

NO. 57

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 12, 2021

TUESDAY, APRIL 19, 2022

Tuesday, April 19, 2022
(Statewide Session)

~~Indicates Matter Stricken~~
Indicates New Matter

The Senate assembled at 12:00 Noon, the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

Exodus 18:20

The father-in-law of Moses, Jethro, said to Moses: “. . . teach them the statutes and instructions and make known to them the way they are to go and the things they are to do.”

Let us pray: It is indeed “budget time” here in the Senate of South Carolina, O God. And these Senators and their aides are continuing to tackle all sorts of matters related to budget building during these challenging days we are living through. Therefore we fervently pray, Lord, that You bestow upon each of these servants the wisdom and insight and the sense of responsibility necessary as they work together to provide for the needs of our State and her people. For, as always, Lord, it is a formidable task. So by Your grace lead the members of this Body to agree finally on what is best for South Carolina, that they might yet again demonstrate that they are indeed capable and caring leaders. In Your loving and gracious name we pray all of this, dear Lord. Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

Point of Quorum

At 12:07 P.M., Senator PEELER made the point that a quorum was not present. It was ascertained that a quorum was not present.

Call of the Senate

Senator PEELER moved that a Call of the Senate be made. The following Senators answered the Call:

Adams	Alexander	Bennett
Cash	Climer	Corbin
Cromer	Davis	Fanning
Garrett	Goldfinch	Grooms
Harpootlian	Hembree	Hutto

TUESDAY, APRIL 19, 2022

<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Malloy	Martin
Massey	McElveen	Peeler
Rankin	Reichenbach	Rice
Sabb	Scott	Senn
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

A quorum being present, the Senate resumed.

MESSAGE FROM THE GOVERNOR

The following appointments were transmitted by the Honorable Henry Dargan McMaster:

Statewide Appointments

Reappointment, South Carolina Department of Transportation Commission, with the term to commence February 15, 2022, and to expire February 15, 2026

6th Congressional District:

John Barnwell Fishburne, 1123 St. Peters Road, Walterboro, SC 29488

Referred to the Committee on Transportation.

Reappointment, South Carolina Foster Care Review Board, with the term to commence June 30, 2021, and to expire June 30, 2025

6th Congressional District:

Andrea B. McCoy, 334 Teague Park Court, Columbia, SC 29209

Referred to the Committee on Family and Veterans' Services.

Initial Appointment, South Carolina Public Charter School District Board of Trustees, with the term to commence July 1, 2020, and to expire July 1, 2023

SC Association of Public School Administrators:

Billy R. Strickland, 202 Sweetgum Street, Laurens, SC 29360-3753
VICE Dr. V. Keith Callicutt

Referred to the Committee on Education.

TUESDAY, APRIL 19, 2022

Initial Appointment, South Carolina Real Estate Commission, for a term of four years from the date of appointment.

General Public:

Thomas F. Dugas, 120 Woodland Way, Greenville, SC 29601-3840
VICE George H. O'Kelley III

Referred to the Committee on Labor, Commerce and Industry.

Leave of Absence

On motion of Senator MASSEY, at 12:57 P.M., Senators GUSTAFSON and GAMBRELL were granted a leave of absence for today.

Leave of Absence

On motion of Senator SABB, at 12:57 P.M., Senators JACKSON and MATTHEWS were granted a leave of absence for today.

Expression of Personal Interest

Senator KIMPSON rose for an Expression of Personal Interest.

Remarks to be Printed

On motion of Senator STEPHENS, with unanimous consent, the remarks of Senator KIMPSON, when reduced to writing and made available to the Desk, would be printed in the Journal.

Expression of Personal Interest

Senator HARPOOTLIAN rose for an Expression of Personal Interest.

Expression of Personal Interest

Senator SCOTT rose for an Expression of Personal Interest.

RECALLED

H. 5101 -- Reprs. Cobb-Hunter, Alexander, Allison, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brittain, Bryant, Burns, Bustos, Calhoun, Carter, Caskey, Chumley, Clyburn, Cogswell, Collins, B. Cox, W. Cox, Crawford, Dabney, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Fry, Gagnon, Garvin, Gatch, Gilliam, Gilliard, Govan, Haddon, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Hyde, Jefferson, J.E. Johnson, J.L. Johnson, K.O. Johnson, Jones,

TUESDAY, APRIL 19, 2022

Jordan, King, Kirby, Ligon, Long, Lowe, Lucas, Magnuson, Matthews, May, McCabe, McCravy, McDaniel, McGarry, McGinnis, McKnight, J. Moore, T. Moore, Morgan, D.C. Moss, V.S. Moss, Murphy, Murray, B. Newton, W. Newton, Nutt, Oremus, Ott, Parks, Pendarvis, Pope, Rivers, Robinson, Rose, Rutherford, Sandifer, Simrill, G.M. Smith, G.R. Smith, M.M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Weeks, West, Wetmore, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO DECLARE APRIL 28, 2022, AS “WORKERS’ MEMORIAL DAY” IN SOUTH CAROLINA IN TRIBUTE TO THE WORKING MEN AND WOMEN WHO HAVE LOST THEIR LIVES BECAUSE OF WORKPLACE INJURIES AND ILLNESSES.

Senator DAVIS asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Labor, Commerce and Industry.

The Concurrent Resolution was recalled from the Committee on Labor, Commerce and Industry and ordered placed on the Calendar for consideration tomorrow.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 1260 -- Senator Alexander: A SENATE RESOLUTION TO RECOGNIZE AND HONOR JULIAN STOUDEMIRE FOR HIS FORTY-FOUR YEARS OF DEDICATED SERVICE TO THE CITY OF WALHALLA, AND TO WISH HIM MUCH HAPPINESS AND FULFILLMENT IN THE YEARS AHEAD.

l:\s-res\tca\071juli.kmm.tca.docx

The Senate Resolution was adopted.

S. 1261 -- Senator Cromer: A SENATE RESOLUTION TO CONGRATULATE KEN DRACHMAN FOR BEING ELECTED TO THE SOUTH CAROLINA MANUFACTURED HOUSING HALL OF FAME.

l:\s-res\rwc\020ken .kmm.rwc.docx

The Senate Resolution was adopted.

TUESDAY, APRIL 19, 2022

S. 1262 -- Senator Cromer: A SENATE RESOLUTION TO CONGRATULATE TONY MASSARELLI FOR BEING ELECTED TO THE SOUTH CAROLINA MANUFACTURED HOUSING HALL OF FAME.

l:\s-res\rwc\019tony.kmm.rwc.docx

The Senate Resolution was adopted.

S. 1263 -- Senators Gambrell and Garrett: A BILL TO AMEND ACT 293 OF 2012, RELATING TO THE ELECTION DISTRICTS FOR THE ABBEVILLE COUNTY SCHOOL DISTRICT, SO AS TO REAPPORTION THE ELECTION DISTRICTS FROM WHICH THE MEMBERS OF THE GOVERNING BODY OF THE ABBEVILLE COUNTY SCHOOL DISTRICT MUST BE ELECTED BEGINNING WITH THE 2022 SCHOOL TRUSTEE ELECTIONS, TO PROVIDE DEMOGRAPHIC INFORMATION REGARDING THESE REVISED ELECTION DISTRICTS, AND TO UPDATE ARCHAIC LANGUAGE.

l:\council\bills\ar\8052zw22.docx

Read the first time and ordered placed on the Local and Uncontested Calendar.

S. 1264 -- Senator Hutto: A BILL TO AMEND ACT 184 OF 2020, AS AMENDED, RELATING TO THE CONSOLIDATION OF HAMPTON COUNTY SCHOOL DISTRICT NO. 1 AND HAMPTON COUNTY SCHOOL DISTRICT NO. 2 INTO ONE SCHOOL DISTRICT TO BE KNOWN AS THE HAMPTON COUNTY SCHOOL DISTRICT, SO AS TO ESTABLISH AND REAPPORTION THE SEVEN SINGLE-MEMBER ELECTION DISTRICTS FROM WHICH CERTAIN MEMBERS OF THE HAMPTON COUNTY SCHOOL DISTRICT BOARD OF TRUSTEES MUST BE ELECTED BEGINNING WITH THE 2022 SCHOOL DISTRICT ELECTIONS, TO DESIGNATE A MAP NUMBER ON WHICH THESE ELECTION DISTRICTS ARE DELINEATED, AND TO PROVIDE DEMOGRAPHIC INFORMATION PERTAINING TO THESE ELECTION DISTRICTS.

l:\council\bills\ar\8053zw22.docx

Read the first time and ordered placed on the Local and Uncontested Calendar.

TUESDAY, APRIL 19, 2022

S. 1265 -- Senator Hembree: A SENATE RESOLUTION TO PROCLAIM JUNE 21 TO 26, 2022, AS AMATEUR RADIO WEEK AND JUNE 25 AND 26, 2022, AS AMERICAN RADIO RELAY LEAGUE AMATEUR RADIO FIELD DAY THROUGHOUT THE STATE AND TO ENCOURAGE ALL SOUTH CAROLINIANS TO RECOGNIZE THE MANY CONTRIBUTIONS OF AMATEUR RADIO OPERATORS, INCLUDING EMERGENCY COMMUNICATIONS AND OTHER PUBLIC SERVICE WORK, FOR THE CONTINUED SAFETY OF THE RESIDENTS OF THE PALMETTO STATE.

l:\council\bill\jn\3583ph22.docx

The Senate Resolution was adopted.

S. 1266 -- Senators Setzler and Shealy: A SENATE RESOLUTION TO RECOGNIZE THE RIVERBANKS ZOO AND GARDEN, THE PREMIER ZOO ATTRACTION IN THE SOUTHEAST, TO CONGRATULATE THE FOUNDERS AND STAFF FOR FORTY-EIGHT YEARS OF WILDLIFE CONSERVATION, ANIMAL CARE AND WELFARE, EDUCATION, AND ENTERTAINMENT TO THE CITIZENS OF THE STATE OF SOUTH CAROLINA, AND TO DECLARE MAY 4, 2022 "RIVERBANKS ZOO AND GARDEN DAY" IN SOUTH CAROLINA.

l:\s-res\ngs\019rive.kmm.ngs.docx

The Senate Resolution was adopted.

S. 1267 -- Senator Hutto: A BILL TO AMEND ACT 105 OF 2021, AS AMENDED, RELATING TO THE CONSOLIDATION OF BARNWELL COUNTY (BLACKVILLE) SCHOOL DISTRICT NO. 19 AND BARNWELL COUNTY (WILLISTON) SCHOOL DISTRICT NO. 29 INTO ONE SCHOOL DISTRICT TO BE KNOWN AS THE BARNWELL COUNTY CONSOLIDATED SCHOOL DISTRICT, SO AS TO ESTABLISH AND REAPPORTION THE SEVEN SINGLE-MEMBER ELECTION DISTRICTS FROM WHICH THE MEMBERS OF THE BARNWELL COUNTY CONSOLIDATED SCHOOL DISTRICT BOARD OF TRUSTEES MUST BE ELECTED BEGINNING WITH THE 2022 SCHOOL DISTRICT ELECTIONS, TO DESIGNATE A MAP NUMBER ON WHICH THESE ELECTION DISTRICTS ARE DELINEATED, AND TO PROVIDE DEMOGRAPHIC INFORMATION PERTAINING TO THESE ELECTION DISTRICTS.

l:\council\bill\ar\8054zw22.docx

TUESDAY, APRIL 19, 2022

Read the first time and ordered placed on the Local and Uncontested Calendar.

THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.

RECOMMITTED

S. 1213 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, RELATING TO FEE SCHEDULE FOR BOARD OF BARBER EXAMINERS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5081, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

On motion of Senator MASSEY, the Resolution was recommitted to Committee on Labor, Commerce and Industry.

RECOMMITTED

S. 1214 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION-BOARD OF EXAMINERS FOR LICENSURE OF PROFESSIONAL COUNSELORS, MARRIAGE AND FAMILY THERAPIST, ADDICTION COUNSELORS, AND PSYCHO-EDUCATIONAL SPECIALISTS, RELATING TO COUNSELORS, THERAPISTS, AND SPECIALISTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5075, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

On motion of Senator MASSEY, the Resolution was recommitted to Committee on Labor, Commerce and Industry.

RECOMMITTED

S. 1215 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION-BOARD OF FUNERAL SERVICE, RELATING TO LICENSING PROVISIONS; AND CONTINUING EDUCATION, DESIGNATED AS REGULATION DOCUMENT NUMBER 5037, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

TUESDAY, APRIL 19, 2022

On motion of Senator MASSEY, the Resolution was recommitted to Committee on Labor, Commerce and Industry.

RECOMMENDED

S. 1216 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION-STATE ATHLETIC COMMISSION, RELATING TO CODE OF ETHICS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5083, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

On motion of Senator MASSEY, the Resolution was recommitted to Committee on Labor, Commerce and Industry.

RECOMMENDED

S. 1217 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION-OFFICE OF OCCUPATIONAL SAFETY AND HEALTH, RELATING TO OCCUPATIONAL SAFETY AND HEALTH REVIEW BOARD, DESIGNATED AS REGULATION DOCUMENT NUMBER 5050, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

On motion of Senator MASSEY, the Resolution was recommitted to Committee on Labor, Commerce and Industry.

AMENDED, CARRIED OVER

H. 4831 -- Reps. Elliott, B. Cox, Caskey, Ballentine, Wooten, McGarry, Forrest, Erickson, Bernstein, Wetmore, Carter, Atkinson, Cogswell, W. Cox, Weeks, Wheeler, Henegan and Murray: A JOINT RESOLUTION TO DIRECT THE DEPARTMENT OF COMMERCE TO CONDUCT AN ECONOMIC DEVELOPMENT STUDY TO EVALUATE THE STATE'S BUSINESS ADVANTAGES, ECONOMIC CLIMATE, WORKFORCE READINESS, AND ANY OTHER RELEVANT STATE ASSETS TO CREATE A ROADMAP TO EFFECTIVELY COMPETE IN ATTRACTING OFFSHORE WIND ENERGY SUPPLY CHAIN INDUSTRIES TO THE STATE; AND TO PROVIDE FOR THE PURPOSE AND DUTIES OF THE STUDY.

The Senate proceeded to a consideration of the Resolution.

TUESDAY, APRIL 19, 2022

Senator MARTIN proposed the following amendment (4831R001.SP.SRM), which was adopted:

Amend the joint resolution, as and if amended, on page 1, by striking lines 24 through 29 and inserting:

/SECTION 1. (A) The Department of Commerce must conduct an economic development study to evaluate the state's business advantages, economic climate, workforce readiness, and any other relevant state assets to create a roadmap for South Carolina to effectively compete in attracting offshore headquarters for the Carolina Panthers. This study will build upon South Carolina's /

Renumber sections to conform.

Amend title to conform.

Senator MARTIN explained the amendment.

The amendment was adopted.

Senator MARTIN proposed the following amendment (4831R002.SP.SRM), which was adopted:

Amend the joint resolution, as and if amended, by adding an appropriately numbered new SECTION to read:

/SECTION __. In addition to the study committee required pursuant to SECTION 1, the Department of Commerce must conduct a study evaluating the impacts on taxpayers for any economic development project that fails to reach completion, and must include a report to the General Assembly any recommendations for taxpayer reimbursements for impacts from a failed project. /

Renumber sections to conform.

Amend title to conform.

Senator MARTIN explained the amendment.

The amendment was adopted.

On motion of Senator MARTIN, the Resolution was carried over.

CARRIED OVER

S. 1254 -- Medical Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION-BOARD OF MEDICAL EXAMINERS, RELATING TO EMERGENCY LICENSURE,

TUESDAY, APRIL 19, 2022

DESIGNATED AS REGULATION DOCUMENT NUMBER 5090, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

On motion of Senator VERDIN, the Resolution was carried over.

CARRIED OVER

S. 1255 -- Medical Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION-BOARD OF EXAMINERS IN SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY, RELATING TO LICENSING PROVISIONS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5101, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

On motion of Senator DAVIS, the Resolution was carried over.

CARRIED OVER

S. 1256 -- Medical Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION-BOARD OF MEDICAL EXAMINERS, RELATING TO CRITERIA FOR PHYSICIAN SUPERVISION OF NURSES IN EXTENDED ROLE, DESIGNATED AS REGULATION DOCUMENT NUMBER 5049, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

On motion of Senator DAVIS, the Resolution was carried over.

CARRIED OVER

H. 5075 -- Reps. G.M. Smith and West: A BILL TO AMEND SECTION 12-6-3795, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SOUTH CAROLINA HOUSING TAX CREDIT, SO AS TO DEFINE TERMS AND LIMIT THE CREDIT; TO AMEND ARTICLE 3 OF CHAPTER 11, TITLE 1, RELATING TO THE ALLOCATION OF STATE CEILING ON ISSUANCE OF PRIVATE ACTIVITY BONDS, SO AS TO REQUIRE THE STATE FISCAL ACCOUNTABILITY AUTHORITY TO DEVELOP A STATE CEILING ALLOCATION PLAN ANNUALLY, TO SPECIFY REQUIREMENTS OF THE PLAN, AND TO PROVIDE A PROCESS FOR PERIODIC ALLOCATIONS OF THE STATE CEILING; AND TO REPEAL SECTION 1-11-370 RELATING TO INDEBTEDNESS

TUESDAY, APRIL 19, 2022

INCLUDED WITHIN ANY LIMITS ON PRIVATE ACTIVITY BONDS.

On motion of Senator SETZLER, the Bill was carried over.

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

H. 4408 -- Rep. G.M. Smith: A JOINT RESOLUTION TO AUTHORIZE THE EXPENDITURE OF FEDERAL FUNDS DISBURSED TO THE STATE IN THE AMERICAN RESCUE PLAN ACT OF 2021, AND TO SPECIFY THE MANNER IN WHICH THE FUNDS MAY BE EXPENDED.

The Senate proceeded to a consideration of the Resolution.

The Committee on Finance proposed the following amendment (4408R001.KMM.HSP), which was adopted:

Amend the joint resolution, as and if amended, by striking all after the enacting words and inserting:

/

Part I

Authorization to Expend Federal Funds

SECTION 1. (A) The source of revenue authorized for expenditure in this Section is (i) the State Fiscal Recovery Funds and (ii) the Capital Projects Fund disbursed to the State pursuant to the federal “American Rescue Plan Act of 2021,” Public Law No. 117-2, (hereinafter referred to as “ARPA”). The expenditure authorizations contained in this Section are for the maximum amounts that may be disbursed or expended by the receiving government entity. All disbursements and expenditures must be made in compliance with the provisions contained in this act. The receiving entities are:

(1) Department of Transportation.....\$453,499,758

Of the amount authorized for expenditure by the Department of Transportation \$297,462,293 is reimbursement for general fund and Education Improvement Act revenue not collected and \$156,037,465 is reimbursement for motor fuel user fee revenue not collected due to the COVID-19 pandemic as calculated by the Executive Budget Office.

(2) Rural Infrastructure Authority.....\$900,000,000

(3) Office of Regulatory Staff.....\$400,000,000

Of the amount authorized for expenditure by the Office of Regulatory Staff \$185,765,655 is from the Capital Projects Fund and the remaining \$214, 234,345 is from the State Fiscal Recovery Funds disbursed to the State pursuant to ARPA.

TUESDAY, APRIL 19, 2022

- (4) Department of Health and Environmental Control.....\$104,400,000
- (5) Department of Administration.....\$8,000,000

(B) If any disbursement to any recipient, or subrecipient, resulting from an authorization contained herein is disallowed by federal law, regulation, or order, then the recipient or subrecipient shall promptly return the disbursed funds to the disbursing entity.

Part II

Directives to State Agencies Concerning the Authorization to Expend Federal Funds

Department of Transportation

SECTION 2. There is established in the State Treasury an account to be known as the Transportation Infrastructure Acceleration Account. The account is separate from the general fund of the State and all other funds and accounts. The account shall consist of the federal funds authorized pursuant to SECTION 1(A)(1) of this act. The funds in the Transportation Infrastructure Acceleration Account shall be used by the Department of Transportation to accelerate completion of projects included in the Statewide Transportation Improvement Program. These funds are not intended to satisfy state matching requirements for any other federal grants to the extent that such use is disallowed by ARPA.

SECTION 3. Funds in the Transportation Infrastructure Acceleration Account may be released to the Department of Transportation upon the direction of the Executive Budget Office. The Executive Budget Office may not direct the release of funds until the Department of Transportation has submitted its plans for the funds to the Joint Bond Review Committee for its review and comment.

Rural Infrastructure Authority

SECTION 4. There is established in the State Treasury an account to be known as the ARPA Water and Sewer Infrastructure Account. The account is separate from the general fund of the State and all other funds and accounts. The account shall consist of federal funds authorized pursuant to SECTION 1(A)(2) of this act. The funds in the ARPA Water and Sewer Infrastructure Account shall be used by the Rural Infrastructure Authority to administer and operate three grant programs designed to provide for improvements in water, wastewater, and storm water infrastructure throughout the State. In each of the three grant programs, units of local government, special purpose districts, commissions of public works, and joint municipal organizations may apply for grants. A unit of local government may apply for a grant on behalf of non-profit water and sewer systems. Grants may be awarded

TUESDAY, APRIL 19, 2022

for the completion of water, wastewater, and storm water projects as defined in ARPA.

SECTION 5. (A) The Rural Infrastructure Authority shall utilize \$800,000,000 of the funds in the ARPA Water and Sewer Infrastructure Account to operate, in cooperation with the Department of Health and Environmental Control, a competitive infrastructure grant program. Of the funds in the account for the competitive infrastructure grant program, the Rural Infrastructure Authority may allocate up to one percent of the funds for its administrative costs and shall transfer one percent to the Department of Health and Environmental Control for related permitting activities. One hundred million dollars shall be available for projects designated by the Secretary of Commerce as being significant to economic development and may be funded at up to fifty million dollars per project with no local match requirement. The Rural Infrastructure Authority shall transfer five hundred thousand dollars to each of the ten South Carolina Councils of Governments for planning assistance, development of grant application proposals, and compliance assistance related to improvements in water, wastewater, and storm water infrastructure for smaller systems.

(B) Grants pursuant to this program must be issued equitably based upon established priorities and parameters. Applicants may request up to ten million dollars per project or application. Awards shall be made from the funds authorized for the competitive infrastructure grant program, less any amounts allocated for purposes designated in subsection (A). Large utilities, defined as those serving a population equal to or greater than thirty thousand people, shall be eligible for sixty percent of the funds, and small and medium utilities, defined as those serving a population of less than thirty thousand people, shall be eligible for forty percent of the funds.

(C) Local financial support is required for each grant award and must be committed in writing and available prior to project bidding. Design, engineering, and other non-construction costs will be considered part of the local financial support. For large utilities, the local financial support must be equal to or greater than twenty five percent of the project cost. For small and medium utilities, the local financial support must be equal to or greater than fifteen percent of the project cost.

(D) Priority consideration will be given to applications for projects based upon a comparative analysis in the following relative order of need:

(1) regional solutions - projects that implement solutions that impact multiple systems;

TUESDAY, APRIL 19, 2022

(2) water quality - projects that address consent orders, violations, or other public health or environmental impacts;

(3) resilience and storm protection - projects that help utilities prepare for emergencies;

(4) other aging infrastructure - projects that upgrade or replace infrastructure that has exceeded its useful life; and

(5) capacity - projects that improve service for existing residents while preparing for future opportunities.

(E) To provide for equitable distribution of funds from the account, the following factors must be considered when awarding grants:

(1) documented priority needs;

(2) the transformational impact of the project on the relevant community;

(3) the extent to which additional funds may be leveraged by the grant;

(4) the readiness of the applicant to proceed with the project and meet program deadlines;

(5) the project's feasibility; and

(6) geographic diversity.

SECTION 6. (A) The Rural Infrastructure Authority shall utilize \$20,000,000 of the funds in the ARPA Water and Sewer Infrastructure Account to operate a planning grant program for very small water systems. This program will assist very small systems that are unable to provide the required local investment for the competitive infrastructure grant program or that cannot identify a competitive project for assistance. Applicants for grants from this program must identify the assistance needed. Grants from this program may be awarded in an amount up to one million dollars per system.

(B) Grant recipients may utilize grant funding pursuant to this program for approved purposes, including, but not limited to, capital improvement planning, rate studies and other financial assessments, asset management, smoke testing, mapping, televising of lines and other necessary analyses, as well as preliminary planning and design for capital improvement projects. As a condition for receiving a grant pursuant to this program, recipients must demonstrate the intent to implement the recommendations arising from approved planning assistance.

SECTION 7. (A) The Rural Infrastructure Authority shall utilize \$80,000,000 of the funds in the ARPA Water and Sewer Infrastructure Account to operate a regional solutions grant program. Applicants may request up to ten million dollars per project or application. The maximum

TUESDAY, APRIL 19, 2022

grant request may be waived by the Rural Infrastructure Authority if the proposed project provides a regional solution that will result in consolidation of or for projects located in Tier III or Tier IV counties.

(B) Local financial support equal to or greater than fifteen percent of the cost of the project is required for each grant award and must be committed in writing and available prior to project bidding. Design, engineering, and other non-construction costs will be considered part of the local financial support. The local financial support requirement may be waived by the Rural Infrastructure Authority if the proposed project provides a regional solution that will result in consolidation or for projects located in Tier III or Tier IV counties.

(C) Priority consideration will be given to applications for projects based upon a comparative analysis in the following relative order of need:

(1) the project results in a consolidation or operating agreement with at least one small system with viability concerns;

(2) the project results in an expanded partnership agreement with at least one small system with viability concerns; and

(3) the project results in a consolidation or operating agreement with other systems.

(D) To provide for equitable distribution of funds from the account, the following factors must be considered when awarding grants:

(1) documented priority needs;

(2) the transformational impact of the project on the relevant community;

(3) the extent to which additional funds may be leveraged by the grant;

(4) the readiness of the applicant to proceed with the project and meet program deadlines;

(5) the project's feasibility; and

(6) geographic diversity.

SECTION 8. The Rural Infrastructure Authority shall be permitted to modify or waive the program parameters contained in SECTIONS 4, 5, 6 and 7 to ensure the timely and equitable distribution of funds in compliance with federal guidelines for these funds. Modifications to funding amounts authorized for specific use by each program must first be submitted with justification to the Joint Bond Review Committee for review and comment. The Rural Infrastructure Authority shall submit a report of all other modifications to the Joint Bond Review Committee.

Office of Regulatory Staff

TUESDAY, APRIL 19, 2022

SECTION 9. There is established in the State Treasury an account to be known as the ARPA Broadband Account. This account is separate and distinct from the general fund of the State and all other funds and accounts. The account shall consist of federal funds authorized pursuant to SECTION 1(A)(3) of this act. The funds in the ARPA Broadband Account shall be used to expand broadband infrastructure to households, businesses, and communities in the State that are unserved or underserved by broadband services.

SECTION 10. (A) The Office of Broadband Coordinator, an office within the Office of Regulatory Staff, is authorized to expend funds from the ARPA Broadband Account to:

(1) administer a grant program to expand broadband infrastructure to households, businesses, and communities in the State that are unserved or underserved by broadband services;

(2) provide technical assistance and coordination;

(3) host and participate in stakeholder discussions and advisory groups;

(4) support continued mapping efforts, including, but not limited to, costs associated with storage, security, and data collection;

(5) engage in and undertake such other activities related to or necessary to fulfilling the requirements of expanding broadband infrastructure to households, businesses, and communities in the State that are unserved or underserved by broadband services;

(6) expend funds for alternative and enabling technologies, including, but not limited to, wireless broadband service, low earth orbit satellite, middle-mile fiber, enhanced cellular service, and carrier neutral broadband infrastructure; and

(7) reimburse any state funds as may be allowed by ARPA, or related guidance issued by the United States Department of the Treasury, for reasonable costs associated with administering the grant program and fulfilling the Office of Broadband Coordinator's obligations established by this act.

(B) The grant program may include an opportunity to reimburse a portion of construction costs, incurred on or after March 15, 2021, related to the expansion of broadband during the pandemic.

(C) All expenditures, reimbursements, and grants awarded by the Office of Broadband Coordinator must be in compliance with ARPA and the methods and guidance issued by the United States Department of Treasury for the allocation and oversight of ARPA funding.

SECTION 11. (A) The Office of Broadband Coordinator may award grants from the ARPA Broadband Account to broadband service

TUESDAY, APRIL 19, 2022

providers and other entities for authorized projects that achieve the purpose of expanding broadband infrastructure to households, businesses, and communities in the State that are unserved or underserved by broadband services. The speed at which an applicant can complete the proposed project shall be considered among significant criteria for awarding grants.

(B) Electric Cooperatives that own broadband facilities pursuant to the provisions of S.C. Code §§ 58-9-3000, *et. seq.*, the Broadband Accessibility Act of 2020 are eligible to receive grants from the ARPA Broadband Account.

(C) Grants may be disbursed to recipients in tranches; the number and amount of funding in each tranche shall be determined by the Office of Broadband Coordinator.

SECTION 12. (A) Grant recipients and other entities receiving funds pursuant to SECTION 11 shall report to the Office of Broadband Coordinator concerning the progress of the recipient's project. The reports shall provide the most accurate and granular representation of then-currently available broadband infrastructure installed by the recipient, the type of technology installed, the sustainable download and upload speeds available at each serviceable location, and such other information that the Office of Broadband Coordinator requires.

(B) The Office of Broadband Coordinator shall maintain as confidential all individual company-designated proprietary information. All such individual proprietary information is exempt from the provisions contained in S.C. Code §§ 30-4-10, *et. seq.*, the South Carolina Freedom of Information Act.

(C) The Office of Regulatory Staff is authorized to contract with broadband service providers and to procure professional grant management, vendor, consulting, or other services for oversight and compliance of funds designated, granted, and disbursed pursuant to this act and for such other purposes as the Office of Regulatory Staff may deem necessary to implement the purposes of this act.

(D) It is vital to the state's interest that grant funds be awarded for the deployment of broadband infrastructure in rural communities in the most expeditious manner possible. Accordingly, contracting with broadband service providers and the procurement of professional grant management, vendor, consulting, or other services and pursuant to this act should be done pursuant to the provisions of S.C. Code § 11-35-1570 of the 1976 Code. The Executive Director of the Office of Regulatory Staff shall coordinate the process used to contract with broadband service providers and to procure grant management, vendor, or

TUESDAY, APRIL 19, 2022

consulting services and shall be responsible for the development of specifications to be included in any contract awarded. The State Fiscal Accountability Authority shall serve as the procuring officer for the procurement process and is responsible for administrative duties related to the process and the contract awarded. The State Fiscal Accountability Authority shall assign such personnel as necessary to assist the Office of Regulatory Staff in carrying out its duties under this act.

SECTION 13. The Office of Broadband Coordinator is directed to take all necessary action to secure any broadband funding made available to this State pursuant to Section 604 of the Social Security Act, as added by Section 9901 of ARPA and to make appropriate grants from those funds in compliance with the provisions contained in Sections 9 through 12 of this act.

Department of Health and Environmental Control

SECTION 14. The amount authorized for expenditure by the Department of Health and Environmental Control in SECTION (1)(A)(4) shall be utilized by the department for the construction of a public health laboratory. The department shall make quarterly reports to the Joint Bond Review Committee for review and comment.

Department of Administration

SECTION 15. The Department of Administration shall utilize up to the amount authorized in SECTION(1)(A)(5) for contracting for professional grant management services of ARPA funds and other federal COVID-19 relief funds. The department shall use the contract awarded pursuant to the procurement process established by Section 2(A) of Act 135 of 2020, for professional grant management services.

Part III

Miscellaneous Provisions

SECTION 16. The expenditure authorizations contained in this act are supplemental to the expenditure authorizations for receiving entities as contained in Act 94 of 2021, the General Appropriations Act for Fiscal Year 2021-22, and future expenditure authorizations enacted by the General Assembly through December 31, 2026.

SECTION 17. Earnings and interest on accounts created pursuant to this act must be credited to the account and any balance at the end of the fiscal year carries forward to the account in the succeeding fiscal year for the same purpose.

SECTION 18. The General Assembly finds that the sections presented in this act constitute one subject as required by Article III, Section 17 of the South Carolina Constitution, in particular finding that each change and each topic relates directly to or in conjunction with other

TUESDAY, APRIL 19, 2022

sections to the subject of authorizing the disbursal and expenditure of federal funds received by the State pursuant to ARPA as clearly enumerated in the title.

The General Assembly further finds that a common purpose or relationship exists among the sections, representing a potential plurality but not disunity of topics, notwithstanding that reasonable minds might differ in identifying more than one topic contained in the act.

SECTION 19. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, then such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 20. This act shall become law upon approval of the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator SETZLER explained the amendment.

The amendment was adopted.

The question then being second reading of the Resolution, as amended.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 41; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Corbin	Cromer	Davis
Fanning	Garrett	Goldfinch
Grooms	Harpootlian	Hembree
Hutto	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Kimpson	Loftis
Malloy	Martin	Massey

TUESDAY, APRIL 19, 2022

McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Scott	Senn
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

Total--41

NAYS

Total--0

There being no further amendments, the Resolution, as amended, was read the second time, passed and ordered to a third reading.

ADOPTED

S. 1230 -- Senator Fanning: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 9 IN CHESTER COUNTY FROM ITS INTERSECTION WITH PILGRIM ROAD TO THE CHESTER/UNION COUNTY LINE "MAJOR GENERAL GARY T. MCCOY ROAD" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THIS DESIGNATION.

The Resolution was adopted, ordered sent to the House.

THE CALL OF THE UNCONTESTED CALENDAR HAVING BEEN COMPLETED, THE SENATE PROCEEDED TO THE MOTION PERIOD.

RULE 32B

Pursuant to Rule 32B, Senator MASSEY, as Chairman of the Committee on Rules, called H. 3729 from the Contested Calendar.

MOTION ADOPTED

At 1:02 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

TUESDAY, APRIL 19, 2022

THE SENATE PROCEEDED TO A CALL OF THE CONTESTED STATEWIDE AND LOCAL CALENDAR.

**COMMITTEE AMENDMENT ADOPTED, AMENDED
READ THE SECOND TIME**

H. 3729 -- Reps. Sandifer and Cogswell: A BILL TO AMEND SECTION 16-11-760, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO VEHICLES PARKED ON PRIVATE PROPERTY WITHOUT PERMISSION, SO AS TO PROVIDE THAT ONLY CERTAIN STORAGE COSTS MAY BE CHARGED TO THE OWNER AND LIENHOLDER OF A VEHICLE FOUND PARKED ON PRIVATE PROPERTY WITHOUT PERMISSION; TO AMEND SECTION 29-15-10, RELATING TO LIENS FOR STORAGE, SO AS TO PROHIBIT THE COLLECTION OF STORAGE COSTS BY A TOWING COMPANY, STORAGE FACILITY, GARAGE, OR REPAIR SHOP PRIOR TO THE PERSON SENDING NOTICE TO THE OWNER AND LIENHOLDER; TO AMEND SECTION 56-5-5630, RELATING TO PAYMENTS FOR THE RELEASE OF ABANDONED VEHICLES, SO AS TO PROVIDE THAT A TOWING COMPANY AND STORAGE FACILITY MAY NOT CHARGE ANY STORAGE COSTS BEFORE NOTICE IS SENT TO THE OWNER AND LIENHOLDER; TO AMEND SECTION 56-5-5635, RELATING TO LAW ENFORCEMENT TOWING AND STORAGE PROCEDURES, SO AS TO PROVIDE THAT A TOWING COMPANY, STORAGE FACILITY, GARAGE, OR REPAIR SHOP MAY NOT CHARGE ANY STORAGE COSTS BEFORE NOTICE IS SENT TO THE OWNER AND LIENHOLDER; AND TO AMEND SECTION 56-5-5640, RELATING TO THE SALE OF UNCLAIMED VEHICLES, SO AS TO PROVIDE A REFERENCE.

The Senate proceeded to a consideration of the Bill.

Senator BENNETT explained the Bill.

The Committee on Transportation proposed the following amendment (3729R001.KMM.LKG), which was adopted:

Amend the bill, as and if amended, on page 3, by striking lines 22 - 27 and inserting:

/ (c) if the vehicle is not titled in South Carolina, the titling governmental entity in the state in which the vehicle was last titled as provided by a search of the National Motor Vehicle Title Information System (NMVTIS);

TUESDAY, APRIL 19, 2022

(d) if the vehicle is not titled in South Carolina, a vendor authorized by the state in which the vehicle was last titled to provide real-time access to the most current title and lienholder information; or /

Amend the bill further, as and if amended, on page 7, by striking lines 40 - 43, and on page 8, by striking lines 1 and 2 and inserting:

/ (c) if the vehicle is not titled in South Carolina, the titling governmental entity in the state in which the vehicle was last titled as provided by a search of the National Motor Vehicle Title Information System (NMVTIS);

(d) if the vehicle is not titled in South Carolina, a vendor authorized by the state in which the vehicle was last titled to provide real-time access to the most current title and lienholder information; or /

Re-number sections to conform.

Amend title to conform.

Senator BENNETT explained the amendment.

The amendment was adopted.

Senator MATTHEWS proposed the following amendment (DG\3729C001.NBD.DG22), which was adopted:

Amend the bill, as and if amended, SECTION 2, page 2, by striking line 41 and inserting:

/ maximum period of fourteen (14) business days before notice of the
/

Re-number sections to conform.

Amend title to conform.

Senator BENNETT explained the amendment.

The amendment was adopted.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 40; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Corbin	Cromer	Davis
Fanning	Garrett	Goldfinch
Grooms	Hembree	Hutto

TUESDAY, APRIL 19, 2022

<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Loftis	Malloy
Martin	Massey	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Sabb
Scott	Senn	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

Total--40

NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

REPORTS

College and University Trustee
Screening Commission



429 Blatt Building
P.O. Box 142
Columbia, South Carolina 29202
Phone: (803) 734-3053
Email: CollegeandUniversity@scstatehouse.gov

**College and University Trustee Screening Commission
Report to the General Assembly
April 19, 2022**

The College and University Trustee Screening Commission found the following individuals qualified and nominated for the Trustee seats to

TUESDAY, APRIL 19, 2022

which they applied. These individuals will be released to receive commitments on Tuesday, April 19, 2022, at 12:00 p.m. noon. The Joint Assembly to elect the trustees is currently set for Wednesday, May 4, 2022, at 12:00 p.m. (noon). A complete transcript of the hearings for these candidates will be printed in today's Senate and House Journals.

The Citadel

CANDIDATES FOUND QUALIFIED AND NOMINATED

- One (1) at-large seat - Benjamin D. Dixon - *Wadmalaw Isl.*
- terms expires June 30, 2028 - Dylan W. Goff - *Columbia*
- Kara Irvin - *North Charleston*

Clemson University

CANDIDATES FOUND QUALIFIED AND NOMINATED

- Three (3) at-large seats - Patricia H. McAbee - *Greenville*
- terms expire June 30, 2026 - John N. McCarter - *N. Myrtle Beach*
- Sharka Marie Prokes - *Inman*
- Joseph D. Swann - *Greenville*

Lander University

CANDIDATES FOUND QUALIFIED AND NOMINATED

- At-Large - Seat 8 - Robert A. Barber, Jr. - *Charleston*
- term expires June 30, 2026

- At-Large - Seat 9 - James C. Shubert - *Simpsonville*
- term expires June 30, 2026

- At-Large - Seat 10 - Peggy Makins - *Lexington*
- term expires June 30, 2026

- At-Large - Seat 11 - Donald H. Scott - *Waterloo*
- term expires June 30, 2026

- At-Large - Seat 12 - DeWitt B. Stone, Jr. - *Clemson*
- term expires June 30, 2026

- At-Large - Seat 13 - Raymond D. Hunt, Sr. - *Chapin*
- term expires June 30, 2026

- At-Large - Seat 14 - Marcia T. Hydrick - *Seneca*
- term expires June 30, 2026

TUESDAY, APRIL 19, 2022

- At-Large - Seat 15 - John E. Craig, Jr. - *Lancaster*
- term expires June 30, 2026

Wil Lou Gray Opportunity School

CANDIDATES FOUND QUALIFIED AND NOMINATED

- Two (2) At-Large seats
- terms expire June 30, 2026 - J. Blake Lindsey - *West Columbia*
- Marilyn E. Taylor - *Columbia*

University of South Carolina

CANDIDATES FOUND QUALIFIED AND NOMINATED

- 5th Judicial Circuit - Alexander English - *Blythewood*
- term expires June 30, 2026
- 7th Judicial Circuit - D. Benjamin Graves - *Spartanburg*
- term expires June 30, 2026 - Henry L. Jolly, Jr. - *Gaffney*
- J. Patrick Anderson - *Spartanburg*
- 13th Judicial Circuit - D. Hollis Felkel II - *Simpsonville*
- term expires June 30, 2026 - C. Brody Glenn - *Greenville*
- Reid T. Sherard - *Greenville*

The College and University Trustee Screening Commission carried over the following individuals for the Trustee seats to which they applied. These individuals **will not be released** to receive commitments on Tuesday, April 19, 2022 at 12:00 p.m. (noon). A complete transcript of the hearings for these candidates will be printed in today's Senate and House Journals.

University of South Carolina

CANDIDATES CARRIED OVER

- 1st Judicial Circuit - Charles H. Williams - *Orangeburg*
- term expires June 30, 2026
- 3rd Judicial Circuit - C. Dorn Smith III - *Lake City*
- term expires June 30, 2026
- 9th Judicial Circuit - John C. von Lehe - *Mount Pleasant*
- term expires June 30, 2026
- 11th Judicial Circuit - Thad H. Westbrook - *Lexington*

TUESDAY, APRIL 19, 2022

- term expires June 30, 2026

12th Judicial Circuit - C. Edward Floyd - *Florence*
- term expires June 30, 2026

**COLLEGE AND UNIVERSITY TRUSTEE
SCREENING COMMISSION**

SCREENING HEARINGS

TRANSCRIPT OF PUBLIC HEARINGS

Date: Monday, March 28, 2022
Time: 10:12 A.M.
Location: 110 Blatt Building
1105 Pendleton Street
Columbia, South Carolina 29201

APPEARANCES:

Chairman: William R. Whitmire

Senate Members:

Richard A. Harpootlian
Daniel B. Verdin
John L. Scott
Thomas C. Alexander

House Members:

John King
James H. Lucas
Kirkman Finlay

Committee Staff:

Macey Webb, Esquire

THE CHAIRMAN: We'll go ahead and call this meeting to order this morning. I'm Representative Bill Whitmire from Oconee County. I'm the temporary Chairman of the Screening Committee for Trustees for the Colleges and Universities. And I this is -- I pray that God continues to bless us all this day. Before we get started with our agenda, we have a couple of business items to take care of. First item of business is the election of the chairman.

SPEAKER LUCAS: Mr. Chairman?

TUESDAY, APRIL 19, 2022

THE CHAIRMAN: Yes, sir?

SPEAKER LUCAS: Because of your longstanding participation on this committee over the years, I'll nominate you Representative Bill Whitmire to chair this committee.

SENATOR VERDIN: Second.

THE CHAIRMAN: There's a second. All those in favor, signify by saying Aye.

MEMBERS: Aye.

THE CHAIRMAN: Opposed? No. Thank you. Now, second item of business election of a vice chairman. Do I have a motion?

SENATOR VERDIN: Mr. Chairman?

THE CHAIRMAN: Yes, sir, Senator VERDIN.

SENATOR VERDIN: Mr. Chairman, I'd like to place a nomination. Senator from Oconee, the President of the Senate, Senator THOMAS ALEXANDER as Vice Chairman of the Commission.

SENATOR SCOTT: Second.

THE CHAIRMAN: All those in favor, signify by saying aye.

MEMBERS: Aye.

THE CHAIRMAN: Opposed no. PRESIDENT ALEXANDER will be here this afternoon. We'll screen him and he is giving me his proxy this morning. Thank you, Senator VERDIN. Before we go any further, I'd like to introduce the committee members. On my right we have Senator SCOTT, we have Senator VERDIN, and our newest member Senator HARPOOTLIAN. President Alexander will be sitting immediately to Senator SCOTT'S left when he comes in. On my left we have Speaker Lucas. We also have Representative John R. King, and Representative Kirkman Finlay will be joining us tomorrow, I believe. And so -- also, I don't want to forget our newest lady to help us out is Macey Webb. She works for the education Committee in the House and she got this job at the last moment and she has done an outstanding job. I really appreciate her help. And also Julie Price is here somewhere who's given her expertise. She was on Senator Peeler's staff for many years and she also headed up this when he was chairman. So with that, we'll get started and so the first person we will have, if you will come forward please, is Patricia McAbee. First, if you just give us your full name.

MS. McABEE: Thank you, --

THE CHAIRMAN: Go ahead.

MS. McABEE: -- Mr. Chairman. Thank you, Mr. Chairman. My name is Patricia H. McAbee. I go by Patty.

TUESDAY, APRIL 19, 2022

THE CHAIRMAN: And if you would raise your right hand. PATRICIA H. MCABEE, having been first duly sworn, was examined and testified as follows:

THE CHAIRMAN: Okay. Would you like to make a brief statement on why you would like to continue to serve?

MS. McABEE: Sir, ma'am, good morning to everybody. This morning it's truly my honor to serve as a candidate -- as an elected trustee for 29 years and now as a candidate, again, for re-election.

THE CHAIRMAN: Excuse me, can you speak -- come up a little bit closer to the mic? Speak up a little bit.

MS. McABEE: Maybe I'll lower it a little bit. Is that better?

THE CHAIRMAN: Yes.

MS. McABEE: Good. Thank you. It's truly my honor to be here today and to offer as a candidate for re- election to the Board of Trustees. It's just been an incredible honor and privilege to serve for the past 29 years at the pleasure of this body. I'm a lifelong resident of South Carolina and as such and as a citizen of this state, it's a -- the responsibility to serve Clemson University as one I take very seriously. The role to govern and lead this state supported school of excellence and to provide an affordable and meaningful education for students that contributes to the development of my state is a responsibility I take very seriously. I sincerely appreciate the trust you have placed in me and it's my humble honor to serve. Thank you for the privilege.

THE CHAIRMAN: Thank you, Ms. McAbee. Any questions or comments from members of the committee?

SENATOR SCOTT: Yes.

THE CHAIRMAN: Senator SCOTT?

SENATOR SCOTT: Mr. Chairman, thank you so much. Thank you, Ms. McAbee for your willingness to serve. Twenty-nine years on the Clemson Board is a long time. I remember a lot of the work you did to make sure that we had female representation on that board back in '93, '94.

MS. McABEE: Thank you.

SENATOR SCOTT: Which brings us to, tell us a little bit about work that you've done with diversity since you've been there in the time span. I think about eight or nine years ago, I had the chance to meet and talk with you and some other members of the Board as you began to design a plan in moving Clemson forward and looking at some diversities -- diversity, along with probably even then, it was some resistance. Tell me a little about where the school has come, what are you doing, even

TUESDAY, APRIL 19, 2022

maybe some of the accomplishments you've had since y'all started dealing with diversity.

MS. McABEE: Thank you for that opportunity. Several years ago, the Board of Trustees adopted a set of values that guide and serve as our guide rails -- guardrails as we set policy and govern. One of those is diversity and I'm pleased to say that -- that I was strongly in favor of including that as a -- as a guiding principle and one of our values. Diversity is hard for us at Clemson because number one, we're located in a -- in a part of the state that has traditionally been settled by people who are the same. I call it the sameness of the upstate. And since most of our -- many -- majority of our student applications come from the upstate for in state applicants. So having a diversity in our student body has been a difficult uphill battle. But we -- we continue to reach out to schools in the upstate and throughout the state to encourage awareness of Clemson, bringing students to campus when they're in high school, fostering their ability to take college prep courses prepare for the college entrance exams. So we're engaged on the junior high and high school levels with students across the state, particularly in areas that have more minority populations. We have -- so we're trying to develop the students. Even though we're located in -- in an area of the state that's predominantly white, we tend to -- or we do institute programs such as Call Me MISTER. After they get to college, the Emerging Scholars program that we -- we offer in the schools. And other programs to bring minority students onto our campus to learn what it's like to enroll at Clemson. And then we -- of course, our standards are high and we expect students to be able to be accepted. We accept 87 percent of all South Carolina applications get acceptance into a Pathway to Clemson. So those are some of the things that we're doing for students. We also have on campus -- tried to make campus more inviting. Through the Gantt Multi Cultural Center, through -- I need to look at my notes to see the names of these various areas. I've outlined these things --

SENATOR SCOTT: Let me just -- let me slow you down. Diversity is a lot more than just students being enrolled.

MS. McABEE: Exactly.

SENATOR SCOTT: You're a diversity officer. I'm pretty sure a diversity officer gives you a diverse plan for the school. Also, including Clemson with engineering being one of it's number one instruction --

MS. McABEE: Right.

SENATOR SCOTT: -- professional -- preparing people for the professional world. So you're recruiting all across this country. You

TUESDAY, APRIL 19, 2022

said 87 percent. What is your minority population and what is your in-state population as -- as it results at Clemson.

MS. McABEE: So our -- the minority population -- the population of minority students at Clemson including all minorities is 25 percent.

SENATOR SCOTT: Students?

MS. McABEE: Students. For all minorities. Now, African-Americans is, you know, a lower number than that.

SENATOR SCOTT: How low is it? I'm sorry.

MS. McABEE: Minority -- African-American students at Clemson is right at 6 percent, 5.9 percent. So when -- when we look at that number, that's where we -- we really try to target. And we do look at the faculty and -- and the staff as well. Faculty is at 8 -- little over 8 percent. Staff is 14 1/2 percent minority. So we are -- we're implementing programs that will increase the diversity both from just a numbers of categories of students that are maybe called minorities or they are minorities because of the numbers. But through scholarships, special grants, learning resources, development resources -- those early development resources I was outlining, and just institutionally through division of inclusion and access and equity, the Gantt Center. These are all programs that are instituted in order to make Clemson more attractive and more accessible and friendly.

SENATOR SCOTT: So -- and I'm going to let somebody else have a chance to ask a question. I think y'all were 5 or 6 percent even before you began looking at a diversity plan. Here we are, 29 years later and I'm still getting the same thing in terms of the way we recruit. Don't you think something might be wrong with your diversity plan or the behavior of the school, if that's the case? Because you're selling a product and that's education.

MS. McABEE: Absolutely.

SENATOR SCOTT: Some of the kids go to some of the best schools all across this country. Our goal is to keep South Carolina students here. And so don't you think we -- something else is going wrong on the intake system or the behavior of the school or the Board of Trustees?

MS. McABEE: I agree the numbers are low and we want them higher. So -- so something can be fixed there. We're looking for the fix. We're not turning a blind eye to it. We haven't found the fix. but we continue to look.

SENATOR SCOTT: Ms. McAbee, I tell you, after 29 years, it's something major wrong y'all haven't figured out the fix. I'm looking at other schools. The College of Charleston was up here. They're numbers have just exploded. They also have high SAT scores. All the other

TUESDAY, APRIL 19, 2022

schools around you. I just don't accept the fact that you're just telling me in terms of when you recruit, you recruit when you send your recruiters to bring kids in. Thank you. I'm hoping that -- to see y'all do a lot better than what you're reporting this morning. What's your percentage of out-of-state students?

MS. McABEE: Overall in the student body --

SENATOR SCOTT: Yes.

MS. McABEE: -- or minority. Yeah, overall. We -- we continue to target and stay in the 65/35 mix of in-state to out-of-state students. That may vary a percent or two year over year. I think this year we're at 63 percent in-state, 37 percent out-of-state. So there's -- there are variances year over year but our target for 20 years now has been 65 percent in-state, 35 percent out-of-state.

SENATOR SCOTT: Thank you.

THE CHAIRMAN: Representative King.

REPRESENTATIVE KING: Thank you, Mr. Chair. Thank you for your service, Ms. McAbee.

MS. McABEE: Thank you.

REPRESENTATIVE KING: I have a couple -- just about three questions for you. Do you know what the graduation rate is of African-American students at Clemson? Out of the six percent, what is the graduation rate?

MS. McABEE: Senator King, I have the overall graduation rate of 87 percent but I don't have the actual minority --

REPRESENTATIVE KING: If you don't mind -- if you don't mind getting that.

MS. McABEE: I will be happy to get that and send that back to you.

REPRESENTATIVE KING: Within the Board of Trustees, who chairs on the Board, your diversity and inclusion committee? I would assume that the Board has a diversity and inclusion committee even though you may have a diversity person for the campus. I would assume that the Board is working as a board to also have diversity Committee. And do you all?

MS. McABEE: We do not have a separate committee for diversity inclusion, access, and equity. We meet as a committee as the whole. We discuss those issues primarily in the executive committee of which we all attend. All Board members are invited to attend and we all do attend.

REPRESENTATIVE KING: So I've learned as a representative that represents the Rock Hill area in which Winthrop sits in part of the heart of my district and I've gotten so many phone calls in reference to the pathway for African-American instructors to have -- to receive

TUESDAY, APRIL 19, 2022

tenure. What is the percentage of tenured African-American professors and do you all recruit for African- American instructors at Clemson?

MS. McABEE: I'd like to get that information to you. I would -- I know that we do but that's not -- that's not a detailed enough answer. So I will get that information to you in detail.

REPRESENTATIVE KING: I appreciate it. My last question is how will the Board in -- in recent debate here, we are dealing with what we call Critical Race Theory. How will be the Board assure me and the African-American legislators in this state that the true history -- authentic history of slavery to present will not be eliminated as students will try to engage and find out more about the history of America?

MS. McABEE: Several years ago we had the opportunity to address this very clearly and the Board of Trustees chose to -- to designate a part of our resources to thoroughly study and publicly print and declare the true history of the formation of Clemson University. And those people who worked and struggled and -- and committed their lives to build both the physical structures at Clemson, the -- and to serve the university in a lot of ways -- the college back then. Since then we have -- we have instituted a timeline that is continually updated on our website and within our -- our university so that the public is aware of details and they can -- they can click in and get more and more details. We've also erected new plaques and with tours around campus to illustrate examples of labor that was used early on in the formation of the college and where people lived, and also where people were buried. And we're honoring each of those types of history markers, if you will, that people can see and learn about it. And we're discovering new ways to tell the story every day. But it's our intention to keep the history alive through story and through visual remembrances.

REPRESENTATIVE KING: Thank you so very much.

MS. McABEE: Thank you, Mr. King.

THE CHAIRMAN: Senator HARPOOTLIAN.

SENATOR HARPOOTLIAN: Ma'am, I'm new to this process. This my first meeting. Hopefully, the rest of these folks won't regret it. But I need to get some basic understanding of how you and the rest of the trustees, for not just Clemson, but for all the colleges are supposed to react and behave in the context of organization. For instance, you as a trustee, do you take it upon yourself to contact department heads or folks below the president other than maybe the -- well, folks below the president to communicate with them about issues you have, policies you think ought to be in place? Or do you go through the president? How does that work?

TUESDAY, APRIL 19, 2022

MS. McABEE: It -- all of the above, Senator. I often contact the university through the Secretary of the Board's office --

SENATOR HARPOOTLIAN: Right.

MS. McABEE: -- to make them aware of a contact I might make or might have made.

SENATOR HARPOOTLIAN: Give me an example. What would you contact the department head about?

MS. McABEE: I'm trying to think of a more recent contact. The most recent contact I've had is with the Director of Athletics, who is new in the position, and regarding several issues that are involved with athletics and Clemson University. So I had a personal phone call into him. He returned my phone call personally, not through the President's office, and we had a very candid conversation about several topics that were facing Clemson University.

SENATOR HARPOOTLIAN: I guess what I'm saying is why would you, as a trustee, talk to a department head without taking it through the president -- I mean, -- I mean, were these issues about the kind of job he was doing? Were you critical? Were you seeking information? I'm trying to figure out how this is supposed to work.

MS. McABEE: So -- so I was seeking information and I don't know how it works at other universities but at Clemson, we have a very -- very communicative structure. So that if I talk with the Athletic Director, I'm also going to talk with the President, I'm also going to talk with the Secretary of the Board, other trustees about whatever my thoughts are on a particular matter.

SENATOR HARPOOTLIAN: I mean, are you giving him -- that is, the Athletic Director, -- department director directions on what to do? Who to hire? Who to fire?

MS. McABEE: No, not in any way.

SENATOR HARPOOTLIAN: Who to make what?

MS. McABEE: It's to gain information. It's to gain information where - - where the athletic department might be on a certain capital project or where they might be on a certain --

SENATOR HARPOOTLIAN: Recruiting? Would you talk to him about who to recruit?

MS. McABEE: I don't talk to them about recruiting. I don't talk to them about hiring. I don't talk to them about individual student athletes or individual coaches. I mean, unless that might be -- that might come up in conversation from -- from them but there are no -- no -- never a directive to a faculty member or a staff member.

TUESDAY, APRIL 19, 2022

SENATOR HARPOOTLIAN: I guess what I'm trying to find out is who runs the athletic department? The Athletic Director or individual members of the Board lobbying the Athletic Director? How does that work?

MS. McABEE: The athletic department at Clemson is run by the Athletic Director and the President. And the trustees try to gain information -- trustees such as I try to gain information to inform a greater information for what we hear when we get a formal presentation. To get more information.

SENATOR HARPOOTLIAN: Do you communicate in emails or texts?

MS. McABEE: Not often, no.

SENATOR HARPOOTLIAN: And do you -- do you communicate with other trustee members by text or email?

MS. McABEE: Not often. It's generally over --

SENATOR HARPOOTLIAN: Have you ever used an encrypted email or text system like WhatsApp or one of those?

MS. McABEE: No, sir.

SENATOR HARPOOTLIAN: Okay. Thank you.

THE CHAIRMAN: Senator SCOTT.

SENATOR SCOTT: Yes, ma'am. I'm going to do a follow-up on what Senator HARPOOTLIAN -- what Senator HARPOOTLIAN'S asking about direct contact. I'm going to go back to the diversity officer. You know, diversity officer up here some four or five years ago when y'all were on fire trying to move forward with some diversity and I haven't heard anything else since then. Do you make contact directly to your diversity officer? Diversity officer appear before the Board with a plan, showing how much progress you've made if you've made any? It sounds like they haven't made very much of anything. That you're just kind of rubber stamping it with a person so it has the appearance that you're trying -- trying to create -- the reason why I'm asking these questions. I'm looking at all these other schools that come in here and some of the growth and development and I just can't accept the excuse because of my physical location we -- and the surrounding community, we can't do this. You're a state supported school and we expect a state supported school to have an open policy for these kids to be able to come in and recruit these to come in. So tell me a little bit about that plan and how you -- how you work with your diversity officer and whether or not y'all even pay the diversity officer any attention when that person brings a plan before you.

MS. McABEE: The diversity officer makes regular reports -- formal reports to the full Board of Trustees and we -- we have the opportunity

TUESDAY, APRIL 19, 2022

within a meeting to -- to communicate with the diversity officer. We see the diversity officer on campus and off campus at -- at meetings and -- and have an open invitation -- and to Senator HARPOOTLIAN'S question, we're -- we're -- we have an open invitation to -- to meet with faculty members, members of the administrative team, and staff. But we get formal reports for them -- from them and we do have a diversity plan that is updated. We hear that. We receive that. We're concerned about that. We're concerned about how that plan is not translating into higher numbers. It's - it's my top concern. I feel like the biggest weakness for Clemson is that we haven't grown our diversity numbers. We -- we continually push for new and different ways to address the minority enrollment problem particularly and staff levels. So we -- we have that in place. We're very attentive to it. Every member of the Board of Trustees attends meetings where the diversity plan is discussed and presented and updated. It's not working. It hasn't worked. And you and I have had this discussion and I welcome it and appreciate it. We just are still searching for that --

SENATOR SCOTT: Well, let me say this to you and we'll move on with the process. The buck stops with y'all.

MS. McABEE: Yes, sir.

SENATOR SCOTT: Y'all are the Board of Trustees. I'll tell you year after year after year, I ask these same questions and get the same kind of answers but you expect the state to be very much supportive of the direction you're going in. And I'm just telling y'all you really need to get serious about your diversity at Clemson University. Thank you so much.

MS. McABEE: Thank you, Senator SCOTT.

THE CHAIRMAN: Speaker Lucas.

SPEAKER LUCAS: Thank you, Chairman Whitmire. Ms. McAbee, thank you for your testimony. Sometimes I think the first individual who testifies is almost like the first bill of the judiciary committee. You spend a much longer amount of time on that. I just want to echo some things I've heard from Mr. King and Mr. SCOTT and I really want to pay Clemson a compliment because I really know of no other university in our state that does a better job at recruiting students. My university, the University of South Carolina, is often -- I won't say often, I'll say almost 100 percent of the time out recruited by Clemson because y'all outwork the other side and that's what I appreciate about Clemson. With that being said, I do get tired of hearing the same issues being brought up without solutions. So I don't intend to -- to ask this of the other Clemson trustee members who come up but I would ask but I would ask given how well y'all do recruit at Clemson and what -- and the effort that y'all

TUESDAY, APRIL 19, 2022

do put into it, it would seem that those numbers would be going up or going up at some point in time. And at some point, it's going to ultimately affect, I know, my decision about trustees on this Board. Not necessarily today but I think it's something that needs to happen and needs to happen quickly.

MS. McABEE: Thank you, Mr. Speaker.

THE CHAIRMAN: Any other questions? What's the desire of the committee? Yes, sir.

SENATOR VERDIN: I move favorable report Ms. McAbee to the General Assembly.

REPRESENTATIVE KING: Second.

THE CHAIRMAN: All those in favor, please raise your right hand. Opposed? Thank you, Ms. McAbee. Do not ask for any commitments from the House or Senate members until Macey gets in touch with you, okay?

MS. McABEE: Thank you.

THE CHAIRMAN: I want to be very specific about that. I know you know the rules. Maybe for some of the newer arrivals, that has not worked out in the past sometimes. So good luck to you.

MS. McABEE: Thank you very much, Mr. Chairman.

THE CHAIRMAN: Thank you. Next up will be John Nichols McCarter. Give us your full name, please.

MR. McCARTER: John Nichols McCarter Junior.

THE CHAIRMAN: If you would raise your right hand, I'll swear you in. JOHN NICHOLS MCCARTER having been first duly sworn, was examined and testified as follows:

THE CHAIRMAN: All right. I'll give you a chance to make a brief statement on why you'd like to continue to serve.

MR. McCARTER: Okay. First of all, I'd like to thank the committee and staff for allowing us all to be here today. I'd also like to thank the whole General Assembly for allowing me to represent you and the population of South Carolina in representing Clemson University. It's an honor. I've said that before. And it's a commitment that I take very seriously. Thank you.

THE CHAIRMAN: Staff, do you have any information to share with us on Mr. McCarter?

MS. WEBB: Good morning. There is no information that I have but, however, what I am going to request and I'm going to start with you then I'm going to request for each candidate thereafter. If you will please state your home address, your physical address that you reside at for the record.

TUESDAY, APRIL 19, 2022

MR. McCARTER: 702 North Ocean Boulevard, North Myrtle Beach, South Carolina.

MS. WEBB: Thank you. And do you pay your four percent or six percent at this address?

MR. McCARTER: Four percent.

MS. WEBB: Thank you, sir.

SENATOR HARPOOTLIAN: Mr. Chairman.

THE CHAIRMAN: Senator HARPOOTLIAN.

SENATOR HARPOOTLIAN: And, again, I'm new to this process. Are we going to swear these folks?

THE CHAIRMAN: Pardon?

SENATOR HARPOOTLIAN: Are we going to swear them in?

THE CHAIRMAN: Going to swear them in? Yes. I'm sorry.

SENATOR HARPOOTLIAN: Okay. I'm sorry I just -- it didn't come to mind until those specific questions were asked and I think they should be -- answers ought to be under oath. No offense to Mr. McCarter.

MR. MCCARTER: No, no.

THE CHAIRMAN: I just did swear him in. Yeah, I swore you in?

MR. MCCARTER: Yeah, he swore me. He did.

THE CHAIRMAN: You've got me second guessing myself.

MR. McCARTER: And he did Patty also.

SENATOR HARPOOTLIAN: I apologize.

THE CHAIRMAN: Questions?

SENATOR SCOTT: Yes.

THE CHAIRMAN: Senator SCOTT.

SENATOR SCOTT: Mr. McCarter.

MR. McCARTER: Yes, sir.

SENATOR SCOTT: I want to pick up where I left off with Patty. You've been on this Board how long now?

MR. McCARTER: May will be 14 years.

SENATOR SCOTT: Tell me a little bit about what you as a trustee, what the Board is doing in terms of improving its diversity. It looks like your numbers have not moved at all. You hired a diversity officer. You came up, met up with caucuses as well as presented them to the full General Assembly with a long plan, a lot of improvements the school was going to do, and it appears that you're still standing still. Give me a little more information than the previous trustee had in terms of what you're actually doing at Clemson on your diversity issue. Both staff, faculty, as well as students.

MR. McCARTER: Number wise or you're not interested in the number wise?

TUESDAY, APRIL 19, 2022

SENATOR SCOTT: I want to know what you're actually doing because she's given number wise.

MR. McCARTER: Okay.

SENATOR SCOTT: Number wise indicate not a whole lot.

MR. McCARTER: Well, diversity is always -- is talked about at every board meeting. Different committee members, staff, diversity leader always comes and has a report at board meetings. They're public. It's the very foremost and front our president is very in tune and that's one of the goals to improve. I do -- I'll get the number but I'm pretty sure that we're accepting 88 percent -- 85 to 88 percent of all African- Americans in South Carolina that apply to Clemson. I think that's the correct number. If not, I'll certainly verify that. But we do recruit. We have people out recruiting, trying to raise more money for scholarships. Sometimes there's a problem because somewhere out-of-state people give more money and we're -- you know, we're not a big university but we are -- it's in the forefront of every meeting we go to is diversity. And we are trying. And we got a long way to go as I've told you many times in your office but I feel that there is progress being made. We are in the -- we have done Men of Color and several other things that I think that has helped get students to come to Clemson. But, you know, sometimes logistics -- you know, where we are is not --

SENATOR SCOTT: Please don't say logistics because you got kids coming all across this world --

MR. McCARTER: Well, we do. We do have that but we have -- again, --

SENATOR SCOTT: -- going to school --

MR. McCARTER: -- we accept about 88 percent of the -- African-Americans that apply in the state for Clemson.

SENATOR SCOTT: Your number one recruiting area in South Carolina, you've got 63 percent, as indicated a minute ago, in-state, 37 percent out- of-state. Which out-of-state number is pretty high for out-of-state -- out-of-state students. Where in South Carolina are you actually recruiting in those areas where you can attract those students? The last person talked to me you were recruiting in the immediate area of Clemson, which is small compared to the whole state if you're doing -- and not just upstate recruiting but all of South Carolina.

MR. McCARTER: We are trying to recruit the whole state. I don't have the -- I don't know whose doing -- I don't know the names of the people. We have recruiters out trying to recruit the whole state. As I said earlier, it's got to get better and it's something that comes up at every Board meeting.

TUESDAY, APRIL 19, 2022

SENATOR SCOTT: Are y'all following the plan or supportive of the plan, the President, or actually helping to promote the plan as a whole?

MR. McCARTER: Well, the President runs the university as we hire a president and set a vision, and he has a diversity leader and a team, our chief of staff is a minority. Also, it's a very up-front and it's on the top burner. We just -- we got to do better. It's that simple.

THE CHAIRMAN: Representative King.

REPRESENTATIVE KING: Thank you for your service, Trustee. I have a question in reference to pathway of tenure.

MR. McCARTER: Of what?

REPRESENTATIVE KING: Pathway of tenure for African- American instructors and professors at Clemson. Do you know what the percentage of African- American instructors are? I know we have the percentage of students.

MR. McCARTER: Of faculty? Faculty and staff?

REPRESENTATIVE KING: Instructors and administration.

MR. McCARTER: Okay.

REPRESENTATIVE KING: And if you don't have it, you can get it to me.

MR. McCARTER: I think I've got what you're asking for but let me -- let me make sure that -- on staff, the total minority is about 14 1/2 percent minority. African-American is running at 11 percent.

REPRESENTATIVE KING: In leadership roles -- do you have African-Americans in leadership roles and the administrative?

MR. McCARTER: Chief of Staff is African-American.

REPRESENTATIVE KING: Okay. If you don't mind getting me those numbers.

MR. McCARTER: I'll be glad to.

REPRESENTATIVE KING: The number of staff members and number of African-Americans. I'd like a break down as to --

MR. McCARTER: I can get you the total number of those people of the staff.

REPRESENTATIVE KING: Thank you again for your service.

MR. McCARTER: Thank you for allowing me to serve.

THE CHAIRMAN: Any other questions? Senator VERDIN.

SENATOR VERDIN: Chairman, I'd move favorable report forward on Mr. McCarter's nomination.

SENATOR HARPOOTLIAN: Second.

THE CHAIRMAN: There's a motion for approval and a second. All those in favor, signify by raising your right hand. Opposed?

SENATOR KING: Mr. Chair.

TUESDAY, APRIL 19, 2022

THE CHAIRMAN: Senator SCOTT, I'm sorry.

SENATOR KING: Mr. Chair, while I do support him, I'm going to abstain as there is a donation in the campaign.

THE CHAIRMAN: I got you. I also will abstain.

MR. McCARTER: Sir?

THE CHAIRMAN: I will abstain.

MR. McCARTER: Okay. All right. But there is a motion that was carried --

SENATOR SCOTT: I'm abstaining too.

THE CHAIRMAN: You're abstaining also? And I've got President Alexander's proxy for approval so that gives four approvals, okay. All right, I'll just remind you like I've done -- I will with every candidate. Do not ask for any commitments until Macey contacts you. Thank you, Mr. McCarter. Next up, we have Sharka Marie Prokes. If you would come up, please. If you will give us your full name.

MS. PROKES: Sharka Marie Prokes.

THE CHAIRMAN: If you would raise your right hand, let me swear you in. SHARKA MARIE PROKES, having been first duly sworn, was examined and testified as follows:

THE CHAIRMAN: Thank you. Give a brief statement on why you'd like to serve on the Clemson Board of Trustees.

MS. PROKES: So I feel that education, especially STEM education, is really important. Not only to South Carolina but to the whole country. There have been a significant amount of science that has supported all our fields of study and so I feel that Clemson being a strong engineering school, I feel that I would really like to take part in helping to shape the future of Clemson. And perhaps some of my experience in the past 30 years in STEM and basic research for the DOD would be of help.

THE CHAIRMAN: Questions?

REPRESENTATIVE KING: I have questions.

THE CHAIRMAN: Representative King.

REPRESENTATIVE KING: Thank you for offering yourself. I have a question for you in reference to diversity. If elected as a member of the Board, what would be your plan in reference to taking before -- taking to the Board as a member in reference to increasing African-American students as well as diversity on campus when it comes to staff -- faculty and staff?

MS. PROKES: So in terms of students, in my 30 year career what we had working with universities was a science and engineer apprentice program. And that was basically bringing in high school students into

TUESDAY, APRIL 19, 2022

different aspects of the university research effort and I myself participated strongly in this effort. I had about 35 high school students - - this is not undergrad. This is high school -- high school students. And about 50 percent of them were minorities. And, in fact, that can be a very successful program because it encourages minority students to understand what research is, what universities do, and how they can fit in. And I was very proud, one of my students -- high school students, in fact, went on to go and get a Ph.D. in physics at Stanford. And his name was King -- Dom King and he was an African-American.

REPRESENTATIVE KING: Do you know of any of the programs that promote diversity at Clemson?

MS. PROKES: I have read -- yes, I've read online that there are about four or five diversity programs. There are specifically for African-Americans. They're also programs for in-state South Carolina allowing students to understand and apply to Clemson and to the university. So there are about four programs that I have seen.

REPRESENTATIVE KING: Do you know what those programs are?

MS. PROKES: I have the names of them, if you want. I mean, I can read them to you.

REPRESENTATIVE KING: One of them that -- that you may know about or may not know about is the Call Me MISTER program. Do you know anything about that particular program?

MS. PROKES: No, I've not -- sorry, I have not -- I'm not aware of that one.

REPRESENTATIVE KING: Well, I appreciate you offering yourself and I thank you for being here today.

MS. PROKES: Thank you.

THE CHAIRMAN: Other questions? Senator SCOTT.

SENATOR SCOTT: I thank you also so much for applying for this job. I've heard nothing this morning about we're recruiting within my home area. I see with your education background from Northwestern, Harvard --

MS. PROKES: Yes.

SENATOR SCOTT: -- at least you can explain to those in that area what's going on around the world because it appears they're just kind of caught in that little trap. What do you actually think you bring to the Board outside of STEM? Because I think -- what I'm getting, especially in terms of trying to grow the minority and to get an understanding you're in competition not with just South Carolina but with the rest of the world to get the best and brightest students to come.

MS. PROKES: Yes.

TUESDAY, APRIL 19, 2022

SENATOR SCOTT: And they come all walks of life, bring all type of intellect to really make some major changes at -- at the school. And so would you share in some -- either with your experience or your knowledge base what you think you can do to try to help that -- that Board move itself forward to understand what's going on outside of that little small world at Clemson?

MS. PROKES: Right. So the first thing, I mean, the - - the mantra sort of at universities and that students pay attention to are the rankings, right? And so that -- I mean, that's one are of interest for me. Since competing universities such as UNC-Chapel Hill, which I think Clemson can compete with, the rankings are not as good for Clemson. They're number 30. Chapel Hill is 5. So that is an aspect that is really important because students go by that and so do -- the other problem is also funders. It's a -- it's a -- it's a many body problem because in order to bring in good students, you have to bring in good faculty members. In order to bring in good faculty members, it really helps the standing of the university and it also helps that these faculty members can obtain funding and funding is not always easy. That -- that is from my experience. I've run many DTRA, DARPA, many programs and I've been on many NSF panels and the funding one in ten. You're luck to get funding for one in ten. And you're constantly needing to write proposals. So that is an important aspect. Being able to bring up the quality or the ranking of the university, the funding, and that also attracts students -- high quality students. And I think also having outreach in the sense of getting to the high school student and seeing what high school students what they see -- what university research does. What the university does, especially in the STEM area. I found many students who had no idea when they came what we did and I set them up with small projects and they were very excited because they actually accomplished something and they were actually able to see how science gets done. So I think there are many aspects to this but I think all -- all of these need to be sort of implemented. And there isn't one answer.

SENATOR SCOTT: Thank you so much. I'm looking for you to be a new breath of fresh air in an area.

MS. PROKES: Well, I'd like to contribute to my new state.

SENATOR SCOTT: Thank you.

THE CHAIRMAN: Senator VERDIN.

SENATOR VERDIN: Thank you, Mr. Chairman. Dr. Prokes, I'm curious about -- well, I -- good morning and I appreciate the fact you're here with us and I would like to just get a cursory review of your history. Birthplace: Czech Republic?

TUESDAY, APRIL 19, 2022

MS. PROKES: Yes.

SENATOR VERDIN: So coming to America, was that -- what timeframe?

MS. PROKES: I was eight years old.

SENATOR VERDIN: Eight years old.

MS. PROKES: My parents escaped the Russian invasion.

SENATOR VERDIN: Then South Carolina.

MS. PROKES: So I lived in Maryland, of course, within reasonable commuting distance which is 70 miles round trip of Washington, D.C., which is where I worked. And that whole area is very busy. High taxes. It is not an area I chose to live in retirement. I took an early retirement. So South Carolina was the type of state I was looking for. It's got a very thriving economy. It's got manufacturing. It's got good universities. And it is a very pleasant place to live.

SENATOR VERDIN: Well, thank you for that testimonial. That lifts us up. Thank you, Mr. Chairman.

THE CHAIRMAN: Any other questions? Ms. Prokes, I'm showing my age but I do remember when the Russians invaded Czechoslovakia. It was a terrible time for folks over there. Unfortunately, it seems like they're doing the same thing now.

MS. PROKES: Apparently, yes, they are. So I was a little too young to understand but my mother talks about the tanks that went through the town -- the Russian tanks.

THE CHAIRMAN: I remember the young lady from Czechoslovakia at the Olympics that was the gymnast.

MS. PROKES: Right.

THE CHAIRMAN: Vera something.

MS. PROKES: Caslavka.

THE CHAIRMAN: Yeah.

MS. PROKES: Yeah.

THE CHAIRMAN: Anyway, she was protesting that. That was a good thing to see back then.

MS. PROKES: Yeah.

THE CHAIRMAN: Senator SCOTT has made a motion for approval. Is there a second?

MULTIPLE: Second.

THE CHAIRMAN: All those in favor signify by saying your right -- raising your right hand. Opposed? Just want to remind you since you're a new candidate, do not ask for any commitments until Macey contacts you, okay?

MS. PROKES: I understand.

TUESDAY, APRIL 19, 2022

THE CHAIRMAN: Good luck to you.

MS. PROKES: Thank you.

THE CHAIRMAN: Next up is Joseph Davis Swann.

MR. SWANN: Good morning.

THE CHAIRMAN: Please give us your full name.

MR. SWANN: Joseph Davis Swann.

THE CHAIRMAN: Raise your right hand and I'll swear you in. Joseph Davis Swann, having been first duly sworn, was examined and testified as follows:

THE CHAIRMAN: Make a brief statement on why you'd like to continue serving on the Board, please, sir.

MR. SWANN: And, Macey, would you like my address as well?

THE CHAIRMAN: We'll ask that in a second. Go ahead and make your statement.

MR. SWANN: Okay. I'm in my 32nd year of service thanks to -- to you all and it's been a labor of love. There's a lot of very positive things that have happened at Clemson and are continuing to happen. I have a list of some that I'd share with you but I'll wait for your questions for that. But I'm extremely proud of what we've done with the three things we're most responsible for which is education, public service, and research. The research has grown from 150 million in -- in 2011 to 240 million a year in 2021. And we -- we're involved in some outstanding projects with -- with the Department of Defense at ICAR. We had 40 million dollars of funding on the VIPER project. And that -- that's expected to grow -- that's expected to grow to 100 million dollars. The second -- second project is Ed Curi with the Department of Energy. You know, the grid system that we have and the testing of -- of wind -- wind power generators. That -- that is a -- a growing number. And then -- and then we're doing really good work in genetics in Greenwood. We're doing work in biomedical engineering at CUBEInC in Greenville. And we're doing work in Anderson with advanced materials. Those are the kind of things that -- that -- along with the fact that 84 percent of Clemson students as they graduate have jobs in their degree field within 6 months. I think that's, in the end, our job as a -- as a Board to make sure we're providing an education that -- that people that have jobs to be filled are looking for candidates for. I'll stop and answer your questions.

THE CHAIRMAN: Thank you, Mr. Swann. Staff, do you have any information to share with us on Mr. Swann?

MS. WEBB: I don't have any information or anything that I pulled but, if you would, for the record please confirm your address, your home address.

TUESDAY, APRIL 19, 2022

MR. SWANN: 22 Craigwood Court in Greenville.

MS. WEBB: All right, thank you. And do you pay your four percent or six percent at this address?

MR. SWANN: Four percent.

MS. WEBB: Thank you. That's all the questions I have.

MR. SWANN: Thank you.

THE CHAIRMAN: Questions for Mr. Swann?

SENATOR SCOTT: Yes.

THE CHAIRMAN: Senator SCOTT.

SENATOR SCOTT: Mr. Swann, thank you for your willingness to serve. I appreciate the fantastic numbers at Clemson and it's growing, especially with one of the ones that you did not mention is the joint venture between Clemson, USC, and SC State College. In terms of commitment, the state needs to give y'all in order to fulfill that endeavor. But at the same time with the growth and experience and dollars coming into Clemson, is also being able to allow students -- nontraditional students to be able to come to Clemson who may have the SAT scores and your SAT scores are higher than anybody else's in the state. For what reason, but that's y'all decision. My goal is to make sure that kids get the opportunity to come to school and that you actually recruit in those communities giving them the opportunity to do it. You say we educate 84 percent that comes in and whatever bring you, of course, it - it fits the mold and make sit easy to graduate. What I'm talking about -- there's 37 percent of out-of-state students who come in here too making it very easy to go back to other parts of the country to be able to get great jobs. That's good for Clemson. You can sell that. But what I'm not able to buy this morning is the continuous -- when I ask about diversity or how hiring a diversity officer, I want to make sure the diversity officer is getting the job done, not being interfered with, and there's support from the Board with the President to make sure it's moving. Based on the numbers, there's still some issues in terms of trying to get this to happen. I know you've been in the media since the last time you've been here about a number of issues. Building name and all kinds of other issues that you've had to deal with. But the number one can we recruit diverse folk to come to Clemson? My goal is to grow South Carolina not New York, not Washington, not Florida. But to improve the lives in South Carolina especially in rural communities. So will you share with me what you've been able to do in the 32 years you've been there and you've seen it -- 1963 graduate of Clemson undergraduate and 1969 Master's. So you were in a turbulent time of Clemson's history. So would you share with me coming out of turbulence to 2022

TUESDAY, APRIL 19, 2022

what you've been able to do to move the ball forward in terms of creating a more diverse Clemson University?

MR. SWANN: I would like to share the programs with you but, in the end, the numbers are the same.

SENATOR SCOTT: It doesn't matter. The question is what have you done to try to improve the numbers.

MR. SWANN: You know about the Men of Color Summit that we have. It brings a couple, 300 hundred people -- young people that, for the most part, have not been thinking about going to college and -- and we're helping them get an opportunity to understand that they can get into college and the -- and the kind of success they can have. I understand that we are losing our director of that Men of Color Summit. Our diversity director is taking a job at Louisville so we're in the process of looking for a replacement for that person. You know about the Men of Color Summit. Maybe -- maybe, Mr. King, it was you that asked that question but that's an exceptional program that's now trademarked and used by a lot of universities. Not just in South Carolina but across South Carolina. The Emerging Scholars Program is an exciting program where we're helping in school districts. I grew up in Marlboro County and -- and Marlboro County and the I-95 corridor is -- is being helped with students that come to Clemson every year, every summer, for an experience of what -- what going to college is like. They don't all -- they don't all go to Clemson but every -- every person that's gone through the Emerging Scholars Program has gone either into the Army or to some university and a growing number are now able to -- to come to Clemson. So I'm very excited about the programs that we're doing. I should also add that the Board of Visitors has programs in each of the -- each of the major towns and they're inviting every African-American student that has applied to Clemson from that town to come for a night of meeting members of the Board of Visitors and asking questions personally and talking about the experiences that they have at Clemson. So we're working very, very hard on -- on diversity and the numbers are -- are less any of us want them to be.

SENATOR SCOTT: Thank you, Chairman.

THE CHAIRMAN: Representative King.

REPRESENTATIVE KING: Thank you, Mr. Chairman. First of all, let me start off by saying while I agree with my colleague, Senator SCOTT, in reference to the number of African-Americans that attend Clemson, I believe the number should reflect the population of South Carolina in reference to the demographics at all the institutions. However, I will say out of all the colleges and universities excluding South Carolina State,

TUESDAY, APRIL 19, 2022

when the legislative black caucus has called on you all to come give us updates, you all are always available unlike USC.

MR. SWANN: Thank you.

REPRESENTATIVE KING: So I do appreciate that. I do appreciate the programs that you all are implementing. Even if you're, you know, if it's just, you know, you all are doing something to try to increase the numbers so I do appreciate that with your Men of Color Summit, you know, Call Me MISTER program, things like that. So I want to thank you for that. I have a question just in reference to like 4H. Is that up under you all -- your Board? The 4H programs that are across the state?

MR. SWANN: There's not a specific discussion about 4H within the Board unless there's a problem or an opportunity that -- that someone brings up for us to be involved with. I think it's under PSA. Maybe -- I think that's where it is housed.

REPRESENTATIVE KING: I couldn't remember. Okay, I wanted to, you know, while we talk about diversity and we have questions, Senator SCOTT and I, I do appreciate what you all are attempting to do and I appreciate you all being available to the members of the legislative black caucus when it comes to diversity and our issues. When we have called on other institutions, they are not always available to our concerns so thank you.

THE CHAIRMAN: Any other questions?

MR. SWANN: Mr. Chairman, may I comment to Senator HARPOOTLIAN'S question to Ms. McAbee?

THE CHAIRMAN: Yes, sir.

MR. SWANN: I'd just -- I'd like to address the question that you asked her about contacts with people other than the president. We don't -- we don't -- or I don't and I don't believe very many of the Board members call deans and faculty to talk about problems that we are involved with and need to ask them about. We do -- we do have the executive secretary and we do have the Chief of Staff and the President so we are, for the most part, I mean, our job is to set policy and review how that policy is followed. The two people we hire are the president and the executive secretary and then the people that work for the president address us in -- in various ways based on what committees we are on. The people I would have personal contact with would be the person -- like I've -- I've headed up the research committee for a number of years of and so I -- the vice president of research and I have -- have a close working relationship in preparing for committee meetings and comments to the Board. But -- but we don't -- I don't call the -- the Dean of Architecture, Arts and Humanities or other -- or other people like that.

TUESDAY, APRIL 19, 2022

THE CHAIRMAN: Senator HARPOOTLIAN, you have a response?

SENATOR HARPOOTLIAN: Well, I have a question. So I guess what I'm trying to -- there is a sort of chain of command, if you will, of how you -- if you have a question who you go to ask it to.

MR. SWANN: Yes, sir.

SENATOR HARPOOTLIAN: And I guess, more importantly, if for instance, you had strong feelings a hiring in the Athletic Department or a firing in the Athletic Department, would you go to directly to the Athletic Department Director or would you deal with that through this chain of command?

MR. SWANN: I have absolutely no authority or responsibility for hiring or firing anyone at Clemson and I try to keep my mouth shut about it.

SENATOR HARPOOTLIAN: Have you done a pretty good job of that?

MR. SWANN: I'm pretty successful at that.

SENATOR HARPOOTLIAN: Thank you.

MR. SWANN: Thank you, sir.

THE CHAIRMAN: What's the desire of the committee?

SENATOR VERDIN: Favorable report.

SENATOR HARPOOTLIAN: Second.

THE CHAIRMAN: Okay, all those in favor, signify by raising your right hand. Opposed? Okay.

MR. SWANN: Thank you.

THE CHAIRMAN: Mr. Swann, just a reminder. Don't ask for a commitment until the proper time.

MR. SWANN: Thank you.

THE CHAIRMAN: All right, that concludes Clemson's screening. So we'll take up Lander at this time.

SENATOR VERDIN: Mr. Chairman?

THE CHAIRMAN: Yes, sir.

SENATOR VERDIN: You reckon you could let the junior senator from Richland do the swearing? He keeps asking me if we've done the swearing.

SENATOR HARPOOTLIAN: I can't hear.

SENATOR VERDIN: He's missing you.

SENATOR HARPOOTLIAN: Mr. Chairman, I'm so junior that I wear a hearing aid, okay? I can't hear. And with Senator SCOTT over here talking all the time, it's impossible for me to hear over his chatter.

SENATOR SCOTT: I'm going to remind you are the junior senator. The junior senator, remember, don't have privileges.

THE CHAIRMAN: I'll try to talk a little louder on that one.

TUESDAY, APRIL 19, 2022

SENATOR HARPOOTLIAN: You're going to have to talk a lot louder if Senator SCOTT'S talking.

THE CHAIRMAN: Moving right along. Lander. All right, our first up is Robert A. Barber Junior. Could you give us your full name, please, sir?

MR. BARBER: Robert A. Barber Junior. Robert Archibald Barber Junior.

THE CHAIRMAN: Okay. Raise your right hand and I'll swear you in. Robert Archibald Barber, having been first duly sworn, was examined and testified as follows:

THE CHAIRMAN: Give a brief statement on why you'd like to serve on the Lander Board.

MR. BARBER: Well, I, from a young age got exposed to some outstanding Lander people who were educators of mine and I've always had a very high regard for Lander. I was a beneficiary of very good education myself in public schools and at Wofford College and a couple of other places and I would like to see young people in South Carolina having the same opportunities that I had. And I think Lander, to this day, does that. With my educational background and some professional and business experience, I feel like I do make a contribution to the Board at Lander. I had the good fortune -- I might have been one of Senator VERDIN'S constituents. I'm not sure where the line but I used to live in Waterloo and, at that time, I realized what an important role that Lander played in our -- our region over there around Greenwood and Laurens.

THE CHAIRMAN: Staff, do you have any information on Mr. Barber?

MS. WEBB: Hi, good morning. I don't have anything to point out from my review of your file. But if you could, just like everyone else, could you please state your home address for the record.

MR. BARBER: Yes. I live at 1883 Bowens Island Road, Charleston 29412.

MS. WEBB: Thank you. Do you pay your four percent or six percent at this residence?

MR. BARBER: Four percent.

MS. WEBB: Thank you.

REPRESENTATIVE KING: Mr. Chairman, I have some questions.

THE CHAIRMAN: Representative King.

REPRESENTATIVE KING: Thank you, Mr. Chair. I was looking at your packet and have a question in reference to you stated ways to improve Lander and one of the ways, you said we need to raise our admissions standards. What are your standards?

TUESDAY, APRIL 19, 2022

MR. BARBER: You know, we have -- we are not highly selective by any means. I think most young people who have been successful in high school in South Carolina will have a good opportunity to come to Lander. I can't tell you what the cut off score is -- are.

REPRESENTATIVE KING: And you say pay higher salaries to our faculty and staff. Would you not be, as a Board member, able to budget for that and, if so, why haven't you all?

MR. BARBER: Well, we have a president who's been there, I think, pushing five years and through that time, our enrollment has improved and gone up a very -- we're up around 3800 students now. Eight or 9 years ago, we were bumping along at about 27/2800. So increasing the enrollment would certainly be a help in raising salaries. But we were also a school that were sensitive to tuition rates and I think we were the first school to put a cap on raising the tuition. So it can be kind of a Catch 22 when you don't have more resources to -- to allot to faculty and staff. But I think that's something the Board members are well aware of and it is something we want to do when we feel like we can -- we've got the latitude to do it.

REPRESENTATIVE KING: As a Board member, when you think of diversity, what is your role in assuring diversity on your campus?

MR. BARBER: Well, we -- I think Lander does pretty -- pretty well.

REPRESENTATIVE KING: Well, I -- I understand about Lander. I'm saying but what about your role as a Board member to ensure that diversity is on your campus?

MR. BARBER: We certainly can encourage our administration to be more aggressive about that if we feel like we're lagging. I mean, we've -- we've got -- we received a million dollar grant to help us in diversity - - in the diversity area and we've gotten a grant from the Self Foundation to help us fund our Call Me MISTER programs.

REPRESENTATIVE KING: Thank you.

MR. BARBER: Sure.

THE CHAIRMAN: Other questions? Senator SCOTT.

SENATOR SCOTT: Thank you. Good to see you again.

MR. BARBER: Thank you, sir.

SENATOR SCOTT: We served together in the House before you retired.

MR. BARBER: Been a long time ago.

SENATOR SCOTT: It has been. Lander's been very progressive with its new president in terms of really doing a lot of things on its campus. Tell me a little bit about your recruitment program. I've looked

TUESDAY, APRIL 19, 2022

at part of the areas in which you would like to recruit. You're right in the middle there of what we call the Gleamns country.

MR. BARBER: Yeah.

SENATOR SCOTT: How much of those students and you're bumping up against Anderson University, Clemson, and others. But tell me a little bit about what Lander's doing to bring those group of children in because in it's an area where there's a lot of loss in population in those particular areas.

MR. BARBER: Well, I -

SENATOR SCOTT: Maintaining those kids coming back, going back -

-

MR. BARBER: Right. In our area, I think our population reflects the general demographics of the area. I think we're pushing 33 percent, 32 percent or something like that.

SENATOR SCOTT: Right.

MR. BARBER: And we've -- you know, take it very seriously and are aggressive about attempting to recruit a diversity of students.

SENATOR SCOTT: Tell me what the Board is doing because what I'm getting is that some of these other Boards have not figured it out yet. Although you may be adjacent to them and you're recruiting somewhat in the same pockets, but you are able to get your diversity numbers up based on what your numbers are showing for these students.

MR. BARBER: Yeah. I don't -- I don't feel like the Board has had to push our administration doing that. I think it's -- it has come -- not naturally. It's been an -- been an effort but they've taken it very seriously.

SENATOR SCOTT: What are -- what are -- what are your numbers now of African-American students and staff?

MR. BARBER: I think the students -- minority students are 32 percent. Staff wise -- I think the senior staff wise it's around 24 percent and overall staff wise at the university it's 15 percent, I believe.

SENATOR SCOTT: Does it effect your graduation rate with your numbers going that large?

MR. BARBER: I think our retention rate has -- has been improving.

SENATOR SCOTT: Graduation rates as well?

MR. BARBER: Right.

SENATOR SCOTT: Thank you.

THE CHAIRMAN: What's the desire of the committee?

SENATOR SCOTT: Favorable report.

REPRESENTATIVE KING: Second.

TUESDAY, APRIL 19, 2022

THE CHAIRMAN: There has been a motion and a second for approval. All those in favor signify by raising your right hand. Okay, thank you, sir.

MR. BARBER: Thank you very much.

THE CHAIRMAN: As I'll tell you, wait until you hear from Macey on your commitments.

MR. BARBER: Yes, sir, thank you.

THE CHAIRMAN: James Carl Shubert. State your full name, please, sir.

MR. SHUBERT: My full name is James Carl Shubert.

THE CHAIRMAN: If you would raise your right hand, I'll swear you in. James Carl Shubert, having been first duly sworn, was examined and testified as follows:

THE CHAIRMAN: And just give us a brief statement on why you'd like to serve on the Lander Board.

MR. SHUBERT: Well, I'm a relatively newcomer to the Lander Board just having coming on the Board a couple of years ago. It's been an outstanding experience thus far. Being an alumni of Lander College, at the time, -- telling my age a little bit, and seeing what Lander has done. Being a native of Greenwood, South Carolina, where Lander is in and seeing what Lander has done. And then being a resident of the upstate and seeing what Lander has done has been pretty -- pretty awesome to watch. So it's been a great honor for me to do it. I feel like my background as a former student, a businessman in this state, and I'm a leader within my field, I feel like I bring a lot to the university and I've been humbled by coming onto the Board and seeing the folks that are on the Board and what they're capable of bringing to my alma mater and what they have done. It's -- it's been pretty impressive. And so there's no wonder that Lander's doing fantastic. And so I'm just looking to serve -- serve my school at this point. There's not a I'm wanting to gain other than some intrinsic value of being part of the pretty nice institution.

THE CHAIRMAN: Thank you, sir. Staff, any information to share with us?

MS. WEBB: Good morning. No specific information that I have pulled from your file. But just as I've asked from everyone else, can you just please state your home address for the record.

MR. SHUBERT: Well, my home address just changed about two weeks ago. Luckily, I got to move. Now, I'm living out the in the country on 55 Corsillum Trail in Simpsonville, South Carolina. I finally convinced my wife to move out in the country and I got to buy a tractor so it's not bad.

TUESDAY, APRIL 19, 2022

MS. WEBB: Okay. What was your previous address when you originally filed?

MR. SHUBERT: 24 Sycamore Ridge Drive in Simpsonville.

MS. WEBB: And you still currently live in Simpsonville?

MR. SHUBERT: I do, yeah.

MS. WEBB: And do you, at the residence you now live at, do you pay your four or six percent?

MR. SHUBERT: Four percent.

MS. WEBB: And was it the same way for your previous address at 24 Sycamore?

MR. SHUBERT: It was.

MS. WEBB: Thank you.

MR. SHUBERT: Yep.

THE CHAIRMAN: Questions? Senator VERDIN?

SENATOR VERDIN: Thank you, Mr. Chairman. I'm particularly interested in nursing programs at some of our schools. I know you have a relatively new but expanding nursing program. What's the outlook? How are you looking?

MR. SHUBERT: Well, you know, some of the things you look at when you look at Lander, you try to figure out all right, are colleges really filling societal needs? Nursing is one of them. It's something I've done for 32 years being at hospitals on a daily basis. Our nurses right now are pretty well taxed and overrun due to the COVID pandemic and they were operating razor thin prior to that. Johnson & Johnson began probably about 15 years a program to recruit more nurses and nursing right now couldn't be more important. And so seeing what Lander's doing, especially with the appropriation it's been given being able to grow the knowledge base at Lander and putting out really good nurses has been pretty exciting. I can tell you when I'm in hospitals and operating rooms on a daily basis, Lander is a very well respected nursing program. Extremely well respected. And especially when you get into critical care medicine and you watch those nurses operate around nursing students from other universities, Lander really holds its own. It's a fantastic program and I think it's addressing a big need.

SENATOR VERDIN: That's good news. During the budget process, we hear from the public sector healthcare providers and the age old problem of competing in salary is always before us but we're starting to hear more and more now that there might be an interested and qualified pool of nursing students who may have more and more difficulty getting into the programs or having a hard time on the academic side. Just finding the qualified --

TUESDAY, APRIL 19, 2022

MR. SHUBERT: Sure.

SENATOR VERDIN: -- you know, academia to instruct these willing and able students. How would we address that on the rise -- it's one thing if you don't have nurses on the line -- on the front line but getting them trained and educated.

MR. SHUBERT: Right. Well, I think it's -- it's kind of a two-fold issue. I think if you look at what needs to be done in South Carolina public schools, we've got to make sure we're addressing the STEM side of education because that's -- those are the people who go into nursing, right, your science, technology, math students. And so I think when -- if we address that part of it, then you're going to naturally attract, you know, qualified or even over qualified nursing students. I think that having a pathway -- a career pathway for a nurse, she's just not going to become a nurse or he's not going to become a beside nurse or they're not just going to become, you know, in a one stop place where you just do general nursing for the rest of your career but you can progress through even into nurse practitioner type positions. I think that pathway becomes more attractive for our students when they're trying to consider what their career is going to be. And so I think we need to do a good job as we're recruiting of making sure that we explain to them you're not just going to -- you know, if you want to be a nurse, great but if you want to move forward with your career and grow, there's a lot of avenues. So I think we need to do that more.

SENATOR VERDIN: Right.

MR. SHUBERT: Relative to instructors, --

SENATOR VERDIN: Yeah, because that really is -- and when I was a child in Greenville, the focus was Greenville General.

MR. SHUBERT: Yeah.

SENATOR VERDIN: That's where the nursing center -- education of nursing was taking place was in the hospital setting.

MR. SHUBERT: Sure.

SENATOR VERDIN: I'm thinking that those of you in higher education may have to go back and reinvent this wheel where's there's a stronger degree of collaboration with your immediate hospital systems.

MR. SHUBERT: I mean, you bring up a good point but let me clarify one thing. No nursing student ever graduates without going through rotations.

SENATOR VERDIN: Sure, that rotation --

MR. SHUBERT: In a very strong sense.

SENATOR VERDIN: But the -- the lack -- the shortage of qualified, trained, certified, and credentialed instructors. You're competing -- if

TUESDAY, APRIL 19, 2022

you're siloed in academia or siloed in the hospital system, I know you're snug but the numbers we're looking at over the next several decades demanding healthcare delivery from top to bottom salaries, recruitment of students, --

MR. SHUBERT: It's a challenge.

SENATOR VERDIN: -- and then with a mind towards academia. I know you've got a challenge there but it's just something that I -- after sitting through five budget subcommittees, every public sector committee coming before us talking about competing with the private sector, and then also it was born upon us that, you know, academia you've got to have -- you've got to have the instructors there and then they're competing for instructors with very high paying administrative jobs in hospital systems. So as -- as somebody whose fingers are getting stiff and blood pressure and everything else, I'm thinking more and more about as we all are and --

MR. SHUBERT: Yeah.

SENATOR VERDIN: -- it's just a challenge to our public sector universities. Hey, those of you who are offering nursing programs, where -- where can you -- where do you see us in the future? So I appreciate your particular attention to it.

MR. SHUBERT: Sure. As bad as it is now, 20 years ago, it was worse. So it has gotten better.

SENATOR VERDIN: Yes, sir. Thank you, Mr. Chairman.

THE CHAIRMAN: Senator SCOTT.

SENATOR SCOTT: Motion for favorable.

REPRESENTATIVE KING: Second.

THE CHAIRMAN: There's a motion for approval and a second. All those in favor, signify by raising your right hand. Thank you, sir.

MR. SHUBERT: Thank you very much.

THE CHAIRMAN: And as I've reminded everybody, please don't ask for the commitments until you've heard from Macey.

MR. SHUBERT: Correct. Thank you for your vote of confidence. Thank you.

THE CHAIRMAN: Next up is Peggy McClinton Makins. I hope I'm pronouncing that correctly. Welcome. If you'd state your full name, please.

MS. MAKINS: It's Peggy Ann Makins.

THE CHAIRMAN: Raise your right hand and I'll swear you in. Peggy Ann Makins, having been first duly sworn, was examined and testified as follows:

TUESDAY, APRIL 19, 2022

THE CHAIRMAN: If you will give a brief statement why you'd like to serve, please.

MS. MAKINS: Well, I'm a graduate of Lander and I'm so honored to be a part of this Board. I never thought that as a student there I would be able to be in a position like this and it is -- has been enlightening and most fulfilling. I love Lander and I have to say that when I left, I not only left with a degree but I also left with a husband that has been great over the past 40 plus years. So Lander has a special place in my heart and I'm here to serve and just honored.

THE CHAIRMAN: Thank you, ma'am. Staff, any information to share with us?

MS. WEBB: Hi, good morning. I did not find anything in your file but just I've asked everyone else, can you please confirm for the record your home address?

MS. MAKINS: My home address is 823 (SIC) Lexington, South Carolina.

MS. WEBB: All right, and do you pay your four percent or six percent at this address?

MS. MAKINS: Four percent.

MS. WEBB: Thank you. That's all the questions.

THE CHAIRMAN: Questions? Senator SCOTT.

SENATOR SCOTT: Dr. Makins, let me first say how proud I am of you. Born in Abbeville to Piedmont Tech, the modern system that you took way back in '77 when you began and graduated in '79, we continue to tell these young people that actually works. Spent your two years at Piedmont Tech, went to Lander, the rest is history. Columbia University Masters and Ph.D. from Loyola. Unreal. And for you to be able to come back and share with some of those students that come out that same geographical area. And I guess that's why your recruitment's so big because you're probably bringing all those kids in from the Piedmont Tech school to some of these other schools could learn to really work with that articulation agreement and bringing these kids out of these immediate areas so we can continue to grow these communities. What do you see, if any, changes -- you're from the area, you were educated in two schools -- two major schools in the area. Spent a lot of time at Piedmont Tech working with them back in the mid-70s. When we had the Competence in Employment and Training Act, and Piedmont Tech had the only training program for young people, especially those who were unemployed, we sent them back to school. And you may have been a part of that region because it is probably part of the time when I was a field staffer. What do you see that they could do better to continue to

TUESDAY, APRIL 19, 2022

recruit more kids out of what we call the GLEAMNS area? So these kids can come through that same system, to be able to get an educated -- it becomes a lot more affordable especially when you go the technical school route. I've heard previous questions about nursing -- the nursing program and I'm sure that's where you're recruiting a lot of your students from, getting them off the ground. By then, they then either should have improved in the STEMS program or begin to address some of those courses that they're going to need to take when they get to Lander. If you want to talk a little bit about that a little bit, I would greatly appreciate it.

MS. MAKINS: One -- one thing that I'm very proud that Lander's partnering with the technical system and we're making it an easier transition for the students coming through the technical colleges. The grading system -- we try to have everything set so the students won't have to miss out on this course or that course. We're trying to align everything so that it's a smooth transition. So I think that that bridge program is really going to afford a lot of students to transition on to a four year institution.

SENATOR SCOTT: Are there some things that you would improve on at Lander. I know you're growing very fast. A very aggressive president.

MS. MAKINS: Yes.

SENATOR SCOTT: I like his style.

MS. MAKINS: I do too.

SENATOR SCOTT: If you tell me some of the things that you think that, as a Board, y'all need to improve upon, share that with me please.

MS. MAKINS: I think -- I think that we're -- we're on the cusp of making some changes and we're actually actively working. One of the things that we're doing we try to be a part of the community. So we go into the elementary schools. We make ourselves known to children at an early age, kind of like Little League baseball. They scout those kids early on. So we are looking at kids as they come through these school systems. And we're doing the dual enrollment which I think is really helpful and just trying to get out there and let the kids -- let the children know that we're here for them and we're actively seeking to try to pull them in our direction.

SENATOR SCOTT: Thank you so much. Thank you.

THE CHAIRMAN: Questions? What's the desire of the committee?

SENATOR SCOTT: Favorable.

THE CHAIRMAN: There's a motion for a favorable. Is there a second?

REPRESENTATIVE KING: Second.

TUESDAY, APRIL 19, 2022

THE CHAIRMAN: All those that are in favor, please signify by raising your right hand. Thank you, Dr. Makins, and good luck to you. And as I keep saying, please don't ask for commitments until you hear from Macey.

MS. MAKINS: Thank you all very much for your service.

THE CHAIRMAN: Next up is Donald H. Scott. If you would state your full name, please, sir.

MR. SCOTT: Donald Harold Scott.

THE CHAIRMAN: If you'll raise your right hand, I'll swear you in. Donald Harold Scott, having been first duly sworn, was examined and testified as follows:

THE CHAIRMAN: Okay. Give a brief statement on what you'd like to serve on the Lander Board.

MR. SCOTT: Well, like Peggy said she has a love for Lander. I graduated from Lander. My son and daughter graduated from Lander. My wife graduated from Lander. I have a total of ten people, including nieces and nephews, that all graduated from Lander. I served on the Alumni Board as a member and as president. I served on it for six years. And I served on the Foundation Board as a member and interim president for six years. And now I'm on the Board of Trustees and I think it's a real honor to, you know, work with the fine people there at Lander and our communities to see it grow and meet the needs of, you know, students. We have frozen the tuition for the past seven years, including this year because we try to want to -- we don't want to -- people be surprised by increases. They start their freshman year and by their senior year, they can't afford it.

THE CHAIRMAN: Staff, any information?

MS. WEBB: Good morning. I actually do have two questions for you. The first one you are currently the Chairman of the Board for Lander, is that correct?

MR. SCOTT: That's correct.

MS. WEBB: Thank you. And then on your application for the present employer, you it left blank. Do you currently work for someone or are you currently retired?

MR. SCOTT: Retired.

MS. WEBB: Thank you. And just as I've asked everyone else for the record, can you please state your home address for the record?

MR. SCOTT: 149 Ben Langford Road, Waterloo, South Carolina --

MS. WEBB: Thank you.

MR. SCOTT: -- 29384.

TUESDAY, APRIL 19, 2022

MS. WEBB: Yes, sir, thank you. And do you pay your four percent or six percent at this address?

MR. SCOTT: Four percent.

MS. WEBB: Thank you. That's all.

SENATOR VERDIN: Mister Chairman.

THE CHAIRMAN: All right.

SENATOR VERDIN: Don't you live kind of near Waterloo? The senator -- the senior senator for Richland just asked me where Waterloo was. He's over here with GLEAMNS and everything in western Carolinas. It's not some place in Iowa or Europe. I can tell you that. And I bet you know it based on the people that have found Waterloo. It blows my mind what is going on down there.

MR. SCOTT: Yeah, it's really growing. It's a nice community and it's growing and you've got the lake there so you have a lot of growth and so forth going on in Waterloo.

THE CHAIRMAN: Other questions? Senator SCOTT.

SENATOR SCOTT: Just real quick. Thank you so much, Mr. Chairman. I see you took -- also took that same route technical school and then to Lander.

MR. SCOTT: That's correct.

SENATOR SCOTT: Which is really strengthened when you begin to talk to young people about the easiest way and the least expensive way to get an education. So let me also applaud you on -- on that -- on that as well.

MR. SCOTT: Thank you.

SENATOR SCOTT: And then upon graduation, I'm still remaining in the rural portions of South Carolina trying to educate most of -- most of our kids. What do you contribute to the real growth at -- on the campus at Lander especially with chairman and money management has been a real issue with how fast you -- you guys have been able to grow.

MR. SCOTT: Well, we do have an excellent staff. Like you talked about our president. He's doing an excellent job of leading us. Ninety-one percent of our student population comes from the state of South Carolina. As has been stated, you know, we have the 32 percent diversity. And then another thing is we have 78 percent of the students that graduate from Lander stay in the state and contribute back.

SENATOR SCOTT: That's so important.

MR. SCOTT: Yes.

SENATOR SCOTT: Thank you, Mr. Chairman.

THE CHAIRMAN: Any other questions? What's the desire of the committee?

TUESDAY, APRIL 19, 2022

SENATOR VERDIN: Favorable.

SENATOR SCOTT: Second.

THE CHAIRMAN: We have second. All those in favor signify by raising your right hand. Opposed like sign. Congratulations, sir. Don't ask for a commitment until you hear from her.

MR. SCOTT: All right. Thank you.

THE CHAIRMAN: All right, before I call the next one, let me -- let me recognize Representative -- former Representative Alan Taylor. He's a colleague of mine and the speaker's. I'll tell you Lander folks he does an excellent job down here for you so you need to keep him employed. I'm sure he'll agree.

MR. TAYLOR: Thank you, Mr. Chairman.

THE CHAIRMAN: All right, next up is Dewitt Boyd Stone Junior. If you'll state your full name, please, sir.

MR. STONE: Dewitt Boyd Stone Junior.

THE CHAIRMAN: If you'll raise your right hand please. Dewitt Boyd Stone, having been first duly sworn, was examined and testified as follows:

THE CHAIRMAN: Okay. Give us a brief statement why you'd like to serve on the Lander Board.

MR. STONE: Lander and I both grew up in Williamston. My great-grandfather founded the college and it kind of grew up in Williamston and moved to Greenwood. I never lived in Williamston but I did get to spend some summers there and I think it's sort of like home but not exactly. In 1957, I went to college at Tennessee and I'm in my 65th year now of being either in or teaching at or administering at a university. And I'm loving it on the Lander Board. It's a great institution. We're doing very well in recent years.

THE CHAIRMAN: Staff, any information.

MS. WEBB: I don't have any questions based on your file but just as with everyone else, can you please state your home address for the record?

MR. STONE: 108 Poole, P - double o- l-e Lane Clemson, South Carolina.

MS. WEBB: Thank you. And do you pay your four percent or six percent? Can you please state it for the record?

MR. STONE: Four.

MS. WEBB: Thank you, sir.

MR. STONE: Yes.

THE CHAIRMAN: Questions? Senator SCOTT.

TUESDAY, APRIL 19, 2022

SENATOR SCOTT: Thank you so much for your willingness to serve. Are you currently serving as the chair or is that -- because I'm looking at both of y'all currently serving as the chair? That's a typo? Last year? You former -- you former chair? MR. STONE: No.

SENATOR SCOTT: That's a typo?

MR. STONE: Don Scott's the chair.

SENATOR SCOTT: Okay, thank you. That's just a typo. I see you -- you retired from Clemson University.

MR. STONE: Yes, sir.

SENATOR SCOTT: What did you teach at Clemson and how long were you there?

MR. STONE: My teaching was at the University of Tennessee. I came to Clemson as an administrator, actually to start a night program in Greenville for engineering students and that resulted in the University Center at Greenville a few years later. And I was moved back to Clemson to do various things including liaison with the Commission on Higher Education and I retired as Assistant Vice President for Academic Affairs.

SENATOR SCOTT: So with that in mind, what are y'all doing so different that your sister school that close to you is not doing? You guys are having a tremendous success in recruiting students and that's what you did. Enrolling academic -- so you get to check the box. Who comes and who does not come.

MR. STONE: Yes. Yes.

SENATOR SCOTT: Some kids may need another summer or maybe a course or something. So what are y'all doing different that you're -- that you're growing at the pace of 32 percent compared to your sister school that's adjacent to you is not doing?

MR. STONE: We have to give a lot of credit to our president. I joined the Board in 2014 and the search was actually underway at that time. So one of the first things I got to do at Lander was to help choose a president from three candidates who were -- who were chosen for us by a consulting firm. He brought a lot of talents and outreach in public relations was one of them. His strongest talent was he came to us as a Vice President for Academic Affairs at UNC-Pembroke. And we were not in very good financial shape at that point and it was a joint board/president decision to freeze tuition during his first year at Lander and I think that's had a lot to do with our ability to attract students.

SENATOR SCOTT: Thank you, Mr. Chairman.

THE CHAIRMAN: Any other questions? Desire of the committee?

SENATOR VERDIN: Favorable.

TUESDAY, APRIL 19, 2022

SENATOR SCOTT: Second.

THE CHAIRMAN: All of those in favor signify by raising your right hand. Opposed like sign. Thank you.

MR. STONE: Thank you, sir. Thank you all.

THE CHAIRMAN: Next up is Raymond Davis Hunt. ** 1:29:59.

MR. HUNT: Thank you.

THE CHAIRMAN: If you'll give us your full name.

MR. HUNT: It's Raymond Davis Hunt.

THE CHAIRMAN: If you raise your right hand, I'll swear you in. Raymond Davis Hunt, having been first duly sworn, was examined and testified as follows:

THE CHAIRMAN: Brief statement on why you'd like to serve.

MR. HUNT: I've been fortunate enough to serve on the Lander University Board for 24 years now. It's where I met my wife similar to -- you've heard that from two or three other Board members so I don't know what's in the water there but it's the place where, I guess, we meet our spouses. I've been able to serve in the chairman capacity and other leadership roles on the Board. Two terms past chair. And would like to continue to see us grow and I would like to continue to give back and serve.

THE CHAIRMAN: Staff, any information?

MS. WEBB: I don't have anything based off of my review of your file but just as with everyone else, can you please state your home address for the record?

MR. HUNT: Sure. 2012 Amicks Ferry Road, Chapin, South Carolina 29036.

MS. WEBB: Perfect. Thank you. And do you pay your four percent or six percent?

MR. HUNT: Four percent.

MS. WEBB: Thank you. That's all.

THE CHAIRMAN: Questions? Senator SCOTT.

SENATOR SCOTT: Thank you. Thank you, Mr. Hunt, for your willingness to serve. You basically grew up on that Board.

MR. HUNT: It's easy for me to remember when I came on the Board because my daughter's 24 years and I was -- she was born right before I started so it's easy.

SENATOR SCOTT: You came as a youngster.

MR. HUNT: I did.

SENATOR SCOTT: Tell me a little bit about the growth of the Board from the time you got there --

MR. HUNT: The growth of the Board or the university?

TUESDAY, APRIL 19, 2022

SENATOR SCOTT: Boards effect the university.

MR. HUNT: Yeah.

SENATOR SCOTT: You can talk about both of them.

MR. HUNT: We've -- we've had growth on both.

SENATOR SCOTT: I'm going to finish the question --

MR. HUNT: Sure. Yes, sir.

SENATOR SCOTT: I know you want to get right on it.

MR. HUNT: Of course, you've --

SENATOR SCOTT: And where you think the university is growing -- is going with this growth and direction especially where you're physically located --

MR. HUNT: Right. Being physically located in Greenwood is a challenge in some ways because there's not a major interstate system to Greenwood. I used the to say the greatest thing about going to school there we were an hour and a half from Clemson, an hour and a half from Georgia, and an hour and a half for Carolina so if we want to go see good football, we could -- we have our choice. But we have seen great growth especially over the last four or five years. Dr. Cosentino has done an amazing job. We all, as a board, helped him with a strategic plan. We approved the strategic plan and we've been following that plan. And even through the pandemic we continued to see growth. And he's hired outstanding people. I've been fortunate to serve with three presidents of the university and this president what he did different was he brought in outside people. He didn't hire from within. And he added diversity. A good -- like you heard, 20 percent -- 24 percent of our senior staff is -- is minorities. And he brought in people from outside the state, inside the state, and he put the right people on the right seat on the right bus.

SENATOR SCOTT: Appreciate it. Thank you so much.

THE CHAIRMAN: Representative King.

REPRESENTATIVE KING: Thank you, Mr. Chair. I have a question in reference to your answer to how can Lander improve. You said improve the communication with the Board of Trustees. Explain what you meant by that.

MR. HUNT: Sometimes I think universities can be pigeonholed and have their own little world and they forget sometimes to communicate every -- not every little thing but important matters to the university. As I believe, I stated on there, it has improved dramatically. Or improved over the last few years. Because it was hard for me to find a weakness of where we are when I look at our growth and I look at freezing tuition but that was the only thing I could think of.

TUESDAY, APRIL 19, 2022

REPRESENTATIVE KING: And my last question in reference to Senator SCOTT'S question in reference to you said it's about 22 percent minority --

MR. HUNT: Twenty-four percent.

REPRESENTATIVE KING: -- 24 percent minority --

MR. HUNT: Yes.

REPRESENTATIVE KING: -- is that you said faculty? Staff?

MR. HUNT: That's senior staff.

REPRESENTATIVE KING: Senior staff.

MR. HUNT: Yes.

REPRESENTATIVE KING: When you talk about minority are you talking about white women? Or are you --

MR. HUNT: Yes, that would include all minorities.

REPRESENTATIVE KING: Thank you.

THE CHAIRMAN: Any other questions? Desire of the committee?

SENATOR SCOTT: Favorable report.

SENATOR VERDIN: Second.

THE CHAIRMAN: There is a motion for our approval and a second. All those in favor, signify by raising your right hands. Thank you, sir. You know the rules.

MR. HUNT: Yes, sir. Thank you.

THE CHAIRMAN: All right. Last Lander candidate is John E. Craig Junior. If you would state your full name, please, sir.

MR. CRAIG: I'm John Edwin Craig Junior.

THE CHAIRMAN: If you raise your right hand, I'll swear you in. John Edwin Craig, having been first duly sworn, was examined and testified as follows:

THE CHAIRMAN: Okay. Give us a brief statement why you'd like to serve on the Board.

MR. CRAIG: Lander is a great university. That's why I'd like to serve on the Board. There's so many problems in higher education around the country. So many schools are not doing a great job in my view. There's real problems with quality. There are problems with costs. I'm a graduate of Davidson and of Princeton, elite schools. Costs are out of bounds. And frankly, those schools, and I love both of them, are too often are educating people for -- for lifestyles and not for productive work lives. That is a harsh judgement and that is fine. Lander, in contrast, is doing exactly in my view what colleges need to be doing in this country. We're bringing -- we have a great record on minority admissions and success. We have held tuition constant. We're

TUESDAY, APRIL 19, 2022

affordable and we are teaching kids how to get -- go to work and lead productive lifestyles.

THE CHAIRMAN: I wish my two daughters had heard that before they went to college. All right, Staff, you have any information?

MS. WEBB: Yes. Good morning. Mr. Craig, on your application you did not disclose if you paid your four percent or six percent so I'm still going to do those same questions with you. Before you answer that question, can you please state what your home address is?

MR. CRAIG: Yes. 1859 -- 1859 Craig Farm Road Lancaster, South Carolina 29720.

MS. WEBB: Okay, thank you. And then do you pay four or six percent there?

MR. CRAIG: Four percent.

MS. WEBB: Four percent. All right, thank you. That's all I have.

THE CHAIRMAN: Questions?

SENATOR SCOTT: I have a question.

THE CHAIRMAN: Senator SCOTT.

SENATOR SCOTT: I want to thank you, sir, for willingness to serve. One of the things I've noticed about the members of the Board of Trustees you guys have been exposed to so many different universities and -- in terms of where you've been educated, the schools you attend, not just everything right in South Carolina. What has it done for the Board members in terms of trying to reach some agreements in terms of best practice and policies because you have a lot of different knowledge based folk that's actually coming on -- that's on your Board. Which I -- which I applaud you. That's very healthy. So what do y'all do to try to reach some consensus or is some of the smaller stuff you don't get bogged down in?

MR. CRAIG: Well, you've put your finger on it. This Board is very diverse. It's a wide range of experiences and one of the reasons I like serving on this Board is that. That I learn from it too. We all need to listen to each other. We will have disagreements but we can all can gradually work to consensus. And we do bring substantial expertise to the Board -- to the university. For example, I did much of my career in managing large foundations and managing endowments. When I came on the Lander Board, I'm on the Lander Foundation Board as well, we needed to revamp our investment strategy there and I led that. So that's an example of the kind of expertise that our Board is able to bring to Lander.

SENATOR SCOTT: Thank you, sir.

THE CHAIRMAN: Representative King.

TUESDAY, APRIL 19, 2022

REPRESENTATIVE KING: Thank you, Mr. Chair. I see that you're from Lancaster or live in Lancaster. I'm originally from Chester. I represent Rock Hill so next door to you.

MR. CRAIG: Yes.

REPRESENTATIVE KING: How is the recruitment from our area of the state in reference to going to Lander?

MR. CRAIG: You know, I wish it were more. We're -- let's face it, most of the students at Lander come from nearby so Lancaster is a bit too far away. I, myself, am doing my part. We've had some alumni gatherings there and so on. But -- and that is one of the aims. I'm on the Foundation Board, I work with the Vice President for Institutional Advancement which is all about annual giving and also very heavily involved in helping to recruit students. So it's an area we would like to do more.

REPRESENTATIVE KING: I see where your numbers for minorities are pretty good so I was just wondering about the outreach and trying to get more of that. But you probably do know my family in Lancaster. The Ruckers. Dr. Rucker.

MR. CRAIG: I certainly do, yes. Very fine family. A major family in Lancaster. And who have done so much for our city. You know, Lancaster we're near Chester -- Lancaster is really booming, folks. Particularly the north end but we're now really focusing on going -- revitalizing the town like Chester's doing.

SENATOR VERDIN: Favorable.

THE CHAIRMAN: Motion for approval. Is there a second?

SENATOR SCOTT: Second.

THE CHAIRMAN: All those in favor signify by raising your right hand. Opposed like sign. Congratulations, sir. Don't forget don't ask for commitments. I do want to state that we have one other Lander candidate. Marcia Hydrick could not be here today. She's out of state but she will be here tomorrow morning. We'll hear from her then. We've got one candidate for USC tomorrow too also. And the Will Lou Gray folks. We're going to break for lunch. If I can ask all the members if they can be here at maybe ten minutes till 1:00. That gives us almost an hour. We'll try to start as soon as possible. Somehow I don't think this afternoon's going to go quite as fast.

SPEAKER LUCAS: Mr. Chairman, can I raise a procedural matter with the members on the committee?

THE CHAIRMAN: Sure.

SPEAKER LUCAS: We're about to get into the University of South Carolina and what I'd like to ask is that the committee delay taking votes

TUESDAY, APRIL 19, 2022

on the six incumbent members of the University of South Carolina Board until the committee has had an opportunity to hear from each of them.

THE CHAIRMAN: Okay. We'll do a voice vote. All those in favor, signify by saying aye. ALL: Aye.

THE CHAIRMAN: Those no? Ayes have it. You got it. We'll break it. See you a little bit before 1:00. (off the record)

THE CHAIRMAN: We'll go ahead and get started. My name is Bill Whitmire and I am chairman and I come from Oconee County. To my right is -- we're fortunate to have the president of the Senate, THOMAS ALEXANDER; Senator VERDIN and Senator HARPOOTLIAN. And Senator SCOTT will probably join us momentarily. To my left, I'm honored to be sitting next to the speaker of the house, Jay Lucas. And we have Representative King from Rock Hill and tomorrow we will have Representative Finlay from Columbia. This afternoon, we will be taking up first the University of South Carolina Trustees. So, when I call your name, if you would please come up to the well and give us your full name and then I'll swear you in. So, first up is Charles H. Williams, II. Will you give us your full name, please, sir?

MR. WILLIAMS: Charles Hiram Williams, II.

THE CHAIRMAN: Okay. If you'll raise your right hand, I'll swear you in. CHARLES HIRAM WILLIAMS, having been first duly sworn, was examined and testified as follows:

THE CHAIRMAN: Okay. If you will give a brief statement why you're interested in staying on the USC Board.

MR. WILLIAMS: Well, my father -- my -- myself, I went to undergraduate school at the university and --

SENATOR SCOTT: Turn your mic on for us.

MR. WILLIAMS: What do I press -- All right. My father -- my father is an undergraduate and law school grad of University of South Carolina. I am an undergraduate and graduate of University of South Carolina Law School. My first wife was a graduate of USC Law School. My second wife, who is seated behind me, was a graduate of the University of South Carolina Law School. All four of my children are graduates of the University of South Carolina Law School. So, it goes without saying that it has meant a tremendous amount to my family that we've all been able to attend the University of South Carolina. I love the University of South Carolina. I've been on the board for 12 years. I've enjoyed it and I would like to continue to serve on the University of South Carolina Board.

THE CHAIRMAN: Thank you, sir. Staff have any information to share with us on Mr. Williams.

TUESDAY, APRIL 19, 2022

MS. WEBB: Yes. Good afternoon, Mr. Williams. In -- upon reviewing your packet that in initially submitted to the Board back in November, you've stated that you've listed that your property tax -- you currently pay six percent at your residence in Orangeburg. You also submitted, in addition with that, a letter explaining why your property is six percent in Orangeburg. And then you also stated, because your wife is currently listing the property in Charleston with the four percent. If you could just explain to the Commission a little more about that situation.

MR. WILLIAMS: This is both of our second marriages. My first wife, who is deceased, when I married McClaine, she had a house in Columbia. Shortly after we got married, she sold the house in Columbia, South Carolina and she bought a house in Charleston, South Carolina. She resides in Charleston the majority of the time. The first five years -- we've been married seven years. The first five years, I claimed the four percent residency. Unbeknownst to me, she decided that she was going to claim four percent in Charleston. When she did it, I -- she said it was only fair that she could claim it for five years if I claimed it five years. And I don't know how many of y'all are on your second marriages, but you tend to listen to your wife, and she claimed it. I immediately went to Orangeburg Tax Assessor's Office and explain to them what was going on and ask them could I continue to claim the four percent. They said I could not. I reckon the real issue is where I live. I've lived for 72 years on the same property that I live now. Anybody -- and a couple of y'all on the board -- I mean, on this committee know me. Nobody has ever claimed that I lived anywhere but Orangeburg. I own five different -- well, excuse me -- we own. But four -- the property in Charleston is solely in her name. I have four other properties; one in Maggie Valley, North Carolina, one at Lake Marion and one in Columbia, and I'm missing one. But anyway, I have a number of homes that are titled solely in my name. And, you know, I mean, there's no question where I live. I vote in Orangeburg. My law office is in Orangeburg. Although I say I'm semi-retired, I go to the law office three or four days a week. I still get paid by the law office. If you ride on the interstate, you'd see my photograph with my law partners. My two sons have taken over my law practice. But all my bills are in Orangeburg. I probably spend five or six days a year in Charleston, and that's only when I have -- my doctor's in Charleston, and it's only when I have a doctor's appointment. I'm not a big fan of Charleston. My wife loves Charleston. She goes to church there. Her voter registration's there, her driver's license is there. Her mail comes to Charleston. And I

TUESDAY, APRIL 19, 2022

reckon we're a little unique, because while we're married, we do maintain separate households.

MS. WEBB: Yes, sir, thank you. And then just one final question from me and then I'm going to turn it over to members of the Commission, can you please, for the record, what your address in Orangeburg is?

MR. WILLIAMS: 2503 Five Chop Road, or either Marsha B. Williams Boulevard, Orangeburg, South Carolina 29115.

MS. WEBB: Thank you. That's all the questions that I have.

MR. WILLIAMS: Thank you.

THE CHAIRMAN: Representative King.

REPRESENTATIVE KING: I think this question may be for the Committee. In reference to residency, doesn't four percent that how we determine residency of what -- I'm not sure how we would determine --

THE CHAIRMAN: That is my understanding, that your residency should be the four percent. Now, that is -- he's now claiming six percent, so we've gone through that before, Representative King, with, I think, another USC member. He had to change his from six to four, so that's my understanding.

REPRESENTATIVE KING: And if that is the case, Mr. Chairman, the -- do we give that person time to make that adjustment on what do we do in reference to the four percent?

SENATOR HARPOOTLIAN: Mr. Chairman.

THE CHAIRMAN: Who was the first one? Senator HARPOOTLIAN?

SENATOR HARPOOTLIAN: It's where he lives, not where his wife lives. And if she wants to declare Charleston her residence, that doesn't make him a resident of Charleston. The six percent, he can -- the couple can only take it one place. I would submit that if you are claiming four percent in more than one place -- and we've seen this happen -- you got a problem. If his voter registration, driver's license, all of those things are in Orangeburg, even if he doesn't declare that, you know, his residence for tax purposes, he's declared it for everything else, as long as he's not claiming four percent somewhere else. So -- and this issue has been litigated most recently in a school board member issue in -- I think, in my district, District 5, School District Richland/Lexington District 5. And it seems to me that's the correct legal position. Now, Mr. Chairman, I would -- either case, there are people who -- we're going to have another candidate in just a minute who doesn't take the four percent where he says he lives. So, I don't know if we ought to stick with a hard-and-fast rule of four percent being, you know, their residence. I think it's all the circumstances. He's testified under oath that he -- and let me clarify this. Where'd you spend last night?

TUESDAY, APRIL 19, 2022

MR. WILLIAMS: In Orangeburg.

SENATOR HARPOOTLIAN: And every 30 days or every month, where do you stay at night?

MR. WILLIAMS: I would say I spent 99 percent of my time -- now, I do have a condominium at the football stadium I spend a night every now and then in, but ninety- --

SENATOR HARPOOTLIAN: During football season.

MR. WILLIAMS: Yeah.

SENATOR HARPOOTLIAN: Not --

MR. WILLIAMS: No, sir. But 98 percent of the time, I spend in Orangeburg.

SENATOR HARPOOTLIAN: And that's where you work.

MR. WILLIAMS: That's where I work.

SENATOR HARPOOTLIAN: And you -- you pay six percent on your residence in -- in Orangeburg; is that correct?

MR. WILLIAMS: Correct. When I went to the tax assessor and explained to them, they said you can have two primary residences, but you can only claim one.

SENATOR HARPOOTLIAN: Right, for tax purpose.

MR. WILLIAMS: For tax purposes.

SENATOR HARPOOTLIAN: I just think it's important to understand, in my understanding of the law, whole that is a factor we should look at. It is not the determining factor. Mr. Chairman.

THE CHAIRMAN: Speaker Lucas.

SPEAKER LUCAS: I agree with Senator HARPOOTLIAN and, obviously, it is a factor and it's a factor this committee should obviously look at on each occasion. But there are a number of different criteria that could be used to determine residence and I don't think that is the sole criteria we should look to.

THE CHAIRMAN: Who's next? PRESIDENT ALEXANDER?

SENATOR ALEXANDER: I hear what is being discussed and I don't necessarily have an issue with that. But I -- as being the president of this committee, to take a different approach to that. And so, just for the record, I think we have to treat everybody the same. And so, if we're going to deviate that, then -- then I think we're going to have to afford that opportunity to others that have been impacted by that from other universities that was insisted upon by this committee that be treated differently. So --

THE CHAIRMAN: Well, Mr. President, if I remember right, that other candidate did have to change his six percent to four percent; is that not correct, if you remember? That's what I was thinking.

TUESDAY, APRIL 19, 2022

SENATOR ALEXANDER: That is correct.

SENATOR HARPOOTLIAN: Well, let me -- might I ask, Mr. Chairman, that would he be willing to change --

MR. WILLIAMS: Sure.

SENATOR HARPOOTLIAN: -- and you and your wife work that out?

MR. WILLIAMS: Sure. I mean, she did it on her own. I -- don't get me wrong. I love my wife, but she didn't -- she just went down and did that. She said I'd done it for five years and she thought she ought to get a tax break. And it wasn't but about -- I think it's \$3,000 difference, so it's -- me -- mine went from three thousand to eighty- five hundred and, I mean, I couldn't --

SENATOR HARPOOTLIAN: Do you need to ask her before you make this commitment?

MS. WILLIAMS: That's okay.

SENATOR HARPOOTLIAN: Sorry. Okay. Apparently, she's in agreement?

MR. WILLIAMS: So, yeah, I -- I'll be glad to change it.

THE CHAIRMAN: Okay. Other questions?

SENATOR HARPOOTLIAN: I have another question.

THE CHAIRMAN: Go ahead.

SENATOR HARPOOTLIAN: Not about that, though.

THE CHAIRMAN: All right, go ahead.

SENATOR HARPOOTLIAN: So, Mr. Williams, how long have you been on the Board?

MR. WILLIAMS: Twelve years.

SENATOR HARPOOTLIAN: Okay. And let me ask you this. Has it been your experience that you would go through the president -- and you've been through a couple of them, I think, during those 12 years, correct --

MR. WILLIAMS: Correct.

SENATOR HARPOOTLIAN: -- to talk to department heads? Do you unilaterally go out and talk to department heads?

MR. WILLIAMS: No. Now, you know, if it's in a board meeting and a department head is talking about something, sure.

SENATOR HARPOOTLIAN: That's what I'm talking about.

MR. WILLIAMS: No, not -- no, I never contact anybody --

SENATOR HARPOOTLIAN: Either emailing or picking up the phone and calling a department head? MR. WILLIAMS: No.

SENATOR HARPOOTLIAN: And you understand the athletic department, Ray Tanner is a department head; is that correct?

MR. WILLIAMS: I understand.

TUESDAY, APRIL 19, 2022

SENATOR HARPOOTLIAN: And why don't you do that?

MR. WILLIAMS: Well, I mean, it's not our -- in our position to do it. I mean, we set policy. And like I say, if we have -- if we have a problem, usually we'll contact the president or wait till that person is at a meeting and address whatever issues we have.

SENATOR HARPOOTLIAN: And in your opinion, is that -- do you have any problem with the board, some of the board members unilaterally talking with department heads --

MR. WILLIAMS: Well --

SENATOR HARPOOTLIAN: -- going around the president?

MR. WILLIAMS: -- I'm sure it happens a lot and -- but you don't know about it. I mean, you know, I don't think that a member of the board would tell you that they've been talking to a department head.

SENATOR HARPOOTLIAN: Would it surprise you I'm going to ask the incumbent board members today under oath whether they're done that or not?

MR. WILLIAMS: No, sir.

SENATOR HARPOOTLIAN: Okay. So, we'll deal with that in a little while. But let me -- let me move on with it. There's sort of an elephant in the room, if you will, is the presidency of General Caslen, and I'm trying to get my arms around how such a thing happened. Well, first of all, did - - you voted against hiring him; is that correct?

MR. WILLIAMS: That's correct.

SENATOR HARPOOTLIAN: And let's talk about how that process -- I'm trying to get a sense of how the board makes decisions.

MR. WILLIAMS: Well, it was poorly handled from the beginning. When -- when -- I don't remember whether it was three or four candidates and --

SENATOR HARPOOTLIAN: Speak into the microphone.

MR. WILLIAMS: I'm trying to recall, because it's been a little while, but -- but when it first came up, we would meet the candidates. Right before the meeting began, they sat a stack of paper about this high, which was from the faculty and from the students who had heard President Caslen, and their opinions and so forth. And, you know, you didn't have time to read them and I objected to that, that, you know, why would you put a stack of -- you know, five-inch stack of paper in front of me with opinions from students and faculty and expect me to have any idea. And they said, well, we can tell you that 80 percent of the faculty and 80 percent of the students oppose him being our next president.

SENATOR HARPOOTLIAN: Was he the only candidate you were looking at that day?

TUESDAY, APRIL 19, 2022

MR. WILLIAMS: No, there were three, three or four.

SENATOR HARPOOTLIAN: Okay.

MR. WILLIAMS: And --

SENATOR HARPOOTLIAN: Did you get that kind of input on all four or all three?

MR. WILLIAMS: Yeah.

SENATOR HARPOOTLIAN: Okay.

MR. WILLIAMS: And so, it started off rather raw and so we pretty much had an argument within the board, you know, and complaining about we needed more information. If we were going to elect the president, we needed to see what the reviews said, blah, blah, blah. And after heated discussion, we all agreed to continue the process, not to elect anybody on that day.

SENATOR HARPOOTLIAN: Now, did y'all decide to ask some of the interim presidents?

MR. WILLIAMS: I'm sure we must --

SENATOR HARPOOTLIAN: Upstate?

MR. WILLIAMS: Yeah, we did, we asked the chancellor at Upstate, who is a very good guy.

SENATOR HARPOOTLIAN: And did he agree to do that?

MR. WILLIAMS: He did.

SENATOR HARPOOTLIAN: Did he ever get to be the interim president?

MR. WILLIAMS: For just a short period of time.

SENATOR HARPOOTLIAN: Now, there is -- as I study the records from --

MR. WILLIAMS: I'm trying to -- you want me to go forward, because -- to the vote on Caslen?

SENATOR HARPOOTLIAN: Well, I'm going to ask you some questions and then --

MR. WILLIAMS: All right.

SENATOR HARPOOTLIAN: -- and then ask you to go forward. So, there was about a 30-day period between that meeting and the meeting at which Caslen was elected, correct?

MR. WILLIAMS: Correct.

SENATOR HARPOOTLIAN: Okay. During that 30-day period, did anyone that -- to your knowledge, on the board go to Florida and meet with General Caslen?

MR. WILLIAMS: Yeah, some people went. I do not recall who and how many, but I was aware that some went. And I think that was after

TUESDAY, APRIL 19, 2022

we elected Caslen that I found out about that. I didn't know that they had gone down there.

SENATOR HARPOOTLIAN: Did you know they went between - - in that 30-day period between the first vote and the second one?

MR. WILLIAMS: I believe it was.

SENATOR HARPOOTLIAN: And were you invited to go?

MR. WILLIAMS: No, sir.

SENATOR HARPOOTLIAN: Was there some sort of selection committee that had been picked?

MR. WILLIAMS: Not that I know of.

SENATOR HARPOOTLIAN: And so, they took the university plane, this three or four board members, who -- some of them are going to be testifying today. I'll ask them about it.

MR. WILLIAMS: That's my understanding, yes.

SENATOR HARPOOTLIAN: And they went and met with General Caslen?

MR. WILLIAMS: As far as I know, yes.

SENATOR HARPOOTLIAN: But not the other candidates.

MR. WILLIAMS: That's -- as far as I know, that's correct.

SENATOR HARPOOTLIAN: You don't know what they discussed.

MR. WILLIAMS: I have no idea.

SENATOR HARPOOTLIAN: Were they negotiating the contract?

MR. WILLIAMS: I have no idea. Never been privy to any of the that information.

SENATOR HARPOOTLIAN: Now, go ahead with your narrative as to what happened between that first meeting where you didn't pick him, you picked an interim.

MR. WILLIAMS: Well, the board was instructed -- I mean, we instructed for the search committee to continue. We were unhappy with the group they hired. We were supposed to hire a new group that did Clemson's search. And then, out of the blue, I got a call from the governor asking me to support Caslen.

SENATOR HARPOOTLIAN: And tell us the -- did he explain to you why?

MR. WILLIAMS: It was a very short conversation. I've known Henry -- I went to school with Henry.

SENATOR HARPOOTLIAN: Okay.

MR. WILLIAMS: And I said -- asked him, I said, "Henry, have you met the man?" And he said, "No." I said, "Well, then don't ask me to support him."

TUESDAY, APRIL 19, 2022

SENATOR HARPOOTLIAN: The governor indicated he never even met the guy?

MR. WILLIAMS: That's correct.

SENATOR HARPOOTLIAN: And this was about two or three weeks before he was picked as president?

MR. WILLIAMS: It was right before. It all --

SENATOR HARPOOTLIAN: And it was the governor or his chief of staff -- To your knowledge -- I know I got a call from the chief of staff. Was the governor or the chief of staff contacting all the board members?

MR. WILLIAMS: I have no idea. He just contacted me and, like I say, I know Henry well. Henry and I are friends and I -- you know, I just said, "Henry, have you met the guy?" Because I -- I thought, in his interview, he was not real good, in addition to not being able to know why the faculty or the students were so opposed to him. And when he said no, I told him, I said, "Well, no, I'm not going to support him."

SENATOR HARPOOTLIAN: But in an interview -- you had an interview with Caslen here in Columbia?

MR. WILLIAMS: We had all the candidates. Whether it was three or four, I really can't remember.

SENATOR HARPOOTLIAN: Was one of those candidates the provost? MR. WILLIAMS: No.

SENATOR HARPOOTLIAN: It was not. MR. WILLIAMS: No.

SENATOR HARPOOTLIAN: Do you remember who the other candidates were?

MR. WILLIAMS: It was Tate and -- I think it was three, because I think we lost -- the lady was a finalist, and I think she went to University of Tennessee.

SENATOR HARPOOTLIAN: Uh-huh (affirmative).

MR. WILLIAMS: But William Tate was one and --

SENATOR HARPOOTLIAN: Now, who's William Tate?

MR. WILLIAMS: He was our provost, then he went down to be the president of LSU.

SENATOR HARPOOTLIAN: So, he was not hired here and he went to --

MR. WILLIAMS: Well, he was --

SENATOR HARPOOTLIAN: -- being president of --

MR. WILLIAMS: -- eventually hired as our provost.

SENATOR HARPOOTLIAN: Right. But then he left here when he was not hired as president and went to LSU?

MR. WILLIAMS: That's correct.

TUESDAY, APRIL 19, 2022

SENATOR HARPOOTLIAN: Is he African-American?

MR. WILLIAMS: That's correct.

SENATOR HARPOOTLIAN: So, LSU hired him and we didn't.

MR. WILLIAMS: Well, we did hire him as our provost.

SENATOR HARPOOTLIAN: As provost, but not as president.

MR. WILLIAMS: That's right. And he had -- you know, he had significant support on the board the first time around.

SENATOR HARPOOTLIAN: But then Caslen seemed to get -- well, on the vote was, what, 12 to 8?

MR. WILLIAMS: I think it was 11 -- we needed one more vote to continue the process. And that's what it was about. It wasn't about -- he was allowed to stay in the running. We just wanted to process -- we wanted a different group, the Clemson people, you know, that handled their search to look at the candidates and then bring us back the candidates. And there was no objection to him remaining as one of the candidates.

SENATOR HARPOOTLIAN: And that failed, that motion to do that? Or did that --

MR. WILLIAMS: No, that was -- that was what the board decided on. And then the governor --

SENATOR HARPOOTLIAN: And his process was ongoing.

MR. WILLIAMS: -- and then the governor got involved and called for a vote on Caslen.

SENATOR HARPOOTLIAN: And did y'all have a vote?

MR. WILLIAMS: We did.

SENATOR HARPOOTLIAN: Was there an effort to have a meeting and you stopped it?

MR. WILLIAMS: Yeah, I did.

SENATOR HARPOOTLIAN: Tell us about that.

MR. WILLIAMS: You have to give so many days' notice by statute and they were trying to do it quickly. And I raised the issue that we hadn't had sufficient time. I don't know whether it's five days, or whatever, that you have to declare before you have that meeting.

SENATOR HARPOOTLIAN: And so, you had to sue to stop them from having a meeting.

MR. WILLIAMS: That's correct.

SENATOR HARPOOTLIAN: I'm sort of intrigued by the fact that they didn't give enough -- didn't give the notice required by law. That seems to be a basic concept. Did you talk to the chairman of the board as to why he didn't do that?

MR. WILLIAMS: No, I did not.

TUESDAY, APRIL 19, 2022

SENATOR HARPOOTLIAN: And then, ultimately, there was a vote.

MR. WILLIAMS: And we lost by one vote. Not voting against Caslen, but people were voting to continue the process that the board agree to do.

SENATOR HARPOOTLIAN: And then y'all hired him.

MR. WILLIAMS: That's correct.

SENATOR HARPOOTLIAN: -- voted to hire Caslen. Was that a mistake, hiring Caslen?

MR. WILLIAMS: You know, I mean, I hate to beat a dead horse. Actually, he did a very good job with the pandemic. It was just kind of an uphill fight. The faculty didn't think he had the credentials, the Ph.D. and the intellectual things that are required, so it was kind of hard sledding somewhat with the faculty.

SENATOR HARPOOTLIAN: I think, in a series of emails that's been reported between he and the president of South Carolina State, he was rather critical of the governing environment at Carolina. I think his words were, "It sucks." Does that sound accurate? Do you remember that quote?

MR. WILLIAMS: I remember that.

SENATOR HARPOOTLIAN: And he described the university as basically a dumpster fire on one occasion.

MR. WILLIAMS: I think that was his chief of staff.

SENATOR HARPOOTLIAN: His chief of staff said that?

MR. WILLIAMS: Yeah.

SENATOR HARPOOTLIAN: Okay. But so, was he doomed to fail, based on the lack of faculty support, based on the lack of --

MR. WILLIAMS: I don't think so. I mean, I took the guy deer hunting. I mean, once he's our president, he's our president. And, you know, I did everything I could do. I had no -- whereas I was against him originally, I mean, I tried to give him every bit of support, because he's our president. I wanted him to succeed.

SENATOR HARPOOTLIAN: And he gave a speech in which he used the words of another military officer it was discovered and, in university circles, that's called plagiarism.

MR. WILLIAMS: Correct.

SENATOR HARPOOTLIAN: And if you get caught plagiarizing a student, what happens to you?

MR. WILLIAMS: I reckon you'd go before whatever committee handles that and they could do anything. They could do anything from expulsion to --

SENATOR HARPOOTLIAN: But you could be expelled for that.

MR. WILLIAMS: Excuse me?

TUESDAY, APRIL 19, 2022

SENATOR HARPOOTLIAN: You could be expelled for plagiarism.

MR. WILLIAMS: Yes, you could.

SENATOR HARPOOTLIAN: It's frowned upon in academic circles.

MR. WILLIAMS: That's correct.

SENATOR HARPOOTLIAN: Now, he admitted that somebody wasn't checking it or he didn't check it, and he in fact did commit plagiarism, correct?

MR. WILLIAMS: correct.

SENATOR HARPOOTLIAN: Was there any official effort on the part of the board to look into that, to do anything about that?

MR. WILLIAMS: You know, I mean, you hear things, but I don't know how official -- official they were. I mean, I felt sorry for the man, to be honest with you.

SENATOR HARPOOTLIAN: Well, is your -- is your -- when you felt sorry for the man, I mean, is that the motivation for hiring or keeping somebody as the president of a -- a key flagship university?

MR. WILLIAMS: Well, he resigned. We didn't fire him.

SENATOR HARPOOTLIAN: And he tried to resign and the chairman of the board rejected that, is what I read; is that correct?

MR. WILLIAMS: Again, that's what I heard.

SENATOR HARPOOTLIAN: Does the chairman of the board have the authority to reject that?

MR. WILLIAMS: I'm not sure I know. I mean, I think the board should address that, but you know, I don't honestly know. I don't know what our bylaws say about that.

SENATOR HARPOOTLIAN: Okay. I'm going to explore the Caslen matter further with some of the folks who actually were helping behind the scenes to make that happen that will be testifying this afternoon. Let me move on to another subject. The athletic department fired Coach Muschamp; is that correct?

MR. WILLIAMS: Correct.

SENATOR HARPOOTLIAN: And they did that with the knowledge they were going to have to negotiate a \$12 million payout; is that correct?

MR. WILLIAMS: 12.9, I think.

SENATOR HARPOOTLIAN: 12.9. Were you in favor of that?

MR. WILLIAMS: It never came before the board.

SENATOR HARPOOTLIAN: Well -- it did not? MR. WILLIAMS: No.

SENATOR HARPOOTLIAN: Who was that -- who makes that decision?

MR. WILLIAMS: Athletic director.

TUESDAY, APRIL 19, 2022

SENATOR HARPOOTLIAN: Unilaterally, without approval.

MR. WILLIAMS: I would think he'd have to talk to the president, but I don't know that for a fact.

SENATOR HARPOOTLIAN: But not the board -- the board doesn't make that decision or enter into that decision.

MR. WILLIAMS: No, sir.

SENATOR HARPOOTLIAN: Now, did the athletic department have the funds on hand to pay that \$13 million buyout?

MR. WILLIAMS: I do not believe they did at the time.

SENATOR HARPOOTLIAN: And do they get an infusion of money from the university to do that?

MR. WILLIAMS: Well, you had COVID hitting us. So, you didn't -- you know, we had no attendance at football games.

SENATOR HARPOOTLIAN: Right.

MR. WILLIAMS: And I don't remember what the figure was, but it was 40-something million dollars we lost, including his buyout. In addition to his buyout, now, we had to pay off his assistants. So, the actual number, what it costs us is more than 16.9 million.

SENATOR HARPOOTLIAN: 16.9 million?

MR. WILLIAMS: Just for him. No, excuse me, I'm sorry. It was more than 12.9. I don't know how -- I don't have the figure what we had to pay off his assistants.

SENATOR HARPOOTLIAN: So, the athletic department, because of COVID, didn't have the money to do that.

MR. WILLIAMS: Well, that and -- what happened then was we got 20-something million in advance from the SEC -- now, all SEC schools lost money. We weren't --

SENATOR HARPOOTLIAN: Right.

MR. WILLIAMS: -- we weren't just by ourselves. The COVID hit everybody. And so, I don't know what they -- out of the 40-something million, I'm not sure, but 20-something million, I think, I'm pretty sure, came from an advancement from the SEC on future TV contracts. And the university had to end up loaning the athletic department \$10 million.

SENATOR HARPOOTLIAN: Okay. And that's what I'm trying to get to. So, 10 million appropriated dollars, that would be for money -- state money was used to fund the Muschamp buyout.

MR. WILLIAMS: Well, it was used to fund Muschamp and the COVID problem, yes.

SENATOR HARPOOTLIAN: Well, I mean --

MR. WILLIAMS: I don't know if you could just say -- I mean, they were 40-something million in the hole, 20 million came from the SEC. You

TUESDAY, APRIL 19, 2022

got another whatever, 20 million, which is made up of losses from COVID and the buyouts of these football coaches.

SENATOR HARPOOTLIAN: I guess what I'm saying, Mr. Williams, is this. Those of us that operate a private business, if we can't afford to do something, we delay it, we put it off, we negotiate a better deal. If the athletics department had to borrow money from the university to do this deal, did anybody raise the issue that maybe we shouldn't do this right now, we're \$40 million in the hole. This is not --

MR. WILLIAMS: Well, it was done -- it was done before -- I mean, the board didn't know about it till -- just like y'all didn't know about it when we fired the coach. I mean, we just --

SENATOR HARPOOTLIAN: Who decided to loan them the money?

MR. WILLIAMS: The board.

SENATOR HARPOOTLIAN: Okay. So, when you say the board didn't know about it --

MR. WILLIAMS: Well, I mean, it's after the fact.

SENATOR HARPOOTLIAN: So, the athletic director terminated Muschamp, negotiated the buyout, and didn't have the money to do it.

MR. WILLIAMS: Well, we had to loan them \$10 million. I mean, I don't know, you know -- you know, it's a pool of money and it's a pool of loss and -- but I'm sure -- the money we had to pay the coach certainly made the debt much higher.

SENATOR HARPOOTLIAN: Yeah, I guess I'm just trying to figure out those of us that have to vote on a budget proposal to USC, y'all got an extra \$10 million floating around you don't need and you just lend to the athletics department when they're in the hole --

MR. WILLIAMS: That's the first time in the history, I think, that the athletics department's ever needed money that they didn't have.

SENATOR HARPOOTLIAN: Well, once it enough, isn't it?

MR. WILLIAMS: I'm sorry?

SENATOR HARPOOTLIAN: Once is enough.

MR. WILLIAMS: Absolutely. I mean, I've been a big opponent of these buyouts. If you see I voted against the last coach contract, because I said if we fire this coach next year, it cost \$6 million. I mean, we paid Frank Martin \$3 million. All we had to do is keep him one more year and we'd save \$3 million. I mean, this -- some point in time in athletics, especially when you're in -- in the red, you can't keep doing this.

SENATOR HARPOOTLIAN: Well, and that's exactly what happened here. The board lent them the \$10 million so they could terminate -- pay somebody almost \$13 million not to work, right?

MR. WILLIAMS: Right.

TUESDAY, APRIL 19, 2022

SENATOR HARPOOTLIAN: And then they could spend -- they could get more money to spend on a new coach. I guess, if they did have the money, they had to commit it to the new coach, right?

MR. WILLIAMS: Yeah, they have money coming in all the time. Now, I can't -- you know, you'd have to ask the athletics department how his -- where his funds come from, and so forth, but --

SENATOR HARPOOTLIAN: Is there a committee -- athletics department committee on the board?

MR. WILLIAMS: No longer. They -- we had one and then they changed it into -- what's it called -- the committee that's in now, but it doesn't -- it's not -- I wouldn't say it's very active.

SENATOR HARPOOTLIAN: Did you ever talk to Ray Tanner about hiring and firing people, what the salaries ought to be? Do you do that?

MR. WILLIAMS: In board meetings.

SENATOR HARPOOTLIAN: No, I'm talking about outside board meetings.

MR. WILLIAMS: No. But I had a very long discussion with him over this new coach and firing of Muschamp -- I mean, firing of --

SENATOR HARPOOTLIAN: Martin.

MR. WILLIAMS: -- Martin \$3 million, and told him that the buyouts had to stop. I mean, this man came here -- I mean, common sense will tell you this. The man was making \$250,000. We started him off at 2.2 million. We gave him a deal for five years; we'd pay 65 percent of the buyout. We're paying Chattanooga 450,000 for his buyout. And my question to Ray is, you know, "Why couldn't you hire this guy for less money? Why couldn't you get a better buyout?" "Well, I didn't have a buyout." I mean, the guy is coming from the Southern Conference. And, you know, I negotiate -- all my life I've practice law. I mean, I never made a deal that bad, and I just thought it was a bad deal and --

SENATOR HARPOOTLIAN: And what did Tanner say to you?

MR. WILLIAMS: -- and especially because of where we are with athletics trying to get back on their feet.

SENATOR HARPOOTLIAN: So, what did Tanner say?

MR. WILLIAMS: He said, "That's the market and you can't hire somebody without it."

SENATOR HARPOOTLIAN: Who negotiates these deals? Do y'all have a lawyer you hire out of some professional sports group that negotiate deals?

MR. WILLIAMS: Well, they have agents, which, obviously, they --

SENATOR HARPOOTLIAN: Well, no, no, I know --

MR. WILLIAMS: -- their agents are a lot smarter than we are.

TUESDAY, APRIL 19, 2022

SENATOR HARPOOTLIAN: Do we have agents. Does the University of South Carolina have a professional who we use to negotiate these --

MR. WILLIAMS: They're supposed to have legal help and people over at the athletics department to look into these contracts.

SENATOR HARPOOTLIAN: No, I'm talking about somebody outside their -- you and I both practice law. This is a very, very, very refined expert area. People that negotiate these contracts are sharks, right?

MR. WILLIAMS: Very sharp.

SENATOR HARPOOTLIAN: And so, to your knowledge, the University of South Carolina --

MR. WILLIAMS: Not to my knowledge.

SENATOR HARPOOTLIAN: Okay. So -- and I don't want to belabor -- belabor this. Maybe I do, because I'm going to talk a lot about it this afternoon. There is this perception that the University of South Carolina Board of Trustees is not, as a group -- now, the individual members, specific individuals members -- but as a group, is not doing its duty to protect two things; one, the quality of education for kids to come in and we - - at the University of South Carolina. But more importantly, the financial -- the \$1.4 billion a year in revenue comes through the University of South Carolina. Does that sound about right to you?

MR. WILLIAMS: No, I think it's like 1.7.

SENATOR HARPOOTLIAN: 1.7, I'm sorry. I didn't mean to underestimate it. Which makes it one of the largest state agencies in the sense of how much money it spends every year. You know, we went through a difficult time with the board at Santee Cooper, which is about the same expenditures per year, and it just seems to me that, you know, you're unopposed -- not that I'm trying to get you opposition, but most of these positions, I think all of the incumbent positions, are unopposed. Why is that? If -- if there's a perception y'all are doing a terrible job -- y'all, not you -- but collectively, if it's a dumpster fire, it should be, as President Caslen's executive assistant said -- and this place sucks, is what he said, all of that bad PR and not only that PR, but what faculty, some person looking to work in a major university that's qualified? I mean, that dampens the ability to get quality faculty, students. I mean, that entire mess cripples us. And then the athletics department is spending money like drunken sailors. And so, what's -- give me a solution here.

MR. WILLIAMS: All right. Well, let me --

SENATOR HARPOOTLIAN: I mean, other than not being --

MR. WILLIAMS: -- first backtrack a little bit. I disagree with you on academics. I think the University of South Carolina has outstanding

TUESDAY, APRIL 19, 2022

academics. I think the faculty is outstanding. I do not see any problem with the academics whatsoever at the University of South Carolina. The athletics department, the problem I see in that is it's done before it comes to the board. I mean, you know, the AD goes out and commits to a contract of, well, fire somebody. It's all done before -- the board has no input in any of that.

SENATOR HARPOOTLIAN: So, he can -- that person can commit to University of South Carolina to spending money without getting board approval?

MR. WILLIAMS: He has to get it after. I mean, it's just like when --

SENATOR HARPOOTLIAN: Get it -- I'm sorry, get what after?

MR. WILLIAMS: Well, let's give you this example. The contract that they gave the new foot- -- basketball coach.

SENATOR HARPOOTLIAN: Yeah.

MR. WILLIAMS: You know, they said we're going to pay him 2.2 million and give him a hundred thousand dollars raise, five years, we're going to give him 65 percent buyout, we're going to pay 450,000 to Chattanooga, we'll give him a call or give him -- they cut that deal. And then they come to the board to get our approval. And --

SENATOR HARPOOTLIAN: But that deal's contingent on getting your approval.

MR. WILLIAMS: That deal is contingent.

SENATOR HARPOOTLIAN: And you voted no.

MR. WILLIAMS: And that's why I voted no against it.

SENATOR HARPOOTLIAN: So, in effect, you say after the deal. But the deal ain't the deal until the board -- the majority of the board votes to approve it. So, there's no "the athletics department cut a bad deal and we had to live with it," you don't have to live with anything the athletics department does contractually until you approve it, correct?

MR. WILLIAMS: That's why I voted no.

SENATOR HARPOOTLIAN: Well, on the Muschamp deal, you didn't have to approve that. MR. WILLIAMS: No.

SENATOR HARPOOTLIAN: But you did. MR. WILLIAMS: No.

SENATOR HARPOOTLIAN: You never voted on it. MR. WILLIAMS: No.

SENATOR HARPOOTLIAN: You never voted on paying him --

MR. WILLIAMS: Never voted -- never voted on paying him, never voted on paying Frank Martin three million.

SENATOR HARPOOTLIAN: Really? Well, who committed that to him?

MR. WILLIAMS: That's in their -- that was in their contract.

TUESDAY, APRIL 19, 2022

SENATOR HARPOOTLIAN: No, I think they negotiated. I know Muschamp negotiated something less.

MR. WILLIAMS: Well, it was very little. I think what he ended up doing was getting the actual cash value, as I understand it, of what the payments would've been if he'd have stayed the remainder of his contract. No, I don't think he got -- I don't think we got any kind of deal on that.

SENATOR HARPOOTLIAN: But -- but that couldn't have happened without y'all voting to give the athletics department \$10 million bucks to fund it.

MR. WILLIAMS: I don't know if we could or not. I mean, you know, what they would've done, I have no idea. I know that when it was all over and done with, that they came and said that they were 20-something million, or whatever, and maybe they'd have paid them out of the money they had and then they would've been in the hole 20 million. I don't know that.

SENATOR HARPOOTLIAN: But you -- they asked y'all for \$10 million to fund the deal?

MR. WILLIAMS: They did.

SENATOR HARPOOTLIAN: And y'all did that.

MR. WILLIAMS: We did. I mean, what you going to -- let them go bounce a check? I mean, you got to when it's at that point.

SENATOR HARPOOTLIAN: I want you to step back for just a second and think about this. You've been very successful in business and practicing law. This is really the way we want to run a \$1.7 billion a year corporation?

MR. WILLIAMS: Mr. HARPOOTLIAN -- or Senator -- excuse me, Senator HARPOOTLIAN, I've been against all of this. I've raised hell about buyouts and firing Muschamp, firing Martin, new contracts, but --

SENATOR HARPOOTLIAN: And Caslen.

MR. WILLIAMS: And Caslen. I mean, I --

SENATOR HARPOOTLIAN: Okay. You just happen to be the first one up.

MR. WILLIAMS: I understand. I understand. But I'm just telling you I -- you know, I just got one vote. But a lot of this stuff, I -- we don't even have any say in. Like firing, I think we ought to have a say -- I think the board ought to be able to say can we fire Muschamp, can we fire Martin. I mean, it's done, it's over. It comes to us and then we got to go find out they ain't got the money to pay. I mean, I think it's wrong. I think the board ought to be -- I think the coaching -- I mean, the athletics department ought to come to the board and give us an idea

TUESDAY, APRIL 19, 2022

what kind of contract he's going to offer to see if we're amenable to it rather than -- like nobody wants to vote against our new coach. I mean, we don't want to come in there -- I mean, he's probably a great guy. I hope he does wonderful. I don't want to vote against him. And that's why I put everything in terms of the buyout. I don't -- it's no reflection on the coach. And, you know, you don't want to do that. I mean, you know, you people at Clemson, you don't want to vote against Dan -- I mean, Dabo, I mean, you know. And so, you want to be supportive, but you also sent a message to the administration and to athletics department, hey, y'all got to be a hell of a lot more financially smart on these deals. I mean, this just can't keep going on. And, you know, why can't we be the first one to stand up and say, "We're not going to have any more outlandish buyouts." You know, if this guy -- excuse me, again, and it's no reflection on the coach, but, you know, he was 87 and 71 at Chattanooga. I mean, it's not like you're hiring a coach -- an ACC, a Villanova's coach who's got a proven track record. I'd feel a little bit better about a buyout with somebody that had a proven record. But, I mean, this is an unknown quantity. And giving that kind of contract, to me, is irresponsible. But yet, at the same time, we want to support the guy. I mean, he's -- we got him for five years, now.

SENATOR HARPOOTLIAN: And you will be supporting him.

MR. WILLIAMS: Oh, absolutely.

SENATOR HARPOOTLIAN: So, let me just shift to one last question. There is a bill I'm sponsoring, which is going to get probably subcommittee hearing in a few weeks on restructuring the USC board. Are we just merely rearranging the deck chairs on the Titanic or would restructuring that board help -- making it smaller?

MR. WILLIAMS: Look, y'all put the members on the board. Whether you put 16 on there or whether you put 8, you know, I -- I mean, I love all the members on the board. I wish they were more vocal. I wish people would think seriously about what our obligation is financially. Again, I -- I'm going to tell you right now, academically, we are strong. We know -- we got so many number ones in the country, our business school, our nursing program. I mean, there's a lot of great things going. There's no problem with the academics. I perceive there's a problem with athletics and somehow we need to give it more direction from the board rather than just being thrown in our laps and there's nothing we can do about it.

SENATOR HARPOOTLIAN: But some board members actually do get involved in that process, do they not?

TUESDAY, APRIL 19, 2022

MR. WILLIAMS: Well, I -- you know, again, you got to ask that board member. I mean, you know, it's not like people come up and say, "I did this," or "I did that." I really -- I don't have knowledge of that. I mean -

-

SENATOR HARPOOTLIAN: Okay. Thank you, that's all I have.

THE CHAIRMAN: Speaker Lucas.

SPEAKER LUCAS: Mr. Williams, thank you for being here today and thank you for your testimony. I just have a few follow-up questions to Senator HARPOOTLIAN. And I guess my first one hits at the heart of the matter. If the board is as dysfunctional as you say it is, why in the world would we reelect any of the current members back to their current seat?

MR. WILLIAMS: Well, that's up to y'all. I mean, y'all are the ones that elect them and if you think the change should be made, then all you have to do is make it. You know, I think structurally, it needs to be changed, especially in regards to athletics. And, I mean, nobody wants to -- God knows, I don't want to micromanage. That's the last thing. I mean, I don't get paid enough in this job. We must meet 12 or 14 times a year up here. We on telephone calls. I don't know how anybody would ever want to be the chairman of the board. I mean, it's a full-time job. And, you know, how in the world do you keep up with \$1.7 billion. I mean, and you try and do the best you can, but it's very difficult. But I will say I think the people on the board -- I mean, as far as their integrity, I don't doubt anybody's integrity on the board.

SPEAKER LUCAS: Yes, sir. And as Mr. Harpootlian was asking you questions, especially at the start, you can -- you said, "I don't know," "I don't know how that's done," "I don't know how that's done." But as I was reviewing for this testimony, I noticed that one of the newspapers called you a lightning rod in the Caslen search. What did they mean by that?

MR. WILLIAMS: Because I was opposed -- I mean, let me -- when 80 percent of these students and 80 percent of your faculty say "don't hire this guy," I mean, what am I going to do? I mean, I - - you know, he did not have a Ph.D. or what you'd normally expect in that. So, I mean, you know, I was against hiring him. I did not think he was a good fit for University of South Carolina.

SPEAKER LUCAS: Yes, sir. Let's explore the term "lighting rod" and what that means. What did you actually do with regard to the Caslen hire and not supporting that.

MR. WILLIAMS: Talked to other board members. I told them I thought it was a mistake. I thought process -- I expected better candidates than

TUESDAY, APRIL 19, 2022

what I saw that we ended up with. Just thought the whole process had been -- the search committee had been poor.

SPEAKER LUCAS: Yeah. And there's no question that it was a poor search process. Did a lot of your communication with your fellow members on the board -- was it by text message?

MR. WILLIAMS: It was.

SPEAKER LUCAS: And you turned those text messages over --

MR. WILLIAMS: Turned every text message I had.

SPEAKER LUCAS: And --

MR. WILLIAMS: And was surprised to see text messages of fellow board members that told me they were thinking about it when they were talking with the governor and his chief of staff.

SPEAKER LUCAS: And in some of those text messages, some of the ways you described the board members that you say are good people and that you work with weren't very flattering, were they?

MR. WILLIAMS: Well, anytime you're opposed to somebody and you don't think they're being truthful with you, you'd probably get a little bit upset.

SPEAKER LUCAS: Okay. And some of the board members actually making referencing to you, and I was certainly offended to see that their comments about you weren't very flattering.

MR. WILLIAMS: Didn't see many of those. But there was one I remember and I even went and talked to him about it and he apologized.

SPEAKER LUCAS: And so, you paint this picture as a board working well together. Doesn't it put us in a position where it's almost impossible to work well together when you've had board members making these type of comments against each other? It'd certainly make it difficult for me, I would think.

MR. WILLIAMS: No, I mean, Lord knows, lawyers on the other side, we at each others' throats. But we'd go out and have a drink together. I mean, that's part of it. I mean, just because you got a different position than I got and, you know, that doesn't make me dislike you or not pay any attention to what you're position is. I'm going to listen to your position, but I'm going to try and get you to understand my position.

SPEAKER LUCAS: Sure. And Mr. HARPOOTLIAN and I have a Bill and have had a Bill that restructured the University of South Carolina Board of Trustees, I think, removing politicians from the appointment, also reducing the size of the board. Because what appeared to me, in going back and reading through these texts is you have you and others who were involved trying to galvanize support for either Caslen or not

TUESDAY, APRIL 19, 2022

voting for Caslen, and that certainly can't be a healthy environment for the school.

MR. WILLIAMS: Well, it is. It is. And I think what those was not as much against Caslen as it was we voted on following the procedure, reopening it, letting Caslen stay in the race, and getting a different company to handle the selection. And that's what most the talk was about, the failure to follow what we, as a board, had voted on and agreed.

SPEAKER LUCAS: And I believe, in one of your texts talking about the search process -- and we all agree, and I'll agree with you that it was poor. And to follow up, you did not have any active involvement in the search process?

MR. WILLIAMS: None.

SPEAKER LUCAS: You say a group of people went down to Florida to speak with Caslen. Would that have been just a group of board members going on their own or would that have been the search committee who actually went down there?

MR. WILLIAMS: You know, I think -- you know, to tell you whether they were on the search committee, I do not know.

SPEAKER LUCAS: Okay.

MR. WILLIAMS: But I don't -- I don't think all of them were on the search committee.

SPEAKER LUCAS: All right. Did you -- did you ask about that or did you try to insert your objection to President Caslen in the search committee? Did you tell him why you objected to him?

MR. WILLIAMS: I'm not sure if I did. But if it says it in the text, it would explain it.

SPEAKER LUCAS: No, sir, I'm just asking that question. If your objections to Caslen were that high, wouldn't the proper way to handle it would have been to have gone to the search committee and say, "Hey, I don't think this is the guy. I think we need to go in another direction"?

MR. WILLIAMS: I think I -- I think I spoke to people on the search committee and told them that.

SPEAKER LUCAS: Okay. Who was on the search committee?

MR. WILLIAMS: Oh, me. I'm sure your former -- your law partner Gene Warr, I believe, was on there. And I talked with your law partner numerous times. In fact, he was in -- I believe, in Alaska when all this was going down.

SPEAKER LUCAS: Yeah.

MR. WILLIAMS: And I talked to him --

SPEAKER LUCAS: He receives my ire quite a bit.

TUESDAY, APRIL 19, 2022

MR. WILLIAMS: And I talked to him. Hugh Mobley was chairman of the committee. Dawn Smith was on there.

SPEAKER LUCAS: Are you sure it was Hugh Mobley who was --

MR. WILLIAMS: Chairman of the search committee?

SPEAKER LUCAS: -- who handled the search committee?

MR. WILLIAMS: Yeah.

SPEAKER LUCAS: Or was it Mr. Westbrook?

MR. WILLIAMS: Huh-uh, it was Hugh Mobley.

SPEAKER LUCAS: Mr. Mobley?

MR. WILLIAMS: Hugh -- Mr. Westbrook was this last time.

SPEAKER LUCAS: Okay. In response to a question from Mr. Harpootlian, you said that you thought the board needed to be given more power with regard to athletics.

MR. WILLIAMS: I think more oversight would be a better way of phrasing it.

SPEAKER LUCAS: Describe what you mean by that if you would.

MR. WILLIAMS: Well, I mean, I think we should have some kind of clue before an athletics director goes out and commits to a contract for a football coach. I think he ought to run it by the board to see if anybody has some strong objection to the amounts.

SPEAKER LUCAS: I will disagree with that. And I read in the newspaper all the time or I read on the football sites that I go to that the contracts are currently before the board to be approved. Are you telling me that these contracts are approved before the board can actual approve them?

MR. WILLIAMS: No. But let's take this example with our basketball coach. If you absolutely as a board don't want buyouts, then you got -- the athletic director's got to understand that when he goes and starts making a commitment to a contract. You know, so, I mean, and, you know, I would have questions about, "How much money do y'all have in the athletics department right now?" You know, "Can you afford to do this?" So, I mean, I just think there ought to be some kind of oversight before it comes to us, because, you know, you don't want to vote down the coach's contract, you know, if he's going to be your coach.

SPEAKER LUCAS: Yeah. Don't you think it's hard enough running the school and -- without having to have the added duties of negotiating contracts and talking to coach prospects? You're asking us to give the board more power and I'm struggling with why we should give you more power and not take power away from you.

MR. WILLIAMS: Well, you don't have to give it to us. Here's the problem. You're mad at the board because somebody had to pay \$12.9

TUESDAY, APRIL 19, 2022

million to the Coach Muschamp because he was fired, plus what they had to pay the assistant coach. You're mad at the board because something had to pay Frank Martin \$3 million plus his assistant coaches. We don't have any oversight over that. It's done deal. And so, why -- why get into these long- term contracts with these horrendous buyouts. Why can't the board have some oversight saying, look, you know, we're not going to go along with these big buyouts so the athletic director or whoever has got an idea of what he can go commit the University to.

SPEAKER LUCAS: Well, Mr. Williams, you do have oversight, because you hire a president; do you not?

MR. WILLIAMS: We do.

SPEAKER LUCAS: And the president hires the athletic director --

MR. WILLIAMS: He does.

SPEAKER LUCAS: -- is that correct?

MR. WILLIAMS: He does.

SPEAKER LUCAS: And if we make poor decisions in hiring the president, then we lose our ability to have oversight on athletics; wouldn't you agree with that?

MR. WILLIAMS: I agree a hundred percent.

SPEAKER LUCAS: So, would you want more authority than that? There's got to be a chain of command at the University of South Carolina. Somebody's got to answer to somebody else, and it's got to be in a straight line; do you agree with that?

MR. WILLIAMS: I agree with that.

SPEAKER LUCAS: And I thank you for telling me earlier that you didn't try and go talk to coaches on the side, because I know that's been a problem at USC and I've never heard where you have ever tried to do that before, because that's just not your job, is it?

MR. WILLIAMS: Oh, absolutely.

SPEAKER LUCAS: So, you did make the point that -- well, let me say, do you think the university board now is too large? When you have to text around to get commitments for the president, doesn't that symbolize the fact that it's grown too large to manage?

MR. WILLIAMS: All right. Well, I'm -- me personally, yes, I would like a smaller board.

SPEAKER LUCAS: But a smaller board it hurts places -- like we're from Darlington, Orangeburg --

MR. WILLIAMS: Oh, no question.

SPEAKER LUCAS: -- those types of places. We won't get board members anymore. But do you agree with me that that's something we

TUESDAY, APRIL 19, 2022

may have to sacrifice in order to get a unified board at University of South Carolina?

MR. WILLIAMS: Well, I think Clemson's board is a great example of how a good board operates.

SPEAKER LUCAS: Because I was talking to Senator HARPOOTLIAN earlier and he knows a great deal about USC than I do, but he was going down and naming the college presidents that we have -- we've had to fire over the years, and that's certainly something that we don't want to be proud of, is it?

MR. WILLIAMS: You're not talking about University of South Carolina?

SPEAKER LUCAS: Yes, sir.

MR. WILLIAMS: No, I mean, Harris Pastides was great. Been there for 10 years and then came back, then he's been there 11 years. I don't know -- before him, was it Palms?

SPEAKER LUCAS: Yes, sir.

MR. WILLIAMS: I mean, we -- we haven't had a problem, I don't think, firing presidents.

SPEAKER LUCAS: So, it's a recent problem.

MR. WILLIAMS: Well, it was a problem with Caslen and that was it. And that was his own making. That wasn't from the board not supporting him or trying to help him.

SPEAKER LUCAS: Okay. So, let me go back to that again and I'll wrap up. There's no question you thought that it was a poor search process.

MR. WILLIAMS: Absolutely.

SPEAKER LUCAS: And -- and I believe, in looking through some of your text messages, you said it wasn't transparent, you said the process wasn't followed. To ask that, how was the process not followed that y'all set up?

MR. WILLIAMS: Well, when they came back, the majority of the people on the board agree they were not satisfied with the candidates and they agreed to continue the process, hire whoever Clemson had to conduct the search for the president. And then the governor got involved and demanded that they have an election on Caslen and one-by-one vote.

SPEAKER LUCAS: Okay. So, are you -- so, I'm talking about transparency, damaging the reputation of the school and the process, and you're talking about the governor being involved. So --

MR. WILLIAMS: Well, I don't think anybody --

SPEAKER LUCAS: -- which is it?

MR. WILLIAMS: I don't think anybody saw the search for that particular president as being transparent.

TUESDAY, APRIL 19, 2022

SPEAKER LUCAS: Okay. And why not?

MR. WILLIAMS: Because it was all done kind of behind the door. I mean, like people on the board going down after we agreed that we were going to continue to search and then people going down and meeting with Caslen in Florida on the state airplane -- or the college's airplane. That's not transparent.

SPEAKER LUCAS: But it did give you ample time to work board members to try to vote against Caslen. It wasn't something that was obviously rushed.

MR. WILLIAMS: The second vote was the following the process. Everybody -- nobody was voting up or down on Caslen. It was everybody saying we need to follow the process. We agreed on this process. We -- just because the governor gets involved, we shouldn't avoid the process the board agreed on.

SPEAKER LUCAS: And I'm not disagreeing with you. I think it was a horrible process. I'm just trying to find out why you think it was a horrible process, because you've stated a number of things in your text that would lead me to believe that. Politics, you're saying now, the governor being involved, but there were other things that you pointed to too along the way.

MR. WILLIAMS: Yeah. I mean, the people that were against going forward, let's say the minority on the vote for us to continue to search, they still continued to push for him. And they were texting back and forth with -- what's the guy's name that's the chief of staff --

SPEAKER LUCAS: Trey Walker.

MR. WILLIAMS: Trey Walker. I mean, there was all kind of stuff going on behind the door. I mean, it was -- it wasn't transparent by any stretch of the mean. There was a group on that that were for Caslen that continuously pursued it and it was anything but transparent. And let me just say about the dumpster fire. The dumpster fire comment was from Trey -- whatever his name is -- and said -- said, "We have taken the capital back from the Democrats." That was what he said with the dumpster fire. I mean, politics --

SPEAKER LUCAS: So, again --

MR. WILLIAMS: -- politics don't -- they just don't belong in the -- running a university. I mean, it just doesn't I -- you know, I -- y'all -- you know, you do your job. But when it gets into politics trying to tell a university what to do, I mean, it just shouldn't be political. We're supposed to go out and find the absolute best person for whatever job. We're supposed to give the best direction and policy. We don't need to get involved in micro-managing anything. But, you know, I was not

TUESDAY, APRIL 19, 2022

a supporter of Caslen. But once he got the job, like I say, I would take him deer hunting. I would try and advise him. I tried to do everything I could to make him successful.

SPEAKER LUCAS: But at the end of the day, I think the biggest thing that was a detriment to the Caslen search was that it did turn political.

MR. WILLIAMS: Absolutely.

SPEAKER LUCAS: And it had people taking sides for or against a candidate to the detriment of the university that you and I went to.

MR. WILLIAMS: But it wasn't on a political basis. It was on a basis of whether you thought this person was qualified for the job and could do a good job as the president of the university.

SPEAKER LUCAS: All right. And I don't think I asked you this, but I had it down to ask you. What was -- what was the disqualifying factors for you for President Caslen? I know what they were for me, but --

MR. WILLIAMS: Yeah.

SPEAKER LUCAS: -- for you?

MR. WILLIAMS: But I think the bylaws required they have a terminal degree. I mean, I think they had to have Ph.D. You know, he came out of the third -- what I understand from the search committee is they had people they really wanted. That was in one class. They had people in the middle that were pretty good. And then they had a third class that was totally unqualified. And when the lady came -- went to Tennessee, the chairman of the search committee went into the unqualified and pulled Caslen as one of the finalists.

SPEAKER LUCAS: One of the things you said in your text, and I couldn't agree more, is that a house divided against itself will not stand. Do you still believe that?

MR. WILLIAMS: Absolutely. I do my very best to try and bring the board together. I quit my position and I tell why. And I think that it's just common sense. You know, I'm not going to ever support anything that I think is wrong. I'm going to do my absolute best to try and explain to other board members why I think it's a mistake. You know, and that's what I've done all my life and that's what I'm going to continue to do. My mama always said, "If you don't want to know what Charles thinks, for God's sake, don't ask him."

SPEAKER LUCAS: So -- so, these reports about you being a lightning rod with regard to this issue weren't true. You tried to bring the board together on it.

MR. WILLIAMS: I think I was somewhat of a lightning rod because when it came to the board voting to do a process and then switching up

TUESDAY, APRIL 19, 2022

and doing a whole 180 and people calling trying to get you to support Caslen I thought was wrong. I still think it's wrong.

SPEAKER LUCAS: And I don't disagree with you. I think when you see wrong, you have to call wrong out.

MR. WILLIAMS: Absolutely.

SPEAKER LUCAS: And I appreciate that. I think sometimes it's just how you do it that shapes those relationships on the board and, certainly not criticizing you, but there's a lot of criticism to be spread around across all of the board for the way they handled this particular issue. Thank you for answering my questions, Mr. Williams.

THE CHAIRMAN: Representative King.

REPRESENTATIVE KING: Thank you, Mr. Chairman. And thank you for your service, Mr. Williams. Mr. Williams, I want to know what you're thinking, so I want the truth; and so, that's why I'm going to ask a couple of questions. Does the chair know about the contracts ahead of the entire board?

MR. WILLIAMS: I do not know that answer. I would -- I don't know.

REPRESENTATIVE KING: So, and my next question is the micromanagement part of board members micromanaging over at USC. Do you find that to happen?

MR. WILLIAMS: You know, if things like that happen, I wouldn't ever hear about it. I mean, that's the problem with that kind of thing. I mean, if somebody went and said something to whoever that might be, I mean, it wouldn't get back to me. You know, I've heard that there is some micromanaging going on but, you know, could I swear under oath that it was true? I don't know.

REPRESENTATIVE KING: Did you also hear that a member of the board forced them to fire Frank Martin?

MR. WILLIAMS: You know, when I talked to Ray Tanner, I asked him why in the world would you fire somebody that's got some pretty good recruits coming in and we've got to pay out \$3 million, and he just told me he was under extreme pressure. And, you know, that's all I know.

SENATOR HARPOOTLIAN: I couldn't hear you. What did he say?

MR. WILLIAMS: He said he was under extreme pressure. I did go to the president after the firing and I said -- I told Harris Pastides that I don't like -- I mean, I hate to talk about conversations you have with people, but I said, "Harris, did you okay firing the coach?" He said, "I told them I'm out of here in May. I don't have to live with it. But I thought the best thing is to let him stay another year and save \$3 million."

TUESDAY, APRIL 19, 2022

REPRESENTATIVE KING: So, would you be surprised that I've gotten phone calls that a board member called and forced the firing of Frank Martin? My next question to you --

MR. WILLIAMS: No, I would not be surprised. But it certainly wasn't me.

REPRESENTATIVE KING: Can you tell me who were the people who actually got on the state plane and flew to Florida?

MR. WILLIAMS: I really don't -- I mean, I don't want to say somebody's name and they not be on the plane, so I don't --

REPRESENTATIVE KING: Well, can you tell me why you were not invited?

MR. WILLIAMS: Well, I don't think anybody on the board was invited except those that got on the plane. And then the last person they would invite would've been me, I promise you.

REPRESENTATIVE KING: But -- but I'm asking were you invited?

MR. WILLIAMS: No.

REPRESENTATIVE KING: Do you know why you were not invited?

MR. WILLIAMS: Yes, because that would've been a breach of what the board had approved was to continue the process.

REPRESENTATIVE KING: So, you're saying that the people who got on that plane breached the process.

MR. WILLIAMS: Yes, they did.

REPRESENTATIVE KING: Also, can you tell me how --

MR. WILLIAMS: Well, I take that back. Unless they were there just to tell him that he could continue to be a candidate in the new search. I don't know what the conversations were, so I can't -- I really can't answer that.

REPRESENTATIVE KING: Can you tell me in reference to the African-American candidate, why was he not selected?

MR. WILLIAMS: I voted for him. I mean, I said I was for him. But now, he had, like, six or seven -- it wasn't a vote, it was in session, but people were talking about who they really were impressed with and I was thoroughly impressed with Tate. In fact, I even committed to Caslen, when he hired him as our provost, because I thought he would be our president-in-waiting, and I was very disappointed that when he went to LSU and then, what, two weeks later, Caslen screws up and, you know - - you know the story on that. Because he was well liked by the faculty and by the students and, you know, he was a great guy.

REPRESENTATIVE KING: Is there anywhere in the board bylaws in reference to members serving a certain amount of time as the chair?

TUESDAY, APRIL 19, 2022

MR. WILLIAMS: They can serve two terms and I don't know whether two years -- I think two-year terms.

REPRESENTATIVE KING: So, a total of --

MR. WILLIAMS: Four years, I believe.

REPRESENTATIVE KING: And then ask to switch over to another board member?

MR. WILLIAMS: Is that right, Eddie? Four years. Two, two-year terms.

REPRESENTATIVE KING: I read somewhere -- and I don't exactly where it is -- about the climate there and how women are treated. Can you address that? I heard that some women have been hollered at, at board meetings.

MR. WILLIAMS: Now, I -- I go to all the board meetings, but I really don't know anybody hollering at any women at a board meeting. If they did, I'd be the first one to call them down. But I -- no, I never remember any woman being either hollered at or some way spoken down to. I think it's very professional at our board meetings.

REPRESENTATIVE KING: Now, I want to switch a little bit on reference to diversity. What have you done as a board member? And I think you have been on the board since 2008.

MR. WILLIAMS: Well, that's a very big thing for me, because I'm from Orangeburg. I served on the South Carolina State board for 23 years. And I was very disappointed we -- I think we were up to 9.5 percent African-American and talking to head of --

REPRESENTATIVE KING: I know that my other colleagues have questions. I just wanted to --

MR. WILLIAMS: Yeah, but head of --

REPRESENTATIVE KING: -- know what have you done to promote diversity and inclusion in your capacity?

MR. WILLIAMS: I've gone -- I've spoken to our head admission saying why haven't we got more, and his explanation is that we accept every single African-American that meets our qualifications. We've never turned down an African-American that doesn't meet it. In fact, I've given names of people from Orangeburg. They were applying to USC, of African-American descent, and asking is there any way you can help, you know, these guys and --

REPRESENTATIVE KING: I appreciate that. My next question -- because I -- we have a lot of candidates and --

MR. WILLIAMS: I understand.

REPRESENTATIVE KING: So, my next question to you --

TUESDAY, APRIL 19, 2022

MR. WILLIAMS: I wanted to say that we're in the top three percent of graduating African-Americans in the whole country.

REPRESENTATIVE KING: So, as the former chair of the South Carolina Legislative Black Caucus, I was oftentimes myself and Senator SCOTT would be meeting with black members of your faculty and staff there who felt that they had no pathway to growth. As well as many times they felt that they were belittled. Can you address that to me? And this is something that you all are aware of, because we met with -- many times with you all about that.

MR. WILLIAMS: Yeah.

REPRESENTATIVE KING: How has that culture changed?

MR. WILLIAMS: Well, I hope it's changing. If we got a lack of diversity, it's in our faculty. We've got like maybe five percent of our faculty is African-American. We've hired people to come in to help recruit people so that it gets up a lot higher than what it is. I think University of South Carolina is 23 percent African-American.

REPRESENTATIVE KING: How many -- and I know this answer, but I just want it for the record. How many African-Americans in -- and it's left up to us and to people who apply to be on the board, how many African-Americans are on the board of trustees?

MR. WILLIAMS: Two.

REPRESENTATIVE KING: On your diversity and inclusion -- or equity and inclusion, are there any black board members on your committee that you all have for the committee?

MR. WILLIAMS: I'm not sure.

REPRESENTATIVE KING: You want me to answer that for you? None.

MR. WILLIAMS: Yeah, okay. I don't -- I don't know.

REPRESENTATIVE KING: And --

MR. WILLIAMS: I know Leah Moody and Alex --

REPRESENTATIVE KING: -- It's not --

MR. WILLIAMS: No. Leah Moody and Alex are very aggressive toward us and done a good job and --

REPRESENTATIVE KING: Who makes those appointments.

MR. WILLIAMS: The chair.

REPRESENTATIVE KING: Thank you. Thank you for answering my questions.

THE CHAIRMAN: Senator SCOTT.

SENATOR SCOTT: Thank you so much for your willingness to serve. I want to first commend USC for -- in its history, for hiring an African-American basketball coach. We had a lot of success with one

TUESDAY, APRIL 19, 2022

coach. You made a comment earlier about the salary and I'm looking at SEC salaries to see whether or not that salary is in line. It doesn't matter where the coach comes from. And I'm pretty sure in their contract, it has a provision, if he doesn't perform, he's going to be gone. And it's up to the school to make sure if he's gone, of course, y'all figure out the compensation. And I was trying to figure out with a 2.2, because the man was making 250, why that was so out -- so out of line. And so, in terms of salaries, it didn't justify that. Then I looked at the schools y'all play, the SEC, the ACC, the Big Ten, the PACs, the Big 12s, the PAC-10s, and I look at those salary ranges. And with the top being 9.7 million at Duke; Kentucky, 8; Villanova, 6; Texas, 5; and comes right on down. And so, in terms of what the SEC pays compared to those schools, the true basketball schools -- that's where they spend all their money -- we're so far down the list in terms of being able -- if you're going to bring the kind of talent that you're talking, and all this, you're getting somebody that's coming from a smaller school, Division 1 school to come to USC, that's going to be pretty tough; especially given the turmoil in terms of where the school is and the big turnover that the school has had. What was Frank's salary when Frank Martin began; do you remember?

MR. WILLIAMS: I don't know. I believe --

SENATOR SCOTT: I think it was something like \$2.2 million.

MR. WILLIAMS: Probably. Probably the same.

SENATOR SCOTT: And you've got the number one women's basketball coach in the country, and her salary was low compared to she could've gone anyplace in the country she wanted to as a coach. So --

MR. WILLIAMS: No, now, we paying -- we paying almost three million now.

SENATOR SCOTT: It's about time.

MR. WILLIAMS: Yeah.

SENATOR SCOTT: I mean, you can't -- you can't get the best talent and don't pay for it. And so, if you want good talent, you got to pay for it. I don't want to confuse what these coaches do with the mistake the boards and administration make. And I think that's so unfair to them to do that. Look at basketball coaches and the SEC football - - for football, the lowest -- one of the lowest paid. One of the lowest paid in the ACC, SEC, in terms of talent. But we want to win. And so, it's up to the board to get the contract situation worked out. I think it's policy at a school in terms of what comes first, what comes second, what comes third, because it's always -- in the contract, it always have the 24-hour period of time for negotiations, so it gets to the board to make those decisions. You can make it 48 hours. You can make it three days. I

TUESDAY, APRIL 19, 2022

mean, that's up to the board. I don't want to confuse that. Because let me state what the messages says. It says that we look to get good talent and the African-American, we want to pay you less than anybody else. And I don't think you and I are going to be anywhere in agreement with that kind of attitude given trying to talk about having some diversity at the university. You want things good on one hand. But because the board is messing up on the other hand, then you penalize those coaches. I mean, if the coach is that good and a coach -- if you look at this guy's record, and I did, yes, that was his record. But since then, in the last three or four years, he's been a winning coach. It says he's ready to go to a bigger league to be -- to be able to win. So, I'm strongly suggesting -- and I hope you've got some feedback. The problem is not in these coaches who negotiate with you. The problem is in the board and the board has to make that correction, and it shouldn't have taken that long. And you went back to several contracts. And this happened way before the Muschamp contract, if we can just take you back deeper, and you know that. So, what do you plan to do to try to offset the policy? Because the board sets policy for the administration to follow, not the administration sets policy; the board, policy. Because \$10 million has been suggested that the board did not have complete control over it, and I don't care if he makes it, 46 million or just the 13 million by itself, the board had absolutely no control of it. So, what do you plan to do, as a member of the board, if you're going back on the board, to fix that policy?

MR. WILLIAMS: Well, the first thing is talk to our new president coming in. And let me say --

SENATOR SCOTT: The president don't set the policy. Y'all set the policy of the board.

MR. WILLIAMS: I understand. Well, you know, I think Representative Lucas was right. I mean, I think we have to work with the athletic director. We have to go to our president and work down and talk to him about, you know, some of these things. But I want to back up to two things you said, and I want to bring out. Number one is nobody objected to the salary that our basketball coach. But the objection was to these buyouts that are --

SENATOR SCOTT: Your comment was -- let me correct you. Your comment was, "Why are we paying them 2.2 when he's only making 250 coming in." That's what's got my mind --

MR. WILLIAMS: Well, I misspoke if I did that. What I mean --

SENATOR SCOTT: That's what you said.

MR. WILLIAMS: Yeah, but what I mean was in terms of a buyout. If we're going to -- if a guy that's making 250,000 and you're paying 2.2,

TUESDAY, APRIL 19, 2022

why can't you cut a better deal on these buyouts that are killing the university.

SENATOR SCOTT: But the comment I heard, a correction, why did we negotiate -- he was making 2. -- 250,000, why did we negotiate 2.2 and you said, "This is what the market bears." That was your comment.

MR. WILLIAMS: Well, I reckon I would look at it -- not because he was black. I -- if we were hiring a white coach or anybody else with similar -- I mean, I think this guy turned out being our sixth choice, is what I understand. And no reflection, I'm all for it. But anybody, when we got a financial problem at the athletics department, the first thing I'm going to look at is how do we save money. And, you know, with somebody -- you're right, the last year, he had a good year. But, you know, I just -- you know, we -- I'll give you an example. We paid --

SENATOR SCOTT: Well, I have --

MR. WILLIAMS: Let me say this. We're paying Dawn Staley almost \$3 million. At the same time, we're losing about \$6 million a year --

SENATOR SCOTT: But is it Dawn's --

MR. WILLIAMS: -- on women's basketball.

SENATOR SCOTT: But is it Dawn Stanley's problem or is that the board's problem? That's the issue -- that's the point I'm trying to make. It may not be a big issue to you, but it's a big issue to me when it comes to diversity of these colleges and universities.

MR. WILLIAMS: Well, we paid the --

SENATOR SCOTT: Especially when start making some history --

MR. WILLIAMS: Well, we --

SENATOR SCOTT: -- and there's no more open process at the school.

MR. WILLIAMS: Well, we paid it to Dawn Stanley, because we know she's a treasure, even though we're losing a bunch of money on women's basketball.

SENATOR SCOTT: Well, you're right, that works. You don't pay them, if somebody else is going to pay her, she's going to go.

MR. WILLIAMS: Oh, we -- we're going to keep Dawn Stanley. I don't think that's a problem. We have a seven-year contract.

SENATOR SCOTT: So, what happens in 2022 season if y'all are one or two in the SEC and in the east, you win the east division --

MR. WILLIAMS: Are we in football or basketball or what?

SENATOR SCOTT: Football.

MR. WILLIAMS: Okay.

SENATOR SCOTT: You only pay this guy \$2.8 million in football, which is the lowest pay, then you got a deal.

TUESDAY, APRIL 19, 2022

MR. WILLIAMS: That's right. But that time hasn't come yet, because he hasn't proven himself.

SENATOR SCOTT: Yeah, but let me --

MR. WILLIAMS: And, you know, you got to prove yourself if you want to -- you're going to have all this money.

SENATOR SCOTT: I'm just telling you -- I'm just telling you those divisions, y'all are some of the lowest paying. The issue is, at the top in the negotiation buyouts, that's probably why you're getting such a bad deal, because you don't just --

MR. WILLIAMS: Well, but you're also -- you're also hiring unproven coaches.

SENATOR SCOTT: Well, you've been doing that because you don't pay a lot. These coaches will transfer. We've seen them transfer, coaches have left and went to LSU, wins the national championship, first and second year of the transfer. They'll transfer if you're going to pay them. But if you get talent that you're not going to pay for, you're going to have to build those coaches so those coaches can actually build the talent. Thank you.

THE CHAIRMAN: Any other comments? First of all, we're looking forward to that four percent going to your Orangeburg residence.

MR. WILLIAMS: My county is going to miss that money I got -- I was paying them.

THE CHAIRMAN: And secondly, this morning on a motion of Speaker Lucas, we're going to hold over all Carolina candidates, not just you. And we will meet tomorrow morning and we'll decide whether we will approve or not at that time, or it could be later. So, thank you for --

MR. WILLIAMS: Thank you. Thank you for allowing me to appear before you.

THE CHAIRMAN: Well, good luck to you. All right. Our next one is Charlie Dorn Smith, III. Good afternoon, sir. If you would just tell us your name for the record, please.

MR. SMITH: Charlie Dorn Smith, III.

THE CHAIRMAN: All right. If you'll raise your hand, I'll swear you in. CHARLIE DORN SMITH, III, having been first duly sworn, was examined and testified as follows:

THE CHAIRMAN: Give us a brief statement on why you'd like to serve on the Carolina board.

MR. SMITH: Thank you so much for the privilege to be here this afternoon. In January of 2020, I was selected to the chair of the board's ad hoc advisory committee on governance. After notification by the University Accreditation Body, that the university was under review for

TUESDAY, APRIL 19, 2022

the alleged external influence in the 2019 presidential search. The ad hoc committee completely reorganized the board's structure and implemented new governance policies, as well as new committees and in August of 2020, I was honored to be elected as chairman of the board. During my tenure as chairman, the university completed its review by the accrediting body and passed with flying colors. We were granted a ten-year reaffirmation of accreditation for the university. During this period of time, the board has also sought outside advice from experts in governance practice and in policies in an effort to improve our work as judiciaries. We were leaders in the detection and management of COVID during the pandemic. We thrived during that very trying times with the support of the legislature, we made available to the other colleges and universities our saliva-based testing for COVID as well. We elected a new president in -- this past month that is imminently qualified to lead the university into the 21st century and he will take office on July the 1st, and we're extremely excited about that. During my tenure, we had named a residence hall for Celia Dial Saxon. This is the first building at USC for an African-American and we have also approved statues to honor Robert G. Anderson, Henrie Monteith Treadwell, and James O. Solomon, Jr., who integrated the university in 1963. In addition to that, we have committed to diversity, equity and inclusion and continue to go forward with board training sessions and educational sessions as we continue to review opportunities to name other buildings for deserving individuals as well. We continue to be the leader in health education provide almost 50 percent of the nurses for the state of South Carolina and we continue to provide a quality education while not raising tuition for the last three years. We have had significant success and our future is bright. But obviously, there is much work to be done and we look forward to that hopefully having the opportunity to be able to do that. I thank you for this opportunity and I look forward to any questions you have, Mr. Chairman.

THE CHAIRMAN: Thank you, Mr. Smith. The court reporter asked -- she's having a hard time sometimes when the senators or representatives are asking questions and it's back and forth. Sometimes they're speaking over each other and she would appreciate it if you would let the person speaking finish. Is that right?

COURT REPORTER: Yes, thank you.

THE CHAIRMAN: Okay. All right. At this time, does the staff have any information for us?

TUESDAY, APRIL 19, 2022

MS. WEBB: Good afternoon. I don't have any questions based off of your file that I reviewed. I will ask, like I've asked everyone else, for the record, can you please confirm your home address?

MR. SMITH: 2322 Burnt Branch Road, Lake City, South Carolina.

MS. WEBB: One more time.

MR. SMITH: 23- --

MS. WEBB: Sorry, you're still not on. Hold on.

MR. SMITH: I'm sorry. 2322 Burnt Branch Road, Lake City, South Carolina.

MS. WEBB: Perfect, thank you. And do you know if you're four percent or six percent at this address?

MR. SMITH: I do four percent.

MS. WEBB: Thank you, sir.

THE CHAIRMAN: Speaker Lucas.

SPEAKER LUCAS: Dr. Smith, good afternoon.

MR. SMITH: Hey, Mr. Speaker.

SPEAKER LUCAS: And thank you to your service to the University of South Carolina. I just have a few questions. I know there are more from the other members of the panel. But if you'd just indulge me for about five minutes. Did you serve as chairman of the board during the most recent presidential search that you had hired Dr. Amiridis.

MR. SMITH: Yes, sir, chairman of the board, not the search committee.

SPEAKER LUCAS: Okay. Prior to the selection of Dr. Amiridis, was the job offered to another candidate?

MR. SMITH: Yes, sir, it was.

SPEAKER LUCAS: All right. And could you tell me who that candidate was?

MR. SMITH: The gentleman's name is Dr. Mung Chiang. He was the dean for research at Purdue University.

SPEAKER LUCAS: And did that candidate accept?

MR. SMITH: He did, verbally.

SPEAKER LUCAS: All right. And obviously, he -- there must've been some -- don't want to say miscommunication, but a parting of the ways between the university and he, because he ultimately did not take the job; is that correct?

MR. SMITH: That is correct. He had personal family issues with his mother-in-law being sick.

SPEAKER LUCAS: And with all due respect to Dr. Amiridis, who I think is going to be a fine president of this school, do you think it was an ideal search process that first saw public purports that he was not going to be offered the job and saw another candidate come into focus, only to

TUESDAY, APRIL 19, 2022

withdraw from the process, and a short time later, Dr. Amiridis being hired.

MR. SMITH: Well, the short answer to that is having presidential searches are like making sausage and legislature. There's a lot of things that go on behind the scenes that you don't necessarily want to see, but as long as the end result is good, then you're there. I believe, with all my heart, that we have an excellent incoming president who would be the first choice of a number of people out the get-go. And I think that the end result speaks for itself, Mr. Speaker.

SPEAKER LUCAS: Thank you, sir. But Dr. Smith, you would agree with me, if you would, that certainly the process we selected Dr. Amiridis was not as smooth as we would have liked it to have been given what happened with President Caslen.

MR. SMITH: Certainly, that's true.

SPEAKER LUCAS: Okay. Was the board divided this time with regard to the hiring of Dr. Amiridis?

MR. SMITH: It was an unanimous vote, sir.

SPEAKER LUCAS: Was it unanimous prior to the other individual withdrawing?

MR. SMITH: It was unanimous for -- of Dr. Chiang also.

SPEAKER LUCAS: What reason, I guess, and I'm searching here, would there have been for us publicly taking Dr. Amiridis out of the search after the individual from Purdue surfaced, and then adding him back into the search? That appeared to be a little disjointed to me.

MR. SMITH: I'm not -- would you clarify that, please, sir? I apologize. I'm not certain what you're asking.

SPEAKER LUCAS: Well, Dr. Amiridis, in the newspaper, from all account I could get, was disqualified as being a candidate. Once the candidate from Purdue ultimately turned us down, we turned back to Dr. Amiridis. I'm trying to figure out why that was.

MR. SMITH: Dr. Amiridis was never disqualified by the search committee or by the board to be president, sir.

SPEAKER LUCAS: So, any report in the paper that I would've seen about that would've been untrue.

MR. SMITH: Yes, sir.

SPEAKER LUCAS: Okay. Correct me if I'm wrong, you were -- you more directly led the search for only a short time that led us hiring President Caslen?

MR. SMITH: No, sir. I was not -- I was on the search committee, but I was not chairperson of that search committee.

TUESDAY, APRIL 19, 2022

SPEAKER LUCAS: All right. And again, you heard, from the prior testimony of Mr. Williams that the board was again closely divided on the issue of whether or not we were going to hire President Caslen.

MR. SMITH: It was a very tumultuous time.

SPEAKER LUCAS: Was there any appetite among the board to move away from President Caslen and to Dr. William Tate, who would have appeared to have been a more consensus candidate?

MR. SMITH: At what time, sir?

SPEAKER LUCAS: At the time that we were going through the Caslen search -- MR. SMITH: Oh.

SPEAKER LUCAS: -- and we were having these groups of folks lining up one side for Caslen --

MR. SMITH: Oh, yes, sir.

SPEAKER LUCAS: -- the other side against Caslen?

MR. SMITH: I mean, yeah -- I mean, the short answer was there were four -- there were four good candidates for that position at the time and there were two that were most popular. But General Caslen won the vote.

SPEAKER LUCAS: But winning the vote by a slim margin as opposed to being a consensus candidate would be two different things, would it not?

MR. SMITH: It is.

SPEAKER LUCAS: And I think Mr. Tate, if we would've gone to the number two candidate, may have become a consensus candidate as opposed to President Caslen who never became a consensus candidate from the search.

MR. SMITH: Potentially, the concern at that time was that, quite frankly, that Dr. Tate, who is a superstar, needed to check another box and be a provost somewhere. As it worked back, he became the provost here and bore that out, and was indeed. And then, of course, that opened the door for him to become president at LSU.

SPEAKER LUCAS: In my mind and in -- you know what they say about people who second guess, but in my mind, we missed the absolutely golden opportunity to hire Dr. Tate. But that's -- that's behind us now. And as I said, Dr. Amiridis is going to be a great president for University of South Carolina.

MR. SMITH: Thank you.

SPEAKER LUCAS: Thank you, Dr. Smith.

THE CHAIRMAN: Representative King.

REPRESENTATIVE KING: Thank you, Mr. Chair. I have a question -- couple of questions for you.

TUESDAY, APRIL 19, 2022

MR. SMITH: Yes, sir.

REPRESENTATIVE KING: Were you on the plane?

MR. SMITH: Yes, sir, I was.

REPRESENTATIVE KING: Can you tell me what that conversation was that you had with -- once you all arrived in Florida, with Mr. Caslen?

MR. SMITH: Yes, sir. President Caslen was a nontraditional candidate and the chairman of the search committee asked me to get on the plane to fly to Florida to have a conversation with Caslen. Now, up close -- this was before the first vote, if you will, before Brendon Kelley became the interim, is when we went down. And we basically sat down and had a long raging discussion about his ability to lead, et cetera. It was nothing in particular other than the fact that we wanted more information. It was a very important hire.

REPRESENTATIVE KING: Was he the only candidate you all flew to see?

MR. SMITH: Yes, sir, he was.

REPRESENTATIVE KING: And why was he the only candidate that you all --

MR. SMITH: He was the only one I was invited to go see.

REPRESENTATIVE KING: And why were -- do you know why the other members of the board were not invited?

MR. SMITH: No, sir, I do not.

REPRESENTATIVE KING: Do you know -- or can you tell me, did you make any phone calls or request for the firing of Frank Martin?

MR. SMITH: No, sir.

REPRESENTATIVE KING: During your tenure, what were your efforts -- or did you make any efforts in reference to diversity, and please do not highlight your years as chair.

MR. SMITH: My efforts for diversity, equity, inclusion have been that we've worked very diligently. I am from a rural area. I'm from an area that both my representative and senator are African-American and I want to make certain that all the children of our area have the same opportunities regardless of their race. And I have been a huge proponent, in that community, of that.

REPRESENTATIVE KING: And I -- I appreciate that. And as the chair of the board, what training has the board had in diversity each year, and please quantify it in hours?

MR. SMITH: We had a three-hour session with a consultant that we brought in this past year. That was the first one. It is an ongoing process. And that was during my first year as chairman.

TUESDAY, APRIL 19, 2022

REPRESENTATIVE KING: And how many years have you been the chair?

MR. SMITH: A year and a half, sir.

REPRESENTATIVE KING: According to the Accreditation Report, the board undertook restructuring for the committees. Since the restructuring of the board, have you created a committee on diversity, equity and inclusion?

MR. SMITH: No, sir, we have not, but that is being handled through the governance committee. That is in the charter of the governance committee of which we do have diversity on the governance committee.

REPRESENTATIVE KING: Who leads that committee?

MR. SMITH: Leah Moody. Oh, the chairperson of that committee is Thad Westbrook. But Leah Moody is on that committee.

REPRESENTATIVE KING: My next question -- because I wanted to make sure I didn't ramble -- how many -- since you have been the chair, how many African-American members are on the board.

MR. SMITH: Two.

REPRESENTATIVE KING: Do any of those African-American members chair any of the award appointments that you make?

MR. SMITH: They do.

REPRESENTATIVE KING: Can you tell me which board appointments they chair?

MR. SMITH: Leah Moody is chairman of the systems board.

REPRESENTATIVE KING: And you do not have a diversity and equity committee as a --

MR. SMITH: We do not. And to clarify one thing, the committees elect their own chair people. The -- the appointments for the different committees are made and then that committee elects their own chairperson with the exception of the governance committee. The governance committee is made up of the chair people of each of the other committees and the vice chairman of the board is the chairperson of the governance committee.

REPRESENTATIVE KING: It has been said you are extremely unprofessional with administrative and faculty members as well as donors, including former President Caslen. Can you explain why that has been said?

MR. SMITH: No, sir.

REPRESENTATIVE KING: As a member of the board, you serve in a role of oversight. So, please explain why university officials under the presence characterize you -- your chairmanship as consistent interference with the day-to-day operations of the university.

TUESDAY, APRIL 19, 2022

MR. SMITH: I don't feel I interfere on a day-to-day basis with the university, and I was unaware of that criticism.

REPRESENTATIVE KING: What were your goals for improving the university and do you think that can be accomplished given the hostile of your chairmanship?

MR. SMITH: I didn't realize my chairmanship is hostile and I would take issue with that.

REPRESENTATIVE KING: Thank you, Mr. Chairman.

THE CHAIRMAN: Senator HARPOOTLIAN.

SENATOR HARPOOTLIAN: Mr. Smith, let me ask you some sort of basic questions before we get into details. You were asked on your Questionnaire -- and let me make sure I don't misquote this -- you were asked, "Has a tax lien or collection procedure ever been instituted against you personally by federal, state or local authorities. If so, please explain," and you said, "No." So, you've never had a tax lien instituted against you.

MR. SMITH: Yes, I'm sorry?

SENATOR HARPOOTLIAN: You've never had a tax lien instituted against you.

MR. SMITH: Was your -- I can't hear you, sir. I apologize. I got hearing aids.

SENATOR HARPOOTLIAN: Okay. And I've got hearing aids too, so here we go.

MR. SMITH: I apologize.

SENATOR HARPOOTLIAN: Question 23 on your Application, "Has a tax lien or collection procedure ever been instituted against you personally by federal, state or local authorities. If so, explain." And you said, "No." Is that accurate?

MR. SMITH: I believe it is, yes, sir.

SENATOR HARPOOTLIAN: Well, we've been given -- I want to make sure that -- a copy of a South Carolina Department of Revenue Tax Lien listing for you and Debra Smith at 407 Seminole Avenue, indicating that you had a tax lien in 2006, which was satisfied; 2008, which was satisfied; 2011, which was satisfied; and 2014, all which were satisfied, but you did have tax liens instituted against you; did you not?

MR. SMITH: If it says that, but I do not recall that, and I'd be happy to look into that, sir.

SENATOR HARPOOTLIAN: Well, I mean, are the rest of your answers based on what you recall or do you do a thorough check of your records? Because clearly, this is not accurate.

MR. SMITH: Senator, I apologize. I mean, I don't think that's --

TUESDAY, APRIL 19, 2022

SENATOR HARPOOTLIAN: Well, I'm not asking for your apologies. I want to know why you did not make an accurate representation. Tax liens -- I mean, waiting until you have a tax lien indicates that you have taxes due, you were put on notice, you didn't pay your taxes. And then at some point, after they threatened to sell the property, you paid them.

MR. SMITH: It had to be a clerical error, sir. We pay our taxes.

SENATOR HARPOOTLIAN: Five years in a row.

MR. SMITH: Again, whatever the error was, sir, it was not -- it was not because we didn't pay our taxes.

SENATOR HARPOOTLIAN: Do you pay your bills?

MR. SMITH: Yes, sir, we do.

SENATOR HARPOOTLIAN: We didn't do a credit check on you, I don't think.

MR. SMITH: Yes, sir. Well, you can.

SENATOR HARPOOTLIAN: But -- but my point is this. I mean, you didn't remember you had tax liens?

MR. SMITH: No, sir, because I've never had.

SENATOR HARPOOTLIAN: Pardon?

MR. SMITH: In my recollection, I never had, sir. I apologize.

SENATOR HARPOOTLIAN: We didn't ask for --

MR. SMITH: May I ask Ms. Macey Webb to provide a copy of that for me?

THE CHAIRMAN: Excuse me, let's help the stenographer here. Let's let Senator HARPOOTLIAN finish his statement or question, then you can do it. Just don't interrupt.

SENATOR HARPOOTLIAN: For the record, Mr. Chairman, this is a document furnished by the staff. It indicates tax liens through the South Carolina Department of Revenue. It indicates that they were satisfied, but they in fact were filed for five years in a row. Now, is this accurate?

MS. WEBB: Senator HARPOOTLIAN, yes, that is what was included in your SLED background check that we had received.

MR. SMITH: Okay.

MS. WEBB: Those tax liens were in fact included in that. If you would like, I do have your physical file here that does have that SLED background report.

MR. SMITH: Yes, ma'am.

MS. WEBB: And Senator HARPOOTLIAN did say -- in four of the five tax liens that were reported, he did state they all have been satisfied, which is what your record in the background check indicates.

TUESDAY, APRIL 19, 2022

SENATOR HARPOOTLIAN: Right. But my only point being that you would've gotten notice. And many of these years, you were actually living there, were you not? 2006?

MR. SMITH: 2006, yes, sir.

SENATOR HARPOOTLIAN: Okay, 2008?

MR. SMITH: Yes, sir.

SENATOR HARPOOTLIAN: So, this was your residence, Seminole Avenue in -- or Seminole Avenue in Florence, correct?

MR. SMITH: yes, sir.

SENATOR HARPOOTLIAN: And so, I guess your position is that you just weren't aware of what was going on?

MR. SMITH: In my house, unfortunately, I -- I make the money and my wife disburses it. I apologize for that. I'm sure it's probably different than yours, but I -- if it comes up to my level. I would have never gotten anthrax when all that was going on and I will never get a love letter in the mail, because I don't open any mail between my house -- my home wife and my office wife, I never get to see anything until it rises to my level, Senator.

SENATOR HARPOOTLIAN: Okay. Let's talk a little bit about that residence. When did you move to your Burnt Branch Street -- address?

MR. SMITH: 2009.

SENATOR HARPOOTLIAN: Okay. So, any time after 2009, you would've indicated that was your address, not Seminole, correct?

MR. SMITH: That is correct.

SENATOR HARPOOTLIAN: Now, you're aware that we've been furnished with a copy of an incident report that occurred in 2013 in Lake City.

MR. SMITH: Yes, sir.

SENATOR HARPOOTLIAN: And that would've been a physical altercation between you and your brother Andrew?

MR. SMITH: It was not a physical altercation.

SENATOR HARPOOTLIAN: It says "he stated he was assaulted by his" -- okay, let me just read it for the record.

MR. SMITH: Sure.

SENATOR HARPOOTLIAN: "Complainant A.B. Smith," that's Andrew Bethea Smith --

MR. SMITH: Yes, sir.

SENATOR HARPOOTLIAN: -- he's your biological brother.

MR. SMITH: He is.

SENATOR HARPOOTLIAN: -- came to the Lake City Police and stated he was assaulted by his estranged brother of nine years. Upon

TUESDAY, APRIL 19, 2022

speaking with victim complaint" -- and this is the Lake City Police Department -- "he stated he was approached by the subject C. D. Smith on Main Street after he observed his brother, subject C. D. Smith coming in the backdoor of the Downtown Bakery, where he was socializing with coworkers. Victim A. D. Smith stated he quickly grabbed us to go back, rushed out of the bakery before he contacted the subject C. D. Smith, exiting the front door. Victim complained A. D. Smith, subject, rushed in front of him, stopped, stepped in his path. Stated subject C. D. Smith was asking him, "Why aren't you answering your emails, why won't you talk to him, where was he going?" He gave no response. Victim A. D. Smith, at that time, pulled out his cell phone. Subject C. D. Smith then asked if he was going to call 911 and have him arrested. A. D. Smith nodded yes. The subject, C. D. Smith walked away. Victim A. D. Smith stated C. D. Smith had approached him on two other times; at a funeral home and then one in Lake City and one in Georgetown." So, do you remember this incident?

MR. SMITH: Yes, sir.

SENATOR HARPOOTLIAN: And, now, this is -- he's called Andy, isn't he?

MR. SMITH: Yes, sir.

SENATOR HARPOOTLIAN: I spoke to him recently.

MR. SMITH: Good.

SENATOR HARPOOTLIAN: And he actually lives on Burnt Branch Road.

MR. SMITH: Yes, sir.

SENATOR HARPOOTLIAN: Is he your neighbor?

MR. SMITH: A half a mile away.

SENATOR HARPOOTLIAN: Half a mile away. Is this old family property?

MR. SMITH: It is.

SENATOR HARPOOTLIAN: And does anyone live with Mr. Andy Smith?

MR. SMITH: My mother.

SENATOR HARPOOTLIAN: Your mother. I spoke to her last night.

MR. SMITH: Okay.

SENATOR HARPOOTLIAN: So --

MR. SMITH: Could she hear you?

SENATOR HARPOOTLIAN: She could hear me, actually.

MR. SMITH: Good.

SENATOR HARPOOTLIAN: I spoke very loudly.

MR. SMITH: Good.

TUESDAY, APRIL 19, 2022

SENATOR HARPOOTLIAN: So, in this -- on this incident report when the police talked -- and they did talk to you, right?

MR. SMITH: No, sir, they never did.

SENATOR HARPOOTLIAN: Well, it came up -- your address is 411 Seminole Drive in Florence.

MR. SMITH: They never -- I never found out anything about it till years after the fact.

SENATOR HARPOOTLIAN: Okay. Now, you and your brother are in some litigation; is that right?

MR. SMITH: There is -- well, actually, it's been settled. That lawsuit's been settled.

SENATOR HARPOOTLIAN: And that was over family property?

MR. SMITH: Yes, sir.

SENATOR HARPOOTLIAN: Was it that piece of property down there or some other piece of property?

MR. SMITH: Another piece.

SENATOR HARPOOTLIAN: Okay. So, how many nights a week do you spend on Burnt Branch Road?

MR. SMITH: It varies. I spent last night there, as a matter of fact.

SENATOR HARPOOTLIAN: Okay. And that was a weekend.

MR. SMITH: It was.

SENATOR HARPOOTLIAN: During the week, where do you work, primarily?

MR. SMITH: I work out of MUSC Florence in Florence.

SENATOR HARPOOTLIAN: Okay. So, how far is the Seminole Drive, which is a residential home; is it not?

MR. SMITH: It is.

SENATOR HARPOOTLIAN: How far is that from where you work?

MR. SMITH: About three miles.

SENATOR HARPOOTLIAN: Okay. How far is the Lake City property?

MR. SMITH: Twenty-five miles.

SENATOR HARPOOTLIAN: Okay. And so most nights, you go home to where?

MR. SMITH: I go home most nights to Burnt Branch.

SENATOR HARPOOTLIAN: Twenty-five miles.

MR. SMITH: Yes, sir.

SENATOR HARPOOTLIAN: As opposed to three miles.

MR. SMITH: Yes, sir.

SENATOR HARPOOTLIAN: And why's that?

MR. SMITH: It's still my home. That's where I was born and raised.

TUESDAY, APRIL 19, 2022

SENATOR HARPOOTLIAN: Okay. And if somebody had been watching you over the last month, you would've gone home to your Burnt Branch Road --

MR. SMITH: It depends whether or not I'm on call, Senator. I'm a cardiovascular surgeon and I'll have sick people in the hospital, then I tend to stay in Florence if there's someone critically ill in the ICU, sir.

SENATOR HARPOOTLIAN: Now, if you did live in Florence, you'd have to be running against Eddie Floyd to be on the board, right? Eddie Floyd?

MR. SMITH: Yes, sir. Yes, sir.

SENATOR HARPOOTLIAN: Okay. So, living in a different circuit, you don't have to run against Eddie Floyd; is that correct?

MR. SMITH: I would have to run with whoever else filed in the Third Judicial Circuit, sir.

SENATOR HARPOOTLIAN: Okay. And nobody has.

MR. SMITH: No, sir.

SENATOR HARPOOTLIAN: And the first time you ran, did you have opposition?

MR. SMITH: I did.

SENATOR HARPOOTLIAN: And how long the second time?

MR. SMITH: No, sir.

SENATOR HARPOOTLIAN: Okay. So, this is your third time?

MR. SMITH: This is -- well, this is my fourth time, sir.

SENATOR HARPOOTLIAN: Fourth time. So, you've had no opposition since that first time?

MR. SMITH: That's correct. And I'd also like to point out that I -- I've been investigated by SLED and the FBI for security clearance, and they concur that my address is 2322 Burnt Branch Road, sir.

SENATOR HARPOOTLIAN: So you say. Let me move on to another area and that is your involvement with the athletic department.

MR. SMITH: Yes, sir.

SENATOR HARPOOTLIAN: And I'll remind you you're under oath.

MR. SMITH: Yes, sir.

SENATOR HARPOOTLIAN: Do you talk to athletic director -- the athletic director, Ray Tanner, of the University of South Carolina frequently, infrequently --

MR. SMITH: Whenever he calls, I talk to him.

SENATOR HARPOOTLIAN: You never call him.

MR. SMITH: Oh, I call him from time to time, yes, sir.

SENATOR HARPOOTLIAN: For what reason?

TUESDAY, APRIL 19, 2022

MR. SMITH: Most of the time, it's returning his call or to talk to him about tickets or facilities of trying to accommodate someone.

SENATOR HARPOOTLIAN: Did you ever talk to him about the hiring or firing of a coach?

MR. SMITH: I've talked to him about everything, yes, sir.

SENATOR HARPOOTLIAN: So, did you talk to him about the termination of Mr. Muschamp?

MR. SMITH: He asked my opinion, yes, sir.

SENATOR HARPOOTLIAN: So, now, as I understand it, that decision is his, correct?

MR. SMITH: It is, yes, sir.

SENATOR HARPOOTLIAN: Okay. And the board -- did you know, at the time that he was talking to you, that he didn't have the money to make the payoff?

MR. SMITH: The AD hires and fires the coaches, sir. The board hires and fires four individuals at the University of South Carolina. We hire and fire at the president. We hire and fire the board secretary. We hire and fire the interim auditor, and we hire and fire the treasurer. Other than that, we have no direct control over who is hired or fired.

SENATOR HARPOOTLIAN: I guess, but so why would he be asking you about whether or not he should terminate Coach Muschamp?

MR. SMITH: I'm not the only one who's ever talked to him.

SENATOR HARPOOTLIAN: Well, I'm not asking everyone. I'm asking you.

MR. SMITH: Yes, sir.

SENATOR HARPOOTLIAN: Why would he talk to you? Why -- what -- if you have no weigh-in on it, why would he -- I mean, what's your background in athletics? Did you ever -- you played football?

MR. SMITH: Oh, yes, sir. Don't I look like a star?

SENATOR HARPOOTLIAN: Did you play football?

MR. SMITH: Yes, sir, I did.

SENATOR HARPOOTLIAN: At a university or high school?

MR. SMITH: Oh, no, high school; God, no.

SENATOR HARPOOTLIAN: Okay. So -- and how long ago was that?

MR. SMITH: I graduated in '76.

SENATOR HARPOOTLIAN: So that's been a while.

MR. SMITH: Oh, yes, sir.

SENATOR HARPOOTLIAN: And since then, your involvement with athletics --

MR. SMITH: I'm a fan.

SENATOR HARPOOTLIAN: A fan. Okay. So, you've never coached.

TUESDAY, APRIL 19, 2022

MR. SMITH: No, sir.

SENATOR HARPOOTLIAN: And so, why does Athletic Director Tanner care what you think? What's your opinion -- I mean, your opinion on the attributes of a football coach are based on what? ESPN?

MR. SMITH: Probably. I'm just a fan just like everybody else, sir.

SENATOR HARPOOTLIAN: Okay, so why is he talking to you? Why are you giving him an opinion about who he should hire or fire?

MR. SMITH: I don't give him opinions. As a matter of fact, when he hired Coach Gates, which I was very supportive of, I didn't find out that he'd hired Coach Gates until Wednesday before the board meeting on Thursday.

SENATOR HARPOOTLIAN: But you voted for him.

MR. SMITH: No, sir, I didn't vote. The chairman doesn't vote. I conducted the meeting. The chairman only votes if there's a tie, sir.

SENATOR HARPOOTLIAN: Okay. Well, let's talk about the Muschamp buyout.

MR. SMITH: Yes, sir.

SENATOR HARPOOTLIAN: When he was talking to you, did he indicate that they'd have to pay him \$13 million?

MR. SMITH: He did.

SENATOR HARPOOTLIAN: And did he indicate to you that the athletic department didn't have that money?

MR. SMITH: I don't recall that, sir.

SENATOR HARPOOTLIAN: Well, did the board only vote to give the athletic department -- loan then \$10 million?

MR. SMITH: After the fact, yes, sir.

SENATOR HARPOOTLIAN: After the fact, you terminated him.

MR. SMITH: Yes, sir.

SENATOR HARPOOTLIAN: Do you think it's a good idea for the athletic director to terminate somebody and then incur a \$13 million debt and not have the money to pay for it?

MR. SMITH: The short answer to that is, again, I come back to the governance structure of the board.

SENATOR HARPOOTLIAN: No, I'm not asking you about the governance structure of the board. I'm talking about --

MR. SMITH: Well, it --

SENATOR HARPOOTLIAN: -- is it a good idea that you fire the athletic director?

MR. SMITH: You've got to have a chain of command, Senator, and the coaches report to the AD, the AD reports to the president, the president reports to the board.

TUESDAY, APRIL 19, 2022

SENATOR HARPOOTLIAN: I've got all that, but I'm asking you was it a good idea for them to terminate Muschamp without having the money in the bank to pay -- to make the payoff?

MR. SMITH: The athletic director made that call. When we --

SENATOR HARPOOTLIAN: I'm not asking you --

MR. SMITH: When we approved --

SENATOR HARPOOTLIAN: -- about the call. I'm asking you about your opinion. We're trying to decide whether you qualified to be reelected.

MR. SMITH: Yes, sir.

SENATOR HARPOOTLIAN: And I want to know, your opinion, should Ray Tanner have terminated Muschamp without the money in the bank to pay him off.

MR. SMITH: The short answer is I don't like credit, obviously. I mean, I'd prefer --

SENATOR HARPOOTLIAN: So that would be a no?

MR. SMITH: Yes, sir.

SENATOR HARPOOTLIAN: Okay. So, matter of fact, y'all had to loan him the \$10 million to make the payoff.

MR. SMITH: That's partially true, but as Mr. Williams said before me, that money goes into a pool. It was not money that was loaned directly to Ray to pay off Will Muschamp.

SENATOR HARPOOTLIAN: Made a pool for the athletic department.

MR. SMITH: That is correct, yes, sir.

SENATOR HARPOOTLIAN: And I think, over the years, they -- you know, somebody has complained about the size of a coach's salary. The defense has been, well, the athletic department makes all the money. They don't -- they spend no general fund money. Isn't that correct?

MR. SMITH: Yes, sir, that is correct.

SENATOR HARPOOTLIAN: Okay. But now, that's not true, because y'all gave the athletic department \$10 million to cover --

MR. SMITH: Yes, sir, because we were all --

SENATOR HARPOOTLIAN: -- the shortfall.

MR. SMITH: We were also going through a pandemic where it was unprecedented times. No one could've foreseen the COVID crisis that we had.

SENATOR HARPOOTLIAN: Yeah, but silly me, if you don't have the money, maybe you don't fire the guy. Maybe you just live with him until you don't have to pay any more money or you have enough money

TUESDAY, APRIL 19, 2022

coming in in the athletic department to make the payment. Could you have kept him another year?

MR. SMITH: Certainly, but that was the athletic director's call.

SENATOR HARPOOTLIAN: Okay. Do you think it was a bad call?

MR. SMITH: I think Coach Muschamp is a fine person. I think he was not a great head football coach.

SENATOR HARPOOTLIAN: Well, I guess what I'm asking is it's not the context of Muschamp being a winner or a loser. It's a question of if you don't have the money to pay the buyout, was that a bad decision?

MR. SMITH: Coach Tanner, I feel certain that he weighed in whether or not it was more advantageous to keep Coach Muschamp there for another year when the program was struggling and lose the potential for having people in the -- fans to give up on the team and not buy season tickets the next year, sir.

SENATOR HARPOOTLIAN: And that economic -- and so, again, I'm just the fact at general -- money that we appropriate, it almost sends the message you don't need the \$10 million we gave you because you had enough money laying around to blend into the athletic department. I mean, do you think the finance chairman, Senator Peeler or House Ways and Means chairman, and the speaker sitting right here, I mean, are we supposed to fund your every request when you've got \$10 million you can loan to the athletic department?

MR. SMITH: No, sir, absolutely not. But by the same token, again, we were in very unprecedented times with the COVID crisis, sir.

SENATOR HARPOOTLIAN: Well, we were all in unprecedented time. Some businesses went under. Some businesses -- you might find this shocking -- didn't spend money they planned to spend, they couldn't afford to spend, but the athletic department always had y'all to bail them out.

MR. SMITH: Yes, sir.

SENATOR HARPOOTLIAN: Okay. Now, let me -- let me move to another area, and that would be the hiring of General Caslen. While you were not chairman, you were on the selection committee.

MR. SMITH: I was.

SENATOR HARPOOTLIAN: And I understand there were four -- four finalists. He was one of them?

MR. SMITH: He was.

SENATOR HARPOOTLIAN: You said a moment ago -- let me make sure I don't misquote you -- that Tate, African-American, was an applicant and he was qualified, but needed to check a box. Is that what you said?

TUESDAY, APRIL 19, 2022

MR. SMITH: What I said was -- what I meant by that was that he was not quite -- had not done enough things to -- at that level, sir.

SENATOR HARPOOTLIAN: Like what had he -- what -- I mean --

MR. SMITH: Well, he had not been a provost at a major university yet.

SENATOR HARPOOTLIAN: And Caslen had been a provost.

MR. SMITH: Caslen had not, but Caslen was a three- star general that has led men in combat and the - - from the purview of the search committee, that that was qualified; plus, he was CFO at Central Florida University at that time.

SENATOR HARPOOTLIAN: Central Florida.

MR. SMITH: Yes, sir.

SENATOR HARPOOTLIAN: Okay. Big school?

MR. SMITH: Yes, sir, it is.

SENATOR HARPOOTLIAN: Okay. And he was -- how long had he had that job?

MR. SMITH: About a year.

SENATOR HARPOOTLIAN: Okay. So, he had a year as provost -- provost?

MR. SMITH: He had, yes -- no, no. No, Caslen had been president -- the commandant at West Point, the superintendent at West Point, as well as he had been the CFO at Central Florida, sir.

SENATOR HARPOOTLIAN: CFO. So, Tate needed to check this box as being a provost somewhere, but Caslen, whose previous academic credentials included being the commandant at a military university --

MR. SMITH: Yes, sir.

SENATOR HARPOOTLIAN: -- where his word was law. There was no board. There was no -- I mean, he was the -- he was the general.

MR. SMITH: Yes, sir.

SENATOR HARPOOTLIAN: So, there was no building of an -- of a faculty support, because if they -- I mean, those folks disagreed with him, they went. I mean, there was no -- so, it was a military school. You know that old saying about military justice is to justice as military music is to music? I mean, being the commandant at a military college is no -- nothing close to being the president of the University of South Carolina, is it?

MR. SMITH: I think if you look at his track record for what he did with diversity, equity, inclusion, what he did with -- to elevate females and protect them from assaults and things of that nature at West Point, I think his record will speak for itself there, sir.

SENATOR HARPOOTLIAN: He didn't have a post-graduate degree, did he? But did he have a doctorate?

TUESDAY, APRIL 19, 2022

MR. SMITH: He had a master's.

SENATOR HARPOOTLIAN: But did not have a doctorate.

MR. SMITH: Yes, sir, but a master's can be considered a terminal degree also, sir.

SENATOR HARPOOTLIAN: But, I mean, when you're comparing these other folks like Tate and others, they -- they had experience and administrative positions at liberal arts colleges, right?

MR. SMITH: Yes, sir.

SENATOR HARPOOTLIAN: They had a -- they had experience at liberal arts colleges --

MR. SMITH: Yes, sir.

SENATOR HARPOOTLIAN: -- in terms of administration.

MR. SMITH: Sure.

SENATOR HARPOOTLIAN: And their academic backgrounds were far more significant than Caslen's, right?

MR. SMITH: Yes, sir. It was -- as I said earlier, he was a nontraditional candidate. As it turned out, it turned out to be a big win. He came in and was --

SENATOR HARPOOTLIAN: I'm sorry, did you say that was -- that hiring Caslen was a big win?

MR. SMITH: What I said was that during his term as president here, he was the perfect person to -- to navigate the COVID crisis at the university, sir.

SENATOR HARPOOTLIAN: Well, let me ask you this. Did you support a mask mandate at USC?

MR. SMITH: Yes, sir.

SENATOR HARPOOTLIAN: Okay. And when the attorney general wrote a letter indicating that the President Pastides, even though the court had ruled on a lawsuit I brought, that they could mandate masks, is it your testimony you supported that or did you contact President Pastides and ask him not to do that?

MR. SMITH: I don't recall that conversation. I remember Harris called me and asked me about my opinion. And I said, "Harris, I want to whatever the healthcare professionals say is the right thing to do."

SENATOR HARPOOTLIAN: You did not tell him, politically, not to do it.

MR. SMITH: No, sir.

SENATOR HARPOOTLIAN: Okay. Then Harris and I had miscommunication, then.

MR. SMITH: Okay.

TUESDAY, APRIL 19, 2022

SENATOR HARPOOTLIAN: So, let me get back to the hiring of Caslen, but let's understand this process. You were on the selection committee.

MR. SMITH: Yes, sir.

SENATOR HARPOOTLIAN: Were there originally four approved that didn't include Caslen?

MR. SMITH: No, sir, there were never -- the -- there were four that were approved coming out of Atlanta that included Caslen.

SENATOR HARPOOTLIAN: Okay. And of those four, one was Tate, right?

MR. SMITH: That's correct.

SENATOR HARPOOTLIAN: Who were the others?

MR. SMITH: Dr. Walsh from Indiana and I'm blanking on the other gentleman's name. I apologize.

SENATOR HARPOOTLIAN: Okay. Now, you and who went on that airplane ride down to Florida to meet with the president?

MR. SMITH: If I recall correctly, it was myself, Hugh Mobley, who organized it. It was Gene Warr, and I think it was Dr. Eddie Floyd.

SENATOR HARPOOTLIAN: Now, this guy up in Indiana, did y'all fly up to see him?

MR. SMITH: No, sir.

SENATOR HARPOOTLIAN: Did you fly to see anybody else?

MR. SMITH: No, sir.

SENATOR HARPOOTLIAN: Did you meet with anybody else?

MR. SMITH: Yes, sir.

SENATOR HARPOOTLIAN: Well, what was so special about going to Florida and meeting with Caslen?

MR. SMITH: He was -- he was a nontraditional candidate and the -- Hugh Mobley asked me to go because he thought that he had some leadership qualities and some things that we needed to look at.

SENATOR HARPOOTLIAN: You'd met with him before, though, hadn't you?

MR. SMITH: The chairman of the search committee -- sir?

SENATOR HARPOOTLIAN: You'd met with him before, hadn't you?

MR. SMITH: I had not met with him individually. I had met with him in a room like this.

SENATOR HARPOOTLIAN: Yeah, but I mean, he was in the room. You could ask him questions.

MR. SMITH: Yes, sir.

SENATOR HARPOOTLIAN: Okay. So, you -- and you took the university plane.

TUESDAY, APRIL 19, 2022

MR. SMITH: Yes, sir.

SENATOR HARPOOTLIAN: You didn't fly commercial.

MR. SMITH: No, sir.

SENATOR HARPOOTLIAN: Why?

MR. SMITH: I was asked to go on the trip, sir.

SENATOR HARPOOTLIAN: Well, I mean, it cost several thousand dollars to fly to Florida and back. It was -- I mean, y'all couldn't fly commercial?

MR. SMITH: We could have, but it was a direct flight and, as you know, getting from Columbia to anywhere is not as convenient as a direct flight, sir.

SENATOR HARPOOTLIAN: So, you, as a member of the board of trustees of Carolina, can't be inconvenienced like the rest of us when we have to fly to Columbia? Where were you going? Jacksonville?

MR. SMITH: No, sir, we -- it was -- gosh, what beach was it. I'll have to look it up. It was south of Jacksonville, but I don't remember. Pompano Beach.

SENATOR HARPOOTLIAN: Many of us drive down there. Many of us fly commercial from -- drive to Charlotte, probably a straight shot.

MR. SMITH: It was a seven-hour -- it was a seven-hour car drive versus an hour.

SENATOR HARPOOTLIAN: Well, y'all could bond.

MR. SMITH: Sir?

SENATOR HARPOOTLIAN: Y'all could bond, couldn't you?

MR. SMITH: There you go. Absolutely.

SENATOR HARPOOTLIAN: But instead, you spent -- what do you think it cost to fly? What'd you fly? King-Air or a jet?

MR. SMITH: It was a King-Air, sir.

SENATOR HARPOOTLIAN: Okay. So, what's that? A \$20,000 round trip?

MR. SMITH: I'm not certain, sir.

SENATOR HARPOOTLIAN: You don't know how much money, state money, university money you spent so that you could fly down there private?

MR. SMITH: No, sir.

SENATOR HARPOOTLIAN: I mean, you understand that \$20,000 is a lot of money to most people --

MR. SMITH: I do, sir.

SENATOR HARPOOTLIAN: -- including your students and the parents paying that tuition.

MR. SMITH: I do, sir.

TUESDAY, APRIL 19, 2022

SENATOR HARPOOTLIAN: And that when y'all spend money, do you think it was necessary for you to fly down there? How about Zoom? You couldn't do a Zoom meeting with him?

MR. SMITH: We've done tons of Zoom calls for lots of things. And my personal opinion is you lose something in an internet interview as opposed to in-face based, sir.

SENATOR HARPOOTLIAN: You couldn't ask him to come up here?

MR. SMITH: We could have, yes, sir.

SENATOR HARPOOTLIAN: But you didn't.

MR. SMITH: The chairman of the search committee request that I go. I was asked to go and I went.

SENATOR HARPOOTLIAN: And the chairman of the search committee was Mr. Mobley?

MR. SMITH: That's correct.

SENATOR HARPOOTLIAN: Okay. So, you went down there and what was it -- well, let me ask you this before we get all the way to the end.

MR. SMITH: Uh-huh.

SENATOR HARPOOTLIAN: Was hiring him a mistake?

MR. SMITH: Not in my opinion.

SENATOR HARPOOTLIAN: So, that was a success?

MR. SMITH: I think when -- in the grand scheme of things, when you look at the way he handled the COVID crisis, I think it was a win, yes, sir.

SENATOR HARPOOTLIAN: We ended up Harris Pastides took over. He's an epidemiologist. Any indication he wouldn't have handled it as well?

MR. SMITH: There's no indication of that. But at the time, Dr. Pastides had indicated -- well, he's already resigned, sir.

SENATOR HARPOOTLIAN: Right. So, I guess he saved us from COVID, but in the process, huge, huge conflict about hiring in the beginning with, right?

MR. SMITH: yes, sir.

SENATOR HARPOOTLIAN: Barely not elected. Was that good to not have -- to have the kind of split in the board?

MR. SMITH: No, sir, it's never good. But it's never good for us to agree on everything either, Senator. If I ask your opinion on something, I don't want you to tell me -- and you never would, obviously, tell me how smart I am or how handsome I am -- SENATOR HARPOOTLIAN: No.

MR. SMITH: -- or something like that. I want to hear your honest opinion or difference of opinion from that standpoint, sir.

TUESDAY, APRIL 19, 2022

SENATOR HARPOOTLIAN: But here's my point. There's a difference -- and we heard from Mr. Williams a moment ago -- a difference between an honest exchange of opinion that's working towards a consensus and then there's just external forces weight in to get it done. And you would admit the governor did weight in, correct?

MR. SMITH: Yes, sir.

SENATOR HARPOOTLIAN: And he talked to you.

MR. SMITH: He called me, but he didn't influence my vote, sir.

SENATOR HARPOOTLIAN: Pardon me?

MR. SMITH: He did not influence my vote.

SENATOR HARPOOTLIAN: You were already committed to Caslen.

MR. SMITH: I had, yes, sir.

SENATOR HARPOOTLIAN: So, he couldn't influence you.

MR. SMITH: That's right.

SENATOR HARPOOTLIAN: But other folks, he did. He did talk to, did he not?

MR. SMITH: He did, but if you look before -- there were two votes, if you will, the one that didn't happen and the second one, we actually lost votes between the first vote and the second vote.

SENATOR HARPOOTLIAN: And that's why you needed that second vote quickly. And I believe -- and Mr. Williams had to sue to stop y'all from doing it, did he not?

MR. SMITH: That was a -- that was a tactical error on -- from the standpoint of whoever called for the meeting within five days. The bylaws required that the board members have to have five days. It was a mistake. It was corrected.

SENATOR HARPOOTLIAN: Well, who called the meeting?

MR. SMITH: The chairman of the search committee.

SENATOR HARPOOTLIAN: Which is Mr. Mobley.

MR. SMITH: Yes, sir.

SENATOR HARPOOTLIAN: And he called the meeting without giving the appropriate legal notice. Was he in a hurry?

MR. SMITH: You'll have to ask him that, sir.

SENATOR HARPOOTLIAN: Okay. Well, you know, Chairman Smith, you act as if you never talked to these people. I mean, you flew -- wasn't that flight down to meet with President Caslen, how long did that take, an hour?

MR. SMITH: Yes, sir.

SENATOR HARPOOTLIAN: Okay. And then y'all had lunch while you were down there?

MR. SMITH: No, sir.

TUESDAY, APRIL 19, 2022

SENATOR HARPOOTLIAN: You just flew down, met with him, got on the plane and flew back.

MR. SMITH: Yes, sir.

SENATOR HARPOOTLIAN: And in those two hours or hour and a half to get there and hour and a half to get back y'all never talked about anything?

MR. SMITH: We talked about a variety of things, sir.

SENATOR HARPOOTLIAN: Did you talk about him? Did you talk about we got to get this guy elected?

MR. SMITH: We didn't -- Senator, we talked about a thousand things on that plane. What we talked about exactly, I don't remember, sir. That's been three years ago.

SENATOR HARPOOTLIAN: Okay. So, in terms of the vote for Caslen, you today -- you would stick by that vote and if you had to do it again, you'd vote for him again?

MR. SMITH: Hindsight is always 20/20. Are we talking about voting in 2019 or are we talking about voting in 2022, sir?

SENATOR HARPOOTLIAN: Right now.

MR. SMITH: Right now?

SENATOR HARPOOTLIAN: Would you vote for him again?

MR. SMITH: I'm happy with our new president as it is, Michael Amiridis.

SENATOR HARPOOTLIAN: And I asked -- I'm going to ask you would you vote for him again?

MR. SMITH: Knowing -- if I were back -- if you wound the clock back three years ago, yes, sir, I would have.

SENATOR HARPOOTLIAN: So, his comments about South Carolina sucks, that South Carolina is a horrible place, that South Carolina is dysfunctional, nobody ought to come to work here, all of that would not influence you in any way.

MR. SMITH: Again, we're talking about voting for him prior to all that, sir.

SENATOR HARPOOTLIAN: No, I'm asking right now, if you were faced with the prospect of voting for him again, would you vote for him?

MR. SMITH: I would vote for Michael Amiridis to be president today, sir.

SENATOR HARPOOTLIAN: Let's say it's not Michael Amiridis. It's him --

MR. SMITH: Yeah.

SENATOR HARPOOTLIAN: -- versus anybody.

TUESDAY, APRIL 19, 2022

MR. SMITH: Well, there would've been other candidates out there. Knowing what you know now, if -- you know, again, that if someone says that and says they don't want the job, absolutely no, you're not going -- you don't want someone that doesn't want to be here.

SENATOR HARPOOTLIAN: Well, why did he -- why was he so critical of the board in his public comment saying they didn't support him, they didn't have his back? Matter of fact, he indicated -- I believe that he called -- was it you he called and tendered his resignation?

MR. SMITH: He did not tender his resignation to me until the night he actually resigned. There is a difference between tendering a resignation, sir, and you saying, "I will resign if I have lost the confidence of the board."

SENATOR HARPOOTLIAN: And at that point, what did you tell him?

MR. SMITH: What I told him was that we -- I -- I could not accept that, because I didn't know that he had lost he confidence of the board.

SENATOR HARPOOTLIAN: Did you have the authority to accept his resignation?

MR. SMITH: I accepted it when he resigned. I did have the authority to accept his resignation 48 hours later.

SENATOR HARPOOTLIAN: Did you tell the --

MR. SMITH: But there's a difference.

SENATOR HARPOOTLIAN: -- rest of the board that he had communicated with you that he was thinking about resigning?

MR. SMITH: I did.

SENATOR HARPOOTLIAN: Mr. Williams didn't seem to know about it.

MR. SMITH: Yes, sir, I called Charles Williams.

SENATOR HARPOOTLIAN: Okay. So, Speaker Lucas asked Mr. Williams about -- do you think the board's too big?

MR. SMITH: No, sir. And the reason I don't think the board's too big is -- is it sometimes unwieldy, yes. But without a board of our size, you're going to completely cut out rural South Carolina.

SENATOR HARPOOTLIAN: Why do you say that?

MR. SMITH: Because everything will gravitate towards Hilton Head, Charleston, Columbia, Myrtle Beach, Greenville, Spartanburg, Rock Hill. And places like Lamar and places like Turbeville, they won't have any representation on the board, sir.

SENATOR HARPOOTLIAN: I mean, that's your theory.

MR. SMITH: That's my opinion.

SENATOR HARPOOTLIAN: Your opinion. And your -- again, you're not an expert on football. Are you an expert on electoral politics?

TUESDAY, APRIL 19, 2022

MR. SMITH: I have no desire to serve in any political role other than this, and I only do it for the love and adoration of the fans.

SENATOR HARPOOTLIAN: Well, and it does give you some authority, correct, being chairman of the board at USC?

MR. SMITH: That authority is I serve at the pleasure of the board, sir. And before I became chairman, there was not a way to remove a chairman. One of the first things I did as -- even before I became chairman, that we put in place where the board has the authority and the mechanism to remove me or anyone else that they deem is not doing a good job, sir.

SENATOR HARPOOTLIAN: I guess I come back to this. You don't think it's too big. I mean, between the Caslen debacle and the buyout of Muschamp, I mean, this didn't really create a lot of confidence in y'all's competency. Do you understand how that perspective --

MR. SMITH: I do.

SENATOR HARPOOTLIAN: And you just basically say water under the bridge, over the dam, let's move on, we got new policies, we got new procedures?

MR. SMITH: No, sir. The things that you haven't seen are the things that have happened since all of that. Again, I come back to the changes in our governance structure, the reorganization of the committees. Believe it or not, there are lots of things that -- behind the scenes that are not readily evident. But quite frankly, the search -- this last presidential search really was a quality search, sir. We had really top quality candidates.

SENATOR HARPOOTLIAN: Well, the Speaker -- the Speaker just a moment ago commented on that and I got the sense there may have been some bumps in the road on that. I mean, isn't it time that we do more that just rearrange the deck chairs on the Titanic? I mean, this university has had its ups and downs -- I mean, as long as I've lived in Columbia -- I don't know whether you remember Tom Jones, your president back in the '70s.

MR. SMITH: I don't -- I remember him, but I was too young to know that, sir.

SENATOR HARPOOTLIAN: Well, I wasn't. I was in law school and he was asked to leave. And of course, Jim Holderman --

MR. SMITH: Yes, sir.

SENATOR HARPOOTLIAN: -- a disaster, correct?

MR. SMITH: Yes, sir.

TUESDAY, APRIL 19, 2022

SENATOR HARPOOTLIAN: Okay. And I know that because I prosecuted him. So, and the board, at that point, was interesting because whatever Jim Holderman wanted, Jim Holderman got.

MR. SMITH: Yes, sir.

SENATOR HARPOOTLIAN: Le se fairre. They had no -- no input. Most of them were more concerned about who the football coach was going to be than what the president did. And a president could bring the pope or bring all these stars to Columbia was just wonderful. But since then, I'm not convinced there's been any dramatic change in the -- in the attitude of the board. I just -- I got to tell you that Caslen process was a humiliation, him -- how he was hired and how he left. A humiliation of the people. The university's in my district. Many of the people that work at the university live in my district and they were embarrassed and humiliated by what y'all did with Caslen both, bringing him in and the way he left.

MR. SMITH: Yes, sir.

SENATOR HARPOOTLIAN: Do you understand that?

MR. SMITH: I do, sir.

SENATOR HARPOOTLIAN: So, if we take the position that maybe we need new folks to do this, it wouldn't bother you, would it?

MR. SMITH: The short answer to -- well, the board does not define who I am. But I came on the board for the one goal of trying to make the University of South Carolina and my home state of South Carolina a better place.

SENATOR HARPOOTLIAN: Well, if -- if you look at Caslen as a loss, certainly you can't look at it as a win. And you look at the Muschamp buyout as a loss, y'all don't really have a winning record. Shouldn't we fire y'all like we -- like y'all did to Muschamp and like y'all did to Frank Martin? And the buyout's a lot cheaper.

MR. SMITH: That's your prerogative, sir. I mean, I defer to you, obviously.

SENATOR HARPOOTLIAN: Well, thank you. That's all I have.

THE CHAIRMAN: Who's next? Senator SCOTT.

SENATOR SCOTT: Thank you, sir. Thank you, sir, Doctor, for your willingness to serve. I want to go back to a visitor on the campus, Angela Davis. Tell me exactly what happened. You probably were chairman around that time, Angela Davis invitation to come to USC?

MR. SMITH: I'm not aware of that, Senator SCOTT. I apologize.

SENATOR SCOTT: You're not aware of Angela Davis -- the Angela Davis, historian --

MR. SMITH: Yes, sir, I know Angela --

TUESDAY, APRIL 19, 2022

SENATOR SCOTT: -- professor who -- there was an invitation sent to her to come to USC. There was a lot of mixed emotions on that campus.

MR. SMITH: I didn't have anything to do -- that's -- that never came to the level of the board, sir.

SENATOR SCOTT: Well, tell me a little bit about what are you doing on that campus actually to actually promote diversity on the campus.

MR. SMITH: Again, what we have done --

SENATOR SCOTT: Not we, you.

MR. SMITH: Yes, sir, me.

SENATOR SCOTT: What are you doing?

MR. SMITH: All right.

SENATOR SCOTT: You've been there a long time. You've been --

MR. SMITH: I've been there 12 years, yes, sir.

SENATOR SCOTT: Yes, and tell me what you're doing to promote diversity on the campus.

MR. SMITH: During my chairmanship, that our first -- our first vice president for diversity was highered, Julian Williams. In addition to that, we continued to work to try to build the civil rights center that should -- will continue to --

SENATOR SCOTT: I understand about that.

MR. SMITH: I'm sorry?

SENATOR SCOTT: I understand about the building the center. I'm talking about what are you doing in terms of working with your colleagues on the board; now, you've got two African-Americans on the board.

MR. SMITH: Again -- again, we have done diversity training to try to make everyone aware and make the university a more open place for access for all, sir.

SENATOR SCOTT: What are you doing?

MR. SMITH: That's what I'm doing.

SENATOR SCOTT: You've told me what the -- you've told me what the board is doing.

MR. SMITH: That is what --

SENATOR SCOTT: What have you actually been --

MR. SMITH: That has been part of my agenda as chairman, sir.

SENATOR SCOTT: Okay. Thank you.

THE CHAIRMAN: Senator from Laurens.

SENATOR VERDIN: Mr. Chairman, I'd like to ask a question of the -- there you go. Dr. Smith, you have indicated that expanding the nursing program is of great significance to you. PRESIDENT ALEXANDER chairs the major budget right subcommittee for finance of the senate that

TUESDAY, APRIL 19, 2022

hears from the public sector healthcare delivery agencies. And those directors and board members have been before his committee, which I serve as well, with an incessant call of concern about the insufficient availability of healthcare delivery workers, nurses, et cetera. Of course, in the public sector, we try to remedy that as best we can with salary and try and stay competitive with private sector, which is where they apparently all gravitate to based on that very economic factor. Until just -- we heard from the sixth agency, whose director told us from the high school level recruitment into the various public and private colleges and universities in the state, there's really not a shortage yet of young people desiring to enter this vocation or profession. The real problem -- and it's going to be even more exacerbated in the future, is the ability to train them, to have the proper level of academia/administrative professionals in place to bring this next generation along. I'm curious -- because you're obviously in practice, you're in a hospital setting, a surgical setting; and as your role here with U of SC School of Medicine and other affiliations, is it possible that we can go back and rediscover the model that I grew up as a child, having numerous family members that receive their nursing training at old Greenville General. And then, of course, you had expanded degrees beyond RN, you had the expansion of higher-end nursing programs. Can we not see that as a proper blending of -- since your highest capabilities gravitate to academia or administration in the hospital settings, could we not capitalize in the future with more schools/hospital, participate not just rotations, but true collaboration in the program in its entirety?

MR. SMITH: Yes.

SENATOR VERDIN: I'm anxious for your thoughts.

MR. SMITH: Yes, sir. No question, it's a huge crisis and needs to continue the work on. There -- it's actually a two-pronged attack, Senator Verdin. Prong number one is what you alluded to. Unfortunately, we do not have enough teachers right now, master's, Ph.D., preceptors and even preceptor sites for all of the young ladies and gentlemen to go into nursing. And that's what one of the focus of the University of South Carolina on the Columbia campus is. About half of those individuals that enroll in nursing, they are not going to be bedside nurses per se, but they're going to be the ones to train the nurses, the nurse practitioners, the nurse anesthetists, if you will. The other prong of that is the bedside nurses, the floor nurses, the one that would change the bedpan, the one that would start the IV and, with that, and you've got to attack both areas simultaneously. But you -- but in order -- the bottleneck is to have the

TUESDAY, APRIL 19, 2022

preceptors and the instructors to be able to expand the second portion of that also, sir. Does that make sense?

SENATOR VERDIN: Yes, sir, I appreciate you bringing it back to even some preceptorship. Yeah, it's - - well, it's been a growing -- the crescendo is getting louder and the alarm bells --

MR. SMITH: And we want to continue to expand our nursing programs in Upstate, at Aiken, all over the state. I mean, it's just mandatory. One of the things that I see the university doing is being able to provide the healthcare. The University of South Carolina School of Medicine provides more primary care physicians for rural South Carolina than any other school in the country. In addition to that, we also produce physician's assistants and nurse practitioners, which to some degree are replacing family practitioners in places like Turbeville or Lamar or Olanta, if you will. And -- but they also have to have the nurses as well. And we have great leadership in that role. Jimmy Stallworth runs the P.A. program. Jeanette Andrews leads the nursing program. She is a fabulous leader and role model for our state.

SENATOR VERDIN: I'll take Olanta, if you will, because I have a truck at Warren Coker's farm every week bringing --

MR. SMITH: You're four miles from me, sir.

SENATOR VERDIN: Yeah. I've brought 40,000 square bales of hay out of there in the last calendar year.

MR. SMITH: I'll tell Warren to give you a discount, sir.

SENATOR VERDIN: Thank you. Thank you, Mr. Chairman.

SENATOR HARPOOTLIAN: Mr. Chairman?

THE CHAIRMAN: Yes, sir.

SENATOR HARPOOTLIAN: A couple other matters that come to mind when Senator SCOTT was talking about diversity that I've got.

THE CHAIRMAN: Okay, come up.

SENATOR HARPOOTLIAN: Okay. We all saw the news reports and I spoke to Lou Kennedy about y'all's problem, if you will. And as I understand it, she was appointed to a committee that, pursuant to your new rules, would participate in helping pick the next president of University of South Carolina; is that correct?

MR. SMITH: Yes, sir.

SENATOR HARPOOTLIAN: And what was that committee?

MR. SMITH: It was the presidential search committee and I'm the one who appointed her, sir.

SENATOR HARPOOTLIAN: Okay. And during that process, apparently, she indicated -- and I talked to her yesterday to confirm this -- that you were short with her, wagged your finger in her face and told

TUESDAY, APRIL 19, 2022

her that she was basically irrelevant. I think the word used was "irrelevant." Is her depiction of that meeting correct.

MR. SMITH: No, sir, it's not.

SENATOR HARPOOTLIAN: So, she is not telling the truth.

MR. SMITH: I think her interpretation of the events are different than mine, sir.

SENATOR HARPOOTLIAN: Well, she used the word "misogynist," that you did not appreciate the opinion of women, especially strong women. Do you think that's accurate?

MR. SMITH: No, sir. I've been surrounded by strong women my whole life.

SENATOR HARPOOTLIAN: Well, let me ask you this. And these are -- hold on one second, let me make sure this is correct -- Have your privileges at the hospital ever been suspended or have you ever had to leave a hospital because of complaints?

MR. SMITH: No, sir.

SENATOR HARPOOTLIAN: You've never had complaints from female employees.

MR. SMITH: No, sir.

SENATOR HARPOOTLIAN: Never.

MR. SMITH: Not that I -- if there's something filed, I'm unaware of that, Senator.

SENATOR HARPOOTLIAN: Have you ever had your privileges suspended at any hospital?

MR. SMITH: Never.

SENATOR HARPOOTLIAN: Have you had to give up your privileges at any hospital?

MR. SMITH: Never.

SENATOR HARPOOTLIAN: Okay. And you're indicating that Lou Kennedy misinterpreted your finger wagging.

MR. SMITH: My comment to Ms. Kennedy was at the end of the meeting when it was over with and we were -- she was giving advice to the board on how to handle the presidential search. And what I pointed out was that we had had voting and nonvoting members on the board -- not on the board, on the committee. And during that period of time, I said, "Lou, you know, golly gee, thank you all for your service." And we basically have had -- we appreciate it. I said, "I'd like to point out that there were voting and nonvoting members, but we let everybody vote to give their opinion on who should be recommended to the" -- "back to the board to determine that." And as a courtesy for everyone's

TUESDAY, APRIL 19, 2022

hard work, even the nonvoting members were granted their right to say their -- their say, sir.

SENATOR HARPOOTLIAN: Well, why'd she get angry?

MR. SMITH: She felt that -- she felt that I was saying to her that her opinion didn't count. I think she misunderstood my statement.

SENATOR HARPOOTLIAN: Did you wag your finger in her face?

MR. SMITH: If I did, I don't recall it, sir.

SENATOR HARPOOTLIAN: You don't recall it.

MR. SMITH: And in addition to that, I flew home with her on her plane that night and rode with her in the car back to the airport. And just for the record, I apologized to her just for any miscommunication. That was obvious she was upset with me. And she accepted my apology on the plane. She even poured champagne for everyone and celebrated on the way back, sir.

SENATOR HARPOOTLIAN: And then she pulled \$20 million of a pledge that she made to the University of South Carolina; is that correct?

MR. SMITH: I was not aware of a \$20 million pledge pull, sir.

SENATOR HARPOOTLIAN: Well, she pledged 30 and put 10 in and pulled the other 20.

MR. SMITH: I was not aware of that.

SENATOR HARPOOTLIAN: Still not aware of that?

MR. SMITH: I am now.

SENATOR HARPOOTLIAN: Okay. So, obviously, she was upset about something.

MR. SMITH: Yes, sir.

SENATOR HARPOOTLIAN: And you don't know what that was.

MR. SMITH: I just told you my recollection of the story, sir, and I would ask the other people there that can verify that.

SENATOR HARPOOTLIAN: So, she's just hysterical?

MR. SMITH: I do not know. I have utmost respect for her. She is a valued member of our community. She's a very successful businesswoman and I am so sorry that I offended her in any way.

SENATOR HARPOOTLIAN: And the same would go for Darla Moore?

MR. SMITH: Darla Moore is a wonderful lady and a treasure of this state, sir.

SENATOR HARPOOTLIAN: And she's pulled all her funding for Carolina.

MR. SMITH: Darla Moore is a wonderful person.

SENATOR HARPOOTLIAN: There seems to be a pattern there. Both of them indicate that the reason they pulled their funding was the

TUESDAY, APRIL 19, 2022

treatment from you, tens of millions -- well, tens of billions of dollars, under -- maybe a hundred million, maybe more. You don't understand why that would happen? I mean, there's you're totally clueless.

MR. SMITH: We had -- we had a disagreement, sir.

SENATOR HARPOOTLIAN: "We" being who?

MR. SMITH: Myself and Ms. Kennedy.

SENATOR HARPOOTLIAN: But y'all apparently made up, drank champagne, kissed and hugged?

MR. SMITH: On the plane on the way home, yes, sir.

SENATOR HARPOOTLIAN: Okay. You flew there with her?

MR. SMITH: I did.

SENATOR HARPOOTLIAN: Okay. So, she could either leave you there or you could fly back with her?

MR. SMITH: That's correct.

SENATOR HARPOOTLIAN: I'm shocked she didn't leave you. That's all I have.

THE CHAIRMAN: Thank you, Dr. Smith. As you know, we are not going to approve any USC candidates today.

MR. SMITH: Thank you.

THE CHAIRMAN: Maybe sometime in the future. Thank you. MR. SMITH Thank you, sir.

THE CHAIRMAN: Next up is Alexander English. Welcome. If you would state for the record your full name, please.

MR. ENGLISH: Alexander English.

THE CHAIRMAN: If you would raise your right hand, I'll swear you in. ALEXANDER ENGLISH, having been first duly sworn, was examined and testified as follows:

THE CHAIRMAN: Give a brief statement of why you would like to continue on the board.

MR. ENGLISH: Well, first of all, I'd like to thank y'all for having me here today and to say that I am honored to have served this past year and a half as representing the Fifth District. I have gotten to be a part of some of the history making decision, including the negative ones that you all were just speaking about, including the vote to move forward with our Bull Street project, which is a health science campus, which I think is going to be revolutionary for the City of Columbia and our university as well as the state in regards to providing healthcare and for our research here in this state. Also, the west campus, which is over on Wheeler Hill, which will bring our campus back to the modern day era as far as housing and being able to have the proper Wi-Fi and all that. Also, approving -- been a part of approving the contracts of Dawn Staley, Coach Shane

TUESDAY, APRIL 19, 2022

Beamer and recently Coach Lamont Paris, as well there's a lot of other positive things that have happened to this university. I am honored to have been a part of that. I also serve on the history group implementation committee, and that's been very rewarding because it deals with our diversity, equity and inclusion on our campus. So, thank you all for having me.

THE CHAIRMAN: staff, do you have any information you want to share with you us, Mr. English?

MS. WEBB: Hi, good afternoon, Mr. English. Upon reviewing your application back when you submitted this in November, on the blank for the four or six percent, you just put, yes, so I'm going to do this two part.

MR. ENGLISH: Okay.

MS. WEBB: First, can you confirm for me on record what is your home address?

MR. ENGLISH: 596 Rimer Pond Road, Blythewood, South Carolina.

MS. WEBB: Thank you, sir. And do you pay your four percent or six percent at that address?

MR. ENGLISH: Six percent.

MS. WEBB: Six percent?

MR. ENGLISH: Yes.

MS. WEBB: Okay. Thank you. That's all that I have.

MR. ENGLISH: Thank you.

THE CHAIRMAN: Well, I've got a question.

MR. ENGLISH: Yes, sir.

THE CHAIRMAN: Why is it six percent instead of four percent where you're currently located?

MR. ENGLISH: Well, I guess it's the cost, or maybe I misunderstood. Six percent based on --

MS. WEBB: So for your property tax, the percentage that you're paying, is it four percent that's your personal home residence or the greater at six percent?

MR. ENGLISH: I pay four percent. I pay, because I do have -- I do grow a farm tax on that as well.

SENATOR ALEXANDER: Mr. Chairman, can I do a follow-up?

THE CHAIRMAN: Yes, sir, go ahead.

SENATOR ALEXANDER: So do you have -- the residence that you have on your application is the residence that you live in? Do you have another home other than that location, or is that your --

MR. ENGLISH: That's the only place I've lived in Columbia the last 30 years.

SENATOR ALEXANDER: Thank you, sir. I think that clarifies it.

TUESDAY, APRIL 19, 2022

THE CHAIRMAN: Okay. I just think you misspoke. You meant four percent.

MR. ENGLISH: Okay.

MS. WEBB: So four percent it is. I would just let the record reflect that he has stated it's four percent and not six percent at his Blythewood residence.

THE CHAIRMAN: Okay. Questions for Mr. English? Senator SCOTT.

SENATOR SCOTT: Thank you, Mr. English, for your willingness to serve.

MR. ENGLISH: Thank you.

SENATOR SCOTT: A lot has happened in the year and a half since you came.

MR. ENGLISH: Yes, it has.

SENATOR SCOTT: Has it been difficult, heavy lifting to get them to finally move in the direction of trying to make those kind of diverse commitments you now under -- it's the third president here shortly in that very short period of time. What is the attitude of the board with the kinds of things that we're actually talking about, diversity, identifying those who have made tremendous contribution to the school and your willingness to work with the two African American members of the board and others who share the same kind of concern moving that board forward?

MR. ENGLISH: Well, I think we have made progress. You know, I mentioned I served on the history committee implementation group, and, you know, that --

SENATOR SCOTT: You chair it?

MR. ENGLISH: I chaired it.

SENATOR SCOTT: Yeah, go ahead.

MR. ENGLISH: And we have moved forward. We were unable to name the Celia Dial Saxon building down on Park Street. We've got a bunch of other things that we are still working on as far as trying to educate people about the history of this university as it pertains to the African American people that contributed to it. And we are still working on those. We have moved forward on putting statutes of the first three African American students on our campus. We haven't come up with a place yet, but we are doing that, and I'm very proud of that as well.

SENATOR SCOTT: This is after how many years those first African American students were on the campus?

MR. ENGLISH: It's been a long time.

SENATOR SCOTT: A long time?

MR. ENGLISH: Yes, sir.

TUESDAY, APRIL 19, 2022

SENATOR SCOTT: So what do you see as any push back in terms of trying to move the school forward with your faculty, staff, students? You know, when I look at some of the other campuses around South Carolina, USC, they're doing a lot better than the downtown Columbia campus in terms of students --

MR. ENGLISH: Well, like I said, we've got this group. We've got this list of things that we will bring before the board and hopefully will get approved, like walking tours, like education on all the different buildings on campus having a plaque that talks about why the building is named that and giving a little history on it. Then, you know, those are the things that we've got on the board that we've got to get through the board, got to get past, and, you know, until we get those things done, you know, I think our job isn't done.

SENATOR SCOTT: You played basketball at USC in '72 until about '76. What does this new basketball coach mean to the university? I'm talking about the boys basketball -- mean to the university, especially just in the overall case of high schools and around South Carolina in terms of he won't even consider coming to the university given this is the first time in history that has ever occurred?

MR. ENGLISH: Well, I think being this is the first time in the history of this university we've had an African American head basketball coach is going to mean a lot. I think he will get the opportunity to recruit, you know, in the City of Columbia and a lot of the other surrounding cities as well as the state. And, you know, it gives the young player a different perspective, not that Coach Martin wasn't that person that embraced athletes, but I think that having an African American coach will mean that when the player talks to him or looks at that person, they will feel that they've got someone who may be able to relate to the lives that they've lived as an athlete.

SENATOR SCOTT: Since you're likely dealing in the basketball community, we had some parents to make comments or talk about their kids, rethinking where they want to go, looking at staying at home rather than leaving the state. My goal is to keep my kids here. We've got a lot to offer them here, especially if we give them what they need to grow.

MR. ENGLISH: Well, the only player that I've spoken to, and I did this at the behest of Coach Martin, is a young kid from Columbia who's one of the top athletes in the state who hadn't decided whether he's going to leave or not --

SENATOR SCOTT: I saw that.

MR. ENGLISH: I just impressed upon him what it was like for me being a Columbia resident and staying home and how invaluable that was to

TUESDAY, APRIL 19, 2022

me. And at that time, he was very positive. His parents were very positive. Whether he will stay, I don't know, but I think just from speaking with Coach Paris only once, I like what he sounds like, what he intends to do, and hopefully he's going to do a great job for this university.

SENATOR SCOTT: Has there been much push back from the other board members with this new decision to bring -- make that kind of change --

MR. ENGLISH: Well, you heard Mr. Williams.

SENATOR SCOTT: Yeah, I did. That was troubling.

MR. ENGLISH: Yeah. He was probably the biggest push back. I think with buyouts we discussed that in our board conference call, and everybody, you know, was a little concerned, but, you know, we ended up voting for Mr. Paris' contract, and I had to add to it is that -- what you've already spoken about is that, you know, you bring in a person that's going to be on the lowest end of the totem pole when it comes to SEC coaches. He's going to be the least amount -- make the least amount of money.

SENATOR SCOTT: You're correct.

MR. ENGLISH: So, you know, I don't think that that should be something that we hold against Ray Tanner yet, but I'm sure he's got the opportunity -- Coach Paris has got the opportunity to earn money, to increase his salary.

SENATOR SCOTT: I hope if you remain on this board, you continue to educate your board and colleagues on the board, you get what you pay for --

MR. ENGLISH: And I agree with that. I agree with that, and, you know, I feel that, you know, it's important to have that diversity on the board so that you can get another perspective, you know, of what your stakeholders may think and what your stakeholders may be looking for. And I think I offer some of the perspective. We've got one other African American board member, and that's Lea Moody, who's also very much into representing all students, but making sure that we make that point that we have to represent all of our stakeholders, and we have to be concerned with everybody.

SENATOR SCOTT: In looking at what coaches get paid in the SEC, the top was Kentucky at 8.6. It ranges to about three million dollars, for those who have not done their homework. And the bottom -- last on the list was the 2.2. And I hope as time progresses on we at least pay coaches what coaches make in the SEC. Now there are other schools. When you add the other teams I have mentioned pay a whole lot more than

TUESDAY, APRIL 19, 2022

that. And so if you're going to get winning coaches, I hope you will continue to educate them, and you've had a chance to play college ball, professional ball just like a professional ballplayer. If I'm good, you don't pay me, I'm leaving and going some place else -- some place else to be paid. No stacking in the bleachers. You've got to pay the coaches, especially if they bring recruits. Thank you so much for your willingness. I've seen in the last year and a half some movement than I've seen at the university before. Thank you.

MR. ENGLISH: Thank you.

THE CHAIRMAN: Speaker Lucas.

SPEAKER LUCAS: Mr. English, thank you for being here today.

MR. ENGLISH: Yes, sir.

SPEAKER LUCAS: I brag all the time that you and I were in Bates House together at USC.

MR. ENGLISH: We're getting ready to get rid of it.

SPEAKER LUCAS: Oh, my gosh.

MR. ENGLISH: Yes.

SPEAKER LUCAS: Just a few questions to kind of clarify some earlier testimony. You serve on the board, and the board elects the president; is that correct?

MR. ENGLISH: Yes, sir.

SPEAKER LUCAS: And the president appoints or hires an athletic director; is that correct?

MR. ENGLISH: Yes, sir.

SPEAKER LUCAS: And when there are contracts involving coaches, the athletic director brings those contracts to the board for approval; is that the way it goes?

MR. ENGLISH: Yes.

SPEAKER LUCAS: Okay. So the athletic director doesn't approve the contract and then show them to the board. He actually has to have board approval of the contract, I believe, over a certain amount; is that correct?

MR. ENGLISH: Yes, but the -- I guess the athletic director bases the contract on what else is in the SEC, what other coaches make and kind of, I guess, sets the price or sets the salary and brings it to the board, yes.

SPEAKER LUCAS: If you have a buyout in the contract, the buyout usually comes into play when the coach fails; would that be right?

MR. ENGLISH: Usually.

SPEAKER LUCAS: And Coach Paris it looks like to me may not have to worry about that buyout because he's incredibly talented, and I think he's going to do good things at USC.

MR. ENGLISH: Yes, sir, I am hoping he will.

TUESDAY, APRIL 19, 2022

SPEAKER LUCAS: Thank you, Mr. English.

MR. ENGLISH: Thank you.

THE CHAIRMAN: Representative King?

REPRESENTATIVE KING: Thank you, Mr. Chairman and thank you for your service, Mr. English. How long have you been on the board?

MR. ENGLISH: I think it's about a year and a half now. I was before y'all about a year ago.

REPRESENTATIVE KING: Okay. I just wanted to make sure our information was correct, yes, sir.

MR. ENGLISH: Uh-huh.

REPRESENTATIVE KING: I thought you were fairly new. I want to go back and ask you a question. Senator HARPOOTLIAN asked the Chairman a couple of questions, but I want to ask you something in reference to maybe your presence at maybe an event. Were you present in Atlanta with Lou Kennedy?

MR. ENGLISH: Yes.

REPRESENTATIVE KING: Did you witness the episode between the Chairman and Ms. Kennedy?

MR. ENGLISH: Kind of glancing. You know, it was at the end of our meeting, and everybody was moving around, but, yes.

REPRESENTATIVE KING: Was Ms. Kennedy's interpretation incorrect?

MR. ENGLISH: Not incorrect. You know, it was --

REPRESENTATIVE KING: Do you think she overreacted?

MR. ENGLISH: I think she was very -- you know, she was very concerned, you know, to be -- you know, she felt like she was mistreated, and, you know, that's what she felt, so --

REPRESENTATIVE KING: Thank you for answering those. My next question to you, being one of two African Americans on the board, do you think that the board has done or is doing a decent job, a good job or great job when it comes to diversity and inclusion and equity? And if not, or if they are, where can we do better?

MR. ENGLISH: Well, in most instances I think we've done pretty good. You know, one of the things that I was concerned about was making sure that when we hire people we make sure that we've got, you know, minorities included in the pool. And, you know, with Ray Tanner handling -- giving the job to Mr. Paris, I feel comfortable about that. I still feel that there are instances where, you know, we have to be more focused when it comes to -- not just focus but understanding -- and we've got to be more focused and understanding when it comes to the rules.

TUESDAY, APRIL 19, 2022

REPRESENTATIVE KING: I know a lot of talk today has been about the athletic department, but let's talk about senior level positions.

MR. ENGLISH: Uh-huh.

REPRESENTATIVE KING: The administration. What percentage of senior level positions are African American?

MR. ENGLISH: I couldn't tell you that, sir.

REPRESENTATIVE KING: Do you know of any senior level positions, and if so, how many can you think of that are held by African Americans?

MR. ENGLISH: Well, I know V.P. Julian Williams, who is the head of our diversity, equity and inclusion, and Larry -- yes, Larry Thomas is our communications. Those are senior level positions that I think are very important.

REPRESENTATIVE KING: What bothers me is that we have to think, because there's only two.

MR. ENGLISH: And that, too, is a big improvement over the last few years.

REPRESENTATIVE KING: Hopefully y'all will do better things.

MR. ENGLISH: Thank you, sir.

THE CHAIRMAN: Senator HARPOOTLIAN.

SENATOR HARPOOTLIAN: Mr. English, thank you for your service on the board.

MR. ENGLISH: Thank you.

SENATOR HARPOOTLIAN: April the 3rd, today and prior to today. It's obviously not an easy job. I'm intrigued by the fact you were present during the Lou Kennedy, Chairman Smith discussion, and I'm not quite sure that Representative King asked you the ultimate question, which is, she was upset?

MR. ENGLISH: Yes.

SENATOR HARPOOTLIAN: Did you see why she was upset?

MR. ENGLISH: Yes. You know, she was --

SENATOR HARPOOTLIAN: Okay. Well, tell me what you saw.

MR. ENGLISH: Well, she was upset with the interchange between --

SENATOR HARPOOTLIAN: Yeah, but what was the interchange?

MR. ENGLISH: The interchange I know that Chairman Smith had mentioned, you know, something to her about the committee, and, you know, and I guess, you know, in his voice -- it was raised, and she felt, you know, that it wasn't necessary.

SENATOR HARPOOTLIAN: Was it dismissive, the tone, dismissive?

MR. ENGLISH: I think she felt that way.

SENATOR HARPOOTLIAN: Did you feel that way?

TUESDAY, APRIL 19, 2022

MR. ENGLISH: Like I said, I was at the end of the meeting, and I was moving around, and I noticed, you know, that it was happening, and, you know, she had -- I think she had a reason and a right to feel that she was being, not necessarily dismissed, but I think she felt --

SENATOR HARPOOTLIAN: Disregarded?

MR. ENGLISH: I think that's the way she felt.

SENATOR HARPOOTLIAN: And Chairman Smith indicates it was basically -- did you fly back on the plane with them?

MR. ENGLISH: No, I didn't.

SENATOR HARPOOTLIAN: They didn't ask you on the plane?

MR. ENGLISH: I don't like flying on small planes.

SENATOR HARPOOTLIAN: Smart. So if you had been invited to go on that Caslen trip, you would have driven?

MR. ENGLISH: Probably.

SENATOR HARPOOTLIAN: Yeah. But you believe based on what you saw, Lou Kennedy had every right to be offended?

MR. ENGLISH: I think so.

SENATOR HARPOOTLIAN: Okay, thank you.

THE CHAIRMAN: Thank you, Mr. English. We're not approving any candidates of USC now.

MR. ENGLISH: Thank you, sir.

THE CHAIRMAN: Thank you for your service. All right. Next we've got David Benjamin Graves.

MR. GRAVES: Thank you, Mr. Chairman.

THE CHAIRMAN: If you'll just state for the record your full name.

MR. GRAVES: David Benjamin Graves.

THE CHAIRMAN: Raise your right hand. We'll hear a brief statement of why you'd like to serve. Daniel Benjamin Graves, having been first duly sworn, was examined and testified as follows:

MR. GRAVES: Thank you so much for letting me be here. I have served proudly on the development foundation board for USC for four years. I served on the USC commission on higher education for Spartanburg County prior to that. I graduated from South Carolina Honors College in 1996, and the USC School of Law in 2000. I've been in private practice as an attorney and then got into the real estate development business where I ran one of the largest family offices for a very successful entrepreneur in South Carolina, and then started my own development company four years ago that's enjoyed rapid growth. And I'm frankly here -- I'm soon to be a third generation Gamecock with my son as an incoming freshman. You know, I just believe in throwing my hat in the ring if I feel like I can be helpful frankly. And in this case, I've

TUESDAY, APRIL 19, 2022

enjoyed the service there to the commission on higher education in Spartanburg and the development foundation board, primarily involved in the property committee, helping to grow the physical campus and hopefully bring a business pragmatism, you know, a responsibility of how you manage a P&L for a company that I'm responsible for solely and would offer myself for service if you think I'd be a good candidate.

THE CHAIRMAN: Okay, thank you. Staff, any information to share with us?

MS. WEBB: I do not have anything based off the file that you submitted, but I will do the same with you. Can you please state your home address for the record?

MR. GRAVES: That's 109 Coleman Hill Drive, Spartanburg, South Carolina.

MS. WEBB: Thank you. And you pay a four percent or six percent yearly?

MR. GRAVES: Four percent.

MS. WEBB: Thank you.

THE CHAIRMAN: Questions? Senator SCOTT.

SENATOR SCOTT: Yes, sir. Thank you for your willingness to serve. You've had four years to make some observations in terms of what's going on proves you actually see that encouraged you to want to be on this board, and what do you think you actually bring to this board during a time it's having a lot of questions spending, diversity issues, growing and making historic changes --

MR. GRAVES: Yes, sir.

SENATOR SCOTT: And you said you're a developer, so tell me a little bit about how you think all this is going -- and an attorney -- that's going to fit into the growing changes at the university.

MR. GRAVES: Well, it's been very educational to see the things we could do to help with growth to the campus. The development foundation board actually developed the 650 Lincoln property that was recently renamed for Ms. Saxon. We're very proud of the role we played in that. We're also looking at student housing opportunities we can do to help facilitate growth for the campus and provide, you know, a larger nest egg to grow the endowment. We're also involved in parts of putting together the puzzle, if you will, for the health science campus. So those roles have been the places that I've had the most impact, but it's allowed me to, you know, interact with people like Ed Walton, who is the CFO of the USC enterprise altogether and learn about growth and things that I think can allow me to be more effective.

TUESDAY, APRIL 19, 2022

SENATOR SCOTT: What about diversity? I mean, you're going to be faced with those issues. Do you have any background, training, understand how that process actually works?

MR. GRAVES: I've served on nonprofit boards in Spartanburg. I've had some informal training in that regard. I would say I'm a conscientious student in that regard, enjoy learning --

SENATOR SCOTT: So you've got a lot to learn is what you're saying?

MR. GRAVES: I would say I have a lot to learn. I think in a lot of cases folks in my position have a lot to learn.

SENATOR SCOTT: Okay, thank you, Mr. Graves.

THE CHAIRMAN: Senator HARPOOTLIAN.

SENATOR HARPOOTLIAN: So on the development -- tell me what the development board is. What is it you do over there?

MR. GRAVES: Sure. Well, we have -- it's tied into the educational foundation, Senator HARPOOTLIAN. You know, we can actually move forward with purchasing property and facilitating growth with our own funds, you know, tied to the educational foundation endowment. So it provides a vehicle to move quickly and pick up property in the path of progress, work with the university, fulfill its mission.

SENATOR HARPOOTLIAN: Did y'all own the property on Wheeler Hill that was recently conveyed to a private developer in developing that?

MR. GRAVES: That's correct, sir.

SENATOR HARPOOTLIAN: Okay. Now I know what y'all do. Well, let me ask you this. How long have you been on the development board?

MR. GRAVES: This is my second term, approximately four years.

SENATOR HARPOOTLIAN: And so, do you have interaction -- you said Ed Walton, but do you have interaction with any other member of the USC community?

MR. GRAVES: We've had -- the president comes and speaks to us about twice a year I would say. So, you know, we had had interaction that way. We've also talked to Derrick Renner, the USC architect, about some of the facilities issues that we've dealt with.

SENATOR HARPOOTLIAN: So let me ask you this. And you sat here and listened to our discussions?

MR. GRAVES: Yes, sir.

SENATOR HARPOOTLIAN: And you've read about the Caslen -- I would call a disaster --

MR. GRAVES: Of course.

SENATOR HARPOOTLIAN: -- perhaps some of us would rather put lipstick on a pig and the issue about Muschamp being fired and paying

TUESDAY, APRIL 19, 2022

him 13 million dollars not to work. Do you have any opinions about, first of all, Muschamp, paying him 13 million not to work? Is that a good thing?

MR. GRAVES: No, it's not a good thing. And I live in a world where we have to be responsible for our decisions, and I -- you know, the idea of paying someone not to do a good job, unfortunately, is something that I would strongly disagree with.

SENATOR HARPOOTLIAN: So if a contract came before you on the board, and of course what they're going to tell you is this is what happens in the SEC, you've got to pay this money to get a decent coach, and that's the athletic department representing that. I mean, are you going to ask further questions, are you going to delve into this, or are you just going to do whatever you're told the athletic department says is that's what everybody else does?

MR. GRAVES: No, sir, I'm not here to maintain the status quo. I would definitely investigate that. It's something to where I -- I believe in alignment of interests and meritocracy in pay. And so if you do a good job, and we can provide an incentive for you to get paid more for doing a good job, I am all in favor of that. I am absolutely not in favor of the reciprocal.

SENATOR HARPOOTLIAN: Which is paying somebody to do a bad job?

MR. GRAVES: Correct.

SENATOR HARPOOTLIAN: And let's talk about Caslen for just a moment. You've heard more today than probably most people know --

MR. GRAVES: Yes, sir.

SENATOR HARPOOTLIAN: -- the fact that the decision of hiring him was so fractured to begin with, the faculty and the students opposed to it. It was a one vote margin by the board. Was that a good thing? Was that something you would want to participate in?

MR. GRAVES: You know, it was very interesting to sit here and listen to that, right. And it's always -- you know, there is perfect clarity from hindsight looking back at that, but, no, I would say you certainly want to build, you know, continuity and a super majority of belief in the direction the university's headed.

SENATOR HARPOOTLIAN: Do you serve on any boards of directors?

MR. GRAVES: No.

SENATOR HARPOOTLIAN: Okay. Have you been around any corporate boards of directors?

MR. GRAVES: Yes.

TUESDAY, APRIL 19, 2022

SENATOR HARPOOTLIAN: Do they operate like this? MR.

GRAVES: No.

SENATOR HARPOOTLIAN: So this would not be tolerated in the private sector?

MR. GRAVES: It would not.

SENATOR HARPOOTLIAN: Thank you. I have no further questions.

THE CHAIRMAN: Thank you, sir.

MR. GRAVES: Thank you.

THE CHAIRMAN: We will make a decision on approval at a later date.

MR. GRAVES: Thank you, sir.

THE CHAIRMAN: Next we have Henry Levy Jolly, Jr. Will you state for the record your full name?

MR. JOLLY: My name's Henry Levy Jolly, Jr.

THE CHAIRMAN: And if you'll raise your right hand, I'll swear you in. Henry Levy Jolly, jr, having been first duly sworn, was examined and testified as follows:

THE CHAIRMAN: Okay. Just make a brief statement on why you would like to be elected to the USC board.

MR. JOLLY: Well, first off, I'd like to thank y'all for allowing this opportunity for me to be here. I live in Gaffney. I'm in the Seventh Judicial Circuit, which is Cherokee and Spartanburg. I have been on the USC board of visitors. I've also served as a trustee at Limestone College, now Limestone University. And I was just appointed to the Spartanburg County Commission of Higher Education as the Cherokee County representative, but I'd like to serve the university that gave so much to me. So that's the reason I'm here.

THE CHAIRMAN: All right. Staff, have any information for us?

MS. WEBB: Hi, good afternoon, Mr. Jolly. I don't have anything based off of your file, but just as we have previously done, can you please state your home address for the record?

MR. JOLLY: It's 312 Silver Circle, Gaffney, South Carolina.

MS. WEBB: Thank you. And do you pay your four percent of six percent?

MR. JOLLY: Four percent.

MS. WEBB: Thank you.

THE CHAIRMAN: Questions of Mr. Jolly? No questions. All right. Thank you, sir.

MR. JOLLY: Thank you.

THE CHAIRMAN: We'll let you know at the appropriate time.

MR. JOLLY: Appreciate it.

TUESDAY, APRIL 19, 2022

THE CHAIRMAN: Yes, sir. Next up we have John C. Von Lehe, Jr. Welcome, sir. If you'll state your full name, and I'll swear you in.

MR. VON LEHE: Thank you. John Christopher Von Lehe, Jr.

THE CHAIRMAN: If you'll raise your right hand. Give us a brief statement of why you'd like to continue. John C. Von Lehe, having been first duly sworn, was examined and testified as follows:

MR. VON LEHE: Thank you. If I may, I'll read it. It is brief. I left my home in St. George in 1961 to go to the University of South Carolina. We just called it the university back then. I never left it. Seven years of education, ten years of teaching in the business school as an adjunct professor, then I was elected to the board in 1998. I was the chairman from 2016 through 2020. I hope to be able to serve another term as chairman emeritus. I think the institutional knowledge that I've gained during my tenure is important to governing of the institution. I hope to have been a credit to the board in both good times and bad. Yes, we faced obstacles over the presidential search, but we now have a great tried and true president in Michael Amiridis, with whom I've worked closely before. For example, in the establishment of the Greenville Medical School, which while I was chairman of the health affairs committee. By the way, as you know, the Greenville school has no state funding. It's probably unique in that regard in a medical school that I've ever heard of. I know the university is in good shape, both academically and financially, so I'm humbly proud of my service to my alma mater, and I'd like to continue that service. I would like to mention one thing in my application. Reading back over it and double checking a couple of facts, in number 9 I said that online education was roughly the same tuition expense as being present at the university. That's not accurate. Per semester tuition at university for a student who personally attends is \$6,344.00. If instead you are online, and you don't actually attend the university, not physically, then it's about \$1,000.00 cheaper or somewhere around \$5,344.00.

THE CHAIRMAN: Staff, any information?

MS. WEBB: Good afternoon, Mr. Lee. I didn't find anything based off of your file that I would have any questions to ask you about, but the same that we have done, can you please confirm your home address for the record?

MR. VON LEHE: 331 Banfield Drive, Mt. Pleasant.

MS. WEBB: Thank you, sir. And is this your four percent or six percent address?

MR. VON LEHE: Four percent.

MS. WEBB: Thank you, sir.

TUESDAY, APRIL 19, 2022

THE CHAIRMAN: Questions? Senator HARPOOTLIAN.

SENATOR HARPOOTLIAN: So you were the chairman of the board during the selection of Caslen; is that correct?

MR. VON LEHE: That is correct.

SENATOR HARPOOTLIAN: And I'm trying to understand, and I haven't quite gotten a clear understanding on how that process worked or didn't work. Did you go on that airplane trip to Florida?

MR. VON LEHE: I did not, and the reason for that, if I may.

SENATOR HARPOOTLIAN: Sure.

MR. VON LEHE: I was not on the presidential search committee. It was the policy of the board up until that time not to allow the chairman of the board to be on the presidential search committee. That's been changed, I think, quite correctly, but that was the policy, so I was not a member of that committee. I did not attend any of the committee meetings because I wasn't a member of the committee.

SENATOR HARPOOTLIAN: So there was a presentation of four finalists; am I correct on that?

MR. VON LEHE: Yes, correct.

SENATOR HARPOOTLIAN: And Caslen was one of them?

MR. VON LEHE: Yes.

SENATOR HARPOOTLIAN: And Mr. Tate was one of them?

MR. VON LEHE: He was.

SENATOR HARPOOTLIAN: And there was a -- I think from everything I've read in the press indicates that Eddie Floyd from Florence was unwilling to go forward at that point. He wanted to get more of a consensus, thought they were too divided; is that accurate?

MR. VON LEHE: I think that's generally accurate. I think most of the board felt the same way.

SENATOR HARPOOTLIAN: And so was it a decision to hire an interim president?

MR. VON LEHE: There was.

SENATOR HARPOOTLIAN: And y'all offered the job to the president of the upstate campus?

MR. VON LEHE: That's correct.

SENATOR HARPOOTLIAN: And he accepted?

MR. VON LEHE: That's correct, Brendon Kelly.

SENATOR HARPOOTLIAN: And Mr. Kelly started a couple weeks later?

MR. VON LEHE: That's correct.

SENATOR HARPOOTLIAN: And I think he even bought a house here, do you know?

TUESDAY, APRIL 19, 2022

MR. VON LEHE: Was not aware of that, but I'm not surprised. That would have been what I would have expected or get a lease or rent.

SENATOR HARPOOTLIAN: And within 30 days -- actually it was 34 days after that, after you offered the job to him, y'all offered the job to General Caslen; is that correct?

MR. VON LEHE: That sounds about right.

SENATOR HARPOOTLIAN: So I guess what I'm trying to figure out is, what happened in that 34 days from we need to take more time and, you know, executing the decision to hire Caslen. Now let me back up for a second. Did y'all not also decide to hire a company that participated in a presidential search for Clemson?

MR. VON LEHE: Yes. The one that we had, we didn't feel that they had fulfilled what we needed. We were going to hire a second presidential search committee, but I don't think that ever happened.

SENATOR HARPOOTLIAN: So what was it about that original group that you said didn't fulfill their obligation? What was it they hadn't done?

MR. VON LEHE: Well, they didn't have a woman candidate for one thing.

SENATOR HARPOOTLIAN: Yeah, that didn't get corrected. What else?

MR. VON LEHE: They -- the methodology that they used, which has been successful in some schools, wasn't successful for us, and that's bring everybody to town, introduce them to everybody, faculty, students, community leaders. A lot of people won't do that because they're afraid they will lose the job where they currently are. So that type of a search, I don't think, is a good one.

SENATOR HARPOOTLIAN: Well, the second time -- well, y'all did more recently, you offered the job to -- I forget the gentleman's name --

MR. VON LEHE: Amiridis.

SENATOR HARPOOTLIAN: No, no, before him.

MR. VON LEHE: Yes, Mung Chiang, I believe it's pronounced.

SENATOR HARPOOTLIAN: Right. And once it became public, he decided not to come, correct?

MR. VON LEHE: Yeah. It was said a little bit earlier today, which is quite accurate, he wanted to come, but his family situation was such that he couldn't do it.

SENATOR HARPOOTLIAN: Well, he didn't know that before he accepted? MR. VON LEHE: No.

SENATOR HARPOOTLIAN: Huh.

TUESDAY, APRIL 19, 2022

MR. VON LEHE: Apparently. I certainly think not.

SENATOR HARPOOTLIAN: So based on what I've read in the press, it was like three or four days after he accepted, and then he reprovved; is that --

MR. VON LEHE: Something like that. His mother in law was sick. I remember that. She was --

SENATOR HARPOOTLIAN: Was she not sick when he accepted it?

MR. VON LEHE: Unknown to me. Unknown to me.

SENATOR HARPOOTLIAN: But it certainly was embarrassing, was it not?

MR. VON LEHE: Well, no. I wasn't embarrassed about it. I mean, we thought he was the better candidate. We voted to hire him. Said he wanted the job, and then he changed his mind because he had a family situation, so I wasn't embarrassed about it.

SENATOR HARPOOTLIAN: But let's go back to Caslen. I mean, with Caslen, you brought all four of those folks to Columbia, everybody that was approved, and made them available to the faculty and the students and to the board to talk to --

MR. VON LEHE: We did.

SENATOR HARPOOTLIAN: The four were publicly known, were they not?

MR. VON LEHE: Well, they -- it was publicly known, yes. They met with large groups of people.

SENATOR HARPOOTLIAN: I mean, at some point a number of faculty and students objected -- before you narrowed it down, objected to General Caslen, correct?

MR. VON LEHE: Yes. It was something like the night before the -- that April 29, I think it was, the first election of those candidates. It was something like the day before -- Charles Williams testified to this accurately a little earlier today -- something like the day before or something like that that this search firm gave us all of these questionnaires, and I remember the night before that failed election attempt, when it didn't -- when there was no election -- I remember through that stuff the night before.

SENATOR HARPOOTLIAN: And that was the meeting at which y'all decided to look further?

MR. VON LEHE: Postpone, yes, to get an interim, yes.

SENATOR HARPOOTLIAN: Right. They took the 34 days, the 30 days plus.

MR. VON LEHE: Yes, that's correct.

TUESDAY, APRIL 19, 2022

SENATOR HARPOOTLIAN: Okay. And during that period of time student and faculty opposition did not collapse. As a matter of fact, it got worse, did it not?

MR. VON LEHE: I think it would have, yes, yes.

SENATOR HARPOOTLIAN: And so did you receive a call from the governor at the governor's office?

MR. VON LEHE: I did not receive a call from him. I was invited to come to his office, which I did.

SENATOR HARPOOTLIAN: Who did you meet with there?

MR. VON LEHE: I met with the governor, his chief of staff, Gene Warr and three trustees.

SENATOR HARPOOTLIAN: And the purpose of the meeting was for the governor to convince you that Caslen would be a great president?

MR. VON LEHE: I would agree with that.

SENATOR HARPOOTLIAN: That that's why he had you there, to convince you of that?

MR. VON LEHE: That was what he proposed when we were there. That's what he believed.

SENATOR HARPOOTLIAN: And --

MR. VON LEHE: He was chair -- if I may, he was chairman of the board. That's the way it's set up. The governor is chairman of the board of trustees of the University of South Carolina.

SENATOR HARPOOTLIAN: He's ex officio?

MR. VON LEHE: Ex officio chairman of the board.

SENATOR HARPOOTLIAN: But you were the chairman of the board?

MR. VON LEHE: I was indeed.

SENATOR HARPOOTLIAN: So who's chairman of the board, him or you?

MR. VON LEHE: Well, that was a good question.

SENATOR HARPOOTLIAN: That's why I'm asking it.

MR. VON LEHE: I asked our lawyer that --

SENATOR HARPOOTLIAN: Yeah.

MR. VON LEHE: -- and he said if the governor comes to a meeting, he's chairman of the board, you get out of that chair, and I said, okay.

SENATOR HARPOOTLIAN: Did the governor come to a meeting?

MR. VON LEHE: Did he come, no. SENATOR HARPOOTLIAN: No.

MR. VON LEHE: But I did ask --

SENATOR HARPOOTLIAN: So --

MR. VON LEHE: -- but I did ask, but I did ask, because I mean --

SENATOR HARPOOTLIAN: But he had no authority unless he showed up, correct?

TUESDAY, APRIL 19, 2022

MR. VON LEHE: That's correct.

SENATOR HARPOOTLIAN: So -- and he wanted y'all to do his bidding. He didn't want to come do it, right?

MR. VON LEHE: I wouldn't say that. He didn't come. I'm glad he didn't, because as was pointed out earlier today, which is certainly true, the accreditation committee looks very poorly on any political involvement.

SENATOR HARPOOTLIAN: Now --

MR. VON LEHE: Sachs is the name, the Southeastern Accreditation.

SENATOR HARPOOTLIAN: So do you ultimately end up voting for Caslen?

MR. VON LEHE: Did I?

SENATOR HARPOOTLIAN: Yes.

MR. VON LEHE: Yes, I did.

SENATOR HARPOOTLIAN: And was that -- I mean, you didn't go to Florida. Did you meet with him any other time other than that initial --

MR. VON LEHE: Yes. I had a meeting with him when the group was brought to town. I met with Dr. Bill Tate, who was the other candidate who has been mentioned, who was another one of the -- there were two basically who were above the others in the estimation of those other trustees. One of them was Professor Bill Tate, who was at Washington University at that time, and as you know, he's now president of -- I think it's Tennessee. No. Anyhow, it doesn't matter right now, but I did meet with both of them, yes.

SENATOR HARPOOTLIAN: And what was it about General Caslen that convinced you in not having any real academic background except being a commandant at West Point -- what convinced you that he could run a liberal arts mega university after having run a very small military school?

MR. VON LEHE: Well, academically, I believe he was qualified. That's where I disagree with many of the faculty members, because the bylaws say Ph.D. or other terminal degree. For example, a law degree is a terminal degree. A medical degree is a terminal degree, and he had an MBA, masters in business administration. And that is commonly referred to as a terminal degree.

SENATOR HARPOOTLIAN: Where was that MBA from?

MR. VON LEHE: I can't remember. I don't remember.

SENATOR HARPOOTLIAN: So you decided he was more qualified than other candidates who did have Ph.D.'s, who had a background in dealing in managing liberal arts colleges, right?

TUESDAY, APRIL 19, 2022

MR. VON LEHE: I did. Bill Tate was a great candidate, obviously, from where he is now today. He was a great candidate. He was head of the graduate school at Washington University in St. Louis, so called Harvard of the West, so it's a good school.

SENATOR HARPOOTLIAN: Yeah.

MR. VON LEHE: And he was head of the graduate school there. So I mean, I think he was qualified, but he had never been a president of a major university, and he had never been a provost. So I felt General Caslen was more qualified.

SENATOR HARPOOTLIAN: Was hiring him a mistake?

MR. VON LEHE: Again, that depends on the times, you know, it --

SENATOR HARPOOTLIAN: And I'm talking about as you look back on it -- I mean, I've made all kinds of mistakes in my life.

MR. VON LEHE: If I knew what I know today, I wouldn't, and he wouldn't take the job either. So this is --

SENATOR HARPOOTLIAN: Looking back on it, the very close split decision of the trustees -- I mean, that was the reason y'all didn't have the vote 30 days earlier, because you were trying to get a consensus --

MR. VON LEHE: That is true.

SENATOR HARPOOTLIAN: -- and it never happened, correct?

MR. VON LEHE: That is true.

SENATOR HARPOOTLIAN: And what was the hurry?

MR. VON LEHE: I'll tell you what it was. The governor told us that President Caslen had been offered another job and that he had to make a decision on whether or not to take that job or not. I then called President Caslen, and I asked him about this, not that I didn't believe what the governor said, I just thought it was my responsibility. And he said, yes, that he had until a certain time, which was something like about a week or something like that away, in order to accept that job or not accept it. And I said, okay, thank you. And so that was the hurry. It was either -- it was either vote for him or let him go. It wasn't a question of, look, if you postpone this, he'll still be in the pool, and you can look for other people. It was either hire him or not hire him. So we had a board meeting and --

SENATOR HARPOOTLIAN: So a one vote margin was just fine to land this whale, right?

MR. VON LEHE: Yes.

SENATOR HARPOOTLIAN: And that was, in your opinion, not a mistake?

MR. VON LEHE: Again, if I --

SENATOR HARPOOTLIAN: I'm talking about what you knew then.

TUESDAY, APRIL 19, 2022

MR. VON LEHE: At that time, it was not a mistake.

SENATOR HARPOOTLIAN: And the governor's expertise in hiring a president of the university -- how many university presidents has he participated in the hiring of?

MR. VON LEHE: I hope just one.

SENATOR HARPOOTLIAN: We hope to keep it there anyway, right?

MR. VON LEHE: I'm sure today, you know, things wouldn't be done the same way --

SENATOR HARPOOTLIAN: Were you talking --

MR. VON LEHE: -- I guarantee that for myself.

SENATOR HARPOOTLIAN: -- were you talking to Trey Walker at all?

MR. VON LEHE: He was there that day.

SENATOR HARPOOTLIAN: Did he indicate to you any political motivation?

MR. VON LEHE: He did not.

SENATOR HARPOOTLIAN: He didn't indicate to you that if you -- there was email between him and Mark Westbrook in which he talked about Beto O'Rourke and our friends on the left, all kinds of political things. He never did that with you?

MR. VON LEHE: He did not.

SENATOR HARPOOTLIAN: Well, I mean, do you now admit that the hiring of Caslen and how it went was a disaster, not good for the university.

MR. VON LEHE: And in some ways it was good for the university, and I'll tell you how. It's been mentioned today that President Caslen really was the right man at the right time during COVID. He did a great job. The faculty embraced him. I mean, I was with him almost -- I wouldn't say daily, but just about every other day we would have some conversation about something. So I thought he did an excellent job during that difficult, difficult period, and then it sort of all went up in smoke with that graduation and that plagiarism and all problem. It was one of the worst days of my life and certainly as far as the university's concerned, but I thought President Caslen did a great job.

SENATOR HARPOOTLIAN: Really?

MR. VON LEHE: I certainly did.

SENATOR HARPOOTLIAN: Other than COVID, what else did he do?

MR. VON LEHE: Well, he united. He united the university for one thing. He was well liked by the faculty. By the time all of this happened, he had "won the faculty over." He was well liked by faculty and the students.

TUESDAY, APRIL 19, 2022

SENATOR HARPOOTLIAN: That didn't appear to be the remarks that we read in the paper from faculty members about plagiarism, because plagiarism typically is awarded with expulsion at an institution of higher learning, is it not?

MR. VON LEHE: That's what happened to him, basically.

SENATOR HARPOOTLIAN: Well, he didn't get expelled. He left on his own steam.

MR. VON LEHE: Well, that's a major different certainly, but nevertheless he left. He left because of the plagiarism.

SENATOR HARPOOTLIAN: And his comments about the university were just horrible, were they not?

MR. VON LEHE: Most unfortunate.

SENATOR HARPOOTLIAN: What was unfortunate about them?

MR. VON LEHE: Well, for one thing, I lived through those years with him, and I worked with him hand in hand and saw people come around to support him during all of these times, and --

SENATOR HARPOOTLIAN: He didn't think so.

MR. VON LEHE: No, he didn't, but I had a different outlook on that.

SENATOR HARPOOTLIAN: Well, but he was the guy that would have been the beneficiary of that, and his attitude was -- I mean, he did -- email he sent to the president of S.C. State pulled no punches whatsoever, horrible place. I don't know why anybody would ever come here. The board of trustees, the students, the faculty were all not supportive of me. I mean, that's what he said in candid conversations with the president of S.C. State, right? You read all that.

MR. VON LEHE: I did not read that. I read probably worse, but I don't happen to agree with that. That's the way -- if that -- I was not aware he felt like that during the time that I spent with him. Let's put it like that.

SENATOR HARPOOTLIAN: You're aware of it now.

MR. VON LEHE: Pardon?

SENATOR HARPOOTLIAN: Are you aware of it now?

MR. VON LEHE: Yes.

SENATOR HARPOOTLIAN: So obviously --

MR. VON LEHE: Well, that's what he said. That's what he said.

SENATOR HARPOOTLIAN: Do you think he was right?

MR. VON LEHE: That's what he believes.

SENATOR HARPOOTLIAN: Well, his belief is based on his experience. His experience, you know, to quote him, it sucked. That was his --

MR. VON LEHE: My --

SENATOR HARPOOTLIAN: -- that's an exact quote.

TUESDAY, APRIL 19, 2022

MR. VON LEHE: But it was a hard road. I certainly will admit that. I was a very hard road, especially at first, especially at first.

SENATOR HARPOOTLIAN: So you'd do exactly what you did back then, knowing only what you knew back then. You'd hire him again --

MR. VON LEHE: Yes, I would.

SENATOR HARPOOTLIAN: -- by a one vote margin? You'd do that?

MR. VON LEHE: Yes, I would.

SENATOR HARPOOTLIAN: Okay. Let me move on to one other area. I'm going to be brief on this. We have talked about the Muschamp buyout.

MR. VON LEHE: Yes.

SENATOR HARPOOTLIAN: What we don't -- were you on the board when you approved that contract to begin with?

MR. VON LEHE: I was.

SENATOR HARPOOTLIAN: And that contract could have entitled him to an 18 million dollar buyout, right, the year before, right?

MR. VON LEHE: I don't recall that. I don't know the answer to that.

SENATOR HARPOOTLIAN: Well --

MR. VON LEHE: It could well be right. It could --

SENATOR HARPOOTLIAN: -- it was significantly more than the 13 you paid?

MR. VON LEHE: Yes.

SENATOR SCOTT: 15.3.

SENATOR HARPOOTLIAN: Okay. 15.3, I'm corrected by Senator SCOTT. So y'all kept him on for another year. Things didn't get any better, and you decided or the -- I'm trying to figure this out - - the athletic director decided time for him to go. It was worth 13 million dollars to pay him not to work; is that correct?

MR. VON LEHE: That's correct.

SENATOR HARPOOTLIAN: And then the university board made ten million dollars available to the athletic department, which facilitated that buyout?

MR. VON LEHE: That's my understanding, yes.

SENATOR HARPOOTLIAN: Okay. And that ten million dollars was appropriated dollars or tuition dollars?

MR. VON LEHE: You know, the thing about it is this. Generally speaking, even though we keep a separate set of books for the athletic department, there are no athletic department funds. Every dime at that university belongs to the University of South Carolina, and that includes the athletic department.

TUESDAY, APRIL 19, 2022

SENATOR HARPOOTLIAN: Well, I thought that one of the things that I've been told over the years in the legislature is that the money you spend on a coach, if it's 15 or the one we just signed at 12.5 or whatever, those funds are money generated by the athletic department through ticket sales, TV, all the sort of outside sources. It's not appropriated funds. Am I wrong about that?

MR. VON LEHE: Well, I'd say the appropriated funds go into all the buckets. In other words, there's one big bucket. They all go in the same bucket, the University of South Carolina, but --

SENATOR HARPOOTLIAN: So we as the legislature can limit you on what you pay a coach? We -- we could have a budget provided for this year?

MR. VON LEHE: Oh, yes, yes.

SENATOR HARPOOTLIAN: Would that be helpful?

MR. VON LEHE: No, I -- no, thank you. I think it's better that we handle it ourselves, even though in this particular case it wasn't handled well.

SENATOR HARPOOTLIAN: Okay. So the Muschamp buyout was not handled well?

MR. VON LEHE: I don't think it was. I think it -- I think that buyout was -- the extension of his contract -- you know, we had a good year. We extended his contract. I think we extended it too far.

SENATOR HARPOOTLIAN: But the board voted to do that.

MR. VON LEHE: Optimistic, yes.

SENATOR HARPOOTLIAN: The board voted, so that was a mistake?

MR. VON LEHE: I think it was. I wouldn't have extended it. If we -- again --

SENATOR HARPOOTLIAN: Did you vote to extend it?

MR. VON LEHE: Yes.

SENATOR HARPOOTLIAN: Okay. That's all I have.

THE CHAIRMAN: PRESIDENT ALEXANDER?

SENATOR ALEXANDER: Good afternoon.

MR. VON LEHE: Good afternoon.

SENATOR ALEXANDER: Good to see you. In listening to the dialogue of the senator from Richland, you mentioned the firm, and you didn't think that you got the value or the results from that firm that y'all had contracted with.

MR. VON LEHE: That's true.

SENATOR ALEXANDER: Did I hear that correctly?

MR. VON LEHE: You did, that's true.

SENATOR ALEXANDER: So did they get paid?

TUESDAY, APRIL 19, 2022

MR. VON LEHE: They did. It was \$138,000.00, I think. They were paid.

SENATOR ALEXANDER: So there was no way to preclude that if you were not pleased with the results?

MR. VON LEHE: No. No, it wasn't. It wasn't a contingency that was -- they were paid that.

SENATOR ALEXANDER: Okay. Further, just for the record, in your documentation you've noted here that some of your law partners not only are registered, but that your firm that you're affiliated with, does work at USC --

MR. VON LEHE: Yes.

SENATOR ALEXANDER: -- but that's done by normal bidding processes that you're not involved with, correct?

MR. VON LEHE: That would be correct.

SENATOR ALEXANDER: And you don't do any work for the University of South Carolina yourself, correct?

MR. VON LEHE: That is correct.

SENATOR ALEXANDER: Just for the record. Thank you.

MR. VON LEHE: Thank you.

THE CHAIRMAN: Representative King.

REPRESENTATIVE KING: Thank you, Mr. Chairman. My question, it was strange to me that you could remember Dr. Tate's credentials but could not remember Caslen's. Why is that?

MR. VON LEHE: Well, I do remember Caslen's credentials. I don't remember where he got his MBA. My reason with Dr. Tate is because I am also a graduate of Washington University in St. Louis where -- so I had a particular interest in looking at his resume. And when I saw he was head of the graduate school there, I said, well, that's strong, but I do not remember where President Caslen then General Caslen -- don't remember where he got his MBA.

REPRESENTATIVE KING: Were you present in Atlanta?

MR. VON LEHE: I was not.

REPRESENTATIVE KING: Under your leadership as the chair and as a board member, not what the board has done, but what diversity things have you done to promote diversity on campus yourself as a chair, as a board member?

MR. VON LEHE: Well, I've done some, not a whole lot, but I've done some. The school of social work, which has a large number of African American students, that has been the school that I have been most closely associated with that I've endowed a scholarship there. I specify that it go to an African American student. That is -- that's about -- if you want

TUESDAY, APRIL 19, 2022

to single out something, which I would like to be able to single out more, but that's certainly the more specific and prominent thing that I've done.
REPRESENTATIVE KING: My last question. I've heard most of the incumbents today say that they were happy that Caslen was there during the pandemic.

MR. VON LEHE: Yes.

REPRESENTATIVE KING: And that was a bright spot of his presence there. What makes you think that one of the other candidates could have not handled COVID?

MR. VON LEHE: Nothing.

REPRESENTATIVE KING: Thank you.

THE CHAIRMAN: Speaker Lucas.

SPEAKER LUCAS: Mr. Von Lehe, we thank you.

MR. VON LEHE: Thank you.

SPEAKER LUCAS: Thank you for your service on the board, and we thank you for being the stand up guy in taking these questions, and when asked about it, taking responsibility for your decisions --

MR. VON LEHE: Thank you.

SPEAKER LUCAS: -- I appreciate that.

MR. VON LEHE: There was no where to hide, but thank you very much.

SPEAKER LUCAS: Yes, sir. It's been very rare today when somebody's not pointing at somebody else for something that happened, and you didn't do that. You stood up there, and you told us why you made a decision, and I appreciate that.

MR. VON LEHE: Thank you.

SPEAKER LUCAS: And that's why I hate to ask some of these questions, but I feel like I have to anyway --

MR. VON LEHE: Sure.

SPEAKER LUCAS: -- so I hope you understand that. And I hope you understand that I do have the utmost respect for you, but you were the chairman of the board at the time Mr. Caslen was elected president of the university; that is correct?

MR. VON LEHE: That is correct.

SPEAKER LUCAS: Okay. And going through the search process, you could tell at the time it was not going well. I believe there was a text attributed to you that said that we as a board are looking awful; do you remember that?

MR. VON LEHE: I do not remember that.

SPEAKER LUCAS: You don't remember that?

MR. VON LEHE: Also, I do not text.

TUESDAY, APRIL 19, 2022

SPEAKER LUCAS: Okay. Well, it probably didn't come from you then.

MR. VON LEHE: Well, probably not.

SPEAKER LUCAS: Regardless of that fact, would you agree that the search did lack for a good bit of continuity, for lack of a better word?

MR. VON LEHE: I would agree.

SPEAKER LUCAS: Yes, sir. And the board was clearly divided on who to select, some wanting President Caslen, some not wanting President Caslen. As chairman of the board, do you bear any responsibility for that?

MR. VON LEHE: I don't bear responsibility for the fact that it was a narrow election. That's up to each individual trustee to vote what they think is best.

SPEAKER LUCAS: Yes, sir.

MR. VON LEHE: And if 11 of them wanted him, which they did and which is what it takes, a majority of the 20 votes -- if 11 of them wanted him, which included me, then as far as I'm concerned his election was proper.

SPEAKER LUCAS: As chair, did it ever occur to you that this level of division may be bad for the university?

MR. VON LEHE: Yes, it occurred to me, I believe sometimes you just have to make a decision and do something, and that time had come.

SPEAKER LUCAS: Did it occur to you that this level of division may have been bad for President Caslen and his future at the University of South Carolina?

MR. VON LEHE: I knew he had a tough road. I thought he could handle it, which quite frankly he did.

SPEAKER LUCAS: Okay. And so as chairman, why would you press ahead with such obvious and open division on the board and try to seek President Caslen as opposed to going to an alternative candidate?

MR. VON LEHE: Well, again, I think we had a good candidate. Well, I think we had an excellent candidate, and I wanted him as president. And I did not know what the board wanted until the vote, but that was it.

SPEAKER LUCAS: Do you think the board was too large? Do you think it was too --

MR. VON LEHE: I do not. I do not.

SPEAKER LUCAS: Tell me why not.

MR. VON LEHE: Well, because if we were to narrow the size -- first of all, the board's 55,000 students. If it were to be narrowed down to one of the proposals I looked at -- that would give us the smallest board of

TUESDAY, APRIL 19, 2022

any institution of higher learning, even though we're like, you know, two or three times bigger than any other. So it just -- proportionately, I think it's a bad idea. I think what would happen is if this board were narrowed down, I think it would decrease diversity. Yes, we only have two African Americans on the board, but, who knows, if -- I mean, of course, they could -- you know, they could lose an election anyhow. I understand that, but the bigger the population group is, the less change you have of having an African American elected in a state which is primarily white.

SPEAKER LUCAS: Yes.

MR. VON LEHE: It's just a fact.

SPEAKER LUCAS: Finally, there were some issues about notification for the meeting that President Caslen was elected on?

MR. VON LEHE: Yes, yes.

SPEAKER LUCAS: Could you tell me about your responsibility with regard to notification of meetings?

MR. VON LEHE: Yes, I can. I called for a meeting of the board. Charles brought a -- Charles Williams brought a lawsuit saying that, look, it's got to be ten days. I turned to our lawyer, Terry Parham. I said, Terry, we've never known anything about ten days notice to have a board meeting. He said, yes, there's a special statute that applies only to the University of South Carolina. He was not aware of it. Here's a guy who's an excellent lawyer. If he were standing here with me, he would say the same thing. He had been the head of our legal department for at least 30 years at that particular time. He'd never heard of this statute, but it exists. Charles found it. He brought a lawsuit, so we postponed the board hearing.

SPEAKER LUCAS: Yes. Thank you, Mr. Von Lehe for your testimony.

MR. VON LEHE: Thank you.

THE CHAIRMAN: Senator SCOTT.

SENATOR SCOTT: Thank you so much in your willingness to serve. I want to just concentrate a little bit more on what I've heard, about all the different buyouts. And I've been kind of searching to see what some of the other schools were doing. There's all kinds of contractual relationships that are out there. I kind of -- as I looked further I kind a see that y'all have low salaries, but you have longer contracts, and the percentage of the buyouts in many cases may be higher, such as your new coach, 12 million, five years with a 65 percent buyout of eight million dollars. Have you considered in your contract relationships, since -- depending upon where these coaches go, and they take new jobs just like professional contracts, and you take it but it reduces what your

TUESDAY, APRIL 19, 2022

buyout is. What I'm watching you doing that I think is creating the heartburn is that they're getting cash buyouts with 15.3 million left in the Muschamp contract. They negotiated down to 12.9. So I guess that was the remaining years or piece of a year to come to the 12.9, and then he took another job at Georgia, I think, making two million, which brings him back to where he needed to be because he negotiated down. But if you get those contracts, it would reduce your obligation, because instead of Georgia two years, three years making two million, you obligation will continue to come down, like professional contracts. According to the SEC there was no written rules in going and looking at all these contracts across the country. All those contracts were very unique, but it may be something that you may want to consider if you're going to continue that practice in the folk not having long tenure at the university.

MR. VON LEHE: We have considered that, Senator, and we have it in many of the contracts. It is in the new -- in Lamont Paris' contract. If he were -- let's say next year he gets us into the Final Four or something like that. All of a sudden he'll be offered a lot of money --

SENATOR SCOTT: Right.

MR. VON LEHE: -- from people, and they're going to have to pay -- if they do -- if he does take that job, they're going to have to pay us. He does, but they will of course step in to take care of that obligation. I did check on Frank Martin's contract. There is no such clause in there since it was renegotiated last year.

SENATOR SCOTT: All right. When you -- no, I don't want to get into all the things with Frank that -- he took a buyout too, because if not, I think that contract would have went to 2024, which that's the six million dollars if he had stayed a little while longer. I think it went into the extension clause, but I'm more concerned -- and I'm not sure all of these contracts. I'm just giving you what I've kind of read and thought I understood. I want to also look at the attitudes of members of the board. You've had a chance to serve as chairman of the board.

MR. VON LEHE: Yes.

SENATOR SCOTT: And trying to move an aggressive agenda forward. I happen to like your previous president. I thought he did a very good job in bringing members of the General Assembly together, and he did on more than one occasion, really getting to know him. And he was one of the first presidents who reached out and talked about diversity and how important diversity was to the university and was a leader in the community in talking about diversity. I really hated to see him go, but those things do happen. And I'm also looking for to the new president, which I've not had the chance to meet that new president yet

TUESDAY, APRIL 19, 2022

to also take on a more positive role to diversity. And I do know from some of the comments I've gotten since I have been on this committee - - I think some eight years now. It's enough for somebody to be able to rotate a couple of times to come. It was not erased very well with another member of your board. So how is it doing now? And I know they come here and they tell us what they think we want to hear, not thinking we've got enough sense to do homework and talk to other people to really find out their attitude in terms of moving a diverse agenda forward. I know some of them did not like the fact the previous president was talking about wanting a diverse USC and everybody trying to maintain the status quo. When you begin to look at a lot of different members beyond members of the General Assembly, especially in the State Senate who would vote reducing your board, leave it the same or even making other kinds of changes on the board. We all have different issues and ideas in terms of how South Carolina should run their flagship university. We expect more out of you than other universities. And so where is the board now with attitudes and personalities and trying to move an aggressive agenda toward having a more diverse University of South Carolina and trying to attract more minorities, both student and faculties, to the university. And I'm not talking about your Buford Chandlers and your Columbia candidate --

MR. VON LEHE: Understood.

SENATOR SCOTT: -- where your large percentage of minority population is.

MR. VON LEHE: Well, I think everybody would like to see an increase in minority representation. And when I saw minority representation, I'm talking about African American.

SENATOR SCOTT: Correct.

MR. VON LEHE: I mean, I'm not talking about women. I'm not talking about Asians, because I looked at all those numbers also in getting prepared for this, but I think the members of the board would like to see that increased, certainly in the hiring and the things that the president does, but still we certainly involved in to some extent. I think we've done a good job in that recently. A couple of examples, and perhaps they were mentioned earlier, we've got two vice presidents who are African Americans. We've got Larry Thomas, who's head of our communications and Julian Williams, who is head of diversity, because one would assume that he would be a minority, but not necessarily.

SENATOR SCOTT: When did those two come on board?

MR. VON LEHE: Fairly recently. I think Julian Williams got there about two years ago. Larry Thomas was last year. We've also hired --

TUESDAY, APRIL 19, 2022

SENATOR SCOTT: Came under the previous president?

MR. VON LEHE: It came under Harris Pastides.

SENATOR SCOTT: Okay.

MR. VON LEHE: We also have two of our chancellors at two of the comprehensive, meaning four year schools. We've got Al Pernot, who you may know down in Beaufort. You may have met him. And a new chancellor, Bennie Harris. He'll be inducted next month. We'll go up to that, and he's head of Upstate.

SENATOR SCOTT: Would you say that 50 percent of your board, 60 percent of your board, 70 percent of your board is progressive in pushing diversity, or is it less than that?

MR. VON LEHE: I think they all are.

SENATOR SCOTT: Okay. Thank you, sir.

MR. VON LEHE: I certainly hope so.

THE CHAIRMAN: Thank you, Mr. Von Lee. We're done with you. Thank you.

MR. VON LEHE: Thank you. Thank you.

THE CHAIRMAN: All right. Next is Thad H. Westbrook. State your full name for the record.

MR. WESTBROOK: Thad H. Westbrook.

THE CHAIRMAN: If you'll raise your right hand, I'll swear you in. Thad H. Westbrook, having been first duly sworn, was examined and testified as follows:

THE CHAIRMAN: Give us a brief reason why you want to be on the board.

MR. WESTBROOK: Thank you, Mr. Chairman. Thank you to members of the committee, and thank you to the General Assembly for giving me the opportunity to serve on the board of trustees. I'll keep this brief. I know you've been here all day, but, you know, when I first ran for the USC board, I told this committee that I'm committed to help to make the university successful, and I fully support its mission, which is "to educate the state's diverse citizens through teaching, research and creative activity and service." I remain committed to that purpose and look forward to what the university will continue to do to serve our state. I do have other things I could share, but I know it's been a long day.

THE CHAIRMAN: Yeah, thank you. All right. Staff?

MS. WEBB: Mr. Westbrook, I don't have anything based on review of your file. I will have you do the same as everyone else. Can you please state your home address for the record?

TUESDAY, APRIL 19, 2022

MR. WESTBROOK: 107 Ashworth Drive, Lexington, South Carolina 29072.

MS. WEBB: All right, thank you. And is this your four percent or six percent?

MR. WESTBROOK: Four percent.

MS. WEBB: Thank you.

THE CHAIRMAN: Representative King.

REPRESENTATIVE KING: Thank you, Mr. Westbrook.

MR. WESTBROOK: Yes, sir.

REPRESENTATIVE KING: What year is this for you on the board.

MR. WESTBROOK: I'm in my 12th year.

REPRESENTATIVE KING: I think you have been before the committee since I have been on it.

MR. WESTBROOK: Yes, we've spoken before.

REPRESENTATIVE KING: So you know my line of questions.

MR. WESTBROOK: Sure.

REPRESENTATIVE KING: I would like to know what have you done since the last time we met in reference to diversity, you and not the actual board --

MR. WESTBROOK: Board as a whole? Yeah, I've got a few things I would like to mention. I was chair of the strategic planning committee with our new plan, Priority Four, as our diversity equity inclusion priority is one that I advocated for, and it's one that I've continued to monitor to make sure we're seeing growth in African American enrollment. We've had a three percent growth in our freshman class of African Americans this past year, three percent of Hispanic students enrollment in freshman class this past year. We're also putting an emphasis on hiring additional African American minority faculty members. I think it's important that the student body see a faculty that's reflective of them, and so that's an area of emphasis there. More specific to me, we each have an appointment to the board of visitors. I appointed an African American female, Ms. Candice Jackson Shiver, Pastor Jackson's daughter. She's a leader in our community, and she's an outstanding board member. I've also had the opportunity to speak to the collaborative on race. They had a seminar a little over a year ago, and I thought it was important I was invited, and along with Ms. Moody, I thought it was important to have board presence to be there to speak the collection of individuals that were there attending that conference supported by the collaborative. I had also, previous to Dr. Williams being hired -- I had advocated with Dr. Pastides to elevate the V.P. for diversity to be a direct report previously to Dr. Williams. It was a report

TUESDAY, APRIL 19, 2022

to the provost office, and I think that was something important to raise the profile of that office throughout the entire university. An additional thing, as chair of the governor's committee, which I am vice chairman of the board and because of that I'm also chair of the diversity committee. I did shepherd an effort to make sure we have diversity training for our board. The governance committee is responsible for continuing education of the board, and that is under our new bylaws, and diversity falls within that committee's responsibilities. And one of the things I was helping with was making sure we had diversity training as part of the continuing education. We've had about 12 sessions of continuing education. Diversity training was one of those. We had two different presentations. One was a three hour presentation in January. We had another presentation earlier in 2020 from Julian Williams, and part of my involvement was interviewing and talking to the facilitators who came in and who did that diversity training.

REPRESENTATIVE KING: And if I have anymore questions in reference to diversity and what y'all are doing, what you are doing, I'll get with you later on. Question, were you also or were you not in Atlanta?

MR. WESTBROOK: I was in Atlanta. I was chair of the search committee that led to the hire of Dr. Amiridis.

REPRESENTATIVE KING: Can you tell my your recollection of those events with Ms. Kennedy and the chairman?

MR. WESTBROOK: Yeah. I wouldn't dispute what Ms. Kennedy shared in the paper. It was a difficult exchange. I spoke to the chairman after that and thought he should apologize. He had already decided that he was going to apologize at that point and that it was appropriate that there be an apology. I could understand why she was upset, and so, you know, so Bill and Lou Kennedy are very important parts of the university community. They have been generous to the university, and so I wouldn't dispute her recollection of the events.

REPRESENTATIVE KING: What is the morale of the board under the present leadership, and we would love to have your honest opinion.

MR. WESTBROOK: Yeah. It is better than it was with the Caslen hire. We got through a search process where we did have strong conversation in the room about candidates, but we had an unanimous vote, and part of my commitment and pledge to the board in leading the search was to make sure we had a search process that was transparent and inclusive of the entire board, that they were kept abreast of developments in the search, which I did. In addition, I would notify the search committee of what we were doing at the board level to make sure

TUESDAY, APRIL 19, 2022

they understood where the board was coming from. The board works together better now under our new structure and our new organization. We still have our tense moments, but it's nothing like a few years ago with President Caslen.

REPRESENTATIVE KING: And this is my last question on this. The General Assembly back in 2016 made it very clear -- at least the House did -- we would debate on the floor on the budget, which I think I may hit an amendment that dealt with diversity and ensuring diversity, and I appreciate what you have done in your efforts. Why has it taken so long to realize what needs to happen when it comes to diversity at USC? Is it because we need new board members that can envision a university that reflects South Carolina, that reflects a global economy? Could you have people who are from all over the world that comes to this school? What do we have to do different?

MR. WESTBROOK: I think you have a board that's certainly supports DEI measures, and we're making a greater budget commitment to Priority Four, which is the DEI priority of the strategic plan. I believe you have a board that is supportive. I thought what Senator SCOTT shared earlier about President Caslen was accurate. He was much more vocal about African American enrollment and --

REPRESENTATIVE KING: Well, I want to be very clear.

MR. WESTBROOK: Sure.

REPRESENTATIVE KING: As Senator SCOTT has stated, I was really impressed with Caslen's diversity and what he did over there, but what have y'all done since then, and had he not been there -- like you said, others said had he not been there because of COVID, y'all would have probably not had the results that you had. As an African American in this state, had he not been there would we have had the results that we have in reference to diversity. From my understanding y'all have not even established a diversity committee on your board. Why are we still -- or why do we not have that?

MR. WESTBROOK: I think that's a fair question. Yeah, we have not done that. We do have DEI with the governance committee. That committee is formed with the members of the board who were committee chairs, and so they are the ones who have the most insight of what's going on throughout the board and the committee work. During --

REPRESENTATIVE KING: And on that committee is Mr. English or -

-

MR. WESTBROOK: Ms. Moody is --

REPRESENTATIVE KING: -- and Ms. Moody is on there.

MR. WESTBROOK: -- as a committee chair, she is on it.

TUESDAY, APRIL 19, 2022

REPRESENTATIVE KING: She is on it.

MR. WESTBROOK: Ms. Newton is also on it as a committee chair. I would mention, in January our diversity consultants that came and spoke to us did bring the idea of having a separate diversity committee, and that is an issue that is part of the work plan that the governance committee will be looking at. So that is an issue that the governance committee will be looking at in, I would say, later this year.

REPRESENTATIVE KING: Well, I can say this. If this is a continuance of how -- or the questionings that myself and Senator SCOTT has to continue to ask, I can't support people who just can't get it moving forward.

MR. WESTBROOK: Sure.

REPRESENTATIVE KING: So I expect that when y'all come back before us, y'all have a plan that addresses diversity and the numbers have changed from the administrative standpoint as well as the student body.

MR. WESTBROOK: Well, I appreciate that. You know, the work that went into the growth that we had in the African American, Hispanic student enrollment this past year is ongoing. I would expect it to continue as well, and would expect our numbers to continue to go up.

REPRESENTATIVE KING: Thank you.

MR. WESTBROOK: Thank you.

THE CHAIRMAN: Speaker Lucas.

SPEAKER LUCAS: Mr. Westbrook, good evening. How are you?

MR. WESTBROOK: I'm good, Mr. Speaker.

SPEAKER LUCAS: Thank you for service on the board. Rather than go through a number of emails and other things, I just want to ask you a few general questions; is that okay, since the evening is growing long?

MR. WESTBROOK: Sure.

SPEAKER LUCAS: I want to turn to the selection of William Caslen as president. Tell me what your role was during the search.

MR. WESTBROOK: I did not have a role during the search. I was not on the search committee.

SPEAKER LUCAS: Okay. Did you have a constituency to develop during the search to try to in any way use you to affect the outcome?

MR. WESTBROOK: I did -- you're probably referring to the emails and text message communications I had with the governor's office. And there was at that time -- I think you heard it earlier -- you know, we considered the governor to be a part of the board. He's under state statute listed as the ex officio chairman. He's listed in all the materials, on the website as a chairman, but, you know, we also had a review with our accreditor, SACSCOC after that search. And, you know, Dr. Bell

TUESDAY, APRIL 19, 2022

Wheelan, who leads our accrediting body, told us that, you know, they looked at it, and they've taken a position that if the governor has a designee on the board, that the governor should not be involved in board activities. Now if the governor wants to sit on the board under state statute, then the governor can do that, and that's their view. So a couple of things came from that. One is in our new presidential candidate search committee policy --

SPEAKER LUCAS: You've changed some of those, haven't you?

MR. WESTBROOK: -- we did. The governor's appointees are not allowed to be on the search committee. You have to be a legislative trustee, legislative elected trustee. We also adopted a new policy. Policy 1.13 is a policy to protect the university from external influences. That policy was incorporated as part of the search policy for this most recent search, and it's one that requires -- you know, under our most recent search, it requires you to disclose any efforts to -- outside efforts to influence the search, the independent decision making of the body. And as far as the search committee goes, if you fail to report an effort to influence, then you could be removed either as chair of the committee or as a member of the search committee. The communications with the governor's office is something that I've come to regret. I don't think there should be anything political involved in a search. Having led a search process now, one that did not have any political involvement, you know, there should be none. I actually had the opportunity to address the entire board and express my regret personally for my involvement in that, and particularly the divisiveness that we had as a board. We had a body that went into their separate corners rather than communicating well. And, you know, you see for the most recent search, we did communicate well. We got through that process with a unanimous decision. We had the one balk with Dr. Chiang that people have mentioned, but as far as the search committee's work and the search itself, it went very well. So, you know, I think it was important that I had addressed the board about my previous conduct, and it was something that I pledged to them in the most recent search would not happen, and it didn't.

SPEAKER LUCAS: Yes, sir. In looking at all the data, I'm not just focusing on yours. They tend to focus more on external factors more than they did the qualifications of the candidates, and, you know, having spent nine years at the University of South Carolina, obviously I would have rather seen texts talking about the candidates and their strengths and weaknesses and those types of things as opposed to other political type things; would you agree with that?

TUESDAY, APRIL 19, 2022

MR. WESTBROOK: I would. You know, that search was a mess, and there are some chippy or flippant messages in there, and it's really not something that we need to have in a search. We didn't this most recent time. We had a very smooth search and I think very frank but professional conversations among the board members as we, you know, came to a result of who would be elected.

SPEAKER LUCAS: Yeah. And you understood at the time of the vote the deep division within the board as the search unfolded?

MR. WESTBROOK: I did, and that's unhealthy.

SPEAKER LUCAS: And as you stated, and I think you stated it well, those divisions have kind of shaped your decisions going forward about how you approach this?

MR. WESTBROOK: It did, and when I was selected as chair of the search committee, I had an opportunity to speak to the faculty Senate, and I acknowledged to them that mistakes were made last time and pledged to them that we would follow our new policy to a T, and we did, and that something we have to own and we have to be very candid about.

SPEAKER LUCAS: I've got legislation pending in the House. Senator HARPOOTLIAN has legislation pending in the Senate which performs the board and makes it smaller given what we've seen in the Caslen search. I'd just like to get your opinion on whether or not you think we need a smaller board at the University of South Carolina and that would help us avoid some of these problems that we've encountered?

MR. WESTBROOK: Well, Mr. Speaker, you're asking me about your piece of legislation, so I'll be very careful, but I --

SPEAKER LUCAS: I'll ask you about Senator HARPOOTLIAN.

MR. WESTBROOK: Well, okay. Well, then we go to Senator HARPOOTLIAN'S. No, Speaker, I don't know that it's the size of the board. We do a lot of committee work, and so to put all that work on a fewer number of people would be quite a load. It is a large operation, and there is a lot of work to be done. I would echo the comments earlier -- I can't remember who made it -- there may be a question about, you know, those individuals who are on the board, where they come from. Do they come from the urban centers where you have delegations that are able to elect people they know in their area as opposed to the rural area? That's a theory. I don't know. That's just a thought I've had, but, yeah, I think with what we're doing now under our new governance structure, and with the continuing education that we have -- we also adopted an oath and a code of conduct for the board members as well, and, you know, what we're doing now -- and you saw in action those developments and that progress we've made in the last search. And what

TUESDAY, APRIL 19, 2022

we're doing now I think will eliminate the kind of concerns that we had last time. We're addressing those ourselves.

SPEAKER LUCAS: It was a perfect search for President Amiridis, who I think is going to be a great president here. We actually -- I thought that we discounted him in the newspaper. Somebody said I may have been wrong to look at another individual who took the job and later --

MR. WESTBROOK: Yes. That gave me a lot of heartburn. Those were a tough couple of days. We were a few days away from announcing Dr. Chiang Has his name not been leaked to the media, he would have simply withdrawn, and we would have moved on, and we would have gone a different direction. Dr. Amiridis was never out of it, and so he was always available and in the picture, but that was a moment that I had a lot of heartburn.

SPEAKER LUCAS: Thank you, Mr. Westbrook.

THE CHAIRMAN: Senator HARPOOTLIAN.

SENATOR HARPOOTLIAN: Mr. Westbrook.

MR. WESTBROOK: Yes, sir.

SENATOR HARPOOTLIAN: You know, I appreciate the fact y'all performed the process. I appreciate the fact that you have redesigned how it's supposed to work, but like Speaker Lucas, I'm a little concerned that this new selection process wasn't exactly error free, but let's talk about -- you know, I'm a guy who spent his life in the judicial system as a prosecutor and a defense attorney, and even when people turn a new leaf or go in a different direction, there should be consequences for conduct prior to that. I mean, I understand y'all have seen the light, or at least you say you've seen the light, but when I read about how this went down for Caslen, I've got to tell you, these emails between you and Trey Walker were purely political, were they not?

MR. WESTBROOK: They're a couple in there that are text messages. They're a couple in there that were political in nature. I don't know that my comments were political --

SENATOR HARPOOTLIAN: You didn't push back.

MR. WESTBROOK: -- but I received -- I didn't push back, no. I had probably a flippant response back on a couple of them.

SENATOR HARPOOTLIAN: Well, I mean -- and again, I understand that Trey Walker and the governor are the Republicans. On July 11 , 2019, Walker tells you that former Democratic presidential candidate Beto O'Rourke has criticized McMaster's involvement in the presidential search. You text back, perfect.

MR. WESTBROOK: Yeah, yeah.

SENATOR HARPOOTLIAN: What was perfect about that?

TUESDAY, APRIL 19, 2022

MR. WESTBROOK: That was a flippant response. I mean --

SENATOR HARPOOTLIAN: Well, I understand it's a reprisal. What was perfect about --

MR. WESTBROOK: There was nothing perfect about that. That's just --

SENATOR HARPOOTLIAN: So -- I mean, at the time you thought it was perfect. Today you don't think it's perfect?

MR. WESTBROOK: Oh, no, no. Looking back on it, yeah, it was just a flippant response, and --

SENATOR HARPOOTLIAN: But you understand your involvement at that level with the governor was encouraging them to get politically involved in this process; don't you realize that?

MR. WESTBROOK: Well, what I was communicating with them about was, at the time I considered the governor a part of the board. I know our accreditors had said differently, and we've handled it differently since then, but we were trying to --

SENATOR HARPOOTLIAN: I'm not talking since then. I'm talking about back then.

MR. WESTBROOK: I know, right. And so we were trying to, you know, gather up votes for President Caslen, who I did support. I did vote for him, and that was an effort within the board to, you know, figure out, you know, who's going to vote for President Caslen.

SENATOR HARPOOTLIAN: But this wasn't -- I mean, this was a -- we're going to use the Beto O'Rourke endorsement or criticism as a way to help galvanize folks, correct?

MR. WESTBROOK: I don't know that --

SENATOR HARPOOTLIAN: That's when you said --

MR. WESTBROOK: -- I don't know if anybody used that. I don't know if anybody communicated that to a board member. I certainly did not.

SENATOR HARPOOTLIAN: In a separate string of messages, Walker said, our friends on the left played their part publicly regarding protests against the 2019 presidential search. In response you said, these legislative and statewide officer endorsements will all help. The opposition did us a favor by moving too early. Who's the opposition here?

MR. WESTBROOK: On the board, the people who opposed President Caslen. That was --

SENATOR HARPOOTLIAN: They're the opposition?

MR. WESTBROOK: Well, and like I said, that was not healthy for the board. We were not healthy at the time. We were in our separate

TUESDAY, APRIL 19, 2022

corners, and that was not a -- and that's why I spoke to the entire board and addressed it with them.

SENATOR HARPOOTLIAN: But I mean, you're referring to people on the board that disagreed with you as the opposition?

MR. WESTBROOK: Yeah, that's --

SENATOR HARPOOTLIAN: That was very unhealthy, was it not?

MR. WESTBROOK: That was, I agree. That was an unhealthy time, and that's I addressed it to the board, and I apologized to the board.

SENATOR HARPOOTLIAN: But you created that unhealthy time, did you not, or at least you're participating in it?

MR. WESTBROOK: I was part of the divisive discussion back and forth.

SENATOR HARPOOTLIAN: And that's just a few of them. I don't need to go through all of them, but that process, you would agree, was flawed from a number of different standpoints, correct?

MR. WESTBROOK: I agree, I agree.

SENATOR HARPOOTLIAN: And not only did it ultimately damage the board because of the way that it happened. It damaged the university, did it not?

MR. WESTBROOK: I think it had more -- it did more damage to the board, and it did lead to reforms that were needed, but as far as the university, academically we're very strong. Financially we're very strong. And so as the university fulfilling our mission, we're doing that, and we did throughout that entire time. We continue to fulfill our mission.

SENATOR HARPOOTLIAN: Well, when you went to elect a president, you dropped the ball. You fumbled it, did you not?

MR. WESTBROOK: It was a messy process, I agree.

SENATOR HARPOOTLIAN: Well, not just a messy process. The guy within two years is gone, forcing you to go --

MR. WESTBROOK: Oh, yeah.

SENATOR HARPOOTLIAN: -- and hire for another president, right?

MR. WESTBROOK: That's exactly right. And, you know, what was mentioned earlier about the COVID response, that was very strong. His response to addressing DEI issues was very strong. He did gain support among the faculty, but I don't know that he was ever accepted, because he didn't have the Ph.D., and he didn't have the research background.

SENATOR HARPOOTLIAN: Well, when you read what he said --

MR. WESTBROOK: Oh, my gosh, yeah.

SENATOR HARPOOTLIAN: -- his perception, he says to S.C. State University President James Clark on May 9th, this place sucks so bad. I

TUESDAY, APRIL 19, 2022

don't know how anyone can stand it. At some point you have to ask why you put up with this stuff. It is insane. I don't know how you can stand living here.

MR. WESTBROOK: Yeah. I didn't know he felt that way. I know --

SENATOR HARPOOTLIAN: You didn't?

MR. WESTBROOK: I'm sorry.

SENATOR HARPOOTLIAN: You didn't know he felt that way?

MR. WESTBROOK: Oh, I did not know he felt that way.

SENATOR HARPOOTLIAN: Well, maybe you weren't talking to him?

MR. WESTBROOK: I would have talked to him about university business, but I would not have been talking to him asking how he felt. I think May 9 would have probably been after the speech, the commencement speech --

SENATOR HARPOOTLIAN: Yeah.

MR. WESTBROOK: -- and he was getting a bunch of backlash at that time, so I imagine it was a very heated moment as well, but I hate hearing those comments, and I did not know he felt that way.

SENATOR HARPOOTLIAN: He said, there's a degree of respect and professionalism that exists in those communities. He's talking about West Point and other places he's been, but USC was different. That does not exist at the University of South Carolina, because just -- I want to do whatever is necessary to tear you down, and I do that. Now when he's elected by one vote, that's not predictable. The faculty and students are lobbying against him. I mean, COVID happened. I get it. He may have performed well, but when you elect somebody by one vote, isn't that predictable that what's going to happen is that somebody -- he's going to stumble, and somebody's going to tear him down?

MR. WESTBROOK: I am surprised that he felt that way, because he did work on a strategic plan in a collaborative way that involved a lot of faculty input. I heard faculty members say that he was more inclusive of the faculty in decision making than previous administrations. And so that is a surprise to me, that his comments were like that.

SENATOR HARPOOTLIAN: That's not what they said after the plagiarism accusation? That's not what they said after the --

MR. WESTBROOK: The plagiarism -- sorry, Senator.

SENATOR HARPOOTLIAN: But after the University of Southern California comment, they were on him like a pack of dogs, weren't they?

MR. WESTBROOK: I understood he was receiving very aggressive messages.

SENATOR HARPOOTLIAN: Yes. So is -- again, if somebody's elected by acclamation by the board, or somebody that's not viewed as

TUESDAY, APRIL 19, 2022

divisive, this sort of stuff, even if he had stumbled, would have been forgiven, but y'all put him in an impossible position, did you not?

MR. WESTBROOK: Well, with this new search -- I'll answer your question -- with this new search, we learned from that lesson, because we saw that he was behind as far as credibility with the faculty when he started, and he was in a tough spot. With this new search, we made sure we were following a process. You know, we actually spent -- we had 29 meetings with stakeholders at the university to get feedback about what they wanted to see in the next president before we actually did a position profile to search for the president. And part of that effort was because of what happened before, but also we made sure we wanted to elect a president that would start on the strongest footing as possible, and that's what we have. I think Dr. Amiridis has been very well received and it's been very positive the response he's gotten from the faculty and the university community so far.

SENATOR HARPOOTLIAN: Well, I mean, I guess what I'm saying to you is, y'all went to school on our dime. There's no question the university was harmed by what happened with Caslen, his reputation, anyway; is that correct?

MR. WESTBROOK: I think the brand did suffer.

SENATOR HARPOOTLIAN: So let's move on to the Muschamp buyout. Were you on the board when they approved the contract?

MR. WESTBROOK: Yeah. So there was a contract, and then there would have been an extension of this contract.

SENATOR HARPOOTLIAN: Did you approve the extension, too?

MR. WESTBROOK: Yeah, the whole board did.

SENATOR HARPOOTLIAN: And how much more did that extension cost us in terms of buyout?

MR. WESTBROOK: I don't know. I think it was a two year extension, but I don't know how much the dollar -- what the dollar figures would be.

SENATOR HARPOOTLIAN: Several million dollars?

MR. WESTBROOK: Sure.

SENATOR HARPOOTLIAN: So we've heard the decision to terminate is Tanner's decision, not the board's?

MR. WESTBROOK: Correct.

SENATOR HARPOOTLIAN: And --

MR. WESTBROOK: In consultation with the president, I assume.

SENATOR HARPOOTLIAN: I'm sorry?

MR. WESTBROOK: I assume in consultation with the president.

TUESDAY, APRIL 19, 2022

SENATOR HARPOOTLIAN: The president, right, but did you ever talk to Ray Tanner about Muschamp, either personally, on the phone or by text message?

MR. WESTBROOK: I would have had a -- there was a conversation where he briefed the president, the board chairman and me about the decision to terminate Coach Muschamp. In that --

SENATOR HARPOOTLIAN: Why you?

MR. WESTBROOK: What's that?

SENATOR HARPOOTLIAN: Why were you included in that?

MR. WESTBROOK: Because I was vice chairman of the board --

SENATOR HARPOOTLIAN: Okay.

MR. WESTBROOK: -- I was invited.

SENATOR HARPOOTLIAN: Okay, to briefly all.

MR. WESTBROOK: Yeah. And my understanding, there's been discussion about the buyout. My understanding of the contract was that we were obligated to continue to pay him month to month under the contract for the remainder of the contract, and that Coach Tanner had negotiated a lower buyout as a lump sum.

SENATOR HARPOOTLIAN: Lump sum, okay.

MR. WESTBROOK: So this discussion about whether or not the athletic department had money for it, my understanding was cash flow, they had it, because they could pay it monthly, and then they -- and I thought they had about 17 million in reserve, which is the excess of the buyout, and they had the money that they needed. Now later that year, that budget year, with COVID and the buyout, the university did loan money to the athletic department, and it's my expectation the athletic department is paying the university back.

SENATOR HARPOOTLIAN: Again, if there were cash flow issues when they negotiated -- I mean, if they just said, fine, we're going to pay you month to month, it would have cost more for the long term --

MR. WESTBROOK: Right.

SENATOR HARPOOTLIAN: -- but the university wouldn't have needed to loan them ten million dollars.

MR. WESTBROOK: They had -- I thought the athletic department had the cash reserves to pay the lump sum. It was a combination of buyout and COVID as far as the loan to get them through was my understanding.

SENATOR HARPOOTLIAN: The buyout was part of it?

MR. WESTBROOK: That was part of it. That's my understanding of the loan.

SENATOR HARPOOTLIAN: Was that contract extension a mistake? Do you regret voting for it?

TUESDAY, APRIL 19, 2022

MR. WESTBROOK: Oh, with the two years?

SENATOR HARPOOTLIAN: Yeah.

MR. WESTBROOK: Yeah, it was. I mean, you know, I don't like the buyouts. I agree with Charles Williams. I don't like buyouts. The buyout that we have for Coach Paris is the same that Coach Beamer has, the same percentage. We are told -- you know, I'm not an athletic director. I'm not an expert in athletics. We are told by our attorney and by the athletic department and by the president that that's the nature of the beast. If you go to, you know, Clemson, if you go to Georgia Tech, if you go anywhere else in the SEC, ACC, they all have buyouts. They're all a percentage. I think Coach Sweeney's is tens of millions of dollars if he were fired right now. Obviously he won't be, but it is the nature of the beast is what we are told. I would love to be in a position where we're talking about buyouts.

SENATOR HARPOOTLIAN: But you admit that the vote to extend Muschamp's --

MR. WESTBROOK: In retrospect --

SENATOR HARPOOTLIAN: -- was a mistake?

MR. WESTBROOK: -- retrospect, he -- the program fell off.

SENATOR HARPOOTLIAN: Right. Well, I mean, and the process we did with Caslen was a mistake. You admit it was far too contentious, politically charged, right?

MR. WESTBROOK: That's correct. And --

SENATOR HARPOOTLIAN: And so, I guess I'm sitting here hearing you admit that y'all have made mistakes, consequential mistakes, and wondering why we ought to reappoint you.

MR. WESTBROOK: Sure. Well, I think you would look at the -- not only the reforms, but also our actions in carrying out those reforms and how the board is operating right now. So I think you look at those things, and there have been corrections that have been made. And I think, you know, historically there have been cultural things. I mean, I'm still the youngest on the board. I've been there for 12 years, and, you know, culturally there are things that have developed over time that have been changed and have been corrected in this last set of reforms.

SENATOR HARPOOTLIAN: Thank you.

MR. WESTBROOK: Thank you, Senator.

THE CHAIRMAN: Thank you, Mr. Westbrook.

MR. WESTBROOK: Thank you.

THE CHAIRMAN: Next we have C. Edward Floyd. Mr. Floyd, if you would give us your full name, please.

MR. FLOYD: I'm Cecil Edward Floyd.

TUESDAY, APRIL 19, 2022

THE CHAIRMAN: If you'd raise your right hand, I'll swear you in. Cecil Edward Floyd, having been first duly sworn, was examined and testified as follows:

THE CHAIRMAN: Give us a brief statement of why you'd like to serve.

MR. FLOYD: You, know, I love the University of South Carolina. My three children went there, seven grandchildren, and I would like to make a statement in contrast to what's been said about our board of trustees, if that's possible.

THE CHAIRMAN: Sure.

MR. FLOYD: You know, years ago I was elected chairman of the board. excuse me, I'm getting a little hoarse. But at that time -- this was over 20 years ago -- the University of South Carolina could not fill a freshman class of 2,000. I was elected chairman. We took a retreat to Pawley's Island. The reason we went to Pawley's Island was we could house all the board of trustees. We didn't want to spend any money much. We sat down at that meeting, and we planned for the next about 20 years, the board of trustees for the next 20 years and what we were going to do. What we were going to do is this. We were not going to spend our money on administrative buildings. We were going to put money in students, housing, things for our students and to beef up everything. And we came back. The first project the administration wanted to do was an administrative building. We blocked that. We went out, and we worked our fanny off to try to make the university something better. We pushed over the years to buy the property where the new law school is. We bought the hotel. One of our trustees had been on the bankruptcy of the property where the old hotel was up here, a full city block. The trustees negotiated it. We bought that for three and a half million dollars, a full city block with a hotel. The legislature ended up renting two floors a few years later when they redid the Statehouse. We got a lot of money back. Administration wanted to put a welcome center in an old building where the Strom Thurmond Fitness Center is. We blocked that. Under Chairman Hubbard's next leadership they built a Strom Thurmond Fitness. The administration hated fraternities. They didn't want to put the Greek village in. We told them we weren't going to build anymore until we go ahead and build a Greek village. So we advanced all of that. We ended up working to get the new Colonial Life Arena. We built the Colonial Life Arena for -- after everything was said and done, built the Colonial Life Arena with the university putting in 20 million dollars and getting all the property from the City we got. We ended up -- the trustees negotiated over the years -- personally I did a lot of it. When we got the Farmer's Market. We ended up buying the

TUESDAY, APRIL 19, 2022

Farmer's Market, and you see what's been done there. You go back, and I want to tell you one of the recent acquisitions that we did. Dr. Smith and myself, the administration was going to buy a property off the old - - where the State Hospital was. They were negotiating to sell our wedge property and get four acres of the property. So anyway, I knew Bob Hughes. I saw Bob Hughes and told him I wanted to negotiate. First I called Dr. Smith, and I said, Dr. Smith, I want to -- I'd like to ask for 20 acres of land for the wedge. He said, you're not going to get that. If we can settle it for 15 acres. So I called back. We negotiated with him, got 20 acres for the wedge. And then he said he didn't -- we talked him out of the wedge. So he just gave us the 20 acres. I mean, the trustees have done a lot for this university. And, you know, we probably made a mistake with Caslen. I made a serious error with it. I was all the way for -- I was all for Caslen, but we had the board meeting, and I saw all the issues. I saw the board fighting with each other, and I had never seen that before in my life. And it upset the hell out of me. And so my recommendation -- well, let's back off this, and why don't we ask William Hubbard to be the interim president. And, you know, the board thought that maybe it would look awful for us to have sitting trustee to be the interim president. And so they settled on our chancellor, and it was a mistake. The votes were there for Caslen to be. If we had gone ahead and voted at that time, it would have saved us a lot of trouble, and I take the blame for that, because I shouldn't have gotten up and done that, but at the present time our university has grown from less than 2,000 freshmen students until we have close to 6,500 in our freshman class. We've got 35,000 students here in Columbia. We've got 52,000 students overall, and we teach a good education. And sure we've made some mistakes, but I do not think our trustees have done that bad. Thank you.

THE CHAIRMAN: Thank you, Dr. Floyd. Staff, any information for us?

MS. WEBB: Dr. Floyd, upon review of your file, I didn't have anything that I saw, but I would ask you to do the same. Can you please confirm your home address for me?

MR. FLOYD: 518 Rosewood Drive.

MS. WEBB: Perfect, thank you. And is this your four percent of six percent?

MR. FLOYD: Four percent.

MS. WEBB: Thank you, sir.

THE CHAIRMAN: Senator SCOTT.

TUESDAY, APRIL 19, 2022

SENATOR SCOTT: Thank you, Dr. Floyd for your willingness to serve. How long have you been on the board?

MR. FLOYD: Since 1982.

SENATOR SCOTT: And you are how old now?

MR. FLOYD: Huh?

SENATOR SCOTT: How old are you now?

MR. FLOYD: I am 87 years old.

SENATOR SCOTT: How much real change have you seen in the board, not necessarily brick and mortar, but actually in the aggressive to move toward being more inclusive of all the South Carolina children that go to the school?

MR. FLOYD: I certainly do. And, you know, I think one thing that goes back in things that happened since I've been there that I think changed a lot -- after I followed -- after you listened to what I said about the chronology, our board was all together. And then after about 15, 16, 17 years, we got real successful, and we started bringing in more and more students. We had a disagreement on the board, and at that time we always came back together. It didn't show like it did with Caslen, but we had three board members, Darla Moore, Mack Whittle, William Hubbard, who wanted to limit the student body. Mr. Wright, myself and a few others wanted to grow our enrollment, thinking full well -- thinking full well that the purpose of the university was for the people of the State of South Carolina. We need to educate the people of the State of South Carolina. We wanted to increase the enrollment, and I think that was a big factor, because if we cut the student body down, it probably -- it'd be probably harder to get more minority students, but as it turned out -- and we got in financial trouble with the -- the country and all got in financial trouble, and our budget got cut. This is the thing that saved the university from really having to cut everything out.

SENATOR SCOTT: You've been on that campus since 1952, graduated in '56.

MR. FLOYD: Right.

SENATOR SCOTT: So you've had a chance to see a lot of different things change on that campus. How much would you say during that tenured time and coming back in '82 -- I think I came over here in '90. I do remember moving across the street in a hotel because we were renovating the Statehouse at the time.

MR. FLOYD: Uh-huh.

SENATOR SCOTT: And you'll remember attitudes and changes and a whole lot of things than my 32 years over here. How much have you really embraced for actually making changes? You've got students who

TUESDAY, APRIL 19, 2022

have a really open door policy for all those students to be able to come, along with faculty and staff. Listen, we are recruiting verified 1,000 manufacturing corporates here, coming from every walk of life and from all over the world. We've got to be able to make sure we're a very diverse population, we can meet those needs, not like it was 40 years ago.

MR. FLOYD: I agree.

SENATOR SCOTT: You know, obviously a lot -- you're a bit older than I am, but I been traveling the state since 1975, and I've seen in a lot of cases very little change, change has stalled on these colleges and universities. How much of it would actually say has really changed, and you've been supportive of pushing those changes, because you understand the importance of those changes, not what your beliefs are, but where we are as South Carolina.

MR. FLOYD: You know -- as you know, I'm from Florence, and, you know, I've always -- I've always had a very strong relation with the minority, my minority community in Florence. And I've told you this before. When I came to Florence, we had three hospitals in Florence. My uncles were there, and I was there. In our hospital, we were the only hospital that would give privileges to the only black doctor in Florence, Dr. Beck. He was my friend. He came up here to campaign for me, and we put a statue in front of the medical building in Florence. I'm chairman of the Dr. Bruce and Lee Foundation, and we gave seven and a half million dollars, and one of the requests was they put the statue of Dr. Beck in front of that building. It's still there to this day. And Jim Clyburn -- he was one of Jim Clyburn's mentors. He kind of controlled the Sixth Congressional District. He named the post office after Dr. Beck, and Jim Clyburn sent me the proclamation of naming the post office to me, and it's my office at this time. And I've been on board to make all the changes that I can, and I will pledge to you that I will do even more.

SENATOR SCOTT: And those new changes that --

MR. FLOYD: But I'll have to say, when you're 87 years old, changes are hard --

SENATOR SCOTT: I understand.

MR. FLOYD: -- I mean, I don't text, and I don't email. So, anyway --

SENATOR SCOTT: That's why I asked this. You know, sometime we want things to change and not quite sure how it needs to change, and --

MR. FLOYD: And it's hard -- it's hard sometime.

TUESDAY, APRIL 19, 2022

SENATOR SCOTT: I know it. A more aggressive approach to getting it changed -- you know, sometime you may be standing in the way of change, because you won't change with the times to make those changes.

MR. FLOYD: Well, one thing I want done, and I'm going to push this - - I'm going to push this as hard as I can -- I want a building named on our campus for Jim Clyburn.

SENATOR SCOTT: Y'all can do that. You know, this is something --

MR. FLOYD: No, I'm saying, I hope the Civil Rights building will be named for Jim Clyburn, and I will contribute. I will do whatever's necessary to get it done.

SENATOR SCOTT: You've got other members, though -- and I commend you for that -- you've got other members of the USC family who have been movers and shakers to make things happen. I heard about Dr. Jim Solomon, which was a neighbor of mine --

MR. FLOYD: Right.

SENATOR SCOTT: -- I think y'all are probably close in age. He might be a year or two older than you are and some others. What do you think has taken so long to embrace identifying the Monteiths, which is also part of my district along with Jim Solomon, which is also part, and the other name that was mentioned -- what do you think took so long to embrace those changes at the university?

MR. FLOYD: You know, it's awful, but change --

SENATOR SCOTT: It's the world.

MR. FLOYD: -- and getting things through most bodies takes too long.

SENATOR SCOTT: You know, lots of times when you're changing things, people don't like change, and you don't get to be the one that everybody rally around, but you know what's good for the future generation, and you have to embrace those changes. And I get for the people to like you. You're here to get things done and to move forward. And so I'm just looking for a more progressive board. I know when the previous president was there he talked more about diversity than any president I ever heard coming out of the university, and I saw more things happen. Where were you in those conversations supportive of where you wanted to go, and how did you respond to it? Caslen talked about diversity.

MR. FLOYD: I was supportive of what he did. I thought, you know, we -- we say we got a black guy. I mean, we had a problem when he was elected, and I'll take credit for part of the problem, because we should -- when it came up to the vote to start with, we should have voted it to start with, and it wouldn't have been a problem. And part of that was my problem, but I supported him. I thought he did -- we were lucky,

TUESDAY, APRIL 19, 2022

because, I mean, they brought people from Washington to see how we handled the pandemic. I mean, it was a model for how it was managed under him. He also was putting together a cyber security network. Now I don't know if it's going to work without him. South Carolina will get millions of dollars for this. He put it together because that was part of what he was doing. He was working with the government and the Army and so forth for a great cyber security network for that State of South Carolina. Clemson would have been involved, South Carolina State.

SENATOR SCOTT: That's that 115 million dollars y'all needed --

MR. FLOYD: Yeah.

SENATOR SCOTT: Thank you. I'm looking for more and more work --

MR. FLOYD: Thank you.

SENATOR SCOTT: You're there. You're the leadership of that group. They listen to you. If you're progressive, they're going to be progressive.

MR. FLOYD: Thank you, thank you.

THE CHAIRMAN: Senator HARPOOTLIAN.

SENATOR HARPOOTLIAN: Dr. Floyd, good to see you again.

MR. FLOYD: Yes, sir.

SENATOR HARPOOTLIAN: So it is an impressive array of construction projects that you've listed that have defined the physical plan of USC. I'm concerned, not with your construction projects, but with the decisions being made by the board, and I think you're admitted the hiring of Caslen was a mistake; is that correct?

MR. FLOYD: No, I didn't say that. I said the way we handled it was a mistake.

SENATOR HARPOOTLIAN: Before you hired him or after you hired him?

MR. FLOYD: No. My point is this. The first time we had the board meeting, we went around, and we were going to vote -- we were going to vote for the next president. Caslen had the votes, more votes than the one vote that you say were lacking -- we won by. I got up in the meeting, and I had never seen the board act like it did at that time, and it upset the hell out of me.

SENATOR HARPOOTLIAN: Contentious?

MR. FLOYD: Huh?

SENATOR HARPOOTLIAN: Divided, contentious in the body?

MR. FLOYD: It was contentious. Good word. And I think we should have voted right at that time for him as president. We did him a disservice to go through what we did.

TUESDAY, APRIL 19, 2022

SENATOR HARPOOTLIAN: Did you fly to Florida on that plane?

MR. FLOYD: Yes.

SENATOR HARPOOTLIAN: And you met with them down there?

MR. FLOYD: Yes.

SENATOR HARPOOTLIAN: But you didn't meet with any other candidate like that, did you?

MR. FLOYD: No, I didn't. I was -- I've never been -- I've always avoided being on the search committee of any president.

SENATOR HARPOOTLIAN: So why did you go to Florida?

MR. FLOYD: They asked me to go.

SENATOR HARPOOTLIAN: Who's they?

MR. FLOYD: The chairman of the search committee asked me to go, and I didn't question.

SENATOR HARPOOTLIAN: But you weren't on the search committee?

MR. FLOYD: I was not on the search committee.

SENATOR HARPOOTLIAN: Had you met Caslen before? MR.

FLOYD: No.

SENATOR HARPOOTLIAN: Had the governor called you about Caslen?

MR. FLOYD: Not at that time.

SENATOR HARPOOTLIAN: But he did?

MR. FLOYD: He did.

SENATOR HARPOOTLIAN: And why did he think Caslen would be a good president?

MR. FLOYD: Well, he thought he'd be a good president, but, you know, I was for him. I mean, it wasn't -- I mean, he didn't convince me.

SENATOR HARPOOTLIAN: And so you ultimately asked that the matter be put off and you hire the interim guy from Upstate? That was your --

MR. FLOYD: Well, I mean, now that was not my recommendation.

SENATOR HARPOOTLIAN: What was your recommendation?

MR. FLOYD: My recommendation was when I did that was -- my recommendation was that we appoint or elect William Hubbard, Dean Hubbard now, as the interim president.

SENATOR HARPOOTLIAN: And that didn't happen?

MR. FLOYD: That did not happen.

SENATOR HARPOOTLIAN: But they did put the selection process off?

MR. FLOYD: It was put to -- the selection process, and then we asked our chancellor of Upstate -- we asked our chancellor of the Upstate to --

TUESDAY, APRIL 19, 2022

SENATOR HARPOOTLIAN: Okay. And so as a result of what you did it was put off another 30 days?

MR. FLOYD: Right. Yes.

SENATOR HARPOOTLIAN: Okay. And then there was a vote held - - well, first of all, the chairman scheduled a meeting. Charles Williams sued him because he didn't meet the legal requirements to have the meeting, and then --

MR. FLOYD: Well, I was not privy to all of that.

SENATOR HARPOOTLIAN: You were not involved in all that?

MR. FLOYD: Yeah.

SENATOR HARPOOTLIAN: Okay. When you voted, and I mean, all I'm seeing is a one vote margin in the newspaper reports -- maybe it was two votes, but it was a very divided board; was it not?

MR. FLOYD: Yes.

SENATOR HARPOOTLIAN: Did you ever see a board in your 40 years on the board that divided?

MR. FLOYD: No, but you say he won by one vote. You have a sitting president on a major university right now sitting there with one vote, and he's very popular.

SENATOR HARPOOTLIAN: Who is that?

MR. FLOYD: Huh?

SENATOR HARPOOTLIAN: Who are you talking about?

MR. FLOYD: Your president of the Medical University was elected by their board by one vote.

SENATOR HARPOOTLIAN: Really?

MR. FLOYD: Really.

SENATOR HARPOOTLIAN: I was not aware of that. He's still there?

MR. FLOYD: He's still there.

SENATOR HARPOOTLIAN: Not like Caslen.

MR. FLOYD: Huh?

SENATOR HARPOOTLIAN: Caslen's gone.

MR. FLOYD: I didn't say he was -- I know he's gone. I'm just saying -

-

SENATOR HARPOOTLIAN: He's gone because it was divided --

MR. FLOYD: -- the president --

SENATOR HARPOOTLIAN: -- but you would concede there was a divided campus, the students, the faculty, even the board was divided about him. And as he said -- let me quote him, "this place sucks." That's your presidential pick, right?

MR. FLOYD: That was my presidential pick.

SENATOR HARPOOTLIAN: Okay. Mistake?

TUESDAY, APRIL 19, 2022

MR. FLOYD: Mistake.

SENATOR HARPOOTLIAN: Okay. Let me move on to something else then.

MR. FLOYD: But I admit -- you know, I was a problem. I mean, I did -
-

SENATOR HARPOOTLIAN: What?

MR. FLOYD: No. I said, I will admit that I made a mistake. I should have let the vote go through at that time and not --

SENATOR HARPOOTLIAN: Picking him was not a mistake?

MR. FLOYD: In retrospect, yes.

SENATOR HARPOOTLIAN: Okay. So let's move on to something else.

MR. FLOYD: Okay.

SENATOR HARPOOTLIAN: I'm fascinated by this process where -- the athletic director negotiates an extension for a contract for a coach. And I guess when you're voting on something like that, and y'all did that for Muschamp, are you relying totally on the athletic director's opinion that, you know, we give this guy an extension, you know, it's going to be a great thing for the university? I mean, who -- I mean, I know that when I drive by the stadium I see you and your wife's name on a big facility down there, so I imagine with the kind of money you put into it, you keep up with athletics?

MR. FLOYD: Yeah, sure I do.

SENATOR HARPOOTLIAN: You're probably an expert on coaches?

MR. FLOYD: No, I'm not an expert.

SENATOR HARPOOTLIAN: But what do you look at other than Ray Tanner's recommendation?

MR. FLOYD: Well, you know, you've got a coach's record. You've got all that. Now there's a little misconception. I want to tell you my -- they tell us in small groups about the thing. You have a chance to -- they get a feel for the board's feelings about a contract or anything. I mean, Ray Tanner makes the thing, but I mean, he knows where the board kind of stands. He's not going to put up a contract that most of the board would --

SENATOR HARPOOTLIAN: Well, does he meet with the board in small groups before he negotiates a contract?

MR. FLOYD: Yeah, yes. Not before. I mean, after they've worked the thing out. I mean, he's not going to bring something that's totally outrageous to the board.

SENATOR HARPOOTLIAN: Well, how does he know what's outrageous?

TUESDAY, APRIL 19, 2022

MR. FLOYD: Well, what he proposes I may think is outrageous.

SENATOR HARPOOTLIAN: I'm trying to understand the process. He brings his Muschamp's negotiated extension --

MR. FLOYD: Right.

SENATOR HARPOOTLIAN: -- that costs several million dollars --

MR. FLOYD: Right.

SENATOR HARPOOTLIAN: -- and ultimately we had to pay that, because he was terminated, but I guess I'm trying to figure out who other than Ray Tanner evaluates -- does the president evaluate that? Does the president recommend the extension? How does --

MR. FLOYD: Now he would have to get the president's approval, probably -- he would, yes, I would think.

SENATOR HARPOOTLIAN: And he meets with trustee members?

MR. FLOYD: He would call and let you know what's coming up, and he would get a sense of what the board feels about it.

SENATOR HARPOOTLIAN: By talking to them individually?

MR. FLOYD: Yeah.

SENATOR HARPOOTLIAN: I mean, you talk to Ray Tanner from time to time?

MR. FLOYD: Yes.

SENATOR HARPOOTLIAN: Do you call him or he calls you?

MR. FLOYD: Half and half probably.

SENATOR HARPOOTLIAN: Now he is a department head, right.

MR. FLOYD: Right.

SENATOR HARPOOTLIAN: Do you call the head of the chemistry department?

MR. FLOYD: I would if I thought it was necessary.

SENATOR HARPOOTLIAN: Well, what would make calling the head of the chemistry department necessary?

MR. FLOYD: Well, okay, let me give you a good example.

SENATOR HARPOOTLIAN: I want one.

MR. FLOYD: We've got a really good lawyer in Florence, and his daddy was a KA with me at the university. He called me and said, my son has been turned down in law school. This has been years ago. And this guy is a guy smart as hell. He had been president of Boy's Nation, all kind of credentials. And I called the dean of the law school.

SENATOR HARPOOTLIAN: William Hubbard? MR. FLOYD: No.

SENATOR HARPOOTLIAN: Prior to William?

MR. FLOYD: Much prior to William.

SENATOR HARPOOTLIAN: Okay.

TUESDAY, APRIL 19, 2022

MR. FLOYD: And I got a call back from the dean in about two weeks, and he said, Dr. Floyd, I really made a big mistake.

SENATOR HARPOOTLIAN: He let him in?

MR. FLOYD: He let him in.

SENATOR HARPOOTLIAN: And this was a personal friend of yours?

MR. FLOYD: Yes.

SENATOR HARPOOTLIAN: And you called the dean of the law school to help his son out. Do you do that a lot?

MR. FLOYD: To find out. Well, I feel like if you elect me to the board of trustees, I'm a representative with the University of South Carolina for the Sixteenth Judicial Circuit, and I feel like if anybody has a complaint or want me to help their kids any way, I feel like it's my responsibility to help them the best I can.

SENATOR HARPOOTLIAN: Even if they objectively couldn't get in, you use your influence to get them in?

MR. FLOYD: I would if I thought they were qualified to do.

SENATOR HARPOOTLIAN: Even though their SAT scores and rankings in their high school class didn't qualify them? If you felt that they should get in, they should get in, correct?

MR. FLOYD: Well, I find out -- first thing -- first thing is you've got to check to find out what they tell you is the truth --

SENATOR HARPOOTLIAN: Well, assume that they --

MR. FLOYD: -- and if their parents call you, the majority of time it's not exactly what the facts are, but I've got a secretary that I hire full time that does university things.

SENATOR HARPOOTLIAN: That does what, now? University what?

MR. FLOYD: Things. I mean, you know --

SENATOR HARPOOTLIAN: Oh, yeah, okay. I guess what I'm saying is, you get a call from somebody, you know the family, good family, comes from a good background, the kid got turned down by USC law school or undergraduate school, you do what you can to get them in.

MR. FLOYD: I do what -- yes.

SENATOR HARPOOTLIAN: Yes, okay. That's all. Thank you.

THE CHAIRMAN: Thank you, Dr. Floyd. Appreciate you hanging around for quite a while.

MR. FLOYD: Thank you.

THE CHAIRMAN: Next up is D. Hollis Felkel. If you would just state your full name, please.

MR. FELKEL: Yes, sir. Dal Hollis Felkel II.

TUESDAY, APRIL 19, 2022

THE CHAIRMAN: Just raise your right hand, and I'll swear you in. Dal Hollis Felkel, having been first duly sworn, was examined and testified as follows:

THE CHAIRMAN: Just give us a brief statement on why you're running.

MR. FELKEL: Yes, sir. Thank you. I know it's late in the afternoon, but I have a few comments. First of all, thanks for the opportunity to be with you today. My name's Hollis Felkel, but for those of you have known me for years, it's Chip. You now know that my real name is Hollis, and you know what people who usually call the house to sell me something know, because that's usually the only people that refer to me that way. I'm a 1986 graduate of USC and a son of a 1950 graduate, who's ring I proudly wear. I'm the father of a current student, graduating in May who has been accepted to law school here in the fall and of a daughter who most likely will be attending here in the fall of 2023. So you can imagine that the issue of tuition would be near and dear to my heart as well. I'm an active member and supporter of both the Gamecock Club and Alumni Association, and I've served as both a member and chairman of the board of visitors. I'm seeking to serve from the Thirteenth Judicial Circuit where I have lived for almost three decades, but I am originally a native of Kingstree in Williamsburg County. And I understand the importance of making the opportunity of higher ed available and affordable to all South Carolinians. I'm the owner of two company, a public affairs consultancy founded in 1998. It focuses on communications and messaging, and a software company that focuses in the same arena. My decision to seek this position comes from a genuine concern and a lifelong love, loyalty and appreciation for the university that has shaped me into who I am today. I offer a unique and much needed perspective in the area of communications, messaging, governmental and public affairs as well as crisis management areas where the board and university have struggled. It's my hope that if given the opportunity to serve, I'll be able to offer my 35 years of experience in national politics and working with Fortune 100s and national organizations in dealing with high stakes, high profile issues and decisions that come before this university. I'm glad to be here today, and I look forward to your questions.

THE CHAIRMAN: Staff, any information for us.

MS. WEBB: Mr. Felkel, I don't have anything for you other than can you please state your home address for the record?

MR. FELKEL: 109 Land Grant Drive in Simpsonville, and that is four percent, as that's the only house I've got.

TUESDAY, APRIL 19, 2022

MS. WEBB: Perfect, thank you.

THE CHAIRMAN: Any questions?

SENATOR HARPOOTLIAN: One brief. One brief question.

THE CHAIRMAN: Yes, sir, go ahead.

SENATOR HARPOOTLIAN: Have you been listening today?

MR. FELKEL: All day, sir.

SENATOR HARPOOTLIAN: Thank you.

THE CHAIRMAN: Thank you, Mr. Felkel. I don't think they've got -- I don't think there's anybody left much to give you a question.

MR. FELKEL: Thank you very much.

THE CHAIRMAN: All right. Next is -- Mr. Carl Brodie Glenn was supposed to be next, but he had leave, so we're going to work him in tomorrow morning. So next we'll go to Reed Thomas Sherard; is that correct?

MR. SHERARD: Close enough. It's Sherard.

THE CHAIRMAN: All right, Sherard, okay. My fault. If you would just for the record state your name, full name.

MR. SHERARD: I am Reed Thomas Sherard.

THE CHAIRMAN: Raise your right hand. Reed Thomas Sherard, having been first duly sworn, was examined and testified as follows:

THE CHAIRMAN: A brief statement, please.

MR. SHERARD: Good afternoon, Chairman Whitmire, Speaker Lucas. Senator VERDIN, Senator HARPOOTLIAN. Thank y'all for allowing me the privilege to be here. My name is Reed Sherard, and I'm running because I'm the best candidate to help the university fulfill its potential. I'm an experienced lawyer and a dedicated community servant. In addition to leading a team of lawyers and staff at work, I've led the boards in multiple organizations. I know the value of strategic decision making, anticipating the best case, worst case and likely case scenarios, how to allocate limited resources to solve complex problems and how to handle sensitive matters and competing concerns. I focus on solutions to meet priorities, and I build consensus. I am energized by the possibility of serving in this important role. I can bring a fresh perspective to the critical issues facing the university, such as providing an attainable education to South Carolina residents, ensuring a strong financial position in the face of increasing expenses and potentially decrease enrollment in the years to come, increasing diversity and rejecting complacency. I have a diligent work ethic, and I lead by example. If I am fortunate to be elected at 44, I will be the youngest person of a 21 person board. I will be the only board member to have a degree in a year that starts with a two. I finished the honors college in

TUESDAY, APRIL 19, 2022

the year 2000 and law school in 2004. I'll be one of only two board members to have a child of elementary school age or younger, and I have two of those. Saving for college and the future of the university is a real thing in the Sherard household. I've been preparing for the opportunity for more than 25 years through my involvement as an undergrad and at law school and as alumni in my service as the head of the Greenville area Alumni Club as well as on the university's board of visitors. It's a privilege to be here today, and I look forward to your questions.

THE CHAIRMAN: Staff, any information for us?

MS. WEBB: No, Mr. Chair, based off review of the package he submitted I don't have anything other than can you please state your home address for the record?

MR. SHERARD: It's Number 19 Southland Avenue in Greenville, and I do receive the four percent residence tax rate at that residence, because like Mr. Felkel said, it's my only residence.

MS. WEBB: Perfect, thank you.

THE CHAIRMAN: Questions?

SENATOR HARPOOTLIAN: One brief one. Have you been listening today?

MR. SHERARD: I've been here since 10:00 a.m., yes, sir.

SENATOR HARPOOTLIAN: Thank you.

THE CHAIRMAN: Thank you, sir.

MR. SHERARD: Thank y'all.

THE CHAIRMAN: Good luck to you. That's it for the University of South Carolina today. We've got two members we'll hear from tomorrow morning. So we will -- our apologies to the Citadel folks. You have been around for a long time, so we'll get you guys now. So first up is Benjamin -- I think I'm pronouncing this -- Dottara (ph) Dixon. For the record, give us your name.

MR. DIXON: Benjamin Dixon.

THE CHAIRMAN: If you raise your right hand, sir, I'll swear you in. Benjamin Dottara Dixon, having been first duly sworn, was examined and testified as follows:

THE CHAIRMAN: All right, give us a brief statement.

MR. DIXON: Good afternoon and thank you for your time and attention today. I consider it an honor to have an opportunity to be a part of this system as a Board member for the Citadel. While I do appreciate the rich history of the Citadel, I feel that one of the most important missions of the Board of Visitors is to adopt regulations for the organization and good government of the college. I feel this is paramount to the continued success of the Citadel as an educational institution as well as an

TUESDAY, APRIL 19, 2022

environment for our next generation to thrive, whether they plan to serve in the military or in the business world. After graduation from the Citadel and prior to my entrance on active duty in 1990, I had the opportunity to work at the Citadel development office on the Mark Clark capital campaign fund. During the three months of active campaigning, the cadet callers that I worked with 4 nights a week raised over 25 million dollars in donations and pledges because of the connection they made with the alumni each night on the phone. I feel this gives me a unique insight into the possibilities available for fund-raising at the Citadel should the need arise. After leaving active duty, I served in the Army Reserve for over 20 years, which I feel gives me a personal understanding of the rigors that accompany the balance of military life with civilian requirements just as cadets must balance their academic and military requirements every day at the Citadel. I feel this is important because whatever decisions we make as leaders of the Citadel must take both of these requirements into account because cadets are never just students nor are they ever just military cadets. They are both all the time.

THE CHAIRMAN: Staff, any information for us?

MS. WEBB: I actually do. So, Mr. Dixon, through your home address you listed originally when you submitted this application as 1688 Lonnie Taylor Lane. However, you also indicated that you pay six percent property tax there. In an addendum to your application, though you state you're in the process of building a home at this address but you're currently residing at 8032 Russell Creek Road in Edisto Island. You did not state exactly what percentage of the property tax was there so can you just clarify for the Commission where you currently are residing, in fact, and what percentage is being paid there?

MR. DIXON: Yes, and my apologies for that. I was over thinking the process. We sold the house on John's Island last year. We are renting on Edisto right now. I bought a piece of property on Wadmalaw that I'm paying six percent and that's where we're going to be building a house.

MS. WEBB: So what is your current address that you reside at?

MR. DIXON: The 8032 Russell Creek Road, Edisto Island.

MS. WEBB: And what percentage do you pay there?

MR. DIXON: We're renting.

MS. WEBB: You're renting?

MR. DIXON: Yes.

THE CHAIRMAN: So you will be -- you will be paying four percent once you build your house?

MR. DIXON: Yes, sir, but currently I'm paying six percent on that right now because that's just --

TUESDAY, APRIL 19, 2022

THE CHAIRMAN: Okay. Questions? He's not here let's go ahead. All right.

SENATOR SCOTT: Thank you.

THE CHAIRMAN: All right, thank you, Mr. Dixon.

MR. DIXON: Yes, sir.

THE CHAIRMAN: Good luck to you. Next is Dylan Ward Goff, I believe.

MR. GOFF: Yes, sir, that's me. THE CHAIRMAN:: Okay. If you'll just give us your full name for the record.

MR. GOFF: Good afternoon, sir. I'm Dylan Ward Goff.

THE CHAIRMAN: Okay. Raise your right hand. Dylan Ward Goff, having been first duly sworn, was examined and testified as follows:

THE CHAIRMAN: Okay. Give us a brief statement why you'd like to continue serving.

MR. GOFF: Thank you, sir, and I will be brief. I'm in my twelfth year here on the Citadel Board. I'm the current chairman. And it's a time of renewal and energy at the Citadel. We're building -- just finished building our new school of -- of business and we're building our largest academic building. We're rebuilding Capers Hall. So it's the first time we've had any building going on our campus in a very long time. It's a exciting time. And, Chairman Whitmire, I'm sure you'll appreciate we're going through our SACS reaccreditation. I know you know a little bit about that process. We just celebrated our 179th anniversary this past weekend. For the tenth year, we've been chosen as a top public college in the south. We're the number one college for veterans. We have the 16th engineering program in the country. Top 20 engineering program at a school of our size that's absolutely amazing. We have students from all 50 states, from 23 countries. We have an employment rate of 80 percent before graduation. So before they graduate, 80 percent of our cadets have jobs. Ninety percent of them are employed within 6 months of graduation. And these are -- these are high -- high paying jobs. And I know all of y'all hear the Citadel talk all the time about our four year graduation rate. We have the best graduation -- four year graduation rate in the state. So this is an exciting time to be at the Citadel and it's certainly been an honor and a privilege to serve these last -- these last 12 years. As a personal note for my class, the class of 2002, we were seniors when we watched the twin towers come down on September 11th and, of course, I served in the Army and the Army Reserves and the South Carolina National Guard. And we watched -- all watched Afghanistan come to a conclusion this past year. The young man -- I say he's a young man, he's 42-43 like me, Lieutenant Colonel Eric Cutt who flew the last

TUESDAY, APRIL 19, 2022

mission out of Afghanistan evacuating Afghans was my classmate, a Citadel man. Unfortunately, the first person killed in Iraq was also my classmate, First Lieutenant Shane Childers. So I couldn't be more proud to be involved with the Citadel. It certainly is a privilege of a lifetime to serve on this Board and certainly to have my fellow Board members elect me as chairman is incredibly humbling and it's a great opportunity. I really would appreciate the opportunity to serve for another 6 years. I'd like to finish out my time as chairman and I won't be up here running for another 6 years after that. That's 18 years. God bless these people who, I've heard, serve 30, 40 years on these boards. But I believe it's time for someone else to take a -- take a chance. Take a turn. I want to finish out my time as chairman.

THE CHAIRMAN: Staff, any --

MS. WEBB: Mr. Goff, based off your application, I don't have any questions for you. But just same as everyone else, can you please state your home address for me?

MR. GOFF: Yes, ma'am. It's 203 South Wacamaw Columbia, South Carolina 29205. It's four percent. It's the only property I own.

MS. WEBB: Perfect. Thank you.

THE CHAIRMAN: Mr. Goff, from one old Army man to a much younger Army man, thank you for your service to our country.

MR. GOFF: Thank you, sir, and same to you.

THE CHAIRMAN: We're very fortunate and to a lot of your other Citadel guys too.

MR. GOFF: Yes, sir.

THE CHAIRMAN: Senator SCOTT.

SENATOR SCOTT: One quick question. As chairman, what are you - - what -- what's going on? The chairman getting that much opposition? What's going on?

MR. GOFF: Yeah, I'll let my opponents speak to that. I think it's just my lot in life, Senator SCOTT. I've run -- this is my third time running. The first time I had 14 running against me.

SENATOR SCOTT: Right.

MR. GOFF: Second time I had one or two. And this time I drew some opponents as well. But, you know, it's a free country and certainly we don't anything for granted.

SENATOR SCOTT: Something you said or you tried to take the Citadel in another direction?

MR. GOFF: No, sir, I don't --

SENATOR SCOTT: The last chairman we had, last time they got rid of that chairman. So is it every time you become chairman, you know, --

TUESDAY, APRIL 19, 2022

MR. GOFF: I hope not.

SENATOR SCOTT: -- they want to chop you up or something?

MR. GOFF: I hope not. I'll certainly let them answer that but I don't think it's that, no, sir.

SENATOR SCOTT: Thank you.

MR. GOFF: Yes, sir. Thank you.

THE CHAIRMAN: Speaker Lucas.

SPEAKER LUCAS: Mr. Goff, it may be the fact that VMI is starting to beat y'all in football regularly. You think that might be it?

MR. GOFF: It may very well be that. It may very well be that. I had chance with our head coach this weekend and I think we're going to fix that.

THE CHAIRMAN: Senator VERDIN, did you have a question?

SENATOR VERDIN: No.

THE CHAIRMAN: All right, thank you, sir.

MR. GOFF: Thank y'all. I appreciate it.

THE CHAIRMAN: All right. We've got one more for the Citadel. That is Kara Irvin. Welcome and if you'll just give your full name for the record.

MS. IRVIN: Kara Michelle Irvin.

THE CHAIRMAN: Okay, raise your right hand. Kara Michelle Irvin, having been first duly sworn, was examined and testified as follows:

THE CHAIRMAN: Why don't you give us a brief statement on why you'd like to be at Citadel.

MS. IRVIN: Sure. Thank you so much for this opportunity. I am 38 years old. I've lived most of my life in Charleston. I'm the proud daughter of a Vietnam Vet. I graduated from the Citadel in 2005 with a major in English and when I graduated, I always knew I wanted to give back. I didn't know how that would be. I knew, I wanted to, you know, do some monetary giving back but something else. So when I saw this seat open up in November, it kind of called my name. Looking into, you know, a little bit more, there is no female alumni from the Corps on the Board of Visitors, which to me, I think is very important to have a female on the Board that went through it, the whole system. You know, I think that that would be a big diversity and push towards, you know, giving more diversity to the school.

THE CHAIRMAN: Staff, any information on Ms. Irvin?

MS. WEBB: I have just one question for you. So upon reviewing your application, part of the credit report check that we did, there was a debt collection for a medical treatment and it stated that you disputed that and

TUESDAY, APRIL 19, 2022

the balance owed was 200. Otherwise, your credit report was good. Do you know if that has been clarified since or if that is --

MS. IRVIN: It has not yet. It's still up for debate.

MS. WEBB: It's still in dispute?

MS. IRVIN: Yeah.

MS. WEBB: Okay. That's all I have. And the only other thing is if you could please state your address for the record.

MS. IRVIN: Yep. 3272 Starlit Avenue, North Charleston 29420.

MS. WEBB: Perfect. And do you pay your four percent at this?

MS. IRVIN: I do.

MS. WEBB: Thank you.

THE CHAIRMAN: Questions for Ms. Irvin? Senator SCOTT.

SENATOR SCOTT: Just one quick question. Why did you decide to run? I know about the female part and run against the seated chairman? What's that all about?

MS. IRVIN: You know, I wanted -- I think that I can -- I think I have a lot to give to this school. I think that, you know, -- pretty much when I graduated from the Citadel, I went into the civilian workforce and have worked at the same law firm for 17 years. I think my life experiences along with the Citadel and everything that's come from that can pretty much prepare me to handle anything.

SENATOR SCOTT: Thank you.

SENATOR VERDIN: Mr. Chairman.

THE CHAIRMAN: Senator VERDIN?

SENATOR VERDIN: would you entertain a motion for favorable report on all three candidacies?

THE CHAIRMAN: I certainly would. There's with motion to for favorable report for all three.

SENATOR SCOTT: Second.

THE CHAIRMAN: There's a second. Did you have a question?

SENATOR SCOTT: Second.

THE CHAIRMAN: Second, okay. All those in favor, signify by raising your right hand. Okay. All of you heard, favorable. Okay, tomorrow morning 10:00, we've got one Lander, two USC.

MS. WEBB: One Lander, two USC.

THE CHAIRMAN: And Will Lou Gray which shouldn't be any problem at all. Then we may have to talk about some issues.

SENATOR HARPOOTLIAN: So we're going to start at 10:00?

THE CHAIRMAN: Yeah. You think that's enough time? We can come earlier.

TUESDAY, APRIL 19, 2022

SENATOR HARPOOTLIAN: No. I mean we've got -- we've got caucus at 11:00 but --

THE CHAIRMAN: Let's start at 9:30. Is that all right?

SENATOR SCOTT: Ten's fine.

SENATOR HARPOOTLIAN: You going to drive back?

SENATOR VERDIN: I've got a 7:30 appointment in Laurens.

SENATOR HARPOOTLIAN: Ten's fine.

THE CHAIRMAN: 10:00? That okay? Thank you, guys.

SENATOR HARPOOTLIAN: Thank you. (There being no further questions, the deposition concluded at 6:00 p.m.)

**COLLEGE AND UNIVERSITY TRUSTEE
SCREENING COMMISSION**

SCREENING HEARINGS

TRANSCRIPT OF PUBLIC HEARINGS

Date: Tuesday, March 29, 2022
Time: 10:09 A.M.
Location: 110 Blatt Building
1105 Pendleton Street
Columbia, South Carolina 29201

APPEARANCES:

Chairman: William R. Whitmire

Senate Members:

Richard A. Harpootlian

Daniel B. Verdin

John L. Scott

Thomas C. Alexander

House Members:

John King

James H. Lucas

Kirkman Finlay

Committee Staff:

Macey Webb, Esquire

THE CHAIRMAN: Welcome to the College and Trustee Screening Committee's meeting this morning. We've had several people who could not be here yesterday and we had to carry some over some others. So

TUESDAY, APRIL 19, 2022

we'll try to get to these as quickly as possible. The first person up is from Lander University, Marcia T. Hydrick. If you'll come up on to the well please. And when you get there, just give us your -- for the record, your full name.

MS. HYDRICK: My name is Marcia Thrift Hydrick.

THE CHAIRMAN: All right, if you would raise your right hand. Let me swear you in. Marcia Thrift Hydrick, having been first duly sworn, was examined and testified as follows;

THE CHAIRMAN: If you'll give us a brief statement on why you'd like to continue serving on the Lander Board.

MS. HYDRICK: Okay. Well, first of all, I'd like to thank you for being here another day.

THE CHAIRMAN: Could you get up little closer there?

MS. HYDRICK: Yes. Is that good?

COURT REPORTER: Yes, ma'am.

MS. HYDRICK: Thank you for being here another day. I apologize for not being able to attend yesterday due to my schedule. Like I say, I'm from Oconee County. I live in Seneca, South Carolina. It's been a privilege for me to serve on the Board of Trustees for almost eight years now. I am a Lander alumni. I graduated in 1981 and kept in touch with many of my friends. And it's just an honor for me to give back the educational part of things to the university. As far as being in private business, I feel like I've been able to bring about the area of -- in the private business area of what it takes to run a college and I feel like that is like running a business. It takes hard work ethics, accountability and those are things I really admire in the president that we have at Lander. He's really grown our university since 2015 and almost like drinking out of a fire hose, it's happened so -- so quickly. But a blessing for many students that have crossed over for graduation and so forth. So thank you for allowing me to be here and to serve.

THE CHAIRMAN: Staff, do you have any information about Ms. Hydrick?

MS. WEBB: Good morning, Ms. Hydrick. Upon review of your file, I don't have any questions for you but as we did yesterday, I'm going to ask for the record, can you please confirm what your home address is?

MS. HYDRICK: Yes, ma'am. It's 114 Sunnyview Drive, Seneca, South Carolina.

MS. WEBB: Perfect. Thank you. And do you pay your four percent or six percent property tax at this address?

MS. HYDRICK: Four percent.

MS. WEBB: Thank you, ma'am.

TUESDAY, APRIL 19, 2022

MS. HYDRICK: Thank you.

THE CHAIRMAN: Any questions by our committee members? Senator SCOTT.

SENATOR SCOTT: Thank you so much for your willingness to serve. I'm impressed with the president of Thrift Brothers. Tell me a little bit about that company. Are you the founder of that company or your spouse?

MS. HYDRICK: Well, I'll give you the cliff notes version.

SENATOR SCOTT: Okay.

MS. HYDRICK: My father and his twin brother started this company 60 plus years ago and I had the privilege of working beside them for 38 years.

SENATOR SCOTT: Okay. Thank you. Tell me what -- what y'all --

MS. HYDRICK: We are general contractors. Thrift Brothers, Incorporated, does commercial and we were road builders until 2003. We did federal and state highway work. And I worked alongside with my father in the bidding process and building of those roads in -- in the upstate.

SENATOR SCOTT: We appreciate your willingness to serve. Your college is doing very well. Business people like yourself brings that -- that wealth of knowledge and experience that makes a college grow. Thank you so much.

MS. HYDRICK: Thank you, Senator SCOTT.

THE CHAIRMAN: Senator SCOTT, let me echo something about Thrift Brothers. They have been an outstanding company, not only in Oconee County, but throughout the upstate -- actually, the state. And just a side note, I'm a member of St. Luke Methodist Church in Walhalla. About 12 years ago, our church burned to the ground and it was a real mess, I mean. And her dad came up there at very reasonably, just at his cost, cleared the whole thing for us. Thrift Brothers did that for a lot of different people up there. So I have nothing but the highest regard for the company.

MS. HYDRICK: Those are very large shoes that -- that we could never fill. We miss them greatly. They both have since passed.

THE CHAIRMAN: I remember I had a meeting at a restaurant in Seneca and it was -- it was a coffee club and I got there about 6:30 in the morning. Which was early, I thought. And I saw your dad and his brother sitting there. They'd already been there an hour and they said yep, we're used to getting up about 4:00 in the morning or something. So they -- they were go- getters and very successful.

MS. HYDRICK: Well, thank you.

TUESDAY, APRIL 19, 2022

THE CHAIRMAN: Any other questions?

REPRESENTATIVE KING: I have one, yes.

THE CHAIRMAN: Representative King.

REPRESENTATIVE KING: Thank you, Mr. Chairman. Just a quick question. I noticed that you all have done a pretty good job in reference to diversity --

MS. HYDRICK: Yes, sir.

REPRESENTATIVE KING: -- of your campus and your students. What do you think you need to do further to build upon that as a board member in your capacity?

MS. HYDRICK: You know, we do have a diversity advisory committee that is made up of students, faculty, staff, board members, and some people from the local community. I feel like that communication is huge. Education is huge. I think it's a wide spectrum of components that need to be continuously addressed. And shared not only out of that group of that committee but to bring back to the administration the pros and the cons that exists and where we need to go for the future.

REPRESENTATIVE KING: Thank you.

MS. HYDRICK: Thank you.

THE CHAIRMAN: Any other questions. Senator SCOTT.

SENATOR SCOTT: Motion.

THE CHAIRMAN: Oh, motion. Senator SCOTT for makes a motion for approval. Is there a second?

SENATOR HARPOOTLIAN: Second.

THE CHAIRMAN: All those in favor, please raise your right hand. Okay, and I have proxy for PRESIDENT ALEXANDER. He made me make sure that he said aye also.

MS. HYDRICK: Okay. Thank you all so much. I do appreciate your time.

THE CHAIRMAN: Thank you for your service.

MS. HYDRICK: Thank you. It's an honor.

THE CHAIRMAN: All right, next up is from the University of South Carolina. J. Patrick Anderson. And if you would, for the record, give us your full name.

MR. ANDERSON: Yes, sir. Joseph Patrick Anderson.

THE CHAIRMAN: If you would raise your right hand, I'll swear you in. J. Patrick Anderson, having been first duly sworn, was examined and testified as follows:

THE CHAIRMAN: Give us a brief statement why you'd like to serve on the USC board.

TUESDAY, APRIL 19, 2022

MR. ANDERSON: Yes, sir. First, Mr. Chairman and members of the committee, I want to thank you folks for accommodating me. I had a court hearing yesterday and I know it's like herding cats to probably get everyone here today but I'm appreciative of that. In the pack that I submitted, I used the word formative to describe my experience at the University of South Carolina. I meant that in the broadest sense. I met my wife at Columbia, or USC rather. She's a graduate, as well, just like me. And the education that I obtained at the university has literally served as the springboard by which I'm able to go to work everyday, go to my law practice everyday, provide for my family, my wife and my two young boys. And in the simplest terms I am thankful for that education. So, you know, my simple thought on the matter is if I can help in any way, shape, or form I'm willing to do it and that's why I'm here.

THE CHAIRMAN: Staff, any information on Mr. Anderson?

MS. WEBB: Good morning, Mr. Anderson. Upon reviewing your file, I don't have any specific questions for you. But just as with everyone else, can you please confirm your home address for the record?

MR. ANDERSON: Absolutely. It's 98 Pennell Drive Spartanburg, South Carolina.

MS. WEBB: Okay. And do you pay your four percent or six percent property taxes at this address?

MR. ANDERSON: Four percent.

MS. WEBB: Thank you.

MR. ANDERSON: You're welcome.

THE CHAIRMAN: Any questions? Senator HARPOOTLIAN.

SENATOR HARPOOTLIAN: Sir, tell me why you're running for the Board of USC. What -- what prompted you to do this? Have you ever run before?

MR. ANDERSON: I have not. I have not.

SENATOR HARPOOTLIAN: So why -- why now?

MR. ANDERSON: It's funny how these things can start. You, you know, go have a drink with some friends or just in conversation or wherever you may be and something like this comes up. People start talking about vacancies and who might run and who might not run. And then it seems that someone -- well, at least in my instance, suggested my name. I'd never given it a passing though. You know, I've grown up around the university my entire life going back to when I was a little kid going to games and just being involved, you know, for a very long time. So someone said to me you should consider running. I thought

TUESDAY, APRIL 19, 2022

about it. I hemmed and hawed for quite a while and at the end of the day, I said why not? If I can help, I'm there.

SENATOR HARPOOTLIAN: Did you watch any of the -- or were you here yesterday for any of the testimony by the incumbent members of the voice?

MR. ANDERSON: No, sir, I was in my office but I was listening to the audio.

SENATOR HARPOOTLIAN: Do you have any opinions about what we heard yesterday?

MR. ANDERSON: It was enlightening. I'll say that much.

SENATOR HARPOOTLIAN: Enlightening?

MR. ANDERSON: Yes, sir.

SENATOR HARPOOTLIAN: Okay. In a good way or a bad way?

MR. ANDERSON: Well, I would say in a good way. I mean, one thought I've had throughout this process is, you know, whether I'm successful or whether I go down in flames, it's going to be a learning experience. And I think anyone who comes into this position or seeking this position has to have an open mind and understand that you're going to learn and you're going to have to learn, and you're going to have to always keep an open mind. So that certainly holds true for me yesterday when listening to all of this.

SENATOR HARPOOTLIAN: Thank you.

MR. ANDERSON: You're welcome.

THE CHAIRMAN: Speaker Lucas.

SPEAKER LUCAS: Mr. Anderson, thank you for being here today. Thank you for willingness to serve on the Board of Trustees. Tell me, if you would, what your belief is for a proper role of a trustee at on the University of South Carolina Board?

MR. ANDERSON: Yes, sir. And, you know, the packet asked a similar question, I believe. And, a lawyer -- I would say an honest lawyer admits if he doesn't know the answer to something, he looks it up. So it's essentially to implement policy - - implement, if I can say that word. I don't believe it extends to be involved in or interfere in the day-to-day operation of the university. That's up to the president, and the staff, and the other employees but, essentially, to implement policy to guide as needed and to further the mission of the university. Continue with the growth and all the positive -- positive changes that we have seen.

SPEAKER LUCAS: Thank you.

REPRESENTATIVE KING: I have a question.

MR. ANDERSON: Yes, sir

THE CHAIRMAN: Representative King.

TUESDAY, APRIL 19, 2022

REPRESENTATIVE KING: Thank you, Mr. Chairman. My line of questioning has been the same in reference to diversity.

MR. ANDERSON: Yes, sir.

REPRESENTATIVE KING: What would you as a board member do to promote diversity, not only in the student body, but in the senior administratives at the campus -- at the college.

MR. ANDERSON: Yes, sir. I would say first the diversity is essential and the way I've thought about it always is that if I was only raised and around folks who look like me, talk like me, sounded like me, from similar backgrounds, I would not be the person I am today. Which is to say, I would be pretty ignorant. Maybe I am pretty ignorant. I don't know. But you have to take that into consideration and implement policies that promote inclusiveness and continue that mission forward. You know, I don't think it's ever a done job. You have to always continue pushing forward and improve on where you already have gotten. And just move forward in the best way you can.

REPRESENTATIVE KING: Thank you.

MR. ANDERSON: Yes, sir.

THE CHAIRMAN: Representative Finlay.

REPRESENTATIVE FINLAY: You know, I heard your -- your answer to the question the Board's role and I want to make sure that you understand the history that Representative King and I have been discussing. The University of South Carolina currently on campus has, roughly, the same number of African American students that it did 20, 30 years. But please understand that what you said is nice but it was decision by the Board to grow the school and to specifically grow the school with out-of-state students. It has increased the size of the school while, in essence, capping in- state African-American attendees. So what I think the struggle that the Board is getting ready to engage is how do you increase African- American participation when you've, in essence, become hooked on a revenue stream from out-of- state students. Only half of them are paying full boat. So while those are all good words, it is going to be policy from the Board that is going to require -- that is going to be required to make those changes. And understand that that policy is also going to involve controlling costs because the whole point of bringing in out-of- state students paying full fare was to drive revenue. Well, 75 to 80 percent of your cost is HR. Payroll. Benefits. So the question very quickly is going to become are you willing to control those costs because without that, you never can balance your budget. Now what we've seen is a university that has not

TUESDAY, APRIL 19, 2022

been willing to do that. I'd love to hear your thoughts on that. I mean, it's -- it's pretty simple.

MR. ANDERSON: And I would agree. I mean, everyone has to balance their checkbook, right. You know, we run a small shop. I have a law partner and we have a couple of staff members but within the last two weeks -- I know this is a small example but the logic still applies -- we had to get a roof. And we have to look at numbers on a continuing, regular basis. Senator HARPOOTLIAN asked if I was here yesterday and, of course, I said I listened but I was a bit shocked not being in the know about the numbers and the math involved about well, the Muschamp buyout, as a very over-the-top example. I don't see how any organization can expect to progress if they're not willing to look at the basic numbers and the math.

THE CHAIRMAN: Any others?

REPRESENTATIVE FINLAY: One more if you don't mind.

THE CHAIRMAN: Oh, you have another question?

REPRESENTATIVE FINLAY: I think it was reference made yesterday to buy-outs of president's staff. There was -- there was coaching but I also think maybe there was reference made to the staff in the president's office.

SENATOR HARPOOTLIAN: Unclear.

REPRESENTATIVE FINLAY: Unclear. If you're a Board member, would that be something that you would condone? In other words, creating a system where top administrators have buy-outs in their contracts?

MR. ANDERSON: I look at it from my perspective as an attorney and, of course, you have to kind of rewind the clock to think about how those contracts were approved in the first place. And if I'm advocating for and looking after the best interest of the university, I would not have been a fan of those, no.

REPRESENTATIVE FINLAY: So that's no?

MR. ANDERSON: Correct.

REPRESENTATIVE FINLAY: Thank you.

THE CHAIRMAN: Senator SCOTT.

SENATOR SCOTT: Thank you so much for your willingness to serve.

MR. ANDERSON: Yes, sir.

SENATOR SCOTT: I see for a while you were in the Seventh Circuit Solicitor's Office.

MR. ANDERSON: I was.

SENATOR SCOTT: From 2008 to 2011.

MR. ANDERSON: Yes, sir.

TUESDAY, APRIL 19, 2022

SENATOR SCOTT: How diverse was that -- was that group in the Solicitor's office?

MR. ANDERSON: I would say it was --

SENATOR SCOTT: That's Spartanburg, right?

MR. ANDERSON: Yes, sir. Yes, sir. And I would say it was very diverse. Solicitor Gowdy, as I still call him, --

SENATOR SCOTT: Trey, I know Trey.

MR. ANDERSON: Yes, sir. Yes, sir. I think he did a great job and honestly, loved the job. I considered staying longer but with a young family and student loans, and this is not Trey's fault, but, --

SENATOR SCOTT: Right.

MR. ANDERSON: -- you know, we didn't quite have the budget to get me where I needed to get.

SENATOR SCOTT: Did you learn anything in terms of working within the group of a diverse population that transferred to your knowledge base especially looking at an operation that's over a billion dollar operation at USC. Something you carried, for example, -- you said -- you mentioned earlier you work for a -- your firm is a very small firm.

MR. ANDERSON: Yes, sir.

SENATOR SCOTT: So I don't know if it's diverse or not but you've had a chance to work in a very diverse population. Is there any transferable knowledge you learned from that office you think that will -- will assist you in doing -- if you're elected to the Board?

MR. ANDERSON: Absolutely.

SENATOR SCOTT: Share it with us, please.

MR. ANDERSON: Yes, sir. The entire experience was, obviously, a learning experience, and I was a very young attorney almost freshly out of law school. I clerked for Judge Mark Hayes prior to that but I have absolutely no regrets starting out as a young solicitor because of, you know, the fact that you're going to hit the ground running. And Trey told me that -- he came down and actually interviewed me. It was kind of funny. I called him, I said just following up. I'd love to work for you. He said I'll come to you and then three minutes later, he was in my office in Judge Hayes' chambers. But he said if you don't want to be in a courtroom, if you don't want to learn, if you don't want to be around a bunch of folks who are willing to help you, it's essentially a family, then this is not the job for you. But you're going to hit the ground running 100 miles an hour. You're going to be in a courtroom. You're going to try cases. You're going to learn things. I think I used the word growth earlier but during my tenure there, I very much grew in all respects.

SENATOR SCOTT: Did y'all have any African American lawyers in --

TUESDAY, APRIL 19, 2022

MR. ANDERSON: We did, yeah.

SENATOR SCOTT: Okay. And your relationship with them?

MR. ANDERSON: It was great. I still see some of them. A lot of folks have moved on. You know, you have sort of career prosecutors or lifers and then some folks there are for a couple of years, maybe five or six. Almost everyone has moved on but I still see those folks around the courthouse. Good relationships. I mean, I can honestly say that there was not a negative relationship that I had while working there.

SENATOR SCOTT: Thanks.

SENATOR HARPOOTLIAN: Mr. Chairman.

THE CHAIRMAN: Senator HARPOOTLIAN.

SENATOR HARPOOTLIAN: I just have to ask this because it's apparently a theme of our guests today. Did you play high school athletics?

MR. ANDERSON: I did.

SENATOR HARPOOTLIAN: What did you play?

MR. ANDERSON: I played baseball and football.

SENATOR HARPOOTLIAN: And football?

MR. ANDERSON: Yes, sir.

SENATOR HARPOOTLIAN: College did you play either one of those?

MR. ANDERSON: No, sir.

SENATOR HARPOOTLIAN: So your experience with football, baseball is based on your high school experience?

MR. ANDERSON: That's correct.

SENATOR HARPOOTLIAN: Do you feel you're qualified to advise the athletic director on who a good coach would be for any of those sports?

MR. ANDERSON: The honest answer is no.

SENATOR HARPOOTLIAN: Do you have any plans to -- to educate yourself so to become an expert in the hiring or firing of football or baseball coaches?

MR. ANDERSON: I believe that would be very specialized and I do not foresee that in my future, no.

SENATOR HARPOOTLIAN: So would you defer to the athletic director?

MR. ANDERSON: Yes, sir.

SENATOR HARPOOTLIAN: If he called you and said what do you think about Coach so and so -- and we've heard testimony yesterday. What's your response to that?

MR. ANDERSON: I suppose I would give him my thoughts on --

SENATOR HARPOOTLIAN: Well, how would you know?

MR. ANDERSON: Probably just -- just based on what I've read.

TUESDAY, APRIL 19, 2022

SENATOR HARPOOTLIAN: Read in the newspaper?
MR. ANDERSON: Yes, sir.
SENATOR HARPOOTLIAN: Or maybe you would restrain and just say it's your call, Mr. Tanner.
MR. ANDERSON: That's possible too, yeah.
SENATOR HARPOOTLIAN: Wouldn't that be the best thing to do?
MR. ANDERSON: To defer to his expertise, yes, sir.
SENATOR HARPOOTLIAN: Right. Okay, thank you.
MR. ANDERSON: You're welcome.
THE CHAIRMAN: What's the desire of the committee?
SENATOR SCOTT: Favorable.
THE CHAIRMAN: Approval. Is there a second?
SENATOR HARPOOTLIAN: Second.
THE CHAIRMAN: All those in favor, please signify by raising your --
SENATOR HARPOOTLIAN: Hold, hold, hold --
THE CHAIRMAN: We've got -- You've got another one?
SENATOR SCOTT: USC had a motion to hold on it.
THE CHAIRMAN: That's right.
SENATOR SCOTT: Thank you.
THE CHAIRMAN: I erred there. Let me hold off on USC.
SENATOR HARPOOTLIAN: Right. Thank you.
THE CHAIRMAN: Thank you, sir.
MR. ANDERSON: Thank y'all.
THE CHAIRMAN: We'll take you up at a later date. All right, the next one is C. Brody Glenn. If you'll give your first -- full name for the record, please, sir.
MR. GLENN: All right. Yes, sir, I'm Carl Brody Glenn.
THE CHAIRMAN: If you'll raise your right hand, I'll swear you in. Carl Brody Glenn having been first duly sworn, was examined and testified as follows:
THE CHAIRMAN: Give a brief statement why you'd like to serve on the Board.
MR. GLENN: First of all, I'd like to thank y'all for accommodating my schedule. I was here yesterday but had a commitment with my daughter in Greenville at 7:00 so I had to leave early. As far as serving on the Board for the University of South Carolina, I had the opportunity to be Chairman of the City of Greenville Planning Commission for -- for many years. It was something that was very beneficial to me but also, I was able to see how I could help and bring my knowledge as a real estate developer and try to approve my hometown. I served on the board for over ten years. I was Chairman of the Planning Commission for over ten

TUESDAY, APRIL 19, 2022

years. And I feel like that was something that now looking back my guidance helped Greenville to what it is. Certainly, it was a whole team effort but it was something that I had to play some role in. I'd like to do the same for the University of South Carolina that gave me so much.

THE CHAIRMAN: Thank you, sir. Staff, any information?

MS. WEBB: Good morning, Mr. Glenn. Upon review of your file, I don't have any specific questions for you but, just as everyone else, can you please state your home address for the record?

MR. GLENN: Of course. 12 Woodland Way Circle Greenville, South Carolina. And I pay four percent.

MS. WEBB: Perfect. Thank you.

MR. GLENN: You got it.

THE CHAIRMAN: Questions? Representative Finlay.

REPRESENTATIVE FINLAY: I hear you say that you're a developer. Is that correct?

MR. GLENN: Yes, sir.

REPRESENTATIVE FINLAY: Do you think the university has a role in development or should that be left more to private developers and things like capital leases be involved versus attempting to put state's credit?

MR. GLENN: So I think there's a way to do things that does not put the -- I think that's one of the things that I can really help is you don't have to put the state's credit involved as far as finding a way to make a real estate development as risk adverse as possible. And if the university is involved, the university is -- is bringing the students, they're bringing the income, they're bringing all that. And therefore, they're risk tolerance should be different than a developer. The developer is the one that should -- the private sector should take that risk and it's all how you structure that deal. So how do you find a way to structure the deal so that the state, the university's credit is not involved? And at times it may be using the Foundation or using some other element that the university still has that income through an endowment or the Foundation. But it's all how you structure the deal and all how you finance it.

REPRESENTATIVE FINLAY: Did I hear -- I heard you mention you wanted to make -- you'd watched Greenville develop. Do you think Greenville would have developed as well if it had as much property off property tax roles because of the Foundation's and university's avaricious gobbling of the property and immediately taking it off the tax roles? Because it seems to me as I hear you discuss putting stuff into the Foundation, that immediately in many regards becomes non taxed. So you have a city attempting to provide services for the university, and I'm

TUESDAY, APRIL 19, 2022

not denying that the university does a lot for USC but it immediately destroys another huge part of the tax base.

MR. GLENN: Right. So when I say using the Foundation, I'm talking about using the credit -- making sure the university's credit's not involved. And so in Greenville what we did -- I was the developer for the baseball stadium. I was also the developer for Camp -- the new Camper down right across from the Peace Center. We developed many of the buildings up there. We did a lot of public private partnerships and the goal was not to take stuff off the tax role. The goal was to create income for the tax role. And if we hadn't created income for the tax role, then we wouldn't have had money to put back into downtown to have -- to help downtown prosper.

REPRESENTATIVE FINLAY: So what I've noticed -- I served on the city council here and I've lived here my whole life is that --

MR. GLENN: For the city of Columbia?

REPRESENTATIVE FINLAY: Yes, sir.

MR. GLENN: Great.

REPRESENTATIVE FINLAY: Unfortunately, what we discuss as public private, quite frequently is that the private makes the profit.

MR. GLENN: Right.

REPRESENTATIVE FINLAY: And the public takes the hit.

MR. GLENN: Right. And it should not be that way. I mean, it should be -- the university is a great driver of income -- should be a great driver of income for Columbia and it's how do you structure those deals. In Greenville what we did is we took all the buildings and made all the buildings private. Therefore, we created income for the city. And we took all the parking garages and most of the parking garages are public. And that's how we'd structure a lot of the public private stuff. Most of my development is out of the state of South Carolina. We've got 30 projects going throughout the country all the way Arizona, Nevada and dealing with every jurisdiction is different and trying to figure out what each jurisdiction's goals are is different.

THE CHAIRMAN: Senator SCOTT.

SENATOR SCOTT: It sounds like you run a pretty large organization in terms of what you're doing. I've been in -- I've been in Greenville and y'all are just growing so rapidly. How diverse is your company?

MR. GLENN: So our -- you know, surprisingly, people think that we have a large company. So we only have nine employees.

SENATOR SCOTT: You're subcontracting all your work out?

TUESDAY, APRIL 19, 2022

MR. GLENN: We subcontract a lot of work out. Of course, we do not build it but we hire consultants from architects, engineers. So our group --

SENATOR SCOTT: And in that process are you using diverse and contract relationships with minority participation. Since you're doing that volume of work, how diverse has that been in terms of your policy?

MR. GLENN: So as far as our consultants, our consultants we take on -- on the road with us when we go outside of Greenville. We do not have the diversity -- really, the consultants we've been working with, I've been working with for 20 years or so and it's up to those guys who they hire. From a diversity standpoint, in our business I'd like to see more diversity.

SENATOR SCOTT: So necessary, there's no diversity blueprint in terms of your policy because you're the president and I guess president see over the operations. In terms of you writing contracts, you can make indication in contract what -- what you're actually looking for. Because I'm looking for some diverse experience because you'll be operating a billion some odd dollar industry --

MR. GLENN: All right --

SENATOR SCOTT: -- where diversity's very important. Having some knowledge and footprint and having some kind of feel of how important that is, you know, to continue to grow.

MR. GLENN: Absolutely. So I'll tell you something. My -- my partner. We're doing a big self-storage platform throughout the country. My partner is an African-American and somebody that I deal with and talk with everyday. He is a leader in diversity. He's creating different programs throughout. He's a guy out of Atlanta. Very successful business guy. And I lean on him lots of times with that. Like I said, we don't have a diversity program in place. Diversity is something that is extremely important and it starts at the foundation, especially in education. How do you -- you know, from listening to the conversations yesterday, if I remember correctly 10.5 percent of our students are African-American, 5.5 percent of our faculty --

SENATOR SCOTT: That's if you look at all of the schools that you have. But look at the Columbia campus, which has been the main focus, I think five percent or six percent.

MR. GLENN: Right. Which -- so, you know, the private sector we set goals. So this is a goal that's clear. We need to try to educate and make sure we educate more African-Americans. And so in my opinion -- I'm friends with a lot of people on different university boards throughout the country, and it's going looking at what's succeeded. How have you

TUESDAY, APRIL 19, 2022

succeeded in doing this and trying to take different examples of what's worked. I mean, it might be going all the way into grade school and high school to try to help build the foundation to have more people come. And the faculty is pretty simple. You know, it's the hiring and firing of policies and how we're going to deal with that. But really and truly, like we had in the City of Greenville, you have to have a long view. And so the long view is this is what our goal is and this is what we're going to do in the short term. But this is how we're going to try to help in the long term. And like I said, it's the Foundation. It's going back to make sure we're getting the right students, we're recruiting --

SENATOR SCOTT: Mr. Glenn, if you look at Clemson, they're noted for engineering, ICAD, UCat. USC's Darla Moore School of Business, Business and Development. And these are some of the best and brightest minds you're up here trying to attract into a business school and looking at business people going on that Board what impact will they have in terms of decision making, the best way the grow the Donald School of Business? Is it to be just a local School of Business? A national School of Business? An international School of Business? I think you're looking more global, international. The behavior of the direction that the School of Business is going into is very important and somebody's got to set the tone in terms of are we going to meet the needs of the industry, especially with all these corporations coming and looking for us to develop the players that go to it, we've got to make sure that our emphasis are where they need to be it. It's not. Other schools -- University of Georgia, North Carolina they're going to take those people and they're going to put them -- become your competitor to come back to the same jobs you're going out of state to try to get.

MR. GLENN: Right. And I went to University of Georgia and got my MBA. But yeah, I mean, the - - there's a lot -- education is important. Also who we surround students with is important because students learn from each other and having the purpose of having a diverse background is not just for the African-American student. It's also -- that benefits everybody else because that's who you're going to deal with in society.

SENATOR SCOTT: Thank you, sir.

THE CHAIRMAN: Anyone else? What's the desire of the committee for approval?

SENATOR SCOTT: No. No. Thank you.

MR. GLENN: Thank y'all.

TUESDAY, APRIL 19, 2022

THE CHAIRMAN: Thank you. So used to saying that. All right, Will Lou Gray Opportunity School. First is J. Blake Lindsey. You can come on up. For the record, give your name -- full name, please, sir.

MR. LINDSEY: My name is Jeffery Blake Lindsey.

THE CHAIRMAN: If you'll raise your right hand. Jeffrey Blake Lindsey, having been first duly sworn, was examined and testified as follows:

THE CHAIRMAN: All right. If you'll give a brief statement why you'd like to serve on the Will Lou Gray.

MR. LINDSEY: Well, my pleasure to be here this morning, first of all and I thank you for the opportunity to do so. This is my first time to ever apply for a Board position and you could probably understand my little bit of apprehension in standing before you gentlemen. My experience from Will Lou Gray, basically, what I would call in the trenches. I worked at -- not worked but I was a volunteer at Will Lou Gray for three and a half years and I became very involved in the lives of the young people that were part of that school situation. And it became incumbent on me as my thoughts toward this increased and increased. That I would love to be involved in helping this nitch school because that's what it is. It fills a nitch. And to me, my -- the opportunity for me as I continue to work with these young people, specifically, is that I would hope to have that opportunity and I explored that opportunity, and as a result, found out about the opening and applied accordingly. And that is my hope that it be the pleasure of the Board to allow me to serve with this group.

THE CHAIRMAN: Questions? Senator SCOTT.

SENATOR SCOTT: I'm looking at your -- your resume or your information you sent us. Risk Consultant, Inc. Tell me a little bit about that operation.

MR. LINDSEY: Which one is it now?

SENATOR SCOTT: Past employment history. Risk Consultants, Inc.

MR. LINDSEY: Yes, sir. I --

SENATOR SCOTT: Ten years.

MR. LINDSEY: Yes, sir. I was a safety and risk consultant. They were based out of Atlanta. I worked remotely and I traveled the country doing safety and risk control audits for various and sundry types of businesses from manufacturing to construction to schools. My specific involvement with schools was both property and general liability coverage exposures. So that's what -- principally what my involvement was there.

SENATOR SCOTT: Tell me about Midlands Technical College. You seem to be very bright and pretty sharp and especially to get your

TUESDAY, APRIL 19, 2022

insurance license. I know how difficult that was even back when you took the exam. I mean, what happened you decided that Midlands -- Midlands Technical College criminal just was the degree -- you decided it was too slow for you? Something else a little more aggressive?

MR. LINDSEY: Well, at the time, I was married and had some small children and my career in the area of law enforcement, I started there but because of just demands of the family --

SENATOR SCOTT: Right.

MR. LINDSEY: -- it preempted that and so I was not able to complete that. I wish I would have but time did not afford me that accordingly.

SENATOR SCOTT: Thank you. Thank you, Mr. Chairman, thank you.

MR. LINDSEY: Thank you, sir.

THE CHAIRMAN: Anybody else. Well, I finally get to say it. What's the desire of the committee?

REPRESENTATIVE KING: Motion to approve.

THE CHAIRMAN: Thank you.

REPRESENTATIVE FINLAY: Second.

THE CHAIRMAN: All those in favor, signify by aye. Congratulations. Let me tell you, don't ask for any commitments from any legislator until you hear from Macey.

MR. LINDSEY: Very good, sir.

THE CHAIRMAN: Thank you.

MR. LINDSEY: Thank you.

THE CHAIRMAN: And our last person for Will Lou Gray is Marilyn E. Taylor. Good morning, and for the record, if you'd give your full name, please.

MS. TAYLOR: Good morning. Marilyn Edwards Taylor.

THE CHAIRMAN: If you'll raise your right hand, I'll swear you in. Marilyn Edwards Taylor, having been first duly sworn, was examined and testified as follows:

THE CHAIRMAN: Brief statement on why you'd like to serve for Will Lou Gray.

MS. TAYLOR: Well, I have been on the Board for a number of years and my motivation to continue has not changed and it's strictly because of the mission of the school and Dr. Gray. It's a very simple mission but it has been very impactful to a lot -- a lot of students. Her goal was to help at risk kids. Kids who have made mistakes, who have had some obstacles and really encourage these kids that, you know, you can make mistakes. You can have obstacles. But if you can move past it, there's some other -- other opportunities on the other side that often times can allow you to be successful. And for over 100 years, she has been able

TUESDAY, APRIL 19, 2022

to, you know, leave her mark and allow the school to perform in that kind of excellence and who wouldn't want to be a part of that and continue to be a part of that? So that is my main reason for pursuing the Board.

THE CHAIRMAN: Questions? Senator SCOTT.

SENATOR SCOTT: Thank you so much for your willingness to serve. I also noticed that you not only have an undergraduate degree but a Master's degree. In talking with young people and trying to get them to pursue other degrees or even technical schools, four year, how successful has that been for those at-risk kids that have turned their lives around? Even going into the military when you have those conversations?

MS. TAYLOR: I'm sorry. Could you repeat that for me again?

SENATOR SCOTT: Youngsters -- young people who come through -- mostly trying to get a GED get out and when we get the statutory language for tech schools, they can go to tech school. How successful have you been in getting them to go through that process, to the technical school and then talking about the four year institutions and other types of degrees and certificates to move to the job market.

MS. TAYLOR: Okay.

SENATOR SCOTT: How successful have you been with -- doing that?

MS. TAYLOR: Well, I think --

SENATOR SCOTT: How successful have you been doing that during your tenure on the board.

MS. TAYLOR: I think the -- the school has been extremely successful in allowing that to happen. In fact, it was sort of funny and it's actually on the website currently and it looks at a lot of the -- the folks who have been a part of the Will Lou Gray program and it's amazing to see a lot of the success that has actually been in place with a lot of graduates. You know, you have graduates who have attended Will Lou Gray who are doctors. You have graduates who are in high profile positions in the military. And they have wide array of success so that, basically, sort of shows you how Will Lou Gray has been so impactful in allowing, not only for you to complete your GED, but also pursue further education.

SENATOR SCOTT: Thank you.

THE CHAIRMAN: Representative King.

REPRESENTATIVE KING: Thank you. I just want to first just thank you for your service to our state. I noticed that you are a member of Delta Sigma Theta sorority.

MS. TAYLOR: Yes, I am.

REPRESENTATIVE KING: My mother and all my sisters and my dear friend was visiting with me today from Georgia former representative

TUESDAY, APRIL 19, 2022

Dee Dawkins-Haigler is a Delta as well. I just want to make sure that you all met.

MS. TAYLOR: How are you, Sir?

REPRESENTATIVE KING: Thank you for your service.

MS. TAYLOR: Thank you.

THE CHAIRMAN: Ms. Taylor, let me say thank you for having such a wonderful school. I chair the subcommittee that funds Will Lou Gray on the House side. I've listened to the presentations for the six years I chaired and every year, it's a success story.

MS. TAYLOR: Absolutely.

THE CHAIRMAN: So I just thank you for your service and I thank Will Lou Gray for giving some young people a chance that probably would have fallen through the cracks if you hadn't been there.

MS. TAYLOR: Absolutely. Thank you.

THE CHAIRMAN: Do I have a motion?

SENATOR SCOTT: Motion to approve.

THE CHAIRMAN: There's motion for approval.

REPRESENTATIVE FINLAY: Second.

THE CHAIRMAN: I have a second. All those in favor, signify by saying your right -- raising your right hand. Than you, ma'am.

MS. TAYLOR: Thank you.

THE CHAIRMAN: Please do not ask for any commitments, although you don't need them but before -- before Macey lets you know.

MS. TAYLOR: Okay. Thank you. I appreciate it.

THE CHAIRMAN: Thank you. All right, at this time we're going to revisit the -- we carried over quite a number of folks yesterday so, at this time, I'll recognize Representative Finlay. I'll call out first, I'm sorry. First one is Charles H. Williams of Orangeburg. Now, Representative Finlay.

REPRESENTATIVE FINLAY: Move to carry Charles H. Williams over.

THE CHAIRMAN: There's motion to carry over Charles H. Williams. All those in favor, signify by saying Aye. ALL: Aye.

THE CHAIRMAN: Opposed. Mr. Williams is carried over. Next is C. Dorn Smith the Third.

REPRESENTATIVE FINLAY: Mr. Chairman, I move that we - - I move that we carry him over.

THE CHAIRMAN: There's a motion --

SENATOR SCOTT: Second.

THE CHAIRMAN: -- that we carry over C. Dorn Smith the Third. All those in favor --

TUESDAY, APRIL 19, 2022

SENATOR SCOTT: Second.

THE CHAIRMAN: Second. All those in favor, signify by saying aye.

ALL: Aye.

THE CHAIRMAN: No? All right. Next Alexander English.

REPRESENTATIVE KING: Move for approval.

SENATOR SCOTT: Second.

THE CHAIRMAN: There's a move for approval and a second for Alexander English. All those in favor, please signify by raising your right hand. Alexander English is approved and I hope you can get in touch with him and tell him that he doesn't ask for any commitments since he's not here this morning. Next is D. Benjamin Graves of Spartanburg. Speaker Lucas.

SPEAKER LUCAS: Move to approve.

THE CHAIRMAN: Motion to approve.

SENATOR SCOTT: Second.

THE CHAIRMAN: There's a second. All those in favor, please signify by raising your right hand. Opposed? No. D. Benjamin Graves is approved. Henry L. Jolly Junior of Gaffney.

SENATOR SCOTT: Move to approve.

REPRESENTATIVE KING: Second.

THE CHAIRMAN: Move to approve and a second. All those in favor signify by raising your right hand. Approval is there. Next we have John C. Von Lehe. Representative Finlay.

REPRESENTATIVE FINLAY: Move to carry over.

SENATOR SCOTT: Second.

THE CHAIRMAN: There's a motion to carry over Von Lehe. All those in favor, signify by saying aye. ALL: Aye.

THE CHAIRMAN: The ayes have it. We will carry over Mr. Von Lehe. Next is Thad H. Westbrook. Representative Finlay.

REPRESENTATIVE FINLAY: Move to carry over.

REPRESENTATIVE KING: Second.

THE CHAIRMAN: There's a motion to carry over Mr. Westbrook. All those in favor signify by saying aye. ALL: Aye.

THE CHAIRMAN: The ayes have it. Next we have C. Edward Floyd.

SENATOR SCOTT: Move to -- move to carry over.

THE CHAIRMAN: Move to carry over by Representative - - I mean, excuse me, Senator SCOTT.

REPRESENTATIVE KING: Second.

THE CHAIRMAN: All those in favor -- I put you back in the House.

SENATOR SCOTT: You see I looked at you. Please don't.

THE CHAIRMAN: Please don't.

TUESDAY, APRIL 19, 2022

SENATOR SCOTT: Please don't.

THE CHAIRMAN: They're recording this. We got to be good now. All those in favor, signify by saying aye. ALL: Aye.

THE CHAIRMAN: The ayes have it. All right, C. Edward Floyd is carried over. Next we have D. Hollis Felkel, the Second. Is there a motion?

REPRESENTATIVE KING: Motion to approve.

THE CHAIRMAN: Motion to approve.

REPRESENTATIVE FINLAY: Second.

THE CHAIRMAN: Second. All those in favor, please signify by raising your right hand. D. Hollis Felkel is approved. Next C. Brody Glenn.

REPRESENTATIVE KING: Move to approve.

SENATOR SCOTT: Second.

THE CHAIRMAN: And a second. All those in favor, signify by raising your right hand. C. Brody Glenn is approved. Reed T. Sherard. I think I got that right.

REPRESENTATIVE KING: Move to approve.

THE CHAIRMAN: For approval. Is there a second?

SENATOR SCOTT: Second.

THE CHAIRMAN: All those in favor, signify by raising your right hand. He is -- Mr. Sherard is approved. We have two more. J. Patrick Anderson this morning. Is there a motion?

SENATOR HARPOOTLIAN: Move to approve.

MULTIPLE: Second.

THE CHAIRMAN: All those in favor, signify by raising your right hand. Mr. Anderson is approved. And last C. Brody Glenn. Is there a motion?

SENATOR SCOTT: Approved.

REPRESENTATIVE FINLAY: Second.

THE CHAIRMAN: All those in favor, signify by raising your right hand.

REPRESENTATIVE FINLAY: Move to adjourn, Mr. Chairman.

THE CHAIRMAN: And there's a move to adjourn and I assume -- before we adjourn, is there any comments or questions from the committee?

REPRESENTATIVE KING: Mr. Chair?

THE CHAIRMAN: Yes, sir.

REPRESENTATIVE KING: Just -- just for -- do you know if we're going to be having any more meetings or are we done?

THE CHAIRMAN: Well, we've got these five carry overs.

TUESDAY, APRIL 19, 2022

REPRESENTATIVE KING: Okay.

THE CHAIRMAN: So I'm sure some time in the future, we will make a decision whether to approve them or not.

REPRESENTATIVE KING: Has a date been set --

THE CHAIRMAN: No.

REPRESENTATIVE KING: -- for the election of Board members?

THE CHAIRMAN: What date is that? May --

MS. WEBB: Tentatively we have May 5th.

REPRESENTATIVE KING: Okay. Thank you.

THE CHAIRMAN: Any other? Thank you. Committee, thanks for your hard work yesterday. It was a long day but I think we got a lot of answers we needed to hear. (There being no further questions, the deposition concluded at 10:56 a.m.)

Motion Adopted

On motion of Senator MASSEY, the Senate agreed to stand adjourned.

MOTION ADOPTED

On motion of Senator K. JOHNSON, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. Ethel M. Richburg of Manning, S.C. Ethel lived a long and full 109 years and was loved and cherished by everyone who knew her. Ethel was a faithful member of her community who will be dearly missed.

ADJOURNMENT

At 1:09 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 1:00 P.M.

* * *

TUESDAY, APRIL 19, 2022

SENATE JOURNAL INDEX

S. 1213.....	7	S. 1263.....	5
S. 1214.....	7	S. 1264.....	5
S. 1215.....	7	S. 1265.....	6
S. 1216.....	8	S. 1266.....	6
S. 1217.....	8	S. 1267.....	6
S. 1230.....	20		
S. 1254.....	9	H. 3729.....	21
S. 1255.....	10	H. 4408.....	11
S. 1256.....	10	H. 4831.....	8
S. 1260.....	4	H. 5075.....	10
S. 1261.....	4	H. 5101.....	3
S. 1262.....	5		