

From: Schimsa, Rebecca <RebeccaSchimsa@gov.sc.gov>
To: Philpott, Katie <KatiePhilpott@gov.sc.gov>
CC: Pisarik, Holly <HollyPisarik@gov.sc.gov>
Date: 2/2/2016 12:35:00 PM
Subject: FW: Wylie G. Frederick

I spoke with Terry – he has already processed Mr. Frederick's appointment, so he is good to go.

As background: Court Administration is going to interpret the requirement to take the eligibility examination to be within 180 days before the appointment date, which is the date of the Governor's appointment, not the date of Senate confirmation. In this case, since Mr. Frederick took the eligibility examination in May and was appointed by the Governor in June, then he meets the statutory requirement – regardless of the fact that he was not confirmed until January 2016. The reasoning is that the eligibility examination should run concurrently with the appointment, rather than with the confirmation, which is additionally based on the fact that the Governor's recess appointments can begin serving before Senate confirmation.

Moving forward, we need to make sure that all magistrate appointments have taken/passed the eligibility examination within 180 days before the Governor sends her appointment letter. If you have any questions, please let me know.

From: Philpott, Katie
Sent: Thursday, January 21, 2016 3:46 PM
To: Pisarik, Holly
Subject: FW: Wylie G. Frederick

Holly,

The Senate just confirmed a magistrate we sent to the Senate on June 17, 2015 (last session). The law states that in order for a magistrate to be confirmed, they must pass their eligibility examination within 6 months of their appointment date.

While Dr. Frederick's scores were within the required timeframe when I sent his packet up last year, they are no longer valid. However, the Senate confirmed his appointment today (January 21, 2016). According to Court Administration, it does not appear as if he is qualified to serve.

Please let me know what steps to take next.

Thanks,

Katie R. Philpott
Director of Boards and Commissions
Office of Governor Nikki R. Haley
1205 Pendleton Street
Columbia, South Carolina 29201
803.201.3423 (cell)
803.734.8051 (fax)

From: Leverette, Terry [<mailto:tleverette@sccourts.org>]
Sent: Thursday, January 21, 2016 3:39 PM
To: Philpott, Katie
Subject: RE: Wylie G. Frederick

I know what you are saying the below is as clear as MUD.

§ 22-2-5. Eligibility examinations for magistrates.

A) The South Carolina Court Administration, in cooperation with the technical college system,

shall select and administer an **eligibility examination** to test basic skills of persons seeking an initial appointment as **magistrate** on or after July 1, 2001. In determining the persons to be recommended to the Governor for initial appointments as **magistrates** on or after July 1, 2001, a senatorial delegation must use the results of these **eligibility examinations** to assist in its selection of nominees. No person is eligible to be appointed as a **magistrate** unless he receives a passing score on the **eligibility examination**. The results of these **eligibility examinations** are valid for six months before and six months after the time the appointment is to be made.

From: Philpott, Katie [<mailto:KatiePhilpott@gov.sc.gov>]
Sent: Thursday, January 21, 2016 3:32 PM
To: Leverette, Terry
Subject: RE: Wylie G. Frederick

Not sure what to do about this one...his packet was sent up to the Senate LAST session when his score was within the 180 day mark. They just confirmed him. Thoughts?

Katie R. Philpott
Director of Boards and Commissions
Office of Governor Nikki R. Haley
1205 Pendleton Street
Columbia, South Carolina 29201
803.201.3423 (cell)
803.734.8051 (fax)

From: Leverette, Terry [<mailto:tleverette@sccourts.org>]
Sent: Thursday, January 21, 2016 10:26 AM
To: Philpott, Katie
Subject: Wylie G. Frederick

I received his appointment however his test score is over 180 days old. He tested on May 14,2015.

Walter T. Leverette
Summary Court Representative
1220 Senate Street
Columbia, SC 29201
Phone (803) 734-1842
Fax (803) 734-0269

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