

Title: **Sex-predator suit settled for \$515,000**  
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**GIRL, 6, ALLEGEDLY VICTIM**

# Sex-predator suit settled for \$515,000

DSS, contractor blamed for attack on Midlands child

By JOHN MONK  
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The S.C. Department of Social Services and a private contractor it hires to place children in foster homes have agreed to pay \$515,000 after a 6-year-old Columbia-area girl was allegedly sexually assaulted

by a teenage sexual predator, according to court records.

The settlement comes at a time when DSS is under intense scrutiny for the way it does, or does not, care for the thousands of

children in its care.

In 2013, the then-14-year-old, male predator was under the care of DSS and under the supervision of DSS' private, for-profit contractor, according to legal papers

in the case.

The girl was an innocent victim who lived in the neighborhood where DSS and its contractor placed the teen in a supposedly se-

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## SUIT

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cure house, court records said.

At the time of the alleged assault, the teen had tested HIV-positive and was not being properly supervised, according to court records.

In a document filed Monday in the Richland County courthouse, DSS and the private business, S.C. Mentor Inc., denied any fault.

DSS and Mentor said they were settling the case "to resolve the parties' differences and to avoid protracted discovery and liti-

gation," according to settlement documents. Such a settlement allows DSS and Mentor to avoid any scrutiny a public trial would bring to the agency's practices of safeguarding children in its care.

Also, by settling, the parents of the young girl avoid having her go through the trauma of being forced to testify in open court about what the teen did to her.

In recent years, DSS has been the target of unprecedented scrutiny by some members of the Legislature and the public. Law-

makers have consistently declined to give the agency the money it needs to properly safeguard children, critics charge.

In January, child advocacy groups filed a federal lawsuit against DSS and Gov. Nikki Haley, alleging widespread systemic failure at the agency.

The lawsuit alleged that a lack of funding endangers children in the state's child welfare system and that excessive caseloads for DSS workers prevent adequate monitoring of children in foster care.

Last October, the Legislative Audit Council issued a scathing report that charges, among other things, that the agency doesn't have an adequate system to screen and place children in safe homes.

The case just settled was filed last year by a Columbia area mother identified only as Jane Doe.

She sought damages for the suffering and medical treatment her daughter underwent and "will continue to" undergo as a result of the attack, the lawsuit said.

She alleged that in 2012,

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DSS removed the boy – called J.B. in court records – from his natural mother’s home after J.B. suffered physical and sexual abuse from his mother and others.

DSS then used S.C. Mentor, a for-profit, private company that recruits foster parents, to place him in a Richland County home.

The lawsuit said that S.C. Mentor and DSS should have known that J.B. had a “propensity toward violence and sexual aggression toward others” and that the foster parent who was supposed to supervise J.B. “had a history of failing to adequately supervise foster children.”

J.B.’s foster parent allowed J.B. to visit the girl’s home and while there, J.B.

“violently sexually assaulted” the 6-year-old and later admitted the attack to a family court judge, the lawsuit alleges.

The family court judge ordered the criminal proceedings kept secret.

Neither the fate of J.B. nor his current living situation could be learned Tuesday. He is now around 16 years old.

After the assault, the girl’s mother contacted DSS to learn what she could about J.B., but DSS refused to tell the mother “that her daughter had been exposed to this potentially deadly virus,” the lawsuit said.

It’s unclear how the family found out. And no one involved would disclose the girl’s HIV status.

DSS and Mentor had a

duty to warn parents in the neighborhood that J.B. posed a “special danger” to their children, but failed to do so, according to the lawsuit.

A statement issued by S.C. Mentor state director Stan Butkus said in part that the company strives to ensure safe conditions for those in its care.

“We are committed to continuous quality improvement, and serious incidents in our programs are extremely rare,” he said.

According to its Internet site, S.C. Mentor’s headquarters are in Columbia and it has five other offices around the state. It describes itself as a “leading home- and community-based human services provider” offering programs

to youths and others with emotional and behavioral challenges.

DSS issued a brief statement late Tuesday. “The parties Doe and DSS and S.C. Mentor state that the above matter has been settled by payment of \$515,000 to the minor child plaintiff,” DSS officials said in an email. “The parties will have no further comment.”

Title: **Attorney and activist Rainey recalled as S.C.'s 'conscience'**  
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# Attorney and activist Rainey recalled as S.C.'s 'conscience'

By JEFF WILKINSON  
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Camden attorney John Rainey was remembered Tuesday at a memorial service in Columbia as "the conscience of South Carolina."

Known for his philanthropy, political fundraising, sense of integrity and dogged

determination, Rainey often was critical of other wealthy South Carolinians for "sitting on their wallets" rather than using their money to advance the state, Charles T. "Bud" Ferillo Jr. told a packed sanctuary at Trinity Episcopal Cathedral in Columbia.

Rainey died of an undisclosed illness Saturday at Palmetto Health Baptist in Columbia. He was 73.

A Vietnam combat veter-

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## RAINEY

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an, Rainey was buried with full military honors Sunday on Pawley's Island.

The crowd at Tuesday's memorial service included political, business and social leaders from across South Carolina and Rainey's second home in Colorado.

Among them were College of Charleston president Glenn McConnell, former S.C. commerce secretaries Bob Royall and Joe Taylor, and state Sens. Vincent Sheheen, a Camden Democrat, and John Courson, a Columbia Republican. Civil rights activist the Rev. Joseph Darby was part of the officiating clergy.

U.S. Rep. Mark Sanford, whom Rainey helped put in office and later served as his chairman of the S.C. Board of Economic Advisors, arrived separately from his former wife, Jenny.

The crowd also was filled with lawmakers from both parties who cut short proceedings at the State House across Sumter Street from the cathedral.

Ferillo asked the crowds to raise their hands if they were Republicans, Democrats or members "of

John's party, the Whigs," a 19th-century party that supported the supremacy of Congress over the presidency.

The son of an Anderson doctor, Rainey raised money for Republican Govs. Carroll Campbell and David Beasley. He also backed the presidential candidacies of George H.W. Bush, George W. Bush and John McCain.

State Sen. Kevin Bryant, R-Anderson, said following the service that when he first wanted to run for office, Rainey surprisingly threw a fundraiser at the ancestral Rainey home in Anderson, called "the big house on the Boulevard."

"They've had presidential candidates, U.S. senators, U.S. congressmen there," Bryant said. "I don't think any little state Senate race had ever been represented in that house."

In the 1990s, Rainey led the public utility Santee Cooper out of the depths of a corporate scandal. Later, he chaired the state's Board of Economic Advisors for eight years under Sanford, a period that included the worst recession since the Great Depression.

"Every time there was a

crisis or a hard job that had to be done - there were good men in the state - but John was always there," Graham Tew, a longtime Republican Party operative and lobbyist, said after the service. "He never shied away from a fight he thought was worth fighting. But he was always a gentleman. He was such a gracious man."

"He came from the old school," Tew said. "He tried to do it the right way. It didn't matter if it was a Republican or a Democrat that he was standing up to, he did it."

Most recently, Rainey made headlines when he unsuccessfully sued Gov. Nikki Haley over what he believed were her unethical consulting activities.

Rainey said Haley became unnerved when he raised questions about her non-legislative jobs, including her work as a consultant, which later became part of the subject of his lawsuit alleging ethics violations.

Haley, the daughter of immigrants from India, said in her autobiography, "Can't Is Not an Option," that Rainey insulted her family's heritage by possibly linking them to terror-

ists in a private meeting during her 2010 gubernatorial campaign.

Sheheen, who twice ran unsuccessfully again Haley, said after the service, "South Carolina has a culture of acceptance of mediocrity and he rebelled against the status quo and did it loudly, consistently and constantly."

Rainey was a major backer of S.C. Educational Television. He was founding legal counsel of the ETV Endowment, past president of the ETV Endowment Board and chairman of S.C. Educational Communications.

He was executive producer of "Corridor of Shame," a 2005 documentary that highlighted educational deficiencies along the Interstate 95 corridor in South Carolina.

The Vietnam veteran was a strong supporter of military service, raising money for projects that honored veterans, including the World War I monument in Columbia's Memorial Park and plaques and palmetto trees honoring World War II's Doolittle Raiders along Gervais Street.

Rainey raised money for life-size, bronze statues

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celebrating two Camden-born national figures — African-American baseball legend Larry Doby and Jewish financier and presidential adviser Bernard Baruch. Rainey also was

chairman of the fund-raising committee for the African-American History Monument on the State House grounds.

“He was about lifting up the spirit of this state and

unifying it,” McConnell, a former president pro tem of the S.C. Senate who worked with Rainey on the African-American monument, said following the service. “He understood

differences, and he tried to bridge the gulf in this state.”

*Reach Wilkinson  
at (803) 771-8495.*



**Rainey**

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# Gov. Haley's \$29,000 football tickets and higher education reform

By **PHIL NOBLE**

Guest column

I love this state, I really do – and that's why I get so frustrated when we can't do the obvious right thing for stupid reasons. (Like, say, \$29,000 worth of free football tickets – but more on that in a moment.)

It seems to happen a lot and the current prime example of this is how higher education in this state is run, or probably more accurately, not run.

S.C. State has been in the news lately but they are only the latest and best example of the need for a statewide governing body that effectively – and the key word is effectively – oversees higher education in the state.

What we have now is the S.C. Commission on Higher Education and it's just not working. There are some very competent and diligent folks on the commission but the problem is they really don't have much power to actually do anything.

Dr. Layton McCurdy was Dean of MUSC for 11 years and chairman of the Higher Education Commission from 2005-08, and his comments in a recent column pretty much sum up the problem: "Still, we do not have a coordinated system that emphasizes the value to the state rather the benefit to the individual institution ... Rather we operate under the philosophy that states, 'If you've got one, I want one.'"

Someone described what

happens now as "policy by football tickets." What this means is that the big schools like USC and Clemson have a huge alumni base that can be mobilized and they have high-paid lobbyists walking around the Statehouse lobby handing out football tickets to state decision makers.

Unfortunately, this is a pretty good summary of what happens.

And in case you're tempted to dismiss all this football stuff as "small potatoes," just take a quick look at Gov. Nikki Haley's latest ethics filings, where you'll find that she declared more than \$29,000 worth of Clemson football suites and tickets as gifts in 2014 alone.

Another big part of the problem is how the boards of the public colleges and universities are

chosen. It's done by the Legislature, so if you want to be on a board you have to repeatedly go up to Columbia and convince enough legislators to vote for you.

What you get is a bunch of folks hanging around the lobby looking for legislators like a pack of teenage boys with overactive hormones at the high school dance, looking to pounce

on the next pretty girl that walks by.

Lots of people who would make great college trustees don't want to go through the personal humiliation of the process and just won't get involved.

So, who you have getting chosen are people who have a high threshold for personal rejection, or who are the brother, sister, friend or barber of someone who knows someone who can call in a favor from some key legislators.

And once they get on the boards, most of them stay a long time – some for more than 40 years. So much for new ideas and fresh perspectives.

So what's the answer? There is an obvious, proven solution – a board of regents – but it doesn't have much chance of happening in South Carolina any time soon.

A board of regents has the responsibility to look at higher education based on the needs of the whole state and then has the teeth to enforce their policies. Today, 39 of the 50 states have some sort of board of regents. Though they go by lots of different names – curators, governors, overseers, regents, trustees or something – they all have the same function of overseeing their state's higher education system.

Among those states where the board of regents seem to be doing an effective job are, you guessed it, Georgia and North Carolina.

The problem with such a



**NOBLE**





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straightforward, obvious solution is that no one in a position to make this needed change wants it to happen.

The legislators like the current system because they have to power to appoint the college and university boards, and they like having people (i.e. board candidates) hanging round kissing their ring (or some other body part), telling them how great they are.

Plus, they get all the good tickets for the football games — or in the case of Gov. Haley, the football suites.

The big colleges and universities like the system because they have lots of their alumni in the Legislature to look after them. Also, if they get in a jam, they can mobilize their alumni, as some alum is bound to be the crucial legislator's fishing buddy, girlfriend or law partner.

A couple of years ago, the presidents of USC, Clemson and MUSC were all lined up at a table in front of a state Senate committee and they were asked by Sen. Gerald Malloy if they were going to at least

talk about a board of regents ... and they all three sat silently and did not say a word. One observer called it "the silence of the lambs."

And this isn't a partisan issue, as both fair-minded Democrats and Republicans have pushed for a change. Mark Sanford at least talked a good game about reform but he never got anywhere, as the legislators didn't much like him to start with and then Sanford got lost on the Appalachian Trail and that pretty much killed any chance of real reform.

So, there you have it: A big problem with an obvious solution that won't ever happen because of petty politics and narrow interests — and football tickets.

By some measures, our state's colleges and universities are sliding backward, but who cares, right? The football teams are doing great — and Gov. Haley and the legislators are sitting right there on the 50-yard line cheering them on.

*Phil Noble is president of the S.C. New Democrats. E-mail him at [phil@sc-newdemocrats.org](mailto:phil@sc-newdemocrats.org)*



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# Haley appoints Henerey as interim Berkeley Sheriff

**LINDSAY STREET**  
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For a third time this year, someone will assume duties as Berkeley County Sheriff.

Wednesday morning, Gov. Nikki Haley issued an executive order naming Butch Henerey as interim sheriff. Henerey of Moncks Corner is a retired chief

deputy for the Sheriff's Office.

Former Berkeley County Sheriff Wayne DeWitt stepped down from office Feb. 4, more than a month after being charged with a hit-and-run and DUI on Dec. 28. He took the oath of office in January. He was indicted on the charges by a grand jury Feb. 10.

Gov. Nikki Haley accepted DeWitt's resignation and said the

office was deemed vacated and his seat would be filled "in the manner according to law."

Chief Deputy Rick Ollic assumed interim sheriff responsibilities Feb. 5.

Filing for the special election begins noon Friday, Feb. 20, and closes noon Monday, March 2. The primary is April 21 and the election is June 9.



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## 148 Haley's choice to run DHEC faces tough questions in Senate

COLUMBIA (AP) — Eleanor Kitzman insists she'll remain independent of her longtime friend, Gov. Nikki Haley, if she's confirmed as director of South Carolina's public health and environmental control agency.

Kitzman faces a tough confirmation process in the Senate.

It opened Thursday with Democratic senators questioning why Kitzman was the lone candidate considered to run one of the state's largest agencies, particularly when she has no background in either health care or environmental fields. Republicans countered that her managerial skills are what matters.

"I know there are concerns. Haley and I have been friends for 15 years. Neither she nor I would ever let that friendship stand in the way of what's best for the state," Kitzman told the Senate Medical Affairs Committee.

Kitzman said she knows nothing about the selection process — only that she told Haley last November she was returning to South Carolina and "talking to a couple of law firms and a consulting firm that hadn't made any decisions."

Haley later asked if she'd be interested in leading the Department of Health and Environmental Control. When Kitzman said yes, Haley gave her name to the board chairman, and Kitzman emailed him her résumé.

Haley appoints all of the agency's board members.

After a single meeting, the board announced Kitzman's selection Jan. 12, just four days after Catherine Templeton announced her resignation.

Ann Timberlake, director of the Conservation Voters of South Carolina, said it sounds like Kitzman needed a

job, and Haley found her one.

Kitzman began working at the agency Jan. 26 as "director of process improvement," making \$74.50 an hour without benefits. If she's confirmed, her salary will likely top \$160,000.

Board chairman Allen Amsler is expected to testify when hearings resume next week.

Kitzman has contributed \$4,750 total to Haley's 2010 and 2014 campaigns. She acknowledged Thursday to co-hosting a Haley fundraiser last September at Wild Dunes Resort.

Kitzman said her life story indicates she has the management and leadership abilities to run the agency.

The Texas native dropped out of school in 10th grade, got married, had a child and became a single mom, but went on to earn a GED and later a law degree by age 30.

"I was determined not to be defined by missteps and keep moving forward toward my goals," she said.

She called herself a business-friendly, creative problem-solver with regulatory experience that will fit well with DHEC.

Kitzman first came to South Carolina in 1997 as a lobbyist to advocate for a law removing requirements on vehicle coverage. After it passed, she moved to the state from North Carolina and founded Driver's Choice, a company she grew to 50 employees before selling it in 2004.

She was South Carolina's insurance director from 2005 to 2007, when she resigned over a disagreement with Gov. Mark Sanford on coastal insurance.

She ran unsuccessfully for lieutenant governor in 2010, losing in a four-way GOP primary.



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## 148 Proposed House bills tackle taxes, road problems

**BY HAL MILLARD**  
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Two high-profile House bills under consideration are set to tackle taxation and road infrastructure problems in the state.

One bill (HB3580) mirrors Gov. Nikki Haley's State of the State pledge last month to reduce income taxes while raising gas taxes for roads and restructuring the state Department of Transportation.

The bill, co-sponsored by Lexington County delegation members Todd Atwater, Nathan Ballentine, Ralph Kennedy, Rick Quinn, and Mac Toole, would reduce the state income tax rate from 7% to

5% over the next 10 years, while raising gasoline taxes 10 cents per gallon over the next three years to directly fund roads.

A competing bill (HB3579), doesn't touch income taxes. It would actual-

ly lower gas taxes to 10 cents a gallon from the current rate of 16.75 cents per gallon, already the second-lowest in the nation.

The bill, co-sponsored by local legislative delegation members Russell Ott and Kit Spires, would make up that shortfall by levying an excise tax on the wholesale price of fuel and on motor carriers not to exceed 16 cents per gallon.

Further, the bill would raise the tax cap on the sale

or lease of vehicles from \$300 to \$500.

It also would restructure the State Infrastructure Bank and also the SCDOT commission, making it accountable to the governor.

A controversial measure in the bill, chief-sponsored by York Republican Gary Simrill, would begin a process of transferring many state roads over to counties, a move that has vehemently been opposed by county-level leaders throughout the state who say they cannot

afford the upkeep.

While critics abound, sponsors of both bills contend the legislation would at least help the state begin a process of a funding necessary road improve-

ments tagged at around \$47 billion.

"Today is a great day for South Carolina because we have two different roads plans that share the goal of repairing our infrastructure" new House Speaker Jay Lucas said.

"The bottom line is that both the House and the Governor are focused on fixing our roads while simultaneously making our government more efficient. Moving forward, Governor Haley and I will continue to engage in open conversations.

"I am confident we will find common ground in the near future given the progress we have made thus far," Lucas added.



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## Why do public officials continue to gouge us?

BY STEVE MAXWELL

President Obama has proposed another round of government expansions with tax hikes to pay for them. In the Palmetto State, Gov. Nikki Haley is willing to raise gas taxes if we cut state income taxes.

I don't know how all the math will work out but one thing is for sure. State lawmakers will be quicker to raise taxes than to lower them or cut spending.

Like most people, I look at taxes on a purely personal level. I am semi-retired and 90% of my income is from pensions.

While South Carolina is fairly reasonable about taxing retirement income, the federal government has no mercy.

Why should people be punished for having a small degree of success in life? It's wealth redistribution. Confiscate a portion of our retirement income to give away willy-nilly in a grand vote-buying scheme.

**HERE'S A GOOD EXAMPLE** of punishment. Apparently in South Carolina, if you can afford to have cable television, you can afford to pay out the nose. A fairly high-end cable package last month cost \$100.31 before taxes. Frankly, it's foolish of us to spend that considering how few channels we actually watch. But it's our money.

The government looks on cable as another opportunity to bring in revenue – and punishes us accordingly. Our total cable bill was taxed at 13%: 6% state tax, 1% local option, 1% municipal tax and a 5% franchise tax. Taxes ballooned our

\$100.31 bill to \$113.35.

Why heavily tax cable TV? It's already in trouble from a competitive standpoint.

The government taxes it because it can. Cable is an easy way to gouge us since most of us aren't willing to give up TV.

The so-called franchise fee is particularly lucrative for local governments. They justify this tax because private cable companies profit by using public rights of way.

Hold it right there. Don't the taxpayers own their local governments? Why should I have to pay to use something I own?

The cable franchise fee will net the City of Abbeville where I live \$65,000 and the county \$100,000 in 2015.

It will also reap \$60,000 in natural gas fees, \$31,000 in electric franchise fees and will transfer a whopping \$480,000 from its city owned electrical enterprise since it can't charge itself a franchise fee.

That's more than \$636,000 in revenue, or stealth taxes, which we pay for the privilege of receiving cable, electricity and gas services to our homes.

**WHEN WILL ENOUGH BE enough?** The short answer is "never," unless we change the mindset of government officials.

National officials, will continue to advocate higher spending and higher taxes.

In the state, we need to revamp the Department of Transportation and every other agency. Some could be eliminated completely. Most could be streamlined.

We don't need to be in the power business. Santee-Cooper should be privatized, along with our school bus system.

Many commissions can go, along with their bureaucrats who run them.

**Steve Maxwell is a retired postal manager and retired U.S. Army staff sergeant.**



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# 188 + 148 Jay Koon amasses formidable war chest

BY HAL MILLARD

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Lexington County Sheriff's candidate Jay Koon has broken the \$100,000 barrier.

In a filing with the S.C. Ethics Commission on Monday, Koon's campaign has amassed \$114,382 since announcing his candidacy last December.



Koon

His campaign is far outpacing fundraising by other candidates, though an updated accounting from competitors Justin Britt, Dennis Tyndall, and Ed Felix has yet to be filed, according to an online check of commission records.

Koon, the Assistant Chief of Police for the Town of Lexington and a 21-year law enforcement veteran, has \$78,423 cash-on-hand.

Koon, who is endorsed by current Sheriff Lewis McCarty, had a total of 370 donors since last filing, including a \$250 donation from Governor Nikki Haley and over \$16,000 in donations of \$100 or less.

Koon also has amassed at least 26 contributions of \$1,000 from various individuals and local businesses.

Records showed Koon has spent nearly \$32,000 on the race so far.

Koon and his competitors face off in a GOP primary election March 3, followed by a March 17 runoff if needed. Independent candidate Jim Crawford recently dropped out to take a job overseas, and no Democrats are running in the race.