

1973 WL 27663 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 4, 1973

**\*1 In Re: Application of Lt. T. E. Clark, Forest Acres Police Department, for Constable's Commission Without Pay**

Honorable J. P. Strom  
Chief  
SLED  
Post Office Box 1166  
Columbia, South Carolina 29202

Dear Chief Strom:

You have inquired as to the legality and feasibility of issuing a Governor's constable commission without compensation to Lt. T. E. Clark of the Forest Acres Police Department. Lt. Clark has stated that he has arranged with his superiors to surrender his Forest Acres police commission in order that he may be issued a state constable's commission without pay. The constitutional prohibitions against dual office holding would, of course, prohibit him holding both commissions.

Although it would not be unlawful for Lt. Clark to hold a Governor's constable commission without pay while occupying a ministerial or clerical job with the City of Forest Acres, I can see a great many problems arising from the situation. For example, should Lt. Clark surrender his City police commission from the City of Forest Acres, he would not be empowered to enforce city ordinances of the City of Forest Acres.

It is my opinion that the issuance of a constable's commission to Lt. Clark in the circumstances which he proposes would be lawful, but that as a practical matter, it would be unworkable.

Very truly yours,

Joseph C. Coleman  
Deputy Attorney General

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