

Sent from my iPad

Begin forwarded message:

From: Dave Duff <dduff@duffchilds.com <mailto:dduff@duffchilds.com> >
Date: January 14, 2019 at 8:54:14 PM EST
To: "Dowling, John R" <John.Dowling@beaufort.k12.sc.us
<mailto:John.Dowling@beaufort.k12.sc.us> >
Cc: "Orischak, Josephine A" <Josephine.Orischak@beaufort.k12.sc.us
<mailto:Josephine.Orischak@beaufort.k12.sc.us> >, "Gwozdz, Christina S"
<Christina.Gwozdz@beaufort.k12.sc.us <mailto:Christina.Gwozdz@beaufort.k12.sc.us> >,
"Robine, Cathy G" <Cathy.Robine@beaufort.k12.sc.us
<mailto:Cathy.Robine@beaufort.k12.sc.us> >, "Smith, William C"
<William.Smith2@beaufort.k12.sc.us <mailto:William.Smith2@beaufort.k12.sc.us> >,
"Campbell, Earl" <earl.campbell@beaufort.k12.sc.us
<mailto:earl.campbell@beaufort.k12.sc.us> >, "Campbell, Melvin P"
<Melvin.Campbell@beaufort.k12.sc.us <mailto:Melvin.Campbell@beaufort.k12.sc.us> >,
'Fidrych, Patricia" <Patricia.Fidrych@beaufort.k12.sc.us
<mailto:Patricia.Fidrych@beaufort.k12.sc.us> >, "Geier, Richard P"
<Richard.Geier@beaufort.k12.sc.us <mailto:Richard.Geier@beaufort.k12.sc.us> >,
"Striebinger, David R" <David.Striebinger@beaufort.k12.sc.us
<mailto:David.Striebinger@beaufort.k12.sc.us> >, "Wisnefski, Rachel K"
<Rachel.Wisnefski@beaufort.k12.sc.us <mailto:Rachel.Wisnefski@beaufort.k12.sc.us> >,
"Berg, Herbert M" <Herbert.Berg@beaufort.k12.sc.us
<mailto:Herbert.Berg@beaufort.k12.sc.us> >, Kenneth Childs <kchilds@duffchilds.com
<mailto:kchilds@duffchilds.com> >

Subject: RE: Amanda O'Nan matter

Mr. Dowling – understood. And again I was not presuming to represent the board's interests in this matter, just to promptly caution the board – prior to its opportunity to retain counsel.

David T. Duff

Certified Specialist in Employment

And Labor Law

Duff & Childs, L.L.C.

P.O. Box 1486

Columbia, SC 29202

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<https://linkprotect.cudasvc.com/url?a=http%3a%2f%2fwww.duffchilds.com&c=E,1,QWT6bePWQnCCJNbSByKf1sIlzBR_KFByVLToeNIhjrbNulPyKG4Qi1YUqslkE4m9_42vqtZstJavlUOnvEEQmfL6a-rf_5VZSpV1rDmw4L7ftppMvg,,&typo=1>

From: Dowling, John R <John.Dowling@beaufort.k12.sc.us>
<<mailto:John.Dowling@beaufort.k12.sc.us>> >
Sent: Monday, January 14, 2019 8:49 PM
To: Dave Duff <dduff@duffchilds.com> <<mailto:dduff@duffchilds.com>> >
Cc: Orischak, Josephine A <Josephine.Orischak@beaufort.k12.sc.us>
<<mailto:Josephine.Orischak@beaufort.k12.sc.us>> >; Gwozdz, Christina S
<Christina.Gwozdz@beaufort.k12.sc.us> <<mailto:Christina.Gwozdz@beaufort.k12.sc.us>> >;
Robine, Cathy G <Cathy.Robine@beaufort.k12.sc.us>
<<mailto:Cathy.Robine@beaufort.k12.sc.us>> >; Smith, William C
<William.Smith2@beaufort.k12.sc.us> <<mailto:William.Smith2@beaufort.k12.sc.us>> >;
Campbell, Earl <earl.campbell@beaufort.k12.sc.us> <<mailto:earl.campbell@beaufort.k12.sc.us>>
>; Campbell, Melvin P <Melvin.Campbell@beaufort.k12.sc.us>
<<mailto:Melvin.Campbell@beaufort.k12.sc.us>> >; Fidrych, Patricia
<Patricia.Fidrych@beaufort.k12.sc.us> <<mailto:Patricia.Fidrych@beaufort.k12.sc.us>> >; Geier,
Richard P <Richard.Geier@beaufort.k12.sc.us> <<mailto:Richard.Geier@beaufort.k12.sc.us>> >;
Striebinger, David R <David.Striebinger@beaufort.k12.sc.us>
<<mailto:David.Striebinger@beaufort.k12.sc.us>> >; Wisnefski, Rachel K
<Rachel.Wisnefski@beaufort.k12.sc.us> <<mailto:Rachel.Wisnefski@beaufort.k12.sc.us>> >; Berg

Herbert M <Herbert.Berg@beaufort.k12.sc.us <mailto:Herbert.Berg@beaufort.k12.sc.us> >;
Kenneth Childs <kchilds@duffchilds.com <mailto:kchilds@duffchilds.com> >

Subject: Re: Amanda O'Nan matter

Respectfully, your note would leave the casual observer or the uninitiated to think or believe that you also represent the Board.

I can't speak for the Board, but I can speak to the fact that in 2017 we voted to require a vote to retain Counsel and that vote has not been taken.

Best Regards,

JOHN DOWLING

DISTRICT 6 REPRESENTATIVE

BEAUFORT COUNTY BOE

Sent from my iPad

On Jan 14, 2019, at 8:37 PM, Dave Duff <dduff@duffchilds.com
<mailto:dduff@duffchilds.com> > wrote:

JoAnn – respectfully, we actually are assisting the administration in how to proceed in this matter. But I didn't think that should preclude me from providing board members, particularly new members, with a timely cautionary note intended to protect the board members' role and function in the event this matter leads to a hearing in which the board sits in judgment.

David T. Duff

Certified Specialist in Employment

And Labor Law

Duff & Childs, L.L.C.

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<https://linkprotect.cudasvc.com/url?a=http%3a%2f%2fwww.duffchilds.com&c=E,1,D4_sLUne2jguePsRfdNeiR9HzgtgQCHc81brW0RuosKy4j4VHmcZ7TslCvqYk0X_etSb86XkwhwVaQ61kVz3DjtBDSWGwzsluIVjMp4_veYRMs9TnUSA&typo=1>

From: Orischak, Josephine A <Josephine.Orischak@beaufort.k12.sc.us>
<<mailto:Josephine.Orischak@beaufort.k12.sc.us>> >
Sent: Monday, January 14, 2019 8:24 PM
To: Dave Duff <dduff@duffchilds.com> <<mailto:dduff@duffchilds.com>> >; Gwozdz, Christina S <Christina.Gwozdz@beaufort.k12.sc.us>
<<mailto:Christina.Gwozdz@beaufort.k12.sc.us>> >; Robine, Cathy G
<Cathy.Robine@beaufort.k12.sc.us> <<mailto:Cathy.Robine@beaufort.k12.sc.us>> >; Smith, William C <William.Smith2@beaufort.k12.sc.us> <<mailto:William.Smith2@beaufort.k12.sc.us>> >; Campbell, Earl <earl.campbell@beaufort.k12.sc.us>
<<mailto:earl.campbell@beaufort.k12.sc.us>> >; Campbell, Melvin P
<Melvin.Campbell@beaufort.k12.sc.us> <<mailto:Melvin.Campbell@beaufort.k12.sc.us>> >; Dowling, John R <John.Dowling@beaufort.k12.sc.us>
<<mailto:John.Dowling@beaufort.k12.sc.us>> >; Fidrych, Patricia
<Patricia.Fidrych@beaufort.k12.sc.us> <<mailto:Patricia.Fidrych@beaufort.k12.sc.us>> >; Geier, Richard P <Richard.Geier@beaufort.k12.sc.us> <<mailto:Richard.Geier@beaufort.k12.sc.us>> >; Striebinger, David R <David.Striebinger@beaufort.k12.sc.us>
<<mailto:David.Striebinger@beaufort.k12.sc.us>> >; Wisniewski, Rachel K
<Rachel.Wisniewski@beaufort.k12.sc.us> <<mailto:Rachel.Wisniewski@beaufort.k12.sc.us>> >
Cc: Berg, Herbert M <Herbert.Berg@beaufort.k12.sc.us>
<<mailto:Herbert.Berg@beaufort.k12.sc.us>> >; Kenneth Childs <kchilds@duffchilds.com>
<<mailto:kchilds@duffchilds.com>> >

Subject: Re: Amanda O'Nan matter

Officers,

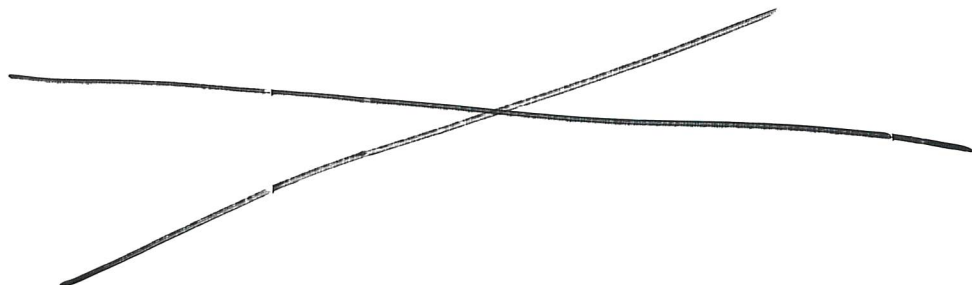
When did the Board select counsel on this matter? I was looking forward to discussing, however, it appears this has already been determined.

Please advise.

JoAnn Orischak
Beaufort County Board of Education
District 11
Hilton Head Island
C. (843) 338-1737

From: Dave Duff <dduff@duffchilds.com <mailto:dduff@duffchilds.com> >
Sent: Monday, January 14, 2019 6:42:29 PM
To: Gwozdz, Christina S; Robine, Cathy G; Smith, William C; Campbell, Earl;
Campbell, Melvin P; Dowling, John R; Fidrych, Patricia; Geier, Richard P; Orischak, Josephine A;
Striebinger, David R; Wisnefski, Rachel K
Cc: Berg, Herbert M; Kenneth Childs
Subject: Amanda O'Nan matter

Confidential; Contains Privileged Attorney-Client Communication:



Thank you for your prompt attention to this situation.

David T. Duff

Certified Specialist in Employment

And Labor Law

Duff & Childs, L.L.C.

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Columbia, SC 29202

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From: Debbie Rayman <debbierayman@yahoo.com>
ent: Tuesday, January 15, 2019 11:33 AM
To: Christina.gwozdz@beaufort.k12.sc.us; Cathy.robine@beaufort.k12.sc.us; William.smith2@beaufort.k12.sc.us; Earl.campbell@beaufort.k12.sc.us; john.dowling@beaufort.k12.sc.us; Melvin.campbell@beaufort.k12.sc.us; Patricia.fidrych@beaufort.k12.sc.us; Richard.geier@beaufort.k12.sc.us; joann.orischak@beaufort.k12.sc.us; david.striebinger@beaufort.k12.sc.us; rachel.wisniewski@beaufort.k12.sc.us
Cc: robyn.cushingberry@beaufort.k12.sc.us
Subject: January 15, 2019 Board of Education Meeting Agenda Item comments

I am writing this email to express my husband's and my support for the River Ridge Academy's Design and Expansion to be funded from the 8% Borrowing Authority. We have 2 children that attend RRA- 1 of whom is in the mobile unit and another that is in a classroom that was originally meant to be for another use other than a classroom. I regularly volunteer in the school and I see how crowded the classes are and how they have to teach computer lab in a corner of the library and how all of the teachers' lounges have been converted to classroom space. These are just a few of the examples of the negative impacts that the students and teachers are dealing with on a regular basis.

We are already behind in the space needs of the school and the District numbers support that fact. I would hope that each of you would take the time to go to the school and see this for yourself if you do not trust the District numbers. Postponing the inevitable will only put undue pressures on the staff and students and cost the taxpayers more money in the long run. Mobile units are not a long term solution and are a waste of taxpayer money. If you truly are trying to be good stewards of the tax payer's money, you will work to get the much needed classroom space constructed in the Bluffton cluster as quickly as possible. Design, permitting, and construction of projects takes time and every day the costs increase.

Furthermore, this addition is not only needed for the students at RRA, it is needed for all the students in the Bluffton cluster. If the addition is not approved and constructed in a timely fashion, more students will need to be shifted to other schools and most of those schools are above or near program capacity already. How many times should a child be expected to move schools to accommodate the growth that we all knew was coming but chose not to build for? How many students at how many different schools have to be negatively impacted before you all will do the right thing?

The use of the 8% Borrowing Authority is a legal means to pay for this expansion and is not a skirted of the referendum. The vast majority of people that did not vote in favor of the referendum voted in that way because they did not like Dr. Moss and were tired of the

dysfunctional behavior and infighting of the Board. They felt that their vote was sending a message to those individuals. It was not because they did not believe there is a need for more classroom space or that the growth will not meet the expectations. Many people said that they would be happy to fund the schools when Moss was gone. Dr. Moss is gone, as are many of the School Board members. This is your opportunity to show the citizens of the County that you are done with your game playing and ready to work together to do what is best for all the students in Beaufort County. Many of you new Board Members ran on the fact that you were tired of watching the Board drama and that you wanted to join the Board to work together to fix the problems that our district is facing. We have real problems that need fixing. Rehashing a much needed addition, that no reasonable person would argue is not warranted, is not demonstrating that you are here to do the daunting work of addressing the many problems in the district.

For those of us watching this situation it's just another example of game playing where a Board Member knew he would not get the outcome that he wanted so he voted fallaciously so that he could use a loophole to bring it up again for another chance at getting his way. Please do not join him in his game. Please do what you said you came to do and put the education of Beaufort County's children first. Please do not vote to reconsider a decision of the previous board members. Please do not vote to rescind the funding for the RRA addition. We need you all to be forward looking/thinking and not continuously revisiting the past and all of its baggage.

Thanks you for taking the time to consider our concerns!

Debbie and Travis Burke

From: Dowling, John R <John.Dowling@beaufort.k12.sc.us>
ent: Tuesday, January 15, 2019 2:28 PM
To: Striebinger, David R
Cc: Berg, Herbert M; Cartledge, Wendy B; BOEOnly
Subject: Re: Duff & Childs

David,

We are the Governing Body. If one of us thinks something is happening that could be to the District's detriment, we have the Right and the Responsibility to speak out.

Please re-read my email in the light of what Jim Foster just published, and perhaps my email will have a little more relevance in your eyes.

JOHN DOWLING
DISTRICT 6 REPRESENTATIVE
BEAUFORT COUNTY BOE

Sent from my iPad

On Jan 15, 2019, at 2:22 PM, Striebinger, David R <David.Striebinger@beaufort.k12.sc.us
<mailto:David.Striebinger@beaufort.k12.sc.us> > wrote:

The Board has not decided to engage Duff & Childs, or anyone else, in this matter so I'm confused by the relevance of this email. I'm not sure Board members should be inserting themselves into any aspects of the investigation.

david striebinger

Beaufort County Board of Education

District 2 representative

From: Dowling, John R
Sent: Tuesday, January 15, 2019 12:14 PM
To: Berg, Herbert M
Cc: Cartledge, Wendy B; BOEOnly
Subject: Duff & Childs

Good Morning Herb

I am writing to stress my considerable concerns with the involvement of Duff & Childs in the investigation into the O'nan situation. My concerns are based on two general categories:

1. Quality of past advice given by Duff & Childs to the Board
2. Duff & Childs historical and ongoing relationship with the former Superintendent.

1. Quality of Advice..... Here is a list of advice given to the Board that turned out to be not in the best interests of the Board, and therefore, the District.

A: In June 20, 2017, Mr Duff persuaded a Majority of the Board to go into Executive Session to discuss the legality of a Board Policy that had been adopted in 2016 (Board Policy 3.5). The Policy was vetted, discussed and voted on by the Board in 2016 and was deemed legal by Drew Davis, District Counsel. Public policies are developed in public and are not a protected topic under the SC FOIA. This was a clear cut violation of the SC FOIA.

B. In October 3, 2017, Mr Childs advised the Board that it could go into Executive Session to discuss a Public Statement made by an individual Board Member. The topic itself was not within the Board's purview even for Public Discussion. In the Executive Session, a statement was crafted by Mr Duff and read aloud by the Board Chair. The statement was never voted on by the Board and was never on the Agenda that was posted for the meeting. These multiple violations of FOIA rules and of Board Policy (2.2.D) caused considerable loss of respect for the Board in the community, contributing to the gathering distrust of the Board.

C. In December 2017, Mr Childs involved himself, without a vote of Consent by the Board, in an attempt to arrange for the so-called "marriage counselor". This episode cost the taxpayer thousands of dollars and was abandoned before it could begin due to its inappropriate nature. Mr. Childs actually lobbied BOE members to vote in favor of his proposal.

D. In January, 2018, and onward, Duff & Childs advised the Board Officers and the Administration not to release subpoenas involved in the FBI probe, severely eroding what little public trust in the Board that remained at that point.

E. Duff & Childs, again without a vote from the Board, negotiated with the Officers and the former Superintendent to create a separation agreement that far exceeded any reasonable obligation that the District may have had to the former Superintendent. To wit, the "consultant fee" that the District is obligated to pay Dr Moss for any information that he is asked for regarding issues that occurred during his tenure. Also, the agreement called for an Annuity for performance be granted without the required Performance Evaluation taking place. In addition, the agreed departure date extended into the new fiscal year, resulting in over twenty thousand dollars in extra unused vacation being reimbursed.

F. The unnecessary involvement of the Board in Dr Moss' request for \$35,000 to support his legal expenses, when District Regulations required that employees and former employees deliver such requests to the HR Department for a decision to be made by the Superintendent.

I am including the minutes of the BOE Meeting of 8/15/2017, at which the Board voted to require any retaining of Outside Counsel for any Purpose to be authorized only by a vote of the full Board. This Motion was re-asserted by Drew Davis, District Counsel, at a Public Meeting in which he opined that a Motion describing the "will of the Board" had the strength of a Policy, even if the August 15th vote had never been turned into Policy. The will of the Board declared on 15 August was further recognized in April of 2018 when the full Board voted to hire Duff & Childs to give advice on a matter.

2. Relationship. Duff & Childs continually interact, without Board Consent, with the former Superintendent and have shown throughout at least the past two years, a predilection for supporting the interests of the former Superintendent at the expense of the School District, and therefore, at the expense of County Residents and our students.

I will find it extremely difficult, if not impossible, to award credibility to any recommendations made to the Board that have employed Duff & Childs involvement.

Below you will find the minutes of the August 15 BOE Meeting.

Best Regards,
John R. Dowling, Jr
District 6 Representative
Beaufort County BOE
843-290-8068

Members Present

Earl Campbell, Chair

Geri Kinton, Vice Chair David Striebinger, Secretary

Eva Anderson Joseph Dunkle Christina Gwozdz Bill Payne

Mary Cordray

Cynthia Gregory-Small JoAnn Orischak

BEAUFORT COUNTY BOARD OF EDUCATION School Board Meeting Minutes August 15,

2017

Bluffton Library

Mr. Earl Campbell called the meeting to order at 5:00p.m.

Mr. David Striebinger made the motion to go into Executive Session for the purpose of discussion of the employment and/or discipline of an employee; discussion of negotiations incident to proposed purchase of real property in the Beaufort High School cluster; receipt of legal advice relating to resolution of a EEOC claim against the BCSD. The motion was seconded by Mrs. Evva Anderson. The motion passed 10/0.

Open Session at 6:00 p.m.

No Action coming out of Executive Session.

Mr. Bill Payne made the motion to approve the agenda. The motion was seconded by Mrs. Mary Cordray. The motion passed 10/0.

Pledge of Allegiance was recited and the invocation was given by Mr. Earl Campbell.

Mr. Campbell stated the media has been properly notified.

Under Points of Celebration, Dr. Moss and the Board recognized the following:

Character Education Student of the Month for May, 2017 Southern BCSD – Isabelle Bailey, Okatie Elementary School 1st Grade.

Public Comment

☐ John Dowling of Bluffton, provided five reasons the district should have a forensic audit.

☐ Anthony Cambria of Hilton Head Island, congratulated the Finance Committee for passing the recommendation for a forensic audit and encouraged the full Board to support the need for a forensic audit.

No Chair Report

Committee Reports

Curriculum & Instruction – reported by JoAnn Orischak, chair. The committee will meet on September 12, 2017 at H.E. McCracken Middle School beginning at 4:30 p.m.

Finance – reported by Bill Payne, chair. The committee met and discussed the forensic audit. The committee voted 3-2 to hire a consultant to define the scope of work for a forensic audit. The next meeting will be September 14 at the District Office beginning at 4:30 pm.

Policy – reported by David Striebinger, chair. The committee met on August 9. section 3.1 was discussed. The next meeting is September 18 at the District Office, beginning at 4:30.

Human Resources – reported by Joseph Dunkle, chair. The committee has not met.
Student Services – reported by Evva Anderson, chair. The committee did not meet in July.
The next meeting is August 22 at Okatie Elementary School beginning at 4:30.

Superintendent's Report

Dr. Gregory McCord provided an update on transportation. Dr. Moss presented the Enrollment Report and provided an update on the State Department's new policies regarding chronic truancy. Dr. Moss updated the Board on the school personnel vacancies. School will start with the majority of the positions filled.

Mr. Drew Davis provided an update to Administrative Regulations HRS-16, IS 60-E1, and SS- 42.

Board Business

Mrs. Mary Cordray made the motion requesting that the Beaufort County School District commission a school facility impact fee study to document the projected demand for additional school facilities and the costs necessitated by and attributable to new development in our service area and that we work with the County to share the cost. The motion was seconded by Mr. Bill Payne. The motion passed 9/1. Joseph Dunkle voted against.

Mr. David Striebinger made the motion that the Board agree to forego up to \$125,000 per year of MCIP funds for 20 years contingent upon an agreement for TCL to provide \$125,000 or more in services to Beaufort County k-12 students for an equal length of time. If those services drop below that threshold the agreement to contribute will be voided. Also contingent on TCL obtaining commitments from all funding partners as needed levels resented to this board. The motion was seconded by Mr. Joseph Dunkle. The motion passed 7/3. JoAnn Orischak, Mary Cordray and Christina Gwozdz voted against.

Mrs. Geri Kinton made the motion to remove from the table Policy 4.1, Public Comment at Board of Education Meetings. The motion was seconded by Mrs. Mary Cordray. The motion passed 9/0/1. Cynthia Gregory abstained.

Mr. Joseph Dunkle made the motion to accept Policy 4.1, Public Comment at Board of Education Meetings, First Reading with the amendment of amending IV Letter B -to strike everything after six (6) month. Remove "and/or may request the removal of the participant from the Board or committee room and BCSD grounds by law enforcement.". The motion was seconded by Mr. David Striebinger. The passed 6/3. Evva Anderson, JoAnn Orischak, and Mary Cordray voted against. This was first read.

Mrs. Geri Kinton made the motion to take off table the Ad Hoc Committee's Recommendation on Board's Use of Outside Counsel. The motion was seconded by Mr. Bill Payne. The motion passed 10/0.

Mr. Bill Payne made the motion for the Board to approve the use of outside counsel only by majority vote. This motion is meant to apply purely Board legal matters only, and not to the District legal matters which may be separate from the Board, not to the matter covered by the District insurance coverage, and not to matters in which selection of counsel may be an administrative matter. The motion was seconded by Mrs. Mary Cordray.

Mr. David Striebinger made the amended motion to say the Board's use of outside counsel requires the majority vote of the Board. The motion was seconded by Mr. Joseph Dunkle.

Mrs. Geri Kinton made suggestions to the wording of the motion. Mr. David Striebinger withdrew his amended motion.

Mrs. Geri Kinton made an amendment to the motion to read Board's use of outside counsel will only be by majority vote of the Board. The motion was seconded by Mr. David Striebinger.

Mr. Joseph Dunkle made a motion to amend the amendment to insert that it says Board and Board Officers. The motion was seconded by Mrs. JoAnn Orischak.

The motion passed 6/4. Evva Anderson, Mary Cordray, Bill Payne and Christina Gwozdz.

Final motion for use of outside counsel by the Board and or its officers will be by majority vote of the Board. The motion passed 7/3. Evva Anderson, Geri Kinton and Mary Cordray.

Mr. David Striebinger made the motion to adopt the recommendation from the Finance and Operations Committee to hire a consultant to define the scope and objectives of work for a forensic audit. The motion was seconded by Mrs. JoAnn Orischak. The motion failed 5/5. Evva Anderson, Geri Kinton, Mary Cordray, Bill Payne, and Cynthia Gregory voted against.

Mrs. Mary Cordray's made the motion to recommend that the Board of Education authorize an additional set of agreed upon procedures be performed of Procurement Card transactions for the 2016-2017 school year. A report will be presented to the Board, who will then determine if further review is necessary. This motion will be added to the next agenda.

Mr. David Striebinger made the motion to waive the three readings of Policy 3.1 – Board Officers and the Election Process. The motion was seconded by Mrs. Evva Anderson. The motion passed 8/1/0 Mary Cordray voted against, and JoAnn Orischak was absent from the vote.

Mrs. Evva Anderson made the motion to accept Policy 3.1 Board Officers and Election Process as written. The motion was seconded by Mr. Bill Payne. The motion passed 9/0. Geri Kinton voted against.

Mrs. Mary Cordray made the motion to accept committee structure as describe at the work session effective October 1, 2017. The motion was seconded by Mrs. Geri Kinton. The motion passed 6/4. JoAnn Orischak, Joseph Dunkle, David Striebinger, and Cynthia Gregory voted against.

Mrs. Geri Kinton made the motion to approve the Consent Agenda. The motion was seconded by Mr. Bill Payne. The motion passed 10/0.

Mrs. Mary Cordray made the motion to adjourn. The motion was seconded by Mr. Joseph Dunkle. The motion passed 10/0.

Meeting adjourned at 9:57p.m.

(Signature on Official File Copy) _____ Date: September 5, 2017 _____ David Striebinger, Secretary, Board of Education

Motion Summary

A motion was made to go into Executive Session for the purpose of discussion of the employment and/or discipline of an employee; discussion of negotiations incident to proposed purchase of real property in the Beaufort High School cluster; receipt of legal advice relating to resolution of a EEOC claim against the BCSD. The motion was seconded and passed 10/0.

A motion was made to approve the agenda. The motion was seconded and passed 10/0.

A motion was made requesting that the Beaufort County School District commission a school facility impact fee study to document the projected demand for additional school facilities and the costs necessitated by and attributable to new development in our service area and that we work with the County to share the cost. The motion was seconded and passed 9/1. Joseph Dunkle voted against.

A motion was made that the Board agree to forego up to \$125,000 per year of MCIP funds for 20 years contingent upon an agreement for TCL to provide \$125,000 or more in services to Beaufort County k-12 students for an equal length of time. If those services drop below that threshold the agreement to contribute will be voided. Also contingent on TCL obtaining commitments from all funding partners as needed levels presented to this board. The motion was seconded and passed 7/3. JoAnn Orischak, Mary Cordray and Christina Gwozdz voted against.

A motion was made to remove from the table Policy 4.1, Public Comment at Board of Education Meetings. The motion was seconded and passed 9/0/1. Cynthia Gregory abstained.

A motion was made to accept Policy 4.1, Public Comment at Board of Education Meetings, First Reading with the amendment of amending IV Letter B -to strike everything after six (6) month. Remove "and/or may request the removal of the participant from the Board or committee room and BCSD grounds by law enforcement.". The motion was seconded and passed 6/3. Evva Anderson, JoAnn Orischak, and Mary Cordray voted against. This was first read.

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A motion was made for the Board to approve the use of outside counsel only by majority vote. This motion is meant to apply purely Board legal matters only, and not to the District legal matters which may be separate from the Board, not to the matter covered by the District insurance coverage, and not to matters in which selection of counsel may be an administrative matter. The motion was seconded.

An amended motion was made to say the Board's use of outside counsel requires the majority vote of the Board. The motion was seconded.

The amended motion was withdrawn.

An amendment to the motion to read Board's use of outside counsel will only be by majority vote of the Board. The motion was seconded.

An amended motion to amend the amendment to insert that it says Board and Board Officers. The motion was seconded. The motion passed 6/4. Evva Anderson, Mary Cordray, Bill Payne and Christina Gwozdz.

Final motion for use of outside counsel by the Board and or its officers will be by majority vote of the Board. The motion passed 7/3. Evva Anderson, Geri Kinton and Mary Cordray.

A motion was made to adopt the recommendation from the Finance and Operations Committee to hire a consultant to define the scope and objectives of work for a forensic audit. The motion was seconded and failed 5/5. Evva Anderson, Geri Kinton, Mary Cordray, Bill Payne, and Cynthia Gregory voted against.

A motion was made to recommend that the Board of Education authorize an additional set of agreed upon procedures be performed of Procurement Card transactions for the 2016-2017 school year. A report will be presented to the Board, who will then determine if further review is necessary. This motion will be added to the next agenda.

A motion was made to waive the three readings of Policy 3.1 – Board Officers and the Election Process. The motion was seconded and passed 8/1/0 Mary Cordray voted against, and JoAnn Orischak was absent from the vote.

A motion was made to accept Policy 3.1 Board Officers and Election Process as written. The motion was seconded and passed 9/0. Geri Kinton voted against.

A motion was made to accept committee structure as describe at the work session effective October 1, 2017. The motion was seconded and passed 6/4. JoAnn Orischak, Joseph Dunkle, David Striebinger, and Cynthia Gregory voted against.

A motion was made to approve the Consent Agenda. The motion was seconded and passed 10/0.

A motion was made to adjourn. The motion was seconded and passed 10/0.

From: Dowling, John R <John.Dowling@beaufort.k12.sc.us>
Sent: Tuesday, January 15, 2019 2:48 PM
To: Maggie Angst
Subject: Fwd: Duff & Childs

Handle with care, please..... background

John R. Dowling, Jr
District 6 Representative
Beaufort County BOE
843-290-8068

From: Dowling, John R <john.dowling@beaufort.k12.sc.us>
Sent: Tuesday, January 15, 2019 12:14 PM
To: Berg, Herbert M
Cc: Cartledge, Wendy B; BOEOnly
Subject: Duff & Childs

Good Morning Herb

I am writing to stress my considerable concerns with the involvement of Duff & Childs in the investigation into the O'nan situation. My concerns are based on two general categories:

1. Quality of past advice given by Duff & Childs to the Board 2. Duff & Childs historical and ongoing relationship with the former Superintendent.

1. Quality of Advice..... Here is a list of advice given to the Board that turned out to be not in the best interests of the Board, and therefore, the District.

A: In June 20, 2017, Mr Duff persuaded a Majority of the Board to go into Executive Session to discuss the legality of a Board Policy that had been adopted in 2016 (Board Policy 3.5). The Policy was vetted, discussed and voted on by the Board in 2016 and was deemed legal by Drew Davis, District Counsel. Public policies are developed in public and are not a protected topic under the SC FOIA. This was a clear cut violation of the SC FOIA.

B. In October 3, 2017, Mr Childs advised the Board that it could go into Executive Session to discuss a Public Statement made by an individual Board Member. The topic itself was not within the Board's purview even for Public Discussion. In the Executive Session, a statement was crafted by Mr Duff and read aloud by the Board Chair. The statement was never voted on by the Board and was never on the Agenda that was posted for the meeting. These multiple violations of FOIA rules and of Board Policy (2.2.D) caused considerable loss of respect for the Board in the community, contributing to the gathering distrust of the Board.

C. In December 2017, Mr Childs involved himself, without a vote of Consent by the Board, in an attempt to arrange for the so-called "marriage counselor". This episode cost the taxpayer thousands of dollars and was abandoned before it could begin due to its inappropriate nature. Mr. Childs actually lobbied BOE members to vote in favor of his proposal.

D. In January, 2018, and onward, Duff & Childs advised the Board Officers and the Administration not to release subpoenas involved in the FBI probe, severely eroding what little public trust in the Board that remained at that point.

E. Duff & Childs, again without a vote from the Board, negotiated with the Officers and the former Superintendent to create a separation agreement that far exceeded any reasonable obligation that the District may have had to the former Superintendent. To wit, the "consultant fee" that the District is obligated to pay Dr Moss for any information that he is asked for regarding issues that occurred during his tenure. Also, the agreement called for an Annuity for performance be granted without the required Performance Evaluation taking place. In addition, the agreed departure date extended into the new fiscal year, resulting in over twenty thousand dollars in extra unused vacation being reimbursed.

F. The unnecessary involvement of the Board in Dr Moss' request for \$35,000 to support his legal expenses, when District Regulations required that employees and former employees deliver such requests to the HR Department for a decision to be made by the Superintendent.

I am including the minutes of the BOE Meeting of 8/15/2017, at which the Board voted to require any retaining of Outside Counsel for any Purpose to be authorized only by a vote of the full Board. This Motion was re-asserted by Drew Davis, District Counsel, at a Public Meeting in which he opined that a Motion describing the "will of the Board" had the strength of a Policy, even if the August 15th vote had never been turned into Policy. The will of the Board declared on 15 August was further recognized in April of 2018 when the full Board voted to hire Duff & Childs to give advice on a matter.

2. Relationship. Duff & Childs continually interact, without Board Consent, with the former Superintendent and have shown throughout at least the past two years, a predilection for

supporting the interests of the former Superintendent at the expense of the School District, and therefore, at the expense of County Residents and our students.

will find it extremely difficult, if not impossible, to award credibility to any recommendations made to the Board that have employed Duff & Childs involvement.

Below you will find the minutes of the August 15 BOE Meeting.

Best Regards,
John R. Dowling, Jr
District 6 Representative
Beaufort County BOE
843-290-8068

Members Present

Earl Campbell, Chair

Geri Kinton, Vice Chair David Striebinger, Secretary Eva Anderson Joseph Dunkle Christina Gwozdz Bill Payne Mary Cordray Cynthia Gregory-Small JoAnn Orischak BEAUFORT COUNTY BOARD OF EDUCATION School Board Meeting Minutes August 15, 2017 Bluffton Library Mr. Earl Campbell called the meeting to order at 5:00p.m.

Mr. David Striebinger made the motion to go into Executive Session for the purpose of discussion of the employment and/or discipline of an employee; discussion of negotiations incident to proposed purchase of real property in the Beaufort High School cluster; receipt of legal advice relating to resolution of a EEOC claim against the BCSD. The motion was seconded by Mrs. Evva Anderson. The motion passed 10/0.

Open Session at 6:00 p.m.

No Action coming out of Executive Session.

Mr. Bill Payne made the motion to approve the agenda. The motion was seconded by Mrs. Mary Cordray. The motion passed 10/0.

Pledge of Allegiance was recited and the invocation was given by Mr. Earl Campbell.

Mr. Campbell stated the media has been properly notified.

Under Points of Celebration, Dr. Moss and the Board recognized the following:

Character Education Student of the Month for May, 2017 Southern BCSD – Isabelle Bailey, Okatie Elementary School 1st Grade.

Public Comment

John Dowling of Bluffton, provided five reasons the district should have a forensic audit.

Anthony Cambria of Hilton Head Island, congratulated the Finance Committee for passing the recommendation for a forensic audit and encouraged the full Board to support the need for a forensic audit.

No Chair Report

Committee Reports

Curriculum & Instruction – reported by JoAnn Orischak, chair. The committee will meet on September 12, 2017 at H.E. McCracken Middle School beginning at 4:30 p.m.

Finance – reported by Bill Payne, chair. The committee met and discussed the forensic audit. The committee voted 3-2 to hire a consultant to define the scope of work for a forensic audit. The next meeting will be September 14 at the District Office beginning at 4:30 pm.

Policy – reported by David Striebinger, chair. The committee met on August 9. section 3.1 was discussed. The next meeting is September 18 at the District Office, beginning at 4:30.

Human Resources – reported by Joseph Dunkle, chair. The committee has not met. Student

Services – reported by Evva Anderson, chair. The committee did not meet in July.

The next meeting is August 22 at Okatie Elementary School beginning at 4:30.

Superintendent's Report

Dr. Gregory McCord provided an update on transportation. Dr. Moss presented the Enrollment Report and provided an update on the State Department's new policies regarding chronic truancy. Dr. Moss updated the Board on the school personnel vacancies. School will start with the majority of the positions filled.

Mr. Drew Davis provided an update to Administrative Regulations HRS-16, IS 60-E1, and SS- 42.

Board Business

Mrs. Mary Cordray made the motion requesting that the Beaufort County School District commission a school facility impact fee study to document the projected demand for additional school facilities and the costs necessitated by and attributable to new development in our service area and that we work with the County to share the cost. The motion was seconded by Mr. Bill Payne. The motion passed 9/1. Joseph Dunkle voted against.

Mr. David Striebinger made the motion that the Board agree to forego up to \$125,000 per year of MCIP funds for 20 years contingent upon an agreement for TCL to provide \$125,000 or more in services to Beaufort County k-12 students for an equal length of time. If those services drop below that threshold the agreement to contribute will be voided. Also contingent on TCL obtaining commitments from all funding partners as needed levels presented to this board. The motion was seconded by Mr. Joseph Dunkle. The motion passed 7/3. JoAnn Orischak, Mary Cordray and Christina Gwozdz voted against.

Mrs. Geri Kinton made the motion to remove from the table Policy 4.1, Public Comment at Board of Education Meetings. The motion was seconded by Mrs. Mary Cordray. The motion passed 9/0/1. Cynthia Gregory abstained.

Mr. Joseph Dunkle made the motion to accept Policy 4.1, Public Comment at Board of Education Meetings, First Reading with the amendment of amending IV Letter B -to strike everything after six (6) month. Remove "and/or may request the removal of the participant from the Board or committee room and BCSD grounds by law enforcement.". The motion was seconded by Mr. David Striebinger. The passed 6/3. Evva Anderson, JoAnn Orischak, and Mary Cordray voted against. This was first read.

Mrs. Geri Kinton made the motion to take off table the Ad Hoc Committee's Recommendation on Board's Use of Outside Counsel. The motion was seconded by Mr. Bill Payne. The motion passed 10/0.

Mr. Bill Payne made the motion for the Board to approve the use of outside counsel only by majority vote. This motion is meant to apply purely Board legal matters only, and not to the District legal matters which may be separate from the Board, not to the matter covered by the District insurance coverage, and not to matters in which selection of counsel may be an administrative matter. The motion was seconded by Mrs. Mary Cordray.

Mr. David Striebinger made the amended motion to say the Board's use of outside counsel requires the majority vote of the Board. The motion was seconded by Mr. Joseph Dunkle.

Mrs. Geri Kinton made suggestions to the wording of the motion. Mr. David Striebinger withdrew his amended motion.

Mrs. Geri Kinton made an amendment to the motion to read Board's use of outside counsel will only be by majority vote of the Board. The motion was seconded by Mr. David Striebinger.

Mr. Joseph Dunkle made a motion to amend the amendment to insert that it says Board and Board Officers. The motion was seconded by Mrs. JoAnn Orischak.

The motion passed 6/4. Evva Anderson, Mary Cordray, Bill Payne and Christina Gwozdz.

Final motion for use of outside counsel by the Board and or its officers will be by majority vote of the Board. The motion passed 7/3. Evva Anderson, Geri Kinton and Mary Cordray.

Mr. David Striebinger made the motion to adopt the recommendation from the Finance and Operations Committee to hire a consultant to define the scope and objectives of work for a forensic audit. The motion was seconded by Mrs. JoAnn Orischak. The motion failed 5/5. Evva Anderson, Geri Kinton, Mary Cordray, Bill Payne, and Cynthia Gregory voted against.

Mrs. Mary Cordray's made the motion to recommend that the Board of Education authorize an additional set of agreed upon procedures be performed of Procurement Card transactions for the 2016-2017 school year. A report will be presented to the Board, who will then determine if further review is necessary. This motion will be added to the next agenda.

Mr. David Striebinger made the motion to waive the three readings of Policy 3.1 – Board Officers and the Election Process. The motion was seconded by Mrs. Evva Anderson. The motion passed 8/1/0 Mary Cordray voted against, and JoAnn Orischak was absent from the vote.

Mrs. Evva Anderson made the motion to accept Policy 3.1 Board Officers and Election Process as written. The motion was seconded by Mr. Bill Payne. The motion passed 9/0. Geri Kinton voted against.

Mrs. Mary Cordray made the motion to accept committee structure as describe at the work session effective October 1, 2017. The motion was seconded by Mrs. Geri Kinton. The motion passed 6/4. JoAnn Orischak, Joseph Dunkle, David Striebinger, and Cynthia Gregory voted against.

Mrs. Geri Kinton made the motion to approve the Consent Agenda. The motion was seconded by Mr. Bill Payne. The motion passed 10/0.

Mrs. Mary Cordray made the motion to adjourn. The motion was seconded by Mr. Joseph Dunkle. The motion passed 10/0.

Meeting adjourned at 9:57p.m.

(Signature on Official File Copy) _____ Date: September 5, 2017 _____

David Striebinger, Secretary, Board of Education Minutes prepared by Robyn Cushingberry, Executive Assistant

Motion Summary

A motion was made to go into Executive Session for the purpose of discussion of the employment and/or discipline of an employee; discussion of negotiations incident to proposed purchase of real property in the Beaufort High School cluster; receipt of legal advice relating to resolution of a EEOC claim against the BCSD. The motion was seconded and passed 10/0.

A motion was made to approve the agenda. The motion was seconded and passed 10/0.

A motion was made requesting that the Beaufort County School District commission a school facility impact fee study to document the projected demand for additional school facilities and the costs necessitated by and attributable to new development in our service area and that we work with the County to share the cost. The motion was seconded and passed 9/1. Joseph Dunkle voted against.

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A motion was made to adjourn. The motion was seconded and passed 10/0.

From: Dowling, John R <John.Dowling@beaufort.k12.sc.us>
Sent: Tuesday, January 15, 2019 2:52 PM
To: Maggie Angst
Subject: Fwd: Duff & Childs

I can't verify that I sent this.....handle with care, pls..... good background...includes minutes from 8/15/17

John R. Dowling, Jr
District 6 Representative
Beaufort County BOE
843-290-8068

From: Dowling, John R <john.dowling@beaufort.k12.sc.us>
Sent: Tuesday, January 15, 2019 12:14 PM
To: Berg, Herbert M
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