

1976 WL 30736 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 23, 1976

\*1 Mr. Warren B. Clayton  
Savannah Morning News  
Post Office Box 296  
Beaufort, South Carolina 29902

Dear Mr. Clayton:

Senator Waddell has written me concerning your letter of February 15, 1976, to which I have not responded for the reason that this matter should be directed to the city attorney of the city with which you are concerned. I am not advised of the identity of the particular municipality involved.

In view of Senator Waddell's interest in the matter, I will endeavor to respond to your question. It is impossible to state precisely what facts exist but I infer from your letter that you feel that the business of the city is being conducted under the guise of a social or other informal supper meeting. If this is true, then the Freedom of Information statute has, in my opinion, been violated. I think that you quote me correctly that meetings to discuss pending county business must be publicly conducted because that is precisely the manner in which I view the operation of the Act. There is only one case in South Carolina of which I am aware which has recently been decided by Judge Moss in the circuit court level and, according to my information, is now on appeal to the Supreme Court. The facts in that case, however, are not closely aligned with the allegations set forth by you. The case does illustrate, however, the only means presently available of determining whether a violation of the Act has or has not occurred is by the bringing of injunctive proceedings and the use of testimony to reflect precisely what has occurred at the gathering which you feel was, in effect, a public meeting.

You are also correct in illustrating the phrase 'spirit of the Act' as that phrase appears in the Freedom of Information law itself. The terms of that law require that it be liberally construed so as to effectuate its purpose and the matter must be viewed in the light of this standard of judgment.

In short, if the governing body of a public agency is in a meeting, by whatever name called, to discuss pending county business, that, in my opinion, comes within the scope of the Freedom of Information law and should be open to the public unless properly excluded therefrom for reasons set forth in the statute.

With best wishes,  
Very truly yours,

Daniel R. McLeod  
Attorney General

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