

1981 S.C. Op. Atty. Gen. 49 (S.C.A.G.), 1981 S.C. Op. Atty. Gen. No. 81-29, 1981 WL 96555

Office of the Attorney General

State of South Carolina

Opinion No. 81-29

March 25, 1981

***1 SUBJECT: Telephonic Meetings**

The South Carolina Freedom of Information Act, [Section 30-4-10, et seq., of the South Carolina Code](#) of Laws, 1976, as amended, encompasses telephone conference calls within the definition of the term 'Meeting' found in Section 30-4-20(d) of that Chapter.

TO: F. G. Scurry
Director
Division of Mining and Reclamation
South Carolina Land Resources Commission

QUESTION:

'May the Chairman of the South Carolina Mining Council poll the Council members by means of a telephone conference to make determinations regarding petitions submitted to the Council?'

STATUTES:

[Section 30-4-10](#), et seq., The Freedom of Information Act.

DISCUSSION:

[Section 30-4-20\(d\) of the South Carolina Code](#) of Laws, 1976, as amended, defines the term 'Meeting' as follows:

'Meeting' means the convening of a quorum of the constituent membership of a public body, whether corporal or by means of electronic equipment, to discuss or act upon a matter over which the public body has supervision, control, jurisdiction or advisory power.

The definition speaks of a convening of a quorum, which is defined to include the bringing together of a majority of the constituent membership of the public body to discuss or act upon a matter with which the public body deals by means of electronic equipment. Therefore, telephone conference calls to make determinations on matters submitted to the South Carolina Mining Council would fall within the ambit of this definition. Section 30-4-60 requires that all meetings of public bodies be open to the public unless closed pursuant to Section 30-4-70. Section 30-4-70(c) states that:

No chance meeting, social meeting or electronic communication shall be used in circumvention of the spirit of requirements of this chapter to act upon a matter over which the public body has supervision, control, jurisdiction or advisory power.

The Act defines the word 'meeting' to include communications other than those involving the physical presence of the body members. The definition of 'meeting' must be construed so as to include telephone conferences.

It is the Opinion of this Office that a meeting held by means of a telephone conference call for the purpose of making determinations regarding petitions submitted to the South Carolina Mining Council comes within the ambit of the South Carolina Freedom of Information Act. Such calls are not prohibited by the Act, but the Council must comply with the provisions of the South Carolina Freedom of Information Act. This would in effect require that meetings by means of telephone conference calls should be open to the public and that sufficient notice should be given as required by the Act. Minutes of these telephonic meetings must also be kept.

CONCLUSION:

A telephone conference call in which the membership of a public body discusses or acts upon matters over which the public body has supervision, control, jurisdiction or advisory power is a 'Meeting' within the purview of the requirements of the South Carolina Freedom of Information Act. Meetings held by means of a telephone conference call are not prohibited by the South Carolina Freedom of Information Act, but compliance must be made by the public body with the notice provisions of the Act and minutes must be kept of those meetings.

*2 Judith Evans Finuf
Assistant Attorney General

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