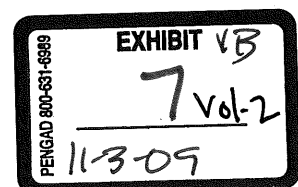


**JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE**

Court, Position, and Seat # for which you are applying:
Family Court, Second Judicial Circuit, Seat 1

1. NAME: Mr. Dennis M. Gmerek
BUSINESS ADDRESS: Aiken County Department of Social Services
PO Drawer 1268
Aiken, SC 29802
TELEPHONE NUMBER: (office): 803-643-1910
2. Date of Birth: 1960
Place of Birth: Chardon, OH
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
5. Family Status: Single, never divorced. No children.
6. Have you served in the military? No.
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) College of Charleston 78-82 Bachelor of Science;
(b) USC - School of Law 82-85 Juris Doctorate.
8. 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. If you took the bar exam more than once in any of the states listed, please indicate the number of times you took the exam in each state. South Carolina 1985.
9. List the significant activities in which you took part during your attendance at college, graduate, and law school. Give the dates you were involved in these activities and list any leadership positions you held.
(a) College of Charleston - Student Government Association Class Senator
Sophomore and junior year
Senior year - Alternate
South Carolina Student Legislature Delegate 1980
Young Republicans 78 to 82;
(b) USC School of Law - Phi Alpha Delta Legal Fraternity 82-85.
10. Describe your continuing legal or judicial education during the past five years. Include **only** the title and date of any continuing legal or judicial education course completed.

<u>Conference/CLE Name</u>	<u>Date(s)</u>
Revised Lawyer's Oath CLE	August 20, 2004
SCDSS-OGC Seminar	September 17, 2004
11 th Annual SCPSAC Colloquium	February 24 & 25, 2005



SCDSS-OGC Seminar	May 20, 2005
¹² th Annual SCPSAC Colloquium	April 06 & 07, 2006
Mini Summit on Justice for Children	August 22, 2006
SCDSS CLE Seminar	December 08, 2006
2007 SCPSAC Colloquium	April 12, 2007
SCDSS-OGC Seminar	September 07, 2007
2008 SCPSAC Colloquium	April 17 & 18, 2008
CCFSCSW CLE Seminar	December 12, 2008
SCDSS-OCG CLE Seminar	February 27, 2009

11. 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 participated at both the 2006 & 2007 SCPSAC Conference in mock trials;
 - (b) I have presented at some of the OCG CLE seminars on the following topics: (1) annual case law summary (2) appellate procedures (3);
 - (c) I have presented at the 10th annual Children's Law Conference on the coordination of child protection and criminal child abuse proceedings. I presented this same topic to the annual meeting of the South Carolina Foster Care Review Board meeting;
 - (d) I participated in Law School for Non-Lawyers in Aiken County.
 - (e) I have participated in the training of volunteers for the South Carolina Guardian ad Litem Program for Aiken County;
 - (f) I have participated in the training of volunteers for the Cumbee Center to Assist Abused Persons.
12. List all published books and articles you have written and give citations and the dates of publication for each. None.
13. 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) Admitted to practice before the State Courts of South Carolina in 1985;
 - (b) Also admitted to practice before the Federal District Court and Fourth Circuit Court of Appeals in 1985.
14. Describe chronologically your legal experience since graduation from law school and include a list of all law firms with which you have been associated. Describe the general character of your practice and divide it into periods with dates if its character has changed over the years.
- (a) 1985 to August 1986. I was employed as the first full time staff attorney for the Richland County Attorney's Office;
 - (b) August 1986 to July 1998. I was employed with the law firm of Bell & Surasky, P.A. in Langley, South Carolina. During this time period I was the assistant county attorney concentrating primarily in planning and zoning law along with assisting in researching and opinion writing on requests for opinions by the County Council. My assistant county

attorney duties probably occupied 25% of my time. The rest of my practice consisted mostly of family court proceedings and probate court proceedings. I was consistently appointed guardian ad litem in custody cases in the Aiken County area. In 1990, I was made a partner in the firm and the firm's name changed to Bell, Surasky & Gmerek, P.A.;

- (c) July 1998 to present. I was, and am currently, a full time employee of the Aiken County Department of Social Services presenting child abuse and adult protective services cases in the Aiken County Family Court. In 2005, I was made circuit coordinator of legal services in the Second Judicial Circuit for the Department of Social Services and handle cases in all three counties in the circuit.

If you are a judge and are not seeking a different type of judgeship, the following questions are inapplicable:

- (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 has prepared you to preside over such matters as a Family Court Judge.

Since I have been a full time employee of the Department of Social Services prosecuting child abuse/adult protective service case since 1998, I am fully experience in this area of Family Court practice area. I work closely with the Department of Juvenile Justice and the Solicitor's Office on those cases in which there are common individuals. Prior to 1998, my private practice was almost exclusively dealing with family issues, either in the Family Court or Probate Court. I litigated numerous divorce, equitable distribution and child custody cases. I was appointed in numerous custody cases as the guardian ad litem and participated in numerous trials in that capacity. I have tried and defended contested step-parent adoptions. In private practice, I was also appointed to represent a number of defendants in DSS cases.

15. What is your rating in Martindale-Hubbell? I am not listed in Martindale-Hubell. I believe this is due to the fact that I am a governmental employee.

Retired judges/justices and judges/justices applying for reelection to their current position may omit Questions 16-21. If a candidate is seeking a judgeship different than his or her current position, Questions 16-21 should be answered based on experience prior to serving on the bench.

16. What was the frequency of your court appearances during the last five years?
(a) federal: 0%;
(b) state: 100%.
17. What percentage of your practice involved civil, criminal, and domestic matters during the last five years?
(a) civil: 0%;

- (b) criminal: 0%;
 - (c) domestic: 100%.
18. What percentage of your practice in trial court during the last five years involved matters that went to a jury, including those that settled prior to trial?
- (a) jury: 0%;
 - (b) non-jury: 100%.
- Did you most often serve as sole counsel, chief counsel, or associate counsel in these matters? Sole counsel.
19. 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) Zabawa vs. Phipps, 96-DR-02-975/98-DR-02-1903. I was retained by a mother, Ms. Zabawa, to regain custody of her children back from her mother. This was an extremely litigious case involving grandparents who absolutely refused to acknowledge their daughter's rehabilitation; DUE TO CONFEDENTIALITY, INITIALS FOR THE DEFENDANT WILL BE USED FOR THE BELOW CASES.
 - (b) SCDSS vs. T.W., 04-DR-02-1648. This was a contested physical abuse case involving immersion burns on a minor child;
 - (c) SCDSS vs. T.D., 98-DR-02-1916. This was the first case I handled which involved a classic case of Munchausen's Syndrome by Proxy. In order to prove this case, it was required to obtain a great deal of medical records and be able to present them to the Court in a logical and concise manner;
 - (d) SCDSS vs. T.E., 06-DR-02-1569, 2008-UP-288 – This was a sexual abuse case which initially was prosecuted by SCDSS a couple of years before but, because the victim child recanted, the first case was voluntarily dismissed without prejudice due to inability of the agency to meet its burden of proof. During the second case, it was necessary to present evidence on why children recant allegations of sexual abuse;
 - (e) SCDSS vs. G.B., 02-DR-02-653, 2007-UP-044 – This was a termination of parental rights case which was tried over a three day period. It involved a father who, while complying with his treatment plan, was still involved with the mother who was not complying with her treatment plan. The children were removed from the mother, not the father. A great deal of testimony needed to be presented as to why the terminations of the father's rights were in the children best interest.
20. 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. **If you are a candidate for an appellate court judgeship (please attach one copy of briefs filed by you in each matter).**
- (a) Heath vs. County of Aiken, 295 S.C. 416 (1988) – Co-counsel along with the County Attorney, Robert M. Bell, but I drafted the briefs and handled the oral argument;

- (b) Wade vs. Brooks, 306 S.C. 553 (Ct. App., 1992);
- (c) Miles vs. Miles, 312 S.C. 408 (1994);
- (d) SCDSS vs. Ledford, 357 S.C. 371 (Ct. App., 2004);
- (e) SCDSS vs. Scott, 380 S.C. 140 (Ct. App., 2008).

21. List up to five criminal appeals that you have personally handled. Give the case name, the court, the date of decision and the citation if the case was reported. **If you are a candidate for an appellate court judgeship (please attach one copy of briefs filed by you in each matter).** None.

22. Have you ever held judicial office? No.

23. If the answer to question 22 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.

24. Have you ever held public office other than judicial office? 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?

I have been a member of the Aiken County Planning Commission since 2000. This is an appointed position. This position is not required to file a report with the State Ethics Commission.

25. List all employment you had while serving as a judge (whether full-time or part-time, contractual or at will, consulting or otherwise) other than elected judicial office. Specify your dates of employment, employer, major job responsibilities, and supervisor. N/A.

26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office? No.

27. 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? No.

28. 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.

I am currently on the board of directors for the Cumbee Center to Assist Abused Persons and am the current treasurer of the board. This is a nonprofit corporation dealing with domestic violence and sexual assault in a 6 county area.

30. 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. Explain how you would resolve any potential conflict of interest. None.

31. 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?

I have never been arrested, charged, or held by the federal, state, or other law enforcement authorities for any reason. In addition, I do not believe I have ever had a traffic violation which the fine was over \$125 but I have not been able to find information about a ticket I received in 1992 or 1993 during a license check. I talked with an agent at SLED who attempted to locate any information on this ticket but she was not able to locate any such information.

In an effort to fully comply with this question, I would disclose the same (Open container – coming back from the beach and had empty beer cans in the car.)

32. Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statute? No.
33. 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? No.
34. Have you ever been sued, either personally or professionally, that is, have you ever been named as defendant or respondent in any court of law?

While in private practice, I obtained judgments against a few former clients for attorney fees and costs not paid. Because of these judgments, I have been named as a party defendant in certain foreclosures where the primary defendant has either been the former client or someone with the former client's name. The following I believe is a list of those cases. No personal judgments were rendered against me and I was named simply to allow the financial institution to obtain clear title:

- (a) American General Finance, Inc. vs. White, 98-CP-02-259;
 - (b) Countrywide Home Loans vs. McGown, 99-CP-02-713;
 - (c) Greenpoint Mortgage, Inc. vs. Robinson, 04-CP-02-141 & 03-CP-02-444;
 - (d) Dominion Bankshare vs. Warren, 90-CP-02-1270;
 - (e) First National Bank vs. Ross, 95-CP-02-104;
 - (f) NationsBank vs. Davis, 98-CP-02-1261;
 - (g) Greenpoint vs. Williams, 02-CP-02-1214;
 - (h) National City Mortgage vs. Williams, 03-CP-02-1299.
36. 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)? No.
 37. 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? No.
 38. S.C. Code § 8-13-700 provides, in part, that "[n]o public official, public member, or public employee may knowingly use his official office, membership, or employment to obtain an economic interest for himself, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated." Please detail any knowledge you

- have of any formal charges or informal allegations against you or any other candidate for violations of these provisions. None.
39. S.C. Code § 8-13-765 provides, in part, that “[n]o person may use government personnel, equipment, materials, or an office building in an election campaign.” Please detail any knowledge you have of any formal charges or informal allegations against you or any other candidate for violations of these provisions. None.
40. 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. None.
41. List the amount and recipient of all contributions made by you or on your behalf to members of the General Assembly since the announcement of your intent to seek election to a judgeship. None.
42. 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? 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? No.
43. Have you requested a friend or colleague to contact members of the General Assembly on your behalf? No. Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf? No.
44. Have you or has anyone acting on your behalf solicited or collected funds to aid in the promotion of your candidacy? No.
45. Have you or has anyone acting on your behalf contacted members of the Judicial Merit Selection Commission about your candidacy or intention to become a candidate? No.
46. 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 Associations 1985 to present.
I was the Young Lawyer Representative for the 2nd Judicial Circuit in 1990-91;
 - (b) Aiken Bar Association 1986 to present.
I was the Vice President for the County Bar Association in 2003 and President in 2004;
 - (c) South Carolina Professional Association on the Abuse of Children (State Chapter of the American Professional Association on the Abuse of Children) 2004 to Present;
I received the Legal Award of this organization in 2004. I was on the board of directors from 2005 to 2009. I was the seminar program chair 06-07 and the president of the association 07-08.
47. 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) Cumbee Center to Assist Abused Person, Inc. – 2006 to present Board of Directors. Treasurer 2007 to present;
- (b) Knights of Columbus member;
- (c) Alumni Association – College of Charleston.

48. 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.

I have been fortunate to be raised by parents who instilled a strong sense of personal responsibility. I was the first in my family to attend college and obtain a post graduate education. While my family was not poverty level, we were, like a lot of families, living from pay check to pay check. I was taught that what I achieved in life depended upon what I was willing to work for and not what was given to me. But what my parents also taught me is that we owe a responsibility to help our neighbors and other people who were facing difficult times. I intend to carry this attitude with me if elected to the Family Court.

49. References:

- (a) Mr. B. Caleb Coffin, Branch Manager
Wachovia Bank, N.A.
111 Laurens St.
NW, Aiken, SC 29801
- (b) Stephen K. Surasky, Esquire
PO Box 1890
Langley, SC 29834
(803) 593-3912
- (c) Andrew C. Marine, Esquire
PO Box 1488
Aiken, SC 29802
(803) 649-0875
- (d) Leon E. Green, Esquire
223 Chesterfield St,
S, Aiken, SC 29801
(803) 648-2025
- (e) Clarke W. McCants, III Esquire
PO Box 2881
Aiken, SC 29802
(803) 649-6200

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: Dennis M. Gmerek

Date: 8/6/09