

1976 WL 30850 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 26, 1976

***1 Re: Anderson Youth Association**

Hon. Purvis W. Collins
Director
South Carolina Retirement System
P. O. Box 11960
Columbia, South Carolina 29211

Dear Mr. Collins:

You have requested an opinion as to the legal status of the abovementioned Association for purposes of its eligibility for participation in the South Carolina Retirement System.

The Association is essentially a private eleemosynary corporation which was chartered by the Secretary of State on June 29, 1976. According to the bylaws of the Association, membership is open to persons 'who have evinced a marked interest in the charitable, educational, scientific and benevolent purpose' of the Association. Directors need only be United States citizens and members of the Association.

The only conceivable provision of law under which an association such as this might be eligible to participate in the State Retirement System is § 61-1(4)(e), which refers to 'service organization[s], the membership of which is composed solely of persons eligible to be teachers or employees' Since membership in this Association is clearly not limited to such persons, it is the opinion of this office that the Association is ineligible to participate in the State Retirement System.

Sincerely yours,

Kenneth P. Woodington
Assistant Attorney General

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