

Speaker 1 ([00:08](#)):

Welcome to Oversight Matters, a podcast on legislative investigations and the people involved. This is Ben Ike and I am your host. Oversight Matters is a production of the 11 Center for Oversight and Democracy.

([00:33](#)):

On this episode of Oversight Matters, I am interviewing South Carolina State Representative Wes Newton. Rep Newton is the chair of the House Legislative Oversight Committee in the South Carolina legislature. The committee's vision is for South Carolina agencies to become and continuously remain the most effective state agencies in the country through processes which eliminate waste and efficiently deploy resources, thereby creating greater confidence in state government. Further, the committee's mission is to determine if agency laws and programs are being implemented and carried out in accordance with the intent of the general assembly and whether they could be continued curtailed or eliminated. Chair Newton joined me for a conversation on how this committee informs the public about state agencies. Our conversation covers a broad range of oversight topics. Throughout this interview. I was struck by Rep Newton's sincerity and his expertise. Please enjoy. Sir, thank you so much for joining us.

Speaker 2 ([01:33](#)):

Good afternoon, Ben. Pleasure to be here with you.

Speaker 1 ([01:35](#)):

Mm-Hmm. <affirmative>. Well, it's just kick your right off with a top question here. Can you please give us all a little bit of about your background and how you became the chair of the South Carolina House Legislative Oversight Committee?

Speaker 2 ([01:47](#)):

Absolutely. After serving for more than 13 years on Beaufort County Council, including chairman for a decade, I was elected to the house in 2013. And since 2014, I've been honored to be unanimously elected and reelected by the 19 colleagues. As the chair of the House Oversight Committee, I was the inaugural chair of the committee. I'm the architect of the rules and standard practices, and through these public input is a firmly established cornerstone of our process. We voiced the concerns of the people we serve and as a lawyer with more than 25 years experience and a public servant, I understand the importance of integrity and legislative comedy in the oversight of state agencies.

Speaker 1 ([02:37](#)):

That's excellent and it really does lead us into all sorts of ways in which the conversation's gonna flourish from here. But first, to give sort of a big top down look, could you describe generally how the oversight committee works in South Carolina?

Speaker 2 ([02:51](#)):

Absolutely. The process we adopted after passing the legislation, calling for oversight of various state agencies, mandated the highest level of transparency, not only with the oversight function, but also with all aspects of the committee. Our process was designed to educate the public about our board's, agencies, and commissions with a single set of reality based measurable taxpayer facts, which can be used to better serve all constituents. We conduct scheduled meaning it's your turn, no issues

particularly necessary oversight on agencies. And this represents the bulk of the body of our work. When the occasion arises, we do conduct unscheduled or issue based investigations as well. You know, for example, we held hearings to get information of interest to policy makers and constituents about our state's rollout of the Covid 19 vaccine. But whether scheduled or unscheduled reviews, the committee's investigation of agencies is objective and focuses on obtaining facts as there is only one set of facts.

(04:06):

The process is intentionally bipartisan or nonpartisan. And the process begins with asking the agency to engage committee staff and agency staff at all levels in self-analysis and to provide one of our subcommittees an overview of the agency operations, including successes and challenges and all information that we receive from agencies is considered to be the agency head sworn testimony. You know, this bipartisan or nonpartisan fact based approach is serving us well in South Carolina. You know, just during the hundred 24th general assembly or legislative session, 36 recommendations from various house legislative oversight committee studies were enacted in the law.

Speaker 1 (04:57):

Wow. Representative, I gotta ask cuz just thinking about you being the inaugural chair, our 2018 Carl Le Award for Effective Oversight winner, here we are in 2022. And so eight years in, did you ever anticipate this type of level of impact? 36 recommendations being put into law is really pretty significant. Just curious if you could reflect on that briefly before we move on to the next question.

Speaker 2 (05:21):

You know, Ben, quite frankly, I didn't know what to expect. I was early in my tenure as a house member, I was a firm believer that public input and public accessibility and understanding of what government done is a key component of good government sunshine laws has always been something that's been important to me and significant during my tenure. And I'm not exactly sure what I hoped for. I mean, I hoped that we would build a process to help provide an opportunity for the citizens of South Carolina to express concerns and have those concerns heard and addressed in some meaningful way about what the government was or wasn't doing for them. And you know, perhaps my background with 13 years at local government chairman for a decade, I was always around the concerns, whether in the grocery store or the gasoline or you know, the government is closest to the people governs best sort of thing. And so moving up to Columbia, it was a little bit further separated from the people and their government. And so I'm delighted with, quite frankly, with the success of the committee, it's a model that our Senate has now emulated in South Carolina as well. We've shared the way we do things with other states and we don't always get it right in South Carolina. But I think we've got this one pretty well dialed in.

Speaker 1 (06:40):

Thank you for such an informative answer. Moving to question three, your committee has five subcommittees, economic development, education and cultural Executive healthcare and regulatory and law enforcement and criminal justice. What is the role of those subcommittees and how do they go about conducting oversight compared to the full committee?

Speaker 2 (07:03):

So the bulk of the legwork is actually handled by our subcommittees. I mean, our process starts, as I indicated, with the self-analysis with a full committee meeting with the agency, with public surveys, the

public testimony being received by the full committee and then assigned to the subs. The five subcommittees loosely follow our appropriations committee just so that topically it was divided in a way that made sense. And the subcommittee expects every agency to present on certain topics to learn about the individual agencies. The, the standardization and the information presentation facilitates sort of observation of issues that affect multiple agencies and the generation of, of useful materials to understand the agency operations. You know, for example, our law enforcement criminal justice subcommittee created with agency personnel process flow charts that help explain not just that agency but the rather complex criminal justice system from initial arrests, trial imprisonment and release.

(08:12):

And while individual agencies understand their portion of the system, there's not always a single graphic that illustrates how they interact with the larger estate system. You know, a couple of examples come to mind with regard to the specific question about subcommittees. There are about 26 hours of subcommittee meetings with the Attorney general's office. In a recent study we did in 22 hours of subcommittee meetings with the Department of of Commerce. At the end of the subcommittee hearings, the subcommittee issues a report noting key findings and recommendations, which they then present to the full committee for approval. And these recommendations tend to focus on increasing efficiency, effectiveness, transparency, and inter agency collaboration. So, you know, unfortunately there's a common theme among our reviews is how our agencies often operate in silos.

Speaker 1 (09:08):

I mean, that's an issue that we saw across the country as well, why that you brought up in the highlight of the law enforcement and criminal justice subcommittee. I previously worked in the Michigan House of Representatives where the representative that I was working for was the chair of corrections appropriation subcommittee. And it sure would've been helpful. I mean, a lot of those like float charts, sort of just bigger picture facts about the department and information, I was able to get lots of wonderful information from places like the house fiscal agency and even from the department themselves. But I do think that if we would've had a little more something similar to what you're working with here I mean that would've been really positive. So something I was thinking about is, I know that the oversight committee holds hearings, but can you tell us more about what actually happens at those hearings? How do you design them and who are your witnesses?

Speaker 2 (09:55):

Agency personnel testify to the subcommittee about agency operations testify about the information provided in the program evaluation report, which is part of the annual reporting requirements and the self-analysis, you know, broken down to various categories in that report. And the design of the meetings is to provide legislators and the public a comprehensive overview of agency operations. Agency personnel make an initial determination of who will testify. And many agency heads use the process as a training opportunity for the section leaders that don't usually interact with legislators, you know, members of the subcommittee direct questions to any agency personnel during these meetings. And if a member wants a perspective of a division head and not the supervisor, then the member may direct the question to the particular division head. You know, staff reviews the presentation and advises our committee members on potential avenues of inquiry, often their follow up letters following these subcommittee meetings. And of course, we offer the opportunity for the public to weigh in not only at the full committee initial public hearing, but at all of our subcommittee meetings.

Speaker 1 (11:14):

And so the members of the public, are they able to testify?

Speaker 2 ([11:17](#)):

They are. So the the agency personnel, anything that is live testimony to our committee or subcommittee is sworn testimony. And that's both from the general public as well as agency personnel and staff. We also, through a public survey courage and utilize anonymous input. And that information is not, and lawyers speak accepted for the truth of the matter asserted, but often helps point us in the direction of places that we need to be asking questions and looking at what's going on within the agents.

Speaker 1 ([11:52](#)):

I'm glad you you brunch in the public survey. And I don't want to get too far off on a tangent, but the public survey is just, it's fascinating and I would love to just get a little bit more detail about the public survey and sort of the process and how that all kind of happens in South Carolina. That's a very innovative type of process that we've not seen in many states.

Speaker 2 ([12:09](#)):

Yeah, you know, it's one thing to announce a public hearing and most of those public hearings are held in Columbia. While the pandemic has given us a new capability, perhaps to have virtual tight opportunities for public to participate, they're still during the working day, they're during the day when legislators are working and it may not always afford the best opportunity for citizens to offer input. There are also opportunities for employee personnel that are afraid to come forward and yet have something to share about the agency. So by offering this public survey, which we announce, we announce on the floor of the general assembly, we announce and send press releases out that the surveys are being opened and we announce it to all the members of the House of Representatives for them likewise to share on social media so that we are looking for things that we can address while there's still a Mole Hill before they become

Speaker 1 ([13:04](#)):

Mountains. So the surveys available online is

Speaker 2 ([13:07](#)):

They're online surveys? Absolutely.

Speaker 1 ([13:09](#)):

Online surveys. Wow.

Speaker 2 ([13:11](#)):

And anonymous so that people want, they are comfortable writing back whatever they want to without fear of reprisal from the agency.

Speaker 1 ([13:20](#)):

So when you receive these and that they're anonymous, I'm just thinking how do you parse through it if you do, you look like a quantity. If you see an issue that kind of is coming up again and again and I think, okay, maybe we need to look at contracts or whatever the issue might be, Is there, you know, for the sake of being anonymous, but they also like kind of quietly behind closed doors reveal who they are. I,

I'm just kind of curious how staff, when they receive the information here, how they kind of figure out what to kind of pursue.

Speaker 2 ([13:48](#)):

Well, the information is provided to all the members of the committee as well as staff to evaluate what's being said. And in the way that it's being said, does it want further inquiry? So I mean, it's not even necessarily quantitative. It may be qualitative. I mean, there may be one person who was willing to stand up and say, there's a problem you need to ask about. And from that we may either ask during a subcommittee meeting, a member of the full committee may ask at the full committee, or it may be a follow up written inquiry to the agency. Now it's noteworthy that the agency gets copies of this survey and it's online, it's public. I mean all, any information that comes in to the Legislative oversight committee is all published online for everybody to see. I mean we really want this process transparency a absolutely as transparent as it possibly can so that we are held accountable. You know, I mean that somebody doesn't say, Well, wait a minute. You had this survey and 25 people responded that there was a problem and you did nothing about it. You didn't ask any questions, you didn't follow up, you, you didn't do anything. Why not?

Speaker 1 ([14:53](#)):

Certainly. And then curious to know do you typically hear from state auditors in these hearings or for feedback and meetings, anything like that?

Speaker 2 ([15:01](#)):

Well, we always hear from personnel of the agency under review. As part of our reviews, our staff do review any prior audits of the agency, the particular agency under review, and of course the agency's program evaluation report. And we inquire based on that, the information in those audits if past issues have been resolved. Now, you know, occasionally we have referred matters to our state's legislative audit council or our state's Inspector general for review. But, you know, unlike our committee, the investigation processes of these entities, whether it be criminal activity, fraud, waste and abuse, they're confidential. Ours is a public process, but we do utilize the information to the extent it's available based on previous audits.

Speaker 1 ([15:50](#)):

Great. And then the very bottom of this question, I, I'm just curious if you had your wishlist, what would an effective oversight hearing accomplish?

Speaker 2 ([16:00](#)):

It informs and engages legislators to have a substantive discussion of ideas with agency personnel of about how to continually improve their operation and overall operation of state government. One of my goals is for my colleagues to become confident enough in their knowledge of agency operations to both detect issues and craft useful solutions and some standardization of the processes and the types of reports received has resulted in members certainly becoming more adept at sifting through information, separating fact from fiction and understanding how agency operations sort of connect on a larger scale.

Speaker 1 ([16:43](#)):

Very effective. And then I'm gonna jump to question six here cause I'm really eager to hear some examples. Can you discuss a time your committee helped uncover some government agency misconduct?

Speaker 2 ([16:55](#)):

Absolutely. Our Department of Juvenile Justice is entrusted with the care of our state's most vulnerable children. And during a review, a juvenile riot occurred, an agency leadership were reluctant to allow state law enforcement division to help quell it quickly. We had a guard testify about her fear for the safety of the females under her care. During the riot, several guards provided public input about how the juveniles were not held accountable for their actions. Agency personnel testified about rampant gang activity, yet leadership had allowed a, a gang prevention position to remain vacant. The then agency head resigned soon after a intense subcommittee hearing. And I can quite frankly think of no better use of our committee's resources than to help ensure the health and life and safety of our juveniles

Speaker 1 ([17:50](#)):

Agreed. And that's an issue that we're seeing. I mean, really even all across the country, assessing juvenile justice and just ways to be able to raise facts to just equip lawmakers with more information to be able to try to find ourselves in a better spot than we find ourselves today. And that's really the point of oversight in a lot of ways. Are there other memorable hearings or an oversight topic that you can share with our listeners?

Speaker 2 ([18:13](#)):

I vividly recall watching a member of our state highway patrol, a military veteran close to retirement during a full committee hearing hand his letter of resignation to the then agency head, essentially in tears. And the study of the South Carolina Department of Public Safety led to significant concerns about agency leadership and employee morale. And the concerns rose to the level that, you know, following this hearing, the house voted in a bipartisan manner to not fund the agency head's salary. There have been, while we are not a policy making committee, you know, not only our internal recommendations by agencies or change in law, but the activity of the committee is often heard and heard loudly by the general assembly.

Speaker 1 ([19:08](#)):

Oh, I know, certainly. And that, it's a great example. Cause a lot of people when they're thinking of legislatures, they're like, Oh, it's, it's bills, it's legislation. And yes, that is an important part of a lawmaker, but we really stress that need for oversight and the need for investigations and things like your committee. And I think those are very impactful examples that we've shared. Now we kind of alluded to it a little bit earlier, but could you discuss a little more the role of bipartisanship in the committee's investigations and how you conduct oversight when you have committee members holding diverse viewpoints?

Speaker 2 ([19:36](#)):

Absolutely, and this is a, a great topic because Senator Levin and I had a wonderful time talking about this when I received the, the inaugural award. And we spent a little time on cspan, my highlighting the way we were doing it differently in South Carolina. But, you know, essentially partisanship is left to what agencies do and we analyze how they're doing, what the existing law requires, we ensure accurate

information is available about how agencies are operating and implementing the laws that created them, including the costs and results of those operations. And you know, as I mentioned before, I hold high regard for legislative comedy and you know, as the chair, I set the tone for respecting diverse viewpoints. And I don't want the credibility of our committee or of any of the findings to be called into question from a partisan standpoint. If so, it undermines the effectiveness. And quite frankly, not only of the particular study, but the committee as a whole. And, you know, I strive to make appointments on our subcommittees to make 'em as diverse as possible in terms of party, race, gender, geography. And we stress the fact that the taxpayers are entitled to one set of facts. What we do with those after we get 'em in partisan discussions is fine. But you know, we don't have two sets of police officers. We shouldn't need two sets of staff and two sets of oversight facts.

Speaker 1 ([21:05](#)):

Well, it's credibility. It's just the ability to be able to get people from communities all across the state, all together and a chance to really solve problems leveraging the power of the legislature to be able to find those sets of facts that I really like that like taxpayer facts. I like that phrase a lot. I'm gonna be using that into the future <laugh>. So when your committee uncovers problems, does it see fixing those problems as part of the oversight process?

Speaker 2 ([21:32](#)):

Absolutely. And in fact, it's how we measure performance committee staff developed a dashboard to keep track of implementation of, of status, of recommendations. And it's another way of saying the problems are being fixed. I mean, one of our subcommittee chairman often says, If we spend all this time looking at an agency, nothing comes of it then, then what was the point? And so while we're not a policy making committee, our recommendations do go into a report that is then used by both members of the oversight committee and through and with their other respective committee assignments and others in the broader audience to introduce legislation based on both our findings and recommendations.

Speaker 1 ([22:18](#)):

And we've had some examples already discussing within those 36. You mentioned previously of the recommendations becoming legislation. Have there been any recently that you've been particularly interested in? Is he any story you might wish to share?

Speaker 2 ([22:31](#)):

You know, I mean, one that is, is noteworthy was changing the age of our Department of Corrections officers. And this was just, you know, you know, last year from 21 to 18, one of the identified challenges of the department was staffing and age. I mean, this was highlighted during the study and that came about. I also think of recommendations from the review of the Criminal Justice Academy with regard to officer misconduct, which impacted the handling of law enforcement misconduct determinations by injecting safeguards into the process and the legislation prohibited any person appealing the DE-certification due to misconduct from being employed at another agency or exercising the power of arrest until the law enforcement officer had been re-certified. And that was a loophole or a, or a gap in the law.

Speaker 1 ([23:20](#)):

What a positive example. I'm gonna skip to question 11. You have spent years now doing oversight work. Looking back, has it been fun or would you recommend that other state legislators engage in oversight work?

Speaker 2 ([23:35](#)):

Absolutely. I would. It has been fun. It's been probably rewarding is the best example. I often described my early time as a legislator that I felt like I was drinking from a fire hose. I mean, there's just so much information that you're receiving and so much information to process. And that's just the tip of the iceberg, what oversight actually has done. And we have a seven year recurring cycle so that all of our state agencies are required to go through the process and a seven year recurring cycle that we are providing not only the members of the general assembly and the legislators good accurate data regarding what these agencies do and how we got there with those agencies, part of the historical analysis. So it's a terrific way for new legislators in particular to have a primer on what all these various agencies do because the question often gets asked what agencies responsible for that?

([24:33](#)):

And this process is one of those that helps us identify that. Not to mention the national awards that we received five years in a row. We received recognition for impact on public policy ncsf, the National Conference of State Legislators Program Evaluation Society, the 11 institute. We received a award from a National Library Association regarding presentation and materials with the new dashboard. So as I mentioned, it's great to find ourselves as a role model of sorts for our process that we continue to try to improve and evolve and get better. But being grounded for with public input and public accountability, I'm delighted to have been a part of it and I look forward to continuing to be a part of it for, for years to come.

Speaker 1 ([25:17](#)):

Well, the one point I would build on from that excellent, excellent discussion points was just talking about setting up new members for oversight success. And just all the information being equipped with the sort of broader context, an elected official finding themselves in a particular, you know, chair or on a certain committee and being able to have access to just the information on where exactly they find themselves and where there might be certain areas of an agency that kind of need a little bit of a closer to look or where there might need to be a few more facts to be gathered so we can make sure that we're prepared for any future lawmaking coming up. I think that's a really important point. The, the drinking from the fire hose moment where it's just so critically important when people get elected and having that information from the word go really sets them up for success. Going into the next session

Speaker 2 ([26:03](#)):

As Chairman of Oversight, I often repeat a quote from Woodrow Wilson's doctoral dissertation, and that is as important as legislation is vigilant oversight of administration. And I encourage every elected official to engage in oversight over programs in their purview. I can't say enough that I think that oversight helps legislators make informed policy decisions to make informed decisions. You need accurate data and if the data doesn't exist, oversight's a way to collect the data and encourage data collection and program evaluation. And I will say, you know, one note about our bipartisan or nonpartisan approach and this, this collaborative measurable taxpayer facts notion is our experience will, I hope, continue to inspire other legislative bodies. It's not a huge jump to infer that our era of hyper-partisanship may be part of our current cynicism and mistrust of our long evolved institutions of

democracy and cooperative. Bipartisan factual oversight may go a long way to help us understand ultimately we're all in this together.

Speaker 1 ([27:18](#)):

I hardly even know where to go from there. I mean, that was just the clearest explanation for why oversight matters. I really appreciate you sharing that. And the question was already kind of answered, but looking at my last question here, do you have any further advice for state legislators that are interested in oversight?

Speaker 2 ([27:34](#)):

Transparency, transparency, transparency, accountability. You know, as I mentioned earlier, under our rules, all meetings stream online and are archived. All information that is forwarded to our committee is posted online. Everything we do is intended to be publicly transparent and we take roll call votes on everything that we do. I would encourage folks to focus on policies and not personalities, avoid even the appearance of impropriety in the conduct of, in, of, of investigations Pursuant to our committee rules, we're not allowed to accept any tokens or gifts from anybody because again, facts should be nonpartisan and they folks conducting the oversight should be beyond question as to their intentions and their public activity In doing so. You know, the other thing is ask for feedback. Every time somebody goes through one of our processes, we in turn look to them and say, what could we have done better? We conduct a survey on ourselves anonymously, as well as asking the agencies. I mean, we want folks to tell us, we, we didn't like the way that you asked that question. We kind of felt like it was a gotcha moment, which we strive never to have or it was a great process. And by and large, while we have certainly tried to eliminate and avoid duplication of effort through aligning with some required annual reporting already in South Carolina,

Speaker 1 ([29:13](#)):

Yes,

Speaker 2 ([29:14](#)):

We've gotten back praise that it was a great process. And, and look, as I mentioned earlier, you know, we talked about 36 legislative enactments. There are also over 150 internal changes that agencies have made, specifically because of us asking the questions and asking them could they make internal changes to address the problems that we'd or they identified as part of the oversight process.

Speaker 1 ([29:39](#)):

I just feel like with the amount of transparency with the whole process in place, how has the agency taken a lot of those recommendations? I mean, they usually, you know, kind of look at 'em and review 'em and go, Wow. Yeah, that's, that's a great approach. That's a positive thing. Or has it been a little more combative?

Speaker 2 ([29:51](#)):

No, they don't. I mean, in fact, I mean, many of the agencies look at 'em and say to the extent that it's not a change in law and that they can change it themselves. They often agree and say, We appreciate you working with us collaboratively and we're gonna make that change. I mean, you know, at the end of the day, again, it's about being more efficient. It's about being,

Speaker 1 ([30:10](#)):

It's just making things run better.

Speaker 2 ([30:11](#)):

Right. And I, you know, look, our vision statement is for South Carolina's agencies to become and continuously remain the most effective state agencies in the country through processes which eliminate waste and efficiently deploy resources, thereby creating greater confidence in state government. Hmm. And that's not unique to our committee. I mean, we hope that all of our agencies wanna do that. It just says we wanna be the best that we can be. And our job is to try to help agencies do that. And on occasion when there are issues, we want to find the mole hills before they become mountains and keep the things from being a problem. And we wanna protect the citizens of South Carolina and give them an opportunity. We don't interfere in any particular constituents matter. So if somebody were to come to us and testify about the loss of a license from a particular licensing agency, our job isn't to run down why that individual lost the license. But it is to ask questions in general about licensure, revoking licenses, renewals, the forms, the methodologies, the processes to make sure that it is fair and transparent and the public is being treated

Speaker 1 ([31:22](#)):

Appropriately. Makes great sense to me. I think that's all we have the time for for right now, though, unfortunately. Chair Newton, what, I mean, thank you so much for joining us. I really appreciate it and lots of expertise here. Lots of very informative answers. I'm really looking forward to continuing our discussion sometime soon.

Speaker 2 ([31:39](#)):

Ben, I, I look forward to it. I hope you have a great afternoon and appreciate the opportunity to join you

Speaker 3 ([31:44](#)):

Today.

Speaker 1 ([31:47](#)):

Thanks again, Rep Newton. I really enjoyed all of your positive stories on state legislative oversight and the efforts of this committee. This committee has set an example for other legislatures across the country. Until next time, this is Ben Ike. Thanks for listening.