

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

PETITION FOR WRIT OF MANDAMUS AND MEMORANDUM IN SUPPORT

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Petition

Petitioner Michael Skinner, Jasper County Treasurer, hereby moves and petitions this Court for an Order, pursuant to Rule 245 of the South Carolina Rules of Appellate Procedure, directing Respondents Andrew Fulgham, Jasper County Administrator, and Kimberly Burgess, Director Jasper County Administrative Services, to take such steps as are necessary to add Michael Skinner, as the duly elected Treasurer of Jasper County, as a signatory and responsible party to all Jasper County government bank accounts.

Memorandum in Support

1. Factual Background

Michael Skinner (“Skinner”) is the duly elected Treasurer of Jasper County, having unseated the incumbent treasurer in a general election on November 8, 2022. 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. 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. 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. The County Treasurer’s website had been taken offline. 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. The petty cash drawer was discovered three (3) days after Skinner took his office locked in the office of another Jasper County official. Toner cartridges had been removed from the printers in the office. 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.

As Skinner has tried to transition into his office, he has faced delays and obfuscation from other government officials. 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. 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.

While these obstacles appear to have been directed to impede Skinner's ability to perform the duties of his office, the most disturbing issue involves access to the bank accounts of Jasper County. 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. 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. After discovering the accounts, Skinner has made requests to the County administration to provide him with access to the accounts and to make him a signatory on the accounts. His requests have been denied. 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**. The banks refuse to grant Skinner access to the accounts without the consent of the existing signatories to the accounts. 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.

2. Argument

A writ of mandamus is a coercive writ that orders a public official to perform a ministerial duty. *Plum Creek Dev. Co. v. City of Conway*, 334 S.C. 30, 512 S.E.2d 106 (1999). A ministerial act or duty is one which a person performs because of a legal mandate which is defined with such precision as to leave nothing to the exercise of discretion. *Wilson v. Preston*, 378 S.C. 354, 662 S.E.2d 583 (2008). Mandamus will issue only to compel a public official to perform a mandatory legal duty. *Redmond v. Lexington County School Dist. No. Four*, 314 S.C. 431, 445 S.E.2d 441 (1994).

A writ of mandamus requiring the performance of an act must assert facts supporting the following elements: (1) a duty to perform the act; (2) the ministerial nature of the act; (3) the petitioner's specific legal right for which discharge of the duty is necessary; and (4) a lack of any other legal remedy. *HHHunt Corp. v. Town of Lexington*, 389 S.C. 623,640, 699 S.E.2d 699, 707, citing *Sanford*, 385 S.C. at 494, 685 S.E.2d at 606 (setting forth the elements necessary to obtain a writ of mandamus).

Skinner is the duly elected Treasurer of Jasper County. By Jasper County Ordinance, all fees collected in Jasper County through its employees and subdivisions are to be deposited with the Jasper County Treasurer's Office. Skinner has a duty to oversee these accounts. The only impediment to Skinner's ability to perform the duties of his office in overseeing the accounts of

Jasper County is the ministerial act of having those government officials who have signatory authority to execute the forms required by the banks to add Skinner to the accounts. To the extent that the accounts (or any of them) have been closed, Skinner should be granted the authority to receive all past records related to the accounts, including the periodic bank statements. There is no legal basis upon which the Respondent's, and/or other Jasper County officials, can deny Skinner access to the accounts of the County. Skinner is without other legal remedy.

Conclusion

Based on the foregoing the Petitioner respectfully requests that this Petition for Writ of Mandamus be granted and the Respondents to ordered to execute such forms as are necessary with any and all banks or other financial institutions that receive the money of Jasper County and/or its subdivisions to add Skinner as a signatory with full access.

Respectfully submitted,

Charleston, South Carolina
June 5, 2024

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