

1981 WL 158045 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 16, 1981

***1 Re: Freedom of Information Act Zoning Boards**

Wyatt Saunders, Esquire
Attorney at Law
P. O. Box 731
Laurens, SC 29360

Dear Mr. Saunders:

Your letter of November 6, 1981, inquiring whether or not a Zoning Board is a 'public body' within the meaning of Section 30-4-20(a), has been referred to me for review.

The definition of 'public body' is somewhat vague in its interpretation where entities of this sort are concerned and each case must be determined on its own facts. If the Zoning Board is supported in whole or in part by public funds or expends public funds, then it must be found to be a public body within the meaning of the Act. However, if its only function is to serve as an advisory group, and the Zoning Board members meet on their own time and without any reimbursement, then under a letter opinion, dated November 8, 1979, to Governor Richard Riley, the Board would not be a public body as defined by the South Carolina Freedom of Information Act. Also, under another letter opinion concerning the Aiken County Board of Education Zoning Committee, dated October 15, 1980, if the Board merely meets on public property, this would not constitute an expenditure of public funds, and thus, the Board would not be subject to the strictures of the Freedom of Information Act. The cited opinions are enclosed for your review. I hope that this letter is of assistance to you, and if you feel that further advice is necessary or a further investigation of the facts is warranted, please do not hesitate to call me.

Sincerely,

Judith Evans Finuf
Assistant Attorney General

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