



## State of South Carolina Office of the Governor

NIKKI R. HALEY  
GOVERNOR

1205 PENDLETON STREET  
COLUMBIA 29201

October 19, 2016

Dear Richland County Recreation Commissioners,

As you are aware, a majority of the Richland County Legislative Delegation ("Delegation") has asked me to remove five Commissioners from the Richland County Recreation Commission ("RCRC") Board based on a series of allegations, which can be summarized as follows: engaging in nepotism, ignoring complaints of a hostile work environment, approving irresponsible compensation, overlooking complaints of sexual harassment and inappropriate conduct, incurring excessive litigation costs, and failing to provide adequate oversight of the RCRC.

While I believe that county issues, such as this, should be handled locally, the law has created a vacuum of accountability, which I have been asked to fill. Current law authorizes the Delegation to *nominate* Commissioners, but the Delegation does not have the authority to *remove* Commissioners. Accordingly, I have asked the Delegation to pass legislation that adds removal authority where appropriate to cure these types of instances moving forward at the local level.

With regard to the matter that has been presented to me, state law does provide a governor with general removal power pursuant to Section 1-3-240(A)(3) of the South Carolina Code of Laws: "Any officer of the county ... who is guilty of malfeasance, misfeasance, incompetency, absenteeism, conflicts of interest, misconduct, persistent neglect of duty in office, or incapacity must be subject to removal by the Governor upon any of the foregoing causes being made to appear to the satisfaction of the Governor."

Accordingly, on October 3<sup>rd</sup> and 4<sup>th</sup>, I met with members of the Delegation to discuss their concerns, and then on October 13<sup>th</sup>, a majority of the Delegation submitted a letter requesting that I remove five Commissioners, asserting claims of "malfeasance, incompetence, misconduct and persistent neglect of duty." Following, on October 18<sup>th</sup>, five Commissioners sent a letter to me addressing the Delegation's allegations. After reviewing all submitted documents, I am now requesting additional information from all seven Commissioners as outlined in the attached "Request for Response."

In the interest of resolving this matter with finality and transparency, please provide the requested information to me no later than October 28, 2016.

My very best,

A handwritten signature in blue ink, reading "Nikki R. Haley".

Nikki R. Haley

cc: Members of the Richland County Legislative Delegation

## Request for Response

- A. Harassment Report:** Please provide a copy of the investigation of the December 9, 2015, complaint alleging sexual harassment by the Executive Director James Brown III. The RCRC *Harassment Policy*, Item 3, states that an employee should direct complaints against the Executive Director to the Chairman of the Commission Board. Item 6 of the *Harassment Policy* also states that harassment allegations that are reported will be investigated. As such, there should be a report, witness statements, or other records indicating that RCRC investigated the employee complaint. A report pursuant to this policy would not be subject to the attorney work client product.
- B. Nepotism:** The RCRC Board Minutes indicate several meetings beginning in December of 2015 to discuss the RCRC *Employment of Relatives Policy*. Please provide the following:
1. RCRC Employment of Relatives Policy prior to the changes made by the Board in 2016.
  2. A copy of the hiring paperwork (interview packet, hiring documents) for Mr. Brown's daughter in 2011 and of the organization chart for that time period indicating to whom his daughter reported.
  3. A copy of the hiring paperwork (interview packet, hiring documents) for the relatives of Commissioner Green's relatives.
  4. A copy of the records showing raises given to relatives of Mr. Brown and who at the RCRC or Board approved the raises.
  5. A copy of all records of Mr. Brown's family members hired, promoted, or provided a raise at RCRC since Mr. Brown became Executive Director through the present.
  6. A copy of all records of family members of a Commissioner who were hired, promoted, or provided a raise by the RCRC since the Commissioner was appointed to the RCRC Board through the present.
- C. Intimidation:**
1. Copies of any written complaints the RCRC Board has received regarding Mr. Brown from employees or former employees since December of 2015.
  2. The date, if any, the RCRC Board met to discuss the publicly released recorded staff meeting where the Executive Director addressed the RCRC staff.
- D. Compensation:** Mr. Brown was promoted on November 3, 2010, to the position of Executive Director with a salary of \$110,000. He allegedly received a raise increasing his salary to \$151,800. The Board stated it signed a three year contract for Mr. Brown and reviewed information supporting his raise. Please provide a copy of this contract and information reviewed in order to determine the appropriate salary.