

'I'm going to request, because I am the local resident Commissioner, I'm going to request that we postpone the hiring of a wildlife officer in Cherokee County til I can get there.' I said, 'That's fine.' I called the Chairman of the Commission, related to him, and he said, 'That he would recommend postponing the hiring of a wildlife officer for Cherokee County until Chuck Compton gets there and until we get this cleared up.' I assumed that would take place. I was called and notified by Dr. Timmerman that he said the Commission went ahead and hired. I talked to Mr. Ed as he just related and he said that they went ahead and hired. Went on his recommendation, staff's recommendation, and went ahead and hired a man from Cherokee County. Well, that just doesn't sound ... that appears to me, while I'm sure you can explain that to me, it appears to me that something is wrong in the process here. What was wrong, Mr. Stokes, with postponing the hiring of a wildlife officer in Cherokee County until we can get the local resident Commissioner there?

G.B.

Stokes:

We were going on staff recommendations. Staff recommends that hiring four people and as far as I was concerned that was good enough for me, let's go on and hire him.

Larry Owen:

In addition to that, too, staff had indicated to us, or in fact stated to us that this would place a thirty day delay in the decision, and place an undue hardship on the fellow that had been recommended by them to the Commission, if he had to string along, I believe he is employed by the Highway Patrol, is that correct?

G.B.

Stokes:

We've got a staff to make these selections, as far as I'm, I've got complete confidence in their selection. I do not, and have not since I've been on this meeting, tried to influence them in any way and (inaudible) tried to influence them to hire any individual. And quite honestly, I don't think anyone else should either. I think this should be left entirely up to them. You want to write them a letter, nothing about writing a letter, character reference, but other than that, I don't ...



Senator
Peeler:

Well, staff told me that he was going to recommend postponing. Now, did you recommend, Dr. Timmerman, or not?

Dr. Timmerman;
~~Chairman~~

I recommended all four applicants that had come to me, I did make, when we met in Executive Session, that I told the Commission that you had, we had discussed this over the telephone, and that you would like very much for them to postpone their recommendation, I mean, postpone action on this, until the next meeting, until you had an opportunity to appear before them. Matter of fact, Mr., Preacher Harrelson here may like to reveal to you as to what he did to follow through on a motion.

J.P.
Harrelson:

First off, at our meeting here today, started off, we talked about allegations and allegations, of which I'd, that's the first I'd heard about allegations, and I was getting a little concerned that these allegations were against the applicants or against whom and what they were. But I've now concluded the allegation references from this conversation had been some allegations concerning Senator Peeler and the applicant that he recommended having stated that, 'no need for anybody else to apply 'cause it was already wrapped up.' Then I hear about these letter of recommendations. I still thought that you required some reference letters. I thought, I know they used to. So people have come to me and I've written letters and I'll state this, too, and before I get into the next (inaudible) meeting, that people come to me wanting a job at the Wildlife Department and I have to keep telling them that there are no vacancies in our area and I don't anticipate when vacancies are going to be, but that when the applications are being made, tell them that there is nothing I can do about it. The law says, the statute says, that the Commission shall control and supervise the warden force. But that we have a hiring process in which they make application, have a written test, they've got to qualify in the first five of the written test, and they are tested as to their agility, and then they have an interview process by which they determine who the person be best suited based on their opinion of the interview after his psycholigical capability and suitability for the job, and so forth, and so on. But then one name is submitted to us

and we either have to vote it up or vote it down. Usually, as far as I know, we have no record, no indication as to how any of those people are placed, but that the recommendation made to us and we vote it up or down. And that then they'll ask me well, do you think I need, if they insist, I'll write them a letter, if five of them come in, I might write five letters as to their character, if I can contents to write a letter as to five of their characters, I can't write a letter to their character, then I don't write it. But, then they say, about getting talking to the Senator or Representative, would that help? I say, 'I don't know that it will help. I don't think it will do any harm.' But, I'm a little bit concerned now as to whether it does do some harm, whether I may have been advising some of them to do the wrong thing when I tell them it wouldn't hurt. I mean it wouldn't hurt, but that don't know that it would help. The, as far as what went on at this last meeting, I stated I didn't know anything about any controversy until they came to the meeting. I had no background on it, but that I always felt that due courtesy and consideration should be given to the resident Commissioner even though I often felt that it wasn't a return engagement for me, return the favor, because I've often voted in the minority. Sometimes, I've voted in the minority in the Senate and sometimes in the minority in the House, but most of the time, they always said that when I stood up to speak or when I made a motion over there, that I had done my homework. And I am fortunate that I am not in the minority to (inaudible). Anyhow, I said that as a courtesy as to the resident Commissioner, who had made the request, and as a courtesy to Senator Peeler, because I feel that the people who are directly elected by the people should be given courtesy hearings, consideration, but not necessarily that we have to do what they ask us to do. And, therefore, I was going to make the motion to resolve the matter. I'm usually the one who makes these motions about the list of recommendations or the appointments. I made a motion that we approve all of the recommendations with the except of Roman 3-2, which is Cherokee

County. My motion died for the want of a second. Then, because I'm the usual one to make the motion, I made the motion to accept the recommendation even though I did not vote for my own motion because I still felt as a courtesy to carry it over. That motion was carried, I think, without any dissenting votes. I didn't vote. I felt obligated to make the motion, but I did not vote for it. But it wouldn't have made any difference whether I'd voted for or against. (inaudible). But I did not know anything about the background of this particular case and it does concern me if some members of the Panel stated that they had heard the so-called allegations, at the time they were being stated I didn't know what they were talking about, I thought maybe fellow was guilty of rape or murder or something like that possibility of (inaudible), then I understand the allegations were that the job had been cinched. Now, you know, it's kind of like a judge telling a jury sometimes, 'disregard that, erase that from memory.' But, I've never seen a rubber eraser that could erase thought from a brain (inaudible). What does concern me, if there was some such allegation that could possibly have affected consideration of any applicant, I think that those allegations should have been thoroughly investigated to see whether or not they had substance and whether or not the allegations originated, either with Senator Peeler for his protection, or they originated with the applicant as to, if they had originated with the applicant, then I would consider that some grounds to possibly be hurtful to him because if he puts out that statement himself, then I think that would strengthen his ability to perform. But it concerned me that these allegations came aware to some people and some of the people who were on the interview panel and they had not been, I don't know yet whether they were investigated or not, thoroughly investigated to see where they originally and if it's up to me, I'll have to take their word for it, I guess, if it's up to me to see how we can try to keep that process as open as possible, that could not influence someone's thinking, say here's someone trying to shortcircuit the process. And I would certainly like to say that in the future

that the situation arises, any allegations that reach anybody on the interview panel that could influence their thinking in any way, be thoroughly investigated and then documented, if there was any substance to it so that there would be no possibility of (inaudible). Another thing is, we as Commissioners get that report about Monday or Tuesday of the week that we are going and always I do ask this question before I make a motion, if there is any Commissioner that has any question about, if there's any question about it or anything, because I still like to extend that courtesy. But this doesn't mean I may vote with you, but I extend the courtesy to him. I personally feel that as a Commissioner of this Commission should ask, make that request, and in my opinion these other gentlemen have a right to their opinions, I don't disagree with them on that, except I just have a different feeling about it, that as a courtesy to me, as I practiced it in the Senate, Senatorial courtesy, I also try to practice it, Commission courtesy, but that's no reflection on the other members of this Commission.

Chuck Compton:

Mr. Chairman, in the interest of time and making sure that everything is looked into thoroughly today, could we ask questions of the Panel at this time?

Chairman Webster:

Sure.

Chuck Compton:

I just want to know for sure now, on the testing portion of this test, it's my understanding that Mr. Harris came in third on the testing. Is that correct or did he come in first? The written test.

Dr. Timmerman:
~~Chairman:~~

That was a total score, not the written score.

Linda Campbell:
(female)

On the written score, we had some people who failed the agility (inaudible) but the three on the total score, Roger was third.

Chuck Compton:
J.P.
Harrelson:

All right. So he was third.

Did you get an answer to the written?

Chuck Compton:
Linda Campbell:
(female)

He was third on the written.

Yes.

Chuck Compton:

He was not first on the written. When you all interview these people, do you feel evidently that you weren't prejudiced, the two of you that knew of these allegations?

Linda Campbell:
(female)

I wasn't influenced at all.

Bill Chastain:

May I say just one word?

Chuck Compton:

Yea, I wish you would because Harvey, Senator, excuse me, you know, I'm concerned about your integrity that you say has been called into question. I also know these people's interview process. I think their integrity is being called into play today. I think that they should be given an opportunity to state what their feelings are. Like, for instance, I would like to know, ~~Brenda~~ or Bill, did any of these candidates ever contact you all concerning whether or not these allegations were made or not? You know, I want you all to have an opportunity, too, because I want Senator Peeler, when he leaves here today, this Commission leaves, that the right decision was made because we really go to pains to stay out of the selection process and to the disagreement to some other fellow Commissioners at this table, it's been my feeling that we all should stay out of the promotion process, too. So, with that, Bill:

[End of Side 1 of Tape 3]

Senator
Peeler;

...Had told me that the Commission had gone ahead and hired the man. Dr. Timmerman assured me, and also other Commissioners assured me, that the Commission, that they think that always they hired the man that Dr. Timmerman recommended, or staff recommended. To me, that told me that if staff recommended postponing a hiring, that the Commission would do that, too. And that either staff didn't recommend postponing and told me something different, or the Commission didn't give the local Commissioner benefit of the doubt, or let him be involved in the process, then that made me suspect to the whole process. I'll tell you that right now. That it made me suspect that you rushed this thing through. And for what? What benefit was it to rush it through? That bothered me and that's why we had a meeting the following Monday with Dr. Timmerman and some of his staff to go through the process again. And, at that time I was told, it was customary, I don't think you have to do it now, but it is still custom to notify the delegation of who the Commission has hired. And I asked that at least please let me have a special meeting and that's what we are having today to try to clear this up and at least try to clear my name in these allegations. And then I was told that Commissioner Thomason called down to make sure that those letters went out Monday. Why? Why, Commissioner Thomason? What is so pressing?

James O.
Thomason:

Wasn't anybody of this Commission or any member of the staff that's done anything except what's done by rules and regulations according to the rules we've had. Nobody's tried to do anything to you, Senator. All we've done is follow staff recommendation, hire a man like we've done ever since I've been on this Commission, (inaudible) variance, no variance today. They recommended four men to us at the meeting. We hired four men. The last time we had, I think it was five, we hired five men. We've done the same thing every time. I agree with Chuck, there should be no influence, no politics, in the selection of these men, ought to hire the most qualified man for the county. And I think that's what we've done

according to everything that I can see. I don't see any reason to hold anything up. We've gone along with the process we always follow.

Senator
Peeler:

But you can't answer me why, why you wouldn't postpone it?

James O.
Thomason:

I don't see any reason to postpone it. We've met all the requirements of the hiring process, (inaudible) ...

G. B. Stokes:

This Commission voted to hire those people and Dr. Timmerman by right shouldn't have sent those letters out on Monday as it normally, normal procedure. That was what the Commission instructed him to do. Now, I don't know if the Chairman, the Vice Chairman, or who stopped him from doing that, but someone stopped him from mailing those letters. Those letters should have been mailed by election of this Commission. We have a vote, and the vote passed, and they should have been mailed.

Senator
Peeler:

Put yourself in my seat during this process, from the initial meeting til now. Would you not question, or, at least wonder why, and ask the question, 'why?' If there's been allegations made that were untrue to begin with.

G. B. Stokes:

I wasn't aware of the allegations.

Larry Owen:

Nor was I. Senator, just to get a word or two off my chest. I talked with James O. Thomason, I believe, on Wednesday prior to leaving Wednesday for my Advisory Board meeting. He and I discussed the fact that this was going to be voted on on Friday and he said that Mr. Compton had called him and given him his proxy to vote in favor of hiring the gentlemen. I went to my Advisory Board meeting. I assume that Ed, he may have tried to get in touch with me at home or at my office, was unsuccessful in doing that. I got to the Commission meeting and in defense of Dr. Timmerman and Chairman Webster , both of you did recommend to the Commission that the action be deferred. We acted upon the law enforcement staff's recommendation that these gentlemen be hired, not having anything to the contrary to prevent us from doing that, other than

just their request that Commissioner Compton had called that morning and requested that as a courtesy to you that the action be deferred. That's when I asked, Bill Chastain and those told us that the 30-day delay would be to the detriment of the person that had been selected. We chose to go ahead and vote on it, three of them. And that's where we are.

Chairman Webster:

Excuse me, just a minute. It seems to me there are really two issues here. One, I beg your pardon.

G. B. Stokes:

Excuse me.

Chairman Webster:

One is the question of these allegations which I wasn't aware of the specifics. And if you have stated what they are, then you have certainly cleared the air and no one is questioning your integrity. I mean, some friends of yours may have said that because a Senator who is powerful in this community has recommended a man, that he is going to be elected. And that's what Ed Bennett said. A party. And that could very well be the case, but of you personally saying anything, I certainly accept what you say as being the facts and I believe you.

Senator
Peeler:

Mr. Chairman, if I could share with you a letter that stemmed from the last meeting with Dr. Timmerman that he indicated that he had a letter from Commissioner Thomason and if you would allow me, do you have copies...

Chairman Webster:

Can I go right ahead a minute? Before we get to that. I'm trying to state, maybe its more my opinion than it is the Commission's at the moment. But there certainly is no shadow in my mind, and I hope no one else here, about anything that you did to have this man hired.

Senator
Peeler:

I think this letter, Mr. Chairman, will indicate differently. I'd like to share this letter with the Commission. If you would, let me just read it to you. It's addressed to Dr. James A. Timmerman from James O. Thomason. One thing that I, another question that I wanted to have, the dates of the three testing, when were those dates, when were the written tests given for the Cherokee County applicants?

Dr. Timmerman:

Linda Campbell:
(female)

Senator

Peeler:

Al Courie

Senator

Peeler:

R.M.G. Ford:

Senator

Peeler:

Somewhere in ...

The last two weeks in July and the first week in August, approximately.

How about the agility test?

September 16th. I remember that.

And the interviews?

I believe it was September 21st. I remember that one well. (inaudible)

Ok. I think each of you have a copy of this letter. If you would, let me read it. 'In response to your request, I submit the following in regard to the hiring of a new conservation officer in Cherokee County.' Dr. Timmerman, what request... Let me read the whole thing and I have several questions. 'At our Commission meeting on August 21, 1987, I discussed with you, Bill Chastain, and all Commissioners present the subject of the hiring of the individual for the new position in Cherokee County and stated that it was commonly being said in our area that Senator Peeler had already determined that Mr. Roger Harris would fill this position and that it would be useless for anyone else to apply.' Now this August 21st Commission meeting, I don't know who was there and who wasn't there, it says, 'all Commissioners present' but Bill Chastain, I'd like to point out to you, he is a part of the interview panel. 'I was concerned because this varied greatly from our hiring procedures and I was not sure that this was legal and that even if it was legal it would set a bad precedent. I also felt that we had spent a great deal of time and effort improving our image in Cherokee County and that this would certainly put the Department in a bad light.' I don't know what image problem we have in Cherokee County. I wish the Commission would also share that with me. 'All Commissioners, all Commissioners, expressed concern and were assured that we were following our normal procedure and that the most qualified man would get the job. It is my recollection that you were instructed at this time to be sure that the hiring of this position was done in accordance with our rules, procedures, and in accordance with the law.'

On September 18, prior to our regular Commission meeting, I met with Linda Campbell, Bobby Gifford, and Larry Cartee and was told that the testing was done and that by some error an applicant had not received his notice. Linda Campbell, another member of the interview panel. 'Linda had contacted all applicants who did not appear for testing to determine if they were properly notified. She was told by Dana Allen and Jimmy Cash of Cherokee County that they did not come to Columbia to take their test because they were informed by Senator Peeler that this position was already taken and that it would be a fruitless task. I was asked to contact these two gentlemen when I returned to Spartanburg County and assure them that our testing procedures were in accordance with the law. On my return to Spartanburg that afternoon, I contacted Mr. Allen and Mr. Cash and advised them that our Department had adhered to strict hiring procedures and that the entire hiring process was conducted in conjunction with State Personnel. I assured them that if they scored highest on the testing and passed the background investigation, that they would be hired for the job. Both men were somewhat hesitant, but agreed to go to Columbia to take the test. I understand that subsequently both men did go to Columbia and were given the proper testing. At this point in time, I do not know who has been selected for the job in Cherokee County but understand that we will be informed at our regular scheduled meeting in October. With kind personal regards, James O. Thomason.' This letter was dated October 9 and it makes reference to a Commission meeting on August 21st where you discussed this with 'Bill Chastain and all Commissioners present. All Commissioners expressed concern...' He mentioned it again, 'Commission meeting September 18.' My question is, why was this letter written on October 9? The final testing, the final interview was September 21. It doesn't look right. I'm not making allegations to anybody. But put yourself in this seat here and you see this letter from a Commissioner to, at the request of a Department Head, and it makes a very, very serious allegations. To me. Forget this hiring process. That it says, 'Senator

