district five
OF LEXINGTON & RICHLAND COUNTIES

Minutes/ November 10, 2014

The Board of Trustees of School District Five of Lexington and Richland Counties met at Irmo Elementary School with the following members present:

Ms. Beth Watson, Chairman
Mr. Robert Gantt, Vice Chairman
Mrs Jondy Loveless, Secretary
Mrs. Ellen Baumgardner
Mr. Larry Haltiwanger
Mrs. Jan Hammond
Dr. Stephen Hefner, District Superintendent

The following staff were in attendance:

Dr. Angela Bain, Chief Human Resources Officer
Mr. Mark Bounds, Chief Information Officer
Mr. Michael Harris, Chief Student Services Officer
Dr. Christina Melton, Chief Instructional Officer
Mr. Keith McAlister, Director of Design and Construction
Mr. Len Richardson, Chief Finance Officer

The Board conducted an informal swearing-in of new school board members prior to the Executive Session.

Chairman Watson called the meeting to order and gave welcoming remarks.

The Invocation was given by Robert Gantt. The Pledge of Allegiance was led by Jones Pedroni, a fifth grade student at Irmo Elementary School.

The Board conducted a ceremonial swearing-in of new school board members.

The Board conducted the School Board Spotlight.

Tina McCaskill, Principal, gave a welcome and brief overview of Irmo Elementary School.

During the Superintendent's Report, Alan Grimsley, Derrick, Stubbs & Stith, presented the Comprehensive Annual Financial Report (Exhibit B); Dr. Hefner gave an update on the new 7/8 middle school and the 5/6 school; and Joe Huggins and Keith McAlister presented the monthly update (Exhibit C).

During the public participation time, several students and parents spoke on behalf of the Irmo Volleyball players; and Barry Walker spoke regarding the District and School Board.

Dr. Christina Melton gave a presentation on the EXCEL Tuition-Based Pre-K Program (Exhibit F).

SCHOOL DISTRICT FIVE
OF
LEXINGTON AND RICHLAND COUNTIES

Meeting of November 10, 2014

	BAUMGARDNER	GANTT	HALTIWANGER	HAMMOND	LOVELESS	WATSON	WHITE
1. M. Baumgardner S. Loveless Enter executive session to consider the following: a) selected employment items (Exhibit A); b) receipt of legal advice: *Freedom from Religion Foundation vs. School District Five of Lexington and Richland Counties; c)* receipt of legal advice: *Kim Murphy v. Richland Lexington School District No. 5, et al.* [C.A. No. 2013-CP-40-1897]; and d) receipt of legal advice: *Kim Murphy v. Richland-Lexington School District 5 Board of Trustees, et al.* [C.A. No. 2014-CP-40-4666]	X	X	X	X	X	X	A
2. Election of Board Officers							
Gantt nominated Watson Chair seconded by Baumgardner	X	X	X	X	X	AB	A
Loveless nominated Gantt Vice Chair seconded by Haltiwanger	X	X	X	X	X	X	A
Baumgardner nominated Loveless secretary seconded by Gantt	X	X	X	X	X	X	A
3. M. Gantt S. Baumgardner Approve the agenda	X	X	X	X	X	X	A
4. M. Baumgardner S. Loveless Approve the minutes of the October 27, 2014 board meeting	X	X	AB	AB	X	X	A
5. M. Baumgardner S. Loveless Approve the selected employment items (Exhibit A)	X	X	X	X	X	X	A
6. M. Baumgardner S. Haltiwanger Final approval of proposed revisions to board policy JFBA "Intra-District Transfer and Withdrawal" (Exhibit D)	X	X	X	X	X	X	A

A = Absent
AB = Abstain
N = No
X = Yes
R = Recuse

SCHOOL DISTRICT FIVE
OF
LEXINGTON AND RICHLAND COUNTIES

Meeting of November 10, 2014

	BAUMGARDNER	GANTT	HALTIWANGER	HAMMOND	LOVELESS	WATSON	WHITE
7. M. Baumgardner S. Hammond Certify the Delegates for the 2014 Delegate Assembly (Exhibit E) as follows: Delegates – Watson (2), Loveless (2), Baumgardner (1), Hammond (1), Alternates – Gantt, White, and Haltiwanger	X	X	X	X	X	X	A
8. M. Loveless S. Baumgardner Adjourn at 8:20 p.m.	X	X	X	X	X	X	A

A = Absent
AB = Abstain
N = No
X = Yes
R = Recuse

District Five School Board Decision on Murphy Removal Upheld

On October 30th, the Honorable DeAndrea Gist Benjamin, Circuit Court Presiding Judge affirmed the removal of Kim Murphy from the Lexington-Richland School Board. In her ruling she stated, "The Court has carefully considered the pleadings and materials submitted, the oral arguments presented at the hearing held on September 11, 2014, and the relevant authorities governing this action. For the reason set forth below, the Court affirms the Board's decision to remove Appellant (Murphy) from office."

The ruling further stated, "Based on the foregoing findings of facts, analysis, and conclusions of law, the Court finds by clear and convincing evidence that (1) Appellant (Murphy) is a resident of Lexington County, and (2) does not meet the requirements and lacks the legal capacity to hold the office of Board trustee ... The Court, therefore affirms the Board's decision to remove Appellant (Murphy) from office."

This ruling confirms that the Board acted rightly in removing Ms. Murphy. It is a matter of fact and not opinion that she resides in Lexington County. Unfortunately, as Ms. Murphy has done many times, she chose to seek legal action against the District. Defending this unfounded lawsuit added to the more than $12 million in tax payer dollars already spent as a result of Murphy's legal actions against the District.

My sincere hope is that we can put this matter behind us.

Attachment 1 is included with the minutes of the 11-10-14 meeting, at the request of Board member Robert Oastt pursuant to S.C. Code Ann. §30-4-90(a)(4) and Board Policy BEDG. The Board majority did not approve, disapprove, or otherwise act upon the contents of this attachment.

STATE OF SOUTH CAROLINA COUNTY OF RICHLAND	)	IN THE COURT OF COMMON PLEAS
Kim Murphy, Petitioner, vs. Richland-Lexington School District No. 5 by and through its Board of Trustees by and through Counsel to the Board of Trustees, Respondent.	)	CASE NO. 2013-CP-40-1897 **ORDER AFFIRMING THE APPELLANT'S REMOVAL FROM THE BOARD OF TRUSTEES**

2014 OCT 30 PM 2:33
FILED
C.C.P. & G.S.

I. INTRODUCTION

This case has come before the Court pursuant to S.C. Code Ann. § 59-19-60 as an appeal by Kim Murphy ("Appellant") from her removal from the Board of Trustees (the "Board") for School District 5 of Lexington and Richland Counties (the "District"). Specifically, Appellant contends that she is a resident of Richland County and that her removal by the Board was unlawful. The Board maintains that it (1) provided Appellant with due process under S.C. Code Ann. § 59-19-60, and (2) that the Board had legal authority to remove Appellant from office under S.C. Code Ann. § 59-19-60.

The Court has carefully considered the pleadings and materials submitted, the oral arguments presented at the hearing held on September 11, 2014, and the relevant authorities governing this action. For the reasons set forth below, the Court affirms the Board's decision to remove Appellant from office.

II. PROCEDURAL BACKGROUND

The Court finds the following facts regarding the procedural background of this appeal to be undisputed. Appellant resides at 154 Old Laurel Lane, Chapin, South Carolina. By law, three trustees on the Board must reside in Richland County and four trustees must reside in Lexington

Attachment 2 is included with the minutes of the 11-10-14 meeting, at the request of Board member Robert Gantt pursuant to S.C. Code Ann. § 30-4-90(a)(4) and Board Policy BEDG. The Board majority did not approve, disapprove, or otherwise

County. S.C. Act No. 326 of 2002, § 9. In November 2010, Appellant was elected to the Board of Trustees as a resident of Richland County. In October 2012, the Board Chair, Robert Gantt, received information that Appellant resided in Lexington County, not Richland County. Mr. Gantt sought a determination from the Director of the South Carolina State Budget and Control Board's Division of Research and Statistics, Bobby Bowers, concerning Appellant's residency. Mr. Bowers concluded that Appellant resided in Lexington County.

The Board then designated retired Circuit Court Judge G. Thomas Cooper, Jr. to conduct an evidentiary hearing concerning Appellant's residency and her qualifications to serve as a Board trustee and to issue findings and recommendations to the Board. The evidentiary hearing was scheduled for February 15, 2013. Appellant was provided notice of the evidentiary hearing via email and hand-delivery to her house. Appellant made an appearance on February 15, 2014, to object to the proceeding but did not otherwise attend or participate.

On March 14, 2013, Judge Cooper issued written findings and recommendations to the Board, including Appellant. Judge Cooper concluded that Appellant resided in Lexington County and that the Board had the authority to remove her from office under S.C. Code Ann. § 59-19-60. On March 19, 2013, the Board held a special meeting to receive and review Judge Cooper's findings and recommendations, as well as other evidence concerning Appellant's residency and to make a determination on her qualifications to serve on the Board. At the conclusion of the special meeting, the Board voted to remove Appellant from office pursuant to § 59-19-60.

III. STANDARD OF REVIEW

S.C. Code Ann. § 59-19-560 provides, in part, "the matter in controversy shall be tried by the circuit judge, de novo, with or without reference to a master or special referee." S.C. Code Ann. § 59-19-560; *Lexington Cnty. Sch. Dist. One Bd. of Trustees v. Bost*, 282 S.C. 32, 34, 316 S.E.2d 677, 678 (1984) (stating "the appeal to the circuit court from the decision of the County

Attachment 3 is included with the minutes of the 11-10-14 meeting, at the request of Board member Robert Gantt pursuant to S.C. Code Ann. § 30-4-80(a)(4) and Board Policy BEDG. The Board majority did not approve, disapprove, or otherwise act upon the contents of this attachment.

Board of Education should be a trial de novo in which the record of proceedings below is admitted as evidence but not accorded deference. Section 59–19–560 requires the circuit judge to try these cases as equity cases.") The standard of review, therefore, is *de novo*. Thus, the Court can find facts in accordance with its view of the preponderance of the evidence and correct errors of law. *Id.*

IV. LEGAL ANALYSIS

A. Appellant is not a resident of Richland County, and therefore, not qualified to hold the office of Board trustee.

In South Carolina, the General Assembly alone has the power to set or change a county boundary. S.C. Const. Art. VII, §§ 7, 12. S.C. Const. Art. VIII, § 2. Thus, while counties depend on self-generated or self-maintained maps or surveys for various county purposes, in the absence of statutory authority, a survey is not binding on the adjoining county or the public generally. 20 C.J.S. Counties § 29. Accordingly, errors in an unauthorized map cannot change a legislated boundary line.

The boundary of Lexington County is established by S.C. Code Ann. § 4-3-370 and that of Richland County by S.C. Code Ann. § 4-3-460. Both of these statutory descriptions of the boundaries of Richland and Lexington Counties reference "a point in Slice Creek known as Rocky Ford," which is shown on "the plat of said property, completed on November 25, 1921, by W.A. Counts and J.C. Wessinger Surveyors, said plat being filed in the office of the Secretary of State." *Id.* Based on the clear and repeated statutory references to Rocky Ford, it is evident that this common geographic feature establishes the boundary between the counties in the area of Appellant's residence at 154 Old Laurel Lane, Chapin, South Carolina. Therefore, the Court finds that the consistent placement of Rocky Ford on surveys and maps unquestionably places Appellant's residence in Lexington County. The Court finds the testimony of Mr. Bowers, with the Division of Research and Statistics, S.C. Budget and Control Board, and Mr. Miller, former

Attachment 4 is included with the minutes of the 11-10-14 meeting, at the request of Board member Robert Gentz pursuant to S.C. Code Ann. §30-4-90(a) and Board Policy BEDG. The Board majority did not approve, disapprove, or otherwise act upon the contents of this attachment.

Chief of the South Carolina Geodetic Survey, clear and convincing evidence that Appellant's residence is located in Lexington County and not in Richland County.

Appellant submitted the following exhibits to demonstrate that she is in fact a resident of Richland County: (1) her vehicle taxes which are paid in Richland County; (2) a subdivision layout corresponding to the residence in question where Lexington County officials approved the proposed layout using approximate county lines, suggesting the residence to be in Richland County; (3) a certified plat. Here, the Court finds the proffered evidence to be unpersuasive. First, both the subdivision layout and the survey conducted by Lucius Cobb clearly label the county boundary line as only "approximate." It is axiomatic that the survey performed by Lucius Cobb should not be considered competent proof of the actual county boundary not only because it states the county boundary line is approximate, but also because Rocky Ford, the geographic feature referenced by statute as being a feature of the boundary, is identified on the plat but the county line is not passing through the referenced boundary feature. Second, in regard to Appellant's vehicle taxes, *even if the boundary has been misidentified by the counties, errors in* an unauthorized map cannot change a legislated boundary line. Moreover, since the District is a subdivision of the State it cannot be bound by a county's determination of its geographical boundary that is inconsistent with state statutes. Accordingly, the Court finds that neither the county planning nor tax maps are binding on a school district or determinative of actual, statutory boundaries.

S.C. Act No. 326 of 2002, § 9 clearly states: "[n]otwithstanding another provision of law, in Richland-Lexington School District 5: (1) three trustees must reside in Richland County and four must reside in Lexington County." The Court finds that since Appellant was elected from Richland County, but in fact resides in Lexington County, under the statutes of South Carolina, she does not meet the requirements of Act No. 326 of 2002, § 9 to be a Board trustee.

B. The Board Has Legal Authority To Remove Appellant From Office Under S.C. Code Ann. § 59-19-60.

Attachment 5 is included with the minutes of the 11-10-14 meeting, at the request of Board member Robert Conti pursuant to S.C. Code Ann. § 30-4-90(a)(4) and Board Policy BEDG. The Board majority did not approve, disapprove, or otherwise act upon the contents of this attachment.

S.C. Code Ann. § 59-19-60 states:

> School district trustees shall be subject to removal from office for cause by the county boards of education, upon notice and after being given an opportunity to be heard by the county board of education. Any such order of removal shall state the grounds thereof, the manner of notice and the hearing accorded the trustee, and any such trustee shall have the right to appeal to the court of common pleas, as provided in § 59-19-560.

The County Boards of Education of Lexington and Richland counties were abolished in 1994 and 1969, respectively. S.C. Act No. 601 of 1994 and S.C. Act No. 140 of 1969. The Lexington County Board of Education's powers and duties, including the power to remove school district trustees, were legislatively devolved on the respective school district boards in Lexington County, including this Board. S.C. Act No. 601 of 1994. S.C. Act. No. 140 of 1969 provides:

> Any appointments, actions or duties required of the Richland County Board of Education or the County Superintendent of Education which are not specifically devolved upon the Richland County Council shall be devolved upon the council upon the effective date of this act. The Council may, in turn, delegate such actions and duties to the appropriate county or school district agency.

Thereafter, the General Assembly passed Act 610 of 1984 which states: "Richland County Council may not remove Richland County school district trustees of school districts situated in whole or in part in Richland County."

Under the Acts above, the Court finds that the Board has the statutory authority to remove a Board member for cause under § 59-19-60. It is logical, practical, and consistent with the rules of statutory construction to conclude that the Board has the authority to remove a trustee for cause. See *Brown v. County of Horry*, 308 S.C. 180, 193, 417 S.E.2d 565, 567 (1992) ("[I]t is the duty of the court to ascertain the intent of the Legislature and give it effect."); *State ex rel. McLeod v. Montgomery*, 244 S.C. 308, 136 S.E.2d 778 (1964) ("The Court must presume the legislature did not intend a futile act, but rather intended its statutes to accomplish

Attachment 6 is included with the minutes of the 11-10-14 meeting, at the request of Board member Robert Cecil pursuant to S.C. Code Ann. §30-4-90(a)(4) and Board Policy BEDG. The Board majority did not approve, disapprove, or otherwise act upon the contents of this attachment.

something."); *Joiner ex rel. Rivas v. Rivas*, 342 S.C. 102, 109, 536 S.E.2d 372, 375 (2000) ("[S]tatutes dealing with the same subject matter are *in pari materia* and must be construed together, if possible, to produce a single, harmonious result.) *Bolton v. Doe*, 266 S.C. 344, 349, 223 S.E.2d 187, 189 (1976) ("A statute is not to be read in an atmosphere of sterility, but in the context of what actually happens when human beings go about the fulfillment of its purposes.").

It is clear under S.C. Act No. 601 of 1994, that at a minimum the four Board members from Lexington County have the authority of a county board of education under § 59-19-60 to remove a Board member. Further, it is reasonable and in harmony with S.C. Act 610 of 1984 and the South Carolina Constitution Articles III, §27 and VI, § 9, to construe S.C. Act 610 of 1984 as also vesting this authority in the Board members elected from Richland County since the District is "in Lexington County" and the Richland County Council does not possess such authority. Construction of these statutes otherwise would result in the absurd result of four Board members having authority to remove a board member under § 59-19-60, while three others do not. *Hodges v. Rainey, 341 S.C. 79, 91, 533, S.E.2d 578, 584 (2000)* (stating "[t]he goal of statutory construction is to harmonize conflicting statutes whenever possible and to prevent an interpretation that would lead to a result that is plainly absurd."). Accordingly, this Court finds that the Board has the legal authority to remove Appellant pursuant to S.C. Code Ann. § 59-19-60.

C. The Board's Hearing Procedures Provided Appellant Due Process of Law.

Appellant also takes issue with the hearing procedure. The Court finds that Appellant was given notice of the evidentiary hearing before Judge Cooper and elected not to participate in the evidentiary hearing, except to object to the proceeding. Appellant was provided with a copy of the hearing officer's Findings and Recommendations. Additionally, Appellant was provided with notice of the Board's subsequent special meeting to consider her residency and qualifications to serve on the Board. Appellant attended the meeting and her counsel presented

Attachment 7 is included with the minutes of the 1-10-14 6 meeting, at the request of Board member Robert Gantt pursuant to S.C. Code Ann. §30-4-90(a)(4) and Board Policy BEDG. The Board majority did not approve, disapprove, or otherwise act upon the contents of this attachment.

evidence and argument to the Board for the Board's consideration. After the Board voted to remove Appellant from office pursuant to § 59-19-60, the Board issued an Order of Removal setting forth the grounds for its decision, the manner of notice, and the hearing accorded to Appellant. Therefore, the Board provided Appellant with the due process required to remove a trustee from office under S.C. Code Ann. § 59-19-60.

Moreover, substantial prejudice must be shown to establish a violation of due process. *Tall Tower, Inc. v. S.C. Procurement Review Panel*, 294 S.C. 225, 233, 363 S.E.2d 683, 687 (1987); *Felder v. Charleston County Sch. Dist.*, 327 S.C. 21, 26, 489 S.E.2d 191, 193 (1997). In regard to hearings by school boards "school board members are clothed with a presumption of honesty and integrity...in the discharge of their decision-making responsibilities." *Felder v. Charleston County Sch. Dist.*, 327 S.C. 21, 26, 489 S.E.2d 191, 193-94 (1997). In *Felder*, the South Carolina Supreme Court held that where the factual findings on the merits were supported by the record and no evidence demonstrating actual bias existed, there was no substantial prejudice. Here too, the Board's decision on the merits is fully supported by the factual record and Appellant presented no evidence of actual bias. Therefore, the Court finds Appellant was provided notice of the question about her residency and legal ability to be a Board member elected from Richland County, as well as an impartial hearing on the matter; due process requires nothing more.

Appellant further contends her removal from the Board was improper because the Board's procedures violated the Administrative Procedure Act's (APA), S.C. Code Ann. §1-23-10, et seq., requirements regarding the promulgation of rules, and the Freedom of Information Act (FOIA), S.C. Code Ann. § 30-4-10, et seq. The Appellant has not clearly asserted the basis for these claims and the Court finds the Board's action removing Appellant from office did not violate the APA or FOIA. The provisions of the APA concerning the promulgation of rules apply to State agencies and not to school boards. Section 1-23-10 (4) specifically provides that

Attachment 8 is included with the minutes of the 11-10-14 meeting, at the request of Board member Robert Gantt pursuant to S.C. Code Ann. §30-4-90(a)(4) and Board Policy BEDG. The Board majority did not approve, disapprove, or otherwise act upon the contents of this attachment.

"Regulation... does not include...policy statements or rules of local school boards." Further, S.C. Code Ann. § 59-19-60 itself gives much latitude to school boards regarding the form and manner a removal hearing, requiring only that removal from office be "upon notice and after being given an opportunity to be heard...."

With respect to the FOIA, the transcript of the special meeting of the Board on March 19, 2013 shows the meeting, including the vote to remove Appellant, was a public meeting, conducted in open session, and the agenda for the special meeting was formally approved by a public vote 6 to 1. (March 19, 2013, hearing transcript, p. 6). Accordingly, likewise, Judge Cooper in his Findings and Recommendations (at page 1) states the hearing "was properly noticed to the parties, the public, and the press...." Therefore, the Board's special meeting of March 19, 2013 and removal hearing procedures did not violate the FOIA.

Appellant also argues that the Board failed to exhaust its administrative remedies regarding the determination of her residency in Lexington County. Specifically, Appellant argues the Board should have sought a residency determination from the Richland County Election Commission pursuant to S.C. Code Ann. § 7-5-230. In *Blair v. City of Manning*, 345 S.C. 141, 546 S.E.2d 649 (2001), our Supreme Court rejected a similar argument. In *Blair*, the Supreme Court held S.C. Code Ann. § 7-5-230 inapplicable to an election protest based on a candidate's residency, because the challenge concerned an election protest not voter registration, even though both voter registration and the election protest turned on the issue of residency. Here, the Board has challenged neither Appellant's voter registration, nor protests her election, but rather contends she is no longer qualified to hold the position of Board trustee under S.C. Act No. 326 of 2002, § 9, which requires Appellant to be a resident of Richland County. Under these circumstances, including the specific requirements of Act No. 326 of 2002 §9, and §59-19-60, it is appropriate for the Board to determine whether one of its members continues to meet the legal requirements for holding the office of Board trustee.

Attachment 9 is included with the minutes of the 11-10-14 meeting, at the request of Board member Robert Gratt 8 pursuant to S.C. Code Ann. § 30-4-90(a)(4) and Board Policy BEDG. The Board majority did not approve, disapprove, or otherwise act upon the contents of this attachment.

Appellant's status as an "elector" registered by the officials of Richland County is therefore irrelevant, as is Richland County's *ad valorem* taxation of the property on which the residence is situated. Both of these factors are matters of Richland County's administration of its internal duties, and not within the purview of this appeal or the Board's determination of "cause" for removal due to failing to meet the continuing "must reside" requirement of S.C. Act No. 326 of 2002.

Finally, Appellant argues the Board should be estopped from removing her from office. Appellant has not established essential elements of an estoppel claim.

> The potential elements of estoppel as related to the party estopped are: (1) conduct that amounts to a false representation or concealment of material facts or is at least calculated to convey the impression that facts are otherwise than, and inconsistent with, those that the party subsequently attempts to assert; (2) intention, or at least expectation, that such conduct shall be acted upon by the other party; and (3) knowledge, actual or constructive, of the real facts. [Citation omitted]. As related to the party claiming the estoppel, the essential elements are: (1) lack of knowledge and the means of knowledge of the truth as to the facts in question; (2) reliance upon the conduct of the party estopped; and (3) prejudicial change in position. [Citation omitted]

McDaniel v. South Carolina Department of Public Safety, 325 S.C. 405,411, 481 S.E.2d 155, 158 (Ct.App.1996). Based on the facts before the Court, Appellant has not shown that the Board engaged in any conduct amounting to false representation or concealment regarding her residency in Lexington County or that the Board had knowledge of the fact that she resides in Lexington County prior to January 2013 when it received the correspondence from Mr. Bowers identifying her residence in Lexington, rather than Richland County. Moreover, Appellant has presented no evidence showing any reliance or prejudicial change in her position based on any representation by the Board that she was resident of Richland County. Indeed, even if such a representation were to exist, instead of being prejudiced, Appellant benefited from the apparent

Attachment 10 is included with the minutes of the 11-10-14 meeting, at the request of Board member Robert Coutt pursuant to S.C. Code Ann. §30-4-90(a)(4) and Board Policy BEDG. The Board majority did not approve, disapprove, or otherwise act upon the contents of this attachment.

misapprehension that she resided in Richland County by being permitted to be a Board trustee elected from Richland County for more than two years.

The Court, therefore, finds Appellant has not proven the Board is estopped from finding her not to be a resident of Richland County or removing her from the office of Board trustee for failing to meet the requirements of the office under SC Act No. 326 of 2002.

V. ORDER

Based on the foregoing findings of fact, analysis, and conclusions of law, the Court finds by clear and convincing evidence that (1) Appellant is a resident of Lexington County, not Richland County, and (2) Appellant does not meet the requirements and lacks the legal capacity to hold the office of Board trustee under S.C. Act 326 of 2002, § 9. The Court, therefore, affirms the Board's decision to remove Appellant from office under S.C. Code Ann. § 59-19-60.

IT IS SO ORDERED.

The Honorable DeAndrea Gist Benjamin,
Circuit Court Judge Presiding

Columbia, South Carolina
10-30, 2014

Attachment 1 is included with the minutes of the 11-10-14 meeting, at the request of Board member Robert Ott 10 pursuant to S.C. Code Ann. §30-4-90(a)(4) and Board Policy BEDG. The Board majority did not approve, disapprove, or otherwise act upon the contents of this attachment.