

Executive Order No. 2018-41

WHEREAS, Nicole H. Holland, a member of the South Carolina Educational Television Commission, has been indicted by a federal Grand Jury convened in the Columbia Division of the United States District Court for the District of South Carolina on two counts of Wire Fraud, in violation of 18 U.S.C. § 1343 and 18 U.S.C. § 2; two counts of Mail Fraud, in violation of 18 U.S.C. § 1341 and 18 U.S.C. § 2; one count of Conspiracy, in violation of 18 U.S.C. § 1349; and one count of Theft of Federal Funds, in violation of 18 U.S.C. § 666(a)(1)(A) and 18 U.S.C. § 2; and

WHEREAS, Nicole H. Holland also has been indicted by the State Grand Jury for Embezzlement of Public Funds, in violation of section 16-13-210(B)(2) of the South Carolina Code of Laws, as amended; and

WHEREAS, Nicole H. Holland, as a member of the South Carolina Educational Television Commission, 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, section 8-1-110 of the South Carolina Code of Laws, as amended, similarly provides 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 Indictments include one or more counts charging the unlawful misuse, embezzlement, or appropriation of public funds to private use; and

WHEREAS, as Governor of the State of South Carolina, I am mindful of the duties and responsibilities vested in me by the Constitution and Laws of this State.

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 order that Nicole H. Holland shall be and hereby is suspended from her office as a member of the South Carolina Educational Television Commission until such time as she shall be formally acquitted or convicted.

This action in no manner addresses the guilt or innocence of Nicole H. Holland 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 21st DAY OF
SEPTEMBER, 2018.**

**HENRY MCMASTER
Governor**

