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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas
Jennifer B. McCoy, Circuit Court Judge

Appellate Case No. 2025-000025
Case No. 2023-CP-07-01905

Marie E. Walls, in her Capacity as Beaufort County
Treasurer

Respondent,

v.

Beaufort County, a Body Politic Subdivision of the State
of South Carolina, and John Robinson, in his Capacity as
Interim Beaufort County Administrator

Appellants,

INITIAL BRIEF OF APPELLANTS

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STATEMENT OF ISSUES ON APPEAL

Did the trial court err in stating it was: 1) granting in part and denying in part the Appellants' (hereinafter collectively "the County") motion for preliminary injunction, and 2) granting in part and denying in part the Treasurer's motion for preliminary injunction, where the trial court:

- (i) Actually granted all the relief requested by the County in its motion for preliminary injunction and erroneously made one inconsistent statement regarding the Treasurer's powers; and
- (ii) Improperly enjoined the County from engaging in activity that the County has not engaged in, nor threatened to engage in?

STATEMENT OF THE CASE

This case involves an ongoing dispute regarding certain aspects of the relationship between the governing body of Beaufort County and the elected Treasurer's Office—specifically, whether the elected Treasurer can dictate to the County how the unelected County employees who work under the Treasurer's direction are classified and compensated. Additionally, the dispute involves whether the funds budgeted by Beaufort County for use by the Treasurer's Office can only be used for expenses necessary to the proper transaction of the legitimate business of the Treasurer's Office and whether the County employees who work under the direction of the Treasurer must still comply with personnel policies and procedures and organizational policies adopted by the County Council.

In October 2023, Beaufort County Treasurer, Maria Walls ("Treasurer Walls"), brought a declaratory judgment action seeking, among other things, a declaration that she "has sole managerial discretion regarding the use and allocation of [the budget approved for the Office of Treasurer], including, but not limited to, any managerial decisions impacting employment, compensation, or discharge of personnel employed in the Treasurer's office." (Compl. ¶ 35(c); R. __.) In January 2024, the County filed an Answer and Counterclaim seeking a declaration that,

among other things, the County has the power to establish the classifications, salaries, and other financial compensation for the employees and unelected officials working within the Beaufort County Treasurer's Office. (Ans. & Counterclaim ¶ 64(1)-(3); R. __.)

The parties each subsequently brought motions for preliminary injunction. The County asked for narrow relief, requesting in its motion that the trial court enjoin Treasurer Walls from engaging in the two following ongoing actions: *first*, preventing County employees who work under the Treasurer's direction from participating in the County's Employee Classification and Compensation Study ("C&C Study"); and *second*, approving or authorizing the unjustified travel expenses of two County employees who work under the Treasurer's direction to travel from their respective homes in California and Florida to Beaufort County. (Defendants' Motion for Preliminary Injunction at 1; R. __.)

Treasurer Walls asked for five categories of injunctive relief generally related to employee compensation, distribution of budgeted funds, reimbursement of employee expenses, and participation in the C&C Study. (Plaintiff's Motion for Preliminary Injunction at 1-2; R. __.)

On December 4, 2024, the trial court issued its Order Regarding Plaintiff's Motion for Preliminary Injunction and Defendant's Motion for Preliminary Injunction, stating it was granting in part and denying in part both parties' motions. (Order; R. __.) Notwithstanding its assertion that it was denying, in part, the County's motion, the trial court granted the County all the affirmative preliminary relief it was seeking. Specifically, the trial court enjoined Treasurer Walls "from hindering Beaufort County's preparation and implementation of the C&C Study/Plan" and "from approving or authorizing the travel expenses (including but not limited to airfare, mileage, rental car, hotel lodgings and food per diems)" of the two County employees who work remotely in California and Florida. (Order at 9; R. __.)

The trial court also granted, in part, Treasurer Walls' motion.¹ Specifically, the trial court enjoined the County "from threatening employees of the Treasurer's Office for actions taken by them at the direction of the Treasurer," and from forcing Treasurer Walls to follow policies and procedures "that infringe upon the Treasurer's ability to employ or discharge personnel within the Treasurer's Office." (Order at 9; R. __.)

On December 16, 2025, the County moved to alter or amend the trial court's Order. (Motion to Alter or Amend the Order; R. __.) The County asked the trial court to clarify that its motion had been granted in its entirety and that Treasurer Walls lacks authority to set the salaries or compensation of employees who work under the direction of the Treasurer. Further, it requested that the trial court alter its Order and conclude that Treasurer Walls had failed to satisfy the element of irreparable harm necessary for a preliminary injunction given that the injunctive relief in favor of Treasurer Walls only applies to conduct that Defendants *have not engaged in* and have *not threatened to engage in*.

On December 19, 2025, the trial court issued a Form 4 Order denying the County's motion to alter or amend. (Form 4 Order, R. __.)

STATEMENT OF THE FACTS

A. Beaufort County is a Council-Administrator Form of Government and its Powers and Duties with Regard to the Elected Treasurer's Office are Governed by South Carolina's Statutory Law.

Beaufort County operates under the council-administrator form of government established by the Home Rule Act (the "Act"), codified at S.C. Code Ann. §§ 4-9-10, et seq. *See* Beaufort

¹ The trial court rejected Treasurer Walls' contentions that (1) she had sole discretion how to use and allocate funds budgeted by the County for the Treasurer's Office, and (2) the County could not retain funds budgeted for unfilled positions until such positions were filled. (Order at 6-8; R. __.) The Treasurer did not cross appeal.

County Resolution R-1976-3 (R. __.) The powers granted to the counties by the Act must be broadly construed in their favor. *See* S.C. Code Ann. § 4-9-25 (“The powers of a county must be liberally construed in favor of the county and the specific mention of particular powers may not be construed as limiting in any manner the general powers of counties.”); S.C. Const. art. VIII, § 17 (“The provisions of this Constitution and all laws concerning local government shall be liberally construed in their favor. Powers, duties, and responsibilities granted local government subdivisions by this Constitution and by law shall include those fairly implied and not prohibited by this Constitution.”).

Under one provision of the Act, county governments are empowered,

(7) to develop personnel system policies and procedures for county employees by which all county employees are regulated except those elected directly by the people, and to be responsible for the employment and discharge of county personnel in those county departments in which the employment authority is vested in the county government. This employment and discharge authority does not extend to any personnel employed in departments or agencies under the direction of an elected official or an official appointed by an authority outside county government.

S.C. Code Ann. § 4-9-30(7) (emphasis added). The Beaufort County Council passed Resolution 2023/68, which, effective January 1, 2024, adopted an updated version of the Beaufort County Personnel Handbook (“the Personnel Handbook”). (Defendants’ Motion for Preliminary Injunction, Exhibit E; R. __.) The Personnel Handbook sets forth the personnel system policies and procedures for county employees as well as the County’s organizational policies developed and established by the County Council in accordance with S.C. Code Ann. §§ 4-9-30(7) and (14); 4-9-630(5) and (7); and 4-9-650.

The County Administrator serves as “the chief administrative officer of the county government,” S.C. Code Ann. § 4-9-630(1), and, among other things, has the duty:

(2) to execute the policies, directives and legislative actions of the council;

...
(5) to supervise the expenditure of appropriated funds;

...
(7) to be responsible for the administration of county personnel policies including salary and classification plans approved by council;

(8) to be responsible for employment and discharge of personnel subject to the provisions of subsection (7) of § 4-9-30.

S.C. Code Ann. § 4-9-630. However, “[w]ith the exception of organizational policies established by the governing body, the county administrator shall exercise no authority over any elected officials of the county whose offices were created either by the Constitution or by the general law of the State.” S.C. Code Ann. § 4-9-650.

Under the council-administrator form of government, county treasurers are elected officials. *See* S.C. Code Ann. § 4-9-60. The County’s obligations with regard to the elected Treasurer’s Office are governed by S.C. Code Ann. § 4-1-80, which provides:

The **governing body of each county shall furnish the** probate judge, auditor, superintendent of education, clerk of court, sheriff, **treasurer** and master in equity **of their respective counties office room, together with necessary furniture and stationery for the same**, which shall be kept at the courthouse of their respective counties, **and it shall supply the offices of such officials with fuel, lights, postage and other incidentals necessary to the proper transaction of the legitimate business of such offices.**

S.C. Code Ann. § 4-1-80 (emphasis added).

B. Treasurer Walls Files A Lawsuit Against Beaufort County and its Administrator.

As stated, on October 4, 2023, Treasurer Walls filed a complaint for declaratory judgment against Beaufort County and John Robinson in his capacity as Interim Beaufort County Administrator. (Compl.; R. __.) *See supra*. In response, the County answered and brought a counterclaim for declaratory relief. (Answer and Counterclaim; R. __.) *Id.*

C. Treasurer Walls Takes Actions and Positions During the Pendency of this Litigation That Contravene State and Local Law.

Rather than maintain the *status quo* pending resolution of the parties' dispute, Treasurer Walls took two actions in furtherance of her claim that she has sole authority over the budget allocated to her office, including sole authority to set classifications and salaries for employees in the Treasurer's Office, and to allow and approve employee expenses regardless of whether such expenses are necessary to the proper transaction of the legitimate business of the Treasurer's Office.

First, she unilaterally decided that the County employees who work under her direction are not subject to the Beaufort County Employee Classification and Compensation Plan ("the C&C Plan")—or it seemed any other "personnel system policies and procedures"—adopted by the County Council, and she refused to allow them to participate in the C&C Plan that had been adopted and implemented in accordance with Beaufort County Code § 2-316 to -317. (R. __.) The County's ordinances require that the C&C Plan be implemented by the County's Human Resources Department, which is required to conduct an internal review of the C&C Plan every two years. *See* Beaufort County Code § 2-318. (R. __.) Additionally, every four years, the C&C Plan is reviewed by an outside consultant and an updated plan is submitted to the County Council for its consideration. *Id.* The C&C Plan is then utilized by the County Council as part of its annual budgeting process to properly budget for the salaries of County employees. (Affidavit of John Robinson ("Robinson Affidavit") at ¶ 6, Defendants' Motion for Preliminary Injunction, Exhibit A; R. __.)

These internal and external reviews of the existing C&C Plan are referred to as Classification and Compensation Studies ("C&C Study"). (Affidavit of Katherine M. Mead

(“Mead Affidavit”) at ¶ 6, Defendant’s Motion for Preliminary Injunction, Exhibit B; R. __.) The purpose of a C&C Study is to analyze the County’s classification and compensation system, focusing on both the internal and external equity of the County’s system as well as its competitive position in the labor market, and to make recommendations for the Council’s consideration in response to those findings. (Mead Affidavit at ¶ 7; R. __.) This process involves analyzing the County’s current salary structure by conducting a comprehensive county-wide study of all job classifications and pay schedules and comparing them to comparable counties’ and local municipalities’ classification and compensation of similarly situated employees in order to determine if the C&C Plan adopted by the County is in line with similar counties and the local job market for similar positions. (Mead Affidavit at ¶¶ 8, 13; R. __.)

All County employees are provided with an opportunity to participate in the C&C Study by completing thorough Job Profile Questionnaires (“JPQs”), which provide data that allows the C&C Study to verify the internal placement and alignment of each employee’s reported job responsibilities. (Mead Affidavit at ¶ 10; R. __.) To facilitate the completion of JPQs by all county employees, the County holds multiple orientation sessions to provide the employees with information about the C&C Study and guidance on completing their JPQs. (Mead Affidavit at ¶ 11; R. __.) Further, the County conducts one-on-one meetings with department heads and elected officials under whose direction County employees work to solicit and consider their input as to the proper classification and compensation of those employees. (Mead Affidavit at ¶ 12; R. __.)

The County’s C&C Plan—and the C&C Study that precedes it—applies to “all county employees,” with only a few specified exceptions. *See* Beaufort Code § 2-319 (R. __); *see also* S.C. Code Ann. § 4-9-30(7) (exempting “those elected directly by the people” from the County’s personnel systems policies and procedures). While the C&C Plan is **not** applicable to the Treasurer

herself because she is an elected official, the C&C Plan and Study are applicable to the unelected people who work in the Treasurer's Office under her direction.

Prior to the initiation of this lawsuit, there had been no problem with the participation of Treasurer's Office personnel in the County's C&C Studies and Plans. Since Treasurer Walls' election as Treasurer in 2014, the personnel employed in the Treasurer's Office have been included in the County's C&C Plan and have actively participated in the related C&C Studies, including external studies conducted in 2015 and 2020. (Mead Affidavit at ¶ 16; R. __.) Furthermore, Treasurer Walls herself actively participated in prior C&C Studies regarding the classification and compensation of the personnel who work under her direction at the Treasurer's Office. (Mead Affidavit at ¶ 17; R. __.)

But during the pendency of the present lawsuit, Treasurer Walls refused to allow County employees who work under her direction to participate in the then-current C&C Study. Specifically, in a March 22, 2024 e-mail sent by Treasurer Walls to Katherine Mead (Beaufort County's Human Resources Director) and Interim County Administrator John Robinson, Treasurer Walls declared that "[t]he Treasurer's Office is not participating in the [C&C] study[.]" and she directed the County to "refrain from sending any further communications to [her] personnel." (Defendant's Motion for Preliminary Injunction, Exhibit C; R. __.) At the time, there were 29 county employees who worked under the direction of Treasurer Walls, and none of them had completed a JPQ or otherwise participated in the C&C Study, hindering the County from appropriately classifying their positions and setting their compensation in relation to comparable positions both inside and outside of the County. (Mead Affidavit at ¶¶ 19, 20, 23; R. __.)

Second, in April 2024, the Treasurer unilaterally approved travel expenses for two employees—referred to as Employees #1 and #2—who worked in her office remotely hundreds or

thousands of miles from Beaufort County. Employee #1 is employed under the direction of the Treasurer as an “Executive Assistant.” (Mead Affidavit at ¶ 25; R. __.) While Beaufort County maintains no offices outside of Beaufort County (Robinson Affidavit at ¶ 8; R. __), Employee #1 is permitted by the Treasurer to work remotely from Employee #1’s home in Winchester, California. (Mead Affidavit at ¶ 26; Robinson Affidavit at ¶ 10; R. __.) Employee #1 was scheduled to travel from May 13 to May 17, 2024, from Employee #1’s home in California to the Treasurer’s Office located in Beaufort, South Carolina, for the Treasurer’s Office’s “2024 Staff Training,” which was apparently to be held on one of those days. (Robinson Affidavit at ¶ 12; R. __.) Expenses totaling \$1,932.28 for this travel were incurred on a County-issued credit card and were approved by the Treasurer. (Robinson Affidavit at ¶ 13; R. __.) Specifically, the \$1,932 in travel expenses broke down as follows:

- a. \$739.02 Hotel lodging in Beaufort, South Carolina from May 13 to May 17, 2024;
- b. \$218.60 Airfare from San Diego, California, to Savannah, Georgia, on May 13, 2024;
- c. \$522.24 Rental car to be picked up in Savannah, Georgia, on May 13, 2024, and returned in Tampa, Florida, on May 17, 2024;
- d. \$268.60 Airfare from Tampa, Florida, to San Diego, California, on May 19, 2024; and
- e. \$184.00 Per Diems for 1 breakfast, 4 lunches, and 4 dinners.

(Robinson Affidavit at ¶ 14; R. __.)

Employee #2 is employed under the direction of the Treasurer as a “Delinquent Tax Analyst,” and is apparently permitted by the Treasurer to work remotely from her home in Milton, Florida. (Mead Affidavit at ¶¶ 27-28; Robinson Affidavit at ¶ 11; R. __.) Employee #2 was scheduled to travel from May 13 to May 17, 2024, from Employee #2’s home in Florida to the

Treasurer's Office located in Beaufort, South Carolina for the Treasurer's Office's "2024 Staff Training." (Robinson Affidavit at ¶ 15; R. __.) Expenses totaling \$1,611.78 for this travel were either incurred on a County-issued P-Card or submitted to the County for reimbursement. (Robinson Affidavit at ¶ 16; R. __.) Specifically, the \$1,611.78 in travel expenses broke down as follows:

- a. \$739.02 Hotel lodging in Beaufort, South Carolina, from May 13 to May 17, 2024;
- b. \$688.76 Mileage reimbursement for 1,027.6 miles from Milton, Florida, to Beaufort, South Carolina; and
- c. \$184.00 Per Diems for 1 breakfast, 4 lunches, and 4 dinners.

(Robinson Affidavit at ¶ 17; R. __.)

On April 10, 2024, Interim Administrator Robinson e-mailed Treasurer Walls regarding the travel expenses of Employees #1 and #2, noting that it appeared that Treasurer Walls had approved expenses totaling over \$3,500 for these two employees to travel from their respective homes to Beaufort County. (Defendant's Motion for Preliminary Injunction, Exhibit F; R. __.) Mr. Robinson noted that "Beaufort County does not pay travel expenses for travel from an employee's home to the office location where they are employed," and **asked whether Treasurer Walls considered these expenses to be "necessary and proper,"** and, if not, requested that she cancel the charges prior to the travel occurring. (*Id.*; R. __.) On April 11, 2024, Treasurer Walls responded and claimed that these expenses were not within the "purview" of the County's "Administration" and announced that she expected the County to pay these expenses "in a timely manner." (*Id.*; R. __.) Treasurer Walls did not provide any explanation showing that the expenses at issue were necessary to the proper transaction of the legitimate business of the Treasurer's Office.

In light of these actions taken by the Treasurer Walls, the County moved for a preliminary injunction on April 24, 2024. (Defendants' Motion for Preliminary Injunction; R. __.) The County only asked for an order enjoining Treasurer Walls from (1) preventing or otherwise hindering the County employees who work under her direction in the Treasurer's Office from participating in the C&C Study, and (2) approving or authorizing the unnecessary travel expenses of Employees #1 and #2 for travel from their respective homes in California and Florida to Beaufort County. (Defendants' Motion for Preliminary Injunction at 1; R. __.) Following the County filing its motion, on May 9, 2024, the County informed Treasurer Walls that it would pay the contested expenses under protest while its motion was pending, reserving its rights to continue contesting these expenses and seek reimbursement. (Defendant's Motion to Alter or Amend the Preliminary Injunction Order, Exhibit C; R. __.)

Treasurer Walls filed her own motion for a preliminary injunction on June 14, 2024. (Plaintiff's Motion for Preliminary Injunction; R. __.) In her motion, Treasurer Walls asked for an order enjoining the County from 1) refusing to allow the Treasurer to compensate the employees of the Treasurer's Office in amounts as determined for each employee by the Treasurer; 2) refusing to process, or threatening employees of the Treasurer's Office that County Administration intends to seek recoupment of, employee expense reimbursement for any employees of the Treasurer's Office in amounts as determined by the Treasurer; 3) refusing to distribute to the Treasurer the entire balance of the budget approved by Beaufort County Council for the Treasurer's Office, including but not limited to amounts budgeted for personnel; 4) forcing the Treasurer to adopt the Personnel Handbook or to follow any policies or procedures contained in the Personnel Handbook; and 5) forcing the Treasurer or employees of the Treasurer's Office to participate in any post-suit C&C Study. (Plaintiff's Motion for Preliminary Injunction at 5; R. __.)

D. The Trial Court Issues Its Preliminary Injunction Order.

After holding a hearing on the parties' motions for injunctive relief on June 25, 2024, the trial court issued its Order on December 4, 2024. (Order; R. __.) As relevant here, the trial court granted both of the County's requests for injunctive relief. Specifically, the trial court enjoined Treasurer Walls "from hindering Beaufort County's preparation and implementation of the C&C Study/Plan," and "from approving or authorizing the travel expenses [of Employees #1 and #2] to [travel to] the Treasurer's Office's locations in Beaufort County **absent** a showing by [Treasurer Walls] that the incurring of any specific expenses in violation of Beaufort County's adopted personnel policies is necessary to the proper transaction of the legitimate business of the Treasurer's Office." (Order at 9; R. __.) Notwithstanding this, the trial court nonetheless stated that it only granted *in part* the County's motion and *denied it in part*. (Order at 8-9; R. __.) Also problematic is the Order's internal inconsistency. The trial court correctly ruled that "the Beaufort County Treasurer's employees are subject to the same policies/handbook and C&C Study/Plan by which all county employees are regulated," and that the "[t]he compensation set by law for the employees in the Treasurer's office is the salary approved for their respective positions by the Beaufort County Council as part of its budgeting process." (Order at 4, 7; R. __.) However, the trial court made a statement inconsistent with these other rulings that the Treasurer's ability to set the "salary or compensation" of employees in the Treasurer's Office is a "management decision" and suggested that was within "certain work conditions" that "implicates the power to hire and fire." (Order at 5, 7; R. __.)

The trial court also declared that it was granting in part Treasurer Walls' motion and denying it in part. (Order at 8-9; R. __.) Notably, the trial court denied Treasurer Walls' claim that she had unfettered discretion to access and use funds budgeted by the County for her office,

including using funds allocated to specific unfilled positions within her office to pay extra compensation to other county employees who work under her direction. (Order at 6-8; R. __.) (holding that “[t]he Treasurer has a responsibility to use public funds as they were intended and is not entitled to budgetary funds allocated for unfilled positions” and that using funds budgeted for unfilled positions to pay additional funds to existing employees potentially violates provision in both the South Carolina Constitution and South Carolina Code). But the trial court enjoined the County from doing two actions that it had never done nor threatened to do. Specifically, the trial court enjoined the County from “threatening employees of the Treasurer’s Office for actions taken by them at the direction of the Treasurer,” and “forcing the Treasurer to follow policies or procedures contained in the 2024 Handbook or to adopt aspects of the 2024 Handbook that infringe upon the Treasurer’s ability to employ or discharge personnel within the Treasurer’s Office.” (Order at 9; R. __.)

STANDARD OF REVIEW

The decision whether to grant or deny a preliminary injunction is left to the sound discretion of the trial court and will not be overturned unless it is clearly erroneous. *Compton v. S.C. Dep’t of Corr.*, 392 S.C. 361, 366–67, 709 S.E.2d 639, 642 (2011).

A court abuses its discretion when its “ruling is based upon an error of law or, when based upon factual conclusions, is without evidentiary support.” *Fontaine v. Peitz*, 291 S.C. 536, 538, 354 S.E.2d 565, 566 (1987). Questions of statutory interpretation are reviewed *de novo*. *Books-A-Million, Inc. v. S.C. Dep’t of Revenue*, 437 S.C. 640, 642, 880 S.E.2d 476, 477 (2022).

A preliminary injunction is meant to preserve the status quo and prevent irreparable harm to the party requesting it. *Id.* An applicant for a preliminary injunction must allege sufficient facts to state a cause of action for injunction and demonstrate that this relief is reasonably necessary to

preserve the rights of the parties during the litigation. *County of Richland v. Simpkins*, 348 S.C. 664, 669, 560 S.E.2d 902, 904 (Ct. App. 2002). The party seeking injunctive relief must satisfy three elements: (1) he will suffer immediate, irreparable harm without the injunction; (2) he has a likelihood of success on the merits; and (3) he has no adequate remedy at law. *Scratch Golf Co. v. Dunes W. Residential Golf Props., Inc.*, 361 S.C. 117, 121, 603 S.E.2d 905, 908 (2004).

ARGUMENT

I. The Trial Court Erred By Not Granting In Full The County's Motion For Preliminary Injunction.

The County mostly agrees with the analysis and conclusions of the trial court. But the trial court's preliminary injunction Order as to the County's motion is problematic and deserves this Court's close attention, for two reasons. *First*, the Order declares that the County's motion for preliminary injunction is granted in part and denied in part. However, as explained, the trial court in reality granted the County's motion in full. *Second*, the trial court correctly concluded that employees of the Treasurer's office are subject to the personnel policies and the C&C Study and Plan by which all county employees are regulated, and that the compensation of those employees is set by the Beaufort County Council—not the Treasurer. Nonetheless, the trial court also made a statement in the Order inconsistent with this ruling, stating that Treasurer Walls' ability to set the "salary or compensation" of employees in the Treasurer's Office is "within the confines of the Treasurer's budget" as a "management decision" and suggests that it falls within "the setting or certain work conditions that implicates the power to hire and fire." (Order at 5, 7; R. __.) The County explains the Court's correct rulings just below in an effort to show that it should have decreed that it was granting the County's motion in full.

A. The unelected employees who work under the direction of the Beaufort County Treasurer are subject to the policies and procedures set forth by the County.

Treasurer Walls alleged in her complaint that the County's Administration lacks any authority whatsoever over "any county personnel employed in departments or agencies under the direction of an elected official." (*See* Compl. ¶ 24; R. __.) She also asserted that she has the power to "direct" how the county employees who work under her direction in the Treasurer's Office must be classified, (*Id.* at ¶ 16.f; R. __.) (alleging that the County Administrator is "refusing to classify individual employees of the Treasurer's office as the Treasurer directed"), and that she alone has the power to "direct" how the county employees who work under her direction in the Treasurer's Office must be compensated by the County. (*Id.* at ¶ 16.g; R. __ (alleging that the Administrator is "refusing to compensate individual employees of the Treasurer's office as the Treasurer directed").

The trial court correctly rejected the Treasurer's claims that she has sole authority to direct the classification and compensation of employees working in her office, and that she has lawful authority to prevent those employees from participating in the County's C&C Study. Accordingly, the trial court properly enjoined Treasurer Walls from "hindering Beaufort County's preparation and implementation of the C&C Study/Plan." (Order at 9; R. __.)

South Carolina law is clear. Under the Council-Administrator form of government, the *unelected personnel* who work under the direction of the Beaufort County Treasurer are Beaufort County employees subject to the personnel system policies and procedures developed by the County, as established by section 4-9-30(7), which provides:

... each county government within the authority granted by the Constitution and subject to the general law of this State shall have

the following enumerated powers which shall be exercised by the respective governing bodies thereof:

(7) to develop personnel system policies and procedures for county employees by which all county employees are regulated except those elected directly by the people, and to be responsible for the employment and discharge of county personnel in those county departments in which the employment authority is vested in the county government. This employment and discharge authority does not extend to any personnel employed in departments or agencies under the direction of an elected official or an official appointed by an authority outside county government. ...

S.C. Code Ann. § 4-9-30(7) (emphasis added).

Section 4-9-30(7) does two things. *First*, it grants two separate and independent powers to the County. Specifically, it grants to the County **the power to regulate** County employees by “develop[ing] personnel system policies and procedures by which all county employees are regulated,” and **the power to hire and fire** County employees through its responsibility “for the employment and discharge of county personnel.” In other words, the County generally has the power to both regulate and hire or fire County employees.

Second, section 4-9-30(7) limits this power of the County regarding *elected* officials in two ways. Specifically, the section provides that the County’s power to regulate employees by developing personnel system policies and procedures does not extend to elected officials themselves. Further, the County’s power to hire and fire County employees does not extend to personnel employed in departments run by an elected official. In other words, the County cannot regulate an elected official, nor can the County hire and fire employees that are under the direction of an elected official. But notably, section 4-9-30(7) **does not** limit the County’s power to **regulate** personnel employed in departments run by an elected official. True, the County cannot hire or fire

these personnel, but under the plain terms of the statute, the County does have the authority to regulate personnel employed in departments run by an elected official.

The question here, then, is whether the County's C&C Study and Plan, whereby it determines the classification and compensation of unelected employees who work under the direction of the Treasurer, fall within or outside the scope of the County's powers as enumerated under South Carolina law. Importantly, section 4-9-630 makes the County Administrator responsible for the administration of the county's personnel policies and expressly provides that "personnel policies" include "salary and classification plans approved by council." S.C. Code Ann. 4-9-630(7). Thus, the C&C Study and Plan at issue falls within the "personnel system policies and procedures" that the County is expressly authorized to develop and to which the County employees who work under Treasurer Walls' direction are subject.

In her briefing to the trial court, Treasurer Walls attempted to obfuscate the clear language of section 4-9-30(7), arguing that she alone had the power to hire, fire, *and regulate* those employees working under her direction, including setting their classification and compensation. But the trial court rightly rejected her claim, finding that "the Beaufort County Treasurer's employees are subject to the same policies/handbook and C&C Study/Plan by which all county employees are regulated." (Order 3-4; R. __.) The trial court did not err in its legal analysis; as shown above, although section 4-9-30(7) explicitly precludes the County from hiring and firing personnel who work under the direction of an elected official, the statute *does not* exempt these same employees from the terms of the County's personnel system policies and procedures. The legislature's decision to exempt only elected officials—and not employees under the direction of an elected official—from the County's personnel system policies and procedures was intentional and must be given effect. Indeed, the South Carolina Supreme Court has confirmed this view. *See*

Heath v. County of Aiken, 295 S.C. 416, 420, 368 S.E.2d 904, 906 (1988) (finding that the statutory language of section 4-9-30(7) is clear that certain personnel employed under the direction of an elected official were county employees for the purposes of the application of section 4-9-30(7)).

In short, section 4-9-30(7) grants the County the power to regulate all County employees via adopted personnel policies and procedures, and the power to hire, fire, and discipline² County employees other than those who work under the direction of elected or certain appointed officials. Applied to the personnel employed under the direction of the Treasurer's Office, while only the Treasurer can hire, fire and suspend those persons, they remain County employees who are otherwise subject to the County's personnel policies and procedures, at least insofar as they relate to the issues before the Court here. Accordingly, the Treasurer lacks authority to hinder the County's C&C Study and Plan, and the trial court's Order enjoining the Treasurer from hindering the County's study and plan was correct.

Further, the case of *Eargle v. Horry Cnty.*, 344 S.C. 449, 545 S.E.2d 276 (2001), does not mandate a different result. The issue in *Eargle* was whether a county administrator has the authority to temporarily suspend employees of elected officials for violation of county policies. In answering the question in the negative, the Court of Appeals and Supreme Court struck a careful balance between the authority of a county administrator to exercise "an appropriate level of control over county employees to ensure the smooth operation of county offices," on the one hand, and the "elected official's ability to carry out his or her constitutional or statutory duties," on the other hand. *Eargle v. Horry Cnty.*, 335 S.C. 425, 431-32, 517 S.E.2d 3, 6 (Ct. App. 1999), *aff'd*, 344

² In *Eargle v. Horry County*, 344 S.C. 449, 456, 545 S.E.2d 276, 280 (2001), the exception to section 4-9-30(7)'s power to hire and fire was interpreted to also preclude the suspension of personnel employed in departments or agencies under the direction of an elected/appointed official.

S.C. 449, 545 S.E.2d 276 (2001).³ Importantly, South Carolina’s Appellate Courts agreed with the county that employees of an elected official are subject to the county’s personnel policies. *Id.* at 431–32, 517 S.E.2d at 6; *see also Heath*, 295 S.C. at 420, 368 S.E.2d at 906 (concluding that certain personnel employed under the direction of an elected official were county employees for the purposes of the application of section 4-9-30(7)). But the *Eargle* Courts also recognized “**some limit** on an administrator’s authority **to enforce** its policies against employees of an elected official.” *Id.* at 431, 517 S.E.2d at 6 (emphasis added).

In striking the balance between the authority of the county and the authority of an elected official, the Court of Appeals and Supreme Court concluded that the authority *to suspend* an employee of an elected official cuts too close to the authority to hire and fire, which only the elected official has with regards to its employees. The Court of Appeals reasoned that “granting a county administrator the power to suspend the employees of an elected official disturbs the balance struck by the General Assembly by giving the administrator ***too much control*** over the ***operation of*** the elected official’s office.” *Id.* at 431, 517 S.E.2d at 6 (emphasis added).

This is the key language from *Eargle* that this Court should now apply to this question: does granting a county administrator the authority to conduct a C&C Study and implement a C&C Plan, while seeking feedback from employees of the Treasurer, give the administrator ***too much control*** over the ***operation of*** the Treasurer’s office? The answer to this question is “no,” and the trial court correctly so ruled. While suspending an employee might be akin to hiring and firing, conducting a C&C Study is not. Indeed, if the County Administrator did not at least attempt to

³ The Supreme Court adopted the reasoning of the Court of Appeals. *Eargle*, 344 S.C. at 456, 545 S.E.2d at 280 (“For the reasons given by the Court of Appeals in *Eargle v. Horry County*, *supra*, and for the reasons given above, we affirm the determination that the Administrator lacked the authority to suspend the Auditor’s employees.”).

solicit the feedback of employees in the Treasurer's Office in conducting the C&C Study, implementing the C&C Plan, and setting classifications and salaries, he would violate state and local law. *See, e.g.*, S.C. Code Ann. § 4-9-630(5), (7) (the county administrator has the duty "to be responsible for the administration of county personnel policies including salary and classification plans approved by council").

B. The Treasurer Lacks Authority To Unilaterally Approve Employees' #1 and #2 Travel Expenses, Absent A Showing That The Expenses Are Necessary To the Proper Transaction Of the Legitimate Business of the Treasurer's Office.

Treasurer Walls alleged in her complaint that she "has sole managerial discretion regarding the use and allocation of [the budget approved for the Treasurer's Office], including, but not limited to, any managerial decisions impacting employment, compensation, or discharge of personnel employed in the Treasurer's office." (Compl. ¶ 35(c); R. __.) Consistent with this view, the Treasurer sought to enjoin the County from "refusing to process, or threatening employees of the Treasurer's Office that County Administration intends to seek recoupment of, employee expense reimbursement for any employees of the Treasurer's Office in amounts as determined by the Treasurer and within the budget approved for the Treasurer's Office by the Beaufort County Council." (Plaintiff's Motion for Preliminary Injunction at 5; R. __.) The trial court rightly rejected the Treasurer's claim, instead granting the County's motion and enjoining the Treasurer from approving or authorizing the travel expenses of Employees #1 and #2 "absent a showing by [Treasurer Walls] that the incurring of any specific expenses in violation of Beaufort County's adopted personnel policies is necessary to the proper transaction of the legitimate business of the Treasurer's Office." (Order at 9; R. __.)

This aspect of the parties' dispute focuses on over \$3,500.00 in travel expenses incurred by Employees #1 and #2 and approved by Treasurer Walls for their travel expenses from their respective

homes in California and Florida to the Treasurer’s Office in Beaufort County. These two employees are permitted by Treasurer Walls to work remotely but travel to the Treasurer’s Office multiple times each year. The Treasurer’s Office has 16 employees who work either fully remote or in a hybrid capacity. (Affidavit of Maria Walls ¶ 6, Plaintiff’s Motion for Preliminary Injunction, Exhibit A; R. __.) But only these two employees appear to be reimbursed for their travel expenses on those occasions when they come to Beaufort County to work. The expenses being reimbursed to these two employees include airfare, rental car, mileage for personal vehicle travel, hotel, and per diem for food. Treasurer Walls has taken the position that these expenses are not within the “purview” of the County. The County disagrees, arguing that—consistent with South Carolina law—reimbursable expenses are only those expenses that are necessary and proper.

As previously discussed, section 4-9-30(7) grants the County the power to regulate unelected County employees by developing “personnel system policies and procedures” and that while these policies do not apply to the Treasurer herself, they do apply to the personnel who work under her direction. A county administrator is specifically empowered “to supervise the expenditure of appropriated funds” and “to be responsible for the administration of county personnel policies . . . approved by council.” S.C. Code Ann. § 4-9-630(5), (7).

Further, South Carolina Code Ann. § 4-1-80 establishes the requirement for counties to pay the necessary, proper, and legitimate expenses of certain elected offices within each county:

The governing body of each county shall furnish the probate judge, auditor, superintendent of education, clerk of court, sheriff, treasurer and master in equity of their respective counties office room, together with necessary furniture and stationery for the same, which shall be kept at the courthouse of their respective counties, and it shall supply the offices of such officials with fuel, lights, postage and other incidentals necessary to the proper transaction of the legitimate business of such offices.

S.C. Code Ann. § 4-1-80 (emphasis added). Although this statute’s requirement that counties provide “other incidentals necessary to the proper transaction of the legitimate business of such offices” reasonably supports the conclusion that the County is responsible for funding the necessary and legitimate expenses of the offices of elected county officials, this obligation is not unfettered. By the express language of section 4-1-80, to be a covered expense, it must be “necessary to the proper transaction of the legitimate business of” the Treasurer’s Office. S.C. Code Ann. § 4-1-80. Additionally, the County’s obligation to fund the expenses of the Treasurer’s Office is also subject to the oversight powers granted to the County Council by section 4-9-30, as well as those granted to the County Administrator by sections 4-9-630 and 4-9-650.

In support of her argument that she alone has discretion regarding the use and allocation of her budget—including the determination of whether to reimburse an employee working under her for certain expenses—the Treasurer points to section 4-9-650. But that statute is of no help to the Treasurer. It provides:

With the exception of organizational policies established by the governing body, the county administrator shall exercise no authority over any elected officials of the county whose offices were created either by the Constitution or by the general law of the State.

S.C. Code Ann. § 4-9-650 (emphasis added). There is no dispute here that, in general, the County Administrator does not exercise authority over how an elected official performs his or her elected office. However, section 4-9-650 makes clear that where the County Council has established “organizational policies,” the County Administrator *does have authority* over an elected official with respect to those organizational policies. Thus, where the County Council has established organizational policies designed and intended to apply throughout the County government as to the powers granted to it by the Legislature, the County Administrator is empowered to administer

those policies, even where (as here) doing so conflicts with the individual wishes of an elected official.

The Beaufort County Council passed Resolution 2023/68, which, effective January 1, 2024, adopted an updated version of the Beaufort County Personnel Handbook (“the Personnel Handbook”). (R. __.) The Personnel Handbook sets forth the personnel system policies and procedures for County employees as well as the County’s organizational policies developed and established by the County Council in accordance with S.C. Code Ann. §§ 4-9-30(7) and (14); 4-9-630(5) and (7); and 4-9-650.

The travel expenses at issue here violate multiple organizational and personnel policies codified by the County Council in the Personnel Handbook, and thus fall within the exception to S.C. Code Ann. § 4-9-650. Specifically, Section 3.11 of the Personnel Handbook expressly provides that:

- “Employees are not reimbursed for travel from home to their worksite, regardless of whether or not it is their normal reporting site”;
- “Likewise, mileage from work to home is not reimbursable.”

(Personnel Handbook, Defendant’s Motion for Preliminary Injunction, Exhibit E; R. __.) Both policies were also present in Section 3.5 of the prior “2016 version” of the Handbook. (2016 Beaufort County Handbook, Plaintiff’s Motion for Preliminary Injunction, Exhibit A, Sub-Exhibit D; R. __.) Additionally, while the County’s policies do allow “Remote Work/Telecommuting,” there is nothing in its policies that provides that permitting an employee to work remotely creates a situation where that employee’s travel expenses from the employee’s home to the actual County office where they are employed becomes a reimbursable expense.

There is a fundamental distinction between permitting an employee to work remotely (even far away from a home office) on the one hand and reimbursing that employee for travel from that person's home to work on the other hand. To be clear, the County *does not contend* that the Treasurer is prohibited from permitting Employees #1 and #2 to work remotely from their respective homes in California and Florida. (See Defendant's Memorandum in Support of Their Motion for Partial Summary Judgment at 18; R. __.) ("Significantly, the County is not asserting that Treasurer Walls cannot allow the employees who work under her direction to work remotely—even from great distances. The County itself has employees who work remotely from California and Georgia. The issue is whether allowing remote work makes any travel to the actual office employing the person somehow a properly reimbursable expense.") But the County *does contend*—consistent with the County's Handbook—that travel from home to work is not reimbursable, unless said travel is "necessary to the proper transaction of the legitimate business of" the office. S.C. Code Ann. § 4-1-80. Because the Treasurer refused to explain or justify that the travel expenses at issue here are necessary to the proper transaction of legitimate business, the trial court correctly enjoined the Treasurer from authorizing or approving the travel expenses of Employees #1 and #2 absent such a showing.

As before, *Eargle* is consistent with the County's position. The key question is whether granting a county administrator the authority to require that employee expenses be "necessary to the proper transaction of the legitimate business of" the Treasurer's Office gives the Administrator *too much control* over the *operation of* the Treasurer's office. *Eargle*, 335 S.C. at 431, 517 S.E.2d at 6. Again, the answer to this question is "no." The County Administrator not only has the duty "to supervise the expenditure of appropriated funds," S.C. Code Ann. § 4-9-630(5), but also to ensure that expenditures of personnel in the offices of elected officials are "necessary to the proper

transaction of the legitimate business of” that office. S.C. Code Ann. § 4-1-80. Far from violating the law, the County Administrator here is merely fulfilling its obligations under the law. The trial court’s Order enjoining Treasurer Walls from approving the travel expenses of Employees #1 and #2, unless it can be established that such expenses are necessary to the proper transaction of the legitimate business of the Treasurer’s Office, was entirely proper.

C. The Trial Court Granted the County’s Motion For Preliminary Injunction In Full, And Its Order Should So Reflect This Fact.

As just shown above, the trial court correctly agreed with the County’s argument in its motion for preliminary injunction, enjoining the Treasurer from hindering the C&C Study and Plan and approving unnecessary travel expenses of Employees #1 and #2. These two actions were the only actions that the County sought to enjoin in its motion. Hence, the trial court granted *in full* the County’s motion for preliminary injunction. Nonetheless, the trial court in its Order purported to grant the County’s motion only *in part* and to also *deny it in part*. It is unclear in what sense the County’s motion was “denied in part.” The County tried to correct the error and clarify the trial court’s Order in its Motion to Alter or Amend (R. __), but the trial court denied the County’s motion in a Form 4 Order. (R. __.) This Court should now reverse the denial, in part, of the County’s motion for injunctive relief, and clarify that the County’s motion has been granted in full.

D. Treasurer Walls Is Not Entitled to Set the Salary or Compensation of Employees in the Treasurer’s Office.

The trial court’s preliminary injunction Order includes a reference to the Treasurer’s ability to set the “salary or compensation” of employees in the Treasurer’s Office as a “management decision” and suggests that it falls within “the setting or certain work conditions that implicates

the power to hire and fire.” (Order at 5, R. __.) But this solitary reference in the Order conflicts with other portions of the trial court’s Order, as set forth above.

The Treasurer’s position that she has sole discretion to determine the classification, salary, and other compensation of employees working under her is directly contradicted by sections 8-15-10, 4-9-30(7) and 4-9-630(7). Furthermore, under S.C. Code Ann. § 4-9-140, the County Council alone is granted the power to adopt the operating and capital budgets, and, at most, a “county agency or department” such as the Treasurer’s Office merely provides the County Council with “reports, estimates and statistics” that the County Council may require to perform its function of establishing the County’s budgets and appropriations. S.C. Code Ann. § 4-9-140.

Given the preceding, and the trial court’s own analysis, it is unclear why the trial court stated in its Order that the “salary or compensation” of employees in the Treasurer’s Office is a “management decision” that “establish[es] fundamental working conditions of employees” suggesting that it is included in a category of “certain work conditions” that “implicates the power to hire and fire.” (Order at 5; R. __.) The County requested that the trial court clarify this point in Defendants’ Motion to Alter or Amend (R. __), but the trial court denied the motion in a Form 4 Order. (R. __.) In any event, the statement is legally erroneous and conflicts with the rest of the trial court’s Order. It is necessary for this Court to correct the error, lest Treasurer Walls be given the incorrect impression that she has the authority over the salary and compensation of employees in the Treasurer’s Office. Accordingly, this Court should reverse this portion of the trial court’s Order, and hold that the classification, salary, and compensation of County employees who work under the direction of the Treasurer is solely within the discretion of the County.

II. Because The Treasurer Failed To Prove That She Would Suffer Irreparable Harm Absent A Preliminary Injunction, Her Motion Should Be Denied In Full.

In her motion for injunctive relief, the Treasurer asked for five categories of relief. The trial court granted in part and denied in part her motion, as follows:

Treasurer Walls’ Motion to Enjoin the County from:	Trial Court’s Order
1. refusing to allow the Treasurer to compensate the employees of the Treasurer’s Office in amounts as determined for each employee by the Treasurer	Denied
2. refusing to process employee expense reimbursement for any employees of the Treasurer’s Office in amounts as determined by the Treasurer	Granted in part: “Defendants are hereby enjoined from threatening employees of the Treasurer’s Office. ...” at 9.
3. refusing to distribute to the Treasurer the entire balance of the budget approved by the Beaufort County Council for the Treasurer’s Office, including but not limited to amounts budgeted for personnel	Denied
4. forcing the Treasurer to adopt the Personnel Handbook or to follow any policies or procedures contained in the Personnel Handbook	Granted in part: “Defendants are hereby enjoined from forcing the Treasurer to follow policies or procedures ... that infringe upon the Treasurer’s ability to employ or discharge personnel within the Treasurer’s Office.” at 9.
5. forcing the Treasurer or employees of the Treasurer’s Office to participate in any post-suit C&C Study	Denied

This Court should reverse the trial court’s preliminary injunction Order to the extent that it granted, in part, Treasurer Walls’ motion. Fatal to the Treasurer Walls’ request for injunctive relief is her failure to establish that, absent such relief, she would suffer irreparable harm.

It is a longstanding principle—under South Carolina, Fourth Circuit, and United States Supreme Court case law—that the party requesting injunctive relief must establish more than a hypothetical, doubtful, or conjectural injury. *See, e.g., Welborn v. Page*, 247 S.C. 554, 566, 148

S.E.2d 375, 381 (1966) (declining to impose injunction based on “doubtful, contingent and conjectural” evidence that anticipated acts would occur absent granting of injunction); *Bloodgood v. Garraghty*, 783 F.2d 470, 475 (4th Cir. 1986) (stating that an injunction “will not be granted against something merely feared as liable to occur at some indefinite time in the future”). Instead, the actual or threatened harm must be imminent or at least sufficiently likely to occur. *See, e.g., Greenville Bistro, LLC v. Greenville Cnty.*, 435 S.C. 146, 160, 866 S.E.2d 562, 569–70 (2021) (noting that, for a preliminary injunction to be granted, the party must establish that “he *would suffer* irreparable harm if the injunction is not granted”) (emphasis added); *Marion Cnty. Lumber Co. v. Tilghman Lumber Co.*, 75 S.C. 220, 55 S.E. 337, 338 (1906) (approving temporary injunction where the court determined the plaintiff made a “prima facie showing of *threatened danger to its property rights* in the trees as entitles it to the preliminary injunction”) (emphasis added); *Cartee v. Lesley*, 286 S.C. 249, 256, 333 S.E.2d 341, 345 (Ct. App. 1985) (“The general rule is that an injunction should be granted only where some *irreparable injury is threatened* for which there is no adequate remedy at law.”), *aff’d*, 290 S.C. 333, 350 S.E.2d 388 (1986); *United Transp. Union v. State Bar of Mich.*, 401 U.S. 576, 584 (1971) (“An injunction can issue only after the plaintiff has established that the conduct sought to be enjoined is illegal and that the defendant, if not enjoined, *will engage in such conduct.*” (emphasis added); *Direx Israel, Ltd. v. Breakthrough Med. Corp.*, 952 F.2d 802, 812 (4th Cir. 1991) (“the required ‘irreparable harm’ must be neither remote nor speculative, but actual and imminent”).

Simply put, Treasurer Walls failed to establish that she would suffer any harm—much less irreparable harm—absent injunctive relief. In her motion papers, she alleged only two “threatened” activities. First, she sought to enjoin the County from threatening employees of the Treasurer’s Office that County Administration intends to seek recoupment of employee expense

reimbursement. Second, she sought to enjoin the County from allegedly attempting to force her to adopt the Personnel Handbook or at least to follow policies or procedures contained in the Personnel Handbook. But notably, there is simply no threat that the County plans to do the actions that the Treasurer sought to enjoin.

As to alleged “threats,” the County has not threatened to seek recoupment of any expenses from employees in the Treasurer’s Office. In support of her allegation that employees were threatened, Treasurer Walls has only identified a single email exchange between her and the Interim County Administrator in April and May of 2024 regarding the issue of her approval of travel expenses for Employees #1 and #2. (Plaintiff’s Motion for Preliminary Injunction, Exhibit C; R. __; *see also* June 25, 2024 Transcript at 18; R. __.) This email exchange does not evidence any threat to any employee. To the contrary, it establishes only that the County asked Treasurer Walls to explain whether the travel expenses of two specific employees to commute from their homes to the Treasurer’s Office are necessary to the proper transaction of the legitimate business of the Treasurer’s Office. Treasurer Walls responded that these expenses were not in the “purview” of the County Administration. (*Id.*; R. __.) The Interim Administrator informed the Treasurer that he was processing the travel expenses for payment but doing so “under protest” given that the County did not consider the expenses necessary and proper and had filed a motion for preliminary injunction contesting the expenses. (*Id.*; R. __.) He also informed the Treasurer that the County was reserving its rights to contest these expenses, “including but not limited to requiring reimbursement for any or all expenses.” (*Id.*; R. __.)

Notably, this email exchange was between the Interim County Administrator and Treasurer Walls herself. Employees #1 and #2 were not on the email thread, nor were any other County employees. The Interim Administrator did not threaten Treasurer Walls and certainly did not

threaten any employees in the Treasurer’s Office. Instead, the County has only ever affirmed its right to seek reimbursement from the Treasurer and the Treasurer’s Office for expenses that were not necessary and proper, *not* from any of the employees who work in her office and who were acting under her guidance or direction. The County’s right to make a payment under protest, and then seek declaratory relief (and potential reimbursement for unauthorized expenses) is contemplated by S.C. Code Ann. § 4-9-30(14), which provides that “County officials are further empowered to seek and obtain compliance with ordinances and regulations issued pursuant thereto through injunctive relief in courts of competent jurisdiction.” Far from illegally threatening employees of the Treasurer’s Office, the County complied with South Carolina law and procedure in making the payment under protest and then seeking declaratory and injunctive relief. The County should not be enjoined from exercising its rights under South Carolina law.

As to the Personnel Handbook issue, the County has never claimed that Treasurer Walls herself is subject to the Handbook or that she must adopt any provisions of the Handbook. Indeed, at the June 2024 hearing, the County expressly disclaimed that it is seeking to enforce the Personnel Handbook against the Treasurer. (*See* June 25, 2024 Transcript at 15; R. __.) (“[T]hey’re saying they want an order from this Court that the treasurer not be forced to adhere to the Beaufort County Employee Handbook. *Nobody’s asking the Treasurer to adhere to the handbook. Nobody’s asking for that.*”) (emphasis added). Given the County’s consistent position in this lawsuit—that the Treasurer, as an elected official, is not subject to the County’s employee personnel policies regulating *County employees*, *see* S.C. Code Ann. § 4-9-30—the Treasurer’s request for an order enjoining the County from “forcing the Treasurer to adopt the Post-suit Handbook” is baseless. (Plaintiff’s Motion for Preliminary Injunction at 5; R. __.)

The trial court appeared to grant this part of the Treasurer’s motion, in part, enjoining the County “from forcing the Treasurer to follow policies or procedures ... that infringe upon the Treasurer’s ability to employ or discharge personnel within the Treasurer’s Office.” (Order at 9; R. __.) Further, the County readily admits that, under S.C. Code Ann. § 4-9-30, the Treasurer—and not the County—has “employment and discharge” authority over employees in the Treasurer’s Office.

To the extent that this part of the trial court’s Order goes beyond what section 4-9-30(7) says, it is unclear how the County could be infringing upon Treasurer Walls’ ability to employ or discharge employees in the Treasurer’s Office, when it admits that it is not forcing the Treasurer to comply with the Personnel Handbook. Generally, employees of the Treasurer’s Office—who are “County Employees”—*are subject* to the personnel system policies and procedures developed by the County under S.C. Code Ann. § 4-9-30(7). And while there is “*some limit* on an administrator’s authority to enforce its policies against employees of an elected official,” *Eargle v. Horry Cnty.*, 335 S.C. 425, 430–31, 517 S.E.2d 3, 6 (Ct. App. 1999) (emphasis added), *aff’d*, 344 S.C. 449, 545 S.E.2d 276 (2001), there is nothing unlawful about the County enforcing its Personnel Handbook with respect to employees of the Treasurer’s Office, by, for example, asking that they participate in C&C Studies, or by limiting reimbursement to necessary and proper travel expenses. Indeed, South Carolina law *requires* the County to so regulate its employees. S.C. Code Ann. § 4-9-30 (stating that each county government “shall have the following enumerated powers which *shall be exercised* by the respective governing bodies”) (emphasis added).

In short, because the County has not threatened any employees of the Treasurer’s Office, is not trying to enforce the Personnel Handbook against Treasurer Walls, and is not taking or threatening any actions that infringe upon Treasurer Walls’ ability to employ or discharge

personnel within the Treasurer's Office, the Treasurer Walls' motion for injunctive relief should be denied in full.

CONCLUSION

Based on the forgoing, the County respectfully requests that this Court reverse the portions of the trial court order granting a preliminary injunction against the County. There is no basis for such an injunction. Further, this Court should reverse the trial court's statement in its Order that it was "denying in part" the preliminary injunction motion of the County and reverse the inconsistent statement made by the trial court in its order regarding the Treasurer's powers to set the "salary or compensation" of employees in the Treasurer's Office as a "management decision."

Respectfully submitted,

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By: *s/Brian P. Crotty*

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Attorneys for Appellants

April 4, 2025

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Apr 04 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas
Jennifer B. McCoy, Circuit Court Judge

Appellate Case No. 2025-000025
Civil Action No. 2023-CP-07-01905

Maria E. Walls, in her capacity as Beaufort County
Treasurer, Respondent,

v.

Beaufort County, a body politic subdivision of the State of
South Carolina and John Robinson, in his capacity as
Interim Beaufort County Administrator, Appellants.

PROOF OF SERVICE

I, the undersigned Administrative Assistant, of the law offices of Nelson Mullins
Riley & Scarborough LLP, attorneys for Beaufort County and John Robinson, do hereby certify
that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified,
pursuant to the Supreme Court Order 2022-05-06-04, and a copy of that electronic mail is attached
to this certificate.

Pleading(s): **Initial Brief of Appellants**

Served: Michael E. Kozlarek
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johnmarshall@kingkozlarek.com
michael@kingkozlarek.com

Signature Page Attached

Roxanne D. Englin
Roxanne D. Englin
Administrative Assistant

April 4, 2025

Roxanne Englin

From: Roxanne Englin
Sent: Friday, April 4, 2025 11:39 AM
To: John Marshall Mosser; Michael Kozlarek
Cc: Mitch Brown; Brian Crotty; Meredith Keane; Eileen Hindman
Subject: Walls v. Beaufort County, et al., 2025-000025 *
Attachments: Initial Brief of Appellants.pdf; Designation of Matter.pdf

Gentlemen,

Attached for service upon you in the above matter is the Initial Brief of Appellants and Designation of Matter, with a Proof of Service for each. This is the package that will be filed with the Court.

Thank you.



ROXANNE ENGLIN SENIOR ADMINISTRATIVE ASSISTANT

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