

1978 WL 34880 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 28, 1978

*1 Mr. L. H. Carter, Jr.
Route 3 Box 6
Lake City, South Carolina 29560

Dear Mr. Carter:

Your letter of April 21, 1978, to this Office has been referred to me for response. You indicate you are a school teacher in Florence County and a candidate for the Florence County Council. As to the question of any conflict of interest, please be advised that I do not believe that should you be elected to the County Council that there would be a problem with the dual office holding prohibitions of [Article XVII, Section 1A of the South Carolina Constitution](#) inasmuch as while a member of a county council may be determined to be an officer, this Office has previously concluded a teacher is not an officer with the contemplation of the dual office-holding prohibitions. (See 1958 Op. Atty. Gen. p. 302).

However, there may be some potential conflict of interest if you as a member of the County Council were to be involved with a matter affecting Florence County schools. In [McMahan v. Jones, 94 S.C. 362 \(1913\)](#) the South Carolina Supreme Court stated the following:

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. [94 S.C. at 365.](#)

Such conflicts may be avoided as they arise so as not to present a problem. However, I would suggest that you contact your County Attorney who could best advise you as to the amount of involvement that the County Council may have with school affairs and whether in his opinion there would be any extensive amount of conflict of interest.

With best wishes, I am

Yours truly,

Charles H. Richardson
Assistant Attorney General

1978 WL 34880 (S.C.A.G.)

End of Document

© 2017 Thomson Reuters. No claim to original U.S. Government Works.