



## State of South Carolina Office of the Governor

NIKKI R. HALEY  
GOVERNOR

1205 PENDLETON STREET  
COLUMBIA 29201

November 21, 2016

Ashley Cuttino, Esq.  
Thomas Lydon, Esq.  
Derrick Williams, Esq.

Dear Hearing Panelists,

Thank you for agreeing to accept the Governor's appointment to serve as Hearing Panelists to provide the Richland County Recreation Commission (RCRC) Board members with the Opportunity to Be Heard on November 30, 2016, pursuant to Section 1-3-240(A)(3) of the South Carolina Code of Laws.

Your duty is to preside over the opportunity for RCRC Board members to be heard on the Charges brought against them by the Governor prior to being removed from office. At this time, the Governor only has had the opportunity to review documents but not the opportunity to ask questions or engage in meaningful dialogue with RCRC Board members. Accordingly, you are being asked to gather additional information through verbal presentations and/or additional documentation as presented by RCRC Board members in order to make a recommendation on whether they should be removed from office based on the Charges brought against them.

It is my understanding that each of you has examined whether any conflicts of interest exist with serving in this role and have determined that no conflicts, ties, or other impediments exist with your relationship to the RCRC Board or to the Richland County Legislative Delegation (Delegation). If at any point you determine that an issue does exist, please notify me immediately.

### Hearing Panelist Information:

The Opportunity to Be Heard (OBH) will be held on November 30, 2016, at 10:00 a.m. in Room 110 of the Blatt Building on Statehouse grounds. Please plan to meet in the Governor's Office at 9:30 a.m. to discuss administrative or other operational items. In the meantime, I will reach out to you individually to schedule a meeting to answer your questions and to ensure you are well-briefed on the Governor's actions taken thus far.

To best preserve the integrity and independence of this process, please be advised that our office does not plan to release your names in advance of the OBH. However, our Press Office will plan to release a handout to members of the press on the morning of November 30, 2016. The handout will include your names, titles, place and scope of work, and a short summary of other pertinent information related to your qualifications in serving as a Hearing Panelist in this matter.

Background Information:

As you are aware, a majority of the Richland County Legislation Delegation has asked the Governor to remove five members of the RCRC Board under the standards set forth in Section 1-3-240(A)(3). The statute authorizes the Governor to remove Board members if it “appears to h[er] satisfaction” that a county officer is guilty of malfeasance, misfeasance, incompetency, absenteeism, conflicts of interest, misconduct, persistent neglect of duty in office, or incapacity. Before removal, the officer must be informed in writing of the specific charges and be provided an opportunity on reasonable notice to be heard.

On November 10, 2016, the Governor issued Executive Order 2016-45, setting forth Charges that support removal of all seven RCRC Board members for Neglect of Duty, Incompetency, Misfeasance and Malfeasance and setting the date for members to be heard, November 30, 2016. Although the Delegation requested that only five members be removed, the Governor viewed the RCRC Board as a single entity, taking into consideration the actions of all seven members. Accordingly, the hearing on November 30, 2016, will provide an opportunity for the RCRC Board members to be heard in response to the Governor’s Charges supporting their removal from office.

At this time, two RCRC Board members have resigned: Weston Furgess, Secretary; and Wilbert Lewis, Member. The five remaining RCRC Board members are J. Marie Green, Chair; Barbara Mickens, Vice Chair; Thomas Clark, Member; George Martin, Member; and Joseph Weeks, Member. Should other members resign, you will be informed immediately.

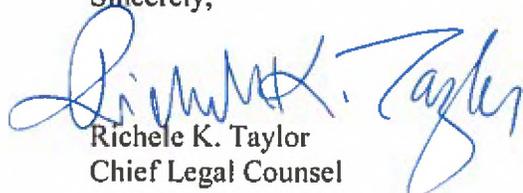
Procedural Information:

While the OBH is neither a formal judicial hearing nor an official court proceeding, the “opportunity on reasonable notice to be heard” is a separate action created by statute, which is left to the Governor’s discretion to establish and organize. Accordingly, our office has drafted Procedures for the Opportunity to Be Heard, a copy of which is enclosed and will be sent to RCRC Board members and made available to other interested parties as well.

Following the OBH, you will be asked to provide a recommendation to the Governor on the removal of individual RCRC Board members. Please be aware that RCRC Board members may appeal the Governor’s decision to circuit court, and therefore, your recommendation could ultimately become part of the record.

It is the Governor’s desire to execute the Section 1-3-240(A)(3) proceedings with the highest levels of professionalism, candor, and integrity for residents of Richland County. We have every confidence in your ability to conduct yourself in this manner and are grateful for your willingness to serve in this important matter.

Sincerely,

  
Richele K. Taylor  
Chief Legal Counsel

Enclosures