

1979 WL 42875 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 20, 1979

*1 Henry P. Fulmer, Deputy Director
SC Landscape Architects Board of Registration
2221 Devine Street, Suite 222
Columbia, South Carolina 29205

Dear Mr. Fulmer:

You recently wrote to this Office in regard to a request for an opinion concerning publishing of notice of meetings for the Landscapes Architects Board of Registration. In particular, you cited the requirements of the Freedom of Information Act and requested guidance from this Office in regard to the application of that Act to your agency.

As you realize, the Freedom of Information Act, which has been codified at [Section 30-4-10, et seq., 1976 Code of Laws of South Carolina](#) (as amended), is the controlling statute. In particular, [Section 30-4-80 of the Code](#) addresses the issue of State agencies providing notice for meeting. This Section provides as follows:

NOTICE OF MEETINGS OF PUBLIC BODIES

(a) All public bodies shall give written public notice of their regular meetings at the beginning of each calendar year. The notice shall include the dates, times and places of such meetings. Agendas, if any, for regularly scheduled meetings shall be posted on a bulletin board at the office or meeting place of the public body at least twenty four hours prior to such meetings. All public bodies shall post on such bulletin board public notice for any called, special or re-scheduled meetings. Such notice shall be posted as early as is practicable but not later than twenty four hours before the meeting. The notice shall include the agenda, date, time and place of the meeting. This requirement shall not apply to emergency meetings of public bodies.

[. . .]

(c) Written public notice shall include but need not be limited to posting a copy of the notice at the principal office of the public body holding the meeting or, if no such office exists, at the building in which the meeting is to be held.

(d) All public bodies shall make an effort to notify local news media, or such other news media as may request notification of the times, dates, places and agenda of all public meetings, whether scheduled, re-scheduled or called, and the efforts made to comply with this requirement shall be noted in the minutes of the meetings.

As you can see, Sections (a) and (c) of this statute delineate the requirements for posting notice of meetings at the agency's office or meeting place. Subsection (d) concerns the requirement that the agency notify the local news media (or such other news media as request notification 'of the times, dates, places and agenda of all public meetings, whether scheduled, re-scheduled or called. . . .'). Furthermore, the agency's efforts to notify the news media must be noted in the minutes of the meetings.

I am enclosing a copy of a previous opinion from this Office concerning the interpretation of the Freedom of Information Act in regard to the notice that must be given to local news media. As this opinion states, it is the opinion of this Office that a single notice may be given to the news media concerning the date, time, and place of all regularly scheduled meetings at the

beginning of each year. However, the news media must be separately advised of any re-scheduled or special meetings no later than twenty four hours before the meeting.

*2 It is therefore the opinion of this Office that the present practice of the Landscape Architects Board of Registration of publishing annually scheduled meetings in the Land ResourcesConservation Commission's Conservation News Update does not comply with the requirements of the Freedom of Information Act. It will be necessary for your agency to notify local news media, along with any other news media requesting notification, of all meetings of the Landscape Architects Board of Registration. It is also necessary for your agency to post a schedule of meetings in an agenda for such meetings at the main office for your agency. Please note that notice of any 'called, special or re-scheduled meetings' must also be posted at your office at the same time notification is given to the appropriate news media.

If you have any further questions, please do not hesitate to contact me.

Very truly yours,

Keith M. Babcock
Assistant Attorney General

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