

1977 WL 37006 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 30, 1977

*1 The Honorable Larry L. Koon
Member
House of Representatives
District No. 87—Lexington County
Route 7, Box 72-P
Lexington, South Carolina 29072

Dear Representative Koon:

With apologies for the delay in responding, my opinion on the question of whether or not the individual who is the manager of Owens Field as well as the president of Midlands Aviation may serve as a member of the Richland-Lexington Airport Commission (Commission) is that he may so serve.

The Commission's functions include:

. . . planning, establishing, developing, constructing, enlarging, improving, maintaining, equipping, operating, regulating, protecting and policing such airports and air navigation facilities as shall be necessary to serve the people of the Richland-Lexington Airport District and the people generally. § 55-11-340, CODE OF LAWS OF SOUTH CAROLINA, 1976.

The provisions of the Code relating to the Richland—Lexington Airport District expressly prescribe that:

[t]he provisions of this article shall not prohibit the operation of any public or private airport located within the district by any other public agency or governmental authority, or by any private agency or person. § 55-11-420, CODE OF LAWS OF SOUTH CAROLINA, 1976.

My understanding is that Owens Field is owned by Richland County and that the manager thereof is appointed by the Richland County Council. I also understand that Midlands Aviation operates from Owens Field and does not make any contractual use of the facilities that are under the regulation and control of the Commission. For these reasons, I believe that no conflict of interests nor prohibited master-servant relationship presently exists that would prevent the individual from serving as a member of the Commission. If, however, Midlands Aviation were to alter its position vis a vis the Commission's facilities (e.g., if it were to lease those facilities), then a conflict of interests could very well arise and preclude the individual from serving as a Commission member. See, e.g., § 8-13-450, CODE OF LAWS OF SOUTH CAROLINA, 1976. In addition, if the individual becomes a member of the Commission, the provisions of § 8-13-460, CODE OF LAWS OF SOUTH CAROLINA, 1976, will, of course, become applicable to him and will determine the course of action he must take if any decision of his as a Commission member would affect his financial interests.

For the purpose of this opinion, I am assuming that the position of manager of Owens Field is not an office so as to subject the individual who is the manager to the constitutional prohibition against dual office-holding. See, e.g., S.C. CONST. art. XVII, § 1A.

With kind regards,

Karen LeCraft Henderson

Assistant Attorney General

1977 WL 37006 (S.C.A.G.)

End of Document

© 2016 Thomson Reuters. No claim to original U.S. Government Works.