

Exhibit K

Email exchange between Defendants Rawlinson, Thomas, Malphrus, and Blackwood outlining the Plan for the February 18, 2021 DDSN Commission meeting.

McLeod, Kimberly

From: David Thomas <senatorthomas@yahoo.com>
Sent: Thursday, April 8, 2021 12:40 PM
To: McLeod, Kimberly
Subject: Fw: I made some edits, added some detail and tried to divide up the work a little.
Attachments: exec session plan 20210218.docx

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----- Forwarded Message -----

From: David Thomas <senatorthomas@yahoo.com>
To: Kimberly McLeod <kimberly.mcleod@ddsn.sc.gov>
Sent: Thursday, April 8, 2021, 12:36:06 PM EDT
Subject: Fw: I made some edits, added some detail and tried to divide up the work a little.

----- Forwarded Message -----

From: Stephaniemrawlinson@gmail.com <stephaniemrawlinson@gmail.com>
To: David Thomas <senatorthomas@yahoo.com>; Barry Malphrus <bdmcommissioner@outlook.com>; Robin Blackwood <ddsncommissioner@gmail.com>
Sent: Tuesday, February 16, 2021, 11:40:52 PM EST
Subject: I made some edits, added some detail and tried to divide up the work a little.

Stephanie M. Rawlinson, MHA
843-229-1551

Plan for 2/18/21 Exec Session

- 1- Discuss Contractual Matter regarding a provider
- 2- Commissioner Barry Malphrus ask that only the commission members stay in this portion of the executive session
- 3- Commissioner David Thomas request that Chairman Gary Lemel tell us what he knows & when he knew about the sexual harassment & sexual discrimination investigations in the executive suite?
 - a. Wait for him to respond.
 - b. Commissioner Barry Malphrus ask- why did you not bring this information to the commission before now?
 - c. Commissioner David Thomas ask – “What else do you know and have chosen not to share with this commission? You are 1 of 7 individual members of this commission. Our votes and opinions are all equal. Just because you are the chair does not give you the right to make unilateral decisions for this commission with out consulting each of us. “
- 4- Commissioner Stephanie Rawlinson will ask for the HR director to come in
 - a. Remind HR director that anything discussed in executive session is confidential & privileged.
 - b. Commissioner Rawlinson will ask for the facts surrounding the cases.
 - i. Ask for timelines
 - ii. Ask for names of staff involved
 - iii. Ask what other pending hr investigations are ongoing in the executive suite?
 - iv. Ask what other personnel investigations have been conducted in the last two years on individuals in the exec suite?
 - v. Ask what action was taken regarding the findings?
- 5- Commissioner Robin Blackwell will ask for legal council to come in to the meeting.
 - a. Remind Legal council that anything discussed in executive session is confidential & privileged.
 - i. Commissioner Blackwell will then ask for her version of the facts surrounding the current HR cases.

- ii. Ask if there are any legal cases with regards to personnel in the executive suite currently pending?
 - iii. Is there anything that you are aware of that is going on in the executive suite that this commission needs to be aware of that might be unethical, immoral or cross the boundaries into illegal?
- 6- Commissioner Malphrus will then ask that HR director & legal council to both step out but stay immediately available should the commission have further questions.
- 7- Commissioners Malphrus & Thomas will if necessary, call in any employees mentioned above if they think we need to ask them a question.
- 8- Commission discussion on this HR matter
 - a. Commissioner Thomas "The question is if this has been kept from the commission, what else has been kept from the commission, by whom and for how long?"
 - b. Commissioner Malphrus "Why were these things not disclosed to the commission?"
 - c. Commissioner Rawlinson "It disturbs me greatly that every month this commission seems to be faced with something that's a serious problem. However, we, as a commission, have not been read into anything in advance and people wait until the problem implodes then we are expected to fix something we didn't approve to start with. When's it going to end? I talk to other state commissioners from other agencies and they don't have these problems. We can not continue to function like this."
- 9- Report by Internal Auditor & Response by Executive Director
 - a. Commissioner Blackwell lead off by saying, "Commissioners, I hope you all had the time to read and digest the report from our internal Auditor and the response from the Executive Director which I forwarded to you. You might tell how you received the report from Kevin and why you think we need to discuss it.
 - b. Commissioner David Thomas will then step up and say:
 - i. "These reports are obviously very concerning.
 - ii. This report, evidence and research gives this commission reason for great concern and this combined with a laundry is of other issues has

created a lack of confidence and trust between this commission and those in our executive suite.

- iii. Actually, it's just troubling beyond reality that our Executive director has such a serious lack of leadership ability that she has not been able to handle this type behavior or follow the explicit request for complete transparency we requested from her in the fall.
- iv. Her performance, response to these allegations and her demeanor towards staff, providers and even members of this board is completely unsatisfactory to myself and the majority of commissioners on this commission.
- v. The Executive director has lashed out and taken revenge on so many individuals & agencies across this state that it's almost impossible to keep count. This is not the reputation we want and it is certainly not professional or acceptable.
- vi. As Commissioner Rawlinson pointed out earlier, "We as a commission can not continue to operate in this manner nor can we allow our agency to be operated in this manner. We will not cower to a bully and that is exactly what we have.
- vii. It is for these reasons, and many others that I have not been individually listed, but can be, that I feel you, Mr Chairman should, as a curtesy, go down to her office and ask for her resignation, effective immediately. I would ask that our legal council escort you to her to her office and stay there while she removes her personal belongings and IT should be instructed to immediately stop her access to our systems.
- viii. Should the executive director choose not to resign, or you refuse to ask her, this commission will ask to rise out of executive session and the motion I will make will be for her immediate removal.

10- Multiple scenarios-

- a. If he refuses to go ask for her resignation,
 - i. Commissioner David Thomas makes the motion to move us out of executive session.
 - ii. We rise out of session & move to # 14
- b. If chair refuses to let us rise out of executive session

- i. Commissioner Thomas says "The chair is failing to follow the will of the commission & then ask the chair to step aside for failing to follow the will of the commission. "
 - c. Commissioner Thomas then ask the vice chair to rise to the seat of chairman and bring us out of executive session.
 - i. Barry Malphrus will assume chairmanship
 - ii. **If this happens Robin will make the rest of Barry's motions so he can run the meeting.
 - d. If the Executive Director request to address the commission
 - i. we will listen
 - ii. say nothing except "thank you".
 - iii. Commissioner David Thomas will ask the chairman to have her to step out while we discuss.
 - iv. Once she leaves, commissioner Thomas ask the chairman again to ask for her resignation because we do not believe her or trust her abilities to effectively run this agency.

11- Once we rise out of Exec Session- 2 scenarios

- a. If the ED resigns, we move out of executive session
 - i. Commissioner Thomas Motion- "I would like to move that the SCDDSN commission accept the resignation of Mary Poole as our executive director effective immediately."
 - ii. Commissioner Malphrus motion- second
 - iii. Vote taken

Or

- b. If the executive director refuses to resign, we move out of Executive Session.
 - i. Commissioner Thomas Motion- "I would like to move that Mary Poole be removed by the SCDDSN commission as the SCDDSN Executive Director effective immediately and the vote be by individual vote."
 - ii. Commissioner Malphrus Motion- second
 - iii. Vote taken

12- Commissioner Rawlinson motion- "I move that the SCDDSN deputy director serve as temporary ED of this agency until a special called commission meeting

which will be held on March 2nd at 10am at our headquarters in the commission conference room at which time a permanent interim executive director will be officially named.”

- a. Commissioner Blackwood Motion- second.
- b. Vote taken

13- Commissioner Blackwood Motion- “Mr. Chairman, I hereby move that a press release which will be written by Commissioner Thomas, myself and our PR director be released regarding this matter with in the next two hours and that will be this commissions final statement regarding this matter.”

- a. Commissioner Rawlinson Motion- second
- b. Vote taken

14- Commissioner Malphrus Motion- “Mr. Chairman, having no further business before this commission, I here by move that the SCDDSN commission stand adjourned until the special called meeting on March 2nd at 10am for the purpose of naming a permanent interim director for this agency.”

- a. Commissioner Thomas Motion- Second
- b. Vote taken