

From: Schimsa, Rebecca <RebeccaSchimsa@gov.sc.gov>
To: Pisarik, Holly <HollyPisarik@gov.sc.gov>
Date: 2/2/2016 10:48:28 AM
Subject: RE: Wylie G. Frederick

Holly,

With your permission, I would like to call Terry Leverette at Court Administration to ask for more information about this issue:

- Ask whether there is a difference between the "certification examination" (one year after timeframe) and the "eligibility examination" (six months before and after timeframe).
- Ask whether this has ever happened before and what he suggests.
- Ask what he suggests we tell our appointees going forward about when to take the examination.

Mr. Frederick was appointed in January 2016, having took the examination in May 2015, which is neither one year after or six months after the date of appointment. Although I believe that he will be allowed to serve as magistrate, I expect that he will have to retake the examination (within either one year or six months after January 21st, depending on what Terry advises). See statutes below.

Pursuant to Subsection 22-1-10(C)(1)(a), in part, "Magistrates appointed for the first time ... shall complete the training program and pass the certification examination within one year after taking office"

This statute appears to conflict with a later statute: Section 22-2-5, which reads, in part, "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 ... 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: Pisarik, Holly
Sent: Monday, January 25, 2016 9:59 AM
To: Schimsa, Rebecca
Subject: FW: Wylie G. Frederick

Can you research this?

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 Frederick's scores were within the required timeframe when I sent his packet up last year, they are no longer valid.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
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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
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