Friday, May 2, 2014

(Local Session)

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Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the ACTING PRESIDENT, Senator COURSON.

REPORT RECEIVED

**Joint Consumer Affairs Commission**

**Screening Committee**

Members:

Senator William O’Dell, Chairman

Senator John Matthews

Senator Tom Davis

Senator Sean Bennett

Representative F. Michael Sottile

Representative Walton J. McLeod

Representative Leon Howard

Representative Liston D. Barfield

The Joint Screening Committee to Review Candidates for the Consumer Affairs Commission met to screen Ms. Eboni S. Nelson, Mr. Carlisle E. Kennedy and Mr. Donald H. Jackson for Seats No. 2, 3, and 4 on the Consumer Affairs Commission. They were found to be qualified. The election will be Wednesday, May 28th at Noon.

Consumer Affairs Screening – May 1, 2014

207 Gressette - 9:00 A.M.

Senator O’DELL: We are going to call the meeting to order.

Mr. Jackson and Mr. Kennedy were sworn in.

Senator O’DELL: Thank you, Mr. Kennedy.

Dr. Steven Gilbert: Okay, I’m going to ask you nine questions, pretty simple yes or no questions. If you have anything to elaborate go ahead and do so.

Dr. Steven Gilbert: Do you or any member of your family own or operate any business that receives state or federal funds?

Mr. Kennedy: No, sir.

Dr. Steven Gilbert: Have you ever been arrested, charged, or held by federal, state or other law enforcement authorities for violation of the law, regulation or ordinance?

Mr. Kennedy: No, sir.

Dr. Steven Gilbert: Have you, to your knowledge, ever been under federal, state or local investigation for possible violation of a criminal statute? If so, explain.

Mr. Kennedy: No, sir.

Dr. Steven Gilbert: Has a tax lien or collection procedure ever been instituted against you personally by federal, state or local authorities?

Mr. Kennedy: No, sir.

Dr. Steven Gilbert: Have you ever been disciplined or cited for a breach of ethics or unprofessional conduct by any court, agency, association or professional group?

Mr. Kennedy: No, sir.

Dr. Steven Gilbert: Are you now or have you ever been employed as a “lobbyist” or acted in the capacity of a “lobbyist principal”?

Mr. Kennedy: No, sir.

Dr. Steven Gilbert: Do you know of any reason you would have difficulty performing the duties of this position?

Mr. Kennedy: No, sir.

Dr. Steven Gilbert: And the final question. Briefly tell us about yourself and explain why you want to serve in this position.

Mr. Kennedy: My name is Carlisle Kennedy, and I am from Batesburg-Leesville, South Carolina. It’s a small town right down the road. I grew up there, and I’ve always been interested in serving the public. In high school I was involved in different service organizations. At college in Clemson, I was involved in different organizations like Blue Key. My senior year I served as the Student Body president there. After that I went back to Clemson and got my MBA, and through that program I started a small tech company. I really learned a lot doing that. I still own a good percentage of that company, and I think that my age, education, and experiences would give a good and fresh perspective to the Commission. I think that I’ve experienced a lot and given that I am younger than most people that have applied to be on the Commission this gives me a unique perspective because I do understand this age group, this demographic that makes up the majority of the consumers in South Carolina.

Senator O’DELL: Thank you so much, Mr. Kennedy. Any questions for Mr. Kennedy? Do we have a nomination? All in favor - aye. We report you out for election. We will have staff notify you when the screening is complete and it is permissible for you to seek commitments from members of the General Assembly. The election is set for Wednesday, May 28th at noon. Thank you, Mr. Kennedy.

Mr. Kennedy: Thank you so much.

Senator O’DELL: Mr. Jackson if you would come forward.

Dr. Steven Gilbert: Okay, I’m going to ask you nine questions. If you have anything to elaborate go ahead and do so.

Dr. Steven Gilbert: Do you or any member of your family own or operate any business that receives state or federal funds?

Mr. Jackson: Well, yes. I operate a small beef operations apply that applies for USDA or conservation funds. It is not a contract; they contact me.

Senator O’DELL: They want to give you money.

Mr. Jackson: I want to take it.

Senator O’DELL: We understand that.

Dr. Steven Gilbert: Have you ever been arrested, charged, or held by federal, state or other law enforcement authorities for violation of the law, regulation or ordinance?

Mr. Jackson: No, sir.

Dr. Steven Gilbert: Have you, to your knowledge, ever been under federal, state or local investigation for possible violation of a criminal statute? If so, explain.

Mr. Jackson: No, sir.

Dr. Steven Gilbert: Has a tax lien or collection procedure ever been instituted against you personally by federal, state or local authorities?

Mr. Jackson: No, sir.

Dr. Steven Gilbert: Have you ever been disciplined or cited for a breach of ethics or unprofessional conduct by any court, agency, association or professional group?

Mr. Jackson: No, sir.

Dr. Steven Gilbert: Are you now or have you ever been employed as a “lobbyist” or acted in the capacity of a “lobbyist principal”?

Mr. Jackson: No, sir.

Dr. Steven Gilbert: Do you know of any reason you would have difficulty performing the duties of this position?

Mr. Jackson: No, sir.

Dr. Steven Gilbert: And the final question. Briefly tell us about yourself and explain why you want to serve in this position.

Mr. Jackson: With my age, and like Carlisle said, with his age he’s a young person. I’m an old person, kind of experienced. I’ve spent 30 years in sales, and I dealt with a lot of people in the water utility business 30 years. I’ve served on School Board, County Council, on the Election Commission, and I’m serving on the Election Commission right now in Laurens County. These days and times you’re seeing a lot of elderly people being taken advantage of and being an advocate for the consumers of South Carolina and more especially the elderly people. Sometimes they don’t have a voice, and I think experience is a good teacher and education is great. But you are seeing so much of people being taken advantage of through the internet, telephone marketing. Elderly people are disadvantaged, and I would love to be an advocate for consumers. I think you need to have a mix on the Consumer Affairs Commission, but I would really love to serve. I’ve served well, and I want to continue to serve South Carolina in some kind of capacity. I have the time. I enjoy it. I am dedicated to what I do. I’ll be there, and I’ll do the best job I can do within the law structures of the Consumer Affairs Commission. I know there are rules and regulations, and I know there are some statutes. You have to follow statute. It’s a learning process, and it will be a learning process for me when I go home, but you can learn from experienced board members and young people too.

Senator O’DELL: Thank you, Mr. Jackson. I want to tell the committee I’ve known Mr. Jackson for most of his life, and I know of his background and how successful he has been and as an advocate and as an elected member of council, elected member of the school board, he’s done a great job. I know he’ll make a great member for this Commission.

Rep. McLeod: I’d like to compliment you on your record of public service. It’s quite impressive and particularly your service on the Environmental Certification Board. We don’t see many graduates from there come before the Legislature, but I am delighted to compliment you on dedicated years of service.

Mr. Jackson: I think I have a pretty broad background, but when you are 65 years old, you’ll learn something in 65 years. And if not, you’re not too smart. Experience is a great teacher. I have enjoyed my public service to Greenwood County School District and Laurens County, and I’m proud of my county. I enjoy it, and it is fun to get elected and be reelected. After two terms you figure you better back off. You always want to go out on top.

Senator O’DELL: Thank you so much, Mr. Jackson. Any questions for Mr. Jackson? Do we have a nomination? All in favor - aye. We report you out for election. We will have staff notify you when the screening is complete and it is permissible for you to seek commitments from members of the General Assembly. The election is set for Wednesday, May 28th at noon.

Ms. Nelson is sworn in.

Dr. Steven Gilbert: Okay, I’m going to ask you nine questions. If you have anything to elaborate go ahead and do so.

Dr. Steven Gilbert: Do you or any member of your family own or operate any business that receives state or federal funds?

Ms. Nelson: No, sir.

Dr. Steven Gilbert: Have you ever been arrested, charged, or held by federal, state or other law enforcement authorities for violation of the law, regulation or ordinance?

Ms. Nelson: No, sir.

Dr. Steven Gilbert: Have you, to your knowledge, ever been under federal, state or local investigation for possible violation of a criminal statute? If so, explain.

Ms. Nelson: No, sir.

Dr. Steven Gilbert: Has a tax lien or collection procedure ever been instituted against you personally by federal, state or local authorities?

Ms. Nelson: No, sir.

Dr. Steven Gilbert: Have you ever been disciplined or cited for a breach of ethics or unprofessional conduct by any court, agency, association or professional group?

Ms. Nelson: No, sir.

Dr. Steven Gilbert: Are you now or have you ever been employed as a “lobbyist” or acted in the capacity of a “lobbyist principal”?

Ms. Nelson: No, sir.

Dr. Steven Gilbert: Do you know of any reason you would have difficulty performing the duties of this position?

Ms. Nelson: No, sir.

Dr. Steven Gilbert: And the final question. Briefly tell us about yourself and explain why you want to serve in this position.

Ms. Nelson: Good morning, my name is Eboni Nelson. I am currently a Professor of Law at the USC School of Law. I’m originally from Greenville, South Carolina. However after going to Wake Forest University for undergraduate and then on to Harvard Law School for law school, I then moved to Houston, Texas where I began the practice of law in the employee benefits arena. I also began my teaching career there at Thurgood Marshall School of Law at Texas Southern University where I taught Texas consumer law and commercial law courses. Seven years ago I had the honor and privilege of moving back home to South Carolina and joining the faculty at USC. There I teach contracts, consumer law as well as commercial law. So throughout my educational career and professional career, service has been very important to me. I was very involved with student affairs both in the elementary, middle school and high school arena as well as in college. I served as president of my sorority. I served on the judicial board in which we heard honor code and judicial hearings. In law school, I continued service. I served as co-director of a peer counseling group. I also served as a tutor for students who were struggling with course material and had the honor and privilege of serving as a teaching assistant for now senator, then professor Elizabeth Warren. So here in my seven years of being in South Carolina, I have also continued that history of service. I have served as the chairperson and now vice chairperson of the SC Advisory Committee to the US Commission on Civil Rights. I’m also very active in my professional organization, the American Association of Law Schools, where I currently serve as chair of our section on commercial and related consumer law. So I feel that my background, experience, interest and knowledge with regards to consumer affairs issues and also my dedication to the protection of consumers, while also keeping in mind business interests well equip me very well to serve on the committee. I think this affords me a wonderful opportunity to become even more involved in my home state here and to give back for all that South Carolina has done for me.

Senator O’DELL: Thank you, Ms. Nelson. You are very qualified, and it is a pleasure to have you before us.

Ms. Nelson: Thank you, Senator.

Senator O’DELL: Any questions? Do we have a nomination? All in favor - aye. We report you out for election. We will have staff notify you when the screening is complete and it is permissible for you to seek commitments from members of the General Assembly. The election is set for Wednesday, May 28th at Noon.

Adjourned.

MOTION ADOPTED

On motion of Senator NICHOLSON, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Willie Nesbitt of Cottageville, S.C. Mr. Nesbitt worked over 20 years for the Charleston Air Force Base before he retired. His greatest love was working on the farm and sharing his crop with the community. Mr. Nesbitt was a member of the Forestry Commission Board and Canaan Baptist Church. He was a loving father and devoted grandfather who will be dearly missed.

ADJOURNMENT

At 11:09 A.M., on motion of Senator CROMER, the Senate adjourned to meet next Monday, May 5, 2014, at 11:00 A.M. under the provisions of Rule 1B.

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