



**JUDICIAL MERIT SELECTION COMMISSION  
PERSONAL DATA QUESTIONNAIRE  
2023**

Court, Position, and Seat # for which you are applying:

1. Name: The Honorable Milton G. Kimpson  
Mrs.  
Ms.

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

None

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

Yes, SC Administrative Law Court (ALC) Judge (ALJ)

Home Address: [Redacted]

County of Residence: Richland

Business Address: SC Administrative law Court, 1205 Pendleton Street, Ste, 224,  
Columbia, SC 29201

E-Mail Address: [Redacted]

Telephone Number: (home): [Redacted]  
(office): 803-734-0554  
(cell): [Redacted]

2. Date of Birth: [Redacted] 1961  
Place of Birth: Columbia, 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.

I served on active duty in the U.S. Army as an officer in the Judge Advocate General's Corps (JAGC) from January 1987 to December 1991 and continued service in the US Army Reserves from 1992 – 1995. My highest rank was Captain and I received an Honorable Discharge. I have no current duty status.

6. Family Status:

(a) State whether you are single, married, widowed, divorced, or separated. Married

(b) If married, state the date of your marriage and your spouse's full name and occupation.

May 14, 1999 to Audra Sabb Kimpson; wife is an Audits Manager for SC Comptroller General's Office

(c) If widowed, list the name(s) of spouse(s).

N/A

(d) If you have ever been divorced or are in the process of obtaining a divorce, state the date, name of the moving party, court, and grounds.

Never divorced

(e) State the names of your children and their ages. If your children are old enough to work, include the occupation of each child.

We have 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) Wofford College, Spartanburg, SC; August 1979 – May 1983; B.S. in Economics

(b) Emory University School of Law, Atlanta, GA ; August 1983 – May 1986; J.D.

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) Emory Moot Court Society 1984-1986

(b) Emory Intrastate Moot Court Team, 1985

(c) Coach, National Championship Evidence Moot Court Team, 1986

- (d) Student Legal Services, 1984 – 1986
- (e) Black Law Students Association, 1983 – 1986
- (f) Black Law Students Association Moot Court Team, 1986
- (g) National Institute of Trial Advocacy, 1985

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

South Carolina; admitted in 1986; took SC Bar exam once. Have not taken the bar exam in any other state.

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) SC Department of Health and Environmental Control, law clerk and brief stint as a Staff Attorney practicing administrative law until entry into U.S. Army JAGC. No management responsibilities; no trust accounts.
- (b) JAGC, Fort Sill, Oklahoma; Legal Assistance Officer: General civil practice assisting military members, families and retirees with wills, powers of attorney and family law; March 1987 -June 1988; Trial Counsel (military prosecutor) prosecuting soldiers for crimes under Uniform Code of Military Justice; June 1988 – March 1990. No management or trust account responsibilities.
- (c) JAGC, Fort Jackson, SC; Chief Legal Assistance Officer: General civil practice assisting military members, families and retirees with wills, powers of attorney and family law; Military Magistrate – whether to impose pretrial confinement for military personnel accused of crimes under USCMJ; March 1990 – December 1991; administrative management (personnel) responsibilities but no trust accounting.
- (d) Johnson, Toal & Battiste, P.A. Jan 1992- Dec 1993; Associate at general civil practice firm doing civil litigation, real estate, family law, personal injury and criminal law. No management or trust account responsibilities.
- (e) Glen Walers, P.A.: Jan. 1994 – March 1994; temporary position in a general practice firm in Orangeburg, SC; family law and personal injury; no management or trust account responsibilities.
- (f) Gerald & Kimpson, LLP; March 1994-December 1998; partner in general practice firm; civil litigation, criminal litigation, family law, personal injury and real estate. Shared administrative and financial management responsibilities, to include management of real estate trust account (IOTA).
- (g) Richland County Department of Social Services; July 1995- December 1988. Contract attorney prosecuting abuse and neglect cases in Family Court. Performed contract work while in private practice as Gerald & Kimpson, LLP. No administrative, financial or trust account responsibilities.

- (h) Milton G. Kimpson, P.A.; January 1999-Dec 2002. Solo practitioner in general practice, including civil litigation, family law, personal injury, real estate and criminal law. Performed administrative and financial management responsibilities to include trust accounting – general and IOTLA real estate accounts.
- (i) SC Department of Labor, Licensing and Regulation. Contract attorney serving as counsel to contractors’ board. One or two hearings in December 2001-2002. Performed as contract attorney while in private practice as Milton G. Kimpson, PA. No administrative, financial or trust account responsibilities.
- (j) South Carolina Department of Revenue; Jan. 2003 – 2010; staff attorney performing state tax and regulatory litigation before ALC, state and federal courts. In 2006, became Managing Attorney for Honors Litigation Program with administrative management responsibilities. No financial management or trust accounting responsibilities.
- (k) South Carolina Department of Revenue; July 2010-June 2017. General Counsel for Litigation handling state tax and regulatory cases before ALC, state and federal courts. Performed administrative responsibilities with limited budget responsibilities for section. No trust accounting.
- (l) SC Administrative Law Court; July 2017 to present; serve as Administrative Law Judge presiding over administrative cases – de novo trials and appeals – arising out of state agency decision under the Administrative Procedures Act. No administrative, financial or trust accounting responsibilities.

**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:** numbering
- (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.
  - (c) 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.

Since July 2017, I have served as an Administrative Law Judge so that I have not engaged in the practice of law since that time. However, prior to going to the ALC, I had a variety of experiences in the courts of this State and the Federal government. In terms of criminal law, I served in the U.S. Army as a Military Prosecutor handling criminal cases under the Uniform Code of Military Justice. While the majority of these cases were drug offenses and crimes such as assaults, I was able to obtain a conviction against a soldier in a rape case. After leaving the military and entering private practice, I handled magistrate court level criminal cases – assault and battery, traffic tickets - as well a few criminal cases in General Sessions (trespassing and murder <sup>1</sup>) and Federal Court (co-counsel in a case in which my client was charged with arson and unlawful possession of gun) – all representing defendants. I ended my private practice in December 2002 and joined the SC Department of Revenue where I did not normally practice criminal law but did serve as co-counsel in one criminal trial in General Sessions involving tax evasion (which ended in a negotiated plea). As an ALJ, I am routinely confronted with sentencing issues in reviewing cases on appeal from the Department of Probation, Parole and Pardon Services. While my most recent criminal law experience has been limited, I believe that thorough research on the developments in criminal law at the State and Federal levels will help me to prepare for this position. I have learned as a ALJ that it is not only important to be well versed in the practice of law but also to understand the theory and precedents supporting it.

My background in civil court has included time in private practice where I tried cases before the Circuit Courts of this State and Federal District Courts involving a number of issues ranging from general civil matters, personal injury and employment discrimination. In this role, I developed years of experience in filing complaints, engaging in discovery and actual trial and appellate work. At the Department of Revenue, I litigated tax and regulatory (beer and wine permits, liquor licenses) cases at the ALC and argued appeals before the SC Appellate courts, as well as State and Federal trial and Appellate courts. I represented the Department in class action lawsuits in Circuit Court involving state sales tax issues and data breach issues. I believe that all of these experiences have prepared me to be an effective Circuit Court judge.

- (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.

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<sup>1</sup> My client was charged with murder along with two other defendants in Orangeburg County. I filed a successful motion to sever the trials. The other two defendants went to trial and were acquitted. The Prosecutor's office then dismissed the charge against my client.

(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.

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:

Two to three times a year

(b) state:

Frequent appearances in Circuit Court and Appellate Courts – approx.. two to three times a month; before the ALC, approximately seven times a month.

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:

Thirty (30%) in State courts while in private practice; 15% in State courts while at Department of Revenue

(b) criminal:

One criminal trial while at the Department of Revenue; infrequent criminal appearances in five years prior to joining the Department.

(d) domestic:

While in private practice, approx.. 30% of time spent in Family Court;

(e) other:

(f) Prior to becoming an ALJ, approx. 70% of practice involved appearances before the ALC.

14. During the past five years

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

None

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

None as a lawyer within the past five years; I have presided over a number of administrative trials to decision - approx. 30.

(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.)

None

(g) What number of your cases settled after a jury was selected but prior to opening statements?

None.

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?

While in private practice, approx. 50% of my practice included work in State trial courts, to include Family Court; at Department of Revenue, approximately 30% of my work consisted of representing the agency in State trial courts on motions and trial work. Approx. 70% of time at the Department of Revenue was involved with representing the agency at the ALC.

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.

(a) Travelscape v. SC Department of Revenue, 391 S.C. 89, 705 S.E.2d 28 (2011). One of the first appellate court decisions in the United States subjecting on-line travel companies (Expedia) to state sales taxes for renting hotel rooms in the State. I was lead counsel at ALC; the taxpayer appealed from a decision in favor of the Department and I argued the appeal at the SC Supreme Court.

(b) Home Medical v. SC Department of Revenue, 382 S.C. 556, 677 S.E.2d 582 (2009). Home medical supply company sought sales tax exemption in contravention of Department of Revenue's longstanding interpretation of regulations. I handled case at the ALC and lost on summary judgement. I argued appeal at the SC Supreme Court; the Court reversed the ALJ's decision upholding principle that ALJs' lack the authority to disregard duly promulgated regulations. Also stands for proposition that motions for reconsideration are valid procedural tools at the ALC.

- (c) SC Department of Revenue v. Anonymous Company A, 401 S.C. 513, 678 S.E.2d 255 (2008). Nationwide sales tax issue whereby automobile finance companies were seeking sales tax refunds on installment sales contracts that had become uncollectable. The Department denied the refund request and the taxpayer appealed to the ALC. I was the lead counsel at trial at the ALC. The ALC ruled for the finance company on a novel question of statutory interpretation. I argued the Department's appeal at the SC Supreme Court. The Court reversed the ALC, bringing SC in line with other state courts that had addressed the sales tax issue. .
- (d) CSX Transportation v. SC Department of Revenue, 2016 WL 3162178 (SC D.S.C. June 7, 2016), *vacated and remanded*, 851 F3rd 320(4<sup>th</sup> Cir. 2017). Railroad filed suit against Department alleging unlawful discrimination in the application of South Carolina's property tax exemption statute. I served as lead counsel at trial. Federal District judge ruled in Department's favor. Case was significant because midway during discovery, the U.S. Supreme Court released a decision affecting the body of law; we amended our answer to assert new defenses. Furthermore, we were facing a law firm that had a great deal of experience litigating these issues nationwide so we were definite underdogs.
- (e) Drummond v. SC Department of Revenue, 378 S.C. 362, 662 S.E.2d 587 (2008). Class action civil lawsuit seeking sales tax exemption for certain diabetic supplies. The Department did not interpret the statute and regulation to allow the exemption. I acted as co-counsel in Circuit Court. The Circuit Court granted summary judgment in the Department's favor; thereafter, the plaintiff appealed. I argued the appeal to the SC Supreme Court; the Court affirmed on the regulatory issues and the principle that tax cases should be initiated under the Revenue Procedures Act. The Supreme Court remanded on a statutory issue - I served as lead counsel at subsequent trial. After several days, the Plaintiffs dismissed the case.

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.

- (a) Drummond v. SC Department of Revenue, 378 S.C. 362, 662 S.E.2d 587 (2008).
- (b) CSX Transportation v. SC Department of Revenue, 851 F.3d 320 (4<sup>th</sup> Circuit Court of Appeals, 2017).
- (c) SC Department of Revenue v. Anonymous Company A, 401 S.C. 513, 678 S.E.2d 255 (2008).
- (d) Lexington County Health Services District v. SC Department of Revenue, CITE
- (e) Travelscape v. SC Department of Revenue, 391 S.C. 89, 705 S.E.2d 28 (2011).

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.

- (a) None

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.



SC Administrative Law Court, Seat #2; July 2017 to present. Elected by SC General Assembly in July 2017 and reelected in 2022. The ALC is an administrative agency and court of record created by the General Assembly, SC Code Ann. 1-23-500, with jurisdiction limited by statute, to certain “contested cases...involving the departments of the executive branch of government ... “ and other matters, to include appeals from decisions in contested cases heard at the agency level.

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) Begum v. Florence County Assessor, 18=ALJ-0198-CC; 2019 WL 5208156 (SC Admin Law Court), *affirmed*, 2022 U.P. 069
  - (b) ADSI Holdings LLC, et al v. Florence County Assessor, 21-ALJ-17-0243-CC; 2023 WL 2777265 (SC Admin Law Court)
  - (c) Minor Child Evinich v. SC Department of Health and Human Services, 19=ALJ-08-0137-AP; 2021 WL 1054256 (SC Admin Law Court)
  - (h) T. Tree Farm R.V. Park v. South Carolina Department of Environmental Control, et al., 22-ALJ-07-0011; 2022 WL 17742418 (SC Admin Law Court), currently on appeal.
  - (i) Lorenzo Elmore dba Gullah W v SC Department of Health and Environmental Control, 19=ALJ-07-0425-IJ, 2020 WL 1274293(SC Admin. Law Court)
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.
- (a) South Carolina, 1986
  - (b) United States District Court for Western District of Oklahoma, 1988
  - (c) United States District Court for District of South Carolina, 1992
  - (d) United States Court of Appeals for the Fourt Circuit, 2016
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) Presentation on Travelscape v. SC Department of Revenue, 391 S.C. 89, 705 S.E.2d (2011) to Multi-State Tax Commission Litigation Committee meeting in Nashville, TN, March 8, 2022
  - (b) Presenter at SC Attorney General CLE; Department of Revenue Practice, June 17, 2021
  - (c) State Tax Law Update, Columbia, Tax Study Group, October 16, 2012
  - (d) SCDOR Case Law Update at State and Local Tax Seminar March 21, 2013
  - (e) Presentation on SCDOR Data Breach at Cyber Security Seminar hosted by state of Wisconsin, Milwaukee, WI, October 2013
  - (f) SCDOR Case Law Update Presentation to SC Bar Tax Section during SC Bar Convention, Jan 24, 2015

- (g) SCDOR Case Law Update presentation to Columbia Tax Study Group, February 14, 2015
- (h) Presentation on DHEC Certificate of Need Program and SCDOR Regulatory Practice at SC Black Lawyers retreat, September 17, 2015
- (i) Panelist, “Good Decisions for Your Legal Education and Career,” USC School of Law, November 16, 2017
- (j) Panelist, “Appearing at the ALC – Dos and Don’ts”, SCARLA CLE, February 21, 2020
- (k) Panelist, Young Lawyers Division Mentoring Lunch on Administrative Law, January 21, 2020
- (l) Panelist, Judges Perspective on Advocacy or Oral Argument, Appellate Advocacy Workshop, SC Bar CLE Division, November 18, 2022,
- (m) Presenter, Administrative Law, On- Demand Video, SC Bar Administrative and Regulatory Law Committee, December 8, 2022.

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

Please see attached CLE reports

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

South Carolina Practice Manual, Criminal Law, Volume Three (SC Bar CLE 2003), contributing author, Chapter on Military Law

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 attached orders in Begum v. Florence County Assessor, 18=ALJ-0198-CC; 2019 WL 5208156 (SC Admin Law Court) and T. Tree Farm R.V. Park v. South Carolina Department of Environmental Control, et al., 22-ALJ-07-0011; 2022 WL 17742418 (SC Admin Law Court)

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.

2023 Martindale Hubbell; Distinguished.

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) SC Bar Association
- (b) SC Black Lawyers Association
- (c) SC Administrative and Regulatory Law Association, Board of Directors 2012- present
- (d) Military and Veterans Law Section of SC Bar Association
- (e) 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.

Prior to election to ALC, from July 2010 to June 2017, I served as Deputy Director and General Counsel for Litigation at the SC Department of Revenue and filed annual reports with the State Ethics Commission. I have continued to file timely reports since becoming an ALJ in 2017.

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.

No other employment.

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.

No

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.

My wife and I own residential rental property and are involved in management decisions; I am managing member of 2200 College Street, LLC – own residential rental property with my two brothers. All of these properties have contracted property management companies, however, we are consulted on expenditures over a certain amount. I am also involved with managing my mother’s residential rental property – primarily making sure expenses and taxes are paid as well as filing county and city licenses. My brothers and I own a timber

tract in Calhoun County and I am the primary manager in terms of arranging forestry practices with federal Department of Natural Resources and upkeep of property.

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.)

A complete, current financial net worth statement has been provided to the Commission

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

34. Has a tax lien or other collection procedure ever been instituted against you by federal, state, or local authorities? Have you ever defaulted on a student loan? Have you ever filed for bankruptcy? If so, give details. Also, proof of satisfaction of any liens or defaults must be submitted with your application package.

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?

(a) July 8, 2023 Postage Stamps \$126.00

I estimate that I will incur additional expenses for copying, palm cards and paper of approx.. \$250. I have not yet filed reports with the Ethics Committees but will do so within the week. .

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 are a sitting judge, please include such contributions since your last screening.

None

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.

No.

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. In the event a potential conflict should arise, full disclosure of the circumstances would be made to the parties to any litigation and recusal in any particular case should be evaluated. To the extent a conflict were to arise beyond simply one case, the financial or business relationship may have to be ended.

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.

(a) None

(b) There have been street and sewer improvements adjacent to 2200 College Street, Columbia, SC

(c) None

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.

- (a) None
- (b) Street and sewer improvements on street adjacent to residential real estate (rental) at 2200 College Street, Columbia, SC. Approximate value - \$2,500
- (c) 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.

None.

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.

Please see attached statements from Charles Schwab, Prudential and Morgan Stanley.

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.

No.

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

No..

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.

No.

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.

- (a) Sued by former client, Adrian Hammond v. Gerald & Kimpson, LLP, Case No. 2005-CP-40-04893. Legal malpractice suit. The firm filed civil suit on Plaintiff's behalf against State Newspaper for publishing Plaintiff's identity while a minor but case was dismissed by Circuit Court. Plaintiff thereafter filed suit alleging legal malpractice. Circuit Court granted summary judgment in favor of law firm because case not filed within applicable statute of limitations. Result affirmed by SC Court of Appeals in Hammond v. Gerald & Kimpson, LLP, 2009-UP-594 (2010)
- (b) Palmetto Health Alliance dba Palmetto Richland v. Milton G. Kimpson, Dentsville Magistrates Court Case No. 2009cv401093250. Collection case involving outstanding hospital bills; case settled without trial in February 12, 2010.
- (c) Lucille Briggs v. Milton G. Kimpson, Civil Action No. 93-CP-40-01086. Motor vehicle accident; ran into back of another car at a stop light. My insurance company provided defense and ultimately settled case.
- (d) Milton G. Kimpson v. Elouise, John Kelly and Beulah Apostolic Temple, Inc., Case No. 2005CV4010100409, Richland County Municipal Court. I filed suit to collect on bad check written by client. Obtained judgment; not able to collect.
- (e) Milton G. Kimpson v. Timothy Warren, Case No. 255778, Richland County Court of Common Pleas; I filed suit and obtained Confession of Judgement against client who wrote bad check for legal fees; unable to collect.
- (f) Milton Gary Kimpson v. Michael Trotman, Case No. 92-CP-40-05193; Richland Co. Court of Common Pleas

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.

I ended my private practice and joined the SC Department of Revenue in 2003. I maintained a "tail policy" from 2003 to January 2020.

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.

No.

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.

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) Benjamin I. Duncan, III; [Redacted]
- (b) Rev. Jamey O. Graham, Sr.; [Redacted]
- (c) The Honorable Deborah B. Durden, [Redacted]
- (d) The Honorable Shirley C. Robinson (Retired), [Redacted]
- (e) Ms. Beth Irick, Cooperative Ministry, [Redacted]

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

No; However, I do have a LinkedIn account – registered in order to view streaming speech by former classmate but do not actively use.

**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?

Do not plan to use social media.

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) Eau Claire Development Corporation, Secretary
- (b) Greater Columbia Community Relations Council. Chairmen , June 2016-June 2017; Board of Directors, 2016 – 2022; currently serve on Board of Advisors
- (c) Citizens for Public Life, Board of Directors
- (d) Cooperative Ministry, Board of Directors
- (e) Omicron Phi Chapter of Omega Psi Phi Fraternity, Inc., Parliamentarian
- (f) Promise Foundation, Treasurer
- (g) Alpha Iota, Sigma Pi Phi Fraternity, Secretary May 2002 to present
- (h) Saint John Baptist Church, Board of Deacons, May 2002 to present; Assistant Church Clerk
- (i) Wofford College Black Alumni Association
- (j) Omega Men of Columbia, SC, Inc., Secretary
- (k) Israel Brooks Foundation, Board of Directors
- (l) Life Member, NAACP

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.

My service on the Administrative Law Court has been an invaluable experience and among the highlights of my legal career. As a judge, I have tried to emulate the good characteristics of the many excellent judges before whom I have appeared. I strive to be prepared, knowledgeable about the law and importantly, to be attentive, respectful and courteous to litigants. I have always appreciated those judges who actively listened to the evidence and evaluated my legal arguments. Whether acting as a trial judge or acting in an appellate capacity, I do my best to fairly evaluate the evidence and fully address legal arguments when rendering decisions. I believe that as a Circuit Judge, I will bring these same attributes to a court with greater responsibility and a wider range of litigants as well as exposure to citizen juries.

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 \_\_\_\_\_, 2023.

\_\_\_\_\_  
(Notary Signature)

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