

EXECUTIVE ORDER NO. 95-30

WHEREAS, Gary Smith, Horry County Superintendent of Schools, was indicted for misconduct in Office on September 7, 1995; and,

WHEREAS, in an opinion issued by the Honorable Charles Maloney, Attorney General of the State of South Carolina dated September 14, 1995, the Attorney General concludes that the crime of misconduct in Office is a crime of moral turpitude; and,

WHEREAS, Article VI, Section 8 of the South Carolina Constitution (1895 as amended) provides, in pertinent part that "any officer of the State or its political subdivisions, except members and officers of the Legislative and Judicial branches, who have been indicted by a grand jury for a crime involving moral turpitude or who is waived such indictment if permitted by law may be suspended by the Governor, until he shall have been acquitted. In case of conviction the Office shall be declared vacant and the vacancy filled as may be provided by law"; and

WHEREAS, the Attorney General, in the opinion ordered above, found that the county's school Superintendent is an Officer; and,

WHEREAS, Gary Smith is also an Officer having been elected by popular vote;

NOW, THEREFORE, pursuant of the powers conferred upon me by the Constitution and Statutes of the State of South Carolina, I hereby declare that Gary Smith and Richard Heath shall be suspended from office until such time as the charge of misconduct in office referenced above has been resolved, at which that time further appropriate action will be taken by the undersigned.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 19TH DAY OF SEPTEMBER, 1995**

DAVID M. BEASLEY
Governor

ATTEST:

JAMES M. MILES
Secretary of State

Last Updated: Tuesday, July 7, 2009 at 11:17 A.M.