

STATE OF SOUTH CAROLINA

COUNTY OF JASPER

EMERGENCY RESOLUTION R-2025-73

An Emergency Resolution To Institute Immediate Safety Measures For Public Facilities, Personnel, and Resources; and Other Matters Related Thereto

WHEREAS, Jasper County Council (“Council”), as the governing body of Jasper County, South Carolina (the “County”) is charged with the responsibility to protect the life, health, and safety of County employees, as well as the public’s financial resources; and

WHEREAS, on the date hereof, Council convened a special-called meeting to address matters of significant concern involving the Jasper County Treasurer (“Treasurer”), particularly (i) alleged threats of threats of gun violence against County administrative staff, a copy of which is attached hereto as Exhibit A, and (ii) the impermissible payment of bonus monies to staff within the Treasurer’s office, despite having previously been advised that such payments were improper on constitutional and public-policy grounds, information of which is attached hereto as Exhibit B; and

WHEREAS, Council condemns any form of political or workplace violence, and affirms its commitment to protect the safety, security, and well-being of all County employees; and

WHEREAS, Council finds it necessary to consider certain immediate and emergent measures to maintain a safe working environment for County personnel, and to otherwise refer matters to appropriate law enforcement authorities for review and consideration.

NOW THEREFORE, BE IT RESOLVED, by the Jasper County Council in a meeting duly assembled and by the authority of the same, as follows:


1. The Council ratifies and confirms the findings described above, particularly those involving (i) allegations of threats of gun violence by the Treasurer, and (ii) alleged misappropriation of public funds through the unauthorized payment of bonus monies. Consideration for the foregoing shall be referred to the South Carolina Law Enforcement Division for further investigation.
2. Council directs the County Administrator to evaluate and implement, as appropriate and in consultation with law enforcement (including the County Sheriff). all measures necessary to ensure the safety and security of County employees.
3. Council shall remain actively engaged in reviewing safety protocols, legal options, and administrative measures necessary to maintain a secure work environment and ensure responsible stewardship of public resources.

4. This resolution shall take effect and be in full force immediately after its adoption by the Council.

DONE, RATIFIED AND ADOPTED this 12th day of December 2025.

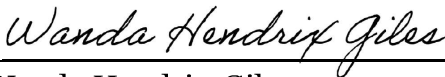
(SEAL)





John Kemp, Chairman
County Council of Jasper County, South Carolina

Attest:



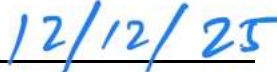
Wanda Hendrix-Giles,
Clerk to County Council

Resolution R-2025-73
Adopted: December 12, 2025

Reviewed for form and draftsmanship by the Jasper County Attorney.



Pope Flynn, LLC



Date

EXHIBIT A

Copy of Telegram correspondence from Treasurer Mike Skinner
to Councilman Chris VanGeison



EXHIBIT B

Information and Correspondence Related to Bonus Funding

David Tedder

From: Nicole Holt
Sent: Thursday, April 25, 2024 8:36 AM
To: Kimberly Burgess; Andrew Fulghum; David Tedder
Subject: 2023 Treasurer New Treasurer Matters Skinner: Fwd: decal fund...

This is where he requested the bonus'.

Nicole Holt
Human Resources Director
Jasper County
Telephone: 843-717-3680

Begin forwarded message:

From: Tina McLemore <tmclmore@jaspercountysc.gov>
Date: April 24, 2024 at 6:02:04 PM EDT
To: Nicole Holt <nholt@jaspercountysc.gov>
Subject: FW: decal fund....

This is the email from Mike Skinner regarding the incentive checks for his department.

From: Mike Skinner <mskinner@jaspercountysc.gov>
Sent: Tuesday, December 19, 2023 2:38 PM
To: Tina McLemore <tmclmore@jaspercountysc.gov>
Subject: decal fund.....

Tony Silva \$750, Cynthia Fizzarotti \$750, Mary Darrien \$750, Elicia Mouzon \$750, Mike Skinner \$1000



Michael T. Skinner
Treasurer
Jasper County
P.O. Box 722
Ridgeland, SC 29936

Location: 358 Third Avenue, Rm 106
Jasper County Clementia C. Pinckney Government Building
Telephone Number: 843-717-3601
Email: mskinner@jaspercountysc.gov

David Tedder

From: Mike Skinner
Sent: Tuesday, December 5, 2023 2:05 PM
To: David Tedder
Subject: 2023 Treasurer New Treasurer Matters Skinner: AG Decision...

Hello sir, is there any traction on getting that AG decision on the use and allocation of decal funding money outside of its intended purpose? IS there anything you need from me to aid in this?

Respectfully,



Michael T. Skinner
Treasurer
Jasper County
P.O. Box 722
Ridgeland, SC 29936

Location: 358 Third Avenue, Rm 106
Jasper County Clementia C. Pinckney Government Building
Telephone Number: 843-717-3601
Email: mskinner@jaspercountysc.gov



Statement Ending 12/29/2023

JASPER COUNTY

Page 3 of 4

Account Number: XXXXXXXXXXXXX9926

12/19/23
04570002
Branch: 12
Teller: 3892

Date: 12/19/23
Check Type: 3 1000 \$100
Amount: 10.00 \$100.00
Account Number: SC1000-1000000
ODA Code:
Deposit

Endorsement

#0000 \$10.451 00

12/19/23 8010001959426
Seven Hundred Ninety Dollars 07/11/23
750.00

#0000 \$750.00

12/19/23 8010001959426
Seven Hundred Ninety Dollars 07/11/23
750.00

#0000 \$750.00

12/19/23 8010001959426
Seven Hundred Ninety Dollars 07/11/23
750.00

#0000 \$750.00

12/19/23 8010001959426
Seven Hundred Ninety Dollars 07/11/23
750.00

#0000 \$750.00

12/19/23 8010001959426
Seven Hundred Ninety Dollars 07/11/23
1000.00

#0000 \$1,000.00





SouthState

P.O. Box 9602 Winter Haven, FL 33883
SouthStateBank.com 800.277.2175

Statement Ending 12/29/2023

JASPER COUNTY

Page 1 of 4

Account Number: XXXXXXXXXXXXX9926

>005375 8911234 0001 93493 102 83

0153326
SEP 1644

JASPER COUNTY
DECAL FUND ACCOUNT
PO BOX 722
RIDGELAND SC 29936-2813

Managing Your Accounts

- Customer Care (800) 277-2175
- Mailing Address P.O. Box 9802
Winter Haven, FL 33883
- Website SouthStateBank.com



Solutions to Move Your Business Forward

Real Estate Loans
Equipment Loans
Lines of Credit



Summary of Accounts

Account Type

BUS MONEY MARKET

Account Number

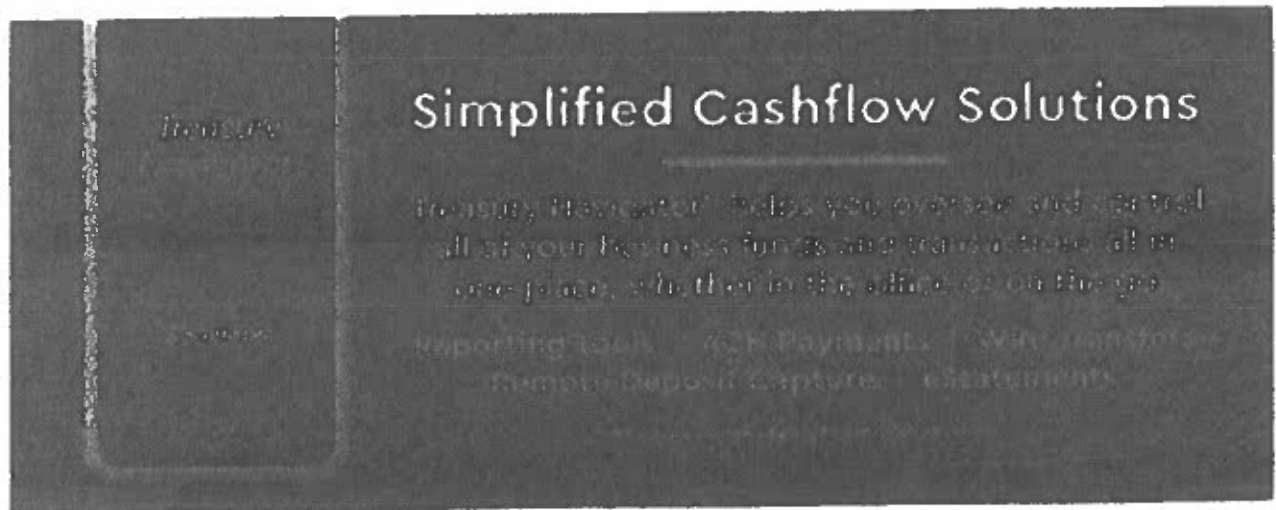
XXXXXXXXXXXX9926

Ending Balance

\$6,460.68

Member FDIC
NMLS# 403455



**BUS MONEY MARKET-XXXXXXXXXXXX9926****Account Summary**

Date	Description	Amount
12/01/2023	Beginning Balance	\$0.00
	2 Credit(s) This Period	\$10,460.68
	5 Debit(s) This Period	\$4,000.00
12/29/2023	Ending Balance	\$6,460.68

Interest Summary

Description	Amount
Interest Earned From 10/25/2023 Through 12/29/2023	
Annual Percentage Yield Earned	5.08%
Interest Days	56
Interest Earned	\$9.68
Interest Paid This Period	\$9.68
Interest Paid Year to Date	\$9.68
Minimum Balance	\$0.00
Average Available Balance	\$1,075.16

Account Activity

Post Date	Description	Debits	Credits	Balance
12/01/2023	Beginning Balance			\$0.00
12/19/2023	DEPOSIT		\$10,451.00	\$10,451.00
12/19/2023	WITHDRAWAL	\$750.00		\$9,701.00
12/19/2023	WITHDRAWAL	\$750.00		\$8,951.00
12/19/2023	WITHDRAWAL	\$750.00		\$8,201.00
12/19/2023	WITHDRAWAL	\$750.00		\$7,451.00
12/19/2023	WITHDRAWAL	\$1,000.00		\$6,451.00
12/29/2023	INTEREST		\$9.68	\$6,460.68
12/29/2023	Ending Balance			\$6,460.68

Daily Balances

Date	Amount	Date	Amount
12/19/2023	\$8,451.00	12/29/2023	\$6,460.68

This page left intentionally blank

Account Transfer

ATR-03805931 - Jasper County Treasurer (565)



Account Transfer Details

Transaction Number ATR-03805931
Recurring Frequency One-Time Payment
Company Name Jasper County Treasurer (565)
Contact Name Michael T Skinner : mtskinner :
Notify Initiator Options Pending Actions: Notify via EMAIL
System Events: Notify via EMAIL
Complete - Unsuccessful: Notify via EMAIL
Complete - Successful: Notify via EMAIL
Early Action Taken: Notify via EMAIL
Early Action Removed: Notify via EMAIL
Expired: Notify via EMAIL
Creation Date Apr 16, 2024 8:26 AM EDT
Transfer Date 04/16/2024

Transfer Date	Transfer From Account	Transfer To Account	Status	Amount	Memo
04/16/2024	9926 - DDA (JASPER COUNTY 9926)	0036 - DDA (General Fund)	Completed Confirmation Number	\$612.00	December Incentive pay taxes

Status History

Timestamp	Status	Initiator	Description
Apr 16, 2024 8:26:46 AM EDT	Created	565 : mtskinner (Michael T Skinner)	Transfer Created

TREASURER
2023 INCENTIVE CHECKS RECORDED IN PAYROLL
FICA AND MEDICARE DUE FROM TREASURER


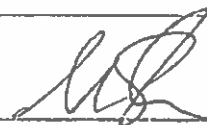
EMPLOYEE NAME	NET AMOUNT	EE FICA	EE MED	ER FICA	ER MED	TOTAL DUE FROM TREASURER
Darien, Mary	\$750.00	\$46.50	\$10.88	\$46.50	\$10.88	\$114.75
Fizzarotti, Cynthia	\$750.00	\$46.50	\$10.88	\$46.50	\$10.88	\$114.75
Mouzon, Elicia	\$750.00	\$46.50	\$10.88	\$46.50	\$10.88	\$114.75
Perez-Silva, Tony	\$750.00	\$46.50	\$10.88	\$46.50	\$10.88	\$114.75
Skinner, Michael	\$1,000.00	\$62.00	\$14.50	\$62.00	\$14.50	\$153.00
TOTAL	\$4,000.00	\$248.00	\$58.00	\$248.00	\$58.00	\$612.00

Image Report

SouthState

ABA Number 063114030
Account Number 8010001959926
Serial Number 1002
Amount \$10,000.00
Paid Date 05/31/2024

Front

JASPER COUNTY DECAL FUND ACCOUNT P.O. BOX 722 RIDGELAND, SC 29030-2613		1002 62-1401531	
DATE <u>30 MAY 24</u>		CHECK NO. 1002	
PAY TO THE ORDER OF <u>Bland Richter</u>		\$ 10,000.00	
<u>ten thousand and no/100</u>		DOLLARS	
 SouthStateBank.com • 800.277.3175			
FOR <u>Retain</u>			
⑈001002⑈ ⑆063114030⑆ 8010001959926⑈			

Back


<p>TranDt=05/31/24-StartTm= 2:21:52 PM Br=44-TrID=121 Inst=INST-RtNum=>053200983< ItemNum=983993310110</p>	<p>TranDt=05/31/24-StartTm= 2:21:52 PM Br=44-TrID=121 Inst=INST-RtNum=>053200983< ItemNum=983993310110</p>	<p>PAY TO THE ORDER OF SOUTH STATE BANK 053200983 RICHTER LAW FIRM, P.A. DETA ACCOUNT 0060112728</p>
--	--	--

Image Report

SouthState

ABA Number 063114030
Account Number 8010001959926
Serial Number 1001
Amount \$100.44
Paid Date 05/31/2024

Front

JASPER COUNTY DECAL FUND ACCOUNT P.O. BOX 722 RIDGELAND, SC 29936-2613		1001 63-14031531
DATE <u>24 MAY 24</u>		CHECK AMOUNT
PAY TO THE ORDER OF <u>Allprint</u>	\$ <u>100.44</u>	
<u>one hundred and 44/100</u>		DOLLARS
 SouthStateBank.com • 800.777.2173		
FOR <u>OFFICE SHIRTS</u>		
⑈001001⑈ ⑆063114030⑆ 8010001959926⑈		

Back

<p>TranDt=05/31/24 StartTm=12:18:09 PM Br=13-TlID=841 Inst=INST-RtNum=>053200983< ItemNum=983157058780</p>	<p>PAY TO THE ORDER OF SOUTH STATE BANK RIDGELAND, SC 29936-2615 063200983 FOR DEPOSIT ONLY ALLPRINT CUSTOM TRES & HYDROGRAPHICS LLC. 801000424027</p>
<p>TranDt=05/31/24 StartTm=12:18:09 PM Br=13-TlID=841 Inst=INST-RtNum=>053200983< ItemNum=983157058780</p>	



DAVID L. TEDDER
COUNTY ATTORNEY

dtedder@jaspercountysc.gov

OFFICE OF THE JASPER COUNTY ATTORNEY

358 THIRD AVENUE, SUITE 203 ~ POST OFFICE BOX 420
RIDGELAND, SOUTH CAROLINA 29936
TELEPHONE (843) 717-3688 ~ FACSIMILE (843) 726-3240

MEMORANDUM ATTORNEY CLIENT PRIVILEGED COMMUNICATION

To: Members of County Council
CC: Andrew Fulghum, County Administrator
From: David Tedder
Date: December 27, 2023
Re: Jasper County Treasurer Fee and Compensation Issues

Dear Councilmembers:

A question has arisen concerning the disposition of funds collected by the Treasurer and Auditor for license plate renewal decals. As I understand matters, the Auditor prepares the billings for the vehicle, and the Treasurer collects the money and issues the decal. The former Treasurer had collected the one dollar per decal fee and kept it in a ledger account, and when she left office, transferred the money into the general account as miscellaneous revenue. The new Treasurer, upon determining the source of funds, was of the opinion these fees were to be used to offset costs of the collecting departments and could be used to enhance the salaries of the department employees, or for equipment or other expenditures.

At the outset, the authority to collect the fee comes from Section § 56-2-2740:

§ 56-2-2740. Refusal to renew license and registration for non-payment of property tax; biennial plates; validation and revalidation decals; fees.

- (A) The Department of Motor Vehicles must refuse to renew the driver's license and motor vehicle registration of a person who has not paid personal property taxes within the time limits prescribed in this chapter. A county treasurer or municipal clerk treasurer must forward notification to the department of persons violating the provisions of this chapter. Notification of individuals violating this chapter must be forwarded to the department in the time and manner determined by the department for the proper administration of this section.
- (B) The department shall issue biennial license plates and revalidation decals. The department may enter into contracts with persons, corporations, or governmental subdivisions to issue license plates and revalidation decals. The department, person, corporation, or governmental subdivision shall give a motor vehicle owner a

license plate or revalidation decal for the tax year for which personal property taxes and biennial fees have been paid pursuant to Section 56-3-253.

- (C) All validation decals must be issued for a period not to exceed twelve months, except for vehicles which do not require the payment of property taxes.
- (D) A person or corporation that issues license plates or revalidation decals pursuant to this section may charge a fee in excess of the fee charged by the department.
- (E) A governmental subdivision that issues license plates or revalidation decals pursuant to this section may charge a one-dollar fee to defray the expenses associated with the issuance of license plates and revalidation decals.
- (F) The department shall supervise the provision of services contained in this section.

I contacted the General Counsel for the Department of Motor Vehicles, and she provided me with the current collection agreement (attached). Please note the agreement is with Jasper County, and is signed on behalf of Jasper County by the Chairman of Council and the County Administrator.

Three points; first is that the governmental subdivision does not have to undertake the issuance, since the language of subparagraph (B) is permissive (the department may enter into contracts). Secondly, the authority to issue is given by statute to the governmental subdivision, which in this case is the County. Third, the actual agreement is between the Dept. of Motor Vehicles and the County, following the pattern of the statute. It would follow that the fee is revenue that belongs to the County, not a particular department.

In contrast, there are situations where the statute states that a particular official who has control of the fee, such as the Sheriff in the case of drug forfeiture money, and the Clerk of Court regarding certain child support collection revenue and fees from bail bondsmen. These generally hold that the office receiving them can use them to defray costs for the particular purposes for which they are provided, but there are some general constraints. One such constraint is the provision of SC Code Section 8-15-10¹, confirming that except as a particular state statute may provide, the county council sets the compensation for county officers and employees, and other provisions of law which places restrictions on bonuses and salary enhancements; another constraint is that extra pay cannot be given to employees for work already performed.

¹ **§ 8-15-10. Determination of compensation of officers and employees.**

Except as otherwise provided or as prohibited by the Constitution of this State, the compensation of all officers and employees of the State or any political subdivision, department or agency thereof shall be as from time to time provided by the General Assembly or the particular political subdivision, department or agency concerned, as the case may be.

It also seems clear the funds for decal issuance are not committed by the relevant statute to any particular office of the County, but specifically provides that it is the government subdivision that charges (and receives) the fee. This is different than particular provisions the Legislature has enacted in certain other areas addressing fees. It may be appropriate for the County Council to take into account the costs, expenses and burdens on the departments of the County involved in undertaking to issue decals, as well as the revenue being brought in.

With all of this as background, it would be my opinion, that:

1. The license decal fees are general fund revenue.
2. That Council may take into consideration, as was advised in the context of the child support collections, the amount of time, effort and intangibles (equipment, etc.) that are involved in setting the budget for the departments involved, recognizing these funds as a source of additional revenue to offset those costs.
3. Bonuses for work already performed are not proper.
4. Elected officials cannot provide bonuses to themselves.
5. Council is responsible for setting the compensation for county officers and employees, including those of the elected officials.

Respectfully,

David L. Tedder

SOUTH CAROLINA
DEPARTMENT OF MOTOR VEHICLES

Jasper COUNTY ISSUANCE OF DECAL AND REGISTRATION CONTRACT

This contract is entered into between Jasper County (County) and the South Carolina Department of Motor Vehicles (Department). This contract will begin on the date it has been signed by all parties and will remain in force until terminated by either party under the terms of this contract.

WHEREAS, the Department has established a COUNTY ISSUANCE OF DECAL AND REGISTRATION (CIDR) program, which will allow participating South Carolina counties, either directly or through their authorized service providers (Provider(s)), to issue registration documents directly to their customers;

WHEREAS, the Department has established Business Rules and Program Standards for the operation of the CIDR program, as revised from time to time, which is incorporated herein as part of this Agreement. Unless a performance obligation contained in the Business Rules and Standards is excluded or negated by the terms of this contract, the County must follow the procedures and processes contained in the Business Rules and Program Standards. The County acknowledges receipt of the Business Rules and Program Standards, which is an Addendum to this contract and is incorporated herein by this reference, as though repeated verbatim; and

WHEREAS, the County, either directly or through an authorized Provider, will use a computerized interface which, subject to the conditions hereinafter set forth, will provide its customers the following services: receiving applications for renewal of motor vehicle registrations; issuing renewed registration certificates and registration decals; and receiving from the customer all registration fees, penalties and other monies due to Department for forwarding to Department. For purposes of this contract, any Provider authorized to access Department data pursuant to this agreement is an agent of the County.

2. COUNTY RESPONSIBILITIES

Unless specifically excluded by the terms of this Contract, the County and any of its employees, agents, representatives and Providers will comply with all requirements and procedures detailed in the Business Rules and Program Standards document referenced above, as revised from time to time.

If the County utilizes a third party Provider or implements its own tax system, the County and/or its third party Provider must pass a production parallel and certification test with the Department. The production parallel must have three consecutive days of matching production and test registration renewals and the registration being generated by the County must be certified by the Department prior to the Department's grant of access to the County under the terms of this agreement. If the County contracts with a Provider to perform the motor vehicle services described herein, the County must include sufficient terms in its contract with the Provider to assure that the Provider complies with all federal and state laws regarding the security and privacy of personal information contained in Department records, especially the federal Driver Privacy Protection Act, codified at 18 U. S. C. §§ 2721 *et seq.*; and privacy provisions enacted by the State of South

Carolina, S. C. Code Ann. §§56-3-510 through 540, the S.C. Family Privacy Protection Act (FPPA), S.C. Code Ann. §§30-2-10 *et seq.*, and S. C. Code Ann. §§30-4-160 and 165. All Provider contracts issued by the County shall be subject to the Department's review and pre-approval before any third party Provider will be given access to Department data. The County acknowledges that it is responsible for ensuring that all Providers remain in compliance with the terms of this contract and with all applicable state and federal laws, including, but not limited to, those laws specifically enumerated above. The County further acknowledges that it will cause all of its authorized Providers to sign a Provider Personal Information Release Agreement (Provider PIRA) with the County, precluding the Provider from disclosing, releasing, selling or otherwise disseminating Department data beyond the scope of permission granted. The Department will provide a sample Provider PIRA to the County with the information required and the County shall be responsible for obtaining appropriate signatures and retaining copies of all executed PIRAs for a minimum period of five (5) years from the date when access to Department data is no longer authorized by the County. A fully executed Provider PIRA, pursuant to this section, satisfies the requirement contained in the Business Rules and Program Standards that all third party contractors be signatories to this agreement.

The County's employees, agents or other representative(s) with access to Department data shall attend any training or workshops required by the Department, and shall ensure that all County employees and Providers engaged in the issuance of registration certificates and decals follow the procedures detailed in Department training materials. The County shall require any of its employees authorized to access Department data to sign an Employee PIRA, prior to granting any employee access to the Department data. Said Employee PIRAs shall be retained by the County for a minimum of five (5) years from the date access to Department data has been terminated.

The County and/or its Providers must retain only that personal information from Department records that is provided to enable the performance of County functions related to the billing, collection of vehicle taxes, issuing registration certificates and registration decals. Information provided to the County as part of the CIDR program to print license plate renewals will be deleted after the renewals are generated.

The County shall submit all reports, including daily activity reports, inventories of registration certificates and decals, and such other reports as may be required by Business Rules and Program Standards,

The County shall receive, securely store, issue, account for, and be fully responsible for registration certificates, decals and other items/documents that the Department may entrust to the County pursuant to this Agreement.

Once the County has issued a registration and decal on the Department's behalf, the County shall be responsible for forwarding all fees collected to the Department. The County is responsible for pursuing collection of funds resulting from returned checks. The County shall forward all monies due to the Department on a weekly basis. Failure to submit monies on a timely basis will be considered a major breach of this contract.

Under S C Code Ann. § 56-2-2740(E), the County shall be entitled to charge customers a fee of one dollar per transaction for the issuance of the registration certificate and decal either over the counter or through the mail. This fee, if charged, will be a County fee and will be in addition to

any registration fee due to the Department as part of its renewal process. The County will not in any way imply to customers that any such additional fee is imposed or required by the Department; tax bills and other documents issued by the County will not use "DMV" or any similar name, acronym, or phrase in the name of the additional fee on either tax bills or receipts.

The County will grant reasonable access to the Department's auditors or to other persons acting on the Department's behalf to inspect financial and other documents pertaining to the County CIDR program. Such access will be at County's facilities unless the County and the Department agree on another site.

Each of the Department's web based applications can be found on the Department's website:

<https://www.scdmvonline.com/DMVmember/logon.aspx>

Prior to gaining access to these web based applications the County will:

- a. Designate a County Security Administrator ("SA") who will be provided a Department Administrator Account through which the SA will be responsible for maintaining the accounts of all County personnel/Providers who have authorized access to Department data by the creation of a Department Administrator Account. The Account will allow the SA to create and maintain individual user accounts for Department data access. Access to Department data is limited to County employees, Providers, agents and any other authorized County representatives assigned to jobs requiring vehicle registration data in order to carry out official governmental duties.
- b. Excluding the documents and forms that must be printed by the County or its Service Providers to carry out the functions of this Agreement, the County and its Service Providers are precluded from transferring, printing or saving Department data to any external source drives. The County shall implement its CIDR program in a way to avoid or minimize the need to print or save Department data whenever possible.
- c. Prior to the County granting any third parties access to Department data, the County will take appropriate measures to ensure that the individual or entity for whom it is authorizing access is properly equipped with an updated and secure software and operating system, which, at minimum, meets the same security requirements for the County under the County's CIDR contract with the Department. In addition to ensuring that its Providers have proper security measures and up-to-date computer software and electronic equipment, the County must cause its Providers and/or employees to sign a personal information release agreement (PIRA), which will also include a non-disclosure attestation, to be kept on file with the County for as long as Department data is accessed and for an additional five (5) year period from the date the Provider/employee access is no longer granted. Said PIRAs will set forth, among other things, the specific data requested, the lawful and permissible need for access to the data, and the scope of access permitted. An individual/agent with access to Department data must, among other things, acknowledge familiarity with the requirements of this contract, including the prohibitions against printing, transferring or saving data to a secondary source, and must also acknowledge all applicable personal privacy rules and statutes. Individuals/Agents being granted authorization by the County to access Department data must agree in writing that neither the account, nor passphrases, nor user ids/passphrases

related to the account, may be shared with any other person or employee other than the authorized user and that Department data is confidential and shall not be duplicated, printed, saved, distributed or otherwise used for purposes other than to perform official governmental duties. The Requirement that all County Providers/employees execute a PIRA with the County, is in lieu of the requirement set forth in the Business Rules and Program Standards that all third party Providers be included as signatories to this contract.

- d. The County SA must keep a current list of all personnel/Service Providers authorized to access Department data, with a valid email address and telephone number for each person named. The County shall provide a copy of this list to the Department within fifteen (15) days of the Department's request for same. The County SA will also be responsible for account maintenance (resetting user id/passphrases, prompt deletion of accounts for inactive users, creating new accounts and so forth). The County must immediately delete or remove access to any authorized user/Service Provider whose employment with the County is terminated or whose permission to access Department data is otherwise revoked. The County SA must validate user accounts every 90 days to ensure that each user's continued access to Department data is warranted.
- e. The County SA must strictly limit authorized access for any employees or Service Providers to the scope of actual need. Except for the documents necessary to perform the functions of this Agreement, the County shall not authorize or permit the printing or saving of Department data to any external drives, without the express, written consent of the Department.
- f. In the event that an official state of emergency is declared at the federal or state level, the parties acknowledge that the County, as part of its Emergency Support Function #6 (ESF-6) role, may receive requests for Department information covered under this agreement, for which the County is under a duty to respond. The County shall have the authority to comply with said emergency requests for information during times of the emergency, and shall provide prompt notice to the Department of any emergency requests for access to protected Department data during an official, government declared, state of emergency.
- g. By the signature of its authorized agent/representative, the County acknowledges receipt of the Business Rules and Program Standards publication, which is an addendum to this contract, and agrees to abide by the terms set forth therein, as revised from time to time. If any Business Rules and Program Standards conflict with the terms of this Contract, the Contract terms shall govern, unless otherwise notified by the Department.

3. DEPARTMENT RESPONSIBILITIES

Subject to the terms and conditions of this contract, including the County's compliance with all required security protocols for the protection of personally identifiable information (PII), the Department agrees, at no cost to the County, to make available to County, or to its authorized Provider(s) on behalf of the County, direct online access to Vehicle Records for use in CIDR transactions. "Vehicle Records" means the vehicle registration, vehicle title, and customer records of the Department maintained on the Department's transaction processing system. The Department warrants that it has statutory authority to grant such access for the implementation of CIDR in the

JASPER

County CIDR2 July 2021

4 of 11

State of South Carolina. Access to Vehicle Records by County, or by Provider on behalf of the County, will be strictly limited to access required for fulfillment of the purposes of this contract.

The access to and use of Department Vehicle Records by County, and/or by a Provider on behalf of the County, is limited to the processing of CIDR transactions, as specified in the CIDR Business Rules and Program Standards, as well as for the purposes of obtaining owner and registration information for the County to collect county vehicle property taxes. This data is not public information and shall not be released to a third party or to the public, except as specifically provided for under this contract or by state and federal law.

Department agrees that it will provide the County with notice of any material revisions to the CIDR Business Rules and Program Standards by delivering the revised version of the document to County at least forty-five (45) days in advance of the implementation of any material changes.

Department acknowledges that the County, in providing CIDR services, is acting on behalf of the Department and carrying out a Department function [as contemplated by Section 2721 (b)(1) of the Federal Driver's Privacy Protection Act].

The Department makes no guarantees regarding system availability for the performance of services provided pursuant to this contract. Absent unforeseen circumstances causing the system to be inaccessible, the County will have regular access to these services during the Department's normal hours of operation, Monday through Friday, 8:30 a.m. to 5:30 p.m. The Department will make every effort to inform Counties of unscheduled maintenance or system downtime and will make all reasonable efforts to resolve system issues in a timely manner.

4. ACCURACY OF DATA TRANSMISSION

Exclusive of changes made by the County or its Providers(s) to any of the data received from the Department, nothing in this Agreement shall be construed to create a duty on the part of County to make further inquiry into or to otherwise guarantee the accuracy of any information received from the Department pursuant to this Agreement.

5. INVENTORY LOCATION

The County shall establish and maintain a secure space for the storage of Department inventory and supplies in accordance with the CIDR Business Rules and Program Standards.

6. PRIVACY AND SECURITY/NOTICE OF BREACH

- a. **Paper Shredding:** The County and its authorized Providers must shred any printed Department documents that contain sensitive data when it is no longer in use. The shred size of the refuse should be small enough that there is reasonable assurance in proportion to the data confidentiality that the data cannot be reconstructed. To make reconstructing the data even more difficult, the shredded material can be mixed with non-sensitive material of the same type.
- b. **Storage:** A public cloud environment shall not be used to transfer or store (temporarily or permanently) Department data. The cloud infrastructure must be provisioned for exclusive use by a single organization comprising multiple consumers (e.g., business units). It must be

Jasper

County CIDR2 July 2021

5 of 11

owned, managed, and operated by the County, a County authorized third party, or some combination of the two, and it may exist on or off premises.

- c. **Encryption:** Department data at rest must be encrypted to ensure Department data is transferred over secure channels and that all data in transit is encrypted. The County or its authorized Provider(s) must determine, in conjunction with Department, the best way to securely transfer data pursuant to this agreement, using industry standard security protocols. Key management must be maintained by the Provider at all times. The management of encryption keys by a third-party is strictly prohibited.
- d. **Remote Access:** When accessing systems remotely, the Provider must have multifactor authentication procedures per National Institute of Standards and Technology (NIST), SP 800-63b on devices and systems which access, use, or store Department data. Physical security must be put in place for systems that have access to Department data or services. Reference architecture and other evidentiary artifacts must be provided upon request.
- e. **Penetration Testing:** The County must employ certified, independent third party contractor(s) to conduct penetration testing exercises on an annual basis. In that regard, reports and other evidentiary artifacts must be provided by County immediately upon request from the Department.
- f. **Vulnerability Management:** Vulnerability scans of all information systems and web applications used to store, process or transmit Department data, must be regularly performed. All systems that handle Department data must have current, updated malware protection installed and maintained. Critical vulnerabilities discovered must be remediated within 30 days of the discovery. Other critical findings that cannot be resolved by patching, software upgrades or operating system updates, must have compensating controls implemented within 30 days of the finding. Using software, operating systems or equipment that has reached end of life for the storage, processing or transmission of Department data is unacceptable. Reports and other evidentiary artifacts must be provided by the County immediately upon request from the Department.
- g. **Acceptable Use Policy:** The County and all of its authorized Providers must have an Acceptable Use Policy that emphasizes the responsibility of exercising good judgment regarding appropriate use of information, electronic devices, and network resources. Provisions must prevent the unauthorized disclosure, deletion, or alteration of Department data.
- h. **Security Awareness Training:** Prior to authorizing access, the County must provide initial security awareness training to all individuals, companies, employees, agents, and Providers for whom the County grants permission to access the Department's data. Thereafter, annual security awareness training shall be mandatory for every individual who is granted continued access by the County to the Department's equipment, the Department data network, or the Department data. The County shall maintain and provide documentation of this training to the Department upon request. Training must stress the importance of securing accounts and devices providing access to the Department's data, including, but not limited to, security procedures for management of credentials, ransomware, phishing attacks, and must also include instruction on the four phases of incident response. Provider developers should undergo annual training on secure coding practices as well as secure code review techniques. All employee/agent training must emphasize the importance of protecting customer private information to include personally identifiable information (PII) against unauthorized disclosure and must also stress protecting passwords and accounts providing access to the Department data. Emphasis will be placed upon the use of strong, non-dictionary passwords containing a combination of at least eight upper and lower case letters, at least one special

JAE County CIDR2 July 2021

character and at least one number. Emphasis shall be placed upon not sharing passwords. The County must self-certify completion of such annual training with submission of a statement on company letterhead. The statement must include a listing of the individuals' names and training dates and identify the instructor or source for the training. The Provider may submit a report showing this information in lieu of a statement on letterhead.

- i. **Provider Personal Information Release Agreements (Provider PIRAs):** The County agrees that it must require each of its Providers for whom the County authorizes access to sign a personal information release agreement (Provider PIRA), (an example of which is attached as hereto as Example 1), acknowledging, at minimum, the scope and purpose of the authorized access; that the individual has participated in security awareness training; and that the individual is precluded from selling, transferring, saving, disseminating or otherwise utilizing PII or other Department data in a way that is outside of the scope of the authorized access, without the Department's prior written approval. The County shall provide the Department with copies of any and all executed PIRAs on file within two business days of the Department's request for such copies. A failure by County to maintain such PIRAs on file pursuant to this section, or to produce copies of same to the Department within two business days of the Department's request, may result in the County's access to the Department's records being terminated. All PIRAs, and other documentation required under this section must be maintained in the County's records for a minimum of five years from the date access is no longer permitted.
- j. **Employee Personal Information Release Agreements (Employee PIRAs):** The County agrees that it must require each of its Providers for whom the County authorizes access to sign a personal information release agreement (Provider PIRA), (an example of which is attached as hereto as Example 2), acknowledging, at minimum, the scope and purpose of the authorized access; that the individual has participated in security awareness training; and that the individual is precluded from selling, transferring, saving, disseminating or otherwise utilizing PII or other Department data in a way that is outside of the scope of the authorized access, without the Department's prior written approval. The County shall provide the Department with copies of any and all executed PIRAs on file within two business days of the Department's request for such copies. A failure by County to maintain such PIRAs on file pursuant to this section, or to produce copies of same to the Department within two business days of the Department's request, may result in the County's access to the Department's records being terminated. All PIRAs, and other documentation required under this section must be maintained in the County's records for a minimum of five years from the date access is no longer permitted.
- k. **Security Incident:** In the event of an actual or suspected security related incident or threat which impacts or could impact the Department's equipment, data network, or any personally identifiable information (PII) provided to County by the Department, the County shall, either directly or through its authorized Providers, notify the Department as soon as possible, but no later than within twenty-four hours of discovering the incident or threat. Within seventy-two hours of the discovery of any security related incident or threat, the County will provide to the Department a written, detailed explanation of the incident or threat, including identification of all Department data that was or may have been compromised, any incident mitigation, and the corrective measures taken by County and its Providers to address the incident or threat.. Initial notification may be made telephonically to the Department's point of contact, followed by the written explanation described in more detail above. The Department reserves the right to request the offending individual(s) be denied future access to the Department's account. The County agrees to cooperate with the Department as

Jasper

necessary to address any actual or potential threats resulting from the County's access until the breach or security threat has been fully resolved, as determined by the Department.

- l. **Data Breach:** Data provided by the Department may contain customer personally identifiable information (PII). If at any time the County has reason to believe that PII contained in the Department's data has been accessed, disclosed, acquired without proper authorization or that the Department data has been in any way compromised, the County will alert the Department telephonically as soon as possible, but no later than twenty-four hours of initial discovery of the incident, followed by a written detailed explanation within seventy-two hours. The explanation must include details specific to any PII that was, potentially may have been, or may yet to be compromised, incident mitigation, and corrective actions taken to protect PII against unauthorized access, use, or disclosure. An attestation from a Department approved third party cybersecurity professional(s) engaged by the County to certify the "full recovery" from the security incident must be received by the Department as soon as possible after any breach occurs. If the County's access to Department data was temporarily suspended, the resumption of access to the Department data will begin upon satisfactory review of the attestation and facts surrounding the security incident.

7. RETENTION OF RECORDS

For five years from the time a CIDR transaction takes place, the County shall maintain and retain financial records from Department transactions and shall make them available for inspection and audit by the Department and its authorized representatives during normal business hours without advance notification. The parties agree that personal information on individual customers will be passed through the County computer system and will not be retained by the County or its Providers. This information, therefore, will not be subject to the five-year retention requirements of the federal Driver Privacy Protection Act of 1994.

8. INFORMATION ACCESS

The County shall not sell or impart to any person, firm or corporation any information obtained from Department records, including listings of individuals, for any reason. Information obtained through access to Department records is subject to the restrictions upon use and dissemination imposed by the terms of this contract, the South Carolina Freedom of Information Act of the S.C. Code of Laws §30-4-10, *et seq.*, the Family Privacy Protection Act of 2002, § 30-2-10, *et seq.*, the provisions of the federal Driver Privacy Protection Act of 1994, 18 U.S.C. §2721, *et seq.*, and any Department policy on access to records or any successor laws or regulations adopted by the State of South Carolina or Department with regard to disclosure or dissemination of any information obtained from Department records or files.

By signing this Agreement, the County warrants that the signatory and all of its participating personnel are familiar with and shall abide by all provisions of the federal Driver Privacy Protection Act of 1994, 18 U.S.C. §2721, *et seq.*, the South Carolina Freedom of Information Act, S.C. Code of Laws §30-4-10, *et seq.*, and the Family Privacy Protection Act of 2002, S.C. Code of Laws §30-2-10, *et seq.*, which further limit the use and access to personal information in South Carolina.

JASPER

County CIDR2 July 2021

8 of 11

9. NOTICE

Unless otherwise stated in this agreement, notice given pursuant to this Agreement must be in writing. Notice is determined by the lesser of when actually received by the addressee or five business days after the mailing of the notice to the Department Executive Director or County at the addresses listed below.

10. CHOICE OF LAW

This contract was made and entered in pursuant to the laws of the State of South Carolina. The laws of South Carolina shall govern the resolution of any issue arising in connection with this contract, including, but not limited to, all questions concerning the validity of this contract, the capacity of the parties to enter therein, any modification or amendment thereto and the rights and obligations of the parties hereunder. Any contract between the County and any of its authorized Providers will also be made and entered into pursuant to the laws of the State of South Carolina and require that any legal actions be litigated in South Carolina courts.

11. LICENSE PLATE REPLACEMENT PROGRAM

The County acknowledges that state law requires the Department to replace license plates every six years. Whenever the Department issues a customer a new license plate under this replacement program, The Department reserves the right to process registration and decal transactions for residents of the County, even though the County might process the fee. The grant of County access for the issuing of decals and registration documents, does not preclude the Department from continuing to perform these functions when requested or as necessary in the normal course of business.

12. TERMINATION

The Department shall immediately suspend or terminate the access privileges of the County or any agent of the County, without a hearing, upon the County's, or its agent's, breach of or failure to fulfill any responsibility established pursuant to this contract or the Business Rules and Program Standards.

If the Department determines to its own satisfaction that the County has either misused or knowingly allowed the misuse of the Vehicle Record information, or has violated any provision of this Contract, the Department may, in addition to other penalties provided by law:

- (a) Terminate this agreement immediately;
- (b) Require the return of all files and media containing information provided by the Department;
- (c) Hold the County responsible for any damages arising from the misuse/mishandling of Department data;
- (d) Make publicly available the evidence of information misuse; and
- (e) Refer the issue for prosecution and/or seek any other remedies made available to the Department.

Jasper

County CIDR2 July 2021

9 of 11

Either party may terminate this Agreement upon thirty days written notice to the other party at the addresses listed in this contract.

If court orders are issued or if the laws, rules, or regulations change such that the terms of this agreement cannot be fulfilled, the agreement will be automatically and immediately terminated and the County and its agents will forward all unpaid fees due and owing to the Department within thirty (30) days of termination .

13. MODIFICATION OF THIS AGREEMENT

This agreement is subject to modification due to changes in the Department's policies, the issuance of court orders, or changes in state and/or federal laws, rules, and regulations. If the Department changes its policies, if court orders are issued, or if the laws, rules, or regulations change such that the terms of this agreement must be modified, the County, whenever possible, will be notified at least thirty (30) days in advance of any such changes or modifications and the County may, at its option, immediately terminate this Agreement.

This Agreement can be modified at any time by mutual agreement of the parties. Any changes to the Agreement must be submitted through a written amendment which has been executed by all parties, prior to any agreed upon amendments taking effect.

This agreement anticipates periodic modifications of the Business Rules and Specifications document. This agreement will not need to be amended solely to accommodate such modifications, however the Department will provide at least forty-five (45) days' notice of any material changes to the Business Rules and Specifications, prior to the changes being implemented.

14. MISCELLANEOUS

This Agreement is the exclusive statement of the parties with respect to its subject matter and supersedes all prior contracts, negotiations, representations, proposals, and awards, written and oral, relating to its subject matter.

15. INFORMATION ACCESS

The County shall not sell or impart to any person, entity, agency or other organization any information obtained from Department records, including lists of individuals, for any reason. Information obtained through access to Department records is subject to the restrictions upon use and dissemination imposed by the South Carolina Freedom of Information Act of the *S.C. Code Ann.* § 30-4-10, *et seq.*, the Family Privacy Protection Act of 2002, §30-2-10. *et seq.*, the provisions of the federal Driver Privacy Protection Act of 1994, 18 U.S.C. §2721, *et seq.*, and any Department policy on access to records or any successor laws or regulations adopted by the State of South Carolina or Department with regard to disclosure or dissemination of any information obtained from Department records or files.

By signing this Agreement, the County warrants that the signatory and all of its participating personnel are familiar with and shall abide by all provisions of the federal Driver Privacy Protection Act of 1994, 18 U.S.C. §2721, *et seq.*, the South Carolina Freedom of Information Act, *S.C. Code*

JASPER County CIDR2 July 2021

Ann. § §30-4-10, et seq., and the Family Privacy Protection Act of 2002, S.C. Code Ann. § §30-2-10, et seq., which further limit the use and access to personal information in South Carolina.

16. NOTIFICATION

For purposes of notice under this Contract, the notice address for the County is:

County: Jasper County
Attention: Michael Skinner, Treasurer
Address: Po Box 722
Ridgewood, South Carolina 29936
Telephone: 943 717 3602
Email: mskinner@jaspercounty.sc.gov

The notice address of the Department is:
South Carolina Department of Motor Vehicles
Attention: Procurement Director
Post Office Box 1498
Blythewood, South Carolina 29016
Telephone: 803.896.8358 / Email: Procurement@scdmv.net

IN WITNESS HEREOF, the parties hereto have affixed their signatures and seals.

SOUTH CAROLINA DEPARTMENT OF MOTOR VEHICLES

Adam Wagstaff
~~Signature~~ Date
Director of Administration

COUNTY [Signature] 8-15-23
Jasper County Administrator Date:

[Signature] 9/5/2023
County Council Chairman Date:

I hereby attest on this 5th day of Sept, 2023 that the above signatures, on behalf of
Jasper County, South Carolina are true and correct signatures of
Jasper County Officers and that the County Officers executing this Agreement are
authorized to sign on behalf of Jasper County.

[Signature] 9/5/2023
Clerk to County Council

Jasper County CIDR2 July 2021



South Carolina Department of Motor Vehicles ROUTING SLIP

AD-4
(Rev 02/2021)

Document Name: CIDR

Submitted by/Date: Shiona Miller / Sept. 12, 2023

Background and Action Requested: Jasper County - Admin Change

02 - Procurement

03 - Dir. of Admin

Final - Signed & Initialed paperwork returned to IMO - load into SharePoint and forwarded to Members Services

Suspense Date: _____ ☐ FOR INFORMATION ☐ FOR APPROVAL ☐ FOR SIGNATURE ☐ FOR COMMENT

Order	Initial	Directorate/Staff Section	Concur	Do Not Concur	Comments
		DIRECTOR OF OPERATIONS	<input type="checkbox"/>	<input type="checkbox"/>	
		Information Security Officer	<input type="checkbox"/>	<input type="checkbox"/>	
		Information Technology	<input type="checkbox"/>	<input type="checkbox"/>	
		Legislative Affairs	<input type="checkbox"/>	<input type="checkbox"/>	
03	<i>SM</i>	DIRECTOR OF ADMINISTRATION	<input checked="" type="checkbox"/>	<input type="checkbox"/>	9/14/23
		Human Resources	<input type="checkbox"/>	<input type="checkbox"/>	
		Finance	<input type="checkbox"/>	<input type="checkbox"/>	
		Budget Analyst	<input type="checkbox"/>	<input type="checkbox"/>	
		Facilities Management	<input type="checkbox"/>	<input type="checkbox"/>	
		Grants Management	<input type="checkbox"/>	<input type="checkbox"/>	
02	<i>SM</i>	Procurement	<input checked="" type="checkbox"/>	<input type="checkbox"/>	9/14/23
		Inventory Management	<input type="checkbox"/>	<input type="checkbox"/>	
		DIRECTOR OF BRANCH SERVICES	<input type="checkbox"/>	<input type="checkbox"/>	
		Branch Services Administrator	<input type="checkbox"/>	<input type="checkbox"/>	
		Regional Manager	<input type="checkbox"/>	<input type="checkbox"/>	
		DIRECTOR OF VEHICLE SERVICES	<input type="checkbox"/>	<input type="checkbox"/>	
		Titles and Registration/Deputy Director	<input type="checkbox"/>	<input type="checkbox"/>	
		DIRECTOR OF MOTOR CARRIER SERVICES	<input type="checkbox"/>	<input type="checkbox"/>	
		Motor Carrier Services/Deputy Director	<input type="checkbox"/>	<input type="checkbox"/>	
		GENERAL COUNSEL	<input type="checkbox"/>	<input type="checkbox"/>	
		INSPECTOR GENERAL	<input type="checkbox"/>	<input type="checkbox"/>	
		CDL and Class D Compliance	<input type="checkbox"/>	<input type="checkbox"/>	
		Dealer Licensing	<input type="checkbox"/>	<input type="checkbox"/>	
		Fraud	<input type="checkbox"/>	<input type="checkbox"/>	
		Internal Affairs	<input type="checkbox"/>	<input type="checkbox"/>	
		Internal Audits	<input type="checkbox"/>	<input type="checkbox"/>	
		Training & Change Management	<input type="checkbox"/>	<input type="checkbox"/>	
		DIRECTOR OF DRIVER SERVICES	<input type="checkbox"/>	<input type="checkbox"/>	
		Driver License Standards	<input type="checkbox"/>	<input type="checkbox"/>	
		Driver Services/Deputy Director	<input type="checkbox"/>	<input type="checkbox"/>	
		Insurance and Accident Records	<input type="checkbox"/>	<input type="checkbox"/>	
		*CHIEF OF STAFF	<input type="checkbox"/>	<input type="checkbox"/>	
		EXECUTIVE DIRECTOR	<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/> or Designee	<input type="checkbox"/>	<input type="checkbox"/>	
SUBJECT MATTER EXPERTS:					
01	SM	Data Steward	<input type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	

David Tedder

From: David Tedder
Sent: Friday, August 23, 2024 11:58 AM
To: 'Fulmer, Richard P'
Subject: RE: 2023 Treasurer New Treasurer Matters Skinner: License Renewal decal agreement - Jasper County

Just following up on our phone conversation earlier this week regarding expenditures by the County of the \$1.00 per license decal being spent for non-decal related expenses; I believe you were going to ask another attorney about potential consequences. Thanks.

David L. Tedder
Jasper County Attorney
POB 420
Ridgeland, SC 29936
(843) 717-3688
(843) 726-3240 (fax)
dtedder@jaspercountysc.gov

An Equal Opportunity Employer.

Special Accommodations Available Upon Request to Individuals with Disabilities.

CONFIDENTIAL NOTICE: This email transmission is protected by the Electronic Communications Privacy Act, 18 U.S.C. Sections 2510-2521. This email transmission and the attachments accompanying it may contain confidential information from the Office of the Jasper County Attorney that is protected by the attorney-client communication privilege, the work product privilege, or the trial preparation materials privilege. The information is only for the use of the intended recipient. If you are not the intended recipient, you are notified that any reading, disclosure, copying, interception of this transmission is not authorized, and in certain circumstances, may be unlawful. If you have received this transmission in error, please do not read it, promptly notify the sender by reply email, and then destroy all copies of this transmission. Thank you.

From: Fulmer, Richard P <Richard.Fulmer@scdmv.net>
Sent: Friday, August 16, 2024 5:34 PM
To: David Tedder <dtedder@jaspercountysc.gov>
Cc: Burgey, Heather (Caldwell) <Heather.Burgey@SCDMV.net>
Subject: RE: 2023 Treasurer New Treasurer Matters Skinner: License Renewal decal agreement - Jasper County

David,

Sorry I was unable to contact you upon my return this week. I will attempt to reach you on Monday.

I saw where you received the Jasper County and SCDMV CIDR Agreement from Brandy. But I didn't see where you received the Personal Information Release Agreement (PIRA) or the Business Rules and Programs Standards. So, I have attached them above for your review.

Hopefully, we will have Heather Burgey on the phone when we speak. She will be far more knowledgeable than me about the CIDR Program. If you are unavailable at the time that we call, we will discuss with your staff an alternative time and call back then.

Take care,
Rick

Richard P. Fulmer
Assistant General Counsel
S.C. Department of Motor Vehicles
P. O. Box 1498
Blythewood, South Carolina 29016

803 896-9917 direct office

Notice of Confidentiality: The information contained in this e-mail may be legally privileged and/or confidential. It is intended only for the use of the individual(s) or entity named in the body of the e-mail. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, copying, or use of the information contained in this e-mail or the e-mail itself is strictly prohibited. If you have received this e-mail in error, please notify me immediately, delete the original e-mail, and destroy any printed copies of the e-mail. Thank you.

From: David Tedder <dtedder@jaspercountysc.gov>
Sent: Tuesday, August 13, 2024 10:41 AM
To: Moore, Jeannine (Nina) <Jeannine.Moore@scdmv.net>; Fulmer, Richard P <Richard.Fulmer@scdmv.net>
Cc: Hutchinson, Curtis R <Curtis.Hutchinson@scdmv.net>
Subject: RE: 2023 Treasurer New Treasurer Matters Skinner: License Renewal decal agreement - Jasper County

Thank you; I understand, and appreciate your letting me know.

David L. Tedder
Jasper County Attorney
POB 420
Ridgeland, SC 29936
(843) 717-3688
(843)726-3240 (fax)
dtedder@jaspercountysc.gov

An Equal Opportunity Employer.

Special Accommodations Available Upon Request to Individuals with Disabilities.

CONFIDENTIAL NOTICE: This email transmission is protected by the Electronic Communications Privacy Act, 18 U.S.C. Sections 2510-2521. This email transmission and the attachments accompanying it may contain confidential information from the Office of the Jasper County Attorney that is protected by the attorney-client communication privilege, the work product privilege, or the trial preparation materials privilege. The information is only for the use of the intended recipient. If you are not the intended recipient, you are notified that any reading, disclosure, copying, interception of this transmission is not authorized, and in certain circumstances, may be unlawful. If you have received this transmission in error, please do not read it, promptly notify the sender by reply email, and then destroy all copies of this transmission. Thank you.

From: Moore, Jeannine (Nina) <Jeannine.Moore@scdmv.net>
Sent: Tuesday, August 13, 2024 9:50 AM
To: David Tedder <dtedder@jaspercountysc.gov>; Fulmer, Richard P <Richard.Fulmer@scdmv.net>
Cc: Hutchinson, Curtis R <Curtis.Hutchinson@scdmv.net>
Subject: RE: 2023 Treasurer New Treasurer Matters Skinner: License Renewal decal agreement - Jasper County

CONFIDENTIAL NOTICE: This email transmission is protected by the Electronic Communications Privacy Act, 18 U.S.C. Sections 2510-2521. This email transmission and the attachments accompanying it may contain confidential information from the Office of the Jasper County Attorney that is protected by the attorney-client communication privilege, the work product privilege, or the trial preparation materials privilege. The information is only for the use of the intended recipient. If you are not the intended recipient, you are notified that any reading, disclosure, copying, interception of this transmission is not authorized, and in certain circumstances, may be unlawful. If you have received this transmission in error, please do not read it, promptly notify the sender by reply email, and then destroy all copies of this transmission. Thank you.

From: David Tedder

Sent: Monday, August 12, 2024 2:13 PM

To: 'Duncan, Brandy A' <Brandy.Duncan@scdmv.net>

Subject: RE: 2023 Treasurer New Treasurer Matters Skinner: License Renewal decal agreement - Jasper County

Dear Brandy:

In follow-up to your assistance back in December, I believe our Treasurer has placed the County where it may be out of conformity with the contract and statute. Could I impose on you for a call to discuss? My cell is (843) 949-0379.

David L. Tedder
Jasper County Attorney
POB 420
Ridgeland, SC 29936
(843) 717-3688
(843) 726-3240 (fax)
dtedder@jaspercountysc.gov

An Equal Opportunity Employer.

Special Accommodations Available Upon Request to Individuals with Disabilities.

CONFIDENTIAL NOTICE: This email transmission is protected by the Electronic Communications Privacy Act, 18 U.S.C. Sections 2510-2521. This email transmission and the attachments accompanying it may contain confidential information from the Office of the Jasper County Attorney that is protected by the attorney-client communication privilege, the work product privilege, or the trial preparation materials privilege. The information is only for the use of the intended recipient. If you are not the intended recipient, you are notified that any reading, disclosure, copying, interception of this transmission is not authorized, and in certain circumstances, may be unlawful. If you have received this transmission in error, please do not read it, promptly notify the sender by reply email, and then destroy all copies of this transmission. Thank you.

From: Duncan, Brandy A <Brandy.Duncan@scdmv.net>

Sent: Monday, December 11, 2023 4:26 PM

To: David Tedder <dtedder@jaspercountysc.gov>

Subject: RE: 2023 Treasurer New Treasurer Matters Skinner: License Renewal decal agreement - Jasper County

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

David,

Attached are the two CIDRs contracts we located for Jasper County. Please let me know if these were NOT the documents you were looking for.

Have a great holiday season and new year!

Thanks,

Brandy A. Duncan
General Counsel
S.C. Department of Motor Vehicles
P. O. Box 1498
Blythewood, South Carolina 29016

Notice of Confidentiality: The information contained in this e-mail may be legally privileged and/or confidential. It is intended only for the use of the individual(s) or entity named in the body of the e-mail. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, copying, or use of the information contained in this e-mail or the e-mail itself is strictly prohibited. If you have received this e-mail in error, please notify me immediately, delete the original e-mail, and destroy any printed copies of the e-mail. Thank you.

From: Duncan, Brandy A
Sent: Monday, December 11, 2023 1:39 PM
To: David Tedder <dtedder@jaspercountysc.gov>
Subject: RE: License Renewal decal agreement - Jasper County

David,

Starting with me is fine and a formal FOIA is not necessary. I have asked our contract management staff to pull these for me so I can send you PDFs of both of them. As soon as they get them to me, I will forward them to you.

Thanks,

Brandy A. Duncan
General Counsel
S.C. Department of Motor Vehicles
P. O. Box 1498
Blythewood, South Carolina 29016

Notice of Confidentiality: The information contained in this e-mail may be legally privileged and/or confidential. It is intended only for the use of the individual(s) or entity named in the body of the e-mail. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, copying, or use of the information contained in this e-mail or the e-mail itself is strictly prohibited. If you have received this e-mail in error, please notify me immediately, delete the original e-mail, and destroy any printed copies of the e-mail. Thank you.

From: David Tedder <dtedder@jaspercountysc.gov>
Sent: Monday, December 11, 2023 12:33 PM
To: Duncan, Brandy A <Brandy.Duncan@scdmv.net>
Subject: License Renewal decal agreement - Jasper County

You don't often get email from dtedder@jaspercountysc.gov. [Learn why this is important](#)

CAUTION: EXTERNAL EMAIL! Ensure you trust this sender and validate attachments or links before opening them.

Dear Ms. Duncan:

I am the County Attorney for Jasper County. I am trying to obtain copies of two documents relating to the collection of the one dollar fee for issuing a license renewal pursuant to §56-2-2740. The first is the current agreement signed I believe this past summer by the Treasurer Mike Skinner, and the prior agreement signed by I believe Andrew Fulghum as County Administrator. I was not certain who or where within the Department to send this, so I started with you. Please advise if this should be directed elsewhere, if there is a charge for this, or a need to submit a formal FOIA. I will certainly provide those in short order.

Thank you for your assistance.

David L. Tedder
Jasper County Attorney
POB 420
Ridgeland, SC 29936
(843) 717-3688
(843) 726-3240 (fax)
dtedder@jaspercountysc.gov

An Equal Opportunity Employer.

Special Accommodations Available Upon Request to Individuals with Disabilities.

CONFIDENTIAL NOTICE: This email transmission is protected by the Electronic Communications Privacy Act, 18 U.S.C. Sections 2510-2521. This email transmission and the attachments accompanying it may contain confidential information from the Office of the Jasper County Attorney that is protected by the attorney-client communication privilege, the work product privilege, or the trial preparation materials privilege. The information is only for the use of the intended recipient. If you are not the intended recipient, you are notified that any reading, disclosure, copying, interception of this transmission is not authorized, and in certain circumstances, may be unlawful. If you have received this transmission in error, please do not read it, promptly notify the sender by reply email, and then destroy all copies of this transmission. Thank you.

Visit <http://www.scdmvonline.com/Driver-Services/Drivers-License/REAL-ID> for more information on REAL ID.

David Tedder

From: Fulmer, Richard P <Richard.Fulmer@scdmv.net>
Sent: Wednesday, August 28, 2024 4:22 PM
To: David Tedder
Subject: RE: 2023 Treasurer New Treasurer Matters Skinner: License Renewal decal agreement - Jasper County

David,

Sorry for my delay in responding.

I didn't find anything more in the SCDMV CIDR Contract with Jasper County. Just the language on page 2 as follows:

"Under S.C. Code Ann. §56-2-2740(E), the County shall be entitled to charge customers a fee of one dollar per transaction for issuance of the registration certificate and decal either over the counter or through the mail. This fee, if charged, will be a County fee and will be in addition to any registration fee due to the Department as part of its renewal process."

Review of the statute authorizing counties to charge the \$1 for CIDRs... "to defray the expenses associated with the issuance of license plates and revalidation decals." (See, subsection (E) below)

ARTICLE 2

Motor Vehicle Registration and Property Tax

SECTION 56-2-2740. Refusal to renew license and registration for non-payment of property tax; biennial plates; validation and revalidation decals; fees.

(A) The Department of Motor Vehicles must refuse to renew the driver's license and motor vehicle registration of a person who has not paid personal property taxes within the time limits prescribed in this chapter. A county treasurer or municipal clerk treasurer must forward notification to the department of persons violating the provisions of this chapter. Notification of individuals violating this chapter must be forwarded to the department in the time and manner determined by the department for the proper administration of this section.

(B) The department shall issue biennial license plates and revalidation decals. The department may enter into contracts with persons, corporations, or governmental subdivisions to issue license plates and revalidation decals. The department, person, corporation, or governmental subdivision shall give a motor vehicle owner a license plate or revalidation decal for the tax year for which personal property taxes and biennial fees have been paid pursuant to Section 56-3-253.

(C) All validation decals must be issued for a period not to exceed twelve months, except for vehicles which do not require the payment of property taxes.

(D) A person or corporation that issues license plates or revalidation decals pursuant to this section may charge a fee in excess of the fee charged by the department.

(E) A governmental subdivision that issues license plates or revalidation decals pursuant to this section may charge a one-dollar fee to defray the expenses associated with the issuance of license plates and revalidation decals.

(F) The department shall supervise the provision of services contained in this section.

HISTORY: 1996 Act No. 459, Section 129; 1997 Act No. 40, Section 1; 2003 Act No. 51, Section 15; 2017 Act No. 89 (H.3247), Section 9, eff November 19, 2018.

Effect of Amendment

2017 Act No. 89, Section 9, in (C), added ", except for vehicles

I would recommend requesting an Attorney General's opinion.

Sincerely,

Rick

Richard P. Fulmer
Assistant General Counsel
S.C. Department of Motor Vehicles
P. O. Box 1498
Blythewood, South Carolina 29016

803 896-9917 direct office

Notice of Confidentiality: The information contained in this e-mail may be legally privileged and/or confidential. It is intended only for the use of the individual(s) or entity named in the body of the e-mail. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, copying, or use of the information contained in this e-mail or the e-mail itself is strictly prohibited. If you have received this e-mail in error, please notify me immediately, delete the original e-mail, and destroy any printed copies of the e-mail. Thank you.

From: David Tedder <dtedder@jaspercountysc.gov>
Sent: Friday, August 23, 2024 11:58 AM
To: Fulmer, Richard P <Richard.Fulmer@scdmv.net>
Subject: RE: 2023 Treasurer New Treasurer Matters Skinner: License Renewal decal agreement - Jasper County

You don't often get email from dtedder@jaspercountysc.gov. [Learn why this is important](#)

Just following up on our phone conversation earlier this week regarding expenditures by the County of the \$1.00 per license decal being spent for non-decal related expenses; I believe you were going to ask another attorney about potential consequences. Thanks.

David L. Tedder
Jasper County Attorney
POB 420
Ridgeland, SC 29936
(843) 717-3688
(843) 726-3240 (fax)
dtedder@jaspercountysc.gov

An Equal Opportunity Employer.

Special Accommodations Available Upon Request to Individuals with Disabilities.

CONFIDENTIAL NOTICE: This email transmission is protected by the Electronic Communications Privacy Act, 18 U.S.C. Sections 2510-2521. This email transmission and the attachments accompanying it may contain confidential information from the Office of the Jasper County Attorney that is protected by the attorney-client communication privilege, the work product privilege, or the trial preparation materials privilege. The information is only for the use of the intended recipient. If you are not the intended recipient, you are notified that any reading, disclosure, copying, interception of this transmission is not authorized, and in certain circumstances, may be unlawful. If you have received this transmission in error, please do not read it, promptly notify the sender by reply email, and then destroy all copies of this transmission. Thank you.

From: Fulmer, Richard P <Richard.Fulmer@scdmv.net>
Sent: Friday, August 16, 2024 5:34 PM
To: David Tedder <dtedder@jaspercountysc.gov>

Cc: Burgey, Heather (Caldwell) <Heather.Burgey@SCDMV.net>

Subject: RE: 2023 Treasurer New Treasurer Matters Skinner: License Renewal decal agreement - Jasper County

David,

Sorry I was unable to contact you upon my return this week. I will attempt to reach you on Monday.

I saw where you received the Jasper County and SCDMV CIDR Agreement from Brandy. But I didn't see where you received the Personal Information Release Agreement (PIRA) or the Business Rules and Programs Standards. So, I have attached them above for your review.

Hopefully, we will have Heather Burgey on the phone when we speak. She will be far more knowledgeable than me about the CIDR Program. If you are unavailable at the time that we call, we will discuss with your staff an alternative time and call back then.

Take care,
Rick

Richard P. Fulmer
Assistant General Counsel
S.C. Department of Motor Vehicles
P. O. Box 1498
Blythewood, South Carolina 29016

803 896-9917 direct office

Notice of Confidentiality: The information contained in this e-mail may be legally privileged and/or confidential. It is intended only for the use of the individual(s) or entity named in the body of the e-mail. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, copying, or use of the information contained in this e-mail or the e-mail itself is strictly prohibited. If you have received this e-mail in error, please notify me immediately, delete the original e-mail, and destroy any printed copies of the e-mail. Thank you.

From: David Tedder <dtedder@jaspercountysc.gov>

Sent: Tuesday, August 13, 2024 10:41 AM

To: Moore, Jeannine (Nina) <Jeannine.Moore@scdmv.net>; Fulmer, Richard P <Richard.Fulmer@scdmv.net>

Cc: Hutchinson, Curtis R <Curtis.Hutchinson@scdmv.net>

Subject: RE: 2023 Treasurer New Treasurer Matters Skinner: License Renewal decal agreement - Jasper County

Thank you; I understand, and appreciate your letting me know.

David L. Tedder
Jasper County Attorney
POB 420
Ridgeland, SC 29936
(843) 717-3688
(843)726-3240 (fax)
dtedder@jaspercountysc.gov

An Equal Opportunity Employer.



OFFICE OF THE JASPER COUNTY ATTORNEY

358 THIRD AVENUE, SUITE 203 ~ POST OFFICE BOX 420
RIDGELAND, SOUTH CAROLINA 29936
TELEPHONE (843) 717-3688 ~ FACSIMILE (843) 726-3240

DAVID L. TEDDER
COUNTY ATTORNEY

dtedder@jaspercountysc.gov

MEMORANDUM ATTORNEY CLIENT PRIVILEGED COMMUNICATION

To: Members of County Council
CC: Andrew Fulghum, County Administrator
From: David Tedder
Date: June 24, 2025
Re: Jasper County Treasurer Revenue Fund – Decal Sales and Related Matters

Dear Councilmembers:

A question has again arisen concerning the reporting and disposition of funds collected by the Treasurer and Auditor for license plate renewal decals. As I understand matters, the Auditor prepares the billings for the vehicle, and the Treasurer collects the money and issues the decal. At the recent budget workshop in Hardeeville, the Treasurer asked that the revenue be reported as part of his department budget. Present practice has this as a specific line item in Department 170, General Revenues, line 1583. In looking at the budget regarding other departments, there are instances of specific revenue being shown in that particular Department; e.g.:

- 048 – Emergency Telecommunications shows 911 Fees line 1523 and Radio Fees, line 1536;
- 053 - Delinquent Tax Collector shows Delinquent Tax Fees, line 1506
- 055 - Business License shows Business License Fees, Line 1600
- 056 – Emergency Services shows EMS Revenue, line 1517
- 057 - Sheriff shows Civil Fees, line 1509 and SRO Reimbursement, line 1608
- 060 – Planning shows Development Fees, line 1531
- 063 – Clerk of Court shows Fines, line 1507.
- 065 – Probate Judge shows Fines, line 1511.

There are other revenues that are contained in Department 170, General Revenues, that are not individually reported, such as the fees collected in my office for FOIA fees and costs. Present practice captures multiple sources of revenue in account 170, and it appears to be a matter of how fine a detail is desired for budgeting purposes whether to allocate to a specific department or leave it in the General Revenue account.

It is a separate matter regarding whether and how these fees could be used to offset costs of the collecting departments and could be used to enhance the salaries of the department employees, or for equipment or other expenditures. The County Council can certainly take into account the costs, expenses and burdens on the departments of the County involved in undertaking to issue decals, as well as the revenue being brought in as it determines how best to appropriate funds.

As background, the authority to collect the fee comes from Section § 56-2-2740:

§ 56-2-2740. Refusal to renew license and registration for non-payment of property tax; biennial plates; validation and revalidation decals; fees.

- (A) The Department of Motor Vehicles must refuse to renew the driver's license and motor vehicle registration of a person who has not paid personal property taxes within the time limits prescribed in this chapter. A county treasurer or municipal clerk treasurer must forward notification to the department of persons violating the provisions of this chapter. Notification of individuals violating this chapter must be forwarded to the department in the time and manner determined by the department for the proper administration of this section.
- (B) The department shall issue biennial license plates and revalidation decals. The department may enter into contracts with persons, corporations, or governmental subdivisions to issue license plates and revalidation decals. The department, person, corporation, or governmental subdivision shall give a motor vehicle owner a license plate or revalidation decal for the tax year for which personal property taxes and biennial fees have been paid pursuant to Section 56-3-253.
- (C) All validation decals must be issued for a period not to exceed twelve months, except for vehicles which do not require the payment of property taxes.
- (D) A person or corporation that issues license plates or revalidation decals pursuant to this section may charge a fee in excess of the fee charged by the department.
- (E) A governmental subdivision that issues license plates or revalidation decals pursuant to this section may charge a one-dollar fee to defray the expenses associated with the issuance of license plates and revalidation decals.
- (F) The department shall supervise the provision of services contained in this section.

The current collection agreement is with Jasper County, and is signed on behalf of Jasper County by the Chairman of Council and the County Administrator.

Three points; first is that the governmental subdivision does not have to undertake the issuance, since the language of subparagraph (B) is permissive (the department may enter into contracts). Secondly, the authority to issue is given by statute to the governmental subdivision, which in this case is the County. Third, the

actual agreement is between the Dept. of Motor Vehicles and the County, following the pattern of the statute. It would follow that the fee is revenue that belongs to the County, not a particular department.

There are situations where a statute states that a particular official who has control of the fee, such as the Sheriff in the case of a portion drug forfeiture money, and the Clerk of Court regarding certain child support collection revenue and fees from bail bondsmen. These generally hold that the office receiving them can use them to defray costs for the particular purposes for which they are provided, some have specific documentation requirements, but there are some general constraints applicable across the board. One such constraint is the provision of SC Code Section 8-15-10¹, confirming that except as a particular state statute may provide, the county council sets the compensation for county officers and employees, and other provisions of law which places restrictions on bonuses and salary enhancements; another constraint is that extra pay cannot be given to employees for work already performed². Finally, expenditures must be done in accordance with the adopted procurement ordinances of the County and compensation policies adopted by Council.

While it may be appropriate for the County Council to take into account the costs, expenses and burdens on the departments of the County involved in undertaking to issue decals, as well as the revenue being brought in, it also seems clear the funds for decal issuance are not committed by the relevant statute to any particular official or office of the County, but specifically provides that it is the government subdivision that charges (and receives) the fee. Likewise, it is the Council's sole prerogative to appropriated the funds as it sees fit.

I state all of this to set out the framework by which Council can take into account specific demands caused by provision of the service being provided, and fulfill its legislative function to appropriate the funds needed to provide the services.

With all of this as background, it would be my opinion, that:

1. The license decal fees are general fund revenue.

¹ **§ 8-15-10. Determination of compensation of officers and employees.**

Except as otherwise provided or as prohibited by the Constitution of this State, the compensation of all officers and employees of the State or any political subdivision, department or agency thereof shall be as from time to time provided by the General Assembly or the particular political subdivision, department or agency concerned, as the case may be.

² See the attached two Circuit Court cases; one from Florence County – Fowler v Florence County, consolidated cases No. 2010-CP 21-1248 and No. 2011-CP-21-1034, and the more recent Walls v. Beaufort County, Case No., 2023-CP-07-1905.

2. That Council may take into consideration, as was advised in the context of the child support collections, the amount of time, effort and intangibles (equipment, etc.) that are involved in setting the budget for the departments involved, recognizing these funds as a source of additional revenue to offset those costs.
3. Bonuses for work already performed are not proper.
4. Elected officials cannot provide bonuses to themselves.
5. Council is responsible for setting the compensation for county officers and employees, including those of the elected officials. County employees should be compensated in accordance with the County Classification and Compensation Study.

Respectfully,

David L. Tedder

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	FOURTEENTH JUDICIAL CIRCUIT
COUNTY OF BEAUFORT)	
)	Civil Action No.: 2023-CP-07-01905
MARIA E. WALLS, in her Capacity as)	
Beaufort County Treasurer,)	
)	
Plaintiff,)	ORDER REGARDING PLAINTIFF'S
)	MOTION FOR PRELIMINARY
v.)	INJUNCTION AND DEFENDANT'S
)	MOTION FOR PRELIMINARY
BEAUFORT COUNTY, a Body Politic)	INJUNCTION
Subdivision of the State of South Carolina)	
and, JOHN ROBINSON, in his Capacity)	
as Interim Beaufort County Administrator,)	
)	
Defendants.)	

This matter comes before the Court on Plaintiff's Motion for a Preliminary Injunction, pursuant to S.C. Code Ann. § 4-9-620 and § 4-9-650 and Rule 65(b) of the South Carolina Rules of Civil Procedure ("SCRCP"), filed June 14, 2024 ("Plaintiff's Motion"); and Defendants' Motion for a Preliminary Injunction pursuant to S.C. Code Ann. § 4-9-30(14) and Rule 65, SCRCP, filed April 24, 2024 ("Defendants' Motion"). A hearing on these motions was held before this Court on June 25, 2024. Present at the hearing were Attorneys John Marshall Mosser, Esq. for Plaintiff and Brian P. Crotty, Esq. and Mitch Brown, Esq. for Defendants. After considering arguments from counsel at the hearing and having reviewed the filings in this matter, including but not limited to, Plaintiff's Complaint with exhibits, Plaintiff's Motion, Defendants' Answer and Counterclaim, Defendants' Motion and all relevant memoranda of law, and having reviewed and deliberated on such arguments and memos, this Court finds as follows:

Background

This is a declaratory judgment action filed on October 5, 2023, by Plaintiff Maria E. Walls in her capacity as Beaufort County Treasurer against Beaufort County ("County") and John Robinson in his capacity as Interim Beaufort County Administrator (Beaufort County and

John Robinson are collectively referred to herein as “Defendants”) relating to an ongoing dispute regarding certain aspects of the relationship between the governing body of Beaufort County and the elected Treasurer’s Office. The parties’ competing motions for preliminary injunctions focus upon certain aspects of this dispute, specifically the appropriate balance of power between the Treasurer and the County and the County’s administrative staff members, under South Carolina law. County’s motion seeks an injunction enjoining Plaintiff, in her capacity as Treasurer, from hindering or preventing County employees working under her direction from participating in the County’s Class and Compensation (“C&C”) Study/Plan, and an injunction enjoining Plaintiff from approving or authorizing certain travel expenses being incurred by two specific County employees to commute periodically from their respective homes to the Treasurer’s offices in Beaufort County. Plaintiff contends and seeks an injunction to the effect that the Treasurer is the sole authority for the establishment of policies applicable to employees of the Treasurer’s Office and is the sole arbiter of all management decisions impacting employees of the Treasurer’s Office, including, but not limited to, hiring, firing, setting, or modifying employee compensation, and approving or denying employee expenses, within the bounds of the budget approved for the Treasurer’s Office by Council. Both parties seek to have this Court declare the state of applicable South Carolina law.

At the Hearing, the parties did not dispute that following the commencement of this action, filed October 5, 2023, Defendants adopted a new C&C Study/Plan and promulgated a new County Employee Personnel Handbook in early 2024 (“2024 Handbook”). Further, the parties did not dispute that the employees identified in Defendants’ Motion engaged in the travel for which reimbursement by the Treasurer was approved “multiple times each year”¹, which

¹ Defendants’ Motion at p. 14, ¶ 4

includes the current year and at least one year prior to Plaintiff's commencement of this action. At the Hearing, both parties contended that *Eargle v. Horry County*, 344 S.C. 449, 545 S.E.2d 276 (2001) supported their antithetical positions.

These questions turn on statutory interpretation, and, therefore, are questions of law. *State v. Taylor*, 436 S.C. 28, 34, 870 S.E.2d 168, 171 (2022). The answers to these questions of law are determinative on the appropriateness or inappropriateness of the injunctive relief being requested, so the Court took the matter under advisement.

Standard of Review

"The purpose of a preliminary injunction is to preserve the status quo and prevent irreparable harm to the party requesting it." *Compton v. S.C. Dept. of Corr.*, 392 S.C. 361, 366, 709 S.E.2d 639, 642 (2011) referencing *Powell v. Immanuel Baptist Church*, 261 S.C. 219, 199 S.E.2d 60 (1973). A preliminary injunction should be issued where the moving party has shown: (1) that without such relief, it will suffer irreparable harm; (2) that it has a likelihood of success on the merits; and (3) that there is no adequate remedy at law. *Poynter Invs., Inc. v. Century Builders of Piedmont, Inc.*, 387 S.C. 583, 586-87, 694 S.E.2d 15, 17 (2010).

Analysis / Discussion

I. The unelected employees who work under the direction of the Beaufort County Treasurer are subject to the policies and procedures set forth by the County.

S.C. Code Ann. § 4-9-30(7) provides each county government has the enumerated power "to develop personnel system policies and procedures for county employees by which all county employees are regulated except those elected directly by the people...." This section draws a clear distinction between elected officials themselves and the individuals who work under the elected officials. Based on a plain reading of the text, only elected officials are excepted from the power to regulate. However, personnel who work under the direction of elected officials are

excepted from the power to hire and fire. The fact that the legislature created an exception for this class of County employees for the power to hire and fire, but chose not to include the exception in the power to regulate indicates a legislative intent that unelected County employees, including those who work under the direction of elected officials, are regulated by the county's personnel policies. *See Heath v. County of Aiken*, 295 S.C. 416, 420, 368 S.E.2d 904, 906 (1988) (finding that the statutory language of §4-9-30(7) is clear that certain personnel employed under the direction of an elected official were county employees for the purposes of the application of §4-9-30(7)). Thus, S.C. Code Ann. §4-9-30(7) grants the County the power to regulate County employees via adopted personnel policies and procedures while reserving the power of employment and discharge to the elected official who presides over the departments.

This Court is inclined to agree with the Defendants' interpretation of SC. Code Ann. § 4-9-30(7) and hereby finds the Beaufort County Treasurer's employees are subject to the same policies/handbook and C&C Study/Plan by which all county employees are regulated. Further, this Court finds that Plaintiff has not demonstrated how she would suffer irreparable harm by enforcing compliance.

II. The County Administrator lacks the authority to implement policies that can be construed in a manner to infringe upon the authority of an elected official to make decisions regarding employment and discharge of the Beaufort County Treasurer's employees.

The County government has the authority to "make appropriations for functions and operations of the county." S.C. Code Ann. § 4-9-30(5)(a). Furthermore, S.C. Code Ann. § 4-9-140 provides the county council shall adopt annual "operating and capital budgets for the operation of county government." These provisions recognize county governments have broad authority and discretion when determining the appropriateness of funds for county purposes. however this Court adopts the position certain provisions of the 'home rule' legislation curtail

this authority in relation to employees of elected officials. In *Eargle v. Horry County*, the South Carolina Supreme Court held that county administrators lacked authority to suspend the employees of an elected county auditor because “the suspensions could be construed as an exercise of authority by the Administrator over the Auditor in violation of S.C. Code Ann. § 4-9-650.” 344 S.C. 449, 455, 545 S.E.2d 276, 280 (2001).

Plaintiff argues that policies which limit the Treasurer’s ability to compensate employees of the Treasurer’s Office, as the Treasurer deems appropriate, and Administration countermanding the Treasurer’s terms and conditions of employment would result in an inability to hire and retain employees in the Treasurer’s Office and may result in the immediate dismissal or termination of essential employees.

The Treasurer’s ability to permit Treasurer’s Office employees to work remotely, or not; to set their salary or compensation, within the confines of the Treasurer’s budget; and to direct that such employees incur expenses in the course of their employment are each management decisions that establish fundamental working conditions of employees working in the Treasurer’s Office. Defendants seek the authority to oversee the management of the Treasurer’s Office which Plaintiff contends would result in the loss of necessary personnel and impair the functions of the Treasurer’s Office.

This Court is inclined to agree that the setting of certain work conditions implicates the power to hire and fire. Thus, the injunctive relief sought by Plaintiff is appropriate, under these circumstances because irreparable harm would occur as a result. However, with regards to funds that are allocated for a specific purpose, the Treasurer would be prohibited from using those funds for any purpose that is not within the parameters of its designation.

III. The Treasurer has a responsibility to use public funds as they were intended and is not entitled to budgetary funds allocated for unfilled positions.

Plaintiff seeks an injunction allowing her to direct the incurring of expenses—limited by the total budget set by the County for the use of the Treasurer’s Office, as well as an injunction requiring the County distribute to the Treasurer budgeted funds specifically allocated to unfilled positions within the Treasurer’s Office.

Plaintiff contends that, as an elected official, she is able to incur expenses limited only by the total budget set by the County for the use of the Treasurer’s Office. That is not the case—as is illustrated by S.C. Code Ann. § 4-1-80’s limitation that the County need only provide an elected official with “incidentals necessary to the proper transaction of the legitimate business of such offices.” This is also demonstrated by the powers granted to the County Council and County Administrator in § 4-9-630, which makes the County Administrator responsible for the administration of the county’s personnel policies and expressly provides that “personnel policies” include “salary and classification plans approved by council.” S.C. Code Ann. § 4-9-630(7).

Plaintiff also contends that once the County budgets an amount for the Treasurer’s Office’s use, the County must “distribute” those funds. The specific action being complained of by Plaintiff is that the County, having budgeted certain amounts as part of its C&C Plan for salaries for vacant positions within the Treasurer’s Office, has not distributed those funds to the Treasurer. Rather, the County, on a county-wide basis, maintains a “personnel vacancy pool” where funds budgeted for unfilled positions are accounted for until such time as the position is actually filled and the salary funds are needed. Plaintiff contends that the County must “distribute” these funds for her use despite the positions, to which these funds are allocated, remaining vacant. Plaintiff asserts she has the power to spend those funds to pay additional amounts to personnel employed under her direction above the compensation that the County previously approved and budgeted for those

County employees via the Classification plan. Plaintiff's support for this position is Sections VII and VIII of Beaufort County's Budget Ordinance (Beaufort County Ordinance 2023/22), which provides that elected officials are responsible for the day-to-day management of their departmental budgets and can transfer appropriations between object classification codes within that department.

The Court notes that Section VIII of the Beaufort County Budget Ordinance contradicts Plaintiff's assertion. Specifically, Section VIII expressly states that "[t]ransfers from objects 50020 through 50130 (personnel codes) are not permitted under any circumstances without the approval of the County Administrator or the Chief Financial Officer or their designee." Funds budgeted to pay the compensation and benefits for an unfilled position fall squarely within these personnel codes and the transfer of such funds for other uses is not within the Treasurer's day-to-day discretion.

In addition, Plaintiff's intended action—using the funds budgeted for unfilled positions to pay additional funds to existing employees—potentially violates South Carolina's Constitution. Specifically, Article III, § 30 of the South Carolina Constitution provides: "The General Assembly shall never grant extra compensation, fee or allowance to any public officer, agent, servant or contractor after service rendered, or contract made, . . ."² S.C. Const. art. III, § 30. The South Carolina Supreme Court has held that "extra compensation" in this context means "any compensation over and above that fixed by law or contract at the time the service was rendered." *State ex rel. McLeod v. McLeod*, 270 S.C. 557, 559, 243 S.E.2d 446, 447-448 (1978). The compensation set by law for the employees in the Treasurer's office is the salary approved for their respective positions by the Beaufort County Council as part of its budgeting process. *See* S.C.

² While the text of this provision says that the General Assembly shall never . . . , it has been interpreted as applying with equal force to political subdivisions such as Counties. *Ops. S.C. Atty. Gen.*, 2016 WL 4222141 (August 1, 2016); 2003 WL 22970989 (December 11, 2003).

Code Ann. § 8-15-10 (providing that the compensation for employees of a political subdivision shall be provided by the political subdivision); S.C. Code Ann. § 4-9-30(7) (granting the County Council the power to develop personnel policies and procedure to regulate all county officials other than elected officials); S.C. Code Ann. § 4-9-630(7) (explaining that court personnel policies expressly include salaries and classification plans approved by the county council); S.C. Code Ann. § 4-9-140 (establishing that County Council adopts the county budget).

The additional payments Plaintiff seeks to make would constitute “extra compensation” to these employees that is over and above their salary or base pay fixed by the County at the time that the services were actually rendered. Thus, any such payments could violate Article III, § 30 of the South Carolina Constitution. Additionally, utilizing funds budgeted for unfilled positions to provide additional payments to existing employees, to the extent that Plaintiff intends to make such payments to any salaried employees, also violates S.C. Code Ann. § 4-11-170, which provides: “No member of the governing body of any county shall vote for an extra allowance to any person who is paid by salary, nor shall the treasurer of any county knowingly pay to any such person any extra allowance.”

With regard to the Budget Issue, this Court finds that Plaintiff will not suffer irreparable harm if the County continues to retain funds budgeted for unfilled positions until such time as those positions are actually filled. Additionally, this Court finds that Plaintiff has not established the necessary *prima facie* showing that she is likely to succeed on her claim for relief on this issue.

Conclusion

NOW THEREFORE, based upon the foregoing, it is hereby

ORDERED, ADJUDGED, and DECREED, that Defendants’ Motion for a Preliminary Injunction is hereby GRANTED in part and DENIED in part.

IT IS FURTHER ORDERED, ADJUDGED, and DECREED, that Plaintiff's Motion for a Preliminary Injunction be hereby GRANTED in part and DENIED in part.

Plaintiff is hereby enjoined from hindering Beaufort County's preparation and implementation of the C&C Study/Plan. Additionally, Plaintiff is hereby enjoined from approving or authorizing the travel expenses (including but not limited to airfare, mileage, rental car, hotel lodgings and food per diems) of two County employees who work under the Treasurer's direction for travel from their respective homes in California and Florida to the Treasurer's Office's locations in Beaufort County absent a showing by Plaintiff that the incurring of any specific expenses in violation of Beaufort County's adopted personnel policies is necessary to the proper transaction of the legitimate business of the Treasurer's Office.

Defendants are hereby enjoined from threatening employees of the Treasurer's Office for actions taken by them at the direction of the Treasurer. Additionally, Defendants are hereby enjoined from forcing the Treasurer to follow policies or procedures contained in the 2024 Handbook or to adopt aspects of the 2024 Handbook that infringe upon the Treasurer's ability to employ or discharge personnel within the Treasurer's Office.

AND IT IS SO ORDERED.

-Electronic Signature Page to Follow-



Beaufort Common Pleas

Case Caption: Maria E Walls In Her Capacity As Beaufort County Treasurer VS
Beaufort County A Body Politic Subdivision Of State Of , defendant, et
al
Case Number: 2023CP0701905
Type: Order/Temporary Injunction

So Ordered

s/Jennifer B. McCoy #2764

COPY

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS
TWELFTH JUDICIAL CIRCUIT

COUNTY OF FLORENCE

Dean C. Fowler, Jr., in his capacity as Florence
County Treasurer,

Plaintiff(s),

vs.

Florence County, A Body Politic and
Subdivision of the State of South Carolina, and
Richard A. Starks, in his capacity as Florence
County Administrator,

Defendant(s).

CONSOLIDATED CASES:
C.A. NO. 2010-CP-21-1248
C.A. NO. 2011-CP-21-1034

ORDER

Dean C. Fowler, Jr., in his capacity as Florence
County Treasurer,

Plaintiff(s),

vs.

Florence County, A Body Politic and
Subdivision of the State of South Carolina, and
Richard A. Starks, in his official capacity as
Florence County Administrator, and Kevin V.
Yokim, in his official capacity as Florence
County Finance Director,

Defendant(s).

CERTIFIED: A TRUE COPY

Connie Beth Spain

CLERK OF COURT C.P. & G.S.
FLORENCE COUNTY, S.C.

This matter comes before the Court on the parties' cross motions for summary judgment. The Defendants Florence County, Richard A. Starks, and Kevin V. Yokim ("Defendants" or "Florence County") moved for summary judgment on February 3, 2012 and the Plaintiff, Dean C. Fowler ("Fowler" or "Treasurer") moved for summary judgment on February 3, 2012. Oral argument was heard on March 8, 2012, and both parties agree that this case concerns purely legal



issues and that summary judgment is the appropriate mechanism for resolution of this case. For the reasons set forth below, the Court GRANTS Florence County's Motion for Summary Judgment and DENIES the Florence County Treasurer's Motion for Summary Judgment.

FACTUAL BACKGROUND

The following facts appear to be uncontested:

- 1) Plaintiff, Dean C. Fowler, Jr., is the Treasurer of Florence County.
- 2) Defendant, Florence County, is organized under the Council-Administrator form of government as provided by S.C. Code sections 4-9-20 and 4-9-610, *et seq.* Defendant Richard A. Starks was the County Administrator for Florence County until his retirement in 2011 and defendant Kevin V. Yokim is Florence County's Finance Director.
- 3) The Florence County budgeting and expenditure process is handled by Florence County Council and administered by the Florence County Administrator. County appropriations are made through the adoption of a line-item budget through majority vote by County Council. The County Administrator and the County Finance Director are tasked with ensuring that County money is spent according to the budget and consistent with State and County laws governing the expenditure of County funds.
- 4) On March 10, 2010, Fowler forwarded four Personnel Action Requests ("PARs") to the County Finance Director. Two of the four PARs included proposed salary increases for employees working in the Treasurer's Office and Fowler was informed by the County Administrator that the requests for salary increases would need approval by County Council.
- 5) After being informed that the proposed raises would require County Council approval, Fowler hired a private attorney and sued the County in the first lawsuit consolidated in this litigation, seeking a declaration that he has the discretionary authority to reallocate and expend County funds from any line item within the Treasurer's budget. The Treasurer also seeks



an affirmative injunction from this court to order Florence County Council to approve his salary increase requests.

6) County Council authorized the Administrator to approve the salary increases and the increases received final approval by the County Administrator and became effective on July 10, 2010.

7) On May 20, 2010, the Treasurer submitted an invoice dated May 11, 2010 from his attorney for bringing this lawsuit against the County, requesting County approval for payment from an expenditure line item in the Delinquent Tax Fund.

8) On May 28, 2010, the Florence County Finance Director informed the Treasurer that a warrant authorizing payment is required before any claim for payment can be processed.

9) On June 22, 2010, Fowler processed Florence County Treasurer check #226102 drawn on a Revenue (not Expenditure) Account, which is usually reserved for reimbursements to a person who has overpaid fees into the account. The Treasurer wrote the check in the amount of \$7,833.00 to pay the May 11, 2010 invoice for attorneys' fees.

10) The Treasurer paid these fees from a revenue account for Delinquent Tax Collection receipts even though the legal services for which the Treasurer was paying did not involve collecting delinquent taxes. All other checks drawn on this revenue account for the entire fiscal year were reimbursements to tax payers only.

11) The Treasurer never received approval from the County Council, the County Administrator, or the County Finance Director to disburse these funds.

12) On April 11, 2011 Fowler filed a second lawsuit against the County seeking a declaratory judgment that the County transferred money from the Delinquent Tax Account into the Florence County General Fund in violation of Title 12 of the South Carolina Code.



(Complaint, Civil Action No. 2011-CP-21-1034, at 4.) Both lawsuits were consolidated into this action by Order dated September 21, 2011.

In response to the two lawsuits filed by the Treasurer, Florence County filed a counterclaim for declaratory judgment and asks this Court to declare the following: 1) "Plaintiff does not have the authority to grant or direct pay raises to employees within the Treasurer's office without approval of County Council;" 2) "Plaintiff cannot enter into contracts without the permission of the County Council if that contract involves the appropriation or expenditure of county funds or other public funds;" and 3) "Plaintiff cannot expend funds from the Delinquent Tax Account or any other Florence County account, without a warrant from the County Administrator."

STANDARD FOR SUMMARY JUDGMENT

Under Rule 56 of the South Carolina Rules of Civil Procedure, summary judgment is proper when there is no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law. S.C.R. Civ. P. 56; Pittman v. Grand Strand Entertainment, Inc., 363 S.C. 531, 536, 611 S.E.2d 922, 925 (2005).

Both parties have moved for summary judgment and agree that summary judgment is appropriate at this time.¹

¹ The Treasurer suggested at oral argument that since Council had subsequently approved the pay raises and since he had already entered into the contract for legal services and written a check without a warrant, that the issues in this lawsuit were now moot. The Court disagrees. First, as discussed below, the Court finds that the Treasurer's entry into a contract without Council approval and writing of a check without a warrant violate state and county law. In addition, these matters are certainly capable of repetition and should be resolved at this time. See e.g., Nelson v. Ozamint, 390 S.C. 432, 433, 702 S.E.2d 369, 370 (2010) ("If, however, an issue raised is capable of repetition but generally will evade review, the Court can address the issue.").

ORDER

1. The Treasurer Does Not Have The Authority To Alter Line Item Appropriations by Granting And Funding Pay Raises Without County Council Approval.

The Treasurer couches the issue of who may grant pay raises as affecting "the Treasurer's ability to make personnel decisions within his own office." (Treasurer's Memorandum in Support of Motion for Summary Judgment at 2). In response, Florence County Council asks this Court to issue a declaratory judgment that the Treasurer "does not have the authority to grant or direct pay raises to employees within the Treasurer's office without approval of County Council." (Florence County's Amended Answer and Counterclaim at 5.)

Both the South Carolina Constitution and our Supreme Court make a clear distinction between personnel decisions such as the hiring, firing, and suspension of employees and issues that concern the appropriation of public funds. The former decisions clearly belong to the elected officials who are given the authority to hire their employees, fire their employees, and discipline their employees. It is equally clear that the appropriation of public funds is reserved solely for the legislative body. Article I, section 8 of the South Carolina Constitution provides for the separation of powers, stating:

In the government of this State, the legislative, executive, and judicial powers of the government shall be forever separate and distinct from each other, and no person or persons exercising the functions of one of said departments shall assume or discharge the duties of any other.

Article X, section 8 then provides that "[m]oney shall be drawn from the treasury of the State or the treasury of any of its political subdivisions only in pursuance of appropriations made by law." Our Supreme Court has unequivocally ruled on this very issue: "The appropriation of public funds is a legislative function." Gilstrap v. S.C. Budget & Control Bd., 310 S.C.210, 216, 423 S.E.2d 101, 105 (1992) (citations omitted) (emphasis added). The legislative body "has,



beyond question, the duty and authority to appropriate money as necessary for the operation of the agencies of government and has the right to specify the conditions under which the appropriated monies shall be spent." State ex rel. McLeod v. McInnis, 278 S.C. 307, 314, 295 S.E.2d 633, 637 (1982) (emphasis added).

The South Carolina General Assembly has been equally explicit in granting budgeting authority solely to county councils. Code section 4-9-140 specifically grants exclusive authority and requires the county council to:

adopt annually and prior to the beginning of the fiscal year operating and capital budgets for the operation of county government and shall in such budgets identify the sources of anticipated revenue including taxes necessary to meet the financial requirements of the budgets adopted. Council shall further provide for the levy and collection of taxes necessary to meet all budget requirements except as provided for by other revenue sources.

Moreover, the South Carolina Code specifically grants to counties the power to appropriate funds, to develop and implement personnel policies, to determine the salaries of county employees, and to allocate funds for salaries of both elected officials and county employees. Only employment, discipline, and discharge authority is reserved for the elected officials, and the County is also prohibited from reducing the salary of elected officials during the terms for which they are elected. Under Code section 4-9-30, the County has the authority to:

(7) develop personnel system policies and procedures for county employees by which all county employees are regulated except those elected directly by the people, and to be responsible for the employment and discharge of county personnel in those county departments in which the employment authority is vested in the county government. This employment and discharge authority does not extend to any personnel employed in departments or agencies under the direction of an elected official or an official appointed by an authority outside county government. . . .

The salary of those officials elected by the people may be increased but may not be reduced during the terms for which they are elected,

- ...
- (8) to provide for an accounting and reporting system whereby funds are received, safely kept, allocated and disbursed.

(emphasis added).

The South Carolina Code also grants specific powers to the county administrator under a council-administrator form of government, including the power to:

(5) to supervise the expenditure of appropriated funds;

...

(7) to be responsible for the administration of county personnel policies including salary and classification plans approved by council;

(8) to be responsible for employment and discharge of personnel subject to the provisions of subsection (7) of § 4-9-30 and subject to the appropriation of funds by the council for that purpose.

S.C. Code Ann. § 4-9-630 (emphasis added). Code section 4-9-650 also provides that “[w]ith the exception of organizational policies established by the governing body, the county administrator shall exercise no authority over any elected officials of the county whose offices were created either by the Constitution or by the general law of the State.”

Consistent with this legislation, our Supreme Court has clearly drawn the distinction between personnel decisions and appropriation decisions. For instance, in Eargle v. Horry County, 344 S.C. 449, 455, 545 S.E.2d 276, 280 (2001), the Court held that the County Administrator did not have “the power to suspend employees of elected officials.” But when the decision involves appropriations, our Supreme Court has held that “[i]t is fundamental that the appropriation of public funds is a legislative function . . . [courts] may not, by mandamus or otherwise, direct the appropriation of public funds, for to do so would be to trespass upon the legislative domain.” Gregory v. Rollins, 230 S.C. 269, 274-75, 95 S.E.2d 487, 490-91 (1956). This distinction between personnel decisions and appropriation decisions was drawn sharply in

Bales v. Aughtry, 302 S.C. 262, 395 S.E.2d 177 (1990), in which the South Carolina Supreme Court held that the plain language of section 4-9-30(7) "limits the county government's power to employ or discharge elected officials or those under their direction," but it "does not restrict the county government's ability to determine compensation for elected officials except to prohibit reduction of an elected official's salary during his term of office." Bales at 263-63, 395 S.E.2d at 178 (emphasis added).

While decisions of other circuit court judges are not binding on this Court, the issues at hand have previously been addressed in a very similar Florence County case filed by the Florence County auditor against Florence County Council. Waddell v. Florence County Council, CA No. 83-CP-21-1387 (filed Jan. 23, 1984). In Waddell, the Florence County auditor asked the court to issue a writ of mandamus against Florence County council to require the council to appropriate funds sufficient to satisfy the staffing requirements requested by the auditor. Id. at 1. The court closely examined the law and held "there is no ordinance, regulation, statute, or constitutional provision requiring County Council to employ a specific number of people" in the auditor's office. Id. at 2. The court recognized that -- just as the Treasurer does here -- the auditor sought to have the court appropriate funds, "thereby trespassing upon the domain of the County Council which body has the discretion to determine what amount of money will be appropriated for the operation of the county offices and for the amount of compensation paid to each employee and the number of employees in its departments." Id. at 3 (emphasis added). The court further concluded "that the precise amount appropriated for the salaries of officials in South Carolina is left to the discretion of the County Council" in each county and there is no statute or regulation setting specific amounts which are to be appropriated to compensate county officials." Id. (emphasis added) The court concluded that the auditor "improperly seeks to have



the court, in effect, substitute its judgment for the judgment of County Council and appropriate funds from the County Treasury, thereby trespassing upon the domain of the County Council, which request I am constrained to deny." *Id.* at 4. The logic and legal analysis of that decision remain sound and persuasive.

These lawsuits began because the Treasurer claims that he has discretion to reallocate county funds as raises to his employees, so long as the reallocation is "budget-neutral." The Treasurer cites no law to support this conclusion. On the contrary, as demonstrated above, courts, including our Supreme Court, have held that only the County Council has the authority to allocate and reallocate County funds. Although it did not do so here, the County Council even has the authority to reduce the operating budget of that office, so long as it does not prevent the proper functioning of the Treasurer's office. The Treasurer testified in his partial deposition in this matter that neither he nor his employees were prevented from performing any of the functions of his office. (Fowler Partial Deposition, January 27, 2012, at 44, ll. 6-10; 74, ll. 11-14.) The County is entitled to a declaratory judgment that only the County Council, and not the Treasurer, may reallocate County funds in the form of pay raises to County employees.

Further, to the extent the Treasurer argues that he wishes only to make revenue neutral "transfers," the result is the same. Florence County engages in line item budgeting and our legislature has mandated that County Council approve budgetary transfers: "The provisions of this section shall not be construed to prohibit the transfer of funds appropriated in the annual budget for purposes other than as specified in such annual budget when such transfers are approved by the council." South Carolina Code §4-9-140(emphasis added). The law is clear: transfers must be "approved by council," and the Treasurer must follow that law.



II. The Treasurer May Not Commit County Funds By Entering Into Contracts That Bind The Taxpayers of Florence County.

In its Counterclaim for Declaratory Judgment, the County Council asks this Court to declare that the Treasurer "cannot enter into contracts without the permission of the County Council if that contract involves the appropriation or expenditure of county funds or other public funds."

South Carolina law is clear that the Treasurer lacks the authority to enter into contracts that bind the taxpayers of Florence County. The South Carolina legislature has explicitly provided that the authority "to make and execute contracts" belongs to County Council, not to the Treasurer. S.C. Code Ann. § 4-9-30(3). This authority naturally stems from the legislature's plenary power over the County treasury, as only the body charged with allocating County funds can commit those funds, contractually or otherwise.

In addition, Florence County Ordinance section 11-32 explicitly prohibits the hiring of legal counsel without approval from the county attorney and the county administrator:

The office of the county attorney provides all legal services to Florence County, its departments and agencies. No contract for other legal services shall be entered into without the prior written approval of the county attorney and the county administrator.

(emphasis added).

Ordinance section 11-32(3) also provides that:

No officer, board, commission, committee, or agency in the county receiving any county funds or appointed in whole or in part by the Florence County Council may enter into a contract for professional services to obligate Florence County in any way without the prior written consent of the county administrator. Any contract executed without such approval is expressly unauthorized, constitutes an ultra vires act, and shall not be binding in any way as an obligation of Florence County.

(emphasis added).



The facts giving rise to this issue are not in dispute. In both of the above-captioned lawsuits, Fowler engaged legal services without seeking or securing approval from County Council, the County Attorney, or the County Administrator. Rather, he made the unilateral decision that he would hire outside counsel and hopefully bind the taxpayers to pay those bills without limit. The Treasurer claims that he does not need approval from anyone in order to engage outside counsel at taxpayer expense for this or other lawsuits that he has brought. Yet his only justification for ignoring the applicable laws is that he "doesn't trust" the County Attorney or "his people." (Fowler Dep. 1/27/12, at 93, ll. 10-11; 95, ll. 12-19; 102, ll. 6-7.) The law is clear. Fowler cannot take for himself discretionary authority over County funds and, as the South Carolina General Assembly has made clear, only the County Council can enter into contracts that bind the county and its taxpayers. See S.C. Code Ann. § 4-9-30(3).

In addition to South Carolina state law, Florence County ordinances expressly provide: "No contract for other legal services shall be entered into without the prior written approval of the county attorney and the county administrator." Florence County Ordinance 11-32. Both state law and county law are clear that Fowler cannot bind the taxpayers of Florence County to a contract -- for legal services or otherwise -- or demand that the taxpayers fund his litigation efforts without the prior written approval of County Council. This has been the law in Florence County for over 10 years, and the Treasurer cites to no authority to justify his failure to follow this binding law.

Instead, the Treasurer argues that he has "the power to sue and be sued" and must, therefore, have the power to retain counsel. The Court agrees and would note that the Treasurer and other elected officials have a myriad of ways to retain counsel when necessary. For instance, if the Treasurer is a defendant in a tort case, a defense will be provided under the county's insurance policy, which the county is required to provide by statute (S.C. Code §15-78-140). If,

as here, the Treasurer wishes to initiate litigation as a plaintiff, he has several ways to do that properly. Elected officials may seek representation by the county attorney. If that is not practicable, the ordinances above provide that the elected official may request county council to provide outside counsel. In addition, the Treasurer has been represented in other litigation by South Carolina's Attorney General. Also, the Treasurer may retain a private attorney and pay him with private funds, as he did in this litigation. Finally, if successful, the Treasurer may seek attorneys' fees from the County pursuant to South Carolina Code section 15-77-300 as was done by the Horry County Auditor in Eargle and the Aiken County Sheriff in Heath v. Aiken County, 368 S.E.2d 904, 295 S.C. 416 (S.C. 1988). What the Treasurer may not do is undertake himself the power to appropriate funds and bind the taxpayers of Florence County to pay for any litigation he may choose to pursue.

The County is entitled to a declaratory judgment that the Treasurer must seek approval from the County Attorney and County Administrator prior to entering into a contract that would bind the taxpayers of Florence County, and his failure to do so in this instance violates state and county law.

III. The Treasurer Violated the Constitution, State Law, and County Ordinances By Disbursing County Funds Without an Appropriation or Warrant from the County.

Florence County asks this Court to issue a declaratory judgment that the Treasurer "cannot expend funds, from the Delinquent Tax Account or any other Florence County account, without a warrant from the County Administrator." This Court finds that by writing a check without a warrant, the Treasurer has violated the South Carolina Constitution, South Carolina state law, and Florence County ordinances.

The South Carolina Constitution establishes a separation of powers and explicitly provides that "Money shall be drawn from the treasury of the State or the treasury of any of its



political subdivisions only in pursuance of appropriations made by law." South Carolina Constitution Article X, Section 8. Here, by writing a check without a warrant or other appropriation, the Treasurer has taken unto himself the authority both to appropriate funds and to disburse money from the treasury.

The General Assembly, through Code section 4-9-30(8), grants to the County the exclusive power "to provide for an accounting and reporting system whereby County funds are received, safely kept, allocated and disbursed." In addition, Code section 4-9-30(14) allows the County "to enact ordinances for the implementation and enforcement of the powers granted in this section." In furtherance of the powers granted under sections 4-9-30(8) and (14), the County adopted the following controls providing for line item budgeting of County funds:

Sec. 11-142 - Transfers and internal controls.

(a) Expenditures. The council budgets all fund recipients on a line item account basis, which represents the maximum amount to be expended in each account. . . . Accounts in each budget area shall be assigned annually by the finance director. No purchase order shall be written, and no check shall be drawn or signed in any amounts singly or in the aggregate, for more than has been appropriated for the specific purpose for which the expenditure is requested.

Sec. 11-144 - Financial reporting and accounting procedures. . . .

(1) Designation of funds and line item accounts. The council shall designate the various funds and line item accounts in the budget and any amendments thereto. The treasurer and his personnel shall be familiar with and follow the fund designations. . . . All rents and fees received by the county from any source are to be credited to the general fund of the county.

(emphasis added.)

The Florence County Code of Ordinances clearly establishes a budgeting process by which the Council allocates funds to specific line item accounts, and the Treasurer collects and distributes the funds to those accounts. Importantly, the County mandates that payment of



County funds may only be disbursed by the Treasurer pursuant to a warrant from the County Administrator:

Sec. 11-144. - Financial reporting and accounting procedures.

(6) Disbursement of funds pursuant to warrant.

a. The treasurer shall disburse funds for purposes only pursuant to warrant from the Florence County Administrator or chief executive officer(s) of entities receiving funds from the direct levy of tax millage other than municipalities. All funds shall only be disbursed on like warrants with like requirements regardless of agency. (emphasis added).

In addition to the clear authority of the Constitution, state law, and county law, the Local Government Procedures Manual that the Treasurer claims to follow, makes absolutely clear that the Treasurer must have a warrant before issuing a check and cannot exercise discretion in the fulfillment of his duties:

The South Carolina Constitution (ref. Article X, Section 8) states "Money shall be drawn from the treasury at the state or the treasury of any of its political subdivisions only in pursuance of appropriations made by law." . . . Because public funds must first be appropriated before the treasurer can expend them, the appropriation are established in the budget. . . . The chief administrative officer, or his designee, directs when, to whom and in what amount the various expenditures will be made. This is done through orders to the county treasurer to make such disbursements. This separation of "spending decisions" from "the custody of cash" is to provide a system of control. . . . At the county level the treasurer issues checks upon orders of the chief administrative officer of the county. In such cases the official certifies that such payments ordered are valid and verifies such in writing on signed orders (warrants) to the county treasurer who has custody of all county funds. The treasurer is obligated to make such payments and cannot exercise discretion."

SCATT, Local Government Procedures Manual, page 6.2 (emphasis added).

The facts of this case are disturbing. On May 21, 2010, the Treasurer submitted a Claim for Payment requesting a check for \$7,833.00 payable to his attorneys from the delinquent tax



expenditure budget. On May 28, 2010, the Florence County Finance Director informed the Treasurer that County Council approval was required before the claim for payment could be processed. Unbeknownst to the County, Fowler had already made a \$7,833.00 payment to his attorneys on May 11, 2011, apparently from private sources through a "transfer from a trust account." Despite having been told that County Council approval was required and despite having already paid his attorney through a private source, the Treasurer nonetheless personally approved, personally wrote, personally signed, and personally delivered a County check in the amount of \$7,833.00 payable to his attorneys – without any authorization from anyone in county government. It is undisputed that the Treasurer disbursed the funds for the check without a warrant or any other authorization from the County or the County Administrator. Instead – with no checks or balances – he took the funds directly from a revenue account in the County's General Fund so that it would not even show as a typical expense disbursement with an expenditure line item.

In taking it upon himself to write a check spending taxpayer funds without a warrant, the Treasurer violated South Carolina's Constitution, state law, and at least two county ordinances, including County Ordinance 11-144 by disbursing taxpayer funds without a warrant, and Ordinance 11-142(a) by disbursing funds that had not been allocated by the County Council for payment of legal fees.

The Treasurer acknowledges that he made the payment at issue, and inexplicably claims that "the authority and discretion to expend these funds is vested by law in the Office of the Treasurer." Despite this claim, the Treasurer has cited no authority to support his claim that he may spend taxpayers' dollars without a warrant or any authorization from the County. On the contrary, South Carolina's Constitution, state law, county ordinances, and the Local Government Procedures Manual all make clear that he does not have this authority.

A handwritten signature in black ink, appearing to be 'WJF', is located at the bottom left of the page.

As there is no genuine issue of material fact regarding Fowler's June 22 payment, and there is no authority allowing him to process a check without a warrant, Defendants are entitled to a declaratory judgment that the Treasurer is not permitted to disburse County funds without a warrant from the County.

IV. The Treasurer May Not Expend Funds from the Delinquent Tax Expenditure Account at his Discretion.

In his second lawsuit consolidated into this litigation, the Treasurer claims he has the discretionary authority to expend funds from the County's Delinquent Tax Expenditure Fund without a warrant or a purpose relating to delinquent tax collection. Among other proposed uses for the funds, the Treasurer has requested a \$20,000 salary increase for himself.

In his second Complaint, the Treasurer cites South Carolina code section 12-51-40(d) that allows for the expenses of a delinquent tax sale to be collected as costs: "All expenses of the levy, seizure, and sale must be added and collected as additional costs." From that language, he asks the Court to rule that he should have sole discretion over the expenditure of all costs collected and that money remaining in the account should not be returned to the County's General Fund. He points to no authority for that position other than the language of the statute quoted above.

This Court is aware of no law to support the Treasurer's request to allow him to use the Delinquent Tax Expenditure Fund as a discretionary spending account. The statutory language cited above relates only to the fees that should be charged to delinquent tax payers. Nowhere does the statute provide that fees remaining in the account should be treated differently than any other funds that remain in any other County revenue account at the end of the fiscal year. Indeed, the County submitted an affidavit from its Finance Director that the fees turned over to the County from the delinquent tax account have not covered the indirect expenses such as rent,



utilities, and payroll services provided by the County to the Delinquent Tax Office. The County is entitled to a declaratory judgment that the Treasurer may not use Delinquent Tax Expenditure Fund for purposes other than to cover the costs of delinquent tax collection as specified in the statute.

CONCLUSION AND ORDERS

The Treasurer asks this Court to grant him the most fundamental legislative power -- the appropriation of public funds. He does this by asking the Court to allow him to give pay raises without Council approval, to enter into binding contracts without authority, to write checks without authority, and to retain delinquent tax funds without authority. The South Carolina Constitution, the South Carolina Code, the South Carolina Supreme Court, and Florence County ordinances, as well as the controls and protocols necessary for the protection of the public treasury, all prevent the Treasurer from usurping the County's authority and responsibility for appropriations.

For the foregoing reasons, the Court orders and declares the following by way of final judgment and disposition of all claims:

- a. The Treasurer cannot expend Florence County funds without a warrant from the County Administrator pursuant to Florence County Code § 11-144(6), State law, and the State Constitution;
- b. The Treasurer cannot enter into contracts without the approval of County Council if that contract involves the appropriation or expenditure of county funds or other public funds collected on behalf of the citizens of Florence County;



- c. The Treasurer cannot obligate Florence County tax dollars by granting salary increases without the approval of County Council or the appropriation of funds for such raises by County Council.
- d. The Treasurer cannot use delinquent tax funds for purposes other than the costs of delinquent tax collection.

AND IT IS SO ORDERED.


Honorable W. Jeffrey Young
Presiding Circuit Judge

16 April, 2012



**South Carolina County Issuance of Decals and Registrations
Business Rules and Program Standards Document**

Version 3.6

July 2022

South Carolina County Issuance of Decals and Registration Business Rules and Program Standards Document

Contents

1.0	Overview.....	6
1.1	Enabling Legislation.....	6
1.2	Standards for Acceptance	7
1.3	General system capability:.....	8
1.4	Conditions for Renewal	8
2.0	General Business Rules.....	9
2.1	County Transaction Costs.....	9
2.2	Inventory	9
	<i>A. Inventory Products</i>	9
	<i>B. Inventory Costs</i>	10
	<i>C. Inventory Reconciliation</i>	10
2.3	Mailing.....	10
2.4	Transactions	11
	<i>A. Allowable Transactions</i>	11
	<i>B. Voids</i>	11
	<i>C. Duplicate Registrations</i>	11
	<i>D. Plate Transfers</i>	11
	<i>E. Registration Refunds</i>	11
2.5	Address Changes.....	12
	<i>A. Validated Addresses</i>	12
	<i>B. Non-Validated Addresses</i>	12
2.6	System Updates.....	12
2.7	Payment Reconciliation	13
3.0	Transaction Business Rules	13
3.1	Walk-in Transaction, Non-Batch Printing	13
3.2	Mail-in Transaction – Non-Batch Printing by County	15

South Carolina County Issuance of Decals and Registration Business Rules and Program Standards Document

7.2	Printing Standards:.....	27
7.3	Printer Specification.....	28
7.4	Barcode Specification	28
8.0	Training.....	29
9.0	Exception Processing	29
9.1	Error Code Processing	29
9.2	Processing Address Changes for Non-Validated Addresses	29
10.0	Modification/Enhancements	30
	APPENDIX A: CIDRS1 County Receipt Processing.....	31
	APPENDIX B: CIDRS2 [Step 1 – Registration Print Inquiry]	34
	APPENDIX C: CIDRS2 [Step 1 – County Registration Print Response]	37

South Carolina County Issuance of Decals and Registration Business Rules and Program Standards Document

```
<?xml version="1.0" encoding="utf-8"?><soap:Envelope xmlns:soap="http://schemas.xmlsoap.org/soap/envelope/"
xmlns:xsi="http://www.w3.org/2001/XMLSchema-instance"
xmlns:xsd="http://www.w3.org/2001/XMLSchema"><soap:Body><ExecuteResponse
xmlns="https://www.scdmynonline.com/dmvCounty/CIDRS2"><ExecuteResult><Message>Successful
Transaction</Message><ReturnCode>0</ReturnCode><RefNumber>237502191</RefNumber><DecalMonth>NOV</DecalMont
h><DecalYear>2020</DecalYear><RegDocType>RCD</RegDocType><Registration><Document xmlns="">
<RegL1 xml:space="preserve" Font="LinePrinter" Size="07" Bold="TRUE">S.C. DOCUMENT OF REGISTRATION</RegL1>
<RegL2 xml:space="preserve" Font="LinePrinter" Size="07" Bold="TRUE">S.C. DEPARTMENT OF MOTOR
VEHICLES</RegL2>
<RegL3 xml:space="preserve" Font="LinePrinter" Size="07" Bold="TRUE" />
<RegL4 xml:space="preserve" Font="LinePrinter" Size="08" Bold="TRUE">PLATE NUMBER 7276MS</RegL4>
<RegL5 xml:space="preserve" Font="LinePrinter" Size="08" Bold="TRUE">PLATE CLASS GT1</RegL5>
<RegL6 xml:space="preserve" Font="LinePrinter" Size="08" Bold="TRUE">ISSUE DATE 11/15/2019</RegL6>
<RegL7 xml:space="preserve" Font="LinePrinter" Size="08" Bold="TRUE">PLATE EXP. 11/2020</RegL7>
<RegL8 xml:space="preserve" Font="LinePrinter" Size="08" Bold="TRUE">DECAL EXP. 11/2020</RegL8>
<RegL9 xml:space="preserve" Font="LinePrinter" Size="08" Bold="TRUE">VIN JT4TN12D3T0015536</RegL9>
<RegL10 xml:space="preserve" Font="LinePrinter" Size="08" Bold="TRUE">YEAR 1996</RegL10>
<RegL11 xml:space="preserve" Font="LinePrinter" Size="08" Bold="TRUE">MAKE TOYT</RegL11>
<RegL12 xml:space="preserve" Font="LinePrinter" Size="08" Bold="TRUE">BODY TK</RegL12>
<RegL13 xml:space="preserve" Font="LinePrinter" Size="08" Bold="TRUE">MODEL T10TXC</RegL13>
<RegL14 xml:space="preserve" Font="LinePrinter" Size="08" Bold="TRUE">VEHICLE TYPE 5</RegL14>
<RegL15 xml:space="preserve" Font="LinePrinter" Size="08" Bold="TRUE">EMPTY/GVW 3400 / 4000</RegL15>
<RegL16 xml:space="preserve" Font="LinePrinter" Size="08" Bold="TRUE" />
<RegL17 xml:space="preserve" Font="LinePrinter" Size="08" Bold="TRUE">CUSTOMER NO. 30152556</RegL17>
<RegL18 xml:space="preserve" Font="LinePrinter" Size="08" Bold="TRUE">TEST, LINDA T</RegL18>
<RegL19 xml:space="preserve" Font="LinePrinter" Size="08" Bold="TRUE" />
<RegL20 xml:space="preserve" Font="LinePrinter" Size="08" Bold="TRUE">939 TEEPEE GULCH DR </RegL20>
<RegL21 xml:space="preserve" Font="LinePrinter" Size="08" Bold="TRUE">BOILING SPRINGS, SC 293111100</RegL21>
<RegL22 xml:space="preserve" Font="LinePrinter" Size="08" Bold="TRUE" />
<RegL23 xml:space="preserve" Font="LinePrinter" Size="08" Bold="TRUE" />
<RegR1 xml:space="preserve" Font="LinePrinter" Size="07" Bold="TRUE">KEVIN A. SHWEDO</RegR1>
<RegR2 xml:space="preserve" Font="LinePrinter" Size="07" Bold="TRUE">EXECUTIVE DIRECTOR</RegR2>
<RegR3 xml:space="preserve" Font="LinePrinter" Size="07" Bold="TRUE" />
<RegR4 xml:space="preserve" Font="LinePrinter" Size="08" Bold="TRUE">TITLE 770420131258360</RegR4>
<RegR5 xml:space="preserve" Font="LinePrinter" Size="08" Bold="TRUE">EQUIPMENT NO. </RegR5>
<RegR6 xml:space="preserve" Font="LinePrinter" Size="08" Bold="TRUE">COUNTY 42</RegR6>
<RegR7 xml:space="preserve" Font="LinePrinter" Size="08" Bold="TRUE">VEHICLE NO. 10652436</RegR7>
<RegR8 xml:space="preserve" Font="LinePrinter" Size="08" Bold="TRUE">FLEET NUMBER </RegR8>
<RegR9 xml:space="preserve" Font="LinePrinter" Size="08" Bold="TRUE" />
<RegR10 xml:space="preserve" Font="LinePrinter" Size="08" Bold="TRUE" />
<RegR11 xml:space="preserve" Font="LinePrinter" Size="08" Bold="TRUE" />
<RegR12 xml:space="preserve" Font="LinePrinter" Size="08" Bold="TRUE" />
<RegR13 xml:space="preserve" Font="LinePrinter" Size="08" Bold="TRUE" />
<RegR14 xml:space="preserve" Font="LinePrinter" Size="08" Bold="TRUE" />
<RegR15 xml:space="preserve" Font="LinePrinter" Size="08" Bold="TRUE" />
<RegR16 xml:space="preserve" Font="Arial" Size="8" Bold="FALSE" />
<RegR17 xml:space="preserve" Font="Arial" Size="8" Bold="FALSE" />
<RegR18 xml:space="preserve" Font="Arial" Size="8" Bold="FALSE" />
<RegR19 xml:space="preserve" Font="Arial" Size="8" Bold="FALSE" />
<RegR20 xml:space="preserve" Font="Arial" Size="8" Bold="FALSE" />
<RegR21 xml:space="preserve" Font="Arial" Size="8" Bold="FALSE" />
<RegR22 xml:space="preserve" Font="Arial" Size="10" Bold="FALSE">7276MS</RegR22>
<Barcode>@|^AAMVA6360050101RG00290180RGRBB20191115^RAG20201130^RAM7276MS ^RBDTEST^RBELINDA
T^RBI939 TEEPEE GULCH DR^RBKBOILING
SPRINGS^RBLSC^RBM293111100^VADJT4TN12D3T0015536^VAKTOYT^VAL1996^VAOTK^RBT20201130^RBU^
</Barcode>
</Document></Registration><MailingName>TEST, LINDA T</MailingName><MailingAddr1>939 TEEPEE GULCH
DR</MailingAddr1><MailingAddr2 /><MailingCSZ>BOILING SPRINGS, SC 293111100</MailingCSZ><ReturnMailName>South
Carolina Department of Motor Vehicles</ReturnMailName><ReturnMailAddr1>P.O. Box
1498</ReturnMailAddr1><ReturnMailAddr2 /><ReturnMailCSZ>Blythewood, South Carolina 29016-
0036</ReturnMailCSZ><SessionID>710893</SessionID><PrintTS>2019/11/15.07:59:10</PrintTS></ExecuteResult></Execute
Response></soap:Body></soap:Envelope>
```

South Carolina County Issuance of Decals and Registration Business Rules and Program Standards Document

APPENDIX D: Process Flows.....	40
APPENDIX E: REQUIRED FORMS	43
APPENDIX F: Sample Registration Document	48
APPENDIX G: CIDRs1 Variables	49
APPENDIX H: CIDRs1 SOAP message.....	50
APPENDIX I: CIDRs1 WSDL	52
APPENDIX J: CIDRs2	55
APPENDIX K: CIDRs2 Execute SOAP message.....	56
APPENDIX L: CIDRs2 Acknowledgement SOAP message	58
APPENDIX M: CIDRs2 WSDL.....	59

South Carolina County Issuance of Decals and Registration Business Rules and Program Standards Document

1.0 Overview

The goal of this project is to provide a county treasurer with the ability to issue and print a registration document (with decal) to a customer in the county office after paying vehicle property taxes, as provided for in South Carolina law. The registration document and decal will be issued through an interface to the South Carolina Department of Motor Vehicles (SCDMV) computer system.

1.1 Enabling Legislation

The S.C. General Assembly passed legislation to allow for third-party issuance of renewed vehicle registrations and validation decals for the period for which personal property taxes and registration fees have been paid. The following section of law provides details of this program:

SECTION 56-2-2740. Refusal to renew license and registration for non-payment of property tax; biennial plates; validation and revalidation decals; fees.

(A) The Department of Motor Vehicles must refuse to renew the driver's license and motor vehicle registration of a person who has not paid personal property taxes within the time limits prescribed in this chapter. A county treasurer or municipal clerk treasurer must forward notification to the department of persons violating the provisions of this chapter. Notification of individuals violating this chapter must be forwarded to the department in the time and manner determined by the department for the proper administration of this section.

(B) The department shall issue biennial license plates and revalidation decals. The department may enter into contracts with persons, corporations, or governmental subdivisions to issue license plates and revalidation decals. The department, person, corporation, or governmental subdivision shall give a motor vehicle owner a license plate or revalidation decal for the tax year for which personal property taxes and biennial fees have been paid pursuant to Section 56-3-253.

(C) All validation decals must be issued for a period not to exceed twelve months.

(D) A person or corporation that issues license plates or revalidation decals pursuant to this section may charge a fee in excess of the fee charged by the department.

(E) A governmental subdivision that issues license plates or revalidation decals pursuant to this section may charge a one-dollar fee to defray the expenses associated with the issuance of license plates and revalidation decals.

(F) The department shall supervise the provision of services contained in this section.

SECTION 56-3-1250. Registration cards; cards, contents, possession and display.

The department, upon registering and licensing a vehicle, shall issue to the owner of the vehicle a registration card containing upon the face of the card the date issued, the name and address of the owner, including the county in which the owner resides, the

South Carolina County Issuance of Decals and Registration Business Rules and Program Standards Document

registration and license number assigned to the vehicle, and that other description of the vehicle as may be determined by the department. The registration card must be delivered to the owner. Every registration card must at all times be carried by the person driving or in control of the vehicle, who shall display it upon demand of a police officer or any other person authorized by law to examine registration cards.

1.2 Standards for Acceptance

In order to be accepted for this program and before S.C. decals/registrations can be issued, the providing entity (whether a corporation or government subdivision, such as a county) must:

- Have completed Phase I of the County Issuance of Decal and Registration (CIDR) program. Phase I consists of migrating the County Registration Renewal Process from a 3270-based application to a web-based TCP/IP application.
- Sign a provision of service contract detailing the terms of the agreement between the providing entity and SCDMV
- Include all third-party vendors as a party to the agreement between the providing entity and SCDMV;
- Agree to adhere to all requirements included in South Carolina County Issuance of Decals and Registration Business Rules and Program Standards Document (this document);
- Agree to adhere to all SCDMV software and hardware standards specified in this document to ensure quality and uniformity in the issuance of registration documents;
- Agree to establish internal business processes defined in this document that ensure the accuracy, reliability and accountability of transactions;
- Establish internal controls specified in this document to ensure proper accounting for and reconciliation of controllable inventory items and funds due SCDMV;
- Conduct and pass tests of system, transaction and business processes prescribed by SCDMV that will fully evaluate and test the issuance of decals and registrations;
- Provide to SCDMV and keep current list of all appropriate County contacts (See Appendix D – Required Forms - County Contacts);
- Attend and complete train-the-trainer sessions instructing users in inventory and web service processes;
- Train local county users on processes learned in train-the-trainer sessions;
- Be certified by SCDMV to begin production.

South Carolina County Issuance of Decals and Registration Business Rules and Program Standards Document

1.3 General system capability:

Through an online interactive web service component the SCDMV will allow the counties to inquire and, where appropriate, update the SCDMV database. Generally, the system will allow counties to:

- Log in;
- Send identifying information to the SCDMV system to begin the transaction;
- Execute inquiries to select the correct vehicle by VIN, year, make, owner information or a combination of these data fields;
- Determine the eligibility of the vehicle to be renewed;
- Indicate taxes paid for the vehicle;
- Obtain the total amount of fees that are owed to SCDMV;
- Transmit renewal information to SCDMV and update the SCDMV database; to include those renewals where there are no county taxes and fees required;
- Print the registration certificate and decal directly from the front counter
- Print the AAMVA standard barcode on the registration as per AAMVA title and registration standards. See Appendix F for example.

The barcode on the registration was implemented in 2010 at the request of SC law enforcement officers to improve the efficiency of completing UTT's and TR310 forms. See SECTION 56-3-1250 for authorization from legislature for this change.

- Batch print registration certificates and decals or send batched transactions to SCDMV to be printed;
- Void the transaction in the event of an error (same-day voids);
- Reprint the registration /decal if required for the operational failure;
- Verify the completion of the transaction;
- Reconcile services performed and money collected;
- Update the inventory of registration forms each time a transaction is completed for each registration form processed, regardless of disposition;
- Order/Manage inventory.

1.4 Conditions for Renewal

The transaction will allow counties to issue a registration certificate/decal to a customer after the following conditions have been met:

- The payee must exist as a customer in the SCDMV database;
- The vehicle registration must exist in SCDMV database;

South Carolina County Issuance of Decals and Registration Business Rules and Program Standards Document

- Property taxes have been paid and the SCDMV system acknowledges the payment of taxes;
- Property taxes paid are for the current year only;
- Transmission return to the SCDMV that there are no fees due to the county and renewal is authorized;
- Transaction cannot be processed more than three months in advance of registration decal renewal date;
- There are no suspensions or other "stops" that would prevent the registration from being renewed;
- Renewal fee when required must equal SCDMV calculated fee. The SCDMV calculated fee may include late fee.
- Registration data (except for customer address) remains consistent for the interval of time between county receiving registration renewal records from SCDMV and renewal transaction date.

2.0 General Business Rules

2.1 County Transaction Costs

- Under law, (56-2-2740(E)) counties are permitted to charge up to \$1.00 per transaction to cover the county's cost for processing the transaction.
- The County must not include language on its documents or in its publications implying or expressing that this fee is a SCDMV fee.
- The \$1.00 fee to print the decal/registration is a cost between the county and the customer. SCDMV has no responsibility for the collection, reconciliation or refunding of this fee.
- The county will be responsible for any refunds on the \$1.00 fee for failed transactions or unprocessed print transactions.
- The county must establish an internal process for collecting, reconciling and, whenever necessary, refunding the \$1.00 fee, and must communicate this procedure both to the customer and to SCDMV.

2.2 Inventory

(Additional inventory rules are included in [Section 5.0](#))

A. Inventory Products

- Counties and their third-party vendors will be permitted to use only SCDMV-approved inventory stock. SCDMV will

South Carolina County Issuance of Decals and Registration Business Rules and Program Standards Document

supply the County with the following inventory items upon request:

- 491AV Registration Certificate with Decal
- 491AVC Registration Certificate Mailer with Decal
- All Inventory products remain the property of SCDMV.

B. Inventory Costs

- SCDMV will provide the inventory stock to the County at no cost to the County.
- SCDMV will assume all SCDMV ground shipping costs.
- County/Service Representative will be responsible for the replacement cost of all stolen inventory items and of all lost inventory items not reported within 48 hours of discovering the items lost.

C. Inventory Reconciliation

- Each County or third-party vendor must designate specific inventory representatives who will be responsible for ordering, receiving and reconciling inventory items.
- Inventory representatives will be assigned a specific User ID and password by the County system administrator.
- Each registration document has a unique control number. Registration documents with a range of control numbers will be assigned to each county for issuance.
- By the end of each business day, the county must reconcile with the SCDMV each item processed that day from the decal/registration inventory by indicating whether the inventory item has been issued or has not been issued because it is missing, destroyed or damaged.

2.3 Mailing

- County will be responsible for any postage associated with printing and mailing registration certificates/decals from its own system.
- Decals/registrations mailed from the county must display a return address from the originating county.
- If a county chooses to send transactions to SCDMV for batch printing, SCDMV will assume mailing costs, and registration certificates will have a SCDMV return address.

South Carolina County Issuance of Decals and Registration Business Rules and Program Standards Document

2.4 Transactions

A. Allowable Transactions

The counties will be able to perform the following functions:

- Renew a vehicle registration
- Print a registration and decal (unless the county is utilizing SCDMV print services)
- Void a transaction
- Reprint failed decal/registration print due to operational failures (unless the county is utilizing SCDMV print services)
- Order/manage inventory

B. Voids

- Counties can perform voids only of completed transactions on the same day that the transaction is completed.

C. Duplicate Registrations

- The counties will NOT be able to issue a duplicate (replacement) registration once the customer has been given the registration and decal.
- Once the registration transaction has been completed at the county, if the customer wants another registration or decal because it is lost, stolen, damaged or otherwise unusable, the customer must either go to a local SCDMV office to obtain a replacement or go to the SCDMV website to obtain a duplicate registration.

D. Plate Transfers

- Counties will not be able to complete tag transfer transactions. If a customer has transferred a tag from one vehicle to another since the county extract file was sent by SCDMV, the customer will need to complete the renewal transaction in a SCDMV field office.

E. Registration Refunds

- If a customer sells a vehicle and wishes to obtain a refund on registration fees, the customer must turn in the vehicle's plate to a SCDMV office and obtain a plate receipt form 5051. SCDMV will process any registration refund due. The

Andrew Fulghum

From: Lawrence Flynn <lflynn@popeflynn.com>
Sent: Wednesday, December 3, 2025 6:09 AM
To: Andrew Fulghum
Cc: John Kemp; John Kemp; Joey Rowell; Alexis Lindsay
Subject: RE: issues...
Attachments: Beaufort & Jasper Orders (Treasurer's Authority).pdf

Gentlemen

Thanks for looping me into this discussion. The Treasurer's email below contains a lot of mistakes and inconsistencies, but exposing those issues seems like an unproductive exercise. The main point is simple - decisions about funding and the appropriation of county dollars rest solely with County Council acting through the budget process. The Treasurer has no independent authority on that front. If he wants to shift part of his FY26 budget to provide a staff bonus (and setting aside any concerns under Article III, Section 30 of the Constitution regarding extra compensation for past services) he must obtain Council's approval (or otherwise request a funds transfer under the provisions of the budget ordinance). This is fully consistent with State law and with two recent cases involving funding/budget disputes between Council and Treasurers in Beaufort and Florence. I've highlighted relevant portions from those orders below and attached the full decisions above, should you want to review them.

I plan to prepare an approval resolution to authorize the requested appropriation this week so that the request can be added to the 12/15 agenda for consideration by Council. Call me if you have any questions or want to discuss. Thanks,

BEAUFORT

III. The Treasurer has a responsibility to use public funds as they were intended and is not entitled to budgetary funds allocated for unfilled positions.

Plaintiff seeks an injunction allowing her to direct the incurring of expenses—limited to the total budget set by the County for the use of the Treasurer's Office, as well as an injunction requiring the County distribute to the Treasurer budgeted funds specifically allocated to unfilled positions within the Treasurer's Office.

Plaintiff contends that, as an elected official, she is able to incur expenses limited only to the total budget set by the County for the use of the Treasurer's Office. That is not the case—as illustrated by S.C. Code Ann. § 4-1-80's limitation that the County need only provide an elected official with "incidentals necessary to the proper transaction of the legitimate business of such offices." This is also demonstrated by the powers granted to the County Council and County Administrator in § 4-9-630, which makes the County Administrator responsible for the administration of the county's personnel policies and expressly provides that "personnel policies include salary and classification plans approved by council." S.C. Code Ann. § 4-9-630(7).

FLORENCE

While decisions of other circuit court judges are not binding on this Court, the issues hand have previously been addressed in a very similar Florence County case filed by the Florence County auditor against Florence County Council. Waddell v. Florence County Council CA No. 83-CP-21-1387 (filed Jan. 23, 1984). In Waddell, the Florence County auditor asked the court to issue a writ of mandamus against Florence County council to require the council appropriate funds sufficient to satisfy the staffing requirements requested by the auditor. Id. at 1. The court closely examined the law and held “there is no ordinance, regulation, statute, constitutional provision requiring County Council to employ a specific number of people” in the auditor's office. Id. at 2. The court recognized that – just as the Treasurer does here -- the auditor sought to have the court appropriate funds, “thereby trespassing upon the domain of the County Council which body has the discretion to determine what amount of money will be appropriated for the operation of the county offices and for the amount of compensation paid to each employee and the number of employees in its departments.” Id. at 3 (emphasis added). The court further concluded “that the precise amount appropriated for the salaries of officials in South Carolina is left to the discretion of the County Council in each county and there is no statute or regulation setting specific amounts which are to be appropriated to compensate court officials.” Id. (emphasis added) The court concluded that the auditor “improperly seeks to ha

Lawrence Flynn III

Member | Pope Flynn, LLC

DIRECT: (803) 354-4902

FAX: (803) 354-4899

popeflynn.com | vCard

From: Andrew Fulghum <afulghum@jaspercountysc.gov>

Sent: Tuesday, December 2, 2025 3:03 PM

To: Lawrence Flynn <lflynn@popeflynn.com>

Andrew Fulghum

From: Lawrence Flynn <lflynn@popeflynn.com>
Sent: Monday, December 1, 2025 4:47 PM
To: Kimberly Burgess
Cc: Andrew Fulghum; Nicole Holt; Kim Wunder
Subject: RE: Treasurer salary supplemental vouchers

Yes – that is in Article III, Section 30 of the Constitution. It provides that “[t]he General Assembly shall never grant extra compensation, fee or allowance to any public officer, agent, servant or contractor after service is rendered.” Further extra compensation means “any compensation over and above that fixed by law or contract at the time the service was rendered.” *State ex rel. McLeod v. McLeod*, 270 SC 557 (1978). In interpreting this provision, the Court in the Beaufort Treasurer case (attached to the Tedder) memo said that the compensation for the employees in the Treasurer’s office is the salary approved for their respective positions by the Beaufort County Council as part of the budgeting process. Similarly, in the FY26 budget ordinances provides that personnel related fund transfers are not permitted under any circumstances without the approval of the County Administrator.

Also, I highlighted some good language from the Beaufort order below. I also highlighted some additional language from the Florence order. Long story short (and without addressing the constitutional issues of extra compensation), the Treasurer does not have discretion here. If he wants to grant bonus money, it needs to be approved by Council (or authorized by the Administrator under the budget authorization for discretionary transfer of personnel funds).

We can put this into a more precise memo, if needed, but it seems like Tedder’s original memo has largely addressed this matter.

III. The Treasurer has a responsibility to use public funds as they were intended and is not entitled to budgetary funds allocated for unfilled positions.

Plaintiff seeks an injunction allowing her to direct the incurring of expenses—limited to the total budget set by the County for the use of the Treasurer's Office, as well as an injunction requiring the County distribute to the Treasurer budgeted funds specifically allocated to unfilled positions within the Treasurer's Office.

Plaintiff contends that, as an elected official, she is able to incur expenses limited only to the total budget set by the County for the use of the Treasurer's Office. That is not the case—as illustrated by S.C. Code Ann. § 4-1-80's limitation that the County need only provide an elected official with "incidentals necessary to the proper transaction of the legitimate business of such offices." This is also demonstrated by the powers granted to the County Council and County Administrator in § 4-9-630, which makes the County Administrator responsible for the administration of the county's personnel policies and expressly provides that "personnel policies include "salary and classification plans approved by council." S.C. Code Ann. § 4-9-630(7).

While decisions of other circuit court judges are not binding on this Court, the issues hand have previously been addressed in a very similar Florence County case filed by the Florence County auditor against Florence County Council. Waddell v. Florence County Council CA No. 83-CP-21-1387 (filed Jan. 23, 1984). In Waddell, the Florence County auditor asked the court to issue a writ of mandamus against Florence County council to require the council appropriate funds sufficient to satisfy the staffing requirements requested by the auditor. Id. at 1. The court closely examined the law and held "there is no ordinance, regulation, statute, constitutional provision requiring County Council to employ a specific number of people" in the auditor's office. Id. at 2. The court recognized that -- just as the Treasurer does here -- the auditor sought to have the court appropriate funds, "thereby trespassing upon the domain of the County Council which body has the discretion to determine what amount of money will be appropriated for the operation of the county offices and for the amount of compensation paid to each employee and the number of employees in its departments." Id. at 3 (emphasis added). The court further concluded "that the precise amount appropriated for the salaries of officials in South Carolina is left to the discretion of the County Council in each county and there is no statute or regulation setting specific amounts which are to be appropriated to compensate court officials." Id. (emphasis added) The court concluded that the auditor "improperly seeks to ha

Lawrence Flynn III

Member | Pope Flynn, LLC

DIRECT: (803) 354-4902

FAX: (803) 354-4899

popeflynn.com | vCard

From: Kimberly Burgess <kburgess@jaspercountysc.gov>

Sent: Monday, December 1, 2025 3:08 PM

To: Lawrence Flynn <lflynn@popeflynn.com>

Cc: Andrew Fulghum <afulghum@jaspercountysc.gov>; Nicole Holt <nholt@jaspercountysc.gov>

Subject: FW: Treasurer salary supplemental vouchers

Lawrence,

Please see Mr. Skinner's response below. The decal revenue is included in his budget. I do not believe that increases in salary or salary supplements are included in the salary and wage line item. Isn't there a provision in state law about not allowing the payment of bonuses or payments for work already performed?

Kim

From: Mike Skinner <miskinner@jaspercountysc.gov>

Sent: Monday, December 1, 2025 2:42 PM

To: Kimberly Burgess <kburgess@jaspercountysc.gov>; Cynthia Fizzarotti <cfizzarotti@jaspercountysc.gov>

Cc: Nicole Holt <nholt@jaspercountysc.gov>; Andrew Fulghum <afulghum@jaspercountysc.gov>

Subject: RE: Treasurer salary supplemental vouchers

I do not need a resolution to spend money in my budget....

Respectfully,

Michael T. Skinner



Jasper County Treasurer

P O Box 722

Ridgeland, SC 29936

Telephone number: 843-717-3601

Email: miskinner@jaspercountysc.gov

From: Kimberly Burgess <kburgess@jaspercountysc.gov>

Sent: Monday, December 1, 2025 2:40 PM

To: Mike Skinner <miskinner@jaspercountysc.gov>; Cynthia Fizzarotti <cfizzarotti@jaspercountysc.gov>

Cc: Nicole Holt <nholt@jaspercountysc.gov>; Andrew Fulghum <afulghum@jaspercountysc.gov>

Subject: Treasurer salary supplemental vouchers

Good afternoon, Mike,

When Cynthia came up with the attached salary supplement there was some confusion with my team as to how handle the vouchers. The way to handle this request is via a resolution appropriating use of the decal fund revenue for the salary supplements. The next available Council meeting is December 15th. Would you like to have the resolution added to the agenda so you can make the presentation and request? If so, we can ask Wanda to add it to the agenda. Nicole can work with you on the personnel action request (PAR) forms.

Regards,

Kimberly Burgess, CPA, CGFO | Director, Administrative Services Division

Jasper County

358 Third Avenue, PO Box 1149

Ridgeland, SC 29936

Office: (843) 717-3692 Fax: (843) 717-3626

www.jaspercountysc.gov



Jasper County is an Equal Opportunity Employer. Special Accommodations Available Upon Request to Individuals with Disabilities by calling (843) 717-3696 or (843) 717-3690. This email message contains confidential and/or privileged information that is intended solely for the addressee. If you have received this message in error, please notify us by return email, and delete it from your system. Reading, copying or disseminating this message is strictly prohibited.

Andrew Fulghum

From: Kimberly Burgess
Sent: Monday, December 1, 2025 3:08 PM
To: Lawrence E. Flynn - Pope Flynn, LLC (lflynn@popeflynn.com)
Cc: Andrew Fulghum; Nicole Holt
Subject: FW: Treasurer salary supplemental vouchers

Lawrence,

Please see Mr. Skinner's response below. The decal revenue is included in his budget. I do not believe that increases in salary or salary supplements are included in the salary and wage line item. Isn't there a provision in state law about not allowing the payment of bonuses or payments for work already performed?

Kim

From: Mike Skinner <miskinner@jaspercountysc.gov>
Sent: Monday, December 1, 2025 2:42 PM
To: Kimberly Burgess <kburgess@jaspercountysc.gov>; Cynthia Fizzarotti <cfizzarotti@jaspercountysc.gov>
Cc: Nicole Holt <nholt@jaspercountysc.gov>; Andrew Fulghum <afulghum@jaspercountysc.gov>
Subject: RE: Treasurer salary supplemental vouchers

I do not need a resolution to spend money in my budget....

Respectfully,

Michael T. Skinner



Jasper County Treasurer
P O Box 722
Ridgeland, SC 29936

Telephone number: 843-717-3601
Email: miskinner@jaspercountysc.gov

From: Kimberly Burgess <kburgess@jaspercountysc.gov>
Sent: Monday, December 1, 2025 2:40 PM
To: Mike Skinner <miskinner@jaspercountysc.gov>; Cynthia Fizzarotti <cfizzarotti@jaspercountysc.gov>
Cc: Nicole Holt <nholt@jaspercountysc.gov>; Andrew Fulghum <afulghum@jaspercountysc.gov>
Subject: Treasurer salary supplemental vouchers

Good afternoon, Mike,

When Cynthia came up with the attached salary supplement there was some confusion with my team as to how handle the vouchers. The way to handle this request is via a resolution appropriating use of the decal fund revenue for the salary supplements. The next available Council meeting is December 15th. Would you like to have the

resolution added to the agenda so you can make the presentation and request? If so, we can ask Wanda to add it to the agenda. Nicole can work with you on the personnel action request (PAR) forms.

Regards,

Kimberly Burgess, CPA, CGFO | Director, Administrative Services Division

Jasper County

358 Third Avenue, PO Box 1149

Ridgeland, SC 29936

Office: (843) 717-3692 Fax: (843) 717-3626

www.jaspercountysc.gov



Jasper County is an Equal Opportunity Employer. Special Accommodations Available Upon Request to Individuals with Disabilities by calling (843) 717-3696 or (843) 717-3690. This email message contains confidential and/or privileged information that is intended solely for the addressee. If you have received this message in error, please notify us by return email, and delete it from your system. Reading, copying or disseminating this message is strictly prohibited.

Cc: John Kemp <jkemp@jaspercountysc.gov>; John Kemp <norwich68@gmail.com>; Joey Rowell <jrowell@jaspercountysc.gov>
Subject: Fwd: issues...

Lawrence:

FYI re: Kim's ask of you to prepare a resolution authorizing the bonuses for Council approval. That was based on my direction.

—Andy

Andrew P. Fulghum
County Administrator
Jasper County, SC
(843) 717-3690

Begin forwarded message:

From: Mike Skinner <mskinner@jaspercountysc.gov>
Date: December 2, 2025 at 2:08:21 PM EST
To: John Kemp <jkemp@jaspercountysc.gov>, Joey Rowell <jrowell@jaspercountysc.gov>
Cc: Andrew Fulghum <afulghum@jaspercountysc.gov>
Subject: issues...

Gentlemen,

A recent communication by the Finance Director has once again, prohibited me from functioning in the capacity of my elected office. A recurring theme despite years of attempts at a mutual and respectful partnership. I am simply looking to provide a salary supplemental to my team for the extra workload incurred once the tax season started. Kim Burgess has refused to cut checks that I have asked for out of my line item unless I come before council and ask permission....again. I do not need permission from council to use money in my budget put there by council. I will be writing the checks myself from the already approved budget item.

The most recent budget passed this July includes in it a line item that was meant to clear up some questions posed by the previous County Attorney. The use of decal funds by the treasurer's office is not something new in this state. In fact, pattern and practice in this county was far less transparent and accountable before my efforts to include the council. I submitted the total average annual collected of \$30,000 but finance bumped it down to \$20,000 without reason. Regardless, I kept quiet because the budget was already a mess to begin with and I did not want to press the issue. Key point is...there is that fund of monies in my budget.

1583

TAX ACCT AUTO DECAL FEE

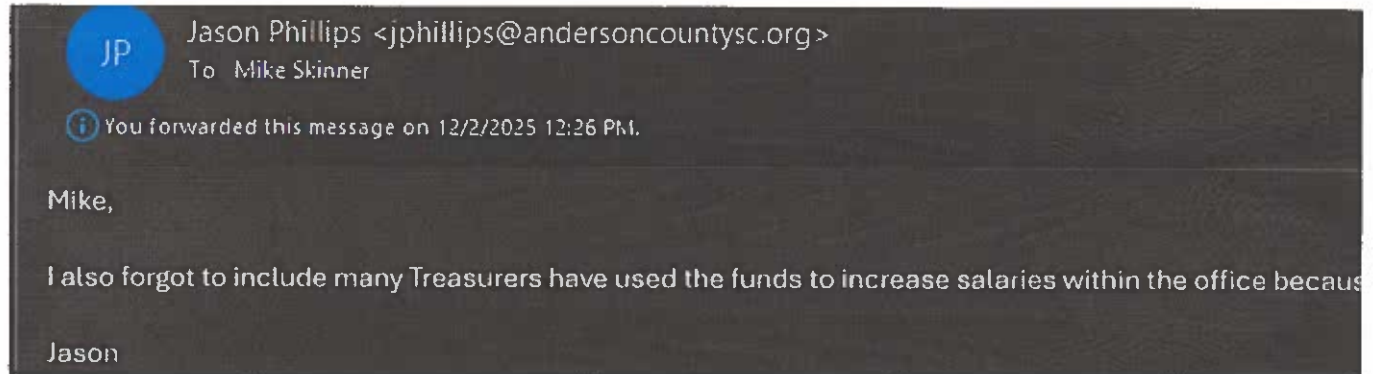
Department 06

Now, we have gone round and round about what this money can be used for. I have been investigated fully by the previous attorney David Tedder on my use of this pool of money. I am within my right to use it as needed for my office.

(E) A governmental subdivision that issues license plates or revalidation decals pursuant to this section may charge a one-dollar fee for license plates and revalidation decals.

(F) The department shall supervise the provision of services contained in this section.

I have also reached out to the legislative body of the South Carolina Association of Treasurers and Tax collectors....



This is but the most recent example of the frequent disregard for office of the Treasurer that has caused considerable stress amongst myself and my team here as we try to conduct our day-to-day business. It is for this reason, I am dissolving the MOA between the Treasurer's office and that of the Finance office that was signed June 5th, 2025. Effective this day.....

Respectfully,

Michael T. Skinner



Jasper County Treasurer
P O Box 722
Ridgeland, SC 29936

Telephone number: 843-717-3601
Email: miskinner@jaspercountysc.gov

Andrew Fulghum

From: Andrew Fulghum
Sent: Thursday, June 26, 2025 12:50 PM
To: Mike Skinner; Chris VanGeison; Joey Rowell; Joseph Arzillo; John Kemp
Cc: Kimberly Burgess; David Tedder
Subject: RE: Decal fund....
Attachments: Memo on Decal Account and 2026 Budget.pdf

All:

Good afternoon. Just to clarify- the revenue is recognized in the Treasurer's budget within the budget the Council already has for Council consideration on Monday. The 71% salary increase is also included. The Decal Fund requires some discussion and understanding. It may not be as simple as it seems- the County Council has real responsibility to assure that the funds are spent in accordance with the statute, the agreement with the DMV, and our procurement policy. I think all of that can easily be accomplished going forward.

A lot of good material is included in the attached memo prepared by Mr. Tedder to include other revenues recognized in the budget as well as guidance courts have given to Council's and elected officials to keep them compliant.

In any event, briefly discussing this as a group would be a good thing to make sure we are all on the same page going forward.

Thanks.

--Andy



Andrew P. Fulghum, ICMA-CM
County Administrator
Jasper County
Post Office Box 1149
Ridgeland, South Carolina 29936

Location: 358 Third Avenue, Suite 306-A
Jasper County Clementa C. Pinckney Government Building
Telephone Number: 843-717-3690
Facsimile: 843-726-7800
Email: afulghum@jaspercountysc.gov

Jasper County is An Equal Opportunity Employer.

If you are Deaf, Hard of hearing or have a Speech disability,
please dial 711 or 1-800-735-8583 (English) or 800-877-1229 (Spanish) to connect to a no-cost relay service to
speak with one of our representatives.

Special Accommodations Available Upon Request to Individuals with Disabilities by calling (843) 717-3690.

From: Mike Skinner <msskinner@jaspercountysc.gov>

Sent: Thursday, June 26, 2025 10:41 AM

To: Chris VanGeison <cvangeison@jaspercountysc.gov>

Cc: Andrew Fulghum <afulghum@jaspercountysc.gov>; Kimberly Burgess <kburgess@jaspercountysc.gov>; Joey Rowell <jrowell@jaspercountysc.gov>; John Kemp <jkemp@jaspercountysc.gov>; Joseph Arzillo <jarzillo@jaspercountysc.gov>

Subject: RE: Decal fund....

Chris,

While I do appreciate acknowledging my email, I was hoping for an answer from the staff on this.

It is eerily similar to the budget snub from last year where my salary submittal was removed before the third reading without a vote. When questioned I was told in phone conversations that it will happen later....only later turned into the Wednesday after never. I am hoping the same passive resistance isn't applied here.

The decal fund really should be a line item on my budget and approved by council. That would satisfy my understanding of the intent of the fund and also satisfy Tedder's understanding that council has the responsibility to manage it.

Just as a reminder how vague the creation of this item is....

SECTION 56-2-2740. Refusal to renew license and registration for non-payment of property tax; biennial plates; validation and revalidation decals; fees.

(A) The Department of Motor Vehicles must refuse to renew the driver's license and motor vehicle registration of a person who has not paid personal property taxes within the time limits prescribed in this chapter. A county treasurer or municipal clerk treasurer must forward notification to the department of persons violating the provisions of this chapter. Notification of individuals violating this chapter must be forwarded to the department in the time and manner determined by the department for the proper administration of this section.

(B) The department shall issue biennial license plates and revalidation decals. The department may enter into contracts with persons, corporations, or governmental subdivisions to issue license plates and revalidation decals. The department, person, corporation, or governmental subdivision shall give a motor vehicle owner a license plate or revalidation decal for the tax year for which personal property taxes and biennial fees have been paid pursuant to Section 56-3-253.

(C) All validation decals must be issued for a period not to exceed twelve months, except for vehicles which do not require the payment of property taxes.

(D) A person or corporation that issues license plates or revalidation decals pursuant to this section may charge a fee in excess of the fee charged by the department.

(E) A governmental subdivision that issues license plates or revalidation decals pursuant to this section may charge a one-dollar fee to defray the expenses associated with the issuance of license plates and revalidation decals.

(F) The department shall supervise the provision of services contained in this section.

HISTORY: 1996 Act No. 459, Section 129; 1997 Act No. 40, Section 1; 2003 Act No. 51, Section 15; 2017 Act No. 89 (H.3247), Section 9, eff November 19, 2018.

Effect of Amendment

2017 Act No. 89, Section 9, in (C), added ", except for vehicles which do not require the payment of property taxes".

Respectfully,

Michael T. Skinner



Jasper County Treasurer
P O Box 722
Ridgeland, SC 29936

Telephone number: 843-717-3601
Email: mskinner@jaspercountysc.gov

From: Chris VanGeison <cvangeison@jaspercountysc.gov>
Sent: Monday, June 23, 2025 12:19 PM
To: Mike Skinner <mskinner@jaspercountysc.gov>
Cc: Andrew Fulghum <afulghum@jaspercountysc.gov>; Kimberly Burgess <kburgess@jaspercountysc.gov>; Joey Rowell <jrowell@jaspercountysc.gov>; John Kemp <jkemp@jaspercountysc.gov>; Joseph Arzillo <jarzillo@jaspercountysc.gov>
Subject: Re: Decal fund....

Thank you for catching this Mr Skinner.
Sent from my iPad

On Jun 23, 2025, at 11:59 AM, Mike Skinner <mskinner@jaspercountysc.gov> wrote:

Folks,

I just watched the workshop on the budget and noticed that the decal fund was still not added as a revenue or spending line on the Treasurer's office. Will that be corrected before the third reading?

Respectfully,

Michael T. Skinner

<image001.png>
Jasper County Treasurer
P O Box 722
Ridgeland, SC 29936

Telephone number: 843-717-3601
Email: mskinner@jaspercountysc.gov

Andrew Fulghum

From: Lawrence Flynn <lflynn@popeflynn.com>
Sent: Monday, December 8, 2025 1:30 PM
To: Kimberly Burgess; Nicole Holt
Cc: Andrew Fulghum; John Kemp
Subject: RE: Bonus request

Thanks. That was my understanding as well.

Lawrence Flynn III

Member | Pope Flynn, LLC

DIRECT: (803) 354-4902

FAX: (803) 354-4899

popeflynn.com | vCard

From: Kimberly Burgess <kburgess@jaspercountysc.gov>
Sent: Monday, December 8, 2025 1:21 PM
To: Lawrence Flynn <lflynn@popeflynn.com>; Nicole Holt <nholt@jaspercountysc.gov>
Cc: Andrew Fulghum <afulghum@jaspercountysc.gov>; John Kemp <jkemp@jaspercountysc.gov>
Subject: RE: Bonus request

The Treasurer wanted the decal revenue included in his budget to which the Council agreed. The salary and wages budgeted were very specific to the positions in his department and did not include bonuses. However, because the new hire was later than July 1 and the new Deputy Treasurer makes less than the previous Deputy Treasurer there is sufficient funds in the salary and wage budget line item to cover the bonuses. Bonuses were not specifically budgeted, and budgeting revenue does not mean that bonuses were budgeted.

Kim

From: Lawrence Flynn <lflynn@popeflynn.com>
Sent: Monday, December 8, 2025 12:40 PM
To: Nicole Holt <nholt@jaspercountysc.gov>; Kimberly Burgess <kburgess@jaspercountysc.gov>
Cc: Andrew Fulghum <afulghum@jaspercountysc.gov>; John Kemp <jkemp@jaspercountysc.gov>
Subject: FW: Bonus request

My understanding is this money has not been approved in the FY26 budget. Please confirm. Thanks, LEF

Lawrence Flynn III

Member | Pope Flynn, LLC

DIRECT: (803) 354-4902

FAX: (803) 354-4899

From: Mike Skinner <mskinner@jaspercountysc.gov>
Sent: Monday, December 8, 2025 12:28 PM
To: Lawrence Flynn <lflynn@popeflynn.com>
Cc: John Kemp <jkemp@jaspercountysc.gov>; Andrew Fulghum <afulghum@jaspercountysc.gov>
Subject: RE: Bonus request

Ummmm, ok...going to do that when I need a printer too or is this just arbitrary? I came before council to have this line item added to the budget... pattern and practice of the last 30 years dictated I didn't need too but I wanted to change that. That line item WAS added and now you want me to come before the council to ask for money that was already given?

Respectfully,

Michael T. Skinner



Jasper County Treasurer
P O Box 722
Ridgeland, SC 29936

Telephone number: 843-717-3601
Email: mskinner@jaspercountysc.gov

From: Lawrence Flynn <lflynn@popeflynn.com>
Sent: Monday, December 8, 2025 7:52 AM
To: Mike Skinner <mskinner@jaspercountysc.gov>
Cc: John Kemp <jkemp@jaspercountysc.gov>; Andrew Fulghum <afulghum@jaspercountysc.gov>
Subject: Bonus request

Treasurer Skinner

In consideration of your request for staff bonus money, I prepared the attached resolution for consideration and approval. The authorization allows council to internally transfer money from Fund 067 toward the requested bonus, which avoids the need for a formal budget amendment. This item will be added to the 12/15 agenda. Thanks, LEF

Lawrence Flynn III
MEMBER

DIRECT: (803) 354-4902
FAX: (803) 354-4899
popeflynn.com | [vCard](#)



POPE FLYNN

1411 Gervais St.
Suite 300
Columbia, SC 29201

CONFIDENTIAL COMMUNICATION: The information contained in this message may contain legally privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or duplication of this transmission is strictly prohibited. If you have received this communication in error, please notify us by telephone or email immediately and return the original message to us or destroy all printed and electronic copies. Nothing in this transmission is intended to be an electronic signature nor to constitute an agreement of any kind under applicable law unless otherwise expressly indicated. Intentional interception or dissemination of electronic mail not belonging to you may violate federal or state law.

Image Report



ABA Number 053200983
Account Number 870701133
Amount \$390.15
Deposit Date 12/03/2025

Front

O-TKT-1090

DATE 12/3/25

NAME payroll acct

SIGN HERE FOR CASH RECEIVED (IF REQUIRED)

Checks and other items are received for deposit subject to the provisions of the Uniform Commercial Code, the deposit account agreement, and other deposit account disclosures. In each case in effect at the time of deposit. Deposits may not be available for immediate withdrawal.

ACCOUNT NUMBER

* 870701133

⑆5655⑈0000⑆

CHECKING DEPOSIT

☒ CASH ▶ 390.15

CHECKS ☐

TOTAL FROM OTHER SIDE ▶

SUB TOTAL ▶

LESS CASH RECEIVED ▶

NET DEPOSIT \$ 390.15

009

Back

TOTAL
MASTERS
CONFIRMATION

-TranDt=12/03/25-StartTm= 1:56:14 PM
Pr=13-TlrID=9997
-Inst=INST-RtNum=>053200983<
-ItemNum=983292153480

-TranDt=12/03/25-StartTm= 1:56:14 PM
Br=13-TlrID=9997
-Inst=INST-RtNum=>053200983<
-ItemNum=983292153480

CHECKS LIST

CHECKS LIST	DOLLARS	CENTS
1	390	15
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		
29		
30		
31		
32		
33		
34		
35		
36		
37		
38		
39		
40		
41		
42		
43		
44		
45		
46		
47		
48		
49		
50		
51		
52		
53		
54		
55		
56		
57		
58		
59		
60		
61		
62		
63		
64		
65		
66		
67		
68		
69		
70		
71		
72		
73		
74		
75		
76		
77		
78		
79		
80		
81		
82		
83		
84		
85		
86		
87		
88		
89		
90		
91		
92		
93		
94		
95		
96		
97		
98		
99		
100		

Transaction Report for account *9926

Decal Account

Reported on Dec 8, 2025 1:26 PM EST

Current Ledger \$47,578.55
 Memo Available \$47,578.55
 Memo Ledger \$47,578.55
 Total Funds Available \$47,578.55

Actions

[Transaction Search](#)
[Balance Reporting](#)
[Export Report](#)

Date	Deposits	Description	Credit	Debit	Running Balance
12/03/2025		Debit WITHDRAWAL		\$2,550.00	\$47,578.55
12/03/2025		Debit WITHDRAWAL		\$390.15	\$50,128.55
11/28/2025		Interest Credit Interest	\$133.30		\$50,518.70
11/13/2025		Transfer Credit 918881 ACCOUNT TRANSFER FROM COMM ANALYSIS PLUS 2436089 12:00	\$2,705.00		\$50,385.40
10/31/2025		Interest Credit Interest	\$147.23		\$47,680.40
10/30/2025	<u>361333473</u>	Credit Deposit	\$35.00		\$47,533.17
10/29/2025		Transfer Credit 126687 ACCOUNT TRANSFER FROM COMM ANALYSIS PLUS 2436089 14:22	\$35.00		\$47,498.17
10/20/2025		Transfer Credit 322040 ACCOUNT TRANSFER FROM COMM ANALYSIS PLUS 2436089 11:13	\$2,636.00		\$47,463.17
10/09/2025	<u>361329691</u>	Credit Deposit	\$30.00		\$44,827.17
10/03/2025		Transfer Debit 393264 ACCOUNT TRANSFER TO BUSINESS CHOICE 870700036 14:50		\$217.73	\$44,797.17
09/30/2025		Interest Credit Interest	\$151.25		\$45,014.90
09/22/2025		Transfer Credit 532730 ACCOUNT TRANSFER FROM COMM ANALYSIS PLUS 2436089 14:10	\$2,828.00		\$44,863.65
09/05/2025		Transfer Credit 514597 ACCOUNT TRANSFER FROM COMM ANALYSIS PLUS 2436089 14:59	\$30.00		\$42,035.65
09/05/2025	<u>429617588</u>	Credit Deposit	\$35.00		\$42,005.65
09/04/2025	<u>289601443</u>	Credit Deposit	\$35.00		\$41,970.65
08/29/2025		Interest Credit Interest	\$129.57		\$41,935.65
08/26/2025		Transfer Credit 335496 ACCOUNT TRANSFER FROM COMM ANALYSIS PLUS 2436089 15:00	\$1,287.50		\$41,806.08
08/08/2025	<u>274531207</u>	Credit Deposit	\$35.00		\$40,518.58
08/06/2025		Transfer Credit 206697 ACCOUNT TRANSFER FROM COMM ANALYSIS PLUS 2436089 11:45	\$1,287.50		\$40,483.58
07/31/2025		Interest Credit Interest	\$129.19		\$39,196.08
07/29/2025	<u>274528787</u>	Credit Deposit	\$35.00		\$39,066.89

Date	Deposits	Description	Credit	Debit	Running Balance
07/22/2025		Transfer Credit 024381 ACCOUNT TRANSFER FROM COMM ANALYSIS PLUS 2436089 9:43	\$30.00		\$39,031.89
07/21/2025	<u>274526250</u>	Credit Deposit	\$30.00		\$39,001.89
07/16/2025		Transfer Credit 069586 ACCOUNT TRANSFER FROM COMM ANALYSIS PLUS 2436089 11:49	\$2,567.00		\$38,971.89
07/09/2025	<u>292126023</u>	Credit Deposit	\$30.00		\$36,404.89
06/30/2025		Transfer Debit 203018 ACCOUNT TRANSFER TO BUSINESS CHOICE 870700036 9:40		\$900.00	\$36,374.89
06/30/2025		Interest Credit Interest	\$120.05		\$37,274.89
06/23/2025		Transfer Credit 457848 ACCOUNT TRANSFER FROM COMM ANALYSIS PLUS 2436089 12:51	\$2,765.00		\$37,154.84
05/30/2025		Interest Credit Interest	\$109.91		\$34,389.84
05/23/2025	<u>1008</u>	Check Paid Check Paid		\$50.00	\$34,279.93
05/14/2025		Transfer Credit 698229 ACCOUNT TRANSFER FROM COMM ANALYSIS PLUS 2436089 16:11	\$2,618.00		\$34,329.93
04/30/2025		Interest Credit Interest	\$102.83		\$31,711.93
04/28/2025		Miscellaneous Fees TREASURY MANAGEMENT RDC SCANNER FEE FOR JASPER COUNTY TREASURER		\$1,040.00	\$31,609.10
04/16/2025		Transfer Credit 623578 ACCOUNT TRANSFER FROM COMM ANALYSIS PLUS 1130007709 15:11	\$2,998.00		\$32,649.10
03/31/2025		Interest Credit Interest	\$96.04		\$29,651.10
03/31/2025	<u>292107011</u>	Credit Deposit	\$30.00		\$29,555.06
03/31/2025	<u>292107007</u>	Credit Deposit	\$30.00		\$29,525.06
03/31/2025	<u>292107003</u>	Credit Deposit	\$30.00		\$29,495.06
03/18/2025		Transfer Credit 968918 ACCOUNT TRANSFER FROM COMM ANALYSIS PLUS 1130007709 15:04	\$2,527.00		\$29,465.06
03/18/2025	<u>289643696</u>	Credit Deposit	\$30.00		\$26,938.06
03/03/2025	<u>429607760</u>	Credit Deposit	\$30.00		\$26,908.06
03/03/2025	<u>429607756</u>	Credit Deposit	\$30.00		\$26,878.06
02/28/2025		Interest Credit Interest	\$77.55		\$26,848.06
02/26/2025	<u>289811711</u>	Credit Deposit	\$30.00		\$26,770.51
02/24/2025	<u>429606152</u>	Credit Deposit	\$30.00		\$26,740.51
02/21/2025		Transfer Credit 896654 ACCOUNT TRANSFER FROM COMM ANALYSIS PLUS 1130007709 14:13	\$30.00		\$26,710.51
02/19/2025		Transfer Credit 413569 ACCOUNT TRANSFER FROM COMM ANALYSIS PLUS 1130007709 14:44	\$2,409.00		\$26,680.51

12/8/2025

Treasury Navigator

Date	Deposits	Description	Credit	Debit	Running Balance
02/14/2025		Transfer Credit 639917 ACCOUNT TRANSFER FROM COMM ANALYSIS PLUS 1130007709 12:25	\$30.00		\$24,271.51
02/14/2025		Transfer Credit 639301 ACCOUNT TRANSFER FROM COMM ANALYSIS PLUS 1130007709 12:25	\$30.00		\$24,241.51
02/13/2025	<u>280666059</u>	Credit Deposit	\$30.00		\$24,211.51

[Back](#)

* indicates required fields
Page generated on 12/08/2025 at 1:26 PM EST

RIDGELAND, SC

DATE: _____

December 1, 2025

Antonia Fizzarotti

ACCT. NO:

Run through
Payroll?
Nicole?

Reimburse payroll
through Decal
fund

067-1583

	Salary Supplemental		\$750 ^w
	Please		
TOTAL			\$750 ^w
	M.T.R.		
APPROVED:			

JASPER COUNTY VOUCHER

DATE: December 1, 2025

RIDGELAND, SCREMIT TO: Keitha Vaughn

ACCT. NO:

067-1583

[illegible]

JASPER COUNTY VOUCHER

DATE: December 1, 2025

RIDGELAND, SC

REMIT TO:

ACCT. NO:

	Salary Supplemental		\$500 ^w
TOTAL			\$500 ^w
APPROVED:	M.T.R.		

JASPER COUNTY VOUCHER

DATE: December 1, 2025

RIDGELAND, SC

REMIT TO: Deana Bailey

ACCT. NO: _____

067-1583

	Salary Supplemental		\$300 ⁰⁰
TOTAL			\$300 ⁰⁰
APPROVED: M.T.R.			

JASPER COUNTY VOUCHER

DATE: December 1, 2025

RIDGELAND, SCREMIT TO: Elicia Mouzon

ACCT. NO:

4648

067-1583

[illegible]