

NO. 58

**JOURNAL**  
**of the**  
**HOUSE OF REPRESENTATIVES**  
**of the**  
**STATE OF SOUTH CAROLINA**



REGULAR SESSION BEGINNING TUESDAY, JANUARY 8, 2019

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**TUESDAY, APRIL 23, 2019**  
**(STATEWIDE SESSION)**

**Tuesday, April 23, 2019**  
**(Statewide Session)**

~~Indicates Matter Stricken~~

Indicates New Matter

The House assembled at 12:00 noon.

Deliberations were opened with prayer by Rev. Charles E. Seastrunk, Jr., as follows:

Our thought for today is from Deuteronomy 26:17: “Today you have obtained the Lord’s agreement: to be your God; and for you to walk in the ways, to keep his statutes, his commandments and his ordinances, and to obey him.”

Let us pray. Dear God of truth, Your work is true and in You only can we trust. Thank You for giving us the faith to put our trust and hope in You. Grant these Representatives and staff the ability to give the people of this State true and honest government. Encourage them in their endeavors to accomplish that which is good and acceptable. Give them strength, courage, wisdom, and integrity in all their dealings. We pray for our defenders of freedom and first responders as they protect and care for us. Bless and preserve our Nation, President, State, Governor, Speaker, staff, and those who give their time and effort to this great cause. Heal the wounds, those seen and those hidden, of our brave warriors who suffer and sacrifice for our freedom. Lord, in Your mercy, hear our prayers. Amen.

Pursuant to Rule 6.3, the House of Representatives was led in the Pledge of Allegiance to the Flag of the United States of America by the SPEAKER.

After corrections to the Journal of the proceedings of Friday, April 12, the SPEAKER ordered it confirmed.

**MOTION ADOPTED**

Rep. CALHOON moved that when the House adjourns, it adjourn in memory of Harvey Jules Rosen, which was agreed to.

**SILENT PRAYER**

The House stood in silent prayer for Representative Toole.

**SILENT PRAYER**

The House stood in silent prayer for Representative Young.

**TUESDAY, APRIL 23, 2019**

**REPORT RECEIVED**

The following was received:

**Judicial Merit Selection Commission  
Report of Candidate Qualifications**

Date Draft Report Issued: Thursday, April 18, 2019

Date and Time Final Report Issued: Noon, Tuesday, April 23, 2019

**Judicial candidates are not free to seek or accept commitments until Tuesday, April 23, 2019, at Noon.**

**Judicial Merit Selection Commission**

Rep. G. Murrell Smith Jr., Chairman  
Sen. Luke A. Rankin, Vice-Chairman  
Sen. Ronnie A. Sabb  
Sen. Tom Young Jr.  
Rep. J. Todd Rutherford  
Rep. Chris Murphy  
Hope Blackley  
Lucy Grey McIver  
Andrew N. Safran  
J.P. "Pete" Strom Jr.



Erin B. Crawford,  
Chief Counsel  
Emma Dean,  
Counsel

Post Office Box 142  
Columbia, South Carolina 29202  
(803) 212-6623

April 18, 2019

Dear Members of the General Assembly:

Enclosed is the Judicial Merit Selection Commission's Report of Candidate Qualifications. This Report is designed to assist you in determining how to cast your vote. The Commission is charged by law with ascertaining whether judicial candidates are qualified for service on the bench. In accordance with this mandate, the Commission has thoroughly investigated all judicial candidates for their suitability for judicial service.

[HJ]

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The Commission's finding that a candidate is qualified means that the candidate satisfies both the constitutional criteria for judicial office and the Commission's evaluative criteria. The attached Report details each candidate's qualifications as they relate to the Commission's evaluative criteria.

Judicial candidates are **prohibited** from asking for your commitment until **12:00 Noon on Tuesday, April 23, 2019**. **Further, members of the General Assembly are not permitted to issue letters of introduction, announcements of candidacy, statements detailing a candidate's qualifications, or commitments to vote for a candidate until 12:00 Noon on Tuesday, April 23, 2019.** In summary, no member of the General Assembly should, orally or in writing, communicate about a candidate's candidacy until this designated time after release of the **Judicial Merit Selection Commission's Report of Candidate Qualifications**. If you find a candidate violating the pledging prohibitions or if you have questions about this report, please contact Erin B. Crawford, Chief Counsel to the Commission, at (803) 212-6689.

Thank you for your attention to this matter.

Sincerely,  
Representative G. Murrell Smith Jr.

TUESDAY, APRIL 23, 2019

**Judicial Merit Selection Commission**

Rep. G. Murrell Smith Jr., Chairman  
Sen. Luke A. Rankin, Vice-Chairman  
Sen. Ronnie A. Sabb  
Sen. Tom Young Jr.  
Rep. J. Todd Rutherford  
Rep. Chris Murphy  
Hope Blackley  
Lucy Grey McIver  
Andrew N. Safran  
J.P. "Pete" Strom Jr.

Erin B. Crawford,  
Chief Counsel  
Emma Dean, Counsel



Post Office Box 142  
Columbia, South Carolina 29202  
(803) 212-6623

April 18, 2019

Dear Fellow Members of the General Assembly:

This letter is written to call your attention to issues raised during the December 2003 Judicial Merit Selection hearings concerning a judicial candidate's contact with members of the General Assembly, as well as third parties contacting members on a candidate's behalf. It is also to remind you of these issues for the current screening.

Section 2-19-70(C) of the South Carolina Code contains strict prohibitions concerning candidates seeking or legislators giving their pledges of support or implied endorsement through an introduction prior to 48 hours after the release of the final report of the Judicial Merit Selection Commission ("Commission"). The purpose of this section was to ensure that members of the General Assembly had full access to the report prior to being asked by a candidate to pledge his or her support. The final sentence of Section 2-19-70(C) provides that "the prohibitions of this section do not extend to ***an announcement of candidacy by the candidate and statements by the candidate*** detailing the candidate's qualifications" (emphasis added). Candidates may not, however, contact members of the Commission regarding their candidacy. Please note that six members of the Commission are also legislators.

[HJ]

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In April 2000, the Commission determined that Section 2-19-70(C) means ***no member of the General Assembly should engage in any form of communication, written or verbal, concerning a judicial candidate before the 48-hour period expires following the release of the Commission's report.*** The Commission would like to clarify and reiterate that until at least 48 hours have expired after the Commission has released its final report of candidate qualifications to the General Assembly, ***only candidates, and not members of the General Assembly,*** are permitted to issue letters of introduction, announcements of candidacy, or statements detailing the candidates' qualifications.

The Commission would again like to remind members of the General Assembly that ***a violation of the screening law is likely a disqualifying offense and must be considered when determining a candidate's fitness*** for judicial office. Further, the law requires the Commission to report any violations of the pledging rules by members of the General Assembly to the House or Senate Ethics Committee, as may be applicable.

Should you have any questions regarding this letter or any other matter pertaining to the judicial screening process, please do not hesitate to call Erin B. Crawford, Chief Counsel to the Commission, at (803) 212-6689.

Sincerely,

Representative G. Murrell Smith Jr.  
Chairman

#### INTRODUCTION

The Judicial Merit Selection Commission is charged by law to consider the qualifications of candidates for the judiciary. This report details the reasons for the Commission's findings, as well as each candidate's qualifications as they relate to the Commission's evaluative criteria. The Commission operates under the law that went into effect on July 1, 1997, as amended, and which dramatically changed the powers and duties of the Commission. One component of this law is that the Commission's finding of "qualified" or "not qualified" is binding on the General Assembly. The Commission is also cognizant of the need for members of the General Assembly to be able to differentiate between candidates and, therefore, has attempted to provide as detailed a report as possible.

[HJ]

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The Judicial Merit Selection Commission is composed of ten members, four of whom are non-legislators. The Commission has continued the more in-depth screening format started in 1997. The Commission has asked candidates their views on issues peculiar to service on the court to which they seek election. These questions were posed in an effort to provide members of the General Assembly with more information about candidates and the candidates' thought processes on issues relevant to their candidacies. The Commission has also engaged in a more probing inquiry into the depth of a candidate's experience in areas of practice that are germane to the office he or she is seeking. The Commission feels that candidates should have familiarity with the subject matter of the courts for which they offer, and feels that candidates' responses should indicate their familiarity with most major areas of the law with which they will be confronted.

The Commission also used the Citizens Committees on Judicial Qualifications as an adjunct of the Commission. Since the decisions of our judiciary play such an important role in people's personal and professional lives, the Commission believes that all South Carolinians should have a voice in the selection of the state's judges. It was this desire for broad-based grassroots participation that led the Commission to create the Citizens Committees on Judicial Qualifications. These committees are composed of individuals who are both racially and gender diverse, and who also have a broad range of professional experiences (*i.e.*, lawyers, teachers, businessmen, bankers, and advocates for various organizations). The committees were asked to advise the Commission on the judicial candidates in their regions. Each regional committee interviewed the candidates from its assigned area and also interviewed other individuals in that region who were familiar with the candidate either personally or professionally. Based on those interviews and its own investigation, each committee provided the Commission with a report on their assigned candidates based on the Commission's evaluative criteria. The Commission then used these reports as a tool for further investigation of the candidate if the committee's report so warranted. Summaries of these reports have also been included in the Commission's report for your review.

The Commission conducts a thorough investigation of each candidate's professional, personal, and financial affairs, and holds public hearings during which each candidate is questioned on a wide variety of issues. The Commission's investigation focuses on the following evaluative

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criteria: constitutional qualifications, ethical fitness, professional and academic ability, character, reputation, physical health, mental health, experience, and judicial temperament. The Commission's investigation includes the following:

- (1) survey of the bench and bar through BallotBox online;
- (2) SLED and FBI investigation;
- (3) credit investigation;
- (4) grievance investigation;
- (5) study of application materials;
- (6) verification of ethics compliance;
- (7) search of newspaper articles;
- (8) conflict of interest investigation;
- (9) court schedule study;
- (10) study of appellate record;
- (11) court observation; and
- (12) investigation of complaints.

While the law provides that the Commission must make findings as to qualifications, the Commission views its role as also including an obligation to consider candidates in the context of the judiciary on which they would serve and, to some degree, govern. To that end, the Commission inquires as to the quality of justice delivered in the courtrooms of South Carolina and seeks to impart, through its questioning, the view of the public as to matters of legal knowledge and ability, judicial temperament, and the absoluteness of the Judicial Canons of Conduct as to recusal for conflict of interest, prohibition of ex parte communication, and the disallowance of the acceptance of gifts. However, the Commission is not a forum for reviewing the individual decisions of the state's judicial system absent credible allegations of a candidate's violations of the Judicial Canons of Conduct, the Rules of Professional Conduct, or any of the Commission's nine evaluative criteria that would impact a candidate's fitness for judicial service.

The Commission expects each candidate to possess a basic level of legal knowledge and ability, to have experience that would be applicable to the office sought, and to exhibit a strong adherence to codes of ethical behavior. These expectations are all important, and excellence in one category does not make up for deficiencies in another.



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Routine questions related to compliance with ethical Canons governing ethics and financial interests are now administered through a written questionnaire mailed to candidates and completed by them in advance of each candidate's staff interview. These issues are no longer automatically made a part of the public hearing process unless a concern or question was raised during the investigation of the candidate. The necessary public record of a candidate's pledge to uphold the Canons is his or her completed and sworn questionnaire.

This report is the culmination of lengthy, detailed investigatory work and public hearings. The Commission takes its responsibilities seriously, believing that the quality of justice delivered in South Carolina's courtrooms is directly affected by the thoroughness of its screening process. Please carefully consider the contents of this report, which we believe will help you make a more informed decision. **Please note that the candidates' responses included herein are restated verbatim from the documents that the candidates submitted as part of their application to the Judicial Merit Selection Commission. All candidates were informed that the Commission does not revise or alter the candidates' submissions, and thus, any errors or omissions in the information contained in this draft report existed in the original documents that the candidate submitted to the Commission.**

This report conveys the Commission's findings as to the qualifications of all candidates currently offering for election to the Circuit Court.

**CIRCUIT COURT  
QUALIFIED AND NOMINATED**

**The Honorable M. Anderson Griffith  
Circuit Court, Second Circuit, Seat 1**

**Commission's Findings: QUALIFIED AND NOMINATED**

(1) Constitutional Qualifications:

Based on the Commission's investigation, Judge Griffith meets the qualifications prescribed by law for judicial service as a Circuit Court judge.

Judge Griffith was born in 1958. He is 60 years old and a resident of Aiken, South Carolina. Judge Griffith provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 1988.

[HJ]

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(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Judge Griffith.

Judge Griffith demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Judge Griffith reported that he has spent \$231.51 in campaign expenditures.

Judge Griffith testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Judge Griffith testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Judge Griffith to be intelligent and knowledgeable.

Judge Griffith reported that he has taught the following law-related courses:

- (a) Organized the topics and speakers for the 2014 Masters-in-Equity Bench Bar held on October 10, 2014. This is a one day continuing education program.
- (b) Speaker at the South Carolina Association of Clerks and Registers of Deeds Fall Conference in 2017. The topic of the program concerned the procedure and issues in filing a mechanic's lien.
- (c) As President of the Master in Equity Association, I was responsible for arranging for speakers during annual judicial conference and our meetings during the circuit court judge conference.

Judge Griffith reported that he has not published any books or articles.

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(4) Character:

The Commission's investigation of Judge Griffith did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Judge Griffith did not indicate any evidence of a troubled financial status. Judge Griffith has handled his financial affairs responsibly.

The Commission also noted that Judge Griffith was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

(5) Reputation:

Judge Griffith reported that his rating by a legal rating organization, Martindale-Hubbell, is BV.

Judge Griffith reported he has not served in the military.

Judge Griffith reported that he has never held public office other than judicial office.

(6) Physical Health:

Judge Griffith appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:

Judge Griffith appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:

Judge Griffith was admitted to the South Carolina Bar in 1988.

He gave the following account of his legal experience since graduation from law school:

(a) After graduating from law school, I began working with the law firm of Bodenheimer, Busbee & Hunter. I became a partner in that firm approximately two years later. The firm later changed the name to Busbee, Hunter & Griffith. I served as president the last few years

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until my appointment as Master in Equity for Aiken County in June 2011. I would describe my involvement with the administrative and financial duties of the partnership to be divided among the three attorneys. I had a more active role the last five years. After my appointment, the two remaining attorneys continued to operate the office until they retired. Since my position is full time, I no longer engaged in any private practice.

(b) In 1990, I began serving as the municipal judge for the Town of Wagener. The primary duties were to conduct a bench and jury trials in criminal matters each month. I would also review the reports to be provided to the South Carolina Court Administration. This provided an enjoyable experience of dealing with the local police, the employees and the general public of the town. I would normally have one day scheduled for jury trials each month and another day to have bench trials on traffic ticket cases and other criminal cases within the jurisdiction of the Municipal Court.

(c) Initially, my private practice involved personal injury cases, workers compensation matters and criminal defense work. I began to develop a practice that involved representing homeowners, subcontractors and general contractors on contract matters. These cases would often involve filing mechanic liens, partition actions, boundary disputes, actions involving different types of easements, owner financing lease issues that involve equitable claims by the buyer as well as claims for specific performance. I continued to develop that practice during the last 10 to 15 years prior to my appointment in 2011. Almost all of these cases were non-jury and any hearings were before the Master in Equity or a Special Referee.

(d) In 1996, I began serving as the attorney for the Town of Jackson in Aiken County. This involved attending Council meetings when requested by the town, researching issues and handling any criminal trials or appeals from the Municipal Court. In 2006, I also began serving as the attorney for the City of New Ellenton. This involved similar duties that I performed with the Town of Jackson. Income from both of these was paid to the law firm and not to me individually.

(e) Since my appointment as Master in Equity in June 2011 I have had thousands of cases referred and completed. The types of cases have varied but include foreclosure, boundary disputes, easement cases, road closing cases, breach of contract matters, quiet title actions, structured settlement approvals and minor settlements along with various other civil actions.

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Judge Griffith further reported regarding his experience with the Circuit Court practice area:

I have been the Master in Equity for Aiken County since June 2011. This answer discusses my practice prior to that time.

The majority of my experience in criminal matters occurred during my first ten years in private practice. I represented defendants in municipal and magistrate court in Aiken County. These cases were traffic cases, driving under the influence, and other matters heard in these courts. I prosecuted cases as part of my work for the towns of New Ellenton and Jackson in Aiken County. I was the municipal judge in Wagener for approximately six years. I would conduct jury trials each month for various criminal offenses.

I represented defendants on various charges in circuit court. Some of these included receiving stolen goods, drug charges, and several criminal sexual conduct cases. All of the cases resulted in plea agreements or an agreement to allow the defendant to enter a pretrial intervention program. I was appointed on numerous Post Conviction Relief cases. Those were resolved with a hearing or the withdrawal of the petition by the petitioner.

Since I have not practiced in the General Sessions Court in some time, I recognize the need to review procedural matters, appellate decisions, and to attend continuing education conferences with an emphasis in the criminal trial area.

I represented plaintiffs and defendants in a variety of civil matters. I represented plaintiffs in personal injury matters that would include negligence claims as a result of automobile collisions and premises liability cases. Prior to the settlement in a civil matter, I would normally file the lawsuit, initiate written discovery, conduct depositions, and prepare for trial.

I also represented plaintiffs in medical malpractice cases. I conducted the initial interviews, obtained and reviewed the medical records, and decided if a review by an expert was needed before accepting the case. At that point, I would associate another law firm that had considerable experience in this area. The depositions were divided between the two firms. We worked together to prepare discovery responses and for

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mediation. Based on that preparation and the presentation, we were successful in reaching an agreement in mediation.

I developed a practice involving various contract and property claims. These would include breach of contract claims, mechanic liens, easement cases, boundary line disputes, partition actions, and other claims. These cases would normally be heard by the Master in Equity. I represented both plaintiffs and defendant in these matters. As with other cases, I drafted pleadings, prepared discovery, and participate in depositions.

Judge Griffith reported the frequency of his court appearances prior to his service on the bench as follows: during the past five years as follows:

(a) Federal: No Appearances; One case was removed to the federal court and was resolved by settlement.

(b) State: In the Court of Common Pleas, I believe I had approximately thirty cases pending with the clerk of court when I was appointed to my current position in June 2011. I also had many other civil cases in my office to prepare for filing or settlement. My civil caseload for the last five years in private practice was very active. I was scheduled to appear at most or all of the non-jury roster calls and the motion dockets in Aiken County, South Carolina. I had filed a complaint or an answer in litigated matters approximately 170 times in the five years prior to my appointment. Most of my criminal defense work was performed in my first ten years of private practice. Prior to that time, our firm did not handle any criminal defense matters. I also prosecuted municipal cases for Jackson and New Ellenton since I served as the town attorney.

Judge Griffith reported the percentage of his practice involving civil, criminal, and domestic matters during the past five years as follows:

- (a) Civil: 75%
- (b) Criminal: 5% including cases I prosecuted as the attorney for Jackson and New Ellenton.
- (c) Domestic: 15%
- (d) Other: 5%

Judge Griffith reported the percentage of his practice in trial court during the past five years as follows:

- (a) Jury: 25%
- (b) Non-jury: 75%

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Judge Griffith provided that he has most often served as sole counsel in a majority of cases and co-counsel in medical malpractice matters.

Judge Griffith provided the following list of his most significant orders or opinions:

(a) Ippolito v. Hospitality Management Associates, 352 S.C. 563, 575 S.E. 2d 562 (S.C. App. 2003). This was a case of first impression that involved the South Carolina “Innkeepers Statute”, S.C. Code Ann. 45-1-40 (1976). The lower court case was a jury trial.

(b) Mims v. Myers, et.al., Op. No. 2004-UP-556 S.C. Ct. App. filed November 4, 2004. The issue on appeal dealt with the validity of a tax sale. The Court affirmed the decision. The lower court case was a non- jury trial.

(c) J. E. Stewart Builders, Inc. v. Szabo, Op. No. 2003-UP-185 filed March 6, 2003. The case involved an appeal by Szabo of the lower court decision. It involved a claim for unfair trade practice in the use of a draftsman. The Appellate Court affirmed the decision. The lower court case was a jury trial.

(d) Combs v. Barton, No. 07-CP-02-1868 (Aiken, S.C. Ct. Common Pleas, November 1, 2010). This issue in this case was interpretation of S.C. Code Ann. 40-59-810 et seq. This was a relatively new statute but was important for parties filing a lawsuit or defending the case in construction disputes. The statute concerned the proper procedure to offer a contractor the chance to cure any defects before a lawsuit can be filed.

(e) Dandy v. American Laundry Machinery, Inc. 301 S.C. 24, 389 S.E. 2d 866 (S.C. 1990). The case was eventually argued before the United States Court of Appeals for the Fourth Circuit. I prepared and argued the appeal in this matter. The case clarified the requirements at that time for tolling the statute of limitations with an out of state corporation.

The following is Judge Griffith’s account of civil appeals he has personally handled:

(a) Ippolito v. Hospitality Management Associates, 352 S.C. 563, 575 S.E. 2d 562 (S.C. App. 2003). This was a case of first impression that involved the South Carolina “Innkeepers Statute”, S.C. Code Ann. 45-1-40 (1976). The lower court case was a jury trial. The Appellate Court affirmed the Circuit Court. This was a jury trial.

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(b) Mims v. Myers, et.al. Op. No. 2004-UP-556 S.C. Ct. App. filed November 4, 2004. The issue on appeal dealt with the validity of a tax sale. The Court affirmed the decision. The lower court case was a non-jury trial.

(c) J. E. Stewart Builders, Inc. v. Szabo, Op. No. 2003-UP-185 filed March 6, 2003. The case involved an appeal by Szabo of the lower court decision. It involved a claim for unfair trade practice in the use of a draftsman. The Court affirmed the decision. The lower court case was a jury trial.

(d) American General Finance, Inc. v. Griffin et al, (Edgefield, S. C. Ct. Common Pleas, January 21, 2009). The case was settled during the appeal. It involved an argument that the Special Referee erred in finding that the appellant had not established the defense of mutual mistake by clear and convincing evidence.

(e) Dandy v. American Laundry Machinery, Inc. 301 S.C. 24, 389 S.E. 2d 866 (S.C. 1990). The case was eventually argued before the United States Court of Appeals for the Fourth Circuit. I prepared and argued the appeal in this matter. It clarified the requirements at that time for tolling the statute of limitations with an out of state corporation.

Judge Griffith reported he has not handled any criminal appeals.

Judge Griffith provided the following list of his most significant orders or opinions:

(a) Three Runs Plantation v. Jay Jacobs; Lower Court Case Number No. 2011CP0200548; Appellate Case No. 2013-002305; This involved a complicated matter between the homeowner and the developer. This was a four day trial that involved interpreting the subdivision restrictions, breach of the sales contract, voting rights claim and the attorney fees. The decision was affirmed on appeal.

(b) Randall v. Borst; 2015-CP-02-01076: This was a two day trial that involved an allegation of assault and battery, damages, and violations of the South Carolina Residential Landlord Tenant Act.

(c) Riley v. Griffin; 2012-CP-02-02770; This trial involved numerous parties in a subdivision and concerned access to the riding or recreation trails that also allowed entry into Hitchcock Woods. Each of the plaintiffs' claims had to be evaluated separately as to the type of easement and the use that was allowed under any agreement. I believe it also involved a trespass claim.

(d) Wilson v. Douglas; 2011-CP-02-00755; I believe this was a three day trial and the case dealt with water flow damaging the



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property of the neighbors, easement claims, trespass claims and a determination of damages.

(e) Robertson v. Huddle House; 2016-CP-02-01550; Appellate Case No. 2017-000748 ; This case involved a claim by the landlord against Huddle house claiming that he could evict on thirty days notice. Huddle House had assumed the position of the tenant through a series of agreements. The case required the court to evaluate the testimony and the lease, a collateral assignment of lease and the franchise agreement. The plaintiff filed an appeal and the appellate court affirmed the decision.

(9) Judicial Temperament:

The Commission believes that Judge Griffith's temperament has been, and would continue to be, excellent.

(10) Miscellaneous:

The Midlands Citizens Committee found Judge Griffith to be "Qualified" in all nine evaluative criteria including constitutional qualifications, ethical fitness, professional and academic ability, character, reputation, physical health, mental stability, experience, and judicial temperament. The Citizens Committee noted, "The committee was concerned about the 2002 and 2008 tax liens but was satisfied with his explanations and didn't think this past experience would affect his ability to serve as a circuit court judge."

Judge Griffith is married to Anne Gentilucci Griffith. He has three children.

Judge Griffith reported that he was a member of the following Bar and professional associations:

- (a) Aiken County Bar; past president
- (b) South Carolina Bar Association
- (c) South Carolina Masters in Equity Association; past president

Judge Griffith provided that he was a member of the following civic, charitable, educational, social, or fraternal organization:

South Carolina Masters in Equity Association; past President

Judge Griffith further reported:

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After graduating from law school, I began working with the law firm of Bodenheimer, Busbee & Hunter. I became a partner in that firm approximately two years later. The firm later changed the name to Busbee, Hunter & Griffin. I served as president until my appointment as Master in Equity for Aiken County in June 2011.

In 1990, I began serving as the municipal judge for the Town of Wagener. The primary duties were to conduct a bench and jury trials each month. I would also review the reports to be provided to the South Carolina Court Administration. This provided an enjoyable experience of dealing with the local police, the employees and the general public of the town. I would normally have one day scheduled for jury trials each month and another day to have bench trials on traffic ticket cases and other criminal cases within the jurisdiction of the Municipal Court.

Initially, my private practice involved personal injury cases, workers compensation matters and some criminal defense work. I began to develop a practice that involved representing homeowners, subcontractors and general contractors on contract matters. These cases would often involve filing mechanic liens, partition actions, boundary disputes, actions involving different types of easements, owner financing leases that involve equitable claims by the buyer as well as claims for specific performance. I continued to develop that practice during the last 10 to 15 years prior to my appointment in 2011. Almost all of these cases were non-jury and any hearings were before the Master in Equity or a Special Referee.

In 1996, I began serving as the attorney for the Town of Jackson in Aiken County. This involved attending Council meetings when requested by the town, researching issues and handling any criminal trials or appeals from the Municipal Court. In 2006, I also began serving as the attorney for the City of New Ellenton. This involved similar duties that I performed with the Town of Jackson. Income from both of these was paid to the law firm and not to me individually.

Since my appointment as Master in Equity in June 2011 I have had thousands of cases referred and completed. The types of cases have varied but include foreclosure, boundary disputes, easement cases, road closing cases, breach of contract matters, quiet title actions, structured settlement approvals and minor settlements along with various other civil actions.

(11) Commission Members' Comments:

[HJ]

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The Commission appreciates and is impressed with Judge Griffith's exemplary service as the Aiken County Master-in-Equity. The Commission noted that Judge Griffith also possesses both civil and criminal trial experience gained before his service as a Master which would serve him well as a circuit court judge.

(12) Conclusion:

The Commission found Judge Griffith qualified and nominated him for election to the Circuit Court, Second Circuit, Seat 1.

**David W. Miller**

**Circuit Court, Second Circuit, Seat 1**

**Commission's Findings:           QUALIFIED AND NOMINATED**

(1) Constitutional Qualifications:

Based on the Commission's investigation, Mr. Miller meets the qualifications prescribed by law for judicial service as a Circuit Court judge.

Mr. Miller was born in 1972. He is 47 years old and a resident of Aiken, South Carolina. Mr. Miller provided in his application that he has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2001.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Mr. Miller.

Mr. Miller demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Mr. Miller reported that he has not made any campaign expenditures.

Mr. Miller testified he has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

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Mr. Miller testified that he is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

(3) Professional and Academic Ability:

The Commission found Mr. Miller to be intelligent and knowledgeable.

Mr. Miller reported that he has taught the following law-related courses:

(a) I have lectured at the S.C. Prosecution Commission's Prosecution Boot Camp each year since 2012. At the Boot Camps, Senior Assistant and Deputy Solicitors are given specific topics to cover during instructional periods and all instructors participate in discussion and performance workshops. Instructors critique students on their performances with assigned fact patterns and lead group discussions. I taught the following individual classes to the participants over the years listed: Hearsay (2013, 2014, 2015) Sentencing Fundamentals (2013, 2014), Guilty Pleas: Negotiations, Agreements and Procedure (2016, 2017, 2018).

(b) I made two presentations for the S.C. Bar's pro bono project, Legal Lessons: A series for the Public in 2012. The Legal Lessons series was a program to introduce members of the public to specific areas of the law by providing classes taught by lawyers with experience in that practice area. The courses were scheduled at the local technical college over the course of several consecutive weeks and included a one hour class on each subject along with a question-and-answer period afterward. I presented an "Overview of the South Carolina State Courts" (09/17/2012) and "Criminal Law" (10/29/2012).

(c) I have lectured at the S.C. Solicitor's Association Annual Conference since 2017. I have conducted classes covering several topics. In 2017, I presented a lecture titled "Obtaining Evidence Lawfully" that focused on unusual or technical situations where prosecutors are called upon to obtain evidence in cases using specific types of court orders. This lecture was presented in coordination with Senior Deputy Attorney General Don Zelenka, who presented a companion lecture titled "Getting and Using Evidence- Problems, trends, and the Appellate Courts".

In 2018, I presented a lecture titled "Investigating and Prosecuting Animal Abuse Cases" that focused on the unique aspects of investigating and prosecuting animal abuse cases including societal attitudes that impact presenting evidence to juries and the impact of social media and public outcry on courts' sentencing. I also presented a "follow-up" to the 2017 lecture called "Using Search Warrants, Subpoenas, and Court Orders." This lecture discussed the appropriate use of search warrants

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and court orders to obtain evidence in criminal prosecutions, focusing on ethical and procedural concerns and how those concerns impact communication with law enforcement agencies.

(d) Following my lecture at the SCSA Annual Conference, I was invited to be a guest facilitator for a workshop on Investigating and Prosecuting Animal Abuse cases at the Southeast Animal Alliance Annual Conference in Augusta, Georgia. The workshop took law enforcement personnel through the process of investigating and documenting a complaint to testifying at trial, where I served alternately as the prosecutor and the defense attorney for various witnesses.

Mr. Miller reported that he has not published any books or articles.

(4) Character:

The Commission's investigation of Mr. Miller did not reveal evidence of any founded grievances or criminal allegations made against him.

The Commission's investigation of Mr. Miller did not indicate any evidence of a troubled financial status. Mr. Miller has handled his financial affairs responsibly.

The Commission also noted that Mr. Miller was punctual and attentive in his dealings with the Commission, and the Commission's investigation did not reveal any problems with his diligence and industry.

(5) Reputation:

Mr. Miller reported that his rating by a legal rating organization, Martindale-Hubbell, is AV.

Mr. Miller reported the following military service:

1991-95 U.S. Marine Corps Active Duty, Corporal, Honorable Discharge

1995-96 USMC Reserve, Corporal, Honorable Discharge

Mr. Miller reported that he has never held public office other than judicial office.

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(6) Physical Health:

Mr. Miller appears to be physically capable of performing the duties of the office he seeks.

(7) Mental Stability:

Mr. Miller appears to be mentally capable of performing the duties of the office he seeks.

(8) Experience:

Mr. Miller was admitted to the South Carolina Bar in 2001.

He gave the following account of his legal experience since graduation from law school:

- (a) 2001-2002: Law Clerk for the Honorable Rodney A. Peeples
- (b) 2002-2004: Robert J. Harte, P.C. - Associate attorney involved in general litigation matters representing plaintiffs as well as criminal and civil defendants.
- (c) 2004-2009: Smith, Massey, Brodie, Guynn & Mayes, P.C. - Associate attorney involved in general litigation matters representing plaintiffs as well as criminal and civil defendants.
- (d) 2009-2013: Office of the Solicitor, 2nd Judicial Circuit - Assistant Solicitor prosecuting felonies and misdemeanors in General Sessions and Magistrate courts. Also handled appeals from magistrate and municipal courts.
- (e) 2013-2015: Office of the Solicitor, 2nd Judicial Circuit - Deputy Solicitor for Aiken County prosecuting felonies and misdemeanors in General Sessions, coordinating prosecution/docket management for Aiken County, and working special Information Technology Projects for the Office. In this position my administrative tasks included managing staff and overseeing dockets for individual terms of court.
- (f) 2015-Present: Office of the Solicitor, 2nd Judicial Circuit - Deputy Solicitor for Barnwell and Bamberg Counties prosecuting felonies and misdemeanors in General Sessions and Magistrate courts, continuing to work as needed on cases in Aiken County, and continued implementing technology initiatives throughout the Second Judicial Circuit. Administrative duties in this position increased to include input with the elected Solicitor on office personnel, budgetary needs, equipment and space issues, preparing performance appraisals of employees, complete management of criminal dockets in both counties, and coordinating terms of court with incoming judges and other court personnel. Additionally, I coordinate training for law enforcement personnel

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throughout the circuit and in other jurisdictions while continuing to train inexperienced lawyers under my supervision.

Mr. Miller further reported regarding his experience with the Circuit Court practice area:

My first job as a member of the South Carolina Bar was working as a law clerk for the Honorable Rodney A. Peebles. Then, I practiced as a private attorney for seven years before becoming an Assistant Solicitor and, later, a Deputy Solicitor in charge of two counties in our circuit. Through this experience, I have handled many different types of cases, both civil and criminal.

Before joining the Solicitor's Office I defended numerous criminal cases involving defendants charged with everything from murder and criminal sexual conduct to Driving Under the Influence. Additionally, I represented both plaintiffs and defendants in civil matters while in private practice. As an associate attorney in a medium-sized firm, I handled diverse civil litigation matters ranging from personal injury cases to contract disputes in Common Pleas and Magistrate courts. I was personally involved in the litigation over the Estate of James Brown before leaving private practice. My civil practice was necessarily diverse because of my firm's limited market. Our firm did not advertise for personal injury cases, and most of the civil matters I handled were taken on an hourly fee basis. I handled contract disputes between businesses, land disputes and nuisance claims, will contests, mechanic's lien cases, and condemnation claims. I was also occasionally appointed by the Circuit Court as a Special Referee to hear non-jury civil claims.

I have prosecuted hundreds of cases as an Assistant Solicitor and Deputy Solicitor in the Second Judicial Circuit. Many of these cases were violent felonies including multi-defendant armed robbery cases, murders and home invasions. In the past five years, I have practiced exclusively in criminal court. During that time I have handled over one thousand cases, including several jury trials. In those cases, and in cases that resulted in resolutions prior to trial, I have dealt with motions to suppress evidence, Neil v. Biggers hearings, Jackson v. Denno hearings, motions in limine, as well as other motions. I have been responsible for presenting expert witness testimony and have been called upon to cross examine expert witnesses called by the defense. I have frequently been asked to draft Orders for the Court following rulings on complex factual or legal issues.

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My experience as a criminal defense attorney has shaped the way I prosecute cases throughout my career as a prosecutor. Lengthy, sometimes life-long, prison sentences can be necessary to protect society from a particular person, but those situations are, fortunately, extremely rare. I take pride in my ability to work with the defense bar and with judges to come up with fair and just resolutions to cases. I also take pride in my reputation as a capable trial attorney.

Mr. Miller reported the frequency of his court appearances during the past five years as follows:

- (a) Federal: 0%
- (b) State: 100%

Mr. Miller reported the percentage of his practice involving civil, criminal, and domestic matters during the past five years as follows:

- (a) Civil: 1% (Post-Conviction Relief Actions)
- (b) Criminal: 84%
- (c) Domestic: 0%
- (d) Other: 15% (Administrative)

Mr. Miller reported the percentage of his practice in trial court during the past five years as follows:

- (a) Jury: 80%
- (b) Non-jury: 20%

Mr. Miller provided that he has most often served as chief counsel in jury trials in Barnwell and Bamberg Counties, but has also frequently appeared as associate counsel when one of the junior lawyers under his supervision is trying a case.

Mr. Miller provided the following list of his most significant orders or opinions:

- (a) Hill v. State, 377 S.C. 462, 661 S.E.2d 92 (2008). This case was a Capital PCR where the Petitioner ultimately waived his rights to appeal and was put to death. This case is significant to me for many reasons. It was the first time and the only time I argued a case before the South Carolina Supreme Court. I was criticized for helping Hill waive his appeals and proceed with imposition of the death sentence by other lawyers that handled capital litigation. Although I disagreed with Hill's



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decision to waive his appeals, I had no doubt Hill was competent to make that decision, so I was obligated to assist him seeking the waiver. But the most impactful thing about the case was that my client requested that I be one of his witnesses when the sentence was carried out, so I ultimately watched my client be put to death on June 6, 2008.

(b) *State v. Gurrero*, 382 S.C. 620, 677 S.E.2d 603 (2009). This was an extremely complex case logistically because it involved four defendants, none of whom spoke English, and four different defense attorneys. All of the defendants were tried together. This case is also significant to me because it was the first criminal case I ever defended in General Sessions Court. It was also the first case that I had overturned on appeal when the South Carolina Supreme Court agreed with me that a directed verdict in favor of my client should have been granted at the close of the State's case.

(c) *State v. Buckmon*. Michael Paul Buckmon and Matthew Bolen sexually assaulted and killed Donna Dempsey in Barnwell County on November 1, 2013. Her home was set on fire in an attempt to conceal the sexual assault and subsequent burglary of the residence. The SLED investigation of the crime spanned from Allendale County to Pickens County and resulted in a nearly 800 page investigative report. The SLED arson investigator and several SLED analysts were qualified as experts in the case and offered testimony concerning the evidence collected during the investigation. There were very few lay witnesses in the case because many people were fearful of Buckmon. He had previously been convicted of murder and sentenced to life but later had his conviction overturned by the Supreme Court. The case was very difficult to organize and present to the jury in a logical fashion because of the overwhelming volume of evidence to be presented. Buckmon was convicted of murder, arson in the first degree, and criminal sexual conduct in the first degree at trial. He received a life sentence.

(d) *State v. James*. This was a multi-defendant armed robbery in Bamberg County. I tried the case against two of the most respected lawyers in Bamberg and was able to obtain a conviction on all charges. The defendant was sentenced to life pursuant to S.C. Code §17-25-45 because he had prior convictions for armed robbery. A jury also convicted one of the co-defendants in a separate trial. He was given a life sentence because he had several prior armed robbery convictions. The third co-defendant in the case pled guilty but did not testify in either trial for the State.

(e) *State v. Boyd*. This was a home invasion case where I was appointed to represent the defendant. He was charged with Burglary 1st

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Degree, Kidnapping, and Assault and Battery with Intent to Kill. The case is significant to me because the defendant was one of the most difficult criminal defendants I ever represented, but I was convinced he was not guilty of the crimes he was charged with. Less than two weeks before the trial, I received the State's notice of intent to seek life without parole. We tried the case and the jury found the defendant not guilty on all charges.

The following is Mr. Miller's account of civil appeals he has personally handled:

Hill v. State, 377 S.C. 462, 661 S.E.2d 92 (2008). South Carolina Supreme Court, April 28, 2008.

Mr. Miller has not handled any criminal appeals.

Mr. Miller further reported the following regarding unsuccessful candidacies:

I was a candidate for Circuit Judge, At-Large Seat 14 in the Fall of 2012. I was found to be qualified but not nominated by the Judicial Merit Selection Commission.

I was a candidate for Circuit Judge, At-Large Seat 1 in the Fall of 2016. I withdrew from the race before the Judicial Merit Selection Commission reported on my candidacy.

(9) Judicial Temperament:

The Commission believes that Mr. Miller's temperament would be excellent.

(10) Miscellaneous:

The Midlands Citizens Committee found Mr. Miller to be "Well Qualified" in the evaluative criteria of ethical fitness, professional and academic ability, character, reputation, experience, and judicial temperament; and "Qualified" in the remaining evaluative criteria of constitutional qualifications, physical health, and mental stability. Finally, the Citizens Committee noted, "The committee felt that Mr. Miller was very well qualified to sit as a circuit court judge. He was energetic, eager to stay involved in making the judicial system more efficient, pleasant and exhibited good temperament."

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Mr. Miller is married to Christian Morton Miller. He has two children.

Mr. Miller reported that he was a member of the following Bar and professional associations:

- (a) South Carolina Bar 2001 - Present;
- (b) Aiken County Bar, 2001 - Present, President 2004-06;
- (c) South Carolina Trial Lawyer's Association, 2001-08, Member, Board of Governors 2005-08;
- (d) South Carolina Association for Justice, 2014-Present (Public Sector Member)

Mr. Miller provided that he has not been a member of a civic, charitable, educational, social, or fraternal organization in the last five years.

Mr. Miller further reported:

There are several seminal moments in my career that have helped shape who I am. In 2006, I was appointed lead counsel on the Post-Conviction Relief Application for David Mark Hill, who was sentenced to death after he murdered three people in Aiken County in 1996. Ultimately, Hill decided to waive his appeals and asked that his death sentence be imposed. Following our appearance on the case before the South Carolina Supreme Court, Hill asked that I be present as his witness at his execution. I spent the last twelve hours of David Hill's life with him in a small cell at the Capital Punishment Facility of the South Carolina Department of Corrections. I witnessed his execution that evening.

In November of 2008, Strom Thurmond was elected Solicitor of the Second Judicial Circuit. In late December, he asked me to become an Assistant Solicitor for his office. It was a difficult decision for me because I had gotten married just a few weeks after his election. In less than ninety days, I went from a single, relatively successful private attorney living in a rented townhouse, to a married Assistant Solicitor living in my first home with my new wife and two children. In retrospect, there is no question I made the right decision when I joined Solicitor Thurmond's staff. Working as an Assistant Solicitor allowed me to be in the courtroom where I always dreamed I would be. In addition to my prosecutorial duties, I was allowed to work with new attorneys in the office and formally mentor several of our lawyers through the SC Bar's lawyer mentoring program.

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In December of 2011, Aiken Department of Public Safety Master Public Safety Officer Edward Scott Richardson was shot and killed by Stephon Carter. Two months later, Aiken Department of Public Safety Master Corporal Sandra Rodgers was shot and killed by Joshua Jones. These murders devastated our community. Solicitor Thurmond assigned me as the lead counsel in the Stephon Carter case and assigned Deputy Solicitor Beth Ann Young as the lead counsel in the Joshua Jones case. In November of 2012, Solicitor Thurmond determined our office would seek the death penalty against Stephon Carter.

For the next two and a half years, I was the lead attorney dealing with all matters involved in the case. Ultimately, we offered a plea agreement to Carter that would require him to spend life in prison without the possibility of parole. The decision to make the plea offer, and the defense's decision to accept the offer, was only possible because of the countless hours spent working the case and communicating with the officers at ADPS and family members of Officer Richardson.

During my time as an Assistant Solicitor and now as a Deputy Solicitor, I have taken on more administrative functions. Since May of 2015, I have been in charge of our "lowcountry" offices in Barnwell and Bamberg Counties. I have developed strong relationships with the defense bar, with court personnel, and with law enforcement agencies there. I have also managed the criminal dockets in both counties. For several months now, Barnwell and Bamberg have been two of only a handful of counties in South Carolina that meet the Supreme Court's mandate that at least 80% of the pending cases are less than a year old.

When I ran for Circuit Court Judge previously, I was asked many questions about my tenure as the law clerk for Judge Rodney Peeples. Judge Peeples was an incredible judge and remains an amazing person. I continue to love and respect him; he is like a father to me, as he is for all of his former clerks. He had a style that was not unique when he came to the bench, but the world changed a lot in the three decades he was on the bench. Unfortunately, he did not always change the way he did things with the times. As much as I love and respect him, I would have a different demeanor on the bench. Academically, Judge Peeples had few equals. Some of the most influential and ground-breaking cases in South Carolina over the last half century have his name attached to them. In my experience, he dispassionately applied the facts to the law. When the result wasn't fair, he said so, but he still followed the law. Occasionally,

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that resulted in the law changing, but his decision was going to be based on the law and the facts of the case as he understood them. This is the influence I hope Judge Peebles would have on me as judge. I know that I will be faced with tough decisions, but I will always do what I believe the law requires, even if I am not happy about the result. Judges should apply the law, not seek to change it.

Many other judges have influenced the demeanor I would hope to have on the bench. Judge Thomas W. Cooper of Manning is the ultimate “lawyer’s judge” to me. He commands control of the courtroom without anger or intimidation. He is fair to all litigants and lawyers. He makes informed, timely decisions without unnecessarily commenting on the matters before him. He is always kind and courteous to everyone. I have had the opportunity to appear before dozens of circuit court judges during my time as a solicitor and in private practice. The best of them have similarities I would hope to emulate.

My desire to serve on the Circuit Court bench is driven by my desire to improve the judicial system in South Carolina. I have always tried to emulate the best attributes of the lawyers and judges I have known. Being a solicitor has allowed me to observe many judges in the courtroom. In each judge, I looked for things I would want to do if I ever served in that position. I feel I am ready to take on this challenge, and to become an example to the lawyers that will follow in my footsteps. For me, becoming a Circuit Court Judge is not “the next step” or a stepping stone. It would be the culmination of a career as a trial attorney. That does not mean I do not believe I have room to grow. It simply means I have never been and do not seek to be an appellate lawyer or judge. I want to be the best circuit court judge in South Carolina and to serve in a way that makes my fellow citizens proud.

(11) Commission Members’ Comments:

The Commission was impressed with the demeanor, passion, and work ethic of Mr. Miller. Mr. Miller has broad experience in the circuit court, representing both plaintiffs and defendants in civil matters. He also has extensive experience in General Sessions Court, defending and prosecuting hundreds of criminal matters, including death penalty cases.

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(12) Conclusion:

The Commission found Mr. Miller qualified and nominated him for election to the Circuit Court, Second Circuit, Seat 1.

**Courtney Clyburn Pope  
Circuit Court, Second Circuit, Seat 1**

**Commission's Findings:        QUALIFIED AND NOMINATED**

(1) Constitutional Qualifications:

Based on the Commission's investigation, Ms. Pope meets the qualifications prescribed by law for judicial service as a Circuit Court judge.

Ms. Pope was born in 1979. She is 39 years old and a resident of Aiken, South Carolina. Ms. Pope provided in her application that she has been a resident of South Carolina for at least the immediate past five years and has been a licensed attorney in South Carolina since 2007.

(2) Ethical Fitness:

The Commission's investigation did not reveal any evidence of unethical conduct by Ms. Pope.

Ms. Pope demonstrated an understanding of the Canons of Judicial Conduct and other ethical considerations important to judges, particularly in the areas of ex parte communications, acceptance of gifts and ordinary hospitality, and recusal.

Ms. Pope reported that she has spent \$246.32 in campaign expenditures.

Ms. Pope testified she has not:

- (a) sought or received the pledge of any legislator prior to screening;
- (b) sought or been offered a conditional pledge of support by a legislator;
- (c) asked third persons to contact members of the General Assembly prior to screening.

Ms. Pope testified that she is aware of the Commission's 48-hour rule regarding the formal and informal release of the Screening Report.

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(3) Professional and Academic Ability:

The Commission found Ms. Pope to be intelligent and knowledgeable.

Ms. Pope reported that she has not taught any law-related courses:

Ms. Pope reported that she has not published any books or articles.

(4) Character:

The Commission's investigation of Ms. Pope did not reveal evidence of any founded grievances or criminal allegations made against her.

The Commission's investigation of Ms. Pope did not indicate any evidence of a disqualifying financial status.

The Commission also noted that Ms. Pope was punctual and attentive in her dealings with the Commission, and the Commission's investigation did not reveal any problems with her diligence and industry.

(5) Reputation:

Ms. Pope reported that she is not rated by any legal organization.

Ms. Pope reported she has not served in the military.

Ms. Pope reported that she has never held public office.

(6) Physical Health:

Ms. Pope appears to be physically capable of performing the duties of the office she seeks.

(7) Mental Stability:

Ms. Pope appears to be mentally capable of performing the duties of the office she seeks.

(8) Experience:

Ms. Pope was admitted to the South Carolina Bar in 2007.

She gave the following account of her legal experience since graduation from law school:

(a) From August 2007 to December of 2009, I was employed as a Workers Compensation Associate at McAngus, Goudelock, and Courie

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LLC. I was not involved with administrative or financial management with this law firm.

(b) From January 2010 to March 2016, I was in private practice at my law firm Clyburn Pope & Price, LLC, where I was the managing partner. My primary area of practice was family law and criminal defense. I also drafted numerous wills, trusts, and prenuptial agreements. Workers Compensation was a minor area of practice as well as civil claims that included motor vehicle accidents and defamation. Further, I assisted my partner briefly in canine litigation. I managed all aspects of the law practice to include financial management, hiring of personnel, and management of client trust accounts. I shared these duties in equal parts with my then law partner, Jason M. Price.

(c) From March 2016 to the present time, I have been employed by the City of Aiken as the City Solicitor and the City of Aiken Staff Attorney. I prosecute all Municipal level charges. As a part of my duties as Staff Attorney, I review and negotiate various contracts on behalf of the City, handle all Freedom of Information Act requests, handle tax litigation on behalf of the City, as well as write Orders for various Boards. Additionally, I work with department heads and the City manager to navigate through various legal issues concerning certain employee matters, contract matters, and policies. I am one of the few solicitors in the state of South Carolina to attend all Administrative hearings on behalf of the municipality's police officers.

Ms. Pope further reported regarding her experience with the Circuit Court practice area:

To summarize my experience, I have had the opportunity in my career to practice criminal defense for several years in private practice as well as serve as a City Solicitor for the City of Aiken. During my years as a private practitioner, I handled a variety of criminal cases in Circuit Court. For example, I represented clients charged with Safecracking, Attempted Murder, Breaking and Entering, etc. During that time, I handled all cases from beginning to end, to include argument of motions for bond, motions to be relieved, motions for reconsideration, preliminary hearings, and other various types of motions. I implemented research skills to further educate myself as well as my clients. I have not conducted a trial in Circuit Court. My clients' charges were either dismissed or a plea negotiation resolved my Circuit Court cases. My first chair trial experience has been limited to Municipal and Magistrate Court. For that reason, when the opportunity arose, I took the position as



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City Solicitor and Staff Attorney to gain further trial experience. My experience over the last few years has been very valuable. Often times, I am required to handle bench trials without notice or to argue motions with little to no time given. This is due to the fast paced nature of Municipal Court. I have conducted various types of criminal trials as a City Solicitor. With regard to civil court, all of my civil litigation settled successfully before a trial was necessary. While representing client in a defamation and harassment case, I had the opportunity to appear and argue several motions. I do not think that my experience as a young attorney is unique with regard to the opportunity to conduct a trial in either General Sessions or Common Pleas. I have a tremendous love of the law. It is my belief that through both study and the use of mentors that I would prove to be an individual whom is well qualified to serve as Circuit Court Judge. In my career, I have had the opportunity to argue before the Workers Compensation Commission, appear in Probate Court, Family Court, Administrative Law Court, General Sessions, and in Common Pleas. I have argued before the Master in Equity as well as resolve tax issues and various governmental issues. I believe that this diversified experience would only help to enrich the Circuit Court.

Ms. Pope reported the frequency of her court appearances during the past five years as follows:

- (a) Federal: 0%
- (b) State: 100%

Ms. Pope reported the percentage of her practice involving civil, criminal, and domestic matters during the past five years as follows:

- (a) Civil: 15%
- (b) Criminal: 30%
- (c) Domestic: 45%
- (d) Other: 10%

Ms. Pope reported the percentage of her practice in trial court during the past five years as follows:

- (a) Jury: 5%
- (b) Non-jury: 95%

Ms. Pope provided that she has most often served as sole counsel.

Ms. Pope provided the following list of her most significant orders or opinions:

[HJ]

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I believe that every case I handle is significant and certainly important in its own right. While I understand that criminal cases are of public record, I am respectfully requesting that the names I provide are not published. Aiken is a very small municipality. I would like to spare both clients and victims of the mentioned cases embarrassment, if at all possible.

- (a) State v. [REDACTED]. The case was significant to me because this client testified against his father in his Murder Trial. I prepped my client for trial, testimony and negotiated a plea agreement on his behalf. My client's father was later found guilty of Murder.
- (b) State v. [REDACTED]: In my career, this case was significant because it was the first time I handled a safecracking case,
- (c) State v. [REDACTED] was significant to me because this was my first DUI case that I tried in Magistrate Court.
- (d) [REDACTED] is a defamation case that I filed on behalf of my client. The significance of this case is that it allowed me my first opportunity to litigate in civil court.
- (e) [REDACTED] is a case that I served as guardian ad litem. Though I was not the lead in this case, this was a family case that was litigated over the course of several years. It was significant because the ward was suffering from an undiagnosed mental illness. This case was my first chance to see first hand the impact that mental illness has on family situations. I also greatly admired the Judge for her constant professionalism and insistence on treating all parties fairly.

Ms. Pope reported that she not personally handled any civil or criminal appeals.

(9) Judicial Temperament:

The Commission believes that Ms. Pope's temperament would be excellent.

(10) Miscellaneous:

The Midlands Citizens Committee found Ms. Pope to be "Well Qualified" in the evaluative criteria of ethical fitness, character, reputation, and judicial temperament; "Qualified" in the evaluative criteria of constitutional qualifications, physical health, and mental stability; and "Unqualified" in the evaluative criteria of professional and academic ability, and experience. Finally, the Citizens Committee noted,

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“Unfortunately the committee had to find her unqualified because of lack of experience and not being well versed in procedural and evidentiary issues. She made a very impressive presentation and appearance. One comment of a committee member was that she would have to have ‘on the job training.’ She admitted that while serving on the bench she would often have to consult with other sitting judges for advice. With more experience in the future the committee felt she would well qualified to be a circuit court judge.”

The Commission questioned Ms. Pope extensively about her experience and legal knowledge. Her testimony at the public hearing convinced the Commission that her lack of experience in the circuit court is outweighed by the experience and legal knowledge she has gained throughout her legal career.

Ms. Pope is married to George Washington Pope, III. She has two children.

Ms. Pope reported that she was a member of the following Bar and professional associations:

- (a) SC Bar Association
- (b) Aiken County Bar Association
- (c) Municipal Association of South Carolina

Ms. Pope provided that she was a member of the following civic, charitable, educational, social, or fraternal organizations:

- (a) Delta Sigma Theta, Incorporated
- (b) Aiken Chapter of the Links, Incorporated: Recording Secretary and Christmas Gala Committee Chairwoman
- (c) Cumberland A.M.E Church, YPDers youth leader (Young People’s Department)
- (d) Second Baptist Christian Preparatory School Board
- (e) Boys and Girls Club Board Member
- (f) University of South Carolina-Aiken’s School of Nursing Advisory Board
- (g) Community Medical Clinic of Aiken County Board Member
- (h) Sky is the Limit Foundation Board Member

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Ms. Pope further reported:

I believe that my parents influenced and guided me to always act in accordance to the highest standard of morality. I credit the ability to make decisions based on what I think is the right thing to do versus what outside influences insist I do to them. I have several strong figures who have served as mentors and role models to me in the legal community. Those individuals have guided me down a path of encouragement and initiative. I believe that I possess both the integrity and the temperament necessary to be a Circuit Court Judge. During my law career, I have always held civility in and out of the courtroom in the highest regard. This too, I attribute to the strong Christian values that my parents instilled in me. Further, having a diverse legal career has implemented me with a more comprehensive viewpoint of legal proceedings and transactions.

Public service is something that I have always been a part of from a young child to the adult that I am now. My husband and I have always tried to teach tolerance, the importance of education, and the value in being a good ethical person to our children. My hope is that I will be given the opportunity to serve a Circuit Court Judge. The opportunity to serve as a part of the SC Judiciary is one that I would not take lightly. It is the chance to make a difference and a positive impact in my community.

(11) Commission Members' Comments:

The Commission was impressed with Ms. Pope's temperament and poise at the public hearing. While concerns were raised as to her actual trial experience in the Circuit Court, Ms. Pope has trial experience in municipal, magistrates and other courts. The Commission is confident that her intelligence, temperament, demeanor, and breadth of legal experience will assist her to perform the duties of a circuit court judge.

(12) Conclusion:

The Commission found Ms. Pope qualified and nominated her for election to the Circuit Court, Second Circuit, Seat 1.

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**CONCLUSION**

The Judicial Merit Screening Commission found the following candidates **QUALIFIED AND NOMINATED**:

**CIRCUIT COURT**

SECOND JUDICIAL CIRCUIT, SEAT 1

The Honorable M. Anderson Griffith

David W. Miller

Courtney Clyburn Pope

**The Honorable M. Anderson Griffith, Aiken SC  
Second Judicial Circuit, Seat 1**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Judge Griffith's candidacy for Second Judicial Circuit, Seat 1 is as follows:

<b>Overall</b>	<b>Well-Qualified</b>
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Well-Qualified

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**David W. Miller, Aiken SC  
Second Judicial Circuit, Seat 1**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Mr. Miller's candidacy for Second Judicial Circuit, Seat 1 is as follows:

<b>Overall</b>	<b>Well-Qualified</b>
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Well-Qualified
Character	Well-Qualified
Professional and Academic Ability	Well-Qualified
Reputation	Well-Qualified
Experience	Well-Qualified
Judicial Temperament	Qualified

**Courtney Clyburn Pope, Aiken SC  
Second Judicial Circuit, Seat 1**

The South Carolina Bar's Judicial Qualifications Committee reports that the collective opinion of those Bar members surveyed regarding Ms. Pope's candidacy for Second Judicial Circuit, Seat 1 is as follows:

<b>Overall</b>	<b>Well-Qualified</b>
Constitutional Qualifications	Qualified
Physical Health	Qualified
Mental Stability	Qualified
Ethical Fitness	Qualified
Character	Qualified
Professional and Academic Ability	Qualified

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Reputation	Qualified
Experience	Qualified*
Judicial Temperament	Qualified

\*Concerns were raised as to the candidate's experience.

Respectfully Submitted,

/s/Senator Luke Rankin	/s/Representative G. Murrell Smith, Jr.
/s/Senator Ronnie A. Sabb	/s/Representative J. Todd Rutherford
/s/Senator Tom Young, Jr.	/s/Representative Chris Murphy
/s/Ms. Hope Blackley	/s/Mr. Andrew N. Safran
/s/Mr. J.P. "Pete" Strom Jr.	/s/Ms. Lucy Grey McIver

Received as information.

### ROLL CALL

The roll call of the House of Representatives was taken resulting as follows:

Alexander	Allison	Anderson
Atkinson	Bailey	Bales
Ballentine	Bamberg	Bennett
Bernstein	Blackwell	Bradley
Brawley	Brown	Burns
Calhoon	Caskey	Chellis
Chumley	Clary	Clyburn
Cobb-Hunter	Cogswell	Collins
W. Cox	Daning	Davis
Dillard	Elliott	Erickson
Felder	Finlay	Forrest
Forrester	Fry	Funderburk
Gagnon	Garvin	Gilliam
Gilliard	Govan	Hardee
Hart	Hayes	Henderson-Myers
Henegan	Herbkersman	Hewitt
Hill	Hiott	Hixon
Hosey	Howard	Huggins
Hyde	Jefferson	Johnson
Kimmons	King	Kirby
Ligon	Long	Lowe
Lucas	Mace	Mack
Martin	McCoy	McCrary

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McDaniel	McGinnis	McKnight
Moore	Morgan	D. C. Moss
V. S. Moss	Murphy	B. Newton
W. Newton	Norrell	Ott
Parks	Pendarvis	Pope
Ridgeway	Rivers	Rose
Rutherford	Sandifer	Simmons
Simrill	G. R. Smith	Sottile
Spires	Stavrinakis	Stringer
Tallon	Taylor	Thayer
Thigpen	Trantham	Weeks
West	Wheeler	White
Whitmire	R. Williams	S. Williams
Willis	Wooten	Yow

**Total Present--111**

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. YOUNG a leave of absence for the day due to medical reasons.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. TOOLE a leave of absence for the day due to medical reasons.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. BRYANT a leave of absence for the day due to medical reasons.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. G. M. SMITH a leave of absence for the day.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. MAGNUSON a leave of absence for the day.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. CRAWFORD a leave of absence for the day due to medical reasons.



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**LEAVE OF ABSENCE**

The SPEAKER granted Rep. ROBINSON a leave of absence for the day.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. NORRELL a temporary leave of absence.

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. W. NEWTON a temporary leave of absence.

**STATEMENT OF ATTENDANCE**

Reps. MORGAN, BERNSTEIN and HOWARD signed a statement with the Clerk that they came in after the roll call of the House and were present for the Session on Thursday, April 11.

**DOCTOR OF THE DAY**

Announcement was made that Dr. Thaddeus John Bell of North Charleston was the Doctor of the Day for the General Assembly.

**CO-SPONSORS ADDED AND REMOVED**

In accordance with House Rule 5.2 below:

“5.2 Every bill before presentation shall have its title endorsed; every report, its title at length; every petition, memorial, or other paper, its prayer or substance; and, in every instance, the name of the member presenting any paper shall be endorsed and the papers shall be presented by the member to the Speaker at the desk. A member may add his name to a bill or resolution or a co-sponsor of a bill or resolution may remove his name at any time prior to the bill or resolution receiving passage on second reading. The member or co-sponsor shall notify the Clerk of the House in writing of his desire to have his name added or removed from the bill or resolution. The Clerk of the House shall print the member's or co-sponsor's written notification in the House Journal. The removal or addition of a name does not apply to a bill or resolution sponsored by a committee.”

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**CO-SPONSOR ADDED**

Bill Number: H. 3117  
Date: ADD:  
04/23/19 PENDARVIS

**CO-SPONSOR ADDED**

Bill Number: H. 3309  
Date: ADD:  
04/23/19 COLLINS

**CO-SPONSOR ADDED**

Bill Number: H. 3319  
Date: ADD:  
04/23/19 THIGPEN

**CO-SPONSOR ADDED**

Bill Number: H. 4044  
Date: ADD:  
04/23/19 ERICKSON

**CO-SPONSOR ADDED**

Bill Number: H. 4046  
Date: ADD:  
04/23/19 ERICKSON

**CO-SPONSOR ADDED**

Bill Number: H. 4047  
Date: ADD:  
04/23/19 ERICKSON

**CO-SPONSOR ADDED**

Bill Number: H. 4247  
Date: ADD:  
04/23/19 HENEGAN

**CO-SPONSORS ADDED**

Bill Number: H. 4332  
Date: ADD:  
04/23/19 SIMRILL and GILLIARD

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**CO-SPONSORS ADDED**

Bill Number: H. 4353  
Date: ADD:  
04/23/19 ERICKSON, KIRBY, CLARY, HEWITT and ROSE

**CO-SPONSOR ADDED**

Bill Number: H. 4415  
Date: ADD:  
04/23/19 CLARY

**CO-SPONSOR REMOVED**

Bill Number: H. 3758  
Date: REMOVE:  
04/23/19 CLARY

**CO-SPONSOR REMOVED**

Bill Number: H. 4417  
Date: REMOVE:  
04/23/19 ATKINSON

**CO-SPONSOR REMOVED**

Bill Number: H. 4431  
Date: REMOVE:  
04/23/19 DANING

**LEAVE OF ABSENCE**

The SPEAKER granted Rep. BALLENTINE a leave of absence for the remainder of the day due to family medical reasons.

**ORDERED ENROLLED FOR RATIFICATION**

The following Bill was read the third time, passed and, having received three readings in both Houses, it was ordered that the title of be changed to that of an Act, and that it be enrolled for ratification:

S. 735 -- Senator Johnson: A BILL TO ABOLISH THE CLARENDON COUNTY BOARD OF EDUCATION, TO PROVIDE THAT THE CLARENDON COUNTY LEGISLATIVE DELEGATION MAKES FOUR APPOINTMENTS TO THE BOARD OF TRUSTEES OF SCHOOL DISTRICT NO. 1 IN CLARENDON COUNTY AND

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NINE APPOINTMENTS TO THE BOARD OF TRUSTEES OF SCHOOL DISTRICT NO. 2 IN CLARENDON COUNTY.

**H. 3661--DEBATE ADJOURNED**

The following Bill was taken up:

H. 3661 -- Rep. McCoy: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 5-3-320 SO AS TO CLARIFY THE MEANING OF THE TERM "CONTIGUOUS" WHEN A MUNICIPALITY THAT IS LOCATED ENTIRELY WITHIN THE BORDERS OF A SPECIAL PURPOSE DISTRICT ANNEXES UNINCORPORATED PROPERTY THAT IS ALSO LOCATED WITHIN THE SAME SPECIAL PURPOSE DISTRICT AS THE ANNEXING MUNICIPALITY.

Rep. JOHNSON moved to adjourn debate on the Bill until Wednesday, April 24, which was agreed to.

**H. 4332--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4332 -- Reps. G. M. Smith, Stavrinakis, Gilliard and Simrill: A BILL TO AMEND SECTIONS 11-41-20, 11-41-30, AND 11-41-70, CODE OF LAWS OF SOUTH CAROLINA, 1976, ALL RELATING TO THE STATE GENERAL OBLIGATION ECONOMIC DEVELOPMENT BOND ACT, SO AS TO PROVIDE FURTHER FINDINGS, TO PROVIDE FOR STRATEGIC INFRASTRUCTURE PROJECTS AS ECONOMIC DEVELOPMENT PROJECTS, AND TO ALLOW FOR FREIGHT TRANSPORTATION AS INFRASTRUCTURE.

Reps. WHITE, G.M. SMITH and SIMRILL proposed the following Amendment No. 1 to H. 4332 (COUNCIL\SA\4332C001.RT.SA19), which was adopted:

Amend the bill, as and if amended, SECTION 2, page 2, by striking Section 11-41-30(2)(a)(iii) and inserting:

/ (iii) 'Economic development project' or 'project' also includes a strategic infrastructure project. 'Strategic infrastructure project' means an undertaking to provide infrastructure described in Sections 11-41-30(3)(a), (b), (c), (d), (e), and (f), each of which in the case of a strategic infrastructure project must be owned, operated, and maintained

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by an agency or instrumentality of the State, or political subdivision of the State. A strategic infrastructure project is not subject to the job creation and capital investment requirements imposed on projects as defined in item(2)(a) and (b), but is subject to the requirements of Section 11-41-70(2)(c). The amount of proceeds of bonds issued under this chapter expended to defray the cost of any particular strategic infrastructure project may not exceed fifty million dollars. /

Renumber sections to conform.

Amend title to conform.

Rep. WHITE explained the amendment.

The amendment was then adopted.

Rep. SIMRILL explained the Bill.

The question recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 98; Nays 1

Those who voted in the affirmative are:

Allison	Anderson	Atkinson
Bailey	Bales	Bamberg
Bennett	Bernstein	Blackwell
Bradley	Brown	Burns
Calhoon	Caskey	Chellis
Chumley	Clary	Clyburn
Cobb-Hunter	Cogswell	Collins
W. Cox	Daning	Davis
Dillard	Elliott	Erickson
Felder	Forrest	Forrester
Fry	Funderburk	Gagnon
Gilliam	Gilliard	Govan
Hardee	Hart	Hayes
Henderson-Myers	Henegan	Herbkersman
Hewitt	Hiott	Hixon
Hosey	Howard	Huggins
Hyde	Jefferson	Johnson
Kimmons	Kirby	Ligon
Long	Lowe	Lucas
Mace	Martin	McCoy

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McCravy	McDaniel	McGinnis
Moore	Morgan	D. C. Moss
V. S. Moss	Murphy	B. Newton
Ott	Pendarvis	Pope
Ridgeway	Rivers	Rose
Rutherford	Simmons	Simrill
G. R. Smith	Sottile	Spires
Stavrinakis	Stringer	Tallon
Taylor	Thayer	Thigpen
Trantham	Weeks	West
Wheeler	White	Whitmire
R. Williams	S. Williams	Willis
Wooten	Yow	

**Total--98**

Those who voted in the negative are:  
Hill

**Total--1**

So, the Bill, as amended, was read the second time and ordered to third reading.

**H. 4247--RECALLED AND REFERRED TO COMMITTEE  
ON JUDICIARY**

On motion of Rep. JEFFERSON, with unanimous consent, the following Bill was ordered recalled from the Committee on Invitations and Memorial Resolutions and was referred to the Committee on Judiciary:

H. 4247 -- Reps. Jefferson, King, Bernstein, Parks, Alexander, Thigpen, McDaniel, Cobb-Hunter, R. Williams, Ridgeway, Gilliard and Henegan: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 53-3-250 SO AS TO DESIGNATE THE MONTH OF JUNE OF EACH YEAR AS "GUN VIOLENCE AWARENESS MONTH".

**MOTION PERIOD**

The motion period was dispensed with on motion of Rep. POPE.

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**H. 4256--AMENDED AND ORDERED TO THIRD READING**

The following Bill was taken up:

H. 4256 -- Rep. Sandifer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-19-295 SO AS TO PROHIBIT THE DIVIDING OF FEES OR OTHER COMPENSATION CHARGED OR RECEIVED BY LICENSEES OF THE BOARD OF FUNERAL SERVICE WITH ANOTHER PERSON, PARTNERSHIP, CORPORATION, ASSOCIATION, OR LEGAL ENTITY FOR THE DELIVERY OR PERFORMANCE OF FUNERAL SERVICES; TO AMEND SECTION 32-7-100, RELATING TO PENALTIES FOR VIOLATIONS OF PROVISIONS REGULATING PRENEED FUNERAL CONTRACTS, SO AS TO INCREASE FINE RANGES AND PERMANENTLY BAR PERSONS CONVICTED OF A FELONY FROM CONDUCTING PRENEED CONTRACT SALES; TO AMEND SECTION 32-7-110, RELATING TO THE INVESTIGATION OF COMPLAINTS AGAINST UNLICENSED PRENEED CONTRACT SALES PROVIDERS, SO AS TO PROVIDE COMPLAINTS TO WHICH THE DEPARTMENT SHALL RESPOND MAY BE WRITTEN OR ORAL; TO AMEND SECTION 32-8-360, RELATING TO PENALTIES FOR VIOLATIONS OF THE SAFE CREMATION ACT, SO AS TO INCREASE MONETARY FINES AND REQUIRE IMMEDIATE REPORTING OF VIOLATIONS TO THE BOARD; TO AMEND SECTION 32-8-385, RELATING TO REQUIREMENTS THAT CREMATORIES EMPLOY CERTAIN TRAINED STAFF TO PERFORM CREMATIONS, SO AS TO REQUIRE ALL CREMATIONS BE PERFORMED BY THESE TRAINED STAFF MEMBERS; TO AMEND SECTION 40-19-10, RELATING TO THE COMPOSITION OF THE BOARD, SO AS TO REQUIRE SEVEN OF THE NINE LICENSEE MEMBERS BE APPOINTED ONE FROM EACH CONGRESSIONAL DISTRICT, AND TO PROVIDE FOR THE GRADUAL IMPLEMENTATION OF THIS PROVISION AS THE TERMS OF CURRENT MEMBERS EXPIRE ON A STAGGERED BASIS; TO AMEND SECTION 40-19-20, AS AMENDED, RELATING TO DEFINITIONS CONCERNING THE REGULATION OF EMBALMERS AND FUNERAL DIRECTORS, SO AS TO REVISE CERTAIN DEFINITIONS; TO AMEND SECTION 40-19-30, RELATING TO THE REQUIREMENT OF LICENSURE TO PRACTICE FUNERAL SERVICE, SO AS TO PROVIDE CONDUCT CONSTITUTING THE PRACTICE OF FUNERAL SERVICE INCLUDES PARTIES WHO EXERCISE ANY

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CONTROL OR AUTHORITY OVER A FUNERAL ESTABLISHMENT OR ITS EMPLOYEES, AGENTS, OR REPRESENTATIVES, AND TO PROHIBIT CORPORATIONS, PARTNERSHIPS, OR INDIVIDUALS IN WHOSE NAME APPEARS THE NAME OF A PERSON WITH A REVOKED OR LAPSED LICENSE FROM HAVING A LICENSE TO OPERATE A FUNERAL HOME; TO AMEND SECTION 40-19-70, RELATING TO POWERS AND DUTIES OF THE BOARD, SO AS TO PROVIDE BOARD MEMBERS, COMMITTEES, OR EMPLOYEES MAY NOT BE LIABLE FOR ACTS PERFORMED IN THE COURSE OF THEIR OFFICIAL DUTIES IN THE ABSENCE OF MALICE SHOWN AND PROVEN IN A COURT OF COMPETENT JURISDICTION; TO AMEND SECTION 40-19-80, RELATING TO INSPECTORS EMPLOYED BY THE BOARD, SO AS TO INSTEAD REQUIRE THE BOARD TO EMPLOY AT LEAST TWO INVESTIGATORS WHO MAY BE LICENSED EMBALMERS AND FUNERAL DIRECTORS WITH CERTAIN EXPERIENCE BUT WHO HAVE NOT BEEN DISCIPLINED; TO AMEND SECTION 40-19-110, AS AMENDED, RELATING TO CONDUCT CONSTITUTING UNPROFESSIONAL CONDUCT BY A LICENSEE OF THE BOARD, SO AS TO MAKE GRAMMATICAL CHANGES; TO AMEND SECTION 40-19-115, RELATING TO JURISDICTION OF THE BOARD, SO AS TO INCLUDE UNLICENSED PERSONS WITH THIS JURISDICTION; TO AMEND SECTION 40-19-200, RELATING TO PENALTIES FOR VIOLATIONS OF PROVISIONS PROHIBITING THE PRACTICE OF FUNERAL SERVICES WITHOUT A LICENSE OR USING FALSE INFORMATION TO OBTAIN SUCH LICENSURE, SO AS TO INCREASE MONETARY FINES, AND TO SUBJECT PERSONS WHO AID AND ABET UNLICENSED PERSONS OR ENTITIES IN ENGAGING IN THE PRACTICE OF FUNERAL SERVICE WITHOUT LICENSURE TO THESE PENALTIES; TO AMEND SECTION 40-19-250, RELATING TO CONTINUING EDUCATION PROGRAMS, SO AS TO REQUIRE CERTAIN COURSEWORK IN ETHICS, TO REQUIRE FOUR HOURS OF TOTAL ANNUAL COURSEWORK, TO REQUIRE A CERTAIN PORTION OF THIS COURSEWORK TO BE IN ETHICS, AND TO REQUIRE A CERTAIN PORTION OF THIS COURSEWORK BE COMPLETED IN PERSON; AND TO AMEND SECTION 40-19-290, RELATING TO THE FIDUCIARY RESPONSIBILITIES OF FUNERAL ESTABLISHMENTS WITH RESPECT TO PAYMENTS RECEIVED FOR FUNERAL MERCHANDISE BEING PURCHASED, SO AS TO

[HJ]



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PROVIDE THESE PAYMENTS MUST BE KEPT IN A TRUST ACCOUNT UNTIL THE MERCHANDISE IS DELIVERED FOR ITS INTENDED USE OR IS DELIVERED INTO THE PHYSICAL POSSESSION OF THE PURCHASER.

The Committee on Labor, Commerce and Industry proposed the following Amendment No. 1 to H. 4256 (COUNCIL\WAB\4256C003.AGM.WAB19):

Amend the bill, as and if amended, by adding an appropriately numbered SECTION after line 18, page 3, to read:

/ SECTION \_\_\_\_ . Chapter 19, Title 40 of the 1976 Code is amended by adding:

“Section 40-19-105. When a funeral home, funeral director, or embalmer (‘transferor provider’) provides services for a dead human body and the body subsequently is transferred to another funeral home, funeral director, or embalmer (‘transferee provider’) for additional services, the transferor provider has a cause of action against the transferee provider if the transferee fails to compensate the transferor for the services actually provided by the transferor. The transferor may recover its usual fee plus reasonable attorney fees and costs.” /

Amend the bill further, Section 40-19-80, as contained in SECTION 10, by deleting the SECTION in its entirety and inserting:

/ SECTION 10. Section 40-19-80 of the 1976 Code is amended to read:

“Section 40-19-80. The board shall employ ~~an~~ at least one inspector and at least one investigator who must be a licensed embalmer and funeral director with not fewer than five consecutive years’ experience as a licensee under this chapter but who have not been disciplined during the time of their past or current licensure under this chapter.” /

Re-number sections to conform.

Amend title to conform.

Rep. SANDIFER moved to adjourn debate on the amendment, which was agreed to.

Rep. PARKS, KING and McDANIEL proposed the following Amendment No. 2 to H. 4256 (COUNCIL\WAB\4256C004.AGM.WAB19), which was adopted:

Amend the bill, as and if amended, by adding an appropriately numbered penultimate SECTION to read:

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/ SECTION \_\_. Section 40-19-20(12)(c) of the 1976 Code is amended to read:

“(c) ~~a room containing a displayed stock of at least six adult~~ means of showing photographs or other representations of available caskets and other necessary funeral supplies;” /

Renumber sections to conform.

Amend title to conform.

Rep. KING explained the amendment.

Rep. SANDIFER spoke against the amendment.

**SPEAKER PRO TEMPORE IN CHAIR**

Rep. KING spoke in favor of the amendment.

Rep. SANDIFER moved to table the amendment.

Rep. KING demanded the yeas and nays which were taken, resulting as follows:

Yeas 35; Nays 59

Those who voted in the affirmative are:

Anderson	Bailey	Bennett
Blackwell	Calhoon	Caskey
Davis	Finlay	Forrest
Forrester	Gagnon	Gilliam
Hardee	Hewitt	Hiott
Huggins	Hyde	Lowe
Lucas	Martin	Morgan
D. C. Moss	Murphy	Pope
Sandifer	Simrill	G. R. Smith
Sottile	Spires	Tallon
Thayer	White	Whitmire
Willis	Yow	

**Total--35**

Those who voted in the negative are:

Allison	Atkinson	Bales
Bamberg	Brown	Burns
Chellis	Chumley	Clary

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Clyburn	Cobb-Hunter	Cogswell
Collins	Daning	Dillard
Elliott	Erickson	Felder
Fry	Funderburk	Gilliard
Govan	Hart	Henderson-Myers
Henegan	Hill	Hosey
Howard	Jefferson	Kimmons
King	Kirby	Ligon
Long	Mace	McCoy
McCravy	McDaniel	McGinnis
Moore	V. S. Moss	B. Newton
Ott	Pendarvis	Ridgeway
Rivers	Rose	Rutherford
Simmons	Stavrinakis	Stringer
Taylor	Thigpen	Trantham
Weeks	Wheeler	R. Williams
S. Williams	Wooten	

**Total--59**

So, the House refused to table the amendment.

The question then recurred to the adoption of the amendment.

The amendment was then adopted.

Reps. KING, PARKS and McDANIEL proposed the following Amendment No. 3 to H. 4256 (COUNCIL\DG\4256C002.NBD.DG19), which was tabled:

Amend the bill, as and if amended, SECTION 6, by striking Section 40-19-10(B) and inserting:

/ (B) The South Carolina Funeral Directors Association may recommend ~~six~~ five members, the South Carolina Morticians Association may recommend ~~three~~ five members, and an individual or private or public group or organization may make recommendations. All recommendations must be made to the Governor before the second of July in each year the term of office of a member expires. Appointments are effective on August fifteenth. Vacancies must be filled in the manner of original appointment for the unexpired portion of the term. The board shall notify the South Carolina Funeral Directors Association and the South Carolina Morticians Association of any vacancies that occur. /

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Renumber sections to conform.  
Amend title to conform.

Rep. KING explained the amendment.

Rep. SANDIFER moved to table the amendment.

Rep. KING demanded the yeas and nays which were taken, resulting as follows:

Yeas 50; Nays 43

Those who voted in the affirmative are:

Allison	Anderson	Bailey
Bennett	Blackwell	Burns
Calhoon	Caskey	Chumley
Clary	Cogswell	Davis
Felder	Finlay	Forrest
Forrester	Fry	Funderburk
Gagnon	Gilliam	Hardee
Hewitt	Hiott	Huggins
Hyde	Johnson	Ligon
Long	Martin	McCrary
McGinnis	McKnight	D. C. Moss
V. S. Moss	B. Newton	Pope
Sandifer	Simrill	G. R. Smith
Sottile	Spires	Tallon
Taylor	Thayer	West
White	Whitmire	Willis
Wooten	Yow	

**Total--50**

Those who voted in the negative are:

Atkinson	Bamberg	Bernstein
Bradley	Brown	Chellis
Clyburn	Cobb-Hunter	Collins
Daning	Dillard	Elliott
Erickson	Gilliard	Govan
Hart	Henderson-Myers	Henegan
Hill	Hosey	Jefferson
Kimmons	King	Kirby

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Mace	McDaniel	Moore
Morgan	Murphy	Ott
Pendarvis	Ridgeway	Rose
Rutherford	Simmons	Stavrinakis
Stringer	Thigpen	Trantham
Weeks	Wheeler	R. Williams
S. Williams		

**Total--43**

So, the amendment was tabled.

Rep. SANDIFER proposed the following Amendment No. 4 to H. 4256 (COUNCIL\WAB\4256C006.AGM.WAB19), which was adopted:

Amend the bill, as and if amended, Section 40-19-80, as contained in SECTION 10, by deleting the SECTION in its entirety and inserting:

/ SECTION 10. Section 40-19-80 of the 1976 Code is amended to read:

“Section 40-19-80. The board shall employ ~~an~~ at least one inspector and at least one investigator who must be a licensed embalmer and funeral director with not fewer than five consecutive years’ experience as a licensee under this chapter but who have not been disciplined during the time of their past or current licensure under this chapter.” /

Renumber sections to conform.

Amend title to conform.

Rep. SANDIFER explained the amendment.

Rep. KING moved to table the amendment.

Rep. SANDIFER demanded the yeas and nays which were taken, resulting as follows:

Yeas 29; Nays 63

Those who voted in the affirmative are:

Alexander	Atkinson	Bamberg
Bernstein	Brown	Clyburn
Cobb-Hunter	Dillard	Funderburk
Gilliard	Govan	Hart
Henderson-Myers	Henegan	Hosey
Howard	Jefferson	King

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McDaniel	McKnight	Moore
Ridgeway	Rose	Simmons
Thigpen	Weeks	Wheeler
R. Williams	S. Williams	

**Total--29**

Those who voted in the negative are:

Allison	Anderson	Bailey
Bales	Bennett	Blackwell
Bradley	Burns	Calhoon
Chellis	Chumley	Clary
Cogswell	Collins	Daning
Davis	Elliott	Erickson
Felder	Finlay	Forrest
Forrester	Fry	Gagnon
Gilliam	Hardee	Hewitt
Hill	Hiott	Huggins
Hyde	Johnson	Kimmons
Ligon	Long	Lowe
Lucas	Mace	Martin
McCravy	McGinnis	Morgan
D. C. Moss	V. S. Moss	B. Newton
Pope	Sandifer	Simrill
G. R. Smith	Sottile	Spires
Stavrinakis	Stringer	Tallon
Taylor	Thayer	Trantham
West	White	Whitmire
Willis	Wooten	Yow

**Total--63**

So, the House refused to table the amendment.

The question then recurred to the adoption of the amendment.

The amendment was then adopted.

Reps. SANDIFER and CALHOON proposed the following Amendment No. 6 to H. 4256 (COUNCIL\WAB\4256C008.AGM.WAB19), which was adopted:

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Amend the bill, as and if amended, by deleting SECTION 8 in its entirety and inserting:

/ SECTION 8. Section 40-19-30 of the 1976 Code is amended to read:

“Section 40-19-30. (A) It is unlawful for a person to engage in the practice of funeral service unless the person is licensed in accordance with this chapter. A person who engages or participates actively in directing or in the management of a funeral establishment is considered to be in the practice of funeral service.

(B) No permit to operate a funeral home may be issued to a corporation, partnership, or individual when the name of either an unlicensed person or a person whose license has been revoked or suspended appears in the name of the corporation, partnership, or individually owned business. This prohibition does not apply to established funeral homes existing prior to July 1, 1969.” /

Re-number sections to conform.

Amend title to conform.

Rep. SANDIFER explained the amendment.

The amendment was then adopted.

The Committee on Labor, Commerce and Industry proposed the following Amendment No. 1 to H. 4256 (COUNCIL\WAB\4256C003.AGM.WAB19), which was tabled:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION after line 18, page 3, to read:

/ SECTION \_\_\_\_ . Chapter 19, Title 40 of the 1976 Code is amended by adding:

“Section 40-19-105. When a funeral home, funeral director, or embalmer (‘transferor provider’) provides services for a dead human body and the body subsequently is transferred to another funeral home, funeral director, or embalmer (‘transferee provider’) for additional services, the transferor provider has a cause of action against the transferee provider if the transferee fails to compensate the transferor for the services actually provided by the transferor. The transferor may recover its usual fee plus reasonable attorney fees and costs.” /

Amend the bill further, Section 40-19-80, as contained in SECTION 10, by deleting the SECTION in its entirety and inserting:

/ SECTION 10. Section 40-19-80 of the 1976 Code is amended to read:

“Section 40-19-80. The board shall employ ~~an~~ at least one inspector and at least one investigator who must be a licensed embalmer and

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funeral director with not fewer than five consecutive years' experience as a licensee under this chapter but who have not been disciplined during the time of their past or current licensure under this chapter." /

Renumber sections to conform.

Amend title to conform.

Rep. SANDIFER moved to table the amendment, which was agreed to.

Rep. KING spoke against the Bill.

The question recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 65; Nays 20

Those who voted in the affirmative are:

Allison	Anderson	Bales
Bennett	Blackwell	Brown
Burns	Calhoon	Caskey
Chumley	Clary	Cogswell
Collins	Davis	Elliott
Erickson	Felder	Finlay
Forrest	Forrester	Fry
Funderburk	Gagnon	Gilliam
Hewitt	Hiott	Hixon
Huggins	Hyde	Kimmons
Kirby	Ligon	Long
Lucas	Mace	Martin
McCoy	McCravy	McGinnis
Morgan	D. C. Moss	V. S. Moss
Murphy	B. Newton	W. Newton
Pope	Ridgeway	Sandifer
Simrill	G. R. Smith	Sottile
Spires	Stavrinakis	Stringer
Tallon	Taylor	Thayer
Trantham	Weeks	Wheeler
White	Whitmire	Willis
Wooten	Yow	

**Total--65**



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Those who voted in the negative are:

Alexander	Bamberg	Cobb-Hunter
Dillard	Garvin	Hart
Henderson-Myers	Henegan	Hill
Hosey	Howard	Jefferson
King	McDaniel	Moore
Ott	Parks	Pendarvis
Simmons	S. Williams	

**Total--20**

So, the Bill, as amended, was read the second time and ordered to third reading.

**STATEMENT FOR JOURNAL**

I was temporarily out of the Chamber on constituent business during the vote on H. 4256. If I had been present, I would have voted in favor of the Bill.

Rep. Jeff Bradley

Rep. SIMRILL moved that the House do now adjourn, which was agreed to.

**ADJOURNMENT**

At 2:00 p.m. the House, in accordance with the motion of Rep. CALHOON, adjourned in memory of Harvey Jules Rosen, to meet at 10:00 a.m. tomorrow.

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