

Members of the Richland County Legislative Delegation

Columbia, South Carolina 29201

Senators

Senator Joel Lourie
Senator John Courson
Senator Thomas McElveen

Representatives

Representative Beth Bernstein
Representative James Smith
Representative Nathan Ballentine
Representative Kirkman Finlay
Representative Mary Gail Douglas
Representative Joe McEachern
Representative Mia McLeod

October 13, 2016

VIA HAND DELIVERY AND

EMAIL TRANSMISSION: Swatipatel@gov.sc.gov

The Honorable Nikki R. Haley
Office of the Governor
South Carolina State of House, First Floor
Columbia, South Carolina 29201

RE: Richland County Recreation Commission ("RCRC")

Dear Governor Haley:

We, the undersigned members representing a majority of the Richland County Legislative Delegation, respectfully request that you utilize your powers pursuant to SC Code Section 1-3-240(A)(3) to remove certain members of the Richland County Recreation Commission Board on the grounds that these members have committed "acts of malfeasance, incompetence, misconduct and persistent neglect of duty" in complete disregard of the office they hold. The following Board Commissioners have put their own interests above the interests of the citizens of Richland County and should be removed, *effective immediately*: J. Marie Green, Chair; Barbara Mickens, Vice Chair; Weston A. Furgess, Jr., Secretary; George D. Martin, Jr.; and Joseph B. Weeks (hereinafter referred to jointly as "Five Commissioners").

The Commission has received several complaints about RCRC Director James Brown, III over the past couple of years. In fact, as a result of the ensuing complaints of wrongdoing by Director Brown, Gignillat, Savitz, and Bettis, an employment law firm, was hired by the Board Commissioners at the beginning of this year to investigate allegations of misconduct at RCRC.

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The Five Commissioners expended in excess of \$35,000 for this report. We believe this report provides conclusive evidence of Director Brown's wrongdoing. Nevertheless, after reviewing the report, the Five Commissioners, on a recorded vote of 5-2, voted in executive session in favor of Director Brown and put his interests above the welfare of the employees and citizens of Richland County who use the parks and recreational centers. A copy of these minutes are attached hereto as Exhibit A and incorporated herein by reference.

On numerous occasions, we attempted to reach out to the Five Commissioners to ascertain what's been happening at the commission, to no avail. Recently, in order to get answers to our most basic questions, we were left with no alternative but to institute a FOIA request to obtain certain documentation. Unfortunately, most of the information we requested was not provided or made available to us. Specifically, we wanted a copy of the investigative report prepared by Gignillat, Savitz and Bettis, which they refused to make available to us. Obviously, we believe this report is germane to our inquiry.

In fact, the only communication taken on their initiative is a FOIA request by Board Chair Green, in her capacity as Chairman, to both the Clerk of the House and Senate requesting information as to any and all Senators and/or House members who have family members who are employed by their respective chambers. Rather than concentrating on the mounting issues at RCRC, Ms. Green reacts with pettiness and immaturity by focusing on irrelevant matters. This is yet another example of the Five Commissioners inability to oversee RCRC.

Especially in light of RCRC Director James Brown's indictment yesterday on charges related to him using his position to coerce and attempt to coerce female employees into having sexual contact with him over a period of several years, we believe that the Five Commissioners have committed significant acts of malfeasance and other wrongdoing by, among other things, (1) disregarding the hostile work environment for the employees of RCRC; (2) allowing blatant abuses of nepotism; (3) approving irresponsible compensation; (4) overlooking numerous allegations of sexual harassment and other inappropriate behavior by RCRC Director James Brown, III; (5) incurring excessive litigation costs and expenses; and (6) failing to provide adequate oversight over RCRC.

GROUND ONE

DISREGARDING HOSTILE WORK ENVIRONMENT FOR THE EMPLOYEES OF RCRC

Since Director Brown's promotion to Director of RCRC, the 160+ employees at RCRC have been subjected to a hostile, offensive, and unprofessional work environment in contravention to its Harassment Policy and Whistleblower Policy. Copies of which are attached herewith as Exhibit B and incorporated herein by reference. Many of the employees are constantly in fear of being fired or demoted and are continually being intimidated and harassed.

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In one specific example, Mr. Brown makes threats throughout a mandatory staff meeting regarding disciplinary actions which do not appear to relate to any actual policies. A CD recording of this meeting can be forwarded to you, if necessary, or you may listen to it by going to <https://youtu.be/r3hKGdM8MI0>.

In the recording, you can hear Mr. Brown berating staff with threats and innuendo. He threatens to revoke raises, deny overtime pay by changing staff work schedules without notice or consideration, and threatens to fire people who do not agree with him.

The Human Resource Division Head, David Stringer, also offers no assistance to aggrieved employees. He (*allegedly*) has repeatedly taken no action on behalf of the employees and instead conveys any negative information directly to Mr. Brown, who then intimidates the employees through confrontation and/or threatening their employment or firing them. All of this is happening with actual knowledge and implied consent of the Five Commissioners.

Zenethia Brown, a former employee, had this to say about her experience working at RCRC, in her own words:

"As a former Richland County Recreation Commission employee who was mistreated, retaliated against and eventually fired, I want to thank you My final years at the Commission can only be described as miserable. I would wake up each morning dreading going to work, because I didn't know from one day to the next what to expect. I have a Bachelor's degree in English and my Master's in Public Administration. For years, I was the Director of Community Relations in charge of special events, marketing and PR, and community involvement. Then one day - the day Mr. Brown refers to as "the day of reckoning" - I come in to work and I am told that my position had been eliminated and I was being reassigned as an assistant park director; an entry level position that required me, a mother of two, to work from 2:00 – 9:00 pm and every other weekend. I hardly got to see my boys from that point on. My oldest almost failed Language Arts because I (an English major) was not home to help him with his homework. I endured all of this, because Mr. Brown thought that I had something to do with the letters that had been written to County Council. I DID NOT write the letters. However, because Mr. Brown thought that I did, I was defamed, ostracized and demoted. He told my friends that I was a troublemaker and forbade them to go out to lunch with me or hang out with me. We had to meet at out of the way places just to go to lunch together. I'm sharing this with you so that you understand how happy you are making people like myself by continuing the fight to remove Mr. Brown and the Commissioners. It's vital that you understand importance of continuing the fight. I've heard members of the Delegation talk about the health of the Commissioners, while completely disregarding the health issues that have befallen the RCRC employees. I for one, had to go on blood pressure medication for the first time in my life after passing

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out at the park. Fortunately, I have a wonderful job now and no longer have to take that medication. I've known at least two employees who had to go on anxiety medication. This is not something to be taken lightly as I fear some of your colleagues are doing. This situation is destroying people's well-being."

"I was fortunate enough to finally secure a job that I love. . . . I didn't realize it at first, but . . . I realized that I was suffering from a mild form of PTSD. I couldn't make simple decisions without feeling sick. I woke up nervous every morning like the rug was about to be pulled out from under me. I got terrified every time a board member called me. Once I realized what was going on, I sought help and now I am much better. It is important that you understand this, because this is what the current RCRC employees are experiencing every day. Once this is all over, they are going to need some form of counseling. PTSD is a by-product of living in fear each day. RCRC employees are constantly on edge and afraid of what is going to happen to them. They are terrified that Mr. Brown is not only coming back, but that he is keeping a list and will punish people at will. This is a horrible way to live and it takes some time and professional help to get over."

GROUND TWO
ALLOWING BLATANT ABUSES OF NEPOTISM

Mr. Brown's son, James A. Brown, his daughter, Tiffani Brown, and his brother Jeff Brown, all work at the commission and fall within the definition of 'family member' under state ethics law. RCRC's nepotism policy, which is a broader policy than the state's, includes nephews, nieces and domestic partners and unrelated associates "engaged in an apparently romantic relationship" and their families. Under this broader definition, the nepotism policy has been even more severely violated. Further abuses of nepotism also spread to Commissioners' families. Commission Board Chair J. Marie Green has several relatives working at the agency. Her niece, Jasmine Duckett is a part-time administrative assistant, and her nephews, Charles Duckett and Robert Davis, are interim facility repair manager and site manager, respectively. Commission Vice-Chair Barbara Mickens' nephew, Antwane Litte, and her sister-in-law, Devra Thompson, are both site managers at the agency. For a complete listing of all the family members who work at RCRC, refer to Exhibit C, which is attached hereto and incorporated by reference.

Mr. Brown's friends and those of his family also benefit from his role as Director. His son's fiancée's father, Calvin McDonald, Sr., and brother, Calvin McDonald, Jr., both work at the commission as park custodians. His friend Willie Washington's son, Gerard, was hired at the Commission in 2014 at a salary of \$20,800. Another Brown friend, Alex Wright, earns \$50,822 managing Meadowlake Park, one of the agency's lowest-revenue producing parks, in contrast to Shaunta Cleveland, who makes \$35,787 as manager of Polo Road Park, one of the agency's highest-revenue parks.

GROUND THREE
APPROVING IRRESPONSIBLE COMPENSATION

At least 10 employees who are related or connected to Mr. Brown and/or his family or related to the Five Commissioners have received significant pay raises since their hiring, all of which were approved and reviewed by the Five Commissioners pursuant to RCRC's compensation policy, which is attached hereto as Exhibit D and incorporated herein by reference. Since Mr. Brown took over as Director in 2010, the raises and promotions of all 'family members' have totaled \$128,272. In the year before Brown took over, the highest raise given was \$2,884.

Since 2010, all three relatives of Board Chair Green have received raises worth a total of \$34,997, with Charles Duckett receiving the most with an \$18,836 increase in pay. Board Vice-Chair Mickens' nephew also has received \$5,000 in raises since 2010. Friends also received promotions and raises. Gerald Washington was hired at \$20,800 in 2014 and has received \$11,005 in raises since then, bringing his current salary up to \$31,805

Just in the last year, Mr. Brown received a raise of more than \$30,000, bringing his annual salary to \$151,800. His salary is far more than any other county recreation chief across the state. Of the big-county salaries listed, only one other was as high as six figures, Greenville County director, with a mean salary of \$131,520.

Other employees receiving raises over \$5,000 in FY 2015-16 were: Marta Cleary, Director of Property Management, \$7,448; Andrea Fripp-James, Finance Division head, \$5,000; Senita Carter, Administrative Assistant, \$5,000; Takequita Lewis, Administrative Assistant, \$5,000; Andrew Scott, Adaptive Recreation Director, \$7,789; and Chris Santino, Safety Manager, \$10,000. A redacted copy of the employment compensation of the employees at the Commission is attached as Exhibit E and incorporated herein by reference.

GROUND FOUR
OVERLOOKING NUMEROUS ALLEGATIONS OF SEXUAL HARASSMENT AND OTHER
INAPPROPRIATE BEHAVIOR BY RCRC DIRECTOR JAMES BROWN, III

It is considered a common occurrence when Mr. Brown makes inappropriate comments of a sexual nature in the workplace. Numerous complaints have been filed against him alleging sexual harassment and other inappropriate behavior by him. The complaints claim Brown sexually and racially harassed employees and terminated employees who spoke out against him. The complaints further allege that Mr. Brown paid recreation commission board members to protect him. Copies of those complaints are enclosed herewith.

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One visual account of what has been happening at RCRC as recounted by a whistleblower to Wach Fox news, is as follows:

"We're scared. I mean, we've heard that he carries a gun in the office.. so we're.. we never know when he will flip and turn on us because he has said many times that if he goes down, he's taking all of us with him."

"He has bragged about having sexual relations in the bathroom at the job, and he's also bragged saying he only needs to throw fifty dollars to certain people- you know, out of his pocket, to get what he wants."

"The whistleblower says people at the commission are having trouble doing their jobs, and the agency is suffering because of it."

"The people he puts in these positions have no clue what they need to do, and they are even told they don't have to do anything. So other people have to take on major responsibilities just to keep up with what he does."

GROUND FIVE
INCURRING EXCESSIVE LITIGATION COSTS AND EXPENSES

Although the legal budget for 2015-16 was \$15,000, RCRC exceeded its legal-expense budget by \$90,445 since July of last year in connection to costs related to lawsuits and independent investigations. The agency spent \$105,445 from July of 2015 to July 2016 with three law firms, McNair (\$53,572), Gignilliat, Savitz & Bettis (\$35,278.25) and Robinson McFadden & Moore (\$16,594).

In the past five years, the Insurance Reserve Fund has paid a total of \$172,500 in judgments and \$81,039 in attorney fees unsuccessfully fighting discrimination and defamation lawsuits the RCRC and its Director have lost.

GROUND SIX
FAILING TO PROVIDE ADEQUATE OVERSIGHT OVER RCRC AND ITS DIRECTOR

Change can only come from the top. It is clear that the Five Commissioners have failed to adequately oversee what's been happening at RCRC. At a minimum, their inaction makes them complicit in these bad acts.

Based upon the aforementioned grounds, the Five Commissioners have committed several acts of malfeasance, especially in light of Mr. Brown's indictment. They have turned a blind eye to what has been happening there. Moreover, we recently were informed by several

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current and former employees that they have repeatedly over several years reached out to the Five Commissioners about the inappropriate conduct happening at the Commission to which the Five Commissioners ignored and/or questioned the victims' stories. One commissioner went so far as to question the victim as to why she would complain since she is "gainfully employed and making good salary." For the women who are victims of sexual harassment, this leaves them with a sense of betrayal and embarrassment and is an unacceptable response by those appointed to protect them.

Since you are the only person with the authority and power to remove these Commissioners and demand their accountability, we would respectfully request that you utilize your powers pursuant to SC Code Section 1-3-240(A)(3) and have these Five Commissioners removed, *effective immediately*.

Thanking you for your kind attention to this matter,

We remain,

Sincerely yours,

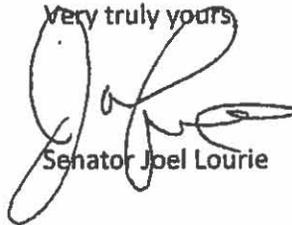
Senator Joel Lourie
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Representative Nathan Ballentine
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Representative Kirkman Finlay
Representative Joe McEachern
Representative Mia McLeod

(Signatures following herewith by separate pages)

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Very truly yours,

A handwritten signature in black ink, appearing to read "Joel Lourie". The signature is stylized with large, sweeping loops and a long horizontal stroke at the end.

Senator Joel Lourie

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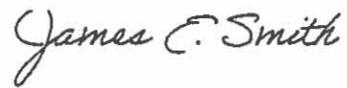
Very truly yours,

Beth E. Bernstein

Representative Beth Bernstein

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Very truly yours,

A handwritten signature in cursive script that reads "James E. Smith". The signature is written in black ink and is positioned above the printed name.

Representative James Smith

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Very truly yours,

A handwritten signature in cursive script that reads "John Courson". The signature is written in black ink and is positioned above the printed name.

Senator John Courson

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Very truly yours,

Thomas McElveen

Senator Thomas McElveen

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Very truly yours,

A handwritten signature in cursive script that reads "Kirkman Finlay". The signature is written in black ink and is positioned above the printed name.

Representative Kirkman Finlay

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Very truly yours,

Joe McEachern
Representative Joe McEachern

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Very truly yours,

Nathan Ballentine

Representative Nathan Ballentine

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Very truly yours,

Mary Gail Douglas

Representative Mary Gail Douglas

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Very truly yours,

Mia McLeod

Representative Mia McLeod
