

J. David Weeks
Vice-Chairman

Kenneth A. "Kenny" Bingham
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Michael A. Pitts
Secretary

Beth E. Bernstein
Chandra E. Dillard
Michael W. "Mike" Gambrell
Jenny Anderson Horne

John Richard C. King
G. Murrell Smith, Jr.
Leonidas E. "Leon" Stavrinakis

House Legislative Ethics Committee

Jane O. Shuler
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Lynne Short
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519 BLATT BUILDING
COLUMBIA, SC 29211
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In the Matter of Former Speaker of the)
House Robert W. Harrell, Jr.)
_____)

ORDER

I. BACKGROUND

This matter was before the House Ethics Committee on September 1, 2015, following a review of statements made by former Speaker of the House Robert W. Harrell, Jr. (the Candidate) to the Committee and certain campaign disclosure reports filed by him for July 10, 2014 and the October 10, 2014 pre-election report. The Committee assumed jurisdiction pursuant to S.C. Code Ann. § 8-13-530(1) and House Rule 4.16(B) and (C).

The Committee has determined that the Candidate made misrepresentations to the Committee and that certain expenditures for his legal fees were not permissible under S.C. Code Ann. §§ 8-13-1348 and 8-13-1370.

Accordingly, the Candidate is ordered to file the necessary amendments to the reports to satisfy the requirements of Chapter 13 of Title 8, and to reimburse those amounts from personal

funds to the State General Fund as set forth in S.C. Code Ann. § 8-13-1370(A) and prior court order.

II. DISCUSSION

A. Misrepresentations by the Candidate to the Committee

The Candidate wrote to the Committee on September 19, 2012, “to inform the Ethics Committee of corrective action I have taken in regards to my campaign account.” (**Exhibit A** – Letter of September 19, 2012). In the letter the Candidate describes the action as being done out of abundance of caution and “to address several inadvertent errors and omissions that I have found...[as] a result of a four year review that I have conducted on my campaign account.” The Candidate deposited \$22,955.41 into the account as the “total amount of corrective action” he determined to be necessary based upon claimed lack of supporting documentation or receipts related to the specific expenditure which he described as “legitimate campaign expenditures.” The Candidate represented that his review “did not find any transactions since February 2011 that would require corrective action” because he had hired staff whose responsibility was to track and account for expenditures. He asserted that the problems were a result of “missing documentation” lost during an office move in 2011.

This assertion of “missing documentation” resulted in one of 10 indictments from the Richland County Grand Jury. (**Exhibit B** - Indictments). The Indictment charged the Candidate with, among other things, “misinforming the House Ethics Committee about the reason he reimbursed his campaign account.” Indictment 2014-GS-40-06408. The Grand Jury returned a True Bill on September 10, 2014. The remaining Indictments involved misconduct in office,

misuse of campaign funds for personal expenditures, and filing numerous false economic reports with the House Ethics Committee.

The investigation of this matter by SLED revealed that the candidate did, in fact, have documentation for the expenditures such that his September 19, 2012 letter to the Committee contained misrepresentations. This documentation was provided to SLED during the investigation and supported the fact that the expenditures at issue were personal in nature and were not appropriately paid from his campaign account.

B. The Use of Campaign Funds for Legal Expenses

The Candidate's campaign disclosure reports contain the following entries:

Vendor Name	Date	Description	Amount
Bart Daniel	04/28/2014	Legal fees	\$37,000.00
Gadney (sic) M. Howe	04/28/2014	Legal fees	\$43,000.00
Bart Daniel	07/01/2014	Legal fees	\$33,475.00

The Candidate incurred these legal fees during SLED's investigation of his misconduct as described in *Ex parte Harrell v. Attorney General*, 409 S.C. 60, 760 S.E.2d 808 (2014). The total amount of the fees paid to these attorneys from the Candidate's campaign account during 2014 was \$113,475.00.

Section 8-13-1348 governs "Use of campaign funds for personal expenses; expenditures more than twenty-five dollars; expenditures not to exceed fair market value; petty cash funds."

The Section provides:

(A) No candidate, committee, public official, or political party may use campaign funds to defray personal expenses which are **unrelated to the campaign or the office** if the candidate is an officeholder nor may these funds be converted to

personal use. The prohibition of this subsection does not extend to the incidental personal use of campaign materials or equipment nor to an expenditure used to defray any ordinary expenses incurred in connection with an individual's duties as a holder of elective office.

(bold added).

Committee staff provided the Candidate with a copy of House Ethics Committee Advisory Opinion 2013-2 prior to these expenditures. HEC Advisory Opinion 2013-2 concludes that lawsuits regarding who should appear on the ballot and lawsuits to insure the integrity of the election “cause legal expenses that likely directly stem from one’s election, one’s campaign.” Those expenditures were therefore proper. HEC Advisory Opinion 2013-2 also “cautions that this holding does not reach lawsuits resulting from a candidate’s personal misconduct. Like all determinations on whether campaign funds are properly used, this analysis must be fact specific.”

HEC Advisory Opinion 2014-2 (6/5/14), which referenced HEC Advisory Opinion 2013-2, concluded the lawsuit referenced therein (a legal fight over improper filing of paperwork to appear on the ballot in 2012) “directly flows from the candidate’s campaign such that the payment of legal expenses would be an appropriate use of campaign funds in compliance with S.C. Code Section 8-13-1348...” Thus, it was appropriate for the candidate in that decision to reimburse himself from his campaign account for the legal expenses he paid with personal funds.

The expenditure of funds at issue in this matter involved paying attorneys who were advising the Candidate regarding criminal charges arising out of violations of the Act with campaign funds. However, these expenditure do not meet the test of § 8-13-1348(A) because those expenditures were “unrelated to the campaign or the office.”

The Candidate was notified of this inquiry and responded through counsel that he made

these payments under advice of his lawyers. South Carolina has recognized that acting in good faith under the advice of counsel is a defense to actions that could give rise to aggravated liability, such as for punitive damages. See *Harwell v. Mut. Benefit Health & Accident Ass'n*, 207 S.C. 150, 169, 35 S.E.2d 160, 168 (1945) (Baker, C.J., dissenting); see also *Kuznik v. Bees Ferry Assocs.*, 342 S.C. 579, 611, 538 S.E.2d 15, 32 (Ct. App.2000). Acting under the advice of counsel is not, however, an absolute defense. Instead, advice of counsel is merely one factor that should be considered when determining whether a defendant has acted willfully, wantonly, or recklessly. *Kuznik*. Although the Candidate asserts he made the subject payments on advice of counsel, that advice followed on the heels of information given to the Candidate regarding previous advisory opinions 2013-2 and 2014-2 that contradicted and negated that advice. While good faith advice of counsel ordinarily is a defense to civil or criminal liability, under the facts and circumstances of this matter the legal advice the Candidate received did not excuse the Candidate's actions. Cf. *U.S. v. Westbrooks*, 780 F.3d 593, 596 (4th Cir. 2015) (to be entitled to an advice-of-counsel defense, the defendant must establish (a) full disclosure of all pertinent facts to an attorney, and (b) good faith reliance on the attorney's advice); *U.S. v. United Med. and Surg. Supply Co.*, 989 F.2d 1390, 1403 (4th Cir. 1993) (good faith reliance on the advice of counsel is not a complete defense to an allegation of willful misconduct, but is merely one factor a jury may consider when determining a defendant's state of mind).

During his presentation to the Committee at the February 9, 2016, meeting, the Candidate's counsel claimed that the Candidate made the payments to his counsel with campaign funds after his counsel contacted a circuit solicitor and an employee with the South Carolina Ethics Commission. He further contended that the solicitor and employee both stated that payment of his attorney fees was a permissible expenditure from his campaign account. Despite

having ample opportunity to submit evidence on this or any other point, the Candidate has presented no evidence to support this new assertion. Rather, the Candidate presented only the statements by his counsel. Counsel's statements regarding the facts of a case and counsel's arguments, however, are not admissible evidence. *Ex parte Morris*, 367 S.C. 56, 624 S.E.2d 649 (2006), citing *McManus v. Bank of Greenwood*, 171 S.C. 84, 89, 171 S.E. 473, 475 (1933) (appellate courts repeatedly have held "that statements of fact appearing only in arguments of counsel will not be considered"); *S.C. Dept. of Transp. v. Thompson*, 357 S.C. 101, 105, 590 S.E.2d 511, 513 (Ct. App. 2003) ("[a]rguments made by counsel are not evidence"). *Accord, In re Gonzalez*, 409 S.C. 621, 763 S.E.2d 210 (2014).

Furthermore, Candidate's attorney Bart Daniel provided both an email response to counsel for the Committee on July 9, 2015 and an affidavit in support of Candidate on December 2, 2015. At no time in the documents submitted did Mr. Daniel assert that he or the Candidate engaged in any consultation with the solicitor, Ethics Commission staff, or anyone else, nor did he provide any supporting evidence of such.

Thus, the Committee rejects the unsubstantiated assertions of the Candidate's counsel at the February 9, 2016, Committee meeting that prior to making the payments to the attorneys from his campaign account, the Candidate sought and received approval from a solicitor and an employee at the Ethics Commission to do so.

At the February 9, 2016, Committee meeting, the Candidate's counsel also alleged that the investigation of the Candidate began first as an ethics investigation and did not become criminal in nature until the South Carolina Supreme Court's decision in *Ex parte Harrell v. Attorney General*, 409 S.C. 60, 760 S.E.2d 808 (2014). However, the Attorney General's office maintained to Committee staff that this matter at inception was a criminal investigation.

Regardless of how this investigation began, whether as an ethics matter or criminal in nature, on October 23, 2014, the Candidate pled guilty in the state Court of General Sessions, Fifth Judicial Circuit, to personal misconduct in office, that is, to six counts of Use of Campaign Funds for Personal Expenses in violation of the South Carolina Ethics Act. Pursuant to the terms of his plea agreement, he forfeited his entire campaign account to the State's General Fund. He was also to repay the State an additional \$93,958.00 which was a reimbursement to his campaign account for a specific indictment. Thus, the attorney fees at issue were incurred from personal misconduct and he should not have paid his attorney fees in question from his campaign account.

III. COMMITTEE FINDINGS

Accordingly, the Committee makes the following findings of fact:

- A. Pursuant to S.C. Code Ann. § 8-13-530(1), the House Ethics Committee has the power and duty to “ascertain whether a person has failed to comply fully and accurately with the disclosure requires of this chapter...”;
- B. Pursuant to House Rule 4.16(B), the House Ethics Committee has jurisdiction over individuals and entities pursuant to Chapter 13, Title 8;
- C. Pursuant to House Rule 4.16(C)(8), the House Ethics Committee has the duty to “ascertain whether a person has failed to comply fully and accurately with the disclosure requirements of Chapter 13, Title 8...”;
- D. The Candidate is a person subject to the provisions of Chapter 13, Title 8;
- E. The Candidate made misrepresentations to the Committee in his correspondence of September 19, 2012;
- F. HEC Opinion 2013-2 cautioned person regarding the use of campaign funds to

- pay legal expenses resulting from a candidate's personal misconduct;
- G. The Candidate was made aware of HEC Opinion 2013-2 prior to his payment of the legal fees at issue;
 - H. The Candidate incurred legal expenses in 2014 related to criminal charges arising from personal misconduct;
 - I. The Candidate filed a report in July 2014 and a pre-election report in October 2014 which reflected payments to attorneys Bart Daniel and Gedney Howe in April 2014 and July 2014, and the total of these payments was \$113,475.00;
 - J. The 2014 payments to lawyers Daniel and Howe were related to the Candidate's personal misconduct;
 - K. The 2014 payments to lawyers Daniel and Howe were unrelated to the campaign or the office of the Candidate for purposes of S.C. Code Ann. § 8-13-1348(A); and
 - L. The 2014 payments to lawyers Daniel and Howe constitute expenditure of contributions for personal use in violation of S.C. Code Ann. § 8-13-1370(B).

Under a plea agreement the Candidate entered on October 23, 2104, the Candidate agreed to "forfeit the entirety of his campaign account to the State of South Carolina's General Fund." (**Exhibit C** – Plea Agreement, p. 1, ¶ 1(a)). The Candidate closed his campaign account and filed his final report in January 2015.

IV. COMMITTEE ORDERS

1. The Committee hereby Orders that the Candidate be and hereby is **PUBLICLY REPRIMANDED** for the hereinabove described violations of Article 13 of South Carolina's

Ethics, Government Accountability, and Campaign Reform Act;


2. The Committee hereby Orders the Candidate to pay a fine of \$1,000 within one hundred and eighty (180) days of this Order to the House Ethics Committee; and

3. The Committee hereby Orders the Candidate to reimburse those attorney fee payments totaling \$113,475.00 within one hundred and eighty (180) days of this Order by payment to the State General Fund as set forth in S.C. Code Ann. § 8-13-1370(C).

SO ORDERED this 10th day of February 2016.


Kenneth A. Bingham
Chairman



Michael A. Pitts
Secretary


J. David Weeks
Vice Chair



Beth E. Bernstein


Chandra E. Dillard


Michael W. "Mike" Gambrell


Jenny Anderson Horne


John Richard C. King


G. Murrell Smith, Jr.


Leonidas E. "Leon" Stavrinakis



Office of the Speaker
 South Carolina House of Representatives

P. O. BOX 11867
 Columbia 29211
 (803) 734-3125
 September 19, 2012

DISTRICT 114
 CHARLESTON-DORCHESTER
 COUNTIES

HOME ADDRESS
 1625 BULL CREEK LANE
 CHARLESTON, SC 29414
 (843) 572-1500

ROBERT W. HARRELL, JR.
 SPEAKER OF THE HOUSE

House Ethics Committee
 J. Roland Smith, Chairman
 519 Blatt Building
 1105 Pendleton Street
 Columbia, SC 29201

RECEIVED

SEP 19 2012

HOUSE ETHICS
 COMMITTEE

Dear Chairman Smith:

The purpose of this letter is to inform the Ethics Committee of corrective action I have taken in regards to my campaign account. This action has been taken out of an abundance of caution and in an effort to address several inadvertent errors and omissions that I have found. The discovery of these errors and omissions is the result of a four year review that I have conducted on my campaign account. I have also included an itemized list of each of the errors and omissions that I discovered.

The total dollar amount that I have deposited into my campaign as a result of this review is \$22,955.41. This is the total amount of corrective action that I determined necessary based on my four year review of my campaign account. This action is being taken because of the misplacement of the necessary supporting documentation and receipts related to specific campaign expenditures from my campaign account. While I am confident that these expenses are legitimate campaign expenditures, I am cognizant of Section 8-13-1302(B) of the South Carolina Code that requires a candidate "maintain and preserve all receipted bills and accounts required by this article for four years." This corrective action ensures complete compliance with South Carolina law.

Additionally, please note that my four year review of my campaign account did not find any transactions since February 2011 that would require corrective action. I believe this date is significant for two reasons. First, in late January 2011, I hired a staff person who has responsibility for tracking and accounting for transactions involving my campaign account. Secondly, in January 2011 I changed the location of my private business from its old location on Rivers Avenue in North Charleston to its current location on Sam Rittenberg Blvd in Charleston. Many of the supporting records for transactions that occurred in my campaign account prior to

January 2011 were located at my old business location, but I have been unable to locate some of those documents since the move of my business to the Sam Rittenberg Blvd location.

I am confident that the hiring in late January 2011 of dedicated staff to track and account for transactions in my campaign account will eliminate the possibility of any future need to take corrective action in my campaign account. This has already proven to be true based on the fact that my four year review did not reflect any issues requiring corrective action since the hiring.

I apologize that this is necessary. I am missing documentation that I can only assume was misplaced during my business move into my father's old office following his death. Regardless of how or why the mistakes were made, I've corrected them to ensure compliance with the Ethics Law.

Sincerely,



Robert W. Harrell, Jr.
Speaker of the House

Cc: Mrs. Emma Dean, Staff Counsel

RECEIVED
SEP 19 2012
HOUSE ETHICS
COMMITTEE

WITNESSES

Lt. Kevin Baker, SLED

Docket No. 2014-GS-40-06408

The State of South Carolina

County of Richland

I, _____ hereby appear in my own proper person and plead guilty to the within indictment or to _____

COURT OF GENERAL SESSIONS

September 2014 Term

Defendant _____

ARREST WARRANT NUMBER

DP14236

ACTION OF GRAND JURY

TRIF BILL

ROBERT W. HARRELL, JR.,
DEFENDANT

I, _____ after being informed of my right to presentment of this indictment to the grand jury, hereby waive such presentment.

Defendant _____

Foreperson of Grand Jury

Date:

SEP 10 2014

Indictment for
ETHICS ACT VIOLATION
FALSE REPORTING

Witness: _____

S.C. Code Ann. § 8-13-1308 & -1520

CDR Code: 2985

C.C. Pls. And G.S.

Foreperson of Petit Jury

Date:

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on September 10, 2014, the Grand Jurors of Richland County present upon their oath:

ETHICS ACT VIOLATION
FALSE REPORTING

On or about the period between January 1, 2009 and January 10, 2013, Defendant ROBERT W. HARRELL, JR., was responsible for filing and did knowingly file, in Richland County, Candidate Campaign Disclosures detailing reimbursements and expenditures from his campaign account, which included false claims that money was spent for a legitimate campaign or legislative purpose, when it actually was spent for personal use, to wit:

The Defendant spent approximately \$1,005,305.65 from his campaign account during 2009 through 2012. Of this total, the Defendant paid himself from his campaign funds totaling approximately \$294,335.22 in untaxed income and claimed that the payments were for legislative or campaign expenses. These payments included approximately \$93,958.50 converted to the Defendant's personal use for expenses of Defendant's privately owned airplane. The payments included approximately \$96,381.46 for legislative travel despite the fact that some of the travel expenditures were personal in nature. Furthermore, the Defendant obtained these travel "reimbursements" despite the fact he also received payment for the some of these travel expenses from other sources. The unlawful payments also included approximately \$70,286.46 for salary paid to his Administrative Assistant for his privately owned State Farm Insurance business. In addition, the Defendant used his campaign account to pay credit card debt and to pay for goods or services for his home, family and friends that were not for any purposes related to his campaign for or position in the South Carolina House of Representatives.

The Defendant concealed this pattern of unlawful payments by falsely claiming that they were for campaign and official House of Representatives related purposes, when in fact the expenditures were for personal use. The Defendant further concealed this unlawful payment scheme by various activities, including but not limited to: (1) changing and altering the entries in his pilot logbook, (2) creating schedules of flights in order to justify payments from his campaign account, when in fact some of the listed flights did not occur or were personal and not related to any official or campaign purpose, (3) misinforming law enforcement officers about the purposes and circumstances surrounding expenditures, and (4) misinforming the House Ethics Committee about the reason he reimbursed his campaign account.

All in violation of §8-13-1308 and §8-13-1520 of the S. C. Code of Laws, as amended, and against the peace and dignity of the State and contrary to the law.



DAVID M. PASCOE
FIRST CIRCUIT SOLICITOR

14
10/23/14

STATE OF SOUTH CAROLINA)	IN THE COURT OF GENERAL SESSIONS
)	FIFTH JUDICIAL CIRCUIT
COUNTY OF RICHLAND)	
)	
STATE OF SOUTH CAROLINA)	Indictment Numbers: 2014GS4006399
)	2014GS4006401
)	2014GS4006402
vs.)	2014GS4006403
)	2014GS4006404
)	2014GS4006405
ROBERT W. HARRELL, JR.,)	2014GS4006406
)	2014GS4006407
Defendant.)	2014GS4006408
)	2014GS4007219

AGREEMENT made this 23rd day of October 2014, between and among the State of South Carolina, as represented by David M. Pascoe, First Circuit Solicitor; the Defendant, Robert W. Harrell, Jr.; and Defendant's Attorney, E. Bart Daniel, Esquire.

IN CONSIDERATION of the mutual promises made herein, the parties hereto agree as follows:

1. The Defendant, Robert W. Harrell, Jr., agrees to plead guilty to six counts of Use of Campaign Funds for Personal Expenses in violation of the South Carolina Ethics Act. The State and Defendant negotiate a sentence of one year, suspended upon a fine of five thousand (\$5,000.00) dollars and three years of probation on each count, with all terms of imprisonment and fines to run consecutively (for a total sentence of six years suspended upon a fine of thirty thousand (\$30,000.00) dollars and three years of probation), and with the following conditions:

- a. The Defendant will forfeit the entirety of his campaign account to the State of South Carolina's General Fund;
- b. The Defendant will pay to the State of South Carolina's General Fund an additional ninety-three thousand nine hundred fifty

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 JEFFREY W. HODGINS
 CLERK
 C.P. & G.S.

RICHLAND COUNTY
 FILED

eight (\$93,958.00) dollars which is reimbursement to his campaign account for indictment number 2014-GS-40-07219;

- c. The Defendant will resign his office in the House of Representatives for the State of South Carolina immediately following his guilty plea; and
- d. The Defendant will agree to not seek or hold public office for a three-year period from the date of his guilty plea.

2. The Defendant, Robert W. Harrell, Jr., understands that he is pleading guilty to

~~five~~ indicted indictments for Use of Campaign Funds for Personal Expenses

(2014GS406403, 2014GS4006404, 2014GS4006405, 2014GS4006406, and

2014GS4006407) and one indictment that has not been presented to the Richland County

Grand Jury (2014GS4007219). The Defendant understands that he has the right to have

indictment number 2014GS4007219 presented to the Grand Jury, but the Defendant

wishes to waive presentment and proceed on a waiver.

3. The Defendant, Robert W. Harrell, Jr., understands that the indictments for

Misconduct in Office (Statutory) (2014GS4006401); Misconduct in Office (Common

Law) (2014GS4006399); Use of Campaign Funds for Personal Expenses

(2014GS4006402); and False Reporting (2014GS4006408) are not being dismissed

pursuant to the Defendant's agreement to enter a plea to six counts of Use of Campaign

Funds for Personal Expenses.

4. The State agrees to nol prosee without prejudice the indictments for Misconduct

in Office (Statutory) (2014GS4006401); Misconduct in Office (Common Law)

(2014GS4006399); Use of Campaign Funds for Personal Expenses (2014GS4006402);

and False Reporting (2014GS4006408) in exchange for the Defendant's cooperation with the First Circuit Solicitor's Office (hereinafter "the Solicitor") and the United States of America (hereinafter "the Government"). Such charges will be dismissed with prejudice three years after the date of his guilty plea provided the Defendant has fully complied with all of the terms of this agreement. The Defendant agrees to be fully truthful and forthright with the attorneys and investigators for the Solicitor and the Government in thorough and complete debriefings of the Defendant's knowledge concerning unlawful activities should the Solicitor or the Government seek his cooperation. Also, the Defendant understands that he must fully disclose and provide truthful information to the Solicitor and the Government including any books, papers, documents, records, electronic materials or any other items of evidentiary value to the investigation. The Defendant must also testify fully and truthfully at any trials or other proceedings if called upon to do so by the Solicitor or the Government, subject to prosecution for perjury for not testifying truthfully. The failure of the Defendant to be fully truthful and forthright at any stage will, at the sole election of the Solicitor, cause the obligations of the Solicitor to become null and void. Further, it is expressly agreed that if the obligations of the Solicitor within this Agreement become null and void due to the lack of truthfulness on the part of the Defendant, the Defendant understands that (1) any indictments that were not pressed may be restored; (2) any and all additional charges known to the Solicitor or the Government may be filed in the appropriate jurisdiction; and (3) the Solicitor or the Government may use any and all information and testimony provided by the Defendant in the prosecution of the Defendant of all charges.

5. The Defendant, Robert W. Harrell, Jr., agrees to submit to such polygraph examinations as may be requested by the Solicitor or the Government and agrees that any such examination shall be performed by a polygraph examiner selected by the Solicitor or the Government. The Defendant, Robert W. Harrell, Jr., further agrees that his failure to pass any such polygraph examination to the Solicitor or the Government's satisfaction will result, at the Solicitor's sole discretion, in the obligations of the Solicitor within the Agreement becoming null and void.

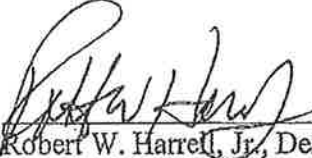
6. The Solicitor agrees that any self-incriminating information provided by the Defendant, Robert W. Harrell, Jr., as a result of the cooperation required by the terms of this Agreement, although available to the Court, will not be used against the Defendant, Robert W. Harrell, Jr. The provisions of this paragraph shall not be applied to restrict any such information:

- (a) known to the Solicitor and the Government prior to the date of this Agreement;
- (b) in a prosecution for perjury or giving a false statement; or
- (c) in the event there is a breach of the cooperation provisions of this Agreement.


7. The parties hereby agree that this Agreement contains the entire agreement of the parties; that this Agreement supersedes all prior promises, representations and statements of the parties; that this Agreement shall not be binding on any party until the Defendant tenders a plea of guilty to the court having jurisdiction over this matter; that this Agreement may be modified only in writing and signed by all parties; and that any and all

other promises, representations and statements, whether made prior to, contemporaneous with or after this Agreement, are null and void.

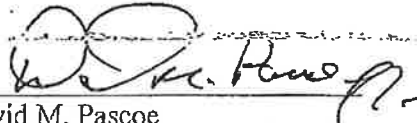
10/23/14
DATE


Robert W. Harrell, Jr., Defendant

10/23/14
DATE


E. Bart Daniel
Attorney for the Defendant

10/23/14
DATE


David M. Pascoe
First Circuit Solicitor