



The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLIE CONDON
ATTORNEY GENERAL

April 18, 2000

The Honorable Harvey S. Peeler, Jr.
Senator, District No. 14
213 Gressette Building
Columbia, South Carolina 29202

Re: Informal Opinion

Dear Senator Peeler:

Your opinion request has been forwarded to me for reply. You advise that questions have arisen regarding the appointment of the Director of the Division of Fisheries of the Department of Natural Resources to the Atlantic States Marine Fisheries Commission. You ask whether there are any legal prohibitions against such an appointment.

Pursuant to S.C. Code Ann. § 50-7-10, there shall be three members, called the Compact Commissioners, of the Atlantic States Marine Fisheries Commission, from South Carolina. The first compact commissioner shall be the Director of the Department of Natural Resources, ex officio. The second compact commissioner shall be a legislator and member of the Commission on Interstate Cooperation, ex officio, designated by the Commission on Interstate Cooperation. The third compact commissioner shall be a citizen who has a knowledge of and interest in the marine fisheries problem. This commissioner is appointed by the Governor, by and with the advice and consent of the Senate.

Here, the Governor has chosen to appoint the Director of the Division of Fisheries of the Department of Natural Resources. There does not seem to be any legal prohibitions against the appointment of such individual. I have been unable to locate any statutes or cases which would prohibit such an appointment. Further, it would not appear that the position of Director of the Division of Fisheries is an office for dual office holding purposes. Therefore, the dual office prohibitions of the state constitution would not appear to be

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violated if the individual were appointed to another office. Of course, this individual may want to check with the Department of Natural Resources to determine whether there are any Department restrictions on employees serving on boards and commissions.

This letter is an informal opinion only. It has been written by a designated assistant attorney general and represents the position of the undersigned attorney as to the specific questions asked. It has not, however, been personally scrutinized by the Attorney General nor officially published in the manner of a formal opinion.

With best personal regards, I am

Sincerely yours,



Paul M. Koch
Assistant Attorney General