

*In compliance with the Freedom of Information Act, the news media was notified of the time, date, and place along with a copy of the agenda of this meeting and a notice was posted on the front door of the Batesburg-Leesville Town Hall no later than twenty-four hours prior to the meeting.*

## PUBLIC HEARING

JUNE 15, 2015

Mayor Crapps called the Public Hearing to order at 7:00 P. M., which was held in the courtroom of the Batesburg-Leesville Judicial Complex. The purpose of the Hearing is to determine the qualifications of the elected member of Council District 3, based on the S. C. Code of Laws 5-7-210. Members present were Mayor Crapps, Council Member Taylor, O'Dell, Simpkins, Penick, Mingo, Ricard and Fox.

Also present was David Byrd and Henry Dukes of Byrd Investigations, Council Member Cain, Cheryl Wiszowaty and Cheryl Kyzer, court recorders.

Mayor Crapps turned the Hearing over to Attorney Spradley at which time he handed out the document from registered voters of District 3 stating they did not believe Council Member Cain was still living in the district or in the state and asked Council's help with the situation. The residents felt they had no representation on Council. Attorney Spradley opened by reading the S. C. Code of Laws **5-7-200 (Grounds for Forfeiture of Office of Mayor or Councilman)** and **15-5-20 (Methods of Election of Council; Qualifications)** and the Town Ordinance **1-2-2 B** to Council reminding them they are the judge of the election and qualifications of its members and of the ground for forfeiture of their office. Attorney Spradley explained how the hearing would be handled and swore in David Byrd, Henry Dukes and Council Member Cain placing them under oath.

David Byrd, a private investigator hired by Council to determine where Council Member Cain was living, was the first to present evidence. He stated that he did not know where Council Member Cain had been staying during the time in question. He stated he used a national database company that traces an individual's whereabouts through an information dump.

Mr. Byrd called Henry Dukes as his first witness. Mr. Dukes presented documents from various sources concerning Council Member Cain's residency which included SCANA, voter registration, water department, Order of Ejectment from the Clerk of Court's office and several other documents. Mr. Dean Crepes, Director of the Lexington County Election Commission, was called to testify.

