

From: Taylor, Richele
To: Philpott, Katie <KatiePhilpott@gov.sc.gov>
CC: Schimsa, Rebecca <RebeccaSchimsa@gov.sc.gov>
Date: 10/24/2016 11:46:17 AM
Subject: RE: Charleston Constituent Board

Katie

We reviewed the below issue.

The Governor has no inherent power to suspend or remove public officials from office—she only has the power given to her by the Constitution or statutes of this state. See *State ex rel. Lyon v. Rhame*, 92 S.C. 455, 75 S.E. 881, 882 (1912). South Carolina

Statute 1-3-240 allows the Governor to remove county of State officers for various reasons. However, a school board member is not a “county” officer; a school board member is a public official and, more specifically, is considered to be an officer of a political subdivision. See *Attorney General’s Opinions*, March 30, 1983 and January 14, 2015. Generally, the Governor only has the constitutional power to suspend an officer of the state or *political subdivision* upon *indictment* for a crime of moral turpitude. See Article VI, Section 8 of the State Constitution.

However, a school board member can be removed under South Carolina statute 59-16-60, which provides: “School district trustees shall be subject to removal from office for cause by the county boards of education, upon notice and after being given an opportunity to be heard by the county board of education. Any such order of removal shall state the grounds thereof, the manner of notice and the hearing accorded the trustee, and any such trustee shall have the right to appeal to the court of common pleas, as provided in Section 59 19 560.”

Thus, the constituent should talk with his county board of education.

Richele

From: Philpott, Katie
Sent: Thursday, October 13, 2016 10:49 AM
To: Taylor, Richele
Cc: Schimsa, Rebecca
Subject: Charleston Constituent Board

Richele,

Todd Garrett, a member of the Charleston County School District Board of Trustees, informed our office of supposed misconduct by Tony Lewis, a member of the Charleston County Constituent Board for District 20 (elected position). He alleges that Mr. Lewis attempted to blackmail a school employee; he also has been given a No Trespassing Order by the School District Legal Counsel (pertinent emails are attached).

He has asked the Governor to consider removing him as a member of the Charleston County Constituent Board. I told him that it is my understanding that unless Mr. Lewis is indicted for a crime of moral turpitude, the Governor cannot remove an elected member, but that I would check with y’all to see what the options are.

Can you let me know when you have a chance?

Thanks,
Katie