

1972 WL 26134 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 25, 1972

*1 Mr. R. C. Fennell
Superintendent of Education
Williamsburg County Board of Education
Post Office Box 670
Kingstree, South Carolina 29556

Dear Cleo:

Thank you for your letter of January 19 concerning the propriety of the appointment of a teacher in the Williamsburg County schools to serve on the Williamsburg County Board of Education.

In my opinion, such a procedure would be violative of public policy. I am in agreement with your concern that a conflict of interest may appear, and, in my opinion, this conflict of interest is the factor prohibiting such an arrangement, as recognized by the two cases cited below.

The governing body of Williamsburg County is the County Board of Education, which, therefore, has the powers of school trustees generally. Among its enumerated powers is the authority to employ personnel. The trustees of the administrative areas of the school district have authority to recommend to the County Board members of the faculty and other school employees, but the final decision as to employment, retention, discharge and salaries is vested in the County Board of Education. If one serves as an employee or teacher and also as a member of the County Board of Education, a dual relationship of master and servant is thus created, which is the vice condemned by the decisions of the Supreme Court of this State.

With best wishes,
Cordially,

Daniel R. McLeod
Attorney General

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