

1973 WL 26950 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 31, 1973

*1 Honorable Harry J. Haynesworth
Chairman
South Carolina Commission for the Blind
University of South Carolina School of Law
Columbia, South Carolina 29208

Dear Mr. Haynesworth:

By letter dated October 4, 1973, you have inquired whether there is any illegality in your serving both as a full-time employee of a State supported institution, to wit, as Associate Professor of Law at the University of South Carolina, and also as a member of the Board of the South Carolina Commission for the Blind.

Initially, it is to be noted that there is no statutory law holding the two positions mentioned to be incompatible. The dual office holding prohibition found in South Carolina Constitution, Article 17, Section 1 A, is not applicable because an instructor for the University of South Carolina is not an 'officer' within its scope but rather is an employee'. See 1968 S. C. Attn'y Gen. Opn. No. 2432 (copy enclosed). Consequently, any illegality involved would have to stem from some conflict of interest which would result from holding these two offices simultaneously. And if there is such a conflict of interest, it is not apparent.

Temporary Act No. 354, Section 84 of the 1973 South Carolina Acts and Joint Resolutions, does provide that 'no full-time employee of any State Department or institution shall be paid any compensation or travel from any other department of the State Government except with the approval of the State Budget and Control Board.' However, I am informed that you do not receive any such compensation from the Commission for the Blind and, therefore, under such circumstances, this provision is inapplicable. In the opinion of this office, one may legally serve as both a full-time 'employee' of a State supported institution and of a State board of omission supported by State funds, so long as any compensation or travel monies received from the board or commission are first cleared with the State Budget and Control Board.

Secondly, you have inquired if it is illegal for an individual who is serving as a member of a State board or commission to also serve as a director or officer of a private eleemosynary corporation which receives some funds from the State. There is no statutory prohibition of such dual service. Neither is there any apparent conflict of interest. Accordingly, in the opinion of the office a person may legally hold both such positions.

If there are further questions regarding these matters, please correspond. With best wishes, I am
Very truly yours,

John B. Grimball
Assistant Attorney General

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