

Comments Made at February 18, 2016 DDSN Commission Meeting - Deborah McPherson

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The former Executive Director of the Sumter DSN Board, who was arrested in 2008 for several counts of sexual assaults and kidnapping, finally went to trial in December 2015. Mr. Holder was found guilty and was only sentenced to three years because of a plea bargain. It was also agreed that he will not be listed on the sexual predator registry.

A lawsuit was settled this month for \$1 million dollars regarding the death of 21 year old Fantasia Franklin at Pee Dee Center. She died in December 2013 and her death was ruled a homicide. DDSN was dismissed from the suit at the state level and was not a party in the Federal Court case against the four former employees of the Pee Dee Center who were involved in the incident. A key legislator, who is an attorney, was hired by the State Insurance Reserve Fund to represent DDSN at the state level.

The same legislator/attorney in the Franklin case is also involved in representing a DSN Board in another death case that occurred in May 2014. Initially, it was reported to the family that the individual died from natural causes. However, a DHEC toxicology report did not substantiate that finding and the individual's death certificate indicates death by homicide. It does not appear that lawsuits have been filed and/or employees arrested. It was reported that the attorney representing the Board attempted to get the DHEC toxicology report changed. It appears that this case is being settled quietly.

The next four cases all involve incidents that occurred in SC Mentor homes, three of the four incidents resulted in deaths. Two of the three deaths occurred in the same Mentor home in Charleston. I have been told that there are more charges pending regarding workers in the Charleston Mentor home that will soon be made.

In 2014, two caregivers who worked in a Greenville Mentor home were arrested. One caregiver was arrested for beating, slapping, and pepper spraying the three individuals residing in the home. The other caregiver was arrested for not reporting the abuse.

A 25 year old individual served in a Greenville Mentor home was found dead a mile and a half away from the home where he had been struck several times by vehicles in 2012. It was found that the staff member had failed to conduct fifteen minute checks as required.

In December 2013, a 22 year old male died from a hit and run after escaping from

a Charleston Mentor home. This individual had lived at home with his parents until the death of his mother. The family indicated that the individual had wandered from this Mentor home four times during the 11 months he resided in the facility prior to his death. Staff failed to heighten its supervision accordingly. The staff member working that night had pre-signed the accountability log indicating that they had conducted fifteen minute checks. Even though it was determined by the solicitor's office with 100% certainty that the worker did not check on the individual as the plan dictated, the worker was not held criminally accountable for the individual's death. A civil lawsuit was settled in November 2014 for \$75,000.

The second death in that same Charleston Mentor home occurred in September 2015. The cause of death of this 23 year old male remains under investigation. What should be of concern is that this individual had been taken to a hospital less than four months prior to his death and a report of possible sexual abuse was filed by the medical staff. Three months prior to his being treated at the hospital, there had been an anonymous report of possible abuse of this individual and another resident. I am not aware any lawsuits have been filed yet regarding this case.

You, as Commissioners, approved contracting with SC Mentor to serve 176 individuals at a cost of over \$16 million dollars this fiscal year. SC Mentor is receiving on average \$91,000 per individual, which is at least \$27,000 more per person than other providers of community training home services. Why then are these repeated cases of beatings, sexual abuse, and lack of supervision leading to deaths occurring? Is DDSN looking at patterns when incidents keep getting reported at the same home? Are corrective measures being implemented to prevent future incidents? Lack of electronic monitoring in the Charleston Mentor home was a problem to law enforcement investigating these cases because the individuals were non-verbal and autistic. Perhaps this explains the LAC audit's recommendation regarding electronic monitoring.

I know from personal experience that you as Commissioners are not always kept informed of such matters and what information you do receive from DDSN staff may not be consistent with what you are told from other sources. The truth probably lies somewhere in between.

In looking more closely at some of these cases it appears that the pattern is to initially explain the deaths to the family as occurring from natural causes and/or blame the family for the reason the individual decided to elope. The cases are settled as quietly as possible, and if not, the taxpayers' tax dollars through the State Insurance Reserve Fund pay the settlements. If staff arrests are made, they are usually not prosecuted. As long as there is not a lot of publicity about these cases,

life goes on for DDSN and all is well. This pattern is very upsetting to me as a parent and it shows how little we truly value the lives of people with disabilities in South Carolina.

I would like to ask you as Commissioner to look more closely into these cases to see what can be done differently to prevent more cases like these from happening. Technology is available to lessen the need for staffing as you are testing with the Cloud project. Technology is also available to keep individuals safer from abuse and neglect, as well as assist in the prosecution of the abusers. Finally, don't necessarily accept what you are told by staff as being the full story. Be open to information, do your homework before Commission meetings, and ask questions. The State Director is your employee, not the other way around.

Thank you.

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304 Valley Springs Road
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March 8, 2016

The Honorable Nikki R. Haley
Office of the Governor
1205 Pendleton Street
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Confidential

Governor Haley:

I served on the SC Department of Disabilities and Special Needs (DDSN) Commission for five years, from May 2009 – May 2014. I am the parent of a 31 year old daughter with severe disabilities, who still lives at home, and is served by DHHS.

I am writing you regarding the **abuse, neglect, and deaths** that are occurring to individuals being served by DDSN, as well as the how **funding appropriated by the Legislature to address the growing waiting list is not being spent as appropriated**. A summary of my concerns are enclosed and marked confidential. I have also enclosed published articles regarding the deaths and abuse that support my claims.

The State Director has not kept her Commissioners informed of these critical incidents and in some cases; she has actually withheld the truth. DDSN employees are accountable to the State Director, not the Commission. The only DDSN employee accountable to the Commission is the State Director. It takes a majority of the seven DDSN Commission members in agreement for any action to be taken to hold the State Director accountable. **I am asking you to meet with the DDSN Commissioners without the State Director present, and seek their assistance in holding the DDSN State Director accountable. If the DDSN State Director is not able to address these problems, then she should be asked by the DDSN Commission to resign from her position.**

SLED was so concern about the abuse and deaths in the Charleston Mentor homes that they held a meeting with the DDSN State Director on February 12, 2016. Because she never shared with her Commissioners anything about this meeting and SLED's concerns, I signed up for the five minute public comment session and spoke at the February 18, 2016 Commission meeting about this topic. My comments made at this meeting are enclosed. Following this DDSN Commission meeting, a staff member in one of the Charleston Mentor homes, Georgette Williams, was arrested on March 3rd for two counts of abuse of the consumers living in the home.

I have been told that this same staff member is being investigated for possible involvement in the September 2015 death of Charles William Noland. There had been prior reports of abuse of Mr. Noland in February 2015. The medical staff at the local hospital also reported suspected sexual abuse in May 2015 when Mr. Noland was taken there for medical treatment. I have been told that Mr. Noland choked to death on a peanut butter cracker that was not in accordance with the special diet he was prescribed while in the hospital.

Forrest Carlton died in December 2013 after eloping from the Charleston Mentor home and being hit by a drunk driver in the early hours of the morning. Forrest Carlton was supposed to

have been on 15 minute checks. Prior to being placed at the Mentor home, he had lived at home with his family. There had been no history of elopement while living at home. However, Forrest had eloped four times from the Mentor home prior to his death. Forrest was placed in the Mentor home after his mother died with cancer and his father had to return to work at The Citadel. Forrest had been living at the Mentor home less than a year when he died. As Commissioners, we were sent an email by the State Director that stated the following:

"Reportedly, father is not looking to cast blame at Mentor (apparently he is feeling guilty as Forrest was scheduled for a home visit this weekend which was cancelled which is thought to have triggered the elopement). Forrest does not have a previous history of elopement." Note she indicated that there had been no history of elopement and she tries to cast blame on the father. This case was settled for \$75,000.

Another death case was settled recently for \$1 million. This death occurred at Pee Dee Center and involved four state employees. These employees knowingly placed a Posey jacket backwards on the individual, and placed her face down on the floor before sitting on her. This 21 year old woman died from compression asphyxiation.

This is not the first time that I have found or been told disturbing information about SC DDSN and the State Director's efforts to cover-up situations. When I served on the DDSN Commission, I often received information from various sources about problems and deaths that the State Director never shared with us as Commissioners.

Two days before I was to attend my last DDSN Commission meeting in May 2014, I was told by an Executive Director of the Aiken Disabilities and Special Needs Board about the problem in how HUD subsidies were not being credited to consumers according to HUD regulations. He indicated that he had reported the problem to DDSN the month before but nothing was being done. He made this discovery when he was transferring a consumer from a HUD home owned by the Aiken DSN Board to a HUD home owned by the Greenville County DSN Board.

This Aiken County DSN Board Executive Director said he came to me because he felt I was the only Commissioner who would listen and try to get the problem addressed. I explained to him that my term was ending, but I would do what I could about the situation. I immediately called the DDSN Commission Chairperson and reported what I had been told. I waited patiently for the DDSN State Director to address the problem. Finally, in August 2014 when the DDSN Internal Auditors were threatening to resign because the State Director was not proposing to provide restitution to the consumers who had been overcharged room and board, I spoke at the Commission meeting during the five minute public comment session about the issue. I did this because the State Director had not informed the other Commissioners about the problem and she had not publicly announced there was a problem that needed to be addressed.

Prior to my making public comments, I called the HUD Regional Office, the HUD Columbia Office, the State Attorney General's Office, and the State Inspector General's Office. The State Inspector General's Office was the only entity that agreed to audit the situation. DDSN subsequently contracted with Burkett, Burkett, and Burkett to do a two year audit. The State Inspector General's Office provided oversight of the audit that took nearly a year to conduct. The audit found that consumers had been overcharged \$1.86 million. It should be noted that the audit

was only for two years, even though it was acknowledged that the problem had been going on for a lot longer.

DDSN Central Office personnel provided training to the HUD providers that resulted in the subsidies being credited in aggregate rather than individually, which was not in accordance with HUD regulations. The State Director and her staff never disclosed this information to the State Inspector General or her Commissioners until a provider presented the evidence of the training to the State Inspector General after his audit report had been completed and made public. One provider, the Greenville Disabilities and Special Needs Board, deposited the money in its General Fund and thus gave no credit for room and board to the consumers. It was also discovered that they had been double billing the consumers. At the September 2015 DDSN Commission meeting after the State Inspector General's audit had been made public, it was announced that they found there were two additional HUD providers that were not included in the audit and that CHESCO, that had been applying the HUD subsidies individually, had other accounting errors that totaled over \$200,000 for the period audited.

I, and two other former Commissioners of the SC Department of Disabilities and Special Needs, provided testimony last fall at a Senate Medical Affairs Subcommittee regarding the need for DDSN to be restructured as a cabinet agency. A copy of our testimonies is enclosed. The current structure provides limited oversight and control in the operations of a major state agency charged with the responsibility of providing services to our state's most vulnerable citizens. Unfortunately, the State Director and her staff have spent an enormous amount of time working to prevent restructuring of the agency to make it more accountable to you, the Legislature, and the general public.

The business of the SC Department of Disabilities and Special Needs Commission is to be conducted at its public meetings. Past and current DDSN Commissioners, as well as staff of the Legislative Audit Council, have voiced their concern that DDSN Commission meetings appear to be for staff show and tell. Real systemic policy issues are seldom brought to the Commission for action because they are deemed not in the scope of the Commission's responsibilities, according to the Commission's policy to follow Carver Governance. Information is often slanted to make the Department look good and/or withheld from Commission members, Legislators, and the general public. Commission meetings are not even recorded by DDSN administration for fear they will be subpoenaed. The minutes of Commission meetings are summarized for that reason as well.

The current DDSN Chairperson, Bill Danielson, was initially elected as DDSN Commission Chairperson without a nominating committee being appointed as had always been done by the DDSN Commission in the past. The ballots were not even counted in accordance with the DDSN Commission Bylaws. Prior to his appointment on the DDSN Commission, Mr. Danielson had served as the Treasurer and Chairman of the Finance Committee for the Babcock Center when Babcock Center withheld FICA taxes from employee salaries for 46 weeks yet did not forward these taxes to the Federal government. Court testimony documents that Mr. Danielson, who personally operates a company that does payroll for other businesses, knew these taxes were not being paid by Babcock according to Federal law.

Mr. Danielson has chastised Commissioners Thompson and Ravenel for asking too many questions. This is the same pattern of behavior that occurred when I served on the Commission, as well as the Commission that was in place when Governor Sanford removed four Commission members following the 2008 LAC audit.

Because of Commissioner Thompson's questions it is now public that DDSN spent only \$4 million of the \$13 million it was appropriated by the Legislature to address the waiting list two fiscal years ago. Only about half of the money appropriated this past fiscal year was spent on addressing the waiting list. It now appears that the State Director has made administrative changes that have resulted in it taking more time (roughly six months) rather than less time to enroll people on the waiting list into the waiver. When appropriated by the General Assembly, DDSN receives the state matching waiver funds on July 1st. If it takes nearly six months to enroll individuals into the waiver, then the agency has that money to spend elsewhere. What is happening to that money during the time DDSN delays enrollment?

In addition, the State Director and her staff have fought direct Medicaid waiver billing by providers as required by Federal Medicaid law. She continues to blame DHHS for the delays. Direct Medicaid billing would result in more dollars being available at the local level for improvement of services. It is time for this practice to end. Commissioners Ravenel and Thompson have continued to ask questions about this issue, but Mr. Danielson and the State Director seem to continue to put up roadblocks.

At the February 18, 2016 Commission meeting, the Commission went into Executive Session to discuss the most recent evaluation of the State Director. It is my understanding that the State Director was upset that she received a 2% salary increase instead of a 6% salary increase. Mr. Danielson had initially sent a letter of recommendation to the Agency Salary Head Commission indicating that the DDSN State Director had received an exceeds job performance rating, even though only three of the four Commissioners had given her that rating. When questioned about it, Mr. Danielson said he felt that the "experienced Commissioners" had given the State Director an exceeds rating and the "inexperienced Commissioners" had given her a meets and in one case, a not meets. The State Director would have received an exceeds job performance rating and a 6% salary increase if Mr. Danielson's actions had not been questioned by Commissioner Thompson. Perhaps if the State Director focused more of her energy on the problems I have outlined and less time on whether she received a 2% versus a 6% salary increase, services for people with disabilities in this state would be improved and further cases of abuse, neglect, and deaths could be reduced and/or prevented.

I am thankful that Commissioners Ravenel and Thompson are trying to ask questions and hold the State Director accountable. Unfortunately, if they don't have the support of fellow Commissioners, all they can do is make information public and ask questions. For this reason, I am asking you to hold a meeting with all Commissioners without the State Director present to discuss these concerns. The lives of all South Carolinians matter

You may contact me at 803-788-6722, should you have information.

Sincerely,



Deborah C McPherson
304 Valley Springs Road
Columbia, SC 29223

P.S. My husband, Doug, served in the SC National Guard with your husband. My husband retired in January 2011 with 31+ years of military service.

Summary of Ongoing Concerns with DDSN

– Deborah McPherson

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Summary of Ongoing Concerns

Executive Director of Sumter DSN Board Arrested for First and Third Degree Criminal Sexual Conduct and Kidnapping

Several months ago when I doing some research I went on the SC Department of Justice website. I discovered that two former employees of the Sumter County Disabilities and Special Needs Board have never gone to trial, even though they were both arrested in March 2008.

Sherrill K Holder, former Executive Director of the Sumter DSN Board, was arrested in 2008 in Sumter and Clarendon counties for first and third degree criminal sexual conduct and kidnapping. After his arrest, he worked at a T shirt store on Main Street in Sumter, which was owned by Leigh Ann Graham, who is still working as the Director of Nursing for the Sumter County Disabilities and Special Needs. He also worked as a tax preparer.

Gwendolyn E Gardner, Finance Director of the Sumter DSN Board, was also arrested in March 2008 for breach of trust with fraudulent intent of \$5000 or more. According to a newspaper article, this finance director appropriated \$75,000 for personal use. She works as a tax preparer for Waring & Associates in Florence, SC.

Two years prior to Mr. Holder's arrest, a 15 year employee with exceptional job performance ratings was fired by Mr. Holder for trying to do what was right. Bernice Montgomery was the Adult Day Program Director for the Sumter County Disabilities and Special Needs Board. She provided testimony at the September 16, 2015 Senate Medical Affairs Subcommittee about her and two other employees' wrongful termination.

According to her testimony, she was asked to do an assignment regarding sexual predators for a class she was taking. To her surprise, she discovered that an employee hired by Mr. Holder to work at the Sumter County Disabilities Board was on the national sexual predator list. She immediately went to Mr. Holder and told him he needed to fire the employee, Mr. Kelvin Jerome Wright. Mr. Holder said he knew about Mr. Wright's past, but was not going to fire him because he was wrongly charged. The next day Mr. Holder reported to Ms. Montgomery that a client of the day program had been sexually assaulted by Mr. Wright. Ms. Montgomery told Mr. Holder that the sexual assault would not have happened had he fired him as she had asked him to do. Mr. Holder and the Director of Nursing (the same individual that Mr. Holder worked with after his arrest that owns the T

shirt company in Sumter, SC) said they would conduct the investigation.

Mr. Holder, according to court records, told the client that he would buy her a “whole cheesecake” if she would remain quiet. No charges were ever filed against Mr. Wright. I later found on the SC Department of Justice website that there were other charges against Mr. Wright besides his being a registered sexual predator when he was hired by Mr. Holder. These charges included forgery, armed robbery with a deadly weapon, breach of trust with fraudulent intent of \$5,000 or more, shoplifting, and fugitive from justice. Mr. Wright is currently listed on the national sexual predator list as now living in Bonaire, Georgia. However, he has never been charged with the assault that happened to the client in the Sumter County DSN Adult Day program. In addition, there are questions as to whether there were other sexual assaults after Ms. Montgomery was fired.

Ms. Montgomery went to the Sumter County Disabilities and Special Needs Board of Directors in hopes that they would intervene, but they did nothing. She then called SC Department of Disabilities and Special Needs (DDSN) Central Office and spoke with Lois Park Mole, Director of Governmental Relations, for over a week. Ms. Mole told her to call her, but not to text or email her about the situation. She told Ms. Montgomery she had her back. Mr. David Goodell, a DDSN Central Office Deputy, went to Sumter and met with Mr. Holder. Ms. Montgomery has testified that Mr. Goodell advised Mr. Holder to fire her and two other employees so they could not file a discrimination suit. Ms. Montgomery and two other employees were subsequently fired in 2006.

I was recently forwarded an email dated August 2009 that shows that this situation at the Sumter County DSN Board was reported to Scott English, Chief of Staff for Governor Sanford, and copied to the current Chief of Staff for Governor Haley. According to this email, Mary Katherine Bagnal, a former DDSN Commissioner, was stopped by the DDSN State Director, Stan Butkus, and the DDSN Commission Chairperson, Bobby Harrell, from discussing this matter publicly, as well as a related matter regarding the investigation of the Executive Director of the Clarendon County DSN Board, David Baker. Mr. Holder worked first as an Assistant Director for the Clarendon County DSN Board before being hired as the Executive Director of the Sumter County DSN Board. It appears that Mr. Holder was sexually assaulting individuals served by the Clarendon County DSN Board before being hired by the Sumter County DSN Board as its Executive Director.

Ms. Bagnal has testified that she received a threatening phone call regarding her children if she did not stop asking questions while she served on the DDSN Commission. Ms. Bagnal out of fear hired security for her children. Ms. Bagnal

and Mr. Steve Jeffcoat, former head of DDSN Internal Audit, assisted former Representative Jim Harrison and former DHHS Director Robbie Kerr in the development of the questions used to conduct the 2008 SC LAC audit of the SC Department of Disabilities and Special Needs. Dr. Stan Butkus, the DDSN State Director at the time of the 2008 LAC audit, later resigned. Dr. Butkus is now head of SC Mentor where there have been several consumer deaths recently. Those deaths will be discussed later.

Mr. Steve Jeffcoat was later threatened with a lawsuit by DDSN. He is fearful to talk about the situations at the Clarendon and Sumter County DSN Boards. He did tell me recently that he and another DDSN Internal Auditor met with SLED agents without Dr. Butkus' knowledge regarding the situation at the Clarendon County DSN Board. The SLED agents came to DDSN and met with Dr. Butkus and requested the assistance of Mr. Jeffcoat and the other DDSN internal auditor. Mr. Jeffcoat indicated they found a warehouse where surplus state supplies and equipment were stored at the Clarendon County DSN Board. It was also alleged that Mr. Baker was using the DSN Board employees to build and maintain his deer stands.

The email I received that was sent to Scott English in August 2009 revealed the following information: "the Chairman of the Clarendon County DSN Board at the time Baker was placed on administrative leave was a drug court judge, Bobbie Reaves. How can a judge served on a DSN Board? The grand jury did not indict Baker because his board members testified for him. What I have since learned is that not only was there serious financial abuse in Clarendon, but a senior official was reportedly having an illicit sexual relationship with a male consumer who has mental retardation. DDSN's response to these reports was not to protect this victim, but to send Jim Christian to Clarendon to cover their bases, to keep things quiet....because the sexual abuse of this consumer was not publically reported, law enforcement reports show that the abuse continued when the former assistant director of the Clarendon County DSN Board was promoted to become the director of the Sumter County DSN Board. DDSN made sure that the director of the Clarendon DSN Board was put on administrative leave WITH PAY during the investigations. (Mary Katherine was criticized harshly when she questioned why he was placed on leave with pay, when other employees are not paid while the investigation is going on.) I've heard that he went to work for the Georgetown DSN Board when his side kick moved to Sumter... What I've heard is that the grand jury didn't indict the former director of the Clarendon County DSN Board after his board members in Clarendon came to his defense. ...Too bad for consumers and taxpayers that the Commission kept the lid on Mary Katherine in

2007 and made sure that Commissioners didn't allow Mary Katherine to interfere with "operational" matters. Too bad for, who was found on January 28, 2008 in Manning to have "bruises, scrapes and carpet burns" on his body. Too bad for the victim of the sexual assaults in Sumter. Too bad for those employees of the Sumter County DSN Board who lost their jobs trying to protect consumers from sexual assault by reporting the abuse to the DSN Board there. Maybe if the extent of the abuse was publically disclosed in early 2007 when Mary Katherine asked Bobby (Harrell, Chairperson of the DDSN Commission) to act, those atrocities could have been avoided."

In doing research on this matter, I discovered that the tax exempt status of the Sumter County Disabilities and Special Needs Board was automatically revoked in November 2014 for not submitting IRS Form 990s for three years. IRS confirmed to me that its tax exempt status is still revoked. The last IRS Form 990s on record I could find were for 2005, 2006, and 2007.

The 2005 IRS Form 990 was prepared and signed by Mr. Holder. It showed total assets of \$427,531. The 2006 and 2007 IRS Form 990s were signed by the Interim Director, Deborah Smith, in 2008. The 2006 IRS Form 990 showed total assets of \$3,549,793 and the 2007 IRS Form 990 showed assets of \$4,587,172. During this time, Sumter DSN Board received a \$10 million dollar federal contract to do landscaping for Shaw Air Force Base. The 2006 IRS Form 990 shows a federal grant of \$10,049,661. I have been told the Sumter County DSN Board obtained the federal contract, and then lost it. Did they receive federal funding for work that was never performed?

Finally, I found a listing on Dun and Bradstreet website that shows a residential mental health home under the listing Ward Disability (incorporated), 11 E Charlotte Avenue, Sumter, SC. It shows it was founded in 2001 with two employees, annual revenue of \$110,000, under Mr. Holder's name. When I checked the SC Secretary of State's website I did not find Ward Disability as being incorporated. I was told by the Sumter County DSN Board that the address given is for a vacant lot. Perhaps there is a good explanation for this, but it seems to raise questions especially given what I now know was going on at the Sumter County DSN Board when Mr. Holder was the Executive Director.

Ms. Montgomery testified that while she was the Director of the Sumter County DSN Board Adult Day Program she reported to Mr. Holder that it did not appear that the revenue generated from the adult day program was being credited by Ms. Gardner, the Finance Director. Mr. Holder acknowledged that this was happening,

but he did nothing to take action against Ms. Gardner.

I sent this information to SC Attorney General, Alan Wilson, and requested his office's assistance in making sure that these two individuals be prosecuted. I received a response that his office did not direct or manage solicitors with regard to cases pending on their dockets, but they did forward my information to the local solicitor, Ernest Finney.

Mr. Holder finally went to trial in December 2015. Mr. Holder was found guilty and was only sentenced to three years because of a plea bargain. It was also agreed that he will not be listed on the sexual predator registry. It should be noted that Victim Assistance and his victims were not informed of Mr. Holder's trial. Charges against Ms. Gardner are still pending.

Largest Provider in State goes 46 weeks without Paying FICA Taxes

In 2013, it came out that DDSN's largest provider, Babcock Center, went 46 weeks without paying fica taxes. As a Commissioner, I was never told about this by the State Director. Babcock was collecting the employee share from employees' checks, but not paying those funds or the employers' share to IRS. The SC Department of Disabilities and Special Needs bailed them out by "forgiving debt" (with money allocated to provide services), then Babcock Center sued the IRS to get the interest and penalties they paid back. A jury found that they willfully failed to pay fica taxes and Babcock appealed to 4th Circuit, where case was settled by DOJ.

Another Large Provider (Anderson DSN Board) Had Debit Cards Stolen From Clients, Complaints About Agency Made to State Office of Inspector General

The Anderson DSN Board serves between 500 to 600 people with intellectual disabilities, head and spinal injuries and autism. Debit cards were compromised belonging to clients at the Anderson County Disabilities and Special Needs Board between October and November 2014. The cards were used by multiple persons around Anderson, Greenville and smaller towns. The fraud resulted in financial loss for disabled victims who rely on their accounts as their only source of income. The theft affected around 25 people, who collectively had almost \$27,000 stolen from their accounts.

Complaints about the agency were initially filed with the State Office of Inspector General. DDSN Internal Audit completed an internal audit in June 2015 that revealed financial mismanagement at the county agency, improper billing of clients, a failure to properly report thefts and hospitalizations and a host of other problems. (see attached audit report).

Auditors found that the county agency had laid off five workers in the last two

years to reduce costs, but would pay at least \$30,000 for a GPS that allows employees to be tracked and monitored. Staff members reported they were routinely short on basic business supplies, and auditors found that to be true during their visit when the agency's main copier was without toner for three days.

Auditors found that four iPads had been purchased for executives to use, but no money was allocated for a surveillance camera that should have been mounted outside the agency's main building

Auditors found that the agency's human resources manager has no previous experience working with clients and does not meet the educational requirements established for her position. According to the audit, the executive director acknowledged that the person did not have a college degree, but said the requirement was waived because of the person's prior experience. "No waiver of educational requirement was found in the individual's personnel file," the audit states. The human resources manager was recommended by a person who became a member of the agency's board of directors and head of its personnel committee, according to the audit. "Given that this committee could be reviewing the actions of the H.R. manager, (that) allows for the appearance that impartiality may be impaired through a potential conflict of interest," the audit states.

Auditors also found that the county agency had not updated its personnel policies and procedures since 2004. The agency had not done required annual performance reviews on any current employees whose files were pulled during a random sampling.

Auditors found that each employee of the agency was paid a \$54.15 bonus sometime between Nov. 16 and Dec. 19 of last year, with the bonuses totaling \$9,855. The bonuses were given despite correspondence between the state and the county agency telling its management that "a special, one-time Christmas/holiday payment" is considered a bonus and is not allowed.

Death at Pee Dee Center (State ICF) - Fantasia Franklin (2013)

A lawsuit was settled this month for \$1 million dollars regarding the death of 21 year old Fantasia Franklin at Pee Dee Center, which is a state ICF in Florence, SC. She died in December 2013 of compressional asphyxia and her death was ruled a homicide. It was alleged that Miss Franklin, who was autistic, was placed in a posey jacket and sat on by staff. I have been told that the Pee Dee Center staff knowingly placed the jacket on Miss Franklin backwards, placed her face on the floor, and then sat on her.

DDSN was dismissed from the suit at the state level and was not a party in the Federal Court case against the four former employees of the Pee Dee Center who were involved in the incident. A key legislator, who is an attorney and Chairman of the House Ways and Means Committee, was hired by the State Insurance Reserve Fund to represent DDSN at the state level. This same legislator has been

involved in another death case. It's hard for me to understand how DDSN was dismissed at the state level given it is a state facility. The four individuals involved in the incident were state employees. A prior SC Supreme Court case (Madison versus Babcock Center) ruled that DDSN has a duty of care.

Charges of Abuse at Whitten Center (State ICF) in December 2013 and April 2014

In December 2013, SLED arrested a caregiver that worked at Whitten Center for abuse of a vulnerable adult by kicking him. The incident occurred July 8th at Whitten Center. In April 2014, SLED arrested a caregiver that worked at Whitten Center for punching a victim in the chest and throwing the victim to the floor. This incident occurred on September 9, 2013.

Death in group home operated by local DSN board, CHESCO - Michael Farrow (2014)

On May 2014, I alerted a fellow Commissioner that I had received a telephone call from an advocate regarding a suspicious death. I was told that the individual, who lived in a group home operated by CHESCO in Chesterfield County, had been burned from his scrotum to his knees. After I got off the phone, I did some research and found the individual's mother's obituary that listed his name. Given the individual's mother's maiden name I thought perhaps this individual was related to a DDSN Commissioner. I contacted the fellow Commissioner and learned that the individual, Michael Asby Farrow, was her deceased husband's cousin. When the fellow Commissioner contacted the State Director she was first told she did not know anything about the death. The Commissioner was later told by the State Director that her relative's death was from natural causes. At the time of death, Commissioners did not receive any information from the State Director. Later after I was off the DDSN Commission, I learned that the former DDSN Commissioner Mary Katherine Bagnal had been this individual's guardian and had insisted that an autopsy be performed. I also learned that the case was turned over to SLED for possible homicide charges. I was told that DHEC toxicology determined the individual died from a drug overdose and trauma. The legislator/attorney that represented DDSN in the Franklin case was hired by the State Insurance Reserve Fund to represent CHESCO. I was later told the death certificate indicates death by homicide.

It has been almost two years since this death occurred and no arrests and/or charges have been made. This is not the first time that a family has been told an individual died of natural causes only to find out later that was not the case (Billy Cothran death that appeared on the front page of the Wall Street Journal). I don't believe this individual's death would have been investigated if it had not been for the efforts of Ms. Bagnal and the individual's brother, David Farrow. It would have just been considered death by natural causes. It does not appear that lawsuits have been filed and/or employees arrested. It was reported by a DHEC employee

that the legislator/attorney representing the Board attempted to get the individual's toxicology report changed. It appears that this case is being settled quietly.

Death in group home in Fountain Inn, Greenville, SC - Melinda Redfield (2010)

I learned additional information after getting off the Commission regarding another death that appears suspicious and not as reported. This death occurred in May 2010 in Fountain Inn, SC to a 32 year old individual that resided at the group home at 105 Fairview Road, Fountain Inn. Melinda Redfield had moved into the group home about a year after her mother suffered a stroke. Ms. Redfield was found dead in a church attic at Fairview Street Baptist Church, 601 Fairview Road. The family was told she wandered away from the group home. The autopsy showed no signs of foul play and the death was ruled accidental. However, I was told by a staff member who had worked with Ms Redfield, that there was no way the individual could have walked to the church and gone up steps to the church attic without assistance. It appears this case was settled quietly.

Death in group home in Greenville, SC - Heather Dawn Worchester Lemon (2012)

Heather Dawn Worchester Lemon, 36 years old, a resident of a group home operated by the Greenville County DSN Board, died February 11, 2012 after she had six teeth removed. She died from cardiac arrest and septic cardiogenic shock 24 hours after the extraction. The Greenville County DSN board was cited for violating the standard of care in her death because critical information regarding her condition and the fact that she was under the care of a cardiologist and an oncologist were never shared by staff with the dentist. There had been prior reports of abuse (employee stomped on a client's foot) and arrests at the Civitan Community Residence to SLED.

Woman Left Unsupervised for 20 hours in home in Spartanburg, SC (2012)

A 39 year old woman was left for 20 hours to lie in her own feces over the Easter weekend. EMS had to break through a window at the residence to get to the woman and found her covered in feces and urine. Two caregivers were charged with abuse of a vulnerable adult. The caregiver had moved the woman's wheelchair away from the bed. The woman had to crawl on the floor to reach her wheelchair and became stuck. The second caregiver ignored the woman's calls for help. The woman spent 20 hours on the floor without being checked on. She is supposed to be checked every three hours.

Abuse and Three Deaths in SC Mentor homes - Jamie Rosemond (2012), Forrest Carlton (2013), Charles William Noland (2015)

The next four cases all involve incidents that occurred in SC Mentor homes, three of the four incidents resulted in deaths. Two of the three deaths occurred in the

same Mentor home in Charleston. I have been told that there are more charges pending regarding workers in that same Charleston Mentor home that will soon be made.

In 2014, two caregivers who worked in a Mentor home in Greenville at 155 Bonnie Woods Drive were arrested. The abuse occurred between March 2014 and May 2014. One caregiver was arrested for beating, slapping, and pepper spraying the three individuals residing in the home. The other caregiver was arrested for not reporting the abuse.

In December 2012, **Jamie Rosemond**, who was 25 years old and being served in a Mentor group home Mauldin, SC was found dead a mile and a half away from the home where he had been struck several times by vehicles. It was found that the staff member had failed to conduct fifteen minute checks as required. The toxicology report showed no meds present in the individual. The family believes that the individual eloped because he never received his medication.

In the second death, a 22 year old male died from a hit and run after escaping from a SC Mentor home in Charleston in December 2013. **Forrest Carlton** had lived at home with his parents until the death of his mother. His escape from the Mentor home in December was not the first time he had escaped. The family indicated that the individual had wandered from the Mentor home four times during the 11 months he resided in the facility prior to his death. Staff failed to heighten its supervision accordingly. It was also found that the staff member working that night had pre-signed the accountability log indicating that they had conducted fifteen minute checks from 7 pm to 6 am. The individual died at 3 am. Even though it was determined by the solicitor's office with 100% certainty that the worker did not check on the individual as the plan dictated, the worker was not held criminally accountable for the individual's death. A civil lawsuit filed by the family regarding this case was settled in November 2014 for \$75,000.

The second death in that same home occurred in September 2015. The cause of death of this 23 year old male, **Charles William Noland**, remains under investigation. I was recently was told that he choked to death on a peanut butter cracker after having been discharged from an area hospital for being treated with pneumonia. While at the hospital, he was on a pureed diet because of a history of aspiration. His diet was chaged to a regular diet by the Mentor staff.

What should be of concern is that this individual had been taken to a hospital less than four months prior to his death and a report of possible sexual abuse was filed by the medical staff. Three months prior to his being treated at the hospital for possible sexual abuse, there had been an anonymous report of possible abuse of this individual and another resident. I am not aware any lawsuits have been filed yet regarding this case. A Mentor staff member, Georgette Williams, was arrested on March 3rd for abuse of individuals in this home. I have been told that she is being investigated further for involvement in the death of Charles Noland.

The DDSN Commission approved contracting with SC Mentor to serve 176 individuals at a cost of over \$16 million dollars this fiscal year. SC Mentor is receiving on average \$91,000 per individual, which is on average at least \$27,000 more per person than other providers of community training home services. The Executive Director of SC Mentor is the former DDSN Director, Dr. Stan Butkus. Why are these cases of beatings, sexual abuse, and lack of supervision leading to deaths occurring? Is DDSN looking at patterns when incidents keep getting reported at the same home? Are corrective measures being implemented to prevent future incidents? Lack of electronic monitoring in these homes with non-verbal individuals where there have been continuing reports of alleged abuse is a problem to law enforcement officers investigating these cases.

Client on Client Aggression Increases 25%

At a DDSN Commission meeting held on February 18, 2016 it was reported that client on client aggression was up 25%. The State Director said that further study of the numbers showed that it really wasn't that much of an increase in cases because 10 of the 22 cases were incidents of aggressions by one individual in a four month period. Thank goodness one of the current Commissioners asked why they had allowed 10 people to get hurt in a four month period by the same individual.

In looking more closely at some of these cases it appears that the pattern is to initially explain deaths to the family as occurring from natural causes and/or blame the family for the reason the individual decided to elope, settle the cases as quietly as possible, and if not, have the taxpayers' tax dollars through the State Insurance Reserve Fund pay the settlements. If staff arrests are made, they are usually not prosecuted or in the case of Holder, it took nearly 8 years and the details being made public. As long as there is not a lot of publicity about these cases, life goes on for DDSN and all is well. This pattern is very upsetting to me as a parent and it shows how little we truly value the lives of people with disabilities in South Carolina.

Overcharging Consumers in HUD homes Room and Board

This is not the first time that I have found or been told disturbing information about SC DDSN and its efforts to cover-up situations. Two days before I was to attend my last DDSN Commission meeting in May 2014, I was told by an Executive Director of the Aiken Disabilities and Special Needs Board about the problem in how HUD subsidies were not being credited to consumers according to HUD regulations. He indicated that he had reported the problem to DDSN the month before but nothing was being done. He made this discovery when he was transferring a consumer from a HUD home owned by the Aiken DSN Board to a HUD home owned by the Greenville County DSN Board.

This Aiken County DSN Board Executive Director said he came to me because he

felt I was the only Commissioner who would listen and try to get the problem addressed. I explained to him that my term was ending, but I would do what I could about the situation. I immediately called the DDSN Commission Chairperson and reported what I had been told. I waited patiently for the DDSN State Director to address the problem. Finally, in August 2014 when the DDSN Internal Auditors were threatening to resign because the State Director was not proposing to provide restitution to the consumers who had been overcharged room and board, I spoke at the Commission meeting during the public comment session about the issue. I did this because the State Director had not informed the other Commissioners about the problem and she had not publicly announced there was a problem that needed to be addressed. Following my announcement, the Aiken County DSN Executive Director and I were threatened by the CHESCO Executive Director for reporting the problem.

State OIG Office Finds Consumers Overcharged in Excess of \$1.86 Million for Two Year Period Audited

Prior to my making public comments, I called the HUD Regional Office, the HUD Columbia Office, the State Attorney General's Office, and the State Inspector General's Office. The State Inspector General's Office was the only entity that agreed to audit the situation. DDSN subsequently contracted with Burkett, Burkett, Burkett to do a two year audit. The State Inspector General's Office provided oversight of the audit that took nearly a year to conduct. The audit found that consumers had been overcharged \$1.86 million.

Later it was discovered after the State Inspector General's report was made public that DDSN Central Office personnel provided training to the HUD providers that resulted in the subsidies being credited in aggregate rather than individually, which was not in accordance with HUD regulations. One provider, the Greenville Disabilities and Special Needs Board, deposited the money in its General Fund and it was discovered that they had been double billing the consumers. At the September 2015 DDSN Commission meeting, it was announced that they found there were two additional HUD providers that were not included in the audit and that CHESCO that had been applying the HUD subsidies individually had other accounting errors that totaled over \$200,000 for the period audited.

Federal OIG audits Regarding Room and Board - \$4.8 Million (2012 audit), \$1.6 Million (2015 audit), \$7.9 overpayment settlement not reduced (2015 audit)

The problem in accounting for room and board was noted in the 2008 and 2014

SC Legislative Audit Council (LAC) audits, as well as the 2012 and 2015 Federal OIG audits. The DDSN State Director told the DDSN Commission and posted a letter on the DDSN website that since the Federal OIG had not made any findings there was no report. I later found an audit report on the Federal OIG website that the 2012 Federal OIG audit found that DDSN claimed unallowable room-and-board costs of \$4.8 million. A 2015 follow-up audit found that \$1.6 million of unallowable room and board costs had been claimed, as well as \$7.9 million had not been reduced of an overpayment settlement. Both of these Federal OIG audits cited that adequate controls were not in place. The DDSN's response to these Federal OIG findings claimed the overcharges were due to accounting errors.

The 2014 SC Legislative Audit Council (LAC) audit was completed before this discovery was made regarding the HUD subsidy funds. One of the recommendations from the 2008 SC LAC report that addressed this issue was only partially implemented by DDSN. The 2008 LAC report recommended that "DDSN should require each board and provider to have its room and board calculations approved annually by the agency." DDSN established such a policy, but then "subsequently revised and deleted this provision." The current policy requires that DDSN approve a provider initially, but not annually. DDSN is required to review it again only if changes have been made.

The SC Office of Inspector General recently released a follow-up memo to its report stating "This HAP audit highlighted financial management weakness contributing to the HAP issue, as well other issues, requiring DDSN to enhance its leadership posture to provide clearer guidance, heightened oversight, and audit of providers' annual room and board requests. Accurate annual room and boards are the cornerstone to protect consumers and avoid future costly audits, operational disruptions, and unexpected significant liabilities by discovering errors in the future that may have been ongoing for many years."

HUD Subsidy Problem Likely Goes Back Beyond the Two Year Period Audited

The problem in how HUD subsidies were credited may go back as much as ten years. I called the State Attorney General's office to ask what the statute of limitations would be in this case. However, the staff member I spoke with in that office said he would refer my question to another attorney and I have never been contacted back.

The DDSN State Director initially said that HUD thought their payback period was five years, but they were not sure of their policy. DDSN arbitrarily chose to

only conduct a two year audit, which definitely did not include all the individuals negatively impacted. In addition, DDSN is proposing to provide restitution payments over a three year period with no interest and only to the individuals included in the audit. Who is going to provide oversight to make sure that these payments are actually made to these individuals? In addition, who is going to assist those other individuals and/or their families who may have also been overcharged, but were not included in the audit period.

In summary, this agency has misappropriated funds which have resulted in loss of Federal and state dollars, loss of consumers' personal funds and services, loss of jobs in local communities, loss of taxpayer's dollars for legal fees, and most importantly, loss of the well being of consumers and their families, as well as providers in this state.

Published Articles Regarding Deaths & Abuse

Articles:

- DDSN (Midlands Center) DDSN Settles Lawsuits Alleging Wrongful Death... 8/21/13
- DDSN (Whitten Center) SLED Charges Clinton Caregiver with Abuse, 12/13/13
SLED Charges Abuse of Vulnerable Adult, 3/2/14
- DDSN (Midlands Center) Former State Employee Charged with Assaulting a Vulnerable Adult, 6/4/10
- DDSN (Pee Dee Center) Mother Wants Answers for Child's Death at Facility, 6/25/14
- Greenville DSN Board 'Client H' Investigation Raises More Troubling Questions for DSN, 3/19/12
Body of Missing Woman Found in Church Attic, 5/31/10
- Greenville County SC Teen Dies Jumping from Ambulance as SC Contemplates Cutting More Services, 3/4/10
- Babcock Center The Billy Cothran Fund
- SC Mentor (Charleston) No Charges Against Group Home Where Autistic Man Escaped, 12/09/14 &
Suspect in Fatal West Ashley hit-and-run out on bond, funeral set for victim, 12/10/14 &
Family Discusses Case of Autistic Man Hit, Killed by Alleged Drunk Driver
SLED Investigates SC MENTOR group home death, 9/12/15
- SC Mentor (Richland) Arson Suspect Left Group Home Without Supervision, 12/12/08
- SC Mentor (Greenville) Caregiver Pepper-Sprayed, Beat Vulnerable Patients, 2014
- Charles Lea Center Vulnerable Adult Abuse Often Goes Undetected, 5/18/12

DDSN Settles Lawsuits Alleging Wrongful Death, Injuries Caused by Employees

by Rick Brundrett
Aug. 21, 2013, 8 a.m.

On its website, the S.C. Department of Disabilities and Special Needs says its regional centers provide “24-hour care, supervision and treatment” to the agency’s “most fragile consumers with the greatest need for support.”

Darnell Cornelius was one of those “consumers.” So was Solomon Reeder. Both men, who, according to records, suffered from autism and other disabilities, stayed at the Midlands Regional Center on Farrow Road north of Columbia.

The 35-year-old Cornelius wound up dead in November 2006 while under the center’s care, records show. The Richland County Coroner’s Office listed his official cause of death as “cardiac arrest”; a lawyer who represented his estate in a lawsuit told *The Nerve* on Tuesday that Cornelius had a “massive infection” that went untreated.

Reeder, 28, was physically abused in August 2008 by two center employees who later pleaded guilty to assault charges; three other workers were charged with failing to report the incident, records show.

The circumstances surrounding Cornelius’ death had not been previously revealed publicly. *The Nerve* learned about it this week after reviewing Richland County Circuit Court records and information from the state Insurance Reserve Fund, which insures state and local government agencies for liability and property claims.

The county and state records show that a lawsuit filed by Cornelius’ mother in 2008 was settled in March 2012 for \$167,500. A 2010 suit filed by Reeder’s aunt, who was his court-appointed guardian, was settled in December 2011 for \$27,000, according to records. Attorney fees were deducted from the awards.

In Cornelius’ case, the Department of Disabilities and Special Needs (DDSN) “denied liability and vigorously defended the case,” according to the settlement petition. In its written answer in Reeder’s case, the department repeatedly contended that the “allegations are directed” to the two employees who were charged with assaulting Reeder, and because of that, the agency wasn’t liable under the state Tort Claims Act.

That law generally limits awards against government agencies to \$300,000 per plaintiff or a total of \$600,000 per case.

Contacted Tuesday by *The Nerve*, DDSN spokeswoman Lois Park Mole said she couldn’t comment on specifics of the settlements in Cornelius’ and Reeder’s cases, explaining the

negotiations were handled by attorneys with the Insurance Reserve Fund and not directly by her agency.

As for the level of safety at the Midlands Regional Center and other DDSN facilities, Mole said, "Regardless of whether there is any litigation, our priority is always going to be the health, safety and welfare of the customers entrusted to our staff."

Richland County coroner records show that besides suffering from autism, Cornelius was mentally retarded and had a history of seizures and bleeding disorders. He was pronounced dead at Providence Hospital; the official cause of death was listed as "cardiac arrest due to cardiac arrhythmia," according to those records.

The lawsuit against DDSN said Cornelius became ill around Nov. 10, 2006, while at the center, and that his "physical condition progressively deteriorated" while under the care of the "agents, servants and employees of the Midlands Regional Center and he eventually collapsed and died while under their care during the early morning hours of November 11, 2006."

Columbia attorney Gary Popwell, who represented Cornelius' estate and mother in the suit, told *The Nerve* when contacted Tuesday that Cornelius, whom he described as "severely autistic," was in the medical wing at the regional center when he suffered a "massive infection that they didn't check."

"He was rolling around in the bed, and they never did take him to the hospital," Popwell said. "There was someone checking in ... but he rolled out of the bed onto the floor."

In Reeder's case, he was kicked in the right eye by a center employee, causing it to become "extremely swollen," and another employee kneed him in the stomach and threw him to the floor, according to the lawsuit filed by his aunt. When confronted later about the Aug. 10, 2008, incident, the workers "lied to explain Reeder's injuries, and said that Reeder had fallen and hit his eye on a bed post," the suit said.

Although Reeder, who suffered from autism, mental disability and bipolar disorder, had "behavioral issues in the past," his actions didn't warrant the "abusive, undignified, and violent behavior he suffered at the hands of the Defendants," according to the suit, which described Reeder as a "vulnerable adult" and "incapacitated adult" as defined under state law.

Columbia attorney Nekki Shutt, who represented Reeder and his aunt, said when contacted Tuesday by *The Nerve* that she couldn't comment on the case until she had a chance to review her files.

The two employees accused of abusing Reeder pleaded guilty to simple assault and battery, and were fired from their jobs, according to the suit. After the incident, Reeder's aunt removed him from the center, where he had been living since May 2002, and brought him to her home to live with her, the suit said.

The aunt is “paying for a family member to take care of Reeder on a daily basis and is also paying for a portion of Reeder’s living and medical expenses,” the suit said.

Reach Brundrett at (803) 254-4411 or rick@thenerve.org. Follow him on Twitter @thenerve_rick. Follow The Nerve on Facebook and Twitter @thenervesc.

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SLED Charges Clinton Caregiver with Abuse

Friday, December 13, 2013 By email

The State Law Enforcement Division yesterday arrested a Clinton man on charges of abusing a Whitten Center resident. 59-year-old Steve M. Darbins of 1223 South Bell Street, Clinton was charged with Abuse of Vulnerable Adult. SLED Agent Jonathan Campbell states under oath that Steve Darbins committed abuse of a Vulnerable Adult, acting in capacity as a caregiver, by knowingly abusing the victim while he was a patient at Whitten Center, by kicking him. This allegedly occurred July 8th at Whitten Center.

Mr. Darbins was being held in the Johnson Detention Center, pending arraignment.

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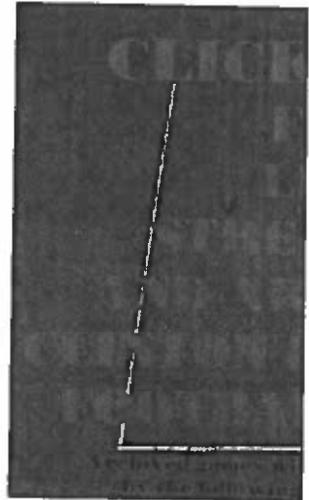
SLED Charges Abuse of Vulnerable Adult

Wednesday, April 2, 2014 By email

The State Law Enforcement Division yesterday arrested a Spartanburg County man from an alleged case of abuse at Whitten Center last year. 19-year-old Ryan Lee Gary of 408 Abner Road, Spartanburg was charged with Abuse of a Vulnerable Adult. In a warrant, a SLED agent states that while at Whitten Center September 9th, 2013 the defendant, acting in his capacity as a caregiver, did commit the crime of abuse of a vulnerable adult. He allegedly punched the victim in the chest and threw the victim to the floor. Ryan Gary was released from the Johnson Detention Center on a \$5,000 personal recognizance bond.

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SOUTH CAROLINA LAW ENFORCEMENT DIVISION



For Immediate Release

June 4, 2010

FORMER STATE EMPLOYEE CHARGED WITH ASSAULTING A VULNERABLE ADULT

The South Carolina Law Enforcement Division (SLED) announces the arrest of a former South Carolina Department of Disabilities and Special Needs (SCDDSN) employee accused of assaulting a mentally challenged, vulnerable adult.

Shedrick Martino, 18, of 130 Russell Circle, Saint George, S.C. is charged with **Assault and Battery (Common Law)**.

According to SLED warrants, Martino punched a male victim on the right side of his face while at the Coastal Center, located at 9995 Jamison Road, Summerville, S.C., in Dorchester County on or about April 28, 2010.

Agents say Martino was a caregiver at the facility while the victim was a patient. These allegations stem from a Vulnerable Adult Hot-Line call SLED received on April 28, 2010.

For a booking photograph of Martino contact the Dorchester County Detention Center at (843) 832-0300.

For information on Martino's employment history, call SCDDSN- Coastal Center at (843) 873-5150.

SLED Contact:

Jennifer Timmons

Communications Director

Office: (803) 896-7056 After Hours: (803) 737-9000

Mother wants answers for child's death at facility

Posted: Jun 25, 2014 8:45 PM EST Updated: Jul 05, 2014 8:45 PM
By Meaghan Norman [ConnectShare on facebook](#)



FLORENCE, SC (WIS) -

Fantasia
Franklin death
Pee Dee Center
settled for \$1M

Fantasia Franklin lived at the Pee Dee Regional Center in Florence for the last 12 years.

In December, she died and her death was ruled a homicide due to asphyxiation. Now, her mother is saying the staff at this facility has been negligent.

"Only thing I knew," Velisa Chatman Ward said, "an incident occurred with my daughter. She stopped breathing. The end result was death."

Ward said she's had no complaints about the facility for most of the time her daughter was in its care. However, she started to notice red flags the last two years of Fantasia's life.

"Started to get more phone calls, things that were going on at the facility," Ward said. "There was an incident where they left her at the facility by herself when they went on a field trip. Someone failed to do a head count."

In mid-December after an incident, Ward said her daughter was restrained in a Posey blanket. She believes someone either sat on Fantasia's chest or applied pressure cutting off her air supply.

"If the restraint process was done appropriately, then she would not have been injured and certainly would not have died," attorney John Clark said. "But because the employees were grossly negligent, reckless, maybe even acting intentionally, there was no need to do that."

But Ward still has questions.

"I want some answers," she said. "I want to know who did it. I want them to pay for it."

SLED is currently investigating the incident. There have been attempts to reach the Department of Disabilities and Special Needs for a comment, but so far there has been no response.

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Wrongful death lawsuit filed in death of autistic Florence woman

By Tonya Brown Thursday, June 26th 2014



Fantasia Franklin's mother and father

Thu, 26 Jun 2014 18:20:00 GMT — The family of Fantasia Franklin, 21, have filed a wrongful death lawsuit against the SC Department of Disabilities and Special Needs over Franklin's death at the Pee Dee Center in Florence in December of 2013.

The suit says Franklin died at the hands of employees at the center.

The family's attorney John D. Clark said according to an incident report Franklin was being restrained in a Posey blanket.

He believes someone either sat on Franklin's chest or applied pressure, cutting off her air supply. She lost consciousness and died five days later at McLeod Regional Medical Center.

Clark said Franklin died as a result of compressional asphyxia. He added the manner of death has been ruled homicide.

The State Law Enforcement Division is investigating Franklin's death as well as the Florence County Coroner's Office.

The civil lawsuit seeks actual damages for the pain Franklin suffered at the Pee Dee Center.

Officials with the SC Department of Disabilities and Special Needs say they're cooperating fully with the State Law Enforcement Division, but it's their policy not to comment on pending lawsuits.

We will be posting updates to this story as more information becomes available.

'Client H' investigation raises more troubling questions for DSN



By Charles Sowell

APRIL 19, 2012 10:42 a.m. (3)

Greenville County Disabilities and Special Needs has been cited by state officials for violating the standard of care in the Feb. 11 death of Heather Dawn Worchester Lemon, 36, a resident at one of the agency's group homes.

The citation came in a recertification review of the Civitan Community Residence and is detailed in a state Department of Health and Environmental Control report dated March 8. The report was made available to the Journal by sources close to the situation.

A Greenville County Coroner's report says Lemon died of cardiac arrest and septic cardiogenic shock following the extraction of six abscessed teeth. Lemon died about 24 hours after the extractions.

The same DHEC report on Civitan cites an instance of client abuse by staff when a staff member reportedly stomped on the client's foot. Subsequent investigations by the State Law Enforcement Division

uncovered another incidence of abuse by staff, and a staff member was arrested, according to the DHEC report.

Patrick Haddon, interim director of GCDSN, said Wednesday he was unfamiliar with the substance of the DHEC reports, which are required before any group home facility can be recertified by the state, and needed more time to respond to the issues raised in the reports. He was told about the reports by the Journal on Monday.

Lois Park Mole, director of communications for the state Department of Disabilities and Special Needs, told the Journal that state DDSN staff had been dispatched to Greenville to help the local DSN deal with the issues raised in the DHEC reports.

“The numbers of instances in Greenville are not unusual,” Mole said. “You have to remember these folks (the clients) are not in the best of health to begin with.”

She had no comment on other instances where state staff had been dispatched to help local agencies deal with issues like the ones raised in the DHEC reports.

In Lemon’s death, the DHEC report said, “Review of a Death Report dated 02/11/12 revealed Client H (Lemon) went to the dentist on 02/10/12. Once sedated, the dentist was able to get a clear look into Client H’s mouth and determined she had six teeth that were abscessed and needed to be removed.”

The staff member accompanying Lemon spoke with the facility nurse, who contacted Lemon’s mother and got verbal consent for the extractions. After the extractions, Lemon returned to the group home, where staff reported significant bleeding.

Lemon was taken out of the group home at 4:45 p.m. for a weekend visit with her mother. By 6:30 p.m., DHEC said, the mother was on the phone with staff at Civitan to tell them about significant bleeding from Lemon’s mouth. That was followed by a call to the dentist’s office at 7 p.m.

At 9:30 p.m., the mother called the group home again to tell them Lemon had suffered a grand mal seizure and was undergoing treatment at Greenville Memorial Hospital’s emergency room. “At 11 a.m. on 02/11/12, the dentist was contacted by a physician from the hospital who informed him that Client H (Lemon) was in septic shock. Client H passed away at 12:30 p.m. on 02/11/12,” the DHEC report said.

“Continued review of the staff statement dated 02/13/12 and attached death report revealed that when Client H’s mother was called to get permission to extract Client H’s teeth, she was told a ‘few’ teeth, but was not told six,” DHEC said.

‘Review of Client H’s medical records revealed that on 9/18/11, Client H (Lemon) had been taken to the

emergency room due to 'continual bleeding from the mouth.' ”

The Sept. 18, 2011, bleeding incident and other details of Lemon's condition were not contained in the information given to the dentist on Feb. 10, DHEC said. There were also problems with getting details of Lemon's conditions (she was under the care of a cardiologist and an oncologist) into her medical records in a timely manner.

“The cardiologist also ordered that Client H receive Amoxicillin as a prophylaxis prior to dental appointments. There was no indication that dental extractions were discussed with either Client H's hematologist/oncologist or her cardiologist,” DHEC said. “Continued review of Client H's record revealed no indication that her dentist had been made aware of the incident of bleeding from the mouth on 09/18/11.”

DHEC went on to say, “By failing to identify these issues, the facility failed to ensure that corrective action was specified as a part of the investigation to prevent their recurrence.”

About 50 persons turned out for Greenville County Council's regular Tuesday meeting this week to listen as seven people spoke about ongoing issues of accountability and transparency with the Greenville DSN board of directors. Four of those speakers asked the council to request that Gov. Nikki Haley remove the board.

Council Chairman H.G. “Butch” Kirven proposed a formal meeting on May 15 during the regular council meeting to address the DSN issues.

The local DSN board will be invited along with the interim executive director. “And I want to include by special invitation the lady who is the head of the state DDSN (Beverly Buscemi), so she can be here and hear all this too,” Kirven said.

Kirven said he has formed an ad-hoc committee to meet with families, staff and others to listen, catalog and get all the perspectives to “sift out the common truth.” Committee members will be Liz Seman, Lottie Gibson and Dan Rawls.

“The people served by DSN are the most helpless of all of our citizens,” said Councilman Willis Meadows, shortly after the council's first request to meet with the DSN board for an explanation in March.

Councilman Joe Dill said he had planned to propose a meeting with DSN on May 1, but is willing to wait until the May 15 date.

“None of us really realize what these people are going through,” Dill said, referring to parents of disabled clients who spoke during public input.

“It’s a major issue and a lot of people have been hurt and a lot have been neglected. The parents here were just a drop in the bucket,” Dill said after the meeting. So far, “all the paperwork says the board” is the source of the problems, he said.

Dill’s comments were in visible contrast to his portrayal in an email sent to the DSN board on Friday, April 6, by DSN board Chairwoman Roxie Kincannon. A copy of the email was given to the Journal by a source close to the situation.

Referencing a press release she sent out earlier that week, Kincannon wrote, “Try not to laugh too hard. Joe Dill says he is looking forward to having us come by and talk to his committee. I will let all of you know when and where. It will be nothing but positive, guaranteed. Joe couldn’t be happier about things.”

Kincannon said later in her email, “By the way, Joe Dill says he was misquoted and said that he said nothing negative about Patrick at all. He is completely on board with everything we’re doing, as is Butch (Kirven). Willis Meadows is the only one with a real issue and it’s purely a personal grudge against Patrick. ... The take home message is that Greenville County Council is fine now.”

In addition, Kincannon wrote, “Also, ignore this business about Governor Haley. She won’t remove anyone from the board. Trust me on that.”

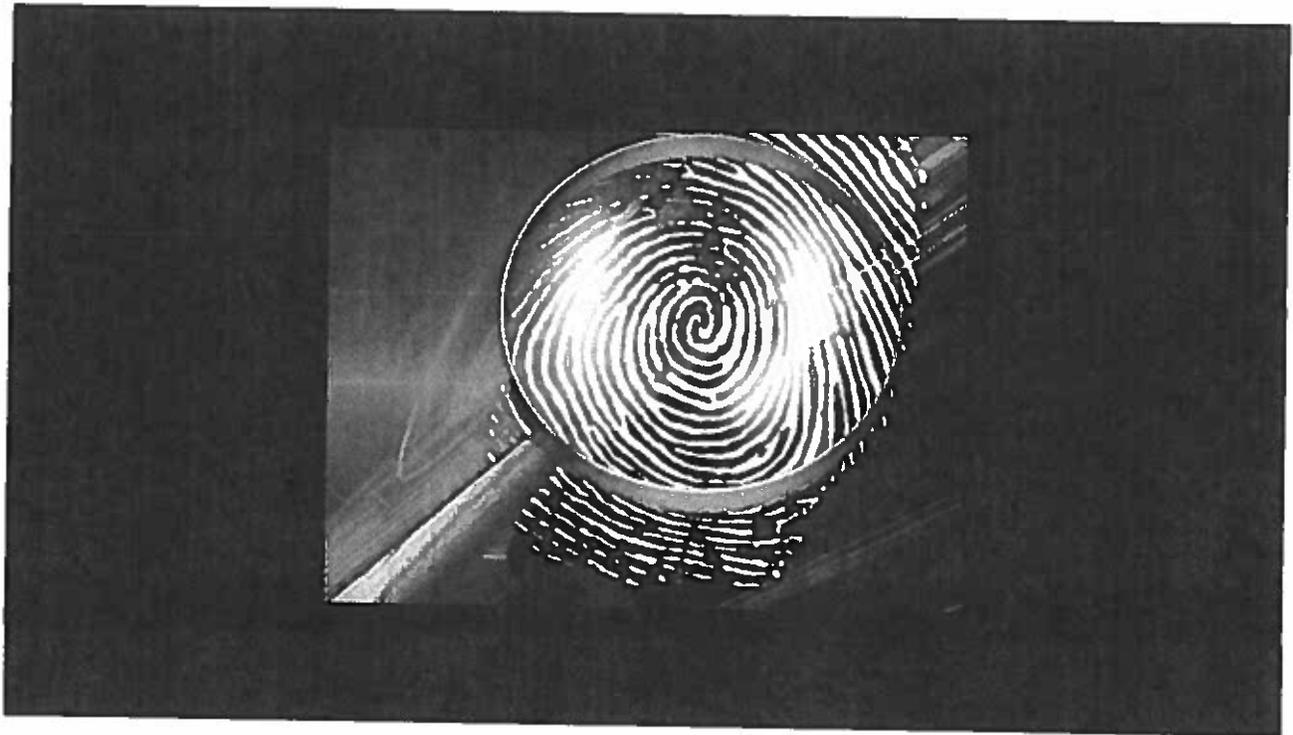
Haley spokesman Rob Godfrey said, “The governor only has the authority to remove board members for cause to include malfeasance, misfeasance, incompetency, absenteeism, conflicts of interest, misconduct, persistent neglect of duty in office, or incapacity. To date, no information has been presented to our office that would allow the governor to remove a DSN board.”

Staff writer April A. Morris contributed to this report.



Body of Missing Woman Found in Church Attic

2:45 PM, May 31, 2010 | [0 comments](#)



Fountain Inn, SC (AP) -- The body of a woman missing from a South Carolina group home for four days has been found inside the attic of a church less than a tenth of a mile away.

Police told multiple media outlets that officers found 32-year-old Melinda Redfield dead in a closet after members of the Fairview Street Baptist Church complained of a foul odor during Sunday services.

Redfern was last seen Wednesday at a Fountain Inn group home. Authorities say they think her death was accidental, but are awaiting autopsy results.

Police say they didn't search the church after Redfern disappeared because the doors were locked.

Redfern was found in the attic, which authorities say could be accessed only through a storage area.



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As Seen On 4

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Missing Woman's Body Found In Church Attic

Family Members Call For Changes At Group Home

POSTED 2:59 pm EDT May 30, 2010
UPDATED 1:00 pm EDT June 1, 2010

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FOUNTAIN INN, S.C. -- The Greenville County Coroner's Office has identified a body found inside a church in Fountain Inn on Sunday.

Deputy coroner Sharon Craver said results of an autopsy suggest that Melinda Redfield, 32, who disappeared on Wednesday, most likely died from hyperthermia -- being over-heated.

The autopsy showed no signs of foul play and the death has been ruled

accidental, Craver said.

Craver said results will be finalized after additional testing to see if Redfield, who suffered from seizures, had other medical conditions which were factors in her death.

"We thank God that Melinda was not raped out there. We thank God that she was not beaten or she was not hurt," Kenyetta Hill, Redfield's cousin, told WYFF. "But who's not to say that the next time somebody walks out the door that it's not going to happen?"

Police discovered the body at Fairview Street Baptist Church at 601 Fairview St.

According to Fountain Inn Police Chief Keith Morton, church members complained about a smell in the church that no one could identify. Police investigated, and found the body in an attic closet, which authorities say could be accessed only through a storage area.

"It's terribly frustrating," Morton said. "And we've got a lot of people blaming themselves, but you can't make decisions then on information that you have now."

He said that the doors to the church were locked when officers checked it on Wednesday.



Redfield was last seen at the Fountain Inn Community Residence at 105 Old Fairview Road before 5

JUNE 2010



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Melinda Redfield, 32

p.m. Wednesday.

Family members learned Sunday that it was Redfield's body inside the church.

"They told the family at the police station that it is her," said Darlene Hill, Redfield's aunt.

Redfield's brother, Kiley Redfield, was also at the scene. He was upset that it took so long for anyone to find his sister.

"And of all places, the first place would have been, is to check this building," he said.

Family members say they would like to see changes at the Fountain Inn Community Residence where Redfield lived.

"This could happen again and what will we do?" asked Brent Hill, another cousin. "Go through the same thing again of looking and searching when you can eliminate all of this at one time by getting a camera or getting an alarm for the doors?"

Redfield moved into the group home about a year ago after her mother suffered a stroke.

"She wasn't able to keep an eye on (Melinda) like she was before," explained Calvin Hill, a cousin.

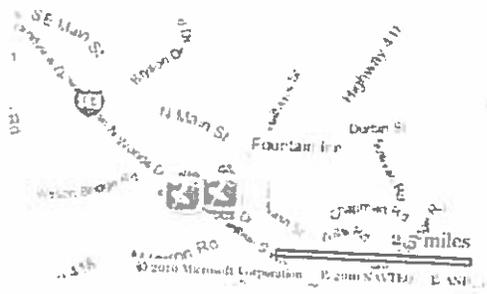
Hill said Redfield started experiencing seizures as a young teenager, which stunted her mental development.

"She was very playful," said Hill.

He said the family will have a hard time coping with the loss.

"It's just the point of her being missing -- gone forever," said Hill.

Redfield's funeral will be held Thursday at 3 p.m. at the Antioch AME Church in Clinton.



Charleston: Moms Make \$77hr Single mother finds easy way to earn great money from home during recession. Her shocking story... [Learn more](#)

Body of missing woman found in church attic

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SC Teen Dies Jumping from Ambulance as SC Contemplates Cutting More Services



It's taken me a couple of days to gather up the heart to run [this story](#) of a 16 year old boy who tumbled to his death out of the back of an ambulance in South Carolina. In the interim, I read that SC is considering [draconian cuts](#) to their social services budget.

(NBC) - Family members of a Greenville, SC teen killed when he jumped from a moving ambulance said that the death of the autistic 16-year-old on Sunday could have been prevented.

For starters, Shelly Hodge didn't want her son, Ryan Emory, released from the William S. Hall Psychiatric Institute in Columbia on Feb. 6. On his discharge papers she wrote: "I, Shelly Hodge, Ryan Emory's mother, disagree with the Department of Disabilities and Special Need's discharge recommendation at this time. There are no services in place. I fear for my safety and his."

Hodge isn't just a concerned mother. She's also a nurse. Based on her medical training, she believes there was something very wrong with her son, more than just autism.

"He knows his little mind was broken and just wanted someone to help him," she said. "No one would help him. Nobody would take him in. All he needed was 24/7 care at a facility to evaluate him. That's what I was asking for."

Hodge said her son was like a 6-year-old mentally, but physically he was big and strong. Emory weighed 250 pounds, so when he threw a tantrum there was a chance someone would get hurt. Often it was family.

Hodge tried to impress the DDSN that her son desperately needed help.

"This kid's not safe. It's not going to end well.' I told them that and they didn't believe me," said Hodge... [Read more at WMBF News.](#)

Posted by Age of Autism at March 04, 2010 at 5:43 AM in [Current Affairs](#) | [Permalink](#) | [Comments \(10\)](#) | [TrackBack \(0\)](#)

The Billy Cothran Fund

So that Billy Cothran did not die in Vain.

Billy Cothran lived most of his 63 years in a state-operated regional center (an ICF-MR) for people with developmental disabilities. In 1994 the Office of Civil Rights of the United States Department of Justice investigated reports of abuse and neglect of residents at Billy's regional center. Federal investigators found that conditions at the center subjected residents to unreasonable risks to their personal safety and violated their constitutional rights. Because of concerns about Billy's safety in the regional center, his guardian moved him to another ICF-MR close to the guardian's home.

In 2004 his guardian purchased a home for Billy in the neighborhood, filled it with family photos and furniture and planted roses, Billy's favorite flower, in the back yard. Tragically, Billy never got to live there. In September 2004 Billy died, just four days before he was to move into his new home.

Billy's family demanded an autopsy when they were told he died of a heart attack. The autopsy determined that Billy choked to death. A subsequent investigation revealed that conditions in the facility "pose immediate jeopardy to the health and safety of the residents." The investigation found that the facility was understaffed, staff was not properly trained and Billy's death had not been thoroughly investigated.

The family approached P&A in late 2008 to establish The Billy Cothran Advocacy Fund (Fund). The Fund was established in February 2009 and P&A has received a significant contribution from the estate. The Fund will also be available to other donors who wish to provide future support.

The Fund will be used for the elimination of abuse and neglect and the creation of meaningful life choices for people with disabilities. Specifically, P&A will administer the Fund for two purposes: (1) policy-making activities that address abuse/neglect and personal choice and (2) internships for students to train in advocacy for people with disabilities. Policy-making activities may include advocating for legislative and administrative changes. As long as funds permit, the Fund will provide two internships annually to graduate students who are studying social work or law and have a strong commitment to the rights of people with disabilities.

Additional donations to the Fund will be gratefully received to further the work of P&A in:
Protecting people with disabilities from abuse and neglect and
Advocating for the right of individuals to live in the community in the home of their choice.

For additional information, contact Gloria Prevost, Executive Director of P&A at 803.217.6713.

No charges against group home where

Posted: Dec 09, 2014 9:13 PM EDT Update



Forrest Carlton
death - Merta
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- **No charges against group home where autistic man escaped**
- **An inside look at a state-contracted group home**
- **Family discusses case of autistic man hit, killed by alleged drunk driver**
- **More**

CHARLESTON, S.C. (WCIV) -- One year ago, an autistic man was hit and killed by an alleged drunk driver in West Ashley after slipping away from a West Ashley group home. But no one has been held criminally negligent in the case.

It was Dec. 8, 2013 when Forrest Carlton's short life came to an end.

"He'd just turned 22 but, he was a child," said Don, Forrest Carlton's dad.

Forrest Carlton was autistic and his parents' only child. After his mother died of breast cancer in March of 2011, Don Carlton was forced to put his son in a state-contracted group home in West Ashley.

Attorneys say Forrest Carlton stayed there from June 2012 to December 2013. His dad would pick him up as often as he could until Dec. 8, when 22-year-old resident somehow escaped the home in the middle of the night.

"Forrest had sleeping problems," said Patsy Staubes, Forrest's maternal grandmother. "He would sleep during the day hours and stay awake all night."

According to a 140-page investigative report released by the Charleston County Sheriff's Office, the facility Forrest Carlton stayed in was not a lock-down facility and the key to the door was kept on the mantel near the door.

In that same incident report, detectives say they found a residential plan which stated Forrest Carlton needed to be checked on every 15 minutes. According to the accountability log from that night, the staff worker on duty signed off on monitoring Carlton four times an hour from 7 a.m. until 6 a.m., even though Forrest Carlton was killed just before 3 a.m.

“In that case, it was a supervision issue,” said Shannon Elliott, the assistant solicitor assigned to review possible charges. “And, that is going to become so fact-specific that I may never see another case like that in my career.”

The detective's report also says, during an interview with state investigators, the worker on duty admitted to “pre-filling out” the accountability log but stated each room was checked for all of the residents the night of Carlton's death.

According to the incident report, the worker told detectives just before 3 a.m., they went to the restroom and upon exit discovered the front door to the residence open. The worker told detectives the house was not a lock-down facility and the key was left on the mantel next to the front door.

“What we have to do then is see, do we have enough evidence to take it to ‘beyond a reasonable doubt,’” said Elliott

According to the report, Elliott and a second, named assistant solicitor determined, based on the facts, it could not be proven with 100 percent certainty that the worker did not check on Forrest Carlton as the plan dictated.

“It's a very difficult thing to prove that someone was so negligent in what they did that it rises to the criminal level,” said Elliott.

The worker was not held criminally accountable for Forrest Carlton's death.

However, his family did win a civil suit against SC Mentor. The details of that settlement are not public. Attorneys are also working on a lawsuit against the restaurant that allegedly served the under-aged man accused of driving drunk and killing Carlton.

Eighteen-year-old Daniel Shirley was charged with leaving the scene of an accident involving death. His case is still pending in criminal court.

Suspect in fatal West Ashley hit-and-run out on bond, funeral set for victim

Posted: Dec 10, 2013 12:03 PM EDT Updated: Apr 24, 2015 4:08 PM EST

By Ray Rivera

The funeral of hit-and-run victim Forrest Carlton will be held Thursday, December 12th. The service is scheduled for 2:30pm at the West Ashley Chapel of J. Henry Stuhr Inc.

According to the Charleston County Detention Center the 18-year-old suspected in a deadly hit-and-run in West Ashley who took the life of the 22-year-old man is out on bond.

Tuesday Daniel Shirley surrendered to investigators and his bond was set at \$50,000 later that night.

Officials with the Charleston County Sheriff's Office say Shirley will be charged with leaving the scene of an accident involving a death.

Shirley was also arrested Friday, December, 6th.

According to a background check, Shirley was charged last week with possession of marijuana, alcohol, having an open container, and littering.

Tuesday the Charleston County School District confirmed the victim, Forrest Carlton graduated from West Ashley High School this year.

In a statement released Tuesday, school Principal Mary Runyon said,

"The West Ashley High School family is deeply saddened by the loss of Forrest Carlton. The pleasant smile, kind demeanor and joy that he brought to school each day will be among the lasting memories we treasure. These are gifts that have unique and special qualities. Forrest gave them freely and asked only for a smile or a high five in return. His graduation day on June 4, 2013 was a wonderful day for all of us as we celebrated Forrest's accomplishments. Our best thoughts and prayers are with his family as they mourn his loss."

Tuesday a memorial with flowers and a cross with Carlton's name on it were set up where the accident happened on Ashley River Road near Plainview Road.

Investigators with the sheriff's office announced on Monday that they found the suspect's car, a black Dodge Charger at the Middleton Cove Apartments, off Ashley River Road. Deputies say it had a car cover over it.

The apartments aren't far from where the victim, 22-year-old Forrest Carlton was hit around 3 a.m. Sunday.

Carlton died just after 1 p.m. Sunday at MUSC.

According to Stan Butkus, state director South Carolina Mentor, Carlton was receiving services from a center for adults and children with disabilities and special needs.

The organization released a statement Monday:

"All of us at MENTOR are terribly saddened by the death of a young man in our care, and we extend our condolences to his family and friends. For 30 years, we have provided high-quality, life-enhancing services to adults and children with disabilities and special needs. We care deeply about those we serve and strive every day to ensure their safety and well-being."

"We pledge our on-going cooperation to law enforcement as they investigate the circumstances surrounding this tragedy."

According to the Charleston County Sheriff's Office Selective Traffic Unit, Carlton was struck by a vehicle on Ashley River Road between Plainview and Parsonage Roads.

Deputies said around 3 a.m. a concerned citizen was traveling in the area when they saw a man lying on the right side of the road.

The caller said to the 911 operator, "He's lying on the side of the road. He's not talking. He's just breathing in and I don't know if he's been hit," the caller continued to say, "He's barely breathing, he's gasping for breath, he's not moving at all. He's gasping for breath."

Authorities said the suspect's vehicle left the scene without providing any aid to the victim or information.

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Family discusses case of autistic man hit, killed by alleged drunk driver



CHARLESTON, S.C. (WCIV) -- One year ago, an autistic man was hit and killed by an alleged drunk driver in West Ashley. He had been living in a state-controlled home, but somehow slipped away in the middle of the night.

Forrest Carlton was 22 years old at the time of his death, but in many ways he was much like a child. He was non-verbal and still a student at West Ashley High School. That's why it was so devastating when his life ended at the hands of someone else.

Patsy Staubes' eyes light up when she talks about Christmas with Carlton.

"If you wrapped your presents under the tree he would open them, if you didn't watch him," she said remembering the holidays she spent with Carlton, her first grandchild.

Carlton was Staubes' only daughter's son.

"He was a number 10; that's what the doctor said. He was perfect," said Staubes as she reflected on the day Carlton was born.

Carlton grew up as an only child with his parents, Don and Linda Carlton.

"God, everything we did together," said Don Carlton of his wife and son.

Don Carlton says his son was about two years old when he and their family realized Forrest was different.

"They said he was delayed speech," said Don Carlton. "But of course, we found out later that was not the case. He was autistic."

Don Carlton says Forrest was non-verbal and was unable to take care of himself. Thankfully, Forrest's mom Linda made it her mission to learn as much as she could about autism.

"I talked her into going online, doing research and once she started, she just took off," said Don Carlton. "She had her own mailing list and she had her group of friends that she got together with and talked about autism. She even signed him up for genetic research to make sure it wasn't caused by genetics."

For 20 years, the Carlton family worked together like a well-oiled machine.

“I would come home from work. She would go on the computer. I would take care of Forrest. I did most of the cooking,” said Don Carlton.

But in 2011, the Carlton family dynamic changed. Linda Carlton was diagnosed with Stage 4 breast cancer.

“She went through every chemotherapy that they had,” said Don Carlton. “She was in Roper Hospital and we took him [Forrest] down there and we both spent the night. He would draw on his paper and I think he knew that she was sick, but he didn't really show anything.”

In March of that year, Linda Carlton passed away and Don was left to be a single dad.

“I was trying to work and take care of him,” said Don Carlton as he thought about the struggle of taking care of his son alone.

Don Carlton says he worked from home for The Citadel as long as the college would allow him to.

“I was told that I needed to do something, that I couldn't just continue to work from home and be out on family medical leave,” said Don Carlton. “So, that's when I got an emergency waiver to put him in a home.”

Forrest Carlton was put into a state-contracted group home in West Ashley. On Dec. 8, 2013 Forrest Carlton's stay turned deadly.

“We had just been told that he had been hit,” said Don Carlton. “We didn't know how severe it was until the doctor came out.”

Charleston County detectives say Forrest Carlton somehow escaped from his home that night. An investigative report says he was only about a half mile away when he was hit and killed by a drunk driver.

“We were thinking maybe a broken leg or broken arm,” said Staubes. “We never contemplated anything like what it was.”

Don Carlton lost his wife and only child within two years.

“I was devastated. I had been devastated for a lot. And with Christmas coming up, it's getting worse again,” said Don Carlton as his voice broke.

Two days after Forrest's death, detectives say 18-year-old Daniel Shirley surrendered to police. An investigative report says detectives interviewed friends of Shirley who heard him admit to hitting someone while he was “drunk as f*ck.”

According to the supplemental report, the witness also told detectives in a written statement, that Shirley planned to "fix his car or he would skip town."

Meanwhile, based on a residential plan with the group home, Forrest Carlton was supposed to be checked on every 15 minutes. The staff member working that night signed an accountability log saying they checked on him four times an hour from 7 a.m. to 6 a.m.

However, Forrest Carlton was killed at 3 a.m.

Still, no one working at the West Ashley group home the night of Forrest Carlton's death was arrested or charged for negligence.

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Police: Man hit, killed by vehicles; caregiver charged

Roderick Grove charged in the death of Jamie Rosemond

UPDATED 11:41 PM EST Dec 19, 2012

MAULDIN, S.C. —A caregiver who police said did not bother to keep track of a patient was charged Monday after a 25-year-old was found dead in a roadway, a mile and a half from the facility where he was supposed to be.

Mauldin Police Department said they found Jamie Rosemond dead on Ashmore Bridge Road, where he had been struck by several vehicles.

Investigators said Roderick Carlton Grove, 55, was Rosemond's caregiver at the South Carolina Mentor Group Home on Flanders Court in Greenville County.

Police said Grove didn't keep track of Rosemond as his employer required. Investigators said Grove's documentation indicated he knew where Rosemond was when he did not.

"Our investigation revealed that the caregiver didn't properly do what he was supposed to do by checking on the individual every 15 minutes," Detective Ben Ford said.

It's unclear why he left, but detectives said Rosemond was being treated for mental health issues.

Grove is charged with neglect of a vulnerable adult resulting in death. He was released on a \$20,000 bond.

We contacted the South Carolina Mentor program and are waiting for their response.

Friday, Dec. 12, 2008

Arson suspect left group home without supervision

By LEE HIGGINS - lhiggins@thestate.com

The man charged last week with burning down a Lower Richland home is mentally challenged and lives at a group home where he is supposed to be supervised at all times, family members said.

Leslie Knight, 39, who is charged with four counts of second-degree arson, lives at a community-training home operated by South Carolina MENTOR, which serves individuals with intellectual and developmental disabilities.

Residents are allowed to leave the home on Fox Squirrel Circle , but only with supervision.

Knight, who was convicted of setting a fire in 1987, also was arrested at the home three months ago charged with threatening to burn someone else's house down. South Congaree police said.

Knight's family and the victims of last Friday's fire are questioning how he was able to leave the home unsupervised for what authorities believe were two nights in a row. He is accused of trying to set fire to three other houses on Fox Squirrel Circle a day earlier.

"What can I say, you know people weren't doing their job." said Duane Campbell, whose wife Vicky Campbell and 8-year-old daughter Destiny Kinsler-Campbell escaped their burning home moments before the roof collapsed. "That's what happens. Other people suffer from it."

Knight is mentally challenged and is supposed to have supervision 24 hours a day, said his cousin, Annette Gaskin of Columbia .

He has been in and out of institutions, including the Babcock Center where he had to be kept under tight security because of his problem of setting fires, family members said.

"He can't communicate with normal people because he's not normal," Gaskin said.

Gaskin feels badly for the Campbell family, but also is upset that her cousin was not supervised.

"I was angry that he was able to walk outside at night," she said. "He should have no business being out at that time of night."

The home, part of a company that operates homes in other S.C. cities and states, is cooperating with the investigation, S.C. director Lynn Morton-Epps said.

“We are deeply troubled by the allegations in this case and are working cooperatively with the Richland County Sheriff’s Department as they investigate,” she said.

Three staff members have been placed on temporary administrative leave pending the outcome of the investigation.

All the company’s programs have an “overnight staff who are trained to provide ongoing care and supervision of residents during the night.

“Our programs are staffed around the clock,” she said.

HOME IS LICENSED

The community-training home has been licensed since April 2007 by the South Carolina Department of Disabilities and Special Needs, agency spokeswoman Lois Mole said.

It houses four men, providing them assistance with daily living, including dressing, feeding and using the toilet, Mole said.

Residents can come and go, including to work and church, but only with supervision, Mole said.

“The home should be secure,” she said. “It should be a secure environment.”

South Carolina MENTOR must complete an internal review of the case and submit it to SCDDSN, Mole said. She is not aware of any other complaints made against the home or about 45 other licensed homes the company operates across the state.

The review must account for what staff members were doing during the alleged incidents, she said.

SC MENTOR is part of the MENTOR Network, a national company with headquarters in Boston .

“We take this incident very seriously and are fully investigating every aspect.” Morton-Epps said. “We have already taken — and will continue to take — every necessary step to ensure the safety of the community and those we serve.”

SC MENTOR receives referrals of individuals appropriate for community placement from SCDDSN, Morton-Epps said.

It receives funding through contracts with state agencies including SCDDSN and the state Department of Social Services, Mole said.

OTHER INCIDENTS

This isn’t the first time Knight has been accused of setting fires.

Knight was convicted in Lexington County in 1987 of burning lands of another without consent. State Law Enforcement Division records show. He was sentenced to three years' probation.

And on Sept. 18, he was arrested at the group home in the Chandler Hall subdivision, charged with unlawful use of a telephone.

He is accused of calling 65-year-old Linda Mosher of West Columbia and threatening to burn her house down and injure her. Those charges are pending.

Knight said, "I'm gonna come out there and burn your (expletive) house down." Mosher recalled.

He also told her he was a Lexington County police officer, said Mosher, who said she doesn't know him.

Knight made at least 15 calls to her, South Congaree police Maj. Steven Jonas said.

Police traced the calls to a mobile phone he allegedly was using.

"He might be a little slow, but he was aware of what he was doing." Jonas said.

ADMITTED SETTING FIRES

Knight is at Richland County jail, but is not being held in the general population, county spokeswoman Stephany Snowden said.

Snowden said she couldn't say why due to privacy laws.

Richland County deputies say Knight used a lighter to set the fires and has admitted setting them.

His family hopes he will go to a mental hospital and not prison, if convicted.

Knight wouldn't intentionally hurt anybody, said his cousin, Janice Brown of Conway.

If he was under proper care, it never would have happened, she said.

"If somebody needs help getting dressed, don't you think they need help with decisions that they're making and things that they're doing?" she asked.

Mosher, who police say received the threatening calls, says Knight needs to be behind bars.

"He oughta be locked up and the key thrown away," Mosher said. "It was just luck that the little girl woke up because she could've been gone now."

Reach Higgins at (803) 771-8570.



• By Carla Field

Bio

Another Mentor
home in
Greenville

GCSO: Caregiver pepper-sprayed, beat vulnerable patients

Patsy Robinson arrested; Man charged with failure to report

GREENVILLE COUNTY, S.C. —Two Upstate caregivers are facing multiple charges after the woman physically abused three of her clients and her coworker knew about the abuse but failed to report it, according to the Greenville County Sheriff's Office.

Sheriff's investigators said they received a request on May 12 to initiate an investigation into the abuse of two vulnerable adults who were in the care of the SC Mentor Network, a home care provider that is part of a national network.

The Sheriff's Office said an investigation found that a third vulnerable adult had been abused.

A release said an extensive investigation determined that all three victims had been beaten or slapped, and one had been sprayed with pepper spray at a facility located at 155 Bonnie Woods Drive.

The reported abuse occurred between March 2014 and May 2014, according to the release.



On Friday, Patsy Robinson, 50, of Laurens County, and Clarence Willie Callie Dillard, 47, of Clinton, were arrested.

Robinson is charged with three counts abuse of a vulnerable adult. Dillard is charged with two counts of failing to report the abuse.

According to arrest warrants, Robinson pepper-sprayed and hit a male patient and hit another patient in the head with a belt and slapped and hit him on multiple occasions.

According to their website, South Carolina MENTOR was founded in 1984, and is a home- and community-based human services provider.

SLED investigates S.C. MENTOR group home death



Christina Elmore Email @celmorenc

Sep 12 2015 10:25 pm Sep 12 11:10 pm

Charles William
Noland
death in
SC Mentor home,
Charleston, SC



State Law Enforcement Division agents are investigating the death of a 23-year-old man who had been left in the care of a Charleston area group home.

Charles William Noland, of Charleston, suffered a medical emergency Sept. 5 while residing at South Carolina MENTOR. The facility cares for intellectually and developmentally disabled adults, in addition to other services.

Paramedics transported Noland to Bon Secours St. Francis Hospital where he later died, Charleston County Deputy Coroner Dottie Lindsey said.

An autopsy was completed the following day, according to Lindsey. A cause of death, however, remains under investigation.

Further details surrounding the death were not immediately available Saturday. Lindsey declined to comment on the nature of the medical emergency or what may have brought it on, citing the ongoing investigation.

SLED began looking into the death immediately after it occurred, spokesman Thom Berry said.

“The facility is required by law to notify us,” Berry said. “We then began our investigation.”

South Carolina MENTOR was the subject of a similar investigation after an autistic man died while in its care in 2013.

Forrest Carlton, 22, of Charleston wandered from the facility and was fatally struck by a vehicle in a hit-and-run around 3 a.m. Dec. 8 of that year.

A wrongful death suit filed by Carlton’s father alleged negligence on the part of the group home.

Carlton tried to wander from the facility at least four times since moving into the facility in November 2012, alleged Nathan Hughey, an attorney for Carlton’s family. The home’s staff failed to heighten its supervision accordingly, he said.

The facility reached a confidential settlement last year with Carlton’s family.

In a statement released Saturday, Stan Butkus, South Carolina MENTOR’s state director, said he was “devastated” by the latest “unexpected” death of an individual in its program.

“As an organization we are committed to continuous quality improvement and place great emphasis on safe environments and providing services that are responsive to the needs of the individuals we are privileged to serve,” Butkus said. “Our staff provides care according to each person’s individual service plan which describes the type of assistance, supervision and structure that each person requires.”

The facility's staff receive CPR and first aid training to ensure the safety of those in its care, Butkus said.

"As a matter of course, we are required to report the death of any individual receiving services to SLED and we are working cooperatively with them in their review of this matter," Butkus said.

Reach Christina Elmore at 937-5908.

Vulnerable adult abuse often goes undetected

Discussion: [0 Comments](#)

By Charles Sowell –

Updated May 18, 2012

Charles Lea Easter weekend case led to charges, new procedures

The arrest of two Charles Lea Center employees for allegedly abusing a vulnerable adult by leaving a 39-year-old woman to lie in her own feces for 20 hours over the Easter weekend is just part of a larger pattern of abuse and neglect found across the state at facilities supervised by the state Department of Disabilities and Special Needs, critics of the agency say.

Earlier this year, state Department of Health and Environmental Control examiners cited the Greenville Disabilities and Special Needs Board for failing to adequately deal with problems that led to the death of a 36-year-old woman in February and, in an unrelated event, the arrest of a Greenville DSN employee for abusing a client at a workshop by stomping on his foot.

Patricia Harrison, an attorney from Columbia who has dealt with issues surrounding the state DDSN for years, said the incidents, while unrelated, are indicative of a larger problem at DDSN-supervised facilities.

"These kind of incidents crop up all the time around the state," Harrison said. "While the incident in Spartanburg is not particularly heinous, there have been incidents in the past that have been - including one that is very similar to the Patient 'H' incident (in Greenville) that resulted in a death."

DDSN spokeswoman Lois Park Mole would not comment on Harrison's allegations since Harrison is involved in several lawsuits against state agencies.

However, she said incidents like the occurrence in Spartanburg "are taken very seriously by DDSN. Providing care, particularly 24-hour care, for individuals with disabilities is a very serious and difficult task. Quality assurance and external reviews by DHEC and federally recognized quality improvement organizations are essential.

"Proper training of staff on issues occurs before people go on the job and continues on preventing abuse, negligence and exploitation after employees are hired. When an employee behaves badly, DDSN cooperates fully with law enforcement to ensure proper actions are taken."

Harrison said the public rarely learns about incidents like the death of Patient "H" in Greenville unless an outside agency is called in, or, as in the case of the Charles Lea Center Easter incident, EMS files a report as technicians did when they discovered the injured woman in an assisted-living house on Union Street.

In the Easter weekend incident, EMS had to break through a window at the residence to get to the woman, and found her covered in feces and urine.

Spartanburg Public Safety officers charged Allyssa Bell and Marcia Jagers, two employees of Charles Lea, with abuse of a vulnerable adult.

Police reports say Bell moved the woman's wheelchair away from her bed. The woman had to crawl on the floor in an effort to reach her wheelchair and became stuck.

The woman called Jagers on her cellphone, but Jagers ignored the calls. The victim spent 20 hours on the floor without being checked on. She was supposed to be checked every three hours.

Gerald Bernard, the center's executive director, said in a previous statement that Bell is no longer with the agency and Jagers is on unpaid leave pending the results of an internal investigation.

Bernard said the woman was taken to the hospital and has been returned to the group home.

He said this is the first case of abuse in his three-year tenure at Charles Lea. New procedures have been put in place to ensure this kind of incident doesn't happen again.

In 2009, the nonprofit group Protection and Advocacy for Peoples with Disabilities Inc. - a federally mandated advocacy group headquartered in Columbia - surveyed community residential care facilities (CRCFs) in South Carolina and issued a report that said:

"P&A has found that many CRCFs are filthy, do not provide adequate food and heat, do not safely administer medications or arrange for needed medical care, and do not provide protection from abuse, neglect and exploitation. Inspectors have found infestations of cockroaches in facilities, blood on the walls, and food which is out of date and rotting.

"Some residents routinely lack prescribed medications or are given the wrong amounts of medications, and some residents have been physically harmed by staff or other residents due to lack of supervision. These CRCFs are no place to call home."

Park Mole said most of the community residential care facilities cited in the P&A report are not DDSN-monitored facilities and the agency has taken steps to improve care at CRFCs since the report was issued. DHEC now handles all inspections of DDSN facilities around the state.

- See more at: <http://www.greenvillejournal.com/business/politics/1447-vulnerable-adult-abuse-often-goes-undetected.html#sthash.7om3xLja.dpuf>



READY Schedule

Staff member
'just arrested
worked in SC
mentor homes in
Charleston where
Carter & Noland
died.



Charleston County woman accused of abusing disabled patients

By Evelyn Fernandez (<http://counton2.com/author/wcbdevelynfernandez/>)

Published: March 3, 2016, 4:50 pm





A Ridgeville woman is accused of abusing two disabled patients under her care. The Charleston County Sheriff's Office released the court affidavits stating Georgette Leann Williams, 36, worked for SC Mentor Network. Mentor is a contract company for the SC Department of Disability and Special Needs. According to authorities, a co-worker reported Williams after witnessing the alleged abuse.

The complaint says Williams had been seen yelling, intimidating and pushing residents at 2104 Chancellory Lane. The co-worker told authorities that she saw bruising and scratches on a person under Williams' care. When the witness asked Williams about it, she claimed she used a dull electric razor which caused the scratches on the victim's neck. The witness provided pictures to the detective showing the redness and bruising and authorities say it was obvious the victim was forcibly shaved. Other witnesses told authorities that Williams made one victim sit on the floor, back against the wall with hands behind his back on numerous occasions. The detective working the case checked with the Mentor Network and found that is not an approved method allowed by the company.

Wilson faced a bond judge Thursday afternoon and was issued a \$10,000 surety bond.

WCBD News 2 (<http://counton2.com/>)

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Ridgeville woman arrested on 2 counts of abuse of vulnerable adults

Posted: Mar 03, 2016 2:55 PM EST

Updated: Mar 03, 2016 3:59 PM EST

By Live 5 News Web Staff **CONNECT**

CHARLESTON, SC (WCSC) - A Ridgeville woman was arrested Thursday after an investigation of abuse allegations involving adults in her care.

Georgette Williams, 36, is charged with two counts of abuse of a vulnerable adult, according to arrest records.

Williams was employed by a contract company for the South Carolina Department of Disability and Special Needs facility, court affidavits state.

A witness contacted the State Law Enforcement Division's Vulnerable Adult Unit on Dec. 31 and accused Williams of "yelling, intimidating and pushing the supported persons," the affidavits state.

Investigators say the witness claimed she saw several incidents of Williams intimidating, abusing and treating residents in a rough manner. The witness said she witnessed Williams yelling at a victim, then saw her push him over his bed, causing him to fall over to the other side onto the floor.

On another occasion, the witness reported observing red bruising on the victim's face and scratches on his neck. The witness said when she mentioned the injuries to Williams, Williams said the victim's electric razor was dull and caused the scratches. The investigator stated the witness provided a picture of the victim's face and said "it is obvious that he was forcibly shaved to cause the redness and bruising, which he sustained."

Investigators say additional witnesses stated Williams yells at the supported persons and on numerous occasions made the victim sit on the floor with his back against the wall and his hands behind his back.

A witness also claimed to have seen Williams push a victim up against the hallway wall and yell at him for not changing his clothes that morning.

Williams was given a \$10,000 bond on Thursday.

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Case Against Sumter Disabilities and Special Needs Board

**Holder Sentenced to Three Years in December 2015 through a
plea bargain. Arrested in 2008**

Gwendolyn Gardner has never gone to trial. Arrested in 2008

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER

RECORDED

IN THE COURT OF COMMON PLEAS

2006 OCT 19 PM 4:33
THIRD JUDICIAL CIRCUIT
Docket # 2006-CP-43-1790

Bernice Montgomery, Keshia Canty, and
Sally C. Doe, a fictitious name of a mentally
disabled person, through her court-
appointed guardian, Linda K. Zorn,
Plaintiffs,

v.

Sumter County Disabilities and Special
Needs Board and Sherill Holder, in his
official and individual capacities,
Defendants.

SUMMONS
(Jury Trial Demanded)

TO THE ABOVE-NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action,
a copy of which is hereby served upon you, and to serve a copy of your Answer to said Complaint
on the subscribed, John E. Miles, Sr., 15 South Main Street, Sumter, South Carolina 29150, within
THIRTY (30) DAYS after the service hereof, exclusive of the date of such service, and if you fail
to answer the Complaint within the time aforesaid, judgment by default may be rendered against you
for the relief demanded in the Complaint.



JOHN E. MILES, SR.
S.C. Bar No. 3971
The Miles Law Firm
15 S. Main Street
P. O. Box 2687
Sumter, South Carolina 29151
(803) 778-2351
Attorney for Plaintiffs

Sumter, South Carolina
October 19, 2006

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER

RECORDED
IN THE COURT OF COMMON PLEAS

2006 OCT 19 PM 4:59
THIRD JUDICIAL CIRCUIT
Docket # 2006-CP-43-179A

Bernice Montgomery, Keshia Canty, and
Sally C. Doe, a fictitious name of a mentally
disabled person, through her court-
appointed guardian, Linda K. Zorn,
Plaintiffs,

PHILIP W. WELLS
CLERK OF COURT
SUMTER COUNTY, S.C.

v.

COMPLAINT
(Jury Trial Demanded)

Sumter County Disabilities and Special
Needs Board and Sherill Holder, in his
official and individual capacities,
Defendants.

The above-named Plaintiffs, for their complaint, allege and would show unto this Honorable Court:

JURISDICTION

1. That Plaintiffs Bernice Montgomery and Sally C. Doe are citizens and residents of the County of Sumter, State of South Carolina.
2. That Plaintiff Keshia Canty (hereinafter "Plaintiff Canty") is a citizen and resident of the County of Lee, State of South Carolina.
3. That, upon information and belief, Defendant Sumter County Disabilities and Special Needs Board (hereinafter "Defendant Board") is a private, non-profit corporation organized and existing under the laws of the State of South Carolina, and having its principal place of business in Sumter County, South Carolina.
4. That, upon information and belief, Defendant Sherill Holder (hereinafter "Defendant Holder") is a citizen and resident of the County of Sumter, State of South Carolina.

FACTS

5. That Defendant Holder is an employee/agent of Defendant Board and was employed at all times relevant hereto by Defendant Board, serving in the capacity of Executive Director and was

serving in the same capacity when the Plaintiffs suffered the injuries complained of and described below.

6. That Plaintiff Bernice Montgomery (hereinafter "Plaintiff Montgomery") was employed by Defendant Board in various capacities from June 27, 1994 until October 2002, at which time she was promoted to the position of Director of Adult Programs, serving in that position until her dismissal on January 2, 2006.

7. That from the very first day of her employment until the day of her dismissal, Plaintiff Montgomery generally met and satisfied her job requirements and the Defendants' legitimate expectations.

8. That on January 2, 2006, Plaintiff Montgomery was unceremoniously and wrongfully dismissed from her employment at the Defendant Sumter County Disabilities and Special Needs Board's facility.

9. That upon her termination, Plaintiff Montgomery was told that the reason for her termination was that the Defendant Board had restructured the organization, resulting in the elimination of her position.

10. That Plaintiff Canty was employed by Defendant Board as a Vocational Trainer from June 24, 1996 until December 1998, at which time she was promoted to the position of Enclave Supervisor, serving in that position until her dismissal on January 2, 2006.

11. That from the very first day of her employment until the day of her dismissal, Plaintiff Canty generally met and satisfied her job requirements and the Defendants' legitimate expectations.

12. That on January 2, 2006, Plaintiff Keshia Canty was unceremoniously and wrongfully dismissed from her employment at the Defendant Sumter County Disabilities and Special Needs Board's facility.

13. That upon her termination, Plaintiff Canty was told that the reason for her termination was that the Defendant Board had restructured the organization, resulting in the elimination of her position.

14. That since during or about June 2001 until the present, Plaintiff Sally C. Doe has been a client/patient under the Defendants' care.

15. That on or about November 18, 2003, while under the Defendants' care, Plaintiff Sally C. Doe was sexually assaulted by an employee of Defendant Board, and that the same employee was a registered sex offender, under the supervision and management of Defendant Holder.

FOR A FIRST CAUSE OF ACTION
(HARASSMENT AND RETALIATION AS TO PLAINTIFF BERNICE MONTGOMERY)

16. Plaintiffs reallege the allegations of the preceding paragraphs as if fully set forth herein verbatim.

17. That at the time of the injury and incidents complained of in the instant Complaint, Plaintiff Montgomery worked at Defendant Board's facility under the direct supervision of Defendant Holder.

18. That Defendant Holder, acting in his capacity as an employee/agent of Defendant Board and within the course and scope of his employment with Defendant Board, did hire one Kevin Wright, a known sex offender who was registered as such in the state of South Carolina.

19. That Plaintiff Montgomery discovered that the new hire, Kevin Wright, was a registered sex offender and, acting in her capacity as Director of Adult Programs, informed Defendant Holder of Kevin Wright's sex offender status.

20 That upon being noticed by Plaintiff Montgomery of Kevin Wright's sex offender status, Defendant Holder replied to Plaintiff Montgomery that he was aware of Kevin Wright's sex offender

status but that he, Defendant Holder, was satisfied with Kevin Wright's explanation that he, Kevin Wright, had been falsely accused and unjustly prosecuted.

21. That Plaintiff Montgomery verbally expressed to Defendant Holder her position that the hiring was improper and ill-advised and would expose the clients and staff to an unnecessary risk.

22. That at approximately 8:00 a.m. on the morning following Plaintiff Montgomery's discussion with Defendant Holder regarding Kevin Wright's hiring, Defendant Holder summoned Plaintiff Montgomery to his office and informed Plaintiff Montgomery that it had been reported that Kevin Wright had sexually assaulted one of the organization's mentally disabled clients during the afternoon of the same day which Plaintiff Montgomery had discussed Kevin Wright's sex offender status with Defendant Holder.

23. That upon being informed of the sexual assault allegation, Plaintiff Montgomery verbally expressed to Defendant Holder her disappointment and reiterated her earlier admonishment that the hiring of a known, registered sex offender was improper and ill-advised.

24. That prior to and up to the sexual assault incident, Plaintiff Montgomery and Defendant Holder had always enjoyed a collegial working relationship, during which time, under Defendant Holder's supervision, Plaintiff Montgomery received only "Exceeds Standards" performance evaluations.

25. That immediately after the sexual assault incident and during the period of time thereafter, Defendant Holder intentionally created a hostile working environment apropos Plaintiff Montgomery by a consciously designed campaign of harassment against Plaintiff Montgomery, acting on unfounded allegations against her and finding unsupported fault with her work performance, all as a means of retaliation against her because of her stated position against the hiring of Kevin Wright.

26. That Plaintiff Montgomery is informed and believes that in compensation for the damages she has suffered as a direct and proximate result of Defendant Holder's harassment and retaliation Plaintiff Montgomery is entitled to actual damages, punitive damages, attorney's fees and costs, and such other relief deemed just and proper.

FOR A SECOND CAUSE OF ACTION
(CIVIL CONSPIRACY AS TO PLAINTIFF BERNICE MONTGOMERY)

27. Plaintiffs reallege the allegations of the preceding paragraphs as if fully set forth herein verbatim.

28. That during or about January 2004, Plaintiff Montgomery complained to Defendant Board, in writing, about the occurrence and lack of a proper response to the reported sexual assault and that she, Plaintiff Montgomery, was being unfairly singled out with unfounded allegations and disciplinary writeups and was generally harassed by Defendant Holder as a means of retaliation against her because of her stated position about the ill-advised hiring of a known, registered sex offender.

29. That Defendant Board, after being informed by Plaintiff Montgomery of the unlawful hiring and sexual assault incident, took no meaningful action to address the information but did join with Defendant Holder in planning and orchestrating her dismissal from employment at the Defendant board facility.

30. That Defendant Board and Defendant Holder intentionally and consciously conspired, one with the other, to injure Plaintiff Montgomery and did injure Plaintiff Montgomery by effectuating her dismissal from her employment, under the planned ruse and pretense of agency restructuring.

31. That Plaintiff Montgomery is informed and believes that in compensation for the

damages she has suffered as a direct and proximate result of Defendant Board's and Defendant Holder's conspiring one with the other to harm Plaintiff Montgomery, Plaintiff Montgomery is entitled to actual damages, punitive damages, attorney's fees and costs, and such other relief deemed just and proper.

FOR A THIRD CAUSE OF ACTION
(WRONGFUL DISCHARGE AS TO PLAINTIFF BERNICE MONTGOMERY)

32. Plaintiffs reallege the allegations of the preceding paragraphs as if fully set forth herein verbatim.

33. That without prior notice, the named Defendants colluded to terminate and did terminate Plaintiff Montgomery's employment at Defendant Board's facility, and that said termination was constructive wrongful discharge.

34. That Plaintiff Montgomery is informed and believes that as compensation for the monetary and immeasurable emotional damages she has suffered as a direct and proximate result of Defendant Board's and Defendant Holder's wrongfully discharging Plaintiff Montgomery from her employment, Plaintiff Montgomery is entitled to actual damages, punitive damages, attorney's fees and costs, and any and all other relief deemed just and proper.

FOR A FOURTH CAUSE OF ACTION
(HARASSMENT AND RETALIATION AS TO PLAINTIFF KESHIA CANTY)

35. Plaintiffs reallege the allegations of the preceding paragraphs as if fully set forth herein verbatim.

36. That at the time of the injury and incidents complained of in the instant Complaint, Plaintiff Canty worked at Defendant Board's facility under the supervision of Defendant Holder.

37. That Defendant Holder, acting in his capacity as an employee/agent of Defendant Board and within the course and scope of his employment with Defendant Board, did consciously and

intentionally harass Plaintiff Canty as a means of retaliation against her because of her repeated complaints about the continued employment and poor job performance of Kevin Wright and the disciplinary actions that she, Plaintiff Canty, lodged against Kevin Wright.

38. That Plaintiff Canty is informed and believes that in compensation for the damages she has suffered as a direct and proximate result of Defendant Holder's harassment and retaliation, she is entitled to actual damages, punitive damages, attorney's fees and costs, and any and all other relief deemed just and proper.

FOR A FIFTH CAUSE OF ACTION
(CIVIL CONSPIRACY AS TO PLAINTIFF KESHIA CANTY)

39. Plaintiffs reallege the allegations of the preceding paragraphs as if fully set forth herein verbatim.

40. That Defendant Board and Defendant Holder intentionally and consciously conspired, one with the other, to injure Plaintiff Canty and did injure Plaintiff Canty by planning and orchestrating her dismissal from her employment, under the devised ruse and pretense of agency restructuring.

41. That Plaintiff Canty is informed and believes that in compensation for the damages she has suffered as a direct and proximate result of Defendant Board's and Defendant Holder's conspiring one with the other to harm her, Plaintiff Canty is entitled to actual damages, punitive damages, attorney's fees and costs, and such other relief deemed just and proper.

FOR A SIXTH CAUSE OF ACTION
(WRONGFUL DISCHARGE AS TO PLAINTIFF KESHIA CANTY)

42. Plaintiffs reallege the allegations of the preceding paragraphs as if fully set forth herein verbatim.

43. That without prior notice, the named Defendants colluded to terminate and did terminate

Plaintiff Canty's employment at Defendant Board's facility, and that said termination was constructive wrongful discharge.

44. That Plaintiff Canty is informed and believes that as compensation for the monetary and immeasurable emotional damages she has suffered as a direct and proximate result of Defendant Board's and Defendant Holder's wrongfully discharging Plaintiff Canty from her employment, Plaintiff Canty is entitled to actual damages, punitive damages, attorney's fees and costs, and any and all other relief deemed just and proper.

FOR A SEVENTH CAUSE OF ACTION
(NEGLIGENCE AS TO PLAINTIFF SALLY C. DOE)

45. Plaintiffs reallege the allegations of the preceding paragraphs as if fully set forth herein verbatim.

46. That Defendant Holder hired, managed, and supervised an employee of Defendant Board, one Kevin Wright.

47. That Defendant Holder knew or had reason to know at the time he personally hired Kevin Wright that Kevin Wright was a known sex offender and was duly registered as such in the state of South Carolina, and that it was likely that Kevin Wright would commit such act again.

48. That Defendant Holder knew or had reason to know at the time he personally hired Kevin Wright that Plaintiff Sally C. Doe and others under the care of the named Defendants, due to their mental disabilities and limitations, were vulnerable to Kevin Wrights documented sexual proclivities and were subject to be sexually victimized by Kevin Wright.

49. That on or about November 18, 2003, Plaintiff Sally C. Doe, while under the care of the above-named Defendants, was sexually assaulted by Kevin Wright.

50. That upon Plaintiff Sally C. Doe informing Defendant Holder of Kevin Wright's sexual

assault against her, Defendant Holder admonished Plaintiff Sally C. Doe to keep her story quiet because he, Defendant Holder, wanted "only one story told" about the incident and that if she, Sally C. Doe, would honor his request that she forget about the assailant and not tell anyone else about the assault, he would reward her by buying for her "a whole cheese cake."

51. That Defendant Holder, as Executive Director of the Defendant Board's facility, had a duty to use reasonable and sufficient due care in the hiring and supervising of employees at Defendant Board's care facility.

52. That Defendant Holder recklessly, willfully, and wantonly breached his duty to use reasonable or sufficient due care in hiring and supervising employee Kevin Wright at Defendant Board's care facility.

53. That, upon information and belief, Defendant Board's employee/agent Defendant Holder, by hiring a registered sex offender, violated policies and procedures put in place by Defendant Board and, by doing so, acted contrary to the legal and business interests of Defendant Board.

54. That as a direct and proximate result of Defendant Holder's breach of his duty to use reasonable and sufficient due care in hiring and supervising employee Kevin Wright, Plaintiff Sally C. Doe was damaged.

55. That Plaintiff Sally C. Doe is informed and believes that as compensation for the injuries, humiliation, and immeasurable emotional damages she has suffered as a direct and proximate result of Defendant Board's and Defendant Holder's negligence, Plaintiff Sally C. Doe is entitled to actual damages, punitive damages, consequential damages, special damages, attorney's fees and costs, and any and all other relief deemed just and proper.

assault against her, Defendant Holder admonished Plaintiff Sally C. Doe to keep her story quiet because he, Defendant Holder, wanted "only one story told" about the incident and that if she, Sally C. Doe, would honor his request that she forget about the assailant and not tell anyone else about the assault, he would reward her by buying for her "a whole cheese cake."

51. That Defendant Holder, as Executive Director of the Defendant Board's facility, had a duty to use reasonable and sufficient due care in the hiring and supervising of employees at Defendant Board's care facility.

52. That Defendant Holder recklessly, willfully, and wantonly breached his duty to use reasonable or sufficient due care in hiring and supervising employee Kevin Wright at Defendant Board's care facility.

53. That, upon information and belief, Defendant Board's employee/agent Defendant Holder, by hiring a registered sex offender, violated policies and procedures put in place by Defendant Board and, by doing so, acted contrary to the legal and business interests of Defendant Board.

54. That as a direct and proximate result of Defendant Holder's breach of his duty to use reasonable and sufficient due care in hiring and supervising employee Kevin Wright, Plaintiff Sally C. Doe was damaged.

55. That Plaintiff Sally C. Doe is informed and believes that as compensation for the injuries, humiliation, and immeasurable emotional damages she has suffered as a direct and proximate result of Defendant Board's and Defendant Holder's negligence, Plaintiff Sally C. Doe is entitled to actual damages, punitive damages, consequential damages, special damages, attorney's fees and costs, and any and all other relief deemed just and proper.

FOR AN EIGHTH CAUSE OF ACTION
(GROSS NEGLIGENCE AS TO PLAINTIFF SALLY C. DOE)

56. Plaintiffs reallege the allegations of the preceding paragraphs as if fully set forth herein verbatim.

57. That Defendant Holder knew or had reason to know of the risk in hiring Kevin Wright, a known, registered sex offender, and that Defendant Holder, in the face of such risk did intentionally and consciously ignore that risk and failed to exercise even the slightest care in the hiring and supervision of Kevin Wright although he, Defendant Holder, knew or had reason to know that he ought not to have hired Kevin Wright.

58. That Plaintiff Sally C. Doe is informed and believes that as compensation for the injuries, humiliation, and immeasurable emotional damages she has suffered as a direct and proximate result of Defendant Board's and Defendant Holder's gross negligence, Plaintiff Sally C. Doe is entitled to actual damages, punitive damages, consequential damages, special damages, attorney's fees and costs, and any and all other relief deemed just and proper

FOR A NINTH CAUSE OF ACTION
(ASSAULT AND BATTERY AS TO PLAINTIFF SALLY C. DOE)

59. Plaintiffs reallege the allegations of the preceding paragraphs as if fully set forth herein verbatim.

60. That Defendant Board, by and through its employee/agent Kevin Wright, did verbally and by threats, deviant acts and demeanor intimidate Plaintiff Sally C. Doe, causing her fright and apprehension, thereby assaulting her; and did touch her breasts and other parts about her body without her consent, against her will, and with total disregard for her objections and protests, thereby battering her.

61. That Plaintiff Sally C. Doe is informed and believes that as compensation for the

injuries, humiliation, and immeasurable emotional damages she has suffered as a direct and proximate result of being assaulted and battered by Defendant Board by and through its employee/agent, one Kevin Wright, Plaintiff Sally C. Doe is entitled to actual damages, punitive damages, consequential damages, special damages, attorney's fees and costs, and any and all other relief deemed just and proper

62. That the above-described injuries and losses suffered by Plaintiffs Montgomery and Canty were the direct and proximate result of Defendant Board's and Defendant Holder's wrongful conduct as outlined above, and that the injuries suffered by Plaintiff Sally C. Doe were the direct and proximate result of the Defendants' breach of their duties to exercise reasonable or due care in the hiring and supervision of one Kevin Wright, a known, registered sex offender; therefore, Plaintiffs are entitled to judgment in this matter, to a trial by a jury of the material facts, and to an award of damages for the Plaintiffs' losses and injuries caused by the Defendants' wrongful conduct, negligence, gross negligence, and intentional acts of assault and battery.

WHEREFORE, Plaintiffs pray this Court award actual damages, punitive damages, consequential damages, and special damages in an amount to be shown at trial, plus interest, costs, reasonable attorney's fees, and any and all other relief deemed just and proper.

RESPECTFULLY SUBMITTED,



JOHN E. MILES, SR, ESQUIRE

S.C. Bar #3971

15 South Main Street

Post Office Box 2687

Sumter, SC 29151

(803) 778-2351

Attorney for Plaintiffs

October 19, 2006
Sumter, SC

Attachment 15

Charges Against Kelvin Jerome Wright

Kelvin Jerome Wright, Born 1964

National Sexual Predator Registry – Conviction Date 9/28/1987 South Carolina Criminal Sexual Conduct 1st Degree

Arrest Date	Charge	Sentencing	Status
Sumter – 3rd Judicial Circuit			
6/30/1987	Forgery	10 Years	Pled Guilty
9/23/1987	Criminal Sexual Conduct – First Degree	30 Years	Pled Guilty
10/02/1987	Armed Robbery, robbery while armed or allegedly armed with a deadly weapon	30 Years	Pled Guilty
3/05/2003	Violation Supervised Furlough		Pending
3/06/2003	Breach of trust with fraudulent intent, value \$5000 or more		Disposed
Richland County – 5th Judicial Circuit			
4/17/2005	Shoplifting, value \$1000 or less	30 Days Jail	Guilty Bench Trial (Jail only)
8/19/2005	Fugitive From Justice		Dismissed Not Indicted
05/17/2006	Fugitive From Justice	Surety Bond \$25,000	Dismissed Not Indicted



SHERIFF ANTHONY DENNIS

Offender Search: Offender Details

Details

Name: KELVIN J WRIGHT **Registration #:** 0000010584
Aliases: KELVIN JEROME WRIGHT
Level: Adult Offender
Status: Out of State
Last Verification Date:



KELVIN J WRIGHT

Physical Description

• Age:	51 (YOB: 1964)	• Height:	6'00"
• Sex:	M	• Weight:	180lbs
• Race:	Black	• Eyes:	Brown
• Hair:	Black		
• Scars/Tattoos:			

[Submit a tip or correction for this offender](#)

[Register to track this offender](#)

Address

305 FRANKLIN SQUARE BONAIRE, GA
31005, Houston County

Other Known Addresses

Offenses

- **Description:** 16-3-652 - CRIMINAL SEXUAL CONDUCT - FIRST DEGREE
Sexual Motivation
- **Date Convicted:** 11/17/1987
- **Conviction State:** South Carolina
- **Release Date:**
- **Details:**
- **Counts:** |

Comments

WANTED BY GEORGIA FOR PROBATION PICK UP ON OR BEFORE JUNE 29 2007

- **Probation Conditions**

- None Entered

Other Known Addresses

Other Known Addresses

- Work Addresses
- School Addresses
- Other Residential Addresses

Victim Info

Victim Info

- Age of victim at time of crime: 20
- Gender of victim: Female

Warrants

Warrants

OFFENDER HAS NO PUBLISHABLE WARRANT INFORMATION

Vehicles

Vehicles

Plate	Make	Model	Year	Color
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Picture Date Submitted: 2/13/2015



Name:
First Name KELVIN
Middle Name JEROME
Last Name WRIGHT
Suffix
Aliases:
 WRIGHT, KELVCINJ
 WRIGHT, KELVIN
 WRIGHT, KELVINJ
 WRIGHT, KEVINJEROME

Gender/Race/YOB:
Gender: Male
Race: Black
Year of Birth 1964

Primary/Last Known Address:
 305 FRANKLIN SQUARE
 BONAIRE, GA 31005
 County: HOUSTON

Physical Description:
Height: 6 FT 0 IN
Weight: 180 LBS
Hair Color: Black
Eye Color: Brown

Predator: No
Absconder: No
Registration Date: 6/29/2007
Residence Verification Date: 2/13/2015
Leveling: Not Levelled
 For questions about leveling consult the [Sexual Offender Registration Review Board \(SORRB\)](#).

Conviction Date	Conviction State	Offense
09/28/1987	South Carolina	<u>CRIMINAL SEXUAL CONDUCT 1ST</u>

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The State of South Carolina VS Kelvin Wright					
Case Number:	B863387	Court Agency:	General Sessions	Filed Date:	10/15/1987
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Pled Guilty	Assigned Judge:		Disposition Judge:	Floyd, Sidney T.
Disposition:	Pled Guilty				
Disposition Date:	11/10/1987	Date Received:	11/17/1987	Arrest Date:	06/30/1987
Law Enf. Case:		True Bill Date:		No Bill Date:	
Prosecutor Case:		Indictment Number:	1987GS4300785	Waiver Date:	
Probation Case:					

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Click the icon to show associated parties.

Name	Address	Race	Sex	Year Of Birth	Party Type	Party Status	Last Updated
Unknown					Solicitor		04/13/2006
Wright, Kelvin	APT 81 LAFAYETTE VILLA SUMTER SC 29150	Black	M	1964	Defendant		04/13/2006

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Name	Charge Code - Charge Description	Original Charge Code - Original Charge	Disposition Date
Wright, Kelvin	0070-Forgery / Forgery (no longer used)(see 0488)	0070-Forgery / Forgery (no longer used)(see 0488)	11/10/1987

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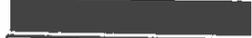
And/Or	Description	Amount	Units	Begin Date	End Date	Completion Date	Consecutive or Concurrent
	10YRS						



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The State of South Carolina VS Kelvin Wright					
Case Number:	B931461	Court Agency:	General Sessions	Filed Date:	10/15/1987
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Pled Guilty	Assigned Judge:		Disposition Judge:	Floyd, Sidney T.
Disposition:	Pled Guilty				
Disposition Date:	11/10/1987	Date Received:	11/17/1987	Arrest Date:	09/23/1987
Law Enf. Case:		True Bill Date:		No Bill Date:	
Prosecutor Case:		Indictment Number:	1987GS4300784	Waiver Date:	
Probation Case:					

Case Parties	Charges	Sentencing	Associated Cases	Actions	Financials	Bonds	
Click the icon to show associated parties.							
Name	Address	Race	Sex	Year Of Birth	Party Type	Party Status	Last Updated
Unknown					Solicitor		04/13/2006
Wright, Kelvin	203 LINWOOD RD WARNER ROBBIN GA 00000	Black	M	1964	Defendant		04/13/2006

Case Parties	Charges	Sentencing	Associated Cases	Actions	Financials	Bonds
Name	Charge Code - Charge Description	Original Charge Code - Original Charge	Disposition Date			
Wright, Kelvin	0160-Sex / Criminal sexual conduct - First degree	0160-Sex / Criminal sexual conduct - First degree	11/10/1987			

Case Parties	Charges	Sentencing	Associated Cases	Actions	Financials	Bonds	
And/Or	Description	Amount	Units	Begin Date	End Date	Completion Date	Consecutive or Concurrent
	30YRS						



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The State of South Carolina VS Kelvin Jerome Wright					
Case Number:	B931931	Court Agency:	General Sessions	Filed Date:	10/15/1987
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Pled Guilty	Assigned Judge:		Disposition Judge:	Floyd, Sidney T.
Disposition:	Pled Guilty				
Disposition Date:	11/10/1987	Date Received:	11/17/1987	Arrest Date:	10/02/1987
Law Enf. Case:		True Bill Date:		No Bill Date:	
Prosecutor Case:		Indictment Number:	1987GS4300786	Waiver Date:	
Probation Case:					

Case Parties	Charges	Sentencing	Associated Cases	Actions	Financials	Bonds	
Click the icon to show associated parties.							
Name	Address	Race	Sex	Year Of Birth	Party Type	Party Status	Last Updated
Unknown					Solicitor		04/13/2006
Wright, Kelvin Jerome	203 LINDWOOD DR WARNER ROBBIN GA 00000	Black	M	1964	Defendant		04/13/2006

Case Parties	Charges	Sentencing	Associated Cases	Actions	Financials	Bonds
Name	Charge Code - Charge Description	Original Charge Code - Original Charge		Disposition Date		
Wright, Kelvin Jerome	0139-Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon	0139-Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon		11/10/1987		

Case Parties	Charges	Sentencing	Associated Cases	Actions	Financials	Bonds	
And/Or	Description	Amount	Units	Begin Date	End Date	Completion Date	Consecutive or Concurrent
	30YRS						



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The State of South Carolina VS Kelvin Wright					
Case Number:	B931461	Court Agency:	General Sessions	Filed Date:	10/15/1987
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Pled Guilty	Assigned Judge:		Disposition Judge:	Floyd, Sidney T.
Disposition:	Pled Guilty				
Disposition Date:	11/10/1987	Date Received:	11/17/1987	Arrest Date:	09/23/1987
Law Enf. Case:		True Bill Date:		No Bill Date:	
Prosecutor Case:		Indictment Number:	1987GS4300784	Waiver Date:	
Probation Case:					

Case Parties	Charges	Sentencing	Associated Cases	Actions	Financials	Bonds	
Click the icon to show associated parties.							
Name	Address	Race	Sex	Year Of Birth	Party Type	Party Status	Last Updated
Unknown					Solicitor		04/13/2006
Wright, Kelvin	203 LINWOOD RD WARNER ROBBIN GA 00000	Black	M	1964	Defendant		04/13/2006

Case Parties	Charges	Sentencing	Associated Cases	Actions	Financials	Bonds
Name	Charge Code - Charge Description	Original Charge Code - Original Charge	Disposition Date			
Wright, Kelvin	0160-Sex / Criminal sexual conduct - First degree	0160-Sex / Criminal sexual conduct - First degree	11/10/1987			

Case Parties	Charges	Sentencing	Associated Cases	Actions	Financials	Bonds	
And/Or	Description	Amount	Units	Begin Date	End Date	Completion Date	Consecutive or Concurrent
	30YRS						



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The State of South Carolina VS Kelvin Wright

Case Number:	4303062	Court Agency:	Sumter Magistrate Court	Filed Date:	01/01/1980
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Pending	Assigned Judge:		Disposition Judge:	
Disposition:					
Disposition Date:		Date Received:		Arrest Date:	03/05/2003
Law Enf. Case:		True Bill Date:		No Bill Date:	
Prosecutor Case:		Indictment Number:		Waiver Date:	
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Click the icon to show associated parties.

Name	Address	Race	Sex	Year Of Birth	Party Type	Party Status	Last Updated
Wright, Kelvin	1033 ROBIN HOOD AVE SUMTER SC 29150	Black	M	1964	Defendant		04/15/2015

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Name	Charge Code - Charge Description	Original Charge Code - Original Charge	Disposition Date
Wright, Kelvin	0546-VIOL SUPERV FURLOUGH	0546-VIOL SUPERV FURLOUGH	



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The State of South Carolina VS Kelvin Wright					
Case Number:	H419025	Court Agency:	General Sessions	Filed Date:	03/12/2003
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Disposed	Assigned Judge:	Ward, Kathy Lynn	Disposition Judge:	Solicitor
Disposition:	Nolle Prosequi				
Disposition Date:	04/02/2003	Date Received:	03/12/2003	Arrest Date:	03/06/2003
Law Enf. Case:		True Bill Date:		No Bill Date:	
Prosecutor Case:		Indictment Number:	0000GS43	Waiver Date:	
Probation Case:					

Case Parties	Charges	Sentencing	Associated Cases	Actions	Financials	Bonds	
Click the <input checked="" type="checkbox"/> icon to show associated parties.							
Name	Address	Race	Sex	Year Of Birth	Party Type	Party Status	Last Updated
Wright, Kelvin	1033 ROBINHOOD AVE SUMTER SC 29150	Black	M	1964	Defendant		04/13/2006

Case Parties	Charges	Sentencing	Associated Cases	Actions	Financials	Bonds
Name	Charge Code - Charge Description	Original Charge Code - Original Charge			Disposition Date	
Wright, Kelvin	0421-Breach / Breach of trust with fraudulent intent, value \$5,000 or more	0421-Breach / Breach of trust with fraudulent intent, value \$5,000 or more			04/02/2003	



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The State of South Carolina vs Kelvin J. Wright

Case Number:	I971776	Court Agency:	Waverly Magistrate	Filed Date:	04/18/2005
Case Type:	Criminal	Case Sub Type:			
Status:	Disposed	Assigned Judge:	Womble, William Willie"" Herman Jr.	Disposition Judge:	Womble, William Willie"" Herman Jr.
Disposition:	Guilty Bench Trial Jail Only				
Disposition Date:	05/10/2005	Date Received:		Arrest Date:	04/17/2005
Law Enf. Case:		True Bill Date:		No Bill Date:	
Prosecutor Case:		Indictment Number:		Waiver Date:	
Probation Case:					

Case Parties Charges Sentencing Associated Cases Actions Financials Bonds

Click the icon to show associated parties.

Name	Address	Race	Sex	Year Of Birth	Party Type	Party Status	Last Updated
Piggly Wiggly	4033 West Beltline Blvd Columbia SC 29204				Affiant		06/23/2007
Wright, Kelvin J.	River Drive Apt C 3 (elmwood Apt) Columbia SC 29201	Black	M	1964	Defendant		06/23/2007

Case Parties Charges Sentencing Associated Cases Actions Financials Bonds

Name	Charge Code - Charge Description	Original Charge Code - Original Charge	Disposition Date
Wright, Kelvin J.	0528-Shoplifting / Shoplifting, value \$1,000 or less	0528-Shoplifting / Shoplifting, value \$1,000 or less	05/10/2005

Case Parties Charges Sentencing Associated Cases Actions Financials Bonds

And/Or	Description	Amount	Units	Begin Date	End Date	Completion Date	Consecutive or Concurrent
	Jail		30 Days	05/10/2005	06/09/2005		



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State of South Carolina vs Kelvin J Wright

Case Number:	I973654	Court Agency:	Richland County General Sessions	Filed Date:	08/30/2005
Case Type:	Richland-Clerk	Case Sub Type:			
Status:	Dismissed	Assigned Judge:	Streater, Caroline Whitehead	Disposition Judge:	Solicitor
Disposition:	Dismissed Not Indicted				
Disposition Date:	09/08/2005	Date Received:	08/30/2005	Arrest Date:	08/19/2005
Law Enf. Case:		True Bill Date:		No Bill Date:	
Prosecutor Case:		Indictment Number:	0000GS40	Waiver Date:	
Probation Case:					

Case Parties Charges Sentencing Associated Cases Actions Financials Bonds

Click the  icon to show associated parties.

Name	Address	Race	Sex	Year Of Birth	Party Type	Party Status	Last Updated
Hayhurst, Raymond	5623 Two Notch Road Columbia SC 29223				Officer		06/23/2007
Wright, Kelvin J	River Drive Apt C 3 Elmwood Apts Columbia SC 29201	Black	M	1964	Defendant		08/30/2005

Case Parties Charges Sentencing Associated Cases Actions Financials Bonds

Name	Charge Code - Charge Description	Original Charge Code - Original Charge	Disposition Date
Wright, Kelvin J	3135-Fugitive From Justice	-Fugitive From Justice	09/08/2005



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State of South Carolina vs Kelvin Jerome Wright

Case Number:	I977300	Court Agency:	Richland County General Sessions	Filed Date:	05/31/2006
Case Type:	Richland-Clerk	Case Sub Type:			
Status:	Dismissed	Assigned Judge:	Shealy, Kirby Darr Jr.	Disposition Judge:	Solicitor
Disposition:	Dismissed Not Indicted				
Disposition Date:	06/05/2006	Date Received:	05/31/2006	Arrest Date:	05/17/2006
Law Enf. Case:		True Bill Date:		No Bill Date:	
Prosecutor Case:		Indictment Number:	0000GS40	Waiver Date:	
Probation Case:					

Case Parties Charges Sentencing Associated Cases Actions Financials Bonds

Click the  icon to show associated parties.

Name	Address	Race	Sex	Year Of Birth	Party Type	Party Status	Last Updated
24/7 Bail Bonding Co / Universal / Yolanda S Smalls	4431 Bluff Road Columbia SC 29209				Bond Entity		06/23/2007
Jones, Dale JR	5623 Two Notch Road Columbia SC 29223				Officer		06/23/2007
Wright, Kelvin Jerome	1520 Wynyah Dr Columbia SC 29203-	Black	M	1964	Defendant		05/31/2006

Case Parties Charges Sentencing Associated Cases Actions Financials Bonds

Name	Charge Code - Charge Description	Original Charge Code - Original Charge	Disposition Date
Wright, Kelvin Jerome	3135-Fugitive From Justice	3135-Fugitive From Justice	06/05/2006

Case Parties Charges Sentencing Associated Cases Actions Financials Bonds

Bond Information								
Bond Id	Set Date	Amend Date	Set By	Type	Amount	Type	Amount	Condition
2006B401020607290	05/17/2006		Shealy	Surety Bond	\$25,000.00		\$0.00	

Post Information

None

Disability Board Director Accused of Sex Abuse of Disabled Man

8:09 PM, Feb 28, 2008 | 0 comments



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Tony Santaella

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News

SUMTER (WLTX) Jerry Coker is shocked after hearing about the latest abuse case involving a disabled person. Sumter Police have arrested 50 year old Sherill Holder, Executive Director for the Sumter County Disabilities and Special Needs Board. Holder is charged with third degree criminal sexual conduct. "You got people out there that are so sick, they don't care what position they are they're going to do it anyway," says Coker. Holder is also facing the same charge in Manning. Investigators say, the victim, a 31 year old disabled man told a counselor that Holder was assistant director in Clarendon County when the abuse began. The victim says after he moved to Sumter, Holder continued to assault him. "You hear about it happening to a child but then you don't know what to think when it happens to a disabled person," says Coker. The arrest comes just a week after Ellen Thompson and Albert Brown, two Clarendon County DSN employees were charged in connection with assaulting Cokers' brother Mitchell at a special needs home in Alcalou. Meanwhile Jim Christian, Director for the Clarendon County Disabilities and Special Needs Board says Holder was employed there from the early 90's until 2001. He says to have two reports of abuse in such a short period of time has left the organization shell-shocked. "We don't tolerate abuse. We're

very distressed that this happened " says Christian. And while Coker is stunned at the latest case of abuse, he's also monitoring the situation involving his own brother. "All the staff has been changed and no one will be going back to work but if they do, I'll go and get him and bring him home," says Coker.

The Associated Press contributed to this report

Sumter disability board director accused of sex with mentally disabled man

Posted: Feb 28, 2008 10:20 AM EDT
Updated: Mar 02, 2008 12:55 PM EDT

SUMTER COUNTY, SC (WIS) - Sherill Holder is the Director of Sumter's Disabilities and Special Needs Board. Sumter police think he had sex with one of the board's clients - a 31-year-old man who is mentally disabled.

"You got to be sick in the head to do what they say he did. That's a sick person," says Anthony Burroughs. "From what I know of him, it took me by surprise. I didn't think he would do nothing like this."

Burroughs has worked for Sumter's Special Needs Board for six years, and knows Holder. To say the least, he's shocked and angry. "It's awful that people put their family members in a place to be taken care of and something like this happens. It's awful."

Investigators say the client told a counselor that Holder had sexually assaulted him several times over the course of several years - first at the Clarendon County Disabilities and Special Needs Board in Manning, where Holder was the Assistant Executive Director, and then in Sumter.

Burroughs says, "If he did it, they need to prosecute him to the full extent of the law."

Now, Holder is being held on \$25,000 bail. He's charged with third-degree criminal sexual conduct both in Sumter and Manning. He could get six years in prison.

Reported by *Trey Paul*

Sumter police chief questions release of sexual abuse suspect

Posted: Mar 11, 2008 7:22 PM EST
Updated: Mar 13, 2008 11:41 PM EST

SUMTER COUNTY, SC (WIS) - The former Sumter Disabilities director is accused of sexual abuse. Sherill Holder got out of jail Sunday. The police chief says she hopes Holder will show up for court.

No one's answering at the Holder house in Sumter, and there's no sign of 51-year-old Sherill Holder, who is out of jail but on house arrest in connection with charges of criminal sexual conduct and kidnapping.

Holder - former head of Sumter's Disabilities and Special Needs Board - is accused of sexually assaulting three people over a period spanning about 13 years.

Two of the victims were disabled. Holder was in and out of jail a couple of times over the weekend. Released for the first time on Saturday, then back in on Sunday following objections from the city's police chief.

He is now out for the second time after posting a \$40,000 surety bond.

A jail official says Holder actually has two bonds, both surety, meaning he did not have to put up cash.

Chief Patty Patterson questioned a judge's decision to release Holder into the custody of his parents - who live outside the state. "That was our concern. Was who was going to be responsible to ensure his appearance when he was called to come to court? And being let out to a third party custody, that just didn't quite ... It was hard for us to understand."

Patterson also says her department wanted to keep the suspect away from the victims. "Well we're concerned about the victims. That's our concern, is for the victims, being able to make contact with those victims, having further access."

Holder's house arrest requires him to wear an electronic monitoring device.

Sherrill Holder, Former Director of the Sumter Disabilities and Special Needs Board, Born 1957

Arrest Date	Charge	Sentencing	Status
Sumter – 3rd Judicial Court			
02/26/2008	Criminal Sexual Conduct – Third Degree	Surety Bond \$25,000	Pending
03/07/2008	Criminal Sexual Conduct – First Degree	Surety Bond \$20,000	Pending
03/07/2008	Kidnapping	Surety Bond \$20,000 Third Party \$20,000	Pending
Clarendon– 3rd Judicial Court			
03/05/2008	Criminal Sexual Conduct – Third Degree	Surety Bond \$10,000 Cash Bond \$5,000	Pending
03/05/2008	Criminal Sexual Conduct – Third Degree	Surety Bond \$10,000 Cash Bond \$5,000	Pending
03/05/2008	Kidnapping	Surety Bond \$10,000 Cash Bond \$5,000	Pending



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The State of South Carolina VS Sherill Holder

Case Number:	J303861	Court Agency:	General Sessions	Filed Date:	03/06/2008
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Pending	Assigned Judge:	Clerk Of Court C P, G S, And Family Court	Disposition Judge:	
Disposition:					
Disposition Date:		Date Received:	03/03/2008	Arrest Date:	02/26/2008
Law Enf. Case:	08008675	True Bill Date:	07/17/2008	No Bill Date:	
Prosecutor Case:		Indictment Number:	2008GS4300840	Waiver Date:	
Probation Case:					

Case Parties Charges Sentencing Associated Cases Actions Financials Bonds

Click the icon to show associated parties.

Name	Address	Race	Sex	Year Of Birth	Party Type	Party Status	Last Updated
<input checked="" type="checkbox"/> Clark, John Derrick	PO Drawer 880 Sumter SC 29151				Defendant Attorney		08/14/2012
<input type="checkbox"/> Culick, Irene	107 East Hampton Ave Sumter SC 29150				Officer		03/06/2008
<input checked="" type="checkbox"/> Holder, Sherill	692 Pringle Dr Sumter SC 29150-3239	Black	M	1957	Defendant		07/12/2008
<input type="checkbox"/> Warren Bail Bondsman/Jay Warren	646 Manning Avenue Sumter SC 29150				Bond Entity		03/06/2008

Case Parties Charges Sentencing Associated Cases Actions Financials Bonds

Name	Charge Code - Charge Description	Original Charge Code - Original Charge	Disposition Date
Holder, Sherill	0162-Sex / Criminal sexual conduct - Third degree	0162-Sex / Criminal sexual conduct - Third degree	

Case Parties Charges Sentencing Associated Cases Actions Financials Bonds

Bond Information								
Bond Id	Set Date	Amend Date	Set By	Type	Amount	Type	Amount	Condition
2008BD4310207222	02/27/2008		Gibson	Surety Bond	\$25,000.00		\$0.00	

Post Information				
Bond Id	Bond Type	Amount	Date Posted	Posted By
2008BD4310207222	Surety Bond	\$25,000.00	03/04/2008	Warren Bail Bondsman/Jay Warren



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The State of South Carolina VS Sherill Holder					
Case Number:	J303923	Court Agency:	General Sessions	Filed Date:	03/19/2008
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Pending	Assigned Judge:	Ward, Kathy Lynn	Disposition Judge:	
Disposition:					
Disposition Date:		Date Received:	03/12/2008	Arrest Date:	03/07/2008
Law Enf. Case:	08025959	True Bill Date:	07/17/2008	No Bill Date:	
Prosecutor Case:		Indictment Number:	2008GS4300840	Waiver Date:	
Probation Case:					

Case Parties	Charges	Sentencing	Associated Cases	Actions	Financials	Bonds	
Click the icon to show associated parties.							
Name	Address	Race	Sex	Year Of Birth	Party Type	Party Status	Last Updated
<input checked="" type="checkbox"/> Clark, John Derrick	PO Drawer 880 Sumter SC 29151				Defendant Attorney		08/14/2012
Culick, Irene	107 East Hampton Ave Sumter SC 29150				Officer		03/19/2008
<input checked="" type="checkbox"/> Holder, Sherill	692 Pringle Dr Sumter SC 29150-3239	Black	M	1957	Defendant		07/12/2008
Warren Bail Bondsman/Jay Warren	646 Manning Avenue Sumter SC 29150				Bond Entity		03/19/2008

Case Parties	Charges	Sentencing	Associated Cases	Actions	Financials	Bonds
Name	Charge Code - Charge Description	Original Charge Code - Original Charge	Disposition Date			
Holder, Sherill	0160-Sex / Criminal sexual conduct - First degree	0160-Sex / Criminal sexual conduct - First degree				

Case Parties	Charges	Sentencing	Associated Cases	Actions	Financials	Bonds		
Bond Information								
Bond Id	Set Date	Amend Date	Set By	Type	Amount	Type	Amount	Condition
2008BD4310207375	03/08/2008		Davis	Surety Bond	\$20,000.00	Third Party	\$20,000.00	
Post Information								
Bond Id	Bond Type	Amount	Date Posted	Posted By				
2008BD4310207375	Surety Bond	\$20,000.00	03/09/2008	Warren Bail Bondsman/Jay Warren				



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The State of South Carolina VS Sherill Holder					
Case Number:	J303924	Court Agency:	General Sessions	Filed Date:	03/19/2008
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Pending	Assigned Judge:	Ward, Kathy Lynn	Disposition Judge:	
Disposition:					
Disposition Date:		Date Received:	03/12/2008	Arrest Date:	03/07/2008
Law Enf. Case:	08025959	True Bill Date:	07/17/2008	No Bill Date:	
Prosecutor Case:		Indictment Number:	2008GS4300840	Waiver Date:	
Probation Case:					

Case Parties	Charges	Sentencing	Associated Cases	Actions	Financials	Bonds	
Click the icon to show associated parties.							
Name	Address	Race	Sex	Year Of Birth	Party Type	Party Status	Last Updated
<input checked="" type="checkbox"/> Clark, John Derrick	PO Drawer 880 Sumter SC 29151				Defendant Attorney		08/14/2012
Culick, Irene	107 East Hampton Ave Sumter SC 29150				Officer		03/19/2008
Holder, Heleh Christine	2066 Barbour Road Smithfield NC 27577				Bond Entity		03/19/2008
Holder, Helen Christine	2066 Barbour Road 9199896280 NC 27577				Bond Entity		03/19/2008
<input checked="" type="checkbox"/> Holder, Sherill	692 Pringle Dr Sumter SC 29150-3239	Black	M	1957	Defendant		07/12/2008
Warren Bail Bondsman/Jay Warren	646 Manning Avenue Sumter SC 29150				Bond Entity		03/19/2008

Case Parties	Charges	Sentencing	Associated Cases	Actions	Financials	Bonds
Name	Charge Code - Charge Description	Original Charge Code - Original Charge	Disposition Date			
Holder, Sherill	0095-Kidnapping / Kidnapping	0095-Kidnapping / Kidnapping				

Case Parties	Charges	Sentencing	Associated Cases	Actions	Financials	Bonds		
Bond Information								
Bond Id	Set Date	Amend Date	Set By	Type	Amount	Type	Amount	Condition
2008BD4310207375	03/08/2008		Davis	Surety Bond	\$20,000.00	Third Party	\$20,000.00	
Post Information								
Bond Id	Bond Type	Amount	Date Posted	Posted By				
2008BD4310207375	Third Party	\$20,000.00	03/08/2008	Holder, Helen Christine				
2008BD4310207375	Third Party	\$20,000.00	03/08/2008	Holder, Heleh Christine				
2008BD4310207375	Surety Bond	\$20,000.00	03/09/2008	Warren Bail Bondsman/Jay Warren				



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The State of South Carolina VS Sherill Holder

Case Number:	J303923	Court Agency:	General Sessions	Filed Date:	03/19/2008
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Pending	Assigned Judge:	Ward, Kathy Lynn	Disposition Judge:	
Disposition:					
Disposition Date:		Date Received:	03/12/2008	Arrest Date:	03/07/2008
Law Enf. Case:	08025959	True Bill Date:	07/17/2008	No Bill Date:	
Prosecutor Case:		Indictment Number:	2008GS4300840	Waiver Date:	
Probation Case:					

Case Parties Charges Sentencing Associated Cases Actions Financials Bonds

Click the icon to show associated parties.

Name	Address	Race	Sex	Year Of Birth	Party Type	Party Status	Last Updated
<input checked="" type="checkbox"/> Clark, John Derrick	PO Drawer 880 Sumter SC 29151				Defendant Attorney		08/14/2012
<input type="checkbox"/> Culick, Irene	107 East Hampton Ave Sumter SC 29150				Officer		03/19/2008
<input checked="" type="checkbox"/> Holder, Sherill	692 Pringle Dr Sumter SC 29150-3239	Black	M	1957	Defendant		07/12/2008
<input type="checkbox"/> Warren Bail Bondsman/Jay Warren	646 Manning Avenue Sumter SC 29150				Bond Entity		03/19/2008

Case Parties Charges Sentencing Associated Cases Actions Financials Bonds

Name	Charge Code - Charge Description	Original Charge Code - Original Charge	Disposition Date
<input type="checkbox"/> Holder, Sherill	0160-Sex / Criminal sexual conduct - First degree	0160-Sex / Criminal sexual conduct - First degree	

Case Parties Charges Sentencing Associated Cases Actions Financials Bonds

Bond Information

Bond Id	Set Date	Amend Date	Set By	Type	Amount	Type	Amount	Condition
2008BD4310207375	03/08/2008		Davis	Surety Bond	\$20,000.00	Third Party	\$20,000.00	

Post Information

Bond Id	Bond Type	Amount	Date Posted	Posted By
2008BD4310207375	Surety Bond	\$20,000.00	03/09/2008	Warren Bail Bondsman/Jay Warren



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The State of South Carolina VS Sherrill Holder				
Case Number:	J100973	Court Agency:	General Sessions	Filed Date: 03/10/2008
Case Type:	Criminal-Clerk	Case Sub Type:		
Status:	Pending	Assigned Judge:	Clerk Of Court C P, G S, And Family Court	Disposition Judge:
Disposition:				
Disposition Date:		Date Received:	03/07/2008	Arrest Date: 03/05/2008
Law Enf. Case:		True Bill Date:		No Bill Date:
Prosecutor Case:		Indictment Number:	0000GS14	Waiver Date:
Probation Case:				

Case Parties	Charges	Sentencing	Associated Cases	Actions	Financials	Bonds	
<small>Click the icon to show associated parties.</small>							
Name	Address	Race	Sex	Year Of Birth	Party Type	Party Status	Last Updated
Holder, Sherrill	692 Pringle Dr Sumter SC 29150	Black	M	1957	Defendant		06/30/2008
Shaffer, Blair	42 W Boyce St Manning SC 29102				Officer		03/10/2008
Warren Bail Bondsman/Jay Warren	646 Manning Ave Sumter SC 29150				Bond Entity		03/10/2008

Case Parties	Charges	Sentencing	Associated Cases	Actions	Financials	Bonds
Name	Charge Code - Charge Description	Original Charge Code - Original Charge	Disposition Date			
Holder, Sherrill	0162-Sex / Criminal sexual conduct - Third degree	0162-Sex / Criminal sexual conduct - Third degree				

Case Parties	Charges	Sentencing	Associated Cases	Actions	Financials	Bonds		
Bond Information								
Bond Id	Set Date	Amend Date	Set By	Type	Amount	Type	Amount	Condition
20088D1410200248	03/06/2008		Geddings	Cash Bond	\$5,000.00	Surety Bond	\$10,000.00	
Post Information								
Bond Id	Bond Type	Amount	Date Posted	Posted By				
2008BD1410200248	Surety Bond	\$10,000.00	03/06/2008	Warren Bail Bondsman/Jay Warren				



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The State of South Carolina VS Sherrill Holder

Case Number:	J100966	Court Agency:	General Sessions	Filed Date:	03/10/2008
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Pending	Assigned Judge:	Clerk Of Court C P, G S, And Family Court	Disposition Judge:	
Disposition:					
Disposition Date:		Date Received:	03/07/2008	Arrest Date:	03/05/2008
Law Enf. Case:		True Bill Date:		No Bill Date:	
Prosecutor Case:		Indictment Number:	0000GS14	Waiver Date:	
Probation Case:					

Case Parties Charges Sentencing Associated Cases Actions Financials Bonds

Click the icon to show associated parties.

Name	Address	Race	Sex	Year Of Birth	Party Type	Party Status	Last Updated
Holder, Sherrill	692 Pringle Dr Sumter SC 29150	Black	M	1957	Defendant		06/30/2008
Shaffer, Blair	42 W Boyce St Manning SC 29102				Officer		03/10/2008
Warren Bail Bondsman/Jay Warren	646 Manning Ave Sumter SC 29150				Bond Entity		03/10/2008

Case Parties Charges Sentencing Associated Cases Actions Financials Bonds

Name	Charge Code - Charge Description	Original Charge Code - Original Charge	Disposition Date
Holder, Sherrill	0162-Sex / Criminal sexual conduct - Third degree	0162-Sex / Criminal sexual conduct - Third degree	

Case Parties Charges Sentencing Associated Cases Actions Financials Bonds

Bond Information

Bond Id	Set Date	Amend Date	Set By	Type	Amount	Type	Amount	Condition
2008BD1410200248	03/06/2008		Geddings	Cash Bond	\$5,000.00	Surety Bond	\$10,000.00	

Post Information

Bond Id	Bond Type	Amount	Date Posted	Posted By
2008BD1410200248	Surety Bond	\$10,000.00	03/06/2008	Warren Bail Bondsman/Jay Warren



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The State of South Carolina VS Sherrill Holder					
Case Number:	J100972	Court Agency:	General Sessions	Filed Date:	03/10/2008
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Pending	Assigned Judge:	Clerk Of Court C P, G S, And Family Court	Disposition Judge:	
Disposition:					
Disposition Date:		Date Received:	03/07/2008	Arrest Date:	03/05/2008
Law Enf. Case:		True Bill Date:		No Bill Date:	
Prosecutor Case:		Indictment Number:	0000GS14	Waiver Date:	
Probation Case:					

Case Parties	Charges	Sentencing	Associated Cases	Actions	Financials	Bonds	
Click the icon to show associated parties.							
Name	Address	Race	Sex	Year Of Birth	Party Type	Party Status	Last Updated
Holder, Sherrill	692 Pringle Dr Sumter SC 29150	Black	M	1957	Defendant		06/30/2008
Shaffer, Blair	42 W Boyce St Manning SC 29102				Officer		03/10/2008
Warren Bail Bondsman/Jay Warren	646 Manning Ave Sumter SC 29150				Bond Entity		03/10/2008

Case Parties	Charges	Sentencing	Associated Cases	Actions	Financials	Bonds
Name	Charge Code - Charge Description	Original Charge Code - Original Charge	Disposition Date			
Holder, Sherrill	0095-Kidnapping / Kidnapping	0095-Kidnapping / Kidnapping				

Case Parties	Charges	Sentencing	Associated Cases	Actions	Financials	Bonds		
Bond Information								
Bond Id	Set Date	Amend Date	Set By	Type	Amount	Type	Amount	Condition
2008BD1410200248	03/06/2008		Geddings	Cash Bond	\$5,000.00	Surety Bond	\$10,000.00	
Post Information								
Bond Id	Bond Type	Amount	Date Posted	Posted By				
2008BD1410200248	Surety Bond	\$10,000.00	03/06/2008	Warren Bail Bondsman/Jay Warren				

Attachment 17

**Charges Against Gwendolyn E Gardner,
Former Finance Director of the Sumter DSN Board**



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Case # Case Type All Case Types Case SubType All Case Sub-Types

Last Name/Business Gardner First Gwendolyn Middle E Suffix

Party Type All

Action Type All Actions

Date Type Beginning Ending

Tax Map# From Through

Only for Civil Cases... Index Search All Lis Pendens Judgments | Cross Index Search All Judgment For
Judgment Against

Name	Party Type	Case Number	Filed Date	Case Status	Disposition Date	Type	Subtype	Judgment #	Court Agency
Gardner, Gwendolyn E	Defendant	J293102	03/10/2008	Pending		Criminal-Clerk			General Sessions

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auditors find \$75,000 problem at Sumter Co. Board of Disabilities and... <http://www.wistv.com/story/7942205/auditors-find-75000-problem-at...>

Auditors find \$75,000 problem at Sumter Co. Board of Disabilities and Special Needs

Posted: Feb 28, 2008 5:49 PM EDT
Updated: Mar 03, 2008 11:22 PM EDT

SUMTER COUNTY, SC (WIS) - Auditors found \$75,000 worth of problems at the Sumter County Board of Disabilities and Special Needs.

They say Gwendolyn Gardner appropriated the money to her own use between the dates of October 1997 and July 2006.

Gwendolyn Gardner was arrested by investigators with the Sumter County Sheriff's Office and taken to the Sumter-Lee Regional Detention Center. She is charged with breach of trust with fraud intent.



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The State of South Carolina VS Gwendolyn E Gardner

Case Number:	J293102	Court Agency:	General Sessions	Filed Date:	03/10/2008
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Pending	Assigned Judge:	Clerk Of Court C P, G S, And Family Court	Disposition Judge:	
Disposition:					
Disposition Date:		Date Received:	03/04/2008	Arrest Date:	02/28/2008
Law Enf. Case:	07019028	True Bill Date:	07/17/2008	No Bill Date:	
Prosecutor Case:		Indictment Number:	2008GS4300833	Waiver Date:	
Probation Case:					

Case Parties Charges Sentencing Associated Cases Actions Financials Bonds

Click the icon to show associated parties.

Name	Address	Race	Sex	Year Of Birth	Party Type	Party Status	Last Updated
Burnish, R.	107 East Hampton Street Sumter SC 29150				Officer		03/10/2008
Gardner, Gwendolyn E	2979 Flinn Rd Manning SC 29102-7557				Bond Entity		03/10/2008
Gardner, Gwendolyn E	2979 Flinn Rd Manning SC 29102-7557	White	F	1966	Defendant		07/12/2008

Case Parties Charges Sentencing Associated Cases Actions Financials Bonds

Name	Charge Code - Charge Description	Original Charge Code - Original Charge	Disposition Date
Gardner, Gwendolyn E	0421-Breach / Breach of trust with fraudulent intent, value \$5,000 or more	0421-Breach / Breach of trust with fraudulent intent, value \$5,000 or more	

Case Parties Charges Sentencing Associated Cases Actions Financials Bonds

Bond Information								
Bond Id	Set Date	Amend Date	Set By	Type	Amount	Type	Amount	Condition
2008BD4310207243	02/28/2008		Ward	Personal Recognizance	\$5,000.00		\$0.00	

Post Information				
Bond Id	Bond Type	Amount	Date Posted	Posted By
2008BD4310207243	Personal Recognizance	\$5,000.00	02/28/2008	Gardner, Gwendolyn E

**Testimony from Former DDSN Commissioners to the Senate
Medical Affairs Subcommittee – Fall 2015**

Nancy Banov

Susan Lait

Deborah McPherson

Medical Affairs Committee September 2015

After serving on the DDSN Commission for 3 years, from 2009 to 2012, I believe that this agency needs to be restructured as a cabinet agency under the Governor and Legislature.

My reasons are as follows:

- Lack of oversight of the workings of the agency.
- Commissioners are generally chosen by the agency
- Commissioners in positions of leadership, as chairpersons, are chosen by the agency
- Contracts and grants were difficult to review, due to agency unwillingness to share all of this information with the public
- Commission meetings were conducted by the Carver Governance method, proposed and taught in Commission orientation, generally to not allow commissioners to be privy to the daily workings of the agency. Purpose was to keep Commissioners from obtaining information that the agency did not want public.
- Nearly all of the commissioners are rubber stamping the activities of the agency personnel. While I served on the commission, a commissioner was actually removed because she asked too many questions to the agency.

Because of the vulnerability of the clients served by DDSN, I support the use of cameras in the homes of clients who are vulnerable adults. Additionally, a GPS, such as Amber Alert, for clients that are non-verbal would allow staff to know when clients are lost or wander off, and also for families to know that their loved ones are not taken to unauthorized locations.

The bill allowing electronic monitoring of a "long term care facility" by Senator Paul Thurmond would assist in protecting the clients served by DDSN and any facility which they monitor or provide funds.

Personally, my daughter has experienced abuse by many staff members since she was a client of DDSN in group homes beginning in 1991. Pamela, a client in the Coastal Autism residential Program, suffered greatly over the years with injuries that I have documented with photos and reports. Because she is non-verbal, I could never prove that abuse occurred until I placed cameras in her home and caught the abuse on video.

Last year, a staff person was seen kicking Pamela, not giving her meals and leaving

Pamela in the house unattended. She was eventually let go due to the evidence on the video, though DDSN was actually going to let her come back to work in the house with Pamela even though an investigation proved her abuse.

Since then, there have been 2 more staff persons let go. One left Pamela alone in the house. The Amber Alert proved that the staff member went to unauthorized places with Pamela in the state van. Another staff claimed that Pamela injured her, but the video proved that Pamela did not touch her.

I feel that it is my duty to Pamela and all the other consumers to make sure that safeguards are in place against the occurrence of abuse and neglect. Unfortunately, this is very common in living situations of vulnerable adults all over the U.S. Many states are addressing this issue by passing legislation allowing electronic monitoring in long term care homes. I ask that you support this bill and allow monitoring in all facilities receiving funds from DDSN.

Mrs. Charles H. (Nancy) Banov
56 Rebellion Road
Charleston, SC 29407
ph843-556-4632, nancybanov@comcast.net

Medical Affairs Committee September 2015

I am the parent of a young adult with disabilities. I have been an advocate for persons with disabilities for twenty-five (25) years. I am writing to speak to Bill 600 and 768. The bills relate to the reorganization of the South Carolina Department of Disabilities and Special Needs (SCDDSN) under the Governor's Office as a Cabinet Agency or as an agency under the South Carolina Department of Health and Human Services (SCDHHS). It is my understanding that both bills would change the SCDDSN Commission from a governing commission to an advisory commission.

I would like to begin by expressing my concerns about the role of SCDDSN as a "*stand alone*" agency. SCDDSN functions without true oversight or accountability while accessing state funds and federal Medicaid dollars. Under the current SC Boards & Commissions structure, the Governor appoints a seven (7) member SCDDSN Commission. The commission then serves as a governing body at the pleasure of the governor. The DDSN Commission selects and/or maintains the executive director of the agency.

SCDDSN as an agency has two current roles. First as a stand alone agency that receives funding directly from the SC Legislature. Second as a Medicaid Provider that receives Federal Medicaid dollars. In South Carolina, it is the South Carolina Department of Health & Human Services (SCDHHS) that has the role of "*sole Medicaid Authority*". The second role of SCDDSN is that of a Medicaid Provider for SCDHHS. SCDHHS contracts with SCDDSN to provide services. SCDHHS then compensates SCDDSN with Federal Medicaid dollars.

When I served on the SCDDSN Commission, I learned that over the years SCDDSN had developed a strong political relationship with the SC Legislature to secure funding from the State Legislature. To promote this relationship and place pressure on the legislature, service providers and families were encouraged to contact their legislative representatives to advocate on behalf of SCDDSN. Providers and families were warned about providing too much information to legislative representatives. Instructions were to simply make requests for services without providing details. According to SCDDSN staff details about services confused legislative representatives.

The Civil Rights Movement paved the way for the Disability Rights Movement. Even with decades of change, prior to the 1990s, services to people with disabilities were only offered if a person lived in an "*institution*". Our daughter was born in 1989. At that time, the only assistance available was an institutional placement.

The federal government began to focus on services and supports in the home and community. Home and Community Based Waivers were born. Families and the state benefited from services at home and in the community. Home and community based services were less expensive and families could stay together. An added bonus for states

was that federal dollars would cover the majority of the expense. The South Carolina Legislature responded. In 1990 under the SC Code of Laws, Title 44-Health, Chapter 20 SC Intellectual Disabilities, Related Disabilities, Head Injury and Spinal Cord Injuries Act SCDDSN established SCDDSN as a stand alone agency. The federal government offered states the opportunity for *“home & community based waivers”*. The waivers offered the federal funding for home and community services. SCDHHS requested waivers on behalf of South Carolina and then contracted with SCDDSN to administer many of the waivers in South Carolina.

In December 2008, the results of a Legislative Audit Council (LAC) on SCDDSN were released. The results of the audit brought to light concerns about the management and oversight of state/federal funds and the services administered by SCDDSN. Following the audit in May 2009, I was appointed as a SCDDSN Commissioner. According to the Governor’s Office the governor was interested in the concerns that generated from the audit. As a commissioner I served at the pleasure of the Governor. I served for eight months. On January 2010, I was removed before my three year term expired.

The eight months I served on the SCDDSN Commission were contentious. It was also an educational experience. I received an up close look at how SCDDSN and the commission functioned. I observed that there was a difference between the principles and goals set forth in SC Title 44 Chapter 20 and the manner in which SCDDSN functioned. Addressing the concerns in the 2008 LAC Audit seemed like a good place to start.

First, I observed that although the SCDDSN Commission was established as a governing body the agency’s professionals addressed the commission as an advisory board. Questions were discouraged. Agency staff presented information in an abbreviated format. Commissioners were requested to vote as directed by staff. I realized that just because I had been appointed a seat at the table, it did not mean I had a voice. It was expected that commissioners rubber stamp items as directed by SCDDSN staff.

Second, contact with stakeholders was discouraged. Stakeholders included consumers; families; providers; legislative representatives. The agency preferred that the SCDDSN Commission functioned in isolation. Although stakeholders were allowed to attend and observe actual commission meetings, stakeholders were not allowed to speak. While I was serving on the commission a public forum at commission meetings was added. SCDDSN staff approved who would speak at the forum. The public forum was an opportunity for a short presentation. There was no record of the presentation in the meeting minutes and there was not an agency response to a presentation.

Third, when attempting to ask questions at commission meetings there were attempts to publicly embarrass or discredit commissioners.

Fourth, on two different occasions SCDDSN staff tried to convince me that the Governor’s Office made an error in appointing me to the commission. It was the opinion of SCDDSN staff that I had a *“conflict of interest”*. On both occasions I consulted with

the SC Ethics Commission. I was advised by the Ethics Commission that a conflict of interest did **not** exist.

Fifth, when SCDDSN staff did not provide information on an issue on which the commission was to vote, I was forced to research the issue. As a commission member it is a commissioner's responsibility to be aware of the issues. In fact, your responsibility extends to being named in lawsuits against the agency.

Sixth, the current Executive Director established an advisory council. The director invited individuals from established organizations who received funding or resources from SCDDSN. Independent organizations felt the relationship between organizations who received benefits from SCDDSN posed a conflict of interest. Three Independent Advocacy organizations without a "*conflict of interest*" asked to be invited to the advisory group meetings. All three independent organizations encountered open hostility at the meetings and withdrew from the advisory group.

January 29, 2010, I was removed from the SCDDSN Commission by Executive Order. According to Executive Order 2010-05, a report conducted by the LAC in 2008 revealed ongoing problems with management and control of the South Carolina Commission of Disabilities and Special Needs; despite the appointment of new members on the commission, the commission remained divided and uncooperative.

In practice the commission did not function as a governing commission. In practice SCDDSN staff controlled and directed commission members. A new Executive Director was selected by the commission, yet it was staff who continued to direct the agency.

It is the goal of a system in nature or a man made system such as SCDDSN to survive. Following the 2008 LAC Audit, SCDDSN was trying to remain in control and survive.

Agency politics caused me to question the motivation originating from the Governor's Office. Before I could question if the continued SCDDSN turmoil was a way to deflect political scandal currently underway at in the Governor's Office. I was relieved to be removed from my appointment.

My educational experience as a commissioner leads me to have the opinion that SCDDSN needs oversight. Currently neither SCDHHS nor the Governor's Office provides final oversight.

Currently input from the Governor's Office involves appointing and removing commissioners. If SCDDSN remains a stand alone agency I feel oversight would best be achieved by reorganizing SCDDSN as a cabinet agency under the Governor's Office. If organized occurred under the Governor's office, the Executive Director of DDSN would be appointed by the Governor.

Senate Bill 600 removes the stand alone status of SCDDSN making SCDDSN a division

of SCDHHS. In this case, the Director of SCDHHS, appointed directly by the Governor as a Cabinet Member, would be appointing a department head for SCDHHS. Added advantages of being reorganized under SCDHHS would be a reduction in administrative costs and a more effective way to make changes in professional staff. In addition the responsibilities of the DDSN Commission would also be changed to function as an **“advisory board”** rather than a governing commission.

Both types of reorganization would give oversight directly or indirectly to the Governor’s Office; provide more oversight and accountability; remove the opportunity of the agency controlling the commission; provide more of an opportunity to make changes in professional staff.

As the parent of a young adult with disabilities I look forward to reorganization. An advantage for me would be a more streamline system that has the oversight needed to provide services and protect people with disabilities. In our family situation, our daughter lives at home with us so she is protected from most situations where abuse might occur. Yet, as parents, we struggle to navigate the system in order to obtain less expensive home and community services for our daughter. We find the current system complicated. It functions with different levels of barriers. The majority of our daughter’s providers bill directly to Medicaid. SCDDSN functions more as a barrier establishing policies and directives that are different from guidelines established by SCDHHS.

Thank you for considering the reorganization of SCDDSN.

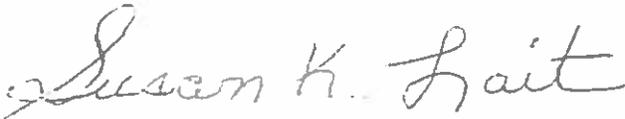
Susan Lait
308 Turkey Run
Pickens, SC 29671
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costs and a more effective way to make changes in professional staff. In addition the responsibilities of the DDSN Commission would also be changed to function as an "advisory board" rather than a governing commission.

Both types of reorganization would give oversight directly or indirectly to the Governor's Office; provide more oversight and accountability; remove the opportunity of the agency controlling the commission; provide more of an opportunity to make changes in professional staff.

As the parent of a young adult with disabilities I look forward to reorganization. An advantage for me would be a more streamline system that has the oversight needed to provide services and protect people with disabilities. In our family situation, our daughter lives at home with us so she is protected from most situations where abuse might occur. Yet, as parents, we struggle to navigate the system in order to obtain less expensive home and community services for our daughter. We find the current system complicated. It functions with different levels of barriers. The majority of our daughter's providers bill directly to Medicaid. SCDDSN functions more as a barrier establishing policies and directives that are different from guidelines established by SCDHHS.

Thank you for considering the reorganization of SCDDSN.



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Pickens, SC 29671
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State of South Carolina

Executive Department

FILED

JAN 29 2010

Mark Hammond
SECRETARY OF STATE



Office of the Governor

EXECUTIVE ORDER NO.

2010-05

WHEREAS, a report conducted by the Legislative Audit Council in 2008 revealed ongoing problems with the management and control of the South Carolina Commission on Disabilities and Special Needs (Commission);

WHEREAS, as a result of the issues revealed in the Legislative Audit Council report, I appointed four new members to the Commission in an effort to instill new and effective leadership and management;

WHEREAS, despite the appointment of new members on the Commission, the Commission remains divided and uncooperative;

WHEREAS, in the interest of better serving the disabled persons in the State, there needs to be a change in the makeup of the Commission; and

WHEREAS, Sections 1-3-240(B) and 44-20-210(A) of the South Carolina Code of Laws give the Governor the authority to remove, at his discretion, members of the Commission.

NOW, THEREFORE, pursuant to the powers conferred upon me by the Constitution and Laws of the State, I hereby remove Susan Lait from the Commission on Disabilities and Special Needs.



GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 29~~th~~ DAY OF JANUARY, 2010.

Mark Sanford
MARK SANFORD
Governor

ATTEST:

Mark Hammond

MARK HAMMOND
SECRETARY OF STATE

nce, the regional economic development organization, cited the jobs issue in a statement issued by the campaign.

Gresham Barrett will aggressively promote innovative policies to make state government leaner, more effective and focused on economic development so that we can put South Carolina back to work," Harper said.

Also announced as statewide campaign co-chairs were Peter M. Brown of Columbia, president of Cote International Ltd.; Ciriely Costa of James Island, South Carolina's committeewoman on the Republican National Committee; and Maj. Gen. (Ret) James Livingston of Mt. Pleasant, who received the Medal of Honor in Vietnam.

DDSN board member surprised at removal

Lait appointed last year

By Tim Smith
CAPITAL BUREAU
tsmith@greenvillenews.com

COLUMBIA — A board member of the state agency that serves the disabled says she doesn't know why Gov. Mark Sanford has removed her from office eight months after appointing her.

Susan Lait of Pickens, one of four members of the state Disabilities and Special Needs Commission appointed last year by Sanford, said she feels like she has done a good job as a

member of the board. "It came as a surprise," Lait told *The Greenville News*. "The way the order reads it's not reflected on me personally. It's reflected more on the commission."

In an executive order, Sanford said despite his efforts at overhauling the agency last year, the seven-member board "remains divided and uncooperative."

"In the interest of better serving the disabled persons in the state, there needs to be a change in the makeup of the commission," Sanford wrote. Sanford spokesman Ben Fox declined to comment beyond the order.

Lait said she thought she had met the requirements of the position. "The goals that were provided us were to respond ethically and in a manner that was transparent and accountable," she said. "I believe I have met those goals."

The governor named Lait and three others to the board after removing four board members early last year following a critical Legislative Audit Council report on the agency.

The audit alleged health and safety gaps, unused funds and a lack of transparency. DDSN director Stan Bulkus stepped down.

Lait said she thought she had met the requirements of the position. "The goals that were provided us were to respond ethically and in a manner that was transparent and accountable," she said. "I believe I have met those goals."

Neither Sen. Larry Martin of Pickens nor Sen. David Thomas of Fountain Inn said they knew why Lait had been removed.

Thomas said he talked with board members who said Lait asked reasonable and hard questions as a board member. He said he still doesn't understand why Sanford left three of the members on the board when he overhauled the commission.

"This just creates more questions," he said. Rick Huntress of Greenville, another of the board members appointed last year, said he could offer a reason behind the governor's removal of Lait or characterization of board as divided and unoperative.

"With everything has been going on with budget cuts affecting summers, the board has always been unanimous any vote that I can think he said. "But we've always been able to work together and come up with a solution and then unanimous back that solution up at the end of the discussion," Huntress said.

The Greenville News

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S.C. numbers
MIDDAY PICK 3 1-
MIDDAY PICK 4 8-3-
EVENING PICK 3 6-
EVENING PICK 4 5-3-
PALMETTO CASH 5 3-6-15-31-38 Multiplier: 2
Ga. numbers
MIDDAY CASH 3 7
MIDDAY CASH 4 6-3-
EVENING CASH 3 4-
SUN. EVE. CASH 4 9-9-
SUN. FANT 5 16-18-21-24-31

Why DDSN Needs to be Restructured as a Cabinet Agency

Perspective As a Former DDSN Commissioner

I spoke to you at the April Senate Medical Affairs Subcommittee meeting about my support for the need for restructuring the SC Department of Disabilities and Special Needs. I shared with you my perspective, as a former DDSN Commissioner, that the current structure provides limited oversight and control in the operations of a major state agency charged with the responsibility of providing services to our state's most vulnerable citizens. I believe it would be in the best interest of people with disabilities and their families, as well as the taxpayers of this state, for DDSN to be restructured as a cabinet agency accountable to the Governor and Legislature. I would further support the Legislature appropriating the State match money for Medicaid services directly to the SC Department of Health and Human Services that is held responsible to the Centers for Medicaid and Medicare Services for these services. I will address why I support these changes.

The business of the SC Department of Disabilities and Special Needs Commission is to be conducted at its public meetings. Past and current DDSN Commissioners, as well as staff of the Legislative Audit Council, have voiced their concern that DDSN Commission meetings appear to be for staff show and tell. Real systemic policy issues are seldom brought to the Commission for action because they are deemed not in the scope of the Commission's responsibilities, according to the Commission's policy to follow Carver Governance. Information is often slanted to make the Department look good and/or withheld from Commission members, Legislators, and the general public. Commission meetings are not even recorded by DDSN administration for fear they will be subpoenaed. The minutes of Commission meetings are summarized for that reason as well.

Many of these same individuals, who were in key administrative positions at DDSN Central Office when the former State Director decided to resign following the findings of the 2008 LAC audit, are still there. You will hear testimony today how key executives at DDSN Central Office were involved in cover-up of abuse and exploitation of individuals with disabilities. One case in particular involved the Sumter Disabilities and Special Needs Board.

DDSN employees are accountable to the State Director, not the Commission. The only DDSN employee accountable to the Commission is the State Director. It takes a majority of the seven DDSN Commission members in agreement for any action to be taken to hold the State Director accountable. If DDSN were a cabinet agency, the DDSN State Director would be accountable to the Governor and Legislature. In addition, these key DDSN executives would serve in at-will positions. Lastly, if DDSN were a cabinet agency, the State Office of Inspector General would conduct its own investigation of complaints rather than deferring to DDSN Internal Auditors as was done regarding the HUD subsidy issue, as well as the recent investigation of the Anderson DSN Board.

Appropriating the State Match for Medicaid to DHHS & Direct Provider Medicaid Billing

Appropriating the matching state funds for Medicaid services to DHHS would allow providers to bill DHHS directly and would result in more funds at the local level for services, as well as greater accountability of the use of these funds. Federal law requires DHHS to allow any provider to bill DHHS directly. Providers, in the past, have been legitimately afraid of retaliation, and the "voluntary" assignment to DDSN through the band payment has been the only realistic option. Under the direction of DHHS Director, Tony Keck, several local providers began meeting with DHHS to resolve this issue. DDSN has continued to put up roadblocks to prevent direct billing from happening. Many of these providers have expressed concern of reprisal from the DDSN administration for meeting with DHHS to resolve these issues. A draft final audit conducted for DHHS by Myers and Stauffer found that "the current system of DDSN serving as the provider of record for Medicaid billing does not allow for DHHS to trace monies paid to DDSN to ensure that the providers performing the services to the recipient are being paid for the full cost of the services being provided." Robbie Kerr, former Director of DHHS, expressed this same concern and for that reason he supported the Legislature's call for the 2008 LAC audit of DDSN. He assisted in the drafting of the 2008 audit questions prior to his resignation as the Director of DHHS in April 2007.

Perspective of Another Former DDSN Commissioner

Nancy Banov, a former Commissioner from Charleston who served on the DDSN Commission for three years with me, was unable to come today because of her husband's health. I would like to share with you her reasons why she also supports DDSN being restructured as a cabinet agency:

- Lack of oversight of the workings of the agency
- Commissioners are generally chosen by the agency
- Commissioners in positions of leadership, as chairpersons, are chosen by the agency
- Contracts and grants were difficult to review due to agency unwillingness to share all of this information with the public
- Commission Meetings were conducted by the Carver Governance method, proposed and taught in Commission orientation, generally to not allow Commissioners to be privy to the daily workings of the agency. The purpose was to keep Commissioners from obtaining information that the agency did not want public.
- Nearly all the Commissioners are rubber stamping the activities of the agency personnel. While I served on the Commission, a Commissioner was actually removed because she asked too many questions to the agency." (Attachment 1)

Newly appointed DDSN Commissioners has already been chastised by the current DSN Chairperson for asking too many questions.

Multi-Year Contracts Awarded Without Commission Approval & Not In Accordance with SC LAC Recommendation

Shortly after I began serving on the DDSN Commission in June 2009, I discovered that a contract was going to be awarded that had not been taken to the Commission for approval. This contract was awarded to Kerr & Company to look at the band system being used by DDSN, the very system that Robbie Kerr had criticized when he was the Director of DHHS. I questioned the acting DDSN State Director, Andy Laurent, why it had not been brought to the Commission for approval. The RFP for this contract had been posted for \$100,000. I was told by Dr. Laurent that only contracts with a fiscal year award of \$100,000 or more would be brought to the Commission for approval. I later discovered by going to the State Comptroller General's website that the total payments made to this contractor exceeded \$100,000. His company has continued to receive payments of \$4000 per month from DDSN (Attachment 2).

Another contract was awarded in 2013 for a pilot Cloud program without Commission knowledge or approval where the total contract amount exceeded \$100,000 (Attachment 3). The SC LAC 2014 audit recommended the DDSN Commission formalize its policy of seeking Commission approval of procurements exceeding \$100,000 and require DDSN Commission approval when the total rather than the annual or fiscal amount exceeds \$100,000 (Attachment 4). The LAC issued this recommendation in accordance with best practice and to ensure greater transparency into the agency's expenses and programs. I spoke at the August 2014 Commission meeting, after I had been replaced on the Commission, encouraging the Commission to follow the 2014 LAC recommendation. Instead, the Commission followed DDSN administration recommendation which was to raise the threshold for contract approval by the Commission to a fiscal year amount of \$250,000 rather than on the total contract amount. Thus, multi-year contracts can now be awarded up to \$500,000 without Commission and/or public knowledge.

State Funds Not Used As Appropriated to Address Waiting List - Only \$4 Million of \$13 Million Appropriated Funds Spent

DDSN told the General Assembly for FY 2014-2015 that they would take 1400 individuals off the waiting list. DDSN fell far short of this number with only approximately 60% being removed. DDSN only spent \$4 million of the \$13 million in recurring state funds to address the waiting list.

As of June 30, 2014, there were over 1,200 individuals with severe disabilities living with parents/caregivers age 70 and over. More than 450 of these caregivers are at least 80 years old. The number of caregivers needing relief continues to grow while DDSN has not streamlined its processes.

For FY 2015-2016, the General Assembly appropriated \$6.4 million of the \$10 million requested by DDSN to provide individuals with severe disabilities on waiting lists with in-home supports and services necessary to keep them at home with family and prevent unnecessary and expensive out-of-home placements. DDSN also told the General Assembly that with these funds it would provide necessary residential supports and services for 125 individuals living with aging caregivers. Now DDSN staff is telling the Commission that only 25 individuals can be provided residential services because they didn't receive the full amount requested. Somehow DDSN's way of doing math doesn't add up. This is the same pattern reported in the 2008 LAC audit. That audit found that "DDSN has not provided many of the new services for which it received funding over the past three years. Only 60% of the new residential beds for which it received state appropriations beginning in FY 05-06 have been developed. More than \$9 million in state appropriations for children with PDD remained unused or used for different purposes." This lack of provision of services resulted in additional loss of federal Medicaid dollars.

Provider Lawsuit Filed Against Federal Government For Not Paying FICA Taxes For 46 Weeks & Employee Portion Used to Pay Operating Expenses

Commission members were never told when one of its major providers filed a lawsuit against the Federal government. This provider was penalized by IRS for not paying the employer portion of FICA taxes for its employees and using the employee portion withheld from its employee's payroll checks for operating expenses for nearly a year. In other words, this provider was stealing from its employees to pay operating expenses and therefore breaking the law.

According to court testimony, the Chairman of the Finance Committee of this provider knew that these FICA taxes were not being paid (Attachment 5). This individual should have known the FICA Federal requirements since he does payroll for businesses. This individual was later appointed to the SC DDSN Commission in June 2014, and initially elected the DDSN Commission Chairperson at a special called election in March 2015. This election was conducted prior to the Senate confirmation of two newly appointed Commissioners. When I questioned why this election was held in March, I was told that the Chairperson, who was being replaced on the Commission, had submitted her resignation as Chairperson prior to her replacement being confirmed. This Chairperson, who was being replaced, attended the April Commission meeting as a member. The March election was conducted without appointing a nominating committee as had been the procedure followed by the Commission in the past, even when another Chairperson had resigned mid-term due to family health reasons. Also, the ballots at this election were counted by one person, a DDSN staff member, which was not in accordance with the Commission Bylaws.

HUD Subsidies Not Credited According to HUD Regulations - \$1.86 Million for Period Audited

Only the past and current Commission Chairpersons initially knew about the problem of consumers not being credited HUD subsidies according to HUD regulations, even though I advised the State Director to tell all Commissioners. I reported this problem at the August 2014 DDSN Commission meeting and to the State OIG because the State Director had not informed all Commissioners. Furthermore, she was not proposing to provide restitution to the consumers overcharged. The DDSN Internal Auditors were threatening to resign because they felt consumers should be compensated. DDSN then hired Burkett, Burkett, Burkett to perform a two year audit. The audit took nearly a year to perform. Based on the BBB audit, the State OIG found that at least \$1.86 million is owed back to consumers for the period audited. However, this problem occurred over a period longer than just the period audited and it is likely that more money is owed. After the State OIG audit report was released, it was discovered that this overbilling by providers was a result of training provided by DDSN Central Office. Not one time during the year of the audit did DDSN Central Office executives acknowledge that they had provided training not in accordance with HUD regulations that resulted in consumers being overbilled. In addition, I discovered after the OIG report was released that two providers had other errors that in one provider's case resulted in consumers being overcharged over \$109,000 over the two year period audited. This additional finding was never reported at the Commission meeting and more than likely would not have ever been made public if I had not called the State OIG and asked questions (Attachment 6).

The 2014 SC LAC audit was completed before this discovery was made regarding the HUD subsidy funds. One of the recommendations from the 2008 SC LAC report that addressed this issue was only partially implemented by DDSN. The 2008 LAC report recommended that "DDSN should require each board and provider to have its room and board calculations approved annually by the agency." DDSN established such a policy, but then "subsequently revised and deleted this provision." The current policy requires that DDSN approve a provider initially, but not annually. DDSN is required to review it again only if changes have been made.

The State OIG recently released a follow-up memo to its report stating "This HAP audit highlighted financial management weakness contributing to the HAP issue, as well other issues, requiring DDSN to enhance its leadership posture to provide clearer guidance, heightened oversight, and audit of providers' annual room and board requests. Accurate annual room and boards are the cornerstone to protect consumers and avoid future costly audits, operational disruptions, and unexpected significant liabilities by discovering errors in the future that may have been ongoing for many years."

Federal OIG Audit Findings Regarding Room and Board - \$4.8 million (2012 Audit) & \$1.6 million (2015 Audit), \$7.9 million Overpayment Not Reduced

The 2012 Federal OIG audit found that DDSN claimed unallowable room-and-board costs of \$4.8 million. A 2015 follow-up audit found that \$1.6 million of unallowable room and board costs had been claimed, as well as \$7.9 million had not been reduced of an overpayment settlement. Both of these Federal OIG audits cited that adequate controls were not in place. The DDSN's response to these Federal OIG findings claimed the overcharges were due to accounting errors (Attachment 7).

Service Standards Changed Without Commission Approval and/or Knowledge In Conflict With ID/RD Waiver

DDSN staff changed standards for adult medical day care without Commission approval and/or knowledge while I served on the Commission. I made this discovery when I started getting phone calls from concerned parents. These staff changes in raising the age of eligibility, and allowing service coordinators rather than physicians, to determine medical necessity were in direct conflict with the ID/RD waiver approved by the Commission. When I brought up my concerns at a DDSN Commission meeting in April 2011 that these staff actions appeared to be financially motivated, would likely result in lawsuits, and individuals would lose their services deemed medically necessary, I was called by the Commission Chairperson and asked if I was a Christian because I questioned authority. A lawsuit was later filed in May 2011 (Attachment 8). I discovered last week that a DDSN fact sheet included in the ID/RD waiver manual, dated September 2013, still indicate that these services are furnished to individuals 21 years of age or older in direct conflict with the approved ID/RD waiver, which indicates 18 years of age or older (Attachment 9).

Suspicious Deaths Reported as Natural Causes

Lastly, I alerted a fellow Commissioner in May 2014 that I had received a call one night from an advocate regarding a suspicious death that I thought was her relative. When she contacted the State Director she was first told she did not know about the death. The Commissioner was later told by the State Director that the individual's death was from natural causes. At the time of death, Commissioners did not receive any information from the State Director. Later after I was off the Commission, I learned that the case was turned over to SLED for possible homicide charges. I was told that DHEC toxicology determined the individual died from a drug overdose and trauma. A State Representative has now been hired by the State Insurance Reserve fund in this case. I personally consider this to be a conflict of interest since this Representative serves in key positions impacting DDSN's budget and the salary of the DDSN State Director. I was told the death certificate indicates death by homicide. It has been over a year since this death occurred and no arrests and/or charges have been made. This is not the first time that a family has been told an individual died of natural causes only to find out later that was not the case. I

don't believe this individual's death would have been investigated if it had not been for the efforts of the family. It would have just been considered death by natural causes. I learned information after getting off the Commission regarding two other deaths, one at a local board and one at a DDSN regional center, that appear suspicious and not as reported to the family.

Attached you will find a chart from the 2014 LAC audit that shows the number of reported cases of abuse, neglect and exploitation cases by DDSN for the period 2007 -2013. You will also find a chart that shows the number of vulnerable adult cases by deposition for FY 09-14, as well as the number of dismissed cases (Attachment 10). Finally, there is a chart that lists the cases found on the SC Judicial Department website that were filed between 2007 -2014 against DDSN and/or its providers (Attachment 11), as well as published articles regarding some of these cases (Attachment 12).

LAC Recommendation Regarding Electronic Monitoring & State DDSN Director's Response

The 2014 SC LAC audit made a recommendation that the General Assembly amend Title 44 to authorize electronic monitoring of common areas of all facilities which provide services to DDSN consumers, including residences and day program facilities. It further recommended that DDSN require all boards/providers to install such equipment if not passed by the General Assembly (Attachment 4). I attended a DDSN Commission Committee meeting as a member of the general public when the 2014 SC LAC recommendations were reviewed. I remember the State Director asking the Commission members, "Who would want a camera in their living room?" I thought to myself if you had a child who could not tell you they had been abused, you would want a camera there to help give you some peace of mind.

I would like to read to you another part of the testimony from former DDSN Commissioner, Nancy Banov. "Personally, my daughter has experienced abuse by many staff members since she was a client of DDSN in group homes beginning in 1991. Pamela, a client in the Coastal Autism Residential Program, suffered greatly over the years with injuries that I have documented with photos and reports. Because she is non-verbal, I could never prove that abuse occurred until I placed cameras in her home and caught the abuse on video.

Last year, a staff person was seen kicking Pamela, not giving her meals, and leaving Pamela in the house unattended. She was eventually let go due to the evidence on the video, though DDSN was actually going to let her come back to work in the house with Pamela even though an investigation proved her abuse. Since then, there have been two more staff persons let go. One left Pamela alone in the house. The Amber Alert proved that the staff member went to unauthorized places with Pamela in the state van. Another staff claimed that Pamela injured her, but the video proved that Pamela did not touch her. I feel that it is my duty to Pamela and all the other consumers to make sure that safeguards are in place against the occurrence of abuse and

neglect...Many states are addressing this issue by passing legislation allowing electronic monitoring in long term care homes." (Attachment 1)

Relationship Between DDSN and Local DSN Boards

DSN will argue that they only contract with these local disabilities and special needs boards for the provision of services and they do not have anything to do with their operations. However, a 2006 Supreme Court decision affirmed the provider and its employee have a common law duty to exercise reasonable care in supervising and providing care and treatment to individuals in its care. The Supreme Court further found that DDSN also owed a common law duty. Duty of care applies to a government entity, as well as, a private person or business entity.

DDSN is responsible for quality assurance. Providers are to file critical incident reports to DDSN. The DDSN Internal Auditors conduct audits of the providers. Further, DDSN often gives and later forgives loans to providers without the Commission's knowledge or approval. There have been at least two recent occasions, one at the Greenville DSN Board and the other at the Anderson DSN Board, where DDSN sent their own staff to run the local DSN board. A DDSN Central Office Deputy was at the Greenville DSN Board for six months when the HUD subsidy monies were not even being credited to the individuals, but rather were placed in the General Fund. It was also at this DSN Board that it was discovered that double billing was being done. Two DSN boards have had their tax exempt status revoked by IRS in November 2014 for not filing 990s for three years (Attachment 13).

There are local providers that provide excellent service at the local level despite DDSN administration. Restructuring DDSN as a cabinet agency, however, would result in more funds available at the local level for the provision of services, as well as greater accountability.

DDSN Willfully Ignores Supreme Court Rulings, Federal Waiver Regulations, State LAC and Federal OIG Findings and Recommendations, and HUD Regulations

DDSN has willfully chosen over the years to ignore Supreme Court rulings regarding eligibility and duty of care; Federal waiver regulations; State LAC and Federal OIG findings and recommendations, as well as HUD regulations. The 2014 LAC found that "the agency's intellectual disability eligibility criterion for age of onset, 18, conflicts with the 2011 SC Supreme Court's interpretation of state law regarding an ID age of onset criterion of 22, in a waiver which consumers with ID could qualify." The SC LAC audit of DDSN made 63 recommendations. The 2014 LAC follow-up audit "found that DDSN had implemented 31, partially implemented 17, and did not implement 12 recommendations." (Attachment 4) It appears that this agency just chooses to thumb its nose to everyone. A current DDSN Commissioner made the statement at a recent Commission meeting that the LAC did not run the agency. Well, I would argue that even the DDSN Commission does not run the agency either for the reasons I have cited.

Reprisals

DDSN is known for taking reprisal against providers, family members, and disability advocacy organizations that speak out against them. People are fearful to speak out. You will hear testimony today from individuals like, Bernice Montgomery, who lost her job in January 2006 as the Director of the Day Program at the Sumter Disabilities and Special Needs Board for doing the right thing. Sherrill Holder, the Executive Director of the Sumter DSN Board, knowingly hired a registered sexual predator, Kelvin Jerome Wright, to work in the day program. According to court records, Mr. Holder told an individual served in the day program that was later sexually assaulted by this predator that he would buy her "a whole cheesecake" if she would forget about the assailant and not tell anyone else about the assault (Attachment 14). No charges were ever filed against the registered sexual predator. The Sumter DSN Board did nothing. More importantly, two key DDSN Central Office executives who are still working at DDSN did nothing even though Ms. Montgomery went to them. Attached you will find the list of charges on the SC Judicial website that I found Mr. Wright had against him when he was hired by Sherrill Holder. Some of the charges against him in addition to be a registered sexual predator included: forgery, armed robbery with a deadly weapon, breach of trust with fraudulent intent of \$5,000 or more, shoplifting, and fugitive from justice (Attachment 15). The 2014 LAC audit found that approximately 25% of all DDSN direct caregivers are hired without knowledge of their criminal history. The LAC has recommended that all direct care staff undergo a national, finger-print-based history check and a National Sex Offender Registry check (Attachment 4).

In 2008, this Sumter Disabilities and Special Needs Executive Director, Sherrill Holder, was arrested himself in Sumter and Clarendon Counties for criminal sexual conduct and kidnapping (Attachment 16). The Finance Director of the Board, Gwendolyn E Gardner, was also arrested in 2008 for appropriating \$75,000 to her own use (Attachment 17). What is surprising is that the charges against Mr. Holder and Ms. Gardner are still pending. A WIS article published in 2008 quoted Sumter Representative Murrell Smith as saying that "the case provides yet another reason to restructure state government. People look towards who's accountable, who's responsible, how are they going to fix it? And what we've got is a patchwork of a board appointed or suggested by a legislative delegation and appointed by the governor and there's no accountability there." (Attachment 18) Restructuring of DDSN is needed as much today as it was seven years ago. I am haunted by the statement that the new pastor of the Charleston Emmanuel AME Church said after the shooting in Charleston, "Evil triumphs when good people are silent." Ms. Montgomery chose not to be silent, but it cost her dearly.

Summary

In summary, this agency has misappropriated funds which have resulted in loss of Federal and state dollars, loss of consumers' personal funds and services, loss of jobs in local communities, loss of taxpayer's dollars for legal fees, and most importantly, the loss of the well being of consumers and their families, as well as providers in this state. We are tired of seeing our tax

dollars not being spent as appropriated. More importantly, we are tired of the cover-up and lack of transparency at the state level. It is time for this to stop and I believe the only way to address this problem is to restructure DDSN as a cabinet agency so the State Director is accountable to the Governor and Legislature, and the deputies serve at-will.

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