

1972 S.C. Op. Atty. Gen. 127 (S.C.A.G.), 1972 S.C. Op. Atty. Gen. No. 3309, 1972 WL 20449

Office of the Attorney General

State of South Carolina

Opinion No. 3309

May 9, 1972

*1 Honorable Dan T. Marett
Member
House of Representatives
South Carolina State House
Columbia, South Carolina

Dear Dan:

You have inquired as to whether or not an individual holding the office of City Councilman can also be a member of a County Fire Commission. It would appear to so without further comment that the office of city Councilman would constitute an office as set forth in the Constitution of this State. The question now comes to the surface of whether or not being a member of the Anderson County Fire Commission would also constitute an office, thereby placing an individual in a position of dual office holding.

The Anderson County Fire Commission was created in 1961, with its methods for appointment and membership being set forth in Section 14-891, et seq., 1962 Code of Laws of South Carolina. This Act was amended in 1964 adding and amending some of the rights, duties and powers of the Commission. When viewing the Commission as a whole, it appears that a member of that Commission would be a holder of a 'public office, which has been created by law and which involves the exercise of some portion of the sovereign power of this State or involves performance of which the public is concerned and which duties are continuing in nature and not occasional or intermittent. [Willis v. Aiken County](#), 203 S.C. 96, 26 S.E.2d 313.

From the above, it would appear that a person holding both offices would constitute dual office holding.

Very truly yours,

M. J. Bowen, Jr.
Assistant Attorney General

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