

**South Carolina Human Affairs Commission  
Board Meeting**

February 16, 2023  
S.C. Department of Parks, Recreation and Tourism  
Edgar A. Brown Building  
1205 Pendleton Street, Room 252  
Columbia, SC 29201

**BOARD MEMBERS PRESENT**

Vice Chair Sharon Sellers  
Commissioner Mary Amonitti  
Commissioner Steve Hall  
Commissioner Leon Winn

**STAFF PRESENT**

Interim Commissioner Marvin Caldwell, Jr.  
Deputy Commissioner Dan Koon  
General Counsel Caroline Scrantom  
Deborah Thomas  
Tarnya Whitmire  
Janeen Sanders

**GUEST**

Thomas Kaminer – SCHAC Budget Director  
ADMIN Shared Services

**I. CALL TO ORDER**

The South Carolina Human Affairs Commission (“SCHAC” or the “agency”) held its Board meeting on February 16, 2023, at the S.C. Department of Parks, Recreation and Tourism, Edgar A. Brown Building, 1205 Pendleton Street, Room 252, Columbia, SC. Public notice was posted at SCHAC’s main office entrance and placed on the SCHAC’s website. Vice Chair Sellers called the meeting to order at 10:05am and asked for the roll call.

**II. ROLL CALL**

Janeen Sanders, Executive Assistant, called the roll of Board members. A quorum was established.

Vice Chair Sellers acknowledged the absence of Chairman McLawhorn due to the passing of his wife sent her thoughts and prayers to him and his family.

**III. APPROVAL OF MINUTES**

Vice Chair Sellers called for the approval of the minutes from the November meeting. The motion was made by Commissioner Amonitti for the minutes to be approved. Commissioner Winn seconded the motion. The minutes were unanimously approved.

**IV. OLD BUSINESS**

There was no old business to be discussed.

**V. NEW BUSINESS**

There was no new business to be discussed.

**VI. BOARD REPORTS**

**A. Administration**

Commissioner Amonitti gave way to Deputy Commissioner Koon to give the report. Deputy Koon delivered the following highlights:

- Construction of Cubicles in the former large conference room will result in new office space for 7 employees and our Security Officer. Community Relations and Technical Services will move into this area. We are hoping this construction will begin the Week of February 20, 2023. Construction was delayed by two months due to the contractor, Prison Industries, having internal procurement issues, supply chain issues, and the great resignation of changes to their workforce. They provided a 10% discount total to the agency in part due to the delays in construction.
- To add additional Office space to the agency, we are creating another office for the EEO Administrative Assistant to work near the EEO Coordinator. This construction will take place on the second floor and was completed on February 9, 2023.
- Security cameras and monitors were installed in the building during the month of January by Convergent Technology. Our Security Guard is now able to monitor the building from his or her desk. In addition, there will be taped footage for afterhours and on weekends. There is also a monitor at our Sumter Street entrance so that employees can monitor the outside area and parking lot when they leave to go home at night.
- Convergent Technologies is also installing a masked sound system in the cubicle area that will hopefully block out distracting noise.
- While the addition of cubicles will allow the agency to employ more employees, the agency's growth with additional employees to administer the Human Affairs Law will require a move of the agency to a larger facility. Thus, the cubicles, the masked sound system and security cameras will be able to be moved and utilized at a future agency facility.
- Also, the agency is working to obtain a functional APP that can be placed on a phone where Customers of SCHAC can check on the status of the case filed with the agency. Danielle Lindley is coordinating this project with the SCHAC management team. We are working with NIC SC which is on contract with the SC Dept. of Administration to see if this APP project will fit our agency needs.

**B. Legal Update**

General Counsel Caroline Scrantom discussed the Legal Division activities from November 2022– January 2023 as follows:



**HUMAN AFFAIRS COMMISSION  
LEGAL ACTIVITIES LOG**

General Counsel Caroline Scrantom  
EEO Staff Counsel Jamie N. Smith  
FH Staff Counsel Samantha M. Luck  
Mediator Larry McBride

Non-Litigation Activities: November 2022 through January 2023	
Cause Case Reviews + Write-Ups	1
Requests for Revision & More Investigation	44
No-Cause Case Reviews	110
Conciliation Agreement Reviews	6
Total Case Review Return Rate	27%
Intake Reviews of Drafted Charges	207
Guidance Meetings with Investigators	68
Guidance Meetings with Non-Investigative Staff	141
FOIA Responses Finalized	44

SCHAC Litigation by the Numbers	
Cases Pending before the Board	1
Cases Pending before the Circuit Court	2
Cases Pending before the Court of Appeals	1
Recent Case Settlements	1
SCHAC Mediation by the Numbers EEO Contract Year (Oct. 1, 2022 – Sept. 30, 2023)	
Total Mediations	30
Successful Mediations	17
Percent Successful	57%
Aggregate Settlement Amount	\$205,323.00

**C. Legislative Update**

Interim Commissioner Caldwell discussed the below chart. He mentioned in previous meetings where Commissioner Davis discussed the six budget requests that were presented on behalf of the agency. The information below shows the request made in the priority order in which they were requested.

Interim Commissioner Caldwell shared that he and Deputy Commissioner Koon have attended legislative meetings related to the budget. In Interim Commissioner Caldwell’s opinion, all meetings went very favorably. Since those meetings, there have been calls for requests concerning information on the rent increase and relocation request. State government seems to be giving out retention funding to all who may have requested it because they are having issues with retaining staff. The legislative assessment is that people are leaving going to private sector employment where they are being paid higher salaries. Additional information was also being requested regarding the Community Relations position and the Technical Services Coordinator. The reasons for those budget requests were due to the number of requests the agency had been receiving about doing trainings across the state. Unfortunately, the agency only has one person dedicated to doing those now. Interim Commissioner Caldwell was hopeful to have an answer to these requests before the legislative session ends.



**HUMAN AFFAIRS COMMISSION  
LEGISLATIVE UPDATE**

125<sup>th</sup> Session of the South Carolina General Assembly

**Meetings and Hearings: SFY 2023-2024 Budget Process**

**House Ways & Means – Transportation & Regulatory Budget Subcommittee – Representatives Crawford, Willis, Gagnon**

- Jan. 18: Met with Subcommittee Chairwoman Heather Crawford
- Jan. 19: Appeared at Subcommittee Hearing
- Feb. 7: Subcommittee Proviso Hearing

**Senate Finance – Transportation & Regulatory Budget Subcommittee – Chaired by Senator Darrell Jackson**

- Jan. 31: Appeared at Subcommittee Hearing

Summary of SFY 2023-2024 SCHAC Budget Requests, Ranked by \$	
1. Rent Increase/Relocation Cost	2. Retention Funding (\$65,230) *
3. New EEO Supervisor + 3-Member Team	4. New Community Relations Coordinator
5. New Technical Services Coordinator	6. New Fair Housing Investigator
* Indicates approval by Governor’s Office during Executive Budget process	

General Counsel Scrantom then discussed the yellow section of the below chart. This bill is a third submission from the agency for new legislation. The agency has contacted Senator John Scott’s office to reintroduce. The bill contains five specific updates to the law that we administer. The intent is to update the law by removing something that might be duplicative to what is already being done and to clarify that the remedies the agency offers should be comparative to what the federal agencies offer or the same types of investigations.



**HUMAN AFFAIRS COMMISSION  
LEGISLATIVE UPDATE**

125<sup>th</sup> Session of the South Carolina General Assembly

**Pending Legislation Related to SCHAC**

- S. 396** Update to the HAL and FHL – Sponsored by Senator John Scott – Filed Jan. 17 – Referred to Judiciary
- Updates HAL to omit duplicative agency accountability report to legislature
  - Updates HAL to include remedies parallel to analogous federal laws: Title VII, ADA, ADEA
  - Updates FHL to extend charging party’s time to bring a private lawsuit after a SCHAC dismissal
  - Updates FHL to omit outdated verification of complaint
  - Updates FHL to clarify SCHAC’s statute of limitations for pursuing fair housing litigation in cause cases

#### **D. Personnel Update**

Commissioner Winn gave way to Interim Commissioner Caldwell to give the report as follows:

As of 2/16 there were 53 FTE's; 43 are full time employed and there were 13 vacancies listed below.

- Administrative Manager I – Administration (No Funds)
- Accountant/Fiscal Analyst II- Administration (No Funds)
- IT Director (NEW FTE) – Administration – (To Be Posted)
- Program Coordinator I (New FTE) - Community Relations (Seeking Applicants)
- Program Coordinator I – EEO Intake (Selection Made, Tentative Start date 03/03)
- Program Coordinator I - EEO Investigator (Selection Made, Tentative Start date 02/17)
- Program Coordinator I – EEO Investigator (Pending Interviews)
- Program Coordinator I – EEO Investigator (Pending Interviews)
- Program Coordinator I – EEO Investigator (Reviewing Applications)
- Program Coordinator I-Fair Housing Intake Officer (Selection Made, Tentative start date 03/03)
- Program Coordinator I- Fair Housing Investigator (Reviewing Applications)
- Program Coordinator I- Technical Services (Seeking Applicants)
- Legal Assistant – (Selection Made, Pending Interviews)

#### **E. Financial Update**

Commissioner Steve Hall, chair of the Finance Standing Committee of the Board, turned the meeting over to Thomas Kaminer to explain the financial report to the Board.

Tom mentioned there wasn't much change in the report from the last meeting. He says that the agency is in pretty good shape for the projections provided for the remainder of FY23 and FY24. The year to date numbers, with being 58% through the year, the agency has only spent 56% of the estimated expenditures.

### **VII. COMMISSION REPORTS**

#### **A. Administration**

- i. Interim Commissioner Caldwell began by discussing a letter he sent to HUD requesting to replace the former Commissioner, in the online system, to Chairman McLawhorn, so that the voucher given to us by them can be pulled down into our system. Unfortunately, with him being the Interim Commissioner, he was unable to use himself. There was \$40k still left to be vouchered for. Once the board chair has been granted access, this issue should be resolved.

The discussion continued regarding another letter that was sent to the EEOC. This letter was sent because in November 2022 the agency was vouchered \$505k for the contracts. A recertification should have taken place at that time. Although the voucher had been signed, the electronic draw down never happened. It was not brought to Interim Commissioner's attention until mid-January. Ultimately, the letter is to try and place someone in the system so the agency can be recertified, and the funds be resent.

Based on the report Tom presented, the agency had 88% of all finances. The outstanding 12% is still pending due to the non-receipt of the HUD and EEOC voucher funds.

- ii. Lastly, as previous discussed, the study as to whether SCHAC and CMA (Commission for Minority Affairs) should merge was completed and delivered to legislation on December 1<sup>st</sup>.

**B. Consultative Services Programs**

**i. Technical Services**

Deputy Commissioner Dan Koon started his report by reminding the board that Consultative Services Division represents the “prevention” side of the agency’s functions. They are responsible for monitoring hiring in state government and conducting employment training for public and private sector employers.

Deputy Commissioner Koon reported that Ravon Hargrove had been named as the new Director over the Division in February 2023. That had opened a vacant Technical Services Consultant position in technical services and the job vacancy would be posted soon.

Deputy Commissioner Koon brought to the attention of the board the annual report that was produced to the General Assembly on February 1<sup>st</sup>. Some of the data in the report includes over 68k employees in South Carolina state government and 94 different agencies. The only agency’s that don’t get reported on have 15 employees or less.

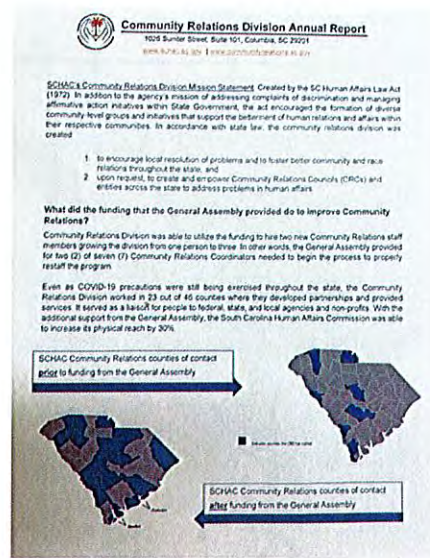
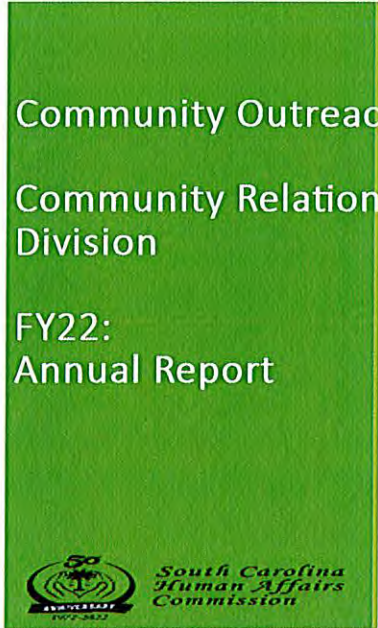
He applauded the great work of the team. They were in the middle of a transition in leadership from the former Director, Stephani Frese resigning just after she had hired two new employees in the Division. Ravon was one of those newly hired. To aid the two new employees in their training and development to learn the CAAMS System, former Director Frese, Shannon Smith, a consultant, and former Director Stephanie Price assisted in making sure the report was completed at the caliber that the agency was used to putting out.

Deputy Commissioner Koon advised that in past years, the agency had a Forum which recognized the top ten agencies that met their affirmative action goals. The Forum usually consists of one to two speakers who come and give a motivational talk. The audience in attendance is usually the EEO Officers from the 94 state agencies as well as their agency heads. This event will take place on April 26, 2023. This Forum has not been held since 2019. He invited the board to come out if their schedule permitted.



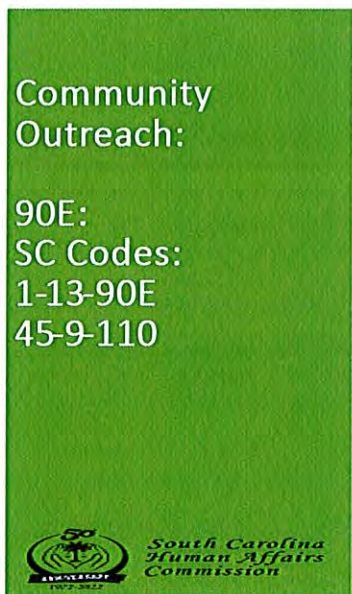
ii. **Community Relations**

Deputy Commissioner Koon highlighted the Community Relations FY22 Annual Report. It gave a brief synopsis of the great work that had been done by the Director, Robert Snipes and the two consultants in that division, Ayana Crawford and Danielle Lindley. The report was developed as a way of letting legislators know what work is being done out in the community. As previously discussed, the community relations division was in the rebuilding mode. It was one of the priorities former Commissioner Davis was actively focused on.



iii. **Public Accommodations/90(e)**

Another task that the team performs, mainly, Director Robert Snipes, is the processing of 90e/Public Accommodations complaints. Although the agency doesn't have the authority to investigate these complaints like EEO and Housing charges are investigated, the agency is to work to resolve the complaints. With the help of legal and the SCHAC mediator, Robert works towards resolutions. The below chart shows the numbers:



Cases Received Since November 2022	Cases Completed Since November 2022
14	13
Current Inventory of 90E Cases	9

iv. **Intake Processing**

Deputy Koon acknowledged the staff and the hard work of the Intake Division. They will be receiving a new employee on March 3<sup>rd</sup>. The activities for the division from November 21 – January 22 are below.



## November-January 2022

<b>Initial Contacts:</b>		
November: 90	December: 102	January: 88
<b>Total Contacts:</b>		
November: 395	December: 406	January: 328
<b>Charges Formalized</b>		
November: 33	December: 32	January: 34



*South Carolina  
Human Affairs  
Commission*



C. **Compliance Programs**

i. **EEO Enforcement**

Director Taryna Whitmire presented to the board on the following information:

- FY23 EEOC Contract runs from October 1, 2022, thru September 30, 2023
- October 2022 thru January 2023 there were 150 cases closed
- 450 cases are needed to meet a 600 case contract by September 30, 2023
- Need an average of 57 cases per month to meet the contract

Director Whitmire mentioned that typically the first quarter is a bit slower and that is due to the holiday season.

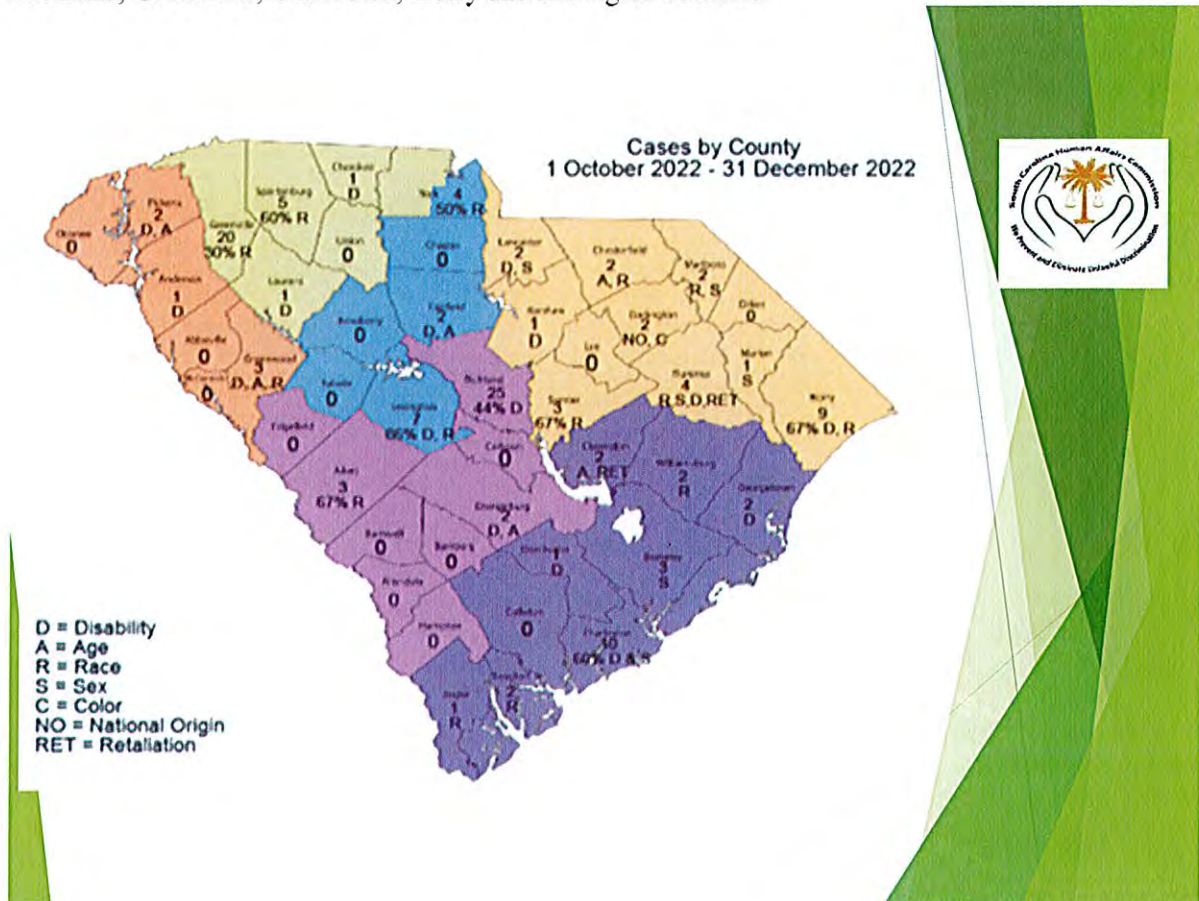
She discussed the staff breakdown for the EEO Division as follows:

- EEO Enforcement Director
- Three (3) EEO Enforcement Supervisors
- Eight (8) Investigators
  - Four (4) experienced Investigators
  - Two (2) Intermediate Investigators
  - Two (2) New Investigators
  - Two (2) Part-Time Temporary Investigators (Both are resigning in March)
- One new investigator is scheduled to begin on February 17, 2023
- The division was in the process of conducting interviews for three (3) vacant investigator positions

Director Whitmire went on to explain that due to the inexperience of some of the investigators and due to an increasing number of cases to close, a stand down process was implemented. A Stand Down is where Investigators brief their supervisors and the EEO Director on their cases. During the process, Investigators go over the particulars of a case, and all members give viewpoints and ask questions. A determination is made as to whether additional information is needed or if there is enough to write up the case. If the decision is made to write up the case, it is written up right then

with input from all members. This typically takes about an hour per case and can typically reduce the review process by 2-3 days.

With closing 125 cases in the 1<sup>st</sup> quarter, the below slide is a breakdown of the county and the type of protected class under which the case was filed. The highest number of cases were filed in Richland, Greenville, Charleston, Horry and Lexington counties.



ii. **HUD Enforcement**

Director Deborah Thomas reported for the Fair Housing Division and began with the breakdown of her staff as follows:

- 1 Administrative Coordinator
- 1 Senior Consultant
- 3 Investigators
  - Two Senior Investigators
  - One Investigator had been with the agency over a year
- 1 Intake Investigator
- 1 Intake Investigator (Just Hired) – very happy to have this person. There was a total of 690 inquires last year so this person will be a huge help

Director Thomas advised on the top counties that the division had received the most complaints from as follows:

- 11 – Richland
- 10 – Greenville
- 7 – Charleston
- 6 – Lexington
- 5 – Horry
- 4 – Orangeburg



There were approximately 12 other counties that came in with one or two complaints and there are about 27 other counties where there had been no activity.

As the slide changed to the Outreach and Training slide, Commissioner Amonitti asked if there was a way the Association of Realtors Group that she is a part of could receive training within her association. With the number of changes being made, her ask was about ongoing training. Commissioner Amonitti specifically asked about the real Estate School for Success listed below.

Director Thomas mentioned that training was conducted by two of team members, Alyssa Barker and Don Frierson. Gregg Hinson attended as well and is learning to train. The team can absolutely conduct the training. With being in the business of Fair Housing, SCHAC Fair Housing Division receive all new Federal regulations and updates. As part of the HUD contract, it is their duty to do training and conduct outreach. They are willing to travel to do such if requested.



The slide features a green and white background with a central title and two columns of text. On the left, there is a circular logo with a hand holding a plant. On the right, there is a circular logo for the Department of Housing and Community Development. The title is 'Fair Housing Outreach/Training Events' in orange and black. Below the title, there are two sections: 'Training' and 'Outreach', each with a list of events.

**Fair Housing Outreach/Training Events**

**Training**

- Real Estate School for Success (Columbia, SC) in January 2023
- Litigation of Fair Housing Cases (NFHTA - Webinar) in January 2023
- Investigation of Housing Discrimination in Real Estate Appraisals

**Outreach**

- Community Black History Event (Columbia, SC) February 2023

**VIII. PUBLIC COMMENT PERIOD**

Vice Chair Sellers acknowledged that the agency did not receive any request for public comments prior to the beginning of the meeting.

**IX. BOARD MEMBER COMMENTS**

Commissioner Winn expressed how the work being done is very impressive and to continue the good work.

Vice Chair Sellers expressed how great a job Interim Commissioner Caldwell has done thus far and to keep up the great work.

The public section of the board meeting was adjourned at 11:14am.

**X. EXECUTIVE SESSION**

Vice Chair Sellers called for a motion to be made to enter Executive Session. Commissioner Hall made a motion to enter Executive Session. Commissioner Winn seconded. Executive Session began at 11:20am.

Vice Chair Sellers called for a motion to exit Executive Session. Commissioner Amonitti made the motion to exit, and Commissioner Winn seconded. After unanimous consent, Executive Session ended at 12:05pm.

Vice Chair Sellers called for a motion to adjourn. Commissioner Winn made the motion to adjourn, and Commissioner Amonitti seconded. After unanimous consent, the meeting was adjourned at 12:07pm.

The next Board meeting is scheduled for May 18, 2023, with a location to be determined.

Respectfully submitted by Janeen D. Sanders, SCHAC Executive Assistant.

Marvin Caldwell, Jr.  
Marvin Caldwell, Jr., Interim Commissioner

Sharon L. Sellers  
Sharon Sellers, Vice Chair

6/29/2023  
Date