

1976 WL 30895 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 13, 1976

*1 Mr. H. O. Carter
County Administrator
P. O. Box 663
Edgefield, South Carolina 29824,

Dear Mr. Carter:

Our answers to the questions recently submitted by you to us follow:

Question No. 1

Who appoints the Master or Special Referee in Edgefield County?

Answer

A master is appointed by the Governor by and with the consent of the Senate. S.C. Code Annot., § 15-1802. ^{a1} Special Referees are court-appointed. S.C. Code Annot., § 10-1401 et seq. ^{aa1}

Question No. 2

Is the same procedure for appointment followed throughout the State?

Answer

Yes.

Question No. 3

Does the County Governing Body have any jurisdiction as to who should receive the fees, and who is responsible for establishing the fees?

Answer

No. The establishing of fees which Masters or Special Referees may charge is the responsibility of the General Assembly. See, e.g., S.C. Annot., § 27-201 et seq.

Question No. 4

When the Master or Special Referee duties are handled jointly with another agency, can any public or private official be appointed to this position?

Answer

No. In Edgefield County all references are to be to the Probate Judge. S.C. Annot., § 10-1405, as amended.

Question No. 5

In Edgefield County when the Probate Judge also serves as Master or Special Referee, does his compensation for duties as Probate Judge also compensate for Master duties or should he receive additional compensation for the additional duties?

Answer

As nearly as we can determine, the fees which the Edgefield County Probate Judge may charge for serving as a Special Referee constitute additional compensation. Cf., e.g., S.C. Annot., § 15-410.1.

Best wishes,

C. Tolbert Goolsby, Jr.
Chief Deputy Attorney General

Footnotes

- a1 In his letter dated September 21, 1976, Charles Coleman, the Edgefield County Attorney states that § 15-1802 was amended so as to require only the advice and consent of the majority of the Edgefield County House members; however, we cannot find any such statute.
- aa1 References in Edgefield County are to be made to the Probate Judge. S.C. Code Annot., § 15-1405, as amended.

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