

1
2 JOINT LEGISLATIVE COMMITTEE TO SCREEN CANDIDATES
3 FOR COLLEGE AND UNIVERSITIES BOARD OF TRUSTEES
4

5 PUBLIC HEARINGS
6
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10
11 Tuesday, April 19, 2016
12

13 10:40 a.m.
14

15 Gressette Senate Building
16 1101 Pendleton Street, Room 209
17 Columbia, South Carolina
18

19 REPORTED BY: SHERI L. BYERS
20 Registered Professional Reporter

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COMMITTEE MEMBERS IN ATTENDANCE:

SENATOR HARVEY S. PEELER, JR., CHAIRMAN
REPRESENTATIVE WILLIAM R. "BILL" WHITMIRE,
VICE-CHAIRMAN

SENATOR THOMAS C. ALEXANDER

SENATOR JOHN L. SCOTT

SENATOR ROBERT W. HAYES, JR.

REPRESENTATIVE MIA S. MCLEOD

REPRESENTATIVE PHYLLIS J. HENDERSON

STAFF:

MARTHA CASTO
JULIE PRICE

(INDEX AT REAR OF TRANSCRIPT.)

1 SENATOR PEELER: Good morning. I would like
2 to call the meeting to order.

3 Good morning, everyone. This is a meeting of
4 the Joint Legislative Committee to Screen Candidates
5 for Colleges and University Boards of Trustees.

6 Members, you have an agenda in front of you.

7 First off, we have Medical University of
8 South Carolina, Dr. G. Murrell Smith of Sumter,
9 representing the 5th Congressional District, medical
10 member, expires 2020.

11 Dr. Smith, if you would like to come forward.
12 Have a seat. Get comfortable. Make sure that green
13 light is burning. I think you have to push that light.

14 Good morning, sir.

15 DR. SMITH: Good morning.

16 SENATOR PEELER: First, let me swear you in.
17 Do you swear to tell the truth, the whole truth,
18 nothing but the truth, so help you God?

19 DR. SMITH: I do.

20 SENATOR PEELER: Would you like to make a
21 brief statement on why you would like to continue to
22 serve on the Medical University board?

23 DR. SMITH: Sir?

24 SENATOR PEELER: I said, would you like to
25 make a brief statement on why you would like to

1 continue to serve on the Medical University board?

2 DR. SMITH: I'm sorry, I lost my hearing in
3 one ear, so I'm running on one ear. So I apologize.

4 SENATOR PEELER: My wife says I don't have a
5 hearing problem, I have a listening problem.

6 DR. SMITH: I might too.

7 I've served on the board for the last four
8 years, and I feel like that the Medical University is
9 very important to this state, and I think it's a big
10 asset for the community and the state of South
11 Carolina, and I think anything that I can do to be in
12 the position and having spent nine years at the Medical
13 University in my training in medical school, I think I
14 have certainly -- my interest lies in the Medical
15 University and making it a wonderful place to educate
16 our young people as well as produce physicians and
17 others to serve the state of South Carolina.

18 SENATOR PEELER: Okay. Thank you.

19 Any members have any questions or comments?

20 Representative Whitmire.

21 REPRESENTATIVE WHITMIRE: Thank you, Mr.
22 Chairman.

23 Welcome, Dr. Smith. I know your son real
24 well. We serve on the same committee.

25 I notice you say MUSC's biggest weakness is

1 multifaceted which makes it difficult to control.

2 Could you expand on that a little bit?

3 DR. SMITH: Yes, the medical university, you
4 know, when I was there, I looked at it as medical
5 school. Now, being on the board, it's just massive
6 schools integrated into one umbrella, and it is very
7 difficult for at least board members to keep a finger
8 on each one of those facets and each one of those
9 schools.

10 So to me, it really is a challenge, as a
11 board member, to keep up with all the colleges and
12 dental schools and medical schools and nursing schools,
13 pharmacy schools, so I think it really makes a
14 challenge for board members. That's probably the
15 hardest thing we deal with.

16 REPRESENTATIVE WHITMIRE: Would you make any
17 changes to the present staff?

18 DR. SMITH: I think that Dave Cole has really
19 tried to reorganize to get a handle on all that.
20 Obviously, I've been on boards and you have to depend
21 on your people who are running things to keep you
22 informed and try to do the best to make us understand
23 what's important. But on the other hand, you don't
24 want to be led down the road that you're not paying
25 attention and just listening to the administrators.

1 But I think that Dave Cole is really making
2 great strides to keeping it organized. I see a change
3 in the last four years.

4 REPRESENTATIVE WHITMIRE: Where did he come
5 from?

6 DR. SMITH: Dave Cole?

7 REPRESENTATIVE WHITMIRE: Yeah. Was he part
8 of MUSC, or was he brought from outside?

9 DR. SMITH: Dave has been what they call an
10 oncology surgeon, a general surgeon, mainly liver and
11 bowel surgery. I think he's been there, some of the
12 medical university people could correct me, 18 years.
13 He's been there a long time. So it was in-house.

14 REPRESENTATIVE WHITMIRE: So he has an
15 understanding of the whole school?

16 DR. SMITH: I think that's what was helpful.
17 He's been there, and he's been in a leadership role at
18 the medical university even before he became president.

19 REPRESENTATIVE WHITMIRE: Okay. Thank you
20 for your willingness to serve.

21 SENATOR PEELER: Senator Scott has a
22 question.

23 SENATOR SCOTT: Yes, sir. Dr. Smith, you and
24 I came up in the elevator together this morning.

25 DR. SMITH: We did.

1 SENATOR SCOTT: In looking at your concern
2 with the multiple different areas of the school as it
3 grows, the medical field, I don't need to tell you, it
4 is becoming more and more specialized. And as you
5 bring different people on the board, they come with a
6 little different kind of expertise. You no longer can
7 just rely on the president to know it all. So the
8 normally, they invite themselves into committees and
9 those committees come back and give those reports, and
10 that's what you go off of.

11 When you look at that as a structure and the
12 difficulty that you have outlined as relates to so many
13 different schools, tell me a little bit about your
14 thinking on diversity, just male, female, people of
15 color, and others, so MUSC can continue to be not only
16 just a great school but a school that's very open to
17 attract people, not only from South Carolina but all
18 across the world and be a more diversified community.
19 But especially in educating a lot of South Carolinian
20 people of color and trying to get them into the Medical
21 University.

22 Talk with me about what you've seen and how
23 you've been working on to try to make that better, if
24 that's been part of your plan.

25 DR. SMITH: I think it's very important that

1 we include the people of South Carolina --

2 SENATOR SCOTT: Right.

3 DR. SMITH: -- and train. That's a big point
4 of my being on that board. I feel like the Medical
5 University of South Carolina is the Medical University
6 of South Carolina. And I think we ought to be
7 producing individuals that are going to stay in this
8 state and serve this state. That's not always a
9 hundred percent but as much as you can.

10 In that, you have to look at your population.
11 And if your population is such, you want to keep -- you
12 want that to reflect at that level.

13 I will tell you, 1968, I'm a freshman medical
14 student, so I've been there and I've been -- I was
15 there for nine years, and I saw the medical university
16 even in 1968, you might not believe what I'm going to
17 tell you, they strived to bring diversity to the
18 medical university.

19 Our OB/GYN was just constantly trying to get,
20 believe it or not, females into OB/GYN. Dr. Hester
21 just went out of the way to come to us residents to go
22 and recruit to get females.

23 We had, you know, African-Americans, we had
24 females. There weren't but two females in my class.
25 You talk about diversity. Look at what what's changed

1 in the world.

2 So I see -- and I know some of the reference
3 might be to some of the difficulty we've had recently
4 at the Medical University, but I firmly believe Dave
5 Cole is the most committed person to diversity. I
6 think every day we try to address it with the
7 community, but it's not just -- the Medical University
8 just shouldn't be addressing just Charleston.

9 SENATOR SCOTT: Right.

10 DR. SMITH: This is a state. And so I think
11 we should always strive to make sure we are not denying
12 anybody a position that they're qualified for. But I
13 also believe, and I'll just have to say what I believe,
14 you have to be qualified, folks. Don't be doing my
15 heart surgery if you're not qualified, and don't be
16 doing my dental work if you're not qualified.

17 If you're qualified, there should be no
18 barrier. There should be nothing that would be on that
19 chart that should stop you. And I really firmly
20 believe at the medical university, I really believe
21 that we are trying and I know our board is just
22 supporting Dave Cole and I can't -- he has just gone
23 out of his way to see to it.

24 But are we perfect? You know, you can see
25 North Carolina, what they're into, how do you make --

1 those are difficult things you get into. There's a lot
2 of diversity. You know, they gave us a list of
3 diversities, doesn't just mean African-American and
4 females. It's a list of 25 people. I might have gone
5 on more than you wanted me to.

6 SENATOR SCOTT: You're fine.

7 I'm fine, Mr. Chairman.

8 SENATOR PEELER: Thank you.

9 Senator Alexander.

10 SENATOR ALEXANDER: Thank you, and good
11 morning.

12 DR. SMITH: Good morning.

13 SENATOR ALEXANDER: If you could just
14 briefly, since being on the board, tell me your
15 involvement. You have made how many of the meetings,
16 90 percent, 100 percent?

17 DR. SMITH: I could say probably 90 percent,
18 just simply because I had to leave when my
19 father-in-law died, but I'm there at all the meetings.

20 The Medical University does things a little
21 different. We meet, have committees, and we all do the
22 committee. So we all are there on Thursdays for all
23 the committee meetings. And that's a little different
24 than a lot of boards.

25 Now, I'm on the Medical Advisory Board, which

1 is with Dr. Stan Baker, so I go down Wednesday at
2 lunchtime and meet with --

3 SENATOR ALEXANDER: But you've been committed
4 to it. Thank you, sir.

5 DR. SMITH: Maybe I'm talking too much.

6 SENATOR PEELER: Any other questions or
7 comments?

8 SENATOR SCOTT: Move for favorable report.

9 SENATOR PEELER: Motion is a favorable
10 report. Second.

11 SENATOR ALEXANDER: Second.

12 SENATOR PEELER: Any further discussion?

13 We'll take it to a vote. All in favor, say
14 "aye."

15 (Members respond.)

16 Opposed, no.

17 The ayes have it unanimously.

18 Thank you, Dr. Smith. Thank you for your
19 patience with us.

20 DR. SMITH: Thank you all.

21 SENATOR PEELER: All right. Now, members, we
22 have some old business we need to tend to.

23 Martha, would you fill us in?

24 MS. CASTO: Yes, sir. The first one, there
25 are two things. You all received probably last week a

1 letter from Louis Lynn for the Clemson board. Mr. Lynn
2 in the letter asked for your commitment, and it is
3 highlighted in orange on his letter to you.

4 In accordance with Section 8-13-930, he is
5 not allowed to ask for a commitment until the joint
6 screening -- the screening report has been issued. The
7 screening report will not be issued until the earliest
8 tomorrow.

9 So Dr. Lynn, when he realized he shouldn't
10 have done it, he called and talked with Julie. Julie
11 came and got us out of finance and talked to us. We,
12 in the meantime, talked to Lyn Odom, the attorney for
13 the Senate Ethics Committee. Lyn said because of the
14 statute, you know, it was up to the committee to do
15 what needed to be done.

16 After we talked with Senator Peeler, Julie
17 called Mr. Lyn back, Louis Lyn back. He said he was
18 going to send a retraction letter.

19 The second page of yours is the retraction
20 letter that apparently he mailed out on Saturday.
21 Julie confirmed that this morning. As of yesterday,
22 Senator Peeler had not received his, and I think
23 Representative Whitmire had not received his. So they
24 may come in the mail today.

25 All the retraction does is say "retraction"

1 at the top. It's the same letter that he mailed out on
2 April the 11th. So the question to the committee is,
3 what do you want to do?

4 SENATOR PEELER: You've heard the situation.
5 Senator Hayes.

6 SENATOR HAYES: I'm just thinking out loud, I
7 think, obviously, you know, shouldn't have been in
8 here, but I think kind of what they're trying to avoid
9 is people locking people down on commitments, asking
10 can you support me and checking them off on the list or
11 whoever else.

12 I think this was a slip. I think he used the
13 wrong wording, but I don't see this as violating the
14 intent which was trying to lock people down on
15 commitments.

16 I think the retraction probably could have
17 been worded a little better as far as the retraction,
18 but I don't see, you know, necessarily taking adverse
19 action. But that's just my opinion.

20 SENATOR SCOTT: Mr. Chairman.

21 SENATOR PEELER: Thank you.

22 Senator Hayes is my dean of ethics.

23 So thank you, Senator Hayes.

24 Senator Scott.

25 SENATOR SCOTT: Dr. Lyn, does he have

1 opposition in the Senate?

2 MS. CASTO: There are three. These are all
3 at-large seats. There are three at-large seats up for
4 election and three candidates.

5 SENATOR SCOTT: So he'll get a seat anyway.
6 Evidently, it was either a staff person who probably
7 typed it, and he just sent it out. He runs a pretty
8 big operation.

9 Normally, Dr. Lynn, since I've been here,
10 he's always a top vote getter even when he has
11 somebody. So just knowing him, he's a genuine person.
12 This has got to just be an error of some administrative
13 person who he told to send a letter and probably just
14 pulled the file and wrote the letter from the file,
15 just updated it from the file.

16 I don't foresee it being a problem. Really
17 there's no -- there really is no votes to collect.

18 SENATOR HAYES: I don't mean to interrupt,
19 had he put a comma, "at the appropriate time".

20 SENATOR SCOTT: That's all.

21 SENATOR HAYES: That's just the type of thing
22 that I think we need to obviously censure him and he
23 has been censured and done a retraction, but I don't
24 know that that's --

25 SENATOR PEELER: Senator Alexander.

1 SENATOR ALEXANDER: Thank you. I was going
2 to follow up, had it been a contested case, I think it
3 would put us in a different light. But I think at the
4 same time I would like for him to go a little bit
5 further than the retraction or the way that it's
6 worded, if possible. He may want to take that last
7 out, but I'm fine with leaving him in.

8 But I do think maybe before we start doing
9 screening in the future for us to maybe have the
10 candidates sign some type of a form to make sure they
11 understand that if they do this, that certainly puts
12 them at jeopardy of being disqualified from that
13 standpoint. Because this is not something I want to
14 see start becoming the norm.

15 SENATOR SCOTT: Right.

16 SENATOR HAYES: True.

17 SENATOR ALEXANDER: So I take it very
18 seriously that we would go to that point. But I think
19 that saving grace for him is that it is a noncontested
20 case.

21 SENATOR PEELER: Representative Whitmire.

22 REPRESENTATIVE WHITMIRE: I hate to say I'm
23 agreeing with the senators, but I do. It is not a
24 contested case, but if it was, we would be in a pickle.
25 That's where we talked about rules. We need to have

1 some set guidelines if this happens in the future, that
2 we toss it out and let people reapply, even if it's a
3 noncontested election or what.

4 That's my feeling that, you know, because
5 sometime in the future, we're going to be faced with a
6 situation that may come up that might not be this easy
7 to resolve. I hope we can come up with something, you
8 know, at least for next year.

9 SENATOR PEELER: Thank you.

10 SENATOR SCOTT: On that same vein.

11 SENATOR PEELER: Senator Scott.

12 SENATOR SCOTT: Once these candidates
13 complete, I think the committee, we, as a whole, kind
14 of got relaxed too. We need to tell them, those of you
15 who -- I know probably gave them in writing, but just
16 as a reminder, you all, until the screening report come
17 out, please don't solicit. I think in this particular
18 case, he knew the statute. I just think it was an
19 error that was made.

20 SENATOR PEELER: Senator Scott, our staff --
21 no offense to you candidates -- holds their hand,
22 babies them like three-year-olds.

23 SENATOR SCOTT: I got you.

24 SENATOR PEELER: I mean, these people that
25 are in charge of our universities, our higher

1 education, it's scary. It's scary how you have to hold
2 their hands.

3 SENATOR SCOTT: They're afraid when they come
4 into this process. That's all.

5 SENATOR PEELER: Representative Whitmire made
6 a good point. We need some more strict rules. We try
7 to have some, but a certain senator blocked it last
8 time. Maybe he'll support it this time.

9 SENATOR SCOTT: Maybe.

10 SENATOR PEELER: Thank you.

11 But that's why -- I know Dr. Lyn. I have
12 utmost respect for him. We were at Clemson at the same
13 time. He should have known better. He should have
14 known better. And I think he definitely knows better
15 now, but I hear what all the members, the comments you
16 all have said. Thank goodness, it is an unopposed
17 case.

18 SENATOR HAYES: I have a question, Mr.
19 Chairman.

20 SENATOR PEELER: Senator Hayes.

21 SENATOR HAYES: You want to complete what
22 needs to be done on this? I'm sorry.

23 SENATOR PEELER: Any action we need to take?

24 REPRESENTATIVE WHITMIRE: No action.

25 SENATOR SCOTT: No action.

1 SENATOR PEELER: Okay. So is that a motion
2 there's no action?

3 REPRESENTATIVE WHITMIRE: No action.

4 SENATOR HAYES: Second.

5 SENATOR PEELER: Motion and a second.

6 Any other discussion on that?

7 If you would, let Dr. Lynn know what we
8 talked about what was suggested and any other
9 candidates.

10 Okay. That settles that.

11 All in favor of that, say "aye."

12 (Members respond.)

13 Opposed, no.

14 And the ayes have it. Thank you.

15 Senator Hayes.

16 SENATOR HAYES: I got here late, and I didn't
17 know if the question was asked, but on this last
18 candidate, is his residency situation worked out?

19 MS. CASTO: Yes, sir. His residency is
20 worked out. We checked tax records for the last four
21 years, and they have remained in Sumter County, his 4
22 percent. And voter registration and driver's license.

23 SENATOR HAYES: I didn't potentially want to
24 make it a point, but I did want to make sure it's taken
25 care of.

1 MS. CASTO: Yes, sir.

2 SENATOR SCOTT: I'm going to take the heat of
3 you say not letting the rules pass. Are you talking
4 about on the ethics bill, you had something in the
5 ethics bill, rules to clean this up that unconsciously
6 I may not have been aware of that this allowed or
7 disallowed certain things.

8 MS. CASTO: There was a bill in 2013 that
9 passed out of Judiciary Committee that would have added
10 some meat to the screening committee for this, and you
11 signed a minority.

12 SENATOR SCOTT: And it is probably because I
13 wasn't sitting on this committee.

14 SENATOR PEELER: So will you co-sponsor that
15 bill this time?

16 SENATOR SCOTT: Let me take a look at that
17 and see what I'm getting myself into. I'll be happy to
18 look at it, on a serious note.

19 SENATOR PEELER: Is the Dr. Lynn question is
20 satisfied?

21 MS. CASTO: The next one Wil Lou Gray. You
22 may remember, we had four vacancies for Wil Lou Gray,
23 and we had four candidates that applied.

24 On December the 15th, Pat Smith, the head of
25 Wil Lou Gray, hand-delivered a letter of intent for a

1 Ms. Newman from Cayce. She never -- at that time Julie
2 had mailed and we have documentation that she mailed
3 her application packet to her the same day.

4 Ms. Newman never completed the application
5 packet and did not get it in. Last Thursday, she
6 realized she wasn't going to be on the board. She's an
7 incumbent on the board.

8 Pat Smith called to say that she was going to
9 be prepared to contact every member of the Lexington
10 County delegation. So just to make you all aware, if
11 anybody from Lexington County contacts you that you're
12 kicking Ms. Newman off the board, she did not fill out
13 the paperwork.

14 SENATOR PEELER: Well, kicking her off the
15 board might be a little strong. The fact is, she
16 didn't apply.

17 MS. CASTO: Right.

18 SENATOR SCOTT: Mr. Chairman, at the time
19 that the vacancy occurred, because a vacancy can be
20 filled, she can apply at that point in time.

21 MS. CASTO: Yes.

22 SENATOR SCOTT: But she passed her time.
23 Like some of us, if we don't file, you can't back up
24 the date.

25 MS. CASTO: And we call them and remind them

1 when to send -- the packet is coming due in the next
2 couple weeks. She did not leave us a telephone number.
3 We had no contact information and had contacted the
4 school, and if they got in touch with her, we don't
5 know.

6 SENATOR PEELER: That's just for our
7 information.

8 MS. CASTO: Yes, sir.

9 SENATOR PEELER: Okay. Next subject.

10 MS. CASTO: The next subject is MUSC. Julie
11 has some folders.

12 You may remember, two candidates have applied
13 for the MUSC Congressional District 4, the medical
14 board seat. Dr. Thomas is the incumbent, and Dr.
15 Mitchell is running for that seat.

16 He has sent the chairman some information
17 regarding Dr. Thomas' residency in the 4th
18 Congressional District, so the packet you just got is
19 from Dr. Mitchell.

20 SENATOR PEELER: Dr. Mitchell is here and he
21 has requested an audience of the committee.

22 Dr. Mitchell, would you still like to speak
23 to the committee?

24 DR. MITCHELL: Yes, sir.

25 SENATOR PEELER: Come forward.

1 Let me swear you in. Do you swear to tell
2 the truth, the whole truth, and nothing but the truth,
3 so help you God?

4 DR. MITCHELL: I do.

5 I would like to thank the committee for
6 listening to me today. I'm a very poor speaker to a
7 group like this, but I hope that I may speak to my
8 patients better.

9 I am an orthopedic spine surgeon, not a
10 private investigator or someone that knows all the
11 rules of the committee.

12 I'm running for the board of the Medical
13 University of South Carolina Board of Trustees,
14 District 4, medical seat. I was encouraged by people
15 on the board to do this because they know I've had a
16 desire to serve on this board for many years.

17 It is actually a well-known fact that the
18 current faculty members feel that the -- some of the
19 current faculty members feel the integrity of the board
20 is compromised due to the known fact that Charlie
21 Thomas has lived in Charleston for several years and
22 continues to pose as a resident of District 4, which
23 includes Greenville and Spartanburg counties.

24 During Dr. Thomas' testimony last week, which
25 I was at, on April 11, 2016, he stated that he paid 4

1 percent taxes on my farm in Laurens County. I feel
2 this information is erroneous. And according to a Ms.
3 West at the tax office in Charleston -- in Laurens
4 County, he paid a 6 percent rate on his farm and
5 Laurens County is entirely in District 3. This would
6 make it not fulfill one of the four requirements of the
7 residency of Greenville County.

8 It is my feeling that the board members
9 should consider this as new information.

10 In looking at other -- if you look at the
11 just the continuation of this over the past three years
12 I've been considering this run, driver's license is
13 something that you have checked. I haven't seen, but I
14 assume that says Greenville.

15 His application and his voter registration
16 listed his address as a private residential address,
17 what appears to be a relative of his, 110 East Prentiss
18 Avenue.

19 He swore last week that he rented an
20 apartment in Greenville County, and I don't see a
21 listing of an apartment as an address. And if he
22 rented that apartment two weeks ago or two years ago, I
23 don't know, but I would think that would be something
24 that we need to know. Why do the addresses differ from
25 his voter registration, his application registration?

1 Why is that a private residence of what appears to be a
2 relative and not his apartment?

3 His income tax filing, I have no concerns
4 about that. The 4 percent tax, we discussed that it
5 appears he didn't pay 4 percent from Mrs. Lynn West of
6 the Laurens County tax assessor. It was at the rate of
7 6 percent, and it was in a district other than District
8 4.

9 I would like to point out also, I put in that
10 packet a legal notice from the South Carolina Medical
11 Practice Act that said that you should change your
12 address when you change addresses. Well, he did indeed
13 change his address when he left Greenville County to
14 Awendaw in Charleston County. I made a printout of
15 that February 3rd, 2016, and he listed the hospital
16 affiliations.

17 He's no longer affiliated with any of those
18 hospitals which -- and he put the correct address, 391
19 Bulls Island road, Awendaw, South Carolina, in
20 Charleston County.

21 I checked the medical board last night, so
22 sometime within the last week, he has changed that
23 medical license to 110 East Prentiss Avenue, which is
24 not the apartment he says he's rented but is a private
25 residence of one of these relatives, I believe. So in

1 the past week or two he's changed his license, which
2 just appears to me as though he's gaming the system.

3 A personal note. This is hearsay. I was at
4 a meeting with a lot of the faculty and some of the
5 board, and they say that his votes have been influenced
6 somewhat by the fact that they know that he's not a
7 resident of Greenville, and so they just need to remind
8 him that maybe we will turn you in if you don't
9 straighten up and vote our way. I think that
10 compromises his voting ability, and that's my opinion
11 only.

12 But my real questions are, is he trying to
13 comply, when did he comply, and how long will it last?
14 I don't know if there's a rule you must comply before
15 you fill out your application or can you fill it out
16 any time before the vote and comply with the
17 registration -- with the restrictions on being a
18 resident in District 4.

19 That's all I have to say. I'll answer any
20 questions. I wasn't trying to be mean. I'm not trying
21 to be malicious. I've known Charlie for 30 years.
22 He's a fine person. But if you don't live in
23 Greenville, I don't think you should say you do.

24 SENATOR PEELER: Thank you.

25 Senator Hayes.

1 SENATOR HAYES: If he's living down on the
2 island, whatever the name --

3 DR. MITCHELL: Awendaw.

4 SENATOR HAYES: Is he paying 4 percent down
5 there?

6 DR. MITCHELL: He pays 6 percent, according
7 to him.

8 SENATOR HAYES: He pays 6 percent there.

9 MS. CASTO: Yes, we have checked his tax
10 records for the last three years or four years, and he
11 has paid 6 percent all this time.

12 SENATOR HAYES: Is he paying 4 percent
13 anywhere?

14 MS. CASTO: He's not paying 4 percent
15 anywhere.

16 SENATOR PEELER: The farm in Laurens, does
17 that make any difference? First of all, I'm assuming
18 he pays ag use.

19 REPRESENTATIVE HENDERSON: That's what it
20 says.

21 SENATOR PEELER: That's not 6 percent.

22 SENATOR SCOTT: They have a different
23 assessment, how they formulate it. It's not like the
24 way --

25 SENATOR PEELER: He doesn't claim the farm as

1 his residence, does he?

2 MS. CASTO: No, sir.

3 DR. MITCHELL: His sworn testimony was that
4 satisfied his 4 percent.

5 REPRESENTATIVE WHITMIRE: That's what he
6 said. I remember 4 percent.

7 SENATOR PEELER: So what did staff use, what
8 criteria do we use? Because we've had this question to
9 come up on other candidates in the past. What this
10 committee uses as a definition of place of residence.

11 MS. CASTO: What this committee chose to do
12 with the last candidate that was before you all this
13 morning came, you will remember all of the testimony
14 then was that if it was their intent to live at that
15 address, you needed to have your driver's license and
16 your voter registration. From the time that Dr. Thomas
17 applied or sent his letter of intent in, it has been on
18 the Prentiss Avenue address in Greenville.

19 SENATOR PEELER: That's his voter
20 registration?

21 MS. CASTO: His voter registration, his
22 driver's license, and now his medical license.

23 SENATOR PEELER: When you register to vote,
24 is that -- isn't that a legal document that that's
25 where you reside?

1 MS. CASTO: Yes, sir.

2 SENATOR SCOTT: What does the statute say?
3 Because the statute gives us a definition of residency
4 too.

5 MS. CASTO: The statute varies from board to
6 board, and so it has been whatever this committee has
7 determined as residency.

8 SENATOR PEELER: Representative Henderson.

9 REPRESENTATIVE HENDERSON: So this document
10 right here, it's got the statement here, "It is
11 required by law that any person who wishes to offer,"
12 where did that wording come from?

13 DR. MITCHELL: That's off the document that
14 the board sent me.

15 MS. CASTO: This is off the -- the first
16 sentence is off of -- I mean, it is from the
17 information that this committee sends out.

18 REPRESENTATIVE HENDERSON: Okay. So this is
19 our committee's definition?

20 MS. CASTO: Correct.

21 REPRESENTATIVE HENDERSON: Is there anything
22 that says you have to meet all four of these, or these
23 are just the things that we consider in deciding?

24 MS. CASTO: There is nothing that says you
25 have to meet all four of them.

1 REPRESENTATIVE HENDERSON: Because honestly,
2 not to necessarily get in the middle of these two
3 candidates, but, you know, that would mean a person who
4 actually didn't own a home could never be on this
5 board.

6 MS. CASTO: Correct.

7 REPRESENTATIVE HENDERSON: And that,
8 obviously, is not the intention of -- I would hope, of
9 this body that would outlaw anybody who just doesn't
10 happen to be able to own a piece of property.

11 And I have talked to Dr. Thomas in trying to
12 weed through all of this with our delegations. He does
13 travel a lot, and he does do a lot of medical mission
14 work. He travels a lot, says he lives in Greenville.
15 I'm sure that he spends a lot of time all over the
16 state, to be honest with you, from what I'm picking up
17 between the vacation home and the farm and the place
18 that he rents.

19 SENATOR SCOTT: Mr. Chairman.

20 SENATOR PEELER: Senator Scott.

21 SENATOR SCOTT: I'm not so hot on the 4
22 percent personal property tax for this reason. Some
23 people have recreation homes, they live six months in
24 one place and six months in the other place, but their
25 legal residence, where they get their mail, file their

1 income tax, driver's license, voter registration, could
2 be in another place. It is just all of which -- the
3 law says you can only get one 4 percent assessment on
4 property. It didn't say which one I had to take it
5 off. I don't think the law says that if you don't live
6 there all the time, you can't take it, but it says you
7 only get one 4 percent assessment.

8 Given the nature of each property, lake
9 property and others, and after Act 388, I'm pretty sure
10 you probably saw some shift in what people decide they
11 want to take the 4 percent. But the real question is,
12 what is his legal residence? If I'm running for
13 Congress, running for the House, State Senate, local
14 government, what is my actual residency? That's why I
15 ask the question about does the statute tie us down
16 specifically. It says you must live and reside in the
17 district which you are running for and remain in it
18 after you're elected. It didn't say that you can't
19 have recreation property that you cannot enjoy and do
20 other things such as ag, if that's what you like.

21 So the 4 percent doesn't really give me a lot
22 of heartburn. Driver's license, voter registration,
23 tax returns, I think those are the kind of things you
24 can tie yourself down to. And even if you decide on
25 your rec property to get the 4 percent on it and get 6

1 where you live at, you may not go to rec probably but
2 once a year, twice a year. So I'm just trying to tie
3 that 4 percent to something that really proves whether
4 or not that's where I live or don't live.

5 And that 4 percent, like I say, doesn't give
6 me a lot of heartburn.

7 SENATOR PEELER: Well, Senator, the 4 percent
8 would have come into play for me, this is how I feel,
9 if Dr. Thomas was claiming 4 percent at his beach home
10 and 6 percent in Greenville.

11 SENATOR SCOTT: Right.

12 SENATOR PEELER: Similar to what we've had
13 before. That's where the 4 percent would come into
14 play. But he's been paying 4 percent on his beach
15 home.

16 SENATOR SCOTT: 6 percent.

17 SENATOR PEELER: 6 percent on his beach home
18 for how long? How long has he --

19 MS. CASTO: The 6 percent?

20 SENATOR PEELER: On his beach home.

21 MS. CASTO: We looked back as far as three
22 years, and he was paying a 6 percent then. We didn't
23 look any further.

24 SENATOR PEELER: So, Dr. Mitchell, I think
25 that's where the 4 percent would have come into play.

1 If he was paying 4 percent on his beach home, that
2 would come into play. But because of questions we've
3 had before, his driver's license shows 4th
4 Congressional District, his voter registration shows in
5 the 4th Congressional District.

6 REPRESENTATIVE HENDERSON: Did we check the
7 tax return?

8 MS. CASTO: The tax return, we have asked for
9 a court order because of privacy. We have not
10 contacted Dr. Thomas, but yes, we are waiting on that.

11 SENATOR PEELER: Mr. Whitmire.

12 REPRESENTATIVE WHITMIRE: You know, after
13 hearing the testimony from Dr. Thomas last time, just
14 common sense to me seems that he has established his
15 voter, his registration in Greenville in order to be on
16 the board from Greenville. Obviously, he spends
17 probably most of his time living down on the coast or
18 at his farm.

19 Our question is, you know, he swore that, you
20 know, he is in Greenville, and I don't know any way to
21 dispute that. I mean, unless there's some proof that
22 he doesn't live there, and he may live there just part
23 of the time.

24 But I'm convinced that it's because he wants
25 to serve on the board that he's established there in

1 Greenville and probably spends most of his time
2 somewhere else. But we don't have rules to change
3 that. So I don't know how we can disqualify him just
4 on what we've heard so far.

5 DR. MITCHELL: He did swear that he paid 4
6 percent in Laurens County.

7 REPRESENTATIVE WHITMIRE: Yeah, he did that.

8 DR. MITCHELL: Which is District 3.

9 REPRESENTATIVE WHITMIRE: Right.

10 DR. MITCHELL: That would help him out being
11 a candidate in District 3.

12 REPRESENTATIVE WHITMIRE: But why would he
13 say that at the time because he wasn't -- he may have
14 mistakenly said. I think he may have been thinking,
15 like you said, you know, the agricultural.

16 SENATOR PEELER: Yeah.

17 REPRESENTATIVE WHITMIRE: Anyway, that's just
18 my thought on it. I don't know how we can disqualify
19 him because I don't see enough proof otherwise.

20 SENATOR PEELER: Representative Henderson.

21 REPRESENTATIVE HENDERSON: Mr. Chairman, I
22 agree, the purpose of this committee is to determine
23 someone's qualifications. We have been through this
24 issue before. I can't believe it was four years ago
25 actually that we went through that with Dr. Smith.

1 But on the basis of that, you know, I don't
2 think that we should change the recommendations that
3 we've made and allow our delegations to get together
4 and figure out how we're going to address this
5 appointment because it's raised a lot of questions.
6 But I don't believe this committee should find either
7 unqualified on the basis of that.

8 REPRESENTATIVE WHITMIRE: There's still an
9 election to be held.

10 SENATOR PEELER: Both have been found
11 qualified.

12 If you can take some advice, Dr. Mitchell.

13 DR. MITCHELL: Yes.

14 SENATOR PEELER: Campaign with equal vigor.

15 DR. MITCHELL: Okay.

16 SENATOR PEELER: If you will spend as much
17 time paying attention to running for the race as you
18 have with this, I'll just give you that advice.

19 DR. MITCHELL: Thank you very much for
20 listening to me.

21 SENATOR PEELER: Thank you.

22 Anything else to come before us?

23 MS. CASTO: That's it.

24 SENATOR SCOTT: I want to review that
25 legislation.

1 SENATOR PEELER: Please do. And quite
2 frankly, this is not the first time the residency
3 questions have come up, and it may not be the last.

4 REPRESENTATIVE HENDERSON: We need to address
5 it.

6 SENATOR PEELER: This is a difficult subject,
7 and we need to nail it out.

8 Nothing else?

9 We stand adjourned.

10 (EXHIBIT 1, Letter Dated April 11, 2016, was
11 marked for identification.)

12 (EXHIBIT 2, Retraction Letter, was marked for
13 identification.)

14 (The hearing adjourned at 11:19 a.m.)

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CERTIFICATE OF REPORTER

I, Sheri L. Byers, Registered Professional Reporter and Notary Public of the State of South Carolina at Large, do hereby certify:

That the foregoing proceedings were taken before me on the date and at the time mentioned on page 1 and the proceedings were recorded stenographically by me and were thereafter transcribed under my direction; that the foregoing transcript as typed is a true, accurate and complete record of the proceedings to the best of my ability.

I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof.

Witness my hand, I have hereunto affixed my official seal this 19th day of April, 2016, at Columbia, Richland County, South Carolina.

Sheri L. Byers,
Registered Professional Reporter,
Notary Public
State of South Carolina at Large
My Commission expires:
October 30, 2023

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