

1979 WL 43599 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 20, 1979

*1 Ms. Barbara Moxon
315 Laurel Springs Road
Columbia, South Carolina 29206

Dear Ms. Moxon:

In response to your request, this Office has recently issued an opinion which stated that no statute disqualifies a Commission member from employment by his or her Commission. Please disregard the earlier opinion.

One legal authority sets out the general rule concerning instructions as to who may be appointed to an office:

[I]t is contrary to public policy to permit an officer having an appointing power to use such power as a means of conferring an office on himself or to permit an appointing body to appoint one of its own members. 63 Am.Jur.2d Public Officers and Employees § 96 at 690.

This general rule was articulated and adopted as the law in this state by the State Supreme Court in 1948 in [Bradley v. City Council of Greenville](#), 212 S.C. 389, 397, 46 S.E.2d 291 (1948).

In summary, there is no statutory prohibition of Commission members being employed by the Commission but such occurrence is forbidden by the decisions of the South Carolina Supreme Court.

Sincerely,

Barbara J. Hamilton
State Attorney

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