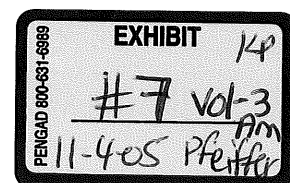


**JUDICIAL MERIT SELECTION COMMISSION**  
**Sworn Statement to be included in Transcript of Public Hearings**  
**Administrative Law Court**  
**(New Candidate)**

Full Name: Fredrick Scott Pfeiffer  
Business Address: 935 South Main St., Suite 203  
Greenville, SC 29601  
Business Telephone: (864) 250-9780

1. Do you plan to serve your full term if elected? Yes
2. Do you have any plans to return to private practice one day? Not at this time.
3. Have you met the Constitutional requirements for this position regarding age, residence, and years of practice? Yes.
4. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated? Any statement made outside the presence of the opposing party that relates to the merits of a case or motion or court ruling is not permissible, except (i) where permitted by the rules (e.g. Temporary Restraining Orders) or (ii) emergency situations as set forth in Rule 6 of the Cannon of Judicial Ethics. Other contact with the Court should be limited to administrative and scheduling matters where no party receives an unfair advantage.
5. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you? The mere fact that an attorney appearing before me is someone I know does not give rise to a situation that requires recusal, in my opinion. Recusal is in the sound discretion of the Court, and should be granted where the Judge believes he cannot be neutral. As a Court Martial Officer, I sat in judgment over men in my Battalion who I knew well, and the officers prosecuting and defending the accused were well known to me. I believe I can be neutral and see no current valid reason for recusal in these situations.
6. If you disclosed something that had the appearance of bias, but you believed it would not actually prejudice your impartiality, what deference would you give a party that requested your recusal? Would you grant such a motion? I would certainly give due consideration to such a motion. The appearance of an unbiased and fair tribunal is essential to a well ordered democracy. Whether I would grant it would depend on whether I believed my impartiality might reasonably be questioned.
7. If elected, what standards would you set for yourself regarding the acceptance of gifts or social hospitality? I would accept ordinary



- social hospitality and gifts from friends and family commensurate with the relationship only in compliance with the Rules of Judicial Conduct.
8. How would you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge? It would depend on the seriousness of the conduct. If the event did not raise in my mind substantial question as to the Judge's fitness, I would take appropriate remedial action. In the event it was more than I believed could be handled with a corrective caution, I would report it to the appropriate commission.
  9. Are you affiliated with any political parties, boards or commissions that, if you are elected, would need to be re-evaluated? No.
  10. Have you engaged in any fund-raising activities with any political, social, community, or religious organizations? I have in the past raised funds for Furman University and its History Department and for Advent United Methodist Church. I am not presently engaged in any fundraising.
  11. How would you handle the drafting of orders? As a law clerk for G. Ross Anderson, Jr., I enjoyed the drafting of Orders and would continue to draft my own substantive Orders, while requesting Attorney draft and submit, after consultation, basic Orders.
  12. What method would you use to ensure that you and your staff meet deadlines? I use both computerized and on-line calendaring and to-do lists to ensure deadlines are met. I would continue those practices.
  13. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy? Judges must interpret the laws passed by the legislature and enforced by the executive not only with a clear understanding of the rules of statutory interpretation and due deference to the administrative agency's rule making, but also with a view toward protecting the liberty of the people guaranteed them by the Constitutions of our State and of the United States. However, the Judge must not only protect the people's Liberty to be free from undue government restraint, the Judge must also protect the people's Liberty to participate in the democratic process and set up rules for themselves and others to follow. This is done in public elections of representatives and in the public law making of representatives and administrative bodies. A Judge should be hesitant to set himself up as a Philosopher King and deny the people this active Liberty by imposing his own views over the collective wisdom of the people's representatives.
  14. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. What activities would you plan to undertake to further this improvement of the legal system? I have an interest in both Mock Trial and in Legal History, especially the development of the common law and judge and jury systems in

England under Henry II and Henry III. I would assist the American Mock Trial Association in the development of its programs, and would write and teach and lecture on the development and importance of the common law system.

15. Do you feel that the pressure of serving as a judge will strain personal relationships (i.e. spouse, children, friends, or relatives)? How would you plan to address this? I believe that my children are of an age that I have the flexibility and time to make serving as a Judge possible and enjoyable. I am fortunate to have the support of many close friends and I believe that the pressure of serving as a Judge will not damage those key relationships.
16. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality? No.
17. Would you hear a case where you or a member of your family held a de minimis financial interest in a party involved? I would disclose the interest and handle the matter as a potential "appearance of impropriety". If I believed the financial interest was significant enough that the public would believe my judging the case was unfair, I would recuse myself or request remittal. If not, I would merely disclose.
18. Do you belong to any organizations that discriminate based on race, religion, or gender? No.
19. Have you met the mandatory minimum hours requirement for continuing legal education courses? Yes.
20. What percentage of your legal experience has dealt with cases that appear before the Administrative Law Court? Please describe to the Commission your experience in these areas. About 15% of my current practice involves matters that could appear before the South Carolina Administrative Law Court. I represent clients in matters before the South Carolina Department of Revenue, including both Tax and Bingo matters. I also regularly represent professional clients before their respective boards. I have regularly assisted my partners in their matters in the areas of Charter Schools and ABC permitting. Finally, I also practice in areas, such as the Uniform Commercial Code and the representation of Athlete's Agents, that could end in contested cases before the Administrative Law Court, but have not.
21. What do you feel is the appropriate demeanor for a judge? A judge should be patient, dignified and courteous. A judge should be refrain from manifesting, by words or actions, and bias or prejudice. A judge should be faithful to the law and not be swayed by partisan interests, public clamor or fear of criticism. A judge should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

22. Would the rules that you expressed in your previous answer apply only while you are on the bench or in chambers, or would these rules apply seven days a week, twenty-four hours a day? At all times.
23. Do you feel that it is ever appropriate to be angry with a member of the public who would appear before you? Is anger ever appropriate in dealing with attorneys or a pro se litigant? No. While no one can help but be angry occasionally, the use of anger is inappropriate. Judges should remain calm. This is not to be mistaken for firm resolve, but a Judge, like a parent, can be firm and fair while remaining calm.
24. How much money have you spent on your campaign? If it is over \$100, has that amount been reported to the House and Senate Ethics Committees? \$0.
25. If you are a sitting judge, have you used judicial letterhead or the services of your staff while campaigning for this office? Not Applicable.
26. Have you sought or received the pledge of any legislator prior to this date? No.
27. Have you sought or been offered a conditional pledge of support by any legislator pending the outcome of your screening? No.
28. Have you asked any third parties to contact members of the General Assembly on your behalf before the final and formal screening report has been released? Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf? No. No.
29. Have you contacted any members of the Judicial Merit Selection Commission? No, other than my letter to the Chief Counsel notifying the Commission of my intent to seek this office.
30. Are you familiar with the 48-hour rule, which prohibits a candidate from seeking pledges for 48 hours after the draft report has been submitted? Yes.

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

s/ Fredrick Scott Pfeiffer

Sworn to before me this 14<sup>th</sup> day of August, 2009.

Notary Public for S.C.

My Commission Expires: 02-23-2019

JUDICIAL MERIT SELECTION COMMISSION  
PERSONAL DATA QUESTIONNAIRE

Court, Position, and Seat # for which you are applying:  
Administrative Law Court, Seat 6

1. NAME: Mr. Fredrick Scott Pfeiffer  
BUSINESS ADDRESS: 935 South Main St. Suite 203  
Greenville, SC, 29607  
E-MAIL ADDRESS: scott@pggwlaw.com  
TELEPHONE NUMBER: (office): (864) 250-9780
2. Date of Birth: 1966  
Place of Birth: Tallahassee, Florida
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: Divorced on June 4, 2007, Greenville County Family Court. One Year's Separation. Mr. Pfeiffer was moving party. Two children.
6. Have you served in the military?  
June 1988 – August 1998  
US Army; Captain, Military Intelligence; XXXXXXXXX; Discharged-Honorable
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) Furman University 1984-88: Bachelor of Arts
  - (b) University of South Carolina 1990-93: Juris Doctor *magna cum laude*
  - (c) University of London 2009–Present, Acquiring LLM by distance learning
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 1993
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) Sigma Chi Fraternity 1985-88
  - (b) Army ROTC 1984-88
  - (c) Pi Sigma Alpha (Political Science Honorary Society) – President 1987-88
  - (d) Dana Research Assistant in Medieval History (Dr. David Spear) 1986
  - (e) Dana Teaching Assistant in the Humanities (Dr. William Leverette) 1985-86
  - (f) Furman Nominee for Truman Scholar 1987
  - (g) Woodrow Wilson Visiting Scholar Committee Member 1986-87

- (h) United States Army Military Intelligence School Honor Graduate 2000
- (i) University of South Carolina Law Review Editorial Board 2001-03
- (j) Moot Court Bar 2001-03
- (k) Research Assistant in Antitrust and Trade Regulation (Prof. John Lopatka) 2001-03
- (l) Legal Writing Instructor 2002-03
- (m) Order of the Coif 2003
- (n) Order of Wig and Robe, Clerk of Court 2003

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>
(a) SC Bar Convention	01/22/09;
(b) SC Business Law Torts Update	11/21/08;
(c) Real Estate Seminar	10/12/07;
(d) Advanced Asset Protection	7/11/07;
(e) Fundamentals of Securities Law	6/21/07;
(f) SC Bar Convention	1/25/07;
(g) The Unforgiven Minute	12/7/06;
(h) SC Business One Stop	12/6/06;
(i) Master in Equity Bench/Bar	10/14/05;
(j) CLE Seminar	12/3/04;
(k) LLC's and LLP's in SC	11/18/04;
(l) Revise Lawyers' Oath	10/22/04.

11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs?

- (a) I have presented Landlord and Tenant Law at Lorman CLE Programs.
- (b) I have made annual lectures on Immigration Law and Policy to Dr. Dianne Vecchio's Immigration History class at Furman University
- (c) I have made presentations on corporation law to various trade and industry groups, including REALTOR associations, GSATC, and Insurance Agents.
- (d) I was the Education Coach of the Furman University Mock Trial Team for 5 Seasons and taught Evidence and Civil and Criminal Procedure and Trial Advocacy skills as a part of that activity

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

Pfeiffer, F. Scott, Does Failure to Advise Clients of Immigration Consequences of Guilty Pleas Constitute Malpractice?; South Carolina Lawyer Sept./Oct. 1997, at 32.

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 1993;
  - (b) Also admitted to practice before the Federal District Court for South Carolina and Fourth Circuit Court of Appeals in 1993-94.
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) 1993-94 Judicial Law Clerk to G. Ross Anderson, Jr., United States District Judge
  - (b) 1994-99 Associate Attorney at Nelson Mullins Riley & Scarborough, LLP in their Corporate, Security and Tax Group
  - (c) 1999-Present Pfeiffer Gantt Gleaton Wyatt, PA Managing Partner, practice includes Corporation Law, Civil and Administrative Hearings and Litigation, Mediations and Arbitrations, Immigration Law and Commercial and Contract Law
- If you are a judge and are not seeking a different type of judgeship, the following questions are inapplicable:
- (d) If you are a candidate for Administrative Law Judge, 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 Judge Division.

My primary experience before the Administrative Law Court has been the litigation of Bingo Regulations. I have litigated the Department of Revenue's interpretation of the Bingo Act involving fines levied for conduct the Department considered a violation of the act. I have not appeared frequently before the Court in the last five years, although I have handled numerous matters that could have been appealed to the Court if I was not successful below.

15. What is your rating in Martindale-Hubbell?

My last rating was BV. Our firm discontinued Martindale Hubbell last year due to cost.

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: 60%;
  - (b) state: 40%.
17. What percentage of your practice involved civil, criminal, and domestic matters during the last five years?
- (a) civil: 80%;
  - (b) criminal: 20%;
  - (c) domestic: 0%.

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: 50%
  - (b) non-jury: 50%
- Did you most often serve as sole counsel, chief counsel, or associate counsel in these matters? Sole or Chief 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) Gallagher v. Evert 353 S.C. 59, 63, 577 S.E.2d 217, 219 (Ct. App. 2002). This was a reported case and an appeal from Probate Court in Horry County. I represented The Estate of Mrs. Gallagher from the Motion to Reconsider before the Probate Judge, through the Appeal to the Circuit Court and to final disposition before the South Carolina Court of Appeals. The case decided an issue of first impression regarding the Right of Elective Share.
  - (b) Tomz v. Capital Investment Funding, LLC. This was a \$40 Million Class Action Lawsuit in Greenville County involving a failed investment company. I was Capital Investment Funding's Chief Counsel. It was settled at mediation.
  - (c) USA v. Phillips. This was a Federal Criminal lawsuit in Washington State. I represented Anne Phillips, the bookkeeper for a multi-million dollar High Yield Fraud. I represented Anne, who was on the run in Costa Rica, with regard to her surrender to US authorities, her proffer and plea negotiations and her eventual plea. I was Chief Counsel.
  - (d) Urrutia v. Stewart. This was an international will contest. I represented Mr. Bill Stewart, former contributing editor of US New and World Report. The decedent was his brother. The case, filed in Miami Florida, revolved around complex trust and estate issues in Florida, as well as ancillary administration issues in New Mexico and issues of the international conflict of laws revolving around whether the Argentine estate administration and disposal of the decedent's Argentine assets was binding on the Miami Court. I was chief counsel and had Miami local counsel.
  - (e) Matter of Farhan. This was a federal Immigration Court removal proceeding in which the Government was attempting to deport this woman to Jordan, based on misdemeanor crimes committed when she was young. The woman was married with children, owned her own small business, and had not been to Jordan since she was small. I was sole counsel and obtained Cancellation of Removal, a very rarely granted remedy, over the Government's objections at trial.
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).

Gallagher v. Evert 353 S.C. 59, 63, 577 S.E.2d 217, 219 (Ct. App. 2002).

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).
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.  
Not Applicable.
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? No.
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. Not Applicable.
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?  
I was Co-Manager of a commercial lending company Cosimo, LLC from 2001-2009. I was paid as Co-Manager in lieu of charging an hourly rate, and the other Co-Manager was the actual owner of the Company. He wanted to pay me as Manager and with distributions because it worked out better for him that way. My job was to perform due diligence on the lending opportunities and collect payments.
28. Are you now an officer or director or involved in the management of any business enterprise? No.
29. A complete, current financial net worth statement was provided to the Commission.
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. 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? No.

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?  
Yes.
- (a) Phifer v. Cosimo et al.  
This was a lawsuit against Cosimo, and I was named as its Manager. I was dismissed by Plaintiff prior to 12(b)(6) motion hearing.
- (b) Roberts v. Cosimo et al.  
This was a lawsuit against Cosimo and I was named as Manager. I was dismissed by Plaintiff prior to 12(b)(6) motion hearing.
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. No.

43. Have you requested a friend or colleague to contact members of the General Assembly on your behalf? Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf? No. 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, other than my letter notification to the Chief Counsel.

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 Association  
Delegate to South Carolina Bar House of Delegates, 2008-Present
- (b) American Immigration Lawyers Association
- (c) Federal Bar Association
- (d) Greenville County Bar Association

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) Sigma Chi Fraternity (Lifetime Member)
- (b) Boardgame Player's Association (General Counsel)
- (c) Riley Institute at Furman University  
Legal Fellow

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 believe I have a broad life and legal experience, including the representation of small and entrepreneurially owned businesses for the past ten years, that make me well suited to bring a broad perspective to the administrative law court. I believe my broad background will assist me in understanding the complexities and wider ramifications of the administrative matters that will come before the court, and will give me perspective on the effects of regulation and regulatory activity on business in South Carolina.

49. References:

- (a) Harriett Landers  
Palmetto Ban  
PO Box 10108  
Greenville, SC 29603  
(864) 255-7960
- (b) Dr. Glen Halva-Neubauer

Furman University  
3300 Poinsett Highway  
Greenville, SC  
(864) 294-2000

- (c) The Honorable Sam Stilwell  
Post Office Box 26897  
Greenville, SC 29616  
(864) 420-5774
- (d) Frank Eppes, Esq.  
1225 South Church Street  
Greenville, SC 29603  
(864) 235-2600
- (e) Mr. William Beckman  
106 Whiffletree Dr.  
Simpsonville, SC 29680  
(864) 298-0311

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: Fredrick Scott Pfeiffer

Date: August 14, 2009

Scott Pfeiffer

I revised #9 to correct Military School Graduation Date

I revised #27 to include Our Tree House, LLC ownership

I revised #34 to give more detail on lawsuits.

If you need anything further, let me know.

Scott

PFEIFFER GANTT GLEATON WYATT, PA

*Attorneys for Business*

The Field House at West End

935 South Main Street

Suite 203

Greenville, SC 29601

(864) 250-9780

[scott@pggwlaw.com](mailto:scott@pggwlaw.com)

Army ROTC 1984-1988  
 Pi Sigma Alpha (Political Science Honorary Society) – President 1987-1988  
 Dana Research Assistant in Medieval History (Dr. David Spear) 1986  
 Dana Teaching Assistant in the Humanities (Dr. William Leverette) 1985-1986  
 Furman Nominee for Truman Scholar 1987  
 Woodrow Wilson Visiting Scholar Committee Member 1986-1987  
 United States Army Military Intelligence School Honor Graduate 1990

University of South Carolina Law Review Editorial Board 2001-2003  
 Moot Court Bar 2001-2003  
 Research Assistant in Antitrust and Trade Regulation (Prof. John Lopatka) 2001-2003  
 Legal Writing Instructor 2002-2003  
 Order of the Coif 2003  
 Order of Wig and Robe, Clerk of Court 2003

10. Describe your continuing legal or judicial education during the past five years.<sup>1</sup> Include **only** the title and date of any continuing legal or judicial education course completed. **Do NOT attach a separate list. This must be listed on your completed PDQ form.**

**(Example format below - Please do not insert a table.)**

Conference/CLE Name	Date(s)
(a) SC Bar Convention	
(b) SC Business Law Torts Update	11/21/08;
(c) Real Estate Seminar	10/12/07;
(d) Advanced Asset Protection	7/11/07;
(e) Fundamentals of Securities Law	6/21/07;
(f) SC Bar Convention	1/25/07;
(g) The Unforgiven Minute	12/7/06;
(h) SC Business One Stop	12/6/06;
(i) Master in Equity Bench/Bar	10/14/05;
(j) CLE Seminar	12/3/04;
(k) LLC's and LLP's in SC	11/18/04;
(l) Revise Lawyers' Oath	10/22/04.

01/2

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 have presented Landlord and Tenant Law at Lorman CLE Programs.

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<sup>1</sup> This information may be obtained from the Commission on CLE & Specialization, 950 Taylor Street, Suite 120, P.O. Box 2138, Columbia, SC 29202, Telephone number (803) 799-5578.

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? 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 Co-Manager of a commercial lending company Cosimo, LLC from 2001-2009. I was paid as Co-Manager in lieu of charging an hourly rate, and the other Co-Manager was the actual owner of the Company. He wanted to pay me as Manager and with distributions because it worked out better for him that way. My job was to perform due diligence on the lending opportunities and collect payments.

I am currently a 1/6 minority owner of Our Tree House, LLC, a South Carolina limited liability company that owns a one bedroom condominium, which the 6 co-owners share for recreational use.

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. No.
29. Provide 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 sample net worth statement is provided with this questionnaire for your convenience. You may use any other comparable form if it was prepared within the past six months.

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

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? If so, give details but do not include traffic violations for which a fine of \$125 or less was imposed. No.

32. Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statute? If yes, explain. 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? If so, give details. 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? If so, give details, including but not limited to dates, and resolution. Yes.

Pifer et al. v. Cosimo et al. 2008-CP-23-5994

This was a lawsuit against Cosimo, and I was named as its Manager. The facts were that in 2008 Cosimo issued a Standby Letter of Credit in favor of Mr. Pifer (and his wife and partner and partners wife, all similarly situated) for the benefit of the company Big Deal Land Company, LLC. Mr. Pifer loaned money to Big Deal in return for a Note, the Guaranty of the principals of that company, and Cosimo's Letter of Credit. The Letter of Credit stated that Cosimo would pay the principal if Mr. Pifer took certain actions, including presentment and proof of non payments by the debtor, prior to the expiration of the Letter of Credit. Presentment was not timely made and Cosimo, acting through me, declined to pay on the Letter of Credit. This lawsuit was for collection of the Note against the debtor and guarantors, for breach of contract against Cosimo and for fraud based on the theory that I, as Manager, knew when the Letter of Credit was issued that Cosimo would not pay it. There was no evidence to support this claim, and after basic discovery I was dismissed by Plaintiff prior to a 12(b)(6) motion hearing.

Roberts v. Cosimo et al. 2008-CP-23-5514

This was a lawsuit against Cosimo and I was named as Manager. Mr. Roberts loaned money to Capital Investment Funding, LLC in return for a Note. Capital Investment Funding loaned money to Cosimo. When Capital Investment Funding declared a winding up, Mr. Roberts sued Capital Investment Funding, its owners, the principal owner's wife, and every company the Roberts could



determine Capital Investment Funding had done business with and their managers. Cosimo and I were both included in the lawsuit. The lawsuit alleged numerous causes of action, all against the "Defendants", so it was difficult to ascertain with certainty which causes of action were levied at which defendants, but since I never met, spoke to or dealt with the Roberts in any way, it seemed the only cause of action which could reasonably have applied to me was the Civil Conspiracy cause of action. After limited discovery, I was dismissed by Plaintiff prior to 12(b)(6) motion hearing. At mediation, the Roberts case was dismissed in its entirety and the Roberts joined the Class Action of Tomz v. Capital Investment Funding, a case which alleged only breach of contract on the notes and sought receivership. A Receiver was appointed at that mediation. I was not named as a party to the Tomz litigation.

35. Have you ever, in South Carolina or any other jurisdiction, as a lawyer, judge, or other professional, been sanctioned for lawyer, judicial, or other professional misconduct or been found to have committed such misconduct? If so, give the details and describe any final disposition. No.
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)? If so, give the dates of your employment or activity in such capacity and specify by whom you were directed or employed. 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? If so, please specify the item or items you received, the date of receipt, and the lobbyist or lobbyist's principal involved. 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. Include the disposition, if any, of such charges or allegations. None.

## Jane Shuler

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**From:** Heather Anderson  
**Sent:** Monday, October 26, 2009 4:50 PM  
**To:** Jane Shuler  
**Subject:** Pfeiffer info

There's also a typo for Scott Pfeiffer, p. 50, 3<sup>rd</sup> paragraph. He graduated from the US military intelligence in 1990, not 2000.

I'd requested Mr. Pfeiffer send documentation re: which questions he amended in his PDQ (he resent it in its entirety) but haven't received anything. I've let Laurie know which questions he changed – do I need to hound him to send his own documentation?