

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

MARIA E. WALLS, IN HER CAPACITY
AS BEAUFORT COUNTY
TREASURER,

Plaintiff,

v.

BEAUFORT COUNTY, A BODY
POLITIC SUBDIVISION OF THE
STATE OF SOUTH CAROLINA, AND
JOHN ROBINSON, IN HIS CAPACITY
AS INTERIM BEAUFORT COUNTY
ADMINISTRATOR,

Defendants.

IN THE COURT OF COMMON PLEAS
FOURTEENTH JUDICIAL CIRCUIT

C.A. NO. 2023-CP-07-_____

SUMMONS

TO THE ABOVE-NAMED DEFENDANTS:

YOU ARE SUMMONED and required to answer the Complaint in the captioned matter, a copy of which is herewith served upon you, and to serve a copy of your Answer to the said Complaint on the subscribers at their offices, 201 Riverplace, Suite 500 (29201), P.O. Box 565, Greenville, South Carolina 29602-0565 within thirty (30) days after the service hereof, exclusive of the day of such service; and if you fail to answer the Complaint within the time aforesaid, judgment by default will be rendered against you for the relief demanded in the Complaint.

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s/John Marshall Mosser

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October 5, 2023
Greenville, South Carolina

JURISDICTION AND VENUE

4. This Court has jurisdiction pursuant to the South Carolina Rules of Civil Procedure, and the Uniform Declaratory Judgment Act, South Carolina Code Annotated section 15-53-10 et seq.

5. This Court has personal jurisdiction over the parties pursuant to South Carolina Code Annotated sections 36-2-802 and 36-2-803.

6. Venue is proper in this Court pursuant to South Carolina Code Annotated section 15-7-20 because all parties are located in Beaufort County and the alleged acts or omissions giving rise to this action occurred in Beaufort County.

FACTUAL BACKGROUND

7. The Treasurer was first elected Treasurer of Beaufort County in November 2014 and has served as Treasurer of Beaufort County continuously since 2015.

8. The Treasurer has managed the resources and the Office of the Treasurer in an exemplary manner that has repeatedly earned national acclaim from third parties, including but not limited to the following:

- a. In 2015, the Treasurer was named Office Holder of the Year by Thomson Reuters for having achieved excellence in planning, leadership, and service¹;
- b. In 2021, the National Association of Counties (“NACo”) recognized the Treasurer’s Investment Management Program for its “innovative and outstanding approach to addressing ... investing public money²”; and
- c. In 2021, the Treasurer, was awarded the 2021 CashVest National Leadership award for excellence in managing public investments and cash liquidity³.

¹ <https://www.thomsonreuters.com/en/press-releases/2015/october/thomson-reuters-names-south-carolina-treasurer-office-holder-of-year.html>

² <https://www.beaufortcountysc.gov/news/2020/06/beaufort-county-earns-national-achievement-award-for-investment-management-program.html>

³ <https://www.beaufortcountytreasurer.com/news/treasurer-wins-national-leadership-award>

9. The Treasurer's efficient administration of the Treasurer's office since 2015 is estimated to have avoided a 13% increase in property taxes for the citizens of Beaufort County.

10. Upon information and belief, the County deviated from its regular budgeting process for fiscal year 2022-2023, and unknown employees of the County altered and modified the funding requests submitted by the Treasurer without the Treasurer's awareness.

11. Upon information and belief, unknown employees of the County replaced the Treasurer's funding requests with arbitrary amounts, before publicly presenting the requests of the Treasurer's Office to Beaufort County's Council and citizens, falsely representing the modified document as being authored by the Treasurer's office.

12. The County previously employed Eric Greenway ("Greenway") as Beaufort County Administrator.

13. Beginning in April 2023, the County inexplicably began improperly interfering with the Treasurer's management of the personnel employed in the Treasurer's office, via the acts or omissions of Greenway or those employees reporting to him, including but not limited to the following:

- a. directed high-level administrative staff to cease interacting or communicating with the Treasurer;
- b. administratively refusing to classify individual employees of the Treasurer's office as the Treasurer directed,
- c. administratively refusing to compensate individual employees of the Treasurer's office as the Treasurer directed; and
- d. asserting that the unelected administrator possessed the authority to direct the Treasurer's budget, as approved by County Council in its annual budgeting process, as to the compensation of Treasurer's office employees.

14. Upon information and belief, the County placed Greenway on paid administrative leave on July 24, 2023, and the County terminated Greenway's employment, for cause, at a special called meeting of the Beaufort County Council on July 28, 2023.

15. Upon information and belief, the Administrator was appointed Interim County Administer by Beaufort County Council on July 28, 2023.

16. The County Administration's improper attempts to manage the personnel employed in the Treasurer's office continued after July 28, 2023, via the acts or omissions of the Administrator or those employees reporting to him, including but not limited to the following:

- a. refusing to pay employees of the Treasurer's office who worked through Hurricane/Tropical Storm Idalia compensation in a manner consistent with how the County paid its own employees who worked during a disaster;
- b. refusing to accept the Treasurer's determination that certain personnel of the Treasurer's office were essential and were required by the Treasurer to report to work during a disaster;
- c. refusing to accept the Treasurer's office's annual disaster plan ("Disaster Plan"), duly submitted to the County's Disaster Preparedness Officer on March 7, 2023;
- d. violating the rights of essential employees in the Treasurer's office to receive the compensation due to County employees who were ordered to report to work during Hurricane/Tropical Storm Idalia on August 30-31, consistent with the Disaster Plan, while County Offices were closed;
- e. asserting that the unelected administrator possessed the authority to direct the Treasurer's budget, as approved by County Council in its annual budgeting process, as to the compensation of Treasurer's office employees;
- f. administratively refusing to classify individual employees of the Treasurer's office as the

Treasurer directed;

- g. administratively refusing to compensate individual employees of the Treasurer's office as the Treasurer directed;
- h. administratively reducing the salaries and demoting personnel employed by Treasurer's office by refusing to process the promotions and pay increases of individual employees whom the Treasurer promoted in July 2023;
- i. violating the rights of employees in the Treasurer's office to receive the promotions and compensation the Treasurer communicated to employees of the Treasurer's office in those employees' July 2023 performance reviews;
- j. interfering with the Treasurer's ability to manage the employees of the Treasurer's office by countermanding announced management decisions of the Treasurer and damaging the morale of personnel in the Treasurer's office;
- k. interfering with the Treasurer's ability to manage the employees of the Treasurer's office by threatening to withhold the County's Human Resources services from the County Treasurer's office, unless the Treasurer relinquished the authority conveyed to her elected office and consented to allow the Administrator to assert control over the personnel in the Treasurer's office; and
- l. interfering with the Treasurer's ability to manage the employees of the Treasurer's office by threatening to utilize County Procurement Processes to achieve the impermissible goal of allowing County Administration to assert control over the management of personnel in the Treasurer's office.

17. The County Administration's ongoing, improper attempts to manage the budget of the Treasurer's office and assert control over the compensation of personnel employed by the Treasurer's office adversely and impermissibly affect the Treasurer's ability to perform her duties.

18. Despite requests to County Administration spanning from the period in which Greenway was employed as Beaufort County Administrator to the current tenure of the Administrator, in which the Treasurer exhausted every reasonable effort to have County Administration to comply with the Home Rule Act and a plain reading of *Eargle v. Horry County*, 344 S.C. 449, 451, 545 S.E.2d 276, 277 (2001), County Administration has refused to do so.

19. Instead, through the acts or omissions of the Administrator or employees reporting to him, County Administration continues to attempt to impermissibly interfere with the management of personnel employed in the Treasurer's office.

20. County Administration has asserted that, without the written approval of Administrator or Beaufort County Council, Treasurer may not hire attorneys to advise Treasurer on the rights of the Office of the Treasurer arising from County Administration's actions and inactions, as recited above.

21. County Administration has asserted that, without the written approval of Administrator or Beaufort County Council, Treasurer may not hire attorneys to represent the Office of the Treasurer against County Administration.

FOR A FIRST CAUSE OF ACTION
(Declaratory Judgment)

22. The preceding paragraphs are incorporated as if fully restated herein.

23. The Treasurer is directly elected by and accountable to the public, while the Administrator is not elected and only indirectly accountable to the public, through Beaufort County Council.

24. Pursuant to the Home Rule Act ("the Home Rule Act"), codified at South Carolina Code Annotated sections 4-9-10, *et seq.* County Administration's authority does not extend to any county personnel employed in departments or agencies under the direction of an elected official. South Carolina Code Annotated section 4-9-30(7). *See also Eargle v. Horry County*, 344 S.C. 449, 451, 545 S.E.2d 276, 277 (2001).

25. Pursuant to the Home Rule Act, with the exception of organizational policies established by the governing body, the Administrator is precluded from exercising authority over any elected officials of the county whose offices were created either by the Constitution or by the general law of the State. South Carolina Code Annotated section 4-9-650. *See also Eargle v. Horry County*, 344 S.C. 449, 453, 545 S.E.2d 276, 279 (2001).

26. Under the council-administrator form of government, county treasurers are elected officials. South Carolina Code Annotated section 4-9-60. *See also Eargle v. Horry County*, 344 S.C. 449, 453, 545 S.E.2d 276, 279 (2001).

27. There exists an actual dispute and controversy among the parties which cannot be resolved absent declaratory relief by this Court.

28. Declaratory judgment in the manner sought would eliminate the uncertainty of Defendants' actions.

29. Pursuant to South Carolina Code Annotated section 15-53-10 *et seq.*, the Treasurer seeks a judgment in this Court declaring the various rights, liabilities, and relations of the parties.

FOR A SECOND CAUSE OF ACTION
(Injunctive Relief)

30. The preceding paragraphs are incorporated as if fully restated herein.

31. Treasurer has demonstrated a strong likelihood of success on the merits.

32. In the absence of injunctive relief, County Administrations' actions and inactions will cause irreparable harm to the Treasurer which cannot be compensated adequately in damages, by adversely impacting the Treasurer's ability to perform the role that the citizens of Beaufort County elected her to serve.

33. As set forth herein, the Treasurer is likely to succeed on the merits of her claims.

34. The Treasurer does not have an adequate remedy at law.

35. Therefore, the Treasurer requests that the Court issue a preliminary injunction against County Administration, enjoining County Administration from continuing to refuse to process personnel pay increases, from continuing to refuse to process personnel promotions, and from continuing to refuse to compensate employees for working through a declared disaster.

WHEREFORE, the Treasurer respectfully requests this Honorable Court to declare as follows and prays for judgment that:

- a. Declares that County Administrator's employment and discharge authority does not extend to any personnel employed by the Treasurer's office, acting under the direction of the Treasurer;
- b. Declares that only the Treasurer may manage personnel employed in the Treasurer's office;
- c. Declares that within the confines of the budget approved by County Council for the Office of the Treasurer, the Treasurer has sole managerial discretion regarding the use and allocation of such budget, including, but not limited to, any managerial decisions impacting employment, compensation, or discharge of personnel employed in the Treasurer's office;
- d. Declares that the Administrator acts outside of the scope of his authority and violates South Carolina Law whenever the Administrator attempts to hire, fire, suspend, discipline, assign titles, promote, demote, mandate rates of compensation, or otherwise assert managerial control over personnel employed by the Treasurer's office;
- e. Declares that the Treasurer may hire attorneys or other professionals to represent Treasurer's office without the permission or consent of the Administrator;
- f. Declares that employees of the County may not modify or alter documents submitted by the Treasurer or otherwise falsely represent that documents authored or modified by

County employees were authorized by the Treasurer;

- g. Includes issuance of a temporary injunction, and a permanent injunction, restraining and enjoining County Administration from taking, or asking others to take, any actions to interfere with the Treasurer's management of the Office of the Treasurer, including, but not limited to,
 - i. interfering with management of personnel employed by the Treasurer's office;
 - ii. refusing to process and retroactively apply promotions and compensation of employees of the Treasurer's office as the Treasurer directs;
 - iii. withholding standard county administrative services from the Treasurer's office, including, but not limited to, payroll processing and benefits coordination;
- h. Includes appropriate damages as a result of County Administration's breaches of applicable statute, including attorneys' fees and costs;
- i. Includes this Court's retaining jurisdiction of this action for the purpose of supervising County Administration's compliance with any injunctive relief granted by this Court; and
- j. Grants any and all other legal and equitable relief as may be available, and the Court may deem just and proper.

Respectfully submitted,

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