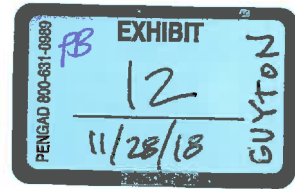


**JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE**



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

1. Name: The Honorable David G. Guyton

Name that you are known by if different from above
(Example: A Nickname):

Are you currently serving in some capacity as a judge? I currently serve as the Family Court Judge for the Sixteenth Judicial Circuit, Seat 2. I was sworn in April 16, 2010, fulfilling the unexpired term of retiring Judge Henry T. Woods, and then re-elected on January 13, 2013.

(Includes Municipal, Magistrate, Etc.)

Home Address: [REDACTED]

Business Address: P.O. Box 11746 Rock Hill, SC 29731 (mail)
1070 West Heckle Boulevard, Suite 202, Rock Hill, SC 29732

E-Mail Address: [REDACTED]

Telephone Number: (home): None
(office): 803-909-7117
(cell): [REDACTED]

2. Date of Birth: [REDACTED] 1961
Place of Birth: City of Rock Hill, York County, SC
Social Security Number: [REDACTED]

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

4. SCDL# or SCHD#: [REDACTED]
Voter Registration Number [REDACTED]

5. Have you served in the military? If so, give the dates, branch of service, highest rank attained, serial number (if applicable), present status, and the character of your discharge or release. Please provide a copy of your DD214 concerning your discharge. Yes. I was commissioned as a 2LT in the United States Marine Corps in August of 1985. I served active duty in the United States Marine Corps October 01, 1988 to October 01, 1991. I was discharged with an Honorable Discharge as a Captain and Gulf War Veteran upon completion of my term.

The Military has always used my social security number instead of assigning a separate serial number. My United States Uniformed Services identification card does include a Department of Defense (DOD) number, which is [REDACTED]

I served in the South Carolina Army National Guard from March 1992 until retiring in August 2017, with an Honorary Discharge, at the rank of Colonel, with an honorary promotion to Brigadier General. I previously served in the positions of State Staff Judge Advocate for the SC Army National Guard, Military Judge, Trial counsel, Defense counsel, and SJA for the 262 AAMDC, the 228 Signal Brigade, and Joint Force Headquarters.

I am attaching my DD214 which reflects my USMC active duty. I will not receive an updated DD214 to reflect my SCARNG service until after I reach age 60 (June 04, 2021), at which time I can received retirement pay. I am attaching eight programs from my retirement ceremony August 6, 2017, which includes a military biography, and for which I give my permission to publish if the JMSC desires.

6. Family Status: In the space below, (a) state whether you are single, married, widowed, divorced, or separated; (b) if married, state the date of your marriage and your spouse's full name; (c) if you have ever been divorced or are in the process of obtaining a divorce, state the date, name of the moving party, court, and grounds; and (d) state the names of your children and their ages. If your children are old enough to work, include the occupation of each child. I married Crystal Rene Fickling Guyton July 11, 1992, in Rock Hill, SC. We recently celebrated our 26th wedding anniversary. Neither of us were previously married.

We have two children: [REDACTED]

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, Fall 1979 through Spring 1983, Bachelor of Arts
 - (b) University of South Carolina School of Law, Fall 1984 through Spring 1987, Juris Doctorate
8. List the significant activities in which you took part during your attendance at law school. Give the years you were involved in these activities and list any leadership positions you held.
- (a) Baptist Student Union 1979 through 1982 at Furman University
 - (b) Kappa Alpha Fraternity (Order of REL) 1980-83 at Furman University, President for two years
 - (c) Four year letterman as an intercollegiate wrestler at Furman 1979-83
 - (d) Phi Alpha Delta at USC School of Law; two years
 - (e) Christian Legal Society at USC School of Law; three years
9. 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. Please indicate the number of times you took the exam in each state.
- (a) South Carolina, 1988, twice

10. Describe chronologically, since graduation from law school, your legal experience. Please include a list of all positions held in which you worked in a legal capacity. Describe the general character of your practice and divide it into periods with dates if its character has changed over the years. Please also describe the extent to which you were involved with the administrative and financial management of each of these entities, including management of trust accounts.
- (a) Oct 1, 1988 to Oct 1, 1991, United States Marine Corps. I served as a Trial Counsel prosecuting military Courts-Martial and as a Deputy Staff Judge Advocate at Camp Pendleton, CA, and while deployed to Saudi Arabia during Desert Shield/Desert Storm.
 - (b) Oct 1991 to March 2009 private law practice. I joined Harrelson and Hayes law firm in Oct 1991, as an associate. I became a partner in 1996, and the firm became Harrelson, Hayes, and Guyton. My primary area of practice was Family Court including Divorce, legal separations, child custody, child support, alimony, equitable division, simple adoptions, guardian ad litem work, termination of parental rights, juvenile defense, SCDSS defense, Foster Care Review Boards, domestic violence, name changes, annulments, common law marriage, and almost anything associated with Family Court. I also handled real estate closings, simple estate planning and probate, criminal defense, landlord-tenant, personal injury, and contract law. Family Court was probably 75% of my practice and all other areas totaled 25%. I was a trial lawyer, often going to court several times a week, including Family Court, General Sessions, Probate, Master-in-Equity, and city and county magistrate courts. My secretary and I handled the trust funds for my clients as part of the firm's trust account, but I considered Hugh Harrelson as the primary financial management partner. I do not recall ever having any trust account issues.
 - (c) 1991 to 2009 Associate City Court Judge for the City of Rock Hill. I presided over bench trials, jury trials, and set bonds. This was part time, usually only a few hours each month to help the City handle its docket, and primarily in evening hours. One evening, another Judge and I handled over 200 cases on the docket. I was paid per hour as an independent contractor, not as a city employee. It certainly helped prepare me for a Family Court Judge position. I was not responsible for handling funds and never did so.
 - (d) Oct 1992 to August 2017 Judge Advocate in the SC Army National Guard. I served as Trial counsel and as Defense Counsel for military courts-martial and administrative separation proceedings, Staff Judge Advocate for several units and for the entire state. I also served as a South Carolina Military Judge under the SC Code of Military Justice, which carries the same authority as a state circuit judge by statute. I had a lot of administrative duties but they did not include financial responsibilities.

Justices/judges applying for re-election to their current position may omit Questions 11–17. If you are a judge seeking a judgeship different than your current position, Questions 11-17 should be answered based on your experience prior to serving on the bench.

11. Please answer the following:
- (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 and procedural knowledge has prepared you to preside over such matters as a Family Court Judge. Please also indicate the frequency of your appearances before a Family Court Judge within the past five years.

- (b) If you are a candidate for Circuit Court, please provide a brief written description of your experience in criminal matters, including any cases handled over the past five years and include a brief description of the issues involved. Further, please provide a brief written description of your experience in civil matters, including any cases handled over the past five years and include a brief description of the types of matters handled, issues involved, and procedural history. Please include information such as the primary areas in civil court in which you practice, whether you represent plaintiffs or defendants, or both. You may go back further than five years if you feel it would assist the Commission with its assessment of your experience. If you lack experience in an area, describe how your background and procedural knowledge has prepared you to preside over such matters as a Circuit Court Judge, or how you would compensate for your lack of experience in this area. Please also indicate the frequency of your appearances before a Circuit Court Judge within the past five years.
- (c) If you are a candidate for Master-In-Equity, please provide a brief written description of your experience in the Master's court, including any cases handled over the past five years and include a brief description of the issues involved. Please include the frequency of your appearances before a Master-In-Equity or a Circuit Court Judge within the past five years.
- (d) If you are a candidate for Administrative Law Court, 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 or Circuit Court within the past five years.

- 12. What was the frequency of your court appearances during the past five years or in the five years prior to your election to the bench?
 - (a) federal:
 - (b) state:
- 13. What percentage of your practice involved civil, criminal, domestic, and other matters during the past five years or in the five years prior to your election to the bench?
 - (a) civil:
 - (b) criminal:
 - (c) domestic:

(d) other:

14. What percentage of your practice in trial court during the past five years or in the five years prior to your election to the bench involved matters that went to a jury, including those that settled prior to trial?
- (a) jury:
(b) non-jury:

Did you most often serve as sole counsel, chief counsel, or associate counsel in these matters?

15. 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)
(b)
(c)
(d)
(e)

16. 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.
- (a)
(b)
(c)
(d)
(e)

17. List up to five criminal appeals you have personally handled. Give the case name, the court, the date of decision and the citation if the case was reported.
- (a)
(b)
(c)
(d)
(e)

18. 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.
- (a) Associate City Court Judge for the City of Rock Hill 1999 to 2009. This was part time for several hours per month, primarily for night court. The jurisdiction was for city criminal and traffic offenses for up to 30 days in jail or \$500 fine, and as otherwise allowed by statute, such as DUI third which allowed 90 days incarceration. City Court did not involve civil matters. I was appointed by Municipal Court Judge Jane P. Modla, confirmed by City Council, and reaffirmed by City Council until I assumed my Family Court Judicial position.

- (b) Military Judge for the State of South Carolina Military Department, May 2007 through Dec 2010. This was an appointed duty by The Adjutant General of the State of South Carolina, MG Stanhope Spears at the time. The position carries the authority of a SC Circuit Court Judge by statute. I was compensated by my normal National Guard drill pay and did not receive extra compensation for holding that position. I presided over Special Courts-Martial for the National Guard under the SC Code of Military Justice, and could impose incarceration, fines, reduction in rank, and a Bad Conduct Discharge. It was a state court, not a federal court.
- (c) Family Court Judge for the Sixteenth Judicial Circuit, Seat 2 (York County). I was elected February 3, 2010, to serve the unexpired term of retiring Judge Henry T. Woods. I was sworn in April 16, 2010. I was re-elected to the same position on January 30, 2013. I handle Divorces, separations, child custody and visitation, alimony, equitable distribution of marital property and marital debt, child support, adoptions, termination of parental rights, name changes, SC Department of Social Services child abuse and neglect cases, SCDSS vulnerable adult cases, Juvenile Court for minors who commit crimes and status offenses, Truancy Court, Protection From Domestic Abuse Act hearings, bench warrants for failure to pay child support, Rules to Show Cause hearings for private actions, Clerk's rules, and SCDSS child support enforcement division, annulments, common law marriages, and paternity actions. I also preside over a Juvenile Drug Court held weekly for juvenile offenders upon which successful completion results in expungement of their charges. The jurisdiction of Family Court is by statutory authority primarily set forth in Titles 20 and 63 of the South Carolina Code of Laws.

19. If the answer to question 18 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. Although I have had at least one case appealed and upheld, which I will note below, I have not had any appellate decisions which changed the common law of South Carolina. I do believe every case in Family Court is potentially life changing, especially for a child. It is an incredible daily burden which I do not take lightly. Some of my significant cases are:

- (a) Every December on the last day of court I hold an adoption day, and we schedule 10 to 15 uncontested adoptions, so that families can walk away with an Adoption Decree before the end of the calendar year, and a very special Christmas. It is one of those rare days in Family Court where everyone leaves the courtroom smiling and happy. In 2018 we actually had to schedule two days to hear all the requested adoptions. Each case has its own special story. My most significant adoption this year was for a 13 year old named Tony, who had been an abused child in DSS care and custody for years. He had significant behavioral problems and special needs, such that he had been in eighteen different foster care homes before he was placed with a family who finally refused to give up on him, even when he challenged them over and over again to test their commitment to him. After almost 3 years with this family, Tony knew they loved him so much they would never give up on him, and they adopted him into their permanent home. If desired you can find this and other adoption stories from that day in the December 21, 2018, edition of The Herald, our local Rock Hill newspaper, online at Heraldonline.com.

(b) I had a 4 day trial in which the primary issue was custody of a 6 year old autistic child who may also be on the lower end of the autism spectrum. I was a visiting Judge in that jurisdiction. The case was 3 years old when we started the final hearing set for 2 days. After starting the trial it was obvious it would take more than 2 days. Instead of continuing the case and re-scheduling for trial at a later date, I informed the litigants we would try the case and find a way to get it completed. Although counsel for both parents were competent and courteous, it was an extremely contentious trial. After two days we used a Friday afternoon in which we normally do not schedule hearings, and then traveled to my courtroom the following Monday during a chambers week and held court until the case was finished. I am not describing this case to brag on the extra effort to get it completed, but to show how important it is to move cases along in a timely manner, especially with children involved. This child was three years old when the case began. He was now six and needed permanency and stability in his life. I awarded custody to the father, who in a subsequent year sent me letters and pictures of his son who thrived physically, emotionally, and educationally, after placement with his father in another state. It was one of those cases when as a Judge, I felt vindicated by my decision.

(c) I hold juvenile drug court on Tuesday afternoons when my docket is in Rock Hill. This is a program for juveniles who plead guilty to substance abuse or other crimes an opportunity to move through several phases and numerous requirements with their families and, if successful, have the charge(s) expunged. They are tested for drugs weekly, do community service hours, have weekly homework assignments, and attend counseling sessions for issues such as conflict resolution. I do not get paid any extra for this time, and the court is held after the scheduled docket. I estimate a little more than 50% graduation rate, and the program takes about a year or longer to complete. I get to speak at their graduation, and hear from the juvenile and his or her parents or guardians. Parents often thank me and our program staff for saving the life of their child and giving them their family back. The tearful gratitude is deeply satisfying, and it is with great pride that I get to sign their expungement orders and leave them with a new start and the tools to be successful. The fact that the program is successful, that we are changing the lives of these kids and their families, and that we are saving taxpayer money in doing so, is very significant to me as a Family Court Judge.

(d) Conits v Conits, 417 S.C. 127, 789 S.E.2d 51 (Ct. App. 2016) I was upheld on equitable distribution concerning approximately 48 parcels or real property, businesses, and other significant assets worth several million dollars. This was a two day trial, and fortunately the attorneys did an excellent job stipulating many of the exhibits and presenting only relevant testimony, as it could have easily been a weeklong trial. The case resulted in several boxes of material for review. Recently the case was appealed again concerning a large parcel of property overseas, reversed and remanded, and then reversed again to keep the original decision in place. This case taught me the importance of proper marking of exhibits, admission as evidence, the value of good trial attorneys, and a clear record for possible review by appellate courts.

(e) Some of the simple cases, compared to a multi-million dollar division of property, are the most significant. Last week I heard a case in which an elderly black man, represented by South Carolina Legal Services, was seeking a birth certificate to

change his name. He had always been known by a particular name, and had all his records in that name, but when he got a copy of his birth certificate, it had no first name listed. He needed a birth certificate with his full name to prove he was who he said he was when trying to get benefits. When he testified, it was obvious by his dress and speech that he had little education, and was a simple man of few means. However, his quiet and humble testimony proved to me he was credible, and really wasn't seeking the birth certificate for monetary reasons, but so that he could have an official document that proved who he was, and that he had a name. He could never have gotten through the process pro se, and he did not have the ability to hire an attorney, so Legal Services representation was essential to getting a correct birth certificate and name. When I announced the finding on the record that his known name was official and legal, and that he would get a new birth certificate, his wide grin through some missing teeth, and his constant thank you to me and his counsel, was incredibly gratifying. What was a short and simple hearing on my docket that day, was the most significant event in his life in a long time.

20. 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 May 18, 1988
 - (b) Also admitted to practice before the Federal District Court on December 27, 1991. However, I never actively practiced in Federal Court.
 - (c) Admitted to practice as a Judge Advocate in military Courts in July 1990.
21. 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 drafted materials and presented them at a session of the December 2011 Family Court Bench/Bar focusing on military issues relating to Family Court practice.
 - (b) I was a judicial panel member at the 2012 CLE What Family Court Judges want you to know.
 - (c) I presented materials and lectured on The Military Parents Equal Protection Act and other topics at the August 2011 SC JAG Conference.
 - (d) I was a panel member for the 2012 Color of Justice presentation in Rock Hill, SC
 - (e) I have taught local clerk of court office personnel courtroom procedure and evidence.
 - (f) I meet with and teach a local guardian ad litem group at least twice per year to update case law and answer their questions.
 - (g) I have organized military justice training to SCNG Judge Advocates and Administrative Officers on several occasions through the years.
 - (h) I organized and conducted Military Support to Civilian Authorities training; presented my materials by lecture and provided each attendee a tool kit CD for reference and practical application.
 - (i) I made a presentation to the Municipal Court Administration Association as a City Court Judge on diffusing hostility.
 - (k) I presented legal tips for unemployed Veterans at an HR Boot Camp.
 - (l) I wrote a paper on the judicial perspective of Family Court Judges at Order of Protection hearings and lectured on that topic to Victim Advocates to train them on how to better

- prepare domestic violence victims for their hearing. I also prepared a sample script for victims use in preparing for the hearing. I gave permission for it to be disseminated statewide among victim advocate groups and legal services.
- (m) I spoke to the Judge Advocates at Ft. Jackson, South Carolina, concerning Family Court and military related issues.
 - (n) I lectured at a statewide Department of Juvenile Justice education conference on the judicial perspective on issues in juvenile court
 - (o) I have been a panel member and a guest lecturer at the annual Public Defender's conference.
 - (p) I have made presentations at the state School Resource Officers conference on juvenile and education issues in Family Court.
 - (q) I have made presentations almost annually to Rock Hill School District personnel and York County school resource officers.
 - (r) I was a panel member on the CLE Top Ten Mistakes Attorneys Make in Family Court.
 - (s) I made a presentation and sat as a judicial panel member at the York County Bar Association CLE in January 2018.
 - (t) I presided over private school moot court competition at the Moss Justice Center in York and provided evaluation and feedback.
 - (u) I have made two presentations to Judge Advocates and Military Judges of Colombia, South America, once in Colombia, and once in South Carolina, as part of the State Partnership Program in the National Guard.
 - (v) I made presentations to the Family Court Judges at our annual conferences on the Interstate Compact for Juveniles and the Status Offender Task Force.
22. Provide, as a separate attachment, your continuing legal or judicial education report from the past five years. Attached past five years.
23. List all published books and articles you have written and give citations and the dates of publication for each.
- (a) The Military Parent Equal Protection Act South Carolina Lawyer Magazine March 2012, co-authored with COL (Ret) Barry Bernstein.
24. Please furnish as a separate attachment, two examples of legal articles, briefs, orders, or other legal writings for which you can claim sole or primary authorship. If you cannot claim sole authorship, please explain the extent to which you are the primary author, to include a description of the other authors and their contributions. The writing samples are for the Commission's use only and will not be published. (If you are a judge and are not seeking a different type of judgeship, this question is inapplicable.) Inapplicable. I am seeking the same judicial seat I now have.
25. What is your rating or membership status, if any, by any legal rating organization, such as, Best Lawyers, Chambers, Legal 500, Martindale-Hubbell, Who's Who Legal, Super Lawyers, Million Dollar Advocates Forum, etc.? If you are currently a member of the judiciary, list your last available rating, if any. I believe my last available rating from Martindale-Hubbell was BV. I checked their website and discovered I have a 4.4 out of 5 star peer rating. I am unaware of any other ratings. I am not aware of any negative ratings.

26. 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 since 1988. Member of Military Law Section and Family Law Section. Pro Bono program volunteer and legal assistance to military personnel volunteer prior to becoming a Judge.
 - (b) York County Bar Association since 1992. Past Secretary, Treasurer, and President (1996).
 - (c) American Bar Association since 1988
 - (d) SC Summary Court Judges Association from 1999 until elected to Family Court in 2010.
 - (e) Commission on Lawyer Conduct for over 10 years until elected Family Court Judge in 2010.
 - (f) Commission on Judicial Conduct from 2010 through the current date.
 - (g) Appointed to the Family Court Judges Advisory Committee by Chief Justice Donald W. Beatty on December 11, 2017.
27. 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. I do not recall ever holding public office or being required to file reports with the Senate Ethics Committee other than for my prior application for my current Family Court Judge position.
28. For sitting or former judges, 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.
- (a) I have been a Judge Advocate for the South Carolina Army National Guard since March 1992 when I joined as a Captain through my retirement in August 2017 as a Colonel. My supervisor was State Judge Advocate Barry Bernstein until he retired and I replaced him in that position on M-Day (drill) status. My supervisor then became MG Robert Livingston, The Adjutant General of the SC National Guard. My former supervisors have included Justice James Lockemy (retired COL) and Vic Rawl (retired LTC). My duties included Trial Counsel, Defense Counsel, Military Judge, legal assistance, and Command SJA for 263 AAMDC, 228th Signal Brigade, and Joint Force Headquarters.
29. Have you ever been an unsuccessful candidate for elective, judicial, or other public office? If so, give details, including dates. No.
30. 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. Other than part time jobs as a student in college or law school or during summers, my only other employment has been as a Judge Advocate in the United States Marine Corps from October 1, 1988 –October 1,

1991, and in the SC Army National Guard from March 1992-August 2017. My duties were as detailed in my prior answers above, but also sometimes involved non law related assignments such as a Chaplain or Battle Captain.

31. Are you now an officer or director or involved in the management of any business enterprise? Explain the nature of the business, your duties, and the term of your service. No.
32. 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.
33. Provide, as a **separate attachment**, 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 net worth statement form is provided with this questionnaire and you must use this format for submission of your financial statement.) A complete, current financial net worth statement was provided to the Commission.

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

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? If so, give details. No.
35. 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.
36. 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. If you have spent over \$100, have you reported your expenditures to the House and Senate Ethics Committees? I spent \$16 for a flash drive to use in order to download the application package to a flash drive when the original one provided by the JMCS was bent and would not fit into a computer. Lindi Legare was very helpful in that regard. I believe that is the only expenditure to date.

37. List the recipient and amount of all contributions made by you, a member of your immediate family, or by a business with whom you are associated, to members of the General Assembly within the past four years. None
38. Have you or has anyone acting on your behalf solicited or collected funds to aid in the promotion of your candidacy? If so, please specify the amount, solicitor, donor, and date of the solicitation. No.
39. 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 or currently hold. Explain how you would resolve any potential conflict of interest. My conflicts of interests have been due primarily to having practiced law for 18 years in private practice before becoming a Judge (former clients). I am unaware of any situations having arisen in which I had to recuse myself due to any financial arrangements or business relationships. Should my financial planner, who is also a friend, be required to appear in Family Court, I would recuse myself and direct the Clerk of Court to refrain from assigning his case, or any that I have a known conflict with such as a former client, to my docket. I sometimes discover conflicts due to my former position in the National Guard or service on non-profit Boards, and recuse myself when the discovery is made.
40. 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.

Attach a copy of any contract or agreement. None.

41. 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.
42. For sitting judges, if you currently hold an interest in stock or other securities or have held such an interest, list each stock you currently own or owned during the prior calendar year. If you prefer, you may attach broker or account records containing the requested

information instead of listing it here. I own shares of Coca-Cola stock which are reflected on my statement of financial net worth. My father gave me \$100 in stock around 1992, and I have purchased anywhere from \$500 to \$1500 in Coke stock annually since then through Compushare. As a Family Court Judge, I have never had a conflict concerning my financial matters unless I knew a particular individual in my court who may be employed by a financial institution I have an interest in, and I would then recuse myself.

43. For sitting judges, have you ever accepted anything of value from an attorney or litigant in a matter currently or previously before you or your court? If so, please give the details, including the name of the attorney or litigant and the thing of value you received. No. I once had two parents who had adopted a child immediately try to give me a gift card along with a thank you note after the proceeding. I returned the gift card and explained that I appreciated the offer but could not accept it. They had no intent to influence me and understood when I explained why I wasn't allowed to do so.
44. For sitting judges, have you used the services of your staff, for which you did not pay, while campaigning for this office? No.
45. 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 which are subject to a penalty of \$125 or less. You must include any and all arrests, including, but not limited to, offenses for driving under the influence or similar traffic offenses. Include all arrests that resulted in expungement, which will be redacted. If you have questions regarding whether to include an offense, please contact the Commission.

[All answers have been received and considered by the Commission, and as noted above, any expunged matters are redacted from the record.]

46. Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statute? If yes, explain. No
47. Have you ever been sued by a client? Have you ever been a named party (personally or professionally) in or had a pecuniary interest in any civil or criminal proceedings? If so, give details, including, but not limited to, dates, and resolutions. I do not recall ever being sued personally or professionally, as an individual or Board member, in any civil proceeding, or named as a defendant in a criminal proceeding.
48. 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 a sitting Judge and do not practice law, and I do not have a current malpractice or tail policy.

49. Have you ever, in South Carolina or any other jurisdiction, as a lawyer, judge, or other professional, been sanctioned or disciplined for lawyer, judicial, or other professional misconduct or has any jurisdiction found that you committed any misconduct? If so, give the details and describe any final disposition. Include any and all confidential and public sanction, discipline, or finding of misconduct of any kind.

[Yes and no responses are redacted for all candidates unless there is a public discipline.]

50. 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? If so, give the details. No.

Note: The flash drive with your application materials contains (1) Section 2-19-70(c); (2) JMSC Rule 24, and (3) informal opinions and letters concerning pledging prohibitions, with which third parties acting on your behalf, as well as you, must comply.

51. 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 or have you been offered a conditional pledge of support by any legislator pending the outcome of your screening? 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? If so, give details. No.
52. Have you requested any third parties to contact members of the General Assembly on your behalf before the final and formal screening report has been released? Describe the campaigning you have done for this election and include a list of those individuals you have asked to campaign on your behalf and, to the best of your knowledge, those who have campaigned for you on their own initiative. I have not contacted any third parties to contact members of the General Assembly on my behalf. I have not campaigned for re-election to this judicial seat nor have I asked anyone else to do so. I am not aware of anyone having campaigned on my behalf on their own initiative.
53. Are you familiar with the 48-hour rule, which prohibits a candidate from seeking pledges until after the draft report becomes final, which occurs on the day and time specified on the Commission's published screening schedule? Yes
54. Since submitting your letter of intent to become a candidate, have you or has anyone acting on your behalf contacted any member of the Judicial Merit Selection Commission about your candidacy or intention to become a candidate? If so, give details. No.
55. List the names, addresses, and telephone numbers of five (5) persons from whom you are providing references. Also, provide the Commission with **original letters** of recommendation from each person listed herein, including their signature (preferably in blue ink). **The Commission will not accept a photocopy or electronic submission of a**

letter of recommendation and failure to include all five (5) original letters of recommendation in your packet when you submit it will render your packet incomplete. Please **do not** have references mail your reference letters to the Commission directly. *You must return the five (5) original letters of recommendation to the Commission with your application packet.*

- (a) John P. Gettys, Jr., Mayor, City of Rock Hill, P.O. Box 11706, Rock Hill, SC 29731-1706 803-329-7000
- (b) Michelle Dhunjishah, Director, Children's Law Center, University of South Carolina School of Law, 1600 Hampton Street, Suite 502, Columbia, SC 29202 803-777-1646
- (c) Lisa G. Bernardin, Chair, Governor's Juvenile Justice Advisory Council, c/o SC Department of Public Safety, 10311 Wilson Blvd, Blythewood, SC 29016 803-622-6423
- (d) David Hamilton, Clerk of Court, York County, P.O. Box 649, York, SC 29745 803-628-3036
- (e) Hollie S. Bennett, LBSW, Certified Adoption Investigator, P.O. Box 37327, Rock Hill, SC 29732
- (f) Kevin R. Tolson, Sheriff of York County, 1675-2A York Highway, York SC 29745 803-628-3059

56. 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 an active member of a social media or Internet site except for Strava, which is for physical fitness friends to post and keep up with their fitness activities. I have about 15 followers and we are accountable to each other and encourage each other, mostly for logging miles when running. The Strava App allows me post and keep a running route, the distance I run, the total time, and the per mile pace. We can post short comments for support but usually do not do so. The friends I have on Strava are primarily My F3 Fitness group brothers, and if they appeared before me I would have to recuse myself because of that relationship. I have a twitter account but do not use it and do not check it. I tried to set it up and use it but I am not tech savvy, and began getting contacts beyond those I wanted. I do not get notices on my phone, but do get notifications on my computer which I simply delete. I do not have a Facebook account nor LinkedIn. I would like to have a Facebook account for communication purposes with friends and family (who are always giving me a hard time about not having one!), but I'm not sure it is realistic as a Judge.

57. 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) Charter member of the Marine Corps League Olde English Leathernecks Detachment since 2002. Served as Judge Advocate for the Det. ten years. Received several Outstanding Marine Awards and The Four Chaplains Award

- (b) Life Member of VFW Post 2889 since early 1990s. Life member. Served as Judge Advocate 15 years or more.
- (c) Member American Legion Frank Roach Post 34 in Rock Hill since 1992.
- (d) Member of the York County Veterans Advisory Council since 1993. I have served as the Master of Ceremonies for our annual York County Memorial Day Ceremony for 25 years.
- (e) Former member and Treasurer Rock Hill School District Education Foundation member
- (f) Kiwanis Club of Rock Hill over 20 years. Past President. Terrific Kids program, past coordinator and current volunteer.
- (g) Charter member Rolling in Rock Hill program and 15 year volunteer, painting the homes of poor and disabled.
- (h) Churches include Northside Baptist, Oakland Baptist, North Rock Hill Church, Elevation, Newspring, and currently attending LifePointe in Ft. Mill, SC.
- (i) Former Auxillary Probation Officer through the SC Department of Juvenile Justice.
- (j) Former Weblos Scout Den Leader

58. 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. I feel that I am a good Judge because of my prior extensive community service activities, many of which revolved around the best interests of children. I was born and raised in the community I have served all my life either personally or professionally. I am embedded and invested in the families of my county and this state. I believe my current physical fitness regimen of 5 to 6 days per week helps me keep my life in balance, and reduces the heavy stress of the Family Court caseload and subject matter. I have always had, and still have, a strong family support network based upon high moral values, to remind me of the importance of keeping families together when possible, and if not, to provide a way to move forward with the least harm. My thirty two years of military experience has instilled in me a work ethic and discipline which I have found invaluable as a Judge. Finally, because of my family values, I have attended church my entire life. The locations and types of worship have changed, but my spiritual faith has been the foundation for the rest of my life, and the forgiveness I receive from God is a constant reminder that no one is perfect, and that I need to remember that every day I am on the bench.

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: _____

Sworn to before me this ____ day of _____, 2018.

(Notary Signature)

(Notary Printed Name)
Notary Public for South Carolina
My Commission Expires: _____