

1972 S.C. Op. Atty. Gen. 77 (S.C.A.G.), 1972 S.C. Op. Atty. Gen. No. 3274, 1972 WL 20419

Office of the Attorney General

State of South Carolina

Opinion No. 3274

March 9, 1972

*1 Mr. John C. Thompson
Attorney at Law
Post Office Box 87
Conway, South Carolina 29526

Dear Mr. Thompson:

Thank you very much for your letter of March 8, 1972, requesting, on behalf of the Horry County Board of Education, an opinion as to whether a school teacher may serve as a member of the Board of Education for Horry County, while, at the same time, serving in Horry County as a school teacher in the schools of Horry County.

I am in accordance with the conclusion indicated by you in your letter that such an arrangement is forbidden by public policy. In [McMahan v. Jones](#), 94 S.C. 362, the following is found:

‘No man in the public service should be permitted to occupy the dual position of master and servant—. There would be a conflict between self-interest and integrity. Propriety, as well as public policy, forbids it.’

I note that the Board of Education for Horry County is ex officio the Board of Trustees of Horry County and possesses all of the functions and powers vested in school trustees by general or special law. Section 21–3051, Code of Laws of S. C., 1962, as amended by Act No. 79, approved 1 March 1971 (71 Acts 64). In view of this, it appears that a dual relationship of master and servant would be created in the circumstances set forth in your letter.

With best wishes,
Very truly yours,

Daniel R. McLeod
Attorney General

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