

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE COMMON PLEAS COURT

Clifton B. Newman, Common Pleas Fifth Judicial Circuit Judge

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SC Court of Appeals

Appellate Case No. 2024-001835

Common Pleas Case No. 2022-CP-40-00027

South Carolina Department of Health and Environmental Control,
DOES 1 through X, inclusive;
and ROE Business Entities 1 through X, inclusive

Respondent

v.

Teresa McWilliams

Appellant, pro se

BRIEF OF APPELLANT

Teresa McWilliams
105 Arborgate Circle
Columbia, SC 29212
(803) 530-4738
Appellant, pro se

Meredith Seibert, Esquire
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(803) 790-0603
Attorney for Respondent

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.Statement of Issues on Appeal

Appellant begins by stating that she has filed a Motion to Request an Exception to Rule 607 Regarding Audio and Video Copies Transcripts, filed with the Court on February 7, 2025, and she also has filed a Motion For Continuance Due to Delay of Transcript, filed with the Court on February 14, 2025, because the August 8, 2023, transcript received by Appellant on January 23, 2025, mentions the previous hearing held in Judge Jean Toal's courtroom on November 11, 2022, and is pertinent to this brief. Appellant has not received a ruling on these Motions and requests the Court cease reading this Brief at this point.

However, since the Appellant *pro se* is representing herself and fears that her appeal will be thrown out if delayed, she continues her argument as best she can in the pages that follow without the transcript of the hearing held on November 30, 2022, which is referenced in the transcript of the hearing held on August 8, 2023, upon which the Order is based.

Follow are the issues that the Appellant is presenting in this brief:

Issue One: Order alleges there was no Revision of Amended Complaint; however, there was.

Issue Two: Order alleges there was no factual allegations in the Amended Complaint; however, there were. Also, Appellant was denied access to some factual evidence, in the November 11, 2-22 hearing Judge Jean Toal's hearing by being denied discovery, for which Appellant has not yet received a transcript and requested a Motion for Continuance that has not yet been answered by the court.

Issue Three: Order alleges there is no common law; however, South Carolina Code of Laws, SECTION 1-13-80 applies

Issue Four: Order alleges Appellant failed to demonstrate her age; however, she did.

Issue Five: There were technology disturbances in the Virtual Courtroom

Issue Six: Order alleges Appellant's complaint was not filed in a timely manner; however, it was.

Statement of the Case

Teresa McWilliams (Appellant) was terminated by South Carolina Department of Health and Environmental Control (Respondent) on August 5, 2020, after a series of Warning of Substandard Performance (WOSP) meetings. Appellant at the time was 61 years old. Appellant's Supervisor presented allegations that Appellant argued were contrived and false and that were veiled accusations against the Appellant based on her age. Appellant demonstrated with hard evidence (emails, dated purchase requests, etc.) that the allegations were invalid. (Some proofs must be acquired through discovery, which Judge Jean Toal denied Appellant in the November 11, 2022, hearing (which is the hearing for which Appellant has not yet received the transcript and has filed a Motion for Continuance).

Appellant, nevertheless, created a number of solutions in response to her Supervisor's complaints, which were rejected. Appellant was told in the WOSP meetings that she would be given a Work Improvement Plan, but she was not. Freedom of Information Act (FOIA) response from Respondent February 17, 2023, indicates that discrimination was rampant in all the terminations that year (which was the year of the COVID pandemic). There was a 50% increase in terminations that year, and most of them affected employees in protected categories. Appellant argued she was being retaliated against by Supervisor, because Appellant reported to Respondent Compliance Department that there were monies hidden and not being distributed in a grant Appellant had been given to oversee by her Supervisor. Appellant argued Supervisor could construct no valid reason for Appellant's termination, so Supervisor used age discriminatory language to persuade Human Resources to assist in Appellant's termination. After a WebEx hearing on August 8, 2023, Appellant received an September 30, 2024, that Respondent's Motion to Dismiss had been granted; however, the Order made a number of statements that were in error. In addition, there were technology issues in that WebEx

hearing that denied Appellant an honest and equitable hearing. The date of the service of the notice of appeal was November 8, 2024.

Standard of Review.

Issues 1 – 4 are reviewable for clear error

Issue 5 is reviewable for questions of law, as in why can't a pro se complainant request an in-person hearing or at least be offered a room set-up by Court IT that would be technology-ready for a WebEx hearing

Argument

Issue One: Order alleges there was no Revision of Amended Complaint; however, there was.

Order states that Appellant "filed no other amended complaint or revisions to her December 30, 2023 amended complaint"; however, Appellant did file an addendum to the original complaint with the court on January 2, 2024. That addendum demonstrated that

Respondent used termination-for-cause during the COVID pandemic as an improper method of reduction-in-force and that Respondent's actions had a disparate effect on employees over the age 40, as well as on women and minorities. This data comes from a Freedom of Information Act response that came from Respondent on February 17, 2023. During the pandemic year, Respondent terminations-for-cause increased more than 50% and focused on employees in protected categories. That statistical data, directly from Respondent, demonstrates as follows:

Based on the Freedom of Information Request #870955, SC DHEC Kristen Keller's response dated February 17, 2023, and found on page xxxf of this brief, revealed the following age and racial discrimination in the current Warning of Substandard Performance (WOSP) procedure, revealing that the WOSP is worthless and only used to hide blatant discrimination:

1. In 3 years' time (2018-2020), a DHEC employee over the age of 40 was terminated 13 times more often than a younger employee via the WOSP.
2. During the years 2019-2020, the number of employees retained from the WOSP termination process was less than 3%. That is a sad statistic for a

process that is supposed to be a warning to strengthen performance and avoid termination, suggesting the WOSP is merely a cover for discrimination and unethical termination.

3. DHEC can provide 0 (zero) Work Improvement Plans (WIPs) offered to those employees, even though I myself was told in an initial meeting by DHEC HR representative Arlene Posey that I would be offered one and it would be clear and easy to achieve.

4. During those same 2 years, a female was almost 3 times more likely to be terminated as a male—for every one male terminated, 3 females were terminated.

5. During those same 2 years, a non-white employee was 25% more likely to be terminated than a white employee—adjusted for population difference, that percentage rises to 50%.

If the above were not monstrous enough, those employees were denied unemployment benefits and were blacklisted from employment DURING THE PANDEMIC YEAR.

During the pandemic year, DHEC terminations-for-cause increased more than 50%, suggesting that DHEC, during a year of budget restraints (when expenditures were frozen for travel, purchasing, and hiring), used termination-for-cause as an inappropriate method of reduction-in-force.

According to the South Carolina Code of Laws, SECTION 1-13-80.

Unlawful employment practices; exceptions. (A) It is an unlawful employment practice for an employer: (1) to fail or refuse to hire, bar, discharge from employment, or otherwise discriminate against an individual with respect to the individual's compensation or terms, conditions, or privileges of employment because of the individual's race, religion, color, sex, age, national origin, or disability;

In addition, The South Carolina Human Affairs Commission, on their website in their explanation of **South Carolina Code of Laws,**

SECTION 1-13-80, delineate that: An employment policy or practice that applies to everyone, regardless of age, can be illegal if it has a negative impact on applicants or employees age 40 or older.

Appellant argues the Order to Dismiss, by the Order's own statement, ignored this information and also ignored that disparate effect is proof

enough for an age discrimination case. Therefore, Appellant should be allowed to present her case to a jury, as she requested.

The revision filed with the court and the SCDHEC email with the FOIA Response are on pages 61 and 62.

Issue Two: Order alleges there was no factual allegations in the Amended Complaint; however, there were. Also, Appellant was denied access to some factual evidence by being denied discovery, in the November 11, 2-22 hearing Judge Jean Toal's hearing, for which Appellant has not yet received a transcript and requested a Motion for Continuance that has not yet been answered by the court.

The Order's alleging that the original Complaint "lacked any factual support" suggests that disparate treatment does not serve as factual support. In addition to the disparate treatment demonstrated above, the Appellants' Complaint did include factual allegations. Although the allegations are complex, they are nonetheless factual and legitimate. Exhibits 2-8 and 10-14 from the Amended Complaint appear on pages 68-93.

(a) Appellant was assigned administration of a grant which had \$5,394.45 written into the grant that was not being distributed, and after numerous attempts asking her supervisor and the grant writer to explain, finally reported the issue to compliance, as instructed in the employee handbook. A copy of this grant showing the hidden monies was a part of the Amended Complaint. However, Appellant is prevented from demonstrating the monies were not distributed, because she was denied discovery by Judge Jean Toal in the November 11, 2022, hearing (which Appellant has not received and has filed a Motion for Continuance with this Court that has not yet been decided), and the FOIA request Appellant made to Respondent for this information is, at the time of this writing, over 188 days past due. Email dated January 2, 2024 regarding this 188 day lack of response to Appellant's FOIA appears on page 102.

(b) Appellant's Supervisor was embarrassed by the above scrutiny by the Compliance Department and began to harass Appellant. Since Appellant had done nothing wrong, Appellant's Supervisor had no reason to terminate Appellant and began to contrive accusations that were rooted in discriminatory views of people of age. Appellant did prove in her Amended Complaint that she did, in the Warning of Substandard Performance

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(b) Appellant's Supervisor was embarrassed by the above scrutiny by the Compliance Department and began to harass Appellant. Since Appellant had done nothing wrong, Appellant's Supervisor had no reason to terminate Appellant and began to contrive accusations that were rooted in discriminatory views of people of age. Appellant did prove in her Amended Complaint that she did, in the Warning of Substandard Performance

meetings, prove that the accusations were false, using hard, factual evidence (this evidence appears in Exhibits of the Amended Complaint, found on page 68), and did prove that the language that was discriminatory of age was accepted by Respondent Human Resources without any evidence of truth, as follows:

[1] Supervisor accused Appellant of BEING SLOW to order a tape recorder for panel meetings. Respondent Human Resources accepted that discriminatory accusation of Appellant's BEING SLOW, even though Appellant demonstrated she presented the request for a tape recorder to the manager in charge of the panel meetings, who chose not to sign the request until the supervisor returned. Also, no tape recorder was ever ordered, because due to the pandemic, the panel was already meeting virtually and recording the virtual meetings within the software. This accusation was pure harassment. Appellant requires discovery to demonstrate that there exists no purchase request for the recorder, which was denied by Judge Jean Toal in the November 11, 2022, hearing, the transcript of which Appellant has not yet received and has filed a Motion of Continuance with this Court that has not yet been decided. Appellant does have factual evidence that Respondent was already recording virtual panel

meetings via the software of the TEAMS meetings, such that the complaint about a ordering a tape recorder was contrived and ridiculous. Exhibit 8 on page 79.

[2] Supervisor with Manager Neal Martin met with Supervisor's supervisor Virginie Daguise. in an effort to terminate Appellant for wearing a tank top underneath another item of clothing. (Appellant added the tank top underneath her garment before leaving home because the garment was puckering.) Appellant heard Manager Neal Martin discussing this meeting with another employee outside Appellant's cubicle. Manager Neal Martin used the phrase "like a dickie." (According to the dictionary, a "dickie" is a garment worn under another garment.) Manager Neal Martin stated that Supervisor was told she could not terminate Appellant, but would have to deal with the matter as a dress code infraction. Supervisor never spoke to Appellant about a dress code infraction after learning it was not a terminatable offence. When Appellant made a complaint to SCDHEC Human Resources Patrice Witt that Appellant was suffering harassment and gave the above incident as example, Patrice Witt immediately began defending Supervisor without even asking Supervisor about the incident. Manager Neal Martin's

statements are hard evidence. Appellant was denied discovery to obtain Manager Neal Martin's testimony by Judge Jean Toal in the November 11, 2022, hearing, the transcript of which has not yet been received by the Appellant and for which the Appellant has filed a Motion of Continuance with this Court that has not yet been decided.

[3] There was a conflict of interest in Human Resources Patrice Witt handling Appellant's Warning of Substandard Performance meetings, because Patrice Witt had applied for a job under Appellant's Supervisor. Patrice Witt's application for that job is hard evidence. Appellant requires discovery for proof of this application, which Appellant was denied by Judge Jean Toal in the November 11, 2022, hearing for which the Appellant has not yet received the transcript and for which Appellant has filed a Motion for Continuance with this Court that has not yet been decided.

[4] Supervisor accused Appellant of BEING SLOW, when Supervisor was intentionally withholding information that Appellant needed to fulfill a task. This was harassment. Emails to this effect were submitted and are hard evidence. (Exhibit 11 page 82)

[5] Supervisor accused Appellant of MAKING A MISTAKE in the minutes. Despite numerous requests to be shown the mistake, Supervisor never presented the document.

[6] Supervisor accused Appellant of BEING SLOW in submitting an invoice. The invoice was submitted by its deadline. It was not submitted even sooner, because Supervisor refused to give Appellant the contract guidelines for Appellant to make sure invoice was within the guidelines. There was no negative consequence, because the invoice was submitted on time. These emails and submissions are hard, factual evidence. Appellant requires her right of discovery which was denied by Judge Jean Toal in the November 11, 2022, hearing, the transcript of which has not yet been received by Appellant and for which a Motion of Continuance has been requested from the Court which has not yet been decided.

[7] Supervisor accused Appellant of FORGETTING that Budget Analyst needed to be in a meeting he was not in. Appellant had notified the Supervisor well before the meeting that Budget Analyst was on

vacation and should the meeting be postponed. This email is hard evidence. As above, Appellant was denied discovery.

[8] Supervisor accused Appellant of FORGETTING to sign up a new employee for a class. Employee had already signed herself up for the class. The signup sheet and her attendance are hard evidence. There was no negative consequence. As above, Appellant requires her right of discovery for this proof.

[9] Supervisor accused Appellant of BEING SLOW to submit a PCAS document. The document was submitted on time before its deadline and there was no negative consequence. The timely submission of the document is hard evidence. As above, Appellant requires her right of discovery for this proof.

[10] Supervisor accused Appellant of BEING SLOW to forward writing samples sent by an interviewee. The samples were sent two minutes after Appellant received them from interviewee. These emails are hard evidence. As above, Appellant needs to be allowed her right to discovery.

[11] Supervisor reprimanded Appellant and accused her of NOT BEING ABLE TO FOLLOW INSTRUCTIONS after AppellaInt offered to do the paperwork for a new hire's laptop and phone. Then, same Supervisor sent an email asking Appellant to do the paperwork for the new hire's laptop and phone. These emails are hard evidence. (Exhibit 11 page 82)

[12] Supervisor accused Appellant of NOT KNOWING HOW EMAIL WORKS, because Appellant received an email without an attachment and then asked the sender for the attachment. That email without an attachment is hard evidence. Appellant requires her right to discovery, as stated above.

[13] Supervisor reprimanded Appellant for FORGETTING how many monitors she was told to order and ordering an "extra" monitor. Appellant ordered the number instructed by Supervisor, and one of the employees refused to accept his. The order form for the monitors and the number of employees on staff are hard evidence. As above, Appellant was denied her right of discovery, and her FOIA request is 188 days overdue for response.

[14] Supervisor accused Appellant of BEING SLOW about getting an answer regarding "The Good Behavior Game." Supervisor had already spoken directly with the person with the answer. (The person with answer did not respond to the Appellant, because he had already spoken directly with Supervisor.) Supervisor was withholding information and harassing Appellant. These emails and their dates are hard evidence. Exhibit 11 page 82.

[15] Supervisor accused Appellant of BEING SLOW to switch virtual meetings from SKYPE to TEAMS. Supervisor would not approve the switch. These emails are hard evidence. (And there was no negative consequence, the switch was made with plenty of time for the meeting.) As above, Appellant needs to be allowed discovery.

Without question, all this evidence is minutia and unpleasant to wade through, but it is factual evidence, and Appellant should be able to produce this evidence before a jury, as Appellant has requested.

Issue Three: Order alleges there is no common law; however, South Carolina Code of Laws, SECTION 1-13-80 applies

Order states that Appellant “asserts that she was retaliated against for embarrassing her supervisor by questioning a grant discrepancy .

.. Because there is no common law case of action for age discrimination and retaliation ...” Appellant argues that there is enough proof regarding the use of age discriminatory language in the WOSP meetings, with no validity to the actual claims, such that the inflammatory discriminatory language is enough to prove age discrimination in and of itself, and Appellant should be allowed to present her case to a jury, as she has requested, based on the SC Humann Affairs Law found in **South Carolina Code of Laws, SECTION 1-13-80.**

Issue Four: Order alleges Appellant failed to demonstrate her age; however, she did.

Order states that Appellant “fails to allege her age at the time of her termination.” However, Appellant did provide, in the attachments to the Amended Complaint, a copy of her drivers license showing February 17, 1959, as her birth date. And Appellant did provide the date of termination as August 5, 2020. Appellant apologizes for not doing the math. Appellant

was 61 years old on the date of termination. Appellant's date of birth, page 98, was also in Appellant's personnel file via driver's license.

Based on the errors in the Order regarding the Complaint, Appellant argues that the Order to Dismiss should be overturned and that Appellant should be allowed to present her Complaint to a jury, as she has requested.

Issue Five: There were technology disturbances in the Virtual Courtroom

If Appellant were allowed the audio and visual recordings of the hearing held on August 8, 2023, she could demonstrate that there was trouble with the audio and the video. Appellant had stated in previous hearings that she wished to be heard in person in court due to the technology disturbances, but her request was ignored. Appellant was unable to speak to make her case properly. WebEx did not allow her to hear audio. Appellant had asked the Court's IT Representative to come on the WebEx call to help her with the IT problem. The IT Representative checked with the Judge and the opposing Attorney, and when the IT Representative confirmed that they could hear, she left the virtual meeting, never asking Appellant if she could hear anything, and Appellant could not. (Appellant did prepare for the hearing by ensuring she could get audio and visual, and she could on her

own computer, but could not get audio in the WebEx. Appellant did eventually discover through her own experimentation that the setting in the WebEx needed to be changed regarding a microphone. Due to the stressful nature of being in the virtual courtroom, Appellant had been hesitant to manipulate the settings, thinking that usually they are set properly in the first place. Unfortunately, she had not discovered the proper setting within the WebEx before the August 8, 2023, hearing.) Appellant had been told if she could not hear in the Webex, then she should call in on her cell phone. The cell phone had a different problem: a loud echo, such that Appellant was required to speak one word at a time, waiting between each word for the echo to dissipate. If Appellant were allowed demonstrate the audio of the WebEx hearing, which she is being denied by SC Transcripts based on Rule 607, it is obvious that her arguments are unintelligible and also are abbreviated because it was impossible to speak fully under the circumstances. Appellant, in order to have a fair and equitable hearing, should have been allowed either the ability to have an in-person hearing as she requested, or the Court should provide a room with IT equipment set up by Court IT Representatives that is in functioning order and invite the *pro se* complainant to use it if she wishes. Any less results in an unjust hearing,

particularly since the *pro se* complainant often does not have expensive, state-of-the-art computer equipment in their own home. Appellant requested an Court IT Representative to come into the hearing and help with the audio issue. The Court IT Representative asked the Judge and opposing counsel if they could all hear and then left the Virtual Meeting with the Appellant still being unable to hear. This can be documented in the audio of the WebEx; however, since it is not a part of the official record, it is not in the transcript.

Issue Six: Order alleges Appellant's complaint was not filed in a timely manner; however, it was.

The Order alleges that Appellant did not prove she filed the complaint in a timely manner. On page 99 of this brief, please find the EEOC's Notice of Right to Sue with accompanying letter dated October 7, 2021. On page 97 of this brief, please find the first page of the original complaint with the Court filing date of January 4, 2022. Appellant did physically present this documentation to Judge Jean Toal in the November 11, 2022, hearing. Appellant has not yet received the transcript from this November 11, 2022, hearing, which is mentioned in the transcript of the August 8, 2023, hearing.

The Order states that this documentation was not presented in the Appellant's Amended Complaint. However, both the Notice of Right to Sue and its accompanying letter and the original complaint with the date filed stamped on the document by the court (on pages xxxx of this brief) were presented to Judge Jean Toal physically in the November 11, 2022, hearing, which was an in-person hearing, and Judge Jean Toal accepted these documents as evidence of Appellant's filing in a timely manner. Appellant may have made the mistake of misunderstanding that this acceptance in court was not enough; however, both the Court and opposing counsel viewed the documents. Appellant again present this information in the August 8, 2023, hearing, which can be seen in the transcript. Opposing counsel argued that the date the Notice of Right to Sue is received should not be the standard by which the 90-day window begins in which the Complainant may pursue a lawsuit. However, the letter from the EEOC clearly states that Appellant had 90 days from the receipt of the letter to pursue a lawsuit. Appellant not only filed within 90 days of receipt of the Notice of Right to Sue, she filed within 90 days of the date on the accompanying letter. Appellant attests that the 90-day window to sue must begin with receipt of the letter from the EEOC. Appellant herself, in waiting

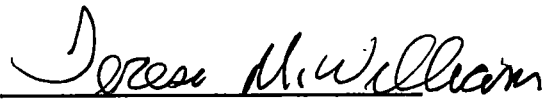
for the Notice of Right to Sue, finally called the EEOC and asked when she would receive it. The EEOC advised Appellant to go on their website where documents were posted and could be downloaded. Appellant found her own account, opened the document described by title as her own Notice of Right to Sue, and it was the Notice for someone else's case. In addition to presenting the information in open court, Appellant also emailed the documents to opposing counsel. If there has been a misunderstanding on the part of the Appellant that these acts were not enough to demonstrate timely filing, omitting the documents from the Amended Complaint was an administrative error based on being a *pro se* complainant, and based on the fact that she thought they had already been received and accepted by Judge Jean Toal in open court, and since Appellant obviously filed in a timely manner, as demonstrated in the documents accompanying this brief, she should not be penalized from pleading her case that was timely filed.

Conclusion

Based on the errors that the Order is dependent upon, based on the technology issues in the WebEx hearing, and based on the fact that Appellant's complaint was filed in a timely manner, Appellant's case should

be allowed to be presented to a jury in open court, as requested by
Appellant.

Respectfully Submitted;

By: 

Teresa McWilliams

Monday, February 24, 2025
Columbia, South Carolina

RECEIVED

FEB 07 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE COMMON PLEAS COURT

Clifton B. Newman, Common Pleas Fifth Judicial Circuit Judge

Appellate Case No. 2024-001835

Common Pleas Case No. 2022-CP-40-00027

South Carolina Department of Health and Environmental Control,
DOES 1 through X, inclusive:
and ROE Business Entities 1 through X, inclusive

Respondent

Teresa McWilliams

Appellant, *pro se*

MOTION TO REQUEST EXCEPTION TO RULE 607 REGARDING AUDIO AND VIDEO
COPIES OF TRANSCRIPTS

Teresa McWilliams
105 Arborgate Circle
Columbia, SC 29212
(803) 530-4738
Appellant, *pro se*

Meredith Seibert, Esquire
P.O. Box 1486
Columbia, SC 29202
(803) 790-0603
Attorney for Respondent

On February 3, 2025, Appellant received an email from transcripts@sccourts.org in response to her request for an audio transcript of the August 8, 2023, hearing. The response stated that Rule 607 of the South Carolina Appellate Court Rules does not allow for the release of the audio or video of any proceeding regardless of the manner of capture. (The hearing in question was WebEx.)

Appellant is requesting an exception to this rule for the following reason: Appellant believes presiding judge listed was not the judge in the hearing. Appellant realizes it may seem silly to the court that she is unsure of who the presiding judge was. Appellant has been in hearings for five years over this complaint and numerous judges have presided over the hearings. In addition to this Common Pleas Case No 2022-CP-40-00027 and its numerous hearings with numerous judges, Appellant has filed other cases in connection with several other state agencies with the complaint that she was blacklisted from employment after an unfair termination. In addition, Appellant has filed numerous cases with the EEOC, regarding age discrimination, each time a South Carolina department demanded her age on an application (Appellant is and was in a protected category.) During the two-year stretch of unemployment following her termination, Appellant can demonstrate that she applied for approximately 1,000 (one thousand) jobs.

Appellant only needs a short cut of either the audio or the video of the hearing that will align with the written transcript she has already received and ordered. Obviously, video is preferred, but audio also will be acceptable, because Appellant believes presiding judge was Jocelyn Newman and, therefore, the speaker on the audio would be female instead of male.

Appellant believes confirming the identity of the presiding judge should be within her rights. Appellant finds it odd that the official written transcript does not begin with the judge stating his/her name as part of the official recording. Appellant believes that the nature of the WebEx hearing somewhat denies Appellant the right of having her case heard in open court, and a simple, short snip of either the audio or video would be little to ask in order to confirm the identity of the presiding judge.

Respectfully Submitted;

By: Teresa McWilliams
Teresa McWilliams

February 6, 2025
Columbia, South Carolina



Transcripts requests

From teresa mcwilliams <teresamcwilliams@hotmail.com>

Date Sun 2/2/2025 11:15 PM

To Transcripts <transcripts@sccourts.org>; Court Of Appeals Filings <ctappfilings@sccourts.org>; Meredith Seibert <mseibert@dfi-lawfirm.com>; teresa mcwilliams <teresamcwilliams@hotmail.com>

2 attachments (12 MB)

IMG_0025.jpeg; IMG_0024.jpeg;

Attached are requests for 2 different transcripts. Please notice the 8/8/2023 is for audio recording. I will send the payment as soon as you let me know the cost. Thank you .

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FEB 07 2025
SC Court of Appeals



The South Carolina Court of Appeals

Teresa D McWilliams

02/07/2025

RECEIPT #103930

Case No: 2024-001835
Case Short Title: Teresa McWilliams v. SCDHEC
Event:
Fee Type: Motion Fee Filed After 10-15-18
Amount: \$50.00
Payment Type: Check
Reference No: 2973
Check/Money Order Date: 02/07/2025
Comments:

RECEIVED

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

FEB 14 2025

APPEAL FROM THE COMMON PLEAS COURT

SC Court of Appeals

Clifton B. Newman, Common Pleas Fifth Judicial Circuit Judge

Appellate Case No. 2024-001835

Common Pleas Case No. 2022-CP-40-0027

South Carolina Department of Health and Environmental Control,
DOES 1 through X, inclusive:
and ROE Business Entities 1 through X, inclusive

Respondent

Teresa McWilliams

Appellant, *pro se*

MOTION FOR CONTINUANCE DUE TO DELAY OF TRANSCRIPT

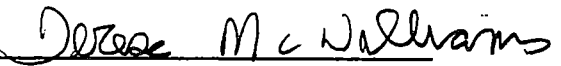
Teresa McWilliams
105 Arborgate Circle
Columbia, SC 29212
(803) 530-4738
Appellant, *pro se*

Meredith Seibert, Esquire
P.O. Box 1486
Columbia, SC 29202
(803) 790-0603
Attorney for Respondent

Appellant requests a continuance regarding the deadline of February 22, 2025, to present her brief. The transcript received by the Appellant on January 23, 2025, refers to a previous hearing in the presence of Judge Jean Toal held on November 11, 2022. The

Order signed by Judge Clifton Neman that is being appealed also refers to Judge Toal's hearing, and there are some discrepancies in what is being stated about the Judge Toal hearing. Since the order signed by Judge Clifton Newman makes statements that depend on the Judge Toal hearing, Appellant needs that transcript as well to complete her brief. As the court may see from the attached emails, Appellant has requested the Judge Toal transcript, but the transcript department did not forward the transcript request to a transcriptionist until February 13, 2025. Appellant is requesting 30 days to file her brief after receiving the transcript of the hearing with Judge Toal presiding on November 11, 2022.

Respectfully Submitted;

By: 
Teresa McWilliams

February 14, 2025
Columbia, South Carolina

Re: Over 5 days Fw: Transcript requests

From teresa mcwilliams <teresamcwilliams@hotmail.com>

Date Thu 2/13/2025 5:14 PM

To Transcripts <transcripts@sccourts.org>

Thank you!

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From: Transcripts <transcripts@sccourts.org>

Sent: Thursday, February 13, 2025 4:50:17 PM

To: teresa mcwilliams <teresamcwilliams@hotmail.com>

Cc: Transcripts <transcripts@sccourts.org>

Subject: RE: Over 5 days Fw: Transcript requests

Good afternoon,

This request was sent to Bethanie Creppon.

Thank you.

Court Reporter Sectio

From: teresa mcwilliams <teresamcwilliams@hotmail.com>

Sent: Thursday, February 13, 2025 4:32 PM

To: Transcripts <transcripts@sccourts.org>; Court Of Appeals Filings <ctappfilings@sccourts.org>; Meredith Seibert <mseibert@dfi-lawfirm.com>

Subject: Fw: Over 5 days Fw: Transcript requests

***** EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. ***

Also the date is not April 30, 2022. It is November 30, 2022. (11/30/2022). This hearing took place in physical court. Not on a WebEx.

From: teresa mcwilliams <teresamcwilliams@hotmail.com>

Sent: Thursday, February 13, 2025 4:10 PM

To: Transcripts <transcripts@sccourts.org>; Court Of Appeals Filings <ctappfilings@sccourts.org>; Meredith Seibert <mseibert@dfi-lawfirm.com>

Subject: Fw: Over 5 days Fw: Transcript requests

This hearing took place in physical court. Not on a WebEx.

From: Transcripts <transcripts@sccourts.org>

Sent: Thursday, February 13, 2025 11:06 AM

To: teresa mcwilliams <teresamcwilliams@hotmail.com>

Cc: Transcripts <transcripts@sccourts.org>

Subject: RE: Over 5 days Fw: Transcript requests

Good morning

We have searched for the recording for April 30, 2022 (court not held on the weekend) with judge Toal and your hearing is not on the recording. Could this hearing have taken place in front of another judge or on another date? Please let us know as soon as possible.

Thank you,

Court Reporter Section

From: teresa mcwilliams <teresamcwilliams@hotmail.com>

Sent: Wednesday, February 12, 2025 3:12 PM

To: Transcripts <transcripts@sccourts.org>; Court Of Appeals Filings <ctappfilings@sccourts.org>; Meredith Seibert <mseibert@dfi-lawfirm.com>

Subject: Over 5 days Fw: Transcript requests

***** EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. ***

It is my understanding that you were to confirm receipt of this transcript request within 5 days. It has been 10 days. I am following up on the status. Thank you.

Teresa McWilliams

From: teresa mcwilliams <teresamcwilliams@hotmail.com>

Sent: Sunday, February 2, 2025 11:15 PM

To: Transcripts <transcripts@sccourts.org>; Court Of Appeals Filings <ctappfilings@sccourts.org>; Meredith Seibert <mseibert@dfi-lawfirm.com>; Teresa McWilliams <teresamcwilliams@hotmail.com>

Subject: Transcripts requests

Attached are requests for 2 different transcripts. Please notice the 8/8/2023 is for audio recording. I will send the payment as soon as you let me know the cost. Thank you .

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1 STATE OF SOUTH CAROLINA) IN THE SOUTH CAROLINA CIRCUIT COURT 5
2 COUNTY OF RICHLAND) COURT C.A NO. 2022-CP-40-00027
3
4 Teresa McWilliams)
5 Plaintiff,) *Page*
6 Versus) *5*
7 Georgette Lee Jackson) *attached*
8 and SC DHEC, et al)
9 Defendant.)

11 H E A R I N G

13 DATE: August 8, 2023

15 LOCATION: South Carolina Circuit Court 5

17 JUDGE: Clifton Newman

19 TRANSCRIBED BY: ERIN REILLY

21 LEGAL EAGLE

22 Post Office Box 5682

23 Greenville, South Carolina 29606

24 864-467-1373

25 depos@legaleagleinc.com

APPEARANCES:

Attorney for Plaintiff.

Teresa McWilliams (Pro Se)

Attorney for Defendant.

Meredith Seibert, Esquire

Duff Freeman Lyon, LLC

3700 Forest Drive, Suite 201

Columbia, SC 29204



Richland Common Pleas

Case Caption: Teresa Mcwilliams vs Georgette Lee Jackson , defendant, et al

Case Number: 2022CP4000027

Type: Order/Dismissal

So Ordered

s/ Clifton B. Newman, 2127

Electronically signed on 2024-09-27 10:33:56 page 5 of 5

Page 1
attached

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

Teresa McWilliams,

Plaintiff,

vs.

South Carolina Department of Health and
Environmental Control,

Defendant.

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT

C.A. No.: 2022-CP-40-00027

PROPOSED ORDER

This matter comes before the Court upon Defendant South Carolina Department of Health and Environmental Control's Motion to Dismiss Plaintiff's Amended Complaint Pursuant to Rule 12(b)(6), SCRCF. A hearing was held on August 8, 2023, before Judge Clifton Newman. Meredith L. Seibert, Esquire of Duff Freeman Lyon LLC, now Duff Freeman Seibert, LLC., appeared on behalf of the South Carolina Department of Health and Environmental Control ("Defendant" or "DHEC"). Ms. Teresa Williams appeared *pro se*. After reviewing the pleadings, including the prior order permitting Plaintiff the opportunity to amend her Complaint, Defendant's Motion to Dismiss, the parties' memoranda, the arguments of the parties, and relevant case law, the Court hereby grants Defendant's Motion to Dismiss.

I. INTRODUCTION

On January 4, 2022, Plaintiff, who is proceeding *pro se*, filed a Complaint against DHEC. DHEC filed a Motion to Dismiss pursuant to 12(b)(6), SCRCF. On November 30, 2022, the Court, retired Chief Justice Toal presiding, heard arguments from Plaintiff and counsel for the Defendant on the pending Motion. Per the resulting order, Plaintiff stated at the hearing that she wanted to pursue a cause of action for age-based employment discrimination following receipt of a right-to-sue notice from the Equal Employment Opportunity Commission ("EEOC"). While noting that the original Complaint lacked any factual support for, or attempted statement of, a legal cause of



The South Carolina Court of Appeals

Teresa McWilliams
105 Arborgate Circle
Columbia SC 29212

02/14/2025

RECEIPT #103979

Case No: 2024-001835
Case Short Title: Teresa McWilliams v. SCDHEC
Event:
Fee Type: Motion Fee Filed After 10-15-18
Amount: \$50.00
Payment Type: Check
Reference No: 2975
Check/Money Order Date: 02/14/2025
Comments:

40



Richland Common Pleas

Case Caption: Teresa Mcwilliams vs Georgette Lee Jackson , defendant, et al
Case Number: 2022CP4000027
Type: Order/Dismissal

So Ordered

s/ Clifton B. Newman, 2127

Electronically signed on 2024-09-27 10:33:56 page 5 of 5

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

Teresa McWilliams,

Plaintiff,

vs.

South Carolina Department of Health and
Environmental Control,

Defendant.

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT

C.A. No.: 2022-CP-40-00027

PROPOSED ORDER

This matter comes before the Court upon Defendant South Carolina Department of Health and Environmental Control's Motion to Dismiss Plaintiff's Amended Complaint Pursuant to Rule 12(b)(6), SCRCF. A hearing was held on August 8, 2023, before Judge Clifton Newman. Meredith L. Seibert, Esquire of Duff Freeman Lyon LLC, now Duff Freeman Seibert, LLC., appeared on behalf of the South Carolina Department of Health and Environmental Control ("Defendant" or "DHEC"). Ms. Teresa Williams appeared *pro se*. After reviewing the pleadings, including the prior order permitting Plaintiff the opportunity to amend her Complaint, Defendant's Motion to Dismiss, the parties' memoranda, the arguments of the parties, and relevant case law, the Court hereby grants Defendant's Motion to Dismiss.

I. INTRODUCTION

On January 4, 2022, Plaintiff, who is proceeding *pro se*, filed a Complaint against DHEC. DHEC filed a Motion to Dismiss pursuant to 12(b)(6), SCRCF. On November 30, 2022, the Court, retired Chief Justice Toal presiding, heard arguments from Plaintiff and counsel for the Defendant on the pending Motion. Per the resulting order, Plaintiff stated at the hearing that she wanted to pursue a cause of action for age-based employment discrimination following receipt of a right-to-sue notice from the Equal Employment Opportunity Commission ("EEOC"). While noting that the original Complaint lacked any factual support for, or attempted statement of, a legal cause of

action for such a claim, the Court nevertheless granted Plaintiff an opportunity to amend her Complaint, subject to specific directives. Specifically, Plaintiff was advised by the Court that she must include sufficient factual and procedural averments if she wished to avoid dismissal of her action. An Order memorializing the Court's directives was filed on January 18, 2023.

Plaintiff filed an Amended Complaint with the Court on December 30, 2022, prior to the issuance of the Court's January 18, 2023 Order. Plaintiff filed no other proposed amended complaint or revisions to her December 30, 2023, filing following the January 18, 2023, Order. Defendant filed the present Motion on January 30, 2023.

II. STANDARD OF REVIEW

Under Rule 12(b)(6), SCRCP, a defendant may move for dismissal based on a failure to state facts sufficient to constitute a cause of action. *Ashley River Properties I, LLC v. Ashley River Properties II, LLC*, 374 S.C. 271, 648 S.E.2d 295 (Ct. App. 2007) citing *Flateau v. Harrelson*, 355 S.C. 197, 201, 584 S.E.2d 413, 415 (Ct.App.2003) (citing *Baird v. Charleston County*, 333 S.C. 519, 511 S.E.2d 69 (1999)). A Rule 12(b)(6) motion to dismiss should be granted when the pleadings, construed in the light most favorable to the non-moving party, fail to allege sufficient facts to state a cause of action. Rule 12(b)(6), SCRCP; *Haskell Co. v. Morgan*, 274 S.C. 261, 262 S.E.2d 737 (1980). "Generally, in considering a 12(b)(6) motion, the trial court must base its ruling solely upon allegations set forth on the face of the complaint." *Doe v. Marion*, 361 S.C. 463, 469, 605 S.E.2d 556, 559 (Ct.App.2004), *aff'd* 645 S.E.2d 245, 2007 WL 1321978; *accord Stiles v. Onorato*, 318 S.C. 297, 457 S.E.2d 601 (1995); *see also Brown v. Leverette*, 291 S.C. 364, 353 S.E.2d 697 (1987) (noting trial court must dispose of a motion for failure to state a cause of action based solely upon the allegations set forth on face of complaint); *Williams*, 347 S.C. at 233, 553 S.E.2d at 499 (finding trial court's ruling on 12(b)(6) motion must be bottomed and premised solely upon allegations set forth by plaintiff). However, an allegation of a mere legal conclusion is insufficient to state a cause of action. *Jones v. Gilstrap*, 288 S.C. 525, 343 S.E.2d 646 (1986); *see*

also *Russell v. City of Columbia*, 301 S.C. 117, 390 S.E.2d 463 (Ct. App. 1989) (“The court must take well pleaded factual allegations as true. However, allegations which are conclusory rather than factual should be disregarded.”)

III. DECISION

The Amended Complaint fails to state facts sufficient to constitute a cause of action upon which relief may be granted. In the Amended Complaint, Plaintiff asserts that she was retaliated against for embarrassing her supervisor by questioning a grant discrepancy. Amended Compl. ¶ 6. Specifically, Plaintiff alleges she was “terminated as an act of retaliation and the method used to argue cause was veiled age discrimination.” Amended Compl. ¶ 5. To the extent Plaintiff seeks to state a cause of action for age-based employment discrimination and retaliation, the Amended Complaint fails to state facts sufficient to constitute a cause of action. Because there is no common law cause of action for age discrimination and retaliation, it was incumbent upon Plaintiff to include the statutory basis for her purported claim. Such a claim must be brought pursuant to the S.C. Human Affairs Law (SCHAL), the Age Discrimination in Employment Act (“ADEA”), or Title VII of the federal Civil Rights Act of 1964 (“Title VII”) - yet none of these are alleged or referenced. Moreover, the Amended Complaint fails to allege except in the most conclusory fashion that her termination was motivated by her age. In fact, Plaintiff even fails to allege her age at the time of her termination. In short, beyond using the terms “age discrimination” and “retaliation,” the Amended Complaint is devoid of any facts sufficient to assert or support age-based discrimination or retaliation nor does it include a statutory basis for Plaintiff’s claim, whether in state or federal law. See *Ridley v. S.C. Dept. of Mental Health*, 2017 WL 3924003 (S.C. Comm. Pl., June 1, 2017) at *3 (“Although the court must liberally construe a pro se pleading, . . . [it is] clear that a plaintiff must do more than make conclusory statements to state a claim”; “. . . the pleading must contain sufficient factual matter, accepted as true, to state a claim that is plausible on its face”) (citations omitted).

In reaching this conclusion, the Court does not overlook that Plaintiff was given directions on statements and factual allegations she should include in her Amended Complaint if she wished to avoid dismissal. Plaintiff received specific directions – both in a November 20, 2022 hearing, and in the Court’s prior January 18, 2023 Order - of factual allegations that she must include in her Amended Complaint, if she intended to bring a claim for an age-based employment discrimination. Specifically, Plaintiff was told she must include within her Amended Complaint “sufficient factual allegations to state a claim for age discrimination/retaliation and the statutory basis for such claim.” She was also advised to include factual allegations related to the “timely filing an administrative charge, receipt of a right-to-sue letter, and timely commencement of the judicial action.” See Judge Jean Toal’s January 18, 2023, Order, page 3. None of those factual or procedural averments are found in the Amended Complaint. *See Georganne Apparel, Inc. v. Todd*, 303 S.C. 87, 399 S.E.2d 16 (Ct. App. 1990) (finding trial judge did not abuse her discretion by dismissing a plaintiff’s amended complaint when plaintiff ignored court order limiting what amended complaint should include).

Having considered the pleadings, Defendant’s Motion to Dismiss, the parties’ memoranda, the arguments of the parties, and relevant case law, Defendant’s Motion to Dismiss Plaintiff’s Amended Complaint should be and **IS** therefore **GRANTED**.

AND IT IS SO ORDERED.

[JUDGE’S E-SIGNATURE PAGE FOLLOWS]

1 STATE OF SOUTH CAROLINA) IN THE SOUTH CAROLINA CIRCUIT COURT 5
2 COUNTY OF RICHLAND) COURT C.A NO. 2022-CP-40-00027
3
4 Teresa McWilliams)
5 Plaintiff,))
6 Versus)
7 Georgette Lee Jackson)
8 and SC DHEC, et al)
9 Defendant.))

10
11 H E A R I N G
12

13 DATE: August 8, 2023
14

15 LOCATION: South Carolina Circuit Court 5
16

17 JUDGE: Clifton Newman
18

19 TRANSCRIBED BY: ERIN REILLY
20

21 LEGAL EAGLE

22 Post Office Box 5682

23 Greenville, South Carolina 29606

24 864-467-1373

25 depos@legaleagleinc.com

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APPEARANCES:

Attorney for Plaintiff.
Teresa McWilliams (Pro Se)

Attorney for Defendant.
Meredith Seibert, Esquire
Duff Freeman Lyon, LLC
3700 Forest Drive, Suite 201
Columbia, SC 29204

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EXHIBITS

(THIS TRANSCRIPT MAY CONTAIN QUOTED MATERIAL. SUCH IS
REPRODUCED AS READ OR QUOTED BY THE SPEAKER.)

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PROCEEDINGS

THE COURT: Okay. Now we are to the case that was number one, schedule number 1, McWilliams versus Jackson et al. This is a motion to dismiss filed by -- appears to have been filed by DHEC and Ms. Seibert is here and how about the -- Ms. Teresa McWilliams can y'all hear me?

MS. MCWILLIAMS: Can you hear me?

THE COURT: Ms. McWilliams?

MS. MCWILLIAMS: Yes, Judge.

THE COURT: Are you ready to proceed Ms. McWilliams? Keep popping on and off of mute. Are you ready to proceed, Ms. McWilliams?

MS. MCWILLIAMS: Yes. Can you hear me?

THE COURT: Yes. All right. You may proceed. Ms. Siebert, you may proceed.

MS. SIEBERT: Thank you. Good morning, Your Honor.

THE COURT: Morning.

MS. SIEBERT: I'm not sure if you've had a chance to review Defendant's memorandum of law in support of our motion to dismiss.

THE COURT: I have not.

MS. SIEBERT: Okay.

THE COURT: I have not.

MS. SIEBERT: Okay. So, I just wanted to make sure to see how much background information I should provide. The

1 DHEC has filed this motion to dismiss Ms. McWilliams amended
2 complaint. Just to give you a little background of how we got
3 here. Ms. McWilliams is proceeding pro se. She filed her
4 original complaint on January 4th, 2022. That was against DHEC
5 and then two of the district -- sorry, two of DHEC's employees.

6 We filed motions to dismiss on all three defendants
7 and that was heard on November 30th, 2022 by retired Chief
8 Justice Toll. At that hearing Chief Justice Toll dismissed our
9 individual Defendants. Was on the fence. If you have seen the
10 order on dismissing the allegations against DHEC, but did
11 provide Ms. McWilliams an opportunity to amend her complaint.
12 Judge Toll did give her very specific directions as to what
13 needed to go into that complaint and that was followed by an
14 order that was filed on January 18th.

15 Prior to that order being filed, Ms. McWilliams did
16 file her amended complaint on December 30th, 2022. Once Judge
17 Toll's order was issued, there were no further amendments or
18 changes to her amended complaint. We went ahead and filed the
19 present Motion to Dismiss and that's what we have before you
20 today. And we brought the motion to dismiss on two main
21 grounds. One is a 12B6, the other is Rule 41B for failure to
22 abide by Judge Toll's order. And then, you know, to the extent
23 you would like to hear that, if you are considering allowing
24 further amendment after our -- after we -- you hear our
25 argument I would like to address the futility of such

6
1 amendments. So, first and foremost our 12B6. Again, there --
2 you'll see if you -- when you get to our memo, I don't have a
3 ton of information there.

4 Because we do not know what statutory scheme, what
5 theory of the case that Ms. McWilliams is proceeding under.
6 There has been allegations -- it looks like age -- there's some
7 retaliation, some age discrimination, but we're not sure if
8 that's under some sort of tort theory, if that's under the
9 South Carolina Human Affair law, if that's under Title 7, if
10 that's under the ADEA.

11 We -- I just don't know. And I just, you know, it is
12 Plaintiff's obligation to provide some sort of theory of the
13 case so that I can respond and provide, you know, what elements
14 she has and established and I can't do that here. So, that's
15 where our 12B6 motion comes into play. As it relates to our
16 Rule 41, you know, again, Judge Toll did issue an order
17 allowing Plaintiff to amend and gave her virtually a roadmap of
18 what needed to be included in the amended complaint.

19 Some of the information that Ms. McWilliams was asked
20 to include or was required to include was sufficient factual
21 allegations to state a claim for age discrimination and the
22 statutory basis for such claim. She was also directed to
23 include information regarding the timely filing of an
24 administrative charge, information about the receipt of a right
25 to sue letter and timely commencement of the judicial action.

7

1 So, these are all things that Chief Justice Toll said, "Hey,
2 you know, you've got to address this in your complaint if you
3 want to survive dismissal. If, if you look at the current
4 complaint, none of that is in there. Absolutely none.

5 Again, at this point from a 12B6 standpoint, I don't
6 even know what statutory scheme we're looking at to even talk
7 about the theory of the cause of action, to talk about what
8 elements are missing. And then when I move over to the judge's
9 order, none of that is in there either. So, again, what we're
10 asking for is dismissal under 12B6 or 41B. Now, if you would
11 like me to address the futility arguments now, I can do that.
12 Would you like me to address those now or would you like to
13 hear from?

14 THE COURT: I have no desire, I'm listening.

15 MS. SIEBERT: Okay. As it relates, you know -- if
16 we're looking at is there an opportunity for Ms. McWilliams to
17 amend again. Again, this information is not in her complaint,
18 but our position is if Ms. McWilliams is allowed to amend and
19 she asserts claims under either the State, South Carolina
20 Humans Affair Law for age discrimination or under the ADEA for
21 age discrimination. Under both of those, those amendments
22 would be futile.

23 Under the state law claim, A you have a timeliness
24 issue. Again, she's got to file that within 120 days of the
25 dismissal or one year from the action, which is ever -- is

8

1 earliest, whichever becomes earlier. Again, you don't have the
2 date of her termination because it hasn't been included
3 anywhere in any of the filings, but were we to use that date
4 she is far beyond the one year. Also, I would point the Court
5 to Crocker versus South Carolina Department of Health and
6 Environmental Control, which was a case that stood for the
7 proposition that there is no independent right of action
8 against the State Department agencies or subdivisions of the
9 State. Which means Ms. McWilliams, if she was proceeding under
10 a state cause of action that case prohibits her from bringing
11 an independent cause of action against DHEC.

12 We were to flip over to our Age Discrimination and
13 Employment Act; we're looking at age discrimination under the
14 ADEA. The futility argument that arises there is that Ms.
15 McWilliams failed to file her complaint. Again, we don't have
16 the date of her receipt of the notice of the right to sue
17 within the documents that you have, but once that information
18 is included within the filing, she did not file that within 90
19 days of receipt as determined by case law that is 90 days of
20 receipt of the email.

21 So, again, we believe that, you know, again, that she
22 has not stated a cause of action under any theory, at least,
23 that we're aware of, which would justify dismissal under 12B6.
24 She has not complied with the court order issued by Judge Toll.
25 And again, despite that roadmap that she was provided, we are

9

1 back in the exact same place that we were, you know, in March
2 of 2022 when we first were served this notice or this lawsuit.
3 And again, the third just thing I would bring to this court's
4 attention that even if we were to consider a motion or further
5 amendment, that once the appropriate documentation and
6 appropriate facts are alleged that as we know them that
7 amendment would be futile.

8 MS. MCWILLIAMS: Is it my turn?

9 THE COURT: Right, Ms. McWilliams, what would you
10 like to tell me?

11 MS. MCWILLIAMS: Yes. And so, I apologize but I have
12 an echo in my cellphone, so everything I say is being repeated
13 in my ear. I have submitted hundreds of pages of documentation
14 and among them is the EEOC's right to sue letter dated, I
15 believe -- it's not in front of me, October the seventh. But I
16 consulted EEOC and how much time I had to file they said I have
17 90 days.

18 I obviously did not receive the right to sue letter before
19 the date of the letter. And I did file the complaint within
20 the 90 day that meets two of the complaints that Meredith is
21 claiming in this motion to dismiss. I did present the right to
22 sue letter and I did file in a timely manner and that was
23 proven and discussed in the hearing we had with Judge Toll.
24 So, I'm little taken by surprise that that's coming up a second
25 time.

1 Obviously, age discrimination is illegal and, in my
2 documentation, I demonstrate that it was not until my
3 supervisor made invalid accusations that were veiled statements
4 of age discrimination that DHEC human resources allowed her to
5 proceed with my termination. She had tried before the age
6 discrimination statements to terminate me for wearing a tank
7 top underneath my clothing. She said I broke the dress code,
8 but I think only common sense makes it understandable that if
9 the spaghetti straps are underneath other clothing, then that
10 does not break the dress code.

11 She also tried to terminate me saying I was
12 insubordinate, when she had asked me could I meet with her on a
13 matter at the end of the day and I replied, I had a 5:00
14 o'clock deadline I would miss. So, in no way refused to meet.
15 The reason she accused me of insubordination was because that's
16 a defense she could terminate me without the WOSP process. W-
17 O-S-P, WOSP stands for warning of substandard performance. The
18 real reason I was being terminated was I had found an amount of
19 over \$5,000 in a grant I was given to oversee and it was not
20 being disbursed, it was hidden in the grant. And when I began
21 to ask questions was when my harassment began.

22 HR did not let her proceed with termination until she
23 made the complaints that were age-related. And even if HR was
24 subconscious in their discrimination, it was still de facto age
25 discrimination. And in -- I gave in the documentation a

1 breakdown of each of the WOSP accusations and how they were
2 age-related. I was never given an opportunity to improve
3 performance, even though I was assured by Arlene Posey of HR
4 that I would be, and I have subsequently discovered that of the
5 people given WOSP performance termination, that -- I'm looking
6 for my documentation that only two out of 68 terminations that
7 went through the WOSP, which is supposed to be work improvement
8 based only two of 68 were retained.

9 I also discovered that almost a 100 percent of the
10 employees given WOSPs were over the age of 40. So, I admit
11 that the original complaint that my supervisor was harassing me
12 and terminating me over was not age-related. But once she
13 began to make invalid, which I proved in the documentation in
14 writing with emails and written documentation and deadlines,
15 and none of the accusations my supervisor made were a year old,
16 it had been a single incident during the learning curve. There
17 was no deadline missed, there was no negative consequence, she
18 was obviously looking for excuses to terminate me that were in
19 balance. So, I would like for you to deny Meredith's motion to
20 dismiss

21 THE COURT: Ms. Seibert?

22 MS. SEIBERT: Yes, Your Honor. Again, and I believe
23 -- I may have to the extent you needed, I didn't go over, I
24 guess, where this arises at. Ms. McWilliams case is not aware
25 at this point but Ms. McWilliams was an employee of DHEC that

1 was terminated. And again, she's brought this as well as two
2 other cases regarding that termination and subsequent
3 employment actions by DHEC and others. So, you know, again, I
4 hear Ms. McWilliams say that age discrimination is illegal.
5 But again, what I go back to is age discrimination under what?
6 Under a state law claim, under like -- under what theory are we
7 looking at? Because that drives our answer. If she is alleging
8 a federal claim, then I have the opportunity to remove that and
9 seek dismissal on the grounds that it's untimely on
10 jurisdictional grounds only. But I don't have that at this
11 point nor have I heard Ms. McWilliams say what is the basis for
12 her claim.

13 Now, I would point out Ms. McWilliams has said that
14 she has filed an October 7th letter. I don't have that. I do
15 know that at prior hearing, she did present to Judge Toll her
16 notice of her right to sue, which is dated September 30th,
17 2021, as well as a subsequent letter, I think an October letter
18 that indicated that she had not yet opened her notice of right
19 to sue. Again, when we go to that futility argument, however
20 case law supports that she received that document and her 90
21 days began to run as of that September date, which would make
22 her timely -- her filing untimely.

23 But again, our answer at this point is I can't -- we
24 can't even get into the elements at this point because we don't
25 have them -- we don't have allegations that support, I don't

1 know the statutory basis. I don't know the theory of her
2 case, none of that is included in this complaint. It's devoid
3 of dates that are relevant to the adverse actions. So, I just
4 -- again, at this point the amended complaint does not provide
5 what it needs in order for it to survive a motion to dismiss.
6 It does not comply with Judge Toll's order, which was very
7 clear about what she needed to do, where she -- if she needed
8 to survive. And then even if we are looking at some sort of
9 amendment, those amendments are futile.

10 THE COURT: Okay. Anything further, Ms. McWilliams?

11 MS. MCWILLIAMS: Yes, please. So, in terms of the
12 EEOC date, I did call and confirm with EEOC that the 90s days
13 begins with my receipt of the letter. And to support my
14 problems with the EEOC, I actually had an instance where I had
15 to call them and say, you haven't given me, you know, the
16 information with the right to sue letter.

17 And when they directed me to their website, the letter on
18 there was the wrong document. So, I did what they said and
19 filed within the 90 days dated on the letter, which was well
20 within receipt of the letter. Meredith has said that I have
21 not required dates but if I took this documentation and counted
22 the number of dates I've provided you, it would be hundreds.
23 And Judge -- well, I'd like to remind you that Meredith wrote
24 the order for Judge Toll. And in that hearing, judge did
25 accept the right of letter to sue that I presented from the

1 EEOC.

2 THE COURT: Anything further?

3 MS. SEIBERT: Not from DHEC. No, Your Honor.

4 MS. MCWILLIAMS: I do also believe that in the
5 providing documentation for this hearing, I was able to get
6 freedom of information, documentation from DHEC, which
7 demonstrates also that for the other age-related termination,
8 there was no work improvement process. Also, the number of
9 terminations in 2020 after the pandemic doubled from the year
10 before.

11 So, that would seem to indicate that terminations were
12 being labeled for cause when really, they were being generated
13 based on the pandemic environment where freezing or hiring was
14 frozen, purchasing was frozen, travel was frozen. So, they
15 were really using attrition and terminating people for cause.
16 I've not been able to get the testimony of people who have
17 heard the age discrimination comment and that's why I have not
18 been allowed a right to subpoena. And for that reason, I would
19 like you to deny Meredith's motion to dismiss so that I may
20 subpoena that testimony.

21 THE COURT: I'll take the matter under advisement and
22 issue an order. Thank you all.

23 MS. SEIBERT: Thank you.

24 [END OF HEARING]

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CERTIFICATE OF TRANSCRIBER

I, ERIN REILLY, a court-approved transcriber, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the South Carolina Circuit Court 5, South Carolina, on the 8th day of, August 2023.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

December 29th, 2024

ERIN REILLY

TRANSCRIBER





Re: Over 5 days Fw: Transcript requests

From teresa mcwilliams <teresamcwilliams@hotmail.com>

Date Thu 2/13/2025 5:14 PM

To Transcripts <transcripts@sccourts.org>

Thank you!

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From: Transcripts <transcripts@sccourts.org>

Sent: Thursday, February 13, 2025 4:50:17 PM

To: teresa mcwilliams <teresamcwilliams@hotmail.com>

Cc: Transcripts <transcripts@sccourts.org>

Subject: RE: Over 5 days Fw: Transcript requests

Good afternoon,

This request was sent to Bethanie Creppon.

Thank you.

Court Reporter Sectio

From: teresa mcwilliams <teresamcwilliams@hotmail.com>

Sent: Thursday, February 13, 2025 4:32 PM

To: Transcripts <transcripts@sccourts.org>; Court Of Appeals Filings <ctappfilings@sccourts.org>; Meredith Seibert <mseibert@dfi-lawfirm.com>

Subject: Fw: Over 5 days Fw: Transcript requests

***** EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. ***

Also the date is not April 30, 2022. It is November 30, 2022. (11/30/2022). This hearing took place in physical court. Not on a WebEx.

From: teresa mcwilliams <teresamcwilliams@hotmail.com>

Sent: Thursday, February 13, 2025 4:10 PM

To: Transcripts <transcripts@sccourts.org>; Court Of Appeals Filings <ctappfilings@sccourts.org>; Meredith Seibert <mseibert@dfi-lawfirm.com>

Subject: Fw: Over 5 days Fw: Transcript requests

This hearing took place in physical court. Not on a WebEx.

From: Transcripts <transcripts@sccourts.org>

Sent: Thursday, February 13, 2025 11:06 AM

To: teresa mcwilliams <teresamcwilliams@hotmail.com>

Cc: Transcripts <transcripts@sccourts.org>

Subject: RE: Over 5 days Fw: Transcript requests

Good morning

We have searched for the recording for April 30, 2022 (court not held on the weekend) with judge Toal and your hearing is not on the recording. Could this hearing have taken place in front of another judge or on another date? Please let us know as soon as possible.

Thank you,

Court Reporter Section

From: teresa mcwilliams <teresamcwilliams@hotmail.com>

Sent: Wednesday, February 12, 2025 3:12 PM

To: Transcripts <transcripts@sccourts.org>; Court Of Appeals Filings <ctappfilings@sccourts.org>; Meredith Seibert <mseibert@dfi-lawfirm.com>

Subject: Over 5 days Fw: Transcript requests

***** EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. ***

It is my understanding that you were to confirm receipt of this transcript request within 5 days. It has been 10 days. I am following up on the status. Thank you.

Teresa McWilliams

From: teresa mcwilliams <teresamcwilliams@hotmail.com>

Sent: Sunday, February 2, 2025 11:15 PM

To: Transcripts <transcripts@sccourts.org>; Court Of Appeals Filings <ctappfilings@sccourts.org>; Meredith Seibert <mseibert@dfi-lawfirm.com>; Teresa McWilliams <teresamcwilliams@hotmail.com>

Subject: Transcripts requests

Attached are requests for 2 different transcripts. Please notice the 8/8/2023 is for audio recording. I will send the payment as soon as you let me know the cost. Thank you .

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STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND

Teresa McWilliams

Plaintiff

Vs

South Carolina Department of Health  
and Environmental Control;  
DOES I through X, inclusive; and  
ROE Business Entities I through X,  
inclusive

Defendant

IN THE COURT OF COMMON PLEAS  
FOR THE FIFTH JUDICIAL CIRCUIT  
CIVIL ACTION NO. 2022-CP-40-00027

MEMORANDUM: ANALYSIS OF  
FREEDOM OF INFORMATION  
RESPONSE FROM DHEC

RICHLAND COUNTY  
FILED  
2024 JAN -2 PM 1:07  
JEANETTE W. MEBRIDE  
C.C.P., G.S., & F.C.

Analysis of FOIA Information provided by DHEC on February 17, 2023.

Based on the Freedom of Information Request #870955, SC DHEC Kristen Keller's response dated February 17, 2023, revealed the following age and racial discrimination in the current Warning of Substandard Performance (WOSP) procedure, revealing that the WOSP is worthless and only used to hide blatant discrimination:

1. In 3 years' time (2018-2020), a DHEC employee over the age of 40 was terminated 13 times more often than a younger employee via the WOSP.
2. During the years 2019-2020, the number of employees retained from the termination process was less than 3%. That is a sad statistic for a process that is supposed to be a warning to strengthen performance and avoid termination.
3. DHEC can provide 0 (zero) Work Improvement Plans (WIPs) offered to those employees, even though I myself was told in an initial meeting by DHEC HR representative Arlene Posey that I would be offered one and it would be clear and easy to achieve.
4. During those same 2 years, a female was almost 3 times as likely to be terminated as a male—for every one male terminated, 3 females were terminated.

5. During those same 2 years, a non-white employee was 25% more likely to be terminated than a white employee—adjusted for population difference, that percentage rises to 50%.

If the above were not monstrous enough, those employees were denied unemployment benefits and were blacklisted from employment DURING THE PANDEMIC YEAR.

During the pandemic year, DHEC terminations-for-cause increased more than 50%, suggesting that DHEC, during a year of budget restraints (when expenditures were frozen for travel, purchasing, and hiring), used termination-for-cause to separate employees that should have been separated in a kinder manner.

Respectfully Submitted,

By: Teresa McWilliams

Teresa McWilliams  
105 Arborgate Circle  
Columbia, SC 29212  
Telephone: (803) 530-4738  
teresamcwilliams@hotmail.com

January 2, 2024  
Columbia, SC

## Teresa McWilliams

---

**From:** teresa mcwilliams <teresamcwilliams@hotmail.com>  
**Sent:** Wednesday, August 2, 2023 2:20 AM  
**To:** Teresa McWilliams  
**Subject:** Fw: FOI Request # 870955  
**Attachments:** 870955-Request.pdf

---

**From:** Keller, Kristen M. <KellerKM@dhec.sc.gov>  
**Sent:** Friday, February 17, 2023 9:02 AM  
**To:** teresamcwilliams@hotmail.com <teresamcwilliams@hotmail.com>  
**Subject:** FOI Request # 870955

Teresa,

Please see the below information requested for your attached request.

1. **Number of Terminations-** DHEC began tracking disciplinary actions by calendar year in 2019. In 2019, there were 27 and in 2020, there were 41 terminations.
2. **Terminations by Race-** In 2019, there were 11 Black females, 7 White females, 3 Black males and 6 White males. In 2020, there were 14 Black females, 2 Hispanic or Latino females, 1 female Native Hawaiian or Pac. Isl. 14 White females, 7 Black males and 3 White males.
3. **The number of WOSP by race, gender and age-** In 2018, 2 Black females over 40. In 2019, 4 Black females over 40, 3 White females over 40, 1 Hispanic male over 40. 1 White male under 40. In 2020, 2 White females over 40 and 1 black male over 40.
4. The agency doesn't track the number of **Work Improvement Plans (WIP)** issued to staff.
5. The agency can't provide a copy of **WIP's** because this information is not tracked or placed in employee's official personnel files.
6. **Regarding WOSP's**, during 2019 and 2020, 2 individuals remained employed after being on a WOSP.

Let me know if you need anything else. This request is now considered closed.

Happy Friday!

Kindest regards,  
Kristen Keller, Assistant Director  
Freedom of Information Office  
S.C. Dept. of Health & Environmental Control  
Office: (803)898-3796

Connect: [https://link.edgepilot.com/s/305e837b/emnwqK\\_fk\\_9a5suFLomg?u=http://www.scdhec.gov/](https://link.edgepilot.com/s/305e837b/emnwqK_fk_9a5suFLomg?u=http://www.scdhec.gov/) [Facebook](#) [Twitter](#)



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*Lolo*

STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND

Teresa McWilliams

Plaintiff

VS.

South Carolina Department of Health  
and Environmental Control;

DOES I through X, inclusive; and  
ROE Business Entities I through X,  
inclusive

Defendant

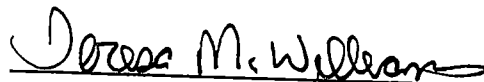
IN THE COURT OF COMMON PLEAS  
FOR THE FIFTH JUDICIAL CIRCUIT  
CIVIL ACTION NO. 2022-CP-40-00027

NOTICE OF APPEAL

RICHLAND COUNTY  
FILED  
2024 NOV -8 PM 3:02  
JEANETTE W. McBRIDE  
CLERK, S.C. J.C. & EC.

### NOTICE OF APPEAL IN A CIVIL CASE

Teresa McWilliams appeals the order [judgment] of the Honorable Clifton B Newman dated September 7, 2024. Appellant received written notice of entry of this order [judgment] on October 1, 2024



Teresa McWilliams  
105 Arborgate Circle  
Columbia, SC 29212  
(803) 530-4738  
Appellant *pro se*  
October 28, 2024

Other Counsel of Record  
Meredith Seibert  
Duff Freeman Seibert  
P. O. Box 1486  
Columbia, SC 29202

Exhibit 2  
Referring to 1a of Complaint

## Print\* Issue Budget analysis invoices to grant parameters OD2a

McWilliams, Teresa D. <mcwilltd@dhec.sc.gov>



To:

- McWilliams, Teresa D.  
Mon 6/8/2020 10:08 AM

11/19/19 email I asked Sara Salley for the OD2A budget to track spending in sub-categories. (Bruce tracks it percentage of grant total spending.) Focus until 6/1/2020 was on the former CoAG grant (which I was never given a copy of, if I remember correctly it was because that grant was "over", but they kept requesting extension.) All OD2A spending was put on the old CoAg to spend all the money--therefore tracking OD2A was less of an issue until CoAg was closed out 5/29 (or 30)/2020. I have now received the OD2A budget from Tramaine and am setting up a process to track % spent in sub-categories.

I also need a method to confirm what is spent aligns with what grant allows. More difficult because of the Strategies and Strategy Leads. I never see an actual invoice to see what was purchased--just amount and vendor paid. We hold a monthly budget meeting to look over reports: salary, encumbrance, expenditure, detailed summary and question anything we don't recognize, but Emma still seems to feel that is not enough. I am developing a monthly Status Report and also a Budget Drilldown Document ( that will at least align invoice with Strategy). In a perfect world it would be great to click on an item in Bruce's report and access an image of the invoice. I don't know how naive it is to try to get to that point, but time will tell.

*Teresa McWilliams*  
Office Manager  
Division of Injury and Substance Abuse Prevention  
S.C. Dept. of Health & Environmental Control

Office: (803) 898-7333

68

Exhibit 3

Referring to 1b in Complaint – Plaintiff's email to Department Manager Tramaine McMullen. Plaintiff does not suggest that Manager forego reviewing the minutes, as accused by Supervisor Kennedy.

McWilliams, Teresa D. <mcwilltd@dhec.sc.gov>



To:

- McWilliams, Teresa D.  
Thu 6/4/2020 12:36 PM

See below. Somehow Emma drew the conclusion that I wanted to send the minutes without Tramaine reviewing them. She accuses me of that in the counseling document.

*Teresa McWilliams*  
Office Manager  
Division of Injury and Substance Abuse Prevention  
S.C. Dept. of Health & Environmental Control

Office: (803) 898-7333

---

**From:** McMullen, Tramaine P. <mcmulltp@dhec.sc.gov>  
**Sent:** Wednesday, June 3, 2020 9:55 AM  
**To:** McWilliams, Teresa D. <mcwilltd@dhec.sc.gov>  
**Cc:** Kennedy, Emma <kennedel@dhec.sc.gov>  
**Subject:** Re: Opioid All Team Minutes

Thank you, Teresa. If everyone is fine with this, I do think that we should continue send the draft of the minutes directly to the All team with the agenda.

Sincerely,  
Tramaine

---

**From:** McWilliams, Teresa D. <mcwilltd@dhec.sc.gov>  
**Sent:** Wednesday, June 3, 2020 9:35 AM  
**To:** McMullen, Tramaine P. <mcmulltp@dhec.sc.gov>  
**Cc:** Kennedy, Emma <kennedel@dhec.sc.gov>  
**Subject:** Opioid All Team Minutes

Hi, Tramaine! In the last Opioid All Team meeting, I was using my personal laptop to take minutes, since my work laptop was being used for the Skype call. My personal laptop is old and the battery does not hold a charge, so I was relying on electricity to power my personal laptop. There was an electricity loss during the meeting, my personal computer crashed and I lost the minutes. I would like to explain that to the All Team when I send them the draft of the minutes and request that they view their portion of the minutes to confirm accuracy.

Actually, it is always my best practice to ask minutes contributors to review that their verbal contribution has been captured accurately in the minutes, but in the flow that former grant manager Sara Salley laid out, the minutes were being sent by Sara. In her absence, I have been sending a draft of the minutes with the agenda. Please confirm if I should continue this process.

In addition, in my experience it is customary to ask the All Team to approve the minutes from the last meeting in the next meeting. In my opinion, not following this procedure of approval creates jeopardy.

It is possible that the document we wish to come out of the All Team should not be formal minutes. I mentioned that to Sara, but she preferred to maintain a document that is formal minutes. I will continue to do so unless instructed otherwise.

One more reminder. I believe that to be compliant with the state's normal handling of minutes, we should be destroying and purging them at some point in the future (seems like it is a year). Before I destroy and purge minutes, I will seek your advice.

*Teresa McWilliams*  
Office Manager  
Division of Injury and Substance Abuse Prevention  
S.C. Dept. of Health & Environmental Control

Office: (803) 898-7333

Exhibit 4

Relating to 2f in Complaint

## 2Fw: Office Supplies

**McWilliams, Teresa D. <mcwilltd@dhec.sc.gov>**



To:

- Kennedy, Emma;
- Witt, Patrice

Wed 6/17/2020 11:32 AM

Please see below. Email regarding office supplies to Martin, Poore, Hamilton, Galardi dated 5/29. Emails to other staff will follow separately.

*Teresa McWilliams*

*Office Manager*

*Division of Injury and Substance Abuse Prevention*

*S.C. Dept. of Health & Environmental Control*

*Office: (803) 898-7333*

---

**From:** McWilliams, Teresa D.

**Sent:** Friday, May 29, 2020 4:03 PM

**To:** Martin, Neal <MARTINCO@dhec.sc.gov>

**Cc:** Poore, Kevin H. <poorekh@dhec.sc.gov>; Hamilton, Ian C. <hamiltic@dhec.sc.gov>; Galardi, Christina M. <galardcm@dhec.sc.gov>

**Subject:** Office Supplies

Hi, Neal! I just found out most of you are returning to the office Monday. I had put in an office supply order the day before lock down that was frozen, so you are walking back into the office with low supplies. I plan to have a revised request ready for signature when Emma walks in the door on Monday--all that means let me know if you want me to add something to the order.

*Teresa McWilliams*

*Office Manager*

*Division of Injury and Substance Abuse Prevention*

*S.C. Dept. of Health & Environmental Control*

7/1

Office: (803) 898-7333

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**From:** McWilliams, Teresa D. <mcwilltd@dhec.sc.gov>

**Sent:** Thursday, May 28, 2020 8:51 AM

**To:** Wilks, Jillian <wilksjp@dhec.sc.gov>

**Subject:** Re: Did you get your Atlanta refund?

I'll work on that today. Do you need any office supplies? Our last order got frozen by the lockdown, so I know we are low.

72

Exhibit 5

Referring to 4b in Complaint – Zip File Locked

## D2599 Form Issue

McWilliams, Teresa D. <mcwilltd@dhec.sc.gov>



To:

- Childers, Elizabeth K.;
- Kennedy, Emma

Wed 6/24/2020 10:50 AM

"Windows cannot complete the extraction" of the zip file. Working on it.

*Teresa McWilliams*

Office Manager

Division of Injury and Substance Abuse Prevention

S.C. Dept. of Health & Environmental Control

Office: (803) 898-7333



Exhibit 6

Referring to 4d in Complaint

## Children's Trust contracts 2 dated same date

MD  
McWilliams, Teresa D. <mcwilltd@dhec.sc.gov>



To:

- Ancheta, Roxanne M.  
Mon 6/22/2020 9:47 AM

Hi, Roxanne! Sorry to bother you in the middle of year-end. Emma has asked me to contact contracts to find out which Children's Trust contract we have on file as valid. Both contracts I was given by Emma are dated the same date. The first I was given has Sue Williams as contact on page 6, and the one I was just given has Sherri Caldwell as contact on page 6. Is it proper procedure and protocol to ask you or should I be asking someone else? (FYI: before interrupting Roxanne, I asked Kim but also said only if she knew off the cuff please don't spend her time researching; I searched the Contracts section on the Intranet; I looked at Revenue Contract Policy; I searched "contract" on the staff directory; I looked at the Public Health org chart; I searched Records Management; I searched my email and came up with the name Francine Miller but thought it was probably more appropriate to ask Roxanne).

*Teresa McWilliams*  
Office Manager  
Division of Injury and Substance Abuse Prevention  
S.C. Dept. of Health & Environmental Control

Office: (803) 898-7333

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**From:** Kennedy, Emma <kennedel@dhec.sc.gov>  
**Sent:** Monday, June 22, 2020 9:07 AM  
**To:** McWilliams, Teresa D. <mcwilltd@dhec.sc.gov>; McMullen, Tramaine P. <mcmulltp@dhec.sc.gov>  
**Cc:** Ancheta, Roxanne M. <anchetrm@dhec.sc.gov>; Witt, Patrice <WITTPL@dhec.sc.gov>  
**Subject:** Re: Strengthening Families Invoices

Contact our contracts department and get the contract they have on a file for this arrangement.

**Emma Kennedy, MPH**  
Director, Division of Injury and Substance Abuse Prevention  
**S.C. Dept. of Health & Environmental Control**  
Cell-803-622-1388  
Office-803-898-3751  
Email: kennedel@dhec.sc.gov  
Location: Mills/Jarrett Building, Room N-208  
2100 Bull Street, Columbia, SC 29201

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**From:** McWilliams, Teresa D. <mcwilltd@dhec.sc.gov>  
**Sent:** Monday, June 22, 2020 9:04 AM  
**To:** Kennedy, Emma <kennedel@dhec.sc.gov>; McMullen, Tramaine P. <mcmulltp@dhec.sc.gov>  
**Cc:** Ancheta, Roxanne M. <anchetrm@dhec.sc.gov>; Witt, Patrice <WITTPL@dhec.sc.gov>  
**Subject:** Re: Strengthening Families Invoices

Here is the contract I was given for Children's Trust (see below) that shows Sue Williams as the contact on page 6, and it is dated the same date. Please confirm which is the valid contract.

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Exhibit 7  
Referring to 5d in Complaint

## Re: Computer for Mark

McWilliams, Teresa D. <mcwilltd@dhec.sc.gov>



To:

• Kennedy, Emma  
Thu 7/2/2020 12:22 AM

Emma, I will be very happy to order a new laptop for new hire Mark Swart. (Even though you reprimanded me just earlier today saying to me, "You also asked the Outreach Director and Injury Director to let you know when the offer had been made, you stated you would go ahead and get his computer . . . . You were only asked to assist with completing paperwork and this position is not in our area. I have concerns with your ability to follow instruction and complete simple tasks".) However, I don't mean to in any way to seem insubordinate or wish to seem like I am second guessing you, and I will work on that immediately with great joy. (Also I am reminding you that I am working after 5pm because you asked me to be ready for an 8:30 am meeting and I was unable to prepare yesterday afternoon due to the assignment of contacting the negative testees for COVID about their results, which I understand is in conflict with an earlier instruction not to work after 5pm, but I deduce that tomorrow's 8:30 am supersedes that first instruction.)

*Teresa McWilliams*  
Office Manager  
Division of Injury and Substance Abuse Prevention  
S.C. Dept. of Health & Environmental Control

Office: (803) 898-7333

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**From:** Kennedy, Emma <kennedel@dhec.sc.gov>  
**Sent:** Wednesday, July 1, 2020 3:49 PM  
**To:** McWilliams, Teresa D. <mcwilltd@dhec.sc.gov>  
**Subject:** Computer for Mark

77

Hi Teresa,

We don't have a computer for Mark. Elizabeth found a laptop he can borrow until his laptop arrives. Can you order Mark a new laptop? We have two brand new monitors he can use.

Thanks,

Emma

**Emma Kennedy, MPH**

Director, Division of Injury and Substance Abuse Prevention

**S.C. Dept. of Health & Environmental Control**

Cell-803-622-1388

Office-803-898-3751

Email: [kennedel@dhec.sc.gov](mailto:kennedel@dhec.sc.gov)

Location: Mills/Jarrett Building, Room N-208

2100 Bull Street, Columbia, SC 29201

Exhibit 8

Referring to 6b in Complaint.

## Reminder to Tell All Team we are recording

**MD**  
McWilliams, Teresa D. <mcwilltd@dhec.sc.gov>



To:

- McMullen, Tramaine P.  
Mon 7/6/2020 4:37 PM

Hi, Tramiane. Just a reminder that we are required to tell the All Team on Wednesday that we are recording the meeting.

*Teresa McWilliams*  
Office Manager  
Division of Injury and Substance Abuse Prevention  
S.C. Dept. of Health & Environmental Control

Office: (803) 898-7333

Younger people who made a mistake and were not put in a WOSP:

**From:** Witt, Patrice <WITTPL@dhec.sc.gov>  
**Sent:** Tuesday, August 4, 2020 11:15 AM  
**To:** McWilliams, Teresa D. <mcwilltd@dhec.sc.gov>  
**Subject:** Confidential

Teresa,

I realized that the previous letter sent did not have the correct date. Please find the updated letter attached.

Thank you,

Patrice L. Witt  
Employee Relations Assistant Manager  
S.C. Dept. of Health & Environmental Control

Office: (803) 898-1169

Connect: [www.scdhec.gov](http://www.scdhec.gov) [Facebook](#) [Twitter](#)

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**Complaint Age Discrimination****Exhibit 10**

McWilliams, Teresa D. &lt;mcwilltd@dhec.sc.gov&gt;

Mon 7/20/2020 12:28 PM

To: Lee, Georgette &lt;LEEGD@dhec.sc.gov&gt;

Cc: Posey, Arlene W. &lt;poseyaw@dhec.sc.gov&gt;; Witt, Patrice &lt;WITTPL@dhec.sc.gov&gt;

 1 attachments (13 KB)

Pay for teacher courses to Georgette Lee 2020\_07\_20.docx;

**MEMORANDUM:**

Date: July 20, 2020

To: Georgette Lee

CC: Arlene Posey, Patrice Witt

From: Teresa McWilliams

Subject: Age Discrimination – Withholding Information Disparate Treatment

On 7/1/2020, my supervisor Emma Kennedy received information from Roxanne Ancheta on how to pay for a course for a non-DHEC employee (evidence from Elizabeth DeMeo and Suzanne Sanders). As of 7/20/2020, Emma never shared this information with me and reprimanded me for the time it took me to research. This supports my complaint that Emma is merely setting traps for me rather than working with me to improve my performance; she is using the 10-week WOSP as a method to terminate me because she doesn't like how old I am. (FYI - the reason for the time I spent in research is that I have been reprimanded in the past for asking Roxanne a question—therefore, I endeavored to find the answer another way. As instructed by my supervisor, I researched written procedures and protocol, I researched the SharePoint; then, I asked Kim Carnell and had conversations with Tripp Clark. All the time I was working on this research, Emma had the answer and was withholding it from me. Emma does not withhold information from younger employees.)

*Teresa McWilliams**Office Manager**Division of Injury and Substance Abuse Prevention***S.C. Dept. of Health & Environmental Control***Office: (803) 898-7333* 1467992119682\_PastedImage

Exhibit  
11**FW: Can we pay for non-DHEC person's training courses?**

McWilliams, Teresa D. &lt;mcwilltd@dhec.sc.gov&gt;

Mon 7/20/2020 11:36 AM

To: DeMeo, Elizabeth A. &lt;demeoea@dhec.sc.gov&gt;

Hi, Elizabeth! Looks like Suzanne is out of the office this week, and I need access to the July 1 email she references below. Do you have a copy you can forward to me?

**Teresa McWilliams**

Office Manager

Division of Injury and Substance Abuse Prevention

Bureau of Chronic Disease and Injury

**S.C. Department of Health & Environmental Control**

(803) 898-7333



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**From:** Sanders, Suzanne <SANDERSH@dhec.sc.gov>**Sent:** Friday, July 17, 2020 2:47 PM**To:** McWilliams, Teresa D. <mcwilltd@dhec.sc.gov>; DeMeo, Elizabeth A. <demeoea@dhec.sc.gov>**Cc:** Carnell, Kimberly <carnelkr@dhec.sc.gov>; Kennedy, Emma <kennedel@dhec.sc.gov>**Subject:** Re: Can we pay for non-DHEC person's training courses?

Hey Teresa,

We can work on gathering the training cost information for Tripp.

Based on a previous email exchange with Emma on July 1st, I thought we already had the appropriate guidance regarding how to cover the cost of training for non-DHEC employees. Emma shared some information that she received from Roxanne.

Thanks,  
Suzanne

**Suzanne H. Sanders, MPH, MCHES®**

External Systems Manager- Community Health Services

**S.C. Dept. of Health & Environmental Control**

Office: (803) 898-7648

Mobile: (803) 429-7484

Connect: [www.scdhec.gov](http://www.scdhec.gov) [Facebook](#) [Twitter](#)

80

- Conferences repayment CT double payment
- Review 4 attachments SOPs
- Conferences Galardi conference call line
- Status Report July Budget Meeting
- ESMM Year 5 Amendment
- WOSP 6

This is not a singular instance. I have experienced continuous harassment. Emma treats my time with a disrespect that she does not show to younger employees.

May I also point out, that in my email to request proper procedure instructions, I delineated the proper procedure myself, which was exactly what Tripp told Roxanne to do: get an invoice from the school listing the names of the participants and the course title.

*Teresa McWilliams*

*Office Manager*

*Division of Injury and Substance Abuse Prevention*

**S.C. Dept. of Health & Environmental Control**

Office: (803) 898-7333

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**From:** Witt, Patrice <WITTPL@dhec.sc.gov>  
**Sent:** Monday, July 20, 2020 4:24 PM  
**To:** McWilliams, Teresa D. <mcwilltd@dhec.sc.gov>  
**Cc:** Posey, Arlene W. <poseyaw@dhec.sc.gov>  
**Subject:** Re: Complaint Age Discrimination

Teresa,

When did Emma give you this task to work on? When did you provide an answer?

**Patrice L. Witt**  
Employee Relations Assistant Manager  
**S.C. Dept. of Health & Environmental Control**  
Office: (803) 898-1169  
Connect: [www.scdhec.gov](http://www.scdhec.gov) [Facebook](#) [Twitter](#)



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**From:** McWilliams, Teresa D. <mcwilltd@dhec.sc.gov>  
**Sent:** Monday, July 20, 2020 12:28 PM

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To: Lee, Georgette <LEEGD@dhec.sc.gov>

Cc: Posey, Arlene W. <poseyaw@dhec.sc.gov>; Witt, Patrice <WITTPL@dhec.sc.gov>

Subject: Complaint Age Discrimination

MEMORANDUM:

Date: July 20, 2020

To: Georgette Lee

CC: Arlene Posey, Patrice Witt

From: Teresa McWilliams

Subject: Age Discrimination – Withholding Information Disparate Treatment

On 7/1/2020, my supervisor Emma Kennedy received information from Roxanne Ancheta on how to pay for a course for a non-DHEC employee (evidence from Elizabeth DeMeo and Suzanne Sanders). As of 7/20/2020, Emma never shared this information with me and reprimanded me for the time it took me to research. This supports my complaint that Emma is merely setting traps for me rather than working with me to improve my performance; she is using the 10-week WOSP as a method to terminate me because she doesn't like how old I am. (FYI - the reason for the time I spent in research is that I have been reprimanded in the past for asking Roxanne a question—therefore, I endeavored to find the answer another way. As instructed by my supervisor, I researched written procedures and protocol, I researched the SharePoint; then, I asked Kim Carnell and had conversations with Tripp Clark. All the time I was working on this research, Emma had the answer and was withholding it from me. Emma does not withhold information from younger employees.)

*Teresa McWilliams*

*Office Manager*

*Division of Injury and Substance Abuse Prevention*

**S.C. Dept. of Health & Environmental Control**

*Office: (803) 898-7333*

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## Re: Complaint Age Discrimination

Exhibit 12

McWilliams, Teresa D. &lt;mcwilltd@dhec.sc.gov&gt;

Tue 7/21/2020 11:20 AM

To: Witt, Patrice &lt;WITTPL@dhec.sc.gov&gt;

Cc: Posey, Arlene W. &lt;poseyaw@dhec.sc.gov&gt;

📎 1 attachments (31 KB)

MEMORANDUM to Witt in response to July 20 when and when pay for non DHEC employees.docx;

May I with utmost humility and greatest of subordinate respect, please point out that Patrice Witt's 7/20/20 emailed question is a line of questioning separate from my complaint dated July 20, which I deduce is generating your question. (My July 20 complaint was that Emma **withheld information** from me, a 61-year-old woman, and does not withhold information from her younger employees). However, I am very happy to answer this question. This memorandum also serves as a separate statement of complaint of age discrimination in the area of disparate treatment in which Emma **disrespects my time**, which she does not do to younger employees. Emma is reprimanding me, a 61-year-old woman for taking 10 days to research and complete a purchase request for new equipment; Tramaine McMullen, a much younger employee, took 30 days to get her DHEC cell phone set up by Marie Okoli and was not reprimanded.

Emma asked me a question, to which she received an answer from Roxanne the next day, and left me to run a wild goose chase in which I followed her instructions to search the procedure manual and search the SharePoint before asking a question; and then I avoided asking Roxanne a question, for which I have been reprimanded more than once (I can go back and document the number of times that has happened.) At the point where in my own best judgement I should have asked Roxanne, instead I asked Kim Carnell, who communicated with Tripp Clark. I deduce that Tripp was not eager to repeat instructions he had already given to Roxanne, and as of the writing of this memo, I have not received instruction. I worked on the question for 10 business days. (I received the question June 30; Emma received the answer July 1 from Roxanne.) During those 10 days, while I ran my wild goose chase, I also completed the following high priority tasks:

- Script and general instructions conferences for first set of COVID negative phone calls. There were several discussions as we ironed out the procedure.
- A conference call with Patrice Witt and Arlene Posey
- Prepared purchase request tape recording equipment
- Conferences re purchase request of tape recording equipment
- A push to get and contract new hire Swart's 4<sup>th</sup> job reference, since Swart's 3<sup>rd</sup> reference had not yet responded.
- A push to get Gwen in HR to tell us she had completed the HR background check
- A conference call with IT about a computer memory-related issue, since that is a hot topic right now
- Pushing Tramaine to give me the All Teams agenda since it was the deadline to get to the All Team
- End of year PCARD issues required several emails and conversations. June 30 was the deadline.
- Cancel the SEGRA conference call agreement (Roxanne had said she was cancelling, but she did not, so there was a priority about getting that done ASAP because of the charge deadline)
- July 1 conferences with IT re: The issue is not resolved. I took a photo with my cell phone of my laptop screen some days ago where you can see the email queue is missing a chunk of email between 5/26 and 6/3. I could not search and find an email I needed during that time period. Today those emails are showing in the email queue again. I can send you a copy of the photo I took if you give me an email address. This happened after the cookies were cleared.
- Follow up with Bruce Baker on unanswered June budget questions and issue he did not send OD2A remaining budgets to strategy leads

85

- July Budget Drilldown
- July Budget meeting with 4 report analyses and development of July budget questions to be answered by Bruce Baker
- COVID negative calls 1<sup>st</sup> set
- COVID negative calls 2<sup>nd</sup> set (with the potential of 104 calls—I did not track actual, although I can go back and document if I need to)
- WOSP 5
- Opioid All Team Agenda proof and distribution
- Follow up non-responders to Opioid All Team calendar invite and ask for written updates
- Opioid All Team monthly TEAMS meeting
- Opioid All Team minutes with transcript-check and proof
- Learning curve: recording on TEAMS and downloading
- Conferences ref will DHEC legal let us record TEAMS meetings
- Conferences ref change DAODAS monthly meetings Skype to TEAMS
- DAODAS TEAMS meetings series calendar invites
- DAODAS TEAMS meeting
- DAODAS TEAMS notes with transcription-check and proofing
- Resolve PCAS issue with Holly PCASE would not let me e-sign and send
- Year end issue with funding for June FSI purchase – conference with Julia Scott
- Bank of America paper reconciliation submission
- Health educator interviews set up, including follow up phone calls to confirm receipt
- Resolve issue with Tramaine's voicemail: "Your phone number seems to be malfunctioning or at least the message needs to be updated. The message says, 'Vacant Bobo is not available.'"
- Conferences with IT to try to confirm: Does TEAMS have a recording function, and are we allowed to use it to record our division panel meetings?
- Research phone procedure manual and provide Tramaine with instructions on how to set up her voicemail
- Offboarding Anne
- Conference IT – external email in queue for yesterday was not there until today Ticket: TKT-10036753, Subject: Email issue, Message from Service Desk:  
Unfortunately we do not have control over slowness or when things get delivered. Our e-mail is housed with Microsoft. we re at the mercy of there issues and network slowness. We can only check when e-mails don't actually arrive. MS sets the time for when the sent is hit not when it actually leaves the outbox. We have no control over that
- Conferences ESMM and their request for more money
- Conferences ESMM ref reschedule July meeting
- Conference with Ian Hamilton ref travel reimbursement
- Conferences year end closeout any unpaid travel advances
- Portable monitor tagging
- Status Report IT and HR Issues
- Safe State Alliance Memberships calls to get revised invoice
- Safe State Alliance Memberships Payment Request
- Conferences ref procedure memberships on PCard
- Purchase request Swart laptop
- Conferences Samira's WebEx meeting
- Conferences Swart cell
- Required Public Health Lunch and Learn
- Conferences Poore \$40 recertification
- Conferences Celia did not send confirmation she sent SF/CT invoice to AP

# MEMORANDUM

DATE: July 21, 2020  
TO: Patrice Witt  
CC: Georgette Lee  
Arelene Posey  
FROM: Teresa McWilliams  
SUBJECT: Response to Patrice Witt 7/20/20 email question and Additional Complaint of Age Discrimination – Disparate Treatment

May I with utmost humility and greatest of subordinate respect, please point out that this question is a line of questioning separate from my complaint dated July 20, which I deduce is generating your question. (My July 20 complaint was that Emma **withheld information** from me, a 61-year-old woman, and does not withhold information from her younger employees). However, I am very happy to answer this question. This memorandum also serves as a separate statement of complaint of age discrimination in the area of disparate treatment in which Emma **disrespects my time**, which she does not do to younger employees. Emma is reprimanding me, a 61-year-old woman for taking 10 days to research and complete a task; Tramaine McMullen, a much younger employee, took 30 days to have her cell phone set up by Marie Okoli and was not reprimanded.

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- July 1 conferences with IT ref: The issue is not resolved. I took a photo with my cell phone of my laptop screen some days ago where you can see the email queue is missing a chunk of email between 5/26 and 6/3. I could not search and find an email I needed during that time period. Today those emails are showing in the email queue again. I can send you a copy of the photo I took if you give me an email address. This happened after the cookies were cleared.
- Follow up with Bruce Baker on unanswered June budget questions and issue he did not send OD2A remaining budgets to strategy leads
- July Budget Drilldown
- July Budget meeting with 4 report analysis and development of July budget questions to be answered by Bruce Baker
- COVD negative calls 1<sup>st</sup> set
- COVD negative calls 2<sup>nd</sup> set (with the potential of 104 calls—I did not track actual, although I can go back and document if I need to)
- WOSP 5
- Opioid All Team Agenda proof and distribution
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- Conferences year end closeout any unpaid travel advances
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- Conferences repayment CT double payment
- Review 4 attachments SOPs
- Conferences Galardi conference call line
- Status Report July Budget Meeting
- ESMM Year 5 Amendment

This is not a singular instance. I have experienced continuous harassment. Emma treats my time with a disrespect that she does not show to younger employees.

May I also point out, that in my email to request proper procedure instructions, I delineated the proper procedure myself, which was exactly what Tripp told Roxanne to do: get an invoice from the school listing the names of the participants and the course title.



Exhibit  
13

Kim also cannot work with applications they are password protected

McWilliams, Teresa D. <mcwilltd@dhec.sc.gov>

Thu 7/23/2020 9:36 AM

See below. Kim also cannot work with the password protected applications that come from HR.

*Teresa McWilliams*

*Office Manager*

*Division of Injury and Substance Abuse Prevention*

**S.C. Dept. of Health & Environmental Control**

**Office: (803) 898-7333**

 1467992119682\_PastedImage

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**From:** McWilliams, Teresa D. <mcwilltd@dhec.sc.gov>

**Sent:** Thursday, July 23, 2020 9:34 AM

**To:** Carnell, Kimberly <carnelkr@dhec.sc.gov>

**Subject:** RE: Attachment

Oh, no, it is password protected when I try to work with it as well. I believe HR is doing that.

**Teresa McWilliams**

Office Manager

Division of Injury and Substance Abuse Prevention

Bureau of Chronic Disease and Injury

**S.C. Department of Health & Environmental Control**

**(803) 898-7333**



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**From:** Carnell, Kimberly <carnelkr@dhec.sc.gov>

**Sent:** Thursday, July 23, 2020 9:33 AM

**To:** McWilliams, Teresa D. <mcwilltd@dhec.sc.gov>

**Subject:** Re: Attachment

Hey there,

Its not the EHSA I need. Its the copy of her actual application I need.

90

*Kimberly R. Carnell*  
*Administrative Coordinator*  
*Bureau of Chronic Disease and Injury Prevention*  
*S.C. Dept. of Health & Environmental Control*

Office: (803) 898-1508

Mobile: (843) 910-1921

Connect: [www.scdhec.gov](http://www.scdhec.gov) [Facebook](#) [LinkedIn](#)



---

**From:** McWilliams, Teresa D. <[mcwilltd@dhec.sc.gov](mailto:mcwilltd@dhec.sc.gov)>  
**Sent:** Thursday, July 23, 2020 9:32 AM  
**To:** Carnell, Kimberly <[carnelkr@dhec.sc.gov](mailto:carnelkr@dhec.sc.gov)>  
**Subject:** Fw: Attachment

Kim, I am forwarding directly the EHSA I got from Neal without opening it, just in case my opening it caused something to happen.

*Teresa McWilliams*  
*Office Manager*  
*Division of Injury and Substance Abuse Prevention*  
*S.C. Dept. of Health & Environmental Control*

Office: (803) 898-7333

 1467992119682\_PastedImage

---

**From:** Martin, Neal <[MARTINCO@dhec.sc.gov](mailto:MARTINCO@dhec.sc.gov)>  
**Sent:** Monday, July 20, 2020 3:24 PM  
**To:** McWilliams, Teresa D. <[mcwilltd@dhec.sc.gov](mailto:mcwilltd@dhec.sc.gov)>  
**Cc:** Kennedy, Emma <[kennedel@dhec.sc.gov](mailto:kennedel@dhec.sc.gov)>; Poore, Kevin H. <[poorekh@dhec.sc.gov](mailto:poorekh@dhec.sc.gov)>  
**Subject:** Attachment

Sorry, left it off.

Neal

Neal Martin, Program Coordinator II  
SC DHEC, Injury & Violence Prevention  
2100 Bull Street

12/28/2020

Mail - teresa mcwilliams - Outlook

Columbia, SC 29201  
803-898-7310

92

## 4 individual applications

Exhibit 14

McWilliams, Teresa D. <mcwilltd@dhec.sc.gov>

Thu 7/9/2020 10:11 AM

To: Martin, Neal <MARTINCO@dhec.sc.gov>

Cc: Kennedy, Emma <kennedel@dhec.sc.gov>

Hi, Neal! I want to pull out the individual applications for your 4 interviews, but when I pull the pdf Gwen gave of us the batch into Adobe, I get the message "The document has been signed and cannot be edited." I see two choices:

1. Ask Gwen to pull out the individual application from the batch. Based on previous experience, I doubt she can turn this task around by tomorrow's interviews.
2. Send the whole batch to the panel and let them find the individual application. Emma doesn't like this choice, because having all the applications distracts the panel.

Please advise.

*Teresa McWilliams*

*Office Manager*

*Division of Injury and Substance Abuse Prevention*

**S.C. Dept. of Health & Environmental Control**

*Office: (803) 898-7333*

 1467992119682\_PastedImage



**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**  
**Greenville Local Office**

Landmark Building  
301 North Main Street, Suite 1402  
Greenville, SC 29601  
Intake Information Group: (800) 669-4000  
Intake Information Group TTY: (800) 669-6820  
Direct Dial: (864) 565-0340  
FAX (864) 241-4416  
Website: [www.eeoc.gov](http://www.eeoc.gov)

**DISMISSAL AND NOTICE OF RIGHTS ENCLOSED**

RE: EEOC Charge No.: 14C-2020-01110  
Charging Party: Ms. Teresa McWilliams  
Respondent: SC DEPARTMENT OF HEALTH AND  
ENVIRONMENT CONTROL

Dear Ms. McWilliams:

The United States Equal Employment Opportunity Commission (EEOC) issued the enclosed Dismissal and Notice of Rights (Notice) in the above-referenced charge on the date reflected thereon. Specifically, on that date, EEOC sent you an email notification that EEOC had made a decision regarding the above-referenced charge and advised you to download a copy of the decision document from the Portal. Our records indicate you have not downloaded the Notice from the Portal. For your convenience, a copy of the Notice is enclosed with this letter.

Please note that if the Charging Party wants to pursue this matter further in court, Charging Party must file a lawsuit within 90 days of the date they receive the Notice. The 90-day period for filing a private lawsuit cannot be waived, extended, or restored by the EEOC.

I hope this information is helpful. If you have questions, please contact Oswaldo Vizcaino by telephone at 864-565-0354 or email at [oswaldo.vizcaino@eeoc.gov](mailto:oswaldo.vizcaino@eeoc.gov).

Sincerely,

Patricia B. Fuller/Director

October 7, 2021  
Date Mailed

Enclosure

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## DISMISSAL AND NOTICE OF RIGHTS

To: **Teresa McWilliams**  
**105 Arborgate Circle**  
**Columbia, SC 29212**

From: **Greenville Local Office**  
**301 North Main St**  
**Suite 1402**  
**Greenville, SC 29601**



On behalf of person(s) aggrieved whose identity is  
**CONFIDENTIAL (29 CFR §1601.7(a))**

EEOC Charge No.

EEOC Representative

Telephone No.

**14C-2020-01110**

**Kimberly L. Ambersley,**  
**Investigator**

**(864) 241-4408**

## THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: The EEOC will not proceed further with its investigation, and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

## - NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission  
 Kimberly  
 Ambersley  
 Digitally signed by Kimberly  
 Ambersley  
 Date: 2021.09.30 07:52:35  
 -04'00'

Enclosures(s)

**Patricia B. Fuller,**  
**Local Office Director**

(Date Issued)

**Georgette Lee-Jackson**  
**Employee Relations Manager**  
**U.S. DEPARTMENT OF HEALTH AND**  
**ENVIRONMENTAL CONTROL**  
**1000 WILL ST**  
**SC 29201**

**NOTICE OF RIGHTS UNDER THE ADA AMENDMENTS ACT OF 2008 (ADAAA):** The ADA was amended, effective January 1, 2009, to broaden the definitions of disability to make it easier for individuals to be covered under the ADA/ADAAA. A disability is still defined as (1) a physical or mental impairment that substantially limits one or more major life activities (actual disability); (2) a record of a substantially limiting impairment; or (3) being regarded as having a disability. *However, these terms are redefined, and it is easier to be covered under the new law.*

If you plan to retain an attorney to assist you with your ADA claim, we recommend that you share this information with your attorney and suggest that he or she consult the amended regulations and appendix, and other ADA related publications, available at [http://www.eeoc.gov/laws/types/disability\\_regulations.cfm](http://www.eeoc.gov/laws/types/disability_regulations.cfm).

**“Actual” disability or a “record of” a disability (note: if you are pursuing a failure to accommodate claim you must meet the standards for either “actual” or “record of” a disability):**

- **The limitations from the impairment no longer have to be severe or significant** for the impairment to be considered substantially limiting.
- In addition to activities such as performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, thinking, concentrating, reading, bending, and communicating (more examples at 29 C.F.R. § 1630.2(i)), **“major life activities” now include the operation of major bodily functions**, such as: functions of the immune system, special sense organs and skin; normal cell growth; and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions; or the operation of an individual organ within a body system.
- **Only one** major life activity need be substantially limited.
- With the exception of ordinary eyeglasses or contact lenses, **the beneficial effects of “mitigating measures”** (e.g., hearing aid, prosthesis, medication, therapy, behavioral modifications) **are not considered** in determining if the impairment substantially limits a major life activity.
- An impairment that is **“episodic”** (e.g., epilepsy, depression, multiple sclerosis) or **“in remission”** (e.g., cancer) is a disability if it **would be substantially limiting when active**.
- An impairment may be substantially limiting even though it lasts or is expected to last **fewer than six months**.

**“Regarded as” coverage:**

- An individual can meet the definition of disability if an **employment action was taken because of an actual or perceived impairment** (e.g., refusal to hire, demotion, placement on involuntary leave, termination, exclusion for failure to meet a qualification standard, harassment, or denial of any other term, condition, or privilege of employment).
- “Regarded as” coverage under the ADAAA no longer requires that an impairment be substantially limiting, or that the employer perceives the impairment to be substantially limiting.
- The employer has a defense against a “regarded as” claim only when the impairment at issue is objectively **BOTH** transitory (lasting or expected to last six months or less) **AND** minor.
- A person is not able to bring a failure to accommodate claim *if* the individual is covered only under the “regarded as” definition of “disability.”

**Note:** *Although the amended ADA states that the definition of disability “shall be construed broadly” and “should not demand extensive analysis,” some courts require specificity in the complaint explaining how an impairment substantially limits a major life activity or what facts indicate the challenged employment action was because of the impairment. Beyond the initial pleading stage, some courts will require specific evidence to establish disability.* For more information, consult the amended regulations and appendix, as well as explanatory publications, available at [http://www.eeoc.gov/laws/types/disability\\_regulations.cfm](http://www.eeoc.gov/laws/types/disability_regulations.cfm).

**COMPLAINANT**

Teresa McWilliams  
105 Arborgate Circle  
Columbia, SC 29212  
Telephone: (803) 530-4738  
teresamcwilliams@hotmail.com  
Plaintiff, in Proper Person

**2022CP4000027**

**RICHLAND COUNTY CIRCUIT COURT  
COLUMBIA, SOUTH CAROLINA**

Teresa McWilliams

Plaintiff,

CASE NO.:

DEPARTMENT NO.:

vs.

Georgette Lee-Jackson, South Carolina Department of Health and Environmental Control; Emma Kennedy, South Carolina Department of Health and Environmental Control; DOES I through X, inclusive; and ROE Business Entities I through X, inclusive

Defendants.

**COMPLAINT**

**JURY TRIAL DEMANDED**

Plaintiff, TERESA MCWILLIAMS, in proper person, complains against Defendants, GEORGETTE LEE-JACKSON, SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL; EMMA KENNEDY; SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL; DOES I through X, inclusive; and ROE Business Entities 1 through X, inclusive, as follows:

RICHLAND COUNTY  
FILED  
2022 JAN -4 PM 3:10  
JEANETTE W. MCBRIDE  
C.C.P., G.S., & F.C.

## I. PARTIES

1. Plaintiff, Teresa McWilliams, (hereinafter "Plaintiff") is an individual who is currently, and was at all relevant times herein, a resident of the State of South Carolina, County of Richland, City of Columbia.
2. Defendant GEORGETTE LEE-JACKSON, (hereinafter "Defendant Lee-Jackson"), is an individual who is currently, and was at all relevant times herein, a resident of the State of South Carolina, County of Hopkins, City of Hopkins.
3. Defendant EMMA KENNEDY, (hereinafter "Defendant Kennedy"), is an individual who is currently, and was at all relevant times herein, a resident of the State of South Carolina, County of Lexington and then County of Richland, City of Columbia.
4. Defendant SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, (hereinafter "Defendant DHEC") is a state organization located at 2600 Bull Street, Columbia, South Carolina 29201.
5. All of the acts and/or failures to act alleged herein were duly performed by and/or are attributable to defendants, individual or acting by and through their agents and employees. Said acts and/or failures to act were within the scope of any agency or employment, or were ratified by defendants.
6. The names and capacities, whether individual, corporate, associate or otherwise, of defendants and/or their alter egos and herein as DOES I through X, and ROE Business Entities I through X, inclusive, are presently unknown, and Plaintiff will amend this complaint to insert the name(s) when ascertained.

## II. FACTS

7. Plaintiff was employed and terminated by Defendant Kennedy.
8. Plaintiff's termination by Defendant Kennedy was declared "not for cause" by Harold W. Gold, Administrative Hearing Officer, Hearing Date January 19, 2021, Appeal Number 20-LA-050659, South Carolina Department of Employment and Workforce.
9. Plaintiff's was terminated as an act of retaliation and age discrimination.
10. Defendant Kennedy gave Plaintiff a grant to oversee that had an amount of \$5,394.45 hidden in the grant that was not being distributed. In overseeing the grant, Plaintiff asked questions about the amount that led to a meeting with DHEC Compliance. Defendant Kennedy was embarrassed.

South Carolina SC USA DRIVER'S LICENSE

NOT FOR FEDERAL IDENTIFICATION

1. DL#: 003267708

2. LMCWILLIAMS

3. TERESA D

4. 105 AMBORGATE CIR

5. COLUMBIA SC 292122421

6. DOB: 02/17/1959

7. Issued: 02/16/2018

8. Expires: 02/17/2028

9. Sex: F

10. Hgt: 5'00"

11. Wgt: 190 lb

12. Eyes: BRO

13. Ctrs: D

14. End: None

15. Restrictions: None

16. ID: 4000510502251611976

02/17/1959

Gov. McMaster

RE: Memorandum case 2022CP4000027 for Hearing Nov 30 2022

Dave Duff <dduff@dfi-lawfirm.com>

Tue 11/29/2022 1:08 PM

To: teresa mcwilliams <teresamcwilliams@hotmail.com>

Cc: Meredith Seibert <mseibert@dfi-lawfirm.com>

Received, thank you.

David T. Duff  
Certified Specialist in Employment  
& Labor Law  
Duff Freeman Lyon  
P.O. Box 1486  
Columbia, SC 29202  
Ph. (803) 790-0603  
Cell (803) 240-8295  
Firm Website [www.dfi-lawfirm.com](http://www.dfi-lawfirm.com)



DUFF FREEMAN LYON  
ATTORNEYS AND COUNSELORS AT LAW

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From: teresa mcwilliams <teresamcwilliams@hotmail.com>

Sent: Tuesday, November 29, 2022 12:47 PM:

To: Dave Duff <dduff@dfi-lawfirm.com>

Subject: Fw: Memorandum case 2022CP4000027 for Hearing Nov 30 2022

Hearing Nov. 30, 2022

2 pm

From: teresa mcwilliams

Sent: Wednesday, November 23, 2022 3:54 PM

To: [cposwal@sccourts.org](mailto:cposwal@sccourts.org) <[cposwal@sccourts.org](mailto:cposwal@sccourts.org)>

Subject: Memorandum case 2022CP4000027 for Hearing Nov 30 2022

STATE OF SOUTH CAROLINA

) IN THE COURT OF COMMON PLEAS  
)

COUNTY OF RICHLAND

FOR THE FIFTH JUDICIAL CIRCUIT

Teresa McWilliams

Plaintiff

CIVIL ACTION NO. 2022-CP-40-00027

vs.

PLAINTIFF'S MEMORANDUM  
FOR HEARING NOV 30 2022

Georgette Lee-Jackson, South Carolina Department  
of Health and Environmental Control; Emma Kennedy,  
South Carolina Department of Health and  
Environmental Control; DOES I through X, inclusive;  
and ROE Business Entities I through X, inclusive

Defendants

YOU WILL PLEASE TAKE NOTICE that Plaintiff Teresa McWilliams (hereinafter "Plaintiff") hereby provides the following documentation as attached to this document and/or email:

EEOC NOTICE OF RIGHT TO SUE

EVIDENCE SHOWING GOOD INTENT TO FIND EMPLOYMENT (A single page is attached, because my personal printer will only scan one page at a time, and I only received notice of the date of this hearing yesterday, and I am home sick today with the flu. I have full documentation that over a six-month period, I applied for over 500 jobs, which I also submitted to the Department of Employment and Workforce, and I also continued to look for employment just as diligently when I was not required to document. In addition, I applied to all local temporary employment agencies, but no one was hiring for temporary work during the pandemic. In addition, I have to date held five jobs: a second job at DHEC for which I was immediately and unjustly terminated, a job at the Department of Public Safety for which I was immediately and unjustly terminated, a job at the Department of Transportation for which I was immediately and unjustly terminated, a temporary job at BlueCross BlueShield, and I am now employed in a full-time position.

For the additional reasons stated above, Plaintiff requests this Court deny the Motions to Dismiss that have been requested by Defendant Lee and Defendant Kennedy.

Respectfully Submitted;

By: \_\_\_\_\_

Teresa McWilliams  
105 Arborgate Circle  
Columbia, SC 29212  
Telephone: (803) 530-4738  
[teresamcwilliams@hotmail.com](mailto:teresamcwilliams@hotmail.com)

November 23, 2022  
Columbia, SC



Outlook

---

**Re: FOIA Request - 188 days overdue**

---

**From** Karla Y. Bishop <bishopky@dph.sc.gov>

**Date** Thu 1/30/2025 8:07 AM

**To** Teresa McWilliams <teresamcwilliams@hotmail.com>

Hi Teresa,

I wanted to let you know I received your email. I will get your information to you.

If you feel you need to proceed with the lawsuit, I understand. One or two of the emails went to our Constituent Services email and not to FOI.

Please let me know if you have any questions.

Kindest regards,



**Karla Bishop**  
FOI Director  
**Freedom of Information Office**  
Office of General Counsel  
**S.C. Department of Public Health**  
**Office:** (803) 898-3817  
**Cell:** (803) 447-8918  
**Connect:** [dph.sc.gov](http://dph.sc.gov) | Facebook | LinkedIn

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---

**From:** teresa mcwilliams <teresamcwilliams@hotmail.com>

**Sent:** Wednesday, January 29, 2025 4:31 PM

**To:** Karla Y. Bishop <bishopky@dph.sc.gov>

**Cc:** teresa mcwilliams <teresamcwilliams@hotmail.com>

**Subject:** FOIA Request - 188 days overdue

\*\*\* Caution. This is an EXTERNAL email. DO NOT open attachments or click links from unknown senders or unexpected email. \*\*\*

This email is the 4th FOIA request for this information. My understanding is that you had 35 days to produce the information after your original response, making this information past due by over 60 days, as of October 27, 2024. On October 28, 2024, you responded that you had not received the previous request. You are now another 58 days past due from that communication, making my request now 188 days overdue. I will be proceeding with my lawsuit in the next few days.

Sincerely,  
Teresa McWilliams

---

**From:** Karla Y. Bishop <bishopky@dph.sc.gov>  
**Sent:** Tuesday, November 12, 2024 7:04 AM  
**To:** teresa mcwilliams <teresamcwilliams@hotmail.com>  
**Subject:** Re: FOIA Request - 60 days overdue

You're very welcome!!!

Kindest regards,



**Karla Bishop**  
FOI Director  
**Freedom of Information Office**  
Office of General Counsel  
**S.C. Department of Public Health**  
Office: (803) 898-3817  
Cell: (803) 447-8918  
Connect: [dph.sc.gov](http://dph.sc.gov) | Facebook | LinkedIn

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---

**From:** teresa mcwilliams <teresamcwilliams@hotmail.com>  
**Sent:** Monday, November 11, 2024 10:44 PM  
**To:** Karla Y. Bishop <bishopky@dph.sc.gov>  
**Subject:** Re: FOIA Request - 60 days overdue

\*\*\* Caution. This is an EXTERNAL email. DO NOT open attachments or click links from unknown senders or unexpected email. \*\*\*

Thank you for your help!

---

**From:** Karla Y. Bishop <bishopky@dph.sc.gov>  
**Sent:** Monday, October 28, 2024 8:17 AM  
**To:** teresa mcwilliams <teresamcwilliams@hotmail.com>  
**Subject:** Fw: FOIA Request - 60 days overdue

Teresa,

I received the email below. I'm working to get you the information. I did not receive the email you sent to info@dph.sc.gov on 8/14/24.

If you have any questions, please feel free to reach out to me directly. I'll be in touch with you later this week.

Kindest regards,



**Karla Bishop**  
FOI Director  
Freedom of Information Office  
S.C. Department of Public Health  
Office: (803) 898-3817  
Connect: [dph.sc.gov](http://dph.sc.gov) | Facebook | LinkedIn

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---

**From:** Information, Freedom <foi@dph.sc.gov>  
**Sent:** Monday, October 28, 2024 8:16 AM  
**To:** Karla Y. Bishop <bishopky@dph.sc.gov>  
**Subject:** Fw: FOIA Request - 60 days overdue

Kindest regards,



**Freedom of Information Office**  
**S.C. Department of Public Health**  
**Office: (803) 898-3817**  
**Connect: [dph.sc.gov](http://dph.sc.gov) | Facebook | LinkedIn**

---

**From:** info, info <[info@dph.sc.gov](mailto:info@dph.sc.gov)>  
**Sent:** Monday, October 28, 2024 7:56 AM  
**To:** Information, Freedom <[foi@dph.sc.gov](mailto:foi@dph.sc.gov)>  
**Cc:** Candice B. Haire <[HAIRECB@dph.sc.gov](mailto:HAIRECB@dph.sc.gov)>  
**Subject:** Fw: FOIA Request - 60 days overdue

Greetings,

Please see email below.

Thanks



**Sincerely,**  
**DPH Constituent Services**  
**S.C. Department of Public Health**  
**Office: 803-898-3301**  
**Mobile: 839-238-0702**  
**Connect: [dph.sc.gov](http://dph.sc.gov) | Facebook | LinkedIn**

---

**From:** teresa mcwilliams <[teresamcwilliams@hotmail.com](mailto:teresamcwilliams@hotmail.com)>  
**Sent:** Sunday, October 27, 2024 9:12 PM  
**To:** info, info <[info@dph.sc.gov](mailto:info@dph.sc.gov)>  
**Subject:** Fw: FOIA Request - 60 days overdue

\*\*\* Caution. This is an EXTERNAL email. DO NOT open attachments or click links from unknown senders or unexpected email. \*\*\*

This email is the 3<sup>rd</sup> FOIA request for this information. My understanding is that you had 35 days to produce the information after your original response, making this information past due by over 60 days. Please respond within 10 days to this email and/or present the documents below, or I will be forced to begin a lawsuit.

Sincerely,  
Teresa McWilliams

105

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**From:** teresa mcwilliams <teresamcwilliams@hotmail.com>

**Sent:** Wednesday, August 14, 2024 1:56 PM

**To:** info@dph.sc.gov <info@dph.sc.gov>

**Subject:** FOIA Request - 2nd request

FOIA Request – 2nd Request dated 8/14/2024

Over 20 business days have expired, and I have received no response from you regarding this information I requested via the SCDHEC online FOIA request form. Therefore, I am again requesting the following information via this email. The period of interest is during the period of Teresa McWilliams' hire date to Teresa McWilliams' termination date (unless otherwise stated):

1. Teresa McWilliams' emails
2. Emme Kennedy's emails pertaining to Teresa McWilliams (all)
3. Emma Kennedy's emails pertaining to the Good Behavior Game and DHEC's paying for training for non-DHEC employees to and from all communicants
4. Emma Kenney's Travel Requests
5. Emma Kennedy's PTO taken
6. Teresa McWilliams PTO taken
7. Emails from Compliance regarding grant procedures
8. Minutes from the Opioid All Team meetings
9. Minutes highlighting alleged mistake that Emma Kennedy refers to in Teresa McWilliams' Warning of Substant Procedure (WOSP) meetings
10. Children's Trust Strengthening Families contracts: two on file with same date but with different contact information
11. Emma Kennedy's Department of Injury and Substance Abuse Prevention (DISAP) budget for 2019, 2020, 2021
12. Funding sources for DISAP 2019, 2020, 2021
13. Walter "Bruce" Brown's monthly DISAP Expenditures and Encumbrances Reports for 2019, 2020, 2021
14. Copies of grant requests made by DISAP for funds 2019, 2020, 2021
15. DHEC SCEIS entry regarding Teresa McWilliams' termination
16. Contract CY-7-714 with Eat Smart Move More Contract with all amendments
17. Payments made to Eat Smart Move More for contract CY-7-714
18. Receipt for tape recorder discussed in WOSPs
19. DHEC Procedure Manual, including any revisions, during that period of time

20. DHEC emails and/or memorandums freezing travel, hiring, and purchasing during COVID pandemic
21. Department of Administration's procedure for appeal after termination
22. Recording of DISAP TEAMS panel meetings from 2020