



SOUTH CAROLINA ASSOCIATION OF COUNTIES

Johnnie Wright Sr., President
Orangeburg County

Timothy C. Winslow
Executive Director

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REGULATION AND CASE LAW UPDATE

To: Chief Administrative Officer; County Attorney
From: SCAC Legal Staff

REGULATIONS

SCDOT's Public Comment Notices for March 2021

The South Carolina Department of Transportation (SCDOT) is providing notification of public comment for specific listed projects. This information will be available for public review and comment on the SCDOT website via the links provided below.

SCDOT Requests Public Comment on:

STIP Amendment to Remove Work Phases on S-1021 Bridge Replacement Over Huntington Creek in Anderson County

English: <http://bit.ly/s1021hc> **Spanish:** <http://bit.ly/s1021hcsp>

STIP Amendment for Emergency Bridge Replacement on US 321 Over Crane Creek to Include the Construction Phase

English: <http://bit.ly/us321cc> **Spanish:** <http://bit.ly/us321ccsp>

STIP Amendment to Include Construction Phase on US 17 Back River Bridge Replacement in Jasper County

English: <http://bit.ly/us17bri> **Spanish:** <http://bit.ly/us17brisps>

STIP Amendment to Include Emergency Bridge Replacement on SC-4 (Wagener Road) Over the South Edisto River

English: <http://bit.ly/sc4wrer> **Spanish:** <http://bit.ly/sc4wrersp>

STIP Amendment to Include Bridge Repair on I-95 Northbound Over the Great Pee Dee River

English: <http://bit.ly/i95nbpd> **Spanish:** <http://bit.ly/i95nbpdsp>

The South Carolina Department of Transportation is providing this information for review and comment. The press releases announce that public comment is being sought with a description of the recommended project. Due to the size, we are asking that you refer to above links for the press releases, along with the associated information.

This information is available for public review and comment through **April 13, 2021** on the above links.

COURT UPDATE

SOUTH CAROLINA SUPREME COURT

Areas of Law: suspension from office, discretionary authority, crime of moral turpitude.

Mohsen A Baddourah v. McMaster, Appellate Case No. 2017-002576, March 10, 2021

In this case, the Court was asked to consider the authority of the Governor to suspend a municipal council member from office upon indictment of the crime of second-degree domestic violence. Pursuant to Article VI, Section 8 of the state constitution, the Governor may remove an official upon indictment for a crime of moral turpitude until such time as the charge is resolved. Section 8 provides an exception for members of the “Legislative and Judicial Branches.” Mr. Baddourah was a member of Columbia City Council but was suspended from that office in March 2017. Mr. Baddourah sought a determination that as a member of a city council, he was excepted from the Governor’s suspension power as a member of a legislative body. Additionally, Mr. Baddourah argued that second-degree domestic violence was not a crime of moral turpitude. The circuit court dismissed the complaint based on lack of subject matter jurisdiction, and that the complaint failed to state a cause of action.

The Supreme Court held the circuit court erred in dismissing the case based on subject matter jurisdiction saying the lower courts do have jurisdiction to hear challenges to a Governor’s suspension order because interpretation of the Constitution and its application to the Governor’s authority is required. However, the Court agreed with the circuit court that Mr. Baddourah failed to state a cause of action. The Constitution’s exception for members of the legislative body only

applies to members of the General Assembly and does not apply to the legislative bodies of local governments.

The Court also provided new guidance on the definition of crimes of moral turpitude by applying the traditional legal definition as “an act of baseness, vileness, or depravity in the private and social duties which a man owes to his fellow man, or to society in general.” The Court placed emphasis on the fact that these crimes are such that they harm other people, rather than only the person committing it. Second-degree domestic violence requires physical harm or injury to another person and the Court noted that it is unfortunately prevalent in the state. Crimes the Court viewed as not being one of moral turpitude were those such as public intoxication and disorderly conduct.