

The State of South Carolina



Office of the Attorney General

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July 8, 1991

Gary M. Stuber, Executive Director
The Goose Creek Parks
& Playground Commission
Post Office Box 39
Goose Creek, South Carolina 29445

Dear Mr. Stuber:

In a letter to this Office you questioned whether there would be a conflict of interest for an individual to serve simultaneously as a Commissioner of the Goose Creek Parks and Playground Commission and as a Berkeley County Magistrate. I am interpreting your question as asking whether an individual serving in both positions would violate State Constitutional provisions prohibiting dual office holding, namely, Article XVII, Section 1A and Article VI, Section 3.

The Goose Creek Parks and Playground Commission was established pursuant to Act No. 1093 of 1966. Such legislation provides for the appointment of members of the Commission and sets forth the duties of the Commission. Pursuant to Act No. 603 of 1971 and Act No. 437 of 1973 certain amendments were provided.

This Office in an opinion dated July 21, 1981, a copy of which is enclosed, determined that a member of the St. Andrews Parks and Playground Commission would hold an office for dual office holding purposes. Such opinion was reaffirmed by opinions dated September 27, 1982 and February 15, 1990. An examination of Act No. 1093 and Act No. 228 of 1957 which established the St. Andrews Parks and Playground Commission indicates that members of both Commissions have similar authority and responsibilities and are appointed in a similar manner. Referencing such, it is the opinion of this Office that a member of the Goose Creek Parks and Playground Commission holds an office for dual office holding purposes.

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This Office has determined on numerous occasions that an individual who serves as a magistrate would hold an office for dual office holding purposes. See: Opins. Atty. Gen. dated June 19, 1987, February 20, 1980 and September 23, 1980.

Based on the foregoing, it is the opinion of this Office that one who would serve concurrently on the Goose Creek Parks and Playground Commission and as a Berkeley County Magistrate would most probably contravene the dual office holding prohibitions of the State Constitution.

With best wishes, I am

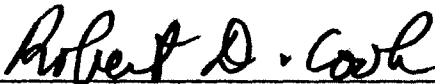
Very truly yours,



Charles H. Richardson
Assistant Attorney General

CHR/an
Enclosure

REVIEWED AND APPROVED BY:



Robert D. Cook
Executive Assistant for Opinions