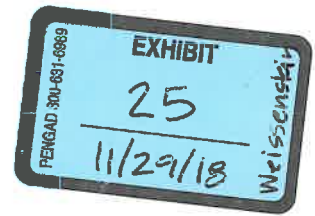


**JUDICIAL MERIT SELECTION COMMISSION  
PERSONAL DATA QUESTIONNAIRE**



Court, Position, and Seat # for which you are applying: Master in Equity for Sumter County

1. Name: Mr. A. Paul Weissenstein, Jr.

Name that you are known by if different from above  
(Example: A Nickname): None.

Are you currently serving in some capacity as a judge? No.  
(Includes Municipal, Magistrate, Etc.)

Home Address: [REDACTED]

Business Address: 106 Broad Street, Sumter, SC 29151

E-Mail Address: [REDACTED]

Telephone Number: (home): [REDACTED]  
(office): 803-418-5700  
(cell): [REDACTED]

2. Date of Birth: [REDACTED], 1952  
Place of Birth: Walterboro, 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.

I never served in the military, but was awarded an Army ROTC Scholarship and was sworn in my freshman year at Georgia Tech. I then received an Honorable Discharge. My dates of service were from September 1970 – September 17, 1972. I do not have a DD214, but have attached a copy of my DD256A Honorable Discharge.

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.

Family status: Married on May 22, 1976 to Gayle Y. Weissenstein  
Never divorced, two children:



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) Georgia Tech (September 1970 – December 1972: Transferred to USC
- b) The Citadel: Summer 1971 (took one history course)
- c) University of South Carolina (January 1973 – December 1974): BA cum laude
- d) University of South Carolina Law School (September 1975 – December 1977): Juris Doctor

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.

None, other than study and part time employment.

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.

South Carolina – May 1978: in good standing continuously.

Took bar exam in South Carolina one time and passed. I have not taken a bar exam in any other state.

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) During law school, I served as paralegal with Sheftman, Oswald, and Holland in West Columbia. After law school, I worked as follows:
- b) Trust Representative and then Assistant Trust Officer with South Carolina National Bank in Myrtle Beach from about March 1978 until October 1979. My primary responsibilities

were to help administer estates, meet with customers, and draft estate planning documents for attorneys.

- c) Ackerman Woodard and Campbell in Walterboro, SC from October 1979 until about March 1981. My practice was mostly a debt collection practice with court appearances in most South Carolina counties (attending roster meetings, supplemental proceedings, motion hearings, non-jury trials, and numerous jury trials). I also had some real estate practice.
- d) Bogoslow and Jones in Walterboro, SC from March 1981 through May 1987: My practice included a substantial real estate practice, divorce and adoptions, criminal defense, civil and criminal jury trials, social security practice, estate planning and administration, bankruptcy creditor work, mortgage foreclosures representing creditors, and partition cases.
- e) Weinberg Brown and McDougall in Sumter, SC from June 1987 through December 1997: My practice primarily included real estate closings, civil and criminal motions, non-jury trials and civil and criminal jury trials, bankruptcy debtor work, family court juvenile appointments, social security, estate planning and administration, foreclosure cases representing both plaintiffs and defendants, business formations, employment discrimination, and partition actions, etc. I had the responsibility of hiring and supervising and if need be, firing my one staff assistant. I managed the trust account for the real estate practice.
- f) A. Paul Weissenstein, Jr., Attorney at Law, LLC and name of firm changed to Weissenstein Law Firm, LLC in Sumter, SC from January 1998 to present: My practice primarily consists or consisted of real estate closings, civil motions, non-jury and jury trials, bankruptcy debtor and some creditor work, family court juvenile appointments, social security, estate planning and administration, foreclosure cases representing both plaintiffs and defendants, business formations, employment discrimination, partition actions, and quiet title actions, etc. I have managed the firm, including hiring, supervising, and firing employees, and purchasing any and all equipment books, and supplies. I also have the full responsibility of managing all of the bank accounts maintained by the firm, including the business account, the title insurance account, the payroll account, and both the general trust account, and the real estate trust account.

**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.

N/A

- (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.

N/A

- (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.

I have tried numerous cases or hearings before the Master in Equity in at least three counties over the past 5 years, including numerous foreclosures representing plaintiff and representing defendants, actions for plaintiffs to cancel real estate contracts, a road closing case, numerous quiet title actions, including actions involving tax deeds (about 8 tax deed cases in 2016-2017 alone). I have tried numerous partition suits over the years, but not within the past five years. In addition, I have served as Special Referee since about 2006, mostly in foreclosure cases, but also in quiet title and other issues.

- (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.

N/A

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: Over the past five years my bankruptcy court practice has me appearing in Court about 3 to 8 times per month. I try Social Security cases about once each six weeks. I participated in and won a jury trial in federal court about 8 years ago. Another case pending in federal court settled about 4 years ago.
  - (b) state: I am in probate court for a hearing about once a month. I was before the Master in Equity about what seemed like once a month until late 2017, but only once over the past seven months. I serve as Special Referee about once each 6 weeks. I won a 3 day jury trial in Sumter Common Pleas about 2 years ago.
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: 25% (Personal injury, real estate litigation, and probate court practice)
  - (b) criminal: 0
  - (c) domestic: 0
  - (d) other: 75% (Bankruptcy court, Social Security, Estate Planning, Real estate closings, business formation, etc.)
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: Only two cases have resulted in jury trials as set forth in paragraph 12 above. However, I have a fair sized personal injury practice, most claims of which settle prior to filing suit, and in the past five years, those cases that I have filed have settled before trial, including in mediation. I have tried personal injury cases, usually representing plaintiffs, but at least one representing the Defendant, but none within the past five years. I would estimate that my Court practice that could lead to a jury trial would be about 25%.
  - (b) Non-jury would include appearances in Probate Court, Master-in-Equity or before a Special Referee, Social Security, and Bankruptcy Court. About 75% of my Court practice would be involving matters that are non-jury.

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

I have usually served as a sole counsel except in the two Federal court appearances described in paragraph 12 above. The trial case involved an insurance company trying to avoid coverage for my client homeowner. As a result, the attorney for dog bite victims and I were on the same side against the insurance company. The case is also described in paragraph 16(e) below. The other federal court case involved me and my daughter as co-counsel presenting a claim against the Sumter School District (paragraph 15(c) below), which settled before trial.

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) I tried a case in bankruptcy court in an effort to discharge student loans for Mr. Ardis. The judge denied the discharge, and I appealed to the United States District Court. While that appeal was pending, a new decision In re Frushour, 433 F. 3d 393 (4<sup>th</sup> Cir. 2005) was entered by the Fourth Circuit Court of Appeals that convinced me that my appeal to the US District Court would be unsuccessful. I was correct. Ardis v. Educational Credit Management Corp., 340 B.R. 309 (D.S.C. 2006)

This case was significant because it required me to learn about student loan law, and convinced me as a result of Frushour, that student loans are in fact non-dischargeable, until there is some significant change in the law.

- (b) In about 1987, Mr. Keith from Sumter County living in New York won a New York lottery which would pay him about \$240,000 per year for 21 years. After receiving 2 payments, he returned home to Sumter to attend a funeral and was killed in an auto accident. He had no will and two illegitimate adult children and other family members living in South Carolina. I helped settle his estate, including Sumter County property, and the New York property (the lottery winnings). I was admitted pro hac vice and appeared in the Surrogates Court in Manhattan for a hearing in September 1989 with five New York attorneys. I was interviewed by the New York Times. The lottery ticket was sold at public auction and the proceeds distributed. In Re Soloman Keith, 1988-ES-43-00363.

This case was significant in that we were able to convince a New York Court to accept our settlement which benefitted the two illegitimate children and other South Carolina family members.

- (c) Charles Smith believed that his child was being discriminated against by Sumter School District officials, especially his middle school principal. I associated my daughter as co-counsel and we filed suit, and the case was removed to Federal Court. After discovery, the case was settled in June 2014 on a confidential settlement. Smith v. Sumter School District, 3:13-cv-00882-jfa.

This case was significant in that, based on the settlement, my client felt vindicated, and the principal was ultimately reassigned. In addition, Judge Anderson believed that the case raised enough interesting issues that he scheduled oral argument of a motion for summary judgment at the law school so that law students could attend and observe.

- (d) Continental Tire recently built a large plant in Sumter County and decided it wanted a small additional piece of property. The property had a cloud on title from the mid 1930's. The owners retained me and I helped negotiate the price up over \$700,000.00, and brought a successful action to quiet title before the Master-in-

Equity in 2017, and negotiated a contract to allow the elderly widow to continue to live on the property until it was actually needed by Continental. Lewis v. Lewis, et. al., 2017-CP-43-00646.

This case was significant in that it cleared up title to a small piece of Sumter County property that had suddenly become very valuable due to its close proximity to a large manufacturing plant. The family members benefitted financially, and the manufacturer is expanding its plant.

- (e) I filed a Chapter 13 Bankruptcy in 2013 for Shelley Thames to save her house. As her case was nearing completion in 2016, she applied for a discharge and the mortgage lender reported that she was delinquent. Bankruptcy Courts in western states and Virginia had recently ruled that Debtors who were delinquent with their mortgage payments were not entitled to a discharge. The South Carolina Bankruptcy Court Judges decided to consider this issue and the Thames case was one of Judge Duncan's first cases on this issue. I submitted a brief and presented oral argument. Judge Duncan granted a continuance as he considered the issue and Ms. Thames was able to bring her mortgage current and obtain a discharge. In re Thames, 13-00051-dd.

This case was significant in that it presented to the Judge for consideration a point of view about giving the debtor a fresh start, and gave my client time to get a discharge. However, South Carolina has joined the trend to deny a discharge if the Debtor is delinquent with its mortgage payments at the completion of the case.

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.

In my practice, I have not done a lot of appellate court work. I have done several appeals over the years, but for two of them I do not remember the exact date, nor my clients' names. In addition, most of those appeals were unsuccessful. However, the appeals for what I believe are significant cases that I have participated in over the years are as follows:

- (a) Canal Insurance Company v. Clapp, 292 S.C. 553, 357 S.E. 2d 712 (1987). While working with Bogoslow and Jones in the early 1980s, our firm represented a house mover who got sued about damage to the house as a result of effort to move the house. Canal Insurance Company denied coverage and appealed. I appeared before the Supreme Court, which affirmed coverage.
- (b) In the early 1990's, I represented a federal government employee who had been denied employment benefits. I appealed to the Court of Appeals for the Federal Circuit in Washington DC, where I appeared before the court. I lost the appeal, but had time to tour the White House.
- (c) In the early 1990's, I represented a woman in a Social Security application who was trying to assert that she was born in about 1933 instead of about 1937. She was one

of about ten children who had been born by a midwife. She asserted that the midwife had gotten her name confused, and her birth record was created for a younger sister. She lost the case, and I appealed to Federal District Court, losing again, and then appealed to the Fourth Circuit. A decision was made against me based on briefs and not oral argument.

- (d) In about 2001, I represented a husband and wife who owned a lot on the south side of Whites Mill Pond, north of Sumter, SC. When another property owner decided to cut cypress trees in front of his lot on the south side of the pond, the pond association (consisting of about 20 homeowners) sued property owners on the south side of the pond, who had erected small docks and were occasionally fishing in the water. Ernest Finney, III and David Weeks represented other Defendants in this case. After a trial before a Special Referee, both sides appealed to the Court of Appeals. Whites Mill Colony, Inc. v. Williams, 363 S.C. 117, 609 S. E. 2d 811 (Ct. App. 2005). After remand, I appealed again (2008-UP-204) and certiorari was denied. This case is significant because the decision helped define the law of water rights in South Carolina.
- (e) In paragraph 12(a) and 14(a) above, I mentioned a jury trial in Federal Court. My client was a homeowner who owned a dog that bit three people over a two-day period. The three victims hired an attorney who filed suit for the injuries received as a result of the three dog bites. A child was a serious victim. My client, Michelle Wrenn, reported the incident to her insurance company, which provided a defense but reserved its right to deny liability. She then hired me, and I represented her in a claim against the insurance company. The case was removed to Federal Court. My motion convinced the court that instead of the coverage issue being non-jury, the issue of whether there was insurance coverage was factual in nature, and the case was bifurcated so that there was a jury trial for the issue of whether there was insurance coverage. The jury determined that there was coverage. The insurance company then appealed to the Fourth Circuit, and the case was settled by mediation with the insurance company agreeing to provide coverage, pay the liability and settlement amounts agreed to by dog bite victims, and pay me about one half of the attorney's fees that I had earned in that case. Capitol Preferred Insurance Company, Inc. v. Hipps, et. al., 3:08-cv-02040-PJG (2010).

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.

None.

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.

None, other than serving as Special Referee since about 2006.



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.

N/A

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.

I have been admitted to practice before the following Courts:

- a) Admitted to practice before the State Courts of South Carolina in May, 1978.
  - b) Admitted to practice before the Federal District Courts for the District of South Carolina in June, 1979
  - c) Admitted to practice before the Fourth Circuit Court of Appeals in May, 1980.
  - d) Admitted to practice before the Court of Appeals for the Federal Circuit in July, 1993.
  - e) Admitted to practice before the United States Tax Court in November, 2011.
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.

I have prepared materials and lectured on a topic about personal representatives in estate administration in about October 2016, and on Consumer Bankruptcy Fundamentals in 2011, both sponsored by NBI. In addition, I have lectured on Bankruptcy at the Law School for Non-Lawyers in March, 2016 in Sumter, and a similar estate planning class many years ago. I was an instructor at Central Carolina Technical College's paralegal program in Sumter, SC from about 1988 to 1990 teaching classes on title examination, property law, estate planning and administration, and torts, and taught a semester on business law at Trident Technical College (at the St. George campus) in about 1981.

22. Provide, as a separate attachment, your continuing legal or judicial education report from the past five years.

Based on my age, I have been exempt from required legal education. However, I have attended CLE classes in the past five years, some of which are as follows:

- |   |                  |
|---|------------------|
| a) Condominium Development and Homeowner's Associations | June 12, 2018    |
| b) SC Bankruptcy  | February, 2018   |
| c) Plaintiff's Personal Injury: Advanced Practice       | January, 2018    |
| d) SC Bankruptcy (by computer)                          | December 2, 2017 |
| e) 1 <sup>st</sup> American Title                       | October, 2017    |
| f) Wills and estates                                    | October, 2016    |
| g) 1 <sup>st</sup> American Title                       | October 2015     |

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

I wrote the articles on “Improvements” in volume 6 and on “Lis Pendens” in volume 14 of South Carolina Jurisprudence. These volumes were published in 1991 and 1992 respectively.

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.)

Examples of recent legal writings for which I claim sole authorship are as follows:

- a. In re: Shelley Thames 13-00051-dd – A brief submitted in Bankruptcy Court opposing proposed new restrictions on bankruptcy debtor discharge.
- b. Sterling Lending Group, Inc. v. June, 2015-CP-43-712. A brief submitted in a Master-in-Equity foreclosure defense case arguing that the lender had violated high cost loan laws.

Copies of those briefs are attached in hard copy and on the flash drive.

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.

The peer review on Martindale Hubbell rates me a 4.4/5.0 and distinguished.

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

(b) South Carolina Bankruptcy Law Association

(c) Sumter County Bar – on board for 2018 and President designate for 2019.

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.

N/A

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.

N/A

29. Have you ever been an unsuccessful candidate for elective, judicial, or other public office? If so, give details, including dates.

I ran for Sumter District #17 School Board in 2000. The incumbent won and I came in third out of 5 candidates.

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.

None, other than part time jobs in college and high school.

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.

a) A real estate agent friend of mine and I set up Wafa Investments, LLC to purchase, develop, and sell real estate in about 1998. We are both members of the LLC. It was busy for about ten (10) years, and has been less so in the past ten (10) years.

In addition, Wafa Investments, LLC has a one third interest in Catalpa Capital, LLC, which owns about nine acres (about half of which is swampland) near the north edge of the City of Sumter.

b) I am on the Board of Directors for Sumter Habitat for Humanity, Inc., and was Secretary in 2016 – 2017.

c) I am also the attorney/Member of the law firm business known as Weissenstein Law Firm, LLC.

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.)

**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.

I became delinquent on IRS and South Carolina DOR personal income tax liabilities, but brought them current about 15 years ago. No federal tax liens were filed, but three SCDOR tax liens were filed between 1997 and 2002. I have not had any student loans and have not filed bankruptcy.

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?

None.

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 that I can recall.

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.

None known, but if any arise, such as if a present or former client were to appear before me as judge, I would offer to recuse myself.

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.

N/A

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.

N/A

44. For sitting judges, have you used the services of your staff, for which you did not pay, while campaigning for this office?

N/A

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.

a) An Attorney named me as an additional Defendant in a case about 20 years ago. My recollection is that the property purchaser/plaintiff was suing the Seller, and I had been the closing attorney. After reporting this to my malpractice carrier, I was eventually dismissed as a party. I paid my malpractice carrier about \$2,900.00 for the defense. I do not remember the name of the Plaintiff, nor the name of the Attorney who represented the Plaintiff.

b) Wafa Investments, LLC had borrowed three loans, each with a 15 year amortization that had a 5 year balloon. When the balloons came due, mortgage foreclosures were commenced against Wafa Investments, LLC in 2013, and I was named a defendant as personal guarantor. After a significant payment on the debt, the debts were restructured and the cases were dismissed.

To my knowledge, I have not been a party in any other civil proceedings. I know I have not been named a party in any criminal proceedings.

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 have had malpractice insurance continuously since I left the Weinberg firm and opened my own firm in January 1998. My present coverage is \$1,000,000.00 with a \$5,000.00 deductible. I have prior acts "tail" coverage at least since I changed to Hanover Insurance about five years ago.

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.

No.

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) Mark Mozelle  
683 Bultman Drive  
Sumter, SC 29150  
803-778-0723

(d) Reginald Thackston  
20 Sand Iron Court  
Sumter, SC 29154  
803-773-3409

(b) C. Talmadge Tobias, Jr.  
1770 Camden Hwy.  
Sumter, SC 29153  
803-469-2100

(e) Franklin M. Shuler  
PO Box 1815  
Sumter, SC 29150  
803-774-8500

(c) Theresa White  
PO Box 2746  
Sumter, SC 29151  
803-775-5767

(f) Vonda K. Mociun  
2575 Lindo Court - Suite A  
Sumter, SC 29150  
803-469-8141

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 personally am not active on Social Media. I sometimes look at my wife's Facebook page. However, my law firm has a website and Facebook page. I do not anticipate that my use of social media would change if I begin serving in a judicial capacity.

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) Sumter Habitat for Humanity, Inc. Board Member, former Secretary
- (b) Sumter Touchdown Club
- (c) Sumter County Gamecock Club – Vice President and Recording Secretary
- (d) Wine Group
- (e) Oaks Homeowners Association – Former Board Member and Secretary
- (f) The Main Street Society of Sumter
- (g) The Sumter Item readers named me Best Bankruptcy Attorney for 2018

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 think that my life experiences will help me be a good judge. I have worked in high school, college, law school and continuing since that time to help support myself in college and law school, and later to support my wife and children. In my 42 year marriage, my wife and I have raised two children who are productive adults. I have been active in church and in civic organizations over the years. My hobbies include building and remodeling, and yard work. As such, I have some understanding of physical labor.

In my law practice, I have appeared before Circuit Court, Family Court, Magistrate Court, Federal District Court, Bankruptcy Court, and Master-in-Equity judges, and Special Referees, most of whom were nice, kind, and intelligent, but some of whom did not meet those criteria as well as I think they could or should have. I think that my experience in dealing with those judges and with the hundreds of attorneys that I have met and worked with (or against) over the years would help me have an appropriate judicial temperament and also lead me to try to explore the factors of judgeship in an appropriate manner in order to try to reach the best decisions that I am able. I have appeared in front of Judge Dick Booth dozens of times, and his knowledge and patience was to be admired. I would strive to emulate him.

I also appeared before Masters in Equity and Special Referees in contested and uncontested matters, and believe that this would help provide me with a level of experience that I could apply to the Master-in-Equity position.

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 July, 2018.

\_\_\_\_\_  
(Notary Signature)

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