

1979 WL 43442 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 29, 1979

*1 Honorable Grady L. Patterson, Jr.
State Treasurer
Wade Hampton Office Building
Columbia, South Carolina 29211

Dear Grady:

Reference is made to the recent inquiry attempting to request four hours for presenting a certain position before the Board of Financial Institutions. I have further reviewed the Administrative Procedures Act, and invite your attention to [Section 1-23-320\(e\), of the 1976 Code](#), which merely requires that each party to a proceeding before an administrative agency in a contested case have a full and fair opportunity to participate and present its side of the issue. That section, however, does not give a party a license to unduly prolong a hearing with irrelevant or repetitious material. In fact, Section 1-23-330(1) expressly provides that 'irrelevant, immaterial, or unduly repetitious evidence shall be excluded.' If past experience indicates that the current scheduling practices of the Board of Financial Institutions are adequate to allow parties to fully and fairly present their cases, there is nothing in the Administrative Procedures Act which purports to prohibit the continued use of such practices. The amount of time to be devoted to any one hearing will depend, in large part, upon the discretion exercised by the Board, keeping in mind [Section 1-23-320\(e\)](#), to the effect that the time allotted to a scheduled hearing should permit an opportunity to all parties to respond and present evidence and argument on all issues. It would appear that the documentation furnished to your Board, along with any supplemental written briefs or documents required by the Board, should enable a full hearing within the less than one hour allotted to the situation in question, with the Board always having the opportunity to request further presentation of evidence either before or at a later meeting of the Board.

This letter is primarily for your review, but I will be happy to expand upon any point relative to hearing requirements of the APA.

Your very truly,

Victor S. Evans
Deputy Attorney General

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