

3. That the Plaintiff is informed and believes that the Defendant, Darlington County, is an administrative subdivision of the State of South Carolina, organized under the laws of the State of South Carolina; and the County exercises administrative or joint employment actions over employees of Defendant Darlington County Sheriff's Office. Darlington County is subject to suit pursuant to the South Carolina Tort Claims Act.
4. That the Plaintiff is informed and believes that the individual Tony Chavis is a citizen and resident of the State of South Carolina, and at all times alleged herein acted individually and/or under color of state law as agent and Sheriff of Darlington County Sheriff's Office.
5. Plaintiff at all times relevant herein was employed by the Defendants, as were the individual Defendants, and performed his duties for the Defendant employers in Darlington County.
6. That venue is proper in Darlington County because the Defendants are said County and a Darlington County agency, or work there, and the events giving rise to this cause of action occurred in Darlington County.

FACTUAL BACKGROUND

7. That the allegations of paragraph 1 through 6 above are realleged as if fully set forth herein verbatim.
8. Plaintiff is a 1995 graduate of the Criminal Justice Academy, who has dedicated his career to serving law enforcement and his community within the Florence Police Department, Florence County Sheriff's Office and Darlington County Sheriff's

Office. Plaintiff has performed satisfactorily and has always been in good standing with the Academy.

9. By letter dated November 7, 2018, Sheriff Tony Chavis offered Plaintiff a position as Major of Darlington County Sheriff's Office, an offer which Plaintiff accepted on November 8, 2018.
10. Plaintiff informed Sheriff Chavis that he would be announcing his bid for Sheriff of Florence County in March 2019, and the Sheriff was informed well before the announcement date.
11. Sheriff Chavis supports and has a friendship with a different candidate running for Sheriff of Florence County and is believed to be indifferent to caucasian candidates running for Sheriff.
12. Although he hired Plaintiff despite his future political plans, Sheriff Chavis then made attempts to impede discourage or prohibit Plaintiff's political activity while employed with DCSO in ways that included creating policies that discourage political activity while employed with DCSO.
13. Plaintiff announced he was running for Sheriff of Florence County and immediately after that announcement, three (3) DCSO officers personally visited Plaintiff's home and notified him he was terminated from DCSO.
14. Sheriff Tony Chavis terminated Plaintiff's commission on April 4, 2019 without giving Plaintiff any cause for termination.
15. Plaintiff was essentially punished for engaging in political activity and his professional standing was impaired as a result of the abrupt termination.

16. Plaintiff has experienced extreme emotional trauma, depression, and distress, that led to emotional distress within his marital home and physical damage to his health, all as a result of the misleading and negative comments made by Defendants about Plaintiff's work performance and professional reputation and as a result of Defendant's retaliation and hostile work environment.

COUNT I
(VIOLATION OF 42 U.S.C. §1981)

17. Plaintiff repeats and realleges each and every allegation contained in paragraphs 1-16 of this Complaint with the same force and effect as if set forth herein.
18. The foregoing condoned actions of removing or intimidating African American employees who engage in political activity, such as running for office, were in violation of 42 U.S.C. §1981, as the acts constituted intentional discrimination on the basis of race with respect to the enjoyment of all benefits, privileges, terms and conditions of the employment relationship between Plaintiff, a public employee, and the Sheriff's Office of Darlington County.
19. Plaintiff has suffered injury, including immediate and irreparable injury, as a direct and proximate result of the Defendants' violation of all said rights as alleged herein. Plaintiff has suffered loss of employment position, loss of pay, compensatory damage, emotional harm, as well as harm to reputation as a long time member of law enforcement being removed abruptly without cause.

COUNT II
(VIOLATION of 42 U.S.C. §1983)

20. Plaintiff repeats and realleges each and every allegation contained in paragraphs 1-19 of this Complaint with the same force and effect as if set forth herein.
21. The foregoing condoned actions of Defendants or condoned by Defendants, shock the conscience and were arbitrary, egregious and violated the Plaintiff as Plaintiff was deprived of due process rights with respect to termination and grievance; and Plaintiff was deprived of first amendment rights of free speech and freedom of association within his actual or perceived political activities and announcements all in violation of 42 U.S.C. §1983. 26.
22. Plaintiff has suffered injury, including immediate and irreparable injury, as a direct and proximate result of the Defendants' violation of all said rights as alleged herein. Plaintiff has suffered loss of employment position, loss of pay, compensatory damage, emotional harm, as well as harm to reputation as a long time employee being removed abruptly without cause.

COUNT IV
(WRONGFUL TERMINATION)

23. Plaintiff repeats and realleges each and every allegation contained in paragraphs 1-22 of this Complaint with the same force and effect as if set forth herein.
24. Plaintiff is a public employee who has the freedom to engage in political activity, choose political associations and to engage in free political speech without the fear of reprisal from an employer.

25. Defendants condoned or engaged in Defendant Sheriff's acts of intimidating or removing employees engaged in political activity, especially political activity that would be against his friends also running for office.
26. The foregoing condoned acts of all Defendants constitute wrongful termination in violation of public policy against hindering the constitutional rights and statutory rights of employees to engage in political activity. It is a "crime against public policy" to fire any person because of that person's political beliefs. S.C. Code Ann. § 16-17-560.
27. Plaintiff has suffered injury, including immediate and irreparable injury, as a direct and proximate result of the Defendants' violation of all said rights as alleged herein. Plaintiff has suffered loss of employment position, loss of pay, compensatory damage, emotional harm, as well as harm to reputation as a long time employee being removed abruptly without cause.

WHEREFORE, Plaintiff respectfully demands judgment:

- A. For all actual and consequential damages that he has suffered;
- B. For loss of income and other actual, punitive, and consequential damages against the Defendants, jointly and severally, in amounts that are just and fair as determined by the triers of fact;
- C. For attorney fees and the costs of bringing this action; and for further relief as may be just and proper upon each of the causes of action set forth above; and,
- D. For all relief under 42 U.S.C. §1981, and 42 U.S.C. §1983 and 42 U.S.C. §1988 and any other and further relief as this Court may deem just and proper.

FURTHER, THE PLAINTIFF DEMANDS A TRIAL BY JURY.

WUKELA LAW FIRM

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May 12, 2020