

EXECUTIVE ORDER NO.

2021-06

WHEREAS, on November 27, 2019, the undersigned issued Executive Order No. 2019-38, suspending Edward James McIver as a member of the Board of Trustees of Florence School District No. 1, pursuant to article VI, section 8 of the South Carolina Constitution and section 8-1-110 of the South Carolina Code of Laws, as amended, following a Grand Jury convened in Florence County returning an Indictment charging him with one count of Misconduct in Office, in violation of section 8-1-80 of the South Carolina Code of Laws, as amended, and one count of Embezzlement of Public Funds, in violation of section 16-13-210 of the South Carolina Code of Laws, as amended; and

WHEREAS, in accordance with article VI, section 8 of the South Carolina Constitution and section 8-1-110 of the South Carolina Code of Laws, the undersigned's suspension of Edward James McIver was effective immediately and "until such time as he shall be formally acquitted or convicted"; and

WHEREAS, the Solicitor recently notified the undersigned that the above-referenced charges against Edward James McIver have been dismissed and that the aforementioned Indictment has been disposed of by entry of a *nolle prosequi*; and

WHEREAS, under South Carolina law, "a *nolle prosequi* upon charges extinguishes the State's prosecution upon those charges" and "treats charges *nol prossed* as if they never existed," *Mackey v. State*, 357 S.C. 666, 669, 595 S.E.2d 241, 243 (2004); and

WHEREAS, for the foregoing reasons, and in accordance with the cited authorities and other applicable law, the undersigned is required to rescind the suspension of Edward James McIver as a member of the Board of Trustees of Florence School District No. 1.

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 rescind Executive Order No. 2019-38 and reinstate Edward James

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January 19, 2021

McIver as a member of the Board of Trustees of Florence School District No. 1. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF
SOUTH CAROLINA, THIS 19th DAY OF
JANUARY, 2021.**

HENRY MCMASTER
Governor

ATTEST:

MARK HAMMOND
Secretary of State