not be without some risk of violating the nepotism statute.

With kindest regards, I am

Sincerely,

Patricia D. Petway

Patricia D. Petway
Assistant Attorney General

PDP/rhm

Enclosures

REVIEWED AND APPROVED BY:

Robert D. Cook

Robert D. Cook
Executive Assistant for Opinions