

State of South Carolina

Executive Department



FILED

DEC 14 2016

Mark Hammond
SECRETARY OF STATE

Office of the Governor

EXECUTIVE ORDER NO.

2016-48

WHEREAS, when it appears to the satisfaction of the governor that a county officer is guilty of malfeasance, misfeasance, incompetency, absenteeism, conflicts of interest, misconduct, persistent neglect of duty in office, or incapacity, the county officer is subject to removal by the governor after having been informed in writing of the specific charges brought against him or her and after having been given an opportunity on reasonable notice to be heard, all of which is pursuant to Section 1-3-240(A)(3) of the South Carolina Code of Laws; and

WHEREAS, an opportunity for reasonable notice to be heard was provided to members of the Richland County Recreation Commission ("RCRC") Board on November 30, 2016, a statutory process that was initiated by Executive Order 2016-45 after receiving a written request from members of the Richland County Legislative Delegation to remove members of the RCRC Board; and

WHEREAS, a three-person panel consisting of attorneys, Ashley Cuttino, Esquire, Thomas Lydon, Esquire, and Derrick Williams, Esquire, presided over the opportunity to be heard for the limited purpose of taking testimony, asking questions, and receiving additional evidence in order to find facts and make recommendations of removal to me; and

WHEREAS, due to the resignation of four RCRC Board members prior to November 30, 2016, only three RCRC Board members availed themselves of the opportunity to be heard, presenting testimony, answering questions, and providing additional evidence: J. Marie Green, Chairman; Barbara Mickens, Vice-Chairman; and Thomas Clark, Member; and

WHEREAS, on December 13, 2016, the panelists submitted to my office a *Report and Recommendation*, which recommends with unanimous consent that Ms. Green and Ms. Mickens be removed from office and Mr. Clark be allowed to continue to serve.

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and Laws of the State of South Carolina, I hereby find to my satisfaction following the opportunity to be heard that two Richland County Recreation Commission Board members, Ms. J. Marie Green and Ms. Barbara Mickens, are guilty of Neglect of Duty, Incompetency, Misfeasance, and Malfeasance and are hereby removed from office, effective immediately.

FURTHER, nothing in this Order shall affect the office held by Richland County Recreation Commission Board member, Mr. Thomas Clark, presently the only member of the board, who shall retain his office for the duration of his appointed term with my support and my plea that the good faith and trust of the people of Richland County be restored in the Richland County Recreation Commission Board.

This Order shall conclude proceedings for the Richland County Recreation Commission Board brought forth under Section 1-3-240(A)(3) of the South Carolina Code of Laws.



**GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF
SOUTH CAROLINA, THIS 14th DAY OF
DECEMBER, 2016.**

A handwritten signature in blue ink, reading "Nikki R. Haley", is written over a horizontal line.

NIKKI R. HALEY
Governor

ATTEST

A handwritten signature in blue ink, reading "Mark Hammond", is written over a horizontal line.

MARK HAMMOND
Secretary of State