



South Carolina
DEPARTMENT OF AGRICULTURE

Hugh E. Weathers, Commissioner

July 26, 2022

The Honorable Chris Wooten
Subcommittee Chair, Law Enforcement and Criminal Justice
House Legislative Oversight Committee
PO Box 11867
Columbia, SC 29211

Dear Representative Wooten:

South Carolina Department of Agriculture (SCDA) is pleased to answer the question(s) posed in your July 11, 2022, letter. Please see the enclosed response.

As you work to determine if agency laws and programs are being implemented and carried out in accordance with the intent of the General Assembly, thank you for seeking and considering our input with respect to SCDA's use of the Attorney General's Office.

Sincerely,

Hugh E. Weathers

Encl: Question and Answer Document
July 11, 2022, Request Letter

Questions to Department of Agriculture

1. Could the Department of Agriculture attorneys handle the responsibilities of enforcing marketing orders for the Agriculture Commission and Commodity Board, or is there a service that is still needed from the Attorney General's Office? See S.C. Code Section 46-17-420 and Slide 23 in the Attorney General's Civil Litigation Presentation.

South Carolina Department of Agriculture (SCDA) continues to request the Attorney General's Office be available to enforce marketing agreements and orders from the Agriculture Commission and Commodity Boards. SCDA attorneys are equipped to handle the associated responsibilities of enforcing such marketing orders. However, SCDA is in a unique position in that the Commodity Board Executive Directors are also SCDA employees. This situation has the potential to create a conflict-of-interest where the Attorney General's Office may need to step in as an unbiased third party to enforce such orders.