## August 21, 2023

SC Ethics Commission 201 Executive Center Drive, Suite 150 Columbia, South Carolina 29210

Answering complaint C2023-087

Dear Investigator Bagnell:

On behalf of my client, Rebecca "Becky" Hill, I would like to formally respond to the allegations pending against her at the South Carolina Ethics Commission. You have indicated that the focus of this investigation was on Mrs. Hills participation on matters for which it's been alleged that is unethical for an elected servant to represent. That representation is in accord with our review of the complaints.

I feel certain that you are aware that the complainant has, in the past, and continuing today, made spurious allegations regarding my client and other members of the Colleton County Courthouse. These allegations will hopefully end once addressed as Mrs. Hill continues her role of Clerk of Court.

These non-meritorious complaints were lodged by two people who find sport in attacking good, honest members of our community who have sacrificed a tremendous amount of time and effort to make Colleton County Courthouse one of the best in the state. These complaints are noted in complaints C2023-087 and C2023094.

The complaints are bereft of any evidence of wrongdoing. Interestingly, the complaint of each is based on jealous and judgmental opinions of a supposed longtime friendship between the people involved. It asks this Commission to conduct a fishing expedition. One that investigates a person, rather than a set of facts. The complaints are random and petty. Accordingly, we ask that these complaints be dismissed for failure to allege any unlawful conduct.

Before addressing the substance of these allegations, I would like to briefly introduce you to my client, Mrs. Rebecca "Becky" Hill. Becky is married to the former Assessor of Colleton County who has now retired, and is the mother of two adult children. She has two adorable grandboys. Becky has worked for the past 17 years in the Judicial community. First, as an Official State Court Reporter for 14 years and then she was elected as the Clerk of Court in Colleton County in 2020 and has served the past three years as the Clerk of Court. Becky has been active in church all of her life and attends Faith Assembly in Walterboro. She has played piano and sang on the praise team and has taught the elementary children Sunday School Class. Becky is also a sign language interpreter for the surrounding communities when called upon. Becky is a board member for a non-profit organization called Community Innovations which is very active in the community of Walterboro.

Regarding the allegations of unethical behavior of Mrs. Hill at the beginning of the trial
that Mrs. Hill utilized her authority of the Colleton County Courthouse of taxpayer
money outside the scope of routine court business through interviews with various
media sources. admits she planned to write a book as soon as she adjudicated trial to be
in Colleton County.

Throughout the last 17 years in judicial service, Mrs. Hill has often thought that cases in which she has been involved were interesting and would make an epic read; not unlike the bestsellers from authors like John Grisham to Mary Higgins Clark. This is not uncommon to members of the legal community throughout our state.

In this instance, as the trial progressed, Mrs. Hill began to keep a journal which memorialized her impressions of the trial, the actors, and the evidence. This information was not proprietary nor was it privileged to the litigants or in any way subject to being sealed from the public domain.

The daily interactions and happenings of this trial were such that it has become known as The Trial of the Century. This story really wrote itself and Mrs. Hill wrote all of it in her journal. This journal later became the primary source of information for her book.

2. Mrs. Hill used her position to make contacts prior to the trial that could assist her in this endeavor. These admissions can be discovered in local news sources and social media posts.

In or about October of 2022, Judge Newman authorized cameras in the courtroom for what by then had become the largest trial in the history of our state. The Clerk of Court's office and Mrs. Hill, was tasked with accommodating the numerous media outlets, print, audio or live feed media, which was no small task. Over the next two months, Mrs. Hill and her staff, accommodated numerous requests for accommodations during the trial which was to begin on January 23, 2023.

As a result of Judge Newman's Order, leading up to trial, Mrs. Hill was required to address these issues with a myriad of news media, including, but not limited to, Court TV, Netflix, Texas Crew Industries and almost every newspaper outlet in the South East.

The media's requirements ranged from dedicated space outside of the courthouse, dedicated space inside the courthouse, and access to the trial. It was Mrs. Hill's obligation to deal with the requests of the numerous media affiliates. Imagine if Mrs. Hill had not dealt with these matters prior to the trial. Certainly Judge Newman appreciated her efforts. And the orderly environment with respect to the media that she created and maintained throughout the trial.

Also to this point, it was also up to Mrs. Hill, that the city, the county, law enforcement, the state, and her courthouse be portrayed in a positive light by the media. She believed that the relationship with the media should be a positive factor in portraying our state and town in a positive light.

Looking back on the trial, there should be no doubt that her efforts in this regard were so successful.

3. During trial, Hill used her political position and authority to obtain confidential information and digital images of the defendant and others during the trial.

This allegation is patently false, and is an example of the complainant's filing a non-meritorious complaint. As Mr. Simmons' fiancé is a member of the Solicitor's Office of the Fourteenth Circuit, the Complainant knows that there is a public security camera located in the entrance hallway of the courthouse. He is also aware that this monitors at least 15 areas of the courthouse at <u>all</u> hours during the day. This camera footage can be seen by everyone entering the Colleton County Courthouse as they pass by the bailiff security entrance or congregate in the foyer of the courthouse.

At some point during the deliberations of the trial, Gary Hale, a former law enforcement officer who is now a member of the Clerk of Court's staff, used his cell phone to take a picture from the public security camera previously referenced that is in the public hallway entrance of the courthouse.

Sometime thereafter, after the trial, Mrs. Hill forwarded the picture to her friend, Melissa Gordon, who placed the photo on a social media post. Mrs. Hill did not encourage or ever suggest that the photograph be released in a public forum. Interestingly, the photo was not included in the book, Behind the Doors of Justice.

4. At the conclusion of the trial, Hill was interviewed by Netflix and responsible for releasing unredacted body camera footage.

As was discussed earlier, Mrs. Hill was the principal contact for all national and local media outlets. Her goal of having Walterboro and South Carolina portrayed in a positive light continued beyond the trial. After the verdict, Mrs. Hill agrees that she participated in events regarding the Murdaugh trial. These events included Netflix, Print media, and investigative journalists. The goal of these interviews was never to promote Becky Hill, the singular goal was to promote the justice that had occurred and the ruling of law that had so respectfully been demonstrated in Colleton County during the Murdaugh trial.

Invariably, during these interviews, Mrs. Hill was asked, "How did you pull this off?" In every instance, Mrs. Hill's response was that "We as a community came together with an executive plan." Not once will you find an interview of Mrs. Hill touting herself as the principal actor in the matter relating to Alex Murdaugh.

As to the exhibits released to Netfllix, the Clerk of Court's office, after the sentencing, the Clerk's office received numerous requests from entities such as the Attorney General's Office, the defense team, SLED, and other media outlets. One of the outlets, Netflix, requested all trial exhibits as well, which my staff and I emailed to them, just as we had with the previous referenced entities. There was no difference in the production that went to anyone.

A short time later, within three or four days, SLED contacted the Attorney General's Office who contacted Mrs. Hill and expressed concern that two sealed exhibits had been provided to all parties who were previously referenced. Mrs. Hill explained that Netflix had received the exact same procedure and exhibits and that she would immediately notify them that they had received sealed exhibits and that they needed to immediately be destroyed, and could not under any circumstances be released to the public.

On June 23, 2023, Judge Newman conducted a hearing in Columbia requesting this release, and ordered that these two exhibits be sealed. Mrs. Hill has provided this Order to Netflix who again confirmed their compliance with her previous request and the Court Order. Per Judge Newman's Order, Netflix immediately destroyed and deleted from their records these two exhibits from their records.

5. On the 2<sup>nd</sup> anniversary of Murdaugh Murders, Hill appeared in a Walterboro Live article acknowledging release of her book. In this article, Hill claims the book will "detail interactions with Murdaugh, attorney tensions, witnesses and jurors." I submit that releasing this information to the public could have an adverse effect in upholding the conviction of Murdaugh in the event of an appeal.

As was previously outlined, Mrs. Hill had been updating a journal throughout the Murdaugh trial. Before making a final decision on whether to publish a book based upon her observations at the trial, she contacted numerous legal sources, as well as this Commission. Mrs. Hill's question to the Commission and attorney Jay Bender was crystal clear. She inquired whether it was appropriate for a clerk of court to write a book about the process of trial from beginning to end, focusing on the process itself, the nature of it, and the course of the high profile case in South Carolina.

In short, she asked this Commission and Jay Bender whether ethics legislation restricted a clerk of court from receiving compensation from writing a book that was related to a trial within her jurisdiction.

Attached, please find the letters from Courtney Laster and Jay Bender regarding 8-13-720, which we agree is the controlling statute in this matter as to this issue.

As such, Mrs. Hill agreed to publication of her book only after seeking the approval of both this Commission and Jay Bender. Additionally, prior to publication, Mrs. Hill spoke with South Caroline Chief Justice, Donald Beatty, Judge Clifton Newman, and other attorneys publishing this book, the book at issue. Not one single legal mind expressed concern that the release of this book could, would, or should have an adverse effect in upholding the conviction of Murdaugh in the event of an appeal.

6. Hill allows guided tours of the Colleton County Courthouse during normal business hours for "donations". Hill tells attendees the donations are to replace the front windows of the courthouse. It is also known a male tourist wrote a check to Colleton County in the amount of \$100 as a donation for a tour. Hill later ordered a staff member to alter the check by striking through Colleton County and adding her name to the check. Hill then deposited the check into her personal bank account. The denotations are unaccounted for as there are no receipts being issued and it is unknown what financial institution and account the donations are being held in.

First and foremost, the Colleton County Courthouse is a public building and its access is limited only by someone's ability to make it through a metal detector. That's the only limit. After the trial, the clerk's office was inundated with requests for tours of the courthouse.

To accommodate these requests in an orderly fashion and to maintain the order of the courthouse, Mrs. Hill, after consultation with administration, law enforcement, and county council, Mrs. Hill decided to allow guided tours of the Colleton County Courthouse during normal business hours. The allegation that Mrs. Hill tells attendees that donations were expected is patently false. This commission can interview over 900 people that have toured her courthouse and not one will tell that they were solicited one penny by Mrs. Hill. None of these tours were conducted by Mrs. Hill. All of these tours were conducted by Colleton County bailiffs and none were conducted in a manner that delayed or interrupted proceedings at the courthouse during the course of business.

Mrs. Hill is aware that on occasion some bailiffs may have received a tip from tourists visiting the courthouse; however, she never asked about it and no records were kept or requested of this pay.

Mrs. Hill did not receive any monies as a result of these tours. The allegation that Mrs. Hill ordered a staff member to alter a \$100 check and add her name to the check is equally untrue and preposterous. While it is accurate that one tourist wrote a check to Colleton County Courthouse in the amount of \$100, this check was accounted for as to courthouse windows and was deposited by the Colleton County finance department as such.

Attached as Exhibit 3, please find the Colleton County transmittal form indicating that on June 1, 2023, check number 2195 was deposited and recorded into financial records for courthouse windows. At no point did this check have Mrs. Hill's name associated with it and Mrs. Hill categorically denies the allegations regarding this check being deposited into her bank account.

This accusation is particularly offensive as the source of this information is a former employee of Mrs. Hill's who has since left the Clerk's office and moved on to filing false claims against Mrs. Hill. To support the fact that this is a false allegation, attached please find Exhibit Four, which is an e-mail supporting the previous exhibit whereby the check was deposited and recorded by the finance department for "courthouse windows". In this email you will note, that Laura Hayes is aware that Mrs. Hill, in fact, accepted a check number 2195 in the amount of \$100, and that Laura Hayes was the one who told him to write the check payable to Colleton County. This e-mail further indicates that it was she who sent the check to finance.

One might imagine that this Commission should discount everything, every allegation, and should closely scrutinize every allegation made by her husband's friend, Arthur "Trae" Simmons, based upon this glaring mis-statement of fact.

7. On June 2, 2023 and June 16, 2023, Michael Dewitt was permitted to hold a book signing and sell his books in the courtroom at the Colleton County Courthouse. Complaint says it admits routine court business being interrupted on multiple days, for several hours, to permit Hill and her staff to interact with visitors while abandoning their duties and allowing the courthouse to be used for commerce.

Again, the Colleton County Courthouse is a public county building open 5 days a week, 8 hours a day to be enjoyed at the Clerk's discretion by all citizens.

Prior to allowing Mr. Dewitt's book signing, Mrs. Hill contacted court administration and talked to county council members to determine whether there were any conflicts.

Mrs. Hill thoughtfully considered every angle when making plans for this. She and her staff talked about the potential occurrences that could be going on and reached out to every possible entity to ask them if they needed this courtroom on a Friday afternoon.

Mrs. Hill contacted court administration to make sure there were no scheduled terms of court happening that day. Law enforcement, family court, and general sessions, and nothing scheduled by the judges that the Clerk's Office was not aware of.

After making these inquiries, Mrs. Hill was informed that it was just going to be another quiet Friday afternoon at the courthouse in Walterboro.

Historically, Fridays in Walterboro involve a slower-paced atmosphere, especially during non-court weeks, and attorney's offices close half a day and courthouse business is very slow.

Based on the foregoing, she allowed Michael Dewitt to hold a book signing in the courtroom of the Colleton County Courthouse.

In her mind, it was another opportunity to show her community in a good light. In no way did she receive any benefit from this book signing.

8. During these tours, Hill is also verbally promoting her book.

As was previously indicated, Mrs. Hill has never given a tour of the courthouse. We again invite the complainant to produce one witness that participated in a tour to corroborate this false allegation. This allegation is another instance where her former employee, Laura Hayes, has twisted the facts to fit her narrative. On one occasion with a tourist, New York Supreme court Justice Kathy King, and while in the presence of Laura Hayes, Mrs. Hill did in fact have a conversation about her book. This conversation happened prior to publication and, most importantly, over lunch after the tour, not during the tour. The fact that Mrs. Hayes has twisted and contorted this accusation into the promotion of the book during the tours is again where you should bring her credibility into question.

9. Hill has also permitted her staff members to leave work before the close of business to allow members of Netflix to set up equipment in the courthouse for the purpose of filming footage for the upcoming Netflix series.

The complainant evidently has his days mixed up because on July 10<sup>th</sup> the staff was let go early due to weather. Interestingly, the attached email, demonstrates that again, Laura Hayes, the former deputy clerk of Mrs. Hill, is in fact the individual that sent out the email authorizing the staff to leave early, "No exceptions." Please see attached Exhibit Five.

10. June 14, 2023, there was a post in the FB group "Murdaugh Murders – Case Discussion". In the post, there is a digital image of Alex Murdaugh ...." Melissa Gordon stated this

image was taken from the security camera monitor during the deliberations and minutes before Murdaugh's conviction. This shows Becky Hill permitted Gordon unimpeded access to the Colleton County Courthouse and facilitated her in taking digital images that no other citizen was permitted to have.

This issue of complaint was addressed previously in Number Four herein. Mrs. Gordon did not take the photograph and Mrs. Hill did not facilitate this image to be broadcast or request anyone to take a picture of this image during the jury deliberations. As to this allegation, Mrs. Hill has already addressed many of these issues.

11. Regarding the allegation that Melissa Gordon was also allowed into the courthouse every day of the trial, even though it was admitted there was limited amount of seating for spectators and that entrance was permitted on a first come, first serve basis. In the post, there was a link to additional images. When the reader clicks on the link, it takes the reader to the "Behind the Doors of Justice" website where Hill's book can be purchased. As the days passed, Hill continued to participate in interviews with multiple sources, she admitted to formulating a plan to writing a book when she heard the trial would be held in Colleton County. She also admitted to meeting Melissa Gordon at the beginning of the trial and discovered she was a photographer. Gordon was soon hired to be the photographer of Hill's book. This information can be found by listening to the podcast Impact of Influence, episode 130: A Behind the Scenes Look at The Murdaugh Trial.

As to this allegation, Mrs. Hill has already addressed many of these issues. It should be noted that Melissa Gordon, if interviewed, would tell this Commission that she first met Mrs. Hill on March 2, 2023, almost 6 weeks into the trial. Mrs. Gordon would also tell this Commission that she and her friend lined up every morning, sometimes as early as 5:30 a.m. to get in line for a trial seat and that not once was she ever allowed any special dispensations by Mrs. Hill.

Finally, the podcast referenced by complainant actually is mischaracterized, as during the podcast Mrs. Hill actually states that she met Mrs. Gordon at the next to the last day of trial and not "at the beginning of the trial." Yet, another complete fabrication of the truth by the complainant in this matter.

12. Regarding the allegations involving Mrs. Hill unethically and potentially unlawfully using her political office to obtain and release confidential information.

Again, this spurious allegation is not supported by the facts. Mrs. Hill has been careful to abide by the State Ethics Opinion from Courtney Laster and the opinion from Jay Bender. And her conversations, which are numerous, with lawyers and judges to make sure she is in compliance with all ethical rules and regulations. Please refer back to Exhibits One and Two, attached.

13. She has used her office and misallocated funds to promote her book and the book written by Michael Dewitt.

As has been previously addressed, Mrs. Hill never used her office to promote her book, never misallocated funds,

For the reasons previously discussed, Mrs. Hill denies using her office for personal gains, misallocating funds or gains or using her office to promoting the book by MR. Deweiit

14. Hill has neglected the office of the Clerk of Court to take several trips to promote her book and to meet with Netflix to secure her position in the upcoming series. This is another example of an allegation that is completely untrue and without merit. The fact is that the book was not even published until July 26, 2023 and Mrs. Hill did not take one day off until after that day to promote her book.

As this complaint was made on June 26, 2023, as of the date that this complaint was made, Mrs. Hill had not taken one single day off to promote her book.

Nor had Mrs. Hill taken one single day off to "meet with Netflix" to secure her position in the upcoming series. These allegations are patently false. They don't even make sense according to the actual timeline of events related to the complaint and the publication of her book.

In conclusion, the complainant offers no evidence in support of the numerous spurious allegations. As a result of this investigation, this complaint Mrs. Hill has been forced to bear the expense of retaining legal counsel to defend against these unsubstantiated allegations and has spent a great deal of time responding to this complaint that could have otherwise been spent the same way she has spent the last 3 years, working to make Colleton County a better place for its citizens. We respectfully request that this Commission accept this response to this meritless complaint as the final word to an otherwise successful tenure as a public servant.

As the Honorable Clifton Newman stated previously to a courtroom full of people, Mrs. Hill's efforts during the trial was to be commended as she brought a watching world together during a high profile murder trial that lasted six long weeks. Through her efforts and that of her staff at the Colleton County Courthouse, the trial was conducted in an orderly and efficient manner and through her planning and effortless handling of day-to-day operations, the integrity of the judicial process was maintained throughout the entire six-week long trial.

WE hope that the last "word" regarding her service is that of Judge Newman, and not of this complainant, and not allow this complaint to go forward.

We respectfully request that this Commission accept this response to the meritless complaint as the final word to an otherwise, selfless tenure as a public servant.

Sincerely,

Laura Hayes' complaint 2023-094 Filed July 14, 2023

August 21, 2023

South Carolina Ethics Commission 201 Executive Center Drive, Suite 150 Columbia, South Carolina 29210

Answering complaint C2023-094

Dear Investigator Bagnell,

On behalf of my client, Becky Hill, I would like to respond to this complaint filed by Laura Hayes. This response focuses on 2023-094 in which was made by her former Deputy Clerk of Court – Laura Hayes. Again, as we pointed out in our previous submission, we hope that you are aware that the complainant has lodged a professional and personal attack against Mrs. Hill ever since she left the employment of the Clerk of Court's office.

Mrs. Hayes' allegations are untrue and, in most instances, contrary to documentary evidence.

1. As to the allegation that checks have been requested from one of the Clerk of Court's accounts to be made payable to an employee and an ex-employee. The Clerk provides an invoice for payment to these individuals that says for filing.

Mrs. Hayes' concerns involve the payment for services to Cashay Catterton and Taylor Flynn, both who at the time of employment were both bailiffs at the Colleton County Courthouse. Additionally, at the time of their employment, one was a single mother raising young children and the other was a newlywed with a toddler and another baby on the way. As bailiffs, they were entitled to receive compensation whether they worked one hour or 8 hours.

At some point during 2022, Mrs. Hill, due to a backlog in filing, engaged each of them the opportunity on afternoons where their services as bailiffs were no longer necessary to earn additional funds by assisting my office and other offices, including Mrs. Hayes, in catching up on some filings. Mrs. Catterton and Flynn were paid out of the Clerk of Court's office checkbook which can be monitored by the

administrator, clerk of court, county council, county auditor, and the financial department in Colleton County.

It surprises Mrs. Hill two things of note about this complaint. One, it surprises Mrs. Hill that Mrs. Hayes would begrudge Mrs. Flynn and Mrs. Catterton monies that she knows that they earned. Two, the allegation that Mrs. Hayes doesn't believe that the Clerk of Court account, which provides an invoice for payment, and is monitored by so many agencies and individuals shouldn't be used for "filing" is disingenuous at best.

2. The original Exhibit List and several exhibits are missing from a box of exhibits from the recent "Murdaugh" trial.

On behalf of my client, Becky Hill, I would like to, as an initial matter, point out that many of the complaints leveled by Laura Hayes are in no way related to the Ethics Act. Some of these allegations are part and parcel of a laundry list of false allegations recently made by a disgruntled former employee. And we hope that you will summarily dismiss them as such.

As an initial matter, we fail to understand how this is a matter before the Ethics Commission. As was outlined throughout complainant number 2023-087, nothing ever left the Colleton County Courthouse without court authorization. On one occasion, through no fault of Mrs. Hill, two exhibits were released and the mistake was immediately addressed by Judge Newman and Mrs. Hill.

3. Gifts may have been accepted by the Clerk from several media outlets. I know a party was had by the media to honor the Clerk during the Murdaugh trial. The clerk also was involved in a party for the media at the Wildlife Center where her daughter sang and entertained them while they were here for the Murdaugh trial.

The word "may" (emphasis added) in the above referenced allegation is telling. Much like many of the other allegations in this complaint, there is absolutely no support to this allegation and Mrs. Hayes knows it. That's why her speculation, innuendo, and rumor that she is spreading is so distasteful and should be rejected by this Commission. Mrs. Hill did, in fact, attend two parties during the six-week trial. Finally, the Murdaugh trial was heavily attended by lawyers, journalists, media, members of the local community and many others. She did not receive any gifts from any media outlet during these parties.

During the trial, the Colleton County Courthouse staff allowed the press and local attorneys to bring into the courthouse coffee and food. These food items were provided out of necessity the days were long and the hours numerous and the courthouse staff along with attorneys and media were drinking coffee all day. It seemed like a good idea to allow them to bring in these food items to be available during the trial. These were not gifts to the staff but were to be enjoyed by all. At many points during the day, witnesses, lawyers, and other people required to be at the trial were allowed access to these food items.

Now, after the fact, the notion that Mrs. Hill received some sort of gift by food items is preposterous, as Mrs. Hayes herself received the benefit of these food items. I

might suggest that you ask Mrs. Hayes whether she enjoyed the gifted items brought into the courthouse. Why she waited until after the trial to complain about these food items as opposed to during the trial is preposterous.

4. I believe there is a mis-use of DSS Child Support Incentive Funds. Bonuses were given to employees from this money that do not and have never worked on child support files or helped with child support collection. Furniture and office supplies have also been paid for out of this account that should not have been. I asked her one time if it was ethical for her to write herself a bonus check and she said its federal money right and I said I didn't want her to go to jail for unethical behavior and she said she heard federal prison was pretty comfy. I have that in writing.

Mrs. Hayes takes an innocent statement out of context and attempts to turn it into an admission to an ethics violation. However, she again fails to tell "the whole story" in the context of this conversation. As to the entire conversation, while Mrs. Hill acknowledges making a comment in jest about jail, what Mrs. Hayes conveniently leaves out is her response, which was also in jest, her response being that "She would be right there beside her, too." See Exhibit Six. Clearly, Exhibit Six shows that these two were not being serious and were not conspiring in any way to commit an ethics violation. They were joking about the use of federal funds by the clerk's office.

As to the actual use of these funds, it is clear that nothing inappropriate occurred regarding DSS IV-D incentive funds. As in Exhibit Seven, please find the DSS contract as it relates to this allegation, which clearly allows that "incentive monies can be used for <u>any items used for child support purposes in family court.</u>"

Had the complainant bothered to review this contract before alleging that Mrs. Hill had misappropriated these funds, she would have known that bonuses and furniture are allowable to the clerk of court and her staff for bonuses to the extent that they participated in any support role in Family Court.

5. The Clerk may be using her status as Clerk of Court for financial gain in writing her book Behind the Doors of Justice. This book may have information that only the Clerk would know so disclosing it may be financial gain.

As to all matters relating to her book that was published, Behind the Doors of Justice, Mrs. Hill relies on her previous response to complaint number 2023-087.

6. There was a reimbursement check from a company we ordered Bailiff Uniforms from that was paid for from a line item in her county budget. She asked me to cash it and give some to a person who did some painting in the office and then put the rest in petty cash. I refused. I don't know what happened to the check after that. I have an email where she asked me to do it.

On or about Sept. 12th, 2022, PB&J Services issued a reimbursement check in the amount of \$319.92 to the Colleton County Clerk of Court. That same day, the check was deposited into the Colleton County Clerk of Court's Office account. See Exhibit

Eight attached. Whether there is any misunderstanding about Mrs. Hill's intentions or what happened to the check after that, this exhibit affirmatively demonstrates that the monies were deposited into the Colleton County Clerk of Court's account and not cashed.

Again, had Mrs. Hayes taken the opportunity to ask Mrs. Hill what ultimately happened to that check, we would not be here today responding to a non-event. Responding to the allegation that Mrs. Hill in some way misappropriated county funds.

It is troubling, at best, that many of the allegations made by this former disgruntled employee are so easily disproven by a cursory review of the actual facts and we ask that you again consider all of her allegations as less than credible in the light of the fact that is evidentially so easy for her to make these allegations so easily without evidence at all.

This issue was previously addressed in complaint 2023 -087 and we stand by that explanation.

7. Netflix has filmed at least 2, if not 3, times at the courthouse. She allows them to come in and do whatever it is they want to do. They take over offices and spaces that we need in order to work and disrupt the employees. They were present during a day of Family Court and General Sessions Court causing a security nightmare. She said they were filming because we had "The trial of the century" at our courthouse. They were in her office filming her for more than 4 hours. Filming her. Not the courthouse. Is this not for personal gain?

This allegation is yet another example of an issue not properly before the ethics commission. There was no personal gain. The fact of the matter is that Mrs. Hill has not received one dime from Netflix. Ever. Nor does she ever expect to receive any compensation from Netflix for any reason. Mrs. Hayes suggests herein that allowing Netflix access was for personal gain without even offering any ideas about what that gain would have been, while not even offering a suggestion or any evidence of personal gain for Mrs. Hill. Another prime example of speculatory, defamatory, and frankly untrue allegations.

8. She allowed a movie to be filmed on a weekend at the courthouse about a boxer. She got security people to come in on the weekend and paid them with courthouse funds.

Yet another example of an issue that is not a South Carolina Ethics Commission matter. Because of this, this allegation should be summarily dismissed. That having been said, the courthouse is often used for functions unrelated to administration of justice.

For example, the courthouse has been used in the past for weddings, nonprofit organizational meetings, It is not uncommon for an organization like to Hopeful Horizons, which is a haven for women and children of family domestic violence and spousal abuse to utilize the courthouse on the weekends. Had those meetings warranted security, I could have and would have paid for security out of the office account as I did this one. There isn't even a suggestion here of an ethics violation.

9. She allowed a photograph of an inmate in the holding cell to be taken from a security camera monitor and is allowing it to be broadcast on social media.

Mrs. Hill relies on her previous explanations for this allegation.

10. The Clerk gave false information to the county finance department regarding the percentage of time each employee worked on child support enforcement cases so that she could justify giving them a bonus from the IV-D incentive funds. The percentages do not accurately reflect the true amount of time the employee worked on child support enforcement.

This allegation relates to allegation number four herein. Mrs. Hill again asserts that the information she has provided to the county finance department is accurate and in accordance with the contract governing the IV-D funds for DSS. Mrs. Hill reiterates the oversight associated with these funds. Ranging from Roger Bryant who is the Assistant Director of Child Support Services Division to the yearly audits at the Colleton County Courthouse that DSS conducts.

The allegation that Mrs. Hill has given "false info" to anyone is yet another example of unfounded, uncorroborated, and unproven misinformation from a disgruntled former employee.

In conclusion, most of Mrs. Hayes complaints are a rehash of complaint 2023-087, which she was no doubt involved in causing to be filed. Her complaint was filed on July  $14^{th}$ 

The fact that these 2 complaints were filed two and a half weeks apart and contain the same allegations is suspicious at best. The fact that Mr. Simmons is close personal friends with Ms. Hayes' husband, however, is more than suspicious, it's telling.

Ultimately, Ms. Hayes offers no evidence in support of her contentions or her suggestions that Mrs. Hill benefited in any way from her conduct. We ask it should come of no surprise to the Commission that Ms. Hayes has publicly stated that she intends to run for clerk of court next year.

She and her friends have already caused Mrs. Hill more time away from the office than even she alleged Mrs. Hill has taken on her "book tour". We ask that you dismiss this complaint so that Mrs. Hill can get back to the business of serving Colleton County.

Sincerely,

# Question regarding potential ethical issues related to authorship of a book

From: Bender, Jay (i

To: rhill@colletoncounty.org

Date: Monday, April 24, 2023 at 01:52 PM EDT



Becky,

You have inquired whether ethics legislation restricting activities of public officials would preclude your receiving compensation for a book of which you are Carolina Code of Laws. The thrust of the restrictions is to prevent a public official from receiving a financial benefit for actions taken in the official's "official the author. Restrictions on actions by public officials that might provide an official an economic benefit are contained in Chapter 13 of Title 8 of the South capacity." "Official capacity is defined in Section 8-13-30 to mean activities which:

- (a) arise because of the position held by the public official...;
- (b) involve matters which fall within the official responsibility of the...public official...; and
- are services the agency would normally provide and for which the public official...would be subject to expense reimbursement by the agency with which the public official...is associated.

Subsections (a), (b), and (c) are to be read together because of the conjunction "and" used at the transition point to subsection (c). The writing of a book, even one based on your experience as Clerk of Court during the Murdaugh trial, does not come within the definition of "official capacity" because the writing of a book is neither within your official responsibility as Clerk of Court, nor a service that your office would normally provide.

There is a restriction on compensation for speeches given by public officials under Section 8-13-715 acting in the official's "official capacity." There is no similar restriction on writing a book. I have concluded that based on the definition of "official capacity" that since your office would not normally provide authoriship of a book within its normal services, and since you are not subject to expense reimbursement for writing the book, you are not subject to any restrictions imposed by law for receiving compensation relating to the sales of copies of a book you write.

Should you have any questions or concerns, please to not hesitate to contact me.

Best regards.

Jay

Jay Bender



## BAKER RAVENEL BENDER

ATTORNEYS AT LAW

Becky-Thrules for the Opportunity to "Izwyer" Your book. I have Indicated a couple of aress that give me Concern for potential libel and invasion of frivacy Claims. Feel free to call if you have questions. The book would benefit from the Jervices of 2 professional colf editor. I made some ed, Any notes, but offers are far better.



## BAKER RAVENEL BENDER

ATTORNEYS AT LAW

You tell = great tale and tell , t well.

Good luch, and hello to Tommy.

## State of South Carolina State Ethics Commission



SCOTT E. FRICK, CHAIRMAN AJ HOLLOWAY, VICE CHAIRMAN BRANDOLYN THOMAS PINKSTON BRYANT S. CALDWELL



F. XAVIER STARKES MARY HUNTER B. TOMLINSON NEAL D. TRUSLOW MATTHEW N. TYLER

201 EXECUTIVE CENTER DRIVE, SUITE 150 COLUMBIA, S.C. 29210

MEGHAN WALKER DAYSON EXECUTIVE DIRECTOR

May 2, 2023

## **VIA ELECTRONIC MAIL ONLY**

Rebeca Hill
Colleton County Clerk of Court
rhill@colletoncounty.org

Re: Informal Opinion Request

Dear Ms. Hill:

Thank you for your request for an informal opinion from the State Ethics Commission (Commission). An informal opinion is the opinion of Commission staff, taking into consideration any applicable formal opinions, law, and/or judicial decisions. Please be advised that an informal opinion is not binding on the Commission. Additionally, the Commission's jurisdiction is limited to the applicability of the Ethics, Government Accountability, and Campaign Reform Act of 1991 (Act). This opinion is based solely on the facts relayed by you and does not supersede any other statutory or regulatory restrictions or procedures which may apply to this situation. A failure to disclose relevant information may void the opinion.

## **ISSUE**

In an email dated April 28, 2023, you submitted the following relevant information:

Good morning, Courtney, my name is Rebecca [H]ill and I am the clerk of court in [Colleton County]. I have a question about the writing of a book by a clerk of court about the process of trial from beginning to end, [f]ocusing on the process itself the history of it and of course the High profile cases that South Carolina has had. What would be the ethic procedures behind this?

## LAW

## Section 8-13-700(A) states, in relevant part:

No [public employee] may knowingly use his official [employment] to obtain an economic interest for himself, a family member, an individual with whom he is associated, or a business with which he is associated. This prohibition does not extend to the incidental use of public materials, personnel, or equipment, subject to or available for a [public employee's] use that does not result in additional public expense.

## Section 8-13-720 provides, in relevant part:

No person may offer to pay to a [public employee] and no [public employee] may solicit or receive money in addition to that received by the [public employee] in his official capacity for advice or assistance given in the course of his employment as a [public employee].

## Section 8-13-100(30) defines "official capacity" as activities which:

- (a) arise because of the position held by the public official, public member, or public employee;
- (b) involve matters which fall within the official responsibility of the agency, the public official, the public member, or the public employee; and
- (c) are services the agency would normally provide for and for which the public official, public member, or public employee would be subject to expense reimbursement by the agency with which the public official, public member, or public employee is associated.

## Section 8-13-100(23) defines "official responsibility" as:

the direct administrative or operating authority, whether intermediate or final and whether exercisable personally or through subordinates, to approve, disapprove, or otherwise direct government action.

## Section 8-13-725 provides, in relevant part:

- (A) A [public employee] may not use or disclose confidential information gained in the course of or by reason of his official responsibilities in a way that would affect an economic interest held by him, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated.
- (B) (1) A [public employee] may not willfully examine, or aid and abet in the willful examination of, a tax return of a taxpayer, a worker's compensation record, a record in connection with health or medical treatment, social services records, or other record of an individual in the possession of or within the access of a public department or agency if the purpose of the examination is improper or unlawful.

Section 8-13-100(7) defines "confidential information" as:

information, whether transmitted orally or in writing, which is obtained by reason of the public position or office held and is of such nature that it is not, at the time of transmission, a matter of public record or public knowledge.

## DISCUSSION

Under Section 8-13-720 of the Ethics Act, a public employee is prohibited from receiving extra compensation for the performance of duties that she would be expected to undertake in her official capacity. To determine whether the proposed outside employment is permissible, analysis of the term "official capacity" is required. There is a three-pronged definition of this term in the Ethics Act, and all three of these elements must be present for the outside employment to be considered within a public employee's official capacity. Here, you must consider the following questions:

- (1) Does the opportunity for the activity arise as a result of your position as Clerk of Court?
- (2) Is the subject matter of the work something within your official responsibility?
- (3) Is this type of work something that the Clerk of Court's Office would normally perform and for which you could receive expense reimbursement for by the Clerk of Court's Office?

If the answers to ALL of these questions are yes, then writing the book would be within your official capacity and it would be impermissible for you to receive compensation for writing the book. In the opinion of Commission staff, it seems unlikely that writing a book would fall within your official responsibilities as Clerk of Court. However, you will have to make that ultimate determination based on your official duties and the guidelines offered above.

If the answer to ANY of the above questions is no, then the work is not within your official capacity, and you may receive compensation for authoring the book so long as you adhere to the Commission's guidelines on off-duty employment. In prior advisory opinions, the Commission has advised that a public employee may engage in outside employment so long as: (1) no public materials or equipment are utilized, except incidental use resulting in no cost to the State as allowed by Section 8-13-700(A); (2) such work is engaged in on the employee's own time; the work does not interfere with the needs of the agency; and (4) the public position is not utilized to obtain or continue the employment.

Finally, please be advised that you are prohibited from using any confidential information, as that term is defined in Section 8-13-100(7), in furtherance of your own economic interest. If you have questions about whether a particular piece of information is considered confidential under the Ethics Act, please do not hesitate to seek guidance. Thank you for contacting the Commission.

Sincerely,

Courtney Laster
Courtney M. Laster
General Counsel



Rebecca Hill <rhill@colletoncounty.org>

## FW: [External] Clerk of Court position

1 message

O'Bryan, Rachael <robryan@ethics.sc.gov> To: "rhill@colletoncounty.org" <rhill@colletoncounty.org>

Fri, May 5, 2023 at 11:06 AM

Good morning,

Attached please find the requested staff issued opinion. If you have any questions please let Courtney know.

Thank you.

Rachael O'Bryan

Administrative Assistant

South Carolina State Ethics Commission

201 Executive Center Drive, Suite 150

Columbia, SC 29210

Phone: 803.253.4192

Fax: 803.253.7539

From: Rebecca Hill <rhill@colletoncounty.org>

Sent: Friday, April 28, 2023 8:26 AM To: Laster, Courtney <claster@ethics.sc.gov>

Subject: [External] Clerk of Court position

Good morning, Courtney, my name is Rebecca hill and I am the clerk of court in college and county.Good morning, Courtney, my name is Rebecca hill and I am the clerk of court in college and county. I have a question about the writing of a book by a clerk of court about the process of trial from beginning to end, Focusing on the process itself the history of it and of course the High profile cases that South Carolina has had. What would be the ethic procedures behind this?

or destroy all printed and electronic copies. Nothing in this transmission is intended to be an electronic signature nor to constitute an agreement of any kind under applicable law unless otherwise expressly indicated. Intentional interception or dissemination of recipient, you are hereby notified that any dissemination, distribution or duplication of this transmission is strictly prohibited. If you have received this communication in error, please notify us by telephone or email immediately and return the original message to us electronic mail not belonging to you may violate federal or state law CONFIDENTIAL COMMUNICATION: The information contained in this message may contain legally privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended



Please Consider The Environment Before Printing this Message...

2023 05 02 Hill Informal (Book Writing).pdf

## **COLLETON COUNTY** TRANSMITTAL FORM



For Money Received for the day of

The funds enclosed herewith and listed below are hereby submitted to the Colleton County Treasurer to be duly deposited and recorded in the financial records as specified below.

## DO NOT USE EXPENSE LINE ITEM ACCOUNTS WITHOUT FINANCE APPROVAL

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	Yellow Copy - Finance	

Pink Copy - Departmental



## Laura Hayes < lhayes@colletoncounty.org>

**Re: Donation** 

1 message

Jon Carpenter < jcarpenter@colletoncounty.org>
To: Laura Hayes < lhayes@colletoncounty.org>
Co: Meagan Utsey < mutsey@colletoncounty.org>

Wed, May 31, 2023 at 12:55 PM

Laura.

Please send over and we will make sure we account for it against the cost of the window replacement project.

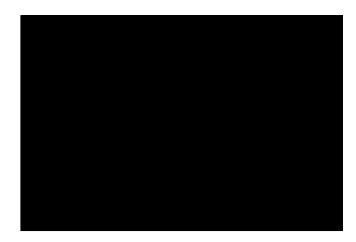
Thanks, Jon

On Wed, May 31, 2023 at 12:25 PM Laura Hayes <a href="mayes@colletoncounty.org">lhayes@colletoncounty.org</a> wrote:

Good afternoon Jon and Meagan. We had a gentleman come by the courthouse today. He was interested in the historical building as he owns a historical house in Georgia. He has been corresponding with Becky and I believe she told him we needed our windows replaced. He was interested in giving a donation. Becky was not here so I had him write the check payable to Colleton County. It is for \$100.00. Is this something I can send over to finance?

Laura C. Hayes
Deputy Clerk of Court
for Colleton County
P O Box 620
Walterboro, SC 29488
843-549-2870 x 6965

Jon Carpenter, CPA Finance Director Colleton County 109 Benson Street Walterboro SC 29488 843-549-5716 x8133





On Mon, May 29, 2023 at 8:58 PM < wrote:

I will be traveling through Walterboro on 5/31/23 and would love to tour the Colleton County Courthouse. I served on the board of the Historic Preservation Commission in Whitfield County, GA and have an interest in your Courthouse. Please let me know if this is possible.

Sincerely,

Chip

----- Forwarded message -----

From: <

Date: Thu, Jun 1, 2023 at 10:02 AM Subject: Re[2]: Courthouse tour

To: Rebecca Hill < rhill@colletoncounty.org>

Hi Becky,

I came by and toured the courthouse yesterday and really enjoyed the experience. The Bailiffs were very kind and giving of their time. I spoke to one of the staff members about funding for historic preservation projects and wrote a check for \$100. There are resources available at the state and national level that could be sourced for your future renovation projects on your building. I appreciate you allowing me to tour.

Sincerely,

Chip



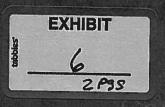
## Laura Hayes

Jul 10, 4:24 PM

Becky says to go ahead and start packing up and leave by 4:30. No exceptions. She wants us to leave due to weather. Go ahead and clock out. Polly will fix time tomorrow.



New Message



To: Becky Hill

d a few mins, and an hour back.

Fri, Oct 7 at 9:18 AM

Does that mean you can't have a bonus?

Hmmmmm well that is federal \$\$ since4d funds....right?

find out. You don't need to go to jail for unethical behavior

Right.....although I hear federal prison is pretty comfy.









**₡**Cash











## IV-D incentives and unit cost reimbursement documents

Encarnacion, Chae < Chae. Encarnacion@dss.sc.gov>

Thu, Jun 10, 2021 at 9:36 AM

To: Iherndon < Iherndon@colletoncounty.org>, Rhill < Rhill@colletoncounty.org>

Cc: "Bryant, Roger W" <Roger.Bryant@dss.sc.gov>, "Brown, Joyce" <Joyce.Brown@dss.sc.gov>

## Good morning,

Incentive monies can be used for any cost/items that are to be used for child support purposes in family court. For example -furniture, computers and employee bonuses or salaries that contribute to child support services may be funded by incentive monies. However, it is important to note that any costs used with incentive monies may not be included in the annual unit cost report, although monies used with unit cost reimbursements may be used in the report. By the way, I will be completing and submitting the schedule of incentive and unit cost reimbursements to your county from July 2020 to the present by the end of today. Thank you.

Chae Encarnacion

Sr. Accountant

Child Support Financial Services Division

SC Department of Social Services

3150 Harden Street Extension

Columbia, SC 29203

PO Box 1469

Columbia, SC 29202-0810

Chae.Encarnacion@dss.sc.gov

803-898-9485 - office





Disclaimer: Please do not use this e-mail address to report child or adult abuse and neglect. The abuse/neglect hotline number for your county is located on the SCDSS home web page at www.dss.sc.gov. For emergencies, please contact your local law enforcement office.

Privacy Notice: This message may contain information that is protected from disclosure by federal and/or state law, or is otherwise privileged or confidential. This communication is intended only for the use of the individual or entity to

There is hereby created in the office of the State Treasurer a revolving fund to be designated as the Public Welfare Cooperative Support Program Fund which shall be used by the department in carrying out such purposes as it deems necessary. All monies in the funds are hereby appropriated to the department for such purposes and shall be paid without further appropriation under requisition or voucher drawn on the State Treasurer in the usual manner.

IIISTORY: 1978 Act No. 549; 1997 Act No. 133, Section 7, eff June 11, 1997.

SECTION 435235. Reimbursement of local entities for costs of child support collection and paternity determination program.

To the extent permitted by federal law, the department may enter into annual agreements with county governments, clerks of court, sheriffs, and other law enforcement entities having jurisdiction in that county to reimburse and to pay federal financial participation and incentives pursuant to the terms of the agreement to the appropriate contracting entity for a portion of the cost of developing and implementing a child support collection and paternity determination program for:

- (1) securing support for persons receiving state public assistance and reimbursement of medical assistance from the legally responsible spouse or parent of assistance recipients;
- (2) establishing paternity of children born out of wedlock who are receiving aid to families with dependent children and to secure support for them;
- (3) all children who have sought assistance in securing support whether or not they are eligible for aid to families with dependent children and regardless of the economic circumstances. To the extent permitted by federal law, a fiscal incentive and federal financial participation must be paid to the department and provided to the entity providing the service for the collection and enforcement of child support obligations. These monies must be paid to the appropriate county treasurer or county finance office on a monthly basis and deposited into a separate account for the entity providing the service for the exclusive use by this entity for all activities related to the establishment, collection, and enforcement of child support obligations for the fiscal year in which the payments are earned and may be drawn on and used only-by-the entity providing the service for which the account was established. Monies paid to the contracting entity pursuant to this section may not be used to replace operating funds of the budget of the entity providing the service. Funds in the special account not encumbered for child support activities unit revert to the general fund of the county at the end of the fiscal year in which they were earned. Each local entity shall enter into a support enforcement agreement with the department as a condition of receiving the fiscal incentive and federal financial participation. To the extent that fiscal incentives are paid to the department and are not owed under the agreement to the contracting entity, these fiscal incentives must be reinvested in the department's Child Support Enforcement Program to increase collections of support at the state and county levels in a manner consistent with the federal laws and regulations governing incentive payments.

HISTORY: 1978 Act No. 549; 1988 Act No. 657, eff June 7, 1988; 1990 Act No. 478, Section 1, eff May 14, 1990, 1991 Act No. 124, Section 1, eff May 31, 1991; 1994 Act No. 497, Part II, Section 27B, eff July 1, 1994; 1997 Act No. 133, Section 7, eff June 11, 1997.

SECTION 435240. Execution of cooperative support program agreement.

Any county desiring to obtain the benefits of appropriations from the Public Welfare Support Reimbursement Fund shall secure the formal joinder of the circuit solicitor and of the court having jurisdiction of support cases in that county in a joint plan and a cooperative support program agreement with the department and the execution of a cooperative support program agreement with the department. The execution of such agreement is hereby authorized.

HISTORY: 1978 Act No. 549; 1997 Act No. 133, Section 7, eff June 11, 1997.

addition, reports prepared for each affected employee during the months of June and December of each calendar year will be submitted to CSSD by the Clerk no later than July 31<sup>st</sup> and January 31<sup>st</sup>, respectively, of each year and shall be submitted to:

CSSD Financial Services Division
Attention: Reports and Reconciliation Unit

Fax: 803-898-9348

Email: DSS-CSE.payment@dss.sc.gov

## D. County policies and procedures

The funds provided pursuant to this contract shall be used in accordance with applicable county government policies on such matters as procurement, human resource management, travel, and per diem but only insofar as those policies and procedures do not conflict with state or federal law. No county policies or procedures, including any policy, procedure or operating guidelines establishing a moratorium on end of funding cycle, processing of procurement requests, or funding encumbrances, shall in any fashion have the effect of precluding or hindering the Clerk's access to the incentive and unit cost funds held for its exclusive use in the separate account required by this contract. If any restriction in violation of federal law or regulation, or in violation of S.C. Code § 43-5-235, is imposed by the county on the Clerk's access to the funds, such a restriction shall be considered a breach of the terms of this contract *per se* and shall result in termination of the contract, by CSSD, without recourse to the Clerk.

## E. End of Fiscal Year

In accordance with S.C. Code § 43-5-235, unit cost funds which are not encumbered or spent by the Clerk shall-revert to the county's General Fund at the end of the state fiscal year in which they were carned. In accordance with 42 U.S.C. §658a (f) and 45 CFR § 305.35, incentive funds may not "rollsover," or otherwise become incorporated, into the county's General Fund and must be reinvested as described in Section B. (2) of this Article The use of incentive funds for any purpose other than the Clerk's enhancement of child support enforcement efforts constitutes a violation of federal law and controlling federal policy as well as a breach of the terms of this contract. Accordingly, incentive funds must not "roll over," or otherwise become incorporated, into the county's General Fund and must remain in the Clerk of Court's account until used by the Clerk for the enhancement of child support establishment, enforcement, and collection. The "roll over," or any other method of incorporation, of incentive funds earned under this agreement into the county's General Fund, or any other account not designated exclusively for the use of the Clerk of Court, shall be considered a breach of the terms of this contract per se and shall result in termination of the contract, by CSSD, without recourse to the Clerk.

## ARTICLE VI AUDITS

## A. Audits

At any time during normal business hours, and as often as CSSD, the Office of Internal Audit, the Office of the South Carolina Attorney General, the United States General Accounting Office (GAO), the United States Department of Health and Human Services (DHHS), or other appropriate federal or state agency may deem necessary, the Clerk shall immediately make

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EXHIBIT

8