

In The Matter Of:
State Regulation
Public Utilities Review Commission

Hearing
April 10, 2013

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STATE REGULATION OF PUBLIC UTILITIES REVIEW
COMMITTEE

PUBLIC HEARINGS

DATE: Wednesday, April 10, 2013

TIME: 1:35 p.m.

LOCATION: 1101 Pendleton Street
Third Floor Conference Room
Columbia, SC

REPORTED BY: BETHANIE K. PATTERSON, Court
Reporter

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1 MEMBERS IN ATTENDANCE :

2 SENATOR THOMAS C. ALEXANDER

3 SENATOR LUKE A. RANKIN, SR.

4 REPRESENTATIVE WILLIAM E. SANDIFER

5 REPRESENTATIVE HARRY L. OTT, JR.

6 REPRESENTATIVE P. MICHAEL FORRESTER

7 HELEN T. ZIEGLER, ESQUIRE

8

9 COUNSEL :

10 ANDY FIFFICK

11 HEATHER ANDERSON

12

13 (INDEX AT REAR OF TRANSCRIPT)

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SENATOR ALEXANDER: Okay. We'll go ahead and get started. I'll call this meeting of the State Regulation of Public Utilities Review Committee to order. And we're joined by Members of the Committee and also by Proxies, Ms. Helen Ziegler, Mr. Eric Ebersole, Ms. Beth Atwater, and Mr. John Simmons, for the record.

Okay. Turn it over to Counsel.

MR. FIFFICK: Well, Mr. Norman, you can just have a seat there, and she will you swear you in.

(Representative Ralph Norman was duly sworn, after which testimony commenced at 1:39 p.m.)

MR. FIFFICK: Good afternoon, Mr. Norman. Do you recognize that e-mail?

MR. NORMAN: I do.

MR. FIFFICK: And I'll briefly read a section of it into the record: Months ago Headen Thomas contacted me and told me of his intent to run. And I told him then that, should he make it out of screening and continue to work at the State House that I would support him at the proper time of commitment. And is that an e-mail that you sent

1 to Sarah Knuckles relating a prior conversation
2 that you had with Mr. Thomas?

3 MR. NORMAN: Yes, it is.

4 MR. FIFFICK: At which time did you
5 have the conversation that precipitated what that
6 e-mail relates?

7 MR. NORMAN: We'd had several
8 conversations. Probably the day before that we had
9 talked. And really a week -- we'd been talking off
10 and on a week before this.

11 MR. FIFFICK: So that would have
12 been in -- the conversations that you had with
13 Mr. Thomas would have been in late March of 2013?

14 MR. NORMAN: No. It had been before
15 that. Mr. Thomas and I had -- again, we're from
16 the same town. I would have talked to him months
17 before that. I can't -- I don't remember exactly
18 when I talked to him on this. This has been a
19 while before --

20 MR. FIFFICK: Sometime in the prior
21 year?

22 MR. NORMAN: Correct.

23 MR. FIFFICK: Okay. Would it be
24 accurate that you told Mr. Thomas at some point
25 that, should you make it out of screening that, I,

1 Ralph Norman, would support you at the proper time?

2 MR. NORMAN: At the proper time of
3 commitment.

4 MR. FIFFICK: The proper time of
5 commitment. Okay. And I guess the final question
6 I have is, was there a point in time when
7 Mr. Thomas asked you for any sort of commitment; be
8 it conditional or --

9 MR. NORMAN: Absolutely not.

10 MR. FIFFICK: Thank you, Mr. Chairman.
11 I have no further questions.

12 MS. ANDERSON: Any questions from the
13 Committee?

14 REPRESENTATIVE SANDIFER: Mr. Chairman,
15 I don't have any questions at this time, but I
16 would like us to reserve the right to have further
17 questions as the proceedings go forward.

18 MR. NORMAN: Could I read one more
19 e-mail that was not -- that I had sent?

20 SENATOR ALEXANDER: Sure. I have no
21 problem with that. I mean, obviously we want to
22 get to the bottom of this. So, yes, sir.

23 MR. NORMAN: Okay. I had sent this
24 e-mail April 5th. On April 8th at 8:58 a.m., I
25 said -- and Sarah had e-mailed me probably a

1 four-page e-mail about ethics and basically about
2 the ethics laws. And what I said -- I sent her on
3 April 7th: Sarah, thanks for your e-mail regarding
4 Headen Thomas and his candidacy for the PSC Seat.
5 My purpose for this e-mail to you was simply this:
6 A, I wanted you to know upfront that I was going to
7 support Headen at the proper time when commitments
8 could be finalized, as stated in my previous
9 e-mail; B, I did not want to lead you on into
10 thinking that I could support you when, in fact, I
11 was going to support someone else; C, it's out of
12 respect for you that I was upfront and honest with
13 you, as we go way back. There's really nothing
14 else to explain other than what I have already told
15 you. I don't plan to call anyone to explain
16 anything, and if you feel you need to send my
17 e-mail to others, then feel free to do so, as I
18 feel comfortable with what I've tried to convey.

19 I'm very well aware of the ethics law.
20 This is my sixth year in serving the General
21 Assembly. I'm aware that you can't give anybody
22 support. And as a good friend of mine mentioned
23 when we were talking about this, I wonder if
24 Ms. Knuckles would have sent a report in had I
25 said, Ms. Knuckles, I think I will support you at

1 the proper time of commitment. Would that have
2 been sent to this ethics committee or is --

3 SENATOR ALEXANDER: This is not an
4 ethics committee. So --

5 MR. NORMAN: This Public Utilities
6 Review Committee. Would that have -- I wonder if
7 that had -- would that have been sent. Well, the
8 times that people told Headen as well as other
9 candidates, no, I'm with another candidate, I'm
10 with an incumbent, is that reverse pledging or
11 commitments as they call this? I don't think so.
12 But --

13 SENATOR ALEXANDER: Yes, sir. Mr.
14 Fiffick?

15 MR. FIFFICK: And again, Mr. Norman,
16 would you characterize your -- would you or would
17 you not characterize your conversation or your
18 statement to Mr. Thomas that should he make it out
19 of screening, that you would support him at the
20 proper time? Would you characterize that as a
21 conditional offer of support conditioned upon him
22 being reported out?

23 MR. NORMAN: No, sir. If -- had I left
24 off the sentence at commitment -- at the commitment
25 time, yes, that would have -- I would have been

1 guilty of that. When I put at the commitment time,
2 when you make it out of screening, if you continue
3 to work, I'll support you at the proper commitment
4 time, in my mind, that's where -- that's why I
5 didn't mind her sending y'all any of this, because
6 it was not a commitment; it was at the commitment
7 time. I'm aware that you can't commit until you
8 come out of screening, have the report, and I think
9 it's, what, 48 hours after that.

10 MR. FIFFICK: Okay. No further
11 questions, Mr. Chairman.

12 SENATOR ALEXANDER: Any other
13 questions? Okay. Thank you. I appreciate your
14 indulgence with us and working with our time
15 schedule.

16 MS. ANDERSON: Mr. Thomas, if you would
17 come up, please. Good afternoon.

18 MR. THOMAS: Good afternoon.

19 MS. ANDERSON: I want to give you a
20 copy of the first e-mail that Mr. Norman just
21 referred to --

22 SENATOR ALEXANDER: Excuse me. He
23 needs to be sworn.

24 MS. ANDERSON: Oh, yes. I'm sorry.

25 (Headen Thomas was duly sworn, after

1 which testimony commenced at 1:47 p.m.)

2 MS. ANDERSON: I don't know if you've
3 seen this before, so if you will please take a
4 minute and look that over.

5 MR. THOMAS: Yes.

6 MS. ANDERSON: Okay. All right. The
7 sentence in there that Andy had just referred to
8 that Mr. Thomas contacted me and told me of his
9 intent to run, and I told him that then should he
10 make it out of the screening and continue to work
11 at the State House, I would support him at the
12 proper time of commitment. Back -- do you consider
13 that to be a conditional pledge?

14 MR. THOMAS: Well, I guess first of all
15 I should say, I do not recall Mr. Norman saying
16 that to me. And I know good and well I did not ask
17 him that question.

18 MS. ANDERSON: Okay. So you did not
19 ask for his support?

20 MR. THOMAS: Absolutely not. Not a
21 single person have I asked for their support or
22 commitment.

23 MS. ANDERSON: All right. And in spite
24 of the e-mail and what Mr. Norman just said, you do
25 not recall Mr. Norman making comments to you that

1 he would support you at the proper time?

2 MR. THOMAS: I don't recall that.

3 MS. ANDERSON: Okay. All right.

4 SENATOR ALEXANDER: Do you recall any
5 conversations you've had with Representative
6 Norman?

7 MR. THOMAS: I've had quite a few
8 conversations with Representative Norman. And I've
9 also started this whole process out by contacting
10 Mr. Norman, Mr. Symbol, Mr. Pope, and Mr. Hayes,
11 and I sent them an e-mail. And I have the e-mail,
12 if I may read that, that I sent those guys to --
13 way back. This is an e-mail that I sent to these
14 guys dated --

15 SENATOR RANKIN: Do you have copies of
16 that?

17 MR. THOMAS: I'm afraid I don't. I
18 just printed one. I'll be glad to turn it over to
19 you guys.

20 MS. ANDERSON: Have him read it in and
21 then --

22 SENATOR ALEXANDER: Please read it in
23 first.

24 MR. THOMAS: Okay. This is dated
25 Wednesday, November 28th. It says: Ralph, Wes,

1 Gary and Tommy, as you may be aware, I'm a
2 candidate for the Public Service Commission. I am
3 aware of the Rules of Conduct for Candidates and
4 plan to fully comply with all requirements. Also,
5 I understand that I am allowed to announce my
6 candidacy and state my qualifications.
7 Accordingly, I plan to be in Columbia on December
8 the 4th and 5th. I hope to see each of you and
9 would appreciate introductions to other members of
10 the General Assembly. Thanks, Headen Thomas.

11 That's the way I kicked all this off
12 back in November. That's the way I played it from
13 the very beginning. I've told people introducing
14 myself, and that's what I'm doing. And then I came
15 into your office one day, Mr. Ott, and happened to
16 catch you in there, and I said I'd like to -- as I
17 recall. I can't just quote directly, but this is
18 the intent of what I said: I said, I'm here to
19 introduce myself, I want to make sure that I'm
20 following all of the rules, and I'd like to tell
21 you a little bit about my background and why I'm
22 running. And I went through my little routine.

23 And that's the way I've approached it
24 with everybody here. And I don't think you're
25 going to find anybody that will tell you otherwise.

1 I mean, I've talked now with probably all but 25
2 people that are in the General Assembly, and that's
3 the way I've approached it with each one that I've
4 talked to.

5 MS. ANDERSON: Do you have any idea of
6 approximately how many times you've had
7 conversations with Mr. Norman about your candidacy
8 or your intent to run?

9 MR. THOMAS: No, I really don't. I
10 mean, I've run into him here many times and -- I
11 don't know.

12 MS. ANDERSON: Had the conversation
13 occurred that was relayed in the e-mail and
14 Mr. Norman had said that he would support you at
15 the proper time assuming you made it out of
16 screening, would you consider that a conditional
17 pledge?

18 MR. THOMAS: According to the rules
19 that are in Section 913.935, I guess it could be
20 construed that way.

21 MS. ANDERSON: Okay. So when you were
22 questioned back at Subcommittee level and you were
23 asked the question, had you received a conditional
24 pledge, and your response was, I have not, has that
25 changed? Do you recall anything differently at

1 this point or --

2 MR. THOMAS: I do not. I do not recall
3 Mr. Norman or anyone else telling me that they are
4 conditionally pledging to me.

5 MS. ANDERSON: And have you requested
6 of anyone a pledge or a conditional pledge based
7 upon the outcome of your screening?

8 MR. THOMAS: I absolutely have not. I
9 try to play things by the books; I try to do things
10 the right way. I started out my career at Deloitte
11 as a tax person, and that's very, very much based
12 upon rules and following rules, compliance -- being
13 in compliance with rules. And that's my
14 background, that's the training. I moved from
15 there into Piedmont Natural Gas. And I was in
16 compliance roles there and I got into communication
17 roles there and financial communication roles.
18 Those jobs are all very, very focused on following
19 the rules and doing communications and whatever
20 under very, very strict rules. That's my training,
21 that's my background, and that's the way I've
22 approached it here.

23 SENATOR ALEXANDER: Senator Rankin.

24 SENATOR RANKIN: Mr. Thomas, I've met
25 you. I'm not on your list of 25 who you haven't

1 met, I don't believe, and I've gotten letters from
2 nice folks on your behalf. You're from where?

3 MR. THOMAS: I born and raised in Rock
4 Hill and I live in Fort Mill.

5 SENATOR RANKIN: You know Ralph Norman
6 pretty well, I'm sure.

7 MR. THOMAS: I do. If you were to take
8 Ralph and Gary and Tommy and Wes and you add up how
9 long I've known those people, I'm afraid to say it
10 would probably be somewhere between 100 and 150
11 years.

12 SENATOR RANKIN: Their ages, not yours?

13 MR. THOMAS: No. I'm not talking about
14 their ages. I'm talking about adding up how long
15 I've known them.

16 SENATOR RANKIN: I'm totally and
17 completely cutting up with you.

18 I'm curious. You would trust
19 Mr. Norman -- I mean, you trust him?

20 MR. THOMAS: I do.

21 SENATOR RANKIN: And he's got a
22 reputation for truthfulness?

23 MR. THOMAS: Yes.

24 SENATOR RANKIN: You wouldn't question
25 him if he testified under oath about anything?

1 MR. THOMAS: That's correct.

2 SENATOR RANKIN: And his testimony
3 today is that he had a conversation with you about
4 this subject. You just don't recall that
5 conversation; is that right?

6 MR. THOMAS: I recall having many
7 conversations, but I do not recall the word
8 commitment and committed being used. I've
9 understood from the very, very beginning that I
10 cannot use that word. And I just don't use it
11 around here. And I don't recall anyone saying that
12 to me; in all honesty, I don't.

13 SENATOR RANKIN: Are there any e-mails
14 that would suggest otherwise from Mr. Norman that
15 you have gotten or that you have shared with him
16 other than that November e-mail that you just read?

17 MR. THOMAS: I don't know of any.

18 SENATOR RANKIN: So what he might have
19 told Ms. Knuckles, you might not have heard that
20 yourself.

21 MR. THOMAS: Exactly. I was not a
22 party to that -- any conversations between
23 Mr. Norman and Ms. Knuckles. I don't -- I
24 wasn't -- this is about me, but I wasn't there,
25 didn't hear them, didn't see them, don't know what

1 they might have said, what the intent of what they
2 said may have been. I don't know.

3 SENATOR RANKIN: And prior this e-mail
4 coming out and this surfacing and your -- I think
5 your being contacted last week or Monday about
6 this, did you have any idea that you were the
7 subject of benevolence and support, conditional or
8 otherwise, from Mr. Norman?

9 MR. THOMAS: I did not.

10 SENATOR RANKIN: Okay. Thank you.

11 SENATOR ALEXANDER: You mentioned a few
12 minutes ago that you don't use those words around
13 here. Are there other words that you use?

14 MR. THOMAS: Other words that I use in
15 the nature of commitment, commit, that sort of
16 vain?

17 SENATOR ALEXANDER: Well, I just
18 listened to what you said, so I was wanting you to
19 expound on that.

20 MR. THOMAS: I mean, I talk a lot
21 around here and use a lot of words, but I don't use
22 words that are related to asking anyone to vote or
23 commit or whatever. I don't use that language.

24 SENATOR ALEXANDER: Any other
25 questions?

1 REPRESENTATIVE SANDIFER: Mr. Chairman?

2 SENATOR ALEXANDER: Representative
3 Sandifer.

4 REPRESENTATIVE SANDIFER: Thank you.

5 Mr. Thomas, I think you're aware of
6 this, but I want to make sure that all of our
7 Members are aware of it too, because as a portion
8 of the code 813.935 (a), it starts that sentence by
9 saying: No candidate for or person intending to
10 become a candidate for PSC may seek directly or
11 indirectly pledge of a member of General Assembly.

12 Do you believe that in any way you have
13 violated that word intending to become? This would
14 have dated back to maybe more than a year ago.

15 MR. THOMAS: Intending to become?
16 Well, intending to become just by itself, I don't
17 know exactly what that means.

18 REPRESENTATIVE SANDIFER: Let me see if
19 I can characterize it for you, if I can. And a
20 conversation might go like something like if you
21 were talking to Mr. Norman: Ralph, I'm planning to
22 run for the PSC, and I hope I can count on your
23 support.

24 MR. THOMAS: I have not asked Ralph or
25 anyone else that. I have told people that I'm

1 thinking about running, I'm looking into running,
2 I'm planning on running, I am running, but I have
3 never asked anyone to support or vote or commit to
4 me.

5 REPRESENTATIVE OTT: I -- may I?

6 SENATOR ALEXANDER: Yes, sir.

7 Representative Ott.

8 REPRESENTATIVE OTT: Don't want to
9 split hairs, but I'm going to have to ask Ralph
10 just at some point if the Committee was indulging
11 to -- I mean, I don't see where it's that
12 inconsistent. In Ralph's e-mail he didn't say that
13 Mr. Thomas asked him for his commitment. I've read
14 it three times. And Ralph's e-mail says that he
15 told Mr. Thomas that based on certain conditions
16 and at the appropriate time he would support him.
17 I don't read anything in this e-mail that would
18 lead me to believe that Mr. Thomas asked for that
19 support. Now, am I misreading the tea leaves?

20 MR. THOMAS: That's the way I'm reading
21 it as well.

22 REPRESENTATIVE OTT: Now, at some point
23 I'm going to need to ask Mr. Norman, you know, if
24 he did tell Mr. Thomas that he was going to support
25 him at the appropriate time. But I'll have to

1 admit that up here in the legalese that we use a
2 lot of times, a lot of us assume that if we say at
3 the appropriate time at the end of the sentence,
4 that kind of gives us a pass. And I think Mr.
5 Norman is clearly saying -- he's said, anything
6 that I may be telling you now will take place at
7 the appropriate time. So I don't see this really
8 as an either/or; I think it's very clear by Mr.
9 Norman's e-mail that -- and he doesn't point out
10 that Mr. Thomas has asked for a commitment. I
11 think that's very important on Mr. Thomas' behalf.

12 And then as far as whether or not he
13 had a conditional pledge, that seemed to be based
14 on somebody's interpretation of what may or may not
15 have been said. And I think that could be -- I'll
16 turn that over to a good lawyer. But down on the
17 farm a little bit, we just -- you know, it's night,
18 cut and dried. I mean, at the appropriate time
19 means at the appropriate time we'll have that
20 conversation. So --

21 SENATOR ALEXANDER: Well, Mr. Thomas,
22 have you had that conversation with anybody where
23 you have not directly or indirectly sought the
24 pledge, but whether it's been volunteered to you,
25 Mr. Norman or anyone else?

1 MR. THOMAS: No, sir.

2 SENATOR ALEXANDER: Other questions?
3 Okay. Obviously I would hope you understand the
4 concern that we have here about this, and this is
5 the reason we're having this meeting this
6 afternoon.

7 MR. THOMAS: I do. I very much
8 understand the significance and importance of this,
9 and that's why I tried to approach it the way that
10 I have from the very beginning. And, I mean, to
11 me, the rules are pretty darn clear. And it says
12 all you can do is announce your candidacy, your
13 qualifications, and those sorts of things, and
14 that's what I've been doing.

15 SENATOR RANKIN: If you don't mind, let
16 me see your November e-mail.

17 SENATOR ALEXANDER: Can we keep that
18 copy for the record?

19 MR. THOMAS: Yes.

20 SENATOR ALEXANDER: Any other
21 questions?

22 REPRESENTATIVE SANDIFER: Chairman, if
23 I may.

24 SENATOR ALEXANDER: Representative
25 Sandifer.

1 REPRESENTATIVE SANDIFER: Mr. Thomas, I
2 hope you understand that the actions that we have
3 taken not only affect you, but they also can have
4 an effect on Mr. Norman, because if I go back to
5 813.935 in Section D, D Sub 2: Violations of this
6 section by a members of the General Assembly must
7 be reported by the Review Committee through the
8 House or Senate Ethics Committee as may be
9 applicable. But then the last portion says: A
10 violation of this section is a misdemeanor. Upon
11 conviction, violator must be fined, and it goes
12 into an amount. And they may not be -- the cases
13 may not be transferred from General Sessions Court.

14 And that's pretty strong language, and
15 I think it's incumbent upon all of us to recognize
16 that we have two parties who can potentially be
17 affected by the outcome of what we do here today.

18 SENATOR ALEXANDER: Okay. If there are
19 no other questions, thank you, Mr. Thomas, for
20 being here and for responding to the questions.

21 MR. THOMAS: Thank you.

22 REPRESENTATIVE OTT: Mr. Chairman, can
23 I ask a question here?

24 SENATOR ALEXANDER: I think we need to
25 get Mr. Norman to come back just a minute because

1 the Chair will indulge that clarification. And I
2 assume that the other oath continues to comply.

3 REPRESENTATIVE OTT: Mr. Norman, did
4 Mr. Thomas ever ask you for your commitment?

5 MR. NORMAN: Absolutely not. And I
6 appreciate the -- I mean, the rules, particularly
7 in this case, since I've been here, I understand
8 how it can be a free-for-all if you had people
9 giving commitments months ahead of time. I get
10 that. But Ms. Knuckles -- this is a -- this is
11 a -- she's straining at a gnat, tempest in a teapot
12 to say that I made a commitment.

13 Again, had I not had at the proper time
14 of commitment, I think she would have had a case.
15 She does not. I did not give a commitment. I did
16 not -- he did not ask for support, neither did I do
17 it. That's why when she wrote me all of these
18 e-mails saying she's going to report it, I said, do
19 what you want to do. I didn't do anything wrong,
20 nor did he do anything wrong. And had I not put
21 that -- why would I put it, I mean, if I didn't
22 know the rules? And like Bill said, I mean, yes,
23 this can be reported out to the -- it's not a good
24 thing if I was found guilty of this. But I'm just
25 not guilty of it.

1 And I did not -- he didn't ask for
2 support, I didn't pledge it. And I'm perfectly
3 fine with the e-mails that I sent Ms. Knuckles.
4 And again, I wonder, if the reverse were true, if
5 she would -- if I had said, yes, you know, I'll
6 support you at the proper time, would we be sitting
7 here? I just don't think so.

8 SENATOR ALEXANDER: Well, let me say
9 that had it been brought to our attention, we would
10 have been sitting here.

11 REPRESENTATIVE SANDIFER: Under that
12 scenario that you just mentioned though, I want to
13 make sure in my mind -- and I appreciate you
14 working with the Committee. Are you saying then by
15 adding anybody, not just in this situation, but
16 anybody in the future, if they say at the
17 appropriate time, that is appropriate conduct then
18 to say what you said and then add on at the
19 appropriate time.

20 MR. NORMAN: I could never offer
21 commitment until at the time that a commitment
22 could be given. That's the --

23 REPRESENTATIVE SANDIFER: But do you
24 see folks having the ability to go around and
25 talking to numerous people and saying then at

1 the -- saying what you said and then adding the
2 caveat at the appropriate time?

3 MR. NORMAN: I think that's just the
4 reality of it. Nobody can give a commitment until
5 the time is there to do it. And so, I see
6 nothing -- you know, I couldn't possibly -- even if
7 I wanted to, until the time to commit, I couldn't
8 offer that. So, yes, I see -- again, had I left
9 that off, I think I would be guilty of that. I did
10 not.

11 REPRESENTATIVE SANDIFER: Okay. One
12 question about that: If that be the case -- and we
13 are really at the point where we have to split
14 hairs, and you know this. But would it not be
15 practical for an individual running for any of
16 these offices, whether it be the PSC or a judge or
17 whatever it is, to go around and meet with
18 legislators, and each one of them, 80 or 90 of
19 them, say, you know, at the appropriate time, yes,
20 I'm going to support you? And then those things
21 are already etched in stone.

22 MR. NORMAN: I don't think that's a
23 given though. If he did not make it out of
24 screening and had he not worked, which I put in
25 there --

1 REPRESENTATIVE SANDIFER: No. I agree.
2 I'm using the same caveat that you would be using.
3 Is it not theoretically practical that someone
4 could do this and actually have an election sewn up
5 before the date that a person could seek any
6 commitments?

7 MR. NORMAN: Again, Bill is straining
8 at gnats to say that. Again, had any candidate
9 quit working, not made it out of screening, when it
10 came time to have a commitment, I could -- I
11 could -- you know, it wasn't conditional on
12 anything other than these steps, and when it came
13 time, I would evaluate it. If he had quit working,
14 no, I wouldn't -- I wouldn't have done it.

15 REPRESENTATIVE SANDIFER: I understand
16 that. I'm just -- I want to make this very clear
17 in my own mind here.

18 SENATOR: And that's really --

19 SENATOR ALEXANDER: Senator Rankin.

20 SENATOR RANKIN: That's more a
21 lackadaisical state of alertness that we as
22 legislators have, and not this candidacy, judicial
23 races. The law is clear. How often do we even pay
24 attention to what we've passed to the degree that
25 we are focusing? And I'm not maligning this focus,

1 but I very well can imagine what happened in this
2 example. And you have violated the Huey Long
3 principle: Don't ever write what you can say.
4 And, I mean, that deals with a person who is
5 acutely aware of the written word, and you have --
6 your question about endorsing her, conditionally or
7 not, who would have ever known? And had we found
8 out, again, we'd be right here.

9 But again, the question -- and the
10 testimony that we've gotten thus far, you recall
11 the conversation; Mr. Thomas doesn't. Now, did you
12 volunteer something? Did he seek something
13 directly or indirectly? I guess we're going to
14 have to define that. But it's unfortunate for both
15 of you. I don't sense -- again, I'm not in the
16 House. I don't know y'all do this. I don't sense
17 any intent, directly or indirectly, to violate this
18 law on your part. But it's unfortunate for
19 Mr. Thomas too. The question about words to that
20 effect or the exact words that we posed to you -- I
21 mean, you're not making a secret that you're a
22 candidate. And certainly you would like your local
23 delegation to know and think fondly of your
24 candidacy.

25 Now, seeking a commitment, as you asked

1 about sewing this thing up in advance, that would
2 be a violation. Seeking directly or indirectly
3 clearly would violate the law. Whether Mr. Thomas
4 did that or not or whether he's just got the good
5 graces of three or four of the House Members here
6 today is more likely the case, and it might be
7 because of Ms. Knuckles. I don't know. It might
8 be because they like him and think he's more
9 qualified than Ms. Knuckles. I don't know. You've
10 got a relationship with her. You cite that in your
11 e-mail, y'all go way back. So I can't imagine that
12 this is let's break the law and let's help Headen
13 and let's hurt Sarah Knuckles. So --

14 MR. NORMAN: It really isn't. I like
15 Sarah -- I like Ms. Knuckles. That was not the
16 intent of it. Again, I'm well aware of the law and
17 well aware of what I can and what I can't do. I
18 just simply didn't do what she's claiming I did.
19 And now, leaving this room, will I ever put
20 anything? Absolutely not.

21 SENATOR RANKIN: We'll start calling
22 you King Fish from now on.

23 SENATOR ALEXANDER: You do understand
24 that once it was brought to our attention, the duty
25 that we had to --

1 MR. NORMAN: Yes, sir. And actually,
2 I -- I mean, I don't mind. This puts light on
3 something that should be light on and should be
4 explored. And you should ask questions, and I'm
5 perfectly fine with that. That's why I told
6 Ms. Knuckles, submit the e-mails that I sent you.
7 Let's look at it. That's fine. And so, I don't --
8 this is the process, and I respect it.

9 SENATOR ALEXANDER: Any other
10 questions?

11 MR. FIFFICK: One final question,
12 Mr. Norman. Maybe this will help future candidates
13 and future legislators in this position: Why is it
14 that you didn't offer your support -- or why is it
15 you told Ms. Knuckles what you told her? Did it
16 have anything to do with a conversation you had
17 with Mr. Thomas?

18 MR. NORMAN: You would have to know
19 Ms. Knuckles, Andy. She writes six-page -- and I'm
20 not saying this as derogatory. She writes six-page
21 memorandums. And she had sent, as I mentioned, a
22 three-page derogatory thing on why he was not
23 qualified to do this. And I just was being upfront
24 with her and trying to tell her where I was and
25 when I could do what I could do. And it was intent

1 to actually help her out.

2 MR. FIFFICK: But you were confirming
3 that you could not support her.

4 MR. NORMAN: Until the proper time of
5 commitment.

6 MR. FIFFICK: And that wasn't because
7 you had already offered support to someone else?

8 MR. NORMAN: I had not offered support
9 for anyone else. As I mentioned, he quits working,
10 if he didn't make it out of screening, when it came
11 time to commit, I would not do it. As I've told
12 all of these judicial candidates, PSC candidates, I
13 admire the fact that they sit there every day in
14 the tunnel and shake hands, some people are rude to
15 them and some people are not, I admire that
16 stickability. Had he quit, I wouldn't have
17 supported him. That's just how I am. I'm just on
18 person. But that's why I conditioned it on that.
19 But everything I had was when it came time to --
20 that I could make the commitment.

21 MR. FIFFICK: No further questions.

22 SENATOR ALEXANDER: Again, thank you
23 for your time.

24 MR. NORMAN: Thank you, sir.

25 SENATOR ALEXANDER: I think we're

1 wrapping up. But --

2 REPRESENTATIVE OTT: I move that we go
3 into Executive Session, unless there's other
4 testimony.

5 SENATOR ALEXANDER: Well, I don't know.
6 Mr. Thomas, I don't want to cut you off
7 if you need to respond to something.

8 MR. THOMAS: I just had a question.
9 Can I ask a question?

10 SENATOR ALEXANDER: Please have a seat.
11 We'll take it as advisement.

12 MR. THOMAS: Well, I've heard that
13 Ms. Knuckles had been communicating and saying
14 derogatory things about me. And my understanding
15 of the law is, is that all you can do is talk about
16 your candidacy; you can't be talking about the
17 other candidates. And --

18 SENATOR ALEXANDER: We've got that in
19 the record then. Thank you for bringing that to
20 our attention as well.

21 MR. THOMAS: Thank you.

22 SENATOR ALEXANDER: I've got a motion
23 to go into Executive Session. Is there a second?

24 REPRESENTATIVE FORRESTER: Second.

25 SENATOR ALEXANDER: Is there any

1 opposition to us going into Executive Session for a
2 legal matter?

3 MS. ANDERSON: I'll call the Senate
4 and --

5 SENATOR ALEXANDER: Okay. So ordered,
6 we're going into Executive Session for the purposes
7 of legal.

8 (The Committee went into Executive
9 Session from 2:40 p.m. to 3:05 p.m.)

10 SENATOR ALEXANDER: Okay. We've lifted
11 the veil. No action was taken. Senator --

12 SENATOR RANKIN: Mr. Chairman, I move
13 we adjourn.

14 SENATOR ALEXANDER: Any objection?
15 Here and done, we're adjourned.

16 (The hearing was adjourned at 3:10 PM.)
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1 CERTIFICATE OF REPORTER
2

3 I, Bethanie K. Patterson, Court
4 Reporter and Notary Public for the State of South
5 Carolina at Large, do hereby certify that the
6 foregoing transcript is a true, accurate, and
7 complete record.

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

11 Witness my hand, I have hereunto
12 affixed my official seal this 11th day of April,
13 2013 at Columbia, Richland County, South Carolina.
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23 _____
24 Bethanie K. Patterson,
25 Court Reporter
My Commission expires
January 15th, 2023

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