

SC Commission for Minority Affairs Response to the Legislative Oversight Subcommittee Study

Public Comments and Allegations

SC Commission for Minority Affairs’ House Legislative Oversight Committee process included public testimony from a number of individuals. Some of the public comments provided positive and supporting testimony, while others provided criticisms of the agency, its staff and the work that we do for the State of South Carolina. While some of these concerns were valid, the Commission and its staff feel many of the concerns were of a personal nature and contemptuous. While it may not have been the intent of the Subcommittee to allow comments that were of a personal nature and/or personal attacks, this did occur.

The Commission understands the importance of and values public opinion and feedback as the staff goes about the work it is charged to do within minority communities. Constructive feedback is always welcomed and encouraged by our staff. The Commission, however, fails to understand the merit of personal attacks on individual staff members during the House Legislative Oversight Committee’s process. The Commission finds that many of the accusatory statements issued during the public comment session, and at the beginning of subsequent subcommittee meetings, are inaccurate. In the absence of having disputed these accusatory statements during a Subcommittee meeting, we offer this written document to refute these accusations.

Due to the numerous hours of testimony and repeating accusations, the Commission has grouped areas of concern to be reviewed by the House Legislative Oversight Committee for further consideration of contemptuous accusations instead of providing information for each hearing. Please see the following table which contains the subject, speaker and (*where feasible*) documentation to contradict some of the public testimony.

Subjects:	Public Speaker:	Contradicting Documentation/Information
Inappropriate Relationship with Staff	Louie Chavis, CMA Board Member	A Findings Letter from the Ethics Commission, dated October 9, 2017 addressed to Ms. Hayden regarding allegations of misconduct, inappropriate relationships with Mr. Smith and inappropriate use of position by Ms. Hayden for financial gain, determined these allegations to be unfounded and the case closed prior to Mr. Chavis’ testimony to the House Legislative Oversight Committee. Ms. Hayden has waived her right to confidentiality so that this matter can be reviewed by the Subcommittee and others as needed.
Inappropriate Use of Position	Louie Chavis Michelle Mitchum Will Goins	According to the Ethics Commission’s Findings Letter, dated October 9, 2017, the allegations were unfounded and the case closed prior to Mr. Chavis’ testimony to the Subcommittee.

<p>Inappropriate Use of Grant and Other Funds/Lack of Agency Audits</p>	<p>Louie Chavis Michelle Mitchum</p>	<p>Staff provided documentation of grants to SC Office of Inspector General during the agency’s audit in 2015. Staff provided SC Commission for Minority Affairs Board with quarterly financial reports. Administrative staff has provided House Legislative Oversight Committee staff with financial reports related to grants. The DHEC Health Survey contract included the Hispanic, African American and Native American communities. The project referenced by Ms. Mitchum was the DHEC Native American Health Survey and the report which has been publically available on SC Commission for Minority Affairs website for several years. No participants were paid by the Commission or DHEC for this survey.</p>
<p>Receiving “No Email Communication” / “Never Received Emails”/</p>	<p>Seknu Hidden Eagle-Thunderbird Gentle Michelle Mitchum Lisa Starling</p>	<p>Email correspondence has been made available to the House Legislative Oversight Committee staff during meetings with Commission staff. Correspondence from Seknu Hidden Eagle-Thunderbird Gentle also includes correspondence with Brenda Red Crow Webb, federal and state agencies regarding sensitive information.</p>
<p>No Response by the Commission with regard to State Recognition Application by Wassamasaw Nation</p>	<p>Lisa Starling</p>	<p>The Board issued in writing its determination regarding this application. The application was denied. However, the applicant is eligible to reapply during any upcoming application cycle. A detailed list of applications and determinations have been provided to the House Legislative Oversight Committee staff.</p>
<p>Marcy Hayden “Flipping” Chavis Off at an Event at the Native American Studies Center</p>	<p>Louie Chavis</p>	<p>There are several security cameras at the Native American Studies Center and tapes are available for review upon request. Additionally, several persons were standing with Ms. Hayden during the event.</p>
<p>Divulging Personnel and Confidential Information to the Public</p>	<p>Louie Chavis Michelle Mitchum</p>	<p>Mr. Chavis is a member of the SC Commission for Minority Affairs Board of Commissioners. By his own admission in the “Findings Letter from the Ethics Commission,” dated October 9, 2017,” Mr. Chavis has had issues and with Ms. Hayden since she began working at the Commission in 2008. Mr. Chavis, as a Board member, has acted inappropriately towards Ms. Hayden and therefore, Ms. Hayden filed</p>

		<p>workplace harassment complaints dating from an incident that took place in December 2015.</p> <p>Per her testimony on February 22, 2018, Mr. Chavis shared confidential information regarding a personnel matter that was discussed in the Board’s Executive Session meeting of December 8, 2017 with Ms. Mitchum. It is inappropriate and unethical to share publicly confidential matters discussed in executive session.</p> <p>Mr. Chavis announced Executive Director Smith’s retirement to the public during a Subcommittee meeting prior to Director Smith submitting his official resignation letter. This was after the Board Chair specifically asked during the Executive Session in December 2017 that this information remain confidential until Mr. Smith had submitted his letter of resignation.</p>
<p>Retaliation for Public Comments</p>	<p>Louie Chavis Michelle Mitchum</p>	<p>As demonstrated in the “Findings Letter from the Ethics Commission”, dated October 9, 2017,” the Office of Inspector General’s Report and other documentation, these accusations and conflicts have been expressed by these individuals for a number of years without retaliation by the Commission. The staff has reached out to these same individuals to work with them and include them in projects and programs of the Commission. Mrs. Chavis has been a member of the Native American Advisory Committee’s “Health, Wellness and Housing” and “Jobs, Training and Education” workgroups for almost two years as documented in the workgroup minutes. Although Mr. Chavis is a member of the Native American Advisory Committee, he has not attended the most recent meetings of the committee which can be confirmed by the meeting minutes. However, Mr. Chavis attends CMA Board meetings regularly with any retaliation. Ms. Mitchum has not participated in meetings for several years, but has requested to be added to workgroup(s) as of this year.</p> <p>Individuals may have filed complaints and sought legal counsel based on their personal experiences, but the SC Commission for Minority Affairs has</p>

		not pursued any action against any individual without just cause. The letter from a lawyer to Mr. Chavis, referenced by Ms. Mitchum, was not because of a staff member of the Commission, but an individual who pursued legal counsel due to continued attacks upon his character by Mr. Chavis. That individual may be willing to provide a copy of his letter upon request, but it is not available through the Commission. Additionally, due to the nature of confidential personnel information being shared publically, staff has been concerned for some time regarding personal retaliation by Mr. Chavis and others. The personal nature of testimony provided by them speaks to this concern and continued harassment.
Only five people attended a SC Micro-Enterprise Network (SCMEN) Conference.	Louie Chavis	We have documentation that confirms the number of persons who attended the 2015, 2016 and 2017 conferences and which clearly refutes this claim.

**Recommendation to amend Native American Advisory Committee Term Limits-
Recommendation Rejected by the Sub-Committee**

This recommendation is to align the Native American Advisory Committee with the other two mandated advisory committees at the Commission. The Hispanic and African American Advisory Committees both have term limits. In researching what other Indian Affairs Offices have done around the country, it is common practice to have each tribe appoint a representative to serve a term. This is what was recommended to the Committee. We believe this is a much needed change because “group-think” starts to occur with individuals that have been working together for long periods of time. In some cases, what we have experienced at the Commission is that these individuals may have personal issues among each other or their tribes that can spill over into CMA meetings. This is unique cultural issue facing Native American Indians across the country and is not unusual in the tribal-government relationship. In order to provide the best services to tribal communities, serving a term or terms has been successfully implemented in other states like North Carolina and Alabama. This practice will also assist in building the leadership capacity of other tribal leaders to better assist the Chiefs in their numerous duties. The staff is not suggesting that this change be made to mitigate personal disputes between the staff and tribal leaders.

Tracking Legislation

While the Commission is mandated to study policy and research, we do not have a full time Legislative Affairs position at the Commission. As explained to the subcommittee during testimony, individual coordinators seek to track legislation related to their program areas. However, in most cases, the Commission is not made aware of proposed legislation when in the developmental stage or notified when bills are being considered by the General Assembly. Often

we learn of legislation when a staff member conducts a search of impending legislation or approved legislation.

The majority of the legislation that has been introduced which directly impacts the operation of the Commission has come from citizens reaching out to their legislators to introduce legislation. The Native American Affairs program has the most legislative activity, so Ms. Hayden discussed with the Subcommittee her legislation research. Ms. Hayden stated that she tracks bills via the legislative website. She has rarely attended meetings regarding those bills over the last two years because most of the bills had not moved out of subcommittee. However, when we are made aware of hearings, as in the past, we have attended and provided testimony and information. If the Commission should be tracking legislation in a different manner, we seek guidance and recommendations on how to achieve the best results.