



State of South Carolina

Office of the Governor

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GOVERNOR

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TO: Hearing Panelists, Richland County Recreation Commission Board Members, and Interested Parties

FROM: Office of the Governor, Office of Chief Legal Counsel

DATE: November 21, 2016

SUBJECT: Procedures for the November 30, 2016, Opportunity to Be Heard

Section 1-3-240(A)(3) of the South Carolina Code of Laws provides that officers appointed by the Governor who are guilty of malfeasance, misfeasance, incompetency, absenteeism, conflicts of interest, misconduct, persistent neglect of duty in office, or incapacity are subject to removal by the Governor “upon any of the foregoing causes being made to appear to the satisfaction of the Governor.” Before an officer is removed, the Governor shall provide the specific charges in writing and provide an opportunity for the officer to be heard.

Pursuant to Executive Order 2016-45, the Governor has notified the seven Richland County Recreation Commission (“RCRC”) Board members of Charges against them. Two RCRC Board members have since resigned from their positions. The remaining five RCRC Board members are now provided with the opportunity to present information as to why they should not be removed. Procedures for the opportunity to be heard on November 30, 2016, are set forth as follows.

PROCEDURES FOR THE OPPORTUNITY TO BE HEARD

November 30, 2016 at 10:00 a.m.
Blatt Building, Room 110; Statehouse Grounds

- A three-person Hearing Panel shall preside over the Opportunity to be Heard, providing the RCRC Board members with the opportunity to present information on the matters brought forth in the Charge Report. One Hearing Panel member will serve as the Lead to facilitate the process.
- The Lead shall handle the administrative functions, including but not limited to calling the meeting to order, introducing the Hearing Panel members, and confirming the RCRC Board

members' attendance. At the appropriate time, the Lead will also swear in all RCRC Board members who wish to present information.

- After the Lead completes the opening administrative functions, the Governor's Office representative will be called to present the Charges as set forth in Executive Order 2016-45 and provide supporting documents.
- After the Governor's Office representative presents the Charges, the Hearing Panel will call each RCRC Board member, individually, to allow him or her the opportunity to present information. The RCRC Board members will be called in the following order:
 - J. Marie Green, Chairman;
 - Barbara Mickens, Vice-Chairman;
 - George Martin, Member;
 - Joseph Weeks, Member;
 - Thomas Clark, Member.
- Because this is an opportunity to be heard, not a judicial hearing, only the RCRC Board members, not other individuals, will be provided an opportunity to present information.
- When a RCRC Board member is called by the Hearing Panel, he or she should move to the front row table with the microphones. After being sworn, each RCRC Board member has 30 minutes to share an opening statement, offer information, or provide documents as needed to respond to the Charges. If a RCRC Board member has documents he or she wishes to present, four copies should be prepared, one for each Panel Hearing member and one for the Governor's Office representative.
- During the RCRC Board member's testimony, the Hearing Panel may ask short clarifying questions but is directed to save substantive questions until the end of the RCRC Board member's presentation.
- If a RCRC Board member has an attorney present, the attorney may sit beside and talk directly with his or her client to confer on legal matters or provide legal advice as may be necessary. However, because this is an opportunity for RCRC Board members to be heard, no attorney will be able to present information to the Hearing Panel. Similarly, the Governor's Office representative will not be able to ask questions during the RCRC Board member's presentation.
- After each RCRC Board member has the chance to make a presentation and the Hearing Panel has asked questions as may be necessary, the Hearing Panel shall adjourn the November 30, 2016, Opportunity to Be Heard. The Hearing Panel shall provide a recommendation to the Governor regarding the removal of individual RCRC Board members.
- The November 30, 2016, Opportunity to Be Heard shall be transcribed by a certified court reporter.