

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

Howard P King, Circuit Court Judge

Case No 2012-CP-18-1632

Dorchester County Democratic Party and Richard
Hayes,

Plaintiff,

v

Dorchester County Republican Party (Carroll Duncan, as Chairman),
Colleton County Republican Party, Berkeley County Republican Party,
Charleston County Republican Party, South Carolina Republican Party
(Matt Moore as Executive Director & Chad Connolly as Chairman),
Dorchester County Election Commission (Joshua Dickard as Executive Director),
Colleton County Election Commission, Berkeley County Election Commission,
Charleston County Election Commission, South Carolina
State Election Commission (Marc Andino, as Executive Director
& Chris Whitmire as Director of Public Information and Training),
Sean Bennett, Mike Rose, and Tony Piscatella,

Defendants,

of whom Mike Rose is the

Appellant

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VOLUME III**

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INDEX

PAGE

ORDERS

Order Granting Motion to Expedite, Scheduling Order, and Adding Parties dated July 23, 2012 and filed July 24, 2012	1
Judge King's Order filed August 9, 2012	5
Order Lifting Automatic Stay filed August 13, 2012	17

PLEADINGS

Summons, Verified Complaint for Declaratory Judgment, Writ of Mandamus, Application for Temporary Restraining Order and Motion for Injunctive Relief, dated June 28, 2012	21
Answer of Sean Michael Bennett dated July 6, 2012	33
Notice of Motion and Motion to Intervene of Sean Michael Bennett and Attachments thereto dated July 6, 2012	39
Michael T. Rose's Motion to Intervene as a Plaintiff and Attachment thereto dated July 12, 2012	58
First Amended Summons, First Amended Verified Complaint for Declaratory Judgment, Writ of Mandamus and Injunctive Relief, dated July 20, 2012	70
Answer of Defendant Sean Bennett to the Plaintiff's First Amended Verified Complaint, dated July 27, 2012	86
Answer of Mike Rose to First Amended Verified Complaint dated July 27, 2012	94
Answer of Defendants SCRP, Connelly, Moore, and the DCRP, dated July 27, 2012	101
Sean Bennett's Statement of Facts dated July 30, 2012	107
Stipulated Facts dated July 30, 2012	136
Statement of Facts of Defendant Mike Rose and Exhibits thereto dated July 31, 2012	141
Bennett's Motion to Dismiss, or alternatively, for Summary Judgment dated August 1, 2012	351
Bennett's Memorandum in Support of Motion with attachments thereto dated August 1, 2012	354
Mike Rose's Motion for Partial Summary Judgment dated August 1, 2012	471
Memorandum in Support of Mike Rose's Motion for Partial Summary Judgment and Exhibits thereto dated August 1, 2012	473
Mike Rose's Motion for Sanctions for Spoliation of Evidence dated August 1, 2012	592
Mike Rose's Memorandum in Support for Sanctions and Exhibits thereto dated August 1, 2012	594

Rose's Motion for Leave to Cross-Claim dated August 2, 2012	722
Bennett's Memo in Opposition to Rose's Motion to Amend to Cross Claim and Timeline attached thereto dated August 3, 2012	725
Amended Answer of Mike Rose to First Amended Verified Complaint and Cross-Claim Against All Other Defendants dated August 3, 2012	735
Bennett's Memo in Opposition to Rose's Motion for Partial Summary Judgment and attachments thereto dated August 3, 2012	754
Bennett's Memorandum in Opposition to Rose's Motion for Sanctions dated August 3, 2012	763
Motion to Lift Automatic Stay dated August 10, 2012	779
Notice of Appeal	786

TRANSCRIPTS

Transcript of August 6, 2012 Hearing	801
Michael Turner	
Cross Examination by Mr Robbins	848
Jordan Bryngelson	
Cross Examination by Mr Robbins	850
Cross Examination by Mr Collins	851
Carroll Duncan	
Cross Examination by Mr Murphy	854
Cross Examination by Mr Robbins	874
Cross Examination by Ms Crum	913
Cross Examination by Mr Murphy	921
Cross Examination by Mr Collins	928
Cross Examination by Mr Kincannon	930
Cross Examination by Mr Robbins	931
Cross Examination by Ms Crum	932
Steve Abrams	
Cross Examination by Mr Robbins	953
Cross Examination by Ms Crum	960
Rebecca Hyer Woods	
Cross Examination by Mr Goff	964
Yvonne Caruso	
Cross Examination by Mr Goff	970
Redirect Examination by Mr Robbins	971

Jenny Horne	
Cross Examination by Mr Goff	972
Redirect Examination by Mr Robbins	973
Ann Shields	
Cross Examination by Mr Robbins	980
John Hull	
Cross Examination by Mr Robbins	984
Redirect Examination by Mr Collins	987
Larry Hargett	
Cross Examination by Mr Robbins	987
Redirect Examination by Mr Collins	989
Cross Examination by Mr Murphy	990
Redirect Examination by Mr Collins	992
Roger Goodman	
Cross Examination by Mr Robbins	992
Redirect Examination by Mr Collins	996
Michael Rose	
Cross Examination by Mr Robbins	997
Cross Examination by Mr Murphy	1025
Cross Examination by Mr Kincannon	1040
Redirect Examination by Mr Collins	1041
Tony Piscatella	
Cross Examination by Mr Kincannon	1042
Cross Examination by Mr Collins	1049
Cross Examination by Ms Crum	1057
Recross Examination by Mr Kincannon	1059
Cross Examination by Mr Robbins	1061
Cross Examination by Mr Goff	1064
Recross Examination by Mr Collins	1067
Redirect Examination by Mr Murphy	1068

TRIAL EXHIBITS

Exhibit List	1126
Exhibit 1 – Email dated June 20, 2012	1130
Exhibit 2 – Candidate Checklist	1131
Exhibit 3 – Email dated May 4, 2012	1139
Exhibit 4 – Email dated June 7, 2012	1141
Exhibit 5 – Email dated May 3, 2012	1142
Exhibit 6 – Email Dated March 12, 2012	1143

Exhibit 7 – Email dated June 19, 2012	1150
Exhibit 8 – Email dated June 20, 2012	1152
Exhibit 9 – Email dated June 15, 2012	1153
Exhibit 10 – Decertification Statement	1154
Exhibit 11 – Email dated Jun 19, 2012	1156
Exhibit 12 – Candidate Packet Checklist	1157
Exhibit 13 – Candidate Packet Checklist	1158
Exhibit 14 – Letter dated June 14, 2012	1159
Exhibit 15 – Email dated June 15, 2012	1160
Exhibit 16 – Email dated April 17, 2012	1161
Exhibit 17 – Email dated May 14, 2012	1162
Exhibit 18 – Email dated June 10, 2012	1163
Exhibit 19 – Email dated June 11, 2012	1165
Exhibit 20 – Email dated August 3, 2012	1166
Exhibit 21 – Email dated May 17, 2012	1167

AFFIDAVITS

Affidavit of Rebecca Hyer Woods dated June 15, 2012	1168
Affidavit of Sean Bennett dated June 21, 2012	1170
Affidavit of Tony Piscatella and Exhibits thereto dated June 21, 2012	1172
Supplemental Affidavit of Tony Piscatella and Exhibits thereto dated June 22, 2012	1174
Affidavit of Michael Turner dated July 10, 2012	1177
Affidavit of Roger W Goodman dated July 12, 2012	1180
Affidavit of Jordan Bryngelson dated July 16, 2012	1182
Affidavit of John Hull dated July 16, 2012	1184
Affidavit of Carroll Duncan dated July 18, 2012	1186
Supplemental Affidavit of Roger W Goodman and Attachments thereto dated July 26, 2012	1192
Affidavit of Larry Hargett and Attachments thereto dated July 26, 2012	1197
Affidavit of Ann Shields dated July 26, 2012	1203
Affidavit of Mike Rose and Exhibits thereto dated July 30, 2012 (except Ex 12, Affidavit of Leonard Odom)	1206
Affidavit of Yvonne Caruso dated July 30, 2012 and filed July 31, 2012	1288
Affidavit of Ed Carter, dated July 30, 2012 and filed July 31, 2012	1290
Affidavit of Representative Jenny Horne, dated July 31, 2012	1304
Affidavit of Carroll Duncan Regarding Certification Decisions dated August 2, 2012	1310
Supplemental Affidavit of Rebecca Hyer Woods dated August 3, 2012	1334
Supplemental Affidavit of Sean Bennett and Attachments thereto dated August 3, 2012	1336
Affidavit of Sean Bennett in Response to Mike Rose’s Motion for Partial Summary Judgment dated August 3, 2012	1343

Affidavit of Sean Bennett in Response to Defendant Mike Rose's Motion For Sanctions for Spoliation of Evidence Against Defendants Sean Bennett and Tony Piscatella dated August 3, 2012	1348
Supplemental Affidavit of Mike Rose and Exhibits thereto dated August 5, 2012 (except Ex 11, Affidavit of Janette Chipas)	1359
Trial Affidavit of Tony Piscatella and Exhibits thereto filed August 6, 2012	1393
Affidavit of Carroll Duncan Authenticating Exhibits and Exhibits thereto dated August 6, 2012	1543

EXHIBITS AND OTHER MATERIALS OR DOCUMENTS

Sean Bennett's Filing of March 20, 2012 (Exhibit C to Bennett's Motion to Dismiss or for Summary Judgment)	1553
June 19, 2012 email from Rose to Duncan and Huber	1564
Letter from Carroll Duncan to Tony Piscatella dated July 9, 2012	1565
Letter from Carroll Duncan to Tony Piscatella dated July 11, 2012	1566
Carroll Duncan's Press Statement dated July 17, 2012	1567
Sean Bennett's Candidate Checklist	1569
Sean Bennett's SEIs (bearing March 19, 2012 and June 13, 2012 date stamps)	1570
"Bennett" Report Reporting Name Results for 2011	1576
"Bennett" Public Reporting Name Results for 2012	1577
DCGOP Instructions	1578
Article from <u>The Summerville Journal Scene</u> , "Primary filing opens"	1581
Statement of Economic Interests Report for Jenny A Horne	1582

1 THE COURT Mr Robbins, you got anything --
2 I know she's your witness, but since you had some
3 objection to his questioning --

4 MR ROBBINS Your Honor, I think it got
5 cleared up I mean, the affidavit --

6 THE COURT You don't need to argue If he
7 got it cleared up and she testified to it, that's all I
8 need Thank you

9 Anybody else? Any questions of this witness?
10 All right Thank you Ma'am, you may step down

11 All right Any examination of Ms --
12 cross-examination of Ms Yvonne Caruso, Mr Goff or
13 anyone else?

14 MR GOFF Your Honor, very briefly, yes

15 THE COURT Okay Ms Caruso, come around,
16 please

17 YVONNE CARUSO,
18 having been first duly sworn,
19 was examined and testified as follows

20 EXAMINATION

21 BY MR GOFF

22 Q Good afternoon, Ms Caruso You said you
23 accompanied Mr Carter on March 16, 2012 to the county
24 headquarters?

25 A Yes

1 Q For its filing? Did you see Mr Bennett there?

2 A No

3 Q He wasn't there that day?

4 A No

5 Q Okay

6 MR GOFF Thank you That's all I have

7 THE COURT All right?

8 MR ROBBINS Could I get a chance to examine
9 her, Your Honor?

10 THE COURT You presented her affidavit Is
11 there anything supplementing the affidavit?

12 MR ROBBINS Well, based on the question he
13 just asked, I absolutely need to ask her a question

14 THE COURT All right Go ahead

15 EXAMINATION

16 BY MR ROBBINS

17 Q Ms Caruso, Mr Bennett's appointment wasn't the
18 same day as Mr Carter's appointment, was it?

19 A No, it wasn't

20 MR ROBBINS Thank you

21 THE COURT All right Anything further, Mr
22 Goff?

23 MR GOFF No, Your Honor

24 THE COURT All right, Ms Caruso You may
25 step down Thank you All right

1 Next proffer of proof on behalf of defendant

2 Bennett is the testimony of Ms Horne by affidavit

3 Anybody wish to examine Ms Jenny Horne? Mr Goff?

4 MR GOFF Yes, Your Honor

5 THE COURT All right Ms Horne, come
6 around, please

7 All right Mr Goff

8 MR GOFF Thank you, Your Honor

9 JENNY HORNE,

10 having been first duly sworn,

11 was examined and testified as follows

12 EXAMINATION

13 BY MR GOFF

14 Q Representative Horne, in your affidavit you state
15 you accompanied Mr Carter -- excuse me, you went to file
16 on the 16th, for your own office?

17 A Yes

18 Q Of which you were an incumbent candidate?

19 A Yes

20 Q Do you have any opposition in the general
21 election?

22 A No

23 Q Did you see Mr Bennett there that day?

24 A No

25 MR GOFF Thank you

1 THE COURT Mr Robbins?

2 MR ROBBINS Same question

3 EXAMINATION

4 BY MR ROBBINS

5 Q Ms Horne, you filed on March 16, correct?

6 A That's correct

7 MR ROBBINS Thank you

8 THE COURT All right Thank you You may
9 step down, Ms Horne

10 Now, we do have -- and we'll come back in
11 just a minute We've got the affidavit of Mr Piscatella
12 that was submitted by Mr Robbins That was the
13 affidavit of Mr Piscatella dated June the 21st of 2012

14 I believe there is also an affidavit of
15 Mr Piscatella that is a more extensive affidavit that
16 seems to be dated August 6th That would be as of this
17 morning, and so, Mr Robbins, you offered the affidavit
18 of the June 22 affidavit, is that correct?

19 MR ROBBINS Yes, sir, Your Honor, and I
20 think Mr Murphy then had a trial affidavit

21 THE COURT He does, and I have it We'll
22 get to that in just a moment We'll come to that because
23 I know Mr Piscatella is going to have to testify, and
24 I'm sure there will be people who wish to examine him

25 All right Mr Robbins, is there anything

1 else that the defendant, Mr Bennett, wishes to offer by
2 way of proof?

3 MR ROBBINS Your Honor, just to be on the
4 safe side, since Mr Goff is asking questions of
5 Mr Carter's witness about Mr Bennett's filing date,
6 I'll hand up the checklist that he signed on the 20th

7 THE COURT Wait just a minute Identify it
8 before you hand it up What is it?

9 MR ROBBINS Candidate packet checklist that
10 he and Mr Piscatella signed on March 20, 2012, Your
11 Honor

12 THE COURT All right And he, being
13 Mr Bennett?

14 MR ROBBINS Yes, sir

15 MR GOFF No objection

16 THE COURT Make it the defendant's next
17 exhibit number, which I think will be 12

18 (Checklist marked for identification and
19 admitted into evidence as Defendant's Exhibit No 12)

20 All right Again, following the order in
21 which the defendants are listed on the pleadings, Mr
22 Collins, that brings us to Mr Rose, and I'll be glad for
23 you to present whatever additional testimony, in addition
24 to the expert's testimony, that you have already
25 presented

1 MR COLLINS Thank you, Your Honor We have
2 affidavits from the following We have an affidavit from
3 Mike Rose The first one is dated July 30th, with
4 enclosures I'll ask that be made Exhibit 13

5 THE COURT We're not making affidavits
6 exhibits I'm just taking them as testimony, basically,
7 is what they are but July 30, 2012 is that the affidavit
8 of Mr Rose? Okay That's one affidavit

9 MR COLLINS I must point out there are many
10 exhibits to his affidavit

11 THE COURT Well, if they properly
12 authenticate the exhibits, then they can be attached
13 That's fine They're all part -- that's the same thing
14 that Mr Piscatella has done as well

15 MR COLLINS And then we have another
16 supplemental affidavit of Mr Rose that is dated the 5th
17 of August

18 THE COURT Okay

19 MR COLLINS Now, because she is in
20 California, I understand Your Honor does not wish to see
21 the affidavit of --

22 THE COURT Not a question I don't wish to
23 The witness has got to be presented and the parties have
24 got to have the opportunity to cross-examine her, unless
25 the parties will agree to the admission of the affidavit

1 without the right of cross-examination, and, as I
2 understand it from the responses to the e-mails that went
3 out when you first proffered the witness, there was some
4 objection, isn't that right, Mr Robbins?

5 MR ROBBINS That's absolutely correct, Your
6 Honor

7 THE COURT And I believe, Mr Murphy, you
8 also objected to that witness being presented when she
9 was not here?

10 MR MURPHY Yes, sir, I do

11 THE COURT Doing that, I will not accept the
12 witness's testimony I will allow you to -- Mr Collins,
13 I'll allow you to give that to the court reporter, have
14 it marked as a Court's exhibit I'm not going to look at
15 it, but for purposes of preserving the record, you
16 certainly can put that you offered that -- tendered that,
17 but I don't really see any difference in that and having
18 the witness here

19 What is the witness's name?

20 MR COLLINS Janette Chipas She's an
21 employee of the Dorchester County Republican party and
22 was in the office the day Mr Bennett came in, her
23 testimony

24 THE COURT Her testimony would be excluded,
25 but you could make it part of the record I guess you've

1 got it filed with the court reporter -- I mean, with the
2 clerk?

3 MR COLLINS I think we do, but I would like
4 to be certain I would like to hand up -- actually, two
5 affidavits of Janette Chipas

6 MR ROBBINS I object to handing those up

7 THE COURT Make them a part of the record
8 I wouldn't consider them

9 MR COLLINS I understand, Your Honor, and
10 for identification, they can just be handed to the clerk
11 We have so far the two affidavits of Mike Rose and a
12 supplemental affidavit of Mike Rose has exhibits as well,
13 and those are here

14 THE COURT I have July 30, 2012, August 5,
15 2010

16 MR COLLINS That's correct

17 MR MURPHY The supplemental affidavit of
18 Mike Rose contains Exhibit No 11, affidavit of Janette
19 Chipas Have you taken that out?

20 MR COLLINS I see that and I'm taking it
21 out right now The next we were going to offer was Mike
22 Turner, but that's already in evidence, Your Honor
23 Jordan Bryngelson's affidavit is already in evidence
24 Next one is Roger Goodman His affidavit, Your Honor,
25 it's dated July 12, 2012

1 THE COURT Is he present, Mr Collins?

2 MR COLLINS I understand he is Next we
3 have the affidavit of -- actually, there are two Goodman
4 affidavits, Your Honor, I believe, July 26th, and July
5 12 I'll put these together

6 Next is Larry Hargett I don't know if
7 Mr Hargett is here He is, so here is his affidavit,
8 Your Honor Next is the affidavit of John Hull I
9 believe he is fairly repetitive

10 THE COURT Okay

11 MR COLLINS Next we have the affidavit of
12 Ann Shields, and I don't believe she is present She is,
13 Your Honor She raised her hand And then we have
14 another affidavit from Leonard Odom We understand that
15 he is not here either We would like to make it part of
16 the record, along with the Janette Chipas affidavits

17 THE COURT File it with the clerk

18 MR COLLINS And, Your Honor, I believe that
19 everything is we had planned to present --

20 THE COURT All right

21 MR COLLINS -- as our case

22 THE COURT If you'll hand those affidavits
23 up that I have accepted, two affidavits of Mr Rose, two
24 of Mr Goodman, one of Mr Hargett, one of Mr Hull, and
25 one of Ms Shields

1 MR COLLINS I've been advised by my client
2 that Mr Odom, whose affidavit has been handed to the
3 clerk, that that affidavit was admitted into evidence at
4 a hearing in similar case in the election --

5 THE COURT Do all parties present have an
6 opportunity to cross-examine?

7 MS CRUM Charleston County case involving
8 Paul Furman will be tried this coming Monday at 9 30, I
9 believe, in front of Judge Nicholson, or Judge Kinard

10 THE COURT That still doesn't solve the
11 cross-examination problem for this case

12 MR COLLINS We understand, Your Honor

13 THE COURT The clerk handed me and I haven't
14 read yet, the affidavit of Mr Odom That's the one I'm
15 not to consider He's not present, nor is Chipas, so
16 both of those will be filed with the Court but not
17 introduced or made a part of the record as far as
18 evidence in this case, Madame Clark, so you need to make
19 sure to keep these, and I have the affidavits of the
20 others where the witnesses are present, and we'll go
21 through those right now

22 Let's start with reverse order First, the
23 affidavit and testimony of Ms Ann Shields Does any
24 party desire to examine Ms Shields on cross-examination?

25 MR ROBBINS Yes, sir, Your Honor

1 THE COURT All right Ms Shields, come
2 around, please Good afternoon, Ms Shields I hadn't
3 had the pleasure of meeting you

4 ANN SHIELDS,
5 having been first duly sworn,
6 was examined and testified as follows

7 EXAMINATION

8 BY MR ROBBINS

9 Q How are you?

10 A I'm fine

11 Q You are a volunteer with the Republican party?

12 A That's correct

13 Q And I believe your affidavit says you're the
14 precinct president of coastal precinct?

15 A Yes

16 Q And you are a supporter of Mike Rose, correct?

17 A I was one, yes

18 Q And you were a financial contributor?

19 A I purchased a ticket for a breakfast, yes

20 Q All right And you had a Rose sticker on your car
21 during this past election cycle, didn't you?

22 A I did

23 Q And I believe he acted to help your husband get on
24 the election commission?

25 A He did

1 Q I know that the filing period in this case lasted
2 for a couple of weeks, and it's obvious from the e-mail
3 that Ms Duncan sent out that a number of you ladies were
4 working in the Republican party office, and you were one
5 of them, correct?

6 A What date?

7 Q I mean, just during the period were you in there,
8 right?

9 A During the filing period? Yes, I was in there

10 Q Did y'all have any system for documenting who was
11 in there on what dates?

12 A My usual day is Tuesday

13 Q Okay

14 A And we have someone in usually on a Wednesday and
15 Friday

16 Q And you were there on the day that Mr Bennett
17 came in, correct?

18 A That is correct

19 Q And that would have been March the 20th?

20 A Correct

21 Q And you were working the reception desk?

22 A Yes, I was

23 Q And as were you walking in the door of the office,
24 that reception desk is to your left?

25 A That's correct

1 Q And Mr Piscatella would have been in what you all
2 refer to as the conference room or filing room?

3 A Correct

4 Q And that was an adjoining room next to the
5 reception area, correct?

6 A You walk through the reception area to get
7 straight into the conference room, right

8 Q Okay

9 MR ROBBINS Your Honor, I hate to interrupt
10 whatever order you have those things in up there, but if
11 it's possible for me to get the Jenny Horne affidavit, I
12 would like to put my hands on it if you could

13 THE COURT That one that is already in
14 evidence

15 MR ROBBINS Yes, it is Thank you, Your
16 Honor

17 BY MR ROBBINS

18 Q I'm going to hand you a picture that was taken in
19 the office there when Ms Horne and Mr Rose and Mr
20 Goodman and Mr Carter were all filing Would that
21 photographer have been standing in the doorway, looking
22 into the filing room from that picture?

23 A I would have to say this person was right in the
24 room looking over the table

25 Q Okay Had just stepped into the door?

1 A I would say it's more than just stepping in I
2 would say it was a couple of steps in

3 Q But had gone through the doorway and was --

4 A Yes

5 Q All right Thank you, ma'am

6 MR COLLINS May we see that photograph?

7 THE COURT Yes It's not attached to the
8 affidavit you have? It should be

9 BY MR ROBBINS

10 Q So, Ms Shields, were you seated at the desk, the
11 reception desk, when Mr Bennett came in?

12 A Correct

13 Q And that's where you remained during the course of
14 his filing?

15 A Correct

16 Q Okay You never went into the conference room or
17 a filing room while Mr Bennett was in there, did you?

18 A No

19 Q And were you part of the review team at the end of
20 the filing period that put the packets together to send
21 to Columbia, correct?

22 A No, I was not

23 Q You were not?

24 A I was not

25 Q Okay

1 MR ROBBINS That's all I have Thank you,
2 ma'am

3 THE COURT Anyone else have any questions of
4 this witness? All right Thank you You may step down

5 Ms Caruso? Do you have any questions of
6 this witness, Ms Caruso?

7 MR ROBBINS I think she's already been
8 called, Your Honor

9 THE COURT All right Who have we got?

10 MR ROBBINS That's my fault, Judge, because
11 I got you messed up with your order of things up there
12 You needed to go back to the ones that you had on your
13 right, is where you had Mr Collins's stack, I think

14 THE COURT I had Ms Shields -- we need Mr
15 Hull

16 MR ROBBINS That will work

17 THE COURT Do you have questions of him, Mr
18 Robbins?

19 MR ROBBINS Yes, sir

20 THE COURT All right Mr Hull, come
21 forward, please

22 MR COLLINS For the sake of accuracy, his
23 last name is H-u-l-l

24 THE COURT Hull, okay

25 JOHN HULL,

1 having been first duly sworn,
2 was examined and testified as follows

3 EXAMINATION

4 THE COURT All right, Mr Robbins

5 BY MR ROBBINS

6 Q Good afternoon, Mr Hull

7 A Good afternoon

8 Q You were a non-incumbent candidate for county
9 council, correct?

10 A Correct

11 Q And you signed an affidavit on July 16 in this
12 case?

13 A Yes

14 Q Who approached you about giving an affidavit?

15 A Mike Rose

16 Q And who prepared this affidavit?

17 A Todd Kincannon

18 Q And where were you when you signed this affidavit?

19 A At a Wells-Fargo Bank

20 Q And the affidavit itself is very -- the copy is
21 just not very good I cannot read the name of this
22 notary? Do you know who the notary was that you signed
23 this in front of?

24 A I can't remember I think it was a bank officer
25 at Wells-Fargo Bank

1 Q And was the copy made there as well?

2 A I don't recall

3 Q Okay It's your testimony you didn't intend to
4 file a hard copy of an SEI, statement of economic
5 interest, but Mr Piscatella printed one for you on March
6 28 at 12 04?

7 A Yes, sir

8 Q And he gave you a copy?

9 A Yes, sir

10 Q So after the fact you realized that there was a
11 hard copy of your SEI in the file?

12 A When?

13 Q After you were asked to give a affidavit, were you
14 aware there was a statement of economic interest in your
15 file?

16 A I didn't know whether there was or not All I
17 know is I would have received a copy of whatever had been
18 electronically submitted

19 Q So you didn't intend to file one?

20 A No

21 Q So wouldn't it have been appropriate then if you
22 didn't intend to file one to withdraw from the race after
23 the Anderson decision?

24 A I filed it electronically, and I was working under
25 the auspices of the local GOP office At their request,

1 I went in by appointment, and they established themselves
2 as assisting in this process, so I followed the direction
3 I received that day

4 Q But the assistance you received was a printed copy
5 of your SEI that was filed while you were there, correct?

6 A I thought it was a courtesy copy of what I filed

7 MR ROBBINS Okay Thank you

8 THE COURT Anyone else?

9 EXAMINATION

10 BY MR COLLINS

11 Q Mr Hull, how many SEIs were printed, one?

12 A Only one to my knowledge, but I cannot, you know,
13 declare that there were others or not

14 Q The one that was printed was given to you?

15 A The one that I'm aware of was given to me

16 Q And you took it home?

17 A Yes

18 THE COURT All right Thank you, Mr Hull

19 You may step down

20 Mr Robbins, cross-examination of

21 Mr Hargett, do you have questions of his affidavit?

22 MR ROBBINS Yes, sir, I do, Your Honor

23 THE COURT All right Mr Hargett, come up,
24 please

25 LARRY HARGETT,

1 having been first duly sworn,
2 was examined and testified as follows

3 EXAMINATION

4 BY MR ROBBINS

5 Q God afternoon, chairman

6 A Good afternoon

7 Q You were an incumbent candidate in the June 12
8 election, correct?

9 A That is correct

10 Q Mr Hull actually ran against you, didn't he?

11 A That's correct

12 Q And you were victorious?

13 A Yes

14 Q And you signed an affidavit in this case on July
15 26th, not too long ago Who approached you about signing
16 an affidavit?

17 A Mr Rose

18 Q And were you supportive of Mr Rose during the
19 campaign?

20 A Yes, I was

21 Q And who prepared that affidavit?

22 A I believe Todd Kincannon prepared it

23 Q And your filing took place on March 20, around 11
24 a m , didn't it?

25 A That is correct

1 Q And you were already complete and done before Sean
2 Bennett came in, right?

3 A I was there about seven or eight minutes

4 Q And I realize that you're an incumbent and you
5 didn't request that a statement of economic interest be
6 filed, but Mr Piscatella downloaded one and put it in
7 your file, didn't he?

8 A Well, I'm not sure he did I saw copies of two
9 forms that were given to me that they were not in the
10 file Those are stated in my affidavit

11 Q Okay But there was a statement of economic
12 interest for you that was printed that day

13 A And given it to me Not that day, later I did
14 not see a form that day I filed in Friday
15 electronically as an incumbent

16 Q Well, it says the SEI was printed on March 16 at
17 11 o'clock That's what your affidavit says

18 A That's what I was given I did not see it, quite
19 frankly

20 MR ROBBINS All right Thank you

21 THE COURT Anyone else?

22 MR MURPHY Judge, I may have a question
23 May I look at the Court's file of the documents that were
24 turned in, the filing documents? Do we have that?

25 MR COLLINS While he looks at his

1 documents, should I go ahead and ask my couple questions?

2 THE COURT Yes

3 EXAMINATION

4 BY MR. COLLINS

5 Q Mr. Hargett, you didn't bring an SEI with you to
6 the party headquarters, did you?

7 A I did not

8 Q And you didn't provide one to Mr. Piscatella?

9 A No, I did not

10 Q Do you know if there were copies of your SEI in
11 your candidate file presently?

12 A I have been told there were two copies of my
13 SEI in my folder

14 Q But you didn't provide them?

15 A I did not provide those

16 Q And you do not know where they came from?

17 A I do not

18 Q Did you ever authorize anybody to print off an
19 SEI of yours?

20 A I did not

21 MR. COLLINS Thank you

22 MR. ROBBINS Mr. Murphy?

23 EXAMINATION

24 BY MR. MURPHY

25 Q Would it be fair or correct that when you filed

1 for the office on March 20th you did not bring a
2 statement of economic interest?

3 A I did not

4 Q Did you bring proof of filing?

5 A I did not

6 Q All right So prior to Anderson, you did not
7 bring either a statement of economic interest or the
8 confirmation of filing

9 A I did not

10 Q So, Mr Piscatella, while you were there,
11 downloaded a form, the statement of economic interest
12 form, proof of filing?

13 A He did not do that in my presence He merely
14 asked me the question when I sat down, have you filed on
15 line, and my answer was yes

16 Q And you filed online or on March 20th, March
17 20th --

18 A No, I filed in February

19 Q I meant filed for office on March 20th

20 A That's correct, yes

21 Q But did you not file -- or did not bring a
22 statement of economic interest nor confirmation, a
23 receipt of --

24 A No, I did not

25 Q But do you have a statement of economic interest

1 that was in your candidate checklist?

2 A I have been told it's in there I haven't seen it
3 physically

4 MR MURPHY I have nothing further

5 THE COURT All right

6 EXAMINATION

7 BY MR COLLINS

8 Q And, sir, you were incumbent?

9 A I was an incumbent

10 Q So you weren't required to file?

11 A No, sir, I don't believe I was

12 THE COURT Okay Thank you, Mr Hargett
13 Okay, Mr Goodman? Are there questions of Mr Goodman,
14 Mr Robbins or Mr Murphy?

15 MR MURPHY Who, Your Honor?

16 THE COURT Roger Goodman

17 MR ROBBINS Could I have one second, Your
18 Honor?

19 THE COURT Yes

20 MR ROBBINS Very briefly, Judge

21 THE COURT All right Mr Goodman, come
22 around, please

23 ROGER GOODMAN,

24 having been first duly sworn,

25 was examined and testified as follows

EXAMINATION

BY MR ROBBINS

Q Good afternoon, Mr Goodman You are a non-incumbent candidate for county council, were you not?

A That's correct

Q And were you defeated by Bill Hearn?

A Correct

Q And I believe that you filed on the same day as Mr Carter and Representative Horne and Mr Rose, is that correct?

A That is correct

Q Does that photograph look familiar?

A It does

Q Okay That's you standing behind Mr Piscatella?

A It is

Q So y'all were there at the same time, you, Mr Carter, Representative Horne, and Mr Rose?

A Correct

Q Now, you gave an affidavit initially in this case on July the 12th Who approached you about giving that affidavit?

A I believe it would have been Mr Kincannon, an attorney out of Columbia

Q Okay And did you prepare this affidavit, or did he prepare it?

1 A He prepared it I read it over and signed it

2 Q You read it over and signed it?

3 A Uh-huh

4 Q Okay And in that affidavit, you state that you
5 gave Mr Piscatella your statement of your intention of
6 candidacy dash partisan on March 16th at about 12 13, is
7 that correct?

8 A I don't have the form in front of me, but I
9 believe it's correct

10 Q Let me first ask you to look at your affidavit,
11 which Mr Collins has already put into evidence Look at
12 number three there on the first page

13 A That's correct

14 MR ROBBINS And if you'll mark this
15 BY MR ROBBINS

16 Q The candidate checklist I marked as Exhibit 13,
17 let me ask you, is that your candidate checklist?

18 A Yes, it is

19 MR ROBBINS We would move that into
20 evidence at this time, Your Honor

21 THE COURT All right Any objection to
22 anyone? All right

23 It will be admitted into evidence as
24 Defendant's Exhibit No 13

25 (Checklist marked for identification and

1 admitted into evidence as Defendant's Exhibit No 13)

2 BY MR ROBBINS

3 Q Who is the receiving official on that document?

4 A I believe it's Ms Chipas

5 Q Janette Chipas, right?

6 A That's correct

7 Q And in your affidavit, you state that you did not
8 intend to give Mr Piscatella or anybody else a statement
9 of economic interest

10 A That's correct

11 Q But one was downloaded for you at 12 41 that day,
12 was it not?

13 A Not to my knowledge

14 Q Not to your knowledge? Also, a campaign
15 disclosure form was downloaded at 12 24, was it not?

16 A Not to my knowledge

17 Q You gave a second affidavit -- let me ask you, not
18 to your knowledge, at that time, are you saying you
19 didn't know that was happening that day?

20 A I have no knowledge of any of those being done
21 with it

22 Q Okay And you never knew that at any point in
23 time?

24 A No

25 Q Okay All right You gave a second affidavit on

1 July 26th Who approached you about that one?

2 A I believe it was Senator Rose

3 Q So if it was your testimony that you had knowledge
4 that these documents had been filed and the Anderson
5 decision came out on May the 2nd, same question for
6 Mr Hull Why did you not withdraw from the county
7 council race if you had not filed simultaneously a
8 statement of economic interest with your statement for
9 intention of candidacy?

10 A Because I depended on the Republican party my
11 filings were correct, and to be honest with you, I didn't
12 have any knowledge of the decision coming down

13 Q You didn't have any knowledge of the decision
14 coming down?

15 A No, no, no

16 Q All right

17 MR ROBBINS That's all I have, Judge

18 THE COURT Anyone else have any questions of
19 this witness?

20 EXAMINATION

21 BY MR COLLINS

22 Q Mr Goodman, do you know whether there is a
23 statement of economic interest in your candidate file
24 now?

25 A Not personally, no I've been told there is, but

1 I don't have any personal knowledge or haven't seen them
2 personally, no

3 Q If there is one in your file, it didn't come from
4 you, is that correct?

5 A That's correct, it did not

6 MR COLLINS Thank you

7 THE COURT All right Thank you, sir You
8 may step down

9 All right Next affidavit that's been
10 presented by way of proof is Mr Rose Mr Rose, if you
11 would come around, please

12 MICHAEL ROSE,
13 having been first duly sworn,
14 was examined and testified as follows

15 EXAMINATION

16 THE COURT All right Mr Robbins?

17 MR ROBBINS May it please the Court, Judge

18 THE COURT Yes, sir

19 BY MR ROBBINS

20 Q Mr Rose, are you familiar with this photograph?

21 A I've seen it

22 Q Is that the day that you filed for Senate seat 38
23 back in March?

24 A Yes

25 Q And this is a big headline announcing that you

1 were running for reelection, isn't it?

2 A Yes

3 Q In that photograph were Ed Carter, Jenny Horne,
4 and Roger Goodman Were you present when Ed Carter
5 filed?

6 A I was present in a room when he was there
7 Whether he filed when I was there or not, I don't happen
8 to know

9 Q Didn't y'all file right there at the desk with
10 Mr Piscatella?

11 A I went in and filed When I left, there were
12 people there When I arrived, there were people there,
13 so I'm just saying I don't know whether at the moment I
14 happened to be present in the room whether Mr Carter
15 filed or not Maybe he did, maybe he didn't

16 Q The time received on your statement of intention
17 of candidacy is subsequent to Mr Carter's, and you look
18 pretty comfortable in that photograph sitting there,
19 watching everybody else, and my question to you is, were
20 you there when Mr Carter handed his documents to Tony
21 Piscatella?

22 A I do not know

23 Q Okay

24 A I did not see Mr Carter hand anything to anybody

25 Q So that would explain why you didn't give

1 Mr Carter an affidavit in his case?

2 A Well, what would explain that, first of all, is
3 nobody asked me to

4 Q But if you had given that affidavit, or you had
5 gone to anyone and told them, I was there when Mr Carter
6 filed, I watched him, I watched what they did, the
7 Democrats wouldn't have had anybody to sue then, would
8 they?

9 A I'm not sure I understand your question If I had
10 testified, even though it's not true, that I observed
11 Mr Carter submit a statement of economic interest,
12 you're asking me whether the Democrats would have had a
13 ground to sue?

14 Q I didn't ask you if you were going to testify if
15 it wasn't true

16 A But I'm telling you, I did not see Mr Carter turn
17 in his paperwork

18 Q All right But you turned in one, didn't you?

19 A I turned in paperwork, but I did not turn in a
20 statement of economic interest I did not come with a
21 statement of economic interest I was exempt as an
22 incumbent There was no reason for me to, however,
23 there's one in my file

24 Q Let's go back prior to the election, and let's go
25 back prior to the filing period

1 Mr Piscatella was one of your most ardent
2 supporters, was he not?

3 A I don't know if I would say that He indicated he
4 supported me Whether he was one of my most ardent, that
5 depends on how you define those terms

6 Q He was a financial contributor?

7 A Yes

8 Q He was a trusted member of the Dorchester County
9 Republican party?

10 A Mr Piscatella asked if he could be the treasurer
11 for my campaign, and I wound up saying no because my wife
12 said she didn't feel comfortable with him She didn't
13 trust him

14 Q I didn't ask you whether your wife trusted him I
15 asked you whether he was a trusted member of the
16 Dorchester County Republican party

17 A Well, she's a member, and she didn't trust him

18 Q He's the treasurer of the party, is he not?

19 A Yes

20 Q He certainly was a member of your campaign team,
21 wasn't he?

22 A He supported me

23 Q And he was at your office the night before your
24 election for the final strategy meeting, do you know
25 that?

1 A No

2 Q You do not know?

3 A No I don't know whether I had a meeting either
4 night before the election, but if I did, I don't remember
5 anybody that was there It's all a blur

6 Q Okay He even performed opposition research for
7 you on Sean Bennett?

8 A I'm not aware of that

9 Q Now, that was the pre-election Tony Piscatella
10 that had the relationship with you, but the post-election
11 Tony Piscatella is a whole different person You have
12 waged an all out assault on him in this litigation

13 MR COLLINS He's not asking questions
14 He's making statements

15 THE COURT Let's not make an argument
16 Let's just ask questions and not testify, Mr Robbins

17 MR ROBBINS Yes, sir, Judge

18 BY MR ROBBINS

19 Q You've gone so far in this case to file a motion
20 for sanctions against Mr Piscatella, have you not?

21 A Yes, for spoliation of evidence

22 Q And back in March of this year, he was designated
23 as the filing official by chairman Duncan because she
24 physically wasn't able to complete that task, correct?

25 A I don't know whether that's correct I've read

1 that it's correct

2 Q You heard the testimony this morning, and you
3 heard the people that were involved in the filing
4 process If Sean Bennett had not filed this paperwork
5 properly, don't you think that Tony Piscatella would have
6 been the first person to come running to you to tell you
7 that?

8 A Well, I couldn't say he would be the first person
9 If in his mind he's unaware the paperwork had been filed
10 incorrectly, then he probably would have told me that,
11 but it begs the question of whether or not he thought the
12 paperwork was filed incorrectly But, anyway, it's
13 speculation to me whether he would have told me or not,
14 but he may well have

15 Q Now, is it your testimony that you did not file an
16 SEI when you signed up to run on March 16th?

17 A I did not for two reasons One, I'm an incumbent
18 so I didn't have to file an SEI or a proof of filing in
19 accordance with the Dorchester County Republican party
20 instructions that have been e-mailed to us and in
21 accordance with the statute

22 For the second reason, I know I did not file an
23 SEI There is an SEI in my form now, in my file that was
24 obtained through the Court, and in the bottom corner of
25 the SEI is a date and time and very small print Now,

1 when I print an SEI on my computer, it's large print, so
2 what I'm saying is, I recall not taking a SEI in

3 There was no reason for me to take an SEI in, and
4 the SEI that's in the file has a different size print for
5 the date and time than if had been from my computer

6 Q And I understand what you're saying, but the fact
7 remains that Mr Piscatella could have downloaded one for
8 you to make sure one was in your file, correct?

9 A Well, he certainly could have or somebody else
10 could have and somebody else must have, because I didn't
11 do it, but I did not provide my SEI to anybody in the
12 Dorchester County Republican party

13 Q Okay In fact, he had statements of economic
14 interest in Goodman's file, Carter's file, your file, and
15 Representative Horne's file, didn't he?

16 A Well, he did in Goodman He did in Hargett

17 Q I'm not talking about Hargett I'm talking about
18 the four people that were there the day that you filed

19 A I'm going by my recollection of the testimony here
20 today Mr Goodman said it was in there Who were the
21 other names you said?

22 Q Goodman, you, Carter, and Horne all filed at the
23 same time, in a row, and all of you had SEIs in the file
24 and only two of you were incumbents

25 A I don't know whether they have SEIs I just know

1 there's SEIs in the files now

2 Q But you were not at the Republican party
3 headquarters when Sean Bennett filed?

4 A That's correct

5 Q Now, this review team that looked at all of the
6 files on March 30 consisted of your supporters, correct?

7 A I don't know anything about that except the
8 testimony I have heard today

9 Q Well, the names of those ladies that served on
10 their team, I'm not sure about Ms Hunter, but Ms
11 Shields, Ms Chipas, and Ms Mojonner are staunch Mike
12 Rose people, are they not?

13 A I believe they have been my supporters, but I
14 would like to qualify this by saying that the way it
15 works around here sometimes people tell you they're your
16 supporters and they're not So I had the impression that
17 people were my supporters, and that includes
18 Mr Piscatella, but I don't know whether there is a spy,
19 because that happens sometimes

20 Q Oh, okay All right So Ms Shields riding
21 around with a Rose sticker on the back of her car is not
22 a good enough indication for you?

23 A I did not know that Ms Shields had a Rose sticker
24 on her car I cannot tell you one human being that had a
25 Rose sticker on their car except me

1 Q You helped her husband get on the election
2 commission, didn't you?

3 A Well, Mr Murphy and I were jointly instrumental
4 Since he was both our constituents, we had to come up
5 with somebody, so we recommended he get on the election
6 commission

7 Q And you've not produced an affidavit from
8 Ms Mojonier, nor have you produced an affidavit from
9 Ms Hunter?

10 A No

11 Q Mr Rose, you're an educated man, aren't you?

12 A Just like you

13 Q You got an undergraduate degree from Harvard?

14 A No, Air Force Academy

15 Q What did you get from Harvard?

16 A Harvard business school

17 Q Harvard business school And you were up at the
18 Senate, finishing out your term, at the end of May and
19 during the month of July, correct?

20 A Correct, part of the month of June

21 Q And you campaign consistently on the fact that you
22 study issues and you research things and you understand
23 things and you're an attorney and have been for a number
24 of years And you had to send an e-mail to ask them how
25 to appeal an election defeat?

1 A I didn't know how to do that I don't know
2 everything and I don't profess to know everything

3 Q Okay So it's your testimony you didn't know how
4 to do that You couldn't look that up like you looked up
5 section 8-13-1356?

6 A What is your question?

7 Q My question is, you have --

8 MR ROBBINS Could I see the exhibits, Your
9 Honor

10 THE COURT Yes, sir

11 BY MR ROBBINS

12 Q I'm going to hand you what is marked as
13 Defendant's Exhibit 7 It's your 3 a m e-mail to
14 Carrolll Duncan Are you familiar with that?

15 A I am

16 Q You were citing that statute to her in that
17 e-mail, and you were telling her you were going to devote
18 all your time to examining these issues How many years
19 have you been in the Senate?

20 A Thirteen

21 Q How many years have you been practicing law?

22 A More than 30

23 Q And you're telling me you couldn't figure out how
24 to file an appeal on an election defeat?

25 A No I didn't say I couldn't figure out how to

1 file an appeal I asked question of the election
2 officials, hoping they would know off the top of their
3 heads Secondly, this is 3 00 in the morning, so I'm
4 still working, and, thirdly, the Senate is in session
5 We've got vetoes and stuff to deal with, so it's just a
6 logical, reasonable thing to ask them that question, but
7 certainly I'm not saying I couldn't have gone and looked
8 that up

9 Q And the fact of the matter is you didn't You did
10 not appeal your election defeat

11 A I did not appeal because I was not given the
12 information that I was told I was going to get, that I
13 was entitled to get, that would enable me to form a
14 conclusion as to whether I had a reasonable basis for an
15 appeal

16 Q Okay

17 A As stated in detail in my first affidavit

18 Q You could have filed a protest with the state
19 party if you felt like you weren't getting the
20 information, could you have not?

21 A Well, I -- are you asking me if I filed an
22 election protest?

23 Q I'll tell you what let's do Let's compare what
24 is taking place in this lawsuit to what you could have
25 done after you lost 60 09 to 39 91 In this lawsuit, the

1 Democrats originally sought --

2 MR GOFF Is he asking a question?

3 THE COURT Give him a minute If you don't
4 like the question, you can object

5 BY MR ROBBINS

6 Q In this lawsuit, the Democrats brought a complaint
7 for injunctive release in mandamus trying to force people
8 to do certain things

9 THE COURT No speech Just make it a formal
10 question

11 BY MR ROBBINS

12 Q And why could you have not filed a protest of the
13 election and subpoenaed documents and asked the proper
14 governing body to make the state body let you look at the
15 file? You would have had the protest perfected, you
16 would have had it protected, and then you could have
17 looked at all those documents Why did you not do all
18 that?

19 A I did not have in my mind a reasonable basis for
20 filing a protest because I did not have sufficient
21 anything which I was diligently requesting and had been
22 promised

23 Q But you didn't do it?

24 A Didn't do what?

25 Q File a protest

1 A Obviously I did not file a protest

2 Q And you were aware preelection of the protests
3 that were going around the state?

4 A Which protests?

5 Q Senator Knox He's the one that started --

6 A Well, I was aware there were lawsuits going around
7 the state I was aware of the election of Anderson

8 Q You were unaware of the Republican party protest
9 that the state party was conducting?

10 A The Republican party protest that the state party
11 was conducting about what?

12 Q In the Senate race, Senate seats 8, 23, and 25
13 You didn't know about that?

14 A It's not ringing any bells

15 Q Okay You did not challenge the certification of
16 Carroll Duncan on May 4, 2012?

17 A No

18 Q You did not challenge the certification of Carroll
19 Duncan on June 7, 2010?

20 A What do you mean by challenge?

21 Q She certified that all the files were proper and
22 all the candidates were certified to run for the offices,
23 and you did not challenge either one of those decisions?

24 A What do you mean by challenge? Do you mean did I
25 file a lawsuit?

1 Q I'm saying you did not protest in any way, shape,
2 or form her decision to certify the candidates for the
3 June 12th primary?

4 A Well, actually, I did When the Anderson decision
5 came down, Ms Duncan expressed to me that she and other
6 candidates had not complied with Anderson, that they were
7 going to be disqualified, and that she and others had not
8 filed statements of economic interest

9 Q But she did

10 A Well, could I finish my answer, please?

11 Q Go ahead

12 A And so for a couple days, we exchanged e-mails and
13 conversed about her beliefs that she had not done it
14 correctly

15 Would you please let me finish? And then I got an
16 e-mail saying that in essence everything was great
17 because, my surprise, it turns it had been done correctly
18 because Mr Piscatella had done it correctly

19 And I responded by e-mail in protest Well, wait
20 a minute, Carroll You told me you had not done it
21 correctly

22 This is in my e-mail, and she said, Well, Tony
23 printed it off, or she gave some explanation, and I came
24 back a second time, because what she did is she asked me
25 to certify that she had done it correctly, and she said,

1 I'll hire you as my lawyer and I'll pay you

2 And I'm running around doing my Senate duties
3 getting this I said, I don't want your money I'm not
4 going to confirm anything What you're saying now is not
5 consistent with what I understood you to say, but if you
6 guys -- if it's done right, then so be it

7 So I just relied often the Republican party to
8 figure out what was supposed to be done, however, there
9 was a period of time where I think Ms Duncan thinks she
10 had not filed correctly, and then she found out that
11 apparently Mr Piscatella had printed off SEIs, and this
12 was happening so fast that it never really connected, at
13 least with me, that wait a minute Just because Mr
14 Piscatella printed off SEIs does not mean he can
15 retroactively cure what was not done correctly in the
16 first place

17 In other words, if people did not provide,
18 actually hand in a paper copy of the SEI, Mr Piscatella
19 is printing it without their being aware of it, as
20 happened with Mr Goodman, as he testified, and it's just
21 not rectified whether it's -- no matter when it is,
22 especially days later the fact it wasn't done properly at
23 the same time

24 Now, all this happened very fast, and I'm saying
25 it's not my job to go file a lawsuit or a protest with

1 the party when I'm out there performing my Senate duties
2 because of these issues, but it sounded like they had in
3 their minds satisfactorily resolved these issues, and I
4 just took them at their word

5 Q Are you finished?

6 A I'm finished

7 Q Okay

8 A With that answer

9 Q I'm going to hand you a notice from Chad Connelly
10 Do you know who he is?

11 A Yes

12 Q Who is he?

13 A Chairman of the state party

14 Q Here is a notice of protest hearing that he sent
15 out on May 11 for the Republican party that they had
16 received since the Anderson decision Would you look at
17 that document for me

18 A Okay

19 Q One of those candidates is Mr Di Sabato that is
20 here today Correct?

21 A Apparently

22 Q Did you contact him about coming to court?

23 A No It had nothing to do with him coming to Court
24 and I've never seen this document

25 Q Okay All this back and forth between you and

1 Mrs Duncan and what you claim she was confiding in you
2 about her filing where is that information in your
3 statement of facts or her statement of facts? Where is
4 that in your affidavit or any affidavits that she's given
5 in this case?

6 A It's not, and I didn't say she was confiding in
7 me She was asking me questions and I just told her my
8 relies because you asked me and that was the answer to
9 the question

10 Q Okay Now, let's talk about your affidavit The
11 first one You testified in that affidavit on page two,
12 paragraph 6, that on June 13th, which would have been the
13 day after the election, you received an unexpected and
14 unsolicited telephone call Who did that come from?

15 A Danny Pieper

16 Q Judge Pieper

17 A Court of Appeals Judge Danny Pieper

18 Q And he was telling you to check the SEI issue?

19 A The substance was that he did not think
20 Mr Bennett and other Dorchester County candidates had
21 filed their paperwork properly And had I seen that
22 paperwork

23 Q And where is the affidavit from our Court of
24 Appeals Judge Pieper?

25 A There is none And --

1 Q Hold on Hold on

2 A Well, you interrupted my answer

3 Q Go ahead

4 A And Mr Pieper told me that -- I replied, no, no
5 This guy, Tony Piscatella, took care of everything
6 correctly, and he said no, he didn't Go look at the
7 paperwork yourself

8 THE COURT All right Let's limit to
9 testimony to witnesses before the Court He's not before
10 the Court, and anything Judge Pieper or anybody else told
11 you is hearsay

12 MR ROBBINS Thank you, Your Honor

13 BY MR ROBBINS

14 Q So clearly, according to that conversation, you
15 had notice on the morning after the election that there
16 may be an issue, and you had till the following Monday to
17 file a protest and you did not do that

18 A Well, I had notice That's while I immediately
19 called Tony Piscatella and asked him if I could see the
20 paperwork, and then relying on his assurance I would get
21 it later that day, only to discover two days later that
22 that wasn't going to happen

23 Q And your affidavit says you promptly called
24 Mr Piscatella That's in paragraph seven, correct?

25 A I can't recall what paragraph it's in, but I did

1 promptly call Mr Piscatella That's what I did, right
2 away

3 Q What time did you call him?

4 A I think it was in the early afternoon, but I don't
5 recall what time it was, but as soon as I got the call,
6 that was good enough for me to make an inquiry, and so I
7 asked to see the paperwork, and a few hours later he
8 called me and told me he found it, and then I asked him
9 for a copy and he said he would give it to you

10 Q He told you he would give it to you?

11 A Yes, he did

12 Q That doesn't sound like anybody that is trying to
13 hide anything from you He told you he would give it to
14 you

15 A Well, he told me he'd give it to me That doesn't
16 mean he intended to do it Apparently he checked with
17 others and didn't, but in any event -- anyway, factually,
18 he told me he'd give it to me

19 Q You followed up with an e-mail to him on the 14th,
20 did you not?

21 A I did

22 Q And you said you wanted all of Sean Bennett's
23 paperwork

24 A Well, was it -- yeah, the 14th, I did I said I
25 would like -- I don't recall whether it was Bennett or

1 everybody, but, anyway, I reminded him he said I could
2 see the paperwork

3 Q Let me hand you your e-mail to Tony Piscatella on
4 June 14th What does it say?

5 A Tony As we discussed yesterday, please give me a
6 copy of all the paperwork regarding Sean Bennett's
7 paperwork that you filed on behalf of the DCRP Please
8 confirm where you filed the paperwork and when Thank
9 you, Mike Rose

10 MR ROBBINS We move this into evidence

11 THE COURT Any objection from anyone?

12 All right It will be admitted into evidence
13 Defendant's Exhibit 14

14 MR ROBBINS That is correct, Your Honor

15 (E-mail marked for identification and
16 admitted into evidence as Defendant's Exhibit No 14)

17 BY MR ROBBINS

18 Q And as you just said that paperwork was not
19 forthcoming from Mr Piscatella, is that correct?

20 A Correct

21 Q And then you got a reply e-mail from
22 Mr Piscatella on the 15th at 9 42 in the morning,
23 correct?

24 A I don't recall the time, but I did get a reply
25 from Mr Piscatella in the morning

1 Q And then you and Mr Piscatella got a reply e-mail
2 from Matt Moore of the Republican party five minutes
3 later?

4 A I did get an e-mail from Matt Moore, executive
5 director of the state GOP, after I got an e-mail from
6 Mr Piscatella, both of which confirmed I wasn't going to
7 get the paperwork

8 (E-mail marked for identification and
9 admitted into evidence as Defendant's Exhibit No 15)

10 Q I'm going to hand you what's been marked as
11 Defendant's Exhibit 15 and ask if you can identify these
12 two e-mails and one document

13 A These look like the e-mails I got from
14 Mr Piscatella on June 15th followed by the e-mail from
15 Matt Moore saying I wasn't going to get the paperwork

16 Q All right Let's start with the one from
17 Mr Piscatella Would you please publish that for the
18 Court

19 A Mike The S C GOP has advised the county parties
20 not to provide any information except through them
21 Apparently several issues have been raised by people, and
22 the state wants to control the flow of information We
23 are bound by that ruling and can provide the information
24 I agreed to give you It doesn't look like this is going
25 away in any time soon Sorry for the inconvenience this

1 may have caused you, Tony Piscatella

2 Q And that doesn't sound like somebody who is trying
3 to hide something from you, does it?

4 MR COLLINS This isn't a question, this is
5 an argument

6 THE COURT All right I agree Come one,
7 let's move it along, Mr Robbins Make the
8 cross-examination -- shorten it up a little bit

9 BY MR ROBBINS

10 Q Publish the one from Mr Moore at the top

11 A Senator, please understand this has been our
12 policy due to the Democrats trying beat down our doors
13 and rifle through our filing cabinets We made the same
14 requests to them and they're not budging

15 Q Mr Piscatella apologized to you in this e-mail,
16 did he not?

17 A He said he's sorry for the inconvenience

18 Q He said he wanted to give you the information, but
19 he couldn't because he was bound by that ruling?

20 A I don't know that he said he wanted to give it to
21 me Can you tell me what words express that sentiment?
22 I just don't want to say it if it's not correct

23 Q He told you previously he wanted to give it to
24 you

25 A He had told me previously that he would He

1 didn't say he wanted to, he said he would Now he's
2 revoking it

3 Q And then on the 14th, you said you received
4 another unexpected phone call, this time from a
5 Republican

6 A 14th of what?

7 Q June, same day

8 A That's correct

9 Q Democrats were about to do a press release Which
10 Republican called you on the 14th?

11 A Steven Steele

12 Q What time did he call?

13 A I don't recall

14 Q And why do we not have an affidavit from Steven
15 Steele?

16 A Well, there's two or three reasons One, I was --
17 when I read the affidavit that referred to Mr Bennett
18 having a witness but didn't identify the name, then I got
19 the cue of not having to give names unnecessarily
20 Number two I am afraid of the way it works around here,
21 political retaliation against people whose names come out
22 like this I wasn't going to hide it, I just wasn't
23 going to volunteer it, so, anyway, Mr Steele called me
24 and gave me that information

25 Q Okay Was that the first you heard of a potential

1 Democrat lawsuit on June 14th?

2 A That is correct

3 Q You send an e-mail to Carroll Duncan and Tim Huber
4 on June 20 of this year, in the afternoon of June 20, did
5 you not?

6 A I don't recall Maybe you could show it to me I
7 don't recall the dates of the e-mail

8 MR ROBBINS Your Honor, we're referring to
9 Defendant's Exhibit 8

10 BY MR ROBBINS

11 Q In that e-mail, you tell Mr Huber and Ms Duncan
12 that a lawyer told you that Mr Piscatella needs to be
13 told there are computerized records of all computer
14 transactions --

15 THE COURT All this is in the record, Mr
16 Robbins Let's don't rehash the testimony I know what
17 the testimony is, and I'll read it when I need to make a
18 decision, but we don't need to go over everything that's
19 already been introduced

20 MR ROBBINS Yes, sir

21 BY MR ROBBINS

22 Q My question to you, Mr Rose, is that you are
23 advising Mr Huber and Ms Duncan that there are
24 computerized records with computer transactions, and you
25 produce an expert here today that says you can't even

1 rely on a date stamp on the bottom of a document How do
2 you reconcile that?

3 A Well, first of all, I gave this advice or this
4 e-mail on the advice of my counsel, and, secondly, what
5 you heard testified today about the unreliability of the
6 date on the printed sheet is different than what is
7 stated in this e-mail

8 Now, you heard him say the extrinsic evidence of
9 going through the internal parts of the computer itself,
10 that can be downloaded to prove certain transactions, so,
11 for example, if somebody said they printed their
12 SEI prior to March -- let's say 16th, you can go to the
13 computer and see that the SEI was never printed prior to
14 March 16th It might have been printed at a later date,
15 so that is just an example of how the internal components
16 of the computer could be used to prove that statements
17 made verbally or in writing are false

18 Q And you and Mr Collins intervened on this case,
19 or served your notice to intervene in this, case on July
20 the 9th What subpoenas have you issued to the
21 Dorchester County Republican party to review their
22 computer?

23 A None

24 Q What subpoenas have you issued to Mr Bennett to
25 review his computer?

1 A None

2 Q Now, Mr Collins notified Judge Goodstein by
3 e-mail on July 9 that he was representing you and that
4 the two of you intended to intervene in this case, is
5 that correct?

6 A On what date?

7 Q July 9th

8 A I don't recall the date Mr Collins sent an
9 e-mail on the 17th I did not end up in the case until
10 July 23rd

11 Q And you are also acting in a pro se capacity in
12 this case?

13 A That's correct

14 Q And y'all filed a motion to intervene, or prepared
15 one on July 12 in this case, correct?

16 A We did, with an attached complaint

17 Q And were you both present on the phone conference
18 that took place on July 23rd with Judge King, correct?

19 A Correct

20 Q The Democrats amended their pleadings on July the
21 20th in this case, did they not?

22 A No All I can tell you is that as shown by my
23 supplemental affidavit given today, an amended complaint
24 was filed with this Court on July 25th And furthermore,
25 furthermore, as shown by the supplemental affidavit that

1 I submitted today, and the attached e-mails, Mr Collins
2 and I did not receive the amended complaint until July --
3 I think it was 26th or -- whatever the date the answer
4 was due was the date we got the amended complaint, so you
5 just used July 20th

6 I have no idea where July 20th came from As of
7 July 21st, we didn't have an amended complaint, July 24th
8 we didn't have an amended complaint, July 25th is when it
9 was filed I e-mailed Liz Crum and asked do you have an
10 amended complaint, we don't, and she e-mailed it back to
11 me, and I believe that was July 26th

12 The date the answer was due on the amended
13 complaint, we got the amended complaint from Liz Crum by
14 e-mail, and we had just a few hours, like four or five,
15 to answer that complaint

16 THE COURT All right Counsel, I have
17 already ruled technicalities and time frame on this -- it
18 doesn't make any difference Let's get to the issue and
19 let's get to the matter I said at 9 30 what the issues
20 were in this case, and that's what I'm interested in

21 MR ROBBINS Yes, sir

22 BY MR ROBBINS

23 Q You gave a supplemental affidavit that you served
24 on everybody by e-mail last night, correct?

25 A Correct

1 Q Dated August 5

2 MR ROBBINS Your Honor, as I'm flipping
3 through his affidavit, it appears that this affidavit was
4 offered to address the procedural issues in the case

5 THE COURT I'm not concerned about
6 procedural issues

7 MR ROBBINS That's what I'm getting at,
8 Your Honor, and --

9 THE COURT I think that everybody has done
10 an outstanding job in getting the procedural matters
11 resolved and getting the issues before the Court, and
12 that's what we need to do, as we should do in all
13 election cases, and as the cases hold, not adhere
14 strictly to the technicalities of what was done when, but
15 get to the central issue what needs to be decided here
16 for the best interest of the voters of Dorchester County

17 MR ROBBINS Based on that, Your Honor, I'm
18 going to stand down

19 THE COURT All right We're going to take a
20 ten-minute recess at this time before we go forward I
21 can tell you, counsel, we got aways to go I can see we
22 are going to finish the testimony tonight if it's 9 30 or
23 10 00, so y'all better be prepared

24 (Recess taken)

25 THE COURT All right Mr Murphy?

1 MR MURPHY Thank you, Your Honor

2 EXAMINATION

3 BY MR MURPHY

4 Q Mr Rose, I only have a couple questions regarding
5 your supplemental affidavit I'm curious -- in your
6 paragraph five, you offered a statement that you've never
7 stolen or taken the economic interest -- statement of
8 economic interest from Sean Bennett, and why did you feel
9 that necessary?

10 A Because in a affidavit submitted by Mr Bennett,
11 he stated that the SEI had been stolen from the office
12 and gave an exact time period, I might add, between June
13 7th and June 13th, I think So once we read the
14 allegation that it had been stolen, then I certainly
15 didn't do it, so my attorney advised me to put that in
16 the affidavit

17 Q The other reason I'm curious is you stated you
18 never stole or took the statement of economic interest
19 Did you direct someone to?

20 A No And, furthermore, that paragraph clearly
21 answers your question, clearly says -- I don't have it
22 memorized, Mr Murphy, but it clearly says I don't know
23 anything about it, I didn't direct it, I didn't ask for
24 it, I know nothing about it, so we covered every
25 conceivable basis I have absolutely -- it wasn't even

1 until July 5th that I even knew that the SEI was missing

2 Q I beg to differ, Senator, and if you need to, you
3 can look at paragraph five You said, I have never
4 stolen or taken a statement of economic interest and have
5 not taken any other document not owned by me, but you do
6 not say anywhere in paragraph five whether you didn't
7 direct someone --

8 A Would you please let me see paragraph five so I
9 can see where I said that?

10 THE COURT What do you want, the second
11 affidavit? Is that here?

12 THE WITNESS The supplemental affidavit

13 THE COURT I got it

14 THE WITNESS All right Go to the bottom
15 two lines on page two, paragraph five, and I quote I
16 did not take and have no knowledge whatsoever about
17 anyone taking any Dorchester County Republican party
18 candidate document or a Dorchester County Republican
19 party candidate file except that I know Bennett claims
20 his SEI was stolen from his Dorchester County Republican
21 party file and that Piscatella converted those to
22 DCRP files to his own personal possession, use, and
23 control by refusing to return them to the DCRP as
24 properly demanded by DCRP chairman Carroll Duncan, and
25 then I footnoted it by saying see affidavit in response

1 to defendant Mike Rose's motion for sanctions for
2 spoliation of evidence against Tony Piscatella dated
3 August 3, 2012, paragraph 10, and I quote Between June
4 7, 2012 and June 13, 2012 someone went into the
5 headquarters of the Dorchester County Republican party
6 and removed those documents from my files, unquote

7 So once I read it and my attorney read that
8 sworn payment by Mr Bennett that somebody stole it, I
9 was going to make it clear that I didn't, but,
10 furthermore, I put in there the words at the bottom of
11 page -- I lost my place, the second --

12 MR MURPHY Two

13 THE COURT I did not take and have no
14 knowledge whatsoever about anyone taking any of these
15 files

16 BY MR MURPHY

17 Q You didn't put in there you didn't direct anybody?

18 A There is probably 1,000 other verbs I could have
19 used, but I have no knowledge, and if I have no
20 knowledge, that certainly includes I didn't direct

21 Q So it's your testimony under oath that you didn't
22 direct anyone to take Sean Bennett's files?

23 A That is absolutely my testimony As it states in
24 there, I had no idea where those files were being kept
25 I have no key I have no access

1 Q Did you know the four digit code?

2 A No, and I didn't know there was a four digit code

3 Q Everybody else in the Republican party --

4 THE COURT No comments Just accept the
5 answers and move on

6 BY MR MURPHY

7 Q Let's talk about my client, Mr Piscatella You
8 said Ms Vivian, your wife, didn't trust him Did you
9 trust him? Real simple Did you trust him? Yes or no

10 A That's not a yes or no question Trust him to do
11 what? Some things I trust him to do, some things I don't
12 trust him to do

13 Q Did you trust him to do opposition research on
14 Mr Bennett?

15 A First of all, I don't recall him doing that But
16 number two, if he did, if somebody brings you a piece of
17 information that is verifiable, well, then it has nothing
18 do with trust, but, anyway, if he did, he did

19 Q You have no knowledge of it?

20 A No, I have no recollection of it

21 Q Well, let me refresh your memory Do you
22 recognize that document, or that e-mail?

23 A I do

24 Q Is that not an e-mail that started from Jim
25 Emory -- and who is Jim Emory?

1 A He's a resident of Dorchester County

2 Q Is he on your campaign team?

3 A Well, he's a supporter of mine, if that's what you
4 mean

5 Q Okay So Jim Emory --

6 A Sent me an e-mail asking questions about --

7 Q Sean Bennett?

8 A And then I forwarded to Mr Piscatella, a party
9 officer, to answer those factual responses to those
10 questions about Mr Bennett's party affiliation I
11 wouldn't call that opposition research as much as getting
12 answers to questions

13 Q How many other officials are in the Dorchester
14 County Republican party?

15 A I don't know, four or five

16 Q Okay Did you ask any of those to provide you
17 information on Tony Piscatella --

18 A I must have trusted him to answer these factual
19 questions or I wouldn't have sent it to him

20 Q So that is your e-mail Do you recognize that
21 e-mail?

22 A Yes

23 MR MURPHY Judge, I would like to move this
24 into evidence

25 THE COURT All right

1 (E-mail marked for identification and
2 admitted into evidence as Defendant's Exhibit No 16)

3 BY MR MURPHY

4 Q You trusted Tony Piscatella to film Mr Carter and
5 Mr Bennett in a debate, did you not?

6 A No I asked him if he knew anybody Quote, do
7 you know if anyone will video Carter and Bennett at the
8 Republican meeting tonight, end quote I asked him if he
9 knew anybody who would I didn't ask him to go do it

10 Q You didn't?

11 A No Do you know if anyone will video Carter and
12 Bennett at the Republican meeting tonight

13 Q And what did he ask you?

14 A I made a suggestion to Janette, and I think she's
15 getting --

16 Q Janette who?

17 A I don't know

18 Q Janette Chipas?

19 A You know what, it's probably Janette Chipas

20 Q Okay And what did Tony -- what concern did Tony
21 have regarding the videotaping?

22 A Well, he says I made the suggestion to Janette,
23 and I think she's getting a camera to do that I'm
24 making an audio recording of the meeting I'm not sure
25 if we need their permission to tape the session

1 proceeding under the impressions that we do not, and I'm
2 leaving Atlanta at 9 30, heading home, Tony

3 And my reply was no permission is needed to record
4 a public meeting

5 MR MURPHY I would move this into evidence
6 as a Defendant's exhibit as well It would be 17

7 THE COURT Defendant's 17 Admitted into
8 evidence

9 (E-mail marked for identification and
10 admitted into evidence as Defendant's Exhibit No 17)

11 BY MR MURPHY

12 Q In fact, Tony Piscatella was also on your e-mail
13 campaign list?

14 A Hundreds were

15 Q I asked you about Tony, not hundreds

16 A Yes, he was on my campaign e-mail list There is
17 nothing special about being on my campaign e-mail list
18 Well over 1,000 were

19 Q Do you recognize those documents? Are those
20 campaign e-mails that you sent out?

21 A Please pick up my yard signs Help needed Yeah,
22 I sent that out There is another e-mail, June 10th
23 Yeah, I sent these out He's on my constant contact
24 e-mail distribution list, with about 1,500 people

25 Q So that would be a yes, that he's on your campaign

1 e-mail list

2 A Yes

3 Q All right

4 MR ROBBINS Judge, if we could put the two
5 of these together, Defendant's Exhibit No 18

6 (E-mails marked for identification and
7 admitted into evidence as Defendant's Exhibit No 18)

8 BY MR MURPHY

9 Q Did you or did you not have a campaign meeting the
10 day before the primary?

11 A I don't know

12 Q Were you scheduled to meet with Tony Piscatella on
13 that day?

14 A I don't know

15 Q So you did -- you don't recall having a campaign
16 meeting on June 11th with supporters at your house and,
17 in fact, Carroll Duncan appeared via telephone because
18 she was still hurt

19 A I don't recall it, I don't deny it Like
20 everything was an intense blur I had meeting after
21 meeting after meeting I was doing my Senate job at the
22 same time I was campaigning, so I just don't recall

23 Q Senate wasn't in session that week

24 A I was doing my Senate work in the whole time
25 period Most of my campaign was during the Senate

1 period Okay, so that week it wasn't in session, but it
2 doesn't change the fact that I don't recall the meeting
3 you're referring to

4 Q Okay Let me help you refresh your memory Your
5 e-mail address is mrose5@scrr com, correct?

6 A That's correct

7 Q Does that appear to be an e-mail from Tony
8 Piscatella date June 11, around 7 36 in the morning, the
9 subject matter was meeting at 11 00

10 A It is, 7 32 a m

11 Q Did you have a meeting at 11 00?

12 A I don't recall I don't deny that I had it I
13 have dozens and dozens of meetings, especially in
14 campaign time, so I don't recall this, but anyway, this
15 is my e-mail I don't have any doubt I had the meeting,
16 if that's -- now that I read the e-mail

17 Q Any objection to this being introduced into
18 evidence?

19 A Why would I object to it? No

20 MR MURPHY I move this into evidence as
21 Defendant's 19

22 THE COURT Any objection? Admitted into
23 evidence as Defendant's 19

24 (E-mail marked for identification and
25 admitted into evidence as Defendant's Exhibit No 19)

1 BY MR MURPHY

2 Q Mr Robbins asked you about an affidavit from
3 Ms Mikki Hunter who is in the courtroom today Did you
4 attempt to get an affidavit from Mikki Hunter?

5 A Not per se I asked, like other people, what she
6 recalled and the bottom line is she said she didn't
7 recall anything Now, the people that said they recalled
8 something that seemed relevant to this case, then I --
9 like Mr Goodman, for example, asked him if he could get
10 an affidavit saying what he told me

11 Ms Hunter's case, every time I asked her a
12 question, she said she didn't recall

13 Q When was the last time you talked to Ms Hunter?

14 A I think it was -- after all this started, like
15 sometime in June, about the same time -- once I -- two
16 things happened, and on June 14 --

17 Q Senator, I asked you when was the last time --

18 A I'm trying to zero in on this time by explaining
19 it this way, please I began investigating this in
20 earnest when on the same day the county and state
21 Republican parties refused to let me see any of the
22 paperwork and simultaneously on the same day, I found out
23 that the county Democratic party was demanding the
24 paperwork and was threatening a lawsuit, that's when I
25 started calling around to Ms Hunter and Mr Goodman and

1 others, asking for information, what they recalled

2 That is not the case with Ms Duncan I have not
3 spoken to Ms Duncan since --

4 Q I didn't ask you about Ms Duncan

5 THE COURT Shorten the testimony Ask
6 questions, and let's get short answers We don't need an
7 explanation for everything

8 BY MR MURPHY

9 Q Let me ask you if you can recognize this e-mail
10 that was accidentally sent to my client on Friday, August
11 3rd

12 A I do

13 Q You sent him an e-mail, and it says Todd, any word
14 on Mikki Hunter?

15 A Well, as Mr Piscatella's new affidavit submitted
16 today, this was in error This was intended -- I said
17 Todd, because it was sent to Todd

18 Q You meant to send it to Todd Kincannon?

19 A I meant to send it to Todd Kincannon In my haste
20 it went to Tony Piscatella, by accident

21 Q Any objection to this coming into evidence?

22 A I don't

23 (E-mail marked for identification and
24 admitted into evidence as Defendant's Exhibit No 20)

25 BY MR MURPHY

1 Q Since this investigation began, you haven't talked
2 to Carroll Duncan, but yet you regularly conferred with
3 Mrs Duncan's attorney after the lawsuit was filed?

4 A Yes, and I have talked to Mr Kincannon and Mr
5 Howell and Mr Smith I've talked to any attorney in
6 this lawsuit that might be able to give me information

7 Q You regularly conversed with him, correct?

8 A What do you mean regularly? If I had
9 conversations with him, yes And one, about this Mikki
10 Hunter, he told me he was going to ask her for an
11 affidavit, so I e-mailed him and said what can you find
12 out?

13 Q In fact, Todd Kincannon would prepare -- you would
14 contact somebody -- I think the testimony was that you
15 contacted John Hull and potentially Larry Hargett about
16 providing an affidavit, and it was Todd Kincannon who
17 prepared the affidavits?

18 A I contacted the individuals to ask them what they
19 knew When it seemed -- at the time I did that, Todd
20 Kincannon was not representing Ms Duncan yet, so he
21 wasn't on the scene, but when he came on the scene, and I
22 informed him what I had learned, because -- from these
23 individuals, then he prepared affidavits, so yes

24 I asked questions, and he prepared affidavits with
25 them regarding the answers

1 Q Todd Kincannon has been in this lawsuit since the
2 get-go, hasn't he?

3 A No -- when you say from the get-go, what does that
4 mean

5 Q From the start

6 A From the day the pleadings were filed? Is that
7 what you mean?

8 Q Yes He tried to enter into a consent order with
9 the Democrats He's been in the lawsuit since the
10 beginning, hasn't he, Senator? Isn't that correct?

11 A I don't know how to answer that Wait a minute
12 Before the lawsuit was filed, there was a period of
13 weeks, and during that time I was doing this
14 investigation, so whatever date is on the lawsuit was --
15 what is it, a couple of weeks after the election? Couple
16 of weeks after I was told I wasn't getting any documents,
17 that's when I was doing my investigation Then a lawsuit
18 came along

19 Then Todd Kincannon came along, but I just don't
20 happen to recall the date of the lawsuit

21 THE COURT All right I'm going to tell
22 everybody in this case one more time I am not concerned
23 about who was in it when and what the procedure was and
24 who got in and who filed what when

25 What I'm interested in is the core question,

1 was the statement of economic interest filed or was it
2 not filed? That is the bottom line question in this
3 case, and that's what I want to get to, and let's keep
4 the questions focussed on that direction

5 MR MURPHY Yes, sir

6 BY MR MURPHY

7 Q Senator, Senate bill 1516, did you co-sponsor that
8 bill?

9 A One which is that?

10 Q That's the one that was filed in May to try to
11 clean up the election -- the filing procedure in the
12 election

13 A I believe I did

14 Q So you were a co-sponsor on that bill?

15 A Correct

16 Q And, in fact, that e-mail shows you that Tony
17 Piscatella on May 25th, I believe it is, contacted you on
18 May 17th, contacted you and asked you about the statement
19 of economic interest bill and what it does

20 A Correct

21 Q Do you have any objection to that e-mail being
22 introduced into evidence?

23 A No He was very bitter over the Anderson
24 decision, and they --

25 Q He was bitter over the Anderson decision?

1 A Right

2 (E-mail marked for identification and
3 admitted into evidence as Defendant's Exhibit No 21)

4 BY MR MURPHY

5 Q Would it be fair to say he was knowledgeable about
6 the Anderson decision?

7 A No In fact, I told him we in the Senate were
8 discussing requiring the election commissions in the
9 future to sign everybody up so that we didn't have 46
10 county Republican parties and 46 county Democrat parties
11 doing all this and creating this with all these problems,
12 and he bitterly opposed that, so no, I don't think he was
13 knowledgeable

14 Q Do you think he had knowledge that a paper SEI was
15 required to be simultaneously turned in by non-incumbent
16 candidates?

17 A Well, I don't know, but I assume he did after the
18 Anderson decision Before the Anderson decision, I don't
19 think he did

20 Q All right After Anderson, after Anderson, the
21 person that you engaged to do opposition research on Sean
22 Bennett, the person that is meeting at your house the day
23 before the election, the person that financially
24 contributed to your campaign did he tell you at any time
25 that Sean Bennett did not file properly? Yes or no

1 A No

2 MR MURPHY Thank you That's all I have,
3 Your Honor

4 THE COURT Anybody else by way of
5 cross-examination of this witness?

6 MR KINCANNON I have just one brief
7 question

8 EXAMINATION

9 BY MR KINCANNON

10 Q I'm going to direct you back -- you mentioned a
11 conversation you had with Carroll Duncan after the
12 Anderson decision came down, just quickly thereafter Do
13 you remember talking about that?

14 A I do

15 Q It seems you didn't quite remember what was
16 discussed, and I'm curious if it would refresh your
17 recollection that chairman Duncan was concerned about the
18 saved file issue with the SEI, is that correct?

19 A I recall her repeatedly expressing she was
20 concerned that she had not filed her SEI but saved it

21 Q With the ethics committee?

22 A Electronically on the ethics committee web site

23 MR KINCANNON Thank you Nothing further

24 MR COLLINS I have one question

25 EXAMINATION

1 BY MR COLLINS

2 Q Mr Rose, you said you were seeking records that
3 you needed to see before you could determine whether you
4 had any grounds to process the election results

5 A Right

6 Q Who had those records?

7 A Mr Piscatella had them

8 Q And you asked him for them the date after the
9 election, right?

10 A I did

11 Q And do you know where those records ultimately
12 wound up?

13 A I believe they wound up in his home

14 MR COLLINS Yes Thank you

15 THE COURT All right, Mr Rose Thank you
16 You may step down All right

17 That then brings us to the testimony of
18 Mr Piscatella The Court has a copy of his document
19 entitled trial affidavit, and it appears to be -- I don't
20 know the number of pages, but it's executed as of today,
21 August the 6th, 2012 and has attachments that are part of
22 the affidavit as exhibits

23 Is there any objection from anyone as to the
24 affidavit or any of the attachments? Hearing none, the
25 affidavit will be accepted as the affidavit of

1 Mr Piscatella

2 There is also an earlier -- yeah, there is an
3 earlier affidavit of Mr Piscatella dated June 21 of
4 2012 Is that also a part of your proffer?

5 MR MURPHY Judge, it's actually Exhibit A
6 The first set of exhibits is actually the three
7 affidavits previously submitted

8 THE COURT Okay So that takes care of
9 that

10 MR MURPHY Thank you

11 THE COURT All right So now we do have the
12 affidavit of Mr Piscatella in full, which I will review
13 Are there witnesses who wish to cross-examine
14 Mr Piscatella Mr Robinson, Mr Collins Mr Kincannon?

15 MR KINCANNON Yes, Your Honor

16 THE COURT Mr Piscatella, come around,
17 please

18 TONY PISCATELLA,

19 having been first duly sworn,

20 was examined and testified as follows

21 EXAMINATION

22 BY MR KINCANNON

23 Q Mr Piscatella, I have a question for you about
24 John Mondo Did John Mondo file correctly?

25 A No

1 Q Did he file correctly under Anderson?

2 A No, he did not

3 Q Did he file correctly under the standards that the
4 South Carolina Republican party had sent out before
5 Anderson?

6 A No, he did not

7 Q Did you certify him or have anything to do with
8 his certification before Anderson?

9 A Yes, I did

10 Q You were the filing official for the Dorchester
11 County Republican party, weren't you?

12 A Yes, I was

13 Q Why did didn't you certify Mr Mondo?

14 A Mr Mondo, we had a problem with Mr Mondo's SEI,
15 and he was to go home and try to get the information and
16 get there and get it back to me, and that never occurred

17 Q But you still certified him?

18 A I did

19 Q You signed a form, didn't you, saying that he
20 turned everything in when he hadn't, isn't that true?

21 A I did

22 Q Isn't it true that you told a number of people
23 that you had filing procedures that resulted in everyone
24 filing paper SEIs?

25 A No, I did not I said two candidates that brought

1 SEIs, they're not required, but if you want to leave
2 them, we'll take them, and we did There are certain
3 some candidates, including elected officials, who did not
4 bring copies of SEIs with them or prove that they had
5 filed SEIs The documentation that we had from the South
6 Carolina Republican Party said that proof of the
7 SEI filing was required, so in the case of those
8 candidates, even though they were all incumbents, if they
9 didn't have an SEI, they needed to go online and get it

10 Q So your testimony is that you didn't have filing
11 procedures in place that required everyone to file paper
12 SEIs, people just happened to?

13 A That is correct

14 Q Everyone except?

15 A No, sir, six people did not file SEIs Five of
16 them were incumbents

17 Q How many non-incumbents were there?

18 A One

19 Q How many non-incumbents were there total in the
20 election?

21 A Six, I think

22 Q And five of those six people just happened to know
23 about this paper SEI business before the Anderson case?

24 A Or in the case of some of those individuals, if
25 they did not bring the confirmation of their SEI filing

1 with them, we required that they went online and
2 downloaded it

3 Q The confirmation

4 A You can't download the confirmation You have to
5 download a copy of the SEI

6 Q But you didn't download a copy -- I'm sorry, of
7 Mr Bennett's SEI during the filing period, did you?

8 A I did not

9 Q Did you understand that no paper SEI was required
10 for anybody during the filing period?

11 A As long -- yes, I did understand that as long as
12 they had proof that they had filed it

13 Q And isn't it true that in Mr Bennett's file that
14 there is a proof of filing in the file?

15 A Mr Bennett also provided his SEI

16 Q But that's not the question I asked you,
17 Mr Piscatella Is there a proof of filing document in
18 Mr Bennett's file?

19 A I can't recall Can you show me the file

20 Q I can show it to you if I can get it from the
21 Court, but I can represent to you that it is in there

22 A If you will represent -- if you'll so represent
23 it, I'll say that it was there

24 Q Did you tell Jordan Bryngelson that it wasn't
25 necessary for him to file a paper SEI?

1 A I did I said we needed a confirmation

2 Q You told him it wasn't necessary to do the paper
3 SEI

4 A I did We only needed the confirmation That's
5 what the requirements were that were given to us by the
6 state party

7 Q Did you say that to Mr Turner also?

8 A I did

9 Q So back to John Mondo, why did you certify
10 Mr Mondo?

11 A It was an error on my part

12 Q Did you check carefully through the files to see
13 if he had filed right?

14 A Did I carefully check what, sir?

15 Q Did you carefully check through the files to see
16 if Mr Mondo had filed correctly immediately after the
17 filing period, in, say, March or April?

18 A I can't recall

19 Q But you were responsible as the filing official in
20 Dorchester for making sure that everybody did it right,
21 weren't you?

22 A I was responsible for receiving the documentation,
23 yes, sir

24 Q You weren't responsible for insuring that people
25 filed correctly?

1 A No, sir I can't verify the accuracy of what they
2 handed me

3 Q But it was your responsibility to make certain
4 that everyone that you reported as having filed correctly
5 actually had filed correctly, right?

6 A Had filed the paperwork

7 Q And you certified Mr Mondo had done that when he
8 had none, is that correct?

9 A Sir, I've already answered that I made an error

10 Q But whether it's an error or not, the truth is you
11 certified John Mondo --

12 MR ROBBINS Asked and answered

13 THE COURT Sustained He said he did
14 certify him and it was an error

15 BY MR KINCANNON

16 Q Is it possible you made an error in anyone else's
17 file?

18 A Anything is possible but I don't recall that I
19 did

20 Q The files that were sent in to the Clerk of
21 Court's office, and I don't know if you've had a chance
22 to review any of the documents that have been filed
23 since, but would it surprise you to learn that there were
24 just a number of errors in the filings as far as check
25 marks next to what was filed, what wasn't filed, that

1 sort of thing? Would it surprise you to know there were
2 a number of errors?

3 A I know there were some I know on Mr Mondo's I
4 said he checked he filed an SEI and then I scratched it
5 out

6 Q The SEI wasn't -- you said Mr Mondo filed an
7 SEI just now, but there was no checkmark on the form for
8 filing SEIs, was there?

9 A I think that there was and I scratched it out

10 Q But I'm asking about the form Isn't it true that
11 the form required a proof of filing of the SEI?

12 A Yes, sir That could be obtained two ways

13 Q Okay

14 A An actual paper copy of the SEI or the
15 confirmation

16 Q But isn't it true beyond the SEI form, say these
17 affidavits that are listed on the checklist with regard
18 to the statement of -- I'm sorry, the candidacy report,
19 the financial report, ethics report, aren't there just a
20 number of errors in these filings?

21 A Sir, I have no way of knowing

22 Q But it wouldn't surprise you to know there were

23 A No, sir, it would not

24 Q Do you understand how it's difficult for someone
25 to rely on these documents that have been turned in with

1 a number of errors in them?

2 A Sir, I did the best job I could do

3 Q Understood

4 MR KINCANNON Judge, I don't have anything
5 further

6 THE COURT Mr Collins?

7 EXAMINATION

8 BY MR COLLINS

9 Q Is it fair to say that until the Supreme Court
10 handed down its opinions in Anderson and the Florence
11 cases the South Carolina Republican party told you and
12 all the other county election officials for the
13 Republican party that a proof of filing of an SEI was
14 sufficient and that no paper copy of SEI was required?

15 A That is what was in the instructions, sir

16 Q And you assumed they had it figured out correctly?

17 A I'm not the attorney, sir They employ attorneys

18 Q Yes, sir But you later learned that the Supreme
19 Court flatly rejected that, isn't that right?

20 A I do

21 Q Yeah So now we know that a paper copy of the
22 SEI had to be handed to the election official at the time
23 of the filing along with the statement of the intention
24 of candidacy, isn't that right?

25 A Yes, sir

1 Q And you didn't know that throughout the time that
2 you were registering candidates for the Dorchester County
3 Republican party?

4 A No, sir

5 Q Thank you Now, there came a time when you
6 decided to take the files of the Dorchester County
7 Republican party home with you, right?

8 A Yes, sir

9 Q Did you seek permission from anybody before you
10 did that?

11 A The advice of my attorney, yes, sir

12 Q Yes, sir, but did you seek permission from Carroll
13 Duncan, the party chair?

14 A No, sir

15 Q Do you agree Mrs Duncan had the power, given her
16 elected position, to appoint you or remove you as the
17 chairman?

18 A Yes, sir

19 Q As the treasurer, rather?

20 A Which is it, sir?

21 Q Let -- do you understand and agree that
22 Mrs Duncan had the authority and the power to appoint
23 you as the party's treasurer and filing official?

24 A No, sir

25 Q Okay Why not?

1 A The position of treasurer is elected by the
2 executive committee

3 Q Thank you for straightening me out Did
4 Mrs Duncan appoint you as the filing official?

5 A Yes

6 Q Did she have the authority to do that?

7 A Yes

8 Q And did she have the authority to remove you from
9 that position?

10 A Yes

11 Q And she did remove you from that position, didn't
12 she?

13 A I don't know, sir I've never received that
14 letter

15 Q You haven't been advised that you were removed
16 from that position?

17 A I received a phone call from my attorney who read
18 something to me, sir

19 Q And didn't he read you something that let you know
20 that Mrs -- Dr Tim Huber had been appointed to take
21 your place?

22 A Yes, he did

23 Q So that means you knew you had been relieved,
24 right? You're nodding your head yes

25 A Yes, sir, yes, sir

1 Q All right And isn't it true that Mrs Duncan
2 instructed you, clearly, to return those documents to the
3 Dorchester County Republican party office

4 A At the time she made that instruction, I had
5 already engaged an attorney at her suggestion who
6 informed me that I needed to retain that possession

7 Q Mr Piscatella, you know that business records are
8 supposed to be kept in the ordinary course of business,
9 don't you, sir?

10 A Yes, sir

11 Q And if you take files away from a business and
12 take them home, that's not keeping them in the ordinary
13 course of business, is it, sir?

14 A No, sir

15 Q And you know that also business records are
16 supposed to be kept in such a way that they reflect an
17 event contemporaneously in the records when that event
18 takes place?

19 A I don't know about your business, sir, but in my
20 business, records of that nature are kept under lock and
21 key and controlled access

22 Q Yes, sir, I appreciate that, but my question to
23 you is this A properly operated business creates a
24 record that documents something happening when it
25 happens, isn't that right?

1 A True

2 Q Okay And that's what we mean by a properly
3 prepared and kept business record Would you agree with
4 that?

5 A Yes, sir

6 Q Okay Now, Mr Piscatella, did you, sir, download
7 SEIs on various candidates and place them in their files?

8 A No, sir

9 Q You have heard testimony today from various
10 candidates, Mr Goodman, some others, I can't recall them
11 all, said they didn't produce an SEI, yet there is one in
12 their file?

13 A Yes, I heard them say that

14 Q And you're the man that had that file?

15 A Yes, sir I did take possession of that file,
16 well after the filing period

17 Q And you can understand why someone would assume or
18 believe that whatever is in that file that was not given
19 to you by the candidate was generated by you and put in
20 that file

21 A They may think that, sir I didn't do that

22 Q Well, you're under oath here in court today

23 A I am

24 Q Do you have any explanation for why repeatedly we
25 find documents in candidates' files that the candidates

1 themselves say they didn't bring, didn't produce, waiting
2 for you in your office?

3 A Can you give me a specific?

4 Q Mr Goodman

5 A Okay Let's discuss Mr Goodman Can we get his
6 filing for me?

7 MR MURPHY Judge, he asked to see his
8 filing

9 MR COLLINS That's fine I just thought I
10 could wind this up without taking a whole lot of time

11 THE WITNESS You're not going to get an
12 answer from me unless you give me the documentation to
13 look at

14 MR COLLINS I think I made the point Let
15 me confer with my client

16 BY MR COLLINS

17 Q Were you aware there was a Dorchester County
18 Republican party bylaw that required the records to be
19 kept in a locked filed cabinet?

20 A Yes, sir

21 Q But you didn't do that?

22 A We don't have any locked file cabinet space, sir

23 Q Well, I mean, do you think that that just
24 eliminated that requirement altogether?

25 A I don't make those decisions by my pay grade

1 Q There came a time when Judge King during a
2 conference call directed your lawyer to tell you that you
3 needed to bring those files and file them in the
4 Dorchester County courthouse, isn't that right?

5 A Yes, sir, that is true

6 Q And up until the time that you did that, all those
7 records were in your personal possession in your home,
8 isn't that right?

9 A Yes, sir After June 21st they were

10 Q And you were the only person who had access to
11 them

12 A Yes, sir

13 Q So if anything is in there that shouldn't be, or
14 anything is missing, the logical person to look to is
15 you, isn't that right?

16 A Between June 21st and the time I turned them over
17 to the Court, yes

18 Q Which was August -- I mean, July the --

19 A 24th

20 Q 24th And you refused to let Mr Rose see the
21 documents that he requested on the day after the
22 election, isn't that right?

23 A I was under instruction from the party chairman,
24 the Dorchester County party chairman and the state party,
25 to keep those records private

1 Q All right Now, do you understand and agree with
2 me that a statement of economic interest is a document
3 prepared by a client -- I mean, by a candidate so that
4 people, registered voters who are considering who to vote
5 for, can take a look and learn whether or not there is
6 some economic interest that this person has that might
7 disqualify them, in their minds, as the candidate they
8 wanted to support and vote for?

9 A Excuse me? Would you repeat the question

10 Q Well, that was long I apologize Do you agree
11 that a statement of economic interest is a document
12 designed to give information to voters?

13 A Yes

14 Q So if you take a statement of economic interest
15 and then decide you're going to refuse to disclose it,
16 that defeats the whole purpose of filing a statement of
17 economic interest, doesn't it, sir?

18 A No, sir The records that were in Dorchester
19 County Republican party's position are private records
20 that belong to the Dorchester County Republican party, of
21 which I was the custodial person The records that you
22 were speaking can be found online by anyone that wants to
23 go online to the state ethics department

24 Q But for someone who wants to see if that statement
25 of economic interest has been filed, as required by the

1 statute 8-13-1356(c), if somebody wanted to see if that
2 document had been properly filed as per that statute,
3 they had to have access to your file, didn't they?

4 A And they got them just as soon as we got a court
5 order

6 Q Mr Piscatella isn't it true that section
7 8-13-1356(c) requires that you within five days submit
8 candidate statement of economic interest to the South
9 Carolina ethics commission or to some other proper
10 authority?

11 A I have no idea, sir I'm not an attorney, and no
12 one has ever gave me that requirement

13 MR COLLINS Your Honor, we ask you take
14 judicial notice --

15 THE COURT You don't need to do that I
16 have the statute right in front of me

17 MR COLLINS I believe that's all I have of
18 Mr Piscatella Thank you

19 THE COURT Anything further of this witness?

20 MS CRUM I have just a couple of very brief
21 questions, make sure I understand the timeline

22 EXAMINATION

23 BY MS CRUM

24 Q Mr Piscatella, I'm Liz Crum, and can you hear me
25 from there?

1 A Yes

2 Q If I ask a question and you don't understand it,
3 please let me know, and I'll rephrase it, okay?

4 A Yes, ma'am

5 Q You heard Ms Duncan testify as to the number of
6 people that have keys to the Republican Dorchester County
7 Republican party office, correct?

8 A I heard what she said, yes

9 Q Do you agree with that number that she gave the
10 Court?

11 A Ma'am, I don't know I know that I have a set,
12 had a set I don't know if the locks are changed or not

13 Q I'm talking about now during the filing period up
14 through June 21st, 2012

15 A I had a set of keys at that time

16 Q And was there a lock box on the door at that point
17 in time?

18 A Yes, there was

19 Q Now, from June -- I'm sorry, from March 30th to
20 June the 21st, 2012, were there any precautions taken by
21 any member of the Dorchester County executive committee
22 to secure the documents?

23 A Not that I know of, ma'am The office is
24 generally unmanned and locked We have volunteers there
25 Tuesday, Wednesday, and Friday, and I'm in and out as I

1 need to be to do things, treasurer things, like make
2 deposits, stuff like that

3 MS CRUM Thank you, sir

4 THE COURT Mr Kincannon?

5 MR KINCANNON Just a couple questions base
6 on what Mr Collins asked

7 EXAMINATION

8 BY MR KINCANNON

9 Q Mr Piscatella, you said you couldn't opine about
10 Mr Goodman's filing because you couldn't see it, right?

11 A Correct

12 Q You understand how Ms Duncan had that problem for
13 a while?

14 A Was she ever asked to opine about Mr Goodman's
15 file?

16 Q I'll leave that alone

17 Isn't it true that you made comments to the press
18 that if the Democrats filed this lawsuit the case
19 wouldn't get past discovery?

20 A That was a comment I made, yes, sir

21 Q Isn't it true that after the Democrats filed the
22 lawsuit and Ms Duncan retained me, I contacted you in an
23 attempt to get the documents that you had said would be
24 the end of the lawsuit

25 A Yes, sir, that's true

1 Q Isn't it true that you wouldn't give them to me?

2 A Yes, sir, that is true

3 Q Isn't it true that I asked that a copy be sent and
4 wouldn't even do that?

5 A That is true

6 Q Isn't it true that your justification for not
7 turning the documents over has been document security?

8 A On advice of counsel about the chain of custody,
9 that's true

10 Q Well, why couldn't you have sent me a copy?

11 A Because I was advised by counsel not to

12 Q Does sending me a copy put the documents that you
13 have at risk?

14 A You might want to ask my counsel that question

15 Q What do you think?

16 A I have no opinion I am not an attorney

17 Q What I'm asking you is presumably we're talking
18 about the physical security of the documents, right?

19 A I don't know what we're talking about, sir
20 You're asking questions

21 Q Here is the question Let me break it down to
22 you

23 I understand your attorney said you couldn't turn
24 the documents over because you were afraid that somebody
25 might do something to them if you did, right?

1 A I don't know why I was told not to turn them over

2 Q Okay Well, let me just ask a simple question

3 Does sending a copy of a document that stays in your
4 possession, does that create a security problem with
5 regard to the document that's still in your possession?

6 A I cannot answer that for you

7 Q You can't answer me

8 MR KINCANNON I have nothing further,
9 Judge

10 THE COURT Mr Robbins?

11 MR ROBBINS Yes, Your Honor May it please
12 the Court

13 EXAMINATION

14 BY MR ROBBINS

15 Q Mr Piscatella, Mr Rose doesn't remember whether
16 you performed opposition research on my client,
17 Mr Bennett Did you perform opposition research on
18 Mr Bennett for the 2012 primary?

19 A Senator Rose sent me a list of questions from one
20 of his people and asked me for the answers I think
21 there was a total of five questions I think I was able
22 to answer three of those questions from the records I
23 had

24 Q And how would you describe your support of Mike
25 Rose prior to the June 2012 election?

1 A I considered Mike Rose a close friend of mine I
2 communicated with him on a regular basis regarding
3 various issues that were going on in the state Senate and
4 bills, and also about some things in his campaign

5 Q And were you at his house on the night before the
6 election for a final campaign strategy meeting?

7 A It was actually about 11 00 in the morning before
8 the election, and there were probably 20 or 30 people
9 there, most of whom I did not know

10 Q Okay And on March 20, 2012, did Sean Bennett
11 provide you with a paper copy of a statement of economic
12 interest form with his statement of intention of
13 candidacy?

14 A Yes, sir, he did

15 Q All right And you testified a minute ago that
16 when you -- and I can't remember which lawyer was asking
17 you the question, but if you were going to download the
18 confirmation, you had to print a copy of the actual
19 statement of economic interest before you could get the
20 confirmation, is that correct?

21 A That is correct The confirmation is only issued
22 when you file it

23 Q Okay So if you -- go ahead

24 A At least my limited knowledge of computers,
25 because I filed statements with the ethics commission for

1 the Republican party every three months, and I get a
2 confirmation one time for each document that I filed I
3 don't get a second shot at that

4 Q Right

5 A I could download a copy of the form, but I can't
6 get another confirmation They issue a number that comes
7 one time

8 Q So Sean Bennett downloaded his statement of
9 economic interest on March 19 at 2 07 and then his
10 confirmation is dated at 2 08, that would be consistent
11 with your understanding of how the process works?

12 A Yes

13 Q Now, you told, I believe, Ms Crum that you could
14 have a paper copy or you could have online filing, either
15 one, right?

16 A No The state ethics department in 2010 stopped
17 accepting paper copies before everything had to be filed
18 on line, according to the information I have from the
19 state ethics commission

20 Q Okay And then on March 20, Mr Bennett provided
21 you with his

22 A Yes, sir, he did

23 Q And you checked the files again on May 4 pursuant
24 to the Anderson decision

25 A Yes, I did

1 Q And you checked them again on June 7, pursuant to
2 the Florence County decision?

3 A Yes, sir, I did

4 Q And was Mr Bennett's statement of economic
5 interest in that folder on both of those occasions?

6 A Yes, sir, it was I had separated the -- what the
7 Supreme Court said was nonexempt candidates from exempt
8 candidates in my folder so that I had those SEIs
9 immediately available to look at

10 Q And, Mr Piscatella, either May 4 or June 7 if you
11 had gone back in and looked at his file and determined
12 that he did not have a paper copy of that SEI, would you
13 have told Mike Rose about it?

14 A Yes, sir, I would have

15 MR ROBBINS That's all I have, Judge
16 Thank you

17 THE COURT All right Wait a minute I'm
18 calling on Mr Goff

19 MR GOFF Thank you, Your Honor Just real
20 quickly, Your Honor

21 EXAMINATION

22 BY MR GOFF

23 Q Mr Piscatella, you said you rechecked the files
24 on 4 May and 7 June after the Anderson thing, is that
25 correct?

1 A Yes

2 Q Was anyone there with you when you were doing
3 that?

4 A No, sir

5 Q Do you remember what time of day it was?

6 A I honestly can't recall what time of day it was
7 We got the decision I had a phone conversation with
8 Mrs Duncan, and I went to the office and checked the
9 files

10 I do recall that the last time I checked on June
11 13th I know that that was in the afternoon, because I had
12 another serious issue that went on in the morning, and
13 that issue was clear by the time I got the phone call
14 from Senator Rose

15 Q And how long did it take you on 4 May to go
16 through those files to make sure they all comply with
17 Anderson?

18 A Not more than ten minutes

19 Q Took you ten minutes to go through the entire
20 files to make sure they comply with Anderson?

21 A All the SEIs were separate from the rest of the
22 campaign documents at that time because neither the
23 Dorchester County election commission or the state
24 GOP required copies of the SEIs with either one of their
25 filings So those documents, while they were in the same

1 folder, were separated from the documents that were
2 submitted to the Dorchester County election commission
3 and the state GOP

4 Q Okay Did you place an SEI in Mr Bennett's file?

5 A No, sir

6 Q At no time?

7 A Oh, yes, sir, I did, on June 13th

8 Q Okay And why did you do that on June 13th?

9 A Because I panicked when I didn't see it there, and
10 I talked to Mrs Duncan and I downloaded a copy of the
11 SEI, and I didn't place it in his file I placed it
12 behind his file with a note on it, clearly stating that
13 it was downloaded on June 13th

14 Q Did you consult with anybody before you did that
15 other than Ms Duncan?

16 A No, sir

17 Q And you said you panicked Why did you panic?

18 A Because I knew it had been there

19 Q On May 7th?

20 A Yes

21 Q And it's not possible --

22 A On June 7th

23 Q I'm sorry

24 A On June 7th

25 Q What about on May 4th?

1 A It was there also

2 Q It's not possible in your ten-minute check of the
3 file that you could have missed it?

4 A No, sir

5 Q It's absolutely impossible?

6 A It was six nonexempt candidates

7 MR GOFF That's all I have, Your Honor

8 THE COURT Mr Collins?

9 EXAMINATION

10 BY MR COLLINS

11 Q Mr Piscatella, there were 19 candidates in the
12 Dorchester County Republican Primary Election, correct?

13 A There were 19 candidates filed, sir Not all of
14 them were primary

15 Q I apologize 19 candidates Isn't it true, sir,
16 that the statement of economic interest is supposed to be
17 for the preceding year by the clear language of section
18 8-13-1356(b)

19 A If you say it is, sir, then it is

20 Q All right

21 A I am not an attorney

22 Q Well, you don't have to be an attorney to know
23 what the preceding year of 2012 is, do you?

24 A No, but you do have to know all those numbers that
25 you just rattled off

1 Q Let's see if we can agree the preceding year in
2 2012 would be the year 2011, right?

3 A I would agree with that

4 Q And isn't it true, sir, that the only candidate in
5 Dorchester County, only Republican candidate who filed a
6 statement of economic interest according to the documents
7 that we have seen, the only one who filed for the year
8 2010, was Mr. Bennett, isn't that right?

9 A Sir, I can't answer that question for you because
10 I did not check the content of anybody's statement of
11 economic interest. I was there to receive the documents,
12 not to verify it.

13 MR. COLLINS Thank you, Judge

14 THE COURT All right. We're not going to do
15 this twice. All right, Mr. Murphy.

16 EXAMINATION

17 BY MR. MURPHY

18 Q Mr. Piscatella, you were asked a question by Ms
19 Crum about the number of people that had access to the
20 Republican party headquarters?

21 A Yes, sir

22 Q Isn't it true that at least 30 people, in your
23 opinion, would have had access or knew the four digit
24 code to the Dorchester County Republican party
25 headquarters?

1 A There could have been that many people We had
2 had a number of temporary people over the previous three
3 years that had volunteered to come in and work in the
4 office and then for one reason or another dropped by the
5 wayside, either lack of anything to do or other issues

6 Q And if you knew the four digit code, that gave you
7 the key that accessed the office, correct?

8 A Yes, sir It gave you the key to the office and
9 it gave you the code to the computer

10 Q Okay Finally, did you vote for Senator Mike
11 Rose?

12 A I did

13 MR MURPHY Thank you

14 THE COURT All right Thank you,
15 Mr Piscatella You may step down

16 THE WITNESS Thank you, Your Honor

17 THE COURT All right I believe I have
18 covered all the parties in this matter, starting with the
19 plaintiff and all of the named defendants as far as the
20 opportunity to present affidavits in support of their
21 positions, and subjected all of the affidavits to
22 cross-examination

23 Is there anything else that the plaintiff
24 wishes to introduce in support of his position or in
25 reply to what has already been introduced, Mr Goff?

1 MR GOFF I would simply like to do a
2 closing statement Are you talking about evidentiary --

3 THE COURT I'll going to give y'all a chance
4 to make a statement in a few minutes, but I'm talking
5 about have we got the evidence in at this point? All
6 right Anything on behalf of any of the defendants in
7 this case by way of further evidence in addition to the
8 affidavits and the cross-examinations that have been
9 presented to the Court and the exhibits that have been
10 introduced into evidence?

11 MR ROBBINS Nothing in the way of evidence
12 from Sean Bennett, Your Honor

13 MS CRUM No, Your Honor

14 MR DI SABATO The only issue I believe that
15 has not been addressed is my motion to be granted leave
16 to file the amicus brief in this case

17 THE COURT On behalf of --

18 MR DI SABATO Well, I guess myself, Your
19 Honor, pro se, may it please Court

20 MS CRUM Your Honor, before he does that, I
21 would like to object to the filing of an amicus brief in
22 a hearing of this nature Based on the amicus brief
23 itself, Mr Di Sabato intends to file an action in Horry
24 County regarding one of the issues in this case, and, in
25 fact, handed a letter to me this morning to the state

1 election commission announcing he was getting ready to do
2 the same thing, and Mr Kincannon told him he would be
3 representing him in Horry County, so we don't think this
4 Court would be the appropriate case for Mr Di Sabato to
5 try to -- to get an amicus brief filed and then go try it
6 another court before another judge in Horry County

7 THE COURT One thing my good friend Judge
8 Culbertson and --

9 MR DI SABATO Judge Hyman

10 THE COURT -- Judge Hyman are equals with me
11 and they don't have to listen to what I have to say about
12 anything, so any decision I make in this case isn't
13 binding on them, just as the decisions Judge Burch made
14 in the case or that Judge Kinard is going to be making in
15 the Charleston case or Judge Nicholson and the other
16 Circuit Court judges have heard are binding on me, and
17 for that reason, I don't think that an amicus brief or
18 any participation in this case is appropriate

19 Some of have you been in the military, and
20 one of the first things that I learned after getting my
21 commission from the Citadel and going in as a second
22 lieutenant was that there is no rank among second
23 lieutenants There is no rank among Circuit Court judges
24 either We all fall within the same category, and so I
25 don't think that an amicus brief is appropriate, Mr Di

1 Sabato, and I would deny your motion

2 MR DI SABATO Thank you, Your Honor

3 THE COURT Looks like the evidence is in and
4 before me, and I have some things that I need to decide,
5 and I am going to call on counsel at this time to make a
6 brief statement of their positions, keeping in mind this
7 is not a jury argument, but just give me an overview of
8 what your positions are and what your arguments are, and
9 I'll call first on counsel for the plaintiff, Mr Goff

10 MR GOFF Thank you, Your Honor
11 Plaintiff's position is simple, and that is that the
12 Supreme Court was very, very clear 1356 must be adhered
13 to the letter It's not good enough to kind of get it
14 right or sort of get it right or comply with the spirit,
15 but you have to comply with the letter, and it's
16 plaintiff's position that defendants have failed to
17 comply with Anderson They failed to comply with 1356
18 To accept defendant's position, you would accept --

19 THE COURT There is evidence he did comply
20 You would agree that statement, wouldn't you?

21 MR GOFF Yes, sir, Your Honor, I would I
22 think the Court has to weigh that evidence, and that's
23 what I'm getting into I think in order to accept the
24 position, you have to discount the sworn affidavits of
25 the party chair, of the disinterested witnesses we've

1 heard here today

2 You have to believe that one party official,
3 one county party official, decided not to comply with the
4 State Elections Commission, with the state ethics
5 commission, with the state parties, with his boss's
6 direction, and he was off doing his own thing, and that
7 he, in a ten-minute review, was able to verify that he
8 had ignored the instructions sent out by Ms Duncan Her
9 instructions were clear They're very, very clear They
10 underline a proof of completion of an SEI

11 They were really, really clear, and they were
12 very, very wrong, it turned out but, I don't think
13 Mr Piscatella had a crystal ball and he could determine
14 what the Court was going to do in Anderson

15 Your Honor, we've heard from candidates whose
16 files have mysteriously appeared, documents, it would be
17 in their interest to say yeah, I submitted it, but they
18 said no, you know, I didn't submit an SEI I don't know
19 how it got in my file, but it wasn't in my file when I
20 gave it to Mr Piscatella, but it's not good enough that
21 it's in there

22 It has to be presented pursuant to the
23 filing That is what 1356 requires Your Honor, we're
24 supposed to believe in a ten-minute review, alone, he
25 went back at some point at day or at night and conducted

1 a ten-minute review of this file, knowing how incredibly
2 important it was to this state, to his party, not to
3 mention the candidates that are involved, and he conducts
4 a ten-minute review doesn't bother to bring anybody with
5 him, and then he refuses to produce the file, he refuses
6 to let anybody else review it, and we're supposed to take
7 his word, that yeah, they were in there

8 We filed them despite the fact that the clear
9 instructions of the party, of everyone involved, said no,
10 you don't need a paper copy

11 THE COURT It's not only his word, is it?
12 Didn't Mr Bennett say he filed it?

13 MR GOFF Yes, sir, I would expect
14 Mr Bennett would say he filed it, and, Your Honor,
15 that's two people, and it's your job to weigh that
16 evidence, and that's all

17 Thank you

18 THE COURT All right Anything that we need
19 to have added by any of the Republican parties, Colleton
20 County, Berkeley County, Charleston County?

21 MR BOWERS No, Your Honor, other than my
22 clients will abide by the Court's ruling whatever it is,
23 but other than that, nothing to add, Your Honor

24 THE COURT All right South Carolina
25 Republican party, are you speaking for them?

1 MR BOWERS Yes, Your Honor

2 THE COURT How about the various election
3 commissions, Dorchester County election commission,
4 Colleton election commission, Berkeley election
5 commission? Anything?

6 MR HOWELL Your Honor, Sam Howell on behalf
7 of Charleston and Berkeley County Election Commissions
8 We don't take a position with regard to the merits of the
9 controversy between Senator Rose and Mr Bennett

10 We are the recipients of whatever proper
11 certification this Court directs as a result of this
12 case, but we have the real problem We're the boots on
13 the ground in terms of conducting the election, so we
14 want to make sure that what we get from the Court not
15 only resolves the dispute between these two gentlemen,
16 but also gives us real clear direction what we need to
17 do, and a couple of things I would like to bring to the
18 Court's attention in that regard

19 In the complaint, paragraph 15, I think the
20 amended complaint lumps together this defined term of all
21 Dorchester County non-incumbent Republican candidates as,
22 quote, candidates, and then the relief sought is against
23 the candidates If we could whittle this down so we know
24 that the only race that we need to worry about at all is
25 Senate District 38, that would go a long way to

1 clarifying things for the county and, I believe the state
2 election commission as well, so that is one thing we'll
3 ask the Court to pay attention to

4 THE COURT All right

5 MR HOWELL And then we will take a
6 position, at least those two counties, we'll take a
7 position with regard to the motions to dismiss or summary
8 judgment, based on failure to exhaust administrative
9 remedies or latches, if they're still pending before the
10 Court I mean, if they're not, I'll sit down

11 THE COURT Well, I haven't overruled them or
12 haven't ruled either way in connection with it I just
13 really felt it was more important that we get into the
14 matter on the merits and the defenses, but I would like
15 to hear from you on that

16 MR HOWELL I'll be very brief, Your Honor
17 Thank you

18 We agree with the Court's position on
19 judicial economy Let's get it all decided in this case
20 I think the Court narrowed the focus of this case
21 considerably on its July 23rd telephonic conference call
22 when the Court got rid of the various injunctive relief
23 being sought and focussed on declaratory judgment action

24 That's what we have, declaratory judgment
25 action It's been suggested -- of course and the motion

1 depends on and it's been suggested today that perhaps
2 Senator Rose should have exhausted his administrative
3 remedies by protesting his primary election, but we would
4 suggest to you that that would be completely futile, and
5 also probably beyond the capabilities, legal
6 capabilities, that is, of the forum

7 The forum for the protest of the Republican
8 party was the South Carolina Republican party executive
9 committee That's the forum I don't think that's a
10 forum that can grant declaratory judgment I think only
11 this Court can grant declaratory judgment, so it would
12 have been futile They can talk all about how many votes
13 were cast this way and that and who was miscounted --

14 THE COURT It's not binding on anybody?

15 MR HOWELL It's not binding on anybody,
16 just like the standing issue that the Court so wisely
17 decided earlier We'll walk out of here and tomorrow be
18 new lawsuits, if that was the determination Of course
19 it would have been futile to have gone -- for Senator
20 Rose to have gone to the South Carolina Republican party
21 executive committee because they're the same people who
22 ordered what we heard was the lock down on the files so
23 that no one could even take a look at the file to see if
24 there was evidence enough to support a protest

25 So for those reasons we would also be in

1 opposition to that motion

2 THE COURT All right

3 MR HOWELL Otherwise, we're just waiting
4 for the Court to tell us in a timely manner

5 THE COURT And I think you raised a very
6 good point, and I want to go ahead and this clarified
7 with counsel at this time, and let's decide what races
8 are at issue and what party -- I mean, what individual
9 certifications are before this Court for decision

10 Obviously, the Senate seat 38 is definitely
11 one that is up for the decision of the Court That's the
12 one that has involved most of the testimony today, and so
13 the certification of that is concerned, and then in
14 view -- also, I believe Mr Lofton and Mr Waring, in
15 view of the fact there doesn't seem to be any contest
16 about Mr Carter, is that what I get from everybody,
17 there is no question about his seat? And exactly what
18 was his -- where is he standing in the political process?

19 MR WARING He is currently the Republican
20 nominee for House district 97, Your Honor

21 THE COURT And does he have Democratic
22 opposition?

23 MR WARING Yes, he does, Your Honor

24 THE COURT Is there any question, and I
25 don't think there is at this point, Mr Goff, but is

1 there any question from anybody at that point that I need
2 to make any decision as far as whether Mr Carter should
3 be properly certified?

4 MR GOFF No, Your Honor

5 THE COURT Okay That answers that
6 question Got to remember who the remaining candidates
7 are I think Ms Duncan was one of them, and what was
8 her race?

9 MR KINCANNON Her race was county council
10 district five, and she was unopposed in the primary and
11 would be unopposed in general No other candidate on
12 either side filed on that race, and, Your Honor, I would
13 say that her situation stands the same as Mr Carter's

14 THE COURT So is there any opposition to
15 Mrs Duncan being certified as the Republican candidate
16 for county council district five?

17 MR GOFF Your Honor, based on the evidence
18 we've heard here today, no

19 THE COURT All right All right,
20 Mr Kincannon, I'll call on you since you seem to be
21 knowledgeable from the party standpoint Who are the
22 other candidates that would be involved?

23 MR KINCANNON That's it, Your Honor All
24 the other candidates who might otherwise be at issue did
25 not prevail in their elections, so that's the entire list

1 of decisions that need to be made

2 THE COURT Are we talking about Senate
3 District 38?

4 MR KINCANNON Yes, sir

5 THE COURT And that's it Does that answer
6 your questions that you were talking about?

7 MR HOWELL Yes, sir, it does

8 THE COURT Now, having gotten that far with
9 where we are, let me go back to -- I've heard from the
10 Democratic party as to what their position is, the
11 various local and state parties I guess we're down to
12 the actual individuals that are parties to this suite to
13 adhere to Mr Bennett and Mr Rose who are the successful
14 and defeated candidates for Senate district number 38 and
15 Mr Piscatella who was involved in the certification
16 process

17 So, Mr Robbins, let me hear from you as to
18 what your client's position is, what you think the
19 evidence shows

20 MR ROBBINS If it please the Court, Your
21 Honor, and for purposes of the record I would renew the
22 motion for directed verdict that was made at the close of
23 the plaintiff's case and would also just like to state
24 for the record that there was a memorandum in opposition
25 to Mr Rose amending his answer to add a cross-claim that

1 we filed on August 3rd

2 THE COURT What's the basis of that
3 objection?

4 MR ROBBINS The objection?

5 THE COURT Yeah In other words, if he put
6 that in his answer -- and I think if I understood your
7 objection before was that it was whether or not the SEI
8 was for the previous year or the current year, and he's
9 got in his answer that the -- that it was not properly
10 filed for the previous year, then that's all he really
11 raises, is a new issue in his cross-complaint, doesn't
12 he?

13 MR ROBBINS Your Honor, I would think the
14 position -- that may be -- I'd have to go back and look
15 at it, Judge, because I really haven't paid that much
16 attention to his amended answer because I've been dealing
17 with this other stuff, but the purpose in making the
18 motion is if the plaintiff does not carry his burden of
19 proof and he has not cross-claimed, then the case is
20 over

21 THE COURT Well, the plaintiff is now -- in
22 addition to the Democratic party, the case is now
23 Mr Hayes as well

24 MR ROBBINS And I hear what you're saying,
25 Your Honor, but I just want to protect the record and

1 bring attention to our memorandum and the timeline that
2 is associated with that memorandum in the event there is
3 an appeal from your decision

4 THE COURT Okay

5 MR ROBBINS Now, with respect to the facts
6 of the case, Judge, as you said just a few minutes ago,
7 and I wrote it down this morning before I left
8 Summerville, the issue in this case is very clear and
9 simple, but the question is, did Sean Bennett file a
10 paper copy of his statement of economic interest at the
11 same time he filed his statement of intention of
12 candidacy on March 20th? And I think there is
13 overwhelming evidence before this Court that he did

14 You've got testimony that was given, and I
15 think one of the key parts of this case, Judge, is that
16 the affidavit of Ms Rebecca Hyer Woods gave in this case
17 was given, I believe, without looking back at the exact
18 date, on June the 16th of this year before any of this
19 litigation blew up and it was given to Mr Bennett

20 There were no lawyers involved, and she
21 testified as to what she did in this case And what they
22 did, Judge, is that this young man knew he was going into
23 an office that was full of people that supported
24 Mr Rose, and he was being double sure when he went in
25 there that he had everything that he needed, and he

1 downloaded a copy of that document, and the date stamps
2 bear out what he did, Judge

3 He downloaded it on March 19 at 2 07 The
4 confirmation is right behind it, just like Mr Piscatella
5 said it should be, and he had his appointment the next
6 day He put his documents together He asked his
7 business partner to come look at them and double-check
8 them to make sure that what he thought he had in the file
9 was in the file, and she did

10 They traveled over there together These are
11 in their affidavits, which are uncontradicted by any
12 testimony that was here today They traveled over there
13 together, they walked in together, he handed the file to
14 Mr Piscatella, she stood there and had conversation with
15 Ms Shields while she watched the two of them execute the
16 documents, he did what he needed to do, they signed the
17 checklist, and it was done on March 20, Your Honor
18 That's the testimony

19 That's the evidence in this case That's
20 what happened He was absolutely thorough in what he
21 did, and he filed that statement of economic interest on
22 March 20, along with that statement of intention of
23 candidacy with Tony Piscatella They have not produced
24 anything in here today The three witnesses that the
25 plaintiff called were Mr Bryngelson and Mr Turner and

1 one or --

2 THE COURT Ms Duncan

3 MR ROBBINS Ms Duncan and Mr Bryngelson
4 and Mr Turner testified that they brought paper copies
5 as well He brought a paper copy, Mr Carter brought a
6 paper copy, Bryngelson brought a paper copy, and Turner
7 brought a paper copy, so it wasn't unusual for people to
8 bring paper copies These guys wanted to do it right
9 Turner testified he had a bad experience when he was
10 traveling with electronic confirmations, and he didn't
11 trust that

12 So he brought a paper copy, so it is nothing
13 abnormal about Sean Bennett having one That's the
14 testimony that is in this case, Judge Ms Shields did
15 not contradict what we put up Ms Chipas isn't here
16 Mr Mondo was not called as a witness, and he was in the
17 room They don't have anybody They don't have a soul
18 that can say it wasn't done on March the 20th, and then
19 we have the filing review team that Ms Duncan brags on
20 that is, again, full of Rose people, and they sit around
21 the table and they go through the documents and they put
22 them in the files and they sort out the SEIs because they
23 weren't going to send those to the Republican party in
24 Columbia

25 And they look at them, and they're Rose

1 people looking at Sean Bennett's SEI, and I submit to you
2 that if it wasn't there, they would have told him after
3 Anderson Maybe they didn't know it was important on
4 March 30, but they darn sure knew it was important on May
5 the 4th, and they didn't say a word Ditto for June 7th
6 It doesn't matter that Tony Piscatella was the one
7 checking the files on May 4th and June 7 What was
8 important is you had that review team, including Ms
9 Duncan, that looked at these documents and they knew what
10 was in there, so if he had to go back and verify and he
11 said they were all good and they didn't think it was in
12 there, I guarantee you they would have gone and told Mike
13 Rose about it, and they didn't do it

14 That's the evidence in this case, Judge
15 That's what you heard today That's what we got This
16 is the issue I expect that Mr Collins, when he gets
17 up, is going to try to make an issue about this date,
18 because that seems to be what this cross-claim is all
19 about, and I will stand on the affidavit that Sean
20 Bennett gave with respect to that, and I would also point
21 out to you, Your Honor, that when you gave them the
22 opportunity to call Sean Bennett as a witness today, they
23 didn't do it

24 He didn't do it He didn't do it, and
25 Kincannon didn't do it All three of them had a chance

1 to examine my client on the stand, and they passed

2 I'll stand on this affidavit with respect to
3 the date, Judge He filed for the preceding year
4 That's not an issue I submit to you, Judge, that we
5 have put up evidence that shows this man filed properly
6 He won this race by over 20 points The voters have
7 spoken, Judge, and we're asking you to certify this man
8 so he can be elected in November

9 Thank you

10 THE COURT All right Thank you, Mr
11 Robbins Mr Collins?

12 MR COLLINS Thank you, Your Honor If
13 there is one thing we know for sure, Judge, it's that
14 South Carolina Supreme Court reads these election laws
15 with a fine tooth comb They parse every word They
16 don't see anything in there that is up to judgment calls
17 or getting it close You either absolutely comply with
18 the statute or you don't It works a lot of unfair,
19 perhaps heartbreaking results on a lot of people, it's a
20 big controversy around this state, but our Supreme Court
21 has said it twice, and the second time they said it with
22 a great deal of emphasis, and my friend Mr Bowers over
23 here and I have talked about it

24 They have lost their patience with lawyers
25 coming in there asking for a good faith exception or

1 substantial compliance exception or something else

2 THE COURT I don't think Mr Robbins is
3 saying he substantially complied He said he did comply
4 to the letter of the law

5 MR COLLINS Well, Your Honor, he did not
6 In fact, if you read carefully Mr Bennett's affidavit of
7 August the 3rd, 2012 he refers to the fact that he files
8 for the wrong year as a scrivener's error That's in
9 paragraph six of his affidavit

10 Judge, the Supreme Court has not recognized a
11 scrivener's error exception to section 8-13-8-1356 They
12 have not recognized a scrivener's error defense

13 He also in his affidavit says that at no time
14 prior to March 19 had he ever run for office Let me
15 just say the only reason he would say that is he was a
16 first time candidate There is no first time candidate,
17 or rookie exception, to the clear statutory requirement
18 That doesn't get him anywhere with our Supreme Court, and
19 if you read the memo of law that was submitted by his
20 attorney, Mr Robbins, on August 3, 2012 -- that's just
21 been three days ago -- it feels like it's been a month,
22 he said in this memo as well, referring to this
23 noncompliance today, he said, This error is not related
24 to the filing That's on page two or three of his memo,
25 Your Honor

1 He says that he should have, you know,
2 submitted the 2011 -- he should have submitted the
3 preceding year That's the language in the statute The
4 preceding year is 2011 He says, quote, this error is
5 not fatal to the filing Well, Your Honor, if it's an
6 error, it's fatal to the filing because our Supreme Court
7 has said, we're not going to engage in rewriting the
8 statute We're going to strictly construe the statute

9 Meanwhile, later opinion in this same memo of
10 law, the statement is made, while the state ethics
11 commission may have provided instructions on how to date
12 the form, an incorrect date that is accompanied by
13 current accurate economic information would not violate
14 the statute

15 That's not right The date is vital to
16 determine whether or not it meets the statutory
17 requirement that it be a statement of economic interest
18 for the preceding year Simple thing Judge, I don't
19 think there is a judgment call here to be made I don't
20 think there's a way you can construe that statute in
21 light of what this man filed As unfair as it may seem
22 to him and to everybody, that statutory requirement is
23 clear as a bell, and I submit to you that that is the
24 ruling that Your Honor should make, and if you don't, I
25 predict the Supreme Court will say, as they've already

1 said, the statute is clear

2 Now, we have this other issue, and that is
3 whether or not Mr Bennett, in fact, filed any paper copy
4 of an SEI at all Now, we know this, Judge The state
5 party gave out instructions, which they admit were wrong
6 in light of the Anderson and Florence cases They regret
7 it Mr Piscatella, as I recall his testimony, said yes,
8 that's the instructions we had That's what we followed

9 Those instructions, Your Honor, said we need
10 to show that you have filed A proof of filing, it meets
11 the requirement of the statement of economic interest,
12 and now we know the Supreme Court has said no, it
13 doesn't A paper copy of the SEI has to be filed at the
14 same time with the same official --

15 THE COURT Let me see if I understand what
16 you're saying by way of argument, and I think I do, and
17 that is, you're saying that, first of all, he did not
18 file the statement -- the paper copy of the SEI, but,
19 secondly, that even if he did, he did not file one that
20 complies with the statute because it's not for the
21 current year, or the --

22 MR COLLINS That's correct

23 THE COURT Not the previous year, for the
24 current year

25 MR COLLINS Your understanding is correct

1 Now, going back to this, we know what the standard was,
2 because Mr Piscatella admitted they thought a proof of
3 filing would comply, but we now know it doesn't Now,
4 there is this testimony --

5 THE COURT Wait Say that again

6 MR COLLINS Mr Piscatella's knowledge, and
7 I think it's well established, that filing a proof of
8 filing would meet the requirement We now know that's
9 not right

10 THE COURT I would agree with that

11 MR COLLINS So we get into the matter of
12 what's in the defendant's file and when was it put there
13 The only statement of economic interest is one that
14 Mr Piscatella admitted they download from the web site
15 in a panic, that he felt --

16 THE COURT That's pretty clear, what's in
17 the file I don't have any problem with that

18 MR COLLINS That document does not comply
19 with the statute

20 THE COURT We're down to a credibility issue
21 there Was it filed or was it not, and he says it was,
22 and the others say it was not

23 MR COLLINS Well, the one that's in his
24 file is the one Mr Piscatella downloaded on June the
25 13th, way, way later

1 THE COURT Yeah, I understand

2 MR COLLINS So Mr Bennett says he brought
3 one by, his business partner says she came by Now,
4 there is your credibility issue that you have to weigh,
5 Judge

6 THE COURT I understand

7 MR COLLINS And I don't want to say these
8 people are deliberately lying to the Court, I just want
9 to say you got a credibility issue and a judgment call to
10 make, and how do we approach it?

11 Well, Judge, we know we can rely on business
12 records if they're kept in the ordinary course of
13 business, but we know Mr Piscatella didn't keep those

14 THE COURT I'm going to come back to that in
15 a minute

16 MR COLLINS He did not, and how can we be
17 confident about the contents of a business record that is
18 taken home with somebody and kept for over a month? How
19 can we have confidence in the regularity of those
20 records?

21 THE COURT I understand

22 MR COLLINS That's a huge issue in this
23 case that I bet doesn't exist in any of the other
24 elections

25 THE COURT I understand your position

1 completely, Mr Collins Thank you

2 Now, Mr Robbins, I want to come back to you
3 for just a minute What say you with regard to the fact
4 that if I were to find as a matter of fact, as I think I
5 have the authority to do, that he did file a statement of
6 economic interest, that it was not the correct statement
7 of economic interest under the statute?

8 MR ROBBINS Judge, our position on that is
9 very clear, and the affidavit we submitted from him
10 speaks to it He filed -- he was required by the statute
11 to file a statement of economic interest for the previous
12 year

13 THE COURT Correct

14 MR ROBBINS And that is what he did He
15 indicated he was filing a statement of economic interest
16 for 2011 That's what he put on his form The
17 deadline -- and that would be for the calendar year,
18 January 1, 2011 to December 31, 2011

19 THE COURT Is that statement of economic
20 interest he claims to have filed attached to his
21 affidavit and in the record?

22 MR ROBBINS It's in the record, yes, sir
23 I'm not sure that it's attached to that affidavit, but it
24 is in the record

25 THE COURT Where is it in the record?

1 MR ROBBINS The statement of economic
2 interest?

3 THE COURT That he says he filed, yeah

4 MR ROBBINS It's in there I don't know
5 where it's at today, but I submitted it today

6 MR KINCANNON Judge, it's attached to the
7 motion to intervene by Mr Bennett

8 THE COURT Okay

9 MR ROBBINS It's also there, yes, it is,
10 but our position is he filed for 2011 as he was required
11 to, and he gave you an affidavit explaining what he did,
12 and he was required to file for last year

13 The filing --

14 THE COURT Preceding year, no question about
15 it

16 MR ROBBINS The filing period for next year
17 did not expire until April 15, 2012, so if he files on
18 March 19 of 2012, I mean, March 20 of 2012, he has to be
19 filing for last year He can't be filing for 2012 The
20 deadline for '12 hadn't even expired yet, and furthermore
21 he was not a candidate in --

22 THE COURT What is the deadline for filing?
23 Isn't it March 15th?

24 MR MURPHY April 15th

25 MR ROBBINS April 15, 2012 is the deadline

1 for filing the 2011 report, so when he filed his
2 paperwork on March the 20th and he -- or actually enters
3 it on March 19, he is entering paperwork for 2011
4 That's what he put on the form

5 THE COURT I understand

6 MR ROBBINS And that's his position He
7 was not a candidate in 2010 He was not a candidate in
8 2011 He was not holding any public office He was not
9 doing anything in either one of those years that would
10 have required him to file an SEI This is the first time
11 he was required to file one, and he filed it on March 19
12 for the calendar year 2011

13 THE COURT I understand Okay All right
14 Let me call on --

15 MR COLLINS Judge, I want to point out that
16 the circumstantial evidence in this case is very
17 powerful, what you heard from the other candidates about
18 irregularities about the things that were told For
19 example, Mr Bryngelson, in his affidavit, said he
20 brought his SEI in and Mr Piscatella told him he, quote,
21 need not -- he did not need the paper copy of the SEI

22 THE COURT I understand I know what the
23 evidence is I heard it all

24 MR COLLINS You got Mr Goodman, you got
25 Mr Hargett, you got Mr Turner These are very

1 important pieces of circumstantial evidence, Your Honor
2 That tend to prove the way things were done and the
3 irregularity of the conduct of Mr Piscatella

4 I submit also, Your Honor, the very well
5 reasoned decision made by Mrs Duncan, a very courageous
6 decision, I might add, which is fully explained in her
7 affidavit, is a good illustration of how it was in the
8 regular course of business, that Ms Duncan concluded she
9 could not accept, could not rely on these representations
10 by Mr Piscatella in light of all the other things she
11 learned

12 THE COURT That's true, Mr Collins, but at
13 the same time, she tried to do something that she didn't
14 have the power to do, and that was decertify him

15 MR COLLINS Well, she didn't know she
16 didn't have that power

17 THE COURT She's in the position to know

18 MR COLLINS She said she thought it was her
19 duty under statutes -- excuse me, under the Anderson and
20 Florence cases, and I'm sure she was being advised along
21 the way

22 Now, Ms Crum comes along and says only the
23 state party can certify or decertify those clients, but
24 at the time she decertified all those candidates, nobody
25 said, Whoa, wait a minute, Ms Duncan Nobody has

1 authority do this

2 THE COURT That's probably statutory too,
3 isn't it, Ms Crum?

4 MS CRUM Yes, sir

5 THE COURT As to who can certify and who
6 can't certify They all got legal counsel They ought
7 to know what the legal requirements are

8 MS CRUM And I was going to touch on that
9 when I give my very brief closing

10 MR COLLINS The deadline date Mr Robbins
11 referred to is April 5 That's a deadline for incumbents
12 only, the April 15 deadline

13 THE COURT How do you determine what is the
14 deadline for non-incumbents? Why wouldn't the same law
15 apply to non-incumbents as far as filing is concerned?

16 MR COLLINS I don't know that I can answer
17 it Mr Kincannon could probably answer that

18 THE COURT What they got to do is file a
19 statement of economic interest for whatever period
20 applies?

21 MR COLLINS For the preceding year When
22 they file for the office that they want to run for --

23 THE COURT So if they file one on March the
24 15th or January the 5th or whatever it is, wouldn't it be
25 for the preceding year if the deadline hasn't expired for

1 filing the one for the current? I mean --

2 MR COLLINS My understanding is every
3 candidate in Dorchester County got it right except
4 Mr Bennett He's the only one that filed an SEI with
5 the wrong date on it

6 THE COURT I'll hear from you,
7 Mr Kincannon

8 MR KINCANNON I can address that I want
9 to briefly respond to Ms Crum and for the Court's
10 instruction

11 THE COURT Go ahead

12 MR KINCANNON The reason that Mrs Duncan
13 had to amend the certification is because she certified
14 them to begin with, and we were and still are extremely
15 concerned about the Supreme Court's view of what happens
16 in these cases

17 The Supreme Court made crystal clear in the
18 Florence County case, and actually said that the job was
19 on county Republicans, and the Florence County case, I
20 think, created this issue The Florence County
21 Democratic party sued the Florence County Republican
22 party over all candidates that filed with the Florence
23 County Republican party, and this is where the issue
24 comes in

25 Even though Ms Crum is absolutely right

1 about what the statute says, as far as the state party's
2 role, the Supreme Court said that because all of the
3 candidates who live in a county file with the county
4 party, the county party has to make the factual
5 determination about certification That's the problem,
6 Judge, and I'll tell you, the central issue is that when
7 Ms Duncan acted pursuant to Anderson and Florence and
8 sent certifications in, she sent them to the Dorchester
9 County election commission, for example, and it included
10 all of the state legislative candidates

11 No one said anything, and when her signature
12 is on a document certifying those candidates, if that
13 document was generated in error months before, when the
14 Florence County case comes down, the order say county
15 Republicans get this right, she's a county Republican,
16 Judge, and it says in there that the county party ignored
17 the decisions of this Court at their own peril

18 And I feel like I would commit legal
19 malpractice if I told Ms Duncan that she was not
20 obligated to correct her prior statements as to the
21 legislative hand in Dorchester County That's why we
22 felt that was necessary, Your Honor

23 As to the issue about the year of the SEI, I
24 think it got pretty confused, and I'll clarify for the
25 Court Mr Bennett did indeed file an SEI for the wrong

1 year, and the reason for that is the statute says that
2 the SEI has to be for the preceding calendar year, and
3 that is 8-13-1356

4 THE COURT No question it says that

5 MR KINCANNON And the state ethics
6 commission might think 8-13-1120, if I recall correctly,
7 the state ethics commission, is mandated to create forms
8 for SEI files, and they've adopted a regulation, I can't
9 recall it, 52 something, where they actually adopted
10 these forms, and the form they adopted is dated by filing
11 year, and so the 2012 filing year form covers the
12 preceding calendar year's economic data, and so all of
13 the candidates in the state with just a few exceptions
14 filed 2012 filing year forms, which is correct, covering
15 the preceding calendar year

16 Mr Bennett didn't Mr Bennett filed a 2011
17 form that covered the calendar year of 2010, and the
18 problem with that, Your Honor, is it just doesn't comply
19 with the statute And by the way, the deadline for
20 filing the 2011 form is in the calendar year of 2011
21 The state ethics commission web site says it's April 15
22 of 2011, but that's for incumbents only

23 The deadline for filing the 2011 year form
24 for a non-incumbent would have been when that
25 non-incumbent filed for office, he has to hand in a paper

1 SEI

2 THE COURT Be it five days or 30 days or 70
3 days, is that right?

4 MR KINCANNON No, sir As far as this case
5 goes, this case is about candidacy filing, not ethics
6 commission filing, and I apologize for the confusion
7 here, Your Honor, but it's a statute that creates it If
8 this case says -- or this case is about what you have to
9 hand in when you file for office

10 THE COURT Right

11 MR KINCANNON And the answer is an SEI for
12 the preceding calendar year, an SEI for the preceding
13 calendar year --

14 THE COURT Is 2011

15 MR KINCANNON No, sir, it's a 2012 filing
16 date

17 THE COURT Yeah, but it's for year 2011

18 MR KINCANNON That's exactly right, yes,
19 sir, so the problem with Mr Bennett's filing is it's a
20 2011 filing year for the year 2010, and this statute --
21 Judge, I'll tell you, I'm an election lawyer and I've
22 handled election cases for years, and I never thought
23 that this case -- that this Anderson case would come down
24 the way it did

25 I believed the Supreme Court would say that

1 substantial compliance is good enough, that that is good
2 enough That has been the rule in election cases for a
3 long time, and it's questionable now whether that still
4 is a rule at all, but what is not questionable is section
5 8-13-1356, the specific statute at issue here, has to be
6 strictly complied with There is no room for error on
7 that, and I -- I went to federal court to try to get all
8 the candidates back on the ballot with the voting rights
9 act argument, Judge, and I lost

10 THE COURT Let me stop you right there
11 We're going to need to move forward in just a minute, but
12 let me ask Mr Robbins I'm sure it's in the record,
13 Mr Robbins, but give me a copy of what the document is,
14 the document that he claims that he filed to comply with
15 the statute

16 It looks to me like it ought to be pretty
17 self-evident on the face of the document as to what year
18 it is for

19 MR ROBBINS If you would give me just a
20 second, Judge Can I make one comment, Your Honor?

21 THE COURT Yes, sir

22 MR ROBBINS I would agree with
23 Mr Kincannon if he had reported on information that was
24 from 2010, but he did not do that This is the document
25 right here, Your Honor, that was attached to my motion to

1 intervene He's not reporting on about --

2 THE COURT Let me see what it says

3 MR ROBBINS On the 2010 I would also
4 further state for the record there is no information in
5 there He didn't have -- the purpose of this statute is
6 to make sure that the general public knows when the
7 politicians are getting favors from people and getting
8 money from people and they want to know who's paying them
9 to do this, who's wining and dining them, all that kind
10 of stuff

11 He had no information to report He was not
12 a candidate He was not a public official There is
13 nothing in that document

14 THE COURT All right And I got to clarify
15 this in my mind because here we seem to be playing --

16 MR COLLINS Could we see what you were
17 handed?

18 THE COURT I was handed the document that
19 was attached to Mr Bennett's motion to intervene, and
20 it's a South Carolina government, South Carolina state
21 ethics commission, public disclosures and accountability
22 reporting electronic filing, and it is a filing report
23 review And, you know, it recites the date -- this is a
24 review Is this what he actually filed, Mr Robbins?

25 MR ROBBINS That is the paper copy, Your

1 Honor

2 THE COURT Okay Well, it recites
3 Mr Kincannon, that it's the 2011

4 MR KINCANNON And, Your Honor, in Carroll
5 Duncan's affidavit -- Carroll Duncan's affidavit recites
6 state ethics commission web site, and I have a copy of it
7 right here, Your Honor, and it was attached to Mr Di
8 Sabato's amicus brief, and he actually printed out, but
9 Ms Duncan references an affidavit, and this is what it
10 says Please select the filing year for this report
11 The information in this report is for the previous
12 calendar year

13 So if the filing year is 2012, the
14 information in the report is 2011, that qualifies for the
15 statute, that qualifies under the statute, and then it
16 says note that the 2011 report is for information from
17 January 1st of 2010 to December 31st of 2010 The 2011
18 report for information from January 1, 2010 to December
19 31, 2010, and it says --

20 THE COURT What are you referring to?

21 MR KINCANNON These are instructions on the
22 ethics commission web site When you start to file this
23 form, it pops up, this instruction, and asks for a filing
24 year You select the filing year, based upon these
25 instructions, and based on these instructions, a

1 non-incumbent candidate could qualify under 8-13-1356 has
2 to select the 2012 filing year for information from
3 January 1, 2011 to December 31, 2011

4 THE COURT That's about as clear as mud

5 MR KINCANNON Judge, I understand that, and
6 the problem is that the state Supreme Court has said,
7 candidates, you got to get this right

8 THE COURT How could anybody get it right?
9 I don't see how anybody gets right

10 MR KINCANNON Every other non-incumbent
11 candidate in Dorchester got it right Mr Bennett was
12 only one that didn't, and that's true around the state
13 Every other non-incumbent candidate got it right The
14 instructions specifically say that you file a filing year
15 form and it covers information from the preceding
16 calendar year, and it's supposed to be simple

17 The ethics commission form is supposed to be
18 in 2012, you file a 2012 filing form It covers the
19 information that's due, because the statutes --

20 THE COURT When a candidate is filing a
21 statement of economic interest to run in an election in
22 the year 2012, it stands to reason that he's filing for
23 the year before That's just common sense

24 MR KINCANNON Yes, sir, Judge, but the
25 problem is, is that the ethic commission is statutorily

1 charged to create these forms, and the way they created
2 these forms was in 2012 you select the filing year for
3 2012, and it says on there quite clearly, it says it
4 explicitly when you pick this, that the 2012 report is
5 for information from January 1, 2011 to December 31,
6 2011

7 And then it says that if you pick the 2011
8 report, which is what Mr Bennett did, the information on
9 there is for the year January 1, 2010 to December 31,
10 2010

11 THE COURT Why would he file an information
12 and economic report for the year January 1, 2010 to
13 December 31, 2010 to run in an election in March of 2012?

14 MR KINCANNON Judge, I think he made a
15 mistake, and the problem in these cases is that there are
16 300 candidates around state who made a very similar
17 mistake, and they are off the ballot, and the problem
18 is --

19 THE COURT That's not why they're off the
20 ballot They're off the ballot because they didn't file
21 anything

22 MR KINCANNON Judge, I understand that, but
23 that's not actually quite the case These candidates
24 were told to file a proof of a filing that they filed
25 electronically, and the information was already out there

1 publicly at the time

2 THE COURT Sit down Sit down Sit down

3 MR KINCANNON That is trivial, but it ended
4 up disqualifying all these candidates from the ballot

5 THE COURT What you're telling me is that
6 the ethics commission has basically set a trap for the
7 unaware

8 MR KINCANNON And, Judge, I will tell you
9 right now that the Republican party, the Democratic
10 party, the instructions that created all these problems
11 with the proof of filings came from the state entities,
12 and that was no defense

13 And, Judge, the problem here in this case is
14 that it's not being written on a clean slate I wish it
15 was If I were a judge, I would not rule the way the
16 Supreme Court did, but that's not my decision, Your
17 Honor And the problem is, is that when --

18 THE COURT Well, I see the state's ruling,
19 and I understand what you're saying about the Supreme
20 Court, but I think that the critic for the Supreme Court
21 ruling in Anderson and Florence is the failure to file,
22 not the technical question as to whether or not there is
23 some date issue involved in it I mean, that just
24 doesn't make a whole lot of sense to me

25 MR KINCANNON Well, Judge, the Anderson

1 case specifically says, when it says what's required, it
2 says you have to file an SEI for the preceding calendar
3 year at the same time and with the same official

4 THE COURT I agree with that

5 MR KINCANNON And on the technicality part
6 of this, Judge, I agree with you that this is a
7 technicality, but, unfortunately, that's the world that
8 we live in after Anderson and Florence County, because in
9 those cases --

10 THE COURT What you're doing, though, is by
11 setting this -- you know, and I'm not saying I'm going to
12 rule for Mr Robbins I think the whole question, as I
13 said at the beginning of the hearing this morning, that
14 the whole question comes down to did he file or did he
15 not file? And all this semantics about what year it was
16 for is exactly that, it's semantics

17 And I am concerned about the fact that what
18 you're doing has made the instructions and the process of
19 filing the SEI so murky that it's pretty difficult for
20 anybody to comply with the law

21 MR KINCANNON Judge, the problem with that
22 is that every other candidate did it right, and beyond
23 that, the campaign disclosure form system that the ethics
24 commission has put out, and Mr Bennett did that one
25 right, it works the same way

1 You file the April 10 filing form for the
2 preceding quarter, just like you file the 2012 filing
3 form for the SEI for the preceding calendar year The
4 form systems work identically, Your Honor, and
5 Mr Bennett got that right

6 I will tell you, Your Honor, I'm not trying
7 to argue that Mr Bennett, in some ultimate sense of
8 fairness, should be excused from ballot Your Honor,
9 what I'm telling you is in this case, the South Carolina
10 Supreme Court has said if you don't get the
11 technicalities right, you're excluded from ballot and the
12 technicality here is you have to file an SEI for the
13 preceding calendar year, and the SEI that Mr Bennett
14 filed, according to instructions he was provided on the
15 state ethics committee web site, is not an SEI for the
16 preceding calendar year

17 And I think the business about disclosure is
18 important I absolutely agree it is, and the problem is,
19 is that this Supreme Court ruling, which interprets this
20 statute, it says if you don't file a paper copy of a
21 form --

22 THE COURT What is the evil that is being
23 addressed by the requirement of a filing of an SEI?

24 MR KINCANNON The evil that is being
25 addressed is that a person is supposed to be disclose

1 what financial interest they have Mr Robbins and Mr
2 Collins got that exactly right, Judge, but here is the
3 problem In Anderson and Florence County, candidates
4 weren't excluded for the ballot for not filing anything
5 They were excluded from the ballot because they didn't
6 file a second paper version of something they had
7 already, in motion cases, filed on the Internet that was
8 available for public view

9 THE COURT I understand that, but did any of
10 the cases, either Florence or Anderson, dealt with the
11 whether it was for the current year or previous year?

12 MR KINCANNON The Anderson decision says,
13 and the Florence decision too, as I recall, says you --

14 THE COURT And it quotes the statute

15 MR KINCANNON Yes, sir, it says strictly
16 comply with 8-13-1356 --

17 THE COURT But factually does either one of
18 the cases deal with that?

19 MR KINCANNON They don't, and the
20 difference is -- the problem that my client has, and the
21 problem that I think a lot of folks here have, is that
22 the order from the Supreme Court says you have to get all
23 of 8-13-1356 right It doesn't even say you have to get
24 8-13-1356(b) right, and that statute, and even this case,
25 is all that Anderson and Florence County were about, but

1 the order says you have to comply with the entirety of
2 the statute, and the problem is, Your Honor, that this --
3 I agree, it is a technical issue that the Supreme Court
4 said if you don't get the technicalities right on this,
5 you're off the battle

6 THE COURT They have said that, but at the
7 same time, the Supreme Court -- I'm not sure whether they
8 looked at it from the technicality standpoint, whether
9 it's that year or not that year, whether they weighed or
10 made the decision based upon the disenfranchisement of a
11 ballot candidate

12 MR KINCANNON I will say one thing in
13 response to that is that I don't want to disenfranchise
14 valid candidates I don't even want to disenfranchise
15 candidates that make minor mistakes, but what Anderson
16 said was, I think the very end of the Anderson
17 clarification, if I recall correctly, it says that the
18 parts have to do this according to the statute as written
19 and as interpreted by the Supreme Court in those
20 decisions

21 So they're saying -- they're roping in the
22 entirety of the statute and the rest of those decisions,
23 and so the problem is, Your Honor, from my client's
24 standpoint, she doesn't have the luxury of saying that,
25 well, this SEI filing year issue wasn't directly

1 addressed in Andersen in Florence County, therefore, I'm
2 not going to deal with it, Your Honor

3 The order specifically said you have to
4 comply with the statute, the whole statute, as written,
5 and as interpreted by the Supreme Court And so in that
6 situation there is just -- there is no doubt, Your Honor,
7 from a legal standpoint that Mr Bennett's SEI filed are
8 for the wrong year, it's just not, and he said the
9 information on the form was for the current year, but the
10 form is for the wrong year

11 And there is just no cure, Your Honor I
12 agree with you --

13 THE COURT You say there is no cure, but
14 what we're doing here, or what you're asking Court to do
15 or what the parties are asking Court to do is put form
16 over substance

17 MR KINCANNON Again, what I would ask the
18 Court to do at this juncture is simply to follow what the
19 Supreme Court said

20 THE COURT Well, I got to do that

21 MR KINCANNON And that's the problem,
22 Judge, because the Supreme Court's decisions, they did
23 indeed elevate form over substance, and what they said
24 was that this statute is a clearly written statute that
25 is in the code and you have to follow it

1 And they actually said the statute is so
2 clear that it doesn't give any kind of interpretation,
3 it's just plain meaning is what applies, and they said if
4 you do this exactly right, you're on the ballot. If you
5 don't do it exactly right, you're off the ballot, and so
6 substantial compliance -- this is the one kind of case,
7 Judge, where the substantial compliance argument is just
8 off the table.

9 THE COURT I understand that. All right.
10 Let me hear from Ms. Crum.

11 MS. CRUM Yes, sir. Your Honor, in the
12 first instance, I want to address the Court's attention
13 to section 7-11-15 subparagraph 2, and this deals with
14 who has the authority to certify or decertify members of
15 the House and Senate.

16 It says, Candidates seeking nomination for
17 the state Senate or House of representatives must file
18 their states blah, blah, blah.

19 MR. COLLINS Don't go blah, blah, blah.

20 MS. CRUM I was trying to save some time for
21 the Court, but I'll be happy to read the whole thing,
22 Your Honor.

23 Candidates seeking nomination for the state
24 Senate or House of Representatives must file their
25 statements of intention of candidacy with the county.

1 executive committee of their respective party in the
2 county of their residence The county committees must
3 within five days of receipt of these statements transmit
4 the statements along with the applicable filing fees to
5 the respective state executive committees, however, the
6 county committees must report all filings to the state
7 committees no later than 5 p m on March 30th

8 The state executive committees must certify
9 candidates pursuant to 7-13-40, so the state executive
10 committees pursuant to 7-11-15 subparagraph 2 are the
11 entities that certify the candidates for the House and
12 Senate, therefore, they're the only entities that have
13 the authority to decertify the candidates for the House
14 and Senate

15 Your Honor, with regard to -- the argument
16 with regard to the validity of the SEI and for purposes
17 of this argument, I'm just going to at least assume that
18 it four for or five We're not taking a position on
19 that

20 THE COURT I understand that That's what I
21 want you to do

22 MS CRUM 8-13-1356(b) states, A candidate
23 must file a statement of economic interest for the
24 preceding calendar year at the same time and with the
25 same officials with whom the candidate files a

1 declaration of candidacy or petition for nomination It
2 doesn't say on the form for 2011, it says a statement of
3 economic interest for the preceding calendar year The
4 purpose of the statute is to get the economic -- economic
5 relationships the candidate has for the preceding
6 calendar year

7 With regard to the question the Court asks on
8 exhaustion of administrative remedies, we do differ from
9 the Charleston County executive party -- I'm sorry, the
10 Charleston County election commission, and this is a
11 consistent case that we have taken since our appearance
12 before Judge Cothran in the case of Bullock versus the
13 Sumter County election commission, et al , including the
14 state election commission

15 THE COURT I'm familiar with that case

16 MS CRUM Yes, sir, and that's the fact that
17 7-17-560 is the administrative remedy that a candidate
18 must file, not a noncandidate, and we made that
19 distinction

20 Therefore, in this case, since the
21 cross-claim was allowed today, we think that the
22 cross-claim of Mr Rose would not be timely, because as a
23 candidate, per the e-mail he wrote to Ms Duncan, he
24 would have had to use the appeals process, and, in fact,
25 the appeals process to the state executive committee as

1 on that 7-17-560, and I would cite the Sasser case, the
2 state Supreme Court case that allowed the -- a party to
3 petition for certiorari for review of the party's
4 decision thereby forcing the decision, and as you know,
5 Your Honor --

6 THE COURT So what you said, I believe, and
7 let me clarify one thing I'm not sure I made a ruling,
8 a final ruling with regard to Mr Rose's cross-complaint
9 because I allowed the state Democratic party to add a
10 party plaintiff, and his answer brings into issue the
11 question that we've been talking about here for last 15
12 minutes about the year of filing, but what you're saying
13 is the cross-complaint is -- Mr Rose's proposed
14 cross-complaint is not timely because he has not
15 exhausted his administrative remedies as a candidate

16 MS CRUM Yes, sir, Your Honor, and that is
17 our position, and I will also tell the Court and all
18 parties that in the Bullock case, Judge Cothran allowed
19 the complaint to go forward because the plaintiffs were
20 seeking contempt and an injunction There was a petition
21 for rehearing that was argued on July the 30th We did
22 not have a decision on that

23 THE COURT I understand that

24 MS CRUM So we don't have an answer on
25 that, but I just wanted to be consistent with our prior

1 position, and, Your Honor, I believe that is all we have
2 to say, other than I'm not going to insult Court's
3 indulgence by telling you what either Florence or
4 Anderson says because I figure you can read it better
5 than I can

6 THE COURT Let me call on at this point
7 Mr Murphy

8 MR KINCANNON Your Honor, can I say one
9 quick thing about Anderson? I'm sorry, Your Honor I
10 apologize

11 The Anderson case on this administrative
12 remedy issue, the issue of protest was raised, protested
13 the exclusive way this happens, and in Anderson the
14 Supreme Court says in a civil action over filing issues
15 is allowed It said that the Anderson case expressly
16 rejected the idea that the protest is the sole way this
17 can be done, and it said that a civil action is perfectly
18 allowed So Anderson completely forecloses Ms Crum's
19 argument

20 MS CRUM I just make the simple point that
21 the plaintiffs in the Anderson case were not candidates

22 THE COURT I understand All right I want
23 to hear from Mr Murphy, and, Mr Murphy, the main thing
24 I want to hear from you and what I'm most concerned about
25 is the removal of the records from the office of the

1 Republican party

2 MR MURPHY I think the testimony was that
3 the office was not secured, that there was any number of
4 people that had access to that office They did not have
5 any type of security, as has been testified to, in that
6 office

7 THE COURT So take the papers and file them
8 with the Clerk of Court

9 MR MURPHY Judge, can I just --

10 THE COURT Yes, go ahead

11 MR MURPHY Thank you We had an issue
12 where there was a breach of security From June
13 13th until -- June 13th when Mr Piscatella, Ms Duncan
14 found out that there was a breach of security and that
15 there were documents missing, they were told by the state
16 party, and that's in the e-mails and everything, not to
17 let anybody have those documents

18 On June 21st, Mr Piscatella informed me
19 about what happened On June 22nd I obtained an e-mail,
20 because we were up at the State House -- I obtained an
21 affidavit from him as to what exactly happened regarding
22 Mr Bennett's file He then went through the whole thing
23 about security or the lack thereof

24 Within a week there had been a lawsuit filed
25 against the Dorchester County Democratic party That was

1 one week later There were all kinds of rumors going
2 around, Your Honor At that point, even from
3 Ms Duncan's testimony, you know, we were all on the same
4 page Tony, hold the files, hold the files, hold the
5 files

6 Then within a week, she then retained new
7 counsel, Todd Kincannon, and I want to tell you, Judge,
8 there has been testimony from both Senator Rose and
9 from -- I mean, the Court can see that Senator Rose, who
10 wasn't a party, was in direct contact with Ms Duncan's
11 lawyer I mean, they were back and forth They had been
12 arguing motions He's been pulling on Todd's coattails
13 this whole time when they're arguing the Anderson
14 decision and feeding him information

15 Your Honor, these two have been working in
16 cahoots on this case They've been working with the
17 Democratic party They tried it get the Democrats --
18 they tried to enter into a consent order and Judge
19 Goodstein refused to sign it

20 THE COURT I heard all of that I want an
21 answer to my question

22 MR MURPHY The point is, Judge, that I
23 advised him that the documents, the security had been
24 breached At that point, when Mrs Duncan did a 180 on
25 us and now was decertifying candidates and everything,

1 Judge, I'll be quite honest with you I felt there
2 was -- he's talked about a conspiracy I thought there
3 was a conspiracy here

4 I told Mr Piscatella, and if you want to
5 sanction me or fine me, that's fine, but I told
6 Mr Piscatella to ensure the integrity of those
7 documents

8 THE COURT How does that ensure the
9 integrity of the documents? That's the problem You
10 should have known or should realize that that's going to
11 put your client under attack

12 MR MURPHY Judge, he was the only one that
13 ever had those documents He was entrusted with those
14 documents As soon as the Court issued an order for me,
15 we turned the documents over

16 THE COURT I know that You did

17 MR MURPHY June 26 or whenever this lawsuit
18 was filed by the Democratic party --

19 MR ROBBINS 29th

20 MR MURPHY Whenever this lawsuit was filed
21 by the Democratic party there was a mechanism for them or
22 anybody to order, ask for a subpoena Judge, he never
23 got one I would have complied with any order I was
24 waiting for an order I was waiting for a directive

25 You know, Judge, you have to base the

1 credibility of the witnesses I think if you look and
2 you weigh the testimony of my client, my client was doing
3 what he was directed by the state party He was doing
4 what was directed by me, and if I made the wrong
5 decisions, Judge, I mean, I made the wrong decision, but
6 I felt that the security was breached I felt that it
7 was a conspiracy by Mrs Duncan, Mr Kincannon, and
8 Mr Rose, and, Judge, I advised them to do it, and if you
9 want to cite me or hold me in contempt for that, Judge --

10 THE COURT No, I'm just curious as to --

11 MR MURPHY And that was the testimony, Your
12 Honor

13 THE COURT I know that, and I'm not -- I'm
14 just saying that I have some concern about the fact that
15 that does not ensure the security of the records

16 MR MURPHY Well, Judge, I think it does
17 because there was only one person that held the documents
18 the entire time, and that was Mr Piscatella And
19 Mr Piscatella, as has been testified to today, when he
20 turned those documents over, he didn't try to hide
21 anything or anything He labelled the documents for what
22 they were

23 The only testimony was those were the
24 documents have been entered into evidence and made a part
25 of the record Those are the documents that were -- that

1 he received from the candidates There's been no
2 testimony that anything has been tampered with other than
3 the fact that he entered or added an SEI from Mr Bennett
4 when he panicked He didn't try to hide it, Judge

5 THE COURT Okay Okay Thank you, counsel
6 I think I've got everybody's position in mind, and
7 everyone has articulated very clearly what their various
8 positions are

9 I understand the issues that are before the
10 Court It has expanded a little bit from what I thought
11 it was this morning, which is whether or not an SEI has
12 been filed or not filed It now goes to the further
13 issue as to whether an SEI that complies with the statute
14 was or was not filed

15 But I appreciate the fact that counsel has
16 agreed that the only issue before the Court is with
17 regard to the certification of the candidate for the
18 Senate seat in District 38 and that the other issues have
19 all resolved themselves for the other candidates are
20 concerned

21 I also understand the time constraints that
22 everybody is under, that the party -- or, actually, state
23 Democratic party needs to make certification by August
24 15th from the state election commission Am I right, Ms
25 Crum?

1 MS CRUM Yes, Your Honor, both parties,
2 Republican and Democratic

3 THE COURT And the time constraints that
4 everybody is under, and, of course, I will meet those
5 time constraints, and I don't believe I have any further
6 questions that I need to have resolved at this point I
7 have got a number of documents and other things that I
8 will look at and review I have all the exhibits that
9 have been introduced and all of the affidavits that have
10 been introduced, and, of course, I have read and will
11 read again and reread the Anderson one and two decisions
12 and the Florence County decisions to see how all of this
13 fits in

14 I'll go back to my original premise this
15 morning, that I am always concerned when there is a
16 matter before the Court that involves the
17 disenfranchisement of the voters in any election, but I
18 understand if that happens as a result of the decisions
19 made by the Supreme Court, then that's not really under
20 my control But philosophically and personally, I, of
21 course, favor the voters making decisions, but as a
22 lawyer and a judge, I also understand I have got to
23 follow the law as provided for under statute and as the
24 statutes are interpreted by our Supreme Court

25 So that's the, lack of a better way to put

1 it, box that I'm in, and I will make the appropriate
2 decision as quickly as possible Thank you for coming,
3 and we are adjourned

4 - - -

5 (Whereupon, the proceedings were concluded)

6 - - -

7

8

9

10

11

12 I, the undersigned, Amanda K Haffenden, RPR,
13 CRR, Official Court Reporter for the Ninth Judicial
14 Circuit of the State of South Carolina, do hereby certify
15 that the foregoing is a true, accurate, and complete
16 transcript of record of all the proceedings had and
17 evidence introduced in the trial of the captioned case,
18 relative to appeal, in the Circuit Court for Dorchester
19 County, South Carolina, on the 6th of August 2012

20 I do further certify that I am neither of kin,
21 counsel, nor interest to any party hereto

22 August 13, 2012

23

24

25

Circuit Court Reporter

AMANDA K HAFFENDEN, RPR, CRR
 Circuit Court Reporter
 P O Box 424
 Summerville, SC 29484
 (843) 771-3755

August 13, 2012

TO Joel W Collins, Jr
 Collins & Lacy, P C
 1330 Lady Street, Sixth Floor
 P O Box 12487
 Columbia, SC 29211

IN RE Dorchester County Democratic party vs Dorchester
 County Republican party
 DATE August 6, 2012
 TRANSCRIPT OF PROCEEDINGS
 BEFORE Honorable Howard King

321 pages at \$4 25 per page	\$1,364 25
ASCII charge	\$35 = \$1,399 25
LESS DEPOSIT	0
TOTAL DUE	\$1,399 25

STATE OF SOUTH CAROLINA
COUNTY OF Dorchester
Dorchester County
Dem. party

Plaintiff(s),

vs

Dorchester Co. Republican
party

Defendant(s)

IN THE ~~33~~ COURT
JUDICIAL CIRCUIT

EXHIBIT LIST

Docket No 2012-CP-18-01632

Plaintiff	Defendant
Attorney	Attorney
Hearing Start <u>8-6-12</u>	Judge <u>Howard King</u>
Hearing End	Court Reporter <u>Amanda Haffender</u>

Plaintiff	Exhibit Description	Defendant	Exhibit Description
1		①	E-mail dated 6/20/12
2		②	Candidate checklist
3		③	e-mail dated 5/4
4		④	e-mail dated 6/7
5		⑤	e-mail dated 6/3
6		⑥	~~letter~~ email - 2/12
7		⑦	e-mail - 6/19
8		⑧	email - 6/20
9		⑨ *	email - not admitted
10		⑩	Declaratory statement
11		⑪	email - 6/19
12		⑫	checklist
13		⑬	checklist
14		⑭	letter
15		⑮	email
16		⑯	email

Submitted and received this 6th day of August 2012

Court Reporter

Judge has exhibits
(Deputy) Clerk of Court

SCCA 496 (12/2009)

marked but
(*) Not admitted

Deputy
Rebecca
8-10-12

STATE OF SOUTH CAROLINA

COUNTY OF _____

IN THE _____ COURT
_____ JUDICIAL CIRCUIT

Plaintiff(s),

vs

Defendant(s)

EXHIBIT LIST

Docket No _____

Plaintiff	Defendant
Attorney	Attorney
Hearing Start	Judge
Hearing End	Court Reporter

Plaintiff	Exhibit Description	Defendant	Exhibit Description
1		(17)	email
2		(18)	emails
3		(19)	email r1
4		(20)	email
5		(21)	email
6		6	
7		7	
8		8	
9		9	
10		10	
11		11	
12		12	
13		13	
14		14	
15		15	
16		16	

Submitted and received this _____ day of _____, 20____

Court Reporter

(Deputy) Clerk of Court

SCCA 496 (12/2009)

ROA 1127

STATE OF SOUTH CAROLINA
COUNTY OF Dorchester
Dorchester County
Dem. party

Plaintiff(s),

VS

Dorchester Co. Republican
party

Defendant(s)

IN THE COURT
JUDICIAL CIRCUIT

EXHIBIT LIST

Docket No 2012-CP-18-01632

Plaintiff	Defendant
Attorney	Attorney
Hearing Start <u>8-6-12</u>	Judge <u>Howard King</u>
Hearing End	Court Reporter <u>Amanda Haffender</u>

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5		⑤	e-mail dated 6/3
6		⑥	~~letter~~ email - 2/12
7		⑦	e-mail - 6/19
8		⑧	email - 6/20
9		⑨ *	email - not admitted
10		⑩	Dorchester statement
11		⑪	email - 6/19
12		⑫	checklist
13		⑬	checklist
14		⑭	letter
15		⑮	email
16		⑯	email

Submitted and received this 6th day of August, 2012

Court Reporter

Judge King has
(Deputy) Clerk of Court

SCCA 496 (12/2009)

marked but

* Not admitted

ROA 1128

STATE OF SOUTH CAROLINA

COUNTY OF _____

IN THE _____ COURT
JUDICIAL CIRCUIT

2012-CP-18-1632

Plaintiff(s),

vs

Defendant(s)

EXHIBIT LIST

Docket No _____

Plaintiff	Defendant
Attorney	Attorney
Hearing Start	Judge
Hearing End	Court Reporter

Plaintiff	Exhibit Description	Defendant	Exhibit Description
1		(17)	email
2		(18)	emails
3		(19)	email r
4		(20)	email
5		(21)	email
6		6	
7		7	
8		8	
9		9	
10		10	
11		11	
12		12	
13		13	
14		14	
15		15	
16		16	

Submitted and received this _____ day of _____, 20____

Court Reporter

(Deputy) Clerk of Court

From **Carroll Duncan** <carrollsduncan@gmail.com>
Date Wed, Jun 20, 2012 at 10 20 PM
Subject Time sensitive advice/ occurring 7 30 am 6/21/12
To Matt MooreR <mmatt@scgop.com>, Chad Connelly <chad@scgop.com>
Cc Tony Piscatella <tpiscatella@gmail.com>, Carroll Duncan
<Carrollsduncan@gmail.com>

CONFIDENTIAL

Suggested to Tony that he not give any info for an affidavit unless he can establish a "privileged" relationship with attorney Chris Murphy, who has "offered" to execute such tomorrow morning at 7 30 am (Arranged by Rep Horne) If this arrangement is acceptable with Chris, then the info should not be disseminated without Tony's specific consent, protecting him and the Party

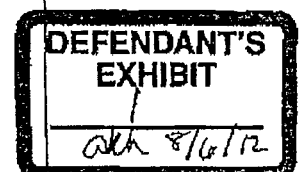
If Chris declines, Tony should give no information at this time and sit tight waiting for direction from the Party's atty Is this acceptable to the Party?

Chris asked that I give you his cell 843-200-6937 to get him off the floor tomorrow if you all need to speak to him

Again, thank you for continued support and advice!

Thanks,

Carroll



ROA 1130

Carroll Shuman
12:35 p.m.
3/30/12

Checklist

☒ **Newspaper Advertisement**

Placed advertisement with all necessary information ✓
Ad appears by March 2, 2012 ✓
Invoice/Tear Sheet sent to SCGOP ✓
Copy of ad sent to SCGOP ✓

☐ **Statement of Intention of Candidacy**

Completed by Candidate(s) ✓
Signed by County Chairman ✓
Copy(s) kept by County Party ✓
Copy(s) sent to County Election Commission ✓
Copy(s) sent to SCGOP ✓

☐ **Statement of Economic Interests Form**

Completed online by Candidate(s) ✓
Verified by County Chairman ✓

☐ **Campaign Disclosure**

Instruct candidate(s) to file campaign disclosure
online at ethics.sc.gov ✓

☐ **Notice of Candidacy and Pledge**

Completed by Candidate(s) ✓
Signed by County Chairman ✓
Copy(s) kept by County Party ✓
Copy(s) sent to SCGOP ✓

☐ **Affidavit for Sheriff/Coroner (if necessary)**

Completed by Candidate(s) ✓
Copy(s) sent to County Election Commission ✓
Copy(s) sent to SCGOP ✓

☐ **Certification Letter**

Completed by County Chairman ✓
Sent to County Election Commission ✓
Copy sent to SCGOP ✓

☒ **Filing Fees**

All filing fees deposited in County account ✓

DEFENDANT'S
EXHIBIT

2
BOX 1431
03/30/12

DORCHESTER COUNTY REPUBLICAN PARTY 07/95
CAMPAIGN ACCOUNT
89-B OLD TROLLEY RD STE 203
SUMMERVILLE SC 29486-4951

2018
67-321/532

DATE 3/30/12

PAY TO THE
ORDER OF

SC GOP

\$ 28,691.56

Twenty eight thousand six hundred ninety one and 56/100 DOLLARS  Security features
included.
Details on back.

FNB

First National Bank
Personalized checks
The FNB for you
Summerville, SC 29484

MEMO

July Aug

G L Perrotto Jr

MP

⑆053203210⑆ ⑈8200 14058⑈2018

TRADITIONAL BLUE

March 30, 2012

Dorchester County Election Commission
Joshua A. Dickard, Executive Director
201 Johnston Street
St. George SC 29477

Dear Mr. Dickard:

Please be advised this letter serves as certification of the Republican candidates from Dorchester County (SC) to appear on the ballot for the offices of Sheriff, Clerk of Court, Coroner, Treasurer, Registrar of Deeds, Auditor, Probate Judge, and County Council Member Districts 4, 5, 6.

Sheriff

L. C. Knight
Mike Turner

Clerk of Court

Cheryl Graham

Coroner

Christopher D. Nisbet

Treasurer

Mary Pearson

Registrar of Deeds

Margaret L. Bailey

Auditor

J. J. Messervy

Probate Judge

Mary Blunt

Council Council Member District #4

Larry Hargett
John Hull

County Council Member District #5

Carroll Duncan

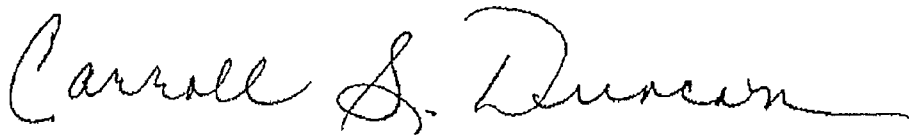
County Council Member District #6

Roger W. Goodman
Bill Hearn

p 2 Certification letter- 2012 Election to DCEC/SCGOP
March 30, 2012

I attest the afore listed canddates have met or will meet the requirements for their positions in
Dorchester County (SC) by the time of the general election, and their names are listed as they
should appear on the ballot

Best regards,

A handwritten signature in cursive script that reads "Carroll S. Duncan". The signature is written in dark ink and is positioned above the typed name and address.

Carroll S Duncan, Chairman
Dorchester County Republican Party
89B Old Trolley Rd Suite 203A
Summerville, SC 29485

CSD/ans
Cc South Carolina Republican Party

ROA 1134

Sean Bennett
1422 Peninsula Pointe
Summerville, SC 29485

Ed Carter
229 Limestone Rd
Dorchester, SC 29437

Roger W Goodman
2215 Hummingbird Lane
Summerville, SC 29483

John Hull
9697 Pebble Creek Blvd
Summerville, SC 29485

John Joseph Mondo Sr
1763 1st Bend Rd
Harleyville, SC 29448

Michael A Turner
302 Brick Kiln
Summerville, SC 29483

Dear County Chairman/Executive Committeeman,

As you know, filing must close tomorrow at noon. You cannot accept any candidate filings after this time.

There are things you will need to send a few places, and if you could get them to us quickly that would be great, and allows us all to comply with state law.

County Election Commission

Certification Letter

-Copies of the Statement of Intention of Candidacies — ORIGINAL

Copies Affidavits of Sheriff and Coroner Candidates — ORIGINAL

SCGOP

1913 Marion Street, Columbia, SC 29201

-Copy of Certification Letter

-Copies of the Statement of Intention of Candidacies

Copies of Notice of Candidacy and Pledge

Copies Affidavits of Sheriff and Coroner Candidates

-One check for all filing fees

-Invoice/Tear Sheet from Newspaper Advertisement

Copy of Newspaper Advertisement

Please also fill out the attached master filing sheet, and email it back to us asap so we can go ahead and know who is running for which offices. Please make sure your county chairman/executive committeeman gets this email!

Thanks so much for all you do. Call me at the office, or on my cell, if you have any questions!

AS

Alex Stroman
Political Director
South Carolina Republican Party
1913 Marion Street
Columbia, SC 29201
803 988 8440 (o)
803 374 4132 (c)

From **Carroll Duncan** <carrolsduncan@gmail.com>

Date Fri, May 4 2012 at 3 28 PM

Subject Fwd SCGOP Issues Statement on Candidate Certification

To Carroll Duncan <Carrolsduncan@gmail.com>

Cc Tony Piscatella <tpiscatella@gmail.com>, Tim Huber <TRH61054@aol.com>, Janette Chipas <jkchipas@sc rr.com>, Barbara Mojonner <mojonner@earthlink.net>, Ann Shields <anshields@sc rr.com>, Mikki Hunter <mikki25@sc rr.com>

Dear Candidates,

Unbelievable, hectic, stressful is all I can say to describe this week. Provided below in the communique from SCGOP is the official list turned into the State Election Commission today of candidates who are certified. I chose to provide you the entire statewide list to peruse so you will see what's happened county by county. Tony Piscatella drove me to the Swamp this morning so that I could hand deliver before noon to Joshua Dickard, Ex Director of Elections and Voter Registration, a certification letter with an attached lists of all candidates who filed in Dorchester County who are to appear on the ballot. I am sorry to say Mr John J Mondo, Sr could not be certified. Additionally, John Steinberger, who filed in Charleston County was removed from Senate 41 race.

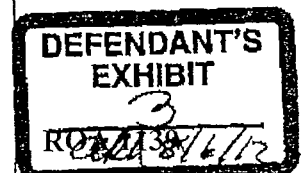
For your information, we were in great shape once the Supreme Court made their decision, especially for all the challengers and "newbies" because our team (listed above) spent weeks meticulously checking and rechecking what was required of us and we went the extra mile asking for the SEI information, not just the confirmation #. Our home team go-to- guy, Tony, was the master at taking over under the circumstances, you will recall I was unable to get up to the office with no elevator; he insisted that the extra step was taken. On the last day of filing we had multiple sets of eyes going over all the required info being sent to the State GOP and kept the SEI copies at the office.

As you all may already know there were two major developments today.

1) Columbia Attorney Todd Kincannon filed a lawsuit in Federal Court this morning asking for an emergency hearing (probably not the legal term, so forgive me) on behalf of the candidates across the state who were taken off the ballot and

2) Senator Larry Martin, Chairman of the Senate Judiciary Committee, called an emergency meeting of said committee Tuesday, May 8, 10 00 am for the purpose of introducing and passing legislation to give those candidates who filed in a timely manner, but got kicked off the ballot for technicalities, time to submit proper documentation to the Parties and have them placed back on the ballot.

Will update you as we receive information and thank each of you for your patience as we have diligently taken received information and applied the ruling passed by the Supreme Court, with many checks and balances. The SCGOP rechecked all of the information the county parties sent to them yesterday. Our goal as a Party is treat all GOP candidates fairly and equally.



Sincerely,

Carroll

-- -- - Forwarded message -----

From **Matt Moore** <matt@scgop.com>

Date Fri, May 4 2012 at 12 55 PM

Subject SCGOP Issues Statement on Candidate Certification

To Matt Moore <matt@scgop.com>

FOR IMMEDIATE RELEASE

South Carolina Republican Party
Contact Matt Moore, Executive Director
[803-988 8440](tel:803-988-8440)

SCGOP Issues Statement on Candidate Certification

Columbia, SC - The South Carolina Republican Party today issued a statement following the S C Supreme Court's Noon, May 4 filing deadline

"On behalf of all South Carolina Republicans, I am sad about this week's candidate filing rulings, but am committed to following the S C Supreme Court's instructions. Our party has meticulously analyzed the filing submissions in compliance with the standards set forth by the Court

We respect the Court's decision and in compliance with the Court's order, we have submitted our list to the Election Commission. We are looking forward to moving ahead and anticipate animated and spirited primary contests on June 12th "

Link to filings

<https://docs.google.com/spreadsheet/ccc?key=0AtgtKoNHR5uNdEtoeGRSVUVIUnfybzNCOHk4dkVHSLE>

###

From **Carroll Duncan** <carrollsduncan@gmail.com>
Date Thu, Jun 7, 2012 at 2 06 PM
Subject Re Supreme Court Ruling - UPDATE
To Joshua Dickard <JDickard@dorchestercounty.net>
Cc Tony Piscatella <tpiscatella@gmail.com>, Carroll Duncan <Carrollsduncan@gmail.com>

Josh,

After examining all candidate's files at the Dorchester County GOP office, with all hard copies of the SEI being provided at the same time the Candidate Declaration form was submitted, to the best of my knowledge, at this time, no changes are required on the GOP Primary ballot. The certified candidates' list presented to you on May 4, 2012 before 12 noon by Tony Piscatella and me stands as is.

If you need further information, please don't hesitate to call me.

We certainly appreciate everything you, your staff and the Election Commissioners are doing to protect the integrity of the election process on June 12.

Best,

Carroll

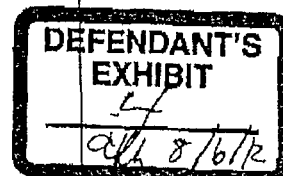
Carroll S. Duncan, Chairman
Dorchester County GOP
[843 873 1654](tel:8438731654)

On Thu, Jun 7, 2012 at 10 47 AM, Joshua Dickard <JDickard@dorchestercounty.net> wrote:

I just received an update from the State Election Commission regarding any decertification s you may have. Please submit any decertified names to my office by 4 00 p m today, June 7, 2012. Thank you again for your help.

Joshua A. Dickard
Executive Director
Dorchester County Elections & Voter Registration

2120 East Main Street Dorchester SC 29437
[843 832 0071](tel:8438320071) (office) | [843 832 0281](tel:8438320281) (fax)
<http://www.dorchestervotes.org>



ROA 1141

From Carroll Duncan <carrollsduncan@gmail.com>

Date Thu, May 3, 2012 at 3 02 PM

Subject Candidates Dorchester County Official Notice

To Matt MooreR <matt@scgop.com>

Cc Carroll Duncan <Carrollsduncan@gmail.com>, Tony Piscatella <tpiscatella@gmail.com>

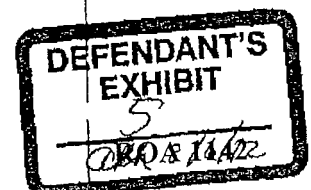
Dear Matt,

Unfortunately, Mr John J Mondo, Sr , candidate for H 102, does not meet the criteria spelled out in the May 2, 2012 SC Supreme Court ruling He did not turn in a copy of the SEI with his Statement of Intention of Candidacy nor had he filed by March 30 with the Ethics Commission He did file as soon as he was notified of the deficiency by the EC on April 23

I look forward to hearing from you all about the latest appeal Mr Mondo indicated to Tony that he may run as a conservative Independent in the General Election in November

Carroll

Carroll S Duncan, Chairman
Dorchester County Republican Party
Summerville, SC



From **Carroll Duncan** <Carrollsduncan@gmail.com>
Date Mon, Mar 12, 2012 at 11:53 AM
Subject CANDIDATE FILING 2012
To Carroll Sheppard Duncan <Carrollsduncan@gmail.com>

Dear Elected Officials and Candidates,

As we prepare for the filing period, the DCGOP is intent on making the process as efficient as possible. With that in mind, we are asking that you respond by e-mail or phone indicating your preference for an appointment during the specified filing period. We will be taking up to 3 appointments per hour of operations. If for some reason you are unavailable to attend one of the days, call me to arrange a time that works into your schedule. State law dictates the two week filing period so we will strictly adhere to opening, Friday March 16 at noon and closing promptly Friday, March 30 at noon.

1. For those of you who have already contacted us, we have you on our schedule at the office.

Appointment times: numbers in parentheses are availabilities

Friday, March 16

Noon (3)

1 pm (1)

2 pm (0)

3 pm (3)

Wednesday, March 28

9am-1pm All slots available

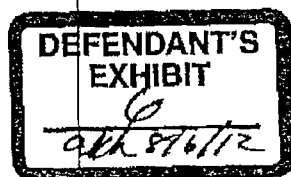
Thursday, March 29

12 noon-4pm All slots available

Tuesday, March 20

9 am (2)

Friday, March 30



ROA 1143

10 am (3)
we must close

8 am until 12 noon at which time, by law,

11 am (3)

2 There are two (2) forms that **MUST** be completed online, one (1) of which is a requirement to file, therefore, please complete before your appointment and bring a proof of completion of (SEI) as required by the State Ethics Commission

a **Statement of Economic Interests** (SEI)

[http //ethics sc gov/statementofeconomicinterests/pages/index.aspx](http://ethics.sc.gov/statementofeconomicinterests/pages/index.aspx)

b **Campaign Disclosure** (see specifics below)

[http //ethics sc gov](http://ethics.sc.gov)

From the SCGOP

"Please inform your candidates that they must also file a campaign disclosure online at [http //ethics sc gov](http://ethics.sc.gov) within ten (10) days of raising or spending \$500 or

more This is not required to file for office, but is required to run for office and must be filed at some point "

3 Bring a check for your filing fees made out to DCRP

4 As there was 2 years ago, we have a Candidate Declaration form pertaining to the State Party Platform and your stand on issues. Not to worry, this is not the "purity pledge" you may have read about in another county!

5 In accordance with our Executive Committee Rules, we have formed a Candidate Support Committee for the vetting process about which we will be sending information at a later date. This Committee, along with the officers, is available to assist candidates in navigating the process of running for office, especially for those who have not done so before.

6 For your convenience, attached is a Candidate Filing Checklist which will be attached to your individual packet when you arrive for your appointment.

7 ****Please NOTE Candidates for Sheriff and Coroner have additional forms to fill out, see attached.

Thank you for supporting our Republican values and Dorchester County GOP

Carroll

Carroll S. Duncan

Chairman, Dorchester County Republican Party

843 873 1654 (H)

843 224 3711 (C)

***Candidates for Coroner must meet the following qualifications**
(S C Code of Laws 17-5-130)

- Must have a high school diploma or equivalent recognized by the State Department of Education
- Must not have been convicted of a felony offense or an offense involving moral turpitude contrary to the laws of this State, another state, or the United States
- Must have one of the following combinations of education and experience
 - 3 years experience in death investigation with a law enforcement agency, coroner, or medical examiner agency, or
 - 2 year associate degree and 2 years experience in death investigation with a law enforcement agency, coroner, or medical examiner agency, or
 - 4 year baccalaureate degree and 1 year experience in death investigation with a law enforcement agency, coroner, or medical examiner agency, or
 - be a law enforcement officer, as defined by S C Code of Laws 23-23-10(E)(1), certified by the S C Law Enforcement Training Council with a minimum of 2 years of experience, or
 - be a licensed private investigator with a minimum of 2 years of experience, or
 - have completed a recognized forensic science degree or certification program or be enrolled in a recognized forensic science degree or certification program to be completed within 1 year of being elected to the office of coroner
- Candidates must file a sworn affidavit with the county party chairman, or other filing officer, no later than the close of the filing period. Affidavits can be obtained from political parties or the county election commission. Affidavits must contain the following information:
 - date and place of person's birth
 - person's citizenship
 - county of residence and how long the person has been a resident of that county
 - whether the person is a registered voter
 - date person obtained high school diploma or its recognized equivalent
 - whether the person has been convicted of a felony offense

- or an offense involving moral turpitude contrary to the laws of this State, another state, or the United States
- date person obtained an associate degree or baccalaureate degree, if applicable
- date person completed a recognized forensic science degree or certification program, or information regarding the person's enrollment in a recognized forensic science degree or certification program, if applicable

****Candidates for Sheriff must meet the following qualifications**
(S C Code of Laws 23-11-110)

- Must have one of the following combinations of education and experience
 - High school diploma & 5 years experience as a certified law enforcement officer, or
 - 2 year associate degree & 3 years experience as a certified law enforcement officer, or
 - 4 year bachelors degree & 1 year experience as a certified law enforcement officer, or
 - Served as a summary court judge for at least 10 years
- Must not have pled guilty or been convicted of a felony in this state or in any other state or pled guilty or been convicted of driving under suspension of a license or driving under the influence of drugs or alcohol within the past 10 years
- Candidates must be fingerprinted and have SLED make a search of local, state and federal fingerprint files for any criminal record. Fingerprints are to be taken under the direction of any law enforcement agency and must be made available to SLED no later than 130 days prior to the General Election. The results of the records search are to be filed with the county executive committee of the person's political party. A person seeking nomination by petition must file the results with the county election commission in the county of his residence.
- Candidates must file a sworn affidavit with the county party chairman, or other filing officer, no later than the close of the filing period. Affidavits can be obtained from political parties or the county election commission. Affidavits must contain the following information:
 - date and place of person's birth
 - date person graduated from high school or received equivalent of high school diploma
 - number of years experience person has as a certified law enforcement officer, when applicable

- o number of years experience person has as a summary court judge, when applicable
- o an affirmation the the person meets all of the qualification requirements of 23-11-110(A)

DORCHESTER COUNTY REPUBLICAN PARTY

CANDIDATE PACKET CHECKLIST

Name as it will appear on the ballot _____

Candidate for office of _____

Paid DCRP Membership _____ Y _____ N

Filing Fee Amount \$ _____ Paid Date ____/____/2012

Make checks payable to DCRP

_____ **Statement of Intention of Candidacy (SIC) and Pledge**

_____ **Statement of Economic Interests (SEI) – proof of online filing**

_____ **Candidate Support Committee Declaration Statement**

_____ **Affidavit – (*Requirements for Coroner and Sheriff*)**

_____ **Campaign Disclosure – Not required at time of filing**

file online within 10 days of raising or spending \$500, copy to office

STATEMENT I hereby acknowledge that I have received all of the forms and information needed to file for the above office and state that I have accurately and honestly completed the documents

Candidate signature _____ Date ____/____/2012

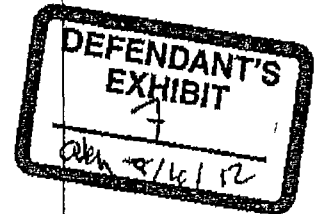
Received by _____ Date ____/____/2012

Michael Rose

Subject

FW Thursday's Fundraiser

From Michael Rose [mailto:mrose5@sc.rr.com]
Sent Tuesday, June 19, 2012 3:19 AM
To Carroll Duncan
Cc mrose5@sc.rr.com
Subject RE: Thursday's Fundraiser



Carroll,

There are several indicators that the Statement of Economic Interests of Bennett and others were not filed properly and, therefore, I and others ran Primary races we should not have had to run.

One indicator, among others, is that a very high ranking person in Columbia called me last Wednesday and volunteered that I should review Bennett's paperwork because it was not filed properly.

Afterwards last Wednesday, I asked Tony to let me review Bennett's paperwork, and was told by Tony that he would give me a copy of it to review. However, I have not received it and have been informed that the DCRP and the State Republican Party will not let me or anyone see Bennett's paperwork.

As you can see below, the Statement of Economic Interests of Bennett and other Dorchester Republican candidates have not been filed with the appropriate government entities as required by law, thereby ensuring that no one can see the SEIs they filed to become Primary candidates.

This all looks very bad, and the failure to file the SEIs with the appropriate authorities and refusal to provide the paperwork for public review makes it look like Republican officials have not done their duty and have something very bad to hide.

Under these circumstances we are not going to attend a Republican Party fundraiser. Instead, I am going to spend my time determining the truth about this matter that Republican officials refuse to provide, starting with asking the Senate Ethics Committee and other government entities to try to force Republican officials to provide those entities the SEIs that Section 8-13-1356 requires Republican Party officials to have provide.

Mike Rose

Section 8-13-1356 quoted below is titled "Filing of statement of economic interests by candidates for public office." (Emphasis added.) Subsection (c) states that "[t]he official with whom the

candidate files a declaration of candidacy or petition for nomination no later than five business days after the candidacy books close must file a copy of the statement with the appropriate supervisory office. Therefore, the Dorchester County Party official (Tony Piscatella) with whom Bennett Carter Bryngelson and Duncan filed a declaration of candidacy was required within five business days, to file a copy of their statement of economic interests with the appropriate supervisory office for their respective statements of economic interest. Cathy Hazelwood confirmed to me last Friday that the State Ethics Commission has not received the Statement of Economic Interests of any candidate that would include Duncan for Dorchester County Council. Further, Leonard Odom, Research Director for the Senate Ethics Committee, has confirmed in an affidavit filed in a lawsuit involving Paul Thurmond that as of June 11, 2012, no Statement of Economic Interests has been filed with the Senate Ethics Committee regarding a candidate for the Senate. This would include Bennett. Presumably the Dorchester Republican Party was consistent by not filing a Statement of Economic Interests with the House Ethics Committee regarding Carter and Bryngelson.

From: Carroll Duncan [mailto:carrollsduncan@gmail.com]

Sent: Monday, June 18, 2012 11:03 AM

To: Mike Rose

Subject: Thursday's Fundraiser

Mike,

If you and Vivian have not made plans to attend the GOP Fundraiser at the Miler on Thursday night, I would love to have both of you come as my guests. Senator Davis is coming as a special guest.

Thanks and have a good week!

Carroll

- - - - Forwarded message - - - -

From: Carroll S. Duncan <carrollsduncan@gmail.com>
Date: Wed, Jun 20, 2012 at 5:06 PM
Subject: Fwd: Appeal Rose vs Bennett Senate District 38
To: Matt Moore <matt@scgop.com>

Answer him or not?

For you, Tony has not and will not alter any records. He's added a copy of the SEI to the file but with note that it's a copy and what day he added and why.

Sent from my iPad

Begin forwarded message

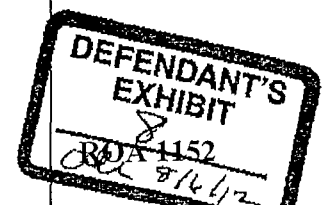
From: "Mike Rose" <mrose5@sc.rr.com>
Date: June 20, 2012 4:48:21 PM EDT
To: "Tim Huber" <trh61054@aol.com>
Cc: "Carroll Duncan" <carrollsduncan@gmail.com>, <mrose5@sc.rr.com>

Subject: RE: Appeal Rose vs Bennett Senate District 38

Tim and Carroll,

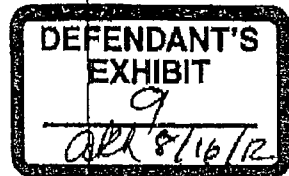
A lawyer told me this afternoon that Tony Piscatella needs to be told that there are computerized records of all computer transactions regarding the paperwork in question, that those records will reveal the truth, and that Tony better not alter in any way the records because if he does he could be indicted.

Mike Rose



Michael Rose

From Matt Moore <matt@scgop.com>
Sent Friday, June 15, 2012 9:47 AM
To Tony Piscatella
Cc mrose5@sc.rr.com
Subject Re: Tony Piscatella Bennett paperwork



Senator - please understand this has been our policy due to the Democrats trying to beat down our doors and rifle through our filing cabinets. We've made the same requests of them, and they're not budging.

Matt Moore
Executive Director
South Carolina Republican Party
email matt@scgop.com
twitter @MattMooreSC
phone 803 988 8440

On Jun 15, 2012, at 9:42 AM, Tony Piscatella wrote:

Mike
The SCGOP has advised the county parties not to provide any information except through them. Apparently several issues have been raised by people and the state wants to control the flow of information. We are bound by that ruling and can't provide the information I had agreed to give you. It doesn't look like this is going away any time soon.

I'm sorry for the inconvenience this may have caused you.

Tony Piscatella

Treasurer
<image002.jpg>Dorchester County Republican Party
P O Box 2625
Summerville SC 29484
Phone 843 871 7311
Fax 843 821 2405
Cell 843 670 7537
E Mail tpiscatella@sc.rr.com
E Mail2 dcrrptony@gmail.com
Delivery Address for UPS & FedEx
203 Hunt Club Drive
Summerville SC 29485

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Chairman Carroll S. Duncan, Dorchester County Republican Party

Statement Regarding Non-Incumbent Candidate Decertifications

For Immediate Release - July 17, 2012

Contact: CarrollSDuncan@Gmail.com

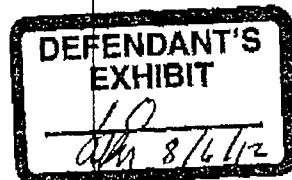
Carroll Duncan, Chairman of the Dorchester County Republican Party, released the following statement:

It is with deep regret that I have no choice but to formally decertify all non-incumbent Republican candidates in Dorchester County. In its recent rulings relating to candidate filing, the South Carolina Supreme Court has made clear that it expects county political parties to decertify candidates who have not lawfully filed paper copies of their Statements of Economic Interest at the same time as Statements of Intention of Candidacy.

In previously certifying non-incumbent candidates, I relied on representations made by Tony Piscatella, the Dorchester County Republican Party filing officer, that he had, through "dumb luck," required non-incumbents to file paper SEIs despite the filing instructions having no such requirement. I believed Mr. Piscatella and certified all non-incumbents except one who had never filed any SEI anywhere.

After the election, Mr. Piscatella was asked to produce the paper SEI filed by Sean Bennett. He could not do so and privately admitted that Bennett's SEI was not in the file. I grew very concerned and further investigated the situation. Eventually, I learned that Mr. Piscatella's claim that he had required non-incumbents to file paper SEIs was not true. I have since learned that neither Roger Goodman nor John Hull filed paper SEIs either. I am absolutely heartbroken to learn Mr. Piscatella was not truthful with me or with the public. This also explains why Mr. Piscatella has refused to release the filing documents presently in his possession.

Given what I know now, I have no choice whatsoever but to permanently decertify Sean Bennett, Roger Goodman, and John Hull as candidates. In the cases of Goodman and Hull, no election results are affected. But Sean Bennett's situation is obviously far more regrettable. With regard to the remaining non-incumbent candidates, all are decertified until I gain access to the Dorchester County Republican Party filing documents. At that point in time, I will reconsider my decision based upon the documents in the file, though I have grave concerns about whether those documents have remained properly secured since Mr. Piscatella took them—apparently to his house. And in the case of my county council candidacy, I will make no recertification decision whatsoever and will delegate that to the Vice Chairman of the Dorchester County Republican Party, Tim Huber. In the meantime, I too remain decertified.



ROA 1154

This outcome is extremely unfortunate. But I cannot ignore the decisions of the South Carolina Supreme Court. Once it became clear that I could no longer rely on the representations of Mr. Piscatella, I had an obligation to investigate the matter myself as the individual responsible for certifying candidacies. Having investigated the matter, I cannot in good faith certify any non-incumbents whatsoever without access to our files. And because of the facts relating to Mr. Bennett, Mr. Hull, and Mr. Goodman, those decertification decisions are not subject to re-evaluation if and when I gain access to the files.

I deeply regret this, but the rule of law requires that I follow orders of the South Carolina Supreme Court in good faith. I cannot certify candidates for the ballot if I do not honestly believe they filed in compliance with the Supreme Court's recent decisions.

###

Ex. 11

On Jun 19, 2012, at 1 16 PM, "Michael Rose" <mrose5@sc.rr.com> wrote

Carroll and Tim,

Given the present circumstances, I want to appeal the certification of Shaun Bennett as
The Republican Party's candidate in the upcoming General Election for Senate District #38

Please tell me what I need to do to process this appeal

Thank you

Mike Rose

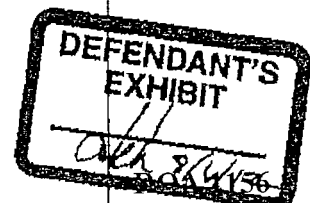


Exhibit B

DORCHESTER COUNTY REPUBLICAN PARTY

CANDIDATE PACKET CHECKLIST

VERIFIED COPY

2012 JUL -9 PM 1 50

Name as it will appear on the ballot Sean Bennett

Cheryl A. Kane
CLERK OF COURT
DORCHESTER COUNTY

Candidate for office of State Senator

Paid DCRP Membership ☒ Y ☐ N

Filing Fee Amount \$ 466.00 Paid Date / / 2012

Make checks payable to DCRP

☒

Statement of Intention of Candidacy (SIC) and Pledge

☒

Statement of Economic Interests (SEI) – proof of online filing

☒

Candidate Support Committee Declaration Statement

☒

Affidavit – (Requirements for Coroner and Sheriff)

☒

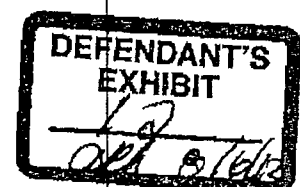
Campaign Disclosure – Not required at time of filing

file online within 10 days of raising or spending \$500, copy to office

STATEMENT I hereby acknowledge that I have received all of the forms and information needed to file for the above office and state that I have accurately and honestly completed the documents

Candidate signature *Sean Bennett* Date 5 / 20 / 2012

Received by *Sean Bennett* Date 3 / 19 / 2012



DORCHESTER COUNTY REPUBLICAN PARTY

CANDIDATE PACKET CHECKLIST

2012 CP-18-1632

Name as it will appear on the ballot Goodman, Roger W.

Candidate for office of County Council District #6

Paid DCRP Membership Y N

Filing Fee Amount \$ 100 Paid Date 3/16 /2012

Make checks payable to DCRP

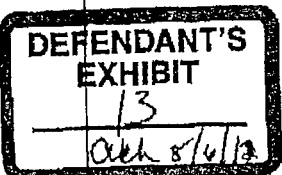
- ☒ Statement of Intention of Candidacy (SIC) and Pledge
- ☒ Statement of Economic Interests (SEI) – proof of online filing
- ☒ Candidate Support Committee Declaration Statement
- ☐ Affidavit – (Requirements for Coroner and Sheriff)
- ☐ Campaign Disclosure – Not required at time of filing

file online within 10 days of raising or spending \$500, copy to office

STATEMENT I hereby acknowledge that I have received all of the forms and information needed to file for the above office and state that I have accurately and honestly completed the documents

Candidate signature [Signature] Date 3/16 /2012

Received by [Signature] Date 3/16 /2012



From: Michael Rose [mailto:mrose5@sc.rr.com]
Sent: Thursday, June 14, 2012 11:24 PM
To: 'Me', tpiscatella@gmail.net
Cc: 'mrose5@sc.rr.com'
Subject: Tony Piscatella Bennett paperwork

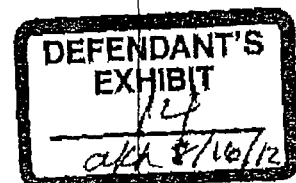
Tony,

As we discussed yesterday, please give me a copy of all of the paperwork regarding Sean Bennett's paperwork that you filed on behalf of the DCRP. I want to review it.

Please confirm where you filed that paperwork, and when.

Thank you

Mike Rose



ROA 1159

Michael Rose

From Matt Moore <matt@scgop.com>
Sent Friday, June 15, 2012 9:47 AM
To Tony Piscatella
Cc mrose5@sc.rr.com
Subject Re: Tony Piscatella Bennett paperwork

Senator - please understand this has been our policy due to the Democrats trying to beat down our doors and rifle through our filing cabinets. We've made the same requests of them, and they're not budging.

Matt Moore
Executive Director
South Carolina Republican Party
email matt@scgop.com
twitter @MattMooreSC
phone 803 988 8440

On Jun 15, 2012, at 9:42 AM, Tony Piscatella wrote:

Mike

The SCGOP has advised the county parties not to provide any information except through them. Apparently several issues have been raised by people and the state wants to control the flow of information. We are bound by that ruling and can't provide the information I had agreed to give you. It doesn't look like this is going away any time soon.

I'm sorry for the inconvenience this may have caused you.

Tony Piscatella

Treasurer
<image002.jpg>Dorchester County Republican Party
P O Box 2625
Summerville SC 29484
Phone 843 871 7311
Fax 843 821 2405
Cell 843 670 7537
I-Mail tpiscatella@sc.rr.com
E-Mail? derptony@gmail.com
Delivery Address for UPS & FedEx
203 Hunt Club Drive
Summerville, SC 29485

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From Tony Piscatella [mailto:tpiscatella@sc.rr.com]
Sent Tuesday, April 17, 2012 6:05 PM
To 'Mike Rose'
Subject RE: Questions for Tony Piscatella

Mike

1. Joined the DCRP 2/8/12 for FY 2011-2012 Single Membership. Joined DCRP 3/20/12 for FY2012-2013 Platinum Membership.
2. I can't verify this.
3. Has not attended DCRP Convention in 2009 or 2011. I don't have older records.
4. Has not attended SCGOP Convention as a delegate in 2009 or 2011.
5. Attended 2010 Fundraiser as guest of Chris Murphy. I don't have any other guest lists for Bud Knight BBQ or Mark Sanford Breakfast.
6. I can't verify this.

This is the best I can do from the records I have. I hope it helps.
Tony

From Michael Rose [mailto:mikeroose44@gmail.com] **On Behalf Of** Mike Rose
Sent Tuesday, April 17, 2012 2:55 PM
To 'Tony Piscatella'
Cc mrose5@sc.rr.com
Subject FW: Questions for Tony Piscatella

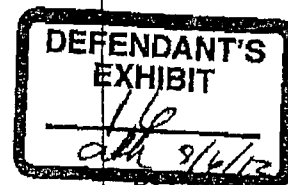
Tony,

Please, if you can, answer each of the questions stated below regarding my Senate opponent, Sean Bennett. Thank you.

Mike Rose

From James Emery [mailto:papajim@sc.rr.com]
Sent Tuesday, April 17, 2012 2:36 PM
To Mike Rose
Subject Questions

Mike—Here are the questions. Since you have lived in Dorchester County and the State of South Carolina, have you ever been a sustaining member of the [1] Dorchester County Rep Party or the [2] State of South Carolina Republican Party, excluding this year (I think he paid his dues this year)? Have you every been elected as a delegate to the [3] DCRP Convention or the [4] SCGOP State Convention, Have you every participated in the [5] DCRP Fundraisers (excluding the BBQ this year) or the [6] SC GOP Silver Elephant dinner. Jim



Tony Piscatella

From Michael Rose [mrose5@sc rr com]
Sent Monday May 14, 2012 8 26 AM
To 'Me'
Cc mrose5@sc rr com
Subject RE Video Carter, Bennett

No permission is needed to record a public meeting

Mike

From Me [mailto:tpiscatella@sc rr com]
Sent Monday, May 14, 2012 7 47 AM
To mrose5@sc rr com
Subject Re Video Carter, Bennett

Mike

I made that suggestion to Janette and t think she is getting a camera to do that I am making an audio recording of the meeting I am not sure if we need their permission to tape the session I am proceeding under the impression that we do not
I'm leaving Atlanta about 9 30 this morning heading home
Tony

Sent from my Verizon Wireless Droid

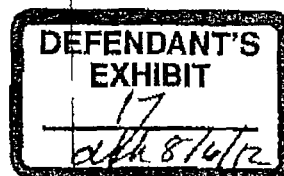
- Original message ---
From Michael Rose <mrose5@sc rr com>
To tpiscatella@gmail net ' Tony Piscatella' <tpiscatella@sc rr com>
Cc mrose5@sc rr com
Sent Mon, May 14 2012 07 26 43 GMT+00 00
Subject Video Carter, Bennett

Tony,

Do you know if anyone will video Carter and Bennett at the Republican Meeting tonight?

Thanks

Mike Rose



Tony Piscatella

From Senator Mike Rose [mrose5@sc rr com]
Sent Sunday June 10 2012 8 35 PM
To tpiscatella@sc rr com
Subject Rose Character Mail Social Media, Disclaimer of Endorsement Locations to Vote

Having trouble viewing this email? [Click here](#)



Senator Mike Rose
June 10, 2012

Dear Friends

Note the following below

1 **Social Media Get Out The Vote**

IMPORTANT We will be using **social media** to make a **final push/GOTV** Monday and Tuesday For your **Facebook status** Monday please say you **support Senator Mike Rose** in the election and **why** On Tuesday, please **update your status to remind people to vote** as well as to **tell them you are supporting Senator Rose** Please do the same on Twitter by using my Twitter handle **@SenatorMikeRose** as well as using the hashtag **#VoteRoseSC** Of course you can do this on LinkedIn Google+ and any other social site

2 **IMPORTANT** Please **call your friends and family** who live in my Senate District and **prompt at least ten** of them to vote for me on Monday (absentee ballot) or Tuesday

3 **WARNING** See Mailer below about LIES by my opponent

4 **DISCLAIMER** by CHARLESTON TEA PARTY and LOWCOUNTRY 9 12

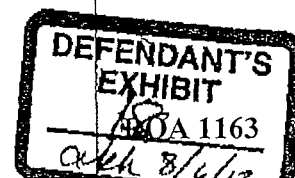
5 **ELECTION DAY** We need workers Let me know if you have at least an hour to donate

6 **LOCATIONS TO VOTE** listed below for Senate District 38

7 **INVITATION** Rose supporters are invited to Senator Rose's home (409 Central Ave Summerville) the night of the election on June 12

Thanks

Mike



Tony Piscatella

From Senator Mike Rose [mrose5@sc.rr.com]
Sent Wednesday, June 13 2012 10 20 AM
To tpiscatella@sc.rr.com
Subject Yard Sign Pickup -- Senator Rose

Having trouble viewing this email? [Click here](#)



Senator Mike Rose

June 13, 2012

HELP NEEDED!

Please **pick up my yard signs**. Either put them in a safe place and let me know when and where to pick them up or deliver them to the garage at my house at 409 Central Ave, Summerville

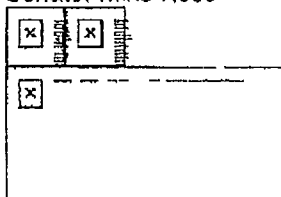
I cannot pick up all my signs in a timely manner myself. I need your help.

Vivian and I thank you very much for all your support and for your friendship. We should be proud that we did all we could against a coordinated political machine and ran an honest campaign, even when we do not like the final result.

Thanks

Mike

Senator Mike Rose



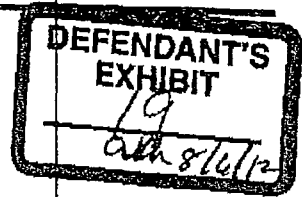
Forward this email



This email was sent to tpiscatella@sc.rr.com by mrose5@sc.rr.com
[Update Profile/Email Address](#) Instant removal with [SafeUnsubscribe™](#) [Privacy Policy](#)
Senator Mike Rose 409 Central Ave 843 871 1821 Summerville SC 29483

Tony Piscatella

From Tony Piscatella [tpiscatella@sc rr com]
Sent Monday June 11 2012 7 32 AM
To Mike Rose (mrose5@sc rr com)
Subject Meeting at 11 this morning



Mike

I have a doctor's appointment at 10 15 this morning I ll be there as quickly as I can after that I hope he's on time today

Tony

From Michael Rose <mrose5@sc rr com>
To 'Tony Piscatella' <tpiscatella@sc rr com>
Cc mrose5@sc rr com
Sent Fri, Aug 3, 2012 12:26:03 GMT+00:00
Subject Todd Mikki Hunter

Todd,

Any word about Mikki Hunter?

Mike



Tony Piscatella

From Michael Rose [mikerose44@gmail.com] on behalf of Mike Rose [mrose5@sc.rr.com]
Sent Thursday, May 17, 2012 3:33 PM
To 'Tony Piscatella'
Cc mrose5@sc.rr.com
Subject RE: S 1516

Tony,

The bill requires the following for future elections:

1. All Statements of Economic Interest ("SEI") must be filed electronically – no paper forms
2. Incumbents must file the SEI electronically just like new candidates will do
3. All paperwork will be turned in to the Election Commission, not the parties
4. Means of coordination between the Election Commission and Party officials has yet to be determined
5. The bill is not retroactive

Any questions?

Mike

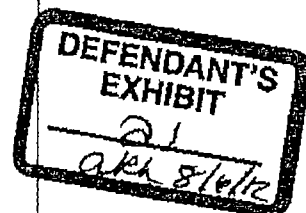
From Tony Piscatella [mailto:tpiscatella@sc.rr.com]
Sent Thursday, May 17, 2012 2:51 PM
To Mike Rose
Subject S 1516

Mike

Can you tell me in layman's terms, what this bill does?

Tony Piscatella

Treasurer
Dorchester County Republican Party
P O Box 2625
Summerville, SC 29484
Phone 843 871 7311
Fax 843 821 2405
Cell 843 670 7537
E Mail tpiscatella@sc.rr.com
E Mail2 derptony@gmail.com
Delivery Address for UPS & Fedex
203 Hunt Club Drive
Summerville, SC 29485



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STATE OF SOUTH CAROLINA }
 } **AFFIDAVIT OF REBECCA HYER WOODS**
COUNTY OF DORCHESTER }

PERSONALLY APPEARED BEFORE ME, REBECCA HYER WOODS, who after
being duly sworn, deposes and says as follows

- 1 That I am a citizen and resident of the County of Colleton, State of South Carolina
- 2 On the morning of March 20, 2012 Sean M Bennett asked me to review the original
paperwork required for him to file as a candidate for SC Senate District 38
- 3 It was Mr Bennett's desire that I double check to ensure that all documents required to
successfully file for the office were present and completed From my review, all
documents were in order
- 4 The following documents were present in the file
 - a. Statement of Intention of Candidacy - Partisan
 - b. Statement of Economic Interest - Filing confirmation
 - c. Statement of Economic Interest - Completed form
 - d. Dorchester County Republican Party Candidate Support Declaration Statement
 - e. Candidate Campaign Disclosure - Completed form
 - f. Dorchester County Republican Party Candidate Packet Checklist
- 5 Within an hour of reviewing the documents, I accompanied Sean M. Bennett to the
offices of the Dorchester County Republican Party located at 89 Old Trolley Road,
Summerville, SC 29485, specifically to witness his filing for the office
- 6 We entered the building together, and made introductions to the staff of the office Mr
Bennett provided the entire file to Tony Piscatella Mr Piscatella processed the
paperwork while we waited
- 7 Mr Bennett provided a check for the filing fee
- 8 Mr Piscatella provided copies of all the documents to Mr Bennett This included a copy
of the Dorchester County Republican Party Candidate Packet Checklist indicating receipt
of required documents This was signed by both Mr Bennett and Mr Piscatella.
- 9 Mr Piscatella indicated to both myself and Mr Bennett that his filing was complete
- 10 Mr Bennett thanked Mr Piscatella and we exited the building together

FURTHER AFFIANT SAITH NOT!

By Rebecca Hyer Woods
Rebecca Hyer Woods

SWORN TO AND SUBSCRIBED BEFORE ME

this 15th day of June, 2012

Wendell Lee Auburn

Notary Public State of South Carolina

My Commission Expires Jan 30, 2016

STATE OF SOUTH CAROLINA }
 }
COUNTY OF DORCHESTER }

AFFIDAVIT OF SEAN MICHAEL BENNETT

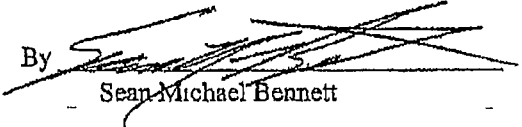
PERSONALLY APPEARED BEFORE ME, SEAN MICHAEL BENNETT, who
after being duly sworn, deposes and says as follows

- 1 On or about March 14, 2012, I contacted DCGOP Chairman Carol Duncan, at her request, to schedule an appointment to file my candidacy for SC Senate District 38 I requested an appointment on March 21, 2012 Chairman Duncan informed me that no appointments on March 21, 2012 were available We then settled on an alternate date of March 20, 2012 and an appointment was reserved for me at 11 30 am in the DCGOP offices on Trolley Road
- 2 Leading up to the appointment date I began to gather and complete the required filing forms as delivered by Carol Duncan via email and as instructed by the DCGOP's Candidate Packet Checklist
- 3 On the morning of March 20, 2012, I finalized and assembled the following documents in a file folder
 - Dorchester County Republican Party Candidate Packet Checklist
 - Statement of Intention of Candidacy - Partisan
 - Statement of Economic Interest (Full and complete hardcopy and SC State Ethics Commission electronic filing confirmation #SE111867-R33162-378da468)
 - Dorchester County Republican Party Candidate Support Declaration Statement
 - Candidate Campaign Disclosure (Hardcopy of most recent filing)
- 4 Since the announcement of my intent to seek this seat, I had not been warmly received by many within the DCGOP With this in mind, I asked my business partner of approximately 16 years, Rebecca Hyer Woods, to review the documents and check list to ensure all required documents were present and in order, per the guidelines provided to me by the DCGOP
- 5 Rebecca Hyer Woods confirmed all documents listed on the Candidate Packet Checklist to be present, in order, complete per the guidelines provided to me by the DCGOP

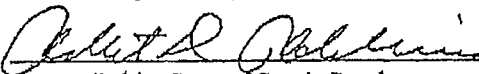
- 6 I asked Rebecca Hyer Woods to accompany me to the DCGOP offices to witness my filing process
- 7 Ms Woods and I arrived together at the offices of the DCGOP at the appointed time, where we were greeted by Tony Piscatella of the DCGOP
- 8 I handed Mr Piscatella the file folder containing all the documents referenced above Mr Piscatella reviewed the forms and collected my filing fee
- 9 I signed all forms in the presence of Mr Piscatella, who also signed as a witness where applicable Mr Piscatella signed the Candidate Packet Checklist acknowledging the DCGOP's receipt of my documents
- 10 Mr Piscatella then offered to make copies for me I accepted his offer Mr Piscatella copied the entire contents of the file folder, returned copies to me, and stated "You're all set"
- 11 Mr Piscatella was very professional and detailed in the procedural process I thanked Mr Piscatella and exited the office with Rebecca Hyer Woods

FURTHER AFFIANT SAITH NOT I

By


Sean Michael Bennett

SWORN TO AND SUBSCRIBED BEFORE ME
this 21st day of June, 2012


Notary Public State of South Carolina
My Commission Expires 6-2-18

2012 CP-18-1632

STATE OF SOUTH CAROLINA }
COUNTY OF DORCHESTER }

AFFIDAVIT OF TONY PISCATELLA

PERSONALLY APPEARED BEFORE ME, TONY PISCATELLA, who after being duly sworn, deposes and says as follows

- 1 I am a volunteer member of the Dorchester County Republican Party and serve as Treasurer for the Party I am also a member of the County Executive Committee
- 2 I was designated by the County Party Chairwoman, Carroll Duncan, to be the person to receive candidate filings for the 2012 Republican Primary
- 3 The Republican Party HQ located at 89B Old Trolley Road, Suite 203A, Summerville South Carolina 29485 was designated as the location to receive the filings
- 4 On Tuesday, March 20, 2012, Sean Bennett, a person known to me, appeared and announced that he was going to file as a candidate for Senate District 38
- 5 Mr Bennett, who appeared with a female witness, filed the following documents with me
 - a Statement of Intention of Candidacy (SIC) and Pledge,
 - b Statement of Economic Interest (SEI) and Proof of filing,
 - c Candidate Support Committee Declaration Statement,
 - d a Campaign Disclosure
- 6 We both acknowledged receipt of the documents by signing a Candidate Packet Checklist attached hereto as Exhibit A
- 7 Mr Bennett also paid his filing fee in the amount of \$416 00 made payable to the Dorchester County Republican Party

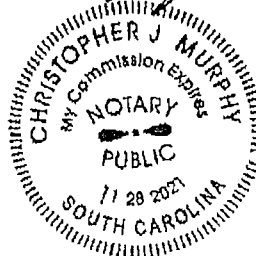
FURTHER AFFIANT SAITH NOT

SWORN TO AND SUBSCRIBED BEFORE ME
this 21st day of June, 2012

Notary Public for the State of South Carolina

My Commission expires 11 28 2021

By Tony Piscatella
Tony Piscatella



ROA 1172

EXHIBIT A

DORCHESTER COUNTY REPUBLICAN PARTY

CANDIDATE PACKET CHECKLIST

Name as it will appear on the ballot Sean Bennett

Candidate for office of State Senator District 38

Paid DCRP Membership ☒ Y ☐ N

Filing Fee Amount \$ 416 Paid Date 3 / 20 /2012

Make checks payable to DCRP

- ☒ Statement of Intention of Candidacy (SIC) and Pledge
- ☒ Statement of Economic Interests (SEI) – proof of online filing
- ☒ Candidate Support Committee Declaration Statement
- ☒ Affidavit – (Requirements for Coroner and Sheriff)
- ☒ Campaign Disclosure – Not required at time of filing

file online within 10 days of raising or spending \$500, copy to office

STATEMENT I hereby acknowledge that I have received all of the forms and information needed to file for the above office and state that I have accurately and honestly completed the documents

Candidate signature [Signature] Date 3 / 20 /2012

Received by [Signature] Date 3 / 20 /2012

FILED-RECORDED
2012 JUL 24 PM 12:28
CLERK OF COURT
DORCHESTER COUNTY

**SUPPLEMENTAL
AFFIDAVIT OF TONY PISCATELLA**

PERSONALLY APPEARED BEFORE ME, TONY PISCATELLA, who after being duly sworn, deposes and says as follows

- FILED-RECORDED
2012 JUL 24 PM 12:20
CLERK OF COURT
DOVER, DELAWARE
DOVER, DELAWARE
DOVER, DELAWARE

[Handwritten signature]

received Only one non exempt candidate, John Mondo, did not simultaneously file a paper SEI at the time he filed for office

- 10 After matching the SEIs with each candidate's file, the files were placed back into the filing cabinet drawer located in the back room I then left
- 11 When I left party HQ that morning, Sean Bennett's file contained his SEI along with all of his other documents
- 12 On Thursday, June 7, 2012 after the court decision was handed down regarding Florence County, I was directed again by Carroll Duncan to re-verify the files again because the candidates had to be re-certified At that time, all files were intact with complete documentation to include SEIs for those non-exempt candidates
- 13 On June 13, 2012, I was asked by Carroll Duncan to again check the files because there was talk in the community regarding the ineligibility of candidates I went to party HQ and discovered that the files were intact with the exception of Sean Bennett's file which was missing his SEI and initial campaign disclosure forms but not the confirmations
- 14 On June 21, 2012, I requested attorney Chris Murphy to obtain a copy of Mr Bennett's candidate documents that I knew he received from me on March 20, 2012 I have supplemented Mr Bennett's candidate file with those documents These documents are true and accurate copies of the original documents that Mr Bennett filed with me on March 20, 2012

FURTHER AFFIANT SAITH NOT!

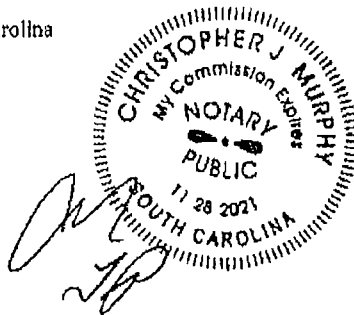
SWORN TO AND SUBSCRIBED BEFORE ME
this 22nd day of June 2012

Notary Public for the State of South Carolina

My Commission expires 11 28 2021

By

Tony Piscatella



FILED-RECORDED
2012 JUL 24 PM 12:28
CLERK OF COURT
BERKELEY COUNTY

ROA 1175

DORCHESTER COUNTY REPUBLICAN PARTY

CANDIDATE PACKET CHECKLIST

Name as it will appear on the ballot Sean BennettCandidate for office of State Senator District 38Paid DCRP Membership ☒ Y ☐ NFiling Fee Amount \$ 416 Paid Date 3 / 20 /2012

Make checks payable to DCRP

☒ Statement of Intention of Candidacy (SIC) and Pledge☒ Statement of Economic Interests (SEI) – proof of online filing☒ Candidate Support Committee Declaration Statement☒ Affidavit – (Requirements for Coroner and Sheriff)☒ Campaign Disclosure – Not required at time of filing

file online within 10 days of raising or spending \$500, copy to office

STATEMENT I hereby acknowledge that I have received all of the forms and information needed to file for the above office and state that I have accurately and honestly completed the documents

Candidate signature [Signature] Date 3 / 20 /2012Received by [Signature] Date 3 / 20 /2012CLERK OF COURT
DORCHESTER COUNTYFILED-RECORDED
2012 JUL 24 PM 12:20

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER

IN THE COURT OF COMMON PLEAS

Dorchester County Democratic Party,

Plaintiff,

Civil Action No 2012-CP-18-1632

v

Dorchester County Republican Party
(Carroll Duncan as Chairman), South
Carolina Republican Party (Matt Moore as
Executive Director & Chad Connelly as
Chairman), Dorchester County Board of
Elections (Joshua Dickard as Executive
Director), South Carolina State Election
Commission (Marc Andino as Executive
Director & Chris Whitmire as Director of
Public Information and Training),

**AFFIDAVIT OF
MICHAEL TURNER,
NON-INCUMBENT CANDIDATE
FOR THE REPUBLICAN
NOMINATION FOR SHERIFF OF
DORCHESTER COUNTY**

Defendants

The undersigned Michael Turner, first being duly sworn hereby deposes and
says

- 1 My name is Michael A. Turner. I live at 302 Brick Kiln, Summerville, SC 29483
- 2 I was a candidate in the June 12, 2012 Republican Primary for Dorchester County
Sheriff. I was not an incumbent.
- 3 On March 28, 2012, shortly after 9:00 a.m., I appeared at the Dorchester County
Republican Party ("DCGOP") office at 89B Old Stolley Road in Summerville to file for
office.
- 4 When I arrived, I encountered Tony Piscatella, who I understood to be the
DCGOP official in charge of candidate filings. Mr. Piscatella had a checklist of what he
believed I needed to file.
- 5 I gave Mr. Piscatella a number of documents, including a check for the filing fee,

a party loyalty pledge, an affidavit required for candidates seeking the office of Sheriff, and a Statement of Intention of Candidacy-Partisan ("SIC")

6 At the same time, I also handed Mr Piscatella a paper copy of my Statement of Economic Interests ("SEI") which I had previously filed online with the South Carolina Ethics Commission. As I handed the paper copy of my SEI to Mr Piscatella, Mr Piscatella indicated he did not need it, stating "All I need is the confirmation number," or words to that effect. This was in reference to the confirmation number provided by the South Carolina Ethics Commission upon the filing of an SEI with that office. Mr Piscatella was telling me that I was not required to submit to the DCGOP a paper copy of my SEI but that, instead, all I had to submit to the DCGOP was proof that I had filed my SEI electronically.

7 I had concerns about whether a confirmation number would be sufficient, having had bad experiences with them previously relating to travel reservations. I insisted that Mr Piscatella accept the entire printed SEI and he did. I had no idea the paper copies of the SEI would be of such legal importance down the road, I just worried that if I only provided a confirmation number, it might be incorrect or might not work properly, so I insisted that the entire paper SEI go in the packet of documents I filed that day.

8 Mr Piscatella did not give me any sort of receipt or copy of the paperwork I had filed, and I left the Dorchester County Republican Party office.

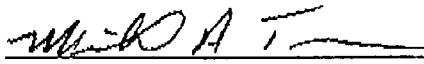
9 I am now aware of the legal importance of filing a paper copy of my SEI at the same time I filed my SIC. I would not have legally filed if I had not done that. I am also now aware that a number of concerns have been raised as to whether other candidates filed properly with the DCGOP.

10 At the time I filed my paperwork, Mr Piscatella clearly did not believe it was necessary for candidates to file a paper SEI with him. In fact, Mr Piscatella did not initially accept my paper SEI, as he indicated—apparently based on his checklist—that I only needed to provide him with a confirmation number to show I had filed with the South Carolina Ethics Commission. Had I not insisted that he accept my paper SEI, it would never have been filed with the DCGOP.

11 If I had precisely followed the filing instructions from the DCGOP and Mr Piscatella's instructions at the DCGOP office, I would never have filed a paper copy of my SEI at all.

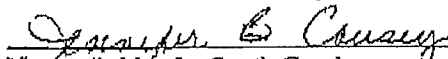
12 I don't wish to create a problem for Mr Piscatella or for anyone in the Dorchester County Republican Party, but I believe a number of false statements have been made in recent days relating to the Dorchester County Republican Party's filing process. Because I am a witness, I have an ethical duty to offer this evidence to the Dorchester County Circuit Court and I do so under oath and without reservation.

13 Further affiant sayeth not.


MICHAEL A. TURNER

Sworn to and subscribed before me this

10th day of July, 2012


Notary Public for South Carolina

My Commission Expires 12/15/19

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER

IN THE COURT OF COMMON PLEAS

Dorchester County Democratic Party,

Plaintiff,

Civil Action No 2012-CP-18-1632

v

Dorchester County Republican Party
(Carroll Duncan as Chairman), South
Carolina Republican Party (Matt Moore as
Executive Director & Chad Connelly as
Chairman), Dorchester County Board of
Elections (Joshua Dickard as Executive
Director), South Carolina State Election
Commission (Marcy Andino as Executive
Director & Chris Whitmire as Director of
Public Information and Training),

Defendants

**AFFIDAVIT OF
ROGER GOODMAN,
NON-INCUMBENT CANDIDATE
FOR THE REPUBLICAN
NOMINATION FOR DORCHESTER
COUNTY COUNCIL DISTRICT 6**

The undersigned Roger W Goodman, first being duly sworn, hereby deposes and
says

1 My name is Roger W Goodman, and I reside at 2215 Hummingbird Lane,
Summerville, SC 29483

2 I was a candidate in the June 12, 2012 Republican Primary for Dorchester County
Council District #6

3 I gave Tony Piscatella, a representative of the Dorchester County Republican
Party ("DCRP"), my Statement of Intention of Candidacy-Partisan on March 16, 2012 at
or about 12 13 pm, at the Dorchester County Republican Party Headquarters at 89B Old
Holley Road, Summerville, SC 29483

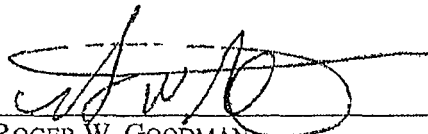
4 At no time did I give, or intend to give, Tony Piscatella or any other official of the
DCRP a paper copy of my Statement of Economic Interests ("SEI") I did not bring to

the DCRP Headquarters a paper copy of my SEI. I have never had or seen a paper copy of my SEI. I did not authorize, request, or see Tony Piscatella or any other person print, file, or have a paper copy of my SEI.

5 Instead of giving Tony Piscatella or any other DCRP official a paper copy of my SEI, I electronically filed my SEI before my arriving at DCRP Headquarters on March 16, 2012, as instructed in an e-mail I received from the DCRP dated March 12, 2012.

6 No one at the DCRP ever asked for a paper copy of my SEI or instructed me to provide them with a paper copy of my SEI. To the contrary—the DCRP used a filing checklist that did not require a paper copy of the SEI. With regard to my filing, the DCRP followed the checklist exactly, and so I did not file a paper copy of my SEI.

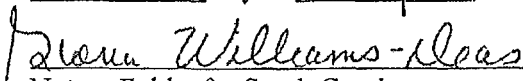
7 Further affiant sayeth not



ROGER W. GOODMAN

Sworn to and subscribed before me this

12 day of July, 2012



Notary Public for South Carolina

My Commission Expires 11-28-2021



STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER

IN THE COURT OF COMMON PLEAS

Dorchester County Democratic Party,

Plaintiff,

Civil Action No 2012 CP-18-1632

v

Dorchester County Republican Party
(Carroll Duncan as Chairman), South
Carolina Republican Party (Matt Moore as
Executive Director & Chad Connelly as
Chairman), Dorchester County Board of
Elections (Joshua Dickard as Executive
Director), South Carolina State Election
Commission (Marc Andino as Executive
Director & Chris Whitmire as Director of
Public Information and Training),

Defendants

**AFFIDAVIT OF
JORDAN BRYNGELSON,
NON-INCUMBENT CANDIDATE
FOR THE REPUBLICAN
NOMINATION FOR SC STATE
HOUSE DISTRICT 97**

The undersigned Jordan Bryngelson, first being duly sworn, hereby deposes and
says

1 My name is Jordan Bryngelson, and I ran for the Republican nomination for
South Carolina State House District 97 in the June primaries

2 I filed my paperwork for that office on March 28, 2012 at or about 11 27 a m

3 I filed with Tony Piscatella, an officer of the Dorchester County Republican Party
("DCRP") who was in charge of candidate filing

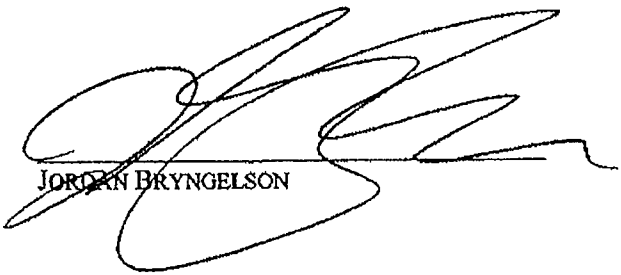
4 I brought in several documents in a folder, including a paper copy of my
Statement of Economic Interest ("SEI") which I had previously filed with the State Ethics
Commission online, a paper copy of the filing confirmation displayed on the screen after
the filing of the SEI, and a paper copy of the email confirmation also sent by the State
Ethics Commission after the filing of the SEI

5 While in the office, I filled out my Statement of Intention of Candidacy and
offered it along with a check for the filing fee, loyalty pledge, and SEI materials to Mr
Piscatella for filing

6 Mr Piscatella responded that he only needed one of the two SEI confirmation
documents and did not need the paper copy of the SEI Mr Piscatella stated that if it
turned out later he needed paper copies of the SEI forms, he could print them out and add
them to the file because they were filed online

7 Just to be on the safe side, I told Mr Piscatella that I preferred to just leave all the
SEI materials with him, left the folder with him, and left the office

8 Further affiant sayeth not


JORDAN BRYNGELSON

Sworn to and subscribed before me this

16th day of July, 2012


Notary Public for South Carolina

My Commission Expires Feb. 8, 2022

MARCIA WASDEN FRANK
Notary Public, State of South Carolina
My Commission Expires Feb 8, 2022

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER

IN THE COURT OF COMMON PLEAS

Dorchester County Democratic Party

Civil Action No. 2012 CP 18-1637

Plaintiff

Dorchester County Republican Party
(Carroll Dukes as chairman) South
Carolina Republican Party (Mike Moore as
Executive Director & Linda Corbally as
Chairman) Dorchester County Board of
Elections (Joshua Dickato as Executive
Director) South Carolina State Election
Commission (Eric Anderson as Executive
Director & David Williams as Director of
Public Information & Training)

**AFFIDAVIT OF
JOHN R. HILL
NON-INCUMBENT CANDIDATE
FOR THE REPUBLICAN
NOMINATION FOR DORCHESTER
COUNTY COUNCIL DISTRICT 4**

Defendant

The undersigned John R. Hill is being duly sworn to tell the truth and says

1 My name is John R. Hill and I live at 9697 Pecan Lane, Summerville SC 29485

2 I am a candidate in the June 17, 2012 Republican Primary for Dorchester County Council District 4

3 I gave Tony Pisatella a representative of the Dorchester County Republican Party (DCRP) my Statement of Intention of Candidacy for District 4 on March 18, 2012 at the Dorchester County Republican Party Headquarters at 3011 Pulley Road, Summerville SC 29485

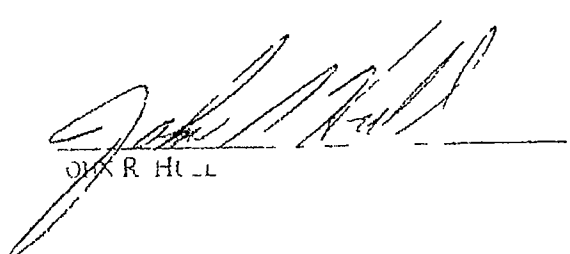
4 At no time did I give or intend to give Tony Pisatella any official of the DCRP a personal or confidential document or information that I did not bring to the DCRP Headquarters but I did give him my SFI for my filing to DCRP

Headquarters on March 28, 2012, I never had and had never seen a paper copy of my SEI. I did not authorize anyone to see Tony Piscatella or any other person print file or have a paper copy of my SEI except as stated below.

5 Prior to my arrival at DCRP Headquarters on March 28, 2012, I did not electronically file an SEI. I did electronically file my SEI on a DCRP computer while I was at DCRP Headquarters. As a courtesy, Tony Piscatella printed a copy of my SEI for me to take home. After that, I let DCRP Headquarters retain a paper copy of my SEI on which it stated that it was printed on 3/28/2012 at 11:00 AM. I have never seen and do not know of the existence of any other paper copy of my SEI.

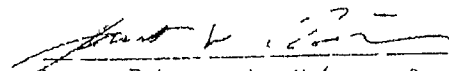
6 No one at the DCRP requested for a paper copy of my SEI or instructed me to provide them with a paper copy of my SEI. To the contrary, the DCRP used a filing checklist that did not require a paper copy of the SEI. When I arrived at the DCRP, I followed the checklist and so I did not file a paper copy of my SEI and to this day I have not filed a paper copy of my SEI.

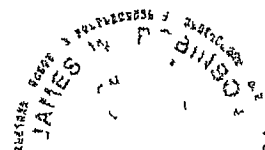
7 For verification, save the following:


JOHN R. HULL

Sworn to and subscribed before me this

16th day of July, 2012


Notary Public for South Carolina



My Commission Expires SEPT 3rd 2018

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER

IN THE COURT OF COMMON PLEAS

Dorchester County Democratic Party,

Plaintiff,

v

Dorchester County Republican Party
(Carroll Duncan as Chairman), South
Carolina Republican Party (Matt Moore as
Executive Director & Chad Connelly as
Chairman), Dorchester County Board of
Elections (Joshua Dickard as Executive
Director), South Carolina State Election
Commission (Marci Andino as Executive
Director & Chris Whitmire as Director of
Public Information and Training),

Defendants

Civil Action No 2012-CP 18-1632

**AFFIDAVIT OF
CARROLL S DUNCAN,
DORCHESTER COUNTY
REPUBLICAN PARTY
CHAIRMAN**

The undersigned Carroll S Duncan, first being duly sworn, hereby deposes and
says

1 My name is Carroll S Duncan, and I am Chairman of the Dorchester County
Republican Party. In addition, I filed to run for the Republican nomination for Dorchester
County Council District 5 in the June primaries. No other candidate filed for the office
with the Republican Party or any other entity.

2 I provide this affidavit to give a factual accounting of what I know regarding
candidate filing by the Dorchester County Republican Party, the basis of my prior
candidate certifications, and facts that have come to light since the election on June 12,
2012.

3 Tony Piscatella, Dorchester County Republican Party Treasurer, was the
individual in charge of the candidate filing process.

4 Outside of submitting my own filing for County Council, my direct involvement
in the candidate filing process was very limited. I suffered a serious ankle injury as a
result of a fall in bad lighting at the Sotille Theater in Charleston on January 14 during an
event for SCGOP Presidential Primary candidates. I could not move around very well and
was still recuperating during the candidate filing period in March.

5 The SCGOP provided candidate filing instructions and a checklist to the County
Republican Parties based on information provided to them by the South Carolina State
Election Commission and South Carolina State Ethics Commission.

6 The SCGOP's instructions explained the various documents which needed to be
filed by candidates. With respect to the Statement of Economic Interest ("SEI") filing
requirement, the SCGOP instructed that candidates bring a proof of online filing showing
that the SEI form had been filed with the South Carolina State Ethics Commission rather
than a paper copy of the SEI form itself.

7 On March 12, 2012, I sent an email to all elected officials and announced
candidates who I believed would be filing with the Dorchester County Republican Party
to run in the June 12 primary elections. This email consisted of filing instructions based
on those given to us by the SCGOP.

8 With regard to the SEI filing requirement, the checklist sent to Dorchester County
Republican candidates required a "proof of online filing" rather than a paper copy of the
SEI itself. This mirrored the filing instructions sent out by the SCGOP.

9 Filing ended on March 30 and was, so far as anyone knew at the time, uneventful.

10 However, just over a month later, the South Carolina Supreme Court issued its
decision in Anderson v. South Carolina Election Commission and found that, for non-

incumbent candidates, a paper copy of the SEI had to be filed at the same time as a paper copy of the SIC. The Supreme Court ordered the political parties to remove any non-incumbent candidate who had not legally filed according to the Anderson case.

11 The SCGOP required county party chairmen to put together a certified list of candidates who had lawfully filed under Anderson. As Tony Piscatella had been the filing official and was the document custodian in charge of the files, I immediately asked him to review the files and determine who had filed paper SEIs and who had not.

12 Tony quickly reported back that all but one candidate had filed a paper SEI along with a paper SIC. I was absolutely shocked and excited, as I had expected that most candidates had not filed a paper SEI given that the instructions did not require a paper SEI. I asked Tony how it was possible that all but one of our candidates had managed to file correctly. Tony responded that he had deviated from the instructions he had been given and required all candidates to file a paper SEI. I had no reason to doubt him because I had filed a paper SEI during my filing.

13 The Supreme Court had ordered that amended candidate certifications be provided by noon on May 4th. The morning of May 4th, I prepared and hand-delivered a letter to the Dorchester County Election Commission certifying all Dorchester County Republican Party candidates except for the one referenced above. I sent the same letter by email to the South Carolina Republican Party.

14 The election proceeded. Then, on June 5th, the South Carolina Supreme Court issued its decision in the Florence County case. Because Tony had represented to me that all remaining certified non-incumbents had filed paper copies of their SEIs, I did not believe the Florence County decision would have any effect on our certifications because

it only applied to situations where a non-incumbent did not file a paper SEI but had an electronic SEI on file with the State Ethics Commission. Nonetheless, I asked Tony to again verify whether any candidates needed to be decertified. Tony responded that no candidates needed to be decertified, so none were.

15 The election occurred on June 12th. After the election, a number of rumors began circulating around the state that various non-incumbent candidates had not lawfully filed according to the Supreme Court's recent decisions. Dorchester County was no exception.

16 Shortly after the election, Sen. Mike Rose asked Tony Piscatella to provide a copy of Sean Bennett's paper SEI on file with the Dorchester County Republican Party. Tony told Sen. Rose that he would provide it, but Piscatella told me that Bennett's paper SEI was not in the file. Piscatella told me that every other paper SEI for the previously-certified candidates was in the file except for Bennett's.

17 I was shocked to hear Bennett's paper SEI was not in the file after Piscatella had repeatedly represented to me that it was in the file. Tony suggested various theories as to how the form had gone missing, but I became concerned that Tony had not been truthful with me about the filing process and that Bennett had not actually filed a paper SEI.

18 I continued to try to learn more about what had actually happened during the Dorchester County Republican Party filing process. John Hull and Roger Goodman have stated under oath that they have not filed paper SEIs. Other candidates have stated under oath that Piscatella did not require paper SEIs but instead was resistant to receiving them because the checklist required a proof of filing and not the actual paper SEI itself.

19 Though I deeply regret coming to this conclusion, I now believe that Tony Piscatella was not truthful with me with regard to his filing practices of the Dorchester

County Republican Party I do not believe I can, in good faith, come to any other conclusion

20 Further, it has been deeply troubling that Mr Piscatella has refused to turn over the Dorchester County Republican Party candidate filing documents

21 When word came that the Dorchester County Democratic Party was planning a lawsuit, Mr Piscatella told news media that any lawsuit would be defeated by the records in his possession He reportedly stated "Once they go through discovery, they will come back to my records and they'll say stop there "

22 After this lawsuit was filed, I repeatedly requested that Mr Piscatella provide the records or copies of them so that I could defend against the lawsuit Mr Piscatella has so far refused to turn them over I removed Mr Piscatella as records custodian pursuant to my authority as Chairman of the Dorchester County Republican Party and appointed Tim Huber as the new records custodian I directed Mr Piscatella to turn the records over to Mr Huber, but he refused I understand Mr Huber also requested the records from Mr Piscatella directly, but he refused

23 The only reasonable conclusion that can be drawn from this is that the records do not support Mr Piscatella's representations about them

24 I regret decertifying any candidates The candidates who filed incorrectly generally did so through no fault of their own They simply relied on erroneous instructions given to them by the political parties which the parties had, in turn, received from government agencies

25 However, my obligation is to follow the law and the Supreme Court has said in no uncertain terms that candidate certifications must be properly made in good faith Given

what I now know about the Dorchester County Republican Party filing process, I do not believe that Mr Piscatella required paper copies of SEIs from candidates. Instead, I believe he followed the checklist he was given and required proofs of filing rather than the paper SEI forms themselves. Because Mr Piscatella did not have a practice of requiring paper SEIs, and because Mr Bennett's paper SEI was not in the file, I am forced to conclude it is more likely than not that Mr Bennett did not file a paper SEI. I believe it is more likely than not that Mr Bennett filed the paperwork on the checklist he was given and, therefore, did not file correctly. I understand Mr Bennett claims to have filed a paper copy of his SEI, but I believe the best evidence of what Mr Bennett filed is what was actually in the file. I must therefore decertify Mr Bennett.

26 With regard to Mr Hull and Mr Goodman, they admit they did not file paper copies of their SEIs. Obviously, I must also decertify them.

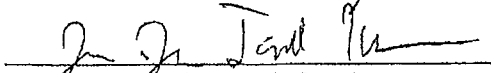
27 Given what I now know, I must decertify every other non-incumbent candidate as well, but I will reconsider that decision if and when I gain access to the files in Mr Piscatella's possession.

28 Further affiant sayeth not.


CARROLL S. DUNCAN

Sworn to and subscribed before me this

18th day of July, 2012


Notary Public for South Carolina

My Commission Expires 2-9-2017

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER

IN THE COURT OF COMMON PLEAS

Dorchester County Democratic Party,

Plaintiff,

Civil Action No 2012-CP-18 1632

v

Dorchester County Republican Party
(Carroll Duncan as Chairman), South
Carolina Republican Party (Matt Moore as
Executive Director & Chad Connelly as
Chairman), Dorchester County Board of
Elections (Joshua Dickard as Executive
Director), South Carolina State Election
Commission (Marcy Andino as Executive
Director & Chris Whitmire as Director of
Public Information and Training),

**SUPPLEMENTAL AFFIDAVIT OF
ROGER GOODMAN,
NON-INCUMBENT CANDIDATE
FOR THE REPUBLICAN
NOMINATION FOR DORCHESTER
COUNTY COUNCIL DISTRICT 6**

Defendants

The undersigned Roger W Goodman, first being duly sworn, hereby deposes and
says

1 My name is Roger W Goodman, and I reside at 2215 Hummingbird Lane,
Summerville, SC 29483

2 I was a candidate in the June 12, 2012 Republican Primary for Dorchester County
Council District #6

3 I am submitting this affidavit in connection with the lawsuit captioned above

4 I gave Tony Piscatella, a representative of the Dorchester County Republican
Party ("DCRP"), my Statement of Intention of Candidacy Partisan on March 16, 2012 at
or about 12 13 pm, at the Dorchester County Republican Party Headquarters at 89B Old
Trolley Road, Summerville, SC 29483

5 At no time did I give, or intend to give, Tony Piscatella or any other official of the

DCRP a candidate Campaign Disclosure form ("CDF") I did not bring to the DCRP Headquarters a paper copy of my CDF I have never had or seen a paper copy of my CDF I did not authorize, request or see Tony Piscatella or any other person print, file or have a paper copy of my CDF On March 16, 2012 Tony Piscatella and I both signed a Candidate Packet Checklist that indicated that I did not file a CDF and that it was not required to do so at the time of the filing

6 Despite the above, I have reviewed a paper copy, attached hereto, of a CDF in my name that is included among my DCRP candidate sign up records filed by Tony Piscatella with the Dorchester County Clerk of Court on July 24, 2012, as ordered by Judge Howard P King The bottom right corner of both pages of that CDF indicate that those pages were printed on 3/16/2012 at 12:24 PM I did not print, or know about or authorize the printing of, that CDF or its inclusion among my candidate sign up records filed with the DCRP That CDF should not be among my candidate sign up records

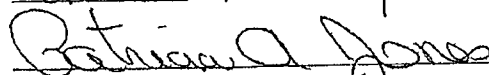
7 Further affiant sayeth not



ROGER W. GOODMAN

Sworn to and subscribed before me this

26th day of July, 2012



Notary Public for South Carolina

My Commission Expires _____ My Commission Expires
August 11, 2016

DORCHESTER COUNTY REPUBLICAN PARTY

CANDIDATE PACKET CHECKLIST

2012-CP-18-1632

Name as it will appear on the ballot Goodman, Roger W.

Candidate for office of County Council District #6

Paid DCRP Membership Y N

Filing Fee Amount \$ 100 Paid Date 3 / 16 /2012

Make checks payable to DCRP

☒

Statement of Intention of Candidacy (SIC) and Pledge

☒

Statement of Economic Interests (SEI) -- proof of online filing

☒

Candidate Support Committee Declaration Statement

Affidavit -- (Requirements for Coroner and Sheriff)

Campaign Disclosure -- Not required at time of filing

file online within 10 days of raising or spending \$500, copy to office

FILED-RECORDED
2012 JUL 24 PM 12:17
CHERYL C. AM
CLERK OF COURT
DORCHESTER COUNTY

STATEMENT I hereby acknowledge that I have received all of the forms and information needed to file for the above office and state that I have accurately and honestly completed the documents

Candidate signature [Signature] Date 3 / 16 /2012

Received by [Signature] Date 3 / 16 /2012

SC GOV - SC State Ethics Commission Public Disclosure and Accountability
Reporting
Electronic Filing
Candidate Campaign Disclosure Review

2012, Initial Report

Candidate Goodman, Roger W
Position Sought County Council
Election Type Primary
Election Date 06/12/2012
Filing Type Original, Not Filed

Directions

To review information you have entered, click each tab below

Summary Contributions Expenditures Loans Loan Payments Assets

Demographic Information

Goodman, Roger W
 2215 Hummingbird Lane
 Summerville, SC 29483
 843 810 1340
 Dorchester County

Report Type

2012, Initial

Contributions	This Period	Election Cycle
A Candidates Personal Funds	\$800 00	\$800 00
B1 Individual Contributions or other (+)	\$100 00	\$100 00
B2 Loans (+)	\$0 00	\$0 00
C In Kind Contributions (+)	\$0 00	\$0 00
D Total Contributions (=)	\$900 00	\$900 00

Expenditures	This Period	Election Cycle
A In Kind Expenditures	\$0 00	\$0 00
B Expenditures (+)	\$0 00	\$0 00
C Total Expenditures (=)	\$0 00	\$0 00

Balance of Contributions	This Period
A Contributions on Hand (Beginning this Period)	\$0 00

B Total Contributions (This Period) (+)	\$900.00
C Total Expenditures (This Period) ()	\$0.00
D Contributions On Hand (Period End) (=)	\$900.00

Loans

Loan Balance	\$0.00

File with the appropriate Ethics Commission

If you are satisfied with the information you have entered, you may file your report by clicking the "File" button below

Return to My Filings

If you are finished viewing this report, you can return to your list of filings by clicking the "Save" button below

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PRE-RECORDED
2012 JUL 24 PM 12:17
CLERK OF COURT
DORCHESTER COUNTY

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER

IN THE COURT OF COMMON PLEAS

Dorchester County Democratic Party,

Plaintiff,

Civil Action No 2012-CP-18-1632

v

Dorchester County Republican Party
(Carroll Duncan as Chairman), South
Carolina Republican Party (Matt Moore as
Executive Director & Chad Connelly as
Chairman), Dorchester County Board of
Elections (Joshua Dickard as Executive
Director) South Carolina State Election
Commission (Marcu Andino as Executive
Director & Chris Whitmire as Director of
Public Information and Training),

Defendants

**AFFIDAVIT OF
LARRY HARGETT,
INCUMBENT CANDIDATE
FOR THE REPUBLICAN
NOMINATION FOR DORCHESTER
COUNTY COUNCIL DISTRICT 4**

The undersigned Larry Hargett, first being duly sworn, hereby deposes and says

1 My name is Larry Hargett I live at 614 Fairington Drive, Summerville, SC
29485

2 I was a candidate in the June 12, 2012 Republican Primary for Dorchester County
Council District #4 I won that Primary

3 I am a member of, and am Chairman of, Dorchester County Council

4 I am submitting this affidavit in connection with the above-captioned lawsuit

5 I gave Tony Piscatella, a representative of the Dorchester County Republican
Party ("DCRP"), my Statement of Intention of Candidacy-Partisan on March 20, 2012 at
or about 11 am, at the Dorchester County Republican Party Headquarters at 89B Old
Trolley Road, Summerville, SC 29483

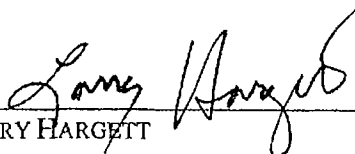
6 At no time did I give, or intend to give Tony Piscatella or any other official of the

DCRP a paper copy of my Statement of Economic Interests ("SEI") I did not bring to the DCRP Headquarters a paper copy of my SEI I have never had or seen a paper copy of my SEI I did not authorize, request or see Tony Piscatella or any other person print, file or have a paper copy of my SEI

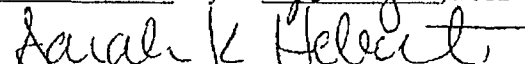
7 Because I was an incumbent I was exempt from filing an SEI along with my candidacy filing That is why I did not provide Tony Piscatella or any other official of the DCRP a paper copy of my SEI

8 Despite the above, I have reviewed two copies, attached hereto, of my SEI that are included among my DCRP candidate sign up records filed by Tony Piscatella with the Dorchester County Clerk of Court on July 24, 2012, as ordered by Judge Howard P King The bottom right corner of both pages of both copies of that SEI indicate that those pages were printed on 3/16/1012 at 11 01 PM I did not print, or know about or authorize the printing of, those SEIs I did not know about, request or authorize the inclusion of those SEIs among my candidate sign up records filed with the DCRP Those SEIs should not be among my candidate sign up records with the DCRP

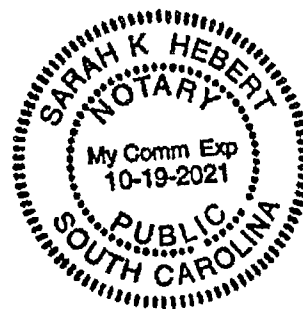
9 Further affiant sayeth not


LARRY HARGETT

Sworn to and subscribed before me this

26 day of July, 2012

Notary Public for South Carolina

My Commission Expires 10-19-2021



SC GOV - SC State Ethics Commission Public Disclosure and Accountability Reporting**Individual Reports****Statement of Economic Interests****Statement of Economic Interests Report**

Name Larry S Hargett
Year 2012
Filing Date 2/15/2012
Version Original

Demographic Information

Name	Address	Phone	County
Larry S Hargett	615 Fairington Drive Summerville, SC 29485	843 514 7135	Dorchester

Positions

Position/Title	Entity	Type	Term of Office	Date Filed
County Council	Dorchester	Elected	1/2009 - 12/2012	

Income and Benefits

Source	Type	Amount / Value	Miscellaneous
Dorchester County	Salary	\$20,000.00	Personal Income

Regulated Business Associations

*** Filer does not have any regulated business items to disclose ***

Real or Personal Property Interests

*** Filer does not have any property interest items to disclose ***

Real or Personal Property Interests II

FILED
CLERK OF COURT
DORCHESTER COUNTY
2012 JUL 24 PM 12:17
-1170-RECORDED

*** Filer does not have any sold, leased, or rented property interest items to disclose ***

Business Interests

*** Filer does not have any business interest items to disclose ***

Creditors

*** Filer does not have any creditor items to disclose ***

Lobbyist/Lobbyist's Principal

*** Filer does not have any Lobbyist/Lobbyist's principal items to disclose ***

Government Contracts

*** Filer does not have any government contract items to disclose ***

Gifts

*** Filer does not have any gift items to disclose ***

Travel Reimbursement

*** Filer does not have any travel items to disclose ***

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DORCHESTER COUNTY

SC GOV - SC State Ethics Commission Public Disclosure and Accountability Reporting**Individual Reports****Statement of Economic Interests****Statement of Economic Interests Report**

Name Larry S Hargett
Year 2012
Filing Date 2/15/2012
Version Original

Demographic Information

Name	Address	Phone	County
Larry S Hargett	615 Fairington Drive Summerville, SC 29485	843 514 7135	Dorchester

Positions

Position/Title	Entity	Type	Term of Office	Date Filed
County Council	Dorchester	Elected	1/2009 12/2012	2012 JUL 24 PM 12 17

Income and Benefits

Source	Type	Amount / Value	Miscellaneous
Dorchester County	Salary	\$20,000 00	Personal Income

Regulated Business Associations

*** Filer does not have any regulated business items to disclose. ***

Real or Personal Property Interests

*** Filer does not have any property interest items to disclose ***

Real or Personal Property Interests II

*** Filer does not have any sold, leased, or rented property interest items to disclose ***

Business Interests

*** Filer does not have any business interest items to disclose ***

Creditors

*** Filer does not have any creditor items to disclose ***

Lobbyist/Lobbyist's Principal

*** Filer does not have any Lobbyist/Lobbyist's principal items to disclose ***

Government Contracts

*** Filer does not have any government contract items to disclose ***

Gifts

*** Filer does not have any gift items to disclose. ***

Travel Reimbursement

*** Filer does not have any travel items to disclose ***

Print Go Back

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2012 JUL 24 PM 12:17
CLERK OF COURT
BERKELEY COUNTY

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER

IN THE COURT OF COMMON PLEAS

Dorchester County Democratic Party,

Plaintiff,

Civil Action No 2012-CP-18-1632

v

Dorchester County Republican Party
(Carroll Duncan as Chairman), South
Carolina Republican Party (Matt Moore as
Executive Director & Chad Connelly as
Chairman), Dorchester County Board of
Elections (Joshua Dickard as Executive
Director), South Carolina State Election
Commission (Marc Andino as Executive
Director & Chris Whitmire as Director of
Public Information and Training),

**AFFIDAVIT OF ANN SHIELDS,
VOLUNTEER FOR THE
DORCHESTER COUNTY
REPUBLICAN PARTY RE
CANDIDATE FILING**

Defendants

The undersigned Ann Shields, first being duly sworn, hereby deposes and says

1 My name is Ann Shields I am a volunteer for the Dorchester County Republican
Party ("DCRP") I am also the Precinct President of the Coastal 2 precinct

2 My duties are to work in the DCRP office performing administrative tasks such as
database management, handling walk-ins, answering the phone, and collecting the mail

3 I was at the DCRP office when Sean Bennett filed

4 I was in the small reception area where the outside door is located The filing took
place in another room, a conference room in the rear of the office I could not see what
was taking place in the conference room

5 When Bennett filed, the only individuals associated with the DCRP who were
present were myself, Janette Chipas, and Tony Piscatella Janette and Tony were in the
back room handling the filing

6 When Bennett arrived, he walked in the front door of the reception area. He was accompanied by a lady who I later learned worked for him in some capacity.

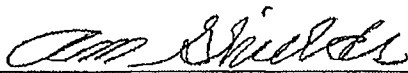
7 I announced he had arrived and John Mondo, who had just completed his filing, left the back room and exited the office. Tony Piscatella walked out of the back room and invited Bennett back to file. Bennett and Piscatella walked to the back room. The employee who accompanied Bennett remained in the reception area and did not accompany Bennett back to the filing room.

8 Bennett's employee and I struck up a pleasant conversation while Bennett was filing. We discussed the Tea Room at St. Paul's Episcopal Church in Summerville, a fundraiser event the church puts on. She described the Tea Room at Bethany, which I believe is a Methodist Church, and I gathered—though I am not certain—that she is a member at Bethany.

9 The conversation then moved to what her relationship was with Sean Bennett. She indicated that she worked for Mr. Bennett and believed in him as a candidate. We had a little bit more small talk and then Bennett emerged from the back room. Bennett and his employee then left the office.

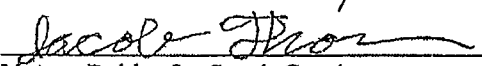
10 At no point in time did Bennett's employee go to the filing room to observe or witness Mr. Bennett's filing. The entire time Mr. Bennett was filing, she and I were having a conversation as described above.

11 Further, affiant sayeth not.


ANN SHIELDS

Sworn to and subscribed before me this

26th day of July, 2012

 Jacob
Notary Public for South Carolina Thompson

My Commission Expires 05/15/22



STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER

IN THE COURT OF COMMON PLEAS

Dorchester County Democratic Party,

Plaintiff,

Civil Action No 2012-CP-18-1632

v

Dorchester County Republican Party
(Carroll Duncan as Chairman), Colleton
County Republican Party, Berkeley
County Republican Party, Charleston
County Republican Party, South Carolina
Republican Party (Matt Moore as
Executive Director & Chad Connelly as
Chairman), Dorchester County Board of
Elections (Joshua Dickard as Executive
Director), Colleton County Election
Commission, Berkeley County Election
Commission, Charleston County Election
Commission, South Carolina State
Election Commission (Marci Andino as
Executive Director & Chris Whitmire as
Director of Public Information and
Training), Sean Bennett, Mike Rose, and
Tony Piscatella

Defendants

**AFFIDAVIT OF
MIKE ROSE,
INCUMBENT CANDIDATE
FOR THE REPUBLICAN
NOMINATION FOR SENATE
DISTRICT 38**

The undersigned Michael T Rose a/k/a Mike Rose, first being duly sworn, hereby
deposes and says

1 My name is Mike Rose I live at 409 Cential Ave , Summerville, SC
29483

2 I was a candidate in the June 12, 2012 Republican Primary for Senate
District #38

3 I am a member of the South Carolina Senate representing Senate District
#38

4 I am submitting this affidavit in connection with the above-captioned lawsuit

5 I gave Tony Piscatella ("Piscatella"), in his then capacity as candidate filing officer/records custodian of the Dorchester County Republican Party ("DCRP"), my Statement of Intention of Candidacy Partisan on March 16, 2012 at or about 12 36 pm, at the Dorchester County Republican Party Headquarters at 89B Old Trolley Road, Summerville, SC 29483

6 On June 13, 2012 I received an unexpected and unsolicited telephone call during which I was told that Sean Bennett ("Bennett"), my opponent in the June 12, 2012 Republican Primary for Senate District #38, may not have been a legitimate candidate in that Primary because Bennett may not have filed his required SEI with the DCRP properly. I replied to the caller that Piscatella and Carroll Duncan ("Chairman Duncan"), Chairman of the DCRP, had assured me before the Primary that all individuals certified by the DCRP as candidates for that Primary had filed their paperwork properly. The caller replied by expressing doubt that the paperwork had been filed properly and by urging me to look at the paperwork myself to determine if it had been filed properly.

7 Upon ending that call I promptly called Piscatella, told him what had been said to me during the telephone call as described above and asked him to let me see a copy of the paperwork filed with the DCRP by all DCRP candidates, especially by Bennett. Piscatella told me he would get and let me see that paperwork. He called me a few hours later and told me he had located all DCRP candidates' paperwork at DCRP headquarters, including that of Bennett. I asked him to give me a copy of Bennett's

paperwork because I wanted to see it myself, and he agreed to give me a copy of that paperwork that day. I told him that he could scan and e-mail the paperwork to me, fax it to me, or let me come pick it up from him. He stated that he would get Bennett's paperwork to me that day, but did not tell me how he would do so. Piscatella did not provide me any of Bennett's candidate paperwork that day and has not done so on any other day. Piscatella did not inform me that any of Bennett's paperwork was missing but led me to believe, incorrectly, that all of Bennett's candidate paperwork, including Bennett's SEI, was in the official DCRP candidate file for Bennett. I later learned that in truth Piscatella could not find a SEI in Bennett's DCRP file because no SEI was in Bennett's file.

8 On June 14, 2012, I unexpectedly was informed by telephone by a Republican that the Dorchester County Democratic Party ("DCDP") was about to publish, or had just published, that day a press release demanding that the DCRP make public its candidate paperwork filed with the DCRP by House District #97 GOP candidate Ed Carter ("Carter"), because the DCDP believed that Carter had been improperly certified as a candidate in the June 12, 2012, Republican Primary because Carter had not filed properly his SEI with the DCRP. That person also informed me during that telephone conversation that the DCDP believed that Bennett and other Republican candidates had not submitted SEIs to the DCRP as required by law, that, therefore, those individuals had been improperly certified as Republican Primary candidates by the DCRP, and that, as a result, the DCDP was going to file a lawsuit against the DCRP challenging the certification of all non incumbent DCRP candidates. That DCDP press release was published that day in the *Summerville Patch*. P1101 to that

telephone call to me I had no knowledge of any of these past or anticipated future actions by the DCDP

9 By nearly the end of Thursday, June 14, 2012, Piscatella had not given me a copy of Bennett's paperwork, despite his representations on June 13 that he would do so, had not informed me that he was not going to provide me that paperwork, and had given me no explanation as to why he had not provided me that paperwork. Further, based on Piscatella's representations to me on June 13, I believed that Piscatella had possession of all of Bennett's paperwork filed with the DCRP, including a SEI for Bennett, and would give me a copy of all of that paperwork. Therefore, on June 14 at 11 24 pm I sent Piscatella an e-mail, attached hereto as Exhibit #1, stating the following

"Tony, As we discussed yesterday, please give a copy of all the paperwork regarding Sean Bennett's paperwork [sic] that you filed on behalf of the DCRP. I want to review it.

Please confirm where you filed that paperwork, and when. Thank you.

Mike Rose"¹

10 On June 15, 2012, at 9 42 am I received an e-mail, attached hereto as Exhibit #2, from Piscatella stating as follows

"Mike The SCGOP has advised the county parties not to provide any information except through them. Apparently several issues have been raised by people and the state wants to control the flow of information. We are bound by that ruling and can't provide the information I had agreed to give you. It doesn't look like this is going to go away any time soon. I'm sorry for the inconvenience this may have caused you."² (Emphasis added.)

11 On June 15, 2012, at 9 47 am, I received an e-mail, attached hereto also as Exhibit #3, from Matt Mooie ("SCRIP FD Mooie"), Executive Director of the South

¹ E-mail dated June 14, 2012 from Mike Rose to Tony Piscatella attached as Exhibit #1

² E-mail dated June 15, 2012 from Tony Piscatella to Mike Rose attached as Exhibit #2

Carolina Republican Party ("SCRIP"), stating the following

"Senator – please understand this has been our policy due to the Democrats trying to beat down our doors and rifle through our filing cabinets. We've made the same requests of them, and they're not budging. Matt Moore, Executive Director, South Carolina Republican Party"³

Below that e mail from Matt Moore is the e mail to me from Piscatella referenced in Paragraph 10 above and below that is my e mail to Piscatella referenced in Paragraph 9 above. Until I received that e mail from Matt Moore I had no idea that Piscatella had been communicating with the SCGOP about my request to see Bennett's paper work.

12 As shown in paragraph 13 below, on July 5, 2012 I learned, for the first time, that when SCRIP ED Moore sent me the e mail dated June 15, 2012 described in paragraph 11 above, SCRIP ED Moore, DCRP Chairman Duncan and Piscatella all knew that there was no SEI in Bennett's DCRP candidate file on June 13, 2012. Piscatella and SCRIP ED Moore have never revealed to me the fact that there was no SEI in Bennett's DCRP candidate file on June 13. Instead, on July 5, 2012, Chairman Duncan informed me of that fact, through her attorney. On June 18, 2012 the DCDP issued another press release, published in the *Summerville Patch*, demanding the public release by the DCRP of candidate documents of all candidates certified by the DCRP and threatening that the DCDP would sue the DCRP to get those documents if the DCRP did not promptly publicly release those documents.

13 On June 19, 2012, I communicated to Chairman Duncan and DCRP Vice Chairman Dr. Tim Huber ("Vice Chairman Huber") by e mail (a true copy of which is attached as Exhibit #4) that, given the circumstances, I wanted to appeal Bennett's victory in the June 12, 2012 Republican Primary for Senate District #38, and asked how

³ L. mail dated June 15, 2012 from Matt Moore to Mike Rose, attached as Exhibit #3

to do so⁴ On June 20, 2012 I sent Tim Huber, Vice Chairman of the DCRP, and Chairman Duncan an e-mail stating the following

"A lawyer told me this afternoon that Tony Piscatella needs to be told that there are computerized records of all computer transactions regarding the paperwork in question, that those records will reveal the truth, and that Tony better not alter in any way the records because if he does he could be indicted"⁵

In response to that e-mail from me, Chairman Duncan responded not directly to me but by sending SCRP ED Moore an e-mail dated June 20, 2012, stating in its entirety as follows

"Answer him or not?"

For you, Tony has not and will not alter any records He's added a copy of the SEI to the file but with note that it's a copy and what day he added and why"⁶
(Emphasis added)

I received a copy of that e-mail-above, attached hereto as Exhibit 6, from Chairman Duncan to SCRP ED Moore via her attorney on July 5, 2012. That e-mail and subsequent conversations and documents evidence to me that Piscatella had added a SEI to Bennett's DCRP candidate file, that Chairman Duncan and SCRP ED Moore had been aware that Piscatella had added an SEI to Bennett's DCRP candidate file, that Chairman Duncan, Piscatella and SCRP ED Moore had been aware that no SEI had been in Bennett's DCRP candidate file on June 13, 2012, that Chairman Duncan and SCRP ED Moore had been discussing what to do about my requests to see the DCRP candidate documents, and that all of those facts had been withheld and concealed from me by them

14 I had not protested that election and had not inquired previously about

⁴ See E-mail dated June 19, 2012 from Mike Rose to Dr. Tim Huber and DCRP Chairman Duncan attached as Exhibit #4

⁵ E-mail dated June 20, 2012, from Mike Rose to Dr. Tim Huber and Carroll S. Duncan attached as Exhibit 5

⁶ E-mail dated June 20, 2012 from Carroll S. Duncan to SCRP ED Matt Moore, attached as Exhibit 6

filing a protest of that election because (1) the DCRP had lured and caused me to believe, incorrectly, that Bennett had filed his candidate paperwork properly and, until June 15, 2012, that Piscatella would give me a copy of Bennett's paperwork so I could see myself whether Bennett had filed his paperwork properly, and (2) because the DCRP and the SCGOP had failed to disclose to me that Bennett's SEI in fact was missing, even when they knew there was no SEI in Bennett's DCRP candidate file and that I was asking the DCRP to show me Bennett's SEI in his DCRP candidate file. Without seeing Bennett's paperwork myself, and without knowing that Bennett's SEI was missing from his DCRP file, I could not reasonably determine whether or not I had a valid ground for protesting the Primary election. Ultimately I learned that the cutoff date for my filing a protest of the Primary election with the SCRP was June 18, 2012, which already had passed by the time I asked for an election protest on June 19 as stated above. I do not believe that I should be in any way prejudiced in the above captioned lawsuit by my not having filed an election protest with the SCGOP by June 18, 2012, for the following reasons: (1) due to the doctrine of equitable tolling, because the DCRP and the SCGOP wrongfully concealed and prevented me from obtaining sufficient facts to enable me reasonably to know I had a reasonable grounds for a protest and misled and lured me into believing, and caused me to believe, that I did not have a reasonable grounds for a protest, and (2) because the basis for this lawsuit is different than, and totally independent of, the statutory procedure for a candidate to file a protest of an election.

15 On June 29, 2012 the DCDP filed the above captioned lawsuit with the Dorchester County Clerk of Court. On July 9, 2012 Bennett filed a Motion to Intervene in that lawsuit. On July 12, 2012 I also filed a Motion to Intervene. On July 23, 2012,

these Motions to Intervene were granted by the Court

16 Chairman Duncan sent a letter, attached hereto as Exhibit #7, dated July 9, 2012 to Piscatella directing that Piscatella provide her a copy of all DCRP candidate filings in his possession, and announcing that she was going to make those documents public. That same information was provided, along with a copy of that letter from Chairman Duncan, by Chairman Duncan's attorney, Todd Kincannon, to Piscatella's attorney, Chris Murphy, by an e mail dated July 9, 2012. A copy of that e mail is attached as Exhibit #8. Murphy replied with an e mail dated July 10, 2012, a copy of which is attached hereto as Exhibit #9, to Kincannon which said that Piscatella, his client, refused, as advised by Murphy, to provide Chairman Duncan or any other person a copy of any of the paperwork of DCRP candidates, and that Piscatella was going to retain personal possession of those documents until ordered by a Court to cease doing so. That e mail from Murphy to Kincannon states in part as follows

"On Thursday, June 21, 2012, I was retained by Tony Piscatella to represent him with regards [sic] to his potential testimony as it relates to the pending lawsuit filed by the Dorchester County Democratic Party whereby they have challenged all non-incumbent Republican candidates. As Mr. Piscatella's attorney, I have advised him to safeguard the filing documents of all the 2012 Republican candidates in Dorchester County. Absent a Court Order directing Mr. Piscatella or my office to turn over the files, they will remain in his custody. This will help to ensure the chain of custody and the integrity of any potential evidence as the case makes its way through the judicial process."⁷ (Emphasis added.)

17 Chairman Duncan sent a letter, attached hereto as Exhibit #10, dated July 11, 2012, to Piscatella stating as follows

"Dear Mr. Piscatella

You are hereby removed as candidate filing officer/records custodian of the Dorchester County Republican Party ("DCRP") DCRP First Vice Chairman Jim

⁷ E mail dated July 10, 2012 from Chris Murphy to Todd Kincannon attached as Exhibit #9

Huber is hereby appointed as the new DCRP candidate filing officer/records custodian. You are directed to immediately provide all DCRP documents in your possession to Dr. Huber including but not limited to all candidate filings

I take this action pursuant to my authority under Article VII Section 1 of the DCRP Bylaws, which vests appointment – and therefore removal – authority in the Chairman. While I have the unilateral authority to remove for any reason or no reason, I believe the DCRP should know why I have taken this action.

On July 9, 2012 I requested in writing that you provide copies of all candidate filing documents to me. Through your attorney, you refused to provide the documents to me despite the fact that I have a right to these documents as a member of the DCRP under Article VII Section 2 of the DCRP Bylaws

I have no alternative but to take this step given your refusal to provide the documents. Again, please immediately provide all DCRP documents in your possession to Dr. Huber including but not limited to all candidate filings. Sincerely, Carroll S. Duncan, Chairman, Dorchester County Republican Party⁸ (Emphasis added.)

18 Piscatella has failed to provide me a copy of Bennett's candidate paperwork, including any SEI for Bennett, at any time, and has refused to give either the original or a copy of any DCRP candidate's paperwork to Chairman Duncan or to Dr. Tim Huber, the new DCRP candidate filing officer/records custodian appointed by Chairman Duncan.⁹ Further, Piscatella removed all the DCRP candidate records from the DCRP headquarters and unlawfully retained them in his personal possession at Piscatella's home.¹⁰ As a result, I was not able to see the paperwork of Bennett and the other DCRP candidates until Piscatella filed the original of all those documents with the Clerk of the Dorchester County District Court on July 24, 2012, as ordered by Judge Howard P. King verbally on July 23, 2012. Further, until my Motion to Intervene was

⁸ Letter dated July 11, 2012 from DCRP Chairman Carroll S. Duncan to Tony Piscatella attached as Exhibit #10.

⁹ See paragraphs 16-17 *supra*.

¹⁰ See paragraphs 16-17 *supra*. Exhibits 5, 6, 7, and 8. Murphy volunteered during a telephone conference with attorneys and Judge Howard P. King on July 23, 2012 that Piscatella, as advised by Murphy, had removed the DCRP candidate documents from DCRP headquarters and taken those documents to Piscatella's home.

granted on July 24, 2012, joining me as a party defendant in the lawsuit as referenced in Paragraph 14 above, I could not use a legal process to compel production of those documents as discovery

19 As a result of the above, three and a half weeks passed after the filing of the lawsuit referenced in Paragraph 15 above, and six weeks passed after I first asked Piscatella to let me see the DCRP candidate records, including the SEIs of Bennett and others, during which time I could not gain access to those DCRP candidate records to enable me to analyze the facts regarding those documents, to determine whether I had grounds to file an election protest and to prepare my position in this lawsuit. In contrast, during most of that period – since June 21, 2012¹¹ – Chris Murphy has had access to view the documents via his client, Piscatella, thereby giving information to Murphy that could help the non-incumbent candidates, including Bennett, whom Murphy supported politically for the Primary¹² and has been supporting politically since the Primary¹³. As one example of Murphy's and Piscatella's attempts to help Bennett, Murphy acquired from Bennett and gave Piscatella a copy of documents, including an SEI for Bennett, in Bennett's personal possession and thereafter commingled¹⁴ those personal documents of Bennett with the official documents in the official DCRP candidate file for Bennett¹⁵. As another example, Murphy advised Piscatella to remove the official DCRP candidate

¹¹ Murphy began representing Piscatella on June 21, 2012. See paragraph 16 *supra*.

¹² Murphy gave money and a public endorsement to Carter. Murphy encouraged voters to support Bennett.

¹³ Murphy obtained documents from Bennett which in turn Murphy had Piscatella add to Bennett's official DCRP candidate file without authority and in violation of law. In addition, upon information and belief, Murphy has conferred and met with and has been working for the benefit of Bennett since the June 12 Primary. Instead of providing advice solely for the benefit of Murphy's client, Piscatella, Murphy has been, upon information and belief, providing Piscatella advice for the benefit of Carter and Bennett. To accomplish that, Murphy arranged, upon information and belief, that Murphy represent Piscatella as an attorney regarding, as stated by Murphy, Piscatella's "potential testimony" in the above-captioned lawsuit. See paragraph 16 *supra*.

¹⁴ See Supplemental Affidavit of Tony Piscatella, June 22, 2012, para 14 (I have supplemented Mr. Bennett's candidate file with those documents), attached as Exhibit #13.

¹⁵ See Supplemental Affidavit of Tony Piscatella, June 22, 2012, para 14.

filing documents, including those of Bennett, from the DCRP headquarters, to not allow Chairman Duncan, myself and the public to see or have a copy of them, and to keep the DCRP candidates files at Piscatella's home instead of at DCRP headquarters¹⁶ Piscatella's hoarding of those DCRP official documents in Piscatella's home not only kept the documents from me, Chairman Duncan, Vice Chairman Huber and other members of the public, but also gave Piscatella, and perhaps others, ample opportunity to alter the documents. The fact that those documents could have been altered by Piscatella or other persons very easily is particularly significant given that, as verified by a qualified digital and computer forensics expert who also is an attorney licensed in South Carolina, alteration of the printed date on SEIs printed from the State Ethics Commission website was so easy that the printed date on any candidate's SEI is not reliable evidence of when the form was actually printed. As attested to by attorney and digital/computer expert Steven Marc Abrams

" [I]t is my conclusion to a scientific certainty that the printed date shown on the lower right hand corner of any candidate's Statement of Economic Interests that was printed from the SC gov website is not reliable evidence of when the form was actually printed. It is my opinion therefore that the date appearing on the lower right hand corner of the Statement of Economic Interests reports that are proposed as evidence in this matter is not reliable evidence as to when the reports were printed."¹⁷

20 I believe it is outrageous that Bennett, Piscatella and Murphy unlawfully added and conspired to add – to “supplement”¹⁸ – personal documents obtained from Bennett to Bennett's official DCRP candidate file when they had no authority to do so. I

¹⁶ See paragraphs 16, 17, supra, Exhibits 5, 6, 7 and 8. Murphy volunteered during a telephone conference with attorneys and Judge Howard P. King on July 23, 2012 that Piscatella was advised by Murphy had taken the DCRP candidate documents to his home and refused to return them to the DCRP when requested to do so by Chairman Duncan.

¹⁷ Affidavit dated July 30, 2012 from Steven Marc Abrams, J.D., M.S., attached as Exhibit #11.

¹⁸ See Supplemental Affidavit of Tony Piscatella, June 22, 2012, para 14 (I have supplemented Mr. Bennett's candidate file with those documents.) para 16, 17 supra, Exhibits 5, 6, 7 and 8.

believe it is outrageous that Piscatella, upon the advice of Murphy, took and retained personal possession of those official DCRP documents, as least some of which were public documents by law,¹⁹ hoarded and secreted them, covered up the fact that Bennett's SEI was missing from his official DCRP file, and led me to believe, falsely, that Bennett's DCRP file contained a proper SEI. That tampering with and hoarding of evidence is an obstruction of justice having the effect and apparent purpose of preventing the public and even the Chairman of the DCRP from learning and proving whether candidates had been certified illegally. All of this spoliation of evidence should require construing as evidence against Bennett and Piscatella any of the supplemental documents from Bennett added to the DCRP file for Bennett. Bennett should not be able to participate in supplementing and mixing the official DCRP file with his own inaccurate,²⁰ different²¹ and self-serving personal version of the documents and reap the benefit of a SEI form he inserted into that file.

21. Piscatella claims in an affidavit that the documents with which Piscatella "supplemented Mr. Bennett's candidate file"²² "are true and accurate copies of the original documents that Mr. Bennett filed with [Piscatella] on March 20, 2012."²³ Evidence shows that claim by Piscatella is false. The personal Bennett documents obtained by Murphy from Bennett that Piscatella, as advised by Murphy, used to "supplement", commingle and pollute Bennett's official DCRP candidate file were not identical to the documents that Bennett filed with the DCRP on March 20, 2012. One reason that is true is that the official DCRP file for Bennett contains a NOTICE OF

¹⁹ See paragraph 22-23 infra.

²⁰ See paragraphs 25-32 infra.

²¹ See paragraphs 25-32 infra.

²² Supplemental Affidavit of Tony Piscatella June 22, 2012 para 14 paras 16-17 supra Exhibits 5-6-7-8

²³ Supplemental Affidavit of Tony Piscatella June 22, 2012 para 14 paras 16-17 supra Exhibits 5-6-7-8

CANDIDACY AND PLEDGE form signed by Bennett that does NOT appear among the documents Bennett gave Murphy which Murphy gave Piscatella which Piscatella added to the official DCRP file for Bennett. Further, the CANDIDATE PACKET CHECKLIST in the file Bennett gave Murphy which Murphy gave Piscatella which Piscatella added to the official DCRP file for Bennett is not identical to the CANDIDATE PACKET CHECKLIST already in the official DCRP file for Bennett before Piscatella added documents to the official DCRP file for Bennett.²⁴

22 I believe Murphy's and Piscatella's withholding of the DCRP candidate documents was an illegal conversion of DCRP property, in addition to being harmful to me, the DCDP, the DCRP and the public. Neither Murphy nor Piscatella had legal authority to withhold any of the DCRP candidate filing documents from Chairman Duncan. That is true because of the clear language in Article VII Section 1 of the DCRP Bylaws giving the DCRP's Chairman, Chairman Duncan, the authority to appoint, and therefore to remove and to replace, the DCRP's candidate filing officer/records custodian. In addition, neither Murphy nor Piscatella had legal authority to withhold the SEI of Bennett or of any other DCRP candidate from Chairman Duncan, Vice Chairman Huber, me or any other member of the public, because all SEIs of candidates are public documents according to Section 8-13-1356(C) of the Code of Laws of South Carolina. Piscatella's illegal actions did not become legal because Murphy gave Piscatella legal advice to obstruct justice and engage in these unlawful concealment actions that benefitted Bennett.

23 Section 8-13-1356 is titled "Filing of statement of economic interests by candidates for public office" (Emphasis added). Subsection (C) states that "[t]he official

²⁴ See Paragraphs 27-29 infra

with whom the candidate files a declaration of candidacy or petition for nomination, no later than five business days after the candidacy books close, must file a copy of the statement with the appropriate supervisory office” (Emphasis added) Thus, Piscatella, the DCRP official with whom Bennett and all other DCRP candidates filed a declaration of candidacy, was required, within five business days of the closing of the candidacy books on March 30, 2012, to file a copy of their statement of economic interests, or SEI, with the appropriate supervisory office for their respective statements of economic interest. The appropriate supervisory office where the SEI of Senate candidate Bennett was required to be filed was the Senate Ethics Committee. Leonard Odom, Research Director for the Senate Ethics Committee, has confirmed in an affidavit, attached hereto as Exhibit #10, dated June 11, 2012, filed with the Charleston County Clerk of Court that as of June 11, 2012, that no Statement of Economic Interests had been filed with the Senate Ethics Committee regarding a candidate for the SC Senate.²⁵ If Piscatella had filed a SEI for Bennett with the Senate Ethics Committee as he was required to do by Section 8-13-1356(C), Piscatella would not have been able to prevent, as he did, Bennett’s two²⁶ purported SEIs from being seen by me, the DCDP and other members of the public during the six week period of June 13 July 24, 2012. Further, Piscatella and Murphy should not have prevented the public, including me, from viewing and obtaining a copy of Bennett’s two purported SEIs since they are public records according to Section 8-13-1356(C).

24 In addition to Piscatella’s unlawful withholding of DCRP paperwork as

²⁵ See Affidavit dated June 11, 2012 by Leonard Odom attached hereto as Exhibit #12

²⁶ Bennett had no SEI in his DCRP file on June 13, 2012. Subsequently Piscatella, in concert with Bennett and Murphy with regard to at least one of the SEIs, put two different substitute SEIs in Bennett’s DCRP file to make up for the absence of any SEI in Bennett’s file. See paragraphs 16, 17, 20, 21 supra and paragraphs 27-29 infra.

described above, for the more than three week period June 13 July 5, 2012 the DCRP and the SCRP both misled me, as did Piscatella, into believing that there was a valid SEI in Bennett's DCRP candidate file when in fact they knew there was no SEI in that file on June 13, 2012, and withheld from me – concealed and “covered up” - the fact known to them that an SEI for Bennett had been found by Piscatella to be missing on June 13, 2012 from the DCRP Bennett file

25 On July 23, 2012 Judge Howard P King ordered, on a telephone conference with me and other attorneys in this lawsuit, Chris Murphy and Piscatella to file by 5 pm on July 24, 2012, with the Dorchester County Clerk of Court three affidavits by Piscatella and the original of all DCRP documents Murphy and Piscatella had been secreting/withholding at Piscatella's house On July 24, 2012 the Dorchester County Clerk of Court e-mailed me those three affidavits by Piscatella and the respective documents (collectively “Candidate Documents”) for each of the nineteen DCRP candidates that Piscatella had filed that day with the Court as had been ordered by Judge Howard P King on July 23, 2012 A copy of those three affidavits are attached as Exhibits 13, 14 and 15

26 My review and inspection of those Candidate Documents reveal numerous inconsistencies and discrepancies that lead me to disbelieve and doubt the legality, accuracy, integrity, credibility, reliability and completeness of those Candidate Documents and statements made about those Candidate Documents, including the following

27 Two Sets of Intermingled Bennett Candidate Documents Created by Bennett, Murphy and Piscatella Shockingly, the DCRP documents filed with the Court

by Piscatella regarding Bennett contain in reality not one but two different sets of documents that Piscatella intermingled, as advised by Murphy, and with the cooperation and assistance of Murphy and Bennett Piscatella attests in one²⁷ of his affidavits the following

- A Paragraph 8 On March 20, 2012 Piscatella asked Bennett if Bennett wanted a copy of all of the paperwork that Bennett had filed that day with Piscatella at DCRP Headquarters Bennett said he did want a copy, so Piscatella made a copy and gave it to Bennett, who left DCRP headquarters with that copy²⁸
- B Paragraph 13 On June 13, 2012 Piscatella discovered that Bennett's official DCRP file did not contain a SEI or a Campaign Disclosure form²⁹
- C Paragraph 14 Murphy obtained from Bennett personal documents in the possession of Bennett and gave those personal documents to Piscatella In turn, Piscatella added those personal Bennett documents to, and intermingled those personal Bennett documents with, the official DCRP candidate file for Bennett³⁰ Piscatella says those personal Bennett documents added and intermingled by Piscatella to the DCRP's official candidate file for Bennett "are true and accurate copies of the original documents that Mr Bennett filed with me on March 20, 2012"³¹

Thus, as shown above, Bennett, Murphy and Piscatella conspired, cooperated and acted, unlawfully and without authority, to add Bennett's personal documents (hereinafter sometimes "Bennett Version #2 documents") to, and to intermingle Bennett's personal documents with, the documents already in the official DCRP candidate file for Bennett (hereinafter sometimes "Bennett Version #1 documents") Thus, Bennett, Murphy and Piscatella added Bennett Version #2 documents to, and intermingled Bennett Version #2 documents with, the official DCRP Bennett Version #1 documents, to come up with a completely new version of Bennett DCRP candidate filing documents

²⁷ Supplemental Affidavit of Tony Piscatella June 22 2012 attached as Exhibit #15

²⁸ Supplemental Affidavit of Tony Piscatella June 22 2012 para 8 attached as Exhibit #15

²⁹ Supplemental Affidavit of Tony Piscatella, June 22 2012 para 13 attached as Exhibit #15

³⁰ Supplemental Affidavit of Tony Piscatella, June 22 2012, para 14 attached as Exhibit #15

³¹ Supplemental Affidavit of Tony Piscatella, June 22 2012, para 14, attached as Exhibit #15

28 A comparison of Bennett Version #2 documents with Bennett Version #1 documents shows that the representation attested to by Piscatella that the Bennett Version #2 documents are “true and accurate copies of original documents Mr. Bennett filed with [Piscatella] on March 20, 2012”,³² is not accurate. Specifically, the Bennett Version #2 documents added by Bennett, Murphy and Piscatella to Bennett Version #1 documents differ from the Bennett Version #1 documents in at least the following important respects:

- A. Bennett Version #1 documents contain a Notice of Candidacy and Pledge form signed by Bennett. However, Bennett Version #2 documents do not contain a Notice of Candidacy and Pledge form. That difference alone proves that Bennett Version #2 documents are not a complete copy of Bennett Version #1 documents.
- B. Bennett Version #1 documents contain a Candidate Packet Checklist that has near the top (1) the handwritten words “District 38” next to the typewritten words “State Senator” on one line and (2) the handwritten term “3/20” next to the typewritten words “Paid Date” on another line. Bennett Version #2 documents do not contain a Candidate Packet Checklist with either the words “District 38” or the term “3/20” referenced above. Those differences alone prove that Bennett Version #2 documents are not a complete copy of Bennett Version #1 documents.
- C. Bennett Version #2 documents contain a “Campaign Disclosure” form for Bennett. Bennett Version #1 documents do not contain a “Campaign Disclosure” form for Bennett. That difference alone proves that the Bennett Version #2 documents are not the same as the Bennett Version #1 documents.
- D. Bennett Version #2 documents contain a different SEI for Bennett than the SEI contained in the Bennett Version #1 documents. Specifically, the SEI in the Bennett Version #2 documents contains “3/19/2012 2:07 pm” at the bottom right of each of the three pages of the SEI as the only date and time on each page of that SEI. However, the SEI in the Bennett Version #2 documents do not contain that date or time and, instead, contain the date “6/13/12” at the upper left of each page as the only date on each of the three pages of that SEI. Further, a handwritten note attached to the first page of the SEI in the Bennett Version #1 documents states that it was “downloaded 6/13/12”, which means it was not provided by Bennett to the DCRP or Piscatella when Bennett submitted his SIC to Piscatella and the DCRP on March 20, 2012 but, instead, was added by Piscatella to the Bennett Version #1 documents on June 13, 2012.

³² Supplemental Affidavit of Tony Piscatella, June 22, 2012, para 14, attached as Exhibit #13.

29 In addition to the differences between the Bennett Version #1 documents and the Bennett Version #2 documents, there are differences between both the Bennett Version #1 documents and the Bennett Version #2 documents, on the one hand, and similar campaign documents submitted by each of the eighteen other DCRP candidates, on the other hand, including the following

- A A NOTICE OF CANDIDACY AND PLEDGE form, along with a packet of other forms, was given by DCRP candidate filing officials Piscatella or Janette Chipas at DCRP Headquarters to every person signing up to become a DCRP candidate. Those forms were filled out by each candidate applicant in his or her own handwriting at the time of filing with the DCRP to become a candidate. The NOTICE OF CANDIDACY AND PLEDGE of each of the eighteen DCRP candidates other than Bennett was filled out in his or her own handwriting, not typewritten, at no less the five locations on that form. However, the NOTICE OF CANDIDACY AND PLEDGE signed by Bennett was typewritten, not handwriting. The fact that Bennett, alone, has a typewritten form while eighteen other candidates have a handwritten form, - when all nineteen candidates followed the same DCRP procedure to become a candidate, itself evidences the unreliability of the DCRP documents for Bennett.
- B The DCRP candidate file for each of the nineteen DCRP candidates for the June 12, 2012 Republican Primary contains a "CANDIDATE PACKET CHECKLIST" ("Checklist"). The first question at the top of each of those nineteen Checklists is worded as follows: "Name as it will appear on the ballot." The name "Sean Bennett" is typewritten as Bennett's answer to that question at the top of the Checklist in both the Bennett Version #1 documents and the Bennett Version #2 documents. However, the name of all of the other eighteen candidates stated to answer that question is handwritten, not typed.
- C The second question at the top of each of those nineteen Checklists is worded as follows: "Candidate for office of." The name "State Senator" is typewritten as Bennett's answer to that question at the top of the Checklist in both the Bennett Version #1 documents and the Bennett Version #2 documents. However, the name of all of the other eighteen candidates as their answer to that question is handwritten, not typed.

The fact that Bennett's DCRP paperwork differs from the paperwork of all eighteen other DCRP candidates in the respects stated above evidences the unreliability of, and some kind of tampering with, the DCRP documents for Bennett.

30 In addition to all of the differences and discrepancies regarding the DCRP documents regarding Bennett described above, numerous additional discrepancies regarding the DCRP candidate paperwork for DCRP candidates also evidence the lack of, and cast doubt on the, truthfulness and reliability of those other DCRP candidate documents

For example, all nineteen candidates signed a CANDIDATE PACKET CHECKLIST ("Checklist") with either Piscatella or Janette Chipas, Assistant Filing Officer for the DCRP, showing which of five specific documents on the Checklist the parties agreed were in the candidate's DCRP file at the time they signed the Checklist. Inexplicably, for twelve of those candidates the DCRP documents provided by Piscatella to the Court on July 24, 2012 are not the same as and are not consistent with what is listed on the CANDIDATE PACKET CHECKLIST signed by the DCRP and each of those twelve respective candidates. Those discrepancies/ inconsistencies include the following

- A. Bennett Bennett Version #1 documents did not include a Campaign Disclosure Form among the documents submitted to the Court on July 23, 2012, even though the Checklists for both the Bennett Version #1 documents and the Bennett Version #2 documents state that a "Campaign Disclosure Form" was among the Bennett Version #1 documents on March 20, 2012.
- B. Bennett The Checklists for both the Bennett Version #1 documents and the Bennett Version #2 documents stated at one time that an "Affidavit" was among the Bennett Version #1 documents and Bennett Version #2 documents. However, no affidavit appears in either version of those documents submitted to the Court on June 23, 2012, and the word "Affidavit" has been crossed out on both version's Checklist.
- C. Bryngelson His Checklist says a Campaign Disclosure form was in his file on March 28, 2012, but no Campaign Disclosure form was in his file submitted to the Court on July 23, 2012.

- D Duncan Her Checklist says a Campaign Disclosure form was in her file on March 28, 2012, but no Campaign Disclosure form was in her file submitted to the Court on July 23, 2012
- E Goodman His Checklist says a Campaign Disclosure form was in his file on March 28, 2012, but no Campaign Disclosure form was in his file submitted to the Court on July 23, 2012
- F Hargett His Checklist says a Campaign Disclosure form and an affidavit were in his file on March 20, 2012, but no Campaign Disclosure form or affidavit was in his file submitted to the Court on July 23, 2012
Inexplicably, there are two paper SEIs in his file
- G Hearn His Checklist says a Campaign Disclosure form was in his file on March 28, 2012, but no Campaign Disclosure form was in his file submitted to the Court on July 23, 2012
- H Hull His Checklist says a Campaign Disclosure form and an affidavit were in his file on March 20, 2012, but no Campaign Disclosure form or affidavit was in his file submitted to the Court on July 23, 2012
- I Knight His Checklist says a Campaign Disclosure form was in his file on March 16, 2012, but no Campaign Disclosure form was in his file submitted to the Court on July 23, 2012
- J Mondo His Checklist shows that at one time a "Statement of Economic Interests (SEI) – proof of online filing" was in his file, but no SEI was among his documents submitted to the Court on July 23, 2012
- K Nisbet His Checklist says a Campaign Disclosure form was in his file on March 16, 2012, but no Campaign Disclosure form was in his file submitted to the Court on July 23, 2012
- L Pearson Her Checklist says a Campaign Disclosure form was not in her file on March 16, 2012, but a Campaign Disclosure form was in her file submitted to the Court on July 23, 2012. In addition, the following note appeared attached at the upper right corner of her SEI in her file on July 23, 2012 "3/26/12 Per your request Thanks to all at the office for what you do Mary"
- M Turner The Checklist says a Campaign Disclosure form was in his file on March 28, 2012, but no Campaign Disclosure form was in his file submitted to the Court on July 23, 2012

31 Based on a representation by Piscatella that John Mondo ("Mondo") had filed properly as a candidate, the DCRP certified Mondo in April, 2012, as a properly qualified DCRP candidate for the June 12 Primary. However, the DCRP later decertified Mondo, in May, 2012, as a Primary candidate after Piscatella determined Mondo had not submitted his SEI as required after the SC Supreme Court decision on May 2, 2012, in Anderson v. South Carolina Election Commission, 397 S.C. 551, 725

S E 2d 704 (May 2, 2012) The fact that Piscatella caused the certification of Mondo who later was decertified as unqualified for failure to have submitted a proper SEI evidences that Piscatella did not understand or require compliance with the SEI requirements for becoming a candidate when Bennett signed up with the DCRP to become a candidate on March 20, 2012

32 The above stated facts make me doubt and disbelieve the legality, accuracy, integrity, credibility, reliability and completeness of all the DCRP candidate documents for Bennett I believe that all documents in the DCRP candidate file for Bennett should be construed against both Bennett and Piscatella due to spoliation of evidence because of (a) the illegal, surreptitious and unreliable manner in which the DCRP documents regarding Bennett were commingled and wrongfully maintained outside the control of the DCRP, with the active cooperation and participation of Bennett, and (b) the confusion, inaccuracies, uncertainty and unreliability of those documents resulting from the wrongful manner in which those documents have been intermingled and maintained It is outrageous that Piscatella, Murphy and Bennett surreptitiously conspired to add to – to “supplement”³³ – the official DCRP file for Bennett with personal documents maintained by Bennett when they had no authority to do so It is outrageous that Piscatella, at the direction of Murphy, wrongfully was secreting and possessing those documents and withholding even a copy of those documents from me, the DCRP Chairman and members of the public as we all were trying, as they all well knew, to determine whether the non incumbent DCRP candidates’ paperwork had been submitted to the DCRP properly as the August 15, 2012 deadline for finally certifying

³³ See Supplemental Affidavit of Tony Piscatella June 22 2012 para 14 (I have supplemented Mr Bennett’s candidate file with those documents)

candidates was approaching. The secreation and withholding of these public documents by Piscatella and Murphy from the DCRP Chairman, me and other members of the public whom they knew wanted a copy of them was done, I believe, for the purpose of helping Bennett, Carter and possibly other candidates Piscatella and Murphy supported, instead of Piscatella fulfilling his duties as a DCRP appointed custodian of records and instead of them neutrally allowing the truth to be ascertained by releasing a copy of the documents. I believe that that Bennett, Murphy, Piscatella and the SCGOP were trying to “run out the clock” by withholding even a copy of those documents from me, the DCRP Chairman and the public until it would be too late to litigate the validity of those documents before the August 15, 2012 certification deadline. It was only the demand of Chairman Duncan on July 9, 2012³⁴ followed by the order by Judge King on July 23, 2012, that finally got these wrongfully withheld public documents released to DCRP Chairman Duncan, me and the public. I believe that Bennett and Piscatella should not reap any benefit from any DCRP document about Bennett as evidence in this litigation given that they have participated in a scheme to supplement the official DCRP file about Bennett with their own inaccurate, different personal documents of Bennett and have helped withhold/secrete those documents.

33 The paper SEI Bennett claims to have filed with Piscatella is attached to Bennett’s motion to intervene and is a printed copy of a South Carolina State Ethics Commission SEI that was filed online on March 19, 2012 at 2:08 p.m. A copy of that SEI is attached as Exhibit #14.

34 Section 8-13-1356(B) of the Code of Laws of South Carolina states that

“A candidate must file a statement of economic interests for the preceding

³⁴ See paragraphs 16-17 supra.

calendar year at the same time and with the same official with whom the candidate files a declaration of candidacy ” (Emphasis added)

I believe that by a preponderance of the evidence, Bennett did not file a paper copy of his SEI “at the same time and with the same official with whom” Bennett filed his “declaration of candidacy”, as required by Section 8-13-1356(B) and the Anderson and Florence County cases. I believe that the best evidence of whether Bennett filed an SEI as required by Section 8-13-1356(B) is the fact that there was no SEI in Bennett’s DCRP candidate file on June 13, 2012, even though the DCRP had a routine business practice of maintaining a copy of all documents submitted by a candidate to the DCRP.

35 Even if Sean Bennett did file a SEI with Piscatella properly, Bennett must be decertified. Section 8-13-1356(B) requires that the SEI filed with the party official be “for the preceding calendar year” and Bennett has failed to do so.

36 Stated another way, even if Bennett did file a paper copy of his SEI “at the same time and with the same official with whom” he filed his “declaration of candidacy”, Bennett did not file a statement of economic interests “for the preceding year”, as required by Section 8-13-1356(B). That is shown conclusively by the following facts:

- A Both of the SEIs contained in the Bennett Version #1 documents and the Bennett Version #2 documents filed with the Court on July 23, 2012, show “2011”, not “2012”, as the “Year” of his “Statement of Economic Interests Report”³⁵
- B The SEI Bennett attached to his Motion to Intervene and claimed to have filed properly was for the 2011, not the 2012, report year³⁶
- C Go to the State Ethics Commission website at <http://ethics.sc.gov/Pages/default.aspx>. Click in sequence “Public Reporting”,

³⁵ See Exhibits #17 and #18 attached

³⁶ See Exhibit #16 attached

"Individual Financial Reports", "Statement of Economic Interests Reports", Filing Year 2012, Search by Last Name, and Next, Enter "Bennett", Click Next You will NOT see "Sean Bennett" listed with the seven other persons there having the last name of "Bennett"

D Go to the State Ethics Commission website at <http://ethics.sc.gov/Pages/default.aspx> Click in sequence "Public Reporting", "Individual Financial Reports", "Statement of Economic Interests Reports", Filing Year 2011, Search by Last Name, and Next, Enter "Bennett", Click Next You will see "Sean Bennett" listed with seven other persons having the last name of "Bennett" You will see there that "Sean Bennett" filed on March 19, 2012 at 2 08 00 pm" as a "Candidate Senate" As shown by the attached copy of Bennett's SEI printed at that website, the year of Bennett's "Statement of Economic Interests Report" is "2011", not "2012"

E In order to file a Statement of Economic Interests Report for the year of 2011, Bennett was required to file his SEI in the 2012 Report Year, not in the 2011 Report Year

F Because Bennett filed his SEI in the 2011 Report Year, Bennett in fact filed his SEI for the year 2010, which is not the year preceding the year (2012) he became a DCRP candidate

G Thus, because Bennett filed his SEI "for" the year 2010 and not "for the preceding year", which was 2011, Bennett did not comply with Section 8-13-1356(B)

37 The fact that Bennett had to have filed his SEI on the Report form for 2012 instead of on the Report form for 2011 in order to have filed his SEI "for the preceding year" 2011 is shown by the following

A Instructions on how to "start a new filing" of a SEI appear on Page 7 of the user guide of the State Ethics Commission at the following website <http://ethics.sc.gov/PDFs/Statement%20of%20Economic%20Interest%20User%20Guide%20V1%200.pdf> That page at that website states that to do a new SEI filing, "Please select the filing year for this report " (Emphasis added)³⁷ It indicates that the year of the form is the filing year As a result, in 2012 one is supposed to file a 2012 SEI to report for the year 2011

B The only way to file a SEI for the first time, as Bennett did on March 19,

³⁷ See South Carolina State Ethics Commission Public Disclosure and Accountability Reporting System Electronic Filing Statement of Economic Interest User Guide at 7 (Version 1 01 01)

2012, is to click "Start a New Filing", which Bennett did on March 19, 2012. Upon clicking "Start a New Filing" Bennett saw, and one would see now, the following message:

"Electronic Filing"

Statement of Economic Interests

Please select the filing year for this report The information in this report is for the previous calendar year

Note

April 15, 2011 deadline is the 2011 report for information from 1/1/10 to 12/31/2010
April 15, 2012 deadline is the 2012 report for information from 1/1/11 to 12/31/2011" (Emphasis added)

38 Bennett's SEI he claims to have given the DCRP covers the year 2010, not 2011. Bennett did not file a SEI for the year 2011. Therefore, Bennett did not comply with Section 8-13-1356(B)'s requirement that to become a candidate Bennett must have filed a SEI "for the preceding year", which is 2011.

39 Every non-incumbent DCRP candidate (i.e., Bryngelson, Carter, Duncan, Goodman, Hull, Turner) except Bennett filed his or her SEI on the 2012 Report form, and thereby filed a SEI "for the preceding year", which was 2011. Further, every person with the last name of "Bennett" other than Sean Bennett filed properly on a 2012 or a 2011 report as was required.³⁸ By looking at Exhibit #17 one can see that everyone on the 2011 Bennett list filed a SEI on a 2011 form in 2011 for the year 2010. Similarly, Exhibit #18 shows that everyone on the 2012 Bennett list filed a 2012 form in 2012 for the year 2011. Only Sean Bennett filed his SEI incorrectly, by filing in 2012 on a 2011 form for the year 2010, instead of in 2012 on a 2012 form for the year 2011.

40 The Candidate Campaign Disclosure forms candidates, including Bennett

³⁸ See attached Exhibits 19 and 20

were required to complete and did complete work the same way as SEIs. Specifically, the “2012 January 10th” filing for the Campaign Disclosure form that Bennett and other candidates filed electronically with the State Election Commission covers the preceding quarter from October 1 to December 31 of 2011. Bennett completed correctly his “2012, January 10th” “Candidate Campaign Disclosure form” covering the period from October 1 to December 31 of 2011. That exact form completed by Bennett was contained among his Bennett Version #2 documents. Bennett had no trouble figuring out the Ethics Commission form dating system for Candidate Campaign Disclosures. The same form dating system is used for SEIs, i.e., the “filing date” of the SEI form is the date the form is filed, but the SEI form covers activity from a prior time period.

40 Regulations of the State Ethics Commission can be found at

<http://www.scstatehouse.gov/code/regs/c052.php>

According to S.C. Code Regs. 52-204, the State Ethics Commission approves its official forms,³⁹ including the Statement of Economic Interests form,⁴⁰ pursuant to properly promulgated Ethics Commission regulations. The Statement of Economic Interests form has been officially adopted by the State Ethics Commission as part of its regulatory authority. The State Ethics Commission deliberately considers the “filing year” for a Statement of Economic Interests to be the year in which one files a SEI, not the year for which one files a SEI.

³⁹ See S.C. Code Regs. 52-204A.

⁴⁰ S.C. Code Regs. 52-204E(13).

Michael T. Rose
MICHAEL T ROSE

Sworn to and subscribed before me this

30th day of July, 2012

Susan O Rose
Notary Public for South Carolina

My Commission Expires 8-23-21

EXHIBITS

AFFIDAVIT of MICHAEL T ROSE

- 1 E mail dated June 14, 2012, from Mike Rose to Tony Piscatella
- 2 E-mail dated June 15, 2012, from Tony Piscatella to Mike Rose
- 3 E mail dated June 15, 2012, from Matt Moore to Mike Rose
- 4 E-mail dated June 19, 2012, from Mike Rose to Dr Tim Hubei and DCRP Chairman
Carroll S Duncan
- 5 E-mail dated June 20, 2012, from Mike Rose to Dr Tim Humber and DCRP Chairman
Carroll S Duncan
- 6 E-mail dated June 20, 2012, from DCRP Chairman Carroll S Duncan to SCGOP ED
Matt Moore
- 7 Letter dated July 9, 2012, from DCRP Chairman Carroll S Duncan to Tony Piscatella
- 8 E-mail dated July 9, 2012, from Todd Kincannon to Chris Murphy
- 9 E-mail dated July 10, 2012, from Chris Murphy to Todd Kincannon
- 10 Letter dated July 11, 2012, from DCRP Chairman Carroll S Duncan to Tony Piscatella
- 11 Affidavit dated July 30, 2012, of Steven Marc Abrams, I D , M S
- 12 Affidavit dated June 11, 2012, of Leonard Patrick Odom
- 13 Affidavit of Tony Piscatella, dated June 21, 2012
- 14 Affidavit of Tony Piscatella, dated June 21, 2012
- 15 Supplemental Affidavit of Tony Piscatella, dated June 22, 2012
- 16 Statement of Economic Interest of Sean Bennett, filed with State Ethics Commission
March 29, 2012, attached to Motion to Intervene of Sean Bennett
- 17 Statement of Economic Interest of Sean Bennett in Bennett Version #1 Documents
- 18 State of Economic Interest of Sean Bennett in Bennett Version #2 Documents
- 19 Persons having last name "Bennett" who filed on 2011 Report Form on State Ethics
Commission website

20 Persons having last name “Bennett” who filed on 2012 Report Form on State Ethics
Commission website

Exhibit 1-10

From Michael Rose [mailto:mrose5@sc.rr.com]
Sent Thursday, June 14, 2012 11:24 PM
To 'Me', tpiscatella@gmail.net
Cc 'mrose5@sc.rr.com'
Subject Tony Piscatella Bennett paperwork

Tony,

As we discussed yesterday, please give me a copy of all of the paperwork
Regarding Sean Bennett's paperwork that you filed on behalf of the DCRP. I want
to review it.

Please confirm where you filed that paperwork, and when.

Thank you.

Mike Rose

Michael Rose

From Matt Moore <matt@scgop.com>
Sent Friday, June 15, 2012 9:47 AM
To Tony Piscatella
Cc mrose5@sc.rr.com
Subject Re: Tony Piscatella - Bennett paperwork

Senator - please understand this has been our policy due to the Democrats trying to beat down our doors and rifle through our filing cabinets. We've made the same requests of them, and they're not budging.

Matt Moore
Executive Director
South Carolina Republican Party
email matt@scgop.com
twitter @MattMooreSC
phone 803 988 8440

On Jun 15, 2012, at 9:42 AM, Tony Piscatella wrote

Mike

The SCGOP has advised the county parties not to provide any information except through them. Apparently several issues have been raised by people and the state wants to control the flow of information. We are bound by that ruling and can't provide the information I had agreed to give you. It doesn't look like this is going away any time soon.

I'm sorry for the inconvenience this may have caused you.

Tony Piscatella

Treasurer
<image002.jpg>Dorchester County Republican Party
P O Box 2625
Summerville SC 29484
Phone 843 871 7311
Fax 843 821 2405
Cell 843 670 7537
E-Mail tpiscatella@sc.rr.com
E-Mail2 dcrrptony@gmail.com
Delivery Address for UPS & FedEx
203 Hunt Club Drive
Summerville SC 29485

CONFIDENTIALITY NOTICE: This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to which they are addressed. If you are not the intended recipient of this e-mail and the information it contains or if you are not the employee or agent responsible for delivering this e-mail and the information it contains to the intended recipient, be advised that you have received this e-mail in error and that any use,

On Jun 19, 2012, at 1 16 PM, "Michael Rose" <mrose5@sc.rr.com> wrote

Carroll and Tim,

Given the present circumstances, I want to appeal the certification of Shaun Bennett as
The Republican Party's candidate in the upcoming General Election for Senate District #38

Please tell me what I need to do to process this appeal

Thank you

Mike Rose

-- --- -- Forwarded message --- ----

From Carroll S Duncan <carrollsduncan@gmail.com>
Date Wed, Jun 20, 2012 at 5 06 PM
Subject Fwd Appeal Rose vs Bennett Senate District 38
To Matt Moore <matt@scgop.com>

Answer him or not?

For you, Tony has not and will not alter any records. He's added a copy of the SEI to the file but with note that it's a copy and what day he added and why.

Sent from my iPad

Begin forwarded message

From "Mike Rose" <mrose5@sc.rr.com>
Date June 20, 2012 4 48 21 PM EDT
To "'Tim Huber'" <trh61054@aol.com>

Cc "'Carroll Duncan'" <carrollsduncan@gmail.com>, <mrose5@sc.rr.com>

Subject RE: Appeal Rose vs Bennett Senate District 38

Tim and Carroll,

A lawyer told me this afternoon that Tony Piscatella needs to be told that there are computerized records of all computer transactions regarding the paperwork in question, that those records will reveal the truth, and that Tony better not alter in any way the records because if he does he could be indicted.

Mike Rose

Dorchester County Republican Party

89 B Old Trolley Road | Suite 203A | Summerville, South Carolina 29485

July 9, 2012

Tony Piscatella, Candidate Filing Officer
Dorchester County Republican Party
89-B Old Trolley Road, Suite 203A
Summerville, South Carolina 29485

Dear Mr Piscatella

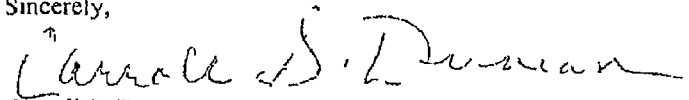
Under direction from the South Carolina Republican Party, the decision was made to keep confidential all Dorchester County Republican Party documents related to candidate filing for the June Primary Elections. I believe this decision was made in error and in my authority as Chairman of the Dorchester County Republican Party, I am reversing it. Accordingly, you are hereby requested to take the following steps:

Please scan as individual PDFs all documents filed with the Dorchester County Republican Party by candidates for the June Primary Elections including but not necessarily limited to statements of intention of candidacy, statements of economic interest, filing receipts for statements of economic interest, pledges, etc. Please email these PDFs to me in a series of emails not exceeding 5 MB in total attachment size. Please verify that no scans cut off any information whatsoever from the header or footer of the documents.

I will provide these documents to anyone who requests them as I believe the public has a right to see them. Further, it is necessary that I obtain them in connection with the litigation we are now facing as well. I am in the process of choosing a member of the South Carolina Bar who is not a resident of Dorchester County to safeguard the documents for the remainder of this election cycle. As soon as they are scanned, please let me know and I will advise you to deliver all such documents to the Bar member who will serve as the document custodian.

Please see to this as soon as possible.

Sincerely,



Carroll S. Duncan

Chairman

Dorchester County Republican Party

From Chris Murphy [mailto:chris@MURPHYLAWFIRM.LLC.COM]

Sent Tuesday, July 10, 2012 3:31 PM

To Todd Kincannon

Subject RE: DCGOP Filing Documents

Todd

Thank you for your email and I apologize for not getting back to you earlier but I have been running around catching up

First I would like to know under what authority you believe you have the capacity to represent the Dorchester County Republican Party (DCRP) or demand the return of any documents maintained by the custodian appointed by the Chairman. I am not aware of any action by the DCRP Executive Committee in which you were retained to represent the interest of the DCRP. I believe it is a conflict of interest for you (under any authority) to represent Candidate Carroll Duncan and the DCRP. Additionally, your attempt to enter into a Consent Order with the Democratic party to decertify Republican Candidates, without the knowledge and agreement of those candidates directly affected, was in my view improper to say the least.

Tony Piscatella was appointed by Carroll Duncan to oversee the 2012 candidate filing process and as such he is entrusted with maintaining and safeguarding the files. I have taken the liberty of cutting and pasting Article VIII of the DCRP by laws for your review.

ARTICLE VIII

Records

Section 1 All records shall be kept in written or printed hard copy as well as on computer discs. These records

shall be maintained and controlled by a custodian appointed by the County Chairman. They shall be filed in accordance

with the approved filing system and stored in locked file cabinets before the close of business on any day the office has

been opened.

Section 2 Party records shall be made available only to party members. No copies of party records, in any form,

may be distributed without established fees being paid in cash or by check at the time of distribution. Fees will be set by

the Executive Committee.

Section 3 Party computer records shall be stored on two separate storage devices. All storage devices, floppy

discs or other, are to be kept in locked cabinets when not in use.

Section 4 **Party records shall be kept from scrutiny by the public or the news media.**

Section 5 The County Chairman shall be responsible to ensure that all records, including lists of any kind,

minutes of meetings, correspondence sent and received, etc., shall be kept as permanent party records, and shall be

formally turned over to the succeeding County Chairman immediately upon his taking office.

On Thursday, June 21, 2012, I was retained by Tony Piscatella to represent him with regards to his potential testimony as it relates to the pending lawsuit filed by the Dorchester County Democratic Party whereby they have challenged all non-incumbent Republican candidates. As Mr. Piscatella's attorney, I have advised him to safeguard the filing documents of all the 2012 Republican candidates in Dorchester.

County Absent a Court Order directing Mr Piscatella or my office to turn over the files they will remain in his custody This will help to ensure the chain of custody and the integrity of any potential evidence as the case makes its way through the judicial process

Sincerely

Christopher J Murphy, Esq
Murphy Law Firm, L.L.C
136 West Richardson Avenue
Sammerville, SC 29483
Phone: (843) 832-1120
Fax (843) 832-5969
www.murphyllc.com



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From: Todd Kincannon [<mailto:todd@thekincannonfirm.com>]
Sent: Monday, July 09, 2012 5:11 PM
To: Chris Murphy
Subject: DCGOP Filing Documents

Rep. Murphy

Tony Piscatella has directed that all communication relating to the Dorchester County Republican Party go through you as his attorney. I have not heard back from you regarding my email of last week seeking a convenient time to matters relating to the Dorchester County Democratic Party's lawsuit against the DCGOP. Accordingly, please see the attached letter to your client, Tony Piscatella, from my client, Chairman Carroll Duncan.

The letter requests that Mr. Piscatella scan and email all Dorchester County Republican Party filing documents to Chairman Duncan, though you can send them directly to me as well. Upon receiving them, Chairman Duncan will make them available for public inspection. Given the persistent questions about

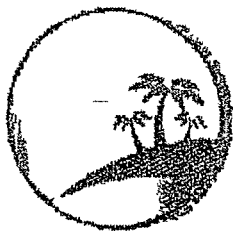
these documents and the Dorchester County Republican Party filing process, there is no question but that Dorchester County Republican Party members and the general public should be able to see the contents of the documents

The originals should be maintained in a manner that will prevent tampering, and as explained in the letter, I am looking for a member of the South Carolina Bar not from Dorchester County to perform that service. It will also be important to establish a complete chain of custody of these documents for this litigation.

Chairman Duncan and I wish none of this was necessary, but given the Supreme Court's recent rulings, the pending litigation against the Dorchester County Republican Party and Chairman Duncan, and the public perception surrounding this matter, I simply see no other way to handle this. Please let me know if you have any questions.

Todd Kincannon

NOTE NEW ADDRESS BELOW
****PLEASE UPDATE RECORDS****



THE KINCANNON FIRM
P O Box 7901
COLUMBIA, SC 29202
THEKINCANNONFIRM.COM
OFFICE 877 99 COURT
FAX 888 704 2010

Dorchester County Republican Party

89 B Old Trolley Road | Suite 203A | Summerville South Carolina 29485

July 11, 2012

Tony Piscatella, Candidate Filing Officer/Records Custodian
Dorchester County Republican Party
89-B Old Trolley Road, Suite 203A
Summerville, South Carolina 29485

Dear Mr. Piscatella

You are hereby removed as candidate filing officer/records custodian of the Dorchester County Republican Party ("DCRP"). DCRP First Vice Chairman Tim Huber is hereby appointed as the new DCRP candidate filing officer/records custodian. You are directed to immediately provide all DCRP documents in your possession to Dr. Huber including but not limited to all candidate filings.

I take this action pursuant to my authority under Article VIII Section 1 of the DCRP Bylaws, which vests appointment—and therefore removal—authority in the Chairman. While I have the unilateral authority to remove for any reason or no reason, I believe the DCRP should know why I have taken this action.

On July 9, 2012, I requested in writing that you provide copies of all candidate filing documents to me. Through your attorney, you refused to provide the documents to me despite the fact that I have a right to these documents as a member of the DCRP under Article VIII Section 2 of the DCRP Bylaws.

I have no alternative but to take this step given your refusal to provide the documents. Again, please immediately provide all DCRP documents in your possession to Dr. Huber including but not limited to all candidate filings.

Sincerely,
Carroll S. Duncan
Carroll S. Duncan
Chairman
Dorchester County Republican Party

cc: Tim Huber, DCRP First Vice Chairman

Exhibit 11

digital forensics. My office address is 1558 Ben Sawyer Blvd, Suite D, Mount Pleasant, SC 29464. My business phone number is (843) 216-1100. I am a member of the South Carolina Electronic Crime Task Force and a contractor to the United States government to provide digital forensics services to the Department of Justice and Department of Defense. I have been qualified numerous times in state and federal court as an expert on digital and computer forensics at trial. I have been qualified as an expert by the court on every occasion in which I have been offered as such. My CV is attached to this affidavit as Appendix A.

II Materials Reviewed as Basis of My Opinion

- 2 I was retained in this matter to examine a series of computer generated documents that are to be offered as evidence in this above captioned matter, and to opine on the evidentiary value of those documents.
- 3 I have reviewed the following documents in connection with this matter:
 - a) Attachments Affidavit Larry Hargett pdf
 - b) Attachments to Supplemental Affidavit R Goodman pdf
 - c) Bryngelson Affidavit pdf
 - d) Chipas Affidavit Exhibits pdf
 - e) Chipas Affidavits - signed - two 208230812698 pdf
 - f) Duncan Affidavit pdf
 - g) Goodman Affidavit pdf
 - h) Goodman Supplemental affidavit pdf
 - i) Hargett Affidavit signed pdf
 - j) Hull Affidavit pdf

k) Shields-GOP Affidavit pdf

l) Turner Affidavit pdf

m) Sean Bennett SEI Backdating Experiment pdf

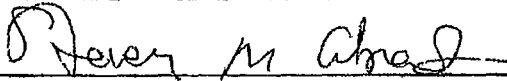
- 4 In the affidavits listed above there are repeated references to a date which appears in the lower right hand corner of the reports of the candidate's Statement of Economic Interests that were printed from the SC Ethics Commission's Public Disclosure and Accountability Reporting system on the SC gov website
- 5 The aforementioned affidavits rely on the date printed in the lower right hand corner of the reports as the actual date on which the reports were printed
- 6 For reasons shown below I disagree that this printed date is reliable evidence of when the report was actually printed

III Experimental evidence and conclusions

- 7 On July 28, 2012, I performed an experiment that involved printing the Statement of Economic Interests Report for a randomly selected candidate in the 2012 election cycle from the SC Gov – SC State Ethics Commission Public Disclosure and Accountability Reporting system I performed this experiment using two different Internet browsers, Microsoft Internet Explorer, and Google Chrome I printed the economic interest report with the computer's system date set correctly at 7/28/2012, and again after resetting the system date to 6/16/2012 The date shown in the lower right hand side of the printed page each time reflected the system date that was currently set in the machine at the time of the printing Thus I easily produced a copy of the economic interest form on July 28, 2012, that showed the printed date (in the lower right hand corner of the page) as June 16, 2012 (See Appendix B)

- 8 Tests on both browsers showed the same results, that the printed date on the form was not the actual date the form was printed, but in reality was only the system date set in the computer at the time of printing
- 9 The only reliable forensic evidence that can be used to determine to a scientific certainty when these reports were printed is located on the hard drive of the computer(s) that printed the forms in question That digital evidence is fragile, and once it is overwritten there is no means of accurately determining the date and time that the forms were printed
- 10 Thus it is my conclusion to a scientific certainty that the printed date shown on lower right hand corner of any candidate's Statement of Economic Interests that was printed from the SC gov website is not reliable evidence of when the form was actually printed
- 11 It is my opinion therefore that the date appearing on the lower right hand corner of the Statement of Economic Interests reports that are proposed as evidence in this matter is not reliable evidence as to when the reports were printed

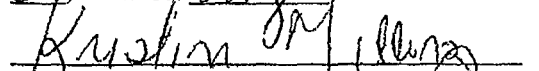
FURTHER THE AFFIANT SAYETH NOT'



Steven Marc Abrams, J D , M S

SWORN TO AND SUBSCRIBED BEFORE ME THIS

30, DAY OF July, 2012



NOTARY PUBLIC FOR SOUTH CAROLINA

MY COMMISSION EXPIRES 12/31 2017

APPENDIX A

**Steven M Abrams, J.D , M S
Curriculum Vitae**

Steven M Abrams, J D , M S
Attorney, Digital Forensics Examiner and Instructor
1558 Ben Sawyer Blvd , Suite D
Mount Pleasant, SC 29464
843 216-1100
Steve@AbramsForensics.com

Curriculum Vitae

My key practice areas are Computer Forensics, e-Discovery, and Computer Law

Education

- 2012 -Techno Security 2012 Computer Forensics Training Seminar, Myrtle Beach, SC, June 3-6, 2012
- 2011 -November 9-12 EnCase 7 Certification Training, Salt Lake City, UT
-November 6 – 9 Paraben Forensics Innovations Conference Park City, UT
- April 7, 2011 SC Electronic Crime Task Force Quarterly Meeting and Training
- 2010 -Techno Security 2010, Computer Forensics Training Seminar, Myrtle Beach, SC, June
- SCALI Annual Training Seminar, May 2010
- 2009 - Cellebrite Mobile Device Forensics Certification (CCMDL), SEMAR, Mexico City, Mexico
-SCALI Annual Training Seminar, May 2009
- 2008 - South Carolina Basic Constable Training, Tri County Technical College / SC Criminal Justice Academy, October – November 2008
- Commissioned as a South Carolina State Constable (LEO) on November 20, 2008
- Techno Security 2008, Computer Forensics Training Seminar, Myrtle Beach, SC, June
- 2007 - Charleston School of Law, Charleston, SC, Juris Doctor (J D - Magna Cum Laude)

- GMU2007 Computer Forensics Symposium, Regional Computer Forensic Group of the High Technology Crime Investigation Association, Fairfax VA, Aug 2007 (40 CEU HTCIA)
- Techno Security 2007, Computer Forensics Training Seminar, Myrtle Beach, SC, June
- 2006 - University of Aberdeen, School of Law, Kings College, Old Aberdeen, Scotland in collaboration with the University of Baltimore Law School
Summer Law Program in Comparative Criminal Procedure and UK Business Entities & Taxation
- Techno Security 2006, Computer Forensics Training Seminar, Myrtle Beach, SC, June
- SCALI Annual Training Seminar, May 2006
- 2005 - SCALI Annual Training Seminar, May 2005
- SCALI Fall Training Seminar, October 2005

- 2004 - Access Data Advanced Windows Forensics, June 23-25, 2004, New York City (24 Credit Hours)
SCALI Annual Training Seminar, May 2004 (10 CEU)
- 2003 - GMU2003 Computer Forensics Symposium, Regional Computer Forensic Group of the High Technology Crime Investigation Association, George Mason University, Fairfax, VA Aug 2003, (40 CEU HTCIA)
- Techno Security 2003, Computer Forensics and Security Conference (24 CEU)
- SCALI Annual Training Seminar & PI Training Seminar (16 CEU SLED)
- 2002 - SCALI Annual & Fall Training Seminars (16 CEU SLED)
- GMU2002 Computer Forensics Symposium, Regional Computer Forensic Group of the High Technology Crime Investigation Association, Fairfax VA, Aug 2002, (40 CEU HTCIA)
Access Data Computer Forensic Boot Camp, North Carolina Justice Academy, Edneyville, NC (24 CEU)
- 1992-1994 Microsoft Internet Developer Workshops NY, NY
- 1992-1993 Novell NetWare CNE Training, IBM Skills Discovery, Jericho NY
- 1984-1985 Microcomputer and Electronics Engineering, Hofstra University, Hempstead NY
- 1982-1983 Ph D Studies, Faculty Fellowship, Columbia University, Graduate School of Arts & Sciences
- 1981-1982 Columbia University, College of Physicians & Surgeons, Master of Science (M S)
- 1977-1981 Allegheny College, Meadville PA, Bachelor of Arts (B A) (Psychology - Computer Science)

Professional Licenses

Current

Licensed Attorney in South Carolina
Licensed Attorney in District of Columbia

Previous

Licensed as a Private Investigator in South Carolina and New York (2002-2008)

Experience (Selected)

- 2011 - Digital Forensics Instructor / Investigator, H-11 Digital Forensics / United States Embassy, Tirane, Albania
- 2010 – Facilitator, Instructor, Annual In-Service Legals and CDV Training (SLED), Lowcountry Constable Association
- 2009 – Speaker, South Carolina Association for Justice, Hilton Head, SC (August 6, 2009) Topic Civil Discovery of E-mails after *O'Grady*
- 2009 – Digital Forensics Instructor/Investigator, H 11 Digital Forensics / United States Embassy, Mexico City, Mexico

2008 – Digital Forensics Instructor/Investigator, H-11 Digital Forensics / United States Embassy, Mexico City, Mexico

2008 – Faculty, SC Bar Convention – Family Law Section CLE

2008 - Shareholder, Abrams Millonzi Law Firm, P C , Mount Pleasant, SC 29464

2007 - Presenter, “E-Discovery Definition, FRCP Changes and Application CLE”, NBI, Charlotte, NC, December 19, 2007

2007 - Digital Forensics Instructor/Investigator, H-11 Digital Forensics, United States Embassy, Mexico City, Mexico

2007 - Presenter, “Civil to Criminal Collaborative Computer Forensics Investigations between PIs and Law Enforcement”, GMU2007, August 9th & 10th, 2007

2007 - Presenter – “A South Carolina Lawyer’s Roadmap to Navigating the New Federal E Discovery Rules,” The South Carolina Bar (CLE Division), April 13, 2007

2006 - Presenter – “Typical Internet Sexual Activity and its Detection”, Family Law CLE, The South Carolina Bar (CLE Division), November 2006

2006 Instructor, “3 day Hands on Computer Forensics Workshop”, Trident Technical College, N Charleston, SC, CLE accredited by The South Carolina Bar, January 2006

2006 – Present International Journal of Cyber Criminology, Editorial Advisory Board

2005 - Lecturer, “Computer Forensic Introduction”, Trident Technical College, CLE accredited by South Carolina Bar and CEU / In-Service hours for PIs / LE by SLED

2001 - Present Steve Abrams & Company, Ltd (dba Abrams Computer Forensics)
Licensed Private Investigator, Computer Forensics Examiner

1998 - 2001 Steve Abrams & Company, Ltd Mt Pleasant, SC, President

1996 - Democratic National Committee, Instructor - Southeast and Northeast Regional Schools for Congressional Campaign Managers

1995 – 1999 Direct Marketers of Charleston Mt Pleasant, SC, Partner
Co owner of Political Database Marketing Company and full service political print shop

1994 - 1995 The Software Studio Mt Pleasant, SC, Owner
Owner of software development company that developed database applications for the Newspaper publishing industry

1992-1993 Town of North Hempstead, Manhasset, NY, Deputy Commissioner of Finance

1986 - 1992 Digitron Telecommunications, Inc , Huntington, NY, Director of R&D

1984 - 1986 Computer Associates International , Islandia, NY, Senior Systems Programmer

1983 Contel Information Systems Division Great Neck NY, Software Engineer
(Developed the first Network Forensics Applications for the DoD)

Recent Publications

Steven M Abrams, Knowledge of Computer Forensics Is Becoming Essential for Attorneys in the Information Age, 75 N Y St B Assn J 8, 15 (Feb 2003)

Steven M Abrams, Knowledge of Computer Forensics, Essential for 21st Century Private Investigators, 16 PI Mag 46, 59 (October 2003)

Professional Awards & Honors

2008 – Member, SLED Ad Hoc Committee on Computer Forensics

2007 – CALI Excellence for the Future Award, Aviation Law, Charleston School of Law, Fall 2006

- CALI Excellence for the Future Award, Interviewing, Counseling & Negotiation, Charleston School of Law, Fall 2006
- CALI Excellence for the Future Award, Insurance Law, Charleston School of Law, Fall 2006

– Dean's List, Charleston School of Law, Fall 2006, Spring 2007

2006 – Editorial Advisory Board, International Journal of Cyber Criminology

2004 - “2004 SCALI Investigator of the Year”

2003 - Member, SLED Private Investigations Business Advisory Committee

Professional Associations

Member, Institute of Electrical and Electronics Engineers IEEE
Member, South Carolina Association of Legal Investigators - SCALI
Member, Lowcountry Constables Association LCA

Bar Association Memberships

Admitted to practice in South Carolina
and the District of Columbia

Compensation

I receive \$250 per hour, plus mileage, travel and lodging expenses, for all Computer Forensics services and for depositions and trial testimony

Previous Expert Testimony

I have completed over 800 computer forensics investigations, the overwhelming majority of cases were settled and did not require me to testify

South Carolina cases in which I was qualified in court as an expert are

Hillburn v Hillburn, (2001-DR-08-2354),
Smith v Smith, (2001-DR-22-212),
Natale v Natale, (2003-DR-10-775)
Berda v Berda, (2003-DR-10-1899),
Murphy v Murphy (2004-DR-10-1510) and
Overstolz v Fountain of Youth Wellness Centers LLC (2003-CP-10-000761)
Gitter v Gitter (2008-DR-10-2865)
Ricigliano v Ricigliano, (2009-DR-18-0102)
Edwards v Junevicius, (2010-DR-10-4736)

I was qualified as a testifying expert on digital forensics in federal court in

UHLIG LLC, V JOHN ADAM SHIRLEY (CIVIL ACTION No. 6 08 1208-HFF)

I have also prepared expert's reports under Federal Rule 26(a)(2)(B) for the following federal civil suits filed in the United States District Court for the District of South Carolina

Lumpkin v Bennani, (Civil Action No 2 03-2904-23), and
Miller v American LaFrance Corp (Civil Action No 2 04-1668-23)
Microsoft v BWC Products Inc (Civil Action No 2 06-CV-2023 CWH)
Quala Systems, Inc, et al , v Bulkhaul USA, Inc , et al (Civil Action No 2 07-CV-00673-PMD)
Mainfreight v John Marco, et al , (Civil Action No 9 cv00563 JFA)

I was appointed the Court's Expert in US District Court, District of South Carolina, Rock Hill Division

The Travelers Home and Marine Ins Co v Pope, C/A No 0 10-cv-1688-JFA

I was qualified as a computer forensics expert in North Carolina courts in
Hollins v Lightfoot

In addition I have been deposed in the following matters over the past five years

Calandra v Calandra (2004-DR-10-2675)

McLernon v McLernon (DR10 2003 003090)

White v Cassidy (2004-DR-08-256)

Khoury v Noce (2006-CP-10-001830)

Quala Systems, Inc, et al , v Bulkhaul USA, Inc , et al (Civil Action No 2 07-CV-00673-PMD)

Mainfreight v John Marco, et al , (Civil Action No 9 cv00563 JFA)

Beard v Dunn & Dixon-Hughes et al, (Case No 2010-CP-08-0776)

UHLIG, LLC, V JOHN ADAMSHIRLEY, (CIVIL ACTION NO 6 08-1208-HFF)

(Revised July 28, 2012)

Appendix B – Experimental evidence that date in lower right corner of Statement of Economic Interests (“SEI”) Reports from SC GOV is not reliable evidence as to when the SEI report was printed

SC GOV - SC State Ethics Commission Public Disclosure and Accountability Reporting**Individual Reports****Statement of Economic Interests****Statement of Economic Interests Report**

Name Jeffrey Bennett
Year 2012
Filing Date 4/19/2012
Version Original

Demographic Information

Name	Address	Phone	County
Jeffrey Bennett	105 Ashley Road Clemson SC 29631	864 654 8436	Pickens

Positions

Position/Title	Entity	Type	Term of Office	Date Filed
City Council	Clemson	Candidate	6/2012 11/2012	4/2012

Income and Benefits

*** Filer does not have any personal income and benefit items to disclose ***

Family Income and Benefits

*** Filer does not have any family income and benefit items to disclose ***

Regulated Business Associations

*** Filer does not have any regulated business items to disclose ***

Real or Personal Property Interests

*** Filer does not have any property interest items to disclose ***

Real or Personal Property Interests II

*** Filer does not have any sold, leased or rented property interest items to disclose ***

Business Interests

*** Filer does not have any business interest items to disclose ***

Creditors

*** Filer does not have any creditor items to disclose ***

Lobbyist/Lobbyist's Principal

*** Filer does not have any Lobbyist/Lobbyist's principal items to disclose, ***

Government Contracts

*** Filer does not have any government contract items to disclose ***

Gifts

*** Filer does not have any gift items to disclose ***

Travel Reimbursement

*** Filer does not have any travel items to disclose ***

[Print](#) [Go Back](#)

SC GOV SC State Ethics Commission Public Disclosure and Accountability Reporting

Individual Reports

Statement of Economic Interests

Statement of Economic Interests Report

Name Jeffrey Bennett
 Year 2012
 Filing Date 4/19/2012
 Version Original

Demographic Information

Name	Address	Phone	County
Jeffrey Bennett	105 Ashley Road Clemson, SC 29631	864 654 8436	Pickens

Positions

Position/Title	Entity	Type	Term of Office	Date Filed
City Council	Clemson	Candidate	6/2012 11/2012	4/2012

Income and Benefits

*** Filer does not have any personal income and benefit items to disclose ***

Family Income and Benefits

*** Filer does not have any family income and benefit items to disclose ***

Regulated Business Associations

*** Filer does not have any regulated business items to disclose ***

Real or Personal Property Interests

*** Filer does not have any property interest items to disclose ***

Real or Personal Property Interests II

*** Filer does not have any sold, leased, or rented property interest items to disclose ***

Business Interests

*** Filer does not have any business interest items to disclose ***

Creditors

*** Filer does not have any creditor items to disclose ***

Lobbyist/Lobbyist's Principal

*** Filer does not have any Lobbyist/Lobbyist's principal items to disclose. ***

Government Contracts

*** Filer does not have any government contract items to disclose ***

Gifts

*** Filer does not have any gift items to disclose ***

Travel Reimbursement

*** Filer does not have any travel items to disclose ***



Exhibit 12-15

2012 CP 18- 1632

STATE OF SOUTH CAROLINA }
COUNTY OF DORCHESTER }

AFFIDAVIT OF TONY PISCATELLA

PERSONALLY APPEARED BEFORE ME, TONY PISCATELLA, who after being duly sworn, deposes and says as follows

- 1 I am a volunteer member of the Dorchester County Republican Party and serve as Treasurer for the Party I am also a member of the County Executive Committee
- 2 I was designated by the County Party Chairwoman, Carroll Duncan, to be the person to receive candidate filings for the 2012 Republican Primary
- 3 The Republican Party HQ located at 89B Old Trolley Road, Suite 203A, Summerville South Carolina 29485 was designated as the location to receive the filings
- 4 On Tuesday March 20, 2012, Sean Bennett, a person known to me, appeared and announced that he was going to file as a candidate for Senate District 38
- 5 Mr Bennett, who appeared with a female witness, filed the following documents with me
 - a Statement of Intention of Candidacy (SIC) and Pledge,
 - b Statement of Economic Interest (SEI) and Proof of filing,
 - c Candidate Support Committee Declaration Statement,
 - d a Campaign Disclosure
- 6 We both acknowledged receipt of the documents by signing a Candidate Packet Checklist attached hereto as Exhibit A
- 7 Mr Bennett also paid his filing fee in the amount of \$416 00 made payable to the Dorchester County Republican Party

FURTHER AFFIANT SAITH NOT

SWORN TO AND SUBSCRIBED BEFORE ME
this 21st day of June 2012

Notary Public for the State of South Carolina

My Commission expires 11 28 2021

By

Tony Piscatella
Tony Piscatella



ROA 1263

DORCHESTER COUNTY REPUBLICAN PARTY

CANDIDATE PACKET CHECKLIST

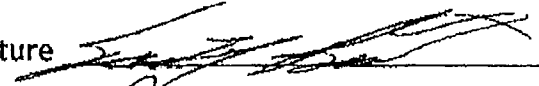
Name as it will appear on the ballot Sean BennettCandidate for office of State Senator District 38Paid DCRP Membership ☒ Y ☐ NFiling Fee Amount \$ 416⁰⁰ Paid Date 3/20/2012

Make checks payable to DCRP

- ☒ Statement of Intention of Candidacy (SIC) and Pledge
- ☒ Statement of Economic Interests (SEI) – proof of online filing
- ☒ Candidate Support Committee Declaration Statement
- ☒ Affidavit – (Requirements for Coroner and Sheriff)
- ☒ Campaign Disclosure – Not required at time of filing

file online within 10 days of raising or spending \$500, copy to office

STATEMENT I hereby acknowledge that I have received all of the forms and information needed to file for the above office and state that I have accurately and honestly completed the documents

Candidate signature  Date 3/20/2012Received by  Date 3/20/2012

SOUTH CAROLINA
DEPARTMENT OF MOTOR VEHICLES
DRIVER LICENSE

PISCATELLA, ANTHONY L JR
203 HUNT CLUB DR
SUMMERVILLE SC 294854803

DL# 002168484
Expires 01 22 2017

Class D Hgt 5-08 Wgt 210
Sex M DOB 01 22 1942
Issued 01-18-2007 18081 R 1

C. L. Cantelero



The Governor
Governor



Restrictions A

LED-RECORDED
2012 JUL 24 PM 12:20
CLERK OF COURT
BONHOESTER COUNTY

2012 CP-18 1632

STATE OF SOUTH CAROLINA }
COUNTY OF DORCHESTER }

AFFIDAVIT OF TONY PISCATELLA

PERSONALLY APPEARED BEFORE ME, TONY PISCATELLA, who after being duly sworn, deposes and says as follows

- 1 I am a volunteer member of the Dorchester County Republican Party and serve as Treasurer for the Party I am also a member of the County Executive Committee
- 2 I was designated by the County Party Chairwoman, Carroll Duncan, to be the person to receive candidate filings for the 2012 Republican Primary
- 3 The Republican Party HQ located at 89B Old Trolley Road, Suite 203A, Summerville, South Carolina 29485 was designated as the location to receive the filings
- 4 On Friday, March 16 2012, Ed Carter, a person known to me, appeared and announced that he was going to file as a candidate for House District 97
- 5 Mr Carter, who appeared with a female witness filed the following documents with me
 - a Statement of Intention of Candidacy (SIC) and Pledge,
 - b Statement of Economic Interest (SEI) and Proof of filing,
 - c Candidate Support Committee Declaration Statement,
 - d a Campaign Disclosure
- 6 We both acknowledged receipt of the documents by signing a Candidacy Acknowledgment attached hereto as Exhibit A
- 7 Mr Carter also paid his filing fee in the amount of \$208.00 made payable to the Dorchester County Republican Party

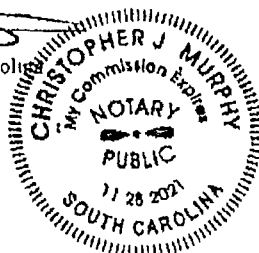
FILED
CLERK OF COURT
DORCHESTER COUNTY
2012 JUL 24 PM 2:28
RECORDED

I FURTHER AFFIANT SAITH NOT

SWORN TO AND SUBSCRIBED BEFORE ME
this 21st day of June 2012

Notary Public for the State of South Carolina

My Commission expires 11/28/2021



By Tony Piscatella
Tony Piscatella

EXHIBIT A
DORCHESTER COUNTY REPUBLICAN PARTY

CANDIDATE PACKET CHECKLIST

Name as it will appear on the ballot Ed Carter
Candidate for office of SC House of Representatives, District 97
Paid DCRP Membership ☒ Y ☐ N
Filing Fee Amount \$ 208 Paid Date 3 / 16 /2012

Make checks payable to DCRP

☒ Statement of Intention of Candidacy (SIC) and Pledge
☒ Statement of Economic Interests (SEI) – proof of online filing
☒ Candidate Support Committee Declaration Statement
N/A Affidavit – (Requirements for Coroner and Sheriff)
☒ Campaign Disclosure – Not required at time of filing

LED-RECORDED
2012 JUL 24 PM 12:20
CLERK OF COURT
DORCHESTER COUNTY

file online within 10 days of raising or spending \$500, copy to office

STATEMENT I hereby acknowledge that I have received all of the forms and information needed to file for the above office and state that I have accurately and honestly completed the documents

Candidate signature Ed Carter Date 3 / 16 /2012

Received by Very Bennett Date 3 / 16 /2012

LEO-RECORDED
2012 JUL 24 PM 12:20
JEROME L. BILLY
CLERK OF COURT
BORCHESTER COUNTY

SOUTH CAROLINA
DEPARTMENT OF MOTOR VEHICLES
DRIVER'S LICENSE

PISCATELLA, ANTHONY L JR
203 HUNT CLUB DR
SUMMERVILLE SC 294854803

DL# 002168484
Expires 01 22 2017

Class D Hgt: 5-08 Wgt: 210
Sex M DOB 01 22 1942
Issued 01-18-2007 18081 R 1

Anthony L. Piscatella
Restrictions: A

John C. McInnis
Governor



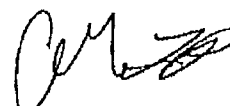
STATE OF SOUTH CAROLINA }
COUNTY OF DORCHESTER }

SUPPLEMENTAL
AFFIDAVIT OF TONY PISCATELLA

PERSONALLY APPEARED BEFORE ME, TONY PISCATELLA, who after being
duly sworn, deposes and says as follows

- 1 I am a volunteer member of the Dorchester County Republican Party and serve as
Treasurer for the Party I am also a member of the County Executive Committee
- 2 I was designated by the County Party Chairwoman, Carroll Duncan, to be the person to
receive candidate filings for the 2012 Republican Primary
- 3 The Republican Party HQ located at 89B Old Trolley Road, Suite 203A Summerville,
South Carolina 29485 was designated as the location to receive the filings
- 4 On Tuesday, March 20, 2012, Sean Bennett, a person known to me, appeared and
announced that he was going to file as a candidate for Senate District 38.
- 5 Mr Bennett, who appeared with a female witness, filed the following documents with
me
 - a Statement of Intention of Candidacy (SIC) and Pledge
 - b Statement of Economic Interest (SEI) and Proof of filing,
 - c Candidate Support Committee Declaration Statement,
 - d a Campaign Disclosure
- 6 We both acknowledged receipt of the documents by signing a Candidate Packet Checklist
attached hereto as Exhibit A
- 7 Mr Bennett also paid his filing fee in the amount of \$416 00 made payable to the
Dorchester County Republican Party
- 8 I asked Mr Bennett if he would like a copy of his filing documents and he stated he did
A copy was made of his entire packet for him
- 9 On May 4th, 2012, after the SC Supreme Court decision in Anderson, I was directed by
Carroll Duncan to go to Party HQ and verify which non exempt candidates filed paper
copies of their SEI at the time of their filing I proceeded to Party HQ and pulled the
candidate files and matched up the candidate files with the paper SEI that we had

FILED-RECORDED
2012 JUL 24 PM 12:20
CLERK OF COURT
DORCHESTER COUNTY



received Only one non exempt candidate, John Mondo, did not simultaneously file a paper SEI at the time he filed for office

- 10 After matching the SEIs with each candidate's file, the files were placed back into the filing cabinet drawer located in the back room I then left
- 11 When I left party HQ that morning, Sean Bennett's file contained his SEI along with all of his other documents
- 12 On Thursday, June 7, 2012 after the court decision was handed down regarding Florence County, I was directed again by Carroll Duncan to re verify the files again because the candidates had to be re-certified At that time, all files were intact with complete documentation to include SEIs for those non exempt candidates
- 13 On June 13, 2012, I was asked by Carroll Duncan to again check the files because there was talk in the community regarding the ineligibility of candidates I went to party HQ and discovered that the files were intact with the exception of Sean Bennett's file which was missing his SEI and initial campaign disclosure forms but not the confirmations
- 14 On June 21, 2012 I requested attorney Chris Murphy to obtain a copy of Mr Bennett's candidate documents that I knew he received from me on March 20, 2012 I have supplemented Mr Bennett's candidate file with those documents These documents are true and accurate copies of the original documents that Mr Bennett filed with me on March 20, 2012

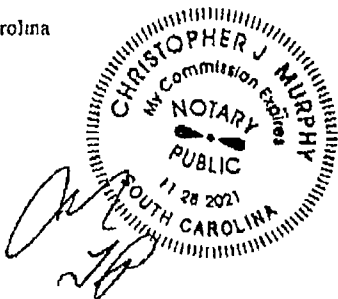
FURTHER AFFIANT SAITH NOT!

SWORN TO AND SUBSCRIBED BEFORE ME
this 22nd day of June 2012

Notary Public for the State of South Carolina

My Commission expires 11 28 2021

By Tony Piscatella
Tony Piscatella



FILED-RECORDED
2012 JUL 24 PM 12 28
CLERK OF COURT
BORCHES-TER COUNTY

DORCHESTER COUNTY REPUBLICAN PARTY

CANDIDATE PACKET CHECKLIST

Name as it will appear on the ballot Sean BennettCandidate for office of State Senator District 38Paid DCRP Membership ☒ Y ☐ NFiling Fee Amount \$ 416⁰⁰ Paid Date 3 / 20 /2012

Make checks payable to DCRP

☒ Statement of Intention of Candidacy (SIC) and Pledge☒ Statement of Economic Interests (SEI) -- proof of online filing☒ Candidate Support Committee Declaration Statement☒ Affidavit -- (Requirements for Coroner and Sheriff)☒ Campaign Disclosure -- Not required at time of filing

file online within 10 days of raising or spending \$500, copy to office

FILED-RECORDED
2012 JUL 24 PM 12:28
CLERK OF COURT
DORCHESTER COUNTY

STATEMENT I hereby acknowledge that I have received all of the forms and information needed to file for the above office and state that I have accurately and honestly completed the documents

Candidate signature [Signature] Date 3 / 20 /2012Received by [Signature] Date 3 / 20 /2012

FILED-RECORDED
2012 JUL 24 PM 12:20
CLERK OF COURT
BORCHESTER COUNTY

ROA 1272

SOUTH CAROLINA
DEPARTMENT OF MOTOR VEHICLES
DRIVER'S LICENSE

PISCATELLA, ANTHONY L JR DL# 002168484
203 HUNT CLUB DR Expires 01 22-2017
SUMMERVILLE SC 294854803

Class D Hgt 5-08 Wgt 210
Sex M DOB 01 22 1942
Issued 01-18 2007 16081 R 1

C. J. R. [Signature]  

Restric ion: A

Exhibit 16

**SC GOV - SC State Ethics Commission Public Disclosure and Accountability
Reporting****Electronic Filing****Statement of Economic Interests Review****Filing Report Review**

Name Sean Bennett
Year 2011
Filing Type Original

Demographic Information

Name	Address	Phone	County
Sean Bennett	1422 Peninsula Pointe Summerville, SC 29485	843 442 3009	Dorchester

Positions

Position/Title	Entity	Type	Term of Office	Date Filed
Senator	Senate	Candidate	1/2013 1/2017	3/2012

Income and Benefits

*** No Income and Benefits Reported ***

Family Income and Benefits

*** No Family Income and Benefits Reported ***

Regulated Business Associations

*** No Regulated Business Associations Reported ***

Real or Personal Property Interests

*** No Property Interest Entries Reported ***

Real or Personal Property Interests II

*** No Sold, Leased, or Rented Property Interests Reported ***

Business Interests

Name of Business	Relationship
Asset Integration Consultants, Inc	Owner

Creditors

*** No Creditors Reported ***

Lobbyist/Lobbyist's Principal

*** No Lobbyist/Lobbyist's Principal Entries Reported ***

Government Contracts

*** No Government Contracts Reported ***

Gifts

*** No Gifts Reported ***

Travel Reimbursement

*** No Travel Reimbursements Reported ***

General Assembly

*** No General Assembly Entries Reported ***

Print Go Back

-

- -

Exhibit

17

- -

6/13/12

SC GOV SC State Ethics Commission Public Disclosure and Accountability Reporting

SC GOV - SC State Ethics Commission Public Disclosure and Accountability Reporting

Individual Reports

Statement of Economic Interests

Statement of Economic Interests Report

Name Sean Bennett
Year 2011
Filing Date 03/19/2012

FILED-RECORDED
2012 JUL 24 PM 12 12
CLERK OF COURT
DORCHESTER COUNTY

Demographic Information

Name	Address	Phone	County
Sean Bennett	1422 Peninsula Pointe Summerville SC 29485	843 442 3009	Dorchester

Positions

Position/Title	Entity	Type	Term of Office	Date Filed
Senator	Senate	Candidate	1/2013 1/2017	3/2012

Income and Benefits

*** Filer does not have any personal income and benefit items to disclose ***

Family Income and Benefits

*** Filer does not have any family income and benefit items to disclose ***

Regulated Business Associations

*** Filer does not have any regulated business items to disclose ***

Real or Personal Property Interests

*** Filer does not have any property interest items to disclose ***

Real or Personal Property Interests II

Downloaded
6/13/12

6/13/12

SC GOV SC State Ethics Commission Public Disclosure and Accountability Reporting

*** Filer does not have any sold, leased, or rented property interest items to disclose ***

Business Interests

Name of Business	Relationship
Asset Integration Consultants, Inc	Owner

Creditors

*** Filer does not have any creditor items to disclose ***

Lobbyist/Lobbyist's Principal

*** Filer does not have any Lobbyist/Lobbyist's principal items to disclose ***

Government Contracts

*** Filer does not have any government contract items to disclose ***

Gifts

*** Filer does not have any gift items to disclose ***

Travel Reimbursement

*** Filer does not have any travel items to disclose ***

General Assembly

*** Filer does not have any general assembly items to disclose ***

FILED-RECORDED
2012 JUL 24 PM 12 12
CLERK OF COURT
BORCHESTER COUNTY

6/13/12

SC GOV SC State Ethics Commission Public Disclosure and Accountability Reporting

[Print](#)

[Go Back](#)

FILED-RECORDED
2012 JUL 24 PM 12:12
CLERK OF COURT
BERKELEY COUNTY

Exhibit 18

**SC GOV - SC State Ethics Commission Public Disclosure and Accountability
Reporting
Electronic Filing
Statement of Economic Interests Filing confirmation**

**Your report has been filed successfully on 3/19/2012 2:08:11 PM. Your confirmation number is
SEI11867 R33162 378da468**

Your confirmation has been sent to the email address on record. Please print this page for your records. Click 'Continue' to return to your Statement of Economic Interests Filings or logout if you are finished.

Continue

FILED-RECORDED
2012 JUL 24 PM 12:12
CLERK OF COURT
BERKELEY COUNTY

SC GOV SC State Ethics Commission Public Disclosure and Accountability
Reporting
Electronic Filing
Statement of Economic Interests Review

Filing Report Review

Name Sean Bennett
Year 2011
Filing Type Original

Demographic Information

Name	Address	Phone	County
Sean Bennett	1422 Peninsula Pointe Summerville SC 29485	843 442 3009	Dorchester

Positions

Position/Title	Entity	Type	Term of Office	Date Filed
Senator	Senate	Candidate	1/2013 1/2017	3/2012

Income and Benefits

*** No Income and Benefits Reported ***

Family Income and Benefits

*** No Family Income and Benefits Reported ***

Regulated Business Associations

*** No Regulated Business Associations Reported ***

Real or Personal Property Interests

*** No Property Interest Entries Reported ***

Real or Personal Property Interests II

FILED-RECORDED
2012 JUL 24 PM 12 12
CLERK OF COURT
DORCHESTER COUNTY

*** No Sold Leased or Rented Property Interests Reported ***

Business Interests

Name of Business	Relationship
Asset Integration Consultants, Inc	Owner

Creditors

*** No Creditors Reported ***

Lobbyist/Lobbyist's Principal

*** No Lobbyist/Lobbyist's Principal Entries Reported ***

Government Contracts

*** No Government Contracts Reported ***

Gifts

*** No Gifts Reported ***

Travel Reimbursement

*** No Travel Reimbursements Reported ***

General Assembly

*** No General Assembly Entries Reported ***

Print Go Back

FILED-RECORDED
2012 JUL 24 PM 12 12
CLERK OF COURT
BANCHESTER COUNTY

- - - Exhibit - - -
19-20

SC GOV - SC State Ethics Commission Public Disclosure and Accountability Reporting**Individual Reports****Statement of Economic Interests****Selected**

Last Name bennett
Year: 2011

Click on name to review the report

Search Results

Name	Office	Type	Entity	Date Filed	Version
<u>Bennett, Bennie D</u>	Superintendent	Employee	Newberry	3/21/2011 3 07 00 PM	Original
<u>Bennett, Brenda P</u>	Probate Judge	Elected	Allendale	4/27/2011 2 06 00 PM	Original
<u>Bennett II, Charles S</u>	Chief Administrative Official	Employee	North Augusta	4/12/2011 4 18 00 PM	Original
<u>Bennett, Earle M</u>	Public Member, Trustee, Commission Member, or Board Member	Appointed	Will Lou Gray Opportunity School	3/3/2011 10 33 00 AM	Original
<u>Bennett, Frankie</u>	City Council	Elected	Estill	1/24/2011 5 59 00 PM	Original
<u>Bennett, Linda</u>	Public Member, Trustee, Commission Member, or Board Member	Appointed	Patriots Point Dev Authority	9/22/2011 3 05 00 PM	Original
<u>Bennett, Sean</u>	Senator	Candidate	Senate	3/19/2012 2 08 00 PM	Original
<u>Bennett, Timothy R</u>	Chief Administrative Official	Employee	Allendale	4/4/2011 4 30 00 PM	Original

← Back Start Over

7/25/12

SC GOV SC State Ethics Commission Public Disclosure and Accountability Reporting

SC GOV - SC State Ethics Commission Public Disclosure and Accountability Reporting**Individual Reports****Statement of Economic Interests****Selected**

Last Name bennett
Year 2012

Click on name to review the report

Search Results

Name	Office	Type	Entity	Date Filed	Version
Bennett, Bennie D	Superintendent	Employee	Newberry	3/26/2012 3 06 00 PM	Original
Bennett, Bennie D	Superintendent	Employee	Newberry	3/26/2012 3 07 00 PM	Amendment 1
Bennett, Earle M	Public Member, Trustee, Commission Member, or Board Member	Appointed	Wil Lou Gray Opportunity School	3/13/2012 3 45 00 PM	Original
Bennett, Frankie	City Council	Elected	Estill	2/20/2012 8 00 00 PM	Original
Bennett, Jeffrey	City Council	Candidate	Clemson	4/19/2012 10 47 00 AM	Original
Bennett, Linda	Public Member, Trustee, Commission Member, or Board Member	Appointed	Patriots Point Dev Authority	1/26/2012 9 10 00 AM	Original
Bennett, Timothy R	Chief Administrative Official	Employee	Allendale	1/24/2012 4 13 00 PM	Original

[← Back](#) [Start Over](#)

STATE OF SOUTH CAROLINA)
)
COUNTY OF DORCHESTER)

AFFIDAVIT OF YVONNE CARUSO

PERSONALLY APPEARED BEFORE ME, YVONNE CARUSO, who, after being
duly sworn, deposes and says as follows

1 On March 16, 2012, I accompanied Ed Carter to the Dorchester County Republican Party
(DCRP) headquarters. I am a member of Mr. Carter's campaign committee.

2 In addition to Mr. Carter and myself, present at the DCRP headquarters were Tony
Piscatella, another unknown female staff member who was assisting Mr. Piscatella,
Representative Jenny Horne, Senator Mike Rose, Roger Goodman, and a reporter/photographer
for the Summerville Journal Scene.

3 While at the DCRP headquarters, I witnessed Mr. Piscatella hand over a packet of
documents to Mr. Carter, and Mr. Piscatella asked Mr. Carter to complete the documents and
turn them in as part of the filing process.

4 The documents included in the packet were as follows:

- Candidate Packet Checklist (Carter Exh. 1)
- Statement of Intention of Candidacy (SIC) and Pledge (Carter Exh. 2)
- Candidate Support Committee Declaration Statement (Carter Exh. 3)

5 I then witnessed Mr. Carter fill out the above forms and hand the completed
documents over to Mr. Piscatella.

6 In addition, I observed Mr. Carter submit both the hardcopy of the SLI which notes that
the document had been downloaded March 13, 2012 (Carter Exh. 4) as well as the verification of

CERTIFIED CC,
2012 JUL 31 PM 4:36
Clerk of Court
DORCHESTER COUNTY

electronic filing of the SEI, confirmation #SEI1986-R36866-276074ba (Carter Exh 5)

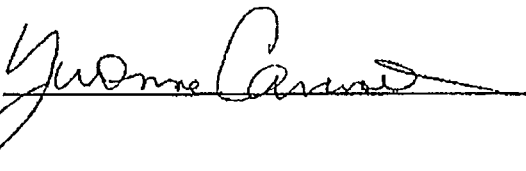
8 I also witnessed Mr Piscatella ask Mr Carter for his login information for the SC State Ethics Commission, and he downloaded a copy of Mr Carter's Campaign Financial Disclosure from his laptop computer, and placed the copy in Mr Carter's file (Carter Exh 6) As indicated on the copy, said copy was downloaded on March 16, 2012 at 12 21 p m

9 I then presented a check in the amount of \$208 00 made out to the DCRP to Mr Piscatella, which was the amount of the filing fee

10 After receiving all the aforementioned documents, I witnessed Mr Piscatella and Mr Carter sign the Candidate Packet Checklist, and he informed Mr Carter that his filing was completed

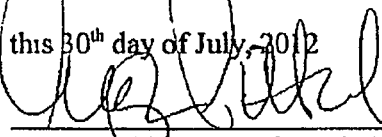
11 It was my personal observation that Mr Piscatella was both professional and methodical in ensuring all documents were correctly filled out and submitted

FURTHER THE AFFIANT SAITH NOT

By 

SWORN TO AND SUBSCRIBED BEFORE ME

this 30th day of July, 2012


Notary Public State of South Carolina

My Commission Expires

6/20/15

STATE OF SOUTH CAROLINA)
)
COUNTY OF DORCHESTER)

AFFIDAVIT OF EDWARD B CARTER

PERSONALLY APPEARED BEFORE ME, EDWARD B CARTER, who, after
being duly sworn, deposes and says as follows

1 Approximately a week before the filing period began for the Dorchester County Republican Primary, I sent Carol Duncan, Chairman of the Dorchester County Republican Party (DCRP), an email requesting an appointment for March 16, 2012 (which was the first day candidates were permitted to file), for me to file as a Republican candidate for SC House of Representatives District 97

2 Ms Duncan responded to my email and confirmed my appointment for March 16, 2012 at 12 00 p m

3 On March 13, 2012, I opened an electronic account with the South Carolina State Ethics Commission for the purpose of filing my Statement of Economic Interest (SEI) electronically After submitting the information required for the SEI form, I printed both a hardcopy of the completed SEI and a copy of the verification of electronic filing

4 On March 16, 2012, I appeared at the DCRP headquarters with Yvonne Caruso, a member of my campaign committee Also present at the DCRP were Tony Piscatella, another unknown female staff member who was assisting Tony, Representative Jenny Horne, Senator Mike Rose, Roger Goodman, and a reporter/photographer for the Summerville Journal Scene

5 I received a packet of documents from Mr Piscatella and was asked to complete the documents and turn them in as part of the filing process The documents included in the packet were as follows

CERTIFIED COPY
2012 JUL 31 PM 4:35
CLERK OF COURT
DORCHESTER COUNTY
Edward B. Carter

- Candidate Packet Checklist (Carter Exh 1)
- Statement of Intention of Candidacy (SIC) and Pledge (Carter Exh 2)
- Candidate Support Committee Declaration Statement (Carter Exh 3)

6 I filled out the above forms and handed the completed documents over to Mr Piscatella

7 In addition, I submitted both the hardcopy of the SEI which I had downloaded on March 13th (Carter Exh. 4) as well as the verification of electronic filing of the SEI, confirmation #SEI1986-R36866 276074ba (Carter Exh 5)

8 Although I did not bring a copy of my Campaign Financial Disclosure, Mr Piscatella asked me for my login information, and he downloaded a copy of my Campaign Financial Disclosure, and placed the copy in my file (Carter Exh 6) As indicated on the copy, said copy was downloaded on March 16, 2012 at 12 21 p m

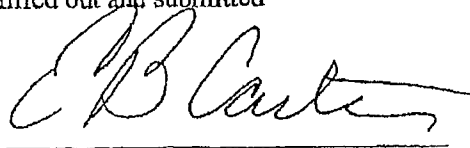
9 Upon filing for my candidacy, Ms Caruso presented a check in the amount of \$208 00 made out to the DCRP, to Mr Piscatella, which was the amount of the filing fee

10 After receiving all the aforementioned documents, Mr Piscatella and I signed the Candidate Packet Checklist, and he informed me that my filing was completed

11 It was my personal observation that Mr Piscatella was both professional and methodical in ensuring all documents were correctly filled out and submitted

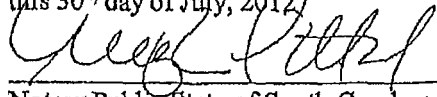
FURTHER THE AFFIANT SAITH NOT

By



SWORN TO AND SUBSCRIBED BEFORE ME

this 30th day of July, 2012



Notary Public State of South Carolina

My Commission Expires 6/20/15

DORCHESTER COUNTY REPUBLICAN PARTY

CANDIDATE PACKET CHECKLIST



Name as it will appear on the ballot Ed Carter
Candidate for office of SC House of Representatives, District 97
Paid DCRP Membership ☒ Y ☐ N
Filing Fee Amount \$ 208 Paid Date 3/16 /2012

Make checks payable to DCRP

☒ Statement of Intention of Candidacy (SIC) and Pledge
☒ Statement of Economic Interests (SEI) – proof of online filing
☒ Candidate Support Committee Declaration Statement
N/A Affidavit – (Requirements for Coroner and Sheriff)
☒ Campaign Disclosure – Not required at time of filing

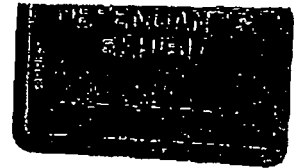
CERTIFIED COPY
2012 JUL 31 PM 4:35
Clerk of Court
DORCHESTER COUNTY

file online within 10 days of raising or spending \$500, copy to office

STATEMENT I hereby acknowledge that I have received all of the forms and information needed to file for the above office and state that I have accurately and honestly completed the documents

Candidate signature Ed Carter Date 3/16 /2012
Received by Jerry Rensette Date 3/16 /2012

Statement of Intention of Candidacy - Partisan



- This form must be completed by a candidate seeking partisan office
- A Statement of Intention of Candidacy must be filed with each party the candidate wishes to be the nominee
- The S.C. Constitution prohibits a person who has been convicted of a felony from filing for public office for 15 years after the completion of the sentence, including probation and parole time, unless previously pardoned

Name		Ed Carter		Party		Republican	
Office		S.C. House of Representatives		District		97	
Primary or Convention		Primary		Election Date		June 12, 2012	
Address		229 Limestone Rd		City		Dorchester	
Zip		29437		Email Address		ecarter@asosc.com	
Telephone		Cell (843) 709-2555		Home		462-2666	
Work		875-1487		Voter Registration Number		5-167-240	
Guidelines for a Candidate's Name to appear on the ballot ▪ A given name or a derivative may be used ▪ The name will not contain quotations, parentheses, or other distinguishing marks ▪ Nicknames are allowed if they are used in good faith for honest purposes and do ▪ Imply professional or social status ▪ Include an office or military rank ▪ Exceed 15 letters							
Name as you wish it to appear on ballot (please print)		Ed Carter					
Audio Ballot - Phonetically spell your name, if necessary		Example Jackson Gervais jui-VAY					

CERTIFIED COPY
 2012 JUL 31 PM 4:35
 Clerk of Court
 DORCHESTER COUNTY

Candidate's Oath I affirm that I meet, or will meet by the time of the general or special election, the qualifications for this office.	
Candidate's Signature	

Completed by County Party			
Date Received	3/14/12	Time Received	12:16
Received By			
County Political Party	Dorchester County		

Completed by State Party			
Date Received		Time Received	
Received By			
State Political Party			

SECRET (1010-30091)

SOUTH CAROLINA
FILE 1

NOTICE OF CANDIDACY AND PLEDGE

STATE OF SOUTH CAROLINA
COUNTY OF Dorchester

I hereby file my notice as a candidate for the nomination as House Seat 97 in the primary election to be held on June 12, 2012. I affiliate with the Republican Party, and I hereby pledge myself to abide by the results of said primary and I authorize the issuance of an injunction upon ex parte application by the party chairman, as provided by law, should I violate this pledge of offering or campaigning in the ensuing general election for election to this office or any other office for which a nominee has been elected in said primary election, unless the nominee for any such office has become deceased or otherwise disqualified for election in said ensuing general election.

Ed Carter
Print Name
229 Limestone Rd
Address
Dorchester 29437
City Zip
(843) 462-2666
Home Telephone

(843) 875-1487
Office Telephone
Ed Carter
Signature
3/16/2012
Date

The notice of candidacy required by this section to be filed by a candidate in a primary must be signed personally by the candidate, and such signature of the candidate must be signed in the presence of the county chairman or such other officer as may be named by the county committee with whom such candidate is filing, or a candidate must have his signature on the notice of the candidacy of any candidate signed by an agent on behalf of a candidate shall not be valid.

NOTE The county chairman shall retain the original, a copy shall be given to the candidate and a copy shall be mailed to State Republican Party Headquarters.

South Carolina Republican Party
1913 Marion Street
Columbia, SC 29201
Phone (803) 988 8440

Current as of February 17, 2012

Dorchester County Republican Party Candidate Support Declaration Statement

Name Ed Carter

Seeking Office for S.C. House of Representatives Seat/District # 97

As an announced candidate for the office above, and as a Republican in Dorchester County I do hereby certify that (please initial your agreement)

- ☒ 1 I am a resident of the district for which I am running for office and a registered voter
- ☒ 2 I am a citizen of the United States and a resident of South Carolina
- ☒ 3 I will be at least 18 years of age as of the next general election
- ☒ 4 I am not under any court order declaring me mentally incompetent or serving a prison term resulting from the conviction of a crime
- ☒ 5 I have not been convicted of a felony or offense against the election laws
- ☒ 6 I will accurately state my qualifications and background in connection with my candidacy

☒ 7 I understand that failure to sign this statement or any misrepresentation in connection with my candidacy may result in public disclosure of such failure by the Dorchester County Republican Party Executive Committee

Signature

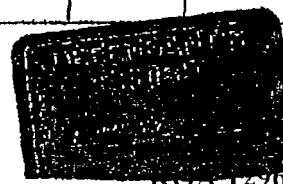
Date

Ed Carter
3/16/2012

CERTIFIED COPY
 12 JUL 31 PM 4:35
 CLERK OF COURT
 DORCHESTER COUNTY

I further certify that my positions on the various portions of the South Carolina Republican Party Platform adopted in 2011 are indicated below

ISSUES	Strongly Agree	Generally Agree	Generally Disagree	Strongly Disagree
To Form a More Perfect Union	☒			
1 Continued efficiency in Government Restructuring	☒			
2 Policies which restore public confidence in the Judiciary	☒			
3 Constitutional adherence to States' Rights	☒			
4 A Tax Policy which promotes prosperity	☒			
To Establish Justice	☒			
1 An end to racial and gender Discrimination & Affirmative Action	☒			
2 Strict adherence to Ethics in Government	☒			
3 Governmental protection of Constitutional Property Rights	☒			
5 Freedom in the job market through the Right to Work	☒			
6 Ensure the Integrity of the Election Process	☒			
7 A swift, sure and true Criminal Justice system	☒			
To Provide for the Common Defense	☒			
1 A commitment to Peace through Strength in foreign policy	☒			
2 A constitutional view of the Right to Bear Arms	☒			
3 United States Sovereignty	☒			
To Promote the General Welfare	☒			
1 A balanced Budget, Deficit reduction and Transparency	☒			
2 Incentives to make the Economy grow	☒			
3 Increased Educational opportunities and academic excellent	☒			
4 An effective and sensible policy on The Environment	☒			



Dorchester County Republican Party Candidate Support Declaration Statement

5 Consumer driven Healthcare	✓			
ISSUES	Strongly Agree	Generally Agree	Generally Disagree	Strongly Disagree
6 Highway Transportation and Safety finance and reform	✓			
7 An agenda to empower Senior Citizens	✓			
8 Welfare Reform	✓			
Sound fiscal policies & and moral principals to Secure the Blessings of Liberty	✓			

I certify in the presence of a witness of the Dorchester County Republican Party that I have read the entire South Carolina GOP Platform, dated 2011 and have indicated my positions above

Signature

Date

Witness

Title

Date

Please indicate your answers to the following questions The answers will assist fellow Republicans in their support of your candidacy

Have you previously campaigned for any elected government office? (Please be specific)

Yes

Do you have experience or service in government (elected or appointed)?

Yes

Have you worked on a political campaign in any capacity?

Yes

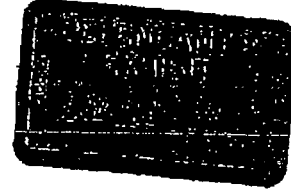
What is your experience working with the Republican Party (including any volunteer or service capacity)? Please note any evidence of Republican Party participation

National & State Member, contributed \$ and assisted local Republican candidates in past elections

**SC GOV - SC State Ethics Commission Public Disclosure and
Accountability Reporting
Electronic Filing
Statement of Economic Interests Review**

Filing Report Review

Name Edward B Carter
Year 2012
Filing Type Original



Demographic Information

Name	Address	Phone	County
Edward B Carter	229 Limestone Road Dorchester, SC 29437	843 709 2555	Dorchester

Positions

Position/Title	Entity	Type	Term of Office	Date Filed
House Representative	House of Representatives	Candidate	1/2013 - 1/2015	2012 JUL 31 PM 4:35

CERTIFIED COPY
 2012 JUL 31 PM 4:35
 CLERK OF COUNTY
 BORCHESTER COUNTY

Income and Benefits

*** No Income and Benefits Reported ***

Family Income and Benefits

*** No Family Income and Benefits Reported ***

Regulated Business Associations

*** No Regulated Business Associations Reported ***

Real or Personal Property Interests

*** No Property Interest Entries Reported ***

Real or Personal Property Interests II

*** No Sold Leased, or Rented Property Interests Reported ***

Business Interests

*** No Business Interests Reported ***

Creditors

*** No Creditors Reported ***

Lobbyist/Lobbyist's Principal

*** No Lobbyist/Lobbyist's Principal Entries Reported ***

Government Contracts

*** No Government Contracts Reported ***

Gifts

*** No Gifts Reported ***

Travel Reimbursement

*** No Travel Reimbursements Reported ***

General Assembly

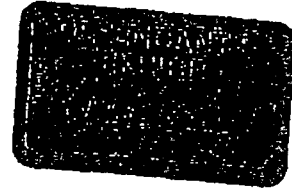
Person Represented	Services Rendered	Nature of Contact w/ Gov Agency	Fees Earned	Outstanding Amount

Charlie N Maxwell	Appraisal Consulting	Assessment Appeal	\$450 00	\$0 00



Ed

From FilingConfirmation@messaging.sc.gov
Sent Tuesday, March 13, 2012 2:45 PM
To ecarter@asosc.com
Subject Filing Confirmation
State Ethics Commission
Public Disclosure and Accountability Reporting



Filing Year 2012
Statement of Economic Interests Report, Original
You have successfully filed your report as of 3/13/2012 2:45:00 PM. Your confirmation number
is SEI1986-R36866-276704ba
Please print this page for your records

CERTIFIED COPY
2012 JUL 31 PM 4:35
Joseph H. Hickman
CLERK OF COURT
DORCHESTER COUNTY

3/13/2012

ROA 1301

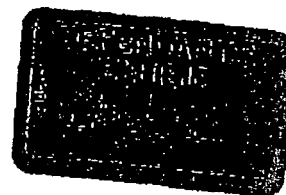
SC.GOV - SC State Ethics Commission. Public Disclosure and Accountability Reporting

Electronic Filing

Candidate Campaign Disclosure Review

2012, Initial Report

Candidate Carter Edward B
Position Sought State House Representative
Election Type Primary
Election Date 11/06/2012
Filing Type, Amendment 1, Filed



Directions

To review information you have entered, click each tab below

[Summary](#)
[Contributions](#)
[Expenditures](#)
[Loans](#)
[Loan Payments](#)
[Assets](#)

Demographic Information

Carter, Edward B
229 Limestone Rd
Dorchester, SC 29437
843 709 2555
Dorchester County

Report Type

2012, Initial

CERTIFIED COPY
2012 JUL 31 PM 4:35
Clerk of Court
DORCHESTER COUNTY

Contributions	This Period	Election Cycle
A Candidates Personal Funds	\$0 00	\$0 00
B1 Individual Contributions or other (+)	\$100 00	\$100 00
B2 Loans (-)	\$10,000 00	\$10,000 00
C In Kind Contributions (+)	\$0 00	\$0 00
D Total Contributions (=)	\$10,100 00	\$10,100 00

Expenditures	This Period	Election Cycle
A In-Kind Expenditures	\$0 00	\$0 00
B Expenditures (+)	\$0 00	\$0 00
C Total Expenditures (=)	\$0 00	\$0 00

Balance of Contributions	This Period
A Contributions on Hand (Beginning this Period)	\$0 00

B Total Contributions (This Period) (+)	\$10,100 00
C Total Expenditures (This Period) (-)	\$0 00
D Contributions On Hand (Period End) (=)	\$10,100 00

Loans

Loan Balance	\$10,000 00

Return to My Filings

If you are finished viewing this report, you can return to your list of filings by clicking the [Save](#) button below

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[Save](#)

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER

CERTIFIED COPY
2012 JUL 31 PM 4:37
CLERK OF COURT
DORCHESTER COUNTY

AFFIDAVIT OF JENNY A HORNE

PERSONALLY APPEARED BEFORE ME, JENNY A HORNE, who, after being
duly sworn, deposes and says as follows

1 I currently represent Dorchester and Charleston Counties as the SC House Representative for District 94 In November of 2008 I was first elected as a Republican to serve my district to a two year term in this capacity

2 On March 16, 2012 at approximately 12 00 p m , I arrived at the Dorchester County Republican Party (DCRP) headquarters to file for re election as the Republican nominee for House District 94

3 I provide this Affidavit to give a factual accounting of the process and procedure I observed for candidate filing while at the DCRP headquarters

4 Present with me at the DCRP headquarters were Tony Piscatella, the individual in charge of the candidate filing process, another female staff member who was assisting Mr Piscatella, Ed Carter, Yvonne Caruso, Mike Rose, Roger Goodman, and a reporter/photographer for the Summerville Journal Scene Like myself, Mr Carter, Mr Rose, and Mr Goodman were present to file as candidates for the June 12, 2012 Republican Party primary

5 The attached photograph (Horne Exh 1), which upon my information and belief was taken by the photographer for the Journal Scene while I was at the DCRP headquarters, accurately depicts the scene at DCRP headquarters and the people who were present while I was there on March 16, 2012

6 I did not include in my documents for candidate filing a printed copy of my Statement of Economic Interest (SEI), since as an incumbent candidate I believed I was exempt from filing a SEI pursuant to S C Code Ann § 8-13-1356(A)

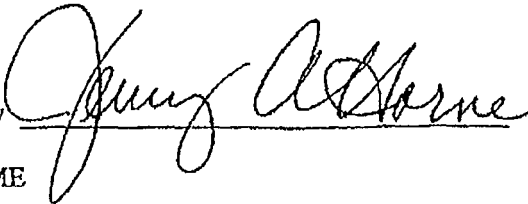
7 Despite the fact that I did not bring a copy of my SEI with me to DCRP headquarters, Mr Piscatella insisted that all candidates present produce a copy of their SEI for candidate filing

8 When Mr Piscatella learned that I did not bring a copy of my SEI, he asked me for my login information to the SC Ethics Commission website, and he downloaded a hardcopy of my SEI, and placed the copy in my file (Home Exh 2) As indicated on the copy, said copy was downloaded on March 16, 2012 at 12 34 p m

9 Mr Piscatella did not download and print the SEI filing for Mr Carter because Mr Carter had a hardcopy of his SEI in his possession that he handed over for filing

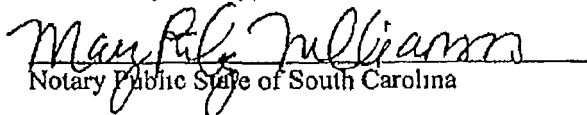
10 It was my personal observation that Mr Piscatella was both professional and methodical in ensuring all documents were correctly filled out and submitted by both the incumbent and non-incumbent candidates present

FURTHER THE AFFIANT SAITH NOT!

By 

SWORN TO AND SUBSCRIBED BEFORE ME

this 31th day of July, 2012


Notary Public State of South Carolina

My Commission Expires 5/16-2017



JOURNAL SCENE®

2012 JUL 31 PH 4:37

Wednesday, March 21, 2012 5:11 PM

ROA 1306

DEFENDANT'S
EXHIBIT
Horne



Leslie Cantu/Journal Scene

State Rep. Jenny Horne, state Sen. Mike Rose (seated, left), Ed Carter and Roger Goodman (standing, right) filed the paperwork to run for office Friday. Accompanying Carter was Yvonne Caruso (standing, center). Dorchester County Republican Party Treasurer Tony Piscatella (seated, right) received the paperwork.

Rose running for re-election

BY LESLIE CANTU
The Journal Scene

State Sen. Mike Rose said Monday he has the skills, experience, intellect and tenacity

Senate in the 1990s then returned four years ago. His combined 13 years in the



senior local legislator he said. Local businessman Sean Bennett has announced he'll challenge Rose for the seat.

Rose said he focuses on fiscal responsibility, limited govern-

ment and years are beginning to bear fruit.

He pushed to drive the county legislative delegation of much of its power and give that power to the people.

BY LESLIE CANTU
The Journal Scene

Filing opened Friday for people planning to run for partisan offices.

The Democratic and Republican primaries will be June 12. Eleven people filled out the paperwork and handed over checks at the Dorchester County Republican Party headquarters Friday.

The county's Democratic Party expected to have candidates file by the end of the week.

Anyone wishing to run must file by noon March 30.

Those running for nonpartisan offices could get to the polls and be surprised to find different names than the

DATES, WEBSITES TO KNOW

March 30 noon Last day to file to run in the primary
May 12 Last day to register to vote in primary
June 12 Primary election day

To check your voter registration status or look at maps of County Council House, Senate and Congressional districts go to www.dorchestervotes.org

Voers could get to the polls and be surprised to find different names than the

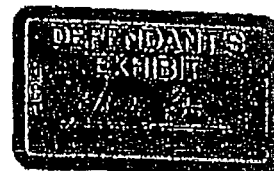
SC GOV - SC State Ethics Commission • Public Disclosure and Accountability
Reporting

Individual Reports

Statement of Economic Interests

Statement of Economic Interests Report

Name Jenny A Horne
Year: 2011
Filing Date 04/16/2011



Demographic Information

Name	Address	Phone	County
Jenny A Horne	102 Perry Ln Summerville, SC 29483	843 412.8420	Dorchester

Handwritten: Clerk of Court
DORCHESTER COUNTY

Stamp: CERTIFIED CC
2012 JUL 31 PM 4:37

Positions

Position/Title	Entity	Type	Term of Office	Date Filed
House Representative	House of Representatives	Elected	11/2010 11/2012	

Income and Benefits

Source	Type	Amount / Value	Miscellaneous
S.C. House	Salary	\$10,400.00	Personal Income
Dorchester County	In District	\$4,380.08	Personal Income
S.C. House	In-District	\$12,000.00	Personal Income

Regulated Business Associations

*** Filer does not have any regulated business items to disclose. ***

Real or Personal Property Interests

*** Filer does not have any property interest items to disclose. ***

Real or Personal Property Interests

*** Filer does not have any sold, leased, or rented property interest items to disclose. ***

Business Interests

*** Filer does not have any business interest items to disclose. ***

Creditors

*** Filer does not have any creditor items to disclose. ***

Lobbyist/Lobbyist's Principal

*** Filer does not have any lobbyist/lobbyist's principal items to disclose. ***

Government Contracts

*** Filer does not have any government contract items to disclose. ***

Gifts

Donor	Relationship	Nature of Gift	Value
Cell House Invitations	803-734-3107	For List of Functions	\$1.00
Cell House Judiciary Comm	803-734-3120	For List of Functions	\$1.00
SC Orthopaedic Assoc.	Legislator	Lodging & Food	\$1,290.77
Talpel Economic Dev Corp	Legislator	Lodging & Food	\$2,600.00
Charleston CVB	Legislator	Lodging	\$142.00

Travel Reimbursement

*** Filer does not have any travel items to disclose. ***

General Assembly

*** Filer does not have any general assembly items to disclose. ***

[Print](#) [Go Back](#)

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER

IN THE COURT OF COMMON PLEAS

Dorchester County Democratic Party,
Plaintiff,

Civil Action No 2012-CP-18 1632

v

Dorchester County Republican Party
(Carroll Duncan as Chairman), Colleton
County Republican Party, Berkeley
County Republican Party, Charleston
County Republican Party, South Carolina
Republican Party (Matt Moore as
Executive Director & Chad Connelly as
Chairman), Dorchester County Board of
Elections (Joshua Dickard as Executive
Director), Colleton County Election
Commission, Berkeley County Election
Commission, Charleston County Election
Commission, South Carolina State
Election Commission (Marc Andino as
Executive Director & Chris Whitmire as
Director of Public Information and
Training), Sean Bennett, Mike Rose, and
Tony Piscatella,

Defendants

FILED-RECORDED

8-6-12

Cheryl Graham
Clerk of Court
Dorchester County

**AFFIDAVIT RE DCRP CANDIDATE
CERTIFICATION DECISIONS
BY CARROLL DUNCAN**

I, the undersigned Carroll S Duncan, Chairman of the Dorchester County Republican Party, being first duly sworn, hereby respectfully execute and file this affidavit regarding Dorchester County Republican Party candidate certification decisions. This affidavit lays out in detail the basis for all candidate certification decisions I have made this election cycle regarding candidates who have filed with the Dorchester County Republican Party.

INTRODUCTION

I have previously submitted to the South Carolina State Election Commission, Dorchester County Election Commission, and Dorchester County Republican Party an amended candidacy certification for the June 2012 Republican Primary Elections. This amended certification is required by the South Carolina Supreme Court's recent opinions in Anderson v. South Carolina Election Commission and Florence County Democratic Party v. Florence County Republican Party. The amended candidacy certification is based on evidence discovered since the election took place.

I sincerely regret that this amended certification is necessary. But respect for the rule of law renders this amended certification mandatory rather than discretionary. The Supreme Court of South Carolina has issued rulings binding on the state and county political parties and the officers of those parties, and the Supreme Court rightly expects that its rulings will be followed in good faith.

Finley Peter Dunne, who worked for practically every newspaper in Chicago in the late 1800's and early 1900's, famously remarked that "politics ain't beanbag." As a reporter in turn-of-the-century Chicago, Mr. Dunne saw politics as a bloodsport, and rightly so. South Carolina politics has a similar reputation, and one that is well earned. Almost within living memory is the assassination of Narciso Gonzalez, founder and editor of *The State* newspaper, by Lt. Gov. James Tillman over a political disagreement. Tillman was unsuccessfully prosecuted by Strom Thurmond's father, J. William, who had once been campaign manager for Ben Tillman—James Tillman's uncle.

A hundred and ten years later, some things in South Carolina have changed and some things haven't. We still elect the occasional criminal to the office of Lieutenant

Governor—but now, we convict them of their crimes. The conviction and resignation of Ken Ard stands in stark contrast to the Tillman-Gonzalez affair.

Meanwhile, the Thurmond family is still active in politics. J. Strom Thurmond Jr. recently held the same office of U.S. Attorney that his grandfather J. William held a century ago. Strom Sr.'s other son, Paul Thurmond, is presently running for the South Carolina Senate, a race also beset by litigation over SEI filings. But despite his pedigree, Paul has neither sought nor received any special favors in his currently-pending litigation to stay on the ballot for State Senate. In fact, the South Carolina Supreme Court recently denied his petition for original jurisdiction in that case.

We have come a long way from the South Carolina where political disputes were routinely settled with a gun, a practice once so routine that our 1895 Constitution contains a lifetime ban on duelers holding public office. In the South Carolina of 2012, the rule of law must be respected. When the South Carolina Supreme Court issues a decision ordering the political parties to undertake certain actions in compliance with statutory law, those actions cannot be avoided, even though the result is politically unpopular. James Tillman's assassination of Narciso Gonzalez was obviously illegal, but it was certainly popular, thus his wrongful acquittal. But we cannot—as a state, as a people, as political parties—take a single step backwards to the days of Tillman.

I respect the rule of law and the authority of the South Carolina Supreme Court to interpret our statutory law, even though I deeply regret the outcome. I am compelled by my conscience to diligently comply in good faith with the Supreme Court's orders in Anderson v. South Carolina Election Commission and Florence County Republican Party

v. Florence County Democratic Party What follows is an explanation of all my efforts to comply with those Supreme Court orders

ORDER REQUIREMENTS

The first step is determining what the Supreme Court's orders in Anderson and Florence County actually require. The answer turns out to be quite simple: all candidates, political parties, and other candidate filing agencies must comply with S.C. Code § 8-13-1356. In particular, non-incumbent candidates must comply with the terms of Section 8-13-1356(B) and political parties cannot accept filings that are not made in accordance with Section 8-13-1356(B).

Section 8-13-1356(B) is not a complicated statute. As explained in Anderson, there are four requirements: a candidate must (1) file a paper copy of his or her SEI (2) for the preceding calendar year (3) at the same time (4) and with the same official with whom the candidate files a declaration of candidacy or petition for nomination. In the Supreme Court's clarification to Anderson, the Court made clear that strict compliance with Section 8-13-1356(B) is required: "[W]hen filing a Statement of Intention of Candidacy (SIC), provide[] the political party with a paper copy of a Statement of Economic Interest (SEI), whether previously electronically filed or not." Anderson (Clarification Issued May 3, 2012). The Supreme Court clearly and emphatically rejected any notion that any other filing scenario accomplishes lawful filing: "we reject the parties' contention that our opinion allows compliance with the statute in any other fashion." Id., see also Florence County (forcefully rejecting the Florence County Republican Party's claim that non-incumbent candidates could qualify as public officials and therefore be exempt from filing paper SEIs with political parties).

The Supreme Court also made clear in its recent election cases that it has absolutely no tolerance for game playing in these matters. Consider the following passage from Florence County:

Although the County Republicans were not parties in Anderson, they knew that, like all of the political parties in this State, they were bound by the decision in the case, yet they deliberately chose to disregard the Court's clear dictates. In their return to the petition for original jurisdiction, the County Republicans indicated they "carefully followed [the Court's] ruling" in Anderson. However, in response to a request by the Court to unequivocally assure the Court the candidates they certified all filed a paper copy of an SEI along with an SIC, the County Republicans admitted they certified candidates who did not do so. The voters in this State rely on the political parties to ensure that only those individuals who are qualified candidates appear on the party primary ballots. We are disappointed in the County Republicans for failing to diligently perform this duty and for presenting an inaccurate statement to this Court concerning their actions in certifying candidates for the party primary.

The Supreme Court made crystal clear in Florence County that there would be no tolerance for other county political parties who failed to comply with the recent election cases. "[J]ust as the Florence County political parties were bound by the decision in Anderson, this decision applies to the political party primaries throughout the State. To the extent other county political parties have improperly certified candidates, those parties ignore the decisions of this Court at their own peril."

The Supreme Court commanded the County Republicans in the Florence County case to create a list of all non-exempt candidates who simultaneously filed an SEI and an SIC and a sworn statement that all of those candidates were properly certified as defined by the Supreme Court in Anderson and in Florence County. The Supreme Court directed the County Republicans to file such list with the State Election Commission, the County

Election Commission, and the Supreme Court itself. The Supreme Court further commanded that no votes be counted for improperly certified candidates.

Further, the Supreme Court made clear in Florence County that the county parties must continue to decertify candidates after the election if those candidates are later discovered to have filed improperly. The Supreme Court was clearly concerned based upon the facts and timing of the Florence County case that some county parties had failed, willfully or not, to comply with the Supreme Court's orders and that such failure could continue post-election. Understandably concerned that some county parties might seek to simply "run out the clock" by failing to diligently decertify ineligible candidates before the election, the Supreme Court plainly indicated that such a strategy would run afoul of their orders and that the obligation of compliance would not be terminated by an intervening election.

The Supreme Court of South Carolina unequivocally commanded the political parties of our State to faithfully and diligently comply with its candidate filing decisions and made no secret of the potential for severe sanctions for a failure to comply. Faithful and diligent compliance requires something more than a "see no evil, hear no evil" approach. When legitimate questions are raised as to the accuracy of prior certifications, a duty of diligent inquiry and investigation is triggered by Florence County. If a thorough investigation reveals evidence which casts doubt upon the legitimacy of prior certifications, that evidence must be weighed against the evidence in favor of certification and a careful determination made. If a preponderance of the evidence supports decertification, then the obligation to decertify is crystal clear under Florence County.

DUTY OF PARTY OFFICIALS

Questions have been raised in this litigation as to whether a county chairman has the authority to decertify a candidate. Those questions are improperly phrased—the issue is not about authority but about duty. Specifically, the appropriate question is which Republican Party officials have a duty to comply with the Supreme Court's orders in Anderson and Florence County.

This question is not a strictly legal question, as there are factual elements to it as well. As a factual matter, the South Carolina Republican Party placed the obligation of candidacy certification decisions in the wake of Anderson and Florence County on the Republican county chairmen. The basis of this was simple: every primary candidate potentially affected by Anderson and Florence County filed with the county political party for the county in which the candidate resided. All candidates affected by this litigation filed with the Dorchester County Republican Party, so the South Carolina Republican Party mandated that the county chairmen certify (or, rather, decertify) candidates pursuant to Anderson and Florence County.

I followed that directive and asked the Dorchester County Republican Party Filing Officer, Tony Piscatella, to report to me as to which candidates filed in compliance with Anderson and Florence County and which ones did not. Mr. Piscatella reported back and I certified all candidates but one, who I decertified, based on Mr. Piscatella's representations to me. The letter I sent was on South Carolina Republican Party letterhead, and no one at the time challenged my authority or duty to certify or decertify and the Dorchester County Election Commission accepted my certifications.

The key point is that I certified and decertified the candidates—not Tony Piscatella or someone from the South Carolina Republican Party or anyone else. My signature is on the letter. When a person takes action under binding court orders—from the South Carolina Supreme Court, no less—and the person later realizes those actions were incorrect, I believe that person has an obligation to correct the matter. I believe the Supreme Court expected me to do that, and the Supreme Court's comments in the Florence County case cannot be interpreted any other way.

The South Carolina State Election Commission appears to be concerned with whether I have the authority to make certification and decertification decisions. I have to admit, I am completely unconcerned with whether I have the *authority* to make those decisions. What I am concerned with is whether the Supreme Court of South Carolina would believe I have the *duty* to do what I have done. I believe the answer to that question is yes, no matter how much I wish it wasn't.

Other parties in this action have taken issue with my compliance with the ex parte temporary restraining order entered in this case before I was even aware that the case had been filed. I did not "choose" to comply with that order—I had to. I find it extremely troubling that parties to a lawsuit would openly criticize another party for doing what the Court plainly and expressly ordered them to do. That ex parte temporary restraining order commanded all parties to decertify non-incumbent Dorchester Republican Party candidates and I simply did what I was told.

I am the Chairman of the Dorchester County Republican Party. I did not seek election to that office for the purpose of executing controversial court orders. But I find myself in that position nonetheless, and I believe I have a duty to diligently comply with

such orders in good faith regardless of the criticism that is heaped on me as a result. As I explained above, I believe in the rule of law, and the rule of law mandates faithful compliance with court orders. That is exactly what I have tried to do, despite the adverse political consequences involved.

EVIDENTIARY CONSIDERATIONS

Making the determinations required by the Supreme Court has been difficult in some cases. I have had to weigh and consider various kinds of evidence. And at the outset, it must be acknowledged that a substantial number—very likely a large majority—of non-incumbent candidates around the state did not file paper SEI forms simultaneously along with their paper SIC forms. The reason is that the instructions provided to candidates by the political parties (and, it must be said, a number of other sources) made no mention of any requirement to provide a paper copy of an SEI to the political party filing official. In fact, the instructions given to GOP candidates—including those in Dorchester—indicated that the SEI related requirement was only a printed confirmation of an electronic SEI filing with the South Carolina Ethics Commission.

The effect of this is highly unfortunate: non-incumbent candidates who perfectly followed the instructions they were given actually filed incorrectly. Only candidates who deviated from the filing instructions by providing a paper SEI instead of or in addition to an Ethics Commission confirmation actually accomplished a proper filing. Clearly it is fair to presume that most people filing for public office carefully follow the instructions they are given, and the accuracy of that presumption is unfortunately borne out by the large number of non-incumbent candidates who have been decertified from the ballot in the wake of Anderson and Florence County.

That being said, some non-incumbent candidates did happen to file paper SEIs at the same time they filed paper SICs Anderson and Florence County mandate that the political parties determine which non-incumbent candidates actually did this, and anyone involved in South Carolina politics will attest to the difficulties that have been encountered in making these determinations

All manner of tactics have been employed by stakeholders in this process to influence the decertification decisions. Some of these tactics have been appropriate, some have not. Some have been geared towards encouraging compliance with the Supreme Court's rulings—other tactics have discouraged compliance and even encouraged willful noncompliance. Various individuals connected with this process have raised concerns about perjury, convenient memories, forgery, backdated documents, cover-ups, witness intimidation—the list goes on and on.

Further, it would be naive to pretend it is inconceivable that someone might swear that they filed a document they didn't file when an election victory is on the line. "I filed a paper copy of my SEI, I don't know why it isn't in your files" has become the South Carolina politics version of "The dog ate my homework." Sometimes the dog does eat the homework, but no one living in the real world would assign much evidentiary value to the claim.

Importantly, this sort of misstatement need not always be perjury—some individuals may simply be mistaken about what they filed and have resolved any uncertainty in their minds in favor of having filed the right document. A convenient memory is not necessarily a lie, and the English language actually captures this concept with the idiom "I could have sworn." "I could have sworn" means that a person was so

sure of something they could honestly attest to it under oath—and yet they later discovered it was wrong, despite their certain memory¹

Given the potential for dishonesty or convenient memory, I simply could not give much if any evidentiary weight to self-serving statements about the filing process. I have given weight to statements against interests, and I have also given weight to witnesses who offer testimony which is not self-serving. While politics often favors the candidate who is the better liar, it should not be the case that candidates willing to commit perjury are automatically on the ballot while candidates who tell the truth are removed. In making my certification and decertification decisions, I have relied on independent standards where possible, especially in light of the fact that Tony Piscatella's representations are no longer reliable.

DORCHESTER REPUBLICAN PARTY FILING PROCEDURES

I based my pre-election certification decisions on five considerations: (1) Tony Piscatella's representations to me that every candidate except John Mondo had in fact filed a paper SEI for the preceding calendar year at the same time and with the same official as the candidacy papers were filed; (2) Tony Piscatella's representations to me that he employed procedures that produced this unexpected result—i.e., that he went above and beyond the instructions from the SCGOP and required a paper SEI from every

¹ There is actually a South Carolina case discussing this phenomenon. In In re Walsh, 356 S.C. 97 (2003), our Supreme Court removed a judge from office for intemperate behavior. In one situation, a police officer swore under oath that a defendant had failed to stop at a stop sign. The defendant and his wife both swore that he had in fact stopped. The judge ordered the police officer to produce the videotape, which apparently supported the police officer's testimony. The judge then berated the defendant for lying. In criticizing the judge's conduct, the Supreme Court found—and rightly so—that it is quite possible to be mistaken without lying. And it is clear from the discussion of the case that the defendant was absolutely certain he had stopped for the stop sign.

candidate, (3) Tony Piscatella's representations to me that he checked the files after the Anderson and Florence County cases came out to verify the paper SEIs, (4) my own filing experience with Tony Piscatella, in which we printed two paper copies of my SEI that had not yet been filed with the State Ethics Commission and I gave one to Tony and kept one for myself, and (5) Tony Piscatella's credibility, which I believed to be impeccable. Based upon these factors, as the party official tasked with certifying candidacies of all individuals filing with the DCRP, I certified the candidacies of every Republican candidate in Dorchester County except for John Mondo.

However, information began to come to light after the election that cast serious doubt on whether I could reasonably rely on Mr. Piscatella's representations. Immediately after the election, Mr. Piscatella was asked to produce the file copy of Sean Bennett's SEI. Mr. Piscatella could not do so and claimed the document had gone missing. Mr. Piscatella theorized that perhaps it had been lost or stolen or perhaps he had accidentally shredded it. This seemed unusual, to say the least.

Yet more evidence came to light that Mr. Piscatella's representations could not be relied upon. Roger Goodman and John Hull, non-incumbent candidates for Dorchester County Council, submitted affidavits that neither had provided a paper SEI at filing. Janette Chipas, who assisted Mr. Piscatella with some of the filings, independently confirmed Mr. Goodman's story because she handled his filing and signed his checklist.

Jordan Bryngelson and Mike Turner, non-incumbent candidates for State House and Sheriff respectively, both submitted affidavits that Mr. Piscatella did not want to accept their paper SEIs but only wanted their proof-of-filing papers instead, consistent with his instructions from the SCGOP. Both insisted on filing paper SEIs and apparently

did so, but their affidavits demonstrate that Mr Piscatella did not employ any sort of filing procedure that resulted in every candidate filing a paper SEI

In fact, a careful analysis of affidavits provided by candidates and party officials and a comparison with the DCRP files as delivered to the Dorchester County Clerk of Court reveals that there was simply no consistent procedure employed in the filing process. Practically every candidate who has come forward to describe their filing experience tells a different story, and the files bear that out.

For example, Sean Bennett is not the only candidate whose SEI is not in the file. Despite Piscatella's claim that he made every candidate file a paper SEI, Cheryl Graham, Christopher Nesbit, L C Knight, and John Mondo's files lack paper SEIs in addition to Bennett's. Graham, Nesbit, and Knight were incumbents and therefore under no legal duty to provide paper SEIs at the time of filing, but Mr Piscatella's representation that every candidate filed a paper SEI due to his procedures is simply false.

And while the Mondo situation might otherwise appear to be an indicator of Mr Piscatella's credibility, a closer examination of John Mondo's filing actually demonstrates that Mr Piscatella wrongly accepted his filing even under the standards put forth by the SCGOP. My understanding of the facts of Mr Mondo's filing are as follows: He appeared at the DCRP office to file for office. He had not yet filed an SEI with the South Carolina Ethics Commission, and so he had no proof of filing as required by the DCRP checklist. Mr Piscatella directed him to log in to his Ethics Commission account on a computer in the DCRP office for the purpose of completing the SEI requirement. Mr Mondo had difficulty with the computer and he left the office having filed neither a paper SEI nor a proof of SEI filing.

Yet Mr Piscatella signed the "Received by" acknowledgement on Mr Mondo's Candidate Packet Checklist "I hereby acknowledge that I have received all of the forms and information needed to file for the above office and state that I have accurately and honestly completed the document" Mr Piscatella signed this acknowledgement even though it was completely false Mr Mondo had not provided him with any document whatsoever in an attempt to satisfy the SEI requirement neither a proof of filing nor an actual paper SEI itself Even under the inaccurate pre-Anderson filing standards used by the political parties, Mr Piscatella wrongly accepted Mr Mondo's filing and falsely certified that he had filed correctly

The DCRP candidate files have serious problems beyond those described above In fact, in 13 of 20 cases, the candidate checklist deviates in some fashion from what is actually in the file Mike Turner's checklist shows he provided a campaign disclosure, but it is not in the file This is also true for my own filing as well as those of Christopher Nisbet, Bill Hearn, and Jordan Bryngelson, Larry Hargett, and John Hull Larry Hargett and John Hull both have checklists showing each filed an affidavit Neither did and neither were required to

Just as troubling, and briefly discussed above, are a number of situations where candidates have found documents in their files that they did not file and which were added to the DCRP files without their knowledge Further, all known examples of this thus far relate to documents that are available for printing on the Internet This is consistent with a statement Tony Piscatella made to Jordan Bryngelson during Bryngelson's filing 'Mr Piscatella stated that if it turned out later he needed paper

copies of the SEI forms, he could print them out and add them to the file because they were filed online ” See Affidavit of Bryngelson, ¶ 6

This appears to have happened in numerous situations. In addition to Hull and Goodman, the file for Dorchester County Council Chairman Larry Hargett contains a paper SEI, yet Chairman Hargett states that he never filed a paper copy of his SEI with the DCRP or anyone else. See Affidavit of Hargett. Sen. Mike Rose has also provided an affidavit that he did not file a paper copy of his SEI with the DCRP, yet one appears in his file too. See Affidavit of Rose. Dorchester County Treasurer Mary Pearson’s SEI bears a notation on it that suggests it may have been added to the file ten days after she filed. This is beyond problematic—it shows that a number of documents in the file, including SEIs, were not filed by the candidates and therefore cannot qualify under the dictates of S.C. Code § 8-13-1356(B).

This leads to a very troubling conclusion. Of the twenty candidate filings made with the DCRP, five of them have no SEI in the file (Graham, Nisbet, Knight, Bennett, and Mondo) and another four of five of them had an SEI added later and/or without the candidate’s knowledge (Hull, Goodman, Hargett, Rose, and perhaps Pearson). That means that there are major questions surrounding the SEIs in ten out of twenty candidate filings—50%. This does not inspire confidence in the validity of any document filed with the DCRP.

Further, for the SEIs, the dates and times appearing on them are absolutely not reliable indicators of when they came into existence. The date and time stamp on the documents is generated by the date and time settings on the computer that printed them. Anyone could backdate the SEIs simply by changing the date and time on the computer.

prior to printing the SEI, a process that literally takes less than 30 seconds. An SEI for Gov. Nikki Haley bearing a printing date of June 1, 1980 can be printed in approximately one minute. An SEI for Lt. Gov. Glenn McConnell bearing a printing date of December 25, 2015 can be printed in the same amount of time.

Some conclusions can be drawn from what was filed. For example, the presence of a document in the file is not necessarily evidence that it was filed simultaneously along with any other document. But the absence of a document from the file is probative evidence on the question of whether the document was not filed. Simply put, if a document is not in the file, I believe one must conclude that more likely than not, it was never filed.

Of course, added facts might change that conclusion in a given situation. If the DCRP headquarters had burned down, for example, the absence of a document in the file would be useless. But if a document is not in the file, unless some reasonable proof is put forward as to how it disappeared, I believe the preponderance of the evidence weighs in favor of the conclusion that the document simply was never filed. That has been the basis for my post-election certification and decertification decisions.

What is clear—and is clear beyond a shadow of a doubt—is that the representations made by Mr. Piscatella are wholly unreliable. His conduct in this matter has suggested deception on more than one occasion. While his attorney claimed he was holding on to the Dorchester County Republican Party files to secure them, Mr. Piscatella refused to provide even a copy or scanned PDF of what he had in his possession. Neither of those options implicated document security in any way, yet Mr. Piscatella and his attorney refused both.

This was especially troubling in light of Mr. Piscatella's comments to press to the effect that if the Democrats filed a lawsuit over candidate filings, the case would not get through discovery, implying that he had all the documents to prove every candidate filed properly. Mr. Piscatella knew that implication was incorrect with regard to Sean Bennett—discovery would (and did) show that Bennett had no SEI in the file. Further access to the DCRP candidate filings has raised far more questions than it has solved. Presumably Mr. Piscatella knew of the numerous problems described above and that—not document security—was the basis for his refusal to even provide a scanned PDF or copy of those documents until this Court ordered him to do so.

Given all of this, it is clear there was essentially no candidate filing routine at all with the DCRP. Each filing was more or less an ad hoc affair. Further, any representations Mr. Piscatella makes are simply not reliable given his history and pattern of deception and, quite frankly, dishonesty in this matter.

SPECIFIC CANDIDATE CERTIFICATIONS

In addition to the general information provided above, I have considered candidate certifications on a one-by-one basis. The following demonstrates what I have done with regard to each non-incumbent candidate and why I believe my decisions have been correct under Anderson and Florence County.

HULL AND GOODMAN

County Council candidates John Hull and Roger Goodman have provided affidavits indicating that they did not file paper copies of their SEIs at any point in time with the Dorchester County Republican Party. I have no choice but to decertify them.

MONDO

No party disputes that John Mondo did not file a paper copy of his SEI or a paper copy of any document whatsoever relating to the SEI filing requirement. He has previously been decertified and that decertification decision was correct.

BENNETT

My decertification decision as to Sean Bennett was initially based on one set of facts, but since the decision was made, additional evidence has supplied two more bases that mandate decertification of Mr. Bennett. One of these bases is a black and white legal matter—Mr. Bennett failed to file an SEI for the preceding calendar year as required by S.C. Code § 8-13-1356(B). Regardless of whether Mr. Bennett filed the SEI he claims to have filed, he must be excluded from the ballot nonetheless.

Sean Bennett SEI Date Issue

As all parties are aware, South Carolina's 2012 elections have been the subject of a substantial amount of litigation in the past few months. The two major cases were the Supreme Court's decisions in Anderson v. South Carolina Election Commission and Florence County Democratic Party v. Florence County Republican Party. Both of these cases dealt with the proper interpretation of S.C. Code § 8-13-1356, and in both cases the Supreme Court held that Section 8-13-1356 should be given a strictly literal interpretation. In no uncertain terms, the Supreme Court held that the Legislature meant exactly what it said when it adopted Section 8-13-1356.

Just like Anderson and Florence County, this issue with Bennett arises out of the non-incumbent candidate filing requirements found in Section 8-13-1356(B), specifically

the SEI requirement. In Anderson, the Supreme Court stated the following about subsection (B)

We are asked to construe the meaning of S.C. Code Ann. § 8-13-1356 (Supp. 2011), which provides that “[a] candidate must file a statement of economic interests for the preceding calendar year at the same time and with the same official with whom the candidate files a declaration of candidacy or petition for nomination.” Under longstanding rules of statutory construction, we find the statute means what it says.

The Supreme Court went on in Anderson (and later Florence County) to hold candidates and political parties to the literal terms of Section 8-13-1356(B), ordering candidates who had not strictly complied with the terms of the statute removed from the ballot.

While Anderson and Florence County focused primarily on whether candidates had provided paper copies of SEIs and whether those SEIs were provided at the same time as statements of intention of candidacy, the holding of those cases was that the literal terms of Section 8-13-1356 are binding and any candidate who has not complied with those terms must be removed from the ballot.

This specific issue relating to Bennett’s filing focuses on a portion of Section 8-13-1356(B) that was not at the forefront of Anderson or Florence County but is nonetheless unquestionably part of the statute: the requirement that the SEI be “for the preceding calendar year.” That portion of the statute is undoubtedly subject to the exact same interpretive rules as the rest of the statute—i.e., a strictly literal, plain-language interpretation. There is no factual question in this case that the Bennett failed to file an SEI for the preceding calendar year—he filed an SEI for 2010, not 2011. The issue, therefore, is whether he has legally failed to comply with Section 8-13-1356(B). If so, then exclusion from the ballot is mandatory under Anderson and Florence County.

The ink is barely dry on Anderson and Florence County, and they each stand for the proposition that S C Code § 8-13-1356 is to be read literally. The Supreme Court's interpretation is that the only way to comply with Section 8-13-1356 is to do exactly what Section 8-13-1356 says. Given the interpretive principles established for Section 8-13-1356 in Anderson and Florence County, the Bennett issue becomes quite simple.

Bennett simply did not file a paper SEI *for the preceding calendar year* along with his statement of intention of candidacy as required by Section 8-13-1356(B). Even if Bennett did file the paper SEI he claims to have, that SEI was not for the preceding calendar year of 2011—it was for the calendar year 2010. There is just no way around this—an SEI for 2010 is not an SEI for the preceding calendar year. No amount of creative argument or aggressive lawyering can make it so.

----- If this case did not come in the wake of Anderson and Florence County, Bennett might have a chance at arguing that his mistake was technical and that he should not suffer the harsh penalty of removal from the ballot over a technical mistake. But the Supreme Court's decisions in Anderson and Florence County unquestionably deprive Bennett of that argument. In fact, those decisions stand for the diametrically opposite proposition: a candidate must comply with the provisions of Section 8-13-1356(B)—whether they are “technical” or not—or else that candidate cannot appear on the ballot.

There is no doubt that the Supreme Court's decisions in Anderson and Florence County have provoked much wailing and gnashing of teeth. But there is an understated elegance to the proposition that if a statute requires that something be done, someone must actually do the thing to comply with the statute. And the Supreme Court has plainly stated that ignorance (or misinterpretation) of the law is no excuse.

The dictates of S C Code § 8-13-1356(B) are not difficult to understand. Neither a law degree nor a Bar card are required. As the Supreme Court explained in Anderson, the statute simply requires that a candidate (1) file a paper copy of his or her SEI (2) for the preceding calendar year (3) at the same time (4) and with the same official with whom the candidate files a declaration of candidacy or petition for nomination. The requirement that the SEI be “for the preceding calendar year” is not hidden within the statute. It is plain as day—and sufficiently clear that *every other GOP candidate in Dorchester County got it right*. Only Bennett filed an SEI for the wrong year.

Bennett may claim that he was confused by the South Carolina State Ethics Commission’s SEI filing system and that his filing for the wrong year was unintentional. As explained in the prior paragraph, such a claim is belied by the fact that every other Dorchester County GOP candidate managed to file an SEI for the correct year. Further, the Ethics Commission’s filing system expressly states that a 2011 report is for the calendar year 2010.

When a candidate goes to file an SEI online with the Ethics Commission, the system requires that the candidate select a filing year. The Ethics Commission system explains the filing year matter in plain English: “**Statement of Economic Interests /** Please select the filing year for this report. The information in this report is for the previous calendar year.” The system goes on to give examples, stating that “the 2011 report [is] for information from 1/1/10 to 12/31/2010” and that “the 2012 report [is] for information from 1/1/11 to 12/31/2011.”

If the Ethics Commission system did not contain this explanatory material—which is automatically displayed during all SEI filings—Bennett might try to argue that

the Ethics Commission system is confusing. But this explanatory material resolves any confusion that might otherwise exist on this point, and again, every GOP candidate in Dorchester County filed the correct SEI except for Bennett.

What this issue boils down to is simply this: if Bennett had followed S.C. Code § 8-13-1356(B), he would have filed an SEI for the previous calendar year, i.e. 2011. But he didn't—the SEI he claims to have filed was for 2010. The Supreme Court has made clear that compliance with S.C. Code § 8-13-1356(B) is mandatory and that a failure to comply results in removal from the ballot.

Even if I were to take Bennett's word for it and find that he filed a paper SEI at the same time and with the same official with whom he filed his statement of intention of candidacy, that only meets three of the four requirements of S.C. Code § 8-13-1356(B). The fourth requirement—that the SEI be for the preceding calendar year—was not met. Based upon that, Bennett must be excluded from the ballot because he did not lawfully file for office under S.C. Code § 8-13-1356(B).

The key point is this: S.C. Code § 8-13-1356(B) doesn't simply require any old paper SEI that a candidate might file. The statute specifically requires that the SEI be for the preceding calendar year. As described above, the SEI Sean Bennett claims to have filed is for 2010, not the preceding calendar year of 2011. Therefore, even if Bennett provided the SEI he claims to have provided, it was not the correct SEI required by Section 8-13-1356(B). Therefore, Bennett must be decertified for failure to comply with S.C. Code § 8-13-1356(B).

Sean Bennett Simultaneous Filing Issue

Adding to the general discussion above, some specific issues have arisen with regard to the issue of whether Sean Bennett actually filed a paper copy of his SEI—even though it is for the wrong year. Those issues merit discussion even though they are not determinative.

As I allude to above, the primary basis for my earlier decertification of Sean Bennett pursuant to Anderson was that his SEI was not in the file and I simply do not believe Mr. Piscatella's representations that it once was in the file. Further, I believe it is necessary to adopt an independent standard to determine SEI filing issues such that a candidate can't simply lie his or her way onto the ballot—not that Mr. Bennett is trying to, but it remains a serious concern. The standard I applied is that if a document is not in the file, it is more likely than not that it was not filed.

Beyond that, at this point I note the credibility issue that has arisen as to whether Mr. Bennett had a witness. Mr. Bennett says he had an employee of his witness his filing, and Mr. Piscatella says the same. However, the two other DCRP individuals present at the time, Ann Shields and Janette Chipas, have both provided affidavits saying that the employee did not witness his filing and did not accompany him back to the filing room. That is just another reason to doubt that Mr. Bennett ever filed a paper copy of an SEI.

In conclusion with regard to Mr. Bennett's filing, he cannot be certified because the SEI is not "for the preceding calendar year." Further, I do not believe it is more likely than not that Mr. Bennett actually filed a paper copy of his SEI because the best evidence of whether he filed it is whether it was in the file and it was not.

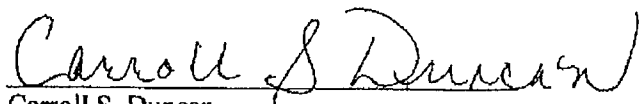
CARTER, BRYNGELSON, TURNER, AND DUNCAN

With regard to the remaining candidates at issue, Carter, Bryngelson, Turner, and myself, each swears to have filed a paper copy of their SEI and a paper copy of their SEI appears in the file. The SEIs are "for the preceding calendar year" and so they qualify under Section 8-13-1356(B). I believe it is more likely than not that each of the foregoing candidates did file a paper SEI for the preceding calendar year at the same time and with the same official with whom they filed their paper statements of intention of candidacy. I believe each should be recertified, however I request the Court make that determination with regard to my own candidacy to avoid as much as possible the appearance of a conflict of interest.

CONCLUSION

None of this has been pleasant. I deeply regret taking any action whatsoever to remove any candidates from the ballot. But I have had no choice given the South Carolina Supreme Court's orders in Anderson and Florence County.

Respectfully submitted,



Carroll S. Duncan
Dorchester Co. Republican Party Chairman

August 2, 2012
Summerville, South Carolina

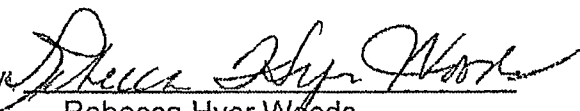
Sworn to and subscribed before me
this second day of August, 2012



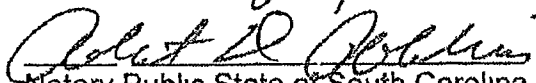
Notary Public for South Carolina
My Commission Expires 08/15/2022

- 4 Mr Bennett has provided me with affidavits filed by Janette Chipas and Ann Shields in Civil Action No 2012-CP-18-1632 The purpose of this Affidavit is to respond to the allegations of these affidavits
- 5 When Mr Bennett and I entered the offices of the Dorchester County Republican Party, we were introduced to Ann Shields and Tony Piscatella Ms Shields was working behind the receptionist desk which was to your immediate left as you entered the front door and Mr Piscatella emerged from the adjoining room While I did not enter the adjoining room, I had a clear line of sight as Sean Bennett followed Mr Piscatella into the room I saw Mr Bennett hand his paperwork to Mr Piscatella in the doorway of the room accompanying the reception area before they were seated at the table
- 6 At no time was the door to the adjoining room closed Mr Piscatella was in my direct line of vision throughout the entire time
- 7 I was standing in the reception area near the doorway to the adjoining room I did have a discussion with Ann Shields about the Tea Room at St Pauls, as I told her that I was headed there when I left the campaign headquarters I did not tell her I was a member of Bethany United Methodist Church, as I am a member of the Presbyterian Church on Edisto Island, where I live
- 8 When Mr Bennett and Mr Piscatella finished with the filing, Mr Piscatella acknowledged both of us and we left together

FURTHER AFFIANT SAYETH NOT

By 
Rebecca Hyer Woods

SWORN TO AND SUBSCRIBED BEFORE ME
this 3 day of August, 2012


Notary Public State of South Carolina
My Commission Expires 6-12-18

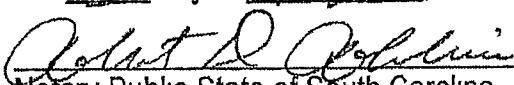
- 3 When we entered the office, we were greeted by Ann Shields who was working behind a reception desk and Tony Piscatella
- 4 I handed Mr Piscatella my campaign document file at the doorway and followed him into the adjoining room Rebecca Hyer Woods remained in the reception area, but had a direct visual line into the adjoining room to include the filing desk where Mr Piscatella processed my file
- 5 It is important for the Court to understand the layout of this office It is a very small office, roughly 20 feet deep by 15 feet wide As you enter the front door, the receptionist desk is to your far left That is where Ms Shields was at all times The filing room immediately joined the reception area and was not in the rear of the office The descriptions of Ms Shields and Ms Chipas would have the Court believe there was some great distance and barrier between the reception area and the area where I delivered my file That is simply not the case I have provided the Court with a personal sketch of the layout and where the various parties were located (see attached sketch)
- 6 When I entered the filing room, I did not see Janette Chipas The only other person besides Tony Piscatella, present in the space, was candidate John Mondo, who was busy filling out paperwork
- 7 Within the file I provided Mr Piscatella were all of the necessary documents to properly file as a candidate for Senate District 38, including my Statement of Economic Interest Form for my financial activity during the calendar year 2011 He accepted my paperwork and when we were finished, he acknowledged me and Ms Woods and we left the building

FURTHER AFFIANT SAYETH NOT!

-By


SEAN MICHAEL BENNETT

SWORN TO AND SUBSCRIBED BEFORE ME
this 3 day of August, 2012


Notary Public State of South Carolina

My Commission Expires

6-12-18

**SC GOV - SC State Ethics Commission Public Disclosure and Accountability
Reporting
Contributions
Contribution Results**

Selected

Name Shields Ann
Office: State Senate
Cand /Comm. Rose, Michael T
Election Date 06/01/2012
Amount Range All

Your search has returned 1 results To narrow your search, use the 'Back' button To view the entire report, search [Individual Reports](#)

Contribution Search Results

Date	Amount (\$)
10/06/2011	-100-00

[← Back](#) [Start Over](#)

**SC GOV - SC State Ethics Commission Public Disclosure and Accountability
Reporting
Contributions
Contribution Results**

Selected

Name Chipas, Janette K
Office State Senate
Cand / Comm Rose, Michael T
Election Date: 06/01/2012
Amount Range All

Your search has returned **2** results To narrow your search, use the "Back" button To view the entire report, search [Individual Reports](#)

Contribution Search Results

Date	Amount (\$)
04/17/2010	200 00
03/20/2009	100 00

[← Back](#) [Start Over](#)

**SC GOV - SC State Ethics Commission Public Disclosure and Accountability
Reporting
Contributions
Contribution Results**

Selected

Name Chipas, Tony
Office State Senate
Cand /Comm Rose, Michael T
Election Date 06/01/2012
Amount Range All

Your search has returned 5 results. To narrow your search, use the "Back" button. To view the entire report, search [Individual Reports](#)

Contribution Search Results

Date	Amount (\$)
04/30/2012	200.00
09/15/2011	500.00
10/01/2010	200.00
04/17/2010	0.00
03/20/2009	0.00

[← Back](#) [Start Over](#)

SC GOV - SC State Ethics Commission Public Disclosure and Accountability
Reporting
Contributions
Contribution Results

Selected

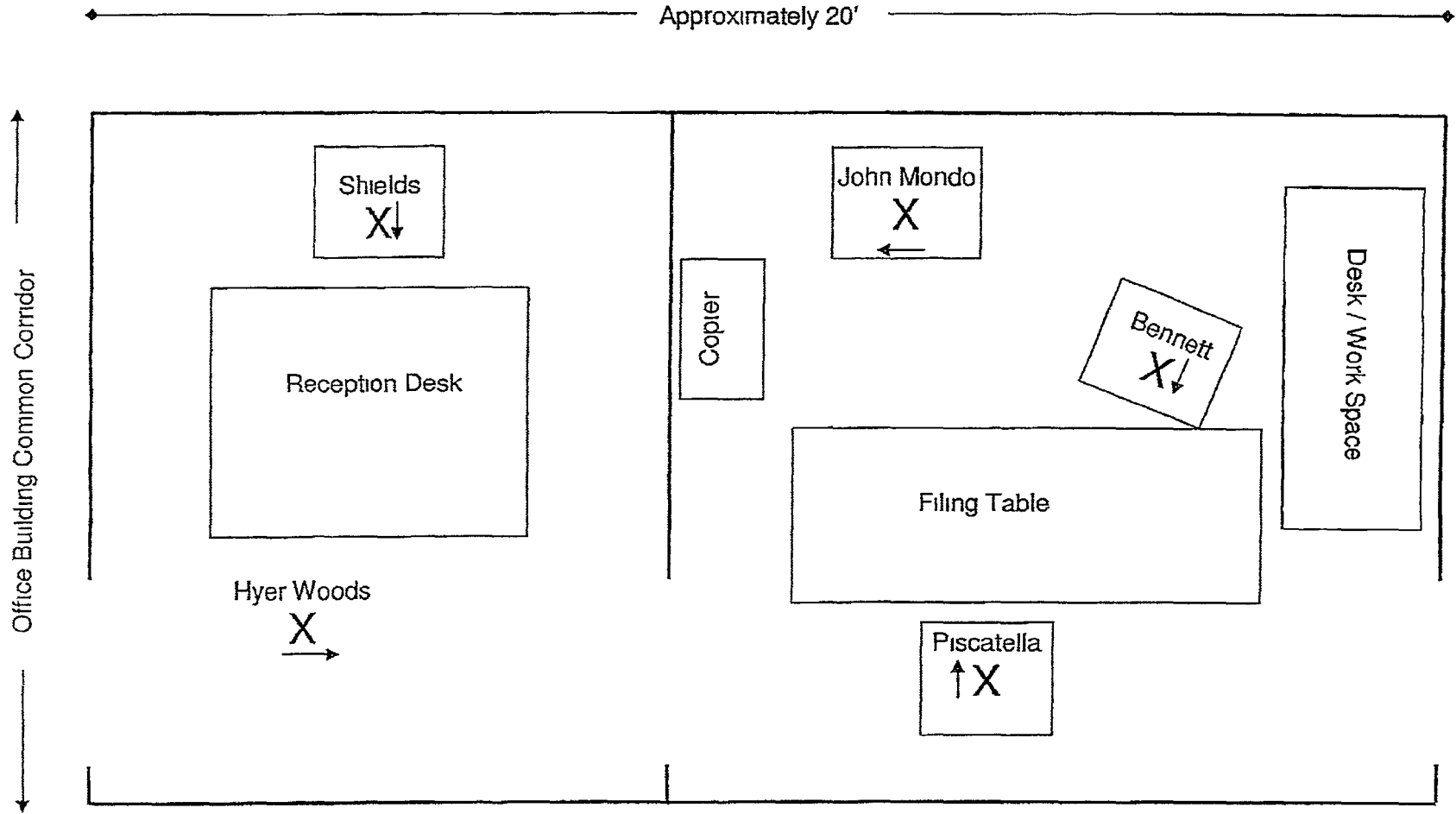
Name	Chipas, Tony
Office	State Senate
Cand / Comm	Rose, Michael T
Election Date	11/04/2008
Amount Range	All

Your search has returned 1 results To narrow your search, use the "Back" button To view the entire report, search [Individual Reports](#)

Contribution Search Results

Date	Amount (\$)
10/27/2008	50 00

[← Back](#) [Start Over](#)



STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
) IN THE FIRST JUDICIAL CIRCUIT
COUNTY OF DORCHESTER)

DORCHESTER COUNTY) Civil Action No 2012-CP-18-1632
DEMOCRATIC PARTY,)

Plaintiff,)

vs)

AFFIDAVIT OF SEAN BENNETT
IN RESPONSE TO DEFENDANT
MIKE ROSE'S MOTION FOR
PARTIAL SUMMARY JUDGMENT

DORCHESTER COUNTY REPUBLICAN)
PARTY (*Carroll Duncan, as Chairman*),)
COLLETON COUNTY REPUBLICAN)
PARTY, BERKELEY COUNTY REPUBLICAN)
PARTY, CHARLESTON COUNTY REPUBLICAN)
PARTY, SOUTH CAROLINA REPUBLICAN)
PARTY (*Matt Moore as Executive Director*)
& *Chad Connolly, as Chairman*), DORCHESTER)
COUNTY ELECTION COMMISSION (*Joshua*)
Dickard as Executive Director), BERKELEY)
COUNTY ELECTION COMMISSION,)
CHARLESTON COUNTY ELECTION)
COMMISSION, SOUTH CAROLINA STATE)
ELECTION COMMISSION (*Marcy Andino, as*)
Executive Director & Chris Whitmire as Director)
of Public Information and Training),)
SEAN BENNETT, MIKE ROSE, TONY)
PISCATELLA)

Defendants)

PERSONALLY APPEARED BEFORE ME, SEAN MICHAEL BENNETT, who after
being duly sworn deposes and says as follows

- 1 I am the Senator Elect for Senate District 38 and am offering this Affidavit in
response to Defendant Rose's assertion that I filed a Statement of Economic
Interest Form in 2010
- 2 Attached to this Affidavit is an exact copy of the Statement of Economic
Interest Form that I completed on March 19 2012 and downloaded at 2 07
p m I completed this form and downloaded it on March 19 as my
appointment with the Dorchester County Republican Party to file as a
candidate for Senate District 38 was set for March 20, 2012 at 11 30 a m
- 3 I have read the Affidavit of the purported forensic expert hired by Defendant
Rose to insinuate that I did not download this document on March 19 2012 I

can only say that he is dead wrong and March 19, 2012 is when I executed the Statement of Economic Interest

- 4 My purpose for executing a Statement of Economic Interest on March 19, 2012 was to file as a candidate for the Senate 38 primary election to be held on June 12, 2012 At no time prior to March 19, 2012 have I ever run for public office or held public office At no time prior to March 19, 2012 have I ever had a reason to file a Statement of Economic Interest
- 5 Mr Rose, as he has done often in this matter, has made a baseless accusation that I have filed a Statement of Economic Interest for the calendar year of 2010 It makes no sense for me to do that, as I held no office and was not a candidate in 2011 that would have required the filing of this document Further, the deadline for filing a 2010 report was April 15, 2011
- 6 If I should have entered 2012 for the year immediately below my name, my response is that this was clearly a scrivener's error The economic information I entered on the form was from 2011 *not* 2010, the information I entered was accurate and current
- 7 The filing deadline for 2012 report was on April 15, 2012 By filing on March 20, 2012 I was clearly making a current report of my 2011 Statement of Economic Interest
- 8 Again, I reiterate to this Honorable Court, that the Statement of Economic Interest I filed electronically and the hard copy that I filed simultaneously with my Statement of Intention of Candidacy was a current report of my Statement of Economic Interest for the calendar year 2011 I would respectfully ask the Court to deny Defendant Rose's Motion

FURTHER AFFIANT SAYETH NOT!

By


SEAN MICHAEL BENNETT

SWORN TO AND SUBSCRIBED BEFORE ME
this 3 day of August, 2012


Notary Public State of South Carolina

My Commission Expires 6-12-18

**SC GOV - SC State Ethics Commission Public Disclosure and Accountability
Reporting****Electronic Filing****Statement of Economic Interests Review****Filing Report Review**

Name Sean Bennett
Year 2011
Filing Type Original

Demographic Information

Name	Address	Phone	County
Sean Bennett	1422 Peninsula Pointe Summerville, SC 29485	843 442 3009	Dorchester

Positions

Position/Title	Entity	Type	Term of Office	Date Filed
Senator	Senate	Candidate	1/2013 1/2017	3/2012

Income and Benefits

*** No Income and Benefits Reported ***

Family Income and Benefits

*** No Family Income and Benefits Reported ***

Regulated Business Associations

*** No Regulated Business Associations Reported ***

Real or Personal Property Interests

*** No Property Interest Entries Reported ***

Real or Personal Property Interests II

ROA 1345

*** No Sold Leased or Rented Property Interests Reported ***

Business Interests

Name of Business	Relationship
Asset Integration Consultants, Inc	Owner

Creditors

*** No Creditors Reported ***

Lobbyist/Lobbyist's Principal

*** No Lobbyist/Lobbyist's Principal Entries Reported ***

Government Contracts

*** No Government Contracts Reported ***

Gifts

*** No Gifts Reported ***

Travel Reimbursement

*** No Travel Reimbursements Reported ***

General Assembly

*** No General Assembly Entries Reported ***

STATE OF SOUTH CAROLINA)
) IN THE COURT OF COMMON PLEAS
COUNTY OF DORCHESTER) IN THE FIRST JUDICIAL CIRCUIT

DORCHESTER COUNTY) Civil Action No 2012-CP-18-1632
DEMOCRATIC PARTY,)

Plaintiff,

VS

DORCHESTER COUNTY REPUBLICAN PARTY (<i>Carroll Duncan, as Chairman</i>),	)	<u>MIKE ROSE'S MOTION FOR</u>
COLLETON COUNTY REPUBLICAN PARTY, BERKELEY COUNTY REPUBLICAN PARTY, CHARLESTON COUNTY REPUBLICAN PARTY, SOUTH CAROLINA REPUBLICAN PARTY (<i>Matt Moore as Executive Director & Chad Connolly, as Chairman</i>),	)	<u>SANCTIONS FOR SPOILIATION OF</u>
DORCHESTER COUNTY ELECTION COMMISSION (<i>Joshua Dickard as Executive Director</i>),	)	<u>EVIDENCE AGAINST DEFENDANTS</u>
BERKELEY COUNTY ELECTION COMMISSION, CHARLESTON COUNTY ELECTION COMMISSION, SOUTH CAROLINA STATE ELECTION COMMISSION (<i>Marc Andino, as Executive Director & Chris Whitmire as Director of Public Information and Training</i>),	)	<u>SEAN BENNETT AND TONY</u>
SEAN BENNETT, MIKE ROSE, TONY PISCATELLA	)	<u>PISCATELLA</u>
Defendants	)	

PERSONALLY APPEARED BEFORE ME, SEAN MICHAEL BENNETT, who after
being duly sworn deposes and says as follows

- 1 I am the Senator Elect for Senate District 38 and am offering this Affidavit to
respond to the baseless Motion for Sanctions for alleged spoliation of
evidence filed by the Defendant, Mike Rose
- 2 As I have previously testified to under oath, I filed all of the necessary
documents including a Statement of Economic Interest with Tony Piscatella of
the Dorchester County Republican Party on March 20, 2012
- 3 At the end of the filing period, Dorchester County Republican Party
Chairwoman Carroll Duncan and others reviewed the files of all the
candidates prior to sending the Statement of Intention of Candidacy and
Pledge Notices to the South Carolina Republican Party. But, at no time, did

- Carroll Duncan, Tony Piscatella, or any other member of the filing review team" inform me that there was a problem with my paperwork
- 4 After the Anderson decision, Chairwoman Duncan sent an e-mail to all of the candidates, which I received, assuring us that the Dorchester County Republican Party had no problems. In that e-mail she states that we had "multiple sets of eyes reviewing these files and everything appeared to be in order" (A copy of the Duncan e-mail is attached hereto)
- 5 On May 3, 2012 Chairwoman Duncan sent an e-mail to the South Carolina Republican Party stating that every candidate had been certified, except for John Mondo. (A copy of the Duncan e-mail is attached hereto)
- 6 After the Florence County decision, Chairwoman Duncan initiated a second review of the candidate files. This time she informed Dorchester County Election Commission Executive Director Joshua Dickard that all candidate files had hard copies of the SEI filed simultaneously with the SIC and Duncan and Piscatella's decision "stands as is" (A copy of Duncan's e-mail to Josh Dickard is attached hereto)
- 7 The primary election for South Carolina Senate Seat 38 was held on June 12, 2012. I soundly defeated Senator Mike Rose by a margin of 60.09%-39.91%. I was declared the winner of the primary and the election was certified by the Dorchester County Election Commission. At no time did any citizen, any party, or Senator Mike Rose protest this election.
- 8 For reasons still unknown to me, Chairwoman Duncan apparently called Tony Piscatella at some point on the day after the election, and asked him to check the files again. I do not know why she would ask him to do this and she has had several opportunities to explain why she felt the need to have the files checked after the election, but has failed and refused to answer that question.
- 9 It is my understanding that Mr. Piscatella went to the Dorchester County Republican Party Headquarters to examine the files which were in a filing cabinet that was not locked. It is further my understanding that multiple people had access to the key code of the front door of the Dorchester County Republican Party Headquarters.
- 10 When Tony Piscatella checked the files, every candidate's files were intact but mine. Two documents were missing from my file, my Statement of

Economic Interest and my Campaign Disclosure Report. There is no doubt in my mind that those documents were filed on March 20, 2012. The only spoliation that has occurred in this case happened between June 7, 2012 and June 13, 2012 when someone went into the headquarters of the Dorchester County Republican Party and removed these documents from my file.

- 11 I began hearing rumors that there were problems at the headquarters and I asked Ms. Woods to give me an Affidavit as to her involvement with the filing process. I was also informed that Carroll Duncan and Tony Piscatella were going to secure the files and not let anyone have access to them on instruction of the South Carolina Republican Party.
- 12 At the same time, Richard Hayes of the South Carolina Democratic Party, was in the news daily, demanding to see the files and threatening a lawsuit. Mr. Piscatella retained Attorney Chris Murphy to represent him with respect to the issue involving the missing SEI and Campaign Disclosure Reports.
- 13 I am informed and believe that Mr. Piscatella downloaded a copy of my SEI from the State Ethics Commission website on June 13, 2012 so that he could show what had been in the file. He noted the date that he downloaded the file on the copy, 06-13-2012. He did this at a time when I had no knowledge that my SEI was missing. I had nothing to do with him downloading that document, yet Defendant Rose wants to label these documents as "Bennett 1" and "Bennett 2". Nothing could be further from the truth.
- 14 I was contacted by Attorney Murphy and asked to provide a copy of what I had filed with Mr. Piscatella on March 20, 2012. I provided Mr. Murphy with a copy of my folder. It included the exact Statement of Economic Interest Form that was filed on March 20, 2012. The Candidate Pledge was not included but it was filed on March 20, 2012, and was forwarded by Carroll Duncan to the State Republican Party. They have it on file as evidenced by the e-mail from Executive Director Matt Moore dated August 1, 2012 (e-mail of Matt Moore and a copy of candidate pledge on file with state Republican Party attached hereto).
- 15 There was no comingling of documents between me and Mr. Piscatella. I simply provided Attorney Murphy a copy of my file so that he could document what I had done.

- 16 Mr Rose's assertions that Mr Piscatella, Mr Murphy, and myself participated in an unexplained and deliberate spoliation of relevant, documentary evidence is libelous The facts are these I filed a proper Statement of Economic Interest on March 20, 2012, some third party stole that Statement of Economic Interest between June 7, 2012 and June 13, 2012, and I provided counsel for Mr Piscatella with a copy of what I filed
- 17 I respectfully ask the Court to deny Defendant Rose's Motion and award attorneys' fees for having to defend it

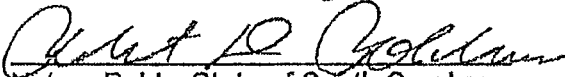
FURTHER AFFIANT SAYETH NOT!

By


SEAN MICHAEL BENNETT

SWORN TO AND SUBSCRIBED BEFORE ME

this 3 day of August, 2012



Notary Public State of South Carolina

My Commission Expires 6-12-18

Robby Robbins

Subject FW SCGOP Issues Statement on Candidate Certification

CERTIFIED COPY
2012 JUL 30 PM 4:27
Charles H. Williams
CLERK OF COURT
DORCHESTER COUNTY

----- Forwarded message -----

From **Carroll Duncan** <carrollduncan@gmail.com>

Date Fri, May 4, 2012 at 3 28 PM

Subject Fwd SCGOP Issues Statement on Candidate Certification

To Carroll Duncan <Carrollduncan@gmail.com>

Cc Tony Piscatella <tpiscatella@gmail.com>, Tim Huber <TRH61054@aol.com>, Janette Chipas <jkcchipas@sc.rr.com>, Barbara Mojonner <mojonner@earthlink.net>, Ann Shields <anshields@sc.rr.com>, Mikki Hunter <mikki25@sc.rr.com>

Dear Candidates,

Unbelievable, hectic, stressful is all I can say to describe this week. Provided below in the communique from SCGOP is the official list turned into the State Election Commission today of candidates who are certified. I chose to provide you the entire statewide list to peruse so you will see what's happened county by county.

Tony Piscatella drove me to the Swamp this morning so that I could hand deliver before noon to Joshua Dickard, Ex Director of Elections and Voter Registration, a certification letter with an attached list of all candidates who filed in Dorchester County who are to appear on the ballot. I am sorry to say Mr. John J. Mondo, Sr. could not be certified. Additionally, John Steinberger, who filed in Charleston County, was removed from Senate 41 race.

For your information, we were in great shape once the Supreme Court made their decision, especially for all the challengers and "newbies" because our team (listed above) spent weeks meticulously checking and rechecking what was required of us and we went the extra mile asking for the SEI information, not just the confirmation #.

Our home team go-to guy, Tony, was the master at taking over under the circumstances; you will recall I was unable to get up to the office with no elevator, he insisted that the extra step was taken. On the last day of filing we had multiple sets of eyes going over all the required info being sent to the State GOP and kept the SEI copies at the office.

As you all may already know, there were two major developments today:

1) Columbia Attorney Todd Kincannon filed a lawsuit in Federal Court this morning asking for an emergency hearing (probably not the legal term, so forgive me) on behalf of the candidates across the state who were taken off the ballot and

2) Senator Larry Martin, Chairman of the Senate Judiciary Committee, called an emergency meeting of said committee Tuesday, May 8, 10:00 am for the purpose of introducing and passing legislation to give those candidates who filed in a timely manner, but got kicked off the ballot for technicalities, time to submit proper documentation to the Parties and have them placed back on the ballot.

ROA 1352

Will update you as we receive information and thank each of you for your patience as we have diligently taken received information and applied the ruling passed by the Supreme Court, with many checks and balances The SCGOP rechecked all of the information the county parties sent to them yesterday Our goal as a Party is treat all GOP candidates fairly and equally
Sincerely,

Carroll

----- Forwarded message -----

From **Matt Moore** <matt@scgop.com>

Date Fri, May 4, 2012 at 12 55 PM

Subject SCGOP Issues Statement on Candidate Certification

To Matt Moore <matt@scgop.com>

FOR IMMEDIATE RELEASE

South Carolina Republican Party
Contact Matt Moore, Executive Director
803-988-8440

SCGOP Issues Statement on Candidate Certification

Columbia, SC - The South Carolina Republican Party today issued a statement following the S C Supreme Court's Noon, May 4 filing deadline

"On behalf of all South Carolina Republicans, I am sad about this week's candidate filing rulings, but am committed to following the S C Supreme Court's instructions Our party has meticulously analyzed the filing submissions in compliance with the standards set forth by the Court

We respect the Court's decision and in compliance with the Court's order, we have submitted our list to the Election Commission We are looking forward to moving ahead and anticipate animated and spirited primary contests on June 12th "

Link to filings

<https://docs.google.com/spreadsheets/ccc?key=0AtgtKoNHR5uNdEtoeGRSVUUVIUnIybzNCOHk4dkVHSEE>

###

----- Forwarded message -----

From **Carroll Duncan** <carrollsduncan@gmail.com>

Date Thu, May 3, 2012 at 3 02 PM

Subject Candidates Dorchester County Official Notice

To Matt MooreR <matt@scgop.com>

Cc Carroll Duncan <Carrollsduncan@gmail.com>, Tony Piscatella <tpiscatella@gmail.com>

Dear Matt,

Unfortunately, Mr John J Mondo, Sr , candidate for H 102, does **not** meet the criteria spelled out in the May 2, 2012 SC Supreme Court ruling He did not turn in a copy of the SEI with his Statement of Intention of Candidacy nor had he filed by March 30 with the Ethics Commission He did file as soon as he was notified of the deficiency by the EC on April 23

I look forward to hearing from you all about the latest appeal Mr Mondo indicated to Tony that he may run as a conservative Independent in the General Election in November

Carroll

Carroll S Duncan, Chairman
Dorchester County Republican Party
Summerville, SC

CERTIFIED COPY
2012 JUL 30 PM 4:37
Christy Williams
CLERK OF COURT
DORCHESTER COUNTY

Reception

From: Carroll Duncan [carrolsduncan@gmail.com]
Sent: Thursday, June 07, 2012, 2:06 PM
To: Joshua Dickard
Cc: Tony Piscatella; Carroll Duncan
Subject: Re: Supreme Court Ruling UPDATE

Josh,

After examining all candidate's files at the Dorchester County GOP office with all hard copies of the SEI being provided at the same time the Candidate Declaration form was submitted, to the best of my knowledge, at this time, no changes are required on the GOP Primary ballot. The certified candidates' list presented to you on May 4, 2012 before 12 noon by Tony Piscatella and me stands as is.

If you need further information, please don't hesitate to call me.

We certainly appreciate everything you, your staff and the Election Commissioners are doing to protect the integrity of the election process on June 12.

Best,

Carroll

Carroll S. Duncan, Chairman
Dorchester County GOP
843 873 1654

On Thu, Jun 7, 2012 at 10:47 AM, Joshua Dickard <JDickard@dorchestercounty.net> wrote:

I just received an update from the State Election Commission regarding any decertification's you may have. Please submit any decertified names to my office by 4:00 p.m. today, June 7, 2012. Thank you again for your help.

Joshua A. Dickard
Executive Director
Dorchester County Elections & Voter Registration

2120 East Main Street, Dorchester SC 29437
[843.832.0071](tel:843.832.0071) (office) | [843.832.0281](tel:843.832.0281) (fax)
<http://www.dorchestervotes.org>



Please consider the environment before printing this e-mail

CERTIFIED COPY
2012 JUL 30 PM 4:37
Joshua A. Dickard
CLERK OF COURT
DORCHESTER COUNTY

Robby Robbins

From Matt Moore [matt@scgop.com]
Sent Wednesday, August 01, 2012 4:31 PM
To Butch Bowers; Robby Robbins
Subject Documents from Sean Bennett
Attachments seanbennettsic.pdf, ATT00834.htm, sharon@scgop.com_20120801_162413.pdf, ATT00837.htm

The State Party is in possession of two documents from Sean Bennett: his SEI and candidate pledge (attached).
The Dorchester County Party forwarded no SEIs.
Sincerely,

Matt Moore
Executive Director
South Carolina Republican Party
email: matt@scgop.com
twitter: @MattMooreSC
phone: 803.988.____

NOTICE OF CANDIDACY AND PLEDGE

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER

I hereby file my notice as a candidate for the nomination as Senator in the primary election to be held on June 12, 2012. I affiliate with the Republican Party, and I hereby pledge myself to abide by the results of said primary and I authorize the issuance of an injunction upon ex parte application by the party chairman, as provided by law, should I violate this pledge of offering or campaigning in the ensuing general election for election to this office or any other office for which a nominee has been elected in said primary election, unless the nominee for any such office has become deceased or otherwise disqualified for election in said ensuing general election.

Sean M. Bennett

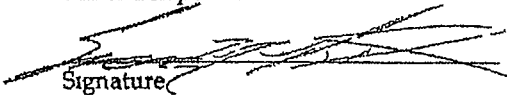
Print Name

843-821-3009

Office Telephone

1422 Peninsula Pointe

Address


Signature

Summerville

29485

City

Zip

3/20/12
Date

843 821-3352

Home Telephone

The notice of candidacy required by this section to be filed by a candidate in a primary must be signed personally by the candidate, and such signature of the candidate must be signed in the presence of the county chairman or such other officer as may be named by the county committee with whom such candidate is filing, or a candidate must have his signature on the notice of the candidacy of any candidate signed by an agent on behalf of a candidate shall not be valid.

NOTE The county chairman shall retain the original, a copy shall be given to the candidate and a copy shall be mailed to State Republican Party Headquarters.

South Carolina Republican Party
1913 Marion Street
Columbia, SC 29201
Phone (803) 988-8440

Current as of February 17, 2012

Statement of Intention of Candidacy - Partisan

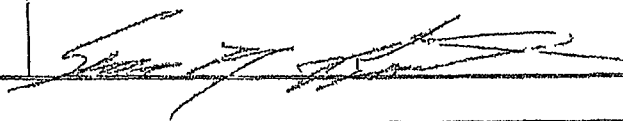
- This form must be completed by a candidate seeking partisan office
- A Statement of Intention of Candidacy must be filed with each party the candidate wishes to be the nominee
The S C Constitution prohibits a person who has been convicted of a felony from filing for public office for 15 years after the completion of the sentence including probation and parole time, unless previously pardoned

Name		<i>Sean Bennett</i>		Party		<i>Republican</i>	
Office		<i>Senator</i>		District		<i>39</i>	
Primary or Convention		<i>Primary</i>		Election Date		<i>6/12/12</i>	
Address		<i>1422 Peninsula Park</i>		City		<i>Summerville</i>	
Zip		<i>29485</i>		Email Address		<i>sbennett@scstatelegislature.com</i>	
Telephone		Cell		Home		Work	
		<i>842-3009</i>		<i>821-3352</i>		<i>821-3009</i>	
Vote Registration Number		<i>5207270</i>					
Guidelines for a Candidate's Name to appear on the ballot A given name or a derivative may be used ▪ The name will not contain quotations, parentheses, or other distinguishing marks ▪ Nicknames are allowed if they are used in good faith for honest purposes and do not ▪ Imply professional or social status ▪ Include an office or military rank ▪ Exceed 15 letters							
Name as you wish it to appear on ballot (please print)		<i>Sean Bennett</i>					
Audio Ballot - Phonetically spell your name, if necessary		Example		Jackson Gervais jui-VAY			
				<i>Sean BEN-et</i>			

Candidate's Oath

I affirm that I meet, or will meet by the time of the general or special election, the qualifications for this office

Candidate's Signature



Completed by County Party

Date Received	<i>3/20/12</i>	Time Received	<i>1:43</i>
Received By	<i>Tony Probst</i>		
County Political Party	<i>Lancaster County</i>		

Completed by State Party

Date Received	<i>APR 02 2012</i>	Time Received	<i>3:00</i>
Received By	<i>ATG</i>		
State Political Party	<i>SCGOP</i>		

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER

IN THE COURT OF COMMON PLEAS

Dorchester County Democratic Party,

Civil Action No 2012 CP 18-1632

Plaintiff,

v

Dorchester County Republican Party
(Carroll Duncan as Chairman), Colleton
County Republican Party, Berkeley
County Republican Party, Charleston
County Republican Party, South Carolina
Republican Party (Matt Moore as
Executive Director & Chad Connelly as
Chairman), Dorchester County Board of
Elections (Joshua Dickard as Executive
Director), Colleton County Election
Commission, Berkeley County Election
Commission, Charleston County Election
Commission, South Carolina State
Election Commission (Marcu Andino as
Executive Director & Chris Whitmire as
Director of Public Information and
Training) Sean Bennett, Mike Rose, and
Tony Piscatella

Defendants

**SUPPLEMENTAL AFFIDAVIT OF
MIKE ROSE,
INCUMBENT CANDIDATE
FOR THE REPUBLICAN
NOMINATION FOR SENATE
DISTRICT 38**

The undersigned Michael T Rose a/k/a Mike Rose, first being duly sworn, hereby
deposes and says

1 My name is Mike Rose I live at 409 Central Ave , Summerville, SC
29483

2 I was a candidate in the June 12, 2012 Republican Primary for Senate
District #38

3 I am a member of the South Carolina Senate representing Senate District
#38

4 I am submitting this affidavit in connection with the above-captioned lawsuit as a supplement to my affidavit dated July 30, 2012, previously filed in this matter

5 I have never stolen or taken a Statement of Economic Interest ("SEI") of Sean Bennett, and have not taken any other document or item not owned by me, from the Dorchester County Republican Party ("DCRP") Headquarters or any other DCRP location at any time. I did not receive a copy of an SEI Bennett claimed to have been filed on March 20, 2012 with the DCRP until several days after he filed on July 9, 2012, his Motion to Intervene in this lawsuit with a copy of that alleged SEI attached thereto.¹ I have never had a key to the DCRP Headquarters or any other means to enter the DCRP Headquarters when it is locked. I have never entered the DCRP Headquarters except during the daytime and when others were present, and that was only on two or three occasions to keep an appointment for business I had there on or before March 16, 2012, the date I filed paperwork at DCRP Headquarters for me to become a candidate for re-election to the SC Senate. I do not know where DCRP candidate records were kept by the DCRP except that Article VIII Section 1 of the DCRP Bylaws states that DCRP records will be kept in locked filing cabinets at the DCRP's office.² If DCRP candidate records were kept in a locked filing cabinet, I do not know where that filing cabinet ever has been located, have never had access to it and do not know anyone who ever had access to it, except that I assume Piscatella did. I did not take and have no knowledge whatsoever about anyone taking any DCRP candidate document from a DCRP candidate

¹ See paragraph 11 *infra*

² Article III Section 1 of DCRP Bylaws states in part "All records shall be kept in written or printed hard copy as well as on computer discs. These records shall be stored in locked file cabinets before the close of business on any day the office has been opened" (Emphasis added)

file, except that I know Bennett claims his SEI was stolen from his DCRP candidate file³ and that Piscatella converted those DCRP files to his own personal possession, use and control by refusing to return them to the DCRP as properly demanded by DCRP Chairman Carroll Duncan ("Chairman Duncan")⁴

6 As stated in my previous Affidavit dated July 30, 2012, on June 13, 2012, I called Piscatella and asked him to give me for my review a copy of all DCRP candidate files, including especially Bennett's, as a result of a call I received on June 13, 2012, urging me to look at those files to see if DCRP candidates had filed their SEIs properly. Contrary to what some claim in this lawsuit, I do not believe that DCRP Chairman Carroll Duncan initiated a call to Piscatella and asked him to check the DCRP candidate files.⁵ Rather, I am informed and believe that Piscatella called Chairman Duncan, told her about my request to see the DCRP candidate files referenced above, and, in response, she told him to go check those files. I am informed that, upon checking Bennett's file as I had requested, Piscatella discovered that Bennett's file did not contain his SEI and reported that fact to Chairman Duncan and to Matt Moore, Executive Director of the SC Republican Party. Upon information and belief, the fact that Bennett's DCRP file did not contain Bennett's SEI also was reported by Piscatella and/or Chairman Duncan to Bennett and to Chris Murphy, but that fact was concealed from me by Piscatella, Chairman Duncan, the DCRP, the SCGOP, Bennett and Murphy.

³ See Affidavit of Sean Bennett in Response to Defendant Mike Rose's Motion for Sanctions for Spoliation of Evidence Against Defendants Sean Bennett and Tony Piscatella dated August 3, 2012, para 10 ("between June 7, 2012 and June 13, 2012, someone went into the headquarters of the Dorchester County Republican Party and removed these documents from my files.")

⁴ See Affidavit of Mike Rose, dated July 31, 2012, paras 16, 17, 19.

⁵ Bennett suggests that is what occurred. See Affidavit of Sean Bennett in Response to Defendant Mike Rose's Motion for Sanctions for Spoliation of Evidence Against Defendants Sean Bennett and Tony Piscatella dated August 3, 2012, para 8 at 2.

7 I am informed that upon learning that Bennett's DCRP candidate file did not contain Bennett's SEI, Piscatella proposed to Chairman Duncan that Piscatella download an SEI for Bennett from the State Ethics Commission website and simply insert that downloaded SEI into Bennett's DCRP candidate file. I am informed that, in response, Chairman Duncan told Piscatella to go ahead and add to the DCRP file a copy of Bennett's SEI downloaded from the State Ethics Commission website, but also to insert a note into Bennett's DCRP file stating that Piscatella had added an SEI for Bennett to that file, when and why. Thus, it appears that it was Chairman Duncan's instruction, not an idea of Piscatella, that resulted in the note in the Bennett file disclosing that a SEI for Bennett had been downloaded and added to Bennett's DCRP file.

8 I have never spoken with Chairman Duncan about this lawsuit and do not recall speaking with Chairman Duncan about anything since the election on June 13. My last e-mail communication with Chairman Duncan was on June 19, 2012. I have never spoken with Piscatella about this lawsuit, the last time I spoke with Piscatella was on June 13, 2012, when I asked him to let me see a copy of the DCRP candidate files, including those of Bennett. My last e-mail communication with Piscatella was on June 14, 2012, when I asked him to give me a copy of the DCRP candidate paperwork as he had agreed on June 13, 2012 that he would do.

9 Attached as Exhibit #1 is an e-mail dated June 19, 2012, from me to Carroll Duncan, responding to an e-mail dated June 18, 2012, from her to me, which also is part of Exhibit #1.⁶ Attached as Exhibit #2 is an e-mail message verifying that

⁶ E-mail dated June 19, 2012 from Mike Rose to Carroll Duncan and E-mail dated June 18, 2012, from Carroll Duncan to Mike Rose both attached as Exhibit #1.

Carroll Duncan read that June 19 e-mail from me at 4 40 am on June 19, 2012 ⁷ That e-mail from me to Carroll Duncan dated June 19 states in part as follows

"Carroll, There are several indicators that the Statement of Economic Interests of Bennett and others were not filed properly and, therefore, I and others ran Primary races we should not have had to run

One indicator, among others, is that a very high ranking person in Columbia called me last Wednesday and volunteered that I should review Bennett's paperwork because it was not filed properly

Afterwards last Wednesday, I asked Tony to let me review Bennett's paperwork, and was told by Tony that he would give me a copy of it to review. However, I have not received it and have been informed that the DCRP and the State Republican Party will not let me or anyone see Bennett's paperwork

As you can see below, the Statement of Economic Interests of Bennett and other Dorchester Republican Candidates have not been filed with the appropriate government entities as required by law, thereby ensuring that no one can see the SEIs they filed to become Primary candidates

This all looks very bad, and the failure to file the SEIs with the appropriate authorities and refusal to provide the paperwork for public review makes it look like Republican officials have not done their duty and have something very bad to hide

Under these circumstances we are not going to attend a Republican Party fundraiser. Instead, I am going to spend my time determining the truth about this matter that Republican officials refuse to provide, starting with asking the Senate Ethics Committee and other government entities to try to force Republican officials to provide those entities the SEIs that Section 8-13-1356 requires Republican Party officials to have to provide."⁸

Even after Chairman Duncan's receipt of my June 19, 2012 e-mail quoted above the SCRP, the DCRP and Chairman Duncan continued to keep from me the fact that on June 13, 2012, Bennett's SEI had been found to be missing from his DCRP candidate file and was still missing, and continued to refuse to give me and others a copy of Bennett's or any other person's DCRP candidate file that did exist

⁷ E mail dated June 19 2012 from Mike Rose to Carroll Duncan attached as Exhibit #2

⁸ Id.

10 Attached hereto as Exhibit #3 is a "Memorandum of Defendant Rose Re
Wrong SEI Year" I believe all statements in that document are accurate, submit them
as evidence in this matter and believe they should be considered by the Court to evidence
and determine that Sean Bennett failed to qualify, and should be removed and
disqualified ab initio, as a candidate due to his non-compliance with S C Code Ann § 8-
13-1356(B)

11 On July 9, 2012 Defendant Sean Bennett ("Bennett") filed a motion to
intervene in this lawsuit as a Defendant

12 On July 12, 2012 I filed a Motion to Intervene in the above captioned
matter as a Plaintiff That Motion to Intervene states in part as follows

" Michael T Rose moves for leave to intervene as a plaintiff in the above
captioned action, pursuant to Rule 24(a)(2), or in the alternative Rule 24(b)(2)
and to file the attached complaint, writ of mandamus, and motion for injunctive
relief

2 Plaintiff in this case brought the action to seek enforcement of S C Code §
8-13-1356 in accordance with Anderson v South Carolina Election Commission,
Op No 27120 (S C Sup Ct filed May 2, 2012), and Florence County
Democratic Party v Florence County Republican Party, Op No 27128 (S C Sup
Ct filed June 5, 2012) (Pl Compl [para] 15) The gravamen of Plaintiff's
Complaint is that the non incumbent Dorchester County Republican Candidates
(1) did not comply with the provisions under S C Code Ann § 8 13-1356, (2)
were unlawfully certified by the DCRP, SCRP, DEC, and SEC for the primary
nomination, (3) were held ineligible to appear on a ballot by the South Carolina
Supreme Court, (4) were to be removed from the certified list subsequently
submitted by the SCRP to the SEC, (5) but remained on the Dorchester County
ballot for the June 12, 2012 Primary Election, and (6) must not be certified as
candidates for the general election and must be removed from the ballot (Id at
[para] 16 [sic])(Emphasis added)⁹

Attached to that Motion to Intervene and incorporated therein is a document, entitled

⁹Michael T Rose's Motion to Intervene as a Plaintiff filed July 13 2012, at 1 2

“PLAINTIFF MICHAEL T ROSE’S COMPLAINT FOR DECLARATORY
JUDGMENT, WRIT OF MANDAMUS, AND MOTION FOR INJUNCTIVE RELIEF”

(“Complaint”)¹⁰ That Complaint states in part as follows

“18 The gravamen of the request for Declaratory Judgment, and Mandamus is that the non incumbent Dorchester County Republican Candidates (1) did not comply with the provisions under S C Code Ann § 8-13-1356, (2) were unlawfully certified by the DCRP, SCRP, DEC, and SEC for the primary nomination, (3) were held ineligible to appear on a ballot by the South Carolina Supreme Court, (4) were to be removed from the certified list subsequently submitted by the SCRP to the SEC, (5) but remained on the Dorchester County ballot for the June 12, 2012 Primary Election, and (6) must not be certified as candidates for the general election and must be removed from the ballot Plaintiff’s position is supported by the facts and law stated below

19 Under S C Code Ann § 8-13-1356(B), non-exempt individuals must file an SEI at the same time and with the same official with whom the individual files an SIC

20 Under S C Code Ann § 8-13 1356(E), an officer authorized to receive declarations of candidacy and petitions for nominations may not accept an SIC unless it is accompanied by an SEI

WHEREFORE, Plaintiff prays that a Writ of Mandamus be issued against those several Defendants who have failed to carry out their duties under South Carolina law and pursuant to the South Carolina Supreme Court’s Order in Anderson [T]he Plaintiff comes before this Court praying for declaratory and injunctive relief to enforce the South Carolina Supreme Court’s clear command under Anderson Plaintiff specifically requests that this Court order the SCSEC and all other Defendants to

- (1) Comply with the holdings in Anderson v South Carolina Election Commission, 397 S C 551, 725 S E 2d 704 (2012), and Florence County Democratic Party v Florence County Republican Party, Op No 27128 (S C June 5, 2012),
- (2) Not certify the names of all non-incumbent Dorchester County Republicans to the General Election,¹¹

¹⁰ Plaintiff Michael T Rose’s Complaint for Declaratory Judgment Writ of Mandamus and Motion for Injunctive Relief filed July 13 2012

¹¹ Anderson is clear – the names “must be removed

-
- (3) Grant a Writ of Mandamus requiring all Defendants tasked with the necessary ministerial duties to comply with the terms of the declaratory judgment and injunctive relief,
 - (4) Comply with S C Code Ann § 7-11-10, and place Plaintiff's name on the ballot as the Republican candidate for the ensuing general election,¹²

The allegations in the above referenced Motion to Intervene and in the Complaint attached thereto clearly gave notice to all Defendants, including Bennett, about the nature and content of my allegations regarding the non-incumbent candidate Defendants, including especially that said Defendants had failed to comply with S C Code Ann § 8-13-1356(B)

13 On July 23, 2012, Judge Howard P King held a telephone conference regarding this lawsuit with attorneys, including myself, representing parties in this lawsuit. I understood during that telephone conference Judge King verbally granted both the Motion to Intervene of Sean Bennett and the Motion to Intervene of Mike Rose, except that Judge King verbally allowed Mike Rose to intervene as a Defendant instead of as a Plaintiff as had been requested in Mike Rose's Motion to Intervene. I understood that the granting of the Motion to Intervene by Mike Rose and the Motion to Intervene by Sean Bennett inherently included an acceptance by the Court of the Complaint I and Bennett each had attached to our respective Motions to Intervene. I certainly did not understand Judge King's granting of my Motion to Intervene to not include acceptance by the Court of my filing of my Complaint, and would have objected if I had understood that. It was never my intention to forfeit my claims as stated in that Complaint. Later that day, on July 23, Judge King signed an Order and on July 24 that Order was filed with the Clerk of Court of Dorchester County. That Order stated that

¹² Complaint supra note 10 at 5, 6, 8, 9

Mike Rose, Bennett and several others would be added as a party Defendant, but said nothing about the Complaint attached to each respective Motion to Intervene by Rose and Bennett

14 Neither I nor my attorney, Joel Collins, saw or had an opportunity to comment on that Order, as signed by Judge King or as proposed by attorney Liz Crum, before it was signed. In fact, neither Mike Rose nor his attorney, Joel Collins, saw that Order until Wednesday, July 25. Attached as Exhibit #4 is a copy of an e-mail sent on July 25, 2012 at 1:59 pm from me to Liz Crum, an attorney for the SC Election Commission ("SEC"), which says in part as follows

- - "Liz I am writing to inquire about the status of the court order for Judge King in the Dorchester County Democratic Party vs Dorchester County Republican Party lawsuit matter. Did you write a proposed order? If yes, please e-mail it to Joel Collins and me. If not, please tell me if you are writing it and, if so, when it will be available."¹³

Liz Crum replied to that e-mail with an e-mail sent on July 25 at 2:32 pm, attached hereto as Exhibit #5, wherein she stated in part as follows

"Senator, attached is the e-mail and order that the clerk of court sent out for Judge King yesterday. Also attached is the draft order I prepared that we sent to Judge King on Monday afternoon after the conference call. Mr. Collins was copied on the draft order when it was sent to Judge King and on the Clerk of Court's e-mail sending out the order to the parties. We did not get a 'bounce back' on the e-mail to Mr. Collins so we thought it had gone through successfully. Liz"¹⁴

I am not listed as a recipient of Exhibit #5, and did not receive it, from Liz Crum even though I am and was identified as an attorney of record in this case representing myself pro se

¹³ E-mail dated July 25, 2012 from Mike Rose to Liz Crum attached as Exhibit #4

¹⁴ E-mail dated July 25, 2012 from Liz Crum to Mike Rose attached as Exhibit #5

15 Attached as Exhibit #6 is a copy of an e-mail sent on July 26, 2012 at 10 37 am from me to Liz Crum, in which I state as follows

“Liz, Joel Collins informs me he has not received an Amended Complaint or discovery requests filed by the Dor County Democratic Party We have asked the Clerk of Court and James Smith for that by e mail, but have received no reply If you have been served any of those documents, we would appreciate your forwarding them to Joel and me We need the Amended Complaint in order to answer it”¹⁵

In reply, Liz Crum sent me an e-mail on July 26, 2012 at 10 53 am, attached as Exhibit #7, stating as follows

“Senator, the attached e-mail contains the Amended Complaint that was sent to the Clerk via and all parties via e-mail Note that Mr Collins was listed on the e-mail recipient list”¹⁶

I am not listed on that e-mail as a recipient of Exhibit #6 by, and did not receive it from, Liz Crum even though I am an attorney of record in this case representing myself pro se

16 As shown by the e mails above, it was not until Thursday, July 26, that I received the Amended Complaint and not until Wednesday, July 25, that I received the Order of Judge King dated July 23 or the proposed Order to Judge King from Liz Crum dated July 23 Further, I did not receive either of those documents prior to those dates because Joel Collins, my attorney, also had not received them

17 As shown by Exhibits #8 and #9, which are the first pages of the First Amended Summons and the First Amended Complaint, those documents were not actually received by the Dorchester County Clerk of Court until Wednesday, July 25

18 Neither Joel Collins nor I received service or a copy of the Motion to Intervene by Bennett filed with the Clerk of Court on July 9, 2012, and, consequently, we

¹⁵ E mail dated July 26 2012 from Mike Rose to Liz Crum attached as Exhibit #6

¹⁶ E mail dated July 26 2012 from Liz Crum to Mike Rose attached as Exhibit #7

did not know Bennett had filed it and did not receive a copy of it or of Bennett's Statement of Economic Interest attached to it until July 20, 2012, when Bennett's attorney, Robby Robbins, e-mailed it to Joel Collins, my attorney

19 As shown by Paragraphs 14-18 above, I attempted to obtain a copy of the Amended Complaint and of the Court's July 23 Order from the Plaintiff, the Clerk of Court and the SEC, but was not successful in doing so until as stated above, July 25 or 26. The failure of Joel Collins and me to have received the proposed Order for Judge King until July 25, two days after it was signed, prevented us from asking that that Order be reworded to clarify in the Order that my joining the lawsuit as an intervenor meant that the part of my Motion to Intervene requesting that the Court allow the filing of the attached Complaint also was being granted. Further, the failure of Joel Collins and me to have received the Amended Complaint until the morning of July 26 meant that we had to compose and file our Answer to the Amended Complaint within a few hours on that same day.

20 My Answer to the Amended Complaint states in part as follows

"5 Mike Rose would show the Statement of Economic Interest later claimed to exist in candidate Bennett's file and to have been given by Bennett to the DCRP was a SEI for the year 2010, not for the year 2011

WHEREFORE, having fully answered Defendant Mike Rose, prays for this Court to enter its Order declaring

1 That candidate Sean Bennett was not and is not a qualified candidate to be the Republican Party candidate for Senate District 38 in the 2012 General Election,

2 That Mike Rose is the qualified candidate for the November 12, 2012 General Election for Senate District 38,

3 That candidate Sean Bennett was correctly found by Dorchester
Republican Party Chair Carroll Duncan to be ineligible for the November 6, 2012
General Election Primary

4 That the South Carolina Republican Party must certify to the South
Carolina State Election Commission that Mike Rose is the lawfully nominated
Republican candidate for District 38 of the South Carolina Senate,

5 Award this Defendant his costs and his attorneys' fees in accordance with
Rule 65 (f)(2) of the South Carolina Rules of Civil Procedure, and

6 Such other and further relief as this Honorable Court deems just and
proper "¹⁷ (Emphasis added)

The allegation in paragraph 5 of my Answer quoted above about Bennett's SEI having
been filed incorrectly for the year 2010 and not for the year 2011 was based on evidence I
newly discovered, i.e., a copy of what Bennett claims is the SEI that was in his DCRP
candidate file, upon my obtaining on July 24, 2012, a copy of the three affidavits and the
DCRP candidate files filed with the Court on July 24, 2012, as ordered by Judge Howard
P. King on July 23, 2012

21 The allegations stated in paragraph 20 above in my Answer to the
Amended Complaint were in the nature of a cross claim, and gave notice to Bennett and
to all non-incumbent DCR candidates about the nature of my claims against them,
including, but not limited to, Bennett's violations of S.C. Code Ann. § 8-13-1356(B) by
Bennett's not having filed a SEI for the preceding year at the same time and with the
same official with whom he filed an SIC. The allegations stated in my Complaint
attached to my Motion to Intervene also provide notice of the nature of my claims
against all the non-incumbent candidates.¹⁸ The Motion for Leave to Cross Claim filed
on August 2, 2012, and the Amended Answer to the Amended Complaint filed on August
3, 2012, further clarifies that I am making, and the nature of, my claims against Bennett
and all other non-incumbent defendants for violations of S.C. Code Ann. § 8-13-1356(B)

¹⁷ Answer of Mike Rose to First Amended Complaint at 3-5

¹⁸ See pages 7-9 supra

The Defendants, including Bennett, clearly have been on notice for weeks about the nature of my claims against them, and therefore are not prejudiced by having a cross claim against them regarding those claims

22 On August 3, 2012 Sean Bennett filed with the Court and served the parties his Affidavit dated August 3, 2012 I note the following regarding attachments to that Affidavit

- A E mail from Carroll Duncan sent on May 4, 2012 at 3 28 pm I received a copy of that e-mail and was led by it to believe that Bennett and other DCRP candidates listed had filed properly to be a candidate
- B E mail from Matt Moore sent on August 1, 2012 at 4 31 pm Matt Moore states in this e-mail in part as follows "The State Party is in possession of two documents from Sean Bennett his SEI and candidate pledge (attached)" However, no SEI is attached to that e-mail Rather, what is attached to that e-mail is a Notice of Candidacy and Pledge and a Statement of Intention of Candidacy – Partisan Therefore, the statement in that e-mail that the State Party is in possession of Bennett's SEI obviously is an error Further, it should be noted that this e-mails shows that on August 1, 2012, Matt Moore gave Bennett a copy of and information about Bennett's candidate record, even though on June 13, 2012, Matt Moore refused to provide or allow the DCRP to provide me any of Bennett's candidate record or information¹⁹

23 Piscatella stated in his Supplemental Affidavit dated June 22, 2012, in part as follows

"Mr Bennett, who appeared with a female witness, filed the following documents with me Statement of Economic Interest (SEI) and Proof of filing,"²⁰ (Emphasis added)"

I did not see or even know about the existence of that Supplemental Affidavit until I received a copy of it on July 24, 2012, as a result of Judge Howard P King ordering on July 23, 2012, that that Supplemental Affidavit and other documents, be filed with the Court and made public no later than July 24, 2012 Further, I did not know the identity of

¹⁹ See Affidavit of Mike Rose dated July 31, 2012 paras 11 12

²⁰ Supplemental Affidavit of Tony Piscitella dated June 22 2012 para 5

the unnamed witness referenced above until sometime after July 26, 2012 Further, that statement above is misleading and inaccurate because in fact that so called witness really was not present in the same room as Bennett and Piscatella when Bennett gave his candidacy paperwork to Piscatella ²¹


MICHAEL T ROSE

Sworn to and subscribed before me this

5th day of Aug, 2012


Notary Public for South Carolina

My Commission Expires 8/23/21

²¹ See Affidavit of Ann Shields Volunteer for the Dorchester County Republican Party Re Candidate Filing dated July 26 2012 attached as Exhibit #10 Affidavit of Janette Chipas Assistant Filing Official for the Dorchester County Republican Party Re Affidavit of Ann Shields dated July 28 2012 attached as Exhibit #11

EXHIBITS

ROSE SUPPLEMENTAL AFFIDAVIT

- 1 E mail dated June 19, 2012 from Mike Rose to Carroll Duncan and E mail dated June 18, 2012, from Carroll Duncan to Mike Rose
- 2 E mail dated June 19 2012, from Mike Rose to Carroll Duncan
- 3 Memorandum of Defendant Rose Re ' Wrong SEI Year
- 4 E mail dated July 25 2012, from Mike Rose to Liz Crum
- 5 E mail dated July 25, 2012 from Liz Crum to Mike Rose
- 6 E mail dated July 26 2012 from Mike Rose to Liz Crum
- 7 E mail dated July 26 2012, from Liz Crum to Mike Rose
- 8 First Amended Summons at 1
- 9 First Amended Complaint at 1
- 10 Affidavit of Ann Shields, Volunteer for the Dorchester County Republican Party Re Candidate Filing, dated July 26 2012
- 11 Affidavit of Janette Chipas, Assistant Filing Official for the Dorchester County Republican Party Re Affidavit of Ann Shields dated July 28 2012

Michael Rose

Subject FW Thursday's Fundraiser

From Michael Rose [mailto:mrose5@sc.rr.com]
Sent Tuesday, June 19, 2012 3:19 AM
To 'Carroll Duncan'
Cc mrose5@sc.rr.com
Subject RE: Thursday's Fundraiser

Carroll,

There are several indicators that the Statement of Economic Interests of Bennett and others were not filed properly and, therefore, I and others ran Primary races we should not have had to run.

One indicator, among others, is that a very high ranking person in Columbia called me last Wednesday and volunteered that I should review Bennett's paperwork because it was not filed properly.

Afterwards last Wednesday, I asked Tony to let me review Bennett's paperwork, and was told by Tony that he would give me a copy of it to review. However, I have not received it and have been informed that the DCRP and the State Republican Party will not let me or anyone see Bennett's paperwork.

As you can see below, the Statement of Economic Interests of Bennett and other Dorchester Republican candidates have not been filed with the appropriate government entities as required by law, thereby ensuring that no one can see the SEIs they filed to become Primary candidates.

This all looks very bad, and the failure to file the SEIs with the appropriate authorities and refusal to provide the paperwork for public review makes it look like Republican officials have not done their duty and have something very bad to hide.

Under these circumstances we are not going to attend a Republican Party fundraiser. Instead, I am going to spend my time determining the truth about this matter that Republican officials refuse to provide, starting with asking the Senate Ethics Committee and other government entities to try to force Republican officials to provide those entities the SEIs that Section 8-13 1356 requires Republican Party officials to have provide.

Mike Rose

Section 8-13 1356 quoted below is titled Filing of statement of economic interests by candidates for public office. (Emphasis added.) Subsection (C) states that "[t]he official with whom the

candidate files a declaration of candidacy or petition for nomination no later than five business days after the candidacy books close must file a copy of the statement with the appropriate supervisory office. Therefore the Dorchester County Party official (Tony Piscatella) with whom Bennett Carter Bryngelson and Duncan filed a declaration of candidacy was required within five business days, to file a copy of their statement of economic interests with the appropriate supervisory office for their respective statements of economic interest. Cathy Hazelwood confirmed to me last Friday that the State Ethics Commission has not received the Statement of Economic Interests of any candidate. That would include Duncan for Dorchester County Council. Further Ronald Odom, Research Director for the Senate Ethics Committee, has confirmed in an affidavit filed in a lawsuit involving Paul Thurmond that as of June 11, 2012, no Statement of Economic Interests has been filed with the Senate Ethics Committee regarding a candidate for the Senate. The would include Bennett. Presumably the Dorchester Republican Party was consistent by not filing a Statement of Economic Interests with the House Ethics Committee regarding Carter and Bryngelson.

From Carroll Duncan [<mailto:carrolsduncan@gmail.com>]

Sent Monday, June 18, 2012 11:03 AM

To Mike Rose

Subject Thursday's Fundraiser

Mike,

If you and Vivian have not made plans to attend the GOP Fundraiser at the Miler on Thursday night, I would love to have both of you come as my guests. Senator Davis is coming as a special guest.

Thanks and have a good week!

Carroll

Exhibit # 2

Michael Rose

From Michael Rose <mrose5@sc rr com>
To Michael Rose'
Sent Tuesday June 19, 2012 4 40 AM
Subject Read Thursday's Fundraiser

Your message

To 'Carroll Duncan'
Cc mrose5@sc rr com
Subject RE Thursday's Fundraiser
Sent 6/19/2012 3 19 AM

was read on 6/19/2012 4 39 AM

MEMORANDUM of DEFENDANT ROSE

RE

“WRONG SEI YEAR”

This brief contains material relating exclusively to the “wrong SEI¹ year” issue and does not address any other issues in this case

INTRODUCTION

The South Carolina Supreme Court issued two decisions earlier this year that had the effect of decertifying hundreds of non-incumbent candidates running in party primaries Anderson v. S.C. Election Commission, 397 S.C. 551, 725 S.E.2d 704 (2012), Florence Co. Democratic Party v. Florence Co. Republican Party, ___ S.C. ___, 727 S.E.2d 418 (2012). These decertifications were based on the failure of primary candidates and political parties to follow the plain language requirements of S.C. Code § 8-13-1356 (“Section 1356”). The Supreme Court could not have been clearer: a candidate who deviates from the requirements of Section 1356 has not properly filed and cannot appear on the ballot.

One requirement in Section 1356(B) is that non-incumbent candidates must provide an SEI “for the preceding calendar year” at filing. The vast majority of non-incumbent candidates filing in 2012 either provided no SEI at all to the filing official or they actually provided a paper SEI for the preceding calendar year. This brief addresses

¹ SEI stands for “Statement of Economic Interests.” See Anderson v. South Carolina Election Commission, 397 S.C. 551, 725 S.E.2d 704 (2012).

the rare situation where the candidate provided² a paper SEI at filing but the SEI provided is not for the preceding calendar year

There is no doubt that such a candidate must be removed from the ballot. The Supreme Court has interpreted Section 1356 to mean exactly what it says. The Court has also determined that a candidate who fails to comply with Section 1356 cannot appear on the ballot. Filing an SEI for the wrong year plainly does not comply with Section 1356, and a candidate in that situation must be removed from the ballot.

ANALYSIS

Legal Background

In Anderson and Florence, the Supreme Court established that subsection (B) of Section 1356 governs filings by all non incumbent candidates. Section 1356(B) states “A candidate must file a statement of economic interests for the preceding calendar year at the same time and with the same official with whom the candidate files a declaration of candidacy or petition for nomination” (Emphasis added). In the main Anderson opinion and in the clarification,³ the Supreme Court established that Section 1356(B) could only be complied with by filing a paper copy of the required SEI form with the filing authority at the same time as the candidacy/petition papers are filed. The Supreme Court ordered decertifications of all non incumbent candidates who had not complied with Section 1356(B). See generally Anderson, Florence.

² If the candidate did not file a paper SEI, he obviously must be decertified. But even if he did file a paper copy of the wrong year SEI, he still must be removed from the ballot as explained herein.

³ Order 2012-05-03-02, available at <http://www.sccourts.org/whatsnew/displaywhatsnew.cfm?indexID=807>. The Supreme Court issued the main Anderson opinion on May 2, 2012, and released this brief clarification of the opinion the next day. All references to Anderson herein are intended as both the main opinion and the clarification unless context indicates otherwise.

Anderson and Florence had a devastating effect on the South Carolina primary ballots. Hundreds of candidates were disqualified for failing to file a paper copy of their SEIs with the political parties. The damage was so widespread because the instructions candidates were given by the Republican and Democratic Parties stated that candidates were not to file paper SEIs with the political parties but instead were to provide proof that an electronic SEI had been filed with the South Carolina State Ethics Commission.

Most candidates—but not all—appear to have followed the political party instructions exactly. Because of a quirk in the statutory scheme, incumbents who followed the political party instructions actually complied with Section 1356, but non-incumbents who followed the political party instructions did not. Some non-incumbents deviated from the political party instructions and filed paper SEIs with the political parties, but they were the exception rather than the rule.

But while most of the focus after Anderson and Florence has been whether paper SEIs were actually filed with political parties, those cases have a broader impact than the simultaneous paper SEI filing requirement. Specifically, the Supreme Court stated in no uncertain terms that candidates must follow all applicable provisions of Section 1356. In the Anderson clarification, the Supreme Court ordered as follows: “We direct the parties to file a list of candidates who complied with § 8-13-1356 as the statute is written and as has been interpreted by this Court.”

Requirements of S.C. Code § 1356

So what exactly does Section 1356, as written and as interpreted by the Supreme Court, require of candidates? It depends on the type of candidate. For example, Section 1356 generally requires nothing of incumbents. See S.C. Code § 1356(A).

There are special provisions for write in candidates in Section 1356(D) and special provisions for non exempt candidates in elections where the filing period and the election are in different calendar years in Section 1356(F). But for non-incumbents running in regularly-scheduled primary and general elections—the situation in this case—the requirements of Section 1356(B) govern the matter entirely.

What, then, does Section 1356(B) require, as written and as interpreted by the Supreme Court? Anderson immediately answers that question.

The primary rule of statutory construction is to ascertain and give effect to the intent of the General Assembly. In construing statutory language, the statute must be read as a whole and sections which are a part of the same general statutory law must be construed together and each one given effect. Unless there is something in the statute requiring a different interpretation, the words used in a statute must be given their ordinary meaning. When a statute's terms are clear and unambiguous on their face, there is no room for statutory construction and a court must apply the statute according to its literal meaning. South Carolina Code Ann. § 8-13-1356(B) states a non exempt candidate must file an SEI for the preceding calendar year at the same time and with the same official with whom the candidate files a declaration of candidacy or petition for nomination.

Anderson, 725 S.E.2d at 706-07 (citations and quotations omitted). Further, the Anderson clarification also makes clear that the SEI must be paper and not electronic, though a printed version of an electronic SEI is acceptable.

In accordance with Anderson, Section 1356(B) is therefore easily distilled into four specific requirements for non exempt (i.e., non incumbent) candidates. First, a candidate must prepare a paper SEI. Second, the SEI must be for the preceding calendar year. Third, the SEI must be filed at the same time as the candidacy or petition paperwork. Fourth, the SEI must be filed with the same official who received the candidacy or petition paperwork.

The For The Preceding Calendar Year Requirement

As noted above, most if not all candidate disqualifications around South Carolina have arisen from situations where candidates failed to comply with the first, third, and fourth requirements. But the second requirement is just as clearly a part of the statute, and there is no ambiguity whatsoever about what it requires. Not just any SEI will do—the paper SEI filed by the candidate must be “for the preceding calendar year.” If the SEI is not for the preceding calendar year, the candidate has plainly failed to comply with Section 1356(B).

The Anderson case so obviously dictates this result that further analysis is almost redundant. The Supreme Court established in Anderson that the provisions of Section 1356 are mandatory. But it is still worth noting that the General Assembly thought the “for the preceding calendar year” requirement sufficiently important to devote an entire subsection of Section 1356 to the extremely rare situation where a filing period is in one calendar year but the election is in the next calendar year. “If the candidate files for office before January first of the year in which the election is held, he must file a supplementary [SEI] covering the preceding calendar year no later than April first of the year in which the election is held.” S.C. Code § 8-13-1356(F).

Any argument that the “for the preceding calendar year” language is unimportant is clearly foreclosed by Anderson. But that argument is just as clearly wrong in light of Section 1356(F). If the General Assembly truly didn’t care that the SEI actually be for the preceding calendar year, the General Assembly certainly would not have drafted a separate subsection in the statute that operated only in the extremely rare situation where a filing period is in one calendar year and the election is in the next. In fact, in that

situation a candidate has a statutory obligation to file two SEIs for the preceding calendar year—one for the year preceding the filing year and another for the year preceding the election year (i.e., the filing year itself)

The General Assembly has commanded that the paper SEI provided at filing be for the preceding calendar year in Section 1356(B) and clearly took that requirement seriously. And the Supreme Court has ordered that candidates who fail to comply with any part of Section 1356 must be removed from the ballot. Therefore, if a candidate provides a paper SEI during filing, but the SEI is not for the preceding calendar year, that candidate has not complied with Section 1356 and must be removed from the ballot.

Particulars of SEI Filing

Of the non-incumbent candidates who have successfully managed to file paper SEIs, the near-universal method for doing so has been to generate an SEI using the South Carolina State Ethics Commission's website, print that SEI and file that SEI with the proper election officials along with candidacy or petition paperwork in accordance with Section 1356. The Ethics Commission is the body statutorily charged with creating SEI forms and has done so. See S.C. Code § 8-13-1120(A) (empowering Ethics Commission to create SEI forms); S.C. Code Regs. § 52-204(E)(13) (Ethics Commission regulation approving SEI forms).

The Ethics Commission's SEI forms contain explicit instructions to prevent candidates from filing for the wrong year. When a candidate selects the option on the Ethics Commission website to file an SEI, a screen appears providing instructions and requesting that the candidate select the proper year for the form. A true and accurate printed copy of this screen is attached as Exhibit 1. Based on a review of the filings with

the Ethics Commission, the vast majority of candidates who file follow the instructions and submit SEIs for the correct year⁴

The Ethics Commission's filing instructions are quite clear. They state "Please select the filing year for this report. The information in this report is for the previous calendar year." See Exhibit 1. The instructions go on to explain that "the 2011 report [is] for information from 1/1/10 to 12/31/2010" and the 2012 report [is] for information from 1/1/11 to 12/31/2011." Id. Therefore, a form with a filing year of 2012 is for information from the previous calendar year of 2011, while a form with a filing year of 2011 is for information from the previous calendar year of 2010, and so on.

The Ethics Commission's SEI system exactly matches the statutory scheme established by Section 1356 and other relevant portions of the South Carolina Ethics Act. The filing year of the SEI corresponds with the year in which the form is supposed to be filed per statute, and the instructions explain that the economic information to be reported on the form is for the preceding calendar year, also exactly as required by statute.

What this means is that non-incumbent candidates filing for the 2012 June Primary Elections or the 2012 November General Elections must present paper SEIs containing information from the preceding calendar year, i.e. from 1/1/2011 to 12/31/2011. The proper filing year for that form is 2012 per statute and per the Ethics Commission's SEI forms.

As mentioned above, with only one exception, all non-incumbent candidates in Dorchester filed correct-year SEIs⁵ showing a filing year of 2012 covering economic

⁴ It appears that of all the non-incumbent candidates who filed Dorchester County, only one, Sean Bennett, filed an SEI for the wrong year.

activity for the preceding calendar year of 2011. Filing an SEI for the correct year was not nearly as difficult as many other mistakes that have knocked candidates off the ballot. And with the Supreme Court's recent cases, there is no question whatsoever that the burden is on candidates to file the correct paperwork according to Section 1356 and if they fail to, they cannot appear on the ballot.

Equitable Considerations

At first glance, it may appear inequitable that a candidate could be removed from the ballot simply for filing the wrong form. But equity does not exist in a vacuum—hundreds of candidates, including Amicus, have been removed from the ballot in 2012 for filing the wrong forms. The Supreme Court has plainly held that there is simply no substitute for complying with the plain language terms of Section 1356. Candidates who filed the right forms stay on the ballot and candidates who file the wrong forms are kicked off.

At this point, equity—not to mention equal protection—actually requires the removal of candidates who filed an SEI for the wrong year. A candidate who files an SEI for the wrong year not only failed to follow the statute but also failed to follow the instructions provided by the Ethics Commission that are automatically displayed every time someone files an SEI. A candidate who files an SEI for the wrong year has no one to blame but himself.

On the other hand, many candidates who made a practically identical wrong form mistake have already been removed from the ballot. Those candidates filed an SEI proof of filing rather than the SEI form itself and they did so pursuant to express instructions

⁵ As every participant in this litigation knows, many non-incumbent candidates *misfiled* correct year SEIs by failing to file paper copies with their candidacy documents, but the year of the electronic form filed with the State Ethics Commission was correct nonetheless.

from the political parties and state agencies. Those candidates reasonably relied to their detriment on representations from entities who are supposed to be the foremost authorities on candidate filing in South Carolina. If a person who follows instructions is removed from the ballot when those instructions turn out to be wrong, a person who fails to follow instructions must certainly be removed when that failure is the proximate causation for their violation of the law.

In addition, there are serious equal protection and fundamental fairness problems lurking beneath the surface in this matter. If candidates who filed an SEI for the wrong year are permitted to stay on the ballot despite the clear statutory language of Section 1356(B), a tremendously perverse result will occur. In the face of a statute that expressly requires a paper SEI for the previous calendar year, candidates who filed an SEI proof of-filing for the correct year will be off the ballot, but candidates who filed an SEI for entirely the wrong year would be on the ballot. This result does not comport with equity, equal protection, or common sense.

Sometimes the simple answer is the correct answer. The South Carolina Supreme Court gave a simple command: to appear on the ballot, a candidate must follow S.C. Code § 8-13-1356 to the letter. Section 1356(B) requires a paper SEI for the preceding calendar year. A paper SEI proof of-filing is not a paper SEI for the preceding calendar year. A paper SEI for the wrong year is also not a paper SEI for the preceding calendar year. Given Anderson Florence and the plain language of Section 1356(B), there is simply no way that a candidate who fails to file the correct SEI per Section 1356(B) can stay on the ballot.

Exhibit # 4

M C N A I R
A T T O R N E Y S

M Elizabeth Crum
Shareholder
lcrum@mcnair.net | 803 753 3240 Direct

McNair Law Firm P A
Columbia Office 1221 Main Street | Suite 1800 | Columbia SC 29201
803 799 9800 Main | 803 753 3219 Fax
Mailing Post Office Box 11390 | Columbia SC 29211
VCard | Bio URL | Web site

From: Michael Rose [<mailto:mrose5@sc.rr.com>]
Sent: Wednesday, July 25, 2012 1:59 PM
To: Crum, Liz
Cc: mrose5@sc.rr.com, 'Joel Collins'
Subject: Liz Crum DCDP vs DCRP lawsuit

Liz,

Good afternoon

I am writing to inquire about the status of the court order for Judge King in the Dorchester County Democratic Party vs Dorchester County Republican Party lawsuit matter. Did you write a proposed order? If yes, please e-mail it to Joel Collins and me. If not, please tell me if you are writing it and, if so, when it will be available.

Thank you

Mike Rose

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Exhibit # 5

Exhibit # 7

Exhibit # 6

Michael Rose

From Crum Liz <LCrum@MCNAIR.NET>
Sent Thursday July 26, 2012 10:53 AM
To mrose5@sc.rr.com, Carolyn Ayer
Cc Joel Collins, Martella, Amber
Subject RE: Liz Crum DCDP vs DCRP lawsuit
Attachments FW: Amended Verified Complaint (466 KB)

Senator, the attached e-mail contains the Amended Complaint that was sent to the Clerk via and all parties via e-mail. Note that Mr. Collins was listed on the e-mail recipient list. We have not received copies on discovery to my knowledge but when your assistant gets back from the doctor's office, I will verify that and let you know. Liz

From Michael Rose [mailto:mrose5@sc.rr.com]
Sent Thursday, July 26, 2012 10:37 AM
To Crum, Liz, 'Carolyn Ayer'
Cc 'Joel Collins', Martella, Amber
Subject RE: Liz Crum DCDP vs DCRP lawsuit

Liz,

Joel Collins informs me he has not received an Amended Complaint or discovery requests filed by the Dor County Democratic Party.

We have asked the Clerk of Court and James Smith for that by e-mail, but have received no reply. If you have been served any of those

Documents, we would appreciate your forwarding them to Joel and me. We need the Amended Complaint in order to answer it.

Thank you

Mike Rose

From Crum, Liz [mailto:LCrum@MCNAIR.NET]
Sent Wednesday, July 25, 2012 2:32 PM
To 'mrose5@sc.rr.com', 'Carolyn Ayer'
Cc 'Joel Collins', Martella, Amber
Subject RE: Liz Crum DCDP vs DCRP lawsuit
Importance High

Senator, attached is the e-mail and order that the clerk of court sent out for Judge King yesterday. Also attached is the draft order that I prepared that we sent to Judge King on Monday afternoon after the conference call. As you see from the attached e-mail, Mr. Collins was copied on the draft order when it was sent to Judge King and on the Clerk of Court's e-mail sending out the order to the parties. We did not get a 'bounce back' on the e-mail to Mr. Collins so we thought it had gone through successfully. Liz

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF DORCHESTER) IN THE FIRST JUDICIAL CIRCUIT

DORCHESTER COUNTY) Civil Action No 2012-CP-18 1632
DEMOCRATIC PARTY,)

Plaintiff,)

vs)

FIRST AMENDED SUMMONS

DORCHESTER COUNTY REPUBLICAN)
PARTY (*Carroll Duncan, as Chairman*),)
COLLETON COUNTY REPUBLICAN)
PARTY, BERKELEY COUNTY)
REPUBLICAN PARTY, CHARLESTON)
COUNTY REPUBLICAN PARTY,)
SOUTH CAROLINA REPUBLICAN)
PARTY (*Matt Moore as Executive*)
Director & Chad Connolly, as Chairman),)
DORCHESTER COUNTY ELECTION)
COMMISSION (*Joshua Dickard as*)
Executive Director), COLLETON)
COUNTY ELECTION COMMISSION)
BERKELEY COUNTY ELECTION)
COMMISSION, CHARLESTON)
COUNTY ELECTION COMMISSION)
SOUTH CAROLINA STATE ELECTION)
COMMISSION (*Marcy Andino as*)
Executive Director & Chris Whitmire as)
Director of Public Information and)
Training), SEAN BENNETT, MIKE)
ROSE, TONY PISCATELLA,)

Defendants)

TO THE ABOVE NAMED DEFENDANTS

YOU ARE HEREBY SUMMONED and required to answer the First Amended Verified Complaint in this action, a copy of which is hereby served upon you, and to serve a copy of your Answer to said First Amended Verified Complaint upon the subscribers at their offices, 1422 Laurel Street, Columbia, South Carolina 29201, within

FILED - RECORD
2012 JUL 25 4:11 20
DORCH -

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF DORCHESTER) IN THE FIRST JUDICIAL CIRCUIT

DORCHESTER COUNTY) Civil Action No 2012-CP-18-1632
DEMOCRATIC PARTY,)

Plaintiff,)

vs)

**FIRST AMENDED VERIFIED
COMPLAINT FOR DECLARATORY
JUDGMENT, WRIT OF MANDAMUS,
AND INJUNCTIVE RELIEF**

DORCHESTER COUNTY REPUBLICAN)
PARTY (*Carroll Duncan, as Chairman*),)
COLLETON COUNTY REPUBLICAN)
PARTY, BERKELEY COUNTY)
REPUBLICAN PARTY, CHARLESTON)
COUNTY REPUBLICAN PARTY,)
SOUTH CAROLINA REPUBLICAN)
PARTY (*Matt Moore as Executive*)
Director & Chad Connolly as Chairman),)
DORCHESTER COUNTY ELECTION)
COMMISSION (*Joshua Dickard as*)
Executive Director), COLLETON)
COUNTY ELECTION COMMISSION,)
BERKELEY COUNTY ELECTION)
COMMISSION, CHARLESTON)
COUNTY ELECTION COMMISSION,)
SOUTH CAROLINA STATE ELECTION)
COMMISSION (*Marci Andino as*)
Executive Director & Chris Whitmire as)
Director of Public Information and)
Training), SEAN BENNETT, MIKE)
ROSE, TONY PISCATELLA)

Defendants)

FILED - REC'D
2012 JUL 25 4:11 20
CLERK OF COURT
DORCHESTER COUNTY

Plaintiff, Dorchester County Democratic Party (DCDP), complaining of the
above named Defendants alleges as follows

STATE OF SOUTH CAROLINA	IN THE COURT OF COMMON PLEAS
COUNTY OF DORCHESTER	
Dorchester County Democratic Party	Civil Action No. 2012-CP 18-1632
Plaintiff	
v	
Dorchester County Republican Party (Carroll Duncan as Chairman) South Carolina Republican Party (Matt Moore as Executive Director & Chad Connelly as Chairman) Dorchester County Board of Elections (Joshua Dickard as Executive Director) South Carolina State Election Commission (Marcy Andino as Executive Director & Chris Whitmire as Director of Public Information and Training)	AFFIDAVIT OF ANN SHIELDS, VOLUNTEER FOR THE DORCHESTER COUNTY REPUBLICAN PARTY RE CANDIDATE FILING
Defendants	

The undersigned Ann Shields first being duly sworn hereby deposes and says

- 1 My name is Ann Shields. I am a volunteer for the Dorchester County Republican Party (DCRP). I am also the Precinct President of the Constal 2 precinct.
- 2 My duties are to work in the DCRP office performing administrative tasks such as database management handling walk-ins, answering the phone and collecting the mail.
- 3 I was at the DCRP office when Sean Bennett filed.
- 4 I was in the small reception area where the outside door is located. The filing took place in another room a conference room in the rear of the office. I could not see what was taking place in the conference room.
- 5 When Bennett filed the only individuals associated with the DCRP who were present were myself, Janette Chipas and Tony Piscatella. Janette and Tony were in the back room handling the filing.

6 When Bennett arrived, he walked in the front door of the reception area. He was
recompanied by a lady who I later learned worked for him in some capacity.

7 I announced he had arrived and John Mondo, who had just completed his filing,
left the back room and exited the office. Tony Piscatelli walked out of the back room and
invited Bennett back to file. Bennett and Piscatelli walked to the back room. The
employee who accompanied Bennett remained in the reception area and did not
accompany Bennett back to the filing room.

8 Bennett's employee and I struck up a pleasant conversation while Bennett was
filing. We discussed the Tea Room at St. Paul's Episcopal Church in Summerville, a
fundraiser event the church puts on. She described the Tea Room at Bethany, which I
believe is a Methodist Church, and I gathered—though I am not certain—that she is a
member at Bethany.

9 The conversation then moved to what her relationship was with Sen. Bennett. She
indicated that she worked for Mr. Bennett and believed in him as a candidate. We had a
little bit more small talk, and then Bennett emerged from the back room. Bennett and his
employee then left the office.

10 At no point in time did Bennett's employee go to the filing room to observe or
witness Mr. Bennett's filing. The entire time Mr. Bennett was filing, she and I were
having a conversation as described above.

11 Further, affiant saveth not

Ann Shillings
ANN SHILLINGS

Sworn to and subscribed before me this

16th day of Jan, 2012

Robert - Fizon
Notary Public for South Carolina

My Commission Expires 02/10/22