

Board of Commissioners Individual Response Regarding the OIG SC CMA Draft Report

Per Commissioner Tia Brewer-Footman

As a former TV news anchor, business-woman and entrepreneurial advocate I have mixed emotions after reviewing the entire report, hearing from some of my fellow commissioners and CMA staff.

I personally know that once I was appointed to serve in the role of commissioner and Governor's designee, I quite honestly didn't know what that meant or that an agency such as this even existed. Then to be asked to serve as chair of a board that I'm still learning was even more uncomfortable for me as I did not feel qualified or adequately prepared.

Today, I stand still having very similar feelings but recognizing that I must be here and in position for a reason, especially considering that I did not ask for the responsibility that this role places upon you.

I have always been taught by society that as an African American and woman living in the south that I was to be nice, respectful, honest and safe. But I am grateful that I had/have role models and mentors that allow me to never enter the 'box' and to dream bigger than my mind can imagine.

Immediately after recognizing that there was a considerable amount of room, space and opportunity for expansion, growth, restructuring, collaborations and partnerships within and for the Commission for Minority Affairs, I then became anxious to keep moving forward but in a much bigger way. To my surprise and extreme disappointment I felt buried down in the consistent, nagging, pain-staking Native American debates that in my opinion didn't allow me to see a bigger picture of what I would think all minority entities desire – unity, equality, opportunities, access, economic development, greater resources, and collaborations to say the least.

I refuse to participate in on-going debates that have dragged on, from my understanding for years regarding certain Native American groups. So the timing of this investigation or audit could not be better. It now provides a fresh roadmap for me to view my role and opportunities for improvement. While I cannot take responsibility for many of the elements in this report that pre-date me, know that I am beyond eager to now have a seat at the table to help ensure that all minorities have equal footing in South Carolina.

In order to truly be effective I know that a number of things will need to take place such as bringing in an outside consultant to help our board develop a NEW strategic plan of action so that we're addressing the most relevant needs of minorities in SC today and ensure that we have a fully functioning and competent staff to execute the plan.

Considering the racial tension and climate that looms nationally and even more importantly here at home, our time and need to be visible has never been greater. I have so many ideas and even business partnerships that have been patiently waiting in the wing to help support our needs.

I again thank you for your findings and look forward to developing a relationship with your agency as well, in an effort to ensure that we stay on an effective, impactful and progressive path.

Sincerely,

Tia Brewer-Footman

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Per Commissioner William James

It is obvious that the CMA has not fulfilled the mission mandated by state regulation and law. The CMA has failed to meet, submit required reports, or carry out the mission designated by the General Assembly. The CMA has failed to answer Freedom of Information request as required by South Carolina law. Ultimately, leaders must take responsibility for the failure of the organization they lead. This draft report mentions management several times as a shortcoming.

From the Native American perspective, my opinion is Native people are worse off associating with the CMA than separating from the CMA. *[Regarding a recent board meeting TBF: The way Tribal recognition was carried out is an insult to the Native community. At no time in the process was there transparency and members of the Native Community were left asking legitimate questions with no answers. The current board of Commissioners voted tribal status to an application that was virtually unchanged from the same application that had been submitted numerous times before. This vote was, in my opinion, influenced by the recommendation of CMA staff].*

I have never been connected with any organization that has shown disregard for South Carolina law or the governance board. It appears that the internal workings of a state commission are left to the sole discretion of the staff, with no accountability to the commissioners. The failure to comply with state law has, in my opinion shown a disregard for the General Assembly as well.

In my opinion, Ms. Hayden should be removed, the question of conflict of interest answered and some serious discussions need to be held regarding Mr. Smith's leadership.

I sincerely hope this Commission can become what it was designed to be. The potential to help all people of South Carolina is here, but we have fallen short of that potential.

William B. James, Ph.D.

Executive Director's Comments
Regarding the Office of the Inspector General Draft Report of the Performance Review
For the SC Commission for Minority Affairs

The staff and Executive Director of the Commission for Minority Affairs appreciate the work of the Office of the Inspector General and acknowledge its investigators efforts in conducting the performance review and submitting to the Commission the “draft report” of that review. We respectfully request that the following items be considered prior to your issuing the final report.

A. Mission Drift

While the “draft report” concludes that the Commission has experienced a “mission drift,” it also states that mission drift and organizational weaknesses can be fixed. It is the intent of the Executive Director, under the direction of the Board of Commissioners, to fix the problems associated with what the report identifies as mission drift and organizational weaknesses.

B. Sixteen Month Period with No Board Meetings

As the draft report states, the Board of Commissioners did not meet for a period of sixteen months as the result of an Attorney General’s opinion that the Board of Commissioners should not conduct official business in the absence of a quorum. Given that the Chairman of the Board at that time did not want to convene “information only” meetings, Board meetings were suspended pending the appointment of a sufficient number of Board members to constitute a quorum. However, during that period, the Commission worked closely with persons in the Governor’s Office, who oversaw the appointment of Board members, to have additional persons appointed to the Board of Commissioners, thus creating a quorum. However, when our attempts to seat a sufficient number of persons to constitute a quorum failed, the General Assembly passed a joint resolution directing the Commission to convene quarterly meetings regardless of the opinion of the Attorney General. Since the passing of the joint resolution, the Commission has convened quarterly Board meetings as required. Therefore, I respectfully request that the final report takes into account the fact that the Board of Commissioners did not meet for sixteen months because it complied with the ruling of the Attorney General’s Office, which acts as our legal counsel.

C. Dysfunction between the Commission and the Native American Advisory Committee

The Executive Director agrees that the relationship between the Native American Advisory Committee and the Commission is dysfunctional. This dysfunction predates his tenure as Executive Director, as evidenced by the fact that SLED agents were often requested to be present during Native American Advisory Committee meetings and Board meetings when it was anticipated that Native Americans would be present, because of the sometimes volatile nature of the meetings. However, during this Director’s tenure, the Board, the staff and the Director have made every effort to improve the relationship between the Commission and the Native American Advisory Committee. In an attempt to improve the relationship, the Director promised and delivered on that promise, to meet with Native Americans, individually or collectively, as they deemed necessary. Upon the request of members of the Advisory Committee, the Director

allowed a member of the Advisory Committee to serve as his designee as chair, because it was the wish of some members to have a Native American person chair the Advisory Committee. It is important to note, however, that this was not a unanimous request. A number of members of the Advisory Committee (all of whom are Native American) strongly voiced their displeasure at my appointing a Native American as chair of the Advisory Committee.

D. Annual Accountability Reports

The Executive Director acknowledges that the Commission's Annual Accountability Reports were not submitted as required for FYs 2010-2011 and 2013-2-14. The Executive Director assumed the position during FY 2010-2011. The AAR was inadvertently not filed, possibly because of the change of leadership during the time the report would have been completed. The FY 2013-2-14 report was completed. However, we failed to submit the report as required.

E. Lack of Formal Strategic Planning

The Commission has not conducted a formal strategic planning session in recent years due to budget restraints and the desire to increase the number of members seated prior to conducting a formal strategic planning session. However, the staff often engaged in "informal" strategic strategies as we continued to address issues of poverty and deprivation in compliance with the agency's most recent strategic plan.

F. Results by each of the Commission's Functional Areas

The OIG's draft report includes the statement that, CMA was asked to provide results by strategic objective. However, CMA resisted such a presentation but did present results of its functional areas for the past three years. In speaking with the OIG's investigators, the Executive Director was told several times that the staff had been very cooperative. Therefore, this statement is confusing.

G. Research and Policy Development

The Executive Director admits that the agency's research and policy development functions should be improved. However, the investigative team may not have been fully able to appreciate the work completed under the agency's Research Initiative due to our Research Manager being on leave (beyond his control) much of the time they were here and could not provide additional information when requested. Although, the Research Manager works collaboratively with other members of the staff they could not share, to the fullest extent, what had been accomplished in the area of research and policy development.

H. Stakeholder Interviews

The "draft report" states that two statewide minority chambers of commerce reported that the Commission was not supported of their small business development programs for minorities in the State. The Executive Director understands that the "draft report" notes the comments of persons who represent the two chambers of commerce. However, he hopes that if such comments

are to be included in the final report, those comments will be presented in a manner that readers of the report understand that these are “unsubstantiated” comments given from the perspectives of the persons who made them without the investigators having had the opportunity to discuss those statements with the Executive Director and CMA staff.

Findings and Recommendations

While the Executive Director generally agrees with the draft report’s recommendations, the following information is provided for consideration:

Finding # 4, Recommendation # 4a

The Executive Director and staff have repeatedly engaged the Governor’s Office in an effort to fill vacancies on the Board of Commissioners;

Finding #6, Recommendation #6a

The Executive Director has repeatedly attempted to personally engage the Native American Advisory Committee in an effort to de-escalate the personal tension between the Commission and the Native American Advisory Committee.

Finding #6, Recommendation #6b

Given the nature of the work and the specialized knowledge required to perform the job of the Native American Program Coordinator, in the opinion of the Executive Director and staff, rotating CMA staff to perform this task is not feasible. Some members of the Native American Advisory Community and the Native American community resist the thought of persons who are not Native American working with them in leadership capacities. Therefore, we do not believe that rotating staff who are not of Native American descent to fill the Native American Program Coordinator position would be effective.

Conclusion

Although, according to the OIG’s investigators, the Commission has experienced a “mission drift,” it is the opinion of the Executive Director and staff that the Commission has engaged in a number of meaningful activities that have had positive impacts upon the reduction of the incidences and effects of factors which contribute to poverty and deprivation among the State’s minority populations. We admit weaknesses in the areas of administration and program initiatives. However, under the direction of the Board of Commissioners, the Executive Director and CMA staff will put into place policies and procedures necessary to address these weaknesses so as to improve the overall effectiveness of the South Carolina Commission for Minority Affairs.