

The State of South Carolina



Office of the Attorney General

T. TRAVIS MEDLOCK
ATTORNEY GENERAL

REMBERT C. DENNIS BUILDING
POST OFFICE BOX 11549
COLUMBIA, S.C. 29211
TELEPHONE: 803-734-3970
FACSIMILE: 803-253-6283

August 12, 1991

Henry Ray Wengrow, Esquire
General Counsel and Finance Director
South Carolina Criminal Justice Academy
5400 Broad River Road
Columbia, South Carolina 29210-4088

Dear Henry:

You have asked that this Office review a prior opinion dated September 12, 1980 which indicated that a private security guard could serve as a reserve police officer. However, that opinion did not consider the question of dual office holding where an individual simultaneously held both positions.

Other opinions of this Office, copies of which are enclosed, have indicated that the position of reserve officer, as authorized pursuant to Sections 23-28-10 et seq., and private security guard, as authorized pursuant to Sections 40-11-10 et seq., are both offices for dual office holding purposes. See: Ops. dated February 5, 1988, May 2, 1989 and June 5, 1979 (reserve officer); May 14, 1986, March 11, 1983, and January 28, 1975 (private security guards). Also to be considered are the possible conflicts of interest where an individual would serve in both capacities. As expressed in the April 21, 1981 opinion regarding the positions of chief of police and private security guard

... the Chief of Police as a law enforcement officer and public employee must at all times act in the public interest ... (P)ivate security guards must look out for the interest of private employers. All too often, the interests of the public and those of individual private citizens conflict. The Chief of Police, as a public employee, must avoid any conflict of interest between an official position and his private position. Performing substantially similar duties at certain times for the public

Mr. Wengrow
Page 2
August 12, 1991

interest and at other times for a more narrow private interest will inevitably lead to a conflict of interest.

Such analysis may also be applicable to the positions of reserve officer and private security guard. See also: Opins. dated March 6, 1990, September 24, 1985 and April 21, 1981 (enclosed). To the extent this advice conflicts with the September 21, 1980 opinion, such opinion is overruled. 12

With kind regards, I am

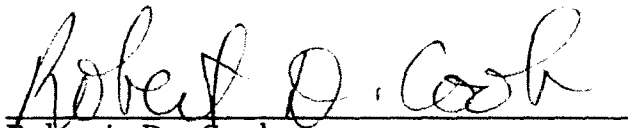
Very truly yours,



Charles H. Richardson
Assistant Attorney General

CHR/an
Enclosures

REVIEWED AND APPROVED BY:



Robert D. Cook
Executive Assistant for Opinions