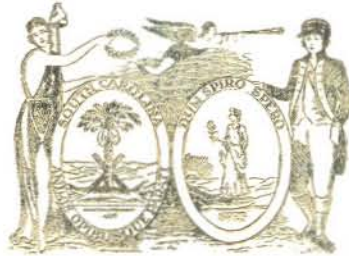


State of South Carolina
Executive Department

FILED

NOV 10 2010

Mark Hammond⁸
SECRETARY OF STATE



Office of the Governor

EXECUTIVE ORDER NO.

2010-16

WHEREAS, on May 25, 2010, the Grand Jurors of Anderson County, South Carolina, issued indictments for six charges of failure to collect or pay taxes withheld from employees in violation of S.C. Code Ann. § 12-54-44(B)(2) against Cathy M. Phillips, the Clerk of Court of Anderson County;

WHEREAS, South Carolina law recognizes that employee withholding taxes do not belong to the employer and that "failure to remit such taxes is akin to larceny which has been declared to involve moral turpitude," *Lyons v. Butler*, 288 S.C. 498, 502 (Ct.App. 1986);

WHEREAS, Cathy M. Phillips is an officer of a political subdivision of the State and Article VI, Section 8, of the South Carolina Constitution provides that "[a]ny officer of the State or its political subdivisions...who has been indicted by a grand jury for a crime involving moral turpitude...may be suspended by the Governor until he shall have been acquitted;"

WHEREAS, on June 2, 2010, I suspended Cathy M. Philips from the office of Clerk of Court of Anderson County until such time as she shall be formally acquitted or convicted;

WHEREAS, on November 9, 2010, Cathy M. Phillips pled guilty to six counts of failure to collect or pay taxes withheld from employees in violation of S.C. Code Ann. § 12-54-44(B)(3);

WHEREAS, Article VI, Section 8, of the South Carolina Constitution provides that in the case of a conviction of an officer of the State or its political subdivisions for a crime involving moral turpitude that the office shall be declared vacant and such vacancy shall be filled as provided by law; and

WHEREAS, S.C. Code Ann. § 14-17-30 provides that the Governor shall fill a vacancy in a county clerk of court office by appointment and that until such appointment is made that the probate judge of the county shall take charge of the clerk of court's office;

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and Statutes of the State of South Carolina, I hereby remove Cathy M. Phillips from the office of Clerk of Court of Anderson County and declare the office vacant until such time that I make an appointment pursuant to S.C. Code Ann. §§ 4-11-20 and 14-17-30.

This Order shall take effect immediately.



GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF
SOUTH CAROLINA, THIS 10th DAY
OF NOVEMBER 2010.

A handwritten signature in blue ink, appearing to read "Mark Sanford", is written over a horizontal line.

MARK SANFORD
Governor

ATTEST:

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

MARK HAMMOND
SECRETARY OF STATE