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The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLIE CONDON
ATTORNEY GENERAL

June 21, 2000

The Honorable Ronald P. Townsend
Chairman, Anderson County Legislative Delegation
P.O. Box 8002
Anderson, South Carolina 29622

RE: Informal Opinion

Dear Representative Townsend:

Your opinion request has been forwarded to me for reply. You have informed this Office that the Anderson County Legislative Delegation will be making appointments to several boards and commissions on June 26, 2000. You have asked for an opinion on the following questions:

- 1) If a person is serving on the County First Steps Board, is he or she eligible to serve on another board appointed by the County Delegation at the same time?
- 2) If a person is serving on a local County board, appointed by the County Council, is he or she eligible to serve on a board appointed by the County Delegation at the same time?
- 3) If a person is serving on a board appointed by the Governor, is he or she eligible to serve on a board appointed by the Delegation at the same time?

In regards to your first question, County First Steps Partnership Boards are established under S.C. Code Ann. §59-152-10 et seq. Pursuant to Section 59-152-70(E), these boards must be private nonprofit corporations organized under Section 501(c)(3) of the Internal Revenue Code. This Office has previously concluded that while a close question, members of a board of directors of a private nonprofit corporation do not hold an office for dual office holding purposes. Ops. Atty. Gen. dated March 17, 1995, October 18, 1988, and November 10, 1983. In addition, the County Partnership Boards' enabling

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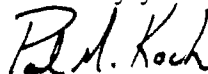
legislation does not preclude a member from serving on another board. Therefore, the only remaining question is whether the other boards prohibit a member from serving on another board. This can be answered by analyzing the enabling legislation of the board in question.

In regards to your second and third questions, I am unaware of any absolute prohibition against such appointments. However, each situation would have to be examined on a case-by-case basis to determine whether there is a dual office holding problem or some other legal impediment to such simultaneous service.

This letter is an informal opinion only. It has been written by a designated assistant attorney general and represents the position of the undersigned attorney as to the specific questions asked. It has not, however, been personally scrutinized by the Attorney General nor officially published in the manner of a formal opinion.

With best personal regards, I am

Sincerely yours,

A handwritten signature in black ink, appearing to read "P.M. Koch".

Paul M. Koch

Assistant Attorney General