

1982 WL 189403 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 16, 1982

**\*1 Re: The Legality of Actions by Board Meetings in Violation of the Notice Requirements of the South Carolina Freedom of Information Act**

Senator Phil P. Leventis

P. O. Box 142

Columbia, SC 29202

Dear Senator Leventis:

Your letter of August 5, 1982, questioning the legality of meetings held by a public body such as a Board of Education which were held without the notice required by Section 30-4-80 of the South Carolina Freedom of Information Act being complied with, has been referred to me for review. While the Act specifically requires written public notice of all regular meetings as well as called, special or rescheduled meetings, there is nothing in the body of the Act which specifically makes actions taken in meetings where notice has not been given invalid or illegal. The only language concerning the validity or effectiveness of any action is found under Section 30-4-70(a)(5), which states that formal actions taken in executive session must be ratified in public session prior to such action becoming effective. Therefore, while the past meetings of the Board may have been in violation of the notice requirements, I do not believe that the actions taken in those meetings would be invalid or without force or effect. Should the lack of public notice continue, however, any citizen would be able to apply to the Circuit Court under Section 30-4-100 within sixty (60) days following the date of the alleged violation to force the Board to comply with the public notice requirements of the Act.

If I may be of further assistance to you, please do not hesitate to contact me.

Sincerely,

Judith Evans Finuf

Assistant Attorney General

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