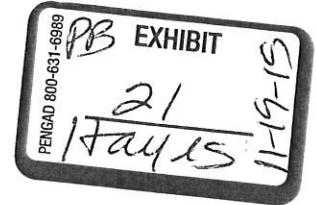


**JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE**

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

1. NAME: Honorable John Calvin Hayes, III
Are you currently serving in some capacity as a judge? Yes
BUSINESS ADDRESS: Moss Justice Center, 1675-1H
York, SC 29745
TELEPHONE NUMBER: (office): 803-628-3047
2. Date of Birth: 1945
Place of Birth: York County, SC
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: Married on September 28, 1991 to Sarah Lynn Hayes. Divorced on November 20, 1990; Grounds 1 year separation; I was the Moving Party; Three children; Three step children.
6. Have you served in the military? If so, give the dates, branch of service, highest rank attained, serial number, present status, and the character of your discharge or release.
Army Reserve E-6
1968 – 1974
Honorable Discharge
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) University of the South, Sewanee, TN 1967-1968, Transferred to USC;
 - (b) Winthrop University, 1968, Summer School;
 - (c) University of South Carolina 1968-1971, B.A. (English);
 - (d) University of South Carolina School of Law, J.D. 1967-1971.
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.
Licensed – South Carolina, 1971
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) Kappa Sigma – Undergraduate;
 - (b) Phi Delta Phi – Law School;
 - (c) Law Review 1969-1971 – Law School.
10. Describe your continuing legal or judicial education during the past five years.

<u>Conference/CLE Name</u>	<u>Date(s)</u>
(a) SC Circuit Court Judges Association	05/05/2010;
(b) SC Circuit Court Judges Association	05/04/2011;
(c) SC Circuit Court Judges Association	05/02/2012;
(d) SC Circuit Court Judges Association	05/01/2013;



- (e) SC Circuit Court Judges Association 03/24/2014;
- (f) Orientation School for New Judges 07/07/2010;
- (g) Orientation School for New Judges 07/06/2011;
- (h) Orientation School for New Judges 07/10/2013;
- (i) SCAJ Annual Convention 08/05/2010;
- (j) SCAJ Annual Convention 08/04/2011;
- (k) SCAJ Annual Convention 08/02/2012;
- (l) SCAJ Annual Convention 08/01/2013;
- (m) Judicial Conference 08/18/2010;
- (n) Judicial Conference 08/17/2011;
- (o) Judicial Conference 08/21/2013;
- (p) Judicial Conference 08/20/2014;
- (q) SC Public Defender Conference 09/27/2010;
- (r) SC Defense Trial Attorneys Assoc. Annual Mtg. 11/11/2010;
- (s) SC Defense Trial Attorneys Assoc. Annual Mtg. 11/03/2011;
- (t) SC Defense Trial Attorneys Assoc. Annual Mtg. 11/08/2012;
- (u) SC Defense Trial Attorneys Assoc. Annual Mtg. 11/07/2013;
- (v) SC Defense Trial Attorneys Assoc. Annual Mtg. 11/06/2014;
- (w) SC Bar (Criminal Law Section and Trial & Appellate Advocacy Section) 01/21/2011;
- (x) SC Bar (Criminal Law Section and Trial & Appellate Advocacy Section) 01/20/2012;
- (y) SC Bar (Trial and Appellate Advocacy Section) 01/25/2013;
- (z) SC Bar (Criminal Law Section, Trial and Appellate Advocacy Section Civil Law Update and Construction Law Update) 01/24/2014;
- (aa) SCCA Substance Abuse Replay From 03/01/2012;
- (bb) SC Conference on Lawyer and Judicial 11/07/2012.

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

Since I have practiced law and/or been on the Bench since 1971, a complete list or detailed list responsive to the question, would be exhaustive. Therefore, I set forth general information:

- (a) SC Bar Convention – Construction Law;
- (b) SC Solicitors Conference – Numerous times on numerous topics;
- (c) SC Public Defenders conference;
Three times: Case Law Update (2);
Case Management Order (1);
- (d) York Technical College Classes – Several times – General Topics;
- (e) Winthrop University – Several Times – General Topics and DUI Education;
- (f) High Schools – General law related topics;
- (g) Elementary Schools – General law related topics.

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

- (a) Mail Fraud – 22 SCLR 434 (1970);
- (b) Torts – Intrafamily Immunity 21 SCLR 813 (1969).

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) SC 1971;
 - (b) Federal District 1971;
 - (c) Fourth Circuit Court of Appeals 1972.
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) 1971-1972 -Law Clerk for Chief Justice Joseph R. Moss;
 - (b) 1972-1991 - Hayes, Brunson and Gatlin;
 - (c) 1972-1991 - General practice, litigation, Family Court (very little after 1980), Criminal Court (very little after approx.. 1977); Workers Compensation (small amount), Social Security, Wills (small amount, Real Property (small amount);
 - (d) 1991 to present - Circuit Court Judge.
16. What is your rating, if any, by any legal rating organization, such as, Best Lawyers, Chambers, Legal 500, Martindale-Hubbell, Who's Who Legal, Super Lawyers, etc.? If you are currently a member of the judiciary, list your last available rating, if any.
- BV Martindale – Hubbell.
23. 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. SC Circuit Court, Seat 1, 16th Circuit, September 3, 1991 to present.
24. If the answer to question 23 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) City of Rock Hill v. Suchenski
374 S.E.12, 646 S.E.2d 879 (2007)
DUI Video Recording Statute;
 - (b) Glaze v. Grooms
324 S.C. 249, 478 S.C. S.C. 841 (S. Ct. 1996)
Town of James Island Incorporation;
 - (c) State v. Ramsey
409 S.C. 206, 762 S.E.2d 15 (S. Ct. 2014)
Validity of arrest warrant;
 - (d) State v. Berry
(Op. 5329, Ct. App. July15, 2015)
Evidence Issues;
 - (e) State v. Perry
410 S.C. 191, 763 S.C.2d 603 (Ct. Ap. 2014)
Evidence Issues.
25. 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.

- (a) SC House of Representatives, 1980-1984 - elected;
- (b) SC Senate, 1984-1991 - elected;
- (c) Solicitor – City of Rock Hill – appointed, 1979;
- (d) SC Coastal Council – appointed, 1980-1991;
- (e) All ethics reports timely filed.

26. 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.

None.

27. Have you ever been an unsuccessful candidate for elective, judicial, or other public office?

Yes. Sought seats on Court of Appeals, 2003 and 2007.

28. 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?

Prior employment:

- (a) Newspaper delivery (high school), Herald and Charlotte Observer;
- (b) Mill clean-up crew (high school), Rock Hill Printing and Finishing;
- (c) Camp Handyman (high school summer), Camp Gravatt;
- (d) Lifeguard, 1963 and 1964, City of Rock Hill;
- (e) Penney's Department Store (college);
- (f) Construction Time Keeper (March – August 1969), McCrory, Sumwalt Construction Co.;
- (g) Law Clerk (2L and 3L), Rogers, MacDonald, McKenzie and Fuller.

29. 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.

31. 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.

32. 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.

33. Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statute?

No.

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?

The IRS levied on my former law firm, in error, based on the employer's quarterly return which had been paid in full months prior to the levy.

35. 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?

- (a) I have been sued in Federal Court by several individuals and cannot recall names or dates. These were suits by individuals who espoused Sovereign Citizens concepts. These were summarily dismissed;
 - (b) I was sued as chairman of The SC Coastal Council and dismissed in the 1980's;
 - (c) I was sued by a medical provider for a bill. I believe this was an error as an insurance claim was pending. I had no knowledge that I needed to make any payment at the time. I paid the bill the first available day after being served and the suit was dismissed. The suit was in Mecklenburg County, NC. Actually, insurance was pending, did pay and the provider had to refund to me a portion of the bill for which it sued.
37. 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?
- No.
38. 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.
39. 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?
- No.
40. 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.
41. 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.
- (a) None since filing my letter of Intent;
 - (b) I have set forth in my Statement of Economics interest "Gifts" from legal associations in the last calendar year.
42. 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.
43. 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. Include the disposition, if any, of such charges or allegations.

None.

44. 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.

45. 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.

46. 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.

47. Have you requested a friend or colleague to contact members of the General Assembly on your behalf? If so, give details. Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf?

No.

48. Have you or has anyone acting on your behalf solicited or collected funds to aid in the promotion of your candidacy?

No.

49. 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.

50. 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.

SC Bar – 1971 to present.

51. 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.

Rock Hill Cotillion – no office.

52. 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.

53. References:

(a) Angela Puzo (Banker)
TD Bank
2609 Mills Park Drive
Rock Hill, SC 29732
803-325-9198

- (b) James N. Carter
401 Springdale Drive
York, SC 29745
803-684-3330
- (c) Karen Blankenship
1912 Hempstead Road
Rock Hill, SC 29732
803-230-7231
- (d) William L. (Red) Ferguson
803 Myrtle Drive
Rock Hill, SC 29730
803-327-7947
- (e) Rev. C. Alex Barron, Jr.
168 Club Circle
Pawleys Island, SC 29585
843-325-4205

54. 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 that adjoins property in which there have been public improvements of \$200; or
 - (c) which was sold, leased, or rented to a state or local public agency in South Carolina.
N/A.

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

55. 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.
None.

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: s/John Calvin Hayes, III

Date: July 31, 2015