

**South Carolina Human Affairs Commission  
Board Meeting**

May 17, 2018  
10:00 A.M.

SCHAC Board Room  
1026 Sumter Street  
Columbia, South Carolina

**BOARD MEMBERS PRESENT**

John A. Oakland, *Chairman* - Excused  
Harold Jean Brown  
Ashley Case - Excused  
Joe R. Fragale  
Cheryl Ludlam, *Vice Chair*  
The Reverend Willie Thompson  
A. C. Williams

**STAFF PRESENT**

Raymond Buxton, II  
Alyssa Barker  
Marvin Caldwell  
Yvette Critchfield  
Sharon Dorn  
Sarah Gable  
Christina Jordan  
Dan Koon  
Saundra Ligon  
Teresa McWilliams  
Lee Ann Rice  
LaTanya Whitmire

**CALL TO ORDER AND ATTENDANCE CHECK**

On May 17, 2018, the South Carolina Human Affairs Commission (SCHAC) held its Board meeting at 1026 Sumter Street, Columbia, South Carolina. A public notice was posted at the main entrance on May 16, 2018, and to the SCHAC website.

Vice Chair Cheryl Ludlam called the Board meeting to order at 10:00 A.M. All Board Members were present, except for Chairman Oakland and Commissioner Case, who were excused.

**APPROVAL OF MINUTES**

There being no corrections to the minutes, a motion was made to approve by Commissioner Fragale and seconded by Commissioner Williams. The February minutes were approved unanimously.

**MONTHLY DIVISION REPORTS**

The monthly division reports were emailed to Board Members on Wednesday, May 16, 2018.

## **COMMITTEE REPORTS**

### **Administrative Update - Commissioner Brown**

Commissioner Brown deferred the Administrative Update to Commissioner Buxton. He stated that currently SCHAC does not have a signed EEOC contract. SCHAC likely will be eight months into its current cycle before we have a signed contract. The delay probably is due to unresolved Washington budget. We currently are functioning under a gentleman's agreement with the EEOC. Usually SHAC would have invoiced about 50% of the EEOC funds to date. SCHAC cannot bill the EEOC until a contract exists. SCHAC Administrative Manager Christina Jordan is watching the budget closely. The Commissioner expects SCHAC to have 1028 cases completed by September 30.

### **Legal Update – Commissioner Case**

Commissioner Ludlam deferred the Legal Update to Lee Ann Rice in Commissioner Case's absence. Lee Ann stated the following:

1. Pregnancy Accommodations Bill – pending since 2017; the House has approved it; the Senate revised and approved; the House approved revision; it was ratified by General Assembly on 5/14; McMaster has through the weekend to sign or veto.
  - a. May necessitate Regulation promulgation by SCHAC.
2. Regulations Changes Filed September 2017 – will take effect, with slight modification, later this month. Modification related the housing bill and adjusted the types of closures SCHAC is able to have (based on HUD recommendations). The regulations required four meetings with a House Subcommittee; appreciation goes to Marvin Caldwell for pinch-hitting for Lee Ann in one of those meetings.
3. Simone Holloway – a second-year law student from USC that will be with SCHAC for the summer through an externship program; she receives class credit in lieu of a paid summer clerkship.
4. Subpoena Status – between October 1, 2016, and September 30, 2017: 70 subpoenas and 13 enforcements; between October 1, 2017, and April 3, 2018 – 34 subpoenas and 9 enforcements; fairly consistent with last year – averaging four to five (4-5) subpoenas per month and just over one enforcement per month.
5. Litigation Plan in Employment – Commissioner Buxton is eager for the Legal Department to bring a cause case to court in the area of employment, but the Statute of Limitations provides a large obstacle in that it states that the lawsuit must be filed within one year of the date of violation to the party – i.e. after a charge is filed and investigated and signed-off; the Legal Department is working with supervisors on a new process for expediting the potential cause cases from an earlier date, rather than when the legal division first receives the case for review.
6. Legislation Addressing the Above-mentioned Statute of Limitations and Other Legislative Oversight Committee Recommendations – Representatives Funderburk & Newton had co-sponsored a bipartisan bill following our Legislative Oversight Study being published. The bill included four (4) of nine (9) recommendations for addressing

deficiencies in our law; the bill died in Senate after approved by the House in March; SCHAC will have to refile next session.

7. FOIA Requests – Despite having fewer closures, our FOIAs have not declined; between October 1, 2016, and September 30, 2017, the Legal Department processed 124 FOIA requests for file information. October 1, 2017, to April 30, 2017, already has seen the Legal Department process 103 requests. Lee Ann believes that the increase is due to the regulatory changes where charging parties have greater access to file contents. Also, the Legal Department is invoicing the copies and processing in a manner more like the EEOC now.
8. Litigation - three (3) pending cases, which Alex Pate will discuss in Executive Session.
9. AG Opinion – Another topic Alex will discuss in more detail is the Attorney General Opinion that was issued on March 23, following SCHAC’s requests that they do so. The AG opinion states that it believes a SCHAC attorney would be able to appeal a Panel Order but is not required to do so; were an Aggrieved Party and the SCHAC attorney to have differences of opinion about an appeal, then the AG suggests that Aggrieved Party would need to timely seek intervention, ask for review by the panel, and then appeal from an order.
10. Media Inquiries/Actual FOIAs – Lee Ann personally noticed an increase in media requests and other types of FOIA requests (not related to files) during the winter and early spring; these are usually handled by some combination of Lee Ann, Anita, Vicki, Tracie, and Christina, depending on the information being sought – sometimes it is stats on types of cases or closures; sometimes it is HR or budget related, etc. Usually media stories happen very rapidly, and they are not something the Legal Department tracks with the media in terms of deadlines for airdates. If the Legal Department sees something afterward, they will try to send it out.
11. Tate v. SCHAC – SCHAC has been sued in the Administrative Law Court by a disgruntled CP who received a no cause finding in Housing; Alex Pate has filed a Motion to Dismiss; the Legal Department is awaiting direction from the Court.
12. Jenkins v. SCHAC – dismissed and no appeal was filed.
13. Wadler – Eviction hearings attended, pre-determination, by SCHAC Attorney Sarah Gable and SCHAC Housing Investigator Alyssa Barker. SCHAC attempted to stay the eviction until the investigation could be finished, due to the potential for a cause determination.
14. Administrative Hearing – four (4) cases have been noticed for hearing.

#### Events and Trainings

2/26 – Lee Ann attended a phone-a-thon with LaTarnya, Alex Nelson, Stephanie, and Erin for Live 5 News in Charleston.

3/2 – Along with other members of management, Lee Ann provided New Employee Training to explain the Legal Division.

3/6 – SMG provided ADA training to compliance staff.

3/13 – Lee Ann served on a panel with two other attorneys in Greenville at an HR seminar hosted by Ogletree law firm.

3/20 – Lee Ann provided training on sexual harassment to members of the First Nazareth Church on Gervais Street.

During the month of March, Alex Pate and Sarah both attended weeklong courses on Fair Housing in DC.

4/26 – Alex Pate provided training to the Greenville Human Relations Council’s Fair Housing Forum – he provided multiple training sessions that day.

**Legislative Update – Commissioner Fragale**

Commissioner Fragale deferred the Legislative Update to Commissioner Buxton. Commissioner Buxton stated that the SCHAC budget passed in the House: 84 yea and 0 nay; the SCHAC budget passed in the Senate 48 yea and 3 nay. Commissioner Buxton said that he educates legislators on the mission and activities of SCHAC on a regular basis. Commissioner Brown asked if the SCHAC’s presentations to the Legislative Oversight Commission helped to enlighten legislators on SCHAC’s value. Commissioner Buxton responded in the affirmative, stating that, although SCHAC’s response to the Legislative Oversight Committee created a lot of work for SCHAC, it turned out to be a blessing in disguise. SCHAC received great support and feedback. Commissioners Ludlam and Thompson praised Commissioner Buxton for his dedication and leadership.

**Personnel Update – Commissioner A.C. Williams**

Commissioner Williams welcomed the SCHAC new hire and shared the following information:

<u>Total Employees:</u>	As of 05/17/2018
	45 – Full Time Employees
	01 – State Temp – Larry McBride (Program Coordinator I – Mediator)
	<b>46 – Total Employees</b>
<u>Total Vacancies:</u>	03 – As of 05/17/2018
	• 3 Program Coordinator I – Vacant & no office space to place employees
	• 1 Program Coordinator I (EEO Enforcement) – Position has been posted and should be filled mid-June/early July
	• 1 Program Coordinator I (Fair Housing) – Position has been posted and should be filled mid-June/early July
<u>Total Terminations:</u>	00
<u>Total Internal</u>	00
<u>Moves:</u>	

Total Resignations: 02 – Rosemary Drake-Simon – Program Coordinator I (EEO Enforcement)  
Luis Mendoza – Program Coordinator I (Fair Housing) – Last day:  
June 1

Total Retirements: 00

Total New Hires: 01 – Lauren Caudle – Program Coordinator I (Technical Services)

Updates: Lauren Caudle is the new Program Coordinator for SC Human Affairs Consultative Services. She is grateful to be a valuable contributor to this organization. She is a graduate of the University of South Carolina, where she received her bachelor's degree in psychology. From the university as well as other various occupational experiences, she has been exposed to many diverse cultures and enjoyed learning from them. She believes each person has something to contribute to this world, where we can strive to make it a better place for the generations to come. With this new opportunity she would love to assist in advocating for the equality of all individuals.

### **Finance Update – Cheryl Ludlam**

Commissioner Ludlam deferred the Finance Update to SCHAC Administrative Manager Christina Jordan.

Christina reported:

For SFY 2018:

As of April 2018, SHAC has consumed:

State Funds:

Salaries (FTE's)	\$ 1,091,497.16
Salaries (Temps)	\$ 52,456.60
Employer Contributions	\$ 405,121.92
Other Operating Expenses	\$ 302,436.16
Per Diem (Board)	\$ 700.00
CRC Funds	\$ 3,949.17
Terminal Leave Payout	\$ 4,603.13
<b>Subtotal - State Funds</b>	<b>\$ 1,860,764.14</b>

Earmarked Funds:

Salaries (FTE's)	\$ 279,115.77
Salaries (Temps)	\$ 2,900.00
Employer Contributions	\$ 81,916.20
Other Operating Expenses	\$ 57,588.28
Terminal Leave Payout	\$ 1,126.26
<b>Subtotal - Earmarked Funds</b>	<b>\$ 422,646.51</b>

Federal Funds:	
Salaries (FTE's)	\$ 167,168.30
Employer Contributions	\$ 55,696.93
Other Operating Expenses	\$ 49,081.83
<b>Subtotal - Federal Funds</b>	<b>\$ 271,947.06</b>

Total Expended:

**Total - SCHAC \$ 2,555,357.71**

Approximately 74.03% of total budget expended with approximately 83% of the year elapsed.

The House and Senate budgets both included the additional funding that SCHAC has requested, so according to the Budget Analyst at the Executive Budget Office, that additional funding is locked in, unless the Governor vetoes it and the House/Senate do not overturn the veto.

## **COMMISSIONER’S REPORT**

### **Administration Update - Commissioner Buxton**

Commissioner Buxton stated that Commissioner Brown has been very active in Georgetown, including offering SCHAC services to newly elected Mayor Brendon Barber, Georgetown’s first African American mayor. The Commissioner expressed thanks to SCHAC Legal Department General Counsel Lee Ann Rice on the work she has done in presenting regulation requests to the Legislative Oversight Committee. SHCAC Deputy Commissioner Dan Koon has been holding training sessions at the State Supreme Court. The critique coming from attendees has been outstanding. Commissioner Buxton shared with the Board some of the glowing quotes Dan has received from attendees. Commissioner Buxton praised the wonderful work of SCHAC Fair Housing Department Division Director Marvin Caldwell and his staff. Marvin expects to complete 100 cause cases by fiscal year end, which will have the effect of increasing funds for SCHAC by 20% of last year’s funds, i.e., \$60,000.

### **Housing Update - Marvin Caldwell**

Marvin stated that there 91 active complaints brought forward for the month of April; eight (8) complaints were received for a total of 99. Two (2) investigations were completed. Final action was taken on two (2). Active complaints on hand are 97. Three (3) are pending hearing. Housing participated in the following events:

City of Spartanburg - April 7th Neighborhood Conference - Don Frierson (Speaker) 50 people in four (4) different breakout sessions

Columbia International Festival – April 13<sup>th</sup>, 14<sup>th</sup>, and 15<sup>th</sup> – Fair Housing Staff & Anita Dantzler (Booth of Information) At least two (2) employment

cases may result from this and a housing case resulted from this event  
**(Varies different Countries and Cultures)**

Greater Greenville Association of Realtors - April 17<sup>th</sup> - Marvin Caldwell  
(Speaker) 20 professionals

2018 Palmetto Affordable Housing Forum - April 17<sup>th</sup> & 18<sup>th</sup> – Alyssa  
Barker, Tamiko Johnson, and Deloris Jenkins (Booth of Information)

S. C. Apartment Association of Legislative Day – April 18<sup>th</sup> – Marvin  
Caldwell (Speaker) 150 people □ Apartment Association of Greater  
Columbia - April 20<sup>th</sup> - Marvin Caldwell (Speaker) 30 Property Manager  
Professionals

Greenville County Human Relations Commission - April 26<sup>th</sup> - Pate  
(Speaker) 100 Attorneys, Magistrate Judges, and Management Companies

Richland County CRISM - April 27<sup>th</sup> and 28<sup>th</sup> - Anita Dantzler, Don  
Frierson, and Luis Mendoza (Planning Committee, Panel Discussions, etc.)  
about four (4) Fair Housing complaints resulted from it

The Housing Department performed a skit to demonstrate to Board members the challenges  
associated in a Housing investigation.

### **CHAIRMAN’S COMMENTS**

Chairman Ludlam recognized Commissioner Buxton for his leadership and emphasis on  
teamwork. Commissioner Buxton has done a great job leading the Agency. The House and  
Senate votes to approve the SCHAC budget are measurable evidence of support generated by the  
hard work of the SCHAC staff. She offered congratulations to the SCHAC superstar Legal team.  
She praised Marvin on his incredible Housing team. She thanked Christina for her excellent  
work on the budget. She stated that Stephanie and Erin did a phenomenal job on the EEO Forum.  
She said that she is proud to serve on the Board of Directors for SCHAC and values SCHAC’s  
devotion to its mission. She thanked the Board members for all they do to support SCHAC.

### **BOARD MEMBERS’ COMMENTS**

Commissioner Brown thanked the fantastic SCHAC staff, especially Sandra Ligon for all the  
attention she has given to the Georgetown CRC. She thanked Dan Koon for the excellent  
diversity training he presented in Georgetown.

Commissioner Fragale stated that he would lend his support and please let him know if SCHAC  
does any training in his district.

The Reverend Commissioner Thompson expressed welcome to all the new SCHAC employees.

Commissioner Williams – Commissioner Williams gave accolades for the work SCHAC is doing  
and said he is available to help whenever needed. He supports the good work SCHAC is doing as  
a watchdog to ensure diversity. He welcomed new employee Lauren Caudle and recognized  
SCHAC employee Erin Wilson, as it was her birthday.

## **Dan Koon – Administration Update**

### **I. Report from Technical Services:**

- Forum on April 19, 2018, went great and thank you for your support in attending. The Chief Diversity Officer and Title IX Coordinator for the Medical University of SC Dr. Willette Burnham Williams gave an excellent presentation, and SCHAC was able to provide the top ten agencies in state government their awards for outstanding work in the area of Affirmative Action.
- A recap of those State agencies receiving awards were: State Housing Authority only state agency exemption due to consecutively achieving 100 % for a number of years and have obtained goals.  
1) Arts Commission, 2) Consumer Affairs, 3) Secretary of State, 4) Trident Technical College, 5) Dept. of Motor Vehicles Management, 6) Museum Commission, 7) Workers Comp Commission, 8) Dept. Of Labor, Licensing and Regulation, 9) Vocational Rehabilitation, 10) Santee Cooper, 11) Education Lottery, and 12) Orangeburg-Calhoun Technical College. All of these agencies achieved between 96% and 100 % of their Affirmative Action Goals.
- Technical Services is currently running the statistical portion for Affirmative Action Plan for each of the 90 State agencies from a January 1 snap shot of the agencies employment data. Technical Services is taking the employee file and making sure information is correct. Then they submit this information to CAAMS and calculations and updates regarding adjusted availability are made for the Report to the General Assembly. Then this data is sent to State agencies to review for accuracy.

### **II. Training:**

Conducted EEO employment Presentation at:

- Training for the following State agencies this past quarter 1) SC Judicial Department x 3, 2) SC Department of Revenue x3, 3) SC State, 4) SC Electric Cooperatives HR Personnel, 5) Dept. of Public Safety, 6) SC Works.

### **III. Community Relations and Outreach:**

As you know, our Community Relations staff works daily to create Community Relations Councils and to maintain existing councils. Since the Board met last, our Consultants have created an MOU with the United Way of Kershaw County.

In order to further work at promoting harmony and mutual understanding among South Carolinians, the Consultants work on other matters where they partner with various groups such as the following:

- Partnering in various activities with the Columbia FBI field office, US Attorney's Office of Civil Rights Unit, and SLED regarding Civil Rights matters and also collaborating with Together SC
- Working with the Carolina African American Heritage Foundation for plans for a 2019 MLK Celebration in Myrtle Beach



- Working with Dr. Jennifer Gunter, the new Director of the South Carolina Collaborative for Race and Reconciliation, which is part of the Welcome Table SC Circles, sponsored by USC. This is a promising program, working towards matters of race and reconciliation
- Working with the Rock Hill CRC to help in the planning of their Summer Retreat
- Saundra also is working with the Ministerial Alliance of Dorchester County regarding community ecological and health impact on a DHEC permit to perform strip and sand pit mining near elementary and middle school in Harleysville
- Community Relations staff and Dan also have worked with the Commission for Minority Affairs steering committee on Forging New Pathways to Address Poverty in SC as it relates to Community Relations matters
- Working to maintain contact with the Hispanic Community through – Lee McElveen, Hispanic Latino Initiative Director
- Yvette is working closely with Dr. Graeme Coetzer of the College of Charleston to help form a CRC in Charleston and also to create a presentation to bring the Quality of Life initiative developed by Dr. Graeme to at least five (5) councils this year

#### Anita and Outreach

- Anita with Saundra, Alisha, and Yvette's assistance is producing a monthly CRC newsletter.
- Anita updated SCHAC's new logo – adding “We prevent and eliminate discrimination” which is part of SCHAC's mission statement.
- Anita planned and organized End Racism Day, March 21, with a forum at the Greater Columbia Chamber of Commerce building with the assistance of the Columbia Community Relations Council.  
Showed a film at Nickelodeon Theater that night on racism “Get Out” and there was a panel discussion.
- Emmanuel 9 Remembrance Day on June 1 in Chapel Auditorium at Allen University at 11:00 AM. Please see your packets for an invitation to attend. Attorney Jay Richardson will be the guest speaker.
- Anita working with various news organizations and digital media associated with Spectrum and Comcast and WOLO TV where there is a focus on advertising agency in metropolitan areas.
- Anita works on 90 e and Public Accommodations cases.

#### EEO Enforcement:

- SCHAC is training seven (7) Investigators who have been here less than one year, and they are doing wonderfully well!
- SCHAC lost one seasoned Investigator this quarter, so SCHAC will be training another Investigator after the hiring process over the next couple of weeks.
- EEO Productivity reports are in your packets. April was our best production month for the contract period where we had 88 final actions.
- 446 cases have been submitted for a proposed contract of 1,028 case contract.
- Average case load of employment seven (7) seasoned Investigators at the end of April with one year's experience or more was 38.5, but with seasoned Investigator's departure

that number is over 40. The new Investigator's average case load at end of April was 26 and that number has increased.

- End of April approximately 504 cases in the system for investigation.
- For the State fiscal year SCHAC investigated 809 cases compared to 845 cases this time last year.


**The meeting adjourned for lunch to be followed by Executive Session.**

The next Board meeting is scheduled for **August 16, 2018**. The meeting will be held at 10:00 A.M. in the Board Room of the S. C. Human Affairs Commission, 1026 Sumter Street.

Respectfully submitted by SCHAC Executive Assistant Teresa McWilliams.

**BOARD MEETING ADJOURNMENT**

  
Raymond Buxton, II, Commissioner

  
Cheryl Ludlam, Vice Chair  
Date 8/17/18