RECEIVED
Apr 23 2025
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE COURT OF COMMON PLEAS

Honorable Daniel Coble

Appellate Case No. 2024-001296

George S. Glassmeyer……..……...……...Appellant,

v.

South Carolina Lottery Commission…….…….....Respondent.

SUPPLEMENTAL RECORD ON APPEAL

Taylor M. Smith IV
S.C. Bar No. 101584
Meriwether Law
923 Calhoun Street
Columbia, South Carolina 29201
(803) 779-2211
taylor@meriwetherfirm.com
Attorney for Appellant

Vordman Carlisle Traywick, III
S.C. Bar No. 102123
Sarah C. Frierson
S. C. Bar No. 104643
Robinson Gray Stepp & Laffitte, LLC
Post Office Box 11449
Columbia, South Carolina 29211
(803) 929-1400
ltraywick@robinsongray.com
sfrierson@robinsongray.com
Attorneys for Respondent

INDEX

Affidavit of George S. Glassmeyer ……..……...504

ELECTRONICALLY FILED - 2024 Jan 04 3:46 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004854

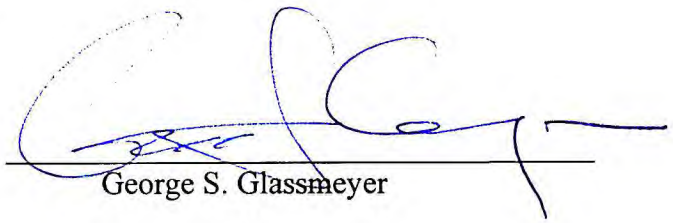
STATE OF SOUTH CAROLINA	**IN THE COURT OF COMMON PLEAS**
COUNTY OF RICHLAND	**CASE NO. 2023-CP-40-04854**
George S. Glassmeyer, **Plaintiff,** **vs.** **South Carolina Lottery Commission,** **Defendant.**	**AFFIDAVIT OF GEORGE S. GLASSMEYER**

Personally appeared before me George S. Glassmeyer, who, first being duly sworn, deposes and says as follows:

1. My name is George Glassmeyer. I am the plaintiff and requester of information in the above-referenced action. I have personal knowledge of the facts set forth in this affidavit and am competent to testify about them.
2. I have a long-standing interest and concern about how the South Carolina Lottery Commission fulfills its statutory mandate and manages public funds.
3. I have especially been concerned about potential mismanagement of lottery revenue, to include embezzlement and employee misconduct, whereby portions of these amounts are siphoned off and stay with the Commission or its employees, similar to situations involving other lotteries around the nation.
4. To verify the Defendant's representations are accurate, as to the identities of particular lottery winners and how much prize money to each was actually awarded, it would be necessary to contact the lottery winners for the limited purpose of verifying this information.

5. Defendant's stance in this litigation and past litigation concerning lottery winner information does not afford me the opportunity to learn the activities of the Defendant and at minimum cost or delay.
6. Defendant though has provided me information regarding lottery winners, including their names, to me in the past so any statement that they have always enforced a policy to withhold their names is simply not true.
7. Defendant has also credited me with assisting in uncovering employee misconduct in the past. I previously submitted a SCFOIA request to Defendant concerning the discipline history of a former employee. A response I received from Defendant to that request is attached as Exhibit A.

FURTHER AFFIANT SAYETH NOT.



George S. Glassmeyer

SWORN to before me this

2ND day of January, 2024.

Tayla Smith (L.S.)
Notary Public for South Carolina
My Commission Expires: June 10, 2024

ELECTRONICALLY FILED - 2024 Jan 04 3:46 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004854

ELECTRONICALLY FILED - 2024 Jan 04 3:46 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004854

Exhibit A

ELECTRONICALLY FILED - 2024 Jan 04 3:46 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004854

Taylor Smith

From: Taylor Smith <Taylor@harrisonfirm.com>
Sent: Wednesday, January 3, 2024 10:34 AM
To: Taylor Smith
Subject: FW: Misconduct Complaint
Attachments: S. Berry.pdf

Taylor M. Smith IV

HARRISON & RADEKER & SMITH P.A. ATTORNEYS AT LAW

923 Calhoun Street,
Columbia, South Carolina 29201
Post Office Box 50143,
Columbia, South Carolina 29250
Telephone: (803) 779-2211
Facsimile: (803) 779-6700
www.harrisonfirm.com

This e-mail message contains confidential, privileged information intended solely for the addressee. Please do not read, copy or disseminate it unless you are the addressee. If you have received it in error, please call us (collect) at (803) 779-2211 and ask to speak with the message sender. Also, we would appreciate your forwarding the message back to us and deleting it from your system. Any tax information or written tax advice contained herein (including any attachments) is not intended to be and cannot be used by any taxpayer for the purpose of avoiding tax penalties that may be imposed on the taxpayer. (The foregoing legend has been affixed pursuant to U.S. Treasury Regulations governing tax practice.) Thank you.

From: George Glassmeyer <scverdict@aol.com>
Sent: Tuesday, January 2, 2024 2:21 PM
To: Taylor Smith <Taylor@harrisonfirm.com>
Subject: Fw: Misconduct Complaint

Taylor,

Please see attachment at bottom of below email series.

Kindly let me know the results, if any, of your conversation with Lisle.

Thanks,

George

----- Forwarded Message -----
From: Garfield, Dolly <dolly.garfield@sclot.com>
To: George Glassmeyer <scverdict@aol.com>
Sent: Friday, August 18, 2023 at 05:30:15 PM EDT
Subject: RE: Misconduct Complaint

Hey George, please see the HR notes regarding Mr. Berry's separation of employment in the attachment. The information contained therein should satisfy your request. Please let know if I can provide anything further, and have a great weekend.

Dolly

Dolly J. Garfield

General Counsel

South Carolina Education Lottery

1333 Main Street, Suite 400

Columbia, S.C. 29201

O: 803-737-3941

C: 803-413-8684

F: 803-737-2005

Dolly.Garfield@sclot.com

CONFIDENTIALITY NOTICE: The information contained in this electronic communication may be attorney-client privileged and/or confidential information and is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone (803-737-2002), and return the original message to us at P.O. Box 11949. Columbia, SC 29211-1949 via the U.S. Postal Service. Thank you.

ELECTRONICALLY FILED - 2024 Jan 04 3:46 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004854

From: George Glassmeyer <scverdict@aol.com>
Sent: Tuesday, August 1, 2023 3:45 PM
To: Garfield, Dolly <Dolly.Garfield@sclot.com>
Subject: Re: Misconduct Complaint

CAUTION: This email message is from an external sender. Do not click links or open attachments unless you know the sender and verify that the attachment and content is safe.

Hey Dolly,

That will be fine. Thank you.

George

On Tuesday, August 1, 2023 at 03:24:25 PM EDT, Garfield, Dolly <dolly.garfield@sclot.com> wrote:

George,

In reference to your request for information regarding Mr. Berry, I am in receipt of the request and deem it a request submitted pursuant to the SC FOIA Act and is subject to disclosure. A response will be provided in a timely manner.

Thank you!

Dolly

Dolly J. Garfield

General Counsel

South Carolina Education Lottery

1333 Main Street, Suite 400

Columbia, S.C. 29201

O: 803-737-3941

C: 803-413-8684

F: 803-737-2005

Dolly.Garfield@sclot.com

CONFIDENTIALITY NOTICE: The information contained in this electronic communication may be attorney-client privileged and/or confidential information and is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have

ELECTRONICALLY FILED - 2024 Jan 04 3:46 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004854

received this communication in error, please immediately notify us by telephone (803-737-2002), and return the original message to us at P.O. Box 11949. Columbia, SC 29211-1949 via the U.S. Postal Service. Thank you.

From: George Glassmeyer <scverdict@aol.com>
Sent: Saturday, July 29, 2023 2:39 PM
To: Garfield, Dolly <Dolly.Garfield@sclot.com>
Subject: Re: Misconduct Complaint

CAUTION: This email message is from an external sender. Do not click links or open attachments unless you know the sender and verify that the attachment and content is safe.

Hi Dolly,

Thanks so much for your reply, especially as you took the time and effort to reply on a Saturday.

I appreciate the followup investigative efforts, and the clarity provided as to the $3.00 difference between the two payouts.

As to the employment status of Mr. Scott Berry, you report that he is no longer employed by SCEL. I note that his name appears on the latest of the personnel salary listings that you provided to me pursuant to Item #6 of my FOIA request, indicating that he was employed by SCEL at least as recently as June 1, 2023. Please advise what his last day of employment was and whether his employment terminated as a result of a voluntary resignation, disciplinary action, or resignation in lieu of disciplinary action. If Mr. Berry was ever the subject or target of any disciplinary action, please provide the relevant details.

I get that this issue seems to be an onion with infinite layers, but I am hopeful that we are nearing the end. Again, thanks for your responsive and timely efforts.

Enjoy your time with your family.

All the best,

George Glassmeyer

On Saturday, July 29, 2023 at 02:13:30 PM EDT, Garfield, Dolly <dolly.garfield@sclot.com> wrote:

ELECTRONICALLY FILED - 2024 Jan 04 3:46 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004854

ELECTRONICALLY FILED - 2024 Jan 04 3:46 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004854

Hey George,

I hope you are having a nice weekend. I shared your concerns below with SCEL's Security Department, and further investigation ensued. Please see the attached supplemental investigative report. The findings should explain the lack of documentation as well as the $3 difference in the prize money won by the two Conway winners.

Mr. Scott Berry is no longer employed with SCEL.

Please do not hesitate to reach out to me for anything further. I am leaving tomorrow for a family vacation so responses may be delayed.

Enjoy the rest of your weekend,

Dolly

Dolly J. Garfield

General Counsel

South Carolina Education Lottery

1333 Main Street, Suite 400

Columbia, S.C. 29201

O: 803-737-3941

C: 803-413-8684

F: 803-737-2005

Dolly.Garfield@sclot.com

CONFIDENTIALITY NOTICE: The information contained in this electronic communication may be attorney-client privileged and/or confidential information and is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone (803-737-2002), and return the original message to us at P.O. Box 11949. Columbia, SC 29211-1949 via the U.S. Postal Service. Thank you.

ELECTRONICALLY FILED - 2024 Jan 04 3:46 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004854

From: George Glassmeyer <scverdict@aol.com>
Sent: Tuesday, July 25, 2023 4:47 PM
To: Garfield, Dolly <Dolly.Garfield@sclot.com>
Subject: Re: Misconduct Complaint

CAUTION: This email message is from an external sender. Do not click links or open attachments unless you know the sender and verify that the attachment and content is safe.

Hi Dolly,

Thanks for providing the investigative report. After examining it, I have a few remaining concerns and questions.

First, while I did not suggest that both payouts went to the same person, I certainly did not rule it out. Nonetheless, I am mystified as to how two winners' payouts for the same gross prize amount, made within three days of each other, were for a different amount. I understand that various taxes and possible setoffs are deducted from the gross prize amount prior to payment to a claimant, but I doubt that the tax tables were revised during the three days at issue. Kindly explain this discrepancy.

Also, as I noted in my complaint, I found it suspicious that two winners' checks, for nearly identical amounts were presumably issued to two claimants, both presumably residing in the relatively small city of Conway, SC when your office reported only a total of 30 million dollar plus winners over a nearly two year period. While I understand that your investigators determined that both claims were separate and legitimate, my suspicion remains.

I additionally noted that the prize amount, claim number, and date were also absent from the bottom of the 10-25-2022 claim form. Your investigative report fails to address these concerns.

Finally, please advise what, if any, disciplinary action has been, or will be, imposed against Scoot Berry for failing to follow SCEL procedures as noted above.

Thanks again,

George

On Tuesday, July 25, 2023 at 03:13:40 PM EDT, Garfield, Dolly <dolly.garfield@sclot.com> wrote:

Dear George,

Please find the attached investigative report regarding the incident reported July 20, 2023. Please let me know if you need anything further.

Thank you!

Dolly

Dolly J. Garfield

General Counsel

South Carolina Education Lottery

1333 Main Street, Suite 400

Columbia, S.C. 29201

O: 803-737-3941

C: 803-413-8684

F: 803-737-2005

Dolly.Garfield@sclot.com

ELECTRONICALLY FILED - 2024 Jan 04 3:46 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004854

CONFIDENTIALITY NOTICE: The information contained in this electronic communication may be attorney-client privileged and/or confidential information and is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone (803-737-2002), and return the original message to us at P.O. Box 11949. Columbia, SC 29211-1949 via the U.S. Postal Service. Thank you.

ELECTRONICALLY FILED - 2024 Jan 04 3:46 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004854

From: George Glassmeyer <scverdict@aol.com>
Sent: Thursday, July 20, 2023 12:30 PM
To: Garfield, Dolly <Dolly.Garfield@sclot.com>
Subject: Misconduct Complaint

CAUTION: This email message is from an external sender. Do not click links or open attachments unless you know the sender and verify that the attachment and content is safe.

Dear Ms. Garfield:

In my below email to you dated July 18, 2023, I reference a copy of a lottery winner's claim form which you provided to me in response to my FOIA request of June 16, 2023. I noted that this form did not bear an authorized signature, or an official's name. Additionally, the prize amount, claim number, and date in the lower right corner are also absent.

Upon review of the checks that you provided in response to Item #4 of my FOIA request, that were presumably issued to the winners who submitted the claim forms that you provided, it is clear that one or more SCEL employees authorized disbursement, allowed disbursement, or disbursed at least $690,000.00 in public funds without following established SCEL protocol or procedure. I also find it somewhat suspicious that two winner's checks for virtually the same amount were both issued to a payee in Conway, SC within 3 days of each other.

As a South Carolina citizen, resident, and taxpayer all of these facts cause me great concern as I suspect wrongdoing by one or more SCEL employees, and potential embezzlement of public funds. I ask that you immediately cause an internal investigation to be undertaken and to appraise me of the results of same. Should your office determine that criminal activity may have occurred, I request that you immediately notify the State Law Enforcement Division (SLED).

I ask that you consider this email as a formal complaint by me. I remain available to cooperate with your investigative staff as may be required.

Please acknowledge receipt of this email.

Sincerely,

George S. Glassmeyer

----- Forwarded Message -----

From: George Glassmeyer <scverdict@aol.com>

To: Dolly Garfield <dolly.garfield@sclot.com>

Sent: Tuesday, July 18, 2023 at 08:54:08 PM EDT

Subject: FOIA Request, Items #2 and #4

Dear Ms. Garfield:

I am in receipt of your responses to Item #2 and Item #4 of my FOIA request dated June 16, 2023.

Neither response satisfies my respective requests.

As to Item #2, the authorized signature and official's name has been redacted on all copies, except one, of claim forms that you have provided. The claim form dated 10-25-22, presumably submitted by a resident of Conway, SC is absent an authorized signature, or an officials name, and that portion of the form has no redaction. Please provide copies of all requested claim forms with the respective authorized signatures and official's names clearly visible.

As to Item #4, the signatures of the drawer, and/or drawers, has been redacted on all copies of the front of the checks that you have provided. Please provide copies of all requested checks with the respective drawer(s) signature(s) clearly visible.

Please acknowledge receipt of this email.

Sincerely,

George S. Glassmeyer

ELECTRONICALLY FILED - 2024 Jan 04 3:46 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004854