

Chair Wm. Weston J. Newton

*First Vice-Chair:
Laurie Slade Funderburk*

Legislative Oversight Committee

*Katherine E. (Katie) Arrington
Gary E. Clary
MaryGail K. Douglas
Phyllis J. Henderson
Joseph H. Jefferson Jr.
Mandy Powers Norrell
J. Todd Rutherford
Tommy M. Stringer
Bill Taylor*



*William K. (Bill) Bowers
Neal Collins
Raye Felder
William M. "Bill" Hixon
Ralph W. Norman
Robert L. Ridgeway III
James E. Smith Jr.
Edward R. Tallon Sr.
Robert Q. Williams*

South Carolina House of Representatives

*Jennifer L. Dobson
Research Director*

Post Office Box 11867

Columbia, South Carolina 29211

*Charles L. Appleby IV
Legal Counsel*

*Cathy A. Greer
Administration Coordinator*

Telephone: (803) 212-6810 • Fax: (803) 212-6811

*Carmen J. McCutcheon Simon
Research Analyst/Auditor*

Room 228 Blatt Building

Legislative Oversight Committee Meeting

Thursday, March 2, 2017

Blatt Building Room 110

Archived Video Available

- I. Pursuant to House Legislative Oversight Committee Rule 6.8, South Carolina ETV was allowed access for streaming the meeting. You may access an archived video of this meeting by visiting the South Carolina General Assembly's website (<http://www.scstatehouse.gov>) and clicking on *Committee Postings and Reports*, then under *House Standing Committees* click on *Legislative Oversight*. Then, click on *Video Archives* for a listing of archived videos for the Committee.

Attendance

- I. The House Legislative Oversight Committee was called to order by Vice Chair Laurie Slade Funderburk on Thursday, March 2, 2017, in Room 110 of the Blatt Building. All members of the Committee were present for all or a portion of the meeting, except: Representative Mandy Powers Norrell; Representative Todd Rutherford; Representative James E. Smith, Jr.; Representative Tommy M. Stringer; and Chair Wm. Weston J. Newton.

Minutes

- I. House Rule 4.5 requires standing committees to prepare and make available to the public the minutes of committee meetings, but the minutes do not have to be verbatim accounts of meetings. Representative Jefferson moved to approve the minutes from the Committee's meeting on January 10, 2017, with a scrivener's error corrected by staff. A roll call vote was held, and the motion passed.

| Representative Jefferson’s motion to approve the minutes from the January 10, 2017, meeting, with a scrivener’s error corrected by staff: | Yea | Nay | Not Voting: Present | Not Voting: Absent |
|--|------------|------------|----------------------------|---------------------------|
| Katherine E. Arrington | ✓ | | | |
| William K. Bowers | | | | ✓ |
| Gary E. Clary | ✓ | | | |
| Neal Collins | ✓ | | | |
| MaryGail Douglas | | | | ✓ |
| Raye Felder | | | | ✓ |
| Laurie Slade Funderburk | ✓ | | | |
| Phyllis Henderson | ✓ | | | |
| Bill Hixon | ✓ | | | |
| Joseph H. Jefferson, Jr. | ✓ | | | |
| Mandy Powers Norrell | | | | ✓ |
| Robert L. Ridgeway, III | ✓ | | | |
| Todd Rutherford | | | | ✓ |
| James E. Smith, Jr. | | | | ✓ |
| Tommy Stringer | | | | ✓ |
| Edward R. Tallon | ✓ | | | |
| Bill Taylor | ✓ | | | |
| Robert Q. Williams | ✓ | | | |
| Wm. Weston J. Newton | | | | ✓ |

Agency Introductions

- I. Vice Chair Funderburk administered the oath to the agency heads who were present, who were: Dr. Beverly Buscemi (Director of the Department of Disabilities and Special Needs); Dr. Eric Emerson (Director of the Department of Archives and History); and Dr. Dan Webb (Director of the John de la Howe School).
- II. Director Emerson provided a brief background of the Department of Archives and History. Director Buscemi provided a brief overview of the Department of Disabilities and Special Needs (DDSN). Director Webb provided a brief overview of the John de la Howe School.

Public Testimony

- I. Members of the public provided testimony about the agencies. Before giving any testimony, each person was administered an oath by Vice Chair Funderburk. Given below are the names of each person who testified and the time in the archived video

at which the testimony begins. The testimony is grouped below by the agency about which the testimony relates, instead of the order in which the individuals testified.

Department of Archives and History

Rorey Cathcart (21:20)

Ms. Cathcart is a genealogist from Charleston and the president of a national genealogical nonprofit. She testified the Department's central consolidation of records allows her to effectively research records and draws attention from all of the world due to the Department's comprehensive and unique collection.

Sue Eleazor (2:07:00)

Ms. Eleazor testified the Department of Archives and History is at the heart of much of what she does. The Department's people, facilities and online resources make it easier to back up and document her work. When resources are cut, it is felt in almost every community, from genealogical chapters to historical societies. There have been fewer staff to help with conservation efforts and machines and equipment are often in need of repair. There needs to be better accountability for burial grounds around the state. A cutback of hours at research facilities has resulted in a tourism loss.

Department of Disabilities and Special Needs (DDSN)

Rickey Bryant (24:05)

Mr. Bryant testified about his experience having a daughter who was in DDSN's care, and that he did not know of his daughter's location for three months. He testified his daughter was over eighteen years of age, so DDSN would not notify him of his daughter's whereabouts or condition unless he first became her legal guardian. He testified to distressing events that occurred while his daughter was in the care of the agency. He testified he had experienced very negative interactions with the agency over the years, and he asked the Subcommittee to investigate DDSN and support legislation to make DDSN a cabinet agency.

Deborah McPherson (36:12)

Ms. Bryant testified about her adult daughter with special needs and her experiences working at and around DDSN over the years. She is a former member of DDSN's board. She talked about the audit of DDSN by the Legislative Audit Council and the dysfunction of the Commission. She testified the agency suffers from lack of oversight and accountability; the Commission has become a rubber stamp for the agency; and the Commission is being operated in violation of the Freedom of Information Act. She also testified employees and commissioners who speak out about the situation are subjected to reprisals by DDSN.

Carolyn O'Connell (46:58)

Ms. O'Connell has been involved in DDSN in Greenville County. She recommended the management of DDSN be subject to oversight. She believes there is corruption and retaliation at DDSN. She had a brother who was served by DDSN in the past. She testified that parents of children currently in DDSN custody will not speak out about issues because they fear retaliation. She thinks there is a lot of cronyism surrounding the agency from people who used to be employed at DDSN.

Linda Lee (1:02:00)

Ms. Lee is the mother of a disabled daughter who has been served at a DDSN regional center for almost 31 years. She provided a positive perspective of the agency. She testified her daughter has thrived from the care she has received from DDSN. She is worried that DDSN would become unstable if it becomes a cabinet agency and gets a new director after each gubernatorial election.

Kathleen Roberts (1:06:50)

Ms. Roberts had two sons with an undiagnosed brain disease who were served by DDSN for over 36 years. Her sons were a few years apart in age, and eventually became roommates at DDSN. She was very happy with DDSN's care for her sons. She continues to advocate for DDSN because of the services she received for her sons.

Patricia Harrison (1:37:15)

Ms. Harrison testified about the band funding system at DDSN. She also testified, as a former member of a governing board at DDSN, about the inability of boards to govern because the boards are kept in the dark. She testified that she resigned from her role after a rape was not reported. She testified family members of DDSN patients will not speak out about the problems at the agency because they fear being targets of retaliation. She asked the Committee to take a look at the band system at DDSN, which she believes is illegal. She requested the Committee look at the audits.

Charles Hall (2:12:09)

He is a consumer of DDSN under the head and spinal cord waiver through Medicaid. He has never had a problem with the state office. He would like to see oversight of the local boards. DDSN is a large, complicated spiderweb. There are private providers and public providers and they all have to intermingle.

Jerry Bernard (2:23:44)

He is employed by the Charles Lea Center in Spartanburg. He represents the Human Services Providers Association. He appreciates DDSN supporting them in trying to raise their salaries. He feels the funding rates are inadequate as there are unfunded

and underfunded mandates. Mr. Bernard believes communication from the agency to providers needs to improve. He also has concerns about the Commission structure. He feels there are some Commission members who are there for their own purposes and the Commission has lost its focus. He commends the director and her senior staff for having an open door policy; however, this does not always filter down through the department. He feels the relationship between DDSN and DHHS should be further defined. The billing structure should be reviewed. He thinks the recent publicity of DDSN has been over inflated.

John de la Howe School (School)

Sierra Goodwin (58:55)

Ms. Goodwin is a former student of the John de la Howe School, and she testified on behalf of the School. She testified she had opportunities at the School that she would not have had at home. She learned many things at John de la Howe that her parents could not have taught her. She asked that the state keep the School operating.

Kentrell Goodwin (1:12:34)

Mr. Goodwin testified that John de la Howe changed him for the better. He testified that he was a troubled child and the employees at the School taught him all the things he needed to change his life and make something of himself. He testified that the School is an amazing place.

Zebulon Young (1:20:20)

Dr. Young is the Human Resources Director for the School, and has been there for about three or four years. He has worked in human resources for almost fifteen years. He testified that the turnover rate was 67% when he started at the School. He testified that the majority of the School's staff have over forty hours of training every year. He testified about his experience in human resources at the School.

Renzie Coleman (1:44:00)

Mr. Coleman is the Director of Finance and Business at the School. He started working for the School in late February 2017. He previously worked at Ft. Gordon in Augusta, Georgia. He is working on cost savings measures for the School.

Jonathan Rose (1:50:02)

Mr. Rose was the Principal at the School in 2014. He is no longer an employee of the School. He provided brochures regarding the School. He acknowledged that it has been a bumpy road and testified a big problem at the School is the over age, under credited students. He wants the kids to have a positive impact on their community.

Gene Swygert (1:57:40)

Mr. Swygert is an alumni of the School. The School has had a positive impact on his life. According to Mr. Swygert, lack of funding has been a problem and buildings are in need of repair.

Barbara Devinney (2:02:06)

Ms. Devinney serves on the Board of Trustees for the School and has done so since June of 2013. She supports the agricultural expansion on the campus, in collaboration with Clemson University. She is concerned that if the current proviso passes to put the property under Clemson, the School will close and never reopen, which would be a tremendous tragedy to the children of this state. She expressed numerous concerns about legislative interaction with the School.

Anthony Debenedetto (2:18:05)

Mr. Debenedetto is a former student at the School and now an employee of the School. At the School, he learned how to be trustworthy, honest, respectful, and he gained leadership skills. He testified that if he had not gone to the School, he would not be successful because the School taught him independent living and how to do things the right way. He currently works in the wilderness program at the School.

Agency Closing Statements and Adjournment

- I. Each agency director provided a closing statement.
- II. Vice-Chair Funderburk stated the Committee will next meet on Thursday, March 9, 2017 at 1:00 p.m., in Room 110 Blatt. The meeting was then adjourned.