



JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE

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

- 1. Name: The Honorable S. Phillip Lenski
Name that you are known by if different from above: Phil
Are you currently serving in some capacity as a judge? Yes, I currently hold the seat for which I am running.
Business Address: 1205 Pendleton Street, Suite 224
Columbia, SC 29201
Telephone Number: (office): 803 734-0550
2. Date of Birth: 1963
Place of Birth: Iola, KS
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 November 6, 1999 to Laura Brant Lenski. Three children. Divorced on June 8, 1998 (State of Michigan), Ashlyn Kae Kuersten was the moving party, No fault, 6 Month Separation (per Michigan Law), no children.
6. Have you served in the military? U.S Army and Army Reserves: May 1986-June 2014
Service Number: XXXXXXXXXX
I retired in June of 2014 (honorable discharge) at the rank of Lieutenant Colonel.
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 Denver, Denver, CO-1982-1986 (Degree: BA);
(b) Emory University, Atlanta, GA-1986-1989 (Degree: JD).
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.
(a) Colorado: Admitted 1989-present (currently on inactive status).
(b) SC: Admitted 1995-present.
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) Army ROTC (undergraduate)-1982-1986. I became the cadet commander of my school's Army ROTC battalion and graduated the Distinguished Military Graduate in 1986;
(b) Moot Court (law school)-I became an officer on the Moot Court Board at my law school and won the Best Oral Advocate in the Georgia Interstate Moot Court Competition in 1988.
10. Describe your continuing legal or judicial education during the past five years.
Conference / CLE Name Date(s)
No CLE during 2011, as I was mobilized on active duty and out of state the entire year.

- |     |   |                   |
|-----|---|-------------------|
| (a) | Administrative and Regulatory Law Conf. | 1/20/2012;        |
| (b) | Probate, Estate Planning                | 1/20/2012;        |
| (c) | Health Law Symposium (SC Med. Assoc.)   | 2/17/2012;        |
| (d) | SE JAG On-Site Legal Conference         | 2/24-2/26 / 2012; |
| (e) | Significant Developments in Ethics      | 2/28/2012;        |
| (f) | Bridge the Gap (lecturer)               | 3/11/2013;        |
| (g) | SE On-Site Legal Training Conference    | 6/21-6/23/2013;   |
| (h) | Bridge the Gap (lecturer)               | 11/4/2013;        |
| (i) | SS/SSDI Benefits CLE                    | 11/4/2013;        |
| (j) | SCARLA Annual Seminar                   | 1/10/2014;        |
| (k) | Bridge the Gap (lecturer)               | 9/4/2014;         |
| (l) | SCARLA Annual Seminar                   | 1/16/2015;        |
| (m) | Bridge the Gap (lecturer)               | 7/3/2015.         |
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 lectured on Administrative Law at all Bridge the Gap conferences since 2012;
- (b) I lectured on Administrative Law at a conference in Charleston and then in Columbia on February 21 and 22, 2013;
- (b) I lectured on contested cases before the ALC at the USC School of Law's Administrative Law and Practice symposium on January 2014;
- (c) I lectured on Administrative Law to the SC Dept of Health and Human Services's Division of Appeals and Hearings on April 13, 2015;
- (d) I lectured on Administrative Law at the USC Law School on March 3, 2014 and Feb 9, 2015.
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) SC, admitted June 13, 1995;
- (b) Colorado, admitted October 25, 1989;
- (c) US District Court (SC), admitted May 29, 2009;
- (d) US District Court (Colorado), admitted November 24, 1989;
- (e) US Army Court of Appeals (now called Court of Appeal for the Armed Forces), admitted April 1, 1990.
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) Upon graduation from law school I entered active duty in the US Army on January 2, 1990. I was on active duty from January 1990 until September of 1995, stationed in Virginia, Alaska, and SC. During that time, I worked as a public defender (Trial Defense Service) and a prosecutor for the Army, and I also practiced administrative law;

- (b) I left active duty and took a position as litigation counsel for the SC Department of Insurance in December of 1995, where I handled disciplinary actions against insurance agents and brokers (held before the SC Administrative Law Court) and handled insurance insolvency matters. I left the Department of Insurance in February of 1997 and took a position as a litigation counsel for the SC Department of Labor, Licensing and Regulation. There, I handled disciplinary cases involving licensees of various professions (doctors, nurses, accountants, architects, engineers, contractors, real estate agents and brokers, appraisers, etc.) both at the trial and appellate level;
  - (c) In October of 2002 I took a position with the SC Senate in the Clerk's office. I served as the Counsel to the Clerk until the summer of 1994. However, in February of 1993, I was mobilized with the Army and sent to Iraq in 2003 in support of Operation Iraqi Freedom. I served as the Chief Prosecutor for the Army's Coalition Forces from March through August of 1993. My unit was demobilized in September of 1993 and I returned to the SC Senate in October;
  - (d) In 2010 I was elected to the Administrative Law Court bench, Seat 6. I have been on the court since that time. However, in December of 2010 I was again mobilized with the Army and sent to Fort Bragg, North Carolina, where I served as the Chief of the Administrative Law Office for the XVIIIth Airborne Corps. I performed that duty through January of 2012. I returned to my position on the court in February of 2012;
  - (e) At all times from 1990 through 2014 I served in the Army Judge Advocate General's Corps. Aside from my active duty service from 1990–1995, and then again in 2003 and 2011, I was a Reservist assigned to the 12<sup>th</sup> Legal Operations Detachment (formerly the Legal Support Organization) where I performed legal duties for the Army, drafting wills and health care directives, serving on administrative boards, conducting administrative investigations, and teaching courses in International Law and the Law of War to soldiers. I retired from the US Army Reserves in June of 2014.
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.  
I do not believe I have a rating with any of these agencies.
23. Have you ever held judicial office? Describe the jurisdiction of each of the courts and note any limitations on the jurisdiction of each court.  
Yes, I am currently an Administrative Law Judge. I was elected to Seat 6 of the Administrative Law Court on February 3, 2010. The Administrative Law Court is a court of limited jurisdiction with both contested case and appellate jurisdiction over most state agencies in SC (not the Public Service Commission or the Worker's Compensation Commission).
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) Midlands Math and Business Academy Charter School v. Richland County School District One Board of Commissioners, Docket No. 10-ALJ-30-0437-AP (S.C. Admin. Law Ct. January 25, 2012). I heard this case on appeal from the Richland

County School District One Board of Commissioners' decision to revoke the charter of the Midlands Math and Business Academy Charter School. I affirmed the Board's decision;

- (b) John D. Cottingham, DVM v. SC Department of LLR, Board of Veterinary Medical Examiners, Docket No. 10-ALJ-11-0482-AP (S.C. Admin. Law Ct. April 25, 2011), aff'd, Op. No. 2013-UP-027 (S.C. Ct. App. Filed January 16, 2013), 2013 WL 8482257. I heard this case on an appeal of the SC Dept. of Labor, Licensing and Regulations, Veterinary Medical Examiner's Board to discipline the veterinarian's license for misconduct. My decision was affirmed by the SC Court of Appeals;
  - (c) Amisub of SC, Inc. d/b/a Piedmont Medical Center d/b/a Fort Mill Medical Center v. South Carolina DHEC and the Charlotte Mecklenburg Hospital Authority d/b/a Carolinas Medical Center-Fort Mill, Docket No. 11-ALJ-07-0575-CC (S.C. Admin Law Ct. December 15, 2014), Ct. App. Docket No. 2015-000056 (filed Jan. 14, 2015). This was a contested case hearing involving two competing hospital systems vying for a certificate of need to construct a hospital in Fort Mill. The matter is currently on appeal before the SC Court of Appeals;
  - (d) Thalma Barton v. SC Department of Probation, Pardon and Parole Services, Docket No. 12-ALJ-15-0004-AP (S.C. Admin. Law Ct. October 3, 2012), rev'd, 404 S.C. 395, 745 S.E.2d 110 (2013). This case was an appeal of the Department of Probation, Pardon and Parole Services decision to deny parole to the Appellant. I interpreted the law regarding the number of votes the Appellant needed from the Board to gain parole to be based on all of the Board members, irrespective of whether they were present and voting. The Supreme Court of SC reversed my decision, holding that the number of votes needed was based solely upon those members present and voting;
  - (e) Fowler v. SC Department of Corrections, Docket No. 2014-ALJ-04-0355-AP (S.C. Admin. Law Ct. August 28, 2014), Ct. App. Docket No. 2014-002040 (filed Sept. 24, 2014). In this case, which I heard on appeal, I held that the 2010 amendments to the parole statutes (S.C. Code Ann. § 44-53-370 et seq.) exempted certain drug offenses from the 85 percent time service requirement for parole. This case is currently on appeal before the SC Court of Appeals.
25. 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.
- No
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.
- I have taught 3 undergraduate level courses at Limestone College's Columbia, SC extension campus. These were Criminal Law, Courts, Theory Process and Procedure, and Constitutional Law. These were courses I taught in a part-time capacity and during the evening hours and I taught each pursuant to a contract. While I had no supervisor, the faculty member I submitted materials to was Greg Haruff, Faculty Services Coordinator. His telephone number at Limestone College is (803) 691-3016.
- During my term as an Administrative Law Judge, my Army Reserve unit was mobilized and I was ordered to active duty starting December 2010. I was mobilized to Fort Bragg, North

Carolina, where I served as the Chief of Administrative Law for the XVIIIth Airborne Corps from December of 2010 through January 2012. I had to take leave of my duties as an Administrative Judge, and I did not receive my judicial salary during that period of time. I worked full time for the Army during this period. My supervisor was the Staff Judge Advocate for the XVIIIth Airborne Corps at that time, Colonel Paul Wilson (he has since been promoted to Brigadier General).

27. Have you ever been an unsuccessful candidate for elective, judicial, or other public office?  
I unsuccessfully ran for the SC Administrative Law Court in the spring of 2008 before successfully running for a seat in 2010.
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?  
I was a Judge Advocate in the US Army from 1990 until 1995 (active duty) and then in the Army Reserves from 1996 through June of 2014. Generally, I practiced law in that position, however, I was required to undergo regular non-legal military training and maintain my skills as a soldier, which included land navigation, marksmanship, leadership, etc. Aside from that position, the only other non-legal jobs I held were summer jobs in high school and college where I worked in restaurants, construction sites, and in the landscaping business.
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
30. A complete, current financial net worth statement was provided to the Commission.
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.  
I have no financial arrangements or business relationships that might constitute a potential conflict of interest. Furthermore, I do not intend to ever enter into a financial arrangement or business relationship that could create a conflict of interest.
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. Aside from traffic citations, I have never been cited for any infraction of any law or regulation.
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?  
No.
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?  
No.
37. Have you ever been investigated by the Department of Social Services? 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.  
I am not in private practice.
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?  
I am not active on or a member of any electronic social media sites. I may have an old Facebook account, however, I have not used it since 2008. I do not utilize electronic social media.
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?  
No.
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.  
I have not engaged in this conduct, nor am I aware of any formal charges or informal allegations against me.
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.  
I have not engaged in this conduct nor am I aware of any formal charges or informal allegations against me.
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.  
At the time of the submission of this application, I have expended no money in furtherance of my candidacy.
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? 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.  
(a) Member, Richland County Bar Association (member since 1995);  
(b) Member, Colorado Bar Association (member since 1995);  
(c) Member, American Bar Association (member since 1983).  
I have never been anything more than a member of these associations.
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.  
None
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.  
I have truly enjoyed my term as an Administrative Law Judge. Upon my election, I immediately set out to organize my court and prepare myself to be a fair and effective member of the Administrative Law Court. I have worked very hard to further develop my expertise in administrative law and the Administrative Law Court, and I believe that I have generally accomplished those goals.  
My time on the bench has not been without some challenges. In August of 2010, less than six months into my term, I was notified that my Army Reserve unit was being mobilized. We were told that some of us would be going to Iraq, and the remainder of us would be stationed at Fort Bragg, North Carolina for at least one year. By December of 2010, I was on active duty, and while I did not deploy overseas, I spent one year serving as the Chief of Administrative Law for the Office of the Staff Judge Advocate for the XVIIIth Airborne Corps. This duty a huge one, as I was basically the town lawyer for Fort Bragg, North Carolina, the largest Army installation, and home to over 100,000 soldiers, service members and federal civilian employees. I had between 10 and 12 lawyers working under me. My days were long, and I often worked weekends. This mobilization meant that I had to leave my position on the court for 14 months (I took no pay from the ALC during this time) and

devote myself to running the office at Fort Bragg. Additionally, it meant that I had to be separated from my wife and three sons, except for weekends when I was able to make it home. While this mobilization was a tremendous learning experience, and I was proud to serve my country, it was difficult for me professionally and personally.

When I returned from my 14 month long mobilization in February of 2012, I immediately lost my law clerk, who, himself a Reservist, was mobilized in support of the wars and sent off to Virginia for duty, and who then accepted a position elsewhere and never returned. All of this disruption made it more difficult for me to establish myself in my new position as a judge and form a strong core support staff.

Again in late 2013 and early 2014 my military duties for my Army Reserve unit began to demand an inordinate amount of my time. Our unit was ordered to participate in a two week exercise in Wisconsin with other Reserve units, and I was tasked with organizing the unit for movement to and training in Fort McCoy, Wisconsin. These duties demanded a great deal of my time. In addition to that, a member of my family became ill. It was at this point that I realized that I needed to consider whether I could continue to shoulder the responsibility as a soldier and be an effective judge and husband and father. After the exercise concluded in May of 2014, I retired from the Army Reserves after 26 years of service.

The last five years have been a time of great growth for me, and also a time of humility. I have learned a great deal, I have had some incredible experiences, both as a judge and in other aspects of my life as well, and I had the great joy of watching my sons grow up. I have also had to accept that I cannot do everything I want to do, and that sometimes a person has to give up something in order to be effective in other parts in his life. My retirement from the Army has been bittersweet in that I am relieved to have completed my service, but I miss the camaraderie and spirit of my fellow soldiers that I enjoyed for so many years.

53. List the names, addresses, and telephone numbers of five persons, including your banker, from whom references could be obtained.
- (a) Michael R. Hitchcock, Esquire,  
Director, SC Retirement Systems Investment Commission  
Capitol Center  
1201 Main Street  
Columbia, SC 29201  
(803) 737-6885
  - (b) Geoffrey R. Penland, Esquire  
153 Carriage Hill Drive  
Lexington, SC  
(803) 360-6336
  - (c) Lake E. Summers, Esq.  
Malone, Thompson and Summers and Ott  
339 Hayward Street, Suite 200  
Columbia, SC 29201  
(803) 254-3300
  - (d) Richard W. Simmons, II  
McWhirter, Bellinger, and Associates  
485 N. Lafayette Dr.  
Sumter, SC 29150



(803) 773-5523

- (e) Bank of America  
(POC Amanda M. Goolsby, Assistant Financial Center Manager)  
1301 Gervais Street  
Columbia, SC 29201

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.

None

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.

None

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.

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: The Honorable S. Phillip Lenski

Date: August 10, 2015