

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

IN THE ORIGINAL JURISDICTION OF THE SUPREME COURT

South Carolina Association Of School Administrators Plaintiff,
v.

The Honorable Mark Sanford, in His Official Capacity
as the Governor of the State of South Carolina; and The
Honorable Jim Rex, in His Official Capacity as the State
Superintendent of Education of South Carolina Defendants.

**GOVERNOR MARK SANFORD'S
ANSWER TO COMPLAINT**

Mark Sanford, in his official capacity as Governor of the State of South Carolina,
respectfully submits this Answer to Plaintiffs' Complaint.

General Allegations

1. It is admitted, upon information and belief, that Plaintiff South Carolina Association of School Administrators is a South Carolina Nonprofit Corporation. This defendant lacks sufficient knowledge and information to form a belief as to the truth of the remaining allegations contained in Paragraph 1 of the Complaint.

2. The allegations contained in Paragraph 2 of the Complaint call for a legal conclusion as to which no response is required.

3. It is admitted that Defendant Sanford is the Governor of the State of South Carolina and that Article IV, Section 15 of the Constitution of the State of South Carolina states, in part, that “[t]he Governor shall take care that the laws be faithfully executed.

4. It is admitted that Defendant Jim Rex is the current South Carolina State Superintendent of Education and that this paragraph quotes several of the laws of the State of South Carolina. The remaining allegations contained in Paragraph 4 of Complaint call for a legal conclusion as to which no response is required.

5. The allegations contained in Paragraph 5 of the Complaint call for a legal conclusion as to which no response is required.

6. The allegations contained in Paragraph 6 of the Complaint are admitted.

7. It is admitted that this paragraph quotes the South Carolina Constitution. The remaining allegations contained in Paragraph 7 of the Complaint call for a legal conclusion as to which no response is required.

8. It is admitted that this paragraph quotes the South Carolina Constitution. The remaining allegations contained in Paragraph 8 of the Complaint call for a legal conclusion as to which no response is required.

9. It is admitted that this paragraph quotes South Carolina’s Fiscal Year 2010 Budget. The remaining allegations contained in Paragraph 9 of the Complaint call for a legal conclusion as to which no response is required.

10. The allegations contained in Paragraph 10 of the Complaint call for a legal conclusion as to which no response is required.

11. The allegations contained in Paragraph 11 of the Complaint call for a legal conclusion as to which no response is required.

12. The allegations contained in Paragraph 12 of the Complaint call for a legal conclusion as to which no response is required.

13. The allegations contained in Paragraph 13 of the Complaint call for a legal conclusion as to which no response is required.

14. It is admitted that the Governor vetoed Part I and Part III of the State Budget. It is further admitted that the General Assembly overrode those vetoes on May 20, 2009. The remaining allegations contained in Paragraph 14 of the Complaint call for a legal conclusion as to which no response is required.

15. This defendant lacks sufficient knowledge and information to form a belief as to the truth of the allegations contained in Paragraph 15 of the Complaint.

16. It is admitted that this defendant caused a summons, dated May 21, 2009, to be issued in the case encaptioned Governor Mark Sanford v. Henry McMaster, Civil Action No. 3:09-1322-JFA, the contents of which speak for themselves.

17. It is admitted that on May 13, 2009, the United States Secretary of Education published a notice in the Federal Register, the contents of which notice speak for themselves.

FOR A FIRST CLAIM

Declaratory Judgment and Appropriate Relief

18. This defendant incorporates the foregoing paragraphs of this Answer as though fully set forth herein.

19. The allegations contained in Paragraph 19 of the Complaint are denied.

20. The allegations contained in Paragraph 20 of the Complaint are denied.

21. The allegations contained in Paragraph 21 of the Complaint call for a legal conclusion as to which no response is required.

22. The allegations contained in Paragraph 20 of the Complaint are denied.

23. The allegations contained in Paragraph 23 of the Complaint call for a legal conclusion as to which no response is required.

24. It is admitted, upon information and belief, that Plaintiff seeks the relief specified in Paragraph 24 of the Complaint but denied that any such relief is warranted.

FOR A SECOND CLAIM

Writ of Mandamus

25. This defendant incorporates the foregoing paragraphs of this Answer as though fully set forth herein.

26. It is admitted, upon information and belief, that Plaintiff seeks the relief specified in Paragraph 26 of the Complaint but denied that any such relief is warranted. The remaining allegations contained in Paragraph 26 of the Complaint call for a legal conclusion as to which no response is required.

27. The allegations contained in Paragraph 27 of the Complaint call for a legal conclusion as to which no response is required.

28. The allegations contained in Paragraph 28 of the Complaint call for a legal conclusion as to which no response is required.

29. The allegations contained in Paragraph 20 of the Complaint are denied.

30. It is admitted that the first sentence of Paragraph 30 of the Complaint quotes the Statutes of South Carolina, the effect of which call for a legal conclusion to which no response is required. This defendant lacks sufficient knowledge and information to form a belief as to the truth of the remaining allegations contained this paragraph.

31. The allegations contained in Paragraph 31 of the Complaint are denied.

32. The allegations contained in Paragraph 20 of the Complaint are denied.

33. The allegations contained in Paragraph 33 of the Complaint are denied.

FOR A THIRD CLAIM

Writ of Mandamus

34. This defendant incorporates the foregoing paragraphs of this Answer as though fully set forth herein.

35. It is admitted, upon information and belief, that Plaintiff seeks the relief specified in Paragraph 35 of the Complaint but denied that any such relief is warranted. The remaining allegations contained in Paragraph 35 of the Complaint are denied.

36. It is admitted, upon information and belief, that Plaintiff seeks the relief specified in Paragraph 35 of the Complaint but denied that any such relief is warranted.

PRAYER FOR RELIEF

WHEREFORE, this defendant prays:

(a) that the Court dismiss all of Plaintiff's claims with prejudice;

(b) that the Court grant Defendant such other and further relief as may be just

and proper.

Respectfully submitted, this the 2nd day of June, 2009.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing answer was served upon the following via hand delivery:

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This the 2nd day of June, 2009.

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