

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM OCONEE COUNTY
Court of Common Pleas

R. Lawton McIntosh, Circuit Judge

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SC Court of Appeals

APPELLATE CASE NO.: 2019-001648

David Stokes Appellant

vs.

Oconee County, Wayne McCall and Edda Cammick Respondents.

**CORRECTED RECORD ON APPEAL
VOLUME 2**

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STATE OF SOUTH CAROLINA)

COUNTY OF OCONEE)

IN THE COURT OF COMMON PLEAS

David T. Stokes,)

C.A. No.: 2017-CP-37-00320

Plaintiff,)

**MOTION FOR SUMMARY
JUDGMENT OF DEFENDANT
WAYNE MCCALL**

vs.)

Oconee County, Wayne McCall, and Edda
Cammick,)

Defendants.)

TO: WILLIAM E. HOPKINS JR. AND J. CLAY HOPKINS, ATTORNEYS FOR PLAINTIFF AND JAMES W. LOGAN JR., ATTORNEY FOR DEFENDANT OCONEE COUNTY AND ROBERTA BARTON, ATTORNEY FOR EDDA CAMMICK AND WAYNE MCCALL

Defendant Wayne McCall moves the Court, pursuant to Rule 56 of the South Carolina Rules of Civil Procedure, for an order granting summary judgment in his favor as a matter of law. The motion is made on the following grounds:

1. There is no genuine issue as to any material fact.
2. The evidence establishes that any statements made by Defendant McCall were not defamatory because they were neither false nor did they reference Plaintiff.
3. The evidence establishes that Defendant McCall's statements are protected by qualified privilege.
4. The evidence establishes that Plaintiff was a public official. There is no evidence that Defendant McCall's statements were made with "actual malice."
5. The evidence establishes that any statements made by Defendant McCall were made in the course and scope of his responsibilities as member of Oconee County Council and, as such, Plaintiff's claims against him are barred by the provisions of the South Carolina Tort Claims Act.
6. Defendant is entitled to an order granting summary judgment in his favor as a matter of law.

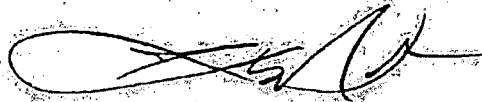
terminate his employment. There was no verifiable evidence presented at the hearing to refute what is documented in his personnel file. There are no written complaints filed against him by any county residents, contractors or departmental staff members, nor are there any disciplinary actions or reprimands. It is the recommendation of this committee that tangible documentation or evidence be produced for review by the committee and Mr. Stokes, or in the alternative for full reinstatement with back pay as requested in the original complaint.

Respectfully,

Lisa Burton
Chuck Hunter
Ashley Rice
Letitia Marcengill

TERMINATION UPHOLD.

GRIEVANCE COMMITTEE RECOMMENDATION OVERRULED.


5/16/17

STATE OF SOUTH CAROLINA) COURT OF COMMON PLEAS
)
 COUNTY OF OCONEE)
)
 DAVID T. STOKES,)
)
 Plaintiff,)
 vs.) NO. 17-CP-37-00320
)
 OCONEE COUNTY, WAYNE MCCALL)
 AND EDDA CAMMICK,)
)
 Defendants.)

Video Deposition of
 WAYNE MCCALL

Pursuant to Notice of Deposition and/or agreement in the above-entitled case, a deposition was taken on the 7th day of March, 2018, commencing at approximately 11:00 a.m., attended as follows:

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ALSO PRESENT: Scott Moulder

VIDEOGRAPHER: Michael Arrison

DEPOSITION REPORTED BY: SUSAN L. MCCracken, RMR
 Depositions And..., Inc.
 (864) 235-3518

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Pursuant to Notice and/or agreement to take depositions, the within deposition was taken by Susan L. McCracken, RMR, a Notary Public, as required under South Carolina Court Rule 30, et al, by consent of all parties, at the law offices of Logan, Jolly & Smith, 1805 N. Boulevard, Anderson, South Carolina.

WAIVER

It is agreed by Counsel for all parties that the reading over of and signing of the deposition by the witness are waived.

** ** *

VIDEOGRAPHER: This is the videotape deposition of Mr. Wayne McCall taken by the Plaintiff in the matter of David Stokes versus Oconee County, et al filed in the Court of Common Pleas, State of South Carolina in Oconee County. Case number is 2017-CP-37-00320. This deposition is being held at the law firm of Logan, Jolly & Smith located at 1805 North Boulevard in Anderson, South Carolina on Wednesday, March 7, 2018. My name is Michael Arrison from the firm of Carolina Legal Video Services. The court reporter is Sue McCracken from Depositions And, Incorporated. Going on the record at 11:03 a.m.

Page 9

1 Q. Have you ever been married before, anyone before
2 Miss Elizabeth?
3 A. Yes, sir.
4 Q. What was her name?
5 A. Nesclle, N-E-S-C-H-I-E.
6 Q. When were you and Miss Nesclle married?
7 A. From 1973 until '95.
8 Q. Did y'all live in Oconee County?
9 A. Yes, sir.
10 Q. Does she still live in Oconee County?
11 A. No, sir.
12 Q. Does she have any children that reside in Oconee
13 County?
14 A. No, sir.
15 Q. Does Miss Elizabeth work?
16 A. She is retired.
17 Q. Has she worked in Oconee County before?
18 A. No, sir.
19 Q. Okay. Have you had any other job besides your
20 position with the county council? Do you have any
21 employment?
22 A. I'm self-employed.
23 Q. What is your company's name?
24 A. McCall Welding & Machine Works.
25 Q. Where is that business located?

Page 11

1 Q. Is Miss Elizabeth a member of any civic
2 organization?
3 A. No, sir.
4 Q. Do you have any other family members that live
5 in Oconee County?
6 A. Yeah, my brother.
7 Q. What's your Brother's name?
8 A. Keller.
9 Q. What does Keller do?
10 A. Works for Duke Power.
11 Q. Is he married?
12 A. Yes.
13 Q. What is his wife's name?
14 A. Pam.
15 Q. Do they have any children?
16 A. No, sir.
17 Q. Do they attend church anywhere in Oconee County?
18 A. I don't know.
19 Q. Did you grow up in Oconee County?
20 A. No, sir.
21 Q. Where did you grow up?
22 A. West Ashley.
23 Q. Charleston?
24 A. Yes, sir.
25 Q. Did you attend high school in Charleston?

Page 10

1 A. Behind my house, 260 Mountain Springs Road.
2 Q. In West Union?
3 A. Uh-huh [yes].
4 Q. How long have you owned that business?
5 A. I been in business since '74.
6 Q. Do you have any employees there?
7 A. No. I got one part-time. That's it.
8 Q. What is that person's name?
9 A. Huh?
10 Q. What is that person's name?
11 A. Samantha Swinson.
12 Q. Does Samantha live in Oconee County?
13 A. No, sir.
14 Q. Do you and Miss Elizabeth attend church in
15 Oconee County?
16 A. No.
17 Q. Have you ever attended a church in Oconee County
18 for an extended period of time?
19 A. No, sir.
20 Q. Are you a member of any civic organization like
21 Rotary or Lions Club?
22 A. No, sir.
23 Q. Are you a member of any professional
24 organization?
25 A. Association of Diving Contractors.

Page 12

1 A. Yes, sir.
2 Q. What's the name of that high school?
3 A. St. Andrews.
4 Q. Did you go to any secondary school after that?
5 A. Yes, sir.
6 Q. Where did you go?
7 A. Trident College.
8 Q. Did you get a degree from Trident College?
9 A. Yes.
10 Q. An associate's?
11 A. Yes, sir.
12 Q. In what?
13 A. Machine, finished in tool and die.
14 Q. When did you get that degree, what year; do you
15 know?
16 A. I don't remember.
17 Q. Did you begin working -- well, did you go to any
18 school after that?
19 A. No, sir.
20 Q. Have you gotten any sort of certifications in
21 any field, machine, tooling, dying, welding?
22 A. I had all that before I went in business.
23 Q. When did you move to Oconee County?
24 A. 19 -- I think around 1980.
25 Q. What did you do before that?

3 (Pages 9 to 12)

Page 13

1 A. Self-employed.
 2 Q. Charleston County?
 3 A. James Island.
 4 Q. Since 1980, have you operated McCall Machine
 5 Works?
 6 A. Yes.
 7 Q. In Oconee County?
 8 A. Yes, sir.
 9 Q. Have you had, let's say in the past ten years,
 10 any other employees besides Samantha Swinson?
 11 A. I don't remember. I don't think so.
 12 Q. When were you first elected to county council?
 13 A. It goes in conjunction with the presidential
 14 election. When Obama won the election.
 15 Q. 2008?
 16 A. I guess, yes, that's correct.
 17 Q. And have you been reelected, is it every four
 18 years subsequent?
 19 A. Yes, sir.
 20 Q. You are not up for reelection until 2020, right?
 21 A. Correct, sir.
 22 Q. Have you served on any committees within county
 23 council?
 24 A. Yes, sir. I chair the public safety and law
 25 enforcement.

Page 14

1 Q. Any others?
 2 A. Right now I sit on the facilities/grounds
 3 maintenance. I think that's what you call it.
 4 Q. Okay.
 5 A. And all of us are on finance.
 6 Q. Do you have any experience in building
 7 construction?
 8 A. None.
 9 Q. Have you obtained any licensing as a contractor,
 10 as a building contractor?
 11 A. No.
 12 Q. Have you received any sort of specialized
 13 training as a contractor, building contractor?
 14 A. No.
 15 Q. Do you have any specialized training in the
 16 building permit application process?
 17 A. No.
 18 Q. Do you have any specialized training or
 19 education in the building permit inspection process?
 20 A. No, sir.
 21 Q. I'm going to show you, Mr. McCall --
 22 MS. BURTON: Mr. Hopkins, I just want to
 23 tell you on the record you are going to need to
 24 probably read whatever you want to to Mr.
 25 McCall. He is dyslexic, so he will have

Page 15

1 difficulty reading the document.
 2 Q. [Mr. Hopkins] Happy to do that. All right,
 3 Mr. McCall. You understand you are here because
 4 Mr. Stokes has filed a lawsuit against you, correct?
 5 A. Yes, sir.
 6 Q. You understand the allegations of his lawsuit?
 7 A. I don't know why.
 8 Q. Do you understand generally what he's alleged
 9 against you in the lawsuit?
 10 A. Vaguely.
 11 Q. Okay. What do you understand about his lawsuit?
 12 A. He is suing me because I'm a member of council.
 13 Q. Do you believe he is only suing you because
 14 you are a member of council?
 15 A. Yes, sir.
 16 Q. Okay. Is that the extent of your belief about
 17 his allegations?
 18 A. Political. My job is always political.
 19 Q. Do you think he's filed a lawsuit against you
 20 for a political reason?
 21 A. Yes, sir.
 22 Q. Are you aware of any political aspirations that
 23 Mr. Stokes has?
 24 A. No, sir.
 25 Q. Is he currently running for any office in Oconee

Page 16

1 County?
 2 A. No, sir.
 3 Q. That you are aware of?
 4 A. No, sir.
 5 [Plaintiff's Exhibit 1 was marked for
 6 identification.]
 7 Q. [Mr. Hopkins] I am going to show you what I
 8 have marked as Plaintiff's Exhibit No. 1. I will
 9 represent to you, but you can take a look at it, is that
 10 your answer and counterclaim in this lawsuit?
 11 A. I can't read that.
 12 Q. Okay. Have you viewed an answer and
 13 counterclaim in this lawsuit filed by you?
 14 A. Over the phone, yes.
 15 Q. And you understand that you have filed an answer
 16 and counterclaims in this office?
 17 A. Correct, sir.
 18 Q. Okay. And do you understand that one of your
 19 counterclaims for a frivolous lawsuit has been dismissed?
 20 A. I didn't -- okay.
 21 Q. Do you understand the two counterclaims you
 22 originally filed?
 23 A. Yes, sir.
 24 Q. What were those?
 25 A. Defamation, defamed me, hurt me politically, and

4 (Pages 13 to 16)

Page 17

1 this costs me a bunch.
 2 Q. Okay. Do you believe you filed a counterclaim
 3 for defamation?
 4 A. Yes.
 5 Q. Okay. Did you also file a counterclaim for
 6 frivolous lawsuit?
 7 A. Yes, sir.
 8 Q. You believe Mr. Stokes filed a frivolous
 9 lawsuit?
 10 A. Yes, sir.
 11 Q. Do you understand that counterclaim has been
 12 dismissed now?
 13 A. That's not the way I understood it.
 14 Q. Okay. This is page five, and I'm happy to read
 15 it to you, but this is where your first counterclaim is
 16 that I believe you stated is defamation. I'll read
 17 starting at paragraph 46. You wrote "Defendant McCall
 18 will show that the Plaintiff filed this action and named
 19 Defendant McCall for the ulterior motive of defaming
 20 Defendant personally, professionally and politically in
 21 retaliation for Plaintiff losing his job." Does that
 22 sound right?
 23 A. Yes, sir.
 24 Q. Do you recall that?
 25 A. Yes, sir.

Page 18

1 Q. What ulterior motive do you believe that
 2 Mr. Stokes has in filing this lawsuit?
 3 A. Money.
 4 Q. In fact, don't people file lawsuits every day
 5 for money damages?
 6 A. I am not privy to that.
 7 Q. Okay. Have you ever heard of people filing
 8 lawsuits for money damages?
 9 A. On the news.
 10 Q. And do you believe people do not have the right
 11 to file lawsuits for money damages?
 12 A. Yes, sir.
 13 Q. You believe that they should not file lawsuits?
 14 A. Correct, sir.
 15 Q. Do you believe we have a system of governance
 16 wherein a citizen can file a lawsuit for money damages?
 17 A. Yes, sir.
 18 Q. You understand that?
 19 A. Uh-huh [yes].
 20 Q. Okay. Do you believe that a citizen should not
 21 be able to file a lawsuit for money damages?
 22 A. Yes, sir.
 23 Q. Okay. Do you believe that there should never be
 24 any lawsuits?
 25 A. I didn't say that.

Page 19

1 Q. Okay. Do you believe that a citizen should not
 2 file a lawsuit for money damages?
 3 A. I didn't say that.
 4 Q. Okay. Do you believe that citizens have the
 5 right to file lawsuits for money damages?
 6 A. Yes, sir.
 7 Q. Okay. Do you believe that Mr. Stokes has filed
 8 this lawsuit with some ulterior motive?
 9 A. Yes, sir.
 10 Q. Okay. Do you believe there is an ulterior
 11 motive besides money damages?
 12 A. Yes, sir.
 13 Q. What is that motive?
 14 A. To hurt me politically.
 15 Q. Okay. Anything else?
 16 A. That's it.
 17 Q. That's it? Okay. How do you believe that
 18 Mr. Stokes is trying to hurt you politically?
 19 A. It's part of my job. You take -- I stand -- I'm
 20 elected to represent the people of Oconee County, and a
 21 lot of people don't like the way I represent them.
 22 Q. Do you have any evidence that Mr. Stokes is
 23 trying to hurt you politically?
 24 A. This lawsuit is hurting me professionally.
 25 Q. Besides this lawsuit, is there any other

Page 20

1 evidence that Mr. Stokes is trying to hurt you
 2 politically?
 3 A. No.
 4 Q. He is not running for office, right? We have
 5 talked about that.
 6 A. No, sir.
 7 Q. And you are not up for reelection until 2020,
 8 correct?
 9 A. Correct.
 10 Q. But you believe this lawsuit is somehow hurting
 11 you politically?
 12 A. Yes, sir.
 13 Q. Is there any other reason you think Mr. Stokes
 14 is trying to hurt you?
 15 A. That's the only reason.
 16 Q. Okay. And you have no evidence that he is
 17 trying to hurt you politically, correct?
 18 A. No, sir.
 19 Q. Okay. Thank you.
 20 [Plaintiff's Exhibit 2 was marked for
 21 identification.]
 22 Q. [Mr. Hopkins] All right, Mr. McCall. I will
 23 show you -- this has been marked as Plaintiff's Exhibit
 24 No. 2. These are your answers to certain -- your answers
 25 and objections to interrogatories that we sent on behalf

5 (Pages 17 to 20)

Page 21

1 of Mr. Stokes.
 2 A. Uh-huh [yes].
 3 Q. Have you seen this document?
 4 A. It's been read to me over the phone.
 5 Q. Did you provide answers for this document?
 6 A. Yes, I did.
 7 Q. Okay. I am going to read to you interrogatory
 8 No. 29, okay? I asked "Identify any willful or overt act
 9 that Plaintiff has made in the course of filing this
 10 lawsuit. In doing so, identify how that willful or overt
 11 act is either unauthorized or aimed at an illegitimate
 12 collateral objective." Do you recall seeing that
 13 interrogatory or having it read to you?
 14 A. It sounds familiar.
 15 Q. Okay. I will read to you your answer. You said
 16 "Defendant objects to Plaintiff's interrogatory No. 29 on
 17 the grounds that it seeks information that is not
 18 relevant or reasonably calculated to lead to discovery of
 19 relevant or admissible evidence." Do you understand that
 20 objection?
 21 A. Yes.
 22 Q. You understand you filed a counterclaim for
 23 abuse of process.
 24 A. Yes, sir.
 25 Q. How is my client asking you to identify an

Page 23

1 something I don't understand.
 2 Q. [Mr. Hopkins] I understand. Did you -- scratch
 3 that. You went on to say, "Presumably, the request seeks
 4 Defendant McCall to identify Plaintiff's actions and his
 5 rationale behind each action which Defendant cannot
 6 know," and I think it meant to say "or reasonably know."
 7 Do you recall seeing or hearing that answer?
 8 A. Yes.
 9 Q. Okay. Do you believe that the question I posed
 10 asked you to get into the mind of Mr. Stokes?
 11 A. Yes.
 12 Q. Okay. As we sit here today, do you have any
 13 evidence that Mr. Stokes has taken an unauthorized,
 14 willful or overt act in filing this lawsuit?
 15 MS. BURTON: Object to the form of your
 16 question.
 17 Q. [Mr. Hopkins] At times she may object to
 18 certain questions I have. Unless your attorney tells you
 19 not to answer, you still have to answer my questions.
 20 Okay?
 21 A. Okay.
 22 Q. So I will ask it again. I will ask it again.
 23 Do you have any evidence as we sit here today that my
 24 client David Stokes has taken a willful or overt act in
 25 filing this lawsuit that is unauthorized?

Page 22

1 unauthorized overt act not relevant to this case?
 2 MS. BURTON: Object to the form of your
 3 question.
 4 Q. [Mr. Hopkins] You can still answer.
 5 A. It's not clear to me.
 6 Q. Okay. You don't understand that objection?
 7 A. I don't understand the question.
 8 Q. Okay. You stated -- this is your answer -- that
 9 the question I asked, interrogatory No. 29, is not
 10 relevant. Okay?
 11 A. Read the question again.
 12 Q. I said "Identify any willful or overt act that
 13 Plaintiff has made in the course of filing this lawsuit.
 14 In doing so, identify how that willful or overt act is
 15 either unauthorized or aimed at an illegitimate
 16 collateral objective."
 17 A. I still don't understand the question.
 18 Q. Okay. So you didn't even understand the
 19 question; is that correct?
 20 A. I don't understand the question reading it.
 21 Q. You believe that that question is not relevant
 22 to this case?
 23 MS. BURTON: Object to the form of your
 24 question.
 25 THE WITNESS: I can't -- I can't answer

Page 24

1 MS. BURTON: Object to the form of your
 2 question.
 3 THE WITNESS: I'll answer it.
 4 Q. [Mr. Hopkins] Yes, sir?
 5 A. It's frivolous.
 6 Q. So you believe the lawsuit is frivolous?
 7 A. Yes, sir.
 8 Q. And you believe that if it is a frivolous
 9 lawsuit, it's an unauthorized lawsuit?
 10 A. I'm not a lawyer. I can't answer that.
 11 Q. Do you have any evidence that he's taken a
 12 willful or overt act in filing this lawsuit that is aimed
 13 at an illegitimate collateral objective?
 14 MS. BURTON: Object to the form of your
 15 question.
 16 THE WITNESS: I don't understand that. I
 17 don't understand the legal terminology.
 18 Q. [Mr. Hopkins] But you answered this question,
 19 correct? These are your answers, right?
 20 A. When it was explained to me, I answered it.
 21 Q. Nobody answered these on your behalf, did they?
 22 A. No, sir.
 23 Q. You sent these answers, correct, or your
 24 attorney sent them to me, but these are your answers,
 25 correct?

6 (Pages 21 to 24)

Page 25

1 A. Yes, sir.
 2 Q. But you are stating now on the record you don't
 3 understand the question?
 4 A. The way you are phrasing it, I do not understand
 5 it.
 6 Q. I will let counsel jump in. I am not phrasing
 7 it any other way than how it's read, how it's stated. I
 8 have stated it this way, I've read it to you, and I have
 9 read your answer. Today you are telling me you didn't
 10 understand the question; is that correct?
 11 A. Just don't understand it.
 12 Q. All right.
 13 [Plaintiff's Exhibit 3 was marked for
 14 identification.]
 15 Q. [Mr. Hopkins] This has been marked as
 16 Plaintiff's Exhibit No. 3, Mr. McCall. These I will
 17 represent to you are your answers, your responses and
 18 objections to Plaintiff's request for production of
 19 documents. Have you seen or heard about this document?
 20 A. Yes.
 21 Q. And these are your answers?
 22 A. Yes.
 23 Q. Okay. Do you disagree that you -- scratch that.
 24 Would you agree with me that you did not provide any
 25 documents in response to this request?

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1 A. That's correct.
 2 Q. Okay. You don't have any documents responsive
 3 to these requests?
 4 A. No, sir.
 5 Q. Do you?
 6 A. No, sir.
 7 Q. Okay. Thank you. I'm sorry. Those are for
 8 there. I'm sorry. I want to talk to you about the April
 9 25th council meeting. Do you recall that?
 10 A. Yes, sir.
 11 Q. That is the subject of most of why we are here,
 12 is it not?
 13 A. Yes, sir.
 14 Q. Okay. Do you recall what you said in that
 15 council meeting?
 16 A. Yes, sir.
 17 Q. Okay. Can you tell me what you said?
 18 A. Which part? The meeting was pretty long.
 19 Q. Well, whatever you said.
 20 A. We were -- a bunch of builders were there with
 21 complaints. As a council member, we deal with
 22 complaints, and you refer the complaints to the only
 23 place you can refer, to the administrator, or the
 24 complaints are heard before the full council.
 25 Q. Okay. Do you recall referring any of those

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1 builder complaints to Mr. Moulder?
 2 A. Absolutely.
 3 Q. Okay. Did you provide those in verbal form or
 4 written form?
 5 A. When a builder calls, only thing I do is listen
 6 to the complaint and I say "Okay," and they say "What are
 7 you going to do about it?" I say "I have to call the
 8 administrator."
 9 Q. Okay. Do you recall before that any complaints
 10 about the building department?
 11 A. Absolutely.
 12 Q. Can you tell me about those?
 13 A. Well, you get calls all the time from builders.
 14 Sometimes -- and you have to take all of them with a
 15 grain of salt. You don't know whether they are true or
 16 not, but then over the course of time, the same
 17 complaints keep surfacing from different people over and
 18 over again. Then at one point, apparently it reached a
 19 boiling point and all these builders showed up at my
 20 shop. The parking lot was full, so I said "Look here."
 21 I said "Look here, guys. Wait a minute." I got on the
 22 phone and called Mr. Moulder. He came out and met with
 23 them in my shop and was taking notes. My phone was
 24 ringing. I have to go answer, take care of my phone.
 25 Q. Do you recall the builders that were at your

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1 shop that day?
 2 A. Mr. Moulder has the list.
 3 Q. Okay. Do you recall any of them?
 4 A. I'm not -- I don't know these people. They are
 5 not in my realm of where I work.
 6 Q. I understand. As we sit here today; do you
 7 recall any of them specifically, their names?
 8 A. No, no.
 9 Q. And you believe Mr. Moulder has a list of those
 10 builders?
 11 A. Yes.
 12 Q. Okay. You believe Mr. Moulder has notes from
 13 that meeting?
 14 A. I guess. I'm speculating.
 15 Q. Is that the extent of the complaints you
 16 received about the building department, just this meeting
 17 that culminated at your --
 18 A. No, sir; no, sir.
 19 Q. Okay. Can you tell me about any complaints you
 20 had had before that?
 21 A. They call up. Once again, these are people
 22 calling in. They are not substantiated, but the same
 23 complaint comes over and over again. The complaint is
 24 that -- once again, I am not a builder, but they said
 25 they are making the rules up. Well, one builder pulled

7 (Pages 25 to 28)

Page 5

1 Counsel now state their appearance for the
2 record.
3 MR. HOPKINS: Clay Hopkins for David
4 Stokes.
5 MS. BURTON: I'm Stephanie Burton for
6 Wayne McCall.
7 MS. BARTON: Roberta Barton for Wayne
8 McCall and Edda Cammick.
9 VIDEOGRAPHER: The court reporter will now
10 swear in the witness.
11 The deponent was duly sworn to tell the truth, the
12 whole truth and nothing but the truth of his own
13 knowledge concerning the matter herein:
14 WAYNE MCCALL
15 having been first duly sworn, was examined
16 and testified as follows:
17 EXAMINATION
18 BY MR. HOPKINS:
19 Q. Good morning, Mr. McCall.
20 A. Good morning.
21 Q. We met a moment ago off the record. My name is
22 Clay Hopkins. Together with my dad Bill, we represent
23 Mr. Stokes in a lawsuit he has brought against Oconee
24 County, Edda Cammick and yourself. Do you understand
25 you are here today to give a deposition in that case?

Page 6

1 A. Yes, sir.
2 Q. Have you ever given a deposition before?
3 A. No, sir.
4 Q. I'm going to go over a few ground rules. Please
5 bear with me. I am sure your attorney has gone over
6 them. We have a court reporter here. She is taking down
7 everything that we say so we can have a transcript of it
8 later on. Having said that, it is important to remember
9 two things. The first is that if you will please allow
10 me to finish my question, I will allow you to answer as
11 long as you want, but if we start to talk over one
12 another, she can't take it down, so can we try to
13 remember that, please?
14 A. Yes, sir.
15 Q. Likewise, you are doing a good job of it right
16 now, but she can't take down nonverbal responses like you
17 shaking your head or you saying "uh-huh" or "huh-uh," so
18 if you would, would you also please remember to give me
19 verbal responses like "yes" or "no" and then explain your
20 answer?
21 A. Yes, sir.
22 Q. I'm going to ask a few poor questions today.
23 Please bear with me. If I ask a bad question, could you
24 ask me to rephrase it, repeat it, do something with it so
25 that you understand it?

Page 7

1 A. Yes, sir.
2 Q. To the extent that you do answer my questions, I
3 am going to assume that you understood it. Is that fair?
4 A. Fair enough.
5 Q. Okay. We shouldn't be here for very long, but I
6 said that last time. If you need to take a break at any
7 time, please just ask me. I will be glad to let you take
8 one. Okay?
9 A. Yes, sir.
10 Q. But if I do ask a question, I would like you to
11 answer before we take a break. Okay?
12 A. Yes, sir.
13 Q. Is there any reason that you cannot give me
14 truthful answers today?
15 A. No, sir.
16 Q. Are you on any prescription medication right
17 now?
18 A. Yes, sir.
19 Q. What medication?
20 A. Two for the heart, one for diuretic and
21 potassium.
22 Q. Okay. Would any of those medications prevent
23 you from giving truthful answers?
24 A. No, sir.
25 Q. Mr. McCall, what's your full name?

Page 8

1 A. Wayne Elder McCall.
2 Q. Are you married, Mr. McCall?
3 A. Yes, sir.
4 Q. What's your wife's name?
5 A. Elizabeth.
6 Q. What's her full name?
7 A. Elizabeth Alfaro McCall.
8 Q. Where do y'all live, Mr. McCall?
9 A. West Union.
10 Q. Your address, please?
11 A. 260 Mountain Springs Road, West Union.
12 Q. Do you and Miss Elizabeth have any children?
13 A. Got a stepson.
14 Q. Is he over the age of 18?
15 A. Yes, sir.
16 Q. What's his name?
17 A. Sebastian Castro.
18 Q. Where does Sebastian live?
19 A. Charleston.
20 Q. Has he ever lived in Oconee County?
21 A. Yes, sir.
22 Q. When is the last time he lived in Oconee County?
23 A. In 1998. He graduated.
24 Q. What school did he graduate from?
25 A. Walhalla.

2 (Pages 5 to 8)

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1 out the building codes or whatever that book is and said
2 "They are making the rules up. When I called them on it"
3 -- not Mr. Stokes, one of his employees -- he said "the
4 employee threw papers up if the air and went to screaming
5 and hollering," and I said "Look, I got nothing to do
6 with county employees. Tell Mr. Moulder. Tell the
7 administrator. I can't -- I don't deal with county
8 employees."

9 Q. Okay. So besides the incident at your shop and
10 the incident where a builder claimed an employee threw
11 papers up in the air, do you recall any complaints about
12 the building department?

13 A. It was the same story over and over again, you
14 got to guess when the inspector is going to come because
15 the builders are waiting -- apparently they have
16 schedules. I don't know -- and waiting on this and we
17 are waiting on that and the inspector don't show up.
18 When the inspector shows up, they got an attitude or
19 whatever. This is what I hear. I was never there on the
20 building site. I was never anywhere around.

21 Q. I understand. Do you know how many inspectors
22 the building department had?

23 A. Got no idea.

24 Q. If they had three, how many properties could
25 they look at at once?

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1 A. Got no idea.

2 Q. Well, if there is three of them, they could only
3 look at three properties at once, right?

4 A. I don't know.

5 Q. Somebody can't be in two places at once, right?

6 A. I'm not an inspector. I don't know how that
7 works.

8 Q. Okay. Do you recall talking about a plumber in
9 the county council meeting?

10 A. Yes, sir, I do.

11 Q. Who was that plumber?

12 A. Mr. Wooten, Wooten's Plumbing.

13 Q. Okay.

14 A. He was at the shop on a different occasion with
15 the same problem, they are making the rules up, and he
16 informed me. I said "Well, go to Mr. Moulder or go to
17 the building codes." He said, his words were, and I
18 quote, "If I buck these people, I will never get another
19 project done without harassment." That's his words, not
20 mine.

21 Q. As we sit here today, do you have any evidence
22 of the building codes department harassing any contractor
23 in Oconee County?

24 A. I'm not out there.

25 Q. Well, in fact, you didn't submit any complaints

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1 from any contractors in Oconee County, did you?

2 A. No.

3 Q. Okay.

4 A. All complaints are funneled to Mr. Moulder.

5 Q. Do you recall saying that the building codes
6 department had a sweet deal going?

7 A. Yes, sir.

8 Q. Can you explain that to me?

9 A. We getting -- this is regarding the metal
10 carports, and it came up, got complaints from different
11 people selling carports. First off, you take it with a
12 grain of salt, maybe, you know, this, that and the other.
13 Well, the carports were under 400 square feet, just
14 little things you park a car under, and people saying
15 that somebody, not Mr. Stokes, somebody at his office is
16 saying that you have to go to Mr. Whitten because he is
17 the only one that can stamp the drawings. I asked Mr.
18 Moulder, I said "Is Mr. Whitten a licensed professional
19 engineer," and he's not, and then there was a -- later on
20 we found from more complaints, not Mr. Stokes, but a lady
21 down there at the office in the building codes office was
22 funneling people to Mr. Whitten, and that's when I made
23 the statement there must be a sweet deal going down
24 there.

25 Q. Well, I asked you to provide evidence of that

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1 sweet deal. Did you provide any evidence of that?

2 MS. BURTON: I am going to object to the
3 form of your question. That is a written
4 document request. That isn't the only type of
5 evidence that exists.

6 Q. [Mr. Hopkins] All right. Did you provide any
7 written evidence of a sweet deal going?

8 A. No, no.

9 Q. Are you aware of any written evidence of a sweet
10 deal going?

11 A. No.

12 Q. Are you aware of any written evidence indicating
13 a disproportionate amount of people being funneled to
14 Mr. Whitten's office?

15 A. Just the phone calls that I get from the
16 constituents.

17 Q. Let me ask you this. Have you seen any evidence
18 of a disproportionate amount of people getting funneled
19 to Mr. Whitten?

20 A. I don't know. I don't know what the sales are.

21 Q. Can we agree you made that statement based on
22 statements from other people?

23 A. Yes.

24 Q. Okay.

25 A. I respond -- as a councilman, you respond to the

8 (Pages 29 to 32)

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1 demands of the public who elected you.

2 Q. You didn't have any evidence of that allegation
3 at the time you made that statement, did you?

4 A. A room full of -- a room full of disgruntled
5 people.

6 Q. Did you ask -- before you made the sweet deal
7 comment, did you ask any of the builders about evidence
8 of funneling to Mr. Whitten?

9 A. We had Mr. Larry Burton who first alerted me to
10 this and other people that sell metal buildings.

11 Q. Would it be fair to say that you disagreed that
12 a carport or a structure, a carport, a metal structure
13 needed to have engineering codes submitted or engineering
14 designs submitted?

15 A. The state, the law says, the building code says
16 under 400 square feet, you do not need a permit or
17 anything else. Carports are, according to what the law
18 says, they're a temporary structure. They are just
19 sitting there on the ground.

20 Q. What law is that?

21 A. I don't know. It is the same as the storage
22 container. It is supposed to be -- I believe it's in the
23 building codes or under exemptions under the county
24 ordinance.

25 Q. You believe that's an exemption under the county

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1 ordinance?

2 A. Yes.

3 Q. Do you believe the county ordinance says that
4 metal carports are temporary structures?

5 A. County ordinance says under 400 square feet.

6 Q. Specifically, you were talking about Miss
7 Cammick's structure, weren't you?

8 A. No. I was talking about everything.

9 Q. You pointed out they sold Miss Cammick a
10 building permit?

11 A. Yes, they did.

12 Q. Do you believe she did not need to get a
13 building permit?

14 A. No, sir, she did not.

15 Q. I will represent to you she just testified in
16 this room she knew she needed to get a building permit.

17 A. Under 400 square feet, you don't need one.

18 Q. She just told all of us in this room she knew
19 she had to get a building permit.

20 A. I wasn't here.

21 Q. You disagree with that statement then, though?

22 A. I'm not saying one way or the other.

23 Q. Well, you are saying that you believe she didn't
24 need to get a building permit?

25 A. No. Under 400 square feet no, sir, you don't.

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1 Q. Do you know what the size of her building was?

2 A. Got no idea.

3 Q. Okay. In fact, in that meeting, she said "I
4 don't mind, but we need to streamline that process,"
5 right?

6 A. I would have to look at the audio tape.

7 Q. Did you speak to Miss Cammick about some sort of
8 concrete situation going on with a builder?

9 A. Yes. It started out before Easter weekend or
10 something. I get a call from a builder and he's hot and,
11 you know, what else is new, and he's saying "I been
12 waiting here. The concrete truck is here and I been
13 waiting to get the footing, to get the go ahead to pour
14 the footing." I said "Look, call the administrator." He
15 calls. He said "The administrator ain't in." I said
16 "Well, let me try to call the county attorney and I will
17 call you back." County attorney was not in, so I can't
18 say nothing, so I said "Well, I'll call Mrs. Cammick.
19 She is the chairman and maybe she knows something I don't
20 know," and that was the end of it.

21 Q. Okay. So the extent of it was somebody called
22 you with a complaint and you called -- well, you
23 attempted to call Mr. Moulder and the county attorney and
24 finally spoke to Miss Cammick?

25 A. Yeah.

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1 Q. Did Miss Cammick call you back and let you know
2 what had happened?

3 A. No. She just said "I'll do something."

4 Q. Do you know how that situation got resolved?

5 A. No.

6 Q. Who is Ashley Rice?

7 A. No idea.

8 Q. Okay. She is identified in your answers to
9 interrogatories on page four, right here, Ashley Rice.

10 A. Y'all gave me all these names. I didn't know
11 none of them.

12 Q. So you don't know who that is?

13 A. No.

14 Q. You stated that Miss Rice presumably has
15 information concerning the facts of this action.

16 A. This came to me with all these names on it.
17 They asked me "Do you recognize any of these people?"
18 Some I said yes; some I said no.

19 Q. Okay. Who is Harold Knight?

20 A. He's a builder.

21 Q. Okay. What does he know about this case?

22 A. He at the council meeting stood up and mentioned
23 Mr. Stokes directly as part of his whatever he had going
24 on. Miss Cammick at the council meeting -- it's on tape
25 -- cautioned him do not use names.

9 (Pages 33 to 36)

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1 Q. Do you recall what his complaints were?
 2 A. No.
 3 Q. What about Frank Massett?
 4 A. Massey?
 5 Q. Well, your answers say Massett, but it may be.
 6 Massey, if that's right.
 7 A. I know a Frank Massey runs the stump dump.
 8 Q. Okay. That says Frank Massett.
 9 A. I don't know him.
 10 Q. Okay. I understand. You don't know a Frank
 11 Massett; you know a Frank Massey?
 12 A. Uh-huh [yes].
 13 Q. Okay. He runs the stump dump?
 14 A. Uh-huh [yes].
 15 Q. Where is that stump dump located?
 16 A. It's up in Salem.
 17 Q. Does he know anything about this case?
 18 A. No.
 19 Q. Do you know a Brad Kisker?
 20 A. Yes. He is an appointee to the planning
 21 commission.
 22 Q. What does he know about this case?
 23 A. He's a builder. You would have to ask him.
 24 Q. Tom Markovich?
 25 A. He's -- he owns Markovich Builders, and he is

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1 also a builder.
 2 Q. What does he know about this case?
 3 A. I got no idea.
 4 Q. Okay. Brad Lecroy, is that the old coach of the
 5 baseball team?
 6 A. I got no idea.
 7 Q. Do you know him, Brad Lecroy?
 8 A. A lot of people know me, but I don't know them.
 9 Q. Okay. Well, he is identified in your answers,
 10 so I am just trying to ask what he may know about the
 11 case. You identified him.
 12 A. This list was sent to me, "Do you recognize any
 13 of these people?" I didn't make that list up.
 14 Q. Okay. You didn't make this list?
 15 A. No, sir.
 16 Q. Do you have property insurance, Mr. McCall, for
 17 your home?
 18 A. Yes.
 19 Q. Who is the insurance carrier on that?
 20 A. Is this relevant?
 21 Q. Unless she tells you not to answer, you have to
 22 answer.
 23 A. Allstate.
 24 Q. Did you play any role in Mr. Stokes'
 25 termination?

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1 A. Absolutely not.
 2 Q. Did you make any recommendations to Mr. Moulder?
 3 A. Absolutely not.
 4 Q. Did you speak to Mr. Moulder about Mr. Stokes' ,
 5 termination?
 6 A. No, sir.
 7 Q. Okay. Have you ever spoken to Mr. Moulder about
 8 Mr. Stokes' termination?
 9 A. No, sir.
 10 Q. Okay. Do you agree with the decision to
 11 terminate Mr. Stokes?
 12 A. It's not my decision.
 13 Q. You don't have an opinion on it?
 14 A. No, sir.
 15 Q. Do you know whether Mr. Stokes had a grievance
 16 hearing over his termination?
 17 A. No, sir, I do not.
 18 Q. I am going to read to you from their findings.
 19 Okay? They stated "There was no verifiable evidence
 20 presented at the hearing to refute what is documented in
 21 his" -- that's Mr. Stokes -- "personnel file. There are
 22 no written complaints filed against him by any county
 23 residents, contractors or departmental staff members, nor
 24 are there any disciplinary actions or reprimands. It is
 25 the recommendation of this committee that tangible

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1 documentation or evidence be produced for review by the
 2 committee and Mr. Stokes or, in the alternative, for full
 3 reinstatement with back pay as requested in the original
 4 complaint." Do you have any reason to dispute what I
 5 just read?
 6 A. I don't know anything about it.
 7 Q. Okay. Did anyone ever ask you to submit
 8 documentation or the complaints you had heard from
 9 builders regarding Mr. Stokes' grievance hearing?
 10 A. No, sir.
 11 Q. Were you asked to testify at Mr. Stokes'
 12 grievance hearing?
 13 A. No, sir.
 14 Q. At the end of the meeting on the 25th, you said
 15 "I think Mr. Moulder gets the general idea that the
 16 department needs some work."
 17 A. No. Miss Cammick said that.
 18 Q. That's right. That's Miss Cammick. Do you
 19 agree with Miss Cammick's statement?
 20 A. I have no opinion.
 21 Q. Okay. Are you aware of any changes to the
 22 building codes or the building department besides the
 23 termination of Mr. Stokes?
 24 A. There have been some personnel changes, but I am
 25 not privy to what goes on.

10 (Pages 37 to 40)

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1 Q. You believe there have been other personnel
2 changes?
3 A. Just what you hear.
4 Q. On page 12 of these interrogatories, No. 13, I
5 asked you "Is it your contention, opinion or position
6 that Plaintiff" -- that's Mr. Stokes -- "contributed to
7 or caused in any manner or any way whatsoever to this
8 incident or his damages?" Your response was "Yes. Based
9 upon the complaints received by this Defendant, it
10 appears that Plaintiff was not properly managing his
11 department."
12 A. Yes, that's correct.
13 Q. Do you agree with that statement?
14 A. Yes.
15 Q. Okay. Are you aware of any other council
16 meeting where complaints about the building department
17 were mentioned before April 25, 2017?
18 A. You would have to go back. At the front of the
19 council meeting, we have public comment and you can get
20 up, people can get up and approach the podium and say
21 whatever they want.
22 Q. Okay. Well, it was probably a poorly worded
23 question. Here is my question. Did you ever mention or
24 do you ever recall mentioning prior to April 25, 2017 at
25 any council meeting complaints about Mr. Stokes or his

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1 department?
2 A. No. The public mentions that.
3 Q. But you didn't make any comment?
4 A. No.
5 Q. So April 25, 2017 was the first time you made a
6 comment about his department publicly?
7 A. Yes, that I recall.
8 Q. Why do you believe Mr. Stokes' lawsuit is
9 frivolous?
10 A. For me, he is going after me for no reason at
11 all other than to make a big political splash.
12 Q. I guess I want to understand that a little bit
13 better. You have stated a few times that there is
14 political motives behind Mr. Stokes' lawsuit.
15 A. Yes, yes.
16 Q. What political aspirations or hopes or objective
17 do you believe that Mr. Stokes has in filing this
18 lawsuit?
19 A. I'm not popular with the rich and affluent
20 people. I represent a poor district, and a lot of times
21 not Mr. Stokes, but the building codes people make it
22 hard on poor people trying to put trailers in. Once
23 again, not Mr. Stokes, but his department was apparently
24 -- trailer people were telling me it was hard, they were
25 making it hard on them, things like that. I don't

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1 represent rich. I represent common poor people, and the
2 department, my constituents felt were being unjustly
3 singled out.
4 Q. You feel like he is attacking you?
5 A. No, not Mr. Stokes; his department.
6 Q. I understand. But you believe that he is
7 attacking you by filing this lawsuit, correct?
8 A. Yes.
9 Q. Okay. So I'm trying to flesh out what you're
10 saying. You believe that by filing this lawsuit, he is
11 attacking you and your constituents?
12 A. For my past votes and my views.
13 Q. Okay. Was Mr. Stokes active in county council
14 meetings?
15 A. No.
16 Q. Do you recall him ever attending a meeting?
17 A. No, sir -- yes. When we had an update, update
18 of the building codes a long time ago.
19 Q. At that meeting, he spoke in his official
20 capacity, didn't he?
21 A. Yes. He just said "We have got a new revision."
22 That's all.
23 Q. Are you aware of any personal comments that
24 Mr. Stokes has made about you politically?
25 A. Huh?

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1 Q. Are you aware of any comments that Mr. Stokes
2 has made about you politically?
3 A. Mr. Stokes -- once again, Mr. Stokes has made no
4 comments about me. His department employees have.
5 Q. Okay. He hasn't worked there in a year,
6 correct?
7 A. That's correct.
8 Q. And none of his employees are named in this
9 lawsuit or they are not a named party in this lawsuit,
10 are they?
11 A. No.
12 Q. Okay. But you somehow believe that he is
13 attacking you, has a political vendetta against you?
14 A. Yes.
15 Q. But you have no evidence to support that, do
16 you?
17 A. The other thing is -- I wasn't going to bring
18 this up, but you're pressing me to do it. There is two
19 friends of mine, Dr. Bowman and Dr. McGeorge. They own
20 Blue Ridge Orthopedics. They started it. Jim and I have
21 been very close friends since the '70s since right after
22 I moved up here and he moved down from Ogdensburg.
23 Mr. Stokes' ex-wife is their office manager, and I have
24 heard rumors that he found out, Mr. Stokes found out that
25 Mr. McGeorge and Mr. Bowman and I are very good friends,

11 (Pages 41 to 44)

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1 that he was not very happy. I understand, not heard.
 2 Q. That Mr. Stokes was not happy about what?
 3 A. Because I am friends with Jim McGeorge and Larry
 4 Bowman and his ex-wife is their office manager.
 5 Q. So you believe that Mr. Stokes has filed this
 6 lawsuit because you are friends with people who employ
 7 his ex-wife?
 8 A. No. That's just an assumption that I heard.
 9 Q. Okay. You don't believe that has any bearing on
 10 whether he filed this lawsuit?
 11 A. It could be. He is not very happy. This is a
 12 very contentious situation.
 13 Q. What evidence do you have that he is not happy
 14 with you over that situation?
 15 A. Just what you hear. It's all hearsay.
 16 Q. Okay. Who did you hear it from?
 17 A. I don't remember.
 18 Q. Well, I only get to ask you these questions
 19 today, Mr. McCall, so let's try and figure it out. Was
 20 it Mister -- did Mr. Bowman say anything about how happy
 21 Mr. Stokes was?
 22 A. [Witness shakes head].
 23 Q. Did Dr. McGeorge say anything about how
 24 Mr. Stokes was unhappy?
 25 A. I don't remember.

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1 Q. Have you spoken to Mr. Stokes' ex-wife?
 2 A. Long time ago when they were building the new
 3 surgery suite.
 4 Q. But not in the past year?
 5 A. Oh, no.
 6 Q. Okay. Do you believe it's a citizen who told
 7 you that Mr. Stokes was not happy about that situation?
 8 A. Probably. I would say yes.
 9 Q. So you believe that Mr. Stokes is unhappy with
 10 Blue Ridge Orthopedics because they employ his ex-wife
 11 and, in turn, because you are friends with the doctors
 12 there, that he filed this lawsuit to get back at you?
 13 A. No. He is not very happy. I didn't say he
 14 filed the lawsuit. He is not very happy because Jim and
 15 I and Larry are friends. That's all.
 16 Q. Okay. Do you believe that you can say anything
 17 about anyone without any repercussions?
 18 MS. BURTON: Object to the form of your
 19 question.
 20 MR. LOGAN: Same objection.
 21 Q. [Mr. Hopkins] You can still answer the
 22 question.
 23 A. Your question, sir, is outlandish. Why would
 24 you pose such a question?
 25 Q. I am just asking you. Do you believe that you

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1 can say anything about anybody without any consequences
 2 or repercussions?
 3 A. No, you can't.
 4 MS. BURTON: Object to the form of your
 5 question.
 6 MR. LOGAN: Same.
 7 Q. [Mr. Hopkins] You can still answer it.
 8 A. Your question is still like asking somebody how
 9 long you been breathing. You need to rephrase it.
 10 Q. Okay. Do you believe that you can say anything
 11 about anybody in this room without a consequence?
 12 MS. BURTON: Object to the form of your
 13 question.
 14 MR. LOGAN: Same.
 15 Q. [Mr. Hopkins] As I said, they can object to
 16 questions, but you still have to answer them, so if you
 17 would like me to repeat it, I can.
 18 A. Repeat it.
 19 Q. Okay. They are going to object! You can still
 20 answer. Do you believe that you can say anything about
 21 anybody in this room without a consequence?
 22 MS. BURTON: Object to the form of your
 23 question.
 24 MR. LOGAN: Same.
 25 THE WITNESS: Yes. No, you can't do that.

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1 It would be unpolite [sic].
 2 Q. [Mr. Hopkins] Do you believe that you can make
 3 false accusations against somebody without any
 4 consequence?
 5 MS. BURTON: Object to the form of your
 6 question.
 7 MR. LOGAN: Same.
 8 THE WITNESS: Your client already has.
 9 Q. [Mr. Hopkins] What do you mean by that?
 10 A. By filing a lawsuit against me.
 11 Q. You believe that is a consequence of saying
 12 something false about somebody?
 13 A. Yes.
 14 MS. BURTON: Object to the form of the
 15 question.
 16 Q. [Mr. Hopkins] Somebody can sue you for saying
 17 something false about them?
 18 MR. LOGAN: Same objection.
 19 THE WITNESS: If you -- if it is
 20 outlandish and you did it as malice, maybe.
 21 Q. [Mr. Hopkins] Do you believe you can say
 22 anything at county council meetings without consequence?
 23 MS. BURTON: Object to the form of your
 24 question.
 25 MR. LOGAN: Same.

12. (Pages 45 to 48)

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1 THE WITNESS: I'm going to say this once
2 again. When you're up there, the council,
3 you're responding. You don't -- a member is an
4 elected official. You respond to your
5 constituents. The people elected you. When
6 they tell you "I want this done" and a bunch of
7 them come to you, you have two options. You
8 can ignore them or you can pass the relevant
9 complaints to the appropriate channels.

10 Q. [Mr. Hopkins] Do you believe that you have a
11 duty to investigate or verify the accuracy of the
12 complaints?

13 MS. BURTON: Object to the form of your
14 question.

15 MR. LOGAN: Same.

16 THE WITNESS: I can only pass the
17 complaint -- I can only pass the information to
18 the proper channels.

19 Q. [Mr. Hopkins] Do you believe it is proper to --
20 scratch that. Do you believe you are allowed to
21 reiterate complaints without verifying the truth or
22 accuracy of them?

23 MS. BURTON: Object to the form of your
24 question.

25 MR. LOGAN: Same.

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1 THE WITNESS: You can only repeat -- when
2 you're up there, you can only repeat what the
3 constituents tell you to repeat.

4 MR. HOPKINS: Okay. Can we take a short
5 five-minute break to speak to my client?

6 MR. LOGAN: Sure.

7 MS. BURTON: Sure.

8 MR. HOPKINS: I think I'm almost done.

9 VIDEOGRAPHER: Off the record at 11:56
10 a.m.

11 [Off the record.]

12 [Short recess.]

13 VIDEOGRAPHER: On the record at 12:05 p.m.

14 Q. [Mr. Hopkins] All right, Mr. McCall. Do you
15 recall in the April 25th meeting saying that they're -- I
16 believe you are talking about the building codes
17 department -- recommending that you got to go down to a
18 certain other builder or seller of carports and sheds and
19 he is the only person that can stamp the drawings?

20 A. That's what I was told by the constituents.

21 Q. Okay. Do you recall which constituents it was
22 that told you that?

23 A. People calling, just people calling me on the
24 phone, and I just tell them, I said "Look. You don't
25 need a permit. It's under 400 square feet. Buy whoever

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1 you want to buy."

2 Q. Okay. Do you recall any of those names as we
3 sit here today?

4 A. No, sir.

5 Q. Okay. You also said "I am looking through some
6 papers right now, but building codes is funneling people
7 down to his office." Do you recall that?

8 A. I was looking through some council papers when I
9 said that.

10 Q. Okay. What evidence do you have that building
11 codes was funneling people down to this office?

12 A. There was a lady that worked at building codes,
13 and I don't know her name because I never went down there
14 to talk to her, and she told Mr. Larry Burton and she
15 told Mr. Tate -- Greg Tatum of R&R Fabricators "You have
16 to go to Whitten's because he is the only one that can
17 stamp the drawings." That's the limit of what I know.

18 Q. So then it was Larry Burton and Greg Tatum that
19 told you that?

20 A. Yes.

21 Q. Okay. Any other people that told you that?

22 A. Whoever the -- I got a call once or twice from
23 the Mennonites down on 11, but I don't know, you know.

24 Q. You also said "And then these building codes is
25 making up rules."

Page 52

1 A. Yes. They are.

2 Q. What evidence do you have they were making up
3 rules?

4 A. By what the builders come to me, and they said
5 "Here it is, the building codes. Here is what it says in
6 the building code. This guy is telling me this other
7 thing." Once again, "Go see the administrator."

8 Q. You made that comment by relying on what
9 building codes was telling you their interpretation of a
10 conversation was?

11 A. Once again, as an elected official, you respond
12 to what your constituents tell you. If it is an initial
13 one or two thing, you discard it. You say "Well, maybe
14 they are just mad about something" because people do
15 that, but when you hear the same story over and over
16 again, then you have to say "Well, I better -- you better
17 go see the administrator."

18 Q. Okay. We talked about it already, but you agree
19 with me the grievance committee recommended that
20 Mr. Stokes be reinstated with back pay, correct?

21 MS. BURTON: Object to the form of your
22 question.

23 MR. LOGAN: Same.

24 THE WITNESS: I wasn't there.

25 Q. [Mr. Hopkins] What sort of damages are you

13 (Pages 49 to 52)

Page 53

1 looking for for your counterclaims?

2 A. My counterclaim?

3 Q. Yes, sir.

4 A. My time I am losing right now, reputation, my
5 reputation. I'm highly respected in the industrial
6 community. This is slinging mud on my reputation. My
7 reputation, I ran for office, an uphill fight, on one
8 platform, I do the honest thing. I will do whatever it
9 is no matter how bad it hurts if it's right, if it's
10 legal. That's it.

11 Q. So you believe Mr. Stokes has damaged your
12 reputation?

13 A. Absolutely.

14 Q. Are you aware of anybody that Mr. Stokes has
15 communicated this lawsuit to?

16 A. Other than the fact of whatever was said in the
17 newspaper concerning y'all's side of the lawsuit. That's
18 where my -- that's what's hurt me.

19 Q. You believe that we said something in an article
20 to the newspaper?

21 A. No. It was said in the newspaper.

22 Q. Okay. Are you aware of whether Mr. Stokes or
23 anybody in my office contacted the newspaper about that
24 article?

25 A. No idea.

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1 Q. Do you have any evidence that my office or Mr.
2 Stokes contacted the newspaper?

3 A. No, sir.

4 Q. Do you have any evidence of whether the
5 newspaper found out about the lawsuit on their own?

6 A. Got no idea.

7 Q. Those are all the questions I have. Your
8 attorneys may have some questions.

9 MR. LOGAN: I have no questions.

10 MS. BURTON: I don't have any questions
11 for Mr. McCall.

12 MS. BARTON: No questions.

13 MR. HOPKINS: Thank you, Mr. McCall.

14 Sorry to meet under these circumstances.

15 VIDEOGRAPHER: This concludes today's
16 deposition of Mr. McCall. We are off the
17 record at 12:09 p.m.

18 [DEPOSITION CONCLUDED AT 12:09 P.M.]
19
20
21
22
23
24
25

Page 55

1
2 CERTIFICATE
3

4 SOUTH CAROLINA

5 ANDERSON COUNTY
6

7 I hereby certify that the foregoing deposition was
8 reported, as stated in the caption, by the method of
9 Stenograph machine with backup, and the questions and
10 answers thereto were reduced to typewriting by me or
11 under my direction; that the foregoing pages 1 through 54
12 represent a true, correct and complete transcript of the
13 evidence given on the 7th day of March, 2018, by the
14 witness, WAYNE MCCALL, who was first duly sworn by me;
15 that I am not a relative, employee, attorney or counsel
16 of any of the parties, nor am I financially interested in
17 the action.

18 This 22nd day of March, 2018.
19
20

21 Susan Lynn McCracken, RMR
22 Court Reporter
23
24
25

Page 1

STATE OF SOUTH CAROLINA) COURT OF COMMON PLEAS
)
 COUNTY OF OCONEE)
)
 DAVID T. STOKES,)
)
 Plaintiff,)
 vs.) NO. 17-CP-37-00320
)
 OCONEE COUNTY, WAYNE MCCALL)
 AND EDDA CAMMICK,)
)
 Defendants.)

Video Deposition of
 EDDA CAMMICK

Pursuant to Notice of Deposition and/or agreement in
 the above-entitled case, a deposition was taken on the
 7th day of March, 2018, commencing at approximately
 9:00 a.m., attended as follows:

Page 2

1 APPEARANCES OF COUNSEL
 2
 3 FOR THE PLAINTIFF: J. CLAY HOPKINS, ESQ.
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 7 FOR THE DEFENDANTS: STEPHANIE H. BURTON, ESQ.,
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 14
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 17 ROBERTA BARTON, ESQ.
 Attorney at Law
 107 North Fairplay Street
 Seneca, SC 29678
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 support@oconeellegal.com

21 ALSO PRESENT: Scott Moulder

22 VIDEOGRAPHER: Michael Arrison

23 DEPOSITION REPORTED BY: SUSAN L. McCracken, RMR
 24 Depositions And..., Inc.
 (864) 235-3518
 25

Page 3

1 INDEX TO EXAMINATIONS Page
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 3 EXAMINATION BY MR. HOPKINS 5
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Page 4

1 Pursuant to Notice and/or agreement to take
 2 depositions, the within deposition was taken by Susan L.
 3 McCracken, RMR, a Notary Public, as required under South
 4 Carolina Court Rule 30, et al, by consent of all parties,
 5 at the law offices of Logan, Jolly & Smith, 1805 N.
 6 Boulevard, Anderson, South Carolina.

WAIVER

8 It is agreed by Counsel for all parties that the
 9 reading over of and signing of the deposition by the
 10 witness are waived.

11 ** ** **

12 VIDEOGRAPHER: This is the videotape
 13 deposition of Edda Cammick taken by the
 14 Plaintiff in the matter of David Stokes versus
 15 Oconee County, et al, filed in the Court of
 16 Common Pleas, State of South Carolina in Oconee
 17 County. Case number is 2017-CP-37-00320. Is
 18 deposition is being held at the law firm of
 19 Logan, Jolly & Smith located at 1805 North
 20 Boulevard in Anderson, South Carolina on
 21 Wednesday, March 7, 2018. My name is Michael
 22 Arrison from the firm of Carolina Legal Video
 23 Services. The court reporter is Sue McCracken
 24 from Depositions And, Incorporated. Going on
 25 the record at 9:02 a.m.

1 (Pages 1 to 4)

Page 5

1 Counsel now state their appearance for the
2 record.
3 MR. HOPKINS: Clay Hopkins for David
4 Stokes.
5 MR. LOGAN: Jim Logan for the witness and
6 Oconee County, Defendant.
7 MS. BURTON: Stephanie Burton for
8 Defendant Wayne McCall.
9 MS. BARTON: Roberta Barton for the
10 witness Edda Cammick and Wayne McCall.
11 VIDEOGRAPHER: The court reporter will
12 now swear in the witness.
13 The deponent was duly sworn to tell the truth, the
14 whole truth and nothing but the truth of her own
15 knowledge concerning the matter herein:
16 EDDA CAMMICK
17 having been first duly sworn, was examined
18 and testified as follows:
19 EXAMINATION
20 BY MR. HOPKINS:
21 Q. Good morning, Miss Cammick. We met a moment
22 ago. My name is Clay Hopkins. Together with my dad
23 Bill, we represent Mr. Stokes in a lawsuit that he has
24 brought against Oconee County, Wayne McCall and yourself.
25 A. Yes, sir.

Page 6

1 Q. Do you understand you are here to give a
2 deposition in that matter today?
3 A. Yes, sir.
4 Q. Have you ever given a deposition before?
5 A. No, sir.
6 Q. Okay. I'm going to go over some ground rules.
7 I am sure your attorneys have already gone over them, but
8 the rules require me to. We have a court reporter here.
9 She is taking down everything that we say. Some of this
10 is not really that much of a problem because we also have
11 a videographer who can see kind of how you answer, but
12 for purposes of the transcript that she's typing up, we
13 need to remember at least two things. The first, if you
14 could, could you allow me to finish asking my question?
15 And I will give you all the time in the world to give a
16 response. Is that fair?
17 A. Sure.
18 Q. Okay. The second is that she cannot take down
19 nonverbal responses such as you shaking your head or
20 saying "uh-huh" or "huh-uh."
21 A. Yes, sir.
22 Q. And I'll try to remind you as well along the
23 way. We can get kind of lost in conversation sometimes,
24 but if you could, could you please try to give me a
25 verbal response to my questions?

Page 7

1 A. Yes, sir.
2 Q. And insofar as I will probably ask a few very
3 poor questions today, if you don't understand a question
4 of mine, could you please just ask me to rephrase it,
5 reword it, do something else with it? Is that fair?
6 A. Yes, sir.
7 Q. To the extent that you answer a question, I will
8 assume that you understood it. Is that fair?
9 A. Yes, sir.
10 Q. I don't think that we will be here for very
11 long. We may be, though. If you need to take a break at
12 any time, I am happy with that. Just please let me know.
13 Okay?
14 A. Thank you.
15 Q. And to the extent we do take a break, I would
16 ask you to answer any question I posed before we take a
17 break. Is that fair?
18 A. Yes, sir.
19 Q. Okay. Is there any reason that you cannot give
20 me truthful answers today?
21 A. You told me not to nod. Sorry.
22 Q. Yes, ma'am.
23 A. No, there is no reason why I shouldn't be
24 telling the truth today.
25 Q. Are you under the influence of any prescription

Page 8

1 medication today?
2 A. Yes, sir.
3 Q. What medication are you on?
4 A. Valsartan for my blood pressure.
5 Q. Okay. Do you think that prescription would
6 prevent you from giving a truthful answer today?
7 A. No, sir.
8 Q. Did you speak to anybody besides your attorneys
9 to prepare for this deposition?
10 A. No, sir.
11 Q. Did you review documents to prepare for this
12 deposition?
13 A. Yes.
14 Q. Okay. Miss Cammick, do you have property
15 insurance?
16 A. Yes, I do.
17 Q. On your home?
18 A. Yes.
19 Q. What company is that with?
20 A. State Farm.
21 Q. Okay. Miss Cammick, do you have a Facebook
22 profile?
23 A. Yes.
24 Q. How many do you have?
25 A. How many profiles do I have?

2 (Pages 5 to 8)

Page 9

1. Q. Yes, ma'am.
 2. A. I just have my Facebook page, and I have my
 3. county council page.
 4. Q. Okay. Is that Facebook page Cammick's Council
 5. Corner?
 6. A. That's my Cammick's Council Corner page, but I
 7. also have a Facebook account.
 8. Q. Okay. So you have two accounts that you
 9. operate?
 10. A. The page is actually an offshoot of my personal
 11. account.
 12. Q. Okay.
 13. A. It's not a separate account.
 14. Q. Okay. What purpose is that separate page, the
 15. Council Corner page?
 16. A. To provide our residents with ongoing
 17. information about things happening in the county and
 18. summaries of our meetings.
 19. Q. Okay. So you provide citizens with information
 20. about county council happenings and goings on?
 21. A. Yes, sir.
 22. Q. Okay. Did you provide that Facebook page or any
 23. of the posts on that to me in this litigation?
 24. A. No.
 25. Q. Did you think that it would be relevant to

Page 10

1. provide me with that information?
 2. A. Do I think it would be relevant to provide you
 3. with that information?
 4. Q. Yes, ma'am.
 5. A. Well, you can make that determination if it's
 6. relevant to you or not.
 7. Q. Do you think it's possible -- scratch that.
 8. Miss Cammick, what does the phrase "Hindsight is
 9. 20/20" mean?
 10. A. That when you're looking at things after they
 11. have happened, you have a clearer view.
 12. Q. Okay. So basically, that sometimes the decision
 13. you made wasn't always the best one when you look back at
 14. it?
 15. A. Well, it could be a decision. It could just be
 16. something that happened becomes clearer after you have
 17. analyzed it.
 18. Q. Okay. Does that happen frequently with county
 19. council decisions that you've made?
 20. A. Not necessarily.
 21. Q. Could you provide a copy of your county council
 22. Facebook page to your attorneys to provide to me?
 23. A. A copy?
 24. Q. Yes, ma'am.
 25. A. You mean like the address?

Page 11

1. Q. No, ma'am. You can go on a Facebook page and
 2. download it. Could you provide that to your attorney?
 3. A. Okay. I will need someone to show me how to do
 4. that.
 5. Q. That's fair.
 6. A. I didn't know you can download your Facebook
 7. page. With all its content?
 8. Q. Yes, ma'am.
 9. A. Okay. I didn't know -- I did not know you could
 10. do that.
 11. Q. Okay. Well, you can, so can you do that for me?
 12. A. If you give me directions, I'll be happy to.
 13. Q. I'll be happy to provide that for you.
 14. A. Okay.
 15. [Plaintiff's Exhibit I was marked for
 16. identification.]
 17. Q. [Mr. Hopkins] I've marked this as Plaintiff's
 18. Exhibit No. 1. Can you take a look at that and tell me
 19. what that is?
 20. MS. BARTON: Excuse me. May I have a
 21. copy?
 22. MR. HOPKINS: Of course you may.
 23. THE WITNESS: Yes. This is regarding the
 24. Lakeside Lodge potential annexation into
 25. Clemson.

Page 12

1. Q. [Mr. Hopkins] Okay. What are you discussing
 2. during that post?
 3. A. I have received comments from residents as to
 4. how we should have possibly handled it like "You should
 5. have zoned the property," so I wanted to make people
 6. aware that, for instance, that there is no zoning
 7. classification that would have avoided or prevented an
 8. annexation. I'm just trying to give information to
 9. common questions that people ask. People said "You
 10. should have" -- you know, a few residents told me "You
 11. should have planned better. There would have been no
 12. real adequate planning tools to prevent an annexation.
 13. The municipalities have the upper hand when it comes to
 14. annexation.
 15. Q. Okay. So would it be fair to say that you
 16. receive a number of complaints about any decision you may
 17. make as a county council member?
 18. A. Complaints, comments, inquiries, clarifications,
 19. yes.
 20. Q. Would it be fair to say that you just -- you
 21. just testified that you had received some concerns from
 22. citizens about that decision.
 23. A. There was no decision here. A decision -- it's
 24. not our decision to annex.
 25. Q. Do you receive concerns, complaints, comments

3 (Pages 9 to 12)

Page 13

1 from citizens to that Facebook page?

2 A. No. They cannot post. They can make comments,
3 short comments, but they cannot post and so most of what
4 I have addressed were either phone calls, e-mails or
5 people stop me at Ingles and ask me questions, so I had a
6 few questions that people were interested in and so I
7 shared the information that I shared with them with my
8 Facebook page.

9 Q. You said you received some e-mails from some
10 citizens?

11 A. Uh-huh [yes].

12 Q. Can you provide those to your attorney, too,
13 please?

14 A. You are going to have to give me some dates.

15 MR. LOGAN: What time period are we
16 talking about?

17 Q. [Mr. Hopkins] Specifically for that decision.

18 A. There was no decision.

19 Q. Okay. Well did you receive e-mails about that
20 comment?

21 A. About annexation?

22 Q. Yes, ma'am.

23 A. Yes. I mean, that's the talk of the town now.
24 Where have you been? The talk of the town is Clemson
25 annexing into Oconee County. Yes, I would be happy to

Page 15

1 attorney would save us money, and I was attempting to
2 show that that was the case.

3 Q. Okay. In that post, is it accurate to say that
4 you said that your legal fees, the county's legal fees,
5 in 2017 were \$348,400?

6 A. That was -- yeah. That was the figures that
7 Mr. Moulder had provided me.

8 Q. Okay. And this case was filed last year,
9 correct?

10 A. This case was filed last year?

11 Q. Yes, ma'am.

12 A. Yes, uh-huh [yes].

13 Q. Okay. So would it be fair to say that some of
14 those fees were for work on this case?

15 A. No, sir, not to my knowledge, because Mr. Logan
16 is paid through the insurance reserve fund, not through
17 county funds, and Mr. Root is not my attorney.

18 Q. Okay. Has the county paid Mr. Root for any work
19 that he's done on this case?

20 A. Mr. Root, I believe, is on salary and so he gets
21 his salary regardless of what he does all day.

22 Q. Okay. Is that \$348,400 his total salary?

23 A. No, sir.

24 Q. So would it be fair to say that there are fees
25 associated with Oconee County's defense of litigation in

Page 14

1 provide the emails regarding the potential for
2 annexation, yes.

3 Q. I've been in Pawley's Island. I don't live in
4 Clemson, South Carolina.

5 A. I'm sorry.

6 Q. So could you provide your attorney with emails
7 you received about that process?

8 A. Sure, yeah, absolutely.

9 Q. Thank you.

10 [Plaintiff's Exhibit 2 was marked for
11 identification.]

12 Q. [Mr. Hopkins] I'm going to show you now what I
13 have marked as Plaintiff's Exhibit No. 2.

14 A. Happy Valentine's Day.

15 Q. Yes, ma'am. Can you tell me what that document
16 is?

17 A. "As counsel begins working on the budget for the
18 next fiscal year, I requested data from the administrator
19 regarding our legal fees." In the past, we had an
20 attorney, McNair Law Firm, Mr. Tom Martin. He was
21 working at the pleasure of council, and he was hired by
22 council. Subsequent to that, we changed our ordinance
23 and changed to an in-house attorney, and our current
24 attorney is Mr. David Root, and I was showing -- one of
25 the arguments we had made in the past was an in-house

Page 16

1 excess of Mr. Root's salary?

2 A. Yes, sir.

3 Q. Okay. Can you provide me with some of the cases
4 that the county defended last year?

5 A. I'm sure.

6 MR. LOGAN: I'm going to object to the
7 form of the question. We will argue about
8 relevancy of that and production of that.

9 MS. BARTON: And privilege.

10 Q. [Mr. Hopkins] You can still answer.

11 A. What was your question again?

12 Q. Can you tell me about any of the cases that you
13 are aware of that the county defended with the \$348,000
14 in fees?

15 MR. LOGAN: Object to the form of the
16 question. Answer it if you can.

17 THE WITNESS: Some of our legal fees are
18 not really associated with, you know, trials
19 and what not. We also to have pay our bonding
20 lawyers and advice on economic development and
21 that sort of thing. How much of that goes to
22 what would have to be provided by our
23 administrator, not by me.

24 Q. [Mr. Hopkins] Are you aware of any other
25 lawsuits that were filed against Oconee County last year?

4 (Pages 13 to 16)

Page 17

1 A. I would have to go back and look at my notes.
 2 Q. Is that a yes, or is that a no?
 3 A. That's I cannot answer that question without
 4 going back and looking at my notes.
 5 Q. Okay. Where are your notes kept?
 6 A. I keep -- well, some of our agenda and minutes
 7 are kept online, but sometimes I take notes during our
 8 meetings. Some of them I keep; some of them I do not.
 9 Most of them I don't. I usually keep my notes if I need
 10 to call somebody. We have a public comments session in
 11 the beginning of all our meetings and members of the
 12 public are invited to speak, and oftentimes I will make a
 13 note to myself to call someone back to clarify something
 14 that they said or inquire further, so I would have to go
 15 back and look at our agendas and our minutes to determine
 16 what legal activity we had in 2017.
 17 Q. Okay. Can you provide those notes to your
 18 attorney?
 19 A. Well, he is welcome to all our agenda and our
 20 minutes. Those are public information. You can access
 21 those online.
 22 Q. Did you provide them to him previously?
 23 A. No. He never requested any, but, again, I am
 24 sure he can look them up.
 25 MR. LOGAN: As can counsel.

Page 18

1 MR. HOPKINS: How would I have access to
 2 her private notes?
 3 MR. LOGAN: You are talking about the
 4 agendas.
 5 THE WITNESS: Agendas and minutes and
 6 emails.
 7 MR. HOPKINS: How would I have access to
 8 her Facebook messages, Jim?
 9 MR. LOGAN: I didn't realize you had said
 10 Facebook messages.
 11 THE WITNESS: No. You were talking about
 12 council. We were talking about council agendas
 13 and minutes and my scribbling during the
 14 meeting.
 15 Q. [Mr. Hopkins] Okay. And you keep those. Do
 16 you keep those at the county office?
 17 A. No. I keep those at home if I need to refer
 18 back to them for any purpose, and if I don't, I shred
 19 them and they go away.
 20 Q. So they are kept in your private home?
 21 A. Yes.
 22 Q. Okay. Where were you born, Miss Cammick?
 23 A. New York.
 24 Q. What year?
 25 A. 1960.

Page 19

1 Q. What is your full name?
 2 A. Edda, E-D-D-A, Zupovitz, Z-U-P-O-V-I-T-Z,
 3 Cammick.
 4 Q. Are you married, Miss Cammick?
 5 A. Yes, I am.
 6 Q. What is your husband's name?
 7 A. Michael John Cammick.
 8 Q. Where do y'all live?
 9 A. In Salem.
 10 Q. What's your address?
 11 A. 12 -- well, mailing or physical?
 12 Q. Physical.
 13 A. 125 Quarter Mile Road, Salem. That is not a
 14 mailing address.
 15 Q. How long have you been married to Michael?
 16 A. It will be 36 years this September.
 17 Q. Have you been married previously?
 18 A. No, sir.
 19 Q. Do y'all have any children over the age of 18?
 20 A. Yes.
 21 Q. How many?
 22 A. One.
 23 Q. What is their name?
 24 A. Ashley Elaina, E-L-A-I-N-A, Cammick.
 25 Q. Where does Ashley live?

Page 20

1 A. Isesaki, Japan.
 2 Q. When did she move to Japan?
 3 A. Seven years ago.
 4 Q. How old was she when she moved there?
 5 A. She will be 32 in May, so do the math.
 6 Q. So she was 22?
 7 A. 22?
 8 MR. LOGAN: 25.
 9 THE WITNESS: 25.
 10 Q. [Mr. Hopkins] What did she do before she moved
 11 to Japan?
 12 A. She was a student, college student.
 13 Q. Where at?
 14 A. Anderson U.
 15 Q. Did she attend any other school?
 16 A. Her first year of college was in Massachusetts,
 17 Hampshire College.
 18 Q. Has Ashley ever been married?
 19 A. No.
 20 Q. Does she have any children?
 21 A. No.
 22 Q. Did she go to school in Oconee County?
 23 A. No, sir. She was born in Tampa, Florida, and
 24 she went to school there through high school, and then
 25 she went to college in Massachusetts. Then she came back

5 (Pages 17 to 20)

Page 21

1 to Anderson U.
 2 Q. When did you move to Oconee County?
 3 A. In June of 2004.
 4 Q. Why did you move to Oconee County?
 5 A. There was a long list of reasons. Would you
 6 like me to enumerate them?
 7 Q. Yes, ma'am, please.
 8 A. Tampa, Florida grew out of control. We didn't
 9 enjoy living there anymore. My husband was being sent to
 10 Duke University for an illness that he had. It was
 11 difficult to commute back and forth. It was also getting
 12 cost prohibitive. We liked this area, as we have
 13 traveled here on several -- through here on several
 14 occasions, so we moved here to basically escape the big
 15 city in Tampa, to be a little bit closer to Duke, to just
 16 embark on a different adventure.
 17 Q. Did you begin working when you moved to Oconee
 18 County?
 19 A. Yes, sir.
 20 Q. Where did you first work?
 21 A. AnMed.
 22 Q. What did you do there?
 23 A. I was a lab tech, hematology.
 24 Q. Do you still work there?
 25 A. No.

Page 22

1 Q. When did you leave?
 2 A. I worked for AnMed for a year, and then I
 3 transferred over to St. Francis in Greenville.
 4 Q. Why did you transfer?
 5 A. The schedule was not to my liking at AnMed.
 6 Q. Okay. What were you hired to do at St. Francis?
 7 A. I worked in the blood bank there.
 8 Q. That was in 2005-ish?
 9 A. Maybe 2005 going on 2006-ish.
 10 Q. Okay. Do you still work at St. Francis?
 11 A. No. I left St. Francis in July, July 15 of
 12 2011.
 13 Q. Why did you leave?
 14 A. Well, I had been in healthcare for 30 years. I
 15 had enough. I had been teaching part-time all along and
 16 so I wanted to teach more and work at the hospital less.
 17 Q. Did you start teaching?
 18 A. I started teaching in 1997, so while I was
 19 working in Florida as a med tech, a lab tech, I was also
 20 teaching on the side.
 21 Q. I mean, after you left St. Francis, did you
 22 begin teaching?
 23 A. Well, I was already teaching at Tri-County Tech
 24 while I was working at St. Francis, an occasional night
 25 class, and I picked up a few extra classes. And I always

Page 23

1 wanted to teach at AU, but since my daughter was there, I
 2 wanted to wait until she graduated before I moved in, so
 3 once she graduated, I started working at AU and then I
 4 left Tri-County.
 5 Q. Do you know when you officially began working at
 6 Anderson?
 7 A. Six years ago.
 8 Q. 2012, 2011?
 9 A. Yeah, I guess.
 10 Q. Do you still work there?
 11 A. Yes.
 12 Q. Are you a professor?
 13 A. That's not my official title. I am simply a
 14 biology instructor.
 15 Q. You are not tenured?
 16 A. Oh, no, no, no. I don't work full-time. I only
 17 work part-time.
 18 Q. Do you work anywhere else?
 19 A. I work for the county.
 20 Q. When were you first elected to the county
 21 council?
 22 A. I was elected first in the primary in June of
 23 2014 and then again in the general election of 2014, and
 24 I started my term on council in January of 2015.
 25 Q. Before that, had you worked for the county at

Page 24

1 all?
 2 A. No.
 3 Q. Which district do you represent?
 4 A. One.
 5 Q. That covers the Salem area?
 6 A. Salem, Lake Keowee, Lake Jocassee. I should say
 7 portions of Lake Keowee, Lake Jocassee.
 8 Q. When were you -- have you been reelected?
 9 A. No, not yet. My term is up this year.
 10 Q. So will there be a primary this year as well?
 11 A. Yes, sir, in June.
 12 Q. Are you on any committees on the county council?
 13 A. County council has standing committees. All of
 14 us are on the budget committee. I am on the
 15 transportation and real estate committees. I am also the
 16 county -- one of the county representatives at the
 17 Appalachian Council of Government. I am also the county
 18 representative for Work Link. I believe that's it.
 19 Q. Do you hold any licenses in construction
 20 development or contracting?
 21 A. No, sir.
 22 Q. Do you have any experience in construction
 23 contracting?
 24 A. No, sir.
 25 Q. Do you have any experience in building permits?

6 (Pages 21 to 24)

Page 25

1 A. No, sir.
 2 Q. Have you ever worked in a building permits
 3 department?
 4 A. No.
 5 Q. Are you licensed in any building permit?
 6 A. No.
 7 Q. Do you have any certifications for building
 8 permits?
 9 A. No.
 10 Q. What does Michael did?
 11 A. He is a programmer, a network architect for
 12 AT&T.
 13 Q. Has he been with AT&T since you moved here?
 14 A. Yes.
 15 Q. Is he a member of any civic organization?
 16 A. If you consider the Knights of Columbus a civic
 17 organization, then he is a member of that.
 18 Q. Do you and Michael attend church in Oconee
 19 County?
 20 A. He does. I don't.
 21 Q. Okay. Where does he attend church?
 22 A. St. Paul's.
 23 Q. Is that in Salem or Seneca?
 24 A. It's in Seneca.
 25 Q. Besides the county council representation that

Page 27

1 you moved here?
 2 A. I went to college there, and I started in 1978.
 3 Q. 1978 until --
 4 A. That's when I went to University of Tampa.
 5 That's when I started at University of Tampa in 1978.
 6 Q. Until 2004?
 7 A. We were in Tampa, uh-huh [yes]. I am not done
 8 with my education, if you wanted more.
 9 Q. Yes, ma'am, please. I don't mean to cut you
 10 short.
 11 A. I am also -- I also am ABD in education also
 12 from the University of South Florida.
 13 Q. When did you obtain that?
 14 A. Well, I completed all the course work towards my
 15 doctorate in 2003, 2004, but when I moved here, I did not
 16 realize USF had a residency requirement for completing
 17 your dissertation, and they would not allow me to
 18 complete it remotely; therefore, ABD, all but
 19 dissertation. We also need to interject a year at Tampa
 20 General Hospital School of Medical Technology between
 21 1982 and 1983. I think that wraps it up.
 22 Q. Just to be clear, your daughter, has she ever
 23 lived in Oconee County?
 24 A. We moved here in 2004 in the summer, so she
 25 lived for the summer months and then she went immediately

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1 you mentioned, are you a member of any civic
 2 organization?
 3 A. No.
 4 Q. Are you a member of any -- besides the ones
 5 we've mentioned, the county rep for Work Link and
 6 Appalachian governments?
 7 A. No.
 8 Q. Are you a member of any professional
 9 organization?
 10 A. American Society of Clinical Pathology.
 11 Q. Did you attend college or a technical school?
 12 A. College.
 13 Q. Where did you go to college, Miss Cammick?
 14 A. I got my bachelor's degree at University of
 15 Tampa.
 16 Q. What did you get a degree in?
 17 A. Biology.
 18 Q. What year was that?
 19 A. That was a long time ago, 1982. I have a
 20 master's degree in public health.
 21 Q. Did you get that from --
 22 A. University of South Florida.
 23 Q. Do you know when you got that degree?
 24 A. 1994, more or less.
 25 Q. Did you live in the Tampa area from '82 until

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1 to college, but she would come home for the summers.
 2 Q. Okay. And when you moved here, she was already
 3 enrolled in Anderson University?
 4 A. No, no, no. When we moved here, she was
 5 enrolled at Hampshire College.
 6 Q. That's right.
 7 A. So she started at Hampshire College first, and
 8 then when she returned to South Carolina, she was living
 9 here in Anderson and going to AU, so, yes, I guess you
 10 could say she lived in South Carolina while she was
 11 attending AU.
 12 Q. And that was -- you moved here in 2004, and then
 13 she left for Japan in 2010. What did she do in the time
 14 that she finished at Anderson until she moved to Japan?
 15 A. Well, she got two degrees at Anderson. First
 16 she completed a bachelor's and then she completed a
 17 master's, so when she completed her master's, then she
 18 went to Japan.
 19 Q. Yes, ma'am. I understand that takes a while to
 20 do.
 21 A. I'm still paying for her tuition.
 22 Q. I'm still paying for mine. Let's talk about why
 23 we're here today.
 24 A. Okay. Thank you.
 25 Q. You understand that Mr. Stokes has filed a

7 (Pages 25 to 28)

Page 29

1 lawsuit against you and Mr. McCall and the county?
 2 A. Yes, sir, uh-huh [yes].
 3 Q. Do you understand the allegations of that
 4 lawsuit?
 5 A. Yes, I do.
 6 Q. You have filed an answer, as well as some
 7 counterclaims; is that correct?
 8 A. Yes, sir.
 9 Q. Give me one moment.
 10 [Plaintiff's Exhibit 3 was marked for
 11 identification.]
 12 Q. [Mr. Hopkins] I will go ahead and give it to
 13 you.
 14 A. Okay.
 15 Q. Do you recognize that document, Miss Cammick?
 16 A. Yes, I do.
 17 Q. Is that the answer and counterclaims that you
 18 filed in this lawsuit?
 19 A. I believe so.
 20 Q. Okay. Have you reviewed that document?
 21 A. I have.
 22 Q. Okay. You filed two counterclaims. Do you
 23 understand that?
 24 A. I do.
 25 Q. Do you know what those counterclaims were for?

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1 A. Yes; frivolous lawsuit and abuse of process.
 2 Q. Okay. And do you understand that the frivolous
 3 lawsuit counterclaim has been dismissed?
 4 A. I understand.
 5 Q. So the remaining counterclaim is for abuse of
 6 process; is that right?
 7 A. Yes, sir.
 8 Q. What allegations do you have to support a claim
 9 against Mr. Stokes for abuse of process?
 10 A. Well, as a representative of the constituents in
 11 my district, I should be able to speak up on their behalf
 12 without having to tip-toe around anybody or having to
 13 worry about who I'm offending with what I'm saying. I
 14 believe that in the course of our work, we have a duty to
 15 bring to light problems we're seeing, even if it offends
 16 somebody, and so I feel that this lawsuit is trying to
 17 inhibit our ability to speak. I feel that it's all about
 18 trying to get money out of the county that people aren't
 19 entitled to and so I feel the whole process of our
 20 ability to communicate with our administrator, with the
 21 people that we work with, is being hampered by this
 22 lawsuit.
 23 Q. Okay. Is that it?
 24 A. Well, I'm a college professor. I can go on and
 25 on if you need me to.

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1 Q. Let me try to summarize that then. You believe
 2 that the evidence to support your abuse of process claim
 3 is, one, that as a county council member, you have the
 4 ability to speak up on certain things having to do with
 5 the county?
 6 A. Yes, sir.
 7 Q. You also believe that Mr. Stokes is asking for
 8 money that he is not entitled to?
 9 A. Yes, sir.
 10 Q. And you believe that you should be able to
 11 communicate with the county administrator without having
 12 to worry about, I guess, intervention; is that correct?
 13 A. Intervention?
 14 Q. Yes.
 15 A. What does that mean?
 16 Q. Somebody coming in questioning your ability to
 17 work with the administrator.
 18 A. No; but I believe I should be free to express
 19 myself to the administrator in any way that would get the
 20 point across without having to worry about what our
 21 employees think of those communications.
 22 Q. I understand. So would it be fair to say that
 23 you believe that you are allowed to say anything about
 24 anybody in the county so long as it concerns county
 25 business?

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1 A. No, sir.
 2 Q. Okay. So you certainly couldn't say anything
 3 about somebody; is that right?
 4 A. No.
 5 Q. Even if it concerned county business, do you
 6 believe that you could tell something false about
 7 somebody in the county?
 8 A. No.
 9 Q. Do you understand the counterclaim is for abuse
 10 of process? You have alleged that Mr. Stokes has abused
 11 the litigation process. Is that your understanding of
 12 the claim?
 13 A. Uh-huh [yes].
 14 Q. Okay. How has his lawsuit abused the litigation
 15 process?
 16 A. Would you say that one more time?
 17 Q. Yes, ma'am. Do you have any evidence to support
 18 a claim that Mr. Stokes has somehow engaged in litigation
 19 for an ulterior motive?
 20 A. I mentioned I feel this is all about money, not
 21 anything else.
 22 Q. Okay.
 23 A. I think this is the reason why we are here
 24 today.
 25 Q. Okay. Do you believe that citizens have the

8 (Pages 29 to 32)

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1 A. I do.
 2 Q. Okay. Why do you believe that's a perversion of
 3 the litigation process?
 4 A. Well, we are here to tell the truth of what
 5 happened, and if the truth isn't spoken, then the process
 6 is distorted.
 7 Q. Okay. Let me make sure I'm clear on this. You
 8 believe that -- well, one thing you believe, Mr. Stokes
 9 he filed his lawsuit in order to affect your reelection
 10 chances. Do you have any other belief as to why
 11 Mr. Stokes filed this lawsuit to intentionally harm you
 12 in some way?
 13 A. Yes. Our builders had complained to me
 14 repeatedly that whenever they would disagree with him --
 15 or it was dangerous to disagree with him because he would
 16 retaliate, and so to me, naming me in this lawsuit is
 17 just another form of retaliation.
 18 Q. You believe he is retaliating against you?
 19 A. Yes.
 20 Q. For what?
 21 A. Huh?
 22 Q. For what? What has he retaliated against you
 23 for?
 24 A. Well, he believes -- it's my understanding that
 25 he believes that comments that I have made have led to

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1 MR. LOGAN: Same objection.
 2 Q. [Mr. Hopkins] You can still answer.
 3 A. Okay. Just his history of retaliating.
 4 Q. Okay. That's what I want to discuss. You
 5 believe that any history Mr. Stokes has of retaliation is
 6 the evidence to support your claim that he brought this
 7 lawsuit to hurt you?
 8 A. Say that one more time.
 9 Q. Yes, ma'am. I asked you what evidence you have
 10 that Mr. Stokes brought this lawsuit to hurt you or
 11 otherwise subvert the litigation process. Okay? And I
 12 believe your answer thus far has been that he has a
 13 history of retaliation.
 14 A. He does.
 15 Q. Okay. Do you believe that history of
 16 retaliation is the evidence you have to support your
 17 allegation that he brought this lawsuit in an improper
 18 way?
 19 A. Yes.
 20 Q. Do you have any evidence of the retaliation
 21 other than the verbal complaints that you have received
 22 from builders?
 23 A. The verbal complaints.
 24 Q. That's it?
 25 A. Uh-huh [yes].

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1 him being dismissed or terminated.
 2 Q. Okay. Okay. In paragraph 70 and subparagraph
 3 A, you said that Mr. Stokes defamed you; is that correct?
 4 A. I said?
 5 Q. Yes, ma'am. "Cammick will show that the
 6 Plaintiff filed this action and named Cammick as a
 7 Defendant for the ulterior motive of defaming the
 8 Defendant personally, professional and politically."
 9 A. Yes. Bringing this lawsuit does not bode well
 10 for me.
 11 Q. You believe that Mr. Stokes has defamed you?
 12 A. Yes. He's tried to.
 13 Q. Why did you not bring a counterclaim for
 14 defamation against him?
 15 A. Well, maybe because I depend on my lawyers to
 16 help me through this.
 17 Q. That's fair. Yes, ma'am, that's fair. But as
 18 we sit here today, would it be fair for me to say you
 19 have no evidence to show that Mr. Stokes brought this
 20 lawsuit to hurt you personally, politically or otherwise?
 21 MR. LOGAN: Object to the form. Go ahead.
 22 THE WITNESS: This lawsuit would have hurt
 23 me professionally and politically; no doubt.
 24 Q. [Mr. Hopkins] But what evidence do you have
 25 that's the reason Mr. Stokes brought this lawsuit?

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1 Q. Okay. Who are those builders?
 2 A. You can look at our video from our town hall
 3 meeting with the builders, and they will -- you will be
 4 able to see for yourself and hear for yourself the
 5 complaints our builders have. I received my first
 6 complaint about this department -- I was -- I started my
 7 term in January of 2015. I received my first complaint
 8 from this department in March of 2015.
 9 Q. From who?
 10 A. My attorney has those documents.
 11 Q. You don't recall who it was, though?
 12 A. No. I am not going to name anybody without
 13 looking at that document, but my point is within -- what
 14 -- two, three months of starting my term, the complaints
 15 started, and it was ongoing.
 16 Q. Okay. Would it be fair to say that you received
 17 a long history of complaints about the building codes
 18 department?
 19 A. Yes.
 20 Q. Okay. Why didn't you terminate or recommend
 21 termination of Mr. Stokes before 2017 then?
 22 MR. LOGAN: Object to the form. You can
 23 answer.
 24 THE WITNESS: I never recommended
 25 anything. I just passed the complaints on to

10 (Pages 37 to 40)

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1 the proper authority to handle them.
 2 Q. [Mr. Hopkins] Did you ever make any
 3 recommendation to the county administrator to terminate
 4 Mr. Stokes?
 5 A. No.
 6 Q. 2015, did you make a recommendation to the
 7 county administrator to terminate him?
 8 A. No.
 9 Q. 2016, did you make a recommendation to the
 10 county administrator to terminate him?
 11 A. No.
 12 Q. Okay. Do you know how many complaints -- well,
 13 you don't remember who the complaint was in March, 2015?
 14 A. I have a pretty good idea, but I am not going to
 15 state it without verifying.
 16 Q. Who do you believe it is?
 17 A. Not going to tell you without verifying it.
 18 Q. Well, you need to answer the question. Who do
 19 you believe it was?
 20 A. I am not going to name them without verifying
 21 and seeing that document.
 22 MR. HOPKINS: Mr. Logan, I am going to ask
 23 you to instruct her to answer the question.
 24 MR. LOGAN: Let's go off the record. May
 25 I speak with her?

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1 get some help with that problem. This dragged on through
 2 November and it was never resolved, and finally,
 3 Mr. Bryson just had to take the elderly gentleman and put
 4 him in another location and close down that property to
 5 cut off the electric and the water because, according to
 6 him, the neighbors in the dilapidated property next door
 7 were tapping into the water and electricity and racking
 8 up a bill for the older gentleman that he could not pay.
 9 Q. And do you believe that complaint had anything
 10 to do with obtaining a building permit?
 11 A. Oh, no.
 12 Q. Do you believe that complaint had anything to do
 13 with a building inspection?
 14 A. Not a new building inspection, but an inspection
 15 or a review of the property in question, yes. He had
 16 filed a complaint with building codes to come look at
 17 that property.
 18 Q. Okay. We can agree, though, that it didn't have
 19 anything to do with obtaining a building permit or an
 20 inspection for a new building?
 21 A. For construction, yes, sir.
 22 Q. Okay. I want to make sure I'm clear before I
 23 move on. You believe the only ulterior purpose that Mr.
 24 Stokes had for filing this lawsuit was a history of
 25 retaliation?

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1 MR. HOPKINS: That's fine.
 2 VIDEOGRAPHER: Off the record at 9:47
 3 a.m.
 4 [Off the record.]
 5 [Short recess.]
 6 VIDEOGRAPHER: On the record at 9:53
 7 a.m.
 8 Q. [Mr. Hopkins] Okay, Miss Cammick. Before we
 9 took a break, I asked you who you believed the March,
 10 2015 complaint about the building department was from.
 11 Do you know who that was? Or who do you believe it was?
 12 A. I believe -- and this is subject to verification
 13 -- that the name was Mr. Terry Bryson, and it involved a
 14 property on Friendship Road in Seneca.
 15 Q. And do you recall what he was complaining about?
 16 A. Yes.
 17 Q. What is that?
 18 A. He complained that he was taking care of an
 19 elderly gentleman that lived on that road next to a
 20 property that was totally dilapidated that many people
 21 were living in and those people were tapping into this
 22 elderly gentleman's electricity and water. He tried to
 23 go through the water department, through the electrical
 24 utilities to try and disconnect or take care of that
 25 problem, and then he turned to building codes to try and

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1 A. Against me.
 2 Q. Yes, ma'am.
 3 A. Yes. I believe that, you know, retaliation has
 4 led him to personally name me in this.
 5 Q. Do you have any evidence that he has any
 6 personal animosity against you?
 7 A. I don't know him that well, so I wouldn't say
 8 that, no.
 9 Q. Okay. That's a no, you don't have any evidence
 10 he has any personal animosity against you?
 11 A. No.
 12 Q. Do you have any evidence that he has had any
 13 intent to retaliate against you?
 14 MR. LOGAN: Object to the form; asked and
 15 answered.
 16 Q. [Mr. Hopkins] You can still answer.
 17 A. Okay. I was listening to him, so I wasn't quite
 18 listening to you. Say it again.
 19 Q. Yes, ma'am. Do you have any evidence -- let me
 20 rephrase it like this.
 21 A. Okay.
 22 Q. Do you have any evidence that you had
 23 disciplined or otherwise complained of Mr. Stokes before
 24 that budget meeting in 2017?
 25 A. No. None of my complaints were against

11 (Pages 41 to 44)

Page 33

1 right to file lawsuits?

2 A. Oh, yes, yes.

3 Q. And do you believe citizens have the right to
4 file lawsuits asking for money damages?

5 A. I do.

6 Q. In fact, have citizens filed lawsuits against
7 Oconee County before Mr. Stokes?

8 A. I would have to go back and check, but I'm sure
9 we can find something, but I don't know -- but I don't
10 know for certain.

11 Q. Do you believe that any lawsuit filed against
12 Oconee County or you as a council member would be an
13 abuse of litigation?

14 A. No.

15 Q. Okay. You just believe -- well, do you believe
16 -- you just believe that Mr. Stokes' lawsuit is an abuse
17 of the process?

18 A. Uh-huh [yes]. Yes. I'm sorry.

19 Q. That's fine. I should be keeping track of it.
20 I'm sorry. If you would, would you turn to page 12 of
21 that document for me?

22 A. Sure.

23 Q. Are you there with me?

24 A. Yes. I am on page 12.

25 Q. We will give everybody some time to get there,

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1 Q. Did I read that correctly?

2 A. Yes, sir.

3 Q. You stated in the very first sentence you will
4 show the Plaintiff filed this action for the ulterior
5 motive of defaming you personally.

6 A. Uh-huh [yes].

7 Q. How will you show that?

8 A. Well, this is an election year. I am running
9 for reelection, and this lawsuit can definitely hurt my
10 chances of reelection.

11 Q. In fact, Mr. Stokes filed this lawsuit last
12 year, correct?

13 A. I know, but the reelection was on the horizon,
14 and I was told it takes years to resolve lawsuits.

15 Q. Okay. Do you believe that Mr. Stokes filed this
16 to affect your reelection chances?

17 A. I don't know what is going on in his head, but
18 it would definitely be an outcome for me.

19 Q. Okay. Do you have any evidence to support that
20 claim?

21 A. That a lawsuit would hurt my reelection?

22 Q. That he filed it to hurt your reelection.

23 A. No, I do not have evidence to support that.

24 Q. Okay. Thank you. I am going to read paragraph
25 71. You wrote "Cammick will show that the Plaintiff

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1 too. I am going to read paragraph 70 to you. Okay?

2 A. Paragraph?

3 Q. 70 at the top.

4 A. Uh-huh [yes].

5 Q. You wrote "Cammick will show that the Plaintiff"
6 -- that's Mr. Stokes -- "filed this action and named
7 Cammick as a Defendant for the ulterior motive of
8 defaming the Defendant personally, professionally and
9 politically in retaliation for the Plaintiff losing his
10 job for the following purposes: To defame Cammick
11 personally, professionally and politically in order to
12 invalidate any concerns about employee conduct and to
13 create a basis to seek monetary gains for which he is not
14 entitled to obtain."

15 A. Uh-huh [yes].

16 Q. "And to defame Cammick by claiming the
17 following: That she acted unprofessionally when he
18 claimed they, Defendants Cammick and McCall, were
19 disgruntled; that she attempted to exploit her position
20 as council member for her personal gain by not having to
21 provide the engineering plans for her building; that by
22 implication, Cammick expected the Plaintiff to violate
23 laws, ordinances, regulations, codes or the like to keep
24 his job."

25 A. Uh-huh [yes].

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1 perverted the process by intentionally altering the facts
2 in pursuit of his ulterior purposes."

3 A. Uh-huh [yes].

4 Q. Okay. How will you show that Mr. Stokes
5 perverted the litigation process?

6 A. Well, Mr. Stokes claimed that he spoke to me
7 directly, and I never spoke to him directly while I was
8 trying to obtain my permit.

9 Q. And really, that would just be a dispute of the
10 facts, correct?

11 A. You are the lawyer, not me.

12 Q. Well, you just dispute that he says that y'all
13 spoke personally about your building permit, right?

14 A. We did not.

15 Q. And do you agree that is a dispute of fact?

16 A. Yes, I guess, uh-huh [yes].

17 Q. And I guess I am trying to understand what you
18 are saying. Do you believe that he stated that fact in
19 his lawsuit to affect your reelection chances?

20 A. No; but to obtain his goals, what his goals are.

21 Q. Okay. So you believe that he intentionally
22 distorted the facts to file a lawsuit?

23 A. Yes, sir.

24 Q. Okay. And you believe that is a perversion of
25 the litigation process?

Page 45

1 Mr. Stokes.

2 Q. Okay. But you do believe that the purpose of
3 his lawsuit was to retaliate against you personally?

4 A. I believe he has had a problem with my comments,
5 yes, but they were not directed against him.

6 Q. I want to move on. You have testified and it is
7 in your answer that you did not personally speak with
8 Mr. Stokes on March 8th; is that correct?

9 A. That's correct.

10 Q. Were you, in fact, trying to put up some kind of
11 structure on your property in March of 2017?

12 A. Yes.

13 Q. What kind of structure was that?

14 A. It's a freestanding A-frame high roof carport
15 for a recreational vehicle.

16 Q. Like a metal carport?

17 A. Yeah, but it doesn't have walls. It just has
18 the roof and legs.

19 Q. And did you go to the building department in
20 March of 2017 regarding that carport?

21 A. Yes.

22 Q. Okay. Why did you go to the building
23 department?

24 A. I went to obtain a permit to build it.

25 Q. Okay. You don't dispute that you needed a

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1 saw was actually Mr. Moulder. He asked me if I needed
2 assistance, and I told him I was there to get a permit,
3 and he was walking out the building and so I went to the
4 building codes office to get my permit. There were two
5 ladies in the room. They were on the phone. When one
6 got off the phone, she asked me what I needed. I said
7 "I'm here to get a permit for my RV carport." She handed
8 me some papers, told me I needed to fill those out. She
9 told me I would need a copy of my plat, and she told me I
10 needed stamped engineering designs.

11 Q. Okay. Did you say anything?

12 A. I said I didn't know what stamped engineering
13 designs meant and I wanted to know where do I go to get
14 those, and she said those were required. I asked her why
15 do we need permits for those freestanding carports, and
16 she said that was always the case, and that was pretty
17 much the conversation with one of the ladies, Miss Adams.
18 She was the one who gave me the paperwork. Miss Neal was
19 there, too, and she asked me where did I purchase my
20 carport, and I told her R&B Metals through Twin Lakes,
21 and she told me that Twin Lakes, they wouldn't help me
22 get the permit, nor would they help me obtain the
23 documents, and I said that was fine and so I took my
24 papers and I walked out.

25 Q. At that time, you didn't understand why you

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1 permit to build it?

2 A. I was told I needed a permit to build it.

3 Q. And you went up there to get a permit; is that
4 right?

5 A. Yes.

6 Q. And ultimately, you got a permit for it; is that
7 right?

8 A. Yes.

9 Q. You said that you did not speak to Mr. Stokes,
10 though; is that correct?

11 A. That's correct.

12 Q. Who did you speak to that day?

13 A. Okay. March 8th was the second time I went.

14 Q. Okay. If I can, can I interrupt you and let's
15 talk about the first time you went?

16 A. Yes.

17 Q. Do you recall when that was?

18 A. Two days before, March 6th.

19 Q. And that was regarding the carport?

20 A. Yes. That was the first time I went.

21 Q. Why did you go to the building department that
22 day?

23 A. To obtain the permit.

24 Q. Okay. What happened when you went there?

25 A. When I entered the building, the first person I

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1 needed a permit for the structure?

2 A. Yes.

3 Q. You also didn't understand why you needed to
4 submit engineering designs?

5 A. Yes.

6 Q. Is that correct?

7 A. Yes.

8 Q. Do you understand now that the county code
9 required you to get both a permit and engineering designs
10 for your structure?

11 A. I understood later on that day because
12 Mr. Moulder confirmed that's what was needed.

13 Q. It was Mr. Moulder that told you you needed both
14 of those?

15 A. In a text message, we spoke.

16 Q. Do you still have a copy of those text messages?

17 A. Yes. That was provided to my attorney.

18 Q. Okay. Then what happened?

19 A. So I left the building and I started driving
20 towards home, and then I thought I had better stop and
21 call Twin Lakes and R&B Metals to see if I can get a copy
22 of the stamped engineering designs, so I made two phone
23 calls and a text message, text message to Mr. Moulder and
24 a phone call to R&B Metals. They were going to email me
25 a pdf, and they were also going to fax a copy to Twin

12 (Pages 45 to 48)

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1 Lakes Storage and so I called Twin Lakes Storage, and he
2 told me "Yeah, come on over. I will print it for you,"
3 so I, you know -- as the day progressed, I had the hard
4 copy and the electronic copy.

5 Q. So even though Miss Adams or Miss Neal told you
6 Twin Lakes wouldn't help you, they, in fact, did help
7 you; is that right?

8 A. Yes.

9 Q. And your testimony is -- well, did you speak to
10 Mr. Stokes at all on the 6th?

11 A. No.

12 Q. What happened after you got the designs?

13 A. What happened after?

14 Q. Yes, ma'am.

15 A. I picked it up from Twin Lakes and I drove away.
16 I ran some errands, and then he called me back because he
17 actually had two sets, the 2016 and 2017 version, and he
18 realized he give me the 2016 hard copy, so he asked me if
19 I didn't mind coming back to pick up the 2017, so I did,
20 and then I went home.

21 Q. Did you go back to the building department?

22 A. Two days later on the 8th.

23 Q. Did anything happen in between the 6th and the
24 8th regarding your structure and the building department?

25 A. No.

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1 Q. Did you speak to anybody from the building
2 department in that time?

3 A. No.

4 Q. Did you go back to the building department
5 before the 8th?

6 A. No.

7 Q. Did you speak to anybody about your structure at
8 the building department between the 6th and the 8th
9 besides Twin Lakes and R&B Storage?

10 A. No.

11 Q. Can you tell me what happened on the 8th?

12 A. I went in the morning to the building codes
13 department. I needed to be here in Anderson by 12:30, so
14 it would take me an hour plus to drive, so I needed to be
15 there at building codes department, you know, by 11-ish
16 so I could get out on time to be here at 12:30, and
17 basically, I handed in my paperwork and I sat down. Miss
18 Adams was there, and she started typing into her
19 computer, but the clock was ticking, and I asked her if
20 there was anything else she needed of me because I needed
21 to get going, and she said "No, Miss Cammick. Go ahead.
22 I will email you the permit when it's complete." I left
23 her with the \$60 and started walking down the hall to
24 leave the building. She then chased me down the hall
25 because she finished typing, and she just handed me the

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1 paperwork back and so I left.

2 Q. Did you speak to anybody besides Miss Adams in
3 the building department that day?

4 A. No.

5 Q. Your testimony is you did not speak to Mr.
6 Stokes at all that day?

7 A. No.

8 Q. By phone or otherwise?

9 A. No. I never spoke to Mr. Stokes while I was
10 trying to obtain my permit on either date.

11 Q. You got your permit that day; is that correct?

12 A. No, sir. It was emailed to me the following
13 day.

14 MR. LOGAN: For the record as a matter of
15 housekeeping, Miss Cammick's eyes are sensitive
16 to light, so I just wanted that to be --

17 THE WITNESS: I'm okay. Thank you.

18 MR. LOGAN: You okay?

19 THE WITNESS: Yeah, I'm okay. Thank you.

20 Q. [Mr. Hopkins] Just let me know if you want to
21 take a break.

22 A. I am just tilting my head a little to avoid the
23 glare.

24 Q. Okay. And then did you put up your structure?

25 A. Later on in the month, about a week later.

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1 Q. Who installed it?

2 A. R&B Metals.

3 Q. Do you know about when they installed it?

4 A. They came over, I want to say, on or about March
5 15, but they didn't bring all the pieces with them, so I
6 had to wait until the end of the month towards on and
7 about March 27th before they completed the job, and then
8 I notified building codes that the job was complete, if
9 they needed to inspect, it was ready.

10 Q. How did you notify them?

11 A. By email.

12 Q. Okay. Did you have any other interactions with
13 the building department after that?

14 A. As far as the inspection went, yes.

15 Q. That was a poor question. Besides your
16 structure, did you have any conversations with the
17 building department about anything after that?

18 A. No.

19 Q. Before the budget meeting on April 25th, did you
20 speak to Mr. Stokes at all?

21 A. No.

22 Q. Did you receive any complaints about the
23 building department before April 25?

24 A. I had been receiving complaints for a few years
25 before April 25.

13 (Pages 49 to 52)

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1 Q. I mean, between the time your structure was
2 erected and April 25, do you recall any citizen
3 complaints specifically?

4 A. Specifically at that time period, no.

5 Q. So if Mr. Stokes has testified that you had a
6 conversation with him about a citizen who was trying to
7 get concrete poured before the April 25th meeting, would
8 you disagree with that?

9 A. Oh, no. That was sometime -- yeah. That was
10 before the April 25th meeting. I didn't have really the
11 details on that. A builder had contacted Councilman
12 McCall because he was having a problem. Councilman
13 McCall knew that the administrator who really handles
14 these kinds of things from us -- we contact the
15 administrator. That's the proper procedure. The
16 administrator was on vacation, so Mr. McCall called me
17 and asked me what he should do, and I said "Well, just
18 give me the name and phone number of the builder and I
19 will just call Mr. Stokes and ask him to take care of
20 it," so I called Mr. Stokes. I told him there was a
21 problem with the builder. I really didn't have the
22 details. I gave him the name and the number, and I asked
23 him to take care of it. He seemed to know some of the
24 background. He said that the inspector that day had a
25 flat tire, he was running late, and so I just told him

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1 take care of it, and that was the extent of our
2 conversation.

3 Q. Okay. You told him that he needed to take care
4 of it?

5 A. I'm sorry?

6 Q. You told him he needed to take care of it?

7 A. I asked him if he would clear the air with the
8 builder. That's what I said.

9 Q. Do you believe that Mr. Stokes had done anything
10 wrong with that situation?

11 A. Well, I think it was poorly handled. Mr. Stokes
12 told me that there was a three-hour delay because of a
13 flat tire, and I thought that was kind of a lame excuse,
14 and I did say that, but at the same time, that was all I
15 said. I said "Just please call the builder and clear the
16 air with the builder."

17 Q. Do you know how many inspectors Mr. Stokes'
18 office had at that time?

19 A. No, sir. I don't know any of those details.

20 Q. Do you know whether his inspectors were allowed
21 to change their own tires?

22 A. I don't know.

23 Q. You just believe that the flat tire excuse was
24 lame?

25 A. Well, the county has a fleet of a few hundred

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1 vehicles, so even if you can't change your own tire, I am
2 sure we can accommodate you.

3 Q. Okay. Do you believe Mr. Stokes could have sent
4 an inspector to get another vehicle and get back out
5 there?

6 A. Well, I like to know that we're taking good care
7 of our residents and trying to make every effort to
8 accommodate them, so I don't know exactly what he could
9 or couldn't do, but it was certainly worth looking into.

10 Q. Okay. Do you know of any policy or procedure
11 from the county that would allow Mr. Stokes to go freely
12 obtain any county vehicle?

13 A. I don't know the policies, no.

14 Q. Do you believe there is a policy or procedure
15 that says that?

16 A. There is probably a policy that regulates how we
17 obtain vehicles, yes.

18 Q. Do you believe that Mr. Stokes probably would
19 have had to ask somebody for a vehicle first?

20 A. I don't know.

21 Q. Did you talk to Mr. McCall that day?

22 A. He called me and just said that there was a
23 problem with a builder and that he knew Mr. Moulder was
24 on vacation, what should he do, so I said "Well, who was
25 in charge," and I wasn't even sure and so I said "Well,

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1 let me just call Mr. Stokes and ask him to take care of
2 this," and that was the extent of my conversation with
3 Mr. McCall.

4 Q. And we agree you don't have any building codes
5 experience, correct?

6 A. Yes, I don't have any experience.

7 Q. You don't have any experience running a building
8 department, do you?

9 A. No.

10 Q. Do you have any experience in inspecting
11 properties?

12 A. No.

13 Q. Did you have any contact with Mr. Stokes or his
14 department after that or before the April meeting, the
15 April 25th meeting?

16 A. Say that again. Did I have --

17 Q. Did you have any other contact with Mr. Stokes
18 or his department between that time and the April 25th
19 meeting?

20 A. No.

21 Q. Okay. Can you tell me about the April 25th
22 meeting? What was the purpose of it?

23 A. That was our budget, finance and administration
24 committee meeting. It's where we do our work,
25 essentially, on the budget. We had some goals and we

14. (Pages 53 to 56)

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1 have a strategic plan every year and we set some goals
2 for the county, and one of those referred to the fact
3 that we needed to provide better customer service because
4 government tends to react very slowly, and that was the
5 discussion we were having when those comments were made
6 that day.

7 Q. Do you recall if the building department was a
8 planned discussion prior to the meeting?

9 A. A planned discussion?

10 Q. Yes, ma'am.

11 A. Prior to the meeting?

12 Q. Was it on the meeting minutes beforehand?

13 A. No. The only thing we were discussing were our
14 strategic goals, the list of goals. We had previously
15 had a strategic planning session where we set some goals
16 for the county, and in the budget committee, that's where
17 we decide how we are going to fund some of those goals
18 and so the purpose of the budget committee meeting was to
19 look at some of the goals and see if we were going to
20 choose to fund them or not, but some of them are not --
21 don't require money. Some of them just require action,
22 and one of those goals was to improve our -- you know,
23 how we do business, how we respond. We decided in
24 strategic planning that government had a way of
25 responding too slowly to complaints, to problems, to

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1 A. Mr. McCall felt that, you know, after years of,
2 you know, complaints and complaints, we weren't doing
3 anything to, you know, try and slow down some of those
4 complaints coming in or try and do a better job, and he
5 brought up -- I believe he started the conversation that
6 we were having issues with building codes.

7 Q. Do you recall if Mr. McCall mentioned your
8 structure in particular during that meeting?

9 A. Yes, I remember him.

10 Q. How did he find out about the problems with your
11 structure?

12 A. I mentioned it to him.

13 Q. Do you recall when you mentioned that to him?

14 A. Around the time I was purchasing it, and then
15 after I was trying to get the permit, we discussed it.

16 Q. Okay. And what did you tell him?

17 A. What did I tell him?

18 Q. Yes, ma'am.

19 A. Well, at the time I was purchasing it, we talked
20 about what I should or shouldn't buy. Mr. McCall is an
21 industrial machinist. He knows a lot about metal, and so
22 I discussed that with him. When I went shopping for it
23 before the day that I actually went and paid for it, the
24 sales rep had told me that I needed to get the permit for
25 it and that when I went to the building codes office, I

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1 everything.

2 Q. And was that an overall view of Oconee County
3 government or the building department in particular?

4 A. An overall view of government in general.

5 Q. Can you tell me what other departments you felt
6 were not adequately responding to customers at that time?

7 A. Yes. We've had problems with our treasurer's
8 office.

9 Q. Any others?

10 A. Those were the two big ones and they seemed to
11 have the more face time with the public, you know. The
12 treasurer, the assessor's office, they seem to have more
13 face -- and building codes has more face time with the
14 public than any of the other departments.

15 Q. Has anyone in the treasurer's office been
16 terminated since April 25, 2017?

17 A. We have eliminated several positions, but I
18 would have to go check to see if one of those was in the
19 treasurer's office. I would have to verify that, but we
20 have terminated several positions.

21 Q. Okay. Do you recall any positions eliminated in
22 the assessor's office since April 25th?

23 A. Again, I would have to go look at the data.

24 Q. How did the building department come up in the
25 meeting?

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1 would be met with indifference and, if I had mentioned
2 his name, probably with negativity.

3 Q. But, in fact, you weren't met with indifference,
4 were you? You got the permit in two days; is that right?

5 A. In a couple days, yeah.

6 Q. When you actually took the designs up there on
7 the 8th, you got the permit emailed the next day,
8 correct?

9 A. The permit the next day, uh-huh [yes].

10 Q. What sort of animosity did you hear about that
11 firm?

12 A. When Mr. Burton, who was the sales rep, told me,
13 he did not know that I was a county council member, and
14 my husband was standing there while we were talking. He
15 told us that we would need a permit and that I needed to
16 go to the building codes department to get it and that I
17 would probably be met with indifference and, if I
18 mentioned his name, with some negativity, and at that
19 point, that's when I told him, "Well, that's
20 interesting." I gave him my business card, and so when I
21 went to the office, like I told you earlier, the two
22 ladies were on the phone, and I stood there. I was not
23 acknowledged until they were off the phone. They offered
24 no assistance with the paperwork. They did tell me that,
25 you know, Twin Lakes wouldn't do anything to help me and

15 (Pages 57 to 60)

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1 what not. Miss Neal was kind of shaking her head when I
2 told her I purchased it from Twin Lakes and then she was
3 the one who said, you know, "They don't help their
4 customers. They won't help you get the -- they won't
5 help you with the building permit process. They won't
6 help you get the documents," and then I just walked out,
7 but it sounded just like the description he had given me
8 when I was at his store, so -- what was your question
9 now? I kind of lost track of your question.
10 Q. Let's reset. Do you believe Miss Adams and Miss
11 Neal should have hung up the phone on other customers to
12 service you?
13 A. No, sir, but they could have looked up and said
14 "I'll be with you in a minute," yes.
15 Q. And can we agree that the only negative comments
16 that you allege were made by the building department were
17 Twin Lakes would not help you with the permitting
18 process?
19 A. Uh-huh [yes].
20 Q. Was there any other negative comments made by
21 the building department regarding Twin Lakes?
22 A. No; just the fact that they don't help their
23 customers and they would not help me pull the permit.
24 Q. Got it. Did they tell you you should go buy
25 your structure from another company?

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1 A. No; but I was told that they might. I did not
2 give them the opportunity to stick their foot in their
3 mouth. I walked out. I wasn't there to hurt them in any
4 way.
5 Q. Do you know what the average turnaround time is
6 on a building permit application?
7 A. I don't know; but one of the biggest complaints
8 from our builders that actually build houses -- I am not
9 talking about carports -- was that -- and I heard this
10 complaint for years, that it would take them a day to
11 turn around a permit for a new house construction in
12 Pickens County, but it would take anywhere from three
13 weeks to three months in Oconee County. I have heard
14 that repeatedly.
15 Q. Do you know how many employees the Pickens
16 County building department has?
17 A. I have no idea.
18 Q. Do you know how many the Oconee County building
19 department has?
20 A. A handful.
21 Q. What do we mean by "a handful"? Ten?
22 A. I don't know, but it doesn't appear to be too
23 many.
24 Q. Less than ten?
25 A. I don't know. I mean, I don't know the exact

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1 number.
2 Q. Can we agree it's not a hundred?
3 A. Yes.
4 Q. Is it 50?
5 A. No.
6 Q. Okay. So we know it's less than 50?
7 A. It is less than that.
8 Q. Less than 20?
9 A. Probably.
10 Q. Okay. And then we also agree that on the 8th
11 when you took the documents there, you were emailed the
12 permit the next day, a one-day turnaround, correct?
13 A. Uh-huh [yes].
14 MR. LOGAN: You have to say "yes."
15 THE WITNESS: I'm sorry. Yes.
16 Q. [Mr. Hopkins] That's right. Can we agree that
17 at the April 25th meeting, that Mr. McCall didn't mention
18 anything about the problems with different vendors of
19 metal structures?
20 A. What?
21 Q. Can we agree that Mr. McCall at the April 25th
22 budget meeting didn't mention a problem with different
23 vendors or selection of metal structures?
24 A. Selection?
25 Q. Yes, ma'am. Let me ask it this way.

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1 Mr. McCall, his conversation during the April 25th budget
2 meeting in regards to a metal structure centered on you
3 having to get a permit for your structure; is that
4 correct?
5 A. Uh-huh [yes].
6 Q. Did he mention any other complaints about metal
7 structure permitting or getting them or negativity at the
8 office?
9 A. Yes, he did.
10 Q. Okay. Do you recall what he said?
11 A. Yes. He said there was some sweetheart deal
12 going in the building codes department, that they were
13 sending people to other vendors, and I had been told that
14 before as well.
15 Q. But that's not what your experience was, was it?
16 A. No.
17 Q. They didn't send you to another vendor, did
18 they?
19 A. I didn't give them the opportunity to even go
20 there.
21 Q. That's not my question. My question is: Did
22 they send you?
23 A. They didn't, but I didn't give them the
24 opportunity to finish speaking.
25 Q. Okay. What sort of sweetheart deal do you

16 (Pages 61 to 64)

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1 believe the building department has with a vendor in
2 Oconee County?
3 A. I have no idea.
4 MS. BARTON: Object to the form of the
5 question.
6 Q. [Mr. Hopkins] You can answer.
7 A. I have no idea.
8 Q. Do you have any evidence to support a claim that
9 the building department has a sweetheart deal with any
10 vendor in Oconee County?
11 A. No; but I have heard that they send people to
12 other vendors. When you come and get a permit and
13 mention who you are shopping from, they will refer you
14 elsewhere. I have heard that.
15 Q. Do you dispute that -- you said that Mr. McCall
16 made the comment this was a sweetheart deal; is that
17 correct?
18 A. Yes.
19 Q. You don't believe you made that comment?
20 A. I did not make that comment.
21 Q. Okay.
22 A. But I knew that people were suggesting or
23 complaining that there was.
24 Q. I understand, but as we sit here today, do you
25 have any evidence that there was a sweetheart deal going

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1 on?
2 A. No; no, I don't.
3 Q. And this case has been pending for almost a
4 year, correct?
5 A. Almost exactly a year because I got my permit
6 March 8th of 2017, exactly a year.
7 Q. Do you agree or disagree with Mr. McCall's
8 comments about the permitting process for metal
9 structures?
10 MR. LOGAN: I am going to object to the
11 form of the question.
12 THE WITNESS: I am not really sure I know
13 what you're saying, but let me try and answer.
14 I have heard from other residents the same
15 complaint that why is something so simple, you
16 know, why is something like an open carport
17 that is not a permanent structure, that if you
18 were to move, you can yank it out of the ground
19 and take it with you, why would that be
20 considered real estate, you know, for assessor
21 purposes or why does it need to be permitted
22 for building. I have heard that a lot.
23 Q. [Mr. Hopkins] Okay. Would it be fair to say
24 that you disagree that you need a permit for the
25 structure that you intended to put on your property?

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1 A. No. I was told I needed a permit, but I didn't
2 understand why structures like that would require a
3 permit.
4 Q. I understand, but my question is: Do you agree
5 with that requirement?
6 A. Do I agree that it exists?
7 Q. Do you agree that you should have to get a
8 permit for that structure?
9 A. No. It is not real estate to me. It is not a
10 house. It is not something that you can't pull up and
11 take with you, but that's just a personal opinion.
12 Q. Okay. But you agree that the county code
13 requires that?
14 A. Uh-huh [yes].
15 Q. Okay. And you were here yesterday for
16 Mr. Stokes' deposition, right?
17 A. Yes, for the latter part.
18 Q. And you heard me read the international
19 residential code?
20 A. Yes, sir, I heard you.
21 Q. Do you agree that it requires structures that
22 are nonconforming to have engineering designs submitted?
23 MS. BURTON: Object to the form of the
24 question.
25 MR. LOGAN: Object to the form.

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1 Q. [Mr. Hopkins] You can still answer.
2 A. All right. You better tell me the question
3 again.
4 Q. They are going to object again, and you can
5 still answer.
6 A. Okay, but I need to hear you.
7 Q. Yes, ma'am. Do you agree that what I read, the
8 international residential code yesterday requires
9 nonconforming structures to have engineering plans
10 submitted?
11 MS. BURTON: Object to the form of the
12 question.
13 MR. LOGAN: Same.
14 THE WITNESS: Okay. Let me answer it this
15 way. I was still confused what needed to be
16 permitted and what did not. I had asked
17 Mr. Moulder sometime thereafter to clarify that
18 for me, and he had sent me an email in layman's
19 terms explaining to me what size, when a permit
20 would be required. One of the complaints I was
21 getting -- and this isn't a complaint, but it
22 was just a point of confusion. When I
23 discussed building my carport, I was told park
24 your tractor underneath it. You don't need a
25 permit for that, so I didn't understand why, if

17 (Pages 65 to 68)

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1 it was considered for agricultural use, we
2 would not need a permit, but if I parked my
3 recreational vehicle underneath it, I would, so
4 there was confusion there, and there was
5 confusion amongst our residents as to what
6 size, when a permit would be required, and I
7 experienced that confusion myself.

8 Q. [Mr. Hopkins] Okay. Did you ever approach
9 Mr. Stokes or anybody in the building department about
10 why an agricultural use might be different than a
11 recreational use?

12 A. I asked Miss Adams about that, and she told me
13 "We don't inspect agricultural buildings," so that still
14 doesn't answer the question why, but that was the answer
15 I received.

16 Q. Did you also hear me read from the Horry County
17 code enforcement yesterday?

18 A. I remember you mentioning Horry County. I was
19 trying to figure out where that was.

20 Q. Okay. That's Myrtle Beach. That's where I'm
21 from.

22 A. Okay.

23 Q. Well, if you agree, if you heard it, do you
24 recall me reading a portion wherein they have the same
25 requirement, 400 square feet and above requires

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1 engineering plans to be submitted?

2 A. I heard you say that, uh-huh [yes].

3 Q. Okay. If you disagree with that policy or that
4 ordinance, have you undertaken any efforts on county
5 council to have it changed?

6 A. I had this discussion with Scott Moulder. I
7 just wanted a clear policy. I don't feel the need to
8 change it. That's not my area of expertise. I just
9 wanted a clear policy that was consistently being
10 enforced. One of our builders' complaints was lack of
11 consistency. One of the complaints I heard was sometimes
12 they measure the square footage of such structures from
13 the overhangs versus the legs, the interior. I wanted
14 that to be spelled out so we all know where we are
15 measuring from, and so Mr. Moulder had subsequently
16 straightened that out and made it clear to me and so I
17 was okay with it from then on just so long as the clarity
18 was there.

19 Q. What was inconsistent about your interactions
20 with the building department to get your permit? They
21 told you you needed to get the engineering designs,
22 correct?

23 A. Uh-huh [yes].

24 Q. You went and got the engineering designs,
25 correct?

Page 71

1 A. Yes.

2 Q. You brought them to the building department,
3 correct?

4 A. Yes.

5 Q. And you got your permit the next day, correct?

6 A. Yes.

7 Q. What was inconsistent about that?

8 A. There was nothing inconsistent. I just wanted
9 to know how the square footage was measured, from the
10 eaves, the overhangs or from the interior.

11 Q. Okay. We have been going for about an
12 hour-and-a-half. Is now a good time for a break?

13 A. I don't need one.

14 Q. Let's take a short one.

15 VIDEOGRAPHER: Off the record at 10:30
16 a.m.
17 [Off the record.]
18 [Short recess.]
19 [Plaintiff's Exhibit 4 was marked for
20 identification.]
21 VIDEOGRAPHER: On the record at 10:39 a.m.

22 Q. [Mr. Hopkins] Miss Cammick, I have marked this
23 as Plaintiff's Exhibit No. 4. Do you recognize that
24 document?

25 A. Yes, sir; yes.

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1 Q. Are those your answers along with the county's
2 to Mr. Stokes' interrogatories?

3 A. Yes, sir.

4 Q. Okay. Can you go to the last page of those? I
5 think it is interrogatory No. 28. 29. And I asked you
6 and the county to identify any willful or overt act that
7 Plaintiff has made in the course of filing this lawsuit.
8 In doing so, identify how that willful or overt act is
9 either unauthorized, aimed at, I believe, an illegitimate
10 collateral objective.

11 A. I don't even know what that means.

12 Q. What was your response?

13 A. That I don't know what that means, an
14 illegitimate collateral objective.

15 Q. Okay. That's not what your response was, was
16 it?

17 A. That's legalese. That's lawyerese.

18 Q. I understand. What was your response? Could
19 you read it for me?

20 A. You want me to read 29?

21 Q. Yes, ma'am.

22 A. Oh, response. "These Defendants will supplement
23 this response at a later date."

24 Q. You didn't respond and say you didn't understand
25 that, did you?

18 (Pages 69 to 72)

Page 73

1 A. Huh?

2 Q. You did not respond and say that you did not

3 understand that question, did you?

4 A. No. I pay lawyers to figure this out.

5 Q. But you understand that's your answer, correct?

6 A. That these Defendants, yes, these Defendants.

7 Q. Did you review these interrogatories, these

8 answers?

9 A. Yes, I read them, uh-huh [yes].

10 Q. Okay. Can you tell me what sort of unauthorized

11 act Mr. Stokes has taken in filing this lawsuit?

12 MR. LOGAN: Object to the form; asked and

13 answered, but you can answer it.

14 THE WITNESS: Say that again.

15 Q. [Mr. Hopkins] Can you identify what

16 unauthorized act Mr. Stokes has taken in filing this

17 lawsuit?

18 MR. LOGAN: Same objection.

19 THE WITNESS: He hasn't taken an unlawful

20 act in filing the lawsuit. You can sue anybody

21 in the U.S. for any reason at any time.

22 Q. [Mr. Hopkins] Okay. Thank you. That's all I

23 wanted to know about that. What role did you play in

24 Mr. Stokes' termination?

25 A. None.

Page 74

1 Q. Did you recommend his termination?

2 A. No.

3 Q. Were you aware of his termination?

4 A. I was informed, yes.

5 Q. Were you informed before he was terminated?

6 A. No.

7 Q. Okay. How were you informed after his

8 termination?

9 A. Mr. Moulder told me.

10 Q. Were you aware that Mr. Stokes filed a grievance

11 with the county?

12 A. I heard that, yes, but I know nothing of it.

13 Q. And that Mr. Stokes had a hearing with the

14 grievance committee? Do you understand he had one of

15 those?

16 A. Yes, I understand he had one of those.

17 Q. And do you understand that the grievance

18 committee for Oconee County said there was no verifiable

19 evidence presented at the hearing to refute what is

20 documented in Mr. Stokes' personnel file?

21 A. Okay.

22 Q. You agree that that was said?

23 A. I don't know that that was said. I have no

24 knowledge of the grievance proceedings.

25 Q. But you don't have any reason to dispute that?

Page 75

1 A. I don't know that I would dispute it. I have

2 no -- I did not participate, I did not get any

3 documentation, and I did not listen in. I don't know

4 anything about it.

5 Q. Did Mr. Moulder ask you to participate during

6 the grievance process?

7 A. No.

8 Q. They also said there are no written complaints

9 filed against him -- that's Mr. Stokes -- by any county

10 residents, contractors or departmental staff members, nor

11 are there any disciplinary actions or reprimands. Do you

12 have any reason to dispute that statement by the

13 grievance committee?

14 A. If that's what was provided by our HR

15 department, that's what was provided by our HR

16 department.

17 Q. You understand the grievance committee is an arm

18 of the county, correct?

19 MR. LOGAN: Object to the form.

20 THE WITNESS: I don't even know how it's

21 composed or put together.

22 Q. [Mr. Hopkins] Do you believe this grievance

23 committee is somehow outside of the county?

24 A. No. It's part of the --

25 Q. Thank you. I'm sorry. :

Page 76

1 A. It's part of the organization.

2 Q. They also stated "It is the recommendation of

3 this committee that tangible documentation or evidence be

4 produced for review by the committee and Mr. Stokes or,

5 in the alternative, for full reinstatement with back pay

6 as requested in the original complaint." Do you have any

7 reason to disagree with that statement?

8 MR. LOGAN: Same objection.

9 THE WITNESS: No. If that's what was

10 stated, that's what was stated.

11 Q. [Mr. Hopkins] And did Mr. Moulder or anybody at

12 the county ask you to offer any tangible documentation or

13 evidence to the grievance committee?

14 A. No.

15 Q. I'm going to skip this.

16 MR. LOGAN: Skip this?

17 MR. HOPKINS: Yes, sir.

18 MR. LOGAN: Can I keep it?

19 MR. HOPKINS: Of course; of course you

20 can.

21 Q. [Mr. Hopkins] Miss Cammick, have you ever

22 submitted any written complaints that you have received

23 from county residents, contractors or departmental staff

24 members about Mr. Stokes?

25 A. When I receive emails from residents that

19 (Pages 73 to 76)

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1 require some kind of action by the county, I forward
2 those to Mr. Moulder, or if I receive a phone call from a
3 resident complaining, I refer that to the administrator.
4 The council interacts with two people, the administrator
5 and our clerk, so I would never go directly to a
6 department head, so that's how the lines of communication
7 work.

8 Q. I understand. I am going to read again from the
9 grievance committee's letter. This is to Mr. Moulder.
10 "The county contends that Mr. Stokes was terminated as a
11 result of the following: Growing concerns voiced by
12 county council" -- that's you, right, along with your
13 council members?

14 A. Yes.

15 Q. -- "to county administrator" -- that's
16 Mr. Moulder, correct?

17 A. That's correct.

18 Q. -- "due to complaints received by constituents
19 concerning customer service issues with the community
20 development department."

21 A. Yes.

22 Q. Is that Mr. Stokes' department, the community
23 development department?

24 A. I believe the building codes falls under the
25 umbrella of community development.

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1 written complaints filed against him by any county
2 residents, contractors or departmental staff members, nor
3 are there any disciplinary actions or reprimands."

4 A. Okay. So that's what it says.

5 Q. They said "We as a committee cannot concur with
6 the decision to terminate his employment." Do you have
7 any reason to dispute what that says?

8 A. No. If it's there in black and white, I am not
9 going to dispute it.

10 Q. Do you disagree with the grievance committee?

11 A. Well, I know we had lots of complaints, but we
12 don't hire and fire employees. That's administration.

13 Q. Okay. Do you disagree with the decision to
14 terminate Mr. Stokes?

15 A. Not necessarily.

16 Q. You agree that he should have been terminated?

17 A. I agree that changes needed to be made in the
18 department.

19 Q. Okay. And are you aware of any other changes
20 besides Mr. Stokes being terminated?

21 A. Well, I have heard that there's been a lot more
22 things fixed there so now you can get new construction
23 permits in a timely fashion. I had a builder tell me the
24 other day that it was the first time he got a building
25 permit within a day, so I know things are improving in

Page 78

1 Q. Okay. They go on to say "These concerns were
2 voiced multiple times over a five to seven-month period
3 by council members." Again, that's you?

4 A. Yes, sir.

5 Q. "Mr. Stokes was made aware of council concerns
6 multiple times within this time period." I'm reading
7 that. Do you have any reason to dispute that?

8 A. I don't dispute it, but he wasn't made concerned
9 by us because we don't communicate directly with the
10 department.

11 Q. That was going to be my next question. You
12 testified you don't communicate with department heads, so
13 you wouldn't communicate those concerns, correct?

14 A. No. That's why, when I called him that one day
15 about the builder issue, that was an anomaly because we
16 normally wouldn't do that in Mr. Moulder's presence.
17 Mr. McCall would have called Mr. Moulder.

18 Q. And then I already read it, but we can agree the
19 grievance committee said there was no verifiable evidence
20 presented to refute his allegations, right?

21 MR. LOGAN: Object to the form.

22 THE WITNESS: What? At the end?

23 Q. [Mr. Hopkins] The committee said "There was no
24 verifiable evidence presented at the hearing to refute
25 what is documented in his personnel file. There are no

Page 80

1 that department, and I have had no other complaints.

2 Q. Well, you got a building permit in a day, didn't
3 you?

4 A. That was for a carport. We are talking about a
5 house.

6 Q. But, I mean, you don't dispute that, though.
7 You got a building permit in a day, correct?

8 A. Yes, for a carport.

9 Q. They didn't delay your issuance of a permit, did
10 they?

11 A. No; but the complaints we received were mostly
12 for new construction and for remodeling.

13 Q. Are there any other reasons you believe
14 Mr. Stokes' lawsuit is frivolous besides what we have
15 already discussed?

16 A. Besides what we have already discussed? Well,
17 it's my understanding that in the State of South
18 Carolina, it's an employment at will state and you can
19 get rid of people without even explaining to them, not
20 that I advocate that, but that's my understanding of how
21 it is.

22 Q. That's what you believe? You believe you can
23 terminate an employee for any reason at any time?

24 A. That's always been my understanding as an
25 employee in this state, that I could be terminated for

20 (Pages 77 to 80)

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1 any reason at any time.

2 Q. Do you believe that you can make false
3 statements about individuals?

4 A. No.

5 Q. Do you believe that you can defame individuals?

6 A. No.

7 Q. Do you believe you can make statements about
8 individuals without evidence to support your statements?

9 MS. BURTON: Object to the form of your
10 question.

11 MR. LOGAN: Object to the form.

12 Q. [Mr. Hopkins] You can still answer.

13 A. Do you believe --

14 Q. That you can make statements about an individual
15 without evidence to support your statements?

16 MS. BURTON: Object to the form of your
17 question.

18 MR. LOGAN: Same objection.

19 THE WITNESS: I believe you should have
20 some knowledge to back up your statements, yes.

21 Q. [Mr. Hopkins] Can I hold that document for one
22 second?

23 A. Sure.

24 Q. For interrogatory No. 13, I asked you and the
25 county "Is it your contention, opinion or position that

Page 83

1 A. Nice meeting you.

2 Q. Your attorney might have some questions.

3 A. Do I stay?

4 MR. LOGAN: Stephanie, do you have any
5 questions?

6 MS. BURTON: I do not have any questions.

7 EXAMINATION

8 BY MR. LOGAN:

9 Q. Let me ask you a couple things for
10 clarification.

11 A. Yes, sir.

12 Q. You were asked about any organizations you
13 belong to or participate in or what not.

14 A. Uh-huh [yes].

15 Q. Are you a member of a grass roots organization
16 regarding bullying?

17 A. Yes, I am, uh-huh [yes].

18 Q. Did you fail to mention that?

19 A. Yes, I failed to mention. I consider myself an
20 observer, not really a member. I go there. I listen in.
21 They wanted a member of county council to kind of know
22 they exist. I find them to be a very down to earth group
23 and I enjoy their company and so I do attend their
24 meetings.

25 Q. What is the purpose of the organization?

Page 82

1 Plaintiff, Mr. Stokes, contributed to or caused in any
2 manner or any way whatsoever to this incident or his
3 damages?" What was your response?

4 A. Yes.

5 Q. What do you believe that Mr. Stokes did to
6 contribute or cause his damages?

7 A. I believe, if the department was managed better,
8 we wouldn't have had the number of complaints and all
9 this wouldn't have come to bear. I do believe that. I
10 believe attitudes in the department start at the top,
11 okay. If you have a good attitude, if you project good
12 customer service skills, so will your employees follow.

13 Q. I want to make sure we are very clear about this
14 before we leave today.

15 A. Uh-huh [yes].

16 Q. Are you aware of any other council meeting
17 besides the April 25, 2017 meeting where you raised
18 concerns about Mr. Stokes or his department?

19 A. In a council meeting?

20 Q. Yes, ma'am.

21 A. Not to my knowledge.

22 Q. Okay. Those are all the questions I have, Miss
23 Cammick. Thank you for your time today.

24 A. Thank you.

25 Q. Nice meeting you.

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1 A. Their goal is to learn more about how to
2 identify bullying in young children in particular. They
3 are in the process of obtaining their background checks
4 to become mentors in the school. That's their goal.

5 Q. Okay.

6 A. I'm sorry, sir. It's called Oconee County
7 Citizens -- Oconee County Concerned Citizens Against
8 Bullying.

9 A. Okay.

10 Q. That's all. Thank you, very much.

11 A. Okay. thank you.

12 MR. HOPKINS: Thank you, Miss Cammick
13 Sorry to meet under these circumstances.

14 VIDEOGRAPHER: This concludes today's
15 deposition of Miss Cammick. We are off the
16 record at 10:54 a.m.

17 [DEPOSITION CONCLUDED AT 10:54 A.M.]
18
19
20
21
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23
24
25

21 (Pages 81 to 84)

CERTIFICATE

SOUTH CAROLINA
ANDERSON COUNTY

I hereby certify that the foregoing deposition was reported, as stated in the caption, by the method of Stenograph machine with backup, and the questions and answers thereto were reduced to typewriting by me or under my direction; that the foregoing pages 1 through 84 represent a true, correct and complete transcript of the evidence given on the 7th day of March, 2018, by the witness, EDDA CAMMICK, who was first duly sworn by me; that I am not a relative, employee, attorney or counsel of any of the parties, nor am I financially interested in the action.

This 22nd day of March, 2018.

Susan Lynn McCracken, RMR
Court Reporter

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Deposition of DAVID T. STOKES	
Pursuant to Notice of Deposition and/or agreement in the above-entitled case, a deposition was taken on the 6th day of March, 2018, commencing at approximately 10:35 a.m., attended as follows:	
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1 APPEARANCES OF COUNSEL	1 Pursuant to Notice and/or agreement to take
2 FOR THE PLAINTIFF: J. CLAY HOPKINS, ESQ.	2 depositions, the within deposition was taken by Susan L.
3 Hopkins Law Firm, LLC	3 McCracken, RMR, a Notary Public, as required under South
4 12019 Ocean Highway	4 Carolina Court Rule 30, et al, by consent of all parties,
5 Pawleys Island, SC 29585	5 at the law offices of Logan, Jolly & Smith, 1805 North
6 (843) 314-4005	6 Boulevard, Anderson, South Carolina.
7 clay@hopkinsfirm.com	7 WAIVER
8 FOR THE DEFENDANTS: STEPHANIE H. BURTON, ESQ.	8 It is agreed by Counsel for all parties that the
9 BRIANNA SCHILL, ESQ.	9 reading over of and signing of the deposition by the
10 Gibbs Burton, LLC	10 witness are waived.
11 308 East St. John Street	11 ** ** ** **
12 Spartanburg, SC 29302	12 The deponent was duly sworn to tell the truth, the
13 (864) 327-5000	13 whole truth and nothing but the truth of his own
14 sburton@gibbesburton.com	14 knowledge concerning the matter herein:
15 bschill@gibbesburton.com	15 DAVID T. STOKES
16 DAVID A. ROOT, ESQ.	16 having been first duly sworn, was examined
17 Oconee County Attorney	17 and testified as follows:
18 415 S. Pine Street	18 EXAMINATION
19 Walhalla, SC 29691	19 BY MS. BURTON:
20 (864) 364-5332	20 Q. Good morning, Mr. Stokes. You and I have been
21 droot@oconeesc.com	21 introduced previously. My name is Stephanie Burton, and
22 JAMES W. LOGAN, JR., ESQ.	22 I represent Wayne McCall in this lawsuit you have filed
23 Logan, Jolly & Smith	23 in Oconee County. This is my opportunity to ask you some
24 1805 N. Boulevard	24 questions today about that lawsuit. Have you ever given
25 Anderson, SC 29621	25 a deposition before?
(864) 642-4803	
logan@loganjollysmith.com	
ROBERTA BARTON, ESQ.	
Attorney at Law	
107 North Fairplay Street	
Seneca, SC 29678	
(864) 882-5878	
support@oconeelegal.com	
ALSO PRESENT: Scott Moulder, Edda Cammick	
DEPOSITION REPORTED BY: SUSAN L. MCCracken, RMR	
Depositions And., Inc.	
(864) 235-3518	

Page 5

- 1 A. I have been in a deposition, but I never gave
2 testimony.
3 Q. So does that mean you attended a deposition?
4 A. Yes. I was one of the requested people to be
5 there.
6 Q. But nobody asked you any questions?
7 A. No.
8 Q. Is that what you're saying? Well, I need to
9 give you some instructions at the outset the rules
10 require me to give you. If I ask you a question that you
11 don't understand for any reason, I may speak too softly,
12 I may just ask you a terrible question, please stop and
13 ask me to repeat or rephrase my question. You cannot ask
14 your lawyer for any help. Is that okay?
15 A. Right.
16 Q. I want to make sure I pose a question that you
17 understand, so let me know if you don't understand for
18 any reason.
19 A. I will.
20 Q. We will take breaks periodically. If you need
21 to take a break before we have taken a break, please let
22 me know. I am glad to take a break. I don't want you to
23 be uncomfortable. I would ask you that you answer any
24 question that is pending before you take a break.
25 A. Yes.

Page 6

- 1 Q. And if you would -- and it is hard to do, and I
2 will remind you. You need to give me a verbal response,
3 as opposed to a shake of the head.
4 A. Yes.
5 Q. Or a shrug of the shoulders.
6 A. Sure.
7 Q. Or an uh-huh or huh-uh because those are kind of
8 hard for the court reporter to type. And I will remind
9 you. I am not being rude. It is just that we need the
10 record to be clear.
11 A. I understand.
12 Q. State your full name, please, sir.
13 A. David Thomas Stokes.
14 Q. Mr. Stokes, how old are you?
15 A. I am 62.
16 Q. And your date of birth?
17 A. 12/3/55.
18 Q. Are you married?
19 A. No. I am divorced.
20 Q. And how many times have you been married?
21 A. Three.
22 Q. Three times? What is your most current wife's
23 name?
24 A. Lori Lee Sons.
25 Q. And does Miss Sons live in Oconee County?

Page 7

- 1 A. She lives in Austin, Texas.
2 Q. Texas? And how long were you married to her?
3 A. 18 months.
4 Q. What time frame?
5 A. August 15 to April -- August 15 of '15 to April,
6 late April of '16.
7 Q. Okay.
8 A. '14 to '16.
9 Q. '14 to '16?
10 A. '14 to '16. Excuse me.
11 Q. Who was the wife prior to Lori?
12 A. Edith Jonell Crouse.
13 Q. Jonell?
14 A. J-O-N-E-L-L.
15 Q. And does she go by Jo?
16 A. Yes, she does.
17 Q. And during what period of time were you married
18 to Jo?
19 A. '89 to 2003, I think.
20 Q. Does she live in Oconee County?
21 A. Yes, she does.
22 Q. Does she work at Blue Ridge Orthopedics?
23 A. Yes, she does.
24 Q. And how about the wife that preceded Jo?
25 A. Elaine Sheriff.

Page 8

- 1 Q. Sheriff?
2 A. Sheriff.
3 Q. When were you married to Miss Sheriff?
4 A. 1977 to about '79.
5 Q. Does she live in Oconee County?
6 A. She does.
7 Q. Where does Miss Sheriff work?
8 A. Turner Jewelers. Her last name is Turner now.
9 Q. Okay. Do you have any children?
10 A. I have five children.
11 Q. Five? Are any of your children over the age of
12 18?
13 A. They all are.
14 Q. Do any of them reside in Oconee County?
15 A. Three of them do.
16 Q. Tell me the ones that reside in Oconee County.
17 A. Brent Schipper, a stepson, S-C-H-I-P-P-E-R.
18 Q. And I'm sorry. He is the child of whom?
19 A. Jonell.
20 Q. And where does Brent work?
21 A. He is a full-time National Guard out of
22 Anderson.
23 Q. And is Brent married?
24 A. Yes, he is.
25 Q. Do you know who he is married to?

2 (Pages 5 to 8)

Page 9

1 A. He is married to -- I am a little tense here.
 2 Q. No. It's fine.
 3 A. I'm sorry. Give me a minute.
 4 Q. Brent and somebody?
 5 A. Right.
 6 Q. Do you know, per chance, where his wife works?
 7 A. She is going the school right now for dental
 8 hygiene.
 9 Q. All right. Brent is a child over 18 that lives
 10 in Oconee. Who is the next one, please, sir?
 11 A. Cody Schipper.
 12 Q. Also a stepchild?
 13 A. Yes.
 14 Q. Also a child of Jo?
 15 A. Yes.
 16 Q. And where does Cody work?
 17 A. Greenville Memorial.
 18 Q. Doing what?
 19 A. I.T.
 20 Q. Is Cody married?
 21 A. Yes, he is.
 22 Q. Do you know his wife's name?
 23 A. Ashley.
 24 Q. We did good on that one.
 25 A. There was another short marriage in there.

Page 10

1 Q. We have missed one?
 2 A. Yes, we have.
 3 Q. All right. Who is the one we missed, and when
 4 was it?
 5 A. Laura Hesse, H-E-S-S-E.
 6 Q. When were you married to Laura?
 7 A. I was married to Laura in '87, and it was six
 8 months long.
 9 Q. So Laura is before Jo?
 10 A. Yes.
 11 Q. All right. You were telling me Cody is married
 12 to Ashley, and Ashley works where?
 13 A. She works for a Greenville Memorial practice. I
 14 don't know the name of it right now.
 15 Q. Do you know what she does?
 16 A. Administration.
 17 Q. All right. Cody, Brent, and who is the third
 18 child?
 19 A. Bradley. That lives in Oconee, Nathan Andrew
 20 Stokes.
 21 Q. Where is Nathan employed?
 22 A. He is self-employed. He runs a garage,
 23 automotive repair garage and tire shop.
 24 Q. Where is that?
 25 A. North First Street in Seneca.

Page 11

1 Q. What's the name of it?
 2 A. Pro Customs.
 3 Q. Is Nathan married?
 4 A. Yes, he is.
 5 Q. What is his wife's name?
 6 A. Jessie.
 7 Q. What does Jessie do for a living?
 8 A. She works in the administrative department for
 9 Clemson University, the graduate programs.
 10 Q. And Nathan is the child of?
 11 A. Jonell.
 12 Q. Any other children over the age of 18 that live
 13 in Oconee County?
 14 A. No.
 15 Q. Do you have any grandchildren over the age of
 16 18?
 17 A. I have none, I don't believe.
 18 Q. They are all teenagers or younger?
 19 A. Yeah, they are all teenagers.
 20 Q. Are you currently employed?
 21 A. I am.
 22 Q. Where?
 23 A. I work for South Carolina Labor, License and
 24 Regulation in the department of investigations and
 25 enforcement.

Page 12

1 Q. So you work for LLR. Do you work for one of the
 2 boards?
 3 A. I work for the Contractors Licensing Board, the
 4 Residential Builders Commission and the Building Code
 5 Council.
 6 Q. So you work for the Contractors Licensing Board,
 7 the Residential Builders Commission?
 8 A. Yes.
 9 Q. And?
 10 A. The Building Code Council.
 11 Q. Who is your employer on your checks? Is it
 12 State of South Carolina?
 13 A. Yes, State of South Carolina.
 14 Q. Okay. Now, tell me exactly what you do in this
 15 job.
 16 A. I do license violations investigations, practice
 17 investigations.
 18 Q. So if somebody files a complaint against a
 19 residential home builder, are you one of the people that
 20 investigates that?
 21 A. I am. It is all complaint driven.
 22 Q. And the same for licensed general contractor?
 23 A. Right, and specialty contractors and building
 24 officials and building inspectors.
 25 Q. So the complaints, I assume, in a certain

3 (Pages 9 to 12)

Page 13

1 territory might be assigned to you?
 2 A. It is really all over the state; depends on
 3 availability. They used to have territories, but they
 4 mix it up now. And I have only been employed since
 5 November, so I am pretty much new.
 6 Q. But if somebody files a complaint in Columbia,
 7 depending on workloads, you might get that?
 8 A. That's correct.
 9 Q. And then you go out and conduct an investigation
 10 into the allegations of the complaint, I take it?
 11 A. That's correct.
 12 Q. What else? What do you do for the Building
 13 Codes Council?
 14 A. It would be identical to the other jobs, the
 15 other boards. It is complaint driven, and you would go
 16 out and do an investigation on a building official or
 17 building inspector.
 18 Q. Okay. Then what do you do after you conduct
 19 your investigation? Do you issue a report?
 20 A. That's right. I do an inspection report and
 21 then I do a litigation summary and it goes in front of a
 22 review board, and then it is escalated up to the
 23 commissions and the boards for final action.
 24 Q. And tell me when you started the job.
 25 A. November 17th.

Page 14

1 Q. Of 2017?
 2 A. That's correct.
 3 Q. Is this a full-time position?
 4 A. It is.
 5 Q. What is your salary for this position?
 6 A. It's \$49,000.
 7 Q. And as a state employee, do you participate in
 8 the state health insurance plan?
 9 A. I do.
 10 Q. And do you also participate in the state
 11 retirement system?
 12 A. I do.
 13 Q. Okay. When were you employed last prior to this
 14 job with LLR?
 15 A. I was employed with Oconee County.
 16 Q. You did not have any jobs in between those two
 17 positions?
 18 A. No.
 19 Q. When was your last day of work for Oconee
 20 County?
 21 A. May 1st, '16.
 22 Q. Of 2016?
 23 A. Yeah.
 24 Q. What did you do from May of 2016 until November
 25 of 2017?

Page 15

1 A. I looked for work, was on unemployment
 2 insurance.
 3 Q. How long did you draw unemployment?
 4 A. 26 weeks, six months.
 5 Q. Where did you look for work?
 6 A. I looked for work all over the state. There
 7 were hardly any building official jobs available. I did
 8 apply at the Town of Bluffton. I applied at several
 9 Florida cities, which I didn't really want to go out of
 10 state, but I applied with Norfolk Southern a couple
 11 times.
 12 Q. I'm sorry. With the railroad?
 13 A. Yes.
 14 Q. What jobs did you apply for with the railroad?
 15 A. Conductor out of Greenville.
 16 Q. I see.
 17 A. It would have been a change of life.
 18 Q. Okay. But with respect to building code or
 19 building official jobs, you said you applied for one in
 20 Bluffton, South Carolina, and then you mentioned some
 21 Florida cities. Can you tell me which ones?
 22 A. The port of Cape Canaveral.
 23 Q. Okay.
 24 A. St. Augustine Beach. And there was a third one
 25 I don't remember right now.

Page 16

1 Q. In terms of building or construction-related
 2 jobs that you applied for -- because that's your
 3 background, right?
 4 A. It is, yes.
 5 Q. You applied with Bluffton and the two Florida
 6 cities that you mentioned. Did you apply for any other
 7 construction-related jobs?
 8 A. I applied through the Workforce Development
 9 system to SME out of Spartanburg, I think.
 10 Q. To who?
 11 A. SME.
 12 Q. S&ME?
 13 A. Yeah, engineering firm that does third-party
 14 work.
 15 Q. What kind of job did you apply for with them?
 16 A. An inspection job.
 17 Q. Like a technical inspector job?
 18 A. Right, threshold type inspector.
 19 Q. I see. And you applied to the Spartanburg
 20 office?
 21 A. Yes.
 22 Q. Any other construction-related jobs that you
 23 applied for?
 24 A. No, not construction related.
 25 Q. And then you mentioned to me that you applied

4 (Pages 13 to 16)

Page 17

1 for a job with Norfolk Southern Railway as a conductor?
 2 A. That's correct.
 3 Q. And then did you apply for any other types of
 4 jobs other than the ones we have discussed?
 5 A. No. I interviewed with McCoy right here in
 6 Anderson for a sales job, but that's about it.
 7 Q. I'm sorry?
 8 A. That's about it.
 9 Q. That's it?
 10 A. Yeah.
 11 Q. What kind of sales job was that?
 12 A. It would be a commercial real estate job in
 13 Oconee County.
 14 Q. You mean as a real estate broker?
 15 A. As a salesperson.
 16 Q. Any other jobs that you applied for that we did
 17 not discuss?
 18 A. Not that I can remember.
 19 Q. And then when did you apply for the LLR job?
 20 A. In July or August of '17. It takes them a
 21 while.
 22 Q. Was that a posted position?
 23 A. It was a posted position I found through
 24 Workforce Development.
 25 Q. And who do you report to at LLR?

Page 18

1 A. Todd Bond.
 2 Q. Todd Bond?
 3 A. Todd Bond, not James Bond.
 4 Q. And is Todd in Columbia or where?
 5 A. He is in Columbia, yes.
 6 [Defendants' Exhibit 1 was marked for
 7 identification.]
 8 Q. [Ms. Burton] I am going to hand you a document
 9 I have marked as Exhibit No. 1 to your deposition.
 10 Mr. Stokes, this is a summons and complaint that was
 11 filed in this action on May 31, 2007. Have you reviewed
 12 the lawsuit?
 13 A. 2017.
 14 Q. '17. Sorry. Have you reviewed this before?
 15 A. Yes.
 16 Q. I want to ask you some questions about the
 17 allegations in the lawsuit. If you would turn your
 18 attention, please, to the page numbered two of the
 19 complaint, paragraph No. 7, you indicate in that
 20 paragraph that you were hired by Oconee County as the
 21 building official in December of 2011.
 22 A. That's correct.
 23 Q. Do you remember the date you were hired?
 24 A. I believe I started on the 21st, somewhere
 25 thereabouts, 21st, 17th.

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1 [Defendants' Exhibit 2 was marked for
 2 identification.]
 3 Q. [Ms. Burton] Okay. Let me hand you a series of
 4 documents I have marked as Exhibit No. 2 to your
 5 deposition. How did you become aware there was a
 6 potential opening at Oconee County?
 7 A. I believe it was by word of mouth.
 8 Q. Whose mouth did you get the words from?
 9 A. I was working at Oconee Nuclear Station as a
 10 project manager at the time. It was one of my employees.
 11 I don't remember his name.
 12 Q. Who were you employed by at Oconee Nuclear
 13 Station?
 14 A. Southern Industries out of Anderson.
 15 Q. What was your job there?
 16 A. I managed small projects for maintenance and
 17 stuff for Duke Power.
 18 Q. What period of time did you work for Southern
 19 Industries?
 20 A. Consolidated Southern Industries.
 21 Q. Okay.
 22 A. It was probably from March 11 to when I took the
 23 job at Oconee.
 24 Q. Okay. So one of your employees said what? They
 25 heard there was an opening for the building official?

Page 20

1 A. Right.
 2 Q. Did you apply online?
 3 A. No. I believe I did it on paper.
 4 Q. Well, look at Exhibit No. 2 with me, if you
 5 would. Does the first four pages of the exhibit appear
 6 to be an employment application that you submitted?
 7 A. It does.
 8 Q. It is typed in, and I guess my assumption was
 9 maybe you applied online, but maybe --
 10 A. I might have filled it out online.
 11 Q. Okay. So it's a form that you would have found
 12 online to fill out?
 13 A. On their website maybe, yes.
 14 Q. And did you submit it online, or did you bring
 15 it to a person?
 16 A. I don't remember.
 17 Q. Okay. And it lists, if we look on the second
 18 page, which is Bates numbered 786, it lists Consolidated
 19 Southern Industries, I guess, as your present employer,
 20 and it says that you took that job in March, 2011.
 21 A. Yes.
 22 Q. Does that seem accurate looking at it today?
 23 A. It seems accurate. Seems a little shorter that
 24 I was there, but it seems accurate.
 25 Q. And then prior to that, it says you worked at

5 (Pages 17 to 20)

Page 21

1 Trehel?
 2 A. I did.
 3 Q. And you worked at Trehel for what, how many
 4 years? Ten?
 5 A. Ten or 11.
 6 Q. Ten or 11 years?
 7 A. Right.
 8 Q. What did you do with the folks at Trehel?
 9 A. My job title was resource coordinator, and I
 10 managed the craft workforce in the field and the
 11 superintendents. I managed the equipment rentals. We
 12 had our own inner company equipment rentals, and I did
 13 building code consultations with design professionals,
 14 and I worked with building departments that we were doing
 15 submissions with.
 16 Q. So in terms of equipment rental, were you the
 17 guy that had to go out and say "We need a lull" or a
 18 whatever and rent it?
 19 A. I was the guy that managed the people that took
 20 that lull out and scheduled it, so I had up to 20
 21 superintendents at one time that I would manage their
 22 daily work schedules and supply them the kind of craft
 23 workers they needed and, with that, the equipment they
 24 requested.
 25 Q. When you say "craft workers," are we talking

Page 23

1 A. I did.
 2 Q. And then, according to the third page of Exhibit
 3 No. 2, it indicates that you worked for the City of
 4 Seneca?
 5 A. I did.
 6 Q. As the building official?
 7 A. I did.
 8 Q. And was that nine years?
 9 A. It was.
 10 Q. Tell me what your duties and responsibilities
 11 were for Seneca.
 12 A. Ran the building department completely, issued
 13 permits, did plan reviews, did outside inspections, met
 14 people at the office, dealt with complaints. I worked
 15 with Seneca Light & Water as far as approving electrical
 16 services and upgrading electrical services inside their
 17 service area.
 18 Q. Tell me what you did because it's not on your
 19 resume. What did you do prior to '90?
 20 A. '90, prior to '90, I did some miscellaneous
 21 construction work for a couple years.
 22 Q. Meaning labor?
 23 A. Labor and carpentry work, wall coverings and
 24 decorating. I was in Florida from '79 to '87 doing the
 25 same thing, miscellaneous construction work, contracting,

Page 22

1 about folks that worked for Trehel or subs?
 2 A. Only people that worked for Trehel.
 3 Q. Okay.
 4 A. Laborers up to carpenters, assistant
 5 superintendents and superintendents.
 6 Q. Okay. Then you helped them with equipment in
 7 terms of code compliance. When you said you worked with
 8 design professionals, are we talking about inside Trehel
 9 or architects and engineers that were consultants?
 10 A. They were partner firms. There were two firms
 11 that were local, but they partnered with them, worked
 12 with them, McMillan Smith and Freeman & Major, doing
 13 value engineering on their plans from a building code
 14 standpoint and trying to solve material issues in
 15 relation to cost on a production job, on a construction
 16 job through the building code.
 17 Q. I assume Trehel does mostly commercial work?
 18 A. They do.
 19 Q. Not residential?
 20 A. Rarely.
 21 Q. So most of the code compliance you were dealing
 22 with was International Building Code?
 23 A. It is.
 24 Q. And did you have the same job with Trehel the
 25 entire time that you worked there?

Page 24

1 small contracting.
 2 Q. When did you attend Greenville Tech?
 3 A. I attended Greenville Tech while I was at the
 4 City of Seneca.
 5 Q. Did you receive a degree from Greenville Tech?
 6 A. It was a certificate program in electrical code.
 7 Q. In electrical code?
 8 A. Yes.
 9 Q. What about Tri-County Tech? When did you attend
 10 there?
 11 A. I attended Tri-County Tech after I was laid off
 12 at Trehel.
 13 Q. What did you study?
 14 A. Literature and English, accounting and
 15 psychology.
 16 Q. Did you obtain any type of degree?
 17 A. No.
 18 Q. So just some classes that you took there?
 19 A. Personal improvement classes, yeah.
 20 Q. Okay. So you grew up in Seneca?
 21 A. I did.
 22 Q. Because it says you went to Seneca High School.
 23 When did you graduate from Seneca High?
 24 A. 1974.
 25 Q. So after you graduated from high school, did you

6 (Pages 21 to 24)

Page 25

1 immediately start working in the construction industry?
 2 A. No. I worked for a roller mill out of
 3 Crossroads, South Carolina for a couple years, and then I
 4 opened a restaurant on 123 Bypass that I operated from
 5 '77 to '80.
 6 Q. Okay. And then did you start --
 7 A. Then I went to Florida.
 8 Q. -- to do the contracting?
 9 A. Right.
 10 Q. Is that just pickup jobs?
 11 A. Just pickup jobs. I did a lot of interior upfit
 12 work with wall coverings and decorators.
 13 Q. What do you mean? Putting up wallpaper,
 14 hanging sheetrock or what?
 15 A. Yeah, very profitable, putting up wallpaper.
 16 Q. Wallpaper?
 17 A. Mainly.
 18 Q. I think you also mentioned carpentry. Did you
 19 start doing finish carpentry work?
 20 A. Miscellaneous carpentry work, whatever I could
 21 find to fill in my schedule.
 22 Q. So in Florida for the period of time when you
 23 were in Florida, that was miscellaneous construction
 24 work, hanging wallpaper, doing what you could find?
 25 A. And contracting some houses, building some

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1 houses.
 2 Q. Spec or custom?
 3 A. Both.
 4 Q. Okay. So when did you become a licensed
 5 residential contractor?
 6 A. I don't know exactly. Probably around '84, '85.
 7 Q. Would that have been in Florida?
 8 A. It was in Florida.
 9 Q. Where were you in Florida?
 10 A. Fort Myers.
 11 Q. What licenses do you hold today?
 12 A. I don't hold any contracting licenses today. I
 13 had a CBC in Florida, which was a commercial builder's
 14 license, and it limited you to three floors or less, and
 15 then I had an electrical state license in South Carolina
 16 and a plumber's license in South Carolina that I put on
 17 deactivated when I went to work for LLR.
 18 Q. I'm sorry. You did what?
 19 A. Deactivated and put them on whatever they call
 20 it.
 21 Q. Okay. So were you a licensed electrician in
 22 South Carolina?
 23 A. Yes.
 24 Q. When did you become licensed in South Carolina
 25 as an electrician?

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1 A. In '16.
 2 Q. What about as a plumber?
 3 A. I became licensed as a plumber in '11, I think.
 4 Q. Have you ever --
 5 A. When I was at Southern Consolidated.
 6 Q. Have you ever worked as either a plumber or
 7 electrician?
 8 A. No. The Department of State ran programs where,
 9 if you were in code enforcement and you had experience in
 10 them, you could qualify for a license and take the exams
 11 so you would understand what the craft side and the
 12 contracting side had to go through to get their
 13 credentials.
 14 Q. But you didn't have to have any actual
 15 experience as doing either one of those trades to get the
 16 license?
 17 A. Not through that method, no. The experience was
 18 through hands-on inspection of properties.
 19 Q. What experience in inspection of properties and
 20 permitting and code compliance did you have before you
 21 went to Seneca?
 22 A. The building official's job in Seneca?
 23 Q. Yeah.
 24 A. Just the experience I had in general
 25 construction work since I had gotten out of high school,

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1 and I was unlicensed at that time, and all my training
 2 and credentials in the building inspection business
 3 started after I was hired by Seneca.
 4 Q. Okay. If we turn our attention back to Exhibit
 5 No. 1, paragraph seven that you and I were looking at a
 6 minute ago, it says you were hired as a building official
 7 in December of 2011. Tell me about the hiring process.
 8 You submit an application. Did you interview with
 9 anybody?
 10 A. I did. I interviewed with Mr. Moulder.
 11 Q. Okay. Was that an in-person interview with
 12 Mr. Moulder?
 13 A. Yes, it was.
 14 Q. Did you have any telephone interviews prior to
 15 meeting with him?
 16 A. Just setting up the appointment.
 17 Q. Okay. Did you receive any sort of job
 18 description for the building official position?
 19 A. I did.
 20 Q. Did you receive that before you were hired or
 21 subsequently?
 22 A. Subsequently, I believe.
 23 Q. How were you offered the position? Was that in
 24 a letter, an email, on the telephone?
 25 A. I believe it was a cell phone call because I was

7 (Pages 25 to 28)

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1 working at Duke Power at that time, Oconee Nuclear
2 Station.

3 Q. And you received a call from whom?

4 A. Scott Moulder.

5 Q. What did he say in that call?

6 A. Told me that I was the preferred candidate, and
7 we kind of entered in salary negotiations after that.

8 Q. What salary did you ultimately agree upon?

9 A. I believe it was around \$62,000.

10 Q. Was that more or less than you were making at
11 Consolidated Southern?

12 A. It was more than Consolidated, less than Trehel.

13 Q. So you made more at Trehel?

14 A. [Witness nods affirmatively.]

15 Q. Why weren't you working at Trehel any longer?

16 A. Well, you know, like most people during the
17 recession, there was a retraction in the construction
18 industry, and we were doing close to \$150 million in '08
19 and '07 with about 130 people on the payroll. By '09, we
20 were down to \$30 something million and retracting our
21 payroll, so I was laid off in that period of time.

22 Q. Who did you report to at Trehel?

23 A. Neal Workman.

24 Q. What was his job?

25 A. He was the owner of the company.

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1 Oconee County that you were going to be an at will
2 employee?

3 A. Our entire state is at will, so, yes, I did
4 understand.

5 Q. Did you understand that you could be terminated
6 for any reason as an at will employee?

7 A. I did.

8 Q. When you started working as the building
9 official for Oconee County, how many folks reported to
10 you?

11 A. It was around seven to nine. I would have to
12 write all their names down.

13 Q. We will talk about it.

14 A. Yeah.

15 Q. Did you have office staff that just stayed in
16 the office?

17 A. I had administrative staff that stayed that were
18 permitting. I had a fire marshall in my office at that
19 time, and I had four field inspectors, I believe, and
20 then I had a plan reviewer that stayed in the office that
21 did field inspections when necessary, and the fire
22 marshall also would go out when we were pushed.

23 Q. Okay. So tell me, let's talk about the
24 administrative staff first. You had how many
25 administrative people?

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1 [Defendants' Exhibit 3 was marked for
2 identification.]

3 Q. [Ms. Burton] Let me hand you a document;
4 Mr. Stokes, that I have marked as Exhibit No. 3 to your
5 deposition. Is that your signature on Exhibit 3?

6 A. It is.

7 Q. And did you print David T. Stokes above that?

8 A. I did.

9 Q. And did you date it 12/14/11?

10 A. I did.

11 Q. Tell me, because I think we were debating
12 earlier when you started at Oconee County, do you
13 remember whether you signed this particular form on the
14 day that you started?

15 A. I think it was prior to, a few days prior to.

16 Q. Okay. So did you go in and fill out some
17 paperwork?

18 A. Yes, drug test and stuff like that.

19 Q. And who presented you the paperwork to fill out?

20 A. I believe Kay Olben. I think she was HR manager
21 at the time.

22 Q. Okay. Did you read this notice before you
23 executed it?

24 A. I did.

25 Q. Did you understand when you were being hired by

Page 32

1 A. Including the fire marshall and plan reviewer, I
2 had two permit technicians, I believe.

3 Q. And tell me what their duties and
4 responsibilities were.

5 A. The permit techs would meet the public, help
6 them fill out their applications, do the permitting as
7 far as construction projects went.

8 Q. Okay. So what kind of permits are we talking
9 about? Building permits?

10 A. Building, commercial permits, residential
11 permits.

12 Q. So --

13 A. Electrical permits, plumbing, mechanical.

14 Q. Were most of the people they interacted with
15 contractors and builders?

16 A. I would say the majority of them were. There
17 was a large owner builder population in Oconee County,
18 but the majority of them were contractors.

19 Q. And did the contractors have to come to the
20 office to apply for a building permit, or could they do
21 it on online?

22 A. At that point, everything was in the office, and
23 everything was manual.

24 Q. Did it change at any point to become an online
25 system?

8 (Pages 29 to 32)

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1 A. Yes, it did.
 2 Q. When did that occur?
 3 A. It did during my tenure there. We were trying
 4 to put together a one-stop shop trying to eliminate
 5 redundancy in our paperwork and increase accuracy, and we
 6 interviewed a bunch of software manufacturers and landed
 7 up with a program that was cloud based that handled all
 8 that.
 9 Q. What was the name of that program?
 10 A. CitizenServe.
 11 Q. When did CitizenServe go into operation?
 12 A. I'd say '13, '14, 2013, 2014, somewhere in that
 13 range.
 14 Q. So prior to the implementation of CitizenServe,
 15 if somebody wanted to obtain a building permit, they
 16 would have to come to the office?
 17 A. Yes.
 18 Q. Tell me what the turnaround time was for a
 19 residential homebuilder to come in, apply for a permit
 20 for building a house. When would they acquire a permit?
 21 A. The majority of that was the same day.
 22 Q. Did you receive any complaints from any of the
 23 contractors, residential homebuilders, about the
 24 efficiency of your permit technicians in issuing the
 25 permits?

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1 A. There would be complaints about efficiency in
 2 issuing permits. They were complaints about the way they
 3 were handled and treated, the fact they had to be run all
 4 over the county and the county offices to get paperwork,
 5 had to go to Coneross area to get sewer authority, they
 6 had to go to a different building to get septic tank
 7 permits. Those were the kind of complaints, not the
 8 turnaround time on permitting itself.
 9 Q. How about the handling and treated? You said
 10 they had complaints about how they were handled and
 11 treated. Is that by your staff members?
 12 A. A lot of it was by staff members, yes.
 13 Q. So they complained that they were rude to them?
 14 A. Yes.
 15 Q. All right. So how did you deal with that?
 16 A. Well, I coached the people and through attrition
 17 some of them left because they didn't like to be coached
 18 and treat the public fairly and took other jobs within
 19 the county.
 20 Q. Tell me, during the periods of time that you
 21 worked for Oconee County, tell me the names of the permit
 22 technicians that you had.
 23 A. Marcia Roach, George -- I can't remember
 24 George's last name. Joy Owens, Wanda Roach, Cynthia
 25 Adams. I believe that was most of them.

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1 Q. That's five. Does that sound right?
 2 A. Close, yeah. We also cross-trained, so there
 3 were inspectors that did permitting at certain times and
 4 the fire marshall did some permitting when I first got
 5 there and the plan reviewer, Stacy Blackwell, did some
 6 permitting, so it was kind of a joint effort.
 7 Q. But just in terms of --
 8 A. 14 people.
 9 Q. I will ask you about the other people, but I am
 10 trying to focus right now on the permit techs.
 11 A. Sure.
 12 Q. You are saying the ones you remember is the
 13 five?
 14 A. Yes.
 15 Q. And which ones were there when you left?
 16 A. The original ones were not there. Wanda Roach
 17 was there, Cynthia Adams. There was another one, Casey
 18 Neal, N-E-A-L.
 19 Q. Was Casey there when you left?
 20 A. Yes, she was.
 21 Q. So you had three?
 22 A. Uh-huh [yes].
 23 Q. Is that true?
 24 A. That's true.
 25 Q. Which ones did you receive complaints about

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1 their demeanor?
 2 A. Mainly Marcia Roach.
 3 Q. People said Marcia was rude?
 4 A. Confrontational, yes.
 5 Q. Any of the others they complained about?
 6 A. I don't remember a lot about George or Stacy.
 7 being complained about, just the complaints were more of
 8 the way the system was structured.
 9 Q. Meaning "I had to go to different places"?
 10 A. "I had to go all over the place," yeah.
 11 Q. Did you terminate Marcia?
 12 A. No. Marcia went out on maternity leave, and
 13 then she transferred into the treasurer's office while
 14 she was out.
 15 Q. Okay. So she is still working for the county,
 16 as far as you know?
 17 A. As far as I know.
 18 Q. Okay. Did you discipline Marcia in any way for
 19 her poor performance?
 20 A. Verbally. Basically, we had discussions. After
 21 she went out on maternity leave, she kept trying to come
 22 back in the office and perform tasks to maintain her job,
 23 handle on her job, I think. She didn't want anybody to
 24 know how to do it, and I did reprimand her formally then.
 25 Q. For what?

9 (Pages 33 to 36)

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1 A. Working while she was on --
 2 Q. Maternity leave?
 3 A. Yeah.
 4 Q. Let's turn our attention to the inspectors. You
 5 said you had four, roughly?
 6 A. Roughly, yeah.
 7 Q. Tell me who the inspectors were when you left.
 8 A. When I left?
 9 Q. Yes, sir.
 10 A. There was Jake Ramey, Jessie Mase, M-A-S-E,
 11 Stephen Sobeck, and then I had Scott Carroll, who did
 12 plan review and mainly commercial inspections.
 13 Q. So you had three full-time people doing
 14 inspections and one who was plan review and inspection;
 15 is that accurate?
 16 A. Uh-huh [yes].
 17 Q. Yes?
 18 A. Yes.
 19 Q. How many inspectors worked -- other than the
 20 people you have mentioned, how many other inspectors did
 21 you have during your tenure at Oconee County?
 22 A. There were three others, I believe.
 23 Q. Tell me their names.
 24 A. David Holbrooks, Danny Holbrooks, and I can't
 25 quite grasp the last guy's name.

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1 Q. Did you receive any complaints from contractors,
 2 be they commercial or residential home builders, about
 3 the performance of your inspectors?
 4 A. Well, complaints are not uncommon in the
 5 building department when you're costing contractors
 6 money, so it was kind of a routine thing that you would
 7 have comments on your inspectors.
 8 Q. So the answer is yes, you had complaints?
 9 A. Yes, yes.
 10 Q. Did you have routine complaints?
 11 A. I wouldn't call them routine.
 12 Q. Did you have complaints about any particular
 13 inspector that you recall?
 14 A. Not out of the ordinary. When I got there or
 15 later?
 16 Q. Any time while you worked for Oconee County.
 17 A. Nobody stands out tremendously by themselves.
 18 Q. Did you have to discipline any of the inspectors
 19 for job performance?
 20 A. Job performance was kind of looked at on a daily
 21 basis. I would meet with my inspectors every morning
 22 before they went out in the field, and we would go over
 23 their previous day's activities, and we would look up and
 24 reference code sections, and it was educational time and
 25 a mentoring time as far as how to handle people through

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1 customer service, so it was a continual process.
 2 Q. Other than meeting with them to discuss their
 3 work for the day, did you have to reprimand any of these
 4 inspectors?
 5 A. I had to correct them on some of the things they
 6 were doing. I think "reprimand" is a little harsh word,
 7 but, I mean, if they had made a bad call the day before,
 8 you would do a code search on it. We would look through
 9 the code, we would read the code, we would get other
 10 references that commented on those code sections,
 11 commentaries, and then as a group, I would lead them to
 12 arrive at a decision, and then the inspector had to go
 13 out and call that contractor and retract his decision
 14 from the day before.
 15 Q. Did you ever have to write any of them up?
 16 A. No.
 17 Q. Did you terminate any inspector?
 18 A. I terminated one inspector that was originally
 19 there, the guy I can't remember his name.
 20 Q. Terminated unknown?
 21 A. Yeah.
 22 Q. Why did you terminate that person?
 23 A. He was doing drive-by inspections; wasn't doing
 24 his job.
 25 Q. Meaning he was breezing by the site, but not

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1 looking?
 2 A. He was the go-to guy if you needed to get your
 3 job passed.
 4 Q. Okay. Now, you mentioned the code to me several
 5 times. What codes did Oconee County adopt?
 6 A. Oconee County adopts the state mandated codes,
 7 which are the international codes.
 8 Q. The IRC?
 9 A. The IRC, IBC, National Electric Code,
 10 International Mechanical Code.
 11 Q. And my experience is sometimes people adopt an
 12 older version of the code than the most current one the
 13 International Codes Council has put out.
 14 A. The state mandates you adopt the codes they tell
 15 you to, so we stayed current.
 16 Q. Okay. So you were using whatever code the state
 17 approved?
 18 A. The state approved, yes.
 19 Q. And that was the codes that you guys went out
 20 and tried to enforce?
 21 A. Yes, ma'am.
 22 Q. Now, tell me, on the inspection front, on
 23 residential, what inspections did your folks do?
 24 A. We did basic inspections called for in Chapter
 25 One, footings, foundation walls, framing, mechanical,

10 (Pages 37 to 40)

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1 electrical, plumbing, insulation. Then we would go back
2 and do finals. We would do, you know, electrical,
3 mechanical and plumbing finals and building finals, which
4 would be more egress-oriented type stuff. If they had
5 pools, we would do electrical inspections on the pools,
6 grounding and bonding, equivalency bonding type
7 inspections on pools.

8 Q. Okay. What about commercial?

9 A. Commercial, basically the same. You would do,
10 you know, structural inspections, footings, framing,
11 electrical, mechanical, plumbing, roofing.

12 Q. And did you tell me that most of the inspectors
13 did both residential and commercial, but Mr. Carroll did
14 exclusively commercial when he did an inspection?

15 A. He did both. I mean, we are kind of a
16 multi-discipline shop.

17 Q. And when you say he did plan reviews, tell me
18 what you mean by that.

19 A. Well, Oconee had a policy if you had a house
20 over 5,000 square feet, it had a plan review, so Scott
21 would do those plan reviews on residential property, and
22 then all commercial projects were reviewed for code
23 compliance.

24 Q. So when he was doing residential code review for
25 bigger houses, is he looking for what? Code compliance?

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1 A. He is looking for codes compliance, okay,
2 glazing in glass, staircases, bearings on beams, if there
3 were something called out, those type of things.

4 Q. And then on commercial, what was he looking for?

5 A. The same type things, footings, design
6 professional stamps that the plans were properly in order
7 which were required by the state Architectural Commission
8 and the Engineers Board, that the data was there, wind
9 loads were there. Similar things, the same things that
10 take place, structures in the residential, affect
11 commercial structures. It is just a little bit more
12 detailed.

13 Q. But he was receiving sealed drawings on the
14 commercial?

15 A. Yes, when they were required by state law.

16 Q. Okay. And was Mr. Carroll your plan reviewer
17 the entire time you worked with Oconee County?

18 A. No.

19 Q. Did you have another plan reviewer prior to Mr.
20 Carroll?

21 A. Stacy Blackwell was the plan reviewer when I
22 first got there.

23 Q. What happened with Stacy?

24 A. He moved to Clemson.

25 Q. So he quit?

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1 A. Clemson.

2 Q. I mean, he quit his job?

3 A. Yeah. He took a job in Clemson, yes.

4 Q. And then did you hire Scott?

5 A. No. The fire marshall situation changed in
6 Oconee County and we hired a fire chief, and I took my
7 fire marshall -- his name was Ronald Butts -- who had
8 done a lot of plan reviews previously from the fire code
9 side and educated him into being a commercial plan
10 reviewer.

11 Q. I'm sorry. Your fire marshall Ronald became a
12 plan reviewer?

13 A. Yes.

14 Q. In addition to going out and performing
15 inspections related to fire code compliance?

16 A. Well, at that time, he was not employed as a
17 fire marshall anymore. We had a fire chief in Oconee
18 County and restructured emergency services. Ronald was
19 out of a job.

20 Q. I see.

21 A. So I needed a plan reviewer at that time, and he
22 had background in it from the fire code side.

23 Q. Okay. So Stacy did plan review, then left, and
24 then you used Ronald and then Scott?

25 A. Yes.

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1 Q. Okay. Tell me what you did all day.

2 A. I managed the department, fielded phone calls
3 from contractors and the public, did a lot of plan review
4 training with Scott, went out in the field and did
5 inspections when the workforce was low or when there was
6 complicated problems in the field or things that
7 inspectors didn't understand.

8 Q. Okay. Who did you report to?

9 A. Scott Moulder.

10 Q. How much interaction did you have with
11 Mr. Moulder?

12 A. Mr. Moulder called me when he needed to talk to
13 me, and then a little later, we developed a bimonthly
14 standing meeting on Thursdays.

15 Q. So you would meet every other Thursday?

16 A. Every other Thursday.

17 Q. And the purpose of that meeting was what?

18 A. Stay in touch with his goals and aspirations for
19 me, discuss any issues that may have come up during the
20 previous two weeks that weren't urgent enough to call me
21 to the office.

22 Q. Did Mr. Moulder, to your knowledge, receive
23 complaints about the building codes department and relay
24 those to you?

25 A. He did, yeah.

11 (Pages 41 to 44)

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- 1 Q. And he would relay those to you to deal with?
- 2 A. Oh, yeah.
- 3 Q. Was that usually sent to you by email? Was that
- 4 a call on the telephone? Did he walk down to your
- 5 office? Help me.
- 6 A. In urgent cases, he walked down to my office. A
- 7 lot of times it would be an email summons to his office
- 8 or a phone call.
- 9 Q. Okay. Tell me what interaction you had with any
- 10 of the members of county council.
- 11 A. Hardly any at all.
- 12 Q. Did you attend council meetings?
- 13 A. Some.
- 14 Q. When would you attend?
- 15 A. When there was something on the docket
- 16 Mr. Moulder thought I should be there for.
- 17 Q. Related to --
- 18 A. Wasn't often at all.
- 19 Q. -- some big construction project or something?
- 20 A. Adoptions of codes, staff, requesting staff,
- 21 those type of things.
- 22 Q. How many times did you attend council meeting?
- 23 A. I would say ten to 15 times at the most the
- 24 whole time I was there.
- 25 Q. Okay. Let's look, if we could, at Exhibit

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- 1 No. 1. I want to focus on paragraph No. 9 on page No. 2.
- 2 A. Uh-huh [yes].
- 3 Q. It says that "On or around March 8, 2017,
- 4 Defendant Cammick applied for a building permit from
- 5 Oconee County to erect or install a prefabricated
- 6 structure on her property."
- 7 A. Yes.
- 8 Q. Did you have any interaction with Miss Cammick
- 9 on that date?
- 10 A. I did.
- 11 Q. Tell me about that, please, sir.
- 12 A. Wednesday or Thursday afternoon. I'm not
- 13 exactly sure, but late in the afternoon, I had Casey Neal
- 14 come into my office and say that Edda Cammick was in the
- 15 office trying to get a permit with Cynthia Adams and that
- 16 Cynthia needed some help.
- 17 Q. Who came in your office? Miss Neal?
- 18 A. Miss Neal, Casey Neal.
- 19 Q. So you were in your office, and Miss Neal came
- 20 in and said "Hey, Edda Cammick is out here. She is
- 21 having issues with Cynthia?"
- 22 A. Right.
- 23 Q. What did you do?
- 24 A. I got up and went in the office to give
- 25 assistance.

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- 1 Q. Tell me what happened.
- 2 A. Well, Miss Cammick was wanting to know why she
- 3 needed a permit and why she needed engineering drawings
- 4 for the structure she had, and I did my best to explain
- 5 that issue to her, that all people that had these
- 6 prefabricated metal structures over 400 square feet
- 7 needed a permit, everybody in the county was treated the
- 8 same, and because they weren't in the residential code,
- 9 metal structures weren't in the residential code and they
- 10 were an alternative method of construction which is
- 11 recognized in chapter one, I needed plans for them and
- 12 those plans needed to be stamped by a designer.
- 13 Q. Okay. Help me a little bit.
- 14 A. Sure.
- 15 Q. So these -- I don't know. What do you want to
- 16 call them? Metal shed?
- 17 A. Metal carports.
- 18 Q. The metal carports are not covered by the IRC?
- 19 A. No, they are not in the IRC. I mean, the IRC
- 20 has metal framing in it, but it is like metal studs and
- 21 stuff and it has wood framing so it is not -- there are
- 22 no prescriptive requirements for inspection, you know.
- 23 There is no guidelines studs have to be 16 inches or 24
- 24 inches and things like that on metal carports, so it's an
- 25 engineered product.

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- 1 Q. It's a prefabricated product, right?
- 2 A. Right. An engineer usually designs the
- 3 fabrication.
- 4 Q. So what in the International Residential Code
- 5 said there was any code compliance requirement for metal
- 6 carports?
- 7 A. Well, the code covers all built structures, so
- 8 in the administrative chapter, it says that you are
- 9 supposed to permit all built structures and there are
- 10 some structures you did not permit in the code that are
- 11 called out, things that are called out that don't require
- 12 permitting, and then I think 120 square feet or 200
- 13 square feet is the cutoff limit for requiring a permit in
- 14 the IRC. The county had extended that up to 400 square
- 15 feet for a detached accessory structure to single-family
- 16 housing, so typically that's where these carports ended
- 17 up. They were detached accessory structures.
- 18 Q. I'm sorry. Go back. When you say the county
- 19 had modified the square footage requirement to 400, when
- 20 did the county do that?
- 21 A. Prior to my coming on staff.
- 22 Q. How did you learn that the county had even done
- 23 that?
- 24 A. It is a document. It is part of my adoption of
- 25 codes. There is an amendment in there for chapter one.

12 (Pages 45 to 48)

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1 Q. So it was part of a special code adoption by
2 Oconee County?
3 A. It was.
4 Q. And it said structures that are 400 square feet
5 or less --
6 A. Less, detached structures that are 400 square
7 feet or less accessory to single-family homes.
8 Q. Aren't covered?
9 A. Aren't covered, aren't required to be permitted.
10 They are covered by the building code.
11 Q. Was there any description in that adoption about
12 how one measures 400 square feet?
13 A. No.
14 MR. HOPKINS: Object to the form.
15 Q. [Ms. Burton] Did you have any communication
16 prior to enforcing this particular provision with anybody
17 at the county about what the intent was with respect to
18 that 400 square foot provision?
19 MR. HOPKINS: Same objection.
20 THE WITNESS: No.
21 Q. [Ms. Burton] Okay. So you just saw it in
22 writing, right?
23 A. Right.
24 Q. And you went to apply it?
25 A. There was already a history of how it was

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1 A. Typically, it was "How big is your building,"
2 "20 by 20," and you took that information.
3 Q. Okay. And if it exceeded 400 square feet, then
4 you required a building permit?
5 A. That's correct.
6 Q. And to acquire said building permit, you
7 required engineered drawings?
8 A. For metal structures that weren't included in
9 the IRC.
10 Q. For metal structures?
11 A. Metal -- prefabricated metal structures.
12 Q. They had to have a engineered drawing?
13 A. That's right.
14 Q. And what said that an engineered drawing was
15 required?
16 A. Well, several code sections in the
17 administrative chapter, so a building official's
18 empowered to approve plans and to request information he
19 needs to make educated decisions on safe buildings, so
20 through that process, when you get to a building that is
21 not designed prescriptively, then you need engineered
22 solutions to it.
23 Q. So is there a code?
24 A. There is not a code that definitely says you
25 have to have engineering for prefabricated metal

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1 applied when I got there.
2 Q. How did you learn the history?
3 A. From my inspectors and my permitting staff.
4 Q. Who specifically?
5 A. At that time, it would have been Marcia Roach,
6 George, Casey Blackwell, Stacy Blackwell, Rhonda Butt and
7 the inspectors.
8 Q. What did those people tell you?
9 A. That if the structures were 400 square feet or
10 less, they weren't permitted.
11 Q. Okay. And did they give you any indication
12 about how that 400 square feet was being measured to make
13 that determination?
14 A. No. Typically you would go to the building code
15 for that guidance.
16 Q. Okay. How were you measuring it?
17 A. Basically, we would ask the customer what size
18 they were and they would tell us and do a simple math
19 calculation.
20 Q. So you would say "How big is it," and they would
21 say "20 by 20"?
22 A. Right, so it is 400 square feet or less.
23 Q. And would that include the overhang section of
24 the shed or just from the stakes or columns that
25 supported it?

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1 structures. There is a set of requirements that say the
2 scope of this book is wood framing, dah, dah, dah, and it
3 is prescriptively applied. Then when you're out of that
4 box, it's called alternate materials and methods that you
5 can use, and then the building official has the right to
6 ask for documents to clarify the construction and provide
7 methods to inspect the properties.
8 Q. So as the building official, you used your
9 discretion to decide you wanted engineered drawings?
10 A. It was routine. The drawings became -- you also
11 have to follow directions. Okay? There is another
12 section in the administrative section that says you
13 install it by the directions, so these things come with
14 directions and they can come with engineered directions
15 and they all come with engineered plans, and most of the
16 time they come with stamps.
17 Q. Okay. Answer my question.
18 A. Sure.
19 Q. Did you use your discretion to decide that you
20 were going to require engineered drawings since the code
21 doesn't prescribe that?
22 A. The code does prescribe that through a series of
23 sections that say you can ask for engineered drawings and
24 design.
25 Q. Does it say "engineered"?

13 (Pages 49 to 52)

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1 A. It doesn't use the word "engineered."
 2 Q. You don't have to have engineered drawings to
 3 build a house?
 4 A. No, you don't. They are exempt by state law.
 5 Q. Did you require that the engineered drawings not
 6 only have a stamp, but they have a South Carolina seal?
 7 A. That's state law, yes, ma'am.
 8 Q. What do you mean, that's state law?
 9 A. State law says if you're going to practice
 10 engineering in South Carolina, you have to have a South
 11 Carolina license.
 12 Q. And you decided that if I fabricate a building
 13 in Nebraska and sell it in South Carolina, I am
 14 practicing engineering in South Carolina?
 15 A. The state makes that decision, yes.
 16 Q. Where do you get that?
 17 A. From the Engineering and Surveyors Board.
 18 Q. From the Engineering Licensing Board?
 19 A. Yes.
 20 Q. Did you review that with Matt Kelly?
 21 A. No.
 22 Q. I mean, he is an engineer, right?
 23 A. Yes, he is. He is a civil engineer.
 24 Q. He now sits on the licensing board, right?
 25 A. Yeah.

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1 Q. Did you ever go over any of this with him?
 2 A. No.
 3 Q. Did you review your understanding about how you
 4 were going to enforce this metal structure issue with
 5 anybody at the county other than your subordinates?
 6 A. No.
 7 Q. All right. Now, I'm sorry. You and I
 8 digressed.
 9 A. That's all right.
 10 Q. Because you were telling me about meeting with
 11 Miss Cammick on March 8, 2017, and you said you went out
 12 to talk with her. Tell me about that conversation;
 13 please.
 14 A. Well, I went out to talk with her. She was
 15 sitting in front of Cynthia's desk, and I asked her how I
 16 could help her, and she said she didn't understand why
 17 she needed a permit and she didn't understand why she
 18 needed engineered drawings, so I explained to her that it
 19 was over 400 square feet. I asked Cynthia what size it
 20 was and if it was over 400 square feet, that, you know,
 21 she had to have a permit because it was a structure that
 22 was built, and, by ordinance, you got to have a permit,
 23 and that since it was not in the book and there wasn't
 24 any prescriptive guidance to inspect it by or know what
 25 kind of wind loads would affect it, you know, we needed

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1 the plans, and the plans would need to have an engineer's
 2 seal on them.
 3 Q. Okay. What else happened?
 4 A. After I finished with my explanation, she said
 5 it again, you know, "I don't understand why I have to
 6 have a permit, and I don't understand why I have to have
 7 engineered plans," so I went back over it and showed her,
 8 and I said "I have got a book here, the International
 9 Residential Code, that gives me prescriptive guidance on
 10 how to build structures. Your structure isn't in this
 11 code. I don't know how to inspect it without guidance,
 12 you know. I get to ask for guidance, and guidance is
 13 through plans and instructions and an engineer's seal,
 14 and everybody does the same when they are over 400 square
 15 feet on a preengineered building just like if it was a
 16 much larger building, they all have engineered drawings
 17 to them."
 18 Q. Okay. Then what happened?
 19 A. She repeated herself and didn't understand. It
 20 didn't make any sense to her, so I went over it again
 21 with her.
 22 Q. Okay.
 23 A. And during that process, I think Cynthia said "I
 24 told her that." I said, you know, "Some companies give
 25 you these plans stamped. Some companies give you plans

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1 that aren't stamped. These are vendors. Some vendors,
 2 when you ask for the sealed drawings, some companies
 3 charge you; some companies don't." I mean, it is the
 4 vendor's choice of how they want to handle it, and she
 5 had a document that somebody had just applied for a
 6 permit, and I said -- she said "Show her this is how it
 7 looks," so I got -- she handed me the document, and I
 8 said "This is an example of a set of engineered plans
 9 that shows your structure, gives you all the sizes and
 10 how to tie them down, shows you what the wind loads are
 11 going to be in certain areas, and there is a stamp page
 12 on it, shows you the stamp for the architect or
 13 engineer," and I handed that back to Cynthia.
 14 Q. Okay. Then what happened?
 15 A. Edda accused me of trying to steer her to
 16 purchase from certain people.
 17 Q. Tell me what she said specifically.
 18 A. She said "You are trying to push me to buy from
 19 this guy." I said "No. I am using this as an example of
 20 what everybody in the county does for these structures
 21 over 400 square feet. That's all."
 22 Q. So whose engineered drawing did you show her?
 23 A. I don't remember the engineer at the time.
 24 Q. Do you know -- I mean, it is my understanding --
 25 you tell me if I'm wrong -- that there are several

14 (Pages 53 to 56)

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1 companies that sell these carports.
 2 A. There is three or four vendors in Oconee, yeah,
 3 and I think this was Carolina Carports.
 4 Q. Who owns Carolina Carports?
 5 A. Rod somebody.
 6 Q. So you will have to help me. With these three
 7 or four vendors of metal carports, did they all buy from
 8 the same manufacturer?
 9 A. No.
 10 Q. Or they bought from different manufacturers?
 11 A. Many manufacturers, yes.
 12 Q. And did some of the manufacturers have presealed
 13 South Carolina sealed drawings?
 14 A. Yeah.
 15 Q. That they would present?
 16 A. Yes, some of them do.
 17 Q. And was there one or two of the vendors that had
 18 those?
 19 A. They all have the plans.
 20 Q. Sure.
 21 A. I mean, you have to have plans to put them
 22 together, you know, and you have to have plans to know
 23 how to put them on the ground, so they all have plans and
 24 they all have stamped pages or stamped plans. Some
 25 companies decide to provide that; some companies that

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1 manufacture them don't, you know, and I have no idea why.
 2 Maybe the relationship they have with their engineer, and
 3 some companies charge you if you ask for it, you know,
 4 "Here are your plans." "I need an engineer stamp." "You
 5 have to pay some extra for that." Some companies don't.
 6 Q. Okay.
 7 A. I don't have any control over that.
 8 Q. Who is Mr. Whitten?
 9 A. That is Rod.
 10 Q. That's Rod?
 11 A. Rod Whitten.
 12 Q. And did Rod sell metal carports that came with
 13 stamped plans?
 14 A. Rod sells metal carports. They all come with
 15 stamped plans, and he was a frequent flier in the office.
 16 and he decided just to have all his plans stamped, I
 17 suppose. Before I got there, they had a book of plans
 18 that had stamps on them. It was done by the previous
 19 building official in the department. When we switched to
 20 CitizensServe, you know, there were individual sets of
 21 plans stored in the computer, so we got individual sets
 22 of plans for each product, you know. It is hard to have
 23 a book in the office with plans in it and inspect it in
 24 the field, so CitizensServe allows you to have those
 25 plans in the field at the place you are looking at by

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1 calling them up on the computer.
 2 Q. So in the past -- help me understand. In the
 3 past, did some of the folks that sell these metal
 4 carports provide kind of the standard plans for the
 5 different carports they sold and you just had them in the
 6 office?
 7 A. With the stamps on them, yes.
 8 Q. Do you know Larry Burton?
 9 A. I know Larry Burton.
 10 Q. Is his group one of the ones that had supplied a
 11 CD or anything?
 12 A. No. He was a newer vendor.
 13 MR. HOPKINS: You need to let her finish
 14 her question before you answer.
 15 THE WITNESS: Excuse me.
 16 Q. [Ms. Burton] We are talking over each other.
 17 It happens.
 18 A. Sorry.
 19 Q. No. It's fine. Did Mr. Burton and his crowd
 20 ever supply a CD to the building codes department with
 21 engineered drawings on it for the carports they were
 22 selling?
 23 A. Not to my knowledge.
 24 Q. So when the department changed from people
 25 coming in and applying for permits to doing the

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1 CitizensServe, then is that when you guys started
 2 requiring a plan for each carport that was being
 3 constructed loaded up into the computer? Is that what
 4 you are telling me?
 5 A. They were doing that before I got there also,
 6 so, I mean, when you have a construction project, you
 7 submit your plans, you know, and you have to have custody
 8 of those plans in some fashion so your inspectors can
 9 look at them, so when we had CitizensServe, every time
 10 you made a submission, you brought a copy of those plans.
 11 That way you knew you were on the right carport from the
 12 right manufacturer and you knew the right requirements.
 13 Q. Did you ever talk to Larry Burton or any of the
 14 folks he worked with about the requirement for engineered
 15 plans?
 16 A. Specifically, I can't call that up. I can tell
 17 you that I talked to a lot of the vendors or the vendors
 18 about their plans from time to time.
 19 Q. When you say "vendor," did you mean people like
 20 Mr. Burton and Mr. Whitten?
 21 A. Yes.
 22 Q. Okay. But you don't just specifically recall
 23 dealing with that business about engineered plans?
 24 A. No.
 25 Q. Do you know whether Mr. Burton was telling

15 (Pages 57 to 60)

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1 potential customers that the building codes department
2 was favoring Mr. Whitten?

3 A. No.

4 Q. Did you ever hear a rumor that he was telling
5 people that?

6 A. Not during my employment, not until the end.

7 Q. Okay. Do you know whether Mr. Burton had told
8 Miss Cammick that you just were favoring Mr. Whitten?

9 A. No.

10 Q. Do you know whether he told Mr. McCall that you
11 guys were favoring Mr. Whitten?

12 A. No.

13 Q. Do you know whether any of your staff members
14 ever advised any potential permittee that Mr. Whitten had
15 the ability to provide engineered plans?

16 A. Not to my knowledge. That would have been a
17 disciplinary situation if it had occurred.

18 Q. Did anybody ever report to you that any of your
19 subordinate employees were advising people that came in
20 to apply for a permit that Mr. Whitten could provide
21 engineered drawings?

22 A. No.

23 Q. We were talking about the discussion you had
24 with Miss Cammick on March 8, 2017, and I think you told
25 me that you explained the need for engineered drawings

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1 Q. Okay.

2 A. You know, it's like you have got a council chair
3 that is pushing you about permitting her, so --

4 Q. Well, I mean, did she say anything to you like
5 "I am on council"?

6 A. She wouldn't have to say that. You already know
7 that. I mean, you intuitively know that. You went
8 through the elections, and she is on council. I mean, I
9 got the distinct feeling that -- I got the distinct
10 feeling walking away from the conversation it wasn't
11 over.

12 Q. Okay. Did Miss Cammick provide the engineered
13 drawings?

14 A. She permitted the same day, yes.

15 Q. So she came back with engineered drawings?

16 A. I think -- I don't know. I went back to my
17 office. I know she was permitted that day, so I assume
18 they came in on fax or email to us.

19 Q. So she provided the required information, to
20 your knowledge?

21 A. To my knowledge, yes.

22 Q. And was the structure erected on her property?

23 A. Yes.

24 Q. Did your department inspect said structure?

25 A. Yes.

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1 several times and that you showed her a set of engineered
2 drawings.

3 A. As an example.

4 Q. As an example. What happened after you showed
5 her those drawings?

6 A. Like I said, she asked me if I was trying to
7 steer her to buy from that place, which I said "No. I am
8 trying to show you an example." She had already bought
9 the product anyway, and I asked her if there was anything
10 I could help her with. She said again she didn't
11 understand. I said "We have kind of gone over all that.
12 I don't have anything else I can say on that. Is there
13 anything else I can help you with," and she said "No,"
14 and I went back to my office.

15 Q. Had you ever met her before?

16 A. I met Miss Cammick in the hallways. I knew she
17 was on council. I didn't have a relationship with her.

18 Q. So you had just kind of seen her in passing?

19 A. Well, you know your council people.

20 Q. Right. But you hadn't had any direct
21 interaction with her before?

22 A. No.

23 Q. What was Miss Cammick's demeanor during this
24 meeting?

25 A. Slightly aggressive.

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1 Q. Who conducted the inspection?

2 A. One of the inspectors. I don't know.

3 Q. Now, I want to turn your attention to paragraph
4 No. 14 in Exhibit No. 1.

5 A. Okay.

6 Q. Did you attend the budget, finance and
7 administration council committee meeting referred to in
8 that paragraph?

9 A. No, ma'am.

10 MR. LOGAN: I'm sorry. What was the
11 answer?

12 THE WITNESS: No.

13 MR. LOGAN: Thank you.

14 Q. [Ms. Burton] In paragraph 14, there is a
15 description that says that Defendants McCall and Cammick
16 voiced frustration with the building department because
17 Defendant Cammick was required to get engineering
18 documentation and a building permit for a structure they
19 felt did not need those requirements. Do you see that
20 sentence?

21 A. I do.

22 Q. How do you know that actually occurred if you
23 didn't attend the meeting?

24 A. There is a YouTube video of it.

25 Q. Okay. So you watched YouTube?

16 (Pages 61 to 64)

Page 65

- 1 A. After I was terminated, yes!
- 2 Q. So prior to your termination, you didn't know
- 3 anything about the meeting?
- 4 A. No.
- 5 Q. Okay. Have you read, looked at, listened to
- 6 that video or what was discussed?
- 7 A. I have listened to it, and I briefly scanned
- 8 through the --
- 9 Q. The transcripts?
- 10 A. The transcript, yeah.
- 11 [Defendants' Exhibit 4 was marked for
- 12 identification.]
- 13 Q. [Ms. Burton] Let me hand you Exhibit No. 4 to
- 14 your deposition. This, Mr. Stokes, purports to be a
- 15 transcript from Oconee County budget, finance and
- 16 administrative meeting on April 25, 2017. The first --
- 17 and I know the meeting was longer and they didn't
- 18 transcribe every part of it, but the first part
- 19 indicates that it is Mr. McCall speaking.
- 20 A. Yes.
- 21 Q. Is this portion of what he said what you are
- 22 referring to in paragraphs 14 and 15 of your lawsuit
- 23 paper?
- 24 A. Yes. This is the conversation.
- 25 Q. Okay. So this is it, right?

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- 1 A. This is it.
- 2 Q. Okay. There isn't some other statements or
- 3 anything that were made outside of this conversation that
- 4 you are complaining about?
- 5 A. No.
- 6 Q. All right. And then it goes on in Exhibit No. 4
- 7 and has some comments by Miss Cammick. Are those the
- 8 conversations that you are referencing in Exhibits 14 and
- 9 15 of your complaint?
- 10 A. Yes.
- 11 Q. In paragraph 16 of your complaint, you say that
- 12 Defendants McCall and Cammick communicated to the Journal
- 13 newspaper these same falsehoods with reckless disregard
- 14 to the truth of the allegations. Do you see that?
- 15 A. I do.
- 16 Q. What is the basis for your statement that they
- 17 communicated with the newspaper?
- 18 A. They were quoted in the newspaper. It was
- 19 verbatim kind of where you're going right here. I did
- 20 not see them do it.
- 21 Q. So do you know whether they actually talked to
- 22 the newspaper reporter or whether the newspaper reporter
- 23 watched YouTube on the Oconee County channel?
- 24 A. I don't know. They did communicate in one
- 25 fashion, though, or other.

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- 1 Q. What do you mean by that?
- 2 A. The reporter knows what they said in the
- 3 meeting.
- 4 Q. Okay. Do you know whether the reporter who
- 5 wrote the story attended the meeting?
- 6 A. No.
- 7 Q. So you don't know whether the reporter is just
- 8 repeating what was said at the meeting or whether there
- 9 was a separate conversation?
- 10 A. No, I don't.
- 11 Q. Tell me whether you're aware of any complaints
- 12 that any residential home builder, trade contractor or
- 13 general contractor made to Wayne McCall?
- 14 A. There was a complaint that they had a meeting
- 15 over, Darren Nichols.
- 16 Q. Darren Nichols?
- 17 A. Uh-huh [yes].
- 18 Q. What is Mr. Nichols' occupation?
- 19 A. He is a home builder.
- 20 Q. And how do you know that Mr. Nichols complained
- 21 to Mr. McCall?
- 22 A. They had a meeting discussing some blocking
- 23 requirements and framing that Mr. Nichols was required to
- 24 do on his structures.
- 25 Q. And he is a house builder?

Page 68

- 1 A. Yes, he is.
- 2 Q. And the issue Mr. Nichols had with the code
- 3 department is how you were requiring him to do framing?
- 4 A. Yes.
- 5 Q. And he fussed at Mr. McCall, I guess?
- 6 A. Yes.
- 7 Q. And how do you know that occurred?
- 8 A. Mr. Moulder discussed it with me.
- 9 Q. Do you recall approximately when you talked with
- 10 Mr. Moulder about that?
- 11 A. No, I don't.
- 12 Q. Do you know of any other complaints that were
- 13 made directly to Mr. McCall about the building codes
- 14 department?
- 15 A. Not in detail, no.
- 16 Q. How about rumor in general? Do you know
- 17 anything about that?
- 18 A. There are always rumors.
- 19 Q. Okay. What did you hear?
- 20 A. I can't think of anything in particular.
- 21 Q. Okay. Well, turn to paragraph 15 of your
- 22 complaint, please, sir. Paragraph 15, you say
- 23 "Defendants McCall and Cammick also asserted that they
- 24 had received numerous citizen complaints regarding
- 25 customer service and delays with the Plaintiff's

17 (Pages 65 to 68)

Page 69

1 department and that Plaintiff had blackballed certain
2 contractors and businesses within Oconee County, all of
3 which is false." Did you see that allegation?

4 A. Yes.

5 Q. Do you know whether Defendants McCall and
6 Cammick actually received numerous citizen complaints
7 about your department?

8 A. No, except for what is in the document here and
9 what was said in the meeting.

10 Q. Okay. So you don't know whether people were
11 complaining about your department or not truthfully?

12 MR. HOPKINS: Object to the form.

13 THE WITNESS: Would you restate that for
14 me?

15 Q. [Ms. Burton] You do not know whether folks,
16 citizens, were complaining about your department to those
17 two council members?

18 MR. HOPKINS: Object to the form.

19 Q. [Ms. Burton] Do you?

20 A. Not precisely, no.

21 Q. Are you aware that some contractor, trade
22 contractor, residential home builder folks showed up at
23 Mr. McCall's shop to complain about the building codes
24 department?

25 A. Yes. This is the meeting Mr. Moulder talked to

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1 Q. Are you aware of that?

2 A. Uh-huh [yes].

3 Q. In paragraph 21, you allege that the Defendants
4 made false statements and published them to third
5 persons. Do you see that?

6 A. Yes.

7 Q. And I just want to make sure I know the universe
8 of the false statements. Are there any false statements
9 you contend were made about you by any of the Defendants
10 other than what is contained in Exhibit 4 that were made
11 at the budget, finance and administration meeting on
12 April 25, 2017?

13 A. No.

14 Q. So this is it?

15 A. That's it, and every time the YouTube video is
16 played.

17 Q. But there aren't other occasions where you say
18 they made false statements about you?

19 A. No.

20 Q. All right. Let's turn your attention, please,
21 sir, to page five of the complaint which is part of
22 Exhibit No. 1. I want to make sure I understand your
23 allegations contained in paragraph 28 on page five.

24 A. That's correct.

25 Q. Okay. You allege that Oconee County retaliated

Page 70

1 me about.

2 Q. You told me that was Mr. Nichols.

3 A. He was probably one of the members.

4 Q. So you knew there were other folks that showed
5 up?

6 A. I knew there were a couple others, yes.

7 Q. So you at least were aware that some group of
8 folks showed up at Mr. McCall's shop to complain about
9 the building codes department?

10 A. That's correct.

11 Q. Prior to your termination?

12 A. That's correct.

13 Q. And Mr. Moulder told you about that?

14 A. Yes.

15 Q. Because he had gone to that meeting?

16 A. Yes.

17 Q. Did that concern you?

18 A. Concerned me that the meeting was taking place,
19 yes.

20 Q. Turn your attention, if you would, please, to
21 page four of the summons and complaint, Exhibit No. 1.
22 In the first cause of action, Mr. Stokes, you have
23 alleged a claim against Mr. McCall and Miss Cammick and
24 Oconee County for slander.

25 A. That's correct.

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1 against you and terminated you because you were opposing
2 violations of applicable building codes, laws, statutes,
3 regulations, standards and/or policies and procedures.

4 A. That's correct.

5 Q. Do you see that?

6 A. Yes, I do.

7 Q. Can you tell me what codes, laws, statutes,
8 regulations, policies and procedures you are referring
9 to?

10 A. Nothing particularly, but the proper application
11 of the building code was in my purview and that's what we
12 were doing, permitting requirements, applying the
13 building code correctly and uniformly.

14 Q. Okay. Help me, Mr. Stokes. We can look at the
15 allegations or we can just talk about it directly. Why
16 are you saying you were wrongfully terminated?

17 A. Because I feel like I was terminated because I
18 was properly doing my job, uniformly doing my job,
19 properly administering the codes as I read them and as
20 the commentaries that we had as references describe the
21 requirements and the sections.

22 Q. And what are we talking about? Metal storage
23 building?

24 A. Yes. The metal storage building is an example.

25 Q. Well, I mean, is there another example that you

18 (Pages 69 to 72)

Page 73

1 think "I was trying to enforce the code and somehow I got
2 fired for doing that"?

3 A. No.

4 Q. So is it Miss Cammick's metal storage building
5 that we are really talking about?

6 A. Well, we are talking about Miss Cammick's
7 storage building, and they also talked about pouring
8 concrete footers at a later date in that meeting.

9 Q. Okay. So the storage building, and what
10 footings are we talking about?

11 A. Mr. McCall discusses pouring concrete footings
12 and not passing an inspection on a footer that wasn't
13 complete.

14 Q. Okay. Do you know what property or building
15 project that refers to?

16 A. I do think I know what project it was. There
17 was a project that Jessie Mase, one of my inspectors,
18 called me on Good Friday and said that the concrete
19 footings weren't finished and they had been called for
20 inspections, they didn't even have the steel in place or
21 the forms up and that he was going to reschedule the
22 inspection.

23 Q. Was it on a house?

24 A. Yes.

25 Q. Who was the builder?

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1 A. I don't know who the builder was. I know that
2 Southern Basement & Wall, I believe, was doing the work.

3 Q. They were doing the foundation work?

4 A. They were doing the footings, yes.

5 Q. Do you know where the property is?

6 A. I believe it is on Evergreen. It was on Lake
7 Keowee somewhere, Evergreen Circle or something like
8 that.

9 Q. So I want to understand. Mr. Mase called you in
10 the office and he said "I got called out here to do a
11 footing inspection and they aren't even ready for it"?

12 A. That's correct.

13 Q. And they didn't have the rebar in?

14 A. That's correct.

15 Q. And they hadn't poured all the concrete?

16 A. Hadn't poured any concrete.

17 Q. So they had holes in the ground?

18 A. They had trenches in the ground, yes.

19 Q. And they didn't call him out for some sort of
20 soil test to make sure the bearing capacity was correct?

21 A. That is typically a test that is done when you
22 do a footing inspection.

23 Q. Okay. So you test the bearing capacity at the
24 bottom of the footings?

25 A. Yes.

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1 Q. So was that what he was called out to test, the
2 bearing capacity?

3 A. He was called to do the bearing capacity to
4 inspect the footings to see if they were per the plan on
5 the house.

6 Q. Initially, he would inspect the bearing capacity
7 before the footings were poured, right?

8 A. Of course.

9 Q. Okay. So did he go out and inspect the bearing
10 capacity?

11 A. He did both. He was there to inspect the
12 footings, so he was there to inspect the bearing
13 capacity, that the steel and stuff was in place as
14 required by the building code and the forms were up and
15 erected level.

16 Q. Okay. And they had the trenches dug, but they
17 didn't have the forms and all the rebar in?

18 A. That's correct.

19 Q. So he said "Hey, they are not ready for me."
20 Why did he call you?

21 A. Because I think he was getting a little flak
22 from the superintendent, wanted him to pass without it
23 being complete.

24 Q. Did he get any flak about not going back out in
25 a timely manner?

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1 A. I didn't give him any flak for that.

2 Q. Did anybody else give him any flak about it?

3 A. Well, I got calls from Edda about it. I think I
4 was out in the field that day, too. When I got back to
5 the office, I had some phone calls to return about it,
6 and I talked to the owner of the property, but I didn't
7 give Jessie any flak about it. I mean, we were doing
8 inspections. We had a long list of people that we were
9 inspecting. Jessie had a flat tire that day, and, you
10 know, we just had to continue on with our inspection. It
11 was kind of a standard routine, if people weren't ready
12 for inspection, that you rescheduled them for the next
13 business day.

14 Q. So Jessie went out and they didn't have
15 everything in place, and then I gather that Southern
16 Basement & Wall wanted Jessie to come back out when it
17 was in place, and he was unable to do so?

18 A. That would be correct.

19 Q. And concrete truck was there ready to pour?

20 A. There were no concrete trucks there, to my
21 knowledge, no.

22 Q. And apparently somebody got so disgruntled that
23 they called this council member to fuss?

24 A. Uh-huh [yes].

25 Q. Do you know who that was?

19 (Pages 73 to 76)

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1 A. I believe it was Joel Perkins.
 2 Q. Who is Joel?
 3 A. I think he was the property owner.
 4 Q. So you heard from Miss Cammick that she was
 5 receiving complaints about this particular issue?
 6 A. Yes. I think I got back and I had a message to
 7 call Joel or Edda. I don't remember exactly which one it
 8 was. I talked to both of them that day. I talked to
 9 Edda twice, and I talked to Mr. Perkins twice.
 10 Q. Okay. Do you know whether there was a concern
 11 by the subcontractor that they had called for the cement
 12 delivery, but were unable to pour because they couldn't
 13 get an inspector back out?
 14 A. I think that's a typical complaint. You know,
 15 the inspections are supposed to be called when the
 16 footings are complete ready to pour, and they are not
 17 supposed to call or have concrete there until they are
 18 sure they can pour, so, you know, if you have somebody
 19 that's got a concrete truck sitting there, which I don't
 20 believe was the case, before they had the footings
 21 inspected, it would be bad business.
 22 Q. How did you resolve this issue?
 23 A. I talked to Mr. Perkins and explained the
 24 situation, and he agreed that I could inspect them the
 25 following business day, which was Monday.

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1 Q. So this happened on Friday and then they waited
 2 until Monday, and did you send somebody back out?
 3 A. I told Mr. Perkins I would send somebody out on
 4 the first inspection to check his footings.
 5 Q. And did that occur?
 6 A. That did occur.
 7 Q. Did the footings pass?
 8 A. Yes.
 9 Q. So it was a citizen complaint to a council
 10 member. You agree with me about that?
 11 A. Yes.
 12 Q. Okay. We have been going over an
 13 hour-and-a-half, so let's take a five-minute break.
 14 A. That's fine.
 15 Q. Does that suit you?
 16 A. That's great.
 17 [Short recess.]
 18 Q. [Ms. Burton] Mr. Stokes, you told me earlier
 19 about a conversation you had with Edda Cammick in the
 20 building codes office. Did you ever talk with Miss
 21 Cammick again about any issue?
 22 A. I talked to Miss Cammick on Good Friday about
 23 the concrete footings issue.
 24 Q. About the Joel Perkins house?
 25 A. That's correct.

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1 Q. And tell me what the conversation was with her
 2 that day.
 3 A. Miss Cammick wanted to know why we hadn't
 4 inspected the footings, why we wouldn't go back to
 5 inspect them.
 6 Q. And what did you report?
 7 A. I told her that the footings weren't ready and
 8 that we had a massive schedule that day and the inspector
 9 had to go to the next job and that he had a flat tire he
 10 had to fix, which further delayed him on doing the
 11 balance of the inspections he had for that day.
 12 Q. What did she say?
 13 A. She said "That's a lousy excuse for not going
 14 back."
 15 Q. The flat tire is a lousy excuse?
 16 A. Yes.
 17 Q. Anything else?
 18 A. She wanted me to talk to Mr. Perkins, and she
 19 wanted me to call her back.
 20 Q. So she asked you to call the homeowner?
 21 A. Yes. And I already had, I think, a note to
 22 return a call to Mr. Perkins.
 23 Q. And did you call her back after you spoke to
 24 him?
 25 A. I did.

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1 Q. What was that conversation?
 2 A. I told Miss Cammick that I talked to Mr. Perkins
 3 and he was going to be inspected first thing Monday
 4 morning and he had agreed to it.
 5 Q. What did she say?
 6 A. She said "Okay."
 7 Q. So as far as you were concerned, it was
 8 resolved?
 9 A. Yes.
 10 Q. Did she tell you to go ahead and pass the
 11 footing inspection anyway?
 12 A. No.
 13 Q. Have you ever spoken to Mr. McCall?
 14 A. Mr. McCall called me January or February of the
 15 same year, and he told me he just wanted to tell me that
 16 he had had lunch at a restaurant with a bunch of
 17 contractors and that they were tickled to death with the
 18 way the department was going, all the customer service we
 19 gave them and how much we helped them and he wanted me to
 20 keep up the good work.
 21 Q. And this was '17?
 22 A. This was '17.
 23 Q. Have you ever had any other conversation with
 24 him?
 25 A. Mr. McCall came into my office soon after I got

20 (Pages 77 to 80)

1 employed at the county and he wanted to discuss building
2 a building on his property for his work, and he asked me
3 a question that previously he had been turned down for
4 having too big a footing by Oconee County building
5 inspectors, and he wanted to know what I thought about
6 that. I said "I don't know how you have too big a
7 footing."
8 Q. I was kind of wondering the same thing myself.
9 A. Too small, but not too big. He said "Okay. I
10 just wanted to see how you looked at things," and he
11 left.
12 Q. Any other conversations with Mr. McCall?
13 A. Nothing but a casual hello maybe that I can
14 recall.
15 Q. Any other conversations with Miss Cammick?
16 A. No.
17 Q. How did you learn that your employment was being
18 terminated?
19 A. As we previously discussed, I had a standing
20 meeting with Mr. Moulder every other Thursday, I believe,
21 and we had active shooter training on Wednesday and my
22 meeting was with Mr. Moulder on Thursday; and I called
23 him sometime around lunch and said "I have got time if
24 you have got time if you want to do this early." He said
25 "No. Come on down at the scheduled time," so I went into

1 the office and we went into Mr. Moulder's office. He
2 closed the door, and he said "I hate to tell you this,
3 but I am letting you -- I have to let you go."
4 Q. Okay.
5 A. And, of course, you know, there was pretty dead
6 silence there for a moment or two, and I said "I don't
7 understand. What's going on?" And he said, you know,
8 there was a meeting and there was some accusations about
9 incompetence and not knowing the codes and permitting
10 issues and complaints from contractors, stuff like that,
11 and he said "I got to let you go; nothing I can do about
12 it."
13 Q. Okay. What else did he say?
14 A. We talked about getting terminated and what the
15 exit looked like, told him I was frustrated that somebody
16 would complain about my efficiency on the job as far as
17 my competence with codes go, talk like that.
18 Q. So he told you that there was concerns about
19 your competency?
20 A. There was talk in the meeting, yes.
21 Q. Did he tell you what meeting he was referring
22 to?
23 A. The budget and finance meeting that happened on
24 Tuesday.
25 Q. So the meeting that we have the exhibit from?

1 A. Right.
2 Q. I'm sorry. That is Exhibit 4. So he said in
3 the meeting, at the budget and finance committee meeting,
4 there was a concern about your competency?
5 A. Yes.
6 Q. Okay. And about permitting issues? Yes?
7 A. Something about a metal shed and permitting.
8 Q. And what questions did you ask?
9 A. I didn't ask him an enormous amount of
10 questions. I asked him, you know, what the exit was
11 going to look like, probably asked him questions about
12 the meeting.
13 Q. What does that mean, what the exit is going to
14 look like?
15 A. I am sitting in a chair. I have just gotten
16 fired, so I have got to exit my employer and I have got
17 to exit the building, what does that look like, you know,
18 am I going to be accompanied by somebody back to my
19 office, do I get a chance to clear my office out, can I
20 talk to my employees, you know, what about the work I
21 have got that I need to finish up, those type things.
22 Q. What was his response about how the exit was
23 going to look?
24 A. He said I could go back to my office, I could
25 talk to my employees and I could gather my things up and

1 I could leave. I wouldn't be accompanied.
2 Q. But you were to leave that day?
3 A. Yes.
4 Q. Anything else you remember about the
5 conversation with Mr. Moulder?
6 A. No.
7 Q. It's my understanding that you appealed.
8 A. I did.
9 Q. Okay. And that your appeal was denied?
10 A. The grievance committee actually stated that I
11 should be reemployed or something like that and that
12 Mr. Moulder upheld my termination.
13 [Defendants' Exhibit No. 5 was marked for
14 identification.]
15 Q. [Ms. Burton] Okay. Let me hand you a document.
16 I have marked as Exhibit No. 5 to your deposition. Did
17 you receive this letter indicating that Mr. Moulder
18 decided to uphold your termination?
19 A. I did.
20 Q. Was the employee handbook online or on the
21 server at the county?
22 A. I think it was.
23 Q. Okay. I mean, did you have a hard copy of it?
24 A. I had a hard copy in my office.
25 Q. Were you hired people to work in your department

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1 and you told me there were people that were hired during
2 your tenure, were you responsible for assuring that they
3 received the employment documents, or was that always
4 handled by HR?

5 A. HR handled that.

6 Q. Was there any online employment information
7 accessible to you?

8 A. I'm sure there was.

9 Q. I mean, did you ever look at it, or you just
10 know it was there?

11 A. I had hard copies. If I wanted to look
12 something up, I would look it up.

13 Q. Okay.

14 A. I'm kind of a paper person.

15 Q. Did the county periodically update the employee
16 handbook?

17 A. They did.

18 [Defendants' Exhibit 6 was marked for
19 identification.]

20 Q. [Ms. Burton] Let me hand you a document I have
21 marked as Exhibit No. 6 to your deposition. Is that your
22 signature on Exhibit 6?

23 A. It is.

24 Q. And do you recall why you were asked to sign
25 this form in September of 2012?

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1 were provided to us?

2 A. Yes.

3 Q. All right. So if you would, please, sir, turn
4 your attention to page seven of ten.

5 A. Uh-huh [yes].

6 Q. Question six, we asked you to state each item or
7 category of damage that you are claiming against
8 Defendant McCall in the lawsuit.

9 A. Uh-huh [yes].

10 Q. And question seven, we asked you to identify how
11 the damages are calculated. Do you see that?

12 A. Uh-huh [yes].

13 A. Yes.

14 Q. All right. It appears in both the complaint in
15 paragraph No. 29 and in answer to the interrogatory No. 6
16 and No. 7 that you are asserting a claim against my
17 client, Mr. McCall, for lost wages. Is that true?

18 A. Yes.

19 Q. Can you please tell me the amount of that claim?

20 A. I do not have a definite amount.

21 Q. How are we going to calculate an amount?

22 A. I reckon we will have to put everything together
23 and calculate it that way.

24 Q. Do you have any understanding sitting here today
25 how you intend to calculate your claim for lost wages?

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1 A. No; except for maybe some continuing education
2 with the HR department.

3 Q. Did you go to training like sexual harassment
4 type training?

5 A. Yes.

6 Q. I want to look again, please, sir, at Exhibit
7 No. 1, which is the summons and complaint. I want to
8 look at paragraph No. 29.

9 A. All right.

10 Q. In paragraph 29, you allege that you suffered
11 certain damages --

12 A. Yes.

13 Q. -- in the lawsuit, and I want to discuss those
14 with you and how they are calculated, if I can. Let me
15 also, to aid us in this endeavor, hand you Exhibit No. 7
16 to your deposition.

17 [Defendants' Exhibit 7 was marked for
18 identification.]

19 Q. [Ms. Burton] Are you aware, Mr. Stokes, that we
20 served written questions on your counsel and that you
21 provided those responses?

22 A. Uh-huh [yes].

23 Q. Yes?

24 A. Yes.

25 Q. And did you review these responses before they

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1 A. Wages that I didn't earn during the period of
2 time I was unemployed, difference in pay from here to the
3 end of my retirement age, you know, benefits as far as
4 retirement goes, insurance benefits that I would have had
5 and enjoyed while I was still employed, those type of
6 things.

7 Q. Tell me -- and I'm slow -- when you worked for
8 Seneca, were you in the state retirement plan?

9 A. I was.

10 Q. And how many total years do you have in the
11 state retirement plan?

12 A. I think about 14, 13 or 14 years.

13 Q. And are you eligible at some point to receive
14 state retirement given your tenure in the plan?

15 A. Yes.

16 Q. When are you eligible to receive state
17 retirement?

18 A. I believe it's 62.

19 Q. At age 62?

20 A. I think it starts at 55 or 62, yeah. I am not
21 exactly sure.

22 Q. How old are you now?

23 A. I am 62 right now, so I think I qualify for
24 Social Security and retirement.

25 Q. Can you qualify for benefits under the state

22 (Pages 85 to 88)

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1 retirement plan currently?
 2 A. Yes.
 3 Q. Have you applied for benefits under the plan?
 4 A. No.
 5 Q. Why not?
 6 A. Because I don't want to start taking my benefits
 7 right now.
 8 Q. Does it increase if you delay receiving the
 9 benefits under state retirement?
 10 A. Not unless I'm working.
 11 Q. Say that one more time. Help me understand.
 12 A. It does if I'm working.
 13 Q. If you are working, you get less of a payment?
 14 A. I get more of a payment.
 15 Q. More of a payment?
 16 A. Substantially more overtime. It is also based
 17 on your three highest years.
 18 Q. At an agency that qualifies?
 19 A. Yes.
 20 Q. So it is based on your three years at Oconee
 21 County?
 22 A. Yes.
 23 Q. So you would receive state retirement based on
 24 your last paid salary three years?
 25 A. Yes, average highest three years.

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1 Q. I assume that's at Oconee, as opposed to Seneca?
 2 A. Yes, it is, yes.
 3 Q. And then now you are accruing more contribution
 4 into the state retirement system?
 5 A. Yes.
 6 Q. With LLR?
 7 A. Yes.
 8 Q. When you worked at Oconee County, were you on
 9 the state health plan?
 10 A. I was on Oconee County's health plan.
 11 Q. Which was what?
 12 A. Blue Cross Blue Shield or something like that,
 13 P.A.I.
 14 Q. P.A.I., Planned Administrators?
 15 A. Yeah, yeah.
 16 Q. Also part of Blue Cross?
 17 A. Yeah.
 18 Q. So was Oconee County self-funded; do you know?
 19 A. They are self-funded. They got reinsurance and
 20 all that stuff behind it.
 21 Q. And you participated in that plan?
 22 A. I did.
 23 Q. And do you participate in the state health plan
 24 with LLR?
 25 A. I do.

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1 Q. And that is administered by Blue Cross?
 2 A. Yes.
 3 Q. Do you believe those benefits are comparable?
 4 A. I think in some ways Oconee's were better.
 5 Q. Okay. And in other ways, is the state plan
 6 better?
 7 A. Probably equal in other ways.
 8 Q. Okay. What are their benefits? You mentioned
 9 benefits to me a moment ago. Other than retirement and
 10 health, what other benefits are you claiming damages for?
 11 A. Being comped.
 12 Q. Let's focus on benefits for the moment.
 13 A. Okay.
 14 Q. Just benefits like health, life, disability,
 15 that kind of stuff?
 16 A. Right.
 17 Q. Any others you are claiming other than health, I
 18 guess, and retirement?
 19 A. Health and retirement, yes.
 20 Q. When you were terminated from Oconee County, did
 21 you elect to continue coverage?
 22 A. No.
 23 Q. So did you have any health insurance coverage?
 24 A. I had secondary insurance. I had Golden Rule
 25 catastrophic coverage.

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1 Q. So you purchased an individual policy with
 2 Golden Rule?
 3 A. I did.
 4 Q. And you did not -- were you offered continuation
 5 coverage?
 6 A. Of course.
 7 Q. But you elected not to?
 8 A. I couldn't afford it.
 9 Q. Okay. Then, compensation, when you left Oconee
 10 County, what was your pay?
 11 A. 71; \$72,000 range.
 12 Q. And you said to me you are making 49?
 13 A. Yes, round numbers.
 14 Q. Okay. How long do you intend to work with LLR,
 15 assuming they keep you?
 16 A. Until full retirement age.
 17 Q. Which is what for you?
 18 A. I think it is 66-and-a-half, somewhere in that
 19 range.
 20 Q. You mean when you can draw Social Security?
 21 A. And Medicare.
 22 Q. Okay. You can get Medicare when you're 65?
 23 A. You have to be 65, yeah. I think full benefits
 24 are 66-and-a-half for me.
 25 Q. So we talked about -- I want to make sure I

23 (Pages 89 to 92)

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1 cover the things that you are claiming. We talked about
2 lost wages, which you have not calculated at this point?

3 A. That's correct.

4 Q. We talked about loss of benefits, which you told
5 me you have not calculated, but would include health and
6 retirement benefits?

7 A. Yes.

8 Q. And are there any other damages that you are
9 claiming that can be calculated? I know you have some
10 for emotional distress and the like.

11 A. No.

12 Q. Any others that you would use a calculator to
13 cipher?

14 A. Not at this time.

15 Q. Now, tell me, you indicate in answer to
16 interrogatory No. 6 that you are claiming damages for
17 emotional distress, anxiety, humiliation, sleeplessness,
18 psychological pain.

19 A. Yes.

20 Q. Do you see those?

21 A. Yes.

22 Q. Have you been treated by any medical provider
23 for any of those conditions?

24 A. I have a little bit of tendency toward
25 depression, sleeplessness, and I have gone to my general

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1 A. Several years.

2 Q. And Sanders had prescribed for you what
3 medications?

4 A. Wellbutrin and Buspar.

5 Q. Buspar?

6 A. Buspar.

7 Q. And that was to treat depression?

8 A. Depression is the Wellbutrin. Anxiety is the
9 Buspar.

10 Q. How long had you been taking medications for
11 anxiety or depression?

12 A. I have been taking medications as needed since
13 probably late '90s, for a while.

14 Q. And other than Dr. Sanders, who else have
15 prescribed those medications for you?

16 A. You are testing my memory. I went to Nurse
17 First at Oconee Memorial, and I went to Seneca Medical
18 Associates prior to that.

19 Q. Who did you see at Seneca Medical Associates?

20 A. Dr. Ramey.

21 Q. I'm sorry. Nurses First?

22 A. Nurse First. It is a nurse practitioner first
23 outfit.

24 Q. Who did you see there?

25 A. Kay Lynn Olmstead, O-L-M-S-T-E-A-D, I believe.

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1 practitioner, upped my doses on antidepressant,
2 anti-anxiety drugs and requested something to help me
3 with sleep because I wasn't sleeping. I was ruminating
4 all night.

5 Q. Who is your family practice doctor?

6 A. Dr. Duffy at Carolina Integrated Medicine.

7 Q. Where is that?

8 A. It is in Clemson.

9 Q. How long has Dr. Duffy been your primary doctor?

10 A. I went to Duffy probably a month or two before I
11 was fired.

12 Q. That was the first time you started seeing him?

13 A. Yes, yeah.

14 Q. When did Dr. Duffy first prescribe any sort of
15 antidepressant or anti-anxiety medication for you?

16 A. When I went to her, I was already on those
17 medications.

18 Q. Who had prescribed them to you previously?

19 A. My previous doctor was Dr. Sanders at Mountain
20 Lakes Internal Medicine.

21 Q. Sanders?

22 A. Yeah, spelled like Sanders, I think.

23 Q. Okay. At Mountain Lakes?

24 A. Mountain Lakes Internal Medicine.

25 Q. How long did you see Sanders?

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1 Q. So you had been taking anti-anxiety and
2 antidepressant medications for some long period of time?

3 A. Yes, as needed. Typically I had problems in the
4 fall and winter.

5 Q. And then you said more recently, prior to being
6 terminated, you had gone to see Dr. Duffy, and it was
7 Duffy prescribing medications?

8 A. At that time, extra.

9 Q. And you have since gone to see Dr. Duffy and got
10 increasing dosages of those medications or different
11 medications?

12 A. No; same medications, just increased dosages.

13 Q. And you said you got something for sleep. What
14 did you get for sleep?

15 A. It's called Doxazosin.

16 Q. And are you currently taking that?

17 A. Yes.

18 Q. How long have you been taking Doxazosin?

19 A. Over a year now, maybe a little longer.

20 Q. Have you ever taken a sleep medication
21 previously?

22 A. I was prescribed Ambien.

23 Q. Who gave you the Ambien?

24 A. I think it was Dr. Sanders, but I only took a
25 few doses of it.

24 (Pages 93 to 96)

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1 Q. Have you ever seen a psychologist?
 2 A. Yes.
 3 Q. Who?
 4 A. Dr. Ray Addison.
 5 Q. Addison?
 6 A. Uh-huh [yes].
 7 Q. Where is Dr. Addison?
 8 A. He is in Seneca.
 9 Q. What period of time did you see Dr. Addison?
 10 A. I have seen the Drs. Addison probably since -- I
 11 took my kids to him in the early 2000s and saw him off
 12 and on up to the present time.
 13 Q. You still see Addison?
 14 A. I haven't in six months, eight months.
 15 Q. Okay. Have you ever seen a psychiatrist?
 16 A. No.
 17 Q. Have you ever seen any other type of mental
 18 health professional?
 19 A. Yeah. I went to see -- Jonell and I went to see
 20 Ross Collins.
 21 Q. What kind of person is Collins?
 22 A. Marital stuff and children issues.
 23 Q. For family counseling?
 24 A. Family counseling, yeah.
 25 Q. Anybody else that you have seen?

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1 A. Huh-uh [no].
 2 Q. No?
 3 A. No.
 4 Q. Have you ever been treated in any hospital for
 5 any kind of mental health issue?
 6 A. No.
 7 Q. Have you ever been treated by any medical
 8 provider or any other kind of provider for any substance
 9 abuse issues?
 10 A. No.
 11 Q. In answer to interrogatory, you indicate that
 12 you lost standing in the community.
 13 A. Yes.
 14 Q. Do you see that?
 15 A. Yes.
 16 Q. Can you enlighten me about that, please, sir?
 17 A. Well, my character was slandered, and I was
 18 accused of being a criminal, taking money, bribery.
 19 People, contractors and people I know, a lot of them
 20 won't talk to me right now. If I am in a Lowe's or
 21 something, they will turn around and go the other way.
 22 People that would normally carry on good conversations
 23 with me just say hi and bye. I get a similar thing from
 24 people at church.
 25 Q. What church do you attend?

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1 A. I go to St. Andrews in Clemson.
 2 Q. What kind of church is that?
 3 A. Catholic Church.
 4 Q. Are you saying your fellow parishioners don't
 5 talk to you?
 6 A. They talk to me, casual, but it's not the warm
 7 conversations I used to have.
 8 Q. They are not as friendly?
 9 A. Not as friendly.
 10 Q. Have any of them told you why they are not as
 11 friendly?
 12 A. No.
 13 Q. So you just perceive they are not as friendly?
 14 MR. HOPKINS: Object to form.
 15 THE WITNESS: I perceive, yes.
 16 Q. [Ms. Burton] True?
 17 A. Yes. Perceptions are reality when you're in
 18 that situation.
 19 Q. Has anybody expressed to you any reason why they
 20 are not as friendly to you as they used to be?
 21 A. No.
 22 Q. And you said you see contractors out at stores
 23 and they won't talk to you?
 24 A. The majority of them, no.
 25 Q. Have you talked to any of them and said "Hey,

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1 what's up"?
 2 A. I stop them and speak to them and just kind of
 3 hi and bye, you know. If you stop them, confront them,
 4 they will speak to you, and then they leave shortly.
 5 Q. Has any person said anything to you where they
 6 said "I think less of you" or anything that ties back to
 7 this council meeting?
 8 A. No. They haven't spoken directly to me. My son
 9 that runs the tire shop has heard it two or three times
 10 from different contractors.
 11 Q. Tell me about that.
 12 A. "Your dad's a crook," you know, "got what he
 13 deserved." Some of the people that worked for the city
 14 said the same thing to him.
 15 Q. So who's told your son -- wait a minute.
 16 A. I don't know names.
 17 Q. Your son, tell me which one.
 18 A. Nathan.
 19 Q. Who's told Nathan something bad about you?
 20 A. City workers. He didn't tell me who. And he
 21 changes tires and works on contractors' trucks, and I
 22 think at least three contractors have mentioned it to
 23 him.
 24 Q. Do you know who they are?
 25 A. No. My son didn't tell me that.

25 (Pages 97 to 100)

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1 Q. Are we talking about City of Seneca?
 2 A. Yes.
 3 Q. So your son has reported to you that people have
 4 been talking bad about you?
 5 A. Yes.
 6 Q. And said that you are a crook?
 7 A. Yes.
 8 Q. And you said that you had been accused of being
 9 a criminal. Who accused you of being a criminal?
 10 A. Wayne McCall.
 11 Q. Where did he accuse you of being a criminal?
 12 A. He said I had a sweet deal going on with a
 13 contractor.
 14 Q. He said you personally had a sweet deal going on
 15 with a contractor?
 16 A. It was in reference to me, "The building
 17 department has a sweet deal going on."
 18 Q. You took that in reference to you?
 19 A. I am head of the building department.
 20 Q. Anybody else? Other than your son recounting
 21 that people have said things about you, has anybody else
 22 told you that they heard bad things about you?
 23 A. I have had some contractors tell me they have
 24 heard that and they didn't think that was me.
 25 Q. Who?

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1 A. Danny Pelfrey for one.
 2 Q. Danny who?
 3 A. Pelfrey.
 4 Q. Pelfrey?
 5 Q. Who is Mr. Pelfrey?
 6 A. He is a contractor in Oconee County.
 7 Q. Who does he work for?
 8 A. He works for himself right now. He was working
 9 for KM Services at the time he told me that.
 10 Q. And he said what? "I heard something nasty
 11 about you, but I think you are a good guy?"
 12 A. "I heard that stuff." He said "I didn't believe
 13 it."
 14 Q. So he thought you were still a good guy?
 15 A. Yeah.
 16 Q. Who else?
 17 A. I can't remember any names right now.
 18 Q. Anybody else that's told you they heard
 19 something bad with you?
 20 A. There have been other people. Right now, I am
 21 not remembering the names.
 22 Q. I mean, are they other contractor type people?
 23 A. Contractors, friends. I mean, I have had some
 24 consolation from friends.
 25 Q. Consolation about getting fired?

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1 A. Yeah, consoling you, sorry about it, that type
 2 stuff, "We heard what they said. We have seen it on
 3 YouTube."
 4 Q. Have you told anybody to look at the YouTube
 5 channel and look at this meeting?
 6 A. Yeah, I think so.
 7 Q. Who have you said "Hey, you need to look at
 8 this"?
 9 A. I told Danny to look at it.
 10 Q. So you told Mr. Pelfrey?
 11 A. Yeah.
 12 Q. Did you tell your son Nathan to look at it?
 13 A. I told Nathan it was on YouTube, yes.
 14 Q. Did you tell any of your other children to look
 15 at it?
 16 A. No.
 17 Q. Did you tell your wife to look at it?
 18 A. I am not married.
 19 Q. You were.
 20 A. I am divorced.
 21 Q. You were at the time?
 22 A. No. I was separated.
 23 Q. At the time of your termination, you were
 24 separated from Lori?
 25 A. Yes.

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1 Q. You looked at the YouTube channel why?
 2 A. Why?
 3 Q. Yeah.
 4 A. Because my employees told me the meeting was on
 5 there and that's where the information was coming from.
 6 Q. What employees told you that?
 7 A. The people that worked at Oconee in my
 8 department. They had apparently watched it prior to me
 9 getting terminated or after me getting terminated.
 10 Q. So did they tell you to look at it before you
 11 were terminated or after?
 12 A. After.
 13 Q. Which ones told you to look at it?
 14 A. Stephen Sobek, I believe.
 15 Q. So he said "Hey, you need to go check out this
 16 YouTube channel"?
 17 A. Something like that.
 18 Q. And is that why you looked at it?
 19 A. Yes.
 20 Q. Okay. Prior to being terminated, had anybody
 21 said anything to you about what had happened in the
 22 counsel meeting?
 23 A. No. I did have some questions from Wanda Roach
 24 and Scott Carroll about the department being dismantled
 25 the day it happened.

26 (Pages 101 to 104)

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1 Q. They thought maybe it was going to be
2 dismantled?

3 A. They came in my office at different times and
4 asked me, you know, can the county shut down the
5 department, and I said no. I said "They have got to have
6 some kind of building department. It is state mandated,
7 so they can shut it down and hire a third party, but they
8 can't do away with codes." I think that was their
9 question, can they do away with the codes department. I
10 said "It will have to exist in some form or the other."

11 Q. Did you ask them "Hey, why are you asking me
12 that"?

13 A. No.

14 Q. Did they say "Hey" --

15 A. No.

16 Q. -- "I have got this concern my job is going to
17 be eliminated for some reason"?

18 A. Well, I mean, there was a background sense of
19 concern from most employees at that time about their
20 jobs.

21 Q. Why?

22 A. Because people were being pushed out of the jobs
23 in the county and being pressured. I mean, gossip goes
24 around in the county.

25 Q. You mean there were positions being eliminated?

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1 A. There have been positions eliminated, yes.

2 Q. So everybody was worried their position might
3 get eliminated next?

4 A. Well, when you transition from an administrator
5 that you trust and are behind and then council people
6 start pressuring different people to leave their jobs,
7 then people in the county get worried.

8 Q. Okay. Anything else you want to tell me about
9 the damages you are claiming in the case that we have not
10 talked about?

11 A. I have suffered a lot of sleepless nights. I
12 have been overly stressed. I had a stroke right before
13 Christmas that was stress related, according to my
14 doctor.

15 Q. When did you have the stroke?

16 A. I had a stroke the Friday before Christmas.

17 Q. This past year?

18 A. Yes.

19 Q. So December 24th, 2017?

20 A. 23rd, 22nd, 23rd. It was Friday. It was a TIA
21 or T something.

22 Q. And did you go to the hospital?

23 A. Yes. I was admitted to the hospital.

24 Q. What hospital?

25 A. Oconee.

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1 Q. How long did you stay in the hospital?

2 A. I stayed overnight until about four or five
3 o'clock the next day.

4 Q. What treatment were you given for the stroke?

5 A. I was told that I had had a transient ischemic
6 attack, that my tests were fairly clear, and they
7 recommended I go see -- no, they didn't recommend
8 anything, told me take an aspirin and go see my general
9 practitioner.

10 Q. Follow up with the doctor?

11 A. Take an aspirin.

12 Q. And have you since had any treatment?

13 A. I went and saw my practitioner.

14 Q. And?

15 A. And she started going over stress issues and
16 relaxing and talking about what happened to me in the
17 last year. She recommended some dietary changes and some
18 exercise and wanted me to be screened by a neurologist.

19 Q. Okay. Did you see a neurologist?

20 A. It's been a fiasco trying to get an appointment
21 with a neurologist. I haven't gotten one yet, but I have
22 been referred to Neuroscience out of Greenville, and they
23 have lost my referral, and they called me with the
24 appointment, I believe, last week or week before when I
25 had a meeting in Columbia. They haven't called me back

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1 to reschedule.

2 Q. Have you seen any heart doctors related to this
3 stroke?

4 A. No; but I was cleared for my heart and stuff --
5 during the stroke:

6 Q. Okay. At the hospital?

7 A. Yeah. They were treating me for a heart attack
8 when the ambulance picked me up at my son's shop and took
9 me to the hospital.

10 Q. Okay. Have you done any work with your son?

11 A. I mentor him all the time.

12 Q. I mean, have you worked at his shop at all?

13 A. Yeah, I work at his shop. I helped him clean it
14 up and get it ready. I don't do mechanical work.

15 Q. Anything else you want to tell me about your
16 damages, Mr. Stokes? This is the time. And if you want
17 to take a break, I'm happy to take a break.

18 A. I would like a minute.

19 Q. Sure. Of course.

20 [Short recess.]

21 Q. [Ms. Burton] Mr. Stokes, you ready?

22 A. I am.

23 Q. Before we took a brief break, we were talking
24 about the damages you are claiming against Mr. McCall or
25 Miss Cammick or the county in the lawsuit, and we

27 (Pages 105 to 108)

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1 discussed quite a number of different types of damages.
 2 Is there any other damages you want to discuss with me?
 3 A. Outside of emotional distress, anxiety,
 4 embarrassment, humiliation, sleeplessness, psychological
 5 pain and stroke, no.
 6 Q. And you contend that your stroke was caused by
 7 being terminated in May?
 8 A. I'm sure that the stress, additional stress that
 9 was on me for those months was contributory, yes.
 10 Q. Okay. And you feel like -- tell me why you were
 11 stressed out in the latter part of last year after you
 12 became employed by LLR.
 13 A. Being employed by LLR doesn't do anything to
 14 alleviate what happened to me at Oconee County the way I
 15 was discharged, and it's a reduction in pay. It is
 16 a long arduous five-hour drive back and forth when I was
 17 working locally in my county where I grew up, where my
 18 father is in a nursing home, where my family lives.
 19 Q. What five-hour drive are you talking about?
 20 A. Columbia, two-and-a-half hours down,
 21 two-and-a-half ours back. I am just saying it is -- the
 22 job is not a relief from what happened to me at Oconee.
 23 Q. Okay.
 24 A. You know, where I lived ten, 15 minutes away
 25 from work in the county I grew up in.

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1 Q. How often do you go to Columbia?
 2 A. I went every day for the first two or three
 3 weeks, and I go several times a month or whenever
 4 summoned. I go for all IRC meetings and all board
 5 meetings and any special meetings they call.
 6 Q. Are you still looking for a job?
 7 A. No, ma'am.
 8 Q. Have you applied back at Trehel?
 9 A. No.
 10 Q. Why not?
 11 A. I just don't want to work for them anymore.
 12 Q. I'm sorry. Did you tell me earlier that was the
 13 highest paying job you had was Trehel?
 14 A. It was about equal to what my last pay was at
 15 Oconee. It was right at around 70.
 16 Q. Is Trehel the biggest contractor located around
 17 this area?
 18 A. No, by no means.
 19 Q. Who is the biggest located around this area?
 20 A. The Greenville area?
 21 Q. Well, Greenville, obviously there is a bunch of
 22 big contractors.
 23 A. They are in Greenville now.
 24 Q. Did you apply with any of the contractors in
 25 Greenville, Harper?

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1 A. No.
 2 Q. Fluor?
 3 A. No.
 4 Q. Any of those?
 5 A. [Witness shakes head].
 6 Q. MacTech, anybody over there?
 7 A. No general contractors, no.
 8 Q. Why not?
 9 A. Didn't want to go back in the private sector.
 10 Q. Why?
 11 A. Just didn't.
 12 Q. Any particular reason you didn't like that?
 13 MR. HOPKINS: Object to the form.
 14 THE WITNESS: I wanted to stay local at
 15 home.
 16 Q. [Ms. Burton] Are there any general contractors
 17 located in Anderson or Oconee County?
 18 A. I'm sure there are.
 19 Q. Did you apply with any of those?
 20 A. No.
 21 Q. You just didn't want to work for a private
 22 contractor?
 23 A. No.
 24 Q. So the jobs you were looking for were state or
 25 county?

Page 112

1 A. Code related, yes.
 2 Q. Loot at, if you would, Exhibit No. 7, which is
 3 the answers to interrogatories, and I wanted to ask you
 4 about the witnesses you identified. Listing the
 5 witnesses begins on page two of ten of Exhibit 7. You
 6 have listed, looks like, all the council members. Have
 7 you talked with any of the other council members you
 8 listed, Mr. Cain, Mr. Davis or Mr. Hart, about any of the
 9 issues involved in this lawsuit?
 10 A. No, ma'am.
 11 Q. So are they listed simply because they were on
 12 council and attended the meeting?
 13 A. And participated in that meeting, yes.
 14 Q. Okay. You have listed Miss Brock as a witness.
 15 A. Yes.
 16 Q. What does she know about this lawsuit?
 17 A. It's my understanding that Amanda witnessed
 18 Wayne McCall telling Scott Moulder to terminate everybody
 19 in my department but Scott Carroll the afternoon I was
 20 terminated.
 21 Q. Say that to me one more time.
 22 A. Amanda witnessed Wayne McCall ordering Scott
 23 Moulder to terminate everybody in my department but Scott
 24 Carroll.
 25 Q. The day you were terminated?

28 (Pages 109 to 112)

Page 113

1 A. Yes.
2 Q. Before or after you were fired?
3 A. Before.
4 Q. So Amanda overheard Mr. McCall tell Mr. Moulder
5 to get rid of everybody in codes except for Carroll?
6 A. Right.
7 Q. And how do you know Amanda witnessed such a
8 conversation?
9 A. Casey Neal was passing by in the hall when it
10 was going on.
11 Q. Casey Neal wandered by and overheard it?
12 A. I don't know why Casey was in the hall, but she
13 overheard it.
14 Q. And she reported that to you?
15 A. She reported it through Wanda Roach. I heard it
16 from Wanda Roach.
17 Q. Okay. So Wanda told you that Casey told her
18 that she heard that Amanda overheard a conversation
19 between Mr. McCall and Mr. Moulder?
20 A. Amanda was there.
21 Q. I'm sorry. Go ahead.
22 A. Amanda, Mr. McCall and Mr. Moulder.
23 Q. Have you asked Amanda if that is true?
24 A. No.
25 Q. So your knowledge of that is third hand or

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1 fourth hand, I guess?
2 A. Yes.
3 Q. All right. Anything else you believe that Miss
4 Brock knows?
5 A. No.
6 Q. You have listed Ernie Beck. What does Mr. Beck
7 know about this lawsuit?
8 A. Mr. Beck is director of vehicle maintenance, and
9 he instructed -- he told Jessie Mase to bring his car
10 back to vehicle maintenance or they would come get it
11 over the flat tire when he was at -- Good Friday at the
12 concrete footings that he had called me about Joel
13 Perkins and Wayne were involved in.
14 Q. So Mr. Beck simply knows that the car had a flat
15 tire and he was going to provide service?
16 A. Yeah. He was going to change the tire. The
17 county doesn't want employees out in the road changing
18 cars and jacking them up, changing tires.
19 Q. So he simply knows there was a flat tire
20 incident?
21 A. He knows and told Jessie they would come get him
22 and bring it back to the shop and fix the tire.
23 Q. Did they do that?
24 A. Yeah.
25 Q. How about Sheila Wald? What does she know about

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1 your lawsuit?
2 A. She is director of HR.
3 Q. Other than being in that position, is there
4 something you think she particularly knows about the
5 lawsuit?
6 A. No. She's just got general knowledge of
7 everything that went on.
8 Q. And Miss Burton?
9 A. She was on the grievance committee.
10 Q. So you have listed all the members of the
11 grievance committee?
12 A. I have.
13 Q. And that is because they heard your grievance?
14 A. That's right.
15 Q. You have got Casey Neal.
16 A. Uh-huh [yes].
17 Q. Who was your permit technician?
18 A. That's correct.
19 Q. And Casey is listed as a witness, I guess,
20 related to the Amanda conversation?
21 A. And Edda Cammick about her permit for her
22 carport.
23 Q. So she was in the office when Miss Cammick came
24 in to apply for the permit?
25 A. Yes, she was.

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1 Q. Have you talked to her about that?
2 A. No.
3 Q. Have you talked to Miss Neal since your
4 employment was terminated?
5 A. I told her good-bye. I don't believe I have
6 talked to her much since then or any.
7 Q. How about Miss Adams?
8 A. Same thing with Cynthia. I have not talked to
9 her since I left.
10 Q. And I assume she is listed because she
11 interacted with Miss Cammick regarding the permit?
12 A. That's correct.
13 Q. Is she the person that would have issued Miss
14 Cammick the permit?
15 A. She was the person that was working with Miss
16 Cammick, yes.
17 Q. All right. Mr. Ramey, what is he listed for?
18 A. He is an inspector and another one of my -- two
19 of my inspectors were in the office. I believe it was
20 Jake.
21 Q. When, sir?
22 A. When I was talking to Miss Cammick.
23 Q. So he witnessed that conversation?
24 A. Yes, I believe he did.
25 Q. How about Mr. Carroll? Why is he listed?

29 (Pages 113 to 116)

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1 A. He was privy to that conversation, too. His
2 office is adjacent to the permitting room. His door is
3 always open.
4 Q. Have you talked with Mr. Ramey or Mr. Carroll
5 about that conversation?
6 A. No.
7 Q. Do you know that they overheard the
8 conversation, or you're just assuming they did?
9 A. I am assuming, pretty high confidence, that
10 Scott did, of course.
11 Q. How about Jake?
12 A. And Jake.
13 Q. How about Miss Addis at DHEC? What is she
14 listed for?
15 A. Her desk was adjacent to Cynthia Adams, and she
16 was there at the time of Edda Cammick applying for a
17 permit.
18 Q. And she is actually an employee of DHEC?
19 A. Yes, she is or was.
20 Q. And she is listed because you assume she also
21 listened to that conversation?
22 A. I know she listened to that conversation.
23 Q. How do you know?
24 A. Because she was at her desk when I was talking
25 to Miss Cammick.

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1 Q. I mean, has she said something to you like "I
2 overheard that discussion"?
3 A. Well, they are as close as you and I are, just
4 about. I am sure they overheard the conversation.
5 Q. Has she discussed it with you in any way?
6 A. No.
7 Q. How about Marcelo Reyes?
8 A. I believe Marcelo might have been in the office
9 at that time.
10 Q. When Miss Cammick came in?
11 A. Yes. It was at the close of the day.
12 Q. How about Jessie Mase?
13 A. Jessie Mase is there because he was the
14 inspector at the concrete footing.
15 Q. The house inspection issue?
16 A. Right, where he was probing the soil and
17 checking for the bearing capacity, the forms weren't up,
18 there was no steel in the footings.
19 Q. How about Mr. Sobeck?
20 A. There was a potential he was in the office to
21 overhear the conversation with Miss Cammick also.
22 Q. And Miss Roach? What does she know about any of
23 this?
24 A. She worked as an administrator in the office at
25 the time Miss Cammick was there. She managed the permit

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1 techs and serviced CitizenServe from an electronic
2 standpoint, processed most of the incoming permits
3 online, and she heard -- I think she heard what was going
4 on with Miss Cammick also.
5 Q. Have you talked with any of these employees,
6 whether they are still employed there or not, any of
7 these folks that you have listed as employees at Oconee
8 County since your termination?
9 A. I talked to Sobeck a couple times because he
10 goes to my son's shop for tire work and mechanical work.
11 Q. Have you talked to him at all about your
12 employment or the termination of your employment?
13 A. I refuse to talk to him about that.
14 Q. Anybody else you have talked to since your
15 employment terminated?
16 A. I talked to Wanda Roach a couple times to see
17 how her parents were doing, how she was doing. Her
18 parents were in bad health.
19 Q. Have you talked to her about anything related to
20 the termination of your employment?
21 A. Not in depth, no.
22 Q. Well, at all?
23 A. Yeah, I have spoken to her about it.
24 Q. Tell me what that conversation was.
25 A. Just what happened and why it happened, where it

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1 came from, those type things.
2 Q. What opinions did she offer?
3 A. I don't believe Wanda offered me opinions, but
4 just a nice shoulder to kind of cry on.
5 Q. So you vented to her, I guess?
6 A. Yeah, I guess you could say that.
7 MS. BURTON: Let me look over my notes. I
8 think I am about done, but I am going to let
9 Mr. Logan down here ask you some questions.
10 EXAMINATION
11 BY MR. LOGAN:
12 Q. I am Jim Logan, and I represent Oconee County
13 and Miss Cammick. We will just follow the same exhibit
14 numbers, and I think this will be No. 8.
15 [Defendants' Exhibit 8 was marked for
16 identification.]
17 Q. [Mr. Logan] I will represent to you this was
18 attached to the discovery responses that your attorney
19 filed in this matter. I assume, but want your statement
20 to this effect, that this is the newspaper article that
21 you were referring to.
22 A. It is.
23 Q. Okay. Other than this newspaper article, has
24 there been any other newspaper article regarding this
25 incident, to your knowledge?

30 (Pages 117 to 120)

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1 A. I don't believe in the newspaper there has, no,
2 not to my knowledge.

3 Q. All right. And as far as you know, the
4 newspaper wrote this article based upon either the author
5 being present or based upon the video of the council
6 meeting; is that correct?

7 A. Yes.

8 Q. You are not aware of any conversations or
9 communications that either Miss Cammick or Mr. McCall had
10 directly with the author of that newspaper article?

11 A. No.

12 Q. All right.

13 [Defendants' Exhibit 9 was marked for
14 identification.]

15 Q. [Mr. Logan] I will represent to you that this
16 was also attached to your attorney's discovery responses.

17 A. Correct.

18 Q. You have seen that letter before?

19 A. Yes, I have.

20 Q. That's the letter dated May 16th, 2017?

21 A. It is.

22 Q. Is the information as far as what the county
23 contended and what you contended in this grievance
24 procedure correct?

25 A. Yes.

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1 Q. Also attached to your discovery responses was a
2 document that is identified as "Chapter Six, Buildings
3 and Building Regulations." Are you familiar with what I
4 am talking about?

5 A. Yes, sir.

6 Q. And I don't have an extra copy of this, but --

7 MR. HOPKINS: I don't need it.

8 [Defendants' Exhibit 10 was marked for
9 identification.]

10 Q. [Mr. Logan] All right, sir. Tell me in your
11 own words what this is.

12 A. This is the chapter in Oconee County code of
13 ordinances that regulates buildings and building
14 inspection.

15 Q. Building inspections?

16 A. Uh-huh [yes], the department.

17 Q. All right. So if you will look at -- you will
18 see some numbers down at the bottom, says Plaintiff and
19 then it's got a series of numbers in the bottom right
20 corner.

21 A. 0005.

22 Q. Okay. If you will flip over to the page that's
23 got 0008, do you see that?

24 A. I do.

25 Q. Look at section 6-47, International Residential

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1 Code.

2 A. Uh-huh [yes].

3 Q. Okay. I will just read it into the record:

4 "The latest edition of the International Residential Code
5 as updated by act of the South Carolina Buildings Code
6 Council or other applicable authority, from time to time,
7 and its respective administration sections contained in
8 chapter one and appendices A, B, N and Q, as well as such
9 additional changes or additions to the International
10 Building Code or Residential Code identified below, are
11 hereby adopted and incorporated into this chapter of the
12 Oconee County Code of Ordinances by reference." Did I
13 read that correctly?

14 A. Correctly.

15 Q. Below that, "The following changes or additions
16 to the International Residential Code are hereby
17 adopted." Did I read that correctly?

18 A. Yes.

19 Q. Section 105.2, quote, "Work exempt from permit,"
20 end quote, "Building," quote, "One, one-story detached
21 accessory structures, provided the floor area does not
22 exceed 400 square feet." Did I read that correctly?

23 A. Yes.

24 Q. That's what you were referring to as the 400
25 square foot requirement; is that right?

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1 A. Uh-huh [yes].

2 Q. If you look under that, it says "Ordinance No.
3 2013-11." That was adopted in 2013; is that correct?

4 A. I believe it was adopted prior to that. I think
5 this is when the '12 code was adopted; so it was carried
6 over with the '12 code. It was there before I got to
7 Oconee County.

8 Q. When you became the building official, you knew
9 this provision was there; is that correct?

10 A. This is it existed prior to my employment, yes.

11 Q. Whether it was there prior to your employment or
12 not, you had knowledge that it was there when you assumed
13 that job; is that right?

14 A. I did.

15 Q. Okay. And that's what you were attempting,
16 according to your testimony, to enforce; is that right?

17 A. That's correct.

18 Q. All right. Now, flip over to page ten down at
19 article three, "Administration," county code section
20 6-81, "County codes department." Do you see where I am
21 reading, subparagraph B? "The codes department shall be
22 headed by a building official who shall be appointed by
23 and serve at the pleasure of the chief administrative
24 officer." Did I read that correctly?

25 A. Yes, you did.

31 (Pages 121 to 124)

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- 1 Q. Who is the chief administrative officer?
 2 A. Scott Moulder.
 3 Q. Thank you, sir. Now, let's go back to we have
 4 talked about Miss Cammick's request for a building permit
 5 for the structure.
 6 A. Right.
 7 Q. She came into your office for a building permit;
 8 is that right?
 9 A. Yes.
 10 Q. Okay. So by coming in for a building permit,
 11 would you assume that she was seeking to comply with the
 12 provision that I read earlier from section 6-47?
 13 A. Yes.
 14 Q. Okay. Now, I want you to be as specific as
 15 possible. You can give me numbers, you can give me
 16 citations, whatever. I want to know the exact provisions
 17 that you interpret or that you discerned required for
 18 there to be stamped plans for the Cammick structure she
 19 was asking for a permit for.
 20 A. Well, the structure is not represented in the
 21 IRC, the International Residential Code. There are no --
 22 Q. What do you mean, it's not referenced?
 23 A. The code is a prescriptive code.
 24 Q. Okay.
 25 A. So it has wood construction chapters, metal stud

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- 1 chapters. It has prescription written codes that an
 2 inspector can use to inspect a property, and these metal
 3 buildings aren't included in that.
 4 Q. Are not included?
 5 A. Are not included in that book.
 6 Q. Okay.
 7 A. So that property -- I mean, that structure is
 8 accepted under the provisions of alternate materials and
 9 methods, which is an administrative chapter.
 10 Q. What section?
 11 A. I can't recall that off the top of my head.
 12 Q. Administrative chapter of what?
 13 A. Of the International Residential Code, chapter
 14 one.
 15 Q. Is the International Residential Code not in the
 16 document I have been asking you about?
 17 A. That is the document that this code references
 18 that I use for administration and code enforcement.
 19 Q. All right. Tell me where it is referenced in
 20 the International Residential Code, what section.
 21 A. It is in chapter one. I don't know a specific
 22 section.
 23 Q. Chapter one?
 24 A. Yes.
 25 Q. What does that section say that you interpret as

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- 1 requiring stamped drawings?
 2 A. Well, it says I am allowed to accept alternative
 3 materials and methods. Then later on in that section
 4 another place in that chapter --
 5 Q. Same chapter one?
 6 A. Same chapter one -- it talks about construction
 7 documents, and it says that the building official is
 8 supposed to inspect and look over and approve
 9 construction documents, also gives me the ability to
 10 request further information if I need it from design
 11 professionals, which design professionals would be
 12 engineers, architects and related type people, so with
 13 assembling these sections and the way they are supposed
 14 to be administered would come down to a structure that is
 15 not represented in the building code or in the
 16 residential code, there is no prescriptive guidance in it
 17 at all to inspect it, so we want a set of instructions
 18 that are approved by an engineer for things like wind
 19 loads, uplift and strength so we can inspect that
 20 structure on the ground. Otherwise, we don't really know
 21 by code what we are looking at.
 22 Q. Does it say stamped drawings in those sections?
 23 A. Those sections say design professionals. The
 24 State of South Carolina says stamped drawings through the
 25 Architectural Board and through the Engineers and

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- 1 Surveyors Board.
 2 Q. Okay. So chapter one of that code is what you
 3 based your interpretation on that, in addition to a
 4 building permit, there had to be stamped drawings showing
 5 this project?
 6 A. Yes.
 7 Q. Okay. Anything else besides that chapter?
 8 A. No.
 9 Q. Now, as I understand your testimony, it is your
 10 contention that on March the 8th of 2017, you spoke
 11 directly in your office with Miss Cammick.
 12 MR. HOPKINS: Object to the form.
 13 THE WITNESS: That is correct.
 14 MR. LOGAN: I'm sorry. What is the basis
 15 of the objection?
 16 MR. HOPKINS: It's been asked and
 17 answered. He already testified March 8th he
 18 spoke to Miss Cammick. I think we are going
 19 over the same stuff. I will say "objection to
 20 the form." I am not telling you not to ask
 21 them. I think it's been asked and answered.
 22 MR. LOGAN: Thank you, sir. Appreciate
 23 that edification.
 24 Q. [Mr. Logan] I looked at my calendar. March 8th
 25 was a Wednesday. Is that consistent with your

32 (Pages 125 to 128)

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1 recollection?
 2 A. Wednesday or Thursday.
 3 Q. Wednesday or a Thursday?
 4 A. Yeah.
 5 Q. Okay. What time of day was it?
 6 A. It was later afternoon.
 7 Q. How late?
 8 A. Three to five.
 9 Q. Okay. And I am looking for discovery responses.
 10 Who all was in -- I want to know specifically who all was
 11 in that office at that time. Was Casey Neal there?
 12 A. Casey had left.
 13 Q. So Casey was not there?
 14 A. No.
 15 Q. Was Cynthia Adams there?
 16 A. She was.
 17 Q. Okay. And is she the one that I believe you
 18 said talked directly with Miss Cammick?
 19 A. Yes.
 20 Q. Is that correct?
 21 A. That's correct.
 22 Q. And was explaining the process to her?
 23 A. Yes.
 24 Q. Was Jake Ramey there?
 25 A. Not in that room, no.

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1 Q. What room was he in?
 2 A. He could have been in the adjacent room. That
 3 is where the inspectors come after work.
 4 Q. Did he communicate in any way to you or Miss
 5 Cammick?
 6 A. No.
 7 Q. Was Scott Carroll there?
 8 A. He was in his office, which was adjacent to that
 9 room.
 10 Q. Was the door open or shut?
 11 A. Open.
 12 Q. Did he communicate to you and/or Miss Cammick in
 13 any way?
 14 A. No.
 15 Q. Jennifer Addis, was she there?
 16 A. Yes.
 17 Q. Is her office separate?
 18 A. It is one office with three desks in it, and she
 19 was adjacent to Cynthia Adams.
 20 Q. Did she communicate in any way with Miss
 21 Cammick?
 22 A. No.
 23 Q. Marcelo Reyes, is that a male or female?
 24 A. It's a male.
 25 Q. All right. Did he communicate in any way with

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1 Miss Cammick?
 2 A. No.
 3 Q. Was he in the office?
 4 A. He was in the office, I believe, yes.
 5 Q. He was in the what?
 6 A. He was in the office, but not in that room.
 7 Q. Okay. Stephen Sobeck, was he present?
 8 A. May have been. I don't know for sure.
 9 Q. Wanda Roach, was she present?
 10 A. She was in her office, adjacent room to where we
 11 were.
 12 Q. Door open or shut?
 13 A. Open.
 14 Q. Did she communicate in any way with you and Miss
 15 Cammick?
 16 A. No.
 17 Q. Okay. So the only people, if I understand
 18 correctly, that were communicating with Miss Cammick on
 19 that day when she came in was Cynthia Adams, and then you
 20 approached and joined in the conversation?
 21 A. That's right.
 22 Q. Is that your testimony?
 23 A. Yes.
 24 Q. And whether or not these others who may or may
 25 not have been there heard anything is pure speculation on

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1 your part?
 2 A. It is speculation, yes.
 3 Q. Okay. Was that day, the first day, that first
 4 and only day that Miss Cammick came in, to your
 5 knowledge?
 6 A. For a permit for a shelter, yes.
 7 Q. For the shelter that is in question in this
 8 case?
 9 A. Yes.
 10 Q. That was the only day?
 11 A. That I am aware of.
 12 Q. That you are aware of, okay. Now, if I
 13 understand your testimony correctly, when you had these
 14 discussions with Miss Cammick, she simply told you that
 15 she didn't understand why these stamped drawings were
 16 required. Is that a fair statement?
 17 A. It's a fair statement.
 18 Q. Okay. She just had a question about them; is
 19 that right?
 20 A. That's right.
 21 Q. And the requirement?
 22 A. [Witness nods affirmatively.]
 23 Q. And you told her your version of what the
 24 requirement or what the code required; is that right?
 25 A. Yes.

33 (Pages 129 to 132)

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- 1 Q. Okay. She didn't ask you to do anything
2 contrary to what your interpretation of the code
3 required, did she?
4 A. No. There was no direction.
5 Q. She got a permit, she brought in the requested
6 drawings; is that correct?
7 A. They were brought into the office, yes.
8 Q. And she wouldn't have had the permit without it?
9 A. Prior to permitting, of course.
10 Q. But at no time did she ask you to do anything
11 contrary to your interpretation of the applicable code or
12 codes of Oconee County or International Building Code or
13 whatever, did she?
14 A. No.
15 Q. And she didn't ask you to violate any of those
16 codes or provisions, did she?
17 A. No.
18 Q. Did you ever speak with the person or persons
19 who wrote the newspaper article?
20 A. No.
21 Q. And the only other communication you had with
22 Miss Cammick I believe you testified to had to deal with
23 the incident concerning the concrete truck showing up and
24 the inspector not being there because he had a flat tire;
25 is that right?

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- 1 A. Yes.
2 Q. And the only thing she asked you to do or to
3 explain to her was why that inspection had not been made?
4 A. Why it wasn't returned or redo the inspection
5 the same day.
6 Q. Return the same day and then asked you to call
7 the property owner, right?
8 A. Yes.
9 Q. Again, didn't ask you to violate any provisions
10 of any codes or rules of law regarding Oconee County, did
11 she?
12 A. No.
13 Q. As I understand it, your educational background
14 is a high school diploma from --
15 A. Seneca High.
16 Q. Seneca High and then additional education at
17 Greenville Tech; is that right?
18 A. Greenville Tech, yes.
19 Q. So immediately after high school graduation, you
20 went into the workforce?
21 A. Yes.
22 Q. Doing the jobs that Miss Burton was asking you
23 about, is that right?
24 A. [Witness nods affirmatively.]
25 Q. I'm not sure that the record is as clear or at

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- 1 least it's not clear in my mind. I would like to know
2 what licenses you have held over the years specifically.
3 MR. HOPKINS: Object to the form.
4 Q. [Mr. Logan] You can answer. He is just doing
5 his job.
6 A. I have a building official's license.
7 Q. Is that still active?
8 A. Yes. It was renewed.
9 Q. Okay.
10 A. I had an electrical contractor's license, which
11 is on standby or retired or something while I am working
12 at the state. I have a plumbing license, and then I have
13 all my certifications from the International Code
14 Council.
15 Q. Have any of your licenses ever been suspended?
16 A. Not in South Carolina, no.
17 Q. What other states have they been suspended in?
18 A. I had a builder's license in Florida that was
19 suspended.
20 Q. Why?
21 A. Because I went bankrupt and could not complete
22 my work.
23 Q. Okay. Any others besides that that have been
24 suspended?
25 A. I had an electrical license at the City of

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- 1 Seneca when they had an electrical board and the board
2 was disbanded, so I don't know it was suspended. It just
3 ceased to exist. Outside of that, no.
4 Q. Have you ever had any licenses revoked?
5 A. The Florida license.
6 Q. That was the one that was suspended?
7 A. Yes.
8 Q. And then it was ultimately revoked?
9 A. Yes.
10 Q. For the reasons you have already stated?
11 A. Yes.
12 Q. Any other licenses besides those that you have
13 mentioned?
14 A. No.
15 Q. As I count, since you were dismissed from Oconee
16 County, you made six or seven job applications; is that
17 correct?
18 A. [Witness nods affirmatively.]
19 Q. And you have identified those with specificity;
20 is that correct?
21 A. I have.
22 Q. Okay. And that is the universe of the job
23 applications that you have sought since you were
24 dismissed?
25 A. That's correct.

34 (Pages 133 to 136)

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- 1 Q. Okay. Lori Sons, is that the lady that you were
2 married to between 2014 and 2016?
3 A. It is.
4 Q. S-O-N-S?
5 A. S-O-N-S.
6 Q. And does she still reside in Oconee County?
7 A. No.
8 Q. Where does she live?
9 A. Austin, Texas.
10 Q. When did she move to Austin, Texas?
11 A. September of last year, of '17.
12 Q. Was she a native of Oconee County?
13 A. No.
14 Q. How long did she live in Oconee County?
15 A. 27 years, 25 years.
16 Q. What did she do in Oconee County?
17 A. She was an architect.
18 Q. Did she have her own firm?
19 A. She worked for multiple people, and she
20 ultimately had her own firm, yes.
21 Q. What was the name of her firm?
22 A. Convergence by Design.
23 Q. Where was it located?
24 A. Seneca.
25 Q. Do you know how long she had that firm? ..

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- 1 A. Four or five years.
2 Q. Who are some of the people that she worked with
3 before she organized her own firm, if you recall?
4 A. She worked for Batson.
5 Q. Batson?
6 A. Batson group out of Greenville. She worked for
7 an architect here, Lonnie Watt, I believe, in Anderson.
8 She worked for another architect in Greenville that was
9 in the same building, but I can't remember his name now.
10 Q. Okay. What type of architect was she?
11 Industrial, commercial, residential?
12 A. She first started out being residential, and
13 then she turned into a commercial licensed architect.
14 Q. Okay. Did y'all divorce?
15 A. Yes, we did.
16 Q. And that was in 2016?
17 A. It was final in '17.
18 Q. Was that in Oconee County?
19 A. Yes, it was.
20 Q. What were the grounds for that divorce?
21 A. We just were incompatible.
22 Q. Irreconcilable differences?
23 A. Yes.
24 Q. These morning meetings that you had with
25 inspectors when you were in that position, I believe you

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- 1 said those were to go over mistakes that had been made in
2 code interpretations?
3 A. They were debriefing meetings from the day
4 before that were to answer questions that were for
5 training, both as far as codes go and customer service.
6 Q. Did you ever discuss at those meetings any
7 complaints that had been made from property owners or
8 people requesting their services or needing their
9 services?
10 A. Certainly.
11 Q. So there were complaints periodically that had
12 to be addressed during these meetings?
13 A. Yes. When you cost people money, you are
14 enforcing building codes, you get resistance.
15 Q. So it was not uncommon to have complaints from
16 citizens?
17 A. Not minor complaints, no.
18 Q. Were there ever any complaints that y'all
19 addressed that you were applying the wrong code or codes
20 to any particular project?
21 A. Yes.
22 Q. I would like to take about a five-minute break,
23 but I think I'm through. Are you through?
24 MS. BURTON: I have got a couple
25 follow-ups.

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- 1 MR. LOGAN: Let's take about a five-minute
2 break.
3 [Short recess.]
4 MR. LOGAN: That's all the questions I've
5 got.
6 EXAMINATION
7 BY MS. BURTON:
8 Q. I've got just a few follow-ups. Tell me who
9 DeeDee was that worked for you.
10 A. DeeDee?
11 Q. Uh-huh [yes].
12 A. She was an inspector. I forgot about her.
13 Q. And did you get lots of complaints about
14 DeeDee's performance?
15 A. I had some complaints about DeeDee.
16 Q. Did you let DeeDee go?
17 A. DeeDee fell in the bathroom --
18 Q. And?
19 A. -- on a mopped floor one day, and I being myself
20 and wanting to take care of everybody, I sent her down to
21 HR, and they took her down to get a drug test because she
22 had an accident, and she didn't survive the drug test.
23 Q. So she had drugs in her system?
24 A. Yeah.
25 Q. So she was terminated?

35 (Pages 137 to 140)

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1 A. She was.
 2 Q. Do you know when that occurred?
 3 A. No, no particular days, no.
 4 Q. Do you know what year it occurred in?
 5 A. Before I hired Jake and Jessie. Well -- yeah,
 6 she was there before. '16, late '15 or '16, somewhere in
 7 there.
 8 Q. Okay.
 9 A. I never called her DeeDee, though.
 10 Q. What did you call her?
 11 A. Dee.
 12 Q. You mentioned in response to Mr. Logan's
 13 questions that you filed for bankruptcy protection.
 14 A. I did.
 15 Q. Was that individually or as a company?
 16 A. It was individually.
 17 Q. Was that a Chapter 7 bankruptcy?
 18 A. I think so. 11 is for business, isn't it?
 19 Q. Do you know when that was?
 20 A. That was probably in '90, '89, '91, somewhere in
 21 there. It is off my record now.
 22 Q. You mentioned CitizensServe. Can citizens also
 23 lodge complaints on the CitizensServe website?
 24 A. They do. They can. They basically related to
 25 the International Property Maintenance Code. I don't

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1 remember any of them coming in against inspectors.
 2 Q. Who reviewed the complaints filed on
 3 CitizensServe?
 4 A. The permit staff.
 5 Q. Was there a person whose job it was --
 6 A. Wanda did most of it, but when Wanda wasn't
 7 there, the other girls did.
 8 Q. And if there was a complaint on CitizensServe,
 9 would they bring that to your attention to deal with?
 10 A. Yeah. If there was a property complaint, we
 11 would put it on the schedule and have somebody go out and
 12 look at it.
 13 Q. By "property complaint," are we talking about
 14 abandoned buildings?
 15 A. Substandard housing, grass, rats, litter, cars,
 16 you name it.
 17 Q. Mr. Logan asked you whether you were aware of
 18 any subsequent articles in the newspaper other than the
 19 one that we have marked as an exhibit. I think you said
 20 you were not aware of any other newspaper articles?
 21 A. You know, I can't remember any, not saying there
 22 weren't. There were some on WGOG's radio and their
 23 website that I looked at, but, you know, there may have
 24 been. I just don't know.
 25 Q. Tell me about WGOG radio.

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1 A. It's the local country music radio station, and
 2 the local news reporter frequents city hall and the
 3 county courthouse and he picked it up.
 4 Q. Picked what up?
 5 A. The council meeting where I was discharged and
 6 my discharge.
 7 Q. He reported on the council meeting?
 8 A. He reported on the budget meeting; yeah.
 9 Q. And he reported that you were terminated?
 10 A. Yes.
 11 Q. And how do you know that?
 12 A. I read it.
 13 Q. On their website?
 14 A. Yes.
 15 Q. Are you aware of any other news media? We have
 16 talked about the Oconee County YouTube channel, the one
 17 newspaper article and now WGOG. Is there any other media
 18 outlet that had any reporting on either the council
 19 meeting on April 25 or your termination?
 20 A. Not that I remember.
 21 Q. Do you have any social media accounts? By that,
 22 I mean Facebook, Snapchat, Instagram, My Space, any of
 23 those?
 24 A. I have a Facebook account I never use. I went
 25 to the National Flood Plain Managers conference in Grand

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1 Rapids. I reckon it was February or March of '16 or '17.
 2 Anyway, part of the courses that they had, one of them
 3 was using social media in your job, and we had to log on
 4 and create a Facebook account, but I haven't been to that
 5 site more than once or twice or three times since it was
 6 set up when I left Grand Rapids, so I have to say yes, I
 7 have a Facebook account, but I never use it.
 8 Q. Any other type of social media you participate
 9 in?
 10 A. No.
 11 Q. Were you in any or are you in any trade
 12 organizations?
 13 A. I was in the Building Inspector's Association
 14 years ago.
 15 Q. Are you in any trade organizations today?
 16 A. No.
 17 Q. Is there any kind of an organization for the
 18 building officials?
 19 A. Yes.
 20 Q. What is that?
 21 A. That's right. The Buildings Officials
 22 Association of South Carolina, B.O.A.S.C. I was always a
 23 member of that.
 24 Q. Are you currently a member of that?
 25 A. No. I think I am required to attend it as far

36 (Pages 141 to 144)

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1 as my job goes, though.

2 Q. Do you have continuing education credits or
3 something?

4 A. Yes. They have international code conference
5 certified courses, which help with continuing education.

6 Q. Have you talked with any other building
7 officials from other municipalities about metal storage
8 garages or sheds or whatever we are calling this?

9 A. You know, not that I recall. I mean, not that I
10 recall.

11 Q. Have you ever heard any allegation that you were
12 suggesting to people or your department was suggesting to
13 people that they hire your wife, Miss Sons, to perform
14 architectural services?

15 A. I was called to Mr. Moulder's office over an
16 anonymous complaint about that.

17 Q. So somebody did complain and say you were
18 funneling work to her, essentially?

19 A. Before we were married, I think. Might have
20 been after. Yeah, it was before.

21 Q. What happened with that?

22 A. We discussed it. Mr. Moulder and I discussed
23 it. I told him I didn't have any -- I wasn't doing
24 anything like that. I went over how I referred people or
25 showed people how to locate design professionals, how I

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1 taught my department to do it, and, you know, I also
2 discussed with him -- we were I think engaged at that
3 time -- the potential of, you know, people trying to get
4 close to me that way, but never referred anybody.

5 Q. I'm sorry. You said she worked for Louis
6 Batson, Lonnie Watt and who else?

7 A. There was somebody in the building Batson was in
8 that she worked for. I can't remember his name right
9 now. She moved from that office to Batson's office and
10 they were down there at the Holiday Inn or whatever it is
11 downtown, something square or something, but I can't
12 remember.

13 MS. BURTON: That's all the questions I
14 have. Thank you, Mr. Stokes.

15 MR. LOGAN: Thank you.

16 EXAMINATION

17 BY MR. HOPKINS:

18 Q. I have a few questions. Mr. Stokes, we have
19 talked pretty ad nauseam about the 400 square feet
20 ordinance. The county, Oconee County code has adopted
21 the IRC, correct?

22 A. That's correct. It is called the South Carolina
23 Residential Code now, but it is the same book.

24 Q. In fact, Mr. Logan showed you that document, the
25 Oconee County code, correct?

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1 A. That's correct.

2 Q. Okay. And you have told counsel about the IRC's
3 requirement that anything over 400 square feet required
4 the submittal of engineering designs, correct?

5 A. I have discussed that with council?

6 Q. Yes, sir.

7 A. No.

8 Q. They have asked you questions about that,
9 correct?

10 A. They may have.

11 Q. They specifically asked you to identify what
12 portion of the IRC I guess directs you to that
13 conclusion, correct?

14 A. No. I don't believe there was any direct
15 documentation on why we are doing what we are doing.

16 Q. I am going to read from the 2015 International
17 Residential Code, chapter three, "Building plan,"
18 subsection R301.1.3, "Engineered design." It states
19 "Where a building of otherwise conventional construction
20 contains structural elements exceeding the limits of
21 section R301 or otherwise not conforming to this code,
22 these elements shall be designed in accordance with
23 accepted engineering practice. The extent of such design
24 need only demonstrate compliance of nonconventional
25 elements with other applicable provisions and shall be

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1 compatible with the performance of the conventional frame
2 system. Engineered design in accordance with the
3 International Building Code is permitted for buildings
4 and structures and parts thereof included in the scope of
5 this code."

6 Is that the section you are referring to,
7 Mr. Stokes?

8 A. Yeah, that's one of them.

9 Q. I am now going to read to you from Horry County
10 code enforcement permitting process for single-family
11 residences and residential modulars. "Single-family
12 residence plan requirement. Any single-family residence
13 regardless of size, as well as any associated structures
14 exceeding 400 square feet, will require engineering
15 design in accordance with the 2012 International
16 Residential Code with original seals."

17 Mr. Stokes, do you understand that other
18 counties have adopted the view that you took with the
19 Oconee County building department?

20 A. Yes.

21 Q. And is that because every county in the state
22 has adopted the IRC?

23 MR. LOGAN: Object to the form. You are
24 leading the witness.

25 Q. [Mr. Hopkins] Do you understand that every

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1 county in the state has adopted the IRC or their building
2 department has?

3 MR. LOGAN: Same objection.

4 THE WITNESS: Yes, I do.

5 MR. HOPKINS: No further questions.

6 [DEPOSITION CONCLUDED AT 2:10 P.M.]
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1 ?
2 CERTIFICATE
3

4 SOUTH CAROLINA
5 ANDERSON COUNTY
6

7 I hereby certify that the foregoing deposition was
8 reported, as stated in the caption, by the method of
9 Stenograph machine with backup, and the questions and
10 answers thereto were reduced to typewriting by me or
11 under my direction; that the foregoing pages 1 through
12 149 represent a true, correct and complete transcript of
13 the evidence given on the 6th day of March, 2018, by the
14 witness, DAVID T. STOKES, who was first duly sworn by me;
15 that I am not a relative, employee, attorney or counsel
16 of any of the parties, nor am I financially interested in
17 the action.

18 This 27th day of March, 2018.
19
20

21 _____
22 Susan Lynn McCracken, RMR
23 Court Reporter
24
25

38 (Pages 149 to 150)

Page 1

STATE OF SOUTH CAROLINA) COURT OF COMMON PLEAS
COUNTY OF OCONEE)

DAVID T. STOKES,)

Plaintiff,)

vs.) NO. 17-CP-37-00320

OCONEE COUNTY, WAYNE MCCALL)
AND EDDA CAMMICK,)

Defendants.)

Video 30(b)(6) Deposition of
OCONEE COUNTY
SCOTT MOULDER

Pursuant to Notice of Deposition and/or agreement in
the above-entitled case, a deposition was taken on the
7th day of March, 2018, commencing at approximately
1:30 p.m., attended as follows:

Page 2

1 APPEARANCES OF COUNSEL

2 FOR THE PLAINTIFF: J. CLAY HOPKINS, ESQ.
3 Hopkins Law Firm, LLC
4 12019 Ocean Highway
5 Pawleys Island, SC 29585
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8 FOR THE DEFENDANTS: STEPHANIE H. BURTON, ESQ.
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22 JAMES W. LOGAN, JR., ESQ.
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VIDEOPHOTOGRAPHER: Michael Arrison

DEPOSITION REPORTED BY: SUSAN L. McCracken, RMR
Depositions And..., Inc.
(864) 235-3518

Page 3

1 INDEX TO EXAMINATIONS

2
3 EXAMINATION BY MR. HOPKINS
4 CERTIFICATE OF COURT REPORTER

5 EXHIBITS

6 PLAINTIFF'S

7 1 NOTICE

Premarked

Page 4

1 Pursuant to Notice and/or agreement to take
2 depositions, the within deposition was taken by Susan L.
3 McCracken, RMR, a Notary Public, as required under South
4 Carolina Court Rule 30, et al, by consent of all parties,
5 at the law offices of Logan, Jolly & Smith, 1805 N.
6 Boulevard, Anderson, South Carolina.

7 WAIVER

8 It is agreed by Counsel for all parties that the
9 reading over of and signing of the deposition by the
10 witness are waived.

11 ** ** *

12 VIDEOGRAPHER: This is the 30(b)(6)
13 videotape deposition of Mr. Scott Moulder taken
14 by the Plaintiff in the matter of David Stokes
15 versus Oconee County, et al, filed in the Court
16 of Common Pleas, State of South Carolina in
17 Oconee County. Case number is
18 2017-CP-37-00320. This deposition is being
19 held at the law firm of Logan, Jolly & Smith
20 located at 1805 North Boulevard in Anderson,
21 South Carolina on Wednesday, March 7, 2018. My
22 name is Michael Arrison from the firm of
23 Carolina Legal Video Services. The court
24 reporter is Sue McCracken from Depositions And,
25 Incorporated. Going on the record at 1:19 p.m.

1 (Pages 1 to 4)

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1 Counsel now state their appearance for the
2 record.

3 MR. HOPKINS: Clay Hopkins for David
4 Stokes.

5 MR. LOGAN: Jim Logan for Oconee County
6 and Miss Edda Cammick.

7 MS. BURTON: Stephanie Burton for Wayne
8 McCall.

9 MS. BARTON: Roberta Barton for Wayne
10 McCall and Edda Cammick.

11 VIDEOGRAPHER: The court reporter will now
12 swear in the witness.

13 The deponent was duly sworn to tell the truth, the
14 whole truth and nothing but the truth of his own
15 knowledge concerning the matter herein:

16 SCOTT MOULDER

17 having been first duly sworn, was examined
18 and testified as follows:

19 EXAMINATION

20 BY MR. HOPKINS:

21 Q. Good afternoon, Mr. Moulder. How are you doing?

22 A. Doing well, Mr. Hopkins. How are you, sir?

23 Q. We met previously off the record, but my name is
24 Clay Hopkins. My dad Bill and I represent Mr. Stokes in
25 a lawsuit he's brought against the county, Miss Cammick

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1 world to finish your answer so that we don't speak over
2 one another. Is that fair?

3 A. Yes, sir.

4 Q. We've just come back from lunch so we may need
5 to at some point. If you need to take a break, I am not
6 trying to keep you locked in. Just ask me for one, and I
7 will be happy to let you take one. Okay?

8 A. Okay, yes, sir.

9 Q. Likewise, if I have posed a question, though, I
10 would ask you to answer before we take a break. Is that
11 fair?

12 A. Yes, sir.

13 Q. Okay. And from time to time -- you have been
14 here for several of the depositions -- there may be some
15 objections to my questions. Do you understand that
16 unless your attorney tells you not to answer, that you
17 need to answer my question?

18 A. Yes, sir.

19 Q. Okay. Have you ever given a deposition before?

20 A. Yes, sir.

21 Q. Okay. How many have you given?

22 A. Two.

23 Q. In what capacity were those depositions given?

24 A. As the county administrator for Oconee County in
25 both circumstances.

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1 and Mr. McCall. Do you understand you are here to give a
2 deposition in that matter today?

3 A. Yes, sir.

4 Q. And you are giving a deposition as a 30(b)(6)
5 witness; is that correct?

6 A. Yes, sir.

7 Q. I will go ahead and mark -- or it's been
8 previously marked. I'm sorry. This is Exhibit 1 to the
9 deposition. Take a second and let me know when you're
10 ready to discuss it.

11 A. Okay. I'm ready.

12 Q. I skipped a few formalities. I'm sorry. I need
13 to go over some of the rules of this deposition. I am
14 sure your attorney has talked to you about it, but I am
15 required to go over them, and I almost forgot to. We
16 have a court reporter here taking down everything we say,
17 so it's important for you to give verbal responses to my
18 questions and not nonverbal such as shaking your head,
19 saying "uh-huh" or "huh-uh," so will you please try to
20 remember to give me a "yes" or "no" and then your answer
21 in verbal form?

22 A. Yes, sir.

23 Q. Okay. Likewise, you are doing a great job of it
24 right now, but will you also allow me to finish my
25 question? I will try to allow you all the time in the

Page 8

1 Q. Okay. Were those also 30(b)(6) depositions?

2 A. The most recent one was a 30(b)(6), and I can't
3 recall if the first one was a 30(b)(6) or not. I think
4 it was, but I can't recall.

5 Q. Okay. Generally, what are the allegations in
6 the complaints that you testified in the cases you have
7 testified in?

8 A. Can you be more specific?

9 Q. Yes, sir. The last case that you testified as a
10 30(b)(6) witness, correct?

11 A. That's correct.

12 Q. What are the allegations in that lawsuit?

13 A. Let's see. That one was the Pioneer lawsuit in
14 which the county was -- filed suit against Pioneer Water
15 District to cease the construction of the water treatment
16 plant.

17 Q. Okay. And the previous lawsuit that you
18 testified as the administrator?

19 A. That one included a three-party suit, the county
20 with Plateau Excavation and Talbert & Bright Engineers,
21 and that was a dispute over a runway extension project
22 that the county had implemented to extend its runway to
23 5,000 linear feet.

24 Q. Okay. Were you personally named in either of
25 those lawsuits?

2 (Pages 5 to 8)

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1 A. No, sir.
 2 Q. Okay. Now, to go back to Exhibit I, we have
 3 previously sent this deposition notice. It's a 30(b)(6)
 4 deposition notice. Have you had time to look at this
 5 document?
 6 A. Yes, sir.
 7 Q. And have you gone over the subjects that we've
 8 asked you to be familiar with today?
 9 A. Yes, sir. I have reviewed them.
 10 Q. Are there any other individuals at the county
 11 who would be more knowledgeable than you in any of the
 12 fields identified in Exhibit A?
 13 A. We have a human resources director that is
 14 intimately involved, obviously, in the personnel manual
 15 and the human resource affairs of our employees. I would
 16 say that she has more practical hands-on knowledge, but
 17 from a more knowledge standpoint, I mean, I don't know.
 18 I couldn't say.
 19 Q. I understand. All right. What's her name?
 20 A. Sheila Wald, W-A-L-D.
 21 Q. Does Miss Sheila -- are you aware if she has any
 22 knowledge of the events of this complaint or this
 23 lawsuit?
 24 A. She has knowledge only to the effect for the
 25 procedures and processes that were followed as a result

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1 Q. Okay. What is your salary under the contract?
 2 A. Let me think because the salary may be different
 3 stated in the contract versus what I'm actually being
 4 paid because of any raises that were given to the county,
 5 as a whole. I believe it was 155, 155,000, and I was
 6 also included a \$1200 a year raise that was equivalent to
 7 the rest of the employees in that one year's increase,
 8 and then I also receive an \$850 a month car allowance and
 9 also am afforded an \$8333 a year deferred compensation
 10 contribution pending satisfactory performance. I believe
 11 that's it.
 12 Q. Okay. Were those the terms of the original
 13 contract as well?
 14 A. No, sir.
 15 Q. Okay. But your contract was renewed or you were
 16 given a new contract in 2013?
 17 A. Initial contract, 2010, renewed in 2013, renewed
 18 in 2016, and the 2016 agreement is the one we're
 19 currently operating.
 20 Q. And it expires next year?
 21 A. June of 2019, yes, sir.
 22 Q. At this point, have you been or have there been
 23 discussions about renewing your contract beyond 2019?
 24 A. No, sir.
 25 Q. What are your duties and responsibilities as

Page 10

1 of the actions that led to the lawsuit.
 2 Q. Okay. Do you understand that the answers you
 3 give today in the subjects that have been identified in
 4 Exhibit A are binding on the county?
 5 A. Yes.
 6 Q. Okay. When were you hired by Oconee County,
 7 Mr. Moulder?
 8 A. My first day of employment with Oconee County
 9 was June 1st of 2010.
 10 Q. Are you a contract employee?
 11 A. I have a contract, yes, sir.
 12 Q. What is the term, the length of the term of your
 13 contract?
 14 A. The contracts and the renewals were all for
 15 three-year terms.
 16 Q. Who do you report to?
 17 A. I report to the county council of Oconee County.
 18 Q. Does county council have the right to terminate
 19 you?
 20 A. Yes.
 21 Q. Pursuant to the contract, of course?
 22 A. Yes.
 23 Q. Do they have the ability in that contract to
 24 terminate you for cause prior to the three-year term?
 25 A. Yes.

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1 county administrator?
 2 A. Obviously, there is a job description associated
 3 with it in addition to state statute that describes the
 4 duties and responsibilities of the administrator in an
 5 administrative form of government, so those are obviously
 6 available for your review. In general terms, the
 7 administrator is responsible for the overall management
 8 of the operations and enforcement of the policies and
 9 procedures as approved by county council.
 10 Q. Okay. Do you have any experience working in a
 11 building codes department?
 12 A. Not working in the department, no, sir.
 13 Q. Do you have any experience approving building
 14 permits?
 15 A. When I was at the Town of Clover, we had a
 16 moment in time where we were without a building official,
 17 very short period. I may or may not have issued a permit
 18 at that point in time while I was with the Town of
 19 Clover, but other than that, just my overall experience
 20 in managing building codes departments is the only
 21 experience I have.
 22 Q. Okay. Beyond that Town of Clover short
 23 experience, do you have any experience in the building
 24 inspection process?
 25 A. I have not experienced -- well, at Clover, I

3 (Pages 9 to 12)

Page 13

1 actually, based on the fact we didn't have a building
2 official, actually went on some building inspection at
3 that point in time. I have also been on other
4 inspections with inspectors during the process, but have
5 I ever been employed as a building inspector and have I
6 ever inspected structures by myself? No, sir.

7 Q. Okay. Did you work at the Town of Clover before
8 you worked at Oconee County?

9 A. No, sir.

10 Q. Okay. Where did you work?

11 A. Well, yes. Obviously, I did, but not right
12 before.

13 Q. I understand. Let's go back in time to each
14 position before Oconee County. Where did you work at
15 immediately before Oconee County?

16 A. Would you like me to just start at the
17 beginning? Are you going to go all the way back? Can I
18 just start at the beginning, save you some time?

19 Q. Let's do that.

20 A. Okay. After graduating college, I worked at a
21 rental car agency as the manager trainee, and then I
22 opened up the Myrtle Beach office for Spirit Rent-a-Car;
23 went back to school, earned my master's degree, graduated
24 in 2001 with a master's in public administration; took a
25 position prior to graduation and maintained that position

Page 15

1 A. No, sir.

2 Q. Okay. While you were the admin at the Town of
3 Clover, did anybody bring any employment claim against
4 you individually or against the county council?

5 A. They have a town council.

6 Q. Okay. Town council?

7 A. No, sir.

8 Q. Same question for when you were at the County of
9 Abbeville.

10 A. No claims against me personally. I would assume
11 that there were lawsuits or claims filed against the
12 county as a whole, delinquent tax matters, foreclosure
13 matters, you know. There is a standard of claims, but
14 don't know of any specifically.

15 Q. I understand. Okay. I think you answered the
16 question just now, but do you recall any employment
17 specific claims brought against the county?

18 A. Not that I can recall.

19 Q. Okay. Did you hire Mr. Stokes?

20 A. Yes, sir, I did.

21 Q. When did you hire Mr. Stokes?

22 A. I believe he started employment in December of
23 2011.

24 Q. Did you interview him personally?

25 A. Yes, sir.

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1 after graduation with the Lower Savannah Council of
2 Governments as a roving administrator responsible for the
3 administration of several towns that signed up on
4 contract with the Lower Savannah Council of Governments.
5 From there I was hired on and employed as the full-time
6 administrator for the Town of Clover, was there for about
7 four, four-and-a-half years and then applied and was
8 granted the position in Abbeville County as the county
9 director, which is very similar in its capacity to a
10 county administrator. It is a county council director
11 form of government in the state statute as well, which
12 you can review; was there for about four, four-and-a-half
13 years and then took the position with Oconee County.

14 Q. Where did you go to college?

15 A. I attended the College of Charleston, earned my
16 public administration degree -- excuse me -- political
17 science degree. After about a two-year private sector
18 management with the rental car agency I previously stated
19 I went back and earned my master's in public
20 administration at the University of Charleston, which is
21 the same school. The graduate program just has a
22 university status.

23 Q. Are you licensed or do you hold any
24 certifications in any sort of building construction or
25 contracting?

Page 16

1 Q. How many other candidates did you interview?

2 A. I don't remember.

3 Q. Did you ultimately make the recommendation for
4 him to be hired?

5 A. Yes, sir.

6 Q. Was he well qualified for the position?

7 A. I thought so at the time, yes, sir.

8 Q. What specific position was he hired for?

9 A. Building codes director.

10 Q. From 2011 until April, 2017, are you aware of
11 any written discipline given to Mr. Stokes?

12 A. No formal, no, sir.

13 Q. I assume, the way you said that question, that
14 there is some sort of informal discipline given to him?

15 A. Mr. Stokes and I communicated verbally quite
16 often, and if there was an issue that developed or a
17 concern that I had, I would express that with him
18 verbally and request that the matter be corrected.

19 Q. As we sit here, do you recall any of those?

20 A. No. We would receive complaints about processes
21 or mistakes or issues with inspectors that, you know, I
22 would either call him up or go down and see him and just
23 address those in general terms and I guess consult with
24 him and see what's going on and then ask him to fix it if
25 need be, but I can't think of any specifically.

4 (Pages 13 to 16)

Page 17

1 Q. I understand. As county administrator, do you
2 receive citizen complaints, contractor complaints or
3 county council complaints about other departments as
4 well?
5 A. Yes, sir.
6 Q. Okay. And are they just as frequent as the
7 building codes department?
8 A. Not all of them, no, sir. We have some that are
9 more frequent than others. You rarely get any complaints
10 on registrar of deeds or something like that, so I can't
11 group them all together, no.
12 Q. I understand. As we sit here today, can you
13 identify another department within the county that
14 receives comparable -- a comparable amount of claims as
15 the building department?
16 A. Assessor's office, depending on the time of
17 year. Those are especially plentiful around reassessment
18 time, as you can imagine.
19 Q. People don't like to pay taxes.
20 A. They don't mind paying taxes. They just want to
21 know what their taxes are going for is what I believe.
22 Q. Okay. Has there been any internal change within
23 the assessor's office in the last year?
24 A. Yes.
25 Q. Okay. Can you tell me about that, please?

Page 18

1 A. The assessor resigned her position, Miss Linda
2 Shugart. The deputy also resigned their position,
3 Mr. John Brown. I believe those are the two main.
4 Q. Were they forced to resign?
5 A. They were not. They felt like they needed to,
6 from what they told me.
7 Q. Okay. Did you discuss complaints with them
8 before they resigned?
9 A. I always discuss complaints with my department
10 heads. They are the first ones I will speak with once I
11 receive them.
12 Q. I understand that, but do you recall discussing
13 any complaint in particular before they resigned?
14 A. Not one that would have driven them to resign,
15 if that's what you're getting at. Yeah, I mean, there
16 was complaints before they resigned or else I wouldn't
17 have discussed it with them after they resigned.
18 Q. I understand that.
19 A. So, yeah, I mean, there were multiple times I
20 would go down and speak with them.
21 Q. Have there been complaints since their positions
22 have been filled about the assessor's office?
23 A. No, sir. The filling of that position just
24 occurred within the last couple weeks, so I don't think
25 we have given it enough time to field complaints.

Page 19

1 Q. Have you reviewed the county's answer to the
2 lawsuit in this case?
3 A. I have.
4 Q. Are you aware the county asserted two
5 counterclaims in this lawsuit?
6 MR. LOGAN: For the record, that is not
7 correct.
8 THE WITNESS: I wasn't aware that we had
9 filed a counterclaim.
10 MR. HOPKINS: Only on behalf of the --
11 MR. LOGAN: Counterclaims are asserted
12 only by the individuals.
13 Q. [Mr. Hopkins] Understood. Excellent. We can
14 skip all that questioning.
15 A. I was hoping we could.
16 Q. Let's move on. What sort of role did you play
17 in Mr. Stokes' termination?
18 A. I was the one that terminated him.
19 Q. Okay. Why did you terminate him?
20 A. I had growing concerns with the complaints that
21 we were receiving about the department through the county
22 council and county council's continued expression of
23 those concerns to me, and the concerns were presented
24 publicly as well as privately, and I decided that a
25 change in the department needed to be made.

Page 20

1 Q. Okay. Did you make any other changes besides
2 terminating Mr. Stokes?
3 A. At what point?
4 Q. Well, I guess at any point after you received
5 the complaints that led to his termination.
6 A. So after. You said any. I didn't know if you
7 meant before or after.
8 Q. You say that you got complaints about Mr. Stokes
9 and they were increasing, correct?
10 A. Uh-huh [yes].
11 Q. And so you decided to terminate him because a
12 change needed to be made?
13 A. Yes.
14 Q. I'm not trying to put words in your mouth.
15 A. No.
16 Q. That's what you said, right?
17 A. Yes, sir.
18 Q. Okay. So did you decide to make any other
19 change besides terminating Mr. Stokes?
20 A. Prior or after his termination?
21 Q. Contemporaneously, at the same time.
22 A. At the same time.
23 Q. That's right.
24 A. No, sir. That was the change that was made at
25 that particular time.

5 (Pages 17 to 20)

Page 21

1 Q. Since then, what sort of changes have you made?

2 A. There's been a couple different changes made
3 since his departure. We had entertained the idea of
4 outsourcing the inspection services to private companies.
5 We actually signed an interim temporary contract with RCI
6 I believe the name of the company was, and they started
7 some inspection services. There was a clerk that was
8 dismissed as a result of that downsizing due to the
9 outsourcing, and there was complaints and concerns from
10 the builders about that process and about outsourcing it,
11 so they once again made their concerns known and council
12 had decided not to sign a formal long-term contract with
13 this outsourcing company, so we went back to in-house
14 inspection services. That company has been maintained
15 and retained for commercial inspections and permit
16 review, and we are predominantly managing the residential
17 inspection services.

18 There was another inspector who was repurposed
19 in the facility maintenance department. His name was
20 Marcello. I cannot remember his last name, but he is
21 stated in those documents somewhere. Marcello was
22 repurposed to facility maintenance. At the time, we were
23 intending on outsourcing. We had offered the other two
24 inspectors to be repurposed to the facilities and
25 maintenance department as well. One of them said that

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1 Q. Today is March 7th?

2 A. Yeah, I guess it is.

3 Q. So sometime between May and March, you decided
4 to sign a temporary contract, and now it's been
5 abandoned, correct?

6 A. Not completely. As I said, we maintain them as
7 commercial inspectors and plan review.

8 Q. You have abandoned the personal inspection or
9 the residential inspection?

10 A. No. We may need them to do residential
11 depending on our workload and how many inspectors we have
12 out sick or something, so, I mean, we can still use them
13 for that purpose if need be. That's why I said we
14 predominantly handle the residential at this point.

15 Q. Was it the view of the county that there were
16 not enough inspectors to handle the inspection process?

17 A. That's actually been my view for quite some
18 time. It's a heavy workload. Coming out of the
19 recession, the workload has increased significantly for
20 that office as our building permit activity is up, and,
21 you know, we had talked about additional inspectors
22 needed as a result.

23 Q. Okay. Do you recall how long that view has been
24 held? That's a poor question. How long have you been
25 aware of the number -- the problem with the number of

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1 they would. The other said that they did not want to be
2 retained by the county if we outsourced. Obviously, they
3 stayed as the interim inspectors until that process was
4 formalized; never formalized, so they maintained their
5 positions in building codes.

6 Q. Do you have any opinion on why the county did
7 not attempt to outsource the inspection process before
8 terminating Mr. Stokes?

9 A. No, sir.

10 Q. But after Mr. Stokes was terminated, the county
11 made the decision to outsource the inspection process,
12 correct?

13 A. No, sir. We made the decision to entertain or
14 look at outsourcing.

15 Q. On a temporary basis, correct?

16 A. That's correct.

17 Q. When was that temporary contract signed?

18 A. I don't know. If you've got a copy of it,
19 we can verify it, but I don't recall the date.

20 Q. It was after Mr. Stokes was terminated, right?

21 A. Yes, sir.

22 Q. At the end of April?

23 A. I don't know.

24 Q. Or early May, correct?

25 A. I don't know. I can't remember.

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1 inspectors in the department?

2 A. I'd say for a couple years is when it really
3 started picking up. We actually would present at the
4 committee level updates from those departments, and his
5 department, Mr. Stokes and his department -- Josh
6 Stephens usually provided those -- would regularly
7 present the number of permit activities and show charts
8 and graphs of that activity, so it's been a couple years.

9 Q. So the department has been asking for more
10 inspectors for at least a couple years?

11 A. We have identified the need for them. I
12 wouldn't say we have asked for them for funding yet, but
13 we have identified the need.

14 Q. Yeah. That's probably a better
15 characterization. There's at least been evidence that
16 more inspectors would help the process; is that accurate
17 or fair to say?

18 A. I wouldn't say would help the process. We have
19 seen a need for them. I have not requested them to be
20 funded in the departmental budget because I just didn't
21 see the capability at that point in time.

22 Q. By "capability," you just mean money?

23 A. Well, money and ability to add positions, number
24 of reasons.

25 Q. Explain that to me a little bit, please. What

6 (Pages 21 to 24)

Page 25

1 do you mean by "ability to add positions"?

2 A. Well, you know, from a cost standpoint, from a
3 priority setting standpoint, you know, we can't have all
4 that we want. There are other departments that needed
5 things as well, so you have to prioritize and make
6 decisions for what's best and where you are going to get
7 the biggest bang for the buck. You have, you know,
8 council concerns. It's their budget ultimately. I just
9 present a balanced budget to them, but it is their budget
10 ultimately, and if they are cutting positions, they are
11 not going to add elsewhere, so you make the decisions you
12 can at that particular time.

13 Q. All right. So would it be fair to say at least
14 for a couple years, you had identified a need for more
15 inspectors, correct?

16 A. That's fair to say.

17 Q. And the reason that you did not recommend adding
18 additional inspector positions was because you felt that
19 the resources would be better utilized elsewhere, along
20 with the money problems and the council problems?

21 A. I didn't say that. I just said you have to
22 prioritize your needs and allocate your funds for those
23 purposes that may be either more important or require
24 additional resources to touch a greater segment of the
25 population. There is a number of different reasons. Any

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1 Q. Okay. Let me characterize it this way. At
2 least for several years, you had been receiving
3 complaints about the building department in terms of
4 their inspection process, correct?

5 A. Yes.

6 Q. And you had identified a need for additional
7 inspectors, correct?

8 A. Yes.

9 Q. But for the reasons you told us today, you
10 didn't recommend hiring additional inspectors; is that
11 correct?

12 A. I didn't recommend the hiring of those at that
13 particular time. And, you know, you can't necessarily
14 say that the complaints that we were receiving were
15 directly associated with the number of employees and the
16 fact that I didn't hire them led to more complaints, so I
17 don't think you can say that at all because the
18 complaints we were receiving weren't necessarily
19 generated because we have a lack of employees.

20 Q. Okay. Then why would you recommend more
21 inspectors?

22 A. I didn't recommend.

23 Q. You identified a need for more inspectors.

24 A. That's different than recommending.

25 Q. Okay. Why did you identify a need for

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1 business owner is going to allocate their resources,
2 limited resources based on their needs and where they
3 feel like they can be more effective.

4 Q. Okay.

5 A. More productive.

6 Q. Can you tell me as we sit here today for the
7 past couple years any other department you have
8 recommended hiring additional employees?

9 A. We have hired additional employees in the
10 sheriff's office and rural fire. I believe the clerk of
11 court went from a part-time to a full-time. There's been
12 a number of them. In my budget, we show an authorized
13 position allocation. It would be easier for you just to
14 look at the budget and see the allocation of the
15 positions and where they are.

16 Q. I am asking you, from your personal point of
17 view, where did you think the resources could be better
18 allocated elsewhere in terms of adding additional
19 positions?

20 A. Obviously with public safety since those
21 positions were added there. The detention center was
22 added due to an expansion of the detention center. It
23 depends on what time frame you're talking about. We have
24 added and taken positions away over the last seven, eight
25 years I have been there.

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1 additional inspectors?

2 A. Because of the workload and the overtime that
3 they were looking at.

4 Q. So you thought it would reduce other inspectors'
5 workload if you hired additional inspectors?

6 A. Of course it would.

7 Q. So we can say that it would have reduced
8 workload complaints if you had hired additional
9 inspectors?

10 A. No, sir. I didn't say the complaints were
11 associated with workload.

12 Q. Is it your testimony here today that if you had
13 hired additional inspectors, you would not have decreased
14 the workload on the inspectors who are currently there?

15 A. No. That's what you just testified. I said
16 earlier that of course if you hired somebody, it would
17 reduce workload. What I said was the complaints we were
18 receiving weren't directly associated with workload.

19 Q. Okay. But in the testimony and some of the
20 documents we received or at least in the responses, there
21 have been -- it's been identified that one of the
22 reasons, the justification for termination of Mr. Stokes
23 was the inspection process, correct?

24 A. I don't know. You'll have to show me that
25 document so I can confirm it.

7 (Pages 25 to 28)

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1 Q. Or complaints about the inspection process?

2 A. Yes, there were complaints about the inspection
3 process.

4 Q. Okay. Generally, what were those complaints
5 regarding?

6 A. A number of complaints, inconsistency with
7 application of the code, rudeness and the time frame it
8 took to get permits, and that would be, you know,
9 associated with permit clerks as well as the road
10 department, not necessarily with the number of
11 inspectors, inability to get ahold of somebody when they
12 called up there or get a call back, modifying in the
13 field how we are going to enforce a code without
14 notifying the contractors of that change, just to name a
15 few.

16 Q. Okay. Did you ever receive complaints about
17 inspectors having too many properties to review in a day?

18 A. No, sir.

19 Q. Okay. Did you ever receive any complaints about
20 inspectors not being able to come back to a property on a
21 certain day?

22 A. Yes.

23 Q. Okay. Do you believe that having more
24 inspectors would have allowed inspectors to return and
25 re-review properties?

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1 A. No, sir.

2 Q. Okay.

3 A. You set your schedule for your work day and you
4 divide up the caseload for the inspectors and they go out
5 and they do their route and their schedule.

6 Q. I just want --

7 A. If they weren't ready when we got there, we
8 wouldn't necessarily come back, and having more
9 inspectors wouldn't necessarily cure that issue. They
10 have got their schedule when they leave the door.
11 Mr. Stokes has testified and I agree with him that when
12 they met in the morning, they divided their workload,
13 they went out, they did their job. That day was
14 scheduled ahead of time. Any malfunction or any issues
15 that the contractor may or may not have had is not going
16 to disrupt that day, and if you go back and look at the
17 videotape of the YouTube channels, you will see I tried
18 to explain that to council at the next meeting, that,
19 "Hey, we can't just come back because somebody wasn't
20 ready. We have a schedule. If you come back, you are
21 then going to skip the next three or four inspections
22 you've got. Now you are going to have three or four
23 other people mad at you," so, no, I can't say we would
24 have been able to come back if we had more inspectors.

25 Q. Is it your testimony that having more

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1 inspectors, you would not have been able to visit more
2 properties in a day?

3 A. We would visit the number of properties we
4 needed in a day depending on the number of inspections
5 with four people or five people or six people.

6 Q. So your testimony is that with more people, you
7 could not visit more properties?

8 A. I'm saying we would visit the number of
9 properties we needed to in that day whether it is
10 overtime or not.

11 Q. Okay. Did you receive a recommendation from
12 either Edda Cammick or Wayne McCall to terminate
13 Mr. Stokes?

14 A. I did not receive a recommendation directly, no,
15 sir, but there were discussions surrounding Mr. Stokes'
16 departure.

17 Q. Okay. Can you tell me about those discussions,
18 please?

19 A. Which part? Can you be more specific?

20 Q. I asked about Miss Cammick and Mr. McCall, and
21 you said there were discussions. Can you tell me about
22 the discussions with Miss Cammick and Mr. McCall about
23 his termination?

24 A. There were discussions about Mr. Stokes and
25 others over a three or four-month time period in the fall

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1 of 2016. Mr. Stokes, Mr. Josh Stephens, Mr. Mack Kelly,
2 Mr. Art Holbrooks and Miss Beth Hulse all were the five
3 that were identified by Mr. McCall and Miss Cammick and
4 Glenn Hart prior to his arrival on county council in
5 January of 2017. There was ongoing discussions about
6 complaints that they had about those particular offices
7 and that they wanted the matters cured. I was also told
8 that my job depended on the departure of some of those
9 individuals, and that was the basic discussion.

10 Q. So it was either you or them?

11 A. Yes, sir. That's what I was told. Miss
12 Cammick, we talked about my departure, and I asked her --
13 once I heard it, I went straight to her and asked her
14 what her position was, and her response was "We'll just
15 have to wait and see what the status of those people are
16 come January."

17 Q. And do you agree that the grievance committee
18 disagreed with your decision?

19 A. Their letter indicated we should not terminate
20 Mr. David Stokes.

21 Q. In fact, they found no evidence to support the
22 claims that you made?

23 A. There was no evidence submitted at that meeting
24 that supported it.

25 Q. Did you choose to resubmit any evidence?

8 (Pages 29 to 32)

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1 A. No, sir.
 2 Q. Why not?
 3 A. Because I based my decision on my authority as
 4 the administrator to either terminate or uphold or
 5 enforce their decision, and I chose not to implement
 6 their decision. Their decision is not binding.
 7 Q. And it is your testimony that you had evidence
 8 that you could submit to them, but did not?
 9 A. No. I testified that it was county council's
 10 growing concern with the complaints. You can see it in
 11 the testimony in the transcript.
 12 Q. You've watched the YouTube video, correct?
 13 A. I have.
 14 Q. And you were at the meeting, correct?
 15 A. Yes, sir.
 16 Q. Do you recall Mr. McCall saying "Well, they got
 17 a sweet deal going. They are recommending you got to go
 18 down to a certain other builder or seller of carports and
 19 sheds and he is the only person that could stamp the
 20 drawings"?
 21 A. I recall a statement to that effect.
 22 Q. Okay. What evidence does Oconee County have to
 23 support that allegation?
 24 A. I have seen no such evidence.
 25 Q. He also said "I'm looking through some papers

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1 right now, but building codes is funneling people down to
 2 his office." Do you recall him saying that?
 3 A. I recall a statement to that effect.
 4 Q. What evidence does Oconee County have that the
 5 building codes department was funneling people to some
 6 contractor's office?
 7 A. I have seen no such evidence.
 8 Q. Okay. He also went on to say "And then these
 9 building codes is making up the rules." Do you recall
 10 him saying that?
 11 A. Not that one specifically, but I can go back and
 12 review it.
 13 Q. Do you dispute that he may have said that?
 14 A. No, I don't. I just don't recall.
 15 Q. What evidence does Oconee County have that
 16 building codes or Mr. Stokes was making up the rules?
 17 MS. BURTON: Can you point me to what
 18 topic we are on in the 30(b)(6) notice? Are
 19 you asking this individual questions in his
 20 individual capacity? Because I don't see
 21 anything about evidence in the notice.
 22 MR. HOPKINS: Well, these regard the
 23 claims and defenses of the county and the
 24 claims and defenses of the county are that they
 25 have evidence to dispute what we have said in

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1 our complaint. First --
 2 MS. BURTON: The factual basis?
 3 MR. HOPKINS: First, I think you can
 4 object to the form and you cannot really say
 5 anything else regarding it.
 6 MS. BURTON: No. I can object because
 7 you are outside of the scope of Rule 30(b)(6).
 8 MR. HOPKINS: Exactly. You can object to
 9 the form of it.
 10 MS. BURTON: No, sir.
 11 MR. HOPKINS: Are you telling him not to
 12 answer the question?
 13 MS. BURTON: No. I am asking you where
 14 the topic is.
 15 MR. HOPKINS: It concerns the allegations
 16 and the defenses of the county.
 17 MS. BURTON: The factual basis.
 18 MR. HOPKINS: And, two, do you represent
 19 the county?
 20 MS. BURTON: I can interpose an objection.
 21 I am counsel on the case.
 22 MR. HOPKINS: But you don't represent the
 23 county. Mr. Logan is not putting the objection
 24 on the record.
 25 MS. BURTON: So what?

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1 MR. HOPKINS: So are you instructing him
 2 not to answer?
 3 MS. BURTON: Did I instruct him not to
 4 answer?
 5 MR. HOPKINS: Again, I think you can put
 6 the objection on the record and then we can
 7 deal with it later.
 8 MS. BURTON: Okay. My objection is to the
 9 extent you are asking questions outside of the
 10 topics contained in Exhibit A. You are asking
 11 the witness questions in his individual
 12 capacity.
 13 MR. HOPKINS: Okay. All right.
 14 Q. [Mr. Hopkins] Does the county have any evidence
 15 to support the claim the building codes making up rules?
 16 A. I don't have any written evidence. The only
 17 evidence that I can present is the complaints that we had
 18 received about the difference of rule application in the
 19 field and the difference of rule application by
 20 inspectors. For example, one example was we had an
 21 inspector out on a job and they may have passed a
 22 particular portion of the building. Well, another
 23 inspector would come at a later date to inspect another
 24 object on the building and then they would go back and
 25 say "Oh, no. You need to fix this issue" that was

9 (Pages 33 to 36)

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1 originally passed in the framing or something like that,
2 so as far as changing the rules, you know, obviously, the
3 law is the law. It is the implementation and enforcement
4 of it that was the inconsistent part that we were getting
5 the complaints on.

6 Q. So rather, it would be an inconsistent view of
7 the code in terms of inspectors, rather than somebody
8 making up code, correct?

9 A. I'd say that's a fair statement.

10 Q. Can you tell me about -- can you tell me about
11 when you spoke to Mr. Stokes and terminated him? Can you
12 describe the conversation to me?

13 A. Sure. The day that Mr. Stokes came to my
14 office, we had a standing 3:30 appointment for his
15 normal, I believe, biweekly -- I had weekly, biweekly and
16 monthly meetings with some departments. I think his was
17 biweekly. We had a 3:30 appointment that day. He had
18 texted me, if I recall, about coming up earlier, and I
19 explained to him in response that "No, I already have a
20 meeting at that time. Let's keep our standard time." He
21 came in and I closed the door, and I explained to him
22 that his purpose in there today was a little different
23 than what he had expected. I apologized to him, made him
24 aware that we were going to dismiss him of his service.
25 Obviously, he was shocked, to say the least, and I

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1 explained to him the growing concerns -- excuse me,
2 lunch -- the growing concerns of council and how they
3 expressed those to me and that, due to that, we were
4 going to make a change in the department.

5 I do want to correct one thing. He wasn't
6 immediately terminated. He was actually given the option
7 to resign in exchange for severance, so everybody keeps
8 saying he was terminated. Yes, he was, but he was also
9 given the option to resign and he was also given a week
10 or two's notice as to whether or not -- because I
11 remember contacting him saying "What have you chosen,
12 termination or resignation," very similar to what I did
13 with the rest of the employees in an attempt to try and
14 take care of them, we offered a severance package beyond
15 what I felt I should have as an administrator to try and
16 take care of those people. We offered him a severance
17 package in exchange for a resignation, rather than
18 termination, and he -- I can't remember the exact date,
19 but chose termination, so that's the only difference.

20 Q. Do you recall the benefits offered in that
21 severance package?

22 A. No, sir, not specifically. We never actually
23 formalized those because he never accepted resignation.
24 He just wanted to take the termination.

25 Q. Can we take a short break, just a short

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1 five-minute break? I'm sorry.

2 VIDEOGRAPHER: Off the record at 1:58

3 p.m.

4 [Off the record.]

5 [Short recess.]

6 VIDEOGRAPHER: On the record at 2:05

7 p.m.

8 Q. [Mr. Hopkins] Mr. Moulder, I think we have
9 already discussed, but can we agree that Oconee County
10 does not have any formal discipline of Mr. Stokes for any
11 informal or formal complaint made about him or his
12 department during his tenure at Oconee County?

13 A. Yes, sir.

14 Q. All right, Mr. Moulder. You're pretty lucky. I
15 think those are all the questions I have. I appreciate
16 your time. Your attorneys may have some questions.

17 MS. BURTON: I don't have any questions
18 for Mr. Moulder.

19 MR. LOGAN: I don't either.

20 MS. BARTON: And I don't as well.

21 MR. HOPKINS: Excellent. Sorry to meet
22 you under these circumstances.

23 THE WITNESS: How did I get the shortest
24 one?

25 VIDEOGRAPHER: This concludes the 30(b)(6)

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1 deposition of Mr. Scott Moulder. We are off
2 the record at 2:05 p.m.

3 [DEPOSITION CONCLUDED AT 2:05 P.M.]

CERTIFICATE

SOUTH CAROLINA
ANDERSON COUNTY

I hereby certify that the foregoing deposition was reported, as stated in the caption, by the method of Stenograph machine with backup; and the questions and answers thereto were reduced to typewriting by me or under my direction; that the foregoing pages 1 through 40 represent a true, correct and complete transcript of the evidence given on the 7th day of March, 2018, by the witness, SCOTT MOULDER, who was first duly sworn by me; that I am not a relative, employee, attorney or counsel of any of the parties, nor am I financially interested in the action.

This 23rd day of March, 2018.

Susan Lynn McCracken, RMR
Court Reporter

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	TENTH JUDICIAL CIRCUIT
COUNTY OF OCONEE	)	CASE NO.: 2017-CP-37-00320
	)	
David T. Stokes,	)	
	)	
Plaintiff,	)	DEFENDANTS CAMMICK AND MCCALL
	)	NOTICE OF MOTION AND MOTION
v.	)	FOR SUMMARY JUDGEMENT
	)	
Oconee County, Wayne McCall, and Edda	)	
Cammick,	)	
	)	
<u>Defendants.</u>	)	

PLEASE TAKE NOTICE that the Defendants Edda Cammick and Wayne McCall, by and through their undersigned counsel, hereby move the Court, pursuant to Rule 56 of the South Carolina Rules of Civil Procedure, for an Order granting their Motion for Summary Judgment in their favor concerning their claim of abuse of process as well as Plaintiff's defamation claim against all defendants. This motion is made based upon the following:

Defendants Cammick and McCall will show that there is no genuine issue of material fact that the Plaintiff committed the tort of abuse of process. Plaintiff did so by naming Defendants Cammick and McCall as parties to the matter in addition to Oconee County in violation of South Carolina Torts Claim Act. Plaintiff then used his pleadings, motions and other filed papers as a means to falsely defame and demean these Defendants.

Defendants Cammick and McCall will show that they were elected officials, participating in an official government meeting, while fulfilling their statutory obligations, and such activity was legislative in nature. Thus any and all communication at the meeting entitles all defendants, including Defendant Oconee County, to an absolute privilege, thereby barring Plaintiff's defamation claim.

Furthermore, Defendants Cammick and McCall will show how Plaintiff has continued committing the tort abuse of process through the misuse of discovery and motion process. Defendant Cammick and McCall will show that Plaintiff has sought to obtain their personal and private information in supplemental discovery requests even though the Plaintiff claims that these defendants were operating at all times relevant in their official capacity as agents and council members of Defendant Oconee County; thereby making such information not relevant to any claim or defense in this case nor is it reasonably calculated to lead to discovery of admissible information. Clearly it is used as a means to harass and intimidate the Defendants and cause them to expend their resources in protecting their privacy as another form of retaliation.

Most troubling is the fact that Plaintiff has filed a motion for sanctions against Defendant Cammick alleging spoliation of evidence and seeking a finding of criminal contempt and explicitly pursuing an order for Defendant Cammick's incarceration (as well as seeking attorney fees). Defendant Cammick and McCall will show that the Plaintiff's basis for this motion rests on the fact that she followed the Plaintiff's directions on how to "download" her Cammick's Council Corner Facebook page (a page created six (6) months after Plaintiff filed his action), and as a result, the downloaded material did not include a post's history of edits. This omission occurred not because of any willful act or choice on Defendant Cammick's part, but rather, in following Plaintiff's directions, Facebook, a neutral third party to this matter, did not create the option or ability to include any history of any post's edits when "downloading" a Facebook page. Since the edit history for Cammick's Council Corner is still readily available for anyone who wishes to view the information online, then the Plaintiff's allegations of spoliation of evidence is absolutely improper. The fact that Plaintiff

drafted a 14 page motion as to why Defendant Cammick should be incarcerated is clearly indicative of the Plaintiff's continued abuse of process in this matter.

This Motion is further based upon such authority as will be set forth in the Memorandum that will be filed in support of Defendants Cammick and McCall's Motion for Summary Judgement for their abuse of process claim and against Plaintiff's claim of defamation as to all defendants in this matter.

s/Roberta Barton

Roberta Barton SC Bar # 81110

Roberta Barton Law, Ltd. Co.

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864-882-5878

Attorney for Defendants Edda Cammick and
Wayne McCall on their counterclaim

March 26, 2019

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	TENTH JUDICIAL CIRCUIT
COUNTY OF OCONEE	)	CASE NO.: 2017-CP-37-00320
	)	
David T. Stokes,	)	
	)	
Plaintiff,	)	DEFENDANTS CAMMICK AND MCCALL
	)	MEMORANDUM IN SUPPORT OF MOTION
v.	)	FOR SUMMARY JUDGEMENT
	)	
Oconee County, Wayne McCall, and Edda	)	
Cammick,	)	
	)	
<u>Defendants.</u>	)	

Pursuant to Rule 56 of South Carolina Rules of Civil Procedure, Defendants Edda Cammick and Wayne McCall have moved this Court for summary judgment as to Plaintiff claims of defamation and as these Defendants' claim for abuse of process, and submit this Memorandum in support of the motion.

NATURE OF THE CASE

Plaintiff David Stokes filed this action after he was terminated from his position as Oconee County's Building Official in May 2017. The Plaintiff alleged two causes of action, slander per se and wrongful termination against public policy. In addition to Oconee County, Plaintiff named councilmembers Edda Cammick and Wayne McCall as the county's elected councilmembers who were in their official capacity only.¹ All of the Defendants filed timely answers denying Plaintiffs' claims and raised numerous defenses to the complaint, including absolute immunity². Defendants Edda Cammick and Wayne McCall counter-sued for claimed abuse of process against the Plaintiff. Defendants Cammick and McCall now move for summary judgment against the Plaintiff as to his

¹ See Complaint at ¶ 3, ¶ 4, and ¶ 17.

² See Defendant Edda Cammick and Oconee County's Answer and Counterclaim under ¶ 19, ¶ 21, and ¶ 36 and See Wayne McCall's Answer and Counterclaim under ¶ 36 and paragraph

defamation claims against all defendants, including Oconee County. Furthermore Defendants Edda Cammick and Wayne McCall move for summary judgment against the Plaintiff for their abuse of process claim as there are no genuine issue of material facts. These motions are based upon the factual and legal basis are set forth below.

LEGAL STANDARD

Summary judgment is appropriate when “it is clear there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law.” City of Columbia v. American Civil Liberties Union, 323 S.C. 384, 475 S.E.2d 747 (1996). “In determining whether any triable issues of fact exist, the evidence and all inferences which can be reasonably drawn from the evidence must be viewed in the light most favorable to the nonmoving party.” City of Columbia, supra. The purpose of summary judgment is to expedite the disposition of cases that do not require the services of a fact finder. Dawkins v. Fields, 354 S.C. 58, 580 S.E.2d 433 (2003).

“Summary judgment is proper where plain, palpable, and indisputable facts exist on which reasonable minds cannot differ.” Byerly v. Connor, 307 S.C. 441, 415 S.E.2d 796 (1992). “[I]n cases applying the preponderance of the evidence burden of proof, the non-moving party is only required to submit a mere scintilla of evidence in order to withstand a motion for summary judgment.” Hancock v. Mid-South Mgmt. Co., 381 S.C. 326, 330, 673 S.E.2d 801, 803 (2009). Nevertheless, “when the evidence is susceptible of only one reasonable interpretation, summary judgment may be granted.” Brooks v. Northwood Little League, Inc., 327 S.C. 400, 403, 489 S.E.2d 647, 648 (Ct. App. 1997) (citation omitted).

LEGAL ARGUMENT:

I. Plaintiff's claim for Slander *Per Se* should be dismissed as all Defendants are entitled to Absolute Immunity..

In order to address Defendants Cammick and McCall's counterclaim for abuse of process, the Court needs to have through understanding of the context of the statements as it relates to Defendants Cammick's and McCall's duties as elected officials. In the process of explaining this context, the Court will also see that any ruling in the Plaintiff's favor would render meaningless numerous laws and ordinances as it relates to local counties' function of government. It is this basis that supports the application of absolute immunity, and the Court should grant Defendants Edda Cammick and Wayne McCall's motion for summary judgment to Plaintiff's defamatory claims.

South Carolina Courts have always provided absolute immunity in connection to any defamatory statements made in the course of legislative functions. "While there has been some tendency in the decisions to narrow the absolute privilege, restricting it generally 'to legislative and judicial proceedings and acts of State,' the courts of South Carolina have recognized 'occasions other than those comprising strictly legislative or judicial proceedings,' where, under considerations of public policy, absolute privilege has been upheld." *Richardson v. McGill*, 273 S.C. 142, 146, 255 S.E.2d 341, 343 (1979) citing 50 *Am. Jur.* (2d), *Libel and Slander*, Section 223; Annotations: 40 A.L.R. (2d) 941, 26 A.L.R. (3d) 492, 497; Prosser, *Law of Torts*, 4th ed. p. 781.

"Accordingly, an absolute privilege is recognized as to defamatory statements made by legislators in the course of their functions, if such statements are connected with, or relevant or

material to, the matter under inquiry.” *Richardson v. McGill*, 273 S.C. 142, 146, 255 S.E.2d 341, 343 (1979).

Defendant Cammick and McCall can show that the alleged defamatory communication occurred during the legislative process of legislative function, and the discussions relate to the matter under inquiry.

A) LEGISLATIVE PROCESS

It is undisputed fact that the alleged defamatory communication occurred during a Budget, Finance, and Administration Council Committee meeting. Stokes claims he was slandered per se when Defendants Edda Cammick and Wayne McCall addressed various problems about the building code department at the Budget, Finance, and Administration Council Committee meeting held on April 25, 2017. (See Complaint at ¶ 14.) Stokes admits that the statements³ made at the Budget, Finance, and Administration Council Committee meeting is the entire scope of the alleged defamatory statements. (See Stokes Depo. p. 65, l. 20 – p. 70, l. 20 - p. 71, l. 16.)⁴

While Stokes had alleged that Cammick and McCall communicated the alleged defamatory statements to The Journal, a local newspaper,⁵ this allegation is a result of an article being published about his termination.⁶ However, Stokes admits that he has no evidence to support the allegation that Cammick and McCall communicated any defamatory

³ See Exhibit 5, Transcript of the meeting. Also A video recording of the meeting is available at the Your Oconee channel on YouTube website, or found at: <https://www.youtube.com/watch?v=ehWpf6AWqbM>. The relevant portion starts at the 1:18:30 timestamp.

⁴ Exhibit 1 is Depo. of Wayne McCall; Exhibit 2 is Depo. of Scott Moulder; Exhibit 3 is Depo. of Edda Cammick; and Exhibit 4 is Depo. of David Stokes.

⁵ See Complaint ¶ 16

⁶ See Exhibit 6, Journal Article “Oconee, Building Codes Director Part Ways.”

communication outside of the Budget, Finance, and Administration Council Committee meeting. (See Stokes Depo. p. 121, l. 3-11.)

In fact, Stokes admits that the only basis for his claim that Cammick and McCall communicated with the newspaper is based upon the article quoting statements made by Cammick and McCall and these statements were verbatim to statements they made during the Budget, Finance, and Administration Council Committee meeting. (See Stokes Depo. p. 66, l. 11 – 20.) It should be noted that the article itself, references the Budget, Finance, and Administration Council Committee meeting as the source of the quotes.⁷

Therefore any alleged “defamatory” statements were made solely and exclusively during the Budget, Finance, and Administration Council Committee meeting, and that meeting was part of process for the legislative function of Oconee County.

1. Defendants were operating within scope of their authority as prescribed by law.

Defendants Cammick and McCall were acting within authority as prescribed by law when they were participating at the Budget Finance, and Administrative committee meeting. Legislative is defined as “of or relating to lawmaking or to the power to enact laws.” Black’s Law Dictionary (8th ed. 2004). Under the South Carolina Home Rule Act⁸, all counties in the state “[H]ave the authority to enact regulations, resolutions, and ordinances, not inconsistent with the Constitution and general law of this State.” Further it states “The powers of a county must be liberally construed in favor of the county and the specific mention of particular powers may not be construed as limiting in any manner the general powers of counties.”

⁷ *Id.*

⁸ S.C. Code §4-9-25

Specific authority is found under S.C. Code §4-9-30, whereas, counties are empowered to enact ordinances for the implementation and enforcement of the powers granted under the Home Rule Act. Also under §4-9-30 (6) local counties have the authority to “establish such agencies, departments, boards, commissions and positions in the county as may be necessary and proper to provide services of local concern for public purposes, to prescribe the functions thereof and to regulate, modify, merge or abolish any such agencies, departments, boards, commissions and positions, except as otherwise provided for in this title.” Likewise, under §4-9-30 (7), local counties have the authority to set policies and procedures affecting personnel.

Therefore Cammick and McCall has the authority to create and regulate county departments and staff members, including the Building Codes Department as it relates to customer service, consistency of services, and streamline the processes to eliminate delays with inspections or permitting.

2. Councilmembers are required to direct issues concerning the administration of the county solely to the county administrator.

While Oconee County councilmembers are have the authority to address department and personnel policies and procedures, they are limited in the method of how they accomplish such goals. The citizens of Oconee County has elected to follow Council-Administrator form of government.⁹ Under this particular type of government structure, the county council exercises its governing responsibility and authority through enacting ordinances, resolutions, policy statements and directives. However, it is county administrator’s responsibility to properly execute and enforce the council’s ordinances, resolutions, policy statements and directives.¹⁰ A county administrator

⁹ Oconee County Code 2-2

¹⁰ S.C. Code §4-9-630 and Oconee County Code § 2-151 and §2-3

is required to execute the policies, directives and legislative actions of the county council.¹¹ Furthermore, Oconee County councilmembers are specifically limited in regards to their direct authority over county employees. With the exception of inquiries and official investigations¹², the county council's authority and direction over county officers and employees are solely through the administrator.¹³

Consequently, Oconee County Council has the authority to determine how a department or its staff should perform its duties; however, they are required to work through the County Administrator to actuate this authority.

3. Oconee County uses Council Committees as part of their legislative function.

Oconee County has created council committees as part of their governing process. There are five (5) standing council committees that meets regularly to help address the county's business on a committee level **prior to** officially bringing appropriate issues before the full council at their monthly council meetings.¹⁴ Moreover, Oconee County has defined the jurisdiction of these standing committees are reflected in their names.¹⁵

These committees gives the councilmembers the opportunity to research and analysis the issues or topics before making recommendations on specific matters.¹⁶ Meaning before any councilmember attempts to pass an ordinance, resolution or other type of edict at the main council

¹¹ S.C. Code § 4-9-630 (2)

¹² It should be noted that Oconee County has narrowed the council's ability to investigation employees and directors to just "official investigations" as opposed to unofficial investigations.

¹³ S.C. Code §4-9-660 and Oconee County Code § 2-3.

¹⁴ Oconee County Code § 2.36

¹⁵ *Id.*

¹⁶ *Id.*

meeting, they have the opportunity to discuss the matter during the appropriate council committees first.

Clearly, this is the first step in the legislative process for Oconee County as it gives the individual council members the opportunity to discuss and explore an issue before deciding to bring it before the full council at a regular meeting for a vote. Moreover, the Budget Finance and Administration Council Committee is the most appropriate forum for councilmembers to discuss issues relating to the administration of the county government.

Obviously, Defendants Edda Cammick and Wayne McCall were engaged in the legislative process while participating at the Budget, Finance, and Administration Council Committee meeting.

B. Defendants Edda Cammick and Wayne McCall's actual discussions were related to the matter before the Budget, Finance, and Administration Council Committee.

There is additional context that led Defendants Edda Cammick and Wayne McCall's discussion at the April 25, 2017 meeting. On February 4, 2017, the county council held its annual retreat. One councilmember raised the issue of "Government Slow to Act" as a "Thorn" that the County Administrator should address as part of his performance objectives¹⁷. On February 14, 2017, the council held its first Budget, Finance, and Administration Council Committee meeting for the year.¹⁸

When the agenda item "Government is Slow to Act," was first being addressed, the council decided to impose an additional provisions on future discussions. The minutes for the

¹⁷ Under Oconee County Code §2-151, the council is required to set performance objectives for the county administrator, and this is typically accomplished during the annual council retreat. The council then follows up on the objective during Budget, Finance, and Administration Council Committee meetings.

¹⁸ See Exhibit 7 Minutes for 2-14-17 meeting.

February 14, 2017 meeting reflect that the “Committee determined that examining specific issues regarding government processes should be done on an individual basis for possible resolutions to be both efficient and practical.”¹⁹ Meaning there was an expectation that specific examples of the issue will would provide to the committee in order to address the problem.

1. The items discuss by these Defendants were on the agenda for the meeting.

During the April 25, 2017 Budget, Finance, and Administration Council Committee Meeting, Defendants Edda Cammick and Wayne McCall raised several problems²⁰ with the Building Codes Department under the agenda item “Government Slow to Act”.²¹ The items include the following: delays in obtaining a permit or inspecting a premises; problems with customer service; inconsistency in code application; promoting one vendor over another; obtaining engineering plans; inappropriately selling Edda Cammick a building permit; and contractor’s belief that they had no recourse to complain about the department²².

All of these items are examples of how the Building Codes Department could be viewed as being slow to act. Hence, it relates to the topic at hand and within the authority of Oconee County Councilmembers, therefore it supports that any discussion is absolute privileged.

2. Wayne McCall and Edda Cammick were mandated to address some of these issue.

Oconee County is mandated, like other local counties, to ensure constancy with certain aspects of the building codes department. While local governments are required to follow the

¹⁹ *Id.*

²⁰ See Exhibit 5, the transcript of the 4-25-17 Meeting.

²¹ See Exhibit 7 Minutes for 2-14-17 meeting, also see generally the back-material for that meeting which itemizes the topics set at the retreat. <https://oconeesc.com/documents/council/committees/budget-finance-and-administration/2017/backup-material/2017-02-14-administrator-recommended-backup.pdf>

²² Discussions about how the Plaintiff had actual knowledge of these problems is addressed under the abuse of process argument.

same building codes regulations adopted by the state,²³ the statutes relating to building codes are considered cumulative to local power, and it does not limit the governing authority of counties.²⁴

Local counties have the authority to impose fees on the public that seek a building permit.²⁵ However, under the Home Rule Act, if counties enact ordinances to charge a fee for any government services provided, then the county is mandated to ensure that such fees are uniform.²⁶ Also, the Equal Protection Clause found under S. C. Const. Art. I, §3 and the Fourteenth Amendment to the U. S. Constitution requires that "All persons be treated alike under like circumstances and conditions, both in privileges conferred and liabilities imposed." GTE Sprint Commc'ns Corp. v. Pub. Serv. Com., 288 S.C. 174, 181, 341 S.E.2d 126, 129-30 (1986), citing Marley v. Kirby, 271 S.C. 122, 123-124, 245 S.E.2d 604, 605 (1978).

Under Oconee County Code §6 – 47, Oconee County amended Section 105.2 of the International Residential Code to include "One story detached accessory structures, provided the floor area does not exceed 400 square feet." Apparently, the Oconee County had inconsistencies in how it would apply such an exception, whereas the department would sometimes use the roof size instead of the floor area to see if a building needed to be permitted. As it relates to this situation, Edda Cammick was sold a building permit due to the fact that her building's roof size was applied to the exception of 400 square feet.²⁷ As she stated in the April 25, 2017 meeting, Edda Cammick did not mind having to purchase a building permit.²⁸ However, she did follow up on the issue when it was affecting others. In Exhibit 8, Emails with Scott Moulder, there is a series

²³ S.C. Code § 6-9-5 et. al.

²⁴ S.C. Code § 6-9-100.

²⁵ S.C. Code § 6-9-90

²⁶ S.C. Code §4-9-30 (5)(a)

²⁷ See Exhibit 9 Cammick building permit

²⁸ Exhibit 5 Transcript of April 25, 2017 meeting

of conversations attempting to ensure consistency in how the exception is applied.²⁹ It should be noted that these emails occurred nine (9) days before the Plaintiff filed his lawsuit.

3. Discussions referenced the Building Codes Department, not the Plaintiff.

It should be clarified that while the complaint repeatedly alleges that the discussion at the Budget, Finance, and Administration Council Committee meeting was in reference to the Plaintiff, David Stokes, a review of the transcript or the YouTube recording will show that the discussion was in fact about the Building Codes Department, and no one in particular.³⁰ Neither Cammick nor McCall named any actor of the conduct under discussion, let alone David Stokes. Furthermore, Cammick and McCall used generalize pronouns of “they,” “us,” and “we” while discussing the problems with the Building Codes Department. They clearly made the discussion about the department and not the plaintiff.

However, Stokes’ claims that any complaint in regards to the Building Code Department is also a statement against his person, as he was the building official at the time. (See Depo. of David Stokes, p. 101, l. 14 -19.) While this position may be true concerning statements made by the general public about the department, Defendant Cammick and McCall were operating in their official capacity. Meaning they were operating as a representative of Oconee County while discussing a county department business, which is fulfillment of many duties, including statutorily-mandated duties.³¹

²⁹ Exhibit 8 Emails with Scott Moulder

³⁰ See Exhibit 5, Transcript of the meeting or recording on YouTube.

³¹ While there is a dispute on whether or not Edda Cammick interacted with the Plaintiff or someone else when she visited the building codes department; regardless, under S.C. Code §4-9-660 and Oconee County Code § 2-3, specifically directs councilmembers are to work through the county administrator when dealing with employees unless it is an inquiry or an official investigation. (Official investigation is only a local provision.)

If the Court was to adopt such a position it would mean that no local county would ever be able to discuss any problems or concerns with a department (not staff) under their authority out of fear that someone in that department would take offense.

"In construing a statute, this Court will reject an interpretation when such an interpretation leads to an absurd result that could not have been intended by the legislature." *Lancaster Cty. Bar Ass'n v. S.C. Comm'n on Indigent Def.*, 380 S.C. 219, 222, 670 S.E.2d 371, 373 (2008) (citing *Auto Owners Ins. Co. v. Rollison*, 378 S.C. 600, 663 S.E.2d 484 (2008))

"[T]he Court should seek a construction that gives effect to every word of a statute rather than adopting an interpretation that renders a portion meaningless" *Lawrence v. Gen. Panel Corp.*, 425 S.C. 398, 402, 822 S.E.2d 800, 802 (2019) (citing *Hinton v. S.C. Dep't of Prob., Parole & Pardon Servs.*, 357 S.C. 327, 342, 592 S.E.2d 335, 343 (Ct. App. 2004))).

Another result of Plaintiff's position is that if local governments cannot discuss matters in the public about their departments, then they would govern behind closed doors, which violates other public policies.

Under S.C. Code §30-14-15, South Carolina's Freedom of information Act, the general assembly states that "it is vital in a democratic society that public business be performed in an open and public manner so that citizens shall be advised of the performance of public officials and of the decisions that are reached in public activity and in the formulation of public policy."

It is for these reasons why the court should find Defendants Edda Cammick and Wayne McCall communications were absolutely privileged, and they, along with Oconee County have absolute immunity as it applies to their discussions during the Budget, Finance, and Administration Council Committee Meeting. Based upon this immunity, Defendant Cammick

and McCall's motion for summary judgment against the Plaintiff's defamation claims should be granted.

II. Defendants should be granted their Motion for Summary Judgment as to their claims against the Plaintiff for abuse of process.

Defendants Edda Cammick and Wayne McCall raised a counterclaim against the Plaintiff for the tort abuse of Process, claiming that he filed his action for the ulterior motive of defaming the Defendants personally, professionally, and politically in retaliation for the Plaintiff losing his job.³² Plaintiff was unsuccessful in his motion for summary judgment for the Defendant's claim of abuse of process.³³ Afterwards, Plaintiff choose to continue the tort throughout this process by continuing to defame and harass these defendants by in subsequent motions and discovery requests as claimed in Defendants Cammick and McCall's Notice of Motion and Motion for Summary Judgment.³⁴

"The tort of abuse of process consists of two elements: an ulterior purpose, and a willful act in the use of the process that is not proper in the regular conduct of the proceeding." *Swicegood v. Lott*, 379 S.C. 346, 352, 665 S.E.2d 211, 214 (Ct. App. 2008). "A plaintiff alleging abuse of process in South Carolina must assert two essential elements: 1) an 'ulterior purpose,' and 2) a 'willful act in the use of the process not proper in the conduct of the proceeding.'" *Food Lion v. United Food & Commercial Workers Int'l Union*, 351 S.C. 65, 567 S.E.2d 251, 253 (S.C. Ct. App. 2002) quoting *Hainer v. Am. Med. Int'l, Inc.*, 328 S.C. 128, 492 S.E.2d 103, 107 (S.C. 1997).

³² See Edda Cammick's Answer and Counterclaim at ¶ 70 and Wayne McCall's Answer and Counterclaim at ¶ 46.

³³ See generally Plaintiff Motion for partial Summary Judgment filed on April 26, 2008 and denied on June 19, 2018,

³⁴ See generally Notice of Motion and Motion for Summary Judgment filed on March 26, 2019.

The Plaintiff has previously argued in his earlier Motion for Summary Judgment that "Defendant are unable to point to any way Plaintiff misapplied or abused his ability to file a lawsuit to readdress a wrongful termination and defamatory comments, Defendant claims must be dismissed as a matter of law."³⁵

However, the issue is not filing the lawsuit itself³⁶, but rather filing the lawsuit and naming these Defendants in addition to Oconee County. Under the South Carolina Torts Act Defendant Oconee County should have been the only named party in this action since accordingly to the complaint³⁷ Defendants Cammick and McCall were acting in their official capacities. S.C. Code §15-78-70(c), specifically states that:

On or after January 1, 1989, a person, when bringing an action against a governmental entity under the provisions of this chapter, shall name as a party defendant only the agency or political subdivision for which the employee was acting and is not required to name the employee individually, unless the agency or political subdivision for which the employee was acting cannot be determined at the time the action is instituted. In the event that the employee is individually named, the agency or political subdivision for which the employee was acting must be substituted as the party defendant." (Emphasis added.)

By law, Defendants Cammick and McCall should never have been named as a party to this action; therefore it was a willful act that is improper in the conduct of the proceedings. Even though, it is clear from the absolute immunity argument that Plaintiff's defamation claim is without merit; however, the fact that he named these defendants could not enhance or expand his complaint. Yet it does focus attention to these individuals while he defames them.

³⁵ See Plaintiff's Motion for Summary Judgment filed April 26, 2018

³⁶ Defendants Cammick and McCall stand behind their opinion that the action is frivolous, but they defer to the Defense attorneys to address that aspect of the matter.

³⁷ See Plaintiff's Complaint ¶ 3, ¶4, and ¶17.

A. Plaintiff's Ulterior Purpose

"To prove defamation, the plaintiff must show (1) a false and defamatory statement was made; (2) the unprivileged publication was made to a third party³⁸; (3) the publisher was at fault; and (4) either actionability of the statement irrespective of special harm or the existence of special harm caused by the publication." *McBride v. Sch. Dist. of Greenville Cty.*, 389 S.C. 546, 559-60, 698 S.E.2d 845, 852 (Ct. App. 2010) (quoting *Fleming v. Rose*, 350 S.C. 488, 494, 567 S.E.2d 857, 860 (2002)).

"[S]lander is actionable per se only if it charges the plaintiff with one of five types of acts or characteristics: (1) commission of a crime of moral turpitude; (2) contraction of a loathsome disease; (3) adultery; (4) unchastity; or (5) unfitness in one's business or profession." *Parrish v. Allison*, 376 S.C. 308, 322, 656 S.E.2d 382, 389 (Ct. App. 2007) (citing *Holtzscheiter v. Thomson Newspapers, Inc.* 332 S.C. 502, 510, 506 S.E.2d 497, 510 (1998))

Plaintiff claims in his complaint that Defendants Edda Cammick and Wayne McCall were disgruntled because Edda Cammick had to provide engineering plans and obtain a permit. (See Complaint ¶13 - ¶14.) He also claimed that Oconee County Ordinances required she was to provide engineering plans in addition to obtaining a building permit. *Id.* He also claims they falsely claimed that they received numerous complaints from numerous citizens regarding "customer service, delays with Plaintiff's department, and that Plaintiff 'Blackballed' certain contractors." *Id.* All of statements indicate that both Edda Cammick and Wayne McCall were

³⁸ While Complaints and other statements during the judicial process has an absolute privilege as to any defamatory statements, and no one can counterclaim "defamation" for statements made in a complaint. The Court in *Pond Place Partners, Inc. V. Poole*, went into extensive lengths to explain how defamation concerning a complaint is absolute privilege communication, it does not prevent the claim of abuse of process or malicious prosecution if the facts support such a cause of action. 351 S.C. 1, 30 567 S.E.2d 881, 897

unfit as councilmembers. David Stokes then claimed that it was based upon the above statements that he was wrongfully terminated against public policy. (See Complaint ¶ 26 - ¶ 29.)

"Under the 'public policy exception' to the at-will employment doctrine . . . an at-will employee has a cause of action in tort for wrongful termination where there is a retaliatory termination of the at-will employee in violation of a clear mandate of public policy." *Donevant v. Town of Surfside Beach*, 422 S.C. 264, 267, 811 S.E.2d 744, 746 (2018) (citing *Ludwick*, 287 S.C. 219, 337 S.E.2d 213))

The only two situations in which the public policy exception has been applied in South Carolina are: (1) where an employer requires an employee to violate the law; or (2) where the reason for the termination itself is a violation of criminal law. See *Garner v. Morrison Knudsen Corp.*, 318 S.C. 223, 456 S.E.2d 907 (1995)

Wrongful termination against public policy indicates that Defendants Edda Cammick and Wayne McCall were trying to break the law or wanted him to break the law (on their behalf). These accusations are false and defamatory *per se*. However, as public officials, Defendants Edda Cammick and Wayne McCall would have to show clear and convincing that David Stokes made these statements with actual malice.

B. Plaintiff's Defamation and Actual Malice

Actual malice is defined as operating "with knowledge that it was false or with reckless disregard of whether it was false or not." *New York Times Co. v. Sullivan*, 376 U.S. 254, 84 S.Ct. 710, 11 L.Ed.2d 686 (1964). See also *Elder v. Gaffney Ledger*, 341 S.C. 108, 533 S.E.2d 899 (2000).

"To prevail in a defamation action, the plaintiff must establish that the defendant's statement referred to some ascertainable person and that the plaintiff was the person to whom the statement referred." *Burns v. Gardner*, 328 S.C. 608, 615, 493 S.E.2d 356, 359 (Ct. App. 1997) citing *Neeley v. Winn-Dixie Greenville, Inc.*, 255 S.C. 301, 308, 178 S.E.2d 662, 665 (1971).

"Hence, absent proof of a knowing falsehood, the plaintiff must establish a defendant 'in fact entertained serious doubts as to the truth of his publication' or possessed a 'high degree of awareness' of probable falsity." *Anderson v. Augusta Chronicle*, 355 S.C. 461, 473, 585 S.E.2d 506, 512 (Ct. App. 2003) (Emphasis added.)

1. **Building Permit and Engineering Designs.**

Edda Cammick building did not need a building permit. While the roof of her temporary carport may be larger than 400 square feet, the exception to the ordinance is based upon the floor area of the structure, not the roof size.³⁹ According to the Chapter 2 Definitions under the 2015 International Building Code⁴⁰ Floor area, (gross) is defined as "the floor area within the inside perimeter of the exterior walls of the building under consideration."⁴¹ The definition goes on to state that the area outside the exterior walls and under the projections of the horizontal projections of the roof is defined as "usable area." Meaning the "floor area" excludes the eaves under the roof that is outside the exterior walls. If the code intend to include the roof dimensions,

³⁹ Oconee County Code §6 – 47

⁴⁰ The International Residential Code does not define floor area; however, under R201.3 Terms defined in other codes state that "Where terms are not defined in this code such terms shall have the meaning ascribed in other code publications of the international Code Council. https://codes.iccsafe.org/content/IRC2018/chapter-2-definitions#IRC2018_Pt02_Ch02_SecR201

⁴¹ <https://codes.iccsafe.org/content/IBC2015/chapter-2-definitions>

then it would have used the “usable area” when defining the 400 square feet exception to needing a building permit.

Since David Stokes served as building official for Oconee County and other local entities.⁴² He had knowledge of Oconee County’s exemption to the needing a permit, including the fact that it was measured using the floor area to determine the structure’s size. (See Stokes Depo., p. 50, l. 8 –19 and p. 123, l. 15 – P. 124, l. 17.) He knew that he should refer to the code to determine how to measure the floor area. (See Stokes Depo., p. 50, l. 8 –19.) However, he simply followed what the department had done in the past; they simply ask the person the size of the building, regardless if the structure would have fallen within the exception. (See Stokes Depo., p. 50, l. 11 – p. 51, l. 5.) Furthermore, as a back-up plan reviewer, and someone who trained others in plan reviewing, he would know that these types of metal structures (and most items everywhere) are sold by their actual size instead of the size of the floor area. (See Stokes Depo., p. 31, l. 15-22 and p. 43, l. 21 – p. 44 l. 7.) So when someone is asked the size of their structure, they would give actual size, not floor area size. Hence, he had a high degree of probability that the statement “they sold Edda a building permit” was not false. As for the engineering designs, David Stokes knew that engineering plans are needed only if the structure exceeded 400 square feet. (See Stokes Depo., p. 148, l. 9 –20.)

David Stokes operated with actual malice when he claimed that he was wrongfully terminated against public policy as it applied to Edda Cammick’s metal storage building.

While there is a dispute as to who Edda Cammick spoke with when she visited the Building Codes office. Edda Cammick asserts that she never saw or interacted with David Stokes

⁴² See Stokes Depo., p. 26, l. 20-22.

when she applied for her building permit, while David Stokes claims that he did. Regardless, according to David Stokes' version as to what occurred, Edda Cammick only asked why she needed those items. (See Stokes Depo. p. 132, l. 12 – p. 133, l. 17.) He affirms that she had provided the engineering plans and paid the fee in order to be permitted. *Id.* Moreover, David Stokes unequivocally stated that Edda Cammick never sought to alter his interpretation of the codes; never asked him to do anything contrary to his interpretation of applicable codes; and never asked him to violate any of the codes or provisions. (See Stokes Depo. p. 133, l. 1 – p. 133, l. 17.) In, fact when he was asked what codes, laws, statutes, regulations, policies or procedures he was referencing in his complaint, he said “Nothing particularly.” (See Stokes Depo. p. 72, l. 7 – 10.)

When Edda Cammick spoke at the Budget, Finance, and Administration meeting, she had admitted that she knew for a fact that “Building Codes Department discourages you from buying from certain people and encourages you to buy from others.” According⁴³ to David Stokes' Complaint under Paragraphs 11 through 12, he claims he was not trying to steer Edda Cammick towards one contractor, just he was providing information on how some vendors provide engineering designs at no cost while others (aka the vendor Edda Cammick used) did not. First if you are comparing two vendors and claiming that one would charge for plans and the other would not charge for such plans, then that is promoting one vendor over another. Especially since the cost of the engineering plans have nothing to do with any code requirements, the building codes department, or explaining why the plans was needed.

⁴³ Since Plaintiff claims he did in fact interact with Edda Cammick, then we can only rely on his version of facts as he provides them.

In light of David Stokes' own words, he knew that Edda Cammick never sought to do anything that would violate public policy. He just felt like he was doing his job properly and as a result he should not have gotten fired. (See Stokes Depo. p. 72, l. 14 – 21.) Accordingly David Stokes had actual malice when he claimed Edda Cammick's statements at the meeting was false and his allegations that he was wrongfully terminated against public policy as it applies to Defendant Edda Cammick.

2. The footer inspection

In David Stokes deposition, he claims that his claim for wrongful termination against public policy relates to Wayne McCall because he "discussed pouring concrete footings and not passing an inspection on a footer that wasn't complete." (See Stokes Depo. p. 72, l. 4 – 13.) However, Mr. McCall never stated or inferred that the site should have been given an unearned pass.⁴⁴ Wayne McCall did speak about agreeing with Edda Cammick's opinion concerning the inspector's "lame excuse"⁴⁵ of having a flat tire, but that is in regards to her question as to why the inspector could not return the same day to perform the inspection. (See Stokes Depo. p. 79, l. 13 – 16.) According to David Stokes, the only thing Edda Cammick had wanted to know was when they could return to the jobsite to perform the inspection, and never asked to just pass the jobsite. (See Stokes Depo. p. 79, l. 1 – 11 and p. 80, l. 10 -12.)

David Stokes knew what occurred during the meeting as he watch it on YouTube. (See Stokes Depo. p. 64, l. 22 – 24; p. 104, l. 1 - 19.) Therefore, he had knowledge that Wayne

⁴⁴ See Exhibit 5 Transcript of April 24, 2017 meeting.

⁴⁵ The transcript of the meeting shows that Wayne McCall stated a "lame excuse" while David Stokes claims that Edda Cammick called it a "lousy excuse." In either case, it was an opinion about the excuse.

McCall never sought nor raised any issue involving the footer inspection or implying that is should have been passed before it was properly inspected.

3. Blackball, inconsistency in code application and customer service.

The word “blackballed” was never used during the meeting. However, Wayne McCall had repeated several statements made to him from other contractors as if they were speaking the words themselves. Plaintiff had explicit knowledge to believe those statements were not false.

On February 23, 2017 Plaintiff David Stokes sent a confidential memo to his staff on several problems that were occurring in the Building Codes Department. (See Exhibit 10, Stokes Memo.) In the memo, Mr. Stokes cautions his staff from giving any kind of appearance or statement indicating that inspection was already pre-determined to have failed. He goes on to state that people are suspicious of the government and that they “feel like they have no recourse.” David Stokes wrote this memo for a reason. He may not believe the contractors’ interpretation of the situation, but he obviously had knowledge that contractors had those beliefs.

The memo also directs the inspectors not issue violations on previously passed areas on a re-inspections unless there is imminent danger to life or property. Here he acknowledges that there are inconsistencies in the code application, and the fact that it drives the contractors and owners crazy. It should be noted that this memo was sent out prior to the Budget, Finance, and Administration Council Committee Meeting and before Edda Cammick sought a building permit.

As to there being problems with customer service, Plaintiff acknowledge in his deposition that customer service complaints was quite common. He confirmed that a group of contractors arrived at Wayne McCall’s shop to complain about the Building Codes Department in the fall of 2016. (See Stokes Depo. p. 60, l. 21 –p. 70, l. 10.) He acknowledge that there were

complaints about the efficiency in issuing permits. (See Stokes Depo. p. 33, l. 22 – p. 34, l. 12.) Apparently he set up morning meetings to address the code inconsistencies and customer service issues for the department. (See Stokes Depo. p. 138, l. 24 – 1p. 139, l. 21.)

The Plaintiff undoubtedly had knowledge of the same or similar concerns that the Defendants had raised at the April 25, 2017 meeting. So when he claimed they were patently false, then he did so with actual malice.

4. Post filing conduct.

Plaintiff has continued committing the tort abuse of process through the misuse of discovery and motion process.

Plaintiff has sought to obtain these Defendants personal and private information in supplemental discovery requests. He has claimed these Defendants were operating at all times relevant in their official capacity as agents and council members of Defendant Oconee County. (See Complaint ¶ 17.) He was aware that the South Carolina Torts Claim Act prohibited naming these Defendants as parties. It was not until after he was unsuccessful in his Motion for Summary Judgment and mediation that he sought this information. If he thought this information was truly relevant for his underlying claim, then it would have sought before his motion and defiantly before participating in mediation. He defiantly is trying to use the discovery process to obtain information that he is not entitled to have as it does not relate to his claim nor lead to discoverable evidence, which is an improper act. The ulterior purpose is to harass, retaliate, and even possibly intimidate these Defendants into encouraging a settlement between himself and Oconee County.

Most troubling is the fact that Plaintiff has filed a motion for sanctions against Defendant Cammick alleging spoliation of evidence and seeking a finding of criminal contempt and explicitly pursuing an order for Defendant Cammick's incarceration (as well as seeking attorney fees). There is no basis of the Plaintiff's motion as the "spoliation" concerns information is still present and available.

The basis for this motion rests on the fact that Edda Cammick followed the Plaintiff's directions on how to "download" her Cammick's Council Corner Facebook page (a page created six (6) months **after** Plaintiff filed his action), and as a result, the downloaded material did not include a post's history of edits. This omission occurred not because of any will-full act or choice on Defendant Cammick's part, but rather, in following Plaintiff's directions, Facebook, a neutral third party to this matter, did not create the option or ability to include any history of any post's edits when "downloading" a Facebook page. Since the edit history for Cammick's Council Corner is still readily available for anyone who wishes to view the information online, then the Plaintiff's motion for spoliation of evidence is absolutely improper. The fact that Plaintiff drafted a 14 page motion as to why Defendant Cammick should be incarcerated is clearly indicative of the Plaintiff's continued attempts to defame and harass my client.

The bottom line is that my clients were elected officials performing their statutorily duties. They had an obligation to raise these concerns with the building codes department, and when they did, they did not name the Plaintiff or anyone else. They just wanted to address the concerns in order to alleviate the problems that the public was having. Plaintiffs absolutely knew that his accusations against Edda Cammick and Wayne McCall were false as it applied to his wrongful termination against public policy and as to his denial of the problems concerning the Building

Codes Department. Clearly, the Plaintiff has committed defamation per se with actual malice against these Defendants.

While a defamation claim based upon a complaint cannot stand on its own, it can be the ulterior purpose in an abuse of process claim. Given the fact that he names these Defendants as parties in violation of the South Carolina Torts Claim Act, then he has performed a willful act against public policy. Furthermore, in order for his complaint to succeed, then he is seeking to render meaningless numerous laws affecting local government, which is also against public policy.

As a matter of law, the Court should grant the motions for summary Judgment against the Plaintiff for his defamation claims, and for the tort abuse of process.

s/Roberta Barton

Roberta Barton SC Bar # 81110

Roberta Barton Law, Ltd. Co.

107 N. Fairplay Street

Seneca, SC 29678

864-882-5878

Attorney for Defendant Edda Cammick and

Wayne McCall on their counterclaim

May 20, 2019

Page 1 STATE OF SOUTH CAROLINA) COURT OF COMMON PLEAS COUNTY OF OCONEE) DAVID T. STOKES,) Plaintiff,) vs.) NO. 17-CP-37-00320 OCONEE COUNTY, WAYNE MCCALL) AND EDDA CAMMICK,) Defendants.) Video Deposition of WAYNE McCALL Pursuant to Notice of Deposition and/or agreement in the above-entitled case, a deposition was taken on the 7th day of March, 2018, commencing at approximately 11:00 a.m., attended as follows:	Page 3 INDEX TO EXAMINATIONS 1 2 3 EXAMINATION BY MR. HOPKINS 5 4 CERTIFICATE OF COURT REPORTER 55 5 6 EXHIBITS 7 PLAINTIFF'S 8 1 ANSWER AND COUNTERCLAIM 16 9 2 ANSWERS AND OBJECTIONS 20 10 3 RESPONSES AND OBJECTIONS 25 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25
Page 2 1 APPEARANCES OF COUNSEL 2 3 FOR THE PLAINTIFF: J. CLAY HOPKINS, ESQ. 4 Hopkins Law Firm, LLC 5 12019 Ocean Highway 6 Pawleys Island, SC 29585 7 (843) 314-4005 8 clay@hopkinsfirm.com 9 10 FOR THE DEFENDANTS: STEPHANIE H. BURTON, ESQ. 11 BRIANNA SCHILL, ESQ. 12 Gibbes Burton, LLC 13 308 East St. John Street 14 Spartanburg, SC 29302 15 (864) 327-5000 16 sburton@gibbesburton.com 17 bschill@gibbesburton.com 18 DAVID A. ROOT, ESQ. 19 Oconee County Attorney 20 415 S. Pine Street 21 Walhalla, SC 29691 22 (864) 364-5332 23 droot@oconeesc.com 24 25 JAMES W. LOGAN, JR., ESQ. Logan, Jolly & Smith 1805 N. Boulevard Anderson, SC 29621 (864) 642-4803 logan@loganjollysmith.com ROBERTA BARTON, ESQ. Attorney at Law 107 North Fairplay Street Seneca, SC 29678 (864) 882-5878 support@oconeelegal.com ALSO PRESENT: Scott Moulder VIDEOGRAPHER: Michael Arrison DEPOSITION REPORTED BY: SUSAN L. McCracken, RMR Depositions And..., Inc. (864) 235-3518	Page 4 1 Pursuant to Notice and/or agreement to take 2 depositions, the within deposition was taken by Susan L. 3 McCracken, RMR, a Notary Public, as required under South 4 Carolina Court Rule 30, et al, by consent of all parties, 5 at the law offices of Logan, Jolly & Smith, 1805 N. 6 Boulevard, Anderson, South Carolina. 7 8 WAIVER 9 It is agreed by Counsel for all parties that the 10 reading over of and signing of the deposition by the 11 witness are waived. 12 ** ** ** ** 13 VIDEOGRAPHER: This is the videotape 14 deposition of Mr. Wayne McCall taken by the 15 Plaintiff in the matter of David Stokes versus 16 Oconee County, et al filed in the Court of 17 Common Pleas, State of South Carolina in Oconee 18 County. Case number is 2017-CP-37-00320. This 19 deposition is being held at the law firm of 20 Logan, Jolly & Smith located at 1805 North 21 Boulevard in Anderson, South Carolina on 22 Wednesday, March 7, 2018. My name is Michael 23 Arrison from the firm of Carolina Legal Video 24 Services. The court reporter is Sue McCracken 25 from Depositions And, Incorporated. Going on the record at 11:03 a.m.

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1 Counsel now state their appearance for the
2 record.
3 MR. HOPKINS: Clay Hopkins for David
4 Stokes.
5 MS. BURTON: I'm Stephanie Burton for
6 Wayne McCall.
7 MS. BARTON: Roberta Barton for Wayne
8 McCall and Edda Cammick.
9 VIDEOGRAPHER: The court reporter will now
10 swear in the witness.
11 The deponent was duly sworn to tell the truth, the
12 whole truth and nothing but the truth of his own
13 knowledge concerning the matter herein.
14 WAYNE MCCALL
15 having been first duly sworn, was examined
16 and testified as follows:
17 EXAMINATION
18 BY MR. HOPKINS:
19 Q. Good morning, Mr. McCall.
20 A. Good morning.
21 Q. We met a moment ago off the record. My name is
22 Clay Hopkins. Together with my dad Bill, we represent
23 Mr. Stokes in a lawsuit he has brought against Oconee
24 County, Edda Cammick and yourself. Do you understand
25 you are here today to give a deposition in that case?

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1 A. Yes, sir.
2 Q. Have you ever given a deposition before?
3 A. No, sir.
4 Q. I'm going to go over a few ground rules. Please
5 bear with me. I am sure your attorney has gone over
6 them. We have a court reporter here. She is taking down
7 everything that we say so we can have a transcript of it
8 later on. Having said that, it is important to remember
9 two things. The first is that if you will please allow
10 me to finish my question, I will allow you to answer as
11 long as you want, but if we start to talk over one
12 another, she can't take it down, so can we try to
13 remember that, please?
14 A. Yes, sir.
15 Q. Likewise, you are doing a good job of it right
16 now, but she can't take down nonverbal responses like you
17 shaking your head or you saying "uh-huh" or "huh-uh," so
18 if you would, would you also please remember to give me
19 verbal responses like "yes" or "no" and then explain your
20 answer?
21 A. Yes, sir.
22 Q. I'm going to ask a few poor questions today.
23 Please bear with me. If I ask a bad question, could you
24 ask me to rephrase it, repeat it, do something with it so
25 that you understand it?

Page 7

1 A. Yes, sir.
2 Q. To the extent that you do answer my questions, I
3 am going to assume that you understood it. Is that fair?
4 A. Fair enough.
5 Q. Okay. We shouldn't be here for very long, but I
6 said that last time. If you need to take a break at any
7 time, please just ask me. I will be glad to let you take
8 one. Okay?
9 A. Yes, sir.
10 Q. But if I do ask a question, I would like you to
11 answer before we take a break. Okay?
12 A. Yes, sir.
13 Q. Is there any reason that you cannot give me
14 truthful answers today?
15 A. No, sir.
16 Q. Are you on any prescription medication right
17 now?
18 A. Yes, sir.
19 Q. What medication?
20 A. Two for the heart, one for diuretic and
21 potassium.
22 Q. Okay. Would any of those medications prevent
23 you from giving truthful answers?
24 A. No, sir.
25 Q. Mr. McCall, what's your full name?

Page 8

1 A. Wayne Elder McCall.
2 Q. Are you married, Mr. McCall?
3 A. Yes, sir.
4 Q. What's your wife's name?
5 A. Elizabeth.
6 Q. What's her full name?
7 A. Elizabeth Alfaro McCall.
8 Q. Where do y'all live, Mr. McCall?
9 A. West Union.
10 Q. Your address, please?
11 A. 260 Mountain Springs Road, West Union.
12 Q. Do you and Miss Elizabeth have any children?
13 A. Got a stepson.
14 Q. Is he over the age of 18?
15 A. Yes, sir.
16 Q. What's his name?
17 A. Sebastian Castro.
18 Q. Where does Sebastian live?
19 A. Charleston.
20 Q. Has he ever lived in Oconee County?
21 A. Yes, sir.
22 Q. When is the last time he lived in Oconee County?
23 A. In 1998. He graduated.
24 Q. What school did he graduate from?
25 A. Walhalla.

2 (Pages 5 to 8)

1 Q. Have you ever been married before, anyone before
 2 Miss Elizabeth?
 3 A. Yes, sir.
 4 Q. What was her name?
 5 A. Nesclle, N-E-S-C-H-I-E.
 6 Q. When were you and Miss Nesclle married?
 7 A. From 1973 until '95.
 8 Q. Did y'all live in Oconee County?
 9 A. Yes, sir.
 10 Q. Does she still live in Oconee County?
 11 A. No, sir.
 12 Q. Does she have any children that reside in Oconee
 13 County?
 14 A. No, sir.
 15 Q. Does Miss Elizabeth work?
 16 A. She is retired.
 17 Q. Has she worked in Oconee County before?
 18 A. No, sir.
 19 Q. Okay. Have you had any other job besides your
 20 position with the county council? Do you have any
 21 employment?
 22 A. I'm self-employed.
 23 Q. What is your company's name?
 24 A. McCall Welding & Machine Works.
 25 Q. Where is that business located?

1 Q. Is Miss Elizabeth a member of any civic
 2 organization?
 3 A. No, sir.
 4 Q. Do you have any other family members that live
 5 in Oconee County?
 6 A. Yeah, my brother.
 7 Q. What's your Brother's name?
 8 A. Keller.
 9 Q. What does Keller do?
 10 A. Works for Duke Power.
 11 Q. Is he married?
 12 A. Yes.
 13 Q. What is his wife's name?
 14 A. Pam.
 15 Q. Do they have any children?
 16 A. No, sir.
 17 Q. Do they attend church anywhere in Oconee County?
 18 A. I don't know.
 19 Q. Did you grow up in Oconee County?
 20 A. No, sir.
 21 Q. Where did you grow up?
 22 A. West Ashley.
 23 Q. Charleston?
 24 A. Yes, sir.
 25 Q. Did you attend high school in Charleston?

1 A. Behind my house, 260 Mountain Springs Road.
 2 Q. In West Union?
 3 A. Uh-huh [yes].
 4 Q. How long have you owned that business?
 5 A. I been in business since '74.
 6 Q. Do you have any employees there?
 7 A. No. I got one part-time. That's it.
 8 Q. What is that person's name?
 9 A. Huh?
 10 Q. What is that person's name?
 11 A. Samantha Swinson.
 12 Q. Does Samantha live in Oconee County?
 13 A. No, sir.
 14 Q. Do you and Miss Elizabeth attend church in
 15 Oconee County?
 16 A. No.
 17 Q. Have you ever attended a church in Oconee County
 18 for an extended period of time?
 19 A. No, sir.
 20 Q. Are you a member of any civic organization like
 21 Rotary or Lions Club?
 22 A. No, sir.
 23 Q. Are you a member of any professional
 24 organization?
 25 A. Association of Diving Contractors.

1 A. Yes, sir.
 2 Q. What's the name of that high school?
 3 A. St. Andrews.
 4 Q. Did you go to any secondary school after that?
 5 A. Yes, sir.
 6 Q. Where did you go?
 7 A. Trident College.
 8 Q. Did you get a degree from Trident College?
 9 A. Yes.
 10 Q. An associate's?
 11 A. Yes, sir.
 12 Q. In what?
 13 A. Machine, finished in tool and die.
 14 Q. When did you get that degree, what year; do you
 15 know?
 16 A. I don't remember.
 17 Q. Did you begin working -- well, did you go to any
 18 school after that?
 19 A. No, sir.
 20 Q. Have you gotten any sort of certifications in
 21 any field, machine, tooling, dying, welding?
 22 A. I had all that before I went in business.
 23 Q. When did you move to Oconee County?
 24 A. 19 -- I think around 1980.
 25 Q. What did you do before that?

1 A. Self-employed.
 2 Q. Charleston County?
 3 A. James Island.
 4 Q. Since 1980, have you operated McCall Machine
 5 Works?
 6 A. Yes.
 7 Q. In Oconee County?
 8 A. Yes, sir.
 9 Q. Have you had, let's say in the past ten years,
 10 any other employees besides Samantha Swinson?
 11 A. I don't remember. I don't think so.
 12 Q. When were you first elected to county council?
 13 A. It goes in conjunction with the presidential
 14 election. When Obama won the election.
 15 Q. 2008?
 16 A. I guess, yes, that's correct.
 17 Q. And have you been reelected, is it, every four
 18 years subsequent?
 19 A. Yes, sir.
 20 Q. You are not up for reelection until 2020, right?
 21 A. Correct, sir.
 22 Q. Have you served on any committees within county
 23 council?
 24 A. Yes, sir. I chair the public safety and law
 25 enforcement.

1 difficulty reading the document.
 2 Q. [Mr. Hopkins] Happy to do that. All right,
 3 Mr. McCall. You understand you are here because
 4 Mr. Stokes has filed a lawsuit against you, correct?
 5 A. Yes, sir.
 6 Q. You understand the allegations of his lawsuit?
 7 A. I don't know why.
 8 Q. Do you understand generally what he's alleged
 9 against you in the lawsuit?
 10 A. Vaguely.
 11 Q. Okay. What do you understand about his lawsuit?
 12 A. He is suing me because I'm a member of council.
 13 Q. Do you believe he is only suing you because
 14 you are a member of council?
 15 A. Yes, sir.
 16 Q. Okay. Is that the extent of your belief about
 17 his allegations?
 18 A. Political. My job is always political.
 19 Q. Do you think he's filed a lawsuit against you
 20 for a political reason?
 21 A. Yes, sir.
 22 Q. Are you aware of any political aspirations that
 23 Mr. Stokes has?
 24 A. No, sir.
 25 Q. Is he currently running for any office in Oconee

1 Q. Any others?
 2 A. Right now I sit on the facilities/grounds
 3 maintenance. I think that's what you call it.
 4 Q. Okay.
 5 A. And all of us are on finance.
 6 Q. Do you have any experience in building
 7 construction?
 8 A. None.
 9 Q. Have you obtained any licensing as a contractor,
 10 as a building contractor?
 11 A. No.
 12 Q. Have you received any sort of specialized
 13 training as a contractor, building contractor?
 14 A. No.
 15 Q. Do you have any specialized training in the
 16 building permit application process?
 17 A. No.
 18 Q. Do you have any specialized training or
 19 education in the building permit inspection process?
 20 A. No, sir.
 21 Q. I'm going to show you, Mr. McCall --
 22 MS. BURTON: Mr. Hopkins, I just want to
 23 tell you on the record you are going to need to
 24 probably read whatever you want to to Mr.
 25 McCall. He is dyslexic, so he will have

1 County?
 2 A. No, sir.
 3 Q. That you are aware of?
 4 A. No, sir.
 5 [Plaintiff's Exhibit 1 was marked for
 6 identification.]
 7 Q. [Mr. Hopkins] I am going to show you what I
 8 have marked as Plaintiff's Exhibit No. 1. I will
 9 represent to you, but you can take a look at it, is that
 10 your answer and counterclaim in this lawsuit?
 11 A. I can't read that.
 12 Q. Okay. Have you viewed an answer and
 13 counterclaim in this lawsuit filed by you?
 14 A. Over the phone, yes.
 15 Q. And you understand that you have filed an answer
 16 and counterclaims in this office?
 17 A. Correct, sir.
 18 Q. Okay. And do you understand that one of your
 19 counterclaims for a frivolous lawsuit has been dismissed?
 20 A. I didn't -- okay.
 21 Q. Do you understand the two counterclaims you
 22 originally filed?
 23 A. Yes, sir.
 24 Q. What were those?
 25 A. Defamation, defamed me, hurt me politically, and

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1 this costs me a bunch.
 2 Q. Okay. Do you believe you filed a counterclaim
 3 for defamation?
 4 A. Yes.
 5 Q. Okay. Did you also file a counterclaim for
 6 frivolous lawsuit?
 7 A. Yes, sir.
 8 Q. You believe Mr. Stokes filed a frivolous
 9 lawsuit?
 10 A. Yes, sir.
 11 Q. Do you understand that counterclaim has been
 12 dismissed now?
 13 A. That's not the way I understood it.
 14 Q. Okay. This is page five, and I'm happy to read
 15 it to you, but this is where your first counterclaim is
 16 that I believe you stated is defamation. I'll read
 17 starting at paragraph 46. You wrote "Defendant McCall
 18 will show that the Plaintiff filed this action and named
 19 Defendant McCall for the ulterior motive of defaming
 20 Defendant personally, professionally and politically in
 21 retaliation for Plaintiff losing his job." Does that
 22 sound right?
 23 A. Yes, sir.
 24 Q. Do you recall that?
 25 A. Yes, sir.

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1 Q. What ulterior motive do you believe that
 2 Mr. Stokes has in filing this lawsuit?
 3 A. Money.
 4 Q. In fact, don't people file lawsuits every day
 5 for money damages?
 6 A. I am not privy to that.
 7 Q. Okay. Have you ever heard of people filing
 8 lawsuits for money damages?
 9 A. On the news.
 10 Q. And do you believe people do not have the right
 11 to file lawsuits for money damages?
 12 A. Yes, sir.
 13 Q. You believe that they should not file lawsuits?
 14 A. Correct, sir.
 15 Q. Do you believe we have a system of governance
 16 wherein a citizen can file a lawsuit for money damages?
 17 A. Yes, sir.
 18 Q. You understand that?
 19 A. Uh-huh [yes].
 20 Q. Okay. Do you believe that a citizen should not
 21 be able to file a lawsuit for money damages?
 22 A. Yes, sir.
 23 Q. Okay. Do you believe that there should never be
 24 any lawsuits?
 25 A. I didn't say that.

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1 Q. Okay. Do you believe that a citizen should not
 2 file a lawsuit for money damages?
 3 A. I didn't say that.
 4 Q. Okay. Do you believe that citizens have the
 5 right to file lawsuits for money damages?
 6 A. Yes, sir.
 7 Q. Okay. Do you believe that Mr. Stokes has filed
 8 this lawsuit with some ulterior motive?
 9 A. Yes, sir.
 10 Q. Okay. Do you believe there is an ulterior
 11 motive besides money damages?
 12 A. Yes, sir.
 13 Q. What is that motive?
 14 A. To hurt me politically.
 15 Q. Okay. Anything else?
 16 A. That's it.
 17 Q. That's it? Okay. How do you believe that
 18 Mr. Stokes is trying to hurt you politically?
 19 A. It's part of my job. You take -- I stand -- I'm
 20 elected to represent the people of Oconee County, and a
 21 lot of people don't like the way I represent them.
 22 Q. Do you have any evidence that Mr. Stokes is
 23 trying to hurt you politically?
 24 A. This lawsuit is hurting me professionally.
 25 Q. Besides this lawsuit, is there any other

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1 evidence that Mr. Stokes is trying to hurt you
 2 politically?
 3 A. No.
 4 Q. He is not running for office, right? We have
 5 talked about that.
 6 A. No, sir.
 7 Q. And you are not up for reelection until 2020,
 8 correct?
 9 A. Correct.
 10 Q. But you believe this lawsuit is somehow hurting
 11 you politically?
 12 A. Yes, sir.
 13 Q. Is there any other reason you think Mr. Stokes
 14 is trying to hurt you?
 15 A. That's the only reason.
 16 Q. Okay. And you have no evidence that he is
 17 trying to hurt you politically, correct?
 18 A. No, sir.
 19 Q. Okay. Thank you.
 20 [Plaintiff's Exhibit 2 was marked for
 21 identification.]
 22 Q. [Mr. Hopkins] All right, Mr. McCall. I will
 23 show you -- this has been marked as Plaintiff's Exhibit
 24 No. 2. These are your answers to certain -- your answers
 25 and objections to interrogatories that we sent on behalf

5 (Pages 17 to 20)

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1 of Mr. Stokes.
 2 A. Uh-huh [yes].
 3 Q. Have you seen this document?
 4 A. It's been read to me over the phone.
 5 Q. Did you provide answers for this document?
 6 A. Yes, I did.
 7 Q. Okay. I am going to read to you interrogatory
 8 No. 29, okay? I asked "Identify any willful or overt act
 9 that Plaintiff has made in the course of filing this
 10 lawsuit. In doing so, identify how that willful or overt
 11 act is either unauthorized or aimed at an illegitimate
 12 collateral objective." Do you recall seeing that
 13 interrogatory or having it read to you?
 14 A. It sounds familiar.
 15 Q. Okay. I will read to you your answer. You said
 16 "Defendant objects to Plaintiff's interrogatory No. 29 on
 17 the grounds that it seeks information that is not
 18 relevant or reasonably calculated to lead to discovery of
 19 relevant or admissible evidence." Do you understand that
 20 objection?
 21 A. Yes.
 22 Q. You understand you filed a counterclaim for
 23 abuse of process.
 24 A. Yes, sir.
 25 Q. How is my client asking you to identify an

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1 unauthorized overt act not relevant to this case?
 2 MS. BURTON: Object to the form of your
 3 question.
 4 Q. [Mr. Hopkins] You can still answer.
 5 A. It's not clear to me.
 6 Q. Okay. You don't understand that objection?
 7 A. I don't understand the question.
 8 Q. Okay. You stated -- this is your answer -- that
 9 the question I asked, interrogatory No. 29, is not
 10 relevant. Okay?
 11 A. Read the question again.
 12 Q. I said "Identify any willful or overt act that
 13 Plaintiff has made in the course of filing this lawsuit.
 14 In doing so, identify how that willful or overt act is
 15 either unauthorized or aimed at an illegitimate
 16 collateral objective."
 17 A. I still don't understand the question.
 18 Q. Okay. So you didn't even understand the
 19 question; is that correct?
 20 A. I don't understand the question reading it.
 21 Q. You believe that that question is not relevant
 22 to this case?
 23 MS. BURTON: Object to the form of your
 24 question.
 25 THE WITNESS: I can't -- I can't answer

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1 something I don't understand.
 2 Q. [Mr. Hopkins] I understand. Did you -- scratch
 3 that. You went on to say, "Presumably, the request seeks
 4 Defendant McCall to identify Plaintiff's actions and his
 5 rationale behind each action which Defendant cannot
 6 know." and I think it meant to say "or reasonably know."
 7 Do you recall seeing or hearing that answer?
 8 A. Yes.
 9 Q. Okay. Do you believe that the question I posed
 10 asked you to get into the mind of Mr. Stokes?
 11 A. Yes.
 12 Q. Okay. As we sit here today, do you have any
 13 evidence that Mr. Stokes has taken an unauthorized,
 14 willful or overt act in filing this lawsuit?
 15 MS. BURTON: Object to the form of your
 16 question.
 17 Q. [Mr. Hopkins] At times she may object to
 18 certain questions I have. Unless your attorney tells you
 19 not to answer, you still have to answer my questions.
 20 Okay?
 21 A. Okay.
 22 Q. So I will ask it again. I will ask it again.
 23 Do you have any evidence as we sit here today that my
 24 client David Stokes has taken a willful or overt act in
 25 filing this lawsuit that is unauthorized?

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1 MS. BURTON: Object to the form of your
 2 question.
 3 THE WITNESS: I'll answer it.
 4 Q. [Mr. Hopkins] Yes, sir?
 5 A. It's frivolous.
 6 Q. So you believe the lawsuit is frivolous?
 7 A. Yes, sir.
 8 Q. And you believe that if it is a frivolous
 9 lawsuit, it's an unauthorized lawsuit?
 10 A. I'm not a lawyer. I can't answer that.
 11 Q. Do you have any evidence that he's taken a
 12 willful or overt act in filing this lawsuit that is aimed
 13 at an illegitimate collateral objective?
 14 MS. BURTON: Object to the form of your
 15 question.
 16 THE WITNESS: I don't understand that. I
 17 don't understand the legal terminology.
 18 Q. [Mr. Hopkins] But you answered this question,
 19 correct? These are your answers, right?
 20 A. When it was explained to me, I answered it.
 21 Q. Nobody answered these on your behalf, did they?
 22 A. No, sir.
 23 Q. You sent these answers, correct, or your
 24 attorney sent them to me, but these are your answers,
 25 correct?

1 A. Yes, sir.
 2 Q. But you are stating now on the record you don't
 3 understand the question?
 4 A. The way you are phrasing it, I do not understand
 5 it.
 6 Q. I will let counsel jump in. I am not phrasing
 7 it any other way than how it's read, how it's stated. I
 8 have stated it this way, I've read it to you, and I have
 9 read your answer. Today you are telling me you didn't
 10 understand the question; is that correct?
 11 A. Just don't understand it.
 12 Q. All right.
 13 [Plaintiff's Exhibit 3 was marked for
 14 identification.]
 15 Q. [Mr. Hopkins] This has been marked as
 16 Plaintiff's Exhibit No. 3, Mr. McCall. These I will
 17 represent to you are your answers, your responses and
 18 objections to Plaintiff's request for production of
 19 documents. Have you seen or heard about this document?
 20 A. Yes.
 21 Q. And these are your answers?
 22 A. Yes.
 23 Q. Okay. Do you disagree that you -- scratch that.
 24 Would you agree with me that you did not provide any
 25 documents in response to this request?

1 A. That's correct.
 2 Q. Okay. You don't have any documents responsive
 3 to these requests?
 4 A. No, sir.
 5 Q. Do you?
 6 A. No, sir.
 7 Q. Okay. Thank you. I'm sorry. Those are for
 8 there. I'm sorry. I want to talk to you about the April
 9 25th council meeting. Do you recall that?
 10 A. Yes, sir.
 11 Q. That is the subject of most of why we are here,
 12 is it not?
 13 A. Yes, sir.
 14 Q. Okay. Do you recall what you said in that
 15 council meeting?
 16 A. Yes, sir.
 17 Q. Okay. Can you tell me what you said?
 18 A. Which part? The meeting was pretty long.
 19 Q. Well, whatever you said.
 20 A. We were -- a bunch of builders were there with
 21 complaints. As a council member, we deal with
 22 complaints, and you refer the complaints to the only
 23 place you can refer, to the administrator, or the
 24 complaints are heard before the full council.
 25 Q. Okay. Do you recall referring any of those

1 builder complaints to Mr. Moulder?
 2 A. Absolutely.
 3 Q. Okay. Did you provide those in verbal form or
 4 written form?
 5 A. When a builder calls, only thing I do is listen
 6 to the complaint and I say "Okay," and they say "What are
 7 you going to do about it?" I say "I have to call the
 8 administrator."
 9 Q. Okay. Do you recall before that any complaints
 10 about the building department?
 11 A. Absolutely.
 12 Q. Can you tell me about those?
 13 A. Well, you get calls all the time from builders.
 14 Sometimes -- and you have to take all of them with a
 15 grain of salt. You don't know whether they are true or
 16 not, but then over the course of time, the same
 17 complaints keep surfacing from different people over and
 18 over again. Then at one point, apparently it reached a
 19 boiling point and all these builders showed up at my
 20 shop. The parking lot was full, so I said "Look here."
 21 I said "Look here, guys. Wait a minute." I got on the
 22 phone and called Mr. Moulder. He came out and met with
 23 them in my shop and was taking notes. My phone was
 24 ringing. I have to go answer, take care of my phone.
 25 Q. Do you recall the builders that were at your

1 shop that day?
 2 A. Mr. Moulder has the list.
 3 Q. Okay. Do you recall any of them?
 4 A. I'm not -- I don't know these people. They are
 5 not in my realm of where I work.
 6 Q. I understand. As we sit here today, do you
 7 recall any of them specifically, their names?
 8 A. No, no.
 9 Q. And you believe Mr. Moulder has a list of those
 10 builders?
 11 A. Yes.
 12 Q. Okay. You believe Mr. Moulder has notes from
 13 that meeting?
 14 A. I guess. I'm speculating.
 15 Q. Is that the extent of the complaints you
 16 received about the building department, just this meeting
 17 that culminated at your --
 18 A. No, sir; no, sir.
 19 Q. Okay. Can you tell me about any complaints you
 20 had had before that?
 21 A. They call up. Once again, these are people
 22 calling in. They are not substantiated, but the same
 23 complaint comes over and over again. The complaint is
 24 that -- once again, I am not a builder, but they said
 25 they are making the rules up. Well, one builder pulled

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1 out the building codes or whatever that book is and said
2 "They are making the rules up. When I called them on it"
3 -- not Mr. Stokes, one of his employees -- he said "the
4 employee threw papers up if the air and went to screaming
5 and hollering," and I said "Look, I got nothing to do
6 with county employees. Tell Mr. Moulder. Tell the
7 administrator. I can't -- I don't deal with county
8 employees."

9 Q. Okay. So besides the incident at your shop and
10 the incident where a builder claimed an employee threw
11 papers up in the air, do you recall any complaints about
12 the building department?

13 A. It was the same story over and over again, you
14 got to guess when the inspector is going to come because
15 the builders are waiting -- apparently they have
16 schedules. I don't know -- and waiting on this and we
17 are waiting on that and the inspector don't show up.
18 When the inspector shows up, they got an attitude or
19 whatever. This is what I hear. I was never there on the
20 building site. I was never anywhere around.

21 Q. I understand. Do you know how many inspectors
22 the building department had?

23 A. Got no idea.

24 Q. If they had three, how many properties could
25 they look at at once?

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1 A. Got no idea.

2 Q. Well, if there is three of them, they could only
3 look at three properties at once, right?

4 A. I don't know.

5 Q. Somebody can't be in two places at once, right?

6 A. I'm not an inspector. I don't know how that
7 works.

8 Q. Okay. Do you recall talking about a plumber in
9 the county council meeting?

10 A. Yes, sir, I do.

11 Q. Who was that plumber?

12 A. Mr. Wooten, Wooten's Plumbing.

13 Q. Okay.

14 A. He was at the shop on a different occasion with
15 the same problem, they are making the rules up, and he
16 informed me. I said "Well, go to Mr. Moulder or go to
17 the building codes." He said, his words were, and I
18 quote, "If I buck these people, I will never get another
19 project done without harassment." That's his words, not
20 mine.

21 Q. As we sit here today, do you have any evidence
22 of the building codes department harassing any contractor
23 in Oconee County?

24 A. I'm not out there.

25 Q. Well, in fact, you didn't submit any complaints

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1 from any contractors in Oconee County, did you?

2 A. No.

3 Q. Okay.

4 A. All complaints are funneled to Mr. Moulder.

5 Q. Do you recall saying that the building codes
6 department had a sweet deal going?

7 A. Yes, sir.

8 Q. Can you explain that to me?

9 A. We getting -- this is regarding the metal
10 carports, and it came up, got complaints from different
11 people selling carports. First off, you take it with a
12 grain of salt, maybe, you know, this, that and the other.
13 Well, the carports were under 400 square feet, just
14 little things you park a car under, and people saying
15 that somebody, not Mr. Stokes, somebody at his office is
16 saying that you have to go to Mr. Whitten because he is
17 the only one that can stamp the drawings. I asked Mr.
18 Moulder, I said "Is Mr. Whitten a licensed professional
19 engineer," and he's not, and then there was a -- later on
20 we found from more complaints, not Mr. Stokes, but a lady
21 down there at the office in the building codes office was
22 funneling people to Mr. Whitten, and that's when I made
23 the statement there must be a sweet deal going down
24 there.

25 Q. Well, I asked you to provide evidence of that

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1 sweet deal. Did you provide any evidence of that?

2 MS. BURTON: I am going to object to the
3 form of your question. That is a written
4 document request. That isn't the only type of
5 evidence that exists.

6 Q. [Mr. Hopkins] All right. Did you provide any
7 written evidence of a sweet deal going?

8 A. No, no.

9 Q. Are you aware of any written evidence of a sweet
10 deal going?

11 A. No.

12 Q. Are you aware of any written evidence indicating
13 a disproportionate amount of people being funneled to
14 Mr. Whitten's office?

15 A. Just the phone calls that I get from the
16 constituents.

17 Q. Let me ask you this. Have you seen any evidence
18 of a disproportionate amount of people getting funneled
19 to Mr. Whitten?

20 A. I don't know. I don't know what the sales are.

21 Q. Can we agree you made that statement based on
22 statements from other people?

23 A. Yes.

24 Q. Okay.

25 A. I respond -- as a councilman, you respond to the

8. (Pages 29 to 32)

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1 demands of the public who elected you.

2 Q. You didn't have any evidence of that allegation
3 at the time you made that statement, did you?

4 A. A room full of -- a room full of disgruntled
5 people.

6 Q. Did you ask -- before you made the sweet deal
7 comment, did you ask any of the builders about evidence
8 of funneling to Mr. Whitten?

9 A. We had Mr. Larry Burton who first alerted me to
10 this and other people that sell metal buildings.

11 Q. Would it be fair to say that you disagreed that
12 a carport or a structure, a carport, a metal structure
13 needed to have engineering codes submitted or engineering
14 designs submitted?

15 A. The state, the law says, the building code says
16 under 400 square feet, you do not need a permit or
17 anything else. Carports are, according to what the law
18 says, they're a temporary structure. They are just
19 sitting there on the ground.

20 Q. What law is that?

21 A. I don't know. It is the same as the storage
22 container. It is supposed to be -- I believe it's in the
23 building codes or under exemptions under the county
24 ordinance.

25 Q. You believe that's an exemption under the county

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1 ordinance?

2 A. Yes.

3 Q. Do you believe the county ordinance says that
4 metal carports are temporary structures?

5 A. County ordinance says under 400 square feet.

6 Q. Specifically, you were talking about Miss
7 Cammick's structure, weren't you?

8 A. No. I was talking about everything.

9 Q. You pointed out they sold Miss Cammick a
10 building permit?

11 A. Yes, they did.

12 Q. Do you believe she did not need to get a
13 building permit?

14 A. No, sir, she did not.

15 Q. I will represent to you she just testified in
16 this room she knew she needed to get a building permit.

17 A. Under 400 square feet, you don't need one.

18 Q. She just told all of us in this room she knew
19 she had to get a building permit.

20 A. I wasn't here.

21 Q. You disagree with that statement then, though?

22 A. I'm not saying one way or the other.

23 Q. Well, you are saying that you believe she didn't
24 need to get a building permit?

25 A. No. Under 400 square feet no, sir, you don't.

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1 Q. Do you know what the size of her building was?

2 A. Got no idea.

3 Q. Okay. In fact, in that meeting, she said "I
4 don't mind, but we need to streamline that process,"
5 right?

6 A. I would have to look at the audio tape.

7 Q. Did you speak to Miss Cammick about some sort of
8 concrete situation going on with a builder?

9 A. Yes. It started out before Easter weekend or
10 something. I get a call from a builder and he's hot and,
11 you know, what else is new, and he's saying "I been
12 waiting here. The concrete truck is here and I been
13 waiting to get the footing, to get the go ahead to pour
14 the footing." I said "Look, call the administrator." He
15 calls. He said "The administrator ain't in." I said
16 "Well, let me try to call the county attorney and I will
17 call you back." County attorney was not in, so I can't
18 say nothing, so I said "Well, I'll call Mrs. Cammick.
19 She is the chairman and maybe she knows something I don't
20 know," and that was the end of it.

21 Q. Okay. So the extent of it was somebody called
22 you with a complaint and you called -- well, you
23 attempted to call Mr. Moulder and the county attorney and
24 finally spoke to Miss Cammick?

25 A. Yeah.

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1 Q. Did Miss Cammick call you back and let you know
2 what had happened?

3 A. No. She just said "I'll do something."

4 Q. Do you know how that situation got resolved?

5 A. No.

6 Q. Who is Ashley Rice?

7 A. No idea.

8 Q. Okay. She is identified in your answers to
9 interrogatories on page four, right here, Ashley Rice.

10 A. Y'all gave me all these names. I didn't know
11 none of them.

12 Q. So you don't know who that is?

13 A. No.

14 Q. You stated that Miss Rice presumably has
15 information concerning the facts of this action.

16 A. This came to me with all these names on it.
17 They asked me "Do you recognize any of these people?"
18 Some I said yes; some I said no.

19 Q. Okay. Who is Harold Knight?

20 A. He's a builder.

21 Q. Okay. What does he know about this case?

22 A. He at the council meeting stood up and mentioned
23 Mr. Stokes directly as part of his whatever he had going
24 on. Miss Cammick at the council meeting -- it's on tape
25 -- cautioned him do not use names.

9 (Pages 33 to 36)

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1 Q. Do you recall what his complaints were?
2 A. No.
3 Q. What about Frank Massett?
4 A. Massey?
5 Q. Well, your answers say Massett, but it may be
6 Massey, if that's right.
7 A. I know a Frank Massey runs the stump dump.
8 Q. Okay. That says Frank Massett.
9 A. I don't know him.
10 Q. Okay. I understand. You don't know a Frank
11 Massett; you know a Frank Massey?
12 A. Uh-huh [yes].
13 Q. Okay. He runs the stump dump?
14 A. Uh-huh [yes].
15 Q. Where is that stump dump located?
16 A. It's up in Salem.
17 Q. Does he know anything about this case?
18 A. No.
19 Q. Do you know a Brad Kisker?
20 A. Yes. He is an appointee to the planning
21 commission.
22 Q. What does he know about this case?
23 A. He's a builder. You would have to ask him.
24 Q. Tom Markovich?
25 A. He's -- he owns Markovich Builders, and he is

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1 also a builder.
2 Q. What does he know about this case?
3 A. I got no idea.
4 Q. Okay. Brad Lecroy, is that the old coach of the
5 baseball team?
6 A. I got no idea.
7 Q. Do you know him, Brad Lecroy?
8 A. A lot of people know me, but I don't know them.
9 Q. Okay. Well, he is identified in your answers,
10 so I am just trying to ask what he may know about the
11 case. You identified him.
12 A. This list was sent to me, "Do you recognize any
13 of these people?" I didn't make that list up.
14 Q. Okay. You didn't make this list?
15 A. No, sir.
16 Q. Do you have property insurance, Mr. McCall, for
17 your home?
18 A. Yes.
19 Q. Who is the insurance carrier on that?
20 A. Is this relevant?
21 Q. Unless she tells you not to answer, you have to
22 answer.
23 A. Allstate.
24 Q. Did you play any role in Mr. Stokes'
25 termination?

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1 A. Absolutely not.
2 Q. Did you make any recommendations to Mr. Moulder?
3 A. Absolutely not.
4 Q. Did you speak to Mr. Moulder about Mr. Stokes'
5 termination?
6 A. No, sir.
7 Q. Okay. Have you ever spoken to Mr. Moulder about
8 Mr. Stokes' termination?
9 A. No, sir.
10 Q. Okay. Do you agree with the decision to
11 terminate Mr. Stokes?
12 A. It's not my decision.
13 Q. You don't have an opinion on it?
14 A. No, sir.
15 Q. Do you know whether Mr. Stokes had a grievance
16 hearing over his termination?
17 A. No, sir, I do not.
18 Q. I am going to read to you from their findings.
19 Okay? They stated "There was no verifiable evidence
20 presented at the hearing to refute what is documented in
21 his" -- that's Mr. Stokes -- "personnel file. There are
22 no written complaints filed against him by any county
23 residents, contractors or departmental staff members, nor
24 are there any disciplinary actions or reprimands. It is
25 the recommendation of this committee that tangible

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1 documentation or evidence be produced for review by the
2 committee and Mr. Stokes or, in the alternative, for full
3 reinstatement with back pay as requested in the original
4 complaint." Do you have any reason to dispute what I
5 just read?
6 A. I don't know anything about it.
7 Q. Okay. Did anyone ever ask you to submit
8 documentation or the complaints you had heard from
9 builders regarding Mr. Stokes' grievance hearing?
10 A. No, sir.
11 Q. Were you asked to testify at Mr. Stokes'
12 grievance hearing?
13 A. No, sir.
14 Q. At the end of the meeting on the 25th, you said
15 "I think Mr. Moulder gets the general idea that the
16 department needs some work."
17 A. No. Miss Cammick said that.
18 Q. That's right. That's Miss Cammick. Do you
19 agree with Miss Cammick's statement?
20 A. I have no opinion.
21 Q. Okay. Are you aware of any changes to the
22 building codes or the building department besides the
23 termination of Mr. Stokes?
24 A. There have been some personnel changes, but I am
25 not privy to what goes on.

10 (Pages 37 to 40)

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1 Q. You believe there have been other personnel
2 changes?
3 A. Just what you hear.
4 Q. On page 12 of these interrogatories, No. 13, I
5 asked you "Is it your contention, opinion or position
6 that Plaintiff" -- that's Mr. Stokes -- "contributed to
7 or caused in any manner or any way whatsoever to this
8 incident or his damages?"; Your response was "Yes. Based
9 upon the complaints received by this Defendant, it
10 appears that Plaintiff was not properly managing his
11 department."
12 A. Yes, that's correct.
13 Q. Do you agree with that statement?
14 A. Yes.
15 Q. Okay. Are you aware of any other council
16 meeting where complaints about the building department
17 were mentioned before April 25, 2017?
18 A. You would have to go back. At the front of the
19 council meeting, we have public comment and you can get
20 up, people can get up and approach the podium and say
21 whatever they want.
22 Q. Okay. Well, it was probably a poorly worded
23 question. Here is my question. Did you ever mention or
24 do you ever recall mentioning prior to April 25, 2017 at
25 any council meeting complaints about Mr. Stokes or his

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1 department?
2 A. No. The public mentions that.
3 Q. But you didn't make any comment?
4 A. No.
5 Q. So April 25, 2017 was the first time you made a
6 comment about his department publicly?
7 A. Yes, that I recall.
8 Q. Why do you believe Mr. Stokes' lawsuit is
9 frivolous?
10 A. For me, he is going after me for no reason at
11 all other than to make a big political splash.
12 Q. I guess I want to understand that a little bit
13 better. You have stated a few times that there is
14 political motives behind Mr. Stokes' lawsuit.
15 A. Yes, yes.
16 Q. What political aspirations or hopes or objective
17 do you believe that Mr. Stokes has in filing this
18 lawsuit?
19 A. I'm not popular with the rich and affluent
20 people. I represent a poor district, and a lot of times
21 not Mr. Stokes, but the building codes people make it
22 hard on poor people trying to put trailers in. Once
23 again, not Mr. Stokes, but his department was apparently
24 -- trailer people were telling me it was hard, they were
25 making it hard on them, things like that. I don't

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1 represent rich. I represent common poor people, and the
2 department, my constituents felt were being unjustly
3 singled out.
4 Q. You feel like he is attacking you?
5 A. No, not Mr. Stokes; his department.
6 Q. I understand. But you believe that he is
7 attacking you by filing this lawsuit, correct?
8 A. Yes.
9 Q. Okay. So I'm trying to flesh out what you're
10 saying. You believe that by filing this lawsuit, he is
11 attacking you and your constituents?
12 A. For my past votes and my views.
13 Q. Okay. Was Mr. Stokes active in county council
14 meetings?
15 A. No.
16 Q. Do you recall him ever attending a meeting?
17 A. No, sir -- yes. When we had an update, update
18 of the building codes a long time ago.
19 Q. At that meeting, he spoke in his official
20 capacity, didn't he?
21 A. Yes. He just said "We have got a new revision."
22 That's all.
23 Q. Are you aware of any personal comments that
24 Mr. Stokes has made about you politically?
25 A. Huh?

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1 Q. Are you aware of any comments that Mr. Stokes
2 has made about you politically?
3 A. Mr. Stokes -- once again, Mr. Stokes has made no
4 comments about me. His department employees have.
5 Q. Okay. He hasn't worked there in a year,
6 correct?
7 A. That's correct.
8 Q. And none of his employees are named in this
9 lawsuit or they are not a named party in this lawsuit,
10 are they?
11 A. No.
12 Q. Okay. But you somehow believe that he is
13 attacking you, has a political vendetta against you?
14 A. Yes.
15 Q. But you have no evidence to support that, do
16 you?
17 A. The other thing is -- I wasn't going to bring
18 this up, but you're pressing me to do it. There is two
19 friends of mine, Dr. Bowman and Dr. McGeorge. They own
20 Blue Ridge Orthopedics. They started it. Jim and I have
21 been very close friends since the '70s since right after
22 I moved up here and he moved down from Ogdensburg.
23 Mr. Stokes' ex-wife is their office manager, and I have
24 heard rumors that he found out, Mr. Stokes found out that
25 Mr. McGeorge and Mr. Bowman and I are very good friends,

11 (Pages 41 to 44)

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1 that he was not very happy. I understand, not heard.
2 Q. That Mr. Stokes was not happy about what?
3 A. Because I am friends with Jim McGeorge and Larry
4 Bowman and his ex-wife is their office manager.
5 Q. So you believe that Mr. Stokes has filed this
6 lawsuit because you are friends with people who employ
7 his ex-wife?
8 A. No. That's just an assumption that I heard.
9 Q. Okay. You don't believe that has any bearing on
10 whether he filed this lawsuit?
11 A. It could be. He is not very happy. This is a
12 very contentious situation.
13 Q. What evidence do you have that he is not happy
14 with you over that situation?
15 A. Just what you hear. It's all hearsay.
16 Q. Okay. Who did you hear it from?
17 A. I don't remember.
18 Q. Well, I only get to ask you these questions
19 today, Mr. McCall, so let's try and figure it out. Was
20 it Mister -- did Mr. Bowman say anything about how happy
21 Mr. Stokes was?
22 A. [Witness shakes head].
23 Q. Did Dr. McGeorge say anything about how
24 Mr. Stokes was unhappy?
25 A. I don't remember.

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1 Q. Have you spoken to Mr. Stokes' ex-wife?
2 A. Long time ago when they were building the new
3 surgery suite.
4 Q. But not in the past year?
5 A. Oh, no.
6 Q. Okay. Do you believe it's a citizen who told
7 you that Mr. Stokes was not happy about that situation?
8 A. Probably. I would say yes.
9 Q. So you believe that Mr. Stokes is unhappy with
10 Blue Ridge Orthopedics because they employ his ex-wife
11 and, in turn, because you are friends with the doctors
12 there, that he filed this lawsuit to get back at you?
13 A. No. He is not very happy. I didn't say he
14 filed the lawsuit. He is not very happy because Jim and
15 I and Larry are friends. That's all.
16 Q. Okay. Do you believe that you can say anything
17 about anyone without any repercussions?
18 MS. BURTON: Object to the form of your
19 question.
20 MR. LOGAN: Same objection.
21 Q. [Mr. Hopkins] You can still answer the
22 question.
23 A. Your question, sir, is outlandish. Why would
24 you pose such a question?
25 Q. I am just asking you. Do you believe that you

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1 can say anything about anybody without any consequences
2 or repercussions?
3 A. No, you can't.
4 MS. BURTON: Object to the form of your
5 question.
6 MR. LOGAN: Same.
7 Q. [Mr. Hopkins] You can still answer it.
8 A. Your question is still like asking somebody how
9 long you been breathing. You need to rephrase it.
10 Q. Okay. Do you believe that you can say anything
11 about anybody in this room without a consequence?
12 MS. BURTON: Object to the form of your
13 question.
14 MR. LOGAN: Same.
15 Q. [Mr. Hopkins] As I said, they can object to
16 questions, but you still have to answer them, so if you
17 would like me to repeat it, I can.
18 A. Repeat it.
19 Q. Okay. They are going to object. You can still
20 answer. Do you believe that you can say anything about
21 anybody in this room without a consequence?
22 MS. BURTON: Object to the form of your
23 question.
24 MR. LOGAN: Same.
25 THE WITNESS: Yes. No, you can't do that.

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1 It would be unpolite [sic].
2 Q. [Mr. Hopkins] Do you believe that you can make
3 false accusations against somebody without any
4 consequence?
5 MS. BURTON: Object to the form of your
6 question.
7 MR. LOGAN: Same.
8 THE WITNESS: Your client already has.
9 Q. [Mr. Hopkins] What do you mean by that?
10 A. By filing a lawsuit against me.
11 Q. You believe that is a consequence of saying
12 something false about somebody?
13 A. Yes.
14 MS. BURTON: Object to the form of the
15 question.
16 Q. [Mr. Hopkins] Somebody can sue you for saying
17 something false about them?
18 MR. LOGAN: Same objection.
19 THE WITNESS: If you -- if it is
20 outlandish and you did it as malice, maybe.
21 Q. [Mr. Hopkins] Do you believe you can say
22 anything at county council meetings without consequence?
23 MS. BURTON: Object to the form of your
24 question.
25 MR. LOGAN: Same.

12 (Pages 45 to 48)

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1 THE WITNESS: I'm going to say this once
2 again. When you're up there, the council,
3 you're responding. You don't -- a member is an
4 elected official. You respond to your
5 constituents. The people elected you. When
6 they tell you "I want this done" and a bunch of
7 them come to you, you have two options. You
8 can ignore them or you can pass the relevant
9 complaints to the appropriate channels.

10 Q. [Mr. Hopkins] Do you believe that you have a
11 duty to investigate or verify the accuracy of the
12 complaints?

13 MS. BURTON: Object to the form of your
14 question.

15 MR. LOGAN: Same.

16 THE WITNESS: I can only pass the
17 complaint -- I can only pass the information to
18 the proper channels.

19 Q. [Mr. Hopkins] Do you believe it is proper to --
20 scratch that. Do you believe you are allowed to
21 reiterate complaints without verifying the truth or
22 accuracy of them?

23 MS. BURTON: Object to the form of your
24 question.

25 MR. LOGAN: Same.

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1 THE WITNESS: You can only repeat -- when
2 you're up there, you can only repeat what the
3 constituents tell you to repeat.

4 MR. HOPKINS: Okay. Can we take a short
5 five-minute break to speak to my client?

6 MR. LOGAN: Sure.

7 MS. BURTON: Sure.

8 MR. HOPKINS: I think I'm almost done.

9 VIDEOGRAPHER: Off the record at 11:56
10 a.m.

11 [Off the record.]

12 [Short recess.]

13 VIDEOGRAPHER: On the record at 12:05 p.m.

14 Q. [Mr. Hopkins] All right, Mr. McCall. Do you
15 recall in the April 25th meeting saying that they're -- I
16 believe you are talking about the building codes
17 department -- recommending that you got to go down to a
18 certain other builder or seller of carports and sheds and
19 he is the only person that can stamp the drawings?

20 A. That's what I was told by the constituents.

21 Q. Okay. Do you recall which constituents it was
22 that told you that?

23 A. People calling, just people calling me on the
24 phone, and I just tell them, I said "Look. You don't
25 need a permit. It's under 400 square feet. Buy whoever

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1 you want to buy."

2 Q. Okay. Do you recall any of those names as we
3 sit here today?

4 A. No, sir.

5 Q. Okay. You also said "I am looking through some
6 papers right now, but building codes is funneling people
7 down to his office." Do you recall that?

8 A. I was looking through some council papers when I
9 said that.

10 Q. Okay. What evidence do you have that building
11 codes was funneling people down to this office?

12 A. There was a lady that worked at building codes,
13 and I don't know her name because I never went down there
14 to talk to her, and she told Mr. Larry Burton and she
15 told Mr. Tate -- Greg Tatum of R&R Fabricators "You have
16 to go to Whitten's because he is the only one that can
17 stamp the drawings." That's the limit of what I know.

18 Q. So then it was Larry Burton and Greg Tatum that
19 told you that?

20 A. Yes.

21 Q. Okay. Any other people that told you that?

22 A. Whoever the -- I got a call once or twice from
23 the Mennonites down on 11, but I don't know, you know.

24 Q. You also said "And then these building codes is
25 making up rules."

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1 A. Yes. They are.

2 Q. What evidence do you have they were making up
3 rules?

4 A. By what the builders come to me, and they said
5 "Here it is, the building codes. Here is what it says in
6 the building code. This guy is telling me this other
7 thing." Once again, "Go see the administrator."

8 Q. You made that comment by relying on what
9 building codes was telling you their interpretation of a
10 conversation was?

11 A. Once again, as an elected official, you respond
12 to what your constituents tell you. If it is an initial
13 one or two thing, you discard it. You say "Well, maybe
14 they are just mad about something" because people do
15 that, but when you hear the same story over and over
16 again, then you have to say "Well, I better -- you better
17 go see the administrator."

18 Q. Okay. We talked about it already, but you agree
19 with me the grievance committee recommended that
20 Mr. Stokes be reinstated with back pay, correct?

21 MS. BURTON: Object to the form of your
22 question.

23 MR. LOGAN: Same.

24 THE WITNESS: I wasn't there.

25 Q. [Mr. Hopkins] What sort of damages are you

13 (Pages 49 to 52)

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1 looking for for your counterclaims?

2 A. My counterclaim?

3 Q. Yes, sir.

4 A. My time I am losing right now, reputation, my
5 reputation. I'm highly respected in the industrial
6 community. This is slinging mud on my reputation. My
7 reputation, I ran for office, an uphill fight, on one
8 platform, I do the honest thing. I will do whatever it
9 is no matter how bad it hurts if it's right, if it's
10 legal. That's it.

11 Q. So you believe Mr. Stokes has damaged your
12 reputation?

13 A. Absolutely.

14 Q. Are you aware of anybody that Mr. Stokes has
15 communicated this lawsuit to?

16 A. Other than the fact of whatever was said in the
17 newspaper concerning y'all's side of the lawsuit. That's
18 where my -- that's what's hurt me.

19 Q. You believe that we said something in an article
20 to the newspaper?

21 A. No. It was said in the newspaper.

22 Q. Okay. Are you aware of whether Mr. Stokes or
23 anybody in my office contacted the newspaper about that
24 article?

25 A. No idea.

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1
2 CERTIFICATE
3

4 SOUTH CAROLINA
5 ANDERSON COUNTY
6

7 I hereby certify that the foregoing deposition was
8 reported, as stated in the caption, by the method of
9 Stenograph machine with backup, and the questions and
10 answers thereto were reduced to typewriting by me or
11 under my direction; that the foregoing pages 1 through 54
12 represent a true, correct and complete transcript of the
13 evidence given on the 7th day of March, 2018, by the
14 witness, WAYNE MCCALL, who was first duly sworn by me;
15 that I am not a relative, employee, attorney or counsel
16 of any of the parties, nor am I financially interested in
17 the action.

18 This 22nd day of March, 2018.
19

20
21 Susan Lynn McCracken, RMR
22 Court Reporter
23
24
25

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1 Q. Do you have any evidence that my office or Mr.
2 Stokes contacted the newspaper?

3 A. No, sir.

4 Q. Do you have any evidence of whether the
5 newspaper found out about the lawsuit on their own?

6 A. Got no idea.

7 Q. Those are all the questions I have. Your
8 attorneys may have some questions.

9 MR. LOGAN: I have no questions.

10 MS. BURTON: I don't have any questions
11 for Mr. McCall.

12 MS. BARTON: No questions.

13 MR. HOPKINS: Thank you, Mr. McCall.
14 Sorry to meet under these circumstances.

15 VIDEOGRAPHER: This concludes today's
16 deposition of Mr. McCall. We are off the
17 record at 12:09 p.m.

18 [DEPOSITION CONCLUDED AT 12:09 P.M.]
19
20
21
22
23
24
25

14 (Pages 53 to 55)

Page 1	Page 3
STATE OF SOUTH CAROLINA) COURT OF COMMON PLEAS COUNTY OF OCONEE) DAVID T. STOKES,) Plaintiff,) vs.) NO. 17-CP-37-00320 OCONEE COUNTY, WAYNE MCCALL) AND EDDA CAMMICK,) Defendants.) Video 30(b)(6) Deposition of OCONEE COUNTY SCOTT MOULDER Pursuant to Notice of Deposition and/or agreement in the above-entitled case, a deposition was taken on the 7th day of March, 2018, commencing at approximately 1:30 p.m., attended as follows:	INDEX TO EXAMINATIONS EXAMINATION BY MR. HOPKINS CERTIFICATE OF COURT REPORTER EXHIBITS PLAINTIFF'S 1 NOTICE Premarked
Page 2	Page 4
APPEARANCES OF COUNSEL FOR THE PLAINTIFF: J. CLAY HOPKINS, ESQ. Hopkins Law Firm, LLC 12019 Ocean Highway Pawleys Island, SC 29585 (843) 314-4005 clay@hopkinsfirm.com FOR THE DEFENDANTS: STEPHANIE H. BURTON, ESQ. BRIANNA SCHILL, ESQ. Gibbes Burton, LLC 308 East St. John Street Spartanburg, SC 29302 (864) 327-5000 sburton@gibbesburton.com bschill@gibbesburton.com DAVID A. ROOT, ESQ. Oconee County Attorney 415 S. Pine Street Walhalla, SC 29691 (864) 364-5332 droot@oconeesc.com JAMES W. LOGAN, JR., ESQ. Logan, Jolly & Smith 1805 N. Boulevard Anderson, SC 29621 (864) 642-4803 logan@loganjollysmith.com ROBERTA BARTON, ESQ. Attorney at Law 107 North Fairplay Street Seneca, SC 29678 (864) 882-5878 support@oconeelegal.com VIDEOGRAPHER: Michael Arrison DEPOSITION REPORTED BY: SUSAN L. MCCracken, RMR Depositions And., Inc. (864) 235-3518	Pursuant to Notice and/or agreement to take depositions, the within deposition was taken by Susan L. McCracken, RMR, a Notary Public, as required under South Carolina Court Rule 30, et al, by consent of all parties, at the law offices of Logan, Jolly & Smith, 1805 N. Boulevard, Anderson, South Carolina. WAIVER It is agreed by Counsel for all parties that the reading over of and signing of the deposition by the witness are waived. ** ** * VIDEOGRAPHER: This is the 30(b)(6) videotape deposition of Mr. Scott Moulder taken by the Plaintiff in the matter of David Stokes versus Oconee County, et al, filed in the Court of Common Pleas, State of South Carolina in Oconee County. Case number is 2017-CP-37-00320. This deposition is being held at the law firm of Logan, Jolly & Smith located at 1805 North Boulevard in Anderson, South Carolina on Wednesday, March 7, 2018. My name is Michael Arrison from the firm of Carolina Legal Video Services. The court reporter is Sue McCracken from Depositions And, Incorporated. Going on the record at 1:19 p.m.

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1 Counsel now state their appearance for the
2 record.
3 MR. HOPKINS: Clay Hopkins for David
4 Stokes.
5 MR. LOGAN: Jim Logan for Oconee County
6 and Miss Edda Cammick.
7 MS. BURTON: Stephanie Burton for Wayne
8 McCall.
9 MS. BARTON: Roberta Barton for Wayne
10 McCall and Edda Cammick.
11 VIDEOGRAPHER: The court reporter will now
12 swear in the witness.
13 The deponent was duly sworn to tell the truth, the
14 whole truth and nothing but the truth of his own
15 knowledge concerning the matter herein.
16 SCOTT MOULDER
17 having been first duly sworn, was examined
18 and testified as follows:
19 EXAMINATION
20 BY MR. HOPKINS:
21 Q. Good afternoon, Mr. Moulder. How are you doing?
22 A. Doing well, Mr. Hopkins. How are you, sir?
23 Q. We met previously off the record, but my name is
24 Clay Hopkins. My dad Bill and I represent Mr. Stokes in
25 a lawsuit he's brought against the county, Miss Cammick

Page 6

1 and Mr. McCall. Do you understand you are here to give a
2 deposition in that matter today?
3 A. Yes, sir.
4 Q. And you are giving a deposition as a 30(b)(6)
5 witness; is that correct?
6 A. Yes, sir.
7 Q. I will go ahead and mark -- or it's been
8 previously marked. I'm sorry. This is Exhibit 1 to the
9 deposition. Take a second and let me know when you're
10 ready to discuss it.
11 A. Okay. I'm ready.
12 Q. I skipped a few formalities. I'm sorry. I need
13 to go over some of the rules of this deposition. I am
14 sure your attorney has talked to you about it, but I am
15 required to go over them, and I almost forgot to. We
16 have a court reporter here taking down everything we say,
17 so it's important for you to give verbal responses to my
18 questions and not nonverbal such as shaking your head,
19 saying "uh-huh" or "huh-uh," so will you please try to
20 remember to give me a "yes" or "no" and then your answer
21 in verbal form?
22 A. Yes, sir.
23 Q. Okay. Likewise, you are doing a great job of it
24 right now, but will you also allow me to finish my
25 question? I will try to allow you all the time in the

Page 7

1 world to finish your answer so that we don't speak over
2 one another. Is that fair?
3 A. Yes, sir.
4 Q. We've just come back from lunch so we may need
5 to at some point. If you need to take a break, I am not
6 trying to keep you locked in. Just ask me for one, and I
7 will be happy to let you take one. Okay?
8 A. Okay, yes, sir.
9 Q. Likewise, if I have posed a question, though, I
10 would ask you to answer before we take a break. Is that
11 fair?
12 A. Yes, sir.
13 Q. Okay. And from time to time -- you have been
14 here for several of the depositions -- there may be some
15 objections to my questions. Do you understand that
16 unless your attorney tells you not to answer, that you
17 need to answer my question?
18 A. Yes, sir.
19 Q. Okay. Have you ever given a deposition before?
20 A. Yes, sir.
21 Q. Okay. How many have you given?
22 A. Two.
23 Q. In what capacity were those depositions given?
24 A. As the county administrator for Oconee County in
25 both circumstances.

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1 Q. Okay. Were those also 30(b)(6) depositions?
2 A. The most recent one was a 30(b)(6), and I can't
3 recall if the first one was a 30(b)(6) or not. I think
4 it was, but I can't recall.
5 Q. Okay. Generally, what are the allegations in
6 the complaints that you testified in the cases you have
7 testified in?
8 A. Can you be more specific?
9 Q. Yes, sir. The last case that you testified as a
10 30(b)(6) witness, correct?
11 A. That's correct.
12 Q. What are the allegations in that lawsuit?
13 A. Let's see. That one was the Pioneer lawsuit in
14 which the county was -- filed suit against Pioneer Water
15 District to cease the construction of the water treatment
16 plant.
17 Q. Okay. And the previous lawsuit that you
18 testified as the administrator?
19 A. That one included a three-party suit, the county
20 with Plateau Excavation and Talbert & Bright Engineers,
21 and that was a dispute over a runway extension project
22 that the county had implemented to extend its runway to
23 5,000 linear feet.
24 Q. Okay. Were you personally named in either of
25 those lawsuits?

2 (Pages 5 to 8)

1 A. No, sir.
 2 Q. Okay. Now, to go back to Exhibit 1, we have
 3 previously sent this deposition notice. It's a 30(b)(6)
 4 deposition notice. Have you had time to look at this,
 5 document?
 6 A. Yes, sir.
 7 Q. And have you gone over the subjects that we've
 8 asked you to be familiar with today?
 9 A. Yes, sir. I have reviewed them.
 10 Q. Are there any other individuals at the county
 11 who would be more knowledgeable than you in any of the
 12 fields identified in Exhibit A?
 13 A. We have a human resources director that is
 14 intimately involved, obviously, in the personnel manual
 15 and the human resource affairs of our employees. I would
 16 say that she has more practical hands-on knowledge, but
 17 from a more knowledge standpoint, I mean, I don't know.
 18 I couldn't say.
 19 Q. I understand. All right. What's her name?
 20 A. Sheila Wald, W-A-L-D.
 21 Q. Does Miss Sheila -- are you aware if she has any
 22 knowledge of the events of this complaint or this
 23 lawsuit?
 24 A. She has knowledge only to the effect for the
 25 procedures and processes that were followed as a result

1 of the actions that led to the lawsuit.
 2 Q. Okay. Do you understand that the answers you
 3 give today in the subjects that have been identified in
 4 Exhibit A are binding on the county?
 5 A. Yes.
 6 Q. Okay. When were you hired by Oconee County,
 7 Mr. Moulder?
 8 A. My first day of employment with Oconee County
 9 was June 1st of 2010.
 10 Q. Are you a contract employee?
 11 A. I have a contract, yes, sir.
 12 Q. What is the term, the length of the term of your
 13 contract?
 14 A. The contracts and the renewals were all for
 15 three-year terms.
 16 Q. Who do you report to?
 17 A. I report to the county council of Oconee County.
 18 Q. Does county council have the right to terminate
 19 you?
 20 A. Yes.
 21 Q. Pursuant to the contract, of course?
 22 A. Yes.
 23 Q. Do they have the ability in that contract to
 24 terminate you for cause prior to the three-year term?
 25 A. Yes.

1 Q. Okay. What is your salary under the contract?
 2 A. Let me think because the salary may be different
 3 stated in the contract versus what I'm actually being
 4 paid because of any raises that were given to the county
 5 as a whole. I believe it was 155, 155,000, and I was
 6 also included a \$1200 a year raise that was equivalent to
 7 the rest of the employees in that one year's increase,
 8 and then I also receive an \$850 a month car allowance and
 9 also am afforded an \$8333 a year deferred compensation
 10 contribution pending satisfactory performance. I believe
 11 that's it.
 12 Q. Okay. Were those the terms of the original
 13 contract as well?
 14 A. No, sir.
 15 Q. Okay. But your contract was renewed or you were
 16 given a new contract in 2013?
 17 A. Initial contract, 2010, renewed in 2013, renewed
 18 in 2016, and the 2016 agreement is the one we're
 19 currently operating.
 20 Q. And it expires next year?
 21 A. June of 2019, yes, sir.
 22 Q. At this point, have you been or have there been
 23 discussions about renewing your contract beyond 2019?
 24 A. No, sir.
 25 Q. What are your duties and responsibilities as

1 county administrator?
 2 A. Obviously, there is a job description associated
 3 with it in addition to state statute that describes the
 4 duties and responsibilities of the administrator in an
 5 administrative form of government, so those are obviously
 6 available for your review. In general terms, the
 7 administrator is responsible for the overall management
 8 of the operations and enforcement of the policies and
 9 procedures as approved by county council.
 10 Q. Okay. Do you have any experience working in a
 11 building codes department?
 12 A. Not working in the department, no, sir.
 13 Q. Do you have any experience approving building
 14 permits?
 15 A. When I was at the Town of Clover, we had a
 16 moment in time where we were without a building official,
 17 very short period. I may or may not have issued a permit
 18 at that point in time while I was with the Town of
 19 Clover, but other than that, just my overall experience
 20 in managing building codes departments is the only
 21 experience I have.
 22 Q. Okay. Beyond that Town of Clover short
 23 experience, do you have any experience in the building
 24 inspection process?
 25 A. I have not experienced -- well, at Clover, I

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1 actually, based on the fact we didn't have a building
2 official, actually went on some building inspection at
3 that point in time. I have also been on other
4 inspections with inspectors during the process, but have
5 I ever been employed as a building inspector and have I
6 ever inspected structures by myself? No, sir.

7 Q. Okay. Did you work at the Town of Clover before
8 you worked at Oconee County?

9 A. No, sir.

10 Q. Okay. Where did you work?

11 A. Well, yes. Obviously, I did, but not right
12 before.

13 Q. I understand. Let's go back in time to each
14 position before Oconee County: Where did you work at
15 immediately before Oconee County?

16 A. Would you like me to just start at the
17 beginning? Are you going to go all the way back? Can I
18 just start at the beginning, save you some time?

19 Q. Let's do that.

20 A. Okay. After graduating college, I worked at a
21 rental car agency as the manager trainee, and then I
22 opened up the Myrtle Beach office for Spirit Rent-a-Car,
23 went back to school, earned my master's degree, graduated
24 in 2001 with a master's in public administration; took a
25 position prior to graduation and maintained that position

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1 after graduation with the Lower Savannah Council of
2 Governments as a roving administrator responsible for the
3 administration of several towns that signed up on
4 contract with the Lower Savannah Council of Governments.
5 From there I was hired on and employed as the full-time
6 administrator for the Town of Clover, was there for about
7 four, four-and-a-half years and then applied and was
8 granted the position in Abbeville County as the county
9 director, which is very similar in its capacity to a
10 county administrator. It is a county council director
11 form of government in the state statute as well, which
12 you can review; was there for about four, four-and-a-half
13 years and then took the position with Oconee County.

14 Q. Where did you go to college?

15 A. I attended the College of Charleston, earned my
16 public administration degree -- excuse me -- political
17 science degree. After about a two-year private sector
18 management with the rental car agency I previously stated
19 I went back and earned my master's in public
20 administration at the University of Charleston, which is
21 the same school. The graduate program just has a
22 university status.

23 Q. Are you licensed or do you hold any
24 certifications in any sort of building construction or
25 contracting?

Page 15

1 A. No, sir.

2 Q. Okay. While you were the admin at the Town of
3 Clover, did anybody bring any employment claim against
4 you individually or against the county council?

5 A. They have a town council.

6 Q. Okay. Town council?

7 A. No, sir.

8 Q. Same question for when you were at the County of
9 Abbeville.

10 A. No claims against me personally. I would assume
11 that there were lawsuits or claims filed against the
12 county as a whole, delinquent tax matters, foreclosure
13 matters, you know. There is a standard of claims, but
14 don't know of any specifically.

15 Q. I understand. Okay. I think you answered the
16 question just now, but do you recall any employment-
17 specific claims brought against the county?

18 A. Not that I can recall.

19 Q. Okay. Did you hire Mr. Stokes?

20 A. Yes, sir, I did.

21 Q. When did you hire Mr. Stokes?

22 A. I believe he started employment in December of
23 2011.

24 Q. Did you interview him personally?

25 A. Yes, sir.

Page 16

1 Q. How many other candidates did you interview?

2 A. I don't remember.

3 Q. Did you ultimately make the recommendation for
4 him to be hired?

5 A. Yes, sir.

6 Q. Was he well qualified for the position?

7 A. I thought so at the time, yes, sir.

8 Q. What specific position was he hired for?

9 A. Building codes director.

10 Q. From 2011 until April, 2017, are you aware of
11 any written discipline given to Mr. Stokes?

12 A. No formal, no, sir.

13 Q. I assume, the way you said that question, that
14 there is some sort of informal discipline given to him?

15 A. Mr. Stokes and I communicated verbally quite
16 often, and if there was an issue that developed or a
17 concern that I had, I would express that with him
18 verbally and request that the matter be corrected.

19 Q. As we sit here, do you recall any of those?

20 A. No. We would receive complaints about processes
21 or mistakes or issues with inspectors that, you know, I
22 would either call him up or go down and see him and just
23 address those in general terms and I guess consult with
24 him and see what's going on and then ask him to fix it if
25 need be, but I can't think of any specifically.

4 (Pages 13 to 16)

1 Q. I understand. As county administrator, do you
 2 receive citizen complaints, contractor complaints or
 3 county council complaints about other departments as
 4 well?
 5 A. Yes, sir.
 6 Q. Okay. And are they just as frequent as the
 7 building codes department?
 8 A. Not all of them, no, sir. We have some that are
 9 more frequent than others. You rarely get any complaints
 10 on registrar of deeds or something like that, so I can't
 11 group them all together, no.
 12 Q. I understand. As we sit here today, can you
 13 identify another department within the county that
 14 receives comparable -- a comparable amount of claims as
 15 the building department?
 16 A. Assessor's office, depending on the time of
 17 year. Those are especially plentiful around reassessment
 18 time, as you can imagine.
 19 Q. People don't like to pay taxes.
 20 A. They don't mind paying taxes. They just want to
 21 know what their taxes are going for is what I believe.
 22 Q. Okay. Has there been any internal change within
 23 the assessor's office in the last year?
 24 A. Yes.
 25 Q. Okay. Can you tell me about that, please?

1 A. The assessor resigned her position, Miss Linda
 2 Shugart. The deputy also resigned their position,
 3 Mr. John Brown. I believe those are the two main.
 4 Q. Were they forced to resign?
 5 A. They were not. They felt like they needed to,
 6 from what they told me.
 7 Q. Okay. Did you discuss complaints with them
 8 before they resigned?
 9 A. I always discuss complaints with my department
 10 heads. They are the first ones I will speak with once I
 11 receive them.
 12 Q. I understand that, but do you recall discussing
 13 any complaint in particular before they resigned?
 14 A. Not one that would have driven them to resign,
 15 if that's what you're getting at. Yeah, I mean, there
 16 was complaints before they resigned or else I wouldn't
 17 have discussed it with them after they resigned.
 18 Q. I understand that.
 19 A. So, yeah, I mean, there were multiple times I
 20 would go down and speak with them.
 21 Q. Have there been complaints since their positions
 22 have been filled about the assessor's office?
 23 A. No, sir. The filling of that position just
 24 occurred within the last couple weeks, so I don't think
 25 we have given it enough time to field complaints.

1 Q. Have you reviewed the county's answer to the
 2 lawsuit in this case?
 3 A. I have.
 4 Q. Are you aware the county asserted two
 5 counterclaims in this lawsuit?
 6 MR. LOGAN: For the record, that is not
 7 correct.
 8 THE WITNESS: I wasn't aware that we had
 9 filed a counterclaim.
 10 MR. HOPKINS: Only on behalf of the --
 11 MR. LOGAN: Counterclaims are asserted
 12 only by the individuals.
 13 Q. [Mr. Hopkins] Understood. Excellent. We can
 14 skip all that questioning.
 15 A. I was hoping we could.
 16 Q. Let's move on. What sort of role did you play
 17 in Mr. Stokes' termination?
 18 A. I was the one that terminated him.
 19 Q. Okay. Why did you terminate him?
 20 A. I had growing concerns with the complaints that
 21 we were receiving about the department through the county
 22 council and county council's continued expression of
 23 those concerns to me, and the concerns were presented
 24 publicly as well as privately, and I decided that a
 25 change in the department needed to be made.

1 Q. Okay. Did you make any other changes besides
 2 terminating Mr. Stokes?
 3 A. At what point?
 4 Q. Well, I guess at any point after you received
 5 the complaints that led to his termination.
 6 A. So after. You said any. I didn't know if you
 7 meant before or after.
 8 Q. You say that you got complaints about Mr. Stokes
 9 and they were increasing, correct?
 10 A. Uh-huh [yes].
 11 Q. And so you decided to terminate him because a
 12 change needed to be made?
 13 A. Yes.
 14 Q. I'm not trying to put words in your mouth.
 15 A. No.
 16 Q. That's what you said, right?
 17 A. Yes, sir.
 18 Q. Okay. So did you decide to make any other
 19 change besides terminating Mr. Stokes?
 20 A. Prior or after his termination?
 21 Q. Contemporaneously, at the same time.
 22 A. At the same time.
 23 Q. That's right.
 24 A. No, sir. That was the change that was made at
 25 that particular time.

Page 21

1 Q. Since then, what sort of changes have you made?
2 A. There's been a couple different changes made
3 since his departure. We had entertained the idea of
4 outsourcing the inspection services to private companies.
5 We actually signed an interim temporary contract with RCI
6 I believe the name of the company was, and they started
7 some inspection services. There was a clerk that was
8 dismissed as a result of that downsizing due to the
9 outsourcing, and there was complaints and concerns from
10 the builders about that process and about outsourcing it,
11 so they once again made their concerns known and council
12 had decided not to sign a formal long-term contract with
13 this outsourcing company, so we went back to in-house
14 inspection services. That company has been maintained
15 and retained for commercial inspections and permit
16 review, and we are predominantly managing the residential
17 inspection services.

18 There was another inspector who was repurposed
19 in the facility maintenance department. His name was
20 Marcello. I cannot remember his last name, but he is
21 stated in those documents somewhere. Marcello was
22 repurposed to facility maintenance. At the time, we were
23 intending on outsourcing. We had offered the other two
24 inspectors to be repurposed to the facilities and
25 maintenance department as well. One of them said that

Page 22

1 they would. The other said that they did not want to be
2 retained by the county if we outsourced. Obviously, they
3 stayed as the interim inspectors until that process was
4 formalized; never formalized, so they maintained their
5 positions in building codes.

6 Q. Do you have any opinion on why the county did
7 not attempt to outsource the inspection process before
8 terminating Mr. Stokes?

9 A. No, sir.

10 Q. But after Mr. Stokes was terminated, the county
11 made the decision to outsource the inspection process,
12 correct?

13 A. No, sir. We made the decision to entertain or
14 look at outsourcing.

15 Q. On a temporary basis, correct?

16 A. That's correct.

17 Q. When was that temporary contract signed?

18 A. I don't know. If you've got a copy of it,
19 we can verify it, but I don't recall the date.

20 Q. It was after Mr. Stokes was terminated, right?

21 A. Yes, sir.

22 Q. At the end of April?

23 A. I don't know.

24 Q. Or early May, correct?

25 A. I don't know. I can't remember.

Page 23

1 Q. Today is March 7th?

2 A. Yeah, I guess it is.

3 Q. So sometime between May and March, you decided
4 to sign a temporary contract, and now it's been
5 abandoned, correct?

6 A. Not completely. As I said, we maintain them as
7 commercial inspectors and plan review.

8 Q. You have abandoned the personal inspection or
9 the residential inspection?

10 A. No. We may need them to do residential
11 depending on our workload and how many inspectors we have
12 out sick or something, so, I mean, we can still use them
13 for that purpose if need be. That's why I said we
14 predominantly handle the residential at this point.

15 Q. Was it the view of the county that there were
16 not enough inspectors to handle the inspection process?

17 A. That's actually been my view for quite some
18 time. It's a heavy workload. Coming out of the
19 recession, the workload has increased significantly for
20 that office as our building permit activity is up, and,
21 you know, we had talked about additional inspectors
22 needed as a result.

23 Q. Okay. Do you recall how long that view has been
24 held? That's a poor question. How long have you been
25 aware of the number -- the problem with the number of

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1 inspectors in the department?

2 A. I'd say for a couple years is when it really
3 started picking up. We actually would present at the
4 committee level updates from those departments, and his
5 department, Mr. Stokes and his department -- Josh
6 Stephens usually provided those -- would regularly
7 present the number of permit activities and show charts
8 and graphs of that activity, so it's been a couple years.

9 Q. So the department has been asking for more
10 inspectors for at least a couple years?

11 A. We have identified the need for them. I
12 wouldn't say we have asked for them for funding yet, but
13 we have identified the need.

14 Q. Yeah. That's probably a better
15 characterization. There's at least been evidence that
16 more inspectors would help the process; is that accurate
17 or fair to say?

18 A. I wouldn't say would help the process. We have
19 seen a need for them. I have not requested them to be
20 funded in the departmental budget because I just didn't
21 see the capability at that point in time.

22 Q. By "capability," you just mean money?

23 A. Well, money and ability to add positions, number
24 of reasons.

25 Q. Explain that to me a little bit, please. What

6 (Pages 21 to 24)

Page 25

1 do you mean by "ability to add positions"?

2 A. Well, you know, from a cost standpoint, from a
3 priority setting standpoint, you know, we can't have all
4 that we want. There are other departments that needed
5 things as well, so you have to prioritize and make
6 decisions for what's best and where you are going to get
7 the biggest bang for the buck. You have, you know,
8 council concerns. It's their budget ultimately. I just
9 present a balanced budget to them, but it is their budget
10 ultimately, and if they are cutting positions, they are
11 not going to add elsewhere, so you make the decisions you
12 can at that particular time.

13 Q. All right. So would it be fair to say at least
14 for a couple years, you had identified a need for more
15 inspectors, correct?

16 A. That's fair to say.

17 Q. And the reason that you did not recommend adding
18 additional inspector positions was because you felt that
19 the resources would be better utilized elsewhere, along
20 with the money problems and the council problems?

21 A. I didn't say that. I just said you have to
22 prioritize your needs and allocate your funds for those
23 purposes that may be either more important or require
24 additional resources to touch a greater segment of the
25 population. There is a number of different reasons. Any

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1 Q. Okay. Let me characterize it this way. At
2 least for several years, you had been receiving
3 complaints about the building department in terms of
4 their inspection process, correct?

5 A. Yes.

6 Q. And you had identified a need for additional
7 inspectors, correct?

8 A. Yes.

9 Q. But for the reasons you told us today, you
10 didn't recommend hiring additional inspectors; is that
11 correct?

12 A. I didn't recommend the hiring of those at that
13 particular time. And, you know, you can't necessarily
14 say that the complaints that we were receiving were
15 directly associated with the number of employees and the
16 fact that I didn't hire them led to more complaints, so I
17 don't think you can say that at all because the
18 complaints we were receiving weren't necessarily
19 generated because we have a lack of employees.

20 Q. Okay. Then why would you recommend more
21 inspectors?

22 A. I didn't recommend.

23 Q. You identified a need for more inspectors.

24 A. That's different than recommending.

25 Q. Okay. Why did you identify a need for

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1 business owner is going to allocate their resources,
2 limited resources based on their needs and where they
3 feel like they can be more effective.

4 Q. Okay.

5 A. More productive.

6 Q. Can you tell me as we sit here today for the
7 past couple years any other department you have
8 recommended hiring additional employees?

9 A. We have hired additional employees in the
10 sheriff's office and rural fire. I believe the clerk of
11 court went from a part-time to a full-time. There's been
12 a number of them. In my budget, we show an authorized
13 position allocation. It would be easier for you just to
14 look at the budget and see the allocation of the
15 positions and where they are.

16 Q. I am asking you, from your personal point of
17 view, where did you think the resources could be better
18 allocated elsewhere in terms of adding additional
19 positions?

20 A. Obviously with public safety since those
21 positions were added there. The detention center was
22 added due to an expansion of the detention center. It
23 depends on what time frame you're talking about. We have
24 added and taken positions away over the last seven, eight
25 years I have been there.

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1 additional inspectors?

2 A. Because of the workload and the overtime that
3 they were looking at.

4 Q. So you thought it would reduce other inspectors'
5 workload if you hired additional inspectors?

6 A. Of course it would.

7 Q. So we can say that it would have reduced
8 workload complaints if you had hired additional
9 inspectors?

10 A. No, sir. I didn't say the complaints were
11 associated with workload.

12 Q. Is it your testimony here today that if you had
13 hired additional inspectors, you would not have decreased
14 the workload on the inspectors who are currently there?

15 A. No. That's what you just testified. I said
16 earlier that of course if you hired somebody, it would
17 reduce workload. What I said was the complaints we were
18 receiving weren't directly associated with workload.

19 Q. Okay. But in the testimony and some of the
20 documents we received or at least in the responses, there
21 have been -- it's been identified that one of the
22 reasons, the justification for termination of Mr. Stokes
23 was the inspection process, correct?

24 A. I don't know. You'll have to show me that
25 document so I can confirm it.

7 (Pages 25 to 28)

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1 Q. Or complaints about the inspection process?
2 A. Yes, there were complaints about the inspection
3 process.

4 Q. Okay. Generally, what were those complaints
5 regarding?

6 A. A number of complaints, inconsistency with
7 application of the code, rudeness and the time frame it
8 took to get permits, and that would be, you know,
9 associated with permit clerks as well as the road
10 department, not necessarily with the number of
11 inspectors, inability to get ahold of somebody when they
12 called up there or get a call back, modifying in the
13 field how we are going to enforce a code without
14 notifying the contractors of that change, just to name a
15 few.

16 Q. Okay. Did you ever receive complaints about
17 inspectors having too many properties to review in a day?

18 A. No, sir.

19 Q. Okay. Did you ever receive any complaints about
20 inspectors not being able to come back to a property on a
21 certain day?

22 A. Yes.

23 Q. Okay. Do you believe that having more
24 inspectors would have allowed inspectors to return and
25 re-review properties?

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1 A. No, sir.

2 Q. Okay.

3 A. You set your schedule for your work day and you
4 divide up the caseload for the inspectors and they go out
5 and they do their route and their schedule.

6 Q. I just want --

7 A. If they weren't ready when we got there, we
8 wouldn't necessarily come back, and having more
9 inspectors wouldn't necessarily cure that issue. They
10 have got their schedule when they leave the door.
11 Mr. Stokes has testified and I agree with him that when
12 they met in the morning, they divided their workload,
13 they went out, they did their job. That day was
14 scheduled ahead of time. Any malfunction or any issues
15 that the contractor may or may not have had is not going
16 to disrupt that day, and if you go back and look at the
17 videotape of the YouTube channels, you will see I tried
18 to explain that to council at the next meeting, that,
19 "Hey, we can't just come back because somebody wasn't
20 ready. We have a schedule. If you come back, you are
21 then going to skip the next three or four inspections
22 you've got. Now you are going to have three or four
23 other people mad at you," so, no, I can't say we would
24 have been able to come back if we had more inspectors.

25 Q. Is it your testimony that having more

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1 inspectors, you would not have been able to visit more
2 properties in a day?

3 A. We would visit the number of properties we
4 needed in a day depending on the number of inspections
5 with four people or five people or six people.

6 Q. So your testimony is that with more people, you
7 could not visit more properties?

8 A. I'm saying we would visit the number of
9 properties we needed to in that day whether it is
10 overtime or not.

11 Q. Okay. Did you receive a recommendation from
12 either Edda Cammick or Wayne McCall to terminate
13 Mr. Stokes?

14 A. I did not receive a recommendation directly, no,
15 sir, but there were discussions surrounding Mr. Stokes'
16 departure.

17 Q. Okay. Can you tell me about those discussions,
18 please?

19 A. Which part? Can you be more specific?

20 Q. I asked about Miss Cammick and Mr. McCall, and
21 you said there were discussions. Can you tell me about
22 the discussions with Miss Cammick and Mr. McCall about
23 his termination?

24 A. There were discussions about Mr. Stokes and
25 others over a three or four-month time period in the fall

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1 of 2016. Mr. Stokes, Mr. Josh Stephens, Mr. Mack Kelly,
2 Mr. Art Holbrooks and Miss Beth Hulse all were the five
3 that were identified by Mr. McCall and Miss Cammick and
4 Glenn Hart prior to his arrival on county council in
5 January of 2017. There was ongoing discussions about
6 complaints that they had about those particular offices
7 and that they wanted the matters cured. I was also told
8 that my job depended on the departure of some of those
9 individuals, and that was the basic discussion.

10 Q. So it was either you or them?

11 A. Yes, sir. That's what I was told. Miss
12 Cammick, we talked about my departure, and I asked her --
13 once I heard it, I went straight to her and asked her
14 what her position was, and her response was "We'll just
15 have to wait and see what the status of those people are
16 come January."

17 Q. And do you agree that the grievance committee
18 disagreed with your decision?

19 A. Their letter indicated we should not terminate
20 Mr. David Stokes.

21 Q. In fact, they found no evidence to support the
22 claims that you made?

23 A. There was no evidence submitted at that meeting
24 that supported it.

25 Q. Did you choose to resubmit any evidence?

8 (Pages 29 to 32)

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1 A. No, sir.
2 Q. Why not?
3 A. Because I based my decision on my authority as
4 the administrator to either terminate or uphold or
5 enforce their decision, and I chose not to implement
6 their decision. Their decision is not binding.
7 Q. And it is your testimony that you had evidence
8 that you could submit to them, but did not?
9 A. No. I testified that it was county council's
10 growing concern with the complaints. You can see it in
11 the testimony in the transcript.
12 Q. You've watched the YouTube video, correct?
13 A. I have.
14 Q. And you were at the meeting, correct?
15 A. Yes, sir.
16 Q. Do you recall Mr. McCall saying "Well, they got
17 a sweet deal going. They are recommending you got to go
18 down to a certain other builder or seller of carports and
19 sheds and he is the only person that could stamp the
20 drawings"?
21 A. I recall a statement to that effect.
22 Q. Okay. What evidence does Oconee County have to
23 support that allegation?
24 A. I have seen no such evidence.
25 Q. He also said "I'm looking through some papers

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1 our complaint. First --
2 MS. BURTON: The factual basis?
3 MR. HOPKINS: First, I think you can
4 object to the form and you cannot really say
5 anything else regarding it.
6 MS. BURTON: No. I can object because
7 you are outside of the scope of Rule 30(b)(6).
8 MR. HOPKINS: Exactly. You can object to
9 the form of it.
10 MS. BURTON: No, sir.
11 MR. HOPKINS: Are you telling him not to
12 answer the question?
13 MS. BURTON: No. I am asking you where
14 the topic is.
15 MR. HOPKINS: It concerns the allegations
16 and the defenses of the county.
17 MS. BURTON: The factual basis.
18 MR. HOPKINS: And, two, do you represent
19 the county?
20 MS. BURTON: I can interpose an objection.
21 I am counsel on the case.
22 MR. HOPKINS: But you don't represent the
23 county. Mr. Logan is not putting the objection
24 on the record.
25 MS. BURTON: So what? :

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1 right now, but building codes is funneling people down to
2 his office." Do you recall him saying that?
3 A. I recall a statement to that effect.
4 Q. What evidence does Oconee County have that the
5 building codes department was funneling people to some
6 contractor's office?
7 A. I have seen no such evidence.
8 Q. Okay. He also went on to say "And then these
9 building codes is making up the rules." Do you recall
10 him saying that?
11 A. Not that one specifically, but I can go back and
12 review it.
13 Q. Do you dispute that he may have said that?
14 A. No, I don't. I just don't recall.
15 Q. What evidence does Oconee County have that
16 building codes or Mr. Stokes was making up the rules?
17 MS. BURTON: Can you point me to what
18 topic we are on in the 30(b)(6) notice? Are
19 you asking this individual questions in his
20 individual capacity? Because I don't see
21 anything about evidence in the notice.
22 MR. HOPKINS: Well, these regard the
23 claims and defenses of the county and the
24 claims and defenses of the county are that they
25 have evidence to dispute what we have said in

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1 MR. HOPKINS: So are you instructing him
2 not to answer?
3 MS. BURTON: Did I instruct him not to
4 answer?
5 MR. HOPKINS: Again, I think you can put
6 the objection on the record and then we can
7 deal with it later.
8 MS. BURTON: Okay. My objection is to the
9 extent you are asking questions outside of the
10 topics contained in Exhibit A. You are asking
11 the witness questions in his individual
12 capacity.
13 MR. HOPKINS: Okay. All right.
14 Q. [Mr. Hopkins] Does the county have any evidence
15 to support the claim the building codes making up rules?
16 A. I don't have any written evidence. The only
17 evidence that I can present is the complaints that we had
18 received about the difference of rule application in the
19 field and the difference of rule application by
20 inspectors. For example, one example was we had an
21 inspector out on a job and they may have passed a
22 particular portion of the building. Well, another
23 inspector would come at a later date to inspect another
24 object on the building and then they would go back and
25 say "Oh, no. You need to fix this issue" that was

9 (Pages 33 to 36)

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1 originally passed in the framing or something like that,
2 so as far as changing the rules, you know, obviously, the
3 law is the law. It is the implementation and enforcement
4 of it that was the inconsistent part that we were getting
5 the complaints on.

6 Q. So rather, it would be an inconsistent view of
7 the code in terms of inspectors, rather than somebody
8 making up code, correct?

9 A. I'd say that's a fair statement.

10 Q. Can you tell me about -- can you tell me about
11 when you spoke to Mr. Stokes and terminated him? Can you
12 describe the conversation to me?

13 A. Sure. The day that Mr. Stokes came to my
14 office, we had a standing 3:30 appointment for his
15 normal, I believe, biweekly -- I had weekly, biweekly and
16 monthly meetings with some departments. I think his was
17 biweekly. We had a 3:30 appointment that day. He had
18 texted me, if I recall, about coming up earlier, and I
19 explained to him in response that "No, I already have a
20 meeting at that time. Let's keep our standard time." He
21 came in and I closed the door, and I explained to him
22 that his purpose in there today was a little different
23 than what he had expected. I apologized to him, made him
24 aware that we were going to dismiss him of his service.
25 Obviously, he was shocked, to say the least, and I

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1 explained to him the growing concerns -- excuse me,
2 lunch -- the growing concerns of council and how they
3 expressed those to me and that, due to that, we were
4 going to make a change in the department.

5 I do want to correct one thing. He wasn't
6 immediately terminated. He was actually given the option
7 to resign in exchange for severance, so everybody keeps
8 saying he was terminated. Yes, he was, but he was also
9 given the option to resign and he was also given a week
10 or two's notice as to whether or not -- because I
11 remember contacting him saying "What have you chosen,
12 termination or resignation," very similar to what I did
13 with the rest of the employees in an attempt to try and
14 take care of them, we offered a severance package beyond
15 what I felt I should have as an administrator to try and
16 take care of those people. We offered him a severance
17 package in exchange for a resignation, rather than
18 termination, and he -- I can't remember the exact date,
19 but chose termination, so that's the only difference.

20 Q. Do you recall the benefits offered in that
21 severance package?

22 A. No, sir, not specifically. We never actually
23 formalized those because he never accepted resignation.
24 He just wanted to take the termination.

25 Q. Can we take a short break, just a short

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1 five-minute break? I'm sorry.

2 VIDEOGRAPHER: Off the record at 1:58

3 p.m.

4 [Off the record.]

5 [Short recess.]

6 VIDEOGRAPHER: On the record at 2:05

7 p.m.

8 Q. [Mr. Hopkins] Mr. Moulder, I think we have
9 already discussed, but can we agree that Oconee County
10 does not have any formal discipline of Mr. Stokes for any
11 informal or formal complaint made about him or his
12 department during his tenure at Oconee County?

13 A. Yes, sir.

14 Q. All right, Mr. Moulder. You're pretty lucky. I
15 think those are all the questions I have. I appreciate
16 your time. Your attorneys may have some questions.

17 MS. BURTON: I don't have any questions
18 for Mr. Moulder.

19 MR. LOGAN: I don't either.

20 MS. BARTON: And I don't as well.

21 MR. HOPKINS: Excellent. Sorry to meet
22 you under these circumstances.

23 THE WITNESS: How did I get the shortest
24 one?

25 VIDEOGRAPHER: This concludes the 30(b)(6)

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1 deposition of Mr. Scott Moulder. We are off
2 the record at 2:05 p.m.

3 [DEPOSITION CONCLUDED AT 2:05 P.M.]

CERTIFICATE

SOUTH CAROLINA
ANDERSON COUNTY

I hereby certify that the foregoing deposition was reported, as stated in the caption, by the method of Stenograph machine with backup, and the questions and answers thereto were reduced to typewriting by me or under my direction; that the foregoing pages 1 through 40 represent a true, correct and complete transcript of the evidence given on the 7th day of March, 2018, by the witness, SCOTT MOULDER, who was first duly sworn by me; that I am not a relative, employee, attorney or counsel of any of the parties, nor am I financially interested in the action.

This 23rd day of March, 2018.

Susan Lynn McCracken, RMR
Court Reporter

STATE OF SOUTH CAROLINA) COURT OF COMMON PLEAS
)
COUNTY OF OCONEE)

DAVID T. STOKES,)
)
Plaintiff,)
vs.) NO. 17-CP-37-00320
)
OCONEE COUNTY, WAYNE MCCALL)
AND EDDA CAMMICK,)
)
Defendants.)

Video Deposition of
EDDA CAMMICK

Pursuant to Notice of Deposition and/or agreement in
the above-entitled case, a deposition was taken on the
7th day of March, 2018, commencing at approximately
9:00 a.m., attended as follows:

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ALSO PRESENT: Scott Moulder

VIDEOGRAPHER: Michael Arrison

DEPOSITION REPORTED BY: SUSAN L. MCCracken, RMR
Depositions And., Inc.
(864) 235-3518

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Pursuant to Notice and/or agreement to take
depositions, the within deposition was taken by Susan L.
McCracken, RMR, a Notary Public, as required under South
Carolina Court Rule 30, et al, by consent of all parties,
at the law offices of Logan, Jolly & Smith, 1805 N.
Boulevard, Anderson, South Carolina.

WAIVER

It is agreed by Counsel for all parties that the
reading over of and signing of the deposition by the
witness are waived.

** ** *

VIDEOGRAPHER: This is the videotape
deposition of Edda Cammick taken by the
Plaintiff in the matter of David Stokes versus
Oconee County, et al, filed in the Court of
Common Pleas, State of South Carolina in Oconee
County. Case number is 2017-CP-37-00320. Is
deposition is being held at the law firm of
Logan, Jolly & Smith located at 1805 North
Boulevard in Anderson, South Carolina on
Wednesday, March 7, 2018. My name is Michael
Arrison from the firm of Carolina Legal Video
Services. The court reporter is Sue McCracken
from Depositions And, Incorporated. Going on
the record at 9:02 a.m.

Counsel now state their appearance for the record.

MR. HOPKINS: Clay Hopkins for David Stokes.

MR. LOGAN: Jim Logan for the witness and Oconee County, Defendant.

MS. BURTON: Stephanie Burton for Defendant Wayne McCall.

MS. BARTON: Roberta Barton for the witness Edda Cammick and Wayne McCall.

VIDEOGRAPHER: The court reporter will now swear in the witness.

The deponent was duly sworn to tell the truth, the whole truth and nothing but the truth of her own knowledge concerning the matter herein:

EDDA CAMMICK

having been first duly sworn, was examined and testified as follows:

EXAMINATION

BY MR. HOPKINS:

Q. Good morning, Miss Cammick. We met a moment ago. My name is Clay Hopkins. Together with my dad Bill, we represent Mr. Stokes in a lawsuit that he has brought against Oconee County, Wayne McCall and yourself.

A. Yes, sir.

Q. Do you understand you are here to give a deposition in that matter today?

A. Yes, sir.

Q. Have you ever given a deposition before?

A. No, sir.

Q. Okay. I'm going to go over some ground rules. I am sure your attorneys have already gone over them, but the rules require me to. We have a court reporter here. She is taking down everything that we say. Some of this is not really that much of a problem because we also have a videographer who can see kind of how you answer, but for purposes of the transcript that she's typing up, we need to remember at least two things. The first, if you could, could you allow me to finish asking my question? And I will give you all the time in the world to give a response. Is that fair?

A. Sure.

Q. Okay. The second is that she cannot take down nonverbal responses such as you shaking your head or saying "uh-huh" or "huh-uh."

A. Yes, sir.

Q. And I'll try to remind you as well along the way. We can get kind of lost in conversation sometimes, but if you could, could you please try to give me a verbal response to my questions?

A. Yes, sir.

Q. And insofar as I will probably ask a few very poor questions today, if you don't understand a question of mine, could you please just ask me to rephrase it, reword it, do something else with it? Is that fair?

A. Yes, sir.

Q. To the extent that you answer a question, I will assume that you understood it. Is that fair?

A. Yes, sir.

Q. I don't think that we will be here for very long. We may be, though. If you need to take a break at any time, I am happy with that. Just please let me know. Okay?

A. Thank you.

Q. And to the extent we do take a break, I would ask you to answer any question I posed before we take a break. Is that fair?

A. Yes, sir.

Q. Okay. Is there any reason that you cannot give me truthful answers today?

A. You told me not to nod. Sorry.

Q. Yes, ma'am.

A. No, there is no reason why I shouldn't be telling the truth today.

Q. Are you under the influence of any prescription

medication today?

A. Yes, sir.

Q. What medication are you on?

A. Valsartan for my blood pressure.

Q. Okay. Do you think that prescription would prevent you from giving a truthful answer today?

A. No, sir.

Q. Did you speak to anybody besides your attorneys to prepare for this deposition?

A. No, sir.

Q. Did you review documents to prepare for this deposition?

A. Yes.

Q. Okay. Miss Cammick, do you have property insurance?

A. Yes, I do.

Q. On your home?

A. Yes.

Q. What company is that with?

A. State Farm.

Q. Okay. Miss Cammick, do you have a Facebook profile?

A. Yes.

Q. How many do you have?

A. How many profiles do I have?

Page 9

1 Q. Yes, ma'am.
 2 A. I just have my Facebook page, and I have my
 3 county council page.
 4 Q. Okay. Is that Facebook page Cammick's Council
 5 Corner?
 6 A. That's my Cammick's Council Corner page, but I
 7 also have a Facebook account.
 8 Q. Okay. So you have two accounts that you
 9 operate?
 10 A. The page is actually an offshoot of my personal
 11 account.
 12 Q. Okay.
 13 A. It's not a separate account.
 14 Q. Okay. What purpose is that separate page, the
 15 Council Corner page?
 16 A. To provide our residents with ongoing
 17 information about things happening in the county and
 18 summaries of our meetings.
 19 Q. Okay. So you provide citizens with information
 20 about county council happenings and goings on?
 21 A. Yes, sir.
 22 Q. Okay. Did you provide that Facebook page or any
 23 of the posts on that to me in this litigation?
 24 A. No.
 25 Q. Did you think that it would be relevant to

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1 Q. No, ma'am. You can go on a Facebook page and
 2 download it. Could you provide that to your attorney?
 3 A. Okay. I will need someone to show me how to do
 4 that.
 5 Q. That's fair.
 6 A. I didn't know you can download your Facebook
 7 page. With all its content?
 8 Q. Yes, ma'am.
 9 A. Okay. I didn't know -- I did not know you could
 10 do that.
 11 Q. Okay. Well, you can, so can you do that for me?
 12 A. If you give me directions, I'll be happy to.
 13 Q. I'll be happy to provide that for you.
 14 A. Okay.
 15 [Plaintiff's Exhibit 1 was marked for
 16 identification.]
 17 Q. [Mr. Hopkins] I've marked this as Plaintiff's
 18 Exhibit No. 1. Can you take a look at that and tell me
 19 what that is?
 20 MS. BARTON: Excuse me. May I have a
 21 copy?
 22 MR. HOPKINS: Of course you may.
 23 THE WITNESS: Yes. This is regarding the
 24 Lakeside Lodge potential annexation into
 25 Clemson.

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1 provide me with that information?
 2 A. Do I think it would be relevant to provide you
 3 with that information?
 4 Q. Yes, ma'am.
 5 A. Well, you can make that determination if it's
 6 relevant to you or not.
 7 Q. Do you think it's possible -- scratch that.
 8 Miss Cammick, what does the phrase "Hindsight is
 9 20/20" mean?
 10 A. That when you're looking at things after they
 11 have happened, you have a clearer view.
 12 Q. Okay. So basically, that sometimes the decision
 13 you made wasn't always the best one when you look back at
 14 it?
 15 A. Well, it could be a decision. It could just be
 16 something that happened becomes clearer after you have
 17 analyzed it.
 18 Q. Okay. Does that happen frequently with county
 19 council decisions that you've made?
 20 A. Not necessarily.
 21 Q. Could you provide a copy of your county council
 22 Facebook page to your attorneys to provide to me?
 23 A. A copy?
 24 Q. Yes, ma'am.
 25 A. You mean like the address?

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1 Q. [Mr. Hopkins] Okay. What are you discussing
 2 during that post?
 3 A. I have received comments from residents as to
 4 how we should have possibly handled it like "You should
 5 have zoned the property," so I wanted to make people
 6 aware that, for instance, that there is no zoning
 7 classification that would have avoided or prevented an
 8 annexation. I'm just trying to give information to
 9 common questions that people ask. People said "You
 10 should have" -- you know, a few residents told me "You
 11 should have planned better. There would have been no
 12 real adequate planning tools to prevent an annexation.
 13 The municipalities have the upper hand when it comes to
 14 annexation.
 15 Q. Okay. So would it be fair to say that you
 16 receive a number of complaints about any decision you may
 17 make as a county council member?
 18 A. Complaints, comments, inquiries, clarifications,
 19 yes.
 20 Q. Would it be fair to say that you just -- you
 21 just testified that you had received some concerns from
 22 citizens about that decision.
 23 A. There was no decision here. A decision -- it's
 24 not our decision to annex.
 25 Q. Do you receive concerns, complaints, comments

3 (Pages 9 to 12)

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1 from citizens to that Facebook page?
 2 A. No. They cannot post. They can make comments,
 3 short comments, but they cannot post and so most of what
 4 I have addressed were either phone calls, e-mails or
 5 people stop me at Ingles and ask me questions, so I had a
 6 few questions that people were interested in and so I
 7 shared the information that I shared with them with my
 8 Facebook page.
 9 Q. You said you received some e-mails from some
 10 citizens?
 11 A. Uh-huh [yes].
 12 Q. Can you provide those to your attorney, too,
 13 please?
 14 A. You are going to have to give me some dates.
 15 MR. LOGAN: What time period are we
 16 talking about?
 17 Q. [Mr. Hopkins] Specifically for that decision.
 18 A. There was no decision.
 19 Q. Okay. Well did you receive e-mails about that
 20 comment?
 21 A. About annexation?
 22 Q. Yes, ma'am.
 23 A. Yes. I mean, that's the talk of the town now.
 24 Where have you been? The talk of the town is Clemson
 25 annexing into Oconee County. Yes, I would be happy to

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1 provide the emails regarding the potential for
 2 annexation, yes.
 3 Q. I've been in Pawley's Island. I don't live in
 4 Clemson, South Carolina.
 5 A. I'm sorry.
 6 Q. So could you provide your attorney with emails
 7 you received about that process?
 8 A. Sure, yeah, absolutely.
 9 Q. Thank you.
 10 [Plaintiff's Exhibit 2 was marked for
 11 identification.]
 12 Q. [Mr. Hopkins] I'm going to show you now what I
 13 have marked as Plaintiff's Exhibit No. 2.
 14 A. Happy Valentine's Day.
 15 Q. Yes, ma'am. Can you tell me what that document
 16 is?
 17 A. "As counsel begins working on the budget for the
 18 next fiscal year, I requested data from the administrator
 19 regarding our legal fees." In the past, we had an
 20 attorney, McNair Law Firm, Mr. Tom Martin. He was
 21 working at the pleasure of council, and he was hired by
 22 council. Subsequent to that, we changed our ordinance
 23 and changed to an in-house attorney, and our current
 24 attorney is Mr. David Root, and I was showing -- one of
 25 the arguments we had made in the past was an in-house

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1 attorney would save us money, and I was attempting to
 2 show that that was the case.
 3 Q. Okay. In that post, is it accurate to say that
 4 you said that your legal fees, the county's legal fees;
 5 in 2017 were \$348,400?
 6 A. That was -- yeah. That was the figures that
 7 Mr. Moulder had provided me.
 8 Q. Okay. And this case was filed last year,
 9 correct?
 10 A. This case was filed last year?
 11 Q. Yes, ma'am.
 12 A. Yes, uh-huh [yes].
 13 Q. Okay. So would it be fair to say that some of
 14 those fees were for work on this case?
 15 A. No, sir, not to my knowledge, because Mr. Logan
 16 is paid through the insurance reserve fund, not through
 17 county funds, and Mr. Root is not my attorney.
 18 Q. Okay. Has the county paid Mr. Root for any work
 19 that he's done on this case?
 20 A. Mr. Root, I believe, is on salary and so he gets
 21 his salary regardless of what he does all day.
 22 Q. Okay. Is that \$348,400 his total salary?
 23 A. No, sir.
 24 Q. So would it be fair to say that there are fees
 25 associated with Oconee County's defense of litigation in

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1 excess of Mr. Root's salary?
 2 A. Yes, sir.
 3 Q. Okay. Can you provide me with some of the cases
 4 that the county defended last year?
 5 A. I'm sure.
 6 MR. LOGAN: I'm going to object to the
 7 form of the question. We will argue about
 8 relevancy of that and production of that.
 9 MS. BARTON: And privilege.
 10 Q. [Mr. Hopkins] You can still answer.
 11 A. What was your question again?
 12 Q. Can you tell me about any of the cases that you
 13 are aware of that the county defended with the \$348,000
 14 in fees?
 15 MR. LOGAN: Object to the form of the
 16 question. Answer it if you can.
 17 THE WITNESS: Some of our legal fees are
 18 not really associated with, you know, trials
 19 and what not. We also to have pay our bonding
 20 lawyers and advice on economic development and
 21 that sort of thing. How much of that goes to
 22 what would have to be provided by our
 23 administrator, not by me.
 24 Q. [Mr. Hopkins] Are you aware of any other
 25 lawsuits that were filed against Oconee County last year?

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1 A. I would have to go back and look at my notes.
2 Q. Is that a yes, or is that a no?
3 A. That's I cannot answer that question without
4 going back and looking at my notes.
5 Q. Okay. Where are your notes kept?
6 A. I keep -- well, some of our agenda and minutes
7 are kept online, but sometimes I take notes during our
8 meetings. Some of them I keep, some of them I do not.
9 Most of them I don't. I usually keep my notes if I need
10 to call somebody. We have a public comments session in
11 the beginning of all our meetings and members of the
12 public are invited to speak, and oftentimes I will make a
13 note to myself to call someone back to clarify something
14 that they said or inquire further, so I would have to go
15 back and look at our agendas and our minutes to determine
16 what legal activity we had in 2017.
17 Q. Okay. Can you provide those notes to your
18 attorney?
19 A. Well, he is welcome to all our agenda and our
20 minutes. Those are public information. You can access
21 those online.
22 Q. Did you provide them to him previously?
23 A. No. He never requested any, but, again, I am
24 sure he can look them up.
25 MR. LOGAN: As can counsel.

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1 MR. HOPKINS: How would I have access to
2 her private notes?
3 MR. LOGAN: You are talking about the
4 agendas.
5 THE WITNESS: Agendas and minutes and
6 emails.
7 MR. HOPKINS: How would I have access to
8 her Facebook messages, Jim?
9 MR. LOGAN: I didn't realize you had said
10 Facebook messages.
11 THE WITNESS: No. You were talking about
12 council. We were talking about council agendas
13 and minutes and my scribbling during the
14 meeting.
15 Q. [Mr. Hopkins] Okay. And you keep those. Do
16 you keep those at the county office?
17 A. No. I keep those at home if I need to refer
18 back to them for any purpose, and if I don't, I shred
19 them and they go away.
20 Q. So they are kept in your private home?
21 A. Yes.
22 Q. Okay. Where were you born, Miss Cammick?
23 A. New York.
24 Q. What year?
25 A. 1960.

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1 Q. What is your full name?
2 A. Edda, E-D-D-A, Zupovitz, Z-U-P-O-V-I-T-Z,
3 Cammick.
4 Q. Are you married, Miss Cammick?
5 A. Yes, I am.
6 Q. What is your husband's name?
7 A. Michael John Cammick.
8 Q. Where do y'all live?
9 A. In Salem.
10 Q. What's your address?
11 A. 12 -- well, mailing or physical?
12 Q. Physical.
13 A. 125 Quarter Mile Road, Salem. That is not a
14 mailing address.
15 Q. How long have you been married to Michael?
16 A. It will be 36 years this September.
17 Q. Have you been married previously?
18 A. No, sir.
19 Q. Do y'all have any children over the age of 18?
20 A. Yes.
21 Q. How many?
22 A. One.
23 Q. What is their name?
24 A. Ashley Elaina, E-L-A-I-N-A, Cammick.
25 Q. Where does Ashley live?

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1 A. Isesaki, Japan.
2 Q. When did she move to Japan?
3 A. Seven years ago.
4 Q. How old was she when she moved there?
5 A. She will be 32 in May, so do the math.
6 Q. So she was 22?
7 A. 22?
8 MR. LOGAN: 25.
9 THE WITNESS: 25.
10 Q. [Mr. Hopkins] What did she do before she moved
11 to Japan?
12 A. She was a student, college student.
13 Q. Where at?
14 A. Anderson U.
15 Q. Did she attend any other school?
16 A. Her first year of college was in Massachusetts,
17 Hampshire College.
18 Q. Has Ashley ever been married?
19 A. No.
20 Q. Does she have any children?
21 A. No.
22 Q. Did she go to school in Oconee County?
23 A. No, sir. She was born in Tampa, Florida, and
24 she went to school there through high school, and then
25 she went to college in Massachusetts. Then she came back

5 (Pages 17 to 20)

1 to Anderson U.
2 Q. When did you move to Oconee County?
3 A. In June of 2004.
4 Q. Why did you move to Oconee County?
5 A. There was a long list of reasons. Would you
6 like me to enumerate them?
7 Q. Yes, ma'am, please.
8 A. Tampa, Florida grew out of control. We didn't
9 enjoy living there anymore. My husband was being sent to
10 Duke University for an illness that he had. It was
11 difficult to commute back and forth. It was also getting
12 cost prohibitive. We liked this area, as we have
13 traveled here on several -- through here on several
14 occasions, so we moved here to basically escape the big
15 city in Tampa, to be a little bit closer to Duke, to just
16 embark on a different adventure.
17 Q. Did you begin working when you moved to Oconee
18 County?
19 A. Yes, sir.
20 Q. Where did you first work?
21 A. AnMed.
22 Q. What did you do there?
23 A. I was a lab tech, hematology.
24 Q. Do you still work there?
25 A. No.

1 Q. When did you leave?
2 A. I worked for AnMed for a year, and then I
3 transferred over to St. Francis in Greenville.
4 Q. Why did you transfer?
5 A. The schedule was not to my liking at AnMed.
6 Q. Okay. What were you hired to do at St. Francis?
7 A. I worked in the blood bank there.
8 Q. That was in 2005-ish?
9 A. Maybe 2005 going on 2006-ish.
10 Q. Okay. Do you still work at St. Francis?
11 A. No. I left St. Francis in July, July 15 of
12 2011.
13 Q. Why did you leave?
14 A. Well, I had been in healthcare for 30 years. I
15 had enough. I had been teaching part-time all along and
16 so I wanted to teach more and work at the hospital less.
17 Q. Did you start teaching?
18 A. I started teaching in 1997, so while I was
19 working in Florida as a med tech, a lab tech, I was also
20 teaching on the side.
21 Q. I mean, after you left St. Francis, did you
22 begin teaching?
23 A. Well, I was already teaching at Tri-County Tech
24 while I was working at St. Francis, an occasional night
25 class, and I picked up a few extra classes. And I always

1 wanted to teach at AU, but since my daughter was there, I
2 wanted to wait until she graduated before I moved in, so
3 once she graduated, I started working at AU and then I
4 left Tri-County.
5 Q. Do you know when you officially began working at
6 Anderson?
7 A. Six years ago.
8 Q. 2012, 2011?
9 A. Yeah, I guess.
10 Q. Do you still work there?
11 A. Yes.
12 Q. Are you a professor?
13 A. That's not my official title. I am simply a
14 biology instructor.
15 Q. You are not tenured?
16 A. Oh, no, no, no. I don't work full-time. I only
17 work part-time.
18 Q. Do you work anywhere else?
19 A. I work for the county.
20 Q. When were you first elected to the county
21 council?
22 A. I was elected first in the primary in June of
23 2014 and then again in the general election of 2014, and
24 I started my term on council in January of 2015.
25 Q. Before that, had you worked for the county at

1 all?
2 A. No.
3 Q. Which district do you represent?
4 A. One.
5 Q. That covers the Salem area?
6 A. Salem, Lake Keowee, Lake Jocassee. I should say
7 portions of Lake Keowee, Lake Jocassee.
8 Q. When were you -- have you been reelected?
9 A. No, not yet. My term is up this year.
10 Q. So will there be a primary this year as well?
11 A. Yes, sir, in June.
12 Q. Are you on any committees on the county council?
13 A. County council has standing committees. All of
14 us are on the budget committee. I am on the
15 transportation and real estate committees. I am also the
16 county -- one of the county representatives at the
17 Appalachian Council of Government. I am also the county
18 representative for Work Link. I believe that's it.
19 Q. Do you hold any licenses in construction
20 development or contracting?
21 A. No, sir.
22 Q. Do you have any experience in construction
23 contracting?
24 A. No, sir.
25 Q. Do you have any experience in building permits?

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1 A. No, sir.
2 Q. Have you ever worked in a building permits
3 department?
4 A. No.
5 Q. Are you licensed in any building permit?
6 A. No.
7 Q. Do you have any certifications for building
8 permits?
9 A. No.
10 Q. What does Michael did?
11 A. He is a programmer, a network architect for
12 AT&T.
13 Q. Has he been with AT&T since you moved here?
14 A. Yes.
15 Q. Is he a member of any civic organization?
16 A. If you consider the Knights of Columbus a civic
17 organization, then he is a member of that.
18 Q. Do you and Michael attend church in Oconee
19 County?
20 A. He does. I don't.
21 Q. Okay. Where does he attend church?
22 A. St. Paul's.
23 Q. Is that in Salem or Seneca?
24 A. It's in Seneca.
25 Q. Besides the county council representation that

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1 you moved here?
2 A. I went to college there, and I started in 1978.
3 Q. 1978 until --
4 A. That's when I went to University of Tampa.
5 That's when I started at University of Tampa in 1978.
6 Q. Until 2004?
7 A. We were in Tampa, uh-huh [yes]. I am not done
8 with my education, if you wanted more.
9 Q. Yes, ma'am, please. I don't mean to cut you
10 short.
11 A. I am also -- I also am ABD in education also
12 from the University of South Florida.
13 Q. When did you obtain that?
14 A. Well, I completed all the course work towards my
15 doctorate in 2003, 2004, but when I moved here, I did not
16 realize USF had a residency requirement for completing
17 your dissertation, and they would not allow me to
18 complete it remotely; therefore, ABD, all but
19 dissertation. We also need to interject a year at Tampa
20 General Hospital School of Medical Technology between
21 1982 and 1983. I think that wraps it up.
22 Q. Just to be clear, your daughter, has she ever
23 lived in Oconee County?
24 A. We moved here in 2004 in the summer, so she
25 lived for the summer months and then she went immediately

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1 you mentioned, are you a member of any civic
2 organization?
3 A. No.
4 Q. Are you a member of any -- besides the ones
5 we've mentioned, the county rep for Work Link and
6 Appalachian governments?
7 A. No.
8 Q. Are you a member of any professional
9 organization?
10 A. American Society of Clinical Pathology.
11 Q. Did you attend college or a technical school?
12 A. College.
13 Q. Where did you go to college, Miss Cammick?
14 A. I got my bachelor's degree at University of
15 Tampa.
16 Q. What did you get a degree in?
17 A. Biology.
18 Q. What year was that?
19 A. That was a long time ago, 1982. I have a
20 master's degree in public health.
21 Q. Did you get that from --
22 A. University of South Florida.
23 Q. Do you know when you got that degree?
24 A. 1994, more or less.
25 Q. Did you live in the Tampa area from '82 until

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1 to college, but she would come home for the summers.
2 Q. Okay. And when you moved here, she was already
3 enrolled in Anderson University?
4 A. No, no, no. When we moved here, she was
5 enrolled at Hampshire College.
6 Q. That's right.
7 A. So she started at Hampshire College first, and
8 then when she returned to South Carolina, she was living
9 here in Anderson and going to AU, so, yes, I guess you
10 could say she lived in South Carolina while she was
11 attending AU.
12 Q. And that was -- you moved here in 2004, and then
13 she left for Japan in 2010. What did she do in the time
14 that she finished at Anderson until she moved to Japan?
15 A. Well, she got two degrees at Anderson. First
16 she completed a bachelor's and then she completed a
17 master's, so when she completed her master's, then she
18 went to Japan.
19 Q. Yes, ma'am. I understand that takes a while to
20 do.
21 A. I'm still paying for her tuition.
22 Q. I'm still paying for mine. Let's talk about why
23 we're here today.
24 A. Okay. Thank you.
25 Q. You understand that Mr. Stokes has filed a

7 (Pages 25 to 28)

1 lawsuit against you and Mr. McCall and the county?
 2 A. Yes, sir, uh-huh [yes].
 3 Q. Do you understand the allegations of that
 4 lawsuit?
 5 A. Yes, I do.
 6 Q. You have filed an answer, as well as some
 7 counterclaims; is that correct?
 8 A. Yes, sir.
 9 Q. Give me one moment.
 10 [Plaintiff's Exhibit 3 was marked for
 11 identification.]
 12 Q. [Mr. Hopkins] I will go ahead and give it to
 13 you.
 14 A. Okay.
 15 Q. Do you recognize that document, Miss Cammick?
 16 A. Yes, I do.
 17 Q. Is that the answer and counterclaims that you
 18 filed in this lawsuit?
 19 A. I believe so.
 20 Q. Okay. Have you reviewed that document?
 21 A. I have.
 22 Q. Okay. You filed two counterclaims. Do you
 23 understand that?
 24 A. I do.
 25 Q. Do you know what those counterclaims were for?

1 A. Yes; frivolous lawsuit and abuse of process.
 2 Q. Okay. And do you understand that the frivolous
 3 lawsuit counterclaim has been dismissed?
 4 A. I understand.
 5 Q. So the remaining counterclaim is for abuse of
 6 process; is that right?
 7 A. Yes, sir.
 8 Q. What allegations do you have to support a claim
 9 against Mr. Stokes for abuse of process?
 10 A. Well, as a representative of the constituents in
 11 my district, I should be able to speak up on their behalf
 12 without having to tip-toe around anybody or having to
 13 worry about who I'm offending with what I'm saying. I
 14 believe that in the course of our work, we have a duty to
 15 bring to light problems we're seeing, even if it offends
 16 somebody, and so I feel that this lawsuit is trying to
 17 inhibit our ability to speak. I feel that it's all about
 18 trying to get money out of the county that people aren't
 19 entitled to and so I feel the whole process of our
 20 ability to communicate with our administrator, with the
 21 people that we work with, is being hampered by this
 22 lawsuit.
 23 Q. Okay. Is that it?
 24 A. Well, I'm a college professor. I can go on and
 25 on if you need me to.

1 Q. Let me try to summarize that then. You believe
 2 that the evidence to support your abuse of process claim
 3 is, one, that as a county council member, you have the
 4 ability to speak up on certain things having to do with
 5 the county?
 6 A. Yes, sir.
 7 Q. You also believe that Mr. Stokes is asking for
 8 money that he is not entitled to?
 9 A. Yes, sir.
 10 Q. And you believe that you should be able to
 11 communicate with the county administrator without having
 12 to worry about, I guess, intervention; is that correct?
 13 A. Intervention?
 14 Q. Yes.
 15 A. What does that mean?
 16 Q. Somebody coming in questioning your ability to
 17 work with the administrator.
 18 A. No; but I believe I should be free to express
 19 myself to the administrator in any way that would get the
 20 point across without having to worry about what our
 21 employees think of those communications.
 22 Q. I understand. So would it be fair to say that
 23 you believe that you are allowed to say anything about
 24 anybody in the county so long as it concerns county
 25 business?

1 A. No, sir.
 2 Q. Okay. So you certainly couldn't say anything
 3 about somebody; is that right?
 4 A. No.
 5 Q. Even if it concerned county business, do you
 6 believe that you could tell something false about
 7 somebody in the county?
 8 A. No.
 9 Q. Do you understand the counterclaim is for abuse
 10 of process? You have alleged that Mr. Stokes has abused
 11 the litigation process. Is that your understanding of
 12 the claim?
 13 A. Uh-huh [yes].
 14 Q. Okay. How has his lawsuit abused the litigation
 15 process?
 16 A. Would you say that one more time?
 17 Q. Yes, ma'am. Do you have any evidence to support
 18 a claim that Mr. Stokes has somehow engaged in litigation
 19 for an ulterior motive?
 20 A. I mentioned I feel this is all about money, not
 21 anything else.
 22 Q. Okay.
 23 A. I think this is the reason why we are here
 24 today.
 25 Q. Okay. Do you believe that citizens have the

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1 right to file lawsuits?
 2 A. Oh, yes, yes.
 3 Q. And do you believe citizens have the right to
 4 file lawsuits asking for money damages?
 5 A. I do.
 6 Q. In fact, have citizens filed lawsuits against
 7 Oconee County before Mr. Stokes?
 8 A. I would have to go back and check, but I'm sure
 9 we can find something, but I don't know -- but I don't
 10 know for certain.
 11 Q. Do you believe that any lawsuit filed against
 12 Oconee County or you as a council member would be an
 13 abuse of litigation?
 14 A. No.
 15 Q. Okay. You just believe -- well, do you believe
 16 -- you just believe that Mr. Stokes' lawsuit is an abuse
 17 of the process?
 18 A. Uh-huh [yes]. Yes. I'm sorry.
 19 Q. That's fine. I should be keeping track of it.
 20 I'm sorry. If you would, would you turn to page 12 of
 21 that document for me?
 22 A. Sure.
 23 Q. Are you there with me?
 24 A. Yes. I am on page 12.
 25 Q. We will give everybody some time to get there,

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1 too. I am going to read paragraph 70 to you. Okay?
 2 A. Paragraph?
 3 Q. 70 at the top.
 4 A. Uh-huh [yes].
 5 Q. You wrote "Cammick will show that the Plaintiff"
 6 -- that's Mr. Stokes -- "filed this action and named
 7 Cammick as a Defendant for the ulterior motive of
 8 defaming the Defendant personally, professionally and
 9 politically in retaliation for the Plaintiff losing his
 10 job for the following purposes: To defame Cammick
 11 personally, professionally and politically in order to
 12 invalidate any concerns about employee conduct and to
 13 create a basis to seek monetary gains for which he is not
 14 entitled to obtain."
 15 A. Uh-huh [yes].
 16 Q. "And to defame Cammick by claiming the
 17 following: That she acted unprofessionally when he
 18 claimed they, Defendants Cammick and McCall, were
 19 disgruntled; that she attempted to exploit her position
 20 as council member for her personal gain by not having to
 21 provide the engineering plans for her building; that by
 22 implication, Cammick expected the Plaintiff to violate
 23 laws, ordinances, regulations, codes or the like to keep
 24 his job."
 25 A. Uh-huh [yes].

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1 Q. Did I read that correctly?
 2 A. Yes, sir.
 3 Q. You stated in the very first sentence you will
 4 show the Plaintiff filed this action for the ulterior
 5 motive of defaming you personally.
 6 A. Uh-huh [yes].
 7 Q. How will you show that?
 8 A. Well, this is an election year. I am running
 9 for reelection, and this lawsuit can definitely hurt my
 10 chances of reelection.
 11 Q. In fact, Mr. Stokes filed this lawsuit last
 12 year, correct?
 13 A. I know, but the reelection was on the horizon,
 14 and I was told it takes years to resolve lawsuits.
 15 Q. Okay. Do you believe that Mr. Stokes filed this
 16 to affect your reelection chances?
 17 A. I don't know what is going on in his head, but
 18 it would definitely be an outcome for me.
 19 Q. Okay. Do you have any evidence to support that
 20 claim?
 21 A. That a lawsuit would hurt my reelection?
 22 Q. That he filed it to hurt your reelection.
 23 A. No, I do not have evidence to support that.
 24 Q. Okay. Thank you. I am going to read paragraph
 25 71. You wrote "Cammick will show that the Plaintiff

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1 perverted the process by intentionally altering the facts
 2 in pursuit of his ulterior purposes."
 3 A. Uh-huh [yes].
 4 Q. Okay. How will you show that Mr. Stokes
 5 perverted the litigation process?
 6 A. Well, Mr. Stokes claimed that he spoke to me
 7 directly, and I never spoke to him directly while I was
 8 trying to obtain my permit.
 9 Q. And really, that would just be a dispute of the
 10 facts, correct?
 11 A. You are the lawyer, not me.
 12 Q. Well, you just dispute that he says that y'all
 13 spoke personally about your building permit, right?
 14 A. We did not.
 15 Q. And do you agree that is a dispute of fact?
 16 A. Yes, I guess, uh-huh [yes].
 17 Q. And I guess I am trying to understand what you
 18 are saying. Do you believe that he stated that fact in
 19 his lawsuit to affect your reelection chances?
 20 A. No; but to obtain his goals, what his goals are.
 21 Q. Okay. So you believe that he intentionally
 22 distorted the facts to file a lawsuit?
 23 A. Yes, sir.
 24 Q. Okay. And you believe that is a perversion of
 25 the litigation process?

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1 A. I do.
2 Q. Okay. Why do you believe that's a perversion of
3 the litigation process?
4 A. Well, we are here to tell the truth of what
5 happened, and if the truth isn't spoken, then the process
6 is distorted.
7 Q. Okay. Let me make sure I'm clear on this. You
8 believe that -- well, one thing you believe, Mr. Stokes
9 he filed his lawsuit in order to affect your reelection
10 chances. Do you have any other belief as to why
11 Mr. Stokes filed this lawsuit to intentionally harm you
12 in some way?
13 A. Yes. Our builders had complained to me
14 repeatedly that whenever they would disagree with him --
15 or it was dangerous to disagree with him because he would
16 retaliate, and so to me, naming me in this lawsuit is
17 just another form of retaliation.
18 Q. You believe he is retaliating against you?
19 A. Yes.
20 Q. For what?
21 A. Huh?
22 Q. For what? What has he retaliated against you
23 for?
24 A. Well, he believes -- it's my understanding that
25 he believes that comments that I have made have led to

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1 him being dismissed or terminated.
2 Q. Okay. Okay. In paragraph 70 and subparagraph
3 A, you said that Mr. Stokes defamed you; is that correct?
4 A. I said?
5 Q. Yes, ma'am. "Cammick will show that the
6 Plaintiff filed this action and named Cammick as a
7 Defendant for the ulterior motive of defaming the
8 Defendant personally, professional and politically."
9 A. Yes. Bringing this lawsuit does not bode well
10 for me.
11 Q. You believe that Mr. Stokes has defamed you?
12 A. Yes. He's tried to.
13 Q. Why did you not bring a counterclaim for
14 defamation against him?
15 A. Well, maybe because I depend on my lawyers to
16 help me through this.
17 Q. That's fair. Yes, ma'am, that's fair. But as
18 we sit here today, would it be fair for me to say you
19 have no evidence to show that Mr. Stokes brought this
20 lawsuit to hurt you personally, politically or otherwise?
21 MR. LOGAN: Object to the form. Go ahead.
22 THE WITNESS: This lawsuit would have hurt
23 me professionally and politically; no doubt.
24 Q. [Mr. Hopkins] But what evidence do you have
25 that's the reason Mr. Stokes brought this lawsuit?

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1 MR. LOGAN: Same objection.
2 Q. [Mr. Hopkins] You can still answer.
3 A. Okay. Just his history of retaliating.
4 Q. Okay. That's what I want to discuss. You
5 believe that any history Mr. Stokes has of retaliation is
6 the evidence to support your claim that he brought this
7 lawsuit to hurt you?
8 A. Say that one more time.
9 Q. Yes, ma'am. I asked you what evidence you have
10 that Mr. Stokes brought this lawsuit to hurt you or
11 otherwise subvert the litigation process. Okay? And I
12 believe your answer thus far has been that he has a
13 history of retaliation.
14 A. He does.
15 Q. Okay. Do you believe that history of
16 retaliation is the evidence you have to support your
17 allegation that he brought this lawsuit in an improper
18 way?
19 A. Yes.
20 Q. Do you have any evidence of the retaliation
21 other than the verbal complaints that you have received
22 from builders?
23 A. The verbal complaints.
24 Q. That's it?
25 A. Uh-huh [yes].

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1 Q. Okay. Who are those builders?
2 A. You can look at our video from our town hall
3 meeting with the builders, and they will -- you will be
4 able to see for yourself and hear for yourself the
5 complaints our builders have. I received my first
6 complaint about this department -- I was -- I started my
7 term in January of 2015. I received my first complaint
8 from this department in March of 2015.
9 Q. From who?
10 A. My attorney has those documents.
11 Q. You don't recall who it was, though?
12 A. No. I am not going to name anybody without
13 looking at that document, but my point is within -- what
14 -- two, three months of starting my term, the complaints
15 started, and it was ongoing.
16 Q. Okay. Would it be fair to say that you received
17 a long history of complaints about the building codes
18 department?
19 A. Yes.
20 Q. Okay. Why didn't you terminate or recommend
21 termination of Mr. Stokes before 2017 then?
22 MR. LOGAN: Object to the form. You can
23 answer.
24 THE WITNESS: I never recommended
25 anything. I just passed the complaints on to

10 (Pages 37 to 40)

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1 the proper authority to handle them.
2 Q. [Mr. Hopkins] Did you ever make any
3 recommendation to the county administrator to terminate
4 Mr. Stokes?
5 A. No.
6 Q. 2015, did you make a recommendation to the
7 county administrator to terminate him?
8 A. No.
9 Q. 2016, did you make a recommendation to the
10 county administrator to terminate him?
11 A. No.
12 Q. Okay. Do you know how many complaints -- well,
13 you don't remember who the complaint was in March, 2015?
14 A. I have a pretty good idea, but I am not going to
15 state it without verifying.
16 Q. Who do you believe it is?
17 A. Not going to tell you without verifying it.
18 Q. Well, you need to answer the question. Who do
19 you believe it was?
20 A. I am not going to name them without verifying
21 and seeing that document.
22 MR. HOPKINS: Mr. Logan, I am going to ask
23 you to instruct her to answer the question.
24 MR. LOGAN: Let's go off the record. May
25 I speak with her?

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1 MR. HOPKINS: That's fine.
2 VIDEOGRAPHER: Off the record at 9:47
3 a.m.
4 [Off the record.]
5 [Short recess.]
6 VIDEOGRAPHER: On the record at 9:53
7 a.m.
8 Q. [Mr. Hopkins] Okay, Miss Cammick. Before we
9 took a break, I asked you who you believed the March,
10 2015 complaint about the building department was from.
11 Do you know who that was? Or who do you believe it was?
12 A. I believe -- and this is subject to verification
13 -- that the name was Mr. Terry Bryson, and it involved a
14 property on Friendship Road in Seneca.
15 Q. And do you recall what he was complaining about?
16 A. Yes.
17 Q. What is that?
18 A. He complained that he was taking care of an
19 elderly gentleman that lived on that road next to a
20 property that was totally dilapidated that many people
21 were living in and those people were tapping into this
22 elderly gentleman's electricity and water. He tried to
23 go through the water department, through the electrical
24 utilities to try and disconnect or take care of that
25 problem, and then he turned to building codes to try and

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1 get some help with that problem. This dragged on through
2 November and it was never resolved, and finally,
3 Mr. Bryson just had to take the elderly gentleman and put
4 him in another location and close down that property to
5 cut off the electric and the water because, according to
6 him, the neighbors in the dilapidated property next door
7 were tapping into the water and electricity and racking
8 up a bill for the older gentleman that he could not pay.
9 Q. And do you believe that complaint had anything
10 to do with obtaining a building permit?
11 A. Oh, no.
12 Q. Do you believe that complaint had anything to do
13 with a building inspection?
14 A. Not a new building inspection, but an inspection
15 or a review of the property in question, yes. He had
16 filed a complaint with building codes to come look at
17 that property.
18 Q. Okay. We can agree, though, that it didn't have
19 anything to do with obtaining a building permit or an
20 inspection for a new building?
21 A. For construction, yes, sir.
22 Q. Okay. I want to make sure I'm clear before I
23 move on. You believe the only ulterior purpose that Mr.
24 Stokes had for filing this lawsuit was a history of
25 retaliation?

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1 A. Against me.
2 Q. Yes, ma'am.
3 A. Yes. I believe that, you know, retaliation has
4 led him to personally name me in this.
5 Q. Do you have any evidence that he has any
6 personal animosity against you?
7 A. I don't know him that well, so I wouldn't say
8 that, no.
9 Q. Okay. That's a no; you don't have any evidence
10 he has any personal animosity against you?
11 A. No.
12 Q. Do you have any evidence that he has had any
13 intent to retaliate against you?
14 MR. LOGAN: Object to the form; asked and
15 answered.
16 Q. [Mr. Hopkins] You can still answer.
17 A. Okay. I was listening to him, so I wasn't quite
18 listening to you. Say it again.
19 Q. Yes, ma'am. Do you have any evidence -- let me
20 rephrase it like this.
21 A. Okay.
22 Q. Do you have any evidence that you had
23 disciplined or otherwise complained of Mr. Stokes before
24 that budget meeting in 2017?
25 A. No. None of my complaints were against

11 (Pages 41 to 44)

1 Mr. Stokes.
 2 Q. Okay. But you do believe that the purpose of
 3 his lawsuit was to retaliate against you personally?
 4 A. I believe he has had a problem with my comments,
 5 yes, but they were not directed against him.
 6 Q. I want to move on. You have testified and it is
 7 in your answer that you did not personally speak with
 8 Mr. Stokes on March 8th; is that correct?
 9 A. That's correct.
 10 Q. Were you, in fact, trying to put up some kind of
 11 structure on your property in March of 2017?
 12 A. Yes.
 13 Q. What kind of structure was that?
 14 A. It's a freestanding A-frame high roof carport
 15 for a recreational vehicle.
 16 Q. Like a metal carport?
 17 A. Yeah, but it doesn't have walls. It just has
 18 the roof and legs.
 19 Q. And did you go to the building department in
 20 March of 2017 regarding that carport?
 21 A. Yes.
 22 Q. Okay. Why did you go to the building
 23 department?
 24 A. I went to obtain a permit to build it.
 25 Q. Okay. You don't dispute that you needed a

1 permit to build it?
 2 A. I was told I needed a permit to build it.
 3 Q. And you went up there to get a permit; is that
 4 right?
 5 A. Yes.
 6 Q. And ultimately, you got a permit for it; is that
 7 right?
 8 A. Yes.
 9 Q. You said that you did not speak to Mr. Stokes,
 10 though; is that correct?
 11 A. That's correct.
 12 Q. Who did you speak to that day?
 13 A. Okay. March 8th was the second time I went.
 14 Q. Okay. If I can, can I interrupt you and let's
 15 talk about the first time you went?
 16 A. Yes.
 17 Q. Do you recall when that was?
 18 A. Two days before, March 6th.
 19 Q. And that was regarding the carport?
 20 A. Yes. That was the first time I went.
 21 Q. Why did you go to the building department that
 22 day?
 23 A. To obtain the permit.
 24 Q. Okay. What happened when you went there?
 25 A. When I entered the building, the first person I

1 saw was actually Mr. Moulder. He asked me if I needed
 2 assistance, and I told him I was there to get a permit,
 3 and he was walking out the building and so I went to the
 4 building codes office to get my permit. There were two
 5 ladies in the room. They were on the phone. When one
 6 got off the phone, she asked me what I needed. I said
 7 "I'm here to get a permit for my RV carport." She handed
 8 me some papers, told me I needed to fill those out. She
 9 told me I would need a copy of my plat, and she told me I
 10 needed stamped engineering designs.
 11 Q. Okay. Did you say anything?
 12 A. I said I didn't know what stamped engineering
 13 designs meant and I wanted to know where do I go to get
 14 those, and she said those were required. I asked her why
 15 do we need permits for those freestanding carports, and
 16 she said that was always the case, and that was pretty
 17 much the conversation with one of the ladies, Miss Adams.
 18 She was the one who gave me the paperwork. Miss Neal was
 19 there, too, and she asked me where did I purchase my
 20 carport, and I told her R&B Metals through Twin Lakes,
 21 and she told me that Twin Lakes, they wouldn't help me
 22 get the permit, nor would they help me obtain the
 23 documents, and I said that was fine and so I took my
 24 papers and I walked out.
 25 Q. At that time, you didn't understand why you

1 needed a permit for the structure?
 2 A. Yes.
 3 Q. You also didn't understand why you needed to
 4 submit engineering designs?
 5 A. Yes.
 6 Q. Is that correct?
 7 A. Yes.
 8 Q. Do you understand now that the county code
 9 required you to get both a permit and engineering designs
 10 for your structure?
 11 A. I understood later on that day because
 12 Mr. Moulder confirmed that's what was needed.
 13 Q. It was Mr. Moulder that told you you needed both
 14 of those?
 15 A. In a text message, we spoke.
 16 Q. Do you still have a copy of those text messages?
 17 A. Yes. That was provided to my attorney.
 18 Q. Okay. Then what happened?
 19 A. So I left the building and I started driving
 20 towards home, and then I thought I had better stop and
 21 call Twin Lakes and R&B Metals to see if I can get a copy
 22 of the stamped engineering designs, so I made two phone
 23 calls and a text message, text message to Mr. Moulder and
 24 a phone call to R&B Metals. They were going to email me
 25 a pdf, and they were also going to fax a copy to Twin

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1 Lakes Storage and so I called Twin Lakes Storage, and he
2 told me "Yeah, come on over. I will print it for you,"
3 so I, you know -- as the day progressed, I had the hard
4 copy and the electronic copy.

5 Q. So even though Miss Adams or Miss Neal told you
6 Twin Lakes wouldn't help you, they, in fact, did help
7 you; is that right?

8 A. Yes.

9 Q. And your testimony is -- well, did you speak to
10 Mr. Stokes at all on the 6th?

11 A. No.

12 Q. What happened after you got the designs?

13 A. What happened after?

14 Q. Yes, ma'am.

15 A. I picked it up from Twin Lakes and I drove away.
16 I ran some errands, and then he called me back because he
17 actually had two sets, the 2016 and 2017 version; and he
18 realized he give me the 2016 hard copy, so he asked me if
19 I didn't mind coming back to pick up the 2017, so I did,
20 and then I went home.

21 Q. Did you go back to the building department?

22 A. Two days later on the 8th.

23 Q. Did anything happen in between the 6th and the
24 8th regarding your structure and the building department?

25 A. No.

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1 Q. Did you speak to anybody from the building
2 department in that time?

3 A. No.

4 Q. Did you go back to the building department
5 before the 8th?

6 A. No.

7 Q. Did you speak to anybody about your structure at
8 the building department between the 6th and the 8th
9 besides Twin Lakes and R&B Storage?

10 A. No.

11 Q. Can you tell me what happened on the 8th?

12 A. I went in the morning to the building codes
13 department. I needed to be here in Anderson by 12:30, so
14 it would take me an hour plus to drive, so I needed to be
15 there at building codes department, you know, by 11-ish
16 so I could get out on time to be here at 12:30, and
17 basically, I handed in my paperwork and I sat down. Miss
18 Adams was there, and she started typing into her
19 computer, but the clock was ticking, and I asked her if
20 there was anything else she needed of me because I needed
21 to get going, and she said "No, Miss Cammick. Go ahead.
22 I will email you the permit when it's complete." I left
23 her with the \$60 and started walking down the hall to
24 leave the building. She then chased me down the hall
25 because she finished typing, and she just handed me the

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1 paperwork back and so I left.

2 Q. Did you speak to anybody besides Miss Adams in
3 the building department that day?

4 A. No.

5 Q. Your testimony is you did not speak to Mr.
6 Stokes at all that day?

7 A. No.

8 Q. By phone or otherwise?

9 A. No. I never spoke to Mr. Stokes while I was
10 trying to obtain my permit on either date.

11 Q. You got your permit that day; is that correct?

12 A. No, sir. It was emailed to me the following
13 day.

14 MR. LOGAN: For the record as a matter of
15 housekeeping, Miss Cammick's eyes are sensitive
16 to light, so I just wanted that to be --

17 THE WITNESS: I'm okay. Thank you.

18 MR. LOGAN: You okay?

19 THE WITNESS: Yeah, I'm okay. Thank you.

20 Q. [Mr. Hopkins] Just let me know if you want to
21 take a break.

22 A. I am just tilting my head a little to avoid the
23 glare.

24 Q. Okay. And then did you put up your structure?

25 A. Later on in the month, about a week later.

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1 Q. Who installed it?

2 A. R&B Metals.

3 Q. Do you know about when they installed it?

4 A. They came over, I want to say, on or about March
5 15, but they didn't bring all the pieces with them, so I
6 had to wait until the end of the month towards on and
7 about March 27th before they completed the job, and then
8 I notified building codes that the job was complete, if
9 they needed to inspect, it was ready.

10 Q. How did you notify them?

11 A. By email.

12 Q. Okay. Did you have any other interactions with
13 the building department after that?

14 A. As far as the inspection went, yes.

15 Q. That was a poor question. Besides your
16 structure, did you have any conversations with the
17 building department about anything after that?

18 A. No.

19 Q. Before the budget meeting on April 25th, did you
20 speak to Mr. Stokes at all?

21 A. No.

22 Q. Did you receive any complaints about the
23 building department before April 25?

24 A. I had been receiving complaints for a few years
25 before April 25.

13 (Pages 49 to 52)

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1 Q. I mean, between the time your structure was
2 erected and April 25, do you recall any citizen
3 complaints specifically?
4 A. Specifically at that time period, no.
5 Q. So if Mr. Stokes has testified that you had a
6 conversation with him about a citizen who was trying to
7 get concrete poured before the April 25th meeting, would
8 you disagree with that?
9 A. Oh, no. That was sometime -- yeah. That was
10 before the April 25th meeting. I didn't have really the
11 details on that. A builder had contacted Councilman
12 McCall because he was having a problem. Councilman
13 McCall knew that the administrator who really handles
14 these kinds of things from us -- we contact the
15 administrator. That's the proper procedure. The
16 administrator was on vacation, so Mr. McCall called me
17 and asked me what he should do, and I said "Well, just
18 give me the name and phone number of the builder and I
19 will just call Mr. Stokes and ask him to take care of
20 it," so I called Mr. Stokes. I told him there was a
21 problem with the builder. I really didn't have the
22 details. I gave him the name and the number, and I asked
23 him to take care of it. He seemed to know some of the
24 background. He said that the inspector that day had a
25 flat tire, he was running late, and so I just told him

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1 take care of it, and that was the extent of our
2 conversation.
3 Q. Okay. You told him that he needed to take care
4 of it?
5 A. I'm sorry?
6 Q. You told him he needed to take care of it?
7 A. I asked him if he would clear the air with the
8 builder. That's what I said.
9 Q. Do you believe that Mr. Stokes had done anything
10 wrong with that situation?
11 A. Well, I think it was poorly handled. Mr. Stokes
12 told me that there was a three-hour delay because of a
13 flat tire, and I thought that was kind of a lame excuse,
14 and I did say that, but at the same time, that was all I
15 said. I said "Just please call the builder and clear the
16 air with the builder."
17 Q. Do you know how many inspectors Mr. Stokes'
18 office had at that time?
19 A. No, sir. I don't know any of those details.
20 Q. Do you know whether his inspectors were allowed
21 to change their own tires?
22 A. I don't know.
23 Q. You just believe that the flat tire excuse was
24 lame?
25 A. Well, the county has a fleet of a few hundred

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1 vehicles, so even if you can't change your own tire, I am
2 sure we can accommodate you.
3 Q. Okay. Do you believe Mr. Stokes could have sent
4 an inspector to get another vehicle and get back out
5 there?
6 A. Well, I like to know that we're taking good care
7 of our residents and trying to make every effort to
8 accommodate them, so I don't know exactly what he could
9 or couldn't do, but it was certainly worth looking into.
10 Q. Okay. Do you know of any policy or procedure
11 from the county that would allow Mr. Stokes to go freely
12 obtain any county vehicle?
13 A. I don't know the policies, no.
14 Q. Do you believe there is a policy or procedure
15 that says that?
16 A. There is probably a policy that regulates how we
17 obtain vehicles, yes.
18 Q. Do you believe that Mr. Stokes probably would
19 have had to ask somebody for a vehicle first?
20 A. I don't know.
21 Q. Did you talk to Mr. McCall that day?
22 A. He called me and just said that there was a
23 problem with a builder and that he knew Mr. Moulder was
24 on vacation, what should he do, so I said "Well, who was
25 in charge," and I wasn't even sure and so I said "Well,

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1 let me just call Mr. Stokes and ask him to take care of
2 this," and that was the extent of my conversation with
3 Mr. McCall.
4 Q. And we agree you don't have any building codes
5 experience, correct?
6 A. Yes, I don't have any experience.
7 Q. You don't have any experience running a building
8 department, do you?
9 A. No.
10 Q. Do you have any experience in inspecting
11 properties?
12 A. No.
13 Q. Did you have any contact with Mr. Stokes or his
14 department after that or before the April meeting, the
15 April 25th meeting?
16 A. Say that again. Did I have --
17 Q. Did you have any other contact with Mr. Stokes
18 or his department between that time and the April 25th
19 meeting?
20 A. No.
21 Q. Okay. Can you tell me about the April 25th
22 meeting? What was the purpose of it?
23 A. That was our budget, finance and administration
24 committee meeting. It's where we do our work,
25 essentially, on the budget. We had some goals and we

14 (Pages 53 to 56)

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1 have a strategic plan every year and we set some goals
2 for the county, and one of those referred to the fact
3 that we needed to provide better customer service because
4 government tends to react very slowly, and that was the
5 discussion we were having when those comments were made
6 that day.

7 Q. Do you recall if the building department was a
8 planned discussion prior to the meeting?

9 A. A planned discussion?

10 Q. Yes, ma'am.

11 A. Prior to the meeting?

12 Q. Was it on the meeting minutes beforehand?

13 A. No. The only thing we were discussing were our
14 strategic goals, the list of goals. We had previously
15 had a strategic planning session where we set some goals
16 for the county, and in the budget committee, that's where
17 we decide how we are going to fund some of those goals
18 and so the purpose of the budget committee meeting was to
19 look at some of the goals and see if we were going to
20 choose to fund them or not, but some of them are not --
21 don't require money. Some of them just require action,
22 and one of those goals was to improve our -- you know,
23 how we do business, how we respond. We decided in
24 strategic planning that government had a way of
25 responding too slowly to complaints, to problems, to

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1 A. Mr. McCall felt that, you know, after years of,
2 you know, complaints and complaints, we weren't doing
3 anything to, you know, try and slow down some of those
4 complaints coming in or try and do a better job, and he
5 brought up -- I believe he started the conversation that
6 we were having issues with building codes.

7 Q. Do you recall if Mr. McCall mentioned your
8 structure in particular during that meeting?

9 A. Yes; I remember him.

10 Q. How did he find out about the problems with your
11 structure?

12 A. I mentioned it to him.

13 Q. Do you recall when you mentioned that to him?

14 A. Around the time I was purchasing it, and then
15 after I was trying to get the permit, we discussed it.

16 Q. Okay. And what did you tell him?

17 A. What did I tell him?

18 Q. Yes, ma'am.

19 A. Well, at the time I was purchasing it, we talked
20 about what I should or shouldn't buy. Mr. McCall is an
21 industrial machinist. He knows a lot about metal, and so
22 I discussed that with him. When I went shopping for it
23 before the day that I actually went and paid for it, the
24 sales rep had told me that I needed to get the permit for
25 it and that when I went to the building codes office, I

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1 everything.

2 Q. And was that an overall view of Oconee County
3 government or the building department in particular?

4 A. An overall view of government in general.

5 Q. Can you tell me what other departments you felt
6 were not adequately responding to customers at that time?

7 A. Yes. We've had problems with our treasurer's
8 office.

9 Q. Any others?

10 A. Those were the two big ones and they seemed to
11 have the more face time with the public, you know. The
12 treasurer, the assessor's office, they seem to have more
13 face -- and building codes has more face time with the
14 public than any of the other departments.

15 Q. Has anyone in the treasurer's office been
16 terminated since April 25, 2017?

17 A. We have eliminated several positions, but I
18 would have to go check to see if one of those was in the
19 treasurer's office. I would have to verify that, but we
20 have terminated several positions.

21 Q. Okay. Do you recall any positions eliminated in
22 the assessor's office since April 25th?

23 A. Again, I would have to go look at the data.

24 Q. How did the building department come up in the
25 meeting?

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1 would be met with indifference and, if I had mentioned
2 his name, probably with negativity.

3 Q. But, in fact, you weren't met with indifference,
4 were you? You got the permit in two days; is that right?

5 A. In a couple days, yeah.

6 Q. When you actually took the designs up there on
7 the 8th, you got the permit emailed the next day,
8 correct?

9 A. The permit the next day, uh-huh [yes].

10 Q. What sort of animosity did you hear about that
11 firm?

12 A. When Mr. Burton, who was the sales rep, told me,
13 he did not know that I was a county council member, and
14 my husband was standing there while we were talking. He
15 told us that we would need a permit and that I needed to
16 go to the building codes department to get it and that I
17 would probably be met with indifference and, if I
18 mentioned his name, with some negativity, and at that
19 point, that's when I told him, "Well, that's
20 interesting." I gave him my business card, and so when I
21 went to the office, like I told you earlier, the two
22 ladies were on the phone, and I stood there. I was not
23 acknowledged until they were off the phone. They offered
24 no assistance with the paperwork. They did tell me that,
25 you know, Twin Lakes wouldn't do anything to help me and

15 (Pages 57 to 60)

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1 what not. Miss Neal was kind of shaking her head when I
2 told her I purchased it from Twin Lakes and then she was
3 the one who said, you know, "They don't help their
4 customers. They won't help you get the -- they won't
5 help you with the building permit process. They won't
6 help you get the documents," and then I just walked out,
7 but it sounded just like the description he had given me
8 when I was at his store, so -- what was your question
9 now? I kind of lost track of your question.
10 Q. Let's reset. Do you believe Miss Adams and Miss
11 Neal should have hung up the phone on other customers to
12 service you?
13 A. No, sir; but they could have looked up and said
14 "I'll be with you in a minute," yes.
15 Q. And can we agree that the only negative comments
16 that you allege were made by the building department were
17 Twin Lakes would not help you with the permitting
18 process?
19 A. Uh-huh [yes].
20 Q. Was there any other negative comments made by
21 the building department regarding Twin Lakes?
22 A. No; just the fact that they don't help their
23 customers and they would not help me pull the permit.
24 Q. Got it. Did they tell you you should go buy
25 your structure from another company?

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1 A. No, but I was told that they might. I did not
2 give them the opportunity to stick their foot in their
3 mouth. I walked out. I wasn't there to hurt them in any
4 way.
5 Q. Do you know what the average turnaround time is
6 on a building permit application?
7 A. I don't know; but one of the biggest complaints
8 from our builders that actually build houses -- I am not
9 talking about carports -- was that -- and I heard this
10 complaint for years, that it would take them a day to
11 turn around a permit for a new house construction in
12 Pickens County, but it would take anywhere from three
13 weeks to three months in Oconee County. I have heard
14 that repeatedly.
15 Q. Do you know how many employees the Pickens
16 County building department has?
17 A. I have no idea.
18 Q. Do you know how many the Oconee County building
19 department has?
20 A. A handful.
21 Q. What do we mean by "a handful"? Ten?
22 A. I don't know, but it doesn't appear to be too
23 many.
24 Q. Less than ten?
25 A. I don't know. I mean, I don't know the exact

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1 number.
2 Q. Can we agree it's not a hundred?
3 A. Yes.
4 Q. Is it 50?
5 A. No.
6 Q. Okay. So we know it's less than 50?
7 A. It is less than that.
8 Q. Less than 20?
9 A. Probably.
10 Q. Okay. And then we also agree that on the 8th
11 when you took the documents there, you were emailed the
12 permit the next day, a one-day turnaround, correct?
13 A. Uh-huh [yes].
14 MR. LOGAN: You have to say "yes."
15 THE WITNESS: I'm sorry. Yes.
16 Q. [Mr. Hopkins] That's right. Can we agree that
17 at the April 25th meeting, that Mr. McCall didn't mention
18 anything about the problems with different vendors of
19 metal structures?
20 A. What?
21 Q. Can we agree that Mr. McCall at the April 25th
22 budget meeting didn't mention a problem with different
23 vendors or selection of metal structures?
24 A. Selection?
25 Q. Yes, ma'am. Let me ask it this way.

Page 64

1 Mr. McCall, his conversation during the April 25th budget
2 meeting in regards to a metal structure centered on you
3 having to get a permit for your structure; is that
4 correct?
5 A. Uh-huh [yes].
6 Q. Did he mention any other complaints about metal
7 structure permitting or getting them or negativity at the
8 office?
9 A. Yes, he did.
10 Q. Okay. Do you recall what he said?
11 A. Yes. He said there was some sweetheart deal
12 going in the building codes department, that they were
13 sending people to other vendors, and I had been told that
14 before as well.
15 Q. But that's not what your experience was, was it?
16 A. No.
17 Q. They didn't send you to another vendor, did
18 they?
19 A. I didn't give them the opportunity to even go
20 there.
21 Q. That's not my question. My question is: Did
22 they send you?
23 A. They didn't, but I didn't give them the
24 opportunity to finish speaking.
25 Q. Okay. What sort of sweetheart deal do you

16 (Pages 61 to 64)

Page 65

1 believe the building department has with a vendor in
2 Oconee County?

3 A. I have no idea.

4 MS. BARTON: Object to the form of the
5 question.

6 Q. [Mr. Hopkins] You can answer.

7 A. I have no idea.

8 Q. Do you have any evidence to support a claim that
9 the building department has a sweetheart deal with any
10 vendor in Oconee County?

11 A. No; but I have heard that they send people to
12 other vendors. When you come and get a permit and
13 mention who you are shopping from, they will refer you
14 elsewhere. I have heard that.

15 Q. Do you dispute that -- you said that Mr. McCall
16 made the comment this was a sweetheart deal; is that
17 correct?

18 A. Yes.

19 Q. You don't believe you made that comment?

20 A. I did not make that comment.

21 Q. Okay.

22 A. But I knew that people were suggesting or
23 complaining that there was.

24 Q. I understand, but as we sit here today, do you
25 have any evidence that there was a sweetheart deal going

Page 67

1 A. No. I was told I needed a permit, but I didn't
2 understand why structures like that would require a
3 permit.

4 Q. I understand, but my question is: Do you agree
5 with that requirement?

6 A. Do I agree that it exists?

7 Q. Do you agree that you should have to get a
8 permit for that structure?

9 A. No. It is not real estate to me. It is not a
10 house. It is not something that you can't pull up and
11 take with you, but that's just a personal opinion.

12 Q. Okay. But you agree that the county code
13 requires that?

14 A. Uh-huh [yes].

15 Q. Okay. And you were here yesterday for
16 Mr. Stokes' deposition, right?

17 A. Yes, for the latter part.

18 Q. And you heard me read the international
19 residential code?

20 A. Yes, sir, I heard you.

21 Q. Do you agree that it requires structures that
22 are nonconforming to have engineering designs submitted?

23 MS. BURTON: Object to the form of the
24 question.

25 MR. LOGAN: Object to the form.

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1 on?

2 A. No; no, I don't.

3 Q. And this case has been pending for almost a
4 year, correct?

5 A. Almost exactly a year because I got my permit
6 March 8th of 2017, exactly a year.

7 Q. Do you agree or disagree with Mr. McCall's
8 comments about the permitting process for metal
9 structures?

10 MR. LOGAN: I am going to object to the
11 form of the question.

12 THE WITNESS: I am not really sure I know
13 what you're saying, but let me try and answer.
14 I have heard from other residents the same
15 complaint that why is something so simple, you
16 know, why is something like an open carport
17 that is not a permanent structure, that if you
18 were to move, you can yank it out of the ground
19 and take it with you, why would that be
20 considered real estate, you know, for assessor
21 purposes or why does it need to be permitted
22 for building. I have heard that a lot.

23 Q. [Mr. Hopkins] Okay. Would it be fair to say
24 that you disagree that you need a permit for the
25 structure that you intended to put on your property?

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1 Q. [Mr. Hopkins] You can still answer.

2 A. All right. You better tell me the question
3 again.

4 Q. They are going to object again, and you can
5 still answer.

6 A. Okay, but I need to hear you.

7 Q. Yes, ma'am. Do you agree that what I read, the
8 international residential code yesterday requires
9 nonconforming structures to have engineering plans
10 submitted?

11 MS. BURTON: Object to the form of the
12 question.

13 MR. LOGAN: Same.

14 THE WITNESS: Okay. Let me answer it this
15 way. I was still confused what needed to be
16 permitted and what did not. I had asked
17 Mr. Moulder sometime thereafter to clarify that
18 for me, and he had sent me an email in layman's
19 terms explaining to me what size, when a permit
20 would be required. One of the complaints I was
21 getting -- and this isn't a complaint, but it
22 was just a point of confusion. When I
23 discussed building my carport, I was told park
24 your tractor underneath it. You don't need a
25 permit for that, so I didn't understand why, if

17 (Pages 65 to 68)

Page 69

1 it was considered for agricultural use, we
2 would not need a permit, but if I parked my
3 recreational vehicle underneath it, I would, so
4 there was confusion there, and there was
5 confusion amongst our residents as to what
6 size, when a permit would be required, and I
7 experienced that confusion myself.

8 Q. [Mr. Hopkins] Okay. Did you ever approach
9 Mr. Stokes or anybody in the building department about
10 why an agricultural use might be different than a
11 recreational use?

12 A. I asked Miss Adams about that, and she told me
13 "We don't inspect agricultural buildings," so that still
14 doesn't answer the question why, but that was the answer
15 I received.

16 Q. Did you also hear me read from the Horry County
17 code enforcement yesterday?

18 A. I remember you mentioning Horry County. I was
19 trying to figure out where that was.

20 Q. Okay. That's Myrtle Beach. That's where I'm
21 from.

22 A. Okay.

23 Q. Well, if you agree, if you heard it, do you
24 recall me reading a portion wherein they have the same
25 requirement, 400 square feet and above requires

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1 A. Yes.

2 Q. You brought them to the building department,
3 correct?

4 A. Yes.

5 Q. And you got your permit the next day, correct?

6 A. Yes.

7 Q. What was inconsistent about that?

8 A. There was nothing inconsistent. I just wanted
9 to know how the square footage was measured, from the
10 eaves, the overhangs or from the interior.

11 Q. Okay. We have been going for about an
12 hour-and-a-half. Is now a good time for a break?

13 A. I don't need one.

14 Q. Let's take a short one.

15 VIDEOGRAPHER: Off the record at 10:30
16 a.m.

17 [Off the record.]

18 [Short recess.]

19 [Plaintiff's Exhibit 4 was marked for
20 identification.]

21 VIDEOGRAPHER: On the record at 10:39 a.m.

22 Q. [Mr. Hopkins] Miss Cammick, I have marked this
23 as Plaintiff's Exhibit No. 4. Do you recognize that
24 document?

25 A. Yes, sir, yes.

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1 engineering plans to be submitted?

2 A. I heard you say that, uh-huh [yes].

3 Q. Okay. If you disagree with that policy or that
4 ordinance, have you undertaken any efforts on county
5 council to have it changed?

6 A. I had this discussion with Scott Moulder. I
7 just wanted a clear policy. I don't feel the need to
8 change it. That's not my area of expertise. I just
9 wanted a clear policy that was consistently being
10 enforced. One of our builders' complaints was lack of
11 consistency. One of the complaints I heard was sometimes
12 they measure the square footage of such structures from
13 the overhangs versus the legs, the interior. I wanted
14 that to be spelled out so we all know where we are
15 measuring from, and so Mr. Moulder had subsequently
16 straightened that out and made it clear to me and so I
17 was okay with it from then on just so long as the clarity
18 was there.

19 Q. What was inconsistent about your interactions
20 with the building department to get your permit? They
21 told you you needed to get the engineering designs,
22 correct?

23 A. Uh-huh [yes].

24 Q. You went and got the engineering designs,
25 correct?

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1 Q. Are those your answers along with the county's
2 to Mr. Stokes' interrogatories?

3 A. Yes, sir.

4 Q. Okay. Can you go to the last page of those? I
5 think it is interrogatory No. 28. 29. And I asked you
6 and the county to identify any willful or overt act that
7 Plaintiff has made in the course of filing this lawsuit.
8 In doing so, identify how that willful or overt act is
9 either unauthorized, aimed at, I believe, an illegitimate
10 collateral objective.

11 A. I don't even know what that means.

12 Q. What was your response?

13 A. That I don't know what that means, an
14 illegitimate collateral objective.

15 Q. Okay. That's not what your response was, was
16 it?

17 A. That's legalese. That's lawyerese.

18 Q. I understand. What was your response? Could
19 you read it for me?

20 A. You want me to read 29?

21 Q. Yes, ma'am.

22 A. Oh, response. "These Defendants will supplement
23 this response at a later date."

24 Q. You didn't respond and say you didn't understand
25 that, did you?

18 (Pages 69 to 72)

Page 73

1 A. Huh?
2 Q. You did not respond and say that you did not
3 understand that question, did you?
4 A. No. I pay lawyers to figure this out.
5 Q. But you understand that's your answer, correct?
6 A. That these Defendants, yes, these Defendants.
7 Q. Did you review these interrogatories, these
8 answers?
9 A. Yes, I read them, uh-huh [yes].
10 Q. Okay. Can you tell me what sort of unauthorized
11 act Mr. Stokes has taken in filing this lawsuit?
12 MR. LOGAN: Object to the form; asked and
13 answered, but you can answer it.
14 THE WITNESS: Say that again.
15 Q. [Mr. Hopkins] Can you identify what
16 unauthorized act Mr. Stokes has taken in filing this
17 lawsuit?
18 MR. LOGAN: Same objection.
19 THE WITNESS: He hasn't taken an unlawful
20 act in filing the lawsuit. You can sue anybody
21 in the U.S. for any reason at any time.
22 Q. [Mr. Hopkins] Okay. Thank you. That's all I
23 wanted to know about that. What role did you play in
24 Mr. Stokes' termination?
25 A. None.

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1 Q. Did you recommend his termination?
2 A. No.
3 Q. Were you aware of his termination?
4 A. I was informed, yes.
5 Q. Were you informed before he was terminated?
6 A. No.
7 Q. Okay. How were you informed after his
8 termination?
9 A. Mr. Moulder told me.
10 Q. Were you aware that Mr. Stokes filed a grievance
11 with the county?
12 A. I heard that, yes, but I know nothing of it.
13 Q. And that Mr. Stokes had a hearing with the
14 grievance committee? Do you understand he had one of
15 those?
16 A. Yes, I understand he had one of those.
17 Q. And do you understand that the grievance
18 committee for Oconee County said there was no verifiable
19 evidence presented at the hearing to refute what is
20 documented in Mr. Stokes' personnel file?
21 A. Okay.
22 Q. You agree that that was said?
23 A. I don't know that that was said. I have no
24 knowledge of the grievance proceedings.
25 Q. But you don't have any reason to dispute that?

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1 A. I don't know that I would dispute it. I have
2 no -- I did not participate, I did not get any
3 documentation, and I did not listen in. I don't know
4 anything about it.
5 Q. Did Mr. Moulder ask you to participate during
6 the grievance process?
7 A. No.
8 Q. They also said there are no written complaints
9 filed against him -- that's Mr. Stokes -- by any county
10 residents, contractors or departmental staff members, nor
11 are there any disciplinary actions or reprimands. Do you
12 have any reason to dispute that statement by the
13 grievance committee?
14 A. If that's what was provided by our HR
15 department, that's what was provided by our HR
16 department.
17 Q. You understand the grievance committee is an arm
18 of the county, correct?
19 MR. LOGAN: Object to the form.
20 THE WITNESS: I don't even know how it's
21 composed or put together.
22 Q. [Mr. Hopkins] Do you believe this grievance
23 committee is somehow outside of the county?
24 A. No. It's part of the --
25 Q. Thank you. I'm sorry.

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1 A. It's part of the organization.
2 Q. They also stated "It is the recommendation of
3 this committee that tangible documentation or evidence be
4 produced for review by the committee and Mr. Stokes or,
5 in the alternative, for full reinstatement with back pay
6 as requested in the original complaint." Do you have any
7 reason to disagree with that statement?
8 MR. LOGAN: Same objection.
9 THE WITNESS: No. If that's what was
10 stated, that's what was stated.
11 Q. [Mr. Hopkins] And did Mr. Moulder or anybody at
12 the county ask you to offer any tangible documentation or
13 evidence to the grievance committee?
14 A. No.
15 Q. I'm going to skip this.
16 MR. LOGAN: Skip this?
17 MR. HOPKINS: Yes, sir.
18 MR. LOGAN: Can I keep it?
19 MR. HOPKINS: Of course, of course you
20 can.
21 Q. [Mr. Hopkins] Miss Cammick, have you ever
22 submitted any written complaints that you have received
23 from county residents, contractors or departmental staff
24 members about Mr. Stokes?
25 A. When I receive emails from residents that

19 (Pages 73 to 76)

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1 require some kind of action by the county, I forward
2 those to Mr. Moulder, or if I receive a phone call from a
3 resident complaining, I refer that to the administrator.
4 The council interacts with two people, the administrator
5 and our clerk, so I would never go directly to a
6 department head, so that's how the lines of communication
7 work.

8 Q. I understand. I am going to read again from the
9 grievance committee's letter. This is to Mr. Moulder.
10 "The county contends that Mr. Stokes was terminated as a
11 result of the following: Growing concerns voiced by
12 county council" -- that's you, right, along with your
13 council members?

14 A. Yes.

15 Q. -- "to county administrator" -- that's
16 Mr. Moulder, correct?

17 A. That's correct.

18 Q. -- "due to complaints received by constituents
19 concerning customer service issues with the community
20 development department."

21 A. Yes.

22 Q. Is that Mr. Stokes' department, the community
23 development department?

24 A. I believe the building codes falls under the
25 umbrella of community development.

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1 Q. Okay. They go on to say "These concerns were
2 voiced multiple times over a five to seven-month period
3 by council members." Again, that's you?

4 A. Yes, sir.

5 Q. "Mr. Stokes was made aware of council concerns
6 multiple times within this time period." I'm reading
7 that. Do you have any reason to dispute that?

8 A. I don't dispute it, but he wasn't made concerned
9 by us because we don't communicate directly with the
10 department.

11 Q. That was going to be my next question. You
12 testified you don't communicate with department heads, so
13 you wouldn't communicate those concerns, correct?

14 A. No. That's why, when I called him that one day
15 about the builder issue, that was an anomaly because we
16 normally wouldn't do that in Mr. Moulder's presence.
17 Mr. McCall would have called Mr. Moulder.

18 Q. And then I already read it, but we can agree the
19 grievance committee said there was no verifiable evidence
20 presented to refute his allegations, right?

21 MR. LOGAN: Object to the form.

22 THE WITNESS: What? At the end?

23 Q. [Mr. Hopkins] The committee said "There was no
24 verifiable evidence presented at the hearing to refute
25 what is documented in his personnel file. There are no

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1 written complaints filed against him by any county
2 residents, contractors or departmental staff members, nor
3 are there any disciplinary actions or reprimands."

4 A. Okay. So that's what it says.

5 Q. They said "We as a committee cannot concur with
6 the decision to terminate his employment." Do you have
7 any reason to dispute what that says?

8 A. No. If it's there in black and white, I am not
9 going to dispute it.

10 Q. Do you disagree with the grievance committee?

11 A. Well, I know we had lots of complaints, but we
12 don't hire and fire employees. That's administration.

13 Q. Okay. Do you disagree with the decision to
14 terminate Mr. Stokes?

15 A. Not necessarily.

16 Q. You agree that he should have been terminated?

17 A. I agree that changes needed to be made in the
18 department.

19 Q. Okay. And are you aware of any other changes
20 besides Mr. Stokes being terminated?

21 A. Well, I have heard that there's been a lot more
22 things fixed there so now you can get new construction
23 permits in a timely fashion. I had a builder tell me the
24 other day that it was the first time he got a building
25 permit within a day, so I know things are improving in

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1 that department, and I have had no other complaints.

2 Q. Well, you got a building permit in a day, didn't
3 you?

4 A. That was for a carport. We are talking about a
5 house.

6 Q. But, I mean, you don't dispute that, though.
7 You got a building permit in a day, correct?

8 A. Yes, for a carport.

9 Q. They didn't delay your issuance of a permit, did
10 they?

11 A. No; but the complaints we received were mostly
12 for new construction and for remodeling.

13 Q. Are there any other reasons you believe
14 Mr. Stokes' lawsuit is frivolous besides what we have
15 already discussed?

16 A. Besides what we have already discussed? Well,
17 it's my understanding that in the State of South
18 Carolina, it's an employment at will state and you can
19 get rid of people without even explaining to them, not
20 that I advocate that, but that's my understanding of how
21 it is.

22 Q. That's what you believe? You believe you can
23 terminate an employee for any reason at any time?

24 A. That's always been my understanding as an
25 employee in this state, that I could be terminated for

20 (Pages 77 to 80)

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1 any reason at any time.

2 Q. Do you believe that you can make false
3 statements about individuals?

4 A. No.

5 Q. Do you believe that you can defame individuals?

6 A. No.

7 Q. Do you believe you can make statements about
8 individuals without evidence to support your statements?

9 MS. BURTON: Object to the form of your
10 question.

11 MR. LOGAN: Object to the form.

12 Q. [Mr. Hopkins] You can still answer.

13 A. Do you believe --

14 Q. That you can make statements about an individual
15 without evidence to support your statements?

16 MS. BURTON: Object to the form of your
17 question.

18 MR. LOGAN: Same objection.

19 THE WITNESS: I believe you should have
20 some knowledge to back up your statements, yes.

21 Q. [Mr. Hopkins] Can I hold that document for one
22 second?

23 A. Sure.

24 Q. For interrogatory No. 13, I asked you and the
25 county "Is it your contention, opinion or position that

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1 A. Nice meeting you.

2 Q. Your attorney might have some questions.

3 A. Do I stay?

4 MR. LOGAN: Stephanie, do you have any
5 questions?

6 MS. BURTON: I do not have any questions.

7 EXAMINATION

8 BY MR. LOGAN:

9 Q. Let me ask you a couple things for
10 clarification.

11 A. Yes, sir.

12 Q. You were asked about any organizations you
13 belong to or participate in or what not?

14 A. Uh-huh [yes].

15 Q. Are you a member of a grass roots organization
16 regarding bullying?

17 A. Yes, I am, uh-huh [yes].

18 Q. Did you fail to mention that?

19 A. Yes, I failed to mention. I consider myself an
20 observer, not really a member. I go there. I listen in.
21 They wanted a member of county council to kind of know
22 they exist. I find them to be a very down to earth group
23 and I enjoy their company and so I do attend their
24 meetings.

25 Q. What is the purpose of the organization?

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1 Plaintiff, Mr. Stokes, contributed to or caused in any
2 manner or any way whatsoever to this incident or his
3 damages?" What was your response?

4 A. Yes.

5 Q. What do you believe that Mr. Stokes did to
6 contribute or cause his damages?

7 A. I believe, if the department was managed better,
8 we wouldn't have had the number of complaints and all
9 this wouldn't have come to bear. I do believe that. I
10 believe attitudes in the department start at the top,
11 okay. If you have a good attitude, if you project good
12 customer service skills, so will your employees follow.

13 Q. I want to make sure we are very clear about this
14 before we leave today.

15 A. Uh-huh [yes].

16 Q. Are you aware of any other council meeting
17 besides the April 25, 2017 meeting where you raised
18 concerns about Mr. Stokes or his department?

19 A. In a council meeting?

20 Q. Yes, ma'am.

21 A. Not to my knowledge.

22 Q. Okay. Those are all the questions I have, Miss
23 Cammick. Thank you for your time today.

24 A. Thank you.

25 Q. Nice meeting you.

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1 A. Their goal is to learn more about how to
2 identify bullying in young children in particular. They
3 are in the process of obtaining their background checks
4 to become mentors in the school. That's their goal.

5 Q. Okay.

6 A. I'm sorry, sir. It's called Oconee County
7 Citizens -- Oconee County Concerned Citizens Against
8 Bullying.

9 A. Okay.

10 Q. That's all. Thank you, very much.

11 A. Okay, thank you.

12 MR. HOPKINS: Thank you, Miss Cammick
13 Sorry to meet under these circumstances.

14 VIDEOGRAPHER: This concludes today's
15 deposition of Miss Cammick. We are off the
16 record at 10:54 a.m.

17 [DEPOSITION CONCLUDED AT 10:54 A.M.]
18
19
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21
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23
24
25

21 (Pages 81 to 84)

CERTIFICATE

SOUTH CAROLINA
ANDERSON COUNTY

I hereby certify that the foregoing deposition was reported, as stated in the caption, by the method of Stenograph machine with backup, and the questions and answers thereto were reduced to typewriting by me or, under my direction, that the foregoing pages 1 through 84 represent a true, correct and complete transcript of the evidence given on the 7th day of March, 2018, by the witness, EDDA CAMMICK, who was first duly sworn by me, that I am not a relative, employee, attorney or counsel of any of the parties, nor am I financially interested in the action.

This 22nd day of March, 2018.

Susan Lynn McCracken, RMR
Court Reporter

Page 1

STATE OF SOUTH CAROLINA) COURT OF COMMON PLEAS
)
COUNTY OF OCONEE)
DAVID T. STOKES,)
)
Plaintiff,)
vs.) NO. 17-CP-37-00320
)
OCONEE COUNTY, WAYNE MCCALL)
AND EDDA CAMMICK,)
)
Defendants.)

Deposition of
DAVID T. STOKES

Pursuant to Notice of Deposition and/or agreement in
the above-entitled case, a deposition was taken on the
6th day of March, 2018, commencing at approximately
10:35 a.m., attended as follows:

Page 2

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DEPOSITION REPORTED BY: SUSAN L. MCCracken, RMR
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1 Pursuant to Notice and/or agreement to take
2 depositions, the within deposition was taken by Susan L.
3 McCracken, RMR, a Notary Public, as required under South
4 Carolina Court Rule 30, et al, by consent of all parties,
5 at the law offices of Logan, Jolly & Smith, 1805 North
6 Boulevard, Anderson, South Carolina.

WAIVER

8 It is agreed by Counsel for all parties that the
9 reading over of and signing of the deposition by the
10 witness are waived.

11 ** ** **
12 The deponent was duly sworn to tell the truth, the
13 whole truth and nothing but the truth of his own
14 knowledge concerning the matter herein.

DAVID T. STOKES

16 having been first duly sworn, was examined
17 and testified as follows:

EXAMINATION

BY MS. BURTON:

20 Q. Good morning, Mr. Stokes. You and I have been
21 introduced previously. My name is Stephanie Burton, and
22 I represent Wayne McCall in this lawsuit you have filed
23 in Oconee County. This is my opportunity to ask you some
24 questions today about that lawsuit. Have you ever given
25 a deposition before?

1 (Pages 1 to 4)

1 A. I have been in a deposition, but I never gave
 2 testimony.
 3 Q. So does that mean you attended a deposition?
 4 A. Yes. I was one of the requested people to be
 5 there.
 6 Q. But nobody asked you any questions?
 7 A. No.
 8 Q. Is that what you're saying? Well, I need to
 9 give you some instructions at the outset the rules
 10 require me to give you. If I ask you a question that you
 11 don't understand for any reason, I may speak too softly,
 12 I may just ask you a terrible question, please stop and
 13 ask me to repeat or rephrase my question. You cannot ask
 14 your lawyer for any help. Is that okay?
 15 A. Right.
 16 Q. I want to make sure I pose a question that you
 17 understand, so let me know if you don't understand for
 18 any reason.
 19 A. I will.
 20 Q. We will take breaks periodically. If you need
 21 to take a break before we have taken a break, please let
 22 me know. I am glad to take a break. I don't want you to
 23 be uncomfortable. I would ask you that you answer any
 24 question that is pending before you take a break.
 25 A. Yes.

1 Q. And if you would -- and it is hard to do, and I
 2 will remind you. You need to give me a verbal response,
 3 as opposed to a shake of the head.
 4 A. Yes.
 5 Q. Or a shrug of the shoulders.
 6 A. Sure.
 7 Q. Or an uh-huh or huh-uh because those are kind of
 8 hard for the court reporter to type. And I will remind
 9 you. I am not being rude. It is just that we need the
 10 record to be clear.
 11 A. I understand.
 12 Q. State your full name, please, sir.
 13 A. David Thomas Stokes.
 14 Q. Mr. Stokes, how old are you?
 15 A. I am 62.
 16 Q. And your date of birth?
 17 A. 12/3/55.
 18 Q. Are you married?
 19 A. No. I am divorced.
 20 Q. And how many times have you been married?
 21 A. Three.
 22 Q. Three times? What is your most current wife's
 23 name?
 24 A. Lori Lee Sons.
 25 Q. And does Miss Sons live in Oconee County?

1 A. She lives in Austin, Texas.
 2 Q. Texas? And how long were you married to her?
 3 A. 18 months.
 4 Q. What time frame?
 5 A. August 15 to April -- August 15 of '15 to April,
 6 late April of '16.
 7 Q. Okay.
 8 A. '14 to '16.
 9 Q. '14 to '16?
 10 A. '14 to '16. Excuse me.
 11 Q. Who was the wife prior to Lori?
 12 A. Edith Jonell Crouse.
 13 Q. Jonell?
 14 A. J-O-N-E-L-L.
 15 Q. And does she go by Jo?
 16 A. Yes, she does.
 17 Q. And during what period of time were you married
 18 to Jo?
 19 A. '89 to 2003, I think.
 20 Q. Does she live in Oconee County?
 21 A. Yes, she does.
 22 Q. Does she work at Blue Ridge Orthopedics?
 23 A. Yes, she does.
 24 Q. And how about the wife that preceded Jo?
 25 A. Elaine Sheriff.

1 Q. Sheriff?
 2 A. Sheriff.
 3 Q. When were you married to Miss Sheriff?
 4 A. 1977 to about '79.
 5 Q. Does she live in Oconee County?
 6 A. She does.
 7 Q. Where does Miss Sheriff work?
 8 A. Turner Jewelers. Her last name is Turner now.
 9 Q. Okay. Do you have any children?
 10 A. I have five children.
 11 Q. Five? Are any of your children over the age of
 12 18?
 13 A. They all are.
 14 Q. Do any of them reside in Oconee County?
 15 A. Three of them do.
 16 Q. Tell me the ones that reside in Oconee County.
 17 A. Brent Schipper, a stepson, S-C-H-I-P-P-E-R.
 18 Q. And I'm sorry. He is the child of whom?
 19 A. Jonell.
 20 Q. And where does Brent work?
 21 A. He is a full-time National Guard out of
 22 Anderson.
 23 Q. And is Brent married?
 24 A. Yes, he is.
 25 Q. Do you know who he is married to?

Page 9

1 A. He is married to -- I am a little tense here.
 2 Q. No. It's fine.
 3 A. I'm sorry. Give me a minute.
 4 Q. Brent and somebody?
 5 A. Right.
 6 Q. Do you know, per chance, where his wife works?
 7 A. She is going the school right now for dental
 8 hygiene.
 9 Q. All right. Brent is a child over 18 that lives
 10 in Oconee. Who is the next one, please, sir?
 11 A. Cody Schipper.
 12 Q. Also a stepchild?
 13 A. Yes.
 14 Q. Also a child of Jo?
 15 A. Yes.
 16 Q. And where does Cody work?
 17 A. Greenville Memorial.
 18 Q. Doing what?
 19 A. I.T.
 20 Q. Is Cody married?
 21 A. Yes, he is.
 22 Q. Do you know his wife's name?
 23 A. Ashley.
 24 Q. We did good on that one.
 25 A. There was another short marriage in there.

Page 10

1 Q. We have missed one?
 2 A. Yes, we have.
 3 Q. All right. Who is the one we missed, and when
 4 was it?
 5 A. Laura Hesse, H-E-S-S-E.
 6 Q. When were you married to Laura?
 7 A. I was married to Laura in '87, and it was six
 8 months long.
 9 Q. So Laura is before Jo?
 10 A. Yes.
 11 Q. All right. You were telling me Cody is married
 12 to Ashley, and Ashley works where?
 13 A. She works for a Greenville Memorial practice. I
 14 don't know the name of it right now.
 15 Q. Do you know what she does?
 16 A. Administration.
 17 Q. All right. Cody, Brent, and who is the third
 18 child?
 19 A. Bradley. That lives in Oconee, Nathan Andrew
 20 Stokes.
 21 Q. Where is Nathan employed?
 22 A. He is self-employed. He runs a garage,
 23 automotive repair garage and tire shop.
 24 Q. Where is that?
 25 A. North First Street in Seneca.

Page 11

1 Q. What's the name of it?
 2 A. Pro Customs.
 3 Q. Is Nathan married?
 4 A. Yes, he is.
 5 Q. What is his wife's name?
 6 A. Jessie.
 7 Q. What does Jessie do for a living?
 8 A. She works in the administrative department for
 9 Clemson University, the graduate programs.
 10 Q. And Nathan is the child of?
 11 A. Jonell.
 12 Q. Any other children over the age of 18 that live
 13 in Oconee County?
 14 A. No.
 15 Q. Do you have any grandchildren over the age of
 16 18?
 17 A. I have none, I don't believe.
 18 Q. They are all teenagers or younger?
 19 A. Yeah, they are all teenagers.
 20 Q. Are you currently employed?
 21 A. I am.
 22 Q. Where?
 23 A. I work for South Carolina Labor, License and
 24 Regulation in the department of investigations and
 25 enforcement.

Page 12

1 Q. So you work for LLR. Do you work for one of the
 2 boards?
 3 A. I work for the Contractors Licensing Board, the
 4 Residential Builders Commission and the Building Code
 5 Council.
 6 Q. So you work for the Contractors Licensing Board,
 7 the Residential Builders Commission?
 8 A. Yes.
 9 Q. And?
 10 A. The Building Code Council.
 11 Q. Who is your employer on your checks? Is it
 12 State of South Carolina?
 13 A. Yes, State of South Carolina.
 14 Q. Okay. Now, tell me exactly what you do in this
 15 job.
 16 A. I do license violations investigations, practice
 17 investigations.
 18 Q. So if somebody files a complaint against a
 19 residential home builder, are you one of the people that
 20 investigates that?
 21 A. I am. It is all complaint driven.
 22 Q. And the same for licensed general contractor?
 23 A. Right, and specialty contractors and building
 24 officials and building inspectors.
 25 Q. So the complaints, I assume, in a certain

3 (Pages 9 to 12)

Page 13

1 territory might be assigned to you?
 2 A. It is really all over the state; depends on
 3 availability. They used to have territories, but they
 4 mix it up now. And I have only been employed since
 5 November, so I am pretty much new.
 6 Q. But if somebody files a complaint in Columbia,
 7 depending on workloads, you might get that?
 8 A. That's correct.
 9 Q. And then you go out and conduct an investigation
 10 into the allegations of the complaint, I take it?
 11 A. That's correct.
 12 Q. What else? What do you do for the Building
 13 Codes Council?
 14 A. It would be identical to the other jobs, the
 15 other boards. It is complaint driven, and you would go
 16 out and do an investigation on a building official or
 17 building inspector.
 18 Q. Okay. Then what do you do after you conduct
 19 your investigation? Do you issue a report?
 20 A. That's right. I do an inspection report and
 21 then I do a litigation summary and it goes in front of a
 22 review board, and then it is escalated up to the
 23 commissions and the boards for final action.
 24 Q. And tell me when you started the job.
 25 A. November 17th.

Page 14

1 Q. Of 2017?
 2 A. That's correct.
 3 Q. Is this a full-time position?
 4 A. It is.
 5 Q. What is your salary for this position?
 6 A. It's \$49,000.
 7 Q. And as a state employee, do you participate in
 8 the state health insurance plan?
 9 A. I do.
 10 Q. And do you also participate in the state
 11 retirement system?
 12 A. I do.
 13 Q. Okay. When were you employed last prior to this
 14 job with LLR?
 15 A. I was employed with Oconee County.
 16 Q. You did not have any jobs in between those two
 17 positions?
 18 A. No.
 19 Q. When was your last day of work for Oconee
 20 County?
 21 A. May 1st, '16.
 22 Q. Of 2016?
 23 A. Yeah.
 24 Q. What did you do from May of 2016 until November
 25 of 2017?

Page 15

1 A. I looked for work, was on unemployment
 2 insurance.
 3 Q. How long did you draw unemployment?
 4 A. 26 weeks, six months.
 5 Q. Where did you look for work?
 6 A. I looked for work all over the state. There
 7 were hardly any building official jobs available. I did
 8 apply at the Town of Bluffton. I applied at several
 9 Florida cities, which I didn't really want to go out of
 10 state, but I applied with Norfolk Southern a couple
 11 times.
 12 Q. I'm sorry. With the railroad?
 13 A. Yes.
 14 Q. What jobs did you apply for with the railroad?
 15 A. Conductor out of Greenville.
 16 Q. I see.
 17 A. It would have been a change of life.
 18 Q. Okay. But with respect to building code or
 19 building official jobs, you said you applied for one in
 20 Bluffton, South Carolina, and then you mentioned some
 21 Florida cities. Can you tell me which ones?
 22 A. The port of Cape Canaveral.
 23 Q. Okay.
 24 A. St. Augustine Beach. And there was a third one
 25 I don't remember right now.

Page 16

1 Q. In terms of building or construction-related
 2 jobs that you applied for -- because that's your
 3 background, right?
 4 A. It is, yes.
 5 Q. You applied with Bluffton and the two Florida
 6 cities that you mentioned. Did you apply for any other
 7 construction-related jobs?
 8 A. I applied through the Workforce Development
 9 system to SME out of Spartanburg, I think.
 10 Q. To who?
 11 A. SME.
 12 Q. S&ME?
 13 A. Yeah, engineering firm that does third-party
 14 work.
 15 Q. What kind of job did you apply for with them?
 16 A. An inspection job.
 17 Q. Like a technical inspector job?
 18 A. Right, threshold type inspector.
 19 Q. I see. And you applied to the Spartanburg
 20 office?
 21 A. Yes.
 22 Q. Any other construction-related jobs that you
 23 applied for?
 24 A. No, not construction related.
 25 Q. And then you mentioned to me that you applied

4 (Pages 13 to 16)

Page 17

1 for a job with Norfolk Southern Railway as a conductor?
2 A. That's correct.
3 Q. And then did you apply for any other types of
4 jobs other than the ones we have discussed?
5 A. No. I interviewed with McCoy right here in
6 Anderson for a sales job, but that's about it.
7 Q. I'm sorry?
8 A. That's about it.
9 Q. That's it?
10 A. Yeah.
11 Q. What kind of sales job was that?
12 A. It would be a commercial real estate job in
13 Oconee County.
14 Q. You mean as a real estate broker?
15 A. As a salesperson.
16 Q. Any other jobs that you applied for that we did
17 not discuss?
18 A. Not that I can remember.
19 Q. And then when did you apply for the LLR job?
20 A. In July or August of '17. It takes them a
21 while.
22 Q. Was that a posted position?
23 A. It was a posted position I found through
24 Workforce Development.
25 Q. And who do you report to at LLR?

Page 18

1 A. Todd Bond.
2 Q. Todd Bond?
3 A. Todd Bond, not James Bond.
4 Q. And is Todd in Columbia or where?
5 A. He is in Columbia, yes.
6 [Defendants' Exhibit 1 was marked for
7 identification.]
8 Q. [Ms. Burton] I am going to hand you a document
9 I have marked as Exhibit No. 1 to your deposition.
10 Mr. Stokes, this is a summons and complaint that was
11 filed in this action on May 31, 2007. Have you reviewed
12 the lawsuit?
13 A. 2017.
14 Q. '17. Sorry. Have you reviewed this before?
15 A. Yes.
16 Q. I want to ask you some questions about the
17 allegations in the lawsuit. If you would turn your
18 attention, please, to the page numbered two of the
19 complaint, paragraph No. 7, you indicate in that
20 paragraph that you were hired by Oconee County as the
21 building official in December of 2011.
22 A. That's correct.
23 Q. Do you remember the date you were hired?
24 A. I believe I started on the 21st, somewhere
25 thereabouts, 21st, 17th.

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1 [Defendants' Exhibit 2 was marked for
2 identification.]
3 Q. [Ms. Burton] Okay. Let me hand you a series of
4 documents I have marked as Exhibit No. 2 to your
5 deposition. How did you become aware there was a
6 potential opening at Oconee County?
7 A. I believe it was by word of mouth.
8 Q. Whose mouth did you get the words from?
9 A. I was working at Oconee Nuclear Station as a
10 project manager at the time. It was one of my employees.
11 I don't remember his name.
12 Q. Who were you employed by at Oconee Nuclear
13 Station?
14 A. Southern Industries out of Anderson.
15 Q. What was your job there?
16 A. I managed small projects for maintenance and
17 stuff for Duke Power.
18 Q. What period of time did you work for Southern
19 Industries?
20 A. Consolidated Southern Industries.
21 Q. Okay.
22 A. It was probably from March 11 to when I took the
23 job at Oconee.
24 Q. Okay. So one of your employees said what? They
25 heard there was an opening for the building official?

Page 20

1 A. Right.
2 Q. Did you apply online?
3 A. No. I believe I did it on paper.
4 Q. Well, look at Exhibit No. 2 with me, if you
5 would. Does the first four pages of the exhibit appear
6 to be an employment application that you submitted?
7 A. It does.
8 Q. It is typed in, and I guess my assumption was
9 maybe you applied online, but maybe --
10 A. I might have filled it out online.
11 Q. Okay. So it's a form that you would have found
12 online to fill out?
13 A. On their website maybe, yes.
14 Q. And did you submit it online, or did you bring
15 it to a person?
16 A. I don't remember.
17 Q. Okay. And it lists, if we look on the second
18 page, which is Bates numbered 786, it lists Consolidated
19 Southern Industries, I guess, as your present employer,
20 and it says that you took that job in March, 2011.
21 A. Yes.
22 Q. Does that seem accurate looking at it today?
23 A. It seems accurate. Seems a little shorter that
24 I was there, but it seems accurate.
25 Q. And then prior to that, it says you worked at

5 (Pages 17 to 20)

1 Trehel?
 2 A. I did.
 3 Q. And you worked at Trehel for what, how many
 4 years? Ten?
 5 A. Ten or 11.
 6 Q. Ten or 11 years?
 7 A. Right.
 8 Q. What did you do with the folks at Trehel?
 9 A. My job title was resource coordinator, and I
 10 managed the craft workforce in the field and the
 11 superintendents. I managed the equipment rentals. We
 12 had our own inner company equipment rentals, and I did
 13 building code consultations with design professionals,
 14 and I worked with building departments that we were doing
 15 submissions with.
 16 Q. So in terms of equipment rental, were you the
 17 guy that had to go out and say "We need a lull" or a
 18 whatever and rent it?
 19 A. I was the guy that managed the people that took
 20 that lull out and scheduled it, so I had up to 20
 21 superintendents at one time that I would manage their
 22 daily work schedules and supply them the kind of craft
 23 workers they needed and, with that, the equipment they
 24 requested.
 25 Q. When you say "craft workers," are we talking

1 about folks that worked for Trehel or subs?
 2 A. Only people that worked for Trehel.
 3 Q. Okay.
 4 A. Laborers up to carpenters, assistant
 5 superintendents and superintendents.
 6 Q. Okay. Then you helped them with equipment in
 7 terms of code compliance. When you said you worked with
 8 design professionals, are we talking about inside Trehel
 9 or architects and engineers that were consultants?
 10 A. They were partner firms. There were two firms
 11 that were local, but they partnered with them, worked
 12 with them, McMillan Smith and Freeman & Major, doing
 13 value engineering on their plans from a building code
 14 standpoint and trying to solve material issues in
 15 relation to cost on a production job, on a construction
 16 job through the building code.
 17 Q. I assume Trehel does mostly commercial work?
 18 A. They do.
 19 Q. Not residential?
 20 A. Rarely.
 21 Q. So most of the code compliance you were dealing
 22 with was International Building Code?
 23 A. It is.
 24 Q. And did you have the same job with Trehel the
 25 entire time that you worked there?

1 A. I did.
 2 Q. And then, according to the third page of Exhibit
 3 No. 2, it indicates that you worked for the City of
 4 Seneca?
 5 A. I did.
 6 Q. As the building official?
 7 A. I did.
 8 Q. And was that nine years?
 9 A. It was.
 10 Q. Tell me what your duties and responsibilities
 11 were for Seneca.
 12 A. Ran the building department completely, issued
 13 permits, did plan reviews, did outside inspections, met
 14 people at the office, dealt with complaints. I worked
 15 with Seneca Light & Water as far as approving electrical
 16 services and upgrading electrical services inside their
 17 service area.
 18 Q. Tell me what you did because it's not on your
 19 resume. What did you do prior to '90?
 20 A. '90, prior to '90, I did some miscellaneous
 21 construction work for a couple years.
 22 Q. Meaning labor?
 23 A. Labor and carpentry work, wall coverings and
 24 decorating. I was in Florida from '79 to '87 doing the
 25 same thing, miscellaneous construction work, contracting,

1 small contracting.
 2 Q. When did you attend Greenville Tech?
 3 A. I attended Greenville Tech while I was at the
 4 City of Seneca.
 5 Q. Did you receive a degree from Greenville Tech?
 6 A. It was a certificate program in electrical code.
 7 Q. In electrical code?
 8 A. Yes.
 9 Q. What about Tri-County Tech? When did you attend
 10 there?
 11 A. I attended Tri-County Tech after I was laid off
 12 at Trehel.
 13 Q. What did you study?
 14 A. Literature and English, accounting and
 15 psychology.
 16 Q. Did you obtain any type of degree?
 17 A. No.
 18 Q. So just some classes that you took there?
 19 A. Personal improvement classes, yeah.
 20 Q. Okay. So you grew up in Seneca?
 21 A. I did.
 22 Q. Because it says you went to Seneca High School.
 23 When did you graduate from Seneca High?
 24 A. 1974.
 25 Q. So after you graduated from high school, did you

Page, 25

1 immediately start working in the construction industry?
2 A. No. I worked for a roller mill out of
3 Crossroads, South Carolina for a couple years, and then I
4 opened a restaurant on 123 Bypass that I operated from
5 '77 to '80.

6 Q. Okay. And then did you start --

7 A. Then I went to Florida.

8 Q. -- to do the contracting?

9 A. Right.

10 Q. Is that just pickup jobs?

11 A. Just pickup jobs. I did a lot of interior upfit
12 work with wall coverings and decorators.

13 Q. What do you mean? Putting up wallpaper,
14 hanging sheetrock or what?

15 A. Yeah, very profitable, putting up wallpaper.

16 Q. Wallpaper?

17 A. Mainly.

18 Q. I think you also mentioned carpentry. Did you
19 start doing finish carpentry work?

20 A. Miscellaneous carpentry work, whatever I could
21 find to fill in my schedule.

22 Q. So in Florida for the period of time when you
23 were in Florida, that was miscellaneous construction
24 work, hanging wallpaper, doing what you could find?

25 A. And contracting some houses, building some

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1 houses.

2 Q. Spec or custom?

3 A. Both.

4 Q. Okay. So when did you become a licensed
5 residential contractor?

6 A. I don't know exactly. Probably around '84, '85.

7 Q. Would that have been in Florida?

8 A. It was in Florida.

9 Q. Where were you in Florida?

10 A. Fort Myers.

11 Q. What licenses do you hold today?

12 A. I don't hold any contracting licenses today. I
13 had a CBC in Florida, which was a commercial builder's
14 license, and it limited you to three floors or less, and
15 then I had an electrical state license in South Carolina
16 and a plumber's license in South Carolina that I put on
17 deactivated when I went to work for LLR.

18 Q. I'm sorry. You did what?

19 A. Deactivated and put them on whatever they call
20 it.

21 Q. Okay. So were you a licensed electrician in
22 South Carolina?

23 A. Yes.

24 Q. When did you become licensed in South Carolina
25 as an electrician?

Page 27

1 A. In '16.

2 Q. What about as a plumber?

3 A. I became licensed as a plumber in '11, I think.

4 Q. Have you ever --

5 A. When I was at Southern Consolidated.

6 Q. Have you ever worked as either a plumber or
7 electrician?

8 A. No. The Department of State ran programs where,
9 if you were in code enforcement and you had experience in
10 them, you could qualify for a license and take the exams
11 so you would understand what the craft side and the
12 contracting side had to go through to get their
13 credentials.

14 Q. But you didn't have to have any actual
15 experience as doing either one of those trades to get the
16 license?

17 A. Not through that method, no. The experience was
18 through hands-on inspection of properties.

19 Q. What experience in inspection of properties and
20 permitting and code compliance did you have before you
21 went to Seneca?

22 A. The building official's job in Seneca?

23 Q. Yeah.

24 A. Just the experience I had in general
25 construction work since I had gotten out of high school,

Page 28

1 and I was unlicensed at that time, and all my training
2 and credentials in the building inspection business
3 started after I was hired by Seneca.

4 Q. Okay. If we turn our attention back to Exhibit
5 No. 1, paragraph seven that you and I were looking at a
6 minute ago, it says you were hired as a building official
7 in December of 2011. Tell me about the hiring process.
8 You submit an application. Did you interview with
9 anybody?

10 A. I did. I interviewed with Mr. Moulder.

11 Q. Okay. Was that an in-person interview with
12 Mr. Moulder?

13 A. Yes, it was.

14 Q. Did you have any telephone interviews prior to
15 meeting with him?

16 A. Just setting up the appointment.

17 Q. Okay. Did you receive any sort of job
18 description for the building official position?

19 A. I did.

20 Q. Did you receive that before you were hired or
21 subsequently?

22 A. Subsequently, I believe.

23 Q. How were you offered the position? Was that in
24 a letter, an email, on the telephone?

25 A. I believe it was a cell phone call because I was

7 (Pages 25 to 28)

1 working at Duke Power at that time, Oconee Nuclear
 2 Station.
 3 Q. And you received a call from whom?
 4 A. Scott Moulder.
 5 Q. What did he say in that call?
 6 A. Told me that I was the preferred candidate, and
 7 we kind of entered in salary negotiations after that.
 8 Q. What salary did you ultimately agree upon?
 9 A. I believe it was around \$62,000.
 10 Q. Was that more or less than you were making at
 11 Consolidated Southern?
 12 A. It was more than Consolidated, less than Trehel.
 13 Q. So you made more at Trehel?
 14 A. [Witness nods affirmatively.]
 15 Q. Why weren't you working at Trehel any longer?
 16 A. Well, you know, like most people during the
 17 recession, there was a retraction in the construction
 18 industry, and we were doing close to \$150 million in '08
 19 and '07 with about 130 people on the payroll. By '09, we
 20 were down to \$30 something million and retracting our
 21 payroll, so I was laid off in that period of time.
 22 Q. Who did you report to at Trehel?
 23 A. Neal Workman.
 24 Q. What was his job?
 25 A. He was the owner of the company.

1 [Defendants' Exhibit 3 was marked for
 2 identification.]
 3 Q. [Ms. Burton] Let me hand you a document,
 4 Mr. Stokes, that I have marked as Exhibit No. 3 to your
 5 deposition. Is that your signature on Exhibit 3?
 6 A. It is.
 7 Q. And did you print David T. Stokes above that?
 8 A. I did.
 9 Q. And did you date it 12/14/11?
 10 A. I did.
 11 Q. Tell me, because I think we were debating
 12 earlier when you started at Oconee County, do you
 13 remember whether you signed this particular form on the
 14 day that you started?
 15 A. I think it was prior to, a few days prior to.
 16 Q. Okay. So did you go in and fill out some
 17 paperwork?
 18 A. Yes, drug test and stuff like that.
 19 Q. And who presented you the paperwork to fill out?
 20 A. I believe Kay Olben. I think she was HR manager
 21 at the time.
 22 Q. Okay. Did you read this notice before you
 23 executed it?
 24 A. I did.
 25 Q. Did you understand when you were being hired by

1 Oconee County that you were going to be an at will
 2 employee?
 3 A. Our entire state is at will, so, yes, I did
 4 understand.
 5 Q. Did you understand that you could be terminated
 6 for any reason as an at will employee?
 7 A. I did.
 8 Q. When you started working as the building
 9 official for Oconee County, how many folks reported to
 10 you?
 11 A. It was around seven to nine. I would have to
 12 write all their names down.
 13 Q. We will talk about it.
 14 A. Yeah.
 15 Q. Did you have office staff that just stayed in
 16 the office?
 17 A. I had administrative staff that stayed that were
 18 permitting. I had a fire marshall in my office at that
 19 time, and I had four field inspectors, I believe, and
 20 then I had a plan reviewer that stayed in the office that
 21 did field inspections when necessary, and the fire
 22 marshall also would go out when we were pushed.
 23 Q. Okay. So tell me, let's talk about the
 24 administrative staff first. You had how many
 25 administrative people?

1 A. Including the fire marshall and plan reviewer, I
 2 had two permit technicians, I believe.
 3 Q. And tell me what their duties and
 4 responsibilities were.
 5 A. The permit techs would meet the public, help
 6 them fill out their applications, do the permitting as
 7 far as construction projects went.
 8 Q. Okay. So what kind of permits are we talking
 9 about? Building permits?
 10 A. Building, commercial permits, residential
 11 permits.
 12 Q. So --
 13 A. Electrical permits, plumbing, mechanical.
 14 Q. Were most of the people they interacted with
 15 contractors and builders?
 16 A. I would say the majority of them were. There
 17 was a large owner builder population in Oconee County,
 18 but the majority of them were contractors.
 19 Q. And did the contractors have to come to the
 20 office to apply for a building permit, or could they do
 21 it on online?
 22 A. At that point, everything was in the office, and
 23 everything was manual.
 24 Q. Did it change at any point to become an online
 25 system?

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1 A. Yes, it did.
2 Q. When did that occur?
3 A. It did during my tenure there. We were trying
4 to put together a one-stop shop trying to eliminate
5 redundancy in our paperwork and increase accuracy, and we
6 interviewed a bunch of software manufacturers and landed
7 up with a program that was cloud based that handled all
8 that.
9 Q. What was the name of that program?
10 A. CitizenServe.
11 Q. When did CitizenServe go into operation?
12 A. I'd say '13, '14, 2013, 2014, somewhere in that
13 range.
14 Q. So prior to the implementation of CitizenServe,
15 if somebody wanted to obtain a building permit, they
16 would have to come to the office?
17 A. Yes.
18 Q. Tell me what the turnaround time was for a
19 residential homebuilder to come in, apply for a permit
20 for building a house. When would they acquire a permit?
21 A. The majority of that was the same day.
22 Q. Did you receive any complaints from any of the
23 contractors, residential homebuilders, about the
24 efficiency of your permit technicians in issuing the
25 permits?

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1 A. There would be complaints about efficiency in
2 issuing permits. They were complaints about the way they
3 were handled and treated, the fact they had to be run all
4 over the county and the county offices to get paperwork,
5 had to go to Coneross area to get sewer authority, they
6 had to go to a different building to get septic tank
7 permits. Those were the kind of complaints, not the
8 turnaround time on permitting itself.
9 Q. How about the handling and treated? You said
10 they had complaints about how they were handled and
11 treated. Is that by your staff members?
12 A. A lot of it was by staff members, yes.
13 Q. So they complained that they were rude to them?
14 A. Yes.
15 Q. All right. So how did you deal with that?
16 A. Well, I coached the people and through attrition
17 some of them left because they didn't like to be coached
18 and treat the public fairly and took other jobs within
19 the county.
20 Q. Tell me, during the periods of time that you
21 worked for Oconee County, tell me the names of the permit
22 technicians that you had.
23 A. Marcia Roach, George -- I can't remember
24 George's last name. Joy Owens, Wanda Roach, Cynthia
25 Adams. I believe that was most of them.

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1 Q. That's five. Does that sound right?
2 A. Close, yeah. We also cross-trained, so there
3 were inspectors that did permitting at certain times and
4 the fire marshal did some permitting when I first got
5 there and the plan reviewer, Stacy Blackwell, did some
6 permitting, so it was kind of a joint effort.
7 Q. But just in terms of --
8 A. 14 people.
9 Q. I will ask you about the other people, but I am
10 trying to focus right now on the permit techs.
11 A. Sure.
12 Q. You are saying the ones you remember is the
13 five?
14 A. Yes.
15 Q. And which ones were there when you left?
16 A. The original ones were not there. Wanda Roach
17 was there, Cynthia Adams. There was another one, Casey
18 Neal, N-E-A-L.
19 Q. Was Casey there when you left?
20 A. Yes, she was.
21 Q. So you had three?
22 A. Uh-huh [yes].
23 Q. Is that true?
24 A. That's true.
25 Q. Which ones did you receive complaints about

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1 their demeanor?
2 A. Mainly Marcia Roach.
3 Q. People said Marcia was rude?
4 A. Confrontational, yes.
5 Q. Any of the others they complained about?
6 A. I don't remember a lot about George or Stacy
7 being complained about, just the complaints were more of
8 the way the system was structured.
9 Q. Meaning "I had to go to different places"?
10 A. "I had to go all over the place, yeah."
11 Q. Did you terminate Marcia?
12 A. No. Marcia went out on maternity leave, and
13 then she transferred into the treasurer's office while
14 she was out.
15 Q. Okay. So she is still working for the county,
16 as far as you know?
17 A. As far as I know.
18 Q. Okay. Did you discipline Marcia in any way for
19 her poor performance?
20 A. Verbally. Basically, we had discussions. After
21 she went out on maternity leave, she kept trying to come
22 back in the office and perform tasks to maintain her job,
23 handle on her job, I think. She didn't want anybody to
24 know how to do it, and I did reprimand her formally then.
25 Q. For what?

9 (Pages 33 to 36)

1 A. Working while she was on --
 2 Q. Maternity leave?
 3 A. Yeah.
 4 Q. Let's turn our attention to the inspectors. You
 5 said you had four, roughly?
 6 A. Roughly, yeah.
 7 Q. Tell me who the inspectors were when you left.
 8 A. When I left?
 9 Q. Yes, sir.
 10 A. There was Jake Ramey, Jessie Mase, M-A-S-E,
 11 Stephen Sobeck, and then I had Scott Carroll, who did
 12 plan review and mainly commercial inspections.
 13 Q. So you had three full-time people doing
 14 inspections and one who was plan review and inspection;
 15 is that accurate?
 16 A. Uh-huh [yes].
 17 Q. Yes?
 18 A. Yes.
 19 Q. How many inspectors worked -- other than the
 20 people you have mentioned, how many other inspectors did
 21 you have during your tenure at Oconee County?
 22 A. There were three others, I believe.
 23 Q. Tell me their names.
 24 A. David Holbrooks, Danny Holbrooks, and I can't
 25 quite grasp the last guy's name.

1 Q. Did you receive any complaints from contractors,
 2 be they commercial or residential home builders, about
 3 the performance of your inspectors?
 4 A. Well, complaints are not uncommon in the
 5 building department when you're costing contractors
 6 money, so it was kind of a routine thing that you would
 7 have comments on your inspectors.
 8 Q. So the answer is yes, you had complaints?
 9 A. Yes, yes.
 10 Q. Did you have routine complaints?
 11 A. I wouldn't call them routine.
 12 Q. Did you have complaints about any particular
 13 inspector that you recall?
 14 A. Not out of the ordinary. When I got there or
 15 later?
 16 Q. Any time while you worked for Oconee County.
 17 A. Nobody stands out tremendously by themselves.
 18 Q. Did you have to discipline any of the inspectors
 19 for job performance?
 20 A. Job performance was kind of looked at on a daily
 21 basis. I would meet with my inspectors every morning
 22 before they went out in the field, and we would go over
 23 their previous day's activities, and we would look up and
 24 reference code sections, and it was educational time and
 25 a mentoring time as far as how to handle people through

1 customer service, so it was a continual process.
 2 Q. Other than meeting with them to discuss their
 3 work for the day, did you have to reprimand any of these
 4 inspectors?
 5 A. I had to correct them on some of the things they
 6 were doing. I think "reprimand" is a little harsh word,
 7 but, I mean, if they had made a bad call the day before,
 8 you would do a code search on it. We would look through
 9 the code, we would read the code, we would get other
 10 references that commented on those code sections,
 11 commentaries, and then as a group, I would lead them to
 12 arrive at a decision, and then the inspector had to go
 13 out and call that contractor and retract his decision
 14 from the day before.
 15 Q. Did you ever have to write any of them up?
 16 A. No.
 17 Q. Did you terminate any inspector?
 18 A. I terminated one inspector that was originally
 19 there, the guy I can't remember his name.
 20 Q. Terminated unknown?
 21 A. Yeah.
 22 Q. Why did you terminate that person?
 23 A. He was doing drive-by inspections; wasn't doing
 24 his job.
 25 Q. Meaning he was breezing by the site, but not

1 looking?
 2 A. He was the go-to guy if you needed to get your
 3 job passed.
 4 Q. Okay. Now, you mentioned the code to me several
 5 times. What codes did Oconee County adopt?
 6 A. Oconee County adopts the state mandated codes,
 7 which are the international codes.
 8 Q. The IRC?
 9 A. The IRC, IBC, National Electric Code,
 10 International Mechanical Code.
 11 Q. And my experience is sometimes people adopt an
 12 older version of the code than the most current one the
 13 International Codes Council has put out.
 14 A. The state mandates you adopt the codes they tell
 15 you to, so we stayed current.
 16 Q. Okay. So you were using whatever code the state
 17 approved?
 18 A. The state approved, yes.
 19 Q. And that was the codes that you guys went out
 20 and tried to enforce?
 21 A. Yes, ma'am.
 22 Q. Now, tell me, on the inspection front, on
 23 residential, what inspections did your folks do?
 24 A. We did basic inspections called for in Chapter
 25 One, footings, foundation walls, framing, mechanical,

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1 electrical, plumbing, insulation. Then we would go back
2 and do finals. We would do, you know, electrical,
3 mechanical and plumbing finals and building finals, which
4 would be more egress-oriented type stuff. If they had
5 pools, we would do electrical inspections on the pools,
6 grounding and bonding, equivalency bonding type
7 inspections on pools.

8 Q. Okay. What about commercial?

9 A. Commercial, basically the same. You would do,
10 you know, structural inspections, footings, framing,
11 electrical, mechanical, plumbing, roofing.

12 Q. And did you tell me that most of the inspectors
13 did both residential and commercial, but Mr. Carroll did
14 exclusively commercial when he did an inspection?

15 A. He did both. I mean, we are kind of a
16 multi-discipline shop.

17 Q. And when you say he did plan reviews, tell me
18 what you mean by that.

19 A. Well, Oconee had a policy if you had a house
20 over 5,000 square feet, it had a plan review, so Scott
21 would do those plan reviews on residential property, and
22 then all commercial projects were reviewed for code
23 compliance.

24 Q. So when he was doing residential code review for
25 bigger houses, is he looking for what? Code compliance?

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1 A. He is looking for codes compliance, okay,
2 glazing in glass, staircases, bearings on beams, if there
3 were something called out, those type of things.

4 Q. And then on commercial, what was he looking for?

5 A. The same type things, footings, design
6 professional stamps that the plans were properly in order
7 which were required by the state Architectural Commission
8 and the Engineers Board, that the data was there, wind
9 loads were there. Similar things, the same things that
10 take place, structures in the residential, affect
11 commercial structures. It is just a little bit more
12 detailed.

13 Q. But he was receiving sealed drawings on the
14 commercial?

15 A. Yes, when they were required by state law.

16 Q. Okay. And was Mr. Carroll your plan reviewer
17 the entire time you worked with Oconee County?

18 A. No.

19 Q. Did you have another plan reviewer prior to Mr.
20 Carroll?

21 A. Stacy Blackwell was the plan reviewer when I
22 first got there.

23 Q. What happened with Stacy?

24 A. He moved to Clemson.

25 Q. So he quit?

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1 A. Clemson.

2 Q. I mean, he quit his job?

3 A. Yeah. He took a job in Clemson, yes.

4 Q. And then did you hire Scott?

5 A. No. The fire marshal situation changed in
6 Oconee County and we hired a fire chief, and I took my
7 fire marshal -- his name was Ronald Butts -- who had
8 done a lot of plan reviews previously from the fire code
9 side and educated him into being a commercial plan
10 reviewer.

11 Q. I'm sorry. Your fire marshal Ronald became a
12 plan reviewer?

13 A. Yes.

14 Q. In addition to going out and performing
15 inspections related to fire code compliance?

16 A. Well, at that time, he was not employed as a
17 fire marshal anymore. We had a fire chief in Oconee
18 County and restructured emergency services. Ronald was
19 out of a job.

20 Q. I see.

21 A. So I needed a plan reviewer at that time, and he
22 had background in it from the fire code side.

23 Q. Okay. So Stacy did plan review, then left, and
24 then you used Ronald and then Scott?

25 A. Yes.

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1 Q. Okay. Tell me what you did all day.

2 A. I managed the department, fielded phone calls
3 from contractors and the public, did a lot of plan review
4 training with Scott, went out in the field and did
5 inspections when the workforce was low or when there was
6 complicated problems in the field or things that
7 inspectors didn't understand.

8 Q. Okay. Who did you report to?

9 A. Scott Moulder.

10 Q. How much interaction did you have with
11 Mr. Moulder?

12 A. Mr. Moulder called me when he needed to talk to
13 me, and then a little later, we developed a bimonthly
14 standing meeting on Thursdays.

15 Q. So you would meet every other Thursday?

16 A. Every other Thursday.

17 Q. And the purpose of that meeting was what?

18 A. Stay in touch with his goals and aspirations for
19 me, discuss any issues that may have come up during the
20 previous two weeks that weren't urgent enough to call me
21 to the office.

22 Q. Did Mr. Moulder, to your knowledge, receive
23 complaints about the building codes department and relay
24 those to you?

25 A. He did, yeah.

11 (Pages 41 to 44)

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1 Q. And he would relay those to you to deal with?
2 A. Oh, yeah.
3 Q. Was that usually sent to you by email? Was that
4 a call on the telephone? Did he walk down to your
5 office? Help me.
6 A. In urgent cases, he walked down to my office. A
7 lot of times it would be an email summons to his office
8 or a phone call.
9 Q. Okay. Tell me what interaction you had with any
10 of the members of county council.
11 A. Hardly any at all.
12 Q. Did you attend council meetings?
13 A. Some.
14 Q. When would you attend?
15 A. When there was something on the docket
16 Mr. Moulder thought I should be there for.
17 Q. Related to--
18 A. Wasn't often at all.
19 Q. -- some big construction project or something?
20 A. Adoptions of codes, staff, requesting staff,
21 those type of things.
22 Q. How many times did you attend council meeting?
23 A. I would say ten to 15 times at the most the
24 whole time I was there.
25 Q. Okay. Let's look, if we could, at Exhibit

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1 No. 1. I want to focus on paragraph No. 9 on page No. 2.
2 A. Uh-huh [yes].
3 Q. It says that "On or around March 8, 2017,
4 Defendant Cammick applied for a building permit from
5 Oconee County to erect or install a prefabricated
6 structure on her property."
7 A. Yes.
8 Q. Did you have any interaction with Miss Cammick
9 on that date?
10 A. I did.
11 Q. Tell me about that, please, sir.
12 A. Wednesday or Thursday afternoon. I'm not
13 exactly sure, but late in the afternoon, I had Casey Neal
14 come into my office and say that Edda Cammick was in the
15 office trying to get a permit with Cynthia Adams and that
16 Cynthia needed some help.
17 Q. Who came in your office? Miss Neal?
18 A. Miss Neal, Casey Neal.
19 Q. So you were in your office, and Miss Neal came
20 in and said "Hey, Edda Cammick is out here. She is
21 having issues with Cynthia"?
22 A. Right.
23 Q. What did you do?
24 A. I got up and went in the office to give
25 assistance.

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1 Q. Tell me what happened.
2 A. Well, Miss Cammick was wanting to know why she
3 needed a permit and why she needed engineering drawings
4 for the structure she had, and I did my best to explain
5 that issue to her, that all people that had these
6 prefabricated metal structures over 400 square feet
7 needed a permit, everybody in the county was treated the
8 same, and because they weren't in the residential code,
9 metal structures weren't in the residential code and they
10 were an alternative method of construction which is
11 recognized in chapter one, I needed plans for them and
12 those plans needed to be stamped by a designer.
13 Q. Okay. Help me a little bit.
14 A. Sure.
15 Q. So these -- I don't know. What do you want to
16 call them? Metal shed?
17 A. Metal carports.
18 Q. The metal carports are not covered by the IRC?
19 A. No, they are not in the IRC. I mean, the IRC
20 has metal framing in it, but it is like metal studs and
21 stuff and it has wood framing so it is not -- there are
22 no prescriptive requirements for inspection, you know.
23 There is no guidelines studs have to be 16 inches or 24
24 inches and things like that on metal carports, so it's an
25 engineered product.

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1 Q. It's a prefabricated product, right?
2 A. Right. An engineer usually designs the
3 fabrication.
4 Q. So what in the International Residential Code
5 said there was any code compliance requirement for metal
6 carports?
7 A. Well, the code covers all built structures, so
8 in the administrative chapter, it says that you are
9 supposed to permit all built structures and there are
10 some structures you did not permit in the code that are
11 called out, things that are called out that don't require
12 permitting, and then I think 120 square feet or 200
13 square feet is the cutoff limit for requiring a permit in
14 the IRC. The county had extended that up to 400 square
15 feet for a detached accessory structure to single-family
16 housing, so typically that's where these carports ended
17 up. They were detached accessory structures.
18 Q. I'm sorry. Go back. When you say the county
19 had modified the square footage requirement to 400, when
20 did the county do that?
21 A. Prior to my coming on staff.
22 Q. How did you learn that the county had even done
23 that?
24 A. It is a document. It is part of my adoption of
25 codes. There is an amendment in there for chapter one.

12 (Pages 45 to 48)

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1 Q. So it was part of a special code adoption by
2 Oconee County?
3 A. It was.
4 Q. And it said structures that are 400 square feet
5 or less --
6 A. Less, detached structures that are 400 square
7 feet or less accessory to single-family homes.
8 Q. Aren't covered?
9 A. Aren't covered, aren't required to be permitted.
10 They are covered by the building code.
11 Q. Was there any description in that adoption about
12 how one measures 400 square feet?
13 A. No.
14 MR. HOPKINS: Object to the form.
15 Q. [Ms. Burton] Did you have any communication
16 prior to enforcing this particular provision with anybody
17 at the county about what the intent was with respect to
18 that 400 square foot provision?
19 MR. HOPKINS: Same objection.
20 THE WITNESS: No.
21 Q. [Ms. Burton] Okay. So you just saw it in
22 writing, right?
23 A. Right.
24 Q. And you went to apply it?
25 A. There was already a history of how it was

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1 applied when I got there.
2 Q. How did you learn the history?
3 A. From my inspectors and my permitting staff.
4 Q. Who specifically?
5 A. At that time, it would have been Marcia Roach,
6 George, Casey Blackwell, Stacy Blackwell, Rhonda Butt and
7 the inspectors.
8 Q. What did those people tell you?
9 A. That if the structures were 400 square feet or
10 less, they weren't permitted.
11 Q. Okay. And did they give you any indication
12 about how that 400 square feet was being measured to make
13 that determination?
14 A. No. Typically you would go to the building code
15 for that guidance.
16 Q. Okay. How were you measuring it?
17 A. Basically, we would ask the customer what size
18 they were and they would tell us and do a simple math
19 calculation.
20 Q. So you would say "How big is it," and they would
21 say "20 by 20"?
22 A. Right, so it is 400 square feet or less.
23 Q. And would that include the overhang section of
24 the shed or just from the stakes or columns that
25 supported it?

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1 A. Typically, it was "How big is your building,"
2 "20 by 20," and you took that information.
3 Q. Okay. And if it exceeded 400 square feet, then
4 you required a building permit?
5 A. That's correct.
6 Q. And to acquire said building permit, you
7 required engineered drawings?
8 A. For metal structures that weren't included in
9 the IRC.
10 Q. For metal structures?
11 A. Metal -- prefabricated metal structures.
12 Q. They had to have a engineered drawing?
13 A. That's right.
14 Q. And what said that an engineered drawing was
15 required?
16 A. Well, several code sections in the
17 administrative chapter, so a building official's
18 empowered to approve plans and to request information he
19 needs to make educated decisions on safe buildings, so
20 through that process, when you get to a building that is
21 not designed prescriptively, then you need engineered
22 solutions to it.
23 Q. So is there a code?
24 A. There is not a code that definitely says you
25 have to have engineering for prefabricated metal

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1 structures. There is a set of requirements that say the
2 scope of this book is wood framing, dah, dah, dah, and it
3 is prescriptively applied. Then when you're out of that
4 box, it's called alternate materials and methods that you
5 can use, and then the building official has the right to
6 ask for documents to clarify the construction and provide
7 methods to inspect the properties.
8 Q. So as the building official, you used your
9 discretion to decide you wanted engineered drawings?
10 A. It was routine. The drawings became -- you also
11 have to follow directions. Okay? There is another
12 section in the administrative section that says you
13 install it by the directions, so these things come with
14 directions and they can come with engineered directions
15 and they all come with engineered plans, and most of the
16 time they come with stamps.
17 Q. Okay. Answer my question.
18 A. Sure.
19 Q. Did you use your discretion to decide that you
20 were going to require engineered drawings since the code
21 doesn't prescribe that?
22 A. The code does prescribe that through a series of
23 sections that say you can ask for engineered drawings and
24 design.
25 Q. Does it say "engineered"?

13 (Pages 49 to 52)

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1 A. It doesn't use the word "engineered."
2 Q. You don't have to have engineered drawings to
3 build a house?
4 A. No, you don't. They are exempt by state law.
5 Q. Did you require that the engineered drawings not
6 only have a stamp, but they have a South Carolina seal?
7 A. That's state law, yes, ma'am.
8 Q. What do you mean, that's state law?
9 A. State law says if you're going to practice
10 engineering in South Carolina, you have to have a South
11 Carolina license.
12 Q. And you decided that if I fabricate a building
13 in Nebraska and sell it in South Carolina, I am
14 practicing engineering in South Carolina?
15 A. The state makes that decision, yes.
16 Q. Where do you get that?
17 A. From the Engineering and Surveyors Board.
18 Q. From the Engineering Licensing Board?
19 A. Yes.
20 Q. Did you review that with Matt Kelly?
21 A. No.
22 Q. I mean, he is an engineer, right?
23 A. Yes, he is. He is a civil engineer.
24 Q. He now sits on the licensing board, right?
25 A. Yeah.

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1 Q. Did you ever go over any of this with him?
2 A. No.
3 Q. Did you review your understanding about how you
4 were going to enforce this metal structure issue with
5 anybody at the county other than your subordinates?
6 A. No.
7 Q. All right. Now, I'm sorry. You and I
8 digressed.
9 A. That's all right.
10 Q. Because you were telling me about meeting with
11 Miss Cammick on March 8, 2017, and you said you went out
12 to talk with her. Tell me about that conversation,
13 please.
14 A. Well, I went out to talk with her. She was
15 sitting in front of Cynthia's desk, and I asked her how I
16 could help her, and she said she didn't understand why
17 she needed a permit and she didn't understand why she
18 needed engineered drawings, so I explained to her that it
19 was over 400 square feet. I asked Cynthia what size it
20 was and if it was over 400 square feet, that, you know,
21 she had to have a permit because it was a structure that
22 was built, and, by ordinance, you got to have a permit,
23 and that since it was not in the book and there wasn't
24 any prescriptive guidance to inspect it by or know what
25 kind of wind loads would affect it, you know, we needed

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1 the plans; and the plans would need to have an engineer's
2 seal on them.
3 Q. Okay. What else happened?
4 A. After I finished with my explanation, she said
5 it again, you know, "I don't understand why I have to
6 have a permit, and I don't understand why I have to have
7 engineered plans," so I went back over it and showed her,
8 and I said "I have got a book here, the International
9 Residential Code, that gives me prescriptive guidance on
10 how to build structures. Your structure isn't in this
11 code. I don't know how to inspect it without guidance,
12 you know. I get to ask for guidance, and guidance is
13 through plans and instructions and an engineer's seal,
14 and everybody does the same when they are over 400 square
15 feet on a preengineered building just like if it was a
16 much larger building, they all have engineered drawings
17 to them."
18 Q. Okay. Then what happened?
19 A. She repeated herself and didn't understand. It
20 didn't make any sense to her, so I went over it again
21 with her.
22 Q. Okay.
23 A. And during that process, I think Cynthia said "I
24 told her that." I said, you know, "Some companies give
25 you these plans stamped. Some companies give you plans

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1 that aren't stamped. These are vendors. Some vendors,
2 when you ask for the sealed drawings, some companies
3 charge you; some companies don't." I mean, it is the
4 vendor's choice of how they want to handle it, and she
5 had a document that somebody had just applied for a
6 permit, and I said -- she said "Show her this is how it
7 looks," so I got -- she handed me the document, and I
8 said "This is an example of a set of engineered plans
9 that shows your structure, gives you all the sizes and
10 how to tie them down, shows you what the wind loads are
11 going to be in certain areas, and there is a stamp page
12 on it, shows you the stamp for the architect or
13 engineer," and I handed that back to Cynthia.
14 Q. Okay. Then what happened?
15 A. Edda accused me of trying to steer her to
16 purchase from certain people.
17 Q. Tell me what she said specifically.
18 A. She said "You are trying to push me to buy from
19 this guy." I said "No. I am using this as an example of
20 what everybody in the county does for these structures
21 over 400 square feet. That's all."
22 Q. So whose engineered drawing did you show her?
23 A. I don't remember the engineer at the time.
24 Q. Do you know -- I mean, it is my understanding --
25 you tell me if I'm wrong -- that there are several

14 (Pages 53 to 56)

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1 companies that sell these carports.

2 A. There is three or four vendors in Oconee, yeah,
3 and I think this was Carolina Carports.

4 Q. Who owns Carolina Carports?

5 A. Rod somebody.

6 Q. So you will have to help me. With these three
7 or four vendors of metal carports, did they all buy from
8 the same manufacturer?

9 A. No.

10 Q. Or they bought from different manufacturers?

11 A. Many manufacturers, yes.

12 Q. And did some of the manufacturers have presealed
13 South Carolina sealed drawings?

14 A. Yeah.

15 Q. That they would present?

16 A. Yes, some of them do.

17 Q. And was there one or two of the vendors that had
18 those?

19 A. They all have the plans.

20 Q. Sure.

21 A. I mean, you have to have plans to put them
22 together, you know, and you have to have plans to know
23 how to put them on the ground, so they all have plans and
24 they all have stamped pages or stamped plans. Some
25 companies decide to provide that; some companies that

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1 calling them up on the computer.

2 Q. So in the past -- help me understand. In the
3 past, did some of the folks that sell these metal
4 carports provide kind of the standard plans for the
5 different carports they sold and you just had them in the
6 office?

7 A. With the stamps on them, yes..

8 Q. Do you know Larry Burton?

9 A. I know Larry Burton.

10 Q. Is his group one of the ones that had supplied a
11 CD or anything?

12 A. No. He was a newer vendor.

13 MR. HOPKINS: You need to let her finish
14 her question before you answer.

15 THE WITNESS: Excuse me.

16 Q. [Ms. Burton] We are talking over each other.
17 It happens.

18 A. Sorry.

19 Q. No. It's fine. Did Mr. Burton and his crowd
20 ever supply a CD to the building codes department with
21 engineered drawings on it for the carports they were
22 selling?

23 A. Not to my knowledge.

24 Q. So when the department changed from people
25 coming in and applying for permits to doing the

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1 manufacture them don't, you know, and I have no idea why.
2 Maybe the relationship they have with their engineer, and
3 some companies charge you if you ask for it, you know,
4 "Here are your plans." "I need an engineer stamp." "You
5 have to pay some extra for that." Some companies don't.

6 Q. Okay.

7 A. I don't have any control over that.

8 Q. Who is Mr. Whitten?

9 A. That is Rod.

10 Q. That's Rod?

11 A. Rod Whitten.

12 Q. And did Rod sell metal carports that came with
13 stamped plans?

14 A. Rod sells metal carports. They all come with
15 stamped plans, and he was a frequent flier in the office,
16 and he decided just to have all his plans stamped, I
17 suppose. Before I got there, they had a book of plans
18 that had stamps on them. It was done by the previous
19 building official in the department. When we switched to
20 CitizensServe, you know, there were individual sets of
21 plans stored in the computer, so we got individual sets
22 of plans for each product, you know. It is hard to have
23 a book in the office with plans in it and inspect it in
24 the field, so CitizensServe allows you to have those
25 plans in the field at the place you are looking at by

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1 CitizensServe, then is that when you guys started
2 requiring a plan for each carport that was being
3 constructed loaded up into the computer? Is that what
4 you are telling me?

5 A. They were doing that before I got there also,
6 so, I mean, when you have a construction project, you
7 submit your plans, you know, and you have to have custody
8 of those plans in some fashion so your inspectors can
9 look at them, so when we had CitizensServe, every time
10 you made a submission, you brought a copy of those plans.
11 That way you knew you were on the right carport from the
12 right manufacturer and you knew the right requirements.

13 Q. Did you ever talk to Larry Burton or any of the
14 folks he worked with about the requirement for engineered
15 plans?

16 A. Specifically, I can't call that up. I can tell
17 you that I talked to a lot of the vendors or the vendors
18 about their plans from time to time.

19 Q. When you say "vendor," did you mean people like
20 Mr. Burton and Mr. Whitten?

21 A. Yes.

22 Q. Okay. But you don't just specifically recall
23 dealing with that business about engineered plans?

24 A. No.

25 Q. Do you know whether Mr. Burton was telling

15 (Pages 57 to 60)

1 potential customers that the building codes department
 2 was favoring Mr. Whitten?
 3 A. No.
 4 Q. Did you ever hear a rumor that he was telling
 5 people that?
 6 A. Not during my employment, not until the end.
 7 Q. Okay. Do you know whether Mr. Burton had told
 8 Miss Cammick that you just were favoring Mr. Whitten?
 9 A. No.
 10 Q. Do you know whether he told Mr. McCall that you
 11 guys were favoring Mr. Whitten?
 12 A. No.
 13 Q. Do you know whether any of your staff members
 14 ever advised any potential permittee that Mr. Whitten had
 15 the ability to provide engineered plans?
 16 A. Not to my knowledge. That would have been a
 17 disciplinary situation if it had occurred.
 18 Q. Did anybody ever report to you that any of your
 19 subordinate employees were advising people that came in
 20 to apply for a permit that Mr. Whitten could provide
 21 engineered drawings?
 22 A. No.
 23 Q. We were talking about the discussion you had
 24 with Miss Cammick on March 8, 2017, and I think you told
 25 me that you explained the need for engineered drawings

1 several times and that you showed her a set of engineered
 2 drawings.
 3 A. As an example.
 4 Q. As an example. What happened after you showed
 5 her those drawings?
 6 A. Like I said, she asked me if I was trying to
 7 steer her to buy from that place, which I said "No. I am
 8 trying to show you an example." She had already bought
 9 the product anyway, and I asked her if there was anything
 10 I could help her with. She said again she didn't
 11 understand. I said "We have kind of gone over all that.
 12 I don't have anything else I can say on that. Is there
 13 anything else I can help you with," and she said "No,"
 14 and I went back to my office.
 15 Q. Had you ever met her before?
 16 A. I met Miss Cammick in the hallways. I knew she
 17 was on council. I didn't have a relationship with her.
 18 Q. So you had just kind of seen her in passing?
 19 A. Well, you know your council people.
 20 Q. Right. But you hadn't had any direct
 21 interaction with her before?
 22 A. No.
 23 Q. What was Miss Cammick's demeanor during this
 24 meeting?
 25 A. Slightly aggressive.

1 Q. Okay.
 2 A. You know, it's like you have got a council chair
 3 that is pushing you about permitting her, so --
 4 Q. Well, I mean, did she say anything to you like
 5 "I am on council"?
 6 A. She wouldn't have to say that. You already know
 7 that. I mean, you intuitively know that. You went
 8 through the elections, and she is on council. I mean, I
 9 got the distinct feeling that -- I got the distinct
 10 feeling walking away from the conversation it wasn't
 11 over.
 12 Q. Okay. Did Miss Cammick provide the engineered
 13 drawings?
 14 A. She permitted the same day, yes.
 15 Q. So she came back with engineered drawings?
 16 A. I think -- I don't know. I went back to my
 17 office. I know she was permitted that day, so I assume
 18 they came in on fax or email to us.
 19 Q. So she provided the required information, to
 20 your knowledge?
 21 A. To my knowledge, yes.
 22 Q. And was the structure erected on her property?
 23 A. Yes.
 24 Q. Did your department inspect said structure?
 25 A. Yes.

1 Q. Who conducted the inspection?
 2 A. One of the inspectors. I don't know.
 3 Q. Now, I want to turn your attention to paragraph
 4 No. 14 in Exhibit No. 1.
 5 A. Okay.
 6 Q. Did you attend the budget, finance and
 7 administration council committee meeting referred to in
 8 that paragraph?
 9 A. No, ma'am.
 10 MR. LOGAN: I'm sorry. What was the
 11 answer?
 12 THE WITNESS: No.
 13 MR. LOGAN: Thank you.
 14 Q. [Ms. Burton] In paragraph 14, there is a
 15 description that says that Defendants McCall and Cammick
 16 voiced frustration with the building department because
 17 Defendant Cammick was required to get engineering
 18 documentation and a building permit for a structure they
 19 felt did not need those requirements. Do you see that
 20 sentence?
 21 A. I do.
 22 Q. How do you know that actually occurred if you
 23 didn't attend the meeting?
 24 A. There is a YouTube video of it.
 25 Q. Okay. So you watched YouTube?

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1 A. After I was terminated, yes.
2 Q. So prior to your termination, you didn't know
3 anything about the meeting?
4 A. No.
5 Q. Okay. Have you read, looked at, listened to
6 that video or what was discussed?
7 A. I have listened to it, and I briefly scanned
8 through the --
9 Q. The transcripts?
10 A. The transcript, yeah.
11 [Defendants' Exhibit 4 was marked for
12 identification.]
13 Q. [Ms. Burton] Let me hand you Exhibit No. 4 to
14 your deposition. This, Mr. Stokes, purports to be a
15 transcript from Oconee County budget, finance and
16 administrative meeting on April 25, 2017. The first --
17 and I know the meeting was longer and they didn't
18 transcribe every part of it, but the first part
19 indicates that it is Mr. McCall speaking.
20 A. Yes.
21 Q. Is this portion of what he said what you are
22 referring to in paragraphs 14 and 15 of your lawsuit
23 paper?
24 A. Yes. This is the conversation.
25 Q. Okay. So this is it, right?

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1 A. This is it.
2 Q. Okay. There isn't some other statements or
3 anything that were made outside of this conversation that
4 you are complaining about?
5 A. No.
6 Q. All right. And then it goes on in Exhibit No. 4
7 and has some comments by Miss Cammick. Are those the
8 conversations that you are referencing in Exhibits 14 and
9 15 of your complaint?
10 A. Yes.
11 Q. In paragraph 16 of your complaint, you say that
12 Defendants McCall and Cammick communicated to the Journal
13 newspaper these same falsehoods with reckless disregard
14 to the truth of the allegations. Do you see that?
15 A. I do.
16 Q. What is the basis for your statement that they
17 communicated with the newspaper?
18 A. They were quoted in the newspaper. It was
19 verbatim kind of where you're going right here. I did
20 not see them do it.
21 Q. So do you know whether they actually talked to
22 the newspaper reporter or whether the newspaper reporter
23 watched YouTube on the Oconee County channel?
24 A. I don't know. They did communicate in one
25 fashion, though, or other.

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1 Q. What do you mean by that?
2 A. The reporter knows what they said in the
3 meeting.
4 Q. Okay. Do you know whether the reporter who
5 wrote the story attended the meeting?
6 A. No.
7 Q. So you don't know whether the reporter is just
8 repeating what was said at the meeting or whether there
9 was a separate conversation?
10 A. No, I don't.
11 Q. Tell me whether you're aware of any complaints
12 that any residential home builder, trade contractor or
13 general contractor made to Wayne McCall.
14 A. There was a complaint that they had a meeting
15 over, Darren Nichols.
16 Q. Darren Nichols?
17 A. Uh-huh [yes].
18 Q. What is Mr. Nichols' occupation?
19 A. He is a home builder.
20 Q. And how do you know that Mr. Nichols complained
21 to Mr. McCall?
22 A. They had a meeting discussing some blocking
23 requirements and framing that Mr. Nichols was required to
24 do on his structures.
25 Q. And he is a house builder?

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1 A. Yes, he is.
2 Q. And the issue Mr. Nichols had with the code
3 department is how you were requiring him to do framing?
4 A. Yes.
5 Q. And he fussed at Mr. McCall, I guess?
6 A. Yes.
7 Q. And how do you know that occurred?
8 A. Mr. Moulder discussed it with me.
9 Q. Do you recall approximately when you talked with
10 Mr. Moulder about that?
11 A. No, I don't.
12 Q. Do you know of any other complaints that were
13 made directly to Mr. McCall about the building codes
14 department?
15 A. Not in detail, no.
16 Q. How about rumor in general? Do you know
17 anything about that?
18 A. There are always rumors.
19 Q. Okay. What did you hear?
20 A. I can't think of anything in particular.
21 Q. Okay. Well, turn to paragraph 15 of your
22 complaint, please, sir. Paragraph 15, you say
23 "Defendants McCall and Cammick also asserted that they
24 had received numerous citizen complaints regarding
25 customer service and delays with the Plaintiff's

17 (Pages 65 to 68)

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1 department and that Plaintiff had blackballed certain
2 contractors and businesses within Oconee County, all of
3 which is false." Did you see that allegation?

4 A. Yes.

5 Q. Do you know whether Defendants McCall and
6 Cammick actually received numerous citizen complaints
7 about your department?.

8 A. No, except for what is in the document here and
9 what was said in the meeting.

10 Q. Okay. So you don't know whether people were
11 complaining about your department or not truthfully?

12 MR. HOPKINS: Object to the form.

13 THE WITNESS: Would you restate that for
14 me?

15 Q. [Ms. Burton] You do not know whether folks,
16 citizens, were complaining about your department to those
17 two council members?

18 MR. HOPKINS: Object to the form.

19 Q. [Ms. Burton] Do you?

20 A. Not precisely, no.

21 Q. Are you aware that some contractor, trade
22 contractor, residential home builder folks showed up at
23 Mr. McCall's shop to complain about the building codes
24 department?

25 A. Yes. This is the meeting Mr. Moulder talked to

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1 me about.

2 Q. You told me that was Mr. Nichols.

3 A. He was probably one of the members.

4 Q. So you knew there were other folks that showed
5 up?

6 A. I knew there were a couple others, yes.

7 Q. So you at least were aware that some group of
8 folks showed up at Mr. McCall's shop to complain about
9 the building codes department?

10 A. That's correct.

11 Q. Prior to your termination?

12 A. That's correct.

13 Q. And Mr. Moulder told you about that?

14 A. Yes.

15 Q. Because he had gone to that meeting?

16 A. Yes.

17 Q. Did that concern you?

18 A. Concerned me that the meeting was taking place,
19 yes.

20 Q. Turn your attention, if you would, please, to
21 page four of the summons and complaint, Exhibit No. 1.
22 In the first cause of action, Mr. Stokes, you have
23 alleged a claim against Mr. McCall and Miss Cammick and
24 Oconee County for slander.

25 A. That's correct.

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1 Q. Are you aware of that?

2 A. Uh-huh [yes].

3 Q. In paragraph 21, you allege that the Defendants
4 made false statements and published them to third
5 persons. Do you see that?

6 A. Yes.

7 Q. And I just want to make sure I know the universe
8 of the false statements. Are there any false statements
9 you contend were made about you by any of the Defendants
10 other than what is contained in Exhibit 4 that were made
11 at the budget, finance and administration meeting on
12 April 25, 2017?

13 A. No.

14 Q. So this is it?

15 A. That's it, and every time the YouTube video is
16 played.

17 Q. But there aren't other occasions where you say
18 they made false statements about you?

19 A. No.

20 Q. All right. Let's turn your attention, please,
21 sir, to page five of the complaint which is part of
22 Exhibit No. 1. I want to make sure I understand your
23 allegations contained in paragraph 28 on page five.

24 A. That's correct.

25 Q. Okay. You allege that Oconee County retaliated

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1 against you and terminated you because you were opposing
2 violations of applicable building codes, laws, statutes,
3 regulations, standards and/or policies and procedures.

4 A. That's correct.

5 Q. Do you see that?

6 A. Yes, I do.

7 Q. Can you tell me what codes, laws, statutes,
8 regulations, policies and procedures you are referring
9 to?

10 A. Nothing particularly, but the proper application
11 of the building code was in my purview and that's what we
12 were doing, permitting requirements, applying the
13 building code correctly and uniformly.

14 Q. Okay. Help me, Mr. Stokes. We can look at the
15 allegations or we can just talk about it directly. Why
16 are you saying you were wrongfully terminated?

17 A. Because I feel like I was terminated because I
18 was properly doing my job, uniformly doing my job,
19 properly administering the codes as I read them and as
20 the commentaries that we had as references describe the
21 requirements and the sections.

22 Q. And what are we talking about? Metal storage
23 building?

24 A. Yes. The metal storage building is an example.

25 Q. Well, I mean, is there another example that you

18 (Pages 69 to 72)

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1 think "I was trying to enforce the code and somehow I got
2 fired for doing that"?

3 A. No.

4 Q. So is it Miss Cammick's metal storage building,
5 that we are really talking about?

6 A. Well, we are talking about Miss Cammick's
7 storage building, and they also talked about pouring
8 concrete footers at a later date in that meeting.

9 Q. Okay. So the storage building, and what
10 footings are we talking about?

11 A. Mr. McCall discusses pouring concrete footings
12 and not passing an inspection on a footer that wasn't
13 complete.

14 Q. Okay. Do you know what property or building
15 project that refers to?

16 A. I do think I know what project it was. There
17 was a project that Jessie Mase, one of my inspectors,
18 called me on Good Friday and said that the concrete
19 footings weren't finished and they had been called for
20 inspections, they didn't even have the steel in place or
21 the forms up and that he was going to reschedule the
22 inspection.

23 Q. Was it on a house?

24 A. Yes.

25 Q. Who was the builder?

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1 A. I don't know who the builder was. I know that
2 Southern Basement & Wall, I believe, was doing the work.

3 Q. They were doing the foundation work?

4 A. They were doing the footings, yes.

5 Q. Do you know where the property is?

6 A. I believe it is on Evergreen. It was on Lake
7 Keowee somewhere, Evergreen Circle or something like
8 that.

9 Q. So I want to understand. Mr. Mase called you in
10 the office and he said "I got called out here to do a
11 footing inspection and they aren't even ready for it"?

12 A. That's correct.

13 Q. And they didn't have the rebar in?

14 A. That's correct.

15 Q. And they hadn't poured all the concrete?

16 A. Hadn't poured any concrete.

17 Q. So they had holes in the ground?

18 A. They had trenches in the ground, yes.

19 Q. And they didn't call him out for some sort of
20 soil test to make sure the bearing capacity was correct?

21 A. That is typically a test that is done when you
22 do a footing inspection.

23 Q. Okay. So you test the bearing capacity at the
24 bottom of the footings?

25 A. Yes.

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1 Q. So was that what he was called out to test, the
2 bearing capacity?

3 A. He was called to do the bearing capacity to
4 inspect the footings to see if they were per the plan on
5 the house.

6 Q. Initially, he would inspect the bearing capacity
7 before the footings were poured, right?

8 A. Of course.

9 Q. Okay. So did he go out and inspect the bearing
10 capacity?

11 A. He did both. He was there to inspect the
12 footings, so he was there to inspect the bearing
13 capacity; that the steel and stuff was in place as
14 required by the building code and the forms were up and
15 erected level.

16 Q. Okay. And they had the trenches dug, but they
17 didn't have the forms and all the rebar in?

18 A. That's correct.

19 Q. So he said "Hey, they are not ready for me."
20 Why did he call you?

21 A. Because I think he was getting a little flak
22 from the superintendent, wanted him to pass without it
23 being complete.

24 Q. Did he get any flak about not going back out in
25 a timely manner?

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1 A. I didn't give him any flak for that.

2 Q. Did anybody else give him any flak about it?

3 A. Well, I got calls from Edda about it. I think I
4 was out in the field that day, too. When I got back to
5 the office, I had some phone calls to return about it,
6 and I talked to the owner of the property, but I didn't
7 give Jessie any flak about it. I mean, we were doing
8 inspections. We had a long list of people that we were
9 inspecting. Jessie had a flat tire that day, and, you
10 know, we just had to continue on with our inspection. It
11 was kind of a standard routine, if people weren't ready
12 for inspection, that you rescheduled them for the next
13 business day.

14 Q. So Jessie went out and they didn't have
15 everything in place, and then I gather that Southern
16 Basement & Wall wanted Jessie to come back out when it
17 was in place, and he was unable to do so?

18 A. That would be correct.

19 Q. And concrete truck was there ready to pour?

20 A. There were no concrete trucks there, to my
21 knowledge, no.

22 Q. And apparently somebody got so disgruntled that
23 they called this council member to fuss?

24 A. Uh-huh [yes].

25 Q. Do you know who that was?

19 (Pages 73 to 76)

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1 A. I believe it was Joel Perkins.
2 Q. Who is Joel?
3 A. I think he was the property owner.
4 Q. So you heard from Miss Cammick that she was
5 receiving complaints about this particular issue?
6 A. Yes. I think I got back and I had a message to
7 call Joel or Edda. I don't remember exactly which one it
8 was. I talked to both of them that day. I talked to
9 Edda twice, and I talked to Mr. Perkins twice.
10 Q. Okay. Do you know whether there was a concern
11 by the subcontractor that they had called for the cement
12 delivery, but were unable to pour because they couldn't
13 get an inspector back out?
14 A. I think that's a typical complaint. You know,
15 the inspections are supposed to be called when the
16 footings are complete ready to pour, and they are not
17 supposed to call or have concrete there until they are
18 sure they can pour, so, you know, if you have somebody
19 that's got a concrete truck sitting there, which I don't
20 believe was the case, before they had the footings
21 inspected, it would be bad business.
22 Q. How did you resolve this issue?
23 A. I talked to Mr. Perkins and explained the
24 situation, and he agreed that I could inspect them the
25 following business day, which was Monday.

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1 Q. So this happened on Friday and then they waited
2 until Monday, and did you send somebody back out?
3 A. I told Mr. Perkins I would send somebody out on
4 the first inspection to check his footings.
5 Q. And did that occur?
6 A. That did occur.
7 Q. Did the footings pass?
8 A. Yes.
9 Q. So it was a citizen complaint to a council
10 member. You agree with me about that?
11 A. Yes.
12 Q. Okay. We have been going over an
13 hour-and-a-half, so let's take a five-minute break.
14 A. That's fine.
15 Q. Does that suit you?
16 A. That's great.
17 [Short recess.]
18 Q. [Ms. Burton] Mr. Stokes, you told me earlier
19 about a conversation you had with Edda Cammick in the
20 building codes office. Did you ever talk with Miss
21 Cammick again about any issue?
22 A. I talked to Miss Cammick on Good Friday about
23 the concrete footings issue.
24 Q. About the Joel Perkins house?
25 A. That's correct.

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1 Q. And tell me what the conversation was with her
2 that day.
3 A. Miss Cammick wanted to know why we hadn't
4 inspected the footings, why we wouldn't go back to
5 inspect them.
6 Q. And what did you report?
7 A. I told her that the footings weren't ready and
8 that we had a massive schedule that day and the inspector
9 had to go to the next job and that he had a flat tire he
10 had to fix, which further delayed him on doing the
11 balance of the inspections he had for that day.
12 Q. What did she say?
13 A. She said "That's a lousy excuse for not going
14 back."
15 Q. The flat tire is a lousy excuse?
16 A. Yes.
17 Q. Anything else?
18 A. She wanted me to talk to Mr. Perkins, and she
19 wanted me to call her back.
20 Q. So she asked you to call the homeowner?
21 A. Yes. And I already had, I think, a note to
22 return a call to Mr. Perkins.
23 Q. And did you call her back after you spoke to
24 him?
25 A. I did.

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1 Q. What was that conversation?
2 A. I told Miss Cammick that I talked to Mr. Perkins
3 and he was going to be inspected first thing Monday
4 morning and he had agreed to it.
5 Q. What did she say?
6 A. She said "Okay."
7 Q. So as far as you were concerned, it was
8 resolved?
9 A. Yes.
10 Q. Did she tell you to go ahead and pass the
11 footing inspection anyway?
12 A. No.
13 Q. Have you ever spoken to Mr. McCall?
14 A. Mr. McCall called me January or February of the
15 same year, and he told me he just wanted to tell me that
16 he had had lunch at a restaurant with a bunch of
17 contractors and that they were tickled to death with the
18 way the department was going, all the customer service we
19 gave them and how much we helped them and he wanted me to
20 keep up the good work.
21 Q. And this was '17?
22 A. This was '17.
23 Q. Have you ever had any other conversation with
24 him?
25 A. Mr. McCall came into my office soon after I got

20 (Pages 77 to 80)

1 employed at the county and he wanted to discuss building
 2 a building on his property for his work, and he asked me
 3 a question that previously he had been turned down for
 4 having too big a footing by Oconee County building
 5 inspectors, and he wanted to know what I thought about
 6 that. I said "I don't know how you have too big a
 7 footing."
 8 Q. I was kind of wondering the same thing myself.
 9 A. Too small, but not too big. He said "Okay. I
 10 just wanted to see how you looked at things," and he
 11 left.
 12 Q. Any other conversations with Mr. McCall?
 13 A. Nothing but a casual hello maybe that I can
 14 recall.
 15 Q. Any other conversations with Miss Cammick?
 16 A. No.
 17 Q. How did you learn that your employment was being
 18 terminated?
 19 A. As we previously discussed, I had a standing
 20 meeting with Mr. Moulder every other Thursday, I believe,
 21 and we had active shooter training on Wednesday and my
 22 meeting was with Mr. Moulder on Thursday, and I called
 23 him sometime around lunch and said "I have got time if
 24 you have got time if you want to do this early." He said
 25 "No. Come on down at the scheduled time," so I went into

1 the office and we went into Mr. Moulder's office. He
 2 closed the door, and he said "I hate to tell you this,
 3 but I am letting you -- I have to let you go."
 4 Q. Okay.
 5 A. And, of course, you know, there was pretty dead
 6 silence there for a moment or two, and I said "I don't
 7 understand. What's going on?" And he said, you know,
 8 there was a meeting and there was some accusations about
 9 incompetence and not knowing the codes and permitting
 10 issues and complaints from contractors, stuff like that,
 11 and he said "I got to let you go; nothing I can do about
 12 it."
 13 Q. Okay. What else did he say?
 14 A. We talked about getting terminated and what the
 15 exit looked like, told him I was frustrated that somebody
 16 would complain about my efficiency on the job as far as
 17 my competence with codes go, talk like that.
 18 Q. So he told you that there was concerns about
 19 your competency?
 20 A. There was talk in the meeting, yes.
 21 Q. Did he tell you what meeting he was referring
 22 to?
 23 A. The budget and finance meeting that happened on
 24 Tuesday.
 25 Q. So the meeting that we have the exhibit from?

1 A. Right.
 2 Q. I'm sorry. That is Exhibit 4. So he said in
 3 the meeting, at the budget and finance committee meeting,
 4 there was a concern about your competency?
 5 A. Yes.
 6 Q. Okay. And about permitting issues? Yes?
 7 A. Something about a metal shed and permitting.
 8 Q. And what questions did you ask?
 9 A. I didn't ask him an enormous amount of
 10 questions. I asked him, you know, what the exit was
 11 going to look like, probably asked him questions about
 12 the meeting.
 13 Q. What does that mean, what the exit is going to
 14 look like?
 15 A. I am sitting in a chair. I have just gotten
 16 fired, so I have got to exit my employer and I have got
 17 to exit the building, what does that look like, you know,
 18 am I going to be accompanied by somebody back to my
 19 office, do I get a chance to clear my office out, can I
 20 talk to my employees, you know, what about the work I
 21 have got that I need to finish up; those type things.
 22 Q. What was his response about how the exit was
 23 going to look?
 24 A. He said I could go back to my office, I could
 25 talk to my employees and I could gather my things up and

1 I could leave. I wouldn't be accompanied.
 2 Q. But you were to leave that day?
 3 A. Yes.
 4 Q. Anything else you remember about the
 5 conversation with Mr. Moulder?
 6 A. No.
 7 Q. It's my understanding that you appealed.
 8 A. I did.
 9 Q. Okay. And that your appeal was denied?
 10 A. The grievance committee actually stated that I
 11 should be reemployed or something like that and that
 12 Mr. Moulder upheld my termination.
 13 [Defendants' Exhibit No. 5 was marked for
 14 identification.]
 15 Q. [Ms. Burton] Okay. Let me hand you a document
 16 I have marked as Exhibit No. 5 to your deposition. Did
 17 you receive this letter indicating that Mr. Moulder
 18 decided to uphold your termination?
 19 A. I did.
 20 Q. Was the employee handbook online or on the
 21 server at the county?
 22 A. I think it was.
 23 Q. Okay. I mean, did you have a hard copy of it?
 24 A. I had a hard copy in my office.
 25 Q. Were you hired people to work in your department

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1 and you told me there were people that were hired during
2 your tenure, were you responsible for assuring that they
3 received the employment documents, or was that always
4 handled by HR?
5 A. HR handled that.
6 Q. Was there any online employment information
7 accessible to you?
8 A. I'm sure there was.
9 Q. I mean, did you ever look at it, or you just
10 know it was there?
11 A. I had hard copies. If I wanted to look
12 something up, I would look it up.
13 Q. Okay.
14 A. I'm kind of a paper person.
15 Q. Did the county periodically update the employee
16 handbook?
17 A. They did.
18 [Defendants' Exhibit 6 was marked for
19 identification.]
20 Q. [Ms. Burton] Let me hand you a document I have
21 marked as Exhibit No. 6 to your deposition. Is that your
22 signature on Exhibit 6?
23 A. It is.
24 Q. And do you recall why you were asked to sign
25 this form in September of 2012?

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1 A. No; except for maybe some continuing education
2 with the HR department.
3 Q. Did you go to training like sexual harassment
4 type training?
5 A. Yes.
6 Q. I want to look again, please, sir, at Exhibit
7 No. 1, which is the summons and complaint. I want to
8 look at paragraph No. 29.
9 A. All right.
10 Q. In paragraph 29, you allege that you suffered
11 certain damages --
12 A. Yes.
13 Q. -- in the lawsuit, and I want to discuss those
14 with you and how they are calculated, if I can. Let me
15 also, to aid us in this endeavor, hand you Exhibit No. 7
16 to your deposition.
17 [Defendants' Exhibit 7 was marked for
18 identification.]
19 Q. [Ms. Burton] Are you aware, Mr. Stokes, that we
20 served written questions on your counsel and that you
21 provided those responses?
22 A. Uh-huh [yes].
23 Q. Yes?
24 A. Yes.
25 Q. And did you review these responses before they

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1 were provided to us?
2 A. Yes.
3 Q. All right. So if you would, please, sir, turn
4 your attention to page seven of ten.
5 A. Uh-huh [yes].
6 Q. Question six, we asked you to state each item or
7 category of damage that you are claiming against
8 Defendant McCall in the lawsuit.
9 A. Uh-huh [yes].
10 Q. And question seven, we asked you to identify how
11 the damages are calculated. Do you see that?
12 A. Uh-huh [yes].
13 A. Yes.
14 Q. All right. It appears in both the complaint in
15 paragraph No. 29 and in answer to the interrogatory No. 6
16 and No. 7 that you are asserting a claim against my
17 client, Mr. McCall, for lost wages. Is that true?
18 A. Yes.
19 Q. Can you please tell me the amount of that claim?
20 A. I do not have a definite amount.
21 Q. How are we going to calculate an amount?
22 A. I reckon we will have to put everything together
23 and calculate it that way.
24 Q. Do you have any understanding sitting here today
25 how you intend to calculate your claim for lost wages?

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1 A. Wages that I didn't earn during the period of
2 time I was unemployed, difference in pay from here to the
3 end of my retirement age, you know, benefits as far as
4 retirement goes, insurance benefits that I would have had
5 and enjoyed while I was still employed, those type of
6 things.
7 Q. Tell me -- and I'm slow -- when you worked for
8 Seneca, were you in the state retirement plan?
9 A. I was.
10 Q. And how many total years do you have in the
11 state retirement plan?
12 A. I think about 14, 13 or 14 years.
13 Q. And are you eligible at some point to receive
14 state retirement given your tenure in the plan?
15 A. Yes.
16 Q. When are you eligible to receive state
17 retirement?
18 A. I believe it's 62.
19 Q. At age 62?
20 A. I think it starts at 55 or 62, yeah. I am not
21 exactly sure.
22 Q. How old are you now?
23 A. I am 62 right now, so I think I qualify for
24 Social Security and retirement.
25 Q. Can you qualify for benefits under the state

22 (Pages 85 to 88)

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1 retirement plan currently?
2 A. Yes.
3 Q. Have you applied for benefits under the plan?
4 A. No.
5 Q. Why not?
6 A. Because I don't want to start taking my benefits
7 right now.
8 Q. Does it increase if you delay receiving the
9 benefits under state retirement?
10 A. Not unless I'm working.
11 Q. Say that one more time. Help me understand.
12 A. It does if I'm working.
13 Q. If you are working, you get less of a payment?
14 A. I get more of a payment.
15 Q. More of a payment?
16 A. Substantially more overtime. It is also based
17 on your three highest years.
18 Q. At an agency that qualifies?
19 A. Yes.
20 Q. So it is based on your three years at Oconee
21 County?
22 A. Yes.
23 Q. So you would receive state retirement based on
24 your last paid salary three years?
25 A. Yes, average highest three years.

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1 Q. I assume that's at Oconee, as opposed to Seneca?
2 A. Yes, it is, yes.
3 Q. And then now you are accruing more contribution
4 into the state retirement system?
5 A. Yes.
6 Q. With LLR?
7 A. Yes.
8 Q. When you worked at Oconee County, were you on
9 the state health plan?
10 A. I was on Oconee County's health plan.
11 Q. Which was what?
12 A. Blue Cross Blue Shield or something like that,
13 P.A.I.
14 Q. P.A.I., Planned Administrators?
15 A. Yeah, yeah.
16 Q. Also part of Blue Cross?
17 A. Yeah.
18 Q. So was Oconee County self-funded; do you know?
19 A. They are self-funded. They got reinsurance and
20 all that stuff behind it.
21 Q. And you participated in that plan?
22 A. I did.
23 Q. And do you participate in the state health plan
24 with LLR?
25 A. I do.

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1 Q. And that is administered by Blue Cross?
2 A. Yes.
3 Q. Do you believe those benefits are comparable?
4 A. I think in some ways Oconee's were better.
5 Q. Okay. And in other ways, is the state plan
6 better?
7 A. Probably equal in other ways.
8 Q. Okay. What are their benefits? You mentioned
9 benefits to me a moment ago. Other than retirement and
10 health, what other benefits are you claiming damages for?
11 A. Being comped.
12 Q. Let's focus on benefits for the moment.
13 A. Okay.
14 Q. Just benefits like health, life, disability,
15 that kind of stuff?
16 A. Right.
17 Q. Any others you are claiming other than health, I
18 guess, and retirement?
19 A. Health and retirement, yes.
20 Q. When you were terminated from Oconee County, did
21 you elect to continue coverage?
22 A. No.
23 Q. So did you have any health insurance coverage?
24 A. I had secondary insurance. I had Golden Rule
25 catastrophic coverage.

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1 Q. So you purchased an individual policy with
2 Golden Rule?
3 A. I did.
4 Q. And you did not -- were you offered continuation
5 coverage?
6 A. Of course.
7 Q. But you elected not to?
8 A. I couldn't afford it.
9 Q. Okay. Then, compensation, when you left Oconee
10 County, What was your pay?
11 A. 71, \$72,000 range.
12 Q. And you said to me you are making 49?
13 A. Yes, round numbers.
14 Q. Okay. How long do you intend to work with LLR,
15 assuming they keep you?
16 A. Until full retirement age.
17 Q. Which is what for you?
18 A. I think it is 66-and-a-half, somewhere in that
19 range.
20 Q. You mean when you can draw Social Security?
21 A. And Medicare.
22 Q. Okay. You can get Medicare when you're 65?
23 A. You have to be 65, yeah. I think full benefits
24 are 66-and-a-half for me.
25 Q. So we talked about -- I want to make sure I

23 (Pages 89 to 92)

1 cover the things that you are claiming. We talked about
 2 lost wages, which you have not calculated at this point?
 3 A. That's correct.
 4 Q. We talked about loss of benefits, which you told
 5 me you have not calculated, but would include health and
 6 retirement benefits?
 7 A. Yes.
 8 Q. And are there any other damages that you are
 9 claiming that can be calculated? I know you have some
 10 for emotional distress and the like.
 11 A. No.
 12 Q. Any others that you would use a calculator to
 13 cipher?
 14 A. Not at this time.
 15 Q. Now, tell me, you indicate in answer to
 16 interrogatory No. 6 that you are claiming damages for
 17 emotional distress, anxiety, humiliation, sleeplessness,
 18 psychological pain.
 19 A. Yes.
 20 Q. Do you see those?
 21 A. Yes.
 22 Q. Have you been treated by any medical provider
 23 for any of those conditions?
 24 A. I have a little bit of tendency toward
 25 depression, sleeplessness, and I have gone to my general

1 practitioner, upped my doses on antidepressant,
 2 anti-anxiety drugs and requested something to help me
 3 with sleep because I wasn't sleeping. I was ruminating
 4 all night.
 5 Q. Who is your family practice doctor?
 6 A. Dr. Duffy at Carolina Integrated Medicine.
 7 Q. Where is that?
 8 A. It is in Clemson.
 9 Q. How long has Dr. Duffy been your primary doctor?
 10 A. I went to Duffy probably a month or two before I
 11 was fired.
 12 Q. That was the first time you started seeing him?
 13 A. Yes, yeah.
 14 Q. When did Dr. Duffy first prescribe any sort of
 15 antidepressant or anti-anxiety medication for you?
 16 A. When I went to her, I was already on those
 17 medications.
 18 Q. Who had prescribed them to you previously?
 19 A. My previous doctor was Dr. Sanders at Mountain
 20 Lakes Internal Medicine.
 21 Q. Sanders?
 22 A. Yeah, spelled like Sanders, I think.
 23 Q. Okay. At Mountain Lakes?
 24 A. Mountain Lakes Internal Medicine.
 25 Q. How long did you see Sanders?

1 A. Several years.
 2 Q. And Sanders had prescribed for you what
 3 medications?
 4 A. Wellbutrin and Buspar.
 5 Q. Buspar?
 6 A. Buspar.
 7 Q. And that was to treat depression?
 8 A. Depression is the Wellbutrin. Anxiety is the
 9 Buspar.
 10 Q. How long had you been taking medications for
 11 anxiety or depression?
 12 A. I have been taking medications as needed since
 13 probably late '90s, for a while.
 14 Q. And other than Dr. Sanders, who else have
 15 prescribed those medications for you?
 16 A. You are testing my memory. I went to Nurse
 17 First at Oconee Memorial, and I went to Seneca Medical
 18 Associates prior to that.
 19 Q. Who did you see at Seneca Medical Associates?
 20 A. Dr. Ramey.
 21 Q. I'm sorry. Nurses First?
 22 A. Nurse First. It is a nurse practitioner first
 23 outfit.
 24 Q. Who did you see there?
 25 A. Kay Lynn Olmstead, O-L-M-S-T-E-A-D, I believe.

1 Q. So you had been taking anti-anxiety and
 2 antidepressant medications for some long period of time?
 3 A. Yes, as needed. Typically I had problems in the
 4 fall and winter.
 5 Q. And then you said more recently, prior to being
 6 terminated, you had gone to see Dr. Duffy, and it was
 7 Duffy prescribing medications?
 8 A. At that time, extra.
 9 Q. And you have since gone to see Dr. Duffy and got
 10 increasing dosages of those medications or different
 11 medications?
 12 A. No; same medications, just increased dosages.
 13 Q. And you said you got something for sleep. What
 14 did you get for sleep?
 15 A. It's called Doxazosin.
 16 Q. And are you currently taking that?
 17 A. Yes.
 18 Q. How long have you been taking Doxazosin?
 19 A. Over a year now, maybe a little longer.
 20 Q. Have you ever taken a sleep medication
 21 previously?
 22 A. I was prescribed Ambien.
 23 Q. Who gave you the Ambien?
 24 A. I think it was Dr. Sanders, but I only took a
 25 few doses of it.

1 Q. Have you ever seen a psychologist?
 2 A. Yes.
 3 Q. Who?
 4 A. Dr. Ray Addison.
 5 Q. Addison?
 6 A. Uh-huh [yes].
 7 Q. Where is Dr. Addison?
 8 A. He is in Seneca.
 9 Q. What period of time did you see Dr. Addison?
 10 A. I have seen the Drs. Addison probably since -- I
 11 took my kids to him in the early 2000s and saw him off
 12 and on up to the present time.
 13 Q. You still see Addison?
 14 A. I haven't in six months, eight months.
 15 Q. Okay. Have you ever seen a psychiatrist?
 16 A. No.
 17 Q. Have you ever seen any other type of mental
 18 health professional?
 19 A. Yeah. I went to see -- Jonell and I went to see
 20 Ross Collins.
 21 Q. What kind of person is Collins?
 22 A. Marital stuff and children issues.
 23 Q. For family counseling?
 24 A. Family counseling, yeah.
 25 Q. Anybody else that you have seen?

1 A. Huh-uh [no].
 2 Q. No?
 3 A. No.
 4 Q. Have you ever been treated in any hospital for
 5 any kind of mental health issue?
 6 A. No.
 7 Q. Have you ever been treated by any medical
 8 provider or any other kind of provider for any substance
 9 abuse issues?
 10 A. No.
 11 Q. In answer to interrogatory, you indicate that
 12 you lost standing in the community.
 13 A. Yes.
 14 Q. Do you see that?
 15 A. Yes.
 16 Q. Can you enlighten me about that, please, sir?
 17 A. Well, my character was slandered, and I was
 18 accused of being a criminal, taking money, bribery.
 19 People, contractors and people I know, a lot of them
 20 won't talk to me right now. If I am in a Lowe's or
 21 something, they will turn around and go the other way.
 22 People that would normally carry on good conversations
 23 with me just say hi and bye. I get a similar thing from
 24 people at church.
 25 Q. What church do you attend?

1 A. I go to St. Andrews in Clemson.
 2 Q. What kind of church is that?
 3 A. Catholic Church.
 4 Q. Are you saying your fellow parishioners don't
 5 talk to you?
 6 A. They talk to me, casual, but it's not the warm
 7 conversations I used to have.
 8 Q. They are not as friendly?
 9 A. Not as friendly.
 10 Q. Have any of them told you why they are not as
 11 friendly?
 12 A. No.
 13 Q. So you just perceive they are not as friendly?
 14 MR. HOPKINS: Object to form.
 15 THE WITNESS: I perceive, yes.
 16 Q. [Ms. Burton] True?
 17 A. Yes. Perceptions are reality when you're in
 18 that situation.
 19 Q. Has anybody expressed to you any reason why they
 20 are not as friendly to you as they used to be?
 21 A. No.
 22 Q. And you said you see contractors out at stores
 23 and they won't talk to you?
 24 A. The majority of them, no.
 25 Q. Have you talked to any of them and said "Hey,

1 what's up"?
 2 A. I stop them and speak to them and just kind of
 3 hi and bye, you know. If you stop them, confront them,
 4 they will speak to you, and then they leave shortly.
 5 Q. Has any person said anything to you where they
 6 said "I think less of you" or anything that ties back to
 7 this council meeting?
 8 A. No. They haven't spoken directly to me. My son
 9 that runs the tire shop has heard it two or three times
 10 from different contractors.
 11 Q. Tell me about that.
 12 A. "Your dad's a crook," you know, "got what he
 13 deserved." Some of the people that worked for the city
 14 said the same thing to him.
 15 Q. So who's told your son -- wait a minute.
 16 A. I don't know names.
 17 Q. Your son, tell me which one.
 18 A. Nathan.
 19 Q. Who's told Nathan something bad about you?
 20 A. City workers. He didn't tell me who. And he
 21 changes tires and works on contractors' trucks, and I
 22 think at least three contractors have mentioned it to
 23 him.
 24 Q. Do you know who they are?
 25 A. No. My son didn't tell me that.

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1 Q. Are we talking about City of Seneca?
 2 A. Yes.
 3 Q. So your son has reported to you that people have
 4 been talking bad about you?
 5 A. Yes.
 6 Q. And said that you are a crook?
 7 A. Yes.
 8 Q. And you said that you had been accused of being
 9 a criminal. Who accused you of being a criminal?
 10 A. Wayne McCall.
 11 Q. Where did he accuse you of being a criminal?
 12 A. He said I had a sweet deal going on with a
 13 contractor.
 14 Q. He said you personally had a sweet deal going on
 15 with a contractor?
 16 A. It was in reference to me, "The building
 17 department has a sweet deal going on."
 18 Q. You took that in reference to you?
 19 A. I am head of the building department.
 20 Q. Anybody else? Other than your son recounting
 21 that people have said things about you, has anybody else
 22 told you that they heard bad things about you?
 23 A. I have had some contractors tell me they have
 24 heard that and they didn't think that was me.
 25 Q. Who?

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1 A. Danny Pelfrey for one.
 2 Q. Danny who?
 3 A. Pelfrey.
 4 Q. Pelfrey?
 5 Q. Who is Mr. Pelfrey?
 6 A. He is a contractor in Oconee County.
 7 Q. Who does he work for?
 8 A. He works for himself right now. He was working
 9 for KM Services at the time he told me that.
 10 Q. And he said what? "I heard something nasty
 11 about you, but I think you are a good guy?"
 12 A. "I heard that stuff." He said "I didn't believe
 13 it."
 14 Q. So he thought you were still a good guy?
 15 A. Yeah.
 16 Q. Who else?
 17 A. I can't remember any names right now.
 18 Q. Anybody else that's told you they heard
 19 something bad with you?
 20 A. There have been other people. Right now, I am
 21 not remembering the names.
 22 Q. I mean, are they other contractor type people?
 23 A. Contractors, friends. I mean, I have had some
 24 consolation from friends.
 25 Q. Consolation about getting fired?

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1 A. Yeah, consoling you, sorry about it, that type
 2 stuff, "We heard what they said. We have seen it on
 3 YouTube."
 4 Q. Have you told anybody to look at the YouTube
 5 channel and look at this meeting?
 6 A. Yeah, I think so.
 7 Q. Who have you said "Hey, you need to look at
 8 this"?
 9 A. I told Danny to look at it.
 10 Q. So you told Mr. Pelfrey?
 11 A. Yeah.
 12 Q. Did you tell your son Nathan to look at it?
 13 A. I told Nathan it was on YouTube, yes.
 14 Q. Did you tell any of your other children to look
 15 at it?
 16 A. No.
 17 Q. Did you tell your wife to look at it?
 18 A. I am not married.
 19 Q. You were.
 20 A. I am divorced.
 21 Q. You were at the time?
 22 A. No. I was separated.
 23 Q. At the time of your termination, you were
 24 separated from Lori?
 25 A. Yes.

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1 Q. You looked at the YouTube channel why?
 2 A. Why?
 3 Q. Yeah.
 4 A. Because my employees told me the meeting was on
 5 there and that's where the information was coming from.
 6 Q. What employees told you that?
 7 A. The people that worked at Oconee in my
 8 department. They had apparently watched it prior to me
 9 getting terminated or after me getting terminated.
 10 Q. So did they tell you to look at it before you
 11 were terminated or after?
 12 A. After.
 13 Q. Which ones told you to look at it?
 14 A. Stephen Soback, I believe.
 15 Q. So he said "Hey, you need to go check out this
 16 YouTube channel"?
 17 A. Something like that.
 18 Q. And is that why you looked at it?
 19 A. Yes.
 20 Q. Okay. Prior to being terminated, had anybody
 21 said anything to you about what had happened in the
 22 counsel meeting?
 23 A. No. I did have some questions from Wanda Roach
 24 and Scott Carroll about the department being dismantled
 25 the day it happened.

26 (Pages 101 to 104)

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1 Q. They thought maybe it was going to be
2 dismantled?

3 A. They came in my office at different times and
4 asked me, you know, can the county shut down the
5 department, and I said no. I said "They have got to have
6 some kind of building department. It is state mandated,
7 so they can shut it down and hire a third party, but they
8 can't do away with codes." I think that was their
9 question, can they do away with the codes department. I
10 said "It will have to exist in some form or the other."

11 Q. Did you ask them "Hey, why are you asking me
12 that"?

13 A. No.

14 Q. Did they say "Hey" --

15 A. No.

16 Q. -- "I have got this concern my job is going to
17 be eliminated for some reason"?

18 A. Well, I mean, there was a background sense of
19 concern from most employees at that time about their
20 jobs.

21 Q. Why?

22 A. Because people were being pushed out of the jobs
23 in the county and being pressured. I mean, gossip goes
24 around in the county.

25 Q. You mean there were positions being eliminated?

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1 A. There have been positions eliminated, yes.

2 Q. So everybody was worried their position might
3 get eliminated next?

4 A. Well, when you transition from an administrator
5 that you trust and are behind and then council people
6 start pressuring different people to leave their jobs,
7 then people in the county get worried.

8 Q. Okay. Anything else you want to tell me about
9 the damages you are claiming in the case that we have not
10 talked about?

11 A. I have suffered a lot of sleepless nights. I
12 have been overly stressed. I had a stroke right before
13 Christmas that was stress related, according to my
14 doctor.

15 Q. When did you have the stroke?

16 A. I had a stroke the Friday before Christmas.

17 Q. This past year?

18 A. Yes.

19 Q. So December 24th, 2017?

20 A. 23rd, 22nd, 23rd. It was Friday. It was a TIA
21 or T something.

22 Q. And did you go to the hospital?

23 A. Yes. I was admitted to the hospital.

24 Q. What hospital?

25 A. Oconee.

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1 Q. How long did you stay in the hospital?

2 A. I stayed overnight until about four or five
3 o'clock the next day.

4 Q. What treatment were you given for the stroke?

5 A. I was told that I had had a transient ischemic
6 attack, that my tests were fairly clear, and they
7 recommended I go see -- no, they didn't recommend
8 anything, told me take an aspirin and go see my general
9 practitioner.

10 Q. Follow up with the doctor?

11 A. Take an aspirin.

12 Q. And have you since had any treatment?

13 A. I went and saw my practitioner.

14 Q. And?

15 A. And she started going over stress issues and
16 relaxing and talking about what happened to me in the
17 last year. She recommended some dietary changes and some
18 exercise and wanted me to be screened by a neurologist.

19 Q. Okay. Did you see a neurologist?

20 A. It's been a fiasco trying to get an appointment
21 with a neurologist. I haven't gotten one yet, but I have
22 been referred to Neuroscience out of Greenville, and they
23 have lost my referral, and they called me with the
24 appointment, I believe, last week or week before when I
25 had a meeting in Columbia. They haven't called me back

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1 to reschedule.

2 Q. Have you seen any heart doctors related to this
3 stroke?

4 A. No; but I was cleared for my heart and stuff
5 during the stroke.

6 Q. Okay. At the hospital?

7 A. Yeah. They were treating me for a heart attack
8 when the ambulance picked me up at my son's shop and took
9 me to the hospital.

10 Q. Okay. Have you done any work with your son?

11 A. I mentor him all the time.

12 Q. I mean, have you worked at his shop at all?

13 A. Yeah, I work at his shop. I helped him clean it
14 up and get it ready. I don't do mechanical work.

15 Q. Anything else you want to tell me about your
16 damages, Mr. Stokes? This is the time. And if you want
17 to take a break, I'm happy to take a break.

18 A. I would like a minute.

19 Q. Sure. Of course.

20 [Short recess.]

21 Q. [Ms. Burton] Mr. Stokes, you ready?

22 A. I am.

23 Q. Before we took a brief break, we were talking
24 about the damages you are claiming against Mr. McCall or
25 Miss Cammick or the county in the lawsuit, and we

27 (Pages 105 to 108)

1 discussed quite a number of different types of damages.
 2 Is there any other damages you want to discuss with me?
 3 A. Outside of emotional distress, anxiety,
 4 embarrassment, humiliation, sleeplessness, psychological
 5 pain and stroke, no.
 6 Q. And you contend that your stroke was caused by
 7 being terminated in May?
 8 A. I'm sure that the stress, additional stress that
 9 was on me for those months was contributory, yes.
 10 Q. Okay. And you feel like -- tell me why you were
 11 stressed out in the latter part of last year after you
 12 became employed by LLR.
 13 A. Being employed by LLR doesn't do anything to
 14 alleviate what happened to me at Oconee County the way I
 15 was discharged, and it's a reduction in pay. It is
 16 a long arduous five-hour drive back and forth when I was
 17 working locally in my county where I grew up, where my
 18 father is in a nursing home, where my family lives.
 19 Q. What five-hour drive are you talking about?
 20 A. Columbia, two-and-a-half hours down,
 21 two-and-a-half hours back. I am just saying it is -- the
 22 job is not a relief from what happened to me at Oconee.
 23 Q. Okay.
 24 A. You know, where I lived ten, 15 minutes away
 25 from work in the county I grew up in.

1 Q. How often do you go to Columbia?
 2 A. I went every day for the first two or three
 3 weeks, and I go several times a month or whenever
 4 summoned. I go for all IRC meetings and all board
 5 meetings and any special meetings they call.
 6 Q. Are you still looking for a job?
 7 A. No, ma'am.
 8 Q. Have you applied back at Trehel?
 9 A. No.
 10 Q. Why not?
 11 A. I just don't want to work for them anymore.
 12 Q. I'm sorry. Did you tell me earlier that was the
 13 highest paying job you had was Trehel?
 14 A. It was about equal to what my last pay was at
 15 Oconee. It was right at around 70.
 16 Q. Is Trehel the biggest contractor located around
 17 this area?
 18 A. No, by no means.
 19 Q. Who is the biggest located around this area?
 20 A. The Greenville area?
 21 Q. Well, Greenville, obviously there is a bunch of
 22 big contractors.
 23 A. They are in Greenville now.
 24 Q. Did you apply with any of the contractors in
 25 Greenville, Harper?

1 A. No.
 2 Q. Fluor?
 3 A. No.
 4 Q. Any of those?
 5 A. [Witness shakes head].
 6 Q. MacTech, anybody over there?
 7 A. No general contractors, no.
 8 Q. Why not?
 9 A. Didn't want to go back in the private sector.
 10 Q. Why?
 11 A. Just didn't.
 12 Q. Any particular reason you didn't like that?
 13 MR. HOPKINS: Object to the form.
 14 THE WITNESS: I wanted to stay local at
 15 home.
 16 Q. [Ms. Burton] Are there any general contractors
 17 located in Anderson or Oconee County?
 18 A. I'm sure there are.
 19 Q. Did you apply with any of those?
 20 A. No.
 21 Q. You just didn't want to work for a private
 22 contractor?
 23 A. No.
 24 Q. So the jobs you were looking for were state or
 25 county?

1 A. Code related, yes.
 2 Q. Look at, if you would, Exhibit No. 7, which is
 3 the answers to interrogatories, and I wanted to ask you
 4 about the witnesses you identified. Listing the
 5 witnesses begins on page two of ten of Exhibit 7. You
 6 have listed, looks like, all the council members. Have
 7 you talked with any of the other council members you
 8 listed, Mr. Cain, Mr. Davis or Mr. Hart, about any of the
 9 issues involved in this lawsuit?
 10 A. No, ma'am.
 11 Q. So are they listed simply because they were on
 12 council and attended the meeting?
 13 A. And participated in that meeting, yes.
 14 Q. Okay. You have listed Miss Brock as a witness.
 15 A. Yes.
 16 Q. What does she know about this lawsuit?
 17 A. It's my understanding that Amanda witnessed
 18 Wayne McCall telling Scott Moulder to terminate everybody
 19 in my department but Scott Carroll the afternoon I was
 20 terminated.
 21 Q. Say that to me one more time.
 22 A. Amanda witnessed Wayne McCall ordering Scott
 23 Moulder to terminate everybody in my department but Scott
 24 Carroll.
 25 Q. The day you were terminated?

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1 A. Yes.
2 Q. Before or after you were fired?
3 A. Before.
4 Q. So Amanda overheard Mr. McCall tell Mr. Moulder
5 to get rid of everybody in codes except for Carroll?
6 A. Right.
7 Q. And how do you know Amanda witnessed such a
8 conversation?
9 A. Casey Neal was passing by in the hall when it
10 was going on.
11 Q. Casey Neal wandered by and overheard it?
12 A. I don't know why Casey was in the hall, but she
13 overheard it.
14 Q. And she reported that to you?
15 A. She reported it through Wanda Roach. I heard it
16 from Wanda Roach.
17 Q. Okay. So Wanda told you that Casey told her
18 that she heard that Amanda overheard a conversation
19 between Mr. McCall and Mr. Moulder?
20 A. Amanda was there.
21 Q. I'm sorry. Go ahead.
22 A. Amanda, Mr. McCall and Mr. Moulder.
23 Q. Have you asked Amanda if that is true?
24 A. No.
25 Q. So your knowledge of that is third hand or

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1 fourth hand, I guess?
2 A. Yes.
3 Q. All right. Anything else you believe that Miss
4 Brock knows?
5 A. No.
6 Q. You have listed Ernie Beck. What does Mr. Beck
7 know about this lawsuit?
8 A. Mr. Beck is director of vehicle maintenance, and
9 he instructed -- he told Jessie Mase to bring his car
10 back to vehicle maintenance or they would come get it
11 over the flat tire when he was at -- Good Friday at the
12 concrete footings that he had called me about Joel
13 Perkins and Wayne were involved in.
14 Q. So Mr. Beck simply knows that the car had a flat
15 tire and he was going to provide service?
16 A. Yeah. He was going to change the tire. The
17 county doesn't want employees out in the road changing
18 cars and jacking them up, changing tires.
19 Q. So he simply knows there was a flat tire
20 incident?
21 A. He knows and told Jessie they would come get him
22 and bring it back to the shop and fix the tire.
23 Q. Did they do that?
24 A. Yeah.
25 Q. How about Sheila Wald? What does she know about

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1 your lawsuit?
2 A. She is director of HR.
3 Q. Other than being in that position, is there
4 something you think she particularly knows about the
5 lawsuit?
6 A. No. She's just got general knowledge of
7 everything that went on.
8 Q. And Miss Burton?
9 A. She was on the grievance committee.
10 Q. So you have listed all the members of the
11 grievance committee?
12 A. I have.
13 Q. And that is because they heard your grievance?
14 A. That's right.
15 Q. You have got Casey Neal.
16 A. Uh-huh [yes].
17 Q. Who was your permit technician?
18 A. That's correct.
19 Q. And Casey is listed as a witness, I guess,
20 related to the Amanda conversation?
21 A. And Edda Cammick about her permit for her
22 carport.
23 Q. So she was in the office when Miss Cammick came
24 in to apply for the permit?
25 A. Yes, she was.

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1 Q. Have you talked to her about that?
2 A. No.
3 Q. Have you talked to Miss Neal since your
4 employment was terminated?
5 A. I told her good-bye. I don't believe I have
6 talked to her much since then or any.
7 Q. How about Miss Adams?
8 A. Same thing with Cynthia. I have not talked to
9 her since I left.
10 Q. And I assume she is listed because she
11 interacted with Miss Cammick regarding the permit?
12 A. That's correct.
13 Q. Is she the person that would have issued Miss
14 Cammick the permit?
15 A. She was the person that was working with Miss
16 Cammick, yes.
17 Q. All right. Mr. Ramey, what is he listed for?
18 A. He is an inspector and another one of my -- two
19 of my inspectors were in the office. I believe it was
20 Jake.
21 Q. When, sir?
22 A. When I was talking to Miss Cammick.
23 Q. So he witnessed that conversation?
24 A. Yes, I believe he did.
25 Q. How about Mr. Carroll? Why is he listed?

29 (Pages 113 to 116)

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1 A. He was privy to that conversation, too. His
2 office is adjacent to the permitting room. His door is
3 always open.

4 Q. Have you talked with Mr. Ramey or Mr. Carroll
5 about that conversation?

6 A. No.

7 Q. Do you know that they overheard the
8 conversation, or you're just assuming they did?

9 A. I am assuming, pretty high confidence, that
10 Scott did, of course.

11 Q. How about Jake?

12 A. And Jake.

13 Q. How about Miss Addis at DHEC? What is she
14 listed for?

15 A. Her desk was adjacent to Cynthia Adams, and she
16 was there at the time of Edda Cammick applying for a
17 permit.

18 Q. And she is actually an employee of DHEC?

19 A. Yes, she is or was.

20 Q. And she is listed because you assume she also
21 listened to that conversation?

22 A. I know she listened to that conversation.

23 Q. How do you know?

24 A. Because she was at her desk when I was talking
25 to Miss Cammick.

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1 Q. I mean, has she said something to you like "I
2 overheard that discussion"?

3 A. Well, they are as close as you and I are, just
4 about. I am sure they overheard the conversation.

5 Q. Has she discussed it with you in any way?

6 A. No.

7 Q. How about Marcelo Reyes?

8 A. I believe Marcelo might have been in the office
9 at that time.

10 Q. When Miss Cammick came in?

11 A. Yes. It was at the close of the day.

12 Q. How about Jessie Mase?

13 A. Jessie Mase is there because he was the
14 inspector at the concrete footing.

15 Q. The house inspection issue?

16 A. Right, where he was probing the soil and
17 checking for the bearing capacity, the forms weren't up,
18 there was no steel in the footings.

19 Q. How about Mr. Sobeck?

20 A. There was a potential he was in the office to
21 overhear the conversation with Miss Cammick also.

22 Q. And Miss Roach? What does she know about any of
23 this?

24 A. She worked as an administrator in the office at
25 the time Miss Cammick was there. She managed the permit

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1 techs and serviced CitizenServe from an electronic
2 standpoint, processed most of the incoming permits
3 online, and she heard -- I think she heard what was going
4 on with Miss Cammick also.

5 Q. Have you talked with any of these employees,
6 whether they are still employed there or not, any of
7 these folks that you have listed as employees at Oconee
8 County since your termination?

9 A. I talked to Sobeck a couple times because he
10 goes to my son's shop for tire work and mechanical work.

11 Q. Have you talked to him at all about your
12 employment or the termination of your employment?

13 A. I refuse to talk to him about that.

14 Q. Anybody else you have talked to since your
15 employment terminated?

16 A. I talked to Wanda Roach a couple times to see
17 how her parents were doing, how she was doing. Her
18 parents were in bad health.

19 Q. Have you talked to her about anything related to
20 the termination of your employment?

21 A. Not in depth, no.

22 Q. Well, at all?

23 A. Yeah, I have spoken to her about it.

24 Q. Tell me what that conversation was.

25 A. Just what happened and why it happened, where it

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1 came from, those type things.

2 Q. What opinions did she offer?

3 A. I don't believe Wanda offered me opinions, but
4 just a nice shoulder to kind of cry on.

5 Q. So you vented to her, I guess?

6 A. Yeah, I guess you could say that.

7 MS. BURTON: Let me look over my notes. I

8 think I am about done, but I am going to let

9 Mr. Logan down here ask you some questions.

EXAMINATION

10 BY MR. LOGAN:

11 Q. I am Jim Logan, and I represent Oconee County
12 and Miss Cammick. We will just follow the same exhibit
13 numbers, and I think this will be No. 8.

14 [Defendants' Exhibit 8 was marked for
15 identification.]

16 Q. [Mr. Logan] I will represent to you this was
17 attached to the discovery responses that your attorney
18 filed in this matter. I assume, but want your statement
19 to this effect, that this is the newspaper article that
20 you were referring to.

21 A. It is.

22 Q. Okay. Other than this newspaper article, has
23 there been any other newspaper article regarding this
24 incident, to your knowledge?
25

30 (Pages 117 to 120)

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1 A. I don't believe in the newspaper there has, no,
2 not to my knowledge.

3 Q. All right. And as far as you know, the
4 newspaper wrote this article based upon either the author
5 being present or based upon the video of the council
6 meeting; is that correct?

7 A. Yes.

8 Q. You are not aware of any conversations or
9 communications that either Miss Cammick or Mr. McCall had
10 directly with the author of that newspaper article?

11 A. No.

12 Q. All right.

13 [Defendants' Exhibit 9 was marked for
14 identification.]

15 Q. [Mr. Logan] I will represent to you that this
16 was also attached to your attorney's discovery responses.

17 A. Correct.

18 Q. You have seen that letter before?

19 A. Yes, I have.

20 Q. That's the letter dated May 16th, 2017?

21 A. It is.

22 Q. Is the information as far as what the county
23 contended and what you contended in this grievance
24 procedure correct?

25 A. Yes.

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1 Q. Also attached to your discovery responses was a
2 document that is identified as "Chapter Six, Buildings
3 and Building Regulations." Are you familiar with what I
4 am talking about?

5 A. Yes, sir.

6 Q. And I don't have an extra copy of this, but --

7 MR. HOPKINS: I don't need it.

8 [Defendants' Exhibit 10 was marked for
9 identification.]

10 Q. [Mr. Logan] All right, sir. Tell me in your
11 own words what this is.

12 A. This is the chapter in Oconee County code of
13 ordinances that regulates buildings and building
14 inspection.

15 Q. Building inspections?

16 A. Uh-huh [yes], the department.

17 Q. All right. So if you will look at -- you will
18 see some numbers down at the bottom, says Plaintiff and
19 then it's got a series of numbers in the bottom right
20 corner.

21 A. 0005.

22 Q. Okay. If you will flip over to the page that's
23 got 0008, do you see that?

24 A. I do.

25 Q. Look at section 6-47, International Residential

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1 Code.

2 A. Uh-huh [yes].

3 Q. Okay. I will just read it into the record.

4 "The latest edition of the International Residential Code
5 as updated by act of the South Carolina Buildings Code
6 Council or other applicable authority, from time to time,
7 and its respective administration sections contained in
8 chapter one and appendices A, B, N and Q, as well as such
9 additional changes or additions to the International
10 Building Code or Residential Code identified below, are
11 hereby adopted and incorporated into this chapter of the
12 Oconee County Code of Ordinances by reference." Did I
13 read that correctly?

14 A. Correctly.

15 Q. Below that, "The following changes or additions
16 to the International Residential Code are hereby
17 adopted." Did I read that correctly?

18 A. Yes.

19 Q. Section 105.2, quote, "Work/exempt from permit,"
20 end quote, "Building," quote, "One, one-story detached
21 accessory structures, provided the floor area does not
22 exceed 400 square feet." Did I read that correctly?

23 A. Yes.

24 Q. That's what you were referring to as the 400
25 square foot requirement; is that right?

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1 A. Uh-huh [yes].

2 Q. If you look under that, it says "Ordinance No.
3 2013-11." That was adopted in 2013; is that correct?

4 A. I believe it was adopted prior to that. I think
5 this is when the '12 code was adopted, so it was carried
6 over with the '12 code. It was there before I got to
7 Oconee County.

8 Q. When you became the building official, you knew
9 this provision was there; is that correct?

10 A. This is it existed prior to my employment, yes.

11 Q. Whether it was there prior to your employment or
12 not; you had knowledge that it was there when you assumed
13 that job; is that right?

14 A. I did.

15 Q. Okay. And that's what you were attempting,
16 according to your testimony, to enforce; is that right?

17 A. That's correct.

18 Q. All right. Now, flip over to page ten down at
19 article three, "Administration," county code section
20 6-81, "County codes department." Do you see where I am
21 reading, subparagraph B? "The codes department shall be
22 headed by a building official who shall be appointed by
23 and serve at the pleasure of the chief administrative
24 officer." Did I read that correctly?

25 A. Yes, you did.

31 (Pages 121 to 124)

1 Q. Who is the chief administrative officer?
 2 A. Scott Moulder.
 3 Q. Thank you, sir. Now, let's go back to we have
 4 talked about Miss Cammick's request for a building permit
 5 for the structure.
 6 A. Right.
 7 Q. She came into your office for a building permit;
 8 is that right?
 9 A. Yes.
 10 Q. Okay. So by coming in for a building permit,
 11 would you assume that she was seeking to comply with the
 12 provision that I read earlier from section 6-47?
 13 A. Yes.
 14 Q. Okay. Now, I want you to be as specific as
 15 possible. You can give me numbers, you can give me
 16 citations, whatever. I want to know the exact provisions
 17 that you interpret or that you discerned required for
 18 there to be stamped plans for the Cammick structure she
 19 was asking for a permit for.
 20 A. Well, the structure is not represented in the
 21 IRC, the International Residential Code. There are no --
 22 Q. What do you mean, it's not referenced?
 23 A. The code is a prescriptive code.
 24 Q. Okay.
 25 A. So it has wood construction chapters, metal stud

1 chapters. It has prescription written codes that an
 2 inspector can use to inspect a property, and these metal
 3 buildings aren't included in that.
 4 Q. Are not included?
 5 A. Are not included in that book.
 6 Q. Okay.
 7 A. So that property -- I mean, that structure is
 8 accepted under the provisions of alternate materials and
 9 methods, which is an administrative chapter.
 10 Q. What section?
 11 A. I can't recall that off the top of my head.
 12 Q. Administrative chapter of what?
 13 A. Of the International Residential Code, chapter
 14 one.
 15 Q. Is the International Residential Code not in the
 16 document I have been asking you about?
 17 A. That is the document that this code references
 18 that I use for administration and code enforcement.
 19 Q. All right. Tell me where it is referenced in
 20 the International Residential Code, what section.
 21 A. It is in chapter one. I don't know a specific
 22 section.
 23 Q. Chapter one?
 24 A. Yes.
 25 Q. What does that section say that you interpret as

1 requiring stamped drawings?
 2 A. Well, it says I am allowed to accept alternative
 3 materials and methods. Then later on in that section
 4 another place in that chapter --
 5 Q. Same chapter one?
 6 A. Same chapter one -- it talks about construction
 7 documents, and it says that the building official is
 8 supposed to inspect and look over and approve
 9 construction documents, also gives me the ability to
 10 request further information if I need it from design
 11 professionals, which design professionals would be
 12 engineers, architects and related type people, so with
 13 assembling these sections and the way they are supposed
 14 to be administered would come down to a structure that is
 15 not represented in the building code or in the
 16 residential code, there is no prescriptive guidance in it
 17 at all to inspect it, so we want a set of instructions
 18 that are approved by an engineer for things like wind
 19 loads, uplift and strength so we can inspect that
 20 structure on the ground. Otherwise, we don't really know
 21 by code what we are looking at.
 22 Q. Does it say stamped drawings in those sections?
 23 A. Those sections say design professionals. The
 24 State of South Carolina says stamped drawings through the
 25 Architectural Board and through the Engineers and

1 Surveyors Board.
 2 Q. Okay. So chapter one of that code is what you
 3 based your interpretation on that, in addition to a
 4 building permit, there had to be stamped drawings showing
 5 this project?
 6 A. Yes.
 7 Q. Okay. Anything else besides that chapter?
 8 A. No.
 9 Q. Now, as I understand your testimony, it is your
 10 contention that on March the 8th of 2017, you spoke
 11 directly in your office with Miss Cammick.
 12 MR. HOPKINS: Object to the form.
 13 THE WITNESS: That is correct.
 14 MR. LOGAN: I'm sorry. What is the basis
 15 of the objection?
 16 MR. HOPKINS: It's been asked and
 17 answered. He already testified March 8th he
 18 spoke to Miss Cammick. I think we are going
 19 over the same stuff. I will say "objection to
 20 the form." I am not telling you not to ask
 21 them. I think it's been asked and answered.
 22 MR. LOGAN: Thank you, sir. Appreciate
 23 that edification.
 24 Q. [Mr. Logan] I looked at my calendar. March 8th
 25 was a Wednesday. Is that consistent with your

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1 recollection?
 2 A. Wednesday or Thursday.
 3 Q. Wednesday or a Thursday?
 4 A. Yeah.
 5 Q. Okay. What time of day was it?
 6 A. It was later afternoon.
 7 Q. How late?
 8 A. Three to five.
 9 Q. Okay. And I am looking for discovery responses.
 10 Who all was in -- I want to know specifically who all was
 11 in that office at that time. Was Casey Neal there?
 12 A. Casey had left.
 13 Q. So Casey was not there?
 14 A. No.
 15 Q. Was Cynthia Adams there?
 16 A. She was.
 17 Q. Okay. And is she the one that I believe you
 18 said talked directly with Miss Cammick?
 19 A. Yes.
 20 Q. Is that correct?
 21 A. That's correct.
 22 Q. And was explaining the process to her?
 23 A. Yes.
 24 Q. Was Jake Ramey there?
 25 A. Not in that room, no.

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1 Q. What room was he in?
 2 A. He could have been in the adjacent room. That
 3 is where the inspectors come after work.
 4 Q. Did he communicate in any way to you or Miss
 5 Cammick?
 6 A. No.
 7 Q. Was Scott Carroll there?
 8 A. He was in his office, which was adjacent to that
 9 room.
 10 Q. Was the door open or shut?
 11 A. Open.
 12 Q. Did he communicate to you and/or Miss Cammick in
 13 any way?
 14 A. No.
 15 Q. Jennifer Addis, was she there?
 16 A. Yes.
 17 Q. Is her office separate?
 18 A. It is one office with three desks in it, and she
 19 was adjacent to Cynthia Adams.
 20 Q. Did she communicate in any way with Miss
 21 Cammick?
 22 A. No.
 23 Q. Marcelo Reyes, is that a male or female?
 24 A. It's a male.
 25 Q. All right. Did he communicate in any way with

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1 Miss Cammick?
 2 A. No.
 3 Q. Was he in the office?
 4 A. He was in the office, I believe, yes.
 5 Q. He was in the what?
 6 A. He was in the office; but not in that room.
 7 Q. Okay. Stephen Soback, was he present?
 8 A. May have been. I don't know for sure.
 9 Q. Wanda Roach, was she present?
 10 A. She was in her office, adjacent room to where we
 11 were.
 12 Q. Door open or shut?
 13 A. Open.
 14 Q. Did she communicate in any way with you and Miss
 15 Cammick?
 16 A. No.
 17 Q. Okay. So the only people, if I understand
 18 correctly, that were communicating with Miss Cammick on
 19 that day when she came in was Cynthia Adams, and then you
 20 approached and joined in the conversation?
 21 A. That's right.
 22 Q. Is that your testimony?
 23 A. Yes.
 24 Q. And whether or not these others who may or may
 25 not have been there heard anything is pure speculation on

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1 your part?
 2 A. It is speculation, yes.
 3 Q. Okay. Was that day, the first day, that first
 4 and only day that Miss Cammick came in, to your
 5 knowledge?
 6 A. For a permit for a shelter, yes.
 7 Q. For the shelter that is in question in this
 8 case?
 9 A. Yes.
 10 Q. That was the only day?
 11 A. That I am aware of.
 12 Q. That you are aware of, okay. Now, if I
 13 understand your testimony correctly, when you had these
 14 discussions with Miss Cammick, she simply told you that
 15 she didn't understand why these stamped drawings were
 16 required. Is that a fair statement?
 17 A. It's a fair statement.
 18 Q. Okay. She just had a question about them; is
 19 that right?
 20 A. That's right.
 21 Q. And the requirement?
 22 A. [Witness nods affirmatively.]
 23 Q. And you told her your version of what the
 24 requirement or what the code required; is that right?
 25 A. Yes.

33 (Pages 129 to 132)

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1 Q. Okay. She didn't ask you to do anything
2 contrary to what your interpretation of the code
3 required, did she?
4 A. No. There was no direction.
5 Q. She got a permit, she brought in the requested
6 drawings; is that correct?
7 A. They were brought into the office, yes.
8 Q. And she wouldn't have had the permit without it?
9 A. Prior to permitting, of course.
10 Q. But at no time did she ask you to do anything
11 contrary to your interpretation of the applicable code or
12 codes of Oconee County or International Building Code or
13 whatever, did she?
14 A. No.
15 Q. And she didn't ask you to violate any of those
16 codes or provisions, did she?
17 A. No.
18 Q. Did you ever speak with the person or persons
19 who wrote the newspaper article?
20 A. No.
21 Q. And the only other communication you had with
22 Miss Cammick I believe you testified to had to deal with
23 the incident concerning the concrete truck showing up and
24 the inspector not being there because he had a flat tire;
25 is that right?

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1 A. Yes.
2 Q. And the only thing she asked you to do or to
3 explain to her was why that inspection had not been made?
4 A. Why it wasn't returned or redo the inspection
5 the same day.
6 Q. Return the same day and then asked you to call
7 the property owner, right?
8 A. Yes.
9 Q. Again, didn't ask you to violate any provisions
10 of any codes or rules of law regarding Oconee County, did
11 she?
12 A. No.
13 Q. As I understand it, your educational background
14 is a high school diploma from --
15 A. Seneca High.
16 Q. Seneca High and then additional education at
17 Greenville Tech; is that right?
18 A. Greenville Tech, yes.
19 Q. So immediately after high school graduation, you
20 went into the workforce?
21 A. Yes.
22 Q. Doing the jobs that Miss Burton was asking you
23 about; is that right?
24 A. [Witness nods affirmatively.]
25 Q. I'm not sure that the record is as clear or at

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1 least it's not clear in my mind. I would like to know
2 what licenses you have held over the years specifically.
3 MR. HOPKINS: Object to the form.
4 Q. [Mr. Logan] You can answer. He is just doing
5 his job.
6 A. I have a building official's license.
7 Q. Is that still active?
8 A. Yes. It was renewed.
9 Q. Okay..
10 A. I had an electrical contractor's license, which
11 is on standby or retired or something while I am working
12 at the state. I have a plumbing license, and then I have
13 all my certifications from the International Code
14 Council.
15 Q. Have any of your licenses ever been suspended?
16 A. Not in South Carolina, no.
17 Q. What other states have they been suspended in?
18 A. I had a builder's license in Florida that was
19 suspended..
20 Q. Why?
21 A. Because I went bankrupt and could not complete
22 my work.
23 Q. Okay. Any others besides that that have been
24 suspended?
25 A. I had an electrical license at the City of

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1 Seneca when they had an electrical board and the board
2 was disbanded, so I don't know it was suspended. It just
3 ceased to exist. Outside of that, no.
4 Q. Have you ever had any licenses revoked?
5 A. The Florida license.
6 Q. That was the one that was suspended?
7 A. Yes.
8 Q. And then it was ultimately revoked?
9 A. Yes.
10 Q. For the reasons you have already stated?
11 A. Yes.
12 Q. Any other licenses besides those that you have
13 mentioned?
14 A. No.
15 Q. As I count, since you were dismissed from Oconee
16 County, you made six or seven job applications; is that
17 correct?
18 A. [Witness nods affirmatively.]
19 Q. And you have identified those with specificity;
20 is that correct?
21 A. I have.
22 Q. Okay. And that is the universe of the job
23 applications that you have sought since you were
24 dismissed?
25 A. That's correct.

34 (Pages 133 to 136)

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1 Q. Okay. Lori Sons, is that the lady that you were
2 married to between 2014 and 2016?
3 A. It is.
4 Q. S-O-N-S?
5 A. S-O-N-S.
6 Q. And does she still reside in Oconee County?
7 A. No.
8 Q. Where does she live?
9 A. Austin, Texas.
10 Q. When did she move to Austin, Texas?
11 A. September of last year, of '17.
12 Q. Was she a native of Oconee County?
13 A. No.
14 Q. How long did she live in Oconee County?
15 A. 27 years, 25 years.
16 Q. What did she do in Oconee County?
17 A. She was an architect.
18 Q. Did she have her own firm?
19 A. She worked for multiple people, and she
20 ultimately had her own firm, yes.
21 Q. What was the name of her firm?
22 A. Convergence by Design.
23 Q. Where was it located?
24 A. Seneca.
25 Q. Do you know how long she had that firm?

Page 138

1 A. Four or five years.
2 Q. Who are some of the people that she worked with
3 before she organized her own firm, if you recall?
4 A. She worked for Batson.
5 Q. Batson?
6 A. Batson group out of Greenville. She worked for
7 an architect here, Lonnie Watt, I believe, in Anderson.
8 She worked for another architect in Greenville that was
9 in the same building, but I can't remember his name now.
10 Q. Okay. What type of architect was she?
11 Industrial, commercial, residential?
12 A. She first started out being residential, and
13 then she turned into a commercial licensed architect.
14 Q. Okay. Did y'all divorce?
15 A. Yes, we did.
16 Q. And that was in 2016?
17 A. It was final in '17.
18 Q. Was that in Oconee County?
19 A. Yes, it was.
20 Q. What were the grounds for that divorce?
21 A. We just were incompatible.
22 Q. Irreconcilable differences?
23 A. Yes.
24 Q. These morning meetings that you had with
25 inspectors when you were in that position, I believe you

Page 139

1 said those were to go over mistakes that had been made in
2 code interpretations?
3 A. They were debriefing meetings from the day
4 before that were to answer questions that were for
5 training, both as far as codes go and customer service.
6 Q. Did you ever discuss at those meetings any
7 complaints that had been made from property owners or
8 people requesting their services or needing their
9 services?
10 A. Certainly.
11 Q. So there were complaints periodically that had
12 to be addressed during these meetings?
13 A. Yes. When you cost people money, you are
14 enforcing building codes, you get resistance.
15 Q. So it was not uncommon to have complaints from
16 citizens?
17 A. Not minor complaints, no.
18 Q. Were there ever any complaints that y'all
19 addressed that you were applying the wrong code or codes
20 to any particular project?
21 A. Yes.
22 Q. I would like to take about a five-minute break,
23 but I think I'm through. Are you through?
24 MS. BURTON: I have got a couple
25 follow-ups.

Page 140

1 MR. LOGAN: Let's take about a five-minute
2 break.
3 [Short recess.]
4 MR. LOGAN: That's all the questions I've
5 got.
6 EXAMINATION
7 BY MS. BURTON:
8 Q. I've got just a few follow-ups. Tell me who
9 DeeDee was that worked for you.
10 A. DeeDee?
11 Q. Uh-huh [yes].
12 A. She was an inspector. I forgot about her.
13 Q. And did you get lots of complaints about
14 DeeDee's performance?
15 A. I had some complaints about DeeDee.
16 Q. Did you let DeeDee go?
17 A. DeeDee fell in the bathroom --
18 Q. And?
19 A. -- on a mopped floor one day, and I being myself
20 and wanting to take care of everybody, I sent her down to
21 HR, and they took her down to get a drug test because she
22 had an accident, and she didn't survive the drug test.
23 Q. So she had drugs in her system?
24 A. Yeah.
25 Q. So she was terminated?

35 (Pages 137 to 140)

1 A. She was.
 2 Q. Do you know when that occurred?
 3 A. No, no particular days, no.
 4 Q. Do you know what year it occurred in?
 5 A. Before I hired Jake and Jessie. Well -- yeah,
 6 she was there before. '16, late '15 or '16, somewhere in
 7 there.
 8 Q. Okay.
 9 A. I never called her DeeDee, though.
 10 Q. What did you call her?
 11 A. Dee.
 12 Q. You mentioned in response to Mr. Logan's
 13 questions that you filed for bankruptcy protection.
 14 A. I did.
 15 Q. Was that individually or as a company?
 16 A. It was individually.
 17 Q. Was that a Chapter 7 bankruptcy?
 18 A. I think so. 11 is for business, isn't it?
 19 Q. Do you know when that was?
 20 A. That was probably in '90, '89, '91, somewhere in
 21 there. It is off my record now.
 22 Q. You mentioned CitizensServe. Can citizens also
 23 lodge complaints on the CitizensServe website?
 24 A. They do. They can. They basically related to
 25 the International Property Maintenance Code. I don't

1 remember any of them coming in against inspectors.
 2 Q. Who reviewed the complaints filed on
 3 CitizensServe?
 4 A. The permit staff.
 5 Q. Was there a person whose job it was --
 6 A. Wanda did most of it, but when Wanda wasn't
 7 there, the other girls did.
 8 Q. And if there was a complaint on CitizensServe,
 9 would they bring that to your attention to deal with?
 10 A. Yeah. If there was a property complaint, we
 11 would put it on the schedule and have somebody go out and
 12 look at it.
 13 Q. By "property complaint," are we talking about
 14 abandoned buildings?
 15 A. Substandard housing, grass, rats, litter, cars,
 16 you name it.
 17 Q. Mr. Logan asked you whether you were aware of
 18 any subsequent articles in the newspaper other than the
 19 one that we have marked as an exhibit. I think you said
 20 you were not aware of any other newspaper articles?
 21 A. You know, I can't remember any, not saying there
 22 weren't. There were some on WGOG's radio and their
 23 website that I looked at, but, you know, there may have
 24 been. I just don't know.
 25 Q. Tell me about WGOG radio.

1 A. It's the local country music radio station, and
 2 the local news reporter frequents city hall and the
 3 county courthouse and he picked it up.
 4 Q. Picked what up?
 5 A. The council meeting where I was discharged and
 6 my discharge.
 7 Q. He reported on the council meeting?
 8 A. He reported on the budget meeting, yeah.
 9 Q. And he reported that you were terminated?
 10 A. Yes.
 11 Q. And how do you know that?
 12 A. I read it.
 13 Q. On their website?
 14 A. Yes.
 15 Q. Are you aware of any other news media? We have
 16 talked about the Oconee County YouTube channel, the one
 17 newspaper article and now WGOG. Is there any other media
 18 outlet that had any reporting on either the council
 19 meeting on April 25 or your termination?
 20 A. Not that I remember.
 21 Q. Do you have any social media accounts? By that,
 22 I mean Facebook, Snapchat, Instagram, My Space, any of
 23 those.
 24 A. I have a Facebook account I never use. I went
 25 to the National Flood Plain Managers conference in Grand

1 Rapids. I reckon it was February or March of '16 or '17.
 2 Anyway, part of the courses that they had, one of them
 3 was using social media in your job, and we had to log on
 4 and create a Facebook account, but I haven't been to that
 5 site more than once or twice or three times since it was
 6 set up when I left Grand Rapids, so I have to say yes, I
 7 have a Facebook account, but I never use it.
 8 Q. Any other type of social media you participate
 9 in?
 10 A. No.
 11 Q. Were you in any or are you in any trade
 12 organizations?
 13 A. I was in the Building Inspectors Association
 14 years ago.
 15 Q. Are you in any trade organizations today?
 16 A. No.
 17 Q. Is there any kind of an organization for the
 18 building officials?
 19 A. Yes.
 20 Q. What is that?
 21 A. That's right. The Buildings Officials
 22 Association of South Carolina, B.O.A.S.C. I was always a
 23 member of that.
 24 Q. Are you currently a member of that?
 25 A. No. I think I am required to attend it as far

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1 as my job goes, though.
2 Q. Do you have continuing education credits or
3 something?
4 A. Yes. They have international code conference
5 certified courses, which help with continuing education.
6 Q. Have you talked with any other building
7 officials from other municipalities about metal storage
8 garages or sheds or whatever we are calling this?
9 A. You know, not that I recall. I mean, not that I
10 recall.
11 Q. Have you ever heard any allegation that you were
12 suggesting to people or your department was suggesting to
13 people that they hire your wife, Miss Sons, to perform
14 architectural services?
15 A. I was called to Mr. Moulder's office over an
16 anonymous complaint about that.
17 Q. So somebody did complain and say you were
18 funneling work to her, essentially?
19 A. Before we were married, I think. Might have.
20 been after. Yeah, it was before.
21 Q. What happened with that?
22 A. We discussed it. Mr. Moulder and I discussed
23 it. I told him I didn't have any -- I wasn't doing
24 anything like that. I went over how I referred people or
25 showed people how to locate design professionals, how I

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1 taught my department to do it, and, you know, I also
2 discussed with him -- we were I think engaged at that
3 time -- the potential of, you know, people trying to get
4 close to me that way, but never referred anybody.
5 Q. I'm sorry. You said she worked for Louis
6 Batson, Lonnie Watt and who else?
7 A. There was somebody in the building Batson was in
8 that she worked for. I can't remember his name right
9 now. She moved from that office to Batson's office and
10 they were down there at the Holiday Inn or whatever it is
11 downtown, something square or something, but I can't
12 remember.
13 MS. BURTON: That's all the questions I
14 have. Thank you, Mr. Stokes.
15 MR. LOGAN: Thank you.
16 EXAMINATION
17 BY MR. HOPKINS:
18 Q. I have a few questions. Mr. Stokes, we have
19 talked pretty ad nauseam about the 400 square foot
20 ordinance. The county, Oconee County code has adopted
21 the IRC, correct?
22 A. That's correct. It is called the South Carolina
23 Residential Code now, but it is the same book.
24 Q. In fact, Mr. Logan showed you that document, the
25 Oconee County code, correct?

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1 A. That's correct.
2 Q. Okay. And you have told counsel about the IRC's
3 requirement that anything over 400 square feet required
4 the submittal of engineering designs, correct?
5 A. I have discussed that with council?
6 Q. Yes, sir.
7 A. No.
8 Q. They have asked you questions about that,
9 correct?
10 A. They may have.
11 Q. They specifically asked you to identify what
12 portion of the IRC I guess directs you to that
13 conclusion, correct?
14 A. No. I don't believe there was any direct
15 documentation on why we are doing what we are doing.
16 Q. I am going to read from the 2015 International
17 Residential Code, chapter three, "Building plan,"
18 subsection R301.1.3, "Engineered design." It states
19 "Where a building of otherwise conventional construction
20 contains structural elements exceeding the limits of
21 section R301 or otherwise not conforming to this code,
22 these elements shall be designed in accordance with
23 accepted engineering practice. The extent of such design
24 need only demonstrate compliance of nonconventional
25 elements with other applicable provisions and shall be

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1 compatible with the performance of the conventional frame
2 system. Engineered design in accordance with the
3 International Building Code is permitted for buildings
4 and structures and parts thereof included in the scope of
5 this code."
6 Is that the section you are referring to,
7 Mr. Stokes?
8 A. Yeah, that's one of them.
9 Q. I am now going to read to you from Horry County
10 code enforcement permitting process for single-family
11 residences and residential modulars. "Single-family
12 residence plan requirement. Any single-family residence
13 regardless of size, as well as any associated structures
14 exceeding 400 square feet, will require engineering
15 design in accordance with the 2012 International
16 Residential Code with original seals."
17 Mr. Stokes, do you understand that other
18 counties have adopted the view that you took with the
19 Oconee County building department?
20 A. Yes.
21 Q. And is that because every county in the state
22 has adopted the IRC?
23 MR. LOGAN: Object to the form. You are
24 leading the witness.
25 Q. [Mr. Hopkins] Do you understand that every

37 (Pages 145 to 148)

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1 county in the state has adopted the IRC or their building
2 department has?

3 MR. LOGAN: Same objection.

4 THE WITNESS: Yes, I do.

5 MR. HOPKINS: No further questions.

6 [DEPOSITION CONCLUDED AT 2:10 P.M.]
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Page 150

1 ?
2 CERTIFICATE
3

4 SOUTH CAROLINA
5 ANDERSON COUNTY
6

7 I hereby certify that the foregoing deposition was
8 reported, as stated in the caption, by the method of
9 Stenograph machine with backup, and the questions and
10 answers thereto were reduced to typewriting by me or
11 under my direction; that the foregoing pages 1 through
12 149 represent a true, correct and complete transcript of
13 the evidence given on the 6th day of March, 2018, by the
14 witness, DAVID T. STOKES, who was first duly sworn by me;
15 that I am not a relative, employee, attorney or counsel
16 of any of the parties, nor am I financially interested in
17 the action.

18 This 27th day of March, 2018.
19
20

21 Susan Lynn McCracken, RMR
22 Court Reporter
23
24
25

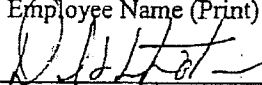
38 (Pages 149 to 150)

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MARCH 01, 2005

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12/14/11
Date

David T. Stokes
Employee Name (Print)

Employee Signature



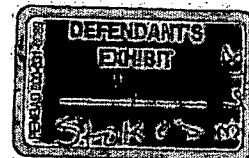
DEF 001033

Transcript of Oconee County Budget, Finance, and Administration
Council Committee meeting on April 25, 2017:

Building Code Conversation:

Time stamp: 1:18:30/1:40:22

McCall: the other thing... one of the other things I wanted to bring up... is the Building Codes Department. All of us getting complaints. People come by the shop....The last Easter Weekend...Lets make a specific instances. Yeah she's laughing (looking at person on the side). Get a call. Well we were set up to pour footing...foundation. And the building inspector shows up. And the concrete truck says he's going to be an hour late. Well, he said 'I ain't waiting. I'm leaving, you just reschedule for Monday.' Well these people call me up and I said 'Awww gosh' so I can't get a hold of, can't get a hold...so I call Katie and said 'Try to get a hold of David. Scott is out of town.' She can't get a hold of him. Finally, she got a hold of Edda. And Edda investigated. Well the guy... (mumbles)... Edda called...uhh...the head of the Building Codes and his excuse was, and Edda was right, it was a lame excuse. 'I had a flat tire'. Even Mr. Moore said 'my fourteen year old kid can change a tire'. He just didn't wanna drive that only vehicle. He said 'what was going on here'. The Building Codes... now here's what I'm getting into. They...I said, well why, I've talked to plumbers, electricians, everybody...I said 'why don't you complain, why don't you go to the administrator. I don't handle personnel problems. It's not my job.' He said 'well if you complain...they will come after you. You'll never get another inspection again. I talked to a plumber today at lunch. He said 'noooo I'm not saying a word. Cause if you make em' mad, they will make life miserable for you.' They don't...Oconee County...you're on the phone with one them electrician...we don't even follow the National Electric Code. It's like we make up the rules as we go and I asked Mr. Moore for a cost-benefit analysis of Building Codes. And I'm going to get into this a little bit further. Are they just here to embarrass the entire Council? Are they making up the rules, or is this a power play they are instituting. They forget, they work for the people of Oconee County. The people of Oconee County, the builders, don't work for them. They have to be available for the builder because they serve the building community. The next thing...Carports and car sheds are temporary structures. They... they're not...you buy them, it's like buying a tent or whatever, it ain't permanent. After about 3 or 4 years you'll find out how not permanent they are 'cuz they fall apart. Well they got a sweet deal going. They're recommending that you gotta go down to a certain other builder or seller of carports and sheds, and he's the only person that can stamp the drawings. I asked Mr. Moore, I said 'well, why don't you go to the Board of Licenses in South Carolina, find out what this guy got a PEW. He's claiming to be structural engineer.' As of this meeting, no such number exists. Uh...I'm looking through some papers right now, but Building Codes is funneling people down to his office. And I see Mr. Lee is out in the hall. He was gonna lend some comments. He's over the Realtor...represents the Realtor Association. Uh...someone tell him to get in here and to get off the phone. But this is...this is... its embarrassing for us that are elected because the people that elected us... and then these Building Codes is making up rules...not serving...they say 'well you gotta...you'll just have to reschedule'. Well, heck if the concrete truck is on the way, you can't stop time, tide, or the guy driving the concrete truck. You can't do it. You're going to pay for that concrete regardless. And there's no reason... it's not Scott's problem for being out of town. He was out of town on legitimate vacation...uh.



Time Stamp: 1:23:35/1:40:22

Mr. Moore: But if he's got ten more inspections lined up for the rest of that day on one schedule for a certain time immediately following that one, and he's now going to wait around for an hour and miss the next one, then that contractor is going to be mad because he missed that one. So, it does make it difficult sometimes to just completely accommodate the needs of the particular time.

McCall: I mean...

Mr. Moore: Again, I don't know the specifics of that one. I'm just speaking in general terms.

McCall: Well Edda can tell you what the excuse was. Mr. Lee, c'mere. Talk to the microphone please if you don't mind.

Edda Cammick: Hang on just a second, I wanna chime in here.

McCall: Okay, Mr. Lee just a minute.

Cammick: As you know, I had built one of those carports. Um... And, I know for a fact, that the Building Codes Department discourages you from buying from certain people and encourages you to buy from others. Uh...but my bigger problem was the Assessor showed up at my property today. And he said 'what am I doing here, this isn't a permanent structure...we're not, you know...This isn't going to be included in your assessment.' And we said to him 'oh well, but since you're here, we knocked down our deck so can you go back and re-measure this stuff because I know nobody came out for that. So he did. He went through the entire property and kind of redid everything. But the thing he came for, he alleged that he didn't need to be there for that particular.

McCall: So he owe Ms. Cammick a building permit.

Cammick: Well that's what... you know...I don't mind, but we need to streamline that process as well, for a pre-engineered structure like that.

Council Member on Far Left Side: Madam Chair, if I may, are we under Strategic Planning Meeting Summary and Discussion?

Cammick: We are, but one of the things we were talking about is government is slow to act and this kinda, is part of that discussion in a way. It's issues that have come up that need to be addressed to make...or...either streamline our work or make it more efficient.

McCall: Ms. Cammick, can I get Mr. Lee to come up.

Cammick: Quickly.

McCall: Come on up here.

Time Stamp: 1:25:49/1:40:22

Mr. Lee: Alright. What are we talking about?

McCall: Huh?

Mr. Lee: So I was outside...what am I talking about?

McCall: Same thing we were talking about this morning...not the party house, but the other thing.

Mr. Lee: Mmhmm.

McCall: Building Codes. Give us your take on it.

Mr. Lee: Okay. What specifically? Um there's...in the past after talking to multiple builders, there's a, they do get slowed down frequently...with uh,... the permitting process and, uh...the unavailability of inspectors.

Cammick: Okay. So that's your two major concerns?

Mr. Lee: Yeah.

Cammick: Alright.

Mr. Lee: That's the conversation that we've had with multiple ones.

Cammick: Okay. Thank you.

McCall: Alright. That's it.

Mr. Lee: (lady on the extreme-left side taking the minutes asks him for his name) It's Andy Lee.

Cammick: Alright. I think Mr. Moulder gets the general idea that...that Department needs some work. Okay, ummm, Julian, Tri-County Tech not meeting the needs of industry. Has this been brought up in Oconee Business Education Partnership? Have you been able to make those meetings?

Conversation Concluded

Time Stamp: 1:27:08/1:40:22



**Oconee County
Human Resources**

415 South Pine Street
Walhalla, SC 29391

Phone: 864-636-1252
Fax: 864-712-1077

Sheila M. Wald
Human Resources
Manager

Direct Line: 864-364-5219

Myra Elliott
Benefits Administrator
Direct Line: 864-364-5217

Debbie Smith
Risk Manager
Direct Line: 864-364-5215

Lisa Cobb
HR Analyst
Direct Line: 864-364-5221

May 18, 2017

Mr. David T. Stokes
204 West South Second St.
Seneca, SC 29678

RE: Grievance

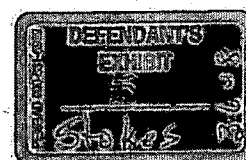
Dear Mr. Stokes:

This comes as notice confirming the outcome your grievance hearing on May 16, 2017. After careful consideration to the issues you raised, the County Administrator, Scott Moulder has decided to uphold your termination. A copy of the Grievance Committee recommendation is included herewith.

Sincerely,

Myra Elliott
Oconee County
Benefits Administrator
864-638-4252

cc: file



07.26.17 Oconee County 000001

RECORD ON APPEAL 699

Building
Codes ✓

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SEPTEMBER 2012

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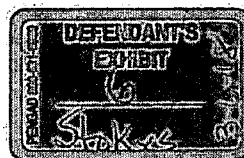
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9/26/12 DAVID STOKES
Date Employee Name (Print)

Employee Signature *D. H. Stokes*



May 16, 2017

Mr. Scott Moulder, Administrator
Oconee County
415 S Pine Street
Walhalla, SC 29691

Re: Grievance Hearing of David Stokes

Mr. Moulder:

The Oconee County Grievance Committee met on Tuesday, May 16, 2017 with the following members present: Chuck Hunter, Ashley Rice, Letitia Marcengill and Lisa Burton.

The Oconee County Grievance Committee heard a grievance filed by former Community Development Director, David Stokes. Mr. Stokes was terminated from Oconee County on May 01, 2017.

The County contends that Mr. Stokes was terminated as a result of the following:

1. Growing concerns voiced by County Council to County Administrator due to complaints received by constituents concerning customer service issues with the Community Development Department. These concerns were voiced multiple times over a 5-7 month period by Council Members. Mr. Stokes was made aware of Council concerns multiple times within this time period.

Mr. Stokes contends the following:

1. He has met the expectations of the administration;
2. All job performance evaluations during his tenure with Oconee County have reflected an "Outstanding Performance";
3. At his direction, his department has become more efficient;
4. He has received no disciplinary actions;
5. He was terminated without any warning.

Mr. Stokes seeks the following relief:

1. To be reinstated to his former position as Community Development Director;
2. To receive back pay;
3. To be provided with documentation of complaints made and names of those who filed/voiced the complaints.

Upon careful consideration of all statements made during the hearing by all parties and a full review of Mr. Stokes' personnel file, we, as a committee, cannot concur with the decision to



PLAINTIFF_00003

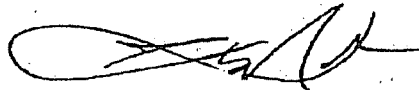
terminate his employment. There was no verifiable evidence presented at the hearing to refute what is documented in his personnel file. There are no written complaints filed against him by any county residents, contractors or departmental staff members, nor are there any disciplinary actions or reprimands. It is the recommendation of this committee that tangible documentation or evidence be produced for review by the committee and Mr. Stokes, or in the alternative for full reinstatement with back pay as requested in the original complaint.

Respectfully,

Lisa Burton
Chuck Hunter
Ashley Rice
Letitia Marcengill

TERMINATION UPHOLD.

GRIEVANCE COMMITTEE RECOMMENDATION OVERRULED.

A handwritten signature in dark ink, appearing to be "J. H. H.", written over the date.

5/16/17

PLAINTIFF_00004

Transcript of Oconee County Budget, Finance, and Administration
Council Committee meeting on April 25, 2017:

Building Code Conversation:

Time stamp: 1:18:30/1:40:22

McCall: the other thing... one of the other things I wanted to bring up... is the Building Codes Department.

All of us getting complaints. People come by the shop....

The last Easter Weekend... Lets make a specific instances.

Yeah she's laughing (looking at person on the side). Get a call. Well we were set up to pour footing...foundation. And the building inspector shows up. And the concrete truck says he's going to be an hour late. Well, he said 'I ain't waiting. I'm leaving, you just reschedule for Monday.'

Well these people call me up and I said 'Awww gosh' so I can't get a hold of, can't get a hold...so I call Katie and said 'Try to get a hold of David. Scott is out of town.' She can't get a hold of him. Finally, she got a hold of Edda. And Edda investigated.

Well the guy... (mumbles)... Edda called...uhh...the head of the Building Codes and his excuse was, and Edda was right, it was a lame excuse. 'I had a flat tire'.

Even Mr. Moulder said 'my fourteen year old kid can change a tire'. He just didn't wanna drive that only vehicle. He said 'what was going on here'.

The Building Codes... now here's what I'm getting into.

They...I said, well why, I've talked to plumbers, electricians, everybody...I said 'why don't you complain, why don't you go to the administrator. I don't handle personnel problems. It's not my job.' He said 'well if you complain...they will come after you. You'll never get another inspection again.'

I talked to a plumber today at lunch. He said 'noooo I'm not saying a word. Cause if you make em' mad, they will make life miserable for you.'

They don't...Oconee County...you're on the phone with one them electrician...we don't even follow the National Electric Code.

It's like we make up the rules as we go and I asked Mr. Moulder for a cost-benefit analysis of Building Codes. And I'm going to get into this a little bit further.

Are they just here to embarrass the entire Council? Are they making up the rules, or is this a power play they are instituting. They forget, they work for the people of Oconee County. The people of Oconee County, the builders, don't work for them. They have to be available for the builder because they serve the building community.

The next thing...Carports and car sheds are temporary structures. They... they're not...you buy them, it's like buying a tent or whatever, it ain't permanent. After about 3 or 4 years you'll find out how not permanent they are 'cuz they fall apart.

Well they got a sweet deal going. They're recommending that you gotta go down to a certain other builder or seller of carports and sheds, and he's the only person that can stamp the drawings. I asked Mr. Moulder, I said 'well, why don't you go to the Board of Licenses in South Carolina, find out what this guy got a PEW. He's claiming to be structural engineer.' As of this meeting, no such number exists. Uh...I'm looking through some papers right now, but Building Codes is funneling people down to his office.

And I see Mr. Lee is out in the hall. He was gonna lend some comments. He's over the Realtor...represents the Realtor Association. Uh...someone tell him to get in here and to get off the phone.

But this is...this is... its embarrassing for us that are elected because the people that elected us... and then these Building Codes is making up rules...not serving...they say 'well you gotta...you'll just have to reschedule'. Well, heck if the concrete truck is on the way, you can't stop time, tide, or the guy driving the concrete truck. You can't do it. You're going to pay for that concrete regardless. And there's no reason... it's not Scott's problem for being out of town. He was out of town on legitimate vacation..uh.

Time Stamp: 1:23:35/1:40:22

Mr. Moulder: But if he's got ten more inspections lined up for the rest of that day on one schedule for a certain time immediately following that one, and he's now going to wait around for an hour and miss the next one, then that contractor is going to be mad because he missed that one. So, it does make it difficult sometimes to just completely accommodate the needs of the particular time.

Wayne McCall: I mean...

Mr. Moulder: Again, I don't know the specifics of that one. I'm just speaking in general terms.

McCall: Well Edda can tell you what the excuse was. Mr. Lee, c'mere. Talk to the microphone please if you don't mind.

Edda Cammick: Hang on just a second, I wanna chime in here.

McCall: Okay, Mr. Lee just a minute.

Cammick: As you know, I had built one of those carports. Um... And, I know for a fact, that the Building Codes Department discourages you from buying from certain people and encourages you to buy from others. Uh...but my bigger problem was the Assessor showed up at my property today. And he said 'what am I doing here, this isn't a permanent structure...we're not, you know...This isn't going to be included in your assessment.' And we said to him 'oh well, but since you're here, we knocked down our deck so can you go back and re-measure this stuff because I know nobody came out for that. So he did. He went through the entire property and

kind of redid everything. But the thing he came for, he alleged that he didn't need to be there for that particular.

McCall: So he owe Ms. Cammick a building permit.

Cammick: Well that's what... you know...I don't mind, but we need to streamline that process as well, for a pre-engineered structure like that.

Paul Cain: Madam Chair, if I may, are we under Strategic Planning Meeting Summary and Discussion?

Cammick: We are, but one of the things we were talking about is government is slow to act and this kinda, is part of that discussion in a way. It's issues that have come up that need to be addressed to make... or ...either streamline our work or make it more efficient.

McCall: Ms. Cammick, can I get Mr. Lee to come up.

Cammick: Quickly.

McCall: Come on up here.

Time Stamp: 1:25:49/1:40:22

Mr. Lee: Alright. What are we talking about?

McCall: Huh?

Mr. Lee: So I was outside...what am I talking about?

McCall: Same thing we were talking about this morning...not the party house, but the other thing.

Mr. Lee: Mmhmm.

McCall: Building Codes. Give us your take on it.

Mr. Lee: Okay. What specifically? Um there's...in the past after talking to multiple builders, there's a, they do get slowed down frequently...with uh,... the permitting process and, uh...the unavailability of inspectors.

Cammick: Okay. So that's your two major concerns?

Mr. Lee: Yeah.

Cammick: Alright.

Mr. Lee: That's the conversation that we've had with multiple ones.

Cammick: Okay. Thank you.

McCall: Alright. That's it.

Katie Smith: (Council Clerk) ~asks for Mr. Lee's full name~

Mr. Lee: It's Andy Lee.

Cammick: Alright. I think Mr. Moulder gets the general idea that...that Department needs some work. Okay, ummm, Julian, Tri-County Tech not meeting the needs of industry. Has this been brought up in Oconee Business Education Partnership? Have you been able to make those meetings?

Conversation Concluded

Time Stamp: 1:27:08/1:40:22

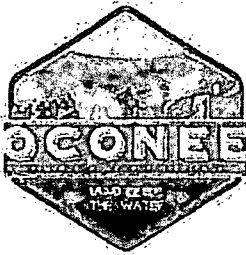
Oconee, building codes director part ways

Posted on April 28, 2017

By Steven Bradley

The Journal

WALHALLA — Oconee County is in the market for a new building codes director, as county administrator Scott Moulder confirmed Friday that David Stokes, who previously held the role, is no longer employed with the county.



Scott Carroll has been asked to serve as interim director until a formal replacement can be found, Moulder told The Journal.

The change comes just days after a meeting of county council's budget committee in which members delivered sharp criticism of the department.

Councilman Wayne McCall said he'd received numerous complaints from those who dealt with the Building Codes Department about preferential treatment being given to certain contractors over others.

"I talked to a plumber today, and he said, 'If you make them mad, they will make life miserable for you,'" he said.

"Are they just here to embarrass the entire council? Are they making up the rules? Is this a power play that they're instituting? They forget that they work for the people of Oconee County. The builders don't work for them. They have to be available for the builders, because they serve the building community," McCall added.

McCall also alleged that the Building Codes Department "had a sweet deal going" in which staff would recommend that the public had to use "a certain other builder of carports and sheds, and (that builder is) the only person that can stamp the drawings."

But McCall said the county had not been able to confirm that the builder in question was a licensed professional engineer, but that "building codes is funneling people down to his office."

"It's embarrassing for us that are elected, because the people elected us, and Building Codes is making up rules and not serving (the public)," he said.

Council chairwoman Edda Cammick also weighed in, saying that she had recently built "one of those carports" that McCall had referred to and verified his claims.

"I know for a fact that the Building Codes Department discourages you from buying from certain people and encourages you to buy from others," she said. "But my bigger problem is the assessor showed up at my property (Tuesday), and he said, 'What am I doing here? This isn't a permanent structure? This isn't going to be included in your assessment.'"

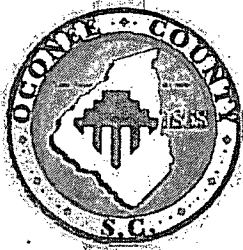
McCall pointed out the impact: "So they sold Mrs. Cammick a building permit."

She replied: "I don't mind, but we need to streamline that process as well for a pre-engineered structure like that."

"I think Mr. Moulder gets the general idea that that department needs some work," Cammick concluded.

sbradley@upstatetoday.com

ELECTRONICALLY FILED - 2019 May 20 5:46 PM - OCONEE - COMMON PLEAS - CASE#2017CP3700320



MINUTES BUDGET, FINANCE & ADMINISTRATION COMMITTEE April 25, 2017

MEMBERS, ALL OCONEE COUNTY COUNCIL

Ms. Edda Cammick District I, Chairwoman
Mr. Wayne McCall, District II Mr. Paul Cain, District III
Mr. Julian Davis, District IV Mr. Glenn Hart, District V

The Oconee County Budget, Finance & Administration Committee met Tuesday, April 25, 2017 at 5:30 PM in Council Chambers, Oconee County Administrative Offices, 415 South Pine Street, Walhalla, SC with Committee members Ms. Cammick; Mr. McCall; Mr. Hart, Mr. Cain and Mr. Davis, as well as Administrator Scott Moulder, County Attorney David Root, and Katie Smith, Clerk to Council present.

Press: Pursuant to the Freedom of Information Act, notice of the meeting, date, time, place of meeting and agenda were posted on the bulletin board at the County Administrative Offices, 415 South Pine Street, Walhalla, SC, and the County Council website www.oconeesc.com/council. In addition it was made available *[upon request]* to the newspapers, radio stations, television stations and concerned citizens.

Member of the press present: Steven Bradley – Daily Journal.

Call to Order:

Ms. Cammick called meeting to order at 5:30 p.m.

Approval of Minutes

Ms. Cammick noted a Scribner's error on the February 14, 2017 minutes. The Clerk has been made aware of the error and would be corrected prior to the minutes being filed. Mr. Hart made a motion, seconded by Mr. McCall, approved 5 – 0, to approve the February 14, 2017 minutes as presented.

Mr. Davis made a motion, seconded by Mr. Cain, approved 5 – 0, to amend agenda for Mr. Moulder to present FY 2017-2018 Budget Process discussion prior to the Strategic Planning meeting.

Discussion Items

FY 2017-2018 Budget Process Discussion

Mr. Moulder addressed the Committee utilizing a handout [copy filed with these minutes] regarding retirement numbers. He noted Governor Henry McMaster has signed the bill which will have a 13.65% increase in the employee contributions and has gone into effect and will impact employees next year.

Mr. Moulder addressed the Committee utilizing the Administrator's Recommended Budget FY 2017-2018 [copy filed with these minutes] and noted the summary changes to include:

- Lost Revenue includes for a Budget Reduction of \$1,787,420:
 - Fund Balance Usage
 - TCTC Transfer
 - Economic Development Transfer
 - Miscellaneous Revenue

- Expense Changes to include Reduced Expenses of \$1,292,722:
 - Removed Fund Balance Replenishment
 - Sheriff Salary Structure
 - Cut Expenses
 - Add-in OPEB ARC
 - Miscellaneous Reduction of Users

The Current out of Balance total is \$494,698. With the expense reduction, expense addition, and proposed additional expense reduction, it would put a positive surplus at \$396,509 that could be allotted for other purposes or for fund balance replenishment.

Discussion followed.

The Committee thanked Mr. Moulder and Finance staff for their hard work regarding the budget.

Ms. Cammick suggested that a portion of the total that is left over and assign to the volunteer fire stations to hire part time paid staff. They are having issues with staffing during the week and during the day because most of their volunteers have jobs. There is no issue with staffing on weekends, holidays, or nights.

Mr. McCall made a motion based on Ms. Cammick's previous suggestion, seconded by Mr. Hart, to assign a portion of the leftover balance to the volunteer fire stations to hire part paid staff. Lengthy discussion followed to include but not limited to:

- Send to Transportation Committee to discuss
- Municipality contract
- Extended Fire Contracts by one year
- 17 fire stations, not counting substations
- Staff at each station every day
- Volunteers to float among the stations
- Phase out funds for the cities
- \$265,000 which includes salary, insurance, etc. for 6 positions
- 11 of 16 fire stations would be covered every day
- OPEB
- 15 Positions Reduction in Force

Regarding the motion made by Mr. McCall, seconded by Mr. Hart, it was approved 5-0 to direct the County Administrator to consider to add a percentage of the remaining funds to the FY2018 Budget.

Mr. Cain noted that he would like to discuss adding a hospitality tax at some point in the future. He noted that positions are being eliminated and have to find other sources of revenue.

Strategic Planning Summary

Unpaid Boat Taxes

- Letter was sent to Senator Thomas Alexander and he acknowledged receipt of the letter

Dilapidated Structure Ordinance

- International Maintenance Code has already been adopted
- No new ordinance is needed
- Code Enforcement Officer
- Funds to pay for the demolition

Licensing Pets

- Spay/Neuter Program
- Oconee County DOG AND CAT Population Control Ordinance 4/17 [copy filed with these minutes]
- Program in place that allows registration for licensurès

Government Slow to Act

- County Vehicles need to have sticker placed on side of car that reads "Property of Oconee County Motor Pool – Official Use Only" and on front and back of car needs to display a number and remove department names and go to motor pool and check out for use
- Some departments use county vehicles everyday so having to check out with motor pool may become problematic
- Easier to see identify who has vehicle if department name remains on vehicle
- Substantial penalty involved through personnel policy manual, i.e. written reprimand, days off without pay, etc.
- Display sign on dashboard that reads "Handheld cell phone use prohibited"

Upon Mr. McCall's request, Mr. Andy Lee addressed Council regarding Building Codes concerning the permit process and inspections.

Tri-County Tech not Meeting the Needs of Industry

- Everchanging
- Putting people to work
- Specialty areas to include Industrial Electronics, Mechatronics, etc.

Recreation Funding

- Would be best paid for with Capital Project Sales Tax
- Impacts that recreation has on youth
- Different avenues of recreation to include art, music, etc. not just football, basketball, etc.

Mr. Davis to make plan for Recreation Funding.

Management Restructure Plan

- Moving forward with Mr. Martin
- Other ideas to make adjustments

Mr. Moulder updated Council with numbers for ADA Compliance.

- High Falls in house: \$125,000 not \$214,000
- Chau Ram in house: \$100,000 not \$150,000

Other Business

None discussed at this meeting.

Adjourn

Mr. Hart made a motion, approved unanimously, to adjourn the meeting at 7:11 p.m.

Respectfully Submitted:

Katie D. Smith
Clerk to Council

From: Council District 1
Sent: Monday, May 22, 2017 9:12 AM
To: Scott Moulder
Subject: A couple of things...

Good morning Scott,

- 1) Did you send the letter to the hospital regarding the property? Just checking.
 - 2) The feedback regarding building codes is 50% good idea, 50% cautiously optimistic. Perhaps you can keep our remaining two inspectors longer in the dept so there are two familiar faces while the builders adapt.
 - 3) There is much confusion among the car port builders as to what sizes require permits, what sizes do not. Do these pre-engineered structures really need a permit, etc. Please make a determination as to how that works so that everyone abides by and knows the rules.
- Thank you, edda

From: Scott Moulder
Sent: Monday, May 22, 2017 2:03 PM
To: Scott Carroll
Subject: FW: A couple of things...

Can you help with the below question #3? Are there guidelines to which preengineered car ports need permits and inspections?

T. Scott Moulder
County Administrator
Oconee County
415 S. Pine Street
Walhalla, SC 29691
(864) 638-4245

From: Scott Carroll
Sent: Monday, May 22, 2017 2:39 PM
To: Scott Moulder
Subject: RE: A couple of things...

I have been bouncing that off of the two new CBO's. We had a discussion last Friday morning concerning this particular issue. I think the consensus was that if it is less than 400 sqft, the County allows it to be built without a permit—provided they are "detached accessory structures". The next thing we discussed was the need for engineered stamped drawings to be included with these. For open carports they decided "no". As far as the same construction "pre-engineered" metal buildings is concerned, that is still under discussion. I think they are leaning to considering that size and use will play a role in that, but, we did not cover that because I had somewhere to be and Ben was running late

for his appointment. Ben has been the "leader-apparent" with this group and he is not here today. I will close the loop on this tomorrow. I also was going to call the LLR about this but we added Ben and Brian on as our CBO's later that same day so I just asked them, do you think I should still call the LLR?

Scott

From: Scott Moulder
Sent: Monday, May 22, 2017 2:40:55 PM
To: Council District 1
Subject: FW: A couple of things...

Ms. Cammick,

Please see Scott Carroll's response below. Looks like this is already a point of discussion and hopefully we can apply some common sense here with our new officials.

T. Scott Moulder
County Administrator
Oconee County
415 S. Pine Street
Walhalla, SC 29691
(864) 638-4245

From: Council District 1
Sent: Monday, May 22, 2017 4:18 PM
To: Scott Moulder
Subject: Re: A couple of things...

I appreciate his response. I just want solid guidelines so everybody is on the same page. Edda

From: Scott Moulder
Sent: Monday, May 22, 2017 4:23:16 PM
To: Council District 1
Subject: RE: A couple of things...

Yes ma'am. Once we finish discussing with the building officials we can set a standard and make sure everyone follows consistently.

T. Scott Moulder
County Administrator
Oconee County
415 S. Pine Street
Walhalla, SC 29691
(864) 638-4245

Council District 1
Mon 5/22/2017 5:32 PM

Sent Items

To:

Scott Moulder;

...

Cc:

Scott Carroll;

...

We have a resident who has had to put his carport project on hold trying to figure out if he requires a permit. It's a 20x20 but the carport company reports roof length so the roof is 21. If you calculate the square footage based on foot space you will be right at the limit 400. If you calculate it based on roof length now you will exceed 400 square feet. These slight differences just penalize our residents. That's what I need you to work out.

Thanks, edda

Scott Moulder

Mon 5/22/2017 6:04 PM

To:

Council District 1;

...

Cc:

Scott Carroll;

...

Ok Mr Carroll and I will meet in the morning

Sent from my iPhone

Scott Moulder

Tue 5/23/2017 11:03 AM

To:

Council District 1;

...

You replied on 5/23/2017 11:40 AM.

Get more apps

Bing Maps

Mr. Carroll and I have met this morning.

Here is the standards we will operate by.

Any carport 400 square feet or less will not require a permit or review. The measurement is taken from wall distances only and do not include overhangs.

If the carport (of any size) will include power then a power permit only will be required so long as the carport is 400 square feet or less. Obviously if the carport is greater than 400 square feet then the permit will include the carport and electrical.

Tie downs will be required for carports that have electrical, regardless of size. Anything less than 400 square feet without electrical will be up to the owner whether or not they will tie it down.

Any carport with wall measurements 22 feet wide or greater will be reviewed for permit and engineering requirements by the Building Official prior to a permit requirement.

It appears as though your resident will not require a permit so long as the wall measurement is 400 square feet or less and will have no power.

T. Scott Moulder
County Administrator
Oconee County
415 S. Pine Street
Walhalla, SC 29691
(864) 638-4245

Council District 1
Tue 5/23/2017 11:40 AM
Sent Items
To:
Scott Moulder;
Thank you. Edda

OCONEE COUNTY
New Construction Storage Permit

CALL (864) 718-1005 TO SCHEDULE INSPECTION 7:30 AM-4:30 PM. CALL THE BUSINESS DAY BEFORE 4:30 PM.

NOTICE

**DO NOT OCCUPY THIS BUILDING UNTIL FINAL INSPECTIONS HAVE BEEN
MADE AND A CERTIFICATE OF OCCUPANCY HAS BEEN ISSUED**

Permit #:	BR17-000239	Issue Date:	03/09/2017
Job Address:	125 QUARTER MILE Rd	Expiration Date:	09/09/2017
Contractor:	Edda Cammick	Parcel ID:	054-00-02-058
Owner:	CAMMICK MICHAEL JOHN & EDDA ZU POVITZ J/S	Zoning:	CFD, CFD, CFD, CFD, CFD

Nature of work: Open A frame carport 14 wide , 12 height roof 31', 30 frame length

Inspection Type	Date Approved	Inspector	Comment
Building Final			

Inspection Cancellation Policy: Inspections may be cancelled any time prior to 7 am the morning of the scheduled inspection by either calling (864-718-1005) the Building Codes office or by leaving a message if after hours. Messages must contain an address or permit number in order to be processed. Cancellations after 7 am will be subject to a mandatory fifty (\$50.00) dollar re-inspection fee.

Work shall not proceed until each stage of construction has been approved by the building codes department. This permit becomes invalid 180 days after issuance or work is suspended. Contact office to stay current. 864-718-1005 www.oconeesc.com

ELECTRONICALLY FILED - 2019 May 20 5:46 PM - OCONEE - COMMON PLEAS - CASE#2017CP3700320

George Adams

From: David Stokes
Sent: Thursday, February 23, 2017 10:45 AM
To: Scott Carroll
Attachments: David Stokes.vcf

Gentlemen, I have had a few things to reiterate with everyone as a group. We will talk some more on Tuesday and hopefully everyone will be feeling well.

Always us the Golden Rule. Treat people as you would want to be treated.

Never give off a vibe or display any behavior or comments before, during, or after an inspection that you expect the house to fail the inspection. People are suspicious of government activity and in many cases they feel like they have no recourse. Small nuances in behavior can bias someone against you.

Do not write up new items on a re-inspection. We have talked about this several times and it is something that drives contractors and owner builders crazy. When and if it needs to be done it has to be because there is an imminent danger to life and property. You will need to address this with me or Scott before it happens:

We had a good talk about team building a while ago. We were talking about watching each other's backs. When you find items that you consider to be serious left out on an inspection during a re-inspection, call and talk it through with the person who did the original write up. Then we can talk about it as a group the next morning. This is not picking on someone, it is continuous improvement, it is how we grow in our profession. If we cannot do this are we really professionals ; are we really team players?

Use a routine when you do inspections. Try to allocate appropriate time to inspections and be consistent in like kind inspections from house to house. If you have a project that is really roughly built, you can still be consistent with you time. An example would be, if there were an unusual amount of violations in a set of trusses, use 802.10 and reference the truss layout and the individual truss drawings. Something like "follow the truss manufacturer's layout and truss drawings". I know that you want to itemize every violation, but... Also, offer yourself or the office to train the installer and contractor on how to read and apply the documents. A good example of how this is working in the construction community is a contractor came in this week and was talking about a future framing rough in inspection. He said that he had sat down with his installer and matched up each truss drawing with the layout and highlighted the drawings where text and drawings required bracing. Remember the saying, "teach a man to fish".

Remember the 80% / 20% concept. Locating 80% of the violations will take 20% of your time. Over the long haul violations will diminish greatly.

I had a contractor tell me this week that when he first started working in Oconee County he hated us and the way we did things. Now he said the he really appreciates that the only way we write up violations is with code sections and conduct ourselves professionally . "ya'll are helping me get better and I really don't want to leave anything wrong behind for my owners." We are making a difference in projects and improving the build environment in Oconee. Doesn't that make you feel good all over. This can only be done through teaching and leadership. Regulations and violations alone will not help people grow and improve.

One last thing, when we talk in the mornings and I write a memo like this it is confidential among ourselves. It is not to be shared with others.

STATE OF SOUTH CAROLINA
COUNTY OF OCONEE

David T. Stokes,

Plaintiff,

v.

Oconee County, Wayne McCall, and Edda
Cammick,

Defendants.

IN THE COURT OF COMMON PLEAS
FOR THE TENTH JUDICIAL CIRCUIT
CIVIL ACTION NO.: 2017-CP-37-00320

**PLAINTIFF'S NOTICE OF MOTION AND
MOTION TO AMEND COMPLAINT**

**TO: JAMES W. LOGAN, JR., ESQUIRE, STEPHANIE HOLMES BURTON, ESQUIRE,
AND ROBERTA ELIZABETH BARTON, ESQUIRE, ATTORNEYS FOR
DEFENDANTS ABOVE NAMED:**

PLEASE TAKE NOTICE that Plaintiff David T. Stokes, ("Plaintiff") by and through his undersigned attorneys, will move before the Presiding Judge of the Tenth Judicial Circuit, Oconee County, South Carolina, ten (10) days after the service of this notice of motion, or at such other time and place as the Court may direct, for an Order granting Plaintiff leave to amend his Complaint to bring claims against Defendants Edda Cammick and Wayne McCall in their individual capacities. This Motion will be based on the South Carolina Rules of Civil Procedure, depositions, affidavits, as well as any pleadings, correspondence, discovery, statutory and case laws, and such other and further evidence, information, or memorandum/argument as may be received by the Court.

HOPKINS LAW FIRM, LLC

s/ J. Clay Hopkins

J. Clay Hopkins (SC Bar #102053)

William E. Hopkins, Jr. (SC Bar #66474)

12019 Ocean Highway

Post Office Box 1885

Pawleys Island, South Carolina 29585

T: (843) 314-4202

F: (843) 314-9365

Email: clay@hopkinsfirm.com

bill@hopkinsfirm.com

Attorneys for the Plaintiff

June 4, 2019

Pawleys Island, South Carolina

STATE OF SOUTH CAROLINA

COUNTY OF OCONEE

David T. Stokes,

Plaintiff,

vs.

Oconee County, Wayne McCall, and Edda
Cammick,

Defendants.

IN THE COURT OF COMMON PLEAS

C.A. No.: 2017-CP-37-00320

**MEMORANDUM IN OPPOSITION TO
PLAINTIFF'S MOTION TO AMEND
COMPLAINT**

Defendants Edda Cammick and Wayne McCall, by and through their undersigned attorney, submits this memorandum in opposition to Plaintiff's Motion to Amend the Complaint. For reasons that follow, Defendants Edda Cammick and Wayne McCall asks the Court to deny Plaintiff's motion accordingly.

Plaintiff, David Stokes filed a Motion to Amend Complaint in response to the Court granting Defendant's Edda Cammick and Wayne McCall's Motion for Summary Judgment, whereby they were dismissed as Defendants in regards to Plaintiff's defamation claim.

LEGAL STANDARD

Under Rule 15, SCRCR, a party may amend his pleading by leave of court and "leave shall be freely given when justice so requires and does not prejudice any other party." Staube v. City of Folly Beach, 339 S.C. 406, 413, 529 S.E.2d 543, 546 (2000). "Although leave to amend should generally be 'freely given,' . . . it may be denied where the proposed amendment would be futile." Skydive Myrtle Beach v. Horry Cty., 426 S.C. 175, 182, 826 S.E.2d 585, 589 (2019) quoting Jennings v. Jennings, 389 S.C. 190, 209, 697 S.E.2d 671, 681 (Ct. App. 2010), rev'd on other grounds, 401 S.C. 1, 736 S.E.2d 242 (2012).

ARUGEMENT

While Plaintiff has failed to include any proposed complaint demonstrating how it would be amended if his motion is granted, in the Plaintiffs' motion he only requests leave to amend his complaint to bring claims against Defendants Edda Cammick and Wayne McCall in their individual capacities. However, the Plaintiff's motion should be denied as his attempt to amend his complaint is futile in light of the Court's findings,¹ which would prejudice Defendants Edda Cammick and Wayne McCall.

In response to several motions, the Court found that any alleged statements were made at the county's budget meeting and that the Plaintiff has failed to present a scintilla of evidence that Defendants Edda Cammick and Wayne McCall acted outside their official capacity.² Moreover, the Court found that Plaintiff, as a public official, could not demonstrate the actual malice standard as found under New York Times Company v Sullivan, 367 U.S. 254, 84 S.Ct.710 (1964).

Since the Plaintiff cannot proceed with a defamation claim against any defendant without showing actual malice under New York Times Company v Sullivan's standard, then his attempts to amend the pleadings and name Defendants Edda Cammick and Wayne McCall individually is a futile as the inclusion of these defendants will not cure the defect in his defamation claim.

Furthermore, if the Court would allow the Plaintiff to amend his pleadings, then these Defendants would be prejudice by allowing the Plaintiff to re-litigate the disposed-of-issue

¹ The Court's findings that is written on the Form 4 document, filed on June 14, 2019 is being cited in this return as the proposed order has yet to be signed at the time this document is being drafted.

² The Court also found that Plaintiff expressly alleges that Defendants Cammick and McCall purported conduct was in their official capacity. While the Plaintiff may have intended to alter such a claim, however, without a scintilla of evidence that these Defendants were operating outside their official capacity then

involving defamation, but also continue his efforts to use the legal process to abuse these Defendants. It is for these reasons, the Plaintiff's Motion should be denied.

CONCLUSION

For the reasons stated above, the Court should deny Plaintiff's Motion in its entirety.

s/Roberta Barton

Roberta Barton

Roberta Barton Law, Ltd. Co.

107 N. Fairplay Street

Seneca, SC 29678

864-882-5878

*Attorney for Defendant Edda Cammick and
Wayne McCall on their counterclaim*

August 2, 2019

4	David T. Stokes,	)	
5	Plaintiff,	)	2017-CP-37-00320
6	-vs-	)	May 28, 2019
7	Oconee County, Wayne McCall,	)	
8	and Edda Cammick,	)	
9	Defendants.	)	Transcript of Record

12 B E F O R E:

13 The Honorable R. Lawton McIntosh, Judge

A P P E A R A N C E S:

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Reported by:
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1 THE COURT: I'm going to go over the motions list
2 that I am looking at on the roster.

3 There is a motion to quash, Oconee County's. It's
4 a motion for sanctions from Mr. Stokes, a motion to
5 compel, which is Stokes', motion for sanctions, which
6 is -- is it "Cammick"? Did I pronounce that right?
7 Motion for summary judgment for Oconee County, motion
8 for summary judgment by Mr. McCall.

9 Are there any other motions out there that you are
10 aware of?

11 MS. BARTON: Yes, your Honor.

12 THE COURT: There are?

13 MS. BARTON: There is a motion for summary
14 judgment from both McCall and Cammick together on the
15 abuse of process.

16 THE COURT: They are together? It just lists one.
17 Other than that?

18 MR. BILL HOPKINS: Yes, sir, your Honor, and you
19 may have mentioned that. We have three motions: A
20 motion for sanctions. One is ours; one is theirs. We
21 have two motions.

22 THE COURT: That's what I said.

23 MR. BILL HOPKINS: I'm sorry. We have a motion to
24 compel some financial information.

25 THE COURT: I got that as well.

1 I want to go to the motion for summary judgment
2 first.

3 MR. LOGAN: Motions for summary judgment, your
4 Honor?

5 THE COURT: Yes, sir. I'm not married to any
6 particular order, but it seems to me those would be the
7 more complex motions to deal with.

8 MR. LOGAN: Your Honor, that's fine. We have
9 filed a memorandum --

10 THE COURT: I have read it.

11 MR. LOGAN: I hope your Honor has had an
12 opportunity, which I don't know that I can add a whole
13 lot more in my argument than what we have said in the
14 motion for summary judgment.

15 We feel like that we have stated the case for that
16 motion as well as we can state it. The facts that we
17 base it on are facts that are not in dispute, as we set
18 forth in page 2 of our statement of facts.

19 We also point out to the Court that the budget,
20 finance, and administration council committee meeting
21 was a public meeting. We have a copy of what was said
22 during that meeting. That's part of what we have
23 submitted to the Court.

24 THE COURT: And let me say this, Mr. Logan. In
25 all fairness, I have not gone through all the exhibits

1 yet. I read just the primary memoranda, but I have not
2 reviewed those.

3 MR. LOGAN: Well, let me, if you don't mind, then,
4 just go through and hit the highlights of the memo.

5 THE COURT: Absolute immunity seems to be your
6 primary argument; is that right?

7 MR. LOGAN: On one of the causes of action, yes,
8 your Honor.

9 There are two causes of action that have been
10 asserted in their complaint. One is slander per se
11 against both the county and the two council people, and
12 the other is wrongful termination for violation of
13 public policy, which is pending only against the
14 county.

15 As far as the two individuals are concerned, it is
16 important to point out that these individuals were
17 council members, and they enjoy the privileges
18 associated with being council members at the time the
19 committee meeting was held, and the transcript of that
20 meeting was later published in the newspaper. These
21 individuals have not been served in their individual
22 capacity.

23 THE COURT: Doesn't the complaint actually say
24 they acted in their official capacity?

25 MR. LOGAN: Exactly, your Honor. And that's the

1 only cause of action against the individuals that is
2 asserted.

3 Under the Tort Claims Act, they need to be
4 dismissed if for no other reason than that, because
5 they are not served and not a party to this action in
6 their individual capacity.

7 As far as the relevant facts are concerned,
8 Ms. Cammick made a request to build a carport, a metal
9 RV carport. She went to the building and codes office
10 to apply for a building permit to erect and install
11 that carport on her property.

12 She told the people at the building department
13 what she wanted and requested that the permit be
14 issued. She simply said she didn't understand why
15 these stamped drawings were required, which is what she
16 was told by someone in the building department, and she
17 did not direct anybody to do anything illegal.

18 She went and got a copy of the documents that they
19 requested and gave them to them, paid for the permit,
20 and put a permit (sic) up.

21 Ms. Cammick and I believe Mr. McCall were
22 concerned about how, not only just the building
23 department, but there were five other -- or four other
24 department heads where they had been receiving
25 complaints from their constituents.

1 And the meeting that we have attached a copy of
2 the transcript of dealt with this particular
3 department. There was no individual reference made to
4 the plaintiffs in this case, and they were talking
5 about complaints that they had received from their
6 constituents not related to anything in particular,
7 although Ms. Cammick, during that meeting, did
8 reference the fact that she had gotten -- that she had
9 received and was required to get a permit, but she did
10 not fuss about it. She said, I did what I was told I
11 needed to do. But she had been receiving complaints,
12 along with Mr. McCall, about how the building and codes
13 department was being administered.

14 And those comments in that public forum, subject
15 to those immunity provisions, both absolute and, if
16 necessary, qualified, are really all that's the subject
17 of this lawsuit.

18 So, first of all, they need to be dismissed
19 because they're not sued in their individual capacity.
20 And under the Tort Claims Act, they should be
21 dismissed. So we have addressed under the legal
22 arguments what I just said about being dismissed.

23 As far as the defamation, we say that both
24 absolute and qualified privilege make those defendants
25 immune from suit for defamation. We have set out in

1 our brief not only the facts but the legal authorities
2 that require, in our judgment, that that claim be
3 dismissed.

4 As far as the slander per se portion of that, we
5 have set out the law that deals with that particular
6 theory. The two of the five statements that are
7 actionable under the law that the plaintiff is relying
8 on is an alleged commission of a crime of moral
9 turpitude and unfitness in one's business or
10 profession.

11 I would ask the Court to read carefully the
12 statements that are in the transcript of the business
13 meeting, and I suggest to the Court that you will see
14 nothing that attacks this individual. Even if you get
15 past the immunity associated with the council that
16 applies to the council people, you will see that
17 nothing is addressed specifically to this gentleman.

18 It talks about his office, someone in his office
19 or someones in his office, but there is nothing that
20 addresses him individually. There's no specific
21 allegation or statement in those statements.

22 So we believe that the law is and your Honor
23 should conclude that -- and one other thing on that.
24 That is the only basis, based on discovery, for his
25 cause of action as far as defamation is concerned.

1 What statements were made in a public forum by
2 these particular people, picked up by the newspaper.
3 They didn't go talk to the newspaper or anybody else.
4 Statements were made were made in that public forum and
5 then published by somebody else. So they didn't
6 publish them other than through the public forum, and
7 plaintiff has acknowledged that, that he has no
8 evidence to the contrary on that particular point.

9 So we believe that the evidence is sufficient and
10 requires a grant of our motion for summary judgment as
11 far as the defamation cause of action is concerned.

12 Oconee County cannot be sued because of their
13 cause of action dealing with that requires malice. And
14 we have cited --

15 THE COURT: Requires? I'm sorry.

16 MR. LOGAN: Malice.

17 THE COURT: Malice.

18 MR. LOGAN: And in Section 15-78-60-17, it says:
19 The governmental entity is not liable for a loss
20 resulting from employee conduct outside the scope of
21 his official duties or which constitutes actual fraud,
22 actual malice, intent to harm, et cetera, et cetera.

23 So the county is out based on that. These
24 individuals are out because they cannot establish a
25 claim for slander or defamation in this particular

1 case.

2 As far as the wrongful termination cause of action
3 is concerned, this gentleman is an employee at will.
4 He wasn't the only gentleman who was, in the eyes of
5 council and in the eyes of the administrator, having
6 some difficulties in how he operated his department.

7 As an employee at will, the doctrine of employee
8 at will in this state applies, and as your Honor is
9 well aware, there are only -- there is a public policy
10 exception for two reasons: One, the employer requires
11 the employee to violate the law, or the reason for the
12 employee's termination is in fact a violation of
13 criminal law. There is no such evidence in this case
14 about violating -- asking someone to violate the law.

15 Ms. Cammick is the one who applied for the permit.
16 She merely raised a question. She was told what she
17 had to do, and she complied with that request.
18 Everything else is based upon statements made to
19 council members from one or more of their constituents
20 as far as the concern -- builders, contractors, that
21 type of thing, who were having issues with the building
22 department in this case.

23 So what's a council person supposed to do other
24 than try to address those issues? And that's what they
25 were doing. And they were not asking anybody to

1 violate the law, and he was not accused of any criminal
2 activity, nor was it claimed that he was involved in
3 any criminal activity. And I'm not aware of any facts
4 that say otherwise.

5 So for those reasons we believe that we're
6 entitled to summary judgment as to all claims in this
7 case.

8 And I'm addressing -- I represent the county, and
9 I represent Ms. Cammick, and Mrs. Burton represents
10 Mr. McCall, and Stephanie represents Ms. Cammick and
11 Mr. McCall individually.

12 MS. BARTON: Roberta.

13 MR. LOGAN: What did I say?

14 MS. BARTON: You said Stephanie.

15 MR. LOGAN: I thought I said Stephanie for you.

16 THE COURT: I got it.

17 MR. LOGAN: My hair is not quite as gray as yours.

18 THE COURT: I don't know about that.

19 All right.

20 MR. LOGAN: Maybe I misspoke on that, too.

21 THE COURT: So, for the record, Oconee County has
22 a motion for summary judgment, which also would include
23 Cammick in her official capacity.

24 MR. LOGAN: And Mr. McCall in his official
25 capacity.

1 THE COURT: In his official capacity.

2 MR. LOGAN: And Roberta represents those two
3 individually. And then Ms. Burton represents
4 Mr. McCall in his official capacity. So she and I
5 represent the two individuals in their official
6 capacity, and I represent the county as well.

7 THE COURT: Okay.

8 Ms. Burton, glad to hear from you.

9 MS. BURTON: Thank you, your Honor. And I have a
10 couple of cases to hand up to the Court that I think
11 are pertinent to this discussion. I don't have a lot
12 to add beyond what Mr. Logan said.

13 Clearly, the Tort Claims Act, when the legislature
14 enacted the Tort Claims Act, they said that individual
15 governmental employees cannot be held liable under the
16 act. It's the legal entity that has to be held liable,
17 and there are a lot of provisions related to that.

18 So unless the plaintiff can demonstrate actual
19 malice, actual fraud, or a crime involving moral
20 turpitude, both Mr. McCall and Cammick are immune from
21 suit under the Tort Claims Act.

22 But even if we get past that, which I would
23 suggest we can't, but even if we get past that, if your
24 Honor looks -- and I know there are a lot of
25 attachments, but one of the attachments to various

1 papers is the transcript from this budget and finance
2 committee meeting, and that is the only source of the
3 alleged defamation that Mr. Stokes claims in this case.

4 In fact, I asked him in his deposition to nail
5 that down, and he said, That's it. That's where I
6 claim the slander occurred was in this meeting. And
7 the transcript is attached so the Court can clearly
8 review that.

9 And if you review that transcript, you will see
10 that Mr. Stokes is never mentioned. His name never
11 comes up. The word "he" is not mentioned. There is a
12 general discussion about the building codes office, but
13 there is no discussion about him individually in any
14 manner.

15 And I would draw the Court's attention, because I
16 think that's a fatal flaw, to the *New York Times* vs.
17 Sullivan case, which, of course, is the preeminent case
18 on defamation.

19 But in the *New York Times* case, the alleged
20 defamation was of a fellow who was a commissioner of
21 the city of Montgomery. That's the person that brought
22 the claim against the *New York Times*. And there had
23 been an ad that had been taken out by a number of civil
24 rights activists that talked about police activities,
25 putting the dogs on the protesters and the like. And

1 this fellow, who was over the police, said that that
2 was defamatory against him.

3 And, interestingly, the United States Supreme
4 Court addressed this very issue and said that it wasn't
5 defamatory because he wasn't even mentioned. And they
6 rejected his argument that because he was atop the
7 police department, the police department was allegedly
8 defamed, that somehow that imputed some bad act to him
9 and, therefore, it could be defamatory and his claim
10 could stand against the *New York Times*.

11 But the supreme court rejected that and said that
12 he was not mentioned and that simply discussing his
13 department or the department he was over and underlings
14 was insufficient for a defamation case.

15 So in the first instance, there is no defamation
16 here. There is no false statement about the plaintiff
17 in the only statements that were made in this finance
18 committee meeting. And so for that reason we're
19 entitled to summary judgment.

20 But the next issue is, of course, the fact that
21 the plaintiff in this case has to prove actual malice,
22 which is constitutional actual malice, not the same
23 actual malice as you see discussed in other contexts,
24 even in the context of the South Carolina Tort Claims
25 Act because, of course, we all have a constitutional

1 right to speak our minds, and if one is a public
2 official or a public figure, then you have invited a
3 lot of discussion about your performance.

4 And in this case, the testimony by Mr. Stokes and
5 Scott Moulder, the former county administrator, is that
6 Mr. Stokes was the building official for Oconee County,
7 and in that regard he had certain latitude and
8 discretion with respect to enforcement of the various
9 building codes.

10 And one of the issues we discussed in fact was
11 this issue about enforcement with respect to these
12 metal shed structures because the International
13 Residential Code does not address that. So there is
14 some discretion being operated by the building official
15 about what does and doesn't apply.

16 And as a public official, the burden falls on
17 Mr. Stokes to prove by clear and convincing evidence
18 that there was actual malice. And I would suggest to
19 the Court that he was a public official, and I'll point
20 the Court to several cases that I've handed up.

21 McClane vs. Arnold, which is a 1980 case. Our
22 court said that a police officer, just a regular beat
23 cop, is a public official because, of course, all of us
24 have an interest in what our police officers are doing,
25 and, thus, we are entitled to speak out about them.

1 A deputy assistant administrator of Berkeley
2 County was found to be a public official in the Metz
3 vs. Mims case, and the assistant chief of police of
4 West Columbia was found to be a public official in
5 Miller vs. The City of West Columbia.

6 And the Court has said, our supreme court has said
7 that it's not the place on the totem pole that makes
8 one a public official, but it is the public's interest
9 in their activities.

10 And, of course, we have an interest in the
11 activities of our building officials because they are
12 responsible for the health, safety and welfare of the
13 public with respect to construction projects, as the
14 Court knows.

15 Assuming that he is a public official, he has to
16 prove with what the supreme court says is convincing
17 clarity that Mr. McCall acted with actual malice. And
18 that standard is very high. It is not ill will. The
19 court has rejected that. The standard is that you have
20 to know that the statement is false. So you have to
21 say, "I know the sky is blue but I said it was red," or
22 you have to make it with a reckless disregard for the
23 truth.

24 Our cases say, your Honor, that the decision of
25 whether there's evidence to support a finding of actual

1 malice is always a question for the Court. So it's not
2 a jury question. This Court has to look at the
3 evidence in the record and determine whether there is
4 convincing evidence of actual malice by either of the
5 individual defendants. And I would suggest that a
6 review of the transcript shows that there is no such
7 clear and convincing evidence here.

8 There is evidence in the record that, as a council
9 member, of course, you get lots of complaints, and that
10 the council members, particularly Mr. McCall, got a lot
11 of complaints. In fact, a host of building contractors
12 showed up at his shop to complain about the building
13 codes department to the point where Mr. McCall had to
14 ask Mr. Moulder to come over and listen to this myriad
15 of complaints.

16 There is evidence of some issue about some footing
17 inspection and the homeowner calling up and the
18 contractor calling up and raising cane that the
19 building folks hadn't done their job. Even in his own
20 deposition, Mr. Stokes admits that they got regular
21 complaints in his office. He admits that complaints
22 went to Mr. Moulder and that he met with and counseled
23 with Mr. Stokes, and I would suggest to the Court that
24 there's certainly no evidence that anybody made a false
25 statement about Mr. Stokes and knew such a statement to

1 be false or made a statement with reckless disregard
2 for its truth, and for that reason, Mr. Stokes cannot
3 prove that there was a false statement made about him
4 or that any statement was made about him with
5 constitutional actual malice, and, therefore, the
6 defendants are entitled to summary judgment in their
7 favor.

8 Secondly, and Mr. Logan mentioned this, and I
9 think this is a slightly different issue, if Mr. Stokes
10 is not a public figure, which I suggest that he is, but
11 if he is not, the doctrine of qualified privilege
12 applies in this context.

13 And as Mr. Logan indicated, of course, these
14 statements were made during the course and scope of
15 their responsibilities as part of county council during
16 a county council committee meeting. They were made for
17 purposes of engaging in a discussion about the services
18 being performed on behalf of the public by Oconee
19 County departments, and as such, such statements would
20 be protected by qualified immunity because they were
21 made in good faith, they were made on a subject matter
22 in which both council members had an interest, clearly.
23 They were made to folks who appeared at a council
24 meeting and even wanted to fuss about the building
25 codes department, and, therefore, qualified privilege

1 applies with respect to those statements, if he is not
2 a public official.

3 And for those many reasons, I would submit, your
4 Honor, that Mr. McCall is entitled to summary judgment
5 as a matter of law.

6 THE COURT: All right. Thank you, ma'am.
7 Go ahead.

8 MS. BARTON: And I just want to -- I actually have
9 two motions for summary judgment. I will touch on the
10 second one just as it relates to the first one, which
11 is the motion against the plaintiff's action for
12 slander per se.

13 I don't really need to repeat what's already been
14 spoken to the Court, but I would reference my actual
15 memorandum. I went step-by-step through all the
16 authority from the state law and local law.

17 In fact, I have -- I have two cases, and then I
18 have copies of the local ordinance that I figured may
19 be of assistance so you don't have to go online. If I
20 may.

21 THE COURT: Okay. Sure.

22 MS. BARTON: But in this regard, the way the state
23 has set up the Home Rule Act, Oconee County has taken
24 that authority and set up the governing structure of,
25 you know, the local governing structure. You know, the

1 actual meeting that was discussing these issues is not
2 only the most ideal forum, but because of certain
3 phrases of additional constraints that Oconee County
4 has placed on certain state laws, this was probably the
5 only forum in which the council could properly discuss
6 the matter.

7 And it was a council committee meeting in order to
8 address anything under the administration department.
9 That is the jurisdiction by Oconee County ordinances.
10 And when they were addressing the building department,
11 as has already been said, it was not in reference to
12 Mr. Stokes.

13 In fact, in his deposition, and I cited that in
14 one section of my memo, is that he actually said, Well,
15 yeah, it's not really about me, but I'm a building
16 official. So I don't think he can even step out of
17 anything beyond what, you know, being qualified
18 privilege or addressing his qualified privilege because
19 he's stating on himself that it only imputes on him in
20 his official capacity, except that he's also named the
21 county, which is also the identity of the building
22 codes department.

23 Certain other things, you know, about the
24 discussion is that, you know, for him to say that,
25 Well, I want to raise this action, he's actually asking

1 the Court to undermine and leave meaningless numerous
2 laws, state laws, local ordinances in how they are
3 supposed to govern their actual local government or
4 their departments or their individuals. And if you
5 can't address a department in an official county
6 meeting, then how are you supposed to address any kind
7 of governing issue or topic? I mean, if you can't
8 discuss a department. Because someone may come back
9 and try to sue you for defamation.

10 It is either, A, he's expecting everyone to go
11 behind closed doors, which is in and of itself a
12 violation of public policy under the Freedom of
13 Information Act. And I think the legislature wrote
14 very expressly how having an open and apparent method
15 of governing is vital for our democratic society, or
16 that it never gets addressed.

17 Those are the two options: Go behind closed doors
18 or never address it. Because if you address a
19 department, then some employee out of that department
20 can then raise defamation claims. So, you will see
21 that in the second section that addressed the abuse of
22 process.

23 Now, the abuse of process, as you know, is having
24 an ulterior motive and going forward with a willful act
25 in the process. And I had cited the willful act as

1 naming these two individuals in this action because
2 they are identified in their official capacity. And in
3 the course and scope of doing so, they use it as an
4 opportunity to demean, defame, harass my clients.

5 THE COURT: Isn't there case law that says just
6 following the process without additional ulterior
7 motives is not sufficient if you follow the process?
8 Even if you have bad intentions, you don't have
9 additional coercion to try to get a wrongful result
10 that you're not entitled to; without that, abuse of
11 process doesn't apply, does it?

12 MS. BARTON: Well, actually, with abuse of process
13 you have to, if -- in the -- I think it's Polaris is a
14 case where a lady had cited abuse of process against
15 her neighbors who had cited her for some sort of
16 building code or some sort of county code, and the
17 lower courts had dismissed her abuse of process.

18 But then later, when it went to the supreme court,
19 you know, they supported the abuse of process because
20 it was not for the motive of just continuing the
21 process, but it was for -- you know, it is the
22 motive -- in that case, it was to continue the bad
23 neighbor scenario.

24 In this case, this is to retaliate against them
25 because he lost his job. And it is the defamation.

1 And I also provided you Pond Place, which is a slander
2 of title case. And all the way in the end, it
3 references where you can't raise the defamation. We
4 could not legally countersue and say, He's defaming us
5 based on this, based on his pleadings, because that is
6 privileged. But then they said you can address this
7 issue in a malicious prosecution or abuse of process if
8 the elements fit.

9 And in this situation we believe it fits because
10 he's basically accusing my clients of being the
11 catalyst for the wrongful termination against public
12 policy. Except when he's being deposed, you will see
13 that it's not really present, is what he accuses. You
14 know, for Cammick, he just says, Well, it's the metal
15 building, the metal shed. And, you know, I referenced
16 it in my memo of exact line. But that's all he's
17 saying is, Well, that's the basis for that.

18 And then for Wayne McCall, he says, Well, they
19 were trying to get that inspection passed without it
20 being complete. And he's referencing the meeting.
21 Except in the meeting, it never states that.

22 In the meeting, it references all about, you know,
23 wanting them to return to actually perform the
24 inspection. You know, that's the reason why there was
25 a discussion about flat tire being a lame excuse. You

1 know, what would a flat tire matter if the point of it
2 was to just pass them without even inspecting them?
3 But it would matter if you expected a person to try to
4 go back the same day.

5 And that's also how the conversation was perceived
6 by people present and by those that were reporting on
7 it. You know, Scott Moulder had spoke in that meeting,
8 and it's in the transcript where he says, Hey, you know
9 what, sometimes you can't go back because the park
10 schedule. But that's also part of the dynamic of
11 trying to make decisions on how it's governed. But
12 that was his perception. It was never a perception of
13 just passing them.

14 Also, for the *Journal* article, you know, it just
15 references what was done in trying to get them, you
16 know, building delays, customer service. And that was
17 what was referenced in that article.

18 So, in that regard, he's trying to defame them by
19 claiming not only, you know, they acting improper, but
20 also that they were part of some sort of criminal
21 aspect.

22 Now, because my clients are public officials, I
23 had to go the big step up and show actual malice under
24 the Sullivan standard, which means that he had
25 knowledge that either what he said was false or that he

1 was, you know, just trying to avoid the truth at all
2 costs.

3 And I go step-by-step with a lot of that and show
4 where he had knowledge of the complaints going on. He
5 had knowledge that even the statements in regards to
6 the building codes or the contractors feeling like
7 they're being retaliated. Oh, you don't complain, you
8 will never get an inspection passed.

9 I had attached a confidential memo, and that was
10 dated February 23rd or 22nd, but it was before the
11 meeting, where he discussed how, you know, you can't go
12 into an inspection and be perceived as already
13 determining that this inspection is going to fail. And
14 then he's going to say, People don't trust you. You
15 know, they don't trust government.

16 And he's pretty much acknowledging what's going on
17 with these contractors who made these statements. He's
18 acknowledged that there's problems with customer
19 service. It's referenced in the deposition. He's had
20 daily meetings on the issue with his staff to address
21 the customer service and also the inconsistencies in
22 the code.

23 I also addressed the inconsistencies in code in
24 response to Cammick's building -- metal building.
25 There is an exception to needing a building permit, and

1 I had cited how that is actually a mandated obligation
2 of the county of -- of Oconee County's counsel to
3 address. That, you know, if you're going to have an
4 exception, it has to be uniform. It can't be
5 wishy-washy.

6 And if a department is just going off of whatever
7 is being informed on them or information that's being
8 given to them without actually trying to confirm the
9 actual standard, which is a floor plan as opposed to
10 the roof size is the floor plan, and I have additional
11 materials, if necessary, to help demonstrate that fact.

12 But, regardless, it's showing that there's an
13 obligation to measure the floor area right outside the
14 posts or right outside the exterior walls without the
15 overhang. And that is a difference. That if it falls,
16 you know, if they're only taking the roof size, then
17 it's going larger than the actual floor area, which
18 means that there is irregularity with two people on the
19 same building; one being told they have to have a
20 permit, and one being told they're an exception to that
21 permit because it just depends if they're going to tell
22 them the floor area or the roof size.

23 So all of that coupled in that regard is the basis
24 of that abuse of process, but also the plaintiff's
25 actual malice. And I know I've touched on this. I'm

1 not touching on all the aspects because I know we have
2 to go in stages, and if I kind of touch on that, and
3 that's in regards to the sanctions and the other stuff.
4 And if you need to come back to me, or if you have any
5 other questions, your Honor.

6 THE COURT: Thank you.

7 Mr. Hopkins.

8 MR. CLAY HOPKINS: Very briefly, Judge.

9 As to the abuse of process claim, I'm glad that
10 Ms. Barton brought this case because that's exactly
11 what this case says. It says as long as you follow the
12 normal course of the process, it's not abuse.

13 All Mr. Stokes has done is filed a lawsuit, taken
14 depositions, engaged in discovery. They can't show one
15 overt act or willful act that he's taken. In fact, I
16 asked Ms. Cammick and Mr. McCall in their depositions
17 to point me to something he had done that was an abuse
18 of process. Neither one of them said they could say
19 anything.

20 They said they thought he was doing this for
21 political reasons. Well, Judge, he can do anything for
22 political reasons. He can file this lawsuit for
23 political reasons. So, certainly, we think that should
24 be dismissed.

25 As to the wrongful termination claim, Judge, even

1 in the best light of the defendants, Mr. Stokes says,
2 You need a building permit; says, Ms. Cammick, I need
3 you to submit these plans, initially denies her her
4 approval. Four weeks later they're talking about him
5 in this county council meeting. It's a budget meeting,
6 not really a county council meeting. But he's
7 terminated. And the best facts or the best light for
8 them, it looks like he's terminated solely for doing
9 this to Ms. Cammick.

10 I asked her in her deposition as well, Judge: Can
11 you tell me about any complaints, any citizen
12 complaints, anything that Mr. Stokes has done, anything
13 you have heard from folks in your constituency between
14 the time that he denied your request and when you
15 terminated him? She says no. So, certainly, Judge, we
16 think that should go forward against the county.

17 Certainly in the light most favorable to the
18 plaintiff, there's at least a question of fact of
19 whether he was terminated for not following the law.

20 I asked --

21 THE COURT: Your claim is under Ludwig.

22 MR. CLAY HOPKINS: That's right, Judge.

23 THE COURT: So either you're asking that the
24 plaintiff had to be requested to violate the law by not
25 honoring a subpoena like in Ludwig, or the termination

1 itself is a violation of law.

2 So what evidence, first, is there in the record of
3 this case so far that your client was asked to violate
4 existing law?

5 MR. CLAY HOPKINS: So the evidence, Judge, is, I
6 asked, even though they're saying it's not in the
7 building code, it certainly is. It says any structure
8 over 400 square feet requires a permit.

9 As a part of that permit process, Oconee County
10 Building Department requires the drawings to be
11 submitted, and that's simply what Mr. Stokes asked to
12 be done.

13 I asked Ms. Cammick in her deposition: Do you
14 agree a building permit was required for this
15 structure? Yes, sir. That's her words, Judge.

16 So we think in the light most favorable to us, he
17 was being asked -- well, certainly he was being
18 terminated for refusing to bend the law for
19 Ms. Cammick. That's the case, and I think that's what
20 the evidence points to, is that the law requires him to
21 get a permit or tells him, I have to get a permit for
22 this property. You need to take these steps to get
23 that permit. He said, Ms. Cammick, you need to do
24 this, and then he's terminated.

25 So, certainly, we think under the reading of

1 Ludwig and all the cases that have come after Ludwig --
2 Baron, Donovan came out last year from the supreme
3 court -- that there's evidence to support a wrongful
4 termination and conclusion for a jury, Judge.

5 THE COURT: So that would be under the first
6 prong, and not under the termination --.

7 MR. CLAY HOPKINS: That's right, Judge. Simply
8 that he was being asked to violate this law. Since he
9 wouldn't, he was terminated. That's the evidence,
10 Judge.

11 Then as to the slander, Judge, I think that we
12 have kind of --

13 THE COURT: Do you seriously contend your client
14 is not a public figure?

15 MR. CLAY HOPKINS: Judge, for purposes of this
16 motion, I'll concede that he's a public figure. Based
17 on the cases that I've read, yes, sir. Yes, sir,
18 Judge. Certainly the police officer case; I saw that,
19 so I would concede that.

20 THE COURT: Okay.

21 MR. CLAY HOPKINS: But we certainly think there's
22 evidence to support an actual malice finding or
23 reckless disregard for the truth. It's kind of
24 baffling today that they have said --

25 THE COURT: May I -- I know I keep interrupting

1 you.

2 MR. CLAY HOPKINS: That's okay.

3 THE COURT: I'm going to give you time.

4 I looked at your complaint, and your complaint, at
5 least I think in three different locations says that
6 the plaintiffs, the individuals, McCall and Cammick,
7 whatever, acting in their official capacities. There's
8 no allegation that I'm aware of, and I may be wrong, of
9 them acting beyond or outside the scope of their
10 official capacities. Is that a fair --

11 MR. CLAY HOPKINS: That's a fair assessment,
12 Judge.

13 THE COURT: So under the Tort Claims Act, as
14 individuals, they should be dismissed for that ground
15 alone; do you not agree?

16 MR. CLAY HOPKINS: I think we disagree, Judge.

17 THE COURT: Tell me why:

18 MR. CLAY HOPKINS: I think what the Lewis case
19 that I cited in our memo certainly points to, the
20 conclusion that we have been or we have seen courts
21 doing on this issue, especially when it comes to public
22 officials, is the case should be submitted to the jury
23 with a special interrogatory asking the jury if they
24 believe, first, that they were acting in their official
25 capacity --

1 THE COURT: Well, you haven't made any allegation
2 of individual acting, so that ground is not there
3 before the jury.

4 MR. CLAY HOPKINS: But the second special
5 interrogatory would be, if you find actual malice or
6 reckless disregard. So we do. We concede we cannot
7 recover from both the county and Ms. Cammick and
8 Mr. McCall.

9 THE COURT: But you have -- and I saw in your
10 brief you seem to argue that we're entitled to go after
11 multiple theories of relief. Clearly you are. But in
12 your actual pleadings yourself, you don't do that.

13 Correct me if I'm wrong, but it appears to me that
14 in your actual pleadings, you only refer to the
15 individual defendants as acting in their official
16 capacities. There's not any allegations as to them
17 acting beyond the scope so that there would be some
18 type of personal liability.

19 If I'm missing that, correct me.

20 MR. CLAY HOPKINS: That's a fair assessment,
21 Judge. That's exactly right.

22 THE COURT: So if you don't allege it, if you are
23 maintaining that you would be entitled to go to the
24 jury on the individual claims without there being any
25 allegation of the individual liability, I disagree with

1 you on that. Okay?

2 MR. CLAY HOPKINS: I'm not going to argue with
3 you.

4 THE COURT: No, no. I want you to. Listen, if
5 I'm wrong, I don't mind saying I'm wrong.

6 MR. CLAY HOPKINS: Certainly under one aspect. We
7 believe Rule 15(a) allows us to amend the pleadings to
8 conform to the facts and the evidence. And this is why
9 I say the two interrogatories, Judge, because if the
10 facts at trial show that a jury could find that they
11 were acting outside the scope, it certainly could go
12 forward on that. We're allowed to amend the pleadings
13 to conform with the facts.

14 And then, two, I think that for purposes of the
15 Tort Claims Act and the county, if they're acting with
16 actual malice, they're probably outside the scope
17 anyways. That's not a part of their official scopes
18 and duties as a county council member, to act with
19 actual malice. And I think that's where our argument
20 is coming from, Judge, for those two reasons.

21 THE COURT: Okay.

22 MR. CLAY HOPKINS: Then in terms of what we're
23 talking about at this meeting, there's no dispute that
24 what was said was defamatory. Mr. McCall said that
25 Mr. Stokes, the department was harassing contractors in

1 Ocone County, had a sweet deal going with contractors
2 in the county, was funneling citizens to a specific
3 contractor. He's alleging him of receiving kickbacks,
4 Judge.

5 THE COURT: Let me ask you this. And I, again, on
6 your behalf, I haven't looked at exhibits. I will.
7 But what everybody is saying to me, your complaint
8 seems to say they're identifying your client, and this
9 is what they're saying he did. And this was done to
10 the press as opposed to being made in a committee
11 public meeting where they're generically referring to
12 the department. Those are such distinct versions.

13 I mean, it seems like at this juncture you have
14 had plenty of time to engage in discovery.

15 Is there any discovery that you have that says
16 these statements were made outside the scope of that
17 committee meeting and were naming your client?

18 MR. CLAY HOPKINS: As to the first question,
19 Judge, this was not a county council meeting. This was
20 a budget finance meeting.

21 THE COURT: That is a part of the public --

22 MR. CLAY HOPKINS: I understand. But in
23 furtherance of what I'm getting to, Judge, is
24 Mr. Stokes, his office was not even on the agenda of
25 that meeting. I asked Mr. Cammick what the purpose of

1 that meeting was for. She said to discuss the county's
2 finances. It was not to discuss the building
3 department.

4 What they did is, I mean, in the light most -- the
5 evidence in the light most favorable to Mr. Stokes is
6 she's still reeling over this building permit issue.
7 She's now gotten Mr. McCall fired up about it --

8 THE COURT: Let stop you again. At that meeting,
9 was your client individually named, or was it the
10 department, as they urge me to believe?

11 MR. CLAY HOPKINS: It was the department, Judge.
12 But, certainly, your Honor is aware that an implication
13 is actionable for defamation is South Carolina.
14 They're implying that it's Mr. Stokes, and that's the
15 understanding of everybody at the meeting, that it's
16 Mr. Stokes doing this, that defamation claim can go
17 forward under the supreme court.

18 And I certainly think that's exactly what
19 happened, Judge. I mean, all the evidence is pointing
20 to they're upset about Mr. Stokes and his handling of
21 the building permit issue, and now they're going to say
22 we're getting all these complaints.

23 Judge, when Mr. Stokes was terminated, the county
24 had its own grievance hearing and grievance
25 procedure --

1 THE COURT: I read that.

2 MR. CLAY HOPKINS: The finding of that was there
3 are no written complaints filed against Mr. Stokes by
4 any county residents, contractors, or departmental
5 staff members; nor are there any disciplinary actions
6 or reprimands as they would like you to believe.

7 So there's no basis for any of that, Judge. And,
8 in fact, I asked point blank to Ms. Cammick and
9 Mr. McCall in their depositions: Do you have any
10 evidence to support what you said? No.

11 I asked Mr. Moulder as a 30(b)(6) representative
12 for the county: Is there any evidence to support the
13 statements made by Ms. Cammick or Mr. McCall at that
14 meeting? He said no.

15 I mean, it's very simple, Judge. They're just
16 making outlandish statements because they were mad at
17 Mr. Stokes. They knew what they were doing. They had
18 no evidence to back it up. Not even an inkling of
19 evidence to back it up. And there's certainly been
20 none produced in this case, Judge.

21 So in terms of the actual -- I mean, that's
22 clearly an actual malice stand right there, reckless
23 disregard for the truth, Judge. And that's kind of
24 where we're at.

25 We think that certainly they're implying that he's

1 receiving kickbacks, not only a crime of moral
2 turpitude, but unfit in his position, so we think the
3 slander goes forward.

4 THE COURT: Thank you so much.

5 Any brief response?

6 MR. LOGAN: Just very briefly, your Honor. Again,
7 I ask you to read the newspaper article. There's
8 nothing in there about asking him to violate the law.

9 In the brief that I filed, on the bottom of page
10 12 and top of page 13 I cite for the Court exactly what
11 the plaintiff's testimony was regarding Ms. Cammick
12 because they allege that the plaintiff's argument
13 appears to be that he was fired because he required
14 Ms. Cammick to get engineering drawings on a building
15 permit. This is what the plaintiff testified to.

16 Ms. Cammick simply said she didn't understand why
17 those stamped drawings were required but did not ask or
18 direct the plaintiff to do anything contrary to his
19 interpretation of the applicable code or codes of
20 Ocone County or the International Building Code. And
21 I cite with specificity, and I believe a copy is
22 attached, where that testimony is from the plaintiff in
23 his own deposition. So --

24 THE COURT: Was he referring to in the application
25 processes or at this meeting? In other words, when

1 this council person went and applied for the actual
2 permit, or was it that the committee meeting, the
3 public committee meeting?

4 MR. LOGAN: I believe it was referring to the
5 application process itself.

6 THE COURT: Well, then, what I'm hearing is that
7 he's saying, I don't think -- I hadn't heard any
8 allegations that she slandered him during that process,
9 but it's during this committee meeting that allegedly
10 she made these comments by innuendo or directly
11 implicating him.

12 MR. LOGAN: That's why I asked you to read the
13 article.

14 THE COURT: And I will.

15 MR. LOGAN: And this is his testimony. I mean,
16 they base their whole theory on the fact that he was
17 fired because he required Ms. Cammick to get
18 engineering drawings and a building permit. That's
19 what he just said. And that's what they say in their
20 complaint, and that's what their testimony has been.

21 So you have to go to the actual event itself as
22 far as applying for the permit. And he has now
23 acknowledged --

24 THE COURT: That would go under the wrongful
25 termination claim, not the slander claim.

1 MR. LOGAN: Well, I don't think --

2 THE COURT: I'm just thinking out loud.

3 MR. LOGAN: I understand. But, again, I have to
4 ask you to read the comments of Ms. Cammick.
5 Ms. Cammick, at the hearing, at the committee
6 meeting --

7 THE COURT: Okay.

8 MR. LOGAN: That it doesn't get anywhere close to
9 even this or what he's saying as far as -- well, you
10 can't even speculate from what her comments were --
11 that she was upset and asked him to violate the law.
12 She did not. And he acknowledges that in his own
13 testimony when he talks about what occurred at the
14 building committee's office.

15 And as far as the individual capacity allegations,
16 you know you're spot-on on that. If they try to amend,
17 I believe the statute is expired. And, again, their
18 interpretation of what was going on is just pure
19 speculation at this point.

20 THE COURT: Thank you very much.

21 MR. LOGAN: The only other thing is, your Honor, I
22 would just emphasize, he keeps saying they said they
23 had no evidence. Their evidence was what their
24 constituents were telling them. They were getting
25 complaints. A public official has to respond to the

1 complaints of its constituents. So they were raising
2 these issues. So their evidence is what their
3 constituents were telling them.

4 Thank you.

5 MR. CLAY HOPKINS: If I may briefly respond to
6 that, Judge.

7 THE COURT: Briefly.

8 MR. CLAY HOPKINS: They have not attached one
9 affidavit to any motion in this case from a citizen or
10 constituent alleging complaints about Mr. Stokes.

11 THE COURT: Thank you, gentlemen.

12 MS. BARTON: Your Honor, may I, just because --

13 THE COURT: I want it very brief, please.

14 MS. BARTON: What I was going to say is that the
15 alleged complaints, I have identified several sources
16 where Mr. Stokes acknowledges them. Also, that of the
17 complaints of the problems, and that's shown in my
18 demonstration of Stokes' actual malice.

19 But, also, I wanted to say that when he had made
20 the statement, Oh, well, she was denied her building
21 permit, she was never denied a building permit.

22 THE COURT: That's beyond what I want to hear.
23 Thank you.

24 Let's go now to the motion to quash, please.

25 MR. LOGAN: Your Honor, this deals with the

1 defendant Oconee County's motion to quash the subpoena
2 to retake the deposition of Mr. Scott Moulder. And I
3 have attached to that a copy of the deposition notice.

4 Scott Moulder's deposition was taken in this case.
5 At the time this lawsuit was filed, he was the city
6 official -- I mean county official, county
7 administrator that was responsible for, in effect,
8 hiring and firing and the administration of the various
9 departments and whatnot.

10 Once this case was filed, I had extensive
11 conversations and discussions with all of the people in
12 the county that may have some information regarding
13 this case, including Mr. Moulder, under the protections
14 of the attorney-client privilege.

15 Subsequent to -- about midway through this
16 litigation, Mr. Moulder left the county and is now in
17 another position, I believe down in Seneca.

18 Before he left -- and his deposition was taken
19 pursuant to a proper notice, 30(b)(6) and fact witness.
20 That notice is attached. And you will see by looking
21 at the attachment to the motion to quash, that the
22 notice states: Exhibit A -- this is the attachment to
23 the 30(b)(6) notice -- the factual basis of all denials
24 of plaintiff's case, plaintiff's complaint, the factual
25 basis of all affirmative defenses, and the factual

1 basis of any response to any discovery requests in
2 addition to the other questions dealing with his role
3 as county spokesman for, at that time, in his official
4 capacity with the county.

5 Now, I have two reasons or two bases for my
6 objection. Number one, he was given the opportunity in
7 compliance with his notice to address any factual
8 matters that they wanted to address along with the
9 30(b)(6) notice.

10 But my more important objection is the fact that
11 they now believe that since he is no longer an employee
12 of the county, that they have the carte blanche right
13 to sit down now and talk to him without Oconee County
14 counsel being present and talk to him and even take a
15 deposition and prep him for that deposition without
16 county being present, contending that he is no longer
17 under the umbrella of the attorney-client protection
18 and cite some Rule 7, I believe it is, that they say
19 applies to that.

20 I take the position that the attorney-client
21 privilege attached the moment that lawsuit was filed
22 and the moment I spoke with him on behalf of my client,
23 Oconee County, who was his employer, and therefore that
24 privilege attaches throughout the entire lawsuit
25 regardless of where anybody may be employed.

1 THE COURT: Do you have any authority to that
2 fact?

3 MR. LOGAN: Unfortunately, I don't. But to me,
4 it's common sense and fairness that that privilege --
5 otherwise the sanctity of the privilege can be violated
6 simply because someone moves from one point to another.

7 THE COURT: Well, whose privilege is it? Is it
8 Mr. Moulder's as the administrator, or is it the
9 county's as the hiring body?

10 MR. LOGAN: It would be the county, in my
11 judgment, yes, your Honor.

12 THE COURT: Okay.

13 MR. LOGAN: But I think at least, if you're going
14 to let them -- first of all, they have had their shot
15 at him.

16 THE COURT: Sir?

17 MR. LOGAN: I said, first of all, they have had
18 their shot at him when they took the deposition.

19 THE COURT: I think at first blush the issue of
20 retaking the deposition is one thing, and the
21 attorney-client is a different story as to whether or
22 not they can either have conversations with him. I
23 don't know the answer to that.

24 MR. LOGAN: And the second is conversations.
25 Because I believe that attorney-client privilege

1 attaches and remains attached. At least to the extent
2 if they're going to talk to him, the county attorney
3 has a right to be present at that conversation, and
4 they have -- we've talked about this, and they don't
5 even agree with that.

6 THE COURT: Was there -- is there anything in our
7 ethical guidelines of professional conduct rules that
8 addresses this issue? I would think there would be.

9 MR. LOGAN: I have not seen anything directly on
10 point.

11 THE COURT: Okay.

12 MR. LOGAN: Not directly on point, other than the
13 fact the general privilege, and if that privilege --
14 once that privilege attaches, then it's the privilege,
15 and it continues throughout the litigation.

16 THE COURT: I remember, and this is certainly not
17 answering the question, but it seems to me depends on
18 the capacity of the person, whether they can bind the
19 entity or not, as to whether it attaches. I don't
20 know.

21 MR. LOGAN: Well, he's the city -- at the time he
22 was the county administrator and he had authority. And
23 that's why they took a 30(b)(6) deposition, because he
24 had the authority to bind the county.

25 THE COURT: But your motion right now is simply to

1 quash the deposition, not to have -- if they engage in
2 individual conversations, whether that might be an
3 ethical violation, but you're not asking me to prohibit
4 that, are you?

5 MR. LOGAN: Yes, I'm moving to quash the subpoena.

6 THE COURT: Right.

7 MR. LOGAN: For the deposition.

8 THE COURT: Right.

9 MR. LOGAN: And I have two grounds for moving to
10 quash it. Number one, they have already had their shot
11 at him. And number two, based upon the attorney-client
12 privilege, they're not allowed to talk to him, at least
13 without me being present.

14 THE COURT: All right. Thank you, sir.

15 Okay.

16 MR. BILL HOPKINS: May it please the Court? Your
17 Honor, Bill Hopkins for Mr. Stokes.

18 THE COURT: Yes, sir.

19 MR. BILL HOPKINS: Your Honor, initially, we had
20 taken Mr. Moulder's 30(b)(6) deposition. And when we
21 noticed his deposition as an individual, I received
22 some correspondence from Mr. Logan objecting.

23 And as to the first issue, we believe the first
24 one is really pretty simple. The law is clear. Am Jur
25 says: A 30(b)(6) deponent testifies as to the

1 knowledge of the corporation and the corporation's
2 subjective beliefs, opinions, interpretation of
3 documents and events, facts.

4 A fact witness testifies as to his individual
5 personal knowledge and gives his personal opinions and
6 beliefs.

7 So we already have Mr. Moulder's opinions and
8 beliefs on behalf of Ocone County, no doubt about it,
9 his version of facts. Well, now we want to find out
10 Mr. Moulder's personal beliefs and opinions.

11 THE COURT: Well, Mr. Logan says that when you
12 noticed the deposition initially, you also noticed him
13 as a fact witness as well?

14 MR. BILL HOPKINS: No, sir. We wanted, as we're
15 entitled, the facts on behalf of the county. Yes, sir,
16 right. The events that occurred on behalf of the
17 county. We want the county's version of the events and
18 facts under 30(b)(6).

19 Now we want his personal facts that happened. So
20 we believe we're entitled to that. We think that one,
21 your Honor, should be easily disposed of.

22 But then I never indicated I intended to talk to
23 Mr. Moulder, but in his response, Mr. Logan says, I
24 object. And by the way, don't go talk to him.

25 And so I wrote back to Mr. Logan, and I told him I

1 really thought that was misplaced as well.

2 Your Honor, what your Honor just stated was the
3 old rule, that you could not talk to a former employee
4 who was a management level person who could bind the
5 corporation.

6 THE COURT: That's no longer the rule?

7 MR. BILL HOPKINS: Unfortunately, your Honor, I'm
8 sorry to say I was on the professional responsibility
9 committee in the mid 2000s, and there were so many
10 questions and confusion, we decided to ask the supreme
11 court to modify the rule, Rule 4.2, Rules of
12 Professional Conduct.

13 We asked the supreme court to modify it and adopt
14 the ABA proposed rule. At the time the ABA had
15 something called the Ethics 2020 Commission where they
16 were updating the rules of professional conduct. And
17 so our supreme court did in fact eventually vote and
18 amended Rule 4.2.

19 And this is what the rule says, your Honor:
20 Consent of the organization's lawyer is not required
21 for communication with a former constituent. There is
22 no longer any -- it doesn't matter if he was the
23 president, the CEO. His position doesn't matter. All
24 that matters is the lawyer make his role clear to the
25 former employee. That is, you can't mislead the

1 employee into thinking that you're associated with the
2 county or helping the former employer. You have to
3 make clear to them up front, I am adverse to your
4 former employer. I'd like to speak to you. Will you
5 speak to me?

6 So that's really what got us where we are, your
7 Honor. First, we do want to get Mr. Moulder's personal
8 opinions and beliefs and facts based on the individual,
9 nothing to do with the county.

10 And, moreover, even though, again, I don't have
11 any intention as I stand before you, I don't intend to
12 go find Scott Moulder today, but I'm very concerned
13 when a lawyer tells me that I'll be violating the rules
14 of professional conduct when I do exactly what is
15 allowed by the rules that our supreme court -- and I'm
16 being told I will be violated -- I find it offensive,
17 your Honor. Our rules are clear.

18 Frankly, Judge, to the extent Mr. Moulder asks for
19 or asked or was given advice by Mr. Logan, and I don't
20 want to get into any of that. I don't know, but I'm
21 certainly not going to say in court to Mr. Logan, I
22 will never admit or say, I don't have a right to talk
23 to any former employee, anybody ever, because I clearly
24 do.

25 Thank you.

1 THE COURT: Thank you.

2 MR. LOGAN: Your Honor, if I may be heard briefly.

3 In Exhibit A, that's where the first three
4 categories are, the factual basis of all denials of
5 plaintiff's complaint. The defendants in that case are
6 Oconee County, Wayne McMill, and Edda Cammick.

7 THE COURT: Mr. Moulder was not named as an
8 individual.

9 MR. LOGAN: No, he's not. But he's the county
10 administrator.

11 THE COURT: Sure.

12 MR. LOGAN: The factual basis of all affirmative
13 defenses. The factual basis of any response to any
14 discovery requests. Of course, I was dealing with him
15 when it came to how to respond to discovery requests in
16 addition to the county attorney for Oconee County.
17 That's my first point.

18 The second point is I appreciate the fact that he
19 was on the committee. I wish that committee and the
20 supreme court had addressed 4.2 a little clearer
21 because what 4.2 does not say or address is when the
22 privilege first attached and when does it leave.

23 If he's a former employee, and that lawsuit is
24 filed, then it's fair game. I will concede that. My
25 point is, and the rule does not address it, but I think

1 after doing this for 45-plus years, it just sounds like
2 it ought to be this way, is that that privilege has
3 attached when that lawsuit was filed and you've had
4 these protective conversations and dealings, then that
5 privilege ought to last until the lawsuit is over. And
6 4.2 doesn't address that. That's my point.

7 THE COURT: It sounds to me 4.2 is unambiguous in
8 this application, so I'll disagree with you on that
9 one, Mr. Logan.

10 All right. Next motion we have, Stokes' motion
11 for sanctions. Hold on. I'm sorry.

12 Do you have a motion to compel with Stokes? Let's
13 do that before we get to sanctions.

14 MR. BILL HOPKINS: Yes, sir. The motion to compel
15 is pretty simple, your Honor. We had requested some
16 financial information from the defendants. They have
17 objected to it.

18 THE COURT: That's the individual defendants?

19 MR. BILL HOPKINS: Yes, sir. We're certainly
20 willing -- your Honor has more experience than me.
21 Certainly what I have seen judges do is at least make
22 them bring it to court, and in the event that issue
23 goes to the jury, then we would get it. Or I'm happy
24 to enter into a protective order. I just don't want a
25 blanket denial.

1 THE COURT: Let me ask you this: At this
2 juncture, somebody just made the comment, because your
3 partner admitted to me, it sounds like, at least my
4 interpretation is he admitted that your pleadings have
5 no allegations individually against these two council
6 people as individuals?

7 MR. BILL HOPKINS: Well, I think, your Honor, we
8 did allege malice, but I will admit the complaint
9 discusses them in their individual capacity. So I will
10 just tell you, your Honor, we'll certainly seek leave
11 to amend. We think it will relate back. But as we sit
12 here today, no doubt about it.

13 THE COURT: That was my next question. If you are
14 seeking to amend, somebody I heard say the statute has
15 run, so you're out.

16 MR. BILL HOPKINS: It would relate back, your
17 Honor.

18 THE COURT: Relate back and get a wrong party in
19 interest, Rule 17.

20 MR. BILL HOPKINS: We did not name them in their
21 official capacity. We think we named them
22 individually. They're going to say maybe there is an
23 inconsistency in the pleadings. I hear your Honor.
24 We'll have to address that at the appropriate time.

25 Certainly, we allege malice. And if they were

1 guilty of malice, it may take them outside the Tort
2 Claims Act.

3 THE COURT: On your motion to compel, I'm going to
4 deny it without prejudice. You can bring it up later
5 in case they stay in.

6 Motion for sanctions on Stokes, please.

7 MR. BILL HOPKINS: Yes, sir. And, your Honor,
8 first of all, Judge, I haven't been doing it as long as
9 Mr. Logan. I have only been doing it 27 years. I know
10 I've filed less than three motions for sanctions.

11 But this one, Judge, we had asked for Facebook
12 information in discovery. And we got responses, and
13 there was nothing about Facebook.

14 And so my son Clay takes Ms. Cammick's deposition,
15 and we learn about Cammick's Council Corner, some
16 Facebook page she has talking about council matters.

17 So my son says, Okay. Well, will you give it to
18 us? And she says, Sure, I'm happy to do it. So
19 there's some discussion. I'm not on Facebook, Judge,
20 thank goodness. But there's some discussion about
21 Facebook, and she says she'll get it.

22 So three months go by. This was in March, her
23 deposition. It's June, and we don't have anything from
24 Facebook. So Clay files a motion to compel to get this
25 Facebook.

1 So some time goes by, and, lo and behold, we get
2 from somebody a post on Mrs. Cammick's Facebook page
3 where she's talking about the suit and her deposition
4 and Clay and some other things. So now we're kind of
5 interested. Our curiosity is piqued.

6 Well, lo and behold, we get a production, and that
7 is all gone. It's not in there. It's not -- the post
8 part about Clay and the deposition is missing from what
9 we get.

10 So now, of course, we're aware that she's had
11 something and it's been deleted or edited or materially
12 altered. So we filed this motion, your Honor.

13 Even today, as I stand here today, we have never
14 gotten the full thing, a copy of what she posted.

15 And so in response, I know Mr. Stokes immediately
16 filed a motion for sanctions against us saying, Well,
17 that's frivolous. And it appears the argument, your
18 Honor, goes something like this: Well, you can look on
19 there and see -- again, I'm not familiar with
20 Facebook -- but you can go on there and look and see
21 she's edited things.

22 So because she's modified and edited and deleted
23 things out in the open that you could have seen if you
24 would have done your due diligence, this is a frivolous
25 motion. Which I find a little hard to believe, Judge.

1 It's almost as if -- and he says, Well, you go to her
2 edit history and see the things that have been edited.

3 Maybe we can see things that have been edited, but
4 we don't know what. I don't know what she's cut and
5 pasted and deleted and chopped up. We don't have her
6 messages, if she got or sent messages.

7 What they finally produced were about four pages
8 of posts. It's not an activity log. The only way we
9 can print out her activity log, as it's been explained
10 to me, is to have her password to be able to log in to
11 her account, which is what we want, and go to the
12 activity log and print out all this stuff.

13 So as we sit here today, Judge, we've got four
14 pages of posts. We have never gotten what she deleted.
15 Her edit history wouldn't have what she's deleted. We
16 don't have the activity log. And then this motion sort
17 of says, Well, listen, guys, no harm, no foul.

18 You know, it's like the guy that robs a little old
19 lady's purse on the street, and three blocks later he
20 gets caught and they get the purse back, everything is
21 in it. He says, Hey, no harm, no foul. You got it
22 back. Come on, now.

23 Well, now, the misconduct has to be addressed.
24 She knew in her deposition, we said: We want your
25 Facebook. She knew it was asked for. We had even

1 filed a motion to compel. So at that point they really
2 know, okay, he's filed a motion to compel. He really
3 wants the Facebook.

4 And then to produce something to us that has been
5 modified, I don't believe it's our job to go on
6 Ms. Cammick's Facebook and try to see where she's
7 deleted things. We just wanted them to produce the
8 activity log, and we still don't have it, Judge.

9 And, again, I know motions for sanctions are
10 extreme and harsh, but I don't know what else we can
11 do. We asked for it in discovery. Nothing. We find
12 out in the deposition, we find out it exists. They
13 still won't give it up. We have to file a motion to
14 compel.

15 Finally, they post something that isn't accurate,
16 get what she's got. And now they say, Well, Bill,
17 shame on y'all for not knowing about it. We think
18 y'all are following her Facebook page. I'm not even on
19 Facebook. I don't know about her page. It's not my
20 job to do it, Judge. We've asked them to produce the
21 activity log, and we'd like to have it.

22 That's where we are. I'm disappointed that this
23 thing was modified and deleted before it was sent to
24 us. It just doesn't smell right. And, again, why do
25 we have to go be private investigators and IT folks and

1 track it down? They should tell us. We should be able
2 to look and see when things have been deleted or
3 modified. So that's the basis for it, your Honor.

4 Thank you.

5 THE COURT: Thank you.

6 MS. COFFEE: Your Honor, Stacy Coffee on behalf of
7 Ms. Cammick on these motions. I'm going to address --
8 there's three related motions, basically, that we can
9 dispose of.

10 THE COURT: Well, let me ask you this: What I'm
11 hearing from Mr. Hopkins is that we clearly asked for
12 this, she identified it, we asked for it, and all of a
13 sudden, you destroyed it.

14 MS. COFFEE: I disagree.

15 THE COURT: Tell me why it's not the case.

16 MS. COFFEE: If you will give me a moment to kind
17 of go through the facts, I think I can clarify that
18 some. But I'm basically going to address three of the
19 motions because they all relate to this Facebook
20 posting issue, and that would be our motion for
21 sanctions, which was filed on November 29th of 2018,
22 and then their motion to compel from June of '18 and
23 their motion for sanctions from June of '18. Those all
24 three motions relate to the same issue with the
25 Facebook page.

1 So, basically, what happened, your Honor, at the
2 time of the original discovery request, so this would
3 be what he's asking for sanctions on, the original
4 discovery requests, which were served in October of
5 2017, asked for any documents including any Internet
6 website and/or web log that in any way mentioned
7 plaintiff since 2016. And then also to identify any
8 Internet postings made by defendant regarding the
9 plaintiff.

10 So, basically, back in October of 2017, they asked
11 for any Internet postings that related to the
12 plaintiff. And there were none. And the answer that
13 was given in the answers to discovery were that there
14 were none, because at that time, there were none.

15 As a matter of fact, when they took her deposition
16 in March of 2018, there still were none. She had not
17 made any Facebook postings or any sort of Internet
18 postings about Mr. Stokes at that time. There was a
19 discussion during the deposition about -- they asked
20 her to provide a copy of her Facebook page. That was
21 what they asked for.

22 And there is -- attachments from her deposition
23 are attached to our motion for sanctions as an exhibit,
24 and I would ask the Court to refer to those.

25 But it came out in her deposition that she had a

1 Facebook page where she did discuss some council
2 business, council business while she was on the county
3 council. She had not discussed Mr. Stokes at all at
4 that time of her deposition, and she testified to that
5 in her deposition.

6 So then after her deposition -- well, there was a
7 discussion in her deposition that she would provide a
8 page if plaintiff's attorney would tell her how to do
9 so. She said, I don't know how to do that. Just like
10 Mr. Hopkins says he doesn't know how to do that, she
11 says, I don't know how to do that. So there was a
12 discussion. She said, Hey, if you let me know how to
13 do it, we'll be happy to do it.

14 So a few days later, we got a letter at our office
15 again asking for any messages sent to her on Facebook
16 concerning council business. And, in response -- they
17 asked for a quote/unquote a copy of her Facebook page.
18 That was what they asked.

19 Our paralegal e-mailed them back and said, Tell us
20 how to do it. If you tell us how to do it, tell us
21 exactly what you want, we'll be happy to do that. And
22 those e-mails, that entire e-mail conversation, is also
23 attached as an exhibit to our motion.

24 In response, they sent our paralegal a link to the
25 help center page on Facebook, which basically didn't

1 tell her anything. It didn't say, Do this to get this,
2 or, you know, Make a copy this way. I mean, it really
3 didn't provide any sort of specifics, and they didn't
4 provide any additional specifics about what they were
5 looking for.

6 So, at that time we produced what we felt like was
7 a copy of her Facebook page.

8 THE COURT: What happened to this page in the
9 meantime? What information was deleted?

10 MS. COFFEE: Well, in the meantime, she still had
11 not posted anything about Mr. Stokes.

12 THE COURT: To this date, what happened to this
13 information?

14 MS. COFFEE: Well, then April 13th of 2018, she
15 did make a post. And if you will look at my memo under
16 the fact section, I've got the facts set out very
17 clearly, but number 7 under the facts is exactly what
18 the post said. And, you know, it's talking about the
19 suit and the deposition, how Mr. Hopkins was kind to
20 her at the deposition.

21 On April -- so that was April 13th. On
22 April 25th, she did -- she basically deleted the second
23 part, and you can see that. I have attached -- because
24 what I did was go back to the edit history, which is
25 exactly what they have done, because they knew what it

1 said before we knew what it said. They knew what
2 changes had been made before we knew because they have
3 access to it.

4 You can't change something on Facebook and it not
5 show up in the edit history. So any changes she has
6 made --

7 THE COURT: What is the difference between edit
8 page and activity page, or whatever it was that
9 Mr. Hopkins referenced?

10 MS. COFFEE: Well, I'm not sure, your Honor. I'm
11 certainly not a Facebook expert.

12 THE COURT: Well, I understand, but that's not
13 sufficient because you have an obligation upon
14 receiving discovery requests either to make a good
15 faith look or have someone who can, not to call back to
16 the person making the request and say, Okay. This is
17 what -- tell me what you're looking for again. I mean,
18 that's not sufficient.

19 MS. COFFEE: Well, my understanding, your Honor,
20 is we provided the page as it currently exists and the
21 edit history and that they also had access to that.
22 I'm not aware of there being anything beyond that that
23 they have asked for or that exists.

24 THE COURT: May I stop you right quick?

25 MS. COFFEE: Sure.

1 THE COURT: Is there a difference between the edit
2 page and the activity log?

3 MR. CLAY HOPKINS: The activity log will show you
4 someone shared a post. It will say this post was
5 edited, but it doesn't show us what was deleted. In
6 terms of this, they're different.

7 THE COURT: Are they two different things?

8 MR. CLAY HOPKINS: The activity log will just show
9 you every edit she's made, any time she's posted, it
10 will show the entire history.

11 MS. COFFEE: But I believe the edit history will
12 show you the edits that were made, but I'm not a
13 Facebook expert.

14 THE COURT: Me either.

15 MS. COFFEE: But our understanding, your Honor, is
16 that we provided or they have access -- and they have
17 access to any edits that were made, so there was no
18 issue about whether they had it or not. We certainly
19 didn't fail to comply with the original discovery
20 request because at that time there were no Facebook
21 posts.

22 THE COURT: Right.

23 MS. COFFEE: They have access to all the changes
24 that have been made, both through Facebook and we have
25 given them copies, and they're attached to the -- to

1 our motion.

2 So our argument is that they have everything that
3 they have asked for. They had access to it, knew it
4 was there before we even knew it was there.

5 THE COURT: And I don't know the questions asked,
6 quite frankly, but the question is: She says you got
7 equal access that they have. Is that not true?

8 MR. CLAY HOPKINS: That's not true at all, Judge.

9 THE COURT: Tell me specifically why.

10 MR. CLAY HOPKINS: Someone sent me a picture of
11 the post because it had my name in it. I asked
12 Ms. Cammick questions about her Facebook at her
13 deposition, and that's how we got here.

14 I'm not monitoring Ms. Cammick's page. I don't
15 have any --

16 THE COURT: That's not what I'm asking.

17 MR. CLAY HOPKINS: I don't have any ability to
18 monitor, Judge.

19 THE COURT: I'm not asking that either. I'm
20 asking, she says you can get to anything on her site if
21 you want to. We have given you access, which would
22 include this activity page, this edit page or whatever,
23 if they're two different things.

24 Do you agree or do you disagree?

25 MR. CLAY HOPKINS: I agree they have given us the

1 activity log now, yes. But as I said a moment ago, it
2 only says what --

3 THE COURT: That's not the question I'm asking
4 again. And the question is: Can you access this
5 information as well as she can --

6 MR. CLAY HOPKINS: No, sir.

7 THE COURT: -- from the information they have
8 given you?

9 MR. CLAY HOPKINS: No, sir. I cannot see the
10 edits she's made, no, sir.

11 MS. COFFEE: You can see her edit history. He can
12 see her edit history. I went on from my Facebook page
13 and saw it, so it's public.

14 THE COURT: I'm good. Go ahead.

15 MS. COFFEE: So, your Honor, so that would be the
16 subject of the motion to compel was for those items,
17 which we believe they have been provided and were
18 provided in a timely fashion. And that would be our
19 argument against their motion for sanctions.

20 And then our argument for the motion for sanctions
21 on our behalf is that they never contacted us and said
22 they were going to file a motion for sanctions. They
23 didn't contact us, as they're required to do under Rule
24 11, before filing their motion for sanctions.

25 Before we filed our motion for sanctions, we sent

1 them a letter with a copy of the proposed motion and
2 set out our argument and our position and asked them to
3 withdraw -- you know, said, We won't file this if you
4 withdraw your motion, and they refused to do that, so
5 we believe that we're entitled to sanctions based on
6 them filing an improper motion for sanctions.

7 THE COURT: Okay. Thank you, ma'am.

8 MS. COFFEE: Your Honor, Mr. Logan had a
9 suggestion that may help. I mean, the only edit, just
10 so I can read this into the record --

11 MR. LOGAN: That we're aware of, your Honor.

12 MS. COFFEE: The only edit that we're aware of,
13 and they're aware of it also, is that she made a post
14 on April 13th of 2018 that says: My attorneys wouldn't
15 be happy with me if I commented on the Stokes lawsuit,
16 but I will continue to maintain I followed the county
17 rules with regard to my carport and otherwise I was
18 doing my job.

19 Now, this next section is what she ended up taking
20 out, so I'm going to read it. It was originally
21 posted, but this is what she ended up taking out: When
22 I was leaving the deposition, Stokes' attorney shook my
23 hand and said, quote, I know you were doing your job.
24 I hope you understand that I'm just doing mine. I
25 thought that was very gracious of him to say that.

1 And then: I actually had two counterclaims. One
2 was challenged in court and dismissed but can be
3 brought up later. The other stands.

4 That's what was taken out. That's the edit.
5 That's what they're claiming that we, you know,
6 fraudulently and improperly destroyed from them. It's
7 not -- we wouldn't do that anyhow, but it's not even
8 harmful to her. And it is available to anybody that
9 gets on Facebook because I got on my Facebook page and
10 went to it.

11 MR. BILL HOPKINS: Just say one thing, your Honor.
12 So this is what they produced, Defendants Document 192
13 with the post. Nowhere does it say it was edited.

14 Can I hand it to your Honor?

15 Nowhere, if we go look on it, does it say it was
16 edited.

17 MS. COFFEE: May I see it?

18 MR. BILL HOPKINS: Sure. I don't see anything
19 where it says this has been edited, what's been
20 deleted. Doesn't even reference it. Again, if
21 somebody hadn't just sent this to my son Clay and said,
22 Hey, dude, you showed up in Facebook today, we wouldn't
23 know about it.

24 MR. LOGAN: May we see what was sent to his son?

25 THE COURT: Sir?

1 MR. LOGAN: May we see what was sent to him to
2 compare it to the edit?

3 MR. BILL HOPKINS: It was attached to our motion,
4 your Honor. Somebody sent a post where they talk about
5 Clay. They have it --

6 MR. LOGAN: That's just what we read into the
7 record --

8 THE COURT: Hang on. Y'all talk to me.

9 Let me say this: Guys, obviously there's some
10 acrimony in this case, and I understand that. I deal
11 with that all the time. But I'm telling you, by Friday
12 at 5 o'clock there will be activity list copied to the
13 plaintiff in this case. And I'm going to give
14 everybody notice, to the extent I'm involved in the
15 case and I feel like there's one side or the other,
16 your side or the defense side that is not being open
17 about its discovery, I won't hesitate to issue
18 sanctions.

19 MR. LOGAN: And I don't blame you, your Honor.

20 THE COURT: That activity log information, I don't
21 care. It's like a case I had in the Low Country where
22 plaintiff kept asking for information, and the defense
23 says, Are you looking for this? Are you looking for
24 this? And then they limit their response by coming
25 back to the plaintiff and making them tell them what

1 they want when the person has the obligation to go look
2 it up.

3 You guys have the obligation to go look up the
4 activity log. I believe that. If I'm wrong, I'm
5 wrong, but I believe I'm not. I'm going to order it be
6 done by 5 o'clock Friday. If it's no different, no
7 harm done.

8 MR. LOGAN: It's called an activity log; is that
9 what you're telling us?

10 MR. CLAY HOPKINS: Judge, I sent them the link.
11 You download your information. I can send it to them
12 again --

13 THE COURT: He asked you a specific question.
14 That's one of the problems we have. We start going
15 here and end up over there.

16 Is it an activity log?

17 MR. CLAY HOPKINS: There is an activity log, yes,
18 sir, but to get the entire Facebook, you download your
19 information. It's the link I sent them to show any
20 edits, any deletions. That's what I sent them
21 originally, Judge.

22 THE COURT: Any reason why you can't do that by
23 5 o'clock on Friday?

24 MR. LOGAN: No, sir, if we can identify an
25 activity log. And if we have to hire somebody, an

1 expert, to do that, we'll be glad to do that.

2 THE COURT: If there is a problem, pick up the
3 phone and say, This is what we're doing, how we're
4 doing it.

5 MR. LOGAN: Be glad to. And we had asked them to
6 send us the information so it could be done, and that's
7 all we got, and it was no help to us. So we will
8 follow up on that, I assure you.

9 THE COURT: Thank you, sir.

10 MS. BARTON: I just wanted to clarify one point.
11 It was -- she was -- the method of getting the
12 information. It wasn't just, Print out your Facebook
13 page. It was to get this activity log, and this is --
14 she followed exactly what was asked of her, you know,
15 directed of her, so --

16 THE COURT: All right. Let me go over this. We
17 had the two motions for summary judgment. Quite
18 frankly, and I'm not ruling on this yet, I do think the
19 individual defendants are out. I think that the
20 complaint -- and I'll reread it and all the exhibits
21 with the things -- I think the individuals were not
22 alleged to have -- there's no allegation against them
23 in an individual capacity.

24 That doesn't prevent you later from trying it, but
25 I think that they're out at this juncture just from the

1 Tort Claims Act in and of itself.

2 And I'm going to hold under advisement the rest of
3 the Oconee County summary judgment and McCall's
4 motions, the motions for sanctions and the motion to
5 quash, and I'm going to take that under consideration.

6 I do not find -- and I'm not being quarrelsome
7 with you, Mr. Logan. I think 4.2 is clear from where
8 it was read to me that the intent if they're no longer
9 there, they're free game. It doesn't say anything
10 about attachment of privilege or whatever. But that
11 doesn't mean they get a second bite at the apple to
12 depose him again either.

13 With that being said, is there anything further
14 from the plaintiff before we break today?

15 MR. BILL HOPKINS: No, sir, your Honor.

16 THE COURT: Anything further from any of the
17 defendants?

18 MR. LOGAN: Just make sure I understand. Are you
19 going to make a ruling on the two bites of the apple?

20 THE COURT: Yes, sir. I am definitely going to do
21 that.

22 Anything further from other defendants?

23 MS. COFFEE: No, sir.

24 THE COURT: Good to see y'all again. Thank you.

25 (WHEREUPON, proceedings adjourned at 3:27 p.m.)

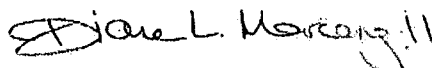
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Carolina, do hereby certify that the foregoing is a
true, accurate, and complete transcript of record of a
portion of the proceedings had and evidence introduced
in the trial of the captioned case, relative to appeal,
in the Circuit Court for Oconee County, South Carolina,
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I do further certify that I am neither of kin, counsel,
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October 31, 2019



Diane L. Marcengill, RPR, CRR, CRC
Circuit Court Reporter

1 STATE OF SOUTH CAROLINA
2 COUNTY OF OCONEE

IN THE FAMILY COURT
10th JUDICIAL CIRCUIT

3 DAVID T. STOKES,
4
5 Plaintiff,

ORIGINAL

6 vs.

CASE NO. 2017-CP-37-0320

7 OCONEE COUNTY, et al.,
8 Defendants.

9
10 HEARING BEFORE: HONORABLE R. LAWTON McINTOSH

11 DATE: August 6, 2019

12 TIME: 10:05 AM

13 LOCATION: Oconee County Courthouse
14 205 W. Main Street
15 Walhalla, SC 29691

16 REPORTED BY: LORA L. McDANIEL,
17 Registered Professional Reporter

18 APPEARANCES:

19 ATTORNEYS FOR THE PLAINTIFF
20 JOSEPH C. HOPKINS, ESQ.

21 ATTORNEYS FOR THE DEFENDANT
22 JAMES W. LOGAN, ESQ.

23 ATTORNEYS FOR THE DEFENDANT
24 ROBERTA E. BARTON, ESQ.

25 ATTORNEYS FOR THE DEFENDANT
STEPHANIE H. BURTON, ESQ.

1 THE COURT: This is a motion for reconsideration.

2 MR. HOPKINS: Truly a motion to amend, Judge. I
3 think it does have a few levels of reconsideration; just a
4 defamation claim.

5 THE COURT: Be glad to take a review or what you
6 need me to do.

7 MR. HOPKINS: Yes, sir, Judge. As you're aware,
8 you heard the motion for summary judgement back in June. We
9 had sued Oconee County and two council members for defamation
10 and slander for statements they made about my client,
11 Mr. Stokes. The Court indicated at that hearing that it was
12 likely to grant summary judgment as to those Defendants because
13 we sued them in their official capacity in the Complaint, which
14 The Court did ultimately in a Form Four Order. I'm not sure a
15 formal order has been filed just yet.

16 THE COURT: Just have one. I have one pending.

17 MR. HOPKINS: To the abuse and process, Judge.

18 We filed a Motion to Amend to bring those claims
19 against the Defendants in their individual capacities based on
20 the Supreme Court case in Patton versus Miller, which was
21 issued in 2017. I have a copy for Your Honor. I've given a
22 copy to them as well, Judge.

23 At that hearing, Judge, you indicated that there
24 might be an issue pursuant to Rule 17 of bringing the case
25 against the individual Defendants in their individual capacity

1 and whether the claims might relate back based on the statute
2 of limitations.

3 Judge, I've turned to page 13. I've made some
4 highlights for Your Honor. As you can see, Justice Fuge,
5 Supreme Court in 2017, addressed all of that. He said: Rule
6 17 allows the same party to bring the same claims against
7 somebody in a new capacity.

8 Rule 15(c) allows the amendment to relate back.

9 Based on this case, Judge, we think an amendment is
10 appropriate to bring the defamation/slander per se claim
11 against the individual Defendants in their individual
12 capacities.

13 THE COURT: Let me ask you something. If I recall,
14 please remind me, all the facts that were related at this prior
15 hearing were things that you were basing your claims on were
16 stated at some kind of subcommittee hearing; is that right,
17 Mr. Logan?

18 MR. LOGAN: Yes, Your Honor.

19 THE COURT: There were no allegations beyond
20 comments made outside the scope of that subcommittee hearing;
21 is that right?

22 MR. HOPKINS: That's correct.

23 THE COURT: How would it be that they're acting
24 outside of their official capacity if they're in a subcommittee
25 meeting as part of their job as council members?

1 MR. HOPKINS: Few responses to that. First,
2 there's no dispute that the statements made were false. I've
3 asked Mr. --

4 THE COURT: Assume for the sake of argument that
5 it's false, okay. I'm not saying it is. I'm just saying, for
6 sake of our argument today, say that they are false, if they're
7 made in their official capacity during a subcommittee meeting,
8 how does that not involve their official work as opposed to
9 individual capacity?

10 MR. HOPKINS: Certainly, Judge, we contend and we
11 believe the law supports it. As recently, the Court of Appeals
12 issued an opinion, Kennedy v. Richland County School District
13 2, that said: Certainly defamation is not a part of someone's
14 official duties.

15 Certainly we think that's a question of fact for a
16 jury to determine.

17 THE COURT: Do you have that case?

18 MR. HOPKINS: Yes, sir, I do. I don't have a copy
19 for opposing Counsel, I only brought one. It is for you,
20 Judge.

21 THE COURT: Thank you.

22 MR. HOPKINS: Kind of the same thing there, Judge.
23 The plaintiff sued not only the governmental entity but also
24 the people who made the defamatory statements. Court of
25 Appeals reversed saying -- actually affirmed a denial of the

1 judgment, not withstanding, saying: Yes, absolutely, you can
2 sue these people. This is not something within official scope
3 of duties. We think it's a fact that should go to the jury.

4 THE COURT: Basically ultra vires type of argument.

5 MR. HOPKINS: That's kind of our contention, Judge,
6 is that a jury -- I'm not disputing whether a jury might find
7 they were acting within the scope of their duties. It's
8 certainly a question for the jury to decide whether making
9 defamatory or false statements by an individual, whether public
10 official or not, is acting within the scope of your duties as a
11 county council member.

12 THE COURT: Thank you, sir.

13 MR. HOPKINS: Thank you, Judge.

14 THE COURT: Mr. Logan.

15 MR. LOGAN: Good morning, Your Honor.

16 THE COURT: Good morning.

17 MR. LOGAN: It's our position that you have already
18 ruled on this point. I'll hand up to you two items. He filed
19 a Motion to Amend the Complaint on June 4th. You issued a Form
20 Four Order, and I'll pass this up to Your Honor.

21 THE COURT: There was a Motion to Amend previously?
22 The Complaint motion?

23 MR. LOGAN: What I'm saying is you issued -- his
24 Motion to Amend is what it is as far as amending the Complaint
25 to sue them in their individual capacity. He filed that motion

1 after the hearing that you issued your ruling on, which is
2 encapsulated in your Form Four Order.

3 In that Form Four Order, if you'll look down toward
4 the middle of the text of the Order: Plaintiff failed to
5 present a scintilla of evidence that individual Defendants
6 acted outside of their official capacity.

7 And then you had requested that we prepare an
8 order, formal order, and we did that. And we sent it to The
9 Court.

10 THE COURT: I have not received that Order.

11 MR. LOGAN: On July 3rd.

12 THE COURT: You did?

13 MR. LOGAN: Yes, sir. This is the e-mail that
14 accompanied it and the formal Order itself.

15 THE COURT: For some reason I don't have it.

16 MR. LOGAN: In that Order on page -- written Order
17 on page five, we incorporated the language that The Court used
18 on that point in the Form Four Order and stated: Plaintiff
19 failed to present a scintilla of evidence that individual
20 Defendants acted outside of their official capacity.

21 So it's our position that, without getting into the
22 meat of their argument, it's our position that you have already
23 ruled on this point. You did it in your Form Four Order, and
24 we have submitted the formal Order that you requested and
25 simply ask that, once you signed that, and incorporating your

1 Form Four Order language, that you've already ruled on this
2 point.

3 If they have a problem with that, then they need to
4 proceed in another direction.

5 THE COURT: Thank you, sir.

6 MR. LOGAN: I don't know whether these ladies -- I
7 represent the County and Ms. Cammick and --

8 THE COURT: Ms. Burton.

9 MR. LOGAN: Ms. Burton. Thank you. I have a
10 Roberta and Burton sitting next to me, and my hair is gray. I
11 apologize.

12 THE COURT: Mine is, too.

13 MR. LOGAN: Excuse me, Your Honor, they may have
14 something to say.

15 THE COURT: Ms. Burton.

16 MS. BURTON: I just want to add, Your Honor, of
17 course we have good case law in South Carolina that said the
18 court, number one, has the discretion on motions to amend.
19 Number two, the court should not allow amendment if the
20 proposed amendment is futile.

21 THE COURT: Say that again, I'm sorry, the last
22 thing you said.

23 MS. BURTON: If the proposed amendment is futile.
24 There's two cases I can cite to The Court on that, Jennings
25 versus Jennings, 2010 Court of Appeals case. And Higgins

1 versus MUSC, which is 1997 Court of Appeals case. All those
2 cases, including the one that Plaintiff's Counsel handed up to
3 The Court also say that This Court should look at the Federal
4 Rules of Civil Procedure since we adopted, essentially, Rule
5 15, and there is a plethora of case law in the Federal Rules
6 that the court should not grant a motion to amend if the
7 proposed amendment is futile.

8 Now, in this case, of course, we don't know what
9 the proposed amendment exactly is because there was no proposed
10 amended pleading filed with the motion. I would suggest to The
11 Court, based on The Court's prior ruling in this case, that the
12 proposed amendment is futile and The Court should not exercise
13 its discretion under Rule 15 to grant the amendment.

14 I also want to add, this came up at the prior
15 hearing, Plaintiff conceded that this individual was a public
16 figure. And, as such, The Court concluded that he would have
17 to demonstrate by clear and convincing evidence actual malice.

18 And our Supreme Court in Elder versus Gaffney
19 Ledger said that: The question of actual malice is a question
20 of law for you, it's not a question for the jury.

21 I would submit to The Court, based on The Court's
22 prior ruling, we've already determined that this is a public
23 figure who does not have clear and convincing evidence of
24 actual malice. And to allow him to assert a claim in an
25 individual capacity is just going to be futile. All that's

1 going to happen is we're going to be right back before Your
2 Honor on yet another motion for summary judgement in the
3 individual capacity on the very same issues that we appeared
4 before. It's frankly a waste of our resources and The Court's
5 resources.

6 THE COURT: Fine, thank you. Ms. Barton.

7 MS. BARTON: I had filed a Memorandum in Opposition
8 of this. And one thing I would add is it would unduly
9 prejudice my clients. First of all, you know, treating this as
10 a motion for reconsideration under the guise of a Motion to
11 Amend definitely prejudices my client at this hearing. Beyond
12 that, he's seeking to re-litigate the issues, which Mr. Logan
13 already addressed.

14 On their individual capacity when they were
15 completely within their official status and within the scope of
16 their official duties and they didn't speak about the
17 Plaintiff, they spoke about the department. And as I had
18 argued in the Motion for Summary Judgement, that they were
19 legally in a legislative activity and that they are entitled to
20 absolute immunity for the course of that.

21 I'm not going to go into the underlying arguments
22 of, like, you have to convince your fellow legislators or
23 whatever, but it does cause an undue prejudice against my
24 clients, especially for the fact that there has been an
25 allegation of abuse of process throughout all this.

1 One thing that they had tried to do in the prior
2 pleadings, as it stood, was to intrude into my client's private
3 financial information for no other purpose than to do it. And
4 they tried to do it in the prior one. It was denied.

5 Now they're saying: We'll just throw them off as
6 being individuals and then we can proceed.

7 There's nothing that they can attach to say this is
8 an individual responsibility: How dare you talk about a
9 department, it reflects on me; ergo, I need to sue you.

10 It has none of those aspects. It does have the
11 opportunity for them to continue to abuse and harass -- and
12 extend or expend monies and such like that, I guess -- my
13 client.

14 This is the same cause of action for abuse of
15 process that was in Williams v. -- I had attached it to my
16 earlier motion. Darby versus one of the school districts.
17 I'll submit that to you later and e-mail it to you later. That
18 was a basis for an abuse of process action.

19 If he's going to continue to use this as a means to
20 elicit his form of justice instead of waiting for the outcome
21 of the process to obtain justice, then all that is abuse of
22 process.

23 My client should not be subjected to let it go any
24 further than what he's legally entitled to do, and that is, you
25 know, stick to the facts and stick to the scope, not go into

1 their private life, which is a fundamental right.

2 THE COURT: Anything in response?

3 MR. HOPKINS: I'm not going to really respond to
4 most of that, Judge. The Constitutional malice argument that
5 Ms. Burton brought up, Judge, that's why I kind of began with
6 saying not only did the County in the 30(b)(6) deposition,
7 Mr. McCall in his deposition said: There is no evidence for
8 any of these statements made.

9 If that's not actual malice or at least reckless
10 disregard for the truth, I'm not sure what is. Certainly,
11 Judge, we think, based on the case that I handed up, plethora
12 of cases from the Court of Appeals and Supreme Court in this
13 state and the District Court, analyzing those cases:
14 Government officials can be sued in their individual capacities
15 for defamatory statements made about other folks, Judge.
16 That's all I have to say.

17 THE COURT: Thank you for your arguments. I'll
18 give you my decision as soon as I read through these things.

19 MR. LOGAN: Thank you, Your Honor.

20 MR. HOPKINS: Thank you, Judge.

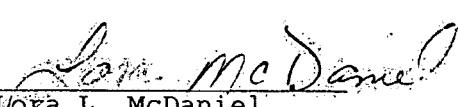
21 (The hearing was concluded at 10:20 a.m.)
22
23
24
25

CERTIFICATE OF REPORTER

I, Lora McDaniel, Registered Professional Reporter
and Notary Public for the State of South Carolina at Large, do
hereby certify that the foregoing transcript is a true,
accurate, and complete record.

I further certify that I am neither related to, nor
counsel for, any party to the cause pending or interested in
the events thereof.

Witness my hand, I have hereunto affixed my official
seal this 29th day of October, 2019 at Spartanburg, Spartanburg
County, South Carolina.


Lora L. McDaniel,
Registered Professional Reporter
My Commission expires:
August 9, 2026

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM OCONEE COUNTY
Court of Common Pleas

R. Lawton McIntosh, Circuit Judge

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SC Court of Appeals

APPELLATE CASE NO.: 2019-001648

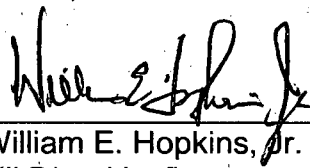
David Stokes Appellant

vs.

Oconee County, Wayne McCall and Edda Cammick Respondents.

**CERTIFICATION OF COUNSEL REGARDING
RECORD ON APPEAL**

I certify that Appellant's Corrected Record on Appeal contains no matter which is
irrelevant to this appeal.



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Pawleys Island, South Carolina
April 10, 2020