

1977 WL 37040 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 25, 1977

\*1 Mr. Dick Goldberg  
South Carolina Arts Commission  
829 Richland Street  
Columbia, SC 29201

Dear Mr. Goldberg:

You have requested advice as to the procurement of a print of a film called 'SEA ISLAND' which one Gretchen Robinson contracted with the Commission to produce. It appears that Ms. Robinson has disappeared without bothering to pay for the first print of the film from the film processor, Cineffects Color Laboratory, Inc., of New York. Cineffects apparently will not deliver a print to the Arts Commission without first being paid the outstanding balance of \$1,526.75.

I have read the contract between the Commission and Ms. Robinson, and find no clear statement that the Commission is entitled to keep a print of the film. Paragraphs 9 and 11(a) refer only to promotional materials or informative samples, and not to the print itself. Paragraph 22 does create a right in the Commission to copy and use the print, which is tantamount to a right to keep a copy of it, however. In any event, the Commission's rights vis-a-vis Ms. Robinson are largely academic because of the inability of anyone to find Ms. Robinson.

Since Cineffects apparently will not release any further material without payment, the only practical solution is for the Commission to pay Cineffects the \$1,526.75. If Ms. Robinson reappears, the Commission will have a right against her to recover that amount. But in the meantime, there is no other likely solution, since Cineffects is not bound by any contract to provide the Commission with a print.

Please let me know if I can provide any further advice on this matter.

Sincerely yours,

Kenneth P. Woodington  
Assistant Attorney General

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