

Laurens 55

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Read again

To: Webb, Ryan M. <RWebb@wbtw.com>;

Sure. I've had a professional relationship with Laurens School District 55 for about 17 years, at least as far back as superintendents Ed Taylor and then Billy Strickland. Worked on many issues including their unique tax-sharing formula with Laurens 56, and also the legislation that controls their board elections. Those were some good guys. I've never met or even spoken to the current superintendent.

After what happened recently in Berkeley County Schools on account of its last referendum, everybody in every school district is extremely cautious and gun-shy about advocacy for any bond referendum. After that Berkeley experience, the word is definitely out and I don't think people can go it alone with any confidence.

Thus, on account of the Berkeley experience, and not on account of which contractor has skin the game, you're going to see it become routine to have counsel for the legal structure and regulatory compliance duties of any organization that falls into the Ethics Act's definition of "ballot measure committee." There is filing with the SC Secretary of State, the SC Department of Revenue, the SC Ethics Commission, and the IRS, and all that pretty much accounts for the legal bill. It's a pretty much fixed cost to form an entity and make its disclosures, regardless of the sources or amounts received. Public school districts can't pay lawyers for that to be done any more than they can use any other public resources for express advocacy on a ballot measure, so the prudent measure is to have totally separate counsel to the advocacy organization to avoid any argument that public resources went to advocacy.

So I got asked - and not by FirstFloor or the school district - to be in that separate role, which I could do because after forming this solo practice I was no longer current counsel to Laurens 55. Moreover, I want to see the board succeed in what it decided to do, since presumably it called the referendum for the purposes of improving public education in that community.

It is pretty routine for contractors and architects to provide support to the customer's campaign to get the financing to be able to pay for the contractor's product. Go through all the other "ballot measure committee" reports on the Ethics Commission web site. In many cases you'll see the "sponsor" is a contractor. In our case the sponsor of the ballot measure committee was the nonprofit corporation itself and not the contractor. The list of good school design professionals and contractors isn't that long, nor is the list of school lawyers available to serve in an independent counsel capacity for an entity in an orbit around a school district. We all end up on matters all over the state in various combinations. I've worked with everybody there is to work with in these small clubs, sometimes cooperatively on a good project and sometimes in tension on a project not going well.

My client, Kids First - Laurens Future was solely managed by Laurens County citizens who might not have the financial means to personally make a dent in the Greenville media market. Obviously therefore, these supporters appreciated the financial contributions allowing their advocacy to be more wide-reaching. Kids First - Laurens County has zero role in who the contractor is or what its contract might be should the school be financially possible. You ask the people who gave their time and energy to this, and I'm pretty sure they just wanted to concur with the Board about getting a new school, not any particular school.

In short, I can't see how the identity of the contractor makes any difference in the legal work on registration and compliance issues for any ballot measure committee in these post-Berkeley days.

A key reason we have public education is so that voters have the capacity to think critically and vote accordingly. I have no comment on how anybody exercised his, her, or its First Amendment rights of political association and advocacy.

End of comment. KRP

Your name popped up on campaign finance reports for Laurens School District 55.

Any comment on working for a Firstfloor-backed campaign?

Ryan

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