

1982 WL 189410 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 2, 1982

***1 Re: South Carolina Freedom of Information Act Applicability to Advisory Committees and Special Committees of the South Carolina Commission on Higher Education**

Dr. Howard R. Boozer
Executive Director
S. C. Commission on Higher Education
1429 Senate Street
Columbia, SC 29201

Dear Dr. Boozer:

Your letter of August 16, 1982, to General McLeod concerning the applicability of the 'open meeting' requirements of the South Carolina Freedom of Information Act to committees and to advisory groups appointed by the Commission has been referred to me for review.

Under Section 30-4-20(a) of the South Carolina Freedom of Information Act, the South Carolina Commission on Higher Education is a public body within the definition of the Act and the general requirements of the Freedom of Information Act apply to the Commission. Under Section 30-4-60, all meetings of all public bodies such as the Commission must be open to the public; however, Section 30-4-20(d) defines a 'meeting' to be the 'convening of a quorum of the constituent membership of the public body'. A 'quorum' is defined under Section 30-4-20(e) as being, unless otherwise defined, 'a simple majority of the constituent membership of a public body'. Therefore, so long as a committee is not composed of a majority of the members of the public body in question, the requirements of the Freedom of Information Act do not apply under the statutory definition.

As to advisory groups, unless the members receive compensation for their services, past opinions by this Office have routinely held that these advisory committees and councils were not 'public bodies' within the meaning of the Freedom of Information Act.

Under the above rationale, the public and the press need not be admitted to and notice need not be given for the meetings of an advisory council or group or of any committee whose membership is less than a quorum of the constituent membership of the parent public body. I am enclosing for your information several past opinions of this Office concerning committees and advisory groups.

Please do not hesitate to contact me if I can be of further assistance to you.

Sincerely,

Judith Evans Finuf
Assistant Attorney General

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