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Committee:
Medical, Military, Public and
Municipal Affairs
Legislative Oversight

House of Representatives

State of South Carolina

Attorney General Alan Wilson
Office of the Attorney General
Rembert C. Dennis Building
P.O. Box 11549
Columbia, SC 29211

Subject: Request for Official Opinion on North Charleston's Small, Disadvantaged, Minority Business Program

Dear Attorney General Wilson,

I hope this letter finds you well. As a State Representative, I am writing to seek an official opinion from your office on the legality of the Small, Disadvantaged, Minority Business Program currently implemented by the city of North Charleston.

In light of the recent decision by the U.S. Supreme Court to end race-conscious college admissions, it has become crucial for us to assess the implications of this ruling on other race-based programs. One such program is North Charleston's Small, Disadvantaged, Minority Business Program, which aims to encourage more contracts between the city and local businesses making under \$500,000 annually. The program accepts any small business below the threshold, regardless of whether it is minority-owned, although its initial intent was to increase diversity in the procurement process.

The subsequent letter signed by you and 12 other state attorneys general, reminding employers that race cannot be a factor in hiring employees or contractors, adds further weight to this matter. We believe that it is essential to clarify whether North Charleston's business program aligns with the principles outlined in your letter and remains in compliance with state and federal laws.

In light of the aforementioned considerations, I respectfully request an official opinion from your office on the following matters:

1. Whether the Small, Disadvantaged, Minority Business Program as currently implemented by the city of North Charleston is lawful in accordance with the recent Supreme Court decision to end race-conscious college admissions.
2. Whether the program's use of the term "minority" in its name raises any legal concerns or implications, particularly in relation to the principles outlined in the aforementioned letter.
3. Whether any specific modifications or adjustments are necessary for the program to comply with state and federal laws while still achieving its intended goal of encouraging local business contracts with the city.

As a State Representative, I am committed to upholding the principles of justice, fairness, and equal opportunity for all businesses in our state. Your official opinion will be of great significance in ensuring that North Charleston's business program operates within the confines of the law while promoting diversity and supporting the growth of local enterprises.

I understand the demands on your office's time, but I kindly request your prompt attention to this matter. The clarity provided by your official opinion will guide the City in making informed decisions about the program's future and its continued benefit to the community.

Thank you for your dedication to serving the people of South Carolina. Your insights and guidance on this important matter will be highly valued and appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Marvin R. Pendarvis, Esq."

Marvin R. Pendarvis, Esq.