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January 10, 2019

Arrigo Carotti, Esquire  
Attorney for Horry County  
Post Office Box 1236  
Conway, SC 29528

**Re: Horry County Magistrates**

Dear Sir:

I have been retained by each of the Horry County Magistrates to represent their interests in the County's failure to provide raises for the fiscal year, July 1, 2016-June 30, 2017.

It appears from research and Council vote, ALL Horry County employees were given raises averaging three percent (3%) during that budget year. The Magistrates failed to receive this raise in spite of Council not excluding these positions from the allocated raises. Thus, the Magistrates should have received a raise at that time as well.

Insomuch as the County did not exclude the Magistrates from the raise, South Carolina Code §22-3-40 (H) and (I) provide that the Magistrates are entitled to be treated as other County employees and/or paying a merit raise in addition to the base salary. In this case, we have presented the Magistrates would be entitled to a minimum of a three percent (3%) raise for the related fiscal year.

While each person involved is prepared to litigate this position, a settlement is preferred. I must point out that South Carolina Code §41-10-40 provides provisions for failure to properly pay - the penalties include treble damages in addition to attorney fees. Furthermore, the County could be assessed penalties from the South Carolina Labor Department for these actions.

My clients have agreed to allow me to make a settlement offer to the County with terms that are as follows:

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Attorney for Horry County  
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- 1) A retroactive three percent (3%) raise be given to each of the Horry County employees concerned;
- 2) A lump sum check for the missed wages be issued to the Horry County employees concerned (minus appropriate retirement and taxes);
- 3) The Horry County employees concerned in this matter will waive attorney fees as well as their right to treble damages as long as this matter is concluded within thirty (30) days from the date of this letter.

While my clients are not vindictive against the County and would prefer a resolution that is quick and settles the matter, they have each expressed their willingness to cooperate with the State Labor Board and avail themselves to all appropriate action necessary to effect a fair result.

However, in the event the Horry County Government chooses to refuse this offer of settlement, the offer will be withdrawn completely and the Magistrates will be requesting a hearing individually under South Carolina Code §22-8-50(A) for redress of their grievances.

Should you have any questions, please feel free to contact me at my office via telephone or email. Thank you.

Sincerely,

**THE VON HERRMANN LAW FIRM**



William B. von Herrmann

WBvH/wss

cc: Mr. Christopher Eldridge, Horry Co. Administrator  
Chairman Johnny Gardner, Horry County Council  
Horry County Council members