

Executive Order No. 2018-58

WHEREAS, on September 21, 2018, the undersigned issued Executive Order 2018-41, suspending Nicole H. Holland as a member of the South Carolina Educational Television Commission pursuant to article VI, section 8 of the South Carolina Constitution following her indictment by a Grand Jury convened in the Columbia Division of the United States District Court for the District of South Carolina and her subsequent indictment by the State Grand Jury; and

WHEREAS, in accordance with article VI, section 8 of the South Carolina Constitution, Executive Order 2018-41 stated that the undersigned's suspension of Nicole H. Holland was effective immediately and "until such time as she shall be formally acquitted or convicted"; and

WHEREAS, on November 1, 2018, Nicole H. Holland pleaded guilty in the United States District Court for the District of South Carolina to one count of Wire Fraud, in violation of 18 U.S.C. § 1343 and 18 U.S.C. § 2, and one count of Mail Fraud, in violation of 18 U.S.C. § 1341 and 18 U.S.C. § 2, one or both of which charges the "embezzlement or the appropriation of public or trust funds to private use," constitutes "a crime involving moral turpitude," or both, for purposes of article VI, section 8 of the South Carolina Constitution; and

WHEREAS, article VI, section 8 of the South Carolina Constitution provides, in relevant part, that upon indictment by a grand jury of any officer of the State or its political subdivisions who has the custody of public or trust funds with embezzlement or the appropriation of public or trust funds to private use, "the Governor shall suspend such officer and appoint one in his stead, until he shall have been acquitted," and "[i]n case of conviction, the position shall be declared vacant and the vacancy filled as may be provided by law"; and

WHEREAS, article VI, section 8 of the South Carolina Constitution also provides, in relevant part, that upon conviction of an "officer of the State or its political subdivisions . . . who has been indicted by a grand jury for a crime involving moral turpitude . . . the office shall be declared vacant and the vacancy filled as may be provided by law"; and

WHEREAS, in addition to the foregoing authorities, section 8-1-110 of the South Carolina Code of Laws, as amended, similarly provides that upon indictment and conviction of any officer who has the custody of public or trust funds on charges of embezzlement or the appropriation of public or trust funds to private use, "the office shall be declared vacant and the vacancy filled as may be provided by law"; and

WHEREAS, as Governor of the State of South Carolina, I am mindful of the duties and responsibilities vested in me by the Constitution and Laws of this State.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby declare vacant the office and seat previously held by Nicole H. Holland on the South Carolina Educational Television Commission. The resulting vacancy shall be filled as provided by law. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF SOUTH
CAROLINA, THIS 19th DAY OF
NOVEMBER, 2018.**

**HENRY MCMASTER
Governor**