

From: Schimsa, Rebecca <RebeccaSchimsa@gov.sc.gov>

To: Godfrey, Rob <RobGodfrey@gov.sc.gov>

Adams, Chaney <ChaneyAdams@gov.sc.gov>

Symmes, Brian <BrianSymmes@gov.sc.gov>

CC: Patel, Swati <SwatiPatel@gov.sc.gov>

Taylor, Richele <RicheleTaylor@gov.sc.gov>

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Subject: Executive Order 2016-48

Attachments: 2016-48 Removing Two Members of the Richland County Recreation Commission Board.pdf

Today, Governor Haley issued Executive Order 2016-48, removing two members of the Richland County Recreation Commission Board, Ms. J. Marie Green and Ms. Barbara Mickens, from office effective immediately upon finding them guilty of Neglect of Duty, Incompetency, Misfeasance, and Malfeasance. The Order also declares that Mr. Thomas Clark shall retain his office and be allowed to continue to serve the duration of his term.

The Governor continues to encourage the Richland County Legislative Delegation to initiate legislation to give removal authority of Richland County Recreation Commission Board members to local officials, the ones who nominate and recommend their appointment.

Background on Removing County Officers:

The process to remove county officials from public office is found in Section 1-3-240(A)(3) of the South Carolina Code of Laws, which allows county officers to be removed "when it appears to the satisfaction of the governor" that they are guilty of certain acts of misconduct or wrongful behavior. Before officers can be removed, the law requires that a governor is required to notify the officers of the specific charges in writing and provide them with an opportunity to be heard. In the past, governors have removed approximately five county or state officers under the same or similar provisions since 1980.

Timeline of Actions preceding Removal:

- October 13, 2016 – Members of the Richland County Legislative Delegation ("Delegation") sent the Governor a letter with information requesting that she remove members of the Richland County Recreation Commission ("RCRC") Board for certain acts of misconduct.
- October 18, 2016 – Members of the RCRC Board sent a letter to the Governor responding to the allegations set forth by the Delegation.
- October 19, 2016 – Although the Governor believes that local matters should be resolved at the local level, the Governor responded to the Delegation's request and sent a letter to the RCRC Board requesting additional information.
- October 28, 2016 – The RCRC Board responded to the Governor's letter with additional documentation.
- November 10, 2016 – The Governor issued Executive Order 2016-45, initiating the statutory removal process by providing written notice to RCRC Board members of the specific charges brought against them and notifying them of an opportunity to be heard on November 30, 2016.
- November 30, 2016 – Following the resignation of four RCRC Board members (Furgess, Lewis, Weeks, and Martin), the remaining three Board members (Green, Mickens, and Clark) provided testimony to a three-person panelist at the opportunity to be heard, including answering questions and offering additional information and documentation.
- December 13, 2016 – The panel submitted a report of recommendations to the Governor on removal of the remaining three members, recommending that two members be removed (Green and Mickens) and one be allowed to continue serving (Clark).
- December 14, 2016 – The Governor issued Executive Order 2016-48, removing Green and Mickens from office upon a finding that they were guilty of Neglect of Duty, Incompetency, Misfeasance, and Malfeasance.

Rebecca S. Schimsa
Deputy Legal Counsel
Office of Governor Nikki R. Haley
O: 803-734-6068 | C: 803-429-4561