

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Minyon Gadsden,

PLAINTIFF,

vs.

Michael Miller in his official capacity as the
Charleston County Register of Deeds,

DEFENDANT.

TO THE ABOVE NAMED DEFENDANT:

IN THE COURT OF COMMON PLEAS

CASE NO: 2021-CP-10-

SUMMONS

(Non-Jury)
(Whistleblower Action)

YOU ARE HEREBY SUMMONED and required to answer the Complaint herein, a copy of which is herewith served upon you, or to otherwise appear and defend, and to serve a copy of your Answer to said Complaint upon the Plaintiff's attorneys at their office, 4000 Faber Place, Suite 450, N. Charleston, South Carolina, 29405, or to otherwise appear and defend the action pursuant to applicable court rules, within thirty (30) days after service hereof, exclusive of the day of such service; and if you fail to answer the Complaint within the time aforesaid, judgment by default will be rendered against you for the relief demanded in the Complaint.

FINKEL LAW FIRM LLC

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COMPLAINT

**(Non-Jury)
(Whistleblower Action)**

Plaintiff Minyon Gadsden complaining of Michael Miller in his official capacity as the Charleston County Register of Deeds (“Defendant”), alleges as follows:

PARTIES AND JURISDICTION

1. Plaintiff is a citizen and resident of Charleston County, South Carolina.
2. Defendant is the duly elected Register of Deeds for Charleston County as of January 4, 2019, whose elective office was established under the laws of the State of South Carolina and whose budget is provided by the County of Charleston. The Charleston County Register of Deeds’ principal place of business is located at 101 Meeting Street, Charleston, South Carolina, 29401.
3. Jurisdiction and venue are proper in this Court.
4. Plaintiff brings this action pursuant to the South Carolina Whistleblower Act, §§ 8-27-10, *et seq.* (“the Act”).

FACTUAL ALLEGATIONS

5. Plaintiff became employed by the Charleston County Register of Deeds Office (“Charleston ROD”) on June 24, 2005.
6. During her 17-year tenure at the Charleston ROD, Plaintiff was charged with multiple functions critical to the ROD’s indexing and recording mandates and worked in every department of the Charleston ROD; specifically, Plaintiff performed and became well versed in the following departments:
 - a. **Copydesk:** where Plaintiff made copies of microfiche film, plats, deeds, conditions,

covenants and restrictions; maintained a small cash drawer; maneuvered GIS mapping, the Charleston County Auditor site, the Charleston ROD's in house system On-Base, and Charleston County's website system Manatron;

- b. **Recording:** where Plaintiff was a recorder for mortgage satisfactions and handled thousands of dollars' worth in checks;
 - c. **Indexing:** where Plaintiff scanned all mortgages, plats, uniform commercial code ("UCC") statements, federal and state tax liens, state lien satisfactions, federal lien partial releases, federal lien satisfactions, and child support statements, and thereafter indexed and verified said documents;
 - d. **Reception:** where Plaintiff answered phones and batched documents;
 - e. **Customer Service:** where Plaintiff assisted customers of the Charleston ROD in researching and reviewing pre-1800 deeds and McCrady plats;
 - f. **Satisfactions:** where Plaintiff counted and bundled all satisfactions, assignments, and releases, and thereafter indexed and verified said documents;
 - g. **Imaging:** where Plaintiff batched and scanned all documents received by the Charleston ROD, verified said documents and second-checked all images; committed documents for public view; and cropped and cleaned documents for size and legibility; and,
 - h. **Mail-back Room:** where Plaintiff mailed every single type of original document received by the Charleston ROD to attorneys, businesses, and private individuals for a volume of up to two thousand documents per day; updated the Charleston ROD live database and checked the online recording system for said documents.
7. Plaintiff was also tasked with training other Charleston ROD employees to copy, scan, index, record, verify, mail-back, and crop and clean images of documents received by the Charleston ROD.
8. Plaintiff received regular promotions and raises over the course of her employment with the Charleston ROD, and never received a negative finding in any of her annual evaluations. In fact, Defendant

awarded Plaintiff the highest available scores in all categories of Plaintiff's annual 2019/2020 evaluation and gave Plaintiff two raises during Defendant's time in office.

9. Defendant took office as the duly elected Register on January 4, 2019.

10. Upon information and belief, Defendant first learned of the existence of the Charleston ROD office in September 2017 while searching for records of his family's property.

11. Defendant did not have any prior experience with the functions of the Charleston ROD, nor any experience in title abstracting or other real property related recording.

12. At the time of his election and through present, Defendant has worked as a barber.

13. Defendant retained most of his predecessor Charlie Lybrand's staff, including Plaintiff. Mr. Lybrand served as the Register for approximately twenty-five years.

14. Over the course of his term as the elected Register, Defendant allowed significant delays of well over one month in the filing of documents with the Charleston ROD despite receiving recommendations from multiple senior employees who had served for his predecessor, including Plaintiff, on how to address and overcome these delays.

15. The resulting backlog in recording of documents under Defendant's administration of the Charleston ROD has caused, upon information and belief, upwards of one million dollars in recording fees to remain undeposited by the Charleston ROD and, in turn, undisbursed to the various other public and state agencies which are legally entitled to receive a proportion of the income generated by these recording fees.

16. Defendant regularly stated in the presence of Charleston ROD employees that as "an elected official, [he] could do whatever [he] wanted to do."

17. Defendant refused to assist with any of the responsibilities of the Charleston ROD, and shirked support requests from overworked employees in understaffed departments.

18. Defendant would at times continue to work in his barber shop, rather than coming to the Charleston ROD to assist, supervise, or manage employees. When questioned by employees about this practice, Defendant would say that unlike his employees, as an elected official he didn't have to show up to work.

19. Defendant also used Charleston ROD employees and resources in furtherance of his work as a barber; specifically, Defendant used Charleston ROD employees to prepare training materials for barbers and printed those materials using Charleston ROD office equipment.

20. Defendant created an atmosphere in the Charleston ROD where employees feared retaliatory conduct if they were to express concerns, complaints, or any other type of grievance to Defendant.

21. In the face of a burgeoning backlog, Defendant's continued mismanagement of the Charleston ROD and refusal to implement recommendations for improvement in recording times caused the most senior and experienced employees of the Charleston ROD to voluntarily leave their employment.

22. After Defendant's mismanagement of the office caused the departure of senior employees in supervisory positions, Defendant hired two supervisors to oversee office operations.

23. Upon information and belief, neither of the supervisors hired by Defendant had any prior experience with the functions of the Charleston ROD, nor any experience in title abstracting or other real property related recording.

24. Defendant also regularly employed friends and acquaintances, including the owner of the building in which Defendant operates his barber shop, as employees of the Charleston ROD who, upon information and belief, lacked any experience or knowledge in the functions of this office.

25. On or about October 6, 2021, Defendant held a meeting with all Charleston ROD employees at which he announced a new policy prohibiting paid sick leave during the months of November 2021 and December 2021, unless Charleston ROD employees provided Defendant with a doctor's note setting forth the date of the appointment, reason seen, and any medication prescribed.

26. At this same meeting and with the other Charleston ROD employees as witnesses, Plaintiff told Defendant that such a policy would be in derogation of federal law and would likely result in employees learning confidential medical information about their co-workers. Plaintiff advised Defendant he could not create such a policy, to which Defendant responded he could "do anything [he] wanted as an elected official."

27. Another employee asked Defendant during this meeting to reduce this leave policy to writing, to which Defendant initially agreed, only to renege a few moments later after one of his supervisors said the policy would not be in writing.

28. Prior to the October 6, 2021 meeting, Plaintiff at regular staff meetings reported to Defendant her concerns and objections to Defendant's management of the ROD which caused delays of well over one month in the filing documents under the date and in the order of time at which they are delivered to the Charleston ROD since late 2019.

29. Plaintiff reported to Defendant that his chronic and willful failure and/or neglect to timely record real estate documents under the date and in the order of time at which they are delivered to the Charleston ROD needed to be corrected immediately, and provided suggestions on how to overcome the backlog of documents.

30. Plaintiff also reported to Defendant that his management of the Charleston ROD and lack of supervision/control has caused real estate documents to be rejected in error.

31. Defendant ignored all of Plaintiff's reports, expressions of concern, objections, and suggestions.

32. Plaintiff asks this Court to take judicial notice of the pending action for Writ of Mandamus against Defendant, civil action number 2021-CP-10-05353.

33. Plaintiff was terminated by Defendant on November 29, 2021; the same day, upon information and belief, that Defendant first learned of the Writ of Mandamus action against him.

34. Plaintiff received a written termination notice that did not specify a reason for the termination. Plaintiff immediately went to see Defendant in his office to ask what the grounds for the termination were, to which Defendant responded, "I do not have a reason. Your service is just no longer needed."

35. Four days after the termination, Plaintiff obtained a copy of a "Personnel Action Notification Form" from the HR Manager for Defendant's office, which states that Plaintiff was terminated for misconduct and not eligible for rehire.

36. At the time Plaintiff was terminated by Defendant, she was the only remaining employee within

the Charleston ROD with the ability to train employees in every department of the office except for IT.

37. At the time Plaintiff was terminated by Defendant, the Charleston ROD Office was approximately 293 batches behind in recording and indexing, with each batch containing about 15-30 documents.

38. At the time Plaintiff was terminated by Defendant, the individual whom Plaintiff was tasked to train and teach “everything” that Plaintiff knew took over Plaintiff’s responsibilities. Plaintiff’s trainee had worked for the Charleston ROD roughly one month prior to Plaintiff’s termination by Defendant.

39. Plaintiff received health insurance through her employment with the Charleston ROD, and had planned to undergo a necessary surgical procedure before the end of 2021.

40. Plaintiff’s health benefits expired the day after her wrongful termination by Defendant on November 30, 2021.

41. Plaintiff is now unable to have this medical procedure performed and all her options for health insurance are significantly more expensive than the premium she paid through coverage as an employee of the Charleston ROD.

42. But for Defendant’s wrongful retaliatory termination of Plaintiff, Plaintiff would have been eligible for retirement in three years.

VIOLATION OF SOUTH CAROLINA WHISTLEBLOWER PROTECTION ACT
(S.C. Code § 8-27-10, *et seq.*)

43. Plaintiff realleges the foregoing allegations as if set forth herein verbatim.

44. Plaintiff was an employee of Defendant at the Charleston ROD under the Act.

45. The Charleston ROD is a public body pursuant to the Act, in which Defendant serves as its elected Register.

46. Defendant has exclusive oversight of the operations and functions of the Charleston ROD, including hiring and termination of employees.

47. Plaintiff reported wrongdoing by Defendant in his management of the Charleston ROD to Defendant within one hundred eighty days of the wrongdoing.

48. Defendant’s mismanagement of the Charleston ROD constitutes substantial abuse, misuse,

destruction, or loss of substantial public funds or public resources under the Act.

49. Defendant's policy prohibiting Charleston ROD employees from taking paid sick leave during the months of November 2021 and December 2021 unless they provided Defendant with a doctor's note setting forth the date of the appointment, reason seen, and any medication prescribed, and refusal to reduce said policy to writing, constitutes wrongdoing under the Act.

50. Plaintiff suffered retaliation by Defendant for timely reporting wrongdoing by Defendant in his management of the Charleston ROD in the form of termination on November 29, 2021.

51. Plaintiff was guaranteed the opportunity to maintain employment without retaliation for making a report of wrongdoing against Defendant under the Act.

52. Plaintiff has exhausted all available grievance or other administrative remedies; to wit, Defendant does not possess any grievance or other administrative process to formally challenge a termination from the Charleston ROD.

53. Defendant's termination, as set forth herein, constituted retaliation against Plaintiff due to her reports of Defendant's wrongdoings.

54. The Act requires Defendant to make a summary of the Act available on the Charleston ROD's internet website or, if no such website is maintained, to annually provide a written summary of the Act to the Charleston ROD's employees and to maintain copies of the summary at all times. The summary of the Act must include an explanation of the process required to report wrongdoing, an explanation of what constitutes wrongdoing, and a description of the protections available to an employee who reports wrongdoing.

55. Defendant has further violated the Act by failing to make a summary of the Act available on the Charleston ROD's internet website and/or failing to annually provide a written summary of the Act to Charleston ROD employees and maintaining copies of the summary at all times.

56. Due to the acts of Defendant, Plaintiff is entitled to all available relief under the Act, to include reinstatement to her former position at her prior salary, lost wages, actual damages, attorneys' fees and

costs.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff petitions the Court for the following relief pursuant to the Act:

- A. Reinstatement to her former position with the Charleston ROD at her prior salary;
- B. Lost wages;
- C. Actual damages;
- D. Attorneys' fees and costs;
- E. Injunctive relief requiring Defendant to make available summaries of the Act to Charleston ROD employees pursuant to S.C. Code § 8-27-60; and
- F. Such other and further relief as the Court deems just and proper.

Respectfully submitted,

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North Charleston, South Carolina