THE STATE OF SOUTH CAROLINA
In The Supreme Court

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S.C. SUPREME COURT

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Michael G. Nettles, Circuit Judge

Appellate Case No. 2016-000460

DomainsNewMedia.com, LLC,..Respondent,

v.

Hilton Head Island-Bluffton
Chamber of Commerce, ...Appellant.

INITIAL BRIEF OF RESPONDENT

Andrew S. Radeker
S.C. Bar No. 73743
Taylor M. Smith IV
S.C. Bar No. 101584
Harrison & Radeker, P.A.
Post Office Box 50143
Columbia, South Carolina 29250
(803) 779-2211
Attorneys for Respondent

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STATEMENT OF ISSUES

I. **Did the trial court err in ruling that the Appellant is a "public body" for purposes of the South Carolina Freedom of Information Act where Appellant is a corporation that receives *en masse* lump sum payments of public funds and is required by statute to manage and expend those funds on behalf of government entities?**

II. **Does the Appellant advance arguments in its brief that it did not preserve for this Court's review?**

STATEMENT OF THE CASE

Respondent brought this action seeking a judgment declaring that the Appellant (hereinafter "the Hilton Head DMO") is a "public body" for purposes of the South Carolina Freedom of Information Act, S.C. Code Ann. § 30-4-10, *et seq.* (hereinafter "FOIA") and was obligated to disclose certain information under FOIA. (R. pp. ___; summons and complaint.) In addition to the other things it does, the Hilton Head DMO serves as the designated marketing organization under the Accommodations Tax (hereinafter "A-Tax") statutory framework, S.C. Code Ann. § 6-4-10 *et seq.*, for the Town of Hilton Head, Beaufort County, and the Town of Bluffton, and it receives millions of public dollars annually. As noted in the Hilton Head DMO's brief, it received $2.48 million dollars from A-Tax revenues and grants in 2012. As the designated marketing organization (sometimes referred to in this brief as a "DMO") the Hilton Head DMO is required to "manage and direct the expenditure of" the Town of Hilton Head's, Beaufort County's, and the Town of Bluffton's A-Tax revenues.

The Hilton Head DMO answered, denying it is a "public body" for FOIA purposes (R. pp. ____; answer.) The parties conducted discovery and entered into a case management order in which they agreed that "the material facts are not in dispute and that the case primarily presents legal issues that will be ripe for decision by the Court" and provided for the case to be resolved on cross-motions for summary judgment in lieu of the presentation of testimony and evidence at trial. (R. pp. ___; case management order.)

After a hearing, the trial court ruled that the Hilton Head DMO falls under the statutory definition in S.C. Code Ann. § 30-4-20(a) of a "public body" for FOIA

purposes. (R. pp. ____; order granting summary judgment; transcript of hearing.) The Hilton Head DMO did not make any motion under Rule 59, SCRCP, but, rather, directly appealed the trial court's order. (R. pp. ____; notice of appeal.)

The Hilton Head DMO moved to transfer this appeal from the Court of Appeals to this Court. Respondent consented to the motion, and this Court granted the transfer.

STANDARD OF REVIEW

A declaratory judgment under FOIA is an action at law. S.C. Tax Comm'n v. Gaston Copper Recycling Corp., 316 S.C. 163, 447 S.E.2d 843 (1994); Burton v. York Cty. Sheriff's Dept., 358 S.C. 339, 594 S.E.2d 888 (Ct. App. 2004). "In an action at law tried without a jury, the trial judge's findings have the force and effect of a jury verdict upon the issues and are conclusive on appeal when supported by competent evidence." Mathis v. Brown & Brown of S.C., Inc., 389 S.C. 299, 307, 698 S.E.2d 773, 777 (2010). Accordingly, in an appeal from the results of a bench trial of an action at law, an appellate court can correct errors of law but "will not disturb the trial court's findings of fact unless no evidence reasonably supports the findings." Branche Builders, Inc. v. Coggins, 386 S.C. 43, 47, 686 S.E.2d 200, 202 (Ct. App. 2009).

"Determining the proper interpretation of a statute is a question of law, and this Court reviews questions of law de novo." Town of Summerville v. City of N. Charleston, 378 S.C. 107, 110, 662 S.E.2d 40, 41 (2008).

As the parties essentially tried the case on facts they agreed were not in dispute, the Court reviews the trial court's legal conclusions, but not its factual findings, de novo.

ARGUMENT

I. The Hilton Head DMO is a "public body" for purposes of the South Carolina Freedom of Information Act.

This appeal concerns the definition of "public body" under FOIA. The statutory definition is as follows:

> "Public body" means any department of the State, a majority of directors or their representatives of departments within the executive branch of state government as outlined in Section 1-30-10, any state board, commission, agency, and authority, any public or governmental body or political subdivision of the State, including counties, municipalities, townships, school districts, and special purpose districts, **or any organization, corporation, or agency supported in whole or in part by public funds or expending public funds**, including committees, subcommittees, advisory committees, and the like of any such body by whatever name known, and includes any quasi-governmental body of the State and its political subdivisions[.]

S.C. Code Ann. § 30-4-20(a) (emphasis added). By the plain language of the statute, private corporations that are wholly or partly supported by public funds or that expend public funds fall within the definition of a "public body" for the purposes of FOIA.

"All rules of statutory construction are subservient to the one that the legislative intent must prevail if it can be reasonably discovered in the language used, and that language must be construed in light of the intended purpose of the statute." Broadhurst v. City of Myrtle Beach Election Comm'n, 342 S.C. 373, 380, 537 S.E.2d 543, 546 (2000). "A statute as a whole must receive a practical, reasonable, and fair interpretation consonant with the purpose, design, and policy of the lawmakers." Browning v. Hartvigsen, 307 S.C. 122, 125, 414 S.E.2d 115, 117 (1992).

"FOIA is remedial in nature and should be liberally construed to carry out the purpose mandated by the legislature." Quality Towing v. City of Myrtle Beach, 345 S.C. 156, 161, 547 S.E.2d 862 (2001) (citing S.C. Dept of Mental Health v. Hanna, 270 S.C. 210, 241 S.E.2d 563 (1978)). The purpose of the legislature in enacting the pertinent words of S.C. Code Ann. § 30-4-20(a) was that any "organization, corporation, or agency supported in whole or in part by public funds or expending public funds" is to be a "public body" for FOIA purposes. The statute does not purport to make a non-governmental entity that qualifies as a "public body" for FOIA purposes into a public body for any other purpose. Id.

This Court previously considered the legislature's definition of a public body as it was applied to a research foundation of the University of South Carolina in Weston v. Carolina Research and Development Foundation, 303 S.C. 398, 401 S.E.2d 161 (1990). Several transactions of the Foundation were analyzed including: a) the Foundation's receipt of funds derived from the sale of land by the University, b) the Foundation's acceptance of grant money from the federal government which the Foundation then oversaw the expenditure of, c) the receipt of lands and cash grants from local governments by the Foundation, and d) "administrative fees" assessed by the Foundation on the university where the foundation claimed it handled third party research contracts. Id. at 401-04. In Weston, this Court found that each transaction alone would bring the Foundation within FOIA's definition of a public body, but that, when taken together, these transactions led to the "unavoidable conclusion" that the foundation was subject to FOIA. Id. at 403. The Court interpreted § 30-4-20(a) to mean that "when a block of public funds is diverted en masse from a public body to a

related organization, or when the related organization undertakes the management of the expenditure of public funds" the organization is a public body for FOIA purposes. Id. at 404.

South Carolina law provides that the local government receiving A-Tax funds must select a nonprofit organization with an "existing, ongoing tourist promotion program" for that organization to "manage and direct the expenditure of" A-Tax funds. S.C. Code Ann. § 6-4-10(3). This is what is referred to as a designated marketing organization, often abbreviated to DMO. The record is clear that the Hilton Head DMO is one such entity, and the Hilton Head DMO agrees. While the Hilton Head DMO would have the court look to what other jurisdictions have ruled concerning different statutes, there is no need to look to what other states' courts have ruled concerning "public body" definitions under those states' Freedom of Information Acts. Existing South Carolina law is dispositive on this point. An "organization, corporation, or agency supported in whole or in part by public funds or expending public funds" is a "public body" for FOIA purposes. S.C. Code Ann. § 30-4-20(a). The Hilton Head DMO, as a designated marketing organization, is an organization that "manage[s] and direct[s] the expenditure of" government tax revenues. S.C. Code Ann. § 6-4-10(3). Organizations that fulfill that role under S.C. Code Ann. § 6-4-10(3) fall within the scope of S.C. Code Ann. § 30-4-20(a) by each statute's plain terms.

The timing of the enactment of each of these statutes further bears this out. The A-Tax fund statutory requirements were created by Act 612 (ratification number 715) of the South Carolina General Assembly and took effect on June 13, 1990. The

code section of FOIA that defines a "public body," S.C. Code Ann. § 30-4-20, was passed by the General Assembly as Act 118 (ratification number 164) and took effect in 1988. The General Assembly, knowing FOIA's definition of a "public body," enacted a law creating the concept of designated marketing organizations that put them squarely within that definition. Had the General Assembly intended for designated marketing organizations to be exempt from FOIA's definition of a public body, it would have done so. It did not.

The Hilton Head DMO tries throughout its brief to distinguish this case from Weston. In Weston, this Court determined that the facts before it put the Foundation squarely within the scope of S.C. Code Ann. § 30-4-20(a). Weston, 303 S.C. at 403. This Court did not purport to limit the application of S.C. Code Ann. § 30-4-20(a) or to change it in any way. Id. This Court did not purport in Weston to address every situation in which an organization might fall under the definition of "public body" for FOIA purposes. Id. That said, the Hilton Head DMO's attempts to distinguish Weston are unavailing. Were the Court to apply the exact same analysis as in Weston, the conclusion would be the same: the Hilton Head DMO is a public body for FOIA purposes.

The Hilton Head DMO contends that its status as a designated marketing organization results in more transparency than the Research Foundation provided in Weston. That is irrelevant. It is the receipt or spending of public funds that controls whether an organization falls within the ambit of S.C. Code Ann. § 30-4-20(a). While Weston did not purport to address every situation in which an organization falls under the FOIA definition of "public body," there are telling similarities between the

activities of the Foundation and the Hilton Head DMO. Both the Foundation in Weston and the Hilton Head DMO received *en masse*[1] transfers of public funds. Like all facts in this case, that is not in dispute. (R. pp. ____; case management order; Appellant's Motion for Summary Judgment at 3; Transcript of Depo. of Ray Deal, p. 16 ln. 11-13). As did the Foundation, the Hilton Head DMO undertakes the management of spending public funds after they are received. (R. pp. ____; Deal Dep. 43:3 – 45:20).

The Hilton Head DMO's Initial Brief provides:

> [T]he Court does not simply look to whether the entity receives public funds. Instead, the Court examines various factors, including the purpose of the private entity, the relationship between the private entity and the public body, the manner in which the public funds are disbursed to the entity, the control the pubic body has over the funds, and whether the public has access to how the funds are spent. Weston, 303 S.C. at 404, 401 S.E.2d at 165.

Appellant's Initial Brief 14.

The Hilton Head DMO cannot add elements to the Weston analysis that were not stated by this Court. There is no mention of these "factors" as part of the analysis in either that cited section of Weston or anywhere else in the opinion. Nor, for that matter, is there any such mention in the plain words of S.C. Code Ann. § 30-4-20(a). "[T]he unambiguous language of the FOIA mandates that the receipt of support in whole or in part from public funds brings a corporation within the definition of a public body." Weston, 303 S.C. at 164. A legislative body has the power to prescribe legal

[1] "En Masse" and "Lump Sum" appear to be synonymous. "En masse – In a mass; in a large group all at once; all together." Black's Law Dictionary 610 (9th ed. 2009). "Lump sum payment – A payment of a large amount all at once, as opposed to a series of smaller payments over time." Black's Law Dictionary 1244 (9th ed. 2009).

definitions under the language of its own statutes. Windham v. Pace, 192 S.C. 271, 283, 6 S.E.2d 270, 275 (1939); see also Bell Finance v. South Carolina Dept. of Consumer Affairs, 297 S.C. 111, 374 S.E.2d 918 (Ct. App. 1988) (statutory definitions should be followed in interpreting the statute); Fruehauf Trailer Co. v. South Carolina Electric Gas Co., 223 S.C. 320, 75 S.E.2d 688 (1953) (lawmaking body's construction of statutory language by means of definitions employed in statute should be followed when interpreting statute).

It is not necessary that an organization "have unfettered discretion to expend public funds" for it to qualify as a public body under the definition in S.C. Code Ann. § 30-4-20(a). (Brief of Appellant at 26.) The Hilton Head DMO's protests aside, it plainly receives, spends, and manages the expenditure of millions of dollars in public money that it gets in regular lump sum payments. In Weston, this Court found that each of the four transactions on which it focused would alone "bring the Foundation within the FOIA's definition of public body." Weston 303 S.C. at 164. In one such transaction, the Foundation argued that the $2,000,000 cash grant from the City of Columbia and the $3,750,000 cash grant from Richland County that were given to it to build the university's engineering center were provided to it "pursuant to a contractual agreement and that once the City and County transferred the property in performance of their contractual agreement, the expenditure of public funds ended." Id. This Court said that it did not find this argument persuasive. Id. "Funds from the public coffer were given to the Foundation which managed the expenditure of the funds and the development of the real estate. By these actions, the Foundation received support from and expended public funds." Id.

In Weston, the Court noted the following:

> when a block of public funds is diverted en masse from a public body to a related organization, or when the related organization undertakes the management of the expenditure of public funds, the only way the public can determine with specificity how the funds were spent is through access to the records and affairs of the organization receiving and spending the funds.

Weston 303 S.C. at 165 (emphasis added). Contrary to the position of the Hilton Head DMO, the public does not have ample access to information of the Hilton Head DMO regarding how the public funds it receives are, in fact, spent. The trial court in this case correctly noted that if the only information available to a person is what was provided by the Hilton Head DMO to the public entity under the current minimum requirements of the A-Tax statutory framework, then the person requesting would receive significantly less information than would be available in a traditional FOIA context. (R. pp. _____; Order granting summary judgment p. 11). The Hilton Head DMO states that it submits a "a proposed budget at the beginning of each fiscal year showing how the funds will be spent." (Brief of Appellant p. 23). The trial court correctly noted that, "[a]t best, the budget can only do what other budgets do: forecast how money is expected to be spent." (R. pp. _____; Order granting summary judgment at 10). The only time a person would have the opportunity to learn how The Hilton Head DMO actually spent the very large amount of public monies it spends would be to seek a copy of the year-end accounting from the associated public entity. The trial court analyzed one of these year-end accountings, though. (R. pp. ______; Order granting summary judgment p. 11; Depo. of Deal). The trial found that the accounting failed to describe "with specificity how those funds were spent." (R. pp. ______; Order granting

summary judgment p. 10). "The accounting provides very little, if any, information on, for instance, the particular vendor chosen for a certain expenditure in furtherance of a stated tourism purpose." (R. pp. ______; Order granting summary judgment p. 10).

The Hilton Head DMO is incorrect to contend that it is not a "related organization" under the Weston analysis. The Hilton Head DMO serves as the DMO for the towns of Hilton Head Island and Bluffton and for Beaufort County. The Hilton Head DMO also provides services to the private members of its organization "that are completely separate and apart from the services it provides in its capacity as DMO." (R. pp. ______; Order granting summary judgment p. 9.) "But the Defendant may not avoid FOIA compliance simply by organizing as a hybrid Chamber-CVB [(Convention and Visitor's Bureau, the kind of entity that typically serves as a DMO)]." (R. pp. ______; Order granting summary judgment p. 9.) Despite the contention by the Amicus Myrtle Beach Chamber that the Hilton Head DMO's role as DMO "bears no resemblance to the relationship between the University and the Foundation in Weston," there is no support in the law for the proposition that the Hilton Head DMO must have the same *kind* of connection to public entities that the Foundation had to the University to be considered a "related organization." "The Chamber may not work for the exclusive benefit of its public entities as the Foundation did for its in Weston, but it certainly works for the benefit of the Town of Hilton Head, the Town of Bluffton, and Beaufort County and is therefore a related organization." (R. pp. ______; Order granting summary judgment p. 9).

The argument that the Hilton Head DMO receives payment from the public entities it serves "in return for supplying specific goods or services on an arms-length

basis" lacks support in the record. Weston, 303 S.C. at 165. If the Hilton Head DMO does this, then what are those specific goods or services? The Hilton Head DMO receives its public funds for *being* something – the designated marketing organization – not for doing a specific task or providing a specific item. Further, the section of the Weston opinion cited by The Hilton Head DMO is not the Court's holding in that matter and was expressly identified as a situation different from what was not before the Court in that case. Id. ("**In that situation**, there is an exchange of money for identifiable goods or services and access to the public body's records would show how the money was spent) (emphasis added). That may be why the Court did not supply a definition for "arms-length basis" in Weston. As the trial judge noted, though, such a definition does exist. (See R. pp. _____; Order granting summary judgment pp. 10-11.) "Arm's length" is defined as "of or relating to dealings between two parties who are not related or not on close terms and who are presumed to have roughly equal bargaining power; not involving a confidential relationship." Black's Law Dictionary 88 (8th ed. 2005). The record is devoid of any agreement between the Hilton Head DMO and any public entity concerning the Hilton Head DMO's status as DMO. It appears that the Hilton Head DMO's status as the DMO has been understood for years, with no opportunity extended to any other organization to become the DMO. The trial court correctly concluded that the relationship between the Hilton Head DMO and its public entities "is one that is close and not at arms-length." (R. pp. _____; Order granting summary judgment p. 11). The trial court also correctly identified that the analysis concerning whether a given transaction of the Hilton Head DMO would be one "in return for supplying specific goods or services" was impractical and unnecessary, considering

breadth of services the Hilton Head DMO provides. Id. While the Hilton Head DMO is correct that a written agreement is not a *sine qua non* of an arms-length relationship, the absence of any written agreement and the absence of any evidence of negotiations are certainly evidence of the lack of an arms-length relationship. The Weston opinion did not write in an "arm's length" exception to the FOIA definition of a public body, but even if it had, the only facts in the record are to the effect that the relationship between the Hilton Head DMO and government entities it serves is not one at arm's length.

The relationship between the Hilton Head DMO and these governments is not an arm's length relationship; it is a close relationship, and it is also a *statutory* relationship, one under which the Hilton Head DMO is expressly tasked with carrying out the governmental function of managing and spending A-Tax revenues. S.C. Code Ann. § 6-4-10(3).

The Hilton Head DMO falls within the definition of "public body" under S.C. Code Ann. § 30-4-20(a).

II. The Hilton Head DMO makes many unpreserved arguments.

To be preserved for appellate review, an argument must have been both raised to and ruled upon by the trial court. E.g., Wilder Corp. v. Wilke, 330 S.C. 71, 497 S.E.2d 731 (1998). "Where a matter is not ruled on by the circuit court, the issue is not preserved for appellate review unless the complaining party moves to amend the judgment pursuant to Rule 59(e)." Vespazziani v. McAlister, 307 S.C. 411, 413, 415 S.E.2d 427, 428 (Ct. App. 1992). If the appealing party made the argument to the trial court in the first instance and did not receive a ruling on it, if he presents the argument

again in a Rule 59 motion, it is then preserved for review, even if the trial court does not rule on it in response to that motion. Id.

The Hilton Head DMO did not make any Rule 59 motion with regard to the trial court's order; rather, it chose to make a direct appeal. Accordingly, if the trial court's order did not address an argument that the Hilton Head DMO makes in its brief, that argument is not preserved for review by this Court. While the Hilton Head DMO's arguments would not sway this Court based on their substance, many of them are not preserved for this Court's review.

Unpreserved arguments made by the Hilton Head DMO include the following:

1. Any attempt to argue that the operative language of S.C. Code Ann. § 30-4-20(a) is unconstitutional (Initial Brief of Appellant p. 14);
2. Argument based on other jurisdictions' law concerning those jurisdictions Freedom of Information Acts and their definitions of "public body" (Initial Brief of Appellant pp. 19-20, 23);
3. Argument regarding control of the Hilton Head DMO or lack thereof by government entities (Initial Brief of Appellant p. 21);
4. Argument about government entities not acting through the Hilton Head DMO (Initial Brief of Appellant p. 21);
5. Argument that the Hilton Head DMO does not perform government functions (Initial Brief of Appellant p. 22);
6. Argument that FOIA does not apply to a private entity that receives public funds for a specific purpose (Initial Brief of Appellant pp. 22-23);

7. Argument about whether the Hilton Head DMO could be liable to local governments (Initial Brief of Appellant p. 25);
8. Argument that the level of discretion a designated marketing organization has about how to spend government funds matters with regard to whether it is a "public body" for FOIA purposes (Initial Brief of Appellant pp. 26-30);
9. Argument to the effect that reporting to local governments would be unnecessary if the General Assembly had intended for a designated marketing organization to be subject to FOIA (Initial Brief of Appellant p. 29);
10. Argument that the Hilton Head DMO "should be permitted to remain private" and argument that being a "public body" for FOIA purposes would change the nature of the organization (Initial Brief of Appellant pp. 30-34);
11. Argument to the effect that Respondent is "on a mission to harm" the Hilton Head DMO (Initial Brief of Appellant p. 32);
12. Argument to the effect that the information sought does not touch upon uncovering secret government activity (Initial Brief of Appellant p. 32);
13. Argument that the trial court's decision undermines the membership-based nature of the Hilton Head DMO's organization (Initial Brief of Appellant pp. 33-34); and
14. Argument that the Hilton Head DMO would have to comply with FOIA's requirements concerning meeting notices and agenda. (Initial Brief of Appellant p. 34.)

These arguments were not addressed by the trial court's order and were not subject of any Rule 59 motion, since the Hilton Head DMO made no such motion. Accordingly, regardless of whether the Hilton Head DMO made these to the trial court – and not all of them were made to the trial court – they are not preserved for appellate review.

III. Applying FOIA to private entities that have a major role in spending government money is not unnecessary or unwise. It is, rather, a prudent measure by the General Assembly.

The trial court carefully, narrowly, and correctly concluded that the "Defendant Hilton Head Island – Bluffton Chamber of Commerce as a matter of law is a 'public body' for purposes of S.C. Code Ann.§ 30-4-20(a)." (R. pp. _____; Order granting summary judgment p. 13). That is the only result that S.C. Code Ann. 30-4-20(a) allows. Now, it is correct that if this Court decides the Hilton Head DMO is a "public body" for FOIA purposes, the Hilton Head DMO must abide by FOIA. But this requirement is not as onerous as the Hilton Head DMO sees it. The issue before the Court is whether the Hilton Head DMO can organize in a hybrid manner, where the chamber functions and DMO functions are carried out by the same organization, thus bringing that organization within the ambit of S.C. Code Ann. 30-4-20(a), and yet successfully avoid compliance with FOIA. Given that the very essence of being a DMO is that the organization's job is to "expend public funds," the Hilton Head DMO cannot both achieve that goal and comply with the law. S.C. Code Ann. § 30-4-20. There is no requirement that chambers of commerce also be designated marketing organizations under S.C. Code Ann. § 6-4-10(3). The individuals who ran the chamber of commerce at issue were always free to form a separate corporation and seek for it to serve as the

designated marketing organization for these local governments. It chose to be the DMO.

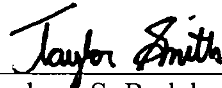
An entity that is a "public body" for purposes of FOIA would not necessarily be a "public body" under other statutes. For example, the rather similarly worded definition of "public body" under the South Carolina Whistleblower Act, S.C. Code Ann. § 8-27-10, *et seq.*, would not apply, since S.C. Code Ann. § 8-27-50 makes that Act inapplicable to "nonpublic, private corporations." It does not appear that recognizing that the Hilton Head DMO is a "public body" for FOIA purposes would impose additional responsibilities under other statutes. Contrary to the Hilton Head DMO's assertions, being a "public body" for FOIA purposes does not end its private character. It just means that it has to do but a few of the many things government bodies have to do, as a consequence of its receipt of and role in managing very large amounts of public tax money. That is a good thing for the people of the Town of Hilton Head, the Town of Bluffton, and Beaufort County, who as a result have access to information that can let them see just how their DMO is actually spending their money. It safeguards against theft and embezzlement of public funds. The mild inconveniences of complying with FOIA are not a tremendous burden to shoulder, and, provided that the Hilton Head DMO is behaving as it ought, they pose no danger to it. That the Hilton Head DMO is so deeply concerned about this begs a question asked by the trial court, "[W]hat do you have to hide?" (R. pp. ___; transcript of hearing p. 45 ln. 1.)

CONCLUSION

The circuit court's decision correctly applied S.C. Code Ann. § 30-4-20(a), since the Hilton Head DMO, a designated marketing organization under S.C. Code

Ann. § 6-4-10(3) that receives *en masse* and is tasked with managing and spending public tax funds, is a "public body" for purposes of FOIA. The Court should affirm.

Respectfully submitted,



Andrew S. Radeker
S.C. Bar No. 73743
Taylor M. Smith IV
S.C. Bar No. 101584
Harrison & Radeker, P.A.
Post Office Box 50143
Columbia, South Carolina 29250
(803) 779-2211
Attorneys for Respondent

April 3, 2017

THE STATE OF SOUTH CAROLINA
In The Supreme Court

RECEIVED
APR 03 2017
S.C. SUPREME COURT

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Michael G. Nettles, Circuit Court Judge

Appellate Case No. 2016-000460

DomainsNewMedia.com, LLC..Respondent,

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Hilton Head Island-Bluffton Chamber of Commerce ....Appellant.

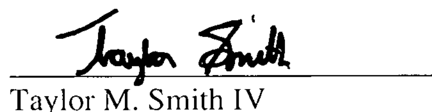
PROOF OF SERVICE

I certify that I served the foregoing initial brief of respondent by depositing a copy of it on the date shown below in the United States Mail, postage prepaid, addressed as follows:

Robert E. Stepp, Esq.
Tina M. Cundari, Esq.
Bess J. DuRant, Esq.
Sowell Gray Stepp & Laffitte, LLC
P.O. Box 11449
Columbia, SC 29211

William W. Wilkins, Esq.
Kirsten E. Small, Esq.
Nexsen Pruet, LLC
P.O. Drawer 10648
Greenville, SC 29603

April 3, 2017



Taylor M. Smith IV