

1972 WL 25235 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 8, 1972

*1 Honorable Fred P. Hamilton
Superintendent of Education
School District of Oconee County
Walhalla, South Carolina

Dear Mr. Hamilton:

Thank you for your letter of March 2 inquiring if a member of the Agriculture Commission may serve as a member of the Oconee County Board of School Trustees without violating the dual officeholding provision of the State Constitution.

It is my understanding that Mr. Ables has been appointed to the Agriculture Commission, which was created by Act No. 1151, approved May 1, 1968 (68 Acts 2663). The powers vested in the members of that Commission appear clearly to make the members thereof officers within the meaning of the constitutional provision. Similarly, members of boards of school trustees are officers. Therefore, it appears clear that the two offices cannot be held at the same time by the same individual without violating the dual officeholding provision.

You also inquire as to whether a physician may serve as a member of the Oconee County Board of School Trustees and on the governing body of Oconee Memorial Hospital.

This would depend upon the statutory authority under which the Oconee Memorial Hospital is formed and I am not advised as to this. This is a matter which you should take up with the County Attorney; and if he should request any assistance from this Office, we will be more than pleased to comply. By the same token, this letter should be received as subsequent to the County Attorney's interpretation and opinion, as he has jurisdiction in these matters. I will be pleased to cooperate and respond to any request that he may make.

With best wishes,
Very truly yours,

Daniel R. McLeod
Attorney General

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