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SC Court of Appeals

The Supreme Court of South Carolina
Commission of Lawyer Conduct

Re: Appeal to Investigative Panel (Negligence, Fraud, Perjury, Deceit, and Dishonesty)

Darryl C. Caldwell. Case# 24-DE-L-1279

Susan Fittipaldi, Esq. Case# 24-DE-L-1278

Kimberley K. Blackburn Case# 24-DE-L-1277

Vernie L. Williams, Esq. Case# 24-DE-L-1276

Dear Commission of Lawyer Conduct Panel,

As agents of the Supreme Court.

I am writing this letter of appeal pursuant to Rule 18(b) for a Commission of Lawyer Conduct panel investigation into the negligence, fraud, perjury, and unethical lawyer misconduct of Darryl C. Caldwell, Susan Fittipaldi, Vernie Williams, and Kimberley Blackburn.

When it comes to Case No. 4:21-cv-03746

FSD1 v. Secka. The District (FSD1) sued Hannah Secka on 11/16/2021 in direct retaliation of the personal injury lawsuit filed 9/29/2021 and out of pure *racial animus* by the Board of Trustees who voted in Executive Session on 11/11/2021 (6 white-3 blacks) and Richard O'Malley to sue a special education mother who was advocated for Justice of her son being a victim of several school crimes that were concealed by the District and the State. Darryl Caldwell was negligent in taking a case he later admitted in mediation that he had no expertise in and then coerced his client Hannah Secka to enter in a Settlement Agreement for \$9000 for a due process hearing that never took place in July 2021, which resulted in a judgment against her. She was never properly served by any jurisdiction and Caldwell had been given the information and failed to inform Hannah Secka until late October 2024. His actions caused Hannah Secka to lose her appeal rights to 4th Circuit Court by refusing to timely file a Motion to be Relieved as Counsel in this case. Caldwell failed to defend his client with due diligence when clear convincing evidence was given to him that exonerated Hannah Secka and proved that Attorney Vernie William and Kimberley Blackburn were not candor with the courts by submitting false declaration for work they did not do. They both committed perjury and fraud by putting in writing they worked hours on a due process hearing that was timely withdrawn on 8/3/2021.

Pursuant to (Rule 8.4) Misconduct

It is professional misconduct for a lawyer to:

(a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;

- (b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;
- (c) commit a criminal act involving moral turpitude;
- (d) engage in conduct involving dishonesty, fraud, deceit or misrepresentation;
- (e) engage in conduct that is prejudicial to the administration of justice;
- (f) state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the Rules of Professional Conduct or other law; or
- (g) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law.

Moral Turpitude is “willful conduct.” Often, moral turpitude requires that the conduct was intentional and not merely negligent or accidental. There needs to be some degree of guilty knowledge or intent. Crimes that involve moral turpitude include fraud, theft, perjury, sexual assault, and certain drug offenses. Examples of Crimes of Fraud (including making false statements or using false pretenses to obtain something of value) and Perjury (lying under oath).

Rule 413, SCACR: Rule 7(a)(1) (it shall be a ground for discipline for lawyer to violate the Rules of Professional Conduct); and (Rule 7(a)(5) (it shall be a ground for discipline for a lawyer to engage in conduct tending to pollute the administration of justice, bring the courts or legal profession into disrepute, or demonstrating an unfitness to practice law).

Under the Individuals with Disabilities Education Act (IDEA), prevailing parents can receive attorneys' fees for litigation that secures an appropriate education for their child, while school districts can also be reimbursed if a parent's complaint is frivolous or unreasonable. The fees are calculated as a "reasonable" number of hours multiplied by a "reasonable" hourly rate. This provision acts as a crucial safeguard to ensure that parents can access legal representation to enforce their child's rights, as they are often the primary enforcers of IDEA.

Hannah Secka contends she only had two (2) due process hearings and the SCDE allowed FSD1 to continuously and illegally appoint Brian P. Murphy, Esq. From Greenville, SC to harass, slander, conceal crimes, and defame her instead of following the federal law to administrator law under IDEA for the violations committed against (MYNS). In his position as local hearing officer Brian P. Murphy intentionally obstructed justice! Hannah Secka has filed a lawyer's misconduct complaint against Brian P. Murphy and ODC has dismissed it twice!

Pursuant to Rule 413, SCACR: Rule 7(a)(1) (it shall be a ground for discipline for lawyer to violate the Rules of Professional Conduct); and (Rule 7(a)(5) (it shall be a ground for discipline for a lawyer to engage in conduct tending to pollute the administration of justice, bring the courts or legal profession into disrepute, or demonstrating an unfitness to practice law).

I am not asking the ODC to overrule any decision made by any courts. I want accountability for the crimes and misconduct committed by these lawyers. Nor am I asking for the ODC intervention with ongoing litigation. I am asking the ODC panel to thoroughly investigate, see the clear convincing evidence, and file appropriate disciplinary sanctions against all the lawyers for violations of misconduct and negligence. Pursuant to (Rule 7(a)(5) it shall be a ground for discipline for a lawyer to engage in conduct tending to pollute the administration of justice, bring the courts or legal profession into disrepute, or demonstrating an unfitness to practice law. I hope the panel will see the clear convincing evidence provided to the ODC and consolidate all the supporting documentation and appeals together to gather the full scope of the appeal. If allowed, I would welcome open arguments against these attorneys with the panel and place them under oath.

My prayer for relief is that the Commission of Lawyer Misconduct Panel commits to its mission and provides due process, justice, and restitution of \$300,000 to me for the negligence, and dishonesty of Darryl Caldwell, and the conspiracy to harass, intimidate, slander, defame, commit fraud, perjury, deceit, and dishonesty of FSD1 attorneys Susan Fittipaldi, Vernie Williams, and Kimberley Blackburn.

Kind regards,

Hannah L. Secka (digital signature)

Via Electronic Mail

Cc:

William M. Blich, Jr., ODC Counsel

Racial Justice Organization, Civil Rights Organization, Elder James Johnson, CEO-Founder
Office of Civil Rights, (OCR)