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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE EDGEFIELD COUNTY
Circuit Court

Martha M. Rivers, Circuit Court Judge

Appellate Case No. 2025-002347

Bettis C. Rainsford, Sr. and Greg W. Anderson,Appellants,

v.

Edgefield Civic League, Beth Thornton,
George Thornton, J. Douglas Timmerman, Jr.,
Rebecca Turner, Beth Cali, and Patsy Smith, Respondents.

FINAL REPLY BRIEF OF APPELLANTS

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ARGUMENT

I. THE CENTRAL ISSUE IS WHETHER THE APPELLANTS SHOULD HAVE STANDING TO CHALLENGE A QUASI-PUBLIC ORGANIZATION WHICH HAS, OVER THIRTY YEARS, BEEN ALMOST ENTIRELY FUNDED BY TAXPAYERS TO OPERATE A LIBRARY WHICH HAS TRADITIONALLY BEEN CONSIDERED A GOVERNMENTAL FUNCTION.

The Complaint clearly sets forth that the Respondents have relied almost entirely on public funding for their operations (R. p. 13, ¶18, ¶20 & R. p. 16, ¶30). Indeed, Paragraph 30 of the Complaint explicitly makes clear that the funding of the Respondent's library was almost entirely from public funds. ("The ECL has had no regular or significant income of its own from which to contribute to these costs.") At the Hearing before the Trial Court, Plaintiff Anderson provided the information that the Town of Edgefield had funded the Respondent ECL with approximately \$400,000 over thirty years (R. p. 126, lines 20-24; R. p. 128, lines 8-18). Appellants have since learned that another approximately \$100,000 was granted to the Respondents by Edgefield County, bringing the total public funding to approximately \$500,000.

These allegations establish more than incidental public support. They show that the Respondent ECL functioned as a quasi-public institution, maintaining the Tompkins Library for public benefit, and was supported almost entirely by taxpayer funds for thirty years. South Carolina law recognizes that the expenditure of public funds must serve a public purpose and that issues involving public resources may warrant judicial review to establish governing principles for future guidance.

While it is true that the ECL is a non-profit corporation chartered by the South Carolina Secretary of State, it operated a library, traditionally a governmental function, and has been almost entirely supported for thirty years by public funding. Thus, the central issue before the Court is

whether the public importance exception to standing should apply. The Appellants believe strongly that it should.

The Respondents argue in their Initial Brief that “If the receipt of public funds were sufficient to trigger the public importance exception, virtually every private non-profit, school, or contractor receiving government grants would be subject to public importance standing challenges. . . .” (Respondents’ Brief, p. 14.) The Appellants concur that if public funding was only a partial or minor part of a non-profit’s support and the recipient had other significant revenue and activities, the public importance exception should not apply to a private non-profit entity. However, where, as in this case before the Court, the public funding constituted almost the entire revenue of the non-profit entity and the only activity of that entity was one which has historically been a governmental function, clearly the public interest is implicated and the public importance exception to standing should apply.

II. THE RESPONDENTS’ “NO ABUSE OF DISCRETION” ARGUMENT MISCONSTRUES THE STANDARD OF REVIEW.

Respondents correctly note that standing is reviewed *de novo*—but that concession defeats, rather than supports, their argument.

Because standing presents a legal question, this Court owes no deference to the circuit court’s conclusions and must independently determine whether Appellants sufficiently alleged a basis for standing. The question is not whether the circuit court “abused its discretion” in issuing a concise order; the question is whether the dismissal was legally correct. It was not.

Respondents’ reliance on Rule 52(a), SCRCP, is similarly misplaced. While detailed findings may not be required on a Rule 12 motion, the absence of analysis in this case obscures the legal error underlying the ruling – namely, the failure to apply the correct standard and to credit

Appellants' allegations. A concise order cannot insulate an incorrect legal determination from appellate review.

Moreover, Respondents' invocation of Rule 220(c), SCACR does not salvage the judgment. While this Court may affirm on any ground appearing in the record, it may do so only where such grounds are supported by the pleadings and law. Here, the record – properly viewed – demonstrates that Appellants alleged sufficient facts to establish standing under South Carolina precedent.

III. THE RESPONDENTS' POSITION THAT THE APPELLANTS HAVE MADE NEW ARGUMENTS WHICH SHOULD NOT BE CONSIDERED IS WRONG BECAUSE THE APPELLANTS HAVE ONLY ENHANCED THEIR CENTRAL ARGUMENT.

Respondents argue that the Appellants have raised new issues in their Response to the Motion to Dismiss, their Rule 59(e) Motion, and their Initial Brief before this Court, that do not appear in their Complaint and therefore should be excluded from appellate consideration. The Appellants believe that they have not raised any new issues, but have simply enhanced their argument by noting that in two pieces of legislation the South Carolina General Assembly has recognized that broader standing should be afforded in order to serve the interests of justice: the South Carolina Freedom of Information Act (FOIA) and the South Carolina Heritage Act amendment which, since the filing of the Appellants' Initial Brief, was passed overwhelmingly by both the House and Senate and has now been signed into law by the Governor.

CONCLUSION

This case before the Court is precisely the type of controversy for which the public importance exception exists: The Respondents have (1) presided over the destruction of a library which had been funded almost entirely by taxpayers for thirty years and (2) transferred away without compensation the library's valuable collections of books, manuscripts and files which had

been held in trust for the community. This tremendous breach of fiduciary duty cannot be allowed to go unchallenged. Future guidance is needed to provide direction to other non-profit institutions which perform traditional governmental functions and which are funded almost entirely by taxpayers. Other plaintiffs in similar circumstances must be provided standing. Without standing, no mechanism exists to hold the Respondents accountable, and no guidance will be provided to prevent similar violations of law and transgressions of fiduciary duties by other non-profit entities which subsist almost entirely on public funding.

Signatures appear on the next page.

Respectfully submitted,



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