

A Hartsville man, allegedly severely injured by nine Phi Beta Sigma fraternity members in late 2011 at Francis Marion University, has filed suit against the school, the fraternity and its president.

Debbie Green said her son, Daniel McElveen, was only the second person in their family to go to college. "We were proud of the achievements he was making, and we thought Daniel joining a fraternity would further enrich his college experience," she said in a release from McLeod Law Group of Charleston, which filed the lawsuit Jan. 15 at the Florence County Courthouse against Phi Beta Sigma Fraternity International Inc.; its national president, Jimmy Hammock; Francis Marion University; and Maurice Lavon Robinson.

"However, the brutality that took place against my son has forever scarred him and has become one of the worst experiences our family has ever suffered through," said Green, who has family in the Sumter area.

The four defendants are accused in the civil suit with varying degrees of negligence, gross negligence, battery, assault and outrage for allowing the Oct. 23, 2011, hazing incident that led to McElveen's being "hospitalized for several days to treat severe damage to his kidneys and internal organs."

Robinson is the only named defendant in the suit that is also facing criminal charges for the incident that occurred at his off-campus home. He and eight others - including Sumter resident Henry James Watson - were charged by the Florence County Sheriff's Department with one count each of hazing after McElveen was "paddled to such an extent as to have resulted in serious bodily injury requiring an extended stay at an area hospital," according to reports. Each defendant was eventually granted \$5,000 personal recognizance bonds and released. Their cases are pending in 12th Circuit general sessions court.

McElveen alleges in his complaint that the fraternity members forced him to near exhaustion from extreme exercises; made him eat unidentified foods; made him wear the same dirty clothes each night during the rituals; forced him to engage in a "ping pong game" that involved extensive paddling; and deprived him of sleep. The hazing apparently escalated on Oct. 23, "Hell Night," which was the final night of the mandatory initiation process for the fraternity.

This is not the first time Phi Beta Sigma has been named in such a lawsuit, and McElveen's attorneys claim Francis Marion University had every reason to know the fraternity had a history of allowing such behavior.

"Our investigation leads us to believe the University turned a blind eye towards Phi Beta Sigma despite the fraternity being implicated in numerous hazing incidents," said W. Mullins McLeod in a release. The fraternity's parent corporation was sued in spring 2010 by parents of 20-year-old Donnie Wade II of Dallas, who died in 2009 after an "intense physical training session" initiated by fraternity brothers during a pledge week, according to the Dallas Morning News. The case was later settled under undisclosed terms after fraternity members admitted they were instructed to deny any member of the fraternity was present during the early-morning workouts that led to Wade's death.

Last September the organization was sued again, this time by a former Virginia State University student injured during a hazing initiation more than three years earlier. Christopher Rudder said he endured numerous acts of hazing - including being forced to eat unknown foods that made him vomit and having hot sauce poured on his genitals - between 2008 and 2009 when he pledged his university's Phi Beta Sigma chapter. The Richmond Times-Dispatch reported that Rudder eventually underwent surgery to repair physical damage caused by the hazing incidents. That suit is pending.

Calls to FMU were unreturned on Monday, but spokeswoman Angela Crosland said in 2011 that "FMU policy prohibits behavior that involves hazing, and the FMU Office of Student Affairs staff continues to educate members of student organizations of the high standards of behavior required under the FMU Student Honor Code."

McLeod said the suit does not hold FMU responsible for the battery and assault but said the university is negligent for allowing the injurious activities.

"The injuries ... were caused by the willful, wanton, reckless, grossly negligent and negligent acts of defendants," the complaint said. "(McElveen) has suffered and continues to suffer ... physical pain, suffering, mental anguish, emotional distress, impairment of health and bodily efficiency, loss of (his) enjoyment of life, shock and injury to (his) nervous system, increased susceptibility to future injury, substantial expenses for past and future medical services, loss of income and other past and future economic loss."

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