

From: Schimsa, Rebecca <RebeccaSchimsa@gov.sc.gov>
To: Patel, Swati <SwatiPatel@gov.sc.gov>
Veldran, Katherine <KatherineVeldran@gov.sc.gov>
Philpott, Katie <KatiePhilpott@gov.sc.gov>
CC: Pisarik, Holly <HollyPisarik@gov.sc.gov>
Godfrey, Rob <RobGodfrey@gov.sc.gov>
Date: 8/4/2016 1:46:12 PM
Subject: RE: York Magistrates - Possible Legal Issue

Swati and Veldran,

Are y'all able to meet on this today? We've heard that this magistrate is sitting on the bench, and we have not confirmed her for it. We would like to reach out to Wes Climer or Senator Hayes as soon as possible to get more background.

From: Schimsa, Rebecca
Sent: Friday, July 29, 2016 3:36 PM
To: 'Patel, Swati (swatipatel@gov.sc.gov)'; Katherineveldran@gov.sc.gov; Philpott, Katie
Cc: Pisarik, Holly; robgodfrey@gov.sc.gov
Subject: York Magistrates - Possible Legal Issue

Holly and I want to put this on everyone's radar for next week:

There was a recent [Herald article](#) regarding Senator Hayes "unilaterally transferring" the appointment of Magistrate Stephanie Wood (appointed to At-Large position in 2015) to the position held by retiring Magistrate Bob Davenport (appointed to Catawba-Ebenezer Township position in XXX). In the article, Senator Hayes states that because Wood is already a sitting magistrate, her appointment requires no additional approval by lawmakers or the Governor—we may disagree.

There are a few legal issues at play:

- Whether Davenport's resignation is effective, because it must be tendered to and accepted by the Governor;
- Whether Hayes can "unilaterally transfer" a Magistrate appointment from an "At-Large Position" to a "Township Position", because the statutes require a magistrate to hold the same compensation and same work location throughout the term.

We would like to discuss taking the following actions:

- Katie – Call Terry Leverette to ask how often "transfers" have occurred.
- Veldran – Call Senator Hayes to get additional background.
- Possibly request an AG Opinion to clarify the issue.

We'll follow up with everyone next week. Thanks.