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# The State of South Carolina



## Office of the Attorney General

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ATTORNEY GENERAL

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August 1, 1988

The Honorable Fred L. Day  
Member, House of Representatives  
Box 78, Day's Road  
Ladson, South Carolina 29456

Dear Representative Day:

Attorney General Medlock referred me your letter concerning whether it is a conflict of interest or illegal for a state constitutional officer to also serve on a board of directors of an electric cooperative. You specifically referenced the positions of coroner, legislator and sheriff.

In a prior opinion of this Office dated November 2, 1983, a copy of which is enclosed, it was determined that "...while not free from doubt ... holding simultaneously the positions of director of a rural electric cooperative and ... (another office) ... would probably not violate the dual office holding prohibitions of the South Carolina Constitution...." See also: Opinion dated March 19, 1976 (enclosed). Therefore, consistent with such advice, an individual who is a coroner, legislator, sheriff or who holds any other position which constitutes an office could serve on the board of directors of an electric cooperative.

Of course, any public officer in this State must abide by provisions of the State Ethics Act, Sections 8-13-10 et seq. of the Code. Such provisions generally prohibit the use by a public officer of a public position for gain which benefits him personally or benefits any other person or business with which he is associated. The term "business with which he is associated" as used in the Ethics Act would probably include a situation where an individual serves on the board of directors of an electric cooperative.

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If there is anything further, please advise.

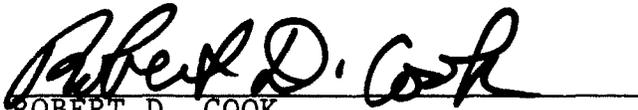
Very truly yours,



Charles H. Richardson  
Assistant Attorney General

CHR:sds  
Enclosures

REVIEWED AND APPROVED BY:



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ROBERT D. COOK  
EXECUTIVE ASSISTANT FOR OPINIONS