

1981 WL 157806 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 5, 1981

\*1 Mr. Patrick B. Harris  
Chairman  
House Legislative Ethics Committee  
House of Representatives  
Post Office Box 11867  
Room 515  
Blatt House Office Building  
Columbia, South Carolina 29211

Dear Representative Harris:

You have asked for an opinion from this office as to whether or not a member of the General Assembly can serve on the State Reorganization Commission as well as serve as an ex-officio member of the Board of Trustees at the Medical University of South Carolina. Attached hereto are copies of the statutory provisions for each of these positions. You will note that in both [South Carolina Code Section 1-19-60](#), providing for composition of the State Reorganization Commission and Section 59-123-40, providing for composition of the Board of Trustees of the Medical University of South Carolina, that by virtue of becoming a member of the General Assembly, the potential for filling either of these positions arises. Actually, the duties of some legislators will include service on the Board of Trustees of the Medical University of South Carolina and on the State Reorganization Commission.

Please also note that [Ashmore v. Greater Greenville Sewer District](#), 211 S.C. 77, 44 S.E.2d 88, held that dual office holding will not apply to officers who are appointed ex-officio.

Consequently, I see no conflicts insofar as dual office holding is concerned for a member of the General Assembly who serves on the State Reorganization Commission and on the Medical University of South Carolina Board of Trustees.

I trust this answers your questions. Please contact me if you need further assistance.

Very truly yours,

James W. Johnson, Jr  
Assistant Attorney General

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