

1974 S.C. Op. Atty. Gen. 352 (S.C.A.G.), 1974 S.C. Op. Atty. Gen. No. 3913, 1974 WL 21409

Office of the Attorney General

State of South Carolina

Opinion No. 3913

December 17, 1974

***1 TO: Chief, State Law Enforcement Division**

1. A security guard employed exclusively and regularly by only a private college in connection with the affairs of the college only is not subject to the Private Detective and Private Securities Agencies Act.
2. A private college, which is an eleemosynary corporation, that employs one to perform private security work upon the college premises in connection with its affairs is subject to the Act.

Chief

State Law Enforcement Division

We have been requested to advise you as to whether or not a security guard employed full time by the Spartanburg Methodist College at the College itself is subject to the South Carolina Private Detective and Private Security Agencies Act. See, 58 STAT. Act No. 387 at 673 (1973); see also, CODE OF LAWS OF SOUTH CAROLINA §§ 56–646.1 et seq. (Cumulative Supplement) (1972).

Section 2(b) of the Act defines the term ‘private security business’ to mean:

. . . engaging in the business as or accepting employment as a private patrol, watchman or guard service for consideration on a private contractual basis and not as an employee. Private security business shall not include persons employed exclusively and regularly by only one employer in connection with the affairs of such employer only and where there exists an employer-employee relationship unless the employer is in the private security business.

Clearly, therefore, the security guard is not within the purview of the Act. He is employed exclusively and regularly by only the College in connection with only the affairs of the College and there exists between the security guard and the College, which is not in the private security business, an employer-employee relationship.

As to whether or not a private college employing a person for security work must obtain a license, Section 10(a) of the Act provides, in part:

Any person or corporation employing persons to do private security work on the premises and in connection with the affairs of such employer only, and there exists an employer-employee relationship, shall be required to make application. . . for a license. . . .

Spartanburg Methodist College, we understand, is an eleemosynary corporation. Because it employs a person to perform private security work upon the college premises in connection with the affairs of the College only and because there exists between it and the security guard an employer-employee relationship, the College, in our opinion, should secure the license required by the Act.

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Deputy Attorney General

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