

Title: **Online eyeexam company sues SC over ban**
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Online eye exam company sues SC over ban

BY SEANNA ADCOX

Associated Press

A company that provides prescriptions for glasses and contacts using online exams filed a lawsuit Thursday challenging a South Carolina law banning the practice.

The lawsuit from Chicago-based Opternative calls the law

passed in May “economic protectionism.” Gov. Nikki Haley vetoed the measure but legislators overrode it.

At least two other states have passed similar laws barring prescriptions based solely on a

computerized eye test. Several other states have regulations that don’t allow the practice.

The lawsuit is the first to challenge such restrictions, said attorney Robert McNamara with

SEE EYE, 6A

FROM PAGE 3A

EYE

the Virginia-based Institute for Justice. The suit asks the court to declare the law unconstitutional and prevent its enforcement.

“The purpose of this new law is not to protect the public health or safety but instead to protect the profits of established businesses,” it reads.

Legislators voted overwhelmingly – 39-3 in the Senate and 100-1 in the House – to override Haley’s veto.

The lawsuit includes Haley’s entire veto message, which accused eye care professionals of wanting to “block new technologies that expand low-cost access to vision corrective services.”

Critics countered by accusing Haley of putting competition above quality

health care.

At the time, sponsoring Sen. Ray Cleary, a Republican, said in-office eye exams by an optometrist

can catch problems, including tumors, that an online self-assessment test can’t.

Opternative offers \$40 to \$60 prescriptions within 24 hours for people ages 18 to 50 with a computer and smartphone.

Customers taking the test are asked to take a certain number of steps away from their computer screen and use the computer like a digital eye chart. A text message sent to a customer’s smartphone allows it to be used as a remote control. Answers to multiple questions, along with medical records, are sent to a

state-licensed ophthalmologist contracted by the company. Inconsistencies mean a prescription won’t be written, Opternative co-founder Aaron Dallek has said.

More than 100,000 patients in 39 states have signed up for the service, he said Thursday.

The company launched in South Carolina last summer but ended the service when the law took effect.

**OPTERNATIVE
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Title: **ALSO...**
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**ALSO ...**

● Holroyd Precision Components, a sub-contract manufacturing division of Precision Technologies Group Limited, is establishing its first U.S. manufacturing operations and creating 23 jobs in Spartanburg County, according to Gov. Nikki Haley's office.

● Snoopy has been handed the pink slip. After 31 years (217 dog years) as the face of insurance giant MetLife Inc., the company said Thursday it is launching a new global branding effort, marking the end of a long relationship with Charlie Brown's beagle.

● Apple says it has been buying Apple chargers and cables labeled as genuine on Amazon.com and has found nearly 90 percent of them to be counterfeit. The revelation comes in a lawsuit filed by Apple against a New Jersey company.

Associated Press and New York Times contributed.

Title: **Emergency plan must be improved**

Author:

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Emergency plan must be improved

Following are observations from Hurricane Matthew from an emergency management perspective. These are not criticisms but observations that hopefully get incorporated into a lessons-learned exercise.

I followed social media and news reports and did not see a Unified Incident Command System in place. What I did see was a top-down approach that worked well at the state level but did not serve Beaufort County well.

I heard many references to the sheriff. However, looking at the county procedures, I see there should have been a task force appointed by the legislature and chaired by the county administrator. The sheriff is included in the task force but not the lead.

My concern is: Were the county procedures fol-

lowed, and do the county procedures specify a Unified Incident Command?

I received most information from Sen. Tom Davis, Bluffton Mayor Lisa Sulka and Gov. Nikki Haley. I have worked in emergency management most of my 44-year career, and in my opinion, Beaufort County is behind in best practices. This needs to change as our county grows and becomes sophisticated.

Last, the reports from the utilities were woefully inadequate. I have seen utility executives lose jobs for this type of performance. I hope there is a serious "lessons-learned" session and follow up. This is hard work, and we have the right people in place to make improvements. I am available to help.

– Kevin Hennelly
Bluffton

Title: **Emergency plan must be improved**

Author:

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Emergency plan must be improved

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Title: **Haley seeks documents from board members**
 Author: BY AVERY G. WILKS awilks@thestate.com
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RICHLAND COUNTY RECREATION COMMISSION

Haley seeks documents from board members

■ Gov. Nikki Haley is asking the Richland County Recreation Commission's board members for documents that might verify whether she has cause to remove them from office.

BY AVERY G. WILKS
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S.C. Gov. Nikki Haley on Wednesday asked the embattled Richland County Recreation Commission's board members for documents that could verify whether she has cause to remove some of them from office.

In a letter to the board, the Republican governor acknowledged S.C. state law gives her the power to remove county officers she deems "guilty of malfeasance, misfeasance, incompetency, absenteeism, conflicts of interest, misconduct, persistent neglect of duty in

office or incapacity."

She also noted 10 of 17 members of the Richland County legislative delegation have asked

FROM PAGE 3A

DOCUMENTS

Then, on Oct. 18, she received a letter from the five board members addressing the allegations, Haley said.

Haley has asked the delegation for more information that could inform her next move, including:

- A copy of the investigation of a Dec. 9, 2015, complaint alleging sexual harassment by former director Brown. Legislators earlier had requested the same report, but board members had declined to

her to remove five members of the commission's board.

Legislators have accused those board members of engaging in nepotism, ignoring complaints of sexual harassment and a hostile work environment, approving irresponsible pay for former commission director James Brown III and incurring excessive litigation costs, among other grievances.

Haley said she met with the county delegation Oct. 3 and 4.

SEE DOCUMENTS, 6A

➔ **MORE INSIDE**

IN OPINION: CINDI SCOPPE: Governor should remove the five commissioners under fire, **2C**

surrender it, citing attorney-client privilege. Haley's letter argued the report would not be subject to that privilege.

- Paperwork related to the hiring of and raises for relatives of Brown, board commissioner J. Marie Green and other board members.

- Copies of written complaints the board has received regarding Brown from employees or former employees since December 2015.

- A copy of Brown's \$151,800-per-year con-

tract and information the board reviewed in order to determine the raise from \$110,000 was appropriate.

"We appreciate the governor's due diligence and her understanding of the serious and complicated nature of this issue," said Sen. Joel Lourie, D-Richland, one of the lawmakers who has asked for Haley's help removing the board members. "Her request is reasonable and we hope the commission will respond with the ap-

propriate information so that Gov. Haley can make a decision and this matter can be resolved."

The Wednesday letter marked Haley's first public involvement in the turmoil at the Recreation Commission.

Richland County legislators have complained that under state law, they can nominate board members for appointment but not remove them.

Haley said in the letter she has asked the delegation to pass legislation giving themselves the

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power to remove local
county commissioners.

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THE STATE File photograph

Gov. Nikki Haley

Title: **Sorry, SC, you can't write in Mom for president**
 Author: BYBRISTOW MARCHANT bmarchant@thestate.com
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Sorry, SC, you can't write in Mom for president

■ **More voters than usual might be considering a write-in vote for president in 2016. But, in South Carolina, voters won't have that option.**

BY BRISTOW MARCHANT
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It is understandable that some S.C. voters might be considering casting a write-in vote for president this year — whether for Nikki Haley, Bernie Sanders, Mickey Mouse or their mom.

Americans are uniquely unhappy with their presidential options. Hillary Clinton and Donald

Trump have the highest unfavorable ratings of any major party nominees in recent history.

The problem? In South Carolina, voters can't write in a candidate for presi-

dent.

While the state provides a write-in option for every other office on the Nov. 8 ballot, S.C. law doesn't allow for write-in votes for president and vice president.

In 1982, S.C. lawmakers approved a change to state election law to bar write-in votes for president, be-

coming one of only nine states to deny a write-in option, according to Ballotpedia.

Counting write-in votes

SEE WRITE-IN, 7A

FROM PAGE 1A

WRITE-IN

for other offices is straightforward.

But election officials are faced with a challenge in the presidential race because write-in candidates don't have a slate of electors who could vote for them in the Electoral College — which is what a citizen's vote for president really is deciding.

"Electors have to file with the secretary of state, so you can actually vote for a slate"

of electors, said Chris Whitmire, spokesman for the S.C. Election Commission. "I've seen some older ballots that have the electors listed on them. ... You have Richard Nixon, Spiro Agnew and then the names of the electors voting for them."

The early 1980s debate over barring write-in votes for president centered on the difficulties of offering a write-in option as the state was adopting

more high-tech voting machines, recalls Rick Whisonant, a political science professor at York Technical College.

"It was said to be too labor-intensive as you get into a more electronic age of voting methods," Whisonant said.

Still, this year, the lack of a write-in option is sure to leave some voters dissatisfied, even with five other options for president besides Clinton and

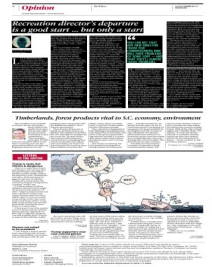
Trump on the ballot.

Gibbs Knotts, political science chair at the College of Charleston, says some officeholders — like Gov. Haley, or U.S. Sens. Tim Scott or Lindsey Graham — may be missing out on a chance to have their constituents vote for them for president. "Of all the years when you might get a write-in vote, it would certainly be this one," Knotts said.

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Title: **Recreation director's departure is a good start... but only a start**
 Author:
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Recreation director's departure is a good start ... but only a start

LET'S IMAGINE that James Brown III didn't voluntarily retire as director of the Richland County Recreation Commission. Let's imagine that the five commissioners who have stood by him to these long months finally told him he could either "retire" or be fired after his indictment last week on a misconduct in office charge and his subsequent arrest on a charge of intimidating a witness.

Granted, that's not easy to imagine, since Mr. Brown's protectors and enablers stood by him through lawsuits alleging bribery and sexually predatory behavior and through that \$35,000 taxpayer-paid investigation that they still won't let the public see. But it's not uncommon in government or business for employers to give problem employees the option of resigning rather than being fired.

So if the five Brown-supporting commissioners did finally decide that Mr. Brown had to go, just as Gov. Nikki Haley was considering a strong case for removing them from office, well ... that's good.

But it's not good enough.

Gov. Haley still needs to remove Chairwoman Marie Green and Commissioners Barbara Mickens, Weston Furgess, George Martin and Joseph Weeks. Because even if they were to tell us that they gave Mr. Brown an ultimatum, it wouldn't outweigh what they have done and left undone up until now. (And no, not seeking reappointment *next year* is not enough.)

As 10 of the 17 legislators from Richland County explained in a letter last week asking the governor to remove them, the five turned a blind eye to "the hostile

work environment" at the agency, allowed "blatant abuses of nepotism," approved "irresponsible compensation," overlooked "numerous allegations of sexual harassment and other inappropriate behavior" by Mr. Brown, incurred "excessive litigation costs and expenses" and failed to provide adequate oversight of their director.

As those 10 legislators explained to the governor, when employees complained about sexual advances and threats, "One commissioner went so far as to question the victim as to why she would complain since she is 'gainfully employed and making a good salary.'"

As those 10 legislators explained to the governor, the commissioners stood by as Mr. Brown's son and daughter and brother were promoted, despite a state law that makes it illegal for public officials to "cause the employment, appointment, promotion, transfer, or advancement of a family member to a state or local office or position in which the public official ... supervises or manages." (The payroll is packed with other Brown relatives and family friends and relatives of commissioners, who don't fall under the nepotism law but whose jobs make the place look more like a poorly run family business than a government agency.)

Quick sexual-predator gut check: Do you believe the women who have accused Donald Trump of unwanted sexual advances? Do you believe the women who have accused Mr. Brown of unwanted sexual advances?

If your answer is yes to the first question but no to the second, what do you think it is that

makes Mr. Trump's accusers believable and Mr. Brown's accusers unbelievable?

If your answer is yes to both, and — particularly if you are one of the seven Richland County legislators who have stood so loyally by Mr. Brown — if you think that Mr. Trump's actions make him unfit to be president but that Mr. Brown deserved to keep his job unless or until he was convicted of a crime, why do you think that is?

And do you realize that you're being intellectually dishonest? So grotesquely partisan that you can't even tell the difference between serving the public and serving one individual to whom you are, for reasons I can only imagine, so obscenely loyal?

Now, where were we?

Ah yes. Mr. Brown is gone, and it's hard to imagine that the next director will carry precisely the same baggage that he did. But those five commissioners have proved themselves so completely lacking in good or even mediocre judgment that you can bet any new director they hire will have problems of some sort. And you can bet that they'll ignore those problems — just like they ignored Mr. Brown's problems.

The governor needs to act sooner rather than later to remove those commissioners — so she can replace them while the 10 legislators who want to protect the employees and the taxpayers rather than the director and commissioners still have the votes to nominate replacements. (Although governors technically appoint commissioners to these special purpose district boards, they always defer to the local legislators' nominations.)

Of course, new commissioners who are named later would have

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the power to fire an already-hired director — and anyone who applies for that job needs to know that he or she can and should be replaced once we have a new board. But in South Carolina, we have a huge problem with inertia: Once someone is hired, the bosses — particularly part-time bosses on an unaccountable commission — tend to want to leave that person in place. So we need to prevent the current commissioners from making that hire.

Gov. Haley didn't create this mess. But she is the only person who has the power under state law to fix it.

Ms. Scoppe can be reached at cscoppe@thestate.com or at (803) 771-8571.

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**ANY NEW DIRECTOR
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CINDI ROSS SCOPPE
Associate Editor

Title: **PEPSIBOTTLER EXPANDING IN CHESTERFIELD**
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PEPSI BOTTLER EXPANDING IN CHESTERFIELD

Carolina Canners Inc., an independent Pepsi bottler and production cooperative, is investing \$45 million to expand its Chesterfield County operations and create 40 jobs, according to Gov. Nikki Haley's office. Operating in Cheraw since 1968, Carolina Canners has expanded its S.C. operations multiple times. The facility specializes in bottle injection molding and features two bottle-filling production lines, two can-filling production lines and a fountain syrup production line. Hiring for the positions will begin in the second quarter of 2017.

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DISASTER ASSISTANCE

Beaufort, Jasper counties eligible for federal aid with infrastructure

STAFF REPORTS

newsroom@islandpacket.com

Beaufort and Jasper counties are among 18 South Carolina counties now eligible through the Federal Emergency Management Agency for reimbursement of infrastructure costs related to Hurricane Matthew, Gov. Nikki Haley's office announced Wednesday.

FEMA's Public Assistance Program will provide partial reimbursement of

costs for damages to roads and bridges, water control facilities, buildings and equipment, utilities, and parks and recreational facilities, according to a news release. Typically, the federal share is 75 percent, the release said.

FEMA earlier approved Beaufort and Jasper counties as eligible for reimbursement of costs related to debris removal and

emergency protective measures. The federal agency also approved the two counties to participate in its Individual Assistance Program, which provides money for temporary rental assistance and essential home repairs for primary homes, low-cost loans to cover uninsured property losses, and other services to help disaster survivors.

Besides Beaufort and Jasper counties, the following 16 counties are eligible for FEMA reimbursement of infrastructure costs: Allendale, Bamberg, Barnwell, Berkeley, Colleton, Dillon, Dorchester, Florence, Georgetown, Hampton, Horry, Lee, Marion, Orangeburg, Sumter and Williamsburg.

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S.C. news briefs

ASSOCIATED PRESS

COLUMBIA — Gov. Nikki Haley is asking Richland County Recreation commissioners to hand over reports on sexual harassment, nepotism and intimidation concerning the agency's former director.

Haley says she is considering a request from a majority of Richland County legislators to remove five members of the board for negligence for backing former director James Brown III.

Brown resigned after he was indicted on a misconduct in office charge. Prosecutors say

Brown tried to coerce female employees to have sex with him.

Haley wants a December report commissioners were given on harassment complaints against Brown, records about the hiring of relatives of Brown and commissioners, complaints of harassment against Brown and an explanation of a \$40,000 raise for Brown.