

1980 WL 120962 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 12, 1980

\*1 Edgar A. Vaughn, Jr., CPA  
State Auditor  
Post Office Box 11333  
Columbia, South Carolina 29211

Dear Mr. Vaughn:

Your letter of October 31, 1980, to Mr. McLeod has been referred to me for reply. You have asked two questions which I quote from your letter:

1. Is the transfer of funds, generated by State employees in facilities supported in whole or in part by State Appropriations, to an entity over which the State has no control legal?
2. Can State employees, regardless of their profession, generate earnings on their own behalf using facilities supported in whole or in part by State Appropriations?

It would appear that both of these questions are best answered on a case by case basis. However, this Office is aware of no provision of law which prohibits doctors employed by state medical schools from maintaining some degree of private practice even though state-owned facilities are involved. As I understand it, this is matter which is governed by the employment contracts of the doctors at the various universities. The governing question in each instance is whether a valid public purpose is served by such a practice, and such would appear to be the case where such an arrangement makes it financially feasible for doctors to teach at the medical universities.

Sincerely yours,

Kenneth P. Woodington  
Assistant Attorney General

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