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HENRY McMASTER
ATTORNEY GENERAL

March 17, 2006

Mr. Michael B. O'Connor
Veterans Affairs Officer
Fairfield County Veterans Affairs Office
Post Office Box 456
Winnsboro, South Carolina 29180

Dear Mr. O'Connor:

We received your letter, which informed us that you currently hold the position of a Fairfield County Veterans Affairs Officer and are planning to run for a position on the Fairfield County Council. Thus, your request an opinion of this Office as to whether your position as a Fairfield County Veterans Affairs Officer constitutes an office for dual office holding purposes.

Article XVII, section 1A of the South Carolina Constitution (Supp. 2005) mandates: "No person may hold two offices of honor or profit at the same time . . ." However, section 8-1-130 of the South Carolina Code (Supp. 2005) provides the following exemption: "Any member of a lawfully and regularly organized fire department, county veterans affairs officer, constable, or municipal judge serving as attorney for another city is not considered to be a dual officeholder, by virtue of serving in that capacity, for the purposes of the Constitution of this State."

In an opinion of this Office dated May 9, 1989, we concluded based on section 8-1-130, an individual holding a position as an Aiken County Veterans Affairs Officer is not prohibited from accepting an appointed position to the Indigent Care Advisory Board. Subsequently, in an opinion dated September 11, 1992, we again addressed dual office holding with respect to a veteran's affairs officer. That opinion involved a county veteran's affairs officer who was a candidate for trustee of the county's school board. Op. S.C. Atty. Gen., September 11, 1992. Relying on section 8-1-130, we determined "it would appear that the individual . . . would be eligible to serve in both positions." Id.

This Office has "long recognized that we will not overrule our prior opinions unless clearly erroneous or unless applicable law has changed." Op. S.C. Atty. Gen., September 8, 2005. Thus, in keeping with our prior opinions and relying on section 8-1-130, your position as a Fairfield

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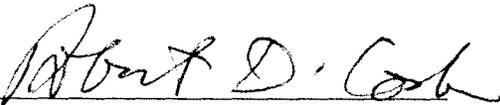
County Veterans Affairs Officer would not prohibit you from serving on the Fairfield County Council. However, we advise your to seek guidance from the State Ethics Commission on any potential conflicts of interests that may arise in your service on the Fairfield County Council due to your position as a Fairfield County Veterans Affairs Officer.

Very truly yours,



Cydney M. Milling
Assistant Attorney General

REVIEWED AND APPROVED BY:



Robert D. Cook
Assistant Deputy Attorney General