



# South Carolina Criminal Justice Academy

SOUTH CAROLINA  
LAW ENFORCEMENT TRAINING COUNCIL  
MEETING MINUTES  
Monday, March 22, 2021  
10:00 a.m.

A meeting of the South Carolina Law Enforcement Training Council (LETC) was held at the South Carolina Criminal Justice Academy on Monday, March 22, 2021. This meeting was advertised in accordance to the South Carolina Freedom of Information Act.

## **CALL TO ORDER**

### ***Agenda Item 1***

Chief Mark Keel, Chair of the Law Enforcement Training Council, called the meeting to order at 10:03 a.m. Chief Keel called for a roll call of the Council members. The roll was called by Scheri Francois.

Chief Keel, State Law Enforcement Division (SLED) and Director Robert Woods, S.C. Department of Public Safety, attended this meeting in person.

Members present via video/conference call were Attorney General Alan Wilson, S.C. Attorney General's Office; Director Bryan Stirling, S.C. Department of Corrections; Director Jerry Adger, S.C. Department of Probation, Parole and Pardon Services; Director Robert Boyles, S.C. Department of Natural Resources; Sheriff Lee Foster (Co-Chair), Newberry County Sheriff's Office; Sheriff Barry Faile, Lancaster County Sheriff's Office; Chief John Thomas, North Augusta Department of Public Safety; Chief Tony Taylor, Williamston Police Department; Captain Nick Gallam, Aiken County Detention Center.

Guest attendees were Chief Deputy Attorney General Jeff Young, Deputy Attorney General Barry Bernstein and Deputy Attorney General Stephanie Goddard, S.C. Attorney General's Office; Jarrod Bruder, S.C. Sheriff's Association; Mark Gosnell, S.C. Troopers Association; Marcus Gore, Esquire, S.C. Department of Public Safety; John O'Leary, Esquire; A. Todd Darwin, Esquire; Ryan Hicks, Esquire; Paul Porter, Esquire; Eric Chwick; Matthew and Anna Taylor.

***A full list of guest attendees may be obtained upon request.***

SC Criminal Justice Academy attendees were Director Jackie Swindler; Scheri Francois, Executive Assistant; James Fennell, General Counsel; Justin Miller, IT Manager; Christopher Brumlow, Investigator; and Tim Plunkett.



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## **APPROVAL OF AGENDA**

### ***Agenda Item 2***

Upon a motion made by Director Woods and seconded by Attorney General Wilson Council voted unanimously to adopt the agenda as presented.

## **APPROVAL FOR MEETING MINUTES**

### ***Agenda Item 3***

A motion to approve the minutes of the February 22, 2021, meeting was made by Attorney General Wilson and seconded by Director Boyles. Council voted unanimously to accept the meeting minutes as recorded.

## **DIRECTOR'S REPORT**

### ***Agenda Item 4***

#### **A. General Counsel Report**

- Misconduct Cases

#### **Shane Fleming: 2020-CJA-02-10 (S.C. Department of Public Safety)**

**Summary:** Allegation of willfully making false, misleading, incomplete, deceitful, or incorrect statement(s) to a law enforcement officer, a law enforcement agency, or representative, except when required by departmental policy or by the laws of this State. **Request for Final Agency Decision.**

Hearing Officer recommended that Council:

- A) Issue its final agency decision, pursuant to S.C. Code Ann. Regs. 37-107 D., finding that the allegations of misconduct reported against Shane Fleming by the South Carolina Department of Public Safety have been proven by substantial evidence; and
- B) Determine a fitting and appropriate sanction regarding Shane Fleming's continuing eligibility for certification as a law enforcement officer in the State of South Carolina, pursuant to the authority set forth at S.C. Code Ann. Regs. 37-108 A.

Attorney John O'Leary was in attendance to represent Mr. Fleming and to answer any questions from Council, if applicable.

Marcus Gore, General Counsel for the S.C. Department of Public Safety, was in attendance to represent the agency and to answer any questions from Council, if applicable.



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Upon conclusion of attorney statements and questions from Council answered by the attorneys, Director Boyles made a motion to permanently deny Mr. Fleming's eligibility for law enforcement certification. Sheriff Faile seconded the motion. Council voted unanimously to permanently deny Mr. Fleming's eligibility for law enforcement certification. ***Please note that Chief Keel and Director Woods recused themselves from the voting process in this case.***

### **Del Ray Fellows: 2020-CJA-04-11 (S.C. Criminal Justice Academy)**

**Summary:** Eligibility Hearing based on prior disqualifying convictions. **Request for Final Agency Decision.**

Hearing Officer Recommendation:

It is recommended that the prior determination of the South Carolina Law Enforcement Training Council be upheld and that the Training Council permanently deny Del Ray Fellows eligibility for certification as a South Carolina Law Enforcement Officer.

Attorney John O'Leary was in attendance to represent Mr. Fellows and to answer any questions from Council, if applicable.

Timothy Plunkett was in attendance to represent the S.C. Criminal Justice Academy and to answer any questions from Council, if applicable.

Upon conclusion of attorney statements and questions from Council answered by the attorneys and James Fennell regarding Mr. Fellows' criminal convictions, Director Boyles made a motion to permanently deny Mr. Fellows' eligibility for law enforcement certification. Director Woods seconded the motion. Council voted unanimously to permanently deny Mr. Fellows' eligibility for law enforcement certification. ***Please note that Director Adger abstained from the voting process in this case.***

### **D'Andre Marlin: 2020-CJA-02-01 (S.C. Attorney General's Office)**

**Summary:** Allegation of willfully providing false, misleading, incomplete, deceitful, or incorrect information on a document, record, report or form, except when required by departmental policy or by the laws of this State. **Request for Final Agency Decision.**

Hearing Officer recommended that Council:

A) Issue its final agency decision, pursuant to S.C. Code Ann. Regs. 37-107 D., finding that the allegations of misconduct reported against D'Andre Marlin by the South Carolina Attorney General's Office have been proven by substantial evidence; and



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B) Suspend D'Andre Marlin's certification as a law enforcement officer in the State of South Carolina for one year for each hour of leave he falsely reported, pursuant to the authority of Council set forth at S.C. Code Ann. Regs. 37-025 A.

C) According to State's Exhibit 1, Mr. Marlin provided false, misleading, incomplete, deceitful, or incorrect information for 7.5 hours of leave. (State Ex. 1, pp. 12-13). Consequently, I recommend his law enforcement certification be suspended for seven years and six months.

Chief Deputy Attorney General Jeff Young and Deputy Attorney General Stephanie Goddard were in attendance to represent the S.C. Attorney General's Office and to answer any questions from Council, if applicable.

Upon the conclusion of a statement made by Deputy Attorney General Goddard, Director Boyles made a motion to adopt the recommendation made by the Hearing Officer to suspend Mr. Martin's law enforcement certification for 7 years and 6 months. Sheriff Foster seconded the motion.

Prior to the voting process Council had a brief discussion on Mr. Marlin's case. Upon conclusion of discussion, Council voted unanimously to **not** accept the recommendation of the Hearing Officer.

After the first motion failed, Director Boyles made a new motion to permanently deny Mr. Marlin's eligibility for law enforcement certification. Director Woods seconded the motion. Council voted unanimously to adopt the new motion to permanently deny Mr. Marlin's eligibility for law enforcement certification. ***Please note that Attorney General Wilson and Director Stirling recused themselves from the voting process in this case.***

### **Samuel Helmuth: 2021-CJA-02-15 (Anderson County Sheriff's Office)**

**Summary:** Allegation of misrepresentation of employment related information. **Acceptance Request.**

On February 26, 2021, the Anderson County Sheriff's Office submitted a PCS Due to Misconduct (Separation) form regarding Samuel Helmuth alleging [m]isrepresentation of employment related information. The narrative of the allegation states: "[v]iolation of Anderson County Sheriff's Office General Order 107 – Code of Conduct – Individual was untruthful and lied to his supervisors in regards to his availability to work". The date of separation reflected on the Separation is December 29, 2020. The Anderson County Sheriff's Office advised the delay in submission was caused due to COVID-19 and Personnel staffing issues.

Director Adger made a motion to accept the late PCS of Separation Due to Misconduct. Sheriff Faile seconded the motion. Council voted unanimously to accept the late PCS of Separation Due to Misconduct.



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### **Matthew Taylor: 2020-CJA-07-06 (S.C. Department of Public Safety)**

**Summary:** Allegations of dangerous and/or unsafe practices involving firearms, weapons, and/or vehicle which indicated either a willful or wanton disregard for the safety of persons.

### **Motion to Amend a Final Agency Decision.**

On August 17, 2020, LETC issued a Final Agency Decision, based upon Taylor's Consent Order, that Matthew Taylor shall be placed on two years' suspension, from the date of this Order, be eligible to work as a telecommunications operator, attend anger management counseling and treatment, attend substance abuse counseling and treatment, attend 15 hours of firearms training (7.5 hours each year) and at the end of the two years' suspension he will submit a letter from his employing agency that he has not had any instances of misconduct as defined by S.C. Code of Laws Section 23-23-150(A)(3). If the conditions of this Order and Consent Order are not met, Mr. Taylor's law enforcement certification will be permanently denied and/or revoked.

Attorney John O'Leary was in attendance to represent Mr. Taylor and answer any questions from Council and to answer any questions from Council, if applicable.

Mr. Taylor and his wife, Anna, were in attendance at this meeting to speak on Mr. Taylor's behalf and to answer any questions from Council, if applicable.

Marcus Gore was in attendance to represent the agency and to answer any questions from Council, if applicable.

Council heard statements from and had questions answered by both attorneys, Matthew and Anna Taylor, and James Fennell.

Upon hearing statements and having questions answered, Sheriff Foster made a motion to terminate the suspension of Mr. Taylor's law enforcement certification provided that all written documents are submitted to either the agency and/or the Academy as proof that he has satisfied the necessary training and classes, as required by the Consent Order. Director Adger seconded the motion. Council voted unanimously to adopt the motion made by Sheriff Foster. ***Please note that Director Woods recused himself from the voting process in this case.***

### **Erik Chwick: 2020-CJA-11-04 (Spartanburg County Sheriff's Office)**

**Summary:** Allegation of willfully making false, misleading, incomplete, deceitful, or incorrect statement(s) to a law enforcement officer, a law enforcement agency, or representative, except when required by departmental policy of the laws of this State. **Consent Order Request.**

Mr. Chwick has proposed a Consent Order consenting that his law enforcement certification be placed in a probationary status for a period of one (1) year; during the probationary period, he shall not commit any action which results in a finding of misconduct as defined in S.C. Code Ann. 23-23-150 and/or S.C. Code of Regs. 37-025; at the conclusion of the probationary period, Mr.



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Chwick will provide the South Carolina Criminal Justice Academy with a letter from the agency head of his current employer, stating whether he has committed any instances of misconduct as defined by S.C. Code Ann. 23-23-150; during the probationary period, he will attend 7.5 hours of ethics training approved and designated by the South Carolina Criminal Justice Academy.

Attorneys Ryan Hicks and Paul Porter were in attendance to represent Mr. Chwick and to answer any questions from Council, if applicable.

Mr. Chwick was in attendance to speak on his own behalf and to answer any questions from Council, if applicable.

Attorney Todd Darwin was in attendance to represent the Spartanburg County Sheriff's Office and to answer any questions from Council, if applicable.

After hearing statements from and having questions answered by both attorneys, Sheriff Faile made a motion to reject the Consent Order Proposal as written. Director Woods seconded the motion. Council voted unanimously to reject the Consent Order Proposal.

## **B. Director's Comments**

### Director Swindler

Director Swindler gave updates on class and graduation numbers since the last meeting. He also gave information on student COVID test results since the last meeting.

## **CLOSING REMARKS/AJOURNMENT**

### *Agenda Item 5*

Chief Keel asked if there were any comments or any other matters that needed to be addressed before adjournment.

Sheriff Faile, Committee Chair for subcommittee on Class 3 Officers, gave an update on the two meetings that had taken place since the last Training Council meeting.

Captain Gallam asked a question in regard to detention officers, which James Fennell stated he would research and contact Captain Gallam with the information.

When there were no more remarks, Attorney General Wilson made a motion to adjourn the meeting.

The meeting was adjourned at 11:10 a.m.





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Respectfully submitted by:

Scheri E. Francois

Scheri E. Francois  
Executive Assistant

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