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The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLES MOLONY CONDON
ATTORNEY GENERAL

March 2, 1999

Gerry Urbanic, Director
Department of Legal Services
Charleston County School District
75 Calhoun Street
Charleston, South Carolina 29401

Dear Ms. Urbanic:

By your letter of February 23, 1999, you have asked whether a dual office holding situation would exist if a member of the City of North Charleston Parks and Recreation Board should simultaneously serve as a member of the Cooper River Constituent District #4.

Enclosed for your review are prior opinions of this Office dated September 30, 1981 and May 15, 1975. Although the 1981 Opinion construed membership on one of Charleston County's Constituent School Boards to be an office, the 1975 Opinion concluded that members of the City of North Charleston Parks and Recreation Board "are not officers in the constitutional sense." Once issued, an opinion of this Office is presumed to be correct until it has been shown to be clearly erroneous. Only after such opinion is shown to be clearly erroneous will the opinion be overruled or superseded. Occasionally, a judicial decision or an amendment to relevant statutory or constitutional provisions will result in an opinion being deemed "clearly erroneous" and thus superseded or overruled. I have reviewed Attorney General McLeod's 1975 Opinion and have not found where the law cited therein has been amended or superseded by judicial decision or act of the General Assembly. Accordingly, I am constrained to conclude that this opinion still represents the current state of the law; therefore, a dual office holding problem would not appear to exist under these

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circumstances. Of course, if you have information that the powers and responsibilities of the City of North Charleston Parks and Recreation Board have increased significantly since 1975, I would be happy to re-examine this question.

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

With kind regards, I am

Sincerely yours,



Zeb C. Williams, III
Deputy Attorney General

ZCW/an
Enclosures