

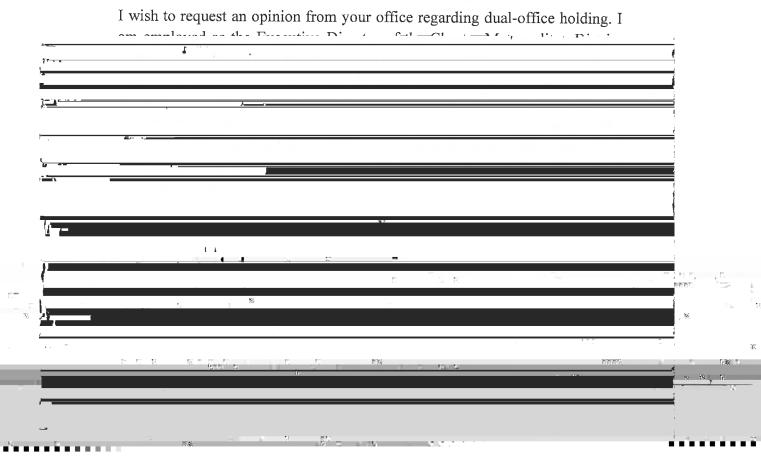
ALAN WILSON ATTORNEY GENERAL

July 16, 2024

Mr. Fred W. Castles, III PE Executive Director P.O. Box 550 Chester, South Carolina 29706

## Draw Mar Cantles

Attorney General Alan Wilson has referred your letter to the Opinions section. Your letter states the following:

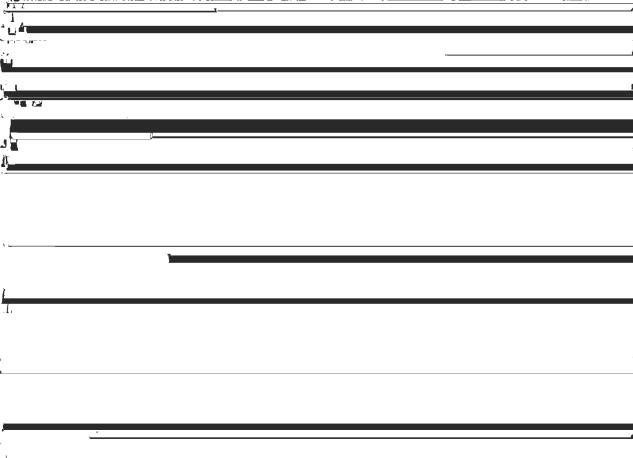


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(September 6, 1996) (sovereignty traditionally includes the power to tax, power of eminent domain, and police power). In State v. Crenshaw, 274 S.C. 475, 478, 266 S.E.2d 61,62 (1980), the South Carolina Supreme Court stated that relevant considerations for determining whether a position would be considered a public office include whether statutes, or other such authority, establish the position, qualifications for appointment, duties, tenure, require an oath for the position, or otherwise authorize the position to exercise a sovereign power of the state. No single

criterion is dispositive, and it is not necessary that a position exhibits all the criteria to find that a position is an office. <u>Id.</u>

To address whether an individual violates the prohibition against dual office holding, we must examine both positions to determine whether they are offices of honor or profit. A prior



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as an executive director ('manager')." <u>Id.</u> (emphasis added). Because the opinion classified the Executive Director of the Chester Metropolitan District as "personnel," we continue to be of the opinion that the position is better characterized as an employee and not as an office holder. As a

Matthew Houck Assistant Attorney General

REVIEWED AND APPROVED BY

Robert D. Cook Solicitor General