

In the Matter of Former House )  
Representative Edward L. Southard )  
\_\_\_\_\_ )

**AGREEMENT BY CONSENT**

WHEREAS, Edward L. Southard (“Mr. Southard”) was formerly a Member of the South Carolina House of Representatives; and

WHEREAS, Mr. Southard is currently represented by legal counsel, Mark A. Peper, Esq.; and

WHEREAS, Mr. Southard received a letter from the South Carolina Speaker of the House of Representatives on February 9, 2016, wherein he was admonished for inappropriately touching and invading the personal space of a House Page and was directed to cease any future similar conduct;

WHEREAS, the South Carolina House Ethics Committee (“the Committee”) received a complaint from the Speaker of the House of Representatives on April 21, 2016, alleging Mr. Southard was in violation of the South Carolina Ethics Act and the South Carolina House of Representatives Guidelines on Identifying, Reporting, and Addressing Harassment in the Workplace (“No Harassment Policy”), and following a unanimous finding of probable cause by this Committee on May 17, 2016, began investigating the matter further; and

WHEREAS, Mr. Southard has indicated through his counsel that he wishes to waive his right to file a formal written response, submit or offer any relevant information, examine all evidence in the committee’s possession, call or examine witnesses, introduce exhibits, cross examine opposing witnesses, or appear before the Committee; and

WHEREAS, Mr. Southard does not admit, nor does he contest, the allegations contained in the complaint; and

WHEREAS, Mr. Southard, through his counsel, has notified the Committee that he has voluntarily agreed to resign his nomination for the November 8, 2016 general election for House District 100; and

WHEREAS, after discussion and negotiation between the parties, after a full explanation of rights has been given to Mr. Southard, and after disclosure of information between the parties as each deems sufficient, it is agreed that Mr. Southard does not contest the Committee's finding that he has violated the South Carolina House of Representatives No Harassment Policy, and shall be sanctioned to a Public Reprimand and pay a civil penalty of Two-Thousand Dollars (\$2,000) within thirty (30) days of the execution of this Agreement by Consent.

WHEREAS, after discussion and negotiation between the parties, after a full explanation of rights has been given to Mr. Southard, and after such disclosure of information between the parties as each deems sufficient, it is agreed in this case that Mr. Southard knowingly and voluntarily agrees to waive his right to appeal or contest the acceptance of this Agreement by Consent by the Committee pursuant to SC House of Representatives 4.16 and SC Code Section 8-13-540(4); and

WHEREAS, this waiver is intended to be a comprehensive and complete waiver of all appellate rights in this case pursuant to SC House of Representatives Rule 4.16 and SC Code Section 8-13-540(4). Mr. Southard agrees not to seek an appeal and not to give notice of appeal.

NOW THEREFORE, FOR AND IN CONSIDERATION of the mutual promises of the parties to this Agreement by Consent (the "Agreement"), the receipt and sufficiency of which are hereby acknowledged, Mr. Southard and the Committee agree as follows:

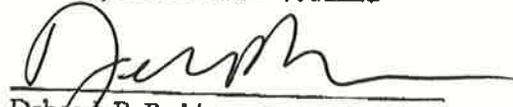
1. **Agreement to Findings and Sanctions:** Mr. Southard does not contest the findings of the Committee that he violated the South Carolina House of Representatives No Harassment Policy, and agrees to the following sanctions:
  - a. A Public Reprimand by the South Carolina House Ethics Committee;
  - b. The payment of a civil penalty of Two Thousand Dollars (\$2,000) within thirty (30) days of the execution of this Agreement by Consent;
2. **Agreement Not to Appeal:** Mr. Southard is aware that he has the right to contest and/or appeal an Order of the Committee to the full Legislative Body pursuant to SC House of Representatives Rule 4.16 and SC Code Section 8-13-540(4). Acknowledging this right, Mr. Southard, in exchange for the Committee's agreement to not seek further discovery in this matter and efficiently conclude this matter, waives the right to contest or appeal the Committee's decision to accept the terms of the Agreement by Consent to the full Legislative Body pursuant to SC House of Representatives Rule 4.16 and SC Code Section 8-13-540(4).
3. **No Admission.** This Agreement is entered solely to avoid the expense of any future dispute and efficiently conclude this matter, and nothing contained herein is to be construed as an admission by Mr. Southard or the Committee.
4. **Understands Agreement.** All parties hereto are represented by counsel, and have had the opportunity to have the terms and effect of this Agreement explained to them by counsel. Mr. Southard and the Committee hereby affirm that each of them understands the terms and effect of this Agreement.
5. **Entire Agreement.** Except as expressly set forth herein, this Agreement contains the entire agreement of the parties relating to the subject matter hereof, and the parties have made no agreements, representations, or warranties relating to the subject matter of this Agreement which are not set forth herein. No amendment or modification of this Agreement shall be valid unless made in writing and signed by the parties hereto. No term or condition of this Agreement shall be deemed to have been waived except by written instrument signed by the waiving party.

  
Edward L. Southard

6-13-16  
Date

  
Mark A. Peper  
Attorney for Edward L. Southard

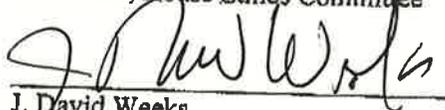
6/13/16  
Date

  
Deborah B. Barbic  
Attorney for the SC House Ethics Committee

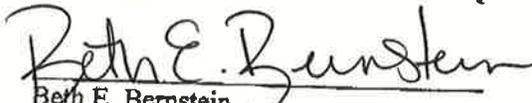
6-15-16  
Date

  
Kenneth A. Bingham  
Chairman, House Ethics Committee

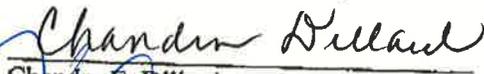
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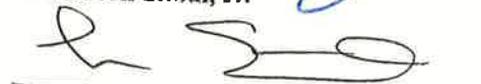
  
J. David Weeks  
Vice Chair

  
Michael A. Pitts  
Secretary

  
Beth E. Bernstein

  
G. Murrell Smith, Jr.

  
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Leonida E. "Leon" Stavrinakis

  
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