

1979 WL 43085 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 26, 1979

***1 RE: Horry County Ambulance District**

Phillip G. Grose, Jr.
Director
State Reorganization Commission
Room 228
Blatt Building
Columbia, South Carolina 29201

Dear Mr. Grose:

Your Memorandum of June 25, 1979, requests an opinion on the following questions, each pertaining to the administrative procedures applicable to ambulance service commissions:

1. Can the Chairman of the Commission vote, or can he vote only to break a tie?

It is my opinion that the Chairman has the same voting privileges as any other member on the Commission. Act No. 576 of 1971 provides that at the initial meeting of each year, each ambulance service commission will elect one of its members as Chairman. Therefore, the Chairman is a member of the commission, and 'ordinarily, membership on an administrative board or body carries with it the right to vote.' 73 C. J. S., Public Administrative Bodies and Procedures, § 21, at 316 (1951).

2. Can members of the Commission vote by proxy if they do not attend the meetings?

The general rule of law followed by most States is expressed in the maxim 'delegatus non potest delegare', that is, a delegated power may not be further delegated unless by express authorization. In this regard, this office has previously issued opinions that the State Board of Education and the South Carolina Real Estate Commission could not vote by proxy in the absence of specific statutory provision. See, Opinion No. 2367, 1967 Op. Atty. Gen. 212; Opinion No. 77-235, 1977 Op. Atty. Gen. 175.

If you should have any further questions, please do not hesitate to contact me.

Very truly yours,

Richard B. Kale, Jr.
Senior Assistant Attorney General

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