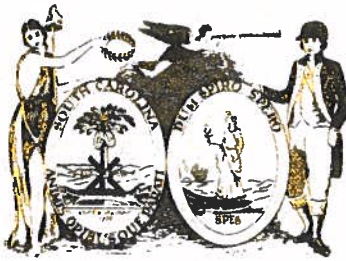


State of South Carolina

Executive Department



FILED

SEP 23 2021

Mark Hammond
SECRETARY OF STATE

Office of the Governor

EXECUTIVE ORDER NO.

2021-35

WHEREAS, on September 16, 2021, a Grand Jury convened in Dorchester County returned two Indictments charging Barbara Crosby, a member of the Board of Trustees of Dorchester County School District No. 2, with Unlawful Neglect of Child or Helpless Person, in violation of section 63-5-70 of the South Carolina Code of Laws, as amended; and

WHEREAS, article VI, section 8 of the South Carolina Constitution provides, in relevant part, 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 “[i]n case of conviction the office shall be declared vacant and the vacancy filled as may be provided by law”; and

WHEREAS, Barbara Crosby, as a member of the Board of Trustees of Dorchester County School District No. 2, is an officer of the State or its political subdivisions; and

WHEREAS, under South Carolina law, moral turpitude “implies something immoral in itself, regardless of whether it is punishable by law as a crime,” involves “an act of baseness, vileness, or depravity in the private and social duties which a man owes to his fellow man, or to society in general, contrary to the accepted and customary rule of right and duty between man and man,” or otherwise includes conduct “contrary to justice, honesty[,] and good morals,” *State v. Horton*, 271 S.C. 413, 414–15, 248 S.E.2d 263, 263–64 (1978); *see also Baddourah v. McMaster*, 433 S.C. 89, 112, 856 S.E.2d 561, 573 (2021) (“Under South Carolina’s moral turpitude framework, we focus ‘primarily on the duty to society and fellow man [that] is breached by the commission of the crime.’”); and

WHEREAS, section 63-5-70 of the South Carolina Code of Laws, titled “[u]nlawful conduct toward a child,” provides, in pertinent part, that “[i]t is unlawful for a person who has charge or custody of a child . . . or who is responsible for the welfare of a child . . . to: (1) place the child at unreasonable risk of harm affecting the child’s life, physical or mental health, or safety; (2) do or cause to be done unlawfully or maliciously any bodily harm to the child so that the life or health of the child is endangered or likely to be endangered; or (3) wilfully abandon the child,” and further provides that one who violates the foregoing “is guilty of a felony and . . . must be fined in the discretion of the court or imprisoned not more than ten years, or both”; and

WHEREAS, upon consideration of the circumstances presented, to include the statutory definition of the offense, the classification of the crime as a felony, and the particularized facts alleged in the Indictments, the undersigned has determined that the aforementioned Indictments charge Barbara Crosby with “a crime involving moral turpitude” for purposes of article VI, section 8 of the South Carolina Constitution, *see Baddourah*, 433 S.C. at 108, 113–14, 856 S.E.2d at 571, 574; *see also State v. Jenkins*, 278 S.C. 219, 222, 294 S.E.2d 44, 45–46 (1982) (noting that predecessor statute, which was previously categorized as a misdemeanor, was “enacted to provide protection for those persons whose tender years or helplessness renders them incapable of self-protection” and that “the legislature intended that one who simply, without knowledge or intent that his act is criminal, fails to provide proper care and attention for a child or helpless person of whom he has legal custody, so that the life, health, and comfort of that child or helpless person is endangered or is likely to be endangered, violates [the statute]”); *Op. Att’y Gen.*, 1991 WL 474760, at *2 (S.C.A.G. Apr. 30, 1991) (“Based upon a review of the facts set forth in the indictment, it is the opinion of this office that the offense [of Mistreatment of a Child] charged in the indictment constitutes one of moral turpitude.”); and

WHEREAS, for the foregoing reasons, and in accordance with article VI, section 8 of the South Carolina Constitution, the undersigned is authorized to suspend Barbara Crosby from office as a member of the Board of Trustees of Dorchester County School District No. 2 until such time as she shall be acquitted or convicted or until a successor is appointed or elected and qualifies as provided by law, whichever event occurs first.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby suspend Barbara Crosby from office as a member of the Board of Trustees of Dorchester County School District No. 2 until such time as she shall be formally acquitted or convicted or until a successor is appointed or elected and qualifies as provided by law, whichever event occurs first. This action in no manner addresses the guilt or innocence of Barbara Crosby and shall not be construed as an expression of any opinion on such question. This Order is effective immediately.



**GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF
SOUTH CAROLINA, THIS 23rd DAY
OF SEPTEMBER, 2021.**


HENRY MCMASTER
Governor

ATTEST:



MARK HAMMOND
Secretary of State