

October 22, 2018

Dear Senator Leatherman:

You are accusing me of breaking the law and that is false and you, both as an individual and as the Chairman of the Agency Head Salary Review Committee, knew it was false when you made that statement and published it to the Post and Courier. As I indicated in my letter to you on October 20, 2018, I complied with the law by relying on your memo outlining the salary range approved for the President and Executive Director of the S.C. Commission on Higher Education (CHE). As also included in my letter to you, any legitimate concerns that you had regarding Mr. Schilz's salary should have been directed to the S.C. Department of Administration (DOA) who, after I contacted them and informed them of the Commission's recommendation, had control of final approval processing over his salary in compliance with South Carolina law. The statements you have made are completely baseless, false and defamatory and have caused significant damage to my name and reputation.

In a publicly released letter dated October 19, 2018, you wrote in relevant part as follows:

"You can appreciate my utter amazement when I found out yesterday through the State's Transparency Hub that Mr. Jeff Schilz [*sic*] salary was increased by \$90,000. Apparently, that increase was approved by you, as chairman. It is incomprehensible that that an institution such as CHE which is charged with ensuring compliance with the law would so willfully and directly break the law.... I must interpret by your actions that you feel you are above the law and illegally authorized these payments to Mr. Schilz. I believe any chairman or agency director who so blatantly flaunts the law should immediately resign and let someone who can abide by the laws of the State of South Carolina take the reins."

Your allegations that I willfully broke the law, that I feel I am above the law, and that I blatantly flaunted the law have no basis in fact and are utterly and willfully false, misleading and slanderous. Moreover, I believe that your false and deplorable comments constitute defamation *per se* under the law of South Carolina, where your statements were published. I have an impeccable personal and professional reputation in the community, and my character is beyond reproach. Your loathsome and despicable attempt to slander and defame me with these false and ridiculous allegations are not only contemptible, but your conduct has also caused and will continue to cause irreparable harm to me and my reputation.

I will not stand idly by to let you make false and defamatory statements that ruin, in one day, the sterling reputation for honesty and integrity that I have worked hard to build over my entire lifetime.

Accordingly, I hereby demand that you:

1. Immediately cease and desist from all defamatory and disparaging remarks about me;
2. Immediately issue a written public apology for your false and baseless attack against me.
3. Immediately cease and desist from all current defamatory and disparaging posts and your personal disparaging comments against me on Facebook (see enclosed Facebook posts) and all other social media platforms.
4. Immediately post a written public apology on Facebook and other social media platforms for your false and baseless attacks against me and my good reputation.
5. Acknowledge your compliance with the demands of this letter in writing by 5:00p.m. on Wednesday, October 24, 2018.

This is a very serious matter that requires your immediate attention. This letter puts you on notice that your failure to comply with my demands outlined in this letter by 5:00p.m. on Wednesday, October 24, 2018, will force me to consider all potential courses of legal action, including the filing of a lawsuit against you personally for your improper conduct. If that happens, I will seek damages, attorney's fees and costs from you.

Sincerely,



Tim Hofferth