

AMENDED ANSWERS TO THE PDQ

JAMES E CHELLIS

CANDIDATE FOR THE POSITION OF MASTER IN EQUITRY FOR DORCHESTER COUNTY.

The following amends and supplements the PDQ originally filed with the Judicial Merit Selection Commission on July 16, 2021.

In Response to Paragraph 3, I stated:

- 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?

The Correct answer is:

- 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

In Response to Paragraph 31, I stated:

- 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.

Jurisprudence, LLC, See 30(b) above. I am one of two active members that member manage the Company.

The more complete answer is:

- 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.
  - (a) Jurisprudence, LLC, See 30(b) above. I am one of two active members that member manage the Company.
  - (b) I am named as registered agent for several companies. These companies were former clients that I organized when I practiced law (the Chellis & Frampton companies listed below were iterations of my law practice with John G. Frampton, all now dissolve).

A search of the S. C. Secretary of State Business Records for Registered Agents reveals the following:

Agent Name	Entity Name	Date of Incorporation	Entity Type	Current Status		
JAMES E CHELLIS	AMBASSADORS OF 1847	12/3/2010	Nonprofit	in good standing		

JAMES E CHELLIS	BRYANT SONS, INC.	9/24/1980	Corporation	administratively dissolved in 1986
JAMES E CHELLIS	CAFE INTERNATIONAL, INC.	2/5/2004	Corporation	foreign Corporation in good standing
JAMES E CHELLIS	CHELLIS & FRAMPTON, P.A.	12/30/1997	Corporation	dissolved December 23, 2014
JAMES E CHELLIS	CHELLIS AND FRAMPTON, L.L.P.	6/5/1995	Limited Liability Partnership	Expired June 5, 1996
JAMES E CHELLIS	CHELLIS AND FRAMPTON, LLP	4/10/1997	Limited Liability Partnership	dissolved July 15, 1996
JAMES E CHELLIS	CHELLIS AND FRAMPTON, L.L.P.	7/15/1996	Limited Liability Partnership	converted to became Chellis & Frampton, PA
JAMES E. CHELLIS	CIRCLE OF SAFETY INTERNATIONAL, LLC	7/13/2006	Limited Liability Company	in good standing
JAMES E CHELLIS	CLOVER LEISURE, INC.	11/6/1989	Corporation	administratively dissolved by forfeiture
JAMES E CHELLIS	JURISPRUDENCE, L.L.C.	5/18/1998	Limited Liability Company	in good standing
JAMES E CHELLIS	NAUTICAL KNOT, INC.	3/30/1988	Corporation	administratively dissolved by forfeiture
JAMES E. CHELLIS	PHILLIPS PROPERTY ENTERPRISE, LLC THE	12/17/2004	Limited Liability Company	in good standing

The organizers of AMBASSADORS OF 1847, CIRCLE OF SAFETY INTERNATIONAL, LLC, THE PHILLIPS PROPERTY ENTERPRISE, LLC have indicated to me that each will endeavor to dissolve their respective companies or will endeavor to have another individual to serve as registered agent. Moreover, each organizer informed me they are not presently conducting business in South Carolina.

I tried to contact the person I dealt with regarding Café International, Inc. As of this amended answer to the PDQ, I have not found the party with whom I dealt. This company is a Virginia Corporation. As an attorney, I domesticated the company in South Carolina.

I am not an officer, director or employee of any company stated above for which I am currently named as registered agent except for Jurisprudence LLC. Moreover, I receive no compensation nor have any agreement to receive compensation from these organizations. Hence, I have no

duties associated with these entities except to deliver any papers served on me as a registered agent to responsible persons associated with the companies named. In the event I were served with suit papers for any of these companies, I would immediately turn the suit papers over to responsible persons associated with the respective company. Moreover, I would not seek compensation for accepting service and turning suit papers over to the companies.

In response to Paragraph 47, I stated the following:

Have you ever been sued by a client? Yes. 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 been sued two times professionally:

- (a) The first instance was when I was a young lawyer (approx. 1980). I handled a real estate transaction for a young married couple who were buying a lot on which they were going to build their home. The Seller was a friend of theirs, and a client of mine, a utilities (water and sewer) construction contractor. The Seller represented at closing that the lot had access to public water utilities. The Buyer asked for proof. The Seller told the Buyer the paperwork approving the public water system was at his house on his dresser. He further stated he would get the paperwork after the closing. I closed the sale. My client's statement was not true as the water system had not been constructed such that it connected to the public water system. The Buyer brought suit against me and the Seller. The case was settled by my insurance carrier for about \$3,000.00, as I recall.
- (b) The second occasion was in 2005. A lawsuit was brought by the Estate of and members of a family who inherited their membership interest in an LLC that operates a successful golf course in Mt. Pleasant, South Carolina, against their first cousin, who was the manager of and later became, based on performance criteria, an equity owner in the LLC.

Before the father of the plaintiffs died, I represented him in a mortgage foreclosure action. This claim evolved into a business work-out between disputing principals of the golf course and residential development. I represented the Plaintiff's father by organizing an LLC, and assisting in the negotiations of the work-out solution with his partners. My client acquired the golf course and amenities and the other principals acquired the developable lands around the golf course.

The plaintiffs' father and their first cousin had negotiated a management agreement in Ohio (where the cousin lived) and Michigan (where the father lived and conducted business). The terms of the management agreement provided for an exchange of equity in the golf course operating entity, the LLC I organized, after my client had been paid back around \$4,200,000.00. The agreement was amended at least once but the general concept of a transfer of equity in the LLC based on performance milestones remained. Please note that I did not represent the first cousin in negotiating his "management agreement" as this was done between the parties. I did draft an employment agreement for my client setting forth the scope of the employment of his nephew, a CPA and retired GM executive, as manager.



The father died before the “equity” in the LLC transferred although, as I recall, the performance markers had been met. My client’s personal representative was his longtime friend, a retired Michigan judge (as a practicing lawyer he had dealt with Henry Richardson, who referred this case to me when he was in private practice). He tried making the equity transfer during his administration of the estate. Also, during this period, the plaintiff’s first cousin acquired a tract of land on behalf of the LLC from the residential developers for the purposes of developing a golf academy. The Personal Representative had me give him an opinion of transaction, which I did. In other words, I was retained by the Estate to assist it in the acquisition of the parcel for the golf academy. The LLC bought the parcel. I did not close the acquisition transaction.

During this timeframe, the first cousin asked if I could assist him in enforcing his rights under the management agreement. I replied that I could not as I had a conflict of interest since I had represented the decedent and his estate. I also sent a letter to the first cousin, the manager of the LLC, explaining that I had a conflict of interest.

Sometime after that I received a letter, which I think was addressed to the first cousin, from the Personal Representative advising he would get with me concerning the transfer of membership in the LLC. He never did.

Sometime shortly thereafter the former Judge and Personal Representative died. One of the children was subsequently appointed the successor Personal Representative.

At this point (late Fall, 2000), my correspondence with the Personal Representative ended. I had been informed that the first cousin had retained a tax attorney in Charleston.

In 2005, the Personal Representative and children filed suit against their first cousin alleging malfeasance, misrepresentation, fraud, conspiracy, etc. The first cousin defendant hired an attorney to defend him. I received requests from the attorney and his client to turn my file, or a copy of it, over to them. I declined, citing attorney-client privilege. I called the Plaintiff’s attorney and sought permission to give copies of the file to the defendant but was told not to because they were asserting attorney-client privilege.

Within several weeks, I received a Summons, Answer, Counterclaims, Cross-claims and Third Party Claims alleging, as it related to me, professional malpractice and negligence, negligent misrepresentation, breach of fiduciary duty and breach of contract.

After written discovery responses from the plaintiffs, which included a copy of my file, written discovery responses from me, and the deposition of the plaintiff’s representative, the third-party claims brought against me were dismissed with prejudice.

Note: As a Judge, I was named as a Defendant in a Federal lawsuit by a “sovereign citizen type person;” and subsequently promptly dismissed. I do not remember the case.

- (c) Acquisition of 1/3<sup>rd</sup> interest in co-tenancy from niece under theory of partition by allotment.

In 1996/97, during settlement of my father's estate, my mother gave me, my sister, and a brother her Edisto Beach Property. In January 2019, my brother gave his interest in the property to his daughter. By this time, for the preceding 7 years, my sister and I maintained the property and made improvements, reporting to him annually of receipts and expenditures related to the property. My brother had not paid toward the costs of maintenance, carrying charges or improvements. He had paid his share of county and city ad valorem taxes. My sister and I retained Paul Siegel, Esquire, Colleton County Bar to negotiate the purchase of my niece's interest in the property applying the right of partition by allotment (limited to the preceding 84 months). After negotiations with my niece's attorney, my sister and I acquired the property interest of my niece in June 2019. We did not file a lawsuit.

Paragraph 47 is amended as follows:

Have you ever been sued by a client? Yes. 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 add the following to Subparagraphs (a), (b), and (c):

(d) The Note after subparagraph (b) is this to the best of my knowledge explained as follows: 2017 Named a Defendant in a proceeding in US. District Court for the District of South Carolina, Charleston Division.

Julius Wyman, Jr, and Patrice Wyman filed a suit in US District Court for the District of South Carolina against me, several other Dorchester County Officials, and others. The case is assigned case number **2:17-cv-02946-RMG**.

I do not recall receiving a summons and complaint. Based on my inquiry via PACER, I found the following:

1. ORDER directing Clerk not to authorize service and advising plaintiff (or petitioner) to notify Clerk in writing of any change of address. Signed by Magistrate Judge Bristow Marchant on 1/29/2018.
2. REPORT AND RECOMMENDATION of Magistrate Judge Bristow Marchant. It is recommended that the Court dismiss Plaintiffs' Amended Complaint without prejudice and without issuance and service of process. Objections to R&R due by 2/13/2018. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. Signed by Magistrate Judge Bristow Marchant on 1/29/2018.
3. ORDER AND OPINION ADOPTING THE REPORT AND RECOMMENDATION of Magistrate Judge Bristow Marchant. Plaintiffs' Amended Complaint is dismissed without prejudice and without issuance of service of process. AND IT IS SO ORDERED. Signed by Honorable Richard M Gergel on 2/21/2018.



Reviewing my Court files, I did enter an order of foreclosure in favor of Selene Finance L.P. against Julius Wyman; Patrice Wyman on September 14, 2017 in case No.: 2016-CP-18-01751.

(e) On June 30, 2017, Stacey Marlana Taylor filed a Lis Pendens with the Clerk of Court for Dorchester County. She named me, Edward L. Grimsley, Benjamin E. Grimsley and the South Carolina State Housing Finance and Development Authority as Defendants. I have never been served with the Lis Pendens. No Summons and Complaint has been served on me as well. I searched the South Carolina Courts' Case Management System in Dorchester County.

I found that I entered an Order of Foreclosure against Stacey Taylor in favor of South Carolina State Housing Finance and Development Authority on September 29, 2017. Stacey Taylor filed an Answer in the case on June 15, 2016.

(f) In 1999, the South Carolina Department of Revenue named me as a Respondent in my capacity as an agent for BP Oil. SCDOR brought its petition in the S. C. Administrative Law Court. The Administrative Law Judge assigned to the case dismissed the petition on motion, with consent of SCDOR, "based upon the fact that BP Oil has divested itself from ownership and occupancy of the site under litigation and accordingly, the issue of the severity of the sanction for BP Oil selling alcohol to an underaged individual is now moot." See, 1999 WL 969869 (S.C.Admin.Law.Judge.Div.) For a short period of time, I represented BP Oil in a capacity as its local agent in accord with licensing requirements then in effect for the off-premise's sale of beer and wine.

In response to Paragraph 56, my response inadvertently failed to include a response which I had prepared. The following answer completes response to Paragraph 56.

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

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?

Instagram Account

Name: mie\_ctrout

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

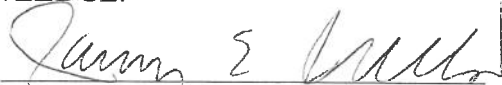
My use of social media is helpful for me to follow friends and relatives. I also follow subjects that interest me: nature, fishing, philately, geometry, mathematics, biotechnology, history.

I seldom post comments. I use the heart image emoji, signaling - 'like' - , of pictures of family members or close friends. The last time I posted a picture was in November 2020. I also posted pictures of me, my son, a friend, and my grandchildren of a successful surf fishing trip in October 2020.

Thus, were a judge to use this platform to express more than an affection for a family member, or friendship, this use could be interpreted as an expression of a bias or perceptions inconsistent with impartiality.

For me personally, I am an individual with curiosity about a lot of subjects. I like to reflect on different topics. Instagram has some interesting topics that one can passively follow. Superficially, engaging one's mind in curiosities - an Instagram picture with accompanying snippet is little more than entertainment with edification. This should be good for a judge as it provides context to the views of the day from others and is often cathartic. For one to comment on these topics in a public forum, however, is an inappropriate display of judicial temperament and, more sensitively, a judge's cognitive thought processes.

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

Signature:   
James E Chellis