

1982 WL 189320 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 10, 1982

*1 Mr. George L. Schroeder
Director
Legislative Audit Council
620 Bankers Trust Tower
Columbia, South Carolina 29201

Dear Mr. Schroeder:

You have asked the opinion of this Office on whether a person who is an officer in a financial institution and an officer in a manufactured housing industry organization or association can serve on the South Carolina Manufactured Housing Board as the 'member from the general public.'

Section 31-17-90, Code of Laws, 1981 Cumulative Supplement [as amended by Act Number 86 of 1981], provides that the South Carolina Manufactured Housing Board [the Board] shall be composed of seven members as follows:

a manufactured home or mobile home retail dealer owner, a representative of the fire and casualty insurance business, a fulltime employee of a fire department, a manufactured home manufacturer, a representative of the banking and finance business, a member from the general public, and a manufactured home or mobile home retail dealer salesman.

By this scheme, the General Assembly obviously provided various defined segments of the manufactured housing industry and groups interested in the industry with representation on the Board. It also expressly provided separate representation for the general public.

Webster's Third New International Dictionary, 1976, at page 1836, defines a 'public member' as a member not representing the special interest groups involved.' The phrase 'member from the general public' used in Section 31-17-90 is synonymous with the term 'public member.' Thus, a representative of the manufactured housing industry or related interest groups, such as the banking and finance industry specifically recognized in Section 31-17-90, would not come within the meaning of that phrase.

The general legal authorities on qualification or eligibility for public office state that to be appointed to or to have a right to hold a particular office, one must possess the qualifications prescribed by law for that office. 63 Am.Jur.2d, Public Officials, etc., Section 38, p. 649; also see Sections 39-43. The provision in Section 31-17-90 that one member be from the general public is such a qualification.

Based on the foregoing, it is the opinion of this Office that an officer in the banking or finance business or an officer in a manufactured housing industry organization or association would not be qualified to be appointed to or to serve on the South Carolina Manufactured Board as the member from the general public.

Sincerely,

James M. Holly
Assistant Attorney General

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