

1979 WL 42844 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 6, 1979

*1 Honorable Fred T. Moore
Box 505
Honea Path, South Carolina 29654

Dear Representative Moore:

Your recent request for an opinion from this Office has been referred to me for reply.

You have asked whether a person who is employed as a nutrition consultant with Clemson University can serve on a Children's Foster Care Review Board without violating the constitutional provision prohibiting dual office holding.

A public officer for dual office holding purposes has been defined by the South Carolina Supreme Court as follows:

One who is charged by law with duties involving an exercise of some part of the sovereign power, either small or great, and the performance of which the public is concerned, and which are continuing and not occasional or intermittent, is a public officer. [Sanders v. Belue](#), 78 S.C. 171, 58 S.E. 762 (1907).

This definition does not include a mere employee which is the status that the individual in question held as a nutrition consultant.

Therefore, it is the opinion of this Office that an individual may serve as a nutrition consultant with Clemson University while, at the same time, serving on a Children's Foster Care Review Board without violating [Section 1\(a\) of Article XVII of the South Carolina Constitution](#) which prohibits dual office holding.

Sincerely,

James W. Johnson, Jr.
Assistant Attorney General

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