

1977 S.C. Op. Atty. Gen. 320 (S.C.A.G.), 1977 S.C. Op. Atty. Gen. No. 77-392, 1977 WL 24728

Office of the Attorney General

State of South Carolina

Opinion No. 77-392

December 13, 1977

**\*1 Re: Greenville County RMC and Greenville TEC Paralegal Class**

James H. Lengel, Esquire  
Assistant County Attorney  
233 Courthouse Annex  
Greenville, SC 29601

Dear Mr. Lengel:

Your request for an opinion concerning the opening of the Greenville County RMC Office at night to paralegal classes of Greenville Technical College has been forwarded to me for reply. You have asked, two questions, as set forth below.

1. CAN THE R.M.C. OFFICER BE COMPELLED TO ACCOMMODATE THE PARALEGAL CLASS FROM GREENVILLE TECHNICAL COLLEGE, WHICH IS A PUBLIC INSTITUTION OF HIGHER LEARNING, BY OPENING THE OFFICE AFTER NORMAL WORKING HOURS?

The sole statutory provision for the hours of business of an RMC is § 30–1–60, 1976 Code, which provides that the records shall be open to examination ‘at reasonable times.’ By any definition of that term, normal business hours constitute such ‘reasonable times.’ Accordingly, there is no requirement, or authority in a body such as the county council to require, opening the records at times other than the normal hours of business. (The authority of a court, under special circumstances, to issue such an order is presumably beyond the scope of the question.)

2. IS THERE ANYTHING THAT WOULD LAWFULLY PROHIBIT THE R.M.C. OFFICER FROM OPENING THE OFFICE FOR SEVERAL HOURS AT NIGHT FOR USE BY THE PARALEGAL CLASS?

Presumably, the RMC is concerned with § 14–17–210, an 1839 enactment which makes it a crime for the clerk of court to keep the courthouse open at night. However, the terms of this statute apply only to clerks of court, and it is clear that the office of RMC is distinct from that of clerk of court; see § 30–5–10, 1976 Code; [Waring v. Miller Manufacturing Company](#), 36 SC 310, 15 S.E. 132 (1892). Another possible concern might be the various official misconduct statutes, such as § 8–1–60. However, as noted above, the RMC has the authority to keep the records open at reasonable times, and there is nothing inherently unreasonable about opening the office in the early evening for a beneficial public purpose, as long as the records are properly supervised. Accordingly, it is the opinion of this office that the additional hours of opening set forth above are reasonable and well within the proper scope of the RMC's authority.

Sincerely yours,

Kenneth P. Woodington  
Assistant Attorney General

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