

**South Carolina Human Affairs Commission
Board Meeting**

August 30, 2024
S.C. Department of Parks, Recreation and Tourism
Edgar A. Brown Building
1205 Pendleton Street, Room 252
Columbia, SC 29201

BOARD MEMBERS PRESENT

Chairman James T. McLawhorn, Jr.
Vice Chair Sharon Sellers
Commissioner Steve Hall
Commissioner Leon Winn
Commissioner Mary Amonitti

STAFF PRESENT

Interim Commissioner Marvin Caldwell, Jr.
Deputy Commissioner Clark Leslie
Deborah Thomas
Tarnya Whitmire
Lawrence Smalls
Jamie Smith
Janeen Sanders

GUEST

Thomas Kaminer – SCHAC Budget Director
ADMIN Shared Services

Stephen Kohn

I. CALL TO ORDER

The South Carolina Human Affairs Commission (“SCHAC” or the “agency”) held its Board meeting on August 30, 2024, at the S.C. Department of Parks, Recreation and Tourism, Edgar A. Brown Building, 1205 Pendleton Street, Room 252, Columbia, SC. Public notice was posted at SCHAC’s main office entrance and placed on the SCHAC’s website. Chairman McLawhorn called the meeting to order at 10:16am and asked for the roll call.

II. ROLL CALL

Janeen Sanders, Executive Assistant, called the roll of Board members. A quorum was established.

III. APPROVAL OF MINUTES

Before the minutes were approved, Chairman McLawhorn asked for some corrections to be made on page 2.

After appropriate corrections were discussed, Chairman McLawhorn called for the approval of the minutes from June 30th, 2024, with correction being made on page 2 of those minutes. The motion for the minutes to be approved with corrections was made by Vice Chair Sharon Sellers and seconded by Commissioner Leon Winn.

The minutes were unanimously approved.

IV. OPENING REMARKS

As part of the opening remarks, Chairman McLawhorn proposed the possibility of the agency partnering with college campuses and have training for the presidents and provosts, etc., along with the community relations councils to educate them on defusing situations related to human affairs that could arise.

Commissioner Amonitti also asked that the Board be brought up to date more frequently on when events were happening in their districts by the Community Relations Division.

Deputy Commissioner Leslie advised he would speak with the team about this request.

V. **OLD BUSINESS**

There was no old business to be discussed.

VI. **NEW BUSINESS**

There was no new business to be discussed.

VII. **BOARD REPORTS**

A. **Administration**

Commissioner Amonitti gave way to Deputy Commissioner Leslie to give the Administration report.

Deputy Commissioner Leslie had good news regarding the potential move for the agency. He mentioned the SC Education Department had moved to their new location which gave way for the Human Affairs Commission to potentially move into one of two floors in the Department of Archives and History Building. The location would be at the same pricing the agency is currently renting at. There was a meeting with the building architect regarding work that needed to be done, and the agency is awaiting a response for pricing. There are several costs that will be split amongst the Archives Department and SCHAC that would help reduce costs (i.e. housekeeping, security etc.). Another potential benefit for the agency is that DHEC is in some of the space in the building but will be moving. That will give the agency additional space for growth potential as it is needed. There is presently no established date for moving due to estimates still be discussed. As soon as that information becomes available Commissioner Leslie advised he would make the Board aware.

That concluded the report for Administration.

B. **Legal Update**

Staff Counsel Jamie Smith gave the report in General Counsel Scranton’s stead and discussed the Legal Division activities for June – August 2024 as follows:



**HUMAN AFFAIRS COMMISSION
LEGAL ACTIVITIES LOG**

General Counsel Caroline Scrantom
EEO Staff Counsel Jamie N. Smith
FH Staff Counsel Elizabeth Perkins
Legal Assistant **Vacant**
Mediator Larry McBride

Case Reviews	June	July	August (as of 8/28)
EEO Cases	40	25	19
Housing Cases	17	5	15
90E Cases	2	4	2
Non-Litigation Activities (June, July & August (as of 8/28))			
Cause Case Completions			1
Requests for Revision or More Investigation			35
Total Case Review Return Rate			27%
Housing Conciliation Agreement Reviews			12
Inquiries Responded to and Guidance Issued by Legal			172
Intakes Reviewed			326
FOIA Responses Finalized			24

SCHAC Litigation by the Numbers	
Cases Pending before the Board	0
Cases Pending before the Circuit Court	2
Cases Pending before the Court of Appeals	0
Recent Case Settlements	0
SCHAC Mediation by the Numbers (as of 7/31) EEO Contract Year (Oct. 1, 2023 – Sept. 30, 2024)	
Total Mediations	52
Successful Mediations	29
Percent Successful	58%
Aggregate Settlement Amount	\$450,980

Before concluding her report, Staff Counsel Smith informed the Board of the recent U.S. Supreme Court ruling in *Loper Bright Enterprises v. Raimondo* and its implications for regulatory agencies.

C. **Legislative Update**

Prior to the Legislative update being given, Interim Commissioner mentioned that the agency is mandated abide by certain laws. One of those laws under Article 6, Section 2 mentions that *the vice-chair may serve consecutively for not more than two two-year terms*. With Commissioner Sellers being elected to serve as Vice Chair two years ago, the Board can vote someone else in or

vote to reelect Commissioner Sellers as Vice Chair. A motion was then made by Commissioner Amonitti to vote Commissioner Sellers to remain as Vice Chair for another two years. It was seconded by Commissioner Winn. Vote was taken and unanimously passed.

Chairman McLawhorn appointed Commissioner Amonitti as the Ad-Hoc Committee Chair over Community Relations based on the authority he has stated in the agency bylaws.

Vice Chair Sellers had no updates on her end and handed the report out back over to Interim Commissioner Caldwell.

Interim Commissioner Caldwell stated that during the last board meeting, the agency was awaiting the outcome of the budget request items submitted. The agency received Retention Funding for staff consisting of raises, etc. Funding was requested for a Supervisor and three investigator positions for the EEO Team, but only a Supervisor and two investigator positions were granted. The agency did not receive additional staffing for Community Relations nor was the request for an additional Technical Services Trainer granted.

Due to the Legislature not being in session currently, Interim Commissioner Caldwell said he intends on reasking for the requests that were denied and provide additional information to accompany the requests.

Interim Commissioner Caldwell also mentioned the Accountability report that is submitted by September 15th of every year was on schedule to be completed and compiled on time. He will be reaching out to Chairman McLawhorn to review the narrative that will be submitted with the report as well as get his signature for submission.

When Interim Commissioner Caldwell goes back to the Legislature for the re-requests, he will additionally be seeking funding for IT recurring funds.

This concluded the Legislative portion of the report.

D. Personnel Update

Commissioner Winn gave way to Lawrence Smalls to give the report as follows:

As of August 30th, there were 60 FTE positions; 45 FTEs employed; and 15 vacancies listed below:

- Agency Head (Interim appointed 01/2023)
- Program Coordinator I – (EEO Investigator) (7 positions) pending job interviews.
- Program Coordinator I Fair Housing Intake (2 positions) New hire tentative start date of 09/03. Other position pending repost.
- Legal Assistant (pending job posting)
- Program Coordinator I Technical services Consultant New Hire tentative start date 09/03
- Program Coordinator I EEO Intake Officer New Hire tentative start date 09/03
- Program Manager I EEO Supervisor pending job posting.
- Program Coordinator I Fair Housing Investigator pending job posting.

There were four resignations.

Commissioner Amonitti asked if any of the four resignees went to other state government agencies. Mr. Smalls advised that two had gone on to other agencies and the other two went to the private sector.

The report was concluded.

E. Financial Update

Commissioner Steve Hall turned the meeting over to Thomas Kaminer to explain the financial report to the Board.

Kaminer began his report going over the year-end report for FY24. The agency finished the year with over \$600k surplus. Looking forward, it is still projected the agency is in good standing to have smaller surpluses, and the appropriated funds for the agency to move are all still in place. The agency was off to a good start.

Chairman McLawhorn called for a five minute break at 11:18am.

Meeting was back in Session at 11:26am and continued with the Commission Reports.

VIII. COMMISSION REPORTS

A. Administration

Interim Commissioner Caldwell highlighted the federal contracts and their closures. The Fair Housing Contract closed on June 30th, 2024, with 116 case closures. The EEO contract was modified to 450 case closures due at the end of the contract which closes on September 30, 204.

The Directors of each division will further elaborate on their sections.

B. Consultative Services Programs

Deputy Commissioner Leslie reported out for all the Consultative Service Programs.

i. Technical Services & Training

He began his report advising there would be a new hire to the team in the coming week. She was a recent grad from USC and the team is anticipating her arrival.

The below slide discusses the training the team has conducted. With the training held on June 18th with the EEO officers, it was slated for four hours but ran closer to six. This was due to the number of new EEO officers across the agencies. Of the 90 or so agencies where the data is collected, approximately 27 were new officers, so training took a little more time than anticipated due to the numbers of questions posed.



ii. Community Relations & Outreach

The Community Relations Division continues to work on 90(e) cases, The slide below shows how the number of 90(e) complaints received has decreased over the past few years.

Community Outreach:

90E:
SC Codes:
1-13-90E
45-9-110

23-24 State Fiscal Year Cases	22	} 51% Decrease
22-23 State Fiscal Year Cases	43	
21-22 State Fiscal Year Cases	28	} 54% Increase
20-21 State Fiscal Year Cases	21	

90(e) and Public Accommodations:

Attempts are made to reconcile the parties or, at minimum, obtain a position statement on behalf of the respondent for the complainant's information.

Public accommodations discrimination complaints may be filed based on race, color, religion, or national origin. The types of businesses covered include the following: inns, hotels, motels, retail establishments, restaurants, hospitals, clinics, theaters, concert halls, billiard parlors, barrooms, golf courses, sports arenas, stadiums, or other places of amusement, exhibition, recreation, or entertainment. The statutory limitation for filing a non-employment and/or 90(e) complaint with Human Affairs is 180 days from the date of violation.

The Division also has informational 90(e) cards that handed out during outreach events.

Attached is the schedule of events where the Community Relations team will be in attendance.

Community Outreach:

Community Relations Division

Future Events

Partnership Development:

- Working with the City of Charleston Human Affairs and Racial Conciliation Commission (HARCC) for the establishment of an advisory council.

Future Events:

- September 9th- City of Rock Hill Mayor's Proclamation- Rock Hill AC
- September 12th- SC Chamber of Commerce: Workforce Development Symposium
- September 13th- Santee Indian Tribe Pow Wow Community Event
- September 21st- City of Columbia Jubilee: Festival of Black History and Culture
- October 8-12th- SC NAACP State Convention- Charleston
- November 11th- 11th Annual Sumter Tribe of the Cheraw Indians
- Late November (TBA) US DOJ FMACC Training- Columbia
- January 20th- City of Rock Hill MLK Breakfast- Rock Hill AC
- February 4th – SCEDA Legislative Reception- Columbia
- February 25-27- Together SC 2025- Columbia

Commissioner Amonitti asked for a list of Advisory Councils already set in place. Deputy Commissioner Leslie advised he would get that information to her.

Chairman McLawhorn questioned how more attention can be drawn to the events allowing the agency to garner more exposure. Interim Commissioner Caldwell explained the agency is invited to these events, and marketing is usually left up the event sponsor.

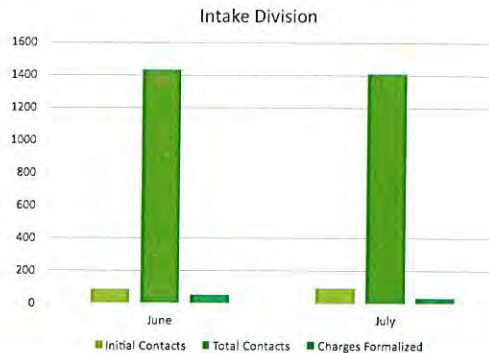
iii. **Intake Processing**

Deputy Commissioner Leslie presented the numbers for contacts and formalized complaints for Intake from June – July 2024.



June – July 2024

Initial Contacts:	
June: 83	July 91
Total Contacts:	
June: 1432	July 1407
Charges Formalized	
June: 51	July 48



C. **Compliance Programs**

i. **EEO Enforcement**

Director Whitmire talked on the following:

- EEOC Contract runs 1 October 2023 thru 30 September 2024
- There is a signed contract for 450 cases.
- Currently closed 370 cases
- Need 80 cases to meet the contract

Her staff consists of the following:

- EEO Enforcement Director
- 3 - EEO Enforcement Supervisors
- 1 - EEO Administrative Coordinator
- 1 - EEO Administrative Assistant
- 8 - FTE Investigators
 - 2 Experienced Investigators (6 years)
 - 6 New Investigators (All under 1 ½ years)
- 2 - Part-Time Temp Investigators
- New Hires coming
 - 1 – EEO Enforcement Supervisor position
 - 7 – FTE investigator positions

Director Whitmire is positive that with the new coming staff members, this will allow more cases to be closed in the coming years.

Commissioner Sellers wanted to know if 450 was the contract this year, what would a new contract year look like with the new staffers. Director Whitmire advised it is calculated from an average of three years and that is how a contract number is reached.

Director Whitmire discussed the visit she and some of the EEO team took to the EEOC's Charlotte office in May, where they discussed the agency's practices versus the EEOC's practices to assess how to close cases more effectively. It was determined that the SCHAC could benefit from some of the EEOC's practices; however, the implementation would not be beneficial to completing the FY24

contract. The idea is to have meeting at the beginning of the new contract, October 1, and discuss a roll out of some new ideas.

Although new implementations were not fully made, there were some small changes made in the 4th quarter that allowed the cases to be reviewed and closed quicker as the numbers show below:

3RD QUARTER vs. 4TH QUARTER CLOSURES

- APRIL - 28
- MAY - 33
- JUNE - 40

- JULY - 68
- AUGUST - 60 and counting
- SEPTEMBER - Pending



This concluded Director Whitmire's report.

ii. Fair Housing Enforcement

Director Thomas advised the board of education and outreach efforts of the Fair Housing Division as follows:



Partnership Fund Education & Outreach Efforts

To provide information about the services and protection offered by the South Carolina Fair Housing Law

Five (5) Rural Areas Counties:

- ❑ Colleton, Jasper, Newberry, Saluda, Union

Targeted Communities:

- ❑ Asian Americans, Pacific Islanders, Blacks, Indigenous, Other Communities of Color
- ❑ LGBTQ Communities (including Sexual Orientation & Gender Identity)

There was a media campaign run from March 28th thru June 30, 2024, as well as a radio campaign run from June thru July 2024. The results of both are as follows:



Digital Media Campaign

□ From March 28 thru June 30, 2024, there were 881,308 Impressions and 487 Clicks

Communities of Color

It is against the law for landlords to deny your application, give you the run-around, charge you more rent, or steer you away from a rental complex or neighborhood because of your race or national origin.



LGBTQ+



Do you know your housing rights in South Carolina?

Wherever you want to live and whatever your gender identity or sexual orientation is, you're protected by the South Carolina Fair Housing Law.



Radio Campaign

This campaign ran during June and July 2024
850,000+ Impressions (2 stations were not rated)

- WHHW -- Jasper (100 Spots)
- WQKI - Colleton (94 Spots)
- WKSP-FM -- Saluda (100 Spots)
- WXBT-FM -- Newberry (104 Spots)

Director Thomas gave an overview of FY 23 – 24 as follows:

- There were 18 trainings they either attended or hosted
- There were 23 outreach and other events attended
- They received 723 inquiries with 334 of those were formalized
- 116 cases were investigated
- 19 cases were conciliated

Director Thomas thanked her team for a great year and looking forward to an even greater year ahead.

The report was concluded.

IX. PUBLIC COMMENT PERIOD

There were no outside notices for anyone from the public to speak.

A guest, Stephan Kohn, attended the meeting at Commissioner Amonitti's invitation and introduced himself briefly. . He is the Broker-In-Charge at C21 Excel Charleston office, Director of Growth Lowcountry, and CEO of Empowerment Development Group, LLC, where they provide housing solutions to combat the attainable workforce housing issues in the Lowcountry. He was invited to hear about what the agency does and to how he could best collaborate.

X. BOARD MEMBER COMMENTS

The Board thanked the staff for their diligence and continued hard work.

XI. EXECUTIVE SESSION

Charmain McLawhorn called for a motion to be made to enter Executive Session. Commissioner Hall made a motion to enter Executive Session. Commissioner Winn seconded. Executive Session began at 12:51pm.

Chairman McLawhorn called for a motion to exit Executive Session. Commissioner Winn made the motion to exit, and Commissioner Amonitti seconded. After unanimous consent, Executive Session ended at 1:08pm.

Chairman McLawhorn reported out the following having occurred during Executive Session:

1. Update on pending agency litigation
2. Update on personnel matters
3. Receipt of legal advice related to agency representation

XII. NEXT BOARD MEETING

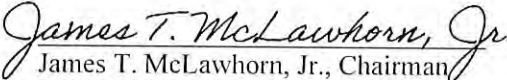
The next Board meeting is scheduled for 10:00am on November 21, 2024, at the Department of Archives and History located at 8301 Parklane, Columbia, SC.

XIII. ADJOURNMENT

There was no other business for the good of the body to be discussed. Chairman McLawhorn called for a motion to adjourn for the day. Commissioner Winn made the motion to adjourn, and Commissioner Amonitti seconded. After unanimous consent, the meeting was concluded at 1:10pm.

Minutes respectfully submitted by Janeen D. Sanders, SCHAC Executive Assistant.


Marvin Caldwell, Jr., Interim Commissioner


James T. McLawhorn, Jr., Chairman

11/21/2024
Date