

STATE OF SOUTH CAROLINA)

COUNTY OF LAURENS)

Katrina Fay,)
Plaintiff,)

v.)

Laurens County and)
Laurens County Council,)
City of Clinton and Clinton City Council,)
Laurens County Development Corporation,)
Clinton Economic Development Council,)
Randy Randall in his individual capacity,)
James Coleman in his individual capacity,)
Diane Anderson in her individual capacity,)
David Tribble in his individual capacity)
John Griffith in his individual capacity,)
Defendants.)

IN THE COURT OF COMMON PLEAS
EIGHTH JUDICIAL CIRCUIT

C. A. No.: 2008-CP-30- 1081

AMENDED COMPLAINT

The Plaintiff, complaining of the Defendants above named, would respectfully show unto the Court as follows, upon information and belief:

Jurisdictional Allegations

1. Plaintiff is a citizen, resident, and taxpayer in the County of Laurens, State of South Carolina. Plaintiff brings this action on her behalf and all other similarly situated residents of Laurens County.
2. Defendant Randy Randall, hereinafter referred to as "Defendant Randall", is a citizen and resident of the County of Laurens, State of South Carolina.
3. Defendant James Coleman, hereinafter referred to as "Defendant Coleman", is a citizen and resident of the County of Laurens, State of South Carolina.
4. Defendant Diane Anderson, hereinafter referred to as "Defendant Anderson", is a citizen and resident of the County of Laurens, State of South Carolina.

5. Defendant David Tribble, hereinafter referred to as "Defendant Tribble", is a citizen and resident of the County of Laurens, State of South Carolina.
6. Defendant John Griffith, hereinafter referred to as "Defendant Griffith", is a citizen and resident of Laurens County, State of South Carolina.
7. Defendant Laurens County, hereinafter referred to collectively as "Laurens County", is a public body, governmental entity, and political subdivision of the State of South Carolina located in the County of Laurens, State of South Carolina.
8. Defendant Laurens County Council, hereinafter referred to collectively as "Laurens County", is a public body, body politic, and governing authority over the Defendant Laurens County. *LCDC*
9. Defendant City of Clinton, hereinafter referred to collectively as "City of Clinton", is a public body, governmental entity, and political subdivision of the State of South Carolina located in the County of Laurens, State of South Carolina.
10. Defendant Clinton City Council, hereinafter referred to collectively as "City of Clinton", is a public body, body politic, and governing authority over the Defendant City of Clinton.
11. Defendant Laurens County Development Corporation, hereinafter referred to as "LCDC", is a corporation organized and existing under the laws of the State of South Carolina.
12. Defendant Clinton Economic Development Corporation, hereinafter referred to as "CEDC", is a corporation organized and existing under the laws of the State of South Carolina.
13. Presbyterian College is an eleemosynary, church-related, private, residential, baccalaureate institution related to the Presbyterian Church (U.S.A.).

- 14. Defendant LCDC was created by the various public bodies in Laurens County including Laurens County and the City of Clinton. *Clinton admitted, Laurens County not*
- 15. Defendant LCDC is supported in whole or in part by public funds and/or expends public funds.
- 16. Defendant LCDC is a public body pursuant to the South Carolina Freedom of Information Act.
- 17. Defendant CEDC was created by various public bodies including the City of Clinton.
- 18. Defendant CEDC is supported in whole or in part by public funds and/or expends public funds.
- 19. Defendant CEDC is a public body pursuant to the South Carolina Freedom of Information Act. *how can this be either admitted or denied?*
- 20. This action is brought pursuant to the Uniform Declaratory Judgments Act, S.C. Code Ann. §§15-53-10 through 15-53-140 and the South Carolina Freedom of Information Act.

General Allegations

- 21. On or before January 8, 2008 three members of Laurens County Council (to wit: Defendants Coleman, Tribble, and Anderson), the County Administrator, the County Attorney, the Mayor of the City of Clinton (to wit: Defendant Randall), the Clinton City Manager, and Presbyterian College representatives (including, to wit: Defendant Griffith or his representative) met to discuss funding of the creation of a school of pharmacy for Presbyterian College. *Clinton admitted, Laurens County not*
- 22. In February of 2008 the Board of Trustees of Presbyterian College was presented with a proposal to create a school of pharmacy for the College by Defendant Griffith, who was *LCDC denied*

president of Presbyterian College and was also president and CEDC executive committee member. The Board approved the proposal to open a school of pharmacy by 2010.

23. On or before June of 2008 Presbyterian College officials (to wit: Defendant Griffith or his designee) met on one or more occasions with City of Clinton, Laurens County, CEDC, LCDC, and CNNGA officials, in violation of the South Carolina Freedom of Information Act, to discuss funding the school of pharmacy to be located in the City of Clinton, County of Laurens.
24. Defendant Randall is the Mayor of the City of Clinton and serves on the CEDC, LCDC, and CNNGA and is employed by Presbyterian College as the executive director of alumni and community relations for Presbyterian College.
25. At some time in 2008 Laurens County Council member Defendant Anderson served Presbyterian College as an officer on the African American Alumni association executive committee.
26. At some time in 2008 Laurens County Councilmember David Tribble's wife worked as a professor at Presbyterian College and was on the board of alumni.
27. At some time in 2008 persons who served as the Chairman of CEDC, the Chairman of Laurens County Council (to wit: Defendant Coleman), Laurens County Administrator, the General Manager of CNNGA, Defendant Randall (who was the Mayor of Clinton and was employed as an executive director of Presbyterian College), and the Chairman of CGGNA were on the LCDC Board of Directors.
28. At some time in 2008 Laurens County Council Chairman, Defendant Coleman, was also the LCDC chairman.
29. Laurens County Attorney is an ex-officio member of the LCDC Board of Directors.

who was it?
admitted

30. At some time in 2008 a LCDC ex-officio board member was also chairman of the CEDC.

31. At some time in 2008 a LCDC paid staff member was also a member of the CEDC. *MURVIN MOSS*

32. At some time in 2008 the Mayor of the City of Clinton (Defendant Randall), the Laurens County Attorney, the President of Presbyterian College (Defendant Griffith), executive level employees of Presbyterian College (including Defendants Griffith and Randall), alumni of Presbyterian College (including Defendant Randall), persons who served as directors of Presbyterian College (including Defendant Randall), the Chairman of CNNGA (Defendant Randall), and the General Manager of CNNGA were members of the CEDC. *Stem Bryson CEDC minutes, article*

33. During some time in 2008 at least four (including Defendants Randall and Griffith) of the nine persons serving on the executive committee of the CEDC held positions at Presbyterian College of at least director level. *avoid*

34. During some time in 2008, at least two of the nine persons (including Defendants Randall and Griffith) on the Executive Committee of the CEDC were employed by Presbyterian College.

35. About April 2008 CEDC executive committee member Laurens County Attorney was appointed as CEDC counsel.

36. During some time in 2008 the Clinton City Manager was an officer of the board of CEDC as secretary/treasurer and an officer of the LCDC as treasurer.

37. Certain members of the Defendants Laurens County, the City of Clinton, CEDC, and LCDC (herein named "Defendant Organizations" collectively) used their office in various meetings and talks to act on matters relating to Presbyterian College's use of

public assets despite a conflict of interest created by their employment, familial, business, and associational interests.

38. At least two members of CEDC, one of whom was also a member of Defendant City of Clinton and the other was a member of Defendant LCDC (herein jointly named "Defendant entities"), acted outside of their CEDC official duties when they made decisions on behalf of Defendant Entities related to an economic incentive for Presbyterian College during an executive meeting comprised of persons who were purportedly acting only in their CEDC capacity.
39. At least one member of CEDC who was also an employee of Presbyterian College acted outside of their CEDC official duties when they represented the interests of Presbyterian College during an executive committee meeting whose subjects included developing an agreement which transferred benefits to Presbyterian College in the form of an economic incentive package. Said meeting was purportedly comprised of persons acting only in their CEDC position.
40. At least two members of Defendant LCDC, one of whom is a member of Defendant City of Clinton, and the other of Defendant CEDC (herein jointly named "Other Defendant Entities"), acted outside of their LCDC official duties when they conducted the business of Other Defendant Entities on the matter of an economic incentive for Presbyterian College during an executive session comprised of persons purportedly acting only in their LCDC capacity.
41. Members of Defendant Organizations used their affiliations and multiple office holdings to engage in polling, meetings, and 'talks' which violated FOIA.

42. These meetings and talks set forth in paragraphs 37 – 41 above were conducted without public notice, agenda, and/or minutes.
43. Said meetings, talks, and polling were conducted in secret to conceal involvement of Defendant Organizations in the following tasks:
 - a. Create and pre-approve procedures to support legislation whose true intent is to provide public funding to assist in the creation of the Presbyterian School of Pharmacy.
 - b. Perform tasks for whom a direct beneficiary was Presbyterian College,
 - c. Act to circumvent legal provisions upon realization that these provisions barred their first attempt to provide benefits directly to Presbyterian College, said acts include, but are not limited to: attempting to deny a Presbyterian College economic incentive ever existed, attempting to conceal that Presbyterian College is a direct beneficiary of public benefits, creating a previously unidentified ‘public parking shortage’ by renaming as ‘public use’ the same benefits which they had previously bestowed directly to Presbyterian College, by adding the public as a recipient of partial benefit and by funneling Presbyterian College’s use of these benefits through CEDC in an attempt to conceal that Presbyterian College is a direct beneficiary.
44. Upon information and belief, Plaintiff believes at least one member of each of Laurens County Council and the City of Clinton used secret meetings and polling to influence, create, pre-approve, and revise legislation whose true intent is to provide public funding to assist in the creation of the Presbyterian School of Pharmacy.

45. All Defendants purposefully expanded statutory and other lawful authority granting them specific limited confidentiality related to details of certain qualified contractual and economic development matters, the provisions of which they reasonably should have known, to conceal from the public the fact that they were discussing and considering the mere idea of an economic incentive for Presbyterian College.
46. All Defendants acted outside of their authority when they acted as set forth in paragraphs 37 – 45 above.

First Cause of Action

Laurens County Council Freedom of Act Violations and Invalid Ordinance

47. Plaintiff incorporates all prior causes of action and allegations, where not inconsistent, as if fully set forth below.
48. On January 8, 2008 Laurens County Council went into executive session to discuss an “economic development matter”.
49. Instead of the discussion of an “economic development matter”, Council discussed “funding” the creation of a school of pharmacy for Presbyterian College.
50. The motion and action to go into executive session on January 8, 2008 and some activities during the executive session were in violation of the South Carolina Freedom of Information Act.
51. Various other motions and actions related to other executive sessions of the Council violated the South Carolina Freedom of Information Act.
52. On or about May 13, 2008 Laurens County Council held a public meeting and went into executive session to “discuss an economic development matter and a legal matter”.
53. Instead, during the executive session Council on May 13, 2008 they discussed funding options for the school of pharmacy for Presbyterian College.

54. During a public meeting of the Laurens County Council on June 24, 2008, Clinton City Manager stated "the City of Clinton can provide an economic incentive package of 1.5 million dollars" and requested Laurens County to "assist the City of Clinton in funding of this economic incentive package with a \$750,000.00 allocation to the City of Clinton."

City of Clinton

55. On or about June 24, 2008 Laurens County approved the concept of providing \$750,000.00 in assistance to the City of Clinton for the Presbyterian College School of Pharmacy.

City

56. When Laurens County approved the City of Clinton's request for \$750,000.00 on June 24, 2008 Defendants Anderson, Coleman, and Tribble knew they were approving the use of these funds for Presbyterian College.

didn't answer, claim not part of case LCDC

57. Defendants Anderson and Tribble voted to approve using public funds for the benefit of an organization they were associated with.

LC admitted, everyone else denied

58. This approval on June 24, 2008 was void ab initio as it served no public purpose and violated Article I, Section 2; Article III, Section 31; Article X, Section 1; Article X, Section 11; and Article XI, section 4 of the South Carolina Constitution. This approval also violated the First Amendment of the United States Constitution and was contrary to the South Carolina Freedom of Information Act, S.C. Code Ann. 8-13-100 et. Seq. and to the constitutional, statutory, and decisional authority of Laurens County.

Clinton

59. On or about July 8, 2008 Laurens County approved partnering with the City of Clinton to assist with the Presbyterian College School of Pharmacy.

LC did??

60. This approval on July 8, 2008 was void ab initio as it served no public purpose and violated Article I, Section 2; Article III, Section 31; Article X, Section 1; Article X, Section 11; and Article XI, Section 4 of the South Carolina Constitution. This approval

also violated the First Amendment of the United States Constitution and was contrary to the South Carolina Freedom of Information Act, S.C. Code Ann. 8-13-100 et. Seq. and to the constitutional, statutory, and decisional authority of Laurens County.

61. On or about July 22, 2008 Laurens County considered and approved at first reading Ordinance 667 to provide for \$775,000.00 to acquire and renovate a large, vacant institutional building for use in the creation and operation of a new school of pharmacy to be operated by Presbyterian College LCDC
62. On July 22, 2008 Defendants Coleman, Tribble, and Anderson had been involved in discussions which included the disclosure of confidential information which related to how Laurens County could provide funding to assist in establishing a new Presbyterian School of Pharmacy. ~~City~~
City
LCDC
~~LCDC~~
EEOC
Brianna
63. The July 22, 2008 public Laurens County Council meeting minutes reports "The purpose of Ordinance 667 is to provide funding from Laurens County to assist the City of Clinton in locating a pharmacy school at Presbyterian College". all
64. The original terms of Ordinance 667 included buying a parking lot and a building, refurbishing them, and giving these to Presbyterian College for its new school. all
65. The July 22, 2008 approval of Ordinance 667 was by title only.
66. This approval on July 22, 2008 was void ab initio as it served no public purpose and violated Article I, Section 2; Article III, Section 31; Article X, Section 1; Article X, Section 11; and Article XI, Section 4 of the South Carolina Constitution. This approval also violated the First Amendment of the United States Constitution and was contrary to the South Carolina Freedom of Information Act, S.C. Code Ann. 8-13-100 et. Seq. and to the constitutional, statutory, and decisional authority of Laurens County.

67. On or about August 12, 2008 during a Laurens County Council public meeting, hired bond attorney Margaret Pope stated words to the effect that:
- a. the original terms of Ordinance 667 violated constitutional protections in that public dollars could not be used to buy land and donate it to a private enterprise; and
 - b. it was her job to see "if we're going to get to the point where the assurances can be given to PC that the 1.5 mil dollars is, and will be, in place... PC ...has got to have assurances that this ...1.5 is to be available to them from the two sources, from the City of Clinton and Laurens County".
68. During this public meeting, Defendant Coleman stated words to the effect that Ordinance 667 was not agreeable to Presbyterian College so "We changed that Ordinance ...starting a new ordinance to provide certain infrastructure for the school".
69. On or about August 12, 2008 Laurens County approved Ordinance 667 at second reading with no public hearing.
70. This approval on August 12, 2008 was void ab initio as it served no public purpose and violated Article I, Section 2; Article III, Section 31; Article X, Section 1; Article X, Section 11; and Article XI, Section 4 of the South Carolina Constitution. This approval also violated the First Amendment of the United States Constitution and was contrary to the statutory and decisional authority of Laurens County.
71. During the public meeting of the Laurens County Council on or about August 12, 2008 Defendant Griffith stated "We were very pleased when the City of Clinton and Laurens talked with us about the possibility of assisting locating this school in Laurens County".

72. Council members Joe Woods, Ted Nash, and Ed McDaniel were not informed that such 'talks', which involved the expenditure of public funding, were being conducted.
73. Plaintiff is informed and believes that after August 12, 2008 and before August 28, 2008 members of Laurens County Council, the Laurens County attorney, and bond attorneys for Laurens County met with representatives of Presbyterian College who objected to provisions of Ordinance 667 that prohibited the public funds from supporting a faith-based school setting and prohibited any faith-based requirements being imposed on any students or faculty utilizing the institutional building that was to be acquired and renovated. Presbyterian further objected to the prohibition against religious activities occurring in the new facility.
74. This meeting was conducted in violation of the South Carolina Freedom of Information Act.
75. The parties of the meeting set forth in paragraph 73 above agreed to withdraw Ordinance 667 and introduce a new Ordinance 669 that would provide \$775,000.00 for the acquisition of several parcels of land adjacent to the vacant institutional building to be used as a new school of pharmacy operated by Presbyterian College.
76. These parcels and parking area were the same parcels that Presbyterian College would have been required to acquire in order to comply with zoning and land development regulations to house the proposed pharmacy school
77. One of these parcels is the same parking lot previously given directly to Presbyterian College in Ordinance 667 for it's own private use and was renamed as 'public' under Ordinance 669.

City

City

City

78. There is no public record of any Defendant or any member of the public identifying a need for new public parking in the area around the building to be used for Presbyterian College's new pharmacy school prior to the public introduction of Ordinance 669 on August 26, 2008. City

79. Although a public hearing and final vote on Ordinance 667 was scheduled for August 26, 2008, Ordinance 667 was tabled by Laurens County Council. City

80. Instead of considering Ordinance 667 on August 26, 2008 Ordinance 669 was introduced at first reading in violation of the Council rules of procedure and the Freedom of Information Act.

81. Ordinance 669 was not posted on the public agenda for August 26, 2008 nor were the rules of County Council suspended in order to do so. Accordingly, first reading of Ordinance 669 did not legally take place.

82. On October 1, 2008 Defendants responded to Plaintiff's initial request for disclosure of certain public information and subsequent related letter under the South Carolina Freedom of Information Act.

83. Defendant Laurens County violated South Carolina FOIA requirements when they denied disclosure of all public documents requested by Plaintiff.

84. On or about November 18, 2008, Plaintiff sent an email concerning Defendants' response to Plaintiff's FOIA request. L Coaly

85. On November 26, 2008, Defendants' response to Plaintiff's email disclosed some documents previously denied.

86. Laurens County violated S.C. Code Ann. § 30-4-55 by failing to provide a disclosure of the fiscal impact of offering economic incentives to Presbyterian College and conducting a cost-benefit analysis.
87. A public hearing was held on Ordinance 669 on October 14, 2008 and it was approved at final reading by a 4-3 vote on that date.
88. Ordinance 669 is invalid, unconstitutional, arbitrary, and capricious as follows;
 - a. The purpose of the ordinance and general obligation debt is other than that which is an authorized purpose of the County pursuant to South Carolina Constitution article X, the South Carolina Constitution, the United States Constitution, and statutory and decisional law.
 - b. Ordinance 669 has no clear public purpose.
 - c. Mere benefit of the public to use the proposed parking facility is insufficient to establish a public purpose for the expenditure of public funds.
 - d. By providing the parking facility required by Presbyterian College to acquire and renovate the building to contain its proposed school of pharmacy the Defendant Laurens County is expending public funds for the primary benefit of a private party.
 - e. Ordinance 669 violates Article I, Section 2; Article III, Section 31; Article X, Section 1; Article X, Section 11; and Article XI, section 4 of the South Carolina Constitution.
 - f. Ordinance 669 violates the First Amendment of the United States Constitution.

- g. Ordinance 669 was improperly enacted in violation of the South Carolina Freedom of Information Act and statutory and decisional laws of the State of South Carolina.
 - h. Ordinance 669 exceeds the authority granted to it by the State of South Carolina to promote economic development pursuant to tax and infrastructure incentives.
 - i. Ordinance 669 was enacted for a private purpose and not a public purpose,
 - j. Ordinance 669 permits the County and City of Clinton to join with a private developer and undertake projects which would be primarily to the benefit of the developer, with no assurance of more than negligible advantage to the general public. It is not sufficient that an undertaking bring about a remote or indirect public benefit to categorize it as a project within the sphere of "public purpose."
 - k. Ordinance 669 never lawfully passed three readings as required by statutory and decisional law of the State of South Carolina.
 - l. Ordinance 669 never lawfully passed any readings due to the conflict of interest votes of certain members of Laurens County Council.
 - m. A cost-benefit analysis was never conducted regarding the incentives provided to Presbyterian College.
 - n. For such other and further reasons set forth herein or hereinafter alleged.
89. Wherefore, Plaintiff requests that the Court determine Ordinance 669 is invalid and improperly enacted; determine that the actions of the Defendant set forth above are in violation of the South Carolina Freedom of Information Act and other statutory, decisional, and other laws and authority; and issue a temporary restraining order, injunction, and writ of mandamus prohibiting any and all actions in furtherance of the

objectives of Ordinance 669 and other private use of public dollars, and prohibiting and enjoining future violations of the statutory, decisional, and other laws and authority of Laurens County including using public dollars for private use and violations of the Freedom of Information Act. Plaintiff further requests attorney's fees and cost of this action pursuant to the South Carolina Freedom of Information Act.

Second Cause of Action
Clinton City Council Freedom of Information Act Violations

90. Plaintiff incorporates all prior causes of actions and allegations, where not inconsistent, as if fully set forth below.
91. On June 2, 2008 the City of Clinton held a public meeting and went into executive session to "discuss one personnel matter and one economic development matter"
92. Instead of the discussion of an "economic development matter" the City of Clinton discussed "funding" the creation of a school of pharmacy for Presbyterian College with an agreement to provide public benefits to the College.
93. The motion and action to go into executive session on June 2, 2008 and the executive session were in violation of the South Carolina Freedom of Information Act.
94. Motions and actions on other various dates related to executive sessions of the Defendant City of Clinton violated the South Carolina Freedom of Information Act.
95. On June 2, 2008, after the executive session, the Clinton City Council made a motion and unanimous vote in public meeting to "authorize the City Manager to negotiate a contract with Presbyterian College with regards to the new school of pharmacy".
96. The subject matter of said contract was never disclosed to the public by Defendant City of Clinton.
97. Said contract was the agreement set forth in paragraph 92.

*giving up
Josh Kay?*

98. On or before June 5, 2008 the City of Clinton executed an agreement with Presbyterian College offering an economic incentive to Presbyterian College.
99. This agreement was negotiated by Defendants City of Clinton and CEDC in meetings that violated the Freedom of Information Act. *Clinton
CEDC*
100. When the City of Clinton executed the agreement on June 5, 2008 they acted on a matter, over which the City of Clinton has supervision, control, jurisdiction, or advisory power, without approval of the agreement by the governing body in a meeting open to the public.
101. The agreement, among other things, provided for the transfer of public property and funds to Presbyterian College, the providing of public services to the College, causing CEDC to provide \$200,000.00 in cash to Presbyterian College, and right of first refusal to buy any city-owned property.
102. The signatures on the agreement were those of the president of Presbyterian College Defendant Griffith, who was also an executive member of CEDC at the time that he signed the agreement, and the City Manager who also served on the Board of CEDC. *CEDC*
103. On June 24, 2008 when the Clinton City Manager delivered a letter to Laurens County publicly requesting funding for an economic incentive package for Presbyterian College, said package had not been approved by the governing body of the City of Clinton in a meeting open to the public. *LE
CEDC
City*
104. On June 24, 2008 Clinton City Manager knew through informal polling that the Defendant City of Clinton approved said request for funding of the economic incentive package before any official vote was taken.
105. On July 1, 2008 public meeting minutes of the Clinton City Council show they did not notify the public of their involvement in the development of an incentive package until

they voted on July 1, 2008 to approve a motion to “give the City Manager the authority to negotiate an incentive package of 1.5 million dollars in support of Presbyterian College’s pharmacy School”.

106. In the secret meetings Defendants City of Clinton and CEDC had before they gave the public notice they were developing this incentive package were publicly reported on or about July 1, 2008 in a Chronicle editorial titled ‘*County Council decision to help lure PC pharmacy school was correct one*’ when it published words to the effect that the executive committee of the CEDC had meetings, admittedly attended by a Chronicle Publisher who is a CEDC executive committee member, to develop an incentive package worth 1.5 million dollars for Presbyterian College, and this package was accepted by the Presbyterian College board of trustees after it underwent several revisions by either Defendant City of Clinton or by Presbyterian College.
107. On September 30, 2008 Plaintiff submitted a request for disclosure of certain public information under the South Carolina Freedom of Information Act.
108. Defendant City of Clinton violated South Carolina FOIA requirements when their response dated October 17, 2008 denied disclosure of all public documents requested by Plaintiff.
109. Defendant City of Clinton violated S.C. Code Ann. § 30-4-55 by failing to provide a disclosure of the fiscal impact of offering economic incentives to Presbyterian College and conducting a cost-benefit analysis.
110. On December 18, 2008 the Clinton City Manager informed Plaintiff that the Clinton focus committees are a volunteer citizen’s group “discussing specific areas of strategic planning within the City” and are not required to keep meeting minutes.

111. These committees are public bodies in that they discuss and make recommendations on Defendant City of Clinton's public business and utilize public resources. A legal,
112. These committees violate the South Carolina Freedom of Information Act in that they fail to follow FOIA requirements.
113. Wherefore, Plaintiff requests that the Court determine that the actions of the Defendants set forth above are in violation of the South Carolina Freedom of Information Act and issue a temporary restraining order, injunction, and writ of mandamus prohibiting any and all actions in furtherance of the objectives of using public dollars to benefit any private use, and prohibiting and enjoining future violations of the statutory, decisional, and other laws and authority of Laurens County including violations of the Freedom of Information Act. Plaintiff further requests attorney's fees and costs of this action pursuant to the South Carolina Freedom of Information Act.

Third Cause of Action
Clinton Economic Development Corporation Freedom of Act Violations

114. Plaintiff incorporates all prior causes of action and allegations, where not inconsistent, as if fully set forth below.
115. In 2008 Defendant CEDC violated the South Carolina Freedom of Information Act, including, but not limited to, they did not publicly post agendas for all of their meetings and they did not post meeting notices for all of their meetings.
116. CEDC public meeting minutes are devoid of any mention of an economic incentive package for Presbyterian College until July 22, 2008 despite the public fact that Defendant CEDC engaged in meetings whose subject included this incentive.
117. On and prior to July 22, 2008 CEDC went into executive session to discuss an "economic development matter".



- 118. On at least one of these occasions, instead of discussing an “economic development matter” CEDC discussed ‘funding’ the creation of a school of pharmacy for Presbyterian College by ‘developing’ an incentive package.
- 119. The motion and action to go into executive session on July 22, 2008 and the executive session were in violation of the South Carolina Freedom of Information Act, as were other motions and actions related to executive sessions of the CEDC on various dates.
- 120. On multiple occasions prior to July 22, 2008 CEDC went into executive session to discuss a “contractual matter”.
- 121. On at least one these occasions, instead of discussing a contractual matter, CEDC developed the incentive package with at least one representative of Presbyterian College or at least one representative of the City of Clinton.
- 122. Per July 22, 2008 CEDC executive committee public meeting minutes, a director of Presbyterian College made a motion to approve a “1.5 million dollar incentive package for Presbyterian College for the Pharmacy School.
- 123. Per the meeting minutes referenced above, none of the seven CEDC executive committee members in attendance excused themselves from the unanimous vote which approved the above named incentive package.
- 124. Of the seven CEDC executive members who approved the incentive package during the July 22, 2008 meeting, at least one, including Defendant Randy Randall, was a Presbyterian College employee, another member was a Presbyterian College director, and a third served as an officer of Presbyterian College.
- 125. Wherefore, Plaintiff requests that the Court determine that the actions of the Defendants set forth above are in violation of the South Carolina Freedom of Information Act and

*Clinton
admit
but show he
didn't vote*

*lack
of info*

issue a temporary restraining order, injunction, and writ of mandamus prohibiting any and all actions in furtherance of the objectives of using public dollars to benefit any private use, and prohibiting and enjoining the membership of any person directly affiliated with Presbyterian College, and prohibiting and enjoining future violations of the statutory, decisional, and other laws and authority of Laurens County including violations of the Freedom of Information Act. Plaintiff further requests attorney's fees and costs of this action pursuant to the South Carolina Freedom of Information Act.

Forth Cause of Action
**Laurens County Economic Development Council Freedom of Information Act
Violations**

126. Plaintiff incorporates all prior causes of action and allegations, where not inconsistent, as if fully set forth below.
127. In 2008 Defendant LCDC violated the South Carolina Freedom of Information Act, including but not limited to, they did not publicly post agendas for all of their meetings and they did not post meeting notices for all of their meetings.
128. On June 24, 2008 Clinton City Manager presented a letter from Defendant LCDC Executive Director to Laurens Council endorsing the "proposal that will be presented by the City of Clinton on Tuesday, June 24" and stating that the school "will generate an improved tax base via 30 new professors and 300 new students."
129. Defendant LCDC's letter of endorsement which occurred prior to the official public vote of endorsement, was a result of secret meetings and polling which occurred with at least one other Defendant.
130. LCDC public meeting minutes show Defendant LCDC did not notify the public that they were considering this project nor did they conduct any public meetings during which they

Clinton

*CEDC
Clinton*

discussed said project, nor did they consider or possess any public information relative to the project's effect on the tax base or the number of new students and professors, until Presbyterian College made a formal public presentation on August 19, 2008.

131. LCDC meeting minutes of August 19, 2008 indicated Defendant Coleman said "the County is treating the pharmacy school as an economic development project and LCDC needs to endorse the project".


LC

132. The existence of the secret meetings involving the presentation of the aforementioned project, its impact on the tax base, and LCDC's decision not to participate in said project were confirmed by the editorial '*County Council decision to help lure PC pharmacy school was correct one*' which stated words to the effect that Defendant LCDC declined to participate in the City of Clinton's Presbyterian College Pharmacy School project before any formal presentation was made.

Clinton


133. When the Executive Director of Defendant LCDC endorsed the project he acted on a matter over which LCDC has supervision, control, jurisdiction, or advisory power without approval of the endorsement by the governing body in a meeting open to the public.

134. Wherefore, Plaintiff requests that the Court determine that the actions of the Defendants set forth above are in violation of the South Carolina Freedom of Information Act and issue a temporary restraining order, injunction, and writ of mandamus prohibiting any and all actions in furtherance of the objectives of using public dollars to benefit any private use, and prohibiting and enjoining future violations of the statutory, decisional, and other laws and authority of Laurens County including violations of the Freedom of



Information Act. Plaintiff further requests attorney's fees and costs of this action pursuant to the South Carolina Freedom of Information Act.

Fifth Cause of Action
As to all Defendants



135. Plaintiff incorporates all prior causes of actions and allegations, where not inconsistent, as if fully set forth below.
136. A FOIA violation is outside the scope of a public official's duties.
137. When Defendants offer purportedly official statements or decisions in the name of "Defendant Organizations" including those which approve or endorse an economic incentive package, they should reasonably know that official approval of said statements can be obtained legally only under proper statutory and decisional authority.
138. Defendants acted with actual malice in that they failed to follow lawful provisions that they should reasonably have known they were oath bound to uphold.
139. Defendants Coleman, Tribble, Anderson, Randall, Griffith (herein named "Defendant Individuals" collectively) and other Defendants became Plaintiff's trustee when they became public officials who have custodianship of her money.
140. Defendant Individuals and other Defendants violated ethics and the trustee relationship when they repeatedly influenced the funneling of public dollars for their private use to benefit Presbyterian College while in office.
141. Defendant Individuals and other Defendants engage in actual and apparent ethics violations when they routinely and customarily use their office to influence public matters for the benefit of Presbyterian College.
142. Defendant Griffith violated the trustee relationship, violated Plaintiff's substantial rights to separation of church and state and against establishment of religion, and demonstrated

an outrageous breach of trust and ethics when he signed the June 5, 2008 agreement between Presbyterian College and the City of Clinton set forth herein in which he agreed to accept public dollars for private use.

143. He did so while he was simultaneously an executive member in both the organization that authored the agreement to provide the publicly funded benefits, and in the organization that received these benefits, including a cash fund of \$200,000 and property deeds.

144. Public meeting minutes indicate on July 31, 2008 Defendant Randall, as CNINGA chairman, was present when the organization voted with no abstentions to unanimously approve the release of funds for the stated purpose of funding an economic incentive for Presbyterian College to locate a school in downtown Clinton.

145. Defendants Tribble, Anderson, and Coleman outrageously violated the trustee relationship, Plaintiff's right to separation of church and state and the establishment clause, and purposefully intended to use public dollars to benefit a private use when they voted to enact an ordinance whose stated intent was to grant publicly funded benefits to Presbyterian College.

146. Defendants used the lawful power of the Defendant organizations to which they belonged for their agreed intended unlawful purpose of seizing Plaintiff's money for improper use and violating her substantial rights.

147. Plaintiff sustained special damage in that no other persons besides Defendants, as Plaintiff's trustees vested with special powers, can seize Plaintiff's money and violate these rights in this manner.

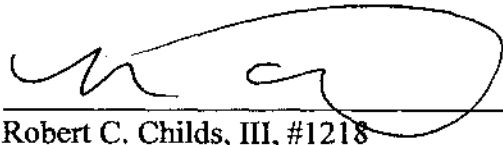
148. Plaintiff is informed and believes that she is entitled to an order of this Court prohibiting future ethical violations and that the individual Defendants be ordered to reimburse the

public entities all monies, costs, and expenses incurred by the public entities in pursuit of the unlawful objectives of the individual Defendants.

WHEREFORE, having fully pled the Plaintiff requests the following;

1. A temporary restraining order, injunction, and writ of mandamus prohibiting any and all actions in furtherance of the objectives of Ordinance 669 and prohibiting and enjoining future violations of the statutory and decisional authority of Laurens County including violations of the Freedom of Information Act.
2. The Court to determine that Ordinance 669 is invalid and improperly enacted and issue a permanent order invalidating Ordinance 669 and staying the execution thereof.
3. The Court to determine that the actions of the Defendants set forth above are in violation of the South Carolina Freedom of Information Act and other applicable statutory, decisional, and other laws and authority.
4. The Court to declare that the actions of the Defendants set forth above are outside the official duties of their office, and enjoin Defendants against further violations.
5. The Court to determine that the actions of the Defendants set forth above used public dollars for a private purpose, and enjoin them against further violations.
6. A determination by the Court in respect to the applicability and violations of the South Carolina Freedom of Information Act.
7. Injunctive relief against violations of the South Carolina Freedom of Information Act.
8. For the Court to inquire into the respective rights of the parties and declare the same.
9. For attorney's fees and costs of the litigation in accordance with the South Carolina Freedom of Information Act.

10. For Defendant Individuals to be ordered to refund all costs expended, including consulting and county attorney's fees, in the pursuit of establishing, creating, implementing, and revising the underlying funding package for Presbyterian College under Ordinances 667 and 669.
11. For actual, incidental, and punitive damages.
12. For all and other such relief as may be deemed equitable and just.



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Date: 4-10-09