

1983 WL 181900 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 30, 1983

*1 Honorable Lloyd I. Hendricks
Member
House of Representatives
530-A Blatt Building
Columbia, South Carolina 29211

Dear Representative Hendricks:

Thank you for your letter of April 28, 1980, addressed to this office. In your letter, you have inquired whether this office would interpret Section 61-3-940 and Section 61-9-315 in the same manner. Section 61-3-940, CODE OF LAWS OF SOUTH CAROLINA, 1976, prohibits a licensed alcoholic liquor wholesaler from maintaining 'any interest whatsoever' in any other business, store or establishment dealing in alcoholic liquors. Section 61-9-315(a), CODE OF LAWS OF SOUTH CAROLINA, 1976 (1982 Cum.Supp.), prohibits the holder of a wholesale beer and wine permit from having 'any interest whatsoever' in any other business, store or establishment dealing in beer and wine at retail.

The proscriptive language of Section 61-3-940 and Section 61-9-315(a) is virtually identical and, thus, it must be assumed the provisions are of similar meaning. However, there are distinctions of note.

Section 31-9-315(a), which applies to a holder of a wholesale beer and wine permit, precludes only interest at the retail level of the beer and wine industry. Section 61-3-640, which applies to a holder of a wholesale liquor license, precludes other interest at any level of the alcoholic liquor industry. In addition, Section 61-9-315(a) incorporates the grandfather clause by way of proviso. This clause recognizes the legality of certain interest existing on July 1, 1980. Section 61-3-940 contains no similar proviso.

I have enclosed copies of two prior opinions of this office which may be of assistance. If I may be of further assistance, please call upon me.

Very truly yours,

Edwin E. Evans
Senior Assistant Attorney General

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