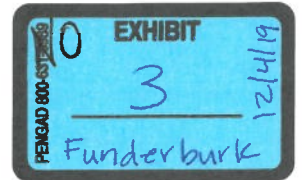


JUDICIAL MERIT SELECTION COMMISSION  
PERSONAL DATA QUESTIONNAIRE



Court, Position, and Seat # for which you are applying:  
South Carolina Administrative Law Court, Judge, Seat 3

1. Name: The Honorable Harold W. Funderburk, Jr.  
Mrs.  
Ms.

Name that you are known by if different from above  
(Example: A Nickname): H.W. Funderburk, Jr.  
"Bill" Funderburk

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

Home Address:

[REDACTED]

Business Address:

SC Administrative Law Court  
1205 Pendleton Street, Ste. 224  
Columbia, SC 29201

E-Mail Address:

[REDACTED]

Telephone Number: (home): [REDACTED]  
(office): 803-734-0551  
(cell): [REDACTED]

2. Date of Birth: [REDACTED] 1949  
Place of Birth: Camden, 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.

Commissioned June 6, 1970; Active Duty, Sept. 1973-Dec. 1973, US. Army, Captain; Honorable Discharge, 21 August 1985 (Discharge Certificate Attached; DD214 not available.)

6. Family Status: In the space below, (a) state whether you are single, married, widowed, divorced, or separated; (b) if married, state the date of your marriage and your spouse's full name and occupation; (c) 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; and (d) state the names of your children and their ages. If your children are old enough to work, include the occupation of each child.

(a) Married

(b) Sept. 11, 1999, Laurie Slade Funderburk, Attorney/ Legislator (SC House)

(c) October 1978, H.W. Funderburk, Jr. Richland County Family Court, One-year separation.

March 1994, Kathryn S. Funderburk, Kershaw County Family Court, One-year Separation.

(d)

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.

Davidson College, 1966-70, AB

University of South Carolina, 1970-1978, Ph.D. (English)

University of South Carolina School of Law, 1982-1985, JD

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.

University of South Carolina School of Law

Moot Court Bar, International Moot Court Team, 1984-85

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.

South Carolina, 21 Nov. 1985 (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 has 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.

1985-1987 Staff Attorney, S.C. Supreme Court  
1987-1988 Associate Attorney, Harvey and Battey, P.A., Beaufort, S.C.  
1988-1995 Staff Attorney, S.C. Employment Security Commission  
1995-2010 General Counsel, S.C. Employment Security Commission, Dept. of Employment and Workforce  
2012-2014 Semi-Retired, Represented guardians for GAL Office in Kershaw County  
2014-2015 Municipal Judge, Camden, S.C.  
2015- Judge, S.C. Administrative Law Court

**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.
- (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, 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.

- (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.
  - (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:
  - (b) state:
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:
  - (b) criminal:
  - (c) domestic:
  - (d) other:
14. What percentage of your practice in trial court during the past five years or in the five years prior to your election to the bench involved matters that went to a jury, including those that settled prior to trial?
- (a) jury:
  - (b) non-jury:

During the past five years, did you most often serve as sole counsel, chief counsel, or associate counsel?

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)
  - (b)
  - (c)
  - (d)
  - (e)
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)
  - (b)

- (c)
- (d)
- (e)

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)
  - (b)
  - (c)
  - (d)
  - (e)

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. Yes

2014-2015 Municipal Judge (Elected by City Counsel) The court's jurisdiction was limited to Criminal Misdemeanors in the City limits.

2015- Judge (Elected by Legislature) The general jurisdiction is civil cases arising from State Agency decisions. Some are contested cases; others are appeals, depending on the decision process in the agency involved.

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) Rent-a-Center East v. S.C. Dept. of Revenue, 425 S.C. 582, 824 S.E.2d 217 (Ct. App. 2019)

(b) Whitesell Funeral Home v. S.C. Dept. of LLR and S.C. Board of Funeral Services, 15-ALJ-11-0549-AP

(c) S.C. Dept. of Revenue v. American Legion Auxiliary dba Shamrock Bingo and Thomas Irwin, Promoter, 16-ALJ-17-0026-CC

(d) TVL, LP fka Travelocity.com LP v. S.C. Dept. of Revenue, 16-ALJ-17-0400

(e) Trident Medical Center v. S.C. Dept. of Health and Environmental Control and Roper St. Francis, 16-ALJ-07-0386-CC

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.

Admitted to practice before the State Courts of South Carolina, 21 November 1985.

Admitted to practice before the Federal District Court of SC, 30 August 1988.

Admitted to practice before the Fourth Circuit Court of Appeals, 1 April 1986.

Admitted to practice before the United States Supreme Court, 8 May 2006.

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 have presented on the ethical dangers of social media to the National Association of Unemployment Appellate Boards Annual Conference, 2010.
  - (b) I have made presentations on South Carolina Unemployment Law and Practice at various CLE seminars and to employer groups.
  - (c) I have participated in and led panels on employee/independent contractor issues and law at annual conferences of the National Association of Unemployment Appellate Boards.
  - (d) Recently I have taught classes in fiction for the University of South Carolina in which I chose literature dealing with the idea of justice and the operation of law in society.

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

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

"Independent Contractors, Temporary Workers: More Myth than Reality," South Carolina Lawyer, 11 (January/February 2000): 15–19.

"Dracula and Vlad Tepes: Fictional and Historical Discontinuities in Character," 1 Journal of American Romanian Christian Literary Studies 116 (1980).

Ambition and Monomania: A Study of Moral Degeneration in the Plays of Christopher Marlowe, Dissertation: University of South Carolina, 1978.

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.)

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.

Martindale-Hubbell: BV Distinguished 4.4 out of 5.

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) South Carolina Bar (Served on Publications sub-committee 1992-94)

(b)

(c)

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.

I have not held public office other than judicial office. I have timely filed my reports with the State Ethics Commission when I was required to file.

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.

I have been an adjunct English instructor for the University of South Carolina in Columbia since 1989. I taught for the evening school, currently called On Your Time Initiatives.

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

I was a candidate for Kershaw County School Board in 1989.

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.

I was an English professor at Campbell University (N.C.) from 1978 to 1982 and served as the chairman of the English Department for the final three years. I have taught English for the University of South Carolina as a graduate student (1971-73; 1974-78) and continue to teach as an adjunct professor (1988-present). In addition, I worked as a television technician at Hall Radio and TV in Camden for three years (1982-1985) and was a partner in the business for the final two years.

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.

In June 2012, my wife and I started an independent bookstore in Camden, Books on Broad. I no longer work in the store but perform some administrative and bookkeeping tasks.

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.)

**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.

Yes. I was late with tax payments in the early 1990s, but I paid everything that was due. In 1995, I underpaid estimated taxes. My software calculated the penalties and interest owed and added it to the amount remitted. However, an error another \$153.08 due. By the time I realized the error and mailed the check, a warrant for distraint was issued. I believe they crossed in the mail.

I have not had a student loan, and I have not filed for bankruptcy.

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?

I have not spent anything as yet.

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.

My spouse contributed \$100 to Representative Stavrinakis's mayoral campaign in 2015.



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.

I don't believe my past or current financial or business relationships would cause a conflict of interest in my position. Of course, should an individual with whom I have had a relationship, business or personal or an entity in which I or my spouse own stock be a party in a case before me, I would assess the impact on the matter, alert the parties, and step aside if I or one of the parties thought my hearing the case might result in an appearance of impropriety.

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.

My wife and I bought a business property at 944 Broad St. in Camden. Behind the property the city paved an alley and a parking area. The parking lot serves more than a dozen businesses. We had nothing to do with the decision to pave the lot, a project which was being planned before we purchased property in the area.

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.

Our bookstore has sold books to the Kershaw County Schools in the amount of \$1,776.60. These are occasional transactions, and there is no contract or ongoing agreement.

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.

See attached a schedule and a broker account statement that is a part of the Financial Statement requested by question 33.

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 which are 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.

Other than my two divorces, I have been a party defendant in two other cases. During my separation and before my divorce in March 1994, two mortgage payments were missed, and the lender began foreclosure proceedings. I brought the loan current, and the case was dismissed. My former spouse was then able to refinance and remove me from the loan. Shortly thereafter, the private investigator I hired took collection action in magistrate's court for the portion of his fee I had not paid. He sent the bill to my estranged wife instead of to me. I paid the balance, and the investigator waived the attorney's fee. That matter was also dismissed.

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 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 sanction, discipline, or finding of misconduct of any kind.

[Yes and no responses for all candidates are redacted 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.

**Note: The flash drive with your application materials contains (1) Section 2-19-70(c); (2) JMISC Rule 24, (3) Memo of Guidance, and (4) informal opinions and letters concerning pledging prohibitions, with which third parties acting on your behalf, as well as you, must comply.**

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.

I have not asked anyone to campaign on my behalf, nor do I know of anyone who done so on his/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.

I have asked questions about the contents of my package and asked for clarification of questions and form parts.

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 packet.*
- (a) Julian Burns, [REDACTED]
  - (b) Karen Eckford, [REDACTED]
  - (c) Michael Arant, [REDACTED]
  - (d) Amber Conger, [REDACTED]
  - (e) Jimmy Morton, [REDACTED]

56. Are you active on or a member of a social media or Internet site or have you, to your knowledge, been featured or depicted on a social media or Internet site, such as, Facebook, LinkedIn, Twitter, etc.? If so, 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 do not have or participate in social media or internet sites. My business, Books on Broad, has a website, a social media presence, and advertises. I do not participate in those although there may be some old pictures of me in the store or interviews given before I became a judge.

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, any professional honors, awards, or other forms of recognition received and not listed elsewhere.
- (a) Lytleton Street United Methodist Church, Finance Committee, 2018-Present
  - (b) Kershaw County Library Board of Trustees, 2011–2019, Secretary. I received a plaque, as did two others, when our terms ended.
  - (c) Kershaw County Historical Society, Board of Trustees, 2006-2018
  - (d) Congaree Land Trust, Board of Trustees, 2013-2018

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.

The variety of what I have done and the jobs I have held brought me into contact with all kinds of people. These experiences have made me sensitive to the struggles people have and the difficulty some have in communicating with others. I have also been fortunate to have learned from some very bright teachers and to have worked with individuals who cared deeply about their jobs, the organizations that employed us and the people they served. I hope to continue to bring the skills I have learned and the insights as well as the examples of dedication and professionalism to which I have been exposed to my work. I understand the value of hard work and diligence. It is also important to be an active listener and to treat those who come into a courtroom with civility and respect. The best judges I have seen combine those characteristics with a humanity so genuine that even those ruled against know that they have been heard and understood. My goal is to earn that respect for both myself and the court system I represent.

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 \_\_\_\_\_, 2019.

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

\_\_\_\_\_  
(Notary Printed Name)

Notary Public for South Carolina

My Commission Expires: \_\_\_\_\_