

1983 WL 182061 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 21, 1983

*1 Mr. Norman F. Pulliam
Chairman
S.C. Manufactured Housing Board
1451 East Main Street
Spartanburg, South Carolina 29302

Dear Norman:

Please refer to my letter to you of August 12, 1983, concerning Mr. Raymond J. Miller serving on the Manufactured Housing Board.

This Office has recently had occasion to review the South Carolina case of [State vs. Lewis, 186 SE 625](#) (copy attached) which indicates that the 'commission' of the Governor is merely evidence of appointment to public office and does not confer office or fix its tenure.

Since Mr. Miller was appointed to office on November 3, 1983, and the 'commission' of the Governor dated November 18, 1981, has no additional effect on the appointment, according to said case, then there still remains doubt that Mr. Miller was qualified when appointed and thus, is not now qualified to serve, although he became a licensed salesman on November 16, 1981. A person must be qualified to hold the office to which he is appointed or his appointment is void. 67 Corpus Juris Secundum 'Officers' § 19.

Due to the above case doubt still exists concerning Mr. Miller; a formal Attorney General's Opinion may be necessary to clarify this matter further.

Very truly yours,

Malcolm E. Rentz
Assistant Attorney General

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