

MINUTES

SPECIAL CALLED MEETING

SOUTH CAROLINA WILDLIFE AND MARINE RESOURCES COMMISSION

Rembert C. Dennis Building, Room 335
Columbia, S. C.
October 28, 1987

Pursuant to the request of three (3) members of the South Carolina Wildlife and Marine Resources Commission, a Special Meeting of the Commission was held in Room 335 of the Rembert C. Dennis Building, Columbia, S. C., at 10:00 A.M., October 28, 1987. This Special Meeting was scheduled in accordance with the State Freedom of Information Act and notice of the date, time and place of the meeting was mailed to the state's media. The purpose of the meeting was to discuss the hiring of a Conservation Officer in Cherokee County. Commissioners present at the meeting included: Commissioners Webster, Compton, Harrelson, Owen, Stokes, Thomason, and Bennett. Directors and staff present included: Dr. Timmerman, Larry Cartee, Bill Chastain, Lt. Alvin Wright, Lt. Chip Sharpe, Al Courie, Linda Campbell and various others. Guests present included: Senator Harvey Peeler of Cherokee County and Frank Caggiano, Clerk of the S. C. Senate. A transcript of this meeting is attached and made a part of the record of this Special Meeting (attached transcript).

Meeting of the South Carolina Wildlife and
Marine Resources Commission
October 28, 1987
Columbia, South Carolina

Special Called Commission Meeting October
28, 1987, 10:00 a.m., Room 335, Rembert C.
Dennis Building, Columbia, South Carolina.

Chairman
Webster

I'd like to call a special meeting of the
South Carolina Wildlife and Marine Resources
Commission to order please. If you would,
would you bow your heads for a moment of
silent prayer. Thank you.

This meeting was called at the request of
Senator Peeler. Senator Peeler has some
questions about the recent selection process
where we hired four conservation officers.
And at this point I'd like to call on
Senator Peeler and see what he has to say.

Senator
Peeler:

Thank you, Mr. Chairman. I do appreciate
you calling this special meeting of the
Commission and as you stated, that the
purpose of this meeting is for me to receive
some information from the Commission and
possibly the Department on the hiring
process and how it was handled specifically
as it pertains to Cherokee County and law
enforcement officer, wildlife officer in
Cherokee County. We've been committee with
some staff and at least a couple of the
Commissioners at one time or the other, our
local Commissioner is Chuck Compton from the
Fifth Congressional District and I
understand that James O. Thomason is the
Commissioner, ^{wildlife} we considered in a
~~wide-eyed (?)~~ district in Cherokee County?

Commissioner
Thomason

Senator
Peeler:

Law enforcement district.

Law enforcement district. Didn't know how
that overlapped or anything. I was notified
by Commissioner Compton of a meeting, or
asked could I attend the meeting with Mr.
Compton and Commissioner Timmerman, I mean,
Commissioner Thomason, Compton, Dr.
Timmerman, Bill Chastain, and Larry Cartee.
And we met on October 13th, Tuesday morning,
October 13th, and I was notified at that



time that they went through the hiring process, or hiring a wildlife officer was hired, within the Department and was told that there were really three sections of the test -- a written test, an agility test, and an interview section. Three sections and that the written section was 50%, the agility test was either a pass/fail situation, no score, and then an interview that also counted 50%. And that then Dr. Timmerman would recommend the top man to the Commission for the hiring and Dr. Timmerman notified me at that time that a Mr. Cunningham was the one that he was going to recommend to the Commission for hiring and that he knew that I was interested in a man named Roger Harris, that I had notified the Department that I was interested in and recommended Roger Harris for the job and that he informed me that he was Number 3 in the, from the top. Number 2 from the top. Number 1 was Cunningham, Number 2 was Vassey, and Number 3, Harris. And that I asked him at that time how this interview process worked; that I understand that there's an 85 cut-off, you must take an 85 to be considered after the first section. And he said he would get me those scores, how that operated, by the next morning, on Wednesday, the 14th. So, a lot happened from that point on, but I just wonder and would ask that from that meeting or possibly Dr. Timmerman could fill me in on what happened prior to that meeting, or after that meeting, but a lot was said and evidently done that was an attack on my integrity and I would like for Dr. Timmerman to possibly speak to that if you would.

Timmerman:

Well, I think as far as any allegations are concerned here, I'm just going to speak in generalities because any allegations that I had came second-hand. In September, I received a memo from Larry Cartee stating that there were some allegations that were brought about concerning some possible irregularities in the hiring procedure. And he just brought this out for my general information. And I asked him where had that information come from, where did it come from, and he said that partially from Linda Campbell who is in our Personnel Office. I then asked Linda Campbell if she would just put in her own words what she had heard just for my information. She did and I later



learned that Commissioner from Spartanburg County had talked with at least two applicants saying, you know, to follow through to see if they told him the same thing that they had told Linda and I contacted the Commissioner from Spartanburg and told him, if he would, that I would appreciate if he would drop me a memo on that. And I think rather than to get into the, any further in those allegation discussion that you know each of these three individuals - Linda Campbell, whose sitting to your left; James O., right in front, whom you know; and Larry Cartee, that you can ask them that. What I would like to do is sometime in the process, is that I had discussed with staff, and I talked with Bill Chastain during the meeting, that I wanted this one to be as correct as they know how because I knew your sensitivity to the applicant and that if anything came up on this that we make sure that this could be re-reviewed in any form or fashion. And I knew of your sensitivity, you had talked with me personally about the applicant. I know you've talked to several other individuals in here about the applicant. Matter of fact, at a Commission meeting, I think in the Spring, I can't remember the date, I'm thinking in May when we met up in Spartanburg, it was either April or May, we met in Spartanburg, that you brought the applicant to the Commission meeting and introduced him to him there so we were quite aware, you know, of your interest in the applicant.

As far as the interview process is concerned, that you had raised some questions whether or not these allegations had a influence on those people serving on the Selection Panel. As you are aware within the process that we give a test and that test counts 50% of the score. You have the scores of that test. and you know that those test scores among the top three applicants were very close. You know, a fraction of a point, or something that closely. You were concerned that if there was a great difference between the man that you were interested and the others that you didn't see how that could be possible without some biases in the selection procedure and that you raised the question because of the allegations, were there some



biases there? Following up on that discussion, I had a staff meeting and the individuals involved in this interview process which counts for 50% of the other portion of it, and then, of course, you go through the physical agility test, which is a pass/fail thing, is that talking with Linda Campbell, and I think she will relate to you that we had a very unusual situation when a number of the applicants didn't show up for the physical agility test and I'll let her relate that irregularity there.

In the interview process, let me tell you who is on that panel here. Let's see, I think everybody is here. Al Currie is on there, Linda Campbell, Bill Chastain were serving on the Interview Panel. Bobby Usler serves on it but Bobby had a medical problem that he couldn't serve. And the two other members of that is Alvin Wright, boy sitting over across here, and where is Chip, and Chip Sharpe, how could I miss li'l Chip Sharpe, who is sitting right behind you. And they are on the Panel. The question that I asked.... Also, let me bring this out. I called last week Phyllis Mayes who is the Executive Director of our State Personnel Section, we contract with State Personnel to assist us in this process. Matter of fact, they helped put together. And they have two individuals that monitor our activities. And I asked them if they could have someone present here and at the meeting that I had earlier and Sarah Pope, whose sitting in the back with the red jacket on, and the nice young lady in the green is Barbara Anderson, that she was there. And matter of fact, one of those individuals sat in on the process so there may be some questions that you may ask. But the question that I asked, are these applicants here, I mean not of the applicants, but of the Interview Panel, were any of you aware of these allegations. And I asked one at the time on this. And as I went around Bill Chastain said, 'Yes.' He was aware of some of the allegations. Linda Campbell says, 'Yes.' She was aware of some of the allegations. Al Currie, you said, 'No.' You were not aware of the allegations. Same thing was true with Alvin Wright and Chip Sharpe were not aware of the allegations. So we had two people that were



aware of them. Then I turned to those two people and I asked them, since you were aware of the allegations, do you feel as if this influenced you in any way in your decision-making process. And they said, 'No, they did not feel that it did.' That's their opinion. Also, I asked them another question, the applicant that they recommended, or the applicants that made the highest score on it, the first and the second applicant, were they influenced in any way on the selection of those two people by any Commissioner or anyone else that could have influenced them. And the answer to all five of them were 'no.' I asked Barbara Anderson who sat in, happened to sit in on several of those, just purely by coincidence, she does this occasionally, she'll explain the process to you so as and I asked her that when Cunningham or the applicant that you are concerned with, did she detect any irregularities or any biases that would lead her to think that there were anything irregular going on and she said, 'no.' So this is basically my finding here at this point.

Senator

Peeler:

Mr. Chairman, before you move from that train of thought,

Dr. Timmerman
~~Chairman Webster~~

Yes.

Senator

Peeler:

You named the people that were in the interview process. Were there anybody else in the room when they interviewed?

Dr. Timmerman
~~Chairman Webster~~

I was not there. I would suggest that you, I would refer that to one of ...

Senator

Peeler:

Captain Bobby Joe Smith, was he there?

Al Courie(?)

Yes.

Dr. Timmerman
~~Chairman~~

Was he there?

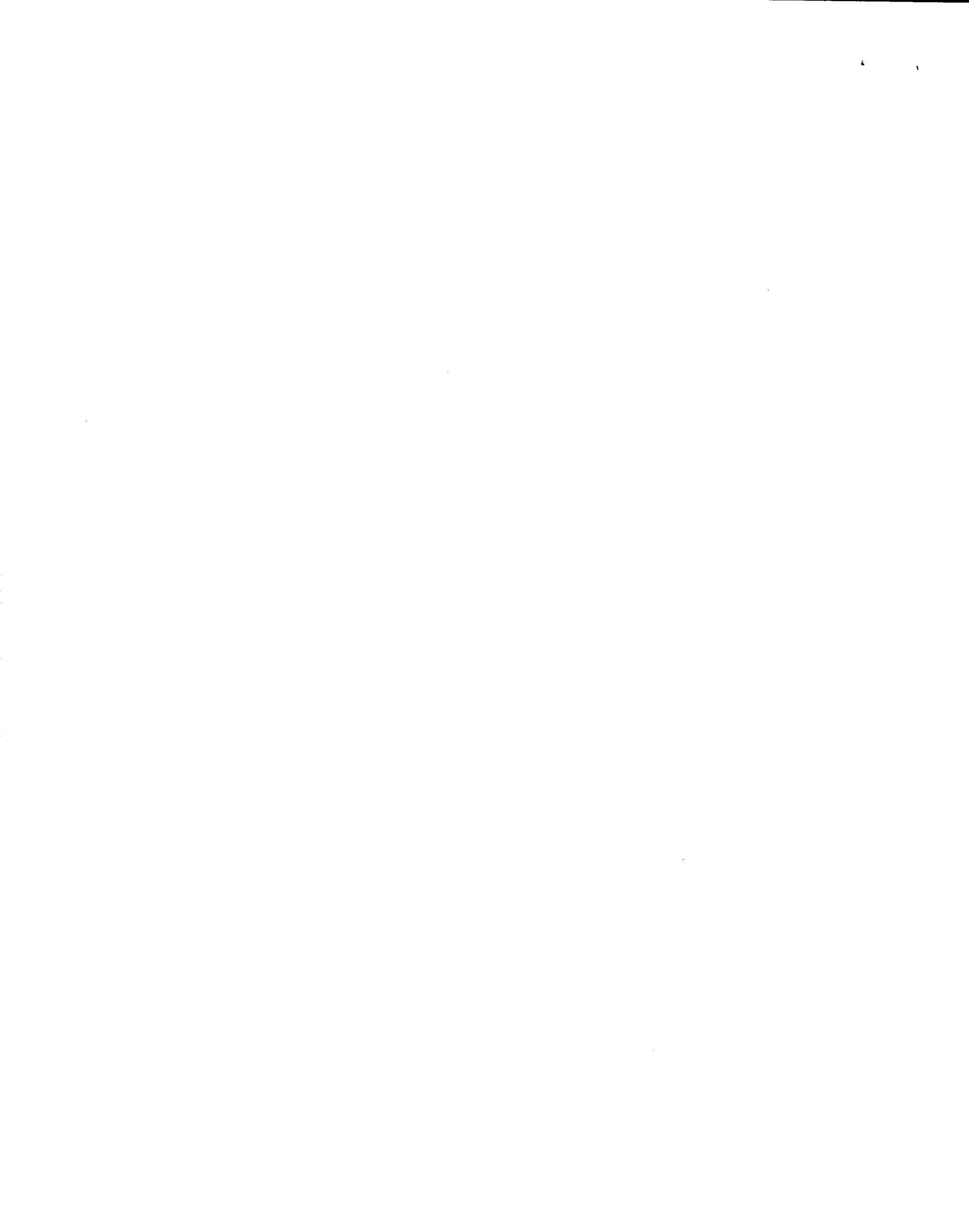
Senator

Peeler:

Is that unusual?

Dr. Timmerman
~~Chairman~~

The Captain is always invited. As I understand, as an observer and not as a voting member, that anytime that interviews are in their particular law enforcement district. Sometime, most of the time they are there, sometime that if they are, have duties of some sort, they may send their assistant or Lieutenant.



Senator
Peeler:

A lot happened and a lot of questions come to my mind as you talked. One of them, I was just curious to know, I could understand why Ms. Anderson should be there, why she should be there maybe just to monitor the process, could you explain to me why a Captain would need to be there, I mean, you said...

Dr. Timmerman:
~~Chairman:~~

I think I would like to refer that, this was Bill Chastain, who is the Director of our Law Enforcement and Boating Division, I'd like to refer that to him, or anyone else. One thing that I want to make clear to you, you know, from my point of view,

Senator
Peeler:

Yes, sir.

Dr. Timmerman:
~~Chairman:~~

is that I consider these things that came up as allegations and I know that you certainly want to clear your record of any involvement that may be ...

Senator
Peeler:

Well, that's what concerns me.

Dr. Timmerman:
~~Chairman:~~

Let me finish this if I could. But I know you want to clear yourself of anything that may be perceived.

Senator
Peeler:

Yes, sir.

Dr. Timmerman:
~~Chairman:~~

But I want you to know that these were simply allegations and in no way did I perceive these as entering into the selection process. I had hoped that these things would never arise. You know, as far as these allegations and the one that was selected, in my opinion, that they were selected because they were the best qualified and had no influence on the allegations. And with that, any other of these questions here, if you refer them to me, I'll refer them to someone else to answer.

Senator
Peeler:

All right. Thank you, Dr. Timmerman. The question I wanted to ask is that all these allegations, or this one allegation that you said was either brought, I don't know how it was brought to Columbia, but did anytime did you think it possible you might ought to pick up the phone and call me? I was curious to know why, with all these allegations, why didn't someone call me and just ask me? That concerns me.



~~Dr. Timmerman:~~
~~Chairman:~~
Senator
Peeler:

Well,

That's what really got me interested in this thing is why in the world did all these rumors and allegations, why did they come to Columbia, and not one come to me?

~~Dr. Timmerman:~~
~~Chairman:~~

As far as the allegations are concerned here, I really did not want to place those anyway in the interview process here is that I had no reason...

Senator
Peeler:

Why would you ask someone in a memo to back up a rumor or allegation?

~~Dr. Timmerman:~~
~~Chairman:~~

Well, I'd heard these particular rumors as far as my not notifying you, is that I don't have any reason why I should or shouldn't have for that is that it wasn't a plotted thing of any sort.

Senator
Peeler:

But it appears to be and that's why I said, you know, the memo, why would you ask for a written memo and not even contact me, it just and hopefully we'll answer these questions, Dr. Timmerman.

~~Dr. Timmerman:~~
~~Chairman:~~
Senator
Peeler:

All right.

I'm certainly not alleging that anyone did anything wrong, but it was alleged that I did. And that's what I want to clear up.

~~Dr. Timmerman:~~
~~Chairman:~~
Senator
Peeler:

Well, I hope to clear that up today.

Hopefully we'd do that today. But from the meeting, the Tuesday morning meeting, you didn't mention any allegations about me, but you did state that you felt that it hurt Harris that word was out in Cherokee County that he had the job, that he had the Senator's support, and he had the job and that hurt him. How did that hurt him? Who did it hurt him with?

~~Dr. Timmerman:~~
~~Chairman:~~

I don't recall, I didn't recall saying that at the, you are talking about when we met with Chuck Compton, and ...

Senator
Peeler:

and James O. Thomason and Bill Chastain and Larry Cartee.

~~Dr. Timmerman:~~
~~Chairman:~~

I think if I said anything related to that it would have been something to the effect



that I don't think that his aggressiveness or the way that he went about it helped him. I didn't say that it hurt him.

Senator
Peeler:

How did it not help him? If it didn't hurt him, let's say ...

Dr. Timmerman;
~~Chairman:~~

This was just my opinion. It didn't, it's not coming from the Review Panel here. That was just an opinion that I made.

Senator
Peeler:

Well, that's. See, that's, the question in it is this interview process, and things that happened subject to that, that bothers me and if it didn't help him how did it affect it one way or the other? And if the process, if someone gets or doesn't get support from an outside, someone outside the process, then how can it help or hurt? That's what I want to try to find out today.

Dr. Timmerman;
~~Chairman:~~

I'm not referring to the applicant as getting support from you or getting support from the doctor, preacher, or whoever in the community. What I was referring to is a process by which I have heard that he had actually said that indicated to a lot of people that this job was sewed up prior to the selection process and that he was been selected and it was general knowledge in the community that he was the one that had the job, whether or not that was perceived or actual, I don't know.

Senator
Peeler:

Yes, sir.

Dr. Timmerman;
~~Chairman:~~

But, what I was referring to that when you are trying to run a ship as far as selection process, and rumors are being spread that the job is already locked down, it puts a kind of a awkward position on the Department and you want to make sure that you do everything right and that we stick to that particular process. I just don't think those type of rumors where he said them, you might relate, ask some of these other people as to whether or not they've heard the same thing, but that is the type thing that I don't think helps an applicant in a process. Now, as far as getting letters of recommendation of support from members of the General Assembly or character reference, I think those can be helpful.



Senator
Peeler:

How can they be helpful if the process is above reproach and, even the interviewers, even though they know rumor or innuendo or fact, if the process is above reproach, especially the interview process, how on earth can a letter of recommendation help?

Dr. Timmerman:
~~Chairman~~

Well, I assume that, and I've been told, that when the people at the interview that they have files on various individuals and there are letters in those particular files that are basically character reference that have given him a good background and I assume that those character references would be a support item in there. You'd have to ask those on the Interview Panel. Al, would you like to speak to that?

Al:
Gourie

Well, in every situation that we've had since June, 1977, Senator, we will get recommendations on just about everyone. I feel (inaudible) sometimes we get one Senator and one Representative sending us letters on several people applying for the same job. We review the file but, to my knowledge, it's never had any bearing on the selection procedure. But it is a standard procedure that we would get interest from different representatives. As far as Senator Thurmond and Senator Hollings, and those like that.

Senator
Peeler:

I don't indicate that there is anything wrong with that. I think that certainly input from the local community certainly should enter into it, I would think. I would think that if the local delegation, all things being equal, in my opinion, if they passed the written test and passed the agility test and would not embarrass the state or the county or the Department, I would think that a letter from the delegation, I would think, should be helpful because they certainly should know the individual there locally. And, I think the fact that if the individual is a native of that county and knows the county, that should enter into it. But, evidently, it does not. That's what I'm told today. That you have a written test and an agility test and an interview and the interview is totally unbiased and without any input, pro or con, to any individual person that's being interviewed. That's what's being told me. And, that was the question that I had was how a letter of recommendation, while I



think it should enter into it, evidently, it doesn't. But, from the meeting that we did that Tuesday morning,

Chuck:
Compton

Senator, before you go on. I think for us to sit around this table and say that a letter of recommendation doesn't carry some weight, Senator, I think, is absurd. I think a letter of recommendation as far as a person's character and all that has to be some credibility given to that by the Panel. I mean, you know, a recommendation, like where the kid goes to college. In fact, I might be asking for you all to give my son a recommendation on where he goes to college.

(?)

Has three letters in it.

Chuck:
Compton

So, I don't want anybody to be misled. Because I don't think a letter of recommendation isn't some subjective influence of some sort. I mean, you know, anyway that's my feel.

Senator
Peeler:

Chuck, I agree with you. But, evidently in this case that the word got out. It was no secret that I supported a man named Roger Harris. I feel like he would make a good wildlife officer for Cherokee County. And I sent a letter of recommendation. But, evidently, the fact that that got out, that Senator Peeler supported this man, you said it didn't hurt him, it didn't help him.

Mr. Ed:
Bennett

No one in your area knew that you wrote this letter of recommendation? You see, it's very easy for people, your friends, to say that yes, this is who the Senator recommends and as powerful as the Senator is in certain areas and those people going to go out and very easily say, 'well, there's no need for anybody else trying to get it.'

Senator
Peeler:

I think you are exactly right, Mr. Ed.

Mr. Ed:
Bennett

Which would have no reflection on this Department.

Senator
Peeler:

Dr. Timmerman just said it didn't help him.

Mr. Ed:
Bennett

How many officers do they have in Cherokee County?

Dr. Timmerman:
~~Chairman~~

Bill, you can relate to that.



Mr. Ed ~~Bennett~~:

How many officers do they have in this area?

Bill ~~Chastain~~:

Three.

~~Dr. Timmerman:~~
~~Chairman:~~

And this would be a fourth one.

Mr. Ed ~~Bennett~~:

Did the Department recommend that there be another one added? They did not? Well, how'd this happen?

~~Senator~~
Peeler:

We put it in Appropriations Bill this past year.

Mr. Ed ~~Bennett~~:

You mean you put, you had the money added in?

~~Senator~~
Peeler:

46 Senators and 124 House members did.

Mr. Ed ~~Bennett~~:

The House members didn't know it. Slipped by.

~~Senator~~
Peeler:

It was in the Appropriation Bill.

Mr. Ed ~~Bennett~~:

In other words, you were kind of interested.

~~Senator~~
Peeler:

Oh, absolutely. Yes, sir. We needed one. And I talked to ...

Mr. Ed ~~Bennett~~:

What you really want is a good, top-notch conservation officer wouldn't you?

~~Senator~~
Peeler:

Yes, sir. And I talked with ~~D~~an Dobbins about it and I said not only do we need it in Cherokee County, we need more help in western York County.

Mr. Ed ~~Bennett~~:

Well, you know what I told you the night when you call me on the phone that you insinuated there was something not going and I told you that I prayed to God...

~~Senator~~
Peeler:

Yes, sir.

Mr. Ed ~~Bennett~~:

...that you were incorrect and I think you are.

~~Senator~~
Peeler:

Well, that's why we are having this meeting, Mr. Ed., is ...

Mr. Ed ~~Bennett~~:

Well, there's no way in the world for anybody to pinpoint some of the questions that you are asking, in my opinion. I wouldn't be ...

G. B.
Stokes:

Let me ask you something if you don't mind. Had your man been selected, the man that you were in favor of for this, would this meeting today been necessary?

Senator
Peeler:

If he'd been selected? We wouldn't have had the meeting, I think, on Tuesday, the 13th. I wouldn't even ...

G. B.
Stokes:

(inaudible) this one if they'd hired the man you wanted them to hire.

Senator
Peeler:

I wouldn't have known anything about the allegations if we hadn't had the meeting on the 13th.

G. B.
Stokes:

That's what ...

Senator
Peeler;

No, sir. I wouldn't have known anything about it. What concerns me, Mr. Stokes, is that the allegation that Senator Harvey Peeler told people that had applied for the job not to come to Columbia to take the test, that Roger Harris already had the job. And that is a lie, sir.

G. B. Stokes

I wasn't there.

Senator
Peeler:

I was told that on Tuesday, so on Wednesday morning, still wanting the test because I was just wanting to know, and the question I asked on the first meeting was, 'what, if you brought these two men in an interviewed them, what could be asked, or what did one do, or what did the other one do to knock one down, or increase the other one?' How does the process work?

Dr. Timmerman;
~~Chairman~~

The Interview Panel here and they can address that and matter of fact we've asked State Personnel, and I don't know whether they've had a chance to do this, is do an analysis to see if there was any variance in there that would have influenced, show any influence among any of the applicants. Senator Peeler, there's one thing I would like to say and make perfectly clear. And that is the Department, nor the Commission, is making any allegations against you. Is that we have not made any allegations.

Senator
Peeler:

Dr. Timmerman, then I need to ...

Dr. Timmerman;
~~Chairman~~

And I need ...

Senator
Peeler:

Dr. Timmerman, let me finish my whole scenario and I believe I'll answer Representative, Mr. Ed's comments, and Mr. Commissioner Stokes' comments. Just let me run through the whole thing, Mr. Ed, and what prompted me calling you to ask you to postpone the hiring of this individual from Cherokee County.

Mr. Ed ~~Bennett~~:

And I would say to you, Senator, that I tried to get in touch, Senator, some of them had gone, I never did, and if I had been from you, due respect to you, I would have voted to postpone, I assure you of that.

Senator
Peeler:

I honestly believe that.

Mr. Ed ~~Bennett~~:

In fact, I told you that.

Senator
Peeler:

I honestly believe that.

Mr. Ed ~~Bennett~~:

But I was never able to contact.

Senator
Peeler:

Yes, sir.

Mr. Ed ~~Bennett~~:

And I did not.

Senator
Peeler:

It was told to me that there were some allegations made that Harvey Peeler had told people in Cherokee County not to come and take the test. Roger Harris had the job. And it was asked, 'well, who made these allegations? Can you give some proof?' And they said, 'well, it was a Commissioner. And we had rather the Commissioner tell you that.' That what was told Senate staff, this is Frank Caggiano, Clerk of the Senate. And so, he was told that Commissioner James O. Thomason was going to call me and relate this to me. Well, he didn't call me so I went to Commissioner Thomason's office and I asked him about the allegations. And he told me that, 'Yes, that a man named Jimmy Cash told him that I told Jimmy Cash not to come and take the test, that Roger Harris had the job.' And I asked him, 'He told you that?' He said, 'Yes, over the phone.' I said, 'Well, sir, that's a lie.' He said, 'Well, there's no use in getting excited about it. You know, this is politics.' And I said... He said, 'You just need to calm down.' I said, 'When a lie is told on me, I'm going to straighten it out. Politics doesn't have anything to do with it.' Matter of fact, I can't

understand why the Commission's really concerned about politics. Shouldn't be. He gave me that name. I said I'm going to check it out. I left his office. I went home to Gaffney and I called Mr. Jimmy Cash and I related to him what Mr. Thomason told me. He said, 'No, sir. I've never talked to you about this job.' He said, 'My wife called you one night and asked you about the job and said that I was going to go down and take the test and did I think I should. He had heard that Roger Harris already had the job.' I said, 'No.' I said, 'I'm supporting Roger Harris.' I said, 'But he should go take the test.' I said, 'There's no guarantee that he'd get the job.' And I said, 'Would you straighten that out with Commissioner Thomason? He said that you said something different.' He said, 'Yes, sir. I will.' Well, Mr. Thomason said there was another man that he couldn't think of that day. When I called Mr. Thomason that next morning to relate to him what Mr. Cash had said, he said, 'well, maybe I just assumed that. That he said that.' He said, 'But Mr. Dana Allen did tell me that.' And I said, 'Mr. Dana Allen?' He said, 'Yea.' I said, 'Let me call Mr. Dana Allen.' And I did. And Mr. Dana Allen refuted what Commissioner Thomason said. And said that, 'No, sir. At no time have I ever talked to you about this job and no one else has called you or talked to you about this job in my behalf.' Well, the night before that when the first allegation on Jimmy Cash was made, I called Dr. Timmerman and related that to him. I said, 'Dr. Timmerman,...' I got him at home. I said, 'This thing needs to be cleared up. Some allegations have been made against me that are untrue. You're meeting Friday, would you postpone the hiring of the wildlife officer in Cherokee County until we clear this up?' He said, 'It would be up to the Commission, but I'll recommend that.' I said, 'Thank you, sir.' I called Chuck Compton and I asked James O. He wouldn't commit to it. He said, 'I need to talk to staff first.' I called Chuck Compton and got him. He was out of town in Atlanta. He said, 'Well, listen, Harvey, out of courtesy to me, they won't take it up anyway. I'm not going to be at the Commission meeting.' He said,

