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**Apr 23 2025**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM SPARTANBURG COUNTY  
Court of Common Pleas  
The Honorable J. MARK HAYES, II, Circuit Court Judge

Appellate Case No. 2024-000735

Spartanburg County and Cole Alverson in his Official Capacity  
as County Administrator, .....Respondent,

v.

The Spartanburg County Board of Zoning Appeals, and Adam Washington Ballenger Camp #68,  
Sons of Confederate Veterans, Inc.,

Of which The Spartanburg County Board of Zoning Appeals is a Respondent and Adam  
Washington Ballenger Camp #68, Sons of Confederate Veterans, Inc. is the .....Appellant.

**SUPPLEMENTAL RECORD ON APPEAL**

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**Shane Martin**  
South Carolina Senate District 13  
Greenville, Spartanburg and Union Counties



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**Committees**

Corrections and Penology, Chairman  
Finance  
• Criminal Justice Subcommittee, Chairman  
Medical Affairs  
Rules

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Shane@SenatorMartin.com

August 24, 2022

Ginger Davis, Chair  
David Wood, President  
Spartanburg County Historical Association  
P.O. Box 887  
Spartanburg, South Carolina 29304

Dear Chairwoman Davis and President Wood,

One of my constituents reached out to me to share that a planned picnic for Thursday, August 18<sup>th</sup> at Walnut Grove that was organized by the South Carolina Division of the Sons of Confederate Veterans was cancelled by the Spartanburg County Historical Association on the Monday before the event.

As I work on a response back to my constituent, I would like to know the relevant facts that went into cancelling their event. I would like to know the reason for this cancellation, including what specific policy was violated, and actual examples of how any such policy has been enforced in the past.

The Spartanburg County Historical Association, through regular programming and events such as Festifall, "preserves the region's history by collecting and sharing the stories and artifacts of the people who shape that history." The South Carolina Division of the Sons of Confederate Veterans equally has its role in preserving the region's history, specifically the history of the Civil War period. The mutual and beneficial working relationship between both organizations is needed to continue to preserve and teach the rich Spartanburg history as it relates to the United States history.

I am certain an organization which has received public funds in recent years would provide equal and fair access to all citizens of Spartanburg County and South Carolina. I look forward to hearing how your organization lives up to this ideal.

Sincerely,

A handwritten signature in blue ink, appearing to read "Shane".

Senator Shane Martin  
District 13

SM: ph

**EXHIBIT**

E



Ginger Davis, Chairwoman of SCHA  
199 Connecticut Avenue  
Spartanburg, SC. 29302  
864-497-0046  
Davisginger61@gmail.com

August 29, 2022

Senator Shane Martin  
P.O. Box 142  
211 Gressette Building  
Columbia, SC 29202

Dear Senator Martin,

David Wood, CEO of SCHA, shared with me your letter dated August 24, 2022 concerning the cancellation of a "picnic" that had been scheduled for Thursday, the 18th of August at Walnut Grove Plantation. The "picnic," we were told at the time of booking, was to be the monthly meeting of the Sons of Confederate Veterans and they would like to shoot off their cannon. We were pleased to host them.

On Monday, August 15th, David Wood of SCHA, Allen Smith of OneSpartanburg and A. Manning Lynch, Spartanburg County Council Chairman received an anonymous email, from someone inside the Sons of Confederate Veterans, giving us "a heads up" to the purpose of this meeting. The anonymous person said that the primary reason for this particular meeting was a fundraiser to raise funds to purchase a 30' x 60' Confederate Battle flag to be placed upon a 120' pole on the side of Interstate 85. This email was followed up with phone calls by David Wood, Allen Smith and David Britt, Spartanburg County Councilman, to several members of the organization to confirm the fundraising efforts were fact and not rumor.

I believe there are other factors you may not be aware of. In 1957, the property of Walnut Grove Plantation was deeded to the Spartanburg County Foundation in partnership with the Spartanburg County Historical Association to be the property manager. Troy Hanna, CEO of the Spartanburg County Foundation, received the email via forward and called me at about 4:00 pm Monday afternoon to discuss the event and reiterate the policy regarding fundraising efforts. It is our policy that any and all fundraising done at Walnut Grove, the Price House and the Seay House can only benefit that property or the SCHA. Given these facts and circumstances, we had to cancel the event and notify our contacts at the organization. There are no other examples of

SCHA 0035

canceled fundraising events because this has never happened, to my knowledge and tenure. All event organizers are made aware of our policies before they book our properties.

Later that afternoon, David Wood received a call from Robert Merting. I believe he has a leadership role in the Sons of Confederate Veterans group, but was not our contact person. To say he was rude and threatening is an understatement. He threatened to sue us, contact local officials, blast bad reviews to affect our public contributions, etc. We suspect that your official letter is in response to his threats. He also caused quite the uproar with our reenactors and they threatened to not participate in our Festifall event. David Wood spent much of the next several days explaining why we had to cancel and defending the policy behind the reason. All of the reenactors understood and WILL be participating at Festifall this year. Festifall, as you mentioned in your letter, is a valuable tool to continue to "preserve our region's history". Which at SCHA, we take very seriously. We take ALL history seriously. Even after the disrespectful response from Mr. Merting, we welcome the Sons of Confederate Veterans to hold their next meeting at Walnut Grove Plantation as long as they abide by our policies and do not hold fundraising efforts of any kind. They were just at Walnut Grove in May at our Military Timeline Event. Many groups like the DAR, SAR and the Sons of the Confederate Veterans hold their meetings at our properties and we hope that continues. We believe everyone's history should be told and embraced. We invite you and your family to Festifall during the weekend of October 1st-2nd to see our efforts and enjoy our historical reenactments.

As to your statement about receiving Public Funds, we receive minimal public monies. Mostly, we receive funding from the City of Spartanburg and Spartanburg County. Our public resources are sparse at best. That does not change the importance of educational programming through living history. We welcome any funds the state of South Carolina can allocate to assist us in our efforts to preserve our history.

I hope that this has adequately explained why we had to cancel the event of August 18th. Most of all I believe I have shown you how the Spartanburg County Historical Association continues to fulfill our mission: "To preserve and promote the rich history of Spartanburg County through education, community involvement and sustainability."

Respectfully Submitted,

*Mary Davis*  
Ginger Davis, Chairwoman SCHA

*David Wood*  
David Wood, CEO SCHA

**Shane Martin**  
South Carolina Senate District 13  
Greenville, Spartanburg and Union Counties



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- Medical Affairs
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Shane@SenatorMartin.com

September 6, 2022

Ginger Davis, Chair  
David Wood, President  
Spartanburg County Historical Association  
P.O. Box 887  
Spartanburg, South Carolina 29304

Dear Chairwoman Davis and President Wood,

I appreciate the sentiment that your organization receives minimal public monies, but it also is true that non-profit organizations as registered and in good standing with the South Carolina Secretary of State receive numerous direct and indirect tax benefits. The exemption and non-collection of taxes, such as property and sales taxes, is a significant benefit to organizations designated as 501(c)3. These exemptions alone constitute a significant benefit.

Your organization also has availed itself of public funds from the Paycheck Protection Program (\$21,267) as well as the CARES Act - Coronavirus Relief Fund (\$49,788). The CARES Act funding that was allocated to non-profits such as yours in South Carolina was the direct result of the South Carolina General Assembly appropriating those funds for that purpose and this funding was administered and distributed directly from the State of South Carolina. Notwithstanding contributions from the city and county of Spartanburg, the above referenced amounts contributed significantly to the total revenues your organization received. As a comparison, the \$49,788 in direct funding received in 2021 translates into approximately 22% of your 2019 total revenues.

I appreciate the background on the decision to cancel the event. Please provide me a copy of the anonymous email as well as a copy of the written policies that organizations must adhere to before booking at the Walnut Grove Plantation. The fundraising prohibition policy appears to be noncontroversial, but please provide me with a list of other organizations denied use on similar grounds.

I look forward to receiving this information at your earliest convenience.

Sincerely,

A handwritten signature in blue ink that reads "Shane Martin".

Senator Shane Martin  
District 13

SM: ph

SCHA 0037



September 26<sup>th</sup>, 2022

Senator Shane Martin  
P.O. Box 142  
211 Gressette Building  
Columbia, SC 29202

Dear Senator Martin,

This is a response to your letter dated September 6<sup>th</sup>, 2022. In your letter you requested 2 items.

The first item was a copy of our rental policy regarding fundraising. Please find attached a copy of our rental agreement. It explains that the only fundraising allowed at the properties we manage is for the benefit of SCHA or the properties directly. As for other examples of other organizations denied use, there are none. As we explained in our first letter, this policy has never been an issue. All other organizations have followed our policies as agreed upon at booking.

The second item was a copy of the anonymous email that exposed the organization of the fundraising activities planned for this event. We are not comfortable sending this to you or anyone else as this was private correspondence sent to us in confidence. The fundraising activities were verified by the organization leadership when asked directly. If you have any further questions regarding this issue, please direct those to the Sons of Confederate Veterans.

We truly hope that this letter will lay this issue to bed. We respect your time and authority as a member of the legislature. We hope you will respect our time and authority to make the best decisions for our organization. If ever we can be of service to you in the future, please let us know. Again, we invite you and your family to our 30<sup>th</sup> Annual Festifall this weekend, September 30<sup>th</sup>-October 1<sup>st</sup>, at Walnut Grove. Hope to see you there.

Respectfully,

*Mary Davis*  
Ginger Davis  
Chair of SCHA

SCHA 0038

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**Re: Thursday Walnut Grove Plantation event**

1 message

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**Jim Crocker** <poilu151@hotmail.com>  
To: David Wood <david@spartanburghistory.org>

Wed, Aug 17, 2022 at 3:08 PM

David, thank you for the email. Jim

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**From:** David Wood <david@spartanburghistory.org>  
**Sent:** Wednesday, August 17, 2022 2:50 PM  
**To:** Jim Crocker <poilu151@hotmail.com>  
**Subject:** Fwd: Thursday Walnut Grove Plantation event

Jim,

I have decided to share the one and only email I received last Monday. I told Merling on the phone that I was not going to share anything with him, especially since the first thing he did was threaten us with a lawsuit and acted like a total jerk during the 36 minute phone call.

As you can see, this information came from someone directly inside your organization that did not agree with what was happening and decided to make a point, start a controversy or go after someone. In any case we cannot, and do not want to, be in the middle of this.

I have direct confirmation that highly placed city, county and community leaders received this same email and it left us in the crossfire. I also told Merting that I would not share those names because he "wanted to know who his enemies are."

I value you and what you have contributed over the years to the SCHA. I hope that this can help smooth the waters with you personally as well as with the many reenactors you are involved with. We are looking forward to a Festifall event that is bigger and better than ever and to restoring WG to its rightful place of prominence in our community.

Again, I am happy to discuss the details by phone at any time.

Best regards,  
David

----- Forwarded message -----

**From:** **Spartanburg Flag** <spartanburgflag@gmail.com>  
**Date:** Mon, Aug 15, 2022 at 9:42 AM  
**Subject:** Thursday Walnut Grove Plantation event  
**To:** <david@spartanburghistory.org>

Dear Mr. Wood,

Over the course of this past weekend I have become aware of an event that is scheduled for this Thursday evening at Walnut Grove Plantation, a site sponsored and supervised by your group.

I have a friend who is a member of the Sons of Confederate veterans and he told me what they are doing and I am fairly certain you are unaware of the full nature of this event. This event is a fundraising picnic to RAISE FUNDS IN ORDER TO, IN OCTOBER, PLACE A GIANT 30'X60' CONFEDERATE BATTLE FLAG ON A 120 FOOT FLAGPOLE DIRECTLY ON I-85 IN SPARTANBURG COUNTY.

Are you aware that the Spartanburg Historical Society is about to assist, by providing a fundraising event location, in raising funds to put a 30x60 foot Confederate Battle Flag on the interstate in Spartanburg? I would imagine you are not as I am sure The Chamber of Commerce would not exactly support or appreciate your assisting those involved in this endeavor. I suspect they did not tell you what they are doing. (specifically, they are selling opportunities TO THE UNTRAINED to pull the firing cord on a full size black powder cannon and charging funds to do so. Were you aware funds

are being solicited on a Spartanburg Historical Site to let untrained persons fire, multiple times, a full size black power cannon?

My friend has allowed me to copy information about this event from an e-mail he received regarding it. (he also does not approve of the activity or the plan to erect the flag but due to the nature of his membership in the organization, he cannot be directly involved in reporting what is taking place. You can also see it references exactly when they plan to erect this flag on the interstate. I have copied it below for your information. This group is led by a Greenville lawyer named **Robert K. Merting** but **ALL participants in this event are aware of the nature of the fundraising event and what it is for. (though they may likely not admit what they are actually doing)**

**One question I had is; why exactly are people being allowed to parade around a revolutionary war site in CONFEDERATE CIVIL WAR UNIFORMS.**

**I trust since you are now aware of the nature of this event you will not allow Spartanburg Historical Society Property to be used in this manner (to help raise funds for a giant Confederate flag to be placed on the interstate); one that will to damage both Spartanburg's image and its continued economic development.**

I have attached the information from my friends e-mail below...this information came directly from the event organizers...I have also included a photo of the lawyer involved. (you can see it matches the photo on his law firm web site) **BE AWARE, I AM ALSO FURNISHING THIS SAME INFORMATION TO MULTIPLE LOCAL NEWS MEDIA OUTLETS AS WELL AS BOTH THE GREENVILLE AND SPARTANBURG COUNTIES NAACP. I AM ALSO NOTIFYING EACH OF THESE GROUPS THAT YOU WERE PLACED ON NOTICE, TODAY, MONDAY AUGUST 15, 2022, AS TO THE NATURE OF THIS EVENT. SHOULD THIS EVENT BE ALLOWED TO PROCEED ALL THESE GROUPS WILL BE FULLY AWARE OF THE SPARTANBURG HISTORICAL SOCIETIES COMPLICITY IN ASSISTING WITH THE ERECTION OF A 30X60 FOOT CONFEDERATE BATTER FLAG ON I-85 IN SPARTANBURG AS WELL AS KNOWING YOU WERE NOTIFIED OF THIS ISSUE IN TIME TO PREVENT IT FRON TAKING PLACE AT A SPARTANBURG HISTORICAL SOCIETY FACILITY. The email info I got from my friend, which actually also gives the date they plan to erect the flag):**

- Don't forget, this Thursday, Walnut Grove Plantation SCV FUND RAISING picnic.

Adam Washington Ballenger Camp, SCV picnic. We are selling the opportunity to pull the lanyard on a cannon to live fire the cannon as a fundraiser. Anticipated to be up to 25 live cannon rounds fired for donations. Donate and get to fire the cannon. There will also be Confederate Battle uniforms worn.

When: Aug 18, 2022 6:00pm to 9:00pm

Location: Walnut Grove Plantation, Spartanburg County

Organizer: Robert K. Merting

#### Sons of Confederate Veterans Flag Raising

Ballenger Camp SCV will raise a giant 30 x 60-foot Confederate battle flag on a 120-foot pole on I85 in Spartanburg. There will be artillery and infantry live fire volleys during the ceremony. Will include multiple volleys of cannon fire as well as live rifle fire.

When: Oct 22, 2022 9:00am to 11:00am

Location: Spartanburg

#### Sons of Confederate Veterans

Adam Washington Ballenger Camp #68

We gather the third Thursday of every month for dinner

followed by a presentation by a guest speaker and a brief business meeting.

We currently meet at 6:00 pm at the Post 28 American Legion Hall located at 94 West Park Drive Spartanburg, SC 29348

**PRESIDENT: Robert K. Merting, Attorney at Law 843-830-5227 <https://rkmerting.com/author/>**

**Below attached photo: Sons of Confederate Veterans awards presentation. (Merting is shown center)**

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF SPARTANBURG )  
 )  
Spartanburg County and Cole Alverson )  
in his Official Capacity as County )  
Administrator, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
The Spartanburg County Board of )  
Zoning Appeals, and Adam Washington )  
Ballenger Camp #68, Sons of )  
Confederate Veterans, Inc., )  
 )  
Defendants. )  
\_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS  
CASE NO.: 2023-CP-42-01155

**AFFIDAVIT OF SERVICE**

**PERSONALLY** appeared before me Jesse Jones who being duly sworn, deposes and says that he served the following papers in this action: Summons and Petition for Appeal to the Circuit Court on The Spartanburg County Board of Zoning Appeals, by delivering to him/her personally:

- by delivering to \_\_\_\_\_ personally;
- by delivering to \_\_\_\_\_, a person of discretion residing at the residence of the Defendant and being at said residence at the time of service;
- by delivering to Debbie Ziegler, a person of discretion employed at the place of business of the Defendant and being at said place of business at the time of service;
- by delivering to \_\_\_\_\_, personally, the \_\_\_\_\_ at the Office of the \_\_\_\_\_ of the Defendant company;
- that delivery of the above named pleadings could not be accomplished for the following reason(s):

and leaving with him/her copies of the same at: 366 N. Church Street, Suite 1000, Spartanburg SC 29303 on the 17<sup>th</sup> day of April, 2023 at 11:29 o'clock AM, and that the deponent is not a party to this action and has no interest therein or connection therewith; and that Defendant(s) are/is not a member of the Armed Forces of the United States of America.

**SWORN** to before me this 4<sup>th</sup>  
day of May, 2023  
Rhonda S. Mitchell  
Notary Public for the South Carolina  
Print Name of Notary: Rhonda S. Mitchell  
My Commission Expires: November 14, 2023

Jesse Jones  
NAME OF SERVER – Jesse Jones