

The State Of South Carolina
In The Court Of Appeals

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Appeal From Harry County
Court Of Common Pleas

SC Court of Appeals

Judge Culbertson, 15th Judicial Circuit
C/A No.: 2016-CP-26-7405

Appellate Case No.: 2017-001949

Ronald L. Legg, Pro se, ... Appellant

✓
Lisa Bourcier, et. al., ... Respondents'

Appeal Brief

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Ronald L. Legg
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Date Nov. 5, 2017

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Statement Of Issues On Appeal

Issue One:

Did Court err by failing to find genuine issue in Appellant's Motion For Summary Judgment? and in Appellant's Motion For Opposition to Defendants Motion For Summary Judgment? in spite of clear and convincing evidence that Appellant was able to show factual contest for genuine issue of material fact?

Issue Two:

Did Court err by failing to find that Defendants argument for defense fact, based on Defendants constructed affidavit, was based upon 'Bad Faith'? as it was proffered for the prejudicial purpose (of distorting) Appellant's true nature in the (FOIA) request directed to Defendants, in spite of clear and convincing evidence in accordance with Appellant's exhibits and court room testimony?

Issue Three:

Did Court err in accordance with 'Court's Order Granting Defendants Motion For Summary Judgment,' under heading, 'Findings'; by making an arbitrarily unreasonable determination, and failing to make a more competent rendering of the S.C. FOIA statute's applied terminology, for the arbitrary purpose of unjustly favoring Defendants argument, while Defendants encouraged the Court through fraudulent devise, (affidavit), for a wrongful interpretation of the statute for a 'Bad Faith' defense posture? through charging; Plaintiff was imposing upon Defendants a "non-obligatory" creation of record demand, where no record exist.' Specifically referring to Section 30-4-30 (a), "on definition of record in part," whereas, Defendants semantically subjugated the unambiguous 'subordinate term 'in part,' before the Court, and further, the term 'includes, to a purpose to mean "an exclusion of any other sought

government information or record, where in fact, the terms "in part and includes," being subordinate terms, do not imply exclusion of any other, Wherefore, the Defense charged that the (FOIA) request for the names of the Harry County Public Information Office agents, and, or, employees were exempt because they could not be found under § 30-4-30 (a), and thereby would constitute the creation of record which does not exist for the purpose of the S.C. FOIA request, and the Court agreed. Whereby, Appellant clearly demonstrated Defense was making a felonious argument.

Issue Four:

Did Court err by failing to rule on issues of fact and law regarding 'Motion For Declaration,' and 'Entry of Default' presented to the Court?

Issue Five:

Did Court arbitrarily rule against Appellant and enjoin conspiracy to deprive Appellant of his rights for the production of the request, whereby, salient facts are found in the record?

Issue Six:

(A). Because case involves an issue of significant public interest, and a legal principle of major importance, which clearly lends to corruption by public officials and conspiracy for obstruction of justice, and for the purpose of upholding the public respect for the integrity of law, at what point should the State assume sovereign jurisdiction when it becomes so obviously shocking to the conscience over a 'David and Goliath' contest manifest in the judicial arena, when a limited in law science, member of the general public becomes a victim of the powers of the State through the State's extortion of a lawful process for an unlawful purpose?

(B). Court's ruling did not comport with Appellant's established "Issue of Controversy," and as a consequence thereof, did Court arbitrarily use the judicial process knowingly to prejudice Appellant?

Procedural History

Appellant was wrongfully convicted in a state criminal prosecution case, and upon researching material evidences accessible through 'public bodies' for the purpose of appeals process, Appellant exercised the public right for access to government information pursuant to the provisions set forth in the South Carolina Code of Laws Section 30-4-10 et. seq., as the South Carolina Freedom of Information Act. And thereby, Appellant made several (FOIA) requests to various 'public bodies.' In particular, Appellant had established a record of (FOIA) correspondence with the Horry County Police Department, and the J. Reuben Long Detention Center, both in Horry County, S.C., as an effort in securing exculpatory material evidences under information in the possession of these public bodies.

Under the (FOIA) requests, the two public bodies mentioned above did produce some information. However, Key material information in Appellant's requests were withheld without qualified exemptions, according to the provisions in the Act. And after going through the continuing (FOIA) process in correspondence, the public bodies were enjoined by the Horry County Public Information Office (HCPIO), and her agents acting as (FOIA) legal advisory, which was manifest as a devise to frustrate and freeze the necessary discovery through the (FOIA) requests. And, in doing so, the (HCPIO) and her agents acted as the (FOIA) legal authority over the continuing (FOIA) request attempts from Appellant, directed to other public bodies.

Since the (HCPIO) and initially it's principle agent, Lisa Bourcier, as the director, became involved in the (FOIA) requests directed to other public bodies, and for acting as legal authority, Appellant directed (FOIA)

appeals to the (HCP10) only to be met with the unnamed responses from the (HCP10) Letterheads, which employed legally implied literary device for the purpose of shutting down Appellant's (FOIA) requests and appeals directed to the (HCP10) for accountability of record on the (FOIA) correspondences, and names of the secret agents working out of the (HCP10) who were sending (HCP10) mail to Appellant with altered interpretations of the S.C. FOIA statute, as a device for frustrating and shutting down Appellant's (FOIA) process, and doing so, by signing the pseudo name of "Yours Truly," and by operating in secret with other advisory agents using a lawful process for unlawful purpose in a conspiracy for the purpose of thwarting Appellant's lawful rights for unkindered legal access to government information.

Filed Motion For Declaratory Judgment, Nov. 17, 2016

Filed Petition For Declaration and served on

Defendants, Nov. 17, 2016

Filed and served Entry Of Default, Jan. 17, 2016

Filed Motion For Summary Judgment, Feb. 28, 2017

Plaintiffs Summary Judgment Motion Heard April 17, 2017

Filed Motion In Opposition To Defendants Motion For Summary Judgment, May 3, 2017

Defendants Motion For Summary Judgment Heard May 12, 2017

Court's Order Granting Defendants Motion, June 5, 2017

Appellate Case No.: 2017-001949

Statement of Case

Appellant, Ronald L. Legg, submitted Freedom of Information Act requests pursuant to the South Carolina Code of Laws Section 30-4-10 et. seq., (FOIA), directed to the Horry County Police Department and the J. Reuben Long Detention Center, as an effort to secure government information regarding material evidences considered as record, and the providential definition thereof, regarding a wrongful criminal conviction, Appellant has been serving time for in the South Carolina Department of Corrections, and information purposes regarding important principles of law, important to the general public.

The Horry County Public Information Office, herein after, (HCPIO), and its agents, did in fact, intercede between Appellant's (FOIA) requests and the aforementioned 'public bodies,' and in effect, acting under the authority of the 'Color of Law,' altered the meaning of the S.C. FOIA statute § 30-4-10 et. seq., for the purpose of subverting Appellant's right to the provisions set forth in the act for acquiring government information. And by disseminating an altered meaning of the law to other public bodies, without declaring the alteration for public declaration, did so, as a means for obstructing public accountability.

Additionally, the (HCPIO) and its agents, acting in secret identity, yet, under the umbrella of the 'public

body; participated in obstructionists acts in the collusionist enterprise with other public bodies for the same purpose of non-disclosure, for public accountability. Whereby, this became ascertained by Appellant when he re-directed (FOIA) requests to the interceding body (NCP10), for the purpose of appealing the (FOIA) requests which were initially directed to the other public bodies, whereby, the (NCP10) placed itself as the interceding principle authority. See exhibits 'CCB' and 'ABC', citing 'We', and 'Our' as the principle agents.

Appellant established a record of (FOIA) requests and several appeals from the (NCP10) denials, for production, exhibit 'JCC,' - "Issue of Controversy," showing Appellant's lengthy (FOIA) request and appeal discourse with the (NCP10), and exhibit 'XEE.' Appellant had requested the specific names of the (NCP10) agents who were responding to Appellant's (FOIA) appeals by using the pseudonym "Yours Truly." See exhibits 'JIS,' 'HCSR,' and 'JJK'.

The (NCP10) responded to Appellant's (FOIA) requests generally; not specifically, as to the (FOIA) request appeal dated May 30, 2016, as responded to in exhibit 'HCSR,' as illustrated in exhibit 'JCC,' by, brandishing the altered meaning of the Statute, "Your request is not in proper format to be considered a Freedom of Information Act request. The South Carolina Freedom of Information Act is designed for citizens to get copies of reports, 911 calls, meeting minutes, etc... and not as a vehicle for questions to be answered," whereby, the (NCP10) secret agents, in this respect, incorporated this altered meaning for a "close out," of the FOIA requests for the purpose of denying public accountability for specific request not exempted by the Statute 30-4-10 et. seq., namely the names of the (NCP10) agents operating under the enterprise of "Yours Truly", and further, information regarding the

names of the (HCPJO) agents operating under any capacity, for addressing (FOIA) requests directed to any other public bodies, as clearly asserted in exhibit '10C', 'Issue of Controversy', pg. 4, third paragraph, "This information requested on the names and duties of said individuals in question who operated as agents of the (Harry County Government And Justice Center, Harry County Public Information Office), concerning FOIA requests under any capacity, who have been involved from the year 2011 to the present)." And again, Pg. (3), last paragraph, "In accordance with the (FOIA) request denial from this office, the denial to disclose did not advance a factual exemption according to law for showing a factual cause for the withholding of files, documents or information retained by this "public body," on individuals as requested, that is, names of all individuals authorized to address public (FOIA) requests, or advisory, from this office - specifically that in accordance with this "public bodies" authority, all names of said persons' who operate from the authority of the State of South Carolina for addressing the public's (FOIA) requests to other public bodies through this office as a sublimation (substituted for), the public body the FOIA requests were originally addressed to, from where said individuals in question operate as agents of the State or County in performance of said operation or, any manner undertaken as an authority on the FOIA requests." see Exhibit 'XEE'

* Clearly, on the above provided material evidences which illuminate the specified nature of Appellant's FOIA requests and appeals to the (HCPJO), obviates any escapism clauses for the (HCPJO) to deflect the original nature and specificity of the request by adapting semantics for denying accountability, whereas, it is easily concluded by Appellant's structured history

in the (FOIA) requests with the other public bodies and the (HCPJO), the intent thereby was for securing file numbers and names of the responding agents for the explicit purpose of public accountability for public business by 'public bodies'. Therefore, at issue of course was the continuing dialogue on the appeals process with the names of the (HCPJO) agents involved in the (HCPJO) as established in the letter heads in exhibits 'IJS,' 'HCPJO,' 'JJK', as these material evidences of fact show "Yours Truly" (unnamed agents), operating under the authority of the (HCPJO) in a (FOIA) capacity which must be known by the director or other authority of the (HCPJO) to be operating in such equal capacity for public accountability, for conducting public accountability for, conducting public business, under Freedom of Information Act requests, which is, apparently synonymous with the implied functions of the Harry County Public Information Office, which must, find its approval through government authorization whose function must be sanctioned for government accountability, including the names of its agents, and their performances according to the schema of operations as declared, as a government entity of county and thereby State.

According to the aforementioned history and nature of Appellant's FOIA requests to the (HCPJO), in contrast of the Defendant's Defense and Petition for Summary Judgment, it becomes clear to see, that when the Defense argues before the Court in opposition to Appellant / plaintiff's Motion for 'Summary Judgment,' heard on April 12, 2017 and Defendant's Motion For Summary Judgment, heard on May 17, 2017 before Judge Culbertson, Defense perpetrated 'Bad Faith' upon the Court, by, altering the meaning, (nature of), Appellant's FOIA request to the (HCPJO) and appeals history without

providing any factual material evidences, and thereby, without demonstrating any factual material issues.

The Defense, in fact, made the following specific assertion for defense fact, not once, but twice in both hearings on court record, and filed motions, See exhibits 'DA', and 'FMA', 'FMB', stating in repetitious form, "Plaintiff sent a FOIA request to the Harry County Public Information Office requesting "the names of all persons, their titles and who employs them under their entitlement to operate in any capacity for addressing (FOIA) requests." This defense editorial is specifically designed to deceive the Court on the true nature of Appellant's FOIA request, See exhibit 'DB' and 'XEE'; whereas, Defense claims Appellant's FOIA appeals are mere disagreement letters, however, the Defense twice argued on Court record a **alternative fact** from the larger whole of the nature of Appellant's FOIA request for stating, "No public record exist to Plaintiff's request, as there is no list of Harry County employees who are authorized to respond to FOIA requests." exhibit 'DB; number 8. As shown here, Defense's argument before the Court, clearly implied a defense to a fabricated schema of the FOIA request which has insufficient standing, lacking material fact, while Defense lead the Court to believe Appellant's FOIA request was for (a general listing of Harry County employees who are authorized to respond to FOIA requests), **RATHER THAN**, as Appellant continuously reaffirmed on Court record and documents filed under the case, that, the names pertained to the (HCP10) agents, under the authority of that public body, as the principle in the request, as exhibit 'XEE' was not a mere disagreement letter, but was an appeal from the FOIA request dated May 13, 2016 which was an official FOIA request and not mere 'Letter,' as implied by Defense, whereby, no filing number being accompanied by the

denial for the appeal purpose. Appellant reaffirmed the subject of denial for production, and clarified with specificity the request in the appeal dated May 30, 2016 as affirmed by exhibit 'DB', showing it was the FOIA request dated May 13 which corresponded to the May 30 appeal, showing Defense understood the appeal, however, Defense knew enough of the subject matter of the appeal to deny its proper context by asserting in exhibit 'Def' Number (5), "On May 30, 2016 the Plaintiff submitted a written response disagreeing with the Harry County Public Information Office's response and again requesting the information." And again in exhibit Number (6), 'DB':

* Defense in fact, did not contest any assertion in Appellant's submitted for the record, exhibit '10C; Issue Of Controversy', reaffirming the FOIA request and appeal, and Defense has not submitted the material evidences of Appellant's correspondence with the (HCPIO), whereas, Appellant went at length to plainly construe the interpretation of the request on appeal for the explicit purpose of giving the public body the most precise derivation of the request.

As Appellant clearly illustrates the May 30, 2016 appeal displays the request schema as described, Pg. 1, second paragraph, in part, "Names of all individuals authorized to address public (FOIA) request from this office", (Harry County Public Information Office), as a public body, "specifically asserting that in accordance with this public body's authority, all names of said persons,"

The FOIA appeal provisions accommodated for all clarifications under any discrepancies on the request to assure the public body has comprehension of the request in order to make proper exemption claims.

On both Summary Judgments hearings, the Defense relied upon its own alternative issue of fact, as a sublimated principle of Appellants FOIA request which

Formulated the idea that the names in question did not have an existence, because, they were not accountable to government. And this of course fit ideally with the bad faith intent of Defense for claiming Appellant's request could not be produced because "no records pursuant to your request exist." See exhibit 'DB' No. (7).

Additionally, the Defense claims that "no records exist," in accordance with the definitive term for record "includes," which is enlisted by § 30-4-20 (c), which falls under a minimal definition of public record, whereby, the Defense propounds the term "includes," to mean: "limited to," as set forth in exhibit 'Def' Number (8). "The Defendants would show there is no "public record," as defined by § 30-4-20 (c) of the Code of Laws of South Carolina, as amended." Whereby, the 30-4-20 (c) introductory heading shows, "Public record" includes.... "

Furthermore, Defense claims that, the subordinate meaning of "includes," is not subject to any inclusionary other, 'on one hand,' and that direct disclosure to the request in accordance with the Defense's altered meaning of Appellant's request, by citing the names in question would obligate the County to create a public record, 'on the other hand'. See exhibit 'FMB' Pg. (3), second paragraph, "The issue in this case is whether the Defendants are obligated to provide Plaintiff the information requested when no such "public record" exists." Same paragraph, "The definition of "public record" as contained in § 30-4-20 (c) is plain and unambiguous, and it is clear that the County is not obligated to create a "public record" in response to Plaintiff's FOIA request when one does not exist.

The objective with the Defense argument has been to defer Appellant's FOIA request for the names of (HCP10) agents, to the altered idea of the request, to non-existent

persons for the purpose of facilitating the 'bad faith' exemption as an alternative fact.

Clearly, exhibits 'CCB', 'ABC', '111', 'HCSR', 'JJK', and the other exhibits demonstrate the existence of persons operating in FOIA capacity through the authority of the (NCP10). And exhibits 'CCB', and 'ABC', clearly demonstrate 'plurality', by the use of the nouns 'We' and 'Our', in contrast to "no record exist," and, "Your request is not in proper format to be considered a Freedom of Information Act request."

Furthermore, Defendants' show a continuing motive for altering the unambiguous to an ambiguity, as the aforementioned, and the altered meaning of the FOIA Statute previously demonstrated in exhibit 'HCSR', and exhibit 'FMB', Pg. (2), second paragraph. "On May 17, 2016, the Defendant, Horry County Public Information Office, responded to Plaintiff, stating his request did not comply with the South Carolina Freedom of Information Act, and that the Act was not a vehicle for questions to be answered." And in exhibit 'HCSR', second paragraph. "Your request is not in proper format to be considered a Freedom of Information Act request. The South Carolina Freedom of Information Act is for citizens to get copies of reports, 911 calls, meeting minutes, etc... and not as a vehicle for questions to be answered."

Obviously, the (NCP10) has acted as FOIA authority, and created its own altered meaning of the S.C. FOIA Statute for conforming to its own operations as has been applied in its Defense against Appellant / Plaintiff's FOIA request, and in effect, disseminated this altered meaning as has shown up in exhibits 'BBB', 'FFG', 'CCB', and 'ABC', showing the effect of the contamination to the process by the typically disseminated altered meaning of the statute in the first paragraph, where the addressee of

the FOIA request interprets the "not in proper format and "not an FOIA issue;" to, "We understand that you do not have access to proper FOIA forms and have determined that this is not a FOIA issue anyway." And for the causes of the prejudices to Appellants FOIA request by dissemination of the altered meaning of the S.C. FOIA statute. Appellant filed a petition on the Defendants for a declaration on the issue of the altering of the meaning of the Statute. See exhibit 'PD-1', 'PD-2', 'PD-3'. (Petition For Declaration) case No. 2016-CP-26-7405. Filed Nov. 17, 2016. See also exhibit 'ICC', 'Issue of Controversy'.

Appellant did not receive the requested declaration from Defendants. Case law demonstrates, "Deference to agency's interpretation of its enabling statute is due only when agency acts pursuant to delegated authority. The Court does not defer to agency's interpretation of statute that is not charged with administering." *Delaware Riverkeeper Network v. Federal Energy Regulatory Commission*, 857 F.3d 388.

The Horry County Public Information Office acted as administering the South Carolina Freedom of Information Act requests (as an executive administrative agency), for request from the general public, which were directed to other public bodies. The (HCPIC) and its agents, not only administered an altered meaning of the Statute, but did so in the absence of that statutory authority which affects the rights of the general public. Under this continuing disregard for such rights, which have affected Appellant, Appellant filed an 'Entry of Default' against the Defendants, see exhibit 'ED', filed Jan. 17, 2017 for the Defendants failure to make a declaration, and thereby, in accordance to Rules of Civil Procedure, Rule 36 (a), "Admission Results from Failure to respond." *Greenville Housing Authority*, 579 S.E. 2d 151 (S.C. App. 2003).

Did Court fail to rule on *Entry of Default*? And rule 36 (a), at Appellant's request on record?

Did Court rule in error, that Defense's evidentiary testimony was material, based on the affidavit of the (HCPJO) Director, Lisa Bourcier's statement, clearly controverted by Appellant, whereby, Defense did not produce any material evidences to validate assertions?

Appellant has established, Bourcier's affidavit 'does not' provide the true representation of Appellant's FOIA request correspondence with the agency as demonstrated by Appellant's exhibits and testimonies, which show Appellant did, in fact, establish a history of meaningful attempts to follow through on the established FOIA procedural schema, on the basis of the sequential, evidential story-line, which does not deviate from the onset as asserted by Appellant.

As must be reasonably recognized, by the duties subject to the objectives of such an established agency as the (HCPJO), while professing to be of service in the conduction of records (information), on government, by its moniker; therefore, a record of Appellants correspondence, by (complete history), should prevail as material evidences of record, file numbers and etc., as would be the practice, on government business, conducting the public's business for public accountability. However, on the contrary, the (HCPJO) has submitted "no records" of Appellant's FOIA correspondence with the agency for the very essence of public accountability. Yet, the agency did submit, only, its version of record, limited to the director's affidavit.

Appellant requested public accountability on the secret agents operating under the auspice of the (HCPJO) addressing FOIA request directed to other public bodies, whereby, the Director, Lisa Bourcier, claims for defense fact, that, such persons do not exist for public accountability.

Standard Of Review

"Summary Judgment is appropriate when there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law." *Baird v. Charleston County*, 333 S.C. 519, 511 S.E. 2d 69, 74 (1999).

"In determining whether any triable issues of fact exist, the trial court must view the evidence and all reasonable inferences that may be drawn from the evidence in the light most favorable to the non-moving party." *Manning v. Quinn*, 294 S.C. 383, 365 S.E. 2d 24 (1998).

"1993 Op. Atty Gen No. 93-63 "Public Body must disclose names of all officers and employees of public body subject to any limitations under FOIA."

"Any written request is sufficient (for the FOIA) under the South Carolina Freedom of Information Act." *Atty Gen Op. 198 No. 81-64, Pg. 91.*

"Questions of fact requires judicial resolution." *Atty Gen Op. 92-1.*

"The Freedom of Information Act itself does not contemplate an exchange of information among or between agencies." *Atty Gen 1987 Op. No. 87-69 Pg. 171.*

As ruled in *Hampton v. Haley*, 403 S.C. 395, 743 S.E. 2d 258: "The Board violated the separation of powers by acting beyond its authority and infringing on the General Assembly's power to make policy determinations."

The S.C. Code of Laws Section 30-4-15 under 'Findings and Purpose' states: "The General Assembly finds that it is vital in a democratic society that public business be performed in an open and public manner so that citizens shall be advised of the performance of public officials and of the decisions that are reached in public activity, and the formation of public policy."

"The essential purpose of the FOIA is to protect the

public from secret government activity." "Wiedeman v. Town of Hilton Head Island; 330 S.E. 532. 500 S.E. 2d 783."

Secondary Statement of Case

Issue also involves rule of law important to the general public, showing the (HCP) and its agents acting as through executive agency of government, in acceptance thereof, through other government agencies, in continuing obstructionist course against the rights of the general public, for public accountability by:

A). Interceding in FOIA requests directed to other public bodies, in legal advisory capacity, see exhibits 'CEB' 'ABC' and 'MO'.

B). Acting as FOIA authority without actual statutory authority for government oversight,

a). Counseling thereby on issues of law in the absence of license to practice law,

c). Collusion in secret with other government agents for obstructionist purposes. See also exhibit 'Def'; Defense statement No (16), acknowledging other agent(s).

D). Disseminating altered meaning of Statute for purposes of frustrating, freezing, and controlling concealment of government business from public accountability.

E.) Using the lawful judicial process for the unlawful means to subjecting the court to an instrument of bad faith for the purposes of continuing obstructionists acts.

Appellant has established the following:

1). Laws which give him the rights; South Carolina Code of Laws, § 30-4-10 et. seq., and § 1-23-150, and Rule 56 (a) SCRPC for Declaratory Judgment on the S.C. FOIA and Petition for Declaration, and Rule 56 (c) SCRPC for Summary Judgment on all Issues of Controversy. S.C. Const. Article 1. Sections 3 and 8.

2). How Appellant was prejudiced from enjoying the rights,

3). Who and how they prejudiced Appellant

4). The fact that Appellant notified the prejudicers that he had such rights,

5). That the Defendants' response has been based on alternative facts in Bad Faith, thereby, establishing Defense has no material issues of fact, Rule 56 (a) SCRPC

6). Determinations for Law and fact

7). Defendants' prejudice harms general public as well, as an important issue on principle of rule and law,

8). Appellant has clearly established genuine issue of material fact does exist for Plaintiff in accordance with record of documentary evidences.

9) Entry of Default, showing Defense failed to address the 'Declaration'; Entry of Default.

10) Appellant has rights as a member of the general public.

Rule 56 (a) Affidavits made in Bad Faith...

Black's Law Dictionary gives the definition of 'include' to mean: "to contain as a part of something." "The Law uses familiar legal expressions in their familiar legal sense rather than in their everyday sense" 'Bradley v. U.S.' 410 U.S. 605. 'Mears v. Mears' 305 S.C. 150. 'Bryant v. City of Charleston'; 295 S.C. 408

In Conclusion...

In conclusion. On April 17, 2017 Judge Culbertson heard arguments on Petitioner / Plaintiff - Appellant's Motion For Summary Judgment, and Court, in fact, did receive additional copies of all Petitioner / Plaintiff's exhibits as filed with the Clerk of Court of Horry County as material evidences, enclosed herein this brief, and as received thereof by Defendants' Counsel. And so being, Court and Defendants' were fully aware of the material facts, whereby as Defendants' objection to Petitioner's Motion For Summary Judgment was heard, Judge Culbertson agreed to the Summary request for Petitioner / Plaintiff, as affirmed by Defendants' Counsel on record May 12, 2017 during Defendants' Cross Motion hearing as asserted; "Your Honor has already ruled in favor of Petitioner / Plaintiff's Motion For Summary Judgment on April 17, 2017 (paraphrased).

However, during Defendants' Cross Motion For Summary Judgment, heard on May 12, 2017 Judge Culbertson apparently changed his..., "Held under advisement ruling," by doing an about face, and ruled to favor the Defendants' Cross Motion For Summary, even though Defendants' argument did not change from one hearing to the next. Albeit here, what is at issue is the fact that, the change in difference between the two Summary Judgment hearings was substantiated by Appellant's objection to the Defendants' Cross Motion, whereby, Appellant made an additional plea to the Court through showing of more conclusive cause and prejudice editorial of the 'Issue Of Controversy,' in order to prevent continuing dilution of the merits by citing to the Court, that, the 'Issue Of Controversy' revolved around Petitioner / Plaintiff's attempts in procuring

information held by government agencies available through South Carolina's FOIA, which pertained to Appellant's wrongful conviction, whereby public bodies participated in obstruction with the (HHS) and other agents acting under the authority of 'the color of law', in public corruption schema, and by withholding of names of accountability in defiance of the logic of the (FOIA). And whereby, Petitioner / Plaintiff brought forth the inclusionary subsumption of facts by giving weight to the seriousness of the issues Defendants' were deflecting with alternative fact without factual substantiation.

Did the Court arbitrarily ignore Appellant's genuine issues of material fact, showing unfair prejudice to Appellant by favoring Defendants lack of material facts presented in lack of good faith?

Appellant has demonstrated great deference for judicial ruling on issues of fact and law, and further, concerning issue of public corruption by government officials over principles of rule and law important for the protection of the general public, and for respect of the judicial system for guaranteeing that protection. And question of fact remains as to a more clear picture regarding separation of powers for want of public accountability on secret government agents obviously in collusion for unavailable accounting for affecting the rights of the general public by denying credibility between the branches and accountability for, violating due process when no clear lines can be established, because, of continuous fuzzing protectionisms between the State and Public interest in the moral certainty of justice, whereby, as Appellant continues in representation of his interest as with the general public, Appellant is confronted with a duplicity which creates cross tides

and rip currents in guidelines for Jurisprudence, thereby appealing to the higher Court for judicial resolve on the 'Issue of Controversy' as evidence of genuine issue of material fact for sustaining objection to Defendants' Motion For Summary Judgment and grant of Petitioner's Motion For summary Judgment, and ruling on the 'Issues of Controversy,' which is dependant upon the State's concern over public corruption by government agents.

Respectfully Submitted


Ronald L. Legg
Appellant

A

EX. 'PDJ' pg 1
(1-6)

Court of Common Pleas

State of South Carolina
County of Horry

Ronald L. Legg,
Pro se Plaintiff,

✓.

Lisa H. Boursier Director-
Supervising Authority, Horry
County Public Information
Office, and or, (AKA "Yours
Truly," Horry County Public
Information Office FOIA
requests responder(s) et. al.,)
Defendants

2016 CP26 7405

CASE NO:

Petition For
Declaratory Ruling
Judgment

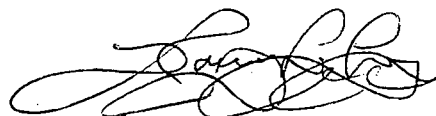
2016 NOV 17 PM 3:21
Horry County
Clerk of Court

I, Ronald L. Legg, Plaintiff, herein after Petitioner, moves this court in a plea to hear this petition pursuant to Title Section 15-53-10 et. seq. and 30-4-10 et. seq. of South Carolina Laws, seeking Declaratory Ruling-Judgment.

Petitioner believes his legal rights have been violated by Defendant(s), violating S.C. Freedom of Information Act (FOIA), § 30-4-10 et. seq., (refusing to produce information).

In order to maintain an action under Declaratory Judgment statute there must exist a judiciable controversy.

Petitioner thereby request a hearing on the enclosed "Issue of Controversy."



Ronald L. Legg #359236
Evans Corr. Inst. 3A-188
610 Hwy. 9. West
Bennettsville, S.C. 29512

Sworn to and subscribed before me
this 4 day of November 2016
S. Dull
(Notary Public of South Carolina)
My Commission Expires 01/17/2017

State of South Carolina
County of Horry

20 16 CP26 7405

Ronald L. Legg,
Petitioner,

Case No.

v.

Lisa H. Bourcier Director-
Supervising Authority,
Horry County Public
Information Office, and/or
(AKA "Your's Truly," Horry
County Public Information
Office FOIA requests
respondent et.al.)
Respondent(s)

Petition For Declaration

CLERK OF COURT
M. L. HUGGINS-IV
2016 NOV 17 PM 3:21

Petitioner moves this agency pursuant to Title Section 1-23-150 (A) of South Carolina Law seeking declaration, ruling.

Petitioner Ronald L. Legg believes his legal rights have been violated by the above forementioned person (s).

In order to maintain an action under the statute there must exist a justiciable controversy.

See enclosed 'Issue of Controversy'

Please respond with your declaration within 30 days after receipt of this petition.


Ronald L. Legg #359236
Evans Corr. Inst. 3A-188
610 Hwy. 9, West
Bennettsville, S.C. 29512

sworn to and subscribed before me
this 4 day of Nov, 2016



(Notary Public of South Carolina)

My Commission Expires

2/17/2

Court of Common Pleas

State of South Carolina
County of Horry

Ronald L. Legg,
Pro se Plaintiff,

v.

Lisa H. Bourcier Director
Horry County Public Information
Office, and or, (AKA "yours
Truly" FOIA request respondent),
Horry County Public Information
Office,
Defendants

20 14 CP 20 7405

Case No.

In Forma Pauperis

2016 NOV 17 PM 3:21
CLERK OF COURT

Plaintiff hereby applies for leave to proceed in this action without payment of fees or court costs or security thereof in support of application. I declare under penalty of perjury that the following are true:

- 1). I am the Plaintiff in this action and I believe I am entitled to redress.
- 2). Because of my indigency I am unable to pay costs of said proceedings.

1.

worn to and subscribed before me
25 day of October 2016
S. Oulla
(Notary Public of South Carolina)
My Commission Expires 2/17/24

Ronald L. Legg #352236
Evans Corr. Inst. 3A-188
610 Hwy. 9, West
Bennettsville, S.C. 29512

Court of Common Pleas

State Of South Carolina
County of Horry

Ronald L. Legg,
Pro se Plaintiff,

✓

Lisa H. Bourcier Director,
Horry County Public Information
Office, and or, (AKA "Your's
Truly." Horry County Public
Information Office FOIA
request respondent),
Defendants

2016 CP267405

Case No.

Summons

CLERK OF COURT
2016 NOV 17 PM 3:21

You are hereby summoned and required to answer the complaint in the above stated case, a copy of which is herewith served upon you (and which has been filed in the office of Clerk of Court). And you are required to serve a copy of your answer upon Plaintiff, at the current address at Evans Correctional Institution, 610 Hwy. 9 West, Bennettsville, S.C. 29512 within 21 days after the date of service exclusive of the day of service. And "if" you fail to answer said complaint within that time, Judgment by default will be rendered against you for the relief demanded in complaint.

Ronald L. Legg #359236
Evans Corr. Inst. 3A-188
610 Hwy. 9, West
Bennettsville, S.C. 29512

Sworn to and subscribed before me this 24 day of October 2016

S. DeWitt

(Notary Public of South Carolina)

My Commission Expires 2/17/24

20 16 CP26 7405

Certificate of Service

I, Ronald L. Legg, hereby certify that I have on this date of Nov. 4, 2016 served a copy of South Carolina's Freedom of Information Act (FOIA) request, 'Petition for Declaratory Judgment', 'Summons', and request for 'Declaration', upon the Director or Supervising Authority of the Horry County Public Information Office at 1301 Second Ave., Conway, S.C. 29526 to the care of Lisa H. Bourcier 'AKA' "Your's Truly", by depositing the same thereof in the United States Mail, postage paid through the S.C.D.C. institutions mail service and therewith service.

FILED
2016 NOV 17 PM 3:21
JILLIAN HUGGINS-WARD
CLERK OF COURT



Ronald L. Legg
610 Hwy. 9, West
Bennettsville, S.C. 29512

sworn to and subscribed before me
this 4 day of Nov 2016
SCW
(Notary Public of South Carolina)
My Commission Expires 2/17/21

Cover Letter

Melanie Huggins-Ward
Clerk of Court Horry County
P.O. Box 677
1301 Second Ave.
Conway, S.C. 29526

2016 NOV 17 PM 3:21
MELANIE HUGGINS-WARD
CLERK OF COURT
Nov. 4, 2016

Honorable Melanie Huggins-Ward,

Please find enclosed 'Petition For Declaratory Judgment; Issue of Controversy; Summons; Petition For In Forma Pauperis; Certificate of Service on Defendant(s); and Petition for Defendant(s) Declaration'.

Please file for record 'Petition For Defendant's Declaration,' in accordance to S.C. § 15-1-220, and file for process all other documents as I am requesting a hearing on the case.

Please return to me 'In-clock stamped copies' with attached case number. Thank you.


#359236
Ronald W. Hegg
Evans Corr. Inst. 3A188
610 Hwy. 9, West
Bennettsville, S.C. 29512

10C (1-11)

HCPI Pg. 1 of 11

FILED
Horry County
2016 NOV 17 PM 3:21

MELANIE HUGGINS-WARD
CLERK OF COURT

20 16 CP267405

Issue Of Controversy

Because of a justiciable controversy between Petitioner and Respondent, Petitioner's rights are in question according to the following issues of controversy.

As per specific information (detailed herein), requested through the South Carolina Freedom Of Information Act Codified as Section 30-4-10 et. seq., directed to the Horry County Public Information Office Supervising Authority at 1301 Second Avenue, Conway, S.C., 29526, the agency has refused to comply with the request, and has not come forth with any exemptive arguments.

Any government agency attempting to avail itself of an exemption from State's Freedom Of Information Act (FOIA) bears the burden of proving the exemption applies, S.C. Code 30-4-15.

"Our Supreme Court has ruled the fact that an organization, corporation, or agency is supported in whole or in part by public funds or expends public funds is sufficient grounds alone to find the organization is a "public body" under FOIA, regardless of any other factors. See 'Weston v. Carolina Research and Dev. Fund,' 303 S.C. 398." This would include any agency with a fiduciary relationship created by express or implied contract or by law, in which one party may act on behalf of another party and bind by words or actions.

* In accordance with the (FOIA) request denial from this office, the denial to disclose did not advance a factual exemption according to law for showing a lawful cause for the withholding of files, documents or information retained by this "public body" as has been requested.

See Exhibit HCSP

✓ Furthering, in a secondary issue, in address of a judicial controversy for a Declaratory Judgment Order, in accordance with Section 1-23-140 Duties Of State Agencies; necessity for public inspection. The Harry County Public Information Office operations have affected Petitioner's Constitutional Rights, acting as a superior agency in the operation of government and or, the administration of law, in a surrogate capacity for a principle agency, whereas, the principle agency having been directed to respond by law to a South Carolina Freedom of Information Act request (FOIA), whereby, said superior agency has acted for the purpose of 'deliberate arbitrary inflection' on the (FOIA) requests by virtue of a commissioned department or officer other than the legislature or the courts, authorized by the law to make rules or to determine cases in an FOIA authoritative capacity which conflicts with Petitioner's public rights, and further, through this superior agencies activities in the forementioned actions, have acted in secret denying record of accountability or collaborators names; in conflict of interest, continuing in the function of secret government operations in conspiracy and fraud against my civil rights. Thereby, acting as an administrative agency of rights by government policy is subject to Sections 1-23-140 and 1-23-150 for declaratory judgment as this agencies actions by practice have a direct effect on the public.

*

An understanding thereby under Section 1-23-140 Duties of State agencies; necessity for public inspection, (a). In addition to other requirements imposed by law, each agency shall (1) Adopt and make available for public inspection a description of its organization, stating the general course and method of its operations and the methods whereby the public may obtain information or make submission or requests, (2). Adopt and make available for public inspection a written policy statement setting forth the nature and requirements of all formal and informal procedures available, including a description of all forms and instructions used by the agency. (b). No agency rule, order or decision is valid or effective against any person or party, nor may it be invoked by the agency for any purpose until it has been made available for

* to turn from a direct course

Ku

public inspection as required by this article and article (2).

Section 1-23-150 Administration of Government - State Agency.

(a). Any person may petition an agency in writing for a declaratory ruling as to the applicability of any regulation of the agency or the authority of the applicability of any regulation of the agency or the authority of the agency to promulgate a particular regulation.

The agency shall, within thirty days after receipt of such petition, issue a declaratory ruling thereon. (b). After compliance with the provisions of paragraph (a) of this section, any person affected by the provisions of any regulation of an agency may petition the circuit court for a declaratory judgment and /or injunctive relief if it is alleged that the regulation or its threatened application interferes with or impairs, or threatens to interfere with or impair, the legal rights or privileges of the plaintiff or that the regulation exceeds the regulatory authority of the agency. The agency shall be made a party to the action.

The specific information requested from the Agency of Horry County Public Information is as related to this copy of the FOIA Appeal addressed to the Horry County Public Information office dated May 17, June 13. and...

"To Whom this may concern,

May. 30, 2016

I am in receipt of your letter from this office dated May 17, 2016 denying my (FOIA) request for specific information. Therefore, according to law, I am appealing that decision based on the following grounds:

In accordance with the (FOIA) request denial from this office, the denial to disclose did not advance a factual exemption according to law for showing a factual cause for the withholding of files, documents or information retained by this "public body" or individuals as requested, that is, names of all individuals authorized to address public (FOIA) requests or advisory, from this office - Horry County Public Information Office, as a "public body," specifically asserting that in accordance with this "public bodies" authority, all names of said persons who operate from the authority of the State of South Carolina for addressing the public's (FOIA) requests to other "public bodies" through this

office as a sublimation (substituted for), the public body the FOIA request was originally addressed to, from where said individuals in question operate as agents of the State or County in performance of said operation, or any manner undertaken as an authority on the FOIA requests.

Therefore, as stated, the FOIA request for the documentation on the commission by legislature and State Constitution citing the authority for the enactment of this "public bodies" acknowledged agents by any form of knowledge of said agents, any, and all, for operating under the sanction of the State as State Agents for addressing the public's FOIA requests specifically addressed to other "public bodies" in accordance to this office's practices, whether the information is stored through any medium or word of mouth, or common knowledge in accordance to the subsection defined in Section 30-4-20: Definitions: (C) "Public record" includes all books, papers, maps, photographs, cards, tapes, recordings, or other documentary materials regardless of physical form or characteristics prepared, owned, used, in the possession of or retained by a "Public Body."

✓ This office has denied the lawful FOIA request for said information, as this office has asserted my (FOIA) is not in proper format, and again, this assertion does not comport with any factual exemption; This information requested on the names and duties of said individuals in question, who operate as agents of the (Horry County Government And Justice Center, Horry County Public Information Office), concerning FOIA requests under any capacity, who have been involved from the year 2011 to the present.

In the letter of refusal to disclose dated May 17, 2016 See Exhibit 'HESP,' whereas, it was asserted: "Your request is not in proper format to be considered a Freedom of Information Act request."

The South Carolina Freedom of Information Act is designed for citizens to get copies of records, 911 calls, meeting minutes, etc... and not as a vehicle for questions to be answered."

Petitioners FOIA request being true to form has stated the general criteria for this office to comply by law with the understood request. And said request is of a non-commercial interest which

has clearly advanced the justification which warrants the release of information that does not invade any personal privacy interests.

✓ A). "Any government agency attempting to avail itself of an exemption from public scrutiny in performance of duties," Constitutional right to privacy does not encompass that right." U.S.C.A. Const. Amend 14: S.C. Code 1976 30-4-40.

According to this appeal, I am requesting information to meet the ends of justice, and meet the need to satisfy a criterion for safety interest to the general public, and in continuing interest toward the public's respect of the administration of law.

B). "South Carolina's FOIA was designed to guarantee the public reasonable access to certain activities in government." *Fowler v. Beasley*, 332 S.C. 403. *Campbell*, 354 S.C. at 281.

C). The South Carolina Freedom of Information Act is codified as Section 30-4-10 to 165 (1991 & Supp. 2003). Upon request, FOIA mandates disclosure of records held by a "Public Body" unless the documents fall within enumerated exemptions. See S.C. Code Ann §§ 30-4-30 to 40 (Supp. 2003). As our legislature provided in enacting FOIA disclosure, not necessary secrecy, is the dominating objective of the Act.

D). "Public Body" as any department of 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." *The Honorable Dennis C. Moss*, 2014 WL 139594 (S.C.A.G.).

E). "The two separate and distinct overriding objectives of the Freedom of Information Act (FOIA) are to encourage FOIA suits that benefit the public interest and to compensate for enduring an agency's unreasonable obduracy in refusing to comply with the FOIA requirements,"

"Conservative Force v. Jewell," 2016 WL 471252.

F). "Any government agency attempting to avail itself of an exemption bears the burden of proving the exemption applies." 'Seago v. Horry County,' 375 S.C. 414

"FOIA grants the public an immutable right to access public records." 'Seago v. Horry County.'

"The purpose of the FOIA is to protect citizens from secret government activity." 'Seago v. Horry County.'

"The Freedom of Information Act (FOIA) is remedial in nature and should be liberally construed to carry out the purpose mandated by the legislature." 'Burton v. York County Sheriff's Dept.', 358 S.C. 339

In the present appeal, in accordance with the South Carolina Freedom of Information Act § 30-4-10 to 165 et. seq., I am requesting the names of all individuals authorized to act as government agents, operating specifically from the "public body" of the Horry County Public Information Office, through the auspices of the Horry County Government and Justice Center under the auspices of the Horry County Council, who act with the authority to address public (FOIA) requests directed to other "public bodies."

I am specifically requesting all names of individuals who operate from the authority of the county government or State of South Carolina for addressing the public's (FOIA) requests directed to other "public bodies," as a sublimation (substituted) agent for the "public body" the FOIA request is originally addressed to from where the questioned fact of individuals operate in authority of Horry County or State of South Carolina, in performance of said operation, in any manner, undertaken in subjugating the FOIA from another "public body" to the interest of the Horry Public Information Office through the Horry County Government And Justice Center.

Therefore, as stated, this FOIA request for the information regarding any known fact or documentation on any commission by legislature, executive or judicial authorization or State Constitution citing the authority for the enactment of the

Horry County Public Information Office through custom or policy, through acknowledged agents by any form of awareness, of said agents, any and all descriptive forms of knowing of agents who are operating under the sanction of the county or State, as State agents for addressing the public's FOIA requests specifically directed to other "public bodies" in accordance with any policy of the Horry County Public Information Office in practice of said performances, whether the information is stored through any medium, word of mouth or common knowledge, in accordance with FOIA section 30-4-20: Definitions (C):

"Public Record" includes all books, papers, maps, photographs, cards, tapes, recordings, or other documentary materials regardless of physical form or characteristics prepared, owned, used, in the possession of, or retained by a "public body."

Note: Personal Knowledge of information is encompassed in the description of (regardless of physical form or characteristics prepared, used, or in the possession of a "public body.")

That is, in regarding records or information requested which bears the names and duties of said individuals who operate as agents of said office in said operations in any capacity regarding FOIA requests directed to other public bodies who have acted in said roles from Jan. 2011 to the present.

According to this (FOIA) request, I am requesting information to meet the ends of justice as I have been investigating a case which involves an issue of vital importance to public safety which involves forthcoming information from "public bodies."

I am asserting the Horry County Public Information Office has unlawfully interfered with my FOIA requests regarding this specific matter, and this information concerns an important principle of law, and is of a continuing interest toward the general public's respect of the administration of government, law and justice.

My request is of a non-commercial interest and I advance the justification for the information based on the fact of compliance with the FOIA statute and the fact the information does not invade any personal privacy issue. My FOIA request

is thereby true to form, in general provision by the public providing the necessary background of the FOIA request and its compliance with the statute as this request has stated clearly and justifiably the required criteria for this "public body" to comply with the law.

See "Horry County Public Information Office Appeal letter dated May 30, 2016 (A), (B), (C), (D), (E), (F)," pages 5 and 6.

✓ It is the right of the public to know of the applicability of this agency as a "public body's" authority to affect government regulation, by declaratory ruling, showing, by what 'Licensure', this agency operates from in order to achieve its purposes. The requested information could resolve the controversy which foreshadows secret government operations, and violates the societal function of government's self imposed laws.

"The essential purpose of the FOIA is to protect the public from secret government activity." 'Campbell v. Marion County Hosp. Dist.' 354 S.C. 274, 'Wiedmann v. Town of Hilton Head Island,' 330 S.C. 532, 'Bellamy v. Brown,' 305 S.C. 291.

⊛ "South Carolina's FOIA was designed to guarantee the public reasonable access to certain activities in government." 'Fowler v. Beasley,' 322 S.C. 403, 408, 472 S.E. 2d at 221.

As stated, agents of the Horry County Public Information Office, acting as a superior agency in the operation of government, and, or, the administration of law, in a surrogate capacity, for a principle agency having been directed to respond by law to a South Carolina Freedom of Information Act (FOIA) request, whereby, said superior agent(s) acted for the purpose of deliberate arbitrary inflection on the FOIA request as a commissioned department or office for FOIA ruling, other than an officer of legislature or the courts authorized by law to make rules to determine cases in an FOIA authoritative capacity which conflicts with Petitioner's public rights, and further, through this superior agency's activities in the forementioned actions, have acted in secret, denying accountability of public record and collaborators names, continuing in the function of secret government operations in conspiracy

and Fraud against Petitioner's Constitutional rights.

- ✓ An understanding thereby, in administering a government policy which has a direct effect on the public as it has with Petitioner, whereas, this "public body" is acting as an administrative agent of government policy is subject to Sections 1-23-140 and 1-23-150 for declaratory judgment.

In petition for the production of records on specific information regardless of any medium whether it is personal knowledge or documented, as information held to be a production element which is applicable to the support of the "public bodies" functions as described herein. Petitioner is thereby "insecure and uncertain of his rights" abridged by the agency as a "public bodies" non-compliance and actions, representing a future threat as well, thereby Petitioner seeks information pursuant to Section 30-4-10 et. seq. and in Petition for declaratory ruling pursuant to Title Section 1-23-140 to 1-23-150.

- * A question pertaining to the forthright requests remains as to the coterminous function of this agency with that of the principle which concerns a conflict of interest as this agency has sought to impede the process and impair the FOIA right of Petitioner's investigation of State Agents wrongdoing accountability central to the principle of the (FOIA), whereas, this agency, in performance of governmental function, has superimposed its agency's arbitrary ruling on the (FOIA), thereby, in assault on the "Separation of Powers Doctrine." South Carolina Const. Article 1 § 8. In the government of this State, the legislative, executive, and judicial powers of the government shall be forever separate and distinct from each other, and no person or persons exercising the functions of one of said departments shall assume or discharge the duties of any other."

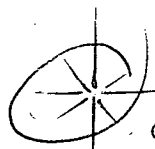
The Separation of Powers Doctrine is the quintessence of Constitutional government.

"Any written request is sufficient," (for the FOIA) "under the South Carolina Freedom of Information Act," 198 Oo.

* some boundaries

Atty Gen No 81-64, p 91.

"Consideration of the cause is not wholly and immediately foreclosed in the instance of nonjusticiability allegedly as political question: rather, the courts inquiry necessarily proceeds to the point of deciding whether the duty asserted can be judicially identified and its breach judicially determined, and whether protection for the right can be judicially molded.



3 Public record implies: information possessing the capability of being realized as a fact, as the FOIA statute provision signifies that, and not limited to, but includes further qualifying addition of nomenclature terms in understanding of record, but not restricted to "unrecorded," by the word "includes"... Section 30-4-20 'Definitions.'

A Record is a latin derivation of remember, and would apply here as facts in possession of a public body as record retained by a "public body," not necessarily physically recorded by happenstance or purpose, albeit relative, by the colorable character of certain information as part of the function of the "public body," not otherwise knowable by the public because of the public bodies ministerial utilization, policy and etc., as a function of said information and refuge for it which may in fact represent a conflict against public right to know unless the public body produces it upon request, (FOIA), for the purpose of nullifying that privilege of secrecy which may prove partial to relative interest in principle of law and public safety interest not exempt by the FOIA statute provisions whereby, the privilege of the agency might have reason to conceal, regardless of the tangibility of the information. And wherefore, the information may be part of the work product not exempt from public scrutiny, where the unrevealed information is an effect against public security: public right to know, when the "public body" as in this case uses its office as a state power to shield the activity of other public bodies from the scrutiny of the public by pertinent

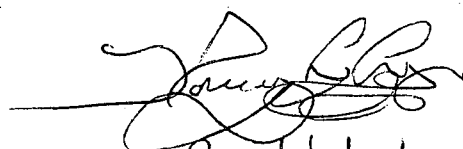
KK

HCPL Pg. 11 of 11
a

- use of said clandestine information as a tool, revealed as
- secret government activity against the peace, security
- and dignity of the government of the public as a recreancy
- against the South Carolina Freedom of Information Act.

Exhibit 'HCSA' enclosed.

I swear these facts to be true.

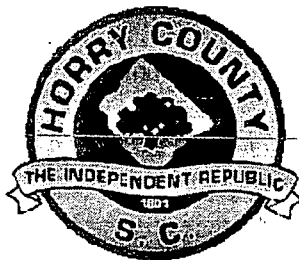


Ronald L. Legg
610 Hwy. 9, West
Bennettsville, S.C. 29512

sworn to and subscribed before me
this 4 day of Nov 2011
S. J. Webb
(Notary Public of South Carolina)
My Commission Expires 2/17/12

**HORRY COUNTY
PUBLIC INFORMATION OFFICE**

1301 Second Avenue
Conway, South Carolina 29526
www.horrycounty.org



Post Office Box 1236
Conway, South Carolina 29528-1236

Phone: (843) 915-5390
Fax: (843) 915-6390

*CCB
Exhibit*

October 27, 2015

Mr. Ronald L. Legg #359236
Evans Correctional Institute
610 Highway 9 West
Bennettsville, South Carolina 29512

Re: FOIA Request

Dear Mr. Legg:

On October 1, 2015, you were sent correspondence from J. Reuben Long Detention Center asking you to narrow the scope of your request due to the amount of research time it will require, which you declined.

As originally requested, we estimate it will take up to 20 staff hours to review all daily closeout folders, logbooks, and any other relevant documents. If you are interested in receiving this information, please remit payment of \$200.00 (20 staff hours @ \$10/hour) by money order, made payable to Horry County and mailed to my attention. Once we receive payment, we will begin the research and start compiling the information. If it takes longer than the 20 hours quoted, we will then submit another request for payment and if it takes less time, we will reimburse you.

If you have any additional questions, please let me know.

Yours truly,


Lisa H. Bourcier

Director

Horry County Public Information



14 March 2016

Mr. Ronald Legg #359236
Evans Correctional Institution F5D145
601 Highway 9 West
Bennettsville, SC 29512

Exhibit ABC + pgs 1-4 ✓

Re: **Information Request**

Dear Mr. Legg:

Thank you for your request. I confirm that Horry County has complied with the requirements of South Carolina Code § 30-4-10 *et seq.* (Freedom of Information Act) in respect to your request for information.

In reference to your request:

1. There are no investigations or disciplinary actions against Detective Lent.
2. You have already been provided the information on the Febowitz internal affairs investigation. In addition, the Freedom of Information Act is a mechanism for citizens to obtain reports, documents, 911 calls, etc... and is not designed to answer questions.
- ✓ 3. We are unable to provide any employment information on Neil Febowitz as he is no longer employed by Horry County Government. It is the County's policy not to release disciplinary or personnel records of former employees without the expression of a specific legitimate public interest in obtaining the records. There appears to be no legal validity to this information being in the public interest.
4. There are no further notes to provide. The information on the victims and witnesses is protected by law and exempt from disclosure.
5. The information on the victims and witnesses is protected by law and exempt from disclosure.
6. The information on the victims and witnesses is protected by law and exempt from disclosure. Case #121101218 does not exist. The remainder of requested reports are available and will cost \$15.05 (1/2 hour of staff time @ \$25 per hour + 17 copies @ \$0.15 per page). If you are interested in obtaining this information, please submit a cashier's check or money order in the amount of \$15.05 and made payable to Horry County Government. You may remit the payment to Horry County Public Information, PO Box 1236, Conway, SC 29528.
- ✓ 6A. The blank police report form is exempt from disclosure. Citizen complain forms can be accessed on our website www.police.horrycounty.org.
7. No such documents exist. You will need to contact the Horry County Solicitor's Office to determine what records, if any, they may have pursuant to your request.
8. This portion of your request has been forwarded to the Horry County Clerk of Court's Office. They will respond to you directly.

If you have additional questions, please feel free to contact our office.

Yours truly,
Horry County Public Information

Ronald Legg

Ronald L. Legg #359236
Evans Corr. Inst. FSD-145
610 Hwy. 9, West
Bennettsville, S.C. 29512

1 of 4

'HCPI'

Horry County Public Information
P.O. Box 1236,
Conway, S.C. 29528

March 28, 2016

Re: FOIA Request dated Feb. 4, 2016
directed to Chief of Police H.C.P.D.

This FOIA response letter is directed to the unnamed agent of the Horry County Public Information Office who addressed the FOIA request directed to the Chief of Police, Horry County Police Dept., dated Feb. 4, 2016, and your response of March 14, 2016.

This is an FOIA South Carolina Code § 30-4-10 et. seq., appeal of the denial to disclose citing the following failures to comply with the law:

A. The first assertion is based on the fact that the H.C.P.D. has failed to address the specific nature of the request for documents through vague determinations designed to reflect an attempt to freeze discovery, as given responses do not comport with the law for all the 'public agency' to provide legal argument for exemptions, ^{claimed} as, ~~there is not~~ ^{your} cited policies which ~~do not~~ ^{are not determinable} falls under the statutes allowable exemption.

B. This 'public ^{body} agency', the Horry County Public Information Office has failed to validate the denial of the FOIA request by not providing any agency officers name or registration number for the FOIA request, in its files.

C. In addressing the numbered issues, one through

eight, I will address number (3) of the propounded request first in order to finalize the issue on the justification of the request ^{as a legitimate public interest} and addressing ~~(2) (3) (4)~~ ^{documents and information}.

(3) I had requested further information on Neil Frebowitz. This information has been denied citing the public agency has exhausted that information and citing, ^{that} there appears to be no legal validity to this information being in the public interest. Therefore I will again expressly ^{reiterate} ~~reiterate~~ the public interest ~~requested~~ ^{of} justification for the ~~privilege of said requested~~ ^{which requires the public body to provide the information} documents: ~~(3) A~~, Neil Frebowitz was directly involved in Malfeasance, misfeasance and nonfeasance asserted by me while ^{he was} employed with the Horry County Police Dept., which involved a case I was wrongly convicted of. This is an issue of public safety interest as I am investigating the case further, and determines as well the nature of the hiring practice of H.C.P.D., and its responsibility to the protection of the public against rogue police officers. This also concerns Neil Frebowitz's history of character during the public duty as an officer of the law. And, in accordance with the language applied to said case, the Supreme Court of South Carolina has asserted under Appellate No. 2015-001026, "^{Ronald L. Legg v. State of South Carolina} Case involves an issue of significant public interest on a legal principle of major importance." This statement alone abates the Public Information Office's argument that the FOIA request did not express any legitimate public interest as this information was already established with the Horry County Police Dept.

^{Further} This FOIA request constitutes a legitimate warranted invasion of personal privacy in regard of police performance related public duty, subject to record which pertains to behavioral characteristics of police performance in the police work product, because this information is of a specific pertainment to the outcome of public interest in justice and the question of ethics. And therefore, the specific request for investigative reports, citations, and

Horry County Government

PUBLIC INFORMATION OFFICE

www.horrycounty.org



Horry County Government & Justice Center

1301 Second Avenue

Conway, South Carolina 29526

Phone 843.915.5390 || Fax 843.915.6390

1 April 2016

Exhibit 115

Mr. Ronald Legg #359236
Evans Correctional Institution F5D145
610 Highway 9 West
Bennettsville, SC 29512

Re: Information Request

Dear Mr. Legg:

Thank you for your request. I confirm that Horry County has complied with the requirements of South Carolina Code § 30-4-10 *et seq.* (Freedom of Information Act) in respect to your request for information.

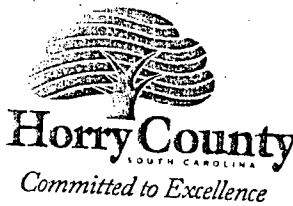
Horry County has fully complied with the requirements of South Carolina Code Sec. 30-4-10 *et seq.* (Freedom of Information Act) and other applicable laws in response to your request for information.

Yours truly,
Horry County Public Information

Ronald Legg

Horry County Government

PUBLIC INFORMATION OFFICE
www.horrycounty.org



Horry County Government & Justice Center
1301 Second Avenue
Conway, South Carolina 29526
Phone 843.915.5390 || Fax 843.915.6390

17 May 2016

Exhibit 'HCSF'

Mr. Ronald Legg #359236
Evans Correctional Institution 3A-188
601 Highway 9 West
Bennettsville, SC 29512

Re: Information Request

Dear Mr. Legg:

Thank you for your request. I confirm that Horry County has complied with the requirements of South Carolina Code § 30-4-10 *et seq.* (Freedom of Information Act) in respect to your request for information.

Your request is not in proper format to be considered a Freedom of Information Act request. The South Carolina Freedom of Information Act is designed for citizens to get copies of reports, 911 calls, meeting minutes, etc...and not as a vehicle for questions to be answered.

If you have additional questions, please feel free to contact our office.

Yours truly,
Horry County Public Information

Ronald Legg2

Horry County Government

PUBLIC INFORMATION OFFICE
www.horrycounty.org



Horry County Government & Justice Center
1301 Second Avenue
Conway, South Carolina 29526
Phone 843.915.5390 || Fax 843.915.6390

2 June 2016

Exhibit 5314

Mr. Ronald Legg #359236
Evans Correctional Institution 3A-188
601 Highway 9 West
Bennettsville, SC 29512

Re: Information Request

Dear Mr. Legg:

Thank you for your request. I confirm that Horry County has complied with the requirements of South Carolina Code § 30-4-10 *et seq.* (Freedom of Information Act) in respect to your request for information.

Horry County is regretfully unable to comply as no records pursuant to your request exist.

If you have additional questions, please feel free to contact our office.

Yours truly,
Horry County Public Information

Ronald Legg2

4150 J. Reuben Long Avenue
Conway, SC 29526

J. REUBEN LONG DETENTION CENTER



Phillip E. Thompson - Sheriff

Office: 843-915-5140
Fax: 843-365-0348

Exhibit
TT

September 14, 2015

Ronald L. Legg #359236
Evans Correctional Institution F5D-145
610 Highway 9 West
Bennettsville, SC 29512

Mr. Legg,

Our office received proof of indigency, so we are providing the documents you requested at no charge. However, you will need to file a separate Freedom of Information Act request for your medical records. Our medical services are contracted out to Southern Health Partners. Please forward your request to their attention, and they will be happy to assist you with obtaining the remainder of the documentation you need.

Sincerely,

Joey Johnson
Deputy Director

4150 J. Reuben Long Avenue
Conway, SC 29526

J. REUBEN LONG DETENTION CENTER



Phillip E. Thompson - Sheriff

Office: 843-915-5140
Fax: 843-365-0348

Exhibit
O/K P

October 1, 2015

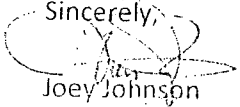
Ronald L. Legg #359236
Evans Correctional Institute
610 Hwy. 9 West
Bennettsville, SC 29512

Dear Mr. Legg,

I received your letter dated September 24, 2014. I'm requesting that you narrow your request as it is unduly burdensome. I would estimate it taking two to three months to complete the research under the scope of your request. If you cannot narrow your request, you will be required to pay reasonable fees to research the logbooks and for copying.

Let me know if you wish to move forward with your request. At that time I will provide you with a cost estimate based on a \$10.00 per hour and \$0.15 per page charge, which you will be required to submit to us before we can begin the research.

Sincerely,


Joey Johnson

Deputy Director

4150 J. Reuben Long Avenue
Conway, SC 29526

Exhibit
DDE
J. REUBEN LONG DETENTION CENTER



Phillip E. Thompson - Sheriff
Tom Fox - Director

Office: 843/915-5140
Fax: 843/365-0348

March 7, 2016

Mr. Ronal L. Legg #359236
Evans Correctional Institute
610 Highway 9 West
Bennettsville, South Carolina 29512

Re: **FOIA Request**

Dear Mr. Legg:

I am responding to your letter dated March 7, 2016. I have printed nine entries you made on the inmate grievance system dated between March 9, 2014 through March 18, 2014. I have included these.

Currently, my staff are unable to locate the logbook for the date you have requested.

If you have any additional questions, please let me know.

Your truly,

Major Joey Johnson
J. Reuben Long Detention Center

4150 J. Reuben Long Avenue
Conway, SC 29526

J. REUBEN LONG DETENTION CENTER



Exhibit
BBC

Office: 843-915-5140
Fax: 843-365-0348

Phillip E. Thompson - Sheriff

April 6, 2016

Ronald L. Legg
Evans Correctional Institution
610 Hwy. 9 West
Bennettsville, SC 29512

Mr. Legg,

Currently, I am handling the FOIA request for the J. Reuben Long Detention Center. I have received your letter dated March 31, 2016. We understand that you do not have access to proper FOIA forms and have determined that this is not a FOIA issue anyway. We have the following response to the information to answer your questions and concerns.

In March of 2014, you were transferred to SCDC and your personal is still being stored here at JRLDC. The property form that you referenced is generated by our software management program. The form indicates that you were transferred to SCDC not each item. Your property form indicated that Ron Conklin was to pick up your property. Mr. Conklin is a volunteer chaplain here at JRLDC and he is not allowed to be involved in personal property issues with inmates or former inmates of JRLDC. As mentioned previously, your property is still here at JRLDC.

We ask that you make other arrangements for your property to be picked up within the next 30 days. If you are unable to have the property picked up, it can be packaged and shipped at your expense. We have included a form for you to complete and return to us. If your property is not picked up by May 15, 2016, it will be disposed of soon thereafter. We have maintained your property for two years which is well beyond our policy limits and storage abilities.

We look forward to your response and cooperation.

Sincerely,

Sgt. Gregory Richardson | Administration | PREA Coordinator | Instructor
Horry County Government
Horry County Sheriff's Office: J. Reuben Long Detention Center
4150 J. Reuben Long Avenue, Conway, South Carolina 29526
P: 843.915.5140 | F: 843.365.0348 | richargr@horrycounty.org
www.horrycounty.org

4150 J. Reuben Long Avenue
Conway, SC 29526

J. REUBEN LONG DETENTION CENTER



Phillip E. Thompson - Sheriff

Office: 843-915-5140
Fax: 843-365-0348

Exhibit
FFG

July 7, 2016

Ronald L. Legg
Evans Correctional Institution 3A-188
610 Hwy. 9 West
Bennettsville, SC 29512

Mr. Legg,

In response to your letter dated June 24, 2016, you have requested a listing of names of staff that have responded to you with regards to FOIA request. There is no document or requirement to document the requested information. Horry County employs thousands of staff members that are agents of Horry County and any of them may assist with requests from citizens. It is my understand that this has already been address with you.

As to the request for information with regards to the kiosk system, McDaniels Supply Company, 1275 East Cherry Street, Jesup, Ga. 31546 is the company that we contract with for services.

As to the related laws that you have quoted in your letter, SC 56-5-910 relates to traffic signs and signals. It appears that you may be confused on some issues relating to your request. Also, you need to know that FOIA request have a fifteen business day response time frame and fees may be assessed for document research and printing. We respectfully have reviewed your letter and find no documentation that exist to submit to you on behalf of J. Reuben Long Detention Center.

Respectfully submitted,

Sgt. Gregory Richardson
Horry County Sheriff Office
J. Reuben Long Detention Center

Exhibit - MO

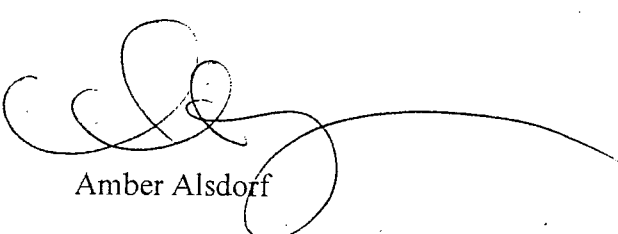
Conway Magistrate
1201 3rd Ave
Conway, SC 29526
843-915-5290

FILED
OFFICE OF MAGISTRATE
2017 FEB -6 AM 10:22
DISTRICT #1
HORRY COUNTY

02/06/2017

Re: FOIA request

On February 6, 2017 we received your FOIA request. Before we can process your request, we will need more information. We do not have the ability to search by name to locate a copy of a search warrant. We will need the month and year and the Officer's name who executed the search warrant. Please be aware that Officers may obtain search warrants from any Magistrate in Horry County. If you provide us with the needed information, we will only be able to search Conway Magistrate Court files. You will need to contact the other courts for possible records or Lisa Bourcier at Horry County Public Information (P.O. Box 1236, Conway, SC 29528) and request information, but you still will need to provide the month and year, the Officer's name, and request she send your FOIA to all Magistrate's in Horry County.



Amber Alsdorf

Administrative Assistant

Conway Magistrate

Ronald L. Legg #359236
Evans Corr. Inst. 3A-188
610 Hwy. 9, West
Bennettsville, S.C. 29512

Harry County Public Information Office
FOIA Appeal
1301 Second Ave
Conway, S.C. 29526

May 30, 2016

To Whom this may concern,

I am in receipt of your letter from this office dated May 17, 2016 denying my (FOIA) request for specific information. Therefore, according to law, I am appealing that decision based on the following grounds:

In accordance with the (FOIA) request denial from this office, the denial ^(to disclose) did not advance a factual exemption according to law, for showing a lawful cause for the withholding of files, documents or information retained by this "Public Body" or individuals as requested, that is, names of all individuals authorized to address public (FOIA) request from this office (Horry County Public Information), as a "Public Body" specifically asserting that in accordance with this Public Bodies authority, all names of said persons who operate from the authority of the State of South Carolina for addressing the public's (FOIA) requests to other "Public Bodies," through this office as a sublimation (substituted) ~~Public Body, who said individuals operate as agents of this Public Body in performance of said operation.~~

Therefore, as stated, the FOIA request for the

For the Public Body the FOIA request originally addressed to, from which said individuals in question operate as associates of the CIA -

performance of said operation, or any warner undertaken as an out-thrusts of Unit A requests.

in exacting FOIA disclosure, not necessary secrecy,
is the dominate objective of the Act.

In order to avoid declarative and injunctive judgment
Action in accordance with *Bartow V. York County*
Sheriff's Dept., 358 S.C. 339, 524 S.E. 2d 885 S.C. App.
2004 and in accordance with Const Art 5, § 24
Code 1976, §§ 23-11-100, 30-4-300, 30-4-40 please
respond to the appeal within 15 days of receipt.

D "Public body" as any department of 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.
The Honorable Dennis C. Moss 2014 WL 1398594
(S.C. A.G.)

E The two separate and distinct overriding objectives
of the Freedom of Information Act (FOIA) are to
encourage FOIA suits that benefit the public interest,
and to compensate for enduring an agencies unreasonable
obduracy in refusing to comply with the FOIA
requirements. *Conservative Force V. Jewell* 2016 WL
471252

→ 4d }

In question, who have opinion -
Office of the (Horry County Government Public Information Officer),
Center, Horry County Public Information Office,

concerning FOIA requests under any capacity, who have
been involved from 2011 to the present.

2 of 4

documentation on the commission by legislature and
State Constitution citing the authority for the enactment
of these "Public Bodies" acknowledged agents by any
form of knowledge of said agents, any and all, for
operating under the sanction of the State as ^{specifically} state agents
for addressing the public's FOIA requests directed to
other Public Bodies, in accordance to this office practice,
whether the information is stored through any medium
or word of mouth ^{or common knowledge} in accordance with 30-4-20

Definitions: (c) "Public record" includes all books,
papers, maps, photographs, cards, tapes, recordings,
or other documentary materials regardless of
physical form or characteristics prepared, owned,
used, in the possession of, or retained by a Public Body."

The information requested on the names and duties
of said individuals ^{who operate as agents of this office}
in said operations who have done so from the present
to the year 2014.

This office has denied the lawful FOIA request for said
information, as this office has not complied with any
factual exemptions under 30-4-10 to 16S et seq. Furthermore,
this office has asserted my (FOIA) is not in proper format,
and again, this assertion does not comport with any
factual exemption: ←

"Any Government agency attempting to avail itself of
an exemption bears the burden of proving the exemption
applies." Seago v. Horry County, 375 S.C. 414

"FOIA grants the public an immutable right to
access public records." Seago v. Horry County

"The purpose of the FOIA is to protect citizens
from secret government activity." Seago v. Horry
County.

"The Freedom of Information Act (FOIA) is
remedial in nature and should be liberally construed
to carry out the purpose mandated by the legislature."
Barton v. York County Sheriff's Dept. 358 S.C. 339

the FOIA denial, for 3 of 4
withholding against my request

In the May 17, 2016 Letter of denial of my FOIA request, it was asserted, "Your request is not in proper format to be considered a Freedom of Information Act request. The South Carolina Freedom of Information Act is designed for citizens to get copies of reports, 911 calls, meeting minutes, etc... and not as a vehicle for questions to be answered."

My FOIA request being true to general form has stated the required criterion for this office to comply by law with the understood request. My request is of a non-commercial interest and has clearly advanced the justification which warrants the release of information that does not invade any personal privacy interests.

A "Any government agency attempting to avail itself of an exemption from public scrutiny in performance of duties," Constitutional right to privacy does not encompass that right." U.S. C. A. Const. Amend. 14; S.C. Code 1976 § 30-4-40

"The specific documents requested from this 'Public Body' are not for commercial application. Such information will be used for an investigation of judicial proceedings in association with this Public Bodies

According to this appeal, I am requesting information to meet the ends of justice, and meets the need to satisfy a criterion for safety interest to the general public, and in the continuing interest toward the public's respect of the administration of law.

B "South Carolina's FOIA was designed to guarantee the public reasonable access to certain activities in government." *Fowler v. Beasley*, 322 S.C. 403, *Campbell*, 354 S.C. at 281.

C The South Carolina Freedom of Information Act is codified as section 30-4-10 to 16S (1991 & Supp. 2003) Upon Request, FOIA mandates disclosure of records held by a "Public Body" unless the documents fall within enumerated exemptions see S.C. Code Ann §§ 30-4-30 to 40 (Supp. 2003) As our legislature provided

A

Ex 'Def' (1a-3c)

injunctive relief

(*)
346

16

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

Ronald L. Legg,

Petitioner/Plaintiff,

vs.

Lisa H. Bourcier, Director-Supervising
Authority, Horry County Public
Information Office, and or (AKA
"Yours Truly" Horry County Public
Information Office FOIA requests
Respondent, et al,

Respondents/Defendants.

) IN THE COURT OF COMMON PLEAS
) FIFTEENTH JUDICIAL CIRCUIT
) C/A No. 2016-CP-26-7405

ANSWER OF RESPONDENT/
DEFENDANT TO PETITION

(Jury Trial Demanded)

Dec. 16 received

2016 DEC -9 AM 8:34

The Defendants respond to the Petition of the Plaintiff as follows:

FOR A FIRST DEFENSE

1. Each and every allegation not hereinafter specifically admitted is denied.
2. The Defendants admit that on May 13, 2016 Plaintiff forwarded a letter making a request pursuant to the South Carolina Freedom of Information Act (§ 30-4-10 *et. seq.* of the Code of Laws of South Carolina, as amended).

3. In the May 13, 2016 letter, the Plaintiff requested "the full names of all persons, and their titles and who employs them under their entitlement to operate in any capacity for addressing

(FOIA) requests". to other agencies

→ 4. On May 17, 2016, Horry County Public Information Office mailed a letter to the Plaintiff

informing him that his request did not comply with the South Carolina Freedom of

Information Act, and that the Act was not a "vehicle for questions to be answered".

huh!

Respondent answer (4) taken out
is context of letter:

operations of govt.

COPY

Your request is not in proper context to be

- 16
5. On May 30, 2016, the Plaintiff submitted a written response disagreeing with the Horry County Public Information Office's response and again requesting the information.
6. On June 2, 2016, the Horry County Public Information Office mailed a letter to the Plaintiff informing him that they were unable to respond to his request in that "no records pursuant to

your request exist"

No records of gov. operations

FOR A SECOND DEFENSE

7. The Defendants reiterate the allegations as contained in the previous defenses as if repeated verbatim within this defense.

8. The Defendants would show there is no "public record," as defined by § 30-4-20(c) of the Code of Laws of South Carolina, as amended.

see 16

Does not comport with

FOR A THIRD DEFENSE

Determination of conspiracy (authority?)

9. The Defendants reiterate the allegations as contained in the previous defenses as if repeated verbatim within this defense.

huh!

10. The Defendants have complied with the provisions of § 30-4-30 of the Code of Laws of South Carolina, as amended.

FOR A FOURTH DEFENSE

11. The Defendants reiterate the allegations as contained in the previous defenses as if repeated verbatim within this defense.

- ✓ 12. The Petition fails to set out sufficient allegations to constitute a cause of action or entitle him to relief pursuant to § 30-4-100 of the Code of Laws of South Carolina, as amended.

FOR A FIFTH DEFENSE

to encourage compliance

13. The Defendants reiterate the allegations as contained in the previous defenses as if repeated verbatim within this defense.

dispositive by
presented defense

14. The Defendants assert insufficiency of service of process as an affirmative defense.

FOR A SIXTH DEFENSE

WBTW News
affirms

huh!

15. The Defendants reiterate the allegations as contained in the previous defenses as if repeated verbatim within this defense.

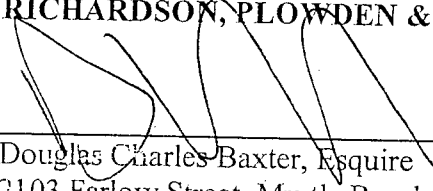
16. The Petitioner has failed to name the proper party in this action.

see 8

cause of action
FOIA for
determination
against
secret
gov.
operativ

Wherefore, having fully responded to the Complaint of the Plaintiff, the Defendants request that same be dismissed, together with the costs incurred in the defense of this matter, and for such other relief as this Court deems just and proper.

RICHARDSON, PLOWDEN & ROBINSON, P.A.



Douglas Charles Baxter, Esquire
2103 Farlow Street, Myrtle Beach, SC 29577
Post Office Box 3646, Myrtle Beach, SC 29578
(843) 448-1008 Main; (843) 443-3580 Direct
(843) 448-1533 Fax
dbaxter@richardsonplowden.com

Attorney for the Respondent/Defendant

December 8, 2016

A

State Of South Carolina
County Of Horry

In The Court of Common
Pleas

Fifteenth Judicial Circuit

Ronald L. Legg

Pro se Petitioner / Plaintiff,

C/A No. 2016-CP-26-7405

v.

Lisa H. Bourcier, Director -
Supervising Authority, Horry
County Public Information
Office, and or (AKA "Yours
Truly" Horry County Public
Information Office FOIA
Request Responder, et. al.),
Defendants.

ENTRY OF DEFAULT
Rule 55

FILED
HARRY COUNTY
CLERK OF COURT
HARRY COUNTY, SC

2017 JAN 17 AM 9:43

Now comes Ronald L. Legg Petitioner / Plaintiff pursuant to Rule 55 (a) SC RCP; "Provides that when a party fails to respond to a complaint, the Clerk shall record an entry of default.

Therefore, in accordance with Petitioner / Plaintiff's "Petition For Declaration" under S.C. Statute 1-23-150 as filed under case no. 2016-CP-26-7405 filed with the Clerk of Court Horry County on Nov. 17, 2016 with copy of, and Summons (service of process) upon the Horry County Public Information Office, its agents, and Director-Supervising Authority, Plaintiff is therefore filing action for entry of default.

The requested declaration in accordance to the filed and served "Issue Of Controversy," whereby, the agency and her agents have in effect failed to comply by coming forward with the responsive declaration pursuant to statute 1-23-150 (pertaining to producing the

lh

pg. 2 of 2

validation for licensure for the agency and its agents operations in accordance with S.C. Statute 1-23-150 (a).

South Carolina Code of Laws § 1-23-150: "An administrative agency has only such powers as the authority granted for that purpose." *Bazzle v. Huff*, (S.C. 1995) 319 S.C. 443, 462 S.E. 2d 273."

Honorable Clerk, pursuant to statute 1-23-150 (a), and thereby Rule 55(a) SCRPC. Please file an Entry of Default against the 'Horry County Public Information Office (AKA "Yours Truly" FOIA Requests Responder), the agency Director - Supervising Authority, Lisa H. Bourcier, the agency secret agents, et. al., being represented by the Firm of 'Richardson, Plowden and Robinson, P.A. and Douglas Charles Baxter, Esquire at 2103 Farlow Street, Myrtle Beach, S.C. 29577.

Thank You,

Respectfully Submitted,

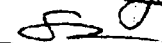


Ronald L. Legg #359236

E.C. 1. 3A-188

610 Hwy. 9. West

Bennettsville. S.C. 29512

sworn to and subscribed before me
this 9 day of June, 2017

(Notary Public of South Carolina)
My Commission Expires 2/17/24

Defendants Served

Hc // b

Certificate Of Service

1. Ronald L. Legg, hereby certify that I have on this date of Jan. 10, 2017 served a copy of 'ENTRY OF DEFAULT' action on Defendants representative Douglas Charles Baxter, Esquire, at 2103 Farlow Street. Murtle Beach, S.C. 29577 by depositing the same thereof in the United States Mail, postage paid through the S.C.O.C. Institution's mail service with service.

FILED
HARRY COUNTY
JAN 12 AM 11:43
CLERK OF COURT
HARRY COUNTY, SC

Re: 2016-CP-26-7405


Ronald L. Legg #359236
Evans Corr. Inst. 3A-188
610 Hwy. 9. West
Bennettsville, S.C. 29512

sworn to and subscribed before me
this 9 day of Jan 2017

(Notary Public of South Carolina)

My Commission Expires 2/17/24

A.

Exhibit SJ

Pg. 1 of 12
c

State Of South Carolina
County Of Horry.

Ronald L. Legg
Pro se Petitioner / Plaintiff

v.

Lisa H. Bourcier, Director
Supervising Authority, Horry
County Public Information
Office, and or, (AKA "Yours
Truly," Horry County Public
Information Office FOIA
requests respondent(s) et. al.,
Respondents / Defendants.)

Fifteenth Judicial Circuit

C/A No. 2016-CP-26-7405

Motion For
Summary Judgment,
Equitable And Injunctive
Relief, And Order To Compel

FILED 28 FEB 11:52

Now comes Ronald L. Legg, Pro se Petitioner, in pleading before this honorable court to hear his Motion For Summary Judgment, Equitable and Injunctive Relief, and Order To Compel the Horry County Public Information Office and her agents, to produce the (FOIA) requested information in accordance with the "Issue Of Controversy," C/A No. 2016-CP-26-7405 as outlined, as Petitioner / Plaintiff, being uncertain of his rights, is asking the court for Summary Judgment for declaring rights in accordance with S.C. Freedom Of Information Act (FOIA), to determine whether certain information should be disclosed, is an action at law. Code 1976 § 30-4-10 et. seq., and S.C. § 1-23-150, a Summary Judgment / Declaratory Ruling.

Petitioner / Plaintiff, is making this pleading in accordance with the enclosed 'Argument and Memorandum Of Law,' with Exhibits 'CCBa,' 'ABCa and pgs. 1-4,' '11J,' 'HCSP,' 'JJK,' 'Jus,' '11,' 'GKP,' 'DDE,' 'BBC,' 'FFG,' 'MO.'

Argument And Memorandum Of Law

Defendants Motion, CIA No. 2016-CP-26-7405 as the "Answer Of Respondent / Defendant To Petition, in citing a defense posture against Petitioner / Plaintiff's "Issue Of Controversy" complaint, dated Dec. 2, 2016, Defendants arguments cannot stand as a defense for the following reasons:

The Defendants asserted defense fails to overcome the numerous arguments in the complaint "Issue of Controversy," as it is backed up by material facts, and Defendants arguments fail because the offense against Petitioner's rights in accordance with the letter and the spirit of the law pursuant to the South Carolina Freedom of Information Act (FOIA) § 30-4-10 et. seq., which entitles the public to access information regarding the activities of government unless they are expressly exempted, has been violated by the Horry County Public Information Office and her agents without the production of any meaningful exemption, therefore, under such a denial stance for production, as is demonstrated in Petitioner / Plaintiff's complaint, Defendants make a defiant Defense based upon a pretentious shield called "Secret Government" operations for the purpose of evading accountability to the public as is further illustrated in this petition for Summary Judgment.

In Defendants response to Petitioner / Plaintiff's complaint "Issue Of Controversy," under Defendants heading, 'For A First Defense', as illustrated in number 3., 4., 5., and 6., Defendants are not forthcoming with the more luminous history Plaintiff's FOIA shows in correspondence with the Horry County Public Information Office and its phantom agents. And as will be shown, the Defense tactic makes an obvious attempt to deflate the full scope of the FOIA merits.

Essentially, Plaintiff sought to make manifest the accountability of the Horry County Public Information Office agents who have engaged in interceding in (FOIA) requests directed to other government agencies such as the Horry County Police Department and the J. Reuben Long Detention Center, as Plaintiff has been researching government accountability concerning these agencies. Plaintiff was met with undue obduracy which emanated from the Horry County Public Information Office (HCPIO), as the FOIA response which was initially directed to other agencies, whereby, the (HCPIO) agents actions prevailed in unfair prejudicial cause, for the purpose of frustrating Plaintiff's FOIA requests by the agents to freeze discovery, whereas, the unknown agents, (AKA "Yours Truly") fabricated law as a prerogative directive, which is not provisioned in the S.C. Code of Law in § 30-4-10 et seq., by Defendants asserting, "Your request is not in the proper format to be considered a Freedom of Information Act request," see Exhibit 'NCSA' The South Carolina Freedom of Information Act; has these words from the South Carolina Attorney General, "Any written request is sufficient, (for the FOIA) under the Freedom of Information Act"; 198 Op. Atty Gen No 81-64. p 91. See also Exhibit 'BBC' showing the effect of a fabricated promulgation of law for the purpose of derailing the FOIA process as Sgt. Richardson's response letter (Exhibit), regarding Plaintiff's FOIA clearly demonstrates in his first paragraph, showing collusion with the (HCPIO) phantom agents as he emulates what he is led to believe is authoritatively promulgated by the (HCPIO), an FOIA disqualifier, when he asserts himself, "We understand that you do not have access to proper FOIA forms and have determined that this is not an FOIA issue anyway" And further, the deleterious effect of such a:

nefarious representation of law becomes such a contagion in the whole FOIA process as a dubious weapon against the public, for hijacking the public's access for FOIA Justice, as such a promulgation of law shown in Exhibit 'Jus'; where this very rendition illustrates its prevailing defacto purpose in pretense of the law to persuade the court to rule against Plaintiff's FOIA action. See Exhibit 'Jus'; "Decision By The Court After Status Conference", in Plaintiff's absence.

Such actions by (HCP10) do not comport with any provisions of the S.C. FOIA Statute for entitling one government agency to interfere in the FOIA process as an authority under a prejudicial conflict of interest with any personal agenda for controlling FOIA requests akin to a totalitarian governmental body. And doing so in secret for the purpose of avoiding accountability as is presently demonstrated, resulting from blatant refusal to disclose, whereby, the (HCP10) asserts no such information has an existence, as a tenable deniability by claiming absence of any tangible means of record. And therefore, (HCP10) agents claim, 'FOIA requested information does not fall into the (HCP10) and thereby agents interpretation, of § 30-4-20 by the presumption that the public's right to information regarding government operations is limited to what the agency itself chooses, and thereby owes no accountability for the agents in question is patently absurd, wherefore, any government agent can claim his own record for accountability does not exist, which otherwise would be available for public scrutiny of duties, yet, in this case claiming blanket protection by asserting no such record exist for any accountability is a contradiction when the law firm of Richardson, Plowden & Robinson, P.A. / Douglas Charles Baxter in representation of said Defendants acknowledges record of their existence but claims

they are not subject to public record as in Defendants defense No 8. The Defendants would show there is no "public record" as defined by § 30-4-20 (c) of the code of laws of South Carolina as amended. And in accordance with defense No 6., and Exhibit 'JJK', Defendants assert that "no records pursuant to your request exist." The defense's claim is not a viable contextual argument which is applicable to the statute as an exclusionary rule for the absence of a specific exemption as called for by the FOIA statute for the agency to prove the exemption applies, and thereby the defense fails.

"The exemptions to States Freedom of Information Act (FOIA) should be narrowly construed to ensure public access to documents." "Any government agency attempting to avail itself of an exemption from the States Freedom of Information Act (FOIA) bears the burden of proving the exemption applies." *Seago v. Horry County* (S.C. 2008) 378 S.C. 414, 663 S.E. 2d 38, 88, U.S. P.Q. 2d 1520, 36 Media L. Rep. 1875

Defendants therefore claim that the agency and her agents are not subject to the FOIA as they have promulgated their own protectionist law, and have done so routinely. However, the public body itself is subject to disclosure which is established in S.C. Op. Atty Gen. (March 4, 2013) 2013 WL 1695511. "A public body" for purposes of FOIA encompasses a public entity in bloc: that is, it includes the members of the governing body, if any, as well as any other officers or employees of the entity." The names of the agents are thereby subject to FOIA production, thereby obtainable by "questions asked," and through any written form.

The Defendants claim that the FOIA is not a vehicle for asking questions, for the purpose of shielding such entitled information from public scrutiny, whereby, contrary to this assertion, even oral

communications are subject to the FOIA. See Exhibit 'ABCa'; No 2.. and No 7. No 2. "and is not designed to answer questions." And No 7. "No such documents exist.

"the FOIA prevented private oral communication among corporations members, and the records disclosure requirement prevented private written communications because any such communications were subject to public disclosure." *Disabato v. South Carolina Ass'n of School Adm'rs* (S.C. 2013) 404 S.C. 433. 746 S.E. 2d 329

"Freedom of Information Act (FOIA) impacted the First Amendment right of association of publicly funded non-profit corporation engaged in political advocacy, where FOIA required corporation to disclose records including membership lists." *Disabato v. South Carolina Ass'n of School Adm'rs* (S.C. 2013)

The Horry County Public Information Office and her agents are hiding accountability behind a prejudicial polemic for persuasion of law for a pretentious cloak.

Depending on the syntax applied to the term "record" and its variations it can have several meanings which often deals with document storage and not necessarily exclusive to information limited to storage unless otherwise specified, and just because information may not be recorded in a file, does not nullify the term information.

These facts are clearly relative to this case where Defendants attempt to nullify said information relegating the request to information as 'non-present' while government agents are practicing governmental function while claiming there is no record of any lawful evidence, that is, no record which documents licensure, or any possibility for knowledge thereof, which may be documented, showing function, and, in that, the public having the right to know, but not

having the right to pursue such information by asking pertinent questions thereof, in seeking to know by what authority for the procurement of information when violating the government ordinance by lack of licensure or certification for such operations, and while using such ploy to disadvantage the public is a travesty to any sense of a democratic government and justice.

The rule of law is the premier principle in the title of "Freedom of Information Act," showing the well established syntax in the term "Information" as a heading, and not as a subheading, whereby, the term "record" is applied to "public record", wherefore, "Information" is the letter of the law." By convenience, can be a matter of record when "record" is the spirit of the law, but "record" does not kill the letter of the law, by convenience of the medium, making information relevant only when contained in a convenient file. The relevance therefore, would be [if], the information was essential to a governmental function, and [if], the information was relative to the purpose it was sought out for, and [if], by any means the information was obtainable through governmental disposal, and by this instant case, all of the [if]'s apply; See 'Issue of Controversy'.

"To satisfy exacting scrutiny there must be a substantial relationship between the disclosure requirement and sufficiently important governmental interest." *Disoboto*, 464 S.E. 433, 746 S.E. 2d 329.

Here, Defendants defend by standing on § 30-4-20 (c) as an equivocal evasion tactic, daunting the merit of the FOIA request for a prententious exemption which is not defensible. The government function as portrayed through the (NCPIO) is the controlling promulgation of law in practicing non-disclosure, and hi-jacking of FOIA requests directed to other agencies for central unaccountability through the image of authority, by

"purporting" "no questions can be asked, and no record of government agents exist." See Exhibits 'Jus', 'CCB', 'ABC', 'ABCB, 1-14', '115', 'HCSR', 'JJK', 'BBC', 'FFG', and 'MO', showing correspondence between the agencies.

Information means the communication of knowledge, required for disclosure.

"Information must fall within ambit of privilege against discovery under judicial standards that would govern litigation against agency that holds it." *Huntton v. Williams v. U.S. Dept. of Justice*, 590 F.3d 272 93 U.S. P.Q. 2d 1321.

"State Freedom of Information Act (FOIA) creates affirmative duty of public bodies to disclose information." *Campbell v. Marion County Hosp. Dist.*, 354 S.C. 274.

"The FOIA creates an affirmative duty on the part of public bodies to disclose information." *Bellamy*, 305 S.C. at 295, 408 S.E. 2d 221.

"Any government agency attempting to avail itself of an exemption from State's FOIA bears the burden of proving the exemption applies." See Code 30-4-15.

"Essential purpose of FOIA is to protect the public from secret government activity." *Lambries v. Saluda County Council*, 409 S.C. 1. *Perry v. Bullock*, 409 S.C. 137. *Brock v. Town of Mount Pleasant*, 415 S.C. 625. *Glossmeyer v. City of Columbia*, 414 S.C. 213.

"Freedom of Information Act (FOIA) was enacted to prevent the government from acting in secret." *Quality Towing, Inc., v. City of Myrtle Bch.*, 345 S.C. 156.

"The FOIA does not authorize withholding of information or limit availability of records to the public, except specifically stated." *William Industries, Inc., v. N.L.R.B.* 490 F.2d 427.

"South Carolina's FOIA was designed to guarantee the public reasonable access to certain activities of the

government." *Fowler v. Beasley*, 322 S.C. 463, 472 S.E. 2d 630.

"The General Assembly finds that it is vital in a democratic society that public business be performed in an open and public manner so that citizens shall be advised of the performance of public officials and the decisions that are reached in public activity and in the formulation of public policy. Toward the end, provisions of this chapter must be construed so as to make it possible for citizens, or their representatives, to learn and report fully the activities of their public officials.

Campbell v. Marion County Hosp. Dist., 354 S.C. 274.

In No. 16 of "Answer of Respondent," Defendants assert Plaintiff has failed to name the proper party in this action. However, in the face of the irony, the agency and its agents under the supervising authority for the (HCPIC), agency, its Director, in accordance to its operations involving interceding in FOIA requests directed to other agencies are the party as established in the complaint 'Issue of Controversy'. Thereby, there is no failure to name the party by Plaintiff.

The Horry County Public Information Office and her agents have in fact attempted to make public policy in accordance with controlling FOIA requests for complying with the agency's own invented stipulation, and having done so, has created a 'Catch-22' for continuing in secret on Defendants defense; further manifests as the continuing ploy is based upon the same premise of secret government operations runs contrary to code of laws S.C. § 30-4-10 et. seq., and in 'conflict obstruction of justice'.

The Defendants reiteration of defenses listed in numbers '1-11' and '13-16' can not stand against the facts and arguments presented here in this pleading for summary judgment, and injunctive relief, in accordance, pursuant to § 30-4-100 as asserted.

To date, the Defendants continue to frustrate Plaintiff's

FOIA request rights, and Plaintiff can not pursue FOIA rights through other agencies because of the (HCP10) conflict of interest in 'monopoly' of the process, even after seeking relief in court for continuing the FOIA process unfettered by the (HCP10), See Exhibit 'Jus', whereby, Defendants claim in their Defense numbers 2. through 6., Plaintiff made a request for names of agency employees as persons for addressing FOIA requests, but, Defendants withheld the history of Plaintiff's correspondence with the agency, as such correspondence makes explicit the appeal.

Defense acknowledges having received correspondence from Plaintiff on May 30, 2016 calling the appeal a written response from Plaintiff disagreeing with the so called 'phantom agents of the (HCP10)', and does not call the correspondence by its lawful term 'appeal', however, Defendants rightly acknowledge in number 5., "Plaintiff again requested the information.

As illustrated herein, Plaintiff has endured the Horry County Public Information Office nefarious exacerbations for frustrating his S.C. FOIA right to address public bodys without secret intimidations from other controlling authorities. And after having endured the antagonizing process which has hardshipped Plaintiff's research on government accountability to date, Plaintiff has invested well over 200 hours in research and countless hours in lawyers work in an effort to right the process. And Plaintiff would like the agency to recompense Plaintiff for said harms. See 'Society of Professional Journalists', 324 S.E. 2d 313.

The Horry County Public Information Office and her agents have acted in service, as the public body's own 'designed' regulation of the South Carolina Code of Laws in promulgation of § 30-4-10 et. seq., claiming a block exemption in the statute's language prevents disclosure of information pertaining to Plaintiff's request. But, the public bodys defense can not be affirmed by an exemption not found in the statute, just because the public body can not

Find it... in the term "includes." And more specifically under the statute as related to the law's antecedents; the intent of the legislature shows in common parlance and plain language, "information," "subject to disclosure," precedes the term "includes," as outlined in § 30-4-20 (c).

In administering a government policy which has a direct effect on the public as it has with Plaintiff.... "Acting as an administrative agent of government policy is subject to sections § 1-23-140 and 1-23-150 for declaratory Judgment."

"Although regulation has the force of law, it must fall where it alters or adds to a statute." *Banks v. Batesburg Hauling Co.*, 202 S.E. 273, 24 S.E. 2d 496."

"Public body must disclose names of all officers and employees of public body subject to any limitations under FOIA Act. 1993 Op. Atty Gen No 93-63.

Just as also analogous to this instant case: "In this case, we find no public policy which overrides the goals of FOIA. See 'Society of Professional Journalists v. Sexton,' 324 S.E. 2d 313, 'Cox Broadcasting Corp. v. Cohn,' 420 U.S. 469, 95 S. Ct. 1029, 43 L. Ed 2d 328."

In pleading before the court for a Summary Judgment, as it is made clear by this pleading that Defendants can not create a non-disclosure privilege for obvious information at the agency's disposal, wherefore, said information is relative as illustrated as a public interest on the very accountability for the public body's public business which infringes upon an established right. And Plaintiff is also asking the court for an order to compel this public body to produce all information as outlined in the issue of Controversy, and a Declaratory Ruling on the agency's licensure in accordance with statute 1-23-140 et. seq.

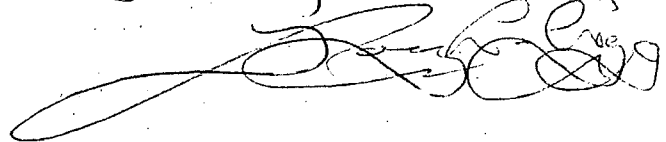
"Summary Judgment is appropriate when the pleadings, depositions, answers to interrogatories and admissions on file together with affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a

matter of Law." Rule 56 (c) SCRAP.

Petitioner is asking for an exigent ruling because any further delays in the (FOIA) process makes it more difficult to procure the necessary information which has been originally sought. Therefore showing delay prejudice.

Defendants have no material facts to support their defense, because, the Defendants defense is based upon the claim that no Defendants exist.

Sincerely Submitted,

A handwritten signature in black ink, appearing to be "R. E. S.", with a long horizontal flourish extending to the left.

STATE OF SOUTH CAROLINA
COUNTY OF HORRY

) IN THE COURT OF COMMON PLEAS
) FIFTEENTH JUDICIAL CIRCUIT
) C/A No. 2016-CP-26-7405

Ronald L. Legg,

Petitioner/Plaintiff,

vs.

Lisa H. Bourcier, Director-Supervising
Authority, Horry County Public
Information Office, and or (AKA
"Yours Truly" Horry County Public
Information Office FOIA requests
Respondent, et al,

Respondents/Defendants.

**DEFENDANTS' NOTICE OF
MOTION AND MOTION FOR
SUMMARY JUDGMENT**

HORRY COUNTY
2017 MAR 28 PM 12:54
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

TO: RONALD L. LEGG, PLAINTIFF *PRO SE*:

YOU WILL PLEASE TAKE NOTICE that the Defendants will move before this honorable Court, upon 10 days' notice or as soon thereafter as possible for an Order granting summary judgment. This Motion is brought pursuant to Rule 56 of the *South Carolina Rules of Civil Procedure* as there is no genuine issue of material fact and the Defendants are entitled to a judgment as a matter of law.

This motion is supported by the pleadings, Affidavit of Lisa Bourcier, the attached Memorandum in Support of Defendants' Motion for Summary Judgment, relevant law and such other documents and arguments as may be presented at the motion hearing.

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'FMA' (1-3)

STATE OF SOUTH CAROLINA
COUNTY OF HORRY

) IN THE COURT OF COMMON PLEAS
) FIFTEENTH JUDICIAL CIRCUIT
) C/A No. 2016-CP-26-7405

Ronald L. Legg,

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vs.

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Authority, Horry County Public
Information Office, and or (AKA
"Yours Truly" Horry County Public
Information Office FOIA requests
Respondent, et al.,

Respondents/Defendants.

MEMORANDUM IN SUPPORT
OF DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT

HORRY COUNTY
2016 MAR 20 PM 12:54
RENEE M. ELY
CLERK OF COURT
HORRY COUNTY, SC

Defendants have moved for an Order pursuant to S.C.R.C.P. 56, granting summary judgment in their favor, upon the grounds that there are no disputed issues of material fact that would entitle the Plaintiff to any relief against the Defendants. Specifically, the Plaintiff has failed to present any evidence showing that the Defendants have in any way violated the South Carolina Freedom of Information Act (hereinafter, FOIA). Pursuant to the arguments and legal authority as set forth below, Defendants respectfully submit that they are entitled to the entry of judgment in their favor as a matter of law.

question of secret gov.

STANDARD OF REVIEW

Summary judgment is appropriate when there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law. Baird v. Charleston County, 333 S.C. 519, 529, 511 S.E.2d 69, 74 (1999). In determining whether any triable issues of fact exist, the trial court must view the evidence and all reasonable inferences that may be drawn from the

have shown promulgated
statute
Lisa

evidence in the light most favorable to the non-moving party. Manning v. Quinn, 294 S.C. 383, 365 S.E.2d 24 (1988).

Although the burden is on the party seeking summary judgment, the non-moving party must make a showing sufficient to establish the existence of an element on which it will bear the ultimate burden of proof at trial; otherwise, the failure of proof concerning an essential element of the case necessarily renders all other facts immaterial. Celotex Corp. v. Catrett, 477 U.S. 317, 322 (1986) (emphasis added). A party cannot rest on the mere allegations in his complaint. Nor can a party escape summary judgment on the mere hope that something will develop later at trial or by remaining silent and later claiming additional facts supporting the cause of action. Hammond v. Scott, 268 S.C. 137, 232 S.E.2d 336 (1977).

ARGUMENT

I. Plaintiff has requested records that do not exist.

The South Carolina Freedom of Information Act provides: "any person has a right to inspect or copy any public record of a public body, except as otherwise provided in Section 30-4-40, in accordance with reasonable rules concerning time and place of access. S.C. Code Ann. § 30-4-30(a). South Carolina defines public record in part as: "includes all books, papers, maps, photographs, cards, tapes, recordings, or other documentary materials regardless of physical form or characteristics prepared, owned, used, in the possession of, or retained by a public body". S.C. Code Ann. § 30-4-20(c). A citizen of this state may apply for either or both a declaratory judgment or injunctive relief to enforce the provisions of the Freedom of Information Act. S.C. Code Ann. § 30-4-100(a).

Here, the Plaintiff alleges that the Defendants have failed to release information of public record and seeks declaratory relief from this Court to enforce the provisions of the South

Carolina Freedom of Information Act. However, the information that Plaintiff seeks is not of public record as defined by S.C. Code Ann. § 30-4-20(c). As evidenced by the Affidavit of Lisa Bourcier, which was filed with the Defendants' Memorandum in Opposition of Plaintiff's Motion for Summary Judgment, as "Exhibit A", Plaintiff's request seeking "the full names of all persons, and their titles and who employs them under their entitlement to operate in any capacity for addressing (FOIA) requests" does not exist. There is no public record of such information and therefore, the Defendants are not in possession of any such documents. Therefore, Defendants have complied with the provisions of the South Carolina Freedom of Information Act.

Exhibits

CONCLUSION

Based on the foregoing, the Defendants request that the Court grant Defendants' Motion for Summary Judgment.

Respectfully submitted,

RICHARDSON, PLOWDEN & ROBINSON, P.A.



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Chelsea Lane Monroe, Esquire
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(843) 443-3580 DCB-Direct; (843) 443-3583 CLM-Direct
dbaxter@richardsonplowden.com
cmmonroe@richardsonplowden.com

Attorneys for the Defendants

March 28, 2017

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

) IN THE COURT OF COMMON PLEAS
) FIFTEENTH JUDICIAL CIRCUIT
) C/A No. 2016-CP-26-7405

Ronald L. Legg,

Petitioner/Plaintiff,

vs.

Lisa H. Bourcier, Director-Supervising
Authority, Horry County Public
Information Office, and or (AKA
"Yours Truly" Horry County Public
Information Office FOIA requests
Respondent, et al,

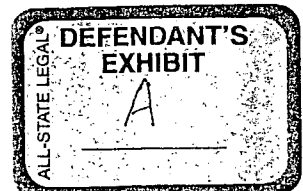
Respondents/Defendants.

AFFIDAVIT OF LISA BOURCIER

HORRY COUNTY
2017 MAR 28 PM 12:52
JEREE N. ELAIS
CLERK OF COURT
HORRY COUNTY, SC

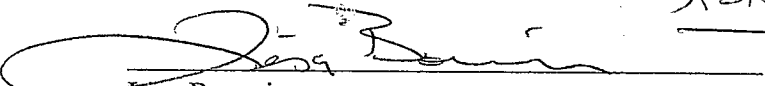
PERSONALLY APPEARED BEFORE ME Lisa Bourcier who, after being duly sworn, deposes and states as follows:

1. I am above the age of eighteen (18) and have personal knowledge of the facts stated herein.
2. I am currently the Public Information Director of the Horry County Public Information Office and have worked for Horry County for sixteen (16) years. *Authorization*
3. Horry County Public Information Office receives and responds to Freedom of Information Act ("FOIA") requests.
4. In a letter dated May 13, 2016, the Plaintiff requested: "the names of all persons, and their titles and who employs them, under their entitlement to operate in any capacity for addressing (FOIA) requests". *(other agency)*
- 5. On May 17, 2016, the Horry County Public Information Office mailed a letter to the Plaintiff informing him that his request did not comply with the South Carolina Freedom of Information Act, and that the Act was not a "vehicle for questions to be answered". *(Not proper form)*
6. On May 30, 2016, the Plaintiff submitted a written response disagreeing with the Horry County Public Information Office's response and again requested the same information as requested in his May 13, 2016 letter.

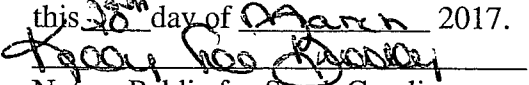


7. On June 2, 2016, the Horry County Public Information Office mailed a letter to the Plaintiff informing him that they were unable to respond to his request in that "no records pursuant to your request exist".
8. No public record exists to Plaintiff's request, as there is no list of Horry County employees who are authorized to respond to FOIA requests.

FURTHER THE AFFIANT SAYETH NOT.


Lisa Bourcier

SWORN TO and subscribed before me
this 30th day of March 2017.


Notary Public for South Carolina

My commission expires 07/03/2018

secret Gov.
statement

STATE OF SOUTH CAROLINA
COUNTY OF HORRY

) IN THE COURT OF COMMON PLEAS
) FIFTEENTH JUDICIAL CIRCUIT
) C/A No. 2016-CP-26-7405

Ronald L. Legg,

Petitioner/Plaintiff,

vs.

Lisa H. Bourcier, Director-Supervising
Authority, Horry County Public
Information Office, and or (AKA
"Yours Truly" Horry County Public
Information Office FOIA requests
Respondent, et al,

Respondents/Defendants.

**MEMORANDUM IN OPPOSITION
OF PLAINTIFF'S MOTION FOR
SUMMARY JUDGMENT**

RECEIVED
CLERK OF COURT
HORRY COUNTY
2017 MAR 28 PM 4:52

The Defendants, through their undersigned counsel, hereby submit their Memorandum of Law in Opposition to Plaintiff's Motion for Summary Judgment.

PROCEDURAL HISTORY

On November 17, 2016, the Petitioner/Plaintiff ("Plaintiff") filed a Petition for Declaration, naming the above-captioned Respondents/Defendants ("Defendants"). On December 9, 2016, the Defendants filed an Answer to the Petition. The Plaintiff then submitted a Motion for Summary Judgment on February 28, 2017. Defendants submit this Memorandum of Law in Opposition to Plaintiff's Motion for Summary Judgment.

FACTUAL BACKGROUND

This case arises around a Freedom of Information Act (FOIA) request. On May 13, 2016, the Plaintiff sent correspondence to the Defendant, Horry County Public Information Office, requesting "the full names of all persons, and their titles and who employs them under their entitlement to operate in any capacity for addressing (FOIA) requests". On May 17, 2016, the

Defendant, Horry County Public Information Office, responded to Plaintiff, stating his request did not comply with the South Carolina Freedom of Information Act, and that the Act was not a "vehicle for questions to be answered". On May 30, 2016, the Plaintiff sent correspondence to the Horry County Public Information Office, wherein he disagreed and again requested the same information he requested in his May 13, 2016 letter. On June 2, 2016, the Horry County Public Information Office mailed the Plaintiff a letter, stating "no records pursuant to your request exist". Thereafter, Plaintiff brought forth a Petition for Declaration, naming the above-named Defendants.

STANDARD OF REVIEW

To grant a motion for summary judgment, the court must find that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law. SC RCP56(c); Baird v. Charleston County, 333 S.C. 519, 529, 511 S.E.2d 69, 74 (1999). In determining whether any triable issues of fact exist, the trial court must view the evidence and all reasonable inferences that may be drawn from the evidence in the light most favorable to the non-moving party. Manning v. Quinn, 294 S.C. 383, 365 S.E.2d 24 (1988).

ARGUMENT

The South Carolina Freedom of Information Act provides: "any person has a right to inspect or copy any public record of a public body, except as otherwise provided in Section 30-4-40, in accordance with reasonable rules concerning time and place of access. S.C. Code Ann. § 30-4-30(a). South Carolina defines public record in part as: "includes all books, papers, maps, photographs, cards, tapes, recordings, or other documentary materials regardless of physical form or characteristics prepared, owned, used, in the possession of, or retained by a public body". S.C. Code Ann. § 30-4-20(c). A citizen of this state may apply for either or both a

declaratory judgment or injunctive relief to enforce the provisions of the Freedom of Information Act. S.C. Code Ann. § 30-4-100(a).

Here, the Plaintiff alleges that the Defendants have failed to release information of public record and seeks declaratory relief from this Court to enforce the provisions of the South Carolina Freedom of Information Act. However, the information that Plaintiff seeks is not of public record as defined by S.C. Code Ann. § 30-4-20(c). As evidenced by the Affidavit of Lisa Bourcier, which is attached hereto as "Exhibit A", Plaintiff's request seeking "the full names of all persons, and their titles and who employs them under their entitlement to operate in any capacity for addressing (FOIA) requests" does not exist. There is no public record of such information and therefore, the Defendants are not in possession of any such documents.

CONCLUSION

Based upon the foregoing, the Defendants respectfully request that the Court deny Plaintiff's Motion for Summary Judgment.

Respectfully submitted,

RICHARDSON, PLOWDEN & ROBINSON, P.A.



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dbaxter@richardsonplowden.com
cmmonroe@richardsonplowden.com

Attorneys for the Defendants

March 28, 2017

State of South Carolina	)	In the Court of Common
County of Horry	)	Pleas Fifteenth Judicial
	)	Circuit
Ronald L. Legg,	)	
Pro se Petitioner / Plaintiff,	)	C/A No. 2016-CP-26-7405
	)	
vs.	)	
	)	
Lisa Bourcier, Director,	)	
Supervising Authority, Horry	)	Petitioner / Plaintiff's
County Public Information	)	Motion In Opposition
Office, and or (AKA "Yours	)	To Defendants' Motion
Truly," Horry County Public	)	For Summary Judgment
Information Office FOIA	)	
requests Respondents, et. al.,	)	
<u>Respondents / Defendants.</u>	)	

FILED
 Horry County
 2017 MAY -3 PM 2:11
 REBECCAH ELYS
 CLERK OF COURT
 Horry County, SC

Now comes Ronald L. Legg before this honorable Court as a Pro se Petitioner / Plaintiff in pleading to hear this Motion In Opposition to Defendants' Motion For Summary Judgment for the following reasons:

(1). Argument before Judge Culbertson on April 12, 2017 in support of Petitioner's / Plaintiff's Motion For Summary Judgment defied Defendants' Motion In Opposition To Petitioner's / Plaintiff's Summary Judgment Motion as proved by the following:

A). Defendants' show no material facts which could support entitlement to a judgment as a matter of law according to Rule 56 of the S.C.R.C.P., and S.C. Statute § 30-4-10 et. seq., where Defendants' show no FOIA exemptions for withholding of the HCPIC names of agents who operate under (AKA "Yours Truly," in promulgation of South Carolina law, disseminating an altered meaning of S.C.'s FOIA

Key word phrase: any capacity

Statute, thereby depriving Petitioner / Plaintiff of rights provisioned by law for access to government information.

(2). Defendants defense is based upon an insufficient standing, whereby the Director-Supervising Authority of the NCPJO, Lisa Bourcier, claims in her affidavit, exhibit 'A', that there is no record for any agents entitlement to operate in any capacity through the NCPJO for addressing FOIA requests. And as the only assertion of the Defendants' for a material fact is based upon "Lack of Record"; and, asserting that the NCPJO is a non-entity, as the secret agent which is the only agent known as "Your Truly." See Exhibits provided by Petitioner / Plaintiff, '113', 'HCSR', and 'SSK' ("Yours Truly") exhibits. Also see Defendants' 'Memorandum In Opposition of Plaintiff's Motion For Summary Judgment, Page 2, first three lines citing, "NCPJO responded to Plaintiff, stating his request did not comply with the S.C. FOIA, and the Act was not a vehicle for questions to be answered." See also, Defendants' 'Answer of Respondent / Defendant To Petition, Number 4, citing again the 'non-entitie's actions as a secret agent, and also Defendants' Exhibit 'A', as the Affidavit of Lisa Bourcier, Number 5, citing, again the NCPJO as a the non-entity responding to Petitioner / Plaintiff's FOIA request in a capacity as asserted by the Defendants as an agent which can not testify of itself. And See Exhibits 'MO' and 'CCB', showing record of Lisa Bourcier operating in a capacity for addressing FOIA requests.

A). Defendants' argument is clearly designed to traverse and thwart the clear meaning of the issue, by lawyer wrangling in an extended play on words, for the purpose of continuing to frustrate the central element on accountability disclosure concerning secret government agents who operate under AKA "Yours Truly", for the purpose of evading public scrutiny.

3). Defendants' produced assertions have insufficient standing to qualify as material facts;

A). The Harry County Public Information Office can not give a testimony for the defense;

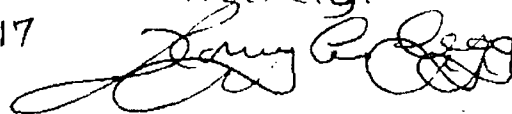
B). Lisa Bourcier's affidavit is not reliable as she claims there is no record of her own actions in any capacity for addressing FOIA requests.

Defendants' request for summary judgment in their favor must be denied specifically because they have presented no factual grounds for evidence of material fact for showing that Defendants' have not violated Petitioner / Plaintiff's rights as they have acted as agents under the color and authority of State law, having in fact, altered the meaning of State law, and in maintaining secrecy toward accountability thereof, and thereby, defying the legislature's intent for the provisions set forth in S.C. Statute 30-4-10 et seq., for government transparency, and thenceforth, defying S.C. Statute 1-23-140 et seq., provisioning the rights of the public for declaration of State agencies for public inspection of promulgated laws, whereby, Defendants acted as a State agency; (Public body), and therefore in accordance with 'Entry of Default' filed on Jan. 17, 2017 whereby, Defendants' silence on the issue is an admission in accordance with Rule 36 S.C.R.C.P.

Hereby, Petitioner / Plaintiff stands by his motion for summary judgment heard on April 12, 2017 and request the Court issue an Order for the Defendants' to reveal the secret agents who operate in any capacity through the Harry County Public Information Office in addressing South Carolina Freedom of Information Act requests, and promulgating the asserted, altered meaning of the S.C. FOIA statute § 30-4-10 et seq..

April 12, 2017

Sincerely,



STATE OF SOUTH CAROLINA
COUNTY OF HORRY

) IN THE COURT OF COMMON PLEAS
) FIFTEENTH JUDICIAL CIRCUIT
) C/A No. 2016-CP-26-7405

Ronald L. Legg,

Petitioner/Plaintiff,

vs.

Lisa H. Bourcier, Director-Supervising
Authority, Horry County Public
Information Office, and or (AKA
"Yours Truly" Horry County Public
Information Office FOIA requests
Respondent, et al,

Respondent/Defendants.

**ORDER GRANTING
DEFENDANTS' MOTION
FOR SUMMARY JUDGMENT**

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CLERK OF COURT
HORRY COUNTY, SC
2017 JUN 5 PM 1:15
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CERTIFIED COPY

This matter is before the Court upon cross-motions of the parties requesting summary judgment. A hearing on Plaintiff's Motion for Summary Judgment was held on April 12, 2017; present at the hearing were the Plaintiff, acting *pro se*, and Douglas Charles Baxter, Attorney for the Defendants. The Court took the matter under advisement and now denies the Motion as set out below. A hearing on the Defendants' Motion for Summary Judgment was held on May 17, 2017; present at the hearing were the Plaintiff, acting *pro se*, and Douglas Charles Baxter, Attorney for the Defendants.

FACTUAL BACKGROUND

The Plaintiff had submitted several requests pursuant to the South Carolina Freedom of Information Act (§ 30-4-10, *et. seq.* of the Code of Laws of South Carolina, as amended) to the Horry County Police Department and the J. Reuben Long Detention Center. Dissatisfied with the responses, on May 13, 2016 the Plaintiff sent a FOIA request to the Horry County Public

Information Office requesting "the full names of all persons, their titles and who employs them under their entitlement to operate in any capacity for addressing (FOIA) requests."

On May 17, 2016, the Defendant, Horry County Public Information Office, responded to Plaintiff, stating his request did not comply with the South Carolina Freedom of Information Act, and that the Act was not a "vehicle for questions to be answered". On May 30, 2016, the Plaintiff sent correspondence to the Horry County Public Information Office, wherein he disagreed and again requested the same information he requested in his May 13, 2016 letter. On June 2, 2016, the Horry County Public Information Office mailed the Plaintiff a letter, stating "no records pursuant to your request exist". Thereafter, Plaintiff brought forth a Petition for Declaration, naming the above-named Defendants.

STANDARD OF REVIEW

To grant a motion for summary judgment, the court must find that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law. SC RCP56(c); Baird v. Charleston County, 333 S.C. 519, 529, 511 S.E.2d 69, 74 (1999). In determining whether any triable issues of fact exist, the trial court must view the evidence and all reasonable inferences that may be drawn from the evidence in the light most favorable to the non-moving party. Manning v. Quinn, 294 S.C. 383, 365 S.E.2d 24 (1988).

FINDINGS

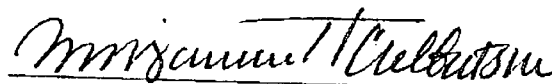
The South Carolina Freedom of Information Act provides: "any person has a right to inspect or copy any public record of a public body, except as otherwise provided in Section 30-4-40, in accordance with reasonable rules concerning time and place of access. S.C. Code Ann. § 30-4-30(a). The Act defines public record in part as: "includes all books, papers, maps, photographs, cards, tapes, recordings, or other documentary materials regardless of physical

form or characteristics prepared, owned, used, in the possession of, or retained by a public body". S.C. Code Ann. § 30-4-20(c).

The issue in the case is whether the Defendants are obligated to provide Plaintiff the information requested when no such "public record" exists. The cardinal rule of statutory construction is to ascertain and effectuate the intent of the legislature. Hodges v. Rainey, 533 S.E.2d 578 (2000). Where the statute's language is plain and unambiguous and conveys a clear and definite meaning, the rules of statutory interpretation is not needed and the Court has no right to impose another meaning. Id. The definition of "public record" as contained in § 30-4-20(c) is plain and unambiguous, and it is clear that the County is not obligated to create a "public record" in response to the Plaintiff's FOIA request when one does not exist. Accordingly, I find that the Defendants have complied with the requirements of the South Carolina Freedom of Information Act, and the Defendants are, therefore, entitled to summary judgment. It is therefore

ORDERED that Plaintiff's motion for summary judgment is denied. It is further

ORDERED that Defendants' motion for summary judgment is granted and this matter is hereby dismissed with prejudice.


The Honorable Benjamin H. Culbertson
Judge, 15th Judicial Circuit

May 31, 2017

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The State Of South Carolina
In The Court Of Appeals

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Appeal From Horry County
Court Of Common Pleas SC Court of Appeals

Judge Culbertson, 15th Judicial Circuit
C/A No.: 2016-CP-26-7405

Appellate Case No.: 2017-001949

Ronald L. Legg, Pro se.

Appellant

✓
Lisa Bourcier, et. al.,

Respondent

Proof Of Service

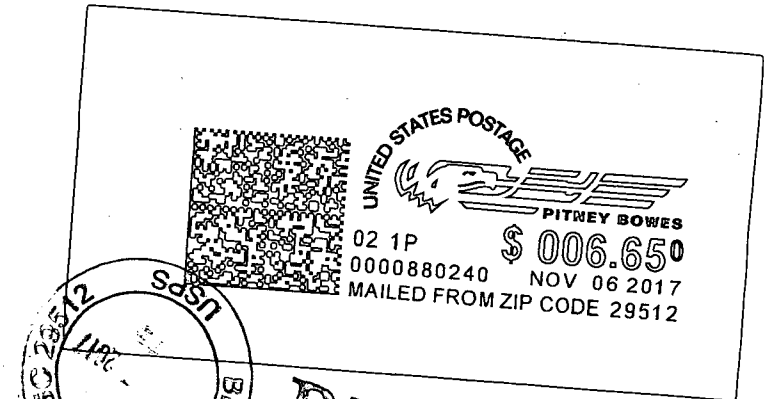
I certify that I have served a copy of Appeal Brief on Lisa Bourcier, et. al., Respondents' representing attorney, by depositing a copy of it in the United States Mail, prepaid, on November 5, 2017 addressed to Douglas Charles Baxter, Esquire, P.O. Box 3646, Myrtle Bch., 29578, and therewith service.

Nov. 5, 2017


Ronald L. Legg

610 Hwy. 9, West
Bennettsville, S.C. 29512

Ronald L. Legg #359236
Evans Corr. Inst. FS-121
616 Hwy. 9, West
Bennettsville, S.C. 29511



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SC Court of Appeals

South Carolina Court of Appeals
Jenny Abbott Kitchings Clerk
Post Office Box 11629
Columbia, S.C. 29211



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