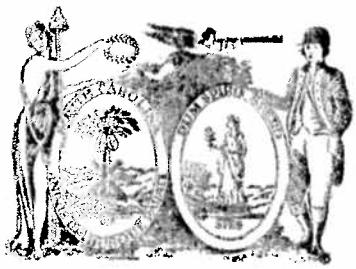
State of South Carolina
Executive Department

FILED
JUN 2 2010
Mark Hammond
SECRETARY OF STATE 8



Office of the Governor

EXECUTIVE ORDER NO. **2010-11**

WHEREAS, on May 25, 2010, the Grand Jurors of Anderson County, South Carolina, issued indictments for six charges of failure to collect or pay taxes withheld from employees in violation of S.C. Code Ann. § 12-54-44(B)(2) against Cathy M. Phillips, the Clerk of Court of Anderson County;

WHEREAS, South Carolina law recognizes that employee withholding taxes do not belong to the employer and that "failure to remit such taxes is akin to larceny which has been declared to involve moral turpitude," *Lyons v. Butler*, 288 S.C. 498, 502 (Ct.App. 1986);

WHEREAS, Cathy M. Phillips is an officer of a political subdivision of the State and Article VI, Section 8, of the South Carolina Constitution provides that "[a]ny officer of the State or its political subdivisions...who has been indicted by a grand jury for a crime involving moral turpitude...may be suspended by the Governor until he shall have been acquitted;" and

WHEREAS, certified true copies of the indictments against Cathy M. Phillips have been provided to me.

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and Statutes of the State of South Carolina, I hereby suspend Cathy M. Phillips from the office of Clerk of Court of Anderson County until such time as she shall be formally acquitted or convicted.

This action in no manner addresses the question of the guilt or innocence of Cathy M. Phillips and should not be construed as an expression of any opinion one way or another on such question.

This Order shall take effect immediately.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 2nd DAY OF JUNE 2010.

MARK SANFORD
Governor

ATTEST:

MARK HAMMOND
SECRETARY OF STATE