THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Doyet A. Early, III, Circuit Court Judge

Case No. 2014-CP-40-004666
Appellate Case No. 2016-001198

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SC Court of Appeals

Kim Murphy.....Appellant,

v.

Bobby Merle Bowers and Robert Gantt.....Respondents.

RECORD ON APPEAL

Cromer Babb Porter & Hicks, LLC
J. Lewis Cromer, Esquire (#1470)
1418 Laurel Street
Post Office Box 11675
Columbia, South Carolina 29211
Phone 803-799-9530
Fax 803-799-9533
Attorney for Appellant

VOLUME III

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the significant wetlands issue even before I filed an appeal before I was on the board. And --

Q. So this was a conflict in your analysis and the chief financial officer's analysis of the costs of the appeal of the permit that we're talking about?

A. And that they're advertising as hard as they possibly can that I'm the cause for the -- the delay of the renovation to the school building.

Q. Well, do you have any reason to believe that the board members who you're accusing of defaming you on this issue had a reason other than what you were saying not to believe what they were being told by the duly appointed employees of the district as to what these costs were?

A. Say that one more time, please.

Q. Yes, ma'am. Do you have any reason to believe that the board members didn't have a right to rely on the information they were provided by the chief financial officer of the school district?

A. Because they know behind the scenes what was going on.

Q. How do they know?

A. How do they know?

Q. Yes, ma'am. Strike that question.

A. No, I want to answer it.

Q. Well, let me ask it in a different way.
A. Okay.
MS. STORY: No, let -- let -- he needs to ask you the questions and you need to answer the questions.
WITNESS: Okay.
Q. Strike that question. What evidence do you have that they had any knowledge that the information provided by the chief financial officer was incorrect as you allege?
A. I provided them with the documents that showed it was unrelated to me. They were aware from attending the appeal hearings what was going on. They were making decisions. I mean, it was covering things up. It's -- that's normal. That's normal. Covering things up. They don't want the public to see that they're at fault for anything.
Q. But it's your contention that they were in error because they relied upon information provided by their own staff as opposed to be relying upon information provided by the opposing party in litigation. That's really the essence of your position, isn't it?
A. Say that one more time, please.
Q. That it was error and legally actionable for them

to rely upon information provided by district staff instead of information provided by an adverse party in litigation about the litigation?

A. As chairman of the board, they are very in tune to what is going on behind the scenes in order to put up a good front to the people so the people see something that's not necessarily what's actually going on. I believe some of the documents are in here where District 5 board, Ed White and others, wanted to advertise as hard as they could misinformation, information that I'm responsible for the delay and that I'm costing them millions of dollars.

Q. And that was information that was provided to them by distract staff, correct?

A. They were involved with creating it.

Q. And when you say they were involved with creating it, were they making entries on the books of the district?

A. They were involved with creating the documents that were distributed.

Q. Okay. And the documents that were distributed were based upon and relied upon information that was provided to them by the district staff, correct?

A. No. This was -- one example is Ed White accusing

me of causing them to miss some favorable bonding opportunities and that that was going to cost them millions of dollars. And he said, "I want this in this memo. I want everybody to know about this. Every single meeting I want it updated. I want it to be emailed out." And it's again in an attempt to discredit, disparage me.

Q. Is it your contention that that was defamation?

A. There have -- that's part of the defamation of what they've done before this case, before this instance.

Q. When Mr. White was making those statements or issuing those reports, did that occur at a board meeting?

A. Yes.

Q. So now getting to this 10113, 114, can you tell me -- this is the hearing where they voted to remove you, correct?

A. Yes.

Q. And that was a six-one vote, correct?

A. Yes.

Q. And you voted no, right?

A. Yes.

Q. And then Mr. White asked the chairman -- the board adopt the resolution which is what -- 115 and 116,

right?
A. In this here they state that the reports of the board's inquiry were circulated widely in the local press. And again this was -- this was -- I was -- I was, you know, basically falsely accused of residing in the wrong district and that it was criminal in some way.
Q. Now, where is there any evidence that anyone accused you of committing a crime, Ms. Murphy?
A. Their words and their deeds.
Q. And what words did they use that accused you of committing a crime?
A. In the -- Mr. Gantt has a -- Mr. Gantt had a closing statement, and I don't see it with this here. But they -- they infer that anyone who -- you know, if I know that -- that I live in Lexington County, then I shouldn't continue to -- to fight this.
Q. Is that an unreasonable position for somebody to take?
A. I don't live in Lexington County.
Q. Well, I understand that. But if you accepted the position that Mr. Bowers' office took and believed that you lived in Lexington County, wouldn't it be a reasonable position to say, "Oh, this is a

mistake, I'm not going to burden the district and - - and fight something that I know not to be correct, so I'm going to step aside?" Wouldn't that be a reasonable position?

A. By saying it's unlawful is -- when they know that it's wrong, when they know they conspired.

MS. STORY: I feel like you're trying to answer a previous question. He asked you something else that your answer is non-responsive to. And so you need to make sure you're answering his question so the record's clear. I think that's the issue you brought up earlier was that you had been answering questions and they weren't responsive to questions that you were being asked on the transcript.

WITNESS: Can I take just a short break? I'm feeling a little weary. I need to get some water.

MR. MONTGOMERY: Sure.

(Off the record from 3:15 p.m. until 3:31 p.m.)

THE EXAMINATION BY MR. MONTGOMERY CONTINUES:

Q. Okay, Ms. Murphy, I think at the time that we broke I had asked you would it not have been reasonable if you agreed with the finding that you were in

Richland County -- or Lexington County instead of Richland County to have left the board.

A. Can you ask that one more time?

Q. Yes, ma'am. Would it not have been reasonable if you had left the board if you agreed with Mr. Bowers' location of your residence in Lexington County?

A. Well, there's a process to remove someone for cause. And we're disputing that that -- that that was the way it should have been handled.

Q. Okay, now, I just want -- my question doesn't have to do with that. Okay? My question is very simple. It's if you agreed that you had mistakenly believed you lived in Richland County and that the border actually placed you living in Lexington County, wouldn't it have been reasonable for you to resign and go on about your business?

A. If I believed I was in Lexington County instead of Richland County?

Q. Yes, ma'am.

A. If -- the only way -- only if there was evidence that showed that I lived in Lexington County.

Q. And it's your position that the finding of the Budget and Control Board in that regard was not evidence that you lived in Lexington County then?

A. And -- and to further answer your question, because I believe if I were elected in Richland County and it was determined after the fact that I resided in Lexington County, that I could continue on as a defacto school board member without any harm coming to the district.

Q. Now, I'm going to call your attention, if I might, to the document 10119. And I want to ask you, is that the public statement where you believe that your integrity was impugned?

A. This is one of them. This isn't it. But in this particular case he says the simple truth that I don't live in -- in the county where I was elected. And if I were to stay on the board would be a -- would violate state law and potentially invalidate future decisions of the board. This isn't the one I'm referring to. But it's in the transcript of the 3/19 hearing. But there's -- the simple truth is I live in Richland County.

Q. That's your position obviously. But that's not what the board found and it's not what Judge Cooper found and it's not what the court found, correct?

A. If they conspire to remove me, which I believe they did, then this further -- you know, it further defames me.

Q. And how does it --
MR. MAYE: That was unresponsive to his question.
Q. How does it defame you? Tell me what you think defamation is. Well, let me -- let me do it this way, Ms. Murphy. Is the fact that your residence in Lexington County -- is in Lexington County false?
A. Say that again, please.
Q. Is the fact that the board found that your Lexington -- is there -- strike that. Is there a basis for the board to find that your residence is in Lexington County?
A. All right, say that one more time.
Q. Okay. How about if I try it this way. Isn't it true that Mr. Bowers and the Budget and Control Board's findings based on the 1995 location of Rocky Ford provides a basis for a reasonable person to determine that you live in Lexington County?
A. No.
Q. And why do you not believe that to be true?
A. Because none of the information that they used was valid information.
Q. Okay. And that's your opinion?
A. Yes. It's part of the conspiracy.

Q. Now, is living -- is it -- is it defamatory for someone to live in Lexington County?
A. No.
Q. Is it defamatory for someone to make a mistake when they honestly believe they live in one county and run for the school board in that county?
A. Say that again.
Q. Is it defamatory if you honestly believe you live in Richland County for someone to say that you ran for the school board and served on the school board in Richland County?
A. I still don't understand your question.
Q. Okay. Well, I'll -- if you don't understand it, I'll ask a different one. Okay? Is it reasonable for someone to believe that if you live in Lexington County that you can't serve as a school board member elected from Richland County?
A. If -- yes. But there's some ifs there.
Q. Is it defamatory for someone to thank you for your service on the school board?
A. No.
Q. Is it defamatory for someone to wish you well in the future?
A. No.
Q. Is it defamatory for somebody to say that this is

not a personal matter involving Ms. Murphy?
A. It's not true. But it wouldn't be defamatory. But it's -- it's not a true statement.
Q. Okay. Well, the question in your -- in your suit for defamation is did someone make a defamatory statement. Okay? And defamatory statement has a certain legal meaning. And I'm trying to understand what you think is a defamatory statement. But the statement that they made was that this was not a personal action towards you. Is that not true?
A. That is the statement that was made.
Q. And you don't contend that that statement is defamatory, do you?
A. Again, it's part of everything that's been put together.
Q. Okay. Do you agree that the law requires that you live in the county that you're elected to represent?
A. Unless you have legally been elected in that county.
Q. And on what do you base that statement if you don't live there?
A. If the counties recognize me and all the officials recognize me in one county when I'm elected, then

that's where I can continue to serve my term.
Q. And what law or case do you know of that affords you that right?
A. I actually came across several. I'm sorry, I can't quote them right now.
Q. Did you point those cases out to anyone in this process before today?
A. Yes.
Q. Who?
A. Various people that I've conversed with about this.
Q. And who would those be? Let me strike that. Did you point it out to anyone representing District 5?
A. I believe at my last deposition maybe.
Q. Okay. Prior to the time that you left the board did you point this out to anyone?
A. When is that?
Q. Well, I'm presuming that would have been March of 2013, March 19th, 2013 when the board had the hearing and voted.
A. No, I don't believe so.
Q. Now, if you didn't point it out and your counsel didn't point it out or it wasn't raised, how would you expect somebody to take action on that?
A. District 5 board and through their attorneys were pretty hardcore that I needed to be removed. And

they were going to hold an election to replace me.
Q. Now, the next sentence here, I want you to tell me how this is defamatory. It says, "We sincerely hope that Ms. Murphy will honor this decision and, quote, do the right thing, end quote, as she has stated previously in public meetings regarding the law and residency requirements." Explain to me how you believe that's defamatory.
A. He's implying that I'm not doing the right thing.
Q. And how does he imply that when he says he hopes you do something?
A. Well, he's used this several times. And it -- it's a way of saying if I choose not to, I'm not doing the right thing.
Q. Okay. Would you agree that reasonable people can have a disagreement as to what the right thing is in certain circumstances?
A. Yes.
Q. And so how is it defamatory if he even said you're not doing the right thing?
A. Because they conspired to put me in this position.
Q. Okay. And they being who?
A. The school board and Bobby Bowers.
Q. Now, your complaint doesn't mention the school board is conspiring.

A. Robert Gantt.
Q. Okay. And how -- what position did they put you in?
A. Painting the picture that I'm not a resident of Richland County.
Q. Okay. And as we sit today you would agree with me that the last court order in this case, not this case, but the case that you're referring to, says that you are not a resident of Richland County?
A. That has nothing to do with the conspiracy behind it.
Q. Well, Ms. Murphy, I would suggest to you that in order to prove a conspiracy you have to prove somebody did something wrong. And if in fact you live in Richland County, then you would have to be found to live in Richland County for them to have done something wrong. If you live in Lexington County as the court has held, they were simply fulfilling their obligations to uphold the law, not to do anything to you.
A. And based on evidence that was manipulated and put into the record. And -- and the -- my -- Mr. Kincannon's motion to dismiss that didn't make it into the record.
Q. Well, Ms. Murphy, isn't it true that in every stage

of this matter you've been represented by counsel, you've had the opportunity to present all the facts you wanted in every case? Isn't that correct?

A. I'm doing it now as -- and especially as the facts become more evident.

Q. But Mr. Kincannon was your attorney and he had an opportunity to appear. He had the opportunity to present any evidence he wanted to before Judge Cooper and before the school board; isn't that correct?

A. It wasn't necessary even -- he had the opportunity to present it to the school board in March. And he did. And -- and very, very good arguments. And that motion, I don't even know if you've seen it, listed point by point by point reasons, and there have been more since then, why what took place was not -- was not legal.

Q. But, Ms. Murphy, the board or Judge Cooper couldn't consider things that came out after the record was closed and the case was over, could they?

A. The documentation that was given to Judge Cooper was manipulated.

Q. Well, and you had an opportunity to point that out at the hearing, right?

A. Some of it we did not know until after the hearing

as things began to unfold.
Q. But you'd agree with me that when the record's closed, the record's closed, right?
A. The evidence is still there that they conspired.
Q. Okay. And we've talked about that. And I'll ask you one more time because I think I know the answer to this. As of November the 5th, 2015 at 3:47 p.m. you don't have any evidence of any communication between Bobby Bowers and Robert Gantt that would manifest that they conspired in any way, do you?
A. Based on their actions and documents and reactions --
Q. Okay. Let's -- when you talk about their actions, what actions has Robert Gantt taken that make you believe that he conspired with Bobby Bowers, understand that they had a secret agenda as part of that conspiracy? What actions has Robert Gantt engaged in that you have evidence of? Not that you believe or you think or you surmise or you hope, but that you have evidence of.
A. Well, his letter to Bobby Bowers.
Q. Okay. He wrote a letter. Now, let's talk about that. Is it not reasonable if I get a report that something is amiss to write a letter as chairman of the school board to the person who is in authority

over something and asking them, say, "I have a report of this, will you check it out for me?" Is that not a reasonable thing for a reasonable person to do?

A. But he did it in a manner to make it look like I had done something wrong.

Q. And your -- your view of that is based on the statement in the letter that there have been rumors about this in the past. And that's the reason that you believe that; is that correct?

A. From that letter, yes, that was meant to be public and meant to begin planting the seed that I've been cheating the system.

Q. But those are your surmises. Nobody says you've done anything wrong, did they? No one's ever, as it relates to this -- as it relates to this issue, said that Kim Murphy intentionally or willfully did anything wrong, have they?

A. I'd like to find that statement that's part of the record of the transcript of --

Q. Well, you can find that after today and you can give it to Ms. Story and she'll get it to me. And -- and if we have to ask something about that, we'll do that. But we're really trying to finish up today. Now, in fact every piece of

correspondence in this thing, Mr. Bowers' letter for example, noted that you were registered and on the -- and shown by the Election Commission as an elector in Richland County, didn't he?

A. Yes.

Q. That certainly doesn't accuse you of doing anything wrong, does it?

A. No.

Q. And there's nothing Mr. Gantt wrote that you've been able to point out that's objectionable, at least as I understand it, other than one, that you think the comment about rumors was unnecessary, but that doesn't accuse you of doing anything wrong either, does it?

A. Well, I'd kind of like to continue going through the documents and --

MS. STORY: You need to answer his questions. Okay? He's asked you a question.

Q. My question is you think Robert Gantt was wrong when that letter that he signed, because you don't know if he wrote it or not, that letter he signed on behalf of the district included that there had been rumors of this question, you think that was wrong?

A. Yes.

Q. And it's your opinion that that was defamatory?
A. That's part of painting the picture.
Q. Okay. Now, in this public statement that we're talking about right now, 10119, your contention is that Robert Gantt's statement referring to do the right thing cast you in an unfavorable light; is that correct?
A. Yes.
Q. Okay. Now, let me ask you, Ms. Murphy, hadn't it been one of your regular comments at school board meetings that people needed to, quote, do the right thing, unquote?
A. No.
Q. You deny you said that or used that phrase?
A. The question was whether I regularly did that. And I don't know that I've ever done it.
Q. Okay.
A. I expect it.
Q. Now, Ms. Watson put some other things in here about other situations. We talked about 123. And I'm presuming that this 124 is the stake that you're referring to or the monument you're referring to that you say establishes the county line?
A. Yes.
Q. Okay. And that big orange stake isn't sitting up

in the ground, is it?
A. No. You have to look on the ground for the stake.
Q. Who put the big orange stake in there?
A. I'm not sure. The property owners I think.
Q. Okay. Who are the property owners?
A. Nichols and Spotts.
Q. What is their relationship to you?
A. Neighbors.
Q. Are they -- did they buy their lot from you?
A. No. They're down the road a little bit.
Q. Okay. Now, let's look at 126 which is looks like a report on WLTX. And let's talk about this a little bit. They said you were decided to remove Tuesday night whether you actually live in the area. And you said, "I think this is a big smokescreen. It's covering up a lot of important things that are going on right now in our school district and should be our focus. And I don't quite see how they can usurp the voice of 6,000 voters and disenfranchise the voters who voted for me." Is that what you said?
A. Yes.
Q. And I -- and that was not particularly complimentary to the board, was it?
A. In response to what they were doing, it's a pretty

true statement.
Q. Okay. From the evidence presented to them it was a pretty true statement that you didn't live in Richland County, wasn't it?
A. No.
Q. You sat in the hearing, didn't you?
A. Which one?
Q. The hearing where the board voted in March of 2013 --
A. Yes.
Q. -- to remove you.
A. Yes.
Q. Okay. And evidence was presented to them that you didn't live in -- in Richland County, wasn't it?
A. Evidence that was manufactured.
Q. And who manufactured that evidence, Ms. Murphy?
A. Bobby Bowers' office was involved.
Q. Who else?
A. I don't know at the moment.
Q. Okay. So when Bobby Bowers' office -- let's talk about what they did in manufacturing that evidence. When they manufactured that evidence they went -- as you allege, they went to points that the Geodetic Survey had identified in 1995 and extended those points to draw a county line which they

determined left you on the wrong side, right?
A. No. They created points -- a point.
Q. And that map that they created as you refer to it was consistent with the map that Mr. Bowers' office had provided the Federal Government with regard to the precincts and the precinct lines previous, and they had certified that?
A. No, it wasn't -- it was not consistent.
Q. And why was it not consistent?
A. Because no effort was put into finding out where the real county line is.
Q. Okay. That wasn't my question, Ms. Murphy. My question was if you looked at the certified map that had been provided the Department of Justice, that map placed the line such that you were in Lexington County, didn't it?
A. That precinct line based on the aerial did.
Q. Okay, let's look at 127.
A. However, it doesn't jive with the line Mr. Bowers says is the county line. So which one is it? Or is it somewhere else?
Q. Well, in both cases you're in Lexington County, aren't you?
A. But if arbitrary lines show that I am, you've got to have more evidence, more proof and -- and do the

process to make the determination. I mean, --

MR. MORRISON: Would you answer his question first? Those are yes or no questions.

WITNESS: I'm sorry.

MR. MORRISON: You can explain it if you want, but it was a yes or no question.

A. I'm sorry, ask again.

Q. But both lines placed you in Lexington County, yes or no?

A. Yes. They're arbitrary lines though.

Q. Okay. Now, let's look at 127. I take it these are the motions you were referring to earlier when you talked about Mr. White making motions to put these numbers up that you were costing the county; is that correct?

A. Yes.

Q. Are those the motions you referred to?

A. Yes, they are. Actually it happened in several different meetings, the same motion.

Q. Okay. Tell me how that's defamatory if you believe it is.

A. And they're making the claim that I'm delaying the renovations at Chapin High School and I'm costing the district millions of dollars. And that they want to publish this throughout the district in

media, email blasts, board briefs. It's in the record of the board meeting.
Q. Do you think it was unreasonable for them to believe this?
A. Yes.
Q. And why was it --
A. They didn't believe it. They -- they knew what was right. They were just trying to protect themselves.
Q. Okay. All right. And --
A. And you can -- and one of the reasons this is included is, you know, one of the board members says this appears to be a personal attack. And she voted -- she's abstaining from voting on it because it is common.
Q. I think two people abstained actually.
A. Yes. Mr. Turner did as well.
Q. Okay. And that was their right as board members to do that, wasn't it?
A. Yes.
Q. Why are the minutes from February 14th, 2011 included which are reflected at 128 and 132?
A. This actually is the -- has the motion in it, in the minutes. So --
Q. Okay. And that would be at Number 11 on Page 131?

A. Number 10 and Number 11.
Q. Okay. And Number 10 was six-one with you the only one voting against it, correct?
A. Yes.
Q. Okay. Now, the next page which doesn't have a Bates number on it, but it's between 10132 and 9992, is the sign -- picture I guess you took of the sign that says, "Chapin wins lawsuit?"
A. Yeah. It's 010133.
MS. STORY: It's really hard to read, Mike.
MR. MONTGOMERY: Oh, okay. I'm sorry. I see it now.
A. Yes.
Q. Okay. Just in a different place than every other page. I wasn't looking there. And is that something that you believe is defamatory?
A. Yes.
Q. Why?
A. They're continuing to try to paint the picture that -- that I've done something wrong.
Q. It doesn't refer to you at all, does it?
A. No. But on the main road on Columbia Avenue they've -- people know who they're referring to.
Q. Are you the arbiter of what's defamatory and what's not? Do you make that determination alone?

A. In what situation?
Q. Well, in any. I mean, do you think a reasonable person riding by Chapin High School and saw that would think that that had anything to do with Kim Murphy?
A. Yes.
Q. Why?
A. Because the school district advertised high and low, far and wide that -- you know, alleging that I've cost the district millions and delayed the school construction.
Q. Okay. And, Ms. Murphy, do you know how many people read the board briefs?
A. I don't. But they email them out to the staff and to parents and anybody else who's asked to receive them.
Q. Now, what do you -- what's the point of 9992 and 9993?
A. This again goes to the -- the motivation and character following -- this is up on their website related to my legal appeals. They again accuse me of causing the delay and costing the district millions. They -- Ed White approved -- or motioned to put the depositions of the witnesses on the website.

Q. Isn't that what you wanted, transparency and full disclosure?
A. And I had absolutely no problem with that except they didn't put their own witnesses up there when we deposed them. So --
Q. Did you ask that they do that?
A. Oh, yes.
Q. Okay. Well, it seemed to me that not putting their own witnesses up would be worse because you get to put your whole side of the case up, and theirs is left silent.
A. I think it all should have been up there for the public to see.
Q. Okay. Now, did the -- did the Office of School Facilities indeed write a letter that said no construction at Chapin High School could begin until the legal appeal was ruled upon as referenced on the second paragraph here?
A. And they had to complete the -- the issues that were still outstanding that hadn't addressed.
Q. Is there anything other than not all the depositions being placed that's not truthful on this page?
A. Well, and representing that the lawsuit is costing 12 million dollars. You know, still accusing me of

delaying. The way that the mediation offer is represented, it's -- it's not accurate.
Q. Is that defamatory?
A. It's -- it's derogatory and part of the --
Q. Is there any evidence there of a conspiracy between Mr. Bowers and Mr. Gantt?
A. No.
Q. Okay. And the board brief at 94 through 96, I'm presuming your objection there, the reason you've offered that is because it talks about the resolution that we talked about earlier prohibiting a school board member from instituting a legal action against the school district?
A. And again accusing me of spending -- having a lawsuit and causing them to spend millions of dollars.
Q. Okay. Do you believe those are defamatory publications?
A. I think they're meant to defame me.
Q. And how are they meant to defame you, Ms. Murphy?
A. It's untrue.
Q. Is it untrue that they adopted the resolution?
A. No, that's true.
Q. And is it untrue that the estimated cost of the lawsuit exceeded 1.8 million dollars?

A. All right, say that again, please.
Q. I said is it untrue that the estimated cost of the lawsuit exceeds 1.8 million dollars?
A. Well, they're representing that I'm the cause of it.
Q. And how do they do that?
A. The cost of the lawsuit brought by Kim Murphy.
Q. And in fact you did bring a lawsuit, right?
A. I appealed DHEC's decision.
Q. But the caption of that lawsuit is correctly stated here, isn't it, Murphy versus School District 5 of Lexington and Richland Counties?
A. That is the caption. But I was not suing District 5.
Q. Okay. But the caption is correct?
A. Yes.
Q. You were -- you say you're not suing, but you were certainly an adverse party to Lexington-Richland 5, weren't you?
A. Yes. Only to some people.
Q. Okay. Now, these -- September 12th, 2011, this is again relating to the same thing that board brief talked about, right, Number 3, Mr. White's motions?
A. Where are you? What page?
Q. 9997.

A. I'm missing here.
MS. STORY: It's right here.
A. This doesn't make any sense. All right. Yes.
Q. Okay. Is there anything else in these minutes that you believe is defamatory or evidence of a conspiracy between Mr. Gantt and Mr. Bowers?
A. Well, it goes to the manipulation, the way they do business on 9999, Number 11. My document that I put on the record was not put in the record in the form that it was given, and it was doctored and --
Q. Isn't it true, Ms. Murphy, that until you got on the board there was no procedure to put these kind of documents on the record, and this is a procedure that you actually requested because you wanted to put stuff on -- into the minutes that the board wouldn't allow?
A. Freedom of Information Act allows boards to put items on the record. So it wasn't anything --
Q. It had never been done before you got on the board and did it though, had it?
A. I don't know.
Q. If other people testified to that, would you agree that that's the case?
A. Well, I do recall that one board member asked for something to be put on the record and I didn't see

it in the record prior to me doing this.
Q. Okay. Next we have this 10001 and 2 which appear to be attachment by Ed White.
A. Yes.
Q. Now, can you tell me if you believe that this somehow is evidence of a conspiracy between Mr. White and -- between Mr. Bowers and Mr. Gantt?
A. It goes to their motivation and constant attacks.
Q. Okay. Their being who?
A. The school board, Robert Gantt and --
Q. In all these documents that you've produced where is there evidence that Robert Gantt has attacked you? You've cited and included statements by Ms. Baumgartner, Ms. Watson and Mr. White. The only statements I've seen by Mr. Gantt are the public statements he gave that were part of acting as chair and telling the public what was going on. Are there any other statements that you have of Mr. White you believe -- or Mr. White or Mr. Gantt that you believe are attacks?
A. Well, they're -- by allowing the attacks and not -- and cutting me off and not allowing me to respond or rebut or even make motions, and I think there is an audio that shows some things as well.
Q. What does the audio show, Ms. Murphy?

A. One is at a candidate forum. Mr. Gantt was participating as a candidate just before the 2012 election. And he was -- I was -- I was filming the event and he pointed me out as someone who was not doing anything good for the district and part of a small group of people who wanted to tear it down.
Q. He's certainly entitled to have that opinion, isn't he?
A. Yes. But that's an example of --
Q. And you in fact made political statements against Mr. Gantt and supported the candidate running against him publicly, didn't you?
A. I -- I supported the candidate that was running against him. But I didn't make defamatory statements or attack him like he attacks others.
Q. Okay. And is it your view that his saying that you weren't helping the district and that you were harming the district is defamatory?
A. Yes, it's part of it. It's --
Q. It's clearly his opinion, right?
A. It's -- it's part of the process of trying to discredit me.
Q. Well, you were trying to discredit him, weren't you?
A. No.

Q. So you don't think accusing people of violating the procurement code and cutting special dark room -- back room deals is trying to discredit them, Ms. Murphy?
A. My motivation was not to discredit him. My motivation was to -- for us to conduct business legally.
Q. I see. And you don't think it was discrediting or an effort to discredit someone to accuse them of breaking the law, not following policy?
A. It's not to discredit him, no. It's to -- so that -- so that the law is followed.
Q. And one of that definition, wasn't trying to locate your residence and insure that someone who lived in Richland County was sitting in that seat an effort to do the same thing?
A. Say that again, please.
Q. I said under that theory wasn't trying to insure that you lived in Richland County -- or lived in Richland County when a question was posed and insure that a resident of Richland County sat in the seat for Richland County, wasn't that an effort to enforce the law and make sure things were done correctly?
A. Had this not been part of the conspiracy, I might

agree with that.
Q. Well, Ms. Murphy, isn't what you're saying is that the object of the conspiracy that you allege was to insure that the law was followed?
A. Say that again, please.
Q. The object of the conspiracy which you allege was to insure that the law was followed?
A. The object of the conspiracy was to have me removed from the board.
Q. But if in fact you didn't live in Richland County, that was a proper act, wasn't it?
A. Had they properly evaluated the situation, I still shouldn't have been removed --
Q. And why is that?
A. -- had it been found -- had a survey been done to determine that my residence was in Lexington County.
Q. And why is that?
A. Because I was legally and duly elected in Richland County.
Q. But in fact if the survey revealed you lived in Lexington County, you weren't legally eligible to be duly elected in Richland County, were you?
A. If a survey was determined -- took place and determined after I was elected that I lived in

Lexington County, then I believe a court of law would -- should have -- if they had done a survey and it truly determined that I was in Lexington County, that I still could serve as an elected board member and that I should not have been removed for cause which again makes it sound like I've done -- committed some type of crime and misconduct.

Q. But there was no allegation in any part of the hearing that -- where you were removed for cause, that there was any cause other than that you didn't live in Richland County, was there?

A. All right, say that again, please.

Q. I said there was no allegation in any part of the hearing where you were removed for cause that there was any cause for your removal other than the fact that you didn't live in Richland County?

A. The picture -- I don't agree with that. The picture was painted that I deceived the public. And again in the hearing memorandum they reference that a person can be removed for cause for misconduct as if I've committed some wrongdoing.

Q. Okay. I'm just looking at this, at 10117 the opening statement of the chair. Okay? The opening statement of the chair, and I will quote from part

of, and you would agree with me --
A. Where are you?
Q. At 10117. It says --
MS. STORY: It's that way. It's that way. The other way.
WITNESS: Oh. I'm missing some numbers.
MR. MONTGOMERY: I think that's because these were numbered before you pulled them.
Q. Okay. It says, "Thank you for attending this special called meeting of the School District 5 of Lexington and Richland County School Board of Trustees. The purpose of our meeting this evening is to conduct a hearing to consider the residency of Ms. Kim Murphy and her continued service as a member of the board of trustees. All parties in this matter have had more than two months to gather information in preparation for this hearing. In addition, all parties have been given the opportunity to participate in meetings and the evidentiary hearing conducted by Judge G. Thomas Cooper on February 15th, 2013. This hearing is held pursuant to the board's authority under South Carolina Code of Laws Section 59-19-60 to remove a board member for cause. The South Carolina Budget and Control Board's Division of Research and

Statistics has opined that Ms. Murphy -- Ms. Kim Murphy does not reside in Richland County as required under Act Number 326 of 2002. Retired Circuit Court Judge John -- Judge G. Thomas Cooper, Jr. conducted an evidentiary hearing on February 15th, 2013 to take evidence regarding this matter. And thereafter on March 14th, 2013 issued his findings and recommendations for the board on the questions of Ms. Murphy's residency and the board's authority to remove her from the board should the board find that she does not reside in Richland County. The transcript and exhibits from the evidentiary hearing have been provided to the board along with Judge Cooper's findings and recommendation. The board is not bound by Judge Cooper's findings and recommendations, but will review the record from the hearing on February 13th -- February 15th, 2013 as evidence at this hearing. In addition to any remarks Ms. Murphy and her counsel wish to make, I've asked Mr. Murphy's -- Ms. Murphy's legal counsel to limit his remarks, if any, to 30 minutes. Additionally, John Reagle with Childs and Halligan will have 30 minutes to present the evidence and findings of Judge Cooper. Mr. Reagle has asked to reserve five minutes of his 30

minutes for concluding or rebuttal remarks following Ms. Murphy's attorney's comments. As this is a hearing, public comment is not appropriate as it may bias the board. The board must only consider factual and legal information in this matter. After hearing from legal counsel the board will deliberate and entertain any motions on whether or not to remove Ms. Murphy from the board. We appreciate the cooperation of counsel in bringing this matter in an orderly fashion before the board and the public's interest in this hearing. This proceeding is being transcribed by a court reporter." Okay. That fairly sets out what the hearing was about; does it not, Ms. Murphy?

A. If it were going to be based on factual information.

Q. Okay. And there's nothing in that that in any way intimates that you've done anything wrong, is there?

A. By removing me for cause sounds like I've done something wrong.

Q. Well, Ms. Murphy, it's clearly a fact that they can't remove you without cause, isn't it?

A. Cause in this respect, they should not have removed me for cause had I been found to truly be in

Lexington County.
Q. Well, how should they have removed you if you were found not to reside in the district you were elected to represent?
A. Why should they remove me?
Q. Well, because the statute says you have to live in the district to be a qualified elector in the district to be elected. So just presume that the statute says you can't serve if you don't live in the district. In fact, you'd agree with me if you moved, you'd have to resign, wouldn't you? If you moved outside of your district, you'd have to resign?
A. If I moved to another county, yeah.
Q. Or if you moved into Richland 1 or Richland 2 and still stayed in Richland County, you'd still have to resign, wouldn't you?
A. But I didn't move. I was elected in Richland County.
Q. I understand that.
A. I live -- I live in Richland County.
Q. Through apparently an error in the way the line was interpreted you were found not to live in Richland County.
A. Well, there's no evidence to say that there was an

error because no survey has been done to determine where the line is.

Q. My point being, Ms. Murphy, is if you don't live in the district and the law says that you can't serve if you don't live in the district, how is the board to remove you if you're not legally eligible to serve other than for cause?

A. I was legally elected in Richland County because I legally resided in Richland County.

Q. Okay. But you're not answering my question. Because my question is really simple. You would agree with me that they can't remove you from the board without cause, can they?

A. There's no reason to remove me for cause.

MR. MORRISON: There are a lot of yes or no questions here, and I'm not hearing any yes or no answers. And that's why it's making this thing drag on for four days now. When he asks a yes or no question you're entitled to -- he's entitled to a yes or no answer. And you're entitled to explain it if you need to. But it needs to start with that yes or no answer. Would you answer his question with a yes or no, then explain it if you need to? That's what our rules require. And I think

we'd move a lot quicker and not be here for four days or a fifth day if you would do that.

Q. My question again, is there any way they could remove you other than with cause?

A. I'm not sure I know the answer to that. Because I have done nothing wrong to cause them to remove me for cause.

Q. And there's nothing that says that you have to do anything wrong to be removed for cause, is there?

A. The way that statute reads, it reads like someone is doing something wrong.

Q. But it doesn't say that you have to do anything wrong, does it? You just don't have -- have some reason, some element of disqualification, right?

A. I don't -- I don't know. I don't agree with -- I don't agree with that.

Q. Okay. I don't have any further questions at this time. I'm going to reserve my right, only to the extent if new information is presented, that I would like the opportunity to reconvene the deposition to address any new information presented since we seem to have a lot of answers that we're continuing in discovery and we're going to provide new information.

MS. STORY: So noted. Thank you.

MR. MORRISON: I have a good bit of followup. At the same time I think I have enough for motions purposes in this case. So rather than continuing today and into tomorrow or another day, I would simply say why don't we break now, go through the motions process. If I need to come back after that, I will. But I don't think I'll need to. I think I have enough to go through the motions process at this point. But I do have more questions based on what's come out today. And it's a good bit.

MS. STORY: (To Mr. Maye): I don't have any. No questions.

MS. STORY: (To Mr. Morrison): Are there any questions you want to do today while we're here?

MR. MORRISON: Let me look at my notes. Let's take a two-minute break while I look at my notes.

(Off the record from 4:26 p.m. until 4:39 p.m.)

EXAMINATION

BY MS. STORY:

Q. Kim, earlier you were testifying about what has --

two -- two records that have been Bates numbered on 9980 and 9981. And these are statements, one from Ms. Beth Burn Watson and the other from Ellen Baumgartner, that were put into the record after the board meeting in question. What is it that they actually said in the meeting that is different from what has been put in the record that has been marked 9980 and 9981?

A. What order are these documents in?

Q. I just -- I just want you to answer my question. Okay? So these are two documents that we've entered in as part of our production. The first one is Ms. Beth Burn Watson's statement from a meeting that she put into the record after the meeting was over. The second one is Ms. Baumgartner's statement that she put into the record. You testified earlier that you believe that these two statements that were entered into the record were not what they said during the meeting. And I want to know what is different about what these statements say versus what your recollection of what they said in the meeting is. You can start with Ms. Watson first if you want to and then go on to Ms. Baumgartner's statement.

A. I believe we have that in the -- in the documents

here. And --
Q. Well, just sitting here -- and I just don't have to be here all night. If you can just tell me what you can remember about what is different from what they said in the meeting versus what they put into the record.
A. And at this hour of the afternoon I can't recall the other document.
Q. Okay. Well, I'm going to give you just a couple of minutes to flip through these documents and see if you can find it. Okay?
A. And are the newest documents in the back? Is that how --

MR. MONTGOMERY: It's 10112 I believe is the document she's referring to. She testified this was her transcription of Ms. Watson's and Ms. Baumgartner's statements that night.

MS. STORY: Thank you.

MR. MORRISON: While you're looking, I have one question I'd like to ask you pretty quickly while you're looking for those.

REEXAMINATION

BY MR. MORRISON:
Q. The two documents we're referring to, 9980 and 9981, are dated 2/27/12 and 3/26/12; is that

correct?
A. 2/27/12?
Q. Yes.
A. And 3/26?
Q. 3/26/12 that looks like. Is that correct?
A. It looks like it, yes.
Q. Both of which are more than two years before the lawsuit was filed in July -- late July of 2014, correct?
A. Yes.
Q. Okay. Thank you.

THE EXAMINATION BY MS. STORY CONTINUES:

A. In the original statement she's accusing me of slander.
Q. When you say the original statement, is this what you recall from the actual meeting what she said at the actual meeting versus what she put into writing into the minutes?
A. 10112 which is the -- what she actually said, what she spoke during the meeting is different than what she put into the record.
Q. And how is it different?
A. She's accusing me of -- of what I said as being slanderous and that -- that I'm the one who is to blame, that I'm the one at fault and that I'm lying

and, you know, I'm -- I'm the one telling the lies.
Q. Have you ever lied in a board meeting?
A. Absolutely not.
Q. Have you ever lied to any of your fellow board members?
A. Absolutely not.
Q. You testified earlier that you believe that part of the civil conspiracy involving Mr. Gantt and Mr. Bowers was Mr. Gantt not notifying you prior to the board meeting where you were -- where you were notified about your residency because he knew about it in October, correct?
A. Yes.
Q. Okay. And if you had known -- if Mr. Gantt had told you in October when he heard of the rumors, what would you have done to try to mitigate the circumstances?
MR. MONTGOMERY: I'm going to object to the form of the question. It calls for speculation.
Q. You can answer the question.
A. I would have sought out the proper process of -- of determining my county of residency.
Q. What is the proper process?
A. The counties would establish a commission and hire

a surveyor to survey the county line, and would either come to an agreement -- well, actually they'd hire I guess a couple of surveyors, and they'd come to an agreement of where the county line really was.

Q. How do you know that's the correct process?

A. Based on what research I've done, the law and what Will Roberts has stated in Bobby Bowers' office from his email to the Lexington County officials. And North Carolina has a similar law that lays out the process very clearly.

Q. Is there anything else that you would have done?

A. Well, I would have done everything in my power to make -- to determine where the line was.

Q. Okay. Well, prior to today you -- we've had several days of testimony and now I've finished my questions about today. I want to go back in time to some other dates that you've testified. I believe your testimony was that when you were called to this board meeting in December -- or, no, it was January about the issue of your residency, you were led to believe that it was going to be about the Chapin High School teacher that stomped on the American flag; is that right?

A. Yes.

Q. Why did you think that was going to be the issue of topic at that board meeting instead of your residency?
A. Well, number one, I had no idea they were going to be discussing my residency. And the issue with the Chapin High School student went viral over the Christmas holidays and the superintendent was making statements. The chief financial officer -- I mean, the PR person for the district was making statements that we were going to be discussing this at the next board meeting. And I had emailed the superintendent, copied the board -- well, actually I mailed Mr. Gantt and wanted to find out that particular item that was on the executive session agenda that said receipt of legal advice. And I -- I wanted it to be clearly spelled out because we were led to believe we were going to be discussing the teacher issue.
Q. Was that based on statements that the people from the school district were making about the issue?
A. Oh, yes.
Q. Did anybody from the board contact you and say on this January 4th meeting we're going to be talking about the flag issue with the high school teacher?
A. The -- we had several emails going back and forth

between the board members. And the -- the superintendent responded that if we were going to be talking about that issue, it would be under the personnel -- under a personnel matter.

Q. Okay. So how did Mr. Gantt clarify your request to be more specific about the receipt of legal advice for the January meeting?

A. On Thursday we received our -- there's -- we received our board packet for Monday night's meeting. I basically requested that that executive session item be more clearly spelled out for the purposes of FOIA. And -- and the next day after hours, after five o'clock I received -- or the board received an amended agenda that stated receipt of legal advice Act 326 of 2002. It's very rare that -- I've always -- I've requested many times that we clarify items before we go into executive session.

Q. Did you look up that act before the meeting?

A. I looked up the act because no act was included in our board packet or email to us. And we were given no indication of what that matter was going to be about.

Q. So what did you -- what did you find out when you looked up the act?

A. That it addressed several different issues. One was related to school districts having some type of referendum to be able to have a sales tax increase. One was related to the number of seats that each county in the district would have, three in Richland and four in Lexington. And because the census had just taken place, I thought quite possibly we were thinking about -- that maybe the population had changed so we might be picking up an extra seat in Richland County.

Q. So even when you looked at the act, you didn't have any clue that it had anything to do with your residency status and being a board member?

A. None whatsoever.

Q. Okay. So the first time you heard anything about it was at the board meeting in January?

A. Yes.

Q. Okay. Going back -- and I believe on one of your -- it might have been your first day of testimony you were asked -- I'm not sure who asked you this question, but you were asked if anyone in the district had used the word "incompetent" to describe you and your being able to perform your duties. I believe you testified then that you couldn't recall that word being used, but there may

have been a synonym to describe -- a synonym for that word that was used to describe you. Can you recall any specific synonyms or who said those synonyms as it relates to your performance on the board?

A. Can you ask your question one more time? I'm sorry.

Q. Can you remember anybody using a synonym for the word "incompetent" to describe your ability to perform your duties as a board member? And if you can remember the synonym, can you remember who said it?

A. I can't recall at the time right now.

Q. You also testified, I believe it was the first day of your deposition, that the word "illegal" had been used in several of the board meetings and that that was on audiotapes, and you believed that it was Beth Burn Watson, Mr. Gantt and/or Mr. White who used the word "illegal." Can you remember how that was used and if it related at all to your performance on the board, your ability to be a board member, anything like that?

A. During the hearings words like "unlawful" were used.

Q. In what context?

A. One instance is when it was said that it would be unlawful for me to remain on the board, it would be unlawful for the board members to allow me to remain on the board.
Q. Who said that?
A. I believe Mr. Gantt and Ms. Burn.
Q. Can you remember any other time that anyone -- any board member or district employee used the word "unlawful" as it related to you and your service on the board?
A. Ed White in his motions and statements accusing me of tortious interference.
Q. When did he make those motions and statements?
A. Mid 2011. I have an audio in the record of that.
Q. What was the basis of his saying that you were tortiously interfering?
A. They were accusing me of interfering with a contract between the school district and the property owner. And that was not true. And there had not been a vote to purchase this property, yet Mr. White said there was a contract.
Q. This was in 2011?
A. 2011.
Q. I don't have any other questions for you. (To Messrs. Montgomery, Morrison and Maye): Do you all

have any follow-up?

MR. MAYE: None here.

MR. MONTGOMERY: I've got like three.

MS. STORY: Go for it.

REEXAMINATION

BY MR. MONTGOMERY:

Q. Ms. Story got some testimony from you with regard to the proper way to make a boundary. Isn't it true that the statute in question at the time in 2013 was Section 27-2-105?

A. I don't know the number.

Q. That's the statute that you had included in your materials that says where county boundaries are ill-defined, unmarked or poorly marked the South Carolina Geodetic Survey on a cooperative basis shall assist counties in defining and monumenting the locations of county boundaries, et cetera; is that correct?

A. That's correct.

Q. And with regard to the comments relating to illegal and your comments about Ed White accusing you of tortious interference, did all those occur during school board meetings or the hearing which was also a school board meeting?

A. Yes.

Q. I have nothing else.

REEXAMINATION

BY MR. MORRISON:

Q. Is the comment that someone may have said something was unlawful or it would be unlawful for you to continue to serve in the board meeting, and that was made at the hearing, is that part of your claim for defamation, what was said in the hearing?

A. It's part of it.

Q. Okay. (To Ms. Story): I need to amend my answer given that information to assert privilege and immunity -- judicial immunity for things said in a court proceeding -- in a judicial or court judicial proceeding. I presume I can do that without objection.

MS. STORY: Yeah. (To Mr. Maye): Are you good?

MR. MAYE: I'm good.

MS. STORY: All right, we're done.

FURTHER DEPONENT SAITH NOT.

Signing not waived.

(Whereupon, there being no further questions, the deposition was adjourned at 5:01 p.m.)

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Transcript of the Testimony of
ROBERT W. GANTT

Date: December 18, 2015



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STATE OF SOUTH CAROLINA) COURT OF COMMON PLEAS
)
COUNTY OF RICHLAND) C/A #: 2014-CP-40-4666

Kim Murphy,

Plaintiff,

v.

Richland-Lexington School District 5 Board of Trustees, Robert Gantt, and Bobby Merle Bowers, in their individual capacities,

Defendants.

DEPOSITION OF

ROBERT W. GANTT

****

Friday, December 18, 2015
1:58 p.m. - 4:27 p.m.

The deposition of Robert W. Gantt, taken on behalf of the Plaintiff at the law offices of Davis Frawley, 140 East Main Street, Lexington, South Carolina, on the 18th day of December, 2015, before Christine A. Cortright, Court Reporter and Notary Public in and for the State of South Carolina, pursuant to Notice of Deposition and/or agreement of counsel.

APPEARANCES

J. Lewis Cromer, Esquire
Ashley C. Story, Esquire
Chelsea Rikard, Esquire
J. LEWIS CROMER & ASSOCIATES, LLC
1418 Laurel Street, Suite A
Columbia, South Carolina 29201
Attorneys for the Plaintiff
astory@jlewiscromerlaw.com

David L. Morrison, Esquire
J. Jordan Johnson, Esquire
MORRISON LAW FIRM, LLC
7453 Irmo Drive, Suite B
Columbia, South Carolina 29212
Attorneys for the Defendant: Richland-Lexington School District 5 Board of Trustees
david@dmorrison-law.com

Michael H. Montgomery, Esquire
MONTGOMERY WILLARD, LLC
1002 Calhoun Street
Columbia, South Carolina 29201
Attorney for the Defendant: Robert Gantt
mhm@montgomerywillard.com

Patrick J. Frawley, Esquire
DAVIS FRAWLEY, LLC
140 East Main Street (29072)
P.O. Box 489
Lexington, South Carolina 29071-0489
Attorney for the Defendant: Bobby Merle Bowers
pat@oldcourthouse.com

Also Present:
Kim Murphy

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Plaintiff's Exhibit Number 5 88
(Order of Removal Pursuant to S.C. Code 9-19-60)
Plaintiff's Exhibit Number 6 104
(Gantt's Answers to Discovery Requests)

STIPULATIONS

It is stipulated and agreed that this deposition is being taken pursuant to the South Carolina Rules of Civil Procedure.

It is stipulated by and between counsel and the witness that the reading and signing of the following deposition be, and the same are, hereby not waived. The signature sheet is attached at page 114.

ROBERT W. GANTT, having been duly sworn, deposes and testifies as follows:

MR. GANTT- EXAMINATION BY MS. STORY:

Q: Good afternoon, Mr. Gantt.
A: Good afternoon.
Q: My name is Ashley Story, I know we've met before. Have you ever had your deposition taken before?
A: I have.
Q: Okay. So you may be familiar with some of the rules, but let me go over them with you so we're on the same page, okay?
A: Okay.
Q: The first rule is to make sure you respond to me verbally, so say yes or no. And if I remind you to do that, I'm not trying to be rude, I promise; I'm just trying to get a clear record for Christine. Also, let's try not to interrupt each other. If you will let me finish my question even if you know what I'm going to ask you, I anticipate you probably will at some point today, so let me finish my question and I will let you finish and I will try very hard not to interrupt you. If you feel like I have interrupted you or stopped you

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A: No. Ashley, I need to correct that. I'm a member at Union United Methodist Church; we're actively attending Gateway Baptist right now.
Q: Okay.
A: Still on the Methodist rolls.
Q: What's your wife's name?
A: Laura.
Q: And how long have y'all been married?
A: Forty-six years.
Q: Y'all have children?
A: We do.
Q: How many children do you have?
A: Three.
Q: Are they all over the age of 18?
A: They are.
Q: Do any of them reside in Richland County?
A: My oldest daughter does.
Q: What's her name?
A: Her name is Elizabeth.
Q: Is she married?
A: Yes.
Q: What's her last name?
A: Perla, P-E-R-L-A.
Q: Do you have any other relatives by blood or marriage that live in Richland County?

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A: My wife does of course, and my granddaughter and my son-in-law.
Q: Your granddaughter's not over 18, is she?
A: No, she's nine years old.
Q: Your son-in-law, what's his name?
A: His name is Jason Perla.
Q: What does Elizabeth do?
A: She's a teacher.
Q: Where is she a teacher at?
A: She's a teacher at Spring Hill High School.
Q: Is that in Richland-Lexington 5?
A: Yes.
Q: Okay. And your wife, does she currently work?
A: No, she's retired.
Q: What did she do before she retired?
A: She worked at Dutch Fork High School.
Q: And what about your son-in-law Jason, what does he do?
A: He's with Blue Cross/Blue Shield.
Q: Okay. Going back to your career, what did you do when you -- after you were discharged from the Army in 1971?
A: Well, I -- while I was in college I worked part time with the South Carolina Highway Department, and I, for about two years, stayed

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with the highway department on an engineering-type position, and then I went to work the with Richland County Auditor's Office in 19, my gosh, 72, I believe.
Q: Have you ever been terminated from any of your jobs?
A: No.
Q: Have you ever been asked to resign in lieu of termination?
A: No.
Q: When you worked for the highway department, who did you report to if you can remember?
A: Gentleman's name was Mr. Neil Thompson.
Q: And why did you leave the highway department to go to the Richland County Auditor's Office?
A: Well, I -- I had studied business and the job that I was in was not a business-related job, so getting on a correct career path.
Q: And what was your position at the Richland County Auditor's Office in 1972?
A: I was -- let me see if I had a title, I can't remember. I worked in the tax mapping division of the auditor's office at that time, which was prior to Act 208. That was all housed in the auditor's office. I supervised three employees

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under me.
Q: What were you doing in the tax mapping division?
A: Basically handling transfers of real property, and there would be a deed put on record, we would map that for tax purposes, try to get the right tax bill to the right owner in the right amount of property.
Q: How long were you in that position?
A: About four years.
Q: And who was your supervisor?
A: Mr. Bob Jeter, WA Bob Jeter.
Q: Did you receive any discipline from Mr. Jeter while you were in that position?
A: No.
Q: All right. And after -- what happened after that four years in that position, did you go to another employment, or ...
A: Went to work with the South Carolina Department of Revenue in the property division.
Q: And what were you doing for the Department of Revenue in the property division?
A: I was a real estate appraiser of industrial utility properties in the state of South Carolina. In addition, we assisted local

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you receive any discipline whatsoever?
A: No.
Q: Okay. How long did you work with Marsh McLennan in that state contract?
A: About two and a half years, till March of 2009.
Q: And what were you doing with Mr. McLennan?
A: Well Marsh McLennan is a company.
Q: It's a company, okay.
A: It's an insurance company.
Q: Okay.
A: And the division that I worked for was Kroll, which is one of their divisions, and what I was doing was doing appraisals, insurance appraisals for replacement purposes in case of a loss.
Q: Who did you report to?
A: Reported to Mr. Phil Antoon, A-N-T-O-O-N.
Q: Did you receive any discipline in that position?
A: No.
Q: Okay. Why did you leave that position?
A: The contract expired.
Q: Was there an opportunity for it to renew at all, or was it just a one time thing?
A: I don't know the answer to that.

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Q: Okay. Now, after you served your time with Marsh McLennan and the contract ended, did you do anything else as far as employment is concerned?
A: No; that's when the Wythe Consulting came into play.
Q: Were you involved in starting that business from the ground up, or was it already established when you came on board?
A: Ground up.
Q: When did you first run for Lexington County School District, the school board?
A: In 2000.
Q: Were you elected in 2000?
A: Yes.
Q: Why did you decide to run for the school board?
A: Well, I'd been actively involved for years and I felt -- I felt the call at that time, I guess, to step it up another notch. I felt like we were in a very critical situation in our district and I wanted to be a part of the decisions.
Q: What about the situation to you was critical that made you want to be part of the decision making process?

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A: Well, just a lot of decisions that are made by school boards that directly affect residents, and I'd been involved on the School Improvement Council, PTA, and I knew a lot of folks that were board members, I had a lot of respect for them, and I knew there was a lot facing the district and we had a lot of growth that had occurred and just addressing that growth and moving forward.
Q: Now, how many years are the terms for ---
A: Four -- excuse me.
Q: Four-year terms?
A: Four years.
Q: And you were elected for a Richland County seat; is that correct?
A: Correct.
Q: Have you run consecutively after every one of your four-year terms?
A: Yes.
Q: Have you won every single one of your elections?
A: Yes.
Q: How many terms have you served all together?
A: I'm in my fourth term.
Q: It's my understanding there are I think three

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Richland County seats and four Lexington County seats?
A: That's correct.
Q: Okay. And the three -- the three Richland County seats, are those up for election at the same time or are those staggered terms?
A: They're staggered.
Q: When you have been up for election, let's start in 2000, did you run unopposed?
A: No.
Q: Who was your opposition?
A: I don't recall all the folks, but there were four other candidates and myself I believe.
Q: Okay. Have you ever run unopposed?
A: No.
Q: Did you have any personal interest in Richland-Lexington 5 other than just this critical time that we were talking about?
A: Well, I did have a personal interest; I had three children that were in the district at the time, and I live in the district. And just from that standpoint, I thought it's a -- it's a big critical piece of the community, schools.
Q: And as a school board member, you have to go to training for school board members?

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Murphy from talking at school board meetings?
A: During public participation?
Q: Yes, sir.
A: No. And I'll add this too, I was not the chairperson, so I wouldn't have been interacting at all with Ms. Murphy during the earlier parts of that.
Q: When did you become the chairperson at the school board?
A: In 2008.
Q: Are you currently the chairperson?
A: Yes.
Q: So have you served as the chairperson consecutively since 2008?
A: No, the -- I just was elected chair again, but I had a two year break.
Q: Okay. So when would your two year break have occurred?
A: It would have been in 2013 and '14. I was just reelected in November 2015.
Q: Other than serving as the chairperson, have you served in any other officer roles on the school board?
A: I have.
Q: And what other roles have you served in?

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A: I've served as secretary and vice chair.
Q: Do you have to be elected as secretary?
A: Yes.
Q: Same with vice chair, you have to be elected?
A: Yes.
Q: Why did you take a two year break?
A: Well, during the time that I took that break, I was -- it was leading up to the time I was gonna serve as president of the South Carolina School Boards Association, so it seemed like a really good thing to do. And we have -- we have other people here capable of being a chair our Lexington-Richland 5 board.
Q: Now, do you remember the first time that Mrs. Murphy ran to be on the school board?
A: I do.
Q: What year was that?
A: 2004.
Q: And she would have run in a Richland County seat; is that right?
A: That's right.
Q: Do you know if she ran opposed?
A: She did.
Q: Was she elected?
A: No.

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Q: Who was elected in 2004 for that seat?
A: I was.
Q: Now, when you run for election every time, every four years, do you have someone that helps you with your campaigning? Do you have like a campaign manager or do you mostly do that on your own?
A: That's pretty much on my own. I have help that's mainly my wife and any volunteer I can muster up.
Q: Do you remember what the difference was in the number of votes you received versus the number of votes Mrs. Murphy received in 2004?
A: No.
Q: Did y'all have major differences as it related to your platform that year, if you can recall?
A: We had -- we had major differences, but I don't really recall exactly what all that would have been.
Q: Did you have any discussions with Mrs. Murphy on or around 2004 when y'all were running opposed for that seat?
A: No, not that I can recall.
Q: Do you recall having any discussions during that time, during the election time, about Mrs.

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Murphy?
A: With Mrs. Murphy?
Q: About Mrs. Murphy.
A: No.
Q: Do you know where Mrs. Murphy lived when she ran against you in 2004?
A: According to her testimony, she lived on Laurel Lane.
Q: But before you heard her testify, did you know anything about where she lived back in 2004 when she ran against you?
A: No.
Q: In 2004, did you ever hear any rumors or any speculation that Mrs. Murphy did not live in Richland County?
A: Yes.
Q: Okay. Who did you hear that from?
A: From Stewart Mungo.
Q: And what did Mr. Mungo tell you in 2004?
A: Just basically said that he didn't believe Ms. Murphy lived in Richland County.
Q: Did he give you any reason why he believed that, like what his basis was?
A: No.
Q: Did you do any research or make any requests of

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not dealt with it?
A: No.
Q: Now, after Ms. Murphy was elected in 2010, how would you characterize your -- your relationship with her as a board member, as colleague board members?
A: We were -- we were both board members. I was the chairperson, she was a board member, and we probably had differences which is not unusual.
Q: Do you recall any specific things that y'all had issues -- that you took issue about that you didn't have the same opinion on?
A: I'm sure there were a number of things. In my position as chair, one of the -- one of the things that I had to deal with was keeping order on the board, and that was -- that was a challenge at times.
Q: Did you perceive any weaknesses that Mrs. Murphy had in 2010 as a candidate?
A: Did I perceive weaknesses that Ms. Murphy had?
Q: Yes.
MR. MONTGOMERY: I'm going to object to the form. I think -- and it calls for something outside of his knowledge. Might want to rephrase that question.

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Q: Well, I'm just asking you, you know, you voted, you took part in that election, you already told me you didn't vote for her, what things about what she was running for, her platform, did you believe that were not aligned with your own interests?
A: Well, it's not my interest. And I stated before, I had a choice of candidates for Richland County seats, two seats, and I voted for the two people I thought were most qualified. That's not unlike any other voter does at any election.
Q: Now, once Mrs. Murphy became a board member on the school board, did she ever publically criticize any of the decisions that you or any of the other school board members made during her time on the board?
A: Are you talking about publically criticizing at a board meeting?
Q: Sure, we'll do that, we'll talk about board meetings first and then we can talk about outside of board meetings. Let's take them separately.
A: I can't recall public criticism, but we voted, we have public votes, and there's a record of

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the vote on items.
Q: Is it fair to say that you and Ms. Murphy didn't always vote in the same way on different issues?
A: That's fair.
Q: In 2010 when Mrs. Murphy ran for school -- the school board election, if the two candidates that you preferred didn't run, would you have voted for her?
MR. MONTGOMERY: Object to the form. Calls for speculation.
A: And I'm trying to remember if there were more than three candidates, and I don't recall. Again, I would have made -- whoever ran, I had two votes for Richland County, I would have made the best choice at the time of the candidates, that's all I can tell you.
Q: Is there any circumstance you can think of where you would have voted for Mrs. Murphy as a school board member?
MR. MONTGOMERY: Object to the form. Calls for speculation.
Q: You can answer my question.
A: Would you restate it?
Q: Sure.

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A: Just the same question.
Q: Yeah, sure. Is there any circumstance or situation you can think of where you would have voted for Mrs. Murphy as a school board member?
MR. MONTGOMERY: Same objection.
A: No. I would not.
Q: Why not?
A: She's not my preference for a school board candidate.
Q: Why not?
A: Just not my preference.
Q: Why not?
MR. MONTGOMERY: Objection to the form of the question. It's asked and answered.
Q: What is it about Mrs. Murphy that you don't prefer as a school board member?
A: That's -- that's a very broad question. I mean, school board membership and serving as a board member covers a large spectrum. There are many issues that Ms. Murphy and I voted the same way on. So there were things that we didn't necessarily agree on. There are board members today that I don't always vote with.
Q: Well, at the time that she was running for school board, you would have had no way of

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Q: So other than being called as -- being subpoenaed as a witness, or to be present at these hearings, did you have any other involvement ---
A: No.
Q: --- in that litigation?
A: No ---
Q: Okay.
A: --- not to my knowledge.
Q: Do you know if at any point it became a topic of conversation among the community as to how much legal expenses were being expended by the school district to deal with those appeals brought by Mrs. Murphy?
A: Yes, there was.
Q: Okay. And were people upset about the amount of money that was being spent by the school district to defend it?
A: I don't know if they were upset about it. They were probably in awe of it.
Q: How was that litigation ultimately resolved?
A: Well, if you go to the endpoint of the Administrative Law Court, the judge issued a ruling, and I believe that was appealed to a Circuit Court, and that was appealed to the

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Supreme Court, and that was ultimately the end result, at the Supreme Court.
Q: What happened at the Supreme Court level?
A: I think it was found in favor of the school district.
Q: And you heard Ms. Murphy's testimony, I believe you were present. Were you present at all of her deposition?
A: Yes.
Q: And she testified about a school marquee putting on the marquee "District wins lawsuit." Do you remember that testimony?
A: Uh-huh.
Q: Do you know whether or not that had to do specifically with the lawsuit brought by Mrs. Murphy?
A: I don't know specifically, but I think it -- obviously, it was.
Q: Okay. Do you know who put that up on that marquee?
A: No.
Q: Did you give anyone authority to put that information up on the marquee?
A: I don't have that authority.
Q: Would you agree with me that that was a little

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-- a little much to put something like that on a public school marquee?
MR. MORRISON: Object to the form.
Q: You can answer.
A: I guess the purpose of that, by whoever put it up, was to basically say the lawsuits over, we're going to get to build our school. So there may be -- there may be other ways to look at that. That's probably the way I would take it. We -- that school had been delayed almost two years at that point or maybe longer.
Q: Do you know if anyone at the school district had ever put a message like that up on the marquee in any other litigation the district's been involved in?
A: I'm not aware of any.
Q: Okay. It's my understanding that a lot of the deposition testimony from that litigation was placed on the school district's website? Do you have that same understanding?
A: Yes.
Q: And who authorized that information to be posted to the school district's website?
A: I don't think the school board took an action, but we have a public information office, and we

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had -- if you think of all that was going on during that time, it was a way to keep the public informed of the progress of the bond referendum that had been approved and where we were. So it was a matter of informing the public.
Q: Do you know whether or not anything dealing with other litigation involving the school district is posted to the public forum or on the website to keep people informed as to the status of litigation?
A: If it's not protected personnel matters or a student matter, I think it's possible that some of those are.
Q: Do you know if any of the information relating to this lawsuit has been posted onto the school district's website?
A: All right. Restate that.
Q: Sure. Do you know if any of the information relating to this lawsuit that we're here for today, the one that you are named as a defendant in ---
A: Right.
Q: --- has been posted to the school district's website?

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talking about on a map and I'd try to get by his office at some time in the future.
Q: So -- I'm sorry, I didn't mean to interrupt you. Did you finish?
A: Yeah.
Q: Okay. So when you were talking to Mr. Bowers, was it your position that Mrs. Murphy did live in Richland County?
A: I didn't have a position. I just told him that had come up before. It hadn't been on my mind all the time and I just told him -- I shared that with him.
Q: And then he told you that they had looked into it before and that she didn't live in Richland County?
A: No, he didn't say they had looked into it before.
Q: Okay. What did he exactly tell you?
A: He told me that it had been brought to his attention and he was letting me know that it did appear that she did not live in Richland County.
Q: Did he give you any basis for his statement that it appeared that she did not live in Richland County?

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A: No. I assume that he was looking at maps and documents in his office.
Q: Did he give you any guidance at that point as to how you would proceed forward with determining -- or who would determine whether or not she actually lived in Richland or Lexington County?
A: I don't think so at that time.
Q: After you got off the phone with Mr. Bowers, did you talk with anyone else about Kim Murphy's residency issue?
A: No, not at that time.
Q: Okay. When was the next time her residence issue came up?
A: Well, for me, it was probably a couple weeks later during a trip downtown. His office was located in the capitol complex. I stopped by his office. I didn't have an appointment. I stopped by. And that's basically what I told him I was going to do the day he called. And Mr. Bowers was not in, but I spoke to Will Roberts that day.
Q: And what did you and Mr. Roberts talk about?
A: Well, it was a very brief conversation, but I asked him did -- that I -- I shared with him

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that I had talked to Mr. Bowers and that I wanted to see the maps that showed what he was talking about.
Q: Did Mr. Roberts show any maps?
A: He did.
Q: Do you remember what maps he showed you?
A: No.
Q: How many maps did he show you?
A: I don't recall. Just two or three little copies of a map. He had a little folder, if I recall.
Q: Is there anything else that he showed you other than those maps?
A: No.
Q: Do you know the day of the phone call that you had with Mr. Bowers?
A: No.
Q: Would it have been before the 2012 elections in November?
A: Several weeks before, probably in October.
Q: Did you and Mr. Roberts discuss anything else after he showed you the maps that he presented to you?
A: No.
Q: Did you have -- did you take copies of those

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maps home with you?
A: I did have a couple of copies that he gave me. My counsel asked me to retrieve those, but I probably shredded those at some point, but I could not -- I did not -- I was not able to find them in my house.
Q: You mean now you couldn't find them in your house?
A: No.
Q: Okay.
A: For in preparation for this.
Q: Okay. Do you know if you gave those maps to someone after you took them from Mr. Roberts, or did you maintain copies of them until whenever you shredded them?
A: I didn't share with anybody.
Q: Okay. Did you and Mr. Roberts discuss anything else during that brief meeting when you went downtown?
A: No.
Q: Would that have been before the election in 2012 or after the election?
A: That was before the election.
Q: It was sometime maybe in October, but it would have been after your conversation with Mr.

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we had to make a formal request.
Q: Why did the board determine that it needed to make a final request -- or a formal request as a result of that meeting?
A: Well, the law requires that to serve on school boards you have to live in the county that you're elected in, so that was the basis for it.
Q: But at that point it wasn't a constituent concern, like no constituents brought it up to you other than Steve Mungo years prior, right?
A: No, it wasn't Steve Mungo.
Q: Stewart Mungo I mean.
A: Stewart Mungo, right.
Q: Right. But at this point in time there weren't constituents that were talking with you about it; it was that Mr. Bowers called you and now you were deciding whether or not there needed to be a formal request.
A: And I'm not sure Mr. Bowers called, but when I called back, that's who I talked to.
Q: Okay.
A: And thinking of you mixing those two names, I -- Stewart Mungo's brother's name is Steve Mungo, so I -- you maybe need to look back at

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those questions.
Q: Okay. Just for the record, was it Stewart or Steve Mungo who called you back in like two-thousand -- early 2000s?
A: 2004. It was Stewart.
Q: Okay. All right. During that information gathering session, did you -- or did the group come up with any other things that needed to be done other than to make a formal request of Mr. Bowers' division to look into the issue?
A: No, not to my knowledge.
Q: Okay. And you did make a formal request, correct?
A: That's correct.
Q: I'm going to have you look at what we've marked as Plaintiff's Exhibit Two to Mr. Bowers' deposition.
A: I've got it.
Q: Well, I was going to have you look at this one because that's the one we put into the record, okay? And while you're looking at that, we're going to take a quick break, okay?
A: Great idea.
Q: Thanks.
(Off the Record from 3:00 p.m. until 3:12 p.m.)

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Q: All right. Mr. Gantt, we'll try to keep moving here so we can get out of here at a good decent hour. Did you talk with anyone during the break about your testimony?
A: No.
Q: Okay. Right before we broke I handed you what we marked as Plaintiff's Exhibit 2 for Mr. Bowers' deposition, have you had enough time to review that?
A: Yes.
Q: Okay. And just before I ask you, you've got a couple of notes and things in front of you. What do you have with you today?
A: Well, when you started Mr. Bowers' testimony earlier and you went back through his whole career, I just was mentally noting that and I wrote a few things down about my work history.
Q: Oh, okay.
A: That's all I have, everything else is blank.
Q: Okay. All right. Now, going -- looking at this letter, Exhibit 2 to Mr. Bowers' deposition, is that your signature at the bottom of the page?
A: Yes, it is.
Q: Okay. And did you write this letter?

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A: This letter was prepared by a legal counsel.
Q: All right. Now, it says in the second line, it has come to my attention from sources which I deem reliable, and it goes on to talk about Kim Murphy. What sources gave you the information that you deemed to be reliable?
A: That came from the Budget and Control Board.
Q: And that came from Mr. Bowers?
A: His office.
Q: Okay. Who in his office?
A: Well, I mentioned I had the phone call, then we had the meeting when I met with Mr. Roberts, and later we had the meeting with counsel with Mr. Roberts and Mr. Bowers and other members -- other ---
Q: School board members?
A: One other board member.
Q: Okay. Any other sources that you deemed reliable that you referred to in this letter?
A: No.
Q: And then the last line of that sentence, "As you may be aware, such rumors have been around for some time." Why did you write that sentence?
A: And again, this letter was composed by legal

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A: No.
Q: Okay. All right. So going back to 2012 in December, and then you told me about the meeting that you already had with Mr. Bowers and Mr. Roberts. And I believe he testified earlier that he couldn't remember, but you've testified y'all did have a meeting and you discussed the issues, right?
A: That was a meeting with counsel after the election ---
Q: Okay.
A: --- with Mr. Bowers, Mr. Roberts, Mr. Regal, Mr Childs, and Ms. Hutchison and myself.
Q: And then after you sent in your official inquiry, you didn't do anything else until you heard from Mr. Bowser; is that right?
A: That's correct ---
Q: Bowers.
A: --- that's correct.
Q: Sorry, I have a client named Mr. Bowser, so it's kind of getting confusing. All right. And if you will, I'm going to show you what we've marked as Exhibit 5 to Mr. Bowers' deposition. Just take whatever time you need to look over it.

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A: Okay. I'm fine.
Q: All right. Have ---
A: I looked at it earlier.
Q: --- have you seen Exhibit 5 to Mr. Bowers' deposition before ---
A: Yes.
Q: --- today?
A: Yes.
Q: And did you receive this letter from him on or around January 11, 2013?
A: Yes.
Q: All right. Now, once you received this letter, what action did you take as the chairman of the board relating to the issue of Ms. Murphy's residence?
A: The action I took, we -- and I'm not sure of the dates, but we had a -- we had a meeting in January very close to this.
Q: You say we, do you mean the school board?
A: School board, excuse me.
Q: Okay.
A: The school board had a meeting. At that meeting in -- in executive session, I informed the board and Ms. Murphy of the process to date of this letter.

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Q: What was Mrs. Murphy's reaction?
A: I don't recall. I don't recall. I don't -- it was more of an information given and we -- we were probably toward the end of our executive session when that part came about.
Q: So had you received Exhibit 5 prior to that meeting, or is this something you got after the meeting?
A: No, I got this prior to the meeting.
Q: Okay. So did you share this letter with all the board members?
A: I don't think I did and I don't think I handed out copies of it.
Q: Why wouldn't you have done that?
A: And I'm not sure I didn't, but I don't think I did.
Q: Why wouldn't you have if you didn't?
A: I can't answer that.
Q: Did you not want Mrs. Murphy to have some sort of notice of what the argument was as to why she lived in Lexington County and not Richland County?
A: Actually, I don't know that I didn't hand it out. I mean, at this point it's a -- it's a -- pretty much a public document.

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Q: Would -- it'd be reflected somewhere in the minutes if this was something that was handed out during the meeting, do you know?
A: No, we don't take minutes in executive session.
Q: Right. But when she went back into public session after executive session, did you discuss this letter in public session at all?
A: No.
Q: After you discussed it during executive session, what action did you or the board take as it related to this letter from Mr. Bowers?
A: At that point, that night, we didn't take any action. I had a statement that I read, and that statement may have referenced this letter from Budget and Control Board. I'm not sure of that. I haven't looked at that statement lately.
Q: I think I've got a copy of it.
COURT REPORTER: Want me to start over with numbering?
MS. STORY: Yeah, let's do that.
COURT REPORTER: Okay. All right, So this will be Number 1 to Mr. Gantt's.
(Plaintiff's Exhibit Number 1 was marked for identification purposes.)

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your letter December 20th, and you -- in the last sentence, it says, "I also informed the other officers of the board of my inquiry along with legal counsel for the district." Who are the other officers that you informed of the December 20, 2012, letter?
A: Let me read this again. I believe the officer I'm referring to is Ms. Hutchison.
Q: Why did you inform her and no one else about your December 20th letter?
A: Quite frankly, I wanted someone other than myself to hear the information the day we went and met with Mr. Bowers and Mr. Roberts, so I asked our vice chair, and that's the position she was in, to go. I believe I may have inquired of our secretary but she was unavailable. So that's -- that's the reference I believe that that was being made to.
Q: And you stated in your statement that you were hoping that -- well, in the fifth paragraph, you state, "I assume that Ms. Murphy will evaluate the information, and if Mr. Bowers' position is correct, will resign her position as a member of the board." Did you have any reason to believe at that point that Mr.

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Bowers' position was correct or not correct?
A: I believed it was correct based on the letter he wrote. I mean, that is the office that makes that determination in the state of South Carolina.
Q: Okay. So ---
A: I didn't have a reason not to believe it was correct at that point.
Q: And at that point you were hoping she would resign from her position, correct?
A: That's correct.
Q: Now, did you have any reason to hope that she would resign from her position to the board other than this information from Mr. Bowers about her residency?
A: No.
Q: You didn't have any personal motivation for wanting her to resign?
A: No.
Q: All right. Number 2.
(Plaintiff's Exhibit Number 2 was marked for identification purposes.)
Q: Have you had enough time to review Exhibit 2 to your deposition?
A: I have.

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Q: All right. Is that your signature on this letter?
A: It is.
Q: Did you write this letter?
A: This letter was prepared by legal counsel.
Q: Okay. And in this letter you give Ms. Murphy until January 21st to give you a written response about her position on her residency issue?
A: That's correct.
Q: Did you have any reason to believe that she would -- that she would not resign?
A: At that time, no.
Q: Had the board already discussed or had you discussed with anyone what action it would take if Mrs. Murphy did not resign?
A: I'm pretty sure with legal counsel I had discussed different possibilities of what might have to take place.
Q: Okay. And, in fact, Mrs. Murphy didn't resign from the board, did she?
A: No, she didn't.
Q: Okay. So what was the next thing that you did as the board chairman to deal with the issue of her residency?

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A: Well, upon the advice of our attorney, we could have -- I think the statutes provide for us to hold a hearing and look at all the ramifications and the facts, but upon that advice, we were advised to hire an impartial retired judge to hold an evidentiary hearing to give all parties a chance to show and cite any reasons or any deficits that might be there, and that's the process that we undertook.
(Plaintiff's Exhibit Number 3 was marked for identification purposes.)
A: (Witness reviews document.) Okay.
Q: All right. Is that your signature on Exhibit 3 to your deposition?
A: Yes, it is.
Q: Did you prepare this letter?
A: I did not prepare this letter. I signed this letter.
Q: Who prepared it?
A: It was prepared by Mr. Ken Childs or someone in his staff.
Q: And the letters that you signed that you didn't prepare yourself, did you mean what they said although you didn't prepare them?
A: I did.

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Q: Yeah. All right. So did you -- is this your signature on the first page of Exhibit 4 that's Bates numbered ORS 284?
A: It is.
Q: And are your initials on every page that follows except for the last page that's Bates numbered 288?
A: It is.
Q: And that's your signature on 288?
A: It is.
Q: Okay. Did you draft this statement?
A: I did not.
Q: Who did?
A: Mr. Childs or his office staff.
Q: Okay. But you signed it, so you agreed with what was -- the contents of this statement?
A: I do.
Q: And you mentioned that there was attached a letter from Ms. Murphy's attorney, correct?
A: That's right.
Q: And just for the record, I've not included that as part of the exhibit. On the second page of your statement, the last sentence of the first full paragraph, you state, "The school board has no authority to determine the lines but

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does have the responsibility to ensure that residency requirements are met; is that correct?
A: That's correct.
Q: So who did you believe had authority to determine the lines relating to Mrs. Murphy's residency?
A: I believe the Office of Statistics and Research at the Budget and Control Board did.
Q: How did you come to that conclusion?
A: Basically because they're the office that makes those determinations statewide for the state of South Carolina. That's their -- one of their missions in that office.
Q: How did you learn that that was one of the things that their office handles?
A: I don't know exactly how I learned that, but that is their responsibility as far as I'm aware of.
Q: Then you obviously go on to state on the next to last page that's Bates numbered ORS287 that any suggestion that there is a conspiracy among board members in this matter is totally false?
A: Where is that now?
Q: It's in the -- the second line of the second

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full paragraph or the first really big paragraph ---
A: Page four ---
Q: --- page 287.
A: What page are you on?
Q: 287. I'm looking at the Bates number.
A: Okay. Yeah, I see that.
Q: You see where I'm talking about? "Any suggestion that there is a conspiracy among board members in this matter is totally false."
A: I see that, yes.
Q: Okay. And you -- you've said that in the public, right?
A: I read this statement publically, and that was in response to -- if you read one line above that, Ms. Murphy had statements in The State newspaper that Saturday and had email statements that were sent out to the community that I believe she made those kinds of conspiracy theories herself.
Q: Do you recall any of her comments specifically that she made or that she wrote?
A: I don't. I do -- I remember The State newspaper article, but I don't remember any of the detail about it.

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Q: Did you ever publically respond to the articles other than this public statement that we're looking at right now?
A: No.
Q: So you never contacted the press or any of your constituents via email or anything like that?
A: No.
Q: And, for the record, did you participate in any conspiracy to have Mrs. Murphy kicked off the board because you didn't like her?
A: No.
Q: Did you participate in any conspiracy to kick Mrs. Murphy off the board because you wanted her to stop talking during these school board meetings?
A: No. And just for correction, we didn't kick Ms. Murphy off the board; we removed her from the board because she is not a resident from the information we had from the Budget and Control Board.
Q: So your testimony is that the reason why the board acted to remove Mrs. Murphy from the school board was because she was not a resident of Richland County per the information that Bobby Bowers' office provided to you; is that

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A: No, this is -- this is a summary of the results of that meeting and all the other meetings that went on. The motion itself is not in -- in this.
Q: Okay. But essentially the board made a motion to remove Ms. Murphy from the school board; is that correct?
A: That's correct.
Q: Okay. And then thereafter, Mrs. Murphy subsequently appealed that decision and then it was heard by Judge Benjamin, correct?
A: That's correct.
Q: Now, after the school board decided to remove Mrs. Murphy from the school board, did you have any other conversations with any of the other board members about that decision to remove Mrs. Murphy?
A: Not specifically about that, and obviously that was a pretty big topic in the area at the time, but nothing specific to that. I mean, that was pretty much the conclusion of it we thought. And you mention Judge Benjamin. That did go to the Circuit Court judge and that ruling was upheld. I think that's been appealed, but that's where it is right now I assume.

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Q: Have you had any other conversations with any of the other board members since the appeal occurred about Mrs. Murphy trying to appeal the decision of the board?
A: No. I mean, I think that's pretty common knowledge. We occasionally get updates on lawsuits and legal matters. I would like to correct something that was part of my testimony a few minutes ago and I couldn't quite remember regarding our meeting with Judge Cooper. The only time I ever met with him prior to that was -- and it's referenced here, he had called for a pre-hearing discussion with Ms. Murphy, with the school district, and with attorneys for both, and that's the only reason. We went and met downtown at the law office, or the bar association. Ms. Murphy nor her attorney showed up for that meeting, so it was very brief.
MR. FRAWLEY: For the record, you said it's referenced "here." What is the "here" you're referring to?
A: This Exhibit 5. There is a -- let's see. "Judge Cooper has scheduled a conference to prepare for a hearing on the matter on Friday, February 1st at 10:00 a.m. in the conference rooms at the South Carolina Bar offices. And to request that Ms. Murphy and her -- and/or her counsel be present for the meeting. Judge Cooper issued a pre-hearing order on February 1st." It doesn't cite that, but Ms. Murphy did not attend nor her attorney that day. That was called by Judge Cooper.
Q: Who is ---
MR. MONTGOMERY: For the -- for the record, just say that's -- it's Plaintiff's Exhibit, deposition exhibit, 5 in paragraph two.
MR. FRAWLEY: Right, thank you.
A: Sorry.
Q: Who was Mrs. Murphy's attorney during that time, do you remember?
A: I'm not sure. There were several attorneys off and on.
Q: Now, just switching gears a little bit. Other than these issues with her residency, have you ever had any school board member come and say anything negative to you about Ms. Murphy?
A: I'm sure if you'll listen to our school board tapes of our meetings you'll hear people that will be upset with the process or upset with being interrupted or upset with a motion that's given on a -- when we're not on a particular subject, but other than that, I think there was a general frustration at times.
Q: As the chairman during that time, do you feel like you gave Mrs. Murphy every opportunity to respond or say what she wanted to say during school board meetings that you did to all other school board members?
A: Ms. Murphy had more than her fair share of time to speak anything that was on her mind, but hopefully on the subject of the matter we were discussing at the school board meeting.
Q: Did you ever deliberately try to tell her that she couldn't speak because you didn't want her to say what she had to say?
A: No necessarily because she -- not wanting to hear what she had to say, but I had to call order on several board members. When you have a board agenda, that's the item you should be speaking to and there were times that -- that Ms. Murphy got off that subject, and I would -- I would try to bring us back to the discussion we were having. Others got off the subject too and I'd bring them back.

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activities? Help you put signs up or volunteer, make phone calls for you, anything like that?
A: No, I wish, that would have been nice. No.
Q: You mentioned earlier that -- I was asking you some questions about the Mungo Corporation and any business ventures it might have with the school district, and you told me that it was a home building association or homebuilding company, primarily build homes.
A: That's my -- that's my perception of their business.
Q: Do you have any perception that they've built a lot of homes that -- that lie within Richland-Lexington School District 5?
A: I know they built -- they do build homes in Lexington-Richland 5, they live in Lexington-Richland 5 as far as I know.
Q: The Mungo family does?
A: Uh-huh. The ---
MR. MONTGOMERY: Did you mean yes there?
A: Yes. I'm sorry. I believe, and you don't really need to know this, I think they're Irmo High School graduates. And I also believe they build far more homes outside Lexington-Richland

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5 than they build in Lexington-Richland 5, but you could ask them.
Q: Do you know whether or not part of their homebuilding in the school district would be to talk about that -- about Richland-Lexington School District 5 and how great of a district it is and why people should build their homes inside Richland-Lexington 5?
A: I believe it probably would be, every builder, every realtor, every sign that I see always touts Lexington-Richland 5 schools, so I would -- I would not be surprised at that at all.
Q: Do you know if Mr. Mungo has ever -- Mr. Stewart Mungo or any of his family members were ever outspoken about the holdup with the high school construction?
A: I don't remember ever talking to him about that. I haven't ---
Q: You don't know if he ever raised that issue?
A: I don't know if he did or not.
Q: Other than Stewart Mungo, have any of his family members contributed to any of your campaigns?
A: No.
Q: Do you know whether or not the Mungo Company

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was losing business because the high school construction had been delayed by Kim Murphy's appeal?
A: I don't know that.
Q: Did he ever talk to you about his business or any part of his business?
A: No.
Q: Did any of the Mungo family, other than Stewart, we've already talked about him, help you with your campaigning, as far as volunteering, sticking signs out for you, going door to door, anything like that?
A: No.
Q: When Kim Murphy ran opposed to you in, I think you said that was 2004 ---
A: '04.
Q: --- did you have any idea as to where she lived at that point in time?
A: No.
Q: Did you campaign in her residential area?
A: Probably close to -- I campaigned -- part of Chapin, the line runs through there, I had some signs that were on Columbia Avenue, but I have no idea how far that is from her house. I'm sure it's a mile or so. I don't know.

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Q: Did you know that she lived in Chapin, South Carolina, or -- I mean, you didn't have any idea?
A: No.
Q: Well, then how would know that your signs were close to her residential area?
A: I know that now. You asked me in 2004. I didn't -- I had know idea where she lived.
Q: Do you know if Stewart Mungo individually owns any other businesses besides his involvement with the Mungo Corporation?
A: No.
Q: Do you know if he contacted any other school board members about the holdup with the building of the high school?
A: No.
Q: Can you name any developer larger than the Mungo Corporation?
A: Can I name anybody?
Q: Yeah.
A: I'm the -- that's not the realm I work in. I don't know who's larger than who to be honest with you.
Q: So you don't know any other developers bigger than the Mungo Company in this area?

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you're doing that, okay?
A: Great.
Q: Fair enough? All right.
A: Super.
(Off the Record from 4:05 p.m until 4:17 p.m.)
Q: All right. Mr. Gantt, during that last break did you speak with anyone about your testimony here today?
A: No, I did not.
Q: Okay. I just handed you what's been marked as Exhibit 6 and you've had some time to review it, and I just have few questions to ask you about your -- your answers. You identified several witnesses, including yourself and Mr. Bowers, as witnesses who may have some information about this lawsuit, and that you also said all witnesses identified by plaintiff and other defendants. Ms. Murphy has listed a number of witnesses. Do you have anything -- can you identify any specific witnesses that stand out to you that would information about this lawsuit?
A: No.
Q: Looking at interrogatory number two, your answer, you again reference the information

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that you deemed from a credible report about Ms. Murphy's residence. Is that -- was that credible report from Mr. Bowers?
A: It was from Mr. Bowers' office, and the discussion I had with him over the phone subsequently followed up with.
Q: When Mr. Mungo originally reported the issue of Ms. Murphy's residency in 2004, did you think he was a credible source?
A: I did.
Q: Why?
A: I -- just has a good reputation in the community. I consider most people that -- I get a lot of phone calls being a board member. And I consider most people that are calling to have something credible that they want to talk about, and most of them are credible folks.
Q: Just to switch gears quickly, we talked about Mr. Bowers' communication with Jasper Salmond the same day that he sent his letter to you about the inquiry relating to Ms. Murphy's residency. Did you have any knowledge that he was sending a letter to Mr. Salmond's office?
A: No.
Q: Do you know Andrew Bagnal?

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A: I do know him.
Q: How do you know Andrew?
A: I know his brother, I met him -- I've met him at USC tailgating. I hadn't seen him in a long time.
Q: Did Mr. Bagnal or anyone from his family contribute to any of your election campaigns for the school board?
A: No.
Q: Do you know Jeff Patterson?
A: Yeah, I do. I'm sorry.
Q: It's okay.
A: It took me a second.
Q: Who is Jeff Patterson?
A: Jeff Patterson was a -- our procurement officer until a year or so ago. He was in School District 5. I don't know that I ever met Jeff Patterson, but I know he was our procurement officer.
Q: Did you have communications with him through email or anything?
A: No.
Q: Did you ever direct him not to bid out projects?
A: No.

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Q: Are you familiar with the South Carolina Business Opportunities?
A: In name only.
Q: SCBO?
A: Yeah, in name only.
Q: What is SCBO, do you know?
A: Not exactly. I know it's a -- I think it's an association of -- I'm not sure, I'm really not sure. I'm not going to guess at it, how about that.
Q: That's okay, you can tell me you don't know if you don't know.
A: I don't know.
Q: That's fine. I'm going to go through a couple of project names and ask you the same question for each, but just so you know, I'm going to ask you if a particular project was advertised in SCBO, what we were just referring to, okay? And whether you know or not, just tell me, all right? Do you know whether the project named Additions and Renovations to Dutch Fork High School that was posted in September of 2012 was advertised in SCBO?
A: I don't know.
Q: Would you have ever instructed anyone not to

of as a position against Mrs. Murphy?
A: I don't know the planning to do that, I know that students did show up at a board meeting with t-shirts one night about -- something about Chapin, build our -- build our school or something like that.
Q: Did that cause any commotion or disruption to the board meeting, if you can remember?
A: I can remember the meeting. I don't remember it causing a disruption to it.
Q: I don't have any other questions.
A: Great.
Q: Okay. Oh wait, well these other nice attorneys around the room may have questions for you, so if they do, please answer them.
MR. MORRISON: No questions.
MR. FRAWLEY: No questions.
MR. MONTGOMERY: No questions.
(There being nothing further, the deposition concluded at 4:27 p.m.)

district five
OF LEXINGTON & RICHLAND COUNTIES

Stephen W. Hefner, Ed.D.
Superintendent

January 15, 2013

Mrs. Kim Murphy
154 Old Laurel Lane
Chapin, SC 29036

Re: Residency Issue

Dear Mrs. Murphy:

Following up on our discussion at last evening's Board meeting, I have enclosed a copy of my letter of December 20, 2012, to Bobby Bowers, and his response, which I received on January 12, 2013. I think that it is important for you to advise me in writing of your position on these matters as promptly as circumstances permit. If I do not receive a definitive written response by the end of the day on Monday, January 21, 2013, I will act pursuant to the direction of the Board to refer the matter to an independent, impartial person with extensive judicial experience to publicly hear the facts and law and make a recommendation to the Board as to how it should proceed.

You or your attorney may contact Kenneth L. Childs, Attorney for the District in this matter, should you need additional information. Thank you.

Respectfully submitted,

Robert W. Gantt
Chairman, Board of Trustees

Enclosure

c: Board of Trustees
Dr. Stephen W. Hefner
Mr. Mark Bounds

when she was removed from the school board?
A: Uh-huh. Yeah.
Q: All right. What is your understanding of why she was removed from the school board?
A: Asking too many questions, and I remember something about one of the schools being held up because of water and who would get the contracts and etcetera. I do remember all that.
Q: And the knowledge you've gained about that has been through the media?
A: State newspaper.
Q: The State newspaper.
A: Uh-huh.
Q: Do you watch Channel 10 News ---
A: It was on.
Q: --- or WLTX?
A: I do. But -- and I saw it on there, but by main one was The State newspaper. I was -- you know, naturally I was interested. I thought it was gonna fall on me for something I had done.
Q: Well, what part would fall on you if she was not getting along or she was having difficulty ---
A: No, no.

Q: --- with the school district?
A: That is just how I interpreted it.
Q: What led up to it?
A: I was worried about that line, you know, if, you know, we misread that line and we did something wrong in our office.
Q: Okay. And you've concluded at this point that your office did nothing wrong?
A: No, we did not.
Q: Okay. Whom have you talked to about this case?
A: No one, but -- no one.
Q: Well, somebody -- somebody told you that I have a subpoena that I sent to depose you today. So whom have you spoken with about this case?
A: Well, Mr. Cromer.
Q: Okay.
A: I mean, nobody else, you know.
Q: Okay. Mr. Cromer is not representing you in this case?
A: Huh-uh. No.
Q: No, he's not. Okay. Well, what have you talked to Mr. Cromer about?
A: He just wanted to know if I would come and explain some things that happened in my tenure at the office.

Q: -- and go by that one? Did you ever have a situation where you had a map that had a person living in Richland County, and it turned out they lived in Lexington County and they sent you a new map showing that they lived on the other side of the county line?
A: Never.
Q: What would've -- so you don't know what would've happened in that situation?
A: No. We never received a map that said that the county line was incorrect.
Q: All right. And if you did receive such a map, you'd have to go to someone else to decide how to deal with it or would that be your decision as to how to deal with it?
A: I would -- I would be the last person to get it. I mean, it would be so many decisions made even by the Justice Department that I would be the last person to get it and then I would make the correction. Only then would I make the correction.
Q: Who would tell you to make the correction?
A: The state, because that's where I get my maps.
Q: Who would get it before you got it to make those decisions that were made before it came

to you?
A: The election commissioner and I would get the maps from Mr. Bowers, and we went by those maps. And when anyone registered, we put them in what the map said. Then if the voter decided that they were going to run for office and they would sign up at the parties, they used to, but school board always signed up with the commission, the election commission. They would come over to our office and he would give us the addresses of everyone that has signed up for a certain seat. We'd go on our computer and look at our maps. And if there was a discrepancy, we would tell the election commissioner, but there was never, to my knowledge, any discrepancies, unless somebody used a post office box. And we asked them to please provide us a street.
Q: Who did you report to at Richland County?
A: I didn't, sir. I was appointed by the governor. We were independent. The senate would suggest and send it to the governor, and then the governor would sign off. There was five board members.
Q: And in your 20 something years there, you never

had the situation come up where there was a county map that had a person in the wrong county that was later corrected that you were informed ---

A: No, sir.

Q: --- they were in the wrong county?

A: Not to my knowledge.

Q: Okay. And if that occurred, the person that would provide you with the bible to go by would've been Mr. Bowers' office?

A: Correct.

Q: And whatever they provided you is what you would go by?

A: That's -- we have to go by what the state tells us.

Q: Thank you, ma'am.

MS. WILSON - EXAMINATION BY MR. CROMER:

Q: All right. I'll try to be fairly brief because you've answered a lot of questions that I would ask you to start with. Ms. Wilson, you say that Bobby Bowers was your map man. Who did Bobby work for?

A: I would assume the governor's office or Budget and Control.

Q: All right. And generally was he the person in

split school district, part in one county and part in another. How does that work in terms of who is eligible to run for offices and for that same school board that is in both Richland and Lexington County?

A: Now, that is not our office at all. But that would probably -- I don't know exactly.

Q: All right.

A: I cannot -- I'm going to be honest, I really don't know. I just know that when we were given the names, we had to verify ---

Q: Right.

A: --- that they were in that school district.

Q: Let me make it a little bit easier because it's a pretty complex question. Are there school board members from Richland County as well as school board members from Lexington County that serve on that school district board?

A: Yes. There ---

Q: All right.

A: Yes.

Q: And the ones who serve on it from Richland County, are they residents or supposed to be residents of Richland County?

A: Yes. We would verify that they were residents.

Q: And are those that were in Lexington County, I guess that board over there ---
A: Yes, sir.
Q: --- in Lexington would make the same judgment and make the same investigation; is that right?
A: Yes, sir.
Q: And they would, between them, determine whenever -- do you know or do you recall whether there were single member district seats during the time that you were there or where people ran at-large?
A: It was, to my knowledge, that district was at-large.
Q: Okay. And were there people that ran in Richland County for the Richland County seats on that board?
A: Yes.
Q: All right. And would they have to become credentialed or accredited through your office in order to do that?
A: They would start with the election commission by filling out the proper paperwork and then it would come to us for us to verify the address and if it was the correct district.
Q: All right. And you've described already

Q: How about their voter registration card? If they're a voter in that district and possess a card and they want to run, is that of any value?
A: It just says Richland County ---
Q: Right.
A: --- on the card.
Q: All right. And is that of some value to them if that person decides to be a candidate?
A: Very much so, because it tells them they are a Richland County voter.
Q: All right. And if -- I don't know whether you remember or not. Do you remember whether or not in 2004 Kim Murphy ran for that position, that is a school board district seat from Richland County on that Richland-Lexington School Board? Do you know whether she ran or not? And you may not.
A: That I do not.
Q: All right. And if I represent to you that she did and was a candidate, would she have had to be credentialed in the same way that you've described?
A: Absolutely.
Q: All right. And if she ran in subsequent

elections up to the time that you left, the same -- it would be the same procedure, wouldn't it?

A: Yes, sir.

Q: Now, you left in 2006, and as Mr. Frawley indicated, you don't have any knowledge really, direct knowledge, of what goes on in the office after you left other than just visiting and ---

A: That's correct.

Q: --- talking to people; is that right? Are you, though, aware of any changes in the law between 2006 and 2010 that would've changed anything about the way that candidates are vetted and credentialed or not credentialed by the voter registration office?

A: None. It was just different precincts, different district lines.

Q: All right. And if that law were not changed, if what you stated is correct, if Ms. Murphy ran in 2010 and passed all those tests, would you consider at that point in time that she was a resident of Richland County for the purposes of running for that seat?

A: Yes, I would.

MR. MORRISON: Object to the form.

A: Yes.
Q: All right. At any rate, have you -- if -- when you read it, it talks about somebody about the time that -- and this was after you had left your job -- about the time that she had -- that this controversy started about the county stuff. Do you recall reading that article or articles like that?
A: Articles like this.
Q: Okay. All right, that's good. Now, Ms. Wilson, if someone was challenging the qualifications of an elector or an elected official, what is the process?
A: Well, they would actually would come to election commission voter registration and actually take a look at our maps. That would be the first step. With just not assuming, they would come and look at our maps. That's been done a many of time, people challenging people, you know, on different senate and house lines, and until they see it in black and white.
Q: All right. Now, you mentioned something about the Justice Department. Up until recently, are you aware of a requirement that elections,

Transcript of the Testimony of
BOBBY MERLE BOWERS

Date: December 18, 2015



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1230 Richland Street
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Phone: (803) 252-3445 / (800) 822-0896
Fax: (803) 799-5668
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STATE OF SOUTH CAROLINA) COURT OF COMMON PLEAS
)
COUNTY OF RICHLAND) C/A #: 2014-CP-40-4666

Kim Murphy,

Plaintiff,

v.

Richland-Lexington School District 5 Board of Trustees, Robert Gantt, and Bobby Merle Bowers, in their individual capacities,

Defendants.

DEPOSITION OF

BOBBY MERLE BOWERS

****

Friday, December 18, 2015
12:06 p.m. - 1:54 p.m.

The deposition of Bobby Merle Bowers, taken on behalf of the Plaintiff at the law offices of Davis Frawley, 140 East Main Street, Lexington, South Carolina, on the 18th day of December, 2015, before Christine A. Cortright, Court Reporter and Notary Public in and for the State of South Carolina, pursuant to Notice of Deposition and/or agreement of counsel.

APPEARANCES

J. Lewis Cromer, Esquire
Ashley C. Story, Esquire
Chelsea Rikard, Esquire
J. LEWIS CROMER & ASSOCIATES, LLC
1418 Laurel Street, Suite A
Columbia, South Carolina 29201
Attorneys for the Plaintiff
astory@jlewiscromerlaw.com

David L. Morrison, Esquire
J. Jordan Johnson, Esquire
MORRISON LAW FIRM, LLC
7453 Irmo Drive, Suite B
Columbia, South Carolina 29212
Attorneys for the Defendant: Richland-Lexington School District 5 Board of Trustees
david@dmorrison-law.com

Michael H. Montgomery, Esquire
MONTGOMERY WILLARD, LLC
1002 Calhoun Street
Columbia, South Carolina 29201
Attorney for the Defendant: Robert Gantt
mhm@montgomerywillard.com

Patrick J. Frawley, Esquire
DAVIS FRAWLEY, LLC
140 East Main Street (29072)
P.O. Box 489
Lexington, South Carolina 29071-0489
Attorney for the Defendant: Bobby Merle Bowers
pat@oldcourthouse.com

Also Present:
Kim Murphy
Robert Gantt

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STIPULATIONS

It is stipulated and agreed that this deposition is being taken pursuant to the South Carolina Rules of Civil Procedure.

It is stipulated by and between counsel and the witness that the reading and signing of the following deposition be, and the same are, hereby waived.

BOBBY MERLE BOWERS, having been duly sworn, deposes and testifies as follows:

MR. BOWERS - EXAMINATION BY MS. STORY:

Q: Good afternoon, Mr. Bowers.

A: Good morning -- afternoon, yeah.

Q: My name is Ashley Story. I know we've met a few times before. I'm going to be taking your deposition this afternoon, and my goal is to try to get as much done today as we can. Have you ever had your deposition taken before?

A: Yes.

Q: Okay. Well, then you're very familiar ---

A: Multiple times.

Q: --- with the process. I'm just gonna go over some ground rules with you to make sure that we're on the same page today, and if you have any questions, you can direct them to me. Okay? The first rule is to make sure you respond verbally when I ask you a question. You know to do that. But if I have to remind you, don't take me as being rude at all. I'm just doing it to make sure we have a clean record, okay? If you will, even if you know the question I'm gonna ask, if you'll let me completely ask it for the record, and then you

can respond. And if you feel like I cut you off in any way, please interrupt me and stop me. I don't want to cut you off. I want to hear everything you have to say today. If you need a break at all, just let me know. We can do that. I just have to tell you that if we take a break at all during your testimony, you've not permitted to speak with anyone, including your attorney, about your testimony. Fair enough?

A: Uh-huh.

Q: Okay. Attorneys ask really bad questions sometimes, so if you don't understand my question, will you tell me?

A: I'll correct you.

Q: Please. Thank you. And on the flip side, if you answer my question, I'm going to assume you understood what I was asking you, okay?

A: All right. Yeah.

Q: Do you have any questions of me before we get started?

A: No.

Q: You understand today that you're here to testify under oath?

A: Right.

Q: Okay. Are you under the influence of any medications that would impair your ability to answer my questions?
A: No.
Q: Anything that you're taking that would impair your ability to understand my questions ---
A: No.
Q: --- today?
A: No.
Q: All right. Well, I'm just going to get a little bit of background information on, Mr. Bowers. Where are you from originally?
A: The big city of Prosperity, rural Prosperity.
Q: Where did you go to high school?
A: Prosperity High School, last year the high school was there, 1958.
Q: Is that the year you graduated?
A: Graduated from Newberry ---
Q: Okay.
A: --- Prosperity High School.
Q: After you graduated from Prosperity High School, did you go into -- did you go into higher education at the time or did you start ---
A: Newberry College.

Q: --- working?
A: Newberry College, graduated in 1962 with a bachelor's degree in -- a BA theoretical mathematics as a major.
Q: Do you have any other degrees?
A: I've studied economics at Research Triangle Institute and Carolina. Did not finish, didn't want to.
Q: How much -- I mean, how many classes would you say that you've taken in economics?
A: Three or four. It's been a while.
Q: Do you have any special certifications or certificates?
A: Executive Institute, IBM Institute, I'm a certified member lay speaker United Methodist Church.
Q: Do you hold any leadership positions at your church? Are you a deacon or ---
A: I'm on the finance committee now. I was a lay leader for eight years. I teach two Sunday School classes, rotating between them. I presently am vice chairman of the Midlands Emmaus, and lay director in training.
Q: Do you hold any other professional ---
A: I'm on the Lander University Board of Trustees

for about 28 years. I have served as chairman of the student committee, the academic committee, the finance committee. I'm still present there.

MR. FRAWLEY: Okay. Let her finish her answer -- her question before you began your answer, okay? Take your time.

Q: Do you -- are there any other organizations that you're a member of or hold any leadership ---

A: Lions Club.

Q: --- positions in?

A: Lexington Lions Club. President three years.

Q: Okay.

A: Two years, two, two and a half.

Q: Are you currently the president?

A: No.

Q: When was the last time you served as president?

A: About six years ago.

Q: All right. Just gonna get a little bit of your career background, okay?

A: All right.

Q: And I've got a copy of your CV. And actually, let's go ahead and make that an exhibit to your deposition.

MS. STORY: Let me go on and pass copies to y'all.
(Plaintiff's Exhibit Number 1 was marked for identification purposes.)
Q: And you can feel free to refer to it. I've gotten this from your attorney, and I assume you wrote this. Did you write your own CV here?
A: Absolutely.
Q: Okay. Well, let's just go over a couple of things. After you finished your college, you know, experience and training and all that, what did you start doing to further your career?
A: I taught school for two years here at Lexington High School as a coach and taught advanced mathematics and physics for two years.
Q: What did you coach?
A: Senior high girls basketball, junior high girls basketball, midget football, junior high football, and track.
Q: What brought about the end of your teaching, your two years of teaching?
A: I was starving to death.
Q: Fair enough. So what did you do then?
A: I went to work at a life insurance company for

about a year.
Q: Were you just selling policies for that company?
A: Uh-huh. Yeah.
Q: Do you remember the name of the company?
A: Life of Virginia, I think. That's been a while back.
Q: Okay. Let me ask you this; have you ever been terminated from any job?
A: No.
Q: What caused to bring about your separation from the life insurance company?
A: I was offered a job and took a job with the Employment Security Commission, time and cost analyst.
Q: And what did you do there?
A: I was a time and cost analyst.
Q: Oh, okay. How long were you in that position?
A: Two years.
Q: And after serving your two years as a time and cost analyst, what did you do?
A: I went to work at the state auditor's office as a statistician.
Q: And how long were you in that position?
A: I was in a similar position there, until they

changed the name, until June of this past year when I retired after 56 years in state government.

Q: Now, in your time, your 56 years with the auditor's office, which has gone through some name change ---

A: I was state demographer for a period of time.

Q: Okay. What else?

A: Then I was director of the Office of Research and Statistics for some 29, 27, 28 years.

Q: Anything else?

A: Then I was director of mapping.

Q: How long were you director of mapping?

A: A year and a half. I retired from that position.

Q: All right. When you were a statistician, how -- I mean, just generally speaking, what were your duties as a statistician?

A: Making revenue estimates.

Q: How long were you approximately in that position?

A: Four or five years.

Q: Did you report to the same person during the entire time you were in that role?

A: Yeah.

Q: Do you remember who that person was?
A: Tom Evans. He's deceased.
Q: Okay. Did you ever receive any discipline from Mr. Evans?
A: No.
Q: Okay. And then once you became a state demographer, is that how I say that; is that right?
A: Yeah, that's close enough.
Q: Okay. All right. What did you do in that position?
A: Studied population research, population estimates, population projection, collected data to make population estimates and projections.
Q: How long were you in that position?
A: Probably four years, four or five. They run together.
Q: Okay. That's okay.
A: They all run together.
Q: We'll just do approximates, and I'm not going to hold you to it exactly, so don't worry about that. Who did you report to in that position?
A: Tom Evans first, and then Andy Laurent.
Q: Did you receive any discipline in that

position?
A: No. I was his successor.
Q: Okay. Is that when you became the director of research ---
A: Right.
Q: --- and statistics?
A: Uh-huh.
Q: Okay. And in that position, what did you do? What were your primary duties and responsibilities?
A: Well, I had one unit of precinct demography. I had another unit of geodetic mapping. At one time, I had another unit of information technology planning and management. I had another unit of finance and budget. And I had another unit of redistricting. And we had the largest health and data and manpower system probably in the -- probably in the nation at one time. About 79 people.
Q: Okay. How many people directly reported to you, all 79?
A: No.
Q: Okay.
A: They all did eventually, but I had supervisors and all in place.

Q: Okay. How many supervisors did you supervise directly?
A: My finance director -- about five.
Q: Okay.
A: Six, excuse me, six.
Q: And when you were the -- let's do -- I mean, how many people did you report to as the director of research and statistics over your 29 or so years that you were in that position?
A: I guess the Budget and Control Board, five members of the Budget and Control Board, ultimately, yeah.
Q: Who were your -- who would you have gone to to report to if you had a problem?
A: The director, executive director of the Budget and Control Board.
Q: Who was your most recent supervisor in that position?
A: Marcia Adams. She's now director of administration.
Q: Did you ever receive any type of discipline ---
A: No.
Q: --- when you were in that position? You mentioned the term geodetic mapping that was a division that was underneath you.

A: Uh-huh.
Q: Can you explain to me what that means? I've seen that in some documentation from your attorney. I just want to understand what that means.
A: We map the counties. We help the counties be consistent with mapping with a single plane coordinate system. We -- all the little discs you see in the ground tell the latitude and longitude for mapping. We also did multiple -- county work with the counties. We had a bunch of them we were working with as I left, county boundaries. A lot of county boundaries are undocumented. They're documented, but you can't find them.
Q: So is being in that -- over that division with all the other divisions that you managed, would you actually ever go and do any field work as part of that, or had people doing that for you?
A: I had people doing it. I hired professional staff members, surveyors, and researchers to do the work.
Q: Are you certified to do any type of land surveying at all?
A: No. As director, the state surveyor reported

to me.
Q: Okay. And then when you became the director of mapping, what were your general duties?
A: Mapping. County precinct maps, redistricting, county council, city council, school district, doing the single member districts or defending them as single member districts, precinct mappings, all precincts. The law required us to do that.
Q: Okay. So can you explain to me how you would work as the director of mapping what your role was to how to work with the counties on ---
A: I had staff ---
Q: --- on the mapping?
A: I had staff that went there. If it was a redistricting problem, I personally went out and worked with the county doing redistricting. But I had staff who worked on the maps with me, for me.
Q: So if there was someone in the county who, I guess, saw a problem with the mapping in their county, could they come to your office ---
A: Yes.
Q: --- to get assistance?
A: Yes.

Q: Is it a requirement that the counties, if they -- if someone in the county saw an issue with mapping that they come to your office to get assistance, or could they use other means to try to get ---

A: They can. But since the state surveyor worked for us, I would think they would come to us.

Q: Okay. I see on your CV that you were the past president of the South Carolina School Boards Association.

A: Yes, 1982.

Q: Okay. How ---

A: Way back yonder.

Q: That's before I was born, how about that.

A: Thank you. That made me feel young.

Q: Were you just president for that one year?

A: Yeah.

Q: How long did you actually serve on the association?

MR. FRAWLEY: What does that mean? You need to speak verbally. When you put one finger up.

A: No, I'm just thinking about how many.

MR. FRAWLEY: Oh, okay.

A: I was in the association for the eight years that I was on the school board, at least seven

or eight of them.
Q: And you were on the school board for Lexington School District 1?
A: Right. I was chairman.
Q: Okay. And how long were you on the -- oh, you've got seven years on your CV; is that correct?
A: Seven years.
Q: Did you serve as chairman for the entire time you were on the school board?
A: Secretary the first year, chairman the rest of them. I was actually on there eight years, first year as secretary.
Q: Gotcha. It's on your CV. When was the first time you met Mr. Robert Gantt?
A: I remember him working at the Tax Commission, but I never met him down there.
Q: When is the first time, if at all, you ever had any time to actually professionally interact with Mr. Gantt?
A: Professionally, none.
Q: Did you interact with him on a personal level?
A: No.
Q: Do you know if you were a member of the School Board Association at the same time that Mr.

Gantt was?
A: No. I got off it after eight years. He's a recent person on the School Board Association. I didn't even know he was chairman until all this came up.
Q: Okay. When you say all this, you mean this lawsuit that Ms. Murphy has brought?
A: Uh-huh.
Q: Is that right? Did you say ---
A: Yeah.
Q: --- yes? Okay. Thank you. Other than your communications with Mr. Gantt arising out of this issue of Ms. Murphy's residency, have you had any other reason to have any contact with him?
A: No. No.
Q: Have you had any other contact with him?
A: No. The only contact I had is when they asked me and told me about it and said we want an opinion. I said I will not do anything until I get an official request.
Q: Okay. And we'll talk about that in a few minutes.
A: Yeah.
Q: I just want to go back through some other stuff

real quick. You reference on your CV that you worked with -- you were the technical advisor to the Honorable Patrick Michael Duffie in the Colleton County School Board case.

A: Yes.

Q: Can you tell me about -- what was the Colleton County School Board case about?

A: The delegation, legislative delegation, passed a law requiring them to go to a single member district school board to the detriment of the school board. So there was a lawsuit brought by the county, some of the school board members, and a number of other parties to try to knock that down and force it to go back the other way. Senator Pinckney had introduced it and it went through the General Assembly without a whole lot of comment. And so that's what that case was all about.

Q: And what was your involvement in that case?

A: Advising him on what the districts would look like if he went with districts.

Q: Is that Mr. Pinckney or Mr. ---

A: No, the judge.

Q: --- Duffie?

A: Judge Duffie.

Q: Judge Duffie?
A: Yeah. I sat on a federal case with him and three judges too, that's why I knew him.
Q: Okay. Do you recall what your advice to Judge Duffie was about how this would look?
A: No. I only advised when he asked questions.
Q: Were they asking specific questions about, you know, how this is going to affect the school district or was it just like a blanket tell us what is going to happen if we do this?
A: What happens if you draw the districts.
Q: Do you remember any of the individuals who brought a lawsuit as it related to that issue?
A: The mayor of Walterboro, some of the school board members, Chamber of Commerce, I think every Chamber of Commerce in every city was involved in that suit.
Q: Did you have any decision making ability as it related to the ultimate outcome ---
A: No.
Q: --- of what happened with that?
A: I always leave that to the judge.
Q: Did you have any personal interest in what happened in Colleton County?
A: No.

Q: Prior to us taking some of the depositions in this case, had you ever met Kim Murphy?
A: No, I had not. I've not even spoken to her or communicated with her electronically or verbally.
Q: Is it fair to say that the first time you would have heard about Ms. Murphy was when Mr. Gantt requested that you look into her residency issue?
A: That's correct. Yes.
Q: Okay. Had you heard any press or seen anything in the news media about Ms. Murphy and her involvement with the school board in Richland-Lexington 5?
A: I read on District 1. I had a call one time earlier from Stewart Mungo, which came out in her deposition, and I told him if there was a question I would not do anything until I got a request from someone about it. Never did get a request, so I didn't talk to him anymore.
Q: Can you tell me what you remember about your conversation with Mr. Mungo?
A: No. He just said he had heard that she wasn't in the right county. But I never got a request, so I did nothing.

Q: Why is it that you needed some sort of formal request?
A: Because I just don't -- we didn't just go around looking for problems if there was a problem. Like the other ones that we were working at the time between Cherokee and Spartanburg, we had requests, all of them we had requests on. Even some of them that were in the wrong district, like in Batesburg-Leesville, we had a request.
Q: Had anyone else contacted you other than Mr. Mungo about their suspicion that Ms. Murphy had a residence issue?
A: That's all.
Q: Okay. Do you remember about what time that was?
A: No.
Q: But that was certainly before Mr. Gantt contacted you?
A: Yes. Oh, yes. Way before that.
Q: Did Mr. Mungo express to you at all why he was concerned about that being an issue?
A: No.
(Plaintiff's Exhibit Number 2 was marked for identification purposes.)

Q: Have you had enough time to review Exhibit 2?
A: Oh, yeah, I -- yeah.
Q: Okay. And that's what I'll do. Whenever I give you a document, you take whatever time you need to look over it, and then I'll ask you some questions about it. Okay? Have you seen this document before?
A: Yeah.
Q: And can you tell me what it is generally?
A: It's a request from the school board to look at where Ms. Murphy actually lives ---
Q: Okay.
A: --- in relationship to the counties.
Q: Okay. And prior to you receiving this letter on or around December 20, 2012, which is the date of the letter, had you had any communication with anyone from School District 5, Richland-Lexington School District 5, or their attorneys about receiving this letter before you got it?
A: I got a letter from -- dealing with the attorney wanting to know if this is the type letter I would have to have, and I told her yes. Then I got a letter and I got it back.
Q: Mark this Number 3.

(Plaintiff's Exhibit Number 3 was marked for identification purposes.)

A: That's common.

Q: Okay. This is a front and back exhibit, just so you know. I'm trying to save paper, okay.

A: Okay.

Q: Is this -- is Exhibit 3 the request that you got from Melissa Kaiser on behalf of Ken Childs to review this draft letter? Is this what you were just talking about?

A: Yeah.

Q: Okay. All right. And you said that was common, so if someone wanted to raise a formal complaint with you, would they maybe contact you to find out how they could go about doing that process?

A: Yes.

Q: Okay. So you were not surprised to receive an email like this from somebody?

A: No. No.

Q: And just for the record, it goes to Will Roberts. It's not actually copied or sent to you directly. Would Mr. Roberts have shown this to you, or would he have handled this himself?

A: He sent this to me.
Q: Okay. All right. Did you propose any changes to this letter, if you can remember?
A: I don't remember. I gave it to my technical staff and asked them to look it over.
Q: Okay. Who would all have been part of your technical staff?
A: Will Roberts did that, Alan-Jon Zupan, Sid Miller at the time.
Q: What was Mr. Miller's position at the time that -- in December of 2012?
A: He was state surveyor. He has since retired.
Q: Did you hire Mr. Miller?
A: I hired him a long time before that, yes.
Q: Okay. Do you remember about when you hired him?
A: No. He was formally the -- worked for NOAA. And he worked for me in the program and I brought him in full time.
Q: And what was Mr. Will Roberts's position in December of 2012?
A: He is right where he is right now, same thing, mapping, precinct demography, redistricting.
Q: Did you hire Mr. Roberts?
A: I sure did, part time when he was in college

and full time when he finished college.
Q: And then Mr. Alan-Jon Zupan, what was his title in December of 2012?
A: He was in the geodetic mapping section.
Q: Did you hire him?
A: I think he was there when I took over. He retired right after I did, so he'd been there a good while, yeah.
Q: Is there anybody else, other than Mr. Miller and Mr. Roberts or Mr. -- is it Jon Zupan or just Zupan?
A: Zupan. Alan-Jon.
Q: Alan-Jon Zupan. Other than those three people that would have assisted you with any of these matters relating to Ms. Murphy's residence issue?
A: I can't think of his last name, but Robert, he is now my state surveyor, my last state surveyor.
Q: Okay. What's his last name?
A: I don't know his last name right now. I haven't been there in a while.
Q: His first name is Robert?
A: Robert.
Q: Okay. And if you remember it later, just tell

me, okay?
A: Wait a minute, I think his name is -- try David.
Q: Okay.
A: I don't -- I've been gone for a year and a half.
Q: Gotcha.
A: I'm trying to forget all that.
Q: All right. So going back to Exhibit Number 2, I just want to ask you a couple questions about it. Had you spoken with Mr. Gantt personally before you received this letter?
A: Yeah. He asked me -- told me he wanted me to do some work, and I said yes.
Q: Okay.
MR. FRAWLEY: That's Exhibit 2 that you're referring to?
MS. STORY: Yes, Exhibit 2.
MR. FRAWLEY: This letter?
A: Yeah.
Q: Yes.
A: He requested, and I said I won't do anything until I get a letter.
Q: Okay. So when you first spoke to him about that, was that something that you did like did

y'all have a telephone call, did you speak in person?
A: He called me.
Q: Okay. And was -- tell though me about what you can remember about that phone call.
A: I just remember him saying they had some questions about it and they wanted us to look into it. And I said, well, you'll have to write me a letter before we even do it.
Q: When he called you, did he tell you that this related specifically to Kim Murphy's residence or was he more general about it?
A: Well, it was Ms. Murphy, yes.
Q: Okay. Was that all y'all talked about on the phone?
A: Yes.
Q: And so after that phone call, you received this email to approve the draft letter; would that be correct?
A: Right. Yeah.
MR. FRAWLEY: Which is Exhibit 3?
MS. STORY: Yes.
A: Yes.
Q: And then you got the letter December 20th or around December 20, 2012, which is Exhibit 2?

A: Right.
Q: Okay. Did Mr. Gantt -- he states in his letter that it came to his attention from sources he deems reliable that Kim Murphy is not in fact a resident of Richland County. Did Mr. Gantt ever disclose what sources he deemed reliable to you at all?
A: No.
Q: Okay. Other than Mr. Mungo, who you already talked to me about, had you heard any other rumors about a residence issue relating to Kim Murphy?
A: I don't even remember if I've ever seen it in the paper or anything. I knew there were some consternation going on with all the lawsuits over that, but I don't remember anything about them.
Q: And when you say there were consternation of lawsuits going on over there, did you have any information or did you know about anything going on particularly in Lexington-Richland 5 as it related to Ms. Murphy?
A: I just saw that there were a lot of lawsuits going on, and she had sued a lot. That's it. I have no comment about it.

Q: Did anyone ever make comments to you about those lawsuits?
A: No.
Q: Did you have any knowledge of any activities the board was taking at that time to deal with those lawsuits?
A: No. I did not, no.
Q: Had you ever attended a Richland-Lexington 5 School Board meeting?
A: No.
Q: Had you ever watched any meeting footage online?
A: No.
Q: Have you ever read any meeting minutes?
A: No, don't read them, don't work online.
Q: Okay. So Mr. Gantt, looking at Exhibit 2, he asked that you or your office make a determination as to whether or not Ms. Murphy resides in Richland County as required by law and whether she is in fact a resident of Richland County legally qualified to represent Richland County on the School District 5 Board; is that right?
A: Correct, yes.
Q: So when you received this letter, I want you to

walk me through the process that you took or undertook of your staff to try to determine the answer to these questions.

A: I turned it over to staff.

Q: Okay. So what would you do -- when you say you turned it over to staff, how would you go about doing that?

A: I just called them and I said I've got a letter, go out and determine where Ms. Murphy lives. Period. I didn't have any other involvement on it.

Q: Do you recall who you gave that directive to?

A: Probably Will and Alan-Jon and Sid.

Q: Did you give them any type of time requirement?

A: No.

Q: Did they have to take any other direction from you or were they -- or you just knew they knew what they needed to do?

A: I had professional staff, and I let them do their job.

Q: Did Mr. Roberts or Mr. Zupan ever come to you to discuss specifically what they were finding out as they were looking into this issue?

A: I don't -- not that I remember until they got ready to give me a final report.

Q: Do you remember when they gave you a final report?
A: Some time before my letter went back.
Q: Did they give you a report in writing, or did they just discuss their findings with you?
A: They gave me a draft, and I told them to finish it, to get the draft ready for me to sign.
Q: Okay. Before we go look at that draft letter, did you meet with -- did you meet in person with Mr. Gantt or anyone from the school district before you started -- you gave the directive to your staff to launch an investigation into this issue?
A: I don't think I did, no. I don't think I did.
Q: Do you know if Mr. Roberts met with Mr. Gantt or anyone?
A: You'd have to ask him.
COURT REPORTER: That's Number 4.
(Plaintiff's Exhibit Number 4 was marked for identification purposes.)
A: That's -- they came to my office.
Q: Okay. All right. That's what I was going to ask you.
A: I don't think I participated in the meeting.
Q: Okay. So you don't remember meeting with Mr.

Gantt or Mr. Ken Childs?
A: I met with Ken Childs on so many different lawsuits because he was involved in a bunch of them. I don't -- I do not remember whether I met with them on that meeting or not.
Q: And I didn't tell you this earlier, but if -- there's a difference in "I don't remember" and "I don't know." And you're doing fine. I'm not trying to tell you how to answer a question, but, you know, "I don't know" is an appropriate response, and sometimes "I can't remember" is also an appropriate response.
A: I know.
Q: Okay. Would there be somewhere where your office would have maintained some sort of log of visitors that would have come to meet with you?
A: No.
Q: No calendar or anything like that?
A: No.
Q: If Mr. Childs or Mr. Gantt said that they had met with you in person, would you have any reason to believe that they weren't being truthful ---
A: No, I would not.

Q: --- about that?
MR. FRAWLEY: Object to the form. Let her finish her entire question before you begin your answer.
A: All right. Go back again.
Q: Okay.
MR. FRAWLEY: No. I mean, you answered it. I think you're fine now.
Q: You did. Yeah, it's okay. Don't worry, it's all right. Okay. Would you have -- if you did meet with either of those gentlemen, would you have any reason to meet with them other than to discuss this request ---
A: No.
Q: --- that came in?
A: No.
Q: Okay. All right. So when you got the final report, you said that was in the form of a letter, right?
A: Correct.
Q: And that was Mr. Roberts and Mr. Zupan had done some research?
A: And Sid Miller.
Q: And Sid Miller, okay. Just knowing those three individuals and what their responsibilities

were, what would Mr. Roberts have actively done to check into that inquiry, like what would his job have been to look into?

A: Well, he -- looking at the precinct data, where she was registered in a precinct, and if in fact she was in Lexington County, she would be in the wrong precinct.

Q: Okay. What about Mr. Miller, what would he have done?

A: As state surveyor, he would have been looking at the data and doing the research on it.

Q: What sort of data would he have looked at?

A: Rocky Ford was the key in the issue. Rocky Ford was documented in 1995 as being the boundary in that area. That was long before all this came up that Rocky Ford was identified as being the boundary in the area in question.

Q: Do you know who identified it as the boundary in 1995?

A: No. I think my staff went out there, but I don't remember who it was. Probably older staff back then.

Q: And so with that being an issue, how was that an issue? I'm just trying to understand this entire process.

A: They just found out where it was at and let it go. I think told the counties where Rocky Ford was at and I don't think they ever did anything, the counties.
Q: Back in 1995?
A: Yeah. '95, yeah.
Q: Okay. Who would have told the counties where the Rocky Ford would have been located?
A: Whoever that was -- I was not there at the time. Whoever that person was.
Q: So back in 1995 if that information had been relayed to the counties and the counties didn't do anything with it, whose responsibility would it have been to make any corrections to that boundary?
A: At that time, the counties.
Q: Now, when you say at that time, has that responsibility since shifted?
A: Well, we got -- our division now has got the responsibility to mediate and work with the counties, and if they don't like our boundary, then they can go to the ALJs to challenge it.
Q: When did that change?
A: I can tell you the citation on it. Section 27-2-105 of the Code of Laws.

Q: Is that what you're holding in front of you, just a copy of that?
A: You want a copy?
Q: That's okay. I can get it later. I just want to make sure that's what you're referring to.
A: Yeah, right there.
Q: It says 1994. Is that about when that would have been enacted?
A: Yeah. I think, yeah.
Q: Did you have any role with that legislation at all?
A: Not this one. I had some in the next one.
Q: What was the next legislation that you're talking about?
A: The one that chose us as mediators, before the ALJ, if they challenge it.
Q: And when was that done?
A: The year before last, I think.
Q: Around 2013 or so?
A: 2013, 2014, somewhere in that range.
Q: What was your role getting that law enacted or passed?
A: We were simply asked if we could take the responsibility and do it.
Q: Who asked you to do that?

A: The senators involved in it.
Q: Do you recall who those senators were?
A: I think Senator Cromer is the one who sponsored it.
Q: Anyone else?
A: I don't know who else was with it.
Q: Did you have any personal interest in having that passed?
A: No, not with the extra work it was going to cause, no.
Q: Okay. Now, going back to the Rocky Ford, we were talking about the counties and you told me that it was reported to the counties in '95 but nobody took any action at that time.
A: I don't think they did.
Q: Okay. All right. Okay. So going back where -- my original question to you was what Mr. Miller did and what kind of data he would have looked at. And then you brought up the Rocky Ford point.
A: You would have to ask him.
Q: Okay. All right. Do you know what other things he may have researched and what other data he may have looked at?
A: I do not. I left that up to them.

Q: And you directly supervised Mr. Miller, Mr. Roberts, and Mr. Zupan, correct?
A: Yes.
Q: How did you ensure that they were doing their jobs correctly?
A: They'd always done it correctly before.
Q: Did you have -- did you do annual performance evaluations of those three individuals?
A: I did. Not on this particular project, but I did evaluations of them every time they had the -- a year.
Q: Had you ever had to discipline any of those individuals?
A: No.
Q: Did you ever go back like specifically with this issue on the inquiry relating to Ms. Murphy, did you ever have to go back and backtrack any of the work they did to make sure it was done correctly?
A: No.
Q: Number 5.
(Plaintiff's Exhibit Number 5 was marked for identification purposes.)
Q: Do you recognize Plaintiff's Exhibit 5?
A: Huh?

Q: Do you recognize Plaintiff's Exhibit 5?
A: Oh, yeah.
MR. FRAWLEY: Take a minute and look it over.
A: (Witness reviews document.) Yes.
Q: All right. Is that your signature on the second page of Exhibit 5?
A: Which one are you questioning?
Q: The signature, is that your signature?
A: Yes.
Q: Okay.
A: Nobody else can sign quite like that.
Q: Okay. Did you read this letter before you signed ---
A: Oh, yes.
Q: --- your signature to it?
A: Several times.
Q: Okay. And so when you were reading this letter, did you have any questions about any of the information in this letter before you signed it?
A: No.
Q: Did you do any independent research into any of the information put in this letter?
A: No.
Q: Is there a particular reason why you didn't?

A: Yeah. I left it up to my technical people.
Q: Okay. You basically, in your letter, there's three -- three sort of things that, three sources that were used to determine Ms. Murphy's residency, and you list those, and there's three paragraphs about each one; is that correct?
A: Yeah.
Q: Okay.
A: All three of them.
Q: Okay. Did you ---
MR. FRAWLEY: Did you say three paragraphs about each one, or one paragraph for each of the three?
MS. STORY: One paragraph about each one, yes.
A: Yup. One was the census bureau, one was official precinct maps, and the other one was research by the geodetic group.
Q: Okay. And, but you've already testified you didn't go out and -- go out with the geodetic group and look at the property or anything like that, right?
A: No. I don't even know where Ms. Murphy's house is at, don't need to know for them to do their work.

Q: Okay. All right. And so based on those three things, your office determined that she was a resident of Lexington County ---
A: Yes.
Q: --- is that correct?
A: Yes.
Q: Okay. Is there any other information that you have personally sitting here to give me that, other than these three things, that Ms. Murphy has a residence in Lexington County?
A: No.
Q: Have you done any other research outside of what's been ---
A: No.
Q: --- put in this letter that your staff did?
A: No.
Q: Okay. Now, you testified at a hearing, and we'll get into that in a little bit, but you testified in a hearing about your office's findings. Did you testify about anything other than these three things that you discuss in your letter?
A: No.
Q: Is there any reason why a land survey wasn't done?

A: When?
Q: When this residency issue was happening in and around January of 2013 before you made your determination?
A: Don't know.
Q: Why wouldn't there have been one?
A: You want me to answer it again? Why wasn't anything done?
Q: Why wasn't a land survey conducted?
A: We gave the answer. We made our answer based on three conditions and that was enough for us.
Q: Okay. So you didn't feel like it was necessary to do a land survey?
A: No.
Q: Okay. Any particular reason why not?
A: Why would I want to do it? Why would I want to answer -- taking my technical staff to -- they did the answer, and I did follow it. They drafted the letter for me.
Q: Now, you've testified earlier that you've had several other similar requests from other people ---
A: Uh-huh.
Q: --- across the state.
A: Yes.

Q: Other counties or school board members or whoever would have sent you similar requests?
A: We had one in Batesburg-Leesville. The lady won her city council seat, but when her neighbor went to vote, they told her she was in the wrong district. She won it, so she had to resign, and then they had another election. She had to move if she wanted -- she had moved and didn't tell them. We had one in Chester County where the legislature changed the law so that she would be in the district she wanted to run in. We had one in Fairfield County where the person was in the wrong seat in Fairfield County. The county council and school district lines are the same, and this man lived in the wrong part. So they changed the law to put him in there. We had one in Dorchester County where she was going to run for -- no, excuse me, Jasper County where she ran for the school board, and found out she was in the wrong district and resigned and then ran for the county council. She was in the right county council district. So we've had these all along. We got questions from legislators periodically, is so-and-so in my district or in

another district, and we'd have to research that for them.

Q: So my question to you is for all of these various issues that you've just outlined for me, Batesburg-Leesville, Chester, Fairfield, Jasper, any request from legislators, would your staff go and look at these same three things for each one of those issues, or would they look at different ---

A: They wouldn't have to look at all three. All they have to do is look at the address. They would enter an address and they would recognize that address. When we gave them the map, they determined they were in the wrong district.

Q: So why in this particular situation dealing with Ms. Murphy's residency didn't you just plug in the address and look at a map? Why were you looking at these three things or why was your staff looking at these three things?

A: Because we were asked to verify specifically whether she was as resident of Lexington County. Her address was in question. The other ones addresses were not in question.

Q: So let me ask you this; have you ever received a request other than this one pertaining to Ms.

Murphy's residency where the address was in question similar to her address where you couldn't just plug it into the computer and see exactly where it was on the map?

A: We still were -- I think they finished up the Cherokee/Spartanburg. I think that's in favor of Cherokee, pretty -- I'm sure it was. And that was by request of the people who got the tax bill from the wrong county. In the case of Batesburg-Leesville, the registration board asked us to verify where she lived. She had the wrong address. She had moved.

Q: Okay.

A: In the case of Jasper, same thing.

Q: All right. So going back to the Cherokee/Spartanburg issue, would your staff have looked at these three different types of data to determine those taxpayers who were getting tax bills?

A: They would probably use the geodetic survey, geodetic crew.

Q: Do you know if they looked at the Census Bureau database or did any field work as it related to the Spartanburg/Cherokee issue?

A: We were there doing redistricting for the

county and so that's when the issue came up.
Q: In your experience in -- and you've got a lot of things listed on your CV doing a lot of different things with maps and property and all of that. Is there any other data or anything that you know of that you could have looked at to determine where Ms. Murphy's property was and which county it was located?
A: I think we had three areas and that was sufficient.
Q: Okay. Are there any other areas to your knowledge that you didn't look at that you could have considered?
A: No.
Q: Okay. Could you have ordered a land survey to be done to see exactly where the property was?
A: They had surveyed it before and they looked at it again. They had done the research, so I wouldn't have any reason to ask that it would be surveyed again.
Q: So when had the survey taken place?
A: Well, when she had her residence surveyed, even her surveyor referenced Rocky Ford in that survey.
Q: Okay. When was the last time anyone from your

office actually did a survey of that area if there had ever been a land survey done?
A: I don't know. Don't know. I have not been out there.
Q: Do you know once y'all looked into Ms. Murphy's residence issue if any other residence near or around her were affected by the research that you and your office performed?
A: Yes. I know there was a couple of addresses affected by the same thing. One of them was Moffatt Burriss, Jr., I think. I didn't never talk to him, didn't know a thing about it.
Q: Did you ever contact Mr. Burriss or did anyone from your office contact him to let him know the results of the research ---
A: I did not.
Q: --- that you conducted?
A: I did not.
Q: Did you ever contact Ms. Murphy or her family to discuss the findings of the research that had been conducted?
A: I've never spoken to Ms. Murphy. First time I saw her was at the hearing.
Q: When you get requests like the one you received from Mr. Gantt, do you ever notify the

landowner or the property owner that their residence has become an issue that their office is investigating?

A: No.

Q: Why not?

A: Wasn't required. We were doing this work as per state law, and that's what we did.

Q: Is it fair to say you didn't contact Ms. Murphy because that's normal protocol?

A: Yeah.

Q: Okay.

A: It wouldn't change the outcome.

Q: Is there any information that Ms. Murphy could have provided to your office that would have been helpful in your investigation?

A: She didn't provide any information. As I said, I never spoke to her or communicated electronically with her. Now, what she provided to my staff I have no knowledge of.

Q: Okay. So you don't even know if she did provide anything to your staff?

A: I know they were in communication with her because they told me they had communicated with her.

Q: Okay.

A: In fact, I think I'm sure Alan-Jon and those invited her attorney to come out to the office and look at it.
Q: Okay.
A: They did tell me that. I don't think he ever showed up.
Q: Do you know who her attorney was at the time?
A: No. Don't know.
Q: It wasn't me though, right?
A: No. I would have remembered you.
MR. FRAWLEY: That's a compliment.
MS. STORY: Thanks.
A: I meant for it to be.
Q: When you receive inquiries like the one you received from Mr. Gantt, had you ever in the past contacted any of the homeowners or property owners to get any information from them?
A: We would generally give them a map or -- like the school district thing, the school board members. What we did when we did it, we gave them a map of the precinct, and they located themselves on the map. We didn't have to go out and survey those.
Q: Okay. Have you ever had an issue where you've

gotten some sort of inquiry as to residences and you've actually gone out and performed a land survey to deal with that issue?

A: Myself, me? No, I don't do that.

Q: What about your staff, have your staff ever gone out and performed a land survey for any of the issues ---

A: No.

Q: --- you've received?

A: Only one they've ever worked in, I remember we're doing some work in Florence now between counties, not for a specific individual. We did the work in Spartanburg and Cherokee at their request. But the law requires us now to start looking at county boundaries and trying to define county boundaries like the division defined the state boundary.

Q: You referenced before, I think, and I'm not trying to put words in your mouth, so correct me if I'm wrong, that part of the problem listing the county boundaries is there's no documentation of where those boundaries are?

A: There is documentation. A notch on a tree, a rock on the ground, a road map, any of that you can't find them now. We had one request, a

criminal case between individuals that were arrested by a Newberry County Sheriff, and they laughed and said they didn't live in Newberry County, they lived in Laurens County. So we went up there and determined -- we walked in the courtroom with maps and data, and the man pled guilty, and so they dropped the case. We didn't have anything, we couldn't find him. The road was gone, the rocks were gone, the trees were gone. That's not unusual right now.

Q: And I know you don't have any certifications as a surveyor; is that correct?

A: Don't want it, no.

Q: Okay. Do you have any knowledge as to what the standard of care might be as to how much work needs to go into looking for these things like rocks or notches on trees or stakes in the ground?

A: We spent two days between Newberry and Laurens County. And the boundary work between North Carolina and South Carolina has been years, maps probably three times longer than this table.

Q: As it relates to North Carolina/South Carolina boundary dispute, how much involvement did you

have working with that project?
A: I was on the Boundary Commission, and my only role in that was to have my staff doing the technical work. Sid Miller was the chairman of the South Carolina Boundary Commission, and Alan-Jon is now the chairman of it.
Q: So you personally didn't do any work as it related ---
A: No.
Q: --- to that project? Were you appointed to that project by virtue of the position you held?
A: We had two senators, two house members, two from my office, I get appointed chairman at the time, and one from Wildlife and Natural Resources. That was the Commission.
Q: Now, after you sent this letter to Mr. Gantt, your January 11, 2013, letter that we've marked as Exhibit 5 to your deposition, do you know what happened?
A: I know there was a hearing before Judge Cooper, which was -- that was the first time I'd ever seen Ms. Murphy.
Q: And you testified at that hearing, right?
A: I did. According to what my staff had done,

yes. Sid Miller testified on the technical parts of it.

Q: How did you get involved in giving testimony at that hearing?

A: I was just asked to testify about the letter I had written.

Q: Who asked you to testify?

A: I guess Ken Childs did or somebody from the school board. Since it was my letter that they were questioning, I guess that's why I was asked.

Q: Did you meet with anybody to talk about your testimony prior to the hearing?

A: No.

Q: Now, since you didn't actually do the, you know, boots on the ground work as it relates to this letter, did you meet with Mr. Roberts, Mr. Zupan, and Mr. Miller to discuss what they had done specifically prior to your testimony?

A: I just read the letter they wrote me.

Q: And to your best of your memory, did you testify truthfully at that hearing ---

A: Did I testify truthfully?

Q: --- to what you knew?

A: I testify all the time truthfully.

Q: Okay. Did you have any contact with anyone else about Ms. Murphy's residence and the issue that your office looked into?
A: No.
Q: Did you -- do you know if you reached out to anyone named Jasper Salmond?
A: We wrote him a letter about her precinct, which is by law we had to do again. Because it determined which house in the senate district she would be voting in. Technically if she voted in Lexington -- in Richland County, she was voting improperly. But that's why we wrote the letter.
(Plaintiff's Exhibit Number 6 was marked for identification purposes.)
Q: And so I've just handed you the Exhibit 6 to your deposition. Is this the letter that you sent to Mr. Salmond?
A: It is.
Q: Okay. This letter is not signed. Did you -- do you remember if you actually hand signed a letter that you sent to him or his office?
A: I'm pretty sure I did.
Q: Okay.
A: If I read it, I'm sure I did.

Q: Okay. You mention in your letter in the first paragraph, the last two sentences, that these voters are currently voting in the incorrect precincts and election districts. The two addresses are 154 Old Laurel Lane, Chapin and 195 Old Laurel Lane, Chapin. Is that correct?
A: Correct.
Q: Were there any other people that you could determine that based on your staff's research were going to be impacted by your findings?
A: As I told you, Moffatt Burriss, Jr., I think is one. I don't know if there's anymore or not.
Q: Do you know if Mr. Burriss's address is one of these two that's listed in this letter?
A: I don't know. No, don't know.
Q: Now, why did you -- so you said earlier you notified Mr. Salmond based on law?
A: Yes.
Q: Okay. What law were you relying on?
A: We are required -- the division is required to run a geodetic survey or geodetic work on every election that they request of. First time we did it, we found 24,000 people in the wrong house and senate district. So that's when they put the law in there requiring us to run this

for every one of them. If they request it on a school board or a county council or a city council, we run it through our geodetic system. We've got -- by the way, we've got every address in the state in our 911 file.

Q: What's a 911 file?

A: That's the emergency file you call if you have a problem.

Q: Okay. So you didn't send this letter to Mr. Salmond, you know, out of spite because this dealt with Ms. Murphy?

A: No.

Q: You did this because it was required by law?

A: Well, we're required by law, if you look at the law, you can see what it says we do, we're required to run it every so often or upon request.

Q: All right. So you wouldn't have -- this letter wouldn't have been generated because you wouldn't have had independent knowledge about Ms. Murphy's residency, only because it had been brought to your attention by Mr. Gantt ---

A: Correct.

Q: --- that there was an issue, correct?

A: Correct. Yes.

Q: All right. Do you know if Mr. Salmond took any action as a result of receiving your letter?
A: I do not. No, I don't know.
MR. FRAWLEY: You good? You need something to drink?
Q: Yeah, you need a break?
A: I'm fine. I got a little bit here. Don't worry, the voice will be gone shortly.
Q: Well, if you need a break, you just let me know, okay?
COURT REPORTER: That's Number 7.
(Plaintiff's Exhibit Number 7 was marked for identification purposes.)
A: I don't know if Will sent him back the statutory law or now.
Q: Okay. Well, let me ask you a question first, sorry. And we'll get to that. Have you seen Exhibit 7 to your deposition before today?
A: Yes.
Q: All right. And what is it?
A: Basically said we didn't have the authority.
Q: All right. And who ---
A: He didn't think we had the authority.
Q: Who is the letter from?
A: Jasper Salmond.

Q: Okay. And do you -- do you know why he stated that he appreciated your efforts to research but he is unaware of any authority that his office has to unilaterally make the revision that you requested?
A: I do not know, no.
Q: Okay. Did you provide any statutory authority to him as a result of receiving this letter?
A: I'm not sure if Will did or not.
Q: If you were going to respond to this letter, what statutory authority or other information would you have given Mr. Salmond?
A: I would go down to Section 1-11-360, review existing precinct boundaries and maps for accuracy, and we rewrite descriptions for the law -- for the legislature to put in law.
Q: Does your office have at this time back in January of 2013, did your office have any authority, outside of any statutory guidance that you've just talked about, to enforce your findings upon any county or other governmental agency?
A: When we got in this, we sent every county a list of person -- according to our records, the people in the wrong election district, in the

wrong precinct, and they had so much time to respond. If they didn't respond, then we counted the county -- the county council chairman to be sure of the right to try to avoid -- see, I had to testify in one of them where the guy said I know where I live, but he didn't live there. So we -- we did this as a matter of practice. I think we're still doing it, particularly upon request. If a county council says we've got a contentious county council district race, we want you to run this through your system, then we did.

Q: Okay. Do you know whether or not Ms. Murphy has ever been removed from the list of registered voters in Richland County?

A: Don't know.

Q: Okay. And who would have the authority to do that, to remove her from that list?

A: I presume the Registration Board would. If she showed up to vote in the wrong place, it would be somebody there to have to challenge it.

Q: If a person is registered to vote in one county but your office, based on the research we've already discussed, finds them to be in a different county, what takes the weight? Like

how do you know where they're supposed to be?
A: We leave that up to the elected officials in that area.
Q: Did you ever contact any elected officials as it related to Ms. Murphy's ---
A: No.
Q: --- issue? Any reason why you didn't?
A: Well, we had a letter. We sent -- Will sent the letter to them and that was enough. They said naught, so we kind of backed away.
Q: Why did you back off?
A: Well, if he didn't think it was legal, I'm not going to challenge him, he's going to challenge me. I did have a comment from Lexington County where Ms. Murphy was going to register in Lexington County, but I don't know if she did or not.
Q: Who contacted you from Lexington County, do you know?
A: The director.
Q: Is that Dean Crepes; is that his name?
A: Yeah, Dean Crepes.
Q: Did you have any other contact with him as it related to Ms. Murphy?
A: No.

Q: Based on all the information that you've looked over and reviewed from what your staff has done, do you have any reason to believe Ms. Murphy's residence isn't located in Lexington County?
A: No. I believe it's in Lexington County.
Q: Did you have any sort of doubts or any questions to your staff when they presented the information to you?
A: No. They did their work professionally.
Q: Do you know if any of your staff, and when I say staff, I mean Mr. Roberts, Mr. Zupan, or Mr. Miller, had any connections or ties to Ms. Murphy?
A: I know she contacted them, but no other ties.
Q: Okay. Do you know if any of those three individuals have any ties to Mr. Gantt?
A: No.
Q: And I believe you already testified that you never had any direct communication with Ms. Murphy; is that right?
A: Correct.
Q: So she never contacted you directly ---
A: No.
Q: --- to ask for any information?

A: As I said, the first time I saw her was at the hearing before Judge Cooper. I saw her one other time when she walked across the State House grounds and somebody pointed her out to me. The other times I contacted with her was in her four year -- four days of deposition, so this will be the seventh day I've seen Ms. Murphy.

Q: When you saw her on state grounds, someone pointed her out to you, who was that that pointed her out to you?

A: I don't remember. I just said -- somebody just said there goes Ms. Murphy walking across the State House grounds.

Q: Were y'all talking about Ms. Murphy ---

A: No.

Q: --- at the time or anything ---

A: No.

Q: --- like that?

A: No, we were not.

Q: Have you ever heard Mr. Gantt say anything negative about Ms. Murphy to you?

A: No.

Q: Did Mr. Childs ever say anything negative to you about Ms. Murphy?

A: No.
Q: What about Mr. Roberts? I know you said he had some communication with Ms. Murphy. Did he ever say anything to you negative about Ms. Murphy?
A: No. He sent her everything she requested, probably more than she requested. And I asked him did he charge her, and he said no.
Q: Why did you ask him that?
A: Because we usually charge for maps.
Q: What is your rate for charging people for maps?
A: Depends on the size.
Q: So do you charge people when they just make requests, or do you charge people as a result of you turning over information from a FOIA request or both?
A: Both. FOIA takes a little longer just to be ornery.
Q: Okay. Has Mr. Zupan ever said anything negative to you about Ms. Murphy?
A: No.
Q: What about Mr. Miller? Has he said anything negative to you about Mrs. Murphy?
A: No.
Q: Now, when you testified in a hearing before

Judge Cooper, who was the hearing officer at the hearing you just were kind of briefly talking about, did you prepare any documents or items that you took with you to present as a part of your testimony?

A: Staff presented documents for me.

Q: Who were the staff that presented documents?

A: Sid, Will, Alan-Jon, they're the ones that did all the mapping. They're the ones that presented the maps to the judge.

Q: Did you prepare any of those maps or documents?

A: Me?

Q: Yes, sir.

A: No.

Q: Did anyone ask you to prepare or have your staff prepare any documents?

A: We had to prepare documents for the hearing, yes.

Q: Who asked you to do that?

A: I presume the school board or the attorney, one.

Q: Did you meet with anybody to prep for your witness testimony?

A: No.

Q: Did you discuss your testimony with your staff

members?
A: No. They heard it. They were there with me.
Q: Did Judge Cooper ask you any questions?
A: Who?
Q: Judge Cooper, the hearing officer, did he ask you any questions?
A: Yeah, but I forgot what it was ---
Q: Okay.
A: --- what it was about.
Q: Did you present any maps that had been altered or changed in any way?
A: Whatever staff gave me, I presented. And they presented the same ones.
Q: Do you have any knowledge that any of the maps, any of the lines on the maps had been drawn in the wrong places or changed to look like -- to make it look like Ms. Murphy lived in Lexington County instead of Richland County?
A: No.
Q: Have you ever altered any of the maps relating to the Murphy residency issue?
A: Have I ever altered them?
Q: Yes, sir.
A: No.
Q: Did Mr. Gantt ever relay to you that he was

looking for a certain outcome as it related to your investigation into this issue?

A: No. He knew better.

Q: Why do you say that?

A: Because we don't do that. We're straight up and down.

Q: Other than at that hearing, the hearing in front of Judge Cooper, did you testify in any other hearings or be a witness in any other type of meetings as it related to the Murphy residency ---

A: No.

Q: --- issue?

(Plaintiff's Exhibit Number 8 was marked for identification purposes.)

Q: And, Mr. Bowers, I'll just tell you that what I've handed you has been prepared by your attorney on your behalf, and so you may not have seen this particular document. I know you've provided information that he's put into this document. So if you don't recognize it, that's why, but I just wanted you to know that's what it is. Okay?

A: I recognize it.

Q: Okay.

A: I recognize the names Frank Rainwater, Will Roberts, Alan-Jon Zupan.
Q: Okay. Have you had enough time to -- do you want to look through it for a minute before I ask you some questions.
A: I've looked through it. I've seen it.
Q: Okay.
A: I trust my attorney.
Q: Okay. We asked you for a list of witnesses, and you provided a few folks. What -- and you -- Mr. Rainwater, he's a name I haven't heard today from you yet. What do you think he's going to talk about?
A: I don't know. He is my successor as director of the -- executive director of the Budget and Fiscal Affairs Office.
Q: Have you had any communication with him since the filing of this lawsuit ---
A: No, but he's -- no, but he's got ---
Q: --- about Kim Murphy?
A: He gets the same communication I do.
Q: Okay. Will Roberts, have you had any communication with him about this lawsuit?
A: I called him and asked him to send me a copy of the law.

Q: Anything else you've discussed with Mr. Roberts?
A: He knows that I'm going to be referring to him as doing the work there. I didn't do it. So does Alan-Jon, so if you want to ask me that one.
Q: If Mr. Roberts or Mr. Zupan or Mr. Miller had done something incorrectly as it related to the Murphy residency issue, whose responsibility would that be?
A: It would be mine.
MR. FRAWLEY: Object to the form of the question. Answer the question if you can.
Q: Is there anybody else you can think of that might have information relating to this lawsuit?
A: No. Sid Miller, but he's in Hawaii.
MR. FRAWLEY: And he ain't coming back any time soon.
A: No, he's not coming back.
Q: I don't know that I would come back from Hawaii either. That's okay. Have you had any contact with Mr. Miller about this lawsuit?
A: Well, he knows -- he knows I was being testi- -- being deposed, yeah.

Q: Okay. What did you tell him about you being deposed?
A: Nothing. I said I hate you're not here.
Q: What about Mr. Zupan, have you had any communication with him about this lawsuit?
A: No.
Q: Other than with your attorney, and I don't want to know anything you've discussed with your attorney, have you talked with anyone else about this lawsuit?
A: Wouldn't be anybody else's business but mine and the attorney's, no.
Q: Okay.
MR. FRAWLEY: Mr. Miller is visiting his son, I think, in Hawaii.
A: Yeah, his son and grandson.
MS. STORY: Okay.
MR. FRAWLEY: He's supposed to be there about a month.
MS. STORY: Okay.
A: Two months. Two months, December and January.
MS. STORY: I wouldn't come back. I would stay.
Q: Have you ever been sued before?
A: No.
Q: Have you ever sued anyone before?

A: No. Well, I'm sorry, I did -- was sued one time before.
Q: What was the -- what was the reason for ---
A: A young man shot himself in my home and the insurance company would not comply, so we did that.
Q: Was that lawsuit fully resolved and was it settled out of court?
A: It was a long time.
Q: Okay. Do you remember when that was?
A: No. The boys were about 13 years old apiece easy, and he's 36, 37 now.
Q: No one died as a result of that shooting?
A: Yes.
Q: They did?
A: Young man died.
Q: Did you have to go to court as ---
A: No.
Q: --- part of that lawsuit?
A: No.
Q: You've never been involved in a car accident or anything like that, have you?
A: Huh?
Q: You've never been involved in a car accident that led to a lawsuit or anything like that,

have you?
A: No. I got hit from behind twice, if that counts.
Q: Did you ever file any kind of lawsuit?
A: No.
Q: What's your wife's name?
A: Cheryl. I call her Cheri.
Q: How long have y'all been married?
A: Don't ask me.
Q: I just did.
A: 150 years -- no, 29 years this Christmas.
Q: Have you ever been divorced?
A: No. Yes, twice. My first wife died of leukemia at the age of 38 -- 37, and I was been married briefly and briefly again.
Q: Okay.
A: I got it right the third -- fourth time.
Q: Your second wife, the first divorce that you had, what was her name?
A: Shouldn't ask me. I couldn't even tell the insurance company that. I couldn't even tell the Social Security that. I know her first name was either Patricia or Sonya. I don't which one, the second and third.
Q: Okay.

A: That's how short they were.
Q: All right.
A: On my Social Security application was unknown, so put unknown.
Q: Okay. And I know you said you have six sons?
A: Six boys. She had four and I had two, and we put them together.
Q: And they all live in South Carolina?
A: Uh-huh. Two of them are law enforcement officers.
Q: Do you have any family members by blood or marriage over the age of 18 who live in Richland County?
A: No. Newberry and Lexington and Aiken.
Q: Now, other than receiving your letter from Mr. Gantt, the letter from Mr. Gantt, and maybe having a communication with Mr. Childs, have you had any communications with any other Lexington-Richland 5 School Board members or employees about Kim Murphy?
A: I ran into them at a conference one -- not a conference -- but a Lexington County conference, and they made some comment. I don't even know which one it was. They just knew it was going on.

Q: When was this?
A: Whenever Lexington County had their leadership conference.
Q: Would that have been ---
A: Don't ask me, I don't know.
Q: Was that this year ---
A: No.
Q: --- or another year?
A: No.
Q: Was it a male or a female?
A: Female.
Q: Do you know if she was a school board member?
A: Don't know. I don't know the school board members over there. The only one I know now because of this is Mr. Gantt.
Q: What did that female say to you about this ---
A: They just said they understood that we had written a letter. They knew that.
Q: They understood that the district had written a letter or that your -- your office had written a letter?
A: That my office had written a letter.
Q: Was that before or after this was all public?
A: After. My letter had already gone out.
Q: Did that lady make any other comment to you

other than acknowledging that she knew about the letter?

A: I don't remember any other.

Q: Did she say anything ---

A: We were busy -- we were busy trying to listen to the speaker when it happened.

Q: Okay. She didn't say anything negative about Ms. Murphy ---

A: No.

Q: --- in that conversation?

A: In fact, I had to pull away because I was the next speaker.

Q: Okay. Have you spoken with any other employees or board members of Lexington-Richland District 5?

A: Not that I remember, no.

Q: Have you had any communication with any of Ms. Murphy's family members?

A: Did I have any communication with her family members?

Q: Yes, sir.

A: Don't know her family members, no.

Q: Okay. Do you know whether or not she has other family members that reside at her property that are eligible to vote?

A: I don't know where her property is at, so I have no knowledge of it.
Q: Is it your position that anyone who lives in the same house as Ms. Murphy should be voting in Lexington County?
A: Yes.
Q: Whose responsibility would it be to make sure that was happening?
A: Voter Registration Board.
Q: If someone had identified some other stakes in or around the Rocky Ford area and they notified your former office of that information, is that something that your office or the staff would go out and investigate?
A: They would check on it, yes.
Q: Have you ever told any of your staff members they couldn't do that?
A: No. I have had no participation in my staff members' technical work on this.
Q: Do you have any knowledge of whether or not there are any stakes that have been identified over in the Rocky Ford area exclusive or outside of those that were identified in 1995?
A: No.
Q: If someone told you that there had been stakes

that were identified, would you have wanted your office to go out and investigate that?

A: Yes, depending on what -- only time I heard about stakes being up is Ms. Murphy's testimony ---

Q: Okay.

A: --- when she was being deposed.

Q: So no one ever contacted you directly ---

A: No.

Q: --- to tell you that there were stakes ---

A: No.

Q: --- that had been located? Has your office ever been -- have they ever thought that they couldn't locate a stake or a position that was, you know, located in the statute but then later found that like physical evidence anywhere that you can think of ---

A: No.

Q: --- like a situation you ever had with that? Do you have any knowledge of Mr. Gantt's activities as a board member?

A: No.

Q: Do you have any knowledge of Ms. Murphy's interactions with her former fellow board members?

A: No.
Q: Do you know whether or not Mr. Gantt liked Ms. Murphy?
A: I wouldn't speculate.
Q: Has anybody ever told you that he didn't like her?
A: No.
Q: Has he ever told you he didn't like her?
A: No. That's his opinion.
Q: Have you ever heard or has anyone ever told you that Ms. Murphy had accused or spoken out about any of the board's activities as it related to procurement violations?
A: Only the one I heard in her depositions.
Q: So nothing outside of that?
A: No.
Q: Did Mr. Gantt ever talk to you about the timing of his letter to you and why he sent it to you when he did?
A: No. They made a request and we answered it.
Q: I know he sent the letter to you towards the end of December in 2012, right, the request, and then you answered it in January ---
A: Right.
Q: --- of 2013? Is there any specific timeline

that you or your office would follow as it related to these kinds of requests, or would it just depend on the type of request and the amount of work that would go into it?

A: Depends on the workload at the time.

Q: Okay.

A: I know staff was in Spartanburg and Cherokee a good bit at that time.

Q: When your office was looking into Ms. Murphy's residence issue, did they look into other parts of her property as in relation to where her home was or just the actual home itself?

A: The home and the area around it.

Q: Was all of that property, the home and the area around it, in Lexington County based on ---

A: I don't know. No.

Q: No?

A: Don't know.

MR. FRAWLEY: Bobby, let her finish her question before you state your answer.

A: I did. I -- I don't know.

Q: Okay. In determining where someone lives, like what county they reside in, when you're looking at their house and the property around it, is there a certain percentage that has to belong

in one county versus another or a certain room in the house that has to be located in the county for y'all to make a determination as to what county it's in?

A: The house itself.

Q: The house itself. What if half the house is in one county and half is in the other?

A: We've had that happen before.

Q: So what do you do? How do you determine which county it's in?

A: They have to resolve it themselves, between the two.

Q: The counties resolve it?

A: We had a mayor living in the room town in the wrong part of his house.

Q: Okay. But when you were looking at Ms. Murphy's house, did y'all have a similar issue; was all of her house itself in Lexington County?

A: The determination was made that she was about 500 feet in Lexington County, which means the whole house was there.

Q: Could your office have been wrong about that determination?

A: I wouldn't ---

MR. MORRISON: Object to the form.
Q: It's okay, you can answer it.
A: No, I don't need to answer it. They've already done their work.
Q: And I know I've asked you this. I just wanted to make sure I'm clear. You personally didn't do any of the work that went into locating where Ms. Murphy's residence was, correct?
A: That's correct.
Q: Do you have any information or evidence that any of your staff members didn't do everything they needed to do to make that determination?
A: No.
Q: Do you have any evidence that any of your staff members purposefully ignored any evidence or any information that would lead them to conclude she was in a county other than Lexington County?
MR. MONTGOMERY: Object to the form.
A: No.
MR. FRAWLEY: Same objection.
Q: Did you have any idea of when Mr. Gantt was going to make the issue of Ms. Murphy's residence public once you gave him the letter that you gave him?

A: No.
Q: So you didn't have any discussions with him after you sent the letter, right?
A: No. That was -- it was up to him.
Q: Okay. Did you follow any of that in the media at all, what happened as it related to the results of your letter?
A: Only what I heard in the deposition.
Q: Okay. Do you have any opinion at all as to whether or not Ms. Murphy was a good board member when she was on the Lexington-Richland 5 Board?
A: Wouldn't venture an opinion. Wouldn't know.
Q: Did you ever secretly meet with Mr. Gantt to come up with a way to get Ms. Murphy in Lexington County so she would ---
A: No.
Q: --- be off the board?
MR. FRAWLEY: Object to the form of the question. Answer the question if you can.
A: No.
Q: Did you ever talk with anyone else about purposefully trying to find her to be in Lexington County?
MR. FRAWLEY: Object to the form. Answer the

question.
A: No.
Q: Have you ever made any negative comments to anyone about Mrs. Kim Murphy?
A: I should have after listening to her deposition, but no. I'm a villain.
Q: Based on what you have reviewed as far as what your staff members have done, do you believe they did a full and complete investigation into where Ms. Murphy's residence is located?
A: Yes. If I had not believed that, I would not have written the letter.
Q: Have you ever been in a situation where your office had to respond to an inquiry such as the one that was presented to your office about Mrs. Murphy and you were presented with findings from your staff members and you felt that they hadn't completely done their job or done all the research they needed to do to give you an answer?
A: No.
Q: Have you ever had to go behind your staff members and check the work that they've done?
A: I'm not a surveyor, so no.
Q: If you're not a surveyor, how would you know

that the information that they provide to you about surveying would be correct and accurate?
A: Not being a surveyor?
Q: Yes, sir.
A: I have ultimate trust and confidence in them.
Q: Okay. Let's take a short break, okay, and then I'll be back in just a minute.
(Off the Record from 1:32 p.m. until 1:50 p.m.)
Q: Mr. Bowers, did you speak with anyone during the break about your testimony here today?
A: No.
Q: Okay.
A: I was the only one left in here.
MR. FRAWLEY: You talked to the court reporter.
A: I talked to the court reporter, I'm sorry, but nothing about this.
Q: I understand. That's cool. Have you had any communications through your personal email account relating to Kim Murphy or this inquiry you received?
A: No.
Q: Do you know if any of your former employees have had any contact with Mr. Gantt, personal contact with Mr. Gantt?
A: No, I don't know.

Q: Did you ever reach out to Richland or Lexington County Tax Assessor's Office to discuss or have any communication with them about the Murphy residence issue?
A: I did not. My staff may have, I don't know.
Q: Okay. If your staff had any communication, would that have been in written form, do you know?
A: Don't know.
Q: Can you tell me the difference between the significance of tax lines, county lines, and precinct lines?
A: They should be the same.
Q: What if they're not the same, then what -- is there one that ---
A: Then somebody is wrong.
Q: Okay. Do any one of those lines take precedence over another one of those lines?
A: The proper line is, when it's reestablished takes precedence over all of them.
MS. STORY: Let's mark this Number 9.
(Plaintiff's Exhibit Number 9 was marked for identification purposes.)
Q: Have you had enough time to look over that?
A: Uh-huh.

Q: Have you had enough time to look over Exhibit 9 to your deposition?
A: Oh, yeah. I've seen it before.
Q: What is it?
A: It's a map showing different boundaries.
Q: Okay. Do you know what boundaries this map is showing?
A: No. Staff would. I don't know.
Q: Okay. Do you know if Ms. Murphy's residence is located anywhere on this map?
A: If her residence is on the Lexington side of Rocky Ford, she's in Lexington County.
Q: Do you know if this map says that or shows that?
A: I don't know. No, I don't know. You'd have to ask Mr. Zupan about that.
Q: Okay. I can do that. Well, I don't have any other questions for you, Mr. Bowers. Your attorney may have questions for you or some of the other attorneys in this room may have questions for you, so please answer them, okay?
A: Okay.
MR. FRAWLEY: David?
MR. MORRISON: None.
MR. FRAWLEY: Mike?

MR. MONTGOMERY: No questions.

MR. FRAWLEY: No questions from us.

(There being nothing further, the deposition concluded at 1:54 p.m.)

Transcript of the Testimony of
WILLIAM F. ROBERTS, JR.

Date: December 21, 2015



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Fax: (803) 799-5668
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STATE OF SOUTH CAROLINA	)	COURT OF COMMON PLEAS
	)	
COUNTY OF RICHLAND	)	C/A #: 2014-CP-40-4666

Kim Murphy,

Plaintiff,

v.

Richland-Lexington School District 5 Board of Trustees, Robert Gantt, and Bobby Merle Bowers, in their individual capacities,

Defendants.

DEPOSITION OF

WILLIAM F. ROBERTS, JR.

****

Monday, December 21, 2015
9:40 a.m. - 12:30 p.m.

The deposition of William F. Roberts, Jr., taken on behalf of the Plaintiff at the law offices of J. Lewis Cromer & Associates, 1418 Laurel Street, Columbia, South Carolina, on the 21st day of December, 2015, before Christine A. Cortright, Court Reporter and Notary Public in and for the State of South Carolina, pursuant to Notice of Deposition and/or agreement of counsel.

APPEARANCES

Ashley C. Story, Esquire
Chelsea Rikard, Esquire
J. LEWIS CROMER & ASSOCIATES, LLC
1418 Laurel Street, Suite A
Columbia, South Carolina 29201
Attorneys for the Plaintiff
astory@jlewiscromerlaw.com

J. Jordan Johnson, Esquire
MORRISON LAW FIRM, LLC
7453 Irmo Drive, Suite B
Columbia, South Carolina 29212
Attorney for the Defendant: Richland-Lexington School District 5 Board of Trustees
david@dmorrison-law.com

Michael H. Montgomery, Esquire
MONTGOMERY WILLARD, LLC
1002 Calhoun Street
Columbia, South Carolina 29201
Attorney for the Defendant: Robert Gantt
mhm@montgomerywillard.com

Patrick J. Frawley, Esquire
DAVIS FRAWLEY, LLC
140 East Main Street (29072)
P.O. Box 489
Lexington, South Carolina 29071-0489
Attorney for the Defendant: Bobby Merle Bowers
pat@oldcourthouse.com

Also Present:
Kim Murphy
Robert Gantt

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STIPULATIONS

It is stipulated and agreed that this deposition is being taken pursuant to the South Carolina Rules of Civil Procedure.

It is stipulated by and between counsel and the witness that the reading and signing of the following deposition be, and the same are, hereby not waived. The signature sheet is attached at page 90.

WILLIAM F. ROBERTS, JR., being duly sworn, deposes and testifies as follows:

MR. ROBERTS - EXAMINATION BY MS. STORY:

Q: Good morning, Mr. Roberts.

A: Good morning.

Q: My name is Ashley Story and I represent Kim Murphy in a lawsuit that she has brought against Lexington-Richland School District 5, Mr. Bobby Bowers, and Mr. Robert Gantt, okay?

A: All right.

Q: Thank you for being here this morning. Thank you for being patient with us while I've gotten here together. We really, really appreciate it. I know you've got some things you probably need to do today, but we won't be here for too terribly long, all right? We've got another deposition scheduled at 11:00 so we'll finish up with you by then no matter what happens, okay?

A: All right.

Q: Have you ever had your deposition taken before?

A: No.

Q: All right. Well, I'm going to go over some ground rules with you so you and I are on the same page, and I will just ask if you have any

questions you direct them to me, all right?
A: Okay.
Q: The first one, and you're doing really well, is to make sure that you respond verbally to anything that I ask you. So do say yes or no. Don't go uh-huh and huh-uh and don't shake or nod your head; just make sure you make a verbal response. Okay?
A: All right.
Q: And I make ask you is that a yes or is that a no. I'm not trying to be rude; I'm just trying to make sure we get it on the record. Also, we need to both try really hard not to interrupt one another, so if you will let me ask my entire question even if you think you know what I'm going to ask, let me do that, and then I'm going to let you respond however long it takes. And if you feel like I've cut you off, please let me know; that's not my intention today. All right?
A: All right.
Q: Also I'll ask you that if you don't understand my question, will you tell me?
A: Yes.
Q: And the flip side of that is that if I ask you

a question and you respond to it, I'm going to assume you understood it, fair enough?
A: That's fair.
Q: Good. I will show you some documents today. I will give you all the time you need to look at it, and when you're ready, you just let me know and we'll move forward with questions, all right?
A: All right.
Q: If you need to take a break at all today, that's completely fine; you just let me know. I will tell you, though, that while you're taking breaks you're not permitted to speak with anybody about your testimony, okay?
A: Okay.
Q: Do you have any questions of me before we get started?
A: No.
Q: All right. I see you brought a binder with you ---
A: Yes.
Q: --- of some stuff. Can you tell me what that is?
A: This is a list of emails that were in our system from -- has anything to do with this

case.
Q: Okay.
A: And then I've also provided a list of maps and other information. And also a DVD with GIS data, some of the maps and other information
Q: All right. Great. I think what we might do is if we can mark this as Exhibit 1 and I'll make copies for everybody before y'all leave today and that way we'll disseminate it that way.
MR. FRAWLEY: That will be good. And my understanding is this is responsive to the subpoena you gave him.
MS. STORY: Yes. Right. Exactly.
(Plaintiff's Exhibit Number 1 was marked for identification purposes.)
Q: All right. Mr. Roberts, before we really get started I'm just going to ask you a few questions about your background. Do you live in Richland County?
A: Yes.
Q: And does your wife live in Richland County?
A: Yes.
Q: Where are you from originally?
A: Irmo.
Q: Did you go to Irmo High School?

A: Yes.
Q: What year did you graduate?
A: 1998.
Q: Where did you go to college?
A: Went to Charleston Southern, then Midlands Tech, and then graduated from the University of South Carolina in 2003.
Q: What kind of degree or diploma did you receive from the University of South Carolina?
A: Got a bachelor's in geography.
Q: Do you have any other degrees?
A: I'm currently enrolled in graduate classes at Clemson University.
Q: Switching teams on us?
A: They've got a better football program so that's what I'm looking at.
Q: What kind of graduate classes are you currently taking at Clemson?
A: Public administration.
Q: If you wouldn't mind just giving me a brief rundown of your job history since you graduated from the University of South Carolina.
A: Since I -- well, before I graduated I started working with the Office of Research and Statistics for Mr. Bobby Bowers back in 2000.

So that was prior to my graduating of -- graduation at USC. And so in 2003 I was offered a full-time position with the office, and that's where I've been ever since.

Q: What is your current job title?

A: State political cartographer.

Q: And what are your major job responsibilities and functions?

A: We provide mapping and GIS services to the South Carolina Legislature and to the county voter registration and election offices.

Q: As you sit here today, do you directly supervise anyone?

A: Yes.

Q: How many direct reports do you have?

A: Just one.

Q: Who is that?

A: That's Wayne Gilbert.

Q: What is Mr. Gilbert's job title?

A: He is a GIS manager.

Q: And who do you report to today?

A: Frank Rainwater.

Q: It's my understanding that Mr. Rainwater took over Mr. Bowers' position once Mr. Bowers retired; is that correct?

A: That's correct.
Q: Okay. When you started working with the Office of Research and Statistics in 2000, you were working part time?
A: Yes.
Q: And what were you doing part time then?
A: Pretty similar to what I do today, working with redistricting and creating maps for the legislature.
Q: Approximately how many years did you report to Mr. Bowers?
A: Approximately 15 years.
Q: Each year that you reported to Mr. Bowers, did he go over an annual performance evaluation with you?
A: Actually, let me go back on that. Actually, I had another supervisor until 2003 when I was full time, and then after 2003, I reported directly to Mr. Bowers.
Q: Okay. So after 2003 when you started reporting directly to Mr. Bowers, did he do an annual performance evaluation of you every year?
A: I believe so.
Q: Did you ever receive any negative marks from Mr. Bowers on any of your ---

A: No.
Q: --- performance evaluations?
A: No.
Q: Have you ever received any discipline from Mr. Bowers when you reported to him?
A: No.
Q: Now, when you reported to Mr. Bowers, what was your understanding of what his job duties were?
A: His job responsibility was to run the day-to-day operations of the office.
Q: Now, in your employment with the Office of Research and Statistics, do you work with other like departments in that -- in that area, or you exclusively work by yourself doing the mapping and the GIS work?
A: We integrate regularly between the sections, especially our 911 mapping section.
Q: Do you know Alan-Jon Zupan?
A: Yes.
Q: How do you know him?
A: He's a coworker with our geodetic section.
Q: And what is geodetic section; what is that? What do they do?
A: They are responsible for surveying and mapping geodetic control across the state.

Q: How would your section integrate with his section, if it does?
A: We rely on each other for GIS support, and his section maintains the orthophotography that we sometimes use.
Q: Since y'all rely on each other, is it fair to say that if one of you provide information to the other section that was incorrect that both of you might have an issue?
A: Yes.
Q: All right. Tell me about the first time that you heard about Mrs. Murphy, Mrs. Kim Murphy, who's sitting in this room.
A: First time I heard about her, I believe it was a newspaper article or something about a lawsuit with the Chapin school district.
Q: Now, I know you told me that -- or we were talking before the deposition -- you've got children. Do your children attend Richland-Lexington 5 School District?
A: Yes.
Q: Do you ever attend any of the school board meetings?
A: Very rarely.
Q: Did you ever attend any of the meetings while

Ms. Murphy was on the school board?
A: Yes.
Q: Can you approximate how many meetings you attended while Ms. Murphy served on the school board?
A: I'd say two to three.
Q: What was your intent or purpose in going to those school board meetings?
A: Just to get information on the school district.
Q: Was there something in particular that was piquing your interest during that time?
A: No.
Q: Did you ever speak at any of those board meetings?
A: No.
Q: All right. Going back to my original question. I asked you when you first heard about Mrs. Murphy and you told me that it was a newspaper article dealing with the lawsuit with the Chapin school.
A: Uh-huh.
Q: What do you remember about that newspaper article?
A: Just that she had sued the school district.
Q: Did you happen to vote for Mrs. Murphy in the

election?
A: Yes, I did.
Q: Did you do any campaigning for any of the other school board members ---
A: No.
Q: --- or Mrs. Murphy?
A: No.
Q: All right. Now, after the newspaper article we've already discussed and after you -- you obviously saw Mrs. Murphy at a couple of these board meetings that you attended, when was the next time you had any occasion to have any interaction with her or dealings with her?
A: I've never personally met Ms. Murphy.
Q: Is today the first time you've ever seen her in person?
A: Yes.
Q: Well, let me ask you this. Is today the first time you've seen her like close up? Because you would have seen her at these board meetings you attended, correct?
A: That's correct. And I saw her walking across the State House grounds one day, but the first time I've met her.
Q: So when was the first time anyone, including

Mrs. Murphy, ever contacted you relating to issues dealing with her residency? And you can approximate. I know it's kind of hard ---

A: Yeah.

Q: --- to remember specific dates. That's okay. I'm not trying to trip you up on a date. You just tell me what you can remember. Okay?

A: It was going to be -- get my -- can I look at my notes?

Q: Of course you can. Sure you can.

A: Okay. Yeah, I've got email in here. It's going to be around September to October of 2012.

Q: And how did you come, in September or October of 2012, to have any dealings with Mrs. Murphy and the residency issue?

A: Under budget proviso 80A.20 in the fiscal year 2011 to 2012 budget, our office was responsible for assisting the county voter registration offices to make sure that voters were assigned to the correct districts.

Q: And so how did the issue about Mrs. Murphy's residence come into your purview?

A: We were running the files according to this budget proviso before the 2012 election, and

Ms. Murphy's address was one that got flagged for being in the incorrect district.

Q: Now, when you say that you were running files and her property was one that came up as flagged, can you tell me a little bit about that process and what y'all were specifically doing?

A: What we do is we take the voter registration database from the State Election Commission and we run it through our GIS system. And what it does is it address matches each point based on the road file provided by the county. And when it did that, we overlay it on top of the current house and senate districts and see what district it falls into compared to what they're registered for.

Q: Okay. And so did you personally flag Mrs. Murphy's address, or is that something the computer does for you?

A: The computer does it.

Q: Okay. And then so after the computer flagged her address, what action or step did you take to look at it, if you did anything?

A: I called -- there was two areas that we were concerned about for Richland County. It was an

area off of Fernandina Road, it was an apartment complex; and there was two addresses in the northwest section of Richland County that were a concern. So what I did was I called Lexington County staff and discussed it with them.

Q: The northwest section of Richland County that you said the two addresses that were flagged from there, what were those two addresses, or do you know who they belonged to? Let me ask it that way.

A: I think it was a Mr. Moffatt Burriss and Ms. Murphy's address.

Q: Okay. If those were Richland County addresses at some point, why did you call the Lexington County staff to discuss it with them?

A: We do not have a working relationship with Richland County's GIS section.

Q: Why not?

A: Sort of goes back to the budget proviso. We've had a difficult time receiving accurate GIS information from Richland County.

Q: So who did you contact over at Lexington County initially to discuss the issue of the area off of Fernandina Road and then the northwest

section of Richland County?
A: I talked to several people over there. I don't know the order of which I called.
Q: That's okay. Just tell me what you can remember, that's all right.
A: All right. Yeah, it was -- I talked to Jack Maguire, Ralph Ford and Dean Crepes.
Q: Now, who is Jack Maguire, what is his position over in Lexington County, if you know?
A: He is no longer there. He's retired. He was the GIS manager for Lexington County.
Q: Okay. And same question with Ralph Ford, what was his job title over at Lexington County?
A: He worked for Jack. I'm not sure exactly what his title was.
Q: Okay. And then Dean Crepes?
A: He's the director of elections and voter registration for Lexington County.
Q: All right. So let's take all of these folks one at a time, and I know you can't remember the order and that's okay. What can you remember about your conversations with Jack Maguire dealing with these flagged properties?
A: Called Jack to see what -- what he thought about Ms. Murphy's address being in Lexington

County. I had viewed it on their GIS system that her house was over the parcel layer that they provide for public information. So I called to get his opinion on it. And he said -- he pulled it up on his computer and said that yes, her house did fall into the tax parcel and aerial photography that he had for Lexington County and that he would be going down to talk to the tax assessor.

Q: Do you know who the tax assessor was at that time?

A: No.

Q: Any other conversations you had with Mr. Maguire at that point?

A: No.

Q: Is there any -- did you talk with him also about the other properties or just Mrs. Murphy's property?

A: I believe it was both.

Q: Okay. Did he give you any information about the other three properties or the ---

A: No.

Q: No? Okay.

A: No.

Q: All right. What did you and Mr. Ford talk

about?
A: I think my conversation with Mr. Ford was a few days after I talked to Mr. Maguire, and I believe I asked him about the 911 service, who would provide 911 service to her address.
Q: And what did he tell you, if you can remember?
A: I don't remember what he told me.
Q: Did you also ask him about the 911 service as it related to the other properties or just Ms. Murphy's property?
A: Just Ms. Murphy's property.
Q: Is there any reason why you asked just about her property and not about the others that had been flagged?
A: Because Mr. Maguire had confirmed that Ms. Murphy was a school board member with Richland-Lexington 5.
Q: What difference did that make?
A: This -- notified Mr. Bowers because we were dealing with a different issue than we typically deal with as far as citizens being in the incorrect districts.
Q: How is this situation different than other situations you've dealt with in the past?
A: It was a county boundary issue that was going

to involve both sections, my section and the Geodetic Survey section, when typically it's just my section that goes in that -- or that processes the information to determine if people are in the incorrect districts.

Q: Now, was the geodetic section also getting involved in the other properties that had been flagged or just Mrs. Murphy's?

A: They were getting involved in all -- all of them.

Q: Okay. But going back to my question with Mr. Ford, you said you only discussed Mrs. Murphy's property with him and then you told me that you had to notify Mr. Bowers because of this being a county boundary issue. What was it particularly about Mrs. Murphy that made you discuss only that with Mr. Ford and not the other properties that had been flagged?

A: Because I felt that Ms. Murphy's property was a little bit closer to the line than the other property.

Q: At that point in time when you were having these conversations with the folks over at Lexington County, had you made any sort of initial determination as to where you believe

Mrs. Murphy's residence to be?
A: The maps I had showed her in Lexington County, but I knew that the geodetic -- but the Geodetic Survey would have to make the determination because they have the surveying equipment, they know about the surveying, they know about the, you know, the boundary as it's stated in the code. The information that I rely on comes from the U.S. Census Bureau and is not based off of law.
Q: Anything else that you can remember discussing with Mr. Ford as it related to Mrs. Murphy's residence at that time?
A: No, it's just straight -- straight 911 service.
Q: Okay. All right. Now, Mr. Crepes was the other person you spoke to initially.
A: Yes.
Q: What did you discuss with him?
A: I discussed the Fernandina Road apartment complex as well as both addresses up in northwest Richland County.
Q: Do you remember what, if anything, he told you when you were discussing these things with him?
A: He told me that the Fernandina Road area was not a huge concern of his.

Q: Did he say why it wasn't a big concern?
A: He said that -- I explained to him the only way to determine who was in Richland County and in Lexington County was to walk the apartment complex, and his response was I would not walk that apartment complex with two armed sheriff deputies with me.
Q: Okay. And then what was his response when you discussed the two addresses and the northwestern Richland County that had been flagged?
A: He knew that there was some possible problems up in that area, that it had been a concern in the past.
Q: Did he share with you how he knew those two areas or those two properties had been a concern in the past?
A: No.
Q: What else did he tell you about those properties?
A: That's it.
Q: At that time when you were talking with Mr., is it Crepes?
A: Yes.
Q: At that time when you were talking with him,

did he give you any kind of guidance as to how you needed to proceed or anything to tell you how he was going to take any action moving forward?

A: He just said we needed to get it straightened out.

Q: Now, let me ask you this. Prior to y'all running this thing that you were doing and the computer flagging these areas, did you hear from anybody whatsoever that there was ever potentially an issue with Ms. Murphy's residence?

A: We did hear from Ms. Murphy prior to all this with -- she talked to one of my staff members who's no longer with us.

Q: So you heard from Ms. Murphy prior to October or September of 2012?

A: Yes, it was an email from my staff to Ms. Murphy on September 17th of 2012.

Q: Okay.

A: She had requested a copy of a map of the Richland-Lexington school district.

Q: In her communication to your staff member -- well, who's the staff member she communicated with?

A: It's Dwight Jones.
Q: In her communication, does she indicate why she was looking for that information?
A: She was looking at the -- she wanted a -- she wanted to see the split precincts and also the boundary between District 5 and District 1, and also the Lexington County boundary in her district.
Q: Does it mention anything about her actual property, though, her residence, her personal residence?
A: No, the email does have her home address on it though.
Q: Okay. So do you know if anyone, after receiving this email from your office, did any inquiries into her actual home address that was listed on the email?
A: No.
Q: Okay. Prior to this correspondence on September 17, 2012, had you received any information from anyone about questioning or disputing anything about Mrs. Murphy's residence and her property?
A: No.
Q: Had anyone at your office talked with you about

it prior to all of this occurring?
A: No.
Q: Okay. Moving forward in time. So you told me that after you -- the properties were flagged, you discussed it with the three gentlemen over at Lexington County. What happened after those three conversations? What did you do next?
A: Talked to our geodetic staff, and they said that they had done some field work up in that area.
Q: Now, when you say that area, do you mean the Fernandina Road area or the northwest Richland County area?
A: They had done both.
Q: Okay. Who in the geodetic staff did you talk to?
A: Alan-Jon Zupan.
Q: Did he describe to you any of the specifics of the field work that had been done by his staff or when it had occurred?
A: No.
Q: Did he discuss why the field work had been done in both of those areas prior to your inquiry about it?
A: No.

Q: Anything else y'all talked about?
A: No.
Q: What happened after you had the conversation with Mr. Zupan?
A: After I had the conversation with Mr. Zupan, he had told me that he had the coordinates for Rocky Ford and that they had the arc in between Lexington and Richland County where Fernandina Road area would have fallen.
Q: Did he show that information to you or provide it to you?
A: He had the GIS staff over in the Geodetic Survey send it to me.
Q: So do you remember about when that would have occurred; what month in 2012 he would have provided that information to you?
A: That was going to be October 16th.
Q: Okay.
A: And I also went out to the geodetic office and met with Mr. Zupan and discussed it.
Q: Was that after you received the information from him?
A: That was on the same day.
Q: Okay. Tell me about y'all's meeting and what you discussed.

A: We discussed the location of Rocky Ford.
Q: And during that meeting, what was your understanding of what the location was for Rocky Ford?
A: My understanding was that he had actually seen the ford and had stood on top of it with GPS equipment to get the longitude and latitude.
Q: When did he do that, did he tell you?
A: I don't know.
Q: What else did y'all discuss during that meeting that you can remember?
A: I think that's about it.
Q: Did y'all have some understanding of what your next steps were going to be once you concluded that meeting?
A: No.
Q: Okay. All right. So once that meeting was finished -- is there anybody else that was present during the meeting?
A: No.
Q: Just you and Mr. Zupan?
A: That's correct.
Q: Approximately how long did it last?
A: Approximately 30 minutes.
Q: What was the next thing you did after that

meeting was over as it related to the issues concerning these flagged properties?

A: I spoke to Mr. Bowers. I told Mr. Bowers about it. I believe that was prior to me meeting with Mr. Zupan.

Q: What was Mr. Bowers' response or reaction once you told him what you had learned about the flagged properties?

A: I don't remember.

Q: Did he give you any sort of direction as to what you need to do to proceed forward or he just ---

A: No.

Q: So at this point in time up to where we are now, you know, as of October 16, 2012, you had discussed the Murphy residence issue with three folks at Lexington County that we've talked about, you told Mr. Bowers about what you discovered, and you also met with Mr. Zupan and talked with him about the actual location of the Rocky Ford; is that correct?

A: That's correct. And I -- I don't know the time frame, but I did discuss this with Richland County election officials.

Q: Who over at Richland County election office did

you talk with it about?
A: Chelle Cromer. I think her last name is Epps now.
Q: Anyone else?
A: That's it.
Q: What was your conversation with Ms. Epps?
A: Ms. Epps had -- we're in communication a good bit trying to make sure that her voters are in the correct districts. And so having these been flagged as in the incorrect districts, we would have provided that information to her to make changes before the election.
Q: Okay. Other than Ms. Epps, was there anyone else in Richland County that you discussed this with?
A: No.
Q: All right. So now did you talk with her before October 16, 2012, or after your meeting with Mr. Zupan?
A: I don't remember.
Q: Okay. So after you had your meeting with Mr. Zupan on October 16, 2012, what was your next step or the next action that you took as part of your job?
A: I don't remember exactly what we did.

Q: Did you take any action at all or ---
A: No.
Q: --- did you just kind of wait and see what was going to happen?
A: We just waited.
Q: Why did you wait?
A: We didn't know how to proceed.
Q: Prior to this occurring, this issue of these flagged residences that we've been talking about, specifically Mrs. Murphy's, had your office ever dealt with this similar issue in the past where ---
A: Yes.
Q: Okay. Tell me about -- and how many times had that happened in the past that you can remember?
A: We started this program back in about 2003, 2004 running the voters across the state and, in that time, I'd estimate that we have had twenty to thirty thousand people in the incorrect districts.
Q: So these twenty to thirty thousand people that were in incorrect districts, were these county issues, county boundary issues like the one we've been talking about or were they

different?
A: They're election districts.
Q: Okay. How did you go about resolving those issues?
A: We provided the information to the voter registration and election offices and they double checked the maps and they made the changes, if needed.
Q: So just help me understand because I don't -- I don't do what you do so I'm just trying to figure this out. How were those instances, these twenty to thirty thousand people that you dealt with in the past, different than the flagging issue as it related to Ms. Murphy's property?
A: Ms. Murphy's property was a county boundary change and we typically deal with election districts.
Q: Had you ever dealt with a county boundary change before?
A: We have. I just don't know what the time frame of that county boundary change was.
Q: Do you know what county boundaries or what the dispute was, what counties it involved?
A: Yes, it was Jasper and Beaufort County.

Q: Can you give me just a little bit of background on how that might have been similar or different from the Murphy issue?
A: Same thing. They were paying taxes in I believe one county and then registered to vote in another.
Q: So what steps did your office take, if any, to resolve that issue?
A: We had contacted the geodetic section and ask them to research the boundary between Jasper and Beaufort Counties in this area.
Q: Was Mr. Zupan involved in that as well?
A: Yes, he's the one I called.
Q: Okay. And what happened after he and his section did their research?
A: He said that he'd end up having to go down there and do some background research and everything to determine where exactly the line was.
Q: What happened after that?
A: We just sort of dropped it.
Q: Why?
A: It was going to be a very time-consuming issue and only impacted one or two voters.
Q: Now, the one or two voters that that issue had

impacted, if they had made a formal request to your office, would your office have done more action with that actual -- with that issue?

A: I can't speak to that because that would have been a determination made by Mr. Bowers.

Q: Now, as it deals with the properties that were flagged in Ms. Murphy's area, Mr. Burriss's and then the Murphy residence, those were the only two properties that were flagged, correct?

A: And the Fernandina Road apartment complex.

Q: Other than those properties, were there other people that were affected by it?

A: Not that I'm aware of.

Q: Okay. So at this point in time, going back to the flagging issue that we've been talking about, the Murphy flagging issue, y'all decided to wait, you weren't going to do anything else with it; is that your testimony?

A: That's correct.

Q: Okay. What happened after that that kind of brought this back into being an issue? Because it's my understanding there's a lot of work that went into kind of figuring out what happened.

A: Yeah. Let's see.

Q: I'm just trying to figure out what triggered more action from your office.
A: Yeah, we got an email from Mr. Powell, who was the attorney for Richland-Lexington 5 School Board wanting to discuss the maps that we had of Ms. Murphy's area.
Q: When did you receive that email?
A: That was going to be on October 30th of 2012.
Q: Did you personally respond to that email and provide the information that was requested?
A: Yeah, he called and asked if we could discuss and I told him that I would be there until 4:30 that afternoon.
Q: Did y'all end up discussing this on the phone or in person, you and Mr. Powell?
A: I don't remember.
Q: Do you have any recollection of you actually sending any information to him directly that he requested?
A: Yes, I did send him some information.
Q: Did Mr. Powell indicate to you at all how or why he was looking into this issue as it related to Ms. Murphy's residence?
A: I don't remember.
Q: What info did you send him?

A: It was the 1921 annexation plat that I had received from Archives and History.
Q: Did you send him any of the information that Mr. Zupan had given to you on your meeting in October?
A: No.
Q: Why not?
A: The information that he had given me in October was just a, it was a topographic map with Rocky Ford depicted on it in pencil. It would have been no use to him.
Q: So after Mr. Powell's communication with you and you sent him the information, what happened after that? Did anyone else contact you about the Ms. Murphy -- Ms. Murphy's residence issue, or did you do anything proactive to deal with that issue?
A: No. We ended up meeting with the attorneys from Richland-Lexington 5 at one point.
Q: Okay. Show you a document and like I said before, take all the time you need to look at it. We're going to mark it as Exhibit 1 to your deposition.
A: All right.
COURT REPORTER: 2.

MS. STORY: 2, yes. Thank you.
MR. FRAWLEY: What is 1?
COURT REPORTER: 1 is his files that he brought.
MS. STORY: And this is a back and front exhibit. I try to save paper and save the environment. That's my duty.
MR. FRAWLEY: And I commend you for that.
MS. STORY: Thanks.
(Plaintiff's Exhibit Number 2 was marked for identification purposes.)
Q: Have you had enough time to look over Exhibit 2?
A: Yes.
Q: I presented this to you because you mentioned that you ended up having a meeting with Richland-Lexington 5 attorneys. And so I wanted to ask you if you recall receiving this email from a Melissa Kaiser on behalf of Ken Childs?
A: Yes.
Q: Okay. And is it -- was it with Mr. Childs that you had the meeting that you were discussing before I showed you the exhibit?
A: I don't know if Mr. Childs was present, but his -- some of his attorneys were there.

Q: Can you tell me who you remember being present in that meeting?
A: I believe Mr. Powell was there, possibly Mr. Childs, and maybe one other attorney, I believe. I can't say for certain.
Q: Do you know if it would have been a male or a female?
A: I believe it was a male.
Q: Okay.
A: And then two school board members.
Q: Do you know who the two school board members were?
A: Mr. Gantt and Ms. Burn Watson, I believe.
Q: And other than you from your office, was anyone else from your office present for that meeting?
A: Mr. Bowers.
Q: What did y'all discuss in this meeting?
A: They questioned where Ms. Murphy's residence was.
Q: Who questioned it?
A: The attorney.
Q: Do you remember which one specifically?
A: No.
Q: And what else happened during that meeting?
A: I believe we discussed the request that the

school district was going to make.
Q: And so Exhibit 2 to your deposition there's a draft request. Is that something that y'all would have discussed during the meeting?
A: Not exactly this letter.
Q: Okay. What was your understanding at that meeting of the request that the school district was going to be making to your office?
A: They were going to be asking us to determine which res- -- which county Ms. Murphy's residence would be in.
Q: During the meeting when y'all were talking initially about where Mrs. Murphy's residence was or the question of where it was, did you give any sort of answers to the attorneys or to the school board members as to where you believed her residence to be?
A: Yes.
Q: What did you tell them?
A: I told them that from the information that I had based on the data that I had seen, she appeared to be in Lexington County.
Q: And when you say data that you had seen, would that have been data that Mr. Zupan had provided to you or other data that you had from your

office?
A: Both.
Q: What was your understanding of who was going to be making the request to your office about Mrs. Murphy's residence?
A: I didn't know if it was to be the attorneys for the school board or the school board itself.
Q: Is there any kind of protocol that your office has about who can make requests or how requests are to be received by your office?
A: No.
Q: Does there have to be some sort of formal request to be made or could I just as a citizen call up and say, hey, I'm concerned about this issue, can you just look into it?
A: You could make a request, the public could.
Q: Is there anything else that you can remember about what transpired during that meeting with all these individuals?
A: Huh-uh.
Q: Is that a no?
A: No. Sorry.
Q: Okay. That's all right. Do you know if Mr. Bowers made any comments during that meeting?
A: I don't remember.

Q: Now, as it relates to Exhibit 2 that we've looked at to your deposition, did you provide any feedback as related to this draft letter, this formal draft letter request?
A: I remember looking at it but did not provide any feedback.
Q: Did any of the attorneys in the meeting tell you how they found out or why they were concerned about the Murphy residency issue?
A: No.
Q: Other than your prior conversation with Mr. Bowers, prior to this meeting you told me that you had talked with him about your concerns about this particular address.
A: Yes.
Q: Did he mention the address to you in any way or his concerns about the address?
A: No.
Q: Do you know if Mr. Bowers had any communication with any of the attorneys or the school board members who were present at your meeting prior to the meeting taking place?
A: I don't know.
Q: So after the meeting, did you actually receive a formal request from the school district?

A: Yes.
COURT REPORTER: Number 3.
(Plaintiff's Exhibit Number 3 was marked for identification purposes.)
Q: Have you had enough time to look over this exhibit?
A: Yes.
Q: Have you seen this before today?
A: Yes.
Q: What is it?
A: It's the request that came in from Richland-Lexington 5 for us to determine if Ms. Murphy was in Lexington or Richland County?
Q: Okay. And did you actually personally receive this request?
A: Yes.
Q: And what did you do with it once you received it?
A: Write on our copy when we received it and put it to the side.
Q: There's a statement in the request, it's the last sentence of the first paragraph, "As you may be aware, such rumors have been around for some time," referring to her residency. Have you heard any rumors other than what we've

talked about today about Ms. Murphy and her residency issue?
A: No.
Q: So once you actually wrote on the letter that you received it and you put it to the side, what happened after that?
A: Started looking at the information that I had as far as where Ms. Murphy resides.
Q: What information did you look at?
A: I looked at the official house and senate district maps that we had, along with the U.S. Census Bureau county boundary data.
Q: Did you have anyone in your staff or in your office helping you with this?
A: No.
Q: And as it related to the official house and senate district maps that you had, what were you able -- what conclusions were you able to draw once you looked at those maps?
A: She was on the Lexington County side of the maps. She was voting for the incorrect house and senate district map -- district representatives.
Q: How long had her property been -- I mean, do you have any idea how long she'd been voting

for the incorrect representatives, as you say?
A: No.
Q: You have access to any sort of information as to how many times she voted or how long she'd been a registered voter in Richland County?
A: I have access to it but do not -- haven't looked at it.
Q: Why not?
A: Typically we're not concerned with the way -- you know, where people voted in the past, just where they currently were.
Q: Why wouldn't you be concerned with the way people had voted in the past? And I'm just asking. I'm not trying to be a smart aleck or anything. I'm just curious.
A: Yeah, because the -- you know, the election's come and gone, so it wasn't really a concern of ours. We were trying to get her straightened out before the next election.
Q: All right. And did you draw any other conclusions from looking at those official house and senate district maps?
A: No.
Q: What about the census data? Can you tell me exactly what you looked at as related to that?

A: Looked at the PL 94-171 database, which is used for the official redistricting for the state of South Carolina.
Q: What kind of information did you gather from that database?
A: That she -- her address fell in a U.S. Census block assigned to Lexington County.
Q: Do you remember what block that was? And if you can't, it's okay.
A: It's going to be a long one. It's going to be census block 450630212042059.
Q: And just for the record, can you tell us what map or what document you're looking at right now?
A: This is the one that -- down right there.
MR. FRAWLEY: Why don't you identify it for the record.
A: This is ---
Q: Yeah, can you tell us what it is?
A: Yeah. This is an aerial photography showing Ms. Murphy's residence with the census blocks for Richland and Lexington County overlaid.
Q: Okay. And by looking at the maps you looked at, the house and senate districting maps and the census data, this map you've just referred

to, how far in the Lexington County line was Mrs. Murphy's residence, if you can tell me?
A: I'd estimate in between 500 to 1,000 feet.
Q: Did you look at any other documents or any other data or information to make any other conclusions at this time?
A: At this time, no.
Q: All right. So after you did the looking through the census data information and the house and district -- senate district maps, what was the next step that you took?
A: Talking to Alan-Jon Zupan about the location of Rocky Ford.
MR. FRAWLEY: Ashley, let me make clear for the record, a couple questions ago you said did you look at any other documents at this time, the "at this time" you're talking about is back then or today?
MS. STORY: Back then after you received the formal request from Richland County -- Richland-Lexington School District 5. Is that clear?
MR. FRAWLEY: That's good.
MS. STORY: That's right.
MS. STORY: All right. Good. That's what I meant.
Q: All right. So going back, after you looked at

those documents then when you received the request, what was the next thing you did?
A: Went to the code of laws and realized that Rocky Ford was a point of interest.
Q: Was that before you talked to Mr. Zupan?
A: Yes.
Q: Okay. And when you say Rocky Ford is a point of interest, what does that mean?
A: It's clearly defined in the law as one of the markers between Richland County and Lexington County.
Q: And I assume you looked at a particular statute or something to that nature?
A: That's correct.
Q: How did you identify the statute or the law that you had to look at?
A: I mean, we know where it's at in the code. We just went to the code section, pulled out the county boundaries and ...
Q: Can you tell me what code section you looked at to find out that Rocky Ford was a point of interest as related to this property?
A: I don't remember.
Q: So once you identified Rocky Ford as a point of interest based on the code of law that you

looked at, what did you do after that?
A: I'd been in contact with Mr. Zupan and we knew that he had the coordinates; he had them on the topo maps.
Q: When you say he had the coordinates, do you mean for Rocky Ford?
A: That's correct.
Q: And that you knew that information based on your prior conversation with him in or around September, or was it October 16th?
A: Yes.
Q: What did he tell you, or what other contact did you have with him then when you started your research?
A: That was about it. We were just mainly focused on the location of Rocky Ford.
Q: What was your understanding of the location and where it was, Rocky Ford?
A: That it was on the creek somewhere behind Ms. Murphy's house.
Q: Did you ever physically go out to Ms. Murphy's residence to look at any of their property?
A: No.
Q: Would there have been any reason you needed to do that?

A: No.
Q: Do you know if Mr. Zupan ever went out to her property?
A: I do not know.
Q: Do you know if there was ever a land survey conducted of Ms. Murphy's property?
A: By our office or another surveyor?
Q: By anyone.
A: I have seen a plat of Ms. Murphy's property.
Q: How did you see that plat?
A: I don't remember who gave it to me.
Q: Do you remember what the plat showed as to where her residence was located?
A: Yes.
Q: What did it show?
A: I remembered the county line being on it, an approximate county line on the survey.
Q: And where was her home in location to that line?
A: I don't remember.
Q: Do you know if anyone from your office has done any sort of land surveys of her property?
A: Not that I'm aware of.
Q: Is there any reason why someone from your office hasn't done that?

A: We're not in the land surveying business.
Q: And this question just may show my ignorance about this process. What is the best way to determine the location of a county line, based on your experience, or your experience doing any of this stuff?
A: That would be go to the code of law -- actually, that would be a question for the Geodetic Survey staff because we don't handle physically going out and monumenting county boundary markers.
Q: In your experience, what ways have been used, if you know of any, to identify county lines, where they are?
A: You know, the first step is always going back to the code of laws, and then research methods to determine old markers.
Q: What are some of those methods?
A: That's something you'd have to ask the geodetic staff.
Q: So I can ask Mr. Zupan?
A: Yes, he'll fill you in on the history of it.
Q: I'll do that. Okay. Is there -- as far as you're aware, and you may not be able to answer my question, maybe a question for Mr. Zupan, is

a land survey a better way to determine a boundary versus, you know, going to the code of laws or looking at a GPS map or something like that?

A: That's something you'd have to ask him.

Q: Okay. All right. So after you spoke with Mr. Zupan to talk more about the location of Rocky Ford since you identified that as a point of interest, what did you do next?

A: We started composing a letter for Mr. Bowers to send back as a response.

Q: When you say we, would that have been you and Mr. Zupan?

A: Yes.

Q: When you say in response, in response to the formal request you received from Mr. Gantt?

A: That's correct.

Q: Other than your communications with Mr. Zupan at this point and y'all's working together to respond to the -- with the letter, did you talk with anyone else about the Murphy residence issue?

A: Possibly could have, but I don't remember.

Q: Who would you possibly have talked to about it?

A: It would have been Lexington County's GIS

staff.
Q: What would you have talked with them about?
A: The county boundary.
Q: Is there someone in particular that you would have discussed that with?
A: It would have been Jack Maguire.
Q: Did you provide him with any information before you started drafting the letter that Mr. Bowers was going to send?
A: I don't remember.
Q: Do you know if Lexington County provided your office with any information?
A: The information we have from -- yes, they did. We had their parcel layers for both Lexington and Richland County available to us.
Q: And what did those parcel layers show or indicate to you?
A: That Ms. Murphy's residence was both in Lexington and Richland County.
Q: So if those parcel layers show that she was in both counties, how did you go about resolving the issue, or did you, as related to the information the county gave to you?
A: We just went back to where the location of Rocky Ford was.

COURT REPORTER: That's Number 4.
(Plaintiff's Exhibit Number 4 was marked for identification purposes.)
Q: Have you had enough time to look over Exhibit 4?
A: Yes.
Q: So is this a draft letter that you began working on to respond to the formal request that your office received?
A: That's correct.
Q: And once you drafted these portions of the letter, you then gave it to Mr. Zupan to add his information?
A: That's correct.
Q: And generally speaking, I think we talked about it, you told me that you reviewed some Census Bureau information and looked at official maps, which is contained in this letter; is that correct?
A: That's correct.
Q: Now, the last paragraph that's drafted here in this letter is about all three sources showing that Ms. Murphy is a resident of Lexington County. At that time, you've got two sources in here. Did you -- were you aware that Mr.

Zupan was going to provide information showing that Ms. Murphy was in Lexington County?
A: Yes.
Q: How did you know that?
A: I'd spoke to him on the phone.
Q: And what did he tell you?
A: I don't remember.
Q: Did he share with you exactly how he came to determine that her property was in Lexington County?
A: We had discussed it.
Q: And you remember what you discussed about it?
A: The location of Rocky Ford.
COURT REPORTER: Number 5.
(Plaintiff's Exhibit Number 5 was marked for identification purposes.)
Q: This is back and front too, okay?
A: All right.
Q: Have you had enough time to look over it?
A: Yes.
Q: Exhibit 5 to your deposition, is this the finalized letter that you and Mr. Zupan drafted for Mr. Bowers to sign?
A: Yes.
Q: Okay. And can you remember or tell me what

part Mr. Zupan inserted into the letter? And you can refer back to the other exhibit if you need to.

A: No, it's the first paragraph on the back of the page.

Q: Okay. So beginning with, "The third source is research and field work conducted by the South Carolina Geodetic Survey"?

A: That's correct.

Q: And I think you've already testified you didn't actually do any of that particular research and field work, did you?

A: No.

Q: Okay. So I need to ask Mr. Zupan about that, correct?

A: Yes.

Q: But you did the parts relating to paragraphs three and four on the first page with the Census Bureau and then the official precinct maps, correct?

A: That's correct.

Q: Looking at this today, is there any other information that you can provide about the Census Bureau information you looked at or the official precinct maps that you looked at?

A: No.
Q: You still hold firm that the information you looked at specifically indicates that Ms. Murphy was in Lexington County?
A: Yes.
Q: Now, before Mr. Bowers signed this letter to send out to the school district, did you -- did he have any questions for you or Mr. Zupan?
A: No.
Q: Do you know if he made any inquiries on his own as to discovering where Mrs. Murphy lived?
A: I do not know.
Q: Looking back at this now, how certain are you in your conclusion that you made the right determination based on the information you looked at?
A: Very.
Q: Is there anything that you've seen to date that would change your mind about the decision that you made or the determination you made from what you saw?
A: No.
Q: Is there any other information that you could have received that would have helped you make a determination as to where Mrs. Murphy's

residence was located?
A: No.
Q: Before you drafted your portions of this letter on or before January 11, 2013, did you ever speak with Mrs. Murphy about what you were doing to figure out where her residence was or hear anything from her about the process?
A: No.
Q: Is there any reason why you didn't talk to her?
A: No.
Q: Did you have any conversations with Mr. Moffatt Burriss about his property?
A: No.
Q: Any reason why you didn't speak with him?
A: No.
Q: Is there any information that either of those people, Ms. Murphy or Mr. Burriss, could have provided you to help you with your determination?
A: As it relates to the district maps and the precinct boundaries, no.
Q: Outside of those two things, is there anything else that they could have provided you that would have helped you with your determination?
A: Not as it relates to precinct boundaries or the

official district maps, no.
Q: Is there anything else you could have looked at to determine where her property was, other than what you looked at and put into this letter?
A: No.
Q: Now, after Mr. Bowers sent this letter dated January 11, 2013, to Mr. Gantt, did you receive any inquiries or response to the letter from the school district or its attorneys?
A: At some point we did get contacted by the attorneys for the school district.
Q: Do you remember what the purpose of that contact was?
A: It was in regards to the hearing the school board was going to be holding.
Q: Okay. We'll get to that. Anything else, though, between the time you sent this letter and before the hearing took place?
A: I'd been in contact with Ms. Murphy multiple times.
Q: What was your -- what was the purpose of your contact with Ms. Murphy?
A: Ms. Murphy had emailed, or she actually called asking for copies of the information we had.
Q: Did you provide that information to her?

A: Yes.
Q: And specifically what information did you provide to her?
A: All right. Let's see. Gave her the official precinct maps on file with our office for Lexington and Richland Counties. Also attached an aerial photograph of the area in question with precinct boundaries overlaid. And also provided an attachment showing the location of Rocky Ford.
Q: Anything else you provided Ms. Murphy?
A: I also provided her historical documents of the precincts for Richland and Lexington.
Q: Now, after you drafted the letter that was ultimately sent to Mr. Gantt that we've looked at as Exhibit 5 to your deposition, did you draft any other similar letters that were supposed to go to any other people?
A: Yes, there was a letter that was written for Mr. Jasper Salmond.
COURT REPORTER: That's Number 6.
(Plaintiff's Exhibit Number 6 was marked for identification purposes.)
Q: It's back and front too. Have you had enough time to review Exhibit 6?

A: Yes.
Q: Is this the letter that you drafted for Mr. Bowers to send to Mr. Salmond?
A: Yes.
Q: Why did you draft this letter?
A: Well, Mr. Salmond was serving as the interim executive director of Richland County voter registration office.
Q: So why send it to him?
A: Ms. Murphy was listed on the Richland County voter registration roll and should have been on the Lexington County voter registration roll, according to our analysis.
Q: Did you send -- I also see that you mention there's two addresses here, 154 Old Laurel Lane and 195 Old Laurel Lane.
A: Yes.
Q: Were there any other addresses impacted by your research that you did regarding these two addresses?
A: That was it.
Q: Okay. Do you know if Mr. Salmond took any sort of action once this letter was sent to him?
A: I have no idea.
Q: Did you do any follow-up to see if he had taken

Ms. Murphy off the voter roll?
A: No.
Q: Why not?
A: That was up -- we can't make changes to it, and that was part of his job duties, from what I understand, is to make modifications to the voter registration file.
Q: So your office, you did all this research and you looked into this issue and then -- but after that you had no power to do anything as far as related to taking Ms. Murphy or the other address, Mr. Burriss, off any sort of voter rolls; is that correct?
A: That's correct.
Q: All right. So let me ask you this question. If your office didn't have any authority to take any actions related to those rolls, the voter rolls, or tax rolls, for that matter, what authority does your office have to do anything as related to these address changes?
A: We just ---
MR. MONTGOMERY: Object to the form of the question.
Q: That's okay. I didn't tell you this earlier. Sometimes the attorneys will object to my question. Unless they instruct you not to

answer, you can still answer it, okay?
A: All right. Can you repeat the question?
Q: Sure. I think I can. Maybe I won't get an objection this time. I don't know; we'll see.
MR. FRAWLEY: No, you will. But go ahead.
Q: That's okay. Since your office has no authority to take people off voter rolls or to reassign them based on how they pay taxes or anything like that, what would the purpose be of determining where they live if you have no authority to do anything about it?
A: That's the function of our office.
Q: Just to determine where someone lives?
A: That's part of it.
Q: What's the other function?
A: Provide mapping services to the South Carolina Legislature and voter registration in the election offices.
Q: Did anyone in the legislature contact you specifically about Ms. Murphy's property?
A: No.
Q: Did any concerned constituents or people who voted for Ms. Murphy, like you, contact your office to say hey, we're worried about this issue, can you tell us what's going on or can

you give us some kind of answer about it?
A: I don't remember.
Q: You can't remember if anyone contacted you other than the school board members and the attorneys for the school board?
A: I don't remember.
Q: When folks contact your office to discuss issues like this, do y'all keep a log or some kind of journal entries of who contacts your office?
A: No.
Q: Okay.
COURT REPORTER: That's Number 7.
(Plaintiff's Exhibit Number 7 was marked for identification purposes.)
Q: Have you had enough time to look over Exhibit 7?
A: Yes.
Q: Have you seen this before today?
A: Yes.
Q: This is a letter from Mr. Salmond to your former boss, Mr. Bowers.
A: Uh-huh.
Q: And he asks or he states in his letter beginning with the second sentence, "While I

appreciate your efforts and the research you provided, we are unaware of any authority this office has to unilaterally make the revision you request. Please provide any statutory authority you think may be relevant and we would be glad to revisit the issue." Do you know if you or anyone else in your office provided any feedback to Mr. Salmond by virtue of this letter to y'all's office?

A: We did not.

Q: Why not?

A: I don't remember.

Q: I'm just trying to figure out, I mean, y'all did all this work and you spent all this time looking at the issue and you didn't even respond back to this request with statutory authority.

MR. MONTGOMERY: Object to the form.

MR. FRAWLEY: Same objection. Answer the question if you can.

A: I don't know why we didn't respond.

Q: Did you personally make a decision not to respond?

A: This letter is addressed to Mr. Bowers. That would have been his call.

Q: Sitting here today, do you know of any statutory authority or any other information that you could have provided to Mr. Salmond to help him revisit this issue?
A: Possibly.
Q: What is it?
A: Whatever is in the code that outlines the duties of the voter registration and election boards.
Q: Anything else that you can think of?
A: No.
Q: I asked you a question earlier about some of the information you provided to Ms. Murphy. I'm just going to show you an email with some attachments I believe you sent to her. I just want to see if this is what you were talking about.
COURT REPORTER: Number 8.
(Plaintiff's Exhibit Number 8 was marked for identification purposes.)
Q: Is this some of the information you were sharing with me earlier that you had given to Ms. Murphy previously?
A: Yes.
Q: Okay. You state in your email that the

Lexington County map was last modified in 2012 by Act Number 254 and that the Richland County precinct map was last modified in 2007 by Act Number 24. Were those some of the code of law that you were talking about earlier that you looked at to determine whether or not Rocky Ford was a point of interest, or was that something separate?

A: Separate.

Q: Okay. Did the modifications made in 2012 and 2007, respectively, of these maps change anything about where Mrs. Murphy lived?

A: No.

Q: Have you looked at anything where modifications have been made that have made an adjustment as to where Mrs. Murphy lived from the time that she's resided in that home?

A: Can you repeat the question?

Q: Sure. Have you looked at anything that has had modifications made to it since Mrs. Murphy built her property that would have changed where her property was located, whether it be Lexington or Richland County?

A: No.

COURT REPORTER: That's Exhibit 9.

(Plaintiff's Exhibit Number 9 was marked for identification purposes.)

Q: Have you had enough time to look at Exhibit 9?

A: Yes.

Q: Okay. I just want to ask you a couple of questions. In your email to Ms. Murphy at the very top of the first page that's numbered ORS 129 at the bottom ---

A: Uh-huh.

Q: --- you state that you did not create the original lines or the point on Rocky Ford. "This was done by our geodetic surveying section. The group conduced the field work in 1995 and I do not know if they were able to locate any other markers at that time." Did you know that information based on what Mr. Zupan had told you, or how did you know that field work had been done in '95?

A: I'd spoken to Mr. Zupan.

Q: So anything relating to that field work in '95, I need to ask him about that, right?

A: Yes.

Q: You weren't even working for the office ---

A: No.

Q: --- in 1995?

A: I was in high school.
Q: When we are talking about these issues with the addresses, I mean, is there -- and I don't know, I may be just asking this a bad way -- is there a relative time period when field work should be done, or like is it done even ten years, is it done every 15? Do you have any information about that?
A: Talking about for geodetic surveying crew?
Q: Yes.
A: I have no idea.
COURT REPORTER: That's Number 10.
(Plaintiff's Exhibit Number 10 was marked for identification purposes.)
Q: Have you had enough time to look at Exhibit 10?
A: Yes.
Q: All right. Earlier I was asking you if you'd had anymore communication with anyone about this issue and you began to tell me that you did receive some correspondence from the district's attorneys about a hearing that was upcoming relating to Ms. Murphy's property issue.
A: Yes.
Q: So what I wanted to ask you is what

correspondence or communications did you have with them and who did you have them with as related to the hearing?

A: It'd have been with Keith Powell from -- one of the attorneys for the school district.

Q: And Exhibit 10 is the communication from Keith Powell, right?

A: Yes.

Q: Okay. Any other attorneys that you had contact with relating to Ms. Murphy's residence and the hearing that was coming up?

A: Might have spoken to Mr. John Reagle on the telephone.

Q: What did you discuss with Mr. Reagle on the telephone?

A: I don't remember.

Q: Was your office or were you ever paid for any witness preparation or showing up for this school board hearing?

A: No.

Q: And it's my understanding you testified at the hearing where Judge Cooper presided as a hearing officer?

A: That's incorrect. I did not testify.

Q: Did you ever testify at any hearings relating

to this issue ---
A: No.
Q: --- with Ms. Murphy's residence? Did you ever help prepare any witnesses?
A: Yes.
Q: Who did you help prepare?
A: Mr. Bobby Bowers.
Q: Anyone else?
A: That's it.
Q: And what did your -- what was your preparation for Mr. Bowers; what did y'all discuss?
A: The census data and the official district maps for this area.
Q: Did you go over any documentation with him?
A: Yes, the maps that ---
Q: Okay.
A: --- we had.
Q: Did you compile any other documents or review any other documents as related to the hearing that was held?
A: No.
Q: Did you explain any of the documents or what you did to any of the attorneys?
A: I don't remember.
Q: Did you go to the hearing?

A: Yes.
Q: Were you just there as just an observer?
A: Yes.
Q: And who from your office testified besides Mr. Bowers, if anyone else did?
A: Mr. Sid Miller.
Q: Anyone else?
A: That's it.
Q: Did you disagree with any of the testimony that Mr. Miller gave?
A: No.
Q: Did you disagree with any of the testimony Mr. Bowers gave?
A: No.
Q: What was Mr. Miller's involvement, or why was he there at the hearing, if you know?
A: He's a certified land surveyor and he's also a, I believe at the time a part-time employee with the South Carolina Geodetic Survey.
Q: Do you know if he went out and surveyed any of the land that was in dispute as related to Ms. Murphy's property?
A: I do not know.
Q: Then what would be the purpose of him being there if he did or didn't?

MR. MONTGOMERY: Object to the form. Calls for speculation.
A: He was familiar with the area and he may have done some of the field work. I'm not sure exactly what he did.
Q: Okay. Did you provide the district attorneys with any other information or help prepare anyone else for this hearing?
A: No.
COURT REPORTER: Number 11.
(Plaintiff's Exhibit Number 11 was marked for identification purposes.)
Q: This is back and front too, okay? Have you had enough time to look over Exhibit 11?
A: Yes.
Q: I just want to ask you a couple of questions about your email to Dean Crepes where you copy Jack Maguire on the first page.
A: Uh-huh.
Q: It's dated February 20, 2013. About midway through you've got a comment about, "Thanks to home rule and the way the laws are written, we do not have the authority to make the counties accept what we find or make changes." What did you mean by that?

A: We can't force them to switch people on the voter registration rolls; we can't make them change people's taxes. We can provide just the information that we find.
Q: And you mentioned or referenced an incident down in Dorchester and Berkeley Counties about settling a boundary issue. Can you tell me a little bit more about that?
A: Our South Carolina Geodetic Survey field crew did that. I don't know much about it.
Q: So you didn't have any involvement with that?
A: No.
Q: To date, have either Lexington or Richland Counties acted on the information that you provided to them?
A: Not that I'm aware of.
Q: Do you feel like your research or the information gathering that you did was a waste of time on the Murphy issue?
MR. FRAWLEY: Object to the form. Answer the question if you can.
MR. MONTGOMERY: Same objection.
A: Yes.
Q: Why?
A: She's still on the voter registration, she's

still voting for the incorrect districts in which she was assigned to for redistricting purposes.

Q: Do you know who would have originally signed anyone who lived in the Murphy residence on Old Laurel Lane to Richland County for the voter rolls?

A: No.

Q: What other communications have you had with either of the counties, Richland or Lexington County, after the school board hearing was held?

A: I did talk to a couple people.

Q: Tell me who you talked to and what you discussed.

A: On April 7th of 2014, I received an email from Dean Crepes asking if the county lines had been settled.

Q: Did you respond to him?

A: Yes, I did.

Q: What did you say?

A: The email says, "The entire county boundary has not been completed but the issue with Ms. Murphy has been settled as far we are concerned. Under Judge Thomas Cooper's ruling,

it was determined that she is a resident of Lexington County. If you have anyone close to the line, let us know and we will research it for you. From what I learned from talking to Richland County is she is still a registered voter in Richland County because the voter registration office will not remove her from the books. They are disregarding the judge's ruling at the advice of their legal counsel." It says, "If she files to run in Richland County, I expect another suit to be filed and cost the taxpayers more in legal fees."

Q: Let me ask you this question. Since you personally voted for Ms. Murphy to be on the school board back in 2010, when she was removed for cause by the school board in 2013 after all the research that you and your office did, how did that make you feel as a constituent?

A: A little upset.

Q: Why were you upset?

A: Felt like my vote had been -- didn't count.

Q: Did you speak out or try to touch base with the school board to let them hear kind of the opinion that you had?

A: No.

Q: Why not?
A: Because she was found to be in the incorrect county and should never been able to run for that seat in the first place.
Q: Do you have any idea as to why the school board reached out to your office to make a formal inquiry into where she lived?
A: We're the ones that handle the county boundaries. Under state law, South Carolina Geodetic Survey has the authority to mediate county boundary issues.
Q: In all the contacts you had dealing with Ms. Murphy's residency issue, did anyone speak negatively to you about Mrs. Murphy?
A: No.
Q: Did anyone tell you that Mrs. Murphy was going to be removed from the board because of the residency issue to shut her up?
A: Not that I remember, no.
Q: Did anyone say anything along those lines to you?
A: No.
Q: In your meetings that you had with the school board members, the one meeting you had where they were present or any of your communications

with the attorneys for the school board, did anyone reference the former lawsuit that Ms. Murphy brought that you referenced earlier that you learned about in the newspaper article?

A: No.

Q: Sitting here today, other than Mrs. Murphy and Mr. Burriss's properties, are there any other properties that are being affected by the Richland/Lexington County line dispute?

A: Yeah, the Fernandina Road apartment complex.

Q: How many people does that affect?

A: I'm not ---

Q: If you know.

A: I don't know.

Q: Did anyone ever talk with Mrs. Murphy about giving her an opportunity to have her own land survey conducted, if you know?

A: When you talk about land survey, you're talking about our geodetic staff going out there and surveying or are you talking about her hiring her own private person to do it?

Q: Either one.

A: Not that I know of.

Q: Okay. Other than you seeing the newspaper article that you talked about at the very

beginning of your testimony relating to Mrs. Murphy's lawsuit against the school district, have you talked with anyone else about that lawsuit?

A: No.

Q: Has anybody expressed to you that they were frustrated that Mrs. Murphy had filed this lawsuit to uphold (sic) the construction?

MR. MONTGOMERY: Object to the form.

\MR. FRAWLEY: This lawsuit that we're here now on or that other one?

Q: The former lawsuit, the one that you referenced that you saw in the newspaper article at the beginning of your testimony?

A: That information just came from, you know, a news source, The State newspaper or WIS TV.

Q: So you didn't discuss that lawsuit with anyone just among yourselves or anything?

A: No, huh-uh.

Q: As someone who has children that go to Richland-Lexington 5 School District, were you frustrated by the construction delay?

A: No.

Q: We're going to take a short break and then I'm going to try to finish up with you, okay?

A: All right.
(Off the Record from 11:04 a.m. until 11:20 a.m.)
Q: Okay. Mr. Roberts, I just have a few follow-up questions with you and then we'll turn you loose. Do you -- were you aware of any discrepancies with the precinct lines that were from the area where Ms. Murphy's house is located?
A: What do you mean by discrepancies?
Q: Do you know whether or not there were any issues with the precinct lines that you reviewed, like were they -- did they go together; were they the same from both counties?
A: They were pretty accurate compared to each other.
Q: When you say pretty accurate, what does that mean?
A: There might have been a slight overlap or a slight area in between the two that didn't match up.
Q: How do you resolve issues where there might be a slight overlap or areas that don't match up?
A: Typically the data, the precinct data, follows the county boundaries set in the PL94171 data.

So sometimes you could have a precinct map that was done in the decade before and the county boundary changed in between the two census dates.

Q: When you were reviewing the precinct lines to look at where Ms. Murphy's residence was, did you notice any discrepancies at her residence point?

A: I don't remember.

Q: If you had, would there be any steps you would take specifically to resolve those discrepancies?

A: In order to change a precinct map, it would take legislation to change it.

Q: And you've already told me you didn't have any contact with the legislature regarding Ms. Murphy's address, right?

A: That's correct.

Q: Did you ever look at any tax, county tax lines, as it related to Ms. Murphy's residence?

A: Yes.

Q: What tax lines did you look at?

A: I looked at the parcel areas provided by both counties to our office as well as the online web mapping applications that both counties

have.
Q: Do you know if those tax lines that were provided to you match with the precinct lines or any other lines that you looked at?
A: They do not.
Q: Why not?
A: Precinct boundaries follow the census data that's used for the official redistricting for the state; and the tax parcels, I don't know what they follow.
Q: Since the tax line didn't match with the precinct line, which line takes precedent?
A: For voting purposes, the precinct line.
Q: What about for residence purposes?
A: Like if a residence is split between a district?
Q: Yes, sir.
A: If a residence is split by a Lexington district line, we typically take -- look at where the bedroom is in the residence.
Q: Do you know if Ms. Murphy's bedroom was split in any of the lines that you looked at, or split by any of the lines that you looked at?
A: Not the precincts or district lines, no, it wasn't.

Q: What about the tax line?
A: I don't remember.
Q: Do you know which line the county recognizes to be the proper line, whether it be a tax line, the precinct line?
A: I can't speak for the county.
Q: When someone buys property or, you know, mortgages property and then builds a home on it, what is the process in determining what county they're going to be in, if you know?
A: I don't know.
Q: Does your office have any involvement in confirming the residence of someone who files to run for an elected office?
A: Sometimes we're asked that, yes.
Q: Were you asked that any point during the time that Mrs. Murphy was running for the school board?
A: No.
Q: Can you give me any examples of when your office has been asked to confirm the location of someone's residence for being voted as an elected official?
A: As far as being -- being voted or being able to run in the election?

Q: Being able to run in the election.
A: Yeah. We have counties that voter registration offices call and ask us to verify different people that are running for, you know, county council, city council, things like that.
Q: But no one ever called your office while Mrs. Murphy was running for the office to check into where her residence was located?
A: Not that I'm aware of.
Q: In the letter that you drafted that was sent to Mr. Salmond, I know you didn't sign it, Mr. Bowers did, but is there ---
A: Uh-huh.
Q: --- any reason why you didn't specify in that letter that Kim Murphy was one of the people -- that it was actually her residence and that she was an elected official?
A: I don't remember.
Q: Do you know just in looking at the addresses if Mr. Salmond could have identified that it was Kim Murphy's address that was one that was in question?
A: And relate it back to the candidate or the voter?
Q: The candidate or the voter.

A: He would have -- yeah, he would have been able to know Ms. Murphy's address. I believe there were four people that were registered at that address.

Q: Do you know if any of those four people have been taken off the Richland County voter registration?

A: I do not know.

Q: Do you know of any current developments, property developments, that would be affected by a split in the county lines for Richland and Lexington County?

A: As far as upcoming or ones that are currently?

Q: Current.

A: As far -- that -- we know the county boundary is not accurate and there is going to be some properties that find themselves in different counties up near Lake Murray all the way up to the, you know, Newberry line up to the river.

Q: So what's being done about that dispute?

A: That's a question for the South Carolina Geodetic Survey.

Q: Are you currently working on any of those issues?

A: Not doing any field work, no.

Q: You testified earlier about providing some information to Ms. Murphy. We looked at some maps and things that you provided to her.
A: Uh-huh.
Q: And then you also testified that you helped prepare some exhibits for Mr. Bowers for the hearing. Did you change any of the lines on any of those documents before they were presented at the hearing?
A: No.
Q: If there are lines that are different on the copies that Mrs. Murphy received versus the copies that were used as exhibits at the hearing, is there a way to explain that?
MR. FRAWLEY: Object to the form. Answer the question, if you can.
A: Some of the data that was provide- -- that I sent Ms. Murphy was provided by the geodetic staff as far as Rocky Ford, so I can't speak to that information.
Q: Are you aware of any lines being changed on any of the information that was presented to Ms. Murphy and then to the hearing -- at the hearing?
A: No.

Q: We've talked about precinct lines, we've talked about tax lines and we've talked about county lines. Can you tell me sitting here today if any of those three lines match for Richland and Lexington County?
A: None of them do.
Q: Does that present any problems for the research that you have to do as it relates to the determining where someone's residence is when you're looking at these county issues?
A: Yes.
Q: What issues does that present for you?
A: We don't know what county they're in, so we don't know what district they're in.
Q: But you've testified today that you believe, based on your research, you believe you know exactly what county Ms. Murphy's residence is located in, right?
A: Yes.
Q: And that's Lexington County?
A: Yes.
Q: You spoke briefly earlier about a Cherokee/Spartanburg issue that y'all looked into.
A: Not a Cherokee/Spartanburg.

Q: Jasper/Berkeley?
A: Jasper/Beaufort.
Q: Jasper/Beaufort. Have you done any work on a Cherokee/Spartanburg line issue?
A: No.
Q: Do you know anyone in your office who has?
A: Yes.
Q: Who?
A: South Carolina Geodetic Survey.
Q: Did you send the same maps with lines on them to Lexington County that you sent to Kim Murphy, or did you provide the county with different maps?
A: No, they would have been the same maps. Well, as far as the precinct maps, they're the same maps.
Q: Are there any other maps that could have been different?
A: I did send Ms. Murphy copies of these maps with the aerial photography over it. I did not send those to the county.
Q: Is there any reason why you would have given her maps and not given the county maps?
A: No. The county -- the county can access the same information we do.

Q: Did you ever try to give her any information on purpose to confuse her or to misconstrue the facts?
A: No.
MR. FRAWLEY: Object to the form of the question. Answer the question if you can. Could you identify that map for the record? You referred to these maps?
A: Yeah. This is map of the Census Bureau's PL94171 database showing the census blocks for Lexington and Richland County and the boundary -- the Census Bureau's boundary between Lexington and Richland.
Q: Thank you. I don't have any other questions for you right now, but these other wonderful gentlemen may have some for you. So if they do, please answer them, okay?
A: All right.
MR. FRAWLEY: I have no questions.
MR. JOHNSON: No questions.
MR. MONTGOMERY: I just have a couple, Mr. Roberts.
MR. ROBERTS: Yes.
MR. ROBERTS - EXAMINATION BY MR. MONTGOMERY:
Q: Throughout this process, was there ever any effort in your office to do anything but find

the truth?
A: No.
Q: Did anyone ever try to influence you to do anything other than find the truth?
A: No.
Q: Did you always cooperate with Ms. Murphy and give her every piece of information she asked for?
A: Yes.
Q: Did you provide anything except truthful and correct information to anyone that you spoke with in this case?
A: No.
Q: I have no further questions.
MS. STORY: Thank you for your time.
(There being nothing further, the deposition concluded at 12:30 p.m.)

Timeline of Kim Murphy Residence Issue

1. 6-22-2011- H3700 ratified gives ORS authority to withhold state aid to subdivision from counties and cities that do not release GIS data
2. 11-1-2011- Letter sent to Milton Pope (Richland County Administrator) requesting data
3. 11-30-2011-Email from Jorgensen to Roberts License agreement sent to ORS from Richland County
4. 11-30-2011 Meeting with Milton Pope and Larry Smith (Richland County Attorney) about data issues and redistricting issues. Data given to ORS with no license agreement signed.
5. 12-1-2011- Data was found to have been incomplete and inaccurate. Letter sent to Larry Smith giving extension to fulfil data request.
6. 12-1-2011- Email from Smith to Roberts and response ask for examples of inaccurate data
7. 12-5-2011- Email from Jorgensen to Roberts links to download new Richland data sent via email to ORS
8. 12-15-2011- Email from Roberts to Smith and response ask if ORS can share GIS information with other state agencies. Larry Smith responded request was sent to Administration and IT.
9. 12-20-2011- Richland County responds data cannot be shared with other agencies.
10. 9-17-2012- Email Jones to Murphy copy of requested map with precincts and reply from Murphy asking for aerial with Richland/Lexington boundary and Richland 5/1 boundary
11. 10-16-2012- Email from Cindy Masi to Roberts with county boundary information from Fernandina Road issue.
12. 10-16-2012- Emailed from Roberts to Roberts pictures of Geodetic Field work of Rocky Ford
13. 10-30-2012- Email Powell to Roberts wanting to discuss maps
14. 10-31-2012- Response in the affirmative
15. 11-1-2012- Email Marion Chandler to Roberts copy of 1921 annexation plat
16. 11-1-2012- Email from Roberts to Powell copy of 1921 annexation plat
17. 11-1-2012- Email Roberts to Wellslager and Zupan copy of 1921 annexation plat
18. 12-4-2012- Email to Richland County GIS requesting new data
19. 12-12-2012- Email Childs to Roberts a draft letter of Gantt request
20. 12-12-2012- Email Childs to Roberts Draft (2) letter of Gantt request
21. 12-13-2012- Email from Roberts to Zupan Fwd of Draft (2) letter of Gantt request
22. 12-20-2012- Request from Robert Gantt received
23. 12-20-2012- Email Fitzgerald to Roberts needing more information on the project in order to give data to ORS
24. 12-20-2012- Email Roberts to Fitzgerald a response from ORS to Richland GIS on project
25. 1-2-2013- Email Roberts to Zupan a copy of Bowers response letter sent to Zupan for review
26. 1-3-2013-1-4-2013- Emails about ORS and Richland GIS conversation about GIS data
27. 1-9-2013- Email Childs to Roberts ask for meeting for 1-9-13
28. 1-9-2013- Email Roberts to Childs response in the affirmative
29. 1-9-2013-Email Zupan to Roberts with corrections to Bowers letter

30. 1-11-2013- Letter to Robert Gantt sent
31. 1-11-3013- Letter to Jasper Salmond sent
32. 1-15-2013- Email Masi to Roberts showing Rocky Ford
33. 1-15-2013- Email Roberts to Murphy showing Richland precinct map, Rocky Ford(2), precinct boundary with aerial, Lexington Precinct map
34. 1-15-2013- Email Murphy to Roberts asking for description of each map
35. 1-15-2013- Email Roberts to Murphy explaining each map
36. 1-15-2013- Email Murphy to Roberts ask more questions and ask for archived precinct maps
37. 1-15-2013- Email Roberts to Murphy response with archived precinct maps attached
38. 1-15-2013- Email Murphy to Roberts ask more questions and ask for maps with parcel information
39. 1-15-2013- Email Roberts to Masi asking for map with their boundary and parcels
40. 1-15-2013- Email from Masi to Roberts with map of Rocky Ford and parcels
41. 1-15-2013- Email Roberts to Murphy response with map showing Rocky Ford and parcels from the counties.
42. 1-17-2013- Email from Zupan to Roberts explaining documentation sent to Richland and Lexington Counties
43. 1-23-2013- Email from Roberts to Murphy with requested maps
44. 1-23-2013- Letter from Jasper Salmond received
45. 1-24-2013- Email from Murphy to Roberts asking for more detail
46. 1-24-2013- Email from Roberts to Murphy showing more detail and including 1921 annexation plat
47. 1-24-2013- Email from Murphy to Roberts asking for more detail including next "points"
48. 1-24-2013- Email from Childs attaching signed copy of letter to Gantt
49. 1-24-2013- Email from Roberts to Murphy stating we do not have other points and attaches map with more detail
50. 1-24-2013- Email from Murphy to Roberts asking for more clarification and more detail
51. 1-24-2013- Email from Roberts to Murphy stating Geodetic Survey did the field work and attached map
52. 1-24-2013- Email from Murphy to Roberts asking for more detailed map and ask who to speak to at Geodetic
53. 1-28-2013- Email from Roberts to Murphy attaching new map and telling her to call Zupan.
54. 1-28-2013- Email from Powell to Roberts and others with an email Murphy sent out.
55. 1-28-2013- Email from Powell to Roberts and Bowers of maps from school district GIS website
56. 1-30-2013- Email from Zupan to Roberts about maps for hearing
57. 1-30-2013- Email from Roberts to Zupan answering question of what to bring
58. 1-30-2013- Email from Powell to Roberts asking for who will be at the hearing and testifying
59. 1-30-2013- Email from Roberts to Powell stating Bowers and Miller will testify
60. 1-30-2013- Email from Roberts to Powell asking how many sets of maps to bring
61. 1-30-2013- Email from Powell to Roberts stating 5 packets
62. 1-31-2013- Email from Murphy to Roberts thanking for help
63. 2-4-2013- Email from Powell to Roberts asking for meeting and documents

64. 2-4-2013- Email from Roberts to Zupan and Wellslager with attached hearing document
65. 2-4-2013- Email from Roberts to Powell stating meeting location
66. 2-6-2013- Email from Roberts to Powell asking how to prepare maps
67. 2-6-2013- Email from Zupan to Roberts of newspaper article
68. 2-6-2013- Email from Powell to Roberts of response to map preparation question
69. 2-6-2013- Email forward of conversation of Powell and Roberts to Zupan and Wellslager on map preparation
70. 2-12-13- Email from Zupan to Roberts asking for questions to be asked at hearing
71. 2-12-13- Email from Roberts to Zupan answering in the negative
72. 2-12-13- Email from Zupan to Roberts stating "ok"
73. 2-13-13- Email from Powell to Roberts with prehearing memo attached
74. 2-13-13- Email forward Roberts to Bowers prehearing memo
75. 2-13-13- Email from Roberts to Bowers home email address forward of prehearing memo
76. 2-14-13- Email from Crepes to Roberts asking about hearing time
77. 2-14-13- Email from Roberts to Crepes stating at 10
78. 2-14-13- Email from Crepes to Roberts states he will be there
79. 2-20-13- Email from Crepes to Roberts stating Lexington GIS is ready to update boundary
80. 2-20-13- Email from Roberts to Crepes explaining plan to survey the boundary
81. 2-20-13- Email from Crepes to Roberts thanks
82. 2-20-13- Email from Crepes to Roberts with comment by Maguire
83. 2-21-13- Email from Powell to Roberts with copy of court reporter transcript
84. 2-21-13- Email from Roberts to Zupan and Wellslager copy of court reporter transcript
85. 2-21-13- Email from Zupan to Roberts said he forwarded the transcript to Miller
86. 3-18-13- Email from Powell to Roberts asking for large exhibit maps
87. 3-19-13- Email from Crepes to Roberts of news article
88. 3-20-13- Email from Powell to Roberts copy of board order
89. 4-3-2013- Email from Zupan to Roberts on Orangeburg-Lexington-Calhoun issue
90. 4-7-2014- Emails from Crepes to Roberts and McBride discussing Ms. Murphy issue
91. 5-6-2014- Email from Roberts to Smith, Crepes and McBride copy of findings
92. 5-6-2014- Email from Roberts to Rainwater copy of communication between ORS, Richland and Lexington voter registration offices
93. 5-6-2014- Email from Smith to Roberts asking to resend findings
94. 5-6-2014- Email from Crepes to Smith; cc to Roberts copy of findings
95. 5-6-2014- Email from Reagal to Roberts copy of letter sent to Richland County
96. 5-6-2014- Email from Roberts to Reagle thanking for sending
97. 5-10-2014- Email from Crepes to Roberts showing conversation with Murphy and Crepes asking for guidance on the boundary issue
98. 5-10-2014- Email from McBride to Crepes and Roberts thanking for the update.
99. 5-14-2014- Email from Crepes to Roberts asking if any update on issue

100. 5-19-2014- Email from Crepes to McBride cc: Roberts asking if Murphy a Richland resident

101. 5-19-2014- Email from McBride to Crepes cc: Roberts states office has not been contacted about removing her from file

102. 5-19-2014- Email from Crepes to McBride cc: Roberts thanks

1

80A.20. (BCB: Election File Merge) In order to assist the County Registration and Election Commissions to ensure that registered voters are assigned to proper election districts, the Office of Research and Statistics, in conjunction with the South Carolina Election Commission, shall merge the voter registration file with the office's Geocoded Address List and the district boundaries of the Congress, South Carolina Senate, South Carolina House of Representatives, county councils, and such other districts as the office possesses official district boundary records in electronic format. The merged systems will allow the Office of Research and Statistics to provide the respective county officials with a list of potential voters who are possibly assigned to the wrong election district. Counties and municipalities shall release GIS to the Office of Research and Statistics upon the Office's written request. Written request must be sent to the chief administrative officer of the county or municipality and advise the county or municipality that failure to comply within thirty days of request may result in the withholding of ten percent of the county's or municipality's state aid. The Director of the Office of Research and Statistics may grant additional time for good cause and must waive release if the county or municipality does not possess GIS data. For counties and municipalities that possess GIS data but do not release it, the Director of the Office of Research and Statistics shall notify the State Treasurer of the failure to comply with this provision after the required notice. Notification shall result in the withholding of ten percent of subsequent payments of state aid to the entity until the GIS data is provided. Municipal and county data acquired by the Office of Research and Statistics in the course of performing its responsibilities under this provision may be used for other functions of the office.

NIKKI HALEY, CHAIRMAN
GOVERNOR

CURTIS M. LOFTIS, JR.
STATE TREASURER

RICHARD ECKSTROM, CPA
COMPTROLLER GENERAL

SC BUDGET AND CONTROL BOARD

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W. BRIAN WHITE
CHAIRMAN, HOUSE WAYS AND MEANS
COMMITTEE

MARCIA ADAMS
EXECUTIVE DIRECTOR

Division of Research and Statistics
Bobby M. Bowers
DIRECTOR

803-734-3793

November 1, 2011

Mr. J. Milton Pope
Richland County Administrator
2020 Hampton St. Room 4058
Columbia, SC 29202

Mr. Pope,

In accordance with South Carolina budget proviso 80A.20 I am requesting a copy of the county road centerline, address points, parcel information, and municipal boundaries in ESRI shapefile format as is available on your county GIS website. As stated in the law Richland County has 30 days to comply with this request. Notification by the Director of the Office of Research and Statistics to the Comptroller General that an entity has failed to provide the requested GIS data thirty days after written notification to the chief administrative officer of the county must result in withholding of ten percent of subsequent payments of state aid to the county until the GIS data is provided. If you have any questions, please feel free to call.

Sincerely,

Bobby M. Bowers

BMB:wfr

1

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Sincerely,

Bobby M. Bowers

BMB:wfr

Roberts, Will

3

From: Adrienne Jorgensen <JorgensenA@r
Sent: Wednesday, November 30, 2011 8:5
To: Roberts, Will
Subject: GIS data license agreement
Attachments: Data_License_Agreement_0260.pdf

Good morning,

I have attached our GIS data license agreement.

Please let me know if you have any questions.

Thanks,
Adrienne

Adrienne Jorgensen
GIS Analyst
Richland County IT/GIS
2020 Hampton Street, Suite 3030
Columbia, SC 29204
(803) 576-2017
jorgensena@rcgov.us

Richland County GIS
Data License Agreement

Date _____

User's Name _____

Company/Agency _____

Address _____

City _____ Zip _____

Phone _____ Fax _____

Email _____

PRODUCT LICENSING AGREEMENT
TERMS AND CONDITIONS

THIS LICENSING AGREEMENT is made as of the date specified on the cover here of between Richland County (hereinafter referred to as "COUNTY") and _____ (hereinafter referred to as the "USER").

Whereas, COUNTY is the designer and developer of the product(s) delivered under this agreement (hereinafter referred to as "DATA") with the right to license and distribute the DATA; and

Whereas, the USER will make use of the DATA in its business activity according to the following restrictions and obligations;

Whereas, the USER desires a license to use the DATA and the COUNTY desires to grant such a license to the USER for the sole purpose of permitting the USER to use the DATA in its business activity;

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree to the following terms and conditions:

ARTICLE 1. PRODUCT DEFINITION

1.1 DATA includes COUNTY ***digital*** databases, graphic files, associated documentation, and programs which are made available for distribution.

ARTICLE 2. REPRESENTATIONS AND WARRANTIES

2.1 **Limited Warranty**

(A) COUNTY shall make reasonable efforts to ensure that the DATA is delivered in a condition suitable for its proper use.

(B) COUNTY disclaims any other warranties, express or implied, respecting this agreement or the DATA.

(C) The DATA and ASSOCIATED MATERIALS ARE PROVIDED "AS IS", WITHOUT WARRANTY AS TO THEIR PERFORMANCE, MERCHANTABILITY, OR FITNESS FOR ANY PARTICULAR PURPOSE. The entire risk as to the uses, results or performances of DATA is assumed by the USER.

2.2 The execution, delivery and performance of this Agreement are within the USER's power and authority, and the USER has duly authorized, executed, and delivered such Agreements and has taken or will take all action necessary to carry out and give effect to the transactions contemplated by the Agreement.

ARTICLE 3. USE

3.1 **Permitted Use**

(A) This license is granted for the sole purpose of permitting the USER to use the DATA in its business activity and for no other purpose whatsoever. Permitted use does include customized research and analysis. Additional permitted uses include the generation of map products and reports through the manipulation of DATA, subject to all restrictions in this agreement.

(B) This agreement constitutes a single-user license. The USER is permitted use of the DATA, as per the conditions of this agreement, as an individual or within a single business unit or agency. The licensed use of the DATA is not governed by any inter-governmental agreements or policies.

3.2 **Restrictions on Use**

(A) The USER shall not disclose, lease, sell, distribute, make, transfer, or assign the DATA or engage in any other transaction which has the effect of transferring the right of use of all or part of the DATA.

(B) The USER shall inform COUNTY of any inaccuracies which are identified in the DATA. COUNTY will make the required changes upon appropriate verification and make corrected data available.

(C) All USER designed materials and output (internal reports, maps, products, etc.) will bear all copyright, trademark, and other proprietary notices required by COUNTY.

(D) USER may not publish, in the public domain, COUNTY data in any form without written approval of the County. This restriction includes data from COUNTY sources transferred or copied to non-COUNTY data for publication.

(E) All USER materials will bear the date of the DATA. (Example: "Source: Richland County, insert date the DATA was most recently acquired).

(F) All USER materials are required to be updated according to the most recent DATA available from the COUNTY.

3.3 **Reserved Rights**

(A) COUNTY shall retain all rights, title and interest in the DATA, including the right to license the DATA covered by this license to other USERS.

(B) COUNTY shall retain the right to embed copyright, ownership, transactional, and licensee information in the DATA using watermarking, steganographic, or other digital techniques that do not diminish the functional capacity of the DATA.

ARTICLE 4. TERM/TERMINATION

4.1 This Agreement may be terminated by COUNTY at any time if the USER fails to comply with any of the terms of the Agreement.

ARTICLE 5. REMEDY

5.1 USER'S sole and exclusive remedy for breach of this limited warranty will be to return the DATA, which may be replaced by COUNTY at its discretion.

5.2 Any available remedy to COUNTY shall be cumulative and shall be in addition to every other remedy given under this Agreement now or hereafter existing at law or in equity or by statute. No delay or omission to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver thereof; nor shall any single or partial exercise of any right hereunder preclude any other or further exercise thereof or the exercise of any other right. In order to entitle the COUNTY to exercise any remedy available to them in this Article, it shall not be necessary to give notice other than such notice as may be required by law.

ARTICLE 6. RELEASE AND INDEMNIFICATION

6.1 COUNTY shall not be liable for any activity involving the DATA with respect to the following:

(A) Lost profits, lost savings or any other consequential damages.

(B) The fitness of the DATA for a particular purpose.

(C) The installation of DATA, its use or the results obtained.

6.2 COUNTY shall not be liable for indirect, special, incidental, compensatory, or consequential damages or third party claims resulting from the use of DATA, even if they have been advised of the possibility of such potential loss or damage.

6.3 RELEASE AND INDEMNIFICATION. The USER, *to the extent allowed by state law*, hereby releases the COUNTY and the State and their respective officers, directors, members, employees, attorneys and agents, (hereinafter collectively referred to as "Indemnified Parties") from, and agrees that such Indemnified Parties shall not be liable for, and agrees to indemnify and hold harmless the Indemnified Parties against any or all liability or loss, cost or expense, including without limitation, attorney's fees, fines, penalties and civil judgments, resulting from or arising out of or in connection with or pertaining to any loss or damage resulting from the use of the DATA.

ARTICLE 7. MISCELLANEOUS

7.1 **Invalidity.** To the extent that any provision of this Agreement is determined to be in contradiction of, or in conflict with the Code, any State law, or any regulation, the Code, State law or regulation shall control.

7.2 **Entire Agreement.** This LICENSE contains the entire agreement of the parties hereto with respect to the matters covered hereby, and no other agreement, statement or promise made by any party hereto, which is not contained herein, shall be binding or valid.

7.3 **Governing Laws.** This Agreement is made under and shall be construed in according with the laws and regulations of the State of South Carolina. By executing this Agreement, the USER agrees to submit to the jurisdiction of the COUNTY and the Courts of South Carolina for all matters arising hereunder. In the event of a dispute, the COUNTY shall have standing to represent the State of South Carolina.

7.4 **Amendment.** This Agreement may be changed or amended only by written agreement of the parties.

Witness the hands and seals of the parties this day and date first above written:

Richland County, South Carolina **Information Technology/GIS Department**	**USER**
_____	_____
Signature	Signature
_____	_____
Title	Title
_____	_____
Date	Date

Roberts, Will

4

From: Adrienne Jorgensen <Jorgensei
Sent: Wednesday, November 30, 201
To: Roberts, Will
Subject: RE: GIS data license agreement

Will,

I sent the data CD and license agreement up to our Administration Dept.

-Adrienne

From: Roberts, Will [mailto:Will.Roberts@ors.sc.gov]
Sent: Wednesday, November 30, 2011 9:10 AM
To: Adrienne Jorgensen
Subject: RE: GIS data license agreement

Adrienne,

I am meeting with Larry Smith from the Richland County Legal Office and Milton Pope at 3:00 this afternoon. Can you send the data disc with either one of them? Thanks.

Will

From: Adrienne Jorgensen [mailto:JorgensenA@rcgov.us]
Sent: Wednesday, November 30, 2011 8:59 AM
To: Roberts, Will
Subject: GIS data license agreement

Good morning,

I have attached our GIS data license agreement.

Please let me know if you have any questions.

Thanks,
Adrienne

Adrienne Jorgensen
GIS Analyst
Richland County IT/GIS
2020 Hampton Street, Suite 3030
Columbia, SC 29204
(803) 576-2017
jorgensena@rcgov.us

5

Roberts, Will

From: Roberts, Will
Sent: Thursday, December 01, 2011 4:39 PM
To: 'larrysmith@richlandonline.com'
Subject: Data
Attachments: Letter.pdf

Larry,

Attached is the letter from Bobby. The examples of the data problems exceed the size limit we are allowed to send through email. We will be hand delivering printed examples tomorrow morning. Thanks for all of your help.

Will

Will Roberts
Digital Cartography Section
Office of Research and Statistics
S.C. Budget and Control Board
Phone: 803-734-8923
Fax: 803-734-3619

NIKKI HALEY, CHAIRMAN
GOVERNOR

CURTIS M. LOFTIS, JR.
STATE TREASURER

RICHARD ECKSTROM, CPA
COMPTROLLER GENERAL

B&CB

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COMMITTEE

MARCIA ADAMS
EXECUTIVE DIRECTOR

Division of Research and Statistics
Bobby M. Bowers
DIRECTOR

803-734-3793

December 1, 2011

Larry Smith
Richland County Attorney
2020 Hampton St.
Columbia, SC 29202

After reviewing the data as provided by Richland County on November 30, 2011 we have found several problems with the data. First, there are subdivisions and streets that have been not included in the road file we received. Second, the street data as provided by the county has been altered preventing us from fulfilling our requirements set forth in the proviso. After consulting an expert in GIS we feel that it was inadvertently or intentionally altered as we could find no reason the data would have been altered through the process of burning the data to a DVD. We are attaching examples of the problems. At this time Richland County has not met the requirements of data submission to the State. The original 30 days to respond to our request is expiring. Under the proviso we are authorized to grant additional time for good cause. It is not in the best interest of the State or County to penalize the taxpayers and residents of the county for the lack of cooperation from county employee(s) and an ordinance that has been applied to prevent cooperation with the State and other government agencies. We are granting additional days for compliance with our request. If the data is not received by our office in a format and completeness that allows us to accurately fulfill the law, our office will have no choice but to draft a letter to the Comptroller General authorizing him to withhold 10% of the state aid to subdivision. We are extending the date 5:00 P.M. on December 7, 2011. This will allow you to discuss this matter with County Council at the meeting on Tuesday December 6, 2011. We will be more than glad to address the council on this issue, the consequences of the lack of cooperation from the county and the redistricting issue the county now faces. One of my concerns is that if the Census Bureau had the proper map data in 2002-2003, then the state as well as Richland County could possibly have gotten a better census count. Please let us know if you have any questions.

Sincerely,

Bobby M. Bowers

Bobby M. Bowers

BMB:wfr

6

Roberts, Will

From: LARRY SMITH <SMITHLA@rcgov.us>
Sent: Thursday, December 01, 2011 5:26 PM
To: Roberts, Will
Subject: RE: Data

Will,

What time can I expect to receive the documents?

From: Roberts, Will [mailto:Will.Roberts@ors.sc.gov]
Sent: Thursday, December 01, 2011 4:39 PM
To: LARRY SMITH
Subject: Data

Larry,

Attached is the letter from Bobby. The examples of the data problems exceed the size limit we are allowed to send through email. We will be hand delivering printed examples tomorrow morning. Thanks for all of your help.

Will

Will Roberts
Digital Cartography Section
Office of Research and Statistics
S.C. Budget and Control Board
Phone: 803-734-8923
Fax: 803-734-3619

7

Roberts, Will

From: Adrienne Jorgensen <JorgensenA@rcgov.us>
Sent: Monday, December 05, 2011 5:18 PM
To: Roberts, Will
Cc: JANET CLAGGETT; PATRICK BRESNAHAN; BRIAN FITZGERALD
Subject: Updated Shapefile Export

Will,

Per our phone message, here are links to updated shapefiles that do not, as far as we can tell, have an object ID error:

http://www3.richlandmaps.com/temp/bb_parcels/parcels_all.zip

http://www3.richlandmaps.com/temp/bb_streets/streetCenterlines_all.zip

http://www3.richlandmaps.com/temp/bb_muni/municipalities_all.zip

If you have any trouble accessing these, please give us a call.

Regards,
Adrienne

Adrienne Jorgensen
GIS Analyst
Richland County IT/GIS
2020 Hampton Street, Suite 3030
Columbia, SC 29204
(803) 576-2017
jorgensena@rcgov.us

8

Roberts, Will

From: Roberts, Will
Sent: Thursday, December 15, 2011 1:32 PM
To: larrysmith@richlandonline.com
Subject: GIS Data

Larry,

We are getting request from state agencies about the GIS data we received from Richland County. Are we able to distribute the data to the other state agencies, or should we have them contact the county? I can get you a list of agencies if you need them.

Will

Will Roberts
Digital Cartography Section
Office of Research and Statistics
S.C. Budget and Control Board
Phone: 803-734-8923
Fax: 803-734-3619

9

Roberts, Will

From: JANET CLAGGETT <jc@rcgov.us>
Sent: Tuesday, December 20, 2011 12:00 PM
To: Roberts, Will
Cc: MILTON POPE; LARRY SMITH
Subject: Richland County GIS Data received by ORS/SCBCB

Will,

Richland County by ordinance does not authorize or grant your office permission to distribute any Richland County GIS data to other parties. Please direct all parties who are issuing such requests to contact Richland County and we will address their requests promptly, appropriately, and in accordance with our local ordinance. If you know of any state agency that would like to consider partnering with Richland County to share GIS costs and GIS data, we are always interested in finding new partners. We would welcome such an opportunity.

Thank you.

Janet Claggett
Chief Information Officer
Richland County Government
jc@rcgov.us

From: LARRY SMITH
Sent: Thursday, December 15, 2011 4:29 PM
To: MILTON POPE
Cc: JANET CLAGGETT
Subject: FW: GIS Data

From: Roberts, Will [mailto:Will.Roberts@ors.sc.gov]
Sent: Thursday, December 15, 2011 1:32 PM
To: LARRY SMITH
Subject: GIS Data

Larry,

We are getting request from state agencies about the GIS data we received from Richland County. Are we able to distribute the data to the other state agencies, or should we have them contact the county? I can get you a list of agencies if you need them.

Will

Will Roberts
Digital Cartography Section
Office of Research and Statistics
S.C. Budget and Control Board
Phone: 803-734-8923
Fax: 803-734-3619

Roberts, Will

10 - Also on C.D.

From: Jones, Dwight
Sent: Monday, September 17, 2012 3:57 PM
To: Kim Murphy
Subject: RE: Precincts Lexington-Richland 5
Attachments: LxRc5_Precincts.pdf

Kim,

Here is a map of the precincts you listed labeled with the name of the precinct. As I mentioned in our phone conversation I do not have a map layer of the Richland/Lexington School District 5. Let me know if there is anything else I can do.

Dwight Jones
Digital Cartography Section
Office of Research and Statistics
S.C. Budget and Control Board
Phone (803) 734-5076
Fax (803) 734-3619

From: Kim Murphy [mailto:movingmountainskwm@gmail.com]
Sent: Monday, September 17, 2012 1:27 PM
To: Jones, Dwight
Subject: Precincts Lexington-Richland 5

Dwight - Thanks for your help! After thinking about this... I don't know if there is an aerial layer available. I would like to be able to see not just the split precincts (2), but also where the boundary is between our district and Richland 1 and also the Lexington County boundary in our district. I'll let you figure out the best way!

I appreciate your time in this!

Kim
--
Kim Murphy 446-6565
154 Old Laurel Lane
Chapin, SC 29036

11 - See C.D

Roberts, Will

From: Masi, Cindy
Sent: Tuesday, October 16, 2012 11:01 AM
To: Roberts, Will
Subject: County Line
Attachments: control.dbf; control.prj; control.sbn; control.sbx; control.shp; control.shp.xml; control.shx; Lex-Rich Cnty Line.dbf; Lex-Rich Cnty Line.prj; Lex-Rich Cnty Line.sbn; Lex-Rich Cnty Line.sbx; Lex-Rich Cnty Line.shp; Lex-Rich Cnty Line.shx

Cindy Masi
SC Geodetic Survey
5 Geology Road
Columbia, SC 29212
803-896-7705 Office
803-896-7695 Fax

12 - See C.D

Roberts, Will

From: Will Roberts <willroberts80@aol.com>
Sent: Tuesday, October 16, 2012 11:27 AM
To: Roberts, Will
Attachments: photo.JPG; ATT00001.txt

13 - See C-D

Roberts, Will

From: Keith R. Powell <kpowell@childs-halligan.net>
Sent: Tuesday, October 30, 2012 5:19 PM
To: Roberts, Will
Subject: Lex 5 question
Attachments: defaultPrint.pdf; results[1].pdf; (S(j3zlbnyqs40kmz45giofj.pdf

Sensitivity: Confidential

Will - are you available sometime tomorrow afternoon to discuss?

<<defaultPrint.pdf>> <<results[1]>> <<(S(j3zlbnyqs40kmz45giofj.pdf>>

Keith R. Powell

Childs & Halligan, P.A.

Columbia, South Carolina

www.childs-halligan.com

(803) 254-4035

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14

Roberts, Will

From: Roberts, Will
Sent: Wednesday, October 31, 2012 10:20 AM
To: 'Keith R. Powell'
Subject: RE: Lex 5 question

Sensitivity: Confidential

Yep. I will be here all day until 4:30.

Will

From: Keith R. Powell [mailto:kpowell@childs-halligan.net]
Sent: Tuesday, October 30, 2012 5:19 PM
To: Roberts, Will
Subject: Lex 5 question
Sensitivity: Confidential

Will - are you available sometime tomorrow afternoon to discuss?

<<defaultPrint.pdf>> <<results[1]>> <<(S(j3zlbnyqs40kmz45giofj.pdf>>

Keith R. Powell

Childs & Halligan, P.A.

Columbia, South Carolina

www.childs-halligan.com

(803) 254-4035

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15 - See CD

Roberts, Will

From: Chandler, Marion <MARION@SCDAH.STATE.SC.US>
Sent: Thursday, November 01, 2012 10:00 AM
To: Roberts, Will
Subject: Lexington-Richland plat 1921
Attachments: Lexington to Richland 1921.pdf

This is not the best scan. Let me know if you need a better copy.

Marion C Chandler
Archivist IV
South Carolina Department of Archives and History
8301 Parklane Road
Columbia, SC 29223
(803) 896-4810

16 - See C.D

Roberts, Will

From: Roberts, Will
Sent: Thursday, November 01, 2012 11:35 AM
To: kpowell@childs-halligan.net
Subject: FW: Lexington-Richland plat 1921
Attachments: Lexington to Richland 1921.pdf

From: Chandler, Marion [mailto:MARION@SCDAH.STATE.SC.US]
Sent: Thursday, November 01, 2012 10:00 AM
To: Roberts, Will
Subject: Lexington-Richland plat 1921

This is not the best scan. Let me know if you need a better copy.

Marion C Chandler
Archivist IV
South Carolina Department of Archives and History
8301 Parklane Road
Columbia, SC 29223
(803) 896-4810

17 - See CD

Roberts, Will

From: Roberts, Will
Sent: Thursday, November 01, 2012 2:53 PM
To: Zupan, Alan-Jon; Wellslager, Matt
Subject: FW: Lexington-Richland plat 1921
Attachments: Lexington to Richland 1921.pdf

Hey Guys,

Archives had this in a file. Thought it was interesting.

Will

From: Chandler, Marion [mailto:MARION@SCDAH.STATE.SC.US]
Sent: Thursday, November 01, 2012 10:00 AM
To: Roberts, Will
Subject: Lexington-Richland plat 1921

This is not the best scan. Let me know if you need a better copy.

Marion C Chandler
Archivist IV
South Carolina Department of Archives and History
8301 Parklane Road
Columbia, SC 29223
803) 896-4810

18

Roberts, Will

From: Roberts, Will
Sent: Tuesday, December 04, 2012 10:31 AM
To: 'GIS@rcgov.us'
Cc: larrysmith@richlandonline.com
Subject: Data Request

Pat,

I am working on a project for some of the legislative delegation members. I am requesting an updated copy of the street centerline file, the updated parcel boundary as well as the CAMA information. I need to get the data as soon as possible. If you could please respond so that I know you have received this message. Thanks for your help.

Will

Will Roberts
Office of Precinct Demographics
Division of Research and Statistics
S.C. Budget and Control Board
Phone: 803-734-8923
Fax: 803-734-5047

19- See C.D

Roberts, Will

From: Melissa M. Kaiser <mkaiser@childs-halligan.net> on behalf of Kenneth L. Childs <kchchilds@childs-halligan.net>
Sent: Wednesday, December 12, 2012 10:52 AM
To: Roberts, Will
Subject: Attached Letter
Attachments: Attached Letter.pdf

Will,

I would like to discuss the attached draft letter with Bobby Bowers. There is no pride in authorship.

Please ask Bobby to call me when he gets to the office this morning.

Thank you for your continuing assistance with this matter.

Ken

Kenneth L. Childs, Esq.
Childs & Halligan, P.A.
PO Box 11367
Columbia, SC 29201
(803) 254-4035

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20 - See C.D

Roberts, Will

From: Melissa M. Kaiser <mkaiser@childs-halligan.net> on behalf of Kenneth L. Childs <kchilds@childs-halligan.net>
Sent: Wednesday, December 12, 2012 11:20 AM
To: Roberts, Will
Subject: LET Robert Gantt to Bobby Bowers (revision 2)
Attachments: LET Robert Gantt to Bobby Bowers (revision 2).pdf

Attached hereto please find the corrected draft reflecting the change in the year.

Kenneth L. Childs, Esq.
Childs & Halligan, P.A.
PO Box 11367
Columbia, SC 29201
(803) 254-4035

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21. See C.D

Roberts, Will

From: Roberts, Will
Sent: Thursday, December 13, 2012 1:20 PM
To: Zupan, Alan-Jon
Subject: FW: LET Robert Gantt to Bobby Bowers (revision 2)
Attachments: LET Robert Gantt to Bobby Bowers (revision 2).pdf

-----Original Message-----
From: Melissa M. Kaiser [mailto:mkaiser@childs-halligan.net] On Behalf Of Kenneth L. Childs
Sent: Wednesday, December 12, 2012 11:20 AM
To: Roberts, Will
Subject: LET Robert Gantt to Bobby Bowers (revision 2)

Attached hereto please find the corrected draft reflecting the change in the year.

Kenneth L. Childs, Esq.
Childs & Halligan, P.A.
PO Box 11367
Columbia, SC 29201
(803) 254-4035

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22

district five
OF LEXINGTON & RICHLAND COUNTIES

December 20, 2012

Mr. Bobby Bowers
Office of Research & Statistics
South Carolina State Budget & Control Board
1201 Main Street, Suite 715
Columbia, SC 29201

Re: School District Five of Lexington and Richland Counties

Dear Mr. Bowers:

I am writing to you as Chairman of the Board of Trustees of School District Five of Lexington and Richland Counties. It has come to my attention, from sources which I deem reliable, that Board member Kim Murphy, who currently represents Richland County on the Board of Trustees of School District Five, is not in fact a resident of Richland County as specifically required by Act No. 326 of 2002. As you may be aware, such rumors have been around for some time.

The purpose of my letter is to request that the South Carolina State Budget and Control Board Office of Research and Statistics make a determination as to whether or not Ms. Murphy resides in Richland County, as required by law, and whether she is, in fact, a resident of Richland County legally qualified to represent Richland County on the School District Five Board.

Thank you for your assistance with this matter.

Respectfully submitted,

Robert W. Gantt
Chairman, Board of Trustees

Received
12/20/2012
10:04 AM

26

Roberts, Will

From: BRIAN FITZGERALD <fitzgeraldb@rcgov.us>
Sent: Thursday, December 20, 2012 2:43 PM
To: Roberts, Will
Cc: PATRICK BRESNAHAN; JANET CLAGGETT
Subject: RE: Data Request

Will,

Could you provide us some additional details about the project you are working on so that we know how to proceed with your request. I remember when we provided you these data in 2011 it was a requirement of a budget proviso. Is this a similar situation?

I hope all is well.

- Brian

Brian Fitzgerald | GISP, PMP | Richland County IT/GIS
E-mail: brianf@rcgov.us | Ph: 803.576.2017

From: Roberts, Will [mailto:Will.Roberts@ors.sc.gov]
Sent: Tuesday, December 04, 2012 10:31 AM
To: GIS
Cc: LARRY SMITH
Subject: Data Request

Pat,

I am working on a project for some of the legislative delegation members. I am requesting an updated copy of the street centerline file, the updated parcel boundary as well as the CAMA information. I need to get the data as soon as possible. If you could please respond so that I know you have received this message. Thanks for your help.

Will

Will Roberts
Office of Precinct Demographics
Division of Research and Statistics
S.C. Budget and Control Board
Phone: 803-734-8923
Fax: 803-734-5047

Roberts, Will

From: Roberts, Will
Sent: Thursday, December 20, 2012 3:00 PM
To: 'BRIAN FITZGERALD'
Cc: PATRICK BRESNAHAN; JANET CLAGGETT
Subject: RE: Data Request

Yes, this request is in reference of budget proviso 80A.18. It is the same request as in 2011. This proviso allows us to request GIS information from the county for creation of a registered voter file of Richland County. As you have probably seen in the paper we had a huge mess on Election Day. We have been contacted by the legislative delegation to begin the process of splitting precincts to conform to the 1,500 registered voters per precinct. We are required to do this under Section 1-11-360 of the S.C. Code of Laws. We ran the voter file off of the file we had from last year and noticed that there are some new neighborhoods that are in Richland County that we did not have streets or parcels for. Thanks for all of your help.

Will

From: BRIAN FITZGERALD [mailto:fitzgeraldb@rcgov.us]
Sent: Thursday, December 20, 2012 2:43 PM
To: Roberts, Will
Cc: PATRICK BRESNAHAN; JANET CLAGGETT
Subject: RE: Data Request

Will,

Could you provide us some additional details about the project you are working on so that we know how to proceed with your request. I remember when we provided you these data in 2011 it was a requirement of a budget proviso. Is this a similar situation?

I hope all is well.

- Brian

Brian Fitzgerald | GISP, PMP | Richland County IT/GIS
E-mail: brianf@rcgov.us | Ph: 803.576.2017

From: Roberts, Will [mailto:Will.Roberts@ors.sc.gov]
Sent: Tuesday, December 04, 2012 10:31 AM
To: GIS
Cc: LARRY SMITH
Subject: Data Request

Pat,

I am working on a project for some of the legislative delegation members. I am requesting an updated copy of the street centerline file, the updated parcel boundary as well as the CAMA information. I need to get the data as soon as possible. If you could please respond so that I know you have received this message. Thanks for your help.

Will

Will Roberts

Office of Precinct Demographics
Division of Research and Statistics
S.C. Budget and Control Board
Phone: 803-734-8923
Fax: 803-734-5047

Roberts, Will

From: Roberts, Will
Sent: Wednesday, January 02, 2013 10:47 AM
To: Zupan, Alan-Jon
Subject: Letter
Attachments: Letter.doc

Attached is the letter. The bottom of page 1 should be where you pick up. Let me know if you have any questions or suggestions.

Will

Will Roberts
Office of Precinct Demographics
Division of Research and Statistics
S.C. Budget and Control Board
Phone: 803-734-8923
Fax: 803-734-5047

Roberts, Will

From: Roberts, Will
Sent: Friday, January 04, 2013 3:34 PM
To: 'BRIAN FITZGERALD'
Cc: PATRICK BRESNAHAN; JANET CLAGGETT
Subject: RE: Data Request

Thanks. I will get it Monday morning.

From: BRIAN FITZGERALD [mailto:fitzgeraldb@rcgov.us]
Sent: Friday, January 04, 2013 3:35 PM
To: Roberts, Will
Cc: PATRICK BRESNAHAN; JANET CLAGGETT
Subject: RE: Data Request

Will,

We've pressed a DVD of GIS data which is ready for pickup at 2020 Hampton Street, Suite 3030 behind the help desk.

- Brian

Brian Fitzgerald | GISP, PMP | Richland County IT/GIS
E-mail: brianf@rcgov.us | Ph: 803.576.2017

From: Roberts, Will [mailto:Will.Roberts@ors.sc.gov]
Sent: Friday, January 04, 2013 8:33 AM
To: BRIAN FITZGERALD
Cc: PATRICK BRESNAHAN; JANET CLAGGETT; LARRY SMITH
Subject: RE: Data Request

Brian,

Thanks for getting the data together. We will not be signing a license agreement as we have not done so in the past. Thanks.

Will

From: BRIAN FITZGERALD [mailto:fitzgeraldb@rcgov.us]
Sent: Thursday, January 03, 2013 5:11 PM
To: Roberts, Will
Cc: PATRICK BRESNAHAN; JANET CLAGGETT
Subject: RE: Data Request

Will,

We've finalized the GIS data licensing fee waiver process and have compiled the requested GIS data layers. Please sign the attached data license agreement and return it for our records.

Thanks!

- Brian

Brian Fitzgerald | GISP, PMP | Richland County IT/GIS
E-mail: brianf@rcgov.us | Ph: 803.576.2017

From: Roberts, Will [mailto:Will.Roberts@ors.sc.gov]
Sent: Thursday, January 03, 2013 2:35 PM
To: BRIAN FITZGERALD
Subject: RE: Data Request

Brian,

Attached is a link to the budget proviso.

http://www.scstatehouse.gov/sess119_2011-2012/appropriations2012/tap1b.htm#s80a

Will

From: BRIAN FITZGERALD [mailto:fitzgeraldb@rcgov.us]
Sent: Thursday, January 03, 2013 2:25 PM
To: Roberts, Will
Cc: PATRICK BRESNAHAN; JANET CLAGGETT
Subject: RE: Data Request

Will,

We are beginning to compile the data... Could you provide us with a copy of the 2012-2013 FY budget proviso for our records as it looks like the 80A.18 requirement is specific to the 2011-2012 fiscal year.

Thanks!

- Brian

Brian Fitzgerald | GISP, PMP | Richland County IT/GIS
E-mail: brianf@rcgov.us | Ph: 803.576.2017

From: Roberts, Will [mailto:Will.Roberts@ors.sc.gov]
Sent: Thursday, December 20, 2012 3:00 PM
To: BRIAN FITZGERALD
Cc: PATRICK BRESNAHAN; JANET CLAGGETT
Subject: RE: Data Request

Yes, this request is in reference of budget proviso 80A.18. It is the same request as in 2011. This proviso allows us to request GIS information from the county for creation of a registered voter file of Richland County. As you have probably seen in the paper we had a huge mess on Election Day. We have been contacted by the legislative delegation to begin the process of splitting precincts to conform to the 1,500 registered voters per precinct. We are required to do this under Section 1-11-360 of the S.C. Code of Laws. We ran the voter file off of the file we had from last year and noticed that there are some new neighborhoods that are in Richland County that we did not have streets or parcels for. Thanks for all of your help.

Will

From: BRIAN FITZGERALD [mailto:fitzgeraldb@rcgov.us]
Sent: Thursday, December 20, 2012 2:43 PM
To: Roberts, Will
Cc: PATRICK BRESNAHAN; JANET CLAGGETT
Subject: RE: Data Request

Will,

Could you provide us some additional details about the project you are working on so that we know how to proceed with your request. I remember when we provided you these data in 2011 it was a requirement of a budget proviso. Is this a similar situation?

I hope all is well.

- Brian

Brian Fitzgerald | GISP, PMP | Richland County IT/GIS
E-mail: brianf@rcgov.us | Ph: 803.576.2017

From: Roberts, Will [mailto:Will.Roberts@ors.sc.gov]
Sent: Tuesday, December 04, 2012 10:31 AM
To: GIS
Cc: LARRY SMITH
Subject: Data Request

Pat,

. am working on a project for some of the legislative delegation members. I am requesting an updated copy of the street centerline file, the updated parcel boundary as well as the CAMA information. I need to get the data as soon as possible. If you could please respond so that I know you have received this message. Thanks for your help.

Will

Will Roberts
Office of Precinct Demographics
Division of Research and Statistics
S.C. Budget and Control Board
Phone: 803-734-8923
Fax: 803-734-5047

27

Roberts, Will

From: Kenneth L. Childs <kchilds@childs-halligan.net>
Sent: Wednesday, January 09, 2013 8:34 AM
To: Roberts, Will
Subject: Meeting This Morning

Importance: High

Will,

I spoke with Bobby Bowers over the weekend and we agreed to meet sometime this morning after 10:00. Would you check with him and see if 10:45 would be convenient for Robert Gantt and me to come over to your office? Thank you.

I look forward to seeing you later this morning.

Ken

Kenneth L. Childs
Childs & Halligan, P.A.
PO Box 11367
Columbia, SC 29211
(803) 254-4035

NOTICE: This e-mail may contain information that is PERSONAL AND CONFIDENTIAL, NON-DISCLOSABLE AND PROTECTED BY ATTORNEY/CLIENT PRIVILEGE. If you have received this e-mail in error, this does not constitute permission to examine, copy or distribute the accompanying material. If you receive this message in error, please notify us by telephone as listed above immediately.

28

Roberts, Will

From: Roberts, Will
Sent: Wednesday, January 09, 2013 8:54 AM
To: 'Kenneth L. Childs'
Subject: RE: Meeting This Morning

Ken,

I spoke with Bobby and 10:45 will be fine. We will see you then.

Will

From: Kenneth L. Childs [mailto:kchilds@childs-halligan.net]
Sent: Wednesday, January 09, 2013 8:34 AM
To: Roberts, Will
Subject: Meeting This Morning
Importance: High

Will,

I spoke with Bobby Bowers over the weekend and we agreed to meet sometime this morning after 10:00. Would you check with him and see if 10:45 would be convenient for Robert Gantt and me to come over to your office? Thank you.

I look forward to seeing you later this morning.

Ken

Kenneth L. Childs
Childs & Halligan, P.A.
PO Box 11367
Columbia, SC 29211
(803) 254-4035

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29

Roberts, Will

From: Zupan, Alan-Jon
Sent: Wednesday, January 09, 2013 9:18 AM
To: Roberts, Will
Attachments: letter to robert gantt.docx

Will:

As I said, the changes are only suggestions. It is y'all's letter.

Alan-Jon

30

NIKKI HALEY, CHAIRMAN
GOVERNOR

CURTIS M. LOFTIS, JR.
STATE TREASURER

RICHARD ECKSTROM, CPA
COMPTROLLER GENERAL

SC BUDGET AND CONTROL BOARD

HUGH K. LEATHERMAN, SR.
CHAIRMAN, SENATE FINANCE COMMITTEE

W. BRIAN WHITE
CHAIRMAN, HOUSE WAYS AND MEANS COMMITTEE

MARCIA ADAMS
EXECUTIVE DIRECTOR

Division of Research and Statistics
Bobby M. Bowers
DIRECTOR

803-734-3793

January 11, 2013

Mr. Robert W. Gantt
Chairman, Board of Trustees
Richland Lexington School District 5
1020 Dutch Fork Rd.
Irmo, SC 29063

Dear Mr. Gantt,

Per your request we have reviewed the county location of the residence of Ms. Kim Murphy, who currently represents Richland County on the Board of Trustees of School District Five of Richland and Lexington Counties. Our review was based on the address of 154 Old Laurel Ln., Chapin, SC 29036. This information was obtained through the South Carolina State Election Commission voter registration database.

We used three sources to determine the county location of Ms. Murphy's residence: 1. the U.S. Census Bureau, 2. Precinct maps on file with this office based on codified law, and 3. Research and field work conducted by the South Carolina Geodetic Survey.

The U.S. Census Bureau PL94-171 database shows Ms. Murphy's address as being located in U.S. Census Block 450630212042059. This puts Ms. Murphy in the State of South Carolina in Lexington County in Tract 021204 in Block 2059. Based on the database, the entire street of Old Laurel Ln. is located in Lexington County.

The next analysis we conducted was based on the official precinct maps on file with our office. As established in §1-11-360 our office serves as the focal point for verifying official precinct information for the counties and serves as the official repository for precinct maps. The map on file with this office (P-63-10) show Ms. Murphy is a resident of Lexington County and should be voting in the Lexington County Chapin precinct for House District 85, Senate District 18, and Lexington County Council District 6. In addition to Ms. Murphy's address it has come to our attention that another address located on Old Laurel Ln. is also located in the incorrect county, voting in the incorrect precinct and election districts.

The third source is research and field work conducted by the South Carolina Geodetic Survey. Section 4-3-460 of the Code of Laws of South Carolina 1976 defining the Richland County boundary states that Rocky Ford on Wateree Creek is a point on the Richland-Lexington county boundary. GPS was used to determine the coordinates for Rocky Ford. From Rocky Ford, one boundary line segment bears northwest and another bears southwest. The northwest-trending line segment from Rocky Ford to its intersection with Risters Creek has an azimuth of 343° for a distance of 9405 feet. The southwest-trending line segment from Rocky Ford has an azimuth of 243° for a distance of 3920 feet. Plotting this information on orthophotography demonstrates that Ms. Murphy's house is in Lexington County – about 0.1 mile northwest of the boundary.

All three sources show that Ms. Murphy is a resident of Lexington County. Act No. 326 of 2002 requires that four members be elected from the Lexington County portion of the school district and three members are to be elected from the Richland County portion of the district. As Ms. Murphy was elected in 2010 for a seat in Richland County while residing in Lexington County she is and was not qualified to hold her position for which she has been elected. If Ms. Murphy desires, she may run for a seat for the Lexington County portion of School District Five at the next general election.

Sincerely,

Bobby M. Bowers

BMB:wfr

31

NIKKI HALEY, CHAIRMAN
GOVERNOR

CURTIS M. LOFTIS, JR.
STATE TREASURER

RICHARD ECKSTROM, CPA
COMPTROLLER GENERAL

HUGH K. LEATHERMAN, SR.
CHAIRMAN, SENATE FINANCE COMMITTEE

W. BRIAN WHITE
CHAIRMAN, HOUSE WAYS AND MEANS COMMITTEE

MARCIA ADAMS
EXECUTIVE DIRECTOR

SC BUDGET AND CONTROL BOARD

Division of Research and Statistics
Bobby M. Bowers
DIRECTOR

803-734-3793

January 11, 2013

Mr. Jasper Salmond
Interim Executive Director
Richland County Voter Registration and Elections
P.O. Box 192
Columbia, SC 29202

Dear Mr. Salmond,

In a recent request from Robert Gantt, Chairman of the Richland Lexington School District Five Board of Trustees we were reviewing a residential addresses along the Lexington and Richland County boundary. In our review, we discovered multiple addresses of voters that are currently registered to vote in Richland County that actually reside inside of Lexington County. These voters are currently voting in the incorrect precinct and election districts. The two addresses are 154 Old Laurel Ln., Chapin, SC 29036 and 195 Old Laurel Ln., Chapin, SC 29036.

We used three sources to determine the county location of these addresses: 1. the U.S. Census Bureau, 2. Precinct maps on file with this office based on codified law, and 3. Research and field work conducted by the South Carolina Geodetic Survey.

The U.S. Census Bureau PL94-171 database shows both addresses as being located in U.S. Census Block 450630212042059. This puts them in the State of South Carolina in Lexington County in Tract 021204 in Block 2059. Based on the database, the entire street of Old Laurel Ln. is located in Lexington County.

The next analysis we conducted was based on the official precinct maps on file with our office. As established in §1-11-360 our office serves as the focal point for verifying official precinct information for the counties and serves as the official repository for precinct maps. The map on file with this office (P-63-10) show these addresses as being in Lexington County and should be voting in the Lexington County Chapin precinct for House District 85, Senate District 18, and Lexington County Council District 6.

The third source is research and field work conducted by the South Carolina Geodetic Survey. Section 4-3-460 of the Code of Laws of South Carolina 1976 defining the Richland County boundary states that Rocky Ford on Wateree Creek is a point on the Richland-Lexington county boundary. GPS was used to determine the coordinates for Rocky Ford. From Rocky Ford, one boundary line segment bears northwest and another bears southwest. The northwest-trending line segment from Rocky Ford to its intersection with Risters Creek has an azimuth of 343° for a distance of 9405 feet. The southwest-trending line segment from Rocky Ford has an azimuth of 243° for a distance of 3920 feet. Plotting this information on orthophotography demonstrates that both addresses are in Lexington County.

We ask that you take appropriate action to resolve this issue by notifying the voters that they are registered to vote in the incorrect county and need to be registered to vote in Lexington County so that they may be placed in the correct precinct and election districts in which they reside. Thanks for your help in this matter.

Sincerely,

Bobby M. Bowers

32 - See C.D

Roberts, Will

From: Masi, Cindy
Sent: Tuesday, January 15, 2013 9:36 AM
To: Roberts, Will
Subject: Images
Attachments: Rocky Ford full.jpg; Rocky Ford.jpg

Cindy Masi
SC Geodetic Survey
5 Geology Road
Columbia, SC 29212
803-896-7705 Office
803-896-7695 Fax

33 - See CD

Roberts, Will

From: Roberts, Will
Sent: Tuesday, January 15, 2013 10:02 AM
To: 'movingmountainskwm@gmail.com'
Subject: Precinct Boundary
Attachments: precmap79-07.pdf; Rocky Ford full.jpg; Rocky Ford.jpg; Small_PrecinctwithPhoto.pdf; precmap63-12.pdf

Ms. Murphy,

Attached are the official precinct maps on file with this office for Lexington and Richland Counties. The Lexington County map last modified in 2012 by Act No. 254 and the Richland County Precinct map was last modified in 2007 by Act No. 24. I am also attaching an aerial photograph of the area in question with the precinct boundaries. In addition I am also attaching 2 jpeg files showing the location of Rocky Ford that is listed in Section 4-3-460 of the South Carolina Code of Laws defining the boundary between Lexington and Richland counties. If you need any additional information please feel free to call.

Will

Will Roberts
Office of Precinct Demographics
Division of Research and Statistics
S.C. Budget and Control Board
Phone: 803-734-8923
Fax: 803-734-5047

34

Roberts, Will

From: Kim Murphy <movingmountainskwm@gmail.com>
Sent: Tuesday, January 15, 2013 1:44 PM
To: Roberts, Will
Subject: Re: Precinct Boundary

Will - Thanks so much for sending. I am trying to interpret the maps. So I know what I am looking at, can you please give me a brief narrative for each map?
Thanks!
Kim

On Tue, Jan 15, 2013 at 10:02 AM, Roberts, Will <Will.Roberts@ors.sc.gov> wrote:

Ms. Murphy,

Attached are the official precinct maps on file with this office for Lexington and Richland Counties. The Lexington County map last modified in 2012 by Act No. 254 and the Richland County Precinct map was last modified in 2007 by Act No. 24. I am also attaching an aerial photograph of the area in question with the precinct boundaries. In addition I am also attaching 2 jpeg files showing the location of Rocky Ford that is listed in Section 4-3-460 of the South Carolina Code of Laws defining the boundary between Lexington and Richland counties. If you need any additional information please feel free to call.

Will

Will Roberts

Office of Precinct Demographics

Division of Research and Statistics

S.C. Budget and Control Board

Phone: 803-734-8923

Fax: 803-734-5047

--
Kim Murphy 446-6565

154 Old Laurel Lane
Chapin, SC 29036

35

Roberts, Will

From: Roberts, Will
Sent: Tuesday, January 15, 2013 1:52 PM
To: 'Kim Murphy'
Subject: RE: Precinct Boundary

Ms. Murphy,

Precmap79-07 is the official precinct map for Richland County from 2007 created by Act No. 24.

Precmap63-12 is the official precinct map for Lexington County from 2012 created by Act No. 254.

Small_PrecinctswithPhoto is a map showing Old Laurel Ln. with the official precinct lines on top.

Rocky Ford Full.jpg is a map showing the location of Rocky Ford in relation to Old Laurel Ln. and surrounding features.

Rocky Ford.jpg is a map showing the location of Rocky Ford, but zoomed in showing more detail around Old Laurel Ln.

I hope this helps.

Will

From: Kim Murphy [mailto:movingmountainskwm@gmail.com]
Sent: Tuesday, January 15, 2013 1:44 PM
To: Roberts, Will
Subject: Re: Precinct Boundary

Will - Thanks so much for sending. I am trying to interpret the maps. So I know what I am looking at, can you please give me a brief narrative for each map?
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Will

Will Roberts

Office of Precinct Demographics

Division of Research and Statistics

S.C. Budget and Control Board

Phone: 803-734-8923

Fax: 803-734-5047

--
Kim Murphy 446-6565
154 Old Laurel Lane
Chapin, SC 29036

36

Roberts, Will

From: Kim Murphy <movingmountainskwm@gmail.com>
Sent: Tuesday, January 15, 2013 2:34 PM
To: Roberts, Will
Subject: Re: Precinct Boundary

Thank you. You have been very helpful. I take it that the red line on the aerial photo does not represent the county lines?? If not, is there an aerial available for the precinct maps? Also, are the previous maps available - the ones before 2007 and 2012?

On Tue, Jan 15, 2013 at 1:51 PM, Roberts, Will <Will.Roberts@scors.sc.gov> wrote:

Ms. Murphy,

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Will

Will Roberts

Office of Precinct Demographics

Division of Research and Statistics

S.C. Budget and Control Board

Phone: 803-734-8923

Fax: 803-734-5047

--
Kim Murphy 446-6565
154 Old Laurel Lane
Chapin, SC 29036

Kim Murphy 446-6565
154 Old Laurel Lane
Chapin, SC 29036

37-Sea C.D

Roberts, Will

From: Roberts, Will
Sent: Tuesday, January 15, 2013 2:46 PM
To: 'Kim Murphy'
Subject: RE: Precinct Boundary
Attachments: precmap63-02.pdf; precmap63-03.pdf; precmap63-05.pdf; precmap63-07.pdf; precmap79_2001.pdf

Ms. Murphy,

The red line on the aerial photo does represent the county line according to the official precinct maps. We do have the previous precinct maps available. I am attaching the copies of them.

Will

From: Kim Murphy [mailto:movingmountainskwm@gmail.com]
Sent: Tuesday, January 15, 2013 2:34 PM
To: Roberts, Will
Subject: Re: Precinct Boundary

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Will

Will Roberts

Office of Precinct Demographics

Division of Research and Statistics

S.C. Budget and Control Board

Phone: 803-734-8923

Fax: 803-734-5047

--
Kim Murphy 446-6565
154 Old Laurel Lane
Chapin, SC 29036

--
Kim Murphy 446-6565
154 Old Laurel Lane
Chapin, SC 29036

38

Roberts, Will

From: Kim Murphy <movingmountainskwm@gmail.com>
Sent: Tuesday, January 15, 2013 3:11 PM
To: Roberts, Will
Subject: Re: Precinct Boundary

You are really good! Oops... does the map showing Rocky Ford indicate county lines? Those are red lines also. I hope these are the last of my questions :)

Do you have a map that shows our property lines with the counties lines?
And is there a way to tell if the Lexington County line shown in the various maps jives with the Richland County maps? Have they always jived?

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To: Roberts, Will
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Sent: Tuesday, January 15, 2013 1:44 PM
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Will

Will Roberts

Office of Precinct Demographics

Division of Research and Statistics

S.C. Budget and Control Board

Phone: 803-734-8923

Fax: 803-734-5047

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Kim Murphy 446-6565
154 Old Laurel Lane
Chapin, SC 29036

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Kim Murphy 446-6565
154 Old Laurel Lane
Chapin, SC 29036

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Kim Murphy 446-6565
154 Old Laurel Lane
Chapin, SC 29036

39 see CD

Roberts, Will

From: Roberts, Will
Sent: Tuesday, January 15, 2013 3:48 PM
To: Masi, Cindy
Subject: looking for this with your county boundary
Attachments: Parcel Map with County Line.pdf

See attached...

Will Roberts
Office of Precinct Demographics
Division of Research and Statistics
S.C. Budget and Control Board
Phone: 803-734-8923
Fax: 803-734-5047

40 - See C.D

Roberts, Will

From: Masi, Cindy
Sent: Tuesday, January 15, 2013 3:57 PM
To: Roberts, Will
Subject: Emailing: Rocky Ford w parcel.jpg
Attachments: Rocky Ford w parcel.jpg

Your message is ready to be sent with the following file or link attachments:

Rocky Ford w parcel.jpg

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

4/1 - See C.D

Roberts, Will

From: Roberts, Will
Sent: Tuesday, January 15, 2013 4:00 PM
To: 'Kim Murphy'
Subject: RE: Precinct Boundary
Attachments: Rocky Ford w parcel.jpg

Ms. Murphy,

The map showing Rocky Ford is the county boundary based on the S.C. Code of Laws as stated in Section 4-3-460. This is the section that sets the county boundary. I am attaching a map showing both the Richland (Yellow) and Lexington (Blue) parcels from the county GIS departments and the county line according to Section 4-3-460. To my knowledge, these tax parcels are what the Tax Assessor goes by for taxation purposes. As you can see, the lines overlap in areas as well as cross the county boundary and there are even some areas that do not fall into a parcel. I hope this helps.

Will

From: Kim Murphy [mailto:movingmountainskwm@gmail.com]
Sent: Tuesday, January 15, 2013 3:11 PM
To: Roberts, Will
Subject: Re: Precinct Boundary

You are really good! Oops... does the map showing Rocky Ford indicate county lines? Those are red lines also. I hope these are the last of my questions :)

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Subject: Re: Precinct Boundary

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Sent: Tuesday, January 15, 2013 1:44 PM
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Will - Thanks so much for sending. I am trying to interpret the maps. So I know what I am looking at, can you please give me a brief narrative for each map?

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Will

Will Roberts

Office of Precinct Demographics

Division of Research and Statistics

S.C. Budget and Control Board

Phone: 803-734-8923

Fax: 803-734-5047

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Kim Murphy 446-6565
154 Old Laurel Lane
Chapin, SC 29036

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Kim Murphy 446-6565
154 Old Laurel Lane
Chapin, SC 29036

Kim Murphy 446-6565
154 Old Laurel Lane
Chapin, SC 29036

42 - Sec C.D

Roberts, Will

From: Zupan, Alan-Jon
Sent: Thursday, January 17, 2013 3:14 PM
To: Roberts, Will
Subject: Rocky Ford
Attachments: Rocky Ford showing entire length of nw and sw lines.pdf; Rocky Ford w parcel.pdf; Rocky Ford.docx; Rocky Ford.pdf

Will::

I sent emails containing the attached materials to Jack Maguire (Lexington County) and Lee Harrell (Richland County).

I included an explanation of the sources I used to create the maps.

If you have any questions, please contact me.

Alan-Jon

43-Sec C.D

Roberts, Will

From: Roberts, Will
Sent: Wednesday, January 23, 2013 4:29 PM
To: movingmountainskwm@gmail.com
Subject: Precinct Map with Rocky Ford Boundary and Tax Parcels
Attachments: Parcel Map with Rocky Ford Boundary and Precinct Boundary.pdf

Ms. Murphy,

Attached is a map showing the precinct boundary (Red), the Rocky Ford boundary (Black), the Lexington parcels (Blue), and the Richland parcels (Purple). If you need anything with more detail, please let me know.

Will

Will Roberts
Office of Precinct Demographics
Division of Research and Statistics
S.C. Budget and Control Board
Phone: 803-734-8923
Fax: 803-734-5047

Elections & Voter

COMMISSIONERS
ALLEN DOWDY, ACTING CHAIR
ADELL T. ADAMS
ELAINE D. DUBOSE
HERBERT W. SIMS



JASPER SALMOND
ACTING EXECUTIVE DIRECTOR

Richland County, South Carolina

January 23, 2013

Bobby Bowers, Director
SC Budget & Control Board
1000 Assembly Street, Suite 425
Columbia, SC 29201

Re: B & CB Letter of January 11, 2013
Addresses: 154 Old Laurel Lane, Chapin SC 29036 and 195 Old Laurel Lane, Chapin SC 29036

Dear Mr. Bowers:

Your letter of January 11, 2013 to the Richland County Elections and Voter Registration office has been reviewed and assessed. While I appreciate your efforts and the research you provided, we are unaware of any authority this office has to unilaterally make the revision you request. Please provide any statutory authority you think may be relevant and we would be glad to revisit the issue. Until that time, however, this office will be unable to remove these persons from the list of registered voters in Richland County.

Sincerely,

Jasper Salmond

Dr. Jasper Salmond, Interim Executive Director
Richland County Elections & Voter Registration

Cc: Larry Smith, Esquire
Allen Dowdy, Vice Chair

45

Roberts, Will

From: Kim Murphy <movingmountainskwm@gmail.com>
Sent: Thursday, January 24, 2013 8:24 AM
To: Roberts, Will
Subject: Re: Precinct Map with Rocky Ford Boundary and Tax Parcels

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Sent from my iPhone
Kim Murphy
803-446-6565

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> S.C. Budget and Control Board
> Phone: 803-734-8923
> Fax: 803-734-5047
>
> <Parcel Map with Rocky Ford Boundary and Precinct Boundary.pdf>

46 - Sen C.D

Roberts, Will

From: Roberts, Will
Sent: Thursday, January 24, 2013 8:47 AM
To: 'Kim Murphy'
Subject: RE: Precinct Map with Rocky Ford Boundary and Tax Parcels
Attachments: Wide Parcel map with Rocky Ford Boundary and Precinct Line.pdf; Lexington to Richland 1921.pdf

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47

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Kim Murphy 446-6565
154 Old Laurel Lane
Chapin, SC 29036

48 See CD

Roberts, Will

From: Kenneth L. Childs <kchilds@childs-halligan.net>
Sent: Thursday, January 24, 2013 9:46 AM
To: Roberts, Will
Subject: Attached Letter
Attachments: 20130124094448357.pdf

Per your request.

Kenneth L. Childs
Childs & Halligan, P.A.
PO Box 11367
Columbia, SC 29211
(803) 254-4035

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49 - See C.D

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50

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51 - See C.D.

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52

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53- See CD

Roberts, Will

From: Roberts, Will
Sent: Monday, January 28, 2013 12:45 PM
To: 'Kim Murphy'
Subject: RE: Precinct Map with Rocky Ford Boundary and Tax Parcels
Attachments: WideMap2.pdf; WideMap1.pdf

Ms. Murphy,

Sorry for taking so long to get back to you. I have been out of the office with a nasty cold. I am attaching two maps showing the entire area. The person you can contact with the Geodetic Survey is Alan-Jon Zupan at 896-7713. If you need anything, please let me know.

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54

Roberts, Will

From: Keith R. Powell <kpowell@childs-halligan.net>
Sent: Monday, January 28, 2013 1:11 PM
To: Bowers, Bobby; Roberts, Will
Cc: Kenneth L. Childs
Subject: FW: URGENT District 5 update - Tax dollar protection!

Gentlemen - FYI. Enjoy the show.

Keith R. Powell

Childs & Halligan, P.A.

Columbia, South Carolina

www.childs-halligan.com

(803) 254-4035

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From: Kenneth L. Childs
Sent: Monday, January 28, 2013 12:53 PM
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Subject: Fwd: URGENT District 5 update - Tax dollar protection!

FYI - please forward to bobby & Will

Kenneth L. Childs
Childs & Halligan, P.A.
PO Box 11367
Columbia, SC 29211
(803) 254-4035

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Begin forwarded message:

From: "ROBERT W GANTT" <ganttrw@bellsouth.net>
To: "Kenneth L. Childs" <kchilds@childs-halligan.net>, "Kathryn Long Mahoney" <kmahoney@childs-halligan.net>, "John M. Reagle" <jreagle@childs-halligan.net>
Subject: Fw: Fwd: Fw: Fwd: URGENT District 5 update - Tax dollar protection!

FYI

-----Original Message-----
From: Kim Murphy <movingmountainskwm@gmail.com>
To: Kim Murphy <movingmountainskwm@gmail.com>
Sent: Sun, Jan 27, 2013 6:57 pm
Subject: URGENT District 5 update - Tax dollar protection!

Dear Voter and Taxpayer in Lexington-Richland School District 5:

I do like to keep all of you informed, but this isn't the way I had envisioned it! I've earned a reputation the hard way as a school board member who protects YOU and the way YOUR money is spent by the board. I know that you have recognized as well as I have that the establishment REALLY hates someone looking over their shoulders! Even though I've known they've opposed my efforts to watch out for your tax dollars, I surely didn't see this one coming. As you've probably read in the papers, the School Board and specifically its Board Chairman, Robert Gantt, have taken the totally over-the-top approach of getting rid of me and my taxpayer protection attitude by challenging my residency! Now, they are spending YOUR tax money hiring lawyers just to get me kicked off the board so that you have virtually no one looking out for the way they waste our tax dollars.

Just to clear the air, my family and I have resided in Richland County for 12 years. Yes, we had to obtain a RICHLAND COUNTY building permit, we have RECEIVED and PAID, annually, residential tax bills from RICHLAND COUNTY (Lexington County even bills us for the 2.82 acres of land we own on the Lexington County side of our property that doesn't include our home), my husband and I are registered to vote in the Springville Precinct in RICHLAND COUNTY (in fact, on January 17, 2013—just LAST WEEK—I received the new Photo Voter Registration Card from RICHLAND COUNTY VOTER REGISTRATION OFFICE), I first filed to run in 2004 (a race I lost), in RICHLAND COUNTY and was placed on the ballot and the election was certified by the RICHLAND COUNTY Election Commission. Again, in 2010, when I won this seat, I filed to run for this position in RICHLAND COUNTY, and the election was certified by both the county and state election commissions. I could go on and on but you get the picture. Since we haven't moved, we obviously still reside in Richland County. The only way my residency changes is if they attempt to move the county lines.

Here's the point, the opposition only fires on you if you're over the target!! I wonder what Gantt and his cronies are cooking up to attempt to slide by YOU—the taxpayer—and why they want me off the board so badly that they have to resort to such desperate means?

I have an obligation to you--the 5948 voters who supported me, as well as a duty to this district--which Gantt and some others apparently don't feel. If you know me well, I don't like asking for help. I always seek your input and advice, but I don't like asking you to do something for me, but this time I really need your help. Some of you can make phone calls to pressure the establishment and their puppet, Robert Gantt, into backing off this absurd effort to unseat a duly elected Board member. Some others of you can write emails or hand written letters detailing our anger at this blatant power grab and wasteful spending on lawyers' fees, still others could write a small check to help me defend myself against this outrage. The truth of the matter is that with unlimited funding from YOUR tax dollars and the ability to hide the expenses in some unlabeled cost category, Gantt and his horde will easily outspend our abilities to fight this attack.

For your convenience, I've attached a map showing the location of our house. You'll also find below the numbers and email addresses for Robert Gantt and the rest of the School Board as well as other elected officials that might help. We've often said that we see our nation and state and community going downhill due to excessive government spending, regulation and waste and we don't know what we can do to stop it. Well, I've been stopping it here for some time, and now I need your help to fight off an effort to stop me from protecting you. I am humbled by all of the support and prayers and thank you in advance for helping out in this situation.

God Bless
Kim
PS Please forward this email to anyone who shares your concerns.

Contact Information - Board Members and House and Senate Representatives:
Mr. Robert Gantt, Chairman
1213 Old Tamah Road
Irmo SC 29063
RGantt@lexrich5.org Hm: 781-5408 Cell: 920-0652

Mr. Ed White
327 Steeple Crest North
Irmo SC 29063
EWhite@lexrich5.org Hm: 781-8424

Mrs. Beth Watson, Vice Chairman
906 Shadetree Court
Columbia SC 29212
BHWatson@lexrich5.org Cell: 261-7123

Mrs. Ellen Baumgardner, Secretary
229 Woodwinds West Drive
Columbia SC 29212
EBaumgar@lexrich5.org Hm: 731-0610 Cell: 397-7457

Mr. Jim Turner
137 Char Oak Drive
Columbia SC 29212
JTurner@lexrich5.org Hm: 781-8979

Mrs. Jondy Loveless
228 Lookout Pointes Drive
Chapin SC 29036
Jloveles@lexrich5.org Hm: 345-0547

Dr. Stephen Hefner, Superintendent
1020 Dutch Fork Road
Irmo SC 29063
shefner@lexrich5.org Wk: 476-8116

Rep. Nathan Ballentine
324 Sienna Dr
Chapin, SC 29036
nathanballentine@schouse.gov B: 734-2989 Cell: 206-4199

Rep. Chip Huggins
308 Wayworth Ct
Columbia, SC 29212
chiphuggins@schouse.gov B: 734-2971 Cell: 331-8468

Rep. Rick Quinn
610 Spruce Glen Ct
Lexington, SC 29072
rickquinn@schouse.gov B: 212-6897 Cell: 467-6209

Senator John Courson
2934 Wheat St
Columbia, SC 29205
seducomm@scsenate.gov B: 212-6250 Hm: 256-7853

Senator Ronnie Cromer
P.O. Box 378
Prosperity, SC 29127
ronniecromer@scsenate.gov B: 212-6330 Cell: 924-0099

Map Source: http://www3.richlandmaps.com/regeoportal/ (Zoom in tightly to the northwest corner using Hwy 176, Hwy 76 and I-26. Add the satellite layer and zoom in closer. Add the parcel layer and zoom in again.)

--
Kim Murphy 803-446-6565
154 Old Laurel Lane
Chapin, SC 29036

<The_State_-_School_Board_member_will_'hold_ground'_to_keep_seat_1-26-13.pdf>

<Richland_County_Map_-_Murphy_154_Old_Laurel_Lane.pdf>

55 of 69

Roberts, Will

From: Keith R. Powell <kpowell@childs-halligan.net>
Sent: Monday, January 28, 2013 2:14 PM
To: Bowers, Bobby; Roberts, Will
Subject: Lex 5
Attachments: Binder1.pdf

Pulled from Lex 5's own system.

<<Binder1.pdf>>

Keith R. Powell

Childs & Halligan, P.A.

Columbia, South Carolina

www.childs-halligan.com

(803) 254-4035

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56

Roberts, Will

From: Zupan, Alan-Jon
Sent: Wednesday, January 30, 2013 2:03 PM
To: Roberts, Will

Will:

As per Bobby, it might be good to have one large print so everyone attending the hearing can see at the same time that what is being discussed; while the smaller 8 ½ X 11 prints can be used as handouts. What size large would be good?

OR

A three-slide??? PowerPoint so everyone attending the hearing can see at the same time that what is being discussed, using 8 ½ X 11 prints as handouts.

Decision may be determined by the room where the hearing will be convened.

Alan-Jon

57

Roberts, Will

From: Roberts, Will
Sent: Wednesday, January 30, 2013 2:06 PM
To: Zupan, Alan-Jon
Subject: RE:

I would be fine bringing a computer with all of the data loaded on it with the orthos as a back drop so that if someone has questions, we can zoom into an area and explain it.

From: Zupan, Alan-Jon
Sent: Wednesday, January 30, 2013 2:03 PM
To: Roberts, Will
Subject:

Will:

As per Bobby, it might be good to have one large print so everyone attending the hearing can see at the same time that what is being discussed; while the smaller 8 ½ X 11 prints can be used as handouts. What size large would be good?

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Alan-Jon

58

Roberts, Will

From: Keith R. Powell <kpowell@childs-halligan.net>
Sent: Wednesday, January 30, 2013 3:49 PM
To: Roberts, Will
Cc: John M. Reagle; Kenneth L. Childs; Bowers, Bobby
Subject: Lexington 5

Will - how many ORS guys does it take to prove a boundary line? (Only half a joke intended).

Ken & John are meeting with Judge Cooper and Kim Murphy on Friday to agree on the plan for the hearing to be held sometime soon after that date. We want to be able to tell him who we plan to use as witnesses to prove the contents of the ORS's boundary records, to explain how the State does this work, to translate the language of the surveys into English, and finally to make the ultimate point that this particular boundary line is where ORS says it is.

I think it will be important to have Bobby testify as to the general background of his letter to Mr. Gantt, but perhaps you or someone in your specific area could give all that detail after Bobby paints the outlines.

Keith R. Powell

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59

Roberts, Will

From: Roberts, Will
Sent: Wednesday, January 30, 2013 3:59 PM
To: 'Keith R. Powell'
Cc: John M. Reagle; Kenneth L. Childs; Bowers, Bobby
Subject: RE: Lexington 5

Hey Keith,

In addition to Bobby we are looking at having Sid Miller. Sid is a registered land surveyor who assisted with the field work back in 1995. He is also the one that is currently working on the boundary dispute between NC and SC. I can brief Bobby on the precinct maps we used and the census data, but if you need me to answer anything I can. You might think about having the mapping officials from Richland and Lexington County as both have stated to us that they are aware the boundary between the counties are incorrect and the only evidence that Ms. Murphy has is her tax bill from Richland County.

From: Keith R. Powell [mailto:kpowell@childs-halligan.net]
Sent: Wednesday, January 30, 2013 3:49 PM
To: Roberts, Will
Cc: John M. Reagle; Kenneth L. Childs; Bowers, Bobby
Subject: Lexington 5

Will - how many ORS guys does it take to prove a boundary line? (Only half a joke intended).

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I think it will be important to have Bobby testify as to the general background of his letter to Mr. Gantt, but perhaps you or someone in your specific area could give all that detail after Bobby paints the outlines.

Keith R. Powell

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60

Roberts, Will

From: Roberts, Will
Sent: Wednesday, January 30, 2013 4:28 PM
To: 'Keith R. Powell'
Cc: John M. Reagle; Kenneth L. Childs; Bowers, Bobby
Subject: RE: Lexington 5

Keith,

We are creating packets of maps and information for the hearing, how many copies do you think we will need?

Will

From: Keith R. Powell [mailto:kpowell@childs-halligan.net]
Sent: Wednesday, January 30, 2013 4:07 PM
To: Roberts, Will
Cc: John M. Reagle; Kenneth L. Childs; Bowers, Bobby
Subject: RE: Lexington 5

Thanks. Looks like we missed your earlier call here. Ken was out-of-communication flying today and we missed it before I wrote you this inquiry.

Keith R. Powell

Childs & Halligan, P.A.

Columbia, South Carolina

www.childs-halligan.com

(803) 254-4035

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From: Roberts, Will [mailto:Will.Roberts@ors.sc.gov]
Sent: Wednesday, January 30, 2013 3:59 PM
To: Keith R. Powell
Cc: John M. Reagle; Kenneth L. Childs; Bowers, Bobby
Subject: RE: Lexington 5

Hey Keith,

In addition to Bobby we are looking at having Sid Miller. Sid is a registered land surveyor who assisted with the field work back in 1995. He is also the one that is currently working on the boundary dispute between NC and SC. I can brief Bobby on the precinct maps we used and the census data, but if you need me to answer anything I can. You might think about having the mapping officials from Richland and Lexington County as both have stated to us that they are aware

the boundary between the counties are incorrect and the only evidence that Ms. Murphy has is her tax bill from Richland County.

From: Keith R. Powell [mailto:kpowell@childs-halligan.net]
Sent: Wednesday, January 30, 2013 3:49 PM
To: Roberts, Will
Cc: John M. Reagle; Kenneth L. Childs; Bowers, Bobby
Subject: Lexington 5

Will - how many ORS guys does it take to prove a boundary line? (Only half a joke intended).

Ken & John are meeting with Judge Cooper and Kim Murphy on Friday to agree on the plan for the hearing to be held sometime soon after that date. We want to be able to tell him who we plan to use as witnesses to prove the contents of the ORS's boundary records, to explain how the State does this work, to translate the language of the surveys into English, and finally to make the ultimate point that this particular boundary line is where ORS says it is.

I think it will be important to have Bobby testify as to the general background of his letter to Mr. Gantt, but perhaps you or someone in your specific area could give all that detail after Bobby paints the outlines.

Keith R. Powell

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Roberts, Will

From: Keith R. Powell <kpowell@childs-halligan.net>
Sent: Wednesday, January 30, 2013 4:52 PM
To: Roberts, Will
Subject: FW: Lex 5

I guess 5.

Friday is not the hearing, it's an informal meeting to set the date and rules for the hearing. So, they don't need these packets by Friday but you might as well get 'em ready.

KRP

-----Original Message-----
From: John M. Reagle
Sent: Wednesday, January 30, 2013 4:44 PM
To: Keith R. Powell
Subject: Lex 5

Keith
I think 5 copies should be sufficient.

Sent from my iPhone

62

Roberts, Will

From: Kim Murphy <movingmountainskwm@gmail.com>
Sent: Thursday, January 31, 2013 4:43 PM
To: Roberts, Will
Subject: Re: Precinct Map with Rocky Ford Boundary and Tax Parcels

Will - Thank you again for your help. I hope you are feeling better.
Kim

On Mon, Jan 28, 2013 at 12:45 PM, Roberts, Will <Will.Roberts@ors.sc.gov> wrote:

Ms. Murphy,

Sorry for taking so long to get back to you. I have been out of the office with a nasty cold. I am attaching two maps showing the entire area. The person you can contact with the Geodetic Survey is Alan-Jon Zupan at 896-7713. If you need anything, please let me know.

Will

From: Kim Murphy [mailto:movingmountainskwm@gmail.com]
Sent: Thursday, January 24, 2013 5:06 PM

To: Roberts, Will
Subject: Re: Precinct Map with Rocky Ford Boundary and Tax Parcels

Will,
If you prefer that I call, let me know... just didn't want to bother you. Sorry for the confusion. I'm trying to see on map the top of the upper line that runs to the northwest off the Rocky Ford point (and just beyond where the precinct line meets the Wateree Creek) as well as the lines down to Peace Haven. In other words, take this map -

Wide Parcel map with Rocky Ford Boundary and Precinct Line South View.pdf

And expand it to include this map -

Wide Parcel map with Rocky Ford Boundary and Precinct Line.pdf

So from between Peace Haven and just above where the northern precinct line meets the creek. (To keep it

visible, no need to include the area beyond that point to the Broad River.)

Who would you suggest that I speak with at the Geodetic Survey section?

Thanks again!
Kim

On Thu, Jan 24, 2013 at 3:37 PM, Roberts, Will <Will.Roberts@ors.sc.gov> wrote:

Ms. Murphy,

Attached please find the map showing the northern portion of the precinct boundary as established on map P-79-07.

I did not create the original lines or the point on Rocky Ford. This was done by our Geodetic Survey section. The group conducted the field work in 1995 and I do not know if they were able to locate any other markers at that time. That is a question they would have to answer.

Will

From: Kim Murphy [mailto:movingmountainskwm@gmail.com]
Sent: Thursday, January 24, 2013 3:00 PM

To: Roberts, Will
Subject: Re: Precinct Map with Rocky Ford Boundary and Tax Parcels

Will,
I wish I had the map in front of me to manipulate (not sure I could -- even if it was!). Good with showing the line to Peace Haven, but can you continue to expand the map to also include the northern part shown in the previous map - the end of the line for your county line and where the precinct line runs into the river?

Are the lines on the map coming off of a point designated as Rocky Ford the length that is spelled out in the Code? If so, have you identified any stakes or other markers at the end of those lines? Does anyone else have those lines or know the location of the stakes or have a map that shows them?

Again, thanks for your help!

Kim

On Thu, Jan 24, 2013 at 1:26 PM, Roberts, Will <Will.Roberts@ors.sc.gov> wrote:

Kim,

I do not have the lines other than the two that meet at Rocky Ford that are based on the Code of Laws, but I do have an entire outline for the precinct boundaries. Attached is a copy of the map.

Will

From: Kim Murphy [mailto:movingmountainskwm@gmail.com]
Sent: Thursday, January 24, 2013 1:16 PM

To: Roberts, Will
Subject: Re: Precinct Map with Rocky Ford Boundary and Tax Parcels

Will - Your going to shoot me... can you make it an aerial please?

On Thu, Jan 24, 2013 at 9:38 AM, Kim Murphy <movingmountainskwm@gmail.com> wrote:

You have neat old maps! On the new map, can you show the next points that the Rocky Ford lines intersect? The map doesn't show what happens to that line or at what point it may turn and go another direction. On the precinct line, I see where the northwest line intersects with the next point, but not on the southwestern line. Can you expand map a bit more so I can see the point to the southwest where the precinct line intersects? (Maybe go down to Peace Haven Rd. (Tomahawk) off of Crooked Creek Rd.

Thanks again for your willingness to help me with this.

On Thu, Jan 24, 2013 at 8:47 AM, Roberts, Will <Will.Roberts@ors.sc.gov> wrote:

Ms. Murphy,

I am attaching a wide area map of the boundaries along with the 1921 survey of the Rocky Ford boundary that is stated in S.C. Code of Laws. Please let me know if you need additional information.

Will

-----Original Message-----
From: Kim Murphy [mailto:movingmountainskwm@gmail.com]
Sent: Thursday, January 24, 2013 8:24 AM
To: Roberts, Will
Subject: Re: Precinct Map with Rocky Ford Boundary and Tax Parcels

Thank you again Will. Can you expand the map a little bit more so I can see the next points that the red line and the Rocky Ford boundary line intersect?

I appreciate your time in this.

Kim

Sent from my iPhone
Kim Murphy
803-446-6565

On Jan 23, 2013, at 4:30 PM, "Roberts, Will" <Will.Roberts@ors.sc.gov> wrote:

> Ms. Murphy,
>
> Attached is a map showing the precinct boundary (Red), the Rocky Ford boundary (Black), the Lexington parcels (Blue), and the Richland parcels (Purple). If you need anything with more detail, please let me know.
>
> Will
>
> Will Roberts
> Office of Precinct Demographics
> Division of Research and Statistics
> S.C. Budget and Control Board
> Phone: 803-734-8923
> Fax: 803-734-5047
>
> <Parcel Map with Rocky Ford Boundary and Precinct Boundary.pdf>

--
Kim Murphy 446-6565
154 Old Laurel Lane
Chapin, SC 29036

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Kim Murphy 446-6565
154 Old Laurel Lane
Chapin, SC 29036

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Kim Murphy 446-6565
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Kim Murphy 446-6565
154 Old Laurel Lane
Chapin, SC 29036

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Roberts, Will

From: Keith R. Powell <kpowell@childs-halligan.net>
Sent: Monday, February 04, 2013 12:25 PM
To: John M. Reagle; Roberts, Will; Bowers, Bobby
Subject: Lex 5

You may have seen that we're supposed to have documents to Judge Cooper by the 13th. Is there a good day & time this week that John and I could meet with you (and Sid) to go over the documents and outline testimony for the hearing on the 15th?

Keith R. Powell

Childs & Halligan, P.A.

Columbia, South Carolina

www.childs-halligan.com

(803) 254-4035

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64 - See CD

Roberts, Will

From: Roberts, Will
Sent: Monday, February 04, 2013 2:48 PM
To: Zupan, Alan-Jon; Wellslager, Matt
Subject: Boundary Hearing
Attachments: Document.pdf

Hey Guys,

Attached is what is going on. Can you please send to Sid? I didn't have his email. See you guys tomorrow at 11:30.

Will

-----Original Message-----
From: Administration Printer/Scanner [mailto:4345mfp@ors.sc.gov]
Sent: Monday, February 04, 2013 2:38 PM
To: Roberts, Will
Subject:

Please open the attached document. This document was digitally sent to you using an HP Digital Sending device.

To view this document you need to use the Adobe Acrobat Reader. For more information on the HP MFP Digital Sending Software or a free copy of the Acrobat reader please visit:

http://www.hp.com/go/HP_Digital_Sender_Module.com

65

Roberts, Will

From: Roberts, Will
Sent: Tuesday, February 05, 2013 8:55 AM
To: 'Keith R. Powell'
Subject: RE: Lex 5

Keith,

We are meeting in room 425 today. Thanks.

From: Keith R. Powell [mailto:kpowell@childs-halligan.net]
Sent: Monday, February 04, 2013 12:25 PM
To: John M. Reagle; Roberts, Will; Bowers, Bobby
Subject: Lex 5

You may have seen that we're supposed to have documents to Judge Cooper by the 13th. Is there a good day & time this week that John and I could meet with you (and Sid) to go over the documents and outline testimony for the hearing on the 15th?

Keith R. Powell

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Roberts, Will

From: Roberts, Will
Sent: Wednesday, February 06, 2013 9:04 AM
To: kpowell@childs-halligan.net
Subject: Large Maps and Meeting

Hey Keith,

Do you want us to mount the large maps on foam board? We have Velcro strips we use to mount them so the boards can be reused. Also, are we meeting again on Tuesday? I thought I heard someone say something about meeting again. Thanks.

Will

Will Roberts
Office of Precinct Demographics
Division of Research and Statistics
S.C. Budget and Control Board
Phone: 803-734-8923
Fax: 803-734-5047

67

Roberts, Will

From: Zupan, Alan-Jon
Sent: Wednesday, February 06, 2013 9:07 AM
To: Roberts, Will

Will:

Apparently Richland County has all the information to solve the problem.

Letters to the Editor
The State
Tuesday, Feb 5, 2013

Don't waste money on dispute

I do not know all that is going on with the Lexington-Richland District 5 board, but I do know that I am familiar with the Richland County Geographic Information Systems Web site. While state officials say that board member Kim Murphy lives in Lexington County, Richland's GIS Web site plainly shows her house is in Richland County.

The one thing I am sure of is that I do not want one dollar of my tax money spent on fighting this argument.

BEN STUCKEY
Chapin

Alan-Jon

68

Roberts, Will

From: Keith R. Powell <kpowell@childs-halligan.net>
Sent: Wednesday, February 06, 2013 10:21 AM
To: Roberts, Will
Cc: John M. Reagle
Subject: RE: Large Maps and Meeting

Foamboard would be great. We did set a meeting for next Tuesday at 1 pm.

Keith R. Powell

Childs & Halligan, P.A.

Columbia, South Carolina

www.childs-halligan.com

(803) 254-4035

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From: Roberts, Will [mailto:Will.Roberts@ors.sc.gov]
Sent: Wednesday, February 06, 2013 9:04 AM
To: Keith R. Powell
Subject: Large Maps and Meeting

Hey Keith,

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Will

Will Roberts
Office of Precinct Demographics
Division of Research and Statistics
S.C. Budget and Control Board
Phone: 803-734-8923
Fax: 803-734-5047

69

Roberts, Will

From: Roberts, Will
Sent: Wednesday, February 06, 2013 10:22 AM
To: Zupan, Alan-Jon; Wellslager, Matt
Subject: FW: Large Maps and Meeting

From: Keith R. Powell [mailto:kpowell@childs-halligan.net]
Sent: Wednesday, February 06, 2013 10:21 AM
To: Roberts, Will
Cc: John M. Reagle
Subject: RE: Large Maps and Meeting

Foamboard would be great. We did set a meeting for next Tuesday at 1 pm.

Keith R. Powell

Childs & Halligan, P.A.

Columbia, South Carolina

www.childs-halligan.com

(803) 254-4035

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Will

Will Roberts
Office of Precinct Demographics
Division of Research and Statistics
S.C. Budget and Control Board
Phone: 803-734-8923
Fax: 803-734-5047

70

Roberts, Will

From: Zupan, Alan-Jon
Sent: Tuesday, February 12, 2013 9:39 AM
To: Roberts, Will

Will:

During last week's meeting, the lawyers said they would type up Bobby's and Sid's answers to the questions and email them to Bobby and Sid. Sid hasn't received anything. Has Bobby?

Alan-Jon

71

Roberts, Will

From: Roberts, Will
Sent: Tuesday, February 12, 2013 9:40 AM
To: Zupan, Alan-Jon
Subject: RE:

No, I don't think so.

From: Zupan, Alan-Jon
Sent: Tuesday, February 12, 2013 9:39 AM
To: Roberts, Will
Subject:

Will:

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Alan-Jon

72

Roberts, Will

From: Zupan, Alan-Jon
Sent: Tuesday, February 12, 2013 9:40 AM
To: Roberts, Will
Subject: RE:

Ok

From: Roberts, Will
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Alan-Jon

73

Roberts, Will

From: Keith R. Powell <kpowell@childs-halligan.net>
Sent: Wednesday, February 13, 2013 2:22 PM
To: Roberts, Will
Subject: prehearing memorandum for Lex 5
Attachments: 415200.pdf

Will -

FYI.

Keith R. Powell

Childs & Halligan, P.A.

Columbia, South Carolina

www.childs-halligan.com

(803) 254-4035

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<<415200.pdf>>

74 - See CD

Roberts, Will

From: Roberts, Will
Sent: Wednesday, February 13, 2013 3:29 PM
To: Bowers, Bobby
Subject: FW: prehearing memorandum for Lex 5
Attachments: 415200.pdf

From: Keith R. Powell [mailto:kpowell@childs-halligan.net]
Sent: Wednesday, February 13, 2013 2:22 PM
To: Roberts, Will
Subject: prehearing memorandum for Lex 5

Will -

FYI.

Keith R. Powell

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<<415200.pdf>>

75 Sec D

Roberts, Will

From: Roberts, Will
Sent: Wednesday, February 13, 2013 3:30 PM
To: 'che5520@windstream.net'
Subject: FW: prehearing memorandum for Lex 5
Attachments: 415200.pdf

From: Keith R. Powell [mailto:kpowell@childs-halligan.net]
Sent: Wednesday, February 13, 2013 2:22 PM
To: Roberts, Will
Subject: prehearing memorandum for Lex 5

Will -

FYI.

Keith R. Powell

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<<415200.pdf>>

76

Roberts, Will

From: Crepes, Dean
Sent: Thursday, February 14, 2013 7:52 AM
To: Roberts, Will
Subject: District 5 hearing

The hearing on the school board member; is that tomorrow at 10 am....at District 5 office

Dean Crepes
Lexington County
Registration and Elections
605 West Main St Ste 105
Lexington, SC 29072
Phone 785-8361
Fax 785-8390

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77

Roberts, Will

From: Roberts, Will
Sent: Thursday, February 14, 2013 9:19 AM
To: Crepes, Dean
Subject: RE: District 5 hearing

Yep. Tomorrow at 10.

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78

Roberts, Will

From: Crepes, Dean
Sent: Thursday, February 14, 2013 9:35 AM
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AS of now I plan to be there.....oh joy.

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79

Roberts, Will

From: Crepes, Dean
Sent: Wednesday, February 20, 2013 11:35 AM
To: Roberts, Will
Cc: Maguire, Jack
Subject: County lines, Irmo and Chapin areas

From what I gather form the hearing Friday concerning the school 5 trustee, Richland and Lexington needs to get the correct county lines, as to settle the boundary concern, and also the voters, but more for correct county of residence.....

Our GIS is ready to update any boundaries, can you send the correct boundaries to both counties as to get all our databases updated.....as this November there are municipal elections in Irmo and Chapin.....

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Roberts, Will

80

From: Roberts, Will
Sent: Wednesday, February 20, 2013 11:46 AM
To: Crepes, Dean
Cc: Maguire, Jack
Subject: RE: County lines, Irmo and Chapin areas

Dean,

Our Geodetic staff has been in contact with Ralph Ford in Lexington County. He will serve as the representative for Lexington on the boundary issue. The plan is to have our staff research and reconstruct the boundary and get input from both Lexington and Richland counties. Once the survey has been done, it is up to the counties to make the changes. This is where things get interesting. Thanks to Home Rule and the way the laws are written, we do not have the authority to make the counties accept what we find or make changes. Down in Dorchester and Berkeley counties we had to settle a boundary issue and neither county acted on what we gave them. It was just a waste of time on our end. I plan on getting with Sid to discuss having legislation introduced to establish a county boundary commission that will look into these issues, but I don't know if it will go anywhere. The project is going to take a lot of time to do and I think we may have a hard time getting the issue finished by November because both counties are going to have to agree and there will be many parcels that will need to be split and tax money swapping between the counties.

Will

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81

Roberts, Will

From: Crepes, Dean
Sent: Wednesday, February 20, 2013 12:08 PM
To: Roberts, Will
Cc: Maguire, Jack
Subject: RE: County lines, Irmo and Chapin areas

This can get real ugly before it is over, but was hoping it would be easier.....thanks

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82

Roberts, Will

From: Crepes, Dean
Sent: Wednesday, February 20, 2013 2:35 PM
To: Maguire, Jack; Roberts, Will
Subject: RE: County lines, Irmo and Chapin areas

Knee slapping, bust a gut fun.....

Dean Crepes
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From: Maguire, Jack
Sent: Wednesday, February 20, 2013 2:17 PM
To: Crepes, Dean; Roberts, Will
Subject: RE: County lines, Irmo and Chapin areas

Personally I think it will be mainly fun. Fun to work in and even more fun to watch.

From: Crepes, Dean
Sent: Wednesday, February 20, 2013 12:08 PM
To: Roberts, Will
Cc: Maguire, Jack
Subject: RE: County lines, Irmo and Chapin areas

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83-Sec. 5

Roberts, Will

From:	Keith R. Powell <kpowell@childs-halligan.net>
Sent:	Thursday, February 21, 2013 9:20 AM
To:	Bowers, Bobby; Roberts, Will
Cc:	John M. Reagle
Subject:	Emailing: In re_ Kim Murphy Residency
Attachments:	In re_ Kim Murphy Residency.pdf

<<In re_ Kim Murphy Residency.pdf>> Attached is the court reporter's transcript.

Keith R. Powell
Childs & Halligan, P.A.
Columbia, South Carolina
www.childs-halligan.com
(803) 254-4035

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84 Sec. CD

Roberts, Will

From: Roberts, Will
Sent: Thursday, February 21, 2013 9:47 AM
To: Wellslager, Matt; Zupan, Alan-Jon
Subject: FW: Emailing: In re_ Kim Murphy Residency
Attachments: In re_ Kim Murphy Residency.pdf

-----Original Message-----
From: Keith R. Powell [mailto:kpowell@childs-halligan.net]
Sent: Thursday, February 21, 2013 9:20 AM
To: Bowers, Bobby; Roberts, Will
Cc: John M. Reagle
Subject: Emailing: In re_ Kim Murphy Residency

<<In re_ Kim Murphy Residency.pdf>> Attached is the court reporter's transcript.

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85

Roberts, Will

From: Zupan, Alan-Jon
Sent: Thursday, February 21, 2013 10:03 AM
To: Roberts, Will
Subject: RE: Emailing: In re_ Kim Murphy Residency

Will:

Thank you.

I emailed the transcript to Sid.

Alan-Jon

-----Original Message-----
From: Roberts, Will
Sent: Thursday, February 21, 2013 9:47 AM
To: Wellslager, Matt; Zupan, Alan-Jon
Subject: FW: Emailing: In re_ Kim Murphy Residency

-----Original Message-----
From: Keith R. Powell [mailto:kpowell@childs-halligan.net]
Sent: Thursday, February 21, 2013 9:20 AM
To: Bowers, Bobby; Roberts, Will
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86

Roberts, Will

From: Keith R. Powell <kpowell@childs-halligan.net>
Sent: Monday, March 18, 2013 11:39 AM
To: Roberts, Will
Cc: John M. Reagle
Subject: Lex 5 exhibits

Will - can we send somebody to pick up the large exhibits you brought to the hearing last month? We have the board hearing tomorrow night to review the record and make the board's final decision. Just let me know when they're ready and somebody will come get them.

Keith R. Powell

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Columbia, South Carolina

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87

Roberts, Will

From: Crepes, Dean
Sent: Tuesday, March 19, 2013 7:21 AM
To: Roberts, Will
Subject: I gets more intense.....

http://www.wistv.com/story/21676418/judge-remove-kim-murphy-from-lexington-richland-5-board

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88 See CP.

Roberts, Will

From: Keith R. Powell <kpowell@childs-halligan.net>
Sent: Wednesday, March 20, 2013 10:30 AM
To: Bowers, Bobby; Roberts, Will
Cc: John M. Reagle
Subject: board order
Attachments: 3-20-13 (2).pdf

Keith R. Powell

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From: Sybil Stowers [mailto:sstowers@lexrich5.org]
Sent: Wednesday, March 20, 2013 10:08 AM
To: Keith R. Powell
Subject:

89

Roberts, Will

From: Zupan, Alan-Jon
Sent: Wednesday, April 03, 2013 2:22 PM
To: Roberts, Will
Subject: FW: Lexington-Orangeburg-Calhoun county boundaries

Will:

The below is information regarding the Lexington – Orangeburg county boundary that I sent to Jack Maguire (Lexington), Bill Addison (Orangeburg), Steve Hamilton (Calhoun).

Alan-Jon

From: Zupan, Alan-Jon
Sent: Wednesday, April 03, 2013 11:28 AM
To: 'assessor@calhouncounty.sc.gov'
Subject: Lexington-Orangeburg-Calhoun county boundaries

Mr. Hamilton:

I am sending you the information below, because although it primarily addresses the location of the Lexington – Orangeburg county boundary, the point at which the Calhoun – Orangeburg county line is shown to presently intersect the Lexington County line is affected when the Lexington – Orangeburg county boundary is correctly located.

The SC Geodetic Survey (SCGS) had a request from Richard All, a surveyor, regarding the location of the Lexington – Orangeburg county boundary. He needs to survey a piece of property that calls for the boundary as part of the property's description. Mr. All contacted Lexington County and asked "Where is the county line located?" Lexington County said it did not know and referred him to the SCGS.

The following describes the Lexington – Orangeburg county boundary as defined in the Code of Laws of South Carolina, and the coordinates for the endpoints of the straight line that is the boundary.

Section 4-3-370 of the Code of Laws of South Carolina describing the Lexington County boundary simply states that "Lexington is bounded ... on the southeast by Orangeburg and Calhoun Counties ..."

Section 4-3-430 of the Code of Laws of South Carolina describing the Orangeburg County boundary, however, states "Orangeburg County is bounded as follows: ... on the northwest by Aiken and Lexington Counties from which it is divided by a direct line drawn from A.J. Weathersbee's old mill, on the line between Barnwell and Aiken Counties to the point where the Cedar Pond Branch empties into the North Fork of the Edisto, and by another direct line, drawn from said point where the Cedar Pond Branch empties into the North Fork of the Edisto, to the headwaters of the main branch of Beaver Creek; ..." (Cedar Pond Branch is now named Pond Branch, and Beaver Creek is now named Big Beaver Creek.)

The direct line from where Pond Branch empties into the North Fork of the Edisto to the headwaters of the main branch of Big Beaver Creek is the boundary between Lexington and Orangeburg counties. It has been described as such since 1882. In The General Statutes and the Code of Civil Procedure of The State of South Carolina adopted by the General Assembly (1882):
"Sec. 425. LEXINGTON COUNTY is bounded as follows: ... on the southeast by Orangeburg County, from which it is divided by Beaver Creek, from its mouth to the head of its main branch, and then by a direct line to the mouth of the Cedar Pond Branch, on the north fork of Edisto River; ..."
"Sec. 430. ORANGEBURG COUNTY is bounded as follows: ... on the northwest by Aiken and Lexington Counties, from which it is divided by a direct line from A.J. Weathersbee's old mill, on the line between Barnwell and Aiken Counties, to the point where the Cedar Pond Branch empties into the North Fork of the Edisto, and by another direct line, drawn from said point where the Cedar Pond Branch empties into the North Fork of the Edisto, to the head waters of the main branch of Beaver Creek, thence down said creek to its junction with the Congaree River." I have highlighted the applicable part of the description for the Lexington – Orangeburg line.

The headwater of Big Beaver Creek was determined from office research and field work. In addition, I consulted John Shelton and Tim Lanier of the US Geological Survey's South Carolina Water Science Center in Columbia, SC. The coordinates for the headwaters of Big Beaver Creek are SC State Plane Coordinates N691171.9, E2001868.8 - NAD83 (2011). The coordinates were obtained using the SC Real-Time GPS Network.

The mouth of Pond Branch Creek at the North Edisto River was determined from office research and field work. The coordinates for the mouth of Pond Branch Creek at the North Edisto River are SC State Plane Coordinate N662089.6, E1943054.5 – NAD 1983 (2011). The coordinates were obtained using the SC Real-Time GPS Network.

I sent this information to Jack Maguire (Planning/GIS Manager for Lexington County) and Bill Addison (GIS Manager for Orangeburg County).

If you have any questions about the above, please contact me.

Please send me a received receipt that you have received this email.

Cordially,

Alan-Jon Zupan
SC Geodetic Survey

Mr. Hamilton:

Bill Addison emailed questions after he received the material. Below, I have included his email and my response so that everyone involved has the same information. I also added Bill's contact information.

Alan:

I have a question that is not directly related to this, but in an in-direct way it could be. When dealing with property boundaries (or county) that are referenced at a point of some waterway, what happens if over time the waterway changes

course? Or dries up? Does the boundary line change shape? This is a discussion we've had in the office over the years.

Will you find out if the other counties will be modifying their boundary file to coincide with this notification or do we just do t regardless of the others actions? Does anything need to be done via Administration or Council in the individual counties? I am guessing not since these coordinates are in the statute.

Bill:

I can answer the questions in the first paragraph regarding political boundaries, but I need to check if the same applies to property boundaries. So, I will send you all the answers at one time.

Regarding the questions in the second paragraph:
The other counties also will probably ask me that question. I believe that the appropriate people from the counties need to talk with each other about modifying the boundary file in your systems. Also parcel files – Orangeburg's and Lexington's overlap and gap. Plus, some people will be moved to a different county so the appropriate county people will need to address this issue.

I believe that nothing needs to be done via Administration or Council in the individual counties, because as you wrote, the points for which we now have coordinates are already in the statutes defining the boundary.

Contact information for Lexington County and Calhoun County persons I sent the information to are:
Jack Maguire
Planning/GIS Manager
Lexington County
803-785-8121
jmaguire@lex-co.com

Steve Hamilton*
Calhoun County Assessor
803-874-3613
assessor@calhouncounty.sc.gov
*Mr. Hamilton will not receive the information until he returns to the office on Monday, April 8.

Alan-Jon

Bill Addison's contact information is:
Bill Addison
GIS Manager
Orangeburg County
803-539-2060
baddison@orangeburgcounty.org

90

Roberts, Will

From: Crepes, Dean
Sent: Monday, April 07, 2014 9:47 AM
To: Roberts, Will
Subject: School District 5

Being filing for School Board will be in August, has the County lines been settled..... *do not want this to be a law suit filed.....*

Dean Crepes
Lexington County
Registration and Elections
605 West Main St Ste 105
Lexington, SC 29072
Phone 803-785-8361
Fax 803-785-8390

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Roberts, Will

From: Roberts, Will
Sent: Monday, April 07, 2014 12:16 PM
To: Crepes, Dean
Subject: RE: School District 5

The entire county boundary has not been completed, but the issue with Mrs. Murphy has been settled as far as we are concerned. Under Judge Thomas Cooper's ruling it was determined that she is a resident of Lexington County. If you have anyone close to the line, let us know and we will research it for you. From what I learned from talking to Richland County is that she is still a registered voter in Richland County because the Voter Registration Office will not remove her from the books. They are disregarding the judge's ruling at the advice of their legal counsel.
If she files to run in Richland County, I expect another suit to be filed and cost the taxpayers more money in legal fees.

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Roberts, Will

From: Crepes, Dean
Sent: Monday, April 07, 2014 12:19 PM
To: Roberts, Will
Subject: RE: School District 5

WOW.....stay tuned.....thanks

Dean Crepes
Lexington County
Registration and Elections
605 West Main St Ste 105
Lexington, SC 29072
Phone 803-785-8361
Fax 803-785-8390

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If she files to run in Richland County, I expect another suit to be filed and cost the taxpayers more money in legal fees.

Will

91. See CD

Roberts, Will

From: Roberts, Will
Sent: Tuesday, May 06, 2014 9:14 AM
To: larrysmith@richlandonline.com; Crepes, Dean; mcbridel@rcgov.us
Subject: Kim Murphy
Attachments: COOPERMURPHY.pdf

Hello all,

Attached are the findings from the hearing on the residency of Kim Murphy last year.

Will

Will Roberts
Office of Precinct Demographics
Division of Research and Statistics
S.C. Budget and Control Board
Phone: 803-734-8923
Fax: 803-734-5047

92

Roberts, Will

From: Roberts, Will
Sent: Tuesday, May 06, 2014 9:38 AM
To: Rainwater, Frank
Subject: FW: School District 5

From: Crepes, Dean
Sent: Monday, May 05, 2014 4:28 PM
To: Roberts, Will
Cc: LILLIAN MCBRIDE
Subject: RE: School District 5

Not the actual ruling, but I will cc him and see if he can scan it for us....

Will.....can you scan and send a copy of Kim Murphy's ruling....

From: LILLIAN MCBRIDE [mailto:MCBRIDEL@rcgov.us]
Sent: Monday, May 05, 2014 4:03 PM
To: Crepes, Dean
Subject: RE: School District 5

Thanks. Did Will forward you a copy of the Judge Cooper's ruling?

Lillian A. McBride

Director of Richland Board of Voter Registration

2020 Hampton St Columbia S.C 29202

(803) 576-2240

(803) 576-2249 (fax)

mcbridel@rcgov.us

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From: Crepes, Dean [mailto:dcrepes@lex-co.com]
Sent: Monday, May 05, 2014 3:52 PM
To: LILLIAN MCBRIDE
Subject: FW: School District 5

Here you are.....She came by last week and was asked us about where she needs to register, and she was going to double check, but was fully aware of the voter registration deadline this weekend....

From: Roberts, Will
Sent: Monday, April 07, 2014 12:16 PM
To: Crepes, Dean
Subject: RE: School District 5

The entire county boundary has not been completed, but the issue with Mrs. Murphy has been settled as far as we are concerned. Under Judge Thomas Cooper's ruling it was determined that she is a resident of Lexington County. If you have anyone close to the line, let us know and we will research it for you. From what I learned from talking to Richland County is that she is still a registered voter in Richland County because the Voter Registration Office will not remove her from the books. They are disregarding the judge's ruling at the advice of their legal counsel.
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Subject: School District 5

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Dean Crepes
Lexington County
Registration and Elections
605 West Main St Ste 105
Lexington, SC 29072
Phone 803-785-8361
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computer. Any other use, retention, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited.

93

Roberts, Will

From: LARRY SMITH <SMITHLA@rcgov.us>
Sent: Tuesday, May 06, 2014 9:43 AM
To: Roberts, Will
Cc: LARRY SMITH; Crepes, Dean; LILLIAN MCBRIDE
Subject: Re: Kim Murphy

Will, the pages of Judge Cooper's order are only partially legible. Can you try to re-send?

> On May 6, 2014, at 9:14 AM, "Roberts, Will" <Will.Roberts@ors.sc.gov> wrote:
>
> Hello all,
>
>
>
> Attached are the findings from the hearing on the residency of Kim Murphy last year.
>
>
>
> Will
>
>
>
> Will Roberts
>
> Office of Precinct Demographics
>
> Division of Research and Statistics
>
> S.C. Budget and Control Board
>
> Phone: 803-734-8923
>
> Fax: 803-734-5047
>
>
>
> <COOPERMURPHY.pdf>

94

Roberts, Will

From: Crepes, Dean
Sent: Tuesday, May 06, 2014 9:48 AM
To: larrysmith@richlandonline.com
Cc: Roberts, Will
Subject: RE: Kim Murphy
Attachments: COOPERMURPHY.PDF

Larry, try my copy for it is easier to read.....

From: Roberts, Will
Sent: Tuesday, May 06, 2014 9:14 AM
To: larrysmith@richlandonline.com; Crepes, Dean; mcbridel@rcgov.us
Subject: Kim Murphy

Hello all,

Attached are the findings from the hearing on the residency of Kim Murphy last year.

Will

Will Roberts
Office of Precinct Demographics
Division of Research and Statistics
S.C. Budget and Control Board
Phone: 803-734-8923
Fax: 803-734-5047

95 See CD

Roberts, Will

From: Andrea E. Shull <ashull@childs-halligan.net> on behalf of John M. Reagle <jreagle@childs-halligan.net>
Sent: Tuesday, May 06, 2014 1:39 PM
To: Roberts, Will
Subject: Kim Murphy
Attachments: Murphy Order.pdf

Mr. Roberts,

Pursuant to your inquiry, please see the attached.

Thank you,

John

John M. Reagle, Esq.
Childs & Halligan, P.A.
PO Box 11367
Columbia, SC 29201
(803) 254-4035

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96

Roberts, Will

From: Roberts, Will
Sent: Tuesday, May 06, 2014 1:39 PM
To: 'John M. Reagle'
Subject: RE: Kim Murphy

Thanks John. I appreciate it.

Will

From: Andrea E. Shull [mailto:ashull@childs-halligan.net] **On Behalf Of** John M. Reagle
Sent: Tuesday, May 06, 2014 1:39 PM
To: Roberts, Will
Subject: Kim Murphy

Mr. Roberts,

Pursuant to your inquiry, please see the attached.

Thank you,

John

John M. Reagle, Esq.
Childs & Halligan, P.A.
PO Box 11367
Columbia, SC 29201
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97

Roberts, Will

From: Crepes, Dean
Sent: Saturday, May 10, 2014 10:44 AM
To: Roberts, Will
Cc: LILLIAN MCBRIDE
Subject: FW: Appeal/Voter Registration Applications
Attachments: 3-28-13 Appeal - Richland County.pdf

Will, from a discussion with her Friday.....that Judge Thomas was a hearing officer, and she does not want to move until a Judge decides her location. Attached is the Appeal. I did not register her in Lexington yet, but she did bring in her registrations in time to be registered and if found that she is a Lexington resident, I will back date and register her.

I do not know who this Judge Cooper is and whether he is a "judge" or just a hearing office. I am sure she received advice from her attorney on his. Can you research, and let us know who we need to speak with to hopefully get this settled.

Kim said Bobby had also stated that she was in Lexington, and you were working to finalize the actual boundary. HELP!!!!!

Lillian I will keep you in the know, as I hope this will be settled soon.....wow....

From: Kim Murphy [mailto:movingmountainskwm@gmail.com]
Sent: Friday, May 09, 2014 7:55 PM
To: Crepes, Dean
Subject: Appeal/Voter Registration Applications

Hi Dean,

Thanks for your assistance today.

As discussed, attached is my Appeal. We are awaiting for a court date.

Just to confirm... the voter registration applications present to you today from my family and me are provisional. In other words, we reside in Richland county and will be voting in Richland County, where we are registered and having been voting ever since we moved into our home in 2000 unless a judge in a court of law rules (before the Primary) that we reside in Lexington County. If a judge rules that we reside in Lexington County and not in Richland County, we will then be permitted to vote in Lexington County.

If you have any questions, please don't hesitate to contact me.

Thanks again!

Kim

--
Kim Murphy 803-446-6565

154 Old Laurel Lane
Chapin, SC 29036

98

Roberts, Will

From: LILLIAN MCBRIDE <MCBRIDEL@rcgov.us>
Sent: Saturday, May 10, 2014 12:32 PM
To: Crepes, Dean; Roberts, Will
Cc: CHELLE CROMER
Subject: RE: Appeal/Voter Registration Applications

Thanks Dean for the update.

Lillian A. McBride

Director of Richland Board of Voter Registration

2020 Hampton St Columbia S.C 29202

(803) 576-2240

(803) 576-2249 (fax)

mcbridel@rcgov.us

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Thanks again!

Kim

--
Kim Murphy 803-446-6565
154 Old Laurel Lane
Chapin, SC 29036

99

Roberts, Will

From: Crepes, Dean
Sent: Wednesday, May 14, 2014 12:40 PM
To: Roberts, Will
Subject: FW: Appeal/Voter Registration Applications

Will any update on this????

From: Crepes, Dean [mailto:dcrepes@lex-co.com]
Sent: Saturday, May 10, 2014 10:44 AM
To: Roberts, Will
Cc: LILLIAN MCBRIDE
Subject: FW: Appeal/Voter Registration Applications

Will, from a discussion with her Friday.....that Judge Thomas was a hearing officer, and she does not want to move until a Judge decides her location. Attached is the Appeal. I did not register her in Lexington yet, but she did bring in her registrations in time to be registered and if found that she is a Lexington resident, I will back date and register her.

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Kim Murphy 803-446-6565
154 Old Laurel Lane
Chapin, SC 29036

100

Roberts, Will

From: Crepes, Dean
Sent: Monday, May 19, 2014 10:30 AM
To: LILLIAN MCBRIDE
Cc: Roberts, Will
Subject: Appeal/Voter Registration Applications Kim Murphy

Lillian we are under the assumption that Kim Murphy will remain a Richland County Voter, for the Primary and future elections. Is this the stance of your election commission?

Thanks Dean

Roberts, Will

101

From: LILLIAN MCBRIDE <MCBRIDEL@rcgov.us>
Sent: Monday, May 19, 2014 10:38 AM
To: Crepes, Dean
Cc: Roberts, Will
Subject: RE: Appeal/Voter Registration Applications Kim Murphy

Dean, our has not been contacted in reference to removing Kim Murphy from Richland County Voter Registration list

Lillian A. McBride

Director of Richland Board of Voter Registration

2020 Hampton St Columbia S.C 29202

(803) 576-2240

(803) 576-2249 (fax)

mcbridel@rcgov.us

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Thanks Dean

102

Roberts, Will

From: Crepes, Dean
Sent: Monday, May 19, 2014 10:43 AM
To: LILLIAN MCBRIDE
Cc: Roberts, Will; Eugene Wilbur
Subject: RE: Appeal/Voter Registration Applications Kim Murphy

Thanks.....

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Thanks Dean

South Carolina Legislature

geodetic found 21 times. Disclaimer

Code of Laws

TITLE 27. PROPERTY AND CONVEYANCES

CHAPTER 2. COORDINATE SYSTEM FOR DEFINING LOCATION OF POINTS WITHIN STATE

SECTION 27-2-10. System adopted; title. [SC ST SEC 27-2-10]

The system of plane coordinates which has been established by the National Ocean Survey and the National Geodetic Survey for defining and stating the positions or location of points on the surface of the earth within this State may be cited as the "South Carolina Coordinate System Act."

For the purpose of the use of this system the State is designated as one zone.

HISTORY: 1979 Act No. 54, § 1; 1989 Act No. 32, § 1.

SECTION 27-2-20. Zone title for use in land descriptions. [SC ST SEC 27-2-20]

As established, the South Carolina Coordinate System is named, and in a land description in which it is used it is designated, the "South Carolina Coordinate System."

HISTORY: 1979 Act No. 54, § 1; 1989 Act No. 32, § 1.

SECTION 27-2-30. Plane coordinates for expressing position of point defined. [SC ST SEC 27-2-30]

The plane coordinates of a point on the earth's surface, to be used in expressing the position or location of a point in the State, consist of two distances, expressed in feet and decimals of a foot. One of these distances, to be known as the easting (x-coordinate), gives the distance in an east-and-west direction; the other, to be known as the northing (y-coordinate), gives the distance in a north-and-south direction. These coordinates must be made to depend upon and conform to the coordinates, on the South Carolina Coordinate System, of the monumented points of the North American Horizontal Geodetic Control Network as published by the United States Coast and Geodetic Survey (now the National Geodetic Survey) within this State as those coordinates have been determined by the survey.

HISTORY: 1979 Act No. 54, § 1; 1989 Act No. 32, § 1.

SECTION 27-2-50. Coordinate System defined. [SC ST SEC 27-2-50]

For purposes of more precisely defining the South Carolina Coordinate System, the following definition by the National Ocean Survey and the National Geodetic Survey is adopted:

The South Carolina Coordinate System is a Lambert conformal projection of the North American Datum, 1983, having standard parallels at north latitudes 32° 30' and 34° 50', along which parallels the scale must be exact. The origin of coordinates is at the intersection of the meridian 81° 00'west of Greenwich and the parallel 31° 50' north latitude. This origin is given the coordinates: * = 2,000,000 feet and y = 0 feet. For the purposes of the South Carolina Coordinate System, the foot is the International Foot with one inch being exactly equal to 2.54 centimeters.

The position of South Carolina Coordinate System is as marked on the ground by monumented points of the North American Horizontal Geodetic Control Network established in conformity with standards adopted by the Federal Geodetic Control Committee for first-order and second-order

work, whose ◘geodetic◘ positions have been rigidly adjusted on the North American Datum of 1983, and whose coordinates have been computed on the system defined in this section. Any such stations may be used for establishing a survey connection with the South Carolina Coordinate System.

HISTORY: 1979 Act No. 54, § 1; 1989 Act No. 32, § 1.

SECTION 27-2-60. Standards required for recordation; modification to meet local conditions. [SC ST SEC 27-2-60]

No coordinates based on the South Carolina Coordinate System, purporting to define the position of a point on a land boundary, may be presented to be recorded in public land records or deed records unless that point is established in accordance with Federal ◘Geodetic◘ Control Committee specification for second order-class two. The limitation may be modified by the South Carolina ◘ Geodetic◘ Survey to meet local conditions.

HISTORY: 1979 Act No. 54, § 1; 1989 Act No. 32, § 1.

SECTION 27-2-70. Use of term "South Carolina Coordinate System" on map. [SC ST SEC 27-2-70]

The use of "South Carolina Coordinate System" on a map, report of survey, or other document, must be limited to coordinates based on the South Carolina Coordinate System as defined in this chapter.

HISTORY: 1979 Act No. 54, § 1; 1989 Act No. 32, § 1.

SECTION 27-2-85. Duties of South Carolina ◘Geodetic◘ Survey. [SC ST SEC 27-2-85]

The South Carolina ◘Geodetic◘ Survey established within the Division of Research and Statistical Services of the Budget and Control Board shall establish horizontal and vertical ◘geodetic◘ control within the State at a density that effectively will provide land and land-related items and records to be referenced to the national horizontal and vertical coordinate system, ensure the accuracy and integrity of new ◘geodetic◘ data entered into the state and national reference system, maintain ◘ geodetic◘ files for the State, and disseminate ◘geodetic◘ information as necessary.

HISTORY: 1994 Act No. 497, Part II, § 59A.

SECTION 27-2-95. State mapping products to be compatible with coordinate system; establishment of standards; programs. [SC ST SEC 27-2-95]

To the extent possible, the South Carolina ◘Geodetic◘ Survey of the Division of Research and Statistical Services of the Budget and Control Board shall utilize the office's responsibility of coordinating mapping activities in the State to ensure that mapping products are compatible with the South Carolina Coordinate System. As part of this activity, the office shall establish, develop, and promulgate standards for maps and map products to ensure quality, accuracy, and compatibility of mapping products, encourage the development of accurate mapping systems that are compatible with and suitable for incorporation into a standardized statewide mapping system, develop, maintain, and administer programs for funding qualified mapping projects, and serve as the focal point for federal, state, and local mapping programs and activities in South Carolina.

HISTORY: 1994 Act No. 497, Part II, § 59A.

SECTION 27-2-105. ◘Geodetic◘ survey to assist in defining and monumenting county boundaries; mediating boundary disputes. [SC ST SEC 27-2-105]

Where county boundaries are ill-defined, unmarked, or poorly marked, the South Carolina ◘ Geodetic◘ Survey on a cooperative basis shall assist counties in defining and monumenting the locations of county boundaries and positioning the monuments using ◘geodetic◘ surveys. The South Carolina ◘Geodetic Survey shall act as a mediator between counties to resolve county

boundary disputes.

HISTORY: 1994 Act No. 497, Part II, § 59A.

SECTION 27-2-110. Reliance on description based on coordinate system not required. [SC ST SEC 27-2-110]

Nothing contained in this chapter requires a purchaser or mortgagee to rely on a description, a part of which depends exclusively upon the South Carolina Coordinate System.

HISTORY: 1979 Act No. 54, § 1; 1989 Act No. 32, § 1.

Legislative Services Agency
http://www.scstatehouse.gov

80A.20. (BCB: Election File Merge) In order to assist the County Registration and Election Commissions to ensure that registered voters are assigned to proper election districts, the Office of Research and Statistics, in conjunction with the South Carolina Election Commission, shall merge the voter registration file with the office's Geocoded Address List and the district boundaries of the Congress, South Carolina Senate, South Carolina House of Representatives, county councils, and such other districts as the office possesses official district boundary records in electronic format. The merged systems will allow the Office of Research and Statistics to provide the respective county officials with a list of potential voters who are possibly assigned to the wrong election district. Counties and municipalities shall release GIS to the Office of Research and Statistics upon the Office's written request. Written request must be sent to the chief administrative officer of the county or municipality and advise the county or municipality that failure to comply within thirty days of request may result in the withholding of ten percent of the county's or municipality's state aid. The Director of the Office of Research and Statistics may grant additional time for good cause and must waive release if the county or municipality does not possess GIS data. For counties and municipalities that possess GIS data but do not release it, the Director of the Office of Research and Statistics shall notify the State Treasurer of the failure to comply with this provision after the required notice. Notification shall result in the withholding of ten percent of subsequent payments of state aid to the entity until the GIS data is provided. Municipal and county data acquired by the Office of Research and Statistics in the course of performing its responsibilities under this provision may be used for other functions of the office.

SECTION 1-11-360. Office of Precinct Demographics; establishment and responsibilities.

There is created within the Division of Research and Statistical Services of the State Budget and Control Board an Office of Precinct Demographics to be staffed by personnel as determined appropriate by the Board and consistent with funds appropriated for the Office by the General Assembly in the annual general appropriation act. The Office of Precinct Demographics shall:

(1) Review existing precinct boundaries and maps for accuracy, develop and rewrite descriptions of precincts for submission to the legislative process.

(2) Consult with members of the General Assembly or their designees on matters related to precinct construction or discrepancies that may exist or occur in precinct boundary development in the counties they represent.

(3) Develop a system for originating and maintaining precinct maps and related data for the State.

(4) Represent the Division at public meetings, meetings with members of the General Assembly, and meetings with other state, county, or local governmental entities on matters related to precincts.

(5) Assist the appropriate county officials in the drawing of maps and writing of descriptions or precincts preliminary to these maps and descriptions being filed in this office for submission to the United States Department of Justice.

(6) Coordinate with the Census Bureau in the use of precinct boundaries in constructing census boundaries and the identification of effective uses of precinct and census information for planning purposes.

(7) Serve as a focal point for verifying official precinct information for the counties of South Carolina.

HISTORY: 1984 Act No. 512, Part II, Section 59.

district five
OF LEXINGTON & RICHLAND COUNTIES

December 20, 2012

Mr. Bobby Bowers
Office of Research & Statistics
South Carolina State Budget & Control Board
1201 Main Street, Suite 715
Columbia, SC 29201

Re: School District Five of Lexington and Richland Counties

Dear Mr. Bowers:

I am writing to you as Chairman of the Board of Trustees of School District Five of Lexington and Richland Counties. It has come to my attention, from sources which I deem reliable, that Board member Kim Murphy, who currently represents Richland County on the Board of Trustees of School District Five, is not in fact a resident of Richland County as specifically required by Act No. 326 of 2002. As you may be aware, such rumors have been around for some time.

The purpose of my letter is to request that the South Carolina State Budget and Control Board Office of Research and Statistics make a determination as to whether or not Ms. Murphy resides in Richland County, as required by law, and whether she is, in fact, a resident of Richland County legally qualified to represent Richland County on the School District Five Board.

Thank you for your assistance with this matter.

Respectfully submitted,

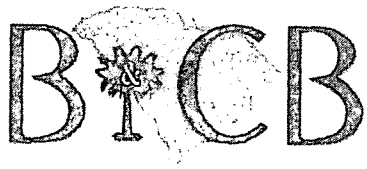
Robert W. Gantt
Chairman, Board of Trustees

Received
12/20/2012
10:04 AM

NIKKI HALEY, CHAIRMAN
GOVERNOR

CURTIS M. LOFTIS, JR.
STATE TREASURER

RICHARD ECKSTROM, CPA
COMPTROLLER GENERAL



SC BUDGET AND CONTROL BOARD

HUGH K. LEATHERMAN, SR.
CHAIRMAN, SENATE FINANCE COMMITTEE

W. BRIAN WHITE
CHAIRMAN, HOUSE WAYS AND MEANS
COMMITTEE

MARCIA ADAMS
EXECUTIVE DIRECTOR

Division of Research and Statistics
Bobby M. Bowers
DIRECTOR

803-734-3793

January 11, 2013

Mr. Robert W. Gantt
Chairman, Board of Trustees
Richland Lexington School District 5
1020 Dutch Fork Rd.
Irmo, SC 29063

Dear Mr. Gantt,

Per your request we have reviewed the county location of the residence of Ms. Kim Murphy, who currently represents Richland County on the Board of Trustees of School District Five of Richland and Lexington Counties. Our review was based on the address of 154 Old Laurel Ln., Chapin, SC 29036. This information was obtained through the South Carolina State Election Commission voter registration database.

We used three sources to determine the county location of Ms. Murphy's residence: 1. the U.S. Census Bureau, 2. Precinct maps on file with this office based on codified law, and 3. Research and field work conducted by the South Carolina Geodetic Survey.

The U.S. Census Bureau PL94-171 database shows Ms. Murphy's address as being located in U.S. Census Block 450630212042059. This puts Ms. Murphy in the State of South Carolina in Lexington County in Tract 021204 in Block 2059. Based on the database, the entire street of Old Laurel Ln. is located in Lexington County.

The next analysis we conducted was based on the official precinct maps on file with our office. As established in §1-11-360 our office serves as the focal point for verifying official precinct information for the counties and serves as the official repository for precinct maps. The map on file with this office (P-63-10) show Ms. Murphy is a resident of Lexington County and should be voting in the Lexington County Chapin precinct for House District 85, Senate District 18, and Lexington County Council District 6. In addition to Ms. Murphy's address it has come to our attention that another address located on Old Laurel Ln. is also located in the incorrect county, voting in the incorrect precinct and election districts.

The third source is research and field work conducted by the South Carolina Geodetic Survey. Section 4-3-460 of the Code of Laws of South Carolina 1976 defining the Richland County boundary states that Rocky Ford on Wateree Creek is a point on the Richland-Lexington county boundary. GPS was used to determine the coordinates for Rocky Ford. From Rocky Ford, one boundary line segment bears northwest and another bears southwest. The northwest-trending line segment from Rocky Ford to its intersection with Risters Creek has an azimuth of 343° for a distance of 9405 feet. The southwest-trending line segment from Rocky Ford has an azimuth of 243° for a distance of 3920 feet. Plotting this information on orthophotography demonstrates that Ms. Murphy's house is in Lexington County – about 0.1 mile northwest of the boundary.

All three sources show that Ms. Murphy is a resident of Lexington County. Act No. 326 of 2002 requires that four members be elected from the Lexington County portion of the school district and three members are to be elected from the Richland County portion of the district. As Ms. Murphy was elected in 2010 for a seat in Richland County while residing in Lexington County she is and was not qualified to hold her position for which she has been elected. If Ms. Murphy desires, she may run for a seat for the Lexington County portion of School District Five at the next general election.

Sincerely,

Bobby M. Bowers

NIKKI HALEY, CHAIRMAN
GOVERNOR

CURTIS M. LOFTIS, JR.
STATE TREASURER

RICHARD ECKSTROM, CPA
COMPTROLLER GENERAL

SC BUDGET AND CONTROL BOARD

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CHAIRMAN, HOUSE WAYS AND MEANS COMMITTEE

MARCIA ADAMS
EXECUTIVE DIRECTOR

Division of Research and Statistics
Bobby M. Bowers
DIRECTOR

803-734-3793

January 11, 2013

Mr. Jasper Salmond
Interim Executive Director
Richland County Voter Registration and Elections
P.O. Box 192
Columbia, SC 29202

Dear Mr. Salmond,

In a recent request from Robert Gantt, Chairman of the Richland Lexington School District Five Board of Trustees we were reviewing a residential addresses along the Lexington and Richland County boundary. In our review, we discovered multiple addresses of voters that are currently registered to vote in Richland County that actually reside inside of Lexington County. These voters are currently voting in the incorrect precinct and election districts. The two addresses are 154 Old Laurel Ln., Chapin, SC 29036 and 195 Old Laurel Ln., Chapin, SC 29036.

We used three sources to determine the county location of these addresses: 1. the U.S. Census Bureau, 2. Precinct maps on file with this office based on codified law, and 3. Research and field work conducted by the South Carolina Geodetic Survey.

The U.S. Census Bureau PL94-171 database shows both addresses as being located in U.S. Census Block 450630212042059. This puts them in the State of South Carolina in Lexington County in Tract 021204 in Block 2059. Based on the database, the entire street of Old Laurel Ln. is located in Lexington County.

The next analysis we conducted was based on the official precinct maps on file with our office. As established in §1-11-360 our office serves as the focal point for verifying official precinct information for the counties and serves as the official repository for precinct maps. The map on file with this office (P-63-10) show these addresses as being in Lexington County and should be voting in the Lexington County Chapin precinct for House District 85, Senate District 18, and Lexington County Council District 6.

The third source is research and field work conducted by the South Carolina Geodetic Survey. Section 4-3-460 of the Code of Laws of South Carolina 1976 defining the Richland County boundary states that Rocky Ford on Wateree Creek is a point on the Richland-Lexington county boundary. GPS was used to determine the coordinates for Rocky Ford. From Rocky Ford, one boundary line segment bears northwest and another bears southwest. The northwest-trending line segment from Rocky Ford to its intersection with Risters Creek has an azimuth of 343° for a distance of 9405 feet. The southwest-trending line segment from Rocky Ford has an azimuth of 243° for a distance of 3920 feet. Plotting this information on orthophotography demonstrates that both addresses are in Lexington County.

We ask that you take appropriate action to resolve this issue by notifying the voters that they are registered to vote in the incorrect county and need to be registered to vote in Lexington County so that they may be placed in the correct precinct and election districts in which they reside. Thanks for your help in this matter.

Sincerely,

Bobby M. Bowers

Elections & Voter Registration

COMMISSIONERS
ALLEN DOWDY, ACTING CHAIR
ADELL T. ADAMS
ELAINE D. DUBOSE
HERBERT W. SIMS

JASPER SALMOND
ACTING EXECUTIVE DIRECTOR

Richland County, South Carolina

January 23, 2013

Bobby Bowers, Director
SC Budget & Control Board
1000 Assembly Street, Suite 425
Columbia, SC 29201

Re: B & CB Letter of January 11, 2013
Addresses: 154 Old Laurel Lane, Chapin SC 29036 and 195 Old Laurel Lane, Chapin SC 29036

Dear Mr. Bowers:

Your letter of January 11, 2013 to the Richland County Elections and Voter Registration office has been reviewed and assessed. While I appreciate your efforts and the research you provided, we are unaware of any authority this office has to unilaterally make the revision you request. Please provide any statutory authority you think may be relevant and we would be glad to revisit the issue. Until that time, however, this office will be unable to remove these persons from the list of registered voters in Richland County.

Sincerely,

Dr. Jasper Salmond, Interim Executive Director
Richland County Elections & Voter Registration

Cc: Larry Smith, Esquire
Allen Dowdy, Vice Chair

2020 Hampton Street / P.O. Box 192 / Columbia, SC 29202
Telephone 803.576.2240 / Fax 803.576.2249

district five
OF LEXINGTON & RICHLAND COUNTIES

December 20, 2012

Mr. Bobby Bowers
Office of Research & Statistics
South Carolina State Budget & Control Board
1201 Main Street, Suite 715
Columbia, SC 29201

Re: School District Five of Lexington and Richland Counties

Dear Mr. Bowers:

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The purpose of my letter is to request that the South Carolina State Budget and Control Board Office of Research and Statistics make a determination as to whether or not Ms. Murphy resides in Richland County, as required by law, and whether she is, in fact, a resident of Richland County legally qualified to represent Richland County on the School District Five Board.

Thank you for your assistance with this matter.

Respectfully submitted,

Robert W. Gantt
Chairman, Board of Trustees

Received
12/20/2012
10:04 AM

1000 ASSEMBLY STREET, ROOM 425
COLUMBIA, SC 29201
(803) 734-3793
(803) 734-3619

SC Budget and Control Board
OFFICE OF RESEARCH & STATISTICS

Fax

To: Ken Childs

From: Bobby Bowers

Fax: 1-803-771-4422

Pages: 2 In. Cover

Phone: 254-4035

Date: 2-4-13

Re: Salmon Letter

cc:

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

⊕ Comments

Elections & Voter Registration

COMMISSIONERS
ALLEN DOWDY, ACTING CHAIR
ADELL T. ADAMS
ELAINE D. DUBOSE
HERBERT W. SIMS

JASPER SALMOND
ACTING EXECUTIVE DIRECTOR

Richland County, South Carolina

January 23, 2013

Bobby Bowers, Director
SC Budget & Control Board
1000 Assembly Street, Suite 425
Columbia, SC 29201

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Sincerely,

Dr. Jasper Salmond, Interim Executive Director
Richland County Elections & Voter Registration

Cc: Larry Smith, Esquire
Allen Dowdy, Vice Chair

2020 Hampton Street / P.O. Box 192 / Columbia, SC 29202
Telephone 803.576.2240 / Fax 803.576.2249

Mr. Chairman, I move that the board adopt the following Resolution:

STATE OF SOUTH CAROLINA	)	**BEFORE THE BOARD OF TRUSTEES**
	)	**OF LEXINGTON-RICHLAND**
COUNTY OF RICHLAND	)	**SCHOOL DISTRICT FIVE**

ORDER OF REMOVAL PURSUANT TO S.C. CODE § 59-19-60

1. On March 19, 2013, the Board of Trustees ("Board") of Lexington-Richland School District Five ("District") held a special meeting concerning the matter of the residency of trustee Kim Murphy. The Board has considered the record of proceedings and evidence of the hearing conducted by Judge Cooper on February 15, 2013. Mrs. Murphy (and/or her counsel) and the Board's legal counsel were given the opportunity to present arguments upon the question of her residency and the existence of cause for removal pursuant to S.C. Code Ann. § 59-19-60, at the March 19, 2013, special meeting.

2. The Board finds that the procedural requirements of "notice and ... an opportunity to be heard" of S.C. Code Ann. § 59-19-60 were complied with. At its meeting on January 14, 2013, and stated upon the minutes thereof, the Board approved an inquiry into the residency of Kim Murphy with reference to Act No. 326 of 2002. The Chairman of the Board issued a letter to Mrs. Murphy concerning the question of her residency dated January 15, 2013, requesting a response by January 21, 2013. Mrs. Murphy replied via legal counsel by letter dated January 18, 2013. Mrs. Murphy circulated an e-mail dated February 28, 2013, concerning the Board's inquiry, and Mrs. Murphy placed an "on the record statement" concerning this matter into the minutes of the Board's January 28, 2013, meeting. By letter of January 29, 2013, Board counsel advised Mrs. Murphy that Judge Cooper had scheduled a conference to prepare for a hearing on the matter on Friday, February 1, 2013, at 10:00 a.m., in the conference rooms of the South Carolina Bar offices, and to request that Mrs. Murphy and/or her counsel be present for the meeting. Judge Cooper issued a Pre-Hearing Order dated February 1, 2013. The Pre-Hearing order was e-mailed to *KWMurphy@lexrich5.org* on the same day. On February 4, 2013, a copy of the Pre-Hearing Order was hand-delivered to Mrs. Murphy's residence. Judge Cooper's order provided that the parties should submit to him any pre-hearing briefs and documents no later than February 13, 2013, and that he would conduct the evidentiary hearing on February 15, 2013, at 10:00 a.m. at the District Five board room at 1020 Dutch Fork Road, Irmo, SC. Reports of the Board's inquiry and Judge Cooper's plan for the hearing were widely circulated in the local press.

3. Judge Cooper convened the hearing on February 15, 2013, and took evidence as reflected in the transcript and exhibits supplied to the Board for its consideration prior to the March 19, 2013, Board meeting. The hearing before Judge Cooper is recorded in the transcript and exhibits received by the Board. Although Mrs. Murphy and her counsel were present at the Board office prior to the hearing, neither appeared at the hearing.

4. Judge Cooper sent a Report and Recommendation to the Chairman, which was received at the District Office on Friday, February 15, 2013. The Chairman scheduled the special meeting of March 19, 2013, and arranged the complete transcript and exhibits, along with Judge Cooper's Report and Recommendation, to be published to the Board and the public on Monday, March 18,

2013. These materials were also hand-delivered to the Board and to Mrs. Murphy's counsel on March 18, 2013.

5. Upon due consideration and deliberations upon the complete record, the supplementary arguments before the Board of Trustees at its March 19, 2013, and the Report and Recommendation prepared by Judge Cooper, *see, Young v. Charleston County Sch. Dist.*, 397 S.C. 303, 725 S.E.2d 107 (2012), the Board of Trustees hereby concurs in, and adopts as its own, Judge Cooper's Report and Recommendations as the Board's own findings of fact and conclusions of law in this matter, incorporating the same into this Order.

6. Accordingly, the Board finds legal cause exists for the removal of Mrs. Murphy from the office of trustee pursuant to S.C. Code Ann. § 59-19-60.

7. Therefore, pursuant to S.C. Code Ann. § 59-19-60, the Board hereby REMOVES Mrs. Murphy from the office of school trustee of School District Five of Richland and Lexington Counties, effectively immediately.

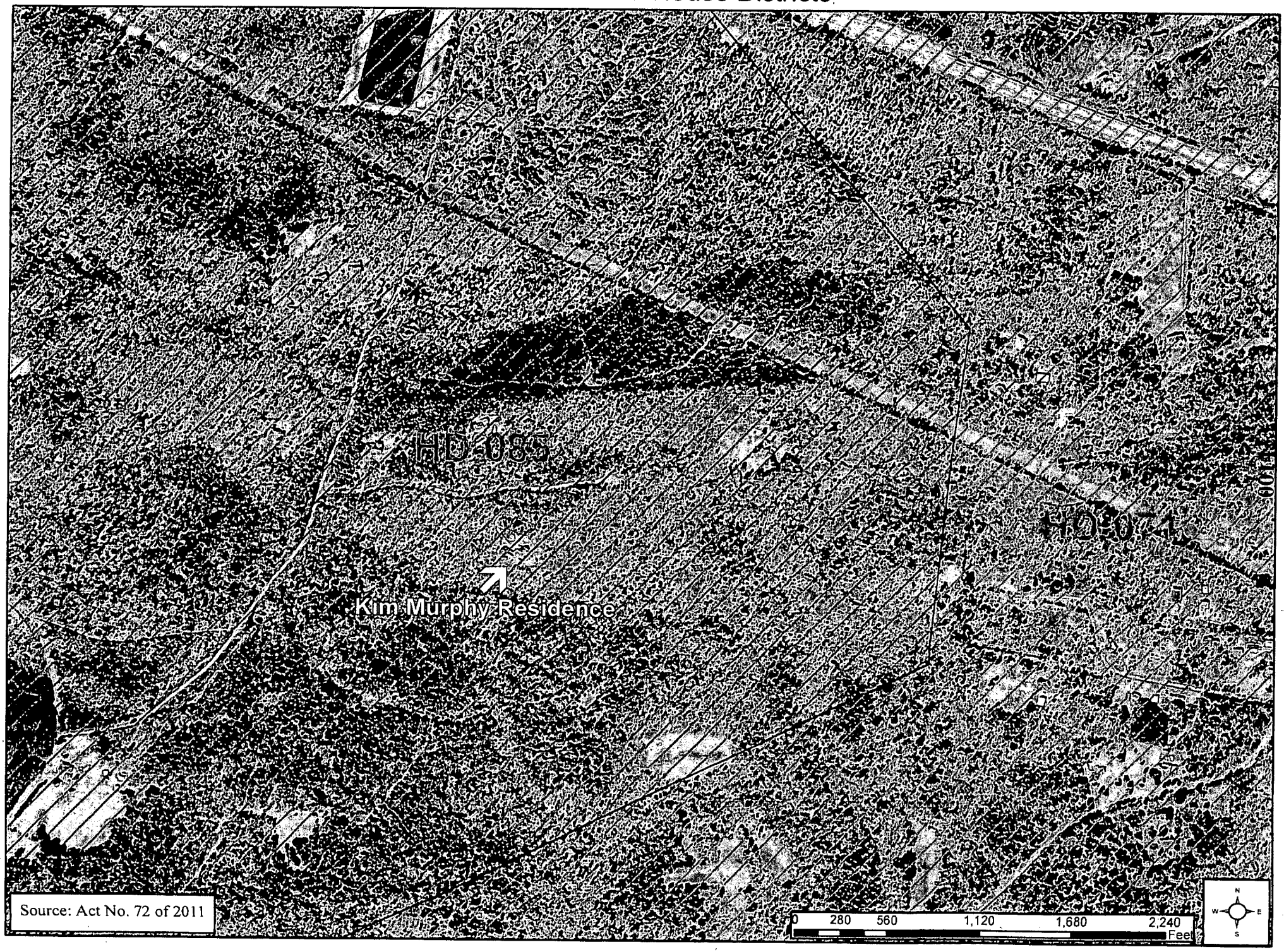
8. The Chairman shall provide copies of this Resolution to Mrs. Murphy and to any public official with responsibilities pertaining hereto.

ADOPTED THIS 19TH DAY OF MARCH, 2013.

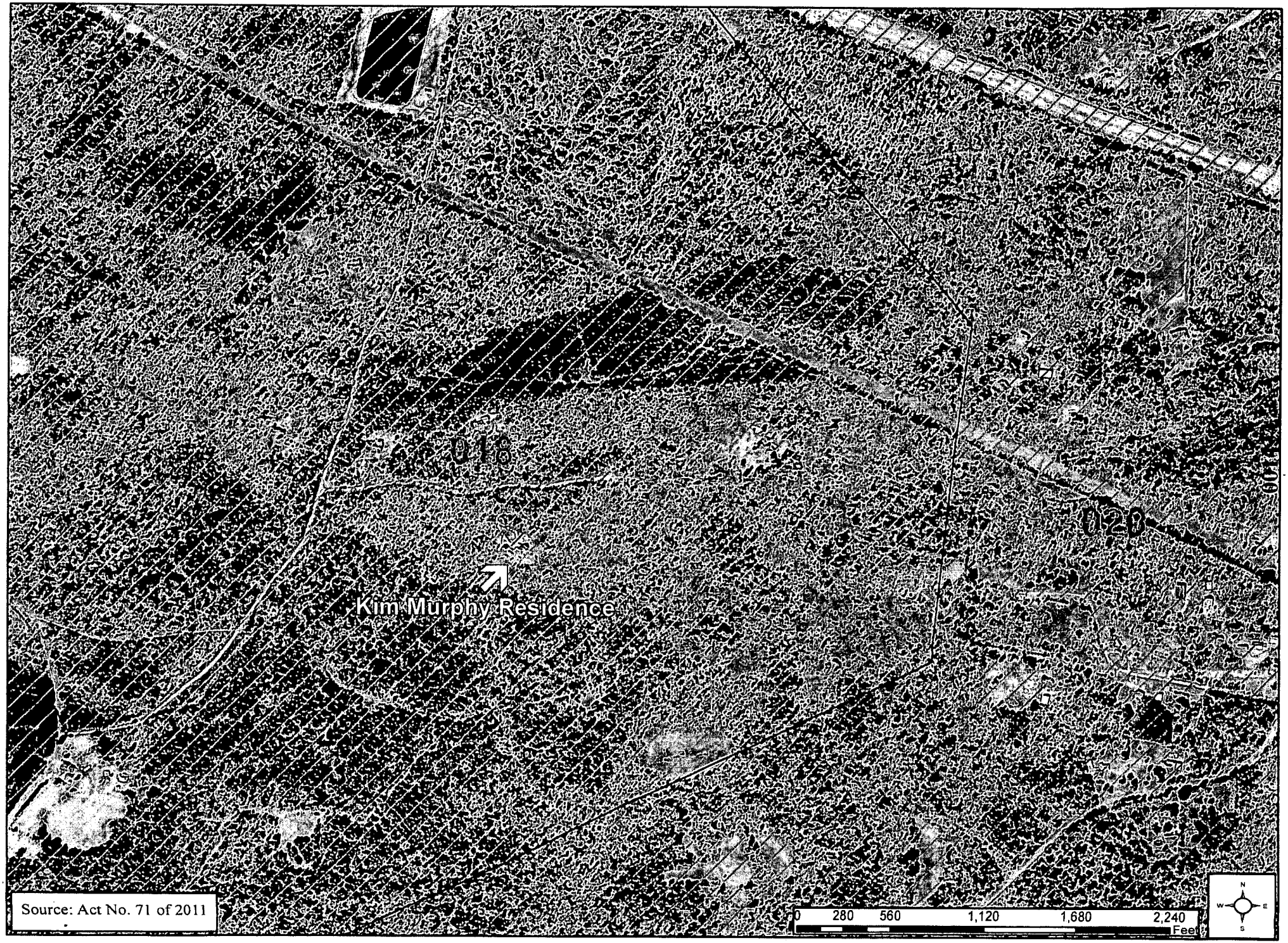
Robert Gantt, Board Chairman

Attest: Board Secretary

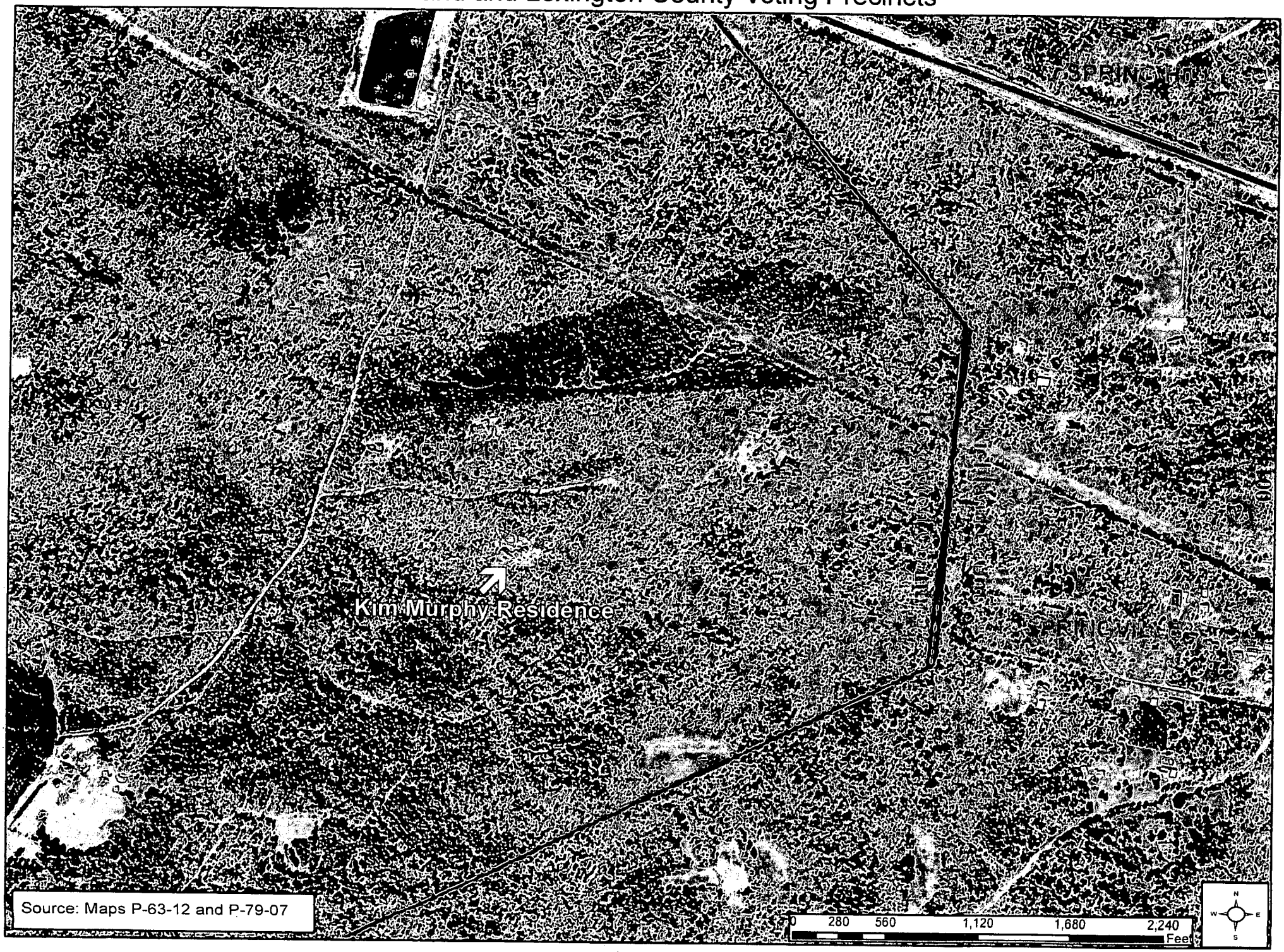
South Carolina House Districts



South Carolina Senate Districts



Richland and Lexington County Voting Precincts



BOARD OF TRUSTEES OF SCHOOL DISTRICT FIVE OF LEXINGTON AND RICHLAND COUNTIES	)))	IN RE: KIM MURPHY RESIDENCY

PRE-HEARING ORDER AND HEARING NOTICE

The Board of Trustees ("Board") of School District Five of Richland and Lexington Counties ("District") requested the undersigned to act as a hearing officer for the benefit of the Board's deliberations over the issue of whether Kim Murphy qualifies by residency to hold the office of Trustee of the District for the Richland County portion of the District. My task is to provide, on behalf of the Board, the appropriate notice and opportunity for a fair hearing meeting due process standards, and then to make recommendations to the Board as to the factual and legal situation, for the Board's disposition as it deems appropriate.

South Carolina Acts 141 of 1969 and 601 of 1994 devolved the powers of the respective county boards of education to the trustees of the school districts in Richland and Lexington counties, respectively. South Carolina law provides that, "School district trustees shall be subject to removal from office for cause by the county boards of education, upon notice and after being given an opportunity to be heard by the county board of education." S.C. Code § 59-19-60. The applicable special legislation requires that, "in Richland-Lexington School District 5 ... three trustees must reside in Richland County and four must reside in Lexington County."

The issues referred to me are straightforward:

- whether Mrs. Murphy's residence is in Richland County; and
- if Mrs. Murphy's residence is not in Richland County, then whether the Board may remove Mrs. Murphy for cause under § 59-16-60; and

- what other remedies may be available to either the Board or Mrs. Murphy

The undersigned met with Mr. Robert Gantt, Board Chairman, and the Board's counsel on February 1, 2013, at the offices of the South Carolina Bar, to establish a procedure to resolve these issues upon due notice and an opportunity to be heard. The following will be used:

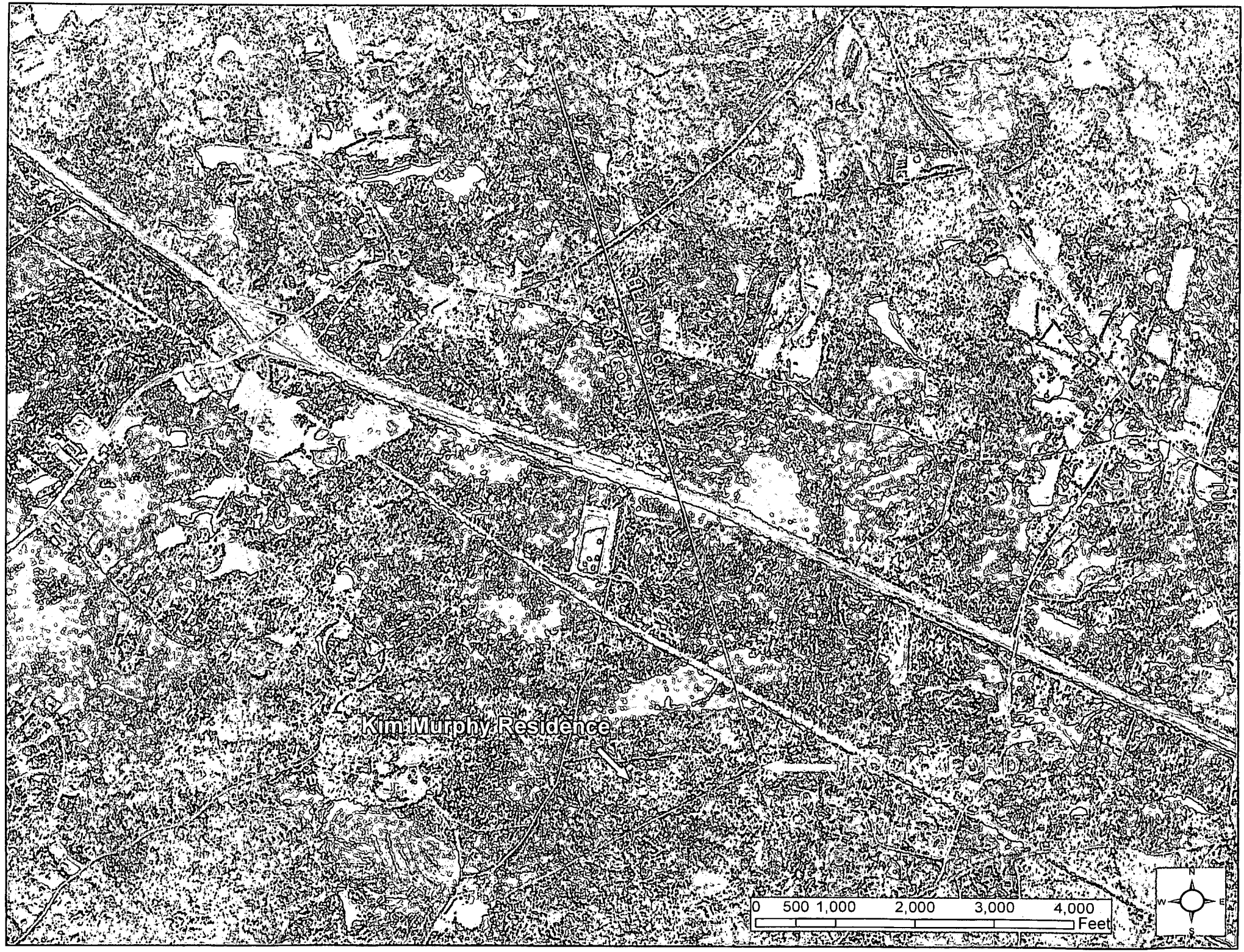
(1) No later than February 13, 2013, the parties will exchange via electronic mail or hand delivery the same date, a copy of any documentary evidence the party intends to submit at the hearing, along with any pre-hearing brief the party wishes to submit. These will be sent to me via electronic mail with a copy to the other party via electronic mail or hand delivery the same date. Materials not submitted by this time may be refused consideration.

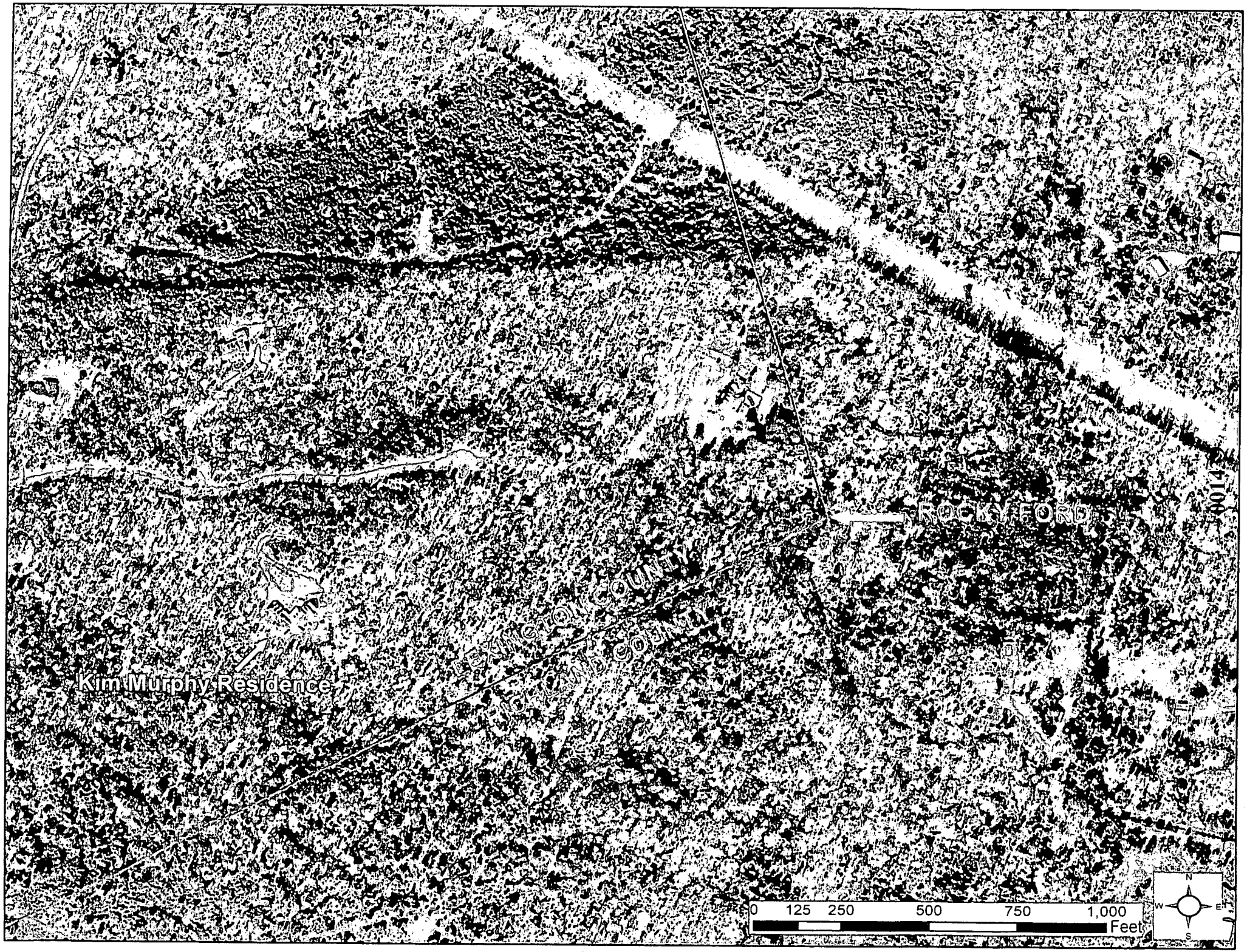
(2) A hearing will be held at 10:00 a.m. on February 15, 2013, at the District 5 Board Room 1020 Dutch Fork Road, Irmo, for the undersigned to receive evidence and hear the legal arguments of the parties. A court reporter will be used to prepare a transcript. This hearing will be open to the public. I will apply generally accepted principles of liberally taking fair and reasonable evidence in an administrative setting, and mean to allow the parties a fair opportunity to present and test any relevant evidence or arguments. The hearing is not, however, an open-ended inquiry, and will not be permitted to stray from the core issues I am charged with hearing.

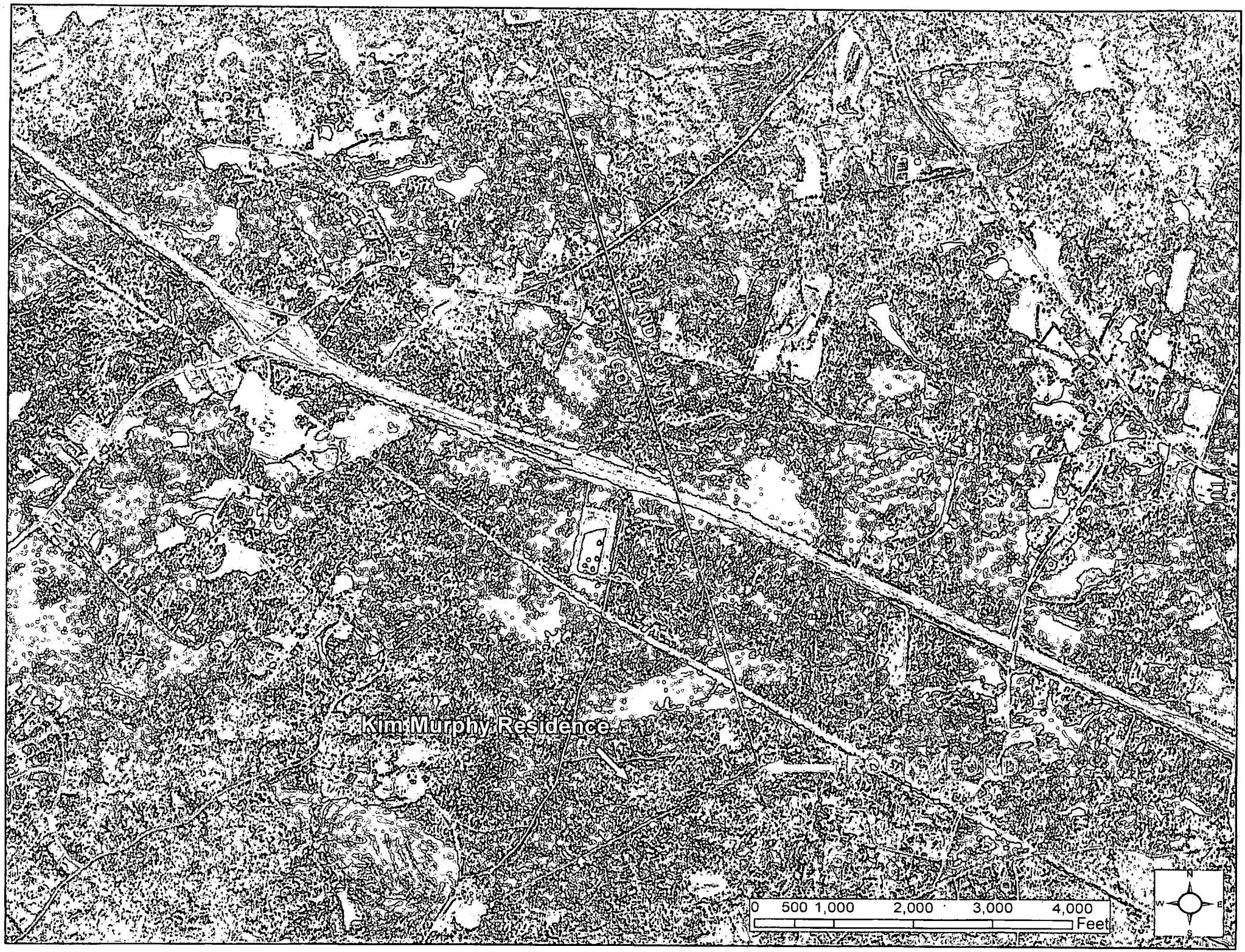
Following the hearing, the transcript will be expeditiously ordered so that I may produce my Report and Recommendations to the Board as quickly as possible. This report and the record will be filed with the Board with a copy sent to the parties. The Board, and not the undersigned, is charged with making the final determination in this matter.

Issued the 1st day of February, 2013.

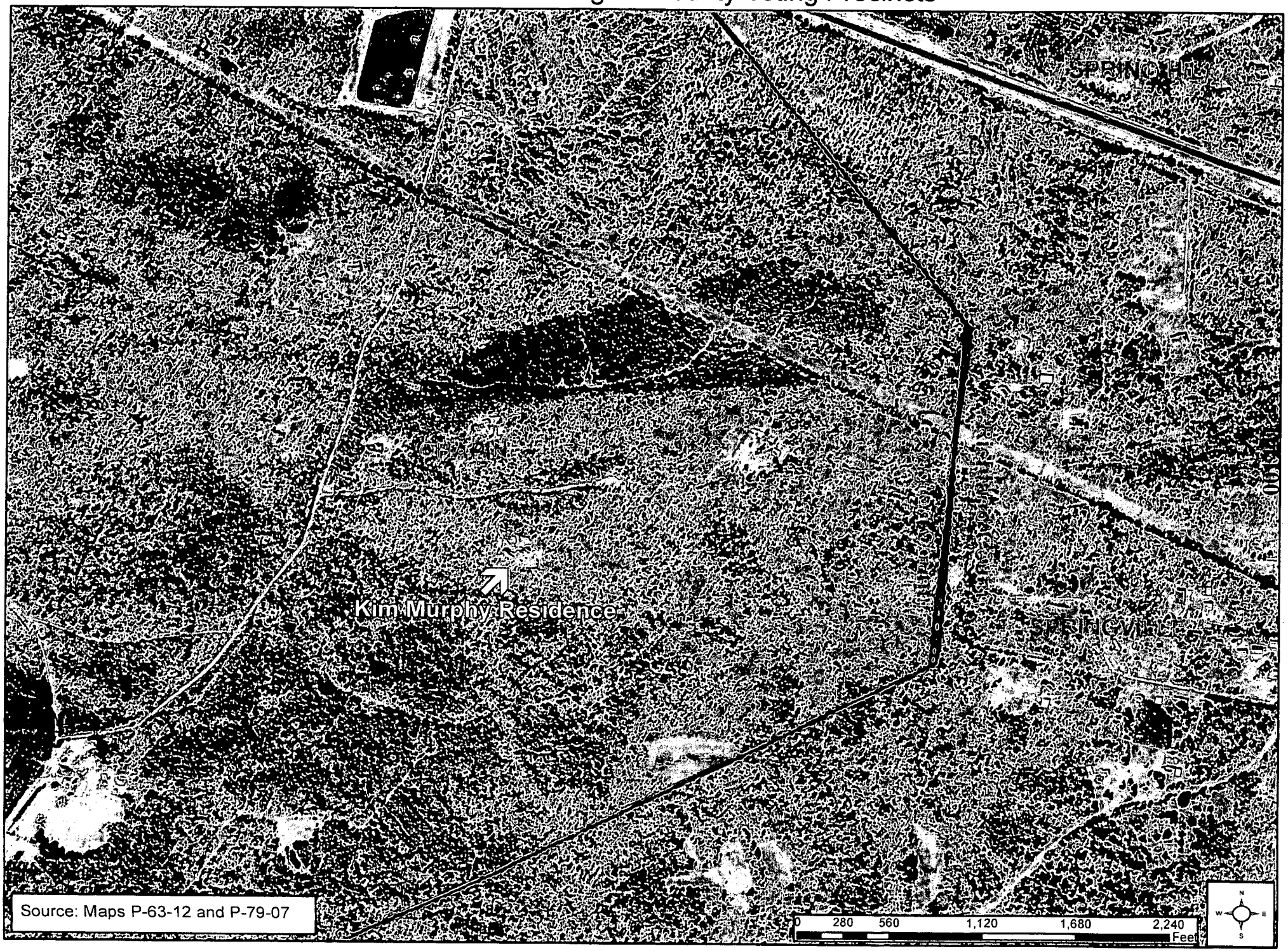
G. Thomas Cooper, Hearing Office


Kim Murphy Residence
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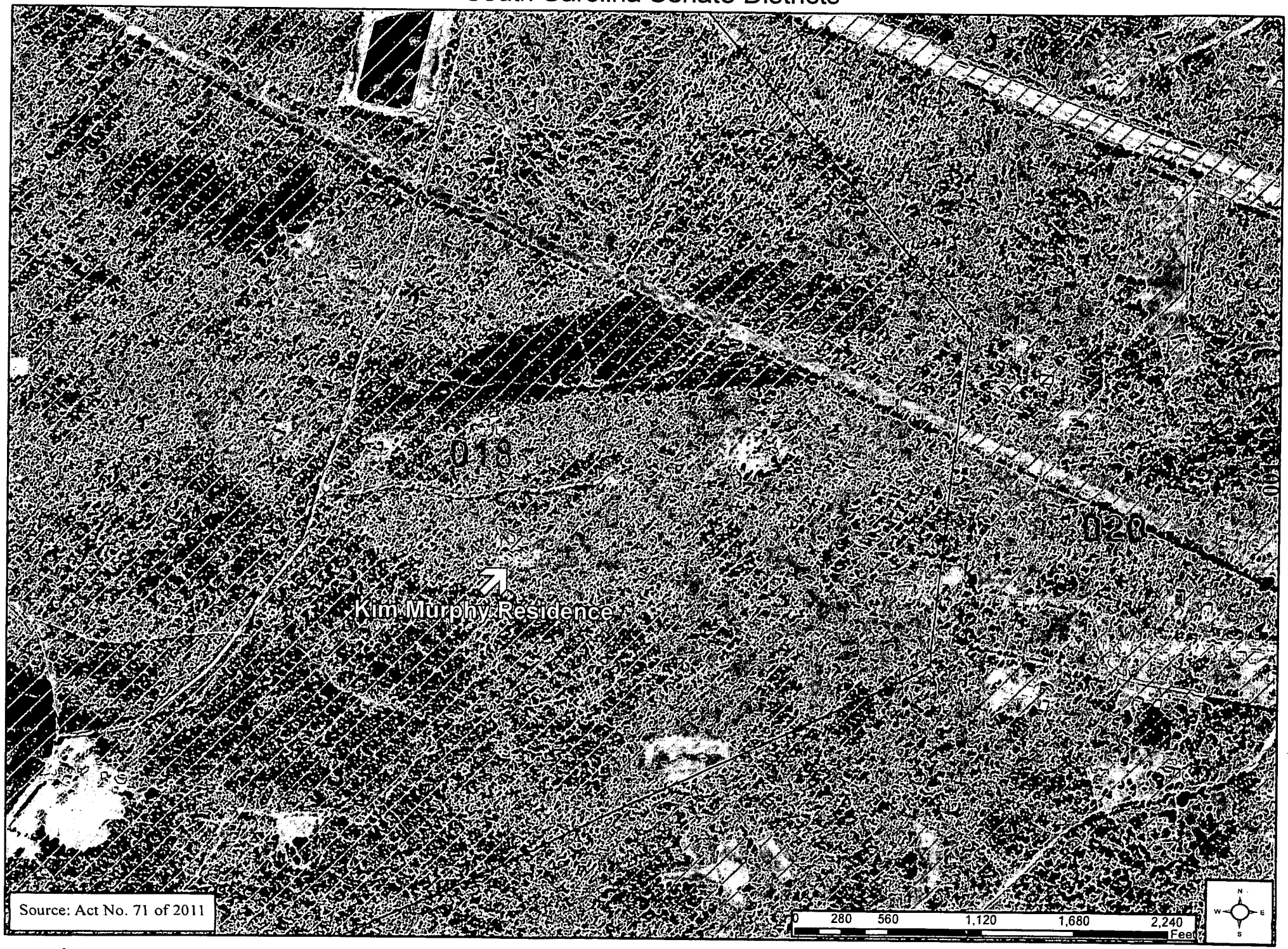

Kim Murphy Residence
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Kim Murphy Residence
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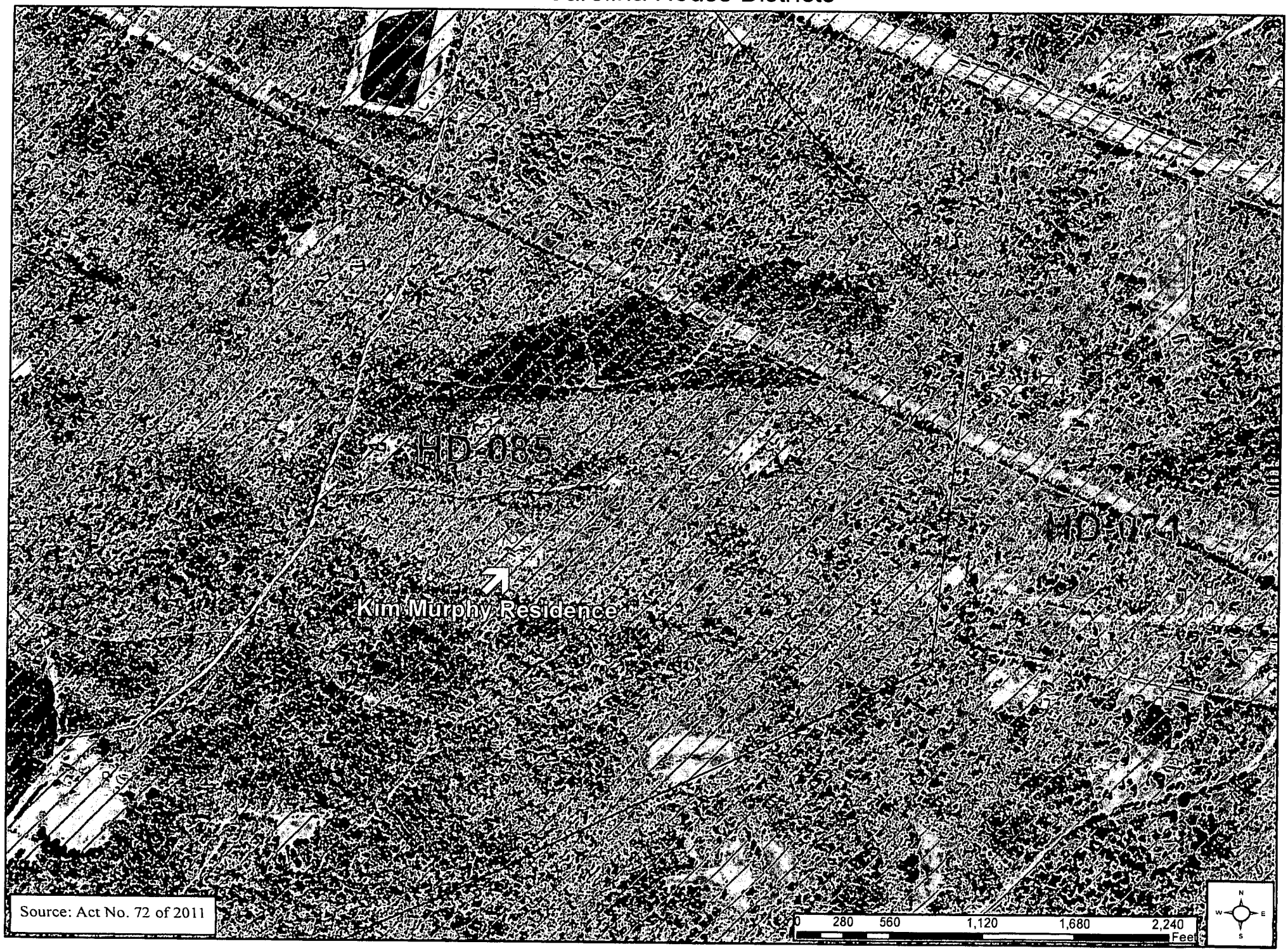
Richland and Lexington County Voting Precincts



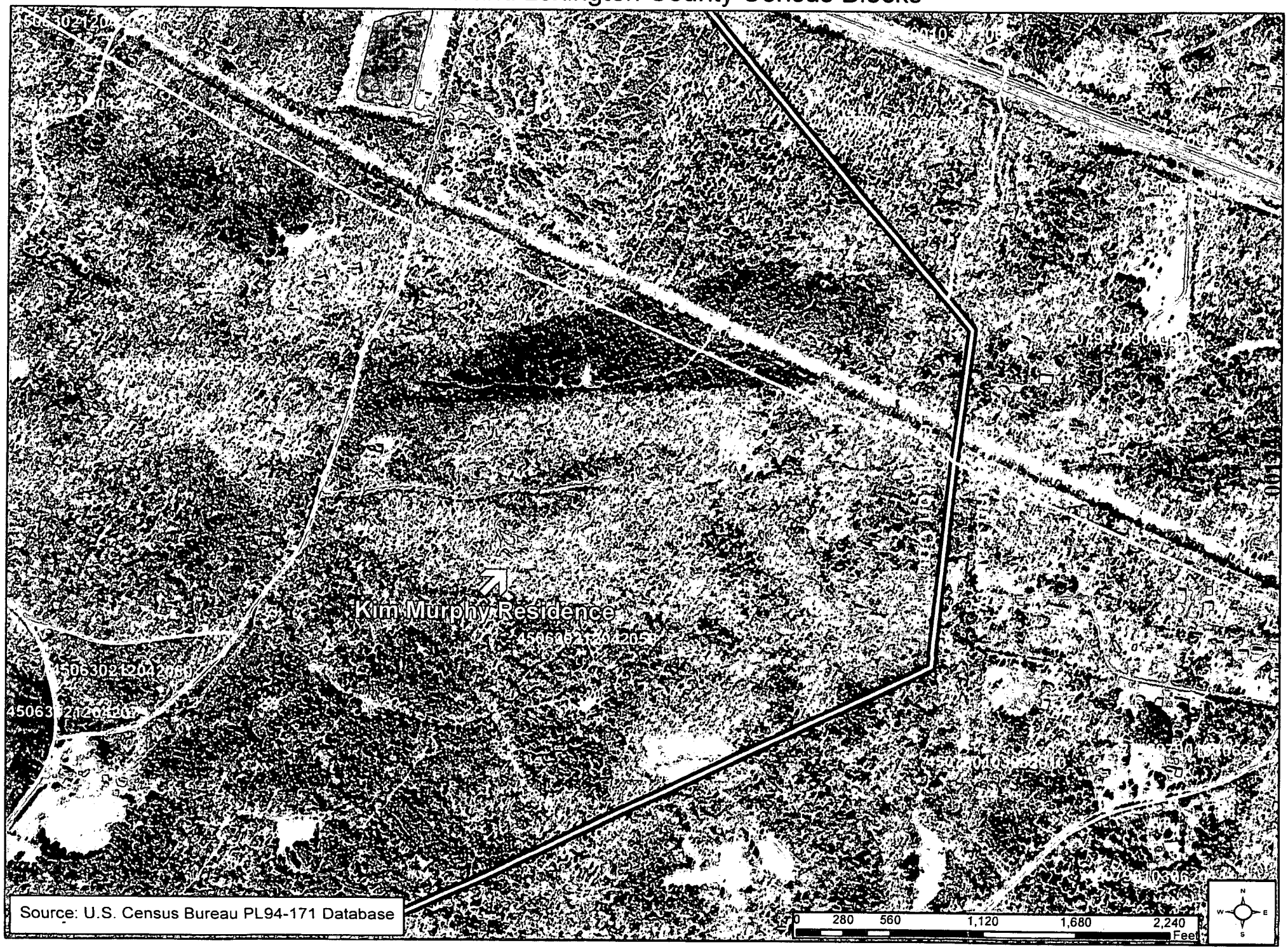
South Carolina Senate Districts

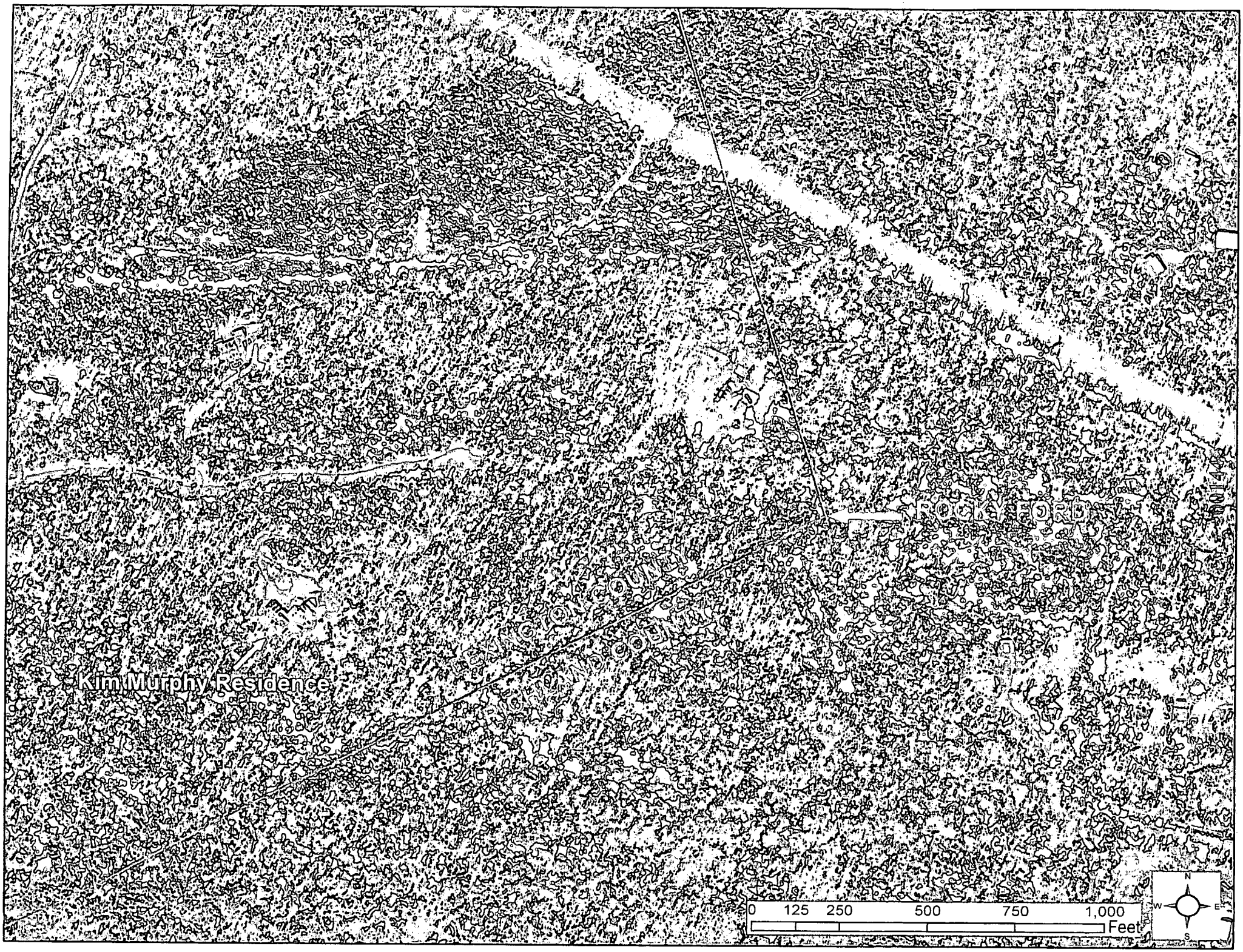


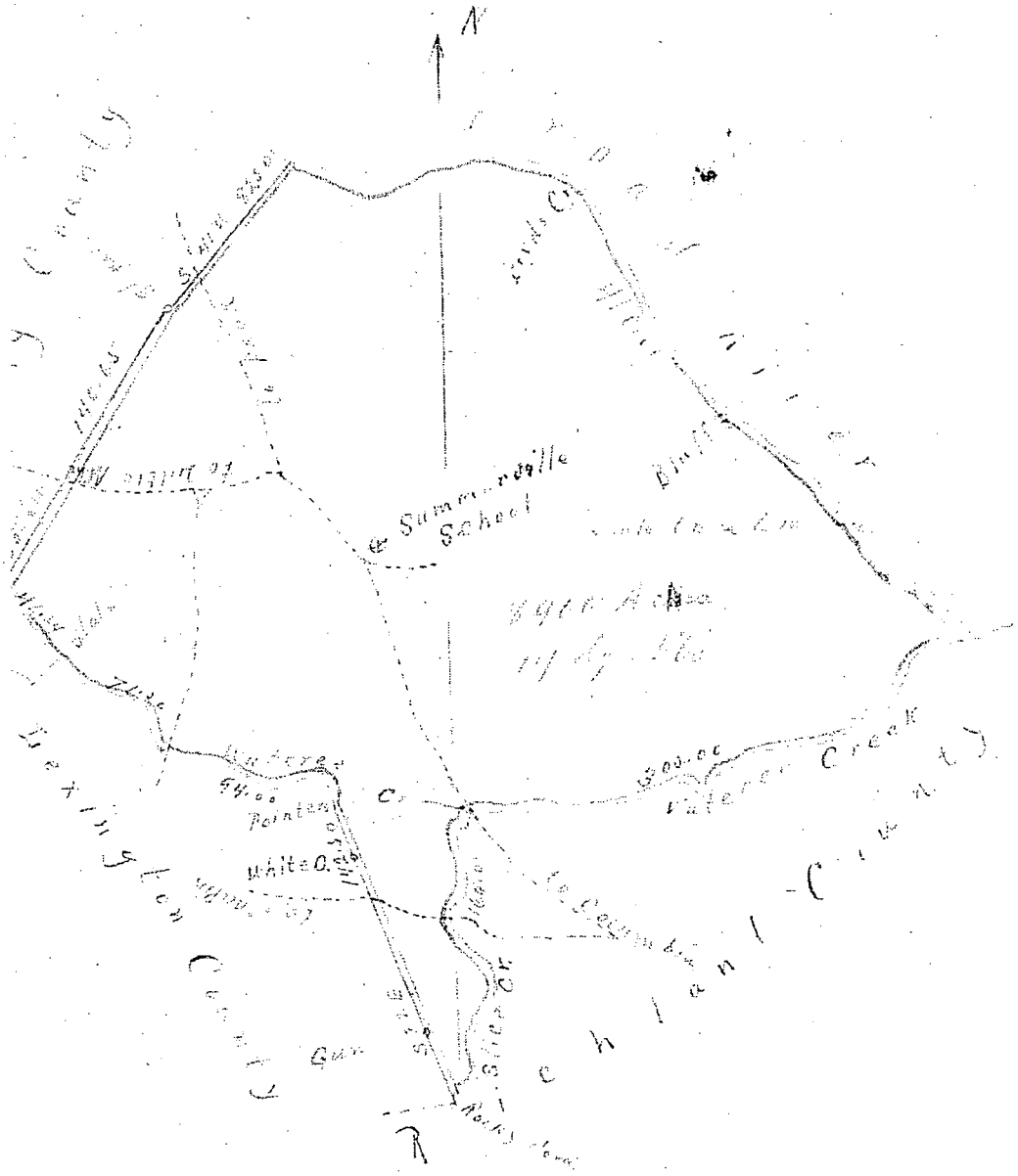
South Carolina House Districts



Richland and Lexington County Census Blocks




Kim Murphy Residence
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[illegible] the members of Geo. F. Deer and others, locally interested in Clinton [illegible], we have made a survey of that portion of Lexington County which it is proposed to annex to Highland County, and including the extreme northern end of Lexington County, and having made our report, herewith, as shown on the above plat. [illegible]

Respectfully submitted,

J. C. Hemingway

Surveyors.

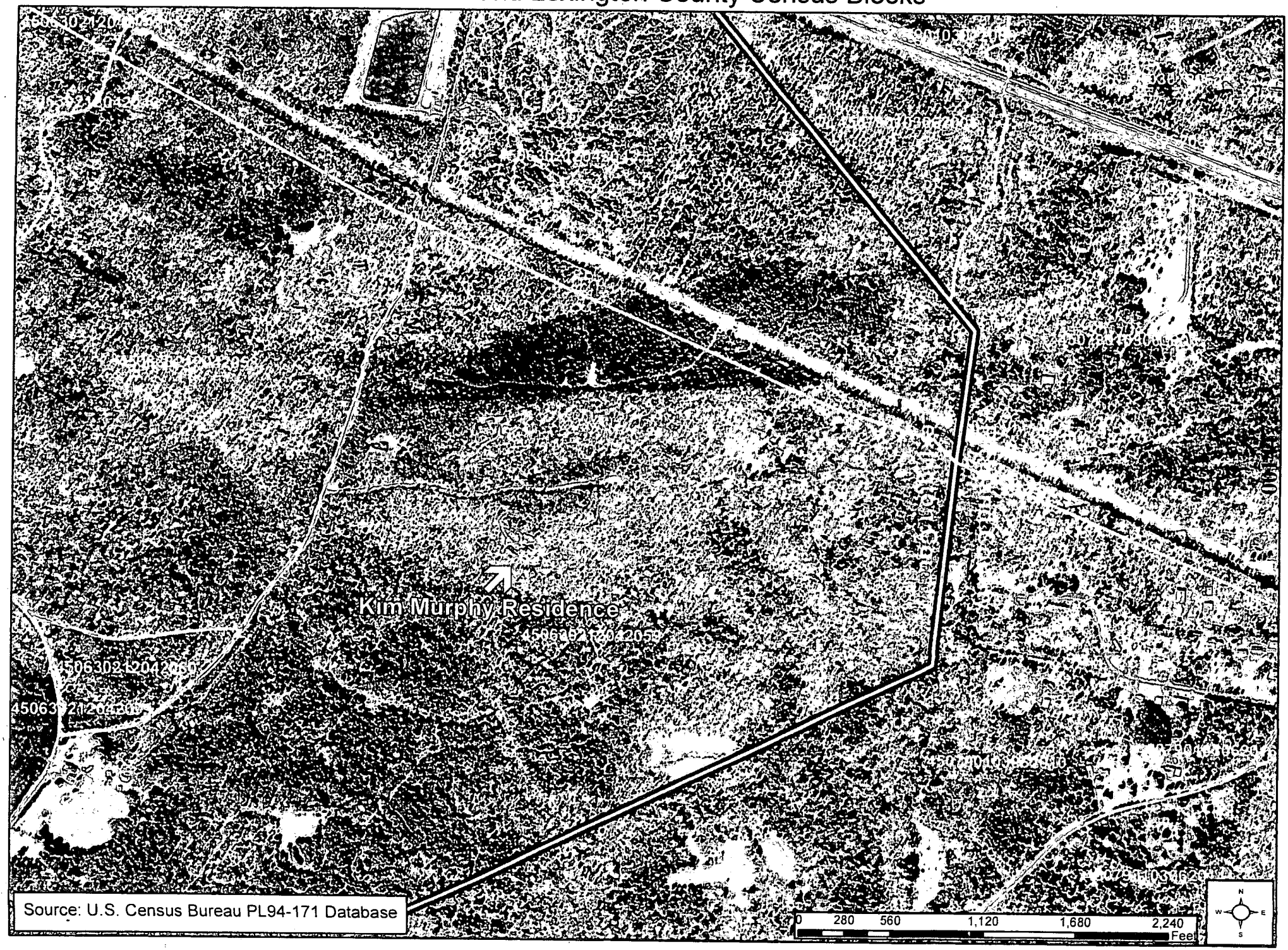
Gentlemen:

I, L. A. Copeland and J. C. Hemingway, appointed as duly sworn under the law, [illegible] that the above is a correct map of the line of the proposed [illegible] to be annexed from Lexington County to Highland County, and that it [illegible] with the present [illegible] and [illegible] have been complied with, and that this plat [illegible] permanent plat or [illegible] to be annexed from Lexington County to Highland County [illegible] careful and [illegible] thereof.

L. A. Copeland

001446

Richland and Lexington County Census Blocks



Roberts, Will

From: Melissa M. Kaiser <mkaiser@childs-halligan.net> on behalf of Kenneth L. Childs <kchilds@childs-halligan.net>
Sent: Wednesday, December 12, 2012 10:52 AM
To: Roberts, Will
Subject: Attached Letter
Attachments: Attached Letter.pdf

Will,

I would like to discuss the attached draft letter with Bobby Bowers. There is no pride in authorship.

Please ask Bobby to call me when he gets to the office this morning.

Thank you for your continuing assistance with this matter.

Ken

Kenneth L. Childs, Esq.
Childs & Halligan, P.A.
PO Box 11367
Columbia, SC 29201
(803) 254-4035

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[DRAFT]
398888.DOC

December ___, 2012

Mr. Bobby Bowers
Office of Research & Statistics
South Carolina State Budget & Control Board
1201 Main Street, Suite 715
Columbia, SC 29201

Re: School District Five of Lexington and Richland Counties

Dear Mr. Bowers:

I am writing to you as Chairman of the Board of Trustees of School District Five of Lexington and Richland Counties. It has come to my attention, from sources which I deem reliable, that Board member Kim Murphy, who currently represents Richland County on the Board of Trustees of School District Five, is not in fact a resident of Richland County as specifically required by Act No. 326 of 2012. As you may be aware, such rumors have been around for sometime.

The purpose of my letter is to request that the South Carolina State Budget and Control Board Office of Research and Statistics make a determination as to whether or not Ms. Murphy resides in Richland County, as required by law, and whether she is, in fact, a resident of Richland County legally qualified to represent Richland County on the School District Five Board.

Thank you for your assistance with this matter.

Respectfully submitted,

Robert Gantt
Chairman, Board of Trustees

/mmk

district five
OF LEXINGTON & RICHLAND COUNTIES

December 20, 2012

Mr. Bobby Bowers
Office of Research & Statistics
South Carolina State Budget & Control Board
1201 Main Street, Suite 715
Columbia, SC 29201

Re: School District Five of Lexington and Richland Counties

Dear Mr. Bowers:

I am writing to you as Chairman of the Board of Trustees of School District Five of Lexington and Richland Counties. It has come to my attention, from sources which I deem reliable, that Board member Kim Murphy, who currently represents Richland County on the Board of Trustees of School District Five, is not in fact a resident of Richland County as specifically required by Act No. 326 of 2002. As you may be aware, such rumors have been around for some time.

The purpose of my letter is to request that the South Carolina State Budget and Control Board Office of Research and Statistics make a determination as to whether or not Ms. Murphy resides in Richland County, as required by law, and whether she is, in fact, a resident of Richland County legally qualified to represent Richland County on the School District Five Board.

Thank you for your assistance with this matter.

Respectfully submitted,

Robert W. Gantt
Chairman, Board of Trustees

Roberts, Will

From: Roberts, Will
Sent: Wednesday, January 02, 2013 10:47 AM
To: Zupan, Alan-Jon
Subject: Letter
Attachments: Letter.doc

Attached is the letter. The bottom of page 1 should be where you pick up. Let me know if you have any questions or suggestions.

Will

Will Roberts
Office of Precinct Demographics
Division of Research and Statistics
S.C. Budget and Control Board
Phone: 803-734-8923
Fax: 803-734-5047

Exhibit 4 from Roberts Deposition

NIKKI HALEY, CHAIRMAN
GOVERNOR

CURTIS M. LOFTIS, JR.
STATE TREASURER

RICHARD ECKSTROM, CPA
COMPTROLLER GENERAL

B&CB

SC BUDGET AND CONTROL BOARD

HUGH K. LEATHERMAN, SR.
CHAIRMAN, SENATE FINANCE COMMITTEE

W. BRIAN WHITE
CHAIRMAN, HOUSE WAYS AND MEANS COMMITTEE

MARCIA ADAMS
EXECUTIVE DIRECTOR

Division of Research and Statistics
Bobby M. Bowers
DIRECTOR

803-734-3793

January 2, 2013

Mr. Robert W. Gantt
Chairman, Board of Trustees
Richland Lexington School District 5
1020 Dutch Fork Rd.
Irmo, SC 29063

Dear Mr. Gantt,

Per your request we have reviewed the residence of Ms. Kim Murphy, who currently represents Richland County on the Board of Trustees of School District Five of Richland and Lexington Counties. Our review was based on the address of 154 Old Laurel Ln., Chapin, SC 29036. This information was obtained through the South Carolina State Election Commission voter registration database.

In our analysis we used three different sources to confirm our findings. We based our conclusion from data from the U.S. Census Bureau, official maps on file with this office based on codified law, and a ground survey conducted by the South Carolina Geodetic Survey.

The U.S. Census Bureau PL94-171 database shows Ms. Murphy's address as being located in U.S. Census Block 450630212042059. This puts Ms. Murphy in the State of South Carolina in Lexington County in Tract 021204 in Block 2059. Based on the database, the entire street of Old Laurel Ln. is located in Lexington County.

The next analysis we conducted was based on the official maps on file with our office. As established in §1-11-360 our office serves as the focal point for verifying official precinct information for the counties and serves as the official repository for precinct maps. The maps on file with this office (P-63-10) show Ms. Murphy is a resident of Lexington County and should be voting in the Lexington County Chapin precinct for House District 85, Senate District 18, and Lexington County Council District 6.

Our final analysis was based on a ground survey by the South Carolina Geodetic Survey.

NIKKI HALEY, CHAIRMAN
GOVERNOR

CURTIS M. LOFTIS, JR.
STATE TREASURER

RICHARD ECKSTROM, CPA
COMPTROLLER GENERAL

SC BUDGET AND CONTROL BOARD

HUGH K. LEATHERMAN, SR.
CHAIRMAN, SENATE FINANCE COMMITTEE

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CHAIRMAN, HOUSE WAYS AND MEANS
COMMITTEE

MARCIA ADAMS
EXECUTIVE DIRECTOR

Division of Research and Statistics
Bobby M. Bowers
DIRECTOR

803-734-3793

After review all three sources show that Ms. Murphy is a resident of Lexington County. Act No. 326 of 2002 requires that four members be elected from the Lexington County portion of the school district as three members are to be elected from the Richland County portion of the district. As Ms. Murphy was elected in 2010 for a seat in Richland County while residing in Lexington County she is and was not qualified to hold her position for which she has been elected. Any and all votes that Ms. Murphy has cast have been as an unqualified member of the Board of Trustees of School District Five of Lexington and Richland Counties. If Ms. Murphy desires, she may run for a seat for the Lexington County portion of School District Five at the next general election.

Sincerely,

Bobby M. Bowers

BMB:wfr

NIKKI HALEY, CHAIRMAN
GOVERNOR

CURTIS M. LOFTIS, JR.
STATE TREASURER

RICHARD ECKSTROM, CPA
COMPTROLLER GENERAL



SC BUDGET AND CONTROL BOARD

HUGH K. LEATHERMAN, SR.
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W. BRIAN WHITE
CHAIRMAN, HOUSE WAYS AND MEANS
COMMITTEE

MARCIA ADAMS
EXECUTIVE DIRECTOR

Division of Research and Statistics
Bobby M. Bowers
DIRECTOR

803-734-3793

January 11, 2013

Mr. Robert W. Gantt
Chairman, Board of Trustees
Richland Lexington School District 5
1020 Dutch Fork Rd.
Irmo, SC 29063

Dear Mr. Gantt,

Per your request we have reviewed the county location of the residence of Ms. Kim Murphy, who currently represents Richland County on the Board of Trustees of School District Five of Richland and Lexington Counties. Our review was based on the address of 154 Old Laurel Ln., Chapin, SC 29036. This information was obtained through the South Carolina State Election Commission voter registration database.

We used three sources to determine the county location of Ms. Murphy's residence: 1. the U.S. Census Bureau, 2. Precinct maps on file with this office based on codified law, and 3. Research and field work conducted by the South Carolina Geodetic Survey.

The U.S. Census Bureau PL94-171 database shows Ms. Murphy's address as being located in U.S. Census Block 450630212042059. This puts Ms. Murphy in the State of South Carolina in Lexington County in Tract 021204 in Block 2059. Based on the database, the entire street of Old Laurel Ln. is located in Lexington County.

The next analysis we conducted was based on the official precinct maps on file with our office. As established in §1-11-360 our office serves as the focal point for verifying official precinct information for the counties and serves as the official repository for precinct maps. The map on file with this office (P-63-10) show Ms. Murphy is a resident of Lexington County and should be voting in the Lexington County Chapin precinct for House District 85, Senate District 18, and Lexington County Council District 6. In addition to Ms. Murphy's address it has come to our attention that another address located on Old Laurel Ln. is also located in the incorrect county, voting in the incorrect precinct and election districts.

The third source is research and field work conducted by the South Carolina Geodetic Survey. Section 4-3-460 of the Code of Laws of South Carolina 1976 defining the Richland County boundary states that Rocky Ford on Wateree Creek is a point on the Richland-Lexington county boundary. GPS was used to determine the coordinates for Rocky Ford. From Rocky Ford, one boundary line segment bears northwest and another bears southwest. The northwest-trending line segment from Rocky Ford to its intersection with Risters Creek has an azimuth of 343° for a distance of 9405 feet. The southwest-trending line segment from Rocky Ford has an azimuth of 243° for a distance of 3920 feet. Plotting this information on orthophotography demonstrates that Ms. Murphy's house is in Lexington County – about 0.1 mile northwest of the boundary.

All three sources show that Ms. Murphy is a resident of Lexington County. Act No. 326 of 2002 requires that four members be elected from the Lexington County portion of the school district and three members are to be elected from the Richland County portion of the district. As Ms. Murphy was elected in 2010 for a seat in Richland County while residing in Lexington County she is and was not qualified to hold her position for which she has been elected. If Ms. Murphy desires, she may run for a seat for the Lexington County portion of School District Five at the next general election.

Sincerely,

Bobby M. Bowers

BMB:wfr

Exhibit 6 from Roberts Deposition

NIKKI HALEY, CHAIRMAN
GOVERNOR

CURTIS M. LOFTIS, JR.
STATE TREASURER

RICHARD ECKSTROM, CPA
COMPTROLLER GENERAL

SC BUDGET AND CONTROL BOARD

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W. BRIAN WHITE
CHAIRMAN, HOUSE WAYS AND MEANS
COMMITTEE

MARCIA ADAMS
EXECUTIVE DIRECTOR

Division of Research and Statistics
Bobby M. Bowers
DIRECTOR

803-734-3793

January 11, 2013

Mr. Jasper Salmond
Interim Executive Director
Richland County Voter Registration and Elections
P.O. Box 192
Columbia, SC 29202

Dear Mr. Salmond,

In a recent request from Robert Gantt, Chairman of the Richland Lexington School District Five Board of Trustees we were reviewing a residential addresses along the Lexington and Richland County boundary. In our review, we discovered multiple addresses of voters that are currently registered to vote in Richland County that actually reside inside of Lexington County. These voters are currently voting in the incorrect precinct and election districts. The two addresses are 154 Old Laurel Ln., Chapin, SC 29036 and 195 Old Laurel Ln., Chapin, SC 29036.

We used three sources to determine the county location of these addresses: 1. the U.S. Census Bureau, 2. Precinct maps on file with this office based on codified law, and 3. Research and field work conducted by the South Carolina Geodetic Survey.

The U.S. Census Bureau PL94-171 database shows both addresses as being located in U.S. Census Block 450630212042059. This puts them in the State of South Carolina in Lexington County in Tract 021204 in Block 2059. Based on the database, the entire street of Old Laurel Ln. is located in Lexington County.

The next analysis we conducted was based on the official precinct maps on file with our office. As established in §1-11-360 our office serves as the focal point for verifying official precinct information for the counties and serves as the official repository for precinct maps. The map on file with this office (P-63-10) show these addresses as being in Lexington County and should be voting in the Lexington County Chapin precinct for House District 85, Senate District 18, and Lexington County Council District 6.

The third source is research and field work conducted by the South Carolina Geodetic Survey. Section 4-3-460 of the Code of Laws of South Carolina 1976 defining the Richland County boundary states that Rocky Ford on Wateree Creek is a point on the Richland-Lexington county boundary. GPS was used to determine the coordinates for Rocky Ford. From Rocky Ford, one boundary line segment bears northwest and another bears southwest. The northwest-trending line segment from Rocky Ford to its intersection with Risters Creek has an azimuth of 343° for a distance of 9405 feet. The southwest-trending line segment from Rocky Ford has an azimuth of 243° for a distance of 3920 feet. Plotting this information on orthophotography demonstrates that both addresses are in Lexington County.

NIKKI HALEY, CHAIRMAN
GOVERNOR

CURTIS M. LOFTIS, JR.
STATE TREASURER

RICHARD ECKSTROM, CPA
COMPTROLLER GENERAL

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CHAIRMAN, HOUSE WAYS AND MEANS COMMITTEE

MARCIA ADAMS
EXECUTIVE DIRECTOR

Division of Research and Statistics
Bobby M. Bowers
DIRECTOR

803-734-3793

We ask that you take appropriate action to resolve this issue by notifying the voters that they are registered to vote in the incorrect county and need to be registered to vote in Lexington County so that they may be placed in the correct precinct and election districts in which they reside. Thanks for your help in this matter.

Sincerely,

Bobby M. Bowers

BMB:wfr

CC: Dean Crepes – Lexington County Voter Registration and Elections
John Cloyd – Richland County Tax Assessor
Richard Dolan – Lexington County Tax Assessor

Roberts, Will

From: Roberts, Will
Sent: Wednesday, January 30, 2013 3:59 PM
To: 'Keith R. Powell'
Cc: John M. Reagle; Kenneth L. Childs; Bowers, Bobby
Subject: RE: Lexington 5

Hey Keith,

In addition to Bobby we are looking at having Sid Miller. Sid is a registered land surveyor who assisted with the field work back in 1995. He is also the one that is currently working on the boundary dispute between NC and SC. I can brief Bobby on the precinct maps we used and the census data, but if you need me to answer anything I can. You might think about having the mapping officials from Richland and Lexington County as both have stated to us that they are aware the boundary between the counties are incorrect and the only evidence that Ms. Murphy has is her tax bill from Richland County.

From: Keith R. Powell [mailto:kpowell@childs-halligan.net]
Sent: Wednesday, January 30, 2013 3:49 PM
To: Roberts, Will
Cc: John M. Reagle; Kenneth L. Childs; Bowers, Bobby
Subject: Lexington 5

Will - how many ORS guys does it take to prove a boundary line? (Only half a joke intended).

Ken & John are meeting with Judge Cooper and Kim Murphy on Friday to agree on the plan for the hearing to be held sometime soon after that date. We want to be able to tell him who we plan to use as witnesses to prove the contents of the ORS's boundary records, to explain how the State does this work, to translate the language of the surveys into English, and finally to make the ultimate point that this particular boundary line is where ORS says it is.

I think it will be important to have Bobby testify as to the general background of his letter to Mr. Gantt, but perhaps you or someone in your specific area could give all that detail after Bobby paints the outlines.

Keith R. Powell

Childs & Halligan, P.A.

Columbia, South Carolina

www.childs-halligan.com

(803) 254-4035

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Transcript of the Testimony of
ALAN-JON ZUPAN

Date: December 21, 2015



CREEL COURT REPORTING, INC.
Condensed Transcript and Word Index

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Columbia, SC 29201
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Internet: www.creelreporting.com

STATE OF SOUTH CAROLINA) COURT OF COMMON PLEAS
)
COUNTY OF RICHLAND) C/A #: 2014-CP-40-4666

Kim Murphy,

Plaintiff,

v.

Richland-Lexington School District 5 Board of Trustees, Robert Gantt, and Bobby Merle Bowers, in their individual capacities,

Defendants.

DEPOSITION OF

ALAN-JON ZUPAN

****

Monday, December 21, 2015
11:34 a.m. - 12:55 p.m.

The deposition of Alan-Jon Zupan, taken on behalf of the Plaintiff at the law offices of J. Lewis Cromer & Associates, 1418 Laurel Street, Columbia, South Carolina, on the 21st day of December, 2015, before Christine A. Cortright, Court Reporter and Notary Public in and for the State of South Carolina, pursuant to Notice of Deposition and/or agreement of counsel.

APPEARANCES

Ashley C. Story, Esquire
Chelsea Rikard, Esquire
J. LEWIS CROMER & ASSOCIATES, LLC
1418 Laurel Street, Suite A
Columbia, South Carolina 29201
Attorneys for the Plaintiff
astory@jlewiscromerlaw.com

J. Jordan Johnson, Esquire
MORRISON LAW FIRM, LLC
7453 Irmo Drive, Suite B
Columbia, South Carolina 29212
Attorney for the Defendant: Richland-Lexington School District 5 Board of Trustees
david@dmorrison-law.com

Michael H. Montgomery, Esquire
MONTGOMERY WILLARD, LLC
1002 Calhoun Street
Columbia, South Carolina 29201
Attorney for the Defendant: Robert Gantt
mhm@montgomerywillard.com

Patrick J. Frawley, Esquire
DAVIS FRAWLEY, LLC
140 East Main Street (29072)
P.O. Box 489
Lexington, South Carolina 29071-0489
Attorney for the Defendant: Bobby Merle Bowers
pat@oldcourthouse.com

Also Present:
Kim Murphy
Robert Gantt

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MR. ZUPAN: PAGE

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EXHIBITS

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Plaintiff's Exhibit Number 2 42
(Email to Roberts from Zupan 1/17/13 RE: Rocky Ford w/ attachments)
Plaintiff's Exhibit Number 3 56
(Map JLC&A-K.Murphy 008441 and 008453)
Plaintiff's Exhibit Number 4 59
(Portion of Lexington Co. Proposed Annex to Richland County Map)
Plaintiff's Exhibit Number 5 64
(Map ORS 024)
Plaintiff's Exhibit Number 6 65
(Email Chain Zupan/Maguire January 2013 RE: Rocky Ford)

STIPULATIONS

It is stipulated and agreed that this deposition is being taken pursuant to the South Carolina Rules of Civil Procedure.

It is stipulated by and between counsel and the witness that the reading and signing of the following deposition be, and the same are, hereby not waived. The signature sheet is attached at page 70.

ALAN-JON ZUPAN, having been duly sworn, deposes and testifies as follows:

MR. ZUPAN - EXAMINATION BY MS. STORY:

Q: Good morning, Mr. Zupan.

A: Good morning.

Q: I'm Ashley Story and we met briefly outside. I represent Kim Murphy in her lawsuit against Richland-Lexington School District 5, Bobby Bowers and Robert Gantt, okay. And we're here to ask you some questions today. I'm going to start off by asking you several questions and then these other attorneys in here may ask you some questions, okay?

A: Uh-huh.

MR. FRAWLEY: You called us wonderful gentleman earlier. Now we're just ---

Q: They're very nice attorneys. They're very great people.

A: What have you been doing?

Q: It happened all in a span or five minutes, let me tell you. Have you ever had your deposition taken before?

A: No, ma'am.

Q: All right. Well, I'm going to go over some ground rules with you to make sure that you and

I are on the same page, okay?
A: Okay.
Q: The first one is to make sure that you respond to all of my questions verbally. So do say yes or no. Don't just shake and nod your head or go uh-huh and huh-uh, that sort of thing, all right?
A: Yes. Yes.
Q: And I may follow up and ask you is that a yes or is that a no. I'm not trying to be rude, I promise. I'm just trying to get your answer clear for the record. Okay?
A: Okay. Yes.
Q: Also, we are sort of having a conversation this morning, and so it's natural for people to interrupt one another when they're speaking to each other. If you will please let me finish my entire question, even if you think you know exactly what I'm going to ask you, and then I will do my very best not to interrupt you and let you respond fully to my question. Okay?
A: All right.
Q: I'm here to hear everything that you need to say today so I'm not -- purposely don't mean to cut you off at all, okay?

A: Okay.
Q: If you feel like I have, please tell me and I will go back and will let you say everything you need to say, all right?
A: Okay.
Q: If you don't understand my question, will you tell me?
A: Yes.
Q: And if you answer my question, I'm going to assume you understood it; is that fair?
A: Yes.
Q: All right. I will show you some documents today and when I do that, I'm going to give you all the time you need to look over them, and when you're ready you can let me know, all right?
A: Okay.
Q: Did you bring any documents with you today?
A: No.
Q: Okay. Perfect. You may from time to time hear one of these wonderful attorneys over here objecting to my question. And unless they instruct you not to answer, you're going to still answer my question, okay?
A: Yes.

Q: Do you have any questions for me before we get started?
A: No.
Q: If you need to take a break at any time, please let me know, okay?
A: Can I ask questions during?
Q: Yeah, you can ask me questions, if you direct them to me. And usually that would be if you don't understand my question ---
A: Right.
Q: --- or something to that effect, or procedure. And if I don't answer your question, don't -- don't make -- I'm not trying to be rude to you, it's just that's not the purpose of today.
A: All right.
Q: Okay?
A: Yes.
Q: All right. Well, let's go ahead and get started. Do you live in Richland County, Mr. Zupan?
A: Yes.
Q: And are you currently working anywhere?
A: I work part time at the Geodetic Survey.
Q: And how long have you been working part time there?

A: Year and a half.
Q: Prior to that, did you work there full time?
A: Yes.
Q: How many years did you work full time for the Geodetic Survey?
A: 1995 until 2014.
Q: And who do you currently report to; who is your supervisor?
A: Matt -- well, Matthew Wellslager, W-E-L-L-S-L-A-G-E-R.
Q: Do you know who Mr. Wellslager reports to?
A: Frank Rainwater.
Q: And prior to Mr. Rainwater, do you know if Ms. Wellslager reported to Bobby Bowers?
A: Yes.
Q: Where are you from originally?
A: Milwaukee, Wisconsin.
Q: Where did you go to high school?
A: West Milwaukee, Wisconsin.
Q: What year did you graduate from high school?
A: 1964.
Q: And after you graduated from high school, did you enter the work force, did you go ---
A: No.
Q: --- into the military?

A: No. I went to college.
Q: Okay. Where did you go to college?
A: University of Wisconsin, Madison.
Q: Did you graduate with a degree from there?
A: Yes.
Q: What was your degree?
A: Geology.
Q: And what year did you graduate with that degree?
A: 1968.
Q: Do you have any other degrees?
A: Yes.
Q: What are they from?
A: Texas A&M University, oceanography, master's.
Q: What year did you obtain your master's?
A: 1971.
Q: Any other degrees?
A: No.
Q: Do you have any certifications of any kind?
A: No.
Q: Now, working for the Geodetic Survey, what is that office responsible for?
A: That office is responsible for the geodetic network in South Carolina; and it was also responsible for aerial photographic program,

orthophotographic program; and for working on political boundaries.

Q: And in layman's terms, can you express to me or tell me what geodetic means?

A: The study of the shape of the earth and how to locate yourself on the surface.

Q: And I know you're working part time, but what is your part-time job title right now?

A: I'm not sure.

Q: Okay. Well, when you were working full time, did you have an actual job title?

A: Program coordinator.

Q: And when you were working full time, what were your major job responsibilities and duties?

A: Working on political boundaries.

Q: Prior to working with the Geodetic Survey in South Carolina, did you have any other experience in that area?

A: No.

Q: Do you remember who hired you?

A: Can I clarify that?

Q: Of course you can, sure.

A: Okay. I went to work for the Geological Survey in 1973 for the State.

Q: Okay.

A: And in 1988 I began working with Sid Miller, who was chief of the Geodetic Survey at that time, on some county boundary work. And then when government was -- South Carolina reorganized government in '95, the Geological Survey went with the new Department of Natural Resources and the Geodetic Survey stayed with the South Carolina Budget and Control Board, and I wanted to stay with the Geodetic Survey so I could continue to work on boundaries and so I asked to be transferred over there and I was. So I started working with them in 1995 officially.

Q: But you've got ---

A: Although, I ---

Q: --- some history doing this for quite a long time?

A: For about seven years before that, yes.

Q: Okay. Now, in 1995, did you do any field research as it related to the Rocky Ford point? And do you know what I'm talking about?

A: Yes.

Q: Okay. Tell me what kind of research you did as related to the Rocky Ford point.

A: Okay. Back then -- a little background on it.

There was a vehicle accident around Harbison Boulevard on the interstate and we were asked to look into where the Lexington/Richland County boundary was because that determined where the court case would be held, which county it would be held in.

Q: Do you remember who made that request?

A: No, ma'am.

Q: Okay. Go ahead.

A: And we did that and they would -- that section of the boundary from basically the Town of Irmo and the arc that goes down the Saluda River is based on a 1962 survey, the boundary that was done. And we had to go plat the bearings and distances. Monuments were set at that time and we tried to reestablish that boundary or we did reestablish that boundary. And since we had already finished that, we decided, well, let's see what we can do with the rest of the Richland/Lexington boundary. And so we went and looked at statute describing -- statutes describing the other part of the boundary. The only physical point on that boundary basically is Rocky Ford. Other -- everything else was bearings and distances. And so we went over,

we located Rocky Ford, got a GPS coordinate at that time. We had a -- we were working on the South Carolina/North Carolina boundary also and that took up most of our time. So given that it would have required a lot more work working with the bearings and distances and so forth to reestablish that, we didn't do anything more. There wasn't a pressing need at that time.

Q: Okay. So when was the next time that you had to do anything as it related to the fixed location of Rocky Ford?

A: When Will Roberts came and asked about the Richland County/Lexington County boundary in that area and what we had done, and I showed him the work that we had done. And that would be whenever that was, like a couple years ago.

Q: Now, did Mr. Roberts, when he came to you to ask you about the work that you had done, did he give you any information as to why he was curious about that?

A: No.

Q: Did you ever find out why he was inquiring into your work ---

A: Yes.

Q: --- on the Rocky Ford point?

A: Yes. I'm sorry.
Q: No, that's okay.
A: I'm sorry.
Q: That's all right. You corrected yourself. It's all right. When did you find out why Mr. Roberts was inquiring into your -- into the work that you had already done?
A: I don't know, maybe a couple weeks later or a month later. I'm not sure.
Q: And how did -- what did Mr. Roberts tell you?
A: He told me it was to establish the residence of Ms. Murphy, whether it was in Lexington or Richland County and there were also other residents involved.
Q: Prior to Mr. Roberts telling you that, had you had any discussions with anyone about Mrs. Kim Murphy or her residence?
A: No, ma'am.
Q: Have you ever heard any rumors about Mrs. Kim Murphy and her residence and where it was located?
A: No, ma'am.
Q: Did you even know who Kim Murphy was?
A: No, ma'am.
Q: Have you ever attended a Richland-Lexington 5

Board meeting?
A: No, ma'am.
Q: Sitting here today, are you aware of any of the lawsuits that Kim Murphy has brought against the Richland-Lexington 5 School District other than the one we're here about today?
A: At this time, I have, yes. Before that, no.
Q: And how -- what lawsuits are you aware of today sitting here right now?
A: Just general just that she had brought lawsuits about, I guess, construction. It had been in the paper. Whatever I read in the paper.
Q: But you didn't read those prior to ---
A: No.
Q: --- all of this?
A: No.
Q: What brought about you finding out that she had been involved in construction lawsuits?
A: I was just told by various people, I don't remember who.
Q: Okay. Do you remember if anyone was angry or upset when they were expressing to you that Mrs. Murphy had been involved in lawsuits?
A: No, ma'am.
Q: Okay. So getting us back to what we were

discussing before, Mr. Roberts came and he asked you for some information about Rocky Ford.

A: Correct.

Q: And then later, you said about a couple weeks later, he told you why he was looking at that information, correct?

A: Well, I asked him.

Q: Okay.

A: You know, I -- it was curiosity, you know, why do you -- why do you want the information.

Q: Was Mr. Roberts forthcoming in telling you why he wanted the information?

A: Yeah, to just -- because he had -- yes, because there was some question about the boundary in the area and he's responsible for various political boundaries in South Carolina and dealing with the U.S. Census Bureau, and that there were some discrepancies between what the Census had given him and what he had, so.

Q: Okay. So did you provide any information to Mr. Roberts at that time?

A: I gave him -- I gave him the information about Rocky Ford and then also constructed the boundary in the area based upon two bearings

and distances, one going northwest from Rocky Ford and one going southwest from Rocky Ford. And this encompassed the area that -- should I call him Will or can I -- should I call him Mr. Roberts?

Q: You can call him Will. Whatever you feel comfortable with.

A: Okay.

Q: We know who he is.

A: Okay. That Will was interested in.

Q: Okay. Now, at that point in time when you gave him this information, did you have any idea as to where Mrs. Murphy's residence was located based on the work that you had done? Or had you even made that inquiry on your own yet?

A: On your own. On -- on our own. Because we were -- we were asked, were doing that boundary, and then Will told -- I asked Will about it, and then we -- we put Ms. Murphy's -- well, it was Ms. Murphy's house was on the orthophotography and we laid the boundary on the orthophotography.

MR. FRAWLEY: Could you spell that word for the court reporter, please?

A: O-R-T-H-O-P-H-O-T-O-G-R-A-P-H-Y.

MR. FRAWLEY: Thank you.
Q: And once you laid -- now, say that one more time. You laid the lines down on the orthophotography where her house was; is that what you said?
A: Correct.
Q: Okay. And what lines were those that you're talking about?
A: The bearings and distances from Rocky Ford.
Q: And once you laid the bearings and distances onto the orthophotography where her home was, what did you determine as to where her house was located, what county?
A: Lexington County.
Q: Now, during the time that you were -- you were researching this issue, when you and Mr. Roberts were talking about it, did the bearings and distances from Rocky Ford ever change, those lines?
A: No. You mean from the time the statute was passed?
Q: Well, let me ask it this way.
A: Okay.
Q: From the time that you determined what those bearings and distances were, did they ever

change?
A: No.
Q: Now, going back to the statute -- because it's my understanding Rocky Ford was mentioned in a statute ---
A: Correct.
Q: --- correct? Have those bearings and distances changed since they've been mentioned in statute?
A: No.
Q: Have you authored or generated any maps that show these bearings and distances as it relates to Mrs. Murphy's residence?
A: Yes.
Q: Okay. And on those maps that you have authored or generated, who have you shared those with?
A: Will.
Q: Anyone else?
A: Jack Maguire, who was head of the mapping section over at Lexington County; and also the Richland County Assessor's Office, they're responsible for things. And it's just -- it was sharing information that we had done over the years for mapping projects with the counties. We share information so they're up

to date on what's happening and so forth.
Q: And any of the maps that you have shared with anyone, have you ever changed the distance and bearings as they are on the maps at all?
A: No, ma'am.
Q: Have you ever rotated them or altered them in any way?
A: No.
Q: Have you prepared any maps for any hearings that involved Mrs. Murphy's residence?
A: Yes, ma'am.
Q: Okay. And who did you provide those to?
A: Provided those to Bobby Bowers.
Q: Did you make any alterations to the maps that you provided to Bobby Bowers?
A: No, ma'am.
Q: If there's a seemingly difference in a line -- I'm sorry, is there something you want to say?
A: All right. Okay. I don't know whether Bobby provided our materials to the school board or whether -- I am not -- I don't know whether we provided a couple copies to them too. I'm not sure. I don't remember that.
Q: Okay. But you know you gave some to Mr. Bowers?

A: Yes, yes.
Q: Okay. And you don't know whether or not he gave them to anyone else?
A: Correct.
Q: Okay. If there was any apparent -- or any line that seemed to be different from another line that you had drawn, is there any way to explain that on these different maps? I've seen hundreds of maps. Is there any way that -- you just want to stick by your testimony you've never changed or altered any lines on maps, right?
A: Correct. Correct.
Q: Okay. All right. So going back to your earlier conversations with Mr. Roberts -- I'm sorry I'm jumping all over the place.
A: That's all right.
Q: I apologize for that. My mind is kind of working while we're sitting here talking. Once you provided that information to Mr. Roberts, did you have any other -- any other part in having to try to figure out where Mrs. Murphy lived?
A: Where she lived?
Q: Yes. Which county her ---

A: No.
Q: --- home resided in?
A: No.
Q: During this time in around 2012/2013, did you ever go physically to her property to determine where her house was in relation to the county lines?
A: No, ma'am.
Q: Is there any reason why you didn't go to the property?
A: There was no reason for me to go to the property.
Q: Do you know if any land surveys were conducted?
A: The only one I'm aware of is the one that was done by Lucius Cobb for Ms. Murphy. I think it was for Ms. Murphy, but I assume it was for her and her husband.
Q: Was that the original survey that was done when the property was purchased, if you know?
A: I have no idea whether it's the original one or not.
Q: Okay. Based on that survey, do you know where Mrs. Murphy's house is in relation to the county lines?
A: Yes.

Q: Where is it?
A: Lexington County. What we did with Lucius's survey is we determined common points between that and points that were on the orthophotography and overlaid one on the other in order to establish that.
Q: Do you have any knowledge as to how Mrs. Murphy's residence was put into Richland County to begin with?
A: I would suppose, based upon what I -- okay. There are five different county boundaries in that area that are on maps. One is the U.S. Geological Survey county boundary. They put political boundaries on their topographic maps, but the U.S. Geological Survey is the first to admit that they are not experts on political boundaries and so a lot of their boundaries are in error. Richland County had its own political boundary for that area. Lexington County had a different one. The U.S. Census Bureau had a different boundary. And then there's the statute boundary.
Q: So of those five, did any of the five match?
A: No.
Q: So when you're trying to determine where the

boundary is, how do you reconcile those five different ---

A: I don't. I base it on the statute.

Q: Okay. And if you'll just let me finish.

A: Okay. I'm sorry. I'm sorry.

Q: You know exactly what I'm going to ask you, and that's okay. Just let me finish for the record.

A: No, I don't know what you're going to ask me.

Q: It's okay. All right. So my question to you was how do you resolve those five lines not fitting together? And then you said you don't, you look at ---

A: I don't.

Q: --- statute.

A: Right. We base -- we base our work on the statutes that are in effect at that time.

Q: So as it relates to the issue of Mrs. Murphy's residence, can you explain to me how you went about looking at those different lines and how you resolve that issue in your mind? Did you go look at the statute?

A: We used -- we used the Richland -- we used the statute that described the Richland/Lexington County boundary to determine, you know, to

locate the boundary. I didn't -- I used the other ones just as a figure to show that there are other boundaries and they didn't match one another and they're not the ones that match the statute as far as the description of the boundary.

Q: Do you know the statute that you looked up as it related to this particular line?

A: Not right off. I don't know the number right off the top of my head.

Q: That's okay. That's okay.

A: It's in the Code of Laws.

Q: So going back to this issue that was raised in 1995 about the boundary line with the car accident and the issue of where -- what county the lawsuit was going to be brought in, is that when you went back and looked at the statute for the Rocky Ford area, or what did you do then to figure out where the line was?

A: Well, after -- after we finished that, after we finished the one involving the accident, and then we looked up the rest of the Richland/Lexington County boundary description in the statutes to work on that.

Q: How many people do you believe are affected by

this county boundary issue, if you know?
A: Which county boundary issue?
Q: The Richland/Lexington County boundary issue that we're talking about relating to Ms. Murphy, where Ms. Murphy's home is?
A: I have no idea. We -- when we work on county boundaries, we work cooperatively with the counties, but -- and sometimes the county boundary will affect people in an area and sometimes -- we don't know that until we reestablish the boundary according to the statute, and then after we -- we establish the boundary, then we can determine who will or will not be affected.
Q: For this particular area as it concerns the lines that we're talking about with Mrs. Murphy's residence, has that boundary been reestablished today?
A: No, not -- not -- not officially. If you're talking about reestablished in the sense we've done that entire boundary on that side of Richland County, no.
Q: What steps will have to take for it to be officially reestablished?
A: Okay. It's being worked on right now.

Q: Okay.
A: And they're doing land records research, field work, historical research.
Q: Are you involved in any of that?
A: No, ma'am.
Q: Back in 1995 when you were locating the Rocky Ford point, how did you find Rocky Ford; what did you do?
A: We went in the field. Sid Miller, who, as I mentioned previously, was chief of the Geodetic Survey, Sid and I went out in the field on Wateree Creek and looked for fords going across the creek. We found two. Both of them had rocks in the creek. We didn't know which one was Rocky Ford at that particular time. But there was a couple that built a house in the area near the southern one that we -- and her name -- are Koons, K-O-O-N. And her first name is Lynn. And I spoke with her about the southern one and she said that ford was just used by her father to do a little bit of logging on the west side of the creek. And when I walked on that side, the road basically went a short distance and it disappeared. The northern one had a road that extended eastward

from the Ford to another road that connected. It's no longer used, but traces of that road still exist, and the road extended to the west also from he ford.

Q: So based on that information, which ford did you determine was Rocky Ford?

A: The northern one.

Q: How confident are you that the northern ford is Rocky Ford?

A: Very confident. Partly also because the plat that Lucius Cobb did had Rocky Ford on it and when we overlaid that on -- as I said previously, we had overlaid that on the orthophotography with our GPS coordinate for Rocky Ford, they coincided. And he had listed and he had written Rocky Ford on his plat.

Q: What other markers were you able to locate in 1995 ---

A: None.

Q: --- if any? None, okay. Since 1995, have you been back onto that site to see if you could locate any other markers?

A: No, ma'am.

Q: Why not?

A: I wasn't working on it.

Q: When this issue of Ms. Murphy's residence came into your purview when you found out about it, did you go and visit the site at that time to see if you could locate other markers?
A: No.
Q: Why not?
A: Because there weren't any mentioned in the statute except possible stakes at the end of the bearing and distance lines, but those weren't necessary to find in order to do the -- to reestablish that part of the boundary.
Q: Why weren't those necessary to find?
A: Because a bearing and distance, all they have to do is put a bearing and distance. It doesn't have -- you know, whether it's got a stake on the end of it or a monument or whatever, it doesn't -- it's not necessary to put that line down.
Q: And I don't do this for a living.
A: Right. I understand.
Q: So I'm just -- I want to try to understand why it's not necessary for you to have the stake in the ground when you're doing the bearings and distances?
A: Okay. You just put -- you put on the

orthophotography on the computers now. It's simple. You just -- you put your Rocky Ford, we put the coordinate in for Rocky Ford, and from Rocky Ford we took a bearing from Rocky Ford and the distance, and then -- and marked that point.

Q: Okay.

A: Whether there's something there or not doesn't necessarily make the line good or bad.

Q: So if there was a stake at the end of the line that didn't match with the point that you have based on the Rocky Ford point that you found, if the lines didn't match, would that change anything?

A: It may, yes. Yes, it may.

Q: How could it change it?

A: If that -- if there's physical evidence for -- if monument -- a monument, a stake would be a monument. Monuments are considered the first line of evidence. But that's -- at that time, that's -- there was only one -- the stake would be for the southwestern end of the line. I think there might have been a stake. But a stake that was put in 1912, and whether or not, you know, chances of that existing are probably

slim to none.
Q: Is there any due diligence or any efforts that you have to make to see if you can locate the stake before you can just do the -- the bearings and distance?
A: No.
Q: Do you know whether or not there are any stakes that are still in existence from 1912 as it relates to those, the distances we're talking about relating to Ms. Murphy's ---
A: No.
Q: If someone informed you that they had located a stake ---
A: May I clarify something?
Q: Sure.
A: We're not even -- when you think of a stake, you're thinking of a wooden stake?
Q: Any kind of stake, a metal stake, a ---
A: Right. We wouldn't know what we were looking for to start with because a stake back then could have been an axle, could have been a wooden stake, could have been anything that they like just call a stake. So we're not even -- and then all it says is stake. So we don't even know what we're looking for.