

EXECUTIVE ORDER NO. 2019-38

WHEREAS, a Grand Jury convened in Florence County has returned an Indictment charging Edward James McIver, a member of the Board of Trustees of Florence School District No. 1, with one count of Misconduct in Office, in violation of section 8-1-80 of the South Carolina Code of Laws, as amended, and one count of Embezzlement of Public Funds, in violation of section 16-13-210 of the South Carolina Code of Laws, as amended; and

WHEREAS, Edward James McIver, as a member of the Board of Trustees of Florence School District No. 1, is an officer of the State or its political subdivisions; and

WHEREAS, article VI, section 8 of the South Carolina Constitution provides, in relevant part, that upon indictment by a grand jury of any officer of the State or its political subdivisions who has the custody of public or trust funds with embezzlement or the appropriation of public or trust funds to private use, “the Governor shall suspend such officer and appoint one in his stead, until he shall have been acquitted,” and “[i]n case of conviction, the position shall be declared vacant and the vacancy filled as may be provided by law”; and

WHEREAS, article VI, section 8 of the South Carolina Constitution also provides, in relevant part, that “[a]ny officer of the State or its political subdivisions . . . who has been indicted by a grand jury for a crime involving moral turpitude . . . may be suspended by the Governor until he shall have been acquitted”; and

WHEREAS, in addition to the foregoing authorities, section 8-1-110 of the South Carolina Code of Laws, as amended, requires that upon indictment of any officer who has the custody of public or trust funds on charges of embezzlement or the appropriation of public or trust funds to private use, “the Governor shall suspend such officer and appoint one in his stead until he shall have been acquitted by the verdict of a jury” and “[i]n case of conviction the office shall be declared vacant and the vacancy filled as may be provided by law”; and

WHEREAS, the aforementioned Indictment includes one or more counts charging Edward James McIver with “embezzlement or the appropriation of public or trust funds to private use,” “a crime involving moral turpitude,” or both, for purposes of article VI, section 8 of the South Carolina Constitution.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby suspend Edward James McIver from office as a member of the Board of Trustees of Florence School District No. 1 until such time as he shall be formally

the Board of Trustees of Florence School District No. 1 until such time as he shall be formally acquitted or convicted.

This action in no manner addresses the guilt or innocence of Edward James McIver and shall not be construed as an expression of any opinion on such question. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF
SOUTH CAROLINA, THIS 27th DAY
OF NOVEMBER, 2019.**

HENRY MCMASTER
Governor

ATTEST:

MARK HAMMOND
Secretary of State