



**JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE
2024**

Court, Position, and Seat # for which you are applying: Administrative Law Court, Judge, Seat 2

1. Name: Mr. Samuel Lawrence Johnson
Mrs.
Ms.

Name that you are known by if different from above
(Example: A Nickname): Sam

Are you currently serving in some capacity as a judge? If part-time, please note.
(Includes Municipal, Magistrate, Etc.)

Home Address: [Redacted]

County of Residence: Lexington

Business Address: S.C. Office of Motor Vehicle Hearings, Edgar A. Brown Building, 1205
Pendleton Street, Suite 325, Columbia, SC 29201

E-Mail Address: [Redacted]

Telephone Number: (home): [Redacted]
(office): (803) 734-0055
(cell): [Redacted]

2. Date of Birth: [Redacted]1984
Place of Birth: Sumter, SC
Social Security Number: [Redacted]
3. Are you a citizen of South Carolina? Yes
Have you been a resident of this state for at least the immediate past five years? Yes
4. SCDL# or SCHD#[Redacted]
Voter Registration Number: [Redacted]
5. Have you served in the military? If so, give the dates, branch of service, highest rank attained, serial number (if applicable), present status, and the character of your discharge or release. Please provide a copy of your DD214 concerning your discharge.

No, I have never served in the military.

6. Family Status: Married on November 14, 2020 to Sara Curtis Johnson.
Never divorced, two children.
[Redacted]
7. List each college and law school you attended, including the dates of your attendance, the degrees you received, and if you left an institution without receiving a degree, the reason for your departure.
 - (a) University of South Carolina, August 2002 to December 2005, Bachelor of Arts
 - (b) University of South Carolina School of Law, August 2008 to May 2011, Juris Doctorate
8. List the significant activities in which you took part during your attendance at law school. Give the years you were involved in these activities and list any leadership positions you held.
 - (a) I worked on the South Carolina Journal of International Law and Business, 2009 to 2011. During my second year on the journal, I served as the Student Works Editor.
9. List the states in which you have been admitted to practice law and the year of each admission. Also list any states in which you took the bar exam but were never admitted to the practice of law. Please indicate the number of times you took the exam in each state.
 - (a) South Carolina, 2011. I took the bar exam once.
10. Describe chronologically, since graduation from law school, your legal experience. Please include a list of all positions held in which you worked in a legal capacity. Describe the general character of your practice and divide it into periods with dates if its character changed over the years. Please also describe the extent to which you were involved with the administrative and financial management of each of these entities, including management of trust accounts.
 - (a) Judicial Law Clerk to the Hon. W. Jeffrey Young, Third Judicial Circuit, August 2011 to June 2012: I conducted legal research, drafted memoranda, and occasional opinions; drafted charges and verdict forms for common pleas and general sessions jury trials; coordinated the Judge's schedule, in terms of scheduling hearings, meetings, or conference calls; updated the common pleas roster by contacting the attorneys for status updates; and responded to attorney's questions or concerns and apprised them of the Court's decisions.
 - (b) Staff Counsel for the Honorable Ralph King Anderson, III, Chief Judge and the Honorable S. Phillip Lenski, South Carolina Administrative Law Court (ALC), June 2012 to January 2018: I conducted legal research; drafted or edited judicial opinions in contested and appellate cases involving various state agencies; and advised the Judges on legal questions arising from hearings and submitted legal documents.
 - (c) Administrative Hearing officer for the South Carolina Department of Employment and Workforce (DEW), as part of its Appeals Tribunal, January 2018 to July 2018: I

conducted hearings in matters relating to unemployment insurance, employment tax, and related issues; examined employer and claimant witnesses, collected evidence, and made evidentiary and motion rulings; and issued orders containing findings of fact and determinations on the issues addressed in the hearings.

- (d) Staff Counsel for the Honorable H. William Funderburk, Jr., July 2018 to November 2018: (See previous ALC experience set forth above.)
- (e) Administrative Hearing Officer for the South Carolina Office of Motor Vehicle Hearings, November 2018 to present: I conduct hearings in matters involving the suspension or revocation of driver's licenses relating to, *inter alia*, implied consent from operators of motor vehicles to drug and alcohol testing by law enforcement; habitual offenders; financial responsibility of uninsured motorists, and incapacity to continue operating a motor vehicle; examine witnesses, collect evidence, and make evidentiary and motion rulings; issue orders containing findings of fact and conclusions of law as to the issues addressed in the hearings; and issue orders on motions to dismiss.

Justices/judges applying for re-election to their current position may omit Questions 11–17. If you are a full-time judge seeking a judgeship different than your current position, Questions 11-17 should be answered based on your experience *prior to serving on the bench.*

11. Please answer the following:

- (a) If you are a candidate for Family Court, please provide a brief written description of your experience within each of the following Family Court practice areas: divorce and equitable division of property, child custody, adoption, abuse and neglect, and juvenile justice. Include information about cases you have handled in each of these practice areas, or if you have not practiced in an area, describe how your background and procedural knowledge has prepared you to preside over such matters as a Family Court judge. Please also indicate the frequency of your appearances before a Family Court judge within the past five years.

N/A.

- (b) If you are a candidate for Circuit Court, please provide a brief written description of your experience in criminal matters, including any cases handled over the past five years, and include a brief description of the issues involved. Further, please provide a brief written description of your experience in civil matters, including any cases handled over the past five years, and include a brief description of the types of matters handled, issues involved, and procedural history. Please include information such as the primary areas in civil court in which you practice, and whether you represent plaintiffs or defendants, or both. You may go back further than five years if you feel it would assist the Commission with its assessment of your experience. If you lack experience in an area, describe how your background and procedural knowledge has prepared you to preside over such matters as a Circuit Court judge, or how you would compensate for your lack of experience in this area. Please also

indicate the frequency of your appearances before a Circuit Court judge within the past five years.

N/A.

- (c) If you are a candidate for Master-In-Equity, please provide a brief written description of your experience in the Master's court, including any cases handled over the past five years, and include a brief description of the issues involved. Please include the frequency of your appearances before a Master-In-Equity or a Circuit Court judge within the past five years.

N/A.

- (d) If you are a candidate for Administrative Law Court, please provide a brief written description of your experience before an Administrative Law Judge, including any issues discussed and the frequency of your appearances before the Administrative Law or Circuit Court within the past five years.

I have not appeared before either the Administrative Law Court or Circuit Court in the last five years in a litigation capacity, but I have observed many cases before the ALC over a period of approximately six years and been involved in writing orders resulting from the those cases as staff counsel to three different Administrative Law Court Judges. These cases involved corporate and county tax cases; DHEC permitting cases, such as for docks, landfills, stormwater permits, and certificates of need; beer-and-wine permit and liquor licenses cases; DNR violations. I have also addressed in orders issues arising in appeals from agencies such as LLR, PPS, SCDC, and DEW.

12. What was the frequency of your court appearances during the past five years or in the five years prior to your election to the bench?

- (a) federal: None.
(b) state: None, though I have been in "court" in a quasi-judicial capacity as a hearing officer twice and sometimes three times a week during the past five years. Prior to being a hearing officer, my appearances in court were in support of judges, not as counsel.

13. What percentage of your practice involved civil, criminal, domestic, and other matters during the past five years or in the five years prior to your election to the bench?

- (a) civil: None as a litigator, but all of my experience during the last five years has been in administrative law.
(b) criminal: None.
(c) domestic: None.
(d) other: N/A.

14. During the past five years

(a) What percentage of your practice was in trial court, including cases that settled prior to trial? N/A.

(b) What number of cases went to trial and resulted in a verdict? N/A.

(c) What number of cases went to trial and resolved after the plaintiff's or State's case? (Resolved may include settlement, plea, by Judge's order during a motion hearing, etc.) N/A.

(d) What number of your cases settled after a jury was selected but prior to opening statements? N/A.

During the past five years, did you most often serve as sole counsel, chief counsel, or co-counsel? N/A.

For sitting judges seeking a judgeship different than your current position, During the five years prior to your election to the bench, what percentage of your practice was in trial court, including matters that settled prior to trial? N/A.

15. List five of the most significant litigated matters you have personally handled in either trial or appellate court, or before a state or federal agency. Give citations if the cases were reported and describe why these matters were significant.

N/A.

16. List up to five civil appeals you have personally handled. Give the case name, the court, the date of decision, and the citation if the case was reported.

N/A.

17. List up to five criminal appeals you have personally handled. Give the case name, the court, the date of decision and the citation if the case was reported.

N/A.

18. Have you ever held judicial office? If so, list the periods of your service, the courts involved, and whether you were elected or appointed. Describe the jurisdiction of each of the courts and note any limitations on the jurisdiction of each court.

I have served twice, and am currently serving, in a quasi-judicial capacity as an administrative hearing officer. I served from January 2018 to June 2018 as a hearing officer for the South Carolina Department of Employment and Workforce. I was hired by the agency, so I was not elected or appointed. My jurisdiction was statewide and involved, inter alia, the authority to restore, restrict, or remove unemployed individuals' unemployment insurance benefits. However, I did not have contempt powers or the ability to impose fines and/or imprisonment. I have held my current position as a hearing officer for the South Carolina Office of Motor Vehicles (OMVH) since November 2018. I was working for the

Administrative Law Court when I was hired by Chief Judge Anderson as a hearing officer for OMVH. My jurisdiction is statewide; indeed, I have held hearings in Columbia, Orangeburg, Sumter, Chester, and Greer for cases arising from those and the surrounding counties. I have the authority to uphold or rescind the suspension of driver's licenses in various types of cases, such as implied consent, financial responsibility, points accumulation, habitual offender cases. I also have the authority to grant habitual offender suspension reductions and to deny or grant auto dealer licenses. However, I do not have contempt powers or the ability to impose fines and/or imprisonment.

19. If the answer to question 18 is yes, describe or list five of your most significant orders or opinions and give the citations if they were reported. Also, list citations to any appellate review of these orders or opinions.

(a) West Columbia Police Department and S.C. Dep't of Motor Vehicles v. McKie, 23-OMVH-01-1332-CC (June 9, 2023): This case involved a traffic stop for speeding that led to an arrest for DUI. There had been numerous evidentiary objections and rulings, which I ruled on in my order. I sustained objections as to the admission of the breath alcohol analysis test report and DataMaster video based on a lack of foundation and because the business records exception to hearsay, under Rule 803(6), SCRE and S.C. Code Ann. § 19-5-510 (Rev. 2014), was not established. I also overruled objections to the body-armor and in-car videos because the officer, who was in them, testified to having firsthand knowledge of their contents and was subject to cross-examination regarding the footage. Moreover, I concluded that the traffic stop was lawful based on Respondent's speeding and that the officer had reasonable suspicion to administer standardized field sobriety tests based on the speeding and Respondent's admission to consuming alcohol at the location from which he had been driving. However, I concluded there was insufficient evidence, based on the video footage, of Respondent's material and appreciable impairment to elevate the reasonable suspicion to probable cause for the driver's arrest for DUI. I observed only one clue of impairment (taking an additional step) during the walk-and-turn and one-leg-stand tests (the horizontal gaze nystagmus test was not observable), and the officer had only given general testimony regarding these tests. He also had no slurred speech or other physical indication of impairment. Even Respondent's driving did not demonstrate impairment, as he did not weave within his lane and properly used a turned signal and properly turned when pulling over for the stop. Finally, I concluded that based on my evidentiary rulings, there was no admitted evidence that Respondent had been advised, either verbally, or in writing, of his implied consent rights, or that he had refused to provide a breath sample. Consequently, I rescinded the suspension of Respondent's driver's license or driving privilege.

(b) Lexington Police Dep't and S.C. Dep't of Motor Vehicles v. Peloso, 20-OMVH-01-4889 (May 11, 2021) (aff'd Peloso v. Lexington Police Dep't and S.C. Dep't of Motor Vehicles, S.C. Admin. Law Ct., 21-ALJ-21-0152-AP, 2021 WL 4557271 (Sept. 30, 2021)): This implied consent refusal case challenged whether testimonial evidence alone was sufficient to establish the element of advisement of implied consent rights, whether testimonial evidence of a verbal advisement of the implied consent rights alone without

evidence of them also being given in writing as mentioned in the statute (Section 56-5-2951(F)(2)) was sufficient, and whether the officer's failure to provide evidence of his certification to operate the DataMaster machine meant that the State failed to meet its burden of proof. I held that the testimonial evidence was sufficient; that, pursuant to Taylor v. S.C. Dep't of Motor Vehicles, 382 S.C. 567, 570-71, 677 S.E.2d 588, 590 (2009), the verbal advisement alone was sufficient because Respondent established no prejudice from being advised of his implied consent rights only verbally; and that, pursuant to State v. Jansen, 305 S.C. 320, 408 S.E.2d 235 (1991), the officer's lack of evidence of his certification to operate the DataMaster machine was irrelevant because the case involved a refusal to take the breath test machine. I further added that even that there been procedure failures during the test that I could consider, counsel untimely raised his objections in closing, pursuant to S.C. Dep't of Motor Vehicles v. Brown, 406 S.C. 626, 753 S.E.2d 524 (2014).

- (c) S.C. Dep't of Public Safety and S.C. Dep't of Motor Vehicles v. Samuel, 22-OMVH-01-1874-CC (Nov. 2, 2022): This case regarding a refusal to provide a blood sample involved numerous evidentiary challenges, such as lack of foundation, hearsay, and original document versus a duplicate. I sustained some of the objections, such as to the original documents being required, concluding, after an exhaustive analysis of the South Carolina Rules of Evidence (specifically, Rules 1001-1005, SCRE) and the Administrative Procedures Act (specifically Section 1-23-330(2)), that duplicates of documents would not be admitted into evidence unless the originals thereof were not readily available. I also overruled some hearsay objections because the evidence was not being offered to prove the truth of the matter asserted. And some evidence, such as the advisement of implied consent rights, was admitted through testimonial evidence notwithstanding Petitioners' inability to have the advisement form admitted into evidence. I also found that the foundation for the SLED Urine/Blood Collection Report to have been laid through testimonial evidence that had not been contemporaneously objected to. I further concluded that the blood test was validly offered in lieu of a breath test because licensed medical personnel had given their opinion that Respondent could not take a breath test. Though there was no evidence offered as to the specific reason given by the physician or the validity of that reason, this was not required pursuant to Sanders v. S.C. Dep't of Motor Vehicles, 431 S.C. 374, 848 S.E.2d 768 (2020).
- (d) S.C. Dep't of Motor Vehicles v. Hagler, 23-OMVH-04-2514-CC (Aug. 8, 2023): In this financial responsibility case, I concluded that although Respondent was still registered as the owner of a vehicle involved in a reportable collision that did not have verifiable liability insurance coverage on it, Respondent was not the "true owner" of the vehicle for insurance purposes, pursuant to the factors set forth in Unison Ins. Co. v. First S. Ins. Co., 319 S.C. 419, 462 S.E.2d 260 (1995). Though Respondent was still the titleholder, which is prima facie evidence of ownership of the vehicle, Respondent demonstrated successfully rebutted this presumption by showing that he had issued a bill of sale to his daughter; which had been notarized; his daughter, who had been the at-fault driver in the collision, had taken sole possession of the vehicle since the execution of the bill of sale; his daughter had obtained her own insurance policy on the vehicle (though it was later cancelled for nonpayment), for which she was responsible for making payments; his

daughter paid for all maintenance and repairs for the vehicle after the executing the bill of sale and prior to the collision; and his daughter had entered into an installment agreement with the owner of the other vehicle involved in the collision. Therefore, I concluded that Respondent's daughter was the true owner of the vehicle at issue, and that the suspension of Respondent's driver's license or driving privilege should be rescinded. I also noted that I would have rescinded the suspension imposed under Section 56-9-351 anyhow pursuant to an exception provided in Section 56-9-352(7)(d) because there was a duly acknowledged written installment agreement executed between Respondent's daughter and the subrogee of the other party involved in the collision.

- (e) Martin v. S.C. Department of Motor Vehicles, 23-OMVH-03-5193 (February 23, 2024): This case involved a twice-declared habitual offender. Nevertheless, I decided that a reduction was warranted based on the facts. Petitioner's first habitual offender suspension involved three driving-under-suspension (DUS) violations that had occurred over twenty years prior to the hearing, and his first habitual offender suspension had ended fifteen years prior to the hearing (and he had not requested a reduction). Moreover, Petitioner's second habitual offender suspension also involved three DUS violations, none of which were related to drugs or alcohol and none of which posed a direct threat to the public through dangerous driving; one instance involved him driving a friend home, and the others involved him driving to work. Further, Petitioner's last violation had occurred over five years prior to the hearing, and he had not driven since. He had also paid all of his fines and fees and was leading a stable, productive life, with less than eight months to serve on his suspension. Therefore, I concluded that Petitioner's second habitual offender suspension should be reduced.

20. List all courts in which you have been admitted to practice and list the dates of your admission. Give the same information for administrative bodies that require a special admission to practice.

I am admitted to practice in all of the state courts of South Carolina. I was admitted to the South Carolina Bar on November 14, 2011.

21. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs? If so, briefly describe each course or lecture.

(a) I led a panel discussion for the following SC Bar CLE program: *Road Trip: A Tour of the Office of Motor Vehicle Hearings* (October 14, 2020), as part of the broader CLE program: *The 2020 SCAARLA Update – The Pandemic Edition*. This program focused on implied consent hearings and involved a discussion of the most important cases that parties should know going into these hearings, as well as the common mistakes that attorneys and officers make during implied consent hearings.

(b) Once a year, and almost every year for perhaps the last ten or more, I have joined Chief Judge Tripp Anderson and Judge Phil Lenski, both of the ALC, in speaking to law students at the Rice School of Law for a class entitled "Law Practice Workshop," which

has been hosted by Professors Robert Bockman and Alan Medlin. While the judges spoke about the ALC, the types of cases heard by the court, and practicing before the court, I have spoken about the duties of a staff attorney at the ALC, the nature of proceedings and subject matter heard before the DEW Appeals Tribunal (where I then served as a hearing officer), and the nature of proceedings and subject matter heard before the OMVH (where I currently serve as a hearing officer).

22. Provide, as a separate attachment, your continuing legal or judicial education report from the past five years.

See attachment.

23. List all published books and articles you have written and give citations and the dates of publication for each.

EAGLE VERSUS PHOENIX: A TALE OF FEDERALISM, 7 S.C. J. INT'L L. & BUS. 109 (2010).

24. Please furnish as a separate attachment, two examples of legal articles, briefs, orders, or other legal writings for which you can claim sole or primary authorship. If you cannot claim sole authorship, please explain the extent to which you are the primary author, to include a description of the other authors and their contributions. The writing samples are for the Commission's use only and will not be published. (If you are a judge and are not seeking a different type of judgeship, this question is inapplicable.)

See attachments.

25. What is your rating or membership status, if any, by any legal rating organization; such as, Best Lawyers, Chambers, Legal 500, Martindale-Hubbell, Who's Who Legal, Super Lawyers, Million Dollar Advocates Forum, etc.? If you are currently a member of the judiciary, list your last available rating, if any.

N/A.

26. List all bar associations and professional organizations of which you are a member and give the titles and dates of any offices you have held in such groups.

- (a) Lexington County Bar Association
(b) Richland County Bar Association

27. Have you ever held public office other than judicial office? If so, list the periods of your service, the office or offices involved, and whether you were elected or appointed. Also, state whether or not you have timely filed your report with the State Ethics Commission during the period you held public office. If not, were you ever subject to a penalty? If so, give details, including dates.

N/A.

28. For sitting or former judges, list all employment you had while serving as a judge (whether full-time or part-time, contractual or at will, consulting or otherwise) other than elected judicial office. Specify your dates of employment, employer, major job responsibilities, and supervisor.

N/A.

29. Have you ever been an unsuccessful candidate for elective, judicial, or other public office? If so, give details, including dates.

No.

30. Have you ever been engaged in any occupation, business, or profession other than the practice of law, teaching of law, or holding judicial or other public office? If so, give details, including a description of your occupation, business, or profession, the dates of your employment, and the name of your business or employer.

To the extent that part-time jobs are considered "occupations," I have had the following occupations other than the practice of law, teaching of law, or holding judicial or other public office:

- (a) A bagboy and stocker at a Winn-Dixie grocery store (November 2000 to August 2002)
- (b) A cashier and stocker at a Dollar General store (May to July 2003)
- (c) A maintenance worker for John Lee, the owner of several mobile home lots in Sumter, SC (May to June 2005)
- (d) A tutor of student-athletes for the University of South Carolina (November 2006 to October 2008)

31. Are you now an officer or director or involved in the management of any business enterprise? Explain the nature of the business, your duties, and the term of your service.

No.

32. Are you now or have you ever been employed as a "lobbyist," as defined by S.C. Code § 2-17-10(13), or have you acted in the capacity of a "lobbyist's principal," as defined by S.C. Code § 2-17-10(14)? If so, give the dates of your employment or activity in such capacity and specify by whom you were directed or employed.

No.

33. Provide, **as a separate attachment**, a complete, current financial net worth statement that itemizes in detail:

- (a) the identity and value of all financial assets held, directly or indirectly, including, but not limited to, bank accounts, real estate, securities, trusts, investments, and other financial holdings; and
- (b) the identity and amount of each liability owed, directly or indirectly, which is in excess of \$1,000, including, but not limited to, debts, mortgages, loans, and other financial obligations.

(A net worth statement form is provided with this questionnaire and you must use this format for submission of your financial statement.)

See attached financial statement.

NOTE: The Commission may require written confirmation that financial obligations have been satisfied or that the parties have agreed upon a payment schedule.

34. (a) Have you filed state and federal income tax returns for the last 5 years? If no, please provide details.

Yes.

- (b) Have you or any business with which you are associated been delinquent in any local, state, or federal taxes? If yes, please provide details.

No.

- (c) Has a tax lien or other collection procedure ever been instituted against you by federal, state, or local authorities? If yes, please provide details.

No.

- (d) Have you ever defaulted on a student loan? If so, please provide details.

No.

- (e) Have you ever filed for bankruptcy? If so, please provide details, along with proof of satisfaction of any liens or defaults.

No.

35. Since filing with the Commission your letter of intent to run for judicial office, have you accepted lodging, transportation, entertainment, food, meals, beverages, money, or any other thing of value as defined by S.C. Code § 2-17-10(1) from a lobbyist or lobbyist's principal? If so, please specify the item or items you received, the date of receipt, and the lobbyist or lobbyist's principal involved.

No.

36. Itemize (by amount, type, and date) all expenditures, other than those for travel and room and board, made by you, or on your behalf in furtherance of your candidacy for the position you seek. If you have spent over \$100, have you reported your expenditures to the House and Senate Ethics Committees?

The following expenditures were for the application process:

1 five-pack of clasp envelopes (7/3/24) – \$1.07
1 box of 40 envelopes (7/3/24) - \$2.14
1 book of postage stamps (7/1/24) - \$13.60
Fingerprinting (Lexington County Sheriff's Office) (2 cards): \$20.00 (\$10 each) (8/2/24)
Mailing of Fingerprints to SLED: \$7.39 (\$2.39 for mailing envelope and \$5.00 for postage) (8/2/24)
Notarization Fee (For PDQ and Sworn Statement): \$2.00 (8/14/24)

The following expenditure was for the actual campaigning I will be doing:

500 candidate postcards (7/30/24) – \$53.64

I have not spent over \$100, so I have not yet reported these expenditures to the Committees.

37. List the recipient and amount of all contributions made by you, a member of your immediate family, or by a business with whom you are associated, to members of the General Assembly within the past four years. If you participate in any employer-mandated contributions to a PAC or any other political entity, please describe and note your personal involvement in contributions. If you are a sitting judge, please include such contributions since your last screening.

I have not, and I am not aware of anyone in my immediate family doing so.

38. Have you or has anyone acting on your behalf solicited or collected funds to aid in the promotion of your candidacy? If so, please specify the amount, solicitor, donor, and date of the solicitation.

I have not, and I am not aware of anyone else doing so.

39. Describe any financial arrangements or business relationships you have, or have had in the past, that could constitute or result in a possible conflict of interest in the position you seek or currently hold. Explain how you would resolve any potential conflict of interest.

None of which I am aware.

40. Describe any interest you or a member of your immediate family has in real property:

- (a) in which there is a potential conflict of interest with your involvement in a South Carolina state or local public agency;
- (b) in which there have been public improvements of \$200 or more that adjoins property in which there have been public improvements of \$200 or more; or
- (c) which was sold, leased, or rented to a state or local public agency in South Carolina.

None of which I am aware.

List the interest you hold and the value and location of the property. Identify as applicable the:

- (a) nature of any potential conflict of interest;
- (b) nature and value of any public improvements; and
- (c) South Carolina state or local public agency which purchased or is leasing or renting such property.

Attach a copy of any contract or agreement.

N/A.

41. Identify any personal property interest you or a member of your immediate family sold, leased, or rented to a South Carolina state or local public agency. Identify the property, its amount or value, and the name of the agency. Attach a copy of any contract or agreement.

N/A.

42. For sitting judges, if you currently hold an interest in stock or other securities or have held such an interest, list each stock you currently own or owned during the prior calendar year. If you prefer, you may attach broker or account records containing the requested information instead of listing it here.

I am not a sitting judge, though I serve in a quasi-judicial capacity. To the extent this question is applicable, I have held the following securities during the prior calendar year:

FVRR, TSLI, YINN, NIO, ETSY, CHWY, FNGU, SOXL, CDTX, ADPT, IRDM, LULU, BA, FAS, UEC, ULTA, EXC, EXAS, JEPI, MBLV, TECL, PFE, ANET, SFIK, INDL, CVE, SHOP, GGLL, QS, SNOW, SPCE, AAPU, AMZU, FBL, FTNT, LABU, GCT, GUSH, ILMN, TNA, TMO, CCI, CHS, UBER, UNH, and NVDL.

I also own one share in the Cain's Mill Club (a hunting and fishing club) in Sumter, SC.

43. For sitting judges, have you ever accepted anything of value from an attorney or litigant in a matter currently or previously before you or your court? If so, please give the details, including the name of the attorney or litigant and the thing of value you received.

I am hearing officer, but to the extent this question is applicable, I once accepted a wedding gift from each of several attorneys following my wedding in November 2020. I invited

several attorney friends, as well as a number of other friends from other areas of my life, to a reception held by and at my church in December 2020. I was a sitting hearing officer at the time, and these attorneys had had previous matters before me, though I had no pending decisions to render involving these attorneys at the time I received these gifts (note: one of the attorneys, Teckla Henderson, Esq., worked for the South Carolina Department of Public Safety (SCDPS) at the time, which had had cases before me, though she did not personally appear before me in matters). The following attorneys and gifts are listed below:

Lester M. "Gill" Bell: air fryer
Leigh Leventis: one bedding set
Heath Taylor: one set of tool hooks and a mount for them
Charlie Williams: a basic faux Christmas tree
Brandy Duncan: a hand-stitched wall decoration
Teckla Henderson: Christmas stocking hangers
Neal Truslow: a set of pots and pans
Marion Moses: stainless steel cutlery

Again, these attorneys were invitees as friends to our wedding reception that was not limited to attorneys (though only three or four of the attorneys were able to make it to the reception). The gifts were chosen from a registry that had been mentioned on the invitations and had mostly been prepared by my wife (who did not know any of my attorney friends at the time) before the invitations were sent out, except for a hand-made gift from Ms. Duncan. Also, the list of invited attorney friends did not include just defense attorneys – two of them worked for state agencies that also regularly appear before me: Ms. Duncan with the South Carolina Department of Motor Vehicles and Ms. Henderson with SCDPS (at the time); so, the invitations were based on friendships, not on positions. And again, I had no pending decisions to render in any cases involving these attorneys at the time I received these gifts. Moreover, before sending the invitations, I had consulted Canon 4(D)(5)(d) of the South Carolina Judicial Canon of Ethics, which allows a judge to receive "a gift from a ... friend, for a special occasion, such as a wedding, anniversary or birthday, if the gift is fairly commensurate with the occasion and the relationship." Also, the SC Bar also issued an Ethics Advisory Opinion (16-03) that suggests that a gift given by an attorney friend of a judge to that judge "has been approved by various advisory bodies as an instance of social hospitality under Canon 4D(5)(c), as a commemoration of a special occasion under Canon 4D(5)(d), and under Canon 4D(5)(h) ... [,] provided it is commensurate with the relationship and the occasion." Here, I even reminded the invited attorneys that they did not need to get us a gift, but if they did, it had to be commensurate with the occasion (a wedding), and I that I would have to return anything excessive in value. The gifts listed above were standard wedding gifts, not lavish or excessively expensive, and were commensurate with a wedding; and because each of the attorneys was a friend of mine whom I had known for at least several years, I considered the gifts to be commensurate with our friendship. Finally, I have not received any gifts from these or any other attorneys since or for any other reason.

44. For sitting judges, have you used the services of your staff, for which you did not pay, while campaigning for this office?

I am a hearing officer, but to the extent this question is applicable, no, I have not.

45. Have you ever been arrested, charged, or held by federal, state, or other law enforcement authorities for violation or for suspicion of violation of any federal law or regulation, state law or regulation, or county or municipal law, regulation, or ordinance, or any other law, including another country's law? If so, give details but do not include traffic violations subject to a penalty of \$125 or less. You must include any and all arrests, including, but not limited to, offenses for driving under the influence or similar traffic offenses. Include all arrests that resulted in expungement, which will be redacted. If you have questions regarding whether to include an offense, please contact the Commission.

[All answers have been received and considered by the Commission, and as noted above, any expunged matters are redacted from the record.]

46. Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statute? If yes, explain.

Not to my knowledge.

47. Have you ever been sued by a client? Have you ever been a named party (personally or professionally) in or had a pecuniary interest in any civil or criminal proceedings? If so, give details, including, but not limited to, dates, and resolutions.

I have never been sued by a client, but I have been sued for causing a car accident occurring in November 2005. I was driving and inadvertently ran into the back of another vehicle (no drugs and/or alcohol were involved). The case number is 2007CP4301276; it was filed in the Court of Common Pleas, Third Judicial Circuit, on June 15, 2007. The case was dismissed following an out-of-court settlement between the parties, pursuant to Rule 41(a) of the South Carolina Rules of Civil Procedure, on June 16, 2008.

48. If you are in private practice, are you covered by malpractice insurance and, if so, how long have you carried malpractice insurance? If applicable, have you ever been covered by a tail policy? If so, please explain when you were covered by a tail policy. Also, if applicable, indicate your coverage and deductible for your current malpractice policy.

N/A.

49. Have you ever, in South Carolina or any other jurisdiction, as a lawyer, judge, or other professional, been cautioned with or without a finding of misconduct, sanctioned, or disciplined for lawyer, judicial, or other professional misconduct or has any jurisdiction found that you committed any misconduct? If so, give the details and describe any final disposition. Include any and all confidential and public sanctions, disciplines, letters of caution, or findings of misconduct of any kind. Private or confidential dispositions will be redacted.

[Yes and no responses are redacted for all candidates unless there is a public discipline.]

50. Have you ever been investigated by the Department of Social Services? If so, give the details and the resolution. Has your name ever been enrolled on the Central Registry of Child Abuse and Neglect? If so, give the details.

Not to my knowledge.

51. Have you directly or indirectly requested the pledge of any member of the General Assembly as to your election for the position for which you are being screened, or have you been offered a conditional pledge of support by any legislator pending the outcome of your screening? Have you received the assurance of any public official or public employee that they will seek the pledge of any member of the General Assembly as to your election for the position for which you are being screened? If so, give details.

No.

52. Have you requested any third parties to contact members of the General Assembly on your behalf before the final and formal screening report has been released? Describe the campaigning you have done for this election and include a list of those individuals you have asked to campaign on your behalf and, to the best of your knowledge, those who have campaigned for you on their own initiative.

No, I have not requested third parties to contact members of the General Assembly on my behalf before the final and formal screening report has been released. I have spoken with some members of the S.C. House of Representatives and Senate to inform them of my intent to run for a seat on the Administrative Law Court, and I have mentioned the same to friends, but I have asked no one to campaign on my behalf and am unaware if anyone else is doing so on his or her own initiative.

53. Are you familiar with the 48-hour rule, which prohibits a candidate from seeking pledges until after the draft report becomes final, which occurs on the day and time specified on the Commission's published screening schedule?

Yes.

54. Since submitting your letter of intent to become a candidate, have you or has anyone acting on your behalf contacted any member of the Judicial Merit Selection Commission about your candidacy or intention to become a candidate? If so, give details.

No.

55. List the names, addresses, and telephone numbers of five (5) persons from whom you are providing references. Also, provide the Commission with **original letters** of recommendation from each person listed herein, including their signature (preferably in

blue ink). **The Commission will not accept a photocopy or electronic submission of a letter of recommendation and failure to include all five (5) original letters of recommendation in your packet when you submit it will render your packet incomplete.** Please **do not** have references mail your reference letters to the Commission directly. *You must return the five (5) original letters of recommendation to the Commission with your application.*

- (a) Nancy Riley[Redacted]
- (b) Robert T. Bockman, [Redacted]
- (c) David Goforth, [Redacted]
- (d) Robert Chisholm, [Redacted]
- (e) David Bowden, [Redacted]

The five recommendation letters are attached.

56. Are you active on or a member of a social media or Internet site such as, Facebook, LinkedIn, Twitter, Instagram, etc.?

If so, please list the account names for each account and the relevant platform.

How would your use of social media or other similar types of Internet sites be affected if you were serving in a judicial capacity?

I am moderately active on Facebook and almost completely inactive on LinkedIn. My account name for both Facebook and LinkedIn is [Redacted]

My use of social media or other similar types of Internet sites would not be affected by my serving in a judicial capacity because I do not post or comment often, and when I do, my posts or comments are not political, legal, or work-related in nature.

57. List all civic, charitable, educational, social, and fraternal organizations of which you are or have been a member during the past five years and include any offices held in such a group, and any professional honors, awards, or other forms of recognition received and not listed elsewhere.

(a) Grace Baptist Church, West Columbia, SC – I have been a deacon, church clerk, substitute Sunday school teacher, member of the Constitution Committee, usher, and nursery worker/volunteer.

(b) Cain's Mill Club, Sumter, SC

58. Provide any other information that may reflect positively or negatively on your candidacy, or which you believe should be disclosed in connection with consideration of you for nomination for the position you seek. **This information may include how your life experiences have affected or influenced the kind or type of judge you have been or plan to be.**

I was fortunate to have been reared by parents and grandparents who instilled within me a strong work ethic and commitment to truth and justice. But I also attended a daycare for the first twelve years of my life because my parents both had to work to make ends meet. That time at the daycare gave me exposure to other children from all walks of life, which enabled me to appreciate the similarities and differences of others and to find common ground with those from different backgrounds. This experience was furthered with the various part-time jobs I held in school working alongside individuals from different backgrounds. Equality before the law is fundamental to our judicial system and, in turn, our society. I have striven to adhere to this principle in my service to the State of South Carolina for the past thirteen years, the latter half of which has been in a quasi-judicial capacity as a hearing officer. I have striven to dispense justice, according to due process, and to temper that justice with mercy when allowed and where appropriate. I now seek an opportunity to exercise these principles of right judgment in a greater capacity at the Administrative Law Court.

I will add that though I have not had experience as a trial attorney (aside from a summer spent after my first year of law school as a law clerk for the South Carolina Department of Consumer Affairs), in my role as a hearing officer for both DEW and OMVH I have served in a quasi-litigator capacity in terms of conducting examination of witnesses during hearings. At DEW, I had to examine witnesses in every case, as the parties were almost never represented by counsel. At OMVH, in financial responsibility, habitual offender, habitual offender reduction, and points-suspension cases, SCDMV does not personally appear but instead appears by way of certified documents, and the drivers are usually not represented by counsel. Therefore, I am conducting the examination of them and any witnesses they bring and eliciting the facts necessary to rendering a decision in the matter, in addition to applying the law to those facts when writing the orders.

YOUR SIGNATURE WILL BE HELD TO CONSTITUTE A WAIVER OF THE CONFIDENTIALITY OF ANY PROCEEDING BEFORE A GRIEVANCE COMMITTEE OR ANY INFORMATION CONCERNING YOUR CREDIT.

I HEREBY CERTIFY THAT MY ANSWERS ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

Signature: _____

Sworn to before me this ____ day of _____, 2024.

(Notary Signature)

(Notary Printed Name)
Notary Public for South Carolina
My Commission Expires: _____