

From: Taylor, Richele
To: Philpott, Katie <KatiePhilpott@gov.sc.gov>
Date: 10/25/2016 2:25:03 PM
Subject: RE: FYI

Katie – Rebecca and I talked about this pre-flood and whether we wanted to put this in writing. However, I am comfortable. Will you review below and see if it meets your expectations? Basically, when we receive a nomination we will put them in Davenport's seat. Then we will in turn provide a notice of a vacancy in Wood's seat. We would also provide an Interim Appointment ratifying/appointing Judge Wood to Davenport's seat. Because this is recess, I am assuming these would be interim and then ratified at session? Even though recommended by the delegation?

Edward,

Thanks for the kind words below. I apologize for the delay, but I needed to research a few items to make sure I had everything accurate, and then this took the back burner with the hurricane. I have the answers below in red.

Richele

From: Edward Bender [<mailto:EdwardBender@scsenate.gov>]
Sent: Wednesday, September 28, 2016 2:00 PM
To: Taylor, Richele
Subject: RE: FYI

Thank you Richele. First, let me congratulate you on your new position, I didn't do that earlier so please forgive me. Second, thanks to you and Rebecca for your time this morning. I also appreciate you sending this article, clearly the reporter is unfamiliar with the appointment process.

A couple of things as follow up:

1. Has the Governor accepted Judge Davenport's resignation? If not, are he and the county aware he is still a magistrate? And for my own education, what does the Governor's office do to formally accept a resignation? Is there a letter you send? I'd never thought about it before and was curious.

We would consider Judge Davenport's resignation effective July 28, 2016—we believe this is the date Judge Wood was sworn in and began serving. We are going to clarify the process moving forward for accepting a resignation so that there is no confusion.

2. From y'all's perspective, what steps would need to occur in order to clear up this issue?
 - To fill Davenport's seat: First, the delegation would provide a letter nominating Judge Wood to Davenport's seat. Second, we would provide a letter ratifying and appointing Judge Wood to Davenport's seat effective July 28, 2016. We will treat this as a "dual office" since she was already worn into the new office, and we have agreed to ratify her position. The law states she holds her prior duties until a new appointment is made. Thus, we will not need a resignation letter from her; when the new person is appointed she will drop the duties of the first position.
 - To fill Wood's seat: After we appoint Wood to Davenport's seat, we will provide a letter to the delegation notifying them of a vacancy in Judge Wood's seat beginning July 28, 2016. Then the delegation may simply provide a letter to our office with its nomination to Wood's seat.

Thanks again, and I look forward to hearing from you.

Edward

From: Taylor, Richele [<mailto:RicheleTaylor@gov.sc.gov>]
Sent: Wednesday, September 28, 2016 12:28 PM
To: Edward Bender <EdwardBender@scsenate.gov>
Subject: FYI

Edward,

For context, here is how we found out about the appointment. If you see the article, you can see where our concern came from. Thanks for talking through today!

<http://www.heraldonline.com/news/local/article92355402.html>

Richele K. Taylor
Chief Legal Counsel
Office of the Governor
O: 803-734-8465
C: 803-231-9763

It's a great day in South Carolina

Safe Place SC – www.safeplaceSC.sc.gov