

1972 WL 25312 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 11, 1972

\*1 C. L. McEachern O.D.  
1824 Washington Street  
Columbia, S. C. 29202

Dear Dr. McEachern:

You have requested that this office advise you as to whether a member of the South Carolina Board of Examiners in Optometry may be elected to and accept the office of County Coroner.

Article 2, Section 2 of the South Carolina Constitution states, 'But no person shall hold two offices of honor or profit at the same time.' This is the provision known as the prohibition against dual office holding, and would apparently apply in the situation you posed. The office of Coroner is one of the older statutory and constitutional offices in this State, and clearly falls within that definition as set forth in the case of Sanders v. Belue, 78 S.C. 171, 58 S.E. 762, which defines a public officer as, 'One who is charged by law with duties involving an exercise of some part of the sovereign power either small or great, in the performance of which the public is concerned, and which are continuing and not occasional or intermittent. . . .' This statutory definition of a public officer equally applies to a member of the South Carolina Board of Examiners in Optometry, as this office is set forth by statute and does involve the exercise of some part of sovereign power.

It is therefore the opinion of this office that one may not retain his position on the South Carolina Board of Examiners in Optometry and accept the office of County Coroner without violating the constitutional prohibitions involving dual office holding.

I trust that this has been sufficient to answer the question which you posed. If we may be of any further assistance, please do not hesitate to call or write.

Very truly yours,

Timothy G. Quinn  
Assistant Attorney General

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