

EXECUTIVE ORDER NO.

2023-32

WHEREAS, on November 3, 2022, the undersigned issued Executive Order No. 2022-34, suspending Oscar Jay Foxworth from office as a member of Marion County Council pursuant to article VI, section 8 of the South Carolina Constitution after a Grand Jury convened in Marion County returned an Indictment charging him with one count of Receiving Goods or Services Fraudulently Obtained, in violation of section 16-14-80 of the South Carolina Code of Laws, as amended, and one count of Criminal Conspiracy (to commit Breach of Trust with Fraudulent Intent), in violation of section 16-17-410 of the South Carolina Code of Laws, as amended; and

WHEREAS, in accordance with article VI, section 8 of the South Carolina Constitution, the undersigned's suspension of Oscar Jay Foxworth was effective immediately and "until such time as he shall be formally acquitted or convicted or until a successor is elected and qualifies as provided by law, whichever event occurs first"; and

WHEREAS, the Office of the Solicitor for the Twelfth Judicial Circuit recently notified the undersigned that the above-referenced Indictment has been dismissed and that the Solicitor has effected a noncriminal disposition of the aforementioned charges, S.C. Code Ann. § 17-22-150; *see Mackey v. State*, 357 S.C. 666, 669, 595 S.E.2d 241, 243 (2004); *State v. Joseph*, 328 S.C. 352, 358, 359, 491 S.E.2d 275, 278 (Ct. App. 1997); *Op. Att'y Gen.*, 2016 WL 2607249, at *2 (S.C.A.G. Mar. 15, 2016); and

WHEREAS, for the foregoing reasons, and in accordance with the cited authorities and other applicable law, the undersigned is required to rescind the previous suspension of Oscar Jay Foxworth from office as a member of Marion County Council.

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 the suspension set forth in Executive Order No. 2022-34 and

Executive Order No. 2023-32

Page 2

September 22, 2023

reinstate Oscar Jay Foxworth as a member of Marion County Council. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF
SOUTH CAROLINA, THIS 22nd DAY
OF SEPTEMBER, 2023.**

HENRY MCMASTER
Governor

ATTEST:

MARK HAMMOND
Secretary of State