

1981 WL 158010 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 9, 1981

\*1 Mr. Casey R. Blonaisz  
Deputy Executive Director  
Three Rivers Health Systems Agency, Inc.  
3325 Medical Park Road  
Suite 211  
Columbia, South Carolina 29203

Dear Mr. Blonaisz:

You have requested an opinion from this office as to whether a Board Member of Three Rivers Health Systems Agency might be an officer, thus subjected to [South Carolina Constitution Article XVII, Section 1A](#), prohibiting dual office-holding.

An office has been defined by the South Carolina Supreme Court in [Sanders v. Belue](#), 78 S.C. 171, 58 S.E. 762, as follows:  
One who is charged by law with duties involving an exercise of some part of the sovereign power, either small or great, in performance of which the public is concerned, and which are continuing and not occasional or intermittent, is a public officer.

The powers and duties of Health Systems Agencies such as Three Rivers Health Systems Agency are provided in [1976 South Carolina Code Section 44-7-110](#), *et seq.*, as amended. It appears that the duties of the agency are merely advisory, and that the actual exercise of the sovereign with respect to the various activities set forth in Title 44, Chapter 7 of the Code lies in the powers and duties of the Department of Health and Environmental Control.

Accordingly, a member of your Board could serve in another capacity as an officer and not violate the dual office-holding provision of the State Constitution.

I trust this answers your question. Please do not hesitate to contact me if you need further assistance.

Very truly yours,

Frank K. Sloan  
Deputy Attorney General

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