

1974 WL 27646 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 25, 1974

*1 Mr. Carl M. Hust
Director
Division of Recreation
S. C. Department of Parks, Recreation & Tourism
Post Office Box 1358
Columbia, South Carolina 29202

Dear Mr. Hust:

Thank you for your letter of February 19 inquiring if you may serve as a member of the Lexington County Council and at the same time continue in employment as the Director of the Division of Recreation the Parks, Recreation & Tourism Commission.

In my opinion, as a member of the County Council, you would occupy an office, and I am also of the opinion that as Director of the Division of Recreation of the Parks, Recreation & Tourism, you are not an officer and, therefore, you may hold both of such positions without violating the dual officeholding provision of the Constitution. I would point out, however, that some provisions of the Hatch Act may require that you not campaign for political office while employed by the Parks, Recreation & Tourism Commission. If you wish me to submit inquiries to the Civil Service Commission, I will be pleased to do so. Certain penalties may be imposed upon the employing unit if one of its employees should violate the provisions of that Act. I note that you are presently a member of the Irmo-Chapin Recreation Commission, in which capacity you act as an officer, in my opinion, and I note further that you intend to resign from this position.

Very truly yours,

Daniel R. McLeod
Attorney General

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