

1978 WL 34900 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 5, 1978

*1 Mr. Duane Earles
Compliance Director
South Carolina Industrial Commission
1800 St. Julian Place
Columbia, South Carolina 29204

Dear Duane:

Recently you requested advice from this office concerning the propriety of forming an eleemosynary or non-profit corporation whose purpose would be to foster and promote public information and education concerning South Carolina's Workmen's Compensation laws and benefits obtainable thereunder. In particular, your question related to the propriety of such a vehicle as a means for conducting public educational seminars and conferences.

You have provided me with copies of the South Carolina Occupational Safety Council's 'Articles of Constitution', and it appears from an examination of these Articles that the Occupational Safety Council conducts functions very similar to those functions with which you are concerned in your capacity with the Industrial Commission. In particular, the Safety Council is organized to foster and promote occupational safety education in all employments throughout South Carolina, to prevent occupational accidents and injuries and to conserve human resources. Membership on the Safety Council consists of a Board of Directors of twelve (12) in number, who are elected by the South Carolina Industrial Commission and the Commissioner of Labor. The Commissioner of Labor and the Director of Safety and Training of the Department of Labor and a representative of the Industrial Commission automatically serve as members of the Board.

Specifically, you advise that the functions of your proposed organization would be to conduct individualized seminars and training sessions on Workmen's Compensation throughout the State, to prepare and publish a periodical newsletter containing information on Workmen's Compensation, to organize and administer an annual conference on Workmen's Compensation and to carry out additional functions of a similar nature. You further advise that the funding for all activities conducted by your proposed corporation would be received from private and non-public sources. In effect, participants in all the programs would fund the cost of the programs and the operation of your corporation.

Based on the fact that the Occupational Safety Council has functioned for many years as an aid to the Industrial Commission and the Commissioner of Labor, and based on the fact that neither the Safety Council nor your proposed Council receive any public funds, it is my opinion that you could create a proposed corporation along the lines you have outlined. Further, the Industrial Commission could look to this organization to perform a public information/education function which would otherwise not be available to the general public.

I hope this information will be helpful to you, and if I can be of additional assistance to you please let me know.

Sincerely,

George C. Beighley
Assistant Attorney General

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