

The State of South Carolina



Office of the Attorney General

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December 6, 1985

Robert M. Bell, Esquire  
Aiken County Attorney  
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Langley, South Carolina 29834

Dear Mr. Bell:

By your letter of December 2, 1985, you have asked for the opinion of this Office on whether it is legal for a licensed contractor to be appointed and to serve on the Aiken County Planning Commission. We concur with your conclusion that he may be appointed and so serve if he is otherwise qualified.

You have advised that pursuant to the authorization of Section 6-7-10 et seq., Code of Laws of South Carolina (1976), Aiken County Council has created a County Planning Commission. The ordinance creating the commission generally parallels the state law, including the membership, terms and compensation of members as contained in Section 6-7-360 of the Code.

As you have stated, there is no provision for disqualification from membership on a planning commission based solely on one's profession. There is no constitutional prohibition against a licensed contractor so serving on a planning commission, and the licensing statutes relative to contractors contain no such prohibition. Dual office holding might be a consideration, but such would be based on service in another position or office of honor or profit rather than on one's licensure as a contractor. The only other prohibition appears to be that stated in Section 6-7-360 of the Code: "No member of a planning commission may hold an elected public office in the municipality or county from which he is appointed."

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Thus, this Office concurs with your conclusion that it would be legal for a licensed contractor, who is otherwise qualified, to be appointed and to serve on the Aiken County Planning Commission.

If the individual in question should be appointed to the Aiken County Planning Commission, he should be apprised of the provisions of the State Ethics Act, Section 8-13-410 et seq. of the Code, particularly as to actions to be taken in any instance in which he may be required to act upon a matter in which he or a member of his household or business may have an interest.

Sincerely,

*Patricia D. Petway*

Patricia D. Petway  
Assistant Attorney General

PDP/an

REVIEWED AND APPROVED BY:

*Robert D. Cook*

Robert D. Cook  
Executive Assistant for Opinions