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The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

HENRY McMASTER
ATTORNEY GENERAL

December 13, 2004

Janie A. Davis, Executive Director
Commission for Minority Affairs
6904 North Main Street, Suite 107
Columbia, South Carolina 29203

Dear Ms. Davis:

In a letter to this office you referenced the provisions of Regulation 139-109 of the regulations of the Commission for Minority Affairs which provides for review by the State Recognition Committee of information submitted to the Commission for Minority Affairs from entities seeking recognition by the State as a tribe, a group or as a special interest organization. Such Regulation in subsection (D) states that

The State Recognition Committee shall make its recommendations within 120 days. The Chair of the State Recognition Committee must notify the Chair of the Board of the Commission for Minority Affairs of its recommendation regarding each entity.

Pursuant to subsection (E), the Board of the Commission for Minority Affairs may accept or reject such recommendations in part or in whole. You have questioned whether the Board must respond within the same 120 days as the State Recognition Committee or may the Board take the matter under consideration and make their final decision at a future date. You particularly noted the need of the staff of the Commission to review and verify the content of the materials submitted to the Recognition Committee.

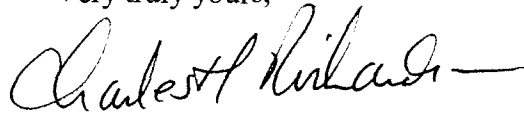
In my opinion, Regulation 103-109 must be read so as to allow a reasonable time for the Board of the Commission for Minority Affairs to review the recommendations of the State Recognition Committee. It is generally held that if the time within which an act is to be performed is indefinite or not specified, then a reasonable time, dependent upon the circumstances, must be allowed. Valvo v. University of Southern California, 136 Cal. Rptr. 865 (Cal. Ct. of Appeal, 1977). Such reasonable time for review would allow the staff of the Commission for Minority Affairs to carefully review the information submitted to the State Recognition Committee pursuant to R. 139-109 and utilized by the Committee in making its recommendations. Such reasonable time for review would allow assurances that the information submitted was not fraudulent or otherwise incorrect.

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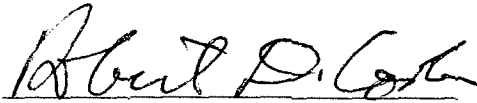
With kind regards, I am,

Very truly yours,



Charles H. Richardson
Senior Assistant Attorney General

REVIEWED AND APPROVED BY:



Robert D. Cook
Assistant Deputy Attorney General