

1978 WL 35206 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 3, 1978

**\*1 RE: Pee Dee Regional Emergency Medical Services Advisory Council**

Mr. Steve Asbury  
Director  
Pee Dee Regional EMS  
P. O. Box 4004  
Florence, South Carolina 29502

Dear Mr. Asbury:

Your recent letter to Attorney General McLeod, inquiring whether or not a State Highway Patrolman may properly serve upon your Regional EMS Advisory Council, has been referred to me for reply.

Upon reading your letter, I have assumed that the question you are primarily concerned with is whether or not the appointment of a highway patrolman to your Advisory Council would be violative of constitutional restrictions against dual office holding. As I understand the situation from our recent telephone conversation, the Advisory Council which you propose to establish is not provided for in the Emergency Medical Services Act of South Carolina, which is codified at § 44-61-10, st seq.

You have also informed me that the Council is not set up by any other statute, but that it is simply an advisory group established to plan to meet emergency medical service needs within your region. You further informed me that the Advisory Council would probably be constituted as an eleemosynary corporation, so that it could apply for and administer Federal funds to implement the Regional Emergency Services plan.

In light of the information which you have supplied, it is the opinion of this Office that your proposed Regional Emergency Medical Services Advisory Council would not be an office of honor or profit, subject to constitutional restrictions on dual office holding. The Council appears to be primarily an advisory body and membership on it does not appear to involve the exercise of any element of the State's sovereign powers. Additionally, the Council is not created by statute and has no statutory powers.

At this juncture, it is appropriate to point out to you that this opinion only deals with the subject of dual office holding. The State Highway Patrol may well have personnel policies or guidelines which would prohibit an individual patrolman from serving on such a council. You would, of course, have to pursue that question with the Highway Patrol.

I hope that this information is of assistance to you. Please contact me should you have further questions.

Yours very truly,

M. Richbourg Roberson  
Assistant Attorney General

1978 WL 35206 (S.C.A.G.)