

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	
COUNTY OF LEXINGTON)	C.A. No.:
)	
Doris Simmons, Mike Luongo and)	
Barrett Black,)	
)	
Plaintiffs,)	
)	
vs.)	SUMMONS
)	(Jury Trial)
The Town of Swansea, Viola McDaniel,)	(Declaratory Judgment)
Margaret Harvey and John E. Brown,)	(Injunctive Relief)
)	
Defendant.)	
_____)	

TO THE DEFENDANTS ABOVE-NAMED:

YOU ARE HEREBY SUMMONED AND REQUIRED to answer the Complaint in this matter, a copy of which is herewith served up on you, and to serve a copy of your ANSWER to said Complaint upon the subscriber at his office, 1700 Sunset Boulevard, P.O. Box 5709, West Columbia, South Carolina, 29171, within THIRTY (30) days from the service thereof, exclusive of the day of such service, and if you fail to answer the COMPLAINT within the time aforesaid, judgement by default will be rendered against you for the relief demanded in the Complaint.

MOORE BRADLEY MYERS LAW FIRM, P.A.

BY: s/ S. Jahue Moore
S. Jahue Moore (SC Bar #4063)
1700 Sunset Boulevard
P.O. Box 5709
West Columbia, South Carolina 29171
Phone: (803) 796-9160

ATTORNEY FOR THE PLAINTIFFS

West Columbia, South Carolina
August 17, 2022

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	
COUNTY OF LEXINGTON)	C.A. No.:
)	
Doris Simmons, Mike Luongo and Barrett Black,)	
)	
)	
Plaintiffs,)	
)	
vs.)	COMPLAINT
)	
The Town of Swansea, Viola McDaniel, Margaret Harvey and John E. Brown,)	
)	
)	
Defendant.)	
_____)	

The Plaintiff above-named complaining of the Defendants herein alleges that:

1. Plaintiffs are residents and citizens of Lexington County, South Carolina.
2. Doris Simmons and Mike Luongo are members of the Swansea Town Council.
3. The Town of Swansea, South Carolina is a political subdivision of the State of South Carolina located in the County of Lexington, South Carolina.
4. Viola McDaniel is the Mayor of Swansea and Margaret Harvey is the Town Treasurer.
5. John E. Brown is a certified public accountant and practices in West Columbia, South Carolina.
6. John E. Brown has been the Auditor for the Town of Swansea for approximately four years.
7. In or about June of 2021, CPA John E. Brown as the Auditor for Swansea delivered an independent auditors report. In that report it was stated over Three Million (\$3,000,000.00) dollars of assets are not properly accounted for and appear to be missing.

8. In addition to the foregoing the Auditor found the bookkeeping of the Town of Swansea is not in accord with generally accepted accounting principles.

9. On or about August 10, 2022 the Town of Swansea was sent a certified letter, a copy of which is attached. Both of the Town Council Members demanded that the Audited Financial Statements be placed on the next Council Agenda and demanded that the Auditor come and answer questions in regard to the missing Three Million (\$3,000,000.00) dollars.

10. Barrett Black is a lifelong resident of the Town of Swansea. The Town of Swansea is presently considering a rise in water rates and a rise in the tax billing. Mr. Black has a vested financial interest in this matter in that if the Three Million (\$3,000,000.00) dollars were allocated a tax increase and a water increase should not be required.

11. A Town meeting was set for August 16, 2022. At that meeting, it was learned the Auditor refuses to answer questions as to the audit report and will only answer written questions which are provided to him in advance and to which he can answer in writing.

12. The two Plaintiffs who are Council Members have never had an opportunity to have their questions answered in regard to the Three Million (\$3,000,000.00) dollars.

13. The public has a right to know what happened to the missing Three Million (\$3,000,000.00) dollars. The Mayor shut the meeting down of August 16, 2022 before the issue of the audit was even discussed and she indicates she does not want to go back and review the issues related to the Three Million (\$3,000,000.00) dollars. The Mayor indicates we need to move forward and not backwards. The Plaintiffs believe a backwards look is necessary in order to find out what happened to the Three Million (\$3,000,000.00) dollars of the Town's assets and to hopefully alleviate the need for an increase in water rates and an increase in taxes.

14. This is an action for declaratory judgment and injunctive relief.

15. This Court should inquire into the matter set forth herein and should require the Town Auditor to appear and answer questions in public as to the missing Three Million (\$3,000,000.00) dollars and as to why the missing funds were not discovered by him for the previous three years.

16. The Court should inquire into the matter set forth herein and as best as possible make a determination as to what person or persons are responsible for the missing Three Million (\$3,000,000.00) dollars.

17. Upon information and belief, Margaret Harvey as the Town Treasurer is the person not following generally accepted accounting principles and she should be ordered from this point forward to immediately begin either following generally accepted accounting principles or no longer hold the position as Town Treasurer.

18. The Mayor should be directed to immediately resume regular Council meetings and to place the issue of the missing Three Million (\$3,000,000.00) dollars on an agenda for open discussion along with the Accountant.

19. Upon information and belief, the Auditor should be required to appear in a public session to answer questions from the Council and the Mayor in regard to the whereabouts of the Three Million (\$3,000,000.00) dollars.

20. Attached hereto, is a copy of the letter of August 10, 2022 and a copy of the Independent Auditor's Report. As to the Independent Auditor's Report attention is called to the next to the last paragraph of page one of the letter from the Auditor indicating that all funds are understated by at least Three Million Three Hundred Nine Thousand (\$3,309,000.00) dollars.

21. Three Million Three Hundred Nine Thousand (\$3,309,000.00) dollars is a huge sum of money to a small Town such as Swansea, South Carolina. As the Mayor will not investigate

the whereabouts of the missing Three Million (\$3,000,000.00) dollars, this Court should inquire into the matters set forth herein and should conduct a hearing as to the whereabouts of the missing Three Million (\$3,000,000.00) dollars.

22. This Court should require the Accountant and the Town Treasurer to account for the missing Three Million (\$3,000,000.00) dollars and to provide information as best as possible as to where the missing Three Million (\$3,000,000.00) dollars went and who was responsible for its disappearance.

23. The Court should issue its injunctive relief requiring adequate hearings and public disclosures as to the missing funds. The Court should also enjoin improper accounting practices from this point forward.

WHEREFORE, Plaintiffs pray for declaratory judgment declaring the rights of the parties one to another; declaring the existence of the Three Million (\$3,000,000.00) dollars; conducting a hearing in order to secure factual information as to person or persons responsible for the missing Three Million (\$3,000,000.00) dollars; for an appropriate injunction requiring the Town of Swansea to comply with generally accepted accounting practices; to require the Defendant John E. Brown to appear in a Council meeting or before this Court to answer questions as to the missing Three Million (\$3,000,000.00) dollars; and for such other and further relief as this Court might deem just and proper.

(Signature to follow on page 6)

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