

1974 WL 28001 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 12, 1974

***1 Re: Chartering of South Carolina Association of School Administrators**

Mr. H. E. Corley
President
South Carolina Association of School Administrators
6831 Brookfield Road
Columbia, SC 29206

Dear Mr. Corley:

Mr. Tom Ackerman, Executive Secretary of the South Carolina Association of School Administrators, has been in contact with this Office concerning the possible chartering of South Carolina Association of School Administrators as an eleemosynary corporation within South Carolina. Pursuant to Section 12-751, Code of Laws of South Carolina (1962) (as amended, the Secretary of State may issue a certificate of incorporation to any association which has no capital stock divided into shares, but which holds or desires to hold any property for religious, educational, social, fraternal, charitable, or any eleemosynary purposes.

Mr. Ackerman has explained to me that the South Carolina Association of School Administrators is now a subordinate organization of the South Carolina Education Association (SCEA). For grants and other purposes, the South Carolina Association of School Administrators now desires to become a separate legal entity. This can be done through the charter process as described above. Once you have obtained a charter from the Secretary of State, you will be a completely separate organization from the SCEA. However, there is nothing to prohibit the South Carolina Association of School Administrators from maintaining a close relationship with the SCEA.

Of course, once you are chartered as a corporation in your own right the South Carolina Association of School Administrators may no longer use SCEA's federal tax exempt status, but must acquire one of its own to be tax exempt.

If you have further questions, please do not hesitate to contact this Office.

Yours very truly,

M. Elizabeth Crum
Assistant Attorney General

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