

IN THE STATE OF SOUTH CAROLINA
In the Supreme Court

IN THE ORIGINAL JURISDICTION

County of Jasper

Michael SkinnerPetitioner

v.

Andrew Fulgham, Jasper County Administrator and Kimberly Burgess, Director Jasper County
Administrative Services.....Respondents

VERIFIED COMPLAINT

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Parties and Jurisdiction

1. Petitioner Michael Skinner (“Skinner”) is a citizen and resident of Jasper County and is the duly elected Jasper County Treasurer, having been elected to such office on November 8, 2022.
2. Upon information and belief, Respondent Andrew Fulgham, is a citizen and resident of and serves in his official capacity as the Jasper County Administrator.
3. Upon information and belief, Respondent Kimberly Burgess is a citizen and resident of Jasper County and serves in her official capacity as the Jasper County Director of Administrative Services.
4. This is a Complaint for the issuance of a Writ of Mandamus seeking to compel the Respondents to discharge ministerial tasks of their respective offices as set forth herein. Jurisdiction is proper in this Court pursuant to South Carolina Appellate Court Rule 245.

Factual Background

5. Skinner is the duly elected Treasurer of Jasper County, having unseated the incumbent treasurer in a general election on November 8, 2022.
6. Although elected on November 8, 2022, Skinner did not take his office until July 1, 2023, the beginning of the new fiscal year for Jasper County government.
7. Prior to taking his office, and despite the fact that there were nearly eight (8) months between the time of the election and the time Skinner was to assume the office of the Treasurer, Skinner received no transition from the outgoing Treasurer who had held the office for 22 years.
8. To the contrary, upon entering his office, Skinner encountered chaos and disorder suggestive of efforts to sabotage his ability to perform the duties of his office.

9. The County Treasurer's website had been taken offline.
10. Documents had been removed from the Treasurer's office and placed into storage without any indication as to what records were removed or where they had been stored.
11. The petty cash drawer was discovered three (3) days after Skinner took his office locked in the office of another Jasper County official.
12. Toner cartridges had been removed from the printers in the office.
13. There were no apparent written policies and procedures for Skinner to follow, and there was not so much as a memo left behind to aid in the smooth transition of authority from the outgoing Treasurer.
14. As Skinner has tried to transition into his office, he has faced delays and obfuscation from other government officials.
15. Requests for access to the outgoing Jasper County Treasurer's office government email account were denied and Skinner was instructed instead to seek the information through a Freedom of Information Act request.
16. While Skinner is unaware of any audit of the outgoing Treasurer's office for the past 22 years, he has been subjected to two (2) separate audits and a third has been commissioned to review Skinner's activities in office, activities representing approximately eight (8) months of service.
17. Skinner has discovered that there are at least ninety-six (96) bank accounts existing which are deposit accounts for Jasper County and/or its political subdivisions and which are not within the oversight of the Office of the Treasurer. Of these ninety-six (96) accounts discovered, Skinner has access to only twenty-three (23). He demanded that he be added to all additional accounts.

18. By Jasper County Ordinance, all fees collected received by the County's departments' employees and/or elected officials "shall be timely deposited with the county treasurer's office." Code of Ordinances, Jasper County, South Carolina, Section 2-66.
19. After discovering the accounts, Skinner has made requests to the County administration, and specifically to the Respondents, to provide him with access to the accounts and to make him a signatory on the accounts.
20. His requests have been denied.
21. After communicating his concerns to the South Carolina State Treasurer, Curtis Loftis, on March 13, 2023, Skinner and Loftis co-signed letters to South State Bank, the Bank of the Lowcountry, Bank of America and Regions Bank to grant signatory authority to Skinner on all bank accounts associated with the Tax ID's and Jasper County agency names or entities. Copies of the letters are attached hereto as **Exhibit A**.
22. The banks refuse to grant Skinner access to the accounts without the consent of the existing signatories to the accounts.
23. Upon information and belief, the existing signatories are the Respondents. Upon further information and belief, rather than add Skinner to the accounts, efforts are underway to close the accounts.
24. The addition of Skinner to the accounts is a ministerial act for either or both of the Respondents.
25. Skinner was elected to serve in his capacity as treasurer for all of the citizens of Jasper County. It is imperative in the discharge of the duties of his office that he is provided access to all of the County's bank accounts.

For a First Cause of Action

Writ of Mandamus

26. The paragraphs set forth herein above are incorporated herein as if realleged and restated in full verbatim

27. The Petitioner herein is the duly elected Treasurer of Jasper County.

28. All bank accounts of Jasper County are to run through the office of the Treasurer.

29. Skinner has become aware of many existing revenue and/or deposit accounts for Jasper County that are not run through the office of the Treasurer and for which he has been denied access.

30. Upon information and belief, the Respondents, or either of them, have the authority to grant access to the accounts to Skinner.

31. Despite Skinner's requests, he has been denied access to the accounts.

32. Skinner has a legal obligation to oversee the revenues and deposits of Jasper County.

33. The Respondents have a legal duty to comply with the requests of the Jasper County Treasurer to provide him direct access to all bank accounts of the County.

34. Skinner is without legal remedy other than to seek an Order of this Court compelling the Respondents to take such actions as may be required to add Skinner as a party to all Jasper County bank accounts and to grant access to Skinner for all records of such accounts, existing or closed.

WHEREFORE, the Petitioner is entitled to and prays for an Order of this Court compelling the Respondents to take such actions as may be required to add Skinner as a party to all Jasper County bank accounts and to grant access to Skinner for all records of such accounts, existing or closed, together with an award of costs and fees associated with the commencement of this action, as well as such additional relief as the Court deems just and proper.

Respectfully submitted,

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