



November 23, 2020

Desirée Fragoso, City Administrator  
City of Isle of Palms, South Carolina  
*Sent via email to [desireef@iop.net](mailto:desireef@iop.net)*

Dear Ms. Fragoso:

This correspondence is addressed to you based upon your position as custodian of records for the City of Isle of Palms (“the City”) pursuant to S.C. Code Ann. § 30-1-20 or the records officer thereof, for purposes of receiving and responding to the request herein.

Pursuant to S.C. Code Ann. §§ 30-4-10 *et seq.*, the Freedom of Information Act (herein “the Act”), you are requested to produce the undersigned copies of the following public records. The term “public records” is defined in Section 30-4-20(c), as amended. This request does not include a request for any materials that are protected by the attorney-client relationship or are otherwise privileged or materials that exempt from disclosure by statutory law. However, any documents which are responsive to this request that are withheld based on privilege or exemption should be identified, along with the basis upon which such document(s) is withheld from disclosure. Such identification shall include the author and date of the document, a general description thereof, as well as the names of all recipient(s) of such document, in order to allow the requesting party to determine whether there is need for further inquiry to determine the validity of the response.

The Freedom of Information Act requires a response time within ten working days. If access to the records we are requesting will take longer than ten working days, please promptly inform us about when I might expect copies of the requested records.

In addition, please provide an estimate of the fees you anticipate will be required to produce the materials requested. Pursuant to Section 30-4-30(b), fees may not be charged for examination and review to determine if the documents are subject to disclosure.

*Requested Public Records*

1. Any and all electronic messages (to or from [jcarroll@iop.net](mailto:jcarroll@iop.net) or any private email address), including texts and social media messages on private cell phones, sent to or received by you with Mayor Jimmy Carroll or any of his agents for the period 2018 to the present.
2. Any and all electronic messages (to or from [shsmith@iop.net](mailto:shsmith@iop.net) or any private email address), including texts and social media messages on private cell phones, sent to or

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[www.hooserlawyer.com](http://www.hooserlawyer.com) | [josh@hooserlawyer.com](mailto:josh@hooserlawyer.com)

received by you with Councilperson Susan Hill Smith or any of her agents for the period 2018 to the present.

3. Any and all electronic messages (to or from [rbuckhannon@iop.net](mailto:rbuckhannon@iop.net) or any private email address), including texts and social media messages on private cell phones, sent to or received by you with Councilperson Ryan Buckhannon or any of his agents for the period 2018 to the present.
4. Agenda or minutes reflecting agenda or items discussed (or to be discussed) for all meetings of executive session of City Council from January 1, 2018 to the present.
5. Voting records for any action taken in executive session whether during City Council or otherwise for any time since January 1, 2018.

To the extent the requested materials are stored or held by the custodian by electronic means, we will provide at your request electronic media storage device(s) to assist with reproduction for purposes of responding to this request. Any materials stored electronically are requested to be produced in electronic format that is capable of being read by generally available and identifiable software which we may use to access the produced materials. This includes rendering the electronic records in a manner that makes them readily searchable on a computer program (e.g. by using CTRL "F").

We also request that the materials produced are itemized appropriately by including a notation as to what item number of the original request a given document is responsive to. In addition, for any released text or social media message, we request that the document include a time stamp of the communication, the name of the sender, and the name of the recipient.

Finally, we remind the City of its duties under the Public Records Retention Act which prevents government officials from removing, defacing, or otherwise destroying public records. *See* S.C. Code § 30-1-30 *et seq.*

We appreciate the City's commitment to ensuring that "public business be performed in an open and public manner" and to securing the public's right to learn about "the activities of their public officials at a minimum cost [and without] delay." S.C. Code § 30-4-15.

We look forward to your response.

Sincerely,



Attorney Joshua Hooser