

From: Ken Moffitt <KenMoffitt@scsenate.gov>
To: Catherine McNicollCatherineMcNicoll@scstatehouse.gov
Danny VaratDannyVarat@scstatehouse.gov
Date: 2/15/2017 3:20:30 PM
Subject: RE: Judge Dangler Letter

The Lieutenant Governor is the President of the Senate by operation of Article IV, Section of the Constitution - KLB has to make the appointment. It is unclear from here whether it has to be Senators or not. It would be safe to appoint members. Have you checked with the Speaker to see what they are doing? It is my understanding that Haley is working on Speaker appointments. Perhaps she could weigh in on this.

From: Catherine McNicoll
Sent: Wednesday, February 15, 2017 12:48 PM
To: Danny Varat
Cc: Ken Moffitt
Subject: RE: Judge Dangler Letter

Danny and Ken,

I'm going to copy Ken on this so he can weigh in, but I was looking at it for that language, here was my thought. The Legislative Audit Council is exclusively under the authority of the General Assembly, the election is by the Joint Assembly, and the appointment power to the nominating committee belongs to the President of the Senate and Speaker of the House, not to the Lieutenant Governor and the Speaker of the House. All of these things add up to the assumption that it must be Senators on the nominating committee. However, as you have alluded to the statute does not specifically say from the senate or senator.

Ken, if you could please let us know what you think, that would be great.

To further clarify, I am referring to the nominating committee, not the LAC. The LAC can be whomever.

From: Danny Varat
Sent: Wednesday, February 15, 2017 12:34 PM
To: Catherine McNicoll <CatherineMcNicoll@scstatehouse.gov>
Subject: Re: Judge Dangler Letter

It does have to be senators?

Sent using OWA for iPhone

From: Catherine McNicoll
Sent: Wednesday, February 15, 2017 12:28:16 PM
To: Danny Varat
Subject: RE: Judge Dangler Letter

Okay, I have not had time to sort this out. We need the Lt. Gov to select three senators to be on the nominating committee which selects the nominees for LAC. This needs to be done by Friday. I apologize for the delay.

From: Danny Varat
Sent: Monday, February 13, 2017 10:12 AM
To: Catherine McNicoll <CatherineMcNicoll@scstatehouse.gov>
Subject: Re: Judge Dangler Letter

Yeah, that's the way Earle's letter reads, but I thought that we just pick the nominating committee.

SECTION 2-15-10. Creation and membership of council.

There is created the Legislative **Audit Council** consisting of five members, one of whom must be a practicing certified public accountant or a licensed public accountant and one of whom must be an attorney. The council must be elected by the General Assembly in a joint session from the nominees presented by the nominating committee. The council also includes as ex officio members the following: the Chairmen of the Senate and House Judiciary Committees or a designee by either chairman from the membership of the respective committees and the Chairmen of the Senate Finance Committee and the House Ways and Means Committee or a designee by either chairman from the membership of the respective committees. The ex officio members, including their designees, are voting members on all matters except those pertaining to auditing functions and personnel matters. The council is directly responsible to the General Assembly and is independent of any other state agency, board, or department.

HISTORY: 1962 Code § 30-111; 1974 (58) 2608; 1975 (59) 178; 1990 Act No. 329, § 1; 1995 Act No. 8, § 1.

SECTION 2-15-20. Nominating committee.

The nominating committee must be composed of six members, three of whom must be appointed by the President of the South Carolina Senate and three of whom must be appointed by the Speaker of the South Carolina House of Representatives. The nominating committee shall present not more than three nominees for each vacancy. When a vacancy occurs, the director shall immediately notify those charged with appointing the nominating committee. If the General Assembly is in session at the time notice is given, a nominating committee must be appointed within fifteen days of the notification and the election must be held within forty-five days of the notification and no later than sine die adjournment of the General Assembly. If the General Assembly is not in session and a vacancy exists in the non ex officio members of the council, the Speaker and President of the Senate, acting jointly, shall fill the vacancy until an election can be held.

From: Catherine McNicoll
Sent: Monday, February 13, 2017 10:03 AM
To: Danny Varat
Subject: RE: Judge Dangler Letter

[We need to decide whether to reappoint Judge Dangler or pick a new appointee on June 30th.](#)

From: Danny Varat
Sent: Monday, February 13, 2017 9:18 AM
To: Catherine McNicoll <CatherineMcNicoll@scstatehouse.gov>
Subject: Fw: Judge Dangler Letter
What do we need to do here?

From: Earle Powell <epowell@lac.sc.gov>
Sent: Monday, February 13, 2017 9:07 AM
To: Danny Varat
Cc: Tom Young
Subject: Judge Dangler Letter

Danny:
Senator Young requested that I send you a copy of the letter that we sent to the Lieutenant Governor and the Speaker on February 2 regarding the reappointment of Judge John Dangler to the LAC. Attached is a copy of that letter.

If I can provide you with additional information, let me know. Also, congratulations on your new position!

Regards,
Earle

K. EARLE POWELL

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